



HOUSING AND LAND RIGHTS NETWORK

Habitat International Coalition

OPEN LETTER

His Excellency Alhaji Umaru Musa Yar'Adua
President of the Federal Republic of Nigeria
State House, Abuja, Federal Capital Territory
Federal Republic of Nigeria

Transmitted by post

Your Excellency,

RE: EVICTIONS AND DEMOLITIONS IN PORT HARCOURT, RIVERS STATE, NIGERIA

We, representatives of the Housing and Land Rights Network (HLRN), part of Habitat International Coalition (HIC), a global coalition of member organizations in over 100 countries, are 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.

The Rivers State is renowned for its rich economic resources, including oil and gas, which have attracted remarkable international investment and extraction and, consequently, attracted the influx of over five million workers to the state. Port Harcourt, as 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 high cost of inner city rentals and urban shelter deficits has forced many into the impoverished structures of the waterfronts and created a large underprivileged class in Port Harcourt.

HLRN has learned that the Government of Rivers State, through the State Commissioner of Urban Development, had begun issuing notices to landlords of the Port Harcourt entire waterfront of its decision to acquire and demolish all buildings in the area already in June 2008. Rivers State officials began demolitions two days later, destroying approximately 500 structures on Abonnema Wharf Road.

Despite a government promise to relocate and compensate victims, no such arrangement yet exists for them. In addition to Abonnema Wharf, Njemanze waterfronts—both home to over 70,000 persons comprised of both indigenous people and migrants—are also scheduled for immediate demolition, in order to make way for a private venture: the Silverbird Hotels project. Much of the plan will destroy legal structures built with government-issued permits.

The evictions have been extensive thus far. Between June and October 2008, Rivers State officials have destroyed numerous buildings and made 200,000 people homeless in Port Harcourt. In December 2008, the government has rendered approximately 125,000

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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 exercises, and most became apartment owners in the process. The success and sustainability of that 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, 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.

The ongoing demolitions and evictions contravene the Nigerian Constitution, legislation, policies and 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). Nigeria’s housing policy formally recognizes both the right to housing as consistent with an 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, may be in contravention also of Article 14 of ACHPR, as it serves private interest and not the overall well-being of the public.

Arbitrary eviction; ‘officials’ 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, violate a bundle of human rights and several treaties to which Nigeria is a ratifying party.

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. Nigeria, thereby, 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 several international and regional human rights treaties that Nigeria has ratified, including ICESCR and ACHPR. The 1999 Constitution of the Federal Republic of Nigeria also recognizes these rights.

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 as essential elements of their obligations that they share by Nigeria's treaty ratifications to respect, protect and fulfill the human right to adequate housing.

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 the union in the determination of alternative accommodation consistent with the wishes and needs of the tenants;
2. Conduct meaningful consultations with the inhabitants of the areas under past, current and future demolition plans in Port Harcourt 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; and
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.

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 is 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, international habitat networks, NGOs, relevant UN agencies, and public bodies, can negotiate and agree upon the alternatives to evicting persons in a manner agreed with the concerned communities;
- Guarantee secure tenure for all in Nigeria, particularly those currently lacking such protection, in genuine consultation with the affected persons and/or groups;
- Reform and redistribute land with a view to protecting the most-needy citizens;
- Establish popular funds for development of land and housing; and
- Ensure access to basic public services for its citizens.

Despite the outcry of the people in Nigeria, no international or intergovernmental party has investigated these large-scale violations. We support the application of the internationally defined minimum legal standards of state behavior and, accordingly, require the concerned Nigerian officials to join us in supporting these remedial steps to do justice for inhabitants in Port Harcourt and elsewhere in Rivers State.

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,



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Coordinator
Housing and Land Rights Network-
Habitat International Coalition

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Abuja, Federal Capital Territory

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National Human Rights Commission
Abuja, Federal Capital Territory

The Executive Governor of Rivers State
Government House
Port Harcourt, Rivers State of Nigeria

The Speaker
Rivers State House of Assembly
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The Hon. Commissioner
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