

FIFTH SESSION OF THE
WORLD URBAN FORUM

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Networking Event on Urban Innovation
Hosted by: National Union of Tenants of Nigeria
under the support of
International Alliance of Inhabitants (IAI), Italy



FULL REPORT

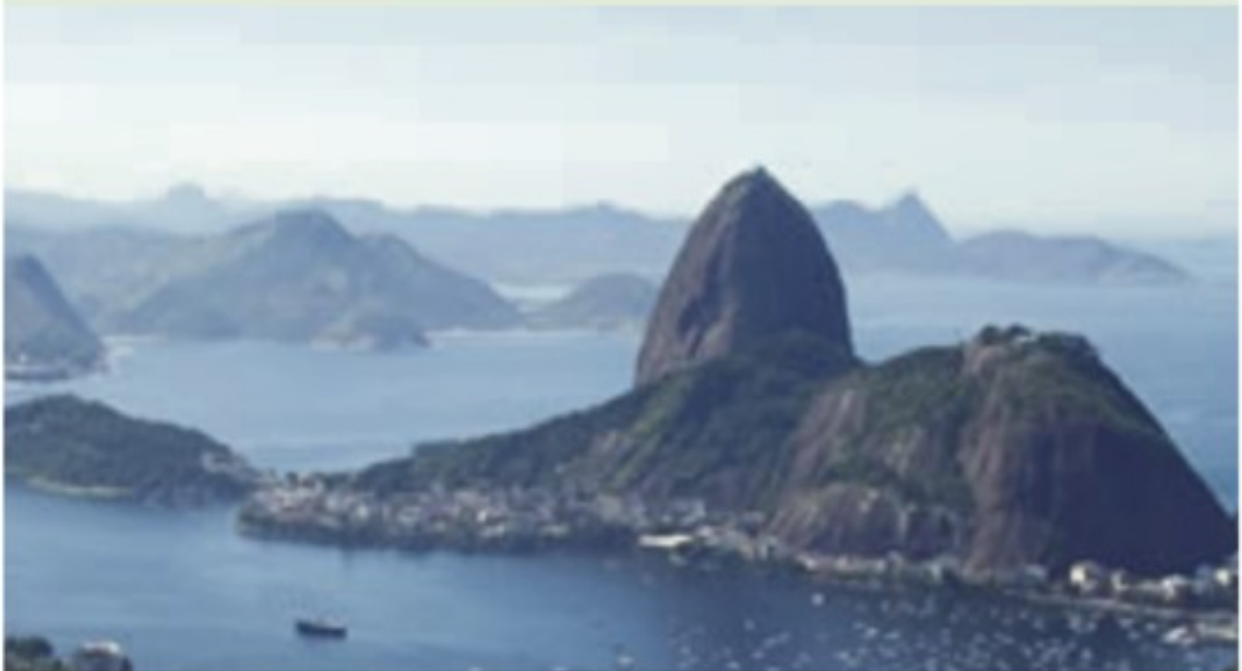


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1. INTRODUCTION

This Report represents an upshot of the Networking Event on urban innovation hosted by National Union of Tenants of Nigeria in partnership with International Alliance of Inhabitants, Social Development Integrated Center, Federation of the Urban Poor and Organization for Peace and Unity Development Initiative at the fifth session of the World Urban Forum (WUF5) held on 24th March 2010 in Rio de Janeiro, Brazil. The title of the event, being *Bridging the Urban Divide and the Challenge of Forced Evictions*, was built from the thematic concept of WUF5 titled the *Right to Cities–Bridging the Urban Divide*.

The Report is prepared by the Recommendations Committee of the event in conjunction with National Union of Tenants of Nigeria, which had the mandate of United Nations Human Settlements Programme (UN-HABITAT) to organize the event to build up knowledge, share experiences, showcase best principles and practices and mobilize a broad constituency of support for sustainable urbanization in developing countries. The Report is, therefore, an artifact of the analysis of paper-presentations at the Networking Event and the Committee's observations of the responses by the participants.

2. PARTICIPATION

In terms of inclusiveness, the event brought together participants from the national and state governments, inter-governmental organizations and other Habitat Agenda partners including the local authorities, research institutions and the youth and women groups. Among these, the national, state and local governments, which formed 29 percent of the total attendance, had the highest participation in the event. While the NGO and CSO groups came next with 24 percent participation, 47 percent participation was drawn from the youth and women groups, research institutions and the private sector.

In the overall, the acceptability of the event by participants was significantly high while the satisfaction rate of papers presented also received high rating by the participants. This was expressed in the participants' responses to the paper-presentations, which raised substantive awareness of the WUF5 theme from the housing right perspective and showcased the worst urban transition practice in Nigeria, particularly in Rivers State and Federal Capital Territory, and also sampled the best alternatives to this practice.

3. PANEL COMPOSITION

The paper-presentations at the event were facilitated by a team of panelists constituted of the following urban experts:

1. Dr. Alioune Badiane - UN-HABITAT Regional Director for Africa (Chair)
2. Prof. J. B. Falade - UN-HABITAT Manager for Nigeria (Rapporteur)
3. Mrs. Edna D. Tobi - Asst Director, Fed. Ministry of Housing (Moderator)
4. Mr. Rasmus Precht - UN-HABITAT Headquarters Office– Nairobi, Kenya
5. Mrs. S. Fawehinmi - Deputy Director, Fed. Ministry of Housing of Nigeria
6. Alhaji H.L. Abdullahi - Hon. Commissioner Niger State Ministry of Housing
7. Mr. Cesare Ottolini - Director, International Alliance of Inhabitants, Italy
8. Mr Joseph Schechla - Director, Housing and Land Rights Network, Egypt

4. OBSERVATIONS/RECOMMENDATIONS

As part of the opportunities offered to the organizers of the event to build up materials to guide the urban actors on how bridging the urban divide can be harmonized with the prevention of forced evictions to achieve equal right to the cities, a recommendations committee was set up to compile report of the event to draw the interest of UN-HABITAT and its partners to some challenging areas of bridging the urban divide and how these challenges can be addressed.

The Committee comprised the following experts:

1. **Prof. Yves Cabannes** - *Chair of the UN Advisory Group on Forced Evictions AGFE*
2. **Mr. Cesare Ottolini** - *Co-coordinator of International Alliance of Inhabitants, Italy*
3. **Mr. Mike Davies** - *Member the UN-AGFE representing the Republic of Zimbabwe*
4. **Mr. Sidikki Daff** - *Centre de Recherche Populaires Pour l'Action Citoyenne, Senegal*
5. **Mr. Celestine Akpobari** - *Social Development and Integrated Centre of Nigeria*
6. **Ms Lantana Elhasan** - *Development Planning Unit of University College, London*

Based on the paper-presentations and the responses by the participants, the Committee has assembled a large number of facts pertaining to the challenges of rapid urbanization in developing countries and the complexity of addressing these challenges without resorting to forced eviction of the urban poor. The Committee has also devoted a key moment to examine the phenomena used by developing countries to address these rapid urbanization challenges, being the bridging of urban divide and the accompanying forced eviction of the poor, and how these parallel phenomena can be reconciled. From the knowledge derived at the event, most particularly from the case-study presentation:

4.1. THE COMMITTEE OBSERVES GENERALLY THAT:

(1) the world is fast urbanizing and that, today, over one billion people or one-third of the urban population lives in slums, which population, according urban experts, is expected to double by the Year 2050 if the present trend continues;

(2) cities in the rapidly urbanizing developing countries share similar experiences of urban challenges characterized by huge influx of people to the cities and the neglect by governments of these countries to provide housing for these people. This neglect leaves the people with an option of slum formation as an alternative means of housing;

(3) slum dwellers are people that escaped poverty from their villages to search for bright lights of the cities and are commonly faced with social exclusion and unequal access to the right to cities in terms of basic social infrastructure and services that are essential for a standard of living adequate for the wellbeing of members of the urban family;

(4) the right to cities includes the right to a standard of living adequate for the wellbeing of members of the urban family and cannot be separated from the right to housing and to freedom against forced eviction from homes and places of means of livelihood;

(5) the global call for bridging the urban divide has often been misinterpreted by the governments of developing and underdeveloped countries, especially Nigeria, to mean a call for demolition and eviction of slum-dwellers from the cities and pretend to carry out this to pave way for infrastructure development, which is scarcely implemented and, even, if implemented served the need of only the rich people and not the Poor.

(6) most of the eviction-based infrastructure development undertaken by governments of developing and underdeveloped countries, particularly Nigeria, are usually of elite class and sited in defined places, which are rarely accessible to the urban poor who forms the community of forced-eviction victims when such development occurs;

(7) forced evictions, which are becoming rampant and prevalent in the developing and underdeveloped countries, most especially Nigeria, have worsened the plight of slums dwellers and contributed to the growing urban divide in these countries' cities;

(8) governments of developing and underdeveloped countries, Nigeria especially, have neglected or failed to see housing as a human right that must be attained by all persons, including particularly the tenants, which right places an obligation upon governments to

improve their housing conditions rather than to destroying or damaging their houses; (9) section 6(6) (c) of the Constitution of Federal Republic Nigeria, in particular, declares non-justiciable the right to housing contained in section 16 (2) (d) of the Constitution (*Fundamental Objectives and Directive Principles of State Policy*) and notes that this declaration denies all Nigerian citizens of an access to enforce their right to housing and to freedom against unlawful forced evictions from their places of residence.

(10) in consideration of the growing shortage of urban housing stock and the inability of governments of developing and underdeveloped countries to provide affordable housing for the increasing urban population, the destruction of existing housing stock without provision of any alternative is unjust and impractical in bridging the urban divide;

(11) the rising formation of slums in developing and underdeveloped countries especially in Nigeria is an attestation of the broad socio-economic disparity in these countries while bridging this divide requires a multi-dimensional approach that focuses on improving the slum-dwellers' lives instead of destroying their homes and places of means of livelihood.

4.2. THE COMMITTEE REMINDS GOVERNMENT OF NIGERIA THAT:

(1) using the forced evictions and demolitions recently carried out in Port Harcourt as a case-study, the Government of Federal Republic of Nigeria has exhibited a negative response towards housing right protection and neglected or failed to recognize housing as a fundamental human right of its citizens.

(2) relying on the Report of UN-HABITAT Mission to Port Harcourt, most forced evictions and demolitions carried out in Nigeria were rarely for public need, but in the promotion of personal gain and overriding private interest and often entail the use of military violence against the residents without regard to human lives as in the case of 2005 where four residents in Abuja were shot dead by the police with 800,000 others rendered homeless and of 2009 where eight residents in Port Harcourt were shot dead by members of the Nigeria army and nine others critically injured by bullets with hundreds of thousands of families rendered homeless and destitute without any relief arrangement.

(3) all forced evictions are incompatible with the realization of Millennium Development Goals whereas the corollary of the combination of the targets on poverty eradication and improving slum-dwellers lives prevents government from destroying people's homes and places of means of livelihood, as such destruction inspires homelessness and poverty;

(4) forced evictions are a violation of the international law namely the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act 1990 and article 11(1) of the International Covenant on Economic, Social & Cultural Rights (ICESCR), particularly General Comments 4 & 7 thereof, which prohibit evictions without adequate and agreed relocation; not to mention that the Concluding Observations of the United Nations Committee adopted at its 6th to 9th meetings held from 29th April to 1st May 1998 "42" urged Government of Nigeria to cease forthwith the massive and arbitrary evictions of people from their homes and to take measures to alleviate the plight of those that are subject to arbitrary evictions or that are too poor to afford decent accommodation;

(5) the Concluding Observations of the UN Committee, in view of the acute shortage of housing in Nigeria, urged the Government of Nigeria to allocate adequate resources and make sustained effort to combat this serious situation "43" and recommended a positive and open dialogue between the Government of Nigeria and the UN Committee; which according to the Recommendation, needed not to await the passage of the following five years; and further urged the Government of Nigeria to submit a comprehensive second periodic report, prepared in conformity with the set guidelines, by 1st January 2000;

(6) further to the Concluding Observations on the Government of Nigeria, as upheld by the Committee on the Rights of the Child at its 1023rd and 1024th meetings held on 26th January 2005 and adopted at the 1025th meeting held on 28th January 2005; article 27 of the Convention on the Rights of the Child, therefore, provides for a right to adequate housing and recommended that government: (a) undertakes comprehensive study of the causes and scope of this phenomenon and establish a detailed strategy to address the high and increasing number of street children with the aim of preventing and reducing this trend and (b) ensures that street children are given adequate nutrition, clothing, *housing*, health care and educational opportunities, including vocational and life-skills training, in order to support their full and progressive development.

4.3. THE COMMITTEE CALLS ON:

(1) FEDERAL GOVERNMENT OF NIGERIA TO:

(a) redefine the functions of the Federal Housing Authority of Nigeria with a view to re-empowering the Authority in its duty to boost affordable housing for all income groups in the country and, for this purpose, to consider the need to upgrade the Authority to the status of a Federal Housing Commission to avail it an autonomy in the determination of performance of its functions;

(b) establish, through collaboration between the Federal Ministry of Housing and Urban Development and the Central Bank of Nigeria, an *Affordable Housing Credit Programme* to compliment the other initiatives such as those of Federal Mortgage Banks and other institutional frameworks in providing funding for the private sector's housing to combat the gross scarcity of affordable housing in the country;

(c) revisit the issue of unlawful forced evictions undertaken in 2005 by the Federal Capital Territory Administration and in 2009 by the Government of Rivers State, which incidents claimed several lives and left many maimed; and to ensure that victims of these evictions are duly compensated while perpetrators of the killings are brought to book; and to further ensure that proper solution is found to the plight of the affected tenants whose rights to housing are the same as those of the property owners.

(d) proclaim, where evictions are exceptionally inevitable, the need to respect fully the provisions of article 11(1) of ICESCR and the General Comment Nos. 4 & 7, particularly the need to place an unconditional ban on the use of military forces or armed policemen in carrying out or supervising such evictions in any part of Nigeria and to constitute an *advisory group* that will undertake preliminary missions to investigate cases of unlawful forced evictions and report to the Minister of Housing for federal government attention.

(2) STATE GOVERNMENTS IN NIGERIA TO:

(a) stop all demolitions and forced evictions and come up with a uniform blueprint for slum upgrading and include in such blueprint a standard of housing construction backed by a policy tailored towards placing a duty upon landlords to reconstruct their structures to that standard and, through partnership with the financial sector make easy an access to finance for the structural upgrading exercise;

(b) undertake, where evictions are exceptionally inevitable and prior to carrying out such evictions, a census of all persons likely to be displaced including primarily the tenants (*whether with or without formal written titles*) and to provide such persons an opportunity of dialogue in the determination of issue of alternative accommodation; and to put into place a fund for compensation to all those that lost their homes, be landlords or tenants;

(c) recall the provisions of *General Comment No. 7* on article 11(1) of the International

Covenant on Economic, Social & Cultural Rights (ICESCR) ratified by the Government of the Federal Republic of Nigeria Government and to note that the rights of tenants to housing contained in this law are not dependable on those of the property owners, and to recognize that the expressions used in paragraphs 13 and 16 thereof, especially the words *affected persons*, apply to both the property owners and the property tenants;

(d) take notice that, based on the aforementioned legal provisions, all the tenants are unconditionally entitled to genuine consultation, proper notice, adequate alternative accommodation and or compensation for loss of socially and economically assessable opportunities such as earning potentials as well as cost of relocation to an adequate alternative accommodation, prior to carrying out any forced eviction or demolition.

(3) NATIONAL ASSEMBLY OF NIGERIA TO:

(a) expunge from the Constitution of Nigeria the provisions of section 6(6)(c) thereof, which declares housing and other socio-economic rights contained in the *Fundamental Objectives and Directive Principles of State Policy* to be non-justiciable rights and to amend Cap. IV of the Constitution to include housing and freedom from forced eviction from accommodation as fundamental human rights in Nigeria.

(b) amend the Land Use Act of the Federal Republic of Nigeria to make it an offence for any public officer to order the forceful acquisition of any property for any purpose other than the purpose of genuine public interest or community need and to empower the National Human Rights Commission to investigate and prosecute any public officer that, for the purpose of personal gain or overriding private interest, ordered the forceful acquisition of any property or the use of force to evict or remove any person or the personal effects of such person from the property.

(4) ECONOMIC AND FINANCIAL CRIMES COMMISSION (EFCC) ITO:

investigate the amount set out for compensation to owners of the property demolished in Port Harcourt and the extent to which this amount was paid including an investigation of the sources and identities of the third parties to this payment and the levels of the third parties' benefit from such payment with a view to ensuring that all underpayments are recovered and paid to the affected owners of property demolished.

(5) INTERNATIONAL COMMUNITY—including the Development Partners to:

(a) investigate, before canceling any external debt or entering into project partnership with any government, the response of such government towards housing right and to disengage from partnering with any such government if the policy of that government promotes forced evictions that are contrary to the law or that mitigate the attainment of the Millennium Development Goals (MDG), especially the Goals on poverty eradication and improving the lives of slum dwellers;

(b) withdraw all development support from the Government of Rivers State until all the victims of forced evictions carried out in Port Harcourt by the State Government are resettled and adequate compensations paid to all those that lost their earning potentials or immediate relations or that suffered bodily harm or injury during the forced evictions.

(6) UN SPECIAL RAPPORTEUR ON ADEQUATE HOUSING TO:

Institute a specific study of the housing situation in Nigeria and undertake a follow-up mission to the Presidency to highlight the areas of challenges in the housing sector and how these challenges can be addressed – given the magnitude of homelessness in the country and the persistent forced evictions and demolitions carried out in Port Harcourt.

(7) ALL INTERNATIONAL ORGANIZATIONS AND HUMAN RIGHTS NETWORKS TO:

provide a unified platform for full compliance with the housing rights both for addressing cases of unlawful forced evictions throughout the country and as a common space in the Nigeria construction process of the World Assembly of Inhabitants Holden 2011, Dakar.

4.4. THE COMMITTEE MANDATES:

(1) International Alliance of Inhabitants (IAI) to spearhead a mission to Nigeria and other developing countries (*to which the situation in Nigeria as reflected in this Report applies*) to steer up civil society-based urban housing forums that will follow up implementation of the recommendations set out in paragraph 4 of this Report;

(2) National Union of Tenant of Nigeria, in conjunction with the NGOs/CSOs working in the field of human habitat and related areas in Nigeria, to spearhead a *national housing convention* as a pivot programme to highlight the challenges of attainment of adequate housing, being a basic component of the right to cities, and how these challenges can be sustainably addressed, especially in the rapidly urbanized cities of the country.

4.5. THE COMMITTEE URGES:

The UN-HABITAT Support Office for Nigeria, the Federal Ministry of Housing and Urban Development, the housing and urban development ministries of various states of Nigeria and other Habitat Agenda partners, both national and international, including research institutions, development agencies/donor organizations to support the national housing convention prescribed in paragraph 4.4(2) of this Report.

4.6. CONCLUSION:

Although, the observations and recommendations contained in this Report are points of information built from the Networking Event and do not, in any way, represent or convey the opinions of members of Panel of the event or the organizations, to which members of the Recommendations Committee of the event belong, all parties to which this Report is directed are urged to pay special attention to the Report and enjoined to ensure that the observations and recommendations contained therein are taken seriously – bearing in mind that they, all, are fundamental issues of national and international interest.

DATED IN RIO DE JANEIRO, BRAZIL, this 24th Day of March 2010 at the United Nations Human Settlements Programme (UN-HABITAT) Fifth Session of the World Urban Forum (Networking Event on Urban Innovation) held 22nd – 26th March 2010.

Signed – 27th April 2010

CESARE OTTOLINI

Chairman, Recommendations Committee

Signed – 26th April 2010

PROF. YVES CABANNES

Rapporteur, Recommendations Committee

Ratified – 27th April 2010

C. W. ENWEFAH

Secretary-General

National Union of Tenants of Nigeria (Host)

NOTE: Further ratification of the Observations and Recommendations contained in this Report is open (online) to any national or international NGO, CSO or CBO as from 15th May 2010 at: www.habitants.org or by sending an e-mail to: info.nutn@yahoo.com

5. BACKGROUND OF THE REPORT

Forced eviction, in its minimal understanding, conveys a sense of removal of a person from accommodation contrary to the wish of that person. The practice of forced evictions can be justified in exceptional circumstances, which include evictions carried out in pursuit of the overall public need or community interest. Where a forced eviction occurs, it must conform to the principles of procedural protection, which aim to minimize or avoid the need to use physical force or violence and to ensure that no one is rendered homeless or vulnerable to other human rights violation.

Today, nearly all forced evictions carried out by government bore the symbol of urban renewal, being a fundamental component of public need; though, only very few of such forced evictions recognized the right to procedural protection. This practice does not only invoke homelessness and poverty, but also links with physical violence. For instance the forced evictions attempt carried out on 12th October 2009 in an effort to integrate the slums in Port Harcourt into the main-city invoked the killing of several residents and maiming of many others by the soldiers. In Abuja, the forced evictions undertaken in 2005 to resuscitate the *master-plan* culminated in the killing of four residents by the police and the displacement of over 800,000 families. These incidents, which broke the global record of forced evictions, were used as a case-study for WUF5 Networking Event on Forced Evictions and have formed the prime basis of this Report.

This section of the Report contains information on the segment of the event, which offered a moment to all participants to deepen their understanding of the main theme of the World Urban Forum entitled *the Right to Cities—Bridging the Urban Divide* and to develop this theme to raise answers to the challenge of forced evictions in bridging the divide between the urban slums and the standard cities. The segment which aimed to highlight the challenging issue of unlawful forced evictions and demolitions in Nigeria was attended by large number of participants, among which were representatives from the Federal Ministry of Housing and Urban Development, the Federal Capital Territory Administration and the Government of Rivers State, Lagos State, Niger State and Ondo State of Nigeria etcetera. Participants from the Greater Port Harcourt City Development Authority were among those that represented the Government of Rivers State while also in attendance at the Networking Event were representatives of governments of various other countries in both the developed, developing and underdeveloped countries as well as delegates from different intergovernmental agencies and organizations.

Papers presented at the segment x-rayed the title of the Networking Event, using the evictions and demolitions recently carried out by the Government of Rivers State as a case-study. During the presentations, videos of demolitions carried out in Port Harcourt were played while photos of the evicted persons were also displayed to demonstrate the magnitude of the forced evictions undertaken by the Government of Rivers State.

6. PAPER-PRESENTATIONS

6.1. First Set of Papers – *Urban Transition in Developing countries*

The first set of paper-presentation on this topic was facilitated by four speakers namely Professor J. B. Falade of the UN-HABITAT; Dr. (Mrs) Stella Fawehinmi of the Federal Ministry of Housing and Urban Development; Dr. Abdul Husaini of the Niger State Ministry of Land and Housing; and Ms Lantana Elhasan of the Development Planning Unit of the University College (London), though she was not physically present at the Networking Event to deliver paper, but her material formed part of this Report. Presentations made at this segment of the event focused on the fundamental challenges

of modern approach to urban divide in Nigeria and elicited answers to these challenges from different dimensions. For instance, the presentation by Dr. (Mrs) Stella Fawehinmi x-rayed the title of the event, in more explicit terms, from the global urbanization lens and the accompanying problem of unequal access to the right to cities. Ms Lantana Elhasan, who examined the Networking Event's title from socio-economic stance, stressed that improving the urban fabric of cities without improving the socio-economic circumstances of the urban population could not be sustainable and would provide an artificial outlook of the cities that could be too difficult to maintain.

While Professor J. B. Falade approached the title of the Networking Event from a more comprehensive policy dimension that lay emphasis on steering of socio-economic development, he showcased the best principles and practices for attaining this objective. Dr. Abdul Husaini, who approached the event's title from the dimensional approach of infrastructure development, used Niger State Government's response to resettlement as a case-study for best practice in Nigeria and the rest of African countries.

6.2. Second Set of Papers – *the Challenge of Forced Evictions*

The second set of presentations on this topic was facilitated by three speakers namely Messrs Rasmus Precht of the UN-HABITAT, Joseph Schechla of the Housing and Land Rights Network and Cesare Ottolini of the International Alliance of Inhabitants. Papers presented in this segment, all, focused on raising awareness of the central theme of the World Urban Forum from the broad concept of the socio-economic rights provided in the international and national legislation and how this right can be progressively and equally realized in developing countries alongside with the right to cities.

~~While paper-presentations by Cesare Ottolini and Joseph Schechla examined housing right protection from the standpoint of the international treaties and the jurisprudence of the treaty bodies, paper presented by Mr. Rasmus Precht drew significant attention of the participants to the scale of housing right violation in Port Harcourt by the Government of Rivers State which, according to him, was a strange development in the global record of evictions and demolitions. Backed by the Report of UN-HABITAT Mission that probed the forced evictions carried out in Port Harcourt, the paper presentation outlines certain facts that depicted the evictions as a case of worst practice.~~