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FORCED EVICTIONS AND DEMOLITIONS IN PORT HARCOURT, RIVERS STATE, NIGERIA

The Social and Economic Rights Action Center (SERAC), is deeply concerned by the ongoing demolitions being carried out by the Ministry of Urban Development pursuant to the River State Government Urban Renewal Programme that aims to 'clean up' Port Harcourt and restore its 'garden city' status. Information reaching us reveals that more large-scale demolitions of informal settlements are scheduled on Monday, February 9, 2009 targeting the entire Abonnema Wharf and Jeans Waterfronts, and extending to areas covering Isaac Boro Park and Education Bus stop as well as Iloabuchi, Ojoto and Azikiwe streets, that houses an estimated population of over 300,000 people. Majority of the waterfront residents are rent-paying tenants and low-income earners who belong to the economically underprivileged class, and most of whom depend on the meagre proceeds of their petty-trading and business earnings for their daily sustenance.

We found it particularly disturbing that the Rivers State Governor, Mr. Rotimi Amaechi had initiated previous demolitions in utter disregard for all the legally binding commitments instrumenting the right to adequate housing, all of which the Government of Nigeria undersigned. The failure of the appropriate urban planning authorities to consult and serve adequate notices prevented target populations from arranging alternative accommodation or storage for their belongings, resulting in the loss and destruction of unquantifiable amounts of personal property. The losses incurred by inhabitants both in their private assets and in their livelihood opportunities adversely affect poverty alleviation strategies and tend to stimulate slum formation. SERAC fears that the scheduled demolitions if allowed to happen, will not only inflict further misery, perpetuate poverty and homelessness, but will also, jeopardize Nigeria's progress to achieve the MDG 7, Target 11 that seeks to ensure a significant improvement in the living conditions of at least 100 million slum dwellers by 2020.

A worrisome dimension to the demolitions is the brazen disdain for the rule of law, due process requirements and the rights of the affected populations, characterizing the entire exercise. The current surge of demolitions and forced evictions are occurring without adequate notice or proper consultation, and without the provision of adequate compensation, alternative accommodation or other legal remedies. Not only that, past evictions, and those scheduled in the future are taking place in defiance of court orders as well as pending litigations before the court of law. A case in point is the suit instituted by the National Union of Tenants of Nigeria Vs. the Federal Republic of Nigeria, *Suit No: FHC/PH/CS/30/09* pending before the Federal High Court, Port Harcourt Judicial Division, seeking an injunction to restrain the Rivers State government from interfering with their constitutionally-enshrined rights to privacy and family life whether by means of forced evictions or by any other means as may constitute an infraction of these rights. The Rivers State government equally ignored pleas by various human rights organizations to halt the demolitions, and rather allow the law to take its course. On point, the Centre on Housing Rights and Evictions (COHRE) sent a letter of protest to Rivers Governor, Rotimi Amaechi on September 4, 2008, urging it to cease what *is escalating into a large-scale human rights violation in Port Harcourt*.

The Amaechi administration's defiance to court orders and brazen disregard for the rule of law has reached such towering heights reminiscent of the brutal military administration of Colonel

Raji Rasaki which ordered the infamous demolition of Maroko in July 1990. To this day, the victims of the forceful Maroko evictions that took place 18 years ago continue to live in misery and squalor as no efforts have yet been made to resettle or compensate all the victims. The Peter Odili-led administration towed the same line when it forcibly evicted over one million Rainbow Town residents in 2001, claiming that it formed part of efforts to curb crime in the State. Even so, victims of previous demolition exercises in Rainbow Town and Aker base in July 2001 and August 2006 respectively are yet to be relocated, rehabilitated, compensated or provided with legal remedies.

While we identify with government's efforts to reposition the state to take its pride of place among other cities in the world, we call for a change in the way the Rivers State government does its business. We find it absolutely inappropriate to schedule demolitions and evictions of poor populations without making counterpart arrangements for alternatives. Not only does publishing the demolition timetable in newspapers constitute inadequate notice, many of the affected are either illiterate or too poor to afford newspapers.

The Federal Republic of Nigeria and its constituent states are legally bound to respect, protect and fulfil the African Charter on Human and Peoples' Rights, which guarantees the right to adequate housing including the prohibition on forced evictions. According to a 2002 landmark decision of the African Commission on Human and Peoples' Rights (*SERAC vs. Government of Nigeria*), the African Charter guarantees the right to adequate housing, including a prohibition on forced evictions. In such rare cases where evictions may be considered justified, the government is obligated to explore and exhaust all feasible alternatives *in consultation with affected persons* before pursuing eviction as a matter of last resort with a view to avoiding, or at least minimising, the need to use force. In addition, such evictions may take place only in concert with the provision of adequate relief for affected persons in the form of alternative housing and/or just compensation, and in accordance with general principles of reasonableness and proportionality. In addition, States *must* ensure that evictions do not result in rendering individuals homeless or vulnerable to the violation of other human rights. Governments *must* therefore provide alternative housing and compensation to any eviction exercise.

SERAC urges the Rivers government to immediately halt all forced evictions and demolitions of people's homes, churches, schools and businesses without recourse to due process and the rule of law. We particularly demand the government to provide relief in the form of alternative housing and/or fair compensation to all residents previously evicted or whose homes or real properties have been demolished. We also call on all human rights groups, the media and well meaning Nigerians to press on Governor Rotimi Amaechi to discontinue this hardship-inducing urban renewal and city-beautification agenda.

SERAC is committed to protecting and promoting the rights of the populations affected by the arbitrary demolitions, and is fully determined to utilize all democratic and legitimate options to vindicate their trampled rights.

Signed

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