



# **NATIONAL UNION OF TENANTS OF NIGERIA**

**Established under Decree No. 1 of 1990 of the Federal Republic of Nigeria, Rc 7899**

**An NGO Partner to the United Nations Human Settlements Programme (UN-HABITAT), Nairobi  
(Member International Union of Tenants, Sweden)**

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**NUTN/HO/OGS/FMWHUD/FCT/01**

## **THE HONORABLE MINISTER OF STATE**

Federal Ministry of Housing and Urban Dev  
Federal Government Secretariat, Mabushi  
Abuja, Federal Capital Territory of Nigeria

Sir,

### **APPEAL FOR FEDERAL GOVERNMENT INTERVENTION IN A MATTER OF HOUSING RIGHT VIOLATION IN RIVERS STATE:**

This matter is of serious emergency and requires the priority urgent attention of the federal government to prevent the impending violation of housing right in Rivers State, which is now an issue of global interest and will, if carried out, render a significant proportion of Port Harcourt population homeless.

To start with, the National Union of Tenants of Nigeria is the umbrella NGO responsible for housing right protection in Nigeria and was established under the provisions of Decree 1 of 1990 of the Federal Republic of Nigeria. The establishment of the union followed a recommendation by the Government of Rivers State hence; the headquarters of the union is sited in Port Harcourt and, as such, the union is conversant with the facts of this matter.

The union has partnership status with the United Nations Human Settlements Programme (UN-HABITAT) and is a member of the International Union of Tenants (IUT) and affiliated with many international organizations including, especially, the Centre on Housing Rights & Evictions, the Habitat International Coalition (HIC) and the International Alliance of Inhabitants (IAI).

These organizations maintain consultative status with several treaty bodies including, in particular, the United Nations Economic, Social & Cultural Council (ECOSOC) and the African Commission on Human and Peoples' Rights (ACHPR), and are all interested in the subject matter of this appeal.

Between June and September 2008 the Rivers State urban development ministry, without giving the Port Harcourt residents adequate/reasonable notice or opportunity for resettlement as provided by law, commenced and proceeded with demolition of certain buildings on the ground of urban renewal. During the exercise, no fewer than 200,000 (two hundred thousand) persons including infants were rendered either homeless or jobless. Photographs of some of the demolished residential buildings are hereto attached as annexure A1 and A2.

The irony of the whole exercise hinged on the use of armed military personnel and the consequent subjection of the helpless residents to public humiliation and torture. A copy of Media Report to this effect is hereto attached as Annexure B. This scenario is made worst by the continuation of the exercise undaunted by the orders of court, as in the case of *Sophia George vs the Attorney-General of Rivers State (Suit No: PHC/1144/2008)*. A copy of the disobeyed orders of court in this suit is hereto attached as annexure C.

As if the above anomalies were not sufficient, the urban development ministry went further and made known the state government decision to forcefully acquire and demolish the entire premises opposite the Integrated Cultural Centre for expansion of the land donated to one Silver-Bird Group of Companies Ltd for a multi-purpose mega-star hotel project. This, the ministry disclosed to us with emphasis that government owed no obligation to resettle the residents.

Further to the above, the residents filed application at the Federal High Court on 11th August 2008 to enforce their fundamental right to housing and, at the order of the court, served the process thereof on the state government. A copy of the said application is hereto attached as annexure D. Unconcerned that the matter is in the court, the state government has been breathing out threats to demolish the buildings as from October 2008.

As residents of the premises opposite the Integrated Cultural Centre grappled with the enforcement of their fundamental right to housing, government went further and made arrangement to demolish certain waterfront settlements in Port Harcourt, starting with Njemanze and Abonnema Wharf and holding to the belief that it owed no obligation to resettle the residents. The purpose of demolishing the Njemanze waterfront is to pave way for Silver-Bird Group of Companies Ltd to operate the mega-star hotel, being a project that is not in the overall interest of the public, but has the majority stake of the private sector.

The Port Harcourt waterfronts are communities of both the strangers and the indigenous people and are the most densely populated part of the city and have a population estimate of over 1.2 million people or about forty percent of Port Harcourt population and are predominantly occupied by the economically underprivileged families who could not afford to pay for housing in the inner-city. Photograph of a minute segment of the Abonnema Wharf and Njemanze waterfront settlements is hereto attached as annexure E.

At Njemanze waterfront alone, the state government has marked out close to 2,000 buildings (with a total population of more than 44,000 residents) for demolitions, and there are up to twenty-eight of such waterfront settlement in Port Harcourt. These waterfronts, which never encroached on or interfered with the Port Harcourt Urban Centre, are land carved out from the mangrove swamps along Port Harcourt boundaries with the riverine rural communities and developed by private individuals at personal cost. Photographs of some of the undeveloped mangrove swamps are hereto attached as annexure F.

In effect, to demolish the Port Harcourt waterfronts, particularly the Abonnema Wharf/Njemanze waterfronts and the premises opposite the integrated Cultural Centre, without resettlement implies expelling the poor people from the city, which action may magnify the poverty scale of the people, as many of them could be forced to return to their respective villages at the expense of their jobs, their children's education and the physical and mental health of their families, who will be invariably exposed to hunger and social exclusion.

In the light of the foregoing, it is glaring that the rule of law regarding evictions of civilian population is meaningless to the Government of Rivers State as could be observed from the ongoing and the impending demolitions in the state. This rule, which includes the provisions of the international treaties and the jurisprudence of the treaty bodies such as the African Charter on Human and Peoples' Rights (ACHPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), being the key instruments for housing right protection, must be enforced in the state if Nigeria as a party thereto must retain the status of its covenants.

At this very point, we seek to emphasize that, although the pursuit of urban renewal, being the core reason for the demolitions in Rivers State, is quite a welcomed innovation, this must not be used to render people homeless or to evict civilian population from their homes without following the rule set out in the *General Comment 7 on ICESCR*, which placed an obligation on government to ensure the following before carrying out any evictions:

1. That adequate and reasonable notice is given to all persons affected by any evictions;
2. That an opportunity for genuine consultations is provided for all persons affected by evictions;
3. That alternative housing consistent with the wishes and needs of all the affected persons is made available;
4. That evictions shall not be carried out during a particular bad weather (note the state government carried out the demolitions during rainy season); and
5. That evictions should not result in individuals being rendered homeless or vulnerable to violation of other human rights.

We further seek to emphasize that any evictions by demolitions that is not in conformity with the above rule amounts to an invasion of housing right and is prohibited by the African Charter on Human and Peoples' Rights, building from the judicial decision in *SERAC and CESR Vs NIGERIA (155/96)* and the consequent declarations in Para 60-63 thereof, which made clear the following:

- (1) *That although the right to housing is not explicitly provided for under the African Charter, the corollary of the combination of the provisions protecting the right to enjoy the best attainable state of mental and physical health, cited under Article 16, the right to property, and the protection accorded to the family forbids the wanton destruction of housing because when housing is destroyed, property, health, and family life are adversely affected. It is thus noted that the combined effect of Articles 14, 16 and 18(1) reads into the African Charter a right to housing, which Nigerian government has apparently violated.*  
(See para 60 of the Commission's Decision)
- (2) *That at a very minimum, the right to shelter obliges the Nigerian government not to destroy the housing of its citizens and not to obstruct efforts by individuals or communities to rebuild lost homes. The State's obligation to respect housing rights requires it, and thereby all of its organs and agents, to abstain from carrying out, sponsoring or tolerating any practice, policy or legal measure violating the integrity of the individual or infringing upon his or her freedom to use those material or other resources available to them in a way they find most appropriate to satisfy individual, family, household or community housing needs.*  
(See para 61 of the Commission's Decision)
- (3) *That the particular violation by the Nigerian Government of the right to adequate housing as implicitly protected in the Charter also encompasses the right to protection against forced evictions. The African Commission draws inspirations from the definition of the term "forced evictions" by the Committee on Economic, Social and Cultural Rights, which defines this term as "the permanent removal against their will of individuals, families and/or communities from the homes and/or which they occupy, without the provision of, and access to, appropriate forms of legal or other protections". Wherever and whenever they occur, forced evictions are extremely traumatic. They cause physical, psychological and emotional distress; they entail losses of means of economic sustenance and increase impoverishment. They can also cause physical injury and in some cases sporadic deaths. Evictions break up families and increase existing levels of homelessness. In this regard, the General Comment No. 4 (1991) of the Committee on ESCR states that all persons should possess a degree of security of tenure, which guarantees legal protection against forced evictions.*  
(See para 63 of the Commission's Decision)

Relying on the above declarations by the African Commission on Human and Peoples' Rights, a copy of which is hereto attached and marked as annexure G, we further emphasize that Nigeria Government and its political extensions, which include state and local governments, are legally bound to honour the provisions of the African Charter and are prohibited from destroying peoples' houses without providing them alternative accommodation.

Towards this end, we humbly appeal to you to urgently draw the attention of federal government to the practice of housing right violation in Rivers State with a view to urging the state government to cease forthwith the said practice and to suspend the impending demolition of the premises opposite Integrated Cultural Centre pending the outcome of the court case. This, we specifically emphasize on, recalling that the present leadership of the state came on board through court verdict and should equally recognize the right of others to seek court verdict in addressing a matter that affects them and their families.

We humbly make this appeal, believing that, although state governments are autonomous in their own affairs, the federal government has an overriding power to intervene in such affairs if they border on issues of national or global interest. In this case, the massive evictions of people in Rivers State, which has culminated into housing right violation, is a fundamental issue that borders on the global treaties and policies, to which the federal government is a party.

Towards this end, we humbly seek to crave your indulgence to agree that the impending demolitions in Rivers State has attracted and continued to attract global reactions and will, unless urgently addressed, escalate to a level of greater height and could result in a global campaign. Copies of some of the correspondences received in response to the ongoing and the impending demolitions in the state are hereto attached as annexure H.

We shall be grateful, Sir, if federal government attention is drawn to this issue, which we consider to be sensitive and of extreme urgency.

Yours faithfully,

for: **NATIONAL UNION OF TENANTS OF NIGERIA**

  
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Secretary-General

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- cc: **The Rt. Hon. Chibuike Amaechi**  
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