

**NIGERIA: FORCED
EVICTION OF
ABONNEMA WHARF
WATERFRONT: “PACK
AND GO!”**

**AMNESTY
INTERNATIONAL**



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Aerial Satellite image of Abonnema Wharf, 19 February 2008

INTRODUCTION

"Whether demolition is the government's style of development, we do not understand. This type of development is something that leads people to permanent suffering," said Jim George, a community activist and house owner from Abonnema Wharf. Jim George lived with his wife and five children in a three bedroom apartment. He owned 2 buildings in the waterfront, each with dozens of rooms that he rented out to families and individuals. He lost his houses and all his belongings. When the demolition started, he had the impression that the government would only demolish the houses of people involved in gang shootouts. Five days later, on 2 July, the entire community had been destroyed, with only a few buildings remaining.

"It was at around 6 in the evening that they [the bulldozer] now turn around and they have now come in [to the rest of the community]... After seeing the bulldozer coming on Wednesday evening, that evening I start to arrange my things, believing that in the morning time I will have to leave my place just after 9 to go and look for a vehicle to convey our things. .. [When I returned with a vehicle later that day] They [the Joint Task Force] did not allow that vehicle to pass. I come down and explained myself to them. The next man that was coming [behind me] they were even demanding for small kickbacks to pass his vehicle. I said no... Before I left the vehicle to come down [on foot to my house], all of my place has been grounded, and I have to leave everything for God." Jim George said.

On Wednesday 27 June 2012, at approximately 7am, one bulldozer arrived at Abonnema Wharf waterfront and, under the supervision of heavily armed security forces (members of the Joint Task Force (JTF), Operation Polo Shield), began to demolish buildings in the community around 11am. Later a second bulldozer arrived. No notice was given prior to the demolition.

The demolition was carried out despite a High Court order in November 2011 restraining the Rivers State government from demolishing the community¹.

Thousands of people have been left homeless and many were forced to sleep outside on the street or in cars. Many people initially found shelter in a church in Abonnema Wharf. The pastor told Amnesty International on 30 June: "Up to 30 people have been sleeping in my church from the first day of the demolition because they don't have any shelter at all. The church is giving them assistance by giving them shelter and a little food... We have appealed to them that they should allow the building of the church to remain." On Monday 2 July, the church was demolished as well.

¹ On behalf of the community, Social and Economic Rights Action Centre (SERAC) obtained an order of interim injunction restraining the Rivers State government from destroying the community on November 11, 2011, in Jim George & Others vs. The Executive Governor of Rivers State & Others (Suit No. PHC/2286/2009). A ruling on a contested application of the government to vacate the interim order of injunction was fixed for July 2, 2012.

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Wednesday 27 June 2012. Day one of demolitions in Abonnema Wharf, Residents look on at a bulldozer demolishing houses in the waterfront.

According to the Rivers State government (RSG), the demolitions were carried out “for security reasons” following “an intense gun battle” in the community on Monday 25 June at around 11:30pm. The RSG said they were advised by the security forces to demolish the buildings as the only way to stop the shooting and mop-up the weapons and that the demolitions were intended to serve as a deterrent for future gang activities in the community and its surroundings.

Residents told Amnesty International that there was gunfire in the community on Monday night. No one was reported killed or injured. The following day, security forces came to the community and arrested approximately 120 people. According to one of the people arrested, they were taken in military boats to Marine base, where they were detained for 2 days. Most were released without charge on Thursday 28 June. By the time those released returned to Abonnema Wharf, part of the community had already been demolished. At least 26 were transferred to Swift Operation Squad (SOS), including at least six minors under the age of 18. The 25 men and one woman were brought to court on 3 July and charged with committing “cult activities” and participating in the activities of a cult under the Secret Cult and similar activities (Prohibition) Laws No 6 of River State 2004. They were arraigned in Magistrate Court 5 and were sent to Prison on remand. The accused were refused bail on the grounds of the “gravity of the offence”. The case has been adjourned to 12 November 2012.

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Abonnema Wharf before the demolition – 27 April 2011

The Abonnema Wharf community had previously been marked for demolition as part of RSGs plans to develop the waterfronts and implement the Greater Port Harcourt Master Plan and in May 2012, the government started the process of compensation for landlords. The compensation process for landlords was ongoing and many had not been paid when their homes were demolished. The Commissioner for Urban Development told Amnesty International that it was “unfortunate” that they had not been able to complete the process before the demolitions were carried out.

Most Abonnema Wharf residents were not offered any compensation, alternative housing or even emergency shelter to mitigate the impacts of the recent demolition. In addition, the demolitions were carried out in pouring rain, during the rainy season when the weather conditions are bad and it’s difficult for people to move easily around to find shelter.

The exact number of people who were living in Abonnema Wharf is not known, as no official survey has been carried out. According to UN-HABITAT estimates from 2009, the population of Abonnema Wharf is more than 30,000 people, including traders and those engaged in small businesses.² However, many people may have left the community following the ongoing threat of demolition. According to one estimate, between 10,000 and 20,000 people were forcibly evicted.

The Rivers State government has not followed its own Physical Planning and Development

² UN-HABITAT, Evictions and Demolitions in Port Harcourt, Fact Finding Mission Report, March 2009

Law 2003 ("Law No 6"). Under this law, it should have established an "Urban Renewal Board," to oversee all urban planning in the area. The Urban Renewal Board could have declared areas, such as the waterfronts, "improvement areas," which would have required authorities to consult with affected residents and provide alternative housing. In failing to put in place the necessary legal bodies to oversee the demolition and redevelopment of the area, the RSG has contravened state law. RSG also failed to explore all possible alternatives to demolition as provided for under the law. (Article 50).

The demolition of houses and eviction of residents in Abonnema Wharf amounts to a forced eviction and consequently a violation of the right to adequate housing among other human rights. The evictions were carried out without the necessary legal and procedural safeguards including prior and genuine consultation with residents and without the provision of adequate notice, compensation or alternative accommodation and legal remedies. Residents of the demolished community have been left homeless and vulnerable to other human rights violations. Many, including children and the elderly have been forced to sleep outside their demolished homes. Women and girls were particularly badly impacted following the 2009 demolition of another Waterfront community, Njemanze, and Amnesty International is especially concerned that lack of safeguards means that women and girls from Abonnema Wharf may face similar human rights violations.

The Rivers State authorities should immediately provide effective remedies including adequate alternative housing and compensation for all those people whose homes have been destroyed, regardless of whether they rent, own, occupy or lease the land or housing in question. They should also adopt guidelines on development based evictions that are in line with the UN guidelines, and fully implement the 2003 Physical Planning and Development Law.

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What Abonnema Wharf looked like before the demolitions -27 April 2011

FORCED EVICTIONS AND HUMAN RIGHTS

Nigeria, and each state within the federation, is obliged under a range of human rights treaties, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights, to refrain from and prevent forced evictions.

A forced eviction is the removal of people against their will from the homes or land they occupy without legal protection and other safeguards. Forced evictions are a gross violation of human rights.

Under international human rights law, evictions may be carried out only as a last resort, once all other feasible alternatives have been explored and genuine consultation has taken place with communities, and only after appropriate procedural and legal safeguards are in place. These protections include:

- genuine consultation with those affected;
- adequate and reasonable notice for affected people prior to the 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;
- government officials or their representatives to be present during an eviction;
- anyone carrying out the eviction to be properly identified;
- evictions not to take place in particularly bad weather or at night;
- provision of legal remedies;
- provision, where possible, of legal aid to people who are in need of it to seek redress from the courts.

Governments must also ensure that no one is rendered homeless or vulnerable to other human rights violations as a consequence of an eviction. Adequate alternative housing and compensation for all losses must be made available to those affected prior to eviction, regardless of whether they rent, own, occupy or lease the land or housing in question. These requirements apply to all evictions, regardless of the tenure status of residents, including those living in informal settlements.

Evictions may be carried out only as a last resort and after all feasible alternatives have been explored in genuine consultation with the affected people. Even in cases where an eviction is considered to be justified, it must strictly comply with international standards and principles of reasonableness and proportionality. Governments must ensure that evictions are not carried out as a punitive measure.

If all the legal safeguards and protections required under international law are put in place and complied with, and if the use of force is proportionate and reasonable, then the eviction would not violate the prohibition on forced evictions.

A PATTERN OF FORCED EVICTIONS IN PORT HARCOURT

There are indications that the government is planning further demolitions which put other waterfront communities in immediate risk of forced evictions.

Abonnema Wharf is one of over 40 waterfront settlements in Port Harcourt, capital of Rivers State, located in Nigeria's Niger Delta. The waterfront settlements are built on reclaimed land along the city's shoreline. It is estimated that between 200,000 and 500,000 people live in the waterfronts. Abonnema Wharf is situated close to petroleum tank farms belonging to different oil companies.

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Hundreds of buildings destroyed as the demolitions continued on day 2, Thursday 28 June 2012.

In July 2008, the Governor of Rivers State, Rotimi Amaechi, announced plans to demolish all waterfront settlements in the city as part of a programme of 'urban renewal'. The Rivers State government claims the demolition of the waterfronts is necessary to implement the Greater Port Harcourt Master Plan, the main strategy document for the city's redevelopment programme. But the plan has been developed without consultation with the affected communities. If the authorities continue with the planned demolitions of all remaining waterfront settlements without first implementing adequate human rights safeguards, more than 200,000 people will be forcibly evicted and at risk of multiple human rights violations.

Many of the residents of Abonnema Wharf and other waterfronts are also workers of various

government institutions and agencies. However, the Governor of Rivers State has repeatedly claimed that many residents of the waterfront communities such as Abonnema Wharf are "criminals". He also stated that "the demolition exercise [will] sanitize and check criminal activities" in the city. However, widespread demolition of people's homes because of suspected criminal activities by few individuals is a violation of human rights and is contrary to national and international human rights law.³ Amnesty International is concerned that the RSG is using the prevention of crime as an excuse to forcibly evict people.

In February 2009, demolitions of buildings and other structures took place along Abonnema Wharf road, including the local office of the National Union of Tenants Nigeria (NUTN). According to UN-HABITAT approximately 40 to 50 buildings and other structures were destroyed.

On 28 August 2009, Njemanze waterfront was demolished as part of the state authorities' urban renewal programme for the city. It is estimated that up to 17,000 people were forcibly evicted from their homes. The demolition of Njemanze is an example of how the authorities failed to provide safeguards against forced evictions. People living in the Njemanze waterfront were given only a week's notice and there was no genuine consultation with residents to identify alternatives to the eviction. People were not provided with legal remedies and very few were provided with compensation or alternative housing. The land where Njemanze community used to be has stood empty and unused since its demolition in 2009.

On 6 November 2009, buildings along Njemanze Street, adjacent to Njemanze waterfront, were also demolished; scores of people living there were forcibly evicted. Residents who had relocated there following the demolition of Njemanze waterfront were forcibly evicted a second time.

Njemanze and Abonnema waterfronts are within a 2km radius of "Silverbird Showtime", an eight screen cinema belonging to the Silverbird Company which opened in April 2009. According to UN-HABITAT, the demolitions at Njemanze and the (then) planned demolition of Abonnema Wharf are "motivated by the Silverbird Showtime project."

Almost three years after they lost their homes, the forced eviction continues to affect people's lives as many of the settlement's residents are still struggling to rebuild their lives. Some remain homeless, like young boys from Njemanze who now live under a flyover. Others had found a place to live in Abonnema Wharf and have now for the second time in three years lost their homes and all their belongings. Most former Njemanze residents continue to struggle to earn a living after losing the livelihoods they depended on in Njemanze. As a result many parents can no longer afford to pay for their children to go to school. A girl and former Njemanze resident who moved to Abonnema Wharf told Amnesty International: "My parents used to sell gari, beans. They had a plot of land where they grew vegetables. I used to sell with them. Here there is no school for me, there is nobody to train me."

³ Article 17 of the ICCPR states: 1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. 2. Everyone has the right to the protection of the law against such interference or attacks.

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Nene Briggs. Double victim of forced evictions. Former landlord in Njemanze, demolished in 2009. Her new home in Abonnema Wharf was demolished in June 2012

Nene Briggs was a landlord in Njemanze, she did not receive any compensation when her building in Njemanze was demolished. In 2011, the Governor of Rivers State visited her and promised she would receive her compensation. To date, she has received nothing. She was living in a spare room of a family friend with her children in Abonnema Wharf, her home was demolished again for the second time in three years on Friday 29 June 2012. She has now sent her children back to the village where her family is.

In addition, the enumeration and valuation of Port Harcourt’s waterfront properties have been conducted with considerable irregularities. In one settlement, these preparatory stages for demolition have been accompanied by excessive use of force by Nigerian security forces. At least 11 men and one 17 year old girl were shot and seriously injured in Bundu waterfront on 12 October 2009 when armed security forces opened fire on a crowd of people peacefully protesting against the proposed demolition of their homes. The total number of dead remains unknown. Almost three years later, no investigation has been carried out.

IMPACT OF FORCED EVICTIONS ON WOMEN

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Women look as bulldozer demolishes homes in Abonnema Wharf –Saturday 30 June 2012

Women and girls are especially at risk of human rights violations following situations of demolitions and forced evictions. The forced eviction in Njemanze in August 2009 has shown the devastating effects of a large scale demolition of communities on women and girls. It demonstrated how women suffer differently to men during and after demolitions of already deprived communities. In addition to losing their homes, many women lost their businesses and other crucial sources of income and livelihood. Women in particular feel the impact of the forced evictions the most because their businesses and trading are often localized within the community whereas men frequently have jobs or businesses outside the Waterfronts. Many women are bread winners of their families. By demolishing communities such as Njemanze and Abonnema Wharf, the government has plunged hundred of small scale and informal business women into poverty and further deprivation and exposure to other human rights violations.

Following the demolition of Njemanze, many families were split up. Often, the women and children went back to the village because they lost their income or because the men could no longer take care of them following the uncertainty and insecurity caused by the forced eviction. In the village there appeared to be no work or school to go to. In the months that

followed, many people returned to Port Harcourt. In other cases, parents went back to the village while their children remained in Port Harcourt. Many boys from Njemanze became street children and sleep under a flyover in the city, while the girls and young women shared rooms in Abonnema Wharf with up to six people.

Amnesty International is particularly concerned that the poorest women and girls who were affected by the demolitions in Njemanze have been pushed deeper into poverty. In October 2011, Amnesty International interviewed over thirty young women aged between 17 and 28 who used to live with their parents in Njemanze, worked there and the majority went to school. The demolition of Njemanze disrupted their lives and exposed them to other human rights abuses. After the demolition, they moved to Abonnema Wharf and took over the responsibility of taking care of themselves, their parents and siblings. All women interviewed described the lack of access to adequate housing, education, proper healthcare, security and security of tenure as their major problems.

All women said life got much harder following the demolitions. They had to engage in commercial sex work as they were unable to find any alternative income. Many of them became single mothers responsible for their young children.

One woman described the difference between her life prior to and after the demolition of Njemanze: "Being able to pick periwinkle – life was better. If I was hungry, I could sell periwinkles. And cook food. Also I had a garden with leaves. Now life is so hard, if you get N500 – the little you gain is not enough, to feed the children. If you go to Njemanze now, people will attack you. The swamp is in the bush [the place where they used to go to pick periwinkles has now grown into bush] – some of my friends were attacked and got lost, some raped and killed." Another woman said: "I did not go to hustle [do sex work] in Njemanze. My brother fed me and took care of me. Life was easy but now life is hard for me. Now I have to take care of myself and the child. I go out almost every day unless I am sick."

These women were also more at risk of being targets of other human rights abuses, such as sexual violence and arbitrary arrest by the police. A seventeen year old girl explained what happened when she or one of the other commercial sex workers were arrested: "The police sleep with women... they will carry people to the toilet and rape them there. If you go empty-handed, they'll sleep with you. If you have a phone, they will leave you and take your phone." A 20 year old woman confirmed: "Some of them, the senior police officers, want to sleep with us before they agree to bail us. Two police officers slept with me. They take you to a little house and lie on the ground."

A 19 year old woman described how the sex workers also experience sexual violence in the community: "The biggest problem is the raping. They [the rapists] always cover their face. They knock on the door or they break into the house. [It happened] two times in three months, there is no body to report it to."

Rivers State Government has failed to put in place mechanisms to ensure women are not disproportionately impacted by the demolitions. Moreover, there are no clear indications that women's specific needs were addressed during the limited consultation process.

Amnesty International is extremely concerned that the forced eviction of Abonnema Wharf will push even more women into poverty. Moreover, it is also more difficult for women who have been doubly forcibly evicted to find better ways of living.

The stories of all these women demonstrate the impacts and complete lack of remedies for women following forced evictions. They strongly called on the Rivers State Government to assist them, as one put it: "I want the government to help us to succeed. We are the leaders of tomorrow. I want to go to school so we can get our rights. They should help us, not demolish – they have said it. We don't have any money to pack to anywhere."

DISREGARD FOR JUDICIAL PROCESS

In 2009, the Nigerian non governmental organizations Social and Economic Rights Action Centre (SERAC) filed the case of Jim George & Others vs. The Executive Governor of Rivers State & Others (Suit No. PHC/2286/2009).

In November 2011, a Rivers State High Court issued an interim injunction against the Rivers State authorities, prohibiting them from evicting and demolishing homes, businesses, churches and schools of Abonnema Wharf Community residents in Port Harcourt, pending full hearing of the case.

In reaction, the government filed a counter motion, asking the court to set aside the interim injunction. After several adjournments the court was to rule on 2 July 2012. RSG however, ignored the interim injunction, didn't wait for the ruling, but went ahead and demolished Abonnema Wharf.

At the court hearing on 2 July and 3 July, the case was adjourned to 25 September 2012 for a full hearing on the counter motion filed by the lawyers representing the government.

On several other occasions RSG has showed disregard for court orders and the judicial process. For example, in February 2009, immediately before the demolition of the buildings along Abonnema Wharf road, a notice of consequence of disobedience to court order was served on the Commissioner for Urban Development. Dated 2 February 2009, it warned: "Take notice that unless you obey the directions contained in this order you will be guilty of contempt of court and will be liable to be committed to prison." The buildings were demolished between 9 and 13 February 2009.

In a separate case on 30 July 2009, waterfront community leaders filed a suit in the Federal High Court (PHC/CS/13609/2009) seeking "an order of perpetual injunction" on the Rivers State government, preventing them from demolishing the waterfront settlements. On 14 August, the case was adjourned to 13 October 2009, and the court advised all parties to "maintain status quo ante"⁴. On 28 August 2009, Njemanze waterfront was demolished. On

⁴ On 2 June 2010, the Federal High Court held that they did not have jurisdiction to determine the case. The community leaders filed an appeal in the Court of Appeal.

12 October 2009, the day before the first hearing of the case was scheduled to take place, security forces opened fire on people protesting against the attempted enumeration at Bundu waterfront.

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Former residents picking from the rubbles after the demolitions in Abonnema Wharf - Thursday 28 June 2012

TENANTS' RIGHTS IGNORED

“They didn't inform anybody, and we are just like that. We don't have anywhere to go. We slept here [in the rubble, last night] in all the rain yesterday that fell yesterday, on top of all these children, all of them. We are asking them to give us money, if they give us money we will look for a house, even if it is 1 room, we will look for where to pack these children to. We are tenants, we are tenants, we are not landlords. [The authorities] said that they would pay landlords, not tenants. I don't know [where we will go]. We are 5, plus my mum and my dad that is 7. We don't have anywhere to go for now, we are just praying that God will send somebody to come and help us...This thing is just wickedness now, you've seen – [pointing around her] - all our things. We slept here yesterday. Look at this one, he has slept here – [pointing at a six month old baby in her arms]. No refund [of rent from the landlord], they didn't even pay our landlord”, a tenant told Amnesty International.

Tenants were entirely excluded from the process which did not entitle them to receive any compensation. In October 2011, tenants in Abonnema Wharf told Amnesty International they did not know where to go as they could not afford the rent being asked elsewhere in the waterfronts. One woman said: "The governor wants to demolish. We should tell him not to destroy here. There is nobody who can go to up land to pay the rent. There is no work at the village for us." Another woman said: "In August they came to mark the house. They wrote on the wall and measured the ground. They don't give us date; from now it can be anytime. If we don't pay the landlord, they lock our house and we have to go to get the money. The landlord is not helping. If we have a problem, they will say, pack and go."

The RSG claimed to be undertaking a buy-out scheme, purchasing properties in the waterfronts and paying owners a replacement value for them, however, under this scheme tenants have no entitlements and house owners who do not want to sell their properties are given no alternative.

The scheme, however, makes the RSG the legal owner of those properties and, by default, the landlord to any tenants still living there. Consequently the RSG is under a legal duty under the Rivers State Rent Control and Recovery of Possession of Premises Edict No. 3 1984, to serve on any tenant a written notice to quit and a court order for possession before they can be evicted. RSG's instruction to landlords to stop collecting rent does not negate RSG's legal obligations to the tenant once they become landlords. However, none of the tenants received such a written notice.

The compulsory purchase of land and revocation of the right of occupancy is only permissible under the Land Use Act (1978), where it serves the greater public interest. The Act provides for the payment of compensation and, in the case of residential buildings, for the option of relocation.

Amnesty International is particularly concerned about the situation of tenants and their lack of security of tenure. Communications about the demolitions and compensation process have been almost exclusively between the government and landlords or property owners. Tenants have been mainly excluded. According to a 2009 study by Max Lock, tenants outnumber landlords by a ratio of five to one (5:1).⁵ The lack of compensation, alternative accommodation and assistance with relocation for tenants means that most will struggle to find places to stay now their homes are demolished.

One resident of Abonnema Wharf who also slept in the rubble said: "Everything is gone. My documents, my money. I'm in these clothes since [they demolished]. We're sleeping there, by our house. Me, my wife and my 3 children. My wife is heavily [pregnant]. I'm trying to find somewhere for them to stay. I'll stay here again tonight. Someone has a room in Elechi Beach [neighbouring waterfront], its 6000N a month but you have to pay 1 year, 2 years in advance.

⁵ Max Lock Consultancy, Nigeria Limited, Port Harcourt Waterfront Urban Regeneration Scoping Study, December 2009.

Nigeria: Forced Eviction of Abonnema Wharf Waterfront: “Pack and Go!”

Where do you get 24 times 6000?”⁶

The rent that tenants had paid to landlords to live in the now destroyed buildings has not been refunded, despite the Commissioner for Urban Development telling Amnesty International that tenants who had paid rent ahead to landlords would be refunded from the payment made to landlords if they can show documentary evidence of payments.

To secure rental accommodation in other parts of the city, including other waterfronts, prospective tenants are often required to pay a deposit of one or even two years’ rent in advance. Many tenants are too poor to arrange for these deposits and are therefore unable to find alternative accommodation elsewhere in the city.

One tenant who had been sleeping outside in the rubble of his house with his family for 3 nights told Amnesty International: “I’ve lived here almost 15 years, with my children and wife, this one is 9, the other one is 2 years. I no have money to go back, but I have to find small money. We no get where to go, that’s why we stay.”

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A boy in Abonnema Wharf sits on top of what served as the community’s drainage system, Monday 2 July 2012

⁶ N6000 =£24; x 24 is 144,000N =£576 at a rate of 249N to £1 as at 6 July 2012.

LACK OF ADEQUATE NOTICE AND CONSULTATION

"Now they're saying we've got to go but we've got so much, how can we pack all this?" A resident told Amnesty International.

The Abonnema Wharf residents did not know their homes would be demolished until the bulldozers arrived. They were not given time to collect their belongings and many people lost everything. Initial statements by RSG suggested that only those buildings implicated in the shooting would be demolished. Consequently, many people living in other areas of the community did not think that their houses would be affected and did not attempt to pack their belongings until it was too late. Jim George explained: "It was at around 6 in the evening [of Friday 29 June] that they [the bulldozer] now turned around and they have now come in [to the rest of the community]. And that is where people started panicking. Packing their things." The demolitions continued until 2 July, when the entire community was razed.

Another landlord and trader said: "They take us as their enemy, so they don't serve us any paper to come and collect anything. I have up to 10 rooms... No notice. I [managed to save some things] but plenty of them were destroyed. ... On Wednesday [27 June] they did not reach my place. So on Thursday [28 June] we have to pack, they were very fast, so we only pick the ones we can carry and leave the rest."

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A former resident in Abonnema Wharf expressing anger at the demolitions on day 1, Wednesday 27 June 2012

After the forced eviction of residents in Njemanze, the Rivers State government improved their engagement with landlords of Abonnema Wharf. On 17 May 2012 RSG convened a meeting to inform Abonnema Wharf residents about the compensation process and the

planned demolition afterwards, they also broadcast this information over the radio. This was in addition to other consultation sessions held in October 2011 and March 2012. RSG authorities announced that house demolitions would not take place until all landlords were compensated and any queries were resolved, and residents given notice to relocate. According to radio announcements by RSG, one month's notice would be given after completion of the compensation process. In June 2012, the government started paying compensation to landlords in the community.

The UN Committee on Economic, Social and Cultural Rights has stated that adequate and reasonable notice must be provided to all affected people prior to the scheduled date of eviction.⁷ The UN Basic Principles and Guidelines on Development-based Evictions and Displacement ('the UN Guidelines') as developed by the UN Special Rapporteur on adequate housing, reflect existing standards and jurisprudence on the issue of forced eviction. They include detailed guidance on the steps that should be taken prior to, during and following evictions in order to ensure compliance with relevant principles of international human rights law. The Guidelines provide that "Due eviction notice should allow and enable those subject to eviction to take an inventory in order to assess the values of their properties, investments and other material goods that may be damaged. Those subject to eviction should also be given the opportunity to assess and document non-monetary losses to be compensated."⁸ All affected people must be served notice, irrespective of their tenure status.

The UN Committee on Economic, Social and Cultural Rights also stated that "States shall ensure prior to carrying out any evictions, particularly those involving large groups, that all feasible alternatives are explored in genuine consultation with the affected persons."⁹ Similarly, the UN Guidelines provide that "States should explore fully all possible alternatives to evictions. All potentially affected groups and persons, including women, indigenous peoples and persons with disabilities, as well as others working on behalf of the affected, have the right to relevant information, full consultation and participation throughout the entire process, and to propose alternatives that authorities should duly consider".¹⁰

7 UN Committee on Economic, Social and Cultural Rights, General Comment No. 7, The Right to Adequate Housing, para. 15

8 Basic Principle 42, UN Basic Principles and Guidelines on Development-based Evictions and Displacement, 2007.

9 UN Committee on Economic, Social and Cultural Rights, General Comment No. 7, The Right to Adequate Housing, para. 13.

10 UN Basic Principles and Guidelines on Development-based Evictions and Displacement, 2007, para 21.

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Bulldozer demolishing houses in Abonnema Wharf – Thursday 28 June 2012

IRREGULARITIES IN THE ENUMERATION PROCESS

“Here was 63 rooms. They said they were going to compensate us. They gave us a cheque, yesterday Friday [29 June], but the money was lower than the amount initially said. ...My own area was valued correctly because I was battling them. The figure we saw initially is no longer what we see,” a landlord said.

The compensation process was on-going when RSG undertook demolition of Abonnema Wharf. Most landlords had not received compensation at the time of the demolition. Some landlords that received cheques during the demolition told Amnesty International that the amount they received was considerably less than what they are owed or ought to be paid based on the valuation of their properties. And there were still several outstanding petitions from landlords to the Commission.

The enumeration of structures in Abonnema Wharf was undertaken primarily for valuation of properties in relation to the proposed demolition rather than assess impacts of evictions on all affected residents. RSG’s enumeration failed to identify all affected people as, once again, tenants were excluded from the process.

NON IMPLEMENTATION OF THE 2003 RIVERS STATE PHYSICAL PLANNING AND DEVELOPMENT LAW

The Rivers State government is bound by the 2003 Rivers state Physical Planning and Development Law No. 6 ("Law No 6") to provide safeguards for residents of buildings and structures when carrying out control, planning and development of land in the state. The Law No 6 details what needs to be in place before a demolition can take place. However, the law has not been implemented. None of the bodies provided for in the law have been set up. Had the law been implemented and the required bodies established, communities such as Abonnema Wharf waterfront would have had the opportunity to be declared an improvement area and enjoy the safeguards and protections that it permits.

The failure to follow the safeguards and procedures in Law No. 6 means that development work undertaken by RSG is without legal backing, and consequently cannot be in compliance with national or international law, in particular the International Covenant on Economic, Social and Cultural Rights.¹¹

The Law No. 6, which provides for the "control, planning and development of land in the state", establishes specific bodies to oversee all matters affecting physical planning and development in the state, including planning approvals, the serving of enforcement notices, and the demolition of buildings and revocation of rights of occupancy.¹²

Under Law No. 6, only when the structure is found to be "structurally defective, poses danger or constitutes a nuisance to the occupier and the public", it is specified that the Control department may issue a demolition notice.

If the danger to residents from living in a structure is so great that they need to be moved as a matter of urgency, they should immediately be provided with adequate alternative accommodation.

In addition, the RSG has not explored all possible alternatives to demolition provided for under Law No. 6. The Law No. 6 provides for several possible alternatives to demolition: structures lacking the required development permits may also be altered or varied. The Development Control Department, had it been established, would have had a range of options in dealing with the control of structures erected without development permits, including the option to regularise them and to grant development permits.

Sections 84-90 of the 2003 Law call for establishment of an Urban Renewal Board to

¹¹ UN Committee on Economic, Social and Cultural Rights, General Comment No. 7, The Right to Adequate Housing, para. 14.

¹² These bodies include: the Rivers State Urban and Regional Planning Board; the Local Planning Authority; a Development Control Department (which is "charged with the responsibility for matters relating to control of Physical Development Plans", including the power to issue stop work orders, enforcement notices, and demolition notices to unauthorised developments); the Urban and Regional Planning Fund; and the Urban and Regional Planning Tribunal (which is responsible to investigate and adjudicate on the same matters).

oversee all urban planning and development in the state, with the power to declare an area an "improvement area". The law makes provision for key safeguards for all occupants, owners, landlords *and* tenants, in the upgrading or development of "improvement areas", including participation, information, consultation and a community driven approach. Furthermore, the law clearly outlines the due process requirements if a building within the improvement areas is to be demolished, repaired or renovated (section 98) and provides for the provision of alternative accommodation, land and/or financial assistance.

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Security officers from the JTF supervising the Abonnema Wharf demolitions- Wednesday 27 June 2012

NIGERIA'S NATIONAL AND INTERNATIONAL OBLIGATIONS

Forced evictions violate a range of national and international human rights obligations, in particular the right to adequate housing. Nigeria is obliged to guarantee adequate housing and to refrain from and prevent forced evictions:

- Section 16 (2) (d) of the Nigerian Constitution, directs the state to ensure that suitable, adequate shelter is provided for all citizens.
- The African Commission on Human and Peoples' Rights has also affirmed in the case of SERAC and the Centre for Economic and Social Rights that forced evictions contravene the African Charter on Human and People's Rights to which Nigeria is a party, in particular, Articles 14 and 16 on the right to property and the right to health, and Article 18 (1) on the state's duty to protect the family.
- Article 11 (1) of the International Covenant on Economic Social and Cultural Rights

states: "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent."

- Article 27(3) of the Convention on the Rights of the Child obliges state parties to: "take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing." Article 4 of the Convention specifies that "States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation."

- Article 5 (e) (iii) of the International Convention on the Elimination of All Forms of Racial Discrimination guarantees the right to housing.

- Under Article 17 of the International Covenant on Civil and Political Rights (ICCPR), forced evictions also violate the right to the protection of the law against arbitrary or unlawful interference with a person's privacy, family or home.

- The UN Basic Principles and Guidelines on Development-based Evictions and Displacement (Basic Principles), as developed by the UN Special Rapporteur on adequate housing, reflect existing standards and jurisprudence on the issue of forced eviction. They include detailed guidance on the steps that should be taken prior to, during and following evictions in order to ensure compliance with relevant principles of international human rights law.

- The UN Committee on Economic, Social and Cultural Rights has emphasized that "the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one's head, or which views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity." The Committee has identified seven elements to determine the adequacy of housing: 1) legal security of tenure; 2) availability of services, materials, facilities and infrastructure; 3) location; 4) habitability; 5) affordability; 6) accessibility; and 7) cultural adequacy. It has also stated that "Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups."

The UN Committee against Torture has expressed concern about house demolitions which may, in certain instances, amount to cruel, inhuman or degrading treatment or punishment,

in violation of Article 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

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Abonnema Wharf, now a sea of rubbles after five days of demolitions in the community - Sunday 1 July 2012

RECOMMENDATIONS

The Abonnema Wharf demolition constitutes a forced eviction and is therefore a violation of human rights. Amnesty International is particularly concerned that this is the second major forced eviction undertaken by the government in the waterfronts area and that other communities in the waterfronts may be subjected to similar human rights violations. Amnesty International therefore urges the Rivers State government to cease all forced evictions immediately and to adopt a moratorium on all mass evictions and demolitions in the state until all legal and procedural protections required under international human rights law and standards are in place, in particular the requirements on consultation, adequate notice, legal remedies and adequate alternative housing.

In particular, Amnesty International urges RSG to:

- Provide effective remedies including immediate alternative adequate housing to all those who were forcibly evicted from Abonnema Wharf during the demolitions between 27 June and 2 July 2012 and full compensation for any loss of property and possessions that were damaged in the process.
- Provide emergency relief, including access to food, shelter, water, sanitation and health care services to all those affected by the demolitions in Abonnema Wharf.
- Ensure that women have equal access to all measures concerning compensation and provision of adequate housing.
- Adopt a moratorium on all evictions and demolitions in the waterfront areas, until adequate safeguards are put in place to ensure that all evictions comply with international human rights standards.
- Comprehensively review the role of police and JTF in assisting demolitions, evictions, enumerations and ensure security personnel are not deployed to assist the administrative authorities in carrying out illegal evictions
- Do not compel people to sell their houses to RSG unless under the relevant provisions of the Land Use Act (1978), which provides for the payment of compensation and the option of relocation as stipulated in the Act.
- Develop a housing policy which protects and fulfils people's right to adequate housing and ending forced evictions, including women's rights. Guidelines for eviction should be based on the UN Basic Principles and Guidelines on Development-based Evictions and Displacement, and must comply with international human rights law and standards.
- Legislate and enforce a clear prohibition on forced evictions.
- Fully implement the Rivers State 2003 Physical Planning and Development Law No. 6, by establishing all required legal bodies to oversee planning and development in the state.

- Provide tenants with reparations, which include restitution, compensation, rehabilitation, satisfaction and a guarantee of non-repetition, adequate accommodation and assistance with relocation.

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Many people have been left homeless – A former resident sits outside their demolished home- Friday 29 June 2012

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