



EVICIONS AND DEMOLITIONS IN PORT HARCOURT

REPORT OF FACT-FINDING MISSION TO PORT HARCOURT CITY, FEDERAL REPUBLIC OF NIGERIA

12-16 MARCH 2009

ABRIDGED VERSION



UN-HABITAT

with

**Ministry of Works, Housing and Urban Development of the Federal Republic of Nigeria,
Social and Economic Rights Action Center (SERAC),
Women Environment Programme (WEP)**

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Cover photo: Legal structure along the upper part of Abonnema Wharf, demolished during the period 10 to 13 February 2009.

Photo credit: Social and Economic Rights Action Center (SERAC)

UN-HABITAT

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I. Summary of the Fact-Finding Mission and its Main Findings

1. Mission background and justification

A five-person fact-finding mission led by UN-HABITAT has visited Port Harcourt, Nigeria, from 12 to 16 March 2009. The mission team was composed of UN-HABITAT staff who are based in Nairobi and Abuja, and representatives of the Federal Ministry of Works, Housing and Urban Development and the Nigerian-based non governmental organisations Social and Economic Rights Action Center (SERAC) and Women Environmental Programme (WEP).¹

In addition to petitions received by UN-HABITAT, an international outcry about large-scale demolitions and reported violations of housing rights undertaken by the Rivers State Government (RSG) triggered the organisation of this fact-finding mission. Various UN-HABITAT partners and members of the *Advisory Group on Forced Evictions to the Executive Director of UN-HABITAT* (AGFE) had also expressed their concerns and requested UN-HABITAT to undertake a mission to assess the situation, or alternatively field an AGFE mission to look at the matter *in situ*. Security concerns and availability of experts adversely affected an earlier response of UN-HABITAT.

2. Methodology

The Mission objectively assessed the on-going and planned demolitions. It visited different sites where demolitions have recently occurred as well as locations where they are planned to take place. Additionally, the Mission met with Government officials, carried out individual interviews and group discussions and reviewed a wide range of documentation including web-based reports, official government reports, and legal papers and plans. The Mission interviewed and held consultations with the widest possible range of stakeholders including Government, NGOs, and civil society representatives.

3. Housing situation in Port Harcourt city

Port Harcourt city has more than 800,000 inhabitants (2006 census) living within its municipal boundary. According to the RSG, the population of Greater Port Harcourt currently stands at 1.2 million. The city has experienced spontaneous and uncontrolled physical growth arising from rapid urbanisation during the last four decades. Faced with the high cost of inner-city rentals and scarcity of housing, many households, especially rural migrants, resorted to land reclamation of swamps along the waterfronts and their subsequent occupation via self-help housing construction. This process of growth was not foreseen by the 1975 Master Plan that aimed at providing infrastructure and orderly development for the fast-growing city. The city's 1975 Plan was never fully implemented.

¹ The following persons participated in the Mission: Prof. Johnson Falade, Habitat Programme Manager in Nigeria (Head of Mission); Rasmus Precht, Human Settlements Officer, Housing Policy Section, UN-HABITAT (Headquarters, Nairobi, Kenya); Morenike Babalola, Federal Ministry of Public Works, Housing and Urban Development, Abuja, Nigeria; Victoria Ohaeri, Programme Coordinator, Social and Economic Rights Action Center (SERAC), Lagos, Nigeria; and Priscilla Achakpa, Executive Director, Women Environment Programme (WEP), Abuja, Nigeria.

Port Harcourt city in the Niger Delta

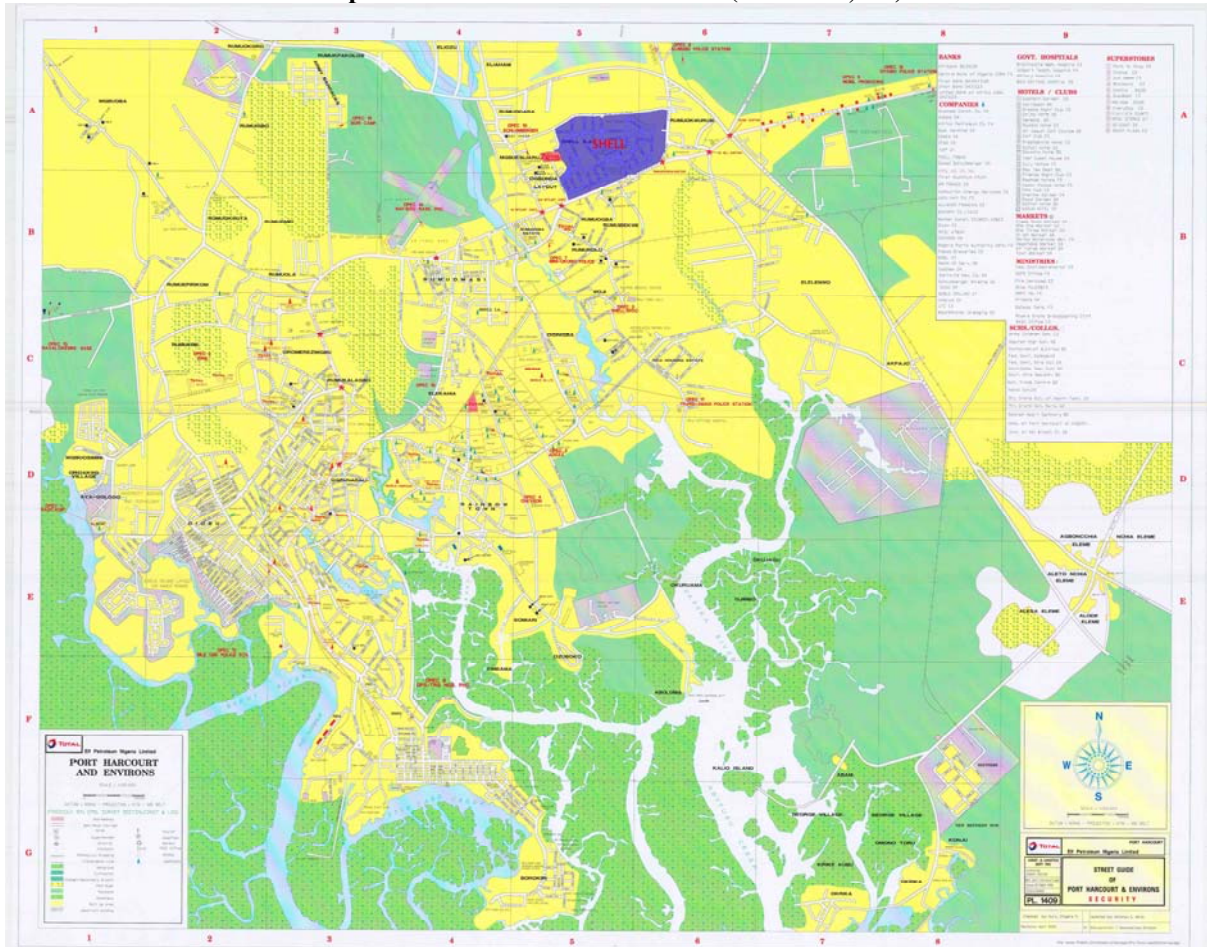


Source: www.kivafriends.org/index.php?topic=1715.0

4. The RSG's justification for the demolitions

The Mission verified that indeed demolitions have taken place. Areas have been cleared and other sites are earmarked for further demolitions. The RSG justifies its clearance actions on its urban renewal strategy and its attempts to execute part of the 1975 Master Plan. The Mission concluded that the re-establishment of development control – which has been neglected by previous administrations resulting into encroachments on vacant land and into residential development along the waterfronts – is one of the most important drivers behind the on-going demolitions.

Map of Port Harcourt and Environs (scale 1:20,000)



Source: Construction and Logistics Department Port Harcourt, Survey Section (October 1998, revised April 2004), published by Total Elf Petroleum Nigeria Ltd.

5. Location and typology of demolitions

The Mission witnessed demolitions in different parts of the city, some triggered by infrastructure development projects (road dualisation; installation of water mains and drainage; hospital expansion...); others by the RSG's efforts to enforce development control. The Mission identified three types of demolitions:

5.1. Demolition of allegedly illegal structures

This concerns allegedly unauthorised extensions and transformations of originally legal structures in planned neighbourhoods like the Government Reservation Area (GRA), e.g. walls outside legal plot boundaries, additional buildings within plots, and full buildings encroaching on road reservations and other public spaces. It also concerns clusters of structures that have been erected allegedly without development permits in areas not planned for this purpose, including unplanned markets and workshops. The RSG does not compensate owners of illegal structures.



Partly demolished “illegal structures” that were erected beyond a plot boundary in GRA
© R. Precht



A wall that had encroached on the road reserve in GRA is marked for demolition
© R. Precht

5.2. Demolition of legal structures

This concerns buildings whose owners hold valid land titles (“Certificate of Occupancy), approved building plans and building permits. Owners of legal structures are legally entitled to compensation and the RSG has a policy of paying compensation for the demolition of legal structures.



Legal structures in Nanka Street, demolished to make way for construction of a hospital (in the background)
© R. Precht



Demolished legal structures in Nanka Street; New Niger Hospital (under construction) in the background
© R. Precht

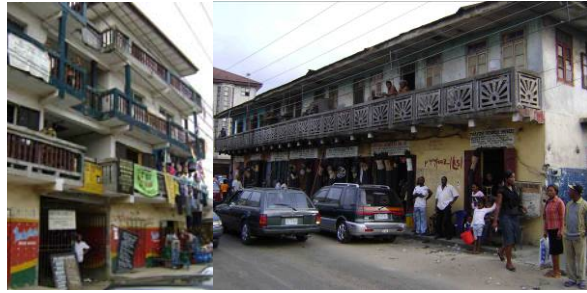


Half demolished legal buildings on Abonnema Wharf Road, during demolitions 10-13 February 2009
© SERAC



See caption on the left.

© SERAC



© R. Precht

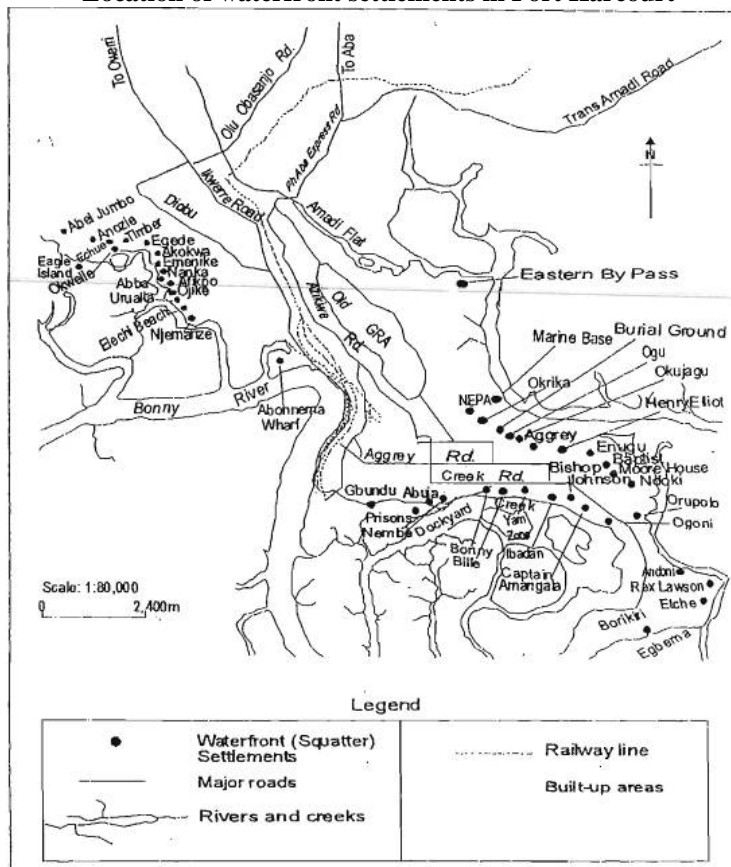


Legal buildings containing numerous rental units on Azikiwe and Ojoto streets, marked for demolition

5.3. Demolition of entire waterfront settlements

This concerns unplanned residential developments along the waterfronts, i.e. the swampy areas between the creeks and higher-lying planned areas of Port Harcourt. The tenure status of waterfront settlements differs significantly from all other neighbourhoods in Port Harcourt. The issue of “legality” versus “illegality” requires a wider perspective.

Location of waterfront settlements in Port Harcourt



Source: Rivers State Ministry of Lands, Housing and Urban Development (2007)

The 1975 Master Plan does not provide for residential occupation of the waterfronts, and parts of them are likely to fall under the jurisdiction of the National Inland Waterways Authority. Waterfront residents do not hold land titles but Temporary Occupation Licenses (TOL). A TOL is revocable and only allows construction of a temporary hut. Since most structures in the waterfronts are built from permanent materials, they are – strictly speaking – illegal. However, the fact that residents have gone beyond what the TOL permits has not stopped Government officials from regularly renewing the TOLs, thus tacitly tolerating and recognising these settlements.



Abonnema Wharf Waterfront, with Shell Petroleum Development Company Kidney Island operation site in the background (top left) and houses in Abonnema Wharf Waterfront demarcated for demolition © R. Precht

No waterfront had been demolished yet by the time of the Mission, but the RSG had announced that it would demolish all waterfronts and redevelop them. Enumeration of property owners was underway at Abonnema Wharf and Njemanze waterfronts at the time of the Mission. The RSG intends to compensate structure owners. No resettlement is foreseen.

6. Focus of the Mission’s site visits: settlements within 2km of the Silverbird Showtime project

The Mission concentrated its site visits on the area surrounding the former Obi Wali Cultural Centre on Abonnema Wharf Road in Mile One, Diobu. The past and planned demolitions in this area are caused by the implementation of the Silverbird Showtime project, a stand-alone 8-screen cinema with several related commercial developments. According to the public-private partnership agreement between the RSG and Silverbird Ltd., all settlements located within 2km of the Silverbird project have to undergo urban renewal.



Silverbird Showtime under construction (12 March 2009); in the foreground, the rubble of buildings demolished (10-13 February 2009) to make way for a parking area © J. Falade

The Mission verified the most recent demolition of legal structures along the upper part of Abonnema Wharf Road, carried out by the RSG in February 2009 to clear the site for the Silverbird parking area. The office of the National Union of Tenants of Nigeria (NUTN) was in one of the demolished buildings. NUTN and other organizations had reported on these demolitions in great detail. SERAC had paid a visit to the area while assessing these demolitions *in situ* and had witnessed the actions.

The Mission visited two sites where evictions and demolitions were being prepared: (i) Azikiwe and neighbouring streets (road expansion for access to Silverbird site); and (ii) Abonnema Wharf Waterfront. Houses in these areas were marked with a red “x”, for demolition. The Mission confirmed through various sources, including the RSG, that Njemanze Waterfront, equally situated within 2km of Silverbird, was undergoing the same preparatory process for demolition. The three areas accommodate large populations in a high number of residential structures.

Location of Silverbird project and surrounding areas



Inside the upright rectangle is the plot currently under development by Silverbird Group Ltd. The circle indicates approximately the radius of 2 km that has to be redeveloped as per the MoU. The “land known as Isaac Boro Park” is the large plot to the immediate right of the Silverbird plot, partly captured by the red rectangle.

Source: Construction and Logistics Department Port Harcourt, Survey Section (October 1998, revised April 2004), published by Total Elf Petroleum Nigeria Ltd.

7. The population affected by demolitions

Habitat International Coalition’s Housing and Land Rights Network reported in January 2009 that between June and October 2008, “officials have destroyed numerous buildings and made 200,000 people homeless in Port Harcourt” and in December 2008, the government rendered 125,000 homeless people with evictions on just four major streets in Port Harcourt: Bonny Street, Creek Road, Gambia Lane, and Anyama Street.” Should this be correct, it would mean that 325,000 people or nearly 50 per cent of the city’s population were evicted from their homes by the end of 2008. These alarming numbers have been quoted in petitions sent to UN-HABITAT by international organisations like HIC, COHRE, and IAI. However, observations made on site coupled with rapid map and orthophoto interpretation made thereafter by the Mission suggest that the number of persons evicted since 2008 is significantly lower.

The main difficulty in estimating affected populations is that there is no comprehensive, reliable and recent data about the total number of residents who live in the waterfront settlements. It appears that an enumeration and census of the area has never been done to establish this baseline information. This explains the contradicting figures disclosed to the Mission:

- A 2007 report issued by a Government committee mentions that there are 41 waterfront communities that house 25 per cent of the total population of Port Harcourt city. According to the 2006 Census this would translate into a total of 200,000 waterfront residents.
- NUTN estimates that all waterfront settlements together contain more than 75,000 buildings with a total population of over 900,000, or two-thirds of the total population of Port Harcourt main-city. This is unlikely to be correct and gives evidence about the difficulties in assessing the exact number of waterfront residents.

The much needed enumeration exercise would not only identify the total number of waterfront residents; it would also provide data on absent owners, occupancy rates, number of tenants, etc.

The Mission estimates that if the demolition of all waterfront settlements goes ahead as planned and announced by the RSG, it is likely that at least **200,000** residents will lose their homes. This is a conservative figure based on the Government’s total waterfront population estimate. However, analysis by the Mission gives evidence that it is likely that the waterfronts are occupied by a larger population. The occupants of legal and illegal structures in other parts of the city need to be added to this estimate of affected persons in the waterfronts. Thus, the Mission anticipates that the RSG’s urban renewal programme – if executed as announced – will probably destroy the homes of **up to 300,000** Port Harcourt residents. In addition to residential structures, there are the numerous demolished shops, workshops and other small business structures in various parts of the city that provided livelihoods for thousands of low-

income residents. The Mission estimates that the Silverbird Showtime project alone will lead to land clearance affecting between 100,000 and 150,000 people.

8. Social and economic impacts of demolitions and evictions

The Mission verified the absence of a relocation policy that would otherwise provide housing and livelihood alternatives. This has rendered many people homeless putting them under considerable strain particularly because of the scarcity of accommodation that results into soaring and unaffordable rents. Residents described their sufferings to the Mission during site visits. Additionally, losses incurred by inhabitants both in their private assets and in their livelihood opportunities have been brought to the attention of the Mission. These adversely affect poverty alleviation strategies and tend to stimulate slum formation elsewhere. The recent and on-going demolitions no doubt inflict distress, perpetuate poverty and homelessness, and thus 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.

9. Legal provisions and inadequate observance to their enforcement

9.1. Inadequate institutional framework

The RSG has not implemented most of the provisions of the Rivers State Physical Planning and Development Law of 2003. In particular, it did not establish the institutions and mechanisms prescribed for the implementation of urban renewal activities. Consequently, the ongoing urban renewal initiative with its numerous demolitions cannot find its full legal backing from this Law. In other words, the demolitions carried out by the current administration do not comply with the legal and institutional framework provided by the law.

9.2. Discretionary use of development control

The Mission observed strict discretionary use of development control in contradiction to provisions of the 2003 Law which advocates for more participatory, humane and inclusive approaches. The Mission observed a rather narrow interpretation and application of the 2003 Law that purposely serves to rectify the negligence of previous administrations regarding development control over its territory during a time when it was required and which would have prevented illegal buildings, encroachments and informal settlements and consequently the costly and socially pervasive evictions and demolitions. The Mission concluded that the present policy is non-inclusive and not pro-poor and not in compliance with the Habitat Agenda. It is socially and economically costly with very negative implications for the international image of the city. The Mission was informed by the RSG that it does not have any guidelines on how to carry out evictions and demolitions.

9.3. Compensation only for landlords and not for tenants

Analysis made by the Mission reveals that the RSG “buys” out legal properties from their respective owners instead of opting for land acquisition through a revocation order for overriding public purposes, as defined in statutory laws (1978 Land Use Act). No other option is offered. The RSG pays the replacement value at market rates minus the value of depreciation of the properties. The RSG does not provide for resettlement or compensation of tenants and has no will to establish any other support mechanisms for tenants who are rendered homeless. The Mission noticed that the RSG does not apply the provisions of the Land Use Act in the Silverbird area because the Land Use Act only provides for the revocation of land use rights for overriding public interest but not for private interests.

9.4. Non observation of tenants' rights

The RSG pastes Demolition Notices on buildings that it has already bought. This shows a discrepancy in the procedure: It appears that Demolition Notices are used to evict sitting tenants from the RSG's own buildings. Anecdotal evidence points out that landlords cash in their compensation and disappear, leaving the landlord-tenant relationship to the new owner – the Government. The latter seems to ignore rights and obligations of both parties. The eviction of sitting tenants as practised by the RSG is in contradiction with the Rivers State rental legislation that prescribes that only the court can order the eviction of tenants on the grounds that the premises are reasonably required for any purpose which is in the public interest. Considering that the agreement between the RSG and Silverbird is based on private sector business interests, this is clearly not a case of overriding public interest.

In addition, tenants are left at their own fate and very little evidence was provided to the Mission regarding the existence of tenancy contracts on buildings subject to buy-out and subsequent demolition. This would otherwise safeguard rights of the occupants/tenants.

The Mission confirmed that tenants of legal structures in the upper part of Abonnema Wharf Road that were demolished in February 2009 had initiated a court case against the RSG in August 2008. This suit was seeking an injunction to restrain the RSG from interfering with the tenants' constitutionally-enshrined rights to privacy, family life, and dignity of Human Person, whether by means of forced evictions or by any other means as may constitute an infraction of these fundamental rights. The Federal High Court order against the Commissioner for Urban Development to halt the demolitions was ignored and the forced eviction executed by the RSG.

9.5. Inadequate notice

Demolitions carried out by the RSG are not preceded by timely notice to occupants who must vacate the buildings. The Mission verified cases in which occupants were not allowed to remove their personal belongings and personal effects from the buildings under demolition. Additionally, the Mission verified the use of force in the Abonnema Wharf Road demolitions from the part of the Government.

10. Planned re-development of waterfronts: inadequate application and interpretation of State and Federal laws

10.1. National Inland Waterways Act of 1997

The Mission noticed that the Rivers State Physical Planning and Development Law of 2003 may not apply to the waterfronts, or parts of them, as these areas may fall under the jurisdiction of the National Inland Waterways Authority (NIWA) that has the right to all land within the right-of-way of such waterways. According to the National Inland Waterways Act of 1997 no person including a State has the right to erect permanent structures; reclaim land; undertake acquisition or lease/hire of properties within the right-of-way without the written consent, approval or permission of the Authority. The Authority has exclusive right to acquire, develop and use any landed property. These provisions may limit the RSG's possibility to acquire (through buy-out), demolish and re-develop the waterfront settlements.

During its discussions with the Mission, the RSG did not mention the National Inland Waterways Act, and the Mission only became aware of the Act's provisions when carrying

out a detailed legal analysis after the site visits in Port Harcourt. It remains to be established to what degree the Act applies to all waterfronts (depending on their distance from the waterways and/or level of flooding). In any case, the Mission established that any waterfront re-development without the approval of Federal Government runs the high risk of being a violation of federal law. Further study by the RSG of the 1997 Law and its applicability is needed, in conjunction with Federal Government and the communities concerned.

For those parts of the waterfronts where the Rivers State Physical Planning and Development Law of 2003 does apply (to be verified), the Mission concluded that the RSG's approach to waterfront redevelopment based on clearance contravenes the provisions of the 2003 Law for due process to be complied with by any urban renewal initiative:

10.2. Failure to declare waterfronts "Improvement Areas"

The main omission is that the waterfront settlements demarcated for demolition in the context of the Silverbird Project have not been declared "Improvement Areas". If the 2003 Law would be fully and properly implemented, Port Harcourt's waterfronts would have to be declared Improvement Areas. This would imply that plans would be publicly presented and the general public would be informed about its proceedings. Moreover, the Government would be responsible for the fate of owners, occupants and tenants of buildings subject to demolition, contrary to the current practice whereby only property owners are entitled to compensation.

10.3. Lack of transparency and participation/consultation

The Mission uncovered the absence of information provision to the citizens of Port Harcourt, as well as communication, consultation and public participation with regard to the RSG's urban renewal plans.

10.4. Non consideration of alternatives to demolition/redevelopment

The Mission found that the RSG followed only one particular recommendation on how to bring about urban renewal in the waterfronts. The Committee on Port Harcourt Waterfronts in 2007 advised the RSG in favour of demolition/redevelopment. The RSG appeared to have followed this recommendation blindly without considering any of the alternatives provided for in the 2003 Law, such as *in situ* upgrading/rehabilitation and resettlement of the residents of housing that cannot be upgraded and/or serviced.

The Mission verified widespread fear amongst the residents of all areas visited. Waterfront residents fear that the present redevelopment process will lead to large-scale losses of homes and jobs as well as distress particularly to those who have no access to alternative accommodation and places for income-generating activities. Given that demolitions are being carried out without proper planning and with no engagement of residents, the Government misses a unique opportunity to develop constructive and appropriate alternatives with and for the local community. The Mission is seriously concerned about the destruction of social safety networks and community service provision mechanisms that are essential for the survival of poor households in the urban economy.

In the provisions of the 2003 Law would have been followed, it appears unlikely that the Silverbird public-private partnership project, regarded as an initiative for the public good, would have been approved and executed the way it is. The redevelopment of two entire waterfront settlements as well as several other communities who have lived in "legal structures" for many years, at this scale and magnitude, does not match any criteria of public

social responsibility. In fact, the 2003 Law promotes – where technically, financially and environmentally possible – *in situ* upgrading of existing settlements as part of an inclusive, pro-poor urban renewal programme. If implemented, this would create the basis for the transformation of informal settlements located within the surrounding 2 km of the Silverbird site into sustainable neighbourhoods. These could contain possibilities for high-rise, multi-family, high-density housing where people can sustain their livelihoods while living and earning their income from Silverbird’s mall and entertainment parks and its surroundings. The Mission noted that the Memorandum of Understanding (MoU) between the RSG and Silverbird Ltd. does not specify which form the required urban renewal programme within a radius of 2 km of the project site should take. Thus, *in situ* upgrading and rehabilitation would be in line with the MoU.

11. A view from the rights-based approach to housing

From the housing rights point of view, the Mission found that only few owners received compensation for their properties through a buy-out approach by the RSG and moved somewhere else in the city. Many Port Harcourt residents who have been affected by the demolitions – owners and tenants – have been forced out of their homes against their will and have not received adequate compensation because their properties were considered “illegal” or because they were tenants. They are therefore victims of ‘forced evictions’ as defined in the General Comment No. 7 (1997) on the Right to Adequate Housing, issued by the Committee on Economic, Social and Cultural Rights: *“Forced eviction is the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection. The prohibition on forced evictions does not, however, apply to evictions carried out by force in accordance with the law and in conformity with the provisions of the International Covenants on Human Rights”*.

The Mission concluded that the current practice by the RSG is in conflict with the Habitat Agenda through which Governments committed themselves to *“protecting all people from, and providing legal protection and redress for, forced evictions that are contrary to the law, taking human rights into consideration; [and] when evictions are unavoidable, ensuring, as appropriate, that alternative suitable solutions are provided”*²

12. Government responses for guiding Port Harcourt’s development

The Mission acknowledges a positive legislative initiative by the RSG to establish a new boundary for “Greater Port Harcourt City” and create the “Greater Port Harcourt City Development Authority”. The bill³ suggests that the newly established entity will regulate development and improve and maintain the city and its region and prepare a new Master Plan to guide its development. The bill opens an opportunity for civil society participation and for the setting-up of a new institutional framework for urban governance involving eight local governments. The Greater Port Harcourt City Development Authority appears as a response to fragmented local governance and seems to offer a new model that can be potentially replicated elsewhere in Nigeria. The Bill provides for all lands within the Greater Port

² Habitat Agenda (1996), Chapter III: Commitments, A. Adequate shelter for all (Paragraphs 39-41), Paragraph 40 (n)

³ Since the Mission visited Port Harcourt in March 2009, this Bill has been passed into law. The provisions are substantially the same.

Harcourt City to be under the management of the new Authority. This means that this Authority would take over the task of land and property allocation and acquisition, development control, land administration, project planning and overall urban management.

However, it did not become clear to the Mission how gaps in the existing institutional framework will be addressed by this new authority so that, among other things, more efficiency, participation, inclusiveness and wider housing opportunities can be accomplished. There seems to exist no provision that revokes other laws relating to urban planning in Rivers State. While the bill makes reference to the national Land Use Act, it does not mention the Rivers State Physical Planning and Development Law of 2003. Therefore, the Mission is of the opinion that the new bill does not release the RSG from its responsibility to implement the 2003 Law. This needs to be legally confirmed. The establishment of the State Planning Board, Local Planning Authorities, and, above all, the Urban Renewal Board is still pending. Failure to fully implement the provisions of the 2003 Law implies that urban renewal will continue outside of the prescribed legal and institutional frameworks, thus leading to more forced evictions and demolitions.

13. Recommendations and way forward

Finally, recommendations are made by the Mission to address comprehensively the development challenges of Port Harcourt (see full list of recommendations in the next section). The Mission recognises the need to establish proper development control and adequate management of the city's urban environment that can lead to a sustainable urban development process. However, this should not be at the cost and exclusion of low-income households, small-scale entrepreneurs, and those living in informal settlements, tenants and owners of informally built properties alike.

The Mission suggests the enactment of an eviction moratorium and the establishment of a consultation and participatory mechanism to enable all stakeholders to get involved in the planning and implementation of the city's development strategy, including the upgrading and rehabilitation of the waterfront and other informal settlements.

The RSG and residents of Port Harcourt – private, public, community and social actors – should convene in dialogue so that negotiated alternatives can be found. The Mission suggests the undertaking of feasibility studies to assess improvement options for the informal settlements situated along the waterfronts. It also encourages the Silverbird Group and other private sector companies to make use of their social corporate responsibility in real estate development projects that have impacts on people's livelihoods and housing conditions. This will enable cost-sharing alternatives and private sector participation in the application of proper compensation and provision of adequate housing to those who are affected by urban renewal and development projects in the city.

II. Recommendations by the Fact-Finding Mission

Based on its assessment of the situation in Port Harcourt, the Mission recommends that the Rivers State Government declares an **immediate moratorium** on demolitions and forced evictions which should have effect until the following recommendations are fully implemented. In brackets are the actors that are suggested to take the lead and support each of the recommended actions, respectively.

1. The RSG to call for a **multi-stakeholder consultation forum** involving Government, NGOs, community groups, private sector, developers, academic and research institutions, associations, trade unions, etc to discuss the Port Harcourt city development strategy with the **aim of setting up a task force and advisory council** on the further steps of the urban renewal strategy, including prevention of forced evictions and demolitions, amongst other things. This can be associated with the Urban Renewal Board. *(RSG)*
2. **Adequately compensate** all those that were forcefully evicted from their homes and commercially/socially used accommodations such as business places, NGO offices, churches, etc. in Port Harcourt since the beginning of all urban renewal activities (2000), including the tenants, and/or provide **resettlement** sites with basic services/infrastructure (in consultation with affected communities and their representative organisations). *(RSG)*
3. Carry out **review of the institutional framework** against the existing legislation. Streamline the 2003 Rivers State Planning Law with the new Law for the creation of the Greater Port Harcourt City Development Authority. *(RSG, with UN-HABITAT and SERAC)*.
4. Establish the **Urban Renewal Board**, either at State level, or under the new Greater Port Harcourt City Development Authority. *(RSG)*
5. Complement the new Greater Port Harcourt Development Plan which was designed in a non-participatory way, with a **City Development Strategy**, in view of slum prevention and sustainable urbanisation, including provision of dedicated areas for income-generation activities for small businesses. *(RSG, with Cities Alliance and UN-HABITAT)*
6. Undertake **participatory social and settlement mapping**, including **enumeration**, followed by a feasibility study to determine how waterfront settlement can be upgraded; pursue consultation and participation of all stakeholders in the areas, for example the Abonnema Wharf Community House Owners Association, traders association, government agencies, etc. *(RSG, with support from WEP, SERAC and/or other organizations that have this type of experience)*
7. Verify, through a study, to what extent the Rivers State Physical Planning and Development Law of 2003 actually applies to the waterfronts, and **which parts of them fall under the jurisdiction of the National Inland Waterways Authority (NIWA)** that has the right to all land within the right-of-way of such waterways. According to the National Inland Waterways Act of 1997 no person including a State has the right to erect permanent structures; reclaim land; undertake acquisition or lease/hire of properties within the right-of-way without the written consent, approval or permission of the Authority. The Authority has exclusive right to acquire, develop and use any landed

property. It is important to establish to what degree these provisions affect the RSG's authority over any improvement intervention in the waterfront settlements with a view of ensuring these are authorised by Federal Government. *(RSG, with Federal Government/NIWA and affected waterfront communities)*

8. **Implement pilot projects for *in situ* upgrading and rehabilitation of Abonnema Wharf and Njemanze waterfronts** to test and demonstrate an alternative approach to urban renewal that is not based on demolition and redevelopment. These two settlements are located within the 2 km radius around the Silverbird project site, where – according to the MoU - urban renewal is required. Since the MoU does not specify which form of urban renewal should be chosen, it gives the RSG the opportunity to implement *in situ* upgrading. **Engage Silverbird Group Ltd. as lead private sector partner** in this human settlement upgrading exercise. This is to be premised on Silverbird's corporate social responsibility that the company expresses in its commitment to the attainment of the 'African Dream' embodied by the values of NEPAD.⁴ The RSG and Silverbird have the unique opportunity to **create a global model for inclusive, pro-poor public-private partnership-driven slum upgrading**. A large-scale entertainment project that is built within a participating, supportive community rather than on the rubble of the homes and livelihoods of over a hundred thousand people can create a win-win situation for all stakeholders. *In situ* vertical densification should be explored as a possibility to create open space for recreation while improving the living conditions of existing communities. Other important private companies like Sigmund and Shell (oil business) should be invited by the RSG to contribute to this urban renewal drive by providing basic services, such as water supply and access roads. *(RSG, Silverbird – explore possibility of technical collaboration with UN-HABITAT)*
9. Create the “**safe neighbourhood buffer zone**” required by the Silverbird MoU. Develop, through a comprehensive, community-based **crime prevention strategy**, with community policing and other innovative instruments. Expand this approach to all waterfront settlements. *(RSG - explore possibility of collaboration with Safer Cities Programme – UN-HABITAT)*
10. **Establish rotating funds for housing improvement loans** to be given to waterfront and other low-income landlords and structure owners. *(RSG - explore possibility of collaboration with UN-HABITAT – Experimental Reimbursable Seeding Operation-ERSO)*
11. Provide **affordable housing and resettlement** options for those who have to make way for essential infrastructure provision of upgraded settlements through reinforcing and accelerating the implementation of the **Government Housing Programme**. *(RSG)*
12. **Facilitate “legal development”** through review and simplification of the legal and regulatory framework for access to land and housing. This should include the building regulations, land tenure (easier access to Certificate of Occupancy and phasing out of Temporary Occupation Licenses); and the application and approval process for development/building permits. *(RSG)*

⁴ *Silverbird in Kenya, Ghana and Zambia*, Release by Silverbird,
<http://www.silverbirdgroup.com/press-release-silverbird-expands-into-kenya-ghana-and-zambia>

13. Create **awareness and build capacity on housing rights** among different stakeholders, including Government, NGOs, CBOs, and waterfront residents. (*RSG, with United Nations Housing Rights Programme-UNHRP, SERAC, WEP, COHRE, NUTN and other partners*)
14. (If still necessary,) develop an **Action Plan for prevention of forced evictions** through a multi-stakeholder approach, following the ongoing Abuja example. (*RSG, with Institute for Housing and Urban Development Studies-IHS / Cordaid, UN-HABITAT*)
15. Develop **due process guidelines** on how to carry out evictions in inevitable and justified cases, based on the provisions of the 2003 Law, and in line with General Comment 7 on the International Covenant on Economic, Social and Cultural Rights (ICESCR) as well as the “Basic principles and guidelines on development-based evictions and displacement” prepared by the Special Rapporteur on Adequate Housing. These guidelines should be based on the premise that no demolition/eviction must be carried out without prior court order, which will safeguard the rights of the affected residents. This will also ensure all members of the affected community are equally informed. (*RSG, with Advisory Group on Forced Eviction-AGFE / UN-HABITAT, and possibly current Special Rapporteur*)
16. Establish a **local urban observatory** (LUO) for regular collection and analysis of human settlements data. (*RSG, with UN-HABITAT’s Global Urban Observatory-GUO*)
17. Enhance **institutional capacity of locally-based NGOs and community groups** to enable them to play a more pro-active role in popular awareness campaigns, on environmental sustainability and on participatory urban planning, amongst other important urban development themes. (*Various national and international actors*)
18. Ensure appropriate linkage of all the above actions with the **Master Plan for Greater Port Harcourt**. (*RSG*)

III. UN-HABITAT Response to the RSG's Request for Technical Assistance

In response to the request by the Sole Administrator of the new Greater Port Harcourt City Development Authority, UN-HABITAT offers its technical assistance for the implementation of the new Development Plan for Greater Port Harcourt. As requested, this would include:

- i) Technical assistance to set up the new Greater Port Harcourt City Development Authority and due process procedure;
- ii) Technical assistance to structure the projects/transactions and negotiate same with interested private parties;
- iii) Assistance in resource mobilisation, funding/co-financing of projects. The collaboration could further include joint resource mobilisation through, for example, Cities Alliance, and other potential partners that are involved in slum upgrading and slum prevention, as well as other activities, as outlined in the recommendations above; and,
- iv) Capacity building of staff of the Authority, including training, on-the-job assistance, institutional strengthening, etc.

However, as emphasised in the Habitat Agenda and already stressed by Habitat Programme Manager Prof. Falade on 23 February 2009, UN-HABITAT cannot engage in such bold and needed programme assistance while forced evictions and demolitions are being carried out by the RSG.

Since the main finding of this Mission is that the petitions and reports received prior to the Mission have been substantively verified and complaints against discretionary demolitions are essentially true, the moratorium on forced evictions is a prerequisite to create the sine-qua-non conditions to boost fruitful and meaningful cooperation between UN-HABITAT and the RSG in laying the foundation for a sustainable and inclusive Garden City.

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V. Acronyms

AGFE	-	Advisory Group on Forced Evictions to the Executive Director of UN-HABITAT
C of O	-	Certificate of Occupancy
CAP	-	Chapter of Law
CESCR	-	Committee on Economic, Social and Cultural Rights
COHRE	-	Centre on Forced Eviction and Housing Rights
EIA	-	Environmental Impact Assessment
ERSO	-	Experimental Reimbursable Seeding Operation
GRA	-	Government Reservation Area
GUO	-	Global Urban Observatory
HAPSO	-	Habitat Programme Support Office
HAPSO	-	Habitat Programme Support Office
HIC	-	Habitat International Coalition
HLRN	-	Housing and Land Rights Network
IAI	-	International Alliance of Inhabitants
LUO	-	Local Urban Observatory
MDG	-	Millennium Development Goals
MDGs	-	Millennium Development Goals
MoU	-	Memorandum of Understanding
NEPAD	-	New Partnership for African Development
NGN	-	Nigerian Naira
NGOs	-	Non-Governmental Organizations
NIWA	-	National Inland Waterways Authority
NUTN	-	National Union of Tenants of Nigeria
RSG	-	Rivers State Government
SERAC	-	Social and Economic Rights Action Center
SPDC	-	Shell Petroleum Development Company
TOL	-	Temporary Occupation License
TOL	-	Temporary Occupation Licenses
TV	-	Television
UN	-	United Nations
UN-HABITAT-	-	United Nations Human Settlements Programme
UNICEF	-	United Nations Children Fund
USD	-	United States Dollar
WDMC	-	Waterfronts Development Monitoring Committee

VI. Contact information

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