

AGFE MISSION

Advisory Group on Forced Evictions to the Executive Director of UN-HABITAT

City/country	Port Harcourt, Nigeria
Mission dates	12-16 March 2009
Head of mission	Johnson Falade (Habitat Programme Manager, Nigeria)
AGFE Members participating in the mission	This was a UN-HABITAT-led multi-stakeholder fact-finding mission. Initially, AGFE Member Malick Gaye was supposed to be head of mission, supported by Mike Davis (AGFE Pool of Technical Experts, Zimbabwe) but due to a difficult security situation, the mission had to take place at a time when he was not available.
Other mission participants/ organisations	<ul style="list-style-type: none"> • Rasmus Precht (AGFE Secretariat / UN-HABITAT) • 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) • Priscilla Achakpa (Executive Director, Women Environmental Programme-WEP, Abuja, Nigeria)
Request for mission received from	<ul style="list-style-type: none"> • Rivers State Government approached UN-HABITAT programme manager and addressed a request for a mission to advise on problems of informal settlements in Port Harcourt. • National Union of Tenants of Nigeria (NUTN), with an elaborated justification and argumentation for a mission of AGFE and UN-HABITAT, addressed to the Executive Director of UN-HABITAT, dated from 1 December 2008.
Local context / eviction parameters	<p>The Rivers State government as well as the city government of Port Harcourt embarked into a large scale urban renewal programme aiming at the overall improvement of the city, with a particular emphasis on its functioning and the waterfront areas. The plan envisaged large scale investment in the service sector and the redevelopment of the waterfront.</p> <p>The construction of large private entertainment complex (Silverbird) under public-private-partnership implied demolitions and relocation of residents;</p> <p>The waterfront redevelopment implied large-scale demolition of informal settlements herein located, with the consequent relocation and eviction of its inhabitants, the majority tenants. Reports from the NUTN indicated large scale evictions and serious violations of housing rights, quite alarming numbers, difficult to be verified. NUTN sent out reports saying that tenants were being evicted summarily from their homes without proper prior notification and compensation. Outcry from the international human rights community revealed huge numbers of people being evicted, conflicting numbers, urging UN-HABITAT to engage and stop government from pursuing this demolition policy. Petitions, zero evictions campaigns, social mobilisation, according to reports received, did not result in stopping the government to pursue its slum clearance policy.</p>
Main Findings	<ul style="list-style-type: none"> • The mission verified the reported forced evictions through site visits and interviews with key stakeholders. • There is no relocation policy to provide housing and livelihood alternatives and thousands of people have been rendered homeless • It is estimated that the urban renewal programme will destroy the homes of 300,000 residents. • The Rivers State Government's approach to urban renewal is based on arbitrary application of existing planning legislation, primarily serving private business interests at the expense of urban poor communities. • The demolitions carried out by the State Government do not comply with the legal and institutional framework provided by existing physical Planning and

	<p>development law.</p> <ul style="list-style-type: none"> • The Government does not have any guidelines on how to carry out evictions. • Compensation is only paid to landlords and not to tenants. No support mechanisms are in place for tenants. • The State Government ignored orders by the Federal High Court to halt the demolitions while court cases initiated by affected residents were pending. • Prior to the evictions, there has been lack of transparency and participation/consultation. The State Government has refused to consider alternatives to demolition/redevelopment. • The evictions have been carried out in violation of international guidelines, often using force. • The mission tried to engage the State Government in a discussion on a more sustainable and human rights-based approach to urban renewal. This proved to be difficult due to the Government's position that their approach followed due process.
Recommendations	<ol style="list-style-type: none"> 1. Declare an immediate moratorium on demolitions and forced evictions which should have effect until the following recommendations are implemented. 2. Call for inclusive multi-stakeholder consultation to discuss city development strategy with the aim of setting up a task force and advisory council on the further steps of the urban renewal strategy. 3. Adequately compensate all those forcefully evicted from their homes since the beginning of urban renewal activities (2000), including tenants, and/or provide serviced resettlement site. 4. Carry out review of the institutional framework against existing legislation. Streamline the 2003 Rivers State Planning Law with the new Law for the creation of the Greater Port Harcourt City Development Authority (<i>with UN-HABITAT technical support</i>). 5. Establish the Urban Renewal Board, either at State level, or under the new Greater Port Harcourt City Development Authority. 6. Facilitate "legal development" through review and simplification of the legal and regulatory framework for access to land and housing (including building regulations, land tenure and the application and approval process for development/building permits). 7. 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 (<i>with Cities Alliance and UN-HABITAT</i>). 8. Undertake participatory social and settlement mapping, including enumeration, followed by a feasibility study to determine which waterfront settlement can be upgraded and those that need to be relocated; pursue consultation and participation of all stakeholders in the areas. 9. Upgrade waterfronts around the Silverbird site as pilot projects for urban renewal. 10. Establish rotating funds for housing improvement loans to be given to waterfront and other low-income landlords and structure owners (<i>with UN-HABITAT-ERSO</i>). 11. Engage Silverbird Group Ltd. as lead private sector partner in this slum upgrading exercise. 12. Create the "safe neighbourhood buffer zone" required by the Silverbird MoU, developed through a comprehensive, community-based crime prevention strategy, with community policing and other innovative instruments. Expand this approach to all waterfront settlements (<i>explore possibility of collaboration with Safer Cities Programme – UN-HABITAT</i>). 13. Provide affordable housing and resettlement options for those who have to make way for infrastructure provision of upgraded settlements through reinforcing and accelerating the implementation of the Government Housing Programme. 14. Develop due process guidelines on how to carry out evictions in inevitable and justified cases, based on the provisions of existing law, and in line with

	<p>international housing rights legislation.</p> <p>15. Ensure appropriate linkage of all the above actions with the Master Plan for Greater Port Harcourt.</p>
Outcomes and follow-up Activities	<ul style="list-style-type: none"> • Prior to the mission, the Rivers State Government had requested UN-HABITAT for technical assistance for the implementation of the new Development Plan for Greater Port Harcourt. This would have included: 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) funding/co-financing of projects; and (iv) capacity building for staff. • UN-HABITAT, in the concluding part of the mission report, responded to the State Government that it cannot approve forced eviction. Therefore, the moratorium on forced evictions is a prerequisite for cooperation between UN-HABITAT and the Rivers State Government in laying the foundation for a sustainable Port Harcourt. • The mission report was sent to the Governor on 26 August 2009, accompanied by a letter from HPM Falade. • No response has been received to date. • Since then, the Government has accelerated its eviction drive and repeatedly announced that all unplanned settlements will be demolished and re-developed. • Since the mission report was received by the State Government, at least two large “waterfronts” have been demolished.

SCHEDULE OF MEETINGS

DATE	TIME	ACTIVITY	VENUE
Thu, 12 March	08.40	Air travel to Port Harcourt	
	09.30	Arrival of mission at Port Harcourt Airport	
	10.00	Meeting with Dame Aleruchin Cookey-Gam, Deputy Chairperson of the Economic Advisory Council of the Government of Rivers State (Sole Administrator of the Greater Port Harcourt City Development Authority) and visit to site of new town, proposed in the new Master Plan	Airport Arrivals Lounge; new town development site
	13.00	Meeting with His Excellency the Deputy Governor of Rivers State and his team of Commissioners	Government House
	15.00	Visits to areas recently demolished, including Government Residential Areas (GRAs), guided by Deputy Governor and team, including government housing estate in Iriebe	
	19.00	Dinner with Deputy Governor and his team	Novotel
	21.00	Mission Team daily wrap-up meeting	
Fri, 13 March	08.00	Breakfast and Mission Team preparatory meeting	Novotel
	10.00	Meeting with Mr. Enwefah, Secretary-General of National Union of Tenants (NUTN)	
	13.00	Transfer to Vhelbberg Imperial Hotel	
	14.00	Visits to areas marked for demolition and recently demolished, guided by Mr. Enwefah, Secretary-General of National Union of Tenants (NUTN)	
	16.00	Meeting with Abonnema Wharf Community House Owners Association and other community members	Abonnema Wharf Road
	19.00	Work dinner with Mr. Enwefah, Secretary-General, and members of the National Union of Tenants (NUTN) recently evicted from Abonnema Wharf Road	Vhelbberg Imperial Hotel
	21.30	Mission Team daily wrap-up meeting	
Sat, 14 March	09.00	Breakfast and meeting with Mr. Tete Inameti, South-South Zonal Town Planning Officer	Vhelbberg Imperial Hotel
	10.00	Mission Team meeting on report outline and division of individual tasks	

	11.00	Stock taking of documents/evidence and meetings held thus far	
	12.00	Sighting of new Master Plan (unreleased draft) and other documents made available by State Government	
	13.00	<i>Lunch</i>	<i>Along the way to site visit</i>
	13.30	Visit to Abonnema Wharf Waterfront, interviews with landlords and tenants, guided by Mr. Enwefah, Secretary-General of National Union of Tenants (NUTN). Including meeting with Honourable K. A. George, Immediate Past Chairman, Abonnema Wharf Waterfront Community Development Committee	Abonnema Wharf Waterfront
	18.00	Sighting of new Master Plan (unreleased draft) and other documents made available by State Government	Vhelbherg Imperial Hotel
	19.00	Meeting with Mr. Enwefah, Secretary-General of National Union of Tenants (NUTN)	
	20.00	Mission Team daily wrap-up meeting	
Sun, 15 March	08.30	Breakfast and Mission Team preparatory meeting	Vhelbherg Imperial Hotel
	09.30	Meeting with Chris Newsom, Stakeholder Democracy Network (SDN)	
	13.00	<i>Lunch</i>	
	13.30	Meeting with Moses Bereiweriso, CED, GEO-MOB Social Response Centre	
	15.00	Report writing	
	17.00	Meeting with Ledum Mitee, President, Movement for the Survival of the Ogoni People (MOSOP)	
	18.30	Meeting with Mr. Enwefah, Secretary-General of National Union of Tenants (NUTN)	
	21.00	Dinner and Mission Team daily wrap-up meeting	
Mon, 16 March	07.00	Breakfast and Mission Team preparatory meeting	Vhelbherg Imperial Hotel
	08.00	Meeting with Jim Tom-George, Secretary of the Abonnema Wharf Community House Owners Association	
	11.00	Meeting with His Excellency the Deputy Governor of Rivers State and his team of Commissioners	Government House
	14.00	Meeting with Commissioner for Urban Planning	State Secretariat Complex
	16.00	<i>Lunch</i>	<i>Along the way to Royal Palace</i>
	17.00	Meeting with His Royal Majesty, King Sir Dr. Frank A. Eke, Eze Gbakagbaka of Ikwerre Land, and Honorary President of the National Union of Tenants (NUTN) and Mr. Enwefah, Secretary-General	Royal Palace
	20.00	Dinner and Mission Team daily wrap-up meeting	Vhelbherg Imperial Hotel
Tue, 17 March	06.30	Drive to Port Harcourt International Airport	
	09.00	Departure of Mission Team	