

PROPOSED ALTERNATIVES **TO WATERFRONTS DEMOLITION**

PRESENTED BY

ABONNEMA WHARF COMMUNITY
House Owners Association

PORT HARCOURT, RIVERS STATE
25TH FEBRUARY 2009

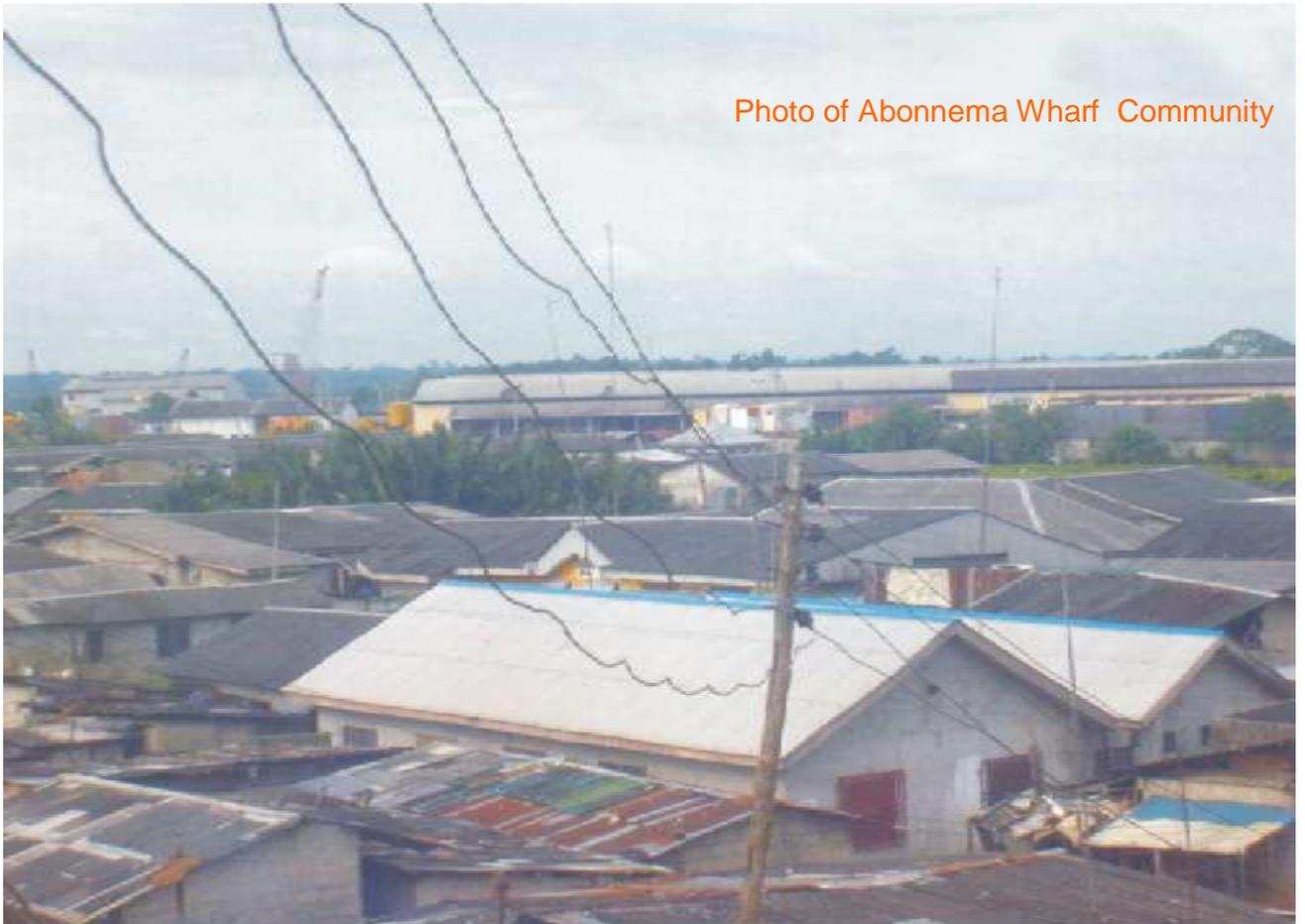


Photo of Abonnema Wharf Community

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This Proposal is presented:

Recalling the letters dated 10th February 2008 and a consequent meeting between the house owners of Abonnema Wharf Community and the Special Adviser to the State Governor on Waterfronts Development, wherein the people of Abonnema Wharf were informed of the State Government's decision to demolish all the waterfront settlements in Port Harcourt including Abonnema Wharf Community, being one of the waterfronts;

Concerned that the waterfront settlements in Port Harcourt, which include the Abonnema Wharf Community, occupies an insignificant proportion of the land area in Port Harcourt, but provide homes to about 900,000 persons or upto one-third of the total population of Port Harcourt,; an absolute majority which residents are riverine people whose trades are dependent on accommodation close to the river;

Conscious that the residents of the waterfronts in Port Harcourt, including the people of Abonnema Wharf Community, belong to the most underprivileged class of the society and are mostly fishermen, boat repairers and waterway transporters whose incomes are meager and cannot afford or secure alternative accommodation taking into account the acute shortage of housing and the consequent high cost of rentals in Port Harcourt;

Noting further that, although the intendment of demolishing of the waterfronts is said to be for development, the people of Abonnema Wharf Community welcomes and identify with any project that has to do with development, but the approach to such development must be humane and compatible with the due process and carried out compliant to the contemporary national and global policies and legislations on human settlements;

Aware that, although, the Millennium Development Goals advocates for City-Without-Slums, the overriding objective of the campaign is to improve the living conditions of the slums dwellers, through participatory slum development approach that involves the slum dwellers themselves, especially the house owners, in the planning and implementation processes, the overall aim of which is to ensure that none is rendered homeless.

Mindful that demolitions, as recognized by the UN Conference on Human Settlements are not an automatic measure for slum development, but can occur in very exceptional circumstances after all feasible alternatives had been explored, and that unless such circumstances exist and there are no feasible alternatives can a demolition take place.

And Realizing that the state government has not explored any feasible alternatives to the waterfronts development, we the house owners hereby submit the following blueprint, as the proposed alternatives to waterfronts demolition in Port Harcourt:

BACKGROUND

This blueprint is for proposed alternative to waterfront demolition and presented by Abonnema Wharf Community House Owners Association consequent to the state government's plan to demolish all waterfronts in Port Harcourt for development. The proposal is prepared based on contemporary national and global policies and legislations and represents the popular opinion of the entire residents of Abonnema Wharf.

The blueprint is presented in three segments namely Parts A, B and C. The first part of the blueprint, which highlights the origin of waterfronts in Port Harcourt, acknowledged Rivers State in terms of the vast economic resources bestowed upon it by nature. It describes how these resources have resulted in the rapid urbanization of the capital city without the accompanying social infrastructure such as shelter and employment, and the extent to which this deficiency has expanded the poverty level and manifested in slums.

The second and the third parts of the blueprint, which sets out the feasible alternatives to slums upgrading, condemns demolition method and sets out contemporary approaches namely Participatory development, poverty eradication and rural urbanization Approach. It made references to several authorities setting out these approaches.

PART A – ORIGIN OF WATERFRONTS

Abonnema Wharf Community, referred to as one of the slums, includes the waterfront planned to be evicted and demolished. By the waterway known as Bonny Rivers or *Primrose creek* to the main land of Port Harcourt belongs to the *Kalabaris and Okrikas, Ijaws* and, are neither in the Port Harcourt master plan nor part of Port Harcourt main city, but were mangrove swamps land and creeks are developed to a community status reading from before 1913 by the inhabitants with our hard earn income.

The *rivers Ijaws* we do not have land but the rivers. We are not farmers unlike Ikwerre Ibos, Ahoada and Ogonis but a typical fishermen and fish traders and boat builders, whose culture, social and economic livelihood dependents on the high sea and creek. As such the rivers, creeks and swamps are what we reclaimed and or sandfill and built for our homes, fishing pond fish trading zone and waterways transport to other parts of our communities and neighbouring sister communities. And require house that is close to the river or sea. That is our identity as Ijaw people and the source of our livelihood.

As the ever increasing inflow of people to the state, Port Harcourt, the Capital City remains the final destination of the settlers. This is due to the predominant concentration of economic activities in Port Harcourt being the only city in the State. This Urban population growth has left the city of Port Harcourt with the challenge of providing the housing need of the inhabitants which are not provided by the government and led to hosting the people in our waterfront community (which today called slum) remains the final destination also to which led to the manifestation of slum as a housing option for the Urban populace.

In addition to the housing challenge, the Port Harcourt population growth has invoked upon the city a further challenge of providing the employment need of the populace and has resulted in small-scale businesses as job options for the unemployed, especially the youth. These self-employment options, which commonly found in the waterfronts, account for up to twenty percent of the total workforce in Port Harcourt and has reduced youth involvement in crimes on the part of the male youth; and prostitution on the part of the females. The overall positive effect of this, rested on the reduction in poverty/hunger, HIV/AIDS and child mortality, being the central objective of the Millennium Development Goals (MDG), especially Target 1

PART B – WATERFRONTS DEVELOPMENT

Approach by Government

On 10th February 2009, Rivers State Government began what it termed an enumeration of houses in Abonnema Wharf and, through the Special Adviser on Waterfronts Development, empowered a consultant to carry out the exercise. The intendment of the exercise, as disclosed by the Special Adviser, was to evict the residents and demolish the area with the other waterfront parts of Port Harcourt in favour of structural development.

1. Overview of the Approach

Evictions and demolitions are often used as a compound word and termed “*forced evictions*” if they are carried out against the principles of procedural protections and due process. The term is defined as permanent or temporary removal of individuals, families or communities from their homes or land against their will without the provision of appropriate forms of legal or other protection. This protection includes genuine consultation, proper and reasonable notice and adequate compensation and/or relocation.

2. Implications of the Approach

The practice of forced evictions, according to *Resolution 1993/77* of the United Nations Commission on Human Rights, is deemed illegal and a gross violation of human rights and is prohibited except in rare circumstances. The circumstances, under which forced evictions are permissible, include evictions carried out in execution of court order or in protection of lives in times of armed conflict, communal land dispute or outbreak of epidemics.

In developing countries, Africa in particular, evictions and demolitions are often carried out by political leaders to entrench privileges and exploitations against their political/communal opponents and for personal enrichment as well as other corrupt and evil motives.

PART C – ALTERNATIVES TO DEMOLITIONS

1. PARTICIPATORY APPROACH

Slums, under which the waterfronts are categorized, are a global phenomenon and exist all over the world including Britain and America. They are recognized as an informal part of cities and places occupied by the underprivileged persons. According to the UN-HABITAT in its *2006/2007 State of the World's Cities Report (SWCR)*, poverty and wealth often co-exist within cities and with the formal cities, being sited alongside the slums.

The former United Nations Secretary-General Koffi Annan made it clear that slums exist even in rich countries and are located in defined places. He emphasized that evictions and demolitions were not the answer to this challenge, but a participatory upgrading approach that involves the slum dwellers themselves in the planning and implementation processes.

This, he said must be carried out with respect for human rights and in accordance with international law (see *2005 World Habitat Day Message*). This issue came into focus at the 3rd World Urban Forum where the need for participatory development was further made clear and emphasized on.

(1) Objectives of the Approach

The 3rd World Urban Forum's (WUF3) Report acknowledged that cities are the destinations of people escaping poverty or human right violation or simply those looking for ways to build up better lives for themselves. It further acknowledged that today, one out of every three urban dwellers live in slums and that this number is expected to double 2050. It is pursuant to this that a campaign for City-without-Slum was launched by world leaders to tackle the challenge of slums in the present millennium. The aim of the campaign was not to expel the slum dwellers from their communities, but to improve their living conditions to an equal level with those living in the formal cities, that is to say—improving the living conditions of slum dwellers (see *MDG Goal 7 Target 11*).

The world body is particularly careful to ensure that slum mitigation is not misunderstood to mean destruction of slums or evicting the slum dwellers hence, the United Nations Human Settlements Programme (UN-HABITAT) came up with Guide to Monitoring the Implementation of MDG Target 11 (*Improving the lives of Slum Dwellers*). Slum dwellers lives cannot be improved by expelling them from their homes, but by providing them decent housing, better roads, good schools, constant electricity, safe drinking water, healthcare delivery and markets etcetera.

In setting out this global target, the role of housing as the second most basic need of man was considered hence, a participatory development approach was recognized and is to ensure that no one is rendered homeless. The overall goal

of the approach hinged on promoting the right to adequate housing set out in the Global Strategy for Shelter adopted by the United Nations General Assembly in its *Resolution 43/181*, which placed obligation upon government to improve houses instead of destroying them. The approach also seeks to protect the right to housing contained in section III(8) and Cap II(A.3) of the International Declaration on Human Settlements which sets out that government policies shall not be used to dispossess people from their homes or land or to entrench privileges or exploitation.

(2) Overview of the Approach

Slums, as earlier stated, are poverty trait and cannot be mitigated by evictions and demolitions, as such approach enhances poverty. The most commonly acceptable approach, being Participatory Slum Development, entails integrating the slum dwellers in the planning implementation processes.

Although, the characteristics of the waterfronts, as portrayed by government, makes it seem as if evictions and demolitions were the only option, but this cannot be achieved— taking into account the impact on the social and economic life of the inhabitants. The overall outcome of this option rests on homelessness and unemployment with the consequent adverse effect on children's education and the physical, mental and moral health of families who would be exposed to depressed living conditions, hunger and hardship.

(3) Proposed Strategy

Where, however, the development of waterfront is deemed inevitable, the need to adopt participatory development option could be considered as an alternative to evictions and demolitions, and to pursue it through an approach that entails adopting the following strategies:

(1) Drawing up comprehensive blueprints for waterfronts development and incorporating into such blueprints the pattern for housing construction, which must be tailored towards placing an obligation upon the landlords to upgrade their structures to that pattern.

(2) Partnering with the private sector for the provision of neighborhood services such as schools, hospitals, markets and banks etc in the waterfronts; and ensuring that networks of such other infrastructure as roads, streets and drainages are provided by government.

(3) Through partnership with the financial institutions, make easy for the landlords the process of securing loans for their structural upgrading; and by way of compensation and adequate relocation, acquire any part of the waterfronts for the infrastructural provision.

(4) Setting up a Waterfronts Development Monitoring Committee (WDMC) comprising the representatives of waterfront communities and the state government, and placing upon such committee a duty to monitor compliant to the standard set for the development.

2. OTHER APPROACHES

(1) Poverty Reduction Approach

Although, the waterfronts development claimed to be contemplated by the state government is said to be a slum mitigation strategy, thought this is far from the truth; but it must be realized that this strategy cannot achieve its aim without “first” addressing the factors that accelerate the spread of slums. These factors, which include urban shelter deficit and gross unemployment, are poverty traits and form the policy nucleus of any meaningful government. Poverty, being a phenomenon that results in the challenges of almost all the other development phenomena, is itself a challenge that must be tackled “first” before those of the others. This, in effect, implies that the attainment of poverty reduction, being the first among the targets of the Millennium Development Goals (MDG), sets the pace for the attainment of nearly all the other targets including, in particular, the eleventh target, which seeks to improve the lives of slum dwellers. This strategy was recognized at the fiftieth Session of the United Nations General Assembly in its Resolution 55/2 dated 18th September 2000. We shall be pleased to submit a further proposal on this approach if request to do so.

For instance, slums cannot be eradicated from a city if a significant proportion of the population of such city is too poor to own or rent better houses in the city. This segment of the population often finds itself building or living in slums, owing to poverty and the frustration that follows. Similarly, destruction of slums in an effort to combat crimes in a city could be meaningless if the youths, who are prone to crimes, are handicap and too poor to provide meaningfully for themselves, as destruction of slums does not destroy the criminals or their criminal tendency.

In a similar vein, upgrading the physical structure of slums to a modern standard with network of social infrastructures such as ultra-modern housing units, health care delivery system and other basic amenities may achieve little or nothing in the lives of the slum dwellers if the slum dwellers are too poor to pay for these services. These amenities often suffer low patronage, frustration and sustainability problem unless provided at a minimum charge and maintained at government’s cost.

(2) Rural Urbanization Approach

A critical study of the 2006/2007 SWCR and the WUF3 Report referred to in this blueprint shows that urbanization and slums closely linked, as wealthy and well-serviced neighborhoods of cities are always found alongside slum areas at a close proximity. Although, it is true that urbanization and development are intimately compatible, a school of thought has it that the more a city is developed the more population it attracts and the more such a city increases in slums. This belief has calls for a policy of deliberate decentralization of development (D3), through which the population of a city are systematically transferred to rural communities thereby reducing the tendency of slums.

This policy entails provision of a network of social infrastructures such as decent housing, better roads, good educational system and above all, an enabling environment for employment creation in the rural communities. It is by this approach that the communities could be urbanized and the status of Rivers State as “one-city” state could be erased. This initiative brings into effect the decongestion of the state capital, as life becomes more inviting and welcoming in the rural areas. We shall be pleased to also submit a further proposal on this approach if requested to do.

This Blueprint is Dated this 23rd Day of February 2009 and submitted and signed by the following principal members of the Abonnema Wharf Community House Owners Association, Port Harcourt:

JIM TOM-GEORGE
Secretary-General
Tel: 08032081395

CHIEF AWOJINO J. NGLASS (Jnr)
President

TABLE OF REFERENCES/AUTHORITIES CITED

REFERENCES	AUTHORITIES
The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.	Article 14 of the African Charter on Human and Peoples Rights. See <i>the attached document</i>
Evictions and demolitions are not the answer to slum development, but a participator development approach that is carried out with respect for human rights	UN Secretary-General’s Message at the 2005 World Habitat Day. See <i>the attached document</i> . See also the Secretary-General’s Message at the 2006 World Habitat Day
Demolitions must be followed by immediate restitution, compensation and/or appropriate/sufficient alternative accommodation or land, consistent with the wishes or needs of persons or communities forcibly evicted and must be also followed by mutual/satisfary negotiations with the affected persons or groups.	Resolution No. 1993/41 of the UN Sub-Commission on the prevention of Discrimination and protection of Minorities adopted on 26 th August 1991. See <i>document attached</i> .
Nigeria Government had been warned against evictions and demolitions that are not consistent with procedural protections and due process.	Concluding Observations of the ESCR Committee on Nigeria dated 13/05/1998 Ref: E/C12/1/Add.23. See the attached document