

20 NOV. 2012

Recipients : SPB
.....
.....
.....No. 397 /2012

The Permanent Mission of the Federal Republic of Nigeria to the United Nations Office and other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to refer to the latter's letter of 25 July 2012 entitled "***Communication from Special Procedures: Allegation Letter AL Housing (2000-9) Poverty (1998-11) NGA 2/2012***" conveying a Joint Allegation from the Special Procedures of the Human Rights Council which is connected to the issue of alleged eviction and demolition of the Abonnema Wharf Community in Port-Harcourt, Rivers State, Nigeria.

The Mission wishes to convey verbatim, the response of the Government of Rivers State of Nigeria, as follows:

Abonnema Wharf is a slum of unplanned and haphazard settlement of about 2,000 residents along the Abonnema Wharf waterfront in the metropolis of Port Harcourt, the State Capital, in the Federal Republic of Nigeria. The entire area on which the settlement is situated belongs to the Rivers State Government as State land, and in respect of which the State granted temporary licenses to the residents for temporary use, pursuant to the provisions of the State Lands Law of Rivers State (Cap. 125, Laws of Rivers State of Nigeria, 1999). Under the State Lands (Temporary Occupation) Regulations, licenses for the temporary occupation of State lands in the State, for the construction of temporary structures, may be granted by government to any person for a limited duration, not exceeding twelve months; and the government may at any time post on the area a notice to the occupier to quit the whole or a part of the area on or before such date as may be specified in the notice.

The high incidence of violent crimes and security challenges which ravaged the waterfronts within the State Capital, including Abonnema Wharf, made it necessary for the Government of Rivers State to recover the area from their temporary occupants and to develop it for overriding public purpose. Following this decision, some of the residents voluntarily vacated the settlement, while a few of them, numbering only twelve persons – went to

Court (vide Suit No. PHC/2286/2009 – JIM GEORGE & 11 OTHERS. VS GOVERNOR OF RIVERS STATE & 3 OTHERS) to restrain the Government of Rivers State from carrying out the demolition, and indeed obtained an *ex parte* order of interim injunction to that effect. However, the vast majority of the residents in the area with whom Government of Rivers State has had meaningful consultations on the planned demolition and payment of compensation, had dissociated themselves from the suit against government, in order to ensure a hitch-free payment of compensation and relocation from the area.

Upon the conclusion of consultations and enumeration of the area, the Government of Rivers State duly paid the sum of **N2,114,573,428.00** (Two Billion, One Hundred and Fourteen Million, Five Hundred and Seven-Three Thousand, Four Hundred and Twenty-Eight naira) as compensation to the affected residents, following which the area was demolished after all the residents had voluntarily vacated it.

Owing to the desire of the Government of Rivers State to create a peaceful process for the planned demolition, government was not mindful of challenging the *ex parte* order of interim injunction obtained by the twelve litigants who went to Court in the civil suit referred to above. On the contrary, government was engaged in elaborate consultations with the residents whereby the interim injunction lasted for about eight months, as against the short duration of mere seven days permissible under the Laws in force in Nigeria, and within which the Government of Rivers State should have sought a vacation of the said order. For the avoidance of doubt, the provision of the relevant Law on the subject, namely, Order 39, Rule 3(3) of the High Court of Rivers State (Civil Procedure) Rules states that ***an order of injunction made upon an application ex-parte shall abate after 7 days.***


It was under these circumstances that the said *ex-parte* order was discharged on 2 July 2012 at the instance of the Government of Rivers State and after the payment of compensation to all deserving residents.

It was against the above background that the Abonnema Wharf settlement was demolished under a procedure which, in accordance with our Laws,

ensured the voluntary relocation of the residents to alternative residences of their choice in and around Port Harcourt, and after payment of compensation to them. In carrying out the demolition exercise and the payment of compensation to the affected residents as noted above, the Government of Rivers State took due cognisance of the status of Nigeria as a sovereign State committed to the universal democratic principles of Freedom, Equity and Justice. The Government of Rivers State also considered the fact that Nigeria is a signatory to major International Human Rights Instruments, amongst which are the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

Therefore, as far as the demolition of Abonnema Wharf settlement is concerned, the Government of Rivers State painstakingly followed the due process required by Law for the issuance of the relevant notices, consultations and payment of compensation to the residents; while the recovered area is being utilized by government for development purposes to serve overriding public interest.

The Government of Rivers State hopes that the clarifications furnished herein would correct the false allegations contained in the petition under reference, and should be noted and treated accordingly.

The Permanent Mission of the Federal Republic of Nigeria to the United Nations Office and other International Organisations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights (OHCHR), the assurances of its highest consideration. 

Geneva, 12 November 2012

Office of the High Commissioner for Human Rights,
Special Procedures Branch,
Palais des Nations,
CH-1211 Geneva 10.

