



HABITAT INTERNATIONAL COALITION

Housing and Land Rights Committee

"Back to the Future"

**Statement before the General Assembly Special Session Habitat II+5 Review
New York, 7 June 2001**

The Habitat II+5 review is an occasion to scrutinize both the progress made as well as the grave shortcomings in the implementation of the Istanbul Declaration and Habitat II Agenda. Even as we sit here in the UN General Assembly, we are deliberating about a larger world in which we are now witnessing the globalization of homelessness. Brutal force evictions continue unabated throughout the world, in spite of international recognition of the practice as a gross violation of human rights. There are 1.6 billion people living in poor housing conditions, 70% of whom are women. Between 30 and 70 million children live on our streets and 1.7 billion persons live without access to clean water, while 3.3 billion live without proper sanitation. We are witnessing a trend wherein governments increasingly abandon their authority and responsibility in the fulfillment of the human right to adequate housing to self-interested private actors and external forces.

Moreover, there is no progress for millions of peoples living under occupation and alien domination, where governments carry out regular assaults on the habitat of the indigenous peoples they seek to repress and eventually eliminate from coveted lands. Without respect for individual state obligations or effective international cooperation, states violate the right of return for millions of people living as refugees for decades and fail to implement refugees' right of return to their homes. Millions of other displaced persons suffer expulsion from their homes in the name of "development," in violation of the full range of their human rights. Women and children are the worst affected. No progress has been realized to deter the population transfer, implantation of alien settlers and settlements, and demographic manipulation in violation of human rights and humanitarian law. Indeed it is state behaviour that creates these living conditions that deprive the effected people of their human dignity, harm their health and threaten their very lives.

Let us not for a minute delude ourselves that this situation of homelessness is an issue only of the developing world and, therefore, the Habitat Agenda is only their concern. This phenomenon of exclusion and homelessness is increasingly evident in the "developed" world!

Clearly, this is a time not just for celebration, but for serious reflection; and this reflection is only possible when it is undertaken jointly by all parties involved in the agenda. In this context, the role of civil society in developing and implementing that agenda cannot be undermined without jeopardizing the entire effort. As recognized partners in the Habitat II Agenda's formulation and implementation, in view of what we are witnessing today, we feel it is our responsibility strongly to protest both the process and outcome of the present special session:

Degradation of civil society's role

The dilution of the role of NGOs and their exclusion from the drafting negotiations have far-reaching implications and sets a dangerous precedent that contradicts the goals and spirit of the United Nations, and contradicts the Secretary General's vigorous promotion of partnerships in the UN's work. Such exclusion also risks reversing all the gains made since 1994 with respect to the process and substance toward implementing the HABITAT Agenda. Civil society and nongovernmental organizations (NGOs) embody a resource of practical and community-based experience and independent analysis aimed at problem solving in this field of human settlements. We have been contributing to development and upholding human rights standards in the spirit and continuity of the social forces that have authored them—long before States codified those principles in international law.

The abandonment of human rights

The relevant human rights guidance and norms that have emerged also in this review period are equally vital to solving problems of housing and human settlements. For example, the jurisprudence of housing rights cases through the monitoring by the UN treaty bodies, as well as the findings of the other political and factual mechanisms of the UN human rights system, have clarified our understanding of housing rights issues at the global and country-specific levels. The State delegations gathered here deliberately have evaded these developments, categorically rejecting any acknowledgement of the human right to housing and other related standards that guide states in the field of human settlements. As articulated by Mme. Virginia Dandan, chair of the Committee on Economic, Social and Cultural Rights, at this session "this is a step backwards from the Habitat Agenda."

We understand that this regressive post-Istanbul trend has been championed by a very few states, including both those who are long-standing and new ratifying parties to the relevant human rights covenants, as well as at least one state that remains outside the relevant human rights treaties. In some cases, that rejection of guidelines on implementing the right to adequate housing and on forced evictions, apparently arising from impulses of state sovereignty, has come from States that have incorporated these norms into their own domestic laws. Unfortunately, contrary to the spirit of international cooperation toward the progressive realization of rights and despite covenanted commitments to the contrary, the rest of the states have joined the lowest common denominator of states and drafted a new, inferior standard.

We should be gathered here to recall the words of the Istanbul Declaration and Habitat II Agenda. The lack of progress in translating those words into action lies behind the two backward steps at this special session: exclusion of NGOs from effective deliberation and weakening the language of the principal conference document. As a result, the legitimacy of the Habitat II process and the present session is in question. The present declaration demonstrates a dangerous precedent in international cooperation: when states fail to live up to their stated principles, they degrade the language to obfuscate the contradiction.

With their stubborn refusal to acknowledge their own legal obligations, the States also have in effect dismissed the specific legal advice of two treaty bodies, the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, as well as the advice of the Commission on Human Rights' Special Rapporteur on the right to adequate housing, circulated to this assembly by the UN High Commissioner on Human Rights.

The antidemocratic and regressive trend within this meeting to foreclose non-governmental society input turns back the hands of time. This ideological position arises from a Government strategy to exclude civil society voices from the discourse on matters that touch people's daily lives, as is so clearly the case with economic, social and cultural rights.

As we have stated before, we members of civil society specialized in human settlements are as willing as any party to go through the necessary learning process that we hoped this gathering to be. We also find ourselves part of the process by which all of our countries have contributed their revolutions, antislavery movements, independence struggles, moral systems and social science to establishing the minimum norms that have formed our common human civilization. This special session, despite the values at stake, has chosen to exclude an essential partner from the future Habitat II implementation process. Since our position and concerns have not been reflected or respected in the text of this Declaration, it is not possible for us to endorse it or consider it seriously.

What became apparent in the PrepComs leading up to this meeting has proved true: that this process has failed both the tests of a fair assessment and an inclusive process. Without these two complementary elements, the future implementation of the Habitat II Agenda is impossible. The New York Declaration, as it stands, is evidence of a failure to live up to the noble standards we jointly set for ourselves five years ago. The urgent imperative is not to issue a new and weaker UN document, but to summon the requisite political will simply to go back to implementing the already-existing commitments, including the human right to adequate housing, for women, youth, elderly, men and children across the world.

Endorsing organizations

Name	Country	Signer	E-mail
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Endorsing organizations

<i>Name of organization</i>	<i>Country</i>	<i>E-mail</i>
Habitat International Coalition	—	hichrc@ndf.vsnl.net.in
Unione Inquilini	Italy	
Droit au logement	France	
Haq Centre for Child Rights	India	
CAAP	Brazil	
Global Compliance Research	Canada	
Women & Habitat LAC Network	Argentina	
Tsungu Conservation & Development Programme		
ENDA	Senegal	
Land Research Center-Jerusalem	Palestine	
CLADEM	Peru	
GIYAV	Turkey	
Emel Kurma	Turkey	
Habitat Forum-Berlin	Germany	
Sonny Kusuma	Indonesia	
Nicky Nziolu	Kenya	
HIC-South Asia Program	India	
Forum Nacional de Reforma Urbana	Brazil	
Planning Department-Tibet	Tibet	
PhilRights	Philippines	
Mazingira Institute	Kenya	
Settlement Information Network-Africa (SINA)	Kenya	
Adalah-Legal Center for Arab Palestinian Minority in Israel	Israel	
CRDE	Jamaica	
Casa y Ciudad	Mexico	
Pastoral da Moradia	Brazil	
Cecilia Marengo	Argentina	
Maite Martinez	Spain	
Filipe Matias	Spain	
Dorcas Irangui	Kenya	
Palestinian Housing Rights Movement	Palestine	
Hubert Klempner	Venezuela	
HLRC-MENA	Egypt	