



HIC News

HABITAT INTERNATIONAL COALITION

Editorial

In September 1993 HIC made the commitment to actively participate in the Habitat II preparatory process, with the objectives to promote our proposals, to make the voices of the people heard, and to strengthen our coalition in alliance with the populations we support.

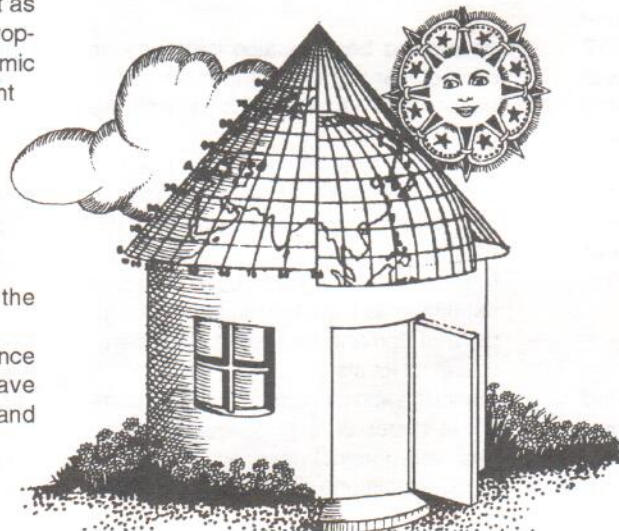
These have been difficult times in which to achieve those goals. We are confronted with fiercely dominating world trends promoted through the mass media and through the negotiations of our governments with the multilateral organizations which have universally and systematically imposed a limited and narrowly focused model of development on all peoples. The elements of this model which have been inflicted on our populations, with devastating effects, include: new forms of transnational domination further and further removed from the people (globalization); the transformation of all basic goods and services into commodities (free market as regulator of social relations); the expropriation of the small amount of economic surplus left to people after the fulfillment of their basic subsistence and of the traditional flavor and unique abilities still left in the hands of the poor (modernization); and the individualization of conflicts and solutions (ideological denial of the collective with the pretext of improved efficiency and with the effect of social disintegration).

The more than two years of resistance against these dominating trends have strengthened our position for Habitat II and beyond, reinforcing our conviction to:

- continue the intense struggle for the recognition, defense and full implementation of all the rights that revolve around the human habitat - the right to the city - and in particular of the right to housing.
- promote the profound democratization of urban and housing management. If the State is to be decentralized, we cannot accept that it decentralizes to the exclusive favor of the private market sector. Decentralization must be oriented towards the whole of society, expanding the spaces of institutionalized social participation to the greatest level of incidence in decision-making and control. And in no case should decentralization permit the abandonment by the State of its basic obligations towards greater social justice.
- confront the growing exclusion and expropriation of the majorities, promoting

the recognition and support of peoples' production and management of their habitat carried out under their direct initiative and control — through cooperatives, community associations, mutual aid groups, etc. — for their own use. The effective contribution of these forms of production to the improvement of the quality of life in our poor communities demands their close linkage with actions that strengthen their economy, and the broadening of spaces of freedom and creativity based on respect for plurality and social and cultural complexity.

- strengthen our coalition, from the local to the international level, and build strategic alliances with other social actors to contribute to the construction of a global force of the majorities, acting from the social base and the concrete places in which people live, in the continual struggle **for a city for all**.



Inside

- News from the Regions ● 2
- Women & Shelter ● 3 - 4
- Housing Finance ● 4
- Urban Land ● 5
- HIC Projects ● 6
- Habitat II ● 7 - 10
- Housing Rights ● 11 - 15
- Correspondence ● 16

Plus: look for the insert
*Housing for All: Challenges for
the world's governments*

Francophone Africa

The effects of an inadequate development model on African society

The HIC Francophone Africa focal point, ENDA-TM Rup of Senegal, prepared the document titled *Environmental Development Action in the Third World* as a contribution to discussions in preparation for Habitat II from the perspective of the communities in Francophone Africa. The following is based on excerpts from that document.

Western style construction methods which have gained ground in African settlements have seriously affected many life-enhancing characteristics of the traditional living situation. Both in big and small villages, homes made of concrete and cement with corrugated iron roofs are becoming more and more frequent. But cement is harder to maintain than mud and corrugated roofs must be complemented by a sub-ceiling as insulation.

But one should not restrict oneself to considering only the technical inappropriateness; the modern city which is being held up as the model for development brings with it a host of inconveniences and problems for African society, the effects of which are deep.

The modern African city has had a devastating effect on traditional values that were established in villages and gave roots to children, leading to a loss of cultural identity as well as the development of a lost youth exposed to all sorts of temptation. The village was a place of education; the current situation of rootlessness in youth derives from factors such as absence of grandparents, disappearance of a certain system of education that used to be given by every adult, parent and neighbor, and the disappearance of the tradi-

tional gradual mode of transition from the mother's arms to the outside world.

These factors demonstrate that the fact that housing and human settlement development must be undertaken within the framework of the particular communities affected and their socio-cultural, environmental and other conditions and characteristics. People live in their settlements, and thus their settlements must correspond to their particular living needs and customs and the ways the populations have developed over centuries to organize their society. These considerations underline the importance of the proper development of the National Plans of Action called for within Habitat II, because no Global Agenda can correctly dictate the standards and conditions of housing development for all communities. Furthermore, the situation in Francophone Africa described by ENDA-TM demonstrates that the market-based model of development which is emphasized throughout the Habitat Agenda simply can not fulfill the needs of the majority of communities in the region, and in the world, who do not organize their local societies around a model of consumption and other characteristics of the market ideology.

Contact: ENDA-TM Rup,
BP 3370 Dakar, Senegal
Tel: 221 22 09 42
Fax: 221 23 51 57
E-mail: rup@endadak.gn.apc.org



Europe



Dubai Statement: HIC Europe reviews "Best Practices"

The Dubai International Conference for Habitat II on *Best Practices in Improving the Living Environment* took place on 19-22 November 1995 and brought together over 600 delegates from governments, United Nations Agencies, international organizations, local authorities, NGOs, CBOs, professional associations and the private sector.

Twenty eight Best Practices documented for Habitat II were reviewed by HIC Europe; the following are some recommendations and follow-up actions:

- Call upon UNCHS (Habitat), in partnership with governments, other United Nations Agencies, associations representing local authorities, the private, public, non-governmental, professional

and voluntary sectors to explore mechanisms for compilation, systematic analysis and assessment of best practices as an integral part of the follow-up process beyond Habitat II, for the purpose of:

- a) developing best practice initiatives as sites of learning for sharing their experiences and knowledge base with the global community;
- b) using and disseminating best practice case studies as training, management and organizational development materials;
- c) further developing the best practices catalogue as a means of matching supply and demand for technical cooperation at all levels;
- d) compiling and disseminating an international roster of experience, expertise and knowledge based on those persons, institutions and organizations di-

rectly responsible for implementing the best practices;

- e) promoting the transfer and adaptation of environmentally sound, socially responsive, economically viable technologies, products and services;
- f) furthering the transfer and adaptation of practical solutions for capacity building, including staff exchange programmes, at the international, regional, national and local levels.

- Recommend the establishment and presentation of the Dubai Award for Best Practices in collaboration with UNCHS (Habitat).

Contact: HIC Europe, Habitat et Participation, Place du Levant 1, B-1348 Louvain-la-Neuve, Tel: 32 10 47 23 14, Fax: 32 10 47 30 43.
(Fragment from HIC European Newsletter, No. 8, 12/95)



**WOMEN IN HUMAN
SETTLEMENTS
DEVELOPMENT**

Women and Shelter: Report on the Beijing Conference

Beijing was an opportunity to fulfill one of the strategies identified by the HIC Women and Shelter network (HIC WAS): sensitize the public to the specific and separate needs of women within the area of housing and human settlements.

- A Joint Statement was prepared for distribution at the Conference by a Super-coalition of women's groups (WAS, ICW, GROOTS, and the UNCHS Women in Human Settlements Development Programme) (summarized in January 1996 issue of HIC News).
- A five-person delegation was sent to the Conference, financed by the UNCHS Women in Human Settlements Development Programme. The representatives of WAS participated in a wide range of activities, including the Caucus on Women and Habitat which took place with the participation of organizations from all parts of the world working in this area. Over the two weeks of the Conference very concrete proposals were set by the Caucus centering on the six main themes outlined in the Joint Statement. Other proposals were specified to facilitate involvement in the NGO Global Forum in Istanbul.
- A short sketch demonstrating the difficulties of a woman head-of-household served to attract a larger audience to support the inclusion of paragraphs 62(f) and 63(b) that were bracketted in the official Beijing document. This activity, as well as the construction of a house of cloth and signs referring to the theme of habitat, attracted large audiences and media attention.
- A panel for Habitat II was organized which included the Habitat II Secretary Dr. Wally N'Dow, the director of UNEP,

Elizabeth Dowdeswell, a delegate from the Kenyan government, Grace Myombe, and Tabitha Siwale, Susanna George and Clara Angel representing HIC WAS. The need to include women in housing planning and development of housing was emphasized.

Results achieved at the conference:

1. *Fostering the theme of Women and Shelter within the women's movement.* The Supercoalition worked well together and mobilized a large audience at the NGO Forum in Hairou. Many contacts were made and new members added to the coalition. The gaps left in the official document were made more evident to many and the need to ensure women's participation in preparation for Habitat II was clear.
2. *Impact on the final Conference document.* The objectives of HIC WAS in this respect were only partially fulfilled. Paragraph 62(f) was left with phrase 5 in parenthesis, which eliminates its strength and affects African and especially Muslim women. The second phrase, referring to women's rights to collective ownership of lands, was eliminated. However, the Alternative NGO Declaration included all these sections.
3. *Contacts and advances in the Habitat II preparatory process.* The meeting helped consolidate the work of the Supercoalition and to identify strategies necessary to optimize its participation in Habitat II. On a concrete level, contacts were made with women in organizations in Turkey who agreed to collaborate in the planning and organization of the NGO Global Forum in Istanbul.

Contact: Clara Angel, FEDEVIVIENDA Ave 40 15-69. AA 57059, Santa Fe de Bogota, Colombia, Tel: 571 288 0711, Fax: 571 245 0547

E-mail: hicwas@colnodo.apc.org (Based on the report "Informe Conferencia de Beijing" prepared by Clara Angel, WAS Secretary, 12 October 1995).

European Charter for Women in the City

The European Charter for Women in the City: Moving towards a Gender-Conscious City was drafted for use as a tool and an ongoing and open process which makes concrete proposals for action that can be implemented in order to promote more active civic involvement—for women in particular but men as well—in the areas of town and country planning.

The research and action which led to its drafting was subsidized in 1994 by the Unit on Equal Opportunities of the Commission of the European Union. The Charter is also meant to be a European contribution to the debate on citizenship and cities within the Habitat II Conference.

The essential components of the Charter are: an evaluation of the current situation; a 12-point declaration; an analysis of five priority topics (urban planning and sustainable development, safety, mobility, habitat and local facilities, and strategies); a computerized database of resource persons and bibliographical references; and finally, a list of positive actions (best practices) in the form of 66 files presenting a wide variety of initiatives by women in Europe and the countries of the South.

The Charter aims at a new philosophy in town planning. To achieve change, among other issues, obstacles must be removed which delay a woman's "Right to the City." An infusion of a sense of dynamic change must exist which will benefit all active participants in this new plurality, this new society. There are five priority themes outlined as main parameters: town planning and environment, mobility, urban safety, housing, and strategies.

The twelve-point Declaration marks the specific areas to be put into action. They are: active citizenship, decision making and parity in democracy, equal opportunities, participation, daily life, sustainable development, social safety and mobility, the right to housing and habitat, gender issues, education and local experimentation, the role of the media and transmitting experience, and networks.

The Charter is available in English or French from:

The European Commission
Equal Opportunities Unit,
Rue de la Loi, 200 B-1049
Brussels, Belgium
Fax: (32-2) 2963562.



"Gender relations in urban areas are reflected in the spatial and other aspects of the city. This has important implications for urban policy frameworks and the ways in which cities are planned and managed" (UNCHS - Habitat II).



Jamaica: Breaking through Gender Barriers in the Construction Business

Women's Construction Collective Ltd. is an organization in Kingston, Jamaica that was formed in 1983 to train unemployed young women in the building and construction industry. In May 1986 it became a not-for-profit company. The main objectives include building construction and maintenance skills in women, developing strategies to overcome obstacles encountered in a male-dominated field, promoting participation of women in the field and providing a regular support network through monthly meetings. The collective's activities include training at the local and regional level, a skill bank, job referral and placement, and training in repair and maintenance. Any woman working in the industry can apply to be a member of the collective. The Collective has succeeded in training 500 women and by doing so con-

tributing to a growing respect for tradeswomen among contractors and tradesmen. Contact: Mrs. Millicent Powell-Reid/Women's Construction Collective
11 Lady Musgrave Avenue
Kingston 10, Jamaica
Tel: (809) 978 3945 Fax: (809) 978 4062.



Articles Welcome for Magazine **WOMEN AND ENVIRONMENTS**

Women and Environments is an international magazine which analyzes relationships of women with different environments- including natural, physical, constructed and social- from a feminist perspective. The magazine was initiated at the first UN Conference for Human Settlements, Habitat I, in Vancouver in 1976. It serves as a forum for theoretical and academic investigation, professional practice and community experience. It is published by the Women Environments Education and Development (WEED) foundation. The members of WEED see the collective edition and production of the magazine as a commitment to social change. A special issue "From Beijing to Istanbul" is available.

For information or to send articles contact: Women and Environments, 736 Bathurst St., Toronto, Ontario Canada, M5S 2R4, Fax: 416 5316214.

Housing and Finance

South Africa's Approach

Current policy debate in South Africa centers on the idea that housing is a product or a commodity. For most South African poor, though, housing is a necessity of existence, a never-ending urgent daily process or activity. The difference in view is critical, especially considering that the producers of most housing are the poor. Current debate views appropriately-supported people-produced housing as substandard because it is not a commodity and thus is seen as part of the problem, not the solution.

The current race for development is an effort to deliver a product and disregards a) the process providing it, b) the truth of who benefits from the process, and c) whether the chosen process is effective and sustainable. The tendency to view development as delivery has the consequence of seeing any focus on process as complicated and time-consuming. The results of this thinking have been housing developments which turn into slums or end up in the hands of the rich. There are rare cases that have been successful and those tend to be ones where developmentalists supported the process through standing by the communities in their own efforts to develop housing.

The national NGO, People's Dialogue, strives to support the efforts of homeless

communities through the uTshani Fund, a low-cost housing finance programme affiliated to the Homeless People's Federation. The Fund provides small loans with lower interest rates than formal institutions, relying mostly on the organization, capacity and relational security of the homeless communities. The uTshani Fund is a sub-unit of People's Dialogue and is legally owned by the Southern African Catholic Development Association. The majority of voting members are to be drawn from the HPF but the Fund is jointly controlled by PD and HPF through its governing body. PD currently supports the operational costs of the Fund on a project-to-project basis with

the clear intention of having the Fund eventually become self-sufficient. The Fund sees housing as a process, is run on a not-for-profit basis and strives to 1) provide financing to homeless persons who would otherwise not have access to funds, 2) maximize the social benefits of adequate housing, and 3) promote financial self-sufficiency. The financing is only available to groups within the South African Homeless People's Federation. Contact:

People's Dialogue on Land and Shelter,
P.O. Box 34639, Groote Schuur 7937,
South Africa
Tel: (27-21) 47 4740
Fax: (27-21) 47 4741



Latin American Working Group on Urban Land

The following was selected from the March 1996 HIC-Latin America publication *Suelo Urbano* (Urban Land).

Global Conference on Access to Land New Delhi

The Global Conference towards Habitat II on Access to Land and Tenant Security took place in New Delhi from 17 to 19 January 1996. The event was co-organized by the Indian government and various organizations including the UN Center for Human Settlements and HIC. More than eighty representatives of national governments, local authorities, NGOs, CBOs, the private sector and the academic community participated in the event. The architect Carlos Escalante represented HIC and took the opportunity to present the document "People towards Habitat II." The Conference's objective was to prepare a unified platform on issues of land and tools necessary for the implementation of the Global Plan of Action for Habitat II. Urbanization policies were proposed to cover the international arena as well as that of each country.

Main Recommendations of the Conference:

- It is necessary to move the issue of land to the level of local government; the central government shall maintain and promote adequate national policies.

- Authorities shall guide and assist groups "illegally" occupying lands instead of imposing rules impossible to implement. The regularization of the tenancy should not be considered a prerequisite for providing or improving infrastructure or services.
- Participation by the people is essential in order for urban poor to enjoy decent housing. Everyone should have the possibility of making local decisions, independently from their situation as owners or "intruders". Gender equality and children's needs are to be taken into account.
- The private sector proper not only includes the business sector but also the communal private sector, such as cooperatives and the land owning sector. Private and public organizations working together within principles of equity can lead to a better land policy and should receive state support.
- Laws should be guided by a strategy that eases access to housing, emphasizing real needs and resource limitations. The procedures related to land and the regularization of tenancy must be modernized and simplified. Governments must create a favorable environment for financial institutions to improve their support mechanisms for the lowest income sectors.



For a copy of the magazine *Suelo Urbano* contact: Paul Maquet, Coronel Zegarra 426, Jesus Maria, Lima, Peru, Apdo Postal 3880 - Lima 1, Fax: 5114 712034



Document Received

Infrastructure for Sustainable Development

The Centre for Infrastructure Planning of the University of Stuttgart publishes the newsletter *Dialog, A journal for planning and building in the Third World*. Vol. 1, 1996 #48 publishes sixteen papers by graduates of the Stuttgart Infrastructure Planning Masters program, including: "Infrastructure Development in the Context of Need and Available Resources" by Delfa M. Uly, "Infrastructure Funding in the Private Sector for Sustainable Development" by Syed Amir Raza, "Private-Sector Participation in Infrastructure

Development" by Ronnie S. Navarro, "South Africa: Housing of the Poor" by Eberhard Knapp and "The Impact of Infrastructure Underdevelopment on Natural Resources" by Gedion Asfaw.

The journal is in English, with book reviews in German.

For subscriptions contact: Dialog, Gilsind Budnick, Morzartstr. 39, D-70810, Stuttgart, Germany. For single issues contact: Magazin-Verlag, Schwefelstrabe 6 D-24118 Kiel, Germany.

Government/Non-Government Cooperation in the Field of Human Settlements: An ongoing study

The Government/Non-Government Cooperation project is a joint effort between the Government of Holland and HIC to document and analyze examples of governmental and non-governmental organization interactions, processes and roles in human settlements development. Through this analysis, HIC seeks to contribute insights into NGO and CBO efforts, both qualitative and quantitative, towards combating urban poverty and, based on the outcome, to effectively disseminate the results and develop models for further productive governmental/non-governmental interaction.

Ongoing research that HIC has done from as far back as 1987 on housing experiences involving NGOs, social organizations and local or national governments has served as a strong foundation for the current study. The project has been implemented by the HIC regions, members and contacts including grassroots/community organizations, who conduct the research and prepare the studies based on their own experiences.

Fifty-five cases were identified by the HIC regional focal points and Secretariat in 1995 and catalogued in the DPH network (see article below). Of these, thirty-four cases were chosen for further analysis through interviews and meetings by the

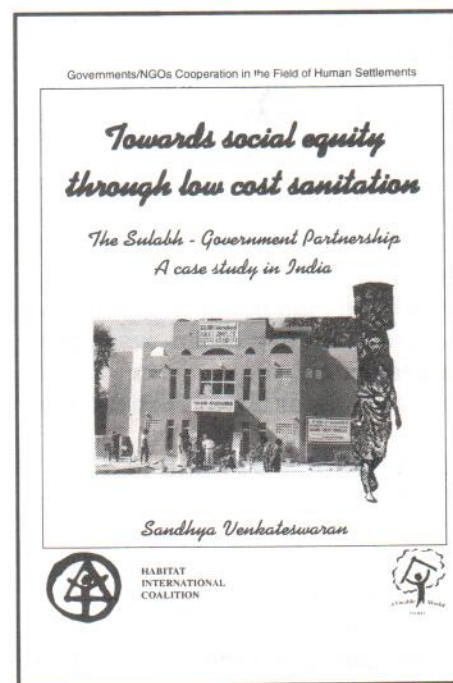
NGOs or social organizations who were themselves the source for the case material. Each focal point prepared a synthesis of the cases in their region focusing on observed issues. The results and recommendations are to be presented at the Habitat II Conference.

The cross-analysis of identified cases pointed out general trends which are interesting to note. In Africa, for example, the model for cooperation tended to begin with confrontation, which later led to negotiation and then complementarity between government and NGO. The pattern was different in Asia where the process sometimes involved collaboration, and other times was the result of pressure on the government that eventually led to dialogue with the NGO and the start of true progress on the issue at hand. But there are also cases where the NGO's work was started through government initiative, and in others NGOs replaced government by assuming its roles.

Latin America had cases where the government sub-contracted work to NGOs, others where work was co-managed and still others that had the confrontation/ negotiation/ interaction pattern. In cases from Mexico and the Dominican Republic, the social organization was the mediator between the government and the NGO. North America generally had cases where there was confrontation to start, then negotiations which led to developing a process of collaboration. Two NGOs, YUVA in India and Asamblea de Barrios in Mexico, used political means to pressure their govern-

ments. Overall, the methods used and the types of relationships between NGOs and governments tend to depend on whether adequate legal, financial and administrative instruments are in place.

The thirty-four case studies are now being finalized and reproduced and will be presented at a meeting to include the participation of local governments, NGOs and other actors scheduled to take place on 3 June 1996 in Istanbul. For specific cases or more information contact: Joel Audefroy, HIC Secretariat.



Dialogues and Documents for the Progress of Humanity (DPH)

In 1993 the HIC Secretariat entered an agreement with the Charles-Leopold Meyer Foundation (formerly the Foundation for the Progress of Humanity (FPH)) that opened access to an active data base using ISIS3. HIC in this way became part of the network Dialogues and Documents for

the Progress of Humanity (DPH), which has more than fifty members working in different fields related to the issues of development. DPH has become an effective way to identify innovative cases of urban development.

DPH was founded in 1986 within the context of a fundamental paradox: our society suffers equally of being under- and over-informed. People who are actively working in the development field know that it is difficult to find useful information with ease. Most data banks are accessible to students, professors, specialists or experts. DPH is based on the idea of easy access to an information bank of concrete case descriptions written by the actors themselves. Philosophically, it is a multilingual network of people and organizations anxious to exchange the best of their knowledge and experiences, grounded on

the principle of reciprocity. DPH uses ISIS, an information management system developed by UNESCO that is already widely used worldwide. UNESCO authorized FPH to distribute the system without cost for non-commercial purposes. To date, there are over 4000 cases on file in the data base covering a range of development issues such as agriculture, land, housing, evictions, etc. HIC currently employs the DPH network as a methodological tool within the design of different projects including HIC/LIFE; Government/NGO Cooperation; and the Campaign against Evictions. Recently the HIC Latin American network *Suelo Urbano* (Urban Land) began using the DPH ISIS3 data base. Members of HIC are all invited to become part of DPH and thus help to build a HIC collective memory of case information for all HIC Programs. Contact: Joël Audefroy, HIC Secretariat.

People towards HABITAT II



In Defense of the Right to Housing in Habitat II

ECOSOC Chair disputes U.S. arguments against the right to housing

The UN Committee on Economic, Social and Cultural Rights reviews state's compliance with the International Covenant on Economic, Social and Cultural Rights. Mr. Philip Alston, Chair of this Committee, is a world leader on ECOSOC rights. In a letter to the U.S. Assistant Secretary of State Mr. John Shattuck, Alston argues forcefully that the positions the U.S. took at the 15th Session of the UN Commission on Human Settlements against the existence of the right to housing are not valid and are inconsistent with international human rights law.

At Habitat II Prepcom II in Nairobi in April 1995, the U.S. delegation powerfully argued the proposition that there is no such human right as a right to adequate housing, that this right is not recognized in international human rights law and that the right has never been recognized in international treaties. The delegation stated that it would call for a vote upon any paragraph referring to the right to housing in any shape or form, and would vote against inclusion of any such reference.

Alston confines himself to considering the validity and implications for international human rights law of this policy position on the part of the United States.

1. **Validity.** a. Article 25 of the Universal Declaration of Human Rights states that "Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including... housing...." This formulation derives to a significant extent from a draft presented to the UN by the American Law Institute. The ALI's "Statement of Essential Rights" provides for "the right to adequate food and housing." This statement, in turn, was inspired by President Roosevelt's State of the Union Address in 1944 when he defended "the right of every family to a decent home."

b. Article 11(1) of the International

Covenant on Economic, Social and Cultural Rights says: "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing...." In the Vienna World Conference in 1993, Secretary of State Warren Christopher of the U.S. delegation referred to the Covenant in his address with no suggestion that the support was subject to the non-recognition of any right to housing. A point to make is that every Western nation excepting the U.S. and Turkey have long been parties to the Covenant.

At Prepcom II in Nairobi the U.S. used many strategies to deny the right to adequate housing. The first was to the effect that the provisions in international law recognize a right "to an adequate standard of living" but not to housing. Alston first points out that the right to housing has specifically been mentioned regularly in UN legal instruments, documents, and other texts for over 40 years. The right to housing was never questioned by the 131 States parties, but today is questioned by the U.S., a non-party to the Covenant. Secondly, he argues that if the right to housing does not exist, then neither does the right to adequate food, nor the right to clothing. Does the U.S. now dispute the right to food? Thirdly he states that as a matter of logic, within the parameters of the right to an adequate standard of living there exist several elements; one of them is housing. If there is a right to the whole, there is a right to the component parts.

The U.S.'s second argument was that the right to housing is not part of customary law. This proposition would put housing on par with human rights including the right to freedom of association, the right to democracy, freedom of religion, and privacy, which most U.S. international law experts would characterize as non-customary rights. This fact does not stop the U.S. from insisting on other States' respect for those human rights. Thus there is no basis in law, policy or practice for the U.S. delegation to suggest that the absence of a right

from the list of customary norms is enough reason for the norm to be excluded from UN documents.

A third argument given was that U.S. law has never recognized a right to housing. Alston points out that the U.S. was party to the International Convention on the Elimination of all Forms of Racial Discrimination, which mentions "the right to housing." The U.S. thus unequivocally recognizes the right, per se. Also the fact that the U.S. does not recognize the right in domestic law is not a valid reason for opposing it in an international document.

The last argument suggested by the U.S. delegation was that a right to housing would be incompatible with the "enablement" approach of the UN's Global Strategy for Shelter to the Year 2000. Alston argues that the only way this argument would be plausible is if the right to housing were misinterpreted as to equate it with the obligation of the government to actually provide every individual with housing. This proposition could only be pursued from the point of view of great ignorance, he says.

2. The implications of U.S. policy for international human rights law.

The current U.S. administration has responded uncompromisingly to allegations from certain governments that some rights in the Universal Declaration of Human Rights and the International Bill of Rights are not "really human rights." It is thus surprising that now the U.S. is doing the same by questioning the right to housing. This questioning cannot help but undermine the international legal regime. To not want to support for itself the obligation to promote the right to housing is one thing, but to insist the denial of an internationally recognized human right and of all references to it in a non-binding recommendation by an international conference is entirely something else.

Because of U.S. pressure, the issue of housing rights is now in square brackets in the Preamble to the GPA document. This damaging current of thinking makes Alston's powerful arguments a key starting point for NGOs at Habitat II.

In Defense of the Right to Housing in Habitat II

HOUSING RIGHTS are HUMAN RIGHTS

Expert Group Meeting

On 18-19 January 1996, in Geneva, the United Nations Centre for Human Settlements (Habitat) and the United Nations Centre for Human Rights organized an Expert Group Meeting on the Human Right to Adequate Housing.

The desired outcome for the meeting, proposed by the UN High Commissioner for Human Rights, was the promotion of the international community's understanding of the issues of the right to adequate housing in the context of all human rights. There was concern that certain countries such as the United States felt that the "right to an adequate standard of living... including adequate... housing" recognized in the International Covenant on Economic, Social and Cultural Rights (Article 11. 1) did not imply a separate "right to adequate housing", the reason for which the Expert Meeting was convened. Thus an extensive review of relevant legal instruments and monitoring mechanisms was undertaken. By doing so it was observed that although different terminology was used, a right to housing expressed in one formulation or another has been recognized, in addition to the Covenant on Economic, Social and Cultural Rights (1966), in each of the following instruments:

- Article 25 of the Universal Declaration of Human Rights.
- The International Convention on the Elimination of All Forms of Racial Discrimination (1965) (article 5 (e) (iii)).
- The Convention on the Elimination of All Forms of Discrimination against Women (1979) (article 27 (e)).
- The Convention relating to the Status of Refugees (1951) (article 21).

Observations and conclusions reached by the meeting include the following:

- The expert group noted that, in addition to the central foundational status of the Universal Declaration of Human Rights,

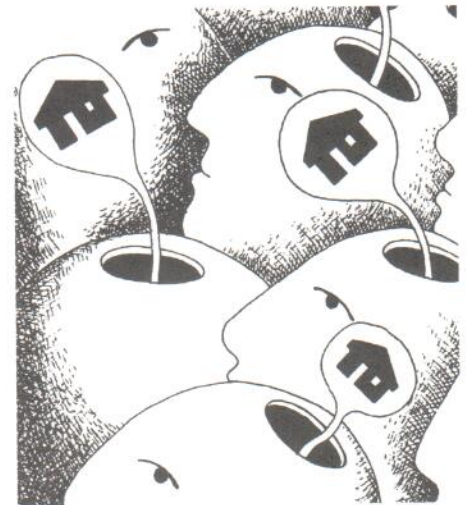
more than 185 States have ratified or adhered to at least one (or in the great majority of cases, more) of these five international treaties, thus establishing binding legal obligations, of a continuing nature, for each of them in relation to the right of housing.

- No State Party to the Covenant on Economic, Social and Cultural Rights has ever disputed the consistent use by the Committee on Economic, Social and Cultural Rights of the terminology according to which the right to adequate housing has always been treated as a separate and distinct right.
- There is extensive recognition of the right to housing in the context of a range of important international and national statements of law and policy, including those generated in the Vancouver Declaration (Habitat I) and Agenda 21.
- It was noted that a significant number of national constitutions from all regions of the world accord explicit recognition to the right to housing. Legislation in many countries also recognizes central elements of that right such as the right to protection from forced evictions, the right to be free from racial and other forms of discrimination in relation to housing, the right to security of tenure, the right of tenants and other dwellers to organize freely, the right to preferential access to housing for vulnerable groups and the right to judicial remedies for violations of these rights.
- The Expert Group Meeting recognized the interdependence and indivisibility of certain human rights. A number of such rights that are generally recognized as housing rights are linked to or derived from other human rights, such as equality and non-discrimination, gender equality, property rights, the right to a fair trial, the right to freedom of movement and to choose one's residence, the right to privacy, the right to due process and other human rights related to housing.

Adequate housing is a fact many take for granted. It is a basic aspect of everyday life that facilitates satisfaction of most other human needs. Perhaps second only to food as an immediate need for subsis-

tence, those who do not have access to adequate housing are exposed to a wide range of detrimental factors that make the fulfillment of other basic human needs extremely difficult. For those lacking adequate housing, basic rights of shelter, security, privacy and dignity are virtually impossible to uphold. The right to adequate housing is distinct, and intrinsically linked to each and every human right. The right to adequate housing is part of the body of rights which establish the minimum conditions needed for the life of the fully human being.

For information about the Expert Group Meeting contact: Miloon Kothari/ 8 rue Gustave Moynier/ 1202 Geneva/ Switzerland/ Tel & Fax: 41 22 738 8167/ E-mail: miloon@unv.ch



The U.S. government is not the only source of confusion and misunderstanding about the concept and implications of basic human rights. In order to help create a culture of human rights, 1995-2005 has been declared the International Decade for Human Rights Education. For more information about the UN Decade for Human Rights Education (1995-2005) contact: The Organizing Committee, People's Decade of Human Rights Education, 526 West 111th Street, Suite 4E, New York, NY 10025
Tel: 212 749 3156
Fax: 212 666 6325
E-mail: peopledechre@igc.apc.org



ASIA
Asian Coalition
For Housing Rights
P.O. Box 24-74
Bangkok 10240, Thailand
Tel: (662) 538 0919.
Fax: 539 9950.



AFRICA
Mazingira Institute
P.O. Box 14550
Nairobi, Kenya
Tel: (2542) 443 219. Fax: 444 643.
E-mail: mazingira@elci.gn.apc.org
Anglophone Africa



AFRICA
Ende-Rup
B.P. 3370
Dakar, Senegal
Tel: (221) 220 942. Fax: 22 2695.
E-mail: rup@endadak.gn.apc.org
Francophone Africa

Children within Habitat II

The right to housing within the context of the rights of the child brings to the surface a distinct set of life-sustaining basic conditions. For children, housing above all spells security and a stable place that is nurturing and allows for the child to grow and develop. It is in the home that the child discovers self and forms an identity. It is here that the child's basic physical, social, psycho-emotional and cultural needs are fulfilled.

The increasing incidence of malnutrition, infant morbidity and mortality, illiteracy, lack of access to health facilities, child labor and child prostitution in many countries demonstrates the impact of adverse living and housing conditions. It has reached the point where there has been a response from the international community. The Convention on the Rights of the Child (adopted 20 November 1989) was a measure that broke ground by according rights to children on equal footing with adults. Articles pertaining to the right to housing include: the right to privacy, family and home (Article 16. ii); the right to a standard of living adequate for the child's physical, mental, spiritual and moral development (Article 27. i); the right to material assistance and support programs especially with regard to nutrition, clothing and housing (Art. 27. iii) and the right to protection from economic exploitation (Art. 32).

The Resolution of the Sub-Commission on Prevention of Discrimination and Protection of Minorities is another initiative to establish children's right to housing. The resolution stressed the effects of poverty, in particular pertaining to inadequate housing and living conditions, on children's rights, including the right to food, health, education and birth registration.

The Habitat Agenda, which currently questions housing as a fundamental right, regrettably speaks not of children's rights as the Convention on the Rights of the Child does, but of the needs of children. This regression must be fought. The Principles of the Habitat Agenda must take into consideration that the rights of children are universal, inalienable, irreducible and indivisible and cannot be bound by conditionalities of "local situation" or "affordable cost".

In the Agenda document, bracketing of the principle of "Family" (Para 18) is questionable because of its' relevance in fulfilling a child's rights. The child must be considered both as part of the family and as an individual, on equal footing with adults. Problems in the world today threaten the family; migration and displacement cause the loss of cultural identity and the attendant disintegration of the family. Forced evictions and displacement that engender rural pauperization and urban poverty traumatically affect children and force them into the labor force. Macro-economic policies vis-a-vis children thus must be stated.

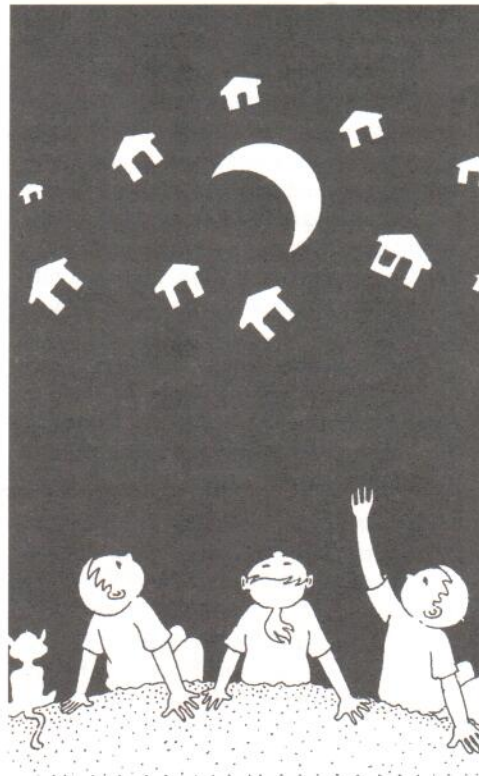
The category of Vulnerable Groups within the document makes a distinction between rural and urban areas, failing to include children that do not fit in either category such as street children in cities who are a fallout of rural displacement.

The Habitat Agenda as it stands fails to assert that housing is a fundamental right; there is a lack of analysis of the structural causes of homelessness which allows the current market system to remain unchallenged as the principal means for providing housing. As things stand there is no insurance of fairness and regulation, which leaves the marginalized little space for assuring the fulfillment of their rights. Children will be rendered the most vulnerable by the

State's subservience to a needs-based market. It is a declared principle that "Children have the First Call to the World's Resources". The Habitat Agenda must look seriously at this framework of childcentredness and go through a major overhaul to achieve this standard. This may be a key step in order for the Agenda to sincerely strive for a society based on rights.

Based on the document *Children Within Habitat II: Critique and Recommendations to the Habitat Agenda* (13th October, 1995) prepared by Minar Pimple of Youth for Unity and Voluntary Action (YUVA).

Contact: YUVA
8 Ground Floor
33 L Mughbat Cross Lane
Thakudwar
Bombay 400 004, India
Tel: 9122 388 9811
Fax: 9122 385 3135
E-mail: yuva@inbb.gn.apc.org



LATIN AMERICA

Fedevivienda
Apartado Aéreo 57059
Bogotá
Colombia

Tel: (571) 245 3443. Fax: 287 1941.
E-mail: fede@colnodo.apc.org



EUROPE

Habitat et Participation
1 Place du Levant
B 1348 Louvain-La Neuve,
Belgique

Tel: (3210) 47 2314. Fax: 47 2179.



NORTH AMERICA

Rooftops Canada Foundation
2 Berkeley Street, Suite 207
Toronto, Ontario
Canada M5A 2W3

Tel: (416) 366 1711. Fax: 366 3876
E-mail: rooftops@web.apc.org



NGOs and the HABITAT AGENDA

In the article prepared by HIC Francophone Africa focal point ENDA-TM Rup entitled *Environmental Development Action in the Third World* (see News from the Regions) ENDA-TM Rup offers several suggestions as to how NGOs can use the results of Habitat II to strengthen and expand their role in housing development in their countries.

NGOs must seize upon the spaces promoted for them in the Habitat Agenda to lobby for a stronger role in development. In the Habitat Agenda, governments are invited to collaborate closely with NGOs and CBOs in order to reduce exclusion on all levels and to take into consideration cultural diversity as well as to protect vulnerable groups. In the latter case, it is explicitly recommended that NGOs and CBOs be associated to the elaboration of urban and social policies.

The recognized status of NGOs applies beyond Habitat II since they are expected to participate in the follow-up evaluation of the Habitat Agenda. It would be interesting for NGOs to participate in the evaluation system as a driving element, since this would allow for certain control over the execution of the resolutions of the Habitat Agenda. Their presence would help guarantee an evaluation without favors. It is up to this sector to build its own framework by attempting to bend the various positions at the Conference to ensure that concrete commitments be made in particular by governments.

The involvement of NGOs in the elaboration of urbanization policies will have to be accompanied by adequate financing. The recognition of a role in these policies

authorizes NGOs and CBOs to expect international financial aid representative of the tasks they undertake. It is up to them to fight for this to be more clearly stated in the Habitat Agenda and be accompanied by concrete engagements by governments and international organizations. Funding constitutes one of the principal barriers to the work of NGOs. So if the principle of their recognition were accepted on a global level, they would have more direct access to international financing, which would allow them to act on a higher level and to play a role in accordance with their capacities, while keeping their autonomy. NGOs must keep this in mind when entering negotiations for Habitat II. Chapter 27 of Agenda 21 already discussed the issue of NGO funding in view of increasing the role of these organizations as social partners.

The Habitat Agenda insists particularly on the partnership to be established between the various development actors. NGOs can make use of the Agenda's inclusion of a paragraph which asks that funding agencies give preference to states favoring a partnership between various actors of human settlements development. Nonetheless, this deserves to be made explicit and accompanied by commitments by international institutions.

Habitat II carries the seeds of profound changes. The role of NGOs is increasingly important in potentially making a reality of the resolutions reached in Habitat II. Support and recognition at Habitat II will be a key part of the process towards founding a base for solid NGO action in years to come.

Contact: ENDA-TM Rup
BP 3370 Dakar, Senegal
Tel: 221 22 09 42
Fax: 221 23 51 57
E-mail: rup@endadak. gn. apc. org

"what kind of democracy is this? How can voting citizens be denied water, sanitation and basic infrastructures?"

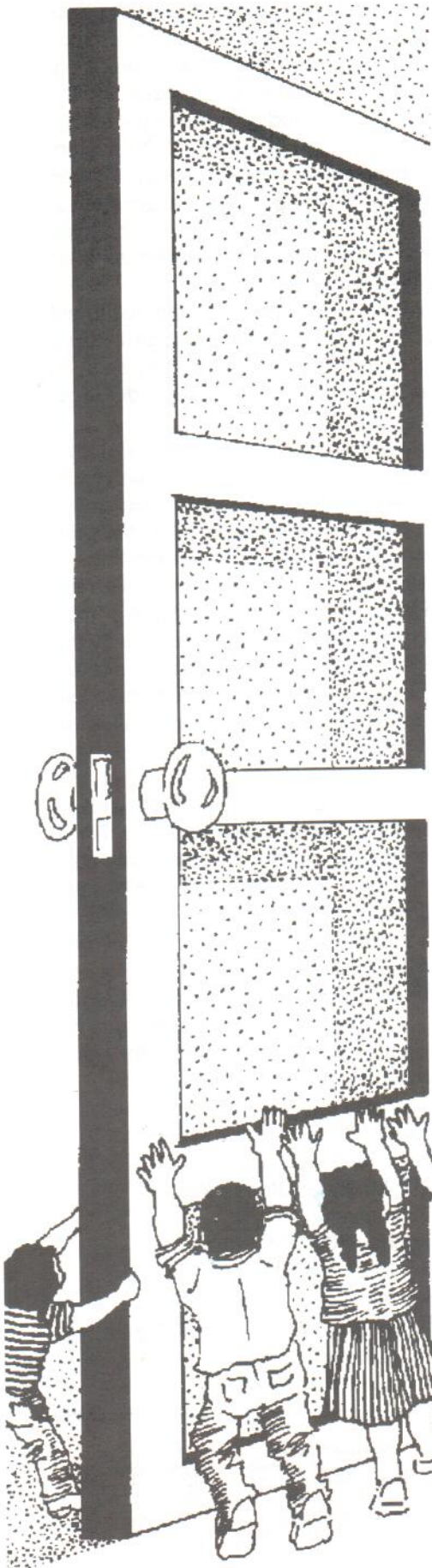
"we young people, with our low incomes, will build our own new homes - whether you help us or not..."

"land grabbing means no public spaces and recreational facilities! There's nowhere for the children to play safely!"

"the most valuable resource of any expanding city is the knowledge and ingenuity, the skills and organisational capacity, of the people themselves - the citizens. We must set it free!"

"is this the road to Istanbul?" (or to Instantbul?)

Reflections of African citizens to keep in mind along the road to Istanbul, from HIC-Sina pamphlet for the Habitat II Caucus.





A PLACE TO LIVE...

In Defense of the Right to Housing in Habitat II

Initiatives in the defense of the right to housing

The legal basis of the right to housing has been under assault since Prep Com II in Nairobi, April 1995. At this preparatory session for the UN World Conference on Human Settlements, the United States launched an attack premised on the position that the right to adequate housing is not an internationally recognised human right. The U.S. by doing this succeeded in having the right to housing removed as a working basis for Habitat II as had been agreed at Prep Com I.

Faced with this situation, HIC and its partner the Centre on Housing Rights and Evictions (COHRE) launched a campaign to defend the right to adequate housing, led by the HIC-Housing Rights Sub-Committee which coordinates the HIC global campaigns for housing rights and against forced evictions. Other international, regional and national NGOs and UN agencies have also taken important initiatives to defend the right to housing.

The following is a summary of some of those initiatives.

Progress within the UN Human Rights Programme:

- The UN High Commissioner for Human Rights, following a suggestion made by the Chairperson of the Committee on the Rights of the Child in December 1995, has announced that there will be a delegation in Istanbul consisting of members of UN treaty bodies and UN Special Rapporteurs with the relevant mandates.
- The UN Centre for Human Rights within its publications series will prepare for Istanbul (a) a compilation of national legislations on housing rights; (b) a fact sheet on forced evictions and (c) the

final report, in published form, of the Special Rapporteur on the Right to Housing, Justice Rajindar Sachar.

- On 18-19 January an Expert Seminar on the Right to Adequate Housing took place in Geneva. This seminar was co-organized by the UN Centre for Human Rights and the UN Centre for Human Settlements, Nairobi. The seminar participants unequivocally affirmed the firm legal basis of the right to adequate housing. (See article "Housing Rights are Human Rights" in this issue).

Progress within UN Agencies:

- An important Expert Seminar on Children's Rights, Housing and Neighbourhood organized by UNICEF on 1-2 February 1996 with a detailed draft for proposed inclusion in the Habitat Agenda.
- A critique of the Habitat Agenda by the UN Research Institute for Social Development (UNRISD).
- A meeting of a Panel of Experts in New York in January organized by the UN Centre for Human Settlements (Habitat).

Progress at Regional and International Levels:

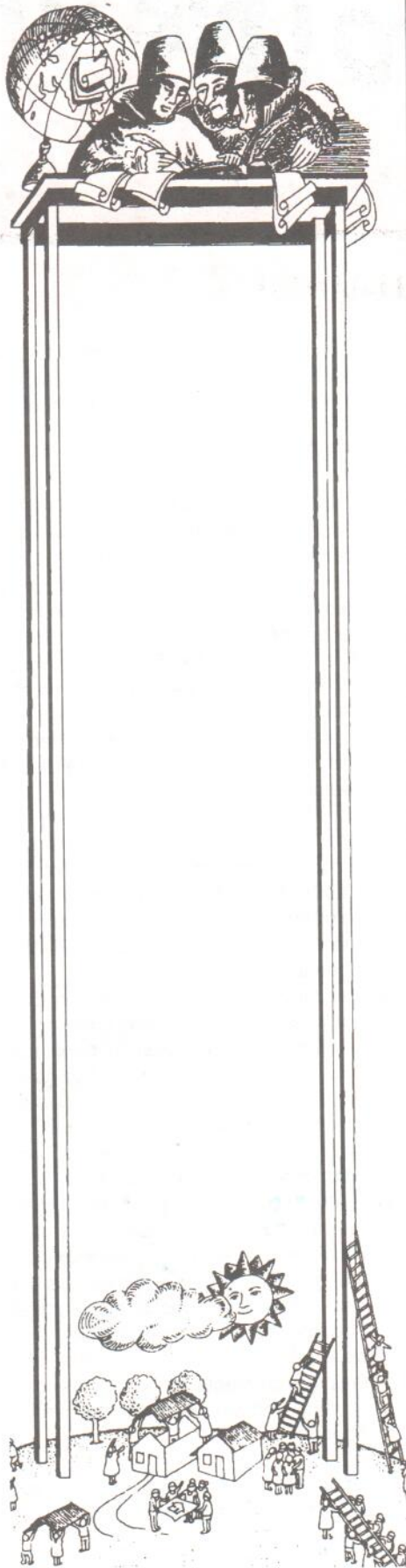
- 115 NGOs from across Latin America gathered at the series of events held in Quito, Ecuador titled "Towards a City for Life" on 13-18 November 1995. The Conference generated the Quito Declaration that strongly affirms the critical need to include the right to housing in the Habitat Agenda.
- Following the work done on women's rights to land and housing in Beijing, the HIC Women and Shelter Network is preparing a position on the Habitat Agenda.
- A recently formed network, the Women's International Housing Rights

Taskforce (WIHRT), has initiated a number of activities in the context of Habitat II in support of women's right to housing.

Progress by International NGOs:

- The People's Decade for Human Rights Education (PDHRE), The Independent Commission on Human Rights Education, HIC, COHRE, and Youth for Unity and Voluntary Action (YUVA), are currently conducting a One Million Signatures Campaign for the Petition *Housing is a Human Right* during the weeks preceding and during Habitat II. The signatures will be presented at Habitat II to the General Secretary of the United Nations, Boutros Boutros Ghali, and the governments.
- The Centre on Housing Rights and Evictions prepared a critique of the Habitat Agenda from a human rights perspective that includes detailed amendments to the texts of the Habitat Agenda.
- The New York based Centre on Economic and Social Rights is undertaking a series of activities to rally support from U.S. based NGOs for the right to housing. The Centre has also drafted a public letter to President Clinton that is currently being circulated to U.S. and international NGOs for signature.
- FIAN, the international organization for the right to feed oneself, based in Heidelberg, Germany, coordinated a mailing to the human rights caucus that was active during the Social Summit. The intention is to get the NGO's who were part of the caucus to lobby with their governments for the inclusion of housing and land rights in the Habitat Agenda.

Contact: Miloon Kothari/8 rue Gustave Moynier/1202 Geneva/Switzerland
Tel/Fax: 41 22 738 8167
E-mail: miloon@unv.ch



German NGOs prepare critique of National Plan of Action

The Working Group on Urban and Regional Development of the Forum of German Non-Governmental Organizations on the Environment and Development prepared a critique of the German Federal Government's National Report and National Action Plan for Habitat II. The critique was presented at an international meeting of national NGOs and HIC held between 26 January and 2 February 1996 in Berlin.

The NGO document states that in the National Report, passed by the Cabinet on 24 January 1996, the government has incompletely taken stock of the urban and settlement development of the country and has failed to adopt the point of view of sustainability. The other document requested of all national governments since 1993 for Habitat II was a National Action Plan. The report states that Minister Töpfer called for collaboration on the National Action Plan as of 17 December 1995 and requested a detailed discussion of it, but as of 29 January had not submitted a draft to serve as a basis for discussion.

Germany experiences a shortage of almost 2 million housing units, more than 100,000 people without apartments, over 200,000 registered homeless and 1 million renters living under unacceptable conditions, with local governments running out of money. The National Report marginally mentions the urgent social problems such as homelessness, the housing shortage, poverty and migration. There is no analysis of the housing supply system or its shortcomings, nor any investigation of existing demands for housing construction and supply policy appropriate to social developments. It does not mention women's issues related to housing supply and to urban and regional planning or, as the Habitat Secretariat requested, base itself on criteria of sustainable urban and settlement development, which would go far beyond simple environmental protection to include generational justice and social appropriateness.

The Report's shortcomings reflect its process of creation — a rush job that was not started until October 1995. The supposedly broad democratic consultative process with various societal forces was restricted to two National Committee and two Executive Committee meetings.

In order for the same not to happen with the National Action Plan, German NGOs postulated a set of demands to be met by the Federal Government and the Con-

struction Ministry including: an urban and settlement development policy appropriate for sustainable development, and thus to Agenda 21 signed in Rio de Janeiro in 1992; adequate housing for all the homeless and poor people, families, immigrants and refugees; an autonomous, sustainable local and regional development, taking the interests of women and children especially into account; a "city of short distances" to provide a mix of functions and thrifty use of resources and land; and participation of all societal forces in the political decision-making process at the local, regional and national levels. The NGOs are committed to involvement in and collaboration with such a National Action Plan, one supported by many societal participants, but nonetheless with a mandatory character.

Contact: AG Stadt- und Regionalentwicklung/ Am Michaelshof 8-10/ 53177 Bonn, Germany/Tel. 02 28 35 97 04 Fax 02 28 35 90 96.

Document Received

Construire pour la paix

The Habitat II Conference has as its mission to orient, for the next twenty years, the generation of housing policies at the local, regional and international level. The book *Construire pour la paix* (Build for Peace) by Alain Hays and Silvia Matuk, CRATerre America Latina, defends the right to housing, emphasizing two fundamental issues: reestablishment of "peace in jeopardy" and the foundation of "peace for construction." The point is to better the housing conditions of the poorest people to contribute to the fight against injustice and misery and for dignity. The document invites reading at two levels:

- Discovery of authentic testimonies of working efforts of solidarity.
- A reflection on universal themes that are part of the debates of our time surrounding poverty, exclusion, humanitarian action, sustainable development, social progress and struggles for peace.

In French. From Alternatives/ UNESCO, UNESCO Cultures de paix. 1995, 144 pp.

Contact: CRATerre America Latina
Saint Nizier D'Uriage
38410 Saint Martin D'Uriage/France
Tel: 33 7689 5460/Fax: 33 7689 5211.

• Palestinians Struggle for the Heart of their Homeland

Jerusalem is a Jewish city, a Palestinian city and a Christian city, each with its distinctive contribution to the whole that comprises all their influences, their uniqueness of symbolism and culture, of ways of living. Of all these it is the arteries of the Palestinian Jerusalem that are undergoing slow yet steady asphyxiation brought on by a series of well patterned and planned Israeli policies. East Jerusalem has entered siege via the demographic battle that has been waged by successive Israeli administrations. Demographic superiority and a physical dominance have already been achieved as the rings of Israeli settlements surround East Jerusalem and cut it off from the West Bank. Essentially what is happening is that the heart of Palestine, East Jerusalem, is being cut off from the body.

It is imperative that action be taken now to protect Palestinian-owned undeveloped lands from future expropriation and to stop the demolition of Palestinian homes. A first step would be to halt the construction of all new Israeli settlements and the extension of existing ones. Such a step would be in keeping with the pledges made by Israel to the international community. The grave housing and living conditions of Palestinians in East Jerusalem call for Israel to create conditions such that the Palestinians can retain and gain their housing rights. Israel made a commitment to do this by ratifying international human rights law that requires the conferral of housing rights to all people and communities within its jurisdiction.

The Jerusalem Declaration (May 1995) is an important document drafted by the Palestinians themselves to establish guidelines for their struggle. The Palestine Housing Rights Movement, a coalition of NGOs, CBOs and activists,

stated the following principles for the plan of action of the Declaration:

1. Ensuring access to adequate housing for all Palestinians without discrimination and in full equality.
2. Empowering all Palestinians by promoting democratic processes that enable all people, especially women, to participate fully and actively in decisions affecting their housing and community.
3. Building toward a sustainable development in which adequate housing is considered an essential right around which to design community services and integrated development programs, utilizing local human and material resources.
4. Enabling all Palestinians to take effective control of housing and community projects through education and training and through provision of adequate financial support and other resources needed to realize their housing rights.

Cities are confluences of culture, economy, politics, religion, and different races that become unique by the particular blends of these characteristics. Cities that have become symbols of destruction and tragedy often undergo violent (Beirut, Sarajevo and Belfast) but at times slow yet premeditated tearing apart (Lhasa) of their unique blending. These cases will soon be joined by Jerusalem, unless immediate steps are taken to preserve the Palestinian character of East Jerusalem.

Contact: HIC Secretariat.

Sources: "Palestinians in East Jerusalem: Systematic Dispossession" by Miloon Kothari, *Mainstream*, 20 May 1995 and the *The Jerusalem Declaration: Draft Charter of the Palestine Housing Rights Movement*, 29 May 1995.

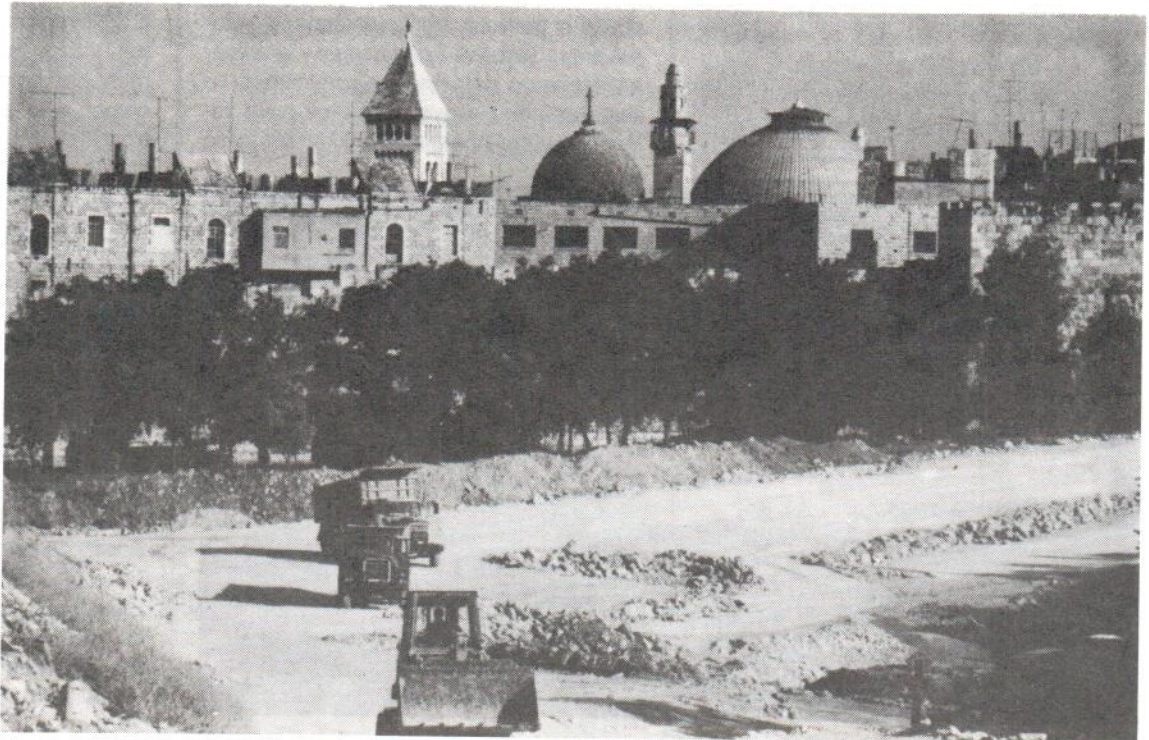


Photo: Palestine Geographic Research and Information Centre

HIC MISSION TO KOBE

Assessment of Post Earthquake Disaster Relief

In response to requests received from local human rights and lawyers groups, a four member HIC Fact Finding Mission travelled to Kobe, Japan from 23-30 September 1995 to assess the state of housing nine months after the 17 January 1995 earthquake. The results of their findings were published in January 1996 in the HIC document **STILL WAITING: Housing Rights Violations in a Land of Plenty: The Kobe Earthquake and Beyond.**

FFM members Enrique Ortiz, Scott Leckie, Aromar Revi and Leilani Farha found significant discrepancies between the human rights obligations of the government of Japan and the prevailing post-earthquake housing situation, including most disturbingly a general disrespect for the rights and dignity of the earthquake survivors on the part of the government.

At the time of the visit approximately 90,000 people still resided in temporary housing scattered on 434 sites throughout the Kobe area, while 700 earthquake victims remained in tents or waiting centers in the city.

The mission did extensive research, including visits to parks, evacuation centers, temporary housing, reconstructed and repaired houses and private rental housing. The mission held discussions with representatives of all levels of government, as well as community groups, NGOs and advocacy groups, lawyers, academics, and professional and planning associations involved in preparing alternative plans for Kobe's reconstruction.

The reality of the human rights and living conditions of the earthquake survivors observed calls for urgent action. Many aspects of the conditions of those residing in waiting/evacuation centers, temporary housing sites or in parks fail to conform with basic international human rights standards on housing adequacy. HIC is particularly concerned about the lack of security of tenure, the near absence of citizen participation in the housing decision-making process (in particular of earthquake victims) and the low standards found at many temporary housing sites.

With the view to improving the current unacceptable situation, HIC recommends the various levels of government in Japan to undertake, among others, the following measures to ensure that the international housing rights obligations of the govern-

ment of Japan are fully complied with and that all residents of Kobe and environs can enjoy their human rights:

1. Ensure the right of all earthquake victims who so request to return to the communities and neighborhoods in which they were resident prior to the earthquake.
2. Guarantee the provision of affordable, adequate and centrally located public or other housing to all residents of temporary housing who require it.
3. Refrain from carrying out or tolerating any forced evictions of earthquake victims now resident in temporary or unofficial housing situations.
4. Establish a consultative body on post-earthquake reconstruction, including housing issues, comprised of representatives of civil society and government, with a view to promoting dialogue and democratic decision-making and to ensuring the full realization of the right to adequate housing for everyone.
5. Undertake immediate measures aimed at improving housing and living conditions at waiting centers and temporary housing sites, reflecting citizens demands and upholding international standards.
6. Provide increased and appropriate levels of compensation to all earthquake victims, including the families of those killed due to post-earthquake trauma resultant from poor housing conditions and those whose houses were inadvertently demolished, both of which could have been prevented by proper governmental interventions.
7. Give serious consideration to the direct provision of debt relief and no-interest loans to earthquake victims currently unable to pay debts or obtain loans from the private banking sector.
8. Ensure equality of treatment for women including ensuring security in their homes and fair and dignified treatment.
9. Prioritize the realization of housing rights for specific groups, in particular children, women, the elderly, the disabled, ethnic minorities, the homeless or any other marginalized group.
10. Ensure the provision of welfare assistance to all residents, notwithstanding the absence of a recognized address.
11. Scrupulously abide by the legal obligations contained in the International Covenant on Economic, Social and Cultural Rights, and ensure that all post-earthquake legislation, policies and plans are fully consistent with the provisions of the Covenant.
12. Submit to the UN Committee on Economic, Social and Cultural Rights the long overdue State report of the government of Japan, to include a detailed examination of the legislative and political measures taken by the government following the Kobe earthquake.

HIC believes that these recommendations are obtainable within a very short period of time if concerted efforts are made by the government. If necessary steps are not taken, HIC is concerned that Kobe could become the homeless capital of Japan. Without increased democratic participation by affected residents and more human rights-based and more interventionary responses by the government, the earthquake victims' rights will continue to be violated. Contact: Toshi Doi/ Kobe YWCA Relief Center/ Fax: 81 92 865 17 48.





Perez Esquivel, Nobel 1980, joins the defense of the right to housing

Habitat International Coalition
Enrique Ortiz

9 May 1996

Dear friend,

I received your fax dated 1-5-96, for which I thank you, and I send these lines in relation to the world campaign for the recognition of the inalienable right to housing.

It is of extreme importance that the States members of the United Nations reaffirm their commitment in the search for projects and concrete implementation in the promotion of the Right to Housing.

This commitment should be made in the United Nations World Conference on Human Settlements, Habitat II, that will take place next month in Istanbul, Turkey.

Considering the needs suffered by many peoples of the world due to their lack of a dignified home, it is not possible that today this right be ignored.

We call on the governments and non-governmental organizations to join forces in the development of viable programs and with the direct participation of the social sectors in need of housing.

The poor do not only have the right to a shelter, they also have the right to beauty, to good design, to spaces, that is, to a habitat that facilitates better living conditions.

Many non-governmental organizations in diverse countries are working in solidarity development programs, trying to open the doors to Hope in the face of the challenges that confront humanity in this end-of-the-century in which we live.

It is for that reason that we must strengthen the solidarity links in defense of this right, of which millions of people in the world are deprived.

Receive our fraternal greeting of peace and wellbeing.

ADOLFO PEREZ ESQUIVEL
Fundación Servicio, Paz y Justicia
Piedras 730 (1070)
Buenos Aires
Argentina

Tel./Fax: 54 1 361 5745
E-mail: serpaj@wamani.apc.org

**"PEACE IS THE FRUIT
OF JUSTICE"**

URUGUAY

Cooperative housing marginalized in new Uruguayan housing policy

8 January 1996

Dear Enrique:

The National Housing Plan was finally approved for 1995-99. As predicted, there is only enough funding for the construction of 300 new houses for the cooperative system.

In a meeting on 5 January between the Federación Unificadora de Cooperativas de Vivienda de Ayuda Mutua (FUCVAM) and the Ministry we were offered more space for the cooperative system if the groups connected to the Federation accepted the inclusion of the "SIAV" (Integral System of Access to Housing) which consists of the distribution of subsidy certificates on an individual basis (yes, strictly individual) for housing purchase or construction. In the case of cooperatives, those certificates only cover one part of the total cost for the project. The remaining necessary start-up costs should be available via the State Credit Bank (BHU). The BHU would only accept giving credit to cooperatives if they move to individual ownership, abandoning the collective property structure that up to now has been identified with the cooperative system (even though it is a viable guaranteed option due to a law that has not been cancelled). Requesting credit from a private bank was also suggested, but is not possible due to the interest rates and the family income minimums that are out of reach for cooperatives' budgets.

Despite the present crisis in the cooperative system, FUCVAM has nearly 1500 houses in construction. Hopefully those won't be the last. It would be helpful if you could consider detailing the international campaign of protest against the Uruguayan government's blocking of the cooperative system, as was suggested at the meeting in Quito. Thank you for your show of support.

Daniel Chavez
FUCVAM

Eduardo V. Hoedo 2219
11200 Montevideo

HIC Secretariat response to FUCVAM

Dear Daniel:

From your letter, I see with disappointment that Uruguay has entered late, but definitely, into the neoliberal model that governments are using to get themselves out of economic difficulties they are systematically building. Individualizing conflict and social problems that the government has been unable to resolve seems to be part of the strategy. Individual subsidies are given to those in need of housing in order to access the private market. This system shrinks the ranks of people working within the principles of organized collective action. Ending the mutual aid cooperative housing system in Uruguay, the model for many successful programs in Latin America, seems to me shortsighted, from whatever point of view taken. I trust that you will stand firm and fight with efficiency to defend and deepen the collective system of producing and inhabiting housing which also builds solidarity, community and a responsible and conscientious society. You have our support and solidarity. As a first step I send you documents upon which to reflect, which describe cases around the world similar to yours. In order to make your case known, I will ask you to send me a detailed description of the cooperative housing system in Uruguay and an update on the status of your case with the government. Be sure to have the case available through electronic conferences for Habitat II, and to send representatives of FUCVAM to attend Istanbul to disseminate the case. I hope to soon have your comments and proposals for putting together a strategy of international support for your struggle. In solidarity,

Enrique Ortiz
HIC Secretariat



HABITAT INTERNATIONAL COALITION

Cordobanes Núm. 24, Col. San José Insurgentes, 03900 México, D.F., Tel: (5) 651 68 07. Fax: (5) 593 51 94. E-mail: hic@laneta.apc.org
● Edición cuatrimestral ● Habitat International Coalition-Secretaría Ejecutiva ● Registro DGN y características en trámite ● Director responsable: Enrique Ortiz Flores ● Coordinación editorial: Jodi Grahl ● Redacción: Alina Falquier Mosser y Jodi Grahl ● 5000 Ejemplares ● Fotografías: Enrique Ortiz Flores y Archivo de HIC ● Ilustraciones: León Páez y Archivo de HIC ● Diagramación: Luis A.V. Dirzo

HOUSING FOR ALL

Challenges for the world's governments

May 1996

Habitat International Coalition organized a series of meetings and workshops over the past three years in order to develop the global HIC platform and position for Habitat II. The following NGO statement was collectively prepared at the final HIC international workshop prior to Habitat II held in Berlin in January-February 1996 and presented at Habitat II PrepCom III. The statement summarizes some principal demands directed to governments, which must be resolved if Habitat II is to succeed in its objective of housing for all.



Twenty years after Habitat I (Vancouver), the world's human settlements continue to deteriorate. The scale of the problem is immense, and the challenges multi-dimensional. Close to 1.2 billion people, almost one-quarter of the world's population, live in desperate housing and settlement conditions that are unsafe, unhealthy and precarious, including more than 100 million who are homeless. While the majority of the inadequately housed live in poor countries, their numbers are growing in wealthy countries.

Also growing are the numbers of those displaced, evicted, or forced by political, ethnic, technocratic, religious, and economic reasons to leave their environments, their homes, their communities and even their countries of origin. Many people are suffering the violent destruction of their homes and neighborhoods.

Structural adjustment programs have led to the erosion of wages, growing unemployment, the reduction or cancellation of subsidies, and greater social inequality among other conditions which further deteriorate the quality of life and the ability of families to obtain a home. These impacts weigh most heavily on women and other already vulnerable sectors. While adjustment policies are promoted in order to strengthen the role of the market, the increased poverty that results from such policies leads to a greater percentage of families marginalized from the market economy. The market has never solved nor will ever solve the housing needs of the great majority of the world's population.

In order for the Habitat II Conference to obtain its goals of adequate shelter and a sustainable future for all, the focus of the Conference must be the improvement of the quality of life in the world's rural and urban settlements. The Habitat II Conference will only be successful if it fully recognizes and embraces the fact that the people themselves, acting individually or collectively, have always been and will continue to be the main actors in producing and giving life to housing and human settlements. Habitat II must establish concrete measures to recognize, enable, support and protect people's efforts to continually improve their living conditions in accordance with their culture and in harmony with nature. The following are the main challenges to be faced by the world's governments:

RECOGNITION AND IMPLEMENTATION OF THE HUMAN RIGHT TO HOUSING

The human right to adequate housing is the right of every child, woman and man to gain and sustain a secure home and community in which to live in peace and dignity. Human beings, as all species, have a right to a habitat on earth. A place to live is as basic a human need as food or clothing. The lack of any of these, or precarious conditions in their satisfaction, deprive human beings of a life in peace and dignity. Physical and psychological health, and even life itself, depend on the possibility of individuals and families to use and enjoy a secure place to live. The expression of a basic need is a claim to be treated as a human being, and human rights and human needs are therefore linked as breath to life.

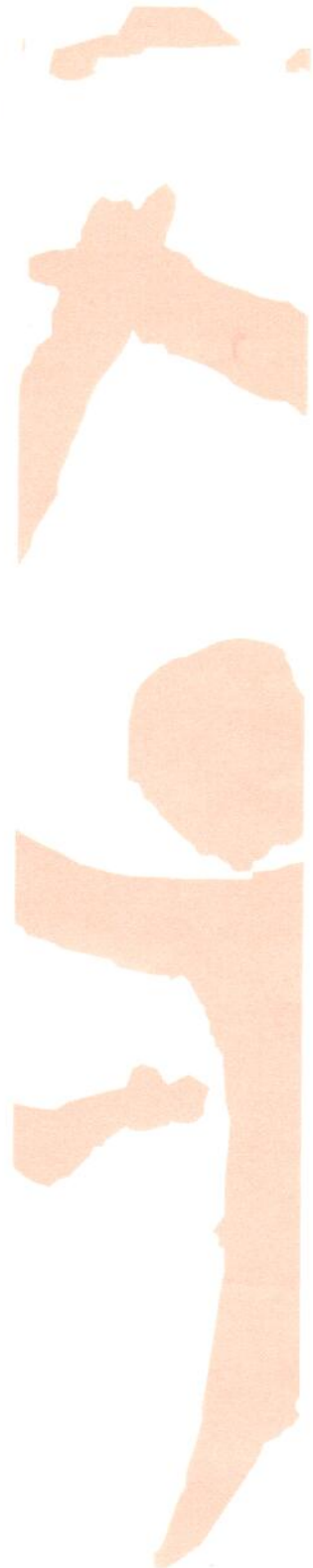
The full recognition of human rights and sub-

sequent government and civil society obligations are the foundation of a democratic society and serve as a basis for citizenship.

Human settlements are the place in which the fulfillment of all human rights converge.

The full realization of the right to housing implies equal access for all to land; to the means of subsistence; to a safe and secure environment; to housing, water, sanitation, health services, food, public transportation, education, work, rest and recreation, information and infrastructure. Minorities should be respected, as should ethnic, sexual and cultural plurality.

The adoption of international human rights instruments is a fundamental step in the implementation of the right to housing. National strategies for implementing international human rights obligations should be developed and adopted by governments in collaboration with NGOs and civil society.



AN ACTIVE ROLE OF THE DECENTRALIZED STATE IN THE FULFILLMENT OF THE RIGHT TO HOUSING

The decentralization of the State must be accompanied by the recognition and full assumption of its fundamental obligations and responsibilities. While we recognize that the solution to the serious world housing and human settlements problems is the task and responsibility of all, we are convinced that those primarily responsible for establishing and guaranteeing the necessary conditions are the governments.

Decentralization of the State does not mean that States are to be relieved of their historic social responsibilities. On the contrary, States can now dedicate themselves to what we consider to be their fundamental roles: to achieve equal opportunity for all by fulfilling their redistributive obligation; by guaranteeing the fulfillment and enrichment of social rights; by ensuring that no one violate the rights of others in the process of fulfilling their own rights; by summoning and promoting the mutual empowerment of different social actors, and by strengthening and giving priority to the weakest.

Decentralization does not imply the abandonment by States of their fundamental obligations to recognize, support, protect and defend the fulfillment of the right to housing. States have the obligation to ensure that the right to housing not be violated. This includes the enforcement of the legal right to security of tenure and protection from forced eviction and the destruction of one's home among other specific obligations.

DEMOCRATIC GOVERNANCE AS A CENTRAL CONDITION FOR EQUITY AND SUSTAINABILITY TO BE ACHIEVED

The right to participation of all women and men in the planning and management of their habitat is indispensable in order to guarantee that the use of the resources and any projects and investments carried out therein benefit them directly, within criteria of equitable distribution, economic complementarity, respect for varying cultures, and ecological sustainability. For this it is necessary to ensure mechanisms and instruments so that priorities are defined through participatory social processes.

Peoples' organizations and the non-governmental organizations which support them must have institutionalized opportunities to influence at the highest level the design of policies, instruments and programs which involve and affect

them and in the various habitat-related administrative agencies and bodies.

Democratic collaboration between the community and the local government is the most effective path towards the achievement of improved living conditions and sustainability.

RECOGNITION AND SUPPORT FOR PEOPLE'S PRODUCTION OF HOUSING

We demand full recognition and support for people's production of habitat, which is the housing, work space and urban facility production which takes place at the initiative and under the control of families and organizations for their own use. We reject the idea that peoples' efforts to build the city be considered irregular, sub-normal or informal, since these terms attempt to discredit and block their own capacities. We demand that the efforts and responsibilities required of the people by decentralization be supported through national, integral systems of legal, financial, administrative, fiscal and promotional support for their particular logic and production and management practices.

People have the freedom and right to organize themselves, to be legally recognized, to mobilize material resources and those resulting from solidarity and mutual support, to obtain technical assistance from whomever they choose, and to seek complementary support in order to confront the lack of housing and social services. People have the right to control their own processes of housing production and improvement. States must eliminate obstacles to and support peoples' development and use of alternative appropriate technologies. The housing production efforts of peoples' organizations such as cooperatives and housing associations must be recognized and supported.

ACCESS TO ADEQUATE FINANCIAL RESOURCES

All have the right to enjoy adequate housing, independent of their resources or income level. Special measures must be made to channel resources to the poor who do not have access to the financial mechanisms which are oriented solely towards the market production of housing. Appropriate financial schemes for those in need considering different resource levels and forms of production must be developed. Special attention and access to adequate subsidies must be given to vulnerable groups.

