

Put a Number on It

Quantifying Costs, Losses and Damages from
the Violation of Housing and Land Rights

World Habitat Day Report from HLRN's Violation Database, 7 October 2013





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Put a Number on It

In telling a story, or making any point, we often rely on numbers. In argumentation, numbers lend credibility and suggest analytical precision. Numbers often speak louder than words, because they convey important measurements and values that otherwise may not be visible to the mind's eye.

When telling the story of housing rights violations, Habitat International Coalition's Housing and Land Rights Network (HIC-HLRN) is responding to its Members' call for a participatory system to measure the numbers, volume and trends of forced eviction and other forms of deprivation of the human right to adequate housing around the world. That record is found in HIC-HLRN's Violation Database, the public resource that records the principle forms of housing rights violations and demonstrates through searchable data how grave is the deprivation that results from (1) forced evictions, as well as (2) dispossession, (3) destruction and (4) privatization of human habitat resources.

Searching the entries in the Violation Database (VDB) over the four-year period of this Habitat Day review (2010–2013), that [search](#) produces contains 257 major entries from all regions. Many of these are multiple violations such as those arising from Ethiopia's "Villagization" program, which dispossessed and evicted at least 45,000 people during the period. Among the most dramatic multiple violation cases is the ongoing [War within Syria](#). However, Palestine remains the country with the greatest number of individual entries (62 entries), including several multiple-violation entries and the Israeli occupation forces' (IOF) destruction of two entire villages within 24 hours: [al-Za'ayyim](#) and [Khallet Makhul](#) on 23–24 September 2013. Around the world, all four categories of violations captured in the VDB show at least 26,913,946 persons have been victimized since the beginning of 2010.

This global analysis shows that the Middle East/North Africa led all other regions in violation cases with 123 entries during the period. The second most numerous cases came from Asia, with 56 entries. Latin American cases followed at 20 multiple violations since 2010, and 18 in Europe. Anglophone Africa also registered 20 violations across a range of countries, dominated in number by Nigeria (6), and followed by South Africa (4), Kenya (3), Ethiopia (2) and Ghana (1). Seven cases of forced eviction and demolitions took place in Benin, Congo (Brazzaville), Mali, Senegal, Sierra Leone, Côte d'Ivoire (2 cases) and, especially, Cameroon (5 cases), across Francophone Africa.

The VDB recorded four cases in Lusophone Africa, all of which involved forced evictions, destruction of housing and dispossession affecting thousands of households in Angola. Only one case each was recorded in the VDB during the period for Oceania (Papua New Guinea) and the North America, notably involving government collusion in land grabbing in connection with the controversial "fracking" extraction of petroleum in the United States.

Land grabbing continued to characterize many of the violations recorded in the VDB since 2010, especially in Brazil and China, which cases involved the dispossession and

displacement of small holders and producers. However, of all cases recorded in the VDB to date, the largest was a single 2.0530 million-hectare [land grab for logging](#) in Papua New Guinea at the beginning on 2010.

Counting to Costs to People

These numbers, however startling, do not yet begin to tell the tale of the losses, costs and damages incurred by those affected by these violations of forced eviction, dispossession, destruction and privatization of habitat resources. Perhaps we know instinctively that these violations—and even all known “involuntary resettlements,” a euphemized form of forced eviction—profoundly impoverish their subjects.

The authors of these “gross violations,” as forced eviction has been defined in international law,¹ are known for their advance planning. However, whether occupation forces, private militias or World Bank-funded project implementers, the authors of these violations are not known for their retrospection in measuring the depth of the poverty and deprivation they have caused. Counting the costs to the affected people and households is a process rarely done, except by exceptionally scrupulous researchers and civil society organizations.

Of the 257 violation cases reviewed in this period, available information from various sources only provides any numbers at all for 205 of them. Of that number, fully 200 of those cases involved forced eviction and/or demolition of homes. However, only 53 of the published sources on those 200 recounted the number of the homes affected, or provided any quantitative information at all.

The consequences for the livelihood of those victimized families remained untold. However, four outstanding cases entered into the VDB over this review period represent exceptional efforts at costing the losses, costs and damages incurred by victims of forced evictions and displacements.

Case 1: The Syrian War

In the case of the destruction of one-third of Syrian homes since 11 March 2011 may have received the most quantitative attention by those projecting the mammoth and costly task of reconstruction. A variety of sources hosted in the VDB provide estimates of the values lost and the price of replacing homes and contents, ranging from \$36.5² billion to \$68 billion.³

¹ UN Commission on Human Rights, “Forced Eviction,” E/CN.4/1993/77, article 1.

² Moaaz al-Omari, “Syrian Losses Worth US \$36 Billion and Reconstruction Requires US \$200 Billion,” *al-Monitor* (4 September 2012), at: <http://www.al-monitor.com/pulse/contents/articles/business/2012/09/the-true-cost-of-the-syrian-crisis-365-billion-and-counting.html#ixzz2gzEul6py>.

³ *الوطن* “73 مليار دولار كلفة اعادة الاعمار في سوريا”, *عمار يوسف* (3 September 2013), at: <http://www.alwatannews.net/NewsViewer.aspx?ID=slSpOJGYuF7PEePlrlddsQ933339933339>.

These studies relied on data from the Central Bureau of Statistics in Syria and rested on calculated assumptions of the disparity in the value of furniture from region to region in which the destroyed houses are located (from \$5,000 to \$30,000). Monitors calculated losses in savings based on the number of households in each region and the average savings normally recorded for an entire year.

One Syrian study estimated that the number of war-damaged homes reached “half a million,” of which about 390,000 are completely destroyed. Their reconstruction is estimated to cost US\$60 billion (€44,280,800,000). The same source counted some 700,000 Syrian families, or nearly 2.8 million people, with no place to return to.



Destroyed buildings in besieged city of Homs. Source: Shaam News Network/AFP

Case 2: Colonizing Palestinian Land

In all developing countries, land assumes especially high importance for economic activity and development, as the most common means of storing wealth and fundamental economic asset. In crisis situations, land provides an indispensable foundation for sustenance and economic activity involving vital agriculture, industry, housing and even self-determination. A recent World Bank report has assessed the consequences of Israel’s seizure and closure of land to the economy of the indigenous Palestinian society of the West Bank.⁴

⁴ The World Bank Social and Economic Development Group, Finance and Private Sector Development, Middle East and North Africa Region, [The Economic Effects of Restricted Access to Land in the West Bank](#) (Washington: World Bank, 2013).

The report focuses on Area C, the territory that remains under Israeli civil and military jurisdiction under the lapsed Oslo Accords concluded 20 years ago.⁵ The World Bank's assessment quantifies the consequence of Israel's restriction on access to much of the land area, restrictions on movement of Palestinians and access to their natural resources.

Area C constitutes approximately 59% of the West Bank, not including occupied Jerusalem. The physical access restrictions are the most apparent in the 38% of Area C where the State of Israel has confiscated public and private real property, established exclusive Jewish settler colonies and an associated security matrix of checkpoints, road closures, the Separation Wall and permit systems to constrain movement of Palestinian people and goods within and out of the West Bank. The Bank report catalogs Israel's destruction of trees, private homes and public infrastructure, as well as settlers' encroachments on private land, that combine to impede Palestinian most investment and economic activity in Area C. At the same time, the Israeli-imposed land-use and planning restrictions in Area C are no less detrimental to Palestinian economic development, confining existing villages to too little space for demographic growth and causing irrational land use and unsound environmental management.

Amid this institutionalized spatial and material discrimination, the territorial division distorts land markets by creating artificial land shortages. Vacant land is scarce in Area A and only the most accessible parts of Area B are suitable for development, while Area C is not an option for development due to the many obstacles Israeli civil and military authorities erect for Palestinians seeking construction permits. At the same time, demand is rising rapidly from a growing population, restricting potential investors' opportunities to concentrate activity in the fragmented Areas A and B.

More than half the land in the West Bank, much of it agricultural and resource rich, is inaccessible to Palestinians. Starting in 2000, the West Bank's economy has suffered steady decline, with overall GDP and per capita GDP, respectively, dropping 14% and 40% from their peak in 1999.⁶ Poverty remains on the increase. Meanwhile, foreign aid has succeeded in doing little more than slowing down the deterioration of the economy, despite ever-greater aid levels.

This first quantification of the impact of "withheld land" sets the current loss to the Palestinian economy at about US\$3.4 billion. It poses scenarios in which recovery would result from the restoration of Area C lands to the jurisdiction of the Palestinian Authority. However, welcome, too, would be the World Bank's leadership to foster multilateral action to bring about actual remedies.

⁵ The Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip, Washington, D.C. (September 28, 1995), Article XI.

⁶ World Bank, "Economic Developments and Prospects," [West Bank and Gaza Update](#) (March 2008), p. 16.

REFERENCE MAP - as of October 2005
WEST BANK & GAZA STRIP



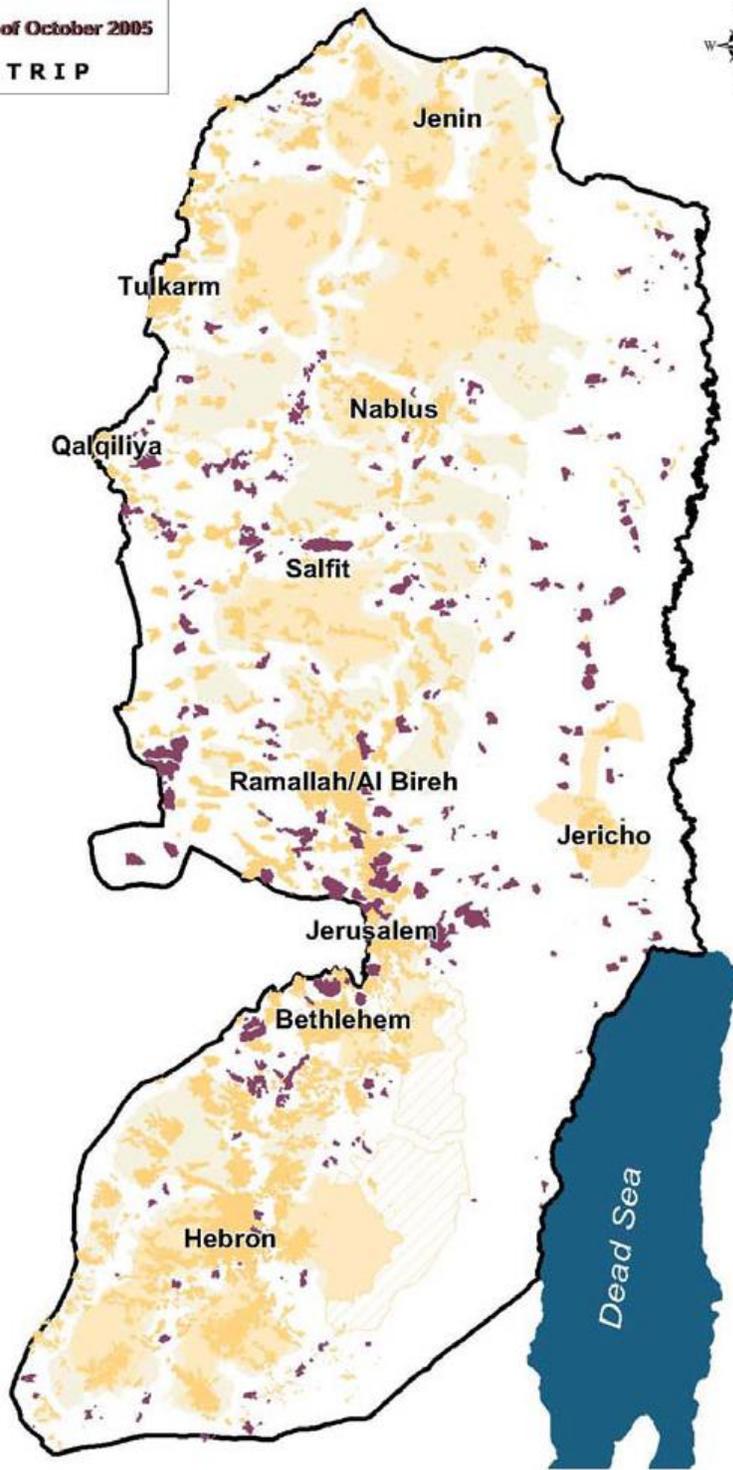
Residential Areas

- Palestinian Communities
- Israeli Settlements

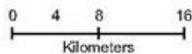
Oslo Agreements

- AREA (A)¹
- AREA (B)²
- AREA (C)³
- Nature Reserve
- Special Case (H2)⁴

¹-Full Palestinian civil and military control.
²-Full Palestinian civil control and joint Israeli-Palestinian military control.
³-Full Israeli civil and military control.
⁴-Hebron Agreement.



The designations employed and the presentation of material on this map do not imply the expression of any opinion whatsoever on the part of UNCTAD or the United Nations concerning the legal status of any territory, territory, city or area or of its boundaries or concerning the distribution of its boundaries or boundaries.



OCHA **United Nations Office for the Coordination of Humanitarian Affairs**

Cartography: OCHA - oPI - October 2005.
 Base data: FA MoP, July 2000, OCHA update 2004.
 For comments contact ochaopt@un.org or Tel. +972 (02) 582-9862
<http://www.ochaopt.org>

Table 1: Shrinking Land Area Available for Palestinian Use

| Restricted Areas | Area in Hectares (net of overlaps) | % of West Bank (including East Jerusalem) |
|--|---|--|
| Settlements and settlement industrial areas outer limits | 17,531 | 3.1 |
| Outposts outer limits | 1,131 | 0.2 |
| Land cultivated outside settlement outer limits | 10,179 | 1.8 |
| Subtotal of land reserved for settlements | 28,841 | 5.1 |
| Land reserved for military areas and Israeli declared nature reserves (net of overlaps) 1 | 127,803 | 22.6 |
| Restricted Road Network | 2,262 | 0.4 |
| Land West of Separation Barrier | 57,681 | 10.2 |
| Total Land Area Restricted from Palestinian Access | 216,587 | 38.3 |
| Accessible Area C Land | 117,058 | 20.7 |
| Total Area C | 333,645 | 59.0 |
| Total Land Area of West Bank (including East Jerusalem) | 565,500 | 100.0 |

Given the demonstrated frequency and sheer scale of the violations and corresponding losses, the task of counting the consequences is far beyond the capacity of most reporters and nongovernmental organizations. Nonetheless, where the losses from forced evictions, destruction, dispossession and the costs of privatization to ordinary households of housing rights violations take their toll, some innovating civil organization have reconstituted the story of deepening poverty that these violations cause.

Case 3: Kandhamal, Odisha, India

An anti-Christian march, reportedly supported by Hindu fundamentalist (*Hindutva*) groups, took place at Brahmanigaon in Daringbadi Block of Kandhamal, Odisha, India on 23 December 2007. Five days later, a mob apparently launched a revenge attack on three Hindu communities. The killing of a local swami and three others in the Kandhamal district in August 2008, sparked a second phase of mob violence targeting the Christian community in Kandhamal. The attackers sacked over 600 villages, plundering and burning some 5,600 houses, leaving 54,000 people homeless and killing over 100 people. The mob destroyed 295 churches and other places of worship, 13 schools and colleges, and damaged the offices of several nonprofit organizations. More than 10,000 children had their education severely disrupted due to displacement and fear. About 30,000 uprooted people took refuge in relief camps for six months, but many families continue to be displaced until the present.

The Government of Odisha State had provided Rs. 50,000 (€598.94) as compensation for “fully-damaged houses” and Rs. 20,000 (€239.58) for “partially damaged houses.” Until now, 5% of the families that lost their homes have received no compensation at all. Many badly damaged homes had to be rebuilt, but the families only received compensation for “partially damaged houses.” After the assessment by government

officials, many houses registered as “partially damaged” later collapsed due to heavy rains and other factors when the victim-survivors were in relief camps, and the government never reassessed their losses.

The Jan Vikas charitable society conducted a household survey in Kandhamal in 2009–10 and reported that the fully and partially damaged houses totaled 4,864, while government undercounted the losses at 4,588 damaged houses.⁷ In 2012, HLRN and the Center for the Sustainable Use of Natural and Social Resources (Odisha) undertook to quantify the true losses, costs and material and nonmaterial damages resulting from the Kandhamal destruction and evictions.

In this application of the HLRN Eviction Impact Assessment (EVI) tool, the field researchers recorded the losses of 122 families in three villages in Kandhamal. This random sample revealed that total losses actually amounted to Rs. 22,876,486 (€274,035), while the average loss suffered by each affected family was Rs. 186,280 (€2,231.43). This compares to the official compensation grant of Rs. 50,000 (€598.94) for “fully-damaged houses” and Rs. 20,000 (€239.58) for “partially damaged houses.”

In addition to these uncompensated losses and the hardship of life in the relief camps, the inadequate compensations for homes actually forms a fraction of the losses in other material and nonmaterial values, prolonging and deepening the impoverishment of the affected families. In addition, the field data showed that 121 families lost a total of Rs. 38,83,810 (€46,712) with the average household losing Rs. 32,098 (€386) worth of household articles.

Moreover, 122 families lost a total of Rs. 6,20,389 (€7,426) in kitchen utensils, with an average loss of Rs. 5,085 per family. The destruction of clothing belonging to the 122 families was valued at Rs. 4,63,548 (€5,575) while the average loss per family was Rs. 3800 (€46). Some 90 of the 122 families surveyed incurred a total loss of Rs. 1, 38,658 (€1,668) from the destruction/loss of vital documents, while the average loss per family was Rs. 1,541 (€19).



Photo: Kandhamal. Source: *India News Diary*, 8 April 2011

Forty-nine of the 122 surveyed families incurred a total loss of Rs. 2,11,900 (€2,549) in educational material, including text books, note books, reference books, school/college

⁷ *Unjust Compensation: An Assessment of Damage and Loss of Private Property during the Anti-Christian Violence in Kandhamal - using the HLRN Eviction Impact Assessment Tool* (New Delhi: HLRN and the Center for the Sustainable Use of Natural and Social Resources, 2013), p. 4.

uniforms, stationery, and other necessities of a student. The average loss per family from the destruction of educational items was Rs. 4,324 (€52).

Thirty-five families from one village (with electricity) reported a total loss of Rs. 2,21,784 (€2,667) in electrical appliances and equipment, with the average loss per affected family amounting to Rs. 6,337 (€76).

Ninety families lost jewelry worth Rs. 43,98,300 (€52,900); the average loss per family was Rs. 48,870 (€588). Agricultural implements for all families covered in the survey was Rs. 11,51,853 (€13,854) with an average loss of Rs. 9,441 (€114) per family.

HLRN and CSUNSS found that 83 families suffered a total loss of Rs. 9,98,600 (€12,011) in livelihood-related infrastructure, while an average household lost Rs. 12,031 (€141). That is in addition to the cost of a needed new bore well, dug at a cost to the community of Rs.10,000 (€120). Livestock lost was Rs. 41,34,400 (€49,726), with the average loss per family amounting to Rs. 36,914 (€444).

Of the 122 families surveyed, 62 lost crops in the field during the Kandhamal violence, valued at Rs. 12,66,839 (€15,237). A total of Rs. 16,43,966 worth of harvested agricultural produce was lost by 97 of the 122 surveyed households (€19,773), and the total value of seeds lost by 67 families amounted to Rs. 12,47,163 (€15,000).

The total income losses of 85 families Rs. 20,57,200 (€24,743), and 107 families incurred the further cost of a total of Rs. 3,80,076 (€4,571) in lost subsidies for food and cooking fuel.

This thorough accounting of many costs, losses and damages clearly shows a great discrepancy in the government enumeration conducted as a basis for government compensation. This quantification exercise demonstrates also the need for a proper method and policy for governments at all levels to address the true needs of housing rights violation victims, in order to prevent families spiraling down into deeper and deeper poverty.

Case 4: Muthurwa Estates, Nairobi, Kenya

The century old Muthurwa Estate was developed by the East African Railways and Harbours Corporation (EARHC) to provide housing and amenities to its African workers in the new town of Nairobi in the early 20th Century. Among these facilities was a 72-acre parcel of land known as Muthurwa Estate. Following the dissolution of the East African Community (EAC), Kenya's Parliament established Kenya Railways Corporation (KRC), which commenced operations in 1978. Then in 2006, KRC formed the Kenya Railways Staff Retirement Benefits Scheme (KRSRBS), which inherited certain KRC assets and liabilities, namely to pay pensions to over 9,000 retirees. In 2006, KRC entered into an agreement that conceded railway operations to Rift Valley Railways Ltd.

Around August 2010, the Scheme announced the disposal of Muthurwa Estate, in accordance with a master plan to raise cash for the KRC pension scheme. The estimated book value of the Estate was Ksh. 3 billion (€24,341,000) with a potential to rise to 5 billion (€42,235,000). The Scheme asserted that it would push for the sale of land to raise money to pay the 9,000 pensioners their dues and, consequently, decided to demolish and redevelop Muthurwa Estate.

Forced Eviction

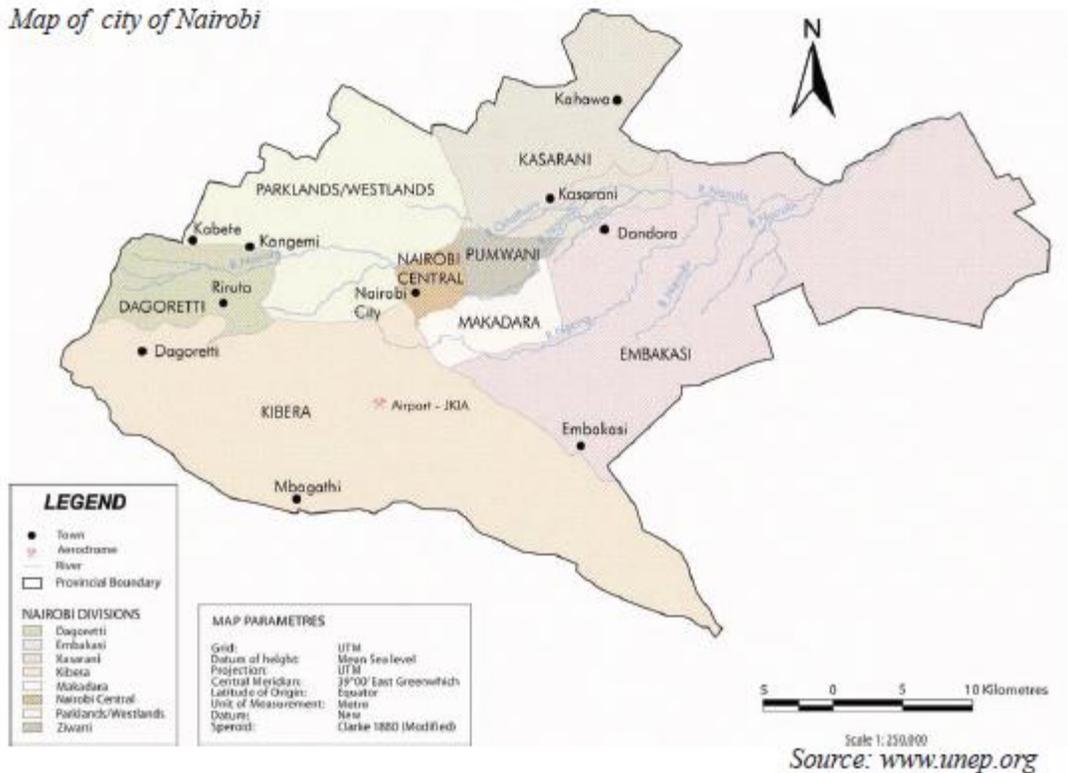
The Scheme issued a written notice on 1 July 2010 to all residents, demanding that they vacate their houses within 90 days. It directed the bank appointed to collect rents to inform the residents that it no longer would do so. In October 2010, the Scheme carried out a forced eviction of the residents with bulldozers, demolishing some housing blocks and their sanitary and cooking units, cutting the water supply and street security lighting, and threatening to raze the rest of the housing units. The residents of Muthurwa Estate include the elderly, persons living with disability, children, widows etc.

Many residents left the Estate, while others resisted the violation and approached the NGO Kituo Cha Sheria for legal aid to restrain the eviction. The registered owner of the land remained East Africa Railways and Harbours. However, while disposing of the property, the owner still needed to comply with standards of human rights, in particular article 43 of the Kenyan Constitution (2010), which guaranteed every person's right to "accessible and adequate housing, and to reasonable standards of sanitation." In order to comply with this normative standard, Nairobi's High Court Justice Musinga issued a temporary injunction on 17 February 2011, ordering the KRC trustees to reconnect sewerage systems, water supply, toilet facilities, perimeter fence and other amenities on the premises; to accept rent from the petitioners and the persons they represent forthwith, or, in the alternative, to deposit the same with the court; to pay the respondents pay court costs; and to provide "such other relief as this honourable court may deem fit to grant."

By February 2012, a Kituo cha Sheria and Mazingira Institute team collected data from 100 households in the Estate. Their survey found that Muthurwa Estate residents generally would be willing to relocate under comparable living conditions and costs. That limited options to area 20 kilometers away from their present Nairobi Central location, possibly in Dandora or Raui (see map below). The investigation determined the costs of the Muthurwa Estate residents' potential relocation within the standards of the human right to adequate housing. They assessed the one-time time and monetary cost of relocation, assuming:

- Comparable housing rent in the area of relocation; i.e, Ksh. 2,500 (€21) per month;
- No change in place of employment; and
- No change in schools/colleges.

Map of city of Nairobi



Under such a relocation, residents would have to be duly compensated for time spent moving, calculated at current wage-labor rates. That cost would be based on a typical 13 hours of labor spent relocating. The one-time relocation costs figured at averaged Ksh.11,325 (€96) per household.

In addition, the survey assessed the increase in household expenditure for relocation due to a potential eviction, including additional transport costs for all journeys for the following purposes:

- Work
- Health facilities
- Nursery School
- Primary School
- College
- Recreation
- Worship

The total additional transport cost of relocation per month averaged Ksh. 19,733 (€167) per household. Access to work and schools from the prospective relocation at Dandora would consume much more travel time than from Muthurwa Estates. Since the households are already needy, their relocation would make them worse off, as such relocation would be far beyond their current means. However, the investigation

determined that, eventually, the household expenditure on transport would decline to Ksh. 12,766 (€108) average per month, as the households found most facilities in the new place over time, except for work and schools.

This detailed quantification of the costs of relocation factored into the final decision of the court in favor of the petitioners on 30 August 2013 under the new Kenyan Constitution, citing Kenya's obligations as a state party to the International Covenant on Economic, Social and Cultural Rights, scrupulously applying the UN Committee on Economic, Social and Cultural Rights' General Comment No. 7 on forced eviction. The court also cited related jurisprudence of South African and Nigerian courts, the African Commission of Human Rights and the UN Basic Principles and Guidelines on Development-based Eviction and Displacement, as well as. In her ruling, the deciding Justice Mumbi Ngugi lamented the proliferation of forced evictions in the country and the inadequate compensation for their victims. The judge concluded: "I must sincerely thank all parties and their advocates for patience, decorum, depth and wealth of research and submission, which have all gone a long way in enriching this judgment."

Conclusion

The quantification of losses from housing rights violations, including but not limited to those captured in the VDB, form the current state of the art of monitoring and advocacy toward applying all the elements of reparations and doing justice, as a mark of modern statecraft. Like Justice Ngugi, HIC-HLRN laments the volume of forced evictions and other violations that it records in the online VDB. However, where justice is to be done—whether in the context of indictable local acts, or in the wider frame of transitional justice—the precision that derives from quantifying the harm and measures of remedy is essential to problem solving now, and formulating sound habitat policies in the future.

Thus, we highlight here these exceptional instances of measuring the harm with the purpose of rectifying it. Even these four examples, out of the 257 recorded during the period of this annual Habitat Day review, foster hope that the monitoring in other cases can lead to successful demands for adequate remedy and an end to the impoverishment that these housing and land rights violations typically deepen.

Of these four featured VDB entries since 2010, only the last one ended in judicial solution. However, all indicate the inadequacies of current state of the practice in "compensations" of those afflicted by housing and land rights violations. The quantifications of losses, costs and damage from the harm of occupation, in the case of the recent World Bank assessment, also forms a guide to liabilities accumulating for the ultimate *reparations* called for in international law,⁸ a remedy that puts restitution foremost among the package of indemnities required.

Housing and Land Rights Network, World Habitat Day 2013.

⁸ "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law," A/RES/60/147, 21 March 2006, at: <http://www2.ohchr.org/english/law/remedy.htm>.