

Charting the Need for System Change amid Climate Change

Housing and Land Rights Violations in 2008–10
International Housing and Land Rights Day, 2010



HOUSING AND LAND RIGHTS NETWORK
H a b i t a t I n t e r n a t i o n a l C o a l i t i o n

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This report of the Habitat International Coalition's Housing and Land Rights Network (HIC-HLRN) on housing and land rights violations departs from the past. Previous iterations of the annual HIC-HLRN report issued on World Habitat Day have focused on a single theme such as the current wave of persecution against rights defenders (2007¹), or housing-related mechanisms of discrimination (2009²). This report presents more of an inventory of themes that arises from the patterns of recorded violations and focuses rather on their inter-relatedness, especially in the overarching context of climate change.

The usual annual HLRN report has demonstrated how using the contents of HLRN's Violation Database (www.hlrn.org and http://hlrn.org/english/welcome_violation.asp) could serve the user seeking to analyze violations recorded in the current and foregoing two years, while that time frame allows the patterns and contours of the violations to emerge. Over the same trajectory, this 2008–10 review delivers a message of multiplicity and indivisibility of certain factors that lead to violations, with examples provided below. This interconnectedness parallels the indivisibility of human rights themselves, of which housing and land rights—as always—remain our point of departure.

It is observed that violation patterns are often interconnected, combining the four common types of violation that the Violation Database (VDB) was designed to monitor and record: eviction, dispossession, destruction and privatization. Examples from the VDB, as well as from press monitoring reflected in *HLRN News*, show how these multiple aspects can obtain in a single instance, especially in cases where heavy equipment and disproportionate force are used in an eviction, wreaking destruction, as well as causing dispossession. When such a case arises from a privatization process or motive, the case hypothetically covers the gamut.

The content and context of violation cases vary. However, from the composite picture that emerges, trends also manifest from the many unfortunate practices, as well as omissions that lead to violations of people's housing and land rights. These cases of violation bear remarkable similarities across regions within the review period. From Australia, with its struggle against drought and home-destroying fires,³ to Zanzibar's challenge of land losses from shoreline erosion,⁴ the message is clear that the common and overshadowing context that affects housing and land rights this period is erratic weather as a probable function climate change. While classic human rights methodology is challenged to identify a single perpetrator among the causal factors, the victimization is nonetheless real. Throughout the review period, deliberate efforts continue to explore questions of liability for such losses in light of the states' treaty obligations to *respect, protect and fulfill* human rights.⁵ The VDB contains cases in which reliable arguments can identify such a link. However, where development policies or postdisaster practices and omissions cause or deepen the harm, for example, at least two trends occlude in one example of avoidable violation.

And thus, a comprehensive view of violations through a tour of the Violation Database in 2010 reveals the lessons reflected here, namely that (1) multiple factors often lead to housing and land rights violations at the expense of human well-being and dignity, (2) multiple violations in many cases combine forced eviction, dispossession, destruction and/or

privatization-related violations, (3) emerging trends are replicated across borders and regions, and (4) the inter-relatedness of those trends underscore the fact that we are somehow in this picture all together.

As trends appear increasingly interlaced, this realization is likewise reflected in the Habitat Day statement of the Habitat International Coalition.⁶ Such occasional statements such as expressions of social movement and civil society convergence are indicators of a practical and mutual realization that, indeed, popular forces, both rural and urban-based, share a common planet and purpose of pursuing alternatives to the violation of housing and land rights that affect so many human persons and their habitat.⁷

Emerging Themes, Issues and Instances

HIC-HLN Members, the public and, especially, HLRN officers and staff have filled the VDB with reliable information on cases that ground these observations. More than ever, this year's draw of evidence anchors our recognition of the increasing necessity for coordination and multidisciplinary approaches to problem solving, including remedies and responses from civil society. It is the human right to, and natural pursuit of adequate housing that inevitably links us all to the wider world and the pivotal issues of the day.

This year, the eviction, dispossession, confiscation and privatization-related cases maintained in the VDB for the review period (2008–10) point to five key trends in violation and their related global themes, linking the consequences of:

1. **Environmental Disaster and Climate Change:** Erratic weather and related environmental disasters, most likely driven by unbridled consumption and production patterns;
2. **Land Mismanagement and Land Grabbing:** Poor land management, related policies and practices, including the global land rush ("land grabbing"), that lead to deprivation and social injustice;
3. **Urban Bias in Development:** A sanguinary preference toward urbanization in global policy and development discourse and practice, without sufficient alternatives;
4. **Social Conflict, Occupation and War:** Social violence, ranging from the cruel and classist criminalization of homelessness, to reprisals against housing- and land-rights defenders, to militarized land-based conflicts and persistent occupation;
5. **Financial Crisis:** The global financial meltdown triggered by the U.S. mortgage crisis and the rush to private ownership and acquisition.

These challenges and their accumulating consequences lead one to face the need for a fundamental and systemic change to current global development, production and consumption behavior.⁸ That need grows larger not only to cope with and resolve the growing problems in the urban sphere, but, more importantly, the growing catastrophes resulting from climate change and other human consequences of a manifest disregard for the land and land-based people's rights.

Environmental Disaster and Climate Change

Over the reporting period, HLRN has recorded cases in the VDB of gross violations arising from the environmental impact of dams in countries as diverse as China, Nigeria, Trinidad & Tobago, Laos and Brazil. Both China and Nigeria have witnessed the gravest housing and land rights violations due to environmental damage and further threat to the poor socioeconomic situation of affected people as consequences of the dams' construction.

China's Three Gorges Dam and Mambilla Dam, in Nigeria, have been credited with destructive environmental impacts that have exaggerated natural hazards in both countries, triggering climate change with implications beyond.⁹

In April 2010, the *Norte Energia* consortium of nine companies won the right to build the hydroelectric Belo Monte Dam on a tributary of the Amazon, in Brazil, despite public outcry. While ostensibly intended to deliver energy to cities such as Altamira and Vitória, the dam threatens both the survival of the indigenous population dependent on this section of the Amazon River and the 40,000 people at risk by the potential flooding of the area. The initial project was abandoned in the 1990s amid widespread protest, but the government has dismissed current protest, promising that \$800 million would be set aside for environmental protection. If completed, the project would make the Belo Monte Dam third largest in the world.¹⁰

In addition to the complex VDB cases (see Madeira case below), where infrastructure met a dire weather event, climate change-related phenomena have increased as a cause for housing and land rights violations under review, affecting both rural and urban dwellers. The continued accommodation of urban growth creates problems that are no longer limited to the city. In the meantime, the mutually enforcing effects of climate change and far larger-scale urbanization processes take their toll on the micro- and macroenvironment in a vicious cycle, thus putting the very stability of our planet at risk.

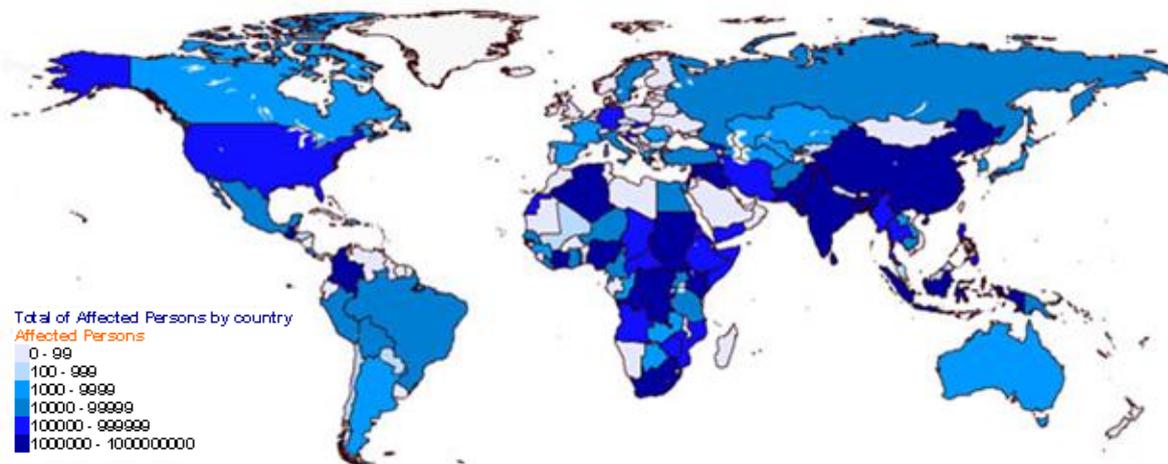
It is not always possible to identify a direct duty holder, according to human rights methodology, in climate change and environmental disaster situations leading to housing and land rights violations. Nonetheless, in addition cases recorded in the VDB, the review period was plagued with series of destructive and ominous environmental events, compounded also by violations in the response and reconstruction.

On 25 November 2008, Cyclone Nisha hit Sri Lanka caused flooding and heavy rains that forced the displacement of 60,000 to 70,000 people. The Sri Lankan government played an active role in the continued displacement of the people by barring humanitarian agencies from providing the much needed aid and assistance during the height of the disaster.¹¹ Under Chinese occupation, the Tibetan city of Yushu in the Qinghai Province was struck by an earthquake that affected the stability of the already badly constructed and maintained Changu (Thrangu) Dams project in the region and threatened the lives of over 100,000 people living downstream.¹²

In Pakistan, the July 2010 floods have killed over 1,500 persons and displacing millions, while tropical storm Ketsana has triggered the worst flooding in decades in Manila, displacing more than 250,000 people and affecting 25 provinces. Bad and/or inadequate government planning in disaster and post-disaster rehabilitation continues to be a large factor in the ongoing violation of local housing and land rights.¹³ Assessments of the reconstruction efforts after Cyclone Nargis in Burma illustrate that government policies responsible for inadequate emergency provisions have led to housing and land rights violations: forced relocations, land confiscations and government threat to secure tenure.¹⁴ Like the Sri Lankan government, the Myanmar government's long refusal to permit international relief and reconstruction assistance into the country unnecessarily increased housing and land rights violations and demonstrated—in the negative—how important is the governance principle of international cooperation, which also forms a human rights treaty-based obligation for states to reciprocity in ensuring protection and fulfillment of all human rights.¹⁵

Besides the obvious connection between erratic climate change and drought, floods, landslides and other causes of land loss, poor, small island and developing countries compelled to spend ever larger proportions of their revenues addressing the negative

impacts of climate change. The priority shift often results in predictably more poverty as resources are diverted from needed social interventions such as housing, as well as education, health and other human rights.¹⁶



Land Mismanagement and Land Grabbing

Increased rural debt, displacement and dispossession, especially of women-headed households, have increased often without sufficient government efforts to ensure the needed safeguards.¹⁷ Direct foreign investment in land effectively has sponsored a return of indentured labor under an increasingly faceless landlord class, most of whom are absentees and distant city dwellers.¹⁸ This pattern of land development has emerged too frequently as a new form of subsidy from rural poor to the rich and obscenely rich.¹⁹ In this context, suicides of destitute farmers have increased dramatically as the only remaining option under life-crushing debt and/or debilitating land loss in favor of corporate interests.²⁰ Moreover, in such cases, a surviving farm wife's inheritance of the land and tenure are often not secure.

The VDB has registered several cases reflecting the growing problems of land mismanagement and a self-interested pattern of corporate and investor-driven land rush, leaving local small farmers and indigenous communities in displacement and deprivation. For example, the expropriation of small land owners in Mali by large domestic and foreign companies exemplifies an increasingly common phenomenon. Without the public's knowledge, the Malian government recently granted a Libyan company, *Malibya*, 100,000 hectares of arable land on a 50-year lease in Macina, in the Ségou region. According to project directors, the endeavor, which began in October 2008, will allow partner countries to produce food self-sufficiently, as well as develop their agriculture and ranching industries,²¹ while local farmers and the *Coordination Nationale des Organisations Paysannes* are left to struggle against their newly intensified marginalization.

In December 2009, the VDB recorded that the Government of Sierra Leone signed a memorandum of understanding with *Addax Bioenergy*, headed by Swiss oil magnate and financier Jean-Claude Gandur. The contract allows the foreign party's lease of over 20,000 hectares of land to grow cassava—the most important food staple in Sierra Leone, second only to rice—and sugar cane to produce ethanol destined for export to Europe.²²

Some day-to-day land struggles have a long trajectory, as in a case ongoing since 1982. It was then that the Indonesian Ministry of Internal Affairs granted a local plantation company 70.3 hectares of local farmers' land in Banjaran, Langkat, North Sumatra. In 2007, the farmers regrouped and reoccupied some of their lands, but in December 2008, authorities

arrested activists there for disrupting the plantation business, and their case remains before the court until this writing.²³

In cities, too, land grabbing and privatization of public space are on the advance. One prominent case and prospective violation for the VDB is that of Miyashita Park, in Tokyo. There, local officials are colluding with the Nike Corporation to turn the public space into a Nike promotional facility, foreclosing the only available shelter for the local contingent of Tokyo's thousands of homeless citizens, whose numbers have swollen during Japan's recent economic downturn.²⁴

Another instance of "privatization" of communal land, for example, is recorded in the urban case of land grabbing and the January 2009 forced eviction of the Dey Krahorn neighborhood in Phnom Penh, Cambodia. There, the 7NG company laid claim to the land, based on a fraudulent transaction concluded with ousted community leaders and undisclosed to the community since 2005.²⁵

A case of urban land grabbing recorded both in the VDB and as the subject of HLRN Urgent Actions during the period has involved the forced eviction of up to 300 residents in Mfenda community of Cameroon's capital, Yaoundé. The official pretext for their dispossession, demolition and displacement without compensation was to use the ground for the 50th anniversary celebration of the country's independence.²⁶ In that case, both land grabbing and "development" for a mega-event combined to form a lethal cocktail of official reasoning that left the local inhabitants with the hangover of displacement and deeper poverty.

A special Habitat Day search of the VDB reveals the full complement of cases forming the backdrop of these observations (1 January 2008 to date). You can access the results of that data search at: <http://hlrn.org/english/vio1.asp>.²⁷

Urban Bias in Development

On this 25th Habitat Day, as always,²⁸ UN HABITAT's theme focuses on cities. The agency's slogan for World Habitat Day 2010, "Better City, Better Life," aims to "highlight our collective vision of a sustainable urban world that harnesses the potential and possibilities, mitigates inequalities and disparities, and provides a home for people of all cultures and ages, both rich and poor."²⁹ In another 2010 UN HABITAT report,³⁰ the authors assert that the inevitable outcome of economic development remains urbanization, as it contributes to an overall reduction in poverty rates. The rate of urbanization today is at such a rate that, by 2050, urban settlements will constitute two-thirds of the world's population. However, a celebratory urban-centric perspective cannot promise to "mitigate inequalities and disparities" that emerge from the current patterns of housing and land rights violations.

As population statistics and the present violation patterns meanwhile demonstrate, not only does nearly half the world's population live and struggle in rural areas, while the intense consumption and production that coincides with urbanization are also key drivers of global poverty and development disparities, if not also climate change. Along with its seeming irreversibility, urbanization is correlated with rising pollution levels, land degradation, drainage problems, inundation of coastal zones and even certain natural disasters, all forcing increased human displacement.

The natural population increase, plus urban migration have boosted the number of slum dwellers as another consequence of the rapid urbanization process. The process has led to nearly one billion people living in slums today. In many cities, especially in developing countries, up to 50 percent of the population lives in slums. Even if the MDG 7, target 11

aiming to improve the life of 100 million slum dwellers were achieved by 2020, slum populations will have grown at such a rate as to eclipse such an accomplishment.

Not all the outcomes of urbanization and urban migration have been as positive as is often publically promoted, especially in light of the exponential rate of urbanization and the unmanageable size of many of today's cities. Over the reporting period, HLRN has recorded a number of cases related to spatial discrimination in cities, creating violations as if by design.

Discrimination and Segregation

The Roma people, a European minority, continues to face extreme marginalization in various countries across the continent.³¹ Recent government policies have only exacerbated the violations and discrimination they face, including forced eviction. For example, the shocking measures recently taken by French President Nicolas Sarkozy have forced the return of hundreds of Roma to Romania and Bulgaria, with more than 100 "illegal" Roma camps dismantled in France.³²

Gated communities in Beijing symbolize China's latest effort ostensibly to stem its rising urban crime rates, often blamed on the millions of rural Chinese migrating to cities for work. That policy has led the government to create villages around the city for migrant workers. Unlike gated communities elsewhere, which keep low-income "trespassers" out, the current 16 restrictive villages in Beijing are already sealed, impeding migrant workers' freedom of movement and access to livelihood and other rights.³³

Beautification of Cities

Local and state authorities increasingly pursue urban planning schemes to beautify cities, in part by eliminating low-income housing replaced through investments in grand commercial complexes and megaprojects. In 2009–10, notable governments in every region have committed mass forced evictions, in violation of international norms, in order to pursue such projects that suggest systematic contempt for the poor.

In Chad, in 2008, the government prepared an urban development programme with the support of UN HABITAT and the UN Development Programme, but the urban planning laws with housing rights safeguards were not promulgated in time, and thousands of people were forcefully evicted in N'Djamena.³⁴ In Cameroon, as mentioned above, hundreds of people were evicted earlier this year in Yaoundé, in order to prepare the city for its celebration of the country's 50th anniversary of independence.³⁵ The government in Nigeria's Rivers State has evicted hundreds of thousands of its citizens in 2008, so private investors can develop a new beautified Port Harcourt³⁶ commercial complex in their place.

More hundreds of thousands remain at risk of being made homeless that way in the future.³⁷ In Egypt, millions of the poorest people in the capital live under the threat of eviction, in order to implement the Cairo 2050 Master Plan, which remains vague and effectively undisclosed to the concerned public.³⁸ Israel has its ominous Jerusalem 2020 scheme that seeks to accelerate the destruction of indigenous Palestinians' habitat and exclude them further from their capital city within a vision to transform the World Heritage city into what some have likened to a big Jewish Disneyland ride.³⁹

Finally, large-scale housing and land rights violations occur in the context international mega-events. For the 2010 World Cup in South Africa, a wave of evictions took place around the host cities, with Cape Town perhaps the most obvious example.⁴⁰ There, officials relocated as many as 15,000 impoverished people to a transit camp outside of town.⁴¹ Also, by the time the nineteenth Commonwealth Games begin in Delhi over Habitat Day 2010

commemorations, at least 100,000 families will have been evicted from their homes to clear the space for the facilities for the events.⁴²

Certain cases exemplify the potential collision of erratic weather events with unsound construction projects, exacerbating the hazards left by bad development choices and/or neglected infrastructure. One notorious example was the probably avoidable loss of 42 lives and valuable property during flash floods that followed heavy rains in Madeira. Various analysts attributed that a rush to urbanized “development” in that instance as creating the conditions that violated a bundle of human rights of the Portuguese island residents.⁴³

These cases bear a subtext telling us that urbanization, as such, is not always something to be celebrated. The fact itself, but also the patterns of its often-reckless nature, have led to gross violations of human rights and sent us further from the objectives of the Millennium Development Goals (MDGs), social development and sustainable environment.

Social Conflict, Occupation and War

Concomitant with the recent economic downturn—and underreported—are the acts of social violence that have been on the rise across affected countries, particularly the United States. Violent acts, ranging from armed robberies to get rent money, to financially-motivated suicides and familicides upon financial ruin reflect responses to dire economic straits.⁴⁴

Across Europe, coincident liquidity crises have had varying impacts on a bundle of economic, social and cultural rights, with the most severe being under the collapse of the Greece and Iceland economies. In Eastern Europe, where the crisis has had an especially severe impact, countries such as Bulgaria and other Balkan states have faced rioting, political destabilization and social strife, as well as an increase in ethnic tensions. The fall-out is even more serious across the developing world, where government social safety nets are weaker, the crisis has caused tens of millions of people to fall into extreme poverty and/or joblessness.⁴⁵ The world’s poorest segments and minority groups, including migrants and indigenous populations, continue to bear the brunt.

Amid a political crisis in the country, Kyrgyzstan experienced clashes that featured local mobs attacking and burning the houses of ethnic Uzbeks, causing mass displacement, property losses, deaths and injury.⁴⁶ The uprisings and atavistic resistance experienced in 2008–10 under Chinese rule in both Tibet and Xinjiang/East Turkestan have much of their roots in grand-scale policy-driven housing and land rights violations that accumulate in population transfer and demographic manipulation patterns. Since Chinese forces occupied those countries 60 years ago, the implantation of Han Chinese settlers on Tibetan and Uighur lands have benefitted the Hans disproportionately with economic privileges and incentives to Sinicize those regions. While many of those original housing and land rights violations are outside the current review period, their consequences and popular responses manifestly are not.⁴⁷

Up the scale and level of violence and duration of conflict, land grabbing, development and economic effects overlays social violence as a factor affecting housing and land rights in other cases of occupation and alien domination. State violence, armed conflict, occupation and war form the context for many HLRN Violation Database cases entered since 2008.

In occupied Iraq, some 200,000 displaced people returned to their homes in 2009, including about 37,000 refugees from outside Iraq.⁴⁸ A total of about 1.5 million people remain displaced in Iraq, with a third inhabit temporary shelters and camps in housing that is inadequate under criteria of the human right. A majority of returnees report feeling unsafe in

their homes after return.⁴⁹ Of the total 456,900 presently known returnees, about 256,140 have found their own homes destroyed by various means of conflict, occupation and war.⁵⁰

Land grabbing that forecloses land access has contributed to serious local and wider-scale conflicts. The unending tragedy of Darfur is emblematic of a lethal cycle of violence arising from ill-advised land-tenure reform that outlawed symbiotic traditions of land-management. Such policies have pitted pastoral and settled people against each other, while subsequent drought, famine and, ultimately, political interests have transformed the conflict beyond the sight of its origins and obscured the land-based lessons from the official record of global politics. In Darfur, the VDB has recorded new evictions and displacement under renewed fighting among militias across Darfur in 2010,⁵¹ along with the nearly 2.7 million internally displaced persons (IDPs) from Darfur out of a total 4.9 IDPs across Sudan and 385,000 refugees outside the country.⁵² Any return and resettlement under such conditions as the Darfur conflict will require new legal protections for surviving to ensure housing and land tenure for the precarious future.

Monitoring shows Israel as the most consistent and most reported among direct state perpetrators of housing and land rights violations. The main features of those violations include continuing land grabbing from the Palestinians, including in the occupied territories of the West Bank and, particularly, Jerusalem. Notoriously, those violations coincide Israel's plan to build 884 more houses for Jewish settlers on the place of a Palestinian neighborhood.⁵³

With 24 Israel/Palestine cases filed in the period, the VDB recounts Israel's demolition of at least 190 Palestinian homes in Jerusalem in 2008–10, and over 100 more homes in the surrounding West Bank.⁵⁴ However, analogous violations in the form of dispossession, destruction and eviction are common against indigenous Palestinian people living as citizens (but without favored "Jewish nationality" status) in Israel, in the Naqab/Negev, Galilee and throughout historic Palestine.⁵⁵ Emblematic of the land struggle between the state and the Arab Bedouin community in the Naqab (Negev), part of southern Israel, are the cases of al-Araqib and Twayil Abu-Jarwal villages, which Israeli authorities demolished for the fifth time and eighth time, respectively, in 2010.⁵⁶ The most dramatic instance of house destruction resulted from Israel's December 2008–January 2009 offensive "Operation Cast Lead," in which the Israeli army bombed and/or razed 11,135 civilian homes and destroyed 627.1 hectares of land across the Gaza Strip.⁵⁷

Outright colonization of the land is by no means just a vestige of the past, particularly under persistent military occupations, where certain housing and land rights violations such as alien settler colonies constitute war crimes and crimes against humanity. Settler colonies were the subject of a 2009–10 diplomatic process at the international level, which HLRN also monitored throughout.⁵⁸ A numerical expression of the damage is elusive, but surely count variously all settlers (as violators) and the occupied people as a whole (as victims), enduring the violation their right to self-determination carried out through offenses to their housing and land rights, among other means.

Finally, HLRN monitoring of housing and land rights in Afghanistan, coinciding with the recent release of tens of thousands of new *Wikileaks* documents, provides a glimpse at a case where housing and land rights violations also may rise to the level of war crimes and crimes against humanity by various parties through targeting of homes, shelters and shelter seekers, wanton destruction and confiscations of lands and housing properties. The eight VDB-recorded cases from Afghanistan in the period indicate a diversity of liable parties often applying a high level of violence and destruction to capture and/or destroy civilian habitats.⁵⁹ As in the context of war and occupations elsewhere, these too often accompany the loss of human life and form the seeds of future reprisals. This composite forms the subject of a separate HLRN report that should catalyze further inquiry into the phenomenon of gross

housing and land rights violations that constitute crime, the subject of forthcoming HLRN publication for legal practitioners and supporting monitors.⁶⁰

Financial Crisis

Over 2008–10, HLRN notes the accumulation of violations stemming from the global financial meltdown, the worst economic crisis since the Great Depression, which devastated First World economies and wrought havoc on much of the developing world. Triggered by the collapse of the housing bubble in the United States between 2007 and 2008, and the subsequent liquidity shortfall in the U.S. financial sector, the crisis has led to losses in the trillions of dollars, the failure of key international businesses and banks, and a significant slowdown in the overall global economic activity.

Two factors complicate any housing rights summary or quantification in the context of the US housing-market bust and global financial crisis: (1) no total numbers exist for persons or values that the crisis has affected, nor is it yet time for the final tally, and (2) no applied criteria exist to determine which of those person affected by foreclosures or consequent evictions are actual victims of housing rights violations, although many undoubtedly are. However, some conclusions are possible from the literature review and data in the VDB: many thousands of people in the United States and other countries have fallen victim to predatory lending practices in a pursuit of private freehold titles to individual property ownership, while thousands more have been evicted or are now struggling against eviction from their purchased homes, or from rental housing where the landlord has fallen subject to foreclosure. However, in the review period, one reliable indicator has emerged from the United States census data, showing that one in seven of U.S. residents is living under the poverty line as of 2009. While that rate was only a slight increase over 2008, it signals the highest poverty rate in 16 years.⁶¹

The most immediate victims of the ensuing financial chaos were the two million, mostly lower-income U.S. citizens and resident who were "...forced from their homes in one of the largest forced evictions in history."⁶² Projections anticipate a consequent rise by some 900,000 homeless people in the USA alone by 2010.⁶³ (While homelessness, by definition, is the unfulfillment of the human right to adequate housing, it is a category that others monitor regularly and, thus, not included as a VDB-monitoring category.)

As the crisis spread and governments hastened to stop the financial hemorrhaging, human needs, including the most basic, competed with grand economic recovery plans. Both U.S. and European governments have spent exorbitant amounts of money in bailout packages for financial institutions, while the rest of the developing world is struggling under three concurrent crises: the food crisis, which cost poorer economies USD324 billion in 2007⁶⁴ after a spike in grain prices; the financial crises; and the climate-change crisis, posing threats to habitat and diverting limited resources to urgent maintenance, infrastructure and disaster management.

The U.S. and European governments have committed to spend more than \$4 trillion to aid troubled financial firms, 40 times greater than commitment to fight climate change and poverty in the developing world. That figure does not count social costs to support homeowners facing foreclosures and evictions, farmers enduring debt, price rises and more-expensive inputs, or the growing number of unemployed persons at home or abroad.⁶⁵

Conclusion

For World Habitat Day 2010, HIC-HLRN's ongoing efforts at monitoring and reporting seek finally to connect the metaphorical dots to outline the state of housing and land rights around

the globe. The HLRN Housing and Land Rights Violation Map alone (at www.hlrn.org) can provide only facial dimensions of the issues, but understanding the problems and seeking solutions to habitat require an analysis of the cases behind the map and processes that create the various shades of countries and regions on the standard Mercator Projection graphic.

The data also reveal that the struggle toward realizing housing and land rights and the values related to habitat are so much more than gaining access to a little shelter, or even private property. Those who advocate the human right to adequate housing and land are inextricably linked to the larger concerns on the global agenda.

It is for these reasons that HLRN dedicates this yearly Habitat Day report from the VDB to a reflection on the inter-relatedness of the factors in many housing and land rights violations. Such a reflection should offer a chance to see both causes and symptoms of city expansion and rethink some of the dominant uncritical assumptions about the inevitability and benign nature of endless urbanization. By taking a step back to view the bigger picture of seemingly diverse, but ultimately related housing and land rights violation patterns, we pause in this era of climate change to consider the necessity of system change.

As these trends of violation call for urgent action, they are not without available solutions. In closing, we would like to acknowledge some of those, including contemporary good practices, as an alternative menu for action. These include, but are not limited to:

1. UN Bodies pursuing their common operational goal of delivering as one, which should encourage certain international agencies to depart from urbanization as the sole available paradigm and reach across specializations toward more integrated, cost-effective and holistic projects embodying the UN Charter and treaty-based human rights approach to the tripod of sustainable development;
2. Collectivization as a proven option for communities to manage and develop land and housing apart from the ideological bent toward privatization of production, including housing production, and individual titles of ownership;
3. Greater investment in small-scale farming as a means to maintain the combined values of high nutrition, continuous productivity, environmental harmony and human well-being;⁶⁶
4. Government support for “social production of habitat,” which involves “all nonmarket processes carried out under inhabitants’ initiative, management and control that generate and/or improve adequate living spaces, housing and other elements of physical and social development, preferably without—and often despite—impediments posed by the State or other formal structure or authority”;⁶⁷
5. Developing further the alternative forms of collateral that would allow individuals and communities to access needed credit without imposing individual owners that creates new contention and fractures communities and their land holdings;
6. Experimenting in the creation of “women’s resource zones” (WRZ)/gender-equal zones as a means of ensuring practical affirmative action for women in communities with men under secure tenure arrangements, as well as including gender subplans in district planning;⁶⁸
7. Financial bailouts for farmers in the spirit and appreciation of that vital productive sector, comparable to the urgency to provide bank bailouts;
8. Regulating land transactions, particularly investments in farmland for large-scale production, with the (constitutional) principles of the social function of property to ensure that returns and benefits are shared and reach local populations;

9. Policy formulation that balances urban and rural priorities as a cardinal rule, while pursuing affirmative-action infrastructure development in rural areas that also address the hazards of climate change;
10. Treaty bodies addressing climate change and environment as part of the human rights line of reasoning in the review of state obligations, particularly under the Covenant on Economic, Social and Cultural Rights;⁶⁹
11. Continuing the process to develop “Voluntary Guidelines on Responsible Governance in the Management of Land and Natural Resource Tenure” through the FAO in partnership with states, international agencies, global civil society, private sector and indigenous peoples and communities;⁷⁰
12. Applying recent legal advances in recognition and protection traditional-use land tenure in national law and policy towards pastoralists, indigenous peoples and other appropriate land-based communities;⁷¹
13. Pursuing alternatives to the desertification through the use of Green Walls and other appropriate techniques;⁷²
14. Ensuring that the principles of the right to remedy and reparation⁷³ apply to parties affected by housing and land rights violations, and that those principles also guide human rights monitoring methods so as to contribute to solutions and transitional-justice processes.

Another world *is* possible.

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Endnotes:

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- ⁵ Notably the Inuit case in *Petition to the Inter American Commission on Human Rights Seeking Relief from Violations Resulting from Global Warming Caused by Acts and Omissions of the United States*," which the Inter-American Commission on Human Rights rejected without prejudice in 2006, and the Extraterritorial Obligations Consortium efforts to develop further the legal precision in human rights methodology to establish human rights obligations related to state, corporate or personal responsibility and liability in such cases. Throughout our review period, too, the International Law Commission and General Assembly 6th Committee considered legal principles and draft articles on prevention of, and liability for "transboundary harm from hazardous activities and allocation of loss in the case of such harm."
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