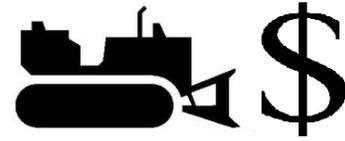




HOUSING AND LAND RIGHTS NETWORK

Habitat International Coalition



Counting Costs:

A project to quantify the consequences of forced eviction and displacement

Prequantification Analysis Summary:

Muthalath Maspero, Cairo

Introduction:

Based on the situation analysis of an actual community in Cairo facing eviction and/or undergoing incremental evictions under the pretext of a vague investment-and-development scheme, a sample of seven categories of cost/losses guide application of the quantification methods. By way of example, the following table presents a set of measurable housing rights violations, the applicable norms, the duty bearers and summarized consequences subject to elaboration and quantification.

The actual citations and excerpts of the applicable international norms in the form of multilateral agreements and related instruments are provided in footnote format linked to their indication in the table.

The local norms are the subject of a separate Arabic-language version of this analysis that includes the original citations and excerpts of applicable laws, regulations and policy sources.

Element of HRAH violated	International norm	Domestic norm	Responsible party/ duty holder	HH affected: Costs/loss/damage to measure
Public goods and services: water	UDHR, ¹ ICESCR 11, ² 12 ³ ; GC 4 ⁴ ; GC 12; GC 14 ⁵ ; GC 15 ⁶ ; GC 19 ⁷ ; Alma-Ata ⁸ ; CEDaW; ⁹ ACHPR ¹⁰ ; DRD ¹¹ ; WHO-H ₂ O ¹² ; SS2000 ¹³ ; CRC ¹⁴ ; VD ¹⁵ ; SSD ¹⁶ ; Agenda 21 ¹⁷ ; Rabat ¹⁸ ; H2 ¹⁹ ; MD ²⁰ ; Arab H2 ²¹ ; FAO-FS ²² ; WWF ²³	Const. §16, 161; Law No.27/1978; Res.2703/1966; Res.10/1995.	MoPU, MoHP, Cairo Gov.	20 HHs w/o water hook-up: time and material costs of transporting water, cost to neighbors lending water, household cost to install hook-up, etc.
Habitability: Prohibition against repairs	UDHR, ²⁴ ICESCR 11, ²⁵ H1, ²⁶ GC 4, ²⁷ GSS2000, ²⁸ H2, ²⁹ WHO, ³⁰ Arab H2 ³¹	Law 119/2008 §39, 94, 97; Law 106/1976 §1, 2.	MoHPU, Cairo Gov., UPC	110 HHs threatened if they repair their houses: accumulated repair costs due to lack of maintenance, health care, life & limb, investment losses, etc.
Property, etc.: Forced eviction and threatened eviction	UDHR, ³² ICESCR 11, ³³ H1, ³⁴ ACHPR, ³⁵ Agenda 21, ³⁶ GC 4, ³⁷ CHR 1993/77, ³⁸ GC 7, ³⁹ CHR 2004/23, ⁴⁰ H2 ⁴¹	Law 119/2008 §24,25 Law 106/1967 §23	MoHPU, Cairo Gov., UPC, SDF	42 HHs: Replacement value &/or resettlement, interim housing, increased transport, contents loss (replacement), contents damage, life & limb, health care, lost documents; rehabilitation, social standing, social capital, etc.
Property, etc.: demolition and threatened demolition	UDHR, ⁴² ICESCR 11, ⁴³ SPD, ⁴⁴ H1, ⁴⁵ Agenda 21, ⁴⁶ GC 4, ⁴⁷	Law 119/2008 §24, 25	MoPU, Cairo Gov., UPC, SDF, private companies	10 HHs: Replacement value &/or resettlement, interim housing, increased transport, contents loss (replacement), contents damage, life & limb, health care, lost documents, rehabilitation, social standing, urban agric. produce, etc.
Legally secure tenure	UDHR, ⁴⁸ ICESCR, ⁴⁹ Agenda 21, ⁵⁰ H2, ⁵¹	Civil Code §949:984	PU, Cairo Gov.,	1,000 HHs: Time & materials, transport, legal/admin fees, research

Rights to information and education RE: land/property ownership, tenure security, repair and maintenance, and water access	H2+5, ⁵² Arab H2, ⁵³ WSSD, ⁵⁴ WWF4 ⁵⁵		UPC, SDF, private companies, courts, PRO	costs, <i>bakshish</i> paid, etc.
	UDHR 17 ⁵⁶ ; ICCPR ⁵⁷ ; ICESCR, ⁵⁸ GC 4 ⁵⁹ ; ACHPR ⁶⁰ ; Agenda 21 ⁶¹ ; H2 ⁶² ; CHR2000/13 ⁶³ ; Arab H2 ⁶⁴ ; A/1999 ⁶⁵ ; H2+5 ⁶⁶ ; SSD ⁶⁷ ; WWF4 ⁶⁸ ; A/60/147 ⁶⁹ ; DPC ⁷⁰	Law 3/1982 §3, Law10/1990 §7; Law 119/2008 §16,91	PU, Cairo Gov., UPC, SDF, private companies, courts, PRO	4,000 HHs: Time & materials, transport, legal/admin fees, research costs, <i>bakshish</i> paid, etc.
	UDHR 17, ⁷¹ ICCPR, ⁷² ICESCR, ⁷³ ACHPR, ⁷⁴ GC 4, ⁷⁵ VD, ⁷⁶ UNESCO/HA, ⁷⁷ DRD, ⁷⁸ Agenda 21, ⁷⁹ H2, ⁸⁰ Arab H2, ⁸¹ H2+5, ⁸² WWF4 ⁸³	Law 3/1982 §3; Law,10/1990 §7; Law 119/2008 §16, 91	PU, Cairo Gov., UPC, SDF, private companies, courts, PRO	Development/investment plans exclude residents
Participation				

Abbreviations	
A/	UN General Assembly resolution
ACHPR	African Charter on Human and Peoples' Rights (1981)
Agenda 21	<i>Agenda 21</i> , United Nations Conference on Environment & Development, Rio de Janeiro, Brazil, 3–14 June 1992
Alma-Ata	Alma-Ata Declaration, International Conference on Primary Health Care, Alma-Ata, 6–12 September 1978
Arab H2	Basic Principles and Measures for Implementation of the Habitat Agenda in the Arab Region
Cairo Gov.	Cairo Governor
CHR	United Nations Commission on Human Rights
Const.	Constitution of Egypt
DPC	International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities (2006)
DRD	Declaration on the Right to Development
DSP	United Nations Declaration on Social Progress and Development (1969)

FAO-VG	FAO Voluntary Guidelines on the Right to Adequate Food, November (2004)
GC	General Comment (of the Committee on Economic, Social and Cultural Rights)
GSS2000	Global Strategy for Shelter to the Year 2000, General Assembly resolution 43/181 of 20 December 1988
H1	The Vancouver Action Plan, Habitat: United Nations Conference on Human Settlements, Vancouver, 31 May–11 June 1976
H2	Istanbul Declaration and Habitat II Agenda
H2+5	Declaration on Cities and Other Human Settlements in the New Millennium," Habitat II +5 Special Session, United Nations General Assembly resolution S–25/2 (2001)
HH	household
ICCPR	International Covenant on Civil and Political Rights (1966)
ICESCR	International Covenant on Economic, Social and Cultural Rights (1966)
Manama	Manama Declaration on Cities and Human Settlements in the New Millennium (2000)
MD	United Nations Millennium Declaration
MoHP	Ministry of Health and Population
MoHPU	Ministry of Housing and Public Utilities
PRO	Public Records Office
PU	Public Utilities
Rabat	Arab Declaration on Sustainable Development for Human Settlements (Rabat Declaration) (1995)
SDF	Slums Development Fund
SSD	Social Summit Declaration and Programme of Action, Copenhagen (6–12 March 1995)
UDHR	Universal Declaration of Human Rights (1948)
UNESCO/HA	UNESCO Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas (1976)
UPC	Urban Planning Commission
VD	Vienna Declaration and Programme of Action, World Conference on Human Rights (25 June 1993)
WHO	World Health Organisation, <i>Health Principles of Housing</i> (Geneva: WHO 1989)
WHO-H ₂ O	World Health Organisation, <i>Guidelines for drinking-water quality</i> , 2nd edition, vols. 1–3 (Geneva, WHO, 1993)
WSSD	Declaration World Summit on Sustainable Development
WWF4	4th World Water Forum Ministerial Declaration (2006)

Sources and Standards:

- ¹ Universal Declaration of Human Rights, Article 25.1: “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing...”
- ² International Covenant on Economic, Social and Cultural Rights (1966), Article 11.1 sets forth: “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, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent.”
- ³ ICESCR, Article 12.1 The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. 2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
- (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
 - (b) The improvement of all aspects of environmental and industrial hygiene;
 - (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
 - (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.
- ⁴ General Comment No. 4: *the right to housing* provides in para. 8(b): Availability of services, materials, facilities and infrastructure. An adequate house must contain certain facilities essential for health, security, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services;... (f) *Location*. Adequate housing must be in a location which allows access to employment options, health-care services, schools, child-care centres and other social facilities. This is true both in large cities and in rural areas where the temporal and financial costs of getting to and from the place of work can place excessive demands upon the budgets of poor households. Similarly, housing should not be built on polluted sites nor in immediate proximity to pollution sources that threaten the right to health of the inhabitants;...
- ⁵ General Comment No. 14: *The right to the highest attainable standard of health*: 4....the reference in article 12.1 of the Covenant to “the highest attainable standard of physical and mental health” is not confined to the right to health care. On the contrary, the drafting history and the express wording of article 12.2 acknowledge that the right to health embraces a wide range of socioeconomic factors that promote conditions in which people can lead a healthy life, and extends to the underlying determinants of health, such as food and nutrition, housing, access to safe and potable water and adequate sanitation, safe and healthy working conditions, and a healthy environment (para. 4); [the right to health is] “an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions...(para. 11); *Availability*: Functioning public health and health-care facilities, goods and services, as well as programmes, have to be available in sufficient quantity within the State party. The precise nature of the facilities, goods and services will vary depending on numerous factors, including the State party’s developmental level. They will include, however, the underlying determinants of health, such as safe and potable drinking water and adequate sanitation facilities...” (para. 12(a); “Physical accessibility: health facilities, goods and services must be within safe physical reach for all sections of the population, especially vulnerable or marginalized groups, such as ethnic minorities and indigenous populations, women, children, adolescents, older persons, persons with disabilities and persons with HIV/AIDS. Accessibility also implies that medical services and underlying determinants of health, such as safe and potable water and adequate sanitation facilities, are within safe physical reach, including in rural areas. Accessibility further includes adequate access to buildings for persons with disabilities...”
- 12(d) *Quality*: As well as being culturally acceptable, health facilities, goods and services must also be scientifically and medically appropriate and of good quality. This requires, inter alia, skilled medical personnel, scientifically approved and unexpired drugs and hospital equipment, safe and potable water, and adequate sanitation....
36. The obligation to *fulfil* requires States parties, inter alia, to give sufficient recognition to the right to health in the national political and legal systems, preferably by way of legislative implementation, and to adopt a national health policy with a detailed plan for realizing the right to health. States must ensure provision of health care, including immunization programmes against the major infectious diseases, and ensure equal access for all to the underlying

determinants of health, such as nutritiously safe food and potable drinking water, basic sanitation and adequate housing and living conditions....

43(c) Core obligations:...in the Committee's view, these core obligations include at least the following obligations:...To ensure access to basic shelter, housing and sanitation, and an adequate supply of safe and potable water...

⁶ 12: (c) *Accessibility*. Water and water facilities and services have to be accessible to *everyone* without discrimination, within the jurisdiction of the State party. Accessibility has four overlapping dimensions:

- (i) *Physical accessibility*: water, and adequate water facilities and services, must be within safe physical reach for all sections of the population. Sufficient, safe and acceptable water must be accessible within, or in the immediate vicinity, of each household, educational institution and workplace.⁶ All water facilities and services must be of sufficient quality, culturally appropriate and sensitive to gender, life-cycle and privacy requirements. Physical security should not be threatened during access to water facilities and services;
- (ii) *Economic accessibility*: Water, and water facilities and services, must be affordable for all. The direct and indirect costs and charges associated with securing water must be affordable, and must not compromise or threaten the realization of other Covenant rights;
- (iii) *Nondiscrimination*: Water and water facilities and services must be accessible to all, including the most vulnerable or marginalized sections of the population, in law and in fact, without discrimination on any of the prohibited grounds;...

14. States parties should take steps to remove de facto discrimination on prohibited grounds, where individuals and groups are deprived of the means or entitlements necessary for achieving the right to water. States parties should ensure that the allocation of water resources, and investments in water, facilitate access to water for all members of society. Inappropriate resource allocation can lead to discrimination that may not be overt. For example, investments should not disproportionately favour expensive water supply services and facilities that are often accessible only to a small, privileged fraction of the population, rather than investing in services and facilities that benefit a far larger part of the population.

With respect to the right to water, States parties have a special obligation to provide those who do not have sufficient means with the necessary water and water facilities and to prevent any discrimination on internationally prohibited grounds in the provision of water and water services....;

24: Where water services (such as piped water networks, water tankers, access to rivers and wells) are operated or controlled by third parties, States parties must prevent them from compromising equal, affordable, and physical access to sufficient, safe and acceptable water. To prevent such abuses an effective regulatory system must be established, in conformity with the Covenant and this General Comment, which includes independent monitoring, genuine public participation and imposition of penalties for noncompliance.

27. To ensure that water is affordable, States parties must adopt the necessary measures that may include, inter alia: (a) use of a range of appropriate low-cost techniques and technologies; (b) appropriate pricing policies such as free or low-cost water; and (c) income supplements. Any payment for water services has to be based on the principle of equity, ensuring that these services, whether privately or publicly provided, are affordable for all, including socially disadvantaged groups. Equity demands that poorer households should not be disproportionately burdened with water expenses as compared to richer households.... And 29: "Ensuring that everyone has access to adequate sanitation is not only fundamental for human dignity and privacy, but is one of the principal mechanisms for protecting the quality of drinking water supplies and resources. In accordance with the rights to health and adequate housing (see General Comments No. 4 (1991) and 14 (2000)) States parties have an obligation to progressively extend safe sanitation services, particularly to rural and deprived urban areas, taking into account the needs of women and children.

32. States parties should refrain at all times from imposing embargoes or similar measures, that prevent the supply of water, as well as goods and services essential for securing the right to water. Water should never be used as an instrument of political and economic pressure. In this regard, the Committee recalls its position, stated in its General Comment No. 8 (1997), on the relationship between economic sanctions and respect for economic, social and cultural rights.

Concerning *Core obligations*, the GC provides in para. 37: In General Comment No. 3 (1990), the Committee confirms that States parties have a core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights enunciated in the Covenant. In the Committee's view, at least a number of core obligations in relation to the right to water can be identified, which are of immediate effect:

- (a) To ensure access to the minimum essential amount of water, that is sufficient and safe for personal and domestic uses to prevent disease;

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- (b) To ensure the right of access to water and water facilities and services on a nondiscriminatory basis, especially for disadvantaged or marginalized groups;
 - (c) To ensure physical access to water facilities or services that provide sufficient, safe and regular water; that have a sufficient number of water outlets to avoid prohibitive waiting times; and that are at a reasonable distance from the household;
 - (d) To ensure personal security is not threatened when having to physically access to water;
 - (e) To ensure equitable distribution of all available water facilities and services;...
- 44....(a) Violations of the obligation to respect follow from the State party's interference with the right to water. This includes, *inter alia*:
- (i) arbitrary or unjustified disconnection or exclusion from water services or facilities;
 - (ii) discriminatory or unaffordable increases in the price of water; and
 - (iii) pollution and diminution of water resources affecting human health;
- (b) Violations of the obligation to protect follow from the failure of a State to take all necessary measures to safeguard persons within their jurisdiction from infringements of the right to water by third parties.⁶ This includes, *inter alia*:
- (i) failure to enact or enforce laws to prevent the contamination and inequitable extraction of water;
 - (ii) failure to effectively regulate and control water services providers;
 - (iv) failure to protect water distribution systems (e.g., piped networks and wells) from interference, damage and destruction;
- (c) Violations of the obligation to fulfil occur through the failure of States parties to take all necessary steps to ensure the realization of the right to water. Examples includes, *inter alia*:
- (i) failure to adopt or implement a national water policy designed to ensure the right to water for everyone;
 - (ii) insufficient expenditure or misallocation of public resources which results in the nonenjoyment of the right to water by individuals or groups, particularly the vulnerable or marginalized; (iii) failure to monitor the realization of the right to water at the national level, for example by identifying right-to-water indicators and benchmarks;
 - (iv) failure to take measures to reduce the inequitable distribution of water facilities and services; (v) failure to adopt mechanisms for emergency relief;
 - (vi) failure to ensure that the minimum essential level of the right is enjoyed by everyone (vii) failure of a State to take into account its international legal obligations regarding the right to water when entering into agreements with other States or with international organizations....

48: The formulation and implementation of national water strategies and plans of actions should respect, *inter alia*, the principles of nondiscrimination and people's participation. The right of individuals and groups to participate in decision-making processes that may affect their exercise of the right to water must be an integral part of any policy, programme or strategy concerning water. Individuals and groups should be given full and equal access to information concerning water, water services and the environment, held by public authorities or third parties....

51: Steps should be taken to ensure there is sufficient coordination between the national ministries, regional and local authorities in order to reconcile water-related policies. Where implementation of the right to water has been delegated to regional or local authorities, the State party still retains the responsibility to comply with its Covenant obligations, and therefore should ensure that these authorities have at their disposal sufficient resources to maintain and extend the necessary water services and facilities. The States parties must further ensure that such authorities do not deny access to services on a discriminatory basis.

⁷ General Comment No. 19: The Right to Social Security (Art. 9): 18. Core obligations... To ensure access to a social security scheme that provides a minimum essential level of benefits to all individuals and families that will enable them to acquire at least essential health care,⁷ basic shelter and housing, water and sanitation,...

59 (a) Social risks and contingencies... (f) Family and child support: Benefits for families are crucial for realizing the rights of children and adult dependents to protection under articles 9 and 10 of the Covenant.... Family and child benefits, including cash benefits and social services, should be provided to families, without discrimination on prohibited grounds, and would ordinarily cover food, clothing, housing, water and sanitation, or other rights as appropriate.

⁸ Primary health care:... includes at least: education concerning prevailing health problems and the methods of preventing and controlling them; promotion of food supply and proper nutrition; an adequate supply of safe water and basic sanitation..." Article VIII.3, Alma-Ata Declaration, Report of the International Conference on Primary Health Care, Alma-Ata, 6–12 September 1978, in: World Health Organization, "Health for All" Series, No. 1 (Geneva: WHO, 1978).

⁹ Article 14.2 of the Convention on the Elimination of All Forms of Discrimination against Women stipulates states parties shall ensure to women the right to "adequate living conditions, particularly in relation to [...] sanitation.

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- ¹⁰ African Charter on Human and Peoples' Rights (1981): Article 13.3. Every individual shall have the right of access to public property and services in strict equality of all persons before the law.
- ¹¹ Declaration on the Right to Development, UN General Assembly resolution 41/128, (1986): Article 8.1: States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, *inter alia*, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices.
- ¹² WHO, *Guidelines for drinking-water quality*, 2nd edition, vols. 1–3 (Geneva, WHO, 1993) that are “intended to be used as a basis for the development of national standards that, if properly implemented, will ensure the safety of drinking water supplies through the elimination of, or reduction to a minimum concentration, of constituents of water that are known to be hazardous to health.
- ¹³ Annex I: Guidelines for Steps to Be Taken at the National Level, A. Considerations for Governments when formulating a national shelter strategy: 1. A national shelter strategy must spell out clear operational objectives for the development of shelter conditions both in terms of the construction of new housing and the upgrading and maintenance of existing housing stock and infrastructure and services.
Global Strategy for Shelter to the Year 2000, General Assembly resolution 43/181 of 20 December 1988, *Official Records of the General Assembly, Forty-third Session, Supplement No. 8, addendum (A/43/8/Add. 1)*, at: http://www.unhabitat.org/downloads/docs/1393_76192_other1.htm.
- ¹⁴ Article 24.2, of the Convention on the Rights of the Child requires States parties to “To ensure that all segments of society [...] have access to education and are supported in the use of basic knowledge of [...] the advantages of [...] hygiene and environmental sanitation.”
- ¹⁵ Vienna Declaration and Programme of Action, World Conference on Human Rights (25 June 1993): 47. The World Conference on Human Rights urges all nations to undertake measures to the maximum extent of their available resources, with the support of international cooperation, to achieve the goals in the World Summit Plan of Action...By means of these national action plans and through international efforts, particular priority should be placed on reducing infant and maternal mortality rates, reducing malnutrition and illiteracy rates and providing access to safe drinking water and to basic education.
- ¹⁶ Social Summit Declaration and Programme of Action, Copenhagen (6–12 March 1995): Article 36.I: Governments should implement the commitments that have been made to meet the basic needs of all, with assistance from the international community consistent with chapter V of the present Programme of Action, including, *inter alia*, the following: providing, on a sustainable basis, access to safe drinking water in sufficient quantities, and proper sanitation for all.
- ¹⁷ *Agenda 21*, United Nations Conference on Environment & Development, Rio de Janeiro, Brazil, 3–14 June 1992, at: <http://www.un.org/esa/sustdev/documents/agenda21/english/Agenda21.pdf>:
- 3.8. Governments, with the assistance of and in cooperation with appropriate international, nongovernmental and local community organizations, should establish measures that will directly or indirectly:... p. Provide the poor with access to fresh water and sanitation;...
- 6.3... Particular attention should be directed towards food safety, with priority placed on the elimination of food contamination; comprehensive and sustainable water policies to ensure safe drinking water and sanitation to preclude both microbial and chemical contamination;
- 6.5. National Governments and local authorities, with the support of relevant nongovernmental organizations and international organizations, in the light of countries' specific conditions and needs, should strengthen their health sector programmes, with special attention to rural needs, to: (a) Build basic health infrastructures, monitoring and planning systems: i. Develop and strengthen primary health care systems that are practical, community based, scientifically sound, socially acceptable and appropriate to their needs and that meet basic health needs for clean water, safe food and sanitation;...
- 6.33. The health and well-being of all urban dwellers must be improved so that they can contribute to economic and social development. The global objective is to achieve a 10 to 40 per cent improvement in health indicators by the year 2000. The same rate of improvement should be achieved for environmental, housing and health service

indicators. These include the development of quantitative objectives for infant mortality, maternal mortality, percentage of low birth weight newborns and specific indicators (e.g. tuberculosis as an indicator of crowded housing, diarrhoeal diseases as indicators of inadequate water and sanitation, rates of industrial and transportation accidents that indicate possible opportunities for prevention of injury, and social problems such as drug abuse, violence and crime that indicate underlying social disorders)....

6.41. Nationally determined action programmes, with international assistance, support and coordination, where necessary, in this area should include:... Promoting the integrated provision of environmental infrastructure: water, sanitation, drainage and solid-waste management;...

19.6... Adopting innovative city planning strategies to address environmental and social issues by:...i. Reducing subsidies on, and recovering the full costs of, environmental and other services of high standard (e.g. water supply, sanitation, waste collection, roads, telecommunications) provided to higher income neighbourhoods;...

7.16... All countries should, as appropriate and in accordance with national plans, objectives and priorities and with the assistance of non-governmental organizations and representatives of local authorities, undertake the following activities at the national, state/provincial and local levels, with the assistance of relevant programmes and support agencies:...i. Reducing subsidies on, and recovering the full costs of, environmental and other services of high standard (e.g. water supply, sanitation, waste collection, roads, telecommunications) provided to higher income neighbourhoods;...

D. Promoting the integrated provision of environmental infrastructure: water, sanitation, drainage and solid-waste management... 8.47. Governments should seek to identify and consider measures to correct price distortions arising from environmental programmes affecting land, water, energy and other natural resources....

18.12. All States, according to their capacity and available resources, and through bilateral or multilateral cooperation, including the United Nations and other relevant organizations as appropriate, could implement the following activities to improve integrated water resources management:...o. Development and strengthening, as appropriate, of cooperation, including mechanisms where appropriate, at all levels concerned, namely:...

- a. At the lowest appropriate level, delegation of water resources management, generally, to such a level, in accordance with national legislation, including decentralization of government services to local authorities, private enterprises and communities;
- b. At the national level, integrated water resources planning and management in the framework of the national planning process and, where appropriate, establishment of independent regulation and monitoring of freshwater, based on national legislation and economic measures;...

18.15. Pursuant to the recognition of water as a social and economic good, the various available options for charging water users (including domestic, urban, industrial and agricultural water-user groups) have to be further evaluated and field-tested. Further development is required for economic instruments that take into account opportunity costs and environmental externalities. Field studies on the willingness to pay should be conducted in rural and urban situations....

18.38. Three objectives will have to be pursued concurrently to integrate water-quality elements into water resource management:...b. Public health protection, a task requiring not only the provision of safe drinking-water but also the control of disease vectors in the aquatic environment;...

18.59. All States, according to their capacity and available resources, and through bilateral or multilateral cooperation, including the United Nations and other relevant organizations as appropriate, could implement the following activities:...b. Efficient and equitable allocation of water resources:

- i. Reconciliation of city development planning with the availability and sustainability of water resources;
- ii. Satisfaction of the basic water needs of the urban population;
- iii. Introduction of water tariffs, taking into account the circumstances in each country and where affordable, that reflect the marginal and opportunity cost of water, especially for productive activities;...

18.59. All States, according to their capacity and available resources, and through bilateral or multilateral cooperation, including the United Nations and other relevant organizations as appropriate, could implement the following activities:...

f. Provision of enhanced access to sanitary services:

- i. Implementation of water, sanitation and waste management programmes focused on the urban poor;
- ii. Making available of low-cost water-supply and sanitation technology choices;
- iii. Basing of choice of technology and service levels on user preferences and willingness to pay;
- iv. Mobilization and facilitation of the active involvement of women in water management teams;
- v. Encouragement and equipment of local water associations and water committees to manage community water-supply systems and communal latrines, with technical back-up available when required;
- vi. Consideration of the merits and practicality of rehabilitating existing malfunctioning systems and of correcting operation and maintenance inadequacies.

¹⁸ Arab Declaration on Sustainable Development for Human Settlements (Rabat Declaration) (1995): “General Principles and Goals...8. Adequate housing is a fundamental rights and requirement of the human being, who must be enabled to secure it in both urban and rural areas within a healthy and sound environment equipped with all services and utilities.”

¹⁹ 6. Rural and urban development are interdependent. In addition to improving the urban habitat, we must also work to extend adequate infrastructure, public services and employment opportunities to rural areas in order to enhance their attractiveness, develop an integrated network of settlements and minimize rural-to-urban migration. Small- and medium-sized towns need special focus....

21. The Habitat Agenda is a global call to action at all levels. It offers, within a framework of goals and principles and commitments, a positive vision of sustainable human settlements - where all have adequate shelter, a healthy and safe environment, basic services, and productive and freely chosen employment. The Habitat Agenda will guide all efforts to turn this vision into reality....

30. The quality of life of all people depends, among other economic, social, environmental and cultural factors, on the physical conditions and spatial characteristics of our villages, towns and cities. City lay-out and aesthetics, land-use patterns, population and building densities, transportation and ease of access for all to basic goods, services and public amenities have a crucial bearing on the liveability of settlements. This is particularly important to vulnerable and disadvantaged persons, many of whom face barriers in access to shelter and in participating in shaping the future of their settlements. People's need for community and their aspirations for more liveable neighbourhoods and settlements should guide the process of design, management and maintenance of human settlements. Objectives of this endeavour include protecting public health, providing for safety and security, education and social integration, promoting equality and respect for diversity and cultural identities, increased accessibility for persons with disabilities, and preservation of historic, spiritual, religious and culturally significant buildings and districts, respecting local landscapes and treating the local environment with respect and care. The preservation of the natural heritage and historical human settlements, including sites, monuments and buildings, particularly those protected under the UNESCO Convention on World Heritage Sites, should be assisted, including through international cooperation. It is also of crucial importance that spatial diversification and mixed use of housing and services be promoted at the local level in order to meet the diversity of needs and expectations.

33. Partnerships among countries and among all actors within countries from public, private, voluntary and community-based organizations, the cooperative sector, nongovernmental organizations and individuals are essential to the achievement of sustainable human settlements development and the provision of adequate shelter for all and basic services. Partnerships can integrate and mutually support objectives of broad-based participation through, *inter alia*, forming alliances, pooling resources, sharing knowledge, contributing skills and capitalizing on the comparative advantages of collective actions. The processes can be made more effective by strengthening civil organizations at all levels. Every effort must be made to encourage the collaboration and partnership of all sectors of society and among all actors in decision-making processes, as appropriate.

39. We reaffirm our commitment to the full and progressive realization of the right to adequate housing, as provided for in international instruments. In this context, we recognize an obligation by Governments to enable people to obtain shelter and to protect and improve dwellings and neighbourhoods. We commit ourselves to the goal of improving living and working conditions on an equitable and sustainable basis, so that everyone will have adequate shelter that is healthy, safe, secure, accessible and affordable and that includes basic services, facilities and amenities, and will enjoy freedom from discrimination in housing and legal security of tenure. We shall implement and promote this objective in a manner fully consistent with human rights standards.

40. We further commit ourselves to the objectives of:...(c) Promoting access for all people to safe drinking water, sanitation and other basic services, facilities and amenities, especially for people living in poverty, women and those belonging to vulnerable and disadvantaged groups;...(i) Promoting the upgrading of existing housing stock through rehabilitation and maintenance and the adequate supply of basic services, facilities and amenities;... (j) Eradicating and ensuring legal protection from discrimination in access to shelter and basic services, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status; similar protection should be ensured against discrimination on the grounds of disability or age;...(l) Promoting shelter and supporting basic services and facilities for education and health for the homeless, displaced persons, indigenous people, women and children who are survivors of family violence, persons with disabilities, older persons, victims of natural and man-made disasters and people belonging to vulnerable and disadvantaged groups, including temporary shelter and basic services for refugees;...

43. We further commit ourselves to the objectives of:...

(d) Providing adequate and integrated environmental infrastructure facilities in all settlements as soon as possible with a view to improving health by ensuring access for all people to sufficient, continuous and safe freshwater

supplies, sanitation, drainage and waste disposal services, with a special emphasis on providing facilities to segments of the population living in poverty;...

- (g) Acknowledging, harnessing and enhancing the efforts and potential of productive informal and private sectors, where appropriate, in creating sustainable livelihoods and jobs and increasing incomes, while providing housing and services for people living in poverty;...
- (n) Improving access to work, goods, services and amenities, *inter alia*, by promoting effective and environmentally sound, accessible, quieter and more energy-efficient transportation systems and by promoting spatial development patterns and communications policies that reduce transport demand, promoting measures, as appropriate, so that the polluter bears the cost of pollution, taking into account special needs and requirements of developing countries; (c) Adopting policies aimed at making housing habitable, affordable and accessible, including for those who are unable to secure adequate housing through their own means, by, *inter alia*:...

61. Since the adoption of the Universal Declaration of Human Rights in 1948, the right to adequate housing has been recognized as an important component of the right to an adequate standard of living. All Governments without exception have a responsibility in the shelter sector, as exemplified by their creation of ministries of housing or agencies, by their allocation of funds for the housing sector and by their policies, programmes and projects. The provision of adequate housing for everyone requires action not only by Governments, but by all sectors of society, including the private sector, nongovernmental organizations, communities and local authorities, as well as by partner organizations and entities of the international community. Within the overall context of an enabling approach, Governments should take appropriate action in order to promote, protect and ensure the full and progressive realization of the right to adequate housing. These actions include, but are not limited to: (iv) Promoting supporting services for the homeless and other vulnerable groups;...(vii) Promoting sustainable spatial development patterns and transportation systems that improve accessibility of goods, services, amenities and work;...

63: Further objectives and recommended actions address the components of shelter-delivery systems (land, finance, infrastructure and services, construction, building materials, maintenance and rehabilitation) in the private, community and public rental sectors, and ways of making them serve all people better....

(d) Apply transparent, comprehensive and equitable fiscal incentive mechanisms, as appropriate, to stimulate the efficient, accessible and environmentally sound use of land, and utilize land-based and other forms of taxation in mobilizing financial resources for service provision by local authorities;

76. To ensure an adequate supply of serviceable land, Governments at the appropriate levels and in accordance with their legal framework should:...

(d) Apply transparent, comprehensive and equitable fiscal incentive mechanisms, as appropriate, to stimulate the efficient, accessible and environmentally sound use of land, and utilize land-based and other forms of taxation in mobilizing financial resources for service provision by local authorities;...

(g) Make full use of existing infrastructure in urban areas, encouraging optimal density of the occupation of available serviced land in accordance with its carrying capacity, at the same time ensuring the adequate provision of parks, play areas, common spaces and facilities, and plots of land for home gardening, as appropriate;...

85: To safeguard the health, safety, welfare and improved living environment of all people and to provide adequate and affordable basic infrastructure and services, Governments at the appropriate levels, including local authorities, should promote: (a) The supply of and access to adequate quantities of safe drinking water;..."

²⁰ United Nations Millennium Declaration, A/RES/55/2, 8 September 2000: "19. We resolve further: To halve, by the year 2015, the proportion of the world's people whose income is less than one dollar a day and the proportion of people who suffer from hunger and, by the same date, to halve the proportion of people who are unable to reach or to afford safe drinking water."

²¹ Basic Principles and Measures for Implementation of the Habitat Agenda in the Arab Region, Annex III, E/ESCWA/HS/2001/1, 19 January 2001: *Reaffirms* its commitment to the right of citizens to adequate shelter and the responsibility of Governments to empower people, without discrimination, to obtain such shelter. It also reaffirms the need to safeguard and upgrade houses and residential areas, improve living conditions in urban and rural human settlements and work in an impartial and sustainable manner on the implementation of housing and urban development policies in order to give every individual access to adequate and reasonably priced shelter in a healthy and secure environment where basic services, utilities, basic comforts and legal tenure are guaranteed....recognizes...all persons' human right and basic freedom and meeting such basic needs as...in particular, adequate shelter for all.... wherever they may be and without discrimination on any basis whatsoever. Priority must be given to the poor and deprived and vulnerable social groups, while taking into consideration the needs of women and children....

I. Basic Principles and Implementation Measures: A. Basic Principles at National Level:...(c) Adequate housing must be provided as part of a comprehensive concept that includes housing, services, the necessary utilities and proximity to places of work and production, because this contributes to the well-being of the population and the realization of sustainable development for human settlements;...

²² FAO Voluntary Guidelines on the Right to Adequate Food, November (2004): Guideline 8C: Water...8.11 Bearing in mind that access to water in sufficient quantity and quality for all is fundamental for life and health, States should strive to improve access to, and promote sustainable use of, water resources and their allocation among users giving due regard to efficiency and the satisfaction of basic human needs in an equitable manner and that balances the requirement of preserving or restoring the functioning of ecosystems with domestic, industrial and agricultural needs, including safeguarding drinking-water quality.

²³ 4th World Water Forum Ministerial Declaration (2006): "We, the Ministers assembled in Mexico City on the occasion of the Fourth World Water Forum (4th WWF), "Local Actions for a Global Challenge" on March 21st and 22nd, 2006...Reaffirm..., *inter alia*: (b) that Governments have the primary role in promoting improved access to safe drinking water, basic sanitation, sustainable and secure tenure, and adequate shelter, through improved governance at all levels and appropriate enabling environments and regulatory frameworks, adopting a pro-poor approach and with the active involvement of all stakeholders;...

²⁴ Universal Declaration of Human Rights, Article 25.1: Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing...

²⁵ *Supra*, note 1.

²⁶ Vancouver Declaration: Recommendation B.8 Improving existing settlements (a) Settlement planning cannot merely focus on new urban development for many settlements already exist. The improvement, renewal and rehabilitation of these settlements should, therefore, be continuous. They thus present a major challenge in improvement of quality of life, and of the existing fabric of settlements. When ill-conceived it may result in the destruction of the economic and social fabric of entire neighbourhoods.

(b) Settlements must be continuously improved; renewal and rehabilitation of existing settlements must be oriented to improving living conditions, functional structures and environmental qualities. The process must respect the rights and aspirations of inhabitants, especially the least advantaged, and preserve the cultural and social values embodied in the existing fabric.

(c) Special attention should be paid to:...(i) Upgrading and preserving the existing stock through the development and use of low-cost techniques, and the direct involvement of the present inhabitants;..." The Vancouver Action Plan, Habitat: United Nations Conference on Human Settlements, Vancouver, Canada, 31 May–11 June 1976, at: <http://habitat.igc.org/vancouver/vp-b.htm>.

²⁷ Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors. The physical safety of occupants must be guaranteed as well....housing [is] the environmental factor most frequently associated with conditions for disease in epidemiological analyses; i.e., inadequate and deficient housing and living conditions are invariably associated with higher mortality and morbidity rates...

²⁸ 13....all citizens of all States, poor as they may be, have a right to expect their Governments to be concerned about their shelter needs, and to accept a fundamental obligation to protect and improve houses and neighbourhoods, rather than damage or destroy them.

²⁹ 30. The quality of life of all people depends, among other economic, social, environmental and cultural factors, on the physical conditions and spatial characteristics of our villages, towns and cities....People's need for community and their aspirations for more liveable neighbourhoods and settlements should guide the process of design, management and maintenance of human settlements";

40: ...(i) We further commit ourselves to the objective of...Promoting the upgrading of existing housing stock through rehabilitation and maintenance and the adequate supply of basic services, facilities and amenities;...

65: A fundamental principle in formulating a realistic shelter policy is its interdependence with overall macroeconomic, environmental and social development policies. Shelter policies, while focusing on the increasing demand for housing and infrastructure, should also emphasize the increased use and maintenance of existing stock through ownership, rental and other tenure options, responding to the diversity of needs. These policies should also encourage and support the people who, in many countries, particularly developing countries,

individually or collectively act as important producers of housing. Policies should respond to the diverse needs of those belonging to disadvantaged and vulnerable groups as set out in subsection 4 below (paras. 93 to 98)....

81: To improve the effectiveness of existing housing finance systems, Governments at the appropriate levels should:...(f) Encourage the private sector to mobilize resources to meet varying housing demands, including rental housing, maintenance and rehabilitation;..."

90: To respond effectively to the requirements for appropriate planning, design, construction, maintenance and rehabilitation of shelter, infrastructure and other facilities, Governments at the appropriate levels should:...

(e) Make use of contracts with community-based organizations and, where applicable, the informal sector for the planning, design, construction, maintenance and rehabilitation of housing and local services, especially in low-income settlements, with an emphasis on enhancing the participation and, thus, short- and long-term gains of local communities;...

(j) Adopt and ensure the enforcement of appropriate standards relating to planning, design, construction, maintenance and rehabilitation;...

(l) Support professional groups in offering technical assistance in planning, design, construction, maintenance, rehabilitation and management to community-based organizations, nongovernmental organizations and others engaged in self-help and community-based development...

154: To integrate development with conservation and rehabilitation goals, Governments at the appropriate levels, including local authorities, should:...(e) Promote community-based action for the conservation, rehabilitation, regeneration and maintenance of neighbourhoods...

³⁰ The World Health Organization has established eleven principles of housing quality to uphold the right to health by providing protection against communicable diseases, as well as protection against injuries, poisoning and chronic disease:

I. Adequate housing provides protection against exposure to agents and vectors of communicable diseases, through:

- I.1 Safe water supply,
- I.2 Sanitary excreta disposal,
- I.3 Disposal of solid wastes,
- I.4 Drainage of surface water,
- I.5 Personal and domestic hygiene,
- I.6 Safe food preparation, and
- I.7 Structural safeguards against disease transmission....

II. Protection against injuries, poisonings and chronic diseases:

- II.1 Structural features and furnishing,
- II.2 Indoor air pollution,
- II.3 Chemical safety,
- II.4 The home as a workplace.

Health Principles of Housing (Geneva: WHO 1989), at:

http://whqlibdoc.who.int/publications/1989/9241561270_eng.pdf.

³¹ Basic Principles and Measures for Implementation of the Habitat Agenda in the Arab Region, op. cit.: (n) Tenant participation in the management of residences at public sector and local community level, must be facilitated, as must the participation of members of vulnerable and deprived groups in planning and implementation operations and in the management of urban and rural development projects and maintenance of residential installations.

4. *Security of tenure and sound urban governance*:...The historic, cultural, natural and religious architectural heritage, including traditional styles of shelters and human settlements, must be conserved and protected. This will involve training residents in the use and preservation of such historic buildings and promoting traditional handicrafts, which will help to preserve heritage, alleviate poverty and eradicate unemployment in those societies....

³² Universal Declaration of Human Rights, Article 17: 1. Everyone has the right to own property alone as well as in association with others. 2. No one shall be arbitrarily deprived of his property.

³³ *Supra*, note 1.

³⁴ "Special attention should be paid to:...undertaking major clearance operations should take place only when conservation and rehabilitation are not feasible and relocation measures are made." The Vancouver Action Plan,

Habitat: United Nations Conference on Human Settlements, Vancouver, 31 May–11 June 1976, Recommendation B.8 Improving existing settlements (c)(ii), at: <http://habitat.igc.org/vancouver/vp-b.htm>.

³⁵ African Charter on Human and Peoples' Rights (1981), Article 14: The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.

³⁶ People should be protected by law against unfair eviction from their homes or land..., *Agenda 21*, United Nations Conference on Environment & Development, Rio de Janeiro, Brazil, 3–14 June 1992, Activities: 7.9, at: <http://www.un.org/esa/sustdev/documents/agenda21/english/Agenda21.pdf>.

³⁷ 8. ... (a) Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups;...

18. ...instances of forced eviction are *prima facie* incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law.

³⁸ Commission on Human Rights. "Forced eviction," resolution 1993/77 (10 March 1993) determined that "forced evictions are a gross violation of human rights, in particular the right to housing."

³⁹ Committee on Economic, Social and Cultural Rights, General Comment No. 7 "The right to adequate housing (art. 11.1 of the Covenant): forced evictions" requires States to ensure nine prerequisites for an eviction to be legal:

- (1) An opportunity for genuine consultation;
- (2) Adequate and reasonable notice;
- (3) Availability of information on the proposed eviction in reasonable time;
- (4) Presence of Government officials or their representatives during an eviction;
- (5) Proper identification of persons carrying out the eviction;
- (6) Prohibition on carrying out evictions in bad weather or at night;
- (7) Availability of legal remedies;
- (8) Availability of legal aid to those in need to be able to seek judicial redress.

GC 7 also provides: "1. ...forced evictions are *prima facie* incompatible with the requirements of the Covenant....";

13. States parties shall ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons, with a view to avoiding, or at least minimizing, the need to use force. Legal remedies or procedures should be provided to those who are affected by eviction orders. States parties shall also see to it that all the individuals concerned have a right to adequate compensation for any property, both personal and real, which is affected. In this respect, it is pertinent to recall article 2.3 of the International Covenant on Civil and Political Rights, which requires States parties to ensure "an effective remedy" for persons whose rights have been violated and the obligation upon the "competent authorities (to) enforce such remedies when granted.

14. In cases where eviction is considered to be justified, it should be carried out in strict compliance with the relevant provisions of international human rights law and in accordance with general principles of reasonableness and proportionality. In this regard it is especially pertinent to recall General Comment 16 of the Human Rights Committee, relating to article 17 of the International Covenant on Civil and Political Rights, which states that interference with a person's home can only take place "in cases envisaged by the law." The Committee observed that the law "should be in accordance with the provisions, aims and objectives of the Covenant and should be, in any event, reasonable in the particular circumstances." The Committee also indicated that "relevant legislation must specify in detail the precise circumstances in which such interferences may be permitted.

15. Appropriate procedural protection and due process are essential aspects of all human rights but are especially pertinent in relation to a matter such as forced evictions which directly invokes a large number of the rights recognized in both the International Covenants on Human Rights. The Committee considers that the procedural protections which should be applied in relation to forced evictions include: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad

weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

16. Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.

⁴⁰ Commission on Human Rights, "Prohibition of Forced Evictions," resolution 2004/28: *The Commission on Human Rights, ...Reaffirming* that every woman, man and child has the right to a secure place to live in peace and dignity, which includes the right not to be evicted unlawfully, arbitrarily or on a discriminatory basis from their home, land or community,

Recognizing that the often violent practice of forced eviction involves the coerced and involuntary removal of persons, families and groups from their homes, lands and communities, whether or not deemed legal under prevailing systems of law, resulting in greater homelessness and inadequate housing and living conditions,

Emphasizing that ultimate legal and political responsibility for preventing forced evictions rests with Governments,

Recalling, however, that general comment No. 2 (1990) on international technical assistance measures (art. 22 of the International Covenant on Economic, Social and Cultural Rights), adopted by the Committee on Economic, Social and Cultural Rights at its fourth session, states, inter alia, that international agencies should scrupulously avoid involvement in projects which involve, among other things, large-scale evictions or displacement of persons without the provision of all appropriate protection and compensation, and general comment No. 4 (1991) on the right to adequate housing (art. 11, para. 1, of the Covenant) in which the Committee considered that instances of forced eviction were, prima facie, incompatible with the requirements of the Covenant and could only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law,

Noting with interest the recent case law of the European Court of Human Rights, the Inter-American Commission on Human Rights and the African Commission on Human and Peoples' Rights regarding the prohibition of forced eviction,

Recalling the adoption of general comment No. 7 (1997) on the right to adequate housing (art. 11, para. 1, of the Covenant): forced evictions by the Committee on Economic, Social and Cultural Rights, in which the Committee recognized, inter alia, that women, children, youth, older persons, indigenous people, ethnic and other minorities, and other marginalized or vulnerable groups all suffer disproportionately from the practice of forced eviction, and that women in all groups are disproportionately affected, given the extent of statutory and other forms of discrimination which often apply in relation to the property rights of women, including homeownership and rights of access to property of accommodation, and given the particular vulnerability of women to acts of gender-based violence and sexual abuse when they are rendered homeless,

Noting the provisions on forced evictions contained in the Habitat Agenda, adopted by the second United Nations Conference on Human Settlements (Habitat II) (A/CONF.165/14) convened in June 1996,

1. *Reaffirms* that the practice of forced eviction that is contrary to laws that are in conformity with international human rights standards constitutes a gross violation of a broad range of human rights, in particular the right to adequate housing;
2. *Strongly urges* Governments to undertake immediately measures, at all levels, aimed at eliminating the practice of forced eviction by, inter alia, repealing existing plans involving forced evictions as well as any legislation allowing for forced evictions, and by adopting and implementing legislation ensuring the right to security of tenure for all residents;
3. *Also strongly urges* Governments to protect all persons who are currently threatened with forced eviction and to adopt all necessary measures giving full protection against forced eviction, based upon effective participation, consultation and negotiation with affected persons or groups;
4. *Recommends* that all Governments provide immediate restitution, compensation and/or appropriate and sufficient alternative accommodation or land to persons and communities that have been forcibly evicted, following mutually satisfactory negotiations with the affected persons or groups and consistent with their wishes, rights and needs, and recognizing the obligation to ensure such provision in the event of any forced eviction;
5. *Also recommends* that all Governments ensure that any eviction that is otherwise deemed lawful is carried out in a manner that does not violate any of the human rights of those evicted;
6. *Reminds* all international financial, trade, development and other related institutions and agencies, including member or donor States that have voting rights within such bodies, to take fully into account the views contained in the present resolution and the obligations under international human rights and humanitarian law on the practice of forced eviction;

7. *Requests* the United Nations High Commissioner for Human Rights to give due attention to the practice of forced eviction in discharging her responsibilities and to undertake measures, whenever possible, to persuade Governments to comply with relevant international standards, to prevent planned forced evictions from taking place and to ensure the provision of restitution or just and fair compensation, as the case may warrant, when forced evictions have already occurred;...

⁴¹ Habitat II Agenda: 40. We further commit ourselves to the objectives of...(n) Protecting all people from and providing legal protection and redress for forced evictions that are contrary to the law, taking human rights into consideration; when evictions are unavoidable, ensuring, as appropriate, that alternative suitable solutions are provided....

51: Within the overall context of an enabling approach, Governments should take appropriate action in order to promote, protect and ensure the full and progressive realization of the right to adequate housing. These actions include, but are not limited to...(b) Providing legal security of tenure and equal access to land for all, including women and those living in poverty, as well as effective protection from forced evictions that are contrary to the law, taking human rights into consideration and bearing in mind that homeless people should not be penalized for their status;...

98. To reduce vulnerability, Governments at the appropriate levels, including local authorities, should...(b) Protect all people from and provide legal protection and redress for forced evictions that are contrary to the law, taking human rights into consideration; when evictions are unavoidable, ensure that, as appropriate, alternative suitable solutions are provided;...

⁴² Universal Declaration of Human Rights, Article 17.1: "1. Everyone has the right to own property alone as well as in association with others. 2. No one shall be arbitrarily deprived of his property.

⁴³ *Supra*, note 1.

⁴⁴ Declaration on Social Progress and Development (1969), Article 6: Social progress and development require the participation of all members of society in productive and socially useful labour and the establishment, in conformity with human rights and fundamental freedoms and with the principles of justice and the social function of property, of forms of ownership of land and of the means of production which preclude any kind of exploitation of man, ensure equal rights to property for all and create conditions leading to genuine equality among people.

⁴⁵ Special attention should be paid to:...undertaking major clearance operations should take place only when conservation and rehabilitation are not feasible and relocation measures are made." The Vancouver Action Plan, Habitat: United Nations Conference on Human Settlements, Vancouver, Canada, 31 May–11 June 1976, Recommendation B.8 Improving existing settlements (c)(ii), at: <http://habitat.igc.org/vancouver/vp-b.htm>.

⁴⁶ Activities...(a) Developing a framework for action...5.46 Nationally determined policies for integrated and multifaceted programmes, with special attention to women, to the poorest people living in critical areas and to other vulnerable groups should be implemented, ensuring the involvement of groups with a special potential to act as agents for change and sustainable development. Special emphasis should be placed on those programmes that achieve multiple objectives, encouraging sustainable economic development, and mitigating adverse impacts of demographic trends and factors, and avoiding long-term environmental damage. ...access to secure tenure, basic shelter, and essential infrastructure...should, as appropriate, be included among other factors....

7.30. Subsequently, all countries should consider developing national land-resource management plans to guide land-resource development and utilization and, to that end, should:...f. Establish appropriate forms of land tenure that provide security of tenure for all land users, especially indigenous people, women, local communities, the low-income urban dwellers and the rural poor;...

Objectives 32.5. The following objectives are proposed:...b. To support and enhance the legal capacity of women and vulnerable groups with regard to access, use and tenure of land;...

Activities (a) Management-related activities 32.6. National Governments should:...d. Protect, recognize and formalize women's access to tenure and use of land, as well as rights to land, access to credit..."

⁴⁷ 8. ... (a) Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups;...

12. Forced eviction and house demolition as a punitive measure are also inconsistent with the norms of the Covenant. Likewise, the Committee takes note of the obligations enshrined in the Geneva Conventions of 1949 and Protocols thereto of 1977 concerning prohibitions on the displacement of the civilian population and the destruction of private property as these relate to the practice of forced eviction.

⁴⁸ Universal Declaration of Human Rights, Article 17: 1. Everyone has the right to own property alone as well as in association with others. 2. No one shall be arbitrarily deprived of his property.

⁴⁹ *Supra*, note 1.

⁵⁰ C. Implementing integrated environment and development programmes at the local level, taking into account demographic trends and factors...Activities...(a) Developing a framework for action...5.46 Nationally determined policies for integrated and multifaceted programmes, with special attention to women, to the poorest people living in critical areas and to other vulnerable groups should be implemented, ensuring the involvement of groups with a special potential to act as agents for change and sustainable development. Special emphasis should be placed on those programmes that achieve multiple objectives, encouraging sustainable economic development, and mitigating adverse impacts of demographic trends and factors, and avoiding long-term environmental damage. ...access to secure tenure, basic shelter, and essential infrastructure...should, as appropriate, be included among other factors.

7.30. Subsequently, all countries should consider developing national land-resource management plans to guide land-resource development and utilization and, to that end, should:...f. Establish appropriate forms of land tenure that provide security of tenure for all land users, especially indigenous people, women, local communities, the low-income urban dwellers and the rural poor;...

(a) Management-related activities 12.28. Governments at the appropriate level, with the support of the relevant international and regional organizations, should:...c. Establish and develop local, national and intersectoral mechanisms to handle environmental and developmental consequences of land tenure expressed in terms of land use and land ownership. Particular attention should be given to protecting the property rights of women and pastoral and nomadic groups living in rural areas;...

32.5. The following objectives are proposed:...b. To support and enhance the legal capacity of women and vulnerable groups with regard to access, use and tenure of land;...

32.6. National Governments should:...d. Protect, recognize and formalize women's access to tenure and use of land, as well as rights to land, access to credit..." *Agenda 21*, United Nations Conference on Environment & Development, Rio de Janeiro, Brazil, 3–14 June 1992, at:

<http://www.un.org/esa/sustdev/documents/agenda21/english/Agenda21.pdf>.

⁵¹ Istanbul Declaration: 8. We reaffirm our commitment to the full and progressive realization of the right to adequate housing as provided for in international instruments. To that end, we shall seek the active participation of our public, private and nongovernmental partners at all levels to ensure legal security of tenure, protection from discrimination and equal access to affordable, adequate housing for all persons and their families.

Habitat II Agenda: A. *Adequate shelter for all*: 39. We reaffirm our commitment to the full and progressive realization of the right to adequate housing, as provided for in international instruments. In this context, we recognize an obligation by Governments to enable people to obtain shelter and to protect and improve dwellings and neighbourhoods. We commit ourselves to the goal of improving living and working conditions on an equitable and sustainable basis, so that everyone will have adequate shelter that is healthy, safe, secure, accessible and affordable and that includes basic services, facilities and amenities, and will enjoy freedom from discrimination in housing and legal security of tenure. We shall implement and promote this objective in a manner fully consistent with human rights standards.

40. We further commit ourselves to the objectives of:... (b) Providing legal security of tenure and equal access to land to all people, including women and those living in poverty; and undertaking legislative and administrative reforms to give women full and equal access to economic resources, including the right to inheritance and to ownership of land and other property, credit, natural resources and appropriate technologies;... (d) Ensuring transparent, comprehensive and accessible systems in transferring land rights and legal security of tenure;...

61. ... (b) Providing legal security of tenure and equal access to land for all, including women and those living in poverty, as well as effective protection from forced evictions that are contrary to the law, taking human rights into consideration and bearing in mind that homeless people should not be penalized for their status;

63. A second fundamental objective of this chapter is to enable markets—the primary housing delivery mechanism—to perform their function with efficiency. Actions to achieve this objective and at the same time contribute to social goals, including, where appropriate, market-based incentives and compensatory measures, are

recommended. Further objectives and recommended actions address the components of shelter-delivery systems (land, finance, infrastructure and services, construction, building materials, maintenance and rehabilitation) in the private, community and public rental sectors, and ways of making them serve all people better. Finally, special attention is given to all those, including women, who are at considerable risk because they lack security of tenure or are inhibited from participation in shelter markets. Actions are recommended to reduce their vulnerability and enable them to obtain adequate shelter in a just and humane way....

(c) Ensuring access to land: 75. ... While recognizing the existence of different national laws and/or systems of land tenure, Governments at the appropriate levels, including local authorities, should nevertheless strive to remove all possible obstacles that may hamper equitable access to land and ensure that equal rights of women and men related to land and property are protected under the law. The failure to adopt, at all levels, appropriate rural and urban land policies and land management practices remains a primary cause of inequity and poverty. It is also the cause of increased living costs, the occupation of hazard-prone land, environmental degradation and the increased vulnerability of urban and rural habitats, affecting all people, especially disadvantaged and vulnerable groups, people living in poverty and low-income people.

78. ... (b) Promote awareness campaigns, education and enabling practices regarding, in particular, legal rights with respect to tenure, land ownership and inheritance for women, so as to overcome existing barriers;...

79. To facilitate access to land and security of tenure for all socioeconomic groups, Governments at the appropriate levels, including local authorities, should:

- (a) Adopt an enabling legal and regulatory framework based on an enhanced knowledge, understanding and acceptance of existing practices and land delivery mechanisms so as to stimulate partnerships with the private business and community sectors, specifying recognized types of land tenure and prescribing procedures for the regularization of tenure, where needed;
- (b) Provide institutional support, accountability and transparency of land management, and accurate information on land ownership, land transactions and current and planned land use;
- (c) Explore innovative arrangements to enhance the security of tenure, other than full legalization, which may be too costly and time-consuming in certain situations, including access to credit, as appropriate, in the absence of a conventional title to land;
- (d) Promote measures to ensure that women have equal access to credit for buying, leasing or renting land, and equal protection for the legal security of tenure of such land;
- (e) Capitalize on the potential contribution of key interested parties in the private formal and informal sectors, and support the engagement of non-governmental organizations, community organizations and the private sector in participatory and collective initiatives and mechanisms appropriate to conflict resolution;
- (f) Encourage, in particular, the participation of community and nongovernmental organizations by:
 - (i) Reviewing and adjusting legal and regulatory frameworks in order to recognize and stimulate the diverse forms of organization of the population engaged in the production and management of land, housing and services;
 - (ii) Considering financial systems that recognize organizations as credit holders, extend credit to collective units backed by collective collateral and introduce financial procedures that are adapted to the needs of housing production by the people themselves and to the modalities through which the population generates income and savings;
 - (iii) Developing and implementing complementary measures designed to enhance their capabilities, including, where appropriate, fiscal support, educational and training programmes, and technical assistance and funds in support of technological innovation;
 - (iv) Supporting the capacity-building and accumulation of experience of non-governmental organizations and peoples' organizations in order to make them efficient and competent partners in the implementation of national housing plans of action;
 - (v) Encouraging lending institutions to recognize that community-based organizations may act as guarantors for those who, because of poverty or discrimination, lack other sources of equity, giving particular attention to the needs of individual women....

4. *Vulnerable groups and people with special needs*: 93. ... Recognizing that vulnerability and disadvantage are affected, *inter alia*, by conditions in the housing sector and the availability, enforcement and effectiveness of legal protection guaranteeing equal access to resources and opportunities, some members of certain groups are more likely to be vulnerable and experience disadvantage with regard to shelter and human settlements conditions. Those belonging to vulnerable and disadvantaged groups are especially at risk when they have no security of tenure or where they lack basic services or face disproportionately adverse environmental and health impacts, or because they may be excluded, either inadvertently or deliberately, from the housing market and services.

98. To reduce vulnerability, Governments at the appropriate levels, including local authorities, should:

(a) Work with nongovernmental organizations and community-based organizations to assist members of vulnerable groups to obtain secure tenure;...(e) Facilitate actions aimed at, *inter alia*, ensuring legal security of tenure, capacity-building and improving access to credit, which, apart from subsidies and other financial instruments, can provide safety nets that reduce vulnerability;

141. ...A strong political commitment, cooperation across disciplines and sectors, and an active partnership of all interested parties is essential to integrated water resources management. To this end, Governments at the appropriate levels, in partnership with other interested parties, should:...(i) Carry out tenure regularization, as appropriate, in informal settlements to achieve the minimum level of legal recognition required for the provision of basic services;...

142. To improve the liveability of human settlements, Governments at the appropriate levels and in partnership with other interested parties should promote:...(d) Legislation to safeguard the rights and interests of workers, to enhance consumer rights and to ensure security of tenure;...

⁵² Declaration on Cities and Other Human Settlements in the New Millennium, Habitat II +5 Special Session, United Nations General Assembly resolution S-25/2 (2001): 38. Also resolve to empower the poor and vulnerable, *inter alia* through promoting greater security of tenure...

⁵³ Basic Principles and Measures for Implementation of the Habitat Agenda in the Arab Region, op. cit.: *Reaffirms* its commitment to the right of citizens to adequate shelter and the responsibility of Governments to empower people, without discrimination, to obtain such shelter. It also reaffirms the need to safeguard and upgrade houses and residential areas, improve living conditions in urban and rural human settlements and work in an impartial and sustainable manner on the implementation of housing and urban development policies in order to give every individual access to adequate and reasonably priced shelter in a healthy and secure environment where basic services, utilities, basic comforts and legal tenure are guaranteed...2. *Enhancing capacity building*:...policies must include the following goals: (a) To facilitate and streamline tenure-related legal procedures and provide to all equal opportunities to obtain land, within the constraints of their financial capacities;...

⁵⁴ World Summit on Sustainable Development Plan of Implementation (2002): 7(h)...promote, as appropriate, land tenure arrangements that recognize and protect indigenous and common property resource management systems;...

40(i) Adopt policies and implement laws that guarantee well defined and enforceable land and water use rights and promote legal security of tenure, recognizing the existence of different national laws and/or systems of land access and tenure, and provide technical and financial assistance to developing countries as well as countries with economies in transition that are undertaking land tenure reform in order to enhance sustainable livelihoods;...

67(b) Promote and support efforts and initiatives to secure equitable access to land tenure and clarify resource rights and responsibilities, through land and tenure reform processes that respect the rule of law and are enshrined in national law, and provide access to credit for all, especially women, and that enable economic and social empowerment and poverty eradication as well as efficient and ecologically sound utilization of land and that enable women producers to become decision makers and owners in the sector, including the right to inherit land;...

⁵⁵ 4th World Water Forum Ministerial Declaration (2006): "We, the Ministers assembled in Mexico City on the occasion of the Fourth World Water Forum (4th WWF), "Local Actions for a Global Challenge" on March 21st and 22nd, 2006...Reaffirm... (b) that Governments have the primary role in promoting...sustainable and secure tenure, and adequate shelter, through improved governance at all levels and appropriate enabling environments and regulatory frameworks, adopting a pro-poor approach and with the active involvement of all stakeholders;...

⁵⁶ UDHR, Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 26: 1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. 2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.

⁵⁷ International Covenant on Civil and Political Rights, Article 19: 1. Everyone shall have the right to hold opinions without interference. 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. 3. The exercise of the rights provided for in paragraph 2

of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

⁵⁸ Supra, note 1. Article 13: 1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace. 2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

- (a) Primary education shall be compulsory and available free to all;
- (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education; (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
- (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
- (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved....

⁵⁹ 15...The Committee considers that the procedural protections which should be applied in relation to forced evictions include:

- (a) an opportunity for genuine consultation with those affected;
- (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;
- (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;
- (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction;
- (e) all persons carrying out the eviction to be properly identified;
- (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise;
- (g) provision of legal remedies; and
- (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

⁶⁰ African Charter on Human and Peoples' Rights (1981), Article 9: 1. Every individual shall have the right to receive information.

⁶¹ 18.12. All States, according to their capacity and available resources, and through bilateral or multilateral cooperation, including the United Nations and other relevant organizations as appropriate, could implement the following activities to improve integrated water resources management:...p. Dissemination of information, including operational guidelines, and promotion of education for water users, including the consideration by the United Nations of a World Water Day....

(c) Human resources development: 18.19. The delegation of water resources management to the lowest appropriate level necessitates educating and training water management staff at all levels and ensuring that women participate equally in the education and training programmes. Particular emphasis has to be placed on the introduction of public participatory techniques, including enhancement of the role of women, youth, indigenous people and local communities. Skills related to various water management functions have to be developed by municipal government and water authorities, as well as in the private sector, local/national nongovernmental organizations, cooperatives, corporations and other water-user groups. Education of the public regarding the importance of water and its proper management is also needed....

18.20. To implement these principles, communities need to have adequate capacities. Those who establish the framework for water development and management at any level, whether international, national or local, need to ensure that the means exist to build those capacities. The means will vary from case to case. They usually include:

- a. Awareness-creation programmes, including mobilizing commitment and support at all levels and initiating global and local action to promote such programmes;
- b. Training of water managers at all levels so that they have an appropriate understanding of all the elements necessary for their decision making;
- c. Strengthening of training capacities in developing countries;

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- d. Appropriate training of the necessary professionals, including extension workers;
 - e. Improvement of career structures;
 - f. Sharing of appropriate knowledge and technology, both for the collection of data and for the implementation of planned development including nonpolluting technologies and the knowledge needed to extract the best performance from the existing investment system.

(d) Capacity building: 18.21. Institutional capacity for implementing integrated water management should be reviewed and developed when there is a clear demand. Existing administrative structures will often be quite capable of achieving local water resources management, but the need may arise for new institutions based upon the perspective, for example, of river catchment areas, district development councils and local community committees. Although water is managed at various levels in the sociopolitical system, demand-driven management requires the development of water-related institutions at appropriate levels, taking into account the need for integration with land-use management.

18.22. In creating the enabling environment for lowest-appropriate-level management, the role of Government includes mobilization of financial and human resources, legislation, standard setting and other regulatory functions, monitoring and assessment of the use of water and land resources, and creating of opportunities for public participation. International agencies and donors have an important role to play in providing support to developing countries in creating the required enabling environment for integrated water resources management. This should include, as appropriate, donor support to local levels in developing countries, including community-based institutions, nongovernmental organizations and women's groups....

(c) Human resource development: 18.62. Implicit in virtually all elements of this programme is the need for progressive enhancement of the training and career development of personnel at all levels in sector institutions.... Special provision should be made for mobilizing and facilitating the active participation of women, youth, indigenous people and local communities in water management teams and for supporting the development of water associations and water committees, with appropriate training of such personnel as treasurers, secretaries and caretakers. Special education and training programmes for women should be launched with regard to the protection of water resources and water quality within urban areas.

⁶² Habitat Agenda, adopted by the second United Nations Conference on Human Settlements (Habitat II) (1996)

45: We further commit ourselves to the objectives of:

- (d) Supporting progress and security for people and communities, whereby every member of society is enabled to satisfy his or her basic human needs and to realize his or her personal dignity, safety, creativity and life aspirations...
- (f) Promoting gender-sensitive institutional and legal frameworks and capacity-building at the national and local levels conducive to civic engagement and broad-based participation in human settlements development;
- (g) Encouraging the establishment of community-based organizations, civil society organizations, and other forms of nongovernmental entities that can contribute to the efforts to reduce poverty and improve the quality of life in human settlements...
- (i) Fostering capacity building and training for human settlements planning, management and development at the national and local levels that includes education, training and institutional strengthening, especially for women and persons with disabilities....

78. To eradicate legal and social barriers to the equal and equitable access to land, especially the access of women, people with disabilities and those belonging to vulnerable groups, Governments at the appropriate levels, in partnership with the private sector, non-governmental organizations, the cooperative sector and community-based organizations, should:...(b) Promote awareness campaigns, education and enabling practices regarding, in particular, legal rights with respect to tenure, land ownership and inheritance for women, so as to overcome existing barriers;...

79. To facilitate access to land and security of tenure for all socio-economic groups, Governments at the appropriate levels, including local authorities, should: (a) Adopt an enabling legal and regulatory framework based on an enhanced knowledge, understanding and acceptance of existing practices and land delivery mechanisms so as to stimulate partnerships with the private business and community sectors, specifying recognized types of land tenure and prescribing procedures for the regularization of tenure, where needed; (b) Provide institutional support, accountability and transparency of land management, and accurate information on land ownership, land transactions and current and planned land use;...

81. To improve the effectiveness of existing housing finance systems, Governments at the appropriate levels should:...(j) Encourage community mortgage programmes that are accessible to people living in poverty, especially women, in order to increase their productive capacity by providing them with access to capital, resources, credit, land, technology and information so that they can raise their income and improve their living conditions and status within the household....(f) Promote the exchange of information on innovations in housing finance;...

82. To create new housing finance mechanisms, as necessary, Governments at the appropriate levels should...(f) Promote the exchange of information on innovations in housing finance;...

90. To respond effectively to the requirements for appropriate planning, design, construction, maintenance and rehabilitation of shelter, infrastructure and other facilities, Governments at the appropriate levels should...(g) Promote research, exchange of information and capacity-building with respect to affordable and technically and environmentally sound building, maintenance and rehabilitation technologies;...

91. To promote and support an adequate supply of locally produced, environmentally sound, affordable and durable basic building materials, Governments at the appropriate levels, in cooperation with all other interested parties, should: (a) Where appropriate, encourage and support the establishment and expansion of environmentally sound, small-scale, local building materials industries and the expansion of their production and commercialization through, *inter alia*, legal and fiscal incentives and the provision of credit, research and development, and information; (c) Promote information exchange and the flow of appropriate environmentally sound, affordable and accessible building technologies and facilitate the transfer of technology;

96. To remove barriers and eradicate discrimination in the provision of shelter, Governments at the appropriate levels, including local authorities, should...(g) Provide vulnerable and disadvantaged groups with access to information and with opportunities to participate in the local decision-making process on community and shelter issues that will affect them;...

97. To provide for the shelter needs of those belonging to vulnerable groups, Governments at the appropriate levels, including local authorities, in cooperation with all interested parties, as appropriate, should...(f) Pursue policies that will provide information to and consultation with vulnerable groups;...

114. To develop and support improved and integrated land management, Governments at the appropriate levels, including local authorities, should: (a) Develop integrated land information and mapping systems;...

118. Urban and rural poverty and unemployment represent severe constraints for human settlements development. In order to combat poverty, Governments at the appropriate levels, including local authorities, in partnership with all relevant interested parties, including workers' and employers' organizations, should:...

(c) Improve policies that reduce environmental health hazards, and provide the informal sector and all workers with accessible information on how to enhance occupational safety and reduce health risks;...

(f) Ensure that people living in poverty have access to productive resources, including credit, land, education and training, technology, knowledge and information, as well as to public services, and that they have the opportunity to participate in decision making in a policy and regulatory environment that would enable them to benefit from employment and economic opportunities;...

121. In order to promote disability-sensitive planning and management of human settlements, Governments at the appropriate levels, including local authorities, should...(d) Eliminate communication barriers to reduce the social and physical isolation faced by persons with disabilities by measures such as the production and dissemination of information, especially public information, in appropriate formats; (e) Promote equal access to all levels of education and skills development for persons with disabilities; (f) Prepare and disseminate disaggregated data presented by age, sex and work status, set up monitoring mechanisms in government structures and integrate the results into mainstream policies for sustainable human settlements development;

127. In order to address population issues affecting human settlements and to fully integrate demographic concerns into sustainable human settlements development policies, Governments at the appropriate levels, including local authorities and other interested parties, should...(b) Where necessary, set up or enhance databases, including, *inter alia*, data disaggregated by gender and age, and conduct data collection and analysis to provide baseline information that can be used to better plan for population growth in cities, towns and villages; (c) Increase the awareness, knowledge and understanding of the impact of population change and development variables on human settlements at all levels of society through public information campaigns and communication efforts centred on the significance and relevance of population-related issues and the responsible actions necessary to address such issues, including health, family planning and consumption and production patterns consistent with sustainable development;...

166. To promote the utilization of new and improved technologies and appropriate traditional practices in rural settlements development, Governments at the appropriate levels, including local authorities, in cooperation with the private sector, should...(b) Make full use of geographic information systems and environmental assessment methods for the preparation of environmentally sound regional development policies;

169. An integrated approach is required to promote balanced and mutually supportive urban-rural development. To achieve this objective, Governments at the appropriate levels, including local authorities, with the support of the relevant international and regional institutions, should...(b) Facilitate the development of an efficient

communication and distribution infrastructure for the exchange of information, labour, goods, services and capital between urban and rural areas;...

172. In improving natural and human-made disaster prevention, preparedness, mitigation and response, Governments at the appropriate levels, including local authorities, and in close consultation and cooperation with such entities as insurance companies, nongovernmental organizations, community-based organizations, organized communities, and the academic, health and scientific community, should:...(d) Promote and disseminate information on disaster-resistant construction methods and technologies for buildings and public works in general;...

174. With respect to the mitigation of disasters, Governments at the appropriate levels, including local authorities, in partnership with all interested parties, should, as appropriate: (a) Establish a comprehensive information system that identifies and assesses the risks involved in disaster-prone areas and integrate it into human settlements planning and design;...(d) Promote and encourage broad-based participation in disaster preparedness activities by giving to the population living in the vicinity of a dangerous activity adequate and regular information on the potential hazards;...

180. To ensure effective decentralization and strengthening of local authorities and their associations/networks, Governments at the appropriate levels should:...(g) Enhance the performance of local authorities by undertaking data collection, disaggregated by gender, age and income, and comparative analyses of, and by disseminating information on innovative practices in, the delivery, operation and maintenance of public goods and services, in providing for the needs of their populations and in exploiting the fiscal and other potential of their cities;...

182. To encourage and support participation, civic engagement and the fulfilment of governmental responsibilities, national Governments, local authorities and/or civil society organizations should put into effect, at appropriate levels, institutional and legal frameworks that facilitate and enable the broad-based participation of all people and their community organizations in decision-making and in the implementation and monitoring of human settlements strategies, policies and programmes; these institutional and legal frameworks would be specifically aimed at, *inter alia*:

- (a) Protecting the human right to hold and express opinions and to seek, receive and impart ideas and information without interference;...
- (d) Providing full, timely and comprehensible information, without undue financial burden to the applicant;
- (e) Undertaking civic and human rights education and training programmes, using all forms of the media and education and information campaigns, to promote a civic spirit and an awareness of civil rights and responsibilities and the means of exercising them, of the changing roles of women and men and of issues relating to sustainable human settlements development and the quality of life;...
- (i) Fostering an understanding of contractual and other relationships with the private and nongovernmental sectors to acquire the skills for negotiating effective partnerships for project implementation, development and management that will maximize benefits for all people;...
- (j) Promoting equality and equity, incorporating gender considerations and the full and equal participation of women, and involving vulnerable and disadvantaged groups, including people living in poverty and other low-income groups, through institutional measures to ensure that their interests are represented in policy- and decision-making processes and through such techniques as advocacy training and seminars, including those that develop mediating and consensus-building skills that will facilitate effective networking and alliance formation;...
- (n) Promoting the full potential of youth as key partners for the achievement of adequate shelter for all and sustainable human settlements through various forms of education, quality training and skill-building, taking into account the diverse abilities, realities and experiences of youth;...
- (q) Promoting the use of new information technologies and the media, including the local media, to facilitate dialogue, to exchange relevant information, experiences and practices concerning human settlements and to form constructive partnerships among civil society and decision makers....

4. *Human settlements management*: 183. Local authorities and others involved in human settlements management need to draw on the skills and resources of a diversity of people and institutions at many levels. The scarcity of suitably qualified personnel and the weakness of institutional systems and technical capacity are among the main obstacles to the improvement of human settlements in many countries, particularly in developing countries. Capacity-building and institutional development strategies must form an integral part of human settlements development policies at the national and local levels. In addition, the use of new skills, know-how and technology in all aspects of human settlements planning and management will be necessary. In countries where changes in human settlements patterns are rapid, resulting in socio-economic and environmental challenges, there is a need for Governments and the international community to ensure effective and efficient development and transfer of leadership skills, planning and management expertise, know-how and technology.

184. To facilitate capacity-building and institutional development for the improvement of human settlements planning and management, Governments at the appropriate levels, including local authorities and their associations, should:

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- (a) Support training programmes for administrators and civic officials at all levels, and for all other key actors, as appropriate, to enhance leadership qualities and promote the inclusion of women and young people in staff structures and decision-making;
 - (b) Consider establishing private-public, community sector, business and economic forums to exchange management know-how and experience;
 - (c) Promote comprehensive training, education and human resources development policies and programmes that are gender-sensitive and involve local authorities and their associations/networks, as well as academic, research, training and educational institutions, community-based organizations and the private sector, focusing on:
 - (i) The development of a multisectoral approach to human settlements development that includes the unique contributions and institutions of indigenous and immigrant people;
 - (ii) The training of trainers to develop a core capacity for institution-strengthening and capacity-building that includes gender awareness and the needs of children, youth and the elderly as integral components;
 - (iii) The development of local capacity to define needs and undertake or commission applied research, particularly with regard to age and gender-sensitive analysis, social and environmental impact assessments, shelter strategy formulation, local economic growth and job creation, and to incorporate the findings in management systems;
 - (d) Develop information systems for networking, for accessing resources in a timely manner and for the exchange, transfer and sharing of experience, expertise, know-how and technology in human settlements development;
 - (e) When appropriate, encourage, within the context of transparency and accountability, as appropriate, the involvement of private-sector authorities, including nongovernmental organizations, in improving public-sector management and administration and the formation of entities that are public in their function, private in their management and public-privately funded;
 - (f) Consider developing mediation programmes to resolve conflicts, including those between competing actors over access to and distribution and use of resources in human settlements and train civil society in their use;
 - (g) Be encouraged to increase their knowledge about the ecocycles involving their cities so as to prevent environmental damage;
 - (h) Integrate gender-sensitive policies and standards in each of the categories above, if not already specifically indicated....

191. To improve the capacity to exploit these innovations to enhance their public good, Governments at all levels, including local authorities, should, as appropriate:

- (a) Develop, upgrade and maintain information infrastructure and technology and encourage their use by all levels of government, public institutions, civil society organizations and community-based organizations, and consider communications as an integral part of human settlements policy;
- (b) Promote the training of all key actors in the use, ways and means of information technology;
- (c) Develop methods of sharing experience of local initiatives through electronic means, such as the Internet, networks and libraries, and of disseminating information on best practices, including those that utilize gender policies;
- (d) Implement programmes that encourage the use, especially by children, youth and educational institutions, of public libraries and communication networks;
- (e) Facilitate the learning process through the dissemination of both successful and unsuccessful experiences in human settlements taken from the governmental, public, private and community sectors;
- (f) Encourage policies that make information technology and services available and more accessible to the general public, in particular through the wide use of the media;
- (g) Give special attention to providing access to these new technologies for persons with disabilities;
- (h) Encourage the development of programming for local and national media that acknowledges the diversity of race and culture in larger cities and promotes an understanding of differing points of view;
- (i) Promote the free flow of, and access to, information in the areas of public policy, decision making, resource allocation and social development that have an impact on women and children in particular;
- (j) Assure market competition and broad public access in the provision of communication and information technology through a public role in maintaining access to communication and information technology.

192. The dissemination of experiences that contribute to facilitating access to adequate housing for all and the development of sustainable human settlements is helpful in the formulation of public policies on human settlements development. National Governments, in partnership with social actors, should: (a) Promote the selection of urban management practices that stand out because of their positive impact on improving habitat, their use of participatory modes of organization and operation, their sustainable and lasting character and their tendency to become universal; (b) Set up structures for the selection of best practices, with the participation of

nongovernmental organizations active in the urban development field; (c) Promote the dissemination of best practices, selected locally, nationally, regionally and internationally, in an integrated manner.

193. To increase the knowledge and strengthen the information base, Governments and local authorities, together with research institutions, statistical offices and other interested parties, should:

- (a) Promote research on economic, social and environmental aspects related to urbanization, human settlements and shelter development, focusing on research priorities identified on the basis of national requirements and the need for systematic monitoring and assessment of development, including environmental and social impacts of human settlements policies, programmes and projects, and paying attention to gender specificities;
- (b) Strengthen existing human settlements related information systems by adopting efficient and sustainable methodologies and institutional arrangements, by systematically incorporating research results and by compiling, analysing and updating data for human settlements and shelter statistics and policy-sensitive indicators;
- (c) Disseminate research indicators and other information widely, mainstream their results in policy making at all levels and ensure a two-way flow of information between producers and users of information.

⁶³ Commission on Human Rights, "Women's equal ownership of, access to and control over housing," resolution 2000/13: 7. Also encourages Governments, specialized agencies and other organizations of the United Nations system, international agencies and nongovernmental organizations to provide ... concerned persons, as appropriate, with information and human rights education concerning women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing...

⁶⁴ II. Basic Principles and Implementation Measures: A. Basic Principles at National Level...1. Empowerment and partnerships:...Empowerment policies must be adopted in order to habilitate individuals, families and their local societies and enlist their participation in carrying out a pivotal role, together with the private and public sectors and the local authorities, in providing housing and sustainable development for human settlements. Such empowerment policies and the related implementation programmes could be formulated in accordance with the conditions prevailing in each country. An empowerment methodology must be employed as an essential part of policies, programmes and activities, in accordance with the following:

- (a) The capacities and resources of the effective actors must be mobilized in the process of securing and improving shelter in urban and rural areas;
- (b) The capabilities and skills of residents must be harnessed in order to improve their housing, by adopting the empowerment approach, which includes enlisting the participation of society and, in particular, of women and young residents;...
- (e) Young people must be worked with, within a partnership framework, in order to develop and enhance effective skills; and education and training must be provided in order to prepare young people to undertake, both in the present and the future, the responsibility for decision making in the management and development of human settlements and for finding sustainable means of living;
- (f) Institutional and legal frameworks for the effective participation of women must be strengthened in order to increase their civil involvement and broad-based contribution to the development of human settlements;...
- (i) Capacity building must be enhanced in the planning, management and development of human settlements at local and national levels, through education, training and the rehabilitation of institutions;...
- (l) The opportunities must be increased for all citizens to have access to reliable information at national and local levels, using modern technology and communications networks whenever appropriate;
- (n) Tenant participation in the management of residences at public sector and local community level, must be facilitated, as must the participation of members of vulnerable and deprived groups in planning and implementation operations and in the management of urban and rural development projects and maintenance of residential installations.

2. *Enhancing capacity building*: Macroeconomic policies must be linked and coordinated with housing and human settlements policies and strategies as a socioeconomic priority and as part of the implementation of development policies, plans and programmes designed to provide resources and rationalize their use, create employment opportunities, eradicate poverty and achieve social integration.

4. *Security of tenure and sound urban governance*: Information on human settlements must be made available to all actors and concerned parties and their organizations, private sector institutions and businessmen, and the necessary steps must be taken in order to collect, store and analyse data, using the best technical methods available.... The historic, cultural, natural and religious architectural heritage, including traditional styles of shelters and human settlements, must be conserved and protected. This will involve training residents in the use and preservation of such historic buildings and promoting traditional handicrafts, which will help to preserve heritage, alleviate poverty and eradicate unemployment in those societies.... Special care and attention must be paid to the publication and exchange of printed materials; information campaigns using all forms of media must be intensified, with a view to promoting partnership in decision making....

⁶⁵ Declaration on the Rights and Responsibilities of Individuals and Groups A/RES/53/144 (8 March 1999): Article 6a–c: Everyone has the right, individually and in association with others: to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems; as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

Article 13: Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration.

⁶⁶ Declaration on Cities and Other Human Settlements in the New Millennium (Habitat II +5 United Nations General Assembly resolution S-25/2 [2001]): 38. Also resolve to empower the poor and vulnerable, *inter alia* through...enabling better access to information and good practices, including awareness of legal rights.

⁶⁷ World Summit on Sustainable Development Plan of Implementation (2002): 11.(e) Support local authorities in elaborating slum upgrading programmes within the framework of urban development plans and facilitate access, particularly for the poor, to information on housing legislation.

⁶⁸ 4th World Water Forum Ministerial Declaration (2006): We, the Ministers assembled in Mexico City on the occasion of the Fourth World Water Forum (4th WWF), “Local Actions for a Global Challenge” on March 21st and 22nd, 2006...Reaffirm... (b) that Governments have the primary role in promoting...sustainable and secure tenure, and adequate shelter, through improved governance at all levels and appropriate enabling environments and regulatory frameworks, adopting a pro-poor approach and with the active involvement of all stakeholders;...

⁶⁹ “Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of Human Rights and Serious Violations Humanitarian Law,” UN General Assembly, A/RES/60/147, 16 December 2005: “VII. Victims’ right to remedies: 11. Remedies for gross violations of international human rights law and serious violations of international humanitarian law include the victim’s right to the following as provided for under international law:... (c) Access to relevant information concerning violations and reparation mechanisms.

VIII. Access to justice:...

12. A victim of a gross violation of international human rights law or of a serious violation of international humanitarian law shall have equal access to an effective judicial remedy as provided for under international law. Other remedies available to the victim include access to administrative and other bodies, as well as mechanisms, modalities and proceedings conducted in accordance with domestic law. Obligations arising under international law to secure the right to access justice and fair and impartial proceedings shall be reflected in domestic laws. To that end, States should: (a) Disseminate, through public and private mechanisms, information about all available remedies for gross violations of international human rights law and serious violations of international humanitarian law;

X. Access to relevant information concerning violations and reparation mechanisms:...

24. States should develop means of informing the general public and, in particular, victims of gross violations of international human rights law and serious violations of international humanitarian law of the rights and remedies addressed by these Basic Principles and Guidelines and of all available legal, medical, psychological, social, administrative and all other services to which victims may have a right of access. Moreover, victims and their representatives should be entitled to seek and obtain information on the causes leading to their victimization and on the causes and conditions pertaining to the gross violations of international human rights law and serious violations of international humanitarian law and to learn the truth in regard to these violations.

⁷⁰ International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities (2006), Article 4, General obligations: 1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:... (h) To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities;...

⁷¹ UDHR, Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 21: Everyone has the right to take part in the government of his country. The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote of by equivalent free voting procedures.

⁷² International Covenant on Civil and Political Rights, Article (1966), Article 22.1: Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

Article 25a: Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions; to take part in the conduct of public affairs, directly or through freely chosen representatives.

⁷³ Supra, note 1. Article 13: 1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace. 2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

- (a) Primary education shall be compulsory and available free to all;
- (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education; (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
- (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
- (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved....

⁷⁴ African Charter on Human and Peoples' Rights (1981): Article 13: 1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law. 2. Every citizen shall have the right of equal access to the public service of the country.

⁷⁵ 15...The Committee considers that the procedural protections which should be applied in relation to forced evictions include:

- (a) an opportunity for genuine consultation with those affected;
- (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;
- (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;
- (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction;
- (e) all persons carrying out the eviction to be properly identified;
- (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise;
- (g) provision of legal remedies; and
- (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

⁷⁶ Vancouver Declaration on Human Settlements (1976): "*II. General Principles*: 13. All persons have the right and the duty to participate, individually and collectively in the elaboration and implementation of policies and programmes of their human settlements.

III. Guidelines for Action...10. Basic human dignity is the right of people, individually and collectively, to participate directly in shaping the policies and programmes affecting their lives. The process of choosing and carrying out a given course of action for human settlement improvement should be designed expressly to fulfill that right;...

⁷⁷ UNESCO Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas (1976): 3. The participation and the involvement of the residents are essential for the success of the conservation programme and should be encouraged. The conservation of historic towns and urban areas concerns their residents first of all.

⁷⁸ Declaration on the Right to Development UN General Assembly resolution 41/128 (1986): Article 1.1: The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.

Article 8.2: States should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights.

⁷⁹ 18.9. Integrated water resources management, including the integration of land- and water-related aspects, should be carried out at the level of the catchment basin or sub-basin. Four principal objectives should be pursued, as follows:...c. To design, implement and evaluate projects and programmes that are both economically efficient and socially appropriate within clearly defined strategies, based on an approach of full public participation, including that of women, youth, indigenous people and local communities in water management policy making and decision making;...

18.12. All States, according to their capacity and available resources, and through bilateral or multilateral cooperation, including the United Nations and other relevant organizations as appropriate, could implement the following activities to improve integrated water resources management:...n. Development of public participatory techniques and their implementation in decision making, particularly the enhancement of the role of women in water resources planning and management;

18.59. All States, according to their capacity and available resources, and through bilateral or multilateral cooperation, including the United Nations and other relevant organizations as appropriate, could implement the following activities:...

c. Institutional/legal/management reforms:...iii. Utilization of the skills and potential of nongovernmental organizations, the private sector and local people, taking into account the public's and strategic interests in water resources;

d. Promotion of public participation:

- i. Initiation of public-awareness campaigns to encourage the public's move towards rational water utilization;
- ii. Sensitization of the public to the issue of protecting water quality within the urban environment;
- iii. Promotion of public participation in the collection, recycling and elimination of wastes;...

f. Provision of enhanced access to sanitary services:...

iv. Mobilization and facilitation of the active involvement of women in water management teams;

v. Encouragement and equipment of local water associations and water committees to manage community water-supply systems and communal latrines, with technical back-up available when required;...

18.62. Implicit in virtually all elements of this programme is the need for progressive enhancement of the training and career development of personnel at all levels in sector institutions....Special provision should be made for mobilizing and facilitating the active participation of women, youth, indigenous people and local communities in water management teams and for supporting the development of water associations and water committees, with appropriate training of such personnel as treasurers, secretaries and caretakers. Special education and training programmes for women should be launched with regard to the protection of water resources and water quality within urban areas.

⁸⁰ 78. To eradicate legal and social barriers to the equal and equitable access to land, especially the access of women, people with disabilities and those belonging to vulnerable groups, Governments at the appropriate levels, in partnership with the private sector, nongovernmental organizations, the cooperative sector and community-based organizations, should:... (b) Promote awareness campaigns, education and enabling practices regarding, in particular, legal rights with respect to tenure, land ownership and inheritance for women, so as to overcome existing barriers;...

79. To facilitate access to land and security of tenure for all socioeconomic groups, Governments at the appropriate levels, including local authorities, should: (a) Adopt an enabling legal and regulatory framework based on an enhanced knowledge, understanding and acceptance of existing practices and land delivery mechanisms so as to stimulate partnerships with the private business and community sectors, specifying recognized types of land tenure and prescribing procedures for the regularization of tenure, where needed; (b) Provide institutional support, accountability and transparency of land management, and accurate information on land ownership, land transactions and current and planned land use;...

81. To improve the effectiveness of existing housing finance systems, Governments at the appropriate levels should:...(j) Encourage community mortgage programmes that are accessible to people living in poverty, especially women, in order to increase their productive capacity by providing them with access to capital, resources, credit, land, technology and information so that they can raise their income and improve their living conditions and status within the household....(f) Promote the exchange of information on innovations in housing finance;...

82. To create new housing finance mechanisms, as necessary, Governments at the appropriate levels should:...(f) Promote the exchange of information on innovations in housing finance;...

90. To respond effectively to the requirements for appropriate planning, design, construction, maintenance and rehabilitation of shelter, infrastructure and other facilities, Governments at the appropriate levels should:...(g) Promote research, exchange of information and capacity-building with respect to affordable and technically and environmentally sound building, maintenance and rehabilitation technologies;...

91. To promote and support an adequate supply of locally produced, environmentally sound, affordable and durable basic building materials, Governments at the appropriate levels, in cooperation with all other interested parties, should: (a) Where appropriate, encourage and support the establishment and expansion of environmentally sound, small-scale, local building materials industries and the expansion of their production and commercialization through, *inter alia*, legal and fiscal incentives and the provision of credit, research and development, and information; (c) Promote information exchange and the flow of appropriate environmentally sound, affordable and accessible building technologies and facilitate the transfer of technology;

96. To remove barriers and eradicate discrimination in the provision of shelter, Governments at the appropriate levels, including local authorities, should:...(g) Provide vulnerable and disadvantaged groups with access to information and with opportunities to participate in the local decision-making process on community and shelter issues that will affect them;...

97. To provide for the shelter needs of those belonging to vulnerable groups, Governments at the appropriate levels, including local authorities, in cooperation with all interested parties, as appropriate, should:...(f) Pursue policies that will provide information to and consultation with vulnerable groups;...

114. To develop and support improved and integrated land management, Governments at the appropriate levels, including local authorities, should: (a) Develop integrated land information and mapping systems;...

118. Urban and rural poverty and unemployment represent severe constraints for human settlements development. In order to combat poverty, Governments at the appropriate levels, including local authorities, in partnership with all relevant interested parties, including workers' and employers' organizations, should:...

(c) Improve policies that reduce environmental health hazards, and provide the informal sector and all workers with accessible information on how to enhance occupational safety and reduce health risks;...

(f) Ensure that people living in poverty have access to productive resources, including credit, land, education and training, technology, knowledge and information, as well as to public services, and that they have the opportunity to participate in decision making in a policy and regulatory environment that would enable them to benefit from employment and economic opportunities;...

121. In order to promote disability-sensitive planning and management of human settlements, Governments at the appropriate levels, including local authorities, should:...(d) Eliminate communication barriers to reduce the social and physical isolation faced by persons with disabilities by measures such as the production and dissemination of information, especially public information, in appropriate formats; (e) Promote equal access to all levels of education and skills development for persons with disabilities; (f) Prepare and disseminate disaggregated data presented by age, sex and work status, set up monitoring mechanisms in government structures and integrate the results into mainstream policies for sustainable human settlements development;

127. In order to address population issues affecting human settlements and to fully integrate demographic concerns into sustainable human settlements development policies, Governments at the appropriate levels, including local authorities and other interested parties, should:...(b) Where necessary, set up or enhance databases, including, *inter alia*, data disaggregated by gender and age, and conduct data collection and analysis to provide baseline information that can be used to better plan for population growth in cities, towns and villages; (c) Increase the awareness, knowledge and understanding of the impact of population change and development variables on human settlements at all levels of society through public information campaigns and communication efforts centred on the significance and relevance of population-related issues and the responsible actions necessary to address such issues, including health, family planning and consumption and production patterns consistent with sustainable development;...

166. To promote the utilization of new and improved technologies and appropriate traditional practices in rural settlements development, Governments at the appropriate levels, including local authorities, in cooperation with the

private sector, should:...(b) Make full use of geographic information systems and environmental assessment methods for the preparation of environmentally sound regional development policies;

169. An integrated approach is required to promote balanced and mutually supportive urban-rural development. To achieve this objective, Governments at the appropriate levels, including local authorities, with the support of the relevant international and regional institutions, should:...(b) Facilitate the development of an efficient communication and distribution infrastructure for the exchange of information, labour, goods, services and capital between urban and rural areas;...

172. In improving natural and human-made disaster prevention, preparedness, mitigation and response, Governments at the appropriate levels, including local authorities, and in close consultation and cooperation with such entities as insurance companies, nongovernmental organizations, community-based organizations, organized communities, and the academic, health and scientific community, should:...(d) Promote and disseminate information on disaster-resistant construction methods and technologies for buildings and public works in general;...

174. With respect to the mitigation of disasters, Governments at the appropriate levels, including local authorities, in partnership with all interested parties, should, as appropriate: (a) Establish a comprehensive information system that identifies and assesses the risks involved in disaster-prone areas and integrate it into human settlements planning and design;...(d) Promote and encourage broad-based participation in disaster preparedness activities by giving to the population living in the vicinity of a dangerous activity adequate and regular information on the potential hazards;...

180. To ensure effective decentralization and strengthening of local authorities and their associations/networks, Governments at the appropriate levels should:...(g) Enhance the performance of local authorities by undertaking data collection, disaggregated by gender, age and income, and comparative analyses of, and by disseminating information on innovative practices in, the delivery, operation and maintenance of public goods and services, in providing for the needs of their populations and in exploiting the fiscal and other potential of their cities;...

182. To encourage and support participation, civic engagement and the fulfilment of governmental responsibilities, national Governments, local authorities and/or civil society organizations should put into effect, at appropriate levels, institutional and legal frameworks that facilitate and enable the broad-based participation of all people and their community organizations in decision-making and in the implementation and monitoring of human settlements strategies, policies and programmes; these institutional and legal frameworks would be specifically aimed at, *inter alia*:

- (a) Protecting the human right to hold and express opinions and to seek, receive and impart ideas and information without interference;...
- (d) Providing full, timely and comprehensible information, without undue financial burden to the applicant;
- (e) Undertaking civic and human rights education and training programmes, using all forms of the media and education and information campaigns, to promote a civic spirit and an awareness of civil rights and responsibilities and the means of exercising them, of the changing roles of women and men and of issues relating to sustainable human settlements development and the quality of life;...
- (i) Fostering an understanding of contractual and other relationships with the private and nongovernmental sectors to acquire the skills for negotiating effective partnerships for project implementation, development and management that will maximize benefits for all people;...
- (j) Promoting equality and equity, incorporating gender considerations and the full and equal participation of women, and involving vulnerable and disadvantaged groups, including people living in poverty and other low-income groups, through institutional measures to ensure that their interests are represented in policy- and decision-making processes and through such techniques as advocacy training and seminars, including those that develop mediating and consensus-building skills that will facilitate effective networking and alliance formation;...
- (n) Promoting the full potential of youth as key partners for the achievement of adequate shelter for all and sustainable human settlements through various forms of education, quality training and skill-building, taking into account the diverse abilities, realities and experiences of youth;...
- (q) Promoting the use of new information technologies and the media, including the local media, to facilitate dialogue, to exchange relevant information, experiences and practices concerning human settlements and to form constructive partnerships among civil society and decision makers....

4. *Human settlements management*: 183. Local authorities and others involved in human settlements management need to draw on the skills and resources of a diversity of people and institutions at many levels. The scarcity of suitably qualified personnel and the weakness of institutional systems and technical capacity are among the main obstacles to the improvement of human settlements in many countries, particularly in developing countries. Capacity-building and institutional development strategies must form an integral part of human settlements development policies at the national and local levels. In addition, the use of new skills, know-how and technology in all aspects of human settlements planning and management will be necessary. In countries where changes in human settlements patterns are rapid, resulting in socio-economic and environmental challenges, there is a need

for Governments and the international community to ensure effective and efficient development and transfer of leadership skills, planning and management expertise, know-how and technology.

184. To facilitate capacity-building and institutional development for the improvement of human settlements planning and management, Governments at the appropriate levels, including local authorities and their associations, should:

- (a) Support training programmes for administrators and civic officials at all levels, and for all other key actors, as appropriate, to enhance leadership qualities and promote the inclusion of women and young people in staff structures and decision-making;
- (b) Consider establishing private-public, community sector, business and economic forums to exchange management know-how and experience;
- (c) Promote comprehensive training, education and human resources development policies and programmes that are gender-sensitive and involve local authorities and their associations/networks, as well as academic, research, training and educational institutions, community-based organizations and the private sector, focusing on:
 - (i) The development of a multisectoral approach to human settlements development that includes the unique contributions and institutions of indigenous and immigrant people;
 - (ii) The training of trainers to develop a core capacity for institution strengthening and capacity building that includes gender awareness and the needs of children, youth and the elderly as integral components;
 - (iii) The development of local capacity to define needs and undertake or commission applied research, particularly with regard to age and gender-sensitive analysis, social and environmental impact assessments, shelter strategy formulation, local economic growth and job creation, and to incorporate the findings in management systems;
- (d) Develop information systems for networking, for accessing resources in a timely manner and for the exchange, transfer and sharing of experience, expertise, know-how and technology in human settlements development; (e) When appropriate, encourage, within the context of transparency and accountability, as appropriate, the involvement of private-sector authorities, including nongovernmental organizations, in improving public-sector management and administration and the formation of entities that are public in their function, private in their management and public-privately funded;
- (f) Consider developing mediation programmes to resolve conflicts, including those between competing actors over access to and distribution and use of resources in human settlements and train civil society in their use;
- (g) Be encouraged to increase their knowledge about the ecocycles involving their cities so as to prevent environmental damage; (h) Integrate gender-sensitive policies and standards in each of the categories above, if not already specifically indicated....

191. To improve the capacity to exploit these innovations to enhance their public good, Governments at all levels, including local authorities, should, as appropriate:

- (a) Develop, upgrade and maintain information infrastructure and technology and encourage their use by all levels of government, public institutions, civil society organizations and community-based organizations, and consider communications as an integral part of human settlements policy;
- (b) Promote the training of all key actors in the use, ways and means of information technology;
- (c) Develop methods of sharing experience of local initiatives through electronic means, such as the Internet, networks and libraries, and of disseminating information on best practices, including those that utilize gender policies;
- (d) Implement programmes that encourage the use, especially by children, youth and educational institutions, of public libraries and communication networks;
- (e) Facilitate the learning process through the dissemination of both successful and unsuccessful experiences in human settlements taken from the governmental, public, private and community sectors;
- (f) Encourage policies that make information technology and services available and more accessible to the general public, in particular through the wide use of the media;
- (g) Give special attention to providing access to these new technologies for persons with disabilities;
- (h) Encourage the development of programming for local and national media that acknowledges the diversity of race and culture in larger cities and promotes an understanding of differing points of view;
- (i) Promote the free flow of, and access to, information in the areas of public policy, decision making, resource allocation and social development that have an impact on women and children in particular;
- (j) Assure market competition and broad public access in the provision of communication and information technology through a public role in maintaining access to communication and information technology.

192. The dissemination of experiences that contribute to facilitating access to adequate housing for all and the development of sustainable human settlements is helpful in the formulation of public policies on human settlements development. National Governments, in partnership with social actors, should: (a) Promote the selection of urban management practices that stand out because of their positive impact on improving habitat, their use of

participatory modes of organization and operation, their sustainable and lasting character and their tendency to become universal; (b) Set up structures for the selection of best practices, with the participation of nongovernmental organizations active in the urban development field; (c) Promote the dissemination of best practices, selected locally, nationally, regionally and internationally, in an integrated manner.

193. To increase the knowledge and strengthen the information base, Governments and local authorities, together with research institutions, statistical offices and other interested parties, should:

- (a) Promote research on economic, social and environmental aspects related to urbanization, human settlements and shelter development, focusing on research priorities identified on the basis of national requirements and the need for systematic monitoring and assessment of development, including environmental and social impacts of human settlements policies, programmes and projects, and paying attention to gender specificities;
- (b) Strengthen existing human settlements related information systems by adopting efficient and sustainable methodologies and institutional arrangements, by systematically incorporating research results and by compiling, analysing and updating data for human settlements and shelter statistics and policy-sensitive indicators;
- (c) Disseminate research indicators and other information widely, mainstream their results in policy making at all levels and ensure a two-way flow of information between producers and users of information.

⁸¹ Basic Principles and Measures for Implementation of the Habitat Agenda in the Arab Region, op. cit.: II. Basic Principles and Implementation Measures: A. Basic Principles at National Level...1. Empowerment and partnerships:...Empowerment policies must be adopted in order to habilitate individuals, families and their local societies and enlist their participation in carrying out a pivotal role, together with the private and public sectors and the local authorities, in providing housing and sustainable development for human settlements...An empowerment methodology must be employed as an essential part of policies, programmes and activities, in accordance with the following:...Conditions must be created in which societal and civil organizations and institutions may interact, communicate and build partnerships in order to achieve the two objectives of providing adequate housing for all and sustainable development for human settlements;...

The principal effective actors in the private, public and community sectors must be empowered and treated as partners if they are to be enabled to play an effective role at national, state, governorate, city, village and local levels in promoting the development of human settlements and providing adequate shelter. Furthermore, cooperation with all civil society institutions must be expanded and responsible private sector economic, social and environmental investment must be encouraged. Special attention must be given to strengthening the role of the family and women and special measures must be adopted with respect to members of deprived or vulnerable groups;...(f) Institutional and legal frameworks for the effective participation of women must be strengthened in order to increase their civil involvement and broad-based contribution to the development of human settlements; (g) The formation of civil organizations and other types of civil body must be encouraged, in order to contribute to efforts to alleviate poverty and improve the quality of life in human settlements; (h) A methodology based on participation in the development and management of sustainable human settlements must be adopted. Such a methodology must involve continuous dialogue between [sic] all active parties concerned with urban development, including the public and private sectors and civil organizations, with support for the role of women and youth and special consideration for the interests of children;...(l) The opportunities must be increased for all citizens to have access to reliable information at national and local levels, using modern technology and communications networks whenever appropriate; (n) Tenant participation in the management of residences at public sector and local community level, must be facilitated, as must the participation of members of vulnerable and deprived groups in planning and implementation operations and in the management of urban and rural development projects and maintenance of residential installations....

4. *Security of tenure and sound urban governance* Information on human settlements must be made available to all actors and concerned parties and their organizations, private sector institutions and businessmen, and the necessary steps must be taken in order to collect, store and analyse data, using the best technical methods available....Special care and attention must be paid to the publication and exchange of printed materials; information campaigns using all forms of media must be intensified, with a view to promoting partnership in decision making. Furthermore, the opportunity should be given to all concerned to express their opinions, in order to make them partners in developmental decision making, and, as such, defend it and be partners in preserving its gains and elaborating on its positive aspects.

⁸² Declaration on Cities and Other Human Settlements in the New Millennium (Habitat II +5), United Nations General Assembly resolution S-25/2 (25 June 2001): "44. Commit ourselves to the goal of gender equality in human settlements development and resolve to promote gender equality and the empowerment of women as effective ways to combat poverty and to stimulate the development of human settlements that are truly sustainable. We further commit ourselves to formulating and strengthening policies and practices to promote the full and equal participation of women in human settlements planning and decision making;

Article 45: We further commit ourselves to the objectives of: (f) Promoting gender-sensitive institutional and legal frameworks and capacity-building at the national and local levels conducive to civic engagement and broad-based participation in human settlements development; (h) Institutionalizing a participatory approach to sustainable human settlements development and management, based on a continuing dialogue among all actors involved in urban development (the public sector, the private sector and communities), especially women, persons with disabilities and indigenous people, including the interests of children and youth; (m) Facilitating participation by tenants in the management of public and community-based housing and by women and those belonging to vulnerable and disadvantaged groups in the planning and implementation of urban and rural development.

⁸³ 4th World Water Forum Ministerial Declaration (2006): We, the Ministers assembled in Mexico City on the occasion of the Fourth World Water Forum (4th WWF), "Local Actions for a Global Challenge" on March 21st and 22nd, 2006...Reaffirm... (b) that Governments have the primary role in promoting...sustainable and secure tenure, and adequate shelter, through improved governance at all levels and appropriate enabling environments and regulatory frameworks, adopting a propoor approach and with the active involvement of all stakeholders;...