

Closing the Human Rights Gap in MDG 7: Ensure Environmental Sustainability

Habitat International Coalition • Housing and Land Rights Network
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Closing the Human Rights Gap in MDG 7: Ensure Environmental Stability

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At this time, we celebrate the greatest multilateral nonmilitary campaign ever and the most-ambitious concerted effort in history to address world poverty and underdevelopment. The Millennium Campaign, taking inspiration from the UN's Millennium Declaration (2000), has reached its midpoint in the pursuit of the Millennium Development Goals (MDGs) set for 2015.

The eight MDGs are derived from the Millennium Declaration, and each is interdependent with the other. Nonetheless, achieving each Goal calls for specialization and the marshalling of lessons from "communities of practice" to find the ways and means to eradicate poverty and manage other global threats on our planet. Members of Habitat International Coalition (HIC) and its Housing and Land Rights Network (HLRN) naturally have trained their efforts on monitoring and promoting MDG 7: "ensuring environmental stability." This pamphlet provides a HIC perspective of the issues involved and values at stake in pursuing MDG 7 thus far, while sharing lessons and guidance gathered during the campaign. It concludes with a set of indicators that seeks to reconcile the pursuit of the MDGs with prior, binding and enduring treaty obligations of States.

In the beginning...The Millennium Declaration

At the momentous turn of the new century 21, world leaders, including 147 heads of State, gathered at UN Headquarters in September 2000 to adopt their draft Millennium Declaration. With 189 States voting in favor, the Declaration enshrines wide agreement and common political will to address the gravest challenges that "we the peoples" of the United Nations face. It is a document that reflects a global sense of individual and collective responsibility to bring about "a more-peaceful, prosperous and just world" through the United Nations. It recognizes that, in the world today, peoples remain under colonial domination and foreign occupation and that, despite the opportunities that come with globalization, developing and economically transitional countries are not able to meet that central challenge.

By the Declaration, the leaders resolved to ensure a more-peaceful world by applying international human rights and humanitarian law, supporting the International Criminal Court and upholding arms control and disarmament agreements. Figuring prominently is a pledge to cooperate in the fight against drugs, illicit arms trade, trafficking, "terrorism" and crime generally. While combating violence and crime are at the core of assumptions about human security, the Millennium Declaration reflects that notion in its broader sense.

Thus, environmental protection priorities, according to the Declaration, call for action to ensure the Kyoto Protocol's entry into force, among other key international agreements. It also calls for a halt to unsustainable exploitation of water resources, cooperation to reduce the number and effects of natural disasters and ensuring free access to information on the human genome sequence.

The need to protect the vulnerable and victimized from violation, including the pervasive violence against women, is a theme common to the Declaration's

sections on “human rights, democracy and good governance” and “protecting the vulnerable.” The leaders pledged to share the burden of with countries hosting refugees, while cooperating toward refugees’ and displaced persons’ safe and voluntary return. However, the Declaration does not address causal factors in the swelling crisis of refugees and displacement, or the crisis. The Declaration also omits attention to the causes or effects of the crisis that is urbanization, involving also the phenomenon of disappearing peasantries.

In the same section, the Declaration points out the importance of participatory political processes and the respect and protection of human rights among the principles and practices of democracy. However, it does not mention the problem of corruption, despite its impediment to many of the Declaration’s purposes.

Africa emerges as a special case for consideration, whereas the Millennium Declaration contains a pledge to assist specifically through improving Africa’s market access, combating and treating HIV/AIDS, and enhanced official development assistance and debt relief.

In order to achieve the progress called for in the Millennium Declaration, the world leaders resolved also to strengthen the United Nations and ensure greater cooperation between and among its agencies, as well as the international financial and trade institutions. Specifically, the Declaration carries a pledge to support the International Court of Justice, reaffirms that the General Assembly is the chief deliberative, policy-making and representative organ of the UN system, and promises to intensify efforts toward comprehensive reform of the Security Council in all its aspects.

The Millennium Declaration is an important instrument of collective political will. However, as a declaration and not a treaty, it is not binding on its authors. Nor does it supersede or replace existing treaties in force. Nonetheless, the Declaration does reaffirm existing duties and general principles of international law, further emphasizing the over-riding principle of international cooperation that is so essential to achieving the UN Charter’s promise of “social progress and better standards of life in larger freedom.”

Setting attainable goals

The Declaration’s focus on development and poverty eradication provide the specificity that was transformed one year later into the MDGs. “The roadmap for the implementation of the Millennium Declaration,” a report of the UN Secretary-General Kofi Annan, provides greater specificity to the broad outlines of the Declaration, and fills some of the gaps. The roadmap takes note of the “challenge that corruption poses to the rule of law, good governance and development.” It also sets out specific goals such as minimizing the adverse effect of sanctions on innocent populations and striving to eliminate weapons of mass destruction, including nuclear weapons.

The UN Millennium Development Goals

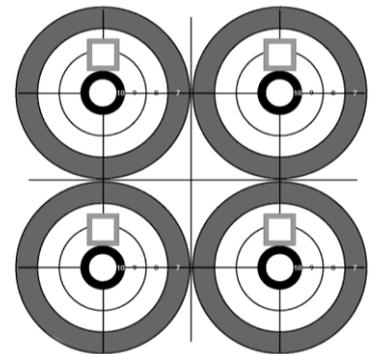
The UN Members States have pledged to meet these goals by 2015

- 1. Eradicate extreme poverty and hunger**
- 2. Achieve universal primary education**
- 3. Promote gender equality and empower women**
- 4. Reduce child mortality**
- 5. Improve maternal health**
- 6. Combat HIV/AIDS, malaria and other diseases**
- 7. Ensure environmental sustainability**
- 8. Develop a global partnership for development**

The resulting Millennium Development Goals reflect a consensus within the UN system and among States of what could be accomplished within a defined timeframe. The roadmap document summarized the attainable objectives arising from the Millennium Declaration, adding to them specific targets and corresponding indicators for monitoring and ensuring progress.

Due, in part, to the process of building consensus and ensuring attainment of the goals, the resulting targets and indicators leave many observers questioning their relevance to the putative goal of poverty “eradication.” Critics from various perspectives have observed that the MDGs are arbitrary and insufficient, dubbing them “minimum development goals.”

The above-mentioned gaps and omissions related to the crisis of urbanization and rural flight, displacement and the increase of refugees remained in the roadmap document and, consequently, escaped attention in the MDGs. Thus, the MDGs cannot be taken as a comprehensive recipe, or cure all for the ills and obstacles preventing a “more-peaceful, prosperous and just world.” They are mere steps.



Goal 7: ensure environmental sustainability

The MDG roadmap sets out three targets corresponding to the pledges made in the Millennium Declaration. In their summarized form and in sequence with the other MDG targets, Goal 7's targets are:

Target 7.A: Integrate the principles of sustainable development into country policies and programmes and reverse the loss of environmental resources

Target 7.B: Reduce biodiversity loss, achieving, by 2010, a significant reduction in the rate of loss

Target 7.C: Halve, by 2015, the proportion of people without sustainable access to safe drinking water and basic sanitation

Target 7.D: By 2020, to have achieved a significant improvement in the lives of at least 100 million slum dwellers

As provided in the Millennium Declaration roadmap, each target has corresponding indicators that help to measure progress and ensure tangibility of the MDG efforts of States, their governments and other agents. Governments and UN agencies are required to issue periodic reports on progress toward the MDGs' 2015 end time.

Targets 7A and 7B indicators:

Taken in sequence with the other MDG indicators, those corresponding with targets 7A and 7B combined include seven measurements:

- 7.1 Proportion of land area covered by forest**
- 7.2 CO₂ emissions, total, per capita and per \$1 GDP (PPP)**
- 7.3 Consumption of ozone-depleting substances**
- 7.4 Proportion of fish stocks within safe biological limits**
- 7.5 Proportion of total water resources used**
- 7.6 Proportion of terrestrial and marine areas protected**
- 7.7 Proportion of species threatened with extinction**

Target 7C indicators

Corresponding with target 10, a single indicator of progress is provided in the roadmap for States and other monitors to measure:

- 7.8 Proportion of population using an improved drinking water source**
- 7.9 Proportion of population using an improved sanitation facility**

Target 7D indicators

- 7.10 Proportion of urban population living in slums¹**

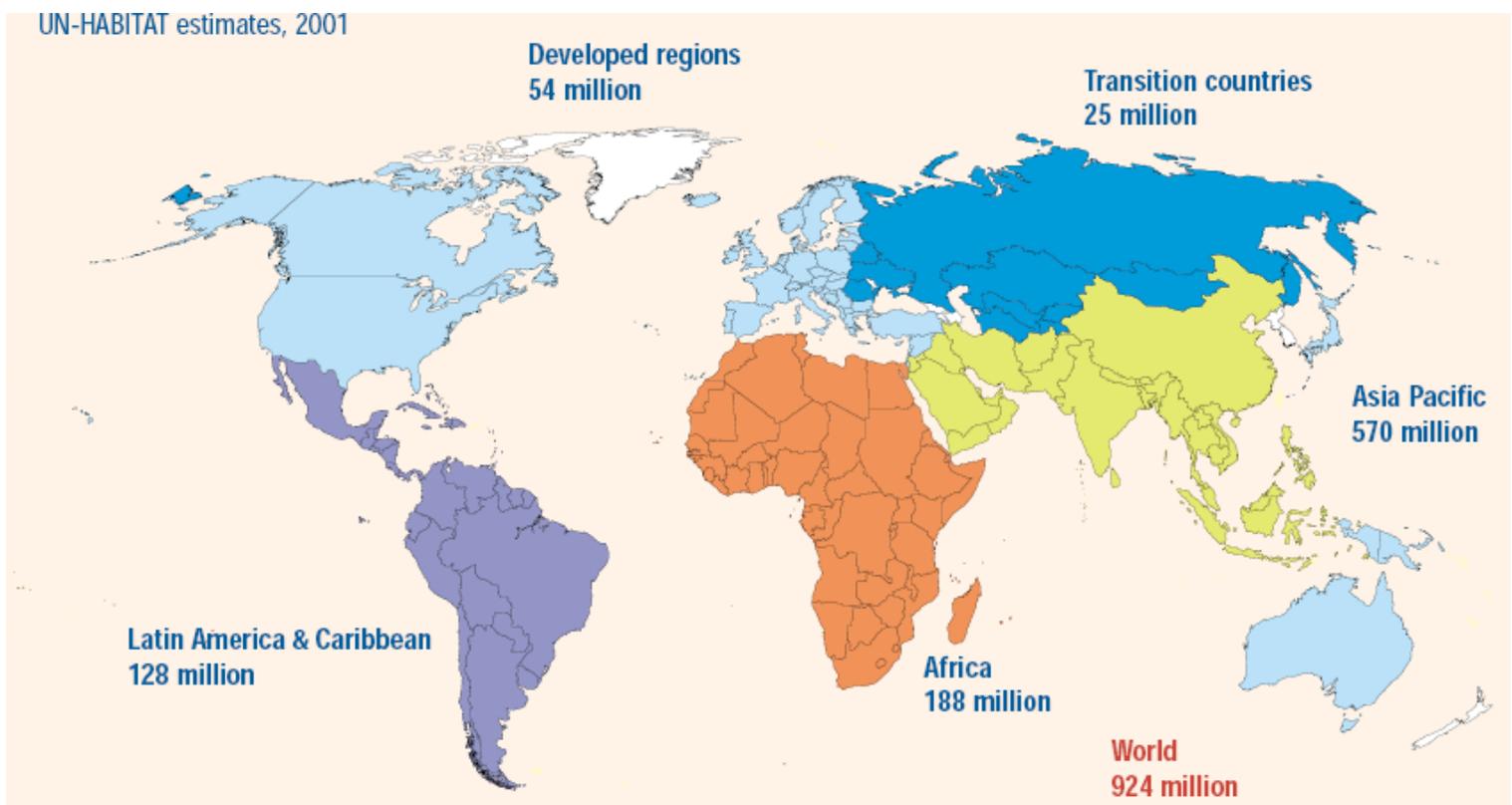
These indicators stand as key points of focus in determining progress toward the MDGs. The UN Development Programme (UNDP) and specialized agencies have provided useful guidance for States to implement efforts and monitoring their own performance. For example, UN HABITAT's guidance emphasizes the importance of target communities' participation in their development and upgrading process, and the roadmap itself recommends that urban/rural disaggregation of several of the indicators may be relevant for monitoring improvement in the lives of slum dwellers. However, the indicators' technical content has had a natural effect of narrowing the scope of efforts. It is still necessary to read the MDGs in their integrity with the Millennium Declaration and roadmap, in order to envision how improved sanitation or secure housing and land tenure would affect the more-ambitious outcome of "a more-peaceful, prosperous and just world." A more-integrated approach is needed.

A wider lens brings in to view—and into question—the impact of the targets on global poverty and underdevelopment. Goal 7's target 7.D exemplifies concerns over the relevance of the short-term efforts to improve the living conditions of 100,000 slum dwellers.

The standard definition of slum is a contiguous human settlement, usually not recognized officially, having any of five adverse conditions: (1) insecure residential status, (2) inadequate access to safe water, (3) inadequate access to sanitation and other infrastructure, (4) poor structural quality of housing and/or (5) overcrowding (over three persons per room). Applying these criteria, the exceptionally extended period of achieving target 7.D by 2020 (five years beyond the other MDG deadlines), will not constitute a step forward in the improvement of human living conditions. In fact, according to UN HABITAT estimates, in the same period, the world's slum population will increase by 500,000, amounting to actual retrogression in the living conditions targeted for improvement. At this important midpoint in the process, the States and other agents in the Millennium project have fallen behind in their pursuit of this "minimum" development goal.

2020 = 500 million additional slum dwellers

UN-HABITAT estimates, 2001



Reconciling MDGs with the law

In the process from theory to practice, from general vision to specific task, the normative aspects of the Millennium project risk being jettisoned. From the Millennium Declaration to the Goals, and further to the UN agency guidelines, the legal dimension has been edited out. What remains in the MDGs, then, is a set of temporary, time-bound and nonbinding recommendations and measures. For good or ill, law has influenced heavily our world, like the demographic and spatial layout of our cities. The normative influence and binding nature of multilateral treaties, particularly those guaranteeing economic, social and cultural rights provide essential tools, monitoring mechanisms and measures consistent with both the specific and general purposes of the MDGs. However, no UN guidance or multilateral agency responsible for MDG monitoring has recognized or proffered these assets in the Millennium effort toward “a more-peaceful, prosperous and just world.”

Relevant to Goal 7, there is no shortage of binding and continuous obligations of 166 States party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), or the 173 that have ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Both treaties enshrine the human right to adequate housing, with specific obligations to respect, protect and fulfill the right to housing also arising from the other principal human rights treaties and humanitarian law pertaining to the rights of children, refugees, women, migrant workers and civilians in war and under occupation. Not only are these obligations consistent and simultaneous with MDG 7, they are more enduring in time and more compelling in their binding nature. Moreover, approaching development from a rights perspective also imbues the process with the humanizing assumption that the beneficiaries are worthy of a better life, as well as providing the specificity of legal tools to accomplish that.

Filling the MDGs' human rights gap

As part of its methodological efforts, Habitat International Coalition's Housing and Land Rights Network has worked with Members and others in the field of human rights and human settlements to find ways of filling the MDGs' human rights gap. In any effort to uphold the human right to adequate housing, establishing the normative content of the right is essential. Then, using the normative content (i.e., the elements of the human right to adequate housing) becomes the basis of policy, project design, and a checklist for eventual success. That reflects the human trial-and-error history that has informed human rights law.

This section provides the legally defined content and practical criteria of the human right to adequate housing, followed by a table of indicators that reconcile the MDG indicators with those needed to evaluate treaty compliance consistent with the that human right.

Defining the right

The UN Committee on Economic, Social and Cultural Rights, which monitors compliance with ICESCR, has defined the human right to adequate housing in its General Comment No. 4 (1991), and interpreted treaty obligations in one of the most prominent violations in General Comment No. 7 “forced eviction” (1997). Observing State practice and human rights consequences from its comparative perspective, the Committee has specified the elements of the right. In addition, other recognized human rights are congruent and indivisible. HLRN has clustered these congruent rights to combine with the normative content of the human right to housing to ensure the necessary holistic approach that is inherent in the interdependent nature of human rights:

- | | |
|------------------------------|--|
| Elements of adequate housing | <ul style="list-style-type: none">✓ Security of tenure, freedom from dispossession✓ Public goods & services✓ Environmental natural resources (land & water)✓ Affordability✓ Accessibility (physical)✓ Habitability✓ Location✓ Cultural appropriateness✓ Participation & self-expression |
| Congruent rights | <ul style="list-style-type: none">✓ Education, information, capability and capacity building✓ Movement, <i>nonrefoulement</i> and reparation, including resettlement, restitution, rehabilitation, return, compensation✓ Security (physical), VAW, privacy |



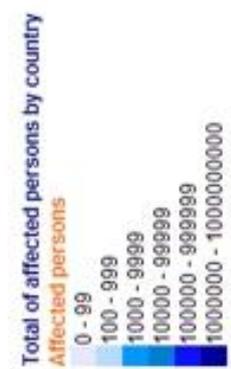
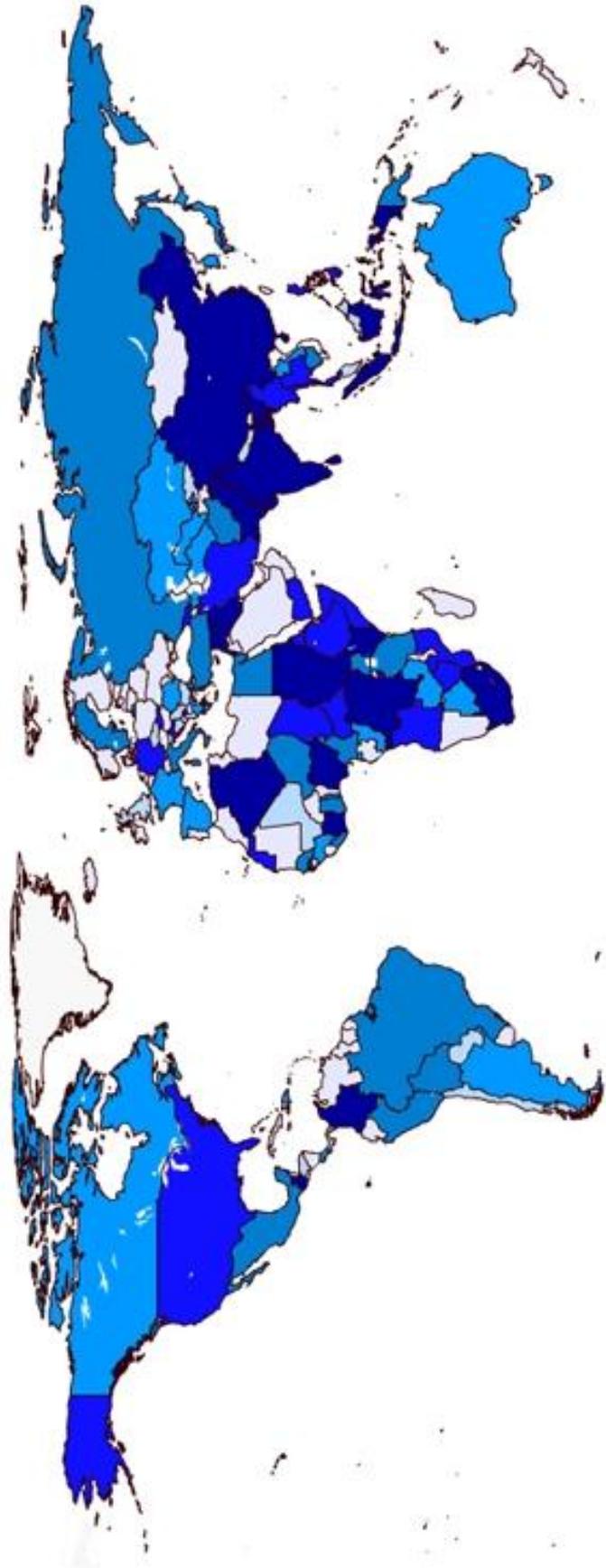
The obligations under treaty provide definition to the question of what the State is expected to perform. The formula established in international human rights law has three aspects:

- To *respect* the right (i.e., the State and its agents must refrain from violating the right);**
- To *protect* the right, ensuring that other third parties do not violate a person’s right to adequate housing; and**
- To *fulfill* the right by taking steps and making efforts to improve living conditions.**

Coinciding with the MDG project, one *prima facie* indicator of regression from a “more-peaceful, prosperous and just world” is seen in the worldwide practice of forced eviction. For its part, HLRN has been monitoring this retrograde practice through its Violation Database, producing findings on World Habitat Day/World Housing and Land Rights Day. In 2009, HLRN published the following map, charting forced evictions and related violations arising from privatization, conflict, occupation and neglect of natural disaster victims.

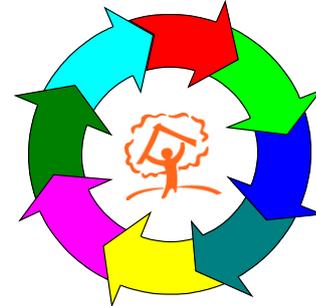
Habitat International Coalition
Housing and Land Rights Network

Housing and Land Rights Violations, 2007–2009
Due to forced eviction, dispossession, destruction and privatization



The answer to questions as to *how* a State is to accomplish the respect, protection and fulfillment of a right is also provided in the law. The first three articles of ICERD lays out the principles of implementation that over-ride every right contained in the Covenant, including adequate housing. These seven over-riding principles are found also in numerous UN and other multilateral instruments of law. In summary, these consist of:

- **Self-determination (Art. 1.1)**
- **Nondiscrimination (Art. 2.2)**
- **Gender equality (Art. 3)**
- **Rule of law (Art. 2.1)**
- **Progressive realization (Art. 2.1)**
- **Maximum of available resources (Art. 2.1)**
- **International cooperation (Art. 2.1)**



These elements of State obligation are standard to human rights treaties and consistent with the contents of the Millennium Declaration, with its crisis-management specificity. From a human rights perspective, the form the essential elements of statecraft and expected behavior of any legitimate State. Applying other obligations and commitments, such as the Monterrey Consensus for Financing Development, would also enhance international-cooperation outcomes leading to 2015 (and 2020).

Consistent with these principles are the indicators for treaty implementation developed by a group of experts in cooperation with the UN Office of the High Commission for Human Rights. HLRN's officers have cooperated with that effort to develop a methodology for evaluating treaty compliance under ICESCR to respect, protect and fulfill the human right to adequate housing. Applying and expanding that set of indicators to cover also the MDG 7 indicators on water and sanitation, HLRN offers the following table as a guide for its Members and others engaged in the combined civil task of monitoring progress on the MDGs while also monitoring human rights treaty compliance.

A comprehensive evaluation of all aspects of the twelve elements of the right in their specific detail would be mammoth. Rather, this tool focuses on four key elements: secure tenure, affordability, accessibility and habitability of housing. It does, however, do the necessary steps further than the General Assembly's indicators in that it identifies the structural factors, processes and outcomes of treaty compliance that also have positive consequences for the MDGs.

HRLN encourages its Members and others to apply and adapt these indicators in their own efforts to monitor respect, protection and fulfillment of the human right to adequate housing, including monitoring pursuit of Goal 7 and its constituent targets. For more information, including detailed guidance on enumerating the statistical data for these indicators, contact:

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Illustrative Indicators for Monitoring MDG 7

	Habitability ²	Accessibility	Affordability	Security of Tenure
Structural: Acceptance Commitment	<ul style="list-style-type: none"> • International human rights instruments, relevant to the right to adequate housing, ratified by the State • Provision for the right to adequate housing/water/sanitation in Basic Law/Constitution/Bill of Rights • Judiciable right to adequate housing/water/sanitation legislated in domestic law • Domestic laws guaranteeing opportunities for participation in decision making, access to information, and affirmative measures for minorities, indigenous peoples and/or other groups subject to discrimination, and safeguards for women in cases of VaW • # of registered <i>and</i> operational civil society organizations³ involved in the promotion and protection of the right to adequate housing/water/sanitation 			
	<ul style="list-style-type: none"> • National housing, water and land policies formulated, written, known and understood reflecting a strategy for the progressive realization of the human right to adequate housing and water at all levels of government, as applicable • National policy on rehabilitation and resettlement reflecting applicable housing rights is formulated, written, known and understood • National adequacy line for housing and water formal and monitored to demonstrate progress 	<ul style="list-style-type: none"> • Enforced of legislation on security of tenure, equal inheritance and protection against forced eviction/dispossession/destruction 		
Process: Effort Function Implementation	<ul style="list-style-type: none"> • # of complaints on the right to adequate housing/water/sanitation received, investigated and adjudicated by the National Human Rights Institution/Human Rights Ombudsperson/Specialized Institution and other administrative mechanisms (for specific populations groups) • Public expenditure on reconstruction and rehabilitation of displaced persons as a proportion of public development budget • Net ODA for housing received/provided as proportion of public expenditure on housing, water and sanitation⁴ 			
	<ul style="list-style-type: none"> • Δ #/% of habitations (cities, towns and villages) covered under building codes • Δ #/% of public development budget spent on social /community housing, water access, sanitation • Increase in habitable area effected through reclamation⁵ • Addition to habitable area earmarked for social/community housing, water & sanitation • Δ in minimum social housing criteria⁶ 	<ul style="list-style-type: none"> • Δ #/% of household budget spent on access to utilities including water supply, sanitation electricity and garbage disposal • Δ #/% of vulnerable households dependent on private sources for water • Δ #/% of public development budget spent on provision and maintenance of sanitation, water supply, electricity and physical connectivity of habitations 	<ul style="list-style-type: none"> • #/% of households that receive public housing assistance⁷ • #/% of households in self owned, publicly provided housing and squatter settlements. • Average rent of bottom three income deciles as a proportion of the top three 	<ul style="list-style-type: none"> • Δ #/% of households without secure tenure • Average duration to settle housing, land & water rights disputes in courts/tribunals • Δ real costs of accessing adequate housing, land, water & sanitation • # of legal appeals aimed at preventing planned evictions/demolitions/dispossession through injunctions • # of legal procedures seeking compensation following evictions/dispossession/destruction • Proportion of displaced or evicted persons with reparations annually
Outcome: Results Consequences (conditions/well-being/rights fulfillment or violation/deprivation) at end of review period	<ul style="list-style-type: none"> • #/% of population with sufficient living space (average # of persons/room or rooms/ household) in targeted households • #/% of population with sufficient water and sanitation access⁸ among targeted households • #/% of households living in permanent structures in compliance with building codes • #/% of habitations / households living near hazardous sites 	<ul style="list-style-type: none"> • #/% of urban population living in slums⁹ • #/% of (rural and urban) population with sustainable access to an improved water source • #/% of (rural and urban) population with access to improved sanitation 	<ul style="list-style-type: none"> • #/% of households spending more than [X]% of monthly income/expenditure on housing & water¹⁰ • Households' monthly expenditure (% of income) on water & sanitation in target population • Annual % of homeless persons per 100,000 population • #/% of homeless population using public and community-based shelters 	<ul style="list-style-type: none"> • #/% of households without secure tenure • #/ of reported cases of "forced evictions" per 100,000 population (e.g. as reported to UN special procedures) • #/% of households with legally enforceable, contractual, statutory or other protection providing security of tenure. • Proportion of households with access to secure tenure • #/% of women among individuals with titles to land & housing

Legend

Symbol	Meaning
Δ	Change in
#	Number, quantity
%	Percentage, proportion
•	Introduces indicator

Green text: indicator related to existing MDG indicator

¹ The actual proportion of people living in slums is measured by a proxy, represented by the urban population living in households with at least one of the four characteristics: (a) lack of access to improved water supply; (b) lack of access to improved sanitation; (c) overcrowding (3 or more persons per room); and (d) dwellings made of nondurable material.

² In the sense of physical well-being.

³ Not necessarily only registered or formal organizations, as denial of registry for CSOs often used by States to repress civic activity.

⁴ Income as relates to Gross National Income, for receiving countries, and expenditure as relates to Gross National Product, for donor countries.

⁵ Including of hazardous sites and change in land use pattern.

⁶ Including minimum spatial and structural standards and facilities, including access to sufficient water and sanitation.

⁷ Including those living in subsidized rented housing and households subsidized for ownership.

⁸ Applying the criteria set out in the CDESCR General Comment No. 15: "the right to water."

⁹ "Slum" is defined as a settlement characterized as overcrowded and/or lacking sufficient water access, sanitation, secure tenure, or structural soundness.

¹⁰ "X" being defined normatively for the country context; otherwise, 30%.

HOUSING AND LAND RIGHTS NETWORK (HLRN)

More than a billion people are ill housed, or have no shelter; tens of millions are forced from their homes and land due to war, discrimination, development projects, social-service reductions, economic liberalization and privatization policies. They all need our solidarity.

Habitat International Coalition (HIC) is an independent, international, nonprofit movement of 100s of Members specialized in various aspects of human settlements. Its members include NGOs, CBOs, social movements, academic and research centers, professional associations and like-minded individuals from over 100 countries in both North and South, all dedicated to reciprocal cooperation toward realizing the human right to adequate housing for all. HIC's programmatic activities are managed through thematic structures:

- Women and Habitat Network (HIC-WaHN)
- Housing and Land Rights Network (HLRN)
- Habitat and Sustainable Environment Network (HSEN)
- Social Production of Habitat Working Group

Housing and Land Rights Network (HLRN) objectives:

HLRN members share with HIC general a set of objectives that bind and shape HLRN's commitment to communities struggling to secure housing and improve their habitat conditions. HLRN advocates the recognition, defense and full implementation of every human's right everywhere to a secure place to live in peace and dignity by:

- Defending the human rights of the homeless, poor and inadequately housed;
- Promoting public awareness about human-settlement problems and needs globally;
- Upholding legal protection of the human right to housing as a first step to support communities pursuing housing solutions, including social production and other practical means to realize the right;
- Cooperating with various UN human rights bodies to develop and monitor standards of the human right to adequate housing, as well as clarify states' obligations to respect, protect, promote and fulfill the right;
- Providing a common platform for communities across the Network to formulate and share problem-solving strategies through social movements and progressive NGOs in the field of human settlements; and
- Advocating on their behalf in international forums.

To attain these objectives, HLRN member services include:

- Building local, regional and international member cooperation to form effective housing rights campaigns;
- Human resource development, human rights education and training;
- Enhancing self-representation skills and opportunities;
- Action research and publication;
- Exchanging and disseminating member experiences, best practices and strategies;
- Support for lobby efforts toward policy reform;
- Developing tools and techniques for professional monitoring of housing rights;
- Urgent actions against forced eviction and other violations.

For more information, log onto HIC-HLRN websites at:

www.hlrn.org and www.hic-mena.org

Housing and Land Rights Network



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