



HOUSING AND LAND RIGHTS CRISIS! 2004–06

VIOLATIONS ESCALATING AROUND THE WORLD

HABITAT INTERNATIONAL COALITION, *Housing and Land Rights Network*

On the occasion of World Habitat Day, 2006, Habitat International Coalition (HIC) is reporting on global trends in housing and land rights violations. This initiative, in cooperation with HIC members and structures, arose from the urgent need to highlight the struggles experienced at the local level, as well as to understand how these struggles are linked at the global level. It is intended that this report, based on the best available information, marks one step in a continuing process emphasizing the interconnectivity among seemingly disparate factors.

The present report relies on case information from a variety of sources, all of which are contained in the Housing and Land Rights *Violation Database* (VDB) [http://www.hlrn.org/welcome_violation.php]. HIC's *Housing and Land Rights Network* developed the VDB to collect both statistical and narrative data on four categories types of violations: (1) forced eviction, (2) demolition, (3) dispossession/confiscation, and (4) those arising from the privatization of public goods and services. This has been coordinated with the mapping efforts of HIC's activist General Secretariat [<http://www.hic-net.org/indepth.asp?PID=61>]. The present and future monitoring contributions rely heavily on HIC Member vigilance.

While violations of the human right to adequate housing (HRAH) can affect any of the right's indivisible elements, the VDB groups the multitude of cases under three main categories:

Forced eviction: defined for the purposes of international law as “the permanent or temporary removal against the will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.”¹ The UN Commission on Human Rights has affirmed that forced evictions constitute a “gross violation of human rights.”² Forced evictions are a widespread and growing phenomenon affecting millions of people globally. While the state *always* stands as the primary duty-holder, increasingly third parties (e.g., other states, local militias, corporations, IFIs) are found to be indirectly and directly, at times even partners, in causing forced evictions.

Housing and land dispossession/confiscation:

Housing and land demolition/destruction: These two categories refer to serious violations that do not necessarily involve forced eviction, but involve the loss and/or destruction of housing and related resources, including land. Broadly, they encompass the arbitrary denial of access to one's housing and land, but some significant cases involve either coercive and/or uncompensated transfer of ownership/tenure to another favored party, or alternatively, the less-subtle Caterpillar D-9 bulldozer or other lethal weapons, accompanying these violations with particular violence.

Privatization of public goods and services may not be *prima facie* contrary to human rights, however, the manner and consequences may nonetheless breach binding human rights treaty obligations. The privatization of vital water and energy sources and the very land under which entire communities make their livelihood has crushing effects on already vulnerable people. Suitable collectivized land management everywhere is under pressure to break up into private plots so that they can be bought and sold easier in the market. Such policies, often implemented without the concerned public's input, can produce land and housing dispossession, increase living costs, and generate forced evictions and resettlement. The present-

¹ Committee on Economic, Social, and Cultural Rights, General Comment 7 (1997), paragraph 3.

² Commission on Human Rights, Resolution 1993/77, para. 1.

day patterns of deprivation also show the trend of greater privatization of housing stock and/or related public assets; the effect is deepening poverty as a countercurrent to putative efforts to meet the Millennium Development Goals.

While any one of these pernicious phenomena individually could escape a narrower definition of a “grave violation” of HRAH, the VDB tries to capture them all, but also guard against multiple dimensions in a case being counted also as multiple occurrences. Thus, the number on the clickable regions on the VDB website map are the actual number of occurrences, even though a single occurrence may contain more than one type of violation.

Housing and Land Rights Crisis Alerts Map

The HIC *Housing Rights Crisis ! 2004–06 map* is a call to action. It provides an analysis of collected data, explaining the sometimes-alarming context of housing and land rights violations. In the past two years, the post-tsunami relief and reconstruction process has generated further deprivation, dispossession and impoverishment.. The map shows dashed circles where the postdisaster housing rights crisis has deprived vulnerable people across southern Asia, as well as across the southern United States, with its discarded Katrina refugees.

The (appended) HIC *Housing Rights Crisis ! 2004–06 map* goes one step further; it makes special recognition of *impending evictions*. While a violation that has not yet happened is more challenging to count, tracking impending evictions does portend a senseless—and certainly avoidable—disaster.

Regional Analyses from the VDB, 2006

Europe

Relevant HRAH norms:

- *European Convention on Human Rights and Fundamental Freedoms (2000):* Article 8(2), Article 1 of Protocol No.1, Article 2(1) of Protocol No.4;
- *Charter of Fundamental Rights of the European Union:* Article 34.3;
- *European Social Charter (1961, Amended 1996):* Articles 16, 19, 23, 30, and 31; Additional Protocol: Article 4;
- *State ratifications of ICESCR and ICERD.*

Despite a well-developed system of norms obliging EU states to uphold housing rights, in addition to the obligations of European States parties to ICESCR, governments have been unable to ensure or sustain adequate standards for all of their citizens and residents. In Europe, where economic and social rights compete constitutionally with EU commitments to enable the market, people are forced out of adequate homes due to social segregation (despite EU “social integration” policies), reductions in social services, racial discrimination, immigrant and refugee protection, increasing privatisation and globalisation of the housing market, and the process of gentrification through demolition and luxury renewal.

Germany exemplifies these changing trends within Europe through introducing its 2005 “Hartz-IV” reform of the social security system, and imposing a new cost ceiling on housing assistance, even as Germany faces exorbitantly high increases in housing costs. As a consequence, potentially 1–3 million unemployed, particularly longer-term unemployed, are under pressure to leave their homes, because they no longer can afford the rent. While the number of forced evictions in Germany is limited, another picture indicates larger legal and extralegal, market-driven and policy-driven pressures, less characteristically violent as in other regions, but nonetheless effective in pushing inhabitants to leave their dwelling and join the ranks of Europe’s new “rent refugees.”

In Europe, “condo conversions” and other types of home ownership have exerted the greatest pressure on low-income tenants. Since 2004, such international investors as Fortress, Terra Firma, Morgan Stanley, Cerberus and others, have purchased approximately 600,000 social housing units, valued at more than €40

billion in Germany alone. Since 1998, such conversions represent a market value of more than 75 billion Euros. Today, Germany has only about three million housing units under public control, one million of which are expected to be sold within the next five years. Real Estate Investment Trusts (REITs), characteristic of the public housing privatization and corporatisation trend, are likely the most apparent source of housing rights violations within Europe today.

French tenants also face a similar affordable-housing crisis. Although France invests €20 billion of public funds annually to support the private housing sector, millions of French households struggle to find affordable and adequate housing. In 2005, the French housing market lost between 500,000 and one million units, increasing prices and other obstacles for low-income inhabitants. French rents have increased by 87% over the past six years, while regulated rents apply to less than 5% of housing units. Half of the 5.5 million French households benefiting from rent allowances must turn to the profit-driven market to find housing. Both public and private investment patterns have fuelled inflationary rents, as well as affected the nature of the tenure holders. For the first time, in 2005, corporations purchased more housing than individuals in France.

North America (Canada and United States of America)

Relevant HRAH norms:

- *Charter of Organization of American States (1951) and Protocols of Buenos Aires [U.S] (1967) and Washington (1992);*
- *American Convention on Human Rights (1969);*
- *American Declaration on the Rights and Duties of Man (1948): Article 9, Article 23;*
- *American Declaration of Human Rights and the Environment (2003);*
- *State ratifications of ICESCR and ICERD.*

In North America, a trend of particular concern is the effective criminalization of homelessness in many cities, despite constitutional and other legal safeguards, instead of formulating policy that addresses the sources of the problem. In the United States, 3.5 million people (1.35 children) experience homelessness. Almost one in seven households is at risk, with 14.3 million of them spending more than 50% of their incomes just for housing.³ In 2005, a majority of 24 cities surveyed showed a 6% increase in requests for emergency shelters, with 14% of overall emergency shelter requests unmet, as were 32% of shelter requests by homeless families. Meanwhile, the executive and legislative branches of national government have reduced housing allowances for low-income people since 2001, while simultaneously lavishing tax cuts for wealthy citizens.⁴ The numbers of both low-cost public and private-sector housing available have decreased by 300,000 across the country in the last ten years. Exacerbating the situation, 300,000 low-income Hurricane Katrina evacuees remain displaced, while 50,000 of whom are still living in hotels and motels as they await alternative housing.

Although Canada is a welfare state with one of the highest GDP rates among developed countries and a comparatively small population, homelessness is still a serious problem there. As in Europe, a lack of sufficient low-income housing, gentrification, decreasing public assets allocated to social housing, and the privatization of public goods and services drive regressive trends in living conditions. In the Province of Ontario, 60,000 people are evicted annually for being unable to pay the exorbitantly high rents. In 2004, the Ontario government built only 18 new affordable homes for the province, while civil society initiatives and cooperative movements try to cope with the housing deficit.⁵

Across North America, indigenous people still struggle to retain their lands against continual dispossession by both government and private parties.⁶ Indigenous persons consequently migrating to cities face extreme marginalization and homelessness and multiple layers of discrimination.

³ National Coalition for the Homeless, "Report accuses US cities of criminalizing the homeless," at: http://www.citymayors.com/society/homeless_usa2.html

⁴ See HIC-HLRN Open Letter to President George W. Bush on Defunding Section 8 Voucher Program, 4 October 2004, at: http://www.hlrn.org/cases_files/OLtoPresidentBush041004.pdf.

⁵ Shapcott, Michael, "Another Year of Housing Failures, found at http://www.michaelshapcott.ca/issues_housing.asp

⁶ See HLRN Violation Database, at: <http://www.hlrn.org/violation/Caledonia%20History.doc>.



Asia

Relevant HRAH norms:

- *State ratifications of ICESCR and ICERD.*

Across the continent, local governments have carried out beautification schemes with the purpose and/or effect of evicting and dispossessing the most marginalized urban residents in Asia. For example, Mumbai's "Operation Makeover" has left 400,000 homeless without due process, relocation or compensation. HRAH violations, in the forms of forced evictions and land dispossession continue in Asia against minority ethnic groups and internally displaced people including Dalits (India), Karen (Myanmar), Roma (Kyrgyzstan), Jumma (Bangladesh) and rural Cambodians, as well as the indigenous people of occupied Tibet. Moreover, infrastructure and private development induced forced evictions in China, India, Korea, and Pakistan including, but not limited to India's Narmada Dam construction, Beijing Olympic Games infrastructure, U.S. military base expansion in Korea, and Pakistan's Lyari Expressway development.

The 2004–06 period has seen the consequences of natural and development-induced disasters. The December 2004 tsunami across littoral south Asia killed 230,000 people and displaced 1.1 million. An investigation by HLRN's South Asian Regional Programme in Tamil Nadu, India and Sri Lanka has reported severe housing and land rights violations of affected communities amid government and implementing agency rehabilitation schemes. Lack of coordination among various agencies, inadequate authority oversight and the absence of a practical human rights framework have led to deteriorating living conditions and outright dispossession of impoverished tsunami victims, including disregard for the special needs of vulnerable populations (i.e., children, migrants and women). Consequently, livelihoods have yet to be restored, and hunger, deteriorating health and insecurity still plague the affected persons. Moreover, woefully inadequate temporary housing has effectively become permanent.⁷ In addition, fishing communities that bore the brunt of the tsunami are subject to evictions and loss of their customary rights of access to coastal land.

Dam projects have impoverished and dispossessed much of the developing world. In most of Asia, dam projects continue despite their dismal performance and their grave human and environmental costs. India's *Narmada Valley Dam Project* is the most infamous. When completed, the project will have displaced more than 1.5 million of India's poorest, in addition to the ensuing environment destruction and disruption of downstream fisheries, increased risk of earthquakes, submerged forestland, the spread of insect-borne diseases, and threats to fragile ecosystems. In 2006 alone, raising the Sardar Sarovar Dam has dispossessed and displaced 35,000 families (175,000 people), while, despite Court-ordered resettlement requirements, authorities have rehabilitated fewer than 10% of project-displaced persons.

Oceania

Relevant HRAH norms:

- *State ratifications of ICESCR and ICERD.*

Cases in the HLRN Violation Database reflect the continuing marginalization of indigenous people in the region and the need for greater safeguards to protect tenants from evictions (e.g., Australia). Women throughout Oceania face obstacles to their equal right to secure tenure, including inheritance and freehold title. Gender aspects of housing and land rights in traditional island societies were highlighted in the regional consultation with the UN Special Rapporteurs on adequate housing, in October 2003, as well as in recent women's mobilization against violence arising from land conflict.⁸ While civil society in Oceania shares much with other regions, logistic reasons often impede needed networking and data sharing.

⁷ Press release, "Human Rights of Tsunami Survivors in Tamil Nadu and Sri Lanka Being Violated", 06 September 2005, at: http://www.hic-sarp.org/news_show_user.php?id=39.

⁸ Amnesty International, "Solomon Islands: Women confronting violence," at: <http://www.amnestyusa.org/news/document.do?id=F93CD24BC43C122680256F180052B97A>.

Latin America and the Caribbean

Relevant HRAH norms:

- *Charter of Organization of American States (1951) and Protocols of Buenos Aires (1967) and Washington (1992);*
- *American Convention on Human Rights (1969) and Protocol of San Salvador (1988);*
- *American Declaration on the Rights and Duties of Man (1948): Article 9, Article 23;*
- *American Declaration of Human Rights and the Environment (2003);*
- *State ratifications of ICESCR and ICERD.*

Land disputes were a leading cause of housing rights violations in Latin America and the Caribbean, affecting both indigenous and local communities. Often, as in the case of the Para, Brazil communities are summarily evicted by an absentee land claimant despite constitutional provisions protecting the “social function” of land, or by state or private companies for development enterprises. Many states in this region, including Brazil and Ecuador have laws that enable land occupants to claim land rights, but the process is inefficient and can fail to protect communities from imminent forced eviction. Land-based communities across Mexico, in the cases of Oaxaca, Chiapas and La Parota, are struggling for their land tenure and rights to housing in their communities.

Armed conflict remains a cause of housing and land rights violations in the region, whereas armed groups in Columbia still cause displacements by violent forced eviction. Beautification of cities and privatization of public lands lead to slum clearance and the depopulation of villages, affecting urban, rural and indigenous communities across the continent.

Middle East and North Africa

Relevant HRAH norms:

- *Rabat Declaration (1995);*
- *Manama Declaration (2000);*
- *Arab Charter on Human Rights (2004): Articles 1, 2, 26, 31, 34, 37, and 38 [not in force]*
- *State ratifications of ICESCR and ICERD.*

Conflict, occupation, war and privatization are the dominant sources of violations in the MENA region. The continuing colonization and occupation of Palestine by Israel represents the most egregious of violations and maintains the world’s largest refugee population (5.5 million Palestinians). The demolition of Palestinian housing by Israel is a daily occurrence, despite its blatant violation of international humanitarian and human rights law prohibitions. Since the end of 2000, Israel has demolished over 6,000 Palestinian homes in the Gaza and West Bank.

In addition to that onslaught and the constant implantation of Jewish settlers throughout Palestine, Israel’s construction of the Separation Wall across the West Bank and Jerusalem continues to dispossess Palestinians individually and collectively. In 2004, the ICJ advised that, outside Israel’s borders and, therefore, its jurisdiction, the Wall, its associated regime and the Israeli settlements are illegal. Also in 2004, the GA called for the UN Secretary-General to establish a Register of Wall-induced damages consistent with the legally binding remedies, including Israel’s obligation to remove the Wall and make reparations. While Wall-displaced people are increasing in number, no Register consistent with the GA resolution exists in fact or in prospect. Moreover, UN Members States and other parties face no consequences when they fail in their public law obligations: 1. not to recognize the Wall or its associated regime; 2. not to render aid or assistance in maintaining the situation created by such construction; and 3. to ensure Israel’s compliance with international humanitarian law.

The wanton destruction of civilian property, lands and infrastructure by its July 2006 invasion of Lebanon displaced 974,184 persons, 256,184 of which remain displaced and over 3,000 who are without any shelter. Israeli forces have severely damaged or destroyed between 15,000 and 30,000 housing units, with about 60% of many of the border towns (including Bint Jubayl and Khiam) destroyed. In retaliation, Hizbullah some

900 rockets hit built-up areas in Israel, causing damage to 12,000 buildings, especially in Kiryat Shemona, Nahariya and Safad.

The U.S. occupation of Iraq has sparked increased sectarian violence, consequently spawning a new category of over 80,000⁹ Iraqis newly displaced. Military operations, including aerial bombings, carried out by the U.S.-led multinational force have caused hundreds of thousands of people fleeing their homes in the review period (at least 238,000 by 2004). In addition to displacement, lack of compensation and rebuilding plans and continuing insecurity prevents any prospect of displaced persons returning home. In 2004, an Iraqi Property Compensation Commission began to function toward providing some remedy, but only for pre-2003 displaced Iraqis (mostly Kurds).

More cases entered into the VDB will cover less well-publicized violations. Governments in the region still—or freshly—practice displacement as a means of social control, institutionalized discrimination, collective punishment and/or alleged development. Approximately one-quarter of Egypt's farmers and their families (some 6.5 million people) are now dispossessed and destitute from ten years of land privatization enforced under Law 96. Also, the plight of pastoral and minority communities in the struggle for access to natural resources (land and water) is analogous across borders. When this leads to tragic conflict, as in Darfur, a reconciliation lesson should emerge, even across regions.

Africa

Relevant HRAH norms:

- *African Charter on Human and People's Rights (1986):* Articles 14, 16;
- *Right to Organize and Collective Bargaining Convention (1998);*
- *Addis Ababa on Refugees and Forced Population Displacement in Africa (1994);*
- *New Partnership for Africa's Development (2001);*
- *State ratifications of ICESCR and ICERD.*

In 2004–06, beautification, and other city-development plans favoring wealthier citizens have caused considerable housing rights violations in Anglophone, Francophone and Lusophone Africa. These have resulted in authorities conducting forced evictions of the impoverished inhabitants, most often without appropriate consultation, notice, compensation or relocation. Duty-bound State authorities and their global partners owe reparations to millions of affected persons across Africa.

Two of the most odious practices during this period have occurred in Zimbabwe and Nigeria, with enduring impoverishment for the victims on this World Habitat Day. The executive-appointed Mayor Sekesai Makwavara of Harare dubbed Zimbabwe's policy as "*Operation Murambatsvina*," ("drive out the rubbish"), which proceeded to evict and dispossess 700,000 Zimbabweans.

In Abuja, Nigeria, evictions began on a mass scale since 2003 with nine of a total 49 earmarked communities already evicted. The Nigerian government rationalized its actions as implementation of the 1979 Abuja Master Plan, which seeks to "beautify" the Federal Capital Territory. In this gross and systematic HRAH violation, the Nigerian government reportedly has rendered some 800,000 homeless.

The Western States and the UN openly deplored the practice in Zimbabwe. Many other States remained silent. When similar practices took place in Angola, Nigeria and other African States, the Western and non-Western States and the UN demurred. With a broader, in fact global, perspective, the absence of human rights consistency in States' extraterritorial behavior encourages perpetrators and weakens protection for all.

Both environmental conservation and environmental degradation proved to be a significant cause of violations within Africa. Kenya, Ethiopia, Ghana and Tanzania, all reported evictions from land due to

⁹ Internal Displacement Monitoring Center, *Iraq: sectarian violence, military operations spark new displacement, as humanitarian access deteriorates*, 23 May 2006.

conservation. Indigenous and tribal people were among those most significantly affected. In Ethiopia, the Mursi face eviction from their ancestral lands in Omo National Park on the pretext of conservation. If evicted, they stand to lose agricultural and grazing lands essential to their livelihood and cultural identity.

During the period, ceasefires and peace agreements quelled some armed conflicts that have uprooted millions of Africans. The end of open civil conflict in southern Sudan and Uganda have raised the prospects of yet-unseen conditions for the return of over six million displaced civilians to their homes.

Conclusion

Violations of HRAH occurred in all regions of the world, despite most states being party to the International Covenant on Economic, Social and Cultural Rights and/or other international law obligation to respect, protect and fulfill the human right to adequate housing. A multitude of factors caused these violations, as demonstrated by the contents of this report. The violations involving forced eviction, dispossession, destruction and privatization schemes continue to be the most-prominent causes of violations that deprive people of their housing rights and deepen poverty across the planet. Remediating this crisis requires international collaboration in the defense and enforcement of HRAH in cases of:

- privatization of housing;
- dams and other large-scale development;
- urban beautification and gentrification schemes;
- return and reparations for refugees and displaced persons;
- ensuring the survivability of rural and indigenous peoples on their lands;
- post-disaster rehabilitation that is human-rights based and ensures adequate housing as a right.

Viewing recorded cases together in the present HIC **Housing Rights Crisis ! 2004–06** map and HIC-HLRN **Violation Database** reveals patterns at national, regional and global scales. The documentation brought forward by HRAH defenders so far indicates the need for a higher degree of monitoring of cases, particularly in determining the economic losses that demonstrate how—and how much—violations deepen poverty. However, the VDB contains some cases, such as the Merowe Dam displacements (Sudan) and the historic expulsion of Palestine refugees (ca. 1948), that exemplify how recording values variously can contribute to the proper assessment of material consequences, liabilities and reparations needed to restore rights. By providing a field for users to pose solutions also, the VDB maintains a focus on civil society action, needed social transformation and remedy.

While the present tools depict important global trends and patterns, they mark only the beginning of a process to complete the global assessment of violations. With the Violation Database and such analytical and actionable initiatives as the HIC Housing Rights Crisis map, but also through increased networking fact gathering, such mapping will help assess progress toward implementing HRAH consistent with the MDGs, as well as with treaty obligations as our common normative framework.

For more information, go to HIC websites:

www.hic-net.org / www.hlrn.org / www.hic-sarp.org / www.hic-mena.org