



# World Chronicle

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## **“Forced evictions and the right to adequate housing”**

The UN Commission on Human Rights estimates that several million people around the world – often entire communities – are being forcibly evicted from their homes. In many cases, governments are failing to protect their most vulnerable citizens. Some governments are actually organizing these forced evictions.

Is forced eviction a violation of human rights? Who are the victims? Can anything be done about it? How many governments have pledged to uphold their citizens' right to adequate housing?

These are some of the questions explored in this edition of World Chronicle, featuring the Special Rapporteur on Adequate Housing to the UN Commission on Human Rights, Indian architect Miloon Kothari.

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**ANNOUNCER:** From the United Nations in New York, an unedited interview programme on global issues. This is **World Chronicle**. And here is the host of today's **World Chronicle**.

**JENKINS:** Hello, I'm Tony Jenkins and this is **World Chronicle**.

Worried about your housing situation? At least you are not being forcibly evicted from your home...something that is happening to millions of people around the world.

Is forced eviction a violation of human rights? Who are the victims? Can anything be done about it?

With us today to discuss these questions is the United Nations' Special Rapporteur on the Right to Adequate Housing, Miloon Kothari.

Mr. Kothari, welcome to **World Chronicle**.

Force evictions. What are we talking about here? If I can't pay my rent, and get evicted from my apartment, are my human rights being violated?

**KOTHARI:** Well, forced evictions have been defined by the several United Nations bodies, including the Commission on Human Rights and the Committee on Economic, Social and Cultural Rights, as the involuntary removal of people from their homes. Largely forced evictions are happening at a large scale by people being dispersed because of development projects, because of land speculation, because of land grabbing and other issues and its not only affecting individuals, it's actually affecting entire communities.

**JENKINS:** How many people we're talking about here? I mean...I read somewhere, I think there are an estimated 100 million people around the world who are homeless. Of that, how many have been forced into homelessness?

**KOTHARI:** Well, it's very difficult to say, but the numbers are very large. We have information of even single projects, large dam projects that are displacing one hundred thousand, two hundred thousand. We have information of people being evicted in cities because of beautification programs; we're talking about mass evictions 20 thousand, 30 thousand – and it's happening all over the world. But evictions are happening - it's not only the dramatic spread, but also what we see is a slow phenomenon of land speculation, land grabbing, housing essentially becoming more and more unaffordable to the poor and that is ...so people when they're renting or they bought... they cannot sustain the rent, they cannot sustain payments to water, electricity. Those also are the people who get evicted. And we're talking about evictions happening across the world both in the North and the South.

**JENKINS:** Mr. Kothari, we're joined today by Philippe Bolopion of Radio France Internationale/RFI and by Ricardo Alday of Notimex, the Mexican News Agency. Ricardo...

**ALDAY:** Mr. Kothari, development is a good excuse for evictions, for removing people from their homes or from their land. Do you find it common in your studies and your elaborations?

**KOTHARI:** Yes, definitely, I think states are using infrastructure development, energy projects, as I mentioned beautification projects as a means to evict the poor from the cities and the poor from rural areas. And while these projects may be justified, what we have noticed in the past ten years in particular is that there is no due process that is followed, there is no consultation, there is no notice, there is no adequate resettlement provided. So essentially people are being removed from their homes with no protection and this is completely a violation of human rights as the Commission on Human Rights has recommended, it's a gross violation.

**ALDAY:** How do you bring attention to a human right that is not normally in the front pages of newspapers or is not in the forefront of what we will know probably as a tradition of human rights agenda?

**KOTHARI:** Well the best way of doing it is to actually highlight what happens to people when they are evicted. What happens to the families? What happens to the women? What happens to the children? Often the evictions are violent, people are hurt, families are broken up, people lose their belongings. I think that when you see evictions taking place and you see the aftermath of evictions, which leads to the increase of homelessness and landlessness, and when you're speaking to people who are either threatened with evictions or have been evicted – it's very hard to explain to these people that their human rights are not being violated. And I think that is why there has been global attention on this issue particularly lead by the Commission on Human Rights and also in the setting up of my mandate is to highlight this phenomenon and to point it out as a human rights dimension.

**BOLOPION:** One of the examples of that, to be more concrete perhaps, is Afghanistan. You worked on what happened there and it seems that even the UN has not been as alert on that problem as you might have wanted. Can you explain this and what you witnessed out there?

**KOTHARI:** Yes, when I was in Afghanistan in September 2003, there was in Kabul – land grabbing was taking place where poor people's homes were destroyed, people were being evicted essentially to clear the land, to build housing for the ministers. And we raised this issue, President Karzai at that time was very upset about it, and he set up a commission to investigate land grabbing not only in Kabul, but all over the country. Unfortunately, the report of the commission which was completed in October 2003 has not yet been made public and the reason that I can say that is because it implicates a number of ministers who are on the cabinet including the defense minister, the education minister. And what I have pointed out there is

that... when you have ministers in a government that are personally responsible for not only land grabbing but also for speculating on that land - because several of the ministers bought the land at a very low price and then sold it at a very high price - you are creating a form of impunity and a climate in a country where others who have historically always done that, warlords, drug lords, and wealthy people in the countryside will continue to do that. And one clear impact of that is evictions; people are being removed from their homes because more land is required for poppy cultivation, grazing land of the Koochees where the Nomads is being ...

**BOLOPION:** Have you met these people who have been evicted so the ministers could install their houses? What happened to these people?

**KOTHARI:** Yes, I met them. We talked to them. Some of them were given alternate housing but there are some who are homeless and have not even been given compensation. So there is a pattern in the country where people...and these are people who were displaced due to the war before and have come back from the refugee camps in Pakistan and Iran; and they're caught in a double bind where they cannot afford a place to stay, they cannot go back to their areas because of insecurity, and there isn't sufficient support from the international community, nor is there support from their own government.

**JENKINS:** Miloon Kothari, I am fascinated that you should come here and in fact name names and say it was the minister of education, this minister...it's not the normal diplomatic way of going about things, and I am interested... How many governments actually incorporate either through legislation or through their constitution, the right to housing, the right to adequate housing?

**KOTHARI:** Well the right to housing is...I think now in about 35 constitutions; it's been recognized more and more. For example, the South African constitution had an explicit right to housing. The new draft constitution in Kenya has the right to housing. So more and more governments are incorporating that, but I think from our perspective of what is more important is that – you have... I think almost all of the world's governments have ratified one or another international human rights instrument that protects the right to housing.

**JENKINS:** The reason I ask is....I wonder what would happen if you were to go into one of the P-5 members and finger ministers who are responsible for situations and say these people are guilty of violating one of the principles of the Universal Declaration of Human Rights. I can't imagine say, the British government or the American government being very happy, I would have thought they would tell you to take your business elsewhere. I was further interested in your recent statement to the Commission on Human Rights; you expanded in a sense your limit by talking about what you call "the indivisibility of human rights", in other words,

you can't just look at the right to housing in isolation, you try to, I mean I'm just going to read off some of these on the list; "the right cannot be fully recognized if separated from other rights such as the rights to food, water, sanitation, electricity, health, work, property, security of the person", and so on. Again, I can't imagine many nations being happy with you coming in and saying, "Look you're violating all of these rights". They might turn around and say, 'These aren't rights that are inscribed in our constitution or in our legislation; it's none of your business'.

**KOTHARI:** Well, the Commission on Human Rights, when I was appointed in the year 2000, gave me the mandate to look at the right to housing and I have interpreted it from an indivisibility perspective which is actually the only way you can do it as you point out. So it's not only housing, but security of the home, security of the person, and I think it has to be recognized that our work as UN Special Rapporteurs is...there is a strong investigative component to the work. We are human rights investigators, and when we find that there are violations, systematic violations, gross violations, it is in a way our job to point out who is responsible for those violations. And I think that all governments have, as I mentioned, ratified these instruments so it's not - and voluntarily ratified these instruments - it's not correct for them to say that, "Well, these are not human rights..."

**JENKINS:** So far you've only done in-depth investigations of third world countries, developing countries: Peru, Afghanistan, Kenya. Have you thought about targeting one of the developed nations?

**KOTHARI:** Yes I have asked for a mission to Canada. We are waiting for a response; I am also been to Romania, which is a transition country. And recently, we have been receiving a great deal of information from the United States itself about the phenomenon of increasing homelessness in the country. I visited just last week, Chicago, and met with the coalition there to protect public housing. And the same is happening in this country, entire units of public housing are being torn down and there is no replacement housing for people. And people are already poor who are living in this public housing. What I see happening around the world, which is very disturbing, is that the poor are not only being neglected, but they are in fact being criminalized for being poor. So if a person is homeless, he or she can be arrested. If a person is, has even committed a minor offence, there's a new federal law in this country which says that if you are an ex-offender, you cannot go back to public housing. There is a range of policies that are put in to place that the anti-terror legislations around the world, which are creating situations where people were defending, I get more and more cases every day, where people who are defending their rights to housing, and their rights to land, are being arrested. I

have cases where people have been detained; they've been tortured, just for protecting their rights.

**BOLOPION:** What can you do against these problems in developed countries? What can you do to convince the UN to build more public housing or to deal with evictions in a different way?

**KOTHARI:** I think with the United States, it's very important first of all to expose the scale of the problem, which is what we will attempt to do...but this country itself, yes.

**JENKINS:** But is there a level of homelessness that's acceptable or even necessary? The reason I asked that question is that economists will tell you that there is a minimum level of unemployment that is necessary to provide elasticity in the labour market – is this then true of housing? Is there a minimum level that is required in the sense to ensure an efficient use of your housing stock?

**KOTHARI:** No, no, I don't agree with that at all. In fact we're talking about not minimum levels. If you take again statistics from the United States as something like 2.5 to 3.5 million people homeless during the course of the year – out of that about 1.5 million are children. Many of the people who are victims are women who face domestic violence. And I find it inexcusable in the world's wealthiest country that you have such a scale of homelessness. And the very values that the United States is propagating worldwide whether we speak about good governance, democracy, we speak about virtues of the free market – those have all failed here. Because when you look at the level of poverty in the country, not only homelessness when you look at child poverty, when you look at other problems, the conditions continue to get worse and the welfare provisions that have historically been in-place are being dismantled. And I also see this phenomenon in Canada...

**JENKINS:** I think we have to go to an American official to rebut your case. Ricardo?

**ALDAY:** How can you re-orient policies, so that they can go to those who need [them the] most?

**KOTHARI:** Well, that's a very good question because one of my main findings from the missions that I've done is that, almost without exception, there is no government in the world today that is meeting or targeting the housing needs of say the bottom 20%. Most of the housing programs and policies are directed at the lower middle class and the middle class, essentially to people who have the capacity to save or the capacity to pay a mortgage.

**ALDAY:** So, why are the poor left out?

**KOTHARI:** Neglect. I think it has historically been neglected and what I have been recommending now, and in some countries like Mexico [and] Peru have responded positively,

is that you don't necessarily need new resources, you can re-orient your existing resources to meet the housing needs of the very poor.

**JENKINS:** Let me just interrupt you for the moment. This is **World Chronicle**, and we're talking about forced evictions and the right to adequate housing with Miloon Kothari, an independent expert with the UN Commission on Human Rights.

I let you have a go at the United States, let me come right back at you - how much pressure is the records of your own country, India? I know for example that we have the case of the Sardar Sarovar Dam [a dam project which had a huge impact on the environment and eviction of hundreds of thousands of tribal people in Narmada Valley], which I believe threatens the forced eviction of many thousands of people. Is it much better in India?

**KOTHARI:** No, and I think if you speak in sheer numbers it's much worse. We are talking about millions of people who are being displaced from their homes and have not found resettlement. But what we find... and of course the sheer level of poverty it is more, but what we find in the Southern India is that even if you have supreme court judgements in the case of that you referred in Sardar, which clearly stated that you cannot raise the height of the dam unless the people who are already been displaced are fully resettled; that has been violated so the construction continues. And what you find in India is that in the city where I lived, in New Delhi, there are mass evictions that have been taking place because of the city wants to beautify the riverside. And again people are not being given alternate housing, if they're given alternate housing it's 40-50 kilometres from the city; they'll lose their jobs, the children do not have access to school, there is no access to...

**JENKINS:** There is no ride, transport or anything to facilitate the change?

**KOTHARI:** No, in fact people are asked to pay for the new plot and many of the people do not have money for that. So I think in India itself there has not been a systematic housing policy put into place, which has at its basis the protection of people. I think we see housing policies that are being put into place but essentially saying that the role of the state is as an enabler to let the market function – and these are policies that I think our governments have learned from the west, they've learned it from an International Monetary Fund, from the World Bank. That's why the example of the United States is a good one because these policies are not working here.

**BOLOPION:** What's adequate housing for the UN in the 21<sup>st</sup> century, what is it? Is it just having a roof? Do you have a minimum standard that you would like to be enforced everywhere in the world? What do you consider adequate housing?

**KOTHARI:** Well it's a...we have taken a position that given the differences in the countries culturally and otherwise its difficult to come up with an international standard on what

is adequate housing. But what we have established, and the United Nations has established that - particularly the UN Committee on Economic, Social and Cultural rights - is that adequate housing means that housing should be affordable, it should be habitable, it should be in an adequate location, there should be protection against evictions; so there's a range of what we called "core elements" of the right to housing that have been defined in a fairly detailed manner. And that is the guide or the criteria that we use, and we ask countries to use that, what is in a general comment on the right to housing, to develop their own standards.

**JENKINS:** You've talked about forced evictions as link to the drug trade in Afghanistan, you talked about it in terms of speculations, basically the wealthy exploiting the poor. I am wondering if there's an equivalent to using rape as a weapon of war? Is forced eviction being used to political ends or for war ends? I'm forced to think, for example, of the situation in the Middle East. Is that a concern of yours?

**KOTHARI:** Yes it is. I think situations of armed conflict in post conflict societies, we have seen that forced evictions and population transfers is used as a way of consolidating occupation; it's used as a way of collective punishment as in a case of the occupied Palestinian Territories...

**JENKINS:** How many houses have been destroyed in the occupied territories, do you keep those numbers?

**KOTHARI:** I have the numbers; I don't have them with me...but...

**JENKINS:** I saw in your report in 2003, you talked about...I think it was something like 350 in the course of 70 days. I had no idea it was that large of a figure. Is it still that figure?

**KOTHARI:** Yes it's still, in fact the most recent figures even just during the course of 2003 - we're talking about thousands of Palestinians who have been made homeless and landless because of the policies of occupation, either through direct demolition or through the kind of pressure that is being put ...

**ALDAY:** Has the situation worsened there because of ...since the United States invaded Iraq?

**KOTHARI:** Well yes, I did a statement in November where I said that the war in Iraq in fact is being used by Israel to consolidate its occupation of Palestine.

**JENKINS:** How do you make that direct link?

**KOTHARI:** Because there is a climate where people who are defending their rights are all labelled as terrorists, so we see this very disturbing phenomenon and I think this was very clear, even in a statement made by President Bush a few weeks ago, where the primary concern is the security of Israel and everyone else in that area, all Palestinians are terrorists. This is completely unacceptable, and I see this all over the world where there is this climate

created that the people that are struggling for their rights or who do not fit in to a geo-political model are terrorists, or can be evicted...

**JENKINS:** I think I'm going to have an Israeli spokesman on the show as well.

**BOLOPION:** Is forced eviction used sometimes as a way to do ethnic cleansing? I am thinking of Kosovo lately, therefore it looks like when you try to drive a population, in a way you attack the homes?

**KOTHARI:** Yes. As I said it's a form of collective punishment, it's a form of ethnic violence and we see, in fact in different countries where... when you do have ethnic conflict, there are particular groups that are targeted. It is also a form of discrimination; we've seen this in my own country, in Gujarat, when we had riots, and the Muslim communities were targeted, were dispersed from their homes, many are still have not gone back. So it is definitely used as a means of punishing a particular community.

**BOLOPION:** You've been a bit of over the world looking at that issue – it's a huge issue, you said it was connected to many other human rights. Do you feel that the UN can do anything in tackling that program on a global scale? What can you do when you come with your reports? What happens next?

**KOTHARI:** Well, I think the UN is trying. We have seen, particularly in the UN Commission on Human Rights in the last 5 years, a greater focus on what we called Economic, Social and Cultural Rights; housing, health, food, education, and a number of special rapporteurs. I'm working on forced evictions, but, we have a special representative on internal displacement, you have a special rapporteur on occupied territories, you have a special rapporteur on food, who is also looking at eviction issues. I am working on this. We are working at the international level, working with the commission; we are working with national governments. I also have seen many good examples where governments have established legislations to protect people who have invaded lands; we are seeing progress on this in Brazil, in Mexico, in the Philippines...

**JENKINS:** What's a model country out there? What's a model that we shouldn't follow. You've said...I think you called it the neo-liberal model of the United States is not a good one. What is the good one?

**KOTHARI:** I think the good model is what comes out of some of the more progressive constitutions that we have seen in the past such as the South African constitution which explicitly recognizes the rights to housing, health and food.

**JENKINS:** How well are they performing on keeping their own commitments?

**KOTHARI:** Well, they're performing...it's a mixed record, but there has been significant attempts at times land reform, which is absolutely essential to protect this right.

There had been attempts, very successful attempts at reaching potable water to many people. We also see a process in Brazil now, where there are serious attempts being made to ensure that less and less people are not hungry.

**JENKINS:** That's right, you're mentioning developing countries as models. I had expected you to mention say Scandinavia or something, but it's interesting...

**KOTHARI:** Well, I was looking at more recent examples, but certainly in the past if you look at the experience of social democracies, of course the Scandinavian countries, if you look at Germany, if you look at other countries, there are good models. But what I see happening in those countries is that those models are actually falling apart, and also with the new purpose...

**JENKINS:** Do you have a preference? I mean in this country for example, there are different weapons that are being used, exploited if you like, there's a move away from building - from governments building housing to giving out vouchers for example. They think it's a more efficient way of attacking the problem. Do you have any take on that?

**KOTHARI:** Well, I've studied that voucher system and in fact even that is being withdrawn now. So you're in a situation, where it has not worked, it has not really helped the poor because when you have a market, you know the rents here in New York City, for example. And you know, when you have a market where even medium class people cannot afford to rent, let alone buy - how do you expect a poor family just with a voucher to find any reasonable accommodation in reasonable shape, and we're talking about some families that are large. And that's not a solution, in fact it's becoming a means through which again people are being forced from their homes and you've seen entire units of public housing that are demolished.

**ALDAY:** Is gender a big issue in this?

**KOTHARI:** Yes, very much. In fact, one of the main areas that I focused on is on women's rights to housing, land, property and inheritance because I see that, even though there is growing recognition in law and policy of women's equal rights, there is very little implementation. And what we are working on now is how do you actually reduce this gap between recognition and implementation. But I also see that, like in Afghanistan and other countries, that there is a...in many countries there's a culture of fear where women are afraid to speak out against the violations they're facing related to their housing and land issues, and that's why it's very important for the international community to highlight this issue for UNIFEM and other organizations to do more work. And recently in our work, we also established a link between violence against women and the right to housing; when you have violence, it's straight out domestic violence, but you also have violence coming from people being forced to live in very dense conditions, you have violence because of HIV/AIDS, you have violence from forced evictions. And it's very important that we make this link and ensure that... legislations that are

being put into place, whether it's on domestic violence or the legislation on housing, you know, they also look at the violence issue.

**JENKINS:** In fact, you don't really have any part right? You're essentially toothless; your job is to point the finger, to be the conscience to the world, perhaps the bad conscience, is that right?

**KOTHARI:** Well, the bad and the good, I think in our reports we are...we tried to be very constructive, we've given recommendations, but we also worked very closely with civil society, and in the countries where I have seen positive results of our work and the work of other rapporteurs, it has often been through strong partnership with civil society. And I think... I don't think that there should be an impression created that all governments are bad. I think there are conscientious governments that are attempting to solve the problem, but it's also in a global situation where you have so much crisis. It's not often in the hands of a single government to solve the housing problem of its residents.

**JENKINS:** But, you do see some progress?

**KOTHARI:** Yes. Definitely.

**JENKINS:** Well, on that optimistic note, Miloon Kothari, thank you very much for being with us. Thank you for being with us on this edition of **World Chronicle**.

Our guest has been Miloon Kothari, the United Nations Special Rapporteur on the Right to Adequate Housing. He was interviewed by Philippe Bolopion of Radio France Internationale, RFI, and by Ricardo Alday of Notimex, the news agency of Mexico.

I'm Tony Jenkins, thank you for joining us. We invite you to be with us for the next edition of **World Chronicle**.

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