

QUICK
GUIDES
FOR
POLICY
MAKERS



housing the poor in African cities

UN HABITAT
FOR A BETTER URBAN FUTURE

Cities Alliance
CITIES WITHOUT SLUMS

4

EVICTIION:
ALTERNATIVES TO THE DESTRUCTION
OF URBAN POOR COMMUNITIES

Quick Guide 4: Eviction

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4 **EVICITION:** ALTERNATIVES TO THE DESTRUCTION OF URBAN POOR COMMUNITIES

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All these contributions have shaped the Quick Guides series, which we hope will contribute to the daily work of policy makers in the sub-Saharan Africa region in their quest to improve housing and access to land for the urban poor.

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*Informal settlement,
Cape Town, South Africa*

EVICTIION: ALTERNATIVES TO THE DESTRUCTION OF URBAN POOR COMMUNITIES

QUICK GUIDE FOR POLICY MAKERS NUMBER 4

Despite decades of work by housing and human rights organizations, NGOs, multilateral institutions and community organizations, the eviction of poor households and poor communities is increasing in African cities, causing displacement, misery and impoverishment for millions of urban citizens. The causes of these evictions are varied, but the underlying theme which links them is the increasing role market forces are playing in determining how urban land is used.

The vast majority of these evictions are unnecessary. This guide looks at the various causes of evictions, and their effects on the lives, livelihoods and housing choices of the urban poor. The distinction between different types of evictions is discussed and the legal context of eviction within the key international human rights covenants is examined.

The guide explores how communities facing eviction have organized themselves, and drawn on the support of community-based networks and institutions in Africa and globally to find alternatives to the destruction of their settlements. As the case studies in the guide show, poor communities are central, creative partners in the search for lasting solutions to their city's problems of affordable land and housing – solutions which do not require that they be pushed out.

Finally, the guide presents guidelines to help governments and policy makers to develop better formal procedures to minimize evictions.

In Africa urbanization is happening faster than in any other region of the world. The combined forces of urbanization, globalization and commercialization of urban land are increasingly forcing the poor out of their houses and off their land. There are cases where evictions cannot be avoided, but even when evictions are “justified” by being carried out in the public interest, they usually do not conform to the rules of international law.

In sub-Saharan Africa an estimated 72% of the urban population live in slums, while in North Africa the figure is 28%. At the same time, across Africa hundreds of thousands of people each year are forcibly evicted, in many cases being left homeless, losing their possessions without compensation and/or being forcibly displaced far from sources of employment, livelihood or education, all in violation of international law, including the African Charter on Human and Peoples' Rights.¹

ACCEPTING INFORMAL SETTLEMENTS IN THE CITY



Informal settlement, Cape Town, South Africa

The settlements that poor people construct in cities are often defined as “informal settlements” because they do not come into existence as a result of formal government decisions and processes, and they often provide low-quality housing and poor basic services for the residents. By calling these settlements informal, the government can argue that they are only “temporary” and inadequate ways to meet housing and other settlement needs, and should be removed from the city. But it can also be argued that informal settlements are “a socially legitimate response to real needs, and represent many positive features”. In terms of this argument, the informal settlement should be seen as a community’s creative use of available resources and opportunities, and

its limitations and problems should be overcome through government support for the community to improve and “formalize” the existing settlement: “Overall there is a need for a different approach to ‘informality’ in human settlements that recognizes the positive elements of so-called informal action, accepts that such settlements are valid and valuable, and works to mitigate and overcome their negative elements, in conjunction with the residents and other relevant stakeholders.”²

DEFINING “EVICTIONS”

Evictions are complex, multi-faceted processes and it is difficult to capture them through one single definition. The legal context and dominant driving forces of evictions are the most obvious determinants. When used in this Guide, the term “eviction” includes the following two main forms of eviction:

- “Forced eviction” has been defined by the international community in the context of the Commission on Human Rights:³ “The permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land they occupy, without the provision of, and access to, appropriate forms of legal or other protection. The prohibition on forced evictions does not, however, apply to evictions carried out by force in accordance with the law and in conformity with the provision of the International Covenants on Human Rights.”⁴
- Evictions that are not “forced” in the strictest legal sense, but not voluntary either, usually occur in the form of negotiated removal of individual occupants when the terms of negotiation are unfair for poor households due to their weak tenure status, or to the fact that they may not be complying with planning and development laws or construction norms and standards. One of the most frequent driving forces for such evictions is market pressure (see REASONS WHY EVICTIONS HAPPEN on page 7 of this Guide).

No matter what their legal nature and driving forces are, most evictions are disruptive and unnecessary, and cause the same impoverishment and destruction of housing investments and social support systems. When an eviction is completely unavoidable, it must be carried out in accordance with both the law and the international standards set out in General Comment 7 of the Committee on Economic, Social and Cultural Rights (CESCR). These standards are set out on page 26 of this Quick Guide. No eviction should render people homeless, or place them in a worse situation than they were in before.

An important resource for communities, policy makers and NGOs supporting struggles for the right to adequate housing is the Fact Sheet on the Right to Adequate Housing issued by the United Nations Office of the High Commissioner for Human Rights and UN-HABITAT, which explains the housing-related rights and obligations contained in many international human rights conventions.⁵

5 REASONS WHY EVICTIONS HAPPEN

1. **Increasing urbanization:** As the pace of urbanization accelerates and more people and more investment are flowing into cities, informal settlements which used to be tolerated are no longer acceptable, because the formal city increasingly appropriates the space they occupy for development.
2. **Large infrastructure projects:** Many African cities compete with other cities in Africa and elsewhere in the world to attract global capital investment. A lot of money is going into improving urban infrastructure to make cities more attractive to investors who want to see conditions like those in the cities of industrialised countries: freeways, sewers, water supply, electricity grids, mass transport systems. There is no question that cities need these improvements as they grow, but the way they are being planned, financed and carried out is displacing the poor on an increasing scale. Authoritarian, top-down planning and lack of state support for the poor excludes them from participating in the planning of new infrastructure so that it can meet their needs as well as the needs of other stakeholders in the city. The infrastructure projects are often designed to improve conditions in more affluent areas of the city but do not benefit people living in poorer neighbourhoods and informal settlements.
3. **Market forces:** Market forces are increasingly determining how space is used in cities. Current dynamics accompanying the liberalization of land markets in many African countries, and nationwide land titling programmes carried out in the name of economic development and poverty reduction are



increasing the market pressure on urban low-income settlements. Many of these “market-driven displacements” are not recorded as evictions because they do not require the use of force, or because some form of compensation is paid to the displaced households, regardless of how fair and equitable this compensation may be. Market evictions, also referred to as “gentrification”, encompass all situations where displacements are the direct or indirect consequences of a development aiming to make a more profitable use of the land.⁶ Governments are catching on to this trend and the public land they manage is increasingly being used for profitable rather than social purposes. Private land owners, keen to realise the benefits of the appreciation in land values, try to clear their plots of informal settle-

ments that have developed there. So the poor, who can't afford housing at market rates, are being evicted from the private and public land they have occupied or rented for generations, to make way for higher-profit uses like shopping malls, superstores and luxury residential developments, and in some cases the exploitation of mineral resources. The scale and frequency of evictions has increased as globalization has brought international finance to more and more African cities.

4. **City “beautification”:** Many cities are trying to clean themselves up to attract investment and market themselves as “world class cities”. It's no surprise that unsightly squatter settlements – and poor people in general – do not fit into this new vision of what many city authorities feel their cities should look like. So city “beautification” campaigns have become another cause of evictions.

5. **Ineffective laws and institutions:** Legislation, procedures and related institutions to protect communities from eviction or to provide tenure security do not exist in many African countries. Even where some good laws do exist, they are freely broken because of unequal power relations between poor communities and the governments and developers, and because of weak institutions. Poor communities usually cannot afford the costs involved in using the legal system to claim and protect their settlement rights, and they seldom have access to reliable legal advice to protect them against corrupt officials or developers who manipulate the tenure system to their own advantage. Where there is an absence of formal tenure rights for people in slums and informal settlements, they have almost no protection against evictions carried out at the behest of powerful interest groups in the cities. (*See the case study of Port Harcourt on page 8 of this Guide.*)

FORCED EVICTIONS CAUSE LARGE-SCALE HOMELESSNESS IN PORT HARCOURT, NIGERIA

According to the Rivers State Government (RSG), the population of Greater Port Harcourt in 2009 stood at 1.2 million. The city has experienced spontaneous and uncontrolled physical growth arising from rapid urbanization. Faced with the high cost of inner-city rentals and scarcity of housing, many households, especially rural migrants, resorted to land reclamation of swamps along the waterfronts and their subsequent occupation via self-help housing construction. This process of growth was not foreseen by the 1975 Master Plan that aimed at providing infrastructure and orderly development for the fast-growing city. This Master Plan was never fully implemented and the numerous informal waterfront settlements (“waterfronts”) tolerated and tacitly recognized by the RSG for decades through continued renewal of Temporary Occupation Licences.

Justified through an ambitious urban renewal programme and re-establishment of development control in line with the 1975 Master Plan, the RSG in 2008 embarked on a citywide demolition campaign. Residential structures of different kinds have been destroyed as part of the clearances: “unauthorized” extensions and transformations of originally legal structures in planned neighbourhoods, e.g. walls outside legal plot boundaries, additional buildings within plots, and



Abonnenma Wharf Waterfront, with Shell Petroleum Development Company Kidney Island operation site in the background (left) and houses in Abonnenma Wharf Waterfront demarcated for demolition

full buildings encroaching on road reserves and other public spaces (owners not entitled to compensation); buildings whose owners hold valid land titles, approved building plans and permits (owners legally entitled to compensation); and unplanned waterfront settlements (residents not legally entitled to compensation).

Apart from the general “urban renewal” justification given by the RSG, one specific reason for some of the demolitions is the Silverbird Showtime project, a stand-alone 8-screen cinema with related commercial developments. According to the public-private partnership agreement between the RSG and Silverbird Ltd, all settlements located within 2 km of the project have to undergo “urban renewal”. The RSG is interpreting this as “demolition”; other options such as in-situ upgrading have not been considered. It is estimated that the Silverbird project alone will lead to land clearance affecting between 100 000 and 150 000 people.

Since the beginning of the urban renewal programme, the Rivers State Governor has announced the demolition of all waterfronts. Another justification is that the waterfronts allegedly harbour criminal elements. The demolition of all waterfronts is expected to cause at least 200 000 residents to lose their homes. When the occupants of structures in other parts of the city affected by this clearance policy are added, the homes of up to 300 000 Port Harcourt residents will probably be destroyed by the RSG’s urban renewal programme.

The RSG has not implemented most of the provisions of the Rivers State Physical Planning and Development Law of 2003, and the demolitions do not comply with the legal and institutional framework provided by this law. Most importantly, the Urban Renewal Board has not been set up and the waterfronts have not been declared “Improvement Areas”. This would facilitate the participation of affected residents in transparent planning of the upgrading and rehabilitation of their communities. There is also a failure to observe the statutory rights of tenants when evictions take place. The RSG does not have any guidelines on how to carry out evictions and demolitions. A Federal High Court order against the Commissioner for Urban Development to halt the demolitions was ignored and the forced eviction executed by the RSG.⁷

SOME FACTS ABOUT POOR PEOPLE IN CITIES

FACT: The poor migrate to cities for good reasons

For decades, the flow of population in most African countries has been out of rural areas and into cities. This huge tide of mostly poor migrants is a demographic fact no government has been able to reverse, although many keep trying.

People are leaving their villages for good reasons. Changes in how land is farmed and owned and increasingly tied to global markets are leaving more rural people in crippling debt, without land, work, money or any hope of surviving. At the same time, increasing numbers of natural disasters are destroying rural livelihoods and impoverishing more and more households. With TV, cheap mobile phones and easy communications, people in the most remote villages now know what cities have to offer, and their choice to migrate is usually a well informed one.

They are coming into cities for equally good reasons. In cities they find job opportunities as well as markets for their own informal businesses, making and selling cheap goods and services. And the money they make in cities is usually enough to support themselves and their households, as well as send money home to relatives still in the village. In cities they have better access to schools, health care, Western-style culture like films and concerts, and opportunities for a future no village could ever offer.

FACT: Cities need the poor to prosper

Periods of industrialization which make countries richer have always relied on huge, low-paid workforces. The large supply of cheap labour allows for the development of various

city-based economic activities in many different sectors:

- Industrial labour: The poor provide the pool of skilled and unskilled labour that makes dangerous and difficult economic activities attractive for investors.
- Construction labour: The poor form the labour force for the housing, infrastructure and commercial construction projects that a growing city needs.
- Public sector labour: It is the poor who sweep the streets, carry away its garbage, maintain its sewer system and parks, and repair damage to the urban environment caused by natural disasters such as floods and fires.
- Service sector labour: It is also the poor who are the child care workers, domestic staff such as cleaners and gardeners, maintenance workers, cooks and waiters, taxi and bus drivers and all the other people who keep the city running.

FACT: The poor have no choice but to live in informal settlements

With land prices rising, unavailability of affordable housing and large numbers of people converging on cities at the same time, the poor are finding themselves increasingly priced out of any formal land or housing market. In most African cities, planners and governments at all levels have been unable to cope with this influx of poor workers and with the natural growth of the urban poor population, and to recognize or to plan for their need for land, affordable housing and basic services.

It is hard to find examples in Africa of suc-

cessful programmes to address the housing needs of the poor. When governments have developed programmes to provide subsidized social housing, these programmes have often failed to solve the problem for several reasons:

- The number of housing units produced by these government programmes could only meet a tiny fraction of actual needs.
- The housing units were often badly located, poorly built and inappropriately designed.
- The allocation of these housing units was mismanaged, so that in the end it was mainly better-off groups that actually moved in.
- The monthly payments for these units and the attached services were often too high for the very poor, so they were forced to sell off their rights to better-off households.
- Partnering with the private sector to provide housing for the poor has resulted in houses being built that are far from affordable for poor people.

FACT: Informal settlements are a solution to housing problems

Nobody would argue that a crowded, dirty, unplanned settlement is an ideal living situation, with its poor quality housing, inadequate or absent infrastructure and insecure land tenure. But if you take a look at what is really going on in informal settlements, you will often find them to be places of support and hope and growth, not places of despair at all. In fact, these makeshift settlements evolve quickly into vital and complex life-support systems for the poor: affordable housing, workspace for traders or service providers, social support systems of neighbours and friends, and access to goods and services they can afford, provided by those living in the settlement.

MAURITANIA'S URBAN SLUMS OFFER NO SUPPORT TO RURAL NEWCOMERS

Meeting the humanitarian challenge of Mauritania's unpredictable climate is no longer just a question of long forays across the trackless desert to locate and assist remote villages. More and more rural Mauritians are packing up and heading for urban areas to scratch out a living. People who have lost everything but can still afford the handful of cash for a jolting ride across the country, flock there to look for work. For men it's carrying water and unloading trucks. For women it's serving and cooking.

Foitima Oluone, 55, a divorced mother of four from Keoleloute village near Nema in the far south-eastern corner of the country, made the long trek to the country's capital, Nouakchott. After successive years of drought her animals all died and her food reserves could not sustain her to get through to this year's growing season.

Accepting an offer from relatives to stay with them in the El Mina slum on the capital's outskirts, she gathered her children and a few possessions and travelled the 1 300 km across the country. "Everyone in the village left," she said. "Those who could, came to Nouakchott. The rest, who could not afford a bus, walked to Nema."

"In the country when it rains there is no problem. We have meat, milk, couscous, and we help each other. Here there is nothing unless you work hard for it. But I would still prefer to be here if there are no rains because at least I can do something to survive," she said.

Aid agencies say there are no statistics available for how many people there are like Foitima, struggling to survive in Nouakchott and other urban areas like Rosso, Nema, Keidi and Nouadibou. Locals say it is sometimes hard to tell the difference between where slums start and the planned city begins.⁸



Drought conditions are forcing more and more Bedouins and rural Mauritians to abandon their traditional way of life and settle in urban areas. (Photo©: Nicholas Reader/IRIN)



El Mina slum on the outskirts of Mauritania's capital city Nouakchott (Photo: Nicholas Reader/IRIN)

DIFFERENT NEEDS, DIFFERENT PRIORITIES



What do the poor look for when they search for housing?

The priorities a poor household considers when looking for shelter will be quite different from their better-off neighbours, who may think more about things like status, comfort, design, convenience or potential resale value. When governments and developers ignore these differences and make wrong assumptions about what poor people need in their housing, it leads to housing policies and projects that fail to reach the poor. What aspects of housing are important for poor people?

1. **Location:** Being close to jobs and earning opportunities is the top factor in where the poor choose to live. Being near markets, factories, business districts, transport hubs and construction sites means better incomes, more earning opportunities and lower transportation costs. Many housing programmes fail to attract or retain the poor because they are built too far from city centres, industrial areas, schools, clinics and social services. That's why inner city slums, no matter how crowded or insecure, are preferable to the poor.
2. **Space for work:** For many poor people, housing provides more than space to live. It is also a space for income-generating activities. These might include tailoring, craft production, food preparation for market stalls or street vending, repair shops, light manufacturing, household provisions stores, hairdressers, laundries, restaurants, bars and rental rooms. Ground-floor housing always offers the most flexibility for this blending together of living and earning activities. This is why blocks of mid-rise flats often drastically diminish a household's capacity to earn, because they seldom include spaces for these activities to take place.
3. **Community support systems:** Households in informal settlements rely on networks of family, friends and neighbours for all kinds of mutual assistance and support – not only in times of emer-

gency. What do these community-based support systems and complex networks of local relationships offer? Informal access to electricity, babysitting, help in finding jobs, information, sources of credit in emergencies, and help in fixing whatever is broken. Evictions that separate households who have formed such local relationships destroy many vital support systems.

4. **Cost:** Housing finance professionals usually assume that about 25–30% of a household's monthly income can reasonably be devoted to housing costs: rent or mortgage payments. This average might work for middle income households, but it is very different for many poor house-

holds, who spend much larger proportions of their income on essentials like food, medical care, transport and emergencies. Even low-end rental housing often requires sizeable deposits which the poor can't afford. The poorer a household is, the less they can afford to pay for their housing as a percentage of their monthly income. That is why an incrementally built shack in an informal settlement may be the most suitable housing for a poor household – the housing which allows them gradually to build up their economic base.

HOW EVICTION AFFECTS THE POOR

Eviction creates poverty rather than alleviating it. It contributes to housing problems in our cities rather than solving them. In almost every way, **EVICTION IS THE OPPOSITE OF DEVELOPMENT.**

Poor communities are the greatest targets for evictions in African cities. They are also the group worst prepared to weather the effects of eviction and least able to find affordable land and housing alternatives in the formal sector.

Besides losing their investments they have put into their houses and belongings that often get lost or destroyed during the eviction, the poor lose their community support systems in an eviction. Many also lose their jobs and means of earning. Evicted households are more likely to fall into debt in the process of setting up new dwellings.

Evictions put additional burdens of time and transport expenses on the poor. They are distanced from proper health care and educational facilities as well as employment opportunities, and exposed to situations of alienation and conflict that can increase crime and violence.

Forced evictions may be a way of eliminating the informal settlements the rich don't want to see, but they do nothing to resolve the housing shortages which forced people to live there in the first place. In fact, by leaving people homeless, they make the problems worse. When households are forcibly evicted from their homes without being given any viable alternative shelter, they are likely to create new squatter settlements on the periphery of the city or move into existing settlements. This negates the development outcomes of the "development projects" for which informal settlements are moved out of the way.

Government and city authorities often justify the eviction of squatters from public and private land with claims that these communities block important infrastructure projects like new roads, drains, electricity and water supply grids – all badly needed to serve the needs of the city. But evictions in Africa are increasingly clearing both public and private land for commercial development like shopping malls and upmarket housing estates that are neither essential nor in the larger public interest.

Community organizations, civil society groups and donors are increasingly questioning a practice that impoverishes so many and causes such suffering, in the name of civic order and national development. The laws may be on the side of the legal land owners, and they may place the rights to own property above the right to adequate housing for all, but eviction is the least constructive way of resolving the conflicting needs of a city to develop and the poor to find housing.



Aftermath of an eviction in Johannesburg, (Photo ©: Ismail Farouk)

WOMEN AND FORCED EVICTIONS



Some children surrounded by the aftermath of a forced eviction, or sleeping rough in the city streets
(Photo ©: A. Grimard)

Women in Africa suffer disproportionately from forced evictions because, in addition to the large-scale evictions of informal settlement and slum communities, they often experience eviction at the household level by family and community members. Being evicted from land or property to which they do not hold formal title – because of gender-based legal discrimination, domestic conflicts or the stigma of HIV/AIDS that can make it difficult for HIV-positive women to stay in their family homes – leaves many women extremely vulnerable.

Governments need to recognise that for women, housing often means much more than a roof over their heads – it is the place where they raise children, and often the base for the economic activity that supports the household. Article 16 of the Protocol to the African Charter on the Rights of Women in Africa, adopted by the Conference of Heads of State and Government in 2003, states that all women have the right to adequate housing. Violation of this right as a result of forced evictions can mean a viola-

tion of all the other legal and human rights to which women are entitled.

How eviction affects children

Forced evictions that affect women almost invariably involve the eviction of children as well, as women are most often the primary care givers of the children in the household. Such evictions have especially serious implications for children. Too often, forced evictions are characterised by violence, particularly against women and children, who are the ones most likely to be at home when such an eviction is carried out. A study on “Urban Children and the Physical Environment” found that “the impacts of eviction for family stability and for children’s emotional wellbeing can be devastating; the experience has been described as comparable to war for children in terms of the developmental consequences. Even when evictions are followed by immediate relocation, the effects on children can be destructive and unsettling.”⁹

Some children who have experienced eviction from their homes are reported to suffer from feelings of helplessness, powerlessness and loss of hope. Other children are reported to have abandoned the hope of continuing their schooling because they have no alternative but to sleep or stay on the streets or vacant land at least temporarily, and potentially even for the long term.

Exposure to the increased stress, and often violence, that accompanies forced eviction can lead to a range of negative emotional consequences in families. Children interviewed by researchers recounted increased incidents of violence and child abuse within their own homes after a forced eviction had taken place. Thus, forced evictions are not only a focal point for violence, they also breed violence in the lives of children and

their families. As a result of losing their home and community, children enter a world of insecurity in which they tend to be even more vulnerable to those who would abuse them.

In exceptional cases where evictions are deemed to be justified under international human rights standards and are unavoidable, every effort should be made not to disrupt children's schooling and to ensure that the distressing effects of eviction on children are minimised. This may mean, for example, that trained counsellors must be made available to the affected children before, during and after any eviction takes place. Furthermore, evictions should not take place in particularly bad weather or at night, nor when children are home alone, nor at a time when children's schooling would be disrupted.¹⁰

MAKING PEOPLE HOMELESS TO "BEAUTIFY" YAOUNDÉ

More than 7 000 people were left homeless in Cameroon's capital, Yaoundé, when city officials began tearing down slums to make space for development projects. The city is also cleaning up areas prone to flooding and landslides. The initiative has led to displacement and protests. Three shantytowns were pulled down in 2009 in what city officials called a cleanup operation. When the project is finished, the former slums will be transformed into public gardens or sold to private developers. Plans have also been made to improve drainage on the ancient riverbeds to protect new structures against flooding. Authorities call the plan The Paris Dream.

Since 2006, Yaoundé has been undergoing a transformation never before seen in the country. New roads have been opened, sidewalks have been paved, wild unoccupied lands have been transformed into public gardens and garbage collection has greatly improved. But many say the demolitions are overshadowing these operations. For homeless residents like Daniel Essono, the Paris Dream is a nightmare. "Only the rich and their children will benefit from the proposed gardens," he said. "What we want is shelter and food. When you send us into the streets, you are taking even the little that we have away. You do not expect us to be happy."

Authorities have promised to resettle some of those who can produce title deeds and building permits. But they make up less than 2% of all the affected residents and it would make very little difference to others losing their homes. The city government says it recognizes the problem but says it cannot resettle most of them because they are squatters.

Critics of the operation have sprung up from all walks of life. In September 2009 the Government banned public debates on the subject planned by a coalition of NGOs.

With a population of more than two million, uninhabited land has become scarce and expensive. New slums are springing up every year. And the urban population continues to grow.¹¹

EVICITION IN A TIME OF HIV AND AIDS

HIV and AIDS are a reality for urban and rural communities across Africa. For people living in informal settlements, the physical and emotional suffering caused by HIV and AIDS, and the related economic hardships, are all the harder to bear because of the shortage and inadequacy of basic services and infrastructure, and the insecure conditions in which households live.

People in informal settlements typically do not have sufficient access to health or other emergency services to treat infections like sexually transmitted infections, which is vital to decrease the possibility of future HIV infection. In instances where people are HIV-positive, water is absolutely essential for their health and also for taking adequate care of ill household members. Food has to be prepared with clean hands and in a sanitary environment, and water is also needed to deal with opportunistic infections which might cause diarrhoea and vomiting that must be properly cleaned, and the home sanitised, to protect other family members from the risk of illness. People also need adequate amounts of water to take their medication, and to replace the fluids lost when they have diarrhoea or vomiting in order to prevent dehydration. Having the means to stay clean and comfortable also contributes to the dignity and overall well-being of persons sick with AIDS-related illnesses. Yet in many informal settlements, water is commonly provided via communal standpipes. These are often far away or might be in darkened areas where women and young girls (most likely responsible for water collection) may be at risk of being attacked or raped (in itself a further cause of the spread of HIV).

In situations of such need, households develop strategies for surviving and helping



each other that are based on neighbourhood networks of support and shared resources. People needing treatment often have to go through complicated processes to get access to medication, including being registered for treatment at a specific clinic or hospital. If an eviction takes place, it can destroy the existing support networks for households with sick members, and even make it impossible for people to receive the medical treatment that is keeping them alive. Access to health care facilities, a stable supply of healthy food and clean water, and support from social networks in the settlement are all removed by eviction of the household, loss of their economic resources, and destruction of the settlement.

Rather than destroying informal settlements in the name of “creating a healthier city”, a more constructive response to the poor living conditions of these settlements is in situ upgrading, in the form of increased service provision and support for existing HIV and AIDS care networks and facilities. Access to clean and adequate sources of basic services would allow people to lead healthy lives and prevent their immune systems from being compromised, which increases their vulnerability to HIV infection. Because informal settlements tend to be on marginal and/or peripheral land, roads infrastructure and improved access to public transport are particularly important, so that emergency medical vehicles can better

respond to calls for emergency transfers of people with AIDS-related illnesses to a hospital or clinic.¹²

Women infected with HIV suffer particularly badly in many parts of sub-Saharan Africa where they do not have legal rights to housing, as they are often evicted by their families once their HIV+ status is known. Housing security for women, through tenure rights and freedom from eviction, leads to improved living conditions for them and their families and makes them better able to cope with the detrimental effects of the disease.

TENURE SECURITY CAN BRING POWERFUL MARKET FORCES INTO A POOR COMMUNITY

Security of tenure gives people freedom from fear of forced eviction. It is not restricted to ownership, and includes full legal protection against arbitrary eviction for all occupiers of a property, including tenants. It is best guaranteed via specific laws and regulations, but also by policy decisions against forced evictions.

Many argue that as the rich and the middle classes have the right to buy and sell the land they have paid for, the poor should also be entitled to have formal tenure rights and capitalize on their land assets. There are benefits and drawbacks that come with formalizing the land assets of the poor. Once they have legal rights to the land they occupy, people can use those rights to get access to public services, to get bank loans, to start small home-based businesses and to legitimize their status in the city.

But one of the paradoxes of social development and poverty alleviation programmes is that tenure insecurity can actually protect poor people from market forces. As soon as you make an informal settlement more secure by formalizing user rights or giving land title to its residents, those tiny plots which used to be insecure and unattractive suddenly enter the formal urban land market and become marketable commodities. Richer people will be queuing up to offer large sums of money to buy the poor people out.

Of course many slum dwellers will be tempted to trade in their houses for more cash than they could make in several years. It is in the nature of poverty that when crises happen (debts, medical emergencies and deaths in the household), people often have no choice but to sell off whatever they have of value in order to survive, including their



newly secure land, and move into another informal settlement where they have no secure rights. This market-driven displacement can also be seen as a form of eviction – a much softer form in which there is no single person or agency or villain to point the finger at, no messy demolitions and conflict with the authorities, and it happens gradually, one household at a time.

A growing number of “poverty alleviation” programmes are being launched in which informal land assets used by the poor are being formalized. Some of these programmes end up making the housing problems of the poor much worse, as market forces push vulnerable, poor households out.

Individual or collective tenure?

Individual land title is increasingly becoming the primary form of land ownership around the world – especially in cities, where market access to land is crucial for economic expansion. Land tenure systems such as customary rights, or collective ownership by cooperatives, have proven to be obstacles to speculation and economic expansion. So these alternative tenure systems are being systematically replaced around the world, along with the people whose shelter, livelihood and survival they protected. The way tenure is organized in poor settlements can be a crucial factor in whether those communities are able to resist these powerful economic forces and protect their poor residents. (*See Quick Guide 3 on Land.*)

MARKET-DRIVEN DISPLACEMENTS AND EVICTIONS IN KIGALI

Between 1991 and 2002, the urban population of Kigali increased greatly, due to the combined effects of natural growth, rural-urban migrations, and the return to the country, mainly to Kigali, of Rwandan refugees living in the neighbouring countries. Since then the population of the city has continued to increase. Before 1994, the supply of urban land for the low-income population was mainly provided by “customary owners” on the urban fringe. The new government that came into power following the 1994 genocide did not recognise the customary land market but did not suggest any alternative policy for housing the poor, and took a series of actions to prevent the formation of new slums. This situation has resulted in a growing pressure on existing informal settlements, mainly for rental housing.

The land and housing development policy currently implemented by the City of Kigali is pushing the majority of the urban population into illegality. Until the new land law adopted in November 2004 is implemented, land remains the property of the state or the City of Kigali, which allocates land required for any development project in the city. Individual housing construction is authorised on land leased by public authorities, provided it conforms to the official state development norms and standards. Few households can manage this. Most have no choice but to rely on informal land markets, and are thus exposed to eviction. At present, restrictive planning and development standards are directly responsible for the exclusion of 75–80% of households from legal access to land and housing.

The main objective of the City of Kigali is to carry out urban renewal projects in order to make prime land available for development. The City of Kigali evicts households from irregular settlements in order to carry out infrastructure, development and urban renewal projects, especially in the central part of the city. In addition to the risk of expropriation by the public authorities, the pressure of the market on urban and suburban land increases tenure insecurity. Informal settlements may be the target of a development project initiated by private investors, who can obtain approval from the City of Kigali for a project on a site already informally occupied, and negotiate the ‘voluntary departure’ of the occupants or their eviction. Compensation paid by the private investors will later be deducted from the price investors will have to pay the city to obtain a land title – so in effect the city is subsidizing the cost of the eviction.

This practice generates a large number of conflicts. Eighty per cent of households in Kigali are potentially exposed to this form of expropriation or market-driven eviction. The compensation paid to households corresponds to the cost of the dwelling unit built on the plot, as assessed by the city council, but not the cost of land, which remains the property of the state or the City of Kigali. Moreover, only households who own their dwellings (42.7% of households in Kigali in 2002) can receive compensation. Those who rent receive nothing at all. The cost to a household of gaining access to another dwelling unit is very much higher than the amount of compensation it receives. If the compensation rate were to be re-evaluated, the City of Kigali would not have the required resources to compensate and resettle expropriated households.

The registration system currently used, which emphasises tenure regularisation in the form of individual ownership rather than security of land tenure, tends to worsen the situation, as registration is on a voluntary basis and depends entirely on the ability of the individual to bear the cost. Limited resettlement alternatives offered to evicted households are worsening the impact of market eviction processes. The practice of eviction without fair compensation or without offering resettlement options is creating a population of homeless families.¹³

HOUSING IS A HUMAN RIGHT AND FORCED EVICTION IS A VIOLATION OF THAT RIGHT

Evictions are often presented as the process by which people who have illegally occupied a piece of land or a house belonging to someone else are removed from that land, by due process of law. In this view, the squatters are the criminals and the property owners are their victims. This doesn't capture the human reality of an eviction, which is almost always painful, violent and impoverishing for those being evicted. And it also doesn't capture the unjust systems of land use and property ownership in many countries which allow few to enjoy great property wealth and leave many with little or nothing at all.



Even in countries where forced evictions are unlawful or unconstitutional under domestic law, the legal and political systems still often try to avoid these laws, and to place the rights of property owners above the right to adequate housing in order to secure the speedy eviction of residents who, they argue, are obstructing development projects or urban "upgrading". The courts generally do not support the evictees, and municipal, state and national governments regularly conduct evictions in violation of international conventions on human rights, and sometimes even in contravention of their own laws and constitutions.

Forced evictions are illegal

Since the United Nations was founded in 1945, one of its tasks has been to address inequities through declarations, covenants and agendas which would guarantee certain basic human rights and address the economic and social disparities which exist within so many countries' systems of governance. The majority of African countries have signed these covenants and committed

themselves to honouring their principles.

- Article 25 of the Universal Declaration of Human Rights states that "Everyone has the right to a standard of living adequate for the health and wellbeing, of himself and of his household, including food, clothing and housing."
- The International Covenant on Economic, Social and Cultural Rights (CESCR) is the key legal source of housing rights under international human rights law. Article 11(1) of the Covenant clearly recognizes the right to adequate housing. The CESCR's General Comments No. 4 and No. 7 explain the right to adequate housing and to be protected from forced evictions. General Comment No. 7 states that "the State itself must refrain from forced evictions and ensure that the law is enforced against its agents or third parties who carry out forced evictions". It also states that "Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other hu-

man rights”; and prescribes protective mechanisms for evictees in the highly exceptional circumstances where eviction is unavoidable.

- Article 16 of the Protocol to the African Charter on the Rights of Women in Africa adopted by the Conference of Heads of State and Government in Maputo in 2003 states: “Women shall have the right to equal access to hous-

ing and to acceptable living conditions in a healthy environment. To ensure this right, States Parties shall grant to women, whatever their marital status, access to adequate housing.”

HOUSING RIGHTS ARE NOT ABSTRACT

The right to housing, as defined within international law, concerns basic human needs which allow us all to survive. Good housing contributes to the wellbeing of households and to a country's broader economic and social development. According to the UN Universal Declaration of Human Rights; General Comment 4, The Right to Adequate Housing (1991), the minimum requirements of decent housing are:

- **Legal secure tenure:** In their housing, people must be protected from eviction, harassment and other threats. States must provide and enforce tenure security, in consultation with affected groups.
- **Availability of services and infrastructure:** Housing should include facilities essential for health, security, comfort, and nutrition: safe drinking water, energy for cooking, heating, lighting, sanitation facilities, refuse disposal, storage and emergency services.
- **Affordability:** The cost of adequate housing should not be so high that it compromises the ability of a household to satisfy other basic needs.

- **Habitability:** Housing must protect its inhabitants from cold, damp, heat, rain, or other health threats and structural hazards. It must also provide adequate space for them.
- **Accessibility:** All people are entitled to adequate housing, and disadvantaged groups in particular must be accorded full and sustainable access to housing, which may mean granting them priority status in housing allocation or land use planning.
- **Location:** Housing should be located in areas with access to employment options, health care services, schools, child care and other social facilities. This applies equally in urban and rural areas. Housing should not be built on or near polluted sites or sources of pollution.
- **Cultural adequacy:** Activities geared towards development or modernization of housing should ensure that the cultural dimensions of housing are not sacrificed, while simultaneously ensuring modern technical facilities.

THE CONSTITUTIONAL DUTY TO FULFIL HOUSING RIGHTS

In 2000, the Constitutional Court of South Africa issued an important judgment that relates to the right to adequate housing.¹⁴ In the landmark *Grootboom* case, the Constitutional Court considered a petition lodged on behalf of a poor community of some 390 adults and 510 children. The community had been living in extremely poor conditions in Wallacedene squatter camp, near Cape Town. Out of desperation, the community decided to move to vacant land. However, they were soon evicted from that land. Living in misery, the community launched an urgent application for the provision of adequate and sufficient basic temporary shelter and/or housing under Section 26 of the South African Constitution, which provides that everyone has the right to have access to adequate housing. They argued that under Subsection 28(1)(c) of the Constitution, which provides that every child has the right to, inter alia, shelter, their children had an unqualified right to shelter. They further argued that Subsection 28(1)(c) imposed a duty on the State to provide shelter not only for the children but also for their parents, on the basis that it is in the children's best interests to remain in a family unit.

Consistent with international human rights law, the Court found that the State was required to take steps towards the progressive realisation of the right to adequate housing. This included the obligation to devise, fund, implement and supervise measures, within its available resources, to provide relief to those in desperate need.¹⁵ The South African Government accepted this verdict in principle, but the slow pace of housing and infrastructure delivery has meant that in practice, the community of Wallacedene continues to struggle for adequate access to secure housing.



CHALLENGING “BAD BUILDING” EVICTIONS IN JOHANNESBURG

In Johannesburg, the Centre on Housing Rights and Evictions (COHRE) has worked in alliance with a number of local partners, to try to stop the eviction of more than 25 000 residents of buildings in the inner city. These so-called “bad buildings” are in the process of being cleared, as part of the Johannesburg Inner City Regeneration Strategy aimed at creating an “African World Class City” and attracting investment. While there is no doubt that the conditions in many of the buildings are appalling, the procedures being used by the municipality are grossly unfair, including the use of apartheid-era laws and regulations, instead of much more appropriate recent legislation in the form of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act (the “PIE Act”). In addition, affected people are not consulted or offered any viable alternatives. In the name of safety and health in the buildings, residents are made homeless and left on the streets to fend for themselves.

In response to this, COHRE and its partners – including the Centre for Applied Legal Studies, the Wits Law Clinic, the Inner City Resource Centre, organised groups of residents, and others – developed a joint strategy using a combination of tools, including: detailed research; public release of the report; letters of protest and media releases; dialogue with officials on alternatives to the evictions; drafting of evictions and tenure security frameworks, laws and policy; convening panels of experts; training and networking workshops; legal action.

However, after more than a year of trying to initiate meaningful dialogue with the City in order to convince them that what they were doing was not only illegal and grossly unfair, but also highly unlikely to succeed, it became clear that legal action was inevitable. With pro bono legal support, more than 300 residents from buildings in Berea and a disused panel-beating workshop in the city centre challenged the Johannesburg Metro’s practice of evicting poor people from allegedly unsafe buildings onto the inner city streets.

On 3 March 2006, the High Court of South Africa ruled that the City of Johannesburg’s housing programme failed to comply with section 26 of the South African Constitution which provides for the right of all to have access to adequate housing. This ruling was due to the Municipality’s failure to provide suitable relief for, and to give adequate priority and resources to, the inner city poor living in a crisis situation or otherwise in desperate need of accommodation.

The Judge ordered the city to devise and implement a comprehensive and coordinated programme to progressively realise the right “to adequate housing” of people living in the inner city of Johannesburg who were in desperate need of accommodation. He dismissed the eviction applications brought by the City against the residents of “bad buildings”. He also interdicted the City from evicting or seeking to evict the residents until such time as adequate alternative accommodation in the inner city area had been provided. This judgement advances the importance of the South African Constitution as an international model for how a country should provide protection against forced evictions and uphold the right to adequate housing.

The City of Johannesburg appealed against the judgement, and the Supreme Court of Appeal subsequently ordered the residents to vacate the buildings concerned, and also ordered the municipality to provide those residents who needed it with alternative shelter “where they may live secure against eviction”. This judgment is a partial victory for the inner city poor. The law is now clear on the point that they cannot be evicted without any alternative accommodation. However, the judgement has effectively denied the right of inner city residents to live near their place of work.¹⁶

ALTERNATIVES TO EVICTION



Almost all the eviction happening today is preventable. None of the misery evictions or the wrongful planning decisions, disregard for equity or misdirected development imperatives behind it are inevitable.¹⁸

Almost all evictions are preventable

In many places and in many ways, the urban poor continue to be treated like shaded areas on a development map, to be lifted up here and pasted down again there – not like human beings with real needs, real households and real aspirations, living in real communities. Very few urban decision makers are interested in asking them what they'd like to do or in making an investment in finding solutions to their housing needs that are “win-win”, because that takes a long time to do.

Development plans which decide what's going to happen, where and when, in a city, are often described as technical documents, which only technical people can understand

and whose preparation is a purely technical exercise of arranging roads, zones, drainage and access with the greatest efficiency. Yet the development plans which cause evictions are not engraved in stone. The process of urban planning is highly political and should be considered as such. Every aspect of those plans is negotiable.¹⁷

There are many intermediate options which offer alternatives to forced eviction – alternatives which work for both the city and the poor. These options are being explored, refined, added to and scaled up right now, in cities around the world. The solution to eviction lies in finding strategies which allow people to be part of the planning which affects their lives. This might involve legitimizing the rights of the poor people to stay where they are now, or it might involve re-

locating them to land which allows them to continue developing their lives – or many other options in between. The energy and resources that many communities in African cities have to devote to fighting off threats of eviction could also be used to engage constructively with the city planners and government, to develop creative solutions to their housing needs that also take account of the broader development needs of the city.

SECURE TENURE AND ON-SITE UPGRADING

The best eviction alternative is one that preserves the community in the SAME PLACE and gives people secure tenure rights to that land. One of the best ways for cities to help their poor citizens access better housing and living conditions is by providing secure tenure in the informal settlements where they already live (including protection from predatory land speculators), and then working with them to upgrade their settlements together. While poor communities have known this for a long time, governments and urban decision makers have been very slow to recognize the benefits of on-site upgrading, and to accept that helping people to secure their land and improve their housing conditions, rather than evicting them, is in the best interests not just of the urban poor but of the whole urban economy.

When cities and poor communities work together to secure and upgrade existing settlements, it is a humane, economical and pragmatic way to protect and expand the city's largest stock of affordable housing for its workforce. It is a way of resolving housing shortages that are a problem not only for the poor, but for the city as a whole. The process of upgrading is also a powerful way of transforming mutually antagonistic relationships between city governments and poor communities into productive relationships of mutual trust and collaboration.

MOVING BEYOND EVICTIONS IN KAMPALA

In 2002, approximately 1 500 people living on the Naguru and Nakawa estates in Kampala, Uganda, were threatened with eviction by the Kampala City Council which intended to use the land for the construction of retail and middle-income housing.

The community was assisted locally by Evelyn Nassuna, Naguru and Nakawa Estates Tenants Organization. The organization was supported in its efforts by a Member of Parliament, and also by COHRE, which on their request submitted a protest letter to the Government of Uganda, the Kampala City Council, and Members of Parliament on the committee that needed to approve the evictions, and the media.

A few weeks after the submission of the protest letter, the following correspondence was received from a local COHRE contact: "I am happy to inform you that...the President of Uganda [has just] intervened to stop the eviction of tenants from both Estates. He did not agree with the Kampala City Council, when it argued that people had to be evicted so that KCC should erect a modern satellite city in the area. Instead, he said that housing units for low income people should be put up. The challenge now is whether Government is really committed to redeveloping the area in favour of the tenants."

Such successes may be small but they are significant. They illustrate the importance of a community-driven process, supported by organizations at different levels, each playing their part in convincing the relevant authorities that an alternative to eviction is possible. However, simply halting an eviction is not sufficient. Further work would be required to gain security of tenure for the residents, and also to initiate processes to realize all dimensions of their right to adequate housing.

Since 2003 UN-HABITAT has engaged with the Government of Uganda and other stakeholders, including community organizations, in a Secure Tenure Campaign that has brought together all protagonists. The aim of the campaign is to ensure that the urban poor's right to the city is recognized and protected and that no forced evictions will take place in Kampala or any other Ugandan city or town. The campaign is supported by a "Cities without Slums" programme in Kampala to translate the outputs of the campaign into concrete actions, including the revision of the existing land and tenure systems, and capacity building of all partners to engage in city-wide, participatory slum upgrading programmes.²¹

In December 2008 the Government of Uganda published its National Slum Upgrading Strategy and Action Plan, which includes strategies for tenure regularization and affordable land, supply of affordable housing, urban infrastructure and basic services, a slum-sensitive urban planning framework, financing slum upgrading, inclusion and participation of slum residents, cost allocation, cost recovery and affordability, and stakeholder/ actors participation and coordination.

In the Plan, the Government states that "this National Slum Upgrading Strategy is about taking key steps to manage and guide the process of urbanization so that so many people do not unjustly suffer from inadequacies in the most basic of human requirements – such as water, sanitation, shelter, health and education. The key to reaping from the proposals contained in the strategy is political will to recognize the nature and scale of the challenge, and to firmly commit to justly dealing with the needs of slum residents and this requires a sincere and long-term commitment. It is important to remember that slums do not form only due to problems of poverty or affordability on the part of communities or governments; they often form due to lack of political will, bad policy and inadequate planning.

"This National Slum Upgrading Strategy's main thrust is turning around the current status quo by ensuring that slum upgrading or improvement efforts are integrated into national policies, legislation, programmes and plans to enable their implementation. Slum Upgrading should be part of the broader national development plans and ... not [a] 'special aspect' (often a poor cousin) of medium-term and long-term planning and development goals."²²

THE LUSAKA CITY COUNCIL LAND TENURE INITIATIVE

In 2000, Lusaka City Council (LCC) identified security of land tenure as an important prerequisite in the squatter upgrading process. A study carried out by the LCC revealed that without legal title to land, most residents of Improvement Areas (former squatter settlements) would not invest in the improvement of the structures in which they lived. The LCC decided to carry out a Pilot Programme to improve the security of land tenure of residents in Improvement Areas, starting with the Pilot Area Chaisa which had a population of about 28 000. The Pilot Programme's main objective was to develop and test a method to improve the LCC's land delivery services. The lessons learned in the Pilot Programme would be used to refine the method for providing secure land tenure, and the land delivery services would be extended to other Improvement Areas in Lusaka.

The Pilot Programme had three components:

- (i) Community communication and participation aimed at full involvement of the community in the project and promoting awareness on the importance of security of land tenure among residents; this included drama performances to convey messages about occupancy licences and the ills of property grabbing from the estate of a deceased person by greedy relatives. Each performance attracted 700–1 000 people. During the performances as well as during fieldwork, information leaflets in both English and Chinyanja (the local language) were handed out;
- (ii) Surveying and mapping to create a geographic database for establishing property owners and boundaries, by linking spatial data (graphics) and attribute data; and
- (iii) Computerization of the LCC Deeds Registry and improvement of the record-keeping system from settlement level up to the Council's head office where title deeds are issued.

The overall objective of the Programme was to enhance the economic and social development of residents through ensuring secure land rights for women and men in Lusaka, in the form of security of land tenure in unplanned settlements. The LCC has concluded that the Programme was broadly successful in achieving this objective.¹⁹ However, the fact that 'properties on title have gained market value on the land market'²⁰ means that there is a potential danger for market forces to lead to future evictions as part of a gentrification process. (See the case study of Kigali on page 23 of this Guide.)

RESETTLEMENT IN THE NAME OF A “MASTER PLAN” IN ABUJA

Since 2003, the Federal Capital Development Authority (FCDA) of Nigeria has been carrying out mass forced evictions in Abuja in an attempt to re-initiate a Master Plan that was approved in 1979. The Minister of the Federal Capital Territory has ordered mass demolitions of businesses and homes, including over 49 informal settlements.

The Master Plan was developed when the Government decided to move the national capital from Lagos to Abuja, and was designed to guide the creation of the new capital and development of the capital territory until 2000. The Master Plan called for the resettlement of people living in traditional villages in the capital territory to neighbouring states. However, the Government never fully carried out the resettlement plan. Instead, those living on the land when the Federal Capital Territory (FCT) was created – generally termed “indigenes” – were allowed to remain. These settlements have expanded in the past 30 years as indigenes allocated land or rented housing to non-indigenes who moved to Abuja for employment and were unable to access affordable formal housing. This resulted in the formation of extensive informal, unplanned and unauthorised settlements within the area designated for the capital city.

Hundreds of thousands of people, including civil servants, advocates, journalists, retail workers, taxi drivers and people working in the informal sector, live in these informal settlements, due to a lack of affordable housing in the formal market. The FCDA has demolished homes, schools, clinics, churches, mosques and businesses without adequate consultation with communities, and without providing adequate notice, compensation, or adequate resettlement. The evictions have resulted in the massive displacement of hundreds of thousands of people from entire communities with a spiralling effect on health, education, employment and family cohesion. Some of the demolitions were accompanied by violence perpetrated by heavily armed security operatives towards residents and owners of businesses. The FCDA draws a distinction between indigene and non-indigene residents when carrying out evictions and demolitions. The demolitions have targeted homes in which non-indigenes live, regardless of whether the buildings were owned by indigenes or non-indigenes.

The FCDA has a policy to provide full resettlement to indigenes, in keeping with the original intentions of the Master Plan. However, there is no such policy for non-indigenes living in Abuja. After a public outcry in late 2005, the Minister began discussions about evictions with a “human face”. Prior to this, many non-indigene residents were forcibly evicted before an enumeration process took place. Since late 2005, the FCDA has been attempting to enumerate non-indigenes before demolitions and has offered those affected access to plots of land in relocation sites. Only a handful of those evicted have been able to access plots at these sites, and even fewer have been able to afford to build new homes.

Nigerian organizations, most notably Women Environmental Programme (WEP); Community Action for Popular Participation (CAPP); Justice, Development and Peace Commission; and the Social and Economic Rights Action Center (SERAC) have been active in documenting the forced evictions, raising international attention towards the ongoing rights violations and advocating for a halt to the evictions until the FCDA can produce a plan, in agreement with affected people, to implement the Master Plan in a way that does not violate human rights.

Local associations and churches have also responded with the “Break the Silence on Evictions: Defend housing rights in Nigeria!” appeal launched by the “Nigerian Coalition for Zero Evictions”, which has demanded a halt to demolitions and expulsions; compensation and immediate alternative accommodations for the homeless; and condemnation of the privatization efforts and Master Plan for Abuja. This appeal has also requested the blockage of all foreign investments which ultimately result in the violation of human rights, and that the funds resulting from the annulment of the country's foreign debt be channelled towards the People's Fund for the Right to Land and Housing.²³

Since 2008, a more positive approach to the situation of those facing forced eviction in Abuja has begun to emerge. The collaborative efforts of the Institute for Housing and Urban Development Studies (IHS) and Cordaid have led to the formation of a coalition of NGOs, CBOs and Government departments, with the aim of mitigating the effects of forced eviction and demolition on the urban poor within Abuja.

- The coalition is assessing the competencies of each of the partners, particularly the urban poor, and enhancing their capacities to deal proactively with the issue of forced evictions. Intensive dialogue is being conducted between the Government, CSOs and the affected communities on the best approaches to take in future eviction situations. Government now considers the CSOs as partners, rather than as an opposition group, as it originally did.
- A 15-member National Advisory Board has been constituted. Its main task is to talk with government officials at the highest level, with the aim of getting Government acceptance of the action plan presented by the coalition.
- Currently, the communities that have been affected by forced evictions have constituted themselves into cooperative groups. Through thrift contributions they are saving money for the eventual building of their houses when land is made available by the Government. The coalition is trying to enter into partnerships with microfinance institutions to see how money can be leveraged for starting up a pilot project.²⁴

RESETTLEMENT

Although on-site upgrading may be the best option for the poor, there will always be cases where staying in the same place is absolutely not possible. It could be that the location is too dangerous for upgrading (in river beds, along railway tracks, or on steeply sloping land prone to landslides), or it lies in the way of a municipal infrastructure project that cannot be changed or moved.

In these cases, resettlement may be the only option. But resettlement is never an easy transition for the poor, with all the upheavals, high costs and disruption of livelihood and support systems it entails. Most African cities have a dark history of brutal relocation initiatives, in which the poor have been forced out of their settlements and dumped on undeveloped land on the outskirts of the city or even on unserviced rural land, with no assistance or compensation to help them rebuild their houses and lives. This kind of resettlement only deepens poverty and makes a city's housing problems much worse.

In situations where evictions are unavoidable, states should ensure, prior to carrying out any eviction, that all feasible alternatives are explored so that use of force is avoided, or at least minimised. When an eviction is completely unavoidable, it must be carried out in accordance with the law, and with the international standards set out in General Comment 7 of the CESCR. These standards are:

- an opportunity for genuine consultation with those affected;
- adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;
- 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;

- especially where groups of people are involved, government officials or their representatives to be present during an eviction;
- all persons carrying out the eviction to be properly identified;
- evictions not to take place in particularly bad weather or at night, unless the affected persons consent otherwise;
- provision of legal remedies;
- provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.
- 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.
- Where those affected by eviction 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.²⁵

When resettlement is not necessary

One of the most frequently cited reasons for evicting people from their informal settlements is to clear the land for construction of large-scale urban infrastructure projects. A lot of these projects are not part of the

normal city planning process but are being designed, marketed and financed by international development loans or joint ventures between local investors and international finance companies. Often these projects are rushed through the approval process with-

out any civic scrutiny. And often they are not necessary, are too expensive and skewed to benefit only the city's better-off citizens. When poor communities are forced to relocate to make way for such projects, they have every right to object.

NEGOTIATING TO AVOID RESETTLEMENT IN AGBOGBLOSHIE, ACCRA

The settlement of Agbogbloshie/Old Fadama is on the left bank of the Odaw River, in the Korle Lagoon area in Accra, Ghana. It is sometimes called "Sodom and Gomorrah" by its detractors who want the area cleared. In 2005 the Accra Metropolitan Assembly (AMA) and the Government of Ghana (specifically the Ministry of Tourism and Modernisation of the Capital City) were seeking to evict the community of this settlement. Residents responded with an appeal to the High Court for an injunction to restrain the AMA from following through on the eviction. The court case that followed centred on the issue of illegal occupation of the land.

Another reason for the eviction given by the Government was the settlement's physical location. The Korle Lagoon and the banks of the Odaw River are an environmentally sensitive area. The Government and the AMA had developed a programme to restore this vital marine and river system to a cleaner and more natural ecological state. Agbogbloshie was said to be the main source of pollution for the lagoon. It was also argued that the settlement of Agbogbloshie presented a serious health risk for the residents. However, visits by COHRE to the settlement revealed that the community was well organised, and had taken the initiative to organise its own services and management systems, such as arrangement of water points, wash houses, digging of drains and fire-fighting. There was also a complex, diversified economic sector active in the settlement, including a large wholesale food market frequented by many customers from outside the settlement.²⁶

Initial resistance to the eviction was organised by internal community groups, with legal assistance and some support work by the Centre for Public Interest Law, assisted by COHRE. Subsequently, local groups (supported by People's Dialogue, Shack Dwellers International and COHRE) moved beyond resistance to try to open up spaces for the residents to negotiate directly with the Government. An independent investigation concluded that all the Government's concerns about the settlement could be resolved satisfactorily and still allow the community of Agbogbloshie to remain where they were living; that Agbogbloshie could be used to develop a new policy of informal land management in Accra that would make a major contribution to solving its land crisis; and that Agbogbloshie could remain at its present site without threatening the future viability of the lagoon restoration project. Furthermore, the project's reputation would be enhanced internationally if it could show that it was able to integrate the urban poor into an environmental restoration project.

But the struggles of the Old Fadama residents did not end there. In 2009 the city authorities again tried to forcibly evict them, in the name of cleaning up "Sodom and Gomorrah" and removing "criminal elements" and "pollution". But media and public opinion had shifted in favour of the settlement's right to remain where it is, and recognized that the problems experienced there were a result of more general economic and planning failures. The central Government encouraged the Accra city authorities to engage with residents and find solutions with a human face, rather than bulldoze the settlement and force people to move elsewhere. In October 2009 the Old Fadama Development Association (OFADA), representing the residents, had a first face-to-face meeting with the mayor, and after that OFADA, the mayor and the central Government began preparing the ground to start finding solutions, by re-introducing the idea of community-city-government partnerships.²⁷

7 WAYS TO AVOID EVICTION

Almost all eviction that is happening in African cities today is unnecessary and could be prevented. None of the misery and impoverishment that eviction brings, or the wrongful planning decisions, disregard for equity or misdirected development imperatives behind evictions are inevitable. There are actually many intermediate options which offer alternatives to forced eviction – alternatives which work well for the poor, and well for the cities they live in. And there are many things that governments, NGOs, support institutions and aid agencies can do to open up space for these alternatives to be developed, refined and scaled up.

1. Recognize that the poor are only trying to survive, and that when they squat on land illegally, it is because they have no other options. They know the risks and drawbacks associated with informal settlements, but they have many good reasons for staying there.
2. Do not punish the urban poor by forcibly evicting them from the places where they can provide their own shelter and livelihood, by mechanically enforcing laws. The better, fairer and longer-lasting solutions to structural problems of land and housing will come only when cities can work with the poor as key development partners.
3. Learn to listen to the voices and ideas of communities facing eviction before developing policies or plans which affect them. This listening and learning can also happen on a national and regional scale, by visiting and learning from some of the many alternatives to eviction and compromise solutions that have been tried and tested in other cities and countries – solutions in which the poor have been key actors.
4. Support the strengthening and expansion of community organizations, networks and federations, in order to create a platform for the poor to share ideas and scale up solutions which have been successful in certain places. This is where the seeds of the most creative, pragmatic and sustainable solutions to eviction will be sown.
5. Prepare urban development plans in collaboration with poor communities, so that projects planned for the city can be designed to leave room for affordable land for housing, in locations that are close to employment opportunities. Undertake participatory social and settlement mapping, including enumeration, with settlement dwellers to benefit from their knowledge and to make sure they are fully involved in planning developments that will affect them.
6. Introduce better land management and administration systems to make it expensive to hold empty urban land speculatively, and make it profitable to use vacant land for affordable housing.
7. Work with legal reform and legal aid organizations to review and reform the urban planning and eviction laws, procedures and institutions which already exist, so that they will take into better consideration the lack of land and housing options for the poor and better protect their rights and property in the event that eviction does occur. Introduce realistic legislation and policies on housing and evictions, based on domestic, international and regional human rights instruments, that confirm the housing, tenure and other rights of the poor residents of the city.

TRENDS TO MAKE GOOD USE OF...

Decentralization: In many African countries, some aspects of decision-making power and budgets are being decentralized to local government agencies. The days when urban development plans are drawn up in faraway capitals are not over yet, but in many cases local authorities have more freedom and more responsibilities when it comes to planning how land is used and how development happens in their areas. At the same time, local governments are increasingly responsible for social issues like housing and poverty alleviation. Not all local governments are prepared for these new responsibilities. But because they are locally elected and much closer to the lives and realities of their constituents (especially the poor), they can often be more responsive and more accountable. In these ways, decentralization has created more room for constructive dialogue between communities and local governments about development decisions which directly affect people's lives.

Community organizations: In the last 25 years, organizations of poor communities have grown, expanded and matured in many African countries. These national community networks and federations have become more organized, better informed and better linked. Through their community-driven initiatives, thousands of urban poor households are using the legal system, available political mechanisms and campaigns that publicize their problems and needs to resist evictions, and to express their views about how their housing needs can be met as part of state-led urban development strategies. In the course of their campaigns for better



housing and services, they have accumulated a wide range of experiences and knowledge of ways to address the problems of those living in informal settlements, as well as the resources to do so.

Partnerships: Their large scale, and their innovative approaches to questions of housing, land, savings and livelihood strategies have made community movements attractive to development partners. Some have negotiated strong working relationships with their local, provincial and national governments, and with other urban stakeholders. Governments are beginning to realize the great potential in working with these community movements, instead of against them, to jointly develop solutions to the problems that cities are facing.

THE ZAMBIA HOMELESS AND POOR PEOPLE'S FEDERATION AND PEOPLE'S PROCESS ON HOUSING AND POVERTY

Homelessness and poverty, especially among women and children, are common problems for the urban poor in Zambia. Government efforts to address these problems are generally inadequate. The major aim of the People's Process on Housing and Poverty in Zambia and the Zambia Homeless and Poor People's Federation partnership is to ensure that communities try to reduce poverty, stereotypes and prejudices as well as fighting homelessness. In line with this vision, women are in the forefront in all the activities that address poverty, homelessness and health issues. These activities include establishing savings schemes, community exchanges, government lobbying and advocacy.

By saving on a daily basis, no matter how small the amount, the poor are able to build strong communities and also use their savings to negotiate with local authorities to acquire affordable land and address community challenges of any nature. The Zambia Homeless and Poor People's Federation has been an active driver of this process. The Federation has managed to build, strengthen and multiply existing savings schemes in Lusaka, Livingstone, Ndola and Kitwe and other cities and towns. To date, it has managed to mobilize more than 150 housing saving schemes with an estimated total membership of more than 20 000 families. The People's Process on Housing and Poverty provides technical and logistical support to the Federation, as well as augmenting the financial resources that the poor have mobilized.

As the programme has grown in strength and significance, expectations from the communities have also risen. These expectations have also come from other stakeholders such as government and local authorities. Some local authorities, however, are prejudiced against squatter settlements and believe that everybody has a home to go back to in the village, so they are not willing to engage in serious dialogue with the poor communities in squatter settlements. In such cases, constant dialogue and dissemination of information on the good work of the Federation and People's Process is helping local authorities to get a better understanding of the positive achievements of people in the participating communities. The Federation and People's Process encourage communities to negotiate with local authorities, government and other stakeholders so that these parties can understand and respond to their needs and demands. In this process, communities also aim to establish equal partnerships where it is both advantageous and critical for the realization of their goals.

Discrimination against women is still common, especially in poor communities. Negative cultural beliefs are still being used to further the ends of those who do not wish to see women have equal rights with their male counterparts. Violence against women and discrimination in issues of inheritance, education and employment are still common. To counter these negative practices, the People's Process approach is to put women at the centre of all its programmes. Although there are deliberate efforts to put women in the forefront, this usually happens naturally, as women are more visible than men in most poor communities. Poverty falls hard on women, and therefore if women's lives are changed, the whole community changes.

Through constantly engaging with local authorities, both the Lusaka and Livingstone City Councils have agreed to work with the Federation to address homelessness. This has reversed the trend in many development projects where the poor are either passive beneficiaries or are excluded. Negotiations with Lusaka City Council are at an advanced stage to get land for both a house model and a sanitation block, as a way of demonstrating the strength and capacity within the Federation groups. In creating house models and building sanitation blocks, the community prepares for slum upgrading interventions that will set precedents in the city and pave the way for significantly scaled-up interventions.²⁸

PAMOJA TRUST: DRAWING ON INTERNATIONAL BEST PRACTICE IN NAIROBI

Most residents of the informal settlements in Nairobi settled there long ago and no longer have rural homes or alternative residences to return to. These residents are primarily workers from nearby factories and greenhouses or those who work informally in small businesses, transportation and services, or at local dumpsites. About 80% of the inhabitants are not owners of the shacks in which they live, but rent from owners who live outside the settlements.

Early in 2003, the inhabitants of several communities, including Kibera, Korogocho, Kahawa Soweto and Mutege, were threatened with eviction. The reason given for the evictions was that the residents were living illegally on road and rail servitudes, electricity wayleaves and other reserved land. Over 300 000 people were potentially affected. After widespread condemnation of the eviction plan, the Government of Kenya declared a suspension of the plan. It subsequently showed a growing willingness to engage with some civil society groups on the issues of slum upgrading and forced evictions. UN-HABITAT also undertook to support upgrading in the Nairobi settlements, and entered into an official Memorandum of Understanding with the Ministry of Roads, Public Works and Housing.

After the signing of the agreement, however, an apparent lack of coordinated thinking by the Government frustrated initial good intentions, which were now marred by plans for forced evictions by different ministries in the very area that was to be regenerated.

The Pamoja Trust, an NGO working closely with local communities, identified that the crux of the problem was the approach to slum development used by the Kenyan Government. Reflecting on the experiences and best practice precedents of Slum Dwellers International affiliates in India, especially the negotiations of Mumbai slum dwellers with the Mumbai Railways, Pamoja Trust recognized that there could be a way to resolve the situation by a reversal of perspective. In March 2004 approaches were made to Kenya Railways Corporation, recommending that a longer-term resolution of the matter required the Kenya Railways Corporation to engage constructively with affected community groups.

These discussions resulted in an agreement that parties would travel to Mumbai, India, to learn from experiences there. The Indian example demonstrated that there were advantages to governments working together with communities rather than excluding them. According to the Pamoja Trust, the suspension of evictions in Kibera enabled people-driven mapping, enumeration and land identification processes to be initiated in a manner that facilitated a more people-centred approach to development.²⁹

The Trust has also been involved in developing new housing models for informal settlements. In 2002 they enabled the Ghetto community to replace one shack in Nairobi with a double storey single-family unit. This act of building a sample house overlaid a much broader process of preparation and paved the way for far greater possibilities in future. Having achieved a viable settlement plan, they then negotiated with the City Council to designate the area as a special planning area and to allocate the land to them. The "Special" status enabled people to negotiate and test alternative building standards that are more affordable. Some of them trained in affordable building technologies, built the single house and then elected the one among them who could most quickly pay back for the house to free the money for another house. The Trust facilitated the entire process.

As a result, the route to better housing became clearer to 2 309 slum families. The house served as a pilot for a sustainable way of financing the construction of low-cost housing. By 2007, the Pamoja Trust had facilitated the construction of nearly 100 houses of a similar design in the neighbouring areas of Kambi Moto and Gitathuru.³⁰

9 TOOLS COMMUNITIES USE TO NEGOTIATE ALTERNATIVES TO EVICTION

There has been a big evolution in how community organizations and their supporters around the world handle evictions. Twenty years ago, the main tools communities used were organizing to resist specific evictions or filing court cases to stop demolitions. These are still among the tools most frequently used by communities facing eviction in African cities. But during the violence, fear and dislocation of an eviction it is hard to think clearly and negotiate alternatives. Once a crisis erupts, the tools available to communities reduce sharply. So the question for Africa's poor communities, and for policy makers, is how to create a more proactive, longer-term process to resolve these eviction conflicts. Instead of passively waiting for the eviction squads to come and then trying to stop them, what if communities could find space to focus on the longer-term goal of secure housing – long before eviction happens? Community organizations in Africa, Asia and other parts of the world have invented, refined and scaled up a number of long-term strategies to stop evictions and change their relationships with their city governments, and these strategies are inspiring sources of approaches and tools for other communities facing similar challenges to make use of. (See *Quick Guide 6 on Community-based Organizations for more on these community tools.*)

1. **Community savings:** Collective saving binds people together, teaches them to manage their collective assets and helps them take control of their own development. Savings make room for poor people to develop their strengths gradually and to make decisions together through a collective mechanism. When small savings groups link into larger networks,

these networks give community members access to greater financial resources and enhanced clout when negotiating for their basic needs, and enable the poor to deal with the larger, structural issues related to their problems – especially eviction and access to urban land.

2. **Community enumeration:** When cities do the counting, poor people are almost always under-counted. But when poor people do the counting, it can be a great community mobilizer. When communities and their networks survey all the poor and informal settlements in a city, they are often gathering data that have never been gathered before on numbers, livelihoods, problems and living conditions of large segments of the urban population. Enumeration helps poor communities realize they are not alone, and that the housing problems they face are linked to much larger structural issues of how cities are planned and urban land is used. The Global Land Tool Network (GLTN) has produced a book on participatory enumeration that can be used as a guide to using this important tool.³¹
3. **Settlement mapping:** For poor community networks, an important part of the data-gathering process is making detailed settlement maps. Mapping is a vital skill-builder when the time comes to plan settlement improvements. The first-hand information which community maps provide makes them powerful planning and mobilizing tools, and also effective bargaining chips in negotiations for secure tenure, access to basic services and housing entitlements.

SHACK/SLUM DWELLERS INTERNATIONAL (SDI)

For the last ten years SDI has worked to build a strong constituency of people's organizations at the global level to develop and articulate their own proactive strategies for dealing with eviction, and to create opportunities for these groups to share their knowledge and experiences with each other. The network offers a growing set of living examples, in different cities and in different parts of the world, where communities have negotiated successfully for secure land and then built housing and infrastructure. One of the biggest advantages of large networks of grassroots groups like SDI is that they allow communities facing eviction to know that:

- they are not alone, that others are facing similar crises and finding solutions for resolving them which lead to secure land and housing;
- most governments can be negotiated with, if you are prepared;
- solutions are possible and eviction-causing projects can be altered so that fewer people get displaced, or reasonable resettlement packages can be negotiated for and attained;
- they can pick from a range of solutions or strategies to help do this which may not be available in their immediate environment but have been created and tested elsewhere.³³

- 4. House model exhibitions:** When communities build full-scale models of their house designs and invite government and the public to see what they've been planning, a lot of things happen. House model exhibitions "democratize" possibilities, they train people in construction, they stir up excitement, they build confidence within communities, they help people visualize affordable house designs and they show the government

and civil society what the poor can do.

- 5. Negotiating with alternative plans:** If communities can prepare themselves and develop their own solutions long before eviction ever happens, they will have more choices and more control. When poor communities come to the negotiating table with their own comprehensive and realistic housing solutions, which address issues of people's basic survival and urban development, it's hard for governments not to listen.
- 6. Land searching:** It is often claimed that there is no land left for housing for the poor, but when poor people get to know their cities better, find where vacant land is and educate themselves about development plans, they can challenge this and negotiate better resettlement deals.
- 7. Shelter planning:** It is hard to fight for decent, secure housing if you don't have any idea what that house or that community might look like. The poor are already builders of their own housing and efficient planners of their own spaces. When those skills can be brought out and refined and directed into a real housing planning process, it can unleash all kinds of creativity.
- 8. Exchange learning:** Community-to-community exchange, in which the people from poor communities visit similar communities in other places and learn from each other, is a development tool which helps poor people build capacities to deal with the root issues of poverty and eviction. People-to-people learning through exchange has proven to be a many-sided development tool. As a way to break isolation, boost confidence, expand options and build networks, exchange is one of the most powerful antidotes to hopelessness.

9. **Network building:** No household or community alone can negotiate with the city for resources. Only when they negotiate together, in organizations which have the collective force of big numbers, does it work. To make change, there needs to be a “critical mass” of people demanding change, and that critical mass creates solutions, breaks

down resistance to change, and dissolves the barriers between poor people and resources. Community networks also create platforms for horizontal learning, mutual support and sharing of ideas between poor communities in different parts of the city or different parts of the country.³²

RESETTLEMENT GUIDELINES

It is important for local authorities and housing agencies to remember that resettlement is always an extremely stressful process which creates enormous disruption in the already precarious lives of poor people. But these stresses can be minimized when efforts are made to assist people and ensure that all stages of the process are planned in such a way as to meet their needs. To protect the poorest and most vulnerable groups within a community that is to be resettled, it is important that the authorities involved work together with the community to jointly develop a set of guidelines which set down clearly the terms and conditions for the selection of those who will move, and the pre-moving, moving and post-moving preparations. A few aspects of the resettlement process that these guidelines should cover are:

1. **Involving the affected people:** Affected people are usually more willing to relocate if they are not treated like passive beneficiaries but included in all aspects of the resettlement planning, so they can ensure that they will have a better, more secure future in the new place. If communities can be involved in every stage of the resettlement process, so that it will meet their needs,

resettlement can be an opportunity to strengthen people's economic position and build their collective capacities to develop themselves.

2. **Communities have to be organized:** Communities need to be well organized and well prepared in order to negotiate a good resettlement package and collectively build their new settlement, so that relocation meets the needs of all community members as much as possible. Democratic processes of participation and negotiation are important to ensure that all the interests of the community are represented, not only those of powerful individuals and sub-groups within the community. Community savings is a powerful tool for building this kind of organization. Another tool is community exchange, which enables poor people to learn from each other's experiences and visit other relocation projects to see what does and does not work. (*See Quick Guide 6 on Community-based Organizations.*)
3. **Information about the resettlement:** Public meetings should be organized long before the resettlement to explain the process, make clear what the tenure terms at the new site will be, and

explain whatever payments people will be expected to make for land and basic services. It is important to specify clearly the time frame and procedures for the provision of land titles or lease agreements to the community cooperative or to individual households.

4. Making use of best practices from other cities/countries:

Communities who have knowledge of how other urban poor communities around the world have resolved conflicts over resettlement, can introduce these approaches and modify them to suit their own local situations. In this way, the evidence of successfully planned and negotiated resettlement in one country can inspire and assist efforts to find relevant solutions in another country, where long-standing local conflicts between government and poor communities may have left people feeling hopeless about how to resolve the conflicts.

5. Surveying the communities:

A community should conduct a full survey of its residents to help the community and the authorities make decisions about who will be entitled to plots at the resettlement site. In some cases, communities might decide that only structure owners or house renters who have lived in the community for a certain time will be included in the resettlement project, while other communities might decide to include everyone. Either way, mutually verified survey data will help to ensure a fair and transparent plot allocation process.

6. Preparing the new plan:

The community also needs time and assistance to organize itself for the move, and to explore house-type and layout options to determine what kinds of plots they need, what kinds of houses they can afford, and what kinds of community

spaces and facilities they want to incorporate into their new settlement. With some sensitive technical assistance, the community members can develop very practical and realistic settlement layouts and housing plans for the new site, even within extremely tight budgets and land constraints.

7. Selecting the new site:

Resettlement sites must have access to vital services like water supply, electricity and drainage, as well as amenities like schools, clinics, places of worship and public transport. For communities, proximity to sources of employment is almost always a top priority at the new site. For all these reasons, it is important that the choice of new sites be made with the affected people and the final choice be agreeable to them.

8. Preparing the new site and moving:

Nobody should be moved to the new site until it is fully prepared with basic services, temporary housing and support systems in place.

9. Organizing the move:

The move should never happen in bad weather, and transport should be provided to enable people to carry their belongings and building materials to the new land. Additional support should be organized to help elderly, disabled or woman-headed households to dismantle their houses and rebuild them on the new site, and food supplies should be provided until people can put up some basic shelter. Special care should be given to households where there are sick adults or where children are having to take care of the household.

Cities already have their own housing experts

Instead of hiring expensive consultants to tell them how to solve their housing problems, urban decision makers around the world are learning to look for assistance to the groups which are already providing most of the affordable housing in their cities – the poor themselves. It is no surprise that some of the best and most practical ideas for how to make housing programmes work (like resettlement schemes) are originating from poor communities and their larger networks and federations.

THE ADVISORY GROUP ON FORCED EVICTIONS (AGFE)

The Advisory Group on Forced Evictions (AGFE) was launched by UN-HABITAT in 2004 based on an idea borne by a number of representatives from international organizations, NGOs, governments, and slum dweller organizations who knew from experience that communities, cities and professionals can work together to create alternatives to forced eviction. The Advisory Group was created, following a resolution by the Governing Council of UN-HABITAT in 2003, to advise the Executive Director of UN-HABITAT in addressing unlawful forced evictions. In line with its mandate “to monitor and identify, and, if so requested, to promote alternatives to unlawful evictions”, AGFE undertakes a number of activities, including monitoring of forced evictions; facilitation of learning through information and experience exchange; support to research, training and capacity building, as well as advocacy for alternatives to forced evictions. AGFE also conducts fact-finding missions to cities from where cases of forced evictions

are being reported and/or where it appears that up-scaling of evictions poses a serious risk to the achievement of the Millennium Development Goals (MDGs) and the Habitat Agenda. Consistent with AGFE’s mandate, these missions are carried out upon request by UN-HABITAT in response to invitations from government agencies, reports by UN-HABITAT country offices, and warnings from other UN agencies and civil society organizations. In the mission reports, AGFE documents and reports on cases of forced evictions and successful alternatives.

AGFE consists of 15 individuals appointed by the Executive Director of UN-HABITAT for a term of two years. They serve in their individual capacity. The selection of Members reflects as much as possible regional, institutional and gender balance. Members of AGFE are appointed on the basis of their merits in the advocacy for the right to adequate housing. They are former members of national and local governments and in-

ternational organizations; active members of national, regional or global NGOs and grassroots organizations; academic and research institutions; regional or global eviction experts, and individuals who are well acquainted with rights-based approaches.

Since its launch, AGFE has identified, monitored and documented more than 30 cases of forced eviction. In its first two reports (available at www.unhabitat.org/unhrp) AGFE has disseminated successful experiences and strategies to promote “win-win” options that preserve people’s housing rights while supporting essential urban development.

AGFE can be contacted through the AGFE Secretariat within the Housing Policy Section of UN-HABITAT: AGFE@unhabitat.org

A box full of tools

“I think the Advisory Group is like a box full of tools. Inside that box we put all the different tools all of us have developed in our different countries and our different sectors to fight eviction. Then we close that tool box and carry it together to repair the damage. And I am one of the tools to be put in that box! So when the government comes to us and says, ‘OK, you say you have ideas about how we should not evict these people – what are your alternatives?’ out comes this big tool box.” – Rose Molokoane, South African Homeless People’s Federation, AGFE Member



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25. The 2007 “Basic Principles and Guidelines on Development-Based Evictions and Displacement”, issued as part of the report of the then Special Rapporteur Miloon Kothari, tried to go beyond the provisions in General Comment 7, for example by specifying a minimum period of 90 days’ notice for all affected persons prior to the scheduled eviction date. This is much less binding on governments because it is not (yet) part of any International Covenant. See Annex 1 of the *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living*, A/HRC/4/18.
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31. See the GLTN website <http://www.glttn.net/> for more details on this resource.
32. ACHR (Asian Coalition for Housing Rights) (2003) *Newsletter 15, Special Issue on Evictions*, October
33. www.sdinet.org

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Western Cape Anti-Eviction Campaign (2009) Home page, <http://antieviction.org.za/>

WEBSITES

- The United Nations Housing Rights Programme (UNHRP): www.unhabitat.org/unhrp
- The United Nations Housing Rights Programme (UNHRP), an initiative jointly implemented by UN-HABITAT and the Office of the High Commissioner for Human Rights (OHCHR), supports the efforts of governments and Habitat Agenda Partners towards the realization of the right to adequate housing. The UNHRP has established the web-based UN Housing Rights Documentation Centre where essential housing rights advocacy tools are available, including UN resolutions and the “UNHRP Report Series” comprising publications covering international housing rights instruments; national housing rights legislation; selected adjudication on housing rights; homelessness; indigenous peoples’ housing rights; and the reports by AGFE: Special Rapporteur’s official webpage, part of the OHCHR website: www2.ohchr.org/english/issues/housing/index.htm
- The UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, is an independent expert appointed by the Human Rights Council. The Rapporteur examines, monitors, advises and reports on the right to housing across the world, provides technical assistance to governments, promotes dialogue between residents and their governments to ensure better housing conditions and encourages dialogue between other UN bodies and relevant international organizations. The current Special Rapporteur also has a project website to publish reference material, news and information that can assist people, public bodies and institutions to implement and guarantee the right to adequate housing around the world: www.righttohousing.org
- For a good source of legal information about international law, covenants and declarations regarding human rights, housing rights and evictions, see the COHRE publication Legal Resources for Housing Rights: International and National Standards – COHRE Resources 4, which can be downloaded as a PDF document from their website, www.cohre.org
- For an annotated list of websites that offer more information about the key issues discussed in this Quick Guides series, focusing on the Asian region, visit the Housing the Urban Poor website www.housing-the-urban-poor.net and follow the links to “Organizations database”.



The pressures of rapid urbanization and economic growth in Africa have resulted in growing numbers of evictions of urban poor from their neighbourhoods. In most cases they are relocated to peripheral areas far from centres of employment and economic opportunities. At the same time over 500 million people now live in slums and squatter settlements in Africa and this figure is rising.

Local governments need policy instruments to protect the housing rights of the urban poor as a critical first step towards attaining the Millennium Development Goal on significant improvement in the lives of slum-dwellers by 2020. The objective of these Quick Guides is to improve the understanding by policy makers at national and local levels on pro-poor housing and urban development within the framework of urban poverty reduction.

The Quick Guides are presented in an easy-to-read format structured to include an overview of trends and conditions, concepts, policies, tools and recommendations in dealing with the following housing-related issues:

(1) **Urban Africa:** Building with untapped potential (2) **Low-income housing:** Approaches to helping the urban poor find adequate housing in African cities (3) **Land:** A crucial element in housing the urban poor (4) **Eviction:** Alternatives to the destruction of urban poor communities (5) **Housing finance:** Ways to help the poor pay for housing (6) **Community-based organizations:** The poor as agents of development (7) **Rental housing:** A much neglected housing option for the poor (8) **Local government:** Addressing urban challenges in a participatory and integrated way.

This Quick Guide 4 explores how communities facing eviction have organized themselves, and drawn on the support of community-based networks and institutions in Africa and globally to find alternatives to the destruction of their settlements. The guide presents guidelines to help governments and policy makers to develop better formal procedures to minimize evictions and to ensure that resettlement, if inevitable, follows international standards.

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More information can be found on the website www.housing-the-urban-poor.net

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