

Report on the International Expert Group Meeting on guidelines and practices related to evictions, acquisition/expropriation and compensation

Organised and hosted by:

UN-HABITAT

Global Land Tool Network (GLTN)

Instituto de Arquitetos do Brasil (IAB) (Institute of Architects of Brazil)

Prefeitura da Cidade do Rio de Janeiro, Secretaria Municipal de Habitação

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PROCEEDINGS ON DAY 1, FRIDAY 19 MARCH 2010

WELCOME AND OPENING REMARKS

Moderated by Carlos Fefferman

The meeting was opened and all participants were welcomed by **Carlos Fefferman**, on behalf of Maria da Conceição, Vice President of IAB.

Augusto Verissimo, Sub-Secretary and Project Coordinator in the Rio de Janeiro Housing Secretariat, welcomed all the participants to Rio and to the Expert Group Meeting (EGM). He noted the challenges of dealing with the issue of equitable and inclusive development of cities. The tasks were difficult given the fact that cities are marked by severe inequalities and segregation. People are driven to seek a place to live in any available spaces. There is a drive to implement the infrastructure works necessary for proper functioning of the city, which requires resettlement in many cases. To do this requires land, and a series of complex negotiations with the residents. There has been good progress on this during the past two decades. Information on this will be shared during the EGM and would hopefully improve the understanding and critical perspectives of the discussions.

Mohamed El Soufi, Head of the UN-HABITAT Shelter Branch, welcomed participants in the name of the Executive Director of UN-HABITAT. He said she wishes the EGM fruitful discussions and useful outcomes towards a clear way forward for work on eviction guidelines.

He said the function of an EGM is to translate operational experiences, best practices, academic/research knowledge into tools and guidelines for policymakers and Habitat Agenda Partners. This was the first EGM to be jointly initiated by the Land Tenure and Property Administration Section and the Housing Policy Section of UN-HABITAT. Both have dedicated programmes that deal with the crucial issues at the core of the mandate of these two institutional units: the Global Land Tool Network (GLTN) and the United Nations Housing Rights Programme (UNHRP). This collaboration reflects recognition of the fact that when people are evicted they lose both their homes and their land. It is of vital importance to ensure that in cases where people have to be relocated, compensation should also include the value of the land lost.

He emphasized that consideration and improvement of guidelines and tools related to evictions, acquisition/expropriation and compensation should in no way be interpreted as an endorsement of any forced eviction. Instead, UN-HABITAT endorses and supports the development of alternatives to eviction and, crucially, the promotion of security of tenure. He pointed out that security of tenure is central to the overall mandate of UN-HABITAT. The work done by the Global Campaign for Security of Tenure between 2000 and 2006 would be taken forward by the World Urban Campaign to be launched at the World Urban Forum (WUF) in the following week. The challenge of achieving secure tenure for all people would have a central place in this new Campaign.

He presented the objectives of the workshop:

1. Present the findings and recommendations of the scoping paper to key organizations and internationally renowned individual experts in the field of evictions, acquisition/expropriation and compensation;
2. Fill gaps and improve the paper through inputs from participating organisations/experts;

3. Agree on necessary next steps in further research, guideline development, and advocacy, capacity-building and mediation for enhanced implementation of existing guidelines;
4. Map out roles and responsibilities for UN-HABITAT, GLTN and Habitat Agenda Partners in their respective roles in addressing evictions, acquisition/expropriation and compensation;
5. Devise a consultative mechanism/process for the way-forward.

He thanked the Housing Secretariat of the City of Rio de Janeiro for arranging a site visit for the EGM participants; the IAB and the Rio Municipality for hosting and co-organising the EGM; and the UN-HABITAT Regional Office for Latin America and the Caribbean for their assistance and support.

INTRODUCTION TO THE RATIONALE OF THE MEETING

Clarissa Augustinus, Chief of the UN-HABITAT Land Tenure and Property Administration Section, said the EGM would be a valuable opportunity to learn from discussions with a group of diverse experience and expertise on the topic of guidelines and practices related to evictions, acquisition/expropriation and compensation. She said the process would contribute to GLTN's land tool development work. GLTN was formed in 2006 by UN-HABITAT and consists of partners with the overall goal of "poverty alleviation through land reform, improved land management and security of tenure". Partners include international networks of civil society, international finance institutions, international research and training institutions, donors and professional bodies. As part of its agenda GLTN aims to improve and develop pro-poor land management and land tenure tools. Land tools are defined as "resources for understanding how to carry out and perform actions which allow us to implement large-scale changes in the land arena". The GLTN tool development process involves six phases: scoping (gap analysis), consultation, product development, piloting/testing, training, adoption/revision/dissemination. GLTN's work covers rural and urban, and encompasses both land and housing issues. An underlying assumption is that individual land title is not the sole solution. The intention is to develop a pro-poor land acquisition package, which, if implemented, would amount to intervening proactively before the possibility of an eviction arises. In the process there is a need to relate the human rights discourse more closely to the land acquisition process. She said that it is critically important to find practical and workable solutions. We need to take stock of the tools that exist and work out what needs to be done to improve and integrate them and to map out the contributions of the different actors in the process. The EGM is seen as a valuable part of the process of identifying the key issues and building consensus on how to proceed.

Claudio Acioly, Chief of the UN-HABITAT Housing Policy Section, referred to UN-HABITAT's agreed "areas for action" towards the full and progressive realisation of the right to adequate housing, which includes tenure security, with a focus on legal frameworks and monitoring. This work is part of the ongoing commitments of the Istanbul Declaration and the Habitat Agenda which reads: "We reaffirm our commitment to the full and progressive realisation of the right to adequate housing, as provided for in international instruments".¹ He noted that while the right to adequate housing is fundamental, as is the right to protection against forced evictions, there are points in the process of slum upgrading and development

¹ Istanbul Declaration (paragraph 8) and the Habitat Agenda (paragraph 9).

when relocation of people becomes necessary. He noted that evictions were gaining in number and scale. An urgent challenge is to find tools and mechanisms that can help to avoid these evictions while allowing for genuine development to occur. How do relocations fit within the human rights framework? In this context, how does one define and determine 'public purpose'? More tools are needed to assist in this, and to help us to become more professional in our practical advice to cities who are genuinely trying to develop while at the same time promoting the full and progressive realisation of the right to adequate housing. The EGM is an important step in this process. Participants are here because they represent an institution engaged in sustainable relocation processes, or have a personal history in developing and implementing the relevant tools.

Carlos Fefferman welcomed the initiative to develop practical tools related to evictions, acquisition/expropriation and compensation. He said it is important to move beyond simply an advocacy approach towards a more technical approach. He noted that in the *favelas* a dynamic housing market had emerged, with many buildings constructed by entrepreneurs, completely outside of any regulatory framework. These entrepreneurs quite readily ended up evicting their tenants. He expressed an interest in how the discussions and insights of the EGM could be incorporated into, and directly influence, the planning process, prior to the commencement of planning projects in specific situations.

Rasmus Precht, UN-HABITAT, presented the final agenda and explained the process to be followed. This was followed by introduction of the participants. The full list of participants, their respective organisations and email addresses is given in the annex of this report.

Claudio Acioly expressed thanks to everyone involved in organising and hosting the EGM and arranging the field visit planned for the afternoon of Day 2.

WORK SESSION 1: PRESENTATION OF RESEARCH FINDINGS AND RECOMMENDATIONS

Moderated by Mohamed El Soufi, UN-HABITAT

Maartje van Eerd of the Institute for Housing and Urban Development Studies (IHS), based in Rotterdam, The Netherlands, made a detailed presentation of the 73-page IHS scoping study paper entitled "Review of Guidelines and Practices Relation to Evictions, Acquisition, Expropriation and Compensation [advanced draft version 2]". The scoping paper, commissioned by UN-HABITAT/GLTN, served as the key background and discussion document for the EGM.

The IHS scoping paper has the following objectives:

1. To identify existing guidelines and practices related to evictions, acquisition, expropriation and compensation;
2. To analyse their effectiveness;
3. To make recommendations for the improved implementation of existing instruments and/or for the improvement/expansion of existing guidelines.

More specifically, it was aimed to achieve the following:

- a) An inventory and review of existing work in the area of evictions including by UN-HABITAT (through its Advisory Group on Forced Evictions-AGFE), FAO Compulsory acquisition of land and compensation, the Office of the High Commissioner for Human Rights (OHCHR), the treaty monitoring bodies and special procedures (including the Special Rapporteur on Adequate Housing), IFC/World Bank Resettlement guidelines, as well as other institutions working on evictions, expropriation/acquisition and compensation.
- b) A global mapping of roles, responsibilities, participation - who does what and what initiatives exist where, including latest developments within key institutions.
- c) Outline of principles and values that govern evictions, acquisition, expropriation and compensation with respect to social, economic and environmental considerations.
- d) Analysis of the international foundations (laws, treaties, conventions, etc.) to sustain the conceptual framework for balanced social, economic and environmental considerations for evictions.
- e) Identification and analysis of the main challenges, opportunities and gaps in terms of linking social, economic and environmental implications for eviction guidelines.
- f) Definitions and clarifications of terms and their linkages to land and property evictions, with the view to build common understanding.
- g) Identification of good/bad practices, initiatives, institutional, legal and administrative arrangements, eviction tools, and the emerging trends worldwide.
- h) Evaluation of (and illustration with) concrete experience by governments in applying existing guidelines for evictions, acquisition, expropriation and compensation.
- i) Identification of key priorities (entry points) where UN-HABITAT, and in particular GLTN, AGFE and the UN Housing Rights Programme and their partners, could add value including new research, tool development, advocacy and mediation.

Questions of clarification, comments and responses

Time was allowed for questions of clarification and brief comments only, as detailed responses and discussion would be allowed after the reviewer's presentations in the next session.

- Question: There is a need to be clear on the definition of forced evictions under international law, which is the product of a decade of work in the Human Rights Council and other bodies. It needs to be specified that forced eviction amounts to a gross human rights violation, which means that it gives entitlement to reparation (with six defining elements) and not simply compensation. Was this aspect of the international framework considered and rejected?
- Response: That is an omission which will be rectified
- Comment: The paper lacks a typology of displacement. Following the typological approach would allow for more distinct and focussed recommendations.
- Comment: This document could assist policy makers, but then one may have to change the format and length. The report should indicate what will be done with it once completed, and therefore who it specifically targets.
- Question: What was the methodology, how was the report researched? Is it also directed towards civil society? If yes, were any civil society groups involved in the process?
- Response: The approach was a desk study using secondary sources. We developed a case study protocol but found it difficult to get all the information needed by the protocol.

- Comment: It is true that for some audiences a shorter report with key points is more effective. However one does not want to lose valuable detail. A possible approach would be to do a more concise report, but then include more detail in an electronic version for people to refer to and build on. One could invite the addition of more cases at a later stage, as one of the follow-up activities. The way-forward would be discussed the following day.

WORK SESSION 2: RESPONSES TO THE FINDINGS AND RECOMMENDATIONS BY THE EXTERNAL REVIEWERS / EGM DISCUSSANTS

Moderated by Edesio Fernandes (AGFE)

Alain Durand-Lasserve opened his response by acknowledging the work done within short timeframes on what was clearly a difficult assignment. This is a big undertaking, but it needs to include much more to be appropriate for a broad audience. There have already been two rounds of comments on earlier drafts, but in its current draft it is still an unfinished report. Though the broad outline of the document is good, a number of problems still remain.

He had a problem with the definitions, such as for example the concept of ‘forced eviction’ which is a tautology unless specifically defined. Similarly the concept of ‘illegal eviction’ also causes confusion unless carefully explained. Most evictions taking place in the world are in fact legal in terms of national law, but contradict international law. This distinction needs to be maintained in the text.

He also had difficulty with the absence of a typology of evictions. There are many types of evictions: protection of property rights, failure to conform with planning regulations, exposure of residents to risk such as landslides or floods, eviction ‘in the public interest’ (an increasing trend), etc. The diversity of situations is also huge, ranging from the most brutal mass demolitions to ‘softer’, market driven disposessions. There is also a range of settlement types and other variables, such as socio-economic character and status of occupancy (ownership, tenancy). The type of land you are dealing with also affects the analysis. Given this huge range, using a typology is an essential methodological tool to understand the situation and dynamics in different cases. In his view trying to proceed with out a typology would amount to “going in blind”.

The paper raises some very important issues that should be enhanced. For example, with regard to compensation and resettlement, once it is clear that people have to move a number of questions arise that needs to be unpacked, including: Who is entitled to compensation? How is the value of this determined? Is this legally enforceable (or ‘justiciable’)? How is the choice made between financial compensation and resettlement?

A further issue needing elaboration and analysis is that of evictions justified as for the ‘public good’ or ‘public interest’. There is a great deal of evidence showing that most evictions implemented in the name of ‘the public interest’ in fact serve private interests instead. How is ‘public’ defined? For example, who really benefits from a shopping complex? How are these questions decided, and by whom?

There should be much more emphasis on trends and dynamics, i.e. how things have been changing over time and where they seem to be heading. In particular, it is important to show that we are in the midst of a process of social and economic exclusion. Evictions are symptoms of growing inequalities and poverty. This is linked to trends of economic

liberalisation, the commodification of land markets, etc. Active monitoring of evictions, civil society resistance and changes in global communication had also had a major impact. Identifying the key trends will inform the recommendations of the paper.

In conclusion he acknowledged the work done and was in agreement with the conclusions given, but they were just a starting point and not really the conclusions of the paper. This is difficult, pioneering work. While progress had been made, the work was as yet unfinished.

Graciela Dede Delfino said that there were good guidelines and frameworks in place, and referred specifically to the Special Rapporteur on Adequate Housing's "Basic Principles and Guidelines on Development-Based Evictions and Displacement". We should not rush to create more, but should rather focus on how such guidelines are used, what the outcomes are and how they can be used more effectively. She was concerned at downplaying the role of advocacy and the importance of the human rights approach in favour of a "more technical" approach. Activism / advocacy and more technical approaches are not mutually exclusive. In the course of developing the existing frameworks and guidelines, civil society actors often played a crucial role of putting the issues on the agenda.

She said most evictions are implemented in the name of development, without any consultation of the people most directly affected, and with devastating impact on their lives. This does not mean that there are not in some cases compelling reasons for relocation of people. And it is possible to get an outcome where people's lives are improved as a result. It all depends on how the process is implemented. We need to address in each situation what the community needs and wants in development, and use that as the main entry point in negotiations of alternatives. Also important is the fact that evictions are not gender neutral; women bear a burden far worse than men. This is an issue that needs to be identified and incorporated into the analysis.

In this context, the human rights based approach remains an essential tool to check and make sure that the relocation is absolutely necessary, and that it is implemented in such a way that people's lives are genuinely improved. After this introduction she made a power point presentation under the following headings:

- Applying human rights
- Definitions
- The Human Rights Based Approach
- Forced eviction: the obstacles to prevention
- Common features of forced eviction
- The effects and impacts of forced evictions
- Groups in focus
- The challenge.

In the concluding part of her presentation, she described four challenges facing the authors of the paper:

1. **To unveil what is being understated:** As part of the section entitled "*Limitations of the study*", the authors should specify that certain concepts/terms mentioned in the Terms of Reference are not developed in the paper. In some cases, the reason for this may be that they are **underdeveloped** in international literature and can therefore not be prominently addressed in the scoping paper. This could shed light onto the areas that need further research beyond the scoping paper.

2. **To identify at the national level interesting instruments and their application** (based on urban planning and the social function of property) to redress the negative impacts of the phenomena. Such as: Statutes, urban norms, territorial planning instruments that translate the international law into domestic tools that fulfil, respect, protect housing rights and all human rights.
3. **To identify within instruments and guidelines of International Financial Institutions the existing gaps** in meeting Human Rights obligations. Financing for development should be aligned with national development strategies in compliance with Human Rights standards.
4. **To monitor** jointly the impact of forced evictions, compensation and expropriation from a HRBA perspective and **reveal successful practices** where they resulted in improvement of the quality of life and realisation of human rights of the involved people and communities.

Jean du Plessis said that a big challenge for this research assignment was always going to be a mixture of ‘too much yet too little’ information, on three levels:

1. The research is dealing with guidelines and practices that are trying to regulate a massive problem articulated over a combination of global, national and local levels, and in both rural and urban areas.
 - International law refers to all countries that have signed and/or ratified the ICESCR and other relevant instruments and standards
 - World Bank (and other institution-specific) policy and frameworks cover specific funded projects (at least until final disbursement of the money)
 - National and local laws cover specific countries, regions, districts and cities, and can be class or rights specific
2. It is difficult grasping the scale and full extent of ongoing evictions, displacement, expropriation and insecurity of tenure.
 - According to COHRE, which has been monitoring “reported evictions” for over a decade, 9.9 million people were reportedly affected by evictions between 2003 and 2008
 - According to experts who have studied development-induced evictions over the past 30 years, there were approximately 10 million such evictions per year in the 1980s and 1990s, and 15 million per year in the decade since then.
 - Insecurity of tenure affects over a billion people, and could affect two billion people by 2030
3. Research done on the application of the guidelines and practices is very mixed, ranging from intensive and comprehensive in some areas, to patchy and project-specific in others. We have access to some invaluable material and findings particularly through the work of anthropologists and other complementary research processes, mainly conducted in rural areas. At the same time there are many worrying gaps in the data at our disposal, in particular in the area of eviction impact assessments in urban contexts.

He said that given this mixture of ‘too much and too little’ information, the authors of the paper have done well to touch on some of the key issues and questions, and have tried (perhaps less successfully) to bring them into a manageable discussion specifically relevant to the urban context. They have done this through employing what they call an “urban management approach”, on the one hand, and with reference to “the legal and policy framework guiding evictions, acquisition, expropriation and compensation”, on the other.

He felt it was a great pity that participants did not have access to the material from the various case studies. Organised in a comparative format (based on the ‘essential questions’ and protocol provided in the report), this could have helped to frame and concretise the EGM discussions in view of allowing for better engagement with the analysis and conclusions offered in the paper. A further gap is the absence of a typology of different policy approaches to informal land rights and settlement at national level – such a typology would be essential to help organise and analyse the material and also for developing national context-responsive proposals for the way forward.

The paper includes a useful distillation of general principles and values underlying the existing frameworks; and a number of promising questions for discussion. It will no doubt prompt some fascinating and challenging inputs, debates and new insights during the EGM. The EGM has brought together a range of skills and experience in one room. The discussions should assist the task of organising the available information, filling some of the many gaps that invariably exist in this huge field, refining the analysis and considering the conclusions with the view of drawing up a list of recommendations.

He argued that the problem statement and underlying argument of the paper do not work well together; and that the underlying argument of the paper is itself difficult to follow. In discussing and trying to fix this, five pertinent points are worth re-affirming and incorporating the following:

I. It is correct for the authors to reflect on the relationship between human rights and the enormous and complex challenges of urban management. We need to understand and clearly state the problems faced by national and local authorities in trying to meet those challenges. But in doing this it has to be clear that the obligation to respect, protect and fulfil the basic human rights of the urban population, and particular of those of the poor and marginalised, remains one of those challenges. This obligation is not contrary or counterproductive to the imperatives of human development; instead it needs to be deeply integrated with them. It therefore needs to be built into laws, policies and programmes at national, district and city level. It also needs to be built into urban upgrading and relocation policy and programmes. The Relocation and Resettlement Manual produced by the Institute for Housing and Development Studies in 1993 emphasised that

“The most important factor influencing relocation and resettlement is the policy, legal and institutional framework that exists in a country, and the attitude towards using it”.
(1993:4)

The usefulness and function of international and national human rights standards and instruments may seem unclear in transformative situations where the national frameworks have been well developed and are being consistently implemented through functioning institutions. However, in those many situations where this is not the case, those same standards can serve as a valuable reference point for individuals and communities finding themselves at the mercy of anti-poor development initiatives. Pressure to have them integrated into domestic legal systems and effectively administered by the relevant institutional bodies are an essential component of urban development.

II. Costs are often used as an excuse for taking shortcuts on human rights in the context of development projects. We need to be very wary of this argument. As the excellent body of anthropological and other research into displacement and resettlement has shown, the costs of the process do not disappear; they are simply **passed on to others**. Cernea and Schmidt-Soltau have argued, in the context of establishment of protected areas in Central Africa:

“Government officials sometimes openly argue that the costs of resettling park inhabitants according to socially sound guidelines will be too high. This is a revealing argument, as it justifies in itself and perpetuates the naked practice of externalising the cost of park creation on one of the poorest segments of the developing societies. This is unacceptable on all grounds – economic, moral and ecological.” (2006:1825)

III. We need to constantly remind ourselves of the *challenging institutional environment of government* in the present era. The IHS Manual referred to above warned:

“Fundamentally, the public sector is, or should be, concerned with the best solution for the city and its citizens as a whole. The current trends of privatisation and partnerships can blur the difference between public and private objectives. It is very important that the public sector maintains its role of protecting and supporting its citizens” (1993:4)

This is a crucial, recurring theme. On the one hand such partnerships offer scope for genuinely beneficial projects with broad impact. On the other, there are some grave dangers when the roles do get blurred. Clark (citing Barutciski) has remarked on the fact that development-induced evictions by definition occur “in the name of an ostensibly greater economic good”, while the relevant government has a dual role and with it a potential conflict of interest. She sees this as problematic:

- The same “government which is responsible for the displacement is responsible for ensuring the protection of the displaced population”.
 - “In this local/national/international context, a great imbalance of power exists between the various parties”.
 - “In such situations, it is insufficient to rely on the legal fiction that the nation-state speaks for and represents the interests of its citizens”.
- (2009: 183-184, 193)

IV. The impact of forced displacement must not be underestimated. It can be catastrophic for those affected.

- “Displacement involves expropriation and assets dispossession. It de-capitalises the affected population, imposing opportunity costs in the forms of lost natural capital, lost man-made physical capital, lost human capital, and lost social capital.” (Cernea, 2008:5-6)
- “The labyrinth of broken communities, broken families and broken lives remains beyond numerical calculation.” (Mathur, 1995:2)

To make things worse, resettlement and rehabilitation efforts in the wake of enforced displacements have a very poor track record. While there have been some success stories, this is the exception not the rule. As Cernea notes:

“The considerably expanded research in the anthropology of resettlement has convergently concluded that the *dominant outcome* of displacement is not income restoration but impoverishment. The accumulated evidence is overwhelming, and it converges in many countries in Asia, Latin America, and Africa.” (2009:50)

V. It is indeed difficult to implement the international legal requirement that forced evictions should **only happen in truly exceptional circumstances**, and even then only after due consultation and consideration of all available alternatives. However, there simply is no other way. From the research done on development-induced forced displacement, and in spite of resistance to this idea, there is little to no doubt that feasibility should be clarified and tested at the outset, and that determining the true impact on the people to be moved and the actual costs of mitigating all risks should be part of this.

“Exposing large numbers of people to grave impoverishment risks places the obligation on the shoulders of park promoters to examine those risks in detail, ahead of time and one by one, and to responsibly counter-act them with feasible risk-prevention and risk-mitigation integrated measures”. (Cernea and Schmidt-Soltau: 1818)

The affected people should be actively involved from the outset, while the onus should be on the relevant authorities to prove that exceptional circumstances indeed do apply. Naturally, this can include arguments on the grounds of overriding public interest. Such public interest should, as the background paper indicates, be genuine, proven and *bona fide*. This question too should be the subject of a publicly accountable and transparent process, undertaken prior to the decision that people need to be moved and resettled.

As a preliminary response to the inputs by the discussants, **Maartje van Eerd** said that they contained many useful contributions. It was correct that there was too much information but at the same time many gaps. She agreed with the need to introduce a typology to help organise the information. She also agreed that the gender issue is very important; they had in fact included text on this in previous drafts and also had good case study information. She took note of the points about ‘legal’ vs. ‘illegal’ forced evictions, as well as the need to emphasise dynamics and trends over time. There was good information on this coming up from the case studies.

Initial questions and comments

Prior to the lunch break, some time was given for initial questions and comments from the participants. These were:

- Eviction is a symptom of past government failures. Given accelerated growth and development, we need to address those failures now; otherwise there will be many more evictions. There are three key areas needing to be addressed: lack of settlement planning, inadequate physical planning, and lack of governance in land administration. If these are not addressed we will be back here in ten years discussing the same problems. We need to raise this as a chapeau in the introduction to the paper, or in the conclusion.
- Both the report presentation and the discussant inputs were very rich in content. Inputs from the discussants included two sets of issues: substance and content on the one hand, and strategy for the way forward on the other. It may be a good idea to separate these out in the coming EGM sessions.
- It is important for the study to be more clearly focussed. There is so much to be said e.g. on the topic of expropriation, but not all of it is relevant to the purpose of the paper. We need to see the issues through the specific lens of the problem of forced evictions, to avoid going too broad in the analysis.
- There are no natural causes for evictions. All evictions are caused by humans in response to real or perceived benefits or threats. So the terminology on this should be clearer. We also need to analyse what our cities are, or have become. We are no longer

citizens of our own cities. We have become just consumers. This is why evictions happen. The report needs to reflect more voices – in particular the voices of communities and social movements. We need to move beyond the parameters of human rights, need to innovate and bring something new. Social movements can bring us a lot that is new. They can help to develop innovations of a new concept of the city. We should be using what is new, and help to give voice to the people.

In conclusion, the moderator indicated that the meeting should concentrate on the substantive issues raised in the afternoon session, and move on to discussing strategies on Day 2.

WORK SESSION 3: IDENTIFICATION OF GAPS AND NECESSARY IMPROVEMENTS OF THE SCOPING PAPER

Moderated by Bahram Ghazi (OHCHR)

The afternoon was devoted to comments and discussion of the paper and the contributions of the discussants. These are given below, in summarised format, organised under thematic headings:

DEFINITIONS / GLOSSARY / KEY CONCEPTS

- There are a number of problems under the definitions with regard to legal issues. Almost all of the definitions of legal concepts given are problematic. Need to incorporate a more critical legal understanding of the key issues. Consultation with legal experts is needed. This is all important as it affects the analysis, conclusions and recommendations. The technical definitions will benefit from annotation to assist a broader readership to understand.
- To assist with definitions it would be worth referring to existing glossaries, which can be accessed through a literature review and contacting relevant organisations.
- Care should be taken with regard to the definition of contentious terms. Particular attention should be paid to the distinction between eviction and displacement. The term ‘eviction’ specifically implies a victim and a human eviction agency; it also implicitly refers to an existing normative, human rights framework. Displacement is more general and may include both human and natural agency. Displacement as used in the document should therefore be more clearly defined and carefully used.
- Certain research and institutional communities shy away from using the word “eviction”, even when talking of processes which would fit the definition. Care should be taken to clarify what is meant and where overlaps exist, while at the same time not inadvertently alienating relevant target audience/s. Where possible, common terminology should be identified or developed. Where not, differences should be indicated and explained. It is important to find some common language so we can understand each other. In particular, ways should be found to introduce the human rights framework to key actors, including national and local governments, and financial institutions.
- GLTN has experience in working with many different organisations with divergent perspectives and operational definitions. A way to deal with this is to reflect and comment on the different view and definitions, indicating common ground where it exists but never trying to force consensus.
- The concept of the right to compensation needs attention. It entails a shift from ‘the right to a thing’ to ‘the right to the value of the thing’. From what point do people start having that right, and how is the value determined?

- We should move from passive to active voice. Where applicable, our language should refer to gross violations, perpetrators and victims, rights and obligations, and reparations.

LINE OF ARGUMENT

- There are problems with the framing of the argument in the report. This is linked to shortcomings of the problem statement. An example is the assumption that the exceptional circumstances requirement is not practical. This should be removed.
- Linked to this there are problems with the notion that evicted communities could “perhaps even share in the benefits of such projects in the future” (p.10). The report should be more assertive on this and related issues. Research has shown that development projects almost always fail to factor in the true costs of resettlement, causing impoverishment. Need to emphasize that in redevelopment projects, benefits are always overstated and cost greatly understated. Determination of public interest and compensation will not be well thought out if done at a later stage. To counter the dangers there should be an assertive argument for redressing of the power imbalance that exists in negotiations, and a case should be made for inclusion of the affected communities from the outset in decision-making and for a requirement of “free, pre-informed consent”. (See World Commission on Dams and Extractive Industries reviews.)
- The report should argue for a more integrated land and housing framework, so that these issues are not artificially separated out. The connections between land and housing are fundamental.
- There is no clear-cut line between ‘rural’ and ‘urban’ given inter-connected social and economic processes. In addition, very significant processes play out in ‘peri-urban’ areas. This should be pointed out in the definitions and carried through into the argument and analysis.
- The conclusions are a bit ‘shy’. They should be much more assertive and energetic.

NEED FOR TYPOLOGY

- The paper lacks a typology of displacement. Following the typological approach would allow for better organisation of information, a clearer line of argument, and more distinct and focussed conclusions and recommendations.
- There is a dilemma, how to link the particular (national frameworks) to the general (international frameworks). Referring to a typology of different national policy approaches and practices with regard to human settlements and tenure rights would be useful. An example was provided by a reviewer in comments on an earlier draft. This will enable the report to account for repressive responses as well as contradictory systems (including the Rwanda case, where they have a national eviction law but no valuation law) and could lay the foundation for typology-specific proposals.
- The question of typology came up repeatedly during the discussions, because without this it will be impossible to find your way in the text given the volume of information and the variety of cases referred to. Reference to a typology / typologies can help us understand the diversity of cases, to understand the dynamics, and also to allow us to make policy proposals. It will also help with organising the underlying argument of the paper. In short, typology is essential to clarify matters, otherwise we get lost.

INTERNATIONAL GUIDELINES AND PRACTICES

- There have been a number of recent improvements to the policies of the Inter-American Development Bank, to be incorporated into resettlement planning processes. Resettlement policy is used in combination with policies on environmental and indigenous peoples. Gender issues are also specifically included.
- Non-international financial institutions that fund projects which propose resettlement are important and should be identified, researched and pressured to incorporate international law principles, the Special Rapporteur's Guidelines etc. in their policies and regulations. (An example would be the Kuwait Development Fund, which is involved in the Lyari Expressway project in Pakistan).
- It is important to use the Special Rapporteur's Guidelines and other international instruments as reference points in an effort to push for improvement of the policies and practices of the major financial institutions. Also look beyond the international financing institutions to others, e.g. the Kuwait Development Fund (Lyari Expressway), Islamic Investment Bank? It is also necessary to look at the requirements of other influential belief systems and forms of law, in particular Islamic law.
- Guidelines on their own are not sufficient. The paper should incorporate information from social movements (e.g. in Brazil) and NGOs who have critiqued existing policies and practices. They have practical experience on what the key questions are and so could add value to the report. The role of such movements in exposing problems and demanding compliance should be elaborated in more detail. Also, governments cannot be trusted to collect the necessary information. They have a vested interest in reducing responsibilities and costs. Civil society and the affected groups in particular should be involved. The report should take note on work done on participatory and community driven enumeration practices. This is a powerful practical tool of people collecting and verifying information about their own settlements.
- More attention should be paid to the Special Rapporteur's guidelines. Outline these in detail, analyse, note advances, and compare with other guidelines. State any gaps or failings. Refer to and discuss the role and value of eviction impact assessments, as explicitly recommended in the guidelines. Make recommendations in this regard.
- A huge problem with guidelines is how to move from theory to practice. Important steps towards practical application are: dissemination; incorporation into national laws and policies; and civil society mobilisation. Very few cases of practical application of the Special Rapporteur's guidelines have been found. There seems to be widespread ignorance even of the idea of housing and land rights.

NATIONAL / LOCAL CONTEXT

- The need for attention to the national legal frameworks cannot be stressed enough. It is the nature of the national legal system that determines how dispossession can occur. Also need to ask: How is compensation calculated? What is included in the formula? Who decides? Are the courts involved? Also the role of legal institutions in the process. What does it take for international law to be incorporated into national law? Note should also be taken of the distinction between what is legal and what is also fair and just. This point is lost on many members of the Judiciary and legal profession.
- Many countries lack a level playing field on valuation criteria and processes, and as a result private owners can demand exorbitant 'market related' compensation for land that is un-used and has little social use value. As a result, also, formal title holders are in many cases the only category that gets compensated, while holders of 'lesser' tenure and occupation rights suffer enormous losses as result of evictions.

- Need to address the governments' failures that are happening right now: three main causes (lack of land planning strategy, weak physical capacity, weak governance in land administration and regulation). This should be in the introduction: not just addressing past failures, but the future. Some reference needed of the implication of not acting on this.
- The relevance of country context should be part of the analysis. If there is no enforcer, it does not help what laws you have. Enforcement is problematic, especially at local government level. We are often told by politicians and officials that "the law is just a guideline". Need to find out how effective these laws have been under different policy regimes. How do you get the politicians and government to take the issues seriously? The laws and legal process might work for the middle and upper classes, but not for the poor. If the politicians will not read a ten page document, how will you get them to take the issues seriously? Even the judges won't take the trouble to read the documents. Most of the rules and frameworks are not being used properly. There is no respect for them. A case study should be used to illustrate this (Nigeria, Ghana, Cambodia?).
- The prevailing land tenure system under which people have little choice but to occupy vacant land is crucially important. In such situations (e.g. Ghana), citing international law has had no effect, even if the country has ratified and signed the relevant instruments. We are told those are 'simply guidelines'. The question arises: how does one define 'public' and what is 'the public interest'? And how does one ensure enforcement by a reluctant government?
- A sharp rural vs. urban distinction is too simplistic, as they are interlinked, with unique pressures where they meet, in 'peri-urban' areas. There are big differences between types of cities, and also between cities and towns. There are also marked differences between countries – for example the situation in Brazil is in many ways quite unique. There are also different types of land tenure and land administration regimes. One does not want to develop too complex a typology, though noting the main distinctions is important, particularly with reference to the case studies.

CASE STUDIES

- Aside from a few extracts, the cases studies were not made available to EGM participants. This made it difficult to follow the argument and analysis.
- The case studies should be selected, scrutinised and edited according to direct relevance to the subject of the report. Those not relevant should be removed.

GAPS AND ERRORS

- Gender is a critical issue with regard to evictions, expropriation and compensation. It warrants special attention and incorporation into the analysis. Attention needs to be given to other vulnerable groups: children, indigenous communities, tenants.
- There is no mention of the legal status of customary tenure systems, which affects millions of people (and not only in rural areas). Reference is needed to the relevance and validity of customary law and UN standards on the rights of indigenous peoples.
- There are gaps and factual errors in the descriptions of World Bank / IFC policies and frameworks which need correction/updating in accordance with recent revisions. There is confusion in the description of Inspection Panel problems and procedures.
- State-sponsored (or tolerated) land grabbing should be given more attention, for example in Kenya, Cambodia, etc. A distinction should be made between land grabbing by the rich and poor people settling on available land in desperation. Even if

illegal in terms of national law, there is a significant difference. The former surely warrants eviction. This apparent contradiction should be put in context and analysed.

- The list of key international NGOs working on monitoring guidelines and practices related to evictions, expropriations and compensation is incomplete.

CONCLUSIONS / RECOMMENDATIONS

- The conclusions as given are only the beginning; they need further work.
- While points for further discussion are given, there are no recommendations as required by the ToR.
- From the perspective of GLTN, it is important that lessons drawn from the analysis should include work to be done including specific activities that GLTN partners could become involved in. Recommendations should therefore have a practical focus: what has to be done and who should be involved?
- The EGM needs to identify guidelines and tools, and to make recommendations on how these can be integrated into the professional arena (for example through training, conscientisation, etc.).
- We need a clear sense of what tools already exist; how well are they working; how do they complement each other; can they be improved; can their use be scaled up; are any new tools needed?
- It would be useful to identify the blockages to dissemination and broad application. These include lack of political will, not only in governments but also within the UN. We need to investigate and confront actual practice.
- One way to use guidelines is through specific targeting, for example to individual progressive ministers or government officials. However, voluntary acceptance by individuals happens at an isolated and insulated level. To make them effective, we need high-level, official endorsement or adoption. Pressure from civil society to achieve this is indispensable. Need to bring together all the sources of power and logic and influence. There is a need for recommendations on the process by which this can be achieved.
- Are we proposing the formulation of new guidelines or to work with what exists? This question was discussed at length. A case was made by some participants for using and building on what exists. The approach should be wide dissemination of the guidelines, and concerted pressure on political actors to endorse and implement them. The approach could be followed at both international and national (and local) levels. It was pointed out that the triggers for compelling actors to follow rules would be different in different situations and so a combination of strategies would be required. Some successes using this approach were noted, including in the arena of customary rights, where many initially unwilling governments were brought round to recognising them in negotiations on proposed relocations. The possibility was posed of bringing together the best parts of existing guidelines into a new document and finding ways to get this endorsed at the highest international level. One problem with the Special Rapporteur's Guidelines was that it lacked campaign support by NGOs, financial institutions and others and so was never elevated to a higher level. Those lessons should be learnt for future reference and initiatives. There is a chance to succeed if we are committed and organised. We need to learn from successful cases, analyse and build the ingredients into a framework.

PROCEEDINGS ON DAY 2, SATURDAY 19 MARCH 2010

SUMMARY OF DAY 1

The workshop rapporteur **Jean du Plessis** presented his reflections on the first day's proceedings, as follows:

General comments

Day 1 was a day of:

- Rich and diverse inputs
- Many excellent contributions
- Clear scope for ongoing collaboration
- Quite a few remaining drafting challenges for authors
- Not all participants were talking to the same text (due to late arrival of final draft)
- Some of the suggestions made were going beyond the ToR
- Valuable sharing of ideas, but some of us are still struggling to break out of our institutional / professional silos.

In summary, good progress was made, but we are still some way off from achieving objectives 3-5 of the meeting

Summary of discussion of the report

A need to (re)organise the information:

1. The topic covers a huge area, of many levels, with uneven information, which is difficult to navigate
2. There is a need to (re)organise the information
3. There is a need for clearer line of argument built on refined problem statement; - use to frame analysis and as basis for recommendations
4. Essential tools / steps to achieve this include:
 - Clearer definitions
 - Typology of displacement
 - Typology of policy approaches to tenure security, informality and evictions
 - Present range of examples of national-level frameworks (level of compliance with key norms and standards; level of institutional capacity to implement; level of political will to implement)
 - Organise cases to allow for comparison. Prioritise those cases that reflect the extent of national-level framework compliance with international standards, institutional ability to implement, and level of political will

Definitions and terminology:

Issues raised included:

- Need to check technical (including legal) aspects
- Note linkages between key terms and concepts
- Reflect normative aspects / framework
- Where there is strong disagreement or debate on interpretation, reflect this
- Pay attention to eviction / displacement overlap to promote inclusion of key communities.

Problem statement

- Needs to be refined
- Clearer definition of focus
- Should reflect normative framework

Other

- Indicate key dynamics and trends over time
- Make clear that evictions / displacement are symptoms of broader systemic problems (e.g. patterns of exclusion, market driven development, tenure security crisis, absence of sound land administration / management etc.). This cannot be solved in isolation, without those issues being addressed.
- Gaps and errors in frameworks presented. Also need better reflection of framework trends over time – improvement of some, regression of others.
- Stronger emphasis on validity of range of tenure options / resist priority treatment for freehold title
- Need to reflect the extent of evictions / displacement problem
- Stronger information needed on effects on women and marginalised groups
- Revise analysis of exceptional circumstances requirement
- Introduce concept of Free, Prior, Informed Consent
- Advance assessment of impact of evictions – link with Evictions Impact Assessment project
- Involvement of affected people in project feasibility negotiations
- Etc.

Summary of discussion of the way forward

The issue of the way forward came up in different ways in the course of the day. There was a variety of ideas including ways in which to promote existing guidelines at international, national and local levels. There was some debate on whether new guidelines are needed. The role of civil society pressure was discussed. Idea of development of specific tools was also raised. There is great potential for the involvement of GLTN.

Conclusions

The discussions are important to help us achieve the objectives of workshop, and on Day 2 we should be given sufficient time and a well-facilitated discussion. In the course of the coming day we should focus on what is urgent, essential and possible.

WORK SESSION 4: PRESENTATION OF RELATED INITIATIVES

Moderated by Claudio Acioly, UN-HABITAT

Raquel Rolnik, Special Rapporteur on Adequate Housing, spoke about the number of complaints about evictions she regularly receives. Her approach to her mandate has not focused on developing further normative frameworks. Instead, her priority has been to get relevant information to both housing professionals and the people affected by housing rights violations and forced evictions. Thus she set two goals for herself:

- To convince the housing professional community about the importance of housing rights and to show them that it is possible to integrate this into their work.

- To develop user-friendly materials that can be used by them to explain the standards and how they can and should be used.

Her outputs have included:

- establishing a website: <http://www.righttohousing.org>
- production of leaflets on housing rights in numerous languages
- production of a user-friendly version of the Special Rapporteur's Guidelines, entitled "How to deal with projects that involve forced evictions and displacement?" (http://issuu.com/unhousing/docs/guide_forced_eviction)
- holding several information workshops (so far only in Brazil).

To assist her in her work in promoting the existing guidelines and instruments she urgently needs information on actual cases where they have been used. Examples would be very useful, including information on implemented projects, lessons learnt, etc. She hoped to target civil society, NGOs, key institutions (including financial institutions) and all levels of government (particularly local government).

Cristiano Muller, Centre on Housing Rights and Evictions-COHRE (Americas Programme), made a presentation on COHRE's work on facing forced evictions in Brazil. This work has included:

- advocacy directed at the Ministry of the Cities and the Ministry of Justice
- strategic litigation for implementation of the Statute of the City
- a focus on mega events in Brazil (Olympics and World Cup) using international standards, impact evaluation, eviction prevention, etc.

The strategic litigation to promote implementation of the Statute of the City example (the case of São Pedro's Slum) included the following steps:

- Occupation of a public area in Porto Alegre with around 250 families living in front of a Shopping Center since 1960.
- In 2005 the community sued the state government to treat them according the Statue of the City.
- In 2008 a process of negotiations with the state.
- In 2010 signing of a "concession of uses" agreement on 26 March.

Julien Custot, Food and Agriculture Organisation (FAO), discussed the FAO publication "Compulsory acquisition of land and compensation" (published as no.10 of their Land Tenure Studies Series), covering six issues:

- Pressure on land
- Basic requirements
- Framework, capacities and governance
- Getting the appropriate framework in place
- Building capacities
- Addressing governance issues.

Four basic requirements are proposed for a compulsory land acquisition and compensation framework:

- Equivalence
- Balance
- Flexibility
- Fairness and transparency.

The presenter noted that corruption can present huge problems for application of such a framework. He also spoke about problems they had experienced in translation of concepts and definitions, and said that it is essential to keep all definitions as uncomplicated as possible. This FAO publication is extensively quoted in the IHS Scoping Study Paper.

Joseph Schechla, Habitat International Coalition - Housing and Land Rights Network (HIC-HLRN), presented work in progress on attempts to quantify costs and losses as a result of the construction of the West Bank Wall in the Occupied Palestinian Territory. He used this case to illustrate specific methodological issues relevant to the subject of the EGM. He explained the historical background and the legal basis for intervention. Forced eviction such as that induced by the wall amounts to a “gross human rights violation” which can only be remedied by full reparation for all damages caused. He analysed and critiqued the current UN intervention, which is resulting in a serious under-estimation of damages and also the exclusion of a significant segment of the affected population. He also reported on ongoing work being done by HIC-HLRN and their local partners to try to expand the parameters of the process, including:

- Coordination with Members of the Palestinian National Committee on the Register of Damage
- Offering technical (methodological) assistance to the United Nations Register of Damage Caused by Construction of the Wall in the Occupied Palestinian Territory (UNRoD)
- Proposing a joint concept paper on alternatives
- Applying an iteration of the HIC-HLRN “Loss Matrix” (revised 2009 consistent with Special Rapporteur’s “Basic Principles and Guidelines on Development-based Evictions and Displacement” 2007)

He indicated that the role of civil society and NGOs is crucial in exposing and countering systematic undercounting of the costs of evictions to the affected communities. He noted that the task of assessing full damages is complex and resource intensive.

Josephine Castillo, Huairou Commission / DAMPA, shared the experiences of DAMPA on eviction and compensation in the Philippines. After sketching the urban poor situation in the country and the current guidelines via existing law, she described three community driven tools against eviction and two key approaches that have produced success. She emphasised the importance of localising the application and enforcement of guidelines, and the critical role of communities and in particular women in these processes. Her presentation included specific DAMPA recommendations to improve existing guidelines on eviction:

- Community driven strategies must be supported and take the forefront in fighting evictions.
- Prosecute all those who commit forced eviction either through the court or other government agencies
- Establish an independent body that has the power to ensure compliance with domestic and international laws against forced eviction including the power to suspend or stop forced eviction.
- Governments need sensitisation on housing and land rights

Also included were five recommendations on resettlement guidelines:

- Resettlement should be community driven! People must be leading the planning and design of resettlement sites. People alternative for resettlement plan must be addressed by the implementing agencies.
- All evicted families must be relocated. Government should prepare resettlement sites before the people arrive. Sites must have complete facilities and basic services.

- People must not be harassed to move before that.
- Government should ask foreign funding agencies to include the cost of relocation and livelihoods to loans allotted for infrastructure.
- Government should try to implement on-site development, through proclamation, expropriation, direct purchase, land sharing, etc.

Marisa Teixeira of the Inter-American Development Bank (IADB) presented the Involuntary Resettlement Policy (OP-710) of the IADB, which includes the following key principles:

- Ensure community participation;
- Define criteria for compensation;
- Provide compensation with community-based discussion;
- Address gender issues;
- Provide economic opportunities for the displaced population;
- Provide an acceptable level of housing and services;
- Address security issues;
- Include resettlement cost in overall project cost;
- Establish independent monitoring and arbitration procedures.

She discussed the process of implementation with some examples and reflections on what works well with the policy, as well as some of the challenges. Her suggestions for improvement of the policy:

- Support Local Government specialists and improve their involuntary resettlement capacity;
- Improve community participation in planning and choosing services for themselves (not just the houses);
- Work on chronograms to be compatible for resettlement and the major construction and infrastructure works.

Christian Lambrechts, United Nations Environment Programme (UNEP)/Technical Adviser to the Office of the Prime Minister of Kenya on the Mau forest restoration programme, presented “The Question of Settlements in the Restoration of the Mau Forests Complex”. After sketching the complex history of the situation and listing challenges faced, he described step-by-step the government’s strategy towards finding a resolution, including the launching of a multi-stakeholder task force and a process of joint assessment and attempts at consensus-building on the way forward. The process of addressing settlement issues is to be tailored around three settler types:

- Forest dwellers with indigenous right to their ancestral land: Establishment of a Committee on Ogiek Matters to establish an Ogiek register and develop the resettlement plan for the Ogiek.
- Settlers with land ownership documents: Establishment of a Committee of Legal Experts to assess the validity of titles deeds or other documents; establish the eligibility for compensation / resettlement; and determine the level of compensation.
- Encroachers with no documents: Eviction with provision of livelihood support.

He emphasised the importance of addressing root causes in this situation:

- National land use planning should be developed towards guiding land management;
- The Ministry of Lands should enforce the provisions of the Physical Planning Act with regard to the provision of public facilities to reduce pressure on, and ensure conservation of, the gazetted forest reserves;

- Land registries management system should be computerized and linked to an accessible central database;
- Land control board members should be persons of high integrity, vetted and their expenses should be covered; and,
- Existing laws and regulations should be fully implemented to ensure that environmental conservation is taken into consideration in land registration, administration and management, country-wide.

Michael Cernea, independent expert, presented the Impoverishment Risks and Reconstruction Model for Population Resettlement (IRR). The IRR model is a conceptual and methodological tool apt to perform several essential functions in support of analytical and operational development work. He said that the model strives to un-bundle the concept of impoverishment so that its constituent factors can be addressed directly and explicitly. It exposes attempts to externalise and impose development costs onto affected populations, and so puts the onus on the implementers to remedy the full and real cost of resettlement. It is built on a large body of existing research, identified commonalities indicating the eight fundamental risk areas of displacement.

1. Landlessness
2. Joblessness
3. Homelessness
4. Marginalisation
5. Food insecurity
6. Increased morbidity
7. Loss of access to common property resources
8. Community disarticulation.

He said that the model does not only identify risks. It is also aimed at risk reversal and reconstruction through preventative counteractions and to this end deconstructs the process of resettlement and reconstruction into a complementary set of eight definable risks-reversal activities.

He warned against reliance on the compensation concept in developing frameworks and strategies. Research has shown that the concept is inadequate as it inevitably involves an underestimation of the true cost of rehabilitation. Reliance on “compensation, no more, no less”, would “take us back more than ten years” in terms of policy, framework and guideline development.

Discussion after presentations

- Does the jurisdiction of the Special Rapporteur for Adequate Housing extend to land? Strictly speaking, no, as there is no precise human right related to land. So formally her mandate does not cover it, but of course land is invariably involved with housing. The Special Rapporteur has slowly tried to explore the issue in the context of the overall normative framework (which mentions tenure security, right to livelihood, etc.). The scope for this was (inadvertently) broadened in 2000 with the confirmation of the mandate. When we speak of housing, land is assumed as included.
- Has the Special Rapporteur established sufficient communication with the social science research community? There is a great deal of very important research underway, and more to be done, so there is a potential for synergy in this area. It has to be clear that the Special Rapporteur is one person working in an unpaid, voluntary

capacity, with limited administrative assistance given by the UN and funds for two missions per annum only and one annual presentation in Geneva one in New York. So resources are very limited. The Rapporteur doesn't even have the time to review all the literature. This is one of the reasons why the Special Rapporteur must not be seen as an agency. But whenever she gets access to materials, the sources are mentioned. It needs to be worked out how to connect existing instruments with the right institutions and people.

- Displacement through construction of military facilities (in both times of war and peace) is a very important area that needs more attention. Also, displacement in the name of 'national security' needs to be prominently mentioned in the report.
- It is very important for the human rights framework to be introduced into the work of all relevant government departments and institutions. We should avoid the formation of separate 'departments of human rights', similar to 'departments of gender', as this is a sure way to get sidelined.
- The FAO research process involved many actors including academics and social scientists. Maybe there should be more – listing the key people that ought to be involved. There may be a gap with regard to the social science community specifically involved in displacement research. The FAO initiative was a first shot, with much room for expansion and involvement of more people. There is also a gap with regard to urban areas in the FAO work.
- More focus is needed on due diligence processes prior to a decision to relocate people. This is the phase during which genuine public interest and 'exceptional circumstances' have to be proven, negotiations on alternatives should take place, and remedial strategies that will ensure full rehabilitation need to be developed. If attempted later, failure and impoverishment are highly likely.
- It is very important to find ways to educate those politicians and officials involved in proposing resettlement of people, as well as the implementers themselves, as they often do not understand the implications of what they are proposing, nor the human rights dimensions of what they are implementing.

WORK SESSION 5: THE WAY FORWARD

Moderated by Clarissa Augustinus, UN-HABITAT

The session commenced with three brief inputs on other developments that were relevant to the EGM discussions:

Billy Cobbett of Cities Alliance spoke about the series "Quick Guides for Policy Makers on Housing the Poor in African Cities" which is currently being developed by UN-HABITAT with funding from the Cities Alliance. Initially developed for the Asian context by UN-HABITAT and UNESCAP with the Asian Coalition for Housing Rights (ACHR), this is an adaptation for the African context. The Quick Guides are regarded as very useful, with a clear and punchy presentation of a vital set of issues related to urbanisation, housing and urban management. The series covers the following eight themes:

- 1: URBANIZATION: The role the poor play in urban development.
- 2: LOW-INCOME HOUSING: Approaches to help the urban poor find adequate accommodation (approaches to low-income housing)
- 3: LAND: A crucial element in housing the urban poor
- 4: EVICTION: Alternatives to the whole-scale destruction of urban poor communities

- 5: AFFORDABLE 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 GOVERNANCE: What policies should local government adopt and implement to facilitate inclusive, citywide approaches?

The Quick Guide on alternatives to forced eviction is of particular relevance to this EGM. It is intended to promote the dissemination and use of the series by urban policymakers and managers.

Jean du Plessis, independent expert, informed the meeting about a parallel research project into Eviction Impact Assessments commissioned by UN-HABITAT, which is aimed at:

- Documenting progress made in developing and applying eviction impact assessment methodologies
- Assessing the functionality, usefulness and impact of these methodologies
- Developing recommendations on how to make an EvIA toolkit available to governments and other stakeholders.

A paper on this would be circulated in due course to EGM participants for comment and further discussions.

Rasmus Precht, UN-HABITAT, made a presentation on a pending, illegal eviction case that illustrated the complex multiple layers of procedures, processes and institutions that often underlie such land grabbing cases.

Without naming the city and country, he described the scenario of a public dilapidated, unfenced park with a growing squatter settlement in it. The plot was officially ‘public land’ that was given by the central government to the municipality under a 99 year lease. When a private company initiated a court case against the Municipal Council, seeking a court order to restrain the Council from interfering with the disputed plot, the public became aware that a private developer had acquired the land and was going to evict the squatters to develop luxury apartments. The company requested the Council to demolish all structures on the plot. As a result, protests by the squatters and other concerned citizens erupted in the city. A private investigation was launched into the change of ownership over time. The methodological approach of the investigators was to visit all relevant actors and institutions, to systematically obtain information.

In the **Town Planning Office**, they found that the internal investigation report had disappeared. The original file related to the plot was missing from the **Lands Office**, but they managed to obtain a copy of the ‘plot card’ which shows all transactions pertaining to the land right. It showed the transfer from the Municipal Council to the private company. At the **City Law Court**, the **Town Clerk** made an affidavit that the land never changed hands, and if it did nevertheless then it must have had happened fraudulently. The private company was not registered with the **Registrar of Companies**. Further investigation revealed that the Municipal Council had transferred the plot to three private individuals as an “exchange” (no money involved). 43 days later, the three individuals sold the plot for the equivalent of USD 30,000 to a private company. The managing director of that company happened to be one of the three sellers. The low amount was indicated to “avoid paying stamp duty”. The real value of the plot was estimated at USD 3 million. The Registrar who handled the transaction was transferred to another duty station...

Rasmus Precht concluded that in order to prevent forced evictions, it was crucial to understand the underlying processes and intervene already during the phases that precede the moment when the forced evictions is announced. Such a preventive approach requires a well functioning, transparent land administration. If this is not in place, a key measure for preventing evictions should be to build such an administration with all the necessary tools. This could then function as an early warning system.

The presentation was followed by a discussion of the way forward.

Way forward

1. Background Paper:

It was clear from the reviews and discussions that the paper prepared by IHS needs a number of improvements and corrections. While it would not be possible to incorporate everything suggested during the EGM, it should be completed in accordance with the prescribed terms of reference. A number of key revisions were suggested in the course of the EGM, such as the need to rewrite sections on the international financial institutions; revision of the conceptualisation and analysis of compensation on the basis of recent empirical findings; better integration of the human rights framework into the analysis; specific reference to women's issues such as the impact of evictions on women, the need for provision of basic services, safety issues; etc.

The way forward on the completion of the background paper is as follows:

- IHS to improve and complete the paper incorporating EGM recommendations and in accordance with the prescribed ToR.
 - * Note: EGM members are available to IHS team for email consultations on queries and for assistance with e.g. glossary development
- UN-HABITAT to share the paper with EGM participants for comments.
- Final response by the three reviewers.

2. Follow-up activities:

In conclusion, a number of possible follow-up actions were discussed.

- There is a clear need to **identify, assess and improve existing tools**. To do this, it is important to identify existing good practices and successes and build on those. This would include advances in international frameworks and guidelines; good national-level frameworks, laws, policies and programmes; and successful community-driven resettlement initiatives and/or alternatives to eviction. The extent to which **gender** issues and concerns are incorporated into these practices should be indicated and regarded as a priority. In areas where good practice cases do not exist, these should be encouraged or initiated through **tool development and pilot projects**. The aim is to put together a set of tools related to evictions, resettlement and development of alternatives that incorporate both the human **rights framework and good practice lessons** from existing projects, guidelines and research.
- We need to promote the above to governments and institutions as a set of professional tools that is essential for project success, as a way to 'get ahead of the curve' indicated by present trends. We therefore need to develop a **communication strategy** to convey the message. This should include information sessions and training programmes for policymakers and implementers, for example arranging round table events when institutions have meetings.
- It is important to move beyond 'guilt and blame' messaging, to the **offering of alternatives that make sense to policymakers**. We need to:

- Develop a set of likely future scenarios – indicate what will happen if we proceed with our current approach.
- Point out that eviction is a symptom of a broader set of challenges and explain the implications of this.
- Clarify the reasons and forces behind informal settlement processes. Explain the (very rational) reasons why people take the risks to settle where they do.
- Make clear that solutions have to be linked to a **revised model of land use, planning legislation, land management and land rights registration**. People simply don't have anywhere else to go.
- Propose and promote alternative, proactive approaches to dealing with the issue.
- Motivate on this basis for changes to policy direction.
- Amongst our target audiences, we should recognise that **getting through to local government** is absolutely essential. We should be talking in particular to mayors – directly – and their city managers. We need to address the relevant guidelines to them, because the message coming from the mayor's office can be vital. At the moment, we are not reaching through to this level at all. Working with UCLG would be a good approach to identify the needed messages and tools.
- There is a need to develop dedicated training modules for **legal education**, targeting the **judiciaries** (national courts, prosecutors, judges, legal profession, universities/law students).
- There is a need for greater engagement with the **social science community** and their research findings to inform policy and practice (including the use of econometrics).
- In our communication, we need to be clear that in certain circumstances resettlement of people can be both necessary and justified. We should spell out clearly what these are and the **(exceptional) conditions** under which they can proceed. Refer to conditions of **proof of genuine public** interest and link this with the requirements of **human rights standards** including consideration of all alternatives and consultation with and the participation of those affected. Refer to relevant standards and guidelines. Warn against the **dangers of externalisation of development costs**. Point out the massive, proven risks of impoverishment of resettled populations. Clearly state the obligation to find successful strategies to overturn these risks and promote developmental outcomes.
- In addition to communication, training can be a valuable entry point for interaction and dialogue, including **training on how to negotiate** best outcomes with all relevant stakeholders. This may include training of implementers, policymakers, members of the judiciary, civil society representatives, etc.
- A further suggestion is to develop (legal and policy) compliance and (implementation) **performance indicators**. This can be linked with existing (e.g. African Union) **peer review processes**. We could promote a **rating system** between countries reflecting good practice on the issues of evictions and population displacement.
- Development of **voluntary guidelines** and advocating for buy-in by parties can also be a fruitful strategy. (FAO is driving such an initiative on land tenure.)
- **International Financial Institutions** are regularly reviewing their guidelines. We should review the guidelines and engage with them on this, in view of the compliance of bilateral financing agreements with international human rights standards. Similarly, we should be engaging with national governments. UN-HABITAT can play an important role to promote and facilitate such dialogue.
- The EGM discussed again whether a new set of guidelines should be produced. It was agreed that **the report would not result in new guidelines**. However, the possibility

remains to draw out the best from existing guidelines and to synthesise those into a proposal to be pushed via the UN system. This could be complemented by looking at some recent national-level innovations and good practices and incorporating those ideas as well. (Mention was made of new guidelines recently finalised in China – not yet seen in proper English translation – that could be worth looking at.)

- Another possible innovation was to **revisit the existing normative framework** and to propose improvements. The UN-HABITAT Governing Council could be approached for a strengthened mandate. A constituent group could be established to jointly promote the issue through broad networking. Channelling the issue through an articulated agenda at the Habitat III conference in 2016 is also an option to be considered further.

Annex 1: EGM Concept and Programme

Context/background

One of the expected accomplishments of UN-HABITAT's Focus Area 3 *Land and Housing for All*² is increased security of tenure. This is to be achieved through, *inter alia*, improved knowledge of equitable land and housing rights. Activities within this Focus Area include the documentation, dissemination and evaluation of innovative approaches to promoting the full and progressive realization of the right to adequate housing as provided for in international instruments, as well as practices that promote the legal recognition of a range of land rights. Research carried out within UN-HABITAT's *Land and Housing* Focus Area includes guidelines and practices related to forced evictions, acquisition/expropriation and compensation.

Various organizations have produced such guidelines and practices. These guidelines range from international legal instruments, regional legal instruments, voluntary guidelines by international organizations and Human Rights Special Procedures, internal instruments developed by donor and lending institutions, to national constitutions, laws and policies.

Despite the wealth of existing guidelines and practices, forced evictions that are not in compliance with the provisions of key international instruments such as the General Comment 7 on the International Covenant on Economic Social and Cultural Rights (ICESCR) are on the rise globally. The reality in many countries is that forced evictions can be carried out with relative ease. Evictions are driven by economic, environmental and social factors, often a combination.

Considering this situation, UN-HABITAT and the Global Land Tool Network (GLTN) have launched a research initiative to evaluate existing guidelines/practices.³ The main objectives of this study, carried out in the first quarter of 2010, are to:

- (i) identify existing guidelines/practices related to eviction, acquisition/expropriation and compensation;
- (ii) analyse their effectiveness; and
- (iii) make recommendations for the improved implementation of existing guidelines/practices and/or for the improvement/expansion of the existing instruments themselves.

The output is a research paper that takes into account the economic, environmental and social aspects of forced evictions, acquisition/expropriation and compensation. In addition to existing guidelines, the scoping paper evaluates good/bad practices, lessons learnt and relevant instruments. Based on this overall analysis, the study assesses the need and priorities for

² This Focus Area is part of UN-HABITAT's Medium Term Strategic and Institutional Plan (MTSIP) for the period 2008-13. The MTSIP comprises six focus areas, namely: (1) Advocacy, Monitoring & Partnerships; (2) Participatory Planning, Management and Governance; (3) Access to Land and Housing for All; (4) Environmentally Sound Basic Infrastructure and Services; (5) Human Settlement Finance Systems; and (6) Excellence in Management.

³ It is important to note that undertaking research on eviction guidelines and practices (as well as eviction impact assessment) does not imply by any means that UN-HABITAT and GLTN are in favour of forced evictions. This would contradict the expected accomplishments of MTSIP Focus Area 3, in particular to increase security of tenure. The main purpose of this research is to generate better understanding of guidelines and practices and to contribute to the development of tools that can promote alternatives to forced eviction and the overall realization of the provisions contained in the relevant international human rights instruments.

further development of existing or new guidelines by UN-HABITAT, GLTN Partners, and other key organizations working in this area.

The scoping paper serves as background paper for the proposed international expert group meeting on guidelines and practices related to evictions, acquisition/expropriation and compensation.

This research initiative is part of the GLTN tool development agenda and supports the work of the UN Housing Rights Programme (jointly implemented by OHCHR and UN-HABITAT) and the Advisory Group on Forced Evictions (AGFE) that advises the Executive Director of UN-HABITAT.

Content and methodology of the research paper

The UN-HABITAT/GLTN scoping study includes the following components:

- a) An inventory and review of existing guidelines/practices related to evictions, acquisition/expropriation and compensation.
- b) A global mapping of roles, responsibilities, participation - who does what and what initiatives exist where, including latest developments within key institutions.
- c) An outline of principles and values that govern evictions, acquisition/expropriation and compensation with respect to social, economic and environmental considerations.
- d) An analysis of the international foundations (laws, treaties, conventions, etc.) to sustain the conceptual framework for balanced social, economic and environmental considerations for evictions.
- e) A summary of the main challenges, opportunities and gaps in terms of linking social, economic and environmental implications for eviction guidelines.
- f) Definitions and clarifications of terms and their linkages to land and property evictions, with the view to build common understanding.
- g) Identification of good/bad practices, initiatives, institutional, legal and administrative arrangements, eviction tools, and the emerging trends worldwide.
- h) An evaluation of concrete experience by governments in applying existing guidelines on evictions, acquisition, expropriation and compensation.
- i) Identification of needs for further research, tool development, advocacy and mediation.

The main method used by the team of researchers who prepared the paper was a globally-focused desk review of available documentation. The team reviewed a broad range of guidelines/practices that guarantee human rights, ensure economic outcomes and preserve the environment. The research has global coverage, drawing from experience in all regions and various institutions and taking into account current research, policy development and implementation, local initiatives by governments (local and central) and other stakeholders.

The scoping paper is based on selected cases of (good and bad) practices and initiatives at the regional, country and city levels, research papers, and empirical evidence. The paper moves from a scientific framework to a country and city level implementation framework.

The particular role of the grassroots and gender is a cross-cutting issue in this study. Equally, the issue of discrimination (racial, minorities, social status, etc.) is considered throughout the analysis.

Objectives of the expert group meeting

- Present the findings and recommendations of the scoping paper to key organizations and internationally renowned individual experts in the field of eviction, acquisition/expropriation and compensation;
- Fill gaps and improve the paper through inputs from participating organisations/experts;
- Agree on necessary next steps in further research, guideline development, and advocacy, capacity-building and mediation for enhanced implementation of existing guidelines;
- Map out roles and responsibilities for UN-HABITAT, GLTN and Habitat Agenda Partners in their respective roles in addressing evictions, acquisition/expropriation and compensation.
- Devise a consultative mechanism/process for the way-forward.

Participants

The approximately 25 participants are representatives of organizations in the thematic area of eviction, acquisition/expropriation and compensation, as well as a number of seasoned individual experts. The participating organizations operate globally, regionally or at national levels with significant influence.

Organisers

The expert group meeting is organized by UN-HABITAT and GLTN, and supported by the Housing Secretariat of the Municipality of Rio de Janeiro, and the Institute of Architects of Brazil, Rio de Janeiro chapter (IAB).

Working language

The working language of the meeting and documentation is English.

Further information

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Programme
Day 1 - Friday, 19 March 2010

From 8:00	Registration of participants
9.00 – 9.30	<p>Opening Session Moderated by Carlos Fefferman, Instituto de Arquitetos do Brasil (IAB)</p> <p>Opening of the meeting by:</p> <ul style="list-style-type: none"> • Carlos Fefferman, on behalf of Maria da Conceição, the Vice President of the Instituto de Arquitetos do Brasil (IAB) • Augusto Verissimo, Sub-Secretary, Rio de Janeiro Housing Secretariat (SMH) • Mohamed El Sioufi, Head, Shelter Branch, UN-HABITAT Focus Area 3 <i>Land and Housing for All</i> • Introduction to the rationale and objectives of the meeting <ul style="list-style-type: none"> ○ Clarissa Augustinus, GLTN Secretariat / UN-HABITAT Land Tenure and Property Administration Section ○ Claudio Acioly, Chief, UN-HABITAT Housing Policy Section, Coordinator, UN Housing Rights Programme
9.30 – 10.00	<p>Introduction Session</p> <ul style="list-style-type: none"> • Overview of the draft agenda and operational arrangements • Introduction of participants • Presentation of EGM Rapporteur
10.00 – 10.30	<i>Coffee</i>
10.30 - 11.15	<p>Work Session 1 Moderated by Mohamed El Sioufi, UN-HABITAT</p> <p>Presentation of research findings and recommendations of the scoping study of guidelines/practices on eviction, acquisition/expropriation and compensation</p> <p>Maartje van Eerd – lead author of the study Institute for Housing and Urban Development Studies (IHS), The Netherlands</p> <ul style="list-style-type: none"> • Questions and answers for clarification on the presentation
11.15 – 13.00	<p>Work Session 2 Moderated by Edesio Fernandes, Advisory Group on Forced Evictions (AGFE)</p> <p>Responses to the findings and recommendations by external reviewers/discussants</p> <p>Alain Durand-Lasserve (Independent consultant, Bordeaux, France) Graciela Dede Delfino (Independent consultant, Montevideo, Uruguay) Jean du Plessis (Independent consultant, Pietermaritzburg, South Africa)</p> <ul style="list-style-type: none"> • Discussion by all participants
13.00 – 14.00	<i>Lunch</i>

14.00-15.30	Work Session 3: Moderated by Bahram Ghazi, Office of the High Commissioner for Human Rights (OHCHR) Identification of gaps and necessary improvements of the scoping paper (methodological approach, selection of guidelines and case studies, analytical framework, conclusions, etc.)
15.30 – 16.00	<i>Coffee</i>
16.00 – 18.00	Work Session 3 (continued)
From 19.30	Reception at restaurant <i>Santo Scenarium</i> , Rua do Lavradio, 36, in the neighbourhood of Lapa

Day 2 - Saturday, 20 March 2010

9:00 – 09:15	Summary of Day 1 (by EGM Rapporteur)
09:15 - 10:45	Work Session 4: Presentations of related initiatives (7 minutes each) Moderated by Claudio Acioly, UN-HABITAT 1) COHRE 2) FAO 3) HIC-HLRN 4) Huairou Commission/DAMPA 5) IADB 6) UN Special Rapporteur on the Right to Adequate Housing 7) UNEP 8) Michael Cernea: IRR Model 9) Cities Alliance 10) UN-HABITAT The presentation prepared by the Asian Development Bank will be made available as hand-out. <ul style="list-style-type: none"> • Discussion of recommendations of scoping study with focus on synergy with related initiatives
10.45 – 11.15	<i>Coffee</i>
11.15 – 13.00	Work Session 5: The way forward - discussion and agreement Moderated by Clarissa Augustinus, UN-HABITAT <ul style="list-style-type: none"> • Agreement on recommendations and necessary next steps in further research, guideline development, and advocacy, capacity-building and mediation for enhanced implementation of existing guidelines; • Map out roles and responsibilities for UN-HABITAT and Habitat Agenda Partners, GLTN • Devise a consultative mechanism/process for the way-forward.

	<ul style="list-style-type: none"> • Closing remarks by Claudia Escarlata, Instituto de Arquitetos do Brasil (IAB)
13.00 - 14.00	<i>Lunch at OI FUTURO Cafeteria</i>
14.00 – 17.00	<p>Site visit (facilitated by Rio de Janeiro Housing Secretariat)</p> <p>Visit to eviction site <i>Colonia Juliano Moreira</i> in Jacarepágua, with presentation by Pablo Benetti, Project Author, on the relocation and redevelopment process, includes consideration of economic, environmental, social and patrimonial aspects.</p> <p><i>Colonia Juliano Moreira</i> is a relocation case in an advanced stage, managed by the Rio Housing Secretariat. It has economic, environmental, social and patrimonial implications. The EGM participants will see the degree to which existing international, federal or municipal guidelines are being applied in the process and what lessons can be learnt</p> <p>In the end of the site visit, participants will have the opportunity to visit the on-site Museum about Bispo do Rosario.</p>

Related activities by participating organisations (submitted by participants)

Asian Development Bank (ADB):

ADB's Involuntary Resettlement Policy (1995) has been superseded by the 2009 Safeguard Policy Statement (SPS). The involuntary resettlement safeguards are contained in the SPS. The ADB IR safeguards do not per se deal with evictions, but the former are triggered by expropriation due to development investment projects in the forms of involuntary acquisition of land and involuntary restrictions on land use or on access to legally designated parks and protected areas, mitigated by compensation.

The SPS defines displaced persons in a project area in terms of (i) persons with formal legal rights, (ii) persons without formal legal rights but recognized under national laws, and (iii) persons without formal legal rights. For the first two categories of displaced persons the SPS requires the borrower/client to provide adequate and appropriate replacement land and structures or cash compensation at full replacement cost for lost land and structures, adequate compensation for partially damaged structures, and relocation assistance. For the third category of the displaced persons it is required to compensate them for the loss of assets other than land and for other improvement to the land at full replacement cost. There is a provision for secured tenure to relocation land.

The principle of compensation is guided by the objectives of the IR safeguards, which include enhancing or at least restoring the livelihoods of all displaced persons in real terms relative to pre-project levels, and improving the standards of living of the displaced poor and other vulnerable groups.

Centre on Housing Rights and Evictions (COHRE):

Over the past eight years, the COHRE Americas Program has been developing activities in Latin America to promote the application of the standards of housing rights in the local juridical frameworks. The Americas Program is particularly concerned about the lack of juridical tenure for preventing forced evictions in Brazil in the context of the upcoming mega

events of the 2016 Olympic Games and the 2014 Football World Cup. These events have opened the doors to human rights violations against poor communities that do not have land titles. COHRE works in Brazil in collaboration with the National Forum of Urban Reform, developing actions and strengthening advocacy in support of the inauguration of a juridical framework based on international standards.

Food and Agriculture Organisation (FAO):

From Compulsory Acquisition of Land and Compensation towards Voluntary Guidelines on Responsible Governance of Tenure of Land and other Natural Resources

Compulsory acquisition of land is a major issue because of growing pressures on land that can't be answered with the sole market responses. FAO has published a guide in the Land Tenure Studies (number 10). It addresses the definition of basic requirements regarding compulsory acquisition and compensation, particularly to protect the most fragile people. It shows the necessity to have policy, legal and institutional frameworks with capacities to implement effectively. It has to be linked with a governance context. Particularly, FAO and its partners are working on a stream of activities and outputs focused around the Voluntary Guidelines on responsible governance of tenure of land and other natural resources. It is to set out principles and internationally accepted standards for responsible practices, and to provide a framework that can be used in countries that are developing their strategies, policies, legislation, programmes and activities. The open process with wide participation will question how to illustrate what responsible governance may be, and then how the principles and actions could be structured (*General? Tenure and administration? Frameworks and processes? Stakeholders? Enabling environment?*). The preparation and adoption of Voluntary Guidelines will lay the foundation for further action through defined objectives and user groups for a strategy for implementation, supplementary guidelines, training and advocacy materials, country action plans, particularly regarding compulsory acquisition of land and compensation.

Global Land Tool Network (GLTN):


GLTN considers guidelines for acquisition, expropriation and compensation as one of the key land tools that can facilitate sustainable relocation in those exceptional circumstances where there is no *in situ* solution. In such cases, it is important that evictions, acquisition, expropriation and/or compensation all contribute to the achievement of the MDGs and poverty reduction, not the reverse. The Network works with partners to support the implementation of pro-poor and equitable processes. GLTN's work on enumerations also contributes to this effort. In 2009, the Network supported the FAO publication on 'compulsory acquisition of land and compensation' guidelines after extensive participatory and consultative processes. Compulsory acquisition is the power of government to acquire private rights in land without the willing consent of its owner or occupant in order to benefit society. Compulsory acquisition is an example where social, economic and environmental needs are upheld. It is, therefore, important to consider that evictions, acquisition/expropriation and compensation are intimately linked and the rights and responsibilities of all parties should not be overlooked. Likewise, the social, economic and environmental dimensions of the process should not be dissociated.

Rio de Janeiro Housing Secretariat: The municipality of Rio de Janeiro currently carries out a number of evictions. For example, as part of the urban development project in Madureira the Rio de Janeiro Housing Secretariat is in the process of evicting approximately 1,300 families from a dangerous area situated between a river and a railway line. The project follows the local and federal government guidelines (Programa Minha Casa, Minha Vida). It includes

case-by-case negotiation based on a social and physical cadastre. The Colonia Juliano Moreira, characterized by irregular occupation, is another eviction case managed by the Rio Housing Secretariat. With a mix of economic, environmental, social and patrimonial aspects, the case is of particular complexity that is being addressed at multiple levels of intervention. The ongoing redevelopment project involves the provision of infrastructure and houses.

UN-HABITAT: The Advisory Group on Forced Evictions (AGFE) was established following a resolution by the Governing Council of UN-HABITAT. The primary objective of AGFE is to advise the Executive Director of UN-HABITAT in addressing unlawful forced evictions and to promote alternative solutions. AGFE's objective includes mapping of on-going cases and processes of forced evictions and developing recommendations in line with international human rights standards and the principles of the Habitat Agenda. Amongst other activities, AGFE conducts requested fact-finding missions to document and report on cases of forced evictions. The Group comprises 15 individuals from academic, governmental, non-governmental and community-based organizations. Following a recommendation by AGFE, UN-HABITAT is currently undertaking an inventory and assessment of existing eviction impact assessment methodologies and their respective application. This initiative complements the scoping study on eviction, acquisition/expropriation and compensation.

Annex 2: List of Participants

 <p>International Expert Group Meeting on guidelines and practices related to evictions, acquisition/expropriation and compensation (19-20 March 2010, Rio de Janeiro, Brazil)</p>			
Nr	Name	Organisation	Email
1	Alain Durand-Lasserve	Independent expert	a.durand-lasserve@wanadoo.fr
2	Ana Claudia Rossbach	Cities Alliance	arossbach@citiesalliance.org
3	Bahram Ghazi	Office of the High Commissioner for Human Rights (OHCHR)	bghazi@ohchr.org
4	Banashree Banerjee	Independent Expert/Institute for Housing and Urban Development Studies (IHS)	banashree_b@hotmail.com
5	Christian Lambrechts	UN Environment Programme (UNEP)/Technical Adviser, Interim Coordinating Secretariat, Office of the Prime Minister of Kenya, Mau forest restoration programme	christian.lambrechts@unep.org
6	Cristiano Muller	Centre on Housing Rights and Eviction (COHRE) - Americas Programme	cristiano@cohre.org
7	Dana Clark	International Accountability Project	dclark1315@gmail.com
8	Edesio Fernandes	Advisory Group on Forced Evictions (AGFE)	edesiofernandes@compuserve.com
9	Farouk Bramiah	SDI - People's Dialogue Ghana	pdghana@idngh.com
10	Graciela Dede Delfino	Independent Expert	gracedede@gmail.com
11	Jean du Plessis	Independent Expert; EGM Rapporteur	jeanduplessis@sai.co.za
12	Joseph Schechla	Habitat International Coalition – Housing and Land Rights Network (HIC-HLRN)	jschecchla@hic-mena.org
13	Josephine Castillo	Huariou Commission/DAMPA	basibascastillo@yahoo.com.ph
14	Julien Custot	Food and Agriculture Organization (FAO)	julien.custot@fao.org
15	Maartje van Eerd	Institute for Housing and Urban Development Studies (IHS)	vaneerd@ihs.nl
16	Marisa Teixeira	Inter American Development Bank (IADB)	marisateixeira@terra.com.br
17	Martim Smolka	Lincoln Institute	msmolka@lincolninst.edu
18	Michael Cernea	Independent expert / Research Professor of Anthropology and International Affairs, George Washington University	cernea.m@gmail.com
19	Raquel Rolnik	Special Rapporteur on the right to adequate housing	raquelrolnik@usp.br
20	William Cobbett	Cities Alliance	wcobbett@citiesalliance.org
Experts from local partner organisations			
21	Augusto Verissimo	Rio Housing Secretariat (SMH)	verissim@ig.com.br
22	Carlos Fefferman	Instituto de Arquitetos do Brasil (IAB)	carlos@unito.com.br
23	Claudia Escarlata	Instituto de Arquitetos do Brasil (IAB)	claudia@escarlata.com
24	Gisele Raymundo	Rio Housing and Urban Development Secretariats	giseleray@hotmail.com
25	Fernando Cavallieri	Prefeitura da Cidade do Rio de Janeiro, Secretaria Extraordinária de Desenvolvimento, Instituto Pereira Passos, Diretor de Informações da Cidade	fcavalli@pcrj.rj.gov.br

26	Isabel Tostes	Instituto de Arquitetos do Brasil (IAB) and Rio Housing Secretariat (SMH)	isabelvpt@hotmail.com
27	Maria da Conceição	Instituto de Arquitetos do Brasil (IAB)	cessa.ntg@terra.com.br
Experts from UN-HABITAT / GLTN			
28	Clarissa Augustinus	UN-HABITAT Land Tenure and Property Administration Section	clarissa.augustinus@unhabitat.org
29	Claudio Acioly	UN-HABITAT Housing Policy Section	claudio.acioly@unhabitat.org
30	Mohamed El Sioufi	UN-HABITAT Shelter Branch	mohamed.el-sioufi@unhabitat.org
31	Rasmus Precht	UN-HABITAT Housing Policy Section	rasmus.precht@unhabitat.org
Support staff			
32	Bianca Caldas	IAB Volunteer (student of PUC university)	bi.caldas@gmail.com
33	Helen Musoke	UN-HABITAT Housing Policy Section	helen.musoke@unhabitat.org
34	Rebecca Oyama	UN-HABITAT Legal Intern, Assistant EGM Rapporteur	rebecca.oyama@gmail.com

Annex 3: Summary of Participants' Evaluation of the EGM

Q1. Gender Totals					
	Male	9			
	Female	8			
Q2. Affiliation Totals					
	Government	0	Academia/Research Institute	0	
	Local Government	0	United Nations	4	
	Private sector	0	Foundation	1	
	NGO	5	Others: please specify	4	
			(Independent consultant: 2; IDB: 1)		
				Average Rating (1-4)*	Average Rating (converted into %)**
*Rating as used in the questionnaire completed by participants: 1=Very dissatisfied; 2=Dissatisfied; 3=Satisfied; 4=Very satisfied					
**For a better overview, the ratings given by participants were converted into per cent: 0%=Very dissatisfied; 100%=Very satisfied					
Q3. [Before the Workshop] How satisfied were you with...					
	Timeliness of information on workshop objectives			3.38	84
	Usefulness of information on the workshop programme			3.38	84
	Usefulness of information available on workshop logistics			3.56	89
Q4. [During the workshop] How satisfied were you with...					
	The ease of obtaining info and conference services			3.36	84
	Quality of facilities (i.e. room, lighting, sound, LCD projector etc)			2.64	66
	Communication facilities (phone, internet access, etc)			3.08	77
	Support and assistance available			3.50	88
Q5. Did the workshop meet your expectations in terms of:					
	Relevance of topics and themes			3.00	75
	Usefulness of presentations and facilitators			3.13	78
	Organization of the workshop			3.40	89
	Opportunities for participant discussion & networking			3.21	80

Q6. Session Rating					
19-Mar-10	Session 1		3.17	79	
	Session 2		3.23	81	
20-Mar-10	Session 3		2.93	73	
	Session 4		3.21	80	
	Session 5		3.00	75	
			Overall	3.20	80
Survey No.	Q7: Comments on Friday evening reception			Q8: Additional Comments	
Survey 1	Friendly and nice!			OK.	
Survey 4	Importance of being sure the venue helps and contributes to better results. The effort of brining all these people together can be put at risk for not having the accurate place to meet (type of room*/light/seats/comfort to write/etc.) *somehow difficult.				
Survey 5	Excellent			Thanks to the organisers.	
Survey 6	It was quite nice although I think if we were more integrated with the "ambience" the experience would have been much more interesting.				
Survey 7	Great.			Need final version of background document several days before EGM.	
Survey 8	So accommodating and a beautiful place.				
Survey 10	Very interesting and exciting.				
Survey 11	Very good.				
Survey 13				Need to consolidate a network to compile what little knowledge is available.	
Survey 17	Great - many thanks!				