



United Nations Human Settlements Programme

Programme des Nations Unies pour les établissements humains - Programa de las Naciones Unidas para los Asentamientos Humanos

TERMS OF REFERENCE

ADVISORY GROUP ON FORCED EVICTIONS (AGFE)

PREAMBLE

1. Over the past years, unlawful forced evictions¹ have increased dramatically in frequency, in number, in scale, and in the level of violence. In both developing and developed countries, they have become common practice *en lieu* of urban planning and inclusive social policies.
2. Forced evictions have been classified as gross violations of human rights.² Forced evictions affect the lives of millions of people, many of them poor. In many countries, forced evictions can be carried out with comparative ease against squatters, low-income renters, indigenous peoples and other vulnerable groups with inadequate or no legal security of tenure. Development-based displacements are a common form of forced evictions carried out by public authorities in developed countries. When communities are under threat of eviction and/or in cases of eviction involving intimidation and violence, women and youth-headed households are often worst affected, with severe loss of income from home-based enterprises.
3. One fundamental component in the realisation of the human right to adequate housing is promoting residential stability and security of tenure and in this relation the prevention of forced and unlawful evictions. In the Habitat Agenda, Governments reaffirmed their commitment towards the progressive realization of the right to adequate housing.³ Access to security of tenure is one of the indicators for Governments to report progress on implementing Millennium Development Goal 7 Target 11 on slums⁴ to the General Assembly. Forced evictions, as practised in most places, are counter-productive to the attainment of the MDGs.

¹ In certain situations, forced evictions are inevitable and are carried out in accordance with existing laws. AGFE's work focuses on unlawful forced evictions. Whenever used without the additional specification 'unlawful', the term 'forced evictions' used throughout this document refers to forced evictions that are contrary to existing laws in a given context.

² UN Committee on Economic, Social and Cultural Rights General Comments no. 4 and no. 7; Commission on Human Rights resolutions 1993/77 and 2004/28; and UN Fact Sheet No 25: *Forced evictions and human rights*. See also the regular *Global Survey Reports on Forced Evictions*, produced by the Centre on Housing Rights and Evictions (COHRE).

³ The Habitat Agenda and the Istanbul Declaration on Human Settlements were both adopted by the second United Nations Conference on Human Settlements (Habitat II) in Istanbul, Turkey (14 June 1996).

⁴ MDG Target 11: "By 2020, improving the lives of at least 100 million slum dwellers, while providing adequate alternatives to new slum formation"

4. Often the affected populations do not have the resources to effectively defend their right to adequate housing. Therefore, the role of the United Nations is to raise awareness and provide support to Governments and partners concerned to resolve these issues.
5. In response to the problem, UN-HABITAT established the Advisory Group on Forced Evictions (AGFE) in 2004 as an important international instrument to promote secure tenure and stop forced evictions.

MANDATE

6. The First Session of the World Urban Forum (2002) recommended the establishment of “a group to promote mechanisms for linking systems of eviction monitoring to networks of institutions/individuals with experience in promoting negotiated alternatives” and urged “the United Nations System to utilise this group and/or other mechanisms to take a position on how it will monitor and respond to unlawful evictions”.⁵
7. The Governing Council of UN-HABITAT in 2003 passed Resolution 19/5 which, in its article 7, “requests the Executive Director, in line with the recommendations of the World Urban Forum at its first session, to establish an advisory group to monitor and identify, and, if so requested, to promote alternatives to unlawful evictions”⁶.
8. One of the objectives of UN-HABITAT’s Work Programme 2008–2009, in line with the Medium-Term Strategic and Institutional Plan 2008-13⁷, is “Improved access to housing, property and land for vulnerable groups, particularly the poor, to achieve the Millennium Declaration target on slums”. The achievement indicator for this objective is “increased number of partners and alliances taking measures to reduce arbitrary and unlawful forced evictions”. This objective is to be attained, among others, through organisation of AGFE expert group meetings, annual reports on monitoring evictions and innovative alternatives to forced evictions, and advisory services to UN-HABITAT

OBJECTIVES

9. The primary objective of AGFE is to advise the Executive Director of UN-HABITAT in addressing unlawful forced evictions and to promote alternative policies⁸ to UN-HABITAT’s normative work.
10. 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.

⁵ UN-HABITAT (2003), Report of the First Session of the World Urban Forum, Annex I. Dialogue on Global Campaign on Secure Tenure - Stopping Forced Evictions and Securing Tenure (2 May 2002), <http://www.unhabitat.org>.

⁶ UN-HABITAT (2003), Governing Council Resolution 19/5: Article 7.

⁷ HSP/GC/21/4/Rev.1, Revised GC Approved Work Programme for 2008–2009

⁸ Alternative solutions may cover on-site upgrading and negotiated, sustainable resettlement based on fair compensation, provision of temporary shelter solutions, etc. and should attempt to reconcile social equity, economic growth and political participation of those communities directly affected.

ACTIVITIES TO BE UNDERTAKEN BY AGFE

11. In line with its mandate “to monitor and identify, and, if so requested, to promote alternatives to unlawful evictions”, the Advisory Group undertakes, *inter alia*, the following activities:

a. Monitor acts of forced evictions

- Identify and document cases of forced evictions as well as successful alternatives through the review of available documentation in view of linking existing monitoring systems of evictions to AGFE’s work to promote negotiated alternatives.
- Conduct requested fact-finding missions to document and report on cases of forced evictions and successful alternatives;
- Prepare regular reports to UN-HABITAT that contain cases of forced evictions and successful alternatives along with recommendations, based on review of other organisations’ documentation and AGFE’s fact-finding missions
- Conduct research on alternatives to forced evictions and develop guidelines and tools;
- Launch reports at the sessions of the World Urban Forum and/or Governing Council of UN-HABITAT, or in any other forum if so requested by UN-HABITAT.

b. Facilitate learning

- Facilitate information and experience exchange between stakeholders involved in forced evictions, i.e. governments, communities, NGOs, CBOs, private sector, professional associations, including the media.
- Encourage dialogue between the stakeholders of current or planned cases of forced evictions with a view of developing negotiated alternatives.
- Expose stakeholders to cases in which deals have been brokered to prevent evictions through people/public/private partnerships leading to sustainable, pro-poor development processes;
- Encourage all stakeholders to develop participatory programmes to assist in reducing the occurrence of forced evictions and mitigate adverse impacts of resettlement;
- Facilitate access to legal and technical advice to stakeholders, particularly to victims of forced evictions.

c. Advocacy and support to research, training and capacity building

- Alert the international community and other stakeholders on potential and current forced evictions and the effects of such incidents.
- Promote advocacy activities and other initiatives combating forced evictions and developing alternatives at national, regional and global levels, e.g. through constructive dialogue with governments, dissemination of guidelines and tools; etc.
- Promote and assist in the development of relevant research, training and capacity building activities.

AGFE COMPOSITION AND DURATION OF MEMBERS’ MANDATES

12. The Advisory Group on Forced Evictions consists of 15 individuals appointed by the Executive Director of UN-HABITAT. They serve in their individual capacity. The selection of members reflects, as much as possible, regional, institutional and gender balance.

13. Members of AGFE are appointed on the basis of their merits in the advocacy for the right to adequate housing. They are former members of national and local governments and international organisations;

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

14. All members of the Advisory Group serve for a term of two years. A serving Member may be re-nominated to additional terms by the Executive Director of UN-HABITAT. Appointment is made at the discretion of the Executive Director of UN-HABITAT.

OPERATIONAL ARRANGEMENTS

15. Participation in AGFE activities is voluntary. However, the cost of travel and *per diem* as well as other reimbursable items incurred by AGFE Members and Technical Experts in relation to AGFE work plan activities are reimbursed according to UN rules.

The Advisory Group

16. The Advisory Group meets once a year to review its work, set the priorities, and develop its annual work plan. It is recommended that annual meetings are held in conjunction with sessions of the Governing Council of UN-HABITAT and the World Urban Forum. *Ad hoc* meetings of the Advisory Group may be organised if the need arises, subject to availability of funds.
17. The work plan is prepared in conjunction with UN-HABITAT and approved by its Executive Director.
18. The AGFE Members elect among themselves a Chairperson who is responsible for communication and coordination with the AGFE Secretariat at UN-HABITAT, including reporting on AGFE activities.
19. AGFE prepares annual reports on its activities, to be submitted to UN-HABITAT.

Pool of technical experts

20. The AGFE Secretariat establishes and maintains a pool of globally recognised technical experts in the fields of human settlements, law, tenure policy and human rights including civil society. The selection is made on the basis of outstanding track records of the individuals in these fields, AGFE Members' recommendations and submission of CVs to the Secretariat. From this pool of technical experts, AGFE can draw knowledge, experience and participation in missions. The list of experts selected for the pool is approved by the Executive Director of UN-HABITAT.
21. The Technical Experts are selected and called upon by AGFE on an *ad hoc* basis to participate in its activities, based on agreed terms of reference. If so requested by the Advisory Group, selected Technical Experts may attend AGFE meetings, subject to availability of funds.

AGFE Secretariat

22. The operations of the Advisory Group are facilitated by the AGFE Secretariat located in the Housing Policy Section of UN-HABITAT.
23. The tasks of the Secretariat include:
- Managing the AGFE activity schedule based on the annual work plan;
 - Facilitating the meetings of the Advisory Group, including preparation of AGFE fact-finding missions through preparation of background documentation, handling the logistics such as travel arrangements, meeting venues, etc.);
 - Supporting the preparation, publication, dissemination and launch of AGFE reports.
 - Following the request of the Advisory Group, the Secretariat arranges contracts for organisations or individuals for professional services that cannot be provided by members from the pool of Technical Experts (subject to availability of funds).
24. The Secretariat ensures that AGFE activities are harmonised with related UN activities in order to maximise synergy and prevent duplication in view of delivering as ‘One UN’. To achieve this, the Secretariat works closely with the Special Rapporteur on adequate housing, the Office of the High Commissioner for Human Rights (OHCHR) under the umbrella of the United Nations Housing Rights Programme (UNHRP), Cities Alliance, the Committee on Economic, Social and Cultural Rights (CESCR), and other relevant global programmes such as UN-HABITAT’s Disaster Management Programme (DMP).

Recommendations

25. AGFE makes its decisions based on consensus of its members. In the absence of consensus, UN-HABITAT decides.

Communication

26. The Members of the Advisory Group, AGFE Secretariat and Technical Experts communicate primarily through e-mail, telephone, video conference, and other electronic means.

AGFE Country Missions

27. AGFE may undertake country fact-finding missions to countries and cities where cases of forced evictions are being reported and/or where up-scaling of evictions pose a serious risk to the achievement of the MDGs and the Habitat Agenda. Consistent with AGFE’s mandate, these missions are to be carried out upon request by UN-HABITAT in response to invitations from government agencies, reports by UN-HABITAT country offices, and warnings from other UN agencies and civil society organisations.
28. Reports, invitations and warnings should be sent to the AGFE Secretariat:

AGFE Secretariat
Housing Policy Section
UN-HABITAT
P.O. Box 30030
Nairobi 00100, KENYA
Fax: +254-20-7624265
Email: AGFE@unhabitat.org

29. AGFE missions are to be staffed by AGFE Members and may be supported by individuals drawn from the pool of Technical Experts. The composition of fact-finding missions must be based on thematic expertise, acquaintance with local/regional context and ability to communicate in a language that is spoken by the key stakeholders in the respective eviction case. The composition of the mission, its terms of reference and work schedule are approved by UN-HABITAT prior to departure to the country in question.
30. AGFE missions are in consistence with its mandate and Terms of Reference. AGFE can identify itself in a country as a UN advisory body, however, when AGFE members are undertaking a mission, they are not to speak on behalf of UN-HABITAT or the UN system, or make use of its flags and logos in its communication.

FUNDING

31. AGFE core funding is to be established by UN-HABITAT. Besides UN-HABITAT, potential funding sources are the Cities Alliance, OHCHR, donor governments and organisations. Fundraising activities are coordinated by UN-HABITAT.
32. The use of funds allocated to AGFE activities are subject to United Nations rules and regulations and are disbursed through the AGFE Secretariat. Decisions on allocation of funds are made by UN-HABITAT in consultation with AGFE.