



# HABITAT INTERNATIONAL COALITION

## Housing and Land Rights Committee

### Assessing the gains and losses of Istanbul+5

By Joseph Schechla\*

*This reflection concludes that the UN member states participating in the Istanbul+5 special session of the General Assembly (UNGASS), by design or default, collectively dragged the world several steps backward, while outwardly declaring to fight poverty and meet the needs of humans lacking adequate shelter and living conditions. The gathering (New York, 6-8<sup>th</sup> June 2001), like its preparatory meetings over the past year, was remarkably less participatory than the predecessor Habitat II conference at Istanbul 1996. Various encouraged or bullied by the regressive positions of a few governments, the conference descended to its lowest common denominator. The aftermath is a continuing struggle to rehabilitate states as the responsible structures providing justice, security and well-being for all their citizens. A damage-control phase began upon the adjournment of the session, with states and UNCHS spinning disingenuously noble interpretations, while those concerned with the poor and marginalized were left to pick of the scattered shards of the constructive framework conceived with them five years ago.*

Kofi Annan's opening speech exemplified one side of that week's contradictions by orating on the vital importance of partnerships between local authorities, NGOs, business and women's groups. That wisdom fell on officially deaf ears. The minority campaign, notably pushed by the ironically common interests of the United States, China and Iran, had already ensured that these problem-solving partners would be effectively excluded from the discussion. The NGO role in the "Committee of the Whole" was reduced to a few ceremonial speeches in the session's least-formative closing hours.

Their demotion of nongovernmental partners to mere window dressing (or populist lubrication) for the event was not lost on the NGOs or local authorities present, who found themselves embattled against a stonewall of dismissive delegations. A sense of disaffection descended as a pall on the typically hopeful civil society representatives. The UNGASS also was the subject of conspicuously low political interest, with no heads of state present. In the end was a lingering recognition that the affected people and the community-based groups who represent them are the only ones left caring about solutions to crippling poverty in urban and rural areas, the social hazards of globalization-inspired reforms, the deterioration of living conditions over the past five years and obvious crises looming ahead.

The final UNGASS declaration did include a section on "renewal of Istanbul commitments." Therein governments again recognized the "need" for shelter for all; sustainable human settlements; empowerment and participation; gender equality; additional financing; enhanced international cooperation; and assessment of progress toward those ends. The Istanbul+5 declaration cited shortcomings in combating poverty, the gap between agreed commitments and political will, distorting economic and fiscal policies, financial constraints to deal with effectively new refugee influxes, limited participation (especially of women) in policy formulation, and challenges to improving capacities and coordination among local authorities.

While governments pledged to redouble efforts at addressing these challenges, they judiciously omitted references to their legal and covenanted obligations progressively to meet these goals within their capacity to

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fulfill “the human rights to housing.” That is principally where they plummeted below the threshold affirmed in 1996. Immersed in administrative language, the Istanbul+5 process and declaration effectively sought to dissolve the “right to adequate housing,” which is well enshrined in international law. Excluding the effective participation of the actual rights holders was an essential tactic used to circumvent the law and deflect any needed critical assessment at New York.

Perhaps one of the more positive outcomes of the process was new Thematic Committee composed of 16 countries, each presenting their national experiences at urban development, poverty reduction, stakeholder participation and infrastructure development. For the moment, participants were encouraged to forget that most of these countries showcasing their “best practices” (Brazil, China, Colombia, Egypt, France, India, Morocco, Nigeria, Peru, Poland, Senegal, South Africa, Spain, Sweden, Tanzania, Thailand) are also notorious for their violations of the right to housing through forced evictions.

A truly positive note in the declaration is the recognition of the special circumstances and needs of refugee, internally displaced and occupied populations. For some governments, particularly the flagrant occupiers, confiscators and displacers and their supporters, this paragraph recognizing human victims was highly controversial. The connection with housing rights is not lost on the NGO participants, who hosted a reunion of Tibetan, Palestinian and Kurdish participants for the first time since Istanbul (1996).

### *The modes of participation*

In light of the vital issues involved and values at stake at UNGASS, the critical participation of NGOs and local authorities—against all odds—became even more vital. The participation of hundreds, including Habitat International Coalition’s large member presence, contributed a critical mass of civil society presence. The community of NGOs carried out a multitrack strategy to promote the human right to housing as the core commitment under the Habitat II Agenda. That involved active participation in the special panels and parallel events left open to us, both inside and outside the UN Secretariat. Simultaneously, the NGOs rejected their exclusion from the most crucial forums in the special session, disavowing any relation with the insular process and its consequent anti-human rights output.

In addition to the formal session and parallel events, NGOs formed counsel in daily debriefings of NGOs to consolidate common positions and coordinate the lobbying effort. On the disengagement track of the strategy, that included the joint drafting of the collective position paper and press statement delivered to the session. In its essence, that position denounced the recently imposed strictures on civil society participation, in particular, the cancellation of the NGO role in drafting and its anti-human rights consequences.

### *The follow-up*

From the experience of New York emanates one important lesson for civil society: that the work at promoting the right to housing will persist despite and, in some ways, provoked by the galloping indifference of governments. While much of that work is embedded in our ongoing programs and outside the scope of our participation in the momentary events of Istanbul+5, it is linked to the participation there in several relevant ways.

- The true face of many states’ disinterest in meeting their legal obligations *vis-à-vis* the right to housing is clearer now by our distancing, “as the mountain to climber is clearer from the plain.”
- The negative aspects of the Istanbul+5 experience have—typically—galvanized the resolve of many present to face the stark realities with redoubled and more-strategic activity.
- The realization of the weakness of individual NGOs in the face of some governments’ opposition to the human right to housing and consequent treaty obligations underscores the practical need for solidarity and coordinated work across communities, countries and regions. For that, the organic networking that took place at New York will prove perpetually invaluable.
- Resourceful NGOs will rely on the Habitat II Agenda, rather than the inferior Istanbul+5 Declaration, as the valid articulation of commitments to meet human settlement/housing needs, and insist on—indeed engage in—assessing the H-II progress on a periodic and ongoing basis.

- We will continue to build upon the Habitat II Agenda as a resource in our emerging methodology for monitoring the right to housing, and share that with fellow civil society partners.
- Like the states, we will attempt to extract the positive aspects of the Istanbul+5 experience, most of which are not reflected in the spineless final document. For the NGOs' part, we will continue to rely on the voice of the people to articulate the moral arguments for social and economic justice that give meaning to the standing human rights obligations enshrined in general terms within the international Covenants and Conventions.
- NGOs will endeavor more to cooperate with the legal and factual human rights mechanisms of the UN system (notably the Committee on Economic, Social and Cultural Rights and the Special Rapporteur on the Right to Housing) to develop the content of the right, professional monitoring, jurisprudence and problem-solving innovations necessary to realize progressively the right to adequate housing for all.

This follow up already has begun. In addition to these UN and UNGASS-specific activities, HIC's Housing and Land Rights Committee actively promotes and trains on housing rights as a legal fact and as a subject of human rights monitoring and strategic program planning. For these and other networking purposes, the experience at UNGASS, for all its shortcomings and disappointments, will continue to provide a resource and platform for future work, including mobilizing for upcoming international standards-threatening conferences, such as the World Conference against Racism and Rio+10. We shall ensure that, at those forums, the same housing rights principles and duties will remain alive.

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