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Transitions

The Earth and the larger universe are in perpetual motion and transformation. Nothing illustrates this better in the recent period than the [images](#) coming back to us from the James Webb Telescope as of July 2022.

On our own planet, climate change forms the gravest danger to terrestrial life as we know it. That peril has not yet sufficiently brought about a self-preserving change in human behavior as the climate transition beyond prevention, as the [IPCC's Synthesis Report 2023](#) concludes. As change is often begun in the mind, the needed transformation in social thought now seems possible in the glaring light of hard science, accompanied by calls to evolve beyond the prevalent [dualism](#) that alienates us from the biosphere and justifies ravenous consumption of the environment and the colonial tradition that propels it. The UN General Assembly's [latest](#) "Harmony with Nature" resolution offers a small-but-significant indicator of that overdue transition.

Nonetheless, projects underway across the globe seek either to mitigate or adapt to the ominous transition. A focus on Egypt's "green transition" and its climate finance are [reviewed](#) in this issue of *Land Times*/أحوال الأرض as an output of HLRN research to develop a methodology and tool for similar tracking of climate action and finance in a single instrument.

Political events and development also spur transition affecting the land and its people. This period coincides with the 47th commemoration of Palestine's Land Day (30 March), marked with the statement of HIC Member, Land Research Center – Jerusalem, on this solemn occasion. Within a similar context of land and property dispossession, population transfer and demographic manipulation, Kashmir's transition from multiple occupations to Indian annexation is chronicled here, with contributions from the monitoring efforts of Kashmir Scholars Consultative and Action Network ([KSCAN](#)) and the Kashmir Law & Justice Project ([KLJP](#)).

Sudan's anticipated democratic transition has been slow, disappointing and marred by violence and further displacement. This 28th issue of *Land Times*/أحوال الأرض [updates](#) readers on joint efforts to accompany Sudan's civil society in its transition from the limits of charitable and humanitarian intervention toward development roles that promote durable solutions for the country's displaced millions.

The [report](#) of HLRN and Yemeni partners' input to the UN Committee on Economic, Social and Cultural Rights (CESCR) forms a complement and point of analogy with Sudan, particularly in its recommendations to the Committee for a civil institution in Yemen's transition out of conflict that would remedy foregoing land deprivation and advise future policy on remedial land administration. In its first session following its adoption of [General Comment No. 26](#) on land and economic, social and cultural rights,

CESCR's Concluding Observations for Yemen seem to endorse that notion as a means for the state to fulfill its obligations under the Covenant.

Yemen, as well as Syria and Palestine, feature in an [article](#) that reviews food security in the MENA region in the global context, with a particular focus on gender and the situation of conflict, occupation and war. It cites the vital contributions of small-scale food producers everywhere, who are already engaged in needed food-system transformation that pursues food sovereignty and agroecological transition, but those actors are typically neither recognized nor supported.

Israel's occupation, war and apartheid practices across Palestine also face demands for local response from citizens in distant cities. As reported here, Barcelona's mayor recently has broken twinning relations with Tel Aviv. HLRN also supported the mayor's decision to cut ties with the Israel capital in an [Urgent Action appeal](#) (still open) as a measure consistent with the city's [extraterritorial human rights obligations](#) under [peremptory norms \(jus cogens\)](#) of international law.

HLRN and HIC Members in Türkiye have long traced that country's neo-liberal transition under the past two decades of the Justice and Development Party government. That transition has seen the extreme commodification of housing and a speculative real-estate boom with accompanying corruption at the highest level. With great sadness, this issue of Land Times/ [أحوال الأرض](#) [reprints in translation](#) how the recent Türkiye-Syria earthquakes raise, once again, the call for accountability of officials favoring money over people, which policy has exacerbated the tragic loss of life and property once again.

Further afield, public advocacy by HIC Member [Humanitas-Solidaris](#) (Cameroon) has called our attention and practical solidarity in the form of an [Urgent Action](#) (still open) that demands reparation for the hundreds of families left homeless and destitute by a series of demolitions of the impoverished Bessenguè Valley community, in the country's economic capital, Douala. The victims' transition now involves scrabbling for shelter wherever they can find it, doubling up with households elsewhere, seeking refuge in ancestral villages, or likely forming another informal settlement that deepens their impoverishment and perpetuates their vulnerability to further abuse and displacement.

With a hopeful eye to positive change, this issue reviews the new CESCR [General Comment No. 26](#) on land and the Committee on the Rights of the Child's own [draft General Comment No. 26](#) on children's rights and the environment with a special focus on climate change. With certain caveats, HLRN reports both as positive developments in the constant evolution of international law.

Also potentially positive is the development toward the new [stakeholder-engagement mechanism](#) within the reformed governance of UN Habitat. That aspect of the UN agency's transition, since adoption of the New Urban Agenda in 2016 and a new governance structure, has taken longer than anticipated, but now seems to be on track toward an affirming decision of the upcoming UN Habitat Assembly in June 2023.

Reporting on the civil engagement in the Arab Forum on Sustainable Development, this issue of *Land Times*/أحوال الأرض offers a mixed review of states' and the UN's Agenda 2030 performance. Encouraging, however, is the developing role and critical input from the region's civil society calling for systemic change and progress against all odds.

For its part, HIC also announces its call for facilitators for the new iteration of its Co-learning and Advocacy project, which, this round, focuses on building capacity, social force and advocating systemic policy-level change in two fields: sustainable environment amid climate change, and the social production of habitat.

All processes reported here remain in flux, and reflect ongoing transition.

Regional Developments

Land Rights in War-torn Yemen



States are required to uphold their human rights obligations in all circumstances, even during emergencies and crises such as civil war. Yemen exemplified that principle as it underwent the third periodic review of implementing the International Covenant on Economic, Social and Cultural Rights (ICESCR). The state party presented its report to the Committee on Economic, Social and Cultural Rights (CESCR), already in March 2014, a year before the Houthi rebels over-ran the country's capital

Sana`a. Amid delays due to the conflict, the review process continued through CESCR's February 2023 session.

That most-recent CESCR session was also the first to convene after the Committee's December 2022 adoption of General Comment No. 26 on land and economic, social and cultural rights. The Concluding Observations from Yemen's review also reflects the role land plays in conflict situations and its consequences for the enjoyment of human rights.

Contributing to Yemen's review under the Covenant, HIC-HLRN collaborated with HIC Members from Yemen (All Youth Foundation for Community Development, Yemen Polling Center, Social and Democratic Forum) [مؤسسة كل الشباب لتنمية المجتمع، المركز اليمني لقياس [الرأي العام، المنتدى الاجتماعي الديمقراطي] to submit a joint parallel report to CESCR's 73th session (13 February–3 March 2023).

Addressing the Committee's November 2020 list of issues (LoI) and Yemen's December 2022 response to the LoI, the parallel report reviewed four main elements, including (1) an evaluation of international assistance, (2) instrumentalizing the crisis of displaced persons, (3) the over-riding implementation principle of non-discrimination, and (4) the root causes of the conflict and its effect on the realization of the human right to an adequate standard of living in Yemen.

As for international assistance, the humanitarian response plan in Yemen during 2015–2022 has been funded with approximately US\$15.3 billion to provide aid to 23.4 million Yemenis, around 80% of the total population in 2022. However, assessments found that resources remain seriously lacking to meet the acute and growing humanitarian needs, especially as the warring parties continue to destroy Yemen's infrastructure, imposing obstacles, hindering the distribution of humanitarian assistance. Not only does

humanitarian aid fall short of the actual priority needs of conflict-affected communities, national institutions' capacity is insufficient to deal with evolving needs.

The joint report recommended that humanitarian assistance align with an institution-building developmental approach within the framework of preventive and remedial human rights obligations. Such a coherent approach would involve reforming the conflict-affected state institutions, in order to end the leakage and misuse of humanitarian assistance, due to corruption and a failure to apply unified administrative standards.

Regarding the displacement crisis, internally displaced persons (IDPs) continue to face multiple challenges. The over 4 million IDPs constitute at least 25% of households in Yemen forced to move at least twice during the eight years of the conflict. By 2022, their number reached 161,000 persons facing catastrophic hunger from food insecurity. Nearly three-quarters of Yemen's population depends on international humanitarian assistance and protection, and more than 75% of the displaced are women and children.

These victims are often instrumentalized as humanitarian aid is subject to self-interest, political ambition and impunity of multiple parties. Local humanitarian contractors are known to divert humanitarian aid to certain groups of IDPs, but not others. Such was the cases in the 'Aden IDPs camps, as the government support from 'Aden resources has been used to provide the support for IDPs from Ta`iz and Tihama communities, neglecting the needs of IDPs from the southern city of Mukairas, while some influencers control food aid and sell it to non-displaced Yemeni citizens.

The parallel report raised concerns that the Displaced Persons Portfolio has become subject to a political agenda to bring about demographic change in the south. Thousands of displaced Yemenis concentrated in the neighborhoods and suburbs of 'Aden and at four camps in Lahj Governorate. Those camps operate in secret as a complex for recruiting mercenaries to carry out terrorist attacks inside Aden or Lahj. Meanwhile, Yemen is experiencing a wave of migrants from the Horn of Africa transiting to the Gulf States, as the number of these African migrants reached 400,000 in the first half of 2022.

The joint report also highlighted the crisis of discrimination against the marginalized communities of "Muhamishin" (a.k.a. "Akhdām," or "servants"), they are among the most disadvantaged and impoverished minorities in the world, subjected to discrimination on the basis of origin and work. Other minorities of Baha'is, Ismailis and Christians are deprived of their right to live as equal citizens in the land where they were born, due to systematic discrimination and lack of protection by state institutions. The state institutions have no procedures to collect and generate official and reliable public data on marginalized and disadvantaged groups in Yemen, nor to assess their humanitarian and other needs in light of the tragic conditions, despite the fact that marginalized groups around more than 10% of the population of Yemen; i.e., 3.5 million people.

The report cautioned that state institutions have abandoned their obligations to respect, protect and fulfill the rights of minorities and marginalized people and maintain social cohesion. Many do not possess legal civil documents, exposing them to violations such as eviction from already-substandard accommodation or land, as well as forced recruitment by all parties of the ongoing conflict.

The joint parallel report informed that neither the legitimate and recognized government nor the Houthi armed militias have an active role in combating discrimination against disadvantaged and marginalized groups in Yemen, particularly affecting the rights of marginalized women. They are especially vulnerable to violations of their economic, social and cultural rights and face situations of sexual violence, harassment and even rape and murder, especially at checkpoints set up by armed militias.

One of the joint report's most-important recommendations focused on development of a national land observatory, in which civil society would play a key role in realizing a vision of restorative justice. Such an institution would operate away from political, military, tribal or other parochial interests, contributing to peace and transitional justice at the community level. The land observatory would produce and share knowledge and vital data equitably and play an advisory role to state organs, including successors to National Dialogue Committees. It would develop and apply a methodology to quantify the loss and damage suffered by IDPs and the dispossessed to ensure just remedies for victims of land and housing violations as a result of the conflict situation, including victims of the 1994 war, and the abuses of previous regimes.

Consistent with that recommendation, the CESCR's Concluding Observations called for the state party to "[p]rovide access to effective remedies for victims of economic, social and cultural rights violations in the context of armed conflict and ensure full reparation" (para. 8(c)). With its renewed attention to matters related to land, the Committee was "concerned about the large number of land disputes and cases of land-grabbing in the State party, as a result of the absence of a system for documenting land titles, whether the land tenure is formal or customary." Therefore, CESCR recommended that the State party:

- Establish an institution tasked with the oversight of settlement of land disputes;
- Develop and enforce a human rights-based property system and an efficient, comprehensive and transparent land registration system; and
- Fully comply with the Committee's General Comment No. 26 (2022) on land and economic, social and cultural rights (para. 16(a–c)).

Rarely have CESCR Concluding Observations reflected so clearly the recommendations of a parallel submission. However, in the transition of greater attention to land in the performance of state obligations to uphold economic, social and cultural rights, the Yemen case has provided an early application of the new General Comment in line with lessons studied and learned with HIC-HLRN partners in Yemen. Photo: CESCR logo and Yemeni flag. Source: HLRN.

Regional Developments

Sudan: From Charity to Development



In transitional countries and contexts, one of the greatest challenges for civil society, in general, and nongovernmental organizations, in particular, is their corresponding development from charity and relief work in crises to more-mature development roles. That transition involves developing, developing into, and contributing to institutions that formulate and implement development policies.

That was the subject of HLRN's recent project, twinning with its Sudanese local partner, Istadama Center for Land and Environmental Governance, on "Land governance toward durable solutions for resettlement of internally displaced persons (IDPs) in Sudan." supported by the Global Land Tool Network (GLTN) through its Arab Land Initiative. HIC-HLRN seeks to support the outcomes and recommendations of this rapid assessment of the learning and capacity needs of IDPs and key local organizations working in humanitarian assistance to IDPs in Sudan.

One of these key outcomes, the issue of reparation, and its framework for victims of forced eviction and other "gross violations" of human rights as integral to the normative framework for both durable solutions and peace building, and support the transition of local CSOs organizations to develop roles beyond the current prescribed limits of delivering humanitarian services toward durable solutions for Sudan's IDPs, as the funding arrangements for only emergency measures may not yet qualify as restitution or other forms of reparation.

According to the survey responses, 92 survey participants especially noted the needs, rights and interests of host communities and the national priority of peace building as integral to the durable solutions sought. While, the majority of the IDPs needing secure land tenure and adequate housing have been uprooted from their original rural locations due to conflict under the previous two decades of military government, and that context it requires that the local CSOs organizations are need to expand their vision and constructive activities beyond charity work, to fulfill their potential to assume roles in policy formulation and implementation in Sudan's transition.

Participants also debated multiple definitions of, and approaches to justice, emphasizing restorative justice and the anticipated long process of transitional justice in Sudan. They expressed their concern that solutions be integrated to meet the

development challenges of all Sudanese pursuing diverse means of livelihood, not least host communities in cases of IDP return and resettlement.

In this context, the establishment of a civil land observatory on a national scale, is an important and urgent matter, as it could provide a non-political, non-tribal and non-military advisory function that considers the multiple values and functions of land, including the New Urban Agenda's commitment of states to ensure "the social function of land," beyond land's mere financialization as property.

Such a national land observatory's "human right to land" approach could settle multiple interpretations of the Doha Peace Agreement's references to "registered land" in Darfur. In the terms of the CESCR General Comment No. 26 on land, multiple forms of "legitimate tenure" would be considered, beyond only freehold possession. The introduction of a human rights approach to land could provide the needed technical support to the National Land Commission and the Darfur Land Commission, to provide explicit mandates, institutional structures, and administrative procedures to address the critical issue of land occupation in Darfur, South Kordofan, Blue Nile and elsewhere in Sudan, and explore alternatives to securing land tenure for the most-vulnerable groups.

Amid the HLRN-Istidama twinning project's hopeful prospects of Sudanese civil organizations playing greater development and policy roles, all were reminded during the same period just how volatile land matters can be, even during a promised democratic transition and transitional justice processes. In October 2022, violent inter-tribal conflict reignited in Blue Nile State's Wad al-Mahi locality and the Dam towns, where at least 70,000 people had reportedly been displaced within the state and beyond since mid-July.

Amid climate change, the heavy rain from May through September 2022 also brought flooding that affected around 349,000 people, destroyed at least 24,800 homes and damaged another 48,200 homes in 16 out of the 18 states. The IDPs camps, the locus of one of the world's most-neglected crises, were inundated and suffered 146 fatalities and more than 122 people injured since the beginning of the rainy season in June. These developments underscore the neglect of this vulnerable population already undergoing human-made disaster of politicized ethnic conflict. Natural resources are being depleted around camps as a result of the relief-assistance gap. Meanwhile, disputes over land use in Darfur have had serious environmental consequences amid what has been labeled the "first climate change conflict," which HLRN also covered in its 2022 World Habitat Day report from the Violation Database: *In Pursuit of Climate Justice*.

Photo: Meeting with project beneficiaries, Community-based Resolution Mechanisms and Peacebuilding Committees in al-Fadu, Assalaya Locality, East Darfur, Sudan.
Source: *UN News*.

Türkiye-Syria Earthquake Update



On the occasion of the tragic double earthquake of 6 February, devastating southeast Türkiye and northwestern Syria, HIC-HLRN translated and published an article in the newspaper Bir Gün by Cihan Uzunçarşılı Baysal. It recalled the lessons and repeated warnings dismissed and policy decisions that only exacerbated the destruction and resulting casualties. Land Times/أحوال الأرض republishes the piece here with updated figures at the time of this issue 28.

February 6 Kahramanmaraş Earthquakes: Where is the State?

The Minister of Environment and Urbanization of the country seventy percent of which lies on an earthquake zone, proudly announced that there have been 10,250,000 applications nationwide for the Construction Amnesty, which had expired on 15 June 2019.

For days, television screens carried the message: “Dear uncles, grandmothers, aunts, brothers and sisters, the state has good news for you.” The spot informed that the state would come to terms with its citizens with its “hand of compassion.”

There isn't anyone who does not remember the 2018 Construction Amnesty Regulation enacted by the Justice and Development Party (AKP) under the name of “Peace Reconstruction”. In 2018, just before the presidential and parliamentary elections, with great cunning, (AKP) drove the regulation, which lifted the obligation of the state to sue and demolish unlicensed or illegal buildings, to the election arena. The heart of the arrangement was summarized by the sentence “The earthquake resistance of the building is the responsibility of the owner.” Mehmet Özhaseki, the Minister of Environment and Urbanization of the time, enthusiastically explained this parting gesture on a June 2018 visit to İzmir, a city that would be shaken by an earthquake on 30 October 2020:

“According to the law, the citizens come with their own consent and list the zoning violations. After the relevant authority determines the value of the unlicensed property / illegal extension of the property, the citizen gives 3% of it to the state. They write off each other's debts.”

With a commitment that would astonish even the most-neoliberal regimes that have adopted deregulation, the government heralded that the state abandoned its obligation to protect and secure the lives and property of its citizens, thus, unilaterally terminating the social contract, handing over all responsibility, in case of earthquake, to its citizens for a certain fee!

The Minister of Environment and Urbanization of the country seventy percent of which lies on an earthquake zone, proudly announced that there have been 10,250,000 applications nationwide for the Construction Amnesty, which had expired on 15 June 2019. Considering that [294,165] applications for zoning clearance were made from ten Turkish cities affected by the earthquake (Kahramanmaraş, Gaziantep, Şanlıurfa, Diyarbakır, Adana, Adıyaman, Osmaniye, Hatay, Kilis and Malatya), where...the number of dead and have injured increased day by day as the death toll reached [57,300: over 50,000 in Türkiye and about 7,200 in Syria] and the number of injured exceeds 129,500 [115,000 in Turkey and 14,500 in Syria].

It is possible to say that the construction amnesty brought to the political arena in order to patch the budget holes and increase the votes of the AKP has had a heavy cost, but that cost will become much heavier.

First the COVID pandemic, and, now, the earthquake have taught us that the right to life cannot be separated from the human right to adequate housing. If, protecting the right to life, which is the most-sacrosanct right, is the *raison d'être* of the state. The primary duty of the state is constructing resilient and livable housing compounds and cities, regulating these, and renewing aging building stocks.

“Where is the state?” has turned into a common cry across the region echoed from earthquake victims, trying desperately to save their relatives under the rubble of their houses and among the heaps, and with no access to the most basic needs such as shelter, heating, food and water. Instead of ensuring safe, affordable and livable housing for its citizens, the AKP governments have instead turned to building luxury housing projects. Instead of remedying risky areas, they have set an eye on sturdy neighborhoods with high urban profits and have taken the latter under redevelopment schemes, razing them to the ground, while generating forced evictions.

At the expense of its citizens` right to life, they have enacted populist zoning laws to save the day. Instead of operationalizing the control mechanisms of the law, they have *pretended* to inspect constructions.

The AKP has amended the Public Procurement Law 195 times granting building permits to areas with shaky ground, or even on fault lines since it came to power in 2002. Even the camping grounds reserved for earthquake tents and tent cities and urban public spaces, which are the most-important needs of the earthquake zone, have been taken over by shopping malls, hotels, residences, commercial plazas and so on. Deaf to science, the political power closes the doors to scientists and maintains

this unjust, unscrupulous, illegitimate order by manipulating the law for its own (political) survival and transfer of capital to its supporters.

An October 2020 earthquake survivor from Bayraklı, İzmir, had to live in at-risk housing due to economic conditions, knowing it was precarious. After getting caught up in the earthquake, he explained: “They trapped us between the wallet and the burial shroud.” In other words, a government that cannot provide its citizens with safe and livable shelter in social housing under livable economic conditions, forces them, instead, to take cover in the burial shroud. The main reason why so many construction amnesties were received is the fact that a fair housing policy, including tenants, has not yet been established. The population is left to their own devices for their housing needs. The state collapsed long before the earthquake. From the perspective of the human right to housing, the state does not exist at all.

President Erdoğan pointed to the projects of the Mass Housing Administration (TOKİ) in Van and İzmir, the cities which had undergone earthquakes in 2011 and 2020 respectively while addressing the populations affected by the recent earthquake. Where are the container cities for tenant populations of Van today? [See petition to UN Special Rapporteur on adequate housing on behalf of Van earthquake victims, 2014.] No one knows what has happened to them. İzmir earthquake survivors are still fighting for the right to fair housing. The onus is entirely on the subcontractor and TOKİ. While they sit back, rubbing their hands over the profit from their disaster capitalism, the shares of cement companies are making a killing on the stock market.

Then the earthquake came screaming. Scientists have been drawing attention to the East Anatolian Fault for years. After the 6.8 magnitude Elazığ Earthquake of 24 January 2020, scientists, including Naci Görür, have pointed to the hazards of Kahramanmaraş and its surroundings. Journalist Mehmet Kızmaz has examined 75 earthquake-related research proposals—from the political parties of CHP (46), HDP (17), İYİ (8), MHP (3), AKP (1)—submitted to the Grand National Assembly since July 2018. He found that, in the motions submitted after the 2020 Elazığ Earthquake, all but five are still pending. The Parliamentary Investigation Committee prepared a report in July 2021 based on these five approved proposals.

Again, according to Kızmaz` research, findings about the risks of housing stocks in Malatya, Hatay and Gaziantep were striking. These areas hit by the 6 February earthquake were covered in the report discussed at the Grand National Assembly of Türkiye. Not only the scientists but also the Parliament is declared null and void by the one-man-rule.

As if this were not enough, the Chamber of Geological Engineers (JMO) of the Union of Chambers of Turkish Engineers and Architects (TMMOB) published a series of reports in 2021 under the title of “Cities Living on Faults.” Among the cities hit by the earthquake, Kahramanmaraş, Hatay and Osmaniye were covered in these reports. In

the Kahramanmaraş report, dated 2 March 2021, serious warnings were made by drawing attention to the seismicity of the city:

“The Pazarcık or Türkoğlu segment of the East Anatolian Fault, which passes 10–11 km south of the city center, has not produced any destructive earthquakes since 1513. It has the capacity to produce an earthquake of 7.4 magnitude. and is one of the important seismic faults in Türkiye where an earthquake is expected.”

The Hatay report of 8 March 2021 draws attention to the alluvial ground structure of the city and underlines that earthquake waves are amplified by such soils and transmitted to the buildings. The report continues with further warnings:

“Hatay city center (Antakya and Defne), including Hassa, Kırıkhan, Reyhanlı, Dört Yol, Erzin district centers and 25 neighborhoods sit on active fault lines or zones from the east. It is thought that Hatay, which has faced many destructive earthquakes in the historical period, should urgently start a series of studies, in order to prevent it from being affected by earthquake damage.”

And it is reported that the JMO will also give advice by making recommendations to local administrators. In this context, it is among the suggestions to urgently make Earthquake Master Plans in the relevant cities.

A government which, instead of working for safe cities and livable housing, has prioritized urban rent, the looting of cities, new areas of accumulation for capital through urbanization, the commodification of housing—which is a fundamental human right— and which has turned a deaf ear to the serious warnings of professional chambers and scientists, has brought the whole country to the point of screaming “Where is the state?”

The one-man-rule that has gathered all the powers in its hands and that, by centralizing all the institutions and state structures, has led them into incompetence and subjected us to the clumsiness of the Disaster and Emergency Management Presidency (AFAD), which has left over 75 thousand injured and 19 thousand deaths. It is the mourning, pain, trauma of each of us. It is the price paid by Mücella, Can and Tayfun,* who have been struggling with their heart and soul in the fields of architecture, law and planning for livable, healthy and safe cities and living spaces against this unscrupulous, unjust order.

And Hatay Airport, which was built despite all warnings and legal struggles and whose runway collapsed in the earthquake, is actually the future projection of the nuclear power plant built on the fault in Mersin Akkuyu, or that of Canal Istanbul, the crazy mega project of Erdoğan, which he is determined to construct no matter what, as reflected in his address to the opponents of the Canal: We will construct it, “making you crack and burst.”

Original article

* The reference is to architect Mücella Yapıcı, lawyer Can Atalay and city planner Tayfun Kahraman who were sentenced to 18 years for their involvement in Gezi uprisings.

Related facts:

The 6 February quakes caused some 173,000 buildings to collapse or undergo serious damage in Türkiye. The heaviest damage occurred in 11 provinces in southern Türkiye that have some of the country's highest poverty rates, and host more than 1.7 million Syrian refugees, or about half the total Syrian refugee population in Türkiye.

An estimated 14 million people, or 16% of Türkiye's population, were affected, and about 1.5 million people were left homeless.

The World Bank's Global Rapid Post-Disaster Damage Estimation (GRADE) estimated that 1.25 million people were made homeless by damage to their homes, or their complete collapse. In Türkiye, about 345,000 apartments were destroyed.

On 21 February, a 6.4-magnitude earthquake and a second measuring 5.8 again hit Türkiye's southern province of Hatay (Syrian territory until the French Mandate 'conveyed' it to Türkiye in 1939), killing at least three and injuring 213. More than 500 more were reported injured in the northwest of Syria.

Damages were estimated to be US\$104 billion in Turkey and US\$5.1 billion in Syria, making them the fourth-costliest earthquakes on record.

See also in the HIC-HLRN Violation Database:

Lax Code Enforcement, 06 February 2023, Why so many collapsed

Photo: Rescue workers responding to the 5 February 2023. Source: *Bir Gün*.

Regional Developments

Barcelona Breaks Links with Tel Aviv



Since Barcelona Mayor Ada Colau responded to citizen demands by committing to suspend twinning relations with Tel Aviv and Israel until Israeli authorities end apartheid against the Palestinian people, she has suffered a backlash of defamation. However, Mayor Colau and Barcelona have taken this courageous move consistent with the city's extraterritorial human rights obligations under peremptory norms of international law.

Joining the honor roll of progressive cities fulfilling extraterritorial human rights and international law obligations with regard to Palestine, Barcelona Mayor Ada Colau announced on 8 February that the Catalan capital's was suspending twinning relations with Tel Aviv until "Israeli authorities stop the systematic violation of human rights of the Palestinian people." Habitat International Coalition (HIC) also joins like-minded municipalities, human rights organizations and allies such as the Jewish Voices for Peace in denouncing the backlash from Zionist organizations in Israel and Spain, defaming Madame Colau with irresponsible and false accusations of antisemitism.

With Barcelona's move to suspend ties with Tel Aviv, HIC especially commended Barcelona's leadership for its conscientious position and measures to fulfill its obligation to uphold the international legal order. As organs of the treaty-bound state, public institutions, including local spheres of government, bear the common legal obligation of the territorial state to bring an end to such illegal situations, including violations of peremptory norms such as the acquisition of territory by force, the denial of self-determination and apartheid regimes.

Since the former mayorship of Joan Clos in 1998, Barcelona had maintained a "twinning agreement" with Tel Aviv calling for friendship and cooperation between the cities. However, after Israel's assault on Gaza in May 2021, a local campaign urged Mayor Colau to break ties. As Barcelona's mayor wrote in an official letter to Israeli Prime Minister Binyamin Netanyahu, her constituents called on her to "condemn the crime of apartheid against the Palestinian people" — and she heard them and took action."

Factors in the decision included a petition for the same was signed by a federation of over 110 human rights groups endorsed by more than 4,000 residents of the city. The Barcelona Organizations for Global Justice, had first published its demands in response to Israel's May 2021 attack on the besieged Gaza Strip, in which Israeli military forces

killed more than 250 Palestinians and injured over 2,000. The petitioners had asked the mayor to “condemn the crime of apartheid against the Palestinian people, support Palestinian and Israeli organizations working for peace, and break off the twinning agreement between Barcelona and Tel Aviv.” The group also demanded that the Spanish government stop selling weapons to Israel and end all business deals with Israeli companies.

The action applies to all official relations with Israel over its apartheid practices and systematic violations of Palestinian rights in the occupied territories only “until the Israeli authorities put an end to the system of violations of the Palestinian people and fully comply with the obligations imposed on them by the international law and the various United Nations resolutions.” Mayor Colau also explained that the action did not affect relationships between the residents of Israel and the Catalan city.

Barcelona’s declaration follows the precedent of courageous city councils that led the global movement to isolate apartheid South Africa. Local communities championed the worldwide call to end apartheid in South Africa and Namibia, which culminated in South Africa’s withdrawal from Namibia and democratization where the criminal apartheid regimes formerly ruled.

Applauding Mayor Colau in a current petition in support of Barcelona’s action, Jewish Voices for Peace (JVP) stated: “We know this is only the beginning — and so does our opposition. That’s why it’s essential that we stand up as proud anti-Zionist Jews to celebrate and lift up what it looks like to hold Israel accountable for its apartheid crimes.” JVP added: “We decry the accusations of antisemitism leveled against Mayor Colau and stand in solidarity with her and the local campaigners who brought about this historic decision.”

As a broad base of diverse, multiracial, intergenerational community of allies, HIC knows that justice is indivisible, joining Jews, other faith-based communities, Palestinians, Indigenous Peoples, impoverished urban inhabitants, rural workers and all people. The call for justice in Palestine, for Palestinians and other occupied, dispossessed and displaced peoples is indivisible with the call of those fighting for a better, fairer, more sustainable world where equality and dignity are accorded to all people.

Action against Israeli apartheid

The Deputy Mayor of Barcelona and the leader of the Catalan Socialist Party in Barcelona, Laia Bonet, opposed the decision and demanded the “restoration” of the relationship. She said that authorities should make efforts to “reinforce, not weaken, the role of Barcelona in the world.” HIC’s Housing and Land Rights Coordinator Joseph Schechla countered, saying that “Barcelona’s move to oppose Israel’s apartheid and colonial regime in Palestine raises the reputation of Barcelona in the world as a community of conscientious and law-abiding global citizens.”

The Israeli Foreign Ministry responded to the news by claiming that the majority of the residents of Barcelona did not support the mayor's stated position. Some Zionist groups have also called the decision "sophisticated anti-semitism." However, that has prompted a wave of international solidarity in favor of Colau and her party Barcelona En Comú on Thursday. European Jews for Just Peace, a federation of 12 European Jewish peace groups, supported Colau's decision, claiming that "boycott is a legitimate, time-honored method for civil society to protest against a country that commits human rights abuses. Mayor Colau is following the footsteps of those who boycotted apartheid South Africa."

The Palestinian national committee of the Boycott, Divestment, and Sanctions (BDS) movement also welcomed the decision, "[saluting] the Mayor of Barcelona." It also noted that Barcelona's move to suspend ties with Israel was "reminiscent of the historic and courageous city councils that pioneered cutting ties with apartheid South Africa."

The Barcelona City Council voted on the decision on 24 February 2023, with a majority opposing the mayor in three ballots. However, as the external relations of the city fall within the mayor's mandate, the decision remains through her tenure unless and until she, or a succeeding mayor, revokes it.

You can still support Barcelona's principled position by sending your letters of support to the responsible authorities simply by clicking on the Urgent Action support button here and signing your name and your affiliation.

Read the full details of the case here.

Meanwhile, concerned citizens of Toulouse, France also have launched their own localpetition to end that city's twinning relationship with Tel Aviv on the same human rights grounds. That action included a demonstration in solidarity with Palestine on this year's Land Day.

Photo: Representatives of the `Prou Complicitat` platform protest in front of the Barcelona Municipality in 2021. Source: Europa Press.

Regional Developments

MENA Region in the Global Food Crisis Response



On 14 December 2022, the World Council of Churches (WCC), in collaboration with the Civil Society and Indigenous Peoples' Mechanism (CSIPM) for relations with the UN Committee on World Food Security (CFS), held a global webinar "Global Food Crisis and the Responses: a comprehensive update and discussion." Its aim was to update WCC and CSIPM respective constituencies with a consolidated status update of the food crisis and the responses in various

regions. The webinar built on the popular regional consultations organized by the CSIPM in July 2022, as CSIPM regional representatives shared the main outcomes and insights discussed in those consultations, involving regional strategies to get through the crisis and build a sustainable future. The webinar also discussed the outcomes of CFS 50, its annual meeting held in October 2022.

HIC-HLRN Program Advisor Heather Elaydi and one of HIC's representatives on the CSIPM Coordination Committee Hala Barakat presented their report on the food crisis in the Middle East and North Africa (MENA) region, which was supported in part by WCC. Elaydi and Barakat were invited to produce the report as the West Asia and North Africa representatives of the CSIPM did not hold regional consultations, and an overview from these regions was needed. Their report focused on two key issues in the regions: conflict, war and occupation (Elaydi) and women's rights (Barakat).

The Russian war in Ukraine has brought recent attention to the global food crisis. However, for many countries in the MENA region, conflict, displacement, occupation, sanctions and war have for years been the biggest barrier to achieving sovereignty over local food systems and food security for their populations. The Middle East represents just 6% of the world's population, yet is home to 20% of the world's food insecure people, due largely to the impact of protracted conflict. While some conflicts in the MENA region have roots in local populations' struggle for change, in many contexts, interference from other countries has destabilized, exacerbated, and prolonged these conflicts.

Roles and responsibilities associated with food security and nutrition largely fall on the shoulders of women and girls and, despite the key roles women play in food systems, female-headed households experience more-severe financial burdens and are the most

susceptible to food insecurity, with a prevalence of malnutrition, including undernourishment and obesity (13.2% and 28%, respectively). Multiplying inequalities, women in the MENA region own only 5% of agricultural land, but represent at least 40% of the agricultural workers.

Elaydi and Barakat's report was also used as the basis of the MENA section of the Global Network on the Right to Food and Nutrition's (GNRtFN) most recent publication, [State of the Right to Food and Nutrition Report 2022](#), coordinated by FIAN International. HIC-HLRN is a long-time member and key MENA region partner of the GNRtFN.

Reflecting global developments from July 2021 to the end of 2022, the report focuses on the connection between war, systemic violence, and structural inequality. It examines how powerful economic actors, notably governments and corporations, use conflict, occupation and war to create and perpetuate their dominance over food systems and global efforts to address hunger and malnutrition.

The Russian invasion of Ukraine disrupted the global food system and added another layer to the multilayered global food crisis. However, despite dominating global headlines, it was not the only conflict causing record levels of internally displaced people. As previous editions of this report have underlined, most undernourished people live in countries experiencing armed conflict such as Burkina Faso and parts of the MENA region, which go largely unnoticed by mainstream media.

The CSIPM consultations also contributed to the most recent CSIPM publication, [Voices from the Ground 2: Transformative Solutions to the Global Systemic Food Crises](#), co-authored by Barakat and HIC's other CSIPM Coordination Committee representative André Luzzi.

The consultations show that official support during the crisis has overwhelmingly benefited the corporate sector, leaving small-scale food producers behind. While the state has undertaken some weak measures, hundreds of examples show that, in all regions, solidarity actions undertaken by local communities and organisations of food producers, workers, women and Indigenous Peoples have had to take over the state's responsibilities as the principal duty bearer obliged to respect, protect and fulfill human rights. Simultaneously, the vital contributions of small-scale food producers, who are already engaged in food systems transformation based on food sovereignty and agroecological transition, are not recognized or supported.

The regional consultations tell the stories of those most affected by this multifaceted crisis. They provide rich evidence of the spontaneous and voluntary actions taken by youth, women, Indigenous Peoples, peasants, workers, pastoralists, fisherfolks, the landless, urban food insecure and displaced persons to provide practical and strategic responses to the food crisis in the breach that governments left.

These voices from the ground must be heeded to formulate meaningful responses. Policy responses need to be anchored in a comprehensive human rights approach, by recognising the agency of those most affected as rights-holders, and the accountability of governments as duty bearers and implementers of states' binding obligations.

Download *Global Food Crisis: Updates from the MENA Region*

Download *State of the Right to Food and Nutrition Report 2022*

Download *Voices from the Ground 2: Transformative Solutions to the Global Systemic Food Crises*

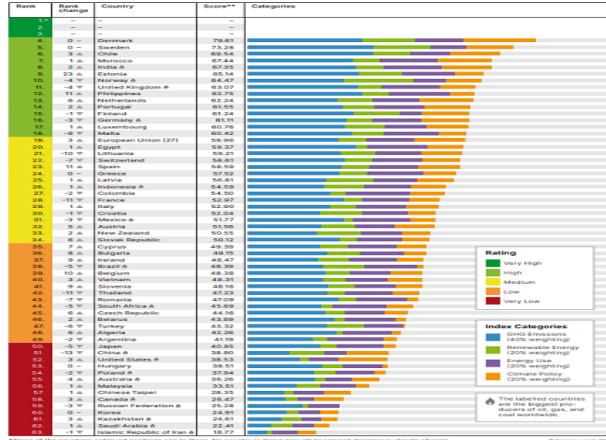
Watch *Global Food Crisis and the Responses: A Comprehensive Update and Discussion*

Image: Artwork from the announcement of the webinar: *Global Food Crisis and the Responses: A Comprehensive Update and Discussion*. Source: CSPIM.

Regional Developments

Green-transition Finance in Egypt

Climate Change Performance Index 2023 – Rating table



Climate changes are increasing with each passing day, including in Egypt, where the population needs improved knowledge of the consequences and the ongoing processes. More-complete and accessible information could enhance public understanding and engagement in both mitigation—i.e., efforts to reduce greenhouse-gas emissions (GHGE)—and adaptation, the efforts at evading or lessening the negative impacts of our warming planet.

Research Method

This prospect was the motivation at HLRN to find ways to organize and present information to allow various publics to follow climate actions more easily. Meeting that first major challenge required gathering the currently scattered information into a single accessible format.

The present review was made possible by researching the websites of each of the major climate-finance mechanisms to collect project-specific information in a single research instrument. This was needed to create a single matrix with harmonized categories enabling the search across various criteria.

The projects were clustered by category: source (i.e., financial mechanism), development field, effect (mitigation or adaptation), project status, benefitting/ implementing sectors (private or public), and type of finance (loan, grant, equity, domestic source, or other). This has enabled the answers to emerge in response to several research questions summarized here.

The country-specific scope of this inquiry focuses only on Egypt so far, chosen because of its most-ambitious green-transition portfolio of the MENA region. However, similar methods and tools of inquiry could likewise be applied to other countries to visualize patterns and trends across that region, which shares so many climate-change issues, features and challenges.

Mitigation versus Adaptation?

Consistent with the trend across the MENA region as a whole, most externally funded green-transition efforts in Egypt have sought to reduce GHGE; whereas, adaptation

measures form only one-third of projects. The 34 mitigation projects in Egypt are valued just over US\$9 billion, while 10 adaptation projects have a combined value of just over US\$35 billion. Only two of the projects reviewed, supporting financial institutions, could be classified as having both mitigation and adaptation effects.

The period since 2010 has seen 48 major projects funded by seven of the major climate-finance institutions to propel Egypt's "green transition." This report summarizes a review of the green financing from these sources only, which are separate from "green bonds" and smaller-scale projects carried out separately.

These projects are distributed across most development sectors, with nine projects in agriculture; 17 in the energy sector; six projects in the water and sanitation sector; one project in industry, mining and quarrying; two in the transport sector; four directly supporting financial institutions; two seek the preservation of natural resources; three in environmental and urban infrastructure; three addressing solid waste; with one operating humanitarian relief from climate events, namely, for Alexandria flood victims.

None of these greening projects operate explicitly in the housing sector. This is despite the significant contribution of housing and construction to GHGE and global warming, and instances of "green building" in Egypt reported elsewhere.

The Partners

This review covers those projects supported by the green-financing institutions and mechanisms of the:

1. African Development Bank (AfDB)
2. Climate Investment Fund (CIF)
3. European Bank for Reconstruction and Development (EBRD)
4. Green Climate Fund (GCF)
5. Global Environment Facility (GEF)
6. Middle East/North Africa Transition Fund (MENA) and
7. World Bank (WB)

African Development Bank (AfDB) has funded the greatest number of green-transition projects in Egypt, totaling US\$4.7 billion through loans and nearly US\$1.05 billion as grants. These (six projects) are predominantly in the energy sector, with three in water and sanitation.

Climate Investment Fund (CIF) has funded two projects in energy and infrastructure, with one each pursuing adaptation and mitigation. Their total value is over US\$30 billion in loans, with the bulk going toward sustainable urban infrastructure.

European Bank for Reconstruction and Development (EBRD) has sponsored the second largest number of individual projects (11) almost exclusively targeting mitigation. Five are in the energy sector, and three support financial institutions, with one each in

natural-resource preservation and infrastructure works. Those have been relatively modest in value, totaling US\$1,7 billion in loans and almost US\$118 million in grants.

Green Climate Fund (GCF) has financed four projects, with three in energy, and one project to support finance institutions. One project, [Transforming Financial Systems for Climate](#), spans 17 countries (including Egypt) across four sectors, including the singular project in this review potentially to support climate-change-related housing adaptation. Total GCF financing to reach Egypt amounts to almost US\$223 million in loans and just under US\$116 in grants.

The Global Environment Facility (GEF) has operated only three small mitigation projects in Egypt. All have been grants worth a total US\$12.2 million.

Middle East/North Africa Transition Fund (MENA) is the least active of the green-financing institutions in Egypt. It has sponsored a single industrial-waster mitigation project with a grant of US\$2 million.

Following the Money

The investment over the period since 2010 totals some US\$44.53 billion from multiple sources and through various stages. Of these, Egypt has received most financing in the form of sovereign loans, amounting to over US\$38.4 billion. A much smaller proportion of financing (US\$2,244 billion) has come in the form of grants. About US\$1.058 billion has come from domestic (public) sources, while only US\$318.6 million has come from equity financing provided by investors.

While most of the climate-financing institutions operate with a basket of monies contributed by states and other public financing institutions, the biggest [state contributors](#) through this review period are concentrated in Europe, Japan, North America and Oceania.* Only one project, [Helwan South Power Project](#), identifies a collective of funding sources in the MENA region, namely: the OPEC Fund for International Development, the Kuwait Fund for Arab Economic Development, the Islamic Development Bank, and the Arab Fund for Economic and Social Development.

As noted, Egypt's largely successful "green bond" financing through the London stock exchange has yielded a reported billion to date. Since Egypt became the first country to offer sovereign climate bonds, or "green bonds," in September 2020. That initiative, supported by the World Bank's [Government Debt and Risk Management \(GDRM\)](#) Program, has been sponsored by the [Swiss State Secretariat for Economic Affairs](#). In fiscal year 2023, the Government of Egypt is planning to issue \$500 million worth of green bonds to finance several other green infrastructure projects. Further inquiry would be needed to determine to what extent revenue from these bonds figure in the ongoing repertoire of green-transition projects.

Private and Public Sector

Projects with public-sector beneficiaries and implementers number 15, out of the total 48 projects reviewed. These value US\$5.15 billion in loans, and almost US\$63 million in grants. By comparison, the 23 projects directed at private-sector beneficiaries and implementers involve just over US\$32.5 in loans indebtedness incurred by Egypt, with US\$68.6 million in grants and just under US\$1 billion (US\$984.10 million) in contributions from domestic public financing. Projects directed at both public and private sector beneficiaries are supported by US\$750 million financing in the form of loans to Egypt. The total equity financing (from other investments) is only US\$318 million, and all that private-source funding goes to mitigation projects.

With the information available from the seven major climate-finance mechanisms, at least three private corporations are the main recipients and beneficiaries of debt financing from AfDB to the Republic of Egypt. These are foreign-owned corporations: Delta Renewable Energy, owned by Delta Electronics (Americas) Ltd., based in California USA; Indian-owned Shahpoorji Pallonji; and Alcazar Energy Egypt Solar, owned by Alcazar Energy Partners (UAE). All of these are implementing solar-energy projects in Egypt under AfDB loans of around US\$18 million each.

The World Bank (WB) has funded 10 green-transition projects in Egypt during this review period, and these are the earliest and oldest among them. Eight of them are dedicated to mitigation. All are spread across the energy, water-and-sanitation, transport and solid-waste sector. Only two of them remain in operation. Their total value is US\$1.656 billion in loans, and US\$947 million in grants. 20

It appears that all financing institutions aim to finance the activities of the private sector more than the public sector, especially in the field of energy. However, it cannot be said that any institution is specialized in a particular area of development, but diversify project financing across sectors. Only the African Development Bank (AfDB) appears to be more inclined toward energy and agriculture in projects funded in Egypt.

In 2022, ahead of the CoP27, hosted by Egypt, and the upcoming CoP28 in UAE,

Concluding Observations

From this snapshot of Egypt's green transformation through the lens of current climate finance, we see wide and varied activity. The trend is promising, as Egypt has emerged as a leader in the region's climate action and green transformation.

Access to information about these vital efforts is key to public engagement, but some difficulties remain. For example, each funding mechanism presents information about projects in its own way, and even in diverse currencies. Formats and types and presentations of data could be better harmonized, standardized and centralized to aid the public in accessing relevant information across the various financing mechanisms.

An imbalance remains in the approach to the climate crisis. Most projects work on mitigation, but few enable adaptation to what is to come. Both are urgent.

Other apparent trends deserve greater scrutiny and research effort. For example, the details of who benefits in the private and public sectors, respectively, are found in the implementation reports and evaluations of specific projects, most of which are still in process. Answers to these questions also would indicate the extent to which climate finance may affect national assets under state (i.e., public) management, or lead to greater privatization of vital public goods and services. The public debt burden and repayment prospects form another key area of public concern, requiring more analysis as US\$38 billion of debt comes due.

While state-to-state discourse dominates the field, people-friendly and human-centered approaches are still needed to meet our common climate-crisis challenges together.

The relative absence of Arab countries from financing green transformation projects raises many questions, particularly about the divergence between domestic and external policies and behavior of individual states. On an encouraging note, at CoP27 in Sharm al-Shaikh, the Arab Coordination Group (ACG) committed \$24 billion to address the climate crisis through South-South and triangular green financing by 2030.

It is vital for civil society to engage in the national, regional and global efforts at green transformation, both the mitigation and adaptation to advancing climate change. The issues concern us all, and climate action and the green transition emphasize just how the state and civil society are two sides of the same coin. The state-driven efforts and mechanisms must be consciously supported by civil society and vice versa. Civic participation in the progress to implement the promises made by the private and public sectors and external parties is vital to ensuring that these promises will be shared by—and benefit—all sectors of the state's population.

This article was made possible by the contribution of researcher Shrouk Dhia, recent graduate in Business Administration (English) from `Ain Shams University, Cairo, Egypt.

* These are namely: Australia, Austria, Belgium, Canada, Cyprus, Czech Republic, Denmark, Estonia, EU, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Japan, Latvia, Lichtenstein, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom, and United States.

Photo on front page: Satellite view of northern Egypt and Red Sea. Source: Wallpapers.
Image on this page: Climate Change Performance Index - Rating Table. Source: German Watch.

Regional Developments

Arab Civil Society Reviews Development Progress



At the midpoint in its implementation, it is evident that the 2030 Agenda (“transforming our world”) and its 17 Sustainable Development Goals (SDGs) are faltering. The universal commitments to achieve a sustainable, prosperous and peaceful world for everyone are not achieving the promised objectives. Hampered by multiple crises, the systemic and structural challenges at political, socio-economic, cultural and environmental transformation also still lack the political will of governments.

Regional forums offer an effective way for states to cooperate in the pursuit of common goals. Within the common framework of the UN’s 2030 Agenda, the Economic and Social Commission for Western Asia (ESCWA) organizes an annual Arab Forum for Sustainable Development (AFSD), convening states and stakeholders to share experience and assess progress and enhance the region’s voice at the High-level Political Forum on Sustainable Development (HLPF).

The Civil Society Forum

In preparation for AFSD, the Arab NGO Network for Development (ANND) collaborated with the members of the Regional Sustainable Development Platform (ATUC, CAWTAR, HIC-HLRN, AFRPD, ANDE and Transparency International) to organize the The Regional Civil Society Forum on Sustainable Development in the Arab Region on 12–13 March 2023 in Beirut. This year, the deliberations also coincided and overlapped with the Safir Youth Forum [AR].

Both the civil society and official forums began with the same message: that states, governments and all stakeholders must do more to achieve intended progress. The rich program of the Civil Society Forum interrogated and contested laws, policies and practices of the region’s government, while emphasizing also the special circumstances of the region. These include uniquely convergent effects of climate change; unproductive and inequalitarian rentier economies; conflict, occupation and war; economic and military dependence; anti-democratic and authoritarian regimes; and customary practices that impede social development, especially for women, minorities and persons with disabilities.

The Civil Society Forum's two days featured seven panel discussions, each elaborating on a certain thematic focus of Agenda 2030 and its 5Ps (People, Prosperity, Peace, Planet, and Partnerships), as well as cultural dimensions. Around 150 participants engaged in working group sessions and developed a set of recommendations around the priorities discussed, including on the regional context, process, and engagement on Agenda 2030 monitoring, the peace-and-development nexus, social cohesion, structural economic problems, administration of land and natural resources, Agenda 2030 implementation and financing for development, diversified economies, industrialization, employment, and climate finance. The deliberations and recommendations are compiled in the [final report](#).

The Official Forum

The Arab Forum for Sustainable Development ([AFSD](#)) lasted three days (14–16 March) and [covered](#) SDGs 6, 7, 9, 11 and 17, forming the [thematic focus](#) of this year's HLPF at New York, in June 2023. Plenary sessions were also interspersed with special sessions of a more-technical nature. You can find the Forum documents, materials and recorded sessions [here](#). One of the key documents was the [Annual SDG Review](#), which focused entirely on the role of the private sector in the SDGs.

The session dedicated to SDG 11: Make cities and human settlements inclusive, safe, resilient and sustainable sought to assess the implementation status progress in the Arab region, and the impact of COVID-19 and other crises on the efforts of Arab countries to make progress on this Goal.

Moderated by Maysoun Ibrahim, president of the Palestinian Syndicate for Information Sciences and Technology, the session featured panelists:

Yousef al-Shawarba, mayor of Greater Amman Municipality, Jordan

Fatima Amzil, deputy mayor of Agadir, Morocco

Mohammed Khashashneh, secretary general, Ministry of Environment, Jordan (virtual)

Moataz Yeken, managing director, Wabel Consulting, Egypt

Nongovernmental discussants were:

Rania Hedeia, regional representative, UN-Habitat Regional Office for Arab States

Joseph Schechla, coordinator, HIC-HLRN

Abir Saksouk, co-director, Public Works Studio, Lebanon

For his part, Joseph Schechla introduced Habitat International Coalition, a global civil society platform with some 350 member organizations in 80 countries, including 10% of them in the Arab countries. He explained that the Coalition was formed and renewed in the global policy processes of the serial UN conferences on human settlements, now expressed in the New Urban Agenda.

He continued: “With our grounding in international law for a just world order, our approach to human settlement development is rooted in human rights related to the habitat, that is, at the very confluence of both human rights and sustainable development. Those combined criteria for statecraft apply equally and simultaneously to each sphere of government, whereas cities and local authorities share the same binding obligations, as well as the temporary and voluntary commitments of the 2030 Agenda, as central institutions of the state.

From this vantage point, we no longer refer to “levels of government,” with their implied hierarchy and bias against the local processes that are always closer to the daily experience of citizens. Rather, we only speak of “spheres of government” as partners in human rights-based sustainable development.

In the efforts at mitigation and adaption to climate change, we are encouraged by the examples we have heard here to localize climate action and climate justice. In particular, we commit to apply and further develop our already-proven methodologies to quantify impacts of climate change with local communities who are already paying the price, especially in response to the new loss-and-damage fund and the need to invest in local remedies. In that challenging and indispensable task, we look forward to cooperation with all spheres of government as part and parcel of the fabric of the state: its territory, its people and its institutions.”

Abir Saksouk addressed Lebanon’s development plan, drafted with the United Nations. She pointed out that its implementation has seen the continuing privatization of the states assets, in particular, 25% of its land. Meanwhile, the country’s monetary reserves have diminished along with the decline of the country’s natural and productive resources. These practices contradict all principles of the plan.

Housing costs are on the rise, with the costs of services, during an unprecedented national economic crisis and falling wages. The human right to housing is violated in this context with waves of forced evictions. Meanwhile, hundred of recent reports indicate that 65% of Lebanese are living in uninhabitable conditions, 60% live without basic services, 96% are subject to discrimination and 60% face arbitrary and unlawful evictions. In light of these circumstances, she asked what is our role, and the role of this forum to pressure the Lebanese government to uphold its housing rights obligations to its citizens and residents?

Panelists did not address either of the civil society interventions.

Unprogrammed, the moderator invited the regional WHO representative to speak, promoting the agency's Healthy Cities Programme. She also invited an intervention from the representative of IOM, who characterized the conditions of migrants and displaced persons in the region.

The scheduled discussion with the audience featured Sylvana Lakkis (AFRPD), questioning how the 15% of the population with disabilities figure in the efforts toward inclusive and smart cities. The moderator tried to interrupt her, but she continued to speak from personal experience in Arab cities (e.g., in Morocco) as to how mobility obstacles for persons with disabilities impede normal life. For his part, Yousef al-Shawarba replied with a principled response and example of how Amman has provided free transport to residents with disabilities.

A participant representing a private company in Egypt responded to Abir Saksouk's concerns by affirming the private sector's readiness to provide needed energy and other services lacking in the public sector.

A final intervention posed a threefold question: (1) does "smart" Amman have indicators to determine the effect of traffic on the physical and mental health of its inhabitants, (2) what role does ESCWA play to compare official development reports with reality, and (3) how can we [in Amman] claim to have the no. 1 municipality in the world, when it is unelected?

[Watch the entire session](#) (untranslated)

The panelist responded to questions posed to them in their final comments, but the session naturally left many issues hanging for future stakeholder encounters. It was well noted by civil society participants that all UN agencies and their logos were represented at the Forum, excluding the UN Office of the High Commissioner for Human Rights. It is understood that this omission came at the direction of Amina J. Mohammed, Deputy Secretary-General of the United Nations and Chair of the United Nations Sustainable Development Group, who personally opened the Forum.

Photo: View of the Civil Society Forum on Sustainable Development session on climate action, 13 March 2023. Source: ANND.

Annexation and Expansion...Displacement and Reallocation: The Zionist Israeli Agenda Exposed



Statement by Land Research Center on the 47th Palestinian Land Day, 30 March 2023

In 1976, the Israeli occupation masterminds came up with a plan to develop the Galilee (designated by the UN partition plan to be part of the Arab state in Palestine) as “Jewish” by continuing the expropriation of the land of Palestine occupied as of 1948. The targeted lands belong to the mere 10% of the Palestinians who remained steadfast

in their land after the Nakba under an oppressive occupation that confiscated every inch of the expelled Palestinian refugees’ land left behind. The new Government of Israel illicitly transferred them to the administration and control of the Jewish National Fund (JNF), an apartheid-chartered parastatal organization, to ensure the appropriated lands remained “Jewish.”

All these lands were freely given to immigrant Jewish colonists coming from all around the globe to create a “people” for a fabricated “country.” To support this narrative, they falsified historic facts and tried to appropriate Palestinian culture and heritage. As much as this constructed narrative seems implausible, many unwitting politicians believed it; even the liars believed their own lie. And today the Finance Minister of Israel Smotrich is supercharging those lies, claiming that the Palestinian People was “invented” to destroy the Zionist Movement.

However, is a fact known to historians that the Zionist Movement was actually anachronistically created as an offshoot of moribund European colonialism to, on the one hand, implement their geopolitics in Arab territories and appropriate their resources and, on the other, sow conflict between the region’s people. This occurred amid the downfall of the Ottoman State, the “Sick Man of Europe” before its complete collapse at the end of the first World War in 1918.

Just in time, the Zionist Movement found common cause with, and manipulated the Great Powers. It achieved recognition of its colony as a state by the United Nations, which, against sacrosanct principles of international law, handed them 56% of lands administered by the All-Palestine Government, the governing body of Palestine under the British Mandate at that time. That development allowed thousands of European Jews, including those eventually fleeing Nazism, to enter Palestine and live in peace

among the Indigenous Palestinian People. However, instead of returning the favor, in 1948, the Jewish refugees and colonists occupied more than half the area of Palestine and, in 1967, occupied the West Bank and Gaza by force.

At the beginning, they claimed it was a temporary solution, until the situation would be resolved. Then the Military Government of Israel claimed to set up a “civil administration” of an “ungoverned” area. Finally, their true intentions were revealed by spreading the false claim that this acquired land belonged to *them*, and was merely occupied by Palestinian Arabs, and the colonizers finally achieved freedom in their long-occupied land.

Nowadays, a new narrative is in circulation, with Finance Minister Bezalel Smotrich, head of the Religious Zionist Party, insisting that the Palestinian Peoples is only an invention. His claim to the “land of Israel” includes the Hashemite Kingdom of Jordan, Lebanon, and parts of Syria, Iraq, Egypt, Turkey and Saudi Arabia. Their clandestine project and the Zionist dream are now exposed and displayed in a public slogan “*Hey, Israel, Your Land is from Euphrates to Nile.*” For so long, Palestinians have been warning the world of these actual Zionist intentions, as the Israeli flag’s star was appropriated from the ancient Arab heritage – a six-pointed geometric figure – between two blue lines representing the Euphrates and Nile Rivers.

The Zionist political parties since their inception worked side by side for this objective, all these manipulations were to gain additional time, to build more infrastructure, and strengthen their military-and-security system. And, today, after 47 years since the Land Day uprising that cut down six Palestinian martyrs, the occupation continues to kill Palestinians. From the beginning of this year alone, 88 martyrs were killed by Israeli violence, and the occupation government has confiscated 2.3 million dunums (230,000 hectares) of West Bank land for their colonial projects. The racist Government of Israel has encouraged and enabled ever-greater levels of settler violence, illustrated by the recent arson and violent attacks on al-Hawwara village and so many Palestinian homes across the West Bank.

Israeli colonies and outposts established illegally and in contravention of international legitimacy, has reached 572 in number, inhabited by 850,000 illegal Jewish settlers, uprooted more than two million trees that used to stand as a testament to this land’s Arab and Palestinian nature, and demolished more than 12,350 Palestinian houses in the 1967-occupied Palestinian territories.

The ongoing demolition operations are not restricted to only this part of Palestine. In fact, doing the bidding of the Jewish National Fund, the Israeli military and police have demolished al-`Araqib village inside the 1948 borders **214 times**, while Israeli institutions have dried Lake Houla, stolen Jordan River water, and now are drying the Dead Sea.

Today, on the occasion of this Land Day (30 March 2023), we call the world to stand against this occupation that violates universal laws and norms. It is a shame to support it. A silent witness is a partner in crime.

On this glorious day commemorating the first Land Day uprising, we call on a silent world to rise up.

The blood of the Palestinian martyrs, like the roots of the olive, never dries, never to die.

A lie cannot survive, and a land cannot lie. As Palestinians, we hear our land sing its hymn: *I am the mother of the Palestinian. From my womb my children were born, and will always live free within my reach.*

Land Research Center – Jerusalem

Arab Studies Society

Jerusalem, Palestine

Land Day, 30 March 2023

Photo: Palestinian women raising the national flag over their land on Land Day. Source: Arab America.

Humanitas-Solidaris (Cameroon)



Humanitas-Solidaris (Cameroon) is a civic association for the defense and promotion of universal human rights. It envisions a better world with secure and equitable access to, use of, and control over land for all, to a human rights habitat with adequate housing, food and a clean, healthy and sustainable environment. As such, Humanitas-Solidaris (Cameroon) is an association dedicated to working for the defense and promotion of human rights.

Founded in 2016 and officially recognized in 2018, Humanitas-Solidaris seeks to reduce and eradicate the gap in the enjoyment of human rights related to habitat by facilitating access to land, adequate housing through the social production of habitat by participating in the protection and integrated and sustainable management of the environment and promoting climate justice.

The association seeks to operate a program of advocacy, organization and support of communities, awareness-raising, action research, popular mobilization and negotiation with relevant authorities. The organization applies these human rights related to habitat within Cameroon's agro-pastoral economy with respect to protection of the environment.

Specific actions include:

- Exchanges of information and experience on land issues and the human right to housing with the inhabitants of informal settlements;
- Mounting urgent action appeals for the displaced populations, as in the recent Urgent Action appeal with HIC-HLRN at Bessengue Valley, Douala, Cameroon, and several other locations in Cameroon, and even elsewhere in West Africa (e.g., Côte d'Ivoire, Senegal);
- Collecting and managing data on forced evictions in Central and West Africa to be inserted into the HLRN Violation Database;
- Organizing displaced populations toward acquisition of reparations, including alternative land with a view to building decent, viable and sustainable housing and communities;

- Seeking the acquisition of land for benefit of destitute and displaced populations for agroecology and agro-pastoral activities;
- Promoting environmental and climate justice through advocacy and awareness-raising toward mitigation of, and adaptation to the harmful effects on the environment caused by anthropogenic activity (e.g., the collection, reuse and recycling of household waste, etc.);
- Channeling donations to orphanages by collecting funds from generous benefactors.

Image: Humanitas-Solidaris (Cameroon) logo.

International Developments

Join Learning and Advocacy for Climate Justice and Social Production of Habitat



Habitat International Coalition has launched its call for the second phase of its Co-Learning Spaces project, which will focus on Social Production of Habitat and Climate Justice. The project is based on the interests and inputs by HIC Members, and facilitated by the HIC Reference Centers (HIC-HLRN, HIC-MENA, and HIC-AL) and the General Secretariat.

Calls for applications for facilitators for each of the Climate Justice and Social

Production of Habitat spaces were launched on 20 March 2023, closing on 31 March. Co-Learning Space facilitators will be part of a cross-regional team of 6 people (2 from Africa, 2 from MENA and 2 from Latin America) that will plan, implement and help in the follow-up of four Co-Learning Space sessions. Facilitators will contribute their experience in climate justice and social production of habitat, and through their specific regional perspective, in the organization and development of the Co-Learning Spaces and a corresponding strategic action plans to promote and advocate these themes. Facilitators will collaborate closely with HIC Learning Officers from the General Secretariat, HIC-AL and HLRN and the Coordinators of Africa, MENA, Latin America, HLRN, the General Secretary and HIC President during five stages of the Co-Learning process: preparation, planning, implementation, post-implementation and follow-up.

Facilitators are expected to be identified by mid-April, with regional consultations taking place later in the same month, and cross-regional kick-off meetings scheduled for May. Planning of the spaces will take place over the summer. Both co-learning spaces will be facilitated online, over the course of several weeks in the autumn of 2023 by HIC Members in Africa, Middle East/North Africa and Latin America.

Co-learning spaces are cross-regional, multi-session encounters open to all HIC Members, Friends and allies to generate and multiply emancipatory learning practices that can be applied in the defense of human rights related to habitat. At the core of this unique project is the vast experience and expertise held by HIC Members world-wide, who will have the opportunity to share their knowledge with other participants. Each co-learning space will provide participants with a range of opportunities to discuss and reflect collectively on specific issues pertinent to the work of HIC Members, Friends and allies. The co-learning spaces will offer interpretation in Arabic, Spanish, French and English.

The previous phase of the Co-Learning Spaces project focused on Land Rights, Feminist Approaches to Habitat and Multi-level Advocacy. HIC is in the process of developing podcasts based on those sessions, and currently three episodes from the Feminist Approaches to Habitat podcast have been released in English, Spanish and French, available [here](#).

Image: HIC announcement of facilitator positions open for candidate nominations.
Source: HIC-GS.

Cameroon: Forced Eviction at Vallée Bessenguè



Hundreds of families rendered homeless in Douala

The year 2023 was off to a difficult start for the impoverished communities of Douala, Cameroon's commercial capital. Some 400–500 inhabitants of the Bessenguè Valley quarter of Douala saw local authorities raze their houses over 500m² by the authorities of the Wouri District on 5 January. The families spent their next nights under the stars after the eviction of a hundred constructions

deemed “illegal.”

The victims are mostly street vendors, shopkeepers, hairdressers, low- and middle-income workers and families with children still going to school, young people and even elderly people. They had lived in that location since 1982 in both temporary and permanent dwellings made of local materials.

Armand Nouwe, of HIC Member Caritas Douala (CODAS), visited the Bessenguè Valley and reported that it appears to him that they were originally employees of the former REGIFERCAM, which became CAMRAIL, the railway company. CAMRAIL had housed its employees 30 meters from the railway line. Gradually, the populations moved closer to 15 meters from the rails, others sensing possible evictions sold their plots at a high price and left.

Already in 2022, the authorities had destroyed 5,000 houses in Bessenguè Valley, at which point, the Sawa traditional chiefs of Wouri had appealed unsuccessfully to the authorities for mercy. In this second round of destruction, the police used tear gas to disperse angry young people, wounding one with live gunfire. The population's only recourse against the evictions is the denunciation of solidarity and human rights organizations, as well as the media that have reported the crime. Some inhabitants have organized a negotiation committee to appeal for government assistance.

Announced on 5 January 2023 at 6 a.m., the demolition operation finally began in the afternoon of that day. After the mass demolition, the Wouri District Prefect Guy Emmanuel Tchapgna explained that the eviction and demolition were not arbitrary and that the population had been forewarned. The inhabitants of Berrengue Valley had no place to go.

The prefect justified the clearing for the pipes and drainage systems to be built on the site. The pipelines will allow us to supply gas and fuel to the whole country, he said. Thus, on 5 January of this year, and after months of negotiations, meetings and unkept promises, the demolition took place.

Victims reported that the prefect had promised the inhabitants that they would be compensated upon their removal. Restrained by the forces of the riot police deployed, the victims of the demolition had implored the authorities to allocate them a site where they could shelter and protect what remained of their property. For the moment, these victims have had no assurance of obtaining alternative accommodation, let alone compensation. In the meantime, the authorities have remained evasive, if not silent, on the issue.

The demolition of the Bessenguè Valley quarter was a decision taken by the Minister of Domains, Cadastre and Land Affairs, of the Minister of Territorial Administration in consultation with the Douala City Hall, the railway company CAMRAIL, subsidiary of Bolloré Logistics (USA) and the Cameroonian Petroleum Depots Company (SCDP), which intended to use the land for a pipeline project. The executors were the police under the supervision of the Prefect of the Department of Wouri Guy Emmanuel Tchapnga.

Since 5 January, the displaced populations have been forced to find shelter with households elsewhere, take refuge in their ancestral villages or seek makeshift accommodation in another informal space, leaving them vulnerable to further eviction and dispossession. Since the authorities have not provided any resettlement, they promised to provide them with financial support in the coming days to hold on. But unfortunately, there is no more news related to this promise.

Regardless of the official reasons for evicting residents from their location, their treatment under eviction could be considered lawful only with certain safeguards and preconditions. Forced eviction without prior consultation with residents; their consent; due process; protection from abuse, including the condition of being homeless; other state-guaranteed protections would be a violation of human rights. A lawful eviction must not render individuals homeless or vulnerable to the violation of other human rights, and the state must ensure adequate alternative housing, resettlement, or access to productive land, as appropriate.

These evictions also have severe impacts on rights related to the human right to adequate housing, such as the right to food, water, health, education and livelihood. Cameroon remains obliged to respect, protect and fulfill the human right to adequate housing, having ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 27 September 1984.

In addition to violating all these international standards, Cameroon`s current evictions in this neighborhood reflect a continuing pattern of violations of the human right to adequate housing. In its 1999 Concluding Observations, the Committee on Economic,

Social and Cultural Rights (CESCR) expressed its concern at “the reportedly high incidence of forced evictions in the rural areas of Cameroon,” and urged Cameroon “to implement laws and policies to combat the problem of forced evictions, in accordance with General Comments Nos. 4 and 7.”

After examining the periodic report of Cameroon in 2012, the Committee noted:

“with concern the high number of reported cases of forced eviction and demolition of houses conducted without sufficient notice, and without provision of adequate compensation or alternative accommodation.”

And the Committee urged the State party to:

“ensure that the legal framework regulating urban development projects guarantees the provision of appropriate compensation or alternative accommodation in case of eviction, as well as access to remedies for the persons concerned. In addition, the Committee urges the State party to ensure that, in practice, no one is left homeless as a result of eviction. In this regard, the Committee refers the State party to its General Comment No. 7 (1997) on forced evictions.”

CESCR repeated this recommendation in its 2019 review of Cameroon.

Once again, the series of observations and recommendations of the United Nations Committee for Economic, Social and Cultural Rights for Cameroon to implement its treaty obligations and end forced evictions have not deterred the continuous wave of evictions in Cameroon.

Despite this impunity, HIC Member Humanitas Solidaris joined HLRN on 29 January to launch an Urgent Action appeal [FR] for solidarity with the victims of Berrengue Valley. It echoes the demands of the affected community, urging the authorities to:

- Immediately cease mass evictions and demolitions occurring in this neighborhood;
- Proceed with the compensation and resettlement of populations who have already left the neighborhood and who find themselves homeless.
- Proceed with the compensation of persons holding land titles and building permits.
- Take urgent action to ensure adequate alternative housing;
- Engage in frank dialogue with affected communities in accordance with human rights principles, especially CESCR General Comment No. 7;
- Uphold their obligations under international law and respect the right of all its citizens to legal protection of their human rights, including adequate housing, participation and expression; and full reparations grant them reparations for gross violations such as forced evictions.

What You Can Do

You can still join this call for responsible development and respect for the right to adequate housing, by immediately sending your letter of protest to the Cameroonian authorities responsible. Just go to the [HLRN Urgent Actions page](#) and click **Support** for this case.

Photo: Residents of the Bessenguè Valley in the process of eviction with the few belongings they could carry. Source: ACTU Cameroon.

International Developments

Children's Rights and the Environment



Law, as a common feature across humanity, is evolutionary in nature. Developing international law norms and standards, the UN Human Rights System has been advancing toward greater clarity on the human rights dimensions of the environment. This process has been delayed for centuries by philosophical notions of human/nature *dualism*, rooted in the Old Testament and championed by Western thinkers, alienating humankind from the natural world. Environmental events amid climate change and scientific facts may be rendering such an ideological dichotomy unsustainable.

Ahead of the 27th Conference of Parties to the climate-change conventions (CoP27) in 2021, the Human Rights Council recognized a human right to a safe, clean, healthy and sustainable environment. The General Assembly followed suit in July 2022 with a resolution (161 in favor, none against, with eight abstentions and 24 nonvoting) recognizing the human right to a clean, healthy and sustainable environment (omitting “safe” at the insistence of France over potential nuclear-power controversies).

Those important statements of both the UN’s highest human rights policy body and its highest authority, are nonetheless declaratory. What is still needed is an authoritative interpretation of this newly agreed-upon human right, specifying its normative content, sources in law, corresponding state obligations and defining violations and other responsibilities of international organizations, etc. That needed specificity is usually found in General Comments and recommendations of authorized monitoring and interpretive bodies overseeing a treaty that enshrines the particular right. Others have contributed to ever-increasing clarity, including UN Special Rapporteur on human rights and the environment John H. Knox, whose 2018 report set out 16 framework principles of state obligations in human rights law related to the enjoyment of a healthy environment. However, the core human rights conventions do not codify an explicit human right to environment...with one potential exception.

The Convention on the Rights of the Child stipulates that States Parties shall pursue full implementation of the child’s right to the highest attainable standard of health (24.2(c)) and, in particular, shall take appropriate measures...taking into consideration the dangers and risks of environmental pollution.

Under the Convention, States Parties also agree that the education of the child shall be directed to the development of respect for the natural environment (29.1(e)) [(29.1(هـ))].

In November 2022, the UN Committee on the Rights of the Child (CRC), acting under its authority to interpret the Convention, issued its draft General comment No. 26 on children's rights and the environment with a special focus on climate change. In response to the Committee's call for commentary on the draft, HIC-HLRN contributed to this norm-setting process by complementing the Committee on the draft as a welcome complement to the declaratory recognition [by the Human Rights Council and General Assembly and an important and influential source of law for all states. (All states in the UN System are parties to the CRC, except the United States of America.)

HIC-HLRN noted that, in the context of environment and climate change, the overarching state party obligations under the Convention remain to (1) to protect the child from harm arising from environmental hazards and disasters, including those related to climate change, and (2) serve the best interests of the child in that context.

HIC-HLRN joined other inputs to the Committee, acknowledging that states must do more to uphold the rights of children accordingly, while recognizing the role of children in the preparation of the draft as agents of environmental protection and in:

- Combatting climate change,
- Defining current and longer-term interests of the child in that context,
- Specifying environmental-hazard and climate-change effects on child rights, and
- Contributing normative content to the newly recognized right to environment and corresponding state obligations.

HIC-HKLRN's input anticipates that the GC should further emphasize that the scope of state parties' obligations requires **all organs of the state** to respect the rights of the child; protect against violation by third parties, both internal and external to the state and its territory of effective control; and fulfill those rights by promoting, facilitating and assisting their realization through concrete steps and measures.

Extraterritorial obligations

Some states' commentaries to the Committee have cautioned against the GC ascribing new obligations, in particular, extraterritorial obligations, referring to the ostensibly limiting reference to "jurisdiction" (article 2.1). However, HIC-HLRN points out that the CRC's Preamble also refers to a source in law for child rights in article 10 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which instrument has no territorial limitation. Moreover, in the spirit of international cooperation (articles 27.4 and 28.3 of CRC) and the very nature of human rights and the environment and climate-action fields, **state obligations** addressed in the GC **are simultaneously individual, collective, domestic and extraterritorial**. Such binding, prior and permanent territorial and extraterritorial obligations under the CRC

align with those arising from other human rights and environmental treaties, as well as the voluntary, non-binding and temporary commitments assumed by states under global policies.

Accordingly, the draft does clarify that states “should cooperate to ensure that business enterprises operating transnationally comply with applicable environmental standards aimed at protecting children’s rights from climate-related harm” (para. 116). This is wholly consistent with the obligation to protect, requiring the state regulate territorial and extraterritorial business activities consistent with human rights protection and interests of the child (para. 92). However, the draft’s reference to extraterritoriality (para. 100) may need to qualify the obligation to *fulfill* the rights of the child outside the state’s territorial jurisdiction as limited to certain circumstances.

The best-available science

Already 50 years ago, the international community recognized the imperative that:

man must use knowledge to build, in collaboration with nature, a better environment. To defend and improve the human environment for present and future generations has become an imperative goal for mankind...(para. 6). HIC-HLRN’s input reminds the Committee that the purposeful first principle of the Stockholm Declaration recognizes also that man “bears a solemn responsibility to protect and improve the environment for present and future generations.”

Sustainable development v. resilience

The Convention enshrines the obligation to pursue the goal of the child’s social integration and individual mental, moral, social, cultural and spiritual development (paras. 23.3, 27.2–3 and 32.1). The draft recognizes also the importance of pursuing sustainable development in the interest of the child (para. 101). It recognizes the need for states to “foster not only the resilience, [but] progressively the sustainable development and continuous improvement of living conditions of children and their communities” (para. 101).

This distinction between the contemporary usage of the term “resilience” and sustainable development is crucial, noting, as the draft does, the sustainable-development concept’s normative content with its three interlinked economic, social and environmental pillars (para. 12).

Moreover, resilience provides for only a return to the *status quo ante*, regardless of the level of wellbeing prior to the shock. However, sustainable development aligns with the “progressive realization” of human rights and the state’s obligation to ensure “continuous improvement of living conditions” enshrined in ICESCR (Articles 2.1 and 11, respectively) and cited in the draft (para. 101).

In the context of human settlements, for example, resilience refers to the capability of a person, household or community to recuperate after a shock involving loss or damage of home or landed property, and/or displacement from a habitual residence. HIC-HLRN pointed out to the Committee that the burden of such adaptations cannot be expected of a child.

Urbanization and adaptation

CRC provides that states parties “provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing” (article 27). Regarding new and future generations, children’s sustainable development requires the fulfillment of a bundle of her/his intertwined substantive and process human rights. HLRN-India added that housing and habitat development must include spaces for children to play, access adequate education, healthcare, water and sanitation and to be able to grow in a safe and hygienic environment.

Housing itself significantly impacts environmental impact and contributes to climate change, through construction, urban sprawl, sealing soil, energy consumption, water use, pollution, deforestation, desertification and biodiversity loss. For current and future children’s sake, timely and effective transformation of the housing sector is urgently needed, including improved energy efficiency and electrification, sustainability through enforceable building standards and codes, green building, low-carbon construction methods and materials, more-equitable use of existing housing stock, and integrating climate adaptation and resilience into urban planning and development.

Consequently, international cooperation, including through financial support and investment, is necessary to achieve a green transition that upholds the rights of the child. In the housing field, current and future built-environment priorities require diligence in upholding child rights, especially in cases of displacement in the context of environmental hazards, disasters and climate change.

Environment- and climate-related displacement

HIC-HLRN’s input to the Committee noted that nearly half the world’s children (approximately 1 billion) live in countries at “extremely high risk” of climate-change impacts, auguring an intersectional housing and child’s rights crisis. Women and girls are at particular risk during climate events, being more likely to have insecure tenure and exposure to discrimination, and fearing harassment and violence in shelters. Affected children experience multiple and transversal disadvantage and require special programs to ensure their protection, as well as respect, protection and fulfillment of their rights.

As CRC recognizes, “the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and, particularly, children should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community” (CRC, Preamble). Therefore, it is essential that

states ensure family unification throughout displacement and resettlement operations, including climate-change-related environmental and climate-change-related displacement and refugee processing.

The UN's recognition of a clean, healthy and sustainable environment as a human right casts environment and climate action in the new light of corresponding state obligations vis-à-vis that human right of each child. In this context, HIC-HLRN's inputs celebrated the development of clear, authoritative standards for implementing the human right to the environment, but emphasized also that the alignment of SDG progress with human rights norms and obligations is still needed.

Photo: Children learning how to maintain a clean environment. Source: Shutterstock.

International Developments

Land and States' ICESCR Obligations



The UN Committee on Economic, Social and Cultural Rights (CESCR) adopted its long-awaited [General Comment \(GC\) No. 26](#) on land and economic, social and cultural rights on 22 December 2022. The adopted version is a vast improvement over the earlier draft, which HIC-HLRN has addressed in *Land Times*/أحوال الأرض (Issues. [15](#), [19](#), [22](#) and [24](#)) and a separate publication of its input to CESCR: *A Human Right to Land*.

The new GC No. 26 begins with a focus on “secure and equitable access to, use of and control over land” as essential to the realization of other human rights, and the need for systems of tenure to secure access to, use of and control over land. It points out, however, that the current use and management of land are generally not conducive to the realization of the rights enshrined in the Covenant, based on the Committee’s extensive reviews of state performance of the treaty. It proceeds to identify the most-important factors in this trend in both rural and urban contexts, especially affecting disadvantaged and marginalized social groups.

The GC points out how the mismanagement and/or inequitable distribution of land can affect six particular rights enshrined in the Covenant, including food, adequate housing, health, livelihood, culture, self-determination and water.

However, initiating the recognition of water as a human right in a GC two decades ago, the Committee did not venture to give land—also a classic physical element and physiological need—equal treatment in law. Nor did the Committee consider the physiological relationship between human and land, despite the pledge in its [GC 25](#) “to develop the relationship more broadly between science and economic, social and cultural rights.” The examples given for land’s relationship to health are only in the negative sense, advising states to avoid land use that relies on pesticides, fertilizers and plant growth regulators or that results in the production of animal waste and other microorganisms has contributed to various respiratory diseases (para. 9).

The GC then begins to explore the connections between land and overriding principles of the Covenant’s implementation. As enshrined in the Covenant’s first three articles, these are self-determination, nondiscrimination, gender equality, rule of law, progressive realization, maximum of available resources and international cooperation.

First of these in the Covenant is the already-mentioned inalienable right and implementation principle of self-determination. An indicator of the Committee's reticence is its sole reference to land as essential to self-determination in the example of the *internal* self-determination of Indigenous Peoples (para. 11). The GC does not make the connection between land and the peremptory norm and *jus cogens* obligation of all states, found in the Namibia Doctrine, to ensure land rights of peoples and nations denied their right to self-determination, including by nonrecognition and taking effective measures to bring an end to that illegal situation.

The GC is more thoughtful on the overriding implementation principle of nondiscrimination. The **Non-discrimination, equality and groups or persons requiring particular attention** section features the principle of nondiscrimination with a particular focus on women, Indigenous Peoples and peasants and other people working in rural areas. Rule of law is cited in connection with states' duty to develop laws and policies to guarantee that land-based investments are made in a responsible manner (para. 28). This principle returns in the context of advice to states on preventing corruption particularly through consultation, participation and respect for the rule of law and the principles of transparency and accountability (para. 53). However, rule of law questions are best dealt with in the concluding **Implementation and remedies** section (paras. 59–61).

The GC does mention that "States shall use the maximum available resources to progressively realize the rights under the Covenant relating to accessing productive resources, particularly to assist individuals and groups to access an adequate standard of living" (para. 37), and to address the impact of climate change, particularly on disadvantaged groups (para. 57).

Also found in the body of the GC is guidance on operationalizing the principle of international cooperation. It provides that: "States parties shall ensure that the elaboration, conclusion, interpretation and implementation of international agreements, including but not limited to the areas of trade, investment, finance, development cooperation and climate change, are consistent with their obligations under the Covenant and do not have an adverse effect on access to productive resources in other countries" (para. 45).

The GC also advises that "International cooperation and assistance should be focused on supporting national policies to secure access to land tenure for those whose legitimate user rights have not been recognized. Policies should avoid leading to land concentration or commodification of land and should be aimed at improving the access of disadvantaged and marginalized individuals and groups and increasing their security of tenure. Adequate safeguard policies shall be in place, and persons and groups affected by measures of international cooperation and assistance shall have access to independent complaint mechanisms. International cooperation and assistance can facilitate efforts to ensure that land policies are sustainable and are or will become an integral part of official land use planning and States' broader spatial planning" (para. 47).

Despite its omission of land denied to peoples entitled to self-determination, the GC treats extraterritorial obligations in matters of land transactions (paras. 40–47). It reminds states to take steps through international assistance and cooperation under article 2 (1) of the Covenant with a view to progressively achieving the full realization of rights under the Covenant relating to land (para. 46).

On process rights linked to land, the GC emphasizes participation, consultation and transparency as general obligations of states in matters related to land governance (paras. 20–21). Half of this brief treatment is dedicated to processes referred to in the UN Declaration on the Rights of Indigenous Peoples, in particular, the principle of free, prior and informed consent.

Respect, protect and fulfill

Elaborating on the aspects of state obligations, a section on **Specific obligations of States parties** (paras. 22–39) is organized in line with the obligations to “respect, protect and fulfill.” This standard formula is most useful in the interpretation of obligations corresponding to a particular human right. However, since this GC does not treat a “human right to land,” this section remains abstract.

Respect

The GC reminds that the obligation to respect requires that States parties do not interfere directly or indirectly with the rights enshrined in the Covenant relating to land, including the access to, use of and control over land. The Committee interprets this aspect of obligation to mean that the state (and its organs) refrain from any of the following:

- (a) interfering with land users’ legitimate tenure rights, in particular by evicting occupants from land on which they depend for their livelihoods;
- (b) evicting by force and demolishing property as punitive measures;
- (c) committing any discriminatory acts in the process of land registration and land administration, including on the basis of marital status, legal capacity or access to economic resources; or
- (d) committing any act of corruption with regard to tenure administration and tenure transfers.

It adds that the obligation to respect also entails respecting existing access to land of all legitimate tenure holders and respecting decisions of concerned communities to manage their lands according to internal modes of organization (para. 22).

Protect

Echoing the Committee's earlier GCs Nos. 4 and 7 on the right to housing, GC 26 advises that States should provide all persons with a reasonable degree of tenure security that guarantees legal protection against forced evictions (para. 23), respecting "land users' legitimate tenure rights."

That means that the obligation to protect requires States parties to adopt measures to prevent any person or entity from interfering with the rights enshrined in the Covenant relating to land, including the access to, use of and control over land. States parties shall protect access to land by ensuring that no one is forcibly evicted and that their access rights to land are not otherwise infringed by third parties (para. 26), notwithstanding the type of land tenure systems (para. 27).

Fulfill

On the pro-active obligation to fulfill economic, social and cultural rights in the context of land, the GC reminds states parties to identify all existing tenure rights and rights holders, not only those in written records. States parties shall, through public rules, establish the definition of land user rights that are legitimate, in line with all the relevant Covenant provisions and with the definitions contained in the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (para. 33).

The GC points out that land distribution schemes should also support small, family-owned farms, which often use the land in a more sustainable way and contribute to rural development owing to their labor intensity. However, land redistribution schemes should ensure that the beneficiaries receive proper support to enhance their capacity to use land productively and to engage in sustainable agricultural practices in order to maintain the productivity of the land (para. 36).

As a function of fulfilling the various ESC rights related to land, the Committee proffers standard advice for states parties to engage in long-term regional planning to maintain the environmental functions of land (para. 38). This purposeful recommendation aligns with the provisions of the [New Urban Agenda](#), which commits states to ensure both the environmental and social functions of land and the city (paras. 13 and 69). Most implementers, monitors and other subjects of the New Urban Agenda still need specificity to realize these dimensions beyond land's economic function. However, this GC leaves them referring to other sources to understand the requirements of states to ensure the ecological and social functions of land.

Extraterritorial obligations

The section of the GC on extraterritorial obligations (ETOs) is very useful. I would be helpful to explain to states—especially those that commented with reservations about the concept—that ETOs are an inherent dimension of states' human rights obligations, in addition to the individual, collective and domestic dimensions.

The GC explains how land transfers are quite often financed or fostered by international entities, including public investors such as development banks financing development projects requiring land, such as dams or renewable energy parks, or by private investors. In reviews of State party reports, the Committee has encountered an increasing number of references to the negative impact on individuals', groups', peasants' and Indigenous Peoples' access to productive resources as a result of international investment negotiations, agreements and practices, including in the form of public-private partnerships between State agencies and foreign private investors (para. 40).

To fulfill its extraterritorial obligations, the GC reiterates the Committee's position that States should take steps through international assistance and cooperation under article 2 (1) of the Covenant with a view to progressively achieving the full realization of rights under the Covenant relating to land, which would also benefit peoples and communities outside their territories (para. 46).

Special circumstances

The GC does address land as a subject of special circumstances. However, it focuses only on *internal* armed conflicts and *post-conflict* situations, corruption, the protection of human rights defenders, and climate change. With regard to women's rights to inheritance of land, the GC's guidance is mentioned briefly in the section under discrimination against women. It is disappointing, particularly in the present phase of human history, that the first authoritative interpretive instrument on land and human rights from a Human Rights Treaty Body omits the many current cross-border conflicts and war situations, as well as ongoing illegal occupations. These will undoubtedly have to be the subjects of further application of the more-general principles of this GC in country-specific application.

Conclusion

While the current GC on land and economic, social and cultural rights is constructive and much improved over its previous draft, it seems to fall short of expectations. It demurs on the subject of land as a human need and human right, leaving more abstract advice on the treatment of land as only an accessory to the realization of other covenanted human rights.

In its abstract sense, the GC does recognize Indigenous Peoples, peasants and other traditional communities who have a material and spiritual relationship with their traditional lands that is indispensable to their existence, well-being and full development (para. 27). social, cultural, spiritual, economic, environmental and political value of land (para. 35). However, that view separates those communities from the wider humanity, as if land were not a human need and, therefore, not the subject of a human right.

The Committee did not apply to land the same principled method as in its recognition of water as a human right 20 years ago. Thus, the treatment of land in the current GC is

rather transactional, suggesting to treat land as property, which is not a subject of either Human Rights Covenant.

Despite cultural impediments found in Western dualist philosophies, humanity's understanding of its relationship with land and nature has evolved. The still-wanted recognition of land as a human need and, thus, human right lies somewhere between arguments for the intrinsic value of land and nature and the defunct perception of the land's instrumental value founded on its usefulness in the service of humankind. However serviceable this GC may be in the short run, further interpretation is needed to bridge the human/nature dualism that still alienates people from land and each other, as if those communities organically linked to the land are merely quaint exceptions.

Photo: Maya community leaders in Belize demand respect for their communal land rights. Source: Program on Human Rights and the Global Economy (PHRGE) at Northeastern University School of Law.

International Developments

UN Habitat Stakeholder Update



The long process toward the establishment of a stakeholder-engagement mechanism (SEM) for UN-Habitat Intergovernmental Meetings seeks to enhance the current practice by building on the proposals by stakeholders and the UN system-wide experience. As of January 2023, UN Habitat's Executive Board Ad Hoc Working Group on the SEM reviewed three proposals from [Habitat International Coalition](#), the UN Habitat executive director's Stakeholder Advisory

Group Enterprise ([SAGE](#)) and the now independently registered NGO General Assembly of Partners ([GAP](#)). Having reviewed those inputs and an [internal review](#) of UN System-wide experiences produced by UN Habitat's Partnerships and Local Governments Unit (PaLGU)

At its eighth meeting on 7 December 2022, the Ad Hoc Working Group discussed the following three SEM options presented by the UN Habitat secretariat:

1. Option one: Outsourced Option. This is similar to the Habitat III preparatory process; an external entity assumes the initiative to mobilize and engage stakeholders without secretariat involvement.
2. Option two: Secretariat-Lite Option. Stakeholders are self-organized. The secretariat provides a neutral platform, organizes stakeholder meetings, and facilitates participation in the intergovernmental meeting and self-organized activities in conformity with the UN Charter and the Rules of Procedure.
3. Option three: Enhanced Secretariat Option. The Stakeholder Advisory Group Enterprise (SAGE) would be enhanced to mobilize and consult with stakeholders, and relevant networks and advisory groups.

Option two has been strengthened in consideration of the three submissions from stakeholders, the UN Environment Programme (UNEP) practice and the discussions of the ad hoc working group.

In January 2023, the Working Group agreed upon the following SEM structure, expressed in a concept note:

- Based on the principle of self-organization, stakeholders will organize, coordinate, and develop their interventions and policy recommendations in accordance with the UN Charter and the Rules of Procedure.
- Stakeholders will elect members of a stakeholder coordination committee that will have a maximum of 42 members, two seats for each constituency group and a representative from each UN-Habitat region. The UN-Habitat secretariat will organize elections every two years. Elected members of the stakeholder coordination committee will serve for a maximum of two years. The committee will decide on the structure of its secretariat, its leadership, and the frequency of its meetings.
- The UN-Habitat secretariat will provide a neutral platform to convene stakeholder meetings. The secretariat will also facilitate the involvement of stakeholders in specific activities associated with the intergovernmental processes including facilitating with the UN Office at Nairobi (UNON) and other relevant partners to ensure stakeholders are able to secure rooms for side-events or other self-organized activities.
- The following existing platforms will be used by the stakeholder coordination committee to engage stakeholders:

- The Global Stakeholders Forum (GSF) held every four years in conjunction with the UN-Habitat Assembly (UNHA),
- Global stakeholder's consultation (GSC) held annually before the last session of the UN-Habitat EB,
- Regional consultations (RC) every two years,
- Regular stakeholder briefings by the UN-Habitat Secretariat on preparations for UNHA, the EB, the Committee of Permanent Representatives (CPR), related Working Group meetings and other relevant sessions,
- A "stakeholder coordination committee" (SCC) regular consultations with internal.

In response, on 17 January, HIC generally endorsed the concept note's proposed stakeholder-engagement mechanism, trusting that it reflects the needs of the UN-Habitat governance bodies and system. HIC found that the proposal so far seems to pursue a democratic process with the election of a SCC every two years, guided and supported by a neutral secretariat.

The questions of gender and regional balance, term limits and other details remain open, however, but may be left to the successive SCCs with, perhaps, the endorsement of the periodic Global Stakeholder Forum. However, those may be subjects of internal SEM governance to be determined in the spirit and process of self-organization.

The concept note's reference to "constituency groups" would need more specificity. The minimum designation would likely be the established UN Major Groups, but could be further interpreted to include those Habitat Agenda Partners and constituency groups

established within the former GAP. The EB should be able to clarify which configuration would meet its needs. However, it is hoped that the expanded model of the GAP constituencies would best serve the principles of inclusiveness and specificity of policy-related advice to UN-Habitat governance bodies.

The reference to a maximum of 42 SCC members, with two seats for each constituency group, suggests consideration of up to 21 constituency groups. In that case, the inclusion of a representative from each UN-Habitat region implies that such SCC representatives would be asked to provide policy input particular to both (1) a social/functional constituency and (2) geographical specificity. More than one configuration could be considered to arrive at the maximum number of 42.

For purposes of UNHA, EB and CPR procedures, the EB may want to further rationalize stakeholder inputs and rights to speak. It would seem reasonable to set the number of eligible SCC speakers to fewer than 42 within a single session.

The United Nations Environment Assembly model is a good one to adopt. That also would provide some uniformity for those state delegates and stakeholder organizations operating at Nairobi within both UN-Habitat and UNEP. That model would suggest also that UN-Habitat bear no fiscal role in resourcing the SCC, but only support its functions logistically.

Many details and further steps remain to be deliberated and decided, including internal SCC governance and setting up an operating SCC secretariat. Those would be the subjects of a timetable yet to be determined, but perhaps to be decided in the context of the next GSF (June 2023).

At its first meeting of 2023, on 27 March, the EB considered a [draft UN-Habitat Stakeholder Engagement Policy](#) and [recommended](#) that the UNHA consider the draft stakeholder engagement policy at its second session, 5–9 June 2023.

Photo: Scenes from the first UN Habitat Global Stakeholder Forum, May 2019. Source: UN Habitat.

Taking Kashmir Land under Indian Occupation



Expropriation of land, illegal occupation of land, seizure and destruction of property

Indian authorities have escalated efforts to structurally disempower Muslims in Indian-administered Kashmir (IAK) pursuant to ongoing efforts to promote forced demographic change and the cultural erasure of Muslims. Indian occupation authorities have forced out-migration of local Muslims, immigration of non-local Hindus, and expanded Indian

Hindu settler colonialism. This process has intensified since India's unilateral moves to eliminate crucial rights that protected the economic and cultural integrity of IAK, disintegrate IAK (separating regions of the territory) and reclassify the regions of occupied Jammu & Kashmir as a "Union Territory."

Since August 2019, over a million people have reportedly gained the right to vote in Jammu & Kashmir for the first time. Of these, 96% are Hindu. With a total Jammu & Kashmir population of approximately 13 million, official records show that those new million+ voters include 698,800 who received "domicile certificates as of December 2022, including 7,346 Indian bureaucrats and army officers (many of whom are likely responsible for atrocity crimes in the occupied territory).

On 18 May 2020, the Indian government imposed Jammu and Kashmir Grant of Domicile Certificate (Procedure) Rules in violation of historic rights nominally guaranteed by treaty, constitution and international humanitarian and human rights law. This new illegal legislation diminished the people of IAK's historic rights to access public employment and educational opportunities and their rights to real property in IAK, and are an essential element of the myriad policies that ensure the economic and political disempowerment of Muslims and forced demographic change across IAK.

In Kashmir, Indian-occupation authorities have expropriated private property worth millions of US dollars on the pretext of anti-terror measures. The Indian occupation's Jammu & Kashmir Administration (JKA) recently announced new land grant rules that authorize the dispossession of local businesses from land subject to long-term leases in contravention of custom and the intent of those leases. These measures have the purpose and effect of facilitating the redistribution of valuable real property rights to non-locals.

The Indian administration also has unveiled plans to create a database of Kashmiri families in the territory, heightening credible concerns regarding surveillance, silencing, reprisals, and transnational repression. The Indian state-run Jammu and Kashmir Waqf

Board (for Islamic endowment properties) contravened long-standing custom by dispossessing local, community-based shrine and mosque committees, bringing Muslim cultural and religious institutions under direct control of the occupying state's authority.

In March 2023, the JKA's State Investigative Agency (SIA) raided eight locations in Jammu & Kashmir in connection with an "anti-terror" case mounted earlier in the year against Maulvi Sarjan Barkati, the face of protests in 2016, to allegedly probe the collection of funds and delivering anti-national speeches. Barkati was also one of many Kashmiri religious scholars targeted in an escalated campaign against independent religious thought and dissent in IAK that began on 15 September 2022. Indian authorities arrested certain prominent individuals' whose names were publicly reported and many others who were not publicly reported or formally charged. Those publicly reported were arrested scholars from civil organizations, including Tehreek-e-Soutul Awliya, Jamiat-Ahle Hadees, and Jamaat-e-Islami Kashmir (Jel), as well as Sarjan Barkati.

In a widening campaign of collective punishment and reprisals against Kashmiris for dissent, Indian authorities continued to escalate their forced dispossession of private property. A key target of that campaign has been the leading Islamic socio-religious civil society organization in IAK, Jamaat-e-Islami Jammu & Kashmir (founded in 1953 and banned by Indian authorities in February 2019) and individuals associated with it. A SIA spokesperson claimed the Jel properties were sealed "as part of efforts to choke the availability of funds for *secessionist* activities and to dismantle the *ecosystem of anti-national* elements and terror networks hostile to India's sovereignty" [emphasis added]. Individuals and organizations that have sought to defend human rights and fundamental freedoms in IAK, or otherwise dissented in IAK, have been criminalized by Indian authorities as secessionist and anti-national. The Indian state claims that the situation in IAK is "normal" (rather than the reality of repression and ongoing grave violations) and that IAK as an "integral part of India" (rather than the reality of occupied territory). This rhetorical approach facilitates the Indian state's use of counter-terror and public safety laws to persecute and further its violations with impunity in IAK by transforming its own criminality into law and the rightful resistance of Kashmiris into criminal activity.

Retrieving state land

The JKA also has intensified an ongoing campaign of mass property expropriation in IAK on the pretext of retrieving, or "recovering" state land.

On 9 January 2023, the Commissioner Secretary to the Government, Revenue Department, Vijay Kumar Bidhuri (IAS) issued a circular ordering Deputy Commissioners to remove all "encroachments" on "state land," including "Roshni land" (state land sold to private owners under a 2001 law) and "khacharie" (grazing) land (made available to small landowners through longstanding law and policy) by 31 January 2023. On 20 January 2023, the Supreme Court of India refused to issue a stay of the circular's enforcement and on 31 January 2023, dismissed related petitions.

While these efforts are described by Indian authorities as an “anti-corruption” effort targeting the powerful and politically connected, they are largely the mass expropriation of vested private property owned by small landowners. The January 2023 order is the continuation and expansion of efforts to expropriate land, dispossess and disempower the local population and radically transform land ownership in IAK undertaken by Indian authorities since August 2019.

On 18 January 2023, 300 kanals of purported “state” land were expropriated in Kupwara, Baramulla, Shopian, and Budgam. (1 kanal is the equivalent of 0.125 acres or 0.05 hectares and a substantial amount of land in IAK.) On 19 January 2023, over 2,300 kanals of purported “state” land was expropriated in Bandipora and Ganderbal. According to one list, even the United Nations Military Observers Group office in Srinagar is listed as being on “state land” and, presumably, subject to expropriation in the current “anti-encroachment” drives.

Estimates indicate that over 60% of state land in the Anantnag District is currently occupied for a variety of reasons, including schools, government offices, and agriculture. Indian officials have accelerated the acquisition drive and indicated they will continue until all “state” land is “retrieved.”

New land-grant rules

On 13 December 2022, the JKA mandated that all lessees of government-owned land surrender their leased property to the occupation authorities or face eviction. Historically, the Jammu and Kashmir state furnished long-term leases to agricultural and commercial enterprises. All lease-holding parties had expected the leases to be renewed upon expiry, as usual. However, the administration’s annulment of these leases has resulted in dispossession and severe disruption of Kashmiri livelihoods.

In 2019, the administration had refused to renew traditional land leases. Instead, the Indian administration has mandated the reversion of the land to the state so that the state can auction the associated land rights online.

This represents a substantial and socio-economically significant change to land policies. Business owners, particularly in the tourist industry, face expropriation of their infrastructure and the shutting down of their businesses, as most tourist facilities are built on leased land. Many educational institutions also operate on leased land and are likely to be affected. The new rules could cause ownership change in significant portions of IAK, including all of Gulmarg and parts of Srinagar, Pahalgam, and Patnitop.

The land could now be leased to outsiders. In keeping with recent JKA practice, the expectation among Kashmiris is that a purpose of the new rules is to give land interests to Indian Hindus, particularly those allied with the ruling Hindu nationalist Bharatiya Junata Party (BJP).

Concluding observations

The Indian dispossession, population transfer, demographic manipulation and colonization processes in Kashmir are not unique. Recent literature has observed the connection to both the state-sanctioned razing of Muslim homes in India, as well as the analogy with the practices of Israel—India’s strategic ally—throughout Palestine. The Israeli tactics adopted by India range from material persecution of indigenous claimants of self-determination rights, redeeming/retrieving ‘state lands’ outside the occupiers jurisdiction, and the use of secret evidence in courts of the occupying power. Notably, such gratuitously punitive practice includes withholding corpses of Kashmiri civilians whom Indian forces extrajudicially killed and labeled as “terrorists” (begun in April 2020 under the pretext of COVID-19), and/or burying victims secretly in far-off places.

The sharing of strategies and tools of religious nationalist regimes argues for solidarity and collaboration among occupied peoples for a principled and law-based remedy to such common forms of deprivation, including full reparation of victims.

For further reference on HLRN, see:

News:

Kashmir: Indian Land Law Dispossesses Locals, 16 December 2022

Pakistan: Mixed Mitigation Governance Record, 27 August 2022

Anti-Muslim India Gov’t. Razes Homes, 13 June 2022

Kashmir Land Case: ‘Property a Constitutional Right’, 03 January 2022

India Uses Israeli Silencing Tactic in Kashmir, 25 November 2021

Kashmiris Evicted amid anti-Muslim Crackdown, 31 December 2020

India Govt. Reverses Kashmir Land Reform, 28 October 2020

Violation Database entries:

Usman Gulzar Wani home, 10/01/2023

Multiple Jel properties, 07/01/2023

19 properties, 24/12/2022

[Khushipora, Shalateng, 19/12/2022](#)

[More Jel properties, 16/12/2022](#)

[Ashiq Nengroo Home, 10/12/2022](#)

[Jel properties, 27/11/2022](#)

[Shabir Shah Home, 10/11/2022](#)

[Gujjar & Bakarwal Forest, 17/11/2020](#)

[Security Forces Loot, Burn, 20/05/2020](#)

[Nawakadal, 19/05/2020](#)

[Beighpora Families, 11/05/2020](#)

[1st Half of 2020, 01/01/2020](#)

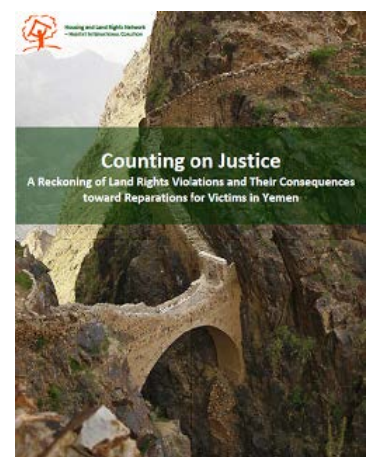
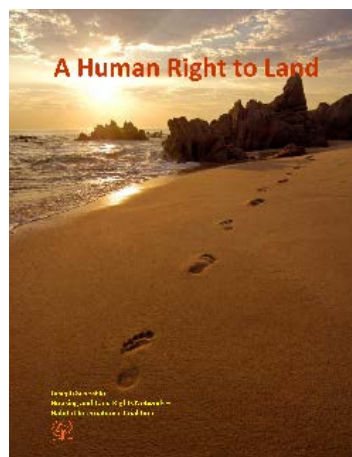
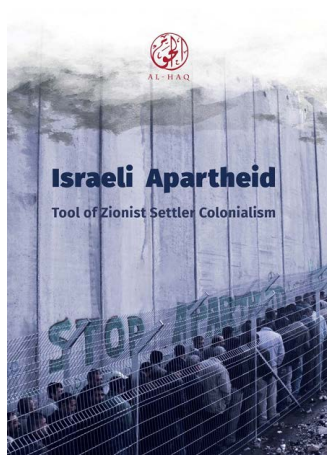
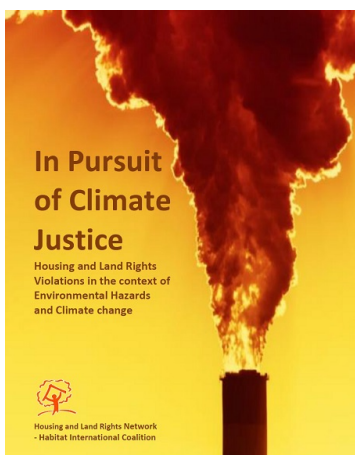
[Land Grab, Disempowerment, 11/08/2019](#)

[Still Displaced after 4-year Ceasefire, 01/01/1999](#)

The Kashmir Law and Justice Project, Kashmir Scholars Consultative and Action Network, and Project South: Institute for the Elimination of Poverty and Genocide provided research in the preparation of this article.

Related Resources: Further recent background resources on these complex issues can be found [here](#) and [here](#). A broader list of state land subject to retrieval is linked [here](#).

Photo: Indian authority's notice of land "retrieved" as "state land" in occupied Jammu & Kashmir, 19 January 2023. Source: *Kashmir Observer*.



Terminology Corner

Dualism

In its most basic meaning, dualism is (1) the division of something conceptually into two opposed or contrasted aspects, or the state of being so divided, or (2) the quality or condition of being dual; i.e., duality. Some dualisms include that of [mind and body](#), or of [mind and matter](#).

Moral dualism is the belief of the great complement of, or conflict between, the benevolent and the malevolent; i.e., good and evil. Christian dualism refers to the belief that God and creation are distinct, but interrelated through an indivisible bond. Émile Durkheim attributed to humankind a [dual nature](#), which is made up of the body (individual) and the soul (social). The [Dvaita Vedanta](#) school of Indian philosophy espouses a dualism between God and the universe by theorizing the existence of two separate realities. In a [Nenets](#) myth of the Samoyed (Siberian) peoples, Num and Nga collaborate and compete with each other, [creating land](#).

The most common usage of the term and the most relevant to the human environment and habitat refers to the belief in a dualism between man and nature. This dualism, rooted in Judeo-Christian thought, [expressed in colonial dominance](#) over the natural world and [those who dwell in it](#). Consolidated in 16th and 17th century Europe, social thought espoused by such philosophers as [René Descartes](#) and [Immanuel Kant](#) constructed human/nature an enduring mental divide between human and nature, justifying human alienation from, and hierarchical dominance over the natural world.

The consequences of population growth and industrialization's profligate exploitation of land and nature over time, including climate change, have inspired thinking [beyond the humankind/nature dualism](#) to [more-integrated visions](#) of the sphere of life upon which humankind's survival depends. This has led to more-recent calls—some echoing millennia-old indigenous cultures—seeking to operationalize a needed correction to this man-versus-nature dualism as an [obsolete dichotomy](#). An expression of this urgent call is found in the 2022 UN Secretary General's report on [“Harmony with Nature” report](#) [AR] and the General Assembly's recent eponymous [resolution](#) [AR].

Terminology Corner

Jus cogens/peremptory norms

Jus cogens, is a Latin phrase that literally means “compelling law.” “Peremptory norm” is a corresponding English term that refers to certain fundamental, over-riding principles of international law. They are considered hierarchically to be norms of “[superior](#)” value, distinct from the sphere of state-to-state contractual law, or other rules of international law, and are universally applicable and enforceable.

Jus cogens norms are cited and codified in the 1969 and 1986 Vienna Conventions on the Law of Treaties (VCLT). VCLT 1969’s Article 53/64 provides: treaty is void if, at the time of its conclusion, it conflicts with a *Jus cogens*/peremptory norm of general international law.”

According to the International Law Commission,

[the peremptory norm](#) of general international law (*jus cogens*) is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law (*jus cogens*) having the same character.

Human rights as *Jus cogens*

Within the principle that human rights are universal and indivisible, the multilateral human rights treaties constitute a source of *jus cogens*, particularly as non-derogable norms emerging from treaties (see below) are universally accepted, adopted by a majority of states within either a global or regional treaty regime, and may not be derogated even in time of war or other public emergency.

The following is a list of the principles of human rights that emerging [global](#) *jus cogens* [obligations](#):

- The right to life (International Covenant on Civil and Political Rights, art. 6)
- The right to humane treatment (ICCPR, art. 7; European Convention for the Protection of Human Rights and Fundamental Freedoms, art. 3; American Convention on Human Rights, art. 5.)
- Prohibition of criminal *ex post facto* laws (ICCPR, art. 15; ECHR, art. 7; ACHR, art.9)
- Prohibition of genocide (Convention on the Prevention and Punishment of the Crime of Genocide, art. 1)
- Prohibition of war crimes (Geneva Convention IV, arts. 146, 149)
- Prohibition of slavery (ICCPR, art. 8; ECHR, 64, art. 4; ACHR, art. 6.)
- Prohibition of discrimination on the basis of race, color, sex, language, Religion, or social origin; (ICCPR, art. 4. ICCPR, art. 16; ACHR, art. 3)
- Prohibition of imprisonment for civil debt (ICCPR, art. 11)
- Prohibition of crimes against humanity (ICC Statute, art. 7)
- The right to legal personhood (ICCPR, art. 16; ACHR, art. 3)

- Freedom of conscience (ICCPR, art. 18; ACHR, art. 12) and
- The right to self-determination (e.g., [Namibia Advisory Opinion 1971](#), based on a series of General Assembly resolutions and state practice of decolonization).

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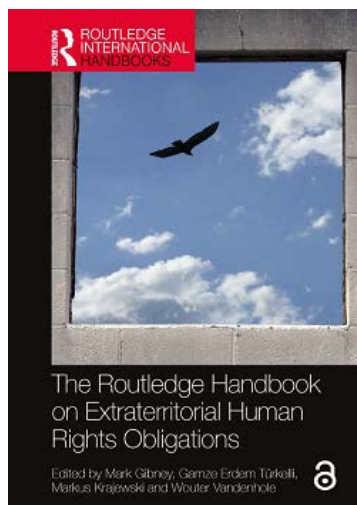


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HICtionary



Key Habitat Terms

