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Norms and Data

Toward the end of a recent hybrid meeting of minds on the contemporary problems and challenges in the urban habitat sphere, the moderator posed the question: “What is missing?” That time—and typically—often what is needed in our discourse are the existing norms and data. Commemorating World Habitat Day 2023, as every year, gives us an occasion to reflect.

Most common is to forget, or otherwise omit the applicable norms that relate to the situation at hand. Language suffers from forgetting something so basic as the norms that define enjoyment of a substantive human right such as housing, land or water as a bundle of composite of simultaneous conditions that include, at a minimum, equitable and sustainable access to, use of, and control/management. That formula is found in the relevant human rights instruments, reminding us that [‘access’ is never enough](#). Referencing only ‘access to’ adequate housing is to omit the other requisite conditions.

Facing climate change, one of the options of last resort is, and will increasingly be displacement and resettlement. Already-existing human rights norms [remind us](#) also how that practice must meet certain conditions, if we are to avoid further violations, conflict and deepen poverty, misery and loss.

When loss and damage result, the existing UN [remedy and reparations framework](#) provides guidance, as found in this issue of *Land Times*/أحوال الأرض, to ensure climate justice is served. That guidance and HLRN experience at applied quantification methods are shared here in a [report](#) on a recent session with Global Land Tool Network colleagues. The purpose of these efforts is to serve the UNFCCC Loss & Damage Fund’s Transitional Committee and other decision makers and practitioners with the eligibility criteria and needed data, combined with applicable norms, for administering the entitled remedy and reparations to climate-change victims.

In the MENA region, the central and most enduring injustice remains the colonization and occupation of Palestine. In that perennial case, readers are [updated](#) on the latest trends and responses to gross violations of humanitarian, human rights and criminal law norms related to Palestinian habitat. In parallel, this issue [introduces](#) the first report dedicated to assessing habitat-related human rights under Moroccan occupation of Western Sahara, invoking the same set of peremptory and treaty-based norms.

Attempts at [legalization](#) of housing and land rights violations are interrogated here. In this issue, [coverage of Palestine](#) provides an example of Israel using its legal and judicial systems to “[legalize](#)” the criminally prohibited settler colonies and outposts, including [retroactively](#), to legitimize the past, present and future illegal situation. As pointed out by UN Special Procedures also, the judicial acts of evicting Palestinian families and replacing them with Jewish settlers violates human rights and other international law provisions. The UN Security Council has [repeatedly condemned](#) Israel’s de-Palestinianization of occupied Jerusalem, illegally

annexed by Israel in 1980, and [determined](#) any resulting changes to the physical character, demographic composition, institutional structure and status to be illegal, null and void.

The eviction alert and [Urgent Action in Chile](#) also involves new legislation that applies criminal penalties retroactively to persons building on unused land for needed housing. These measures of dubious legality make way for punitive measures that likely amount to cruel, inhuman or degrading treatment or punishment.

In the same vein of norms breached, the Turkish occupation and its affiliated militias in Syria are the focus of an [article](#), backed by a joint appeal to UN Special Rapporteurs, exposing, once again, the long denial of some 600,000 Syrians' and displaced others' human right to water in al-Hasaka Province. A similar cross-border denial of water rights obtains also in neighboring Iraq, as reported in [an article](#) considering the assessments of loss and damage needed in the example of the Mesopotamian marshes.

The status of water and land is the subject of a recent FAO report with policy guidance [reviewed here](#) also. While FAO produces such instruments without civil society participation, this one, as reported previously, mixes useful data with advice that omits applicable norms. That widening gap is reflected also in the [agency's growing distance](#) from its civil society stakeholders. A similar divergence from norms mandating UN Habitat's self-organized stakeholder-engagement mechanism [is reported](#) from the 2nd UN-Habitat Assembly in June 2023.

Also in the UN Development System, coverage of this year's High-level Political Forum (HLPF) [reviews](#) the Arab states' collective inputs, as well as the country-specific Voluntary National Reviews of Bahrain, Comoros, Kuwait and Saudi Arabia, from the perspective of the Major Groups and Other Stakeholders (MGOS). Saudi Arabia showcased its Neom project at HLPF, while [human rights concerns](#) surround its implementation. The current issue also reports on this year's [plenary session of MGOS](#) addressing the mid-point of Agenda 2030 implementation, with a comparative reflection on last year's session.

HIC Member report on their implementation of norms, both [Dibeen Association](#) for Environmental Development (Jordan) and Sahrawi Mine Action Coordination Office (SMACO). Dibeen is featured for its role in the Global Coalition of civil Society Organizations, Indigenous Peoples, Social Movements and Local Communities for the universal recognition of the right to a clean, healthy and sustainable environment, which recently was awarded the UN Human Rights Prize. The [profile of SMACO](#) relates to its work to remove one of the major threats to life and limb arising from the multiple violations of the Sahrawi people's inalienable right to land and other natural resources.

HIC Members are also active in seeking a solution for the threatened mass eviction of informal communities in Chile. Readers can [participate in practical solidarity](#) with them through the current Urgent Action to stop eviction orders in San Antonio and Cartagena, Valparaíso Region, Chile.

Finally, the *Land Times*/أحوال الأرض gives examples of how the combination of already-available data and norms serves both preventive and remedial efforts. The positive examples comes from

Jordan, where analyzing the available [project and financial data on climate-change mitigation and adaptation](#), however difficult to compile, can fulfill the norm and human rights to information and participation, while assessing ongoing action and foreseeing future outcomes (including indebtedness and privatization trends). In the tragic case of eastern Libya's town of Derna, [we discover](#) how already-available data should have served as a warning of what was to come, but, regrettably, seem to have fallen on deaf ears.

New norms are featured in the report on the UNHA's adoption of [ten progressive resolutions](#) for future operations, as well the authoritative interpretation of existing norms on the [rights of children and the environment, with a focus on climate change](#), to which [HIC-HLRN contributed](#) the [Maastricht Principles on the Human Rights of Future Generations](#). Both are important steps in providing normative content to the newly recognized human right to a clean, healthy and sustainable environment.

Regarding the relevant norms and data, it is indispensable to know and apply them together, everywhere, all at once. We trust this issue of *Land Times*/أحوال الأرض and these reported efforts advance that practice.



Regional Developments

Human Factors at Derna



The people of Libya's coastal town of Derna are still collecting the dead from under mud flows and washing up on the shore. Their numbers are likely to rise into the tens of thousands. A [total](#) of 891 buildings were destroyed; 211 buildings were partially damaged, and 398 others were submerged in mud. Of an estimated total Derna population of 120,000, some [46,000](#) have been displaced.

The freak rains and tornados amid a rare Mediterranean hurricane on 10 September 2023 did their part, as a presumed result of climate change, but the bulk of the flood waters have been attributed to the failure of two dams in Wadi Derna. That manmade hazard—now catastrophe—has made the Derna disaster less than natural.

Hazards exist in nature, but they are considered 'disasters' when they erupt, like a volcano, or quake the earth, even underwater to create tsunamis, to bring about human consequences. However, apart from those natural phenomena, the disasters that arise as a function of human-caused climate change, can no longer be called 'natural.' Hence, the contemporary distinction between natural and human-made [hazards](#) and [disasters](#). The Derna case is a tragic combination of both human-made hazards and disaster.

Storm Daniel

Continuing southward from Türkiye and Greece, Storm Daniel brought with it over 200 mm of rainfall. The storm came with warnings. Libya's National Meteorological Center said it issued early warnings about the storm 72 hours before it landed, notifying government authorities by email and urging people to take caution and take preventive measures.

Speaking on al-Hadath radio channel, Friday, 15 September, Derna mayor `Abd ul-Mun`im al-Ghaithi [said](#) he personally ordered evacuating the city three or four days before the disaster. However, no such order was implemented. Some residents reported hearing police tell them to leave the area, but few seem to have left.

Other official sources apparently told residents to stay: A video posted by the Derna Security Directorate on Sunday, 10 September, announced a curfew starting that night "as part of the security measures to face the expected weather conditions."

In the eastern-based parliament in Benghazi, speaker Aguila Saleh sought to deflect blame from authorities, describing what happened as an "unprecedented '[natural disaster](#)', saying people should not focus on what could or should have been done. However, experts suggest that failures in the early warning system seem to have occurred. To be effective, flood forecasting systems [need good data](#) on forecast rainfall and river levels, a network of well-maintained measuring instruments on the ground, and a clear plan to get people out of harm's way. Libya's chaotic political situation is less than ideal to provide adequate flood early warning systems.

Derna has been subject to a sequence of floods emanating from the Wadi, including major events in 1941, 1959 and 1968. The 1959 flood appears to have been particularly catastrophic. Derna

suffered floods in 1986, but two dams built in the 1970s succeeded in managing the water flowing through Wadi Derna to avoid serious damage to the city. However, this time, the great volume of rainwater apparently exceeded the design capacity of those 50-year-old structures.

Breaking Dams

The dams [were built](#) in the 1970s by a Yugoslavian company Hidrotehnika-Hidroenergetika, now based in Serbia. The upper dam, called the al-Bilad Dam, was located 13 km south of Derna, with a storage capacity of 1.5 million m³ of water, while the lower Abu Mansour Dam, only about 1 km upstream from the town, had a storage capacity of 22.5 million m³. The dams had a core of compacted clay with a carapace of stone.

When the rainfall exceeded al-Bilad Dam's capacity, it collapsed. The surge of flood water caused the lower dam to break, 1 km away, sending a torrent of some 30 million m³ of water, the equivalent of 12 Olympic-size swimming pools, bursting in 7-meter-high waves onto the town. Studies over nearly two decades had demonstrated that the area to be a high flood-risk zone. Therefore, the clay and stone dams of Wadi Derna basin [needed periodic maintenance](#). It was known that increasing [vegetation cover](#) was required to stabilize the soil and reduce the phenomenon of desertification.

Several reports already had warned of a disaster in the Derna Valley basin if the dams were not maintained. A contract was concluded with the Turkish [Arsel İnşaat](#) company for 53.5 million Libyan dinars (about US\$11 million) to fix both dams in 2020, but no work was done. A year later, Libya's Audit Bureau criticized the Ministry of Works and Natural Resources for "inaction" and failing to cancel the contract with Arsel, or give it to a company that would do the work. [No authority acted](#), even when a scientific study last year warned of the very disaster that happened on 10 September.

Fractured Government

Col. Muammar Qadhafi's rule (1969–2011) from Tripoli had built a power base on alliances with tribes in the west of the country, perpetuating a neglect of the eastern part until the NATO-supported resistance ended that regime. However, no sufficient international crisis plan sought to remedy the factionalism, but Russia, Egypt, Türkiye and UAE have supported Gen. Khalifa Haftar's dictatorship militarily after Islamic State and other militias filled the void.

As a result, the internationally recognized Libyan government based in the capital Tripoli in the west of the country has no influence in the east, under a Haftar's rival administration controlling the area where this latest disaster struck.

[Political infighting](#) continues between the UN-recognized government of Prime Minister Abdul Hamid Dbeibah and the Benghazi-based Prime Minister Ossama Hamad, backed by a Tobruk-based House of Representatives and Libyan National Army under Haftar's command.

Added to this human-made disaster is the hazard of [landmines](#) and unexploded ordnance that [litter the landscape](#), while major routes in and around Derna have been washed out. This poses an additional [peril](#) for people living in the Derna Valley, as well as for [rescue efforts and personnel](#).

Notably, Libya's Voluntary National Review ([VNR](#)), submitted to the UN High-level Political Forum in 2020, made no mention of climate action. The otherwise-ample VNR provided information about climatic conditions, it indicated either no action, no strategic planning and/or no data to report.

Photo: A combination image of satellite photos shows an area before and after powerful Storm Daniel and heavy rainfall hit Derna, Libya, 2 September 2023 (top) and 12 September 2023 (bottom). Source: Planet Labs PBC via Reuters.



Arab States @ HLPF 2023



This year, five Arab States volunteered to report their progress toward the Sustainable Development Goals (SDGs) of the 2030 Agenda: Bahrain, Comoros, Kuwait, Saudi Arabia and Syria. Only days before the HLPF, Syria inexplicably withdrew and had its Voluntary National Review (VNR) removed from the websites, leaving the remaining four to go through the process, representing the region.

After each state delegation's presentation, all accredited parties in the chamber had a chance to deliver short 2-min. observations and/or questions to the presenting delegations. The MGOS interventions are summarized below:

Bahrain

An NGO MGOS representative delivered the intervention on behalf of Bahraini civil society, whose representatives could not be present. They welcomed Bahrain's commitment to the SDGs and to working with the global community to fulfill our shared Agenda, and raised the following points:

“With financial balance as a main objective of both government and society, reducing public debt would improve the economic situation, as well as health and education services.

Reducing unemployment is a key societal concern and demand of citizens. Thus, it remains urgent for government to allocate jobs for, and employ citizens. The VNR notes mismatches between skills and market needs. Inter-generational employment policies are needed, enhancing initiatives such as '*Khatwa* for Economic Empowerment.'

The statement noted that Bahrain is among 10 countries most likely to suffer severe water crises within the next 25 years. It called for expanding underground water basins for emergencies, rainwater-harvest plans to irrigate crops, and rational water use are needed.

While Bahrain's VNR indicates an SDG16 commitment to a justice system grounded in rule of law, the statement cited Bahrain's continued use of the death penalty as violating the human right to life. Civil society then appealed to King Hamad to pardon, or commute the death sentences of political prisoners.

The statement also called for granting more supervisory and legislative powers to the House of Representatives as key to reaching SDG16. It noted that “leaving no one behind and engaging civil society as key development actors also require lifting restrictions on CSOs and full adherence to ratified international agreements.”

The Bahraini civil society intervention ended with a request: “Noting the Sustainable Development Ministry's role, accelerating SDG achievement, with this VNR presentation, we ask for disclosure of its plans and programs in national and sub-national spheres.”

Comoros

The NGO MGOS speaker observed that Comoros' VNR on SDG 11 provided exemplary detail, revealing the need to drastically improve the housing stock, but omitted information on tenure types and their legal certainty. Although land title data is uncertain due to many ongoing legal disputes under current legislation, Comoros' reporting on Indicator 1.4.2 shows that only 42% of households hold title deeds.

Similarly, matrilineal inheritance of land in the Comoros is commendable, but the speaker noted that women's land tenure is tempered by usage restrictions related to male guardianship required for women to access credit. However, the VNR failed to report on efforts related to indicator 5.a (guarantee women's equal rights to land ownership and/or control), although the country's experience could be instructive for all.

The speaker noted that Comoros' report on Target 1.5 reminds us to reconsider the concept of "resilience" when applied to people, rather than systems and structures. Placing the responsibility for recovery on poor and vulnerable communities can mean a return to the often-dire conditions before a shock or violation. She clarified that such "resilience" falls short of sustainable development and the duty of States to ensure "the continuous improvement of living conditions."

Finally, the NGO MGOS highlights the VNR's coverage of local civil action, calling for the reform of laws and social behaviors to address gender-based violence and child marriage, and posed two questions:

1. Zero hunger and food security are laudable goals, but how does the government meet the challenge of pursuing and achieving food sovereignty?

2. What efforts are being made to revise land and housing laws to align them with the SDGs (1.4.2 and 11.1) and human rights treaty obligations?

The Comoros delegation amply covered most of these issues in the rebuttal, instructing the plenary on the progressive attitude and measures to ensure gender-equitable land access, use and control.

Kuwait

The statement delivered by the Children and Youth MGOS expressed appreciation for Kuwaiti government efforts in the last three years to accelerate SDG implementation. Despite progress, she noted the VNR recognizes some continuing challenges:

Chronic diseases such as heart disease, cancer, diabetes, and TB have decreased in most Arab countries, but are still high in Kuwait, impeding SDG 3 achievement. The education system needs deep reform as net primary enrollment has been decreasing since 2019. COVID greatly affected education and the government did not provide any solutions or even pursue distance-education like other countries, but postponed the whole process.

Toward Goal 5, women in Kuwait still face obstacles: Only one woman was elected in the 2023 National Assembly elections, one of the lowest rates among GCC countries. But we appreciate Kuwait as the first Arab state to report against SDG 5.a.

The prepared statement had addressed SDG 11 (inclusive, safe, resilient and sustainable cities and human settlements), whereas the Kuwait VNR reports no slums in Kuwait (p. 38), but leaves behind some 100,000 stateless Bidoon who live in [slums](#) on the outskirts of Kuwait City. However, the speaker unilaterally deleted reference to that contradiction.

With regard to Goal 14, she asserted that Kuwait ranks second in the Gulf region (after UAE) in generating plastic waste, and the last in the region in sustainable waste management and recycling.

On SDG 5, the speaker noted that, despite the 2020 Family Protection Law, the Ministry of Kuwaiti Affairs [revealed](#) that 53.1% of Kuwaiti women have been subject to some form of violence during their lives, while the VNR claims near zero (p. 58) and civil society reports numerous complaints of violence against women and girls per day.

In this context, the Children and Youth representative asked: "What are Kuwait's plans to accelerate progress on SDG 5?"

Saudi Arabia

The Children and Youth MGOS delivered observations on Saudi Arabia's VNR, noting that, as last time (2018), this year's VNR does not specify SDG targets and indicators. Still, the statement hailed this 2nd Saudi VNR and progress made in some SDGs.

It noted positively the "Qatrah" water-rationalization program, which aims to reduce daily per capita consumption 57% by 2030. Combatting Covid, new digital health services and a 24/7 hotline relieved pressure on health care facilities. The speaker the kingdom's VNR references to the rights of future generations (p. 20).

However, the Group observed that, despite efforts on some SDGs such as Goal 16-related anti-corruption measures, several challenges remain.

Toward Goal 5 the kingdom notes progress on women's empowerment through increased workforce participation and leadership. However, the speaker pointed out that the Global Gender Gap Index continues to rank the country lower by the year, currently at [131](#) out of 146 countries.

Toward Goal 11, building new cities and developing existing ones, using the best urban-planning practices with UN-Habitat (p. 138), has also seen [destruction of living communities](#), as UN Human Rights Special Rapporteurs have [noted](#).

Amid the 2021 *Middle East Green Initiative* toward SDG13, Saudi Aramco has announced increasing crude output to [13 million barrels a day](#) by 2027. Thus, despite domestic advances, Saudi's extraterritorial performance contrasts, including by military involvements.

The statement ended with two questions:

1. How does the kingdom reconcile these apparent contradictions?
2. We would like to understand how the kingdom defines civil society, so often cited in the VNR.

In other UN forums, seemingly apart from the supposedly unitary UN System, the Saudi Arabia's SDG 11 and 13 performance was raising serious concerns. The kingdom's efforts at building new cities especially caught the attention of six human rights Special Procedures, who [communicated](#) with the CEO of the Saudi Investment Fund Crown Prince Muhammad bin Salman in April 2023 over the arbitrary arrest, trial, torture and death sentences imposed upon al-Huwaitat tribe members for resisting the much-touted Neom new cities project on their lands. The Saudi Mission in Geneva [replied](#) on 10 July, asserting unsubstantiated charges of the defendants terrorist activity, specifying that one was charged with possession of weapons.

Reflecting the same SDG 13 concerns, five UN Human Rights Special Procedures [addressed](#) the Saudi Arabian Oil Co. over Saudi Aramco's business activities, with funding by Kingdom of Saudi Arabia's Public Investment Fund, JP Morgan, Citi, HSBC, SMBC, Crédit Agricole, Morgan Stanley, BNP Paribas, Goldman Sachs, Mizuho, Société Générale and EIG Global Energy Partners, which appear to be "contrary to the goals, obligations and commitments under the Paris Agreement on climate change and which are adversely impacting the promotion and protection of human rights in the context of climate change, including through Saudi Aramco's maintained crude oil production, exploration for further oil and gas reserves, expansion into fossil fuel gas, and misrepresentation of information." Saudi Aramco, which is directly overseen by the Government of the Kingdom of Saudi Arabia, has not responded to date.

From a regional perspective, the UN Economic and Social Commission for Western Asia (ESCWA) submitted a [Report of the Arab Forum for Sustainable Development](#) (AFSAD) to the HLPF. This year's Forum deliver key aspirational messages on ten themes: Water security, Energy, Cities, Data, Financing, The private sector, and Youth.

See related articles in *Land Times*/[أحوال الأرض](#):

[The Crime of "Democide"](#)

[Green-transition Finance in Egypt](#)

[CSOs Assess Sustainable-development Policies](#)

[Humanitarian, Economic & Social Situation in Syria](#)

[Arab States in Green Transition](#)

[Green Transition in MENA](#)

See related article on HIC-MENA:

[KSA: UN Experts on Imminent NEOM-project Executions](#)

[KSA: Death Sentences Upheld for Resisting Neom Land Grab](#)

[From Neom to Kinshasa: 10 Megacities of the Future](#)

[Call for TNCs to Quit Saudi Neom Project](#)

[KSA: Futuristic City "built on our blood"](#)

[Saudi Arabia: Neom Project's Israel Link](#)

Violation Database:

violation

[Neom Megaproject](#), 13 April 2020, MENA, Saudi Arabia, [Neom2.pdf](#), Forced eviction,

Dispossession/confiscation, Privatization of public goods and services

Photo: Rola Dashti, Executive Secretary of ESCWA, Hisham Al-Sheikh, Deputy Governor of the Shared Services Sector in the Digital Government Authority of the Kingdom of Saudi Arabia, and Ambassador Omar Helal, Permanent Representative of Morocco to the United Nations at the side event held by the United Nations Economic and Social Commission for Western Asia (ESCWA) under the title “Breaking Borders: Technology and Artificial Intelligence to Accelerate the Sustainable Development Goals in the Arab Region” during HLPF 2023 activities in NY. Source: Egyptian Ministry of Planning and Economic Development.



Habitat Rights in Moroccan-occupied Western Sahara



As in the case of other illegal occupations and colonization, Morocco's invasion and effective control of Western Sahara has accompanied gross violations of human rights, in particular the human right to adequate housing amid the occupier's practice of dispossession of land, forced eviction, house demolition and plunder of natural resources.

The new publication by The Sahrawi Association in the United States of America (SAUSA) and HIC-HLRN presents the first study of its kind, detailing this typical colonial pattern in the composite of human rights violations constituting the serious crime of population transfer, which the Nuremberg and Tokyo Tribunals

already had prosecuted in the wake of World War II. The report concludes with recommendations, including full reparation of the individual and collective Sahrawi victims, as is their right and entitlement.

The report covers the devices that Moroccan occupation authorities use to dispossess Sahrawis of their lands and homes, including breaching The Hague Regulations' Article 43-prohibited alteration of the legal system of the occupied territory. For example, by imposing Moroccan law and institutions in Western Sahara, the occupier denies traditional tenure on tribal *grarat* lands with their palm groves or desert trees such as acacia, which also act as natural storage of scarce water for agriculture and drinking.

The report also chronicles cases of Sahrawi homes demolished by occupying forces. This pattern also illustrates the continuum of losses, costs and damages that the Sahrawi people have incurred under Morocco's policy of violating the Sahrawi people's individual and collective human right to adequate housing. The report also recounts in detail the demolition and dispossession of Sahrawi homes and lands throughout the period from 1976 to the present.

These acts parallel Morocco's forced, coerced and incentivized population-transfer policy with its purpose and effect of demographic manipulation (population transfer in the cross-border context) ahead of any UN-mandated referendum among indigenous Sahrawis to determine the country's future political status.

Meanwhile Morocco's extractivism continues to deplete natural resources ranging from water and agriculture to the Sahrawi people's fisheries and mineral wealth, as well as illegally exploiting Western Sahara's renewable energy potential for its own benefit.

The report concludes with recommendations that states call on Morocco to:

- Implement its extraterritorial human rights and IHL obligations in Western Sahara;
- Discharge its duty as occupying Power to protect the Indigenous Sahrawi People's lives, livelihoods, lands and means of subsistence;
- Withdraw both its military forces and civil population from all occupied territory;
- Cease its opposition to the Security Council expanding the mandate of MINURSO to include human rights monitoring;
- Protect and restore all Sahrawi personal and collective properties under Moroccan occupation;
- Provide full reparations for all individual and collective losses, costs and damages Sahrawis have endured at Moroccan hands since 1975.

They further demand that all states:

- “Ensure respect for” the Fourth Geneva Convention and other IHL norms applicable to Morocco’s occupation of Western Sahara;
- Fulfill the *erga omnes* duty not to recognize, cooperate or transact with the illegal situation by scrupulously avoiding recognition of Moroccan sovereignty claims of the occupied territory, and by preventing all natural and legal persons operating in their jurisdiction and territories of effective control from cooperating with the occupation economy in Western Sahara;
- Implement peremptory norms *erga omnes* and their extraterritorial human rights obligations with respect to the Sahrawi people by explicitly recognizing the Sahrawi people’s right to self-determination and taking effective measures toward that realization.

To UN bodies, specialized organizations and multilateral institutions, the authors call on:

- The Office of the High Commissioner for Human Rights (OHCHR) to promptly dispatch a fact-finding mission to investigate the human rights situation in occupied Western Sahara;
- The Human Rights Council to mandate a Special Rapporteur to report annually under an agenda item dedicated to Western Sahara until the Sahrawi People exercise their self-determination;
- All international financing institutions, multinational development bodies and climate-finance institutions to scrupulously refrain from supporting activities in Western Sahara without the consent and cooperation of the Sahrawi People’s bona fide representatives.

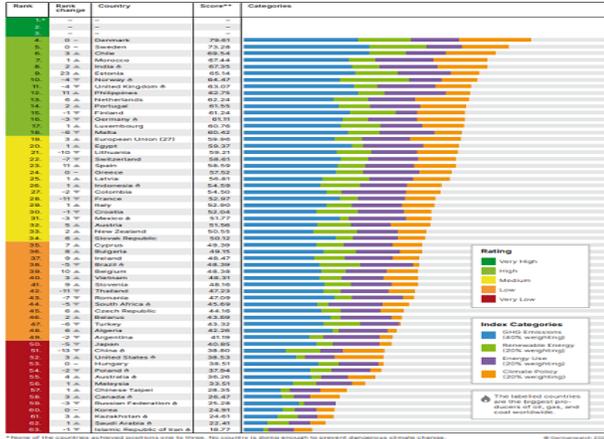
Download [Habitat Rights in Moroccan-occupied Western Sahara](#).



Regional Developments

Green Transformation Finance in Jordan

Climate Change Performance Index 2023 – Rating table



Jordan is a country particularly vulnerable to climate change, with increasingly high temperatures and lower rainfall. Meanwhile, Jordan takes on the additional challenge of providing food, housing and public services to the estimated 3.35 million refugees (about a third of the population) currently living in the resource-poor country. Climate risks are increasing with each passing day, and residents need more information about the ongoing climate actions and their consequences. More complete and accessible information can enhance public understanding and participation in both mitigation efforts - efforts to reduce greenhouse gas emissions (GGE) - and adaptation, and efforts to avoid or reduce the negative impacts of a warming planet.

This constant need for public information is the reason why the Housing and Land Rights Network has developed reliable and accessible information and data tools on climate action in the “green transition” in Arab countries, based on a preliminary study *Going Green: Monitoring the Green Transition in the Arab Region* in cooperation with the Arab Non-Governmental Organizations Network for Development (2022).

Research Method

Finding ways to organize and present information to allow the public to follow climate action more easily, addressing this first major challenge requires bringing together currently scattered information into a single accessible format.

This review was made possible by searching the websites of each of the major climate finance mechanisms to gather project-specific information into a single searchable tool. This was necessary to create a single matrix with rich categories that would allow searching across diverse rent criteria.

The projects were grouped by category: source (i.e., financial mechanism), development field, impact category (mitigation or adaptation), project status, beneficiary/implementing sectors (private or public), and financing type (loan, grant, equity, domestic sources). This configuration enabled answers to emerge in response to many of the research questions summarized here.

The scope of this country-specific research focused on Egypt and Jordan only so far, Egypt was chosen for its most ambitious green transition portfolio in the MENA region, and Jordan for its dynamic partners and daunting challenges. However, similar research methods and tools can also be applied to other countries to visualize patterns and trends across the region, which shares many of the climate change issues, characteristics and challenges.

Climate-finance Partners

This review covers projects supported by the principal green finance institutions and mechanisms of:

- Adaptation Fund (AF)
- Climate Investment Fund (CIF)
- European Bank for Reconstruction and Development (EBRD)
- Green Climate Fund (GCF)
- Global Environment Facility (GEF)
- Middle East/North Africa Transition Fund (MENATF) and
- World Bank (WB).

Of the seven main mechanisms for financing climate action in the MENA region, six have supported projects of varying sizes in Jordan since 2010. The MENA Transition Fund was the only one notably not involved in Jordan's transformation during this period.

While most climate finance institutions operate with a basket of funds contributed by governments and other public financing institutions, the largest country contributors during this review period are concentrated in Europe, Japan, North America and Oceania. The Middle East and North Africa region does not contribute substantively so far. However, before the 27th Conference of the Parties at Sharm El-Sheikh in 2022, the Arab Coordination Group—which comprises 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—announced that it had [pledged US\\$24 billion](#) in climate financing for developing countries by 2030.

Mitigation v. Adaptation

In line with the trend in the MENA region as a whole, most of the externally funded green transition efforts in Jordan have sought to mitigate climate-change impacts (i.e., reduce greenhouse gas emissions—GGE), while adaptation projects constitute only about 26% of projects. The value of the 48 total projects in Jordan is just under US\$6 billion, while the 38 mitigation projects combined are worth just over US\$4.577 billion. Five of the projects reviewed, supporting financial institutions, can be categorized as having mitigation and adaptation effects in the same project.

Of the total of 48 projects since 2010, six cannot be easily classified as mitigation or adaptation projects. Five projects pursue both. Further review of projects might examine their “green transition” relevance (e.g., purchasing [136 diesel buses](#) for the City of Amman).

These projects are distributed over most of the development sectors, including four projects in agriculture; ten in the energy sector; four in the water and sanitation sector; none in industry, mining and quarrying; but two in transport; five that directly support financial institutions; ten that seek natural resource conservation; sixteen projects in environmental and urban infrastructure; and eight for waste treatment.

No greening project in Jordan is clearly operating in the housing sector. This is despite the significant contribution of housing and construction to global warming and warming, and cases of “green building” in Jordan that have been reported [elsewhere](#).

European Bank for Reconstruction and Development has sponsored projects targeting almost exclusively municipal infrastructure: two for municipal transport, one for the solid waste management and three supporting financial institutions.

The Green Climate Fund has financed 13 projects: Five of them in the field of energy, and one project to support financial institutions. These projects cover several countries, one covering 40 countries, another 28 countries, one operating in eight countries and the other extending to six countries. The available project information does not specify the activities or values of the projects implemented in Jordan, or at any stage of the project. Therefore, details regarding their implementation cannot be ascertained, but we include them for the purpose of comprehensiveness.

The GEF has operated 25 relatively small projects in Jordan. All have received grants totaling less than \$47 million, and all have an element of co-financing from a variety of domestic and extraterritorial sources, totaling approximately \$41.4 million.

The Adaptation Fund has supported two projects in the water sector, but with implications for urban housing of displaced persons, as well as rural circular economies.

The MENA Transition Fund appears not to be active in Jordan. No project information related to Jordan is available on the MENATF website.

Follow the Money

The total investment during the period since 2010 amounts to about US\$6 billion from multiple sources and through different stages. Of these sums, Jordan received most of the financing in the form of sovereign loans, with a value of over US\$ 3.218 billion and much less funding (US\$ 569 million) in grants. About US\$218 million came from domestic (public) sources, while only about US\$1.4 billion came from equity financing provided by investors.

Public and Private Sectors

The number of projects with beneficiaries and implementers from the public sector reached 40 projects out of a total of 48 projects reviewed. The value of these projects is estimated at US\$2.75 billion, and approximately US\$838 million is in grants. By comparison, the 11 projects targeting private sector beneficiaries and implementers involved just over US\$54 million.

The World Bank has financed four green transition projects in Jordan during this review period designed to mitigate climate-change impacts. They are all spread across multiple fields, ranging from waste treatment, to energy and natural resources, financial institutions and supporting public investment in climate-responsive investment. These total US\$3.218 billion in sovereign loans.

It seems 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 specializes in a particular area of development, but diversifies project financing across sectors.

Concluding Observations

From this picture of Jordan`s green transition through the lens of current climate finance, we see broad and diverse activity.

Access to information about these vital efforts is essential for public engagement, but some difficulties remain. For example, each financing mechanism provides information about the project in its own way, and even in different currencies. Data formats, types and presentations can be better coordinated, standardized and centralized to help the public access relevant information across different funding mechanisms.

There remains an imbalance in the approach to the climate crisis. Most projects work to mitigate, but a few work to adapt to what is yet to come. Both are urgent.

Other clear trends deserve further scrutiny and research effort. For example, details of beneficiaries in the public and private sectors, respectively, are found in implementation reports and evaluations of specific projects, most of which are still under implementation. The answers to these questions also indicate the extent to which climate finance may affect national assets under state management (i.e., public administration), or may lead to greater privatization of vital public goods and services. Public debt burden and repayment prospects are another major area of public concern, which requires further analysis with the US\$2.068 billion of debt maturing in future.

While state-to-state discourse dominates the field, there is still a need for a people-friendly and people-centered approach to address the common challenges of the climate crisis we face together.

The relative absence of Arab countries from financing green transformation projects raises many questions, especially about the difference between domestic and foreign policies and the behavior of individual countries. The Arab Coordination Group pledge of \$24 billion for South-South and triangular green financing by 2030.

It is crucial for civil society to participate in national, regional and global efforts aimed at the green transition, whether mitigating or adapting to the effects of climate change. Issues that concern us all, and climate action and the green transition emphasize that state and civil society are two sides of the same coin. State-led efforts and mechanisms must have conscious support from civil society, and vice versa. Civic engagement in progressively implementing private and public sectors is vital to sharing efforts and benefit across all sectors of the state`s population.

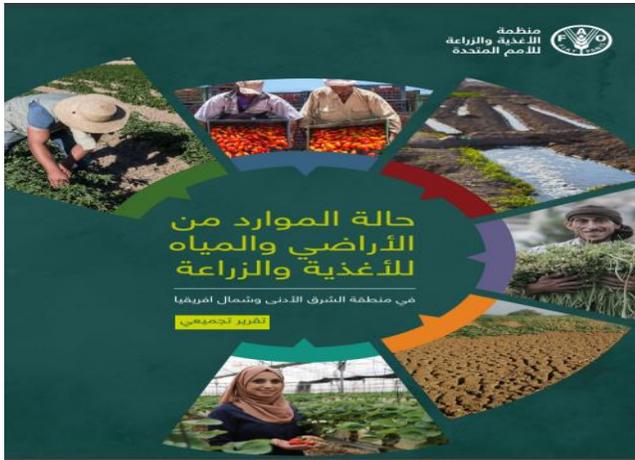
[Download a copy of the matrix with metadata.](#)

Photo on the main page: A satellite view of Jordan (center). Source: mapsland. Image on this page: Climate change performance indicator - classification table, source: German Watch.



Regional Developments

FAO's State of Land and Water Resources Report



The [State of Land and Water Resources \(SOLAW\)](#) in the [Near East and North Africa \(NENA\)](#) region is part of a FAO flagship series of reports launched in 2011. The FAO regional office in Cairo published the latest SOLAW report in 2022, and should be a subject of discussion in the FAO Regional Conference and Regional CSO Consultation in early 2024. This article offers a critical overview of the report with questions to be deliberated toward an alignment with related FAO principles and commitments. Being one of the most land and water scarce region in the world, the preservation of land and water resources in NENA is crucial to ensure food security and meet the region's increased food demand. The FAO publication aims at providing policy makers, institutions and other

stakeholders a comprehensive overview of the current situation for land and water and the effect of climate change and urbanization on food production facilitating informed decision making. It provides the latest land and water resource statistics from FAO for the region and outlines important challenges that NENA is facing in the lead up to 2030 and beyond. It also presents a range of options available to help authorities respond to the issues of land and water resources based on positive initiatives from the region.

The SOLAW includes some appropriate language on land tenure and land-use rights language, framing weak tenure rights as a major issue of concern across the region. It points out that, many NENA countries still do not have sufficiently robust regulatory frameworks to govern land tenure and land-use rights. However, it makes only passing mention of FAO's own normative instruments on the subject, notably the [Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security \(VGGT\)](#) (pp. 89, 138). It does dedicate a single paragraph to profile the VGGT application in a [€3.4 million EU-funded project](#) during 2017–19 in Darfur, Sudan.

Despite the development of norms and standards on the human right to water, the report makes only minor mention of water rights, but takes a “market-based” approach consistent with its earlier and [still-controversial advice](#) on agricultural water investments in NENA.

The report dedicated an entire chapter on water resources and water trends the urban-rural interface. It focuses attention on non-farm rural livelihoods, seeming to promote a transition from agriculture consistent with the FAO's earlier [small-scale family farming report](#). However, the present report makes only minimal mention of family farming, but significant consideration of smallholders, which may be a more-encompassing term to use than “family farming.”

The SOLAW offers an entire section on “Global Agendas of Relevance to Agriculture,” which includes SDGs, [Land Degradation Neutrality Paris Agreement](#), and the [Koronivia joint work on agriculture](#). This treatment encourages needed policy coherence both domestically and across borders.

Importantly, this report encourages better water accounting, including “virtual water,” the water embodied in the production of food and non-food commodities traded. It calls for better and more-transparent water accounting in trading and national water budgets, so that the hidden flow of water in food or other commodities is considered.

The report squarely addresses climate change, population growth, conflicts and “natural disasters” (an unfortunate term).

FAO undercounts five out of 19 NENA countries currently affected by conflict, but notes more than 40 million “international migrants” (p. 32). However, by [more-detailed estimates](#), this number includes almost ten million internally displaced persons. The three paragraphs dedicated to conflicts and crises (p. 39) only begins to scratch the surface of the problems, causes and potential remedies.

The treatment of women in the report is disappointing. The case study offered on the role of women in water user associations is billed as “women’s empowerment,” without the needed grounding in women’s rights. Moreover, rural women’s participation in water-user associations has been [evaluated](#) as an exercise in [marginalization](#) without certain requisite conditions. The report provides no focus on the importance—yet invisibility—of women workers in the agricultural sector, vital land tenure (access, use and control) rights for women, despite land tenure being a major topic in the report.

With some encouragingly progressive advice for states, this FAO demonstrates again the need for civil society input in such policy guidance.

Image: Front cover of FAO`s SOLAW report. Source: FAO.



Trending Habitat Crimes against Palestinians



When things seem like they could not get worse, they do. Since last reporting, the Palestinians in the occupied Palestinian territories (oPt) have faced an escalating cycle of grave violations under Israel's illegal occupation, especially with Israeli military forces and settlers attacking Palestinian habitat. Throughout 2022, [500 people, including 267 children](#), fled seven local communities, due to [attacks by settlers](#) and the loss of access to, use of and control over their grazing land as the primary reasons. Four out of these seven local communities have been entirely emptied.

A total of [1,105 people from 28 communities](#) (about 12% of their population) have been displaced from their places of residence since 2022, citing settler violence and the

prevention of access to grazing land by settlers as the primary reason.

In a [recent survey](#) of 63 communities, almost all (55) reported a decrease in the number of their livestock, and at least 90% reported a reduction in cultivated grazing land. Some 79% of communities stopped accessing land due to attacks by settlers, and 60% cited the expansion of settlements into grazing land, or the takeover of land by settlers as reasons for the decrease. Of those communities, 66% reported that settler violence negatively affected their access to water; 46% reported that settlers had polluted, vandalized or seized water sources Palestinian herders rely on.

So far, in 2023, Israeli forces have [killed over 200](#) Palestinians in the West Bank and inside Israel. This includes the highest number of assassinations by Israeli forces in the oPt since 2005.

During the largest military operation since 2002, Israeli forces surrounded and attacked the Jenin Refugee Camp, last July, pursuing Palestinian armed resistance. [Over 3,500](#) of the estimated 14,000 camp residents fled to the neighboring villages, while Israeli forces killed 12 Palestinians, including four children, and injured more than 100. Israeli army bulldozers and other heavy equipment significantly damaged [460 housing units, completely destroying 23, and rendering 47 otherwise uninhabitable](#), in addition to the destruction of the electricity, water, and sewage networks.

Across the oPt, Israelis demolished or seized a total of [290 structures, including 102 homes, and displaced 413 people](#), among them 194 children. That marked the highest number of demolitions recorded in the West Bank, including East Jerusalem, since 2016. Since 2021, [at least 218 Palestinian households](#) in East Jerusalem, including the families in Sheikh Jarrah, have eviction cases filed against them, placing at least 970 people, including 424 children, at risk of displacement and homelessness.

In the early hours of 11 July, Israeli police forcibly evicted Nora Ghaith and Mustafa Sub Laban from their home in the Old City of Jerusalem. The Ghaith-Sub Laban family, who had a protected lease on the house since 1953, had faced constant harassment and lawsuits from Israeli authorities and settlers seeking to seize their home under an inherently discriminatory law that applies to Palestinians in east Jerusalem.

Settler violence escalated during 2022, with [849 Israeli settler attacks](#) in [the first six months of this year](#), resulting in six Palestinians killed and 204 injured, including 24 children. Without preventive actions, and abetted by Israeli authorities, Jewish Israeli settlers typically seize land, destroy homes, burn agricultural fields, kill herds of animals, and cut down olive trees.

All these violations are encouraged and supported by National Security Minister Itamar Ben-Gvion, who has called for constructing more settler colonies and assassinating “[hundreds, or if needed, thousands](#)” of Palestinians, praising settlers for acting to defend themselves.” The population of Israeli colonial settlers in oPt has increased [from 520,000, in 2012, to 700,000 in 2022](#), living illegally in 279 Israeli settler colonies, including 14 in occupied Jerusalem. At least 147 of these colonies are (informal) outposts, illegal even under Israeli domestic law.

Meanwhile, Palestinians are still facing a food crisis due to the sharp rise prices, leaving around [1.84 million Palestinians](#) (36% of the population) food-insecure. This suffering is the direct result of [economic conditions imposed by Israel](#) and compounded by the current global food crisis.

Israeli restrictions on Palestinian movement throughout historic Palestine deepen humanitarian needs among Palestinians, undermine access to livelihoods and essential services such as health care and education, and have a noticeable psycho-social impact on communities.

Responses

A mapping exercise by UN Office for the Coordination of Humanitarian Affairs (OCHA), updated to August 2023, revealed 645 movement obstacles are spread across the West Bank. OCHA has [documented](#) an 8% rise in the number of obstacles since its previous survey.

The UN's count includes 49 constantly staffed checkpoints; 139 intermittently staffed checkpoints; 304 roadblocks, earthen mounds and road gates; 73 earthen walls, road barriers and trenches; and 80 additional obstacles of various types within the Israeli-controlled area of Hebron (H2). These developments are published in an [interactive map](#) featuring images and specific data for every documented obstacle.

In an joint statement in July, eight UN human rights Special Procedures [condemned](#) the forced eviction of east Jerusalem families, citing the dispossession and displacement of the Ghaith-Sub Laban family and many other Palestinian families. The experts reiterated their [past statement](#), noting that Israel's transfer of its own population into the occupied territory confirms a deliberate intention to colonize the territory it occupies – a practice strictly prohibited by international humanitarian law, They noted that these actions amount to *prima facie* a war crime of population transfer and must be immediately reversed. They [reiterated](#) previous conclusions that “forced evictions of Palestinians in east Jerusalem are part of Israel's apartheid machinery at work, designed to consolidate Jewish ownership of Jerusalem and racially dominate the city's population.”

Despite these trends, the UN Security Council has adopted no resolution on Palestine in 2023. However, early this year, the Maltese UNSC president issued a [statement](#) voicing deep concern and dismay over further construction and expansion of settler colonies, confiscation of Palestinians' land, and Israel's supposed “[legalization](#)” of settlement outposts, demolition of Palestinians' homes and displacement of Palestinian civilians in the oPt.

The Committee on the Exercise of the Inalienable Rights of the Palestinian People (CEIRPP) is the only UN body explicitly and in name covers the entire Palestinian people. In September, CEIRPP launched a study on the illegality of the Israeli occupation of the occupied Palestinian territory, including East Jerusalem, a specific segment of that whole people. Entitled [The Legality of the Israeli Occupation](#), commissioned by the Committee and prepared independently by the Irish Human Rights Centre of the National University of Ireland in Galway, the study aims to contribute to a broader understanding of the complex legal frameworks surrounding the Israeli occupation and its implications.

Keeping to its self-acclaimed side of the Green Line, the United Jewish Israel Appeal (UJIA), the prominent Anglo-Jewish umbrella enterprise that raises funds from British Jews to support Israel Tours and youth movements in the UK, broke with its own ultra-Zionist tradition. UJIA [published](#) a policy paper this summer stating that, as a “General Rule,” it would “not fund or support activities beyond the Green Line” (inside the oPt). It is understood that this measure follows in the wake of a recent controversy, when two members of the UJIA-supported Birthright group, left the tour after accommodation difficulties within Israel proper led to a previously unscheduled stay in Kibbutz Almog, near the Dead Sea, inside the oPt. In a [bid to save Israel Tours](#),

UJIA further [asserted](#) that UJIA activities “will not be undertaken in a manner [that] treats areas beyond the Green Line as being part of the State of Israel,” including Jerusalem.

On the side of civic action, a group of 415 US Jews issued an open letter “[The Elephant in the Room](#),” on 9 August 2023. They decried Israel growing “more right-wing and come under the spell of the current government’s messianic, homophobic, and misogynistic agenda.” They lamented the fact that young Jews in the US have grown more and more alienated from Israel, while US Jewish billionaire funders help support the Israeli far right. These “American Jews,” many with Israeli affiliations, warned that “there cannot be democracy for Jews in Israel as long as Palestinians live under a regime of apartheid, as Israeli legal experts have described it.”

The conscientious 415 acknowledged that the problems did not start with the current radical government. They pointed out that “Jewish supremacism has been growing for years and was enshrined in law by the 2018 [Nation State Law](#).” However, the statement does not mention the racist ideology and institutions of Zionism as a source of their displeasure. That elephant remains unmentioned, still roaming free.

Photo: The aftermath of a settler attack on Turmusaya village, June 2023. Source: *BBC*.



Syria: The Turkish Occupation's Deprivation of Water



Since 2019, authorities in Türkiye and Türkiye-controlled militias have [deprived](#) the affected population in Syria's al-Hasaka Province from equitable, sustainable and safe access to, use of, and control over their water resources due to the [repeated disruptions](#) of the Alouk water pumping station, the primary source of water in the region. Türkiye, acting as an occupying power in parts of northeast Syria, partly as a bargaining chip to leverage negotiations with the Kurdish-led Autonomous Administration.

During Syria's driest summers in history, the Turkish-backed Syrian National Army (SNA) has also blocked the Khabur River's water flow. This, combined with the Alouk Station shutdown, has had grave consequences for the

over 600,000 persons downstream, deliberately stopping the flow of water essential for household and agricultural use. Meanwhile, Syria and Iraq both have suffered from the limited flow into the Euphrates, due to the upstream Turkish dams built since the 1990.

The Alouk Station is a primary source of water for roughly 200,000 [ethnically diverse](#) residents of the City of al-Hasaka, in addition to the town of Tall Tamr and suburbs, including the IDP camps of al-Hawl, Arisha/al-Sad and Washu Kani/al-Twaina. Those camps accommodate tens of thousands of internally displaced persons from various parts of Syria, in addition to thousands of Iraqis and third-country nationals.

Alouk water pumping station, located near the village of Alouk Sharqi, was established in 2010 as a solution to the then water crisis in the city of al-Hasaka and environs, in the Jazira Region of the Autonomous Administrations of northern and eastern Syria. The al-Hasaka Governorate, with a 2023-estimated population of [422,445](#), lies on the border with Türkiye.

With Turkish forces [continuously present](#), Türkiye and its affiliated Syrian armed groups have had effective control over the territory since 2016, after Türkiye's first military operation ("Euphrates Shield"). Since the Turkish-led military offensive "Operation Peace Spring," in October 2019, those Türkiye-affiliated militias groups took control of the Alouk Water Station.

Economic and physical hardship

Coinciding with the spread of the COVID-19, the repeated interruptions of water put children and families at risk [during efforts](#) to curb the virus by preventing handwashing with soap, a critical factor in the fight against the pandemic.

The Syrian Health Ministry declared a cholera outbreak in September 2022, which has been described by the UN Humanitarian Relief Coordinator as a "[serious threat](#)" to the Syrian people and the entire Middle East region. In addition to the threat posed by COVID-19 and water-borne diseases, the water shortage in Syria also has severe consequences for the population's overall health and well-being. Access to clean water is essential for basic hygiene and sanitation.

In August 2023, HIC-HLRN, in collaboration with Monitoring and Documentation Department at *North Press*, submitted appeal to the ten addressed Special Procedures, requesting intervention on behalf of the population in northern Syria whose water sources have been withheld and/or cut by actors in their territory. Download the full text of the appeal to UN Special Procedures [here](#).

Loss and Damage in Iraq: The Marshes as Example



Iraq ranks [fifth](#) among the most climate-affected countries in the world. Iraqi society has become considered the most fragile due to its influence and being affected by negative environmental components arising from serious environmental deterioration, resulting from two devastating wars, a decade of siege, and the continuation of conflicts after the year 2003, which led to the complete destruction of [7%](#) of the water infrastructure of dams, irrigation canals and pumping stations. In addition to the mismanagement of the water file, the lack of organization and adherence to instructions and regulations in various works and development projects, as well as, transgressing the river and green cover sanctuaries, all lead to high levels of

pollution. A serious change in the environment has taken place, with recurring dry seasons and water shortages becoming a feature of climate change in Iraq.

Today, Iraq faces many regional and national water management and control challenges due to increasing climate variability as well as water scarcity, resulting in part from the decline of water courses from neighboring countries. Drought has affected northern Iraq since early 2021, while southern governorates have seen declines in water supply and quality for several years. Crop and livestock production has since declined, impacting vulnerable communities affected by conflict and displacement over the same period. At least [seven million](#) people in Iraq have been affected by drought recently. The increasing severity of drought in Iraq has led to the displacement of more than [62,000 people](#) from all over Iraq over the past four years.

The drying of the marshes

In Iraq is no greater example of the combined effects of mismanagement amid climate change than the marsh area, which is located in the vast floodplains between the Euphrates and Tigris rivers in the lower part of the Iraq basin. The marshes lie mostly within southern Iraq and a portion of southwestern Iran. In Iraq, they occupy a triangular zone across the three governorates of Dhi Qar, al-Basra and Maysan, formed by the three outlying cities: Nasiriyah, Basra and al-Amarah.

Many factors have contributed to the destruction of the marshes, the most important of which are the construction of dams upstream by Turkey and Iran, oil exploration that contributed to the drying up of [950 km²](#), and military operations, including most directly due to the [deliberate drainage](#) of the wetlands by Saddam Hussein as an act of retaliation against the 1991 uprisings against his regime.

That vengeful operation led to the fact that the Iraqi marshes, whose area ranges [between 10,500 km² and 20,000 km²](#), no longer can perform their biological and ecological function, but rather are barren lands scarred by years of drought. The area of Iraq`s southern marshes have shrunk [from 20,000 km² in the early 1990s to 4,000 km² today](#).

Last July, the United Nations FAO launched an [urgent appeal](#) to warn of the dire consequences of climate change and water scarcity on the marshes in southern Iraq. The region has witnessed the most severe heat wave in several years, accompanied by a sudden water shortage in the Euphrates River, which forced... Many of them have to leave their villages and migrate to the governorates of Salah al-Din, Najaf, Karbala, and Babil in central Iraq, and other areas, in search of usable water, food and fodder for their livestock, and job opportunities.

The waterways in the marsh areas in southern Iraq were covered with lush green grasses and the weather was very pleasant at the end of the winter season, as buffalo breeders and hunters were actively working in the marsh areas, which contributed [60%](#) of the fish wealth in Iraq. But after the water shortage, it became completely dry without water, and there were no buffalo breeders or hunters. The cane crop also dried up and the population abandoned the area.

As soon as you take one step onto the land, you feel extremely hot due to the change in the environment of the region, as the marshes used to help reduce temperatures. Now, after the drying of the marshes, midday temperatures reach 50 degrees Celsius. The marsh area, due to climate changes, has dried up by [85%](#) of its area and by 80 cm below its natural level, which has led to the displacement of [2,345 families](#) from Dhi Qar Governorate. Although the Iraqi government has put in place a set of measures to preserve and sustain the marshes, it has not included within its policies an assessment of the damages and non-economic losses incurred by local communities from loss of livelihoods, [forced migration](#) as a result of the drought wave and the destruction of the marsh ecosystem.

In addition to the practices of the former Iraqi regime, one of the main reasons for drying up the marshes' water is Turkey's construction of 30 dams to store water within its territory, without consulting neighboring countries that benefit from the water in accordance with international law. Environmental experts also expected the ecosystem to be frozen. The livelihood of fishermen was destroyed, and the number of unemployed people doubled in the northern Gulf, near the Kuwaiti border, in addition to the migration of 100,000 residents of the marshes to Iran, according to official statistics, and the displacement of thousands more within Iraq after the population of the region reached half a million people, and nothing remained. Of these marshes, only [2,000 km²](#) in an area near the Hawizah region represents a tenth of its original size.

The FAO has [warned](#) that the situation has become worrying, as the water level in the Euphrates River has reached only 56 cm, and in the marshes from 0 to 30 cm, with a dangerous drought rate reaching 90%, and high salinity levels, which exceeded 6,000 ppm has raised concerns among farmers, especially buffalo breeders and fishermen. In addition, approximately 70% of the marshes are devoid of water, according to the Iraqi Marshes and Wetlands Revitalization Center of the Ministry of Water Resources.

The marshes of Iraq and the culture of the Marsh Arabs (the Ma` dan) occupied a distinguished place on the UNESCO World Heritage List. The Ma` dan continued to hunt animals and fish in this marsh area for 5,000 years, and they built houses of woven reeds on floating islands where the Tigris and Euphrates rivers meet before emptying into the Gulf. What prompted UNESCO to place it on the World Heritage List, and the efforts it entails fall on the responsibility of the Iraqi government, including protecting the marsh areas and archaeological cities, while developing them and ensuring their sustainability, to perpetuate environmental diversity, and providing expertise and funding to preserve the natural beauty of the marshes, and preserve the diversity of life, natural and animal resources. The decision also included recognition of the need to work to encourage the return of the marshes' inhabitants to them.

Loss and Damage

Several assessments of the consequences of drought amid the multiple crisis of environmental destruction due to dams in Iran and Türkiye and serial occupations and conflicts. Some have led to [emergency plans of action](#) and a proposed 5-year [National Plan for Reconstruction and Development of Iraq](#) and a [Reform, Recovery and Reconstruction Fund](#). The International Organization for Migration also [surveyed](#) more than 2,800 households across farming communities in conflict-affected governorates of Dhi Qar and Basra, where the marshes are found, as well as Anbar, Duhok, Kirkuk, Ninewa and Salah al-Din governorates.

With farmers experiencing detrimental crop losses, incomes have dropped for farming households. In Basra, more than half of households rely on agriculture as their main source of income, and revenues have plummeted. The average monthly income among surveyed households is [IQD 288,000](#) (US\$219) in Basra, which is significantly lower than the IQD 440,000 (US\$335) required to meet the monthly [Survival Minimum Expenditure](#). The majority of farmers [lease their land](#) from the government, which effectively means they are paying rent, while their crops continue to fail and they have no income.

The drought has decreased employment opportunities for daily workers; 80% of farmers did not have any temporary wage workers in 2020–21. An estimated further 20% decrease in Iraq’s water supply could decrease demand for agricultural labor to 11.8% and reduce Iraq’s GDP by [US\\$6.6 billion](#). Notably more than a quarter of IDPs rely on daily work as their main source of income. The inability to access income will only further exacerbate existing vulnerabilities for displaced communities and contribute to more serious negative coping mechanisms or additional waves of displacement.

Additional losses include the lack of food, costs of displacement, loss of income and increasing food prices. This is particularly urgent considering dire drought forecasting and the recent Ministry of Agriculture [decision](#) to reduce the country’s annual areas for cultivation by 50% for the 2021–22 cropping season due to water scarcity.

A 5-year-old World Bank Group [needs assessment](#) covered loss and damage due to conflict in seven governorates: Anbar, Diyala, Ninawa, Salah al-Din, Babel, Baghdad and Kirkuk. The data and findings are significant, but do not cover the afflicted marsh region and provide only macroeconomic data, which broad scope assists in national-sphere planning, but averts the focus from communities and their specific costs, losses, damages and consequent needs.

However, that assessment is instructive in projecting remedial efforts in an integrated manner at renewal of the social contract, promoting economic and business recovery and rehabilitation of services.

With respect to UNESCO’s designation of the marshes to be a World Heritage Site, the nontangible losses from destruction of the marshes are invaluable, but do not figure in any loss and damage assessment so far.

Furthermore, the loss of civil peace needs to be counted also. Notably, the situation began to change after 2004 when reduced levels of water flowing from the Tigris and Euphrates enabled seawater from the Gulf to intrude deeper and deeper into the Shatt al-Arab, eventually reaching Basra itself for the first time in 2018, which led to [mass unrest](#).

A wider scope and more granular detail of community impacts and their wider implications are needed to determine actual and potential loss and damage. This corner of Iraq provides a specific case in point.

Photo: In the central Chibayish marshes, only small puddles of polluted water remain.

Source: Ghaith Abdul-Ahad.



Human Rights and KSA's Neom Project



This feature updates readers on the continuing human rights issues around Saudi Arabia's much-advertised Neom megacity project. The following is an excerpt from the recent communications of UN Human Rights Special Procedures with Public Investment Fund Chairperson and Chairperson of the Neom Company's Board of Directors Prince Mohammed bin Salman, as the principal duty bearer in this case.

The initial communication came from mandates of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

In their [28 April 2023 communication](#), the Special Procedures expressed their concerns, stating, in part: "...we would like to bring to your attention, as Chairperson of the Board of Directors of Neom Company, information we have received concerning the imminent risk of execution of three persons and long prison convictions of three others, in the context of alleged persecution of members of the Howeitat tribe. Messrs. Shadly Ahmad Mahmoud Abou Taqiqa al-Huwaiti, Ibrahim Salih Ahmad Abou Khalil al-Huwaiti and Atallah Moussa Mohammed al-Huwaiti have been sentenced to death. Messrs. Abdelnasser Ahmad Mahmoud Abou Taqiqa al-Huwaiti, Mahmoud Ahmad Mahmoud Abou Taqiqa al-Huwaiti and Abdullah Dakhilallah al-Huwaiti have been handed severe prison sentences.

All are convicted for terrorist acts, which are allegedly baseless, and they are rather being punished for merely voicing their opposition to the forced evictions of the Howeitat tribe, including on social media.

Some of them have allegedly been subjected to torture and ill-treatment while in custody, including prolonged solitary confinement, for the purpose of extracting confessions.

The six, along with other members of the Howeitat tribe, have been resisting evictions from their homes under the Neom project, part of the Saudi 2030 Vision. NEOM is a project of the Saudi Public Investment Fund, which owns 100% of a closed joint stock company named Neom Company. A number of [international companies](#) have been allegedly involved in different stages of the development of the Neom Project.

The Neom project is being implemented allegedly without genuine consultation, free prior and informed consent, and access to effective remedies of the Howeitat tribe, whose members have been threatened with evictions from Al Khuraiba, Sharma and Gayal villages."

The Mission of Saudi Arabia [responded](#) on 10 July 2023, disavowing any violations of human rights in this continuing case.

This is not the first time independent UN Special Procedures have intervened in related cases. In February 2021, Special Rapporteurs on extrajudicial, summary or arbitrary executions, and on on torture and other cruel, inhuman or degrading treatment or punishment, as well as the Working Group on Arbitrary Detention

intervened in the arbitrary arrest, torture and death sentence against Mr. Abdullah al-Huwaiti ([SAU 4/2021](#)) to which Saudi Arabia [replied](#), denying all accusations, on 15 April 2021.

The Special Rapporteurs on extrajudicial, summary or arbitrary executions; on the promotion and protection of the right to freedom of opinion and expression; and on adequate housing also [responded](#) to the arbitrary killing of Mr. Abdul Rahim bin Ahmed Mahmoud Al Huwaiti, on 13 April 2020, within the context of the evictions carried out in Al Khuraiba village, as part of the Neom construction project. The Saudi Mission at Geneva [countered](#) in October, denying all allegations of impropriety and questioning the integrity, independence and impartiality required of the Rapporteurs' status.

Related articles on HIC-MENA News:

[KSA: Death Sentences Upheld for Resisting Neom Land Grab, 24 January 2023](#)

[Half a Million Migrants Evicted in Jeddah, 09 March 2022](#)

[From Neom to Kinshasa: 10 Megacities of the Future, 16 August 2021](#)

[Call for TNCs to Quit Saudi Neom Project, 02 June 2020](#)

[KSA: Futuristic City “built on our blood”, 04 May 2020](#)

[Saudi Arabia: Neom Project’s Israel Link, 26 October 2017](#)

Violation Database entry:

[Neom Megaproject](#), 13 April 2020, Saudi Arabia, [Neom2.pdf](#), Forced eviction, Dispossession/confiscation, Privatization of public goods and services

Image: Artist’s conception of the Neom project “The Line.” Source: Hydrogen Insight.



Dibeen Association: UN Human Rights Prize

United Nations
Human Rights
Prize 2023



On the path to strengthening the human rights approach to the environment, the UN Human Rights Prize is an affirmative step.

Interest in the environmental field as a human right did not begin with the announcement of a prize here, or a decision there. Activists and scholars in the environmental field, social movements, and later civil society institutions, over more than fifty years, have engaged in multiple areas of discussion, work, and real struggle. Manifestations of climate change and natural hazards now threaten everyone, where the year [2023 has witnessed at least one disaster](#) on every continent of the world. Today, living within what is described as [climate collapse](#) with capital-seeking activities ever encroaching

on nature and resources, environmental protection may be the most important local action, due to its borderless link to global social and economic survival.

Combining these scientific, popular and societal efforts, the [Global Coalition](#) of Civil Society, Indigenous Peoples, Social Movements and Local Communities was formed in 2018 to strengthen efforts toward global recognition of the human right to a safe, clean, healthy and sustainable environment. For five years, the Coalition has been holding meetings and seminars and mounting advocacy campaigns in multiple spheres: national, regional and global.

[Arab environmental associations](#) have participated in the Coalition since its inception, and Dibeen Association for Environmental Development (Jordan) was one of the first to contribute the Arab voice in this global dialogue. Localizing the work and enhancing its Arabic-language content were the primary goals of Dibeen's membership in the Coalition. Additionally, Dibeen's engagement emphasized the importance of working with local governments to understand the wider context of the specific popular demands in the Arab region. The Coalition wrote several letters addressed to governments and permanent missions in Geneva and New York, the most significant of which was [a letter](#) to the president of the United Nations Human Rights Council on 10 September 2020. That message came at a time when the world was subject to strict lock-down measures and consequent economic and social pressures resulting from the COVID-19 pandemic. It stressed the importance of siding with impoverished people and communities in developing countries so that they could endure the increasing environmental disasters, pollution, and pressure on biological and natural resources that bear on people's daily lives and livelihoods. The message advocated widespread recognition of the right to environment and urgent decision making, in order to improve environmental-justice policies for greater protection of human rights and empowerment of the people and groups most affected and marginalized, including farmers and workers in fragile and rural areas.

A core group of states, namely Costa Rica, Maldives, Morocco, Slovenia and Switzerland, sponsored a successful [resolution](#) in the Council, whereby states affirmed a safe, clean, healthy and sustainable environment as a human right for the first time, in October 2021. The United Nations General Assembly adopted a [similar resolution](#) the following year.

The Coalition's work continues to build a broad advocacy campaign led by coalition members around the world to urge all spheres of government to recognize and operationalize this right.

One year after the United Nations General Assembly adopted the right to a clean, healthy and sustainable environment as a human right, the announcement came that the Coalition had received the prestigious [United Nations Human Rights Prize](#) in 2023, awarded once every five years.

This prestigious award affirms the efforts of nearly five years, during which the Coalition worked in solidarity and in a harmonious and cooperative manner with all its members from all over the world, through thousands of individuals affiliated with their institutions, with one goal: Building a participatory space for civil and human rights effectiveness to encourage decision makers to recognize this human right.

Working within this right may be one of the most important pillars of effective climate action toward real solutions with human rights at the top of the list of priorities. Efforts now focus on developing the normative content of the right to environment, clarifying the corresponding obligations of states and their constituent organs. Many more steps lie ahead.

Image: Logo of the UN Human Rights Prize 2023. Source: UN



Sahrawi Mine Action Coordination Office (SMACO)



After long cooperation with HLRN, Sahrawi Mine Action Coordination Office (SMACO) joined HIC in 2021 as a defender of land rights in the hazardous context of conflict, occupation and war. SMACO was created in 2013 as the mechanism to coordinate humanitarian landmine action in Western Sahara, east of the berm, in line with [International Mine Action Standards](#).

In cooperation with well-known international organizations, including the UN, SMACO participates in the planning, implementation, follow-up and reporting of all demining activities conducted east of the berm. SMACO is also the point of contact for all reporting of mine and other explosive remnants of war (ERW)

accidents and they cooperate for the collection, coordination and dissemination of this information to reach people who are living or travelling through Western Sahara, east of the berm. SMACO is additionally responsible to support and coordinate all other mine-related activities conducted by local and international NGOs, such as the dissemination of mine risk education to the local and nomadic population, as well as the provision of assistance to survivors of mines/ERW accidents.

SMACO's Vision

A developed Western Sahara, from impacts of mines and ERW, where all people, including those affected by mines/explosive remnants of war accidents, enjoy a free and safe life.

Mission

SMACO plans, coordinates, facilitates and follows up all mine action in Western Sahara in accordance with national legislation, local and international standards, taking into consideration the implications of high contamination and the refugee/displacement situation. SMACO mainstreams gender and diversity, humanitarianism and accountability into their operations, with a primary focus on victim assistance and advocacy in addition to the other [mine action pillars](#).

Mission Goals

SMACO seeks to fulfill its mission by:

1. Establishing a basis for advocacy toward local, national and international partners.
2. Providing partners with reliable information regarding victims of mine/ERW accidents.
3. Developing a framework for communicating and upholding the obligations and duties of mine action actors in the territory of Western Sahara.
4. Applying the legal framework for the rights of landmine/ERW accident victims to remedy and reparation.
5. Align with [UN Mine Action Strategy](#) through independent coordination of mine action activities in Western Sahara, considering the local situation.

Strategic Objectives to Achieve Goals

To accomplish these mission goals, SMACO began by pursuing the following objectives:

1. Establish a sustainable and constant funding of SMACO by 2020.

2. Implement efficient and effective communication with national and international organizations by 2019.
3. Establish an effective mechanism for accidents and victims' data collection and sharing it with partners according to the SMACO Data Protection Policy by 2019.
4. Establish a national employment policy for mine action activities by 2023.
5. Create a discussion platform (think tank) to establish a national victim rights protection policy by 2022.
6. Fully implement a professional management structure within SMACO by 2021.
7. Ensure availability of human resources to comprehensively manage mine action by 2020.

Actions to Achieve Strategic Objectives

Among joint actions of SMACO in collaboration with HIC-HLRN are the development of the communication strategy for advocacy in regional and international forums. to approach local and international actors. This involved a series of hybrid [workshops](#) in September 2021 on the theory, practice and strategic planning for advocacy on the subject of victims' remedy and mine action in both the UN Human Rights System and UN Development System. The lessons were grounded in the obligations of the state responsible (Morocco) for the landmine and ERW crisis and its victims in Western Sahara, as well as the linkage of SMACO action with the UN Sustainable Development Goals.

Most recently, SMACO coordinated with HIC-HLRN the publication of the current publication [Human Rights to Habitat in Western Sahara: Land, Housing, Population Transfer, Natural Resources](#), produced in collaboration with Sahrawi Association in the USA (SAUSA).

You can contact SMACO [here](#).



International Developments

Urgent Action! 5K Families Face Eviction in Chile



[Eviction orders in San Antonio and Cartagena, Valparaíso Region, Chile, five thousand families affected](#)

In August 2023, the Court of Appeals of Valparaíso (Chile) ordered the eviction of 254 hectares of the Bellavista Sector, where some 4,000 families live, and 1,000 more families in the Placilla Sector, both in the conurbation area between the cities from San Antonio and Cartagena. We appeal to you to join us in solidarity with the households by calling for a human rights-based solution for the 5,000 households.

Read the details of the case (in [English](#) and [Spanish](#)).

Join this call for responsible development and respect for the right to adequate housing by immediately sending your letter of solidarity to the relevant authorities by completing the [Support form](#) on the HLRN website.

Alternatively, you can view all HIC-HLRN Urgent Action cases [here](#), then click on [Support](#) for this case.

Please let us know if you have any questions or comments regarding this article.

For further information, contact the Urgent Action Team HLRN at: urgentactions@hlrn.org

Photo: Aerial view of community targeted for forced eviction and removal, 7 July 2023. Source: Jonathan Mancilla/*El Mercurio*



International Developments

“We Never Want to Be Resilient”: Stakeholder Perspectives at SDGs’ Mid-point



Major Groups and Other Stakeholders (MGOS), as established at the 1992 UN Environment and Development Conference, are an integral part of the 2030 Agenda and the SDGs, as enshrined in the UNGA resolution 67/290. They bring forth the voices, sentiments and aspirations of the people, often those who are most marginalized and left behind. They are also experts, rights holders and key actors in the implementation and achievement of the SDGs.

Each annual High-level Political Forum (HLPF) hosts a plenary session to channel messages from the MGOS in sustainable development. This year’s session convened under the theme “Perspectives from major groups and other stakeholders at the mid-point of the SDGs: Toward

inclusive transformation,” organized and led by the MGoS Coordination Mechanism. It aimed to reflect the opinions and proposals about how to orient and accelerate the implementation of the 2030 Agenda and the SDGs at their half-way point.

The session was billed as providing a critical analysis of diverse stakeholders and non-state actors on the challenges and opportunities, as well as demanding a more sustainable, genuinely inclusive of all and a human rights-centric approach to development.

The organizers proposed four guiding questions:

- What are peoples` perspectives and aspirations, particularly from those that have been left behind, on the systemic challenges and priorities to achieve transformational change in the face of multiple and intersecting crises?
- What are ways that civil society and community groups are stepping up to address gaps in implementation of the SDGs, and how can their actions be supported and enabled by development partners?
- How can we restore faith and underpin human rights, equality and equity—particularly intergenerational equity—to advance sustainable development in multilateral global governance; repurpose the global economy and reform finance, aid and trade, as well as promote climate action to genuinely leave no one behind?
- How can civic space at national and multilateral fora be expanded so that civil society can contribute more meaningfully to upcoming United Nations intergovernmental processes? How should we address the problem of threats against human rights defenders, and unlock the potential of civil society in contributing to just, equal, peaceful and sustainable societies?

H.E. Ms. Lachezara Stoeva, ambassador of Bulgaria and president of ECOSOC, chaired the session.

Moderating the discussion was Ms. Rashima Kwatra, Co-chair of MGoS Coordination Mechanism, Senior International Advocacy Advisor, Swedish Federation for Lesbian, Gay, Bisexual and Queer Rights (RFSL).

The Panel

Resource persons presented regional perspectives on theme.

Joan Carling, an indigenous Filipino human rights activist and environmentalist, summarized the MGOS assessment of SDG performance as “half-way there, but nowhere near.” For Indigenous Peoples, progress means realizing their rights to their lands, territories and resources. The current trend is characterized by

increasingly authoritarian governments, shrinking civic space, and unabated corruption. Other general priorities at this point call for developed countries to meet obligations to ensure equitable development and debt relief. Instead of lip service, she called on true partnership and actions.

Paola Simonetti, of International Trade Union Confederation, focused on the convergence of global crises that is “turning decent work into an illusion,” as the majority of the population lacks social protection and a gender pay gap exceeding 20%. The commitment to commitment, solidarity, financing and action. From the perspective of the world of work, this calls for a new social contract founded on six pillars: (1) decent and climate-friendly jobs premised on rights, not least in care work; (2) universal social protection; (3) equality and inclusion; (4) a multilateral system remedying the current imbalance of power and wealth; (5) debt relief and restructuring; and (6) transparency of financial infrastructures, including fair tax systems.

Mr. Ali Jilani, Karachi Research Chair, Asia Pacific Regional CSO Engagement Mechanism (Asia Pacific), inventoried the current challenges in the Asia region as increasing the already enfeebled public-service infrastructures, exposing the frailties of economic governance, questioning our collective ability to respond in the absence of political will to remove systemic barriers, decaying economic and ecological systems, policy and fiscal space constraints, illicit financial flows, unfair trade and investment regimes, unscrupulous debt distress, insatiable IFI conditionalities that constrain national capacities to adopt people-centered development approaches. Meanwhile, Asia is vulnerable to the most-catastrophic consequences of climate change, compounded by pollution and biodiversity loss across the region. In fact, during COVID, debt conditions called for further belt-tightening measures, rather than taking the crisis as a wake-up call for systemic change. Therefore, it is no surprise that states are falling behind on their SDGs. The is simultaneous with the demise of public trust in political and thought leadership, amid the rhetoric of transformation, solidarity and consensus in favor of critical considerations, even in the decade of action and delivery. We need development justice now.

Mr. Kofi Kankam, President and Chief Executive Officer, Elizka Relief Foundation, Africa Regional Mechanism for Major Groups and other Stakeholders (Africa), focused on the need for a new skill set for development professionals that embraces local, regional and global perspectives. Meanwhile, Africa has experienced a growing wave of crackdowns on human rights defenders and advocates. He called on UN Resident Coordinators to lead the support for CSOs to support development of local communities.

Mr. Bruno Ibarra, Representante de The Millennials Movement, Organización Punto Focal Adjunto Global Grupo de NNAYJ MeSLAC (LAC), also calls for a new social contract centered on human rights in balance with nature. The need for a socio-ecological transition calls for alternatives to the current extractivist model and greater civic space, noting that his is the region leading the persecution of environmental and human rights defenders.

Ms. Marianne Haslegrave, Director, Commonwealth Medical Trust, Economic Commission for Europe Regional Civil Society Mechanism (ECE), echoed the [2030 SDG report](#) that global action calls for civil society, science and young people.

Mary Maker, UNHCR goodwill ambassador, spoke on behalf of the 110 million refugees and displaced persons in the world who are evidence of our failure to implement the SDGs. Refugees and displaced persons never wanted to be “resilient,” but to be free. She called for those left behind to tell their own stories to be understood not as a testament to their character, but as an indicator of our collective failure.

Mr. Surya Deva, UN Special Rapporteur on the Right to Development, suggested four measures: centering the planet; (2) all efforts should focus first on restoring the dignity of the most vulnerable groups; (3) all decision-making actors should ensure active, free and meaningful participation, especially those from disadvantaged background; and (4) an intersectional perspective and reformed business models are needed to achieve the needed fundamental shift.

General Discussion

Interventions of other participants began with Guatemala, speaking from the floor, emphasizing the importance of education as key to achieve the SDGs. Eleven more states intervened, with statements from civil society partners in the delegations of Finland, Norway, Ireland and Brazil.

Additional to the MGOS speakers on the panel, the session heard from four of the Major Groups, in particular:

LGBTI Major Group

Communities Discriminated against on the Basis of Work and Descent Major Group

Children and Youth Major Group

Major Group on Aging

Academics and Educator Major Group

Business and Industry Major Group

Conclusion

Major Groups and Other Stakeholders plenary at this year's HLPF involved a mix of MGOS representatives and multilateral organizations and independent experts. It differed from the [2022 session](#), in which presentations were more coordinated with interlocking main points. This year, the MGOS presentations omitted, or were less explicit about certain critical issues requiring systemic change such as:

- Wealth disparity within states and between developed and developing countries;
- Food insecurity amid the industrialization of food systems at the expense of local food sovereignty, as well as the current food and fertilizer crisis created by the war in Ukraine;
- The refusal of states and industries to combat climate change;
- Inequitable distribution of land, like other forms of wealth and resources disparity, financializing land and concentrating land ownership at the expense of those who rely on land for livelihood, culture, identity and means of subsistence and survival;
- Corporate capture remains a threat to democracies in the domestic sphere, but also has severely afflicted the policy space within the UN and its implementation;
- Conflict, occupation and war are human-made disasters that not only impedes development, as noted in the 2030 Agenda (para. 35), but inflict senseless human costs, devastate natural environments, waste precious resources and reverberate with protracted conflicts and instability that divide humanity;
- Human rights face a crisis in the UN System, with states evading their treaty obligations and diverting political attention and other resources away from the UN Human Rights System, while human rights defenders, including activists and journalists, facing persecution and murder to silence them;
- The persistent culture and ideology of the defunct single-minded notion of “growth economy” obfuscates actual economic performance and metrics of economic health by ignoring distributive criteria that actually determine equitable and sustainable development;
- COVID-19 has pushed “resilience” to the limit, while raising critical interrogation of that notion, amid uneven recovery and the exposure of structural barriers to means of survival and putting the onus of recovery on victims and the most vulnerable.

Watch the [MGOS session at HLPF 2023](#).

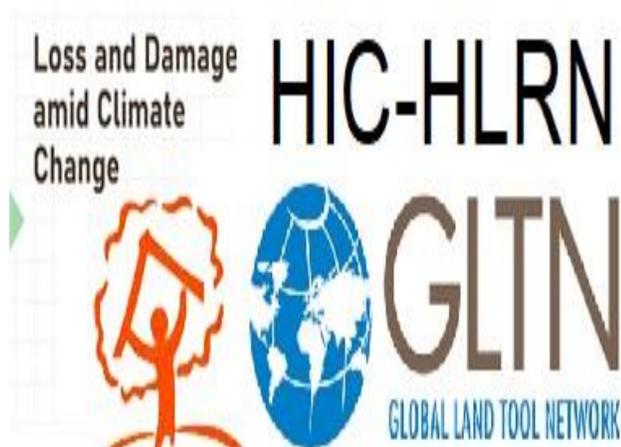
Download [Discussion papers on the theme of the high-level political forum on sustainable development, submitted by major groups and other stakeholders](#)

Photo: MGOS Panel, HLPF, 14 July 2023. Source: Earth Negotiations Bulletin.



International Developments

HLRN Side Event on Loss & Damage



The Global Land Tool Network (GLTN) is a dynamic and multisectoral alliance of international partners committed to improving equitable and sustainable access to, use of and governance of land and increasing tenure security for all. GLTN especially focuses on improving the situation of the poor, women and youth. HIC-HLRN is among the Network's founding partners, who include international rural and urban civil society organizations, research and training institutions, bilateral and multilateral organizations, and international professional bodies.

During the recent GLTN Partners Meetings at Nairobi, 2–4 May 2023, HIC-HLRN organized a side event in cooperation with Slum/Shack Dwellers International (SDI)

to present experience at community-based data collection, in general, and focus on its application, in particular, to loss and damage associated with climate change. This event follows the recent [decision](#) by the 27th Conference of parties to the climate-change conventions (CoP27) to establish the Loss and Damage Fund. Ahmed Mansour (Housing and Land Rights Network – Habitat International Coalition—HIC-HLRN) welcomed the gathering's 23 in-person and 19 online participants, introduced the subject and session format, and moderated the session. He emphasized the urgency of solutions for the many vulnerable communities on the front line of climate change, as well as the continuing priority of durable solutions for those millions already subject to protracted displacement. Ahmed also identified some of the challenges such as amplifying the voices of those subject to past, present and future impacts, as well as quantifying and remedying the material, as well as the non-material values at stake.

Nelson Ncube (People's Process on Housing and Poverty in Zambia (PPHPZ) and SDI) provided an overview of experience at generating community-based data for purposes of mapping communities. Nelson emphasized a central theme and principle of operation in urban poor collecting, generating and presenting locally produced data; that is “nothing about us without us.” These processes not only produce reliable information, but also ensure active participation of, and build solidarity among, inhabitants. He summarized experience since 2005 that has developed also to form practical alliances with academics and universities to refine and analyze findings. However, he stressed that the approach has always been people led, avoiding treatment of the poor as mere “guinea pigs.”

Joseph Schechla (HIC-HLRN) followed with a PPT presentation that opened with normative frameworks defining “climate justice,” starting with the climate-justice principles proffered by the Mary Robinson Foundation (MRF), overlaid with those articulated in the October 2021 statement of HIC's President Adriana Allen on a “human right to climate justice.” While the two sets of criteria were compatible, Joseph pointed out that the [MRF principles](#) speak more to relevant process, while the [HIC statement](#) reflects as aspired outcomes.

Reviewing the human responses to climate change so far, Joseph pointed to the diagnostics of the problem, however missing the opportunity for prevention, adaptation and mitigation measures, as well as humanitarian interventions. The current discourse on potential remedies, including for loss and damage associated with

climate change, has so far focused on state-to-state deliberations over “compensation.” However, a human-centered approach is still needed within the [framework of reparations](#).

Joseph laid out set over normative frameworks simultaneously applicable to states that include: (1) Human Rights Treaty-based obligations, (2) human rights related obligations related to development commitments, (3) policy coherence (aligning and harmonizing short-term emergency and humanitarian relief with longer-term and institution-building development approaches within the framework of human rights, with their combined preventive and remedial dimensions), the corresponding accountability of actors, as well as the priority given to victims and affected populations’ rights to remedy and reparation.

He unpacked the content and meaning of reparations, as defined by the UN General Assembly for gross violations of human rights and serious violations of international humanitarian law ([A/RES/60/147](#)), with its seven entitlements: restitution, including return (if possible), resettlement (if necessary), rehabilitation of all kinds, compensation for those values and harms impossible to bring to restitution, guarantees of non-repetition of the violations or harm, and the satisfaction of those affected. Following this soft-law norm, the entitlement of satisfaction could logically only be achieved and/or measured through affected people’s own quantification of values at stake and subject to restitution.

Turning to the Paris Agreement (Article 8), Joseph summarized the agreement ensuring that the Warsaw International Mechanism (WIM) on loss and damage associated with climate change would be maintained in the post-2020 climate regime with a focus on:

- (1) slow-onset events (SOE);
- (2) noneconomic losses (NEL);
- (3) comprehensive risk management approaches (CRM);
- (4) human mobility (HM); and
- (5) WIM finance, action and support (FAS).

So far, the WIM’s Executive Committee’s three key functions have involved:

- Enhancing knowledge and understanding of comprehensive risk-management approaches;
- Strengthening dialogue, coordination, coherence and synergies among relevant stakeholders; and
- Enhancing action and support to address loss and damage.

While the first two are being implemented, the Committee has not advanced on the third until now. The current phase poses a chance for advancement. However, it is constrained by politics, initial technical and bureaucratic groundwork, the lack of a methodology and eligibility criteria, and the lack of funds so far. In this light, HIC-HLRN offers its monitoring and impact-quantification experience, which Joseph outlined.

He presented the methodology HLRN developed for determining housing and land losses from environmental hazards and climate change events as “violations”; i.e., requiring the documented identification of human factor and duty holders. That method is grounded in the [Articles on State Responsibility](#) and, especially, the legal [principle of foreseeability](#). With those criteria, [HLRN reported](#) 36 cases from 13 different contexts on World Habitat Day 2022. Those cases that involve the [gross violation](#) of [forced eviction](#) entitle victims to the [seven entitlements of reparation](#).

Joseph then introduced the HLRN’s Violation Impact-assessment Tool (VIAT) with examples of applications, ranging from the local scope of a [slum removal](#) and [flooded Dalit village](#), to [land restitution in Yemen](#) as a contribution to eventual transitional justice.

The discussion included suggestions on how the quantification method could be used in sectoral and national policy and planning, genderized applications and such non-economic values as loss of education and social capital, etc. Other comments focused on the need for debt relief in addition to Loss & Damage Fund grants. Others referred to the hazard of the Loss & Damage Fund benefiting private interests over actual victim needs. A participant from Nigeria identified another hazard in providing mere cash compensation for loss and damage in the case of recipients spending it on unsustainable activities or consumer goods. Joseph responded with the example of methods being discussed in the context of reconstruction in Ukraine using negotiable digital tokens, instead of cash, that could be spent for specific purposes such as building materials. He referred to

cases of quantification of comprehensive shifting costs in advance of displacement so that the affected people know what they are getting into, including through related capacity building, to know long-term economic prospects under resettlement.

In response to another question about how the data could be used in litigation, Joseph recounted the exemplary case of Muthurwa Estates, in which the Nairobi High Court including the shifting costs in his ruling in favor of settlement in which the evictor would indemnify the evictees for long-term costs of resettlement and the material and social adjustment to a life comparable to that left behind. That case remains subject to court-ordered negotiation between the parties.

Some questions addressed the VIAT application in the context of gentrification processes and how the method could help fill gaps in national policy and laws related to evictions, land acquisition and compensation, as well as a basis for collaboration with other GLTN Partners and in learning opportunities such as the upcoming [Regional Climate Weeks](#).



International Developments

UN-Habitat Assembly and Stakeholders



“UN-Habitat is back!” proclaimed UN-Habitat Executive Director Maimunah Mohd Sharif after delegates unanimously approved the Ministerial Declaration and ten resolutions during the [final plenary](#) of the Second Session of the UN-Habitat Assembly (UNHA2). These outcomes set the long-troubled UN organization’s operational agenda for the next four years, in addition to the normative guidance already embodied in the [New Urban Agenda](#) (NUA) and other binding and non-binding global instruments.

UNHA2 convened in hybrid format at the UN Office in Nairobi (UNON) in Kenya, 5–9 June 2023. Over 3,400 participated in-person, including 52 ministers and 37 deputy ministers, and over 2,000 participated online.

Ministerial Declaration

The Ministerial Declaration bore a lengthy title “A Sustainable Urban Future through Inclusive and Effective Multilateralism: Achieving the Sustainable Development Goals in Times of Global Crisis,” adhering to the [multilateralism theme](#) set by the UN General Assembly (UNGA). In the Declaration, ministers reaffirmed their commitment to the NUA and its implementation plan, and endorsed the role of UN-Habitat as the UN’s focal point for sustainable urbanization and human settlements. They also committed themselves to strengthening UN-Habitat and advancing multilateral engagement and international cooperation on a range of urban and housing issues, including the localization of the Sustainable Development Goals (SDGs).

Resolutions

Delegates adopted resolutions addressing:

- [International guidelines on people-centered smart cities](#);
- [Accelerating the transformation of informal settlements and slums by 2030](#);
- [World Cleanup Day](#);
- [Biodiverse and resilient cities](#);
- [Enhancing the interlinkage between urbanization and climate change resilience](#);
- [Localization of SDGs](#);
- [Adequate housing for all](#);
- [Urban planning and sustainable infrastructure](#);
- [Creation of a human settlements resilience framework](#); and
- [Equitable financing and effective monitoring of the implementation of UNHA2 resolutions](#).

The resolution on adequate housing proposes the development of a framework for measuring and reporting on the adequacy of housing across diverse national and local contexts. Presumably, that framework would augment the long-standing [requirements](#) for states parties reporting to the International Covenant on Economic, Social and Cultural Rights, but the UNHA resolution makes no reference to such binding obligations.

Stakeholder Engagement

The UN-Habitat Executive Director’s appointed advisors, Stakeholder Advisory Group Enterprise (SAGE), facilitated the Second Global Stakeholder Forum (GSF) over two days preceding the Assembly. GSF gathered civil society and local government stakeholders jointly to identify key elements of multilateralism required to

accelerate the achievement of the SDGs in times of global crises, like these. HIC-HLRN was represented on the drafting group of the GSF declaration, as well as in the plenary and Working Groups.

The GSF priority was the long-overdue establishment of a self-organized UN-Habitat stakeholder engagement mechanism to channel policy-level stakeholder participation with the UN Habitat governance bodies. Seeing the promised Stakeholder-engagement Mechanism (SEM) as critical to inclusive and effective multilateralism, the stakeholders drafted the GSF outcome document: [Declaration of the Second Global Stakeholder Forum: Making Multilateralism Work](#).

Despite the UNGA's December 2018 resolution, mandating UN Habitat to establish the SEM, state delegations in the UN Habitat Executive Board failed to agree on the needed draft, the 11th resolution on the UNHA agenda for that purpose never appeared. The issue became the subject of off-the-record discussions, including a decision to resume UNHA2 for two days in May 2025 to discuss the UN-Habitat stakeholder engagement policy, if the Executive Board has it ready by then. The UN Habitat Partnership Unit read out a portion of a detailed proposal for the SEM at the GSF; however, that document is not publicly available.

A [side event](#) organized by University of East London, Huairou Commission, Namibia University of Science and Technology and HIC-HLRN and Global Land Tool Network convened stakeholders to discuss "How to develop a multi-stakeholder social contract for effective delivery of the New Urban Agenda and the SDGs. The event collected views directed at both governments and UN Habitat, where HIC President Adriana Allen called for the formation of a Working Group to propose a solution to the stalled efforts at establishing the SEM. That constructive proposal repeats the initiative at UNHA1 in 2019, which resulted in only one volunteer (HIC-HLRN) out of the committed nine fulfilling the promise to review model across the UN System for consideration by the 2020 World Urban Forum. After the side event, some SAGE members later expressed their opposition to such a proposal.

Overall, the UNHA2 didn't allow for the definition of a political agenda for structurally and systematically integrating local and regional governments, their associations and their networks in global decision-making processes. The terminology around local and regional governments is still causing discussion, even though it is integral to the current international agendas.

HIC @ UNHA

For HIC, participation at the UNHA was a strategic opportunity to raise priority issues jointly with allies in relation to the New Urban Agenda (NUA) and SDG 11, thereby articulating a clear position on specific civil society priorities in the process leading to the UN Pact for the Future. It was also the opportunity to follow-up and deepen efforts related to improving participation, coordination and transparency related to UN-Habitat. Beyond attending the sessions held during the assembly, as well as side-events and parallel meetings with members and partners, the HIC delegation concentrated particular in the activities described below. First of all, ahead of the assembly, along with partner organizations, HIC released a collective statement entitled [Walk the talk: a complete realization of the NUA commitments for structural change](#). A one-page summary of the statement is accessible [here](#). The main tenets of that statement were also presented by HIC President Adriana Allen as part of the HIC statement in both the UNHA plenary session and at the World Assembly of Local and Regional Governments (LRGs) on Thursday, 8 June.

HIC, together with Global Platform for the Right to the City, United Cities and Local Governments and the Huairou Commission held a [joint side event](#) on Thursday 8 June titled "Quito+6: A collective dialogue to recover and fulfill the New Urban Agenda's Commitments." The event counted with contributions from representatives of national and local governments, as well as from UN-Habitat and the organizing partners, highlighting different strategies for advancing on the implementation of NUA commitments. Key messages from the conversation include reinforcing the understanding of NUA's importance and relevance in the current context and acknowledging the complex and intersectional nature of indicators and metrics, as well as the role that diverse stakeholders involved in its negotiation play not only as implementers, but also as political drivers for its recognition.

Another key component of HIC's engagement during UNHA2 pertained to debates around participatory modalities in and around UN-Habitat. This centered significantly on the discussion of a stakeholder engagement mechanism for the agency. Throughout the preceding GSF, as well as during a [dedicated side-event](#), it was made clear how advancing on the agreement of the model for the mechanism and its implementation is urgent and should be done on the basis of the proposals that have been previously discussed until now, as the result of the proceedings of a specific working group created for the matter and to which [HIC-HLRN has actively contributed](#). Looking forward, HIC commits to playing an active role to achieve this aims and calls aligned constituencies to join in the considerable effort ahead.

Finally, prior to the GSF and the UNHA, the HIC Board met for strategic planning in Nairobi and met with HIC Nairobi members on Thursday 1 June to learn about their priorities, including the [widely opposed](#) new housing tax [proposed](#) in Kenya. In solidarity with Kenya members, the HIC delegation joined local activities on Monday 5 June to raise awareness for the campaign to scrap the new housing tax.

Photo: UNHA opening ceremony, 5 June 2023. Source: UN Habitat.



International Developments

Rights of Children, Future Generations amid the Triple Planetary Crisis



Children are [saying](#) loudly: “The environment is our life.” “Adults [should] stop making decisions for the future they won’t experience. [We] are the key means [of] solving climate change, as it is [our] lives at stake.” “We are the future generations and, if you destroy the planet, where will we live?!”

A voice for the generations yet unborn has yet to be spoken. However, normative development in the last period.

On 22 August 2023, the Committee on the Rights of the Child (CRC) adopted its much-anticipated [General Comment No. 26](#), advising states parties to the Convention on the Rights of the Child (the Convention) on children’s rights and the environment, with a special

focus on climate change. The CRC’s authoritative interpretation of the Convention reaffirms and offers some needed content to the right to healthy, clean and sustainable environments as recognized by the [Human Rights Council](#) and [General Assembly](#).

The CRC applies specifically child rights-based approach to the environment in full consideration of all children’s rights under the Convention. To realize children’s rights as the result treats children as “entitled to protection from infringements of their rights stemming from environmental harm and to be recognized and fully respected as environmental actors.” This requires particular attention to “the multiple barriers faced by children in disadvantaged situations in enjoying and claiming their rights.”

While considering intergenerational equity and future generations, the General Comment specifies that “Children, including displaced children, should have access to adequate housing that conforms to international human rights standards.” CRC asserts also that

“housing should be sustainable and resilient and should not be built on polluted sites or in areas facing a high risk of environmental degradation. Homes should have safe and sustainable sources of energy for cooking, heating, lighting and appropriate ventilation and be free from mould, toxic substances and smoke. There should be effective management of waste and litter, protection from traffic, excessive noise and overcrowding and access to safe drinking water and sustainable sanitation and hygiene facilities” [para. 48].

The General Comment adds:

“Children should not be subject to forced evictions without prior provision of adequate alternative accommodation, including relocation linked to development and infrastructure projects addressing energy and/or climate mitigation and adaptation action. Child rights impact assessments should be a prerequisite for such projects. Particular attention should be paid to preserving the traditional land of [Indigenous children](#) and protecting the quality of the natural environment for the enjoyment of their rights, including their right to an adequate standard of living” (para. 49).

The Committee goes on to emphasize the importance of the over-riding implementation principles of international cooperation, rule of law and non-discrimination in situations of cross-border displacement and migration linked to climate-related and environment-related events, as well as armed conflict situations. Notably, as HLRN pointed out in its [input](#) to the General Comment deliberation process, CRC states should not deport children and their families to any place where they would face a real risk of grave violations as a result of the adverse effects of environmental degradation.

The General Comment provides seven immediate actions that state should take to realize the right to a clean, healthy and sustainable environment para. 65]. Those relate to environmental protection, while the General Comment emphasizes also measures needed for transformative, inclusive, child-centred, child-friendly and empowering rights-based environmental education with both a local and global orientation. And that education should acknowledge the close interrelationship between respect for the natural environment and other ethical values enshrined in the Convention [para. 53].

Rights of Future Generations

Already in the 1970s and 1980s understanding was growing that a “business as usual” model was exposing the Earth, present generations (particularly children and youth, as well as future generations, to increasing hazards and existential threats. More recently, these threats have multiplied and burgeoned into a “triple environmental crisis” of climate change, pollution, and biodiversity loss. The cause is primarily human activities of extraction, production and consumption that exceed “planetary boundaries.”

Deed to this are not-unrelated global health threats such as the Covid-19 pandemic, inadequately regulated new technologies, the scourge of war with the deployment of weapons of mass destruction, and the erosion of long-established norms of democratic governance and civil and political rights in many countries.

Despite the gravity of the human rights threats faced by future generations and a rapidly evolving scholarship on this subject, insufficient attention has been paid to the human rights of future generations within the UN and other multilateral forums. To fill this gap, scholars and human rights experts converged to build on three prior Maastricht initiatives to articulate the related human rights principles that have made major contributions to the development of human rights law and culture: The [Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights](#) (1986); the [Maastricht Guidelines on Violations of Economic, Social and Cultural Rights](#) (1997); and the [Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights](#) (2011). The fourth Maastricht project completed in February 2023 focuses on addressing the major gap in human rights protection: the human rights of future generations.

The [Maastricht Principles on the Human Rights of Future Generations](#) seek both to consolidate and develop existing human rights standards to enhance the protection and fulfillment of the human rights of future generations. They are a valuable guide to ensure that any action to strengthen solidarity with future generations aligns with international human rights law.

The intention is for this document to influence national, regional, and international governance processes, decision making, standard setting and jurisprudence, as well as promote social mobilization to advance the human rights of future generations. Their legal foundations can be found in international instruments, national legislative frameworks, and the laws and practice of Indigenous Peoples.

While this set of Maastricht Principles provide a new form of analysis grounded in existing law, their focus on future generations aligns also with the UN Secretary-General’s 75th UN anniversary vision [Our Common Agenda](#) (not to be confused with the 1987 [Our Common Future](#)) and the new CRC General Comment No. 26. These Maastricht Principles also come just in time for consideration in the context of the [Summit of the Future](#), upcoming in 2024.

Photo: Youth demonstrating for serious climate action. Source: World Future Council.



International Developments

'Access' Is Never Enough



In the recent generation of global habitat-related policy documents, it is common to find [references](#) emphasizing *access to housing* as a goal. However, the insertion of an adjective risks excluding others, and doing so in the context of the human right to adequate housing has degraded language and its meaning, narrowed corresponding state obligations and led to misconceptions that beg correction.

In human rights law, in general, and in the case of substantive economic, social and cultural human rights, in particular, each right is the subject of a precise and legally defined set of constituent values that give meaning to what is often referred to only laconically in the respective Covenant or Convention that guarantees that

right. Those definitions—known as the “normative content” of a right—are found primarily in the General Comments (or General recommendations) that the respective Treaty Bodies have developed in consultation with states parties and other concerned stakeholders.

In the case of the human right to adequate housing, guaranteed in the International Covenant on Economic, Social and Cultural Rights ([ICESCR](#)), its authoritative monitoring and interpretation body, the Committee on Economic, Social and Cultural Rights (CESCR), issued the first General Comment on a covenanted human right in 1991. That General Comment on the human right to adequate housing [defined](#) the normative content of the right with a legal definition of housing adequacy that has stood the test of three decades without challenge. That instrument clarifies that the enjoyment of the human right to adequate housing requires a composite of conditions: Security of tenure; public and environmental goods, facilities, infrastructure and services; affordability; habitability (including safe and sound structure); accessibility in the physical sense; suitable location and cultural appropriateness.

In practice, the attributes of adequate housing can only be achieved through the realization of other process rights such as relevant information; privacy; freedom of choice in residency; freedoms of expression, movement and peaceful assembly; and participation in public life. While these principles speak to *how* to enjoy the human right to adequate housing, they must coincide with the state’s fulfillment of the over-arching principles of implementation: self-determination, nondiscrimination, gender equality, rule of law, allocation of the maximum of available resources, progressive realization (i.e., the continuous improvement of living conditions) and international cooperation.

The shorthand for this formula is the legal term “adequate housing.” That understanding enabled the [Habitat II Agenda](#) to refer to states’ renewed commitment to this established terminology 61 times in that policy instrument as “the full and progressive realization of the human right to adequate housing.” As found in more-recent iteration of policy commitments, the singular qualification of only *access to* (or only *affordable*) adequate housing becomes at once redundant and insufficient.

Human Rights Specificity

The same method of interpretation applies to other human rights. For example, the CESCR’s definition of the human right to health’s normative content encompasses indispensable standards of availability, accessibility, acceptability and quality. In the case of the human right to adequate food, adequacy [means](#) food that meets the composite requirements of: sustainability of food availability and access, dietary needs, being free from

adverse substances, and cultural or consumer acceptability. In all cases, enjoyment of a human right requires multiple attributes, of which access is only one among an inextricable bundle.

Despite this normative development enshrined over decades in the human rights instruments, contemporary usage singling out a stand-alone attribute reflects disregard for these authoritative references and implies an objective inferior to the codified right. The New Urban Agenda (NUA) reflects this trend with the singular attribute “access” to housing, abandoning others defined in their authoritative sources. It [refers](#) to the states’ commitment to ensure only access to, for instance, medicines and information, both subjects of guaranteed human rights with fuller attributes and corresponding states’ prior, permanent and binding obligations. Likewise, the NUA promises mere access to “economic and productive resources” and mere “access to...land.”

A Notable Correction

However, emerging norms are correcting regressive concepts and their terminology, articulating normative content with increasing specificity. With recognition of the contributions from the perspectives of women’s, peasants and Indigenous Peoples’ rights, the process has culminated also in CESCR’s 2022 General Comment on land.

Tracing this positive development, at least since 2013, UN Women has settled on language that promotes women’s right to land goal more explicitly as “access to, use of, and control over land.” Two years later, [Agenda 2030](#) called for women’s “access to ownership and control over land.” The new General Comment [opens](#) with the settled language of “secure, equitable and sustainable access to, use of, and control over land.”

Notably, CESCR’s [General Comment on land](#) does not recognize a “human right to land” as it did in the case of its groundbreaking recognition of a human right to water twenty years ago. Political pressure and Judeo-Christian colonial and [dualist](#) thinking prevailed to stop short of recognizing the other classic element of land as a universal (i.e., human) right. Apparently, the Committee rather settled on a field between a human right to land and the tendency to focus only on land tenure, which is akin to a property right (not a subject of the Covenant). Nonetheless, like in the CESCR’s 1991 interpretation of a human right to adequate housing, its final General Comment on land reflects the reality in practice that secure land tenure is also an important-but-insufficient condition to realize the economic, social and cultural rights linked to land.

Why Language Is Important

Practical experience in the field gives rise to the importance of land’s distinct multi-dimensional nature within the indivisibility and interdependence of human rights. Take the case of a woman in a country such as Comoros with a matrilinear inheritance system, but certain patriarchal practices. She may be required to present a male sponsor to be eligible for financing to manage the land productively. (See Comoros review in “[Arab States @ HLPF 2023](#)” in this issue.) In such a case, she may have secure tenure in the form of autonomous ownership of the land, but lack the commensurate right to determine her use of it.

The current formulation and its expression on a broader scale also guides national law, policy and institutions to seek citizens’ “secure, equitable and sustainable access to, use of and (democratic) control over land.” [That formulation](#) aligns also with the human rights to a clean, healthy and sustainable environment and the right to development, among other rights. This approach and corresponding terminology help to achieve the needed correction of the problematic myopia that has treated land as merely property to be acquired, but also a value to be respected and protected in its unitary human rights and natural context.

Photo: Women struggle for safe, equitable and sustainable access to, use of, and control over land. Source: Arie Kievit/Hollandse Hoogte/Redux.



International Developments

GLTN Partners Prepare Phase 4



For continued improvement of land reform and management, emphasizing security of tenure and developing and disseminating pro-poor and gender-sensitive land tools, HIC-HLRN participated at the Global Land Tool Network (GLTN) 9th partners meeting at Nairobi, 2–4 May 2023. That meeting sought to prepare members and partners for the Phase 4 GLTN Program for a period of four years (2024–2027) under the overall framework of the GLTN Strategy 2018–2030. The 9th partners meeting took place in the UN Compound in Gigiri Nairobi, Kenya, under the theme “Securing land tenure for all in a rapidly changing world” with participation of 147 participants from 86 GLTN implementing partners and high-level world leaders.

The preparation for Phase 4 strategy comes after concluding the Phase 3 Strategy (2018–2030) that was focusing on developed more institutionalized approaches and strategic interventions to scale up tools for country-wide implementations and impacts. Phase 4 will cover three priority thematic areas: (1) The inter-relationship between land tenure security and protection of natural resources in multilateral environmental agreements; (2) The inter-relationship between land property rights and inclusive socioeconomic development in multilateral agreements and human rights treaties; (3) Continue Phase 3 priorities on urban development and humanitarian-development nexus. (This construct borrowed from UN-Habitat falls short of the contemporary humanitarian-development-human rights standard.)

Elected members of the four clusters (International Professional Bodies, International Training and Research Institutions, International Rural Civil Society Organizations and International Urban Civil Society Organizations) form a Steering Committee that provides strategic guidance to the GLTN program and work plan, and report back to partners accordingly, and to advise on mechanisms to enhance the dynamism of the Network. Although the Steering Committee members should be considered as institutions, not individuals, the contributions are much more in the members’ personal capacity than their institutional capacity. The meeting emphasized the importance of aligning cluster work plans and addressed the need to improve communication within and among clusters, and with the secretariat. At the end of the session and within the next Phase 4 strategy, the four clusters recommended their upcoming activities and work plans.

The closing session, was focusing on way forward and GLTN Phase 4, at all levels on international and national normative work, and how GLTNs work fit into systems thinking at national, regional and international levels, and not just as spot interventions on different issues. The director of the Global Solutions Division at UN-Habitat, reaffirmed their commitment to support equitable and sustainable access to, use of, and control over land as essential for realizing many human rights, and land tenure security and land management as significant foundational issues for member states and multilateral forums.

During the sessions of the side events that led by partners, HIC-HLRN organized a [side event](#) in cooperation with Slum/Shack Dwellers International (SDI) to present experience at community-based data collection, in general, and focus on its application, in particular, to loss and damage associated with climate change. The event presented and discussed options for land tool development in light of the recent [decision](#) by the 27th Conference of parties to the climate-change conventions (CoP27) to establish the Loss and Damage Fund.

HIC-HLRN presented a well-developed and practical method of quantifying impacts of land, housing and habitat loss due to human rights violations as a model for determining loss and damage associated with climate change. The presentations build a case for operationalizing recognized climate-justice principles and demonstrate the proven versatility and scalability of a quantification method already applied in 30 applications across seven countries so far.

The discussion included suggestions on how the quantification method could be used in sectoral and national policy and planning, genderized applications and such non-economic values as loss of education and social capital, etc. Other comments focused on the need for debt relief in addition to Loss & Damage Fund grants. Others referred to the hazard of the Loss & Damage Fund benefiting private interests over actual victim needs. For more details about the side event “Sharing tools to remedy loss and damage amid climate change” read the article HIC-HLRN at GLTN 9th Partners meeting.

See HLRN tools and materials on loss and damage associated with climate change:

A [presentation](#) and brief [concept note](#) on HLRN’s approach to reporting on loss and damage associated with climate change

Join [Learning and Advocacy for Climate Justice and Social Production of Habitat](#)

[Children’s Rights and the Environment](#)

[Green-transition Finance in Egypt](#)

[Going Green: Monitoring the Green Transition in the Arab States](#)

In this issue of Land Times/أحوال الأرض:

[Reparations & Remedy for Loss & Damage](#)

[HLRN Side Event on Loss & Damage](#)

[Rights of Children, Future Generations amid the Triple Planetary Crisis](#)

[Loss and Damage in Iraq: The Marshes as Example](#)

[Green Transformation Finance in Jordan](#)

Image: GLTN organizational chart. Source: GLTN.



International Developments

Reparations & Remedy for Loss & Damage



The following is derived from the HIC-HLRN contribution to the Human Rights and Climate Change Working Group as a basis for advocacy before the Loss & Damage Fund's Transitional Committee, in advance of its third meeting on 29–31 August 2023.

It is by now axiomatic that societies that have contributed the least to climate change are suffering and will continue to suffer the worst of its impacts. Already, the climate vulnerable are experiencing ongoing and increasing deprivation of their [human needs and, thus, human rights](#). Those deprived of their human rights have a [right to a remedy](#). Such remedy for victims and populations whose material living conditions and livelihoods are affected by climate change lies at the purposeful core of

the Loss & Damage Fund (LDF). The present input to the TC addresses this issue not on the basis of aspiration or moral argument, but grounded in already-codified norms and standards of international law, enabling the TC to advance deliberations on the LDF's anticipated outcomes, in addition to the other important matters of procedure and financial arrangements.

We refer to the remedy and reparations framework (RRF) adopted by acclamation in UN General Assembly (GA) resolution [A/RES/60/147](#), after [nearly two decades](#) of deliberation through the UN Human Rights System. The RRF provides guidance to the TC on matters of legal bases, scope, eligibility, purpose and content of relief from all manner of loss and damage associated with climate change where persons have undergone gross violations of human rights. This fulfillment of the human right to remedy is quite independent of any claim against an author of the harm done.

The RRF specifies the constituent elements of the pre-existing right to remedy and reparations for victims of gross violations of human rights and/or serious violations of international humanitarian law, the impacts of which are akin to many forms of loss and damage associated with climate change. It rests on inter-state consultation and expert advice, including from two eminent Special Rapporteurs mandated by the UN Commission for Human Rights. The general principles of customary international law contained in the RRF do not add to States' existing individual, collective, domestic and extraterritorial obligations. However, if they have not already done so, States are required under international law to ensure that their domestic law harmonize with their related international legal obligations.

Historic legal development

Reparations are alternatively known as a practice in international relations, whereby victorious powers exercise claims against vanquished adversaries as tribute or compensation for harms incurred in the conduct of war. However, such reparations are not necessarily associated with remedy for gross violations of the human rights of natural persons, either as a premise or a destination of tribute exacted. Even in the monumental International Military Tribunals following World War II, victims were not a subject of the processes or outcomes.

Judicial precedents for applying reparations begin with the Chorzów Factory case, which also involved an interstate [claim](#) against Poland for the damage suffered by two German public corporations when Poland appropriated a nitrate factory. The Permanent Court of International Justice determined that the obligation to make full reparation. Such arrangements have been known also as compensation or conciliation following

armed conflict. In contemporary international relations and law, a State responsible for an international wrongful act [must make full reparation](#) for the injury caused by the internationally wrongful act. However, determining liability is beyond the scope of LDF.

Despite lingering impressions that reparation foremostly involves state-to-state contention, [other forms](#) have evolved to include victims, culminating in the [codification of victims' rights](#), after long neglect, amid similar [inattention](#) to economic, social and cultural rights. Notably, since 2002, the [International Criminal Court](#) has operated two channels of reparations for victims: an abstract one arising from the rare conviction of individual defendants, and another in the Form of the Trust Fund for Victims, which, since 2004, [channels relief](#) to individual and collective victims on the basis of the Court's [recognition](#) of a gross violation (serious crime) and the harm incurred.

More recent developments have explicitly linked the right to remedy and reparations to climate change and climate impacts. The Committee of the Rights of the Child, in its General Comment No. 26 on the environment and climate change, [states](#) that "States are encouraged to take note that, from a human rights perspective, loss and damage are closely related to the right to remedy and the principle of reparations, including restitution, compensation and rehabilitation." (See "**Rights of Children, Future Generations amid the Triple Planetary Crisis**" in this issue of *Land Times/أحوال الأرض*.)

Furthermore, in a quasi-judicial precedent, the Human Rights Committee [decided](#) that Australian islanders who filed a petition claiming that their islands would become uninhabitable and that Australia had violated several rights under the International Covenant on Civil and Political Rights by failing both on the accounts of mitigation and adaptation, were right, and asked Australia to provide full reparation, which included "provid[ing] adequate compensation, to the authors for the harm that they have suffered; engag[ing] in meaningful consultations with the authors' communities in order to conduct needs assessments; continu[ing] its implementation of measures necessary to secure the communities' continued safe existence on their respective islands; and monitor[ing] and review[ing] the effectiveness of the measures implemented and resolv[ing] any deficiencies as soon as practicable."

The legal concepts of remedy and reparations as developed now also focus on the components of impacts, recovery needs and entitlements of victims, without reference to liability or accountability for the shock, violation and resulting harm. They reflect the evolution of reparations originally expressed in jurisprudence and international relations as a state-to-state matter, usually paid as mostly monetary, but also non-monetary means of compensation for harm inflicted by a state organ on a party of another state.

Norms of both law and practice have advanced to favor more individualized and victim-based reparations beyond politicized State-to-State claims, allowing for mechanisms directing remedy and reparation for loss and damage to those enduring the harm. Remedy for victims supersedes other considerations. Thus, the RRF's concentration on victims and affected persons and communities harmonizes with these priorities, as well as limitations of the LDF. The duties and obligations of states and other liable parties remain subjects beyond its scope.

Gross Violations: Forced Displacement and Eviction in focus

The RRF would be exemplary as a tool to remedy the likely event of displacement accompanying climate-association loss and damage. However, the RRF's response to "gross violations of internationally recognized human rights" also encompasses also [interchangeably referred to](#) in both international legal instruments and in quasi-judicial bodies as "flagrant," "massive," "systematic," "serious," or "large-scale" violations, owing to their similar gravity. Violations of economic, social and cultural rights [may also be gross and systematic in scope and nature](#), and must consequently be given all due attention in connection with the right to reparation. Meeting the criteria of severe deprivation and its often violent and large-scale nature is the practice of involuntary displacement, including "forced eviction," [defined](#) as "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection". While the UN Committee on Economic, Social and Cultural Rights (CESCR) has concluded that "forced evictions are *prima*

facie incompatible with the requirements of the Covenant,” the Commission on Human Rights has [repeatedly determined](#) that forced eviction constitutes “gross violation” of human rights, without reference to the number or scale of victims.

Particularly relevant to past, current and prospective displacement and resettlement associated with climate change, CESCR also provides the criteria for lawful evictions and displacements consistent with obligations under the Covenant, requiring appropriate [procedural protection and due process](#). Any displacement, resettlement or eviction not meeting the required procedural safeguards constitutes a forced eviction and, therefore, a gross violation of human rights.

Content of Remedy and Reparations

In cases involving deprivation of the human right to adequate housing in the context of climate change, for example, the RRF provides the formula for restitution of rights, regardless of causality attributed to any duty bearer or third party committing a forced eviction or other gross violation. The composite elements of reparation for victims are eminently suited to cases of displacement—including in the context of adaptation projects beyond the LDF—associated with climate change, whether in anticipation of, or resulting from a sudden or slow-onset causes.

Elements of remedy and reparations form a composite of the following values and constituent actions:

- *Restitution*

Restitution should, whenever possible, restore the victim to the original situation before the gross violations of international human rights law or serious violations of international humanitarian law occurred. Restitution includes, as appropriate: restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return to one’s place of residence, restoration of employment and return of property.

The victims must not be compelled to be “resilient” in the sense of returning to the original situation by their own agency. Nor does restitution replace the prior obligation of the treaty-bound State or intergovernmental organization to ensure “[progressive realization of human rights](#)” and “[continuous improvement of living conditions](#)” consistent with sustainable development.

In the context of human rights harms caused by the climate crisis, this could mean either restoring the actual situation, where possible (e.g., rebuilding a house in case of a climate change-associated disaster), or assisting victims in achieving a situation that is equal to, or better than the previous one (e.g., planned relocation in the context of slow onset events that render an area inhabitable).

- *Return*

In the likely circumstances of climate change, return may be a core entitlement, but not always realistic or physically possible, especially considering coastline, flood risk and topographical changes. Where such an entitlement is impaired, resettlement may be the alternative.

- *Resettlement*

Resettlement of climate-change-affected populations supported by the LDF should apply the best practices in the field so that sufficient [safeguards ensure](#) that [rehoused communities](#) experience [equal or better living conditions](#), including livelihoods and longer-term livability with climate resilience, ensuring above-cited “progressive realization of human rights” and the “continuous improvement of living conditions” UN agencies should be prepared to integrate applicable human rights and reparation standards in their normative and operational functions.

- *Rehabilitation*

The principle of due recognition of victimhood plays a crucial role in reparations in international human rights law. The [notion of harm](#) has not only material, but also moral dimensions. The RRF makes mention of “medical and psychological care as well as legal and social services,” but does not limit application to these forms. This category can be of particular importance for non-economic losses that cannot be restituted; e.g., health-related impacts or loss of cultural heritage. In international human rights law this has translated into the [recognition](#) that violations are capable of causing mental damage and emotional suffering, for example, which [has allowed](#) international human rights bodies to consider the next of kin of direct victims of human

rights violations, their dependents and persons who have suffered harm by having intervened to assist the victim, or to prevent victimization, as victims in their own right. Rehabilitation means all aspects, including social, vocational and cultural. Reputational rehabilitation may be required also in the common practice of vulnerable communities forced to live in precarious areas treated in word and deed as “encroachers” and “trespassers,” where already-impoverished and victimized populations also endure the blame for their plight.

- *Compensation*

For those values that cannot be restored, the RRF emphasizes that “any economically assessable damage” be included in the assessment of values subject to compensation. The RRF gives unexhaustive examples of irretrievable losses to be compensated by monetary or other means, including (a) Physical or mental harm; (b) Lost opportunities, including employment, education and social benefits; (c) Material damages and loss of earnings, including loss of earning potential; (d) Moral damage; (e) Costs required for legal or expert assistance, medicine and medical services, and psychological and social services. However, shifting costs, or the loss of time, social capital, life and limb would be included in such calculations, likely through the application of informed quantification and/or actuary methods to determine appropriate and proportional measures that correspond to the gravity of the violation and the circumstances of each case.

- *Guarantees of non-repetition*

This aspect of reparation calls for measures by the territorial State, but not limited to it, that will also contribute to prevention of recurring loss and damage. This entails increased mitigation efforts such as a full and equitable phase-out of fossil fuels, and increased public, grant-based finance for adaptation to build resilience and prevent future harms from happening. Additionally, these may relate to the nature and location of any displacement/resettlement to avoid further displacement, but also to institutional and social reforms ranging from strengthening an independent and competent judiciary, to training public servants and public education, sufficient monitoring and early-warning functions, as well as protecting human rights and environment defenders.

- *Satisfaction*

Satisfaction entails a broad category of reparations, often aiming to emphasize the wrongful nature of the harm, publicly and symbolically acknowledge suffering, and respect the dignity of those who have been harmed. Despite its relatively abstract nature, criteria for ensuring victims’ satisfaction are ample in the RRF. However, only the affected persons can determine satisfaction with the process and outcomes. Measures that redound to satisfaction vary, but the RRF emphasizes the non-material actions and efforts that include:

1. Verifying the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety and interests of the victim, the victim’s relatives, witnesses, or persons who have intervened to assist the victim or prevent the occurrence of further violations;
2. Identification and reburial of the bodies in accordance with the expressed or presumed wish of the victims, or the cultural practices of the families and communities;
3. A declaration or a judicial decision restoring the dignity, the reputation and the rights of the victim and of persons closely connected with the victim;
4. Publicly acknowledging the facts and/or apologizing for forcing victims to live in harm’s way;
5. Judicial and administrative sanctions against natural or moral persons liable for the violations;
6. Commemorations and tributes to the victims that raise awareness of climate-change hazard;
7. Carrying out an accurate account of the material and non-material consequences of a climate-change event.

In the context of climate change-associated displacement also, any LDF conditionalities and State behavior should respect the peremptory norm of *non refoulement* of cross-border climate refugees.

Settled Questions

In effecting reparations, international human rights law, in general, and the RRF, in particular, stipulate certain conditions must prevail, including: (a) Equal and effective access to justice; (b) Adequate, effective and

prompt reparation for harm suffered; and (c) Access to relevant information concerning violations and reparation mechanisms. Accordingly, the LDF procedures would have to align with States' obligations to disseminate relevant information about all available remedies through the appropriate channels. Such assistance to victims seeking remedy for loss and damage may require all appropriate legal, diplomatic and consular means to ensure that victims can exercise their rights. These measures would be for the purpose of ensuring that affected communities determine the most-appropriate types and avenues of remedy, considering also that the requisite satisfaction criterion can only be determined by the victims in all cases. Moreover, the RRF applies general principles of international law (i.e., customary law) to explicitly settle—or at least guide—several of the lingering questions of LDF operations from for the TC:

Eligibility

The RRF offers a norm-based grounding for loss and damage assessment with a view toward remedy for eligible parties as already defined in relevant international law. “Victims” are any and all persons who individually or collectively have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through gross violations of international human rights law. A person is considered a victim regardless of whether the perpetrator of the violation is identified, apprehended, prosecuted, or convicted, and regardless of the familial relationship between the perpetrator and the victim. Where appropriate, and in accordance with domestic law, the term “victim” also includes the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization. In the context of the deliberations of the fund, this definition of victims and these criteria for eligibility can help identify populations, groups and communities that are particularly vulnerable to the climate crisis.

Scope

The RRF seeks to be comprehensive in identifying the values at stake and potentially subject to loss and damage. It also applies the principle of proportionality such that the remedy be commensurate with the gravity of the violations and harm suffered.

Consistent with applicable treaty provisions or other international legal obligations statutes of limitations do not apply to gross violations of international human rights law, which constitute crimes under international law. The RRF stipulates also that domestic statutes of limitations for other types of violations that do not constitute crimes under international law, including those time limitations applicable to civil claims and other procedures, should not be unduly restrictive.

Assessment of actual or potential material and non-material values at stake

Assessing loss and damage is key to mandating scope, financing arrangements and legitimacy of the LDF. Only a handful of dedicated local and international [civil society organizations](#) such as HIC-HLRN [maps or counts](#) the numbers of people affected by housing, land and property rights violations and their [material and non-material impacts](#) by any cause, including in the context of climate change. The Disaster Losses and Damages [tracking system](#) of the UN Office of Disaster Risk Reduction (UNDRR) is a useful tool for States, but considers hazards, risks and impacts on a macro level not suited to the granular and community-specific assessments required to deliver comprehensive and proportionate remedy and reparation to victims. The LDF would benefit from a coherent methodology, expertise, partners and cases for quantifying actual and potential loss and damage associated with climate change.

Building on human rights-based loss and damage needs assessments will be essential to understand the nature and the scope of losses and damages, how they impact different groups in vulnerable situations and what constitutes effective remedy for them. The Santiago Network for Loss and Damage (SNLD) and partners could play an important role in developing appropriate methodologies in collaboration with UN, regional and national human rights institutions and, and providing assistance to developing countries in carrying these out. Within the principle of proportionality, reparation should be consistent in scale to the harm incurred, whether material and moral damages. Whereas the damage will be relevant to the form and quantum of reparation, the existence of *material* damage is not a requirement for seeking reparation.

Other Considerations

- While the RRF is aptly suited for cases of destruction, damage, dispossession and displacement, other potential gross violations; however, other forms of gross violations and their remedy such as severe actual or potential deprivation of food security, persecution of environment defenders and climate-change activists may fall outside the bounds of the RRF, or require some adjustments on the part of the LDF to be applicable.
- Actors and legal persons other than natural persons also may incur harm subject to reparation and fall within the purview of the RRF. Even if the RRF were not applicable to all cases of loss and damage, it still could provide the conceptual core of what loss and damage remedies would look like.
- The human rights-based approach (HRBA) incorporates also the obligations of all treaty-bound states to ensure the “progressive realization” of economic, social and cultural rights and the “continuous improvement of living conditions” consistent with sustainable development commitments, which is not considered in the common usage of the term “resilience,” as mere recovery to the situation before the shock. The pursuit and value of “resilience” may be more appropriately applied to systems and structures.
- The RRF focuses on the victimization and its remedy as within the obligation of the State in which the harm takes place. The LDF would function accordingly to support the entitled remedy where the territorial State lacks the means and [bears the duty](#) to seek, consent to, and facilitate external efforts at relief of victims, and/or the harm results from causes outside the State’s jurisdiction or territory of effective control. Applying the RRF to loss and damage associated with climate change is likely to apply in such circumstances; however, the RRF advises that, in cases where a natural or other legal person would be found liable for reparation to a victim, such party should provide reparation to the victim or compensate the State if the State—or, in this context, the LDF—has already provided reparation to the victim.

Recommendations

In light of the prior and permanent norms of international law explored here, we propose the following consideration and action on the part of the TC:

- **That the TC be explicit in its reference to the current and applicable RRF as a guide for remedying loss and damage associated with climate change. This would enable determination of eligibility, scope and values to be quantified and subject to remedy.**
- **While reparation as such does not entail a duty to prosecute and punish perpetrators of human rights violations, such a duty is closely linked to the victim’s right to redress and justice, and is thus deferred to other competent bodies.**
- **That the TC recognizes that the LDF would benefit from coherent methodologies, models, expertise, partners and detailed cases that exemplify assessments quantification of actual and potential loss and damage associated with climate change, focusing on the human rights harms that it causes, and mandates in the context of readiness the SNLD and partners and communities to assist countries in undertaking human rights-based loss and damage needs assessments.**
- **UN agencies should be prepared to integrate applicable human rights and reparation standards in their normative and operational functions, while supporting further development of resettlement and rehabilitation experience within the human rights approach (beyond scope of the LDF).**

Image: A peaceful event to draw attention to the campaign to Make Polluters Pay for the Loss and Damage they have caused to countries in the Global South. Source: *Christian Aid*.



International Developments

Shrinking FAO-CSO Engagement



The Food and Agriculture Organization of the United Nations (FAO) has stated its conviction that hunger and malnutrition can be eradicated in our lifetime, but to meet the Zero Hunger Challenge, political commitment and major alliances with key stakeholders are crucial. FAO further claims that partnerships are at the heart of its mission to help build consensus and collaboration for a world without hunger. The effectiveness and credibility of the Organization as a policy-making forum and unique center of knowledge and technical expertise therefore depend on its ability to work and develop strategic partnerships.

FAO engagement with civic stakeholders has taken a downturn in the period coincident with the arrival of FAO's new Director General and Regional Director for Near East/North Africa. FAO's Partnership Office in 2020. In an effort to repair those relationships, FAO headquarters in Rome, held an informal dialogue in June 2023 on the engagement between FAO and over 30 CSOs representatives from several countries to discuss how can FAO better engage CSOs for agrifood-system transformation, toward designing an FAO-CSO forum, and explore ways to foster meaningful engagement at all levels.

The consultation pursued four main objectives, to:

- Take stock on FAO's engagements with CSOs at various levels, taking into account FAO's "new approach on transformative partnerships";
- Collectively brainstorm on the idea of a new engagement mechanism that is sustainable and inclusive;
- Enhance understanding on how to promote strategic engagement between FAO and CSOs through the different collaborations at various levels;
- Co-generate the ideas for a new dialogue mechanism between FAO and CSOs (tentatively called the "FAO-CSO Forum").

The informal dialogue was discussing and evaluates the [Strategy for Partnership with the CSOs](#) that was adopted in April 2013, which recognized CSOs' critical role; their proximity to, and representation of the food insecure, land dispossessed and hungry; and their broad presence in the field at regional and global levels.

The informal dialogue review the challenges that faced the FAO-CSOs strategic partnership, included the lack of direct communication with FAO officers particularly, at country level, lack of finance resources, disconnect between the strategy and the implementation at decentralized level, ensuring balanced representation of wide range of constituencies, lack of coordination with local actors in crisis and humanitarian responses, and the pandemic impacted negatively the communication with CSOs in FAO process at all levels.

As the International planning Committee for Food Sovereignty (IPC), was part of organizing the dialogue, and coordinated the communications with the CSOs representatives. FAO officers had asked the IPC to present its vision about improving FAO-CSOs engagement, which IPC presented in the following points:

- FAO operates at three spheres: governing bodies, technical committees and programs, and these mechanisms can be informed by the lessons learned/good experience of CSOs and existing stakeholder-engagement mechanisms such as IPC and the Civil Society and Indigenous Peoples Mechanism (CSIPM) which already operate in line with the 2013 FAO guidelines for balance participation and the FAO strategy for partnership with CSOs;
- Priority issues remain eradicating hunger, linking with the SDGs, climate change, and reviewing the ongoing FAO programs;
- The consultation process should respect the principles of the 2013 Guidelines and FAO Strategy, enabling representation of constituencies, time for consultation, language diversity;
- The current on-line consultation could be part of the process, but cannot be the actual consultation.

During the discussion of the context of [FAO Strategic Framework 2022–2031](#), the informal dialogue reviewed several mechanisms of other UN programs to engage CSOs as models to figure in the potential mechanism to engage the CSOs as already in [The Food Security and Nutrition](#) (FSN) Forum, included the Global Major Groups and Other Stakeholders (MGOS), the UN Environment Assembly (UNEA), IFAD's Farmers Forum and Indigenous Forum, UNESCO's Civil Society Forum and the World Food Programme's Annual Partnership Consultation.

What can be inferred from this informal dialogue and FAO Strategic Framework 2022–2031, following the [2021 evaluation](#) of the FAO Strategy for Partnerships, is FAO leadership's preconceived decision to create a new structure that limits engagement to participation in advocacy process within the FSN Forum, but not reflecting the full meaning of strategic partnership in the governing bodies of FAO.

That narrowing of stakeholder engagement was reflected in the FAO General Director QU Dongyu speech during the last session of the informal dialogue, about the importance role of CSOs as a unique and strategic presence in the field urged CSOs to help FAO speed up its own evolution into a modern, more efficient and effective organization. However, he was referring to the technical aspects only, without consideration for the human rights approach to public policies. Reflecting his fractured view of the UN System, he insisted that human rights issues should be discussed before human rights mechanisms in Geneva, and development policies should be discussed within the High-level Political Forum (HLPF) process for SDGs in New York City.

Photo: FAO Director General enjoys a photo opportunity with civil society representatives on 4 June 2023.
Source: FAO.



Access, use and control

The triad of values required to realize any substantive human, personal or collective rights is access to, use of, and control over it. This composite of entitlements is required at once, without any of which, the right cannot be fully enjoyed. Examples of substantive rights include, but are not limited to adequate housing, land and water. These entitlements should be enjoyed also within a context of safety and security, equity in distribution and treatment, as well as sustainability in the interest of the environment and in the public interest.

For further treatments, see “**‘Access’ Is Never Enough**” in this issue of *Land Times/أحوال الأرض*.

Legalization

Legalization is an act to [make a thing, situation or practice lawful](#). Legalization is the final step in the regularization process whereby an appropriate public authority removes a legal prohibition against something, a situation or practice that is previously not legal.

[In another context](#), legalization can be a procedure for confirming that a document issued by the authorities of a state, or drawn up with the participation of these authorities, complies with the legislation of that state and creates associated legal rights and obligations.

However, such formal processes and procedures are also governed by general principles of international law, including peremptory norms, customary law and provisions of both public and private international law. Non-derogable human rights also prohibit certain acts of law that would arbitrarily deprive a person of her/his life; subject a person to torture, or to cruel, inhuman or degrading treatment or punishment; hold a person in slavery or servitude; imprison someone merely on the ground of inability to fulfill a contractual obligation; hold a person guilty of any criminal offence on account of any act or omission that did not constitute a criminal offence, under national or international law, at the time when it was committed; deny recognition anyone anywhere as a person before the law; or deny the right to freedom of thought, conscience and religion ([ICCPR](#)), articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18).

Generally, common-law jurisdictions do not permit retroactive criminal legislation, although new judicial precedent can apply to events that occurred before the court decision. *Ex post facto* federal and state laws are expressly [forbidden](#) by the United States Constitution. In a nation with an entrenched bill of rights or a written constitution, *ex post facto* legislation may be prohibited or allowed. For example, some legal systems explicitly allow retroactive effect for laws that reduce possible punishments.

Ex post facto criminalization is prohibited by the European Convention on Human Rights ([Article 7](#)), [International Covenant on Civil and Political Rights](#) (Article 15(1)), and the [American Convention on Human Rights](#) (Article 9). Jurisdictions of American states generally prohibit *ex post facto* laws.

The same conditions also apply to treaties. The [Vienna Convention on the Law of Treaties](#) provides that, if a treaty conflicts with a peremptory norm of general international law (*jus cogens*), it is void (Article 53). It also provides that, in the case of a state’s internal law, no such legislation is permitted as justification for the state’s failure to perform a treaty (Article 26).



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