

## Glossary of Terms

### Concepts:

#### Adequate housing

Adequate housing is a recognised right derived from the right to an adequate standard of living, article 11 (1) of the International Covenant on Economic, Social and Cultural Rights, and of central importance for the enjoyment of all economic, social and cultural rights. As stated in the Committee on Economic, Social and Cultural Rights General Comment no. 4 on Adequate Housing, while adequacy is determined in part by social, economic, cultural, climatic, ecological and other factors, it is nevertheless possible to identify certain aspects of the right that must be taken into account for this purpose in any particular context. They include the following:

(a) *Legal security of tenure*. Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats;

(b) *Availability of services, materials, facilities and infrastructure*. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services;

(c) *Affordability*. Personal or household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised;

(d) *Habitability*. Adequate housing must provide the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors, guaranteeing the physical safety of occupants;

(e) *Accessibility*. Adequate housing must be accessible to those entitled to it and disadvantaged groups must be accorded full and sustainable access to adequate housing resources, ensuring some degree of priority consideration for them;

(f) *Location*. Adequate housing must be in a location which allows access to employment options, health-care services, schools, childcare centres and other social facilities. Housing should not be built on polluted sites nor in immediate proximity to pollution sources that threaten the right to health of the inhabitants;

(g) *Cultural adequacy*. The way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing.

#### Citizen

Citizen within the right to the city concept refers to all the persons who inhabit a city, whether permanently or transitionally. Hence, all residents of a city are considered citizens. In other cases, citizen is understood as a person with a legal status recognized under the law as being a member of a sovereign state, in these cases is used as synonym to National. Conceptually, citizenship is focused on the internal political life of the state and nationality is a matter of international dealings. Full citizenship encompasses not only active political rights (to vote in elections and to be elected), but full civil rights and social rights. Nationality is a necessary but not sufficient condition to exercise full political rights within a state.

#### Internally displaced person

Internally Displaced Persons, or IDPs, are defined in the United Nations Guiding Principles on Internal Displacement as persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of, or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border. IDPs are often fleeing for similar reasons as refugees but remain within their country of origin. Internal displacement can be either forced or obliged. Like refugees, the preferred solution for IDPs is repatriation, the only option constituting a fundamental and inalienable right (i.e., the right of return) that can be implemented by individuals independently of the search for durable solutions.

For more information see terminology corner: <http://landtimes.landpedia.org/termpage.php?newsid=p2w=>

#### Human rights

Human rights are rights inherent to all human beings, whatever the nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. All humans are equally entitled to

human rights without discrimination. Human rights entail both rights and obligations and are universal and inalienable, interdependent and indivisible and equal and non-discriminatory for all. International human rights law lays down obligations which States are bound to respect. By becoming parties to international treaties, States assume obligations and duties under international law to respect, to protect and to fulfil human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfil means that States must take positive action to facilitate the enjoyment of basic human rights. Through ratification of international human rights treaties, State authorities undertake to put into place domestic measures and legislation compatible with their treaty obligations and duties. Where domestic legal proceedings fail to address human rights abuses, mechanisms and procedures for individual complaints or communications are available at the regional and international levels to help ensure that international human rights standards are indeed respected, implemented, and enforced at the local level.

### **Migrant**

The International Organisation for Migration (IOM) defines a migrant as any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of (1) the person's legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is.

### **Obligation**

Obligation is an act or course of action to which a party (natural or legal person) is morally or legally bound. An obligation is a duty by which a person is bound or obliged to carry out certain action, or desist/refrain from certain action, and which arises out of a sense of duty or results from custom, morality, rules or law. An obligation is a form of commitment that is not voluntary in nature, and subjects the obliged party (duty holder) to consequences or penalties for its nonfulfillment. In law, an obligation is a form of contract or agreement enforceable by law, a document embodying such an agreement, or a bond containing a penalty, with a condition annexed for payment of money, performance of covenants, or other form of remedy. In international law, an obligation may take the form of a "treaty," "covenant," "convention," "peremptory norm" (of customary law) or other instrument of binding law (hard law, or *lex lata*). An obligation imposes an explicitly binding condition on the duty holder subject to monitoring, review and/or enforcement by a body, mechanism or tribunal legally authorized for the purpose of determining and enforcing penalty for the committing party in the event of its failure to fulfill the commitment. Not all treaty-monitoring bodies are authorized with the power to enforce consequences, penalties and remedies directly. However, in the case of gross or systematic violations, the breach may be subject to further decisions or resolutions taken in political bodies to refer the duty holder to a tribunal with enforcement capacity.

For more information see terminology corner: <http://landtimes.landpedia.org/termpage.php?newsid=o2ps>

### **Protracted crisis**

The term protracted crisis is understood to describe contexts and situations that share certain key characteristics, while simultaneously recognizing that no agreed definition of the terms exist. No single characteristic identifies a protracted crisis. The absence of one or more of the characteristics outlined below does not necessarily mean that there is not a protracted crisis situation. Shared characteristics of protracted crises can include multiple underlying causes; recurrent human-made and/or natural disasters; duration or longevity; conflict and/or insecurity; weak governance; unsustainable and vulnerable livelihood systems; poor outcomes; poor livelihood improvement; limited public and/or informal institutional capacity to respond to or address critical issues. Food insecurity is the ultimate manifestation of protracted crises. Furthermore it is understood that a protracted crisis may be limited to a particular geographic area of a State, or a territory, and may not affect the entire population. Similarly, a protracted crisis may also have a regional, transboundary aspect and impact. It is thus recognized that a considerable degree of heterogeneity among protracted crisis situations, including capacity to cope, scale and underlying causes, exists. Nonetheless, protracted crises are a special category requiring a similar set of related policy and operational responses.

For more information see terminology corner: <http://landtimes.landpedia.org/termpage.php?newsid=q2s=>

### **Refugee**

The "Convention relating to the Status of Refugees" (1954) defines refugee a person that owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social

group or political opinion, is outside the country of his [or her] nationality and is unable or, owing to such fear, is unwilling to avail himself [or herself] of the protection of that country; or who, not having a nationality and being outside the country of his [or her] former habitual residence, is unable or, owing to such fear, is unwilling to return to it. This definition was expanded by the African Union “Convention Governing Specific Aspects of Refugee Problems in Africa” (1969) to also include every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality. A solution for refugees and IDPs is repatriation, an option constituting a fundamental and inalienable right (i.e., the right of return) that can be implemented by individuals independently of the search for durable solutions.

*For more information see terminology corner: <http://landtimes.landpedia.org/termpage.php?newsid=p2s=>*

### **Social function of land and property**

In theory, a social function is the contribution made by any phenomenon to a larger system of which the phenomenon is a part. In practice, the social function of a thing is its use or application to the benefit of the greater society, in particular, prioritizing those with the greatest need. Thus, the social function of a property, good, resource or service is realized when it is applied to satisfy a general social need or the unmet need of a segment of society. Regardless of the type of tenure, holders of housing or land bear a corresponding social duty to use and/or dispose of them accordingly. Unoccupied buildings or unproductive land, thus, became more susceptible to formal and enforceable transfer to use in the social interest. Customary international, including and human rights law, guarantees everyone’s right to own property alone as well as in association with others and that no one shall be arbitrarily deprived of his (her) property. However, no universal type or definition of property rights exists, while property rights derive from the contexts of culture and community. A property right is the authority and entitlement to determine how a resource is used, regardless of the party holding that right. Nonetheless, a property right, even a private property right, is not absolute. One of the limits to a property right is the inherent social function of that property, subject to the norms and standards that the society determines.

*For more information see terminology corner: <http://landtimes.landpedia.org/termpage.php?newsid=o2to>*

### **Social production of habitat**

Social production of habitat refers to all nonmarket processes, carried out under inhabitants’ initiative, management and control, that generate and/or improve adequate living spaces, housing and other elements of physical and social development, preferably without—and often despite—impediments posed by the state or other formal structure or authority.

*For more information see terminology corner: <http://landtimes.landpedia.org/termpage.php?newsid=qGs=>*

### **Spheres of government and Local authority and Local government**

The governmental structure and territorial administration of a state may comprise two, three or four spheres of government –central, regional, provincial and/or local. The level of centralization or decentralization of powers and competences among spheres of government within the state will define it as unitary or federal state. Local administrations or governments are traditionally considered the most-proximate of the various distinctive, interdependent and inter-related spheres of government within a state, since they are in a much better position to deal with matters that require local knowledge and regulation on the basis of local needs and priorities. The local administration and governance should always be analyzed in the context of relations among the different spheres of governments within the state and the existence and quality of participatory mechanisms of the inhabitants. Local administrations normally possess certain powers to regulate and manage certain public affairs and deliver certain public services conferred upon them by legislation or directives of the higher sphere of government. In this context, “Local government” implies that the local administration has certain autonomous decision-making powers. The degree of self-government enjoyed by local administrations within a state can be regarded as a key element of genuine democracy. In this regard, political, fiscal and administrative decentralization, including participatory mechanisms, is essential for localizing democracy and human rights. Within this conceptualization, (local) democracy is not possible without respect for human rights and no human rights can be achieved without (local) democracy. In the contrary, local administrations directly extending from the executive-branch of central government will be considered “local authorities”. That model is inconsistent with the notion of “local government” (or “local self-government”), which implies actual local decision making within a state in ways that foster good governance and develop local participation and meaningful citizenship for the inhabitants within the local administrations. Whichever the configuration of offices and division of duties, the preferred model of “local government” is to be understood as applicable in

both unitary states, as well as in federal systems. The constituent principles of local government are aligned with the substantive and process human rights enshrined in the International Bill of Human Rights.

*For more information see terminology corner: <http://landtimes.landpedia.org/termpage.php?newsid=o2pk>*

### **State**

The accepted criteria of statehood were laid down in the Montevideo Convention (1933), which provided that a state must possess a permanent population, a defined territory, a government, and the capacity to enter into relations with the other states. States are the primary subjects of international law and possess the greatest range of rights and obligations. As a matter of international law, the State is one single entity, regardless of its unitary or federal nature and internal administrative division. In this regard, only the State as a whole is bound by obligations stemming from international treaties to which it is a party. Thus, by becoming a party to an international human rights treaty, a State assumes obligations to respect, protect and fulfil human rights. Hence, illegal acts of any public authority, including local government, are attributable to the State even if they are *ultra vires* or contravene domestic laws and instructions.

### **Interpretations:**

#### **Human rights city**

Cities, municipalities and/or their constituent quarters declaring themselves “human rights communities” or “human rights cities” constitutes a practice whereby citizens promote human rights principles at the policy level within a municipality, or as part of a municipality. It is also a practice that has sought programmatic definition through such organizations as the People Human Movement for Human Rights Learning (PDHRE), which organization defined a human right city broadly as: “a society where all citizens have made a pledge to build a community based on equality and nondiscrimination; [where] all women and men are actively participating in the decisions that affect their daily lives, guided by the human rights framework; where people have consciously internalized the holistic vision of human rights to overcome fear and impoverishment, a society that provides human security, access to food, clean water, housing, education, healthcare and work at livable wages, sharing these resources with all citizens—not as a gift, but as a realization of human rights. A Human Rights City is a practical, viable model that demonstrates that living in such a society is possible!”

While this description is abstract, its implementation in practice has produced some operational principles to guide policy and replication of experience. The literature on the “human rights cities” program explains further that that approach especially addresses “both a broader and a narrower dimension of urban poverty.” For example, it: “is not directed toward securing legal title as a means of protecting the urban poor from market eviction and gentrification, or to catalyze investment in low-income housing. It is rather a broader strategy of empowering inhabitants of communities to find collectively the ways and means of ensuring respect for their human rights, including the right to adequate housing, component elements of which are security of tenure, access to basic urban services, transport and mobility, financial services and credit, women’s empowerment, urban citizenship, income and livelihoods. It is thus a broader strategy than securing legal tenure.”

An initiative to link Korean and international human rights cities has created the World Human Rights Cities Forum to expand discussions on human rights cities.

*For more information see terminology corner: <http://landtimes.landpedia.org/termpage.php?newsid=o2lk>*

#### **Human rights habitat**

Human rights habitat is the most general and, thus, inclusive operative term that embraces the gamut of human rights in any kind of human settlement, social context or living space. Its components include the interaction among the natural environment, vital resources such as land, water and food for human livelihood, as well as the built environment at any scale. The quintessential values of the human rights habitat concept are at once biological and social, material and ethical. The protection and preservation of environmental values and measures to sustain social justice are core operational principles to a human rights habitat, whether in a forest dwelling, a pastoral setting, an informal settlement, or across a megacity. The inclusivity and versatility of this general concept distinguishes it as generally applicable and devoid of any discrimination on the basis of geography, decent, work or livelihood, or any point on the rural-urban continuum. Therefore, the human rights habitat concept and its application also overarch other approaches to more-specific kinds of communities.

*For more information see terminology corner: <http://landtimes.landpedia.org/termpage.php?newsid=o2hr>*

#### **Human rights in the city**

Human rights in the city is an application of these kindred principles in the social and physical context of the urban space defined as “city,” a human settlement agglomeration that UN-Habitat claims to hold at least half the world’s population. The human-rights-in-the-city construct expresses both the rights and responsibilities of citizenship at the level of the city, but also explicitly recognizes local governments’ role in guaranteeing the

human rights of all their inhabitants. "Human rights in the city" is exemplified in the "Charter-Agenda for Human Rights in the City" developed by the Committee on Social Inclusion, Participatory Democracy and Human Rights of the United Cities and Local Authorities (UCLG). Its preamble recognizes the legal sources of human rights and corresponding state obligations in the International Covenants (1966) and other state-level commitments as applying to local authorities, along with the exercise of the following values and principles:

- The dignity of every human being as a supreme value;
- Freedom, equality particularly between men and women, nondiscrimination, recognition of differences, justice and social inclusion;
- Democracy and citizen participation as the policy of cities;
- Universality, indivisibility and interdependence of human rights;
- Social and environmental sustainability;
- Cooperation and solidarity among all members of each city, as well as among all cities throughout the world;
- Shared and differentiated responsibility of the cities and their inhabitants, in accordance with abilities and means.

For more information see terminology corner <http://landtimes.landpedia.org/termpage.php?newsid=o2ht>

### **Right to the built environment/الحق في العمران**

One of the most significant and articulate examples of the use of the **right to the city** in Civil Society Organisations discourse and advocacy has come in the context of the 2013 deliberations toward the new Egyptian Constitution. A convergence of organizations, self-identified as the Urban Reform Coalition, cooperated in the preparation of a formal submission to the drafters of the new Constitution. Their document, "A Constitutional Approach to Urban Egypt" localizes the principles of the right to the city as a guidance note for future efforts to improve living conditions, urban development and governance in Egypt through the transition. This articulation of the right to the city establishes a set of basic principles such that:

The state recognizes the right to the city for all inhabitants of Egyptian cities, and the people have the full right to enjoy the city and public spaces on the basis of the principles of sustainability, social justice, respect for different cultures, and the balance between the urban and rural sectors. The exercise of the right to the city rests on the foundations of democratic governance of the city, with respect for the social and environmental functions of the various properties and the city as a whole, with full exercise of the right of citizenship.

For more information see terminology corner: <http://landtimes.landpedia.org/termpage.php?newsid=o2lm>

### **Right to the city**

Right to the City constitutes a clear claim to a specific "right" that is not enshrined in any international multilateral instrument to date. Strategically, the Right to the City (R2C) movement seeks to contribute to the standard-setting processes by defining the normative content of R2C as claimed, before it becomes law.

However, R2C also has assumed a quasi-juridical character. It forms the subject of the Global and European United Cities and Local Governments Charter-Agenda. The Global Charter first operative section reflects the recognition that all city inhabitants have the right to participate in the configuration and coordination of territory as a basic space and foundation for peaceful life and coexistence and the right to available spaces and resources allowing them to be active citizens. In this conceptualization the city is constituted as a local political community that ensures adequate living conditions for all the people, and provides good coexistence among all its inhabitants, and between them and the local authority and, moreover, offers its inhabitants all available means to exercise their rights. Furthermore, it is stated in the charter that the Right to the city will be only satisfied to the degree in which each and every one of the human rights is fully effective and guaranteed domestically. This iteration of the concept of R2C respects local inhabitants' collective right to local decision making. Parallel to this formal, municipal-level recognition, the right to the city is also a slogan and claim of urban social movements to guide urban policies to be more equitable and inclusive, as an alternative to current policies and planning practices that lead to segregation, privatization and inequitable distribution of public goods and services. This popular source and claim of the right to the city emerged through several successive iterations vetted among urban social movements in Latin America and diffused through the World Social Forums. Currently, the right to the city claim and argument enshrined in the 2005 Global Charter rest on a bundle of codified human rights and corresponding obligations of authorities at all levels. In setting out the claims relative to the exercise of citizenship and of participation in planning, production and management of the city, the Charter outlines numerous rights and freedoms, including those already enshrined in the Human Rights Covenants (1966). The Charter also claims as rights and corresponding obligations certain values not yet enshrined explicitly in international treaty law. Through its serial iterations since 2001, the Global Charter has emphasized consistently that the essential elements of the right to the city involve:

- Full exercise of citizenship
- Democratic management
- The social function of urban property and the city.

The “strategic foundations” of the right to the city, thus, pursue:

1. Full exercise of human rights in the urban context;
2. Operationalizing the social function of land, property and the city;
3. Democratic management of the city; Social production of habitat and the right to a productive habitat (social economy);
4. Responsible and sustainable management and use of the commons (including natural resources and cultural heritage);
5. Democratic enjoyment of the city (especially linked with the use of public spaces and community facilities).

For more information see terminology corner: <http://landtimes.landpedia.org/termpage.php?newsid=02ll>

### **Rights of the city**

In general, the legal “rights” of states and state institutions apply more appropriately vis-à-vis other states. Amid the clearly emerging obligations that local authorities and institutions of human settlements generally bear toward their inhabitants, those same human rights treaty-bound actors bear certain rights as well. The above concepts advance particularly the collective sense and identity of the city within the treaty-bound state. Rights derive from cities and other local administration and government functions as organic components of the territorial state in which they operate. In order for the city—or other human settlement institution and authority—to live up to its increasingly defined and codified duties, it bears a corresponding right to central government coordination and support, without discrimination on the basis of geography, political affiliation, demography or other arbitrary basis. Within the over-riding human rights implementation principle of “maximum of available resources,” local authorities have rights to their fair share of the national budget and assets in the pursuit of ESCR. The rights extend to benefit from the central state’s implementation of the other over-riding principles for implementing the Covenant on Economic, Social and Cultural Rights: i.e., self-determination, gender equality, rule of law, progressive realization and international cooperation.

This calls on the state variously to enable representative local government to succeed in upholding shared-but-differentiated human rights treaty obligations. This may call for greater financial, technical, policy-coordination and capacity-building support to such local government. Otherwise, the city or other human settlement may fall to the mercy of private and external financial markets, for example, and/or compelled to privatize public goods and services in order to fulfill inhabitants’ rights. Moreover, collectively self-expressing cities and other human settlements governments could assert a right to local self-determination consistent with human rights. This can—and does—manifest in the moderation of local self-interest and global human rights principles to network and adopt resolutions, commitments and declarations to apply general principles of international human rights law.

For more information see terminology corner: <http://landtimes.landpedia.org/termpage.php?newsid=02ln>

### **Urban rights**

Urban Rights is a term and concept arising from the “European Declaration of Urban Rights “(1982). The regional initiative to adopt a European Urban Charter constructed “urban rights” through the work of the Council of Europe on urban policies. It identifies a bundle of “rights” that apply to inhabitants of both the city and “its surrounding region,” including rights to: Security; an unpolluted and healthy; adequate employment possibilities; an adequate supply of affordable and salubrious housing; freedom of movement with harmonious balance among all street users; facilities conducive to physical and psychological health; Sport and leisure; cultural and creative activities and pursuits; multicultural integration; good quality architecture and surroundings and restoration of built heritage; harmonization of urban functions and activities; participation; economic development; sustained development; accessible and adequate services and goods ; natural wealth and resources and assets; personal fulfilment; international intermunicipal collaboration; local financial mechanisms and structures; and equality. According to the Declaration, these “urban rights” require practical actions that involve: improvement of the physical urban environment, rehabilitation of existing housing stock, the creation of social and cultural opportunities in towns and community development and public participation.

For more information see terminology corner: <http://landtimes.landpedia.org/termpage.php?newsid=02hs>