HOUSING AND LAND RIGHTS NETWORK
HABITAT INTERNATIONAL COALITION

The HICtionary
Key Habitat Terms

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Key Habitat Terms A to Z

Housing and Land Rights Network
Habitat International Coalition

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Housing and Land Rights Network
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Foreword

This reference work of *Key Habitat Terms from A to Z*, otherwise known as the *HICtionary*, is the result of deliberation and debate across multiple specializations, regions and cultures within the membership of Habitat International Coalition (HIC). The purpose of that debate—and this reference work—have been to consolidate and harmonize understanding of the various terms of art confronted in the work of HIC and its Members in the fields of habitat (i.e., housing, land, natural resources, governance and sustainable development).

Some of the terms contained in the *HICtionary* have been the subject of many years of debate across the platform if HIC structures and forums to reach agreement on specialized habitat concepts and their shorthand terminology that can be applied across regions. Other terms derive their definitions from reliable authoritative sources outside HIC, especially referencing legal source where appropriate.

For example, the *HICtionary* definition of "social production of habitat" is the product of a debate that began in HIC's General Assembly at Mexico City in 1991, and culminated in its General Assembly at Nairobi in 2007. Other definitions include excerpts from international instruments to ensure accuracy and consistency with the law and transnational usage.

This edition of the *HICtionary* is in English. However, most of the key habitat terms contained in this volume enjoy authoritative translations in other languages and are the subject of other language editions of the *HICtionary* (e.g., *El HICcionario* and *قاموس الـHIC*) still under development. Certain of the terms entered here are best conveyed in other source languages. While the concepts also prevail in other languages, the foreign term is retained as the entry for its habitual usage and economy of words (e.g., *plusvalía*, from Spanish; *intifadha*, from Arabic; *non*-refoulement, from French; and *apartheid*, from Afrikaans), where, otherwise, only a longer phrase would suffice in English. Where appropriate, the definition of a term also cites its etymological roots for deeper understanding of original meanings. The etymological citations are found either within the entry, or in an accompanying footnote.

Some terms include their Arabic-language translation or transliteration. This is the result of HLRN's program objective to provide HIC services to civil society and HIC Members in the Middle East/North Africa region. It also reflects the practice since the first publication of HLRN's bilingual publication, *Land Times/أحوال الأرض*, which includes a "Terminology Corner" of habitat terms used in each issue.

The *HICtionary* is intended to be a living reference and subject for further debate and development of current terminology related to habitat. Your contribution and/or contestation of terms and their definitions are welcome and encouraged. To contribute a term or definition, or to contest and definition in this edition of the *HICtionary*, please contact the HIC-HLRN team at hlrn@hlrn.org.

Accountability: To be accountable is the quality of being willingly or unwillingly subject to being called to explain, rationalize and/or justify an action or deed. The term has a wide usage in ethics, finance, politics and administration. In human rights, "accountability" conveys a moral and legal sense of duty that can be based on a human rights norm, such as a treaty obligation. However, the basis for the claim of accountability calls for more-precise terms.

Adaptation: The process of adjustment to actual or expected climate events and development and their effects, in order to moderate harm or exploit beneficial opportunities. In natural systems, adaptation is the process of adjustment to actual climate and its effects; human intervention may facilitate this.[1]

Adequate housing: Living conditions that the State must respect, protect and fulfill such that integrates the following in elements and entitlements:

- legal security of tenure,
- reasonable access to public goods and services,
- reasonable access to environmental goods and services,
- affordability at a level that does not threaten other basic needs (usually meaning a cost of no more than 30% of household income spent on housing, maintenance and services),
- habitability, with sound structure; adequate space, lighting and ventilation; a clean and healthy environment; and corresponding with human needs for physical health and safety;
- physical accessibility, particularly for those with special physical or mobility constraints;
- a location that is safe, reasonably accessible to work and economic resources, services and community;
- cultural adequacy, such that corresponds with custom and practice that ensures participation in cultural life.

Adequate housing also embodies the congruent human rights of:

- participation, freedom of expression, association and peaceful assembly;
- education, information, capability and capacity building;
- displaced persons' rights to reparation (i.e., restitution, return, resettlement, rehabilitation, compensation and pledge of nonrepetition); refugee rights to *nonrefoulement* (the prohibition against coerced return), and freedom of movement; and

[1] H.-O. Pörtner, D.C. Roberts, M. Tignor, E.S. Poloczanska, K. Mintenbeck, A. Alegría, M. Craig, S. Langsdorf, S. Löschke, V. Möller, A. Okem, B. Rama, eds., *Climate Change 2022: Impacts, Adaptation and Vulnerability*, Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change (IPCCC) (Cambridge, UK and New York: Cambridge University Press, 2022), p. 5, https://report.ipcc.ch/ar6/wg2/IPCC_AR6_WGII_FullReport.pdf.

- security of person and privacy, including protection of the family and freedom from domestic violence.

Adverse possession: A means by which one can legally take property without paying for it. The requirements for adversely possessing property vary from country to country, but usually include continuous use for a period of five or more years and paying taxes and/or paying for services on the property without a legal challenge from another owner.

Advisory Opinion [فتوى استشارية]: In many judicial systems, an advisory opinion is a legal interpretation issued by a court or a commission that does not have the effect of adjudicating a specific legal case between contending parties, but rather advises on the legal dimensions of a situation, such as its constitutionality or legal consequences. Some countries have procedures by which the executive or legislative branches may defer important questions to the judiciary and obtain an advisory opinion in order to guide decisions. However, in other countries or specific jurisdictions, laws may prohibit courts from issuing advisory opinions.

In the international system, with the International Court of Justice (ICJ) as the highest arbiter between states, as states are the ICJ's unique clients in contentions cases. However, under Chapter IV of its Statute (an annex to the United Nations Charter) all of the principal organs of the United Nations (except the Secretary-General representing the UN Secretariat), the 16 UN Specialized Agencies and the Interim Committee of the General Assembly may request Advisory Opinions of the ICJ.

Contrary to contentious case judgments, Advisory Opinions have no binding (enforceable) effect, except in rare cases where it is stipulated in advance (e.g., as in inquiries involving the Convention on the Privileges and Immunities of the United Nations and Headquarters Agreements between the United Nations and the United States of America). The requesting UN organ, agency or organization remains free to decide, by any means available to it, to determine what effect to give to the Advisory Opinion.

The Advisory Opinion's nonbinding character does not mean that it lacks legal effect, because they embody legal reasoning that reflects the Court's authoritative views on important issues of international law. Moreover, the Court arrives at Advisory Opinions following essentially the same rules and procedures as in its binding judgments in contentious cases submitted by states. Thus, an Advisory Opinion's high status and authority derive from the fact that it is the official pronouncement of the principal judicial organ of the United Nations.[2]

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[2] For more information, see: ICJ Advisory Jurisdiction; ICJ Advisory opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, including in and around East Jerusalem, 9 July 2004; الآثار القانونية الناشئة عن تشييد جدار في الأرض الفلسطينية المحتلة، 9 تموز/يوليو 2004 ; ICJ Advisory opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, including in and around East Jerusalem, 9 July 2004 (summary);Advisory opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, including in and around East Jerusalem, ES-10/15, 2 August 2004; الفتوى الاستشارية محكمة العدل الدولية بشأن الآثار القانونية عن تشييد جدار في الأرض الفلسطينية المحتلة، بما فيها القدس الشرقية وما حولها، دإط - ١٠/١٥، 2 آب/أغسطس 2004 ; الأعمال الإسرائيلية غير القانونية في الأرض الفلسطينية المحتلة والقدس الشرقية، دإط - ١٠/١٤، 12 كانون الأول/ديسمبر 2003 ; Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory, ES-10/14, 12 December 2003; Pieter H.F. Bekker, *The UN General Assembly Requests a World Court Advisory Opinion On*

Advocacy: A political process undertaken by an individual or group that aims to influence public policy, legislative and/or resource-allocation decisions within civic, economic, legal, political and social systems and institutions. Advocacy can encompass a range of activities that a person or organization undertakes, including media campaigns, public speaking, reporting, commissioning and publishing research, conducting polls or filing an *amicus brief*. Advocacy also encompasses a range of less-articulate and even spontaneous actions and functions to seek such change.

Agency: The capacity of a person, group or other entity to act within their environment to develop the capability to make choices and to bring about change.

Agroecology: is a term of art that does not have a single definition, as it differs across communities, territories and traditions. However, agroecology can be understood as an approach to food-system development that places peasants (understood as peasant farmers, fishing communities and pastoralists in rural and urban areas) at the center. In the agroecology movement (linked to the food sovereignty movement), peasants are not only the stewards of the land and natural resources, but also play a central role in preserving biodiversity. Agroecology challenges the dominant, intensive system of which has been damaged and strained by industrial food production.

Due to different pressures, many intergovernmental organizations, private sector entities, research institutes and some NGOs have recognized agroecology, but have reduced it to technological or production practices that fit into the current system of production and consumption. These include damaging practices such as climate-smart agriculture, and the Green and Blue Revolutions, among others. These are *not* agroecology.

A description of agroecology is expressed in some of the principles agreed upon in the final declaration from the International Forum for Agroecology, 27 February 2015, in Nyéléni, Mali:

- **Rejects the use of agrotoxins, artificial hormones and GMOs,** and focuses on preserving the soil, seas, lakes and rivers, recycling nutrients, the dynamic management of biodiversity and energy conservation at all scales;
- **Preservation of peoples' sovereignty over territories;** communities and peoples are entitled to secure, develop, control, and reconstruct their customary social structures and to administer their lands and territories, including fishing grounds, both politically and socially;
- **Collective rights and access to the commons**, including the recognition of customary and traditional tenure systems;
- **Knowledge preservation and learning processes** are horizontal and peer-to-peer, based on popular education. Agroecology is developed through our own innovation, research, and crop and livestock selection and breeding;

Israel's Separation Barrier, in American Society of International Law, ASIL INSIGHTS (December 2003); ICJ Advisory opinion on the international legal status of Western Sahara, 16 October 1975; ICJ Advisory opinion on the international legal status of Western Sahara, 16 October 1975 (summary); International Court of Justice Advisory Opinion on Accordance with international law of the unilateral declaration of independence in respect of Kosovo, 22 July 2010.

- **Collective self-organization and action** are what make it possible to scale-up agroecology, build local food systems, and challenge corporate control of the food system. Solidarity between [and among] peoples, and between rural and urban populations is critical.
- **Reshaping of markets based on principles of solidarity economy** and the ethics of responsible production and consumption. It promotes direct and fair short distribution chains, with transparent relationships between producers and consumers, with shared risk and benefits.

Alternative Planning: involves a preemptive initiative, or a responsive mechanism to development plans implemented by the government and/or corporations that often negatively affect communities. An "alternative plan" can involve many different mechanism and processes, but ultimately involves "creating an accountable and critical balance between the public and private sectors" (Burnham). This process involves many different levels of interventions, including skill-building, empowerment and the affected community consultations and cooperation. A key aspect of alternative planning is capacity building, involving empowerment, mobilizing a local community by providing its members with the skills and knowledge, and/or with experts in these areas, in order to produce its own, alternative development plan. The plan then serves as a vehicle for articulating and advocating the community's collective vision before planning authorities.

Thus, alternative planning processes entail many contributions, including social production of habitat by production of a plan that represents a community's collective common development objectives, rather than one imposed by external forces.

Apartheid (*a·**part**·hāt;* هَيْت · ***بارْت*** · أ):

A crime against humanity legally defined as "inhumane acts…committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime"[3]

Apartheid involves the following practices:

(a) Denial to a member or members of a racial group or groups of the right to life and liberty of person:

(i) By murder of members of a racial group or groups;

(ii) By the infliction upon the members of a racial group or groups of serious bodily or mental harm, by the infringement of their freedom or dignity, or by subjecting them to torture or to cruel, inhuman or degrading treatment or punishment;

(iii) By arbitrary arrest and illegal imprisonment of the members of a racial group or groups;

(b) Deliberate imposition on a racial group or groups of living conditions calculated to cause its or their physical destruction in whole or in part;

(c) Any legislative measures and other measures calculated to prevent a racial group or groups from participation in the political, social, economic and cultural life of the country

[3] Article 7.2(h), *Rome Statute of the International Criminal Court*, UN doc. 2187 UNTS 90, entered into force 1 July 2002, https://treaties.un.org/doc/Treaties/1998/07/19980717%2006-33%20PM/volume-2187-I-38544-English.pdf.

and the deliberate creation of conditions preventing the full development of such a group or groups, in particular by denying to members of a racial group or groups basic human rights and freedoms, including the right to work, the right to form recognized trade unions, the right to education, the right to leave and to return to their country, the right to a nationality, the right to freedom of movement and residence, the right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association;

(d) Any measures, including legislative measures, designed to divide the population along racial lines by the creation of separate reserves and ghettos for the members of a racial group or groups, the prohibition of mixed marriages among members of various racial groups, the expropriation of landed property belonging to a racial group or groups or to members thereof;

(e) Exploitation of the labour of the members of a racial group or groups, in particular by submitting them to forced labour;

(f) Persecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid."[4]

Autonomy: When dwellers control the major decisions and are free to make their own contributions in the design, construction, or management of their housing, both this process and the environment produced stimulate individual and social well-being. When people have no control over, nor responsibility for key decisions in the housing process, on the other hand, dwelling environments may instead become a barrier to personal fulfillment and a burden on the economy.[5]

Bantustan: Any of the ten territories set aside under South African apartheid for black South Africans on the remaining 14% of the country's lands not reserved for Whites, and slated for eventual independence. The ten bantustans were also referred to as "homelands" and, formerly, as "native reserves" or "Black states." The South African National Party created these administrative units under the white-dominated government's apartheid policy. They were Gazankulu, KwaZulu, Lebowa, KwaNdebele, KaNgwane, Qwaqwa, Transkei, Bophuthatswana, Venda, and Ciskei. The last four were proclaimed independent—Transkei (1976), Bophuthatswana (1977), Venda (1979), and Ciskei (1981)—but no foreign government recognized them as independent states. Citizens of the Bantustans lost the limited rights they had as South Africans.

Although the creation of Bantustans was rooted in earlier legislation, the Bantu Homelands Citizenship Act (1970) defined blacks living throughout South Africa as legal citizens only of the homelands designated for their particular ethnic groups, thus stripping them of their South African citizenship. From the 1960s through the 1980s, the South African government continuously removed black people still living in "white areas" of South Africa and forcibly relocated them to the Bantustans. South African citizenship was restored to homeland

[4] International Convention on the Suppression and Punishment of the Crime of Apartheid (1973, entered into force 18 July 1976), Article II, https://treaties.un.org/doc/Treaties/1976/07/19760718%2003-04%20AM/Ch_IV_7p.pdf.

[5] Robert Fichter, John F.C. Turner and Peter Grenell, "The Meaning of Autonomy," in Turner, John F. C. *Freedom to Build: Dweller Control of the Housing Process* (New York: MacMillan, 1972).

residents, and the homelands were abolished under the South African Constitution that was approved in 1993 and ended apartheid. In 1994, after the end of apartheid, the South African government created nine new South African provinces, which included both former provinces and former Bantustans.

The term was first used in the late 1940s, and was coined from *Bantu* (meaning "people" in some of the Bantu group of African languages) and *-stan* (a suffix meaning "land" in the Sanskrit and Persian language). It was regarded as a disparaging term by critics of the apartheid-era government's "homelands" (from Afrikaans *tuisland*). The word "bantustan," today, is habitually used in a pejorative sense when describing a region that lacks any real legitimacy, or one that consists of discontiguous enclaves, and/or emerges from national or international gerrymandering. The Palestinian Authority jurisdictional areas "A" are sometimes referred to as bantustans by analogy to their South African apartheid counterparts.

Biodiversity: The term was defined in The Convention on Biological Diversity as the "variability among living organisms from all sources, including, *inter alia,* terrestrial, marine and other aquatic ecosystems and ecological complexes of which they are a part."[6] Thus biological diversity includes diversity within and between species, and diversity of ecosystems. This includes natural and cultivated species, varieties, and ecosystems.

It is argued that biodiversity should be protected, because neither the potential benefits of protection nor the consequences of the loss of biodiversity have been fully identified. The first formal recognition of the need for international cooperation to protect biodiversity came in 1992 with The Convention on Biological Diversity and (in the same year) Agenda 21, which called for the creation of an international protocol on biosafety and risk assessment. This evolved into the Cartagena Protocol on Biosafety, 2000.

Biodiversity is also linked to intellectual property rights (IPR) and the Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreements through the concept of traditional knowledge. This is the often unregistered and undervalued intellectual property that relates to the knowledge, innovations, and practices of indigenous or local communities. Traditional knowledge of medicines and the uses of plants both play a very valuable role in the "discovery" of new medicines. However, the registering of patents on traditional knowledge by the pharmaceutical industry is criticized as biopiracy. [See **Biopiracy**.]

Biopiracy: This concept relates to industrial patents that exploit indigenous biodiversity and traditional knowledge for the profit of (often foreign) companies without recognizing or compensating the source community. Problems arise also in attempts to identify the true market value of a product that has not yet been commercially exploited. (See **Biodiversity** above.)

[6] The Convention on Biological Diversity, signed at Rio de Janeiro on 5 June 1992 and entered into force on 29 December 1993, https://www.cbd.int/doc/legal/cbd-en.pdf.

Campaign: a sustained, organized public effort making collective claims on target authorities. (See "**Social movement**" below.)

Care Economy: The care economy (the purple economy), is a crucial component of the welfare state. It encompasses activities aimed at improving the physical, social, mental and emotional well-being of care-dependent groups, such as children, the elderly, the sick, disabled individuals, adolescents, and others. The purple economy plays a central role in ensuring the overall functionality and well-being of society as a whole.

The care economy includes paid (employed in the formal and informal sectors) and unpaid work through which care is provided for others. Care responsibilities can be broadly categorized into two groups: those carried out within the home and those performed outside of it. For example, childcare providers and health workers, pre-school and schoolteachers provide care in the formal market based on remuneration, outside their families and homes, but often this type of work is underestimated as the remuneration is low and unfair. On the other hand, nannies, for instance, may provide paid care in the informal market, and their labor rights are frequently neither recognized nor adequately regulated or protected. It's essential to highlight that most caregiving work remains unpaid and primarily includes household activities such as cooking, washing, tidying, cleaning, and looking after family members, including childcare, among other responsibilities.[7]

Care Society: The caring society places the feminist principle of sustainability of life at the center and recognizes the interdependence between and among people, the environmental dimension and economic and social development in a synergistic way. It includes self-care, care for people, those they care for, and the planet.[8]

City: A large human settlement,[9] generally having extensive housing, transportation, food, sanitation, utility, land-use and communication systems. The city's density facilitates interaction among diverse people, government organizations, institutions and businesses.

Historically, city dwellers have constituted a small proportion of humanity; however, following two centuries of unprecedented and rapid urbanization, roughly half of the world population now lives in cities and metropolitan areas, which has had profound consequences for global sustainability. Present-day cities usually form the core of larger metropolitan areas and urban areas, involving waves of daily commuters traveling into and out of city centers for employment, entertainment, education and transactions. In a world of intensifying globalization, all cities are also variously connected beyond these regions, as well as globally.

The world's most-populated city proper is Shanghai.[10] Meanwhile the most populous metropolitan areas are Greater Tokyo, Delhi and Jabodetabek (Jakarta).[11]

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[7] UNDP, "Insights into Care Economy," 8 November 2023, https://www.undp.org/georgia/blog/care-economy-lika-ablotia#:~:text=Introduction,care%20is%20provided%20for%20others.

[8] See Economic and Social Council of Latin America and the Caribbean website, undated, https://www.cepal.org/en/subtopics/care-society#.

[9] Brian Goodall, *The Penguin Dictionary of Human Geography* (London: Penguin, 1987); Adam Kuper and Jessica Kuper, eds., *The Social Science Encyclopedia*, 2nd edition (London: Routledge, 1996).

[10] "List of cities proper by population," *Wikipedia*

The first known city in history was Uruk, in Akkadian *Biritum/Birit Narim*, or what the Greeks later called Mesopotamia, modern Iraq). Jericho (Palestine), Sidon (Lebanon), and even Eridu (Sumer/Iraq) were settled earlier, but lack the verifying documentation found at Uruk.[12]

The first known city in the New World was Caral, Peru.[13]

In the study of the ancient world, a city is generally defined as a large, populated urban center of commerce and administration with a system of laws and, usually, regulated means of sanitation. This is only one set of characteristics, however, and the designation of "city" can be based on such other factors as:

- Concentrated population (number of inhabitants),
- Large and/or high (multistory) buildings,
- Density of buildings/population,
- Presence of some kind of sewer system,
- Level of administrative government,
- Presence of walls and/or fortifications (by ca. 2,900 B.C.E.),
- Social heterogeneity,[14]
- Geographical area of the settlement, or
- Whether a "settlement" was called a "city" in antiquity and meets any of the above qualifications.

The cities of Fayum (Egypt),[15] Damascus (Syria)[16] and Varanasi (India)[17] are among the cities with the longest continuous inhabitation.

City region: The spatial extent of an individual city's material associations and economic or political influence not bound by formal city limits. The city region concept accepts that rural populations, livelihoods and land uses can be incorporated within the functional activities of a city. This might include adjacent territories and people producing food for consumption in the city, dormitory settlements, sources for critical inputs of water, and waste disposal.

(See also **City** above, and **Urban** and **Urban systems** below.)

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https://en.wikipedia.org/wiki/List_of_cities_proper_by_population#Cities_proper_by_population.

11 Demographia World Urban Areas (Built up Urban Areas or World Agglomerations), 14th Annual Edition, April 2018, http://www.demographia.com/db-worldua.pdf.

12 Joshua J. Mark,he Ancient City," *Ancient History Encyclopedia* (5 April 2014), https://www.ancient.eu/city/.

13 "First City in the New World? Peru's Caral suggests civilization emerged in the Americas 1,000 years earlier than experts believed," *Smithsonian magazine* (August 2002), https://www.smithsonianmag.com/history/first-city-in-the-new-world-66643778/.

14 "The demographic definition, based on the concepts of Louis Wirth, identifies cities as large, dense settlements with social heterogeneity." Michael E. Smith, "Ancient Cities," *The Sage Encyclopedia of Urban Studies* (Thousand Oaks CA: Sage Publications, 2010), p. 26.

15 Nick Compton, "What is the oldest city in the world?" *The Guardian* (16 February 2015).

16 Trudy Ring, *Middle East and Africa: International Dictionary of Historic Places* (2004), p. 204.

17 Ashok Shaw, Mrinal Kanti Layek, Prerona Das, Abhijit Mukherjee, Probal Sengupta, Joy Sen, Arindam Basu, "Geological evolution of the River Ganges and its impact on the development of the city of Varanasi, India," conference paper, Developments in Geosciences in Past Decade – Emerging Trends for the Future & Impact on Society & Annual General Meeting of the Geological Society of India, Kharagpur, October 2016.

Climate finance: Although no formally agreed definition of climate finance exists, the term is applied to the financial resources and processes devoted to addressing climate change by all public and private actors from global to local scales, including international financial flows to developing countries to assist them in addressing climate change.

Climate finance aims to reduce net greenhouse gas emissions (mitigation) and/or to enhance adaptation and increase resilience to the impacts of current and projected climate change. Finance can come from private and public sources, channeled by various intermediaries, and is delivered by a range of instruments, including grants, concessional and non-concessional debt, and internal budget reallocations.

Coalition: a collaborative, means-oriented arrangement, especially a temporary one, that allows distinct people or organizational entities to pool resources and combine efforts in order to effect change. The combination of such persons or entities into one body, as a union, variously organized and structured, but generally less formal than a covenant. Although persons and groups form coalitions for many and varied reasons, the most common purpose is to combat a common threat or to take advantage of a certain opportunity; hence, the often-temporary nature of coalitions. The common threat or existence of opportunity is what gives rise to the coalition and allows it to exist. Such collaborative processes can gain political influence and potentially initiate social movements. (See **Social movement(s)** below.)

According to Sidney Tarrow, five elements are necessary to maintain a coalition:

1. Members must *frame* the issue to brings them together with a common interest;
2. Members' *trust* in each other and believe that their peers have a *credible commitment* to the common issue(s) and/or goal(s);
3. The coalition must have a mechanism(s) to *manage differences* in language, orientation, tactics, culture, ideology, etc. between and among the collective's members (especially in transnational coalitions);
4. The shared *incentive* to participate and, consequently, benefit.

Coalitions manifest in a variety of forms, types and terms of duration:

- *Campaign coalitions* with high intensity and long-term cooperation;
- *Federations*, characterized by relatively lower degree of involvement, intensity and participation, involving cooperation of long duration, but with members' primary commitment remaining with their own entities;
- *Instrumental coalitions*, involving low-intensity involvement without a foundation "to carry them beyond the issues and conflicts that bring them together":
- *Event-based coalitions* that have a high level of involvement and the potential for future collaboration.[18]

(For some definitions of terms distinguishing types of collective action such as alliance, coalition, collective, movement and network, click here.)

[18] Sidney Tarrow, *The New Transnational Activism* (Cambridge University Press, 2005).

Civil rights: (sometimes also called *legal rights* or *statutory rights*) are rights conveyed by a particular polity, codified into legal statutes by some form of legislature (or unenumerated but implied from enumerated rights), and as such are contingent upon local laws, customs, or beliefs. In contrast to, *natural rights*, legal rights are culturally and politically relative.

At the international and universal level, civil rights as human rights are those defined in the International Covenant on Civil and Political Rights.

(See **Moral rights**, **Natural rights** or **Inalienable rights** for contrasting concepts.)

Civil Society Organisation: A national, regional or international nongovernmental and non-profit organization operated by specialists in a particular field, mediating between communities and the public sector.

Climate change impacts are the consequences of realized risks on natural and human systems, where risks result from the dynamic interactions between climate-related hazards with the exposure, and vulnerability of the affected human or ecological system. Impacts generally refer to effects on lives, livelihoods, health and wellbeing, ecosystems and species, economic, social and cultural assets, services and infrastructure.[19]

(See also **Vulnerability** below.)

Climate justice: Social and environmental movements continue to converge on their joint call for climate justice, linking equality, individual and collective human rights, and historical responsibilities for climate change as an urgent political and ethical issue. This expression of climate justice acknowledges that environmental hazards and climate-change impacts are unequally produced and distributed across geographies and historical trajectories, across class, gender, race and age. Climate justice calls for long-term mitigation and adaptation strategies, along with radical change from the production and reproduction of social and environmental injustices. Central and local spheres of government and organized civil society are already forging ahead, developing concrete and bold, climate action plans locally to meet current and future challenges not only to build resilience through climate action but, more progressively, to localize climate justice as an existential and universal human need and aspiration with local, national, regional and international solidarity and cooperation toward remedies and sustainable development that prioritize those historically disadvantaged and currently most effected.

See also **Justice (theories of)**, **Environmental justice**, **Social justice** and **Transitional justice** (below).

[19] IPCC (2022), *op. cit.,* pp. 43, 170.

Colonialism and Colonization: are terms not confined to a single decisive definition, but according to many sources, colonialism is “the implementation of various political, economic, and social policies to enable a state to maintain or extend its authority and control over other territories. Colonialism is the building and maintaining of colonies in one territory by people from another territory. Colonialism is a process whereby sovereignty over the colony is claimed by the metropole, and social structure, government and economics within the territory of the colony are changed by the colonists. Colonialism is a certain set of unequal relationships, between metropole and colony and between colonists and the indigenous population.” The UN "Declaration on the Granting of Independence to Colonial Countries and Peoples" (General Assembly resolution A/1514 (XV), 14 December 1960) indicates five elements consists of the colonial characters, namely: (1) violations of the territorial integrity of occupied territory; (2) depriving the population of occupied territory of the capacity for self-governance; (3) integrating the economy of occupied territory into that of the occupant; (4) breaching the principle of permanent sovereignty over natural resources in relation to the occupied territory; and (5) denying the population of occupied territory the right freely to express, develop and practice its culture.

That Declaration enshrines general principles of international law, including:

"1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and cooperation.

"2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

"3. Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.

The illegal practice of colonialism and colonization imposes obligations on all states consistent with these principles, namely:

"4. All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected.

"5. Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom.

"6. Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.

"7. All States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, noninterference in the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity."

Commitment: As a relatively general and vague designation, "commitment" means a state's nonbinding adherence to a principle of behavior or its statement of will to comply with it. Common principles that states agree upon in the form of "declarations," "basic principles" and "minimum rules," for example, are often referred to as non-legally binding "commitments," even though they already may be grounded in existing rights and treaty obligations and/or general principles in the major legal systems of the world. Typically, distinguishing between levels of committed action, a state may enter into a theoretical agreement with other states on common values that may be considered "commitments," falling under a heading of "general principles" or "basic principles." Another habitual term found in such instruments, "goals," can express intent, however at a more-abstract level. The expression of those values and intents in practical application often appear under the heading of "commitments." (See Vancouver Declaration (1976), Habitat Agenda [1996], Doha Declaration [2001], Paris Declaration on Aid Effectiveness [2005], etc.) Some legal scholars may consider the Millennium Development Goals to be part of international law, for example, but they are not yet universally found to be legally binding,[20] even though legally binding treaty obligations apply consistent with the goals.[21]

Common-but-differentiated responsibilities: The principle of "common but differentiated responsibility" evolved from the notion of the "common heritage of mankind" and is a manifestation of general principles of equity in international law. The principle recognizes historical differences in the contributions of developed and developing States to global environmental problems, and differences in their respective economic and technical capacity to tackle these problems. Despite their common responsibilities, important differences exist between the stated responsibilities of developed and developing countries. The Rio Declaration states: "In view of the different contributions to global environmental degradation, States have common but differentiated responsibilities. The developed countries acknowledge the responsibility that they bear in the international pursuit of sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command."

Similar language exists in the Framework Convention on Climate Change; parties should act to protect the climate system "on the basis of equality and in accordance with their common but differentiated responsibilities and respective capabilities."

The principle of common but differentiated responsibility includes two fundamental elements. The first concerns the common responsibility of States for the protection of the environment, or parts of it, at the national, regional and global levels. The second concerns the need to take into account the different circumstances, particularly each State's

[20] Philip Alston, "Ships Passing in the Night: The Current State of the Human Rights and Development Debate Seen through the Lens of the Millennium Development Goals, *Human Rights Quarterly* 27 (2005), pp. 755–829.

[21] See *Closing the Human Rights Gap in MDG 7: Ensure Environmental Sustainability* (*Tools and Techniques Series*, *No. 3* (Cairo: Habitat International Coalition • Housing and Land Rights Network, 2007).

contribution to the evolution of a particular problem and its ability to prevent, reduce and control the threat.

Commons (or **common**), in old English law, was a tract of ground shared by residents of a village, but owned by no one. A common, or commons, could be grazing grounds, or the village square, but it was property held in common for the benefit of all.

More recently, a wide variety of resources have become identified as commons. These include the Internet, health care, urban space, the atmosphere, the open sea and Antarctica, etc. That usage expands the meaning to include those new kinds of shared resources and innovations that meet certain criteria. Such criteria are not absolute, but represent a continuum between opposite poles. Certain commons may meet some of the criteria, and not others. A new commons is a resource that meets a preponderance of the following criteria, with the criterion at the left of the arrow being more commons-like, and those to the right being less indicative of commons:

Recognition:

Resource is recognized as a commons ↔ Resource is not recognized as a commons

Identifiable stakeholders:

Users with a stake in the resource are identifiable ↔ No stakeholders are identified or identifiable

Interdependence:

Users recognize their interdependence ↔ Users think of their use as independent.

Conflicts between individual and group interests:

Conflicts prevail between individual and group interests (i.e., social dilemmas related to the commons) ↔ No conflicts between individual and group interests

Vulnerability:

It is vulnerable to failure (e.g., depletion, degradation, privatization, etc.) in the future ↔ The resource is stable and not threatened.

Participatory management:

The resource requires participatory management ↔ The resource is self-sustaining.

Rules:

Appropriate rules are necessary to govern the resource ↔ Rules are not needed.

Self-governance:

The rules are created from within ↔ The rules are created by outsiders or from the top down.[22]

[22] Charlotte Hess, Howard Rheingold, Andrea Saveri, Kathi Vian, Kathryn Milun, Marc Smith, Josh Teneberg, and Matt Chwierut, resulting from a workshop Institute for the Future (IFTF), Palo Alto CA, 19 April 2007, and refined via wiki discussion. It builds on the work of Hess, Charlotte. "Is There Anything New Under the Sun? A Discussion and Survey of Studies on New Commons and the Internet," presentation at "Constituting the Commons: Crafting Sustainable Commons in the New Millennium," the Eighth Conference of the International Association for the Study of Common Property, Bloomington, Indiana, 31 May–4 June 2000, http://dlc.dlib.indiana.edu/archive/00000512/.

[See also **Global commons** below.]

Community: A social group of any size whose members reside in a specific locality, share government and often have a common cultural and historical heritage. The term has acquired several related meanings, including:

1. the commons or common people, as distinguished from those of rank;
2. a state of organized society, in its later uses relatively small;
3. the people of a district;
4. the quality of holding something in common, as in community of interests, community of goods;
5. a sense of common identity and characteristics.

The international law definition of "community," as developed, refers to "a group of persons living in a given country or locality having a race, religion, language and tradition of their own and united in the identity of race, religion, language and tradition in a sentiment of solidarity, with a view to preserving traditions, maintaining their form of worship, insuring the instruction and upbringing of their children in accordance with the spirit and traditions of their race and rendering mutual assistance to each other."[23]

Compensation: should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case, resulting from gross violations of international human rights law and serious violations of international humanitarian law, such as:

(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.[24]

Compensation does not substitute for the other elements of reparation, including restitution of the original situation before the violation, among others. (See "Reparation" below.)

Confiscation: forcible or coerced dispossession of property belonging to a person or persons, without adequate compensation. The confiscation of land, shelter or materials needed for housing, by a State or other actor, is a type of housing rights violation.

[23] Permanent Court of International Justice, *The Greco-Bulgarian "Communities,"* Advisory Opinion No. 17, 31 July 1930 (Leiden: Sijthoff, 1930), p. 21.

[24] "Basic principles and guidelines on the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law," Commission on Human Rights Resolution E/CN.4/2005/35, Article 20.

Consultation: Sounding out concerned parties, as through surveys, meetings and public hearings, is crucial for planning, but is combined with other forms of participation to ensure that the information gathered truly reflects the needs and priorities of stakeholders and is used in the decision making.[25]

Cooperative: An autonomous association of persons united voluntarily to meet their common economic, social, and cultural needs and aspirations through a jointly owned and democratically controlled enterprise. The legal structure of cooperative can function as a separate legal person that owns property, takes out loans and benefits its members.

Cooperatives adhere to a set of values, including self-help, self-responsibility, democracy, equality, equity, solidarity, honesty, openness, social responsibility and caring for others. Accordingly, cooperatives operationalize seven basic principles:

Principle 1: Voluntary and open membership
Principle 2: Democratic member control
Principle 3: Member economic participation
Principle 4: Autonomy and independence
Principle 5: Education, training and information
Principle 6: Cooperation among cooperatives
Principle 7: Concern for community.[26]

Cooperative Housing and Housing Cooperatives: A group of people who have control over their own housing, without actually owning it personally. The corresponding legal structure can function as a separate legal person that owns the housing property, takes out mortgages and to whom the tenants pay rent. A housing cooperative is very similar to a housing association, but is managed (either entirely, or mainly) by its tenants.

Cooperative housing is an form of tenure in which the property is owned by an organisation (the housing cooperative) and then sold as shares to the residents of the community. Cooperative housing splits costs on shared housing amenities and is frequently used as a part of an intentional community initiative.

Housing cooperatives are distinct from condominiums, which are multi-unit dwellings with privately owned residential units and shared common areas and are classified as real property, meaning that buyers own the deeds to their dwellings. Housing cooperatives are not considered real property. Housing cooperative members become shareholders in a corporation that owns the property. As shareholders, they are entitled to exclusive use of a housing unit in the property.

Coproduction: is a form of knowledge production based on the dynamic interaction between technology and society; where technical experts and other groups come together,

[25] Sherry R. Arnstein, "A Ladder of Citizen Participation," *Journal of the American Planning Association*, Vol. 35, No. 4 (July 1969), pp. 216–24, https://www.participatorymethods.org/sites/participatorymethods.org/files/Arnstein%20ladder%201969.pdf.

[26] International Labour Organisation, Promotion of Cooperatives Recommendation, 2002 (No. 193), https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R193.

with their different ways of viewing and analyzing the world and, in the process, generate new knowledge and technologies.[27] The notion of co-production refers to the simultaneous processes through which modern societies form their epistemic and normative understandings of the world. This framework, most systematically laid out in *States of Knowledge*,[28] shows how scientific ideas and beliefs, and (often) associated technological artifacts, evolve together with *representations*, *identities*, *discourses*, and *institutions* that give practical effect and meaning to ideas and objects.

Co-production is functionally comparable to the concepts of causality loop, positive feedback, and co-evolution – all of which describe how two or more variables of a system affect and essentially create each other, albeit with respect to different variables operating at different scales. And as with these other concepts, if used too broadly/uncritically, co-production risks noetic flatness,[29] if technology and society co-produce each other equally, the justification for maintaining the boundary between them dissolves (in which case actor-network theory may be invoked). Unless overlapping sets of boundary-work are employed, co-production may also fail to account for power differentials within each variable, (in this case, within technology and society).

Crime against Humanity: The Rome Statute has defined the term in Article (7) as any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

(a) Murder;
(b) Extermination;
(c) Enslavement;
(d) Deportation or forcible transfer of population;
(e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
(f) Torture;
(g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
(i) Enforced disappearance of persons;
(j) The crime of apartheid;
(k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

2. For the purpose of paragraph 1:

[27] Andrew L. Christenson. "The Co-production of Archaeological Knowledge: The Essential Relationship of Amateurs and Professionals in 20th Century American Archaeology," *Complutum* (Universidad Complutense de Madrid), Vol. 24, No. 2 (2013), pp. 63–72, https://revistas.ucm.es/index.php/CMPL/article/view/43367.

[28] Sheila Jasanoff, ed., *States of Knowledge: The Co-production of Science and the Social Order* (International Library of Sociology) (New York: Routledge, 2004), http://www.amazon.com/States-Knowledge-Co-production-International-Sociology/dp/0415403294.

[29] The property of two (or more) elements, whereby they affect each other equally.

(a) "Attack directed against any civilian population" means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack;
(b) "Extermination" includes the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population;
(c) "Enslavement" means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;
(d) "Deportation or forcible transfer of population" means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law;
(e) "Torture" means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions;
(f) "Forced pregnancy" means the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law. This definition shall not in any way be interpreted as affecting national laws relating to pregnancy;
(g) "Persecution" means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity;
(h) “The crime of apartheid" means inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime;
(i) "Enforced disappearance of persons" means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.

3. For the purpose of this Statute, it is understood that the term "gender" refers to the two sexes, male and female, within the context of society. The term "gender" does not indicate any meaning different from the above.

Decentralization: the process of delegating authority and assigning responsibilities for service provision away from the central governance structures to more-local authorities, institutions or structures. An example of decentralization is the restructuring of government institutions to devolve more decision-making and service-delivery responsibilities to local levels.

Decentralization is linked also to the concept of local self-determination; whereas, all rights and responsibilities devolve to the local community or population unit. That entails the authority to legislate (pass ordinances) and levy taxes for local purposes that serve the local service-provision democratically required by the local community.

In no sense does decentralization imply absolving the central state of its obligations to respect, protect and fulfill human rights, including the right to development, by implementing the seven over-riding ICESCR principles of implementation for states parties,

including the prohibition against discrimination on any geographic or other arbitrary basis. Nor does it absolve any local authority from human rights obligations borne by the treaty-bound central state, of which it is part.

Delegation (verbal noun): Powerholders negotiate with stakeholders, not the other way around. Sometimes in hostile environments, parallel community groups can be formed with veto rights and negotiation between the groups facilitated.[30]

Democide: A term coined by political scientist R. J. Rummel for "the murder of any person or people by a government, including genocide, politicide, and mass murder." Rummel created the term as an extended concept to include forms of government murder that are not covered by the legal definition of genocide, and it has found currency among other scholars. Democide is death by government relating to genocides. Democides are not the elimination of entire cultural groups, but rather groups within the country that the government feels they need to be eradicated for political reasons and future threats. According to Rummel, genocide has three different meanings. The ordinary meaning is murder by government of people due to their national, ethnic, racial, or religious group membership. The legal meaning of genocide refers to the international treaty, the Convention on the Prevention and Punishment of the Crime of Genocide. This also includes nonlethal acts that in the end eliminate or greatly hinder the group. Looking back on history one can see the different variations of democides that have occurred, but it is still the act of killing or mass murder. A great example would relate to Hitler and Mao Zedong. A generalized meaning of genocide is similar to the ordinary meaning but also includes government killings of political opponents or otherwise intentional murder. In order to avoid confusion over which meaning is intended, Rummel created the term democide for the third meaning.[31]

The objectives of such a plan would be disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups.

Democratic control: A governance relationship whereby stakeholders have the final decision-making power over planning, not the officials.[32] In a democratic country, for example, the institutions of government are civilian in nature and, thus, the executive and democratic institutions exercise control over the military and its deployment.[33]
Democratic control of armed forces refers to the norms and standards governing the relationship between the armed forces and society, whereby the armed forces are

[30] Arnstein, *op. cit.*
[31] R. J. Rummel, "Democide vs. Other Causes of Death," *Democratic Peace Blog* (1 February 2005), https://democraticpeace.wordpress.com/2009/07/01/democide-vs-other-causes-of-death/.
[32] Arnstein, *op. cit.*
[33] Hans Born, Teodora Fuior and Cecilia Lazzarini, "Study on Democratic Control of Armed Forces: What Acts or Issues Are under Control and When to Control?" Study no. 389 / 2007 (Strasbourg: European Commission for Democracy through Law (Venice Commission), 26 September 2007), https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-DEM(2007)006-e.

subordinated to democratically elected authorities and subject to the oversight of the judiciary as well as the media and civil society organizations.

Demolition/destruction: is the tearing-down of buildings and other structures. Demolition or destruction also describe a punitive process or criminal act by which authorities or other actors destroy the homes and other structures against the will of their owners without due process of law, resulting in losses, costs and damages. Such a violation can be an isolated incident or carried out on a grand scale, as in the case of wanton destruction that constitutes a war crime. [See **War crime**.]

Demolition contrasts with deconstruction, which involves dismantling a building, while carefully preserving valuable elements for reuse.

Demographic manipulation: In the field of human settlements, the term "demographic manipulation" refers to changes induced in the ethnic or social composition of a community, population or region. "Manipulation," in this case, implies a deliberate act, practice or policy that causes the change without the will and or free, prior and informed consent of the host (i.e., receiving) population or the introduced population. The purpose of such acts, practices or policies is generally understood to be the acquisition, annexation and/or effective control of territory.

The changes and the measures to achieve them are generally considered to be illegal and, therefore, subject to reversal and reparations, as a right to remedy, in favor of the affected population under applicable international law norms and the standards of human rights as developed.

Demographic manipulation is conceptually and functionally linked to *population transfer* as it is among the circumstances in which population transfer occurs. The demographic manipulation is, thus, unlawful and subject to international human rights, humanitarian and criminal law when the state or its agents adopt and implement conduct, practices or policies designed to alter the human composition of the relevant unit so as to affect the indigenous inhabitants' exercise of self-determination. That may amounting to *carence de souveraineté* of an external self-determination unit, where the territory is so badly governed that it is alienated from the metropolitan state.[34] Alternatively, the acts, practices or policies may affect an internal self-determination unit, where the state does not have "a government representing the whole people belonging to the territory without distinction as to race, creed or color,"[35] or where a "people" is subjected to alien subjugation or domination such that revives the right of self-determination.

Article 49 of the Fourth Geneva Convention relative to Protection of Civilian Persons in Time of War (29 August 1949) prohibits the transfer by an occupying power of its own civilian population in the area it occupies. It stipulates that the "Occupying Power shall not deport

[34] James Crawford, *The Creation of States in International Law* (Oxford: Oxford University Press, 1979), pp. 67, 100, 116–18.

[35] Declaration on Principles of International Law Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations, GA/RES/2625 (XXV), 24 October 1970.

or transfer parts of its own civilian population into the territory it occupies." The Commentary on Article 49(6) clarifies that the provision is intended to prohibit the *demographic manipulation* by an occupying power that either actively transfers its own population into the occupied territory or allows them to settle there voluntarily.

A violation of Article 49 constitutes a grave breach of the Geneva Conventions and carries penal sanction (Art.146, 147). Article 85 (4)(a) of the 1977 Protocol I Additional to the Geneva Conventions considers the transfer by the occupying power of parts of its own civilian population into the territory it occupies as being a "grave breach" of the Convention.

Article 1, common to the four Geneva Conventions and Art.86 of Protocol I Additional to the Geneva Conventions (1977), impose an obligation upon all High Contracting parties to implement its provisions.

In its Advisory Opinion in The Wall Case of 9 July 2004, the International Court of Justice (ICJ) resolved that Article 49(6) prohibits not only forced transfers "but also any measures taken by an occupying Power in order to organize or encourage transfers of parts of its own population into the occupied territory" (par. 120).

The same ICJ ruling provides that all High Contracting Parties to the Geneva Conventions are under a legal obligation to ensure the occupying Power's compliance by with international humanitarian law as embodied in the 1949 Fourth Geneva Convention (paras. 158–9).

The Rome Statute of the International Criminal Court (1998), Article 8 (2) (b) (viii) cites the "transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies" as a "war crime."

Article 7 (1) (d) defines deportation or forcible transfer of population as a "crime against humanity," whereby "Deportation or forcible transfer of population" means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law."

As a crime against humanity, demographic manipulation that results in population transfer is not necessarily conduct that is part of a cross-border war, but could also involve prohibited acts having harmful effects on a domestic population.

In Resolutions 33/15 (1978), 24/30 (1979), 37/253 (1983), among others, the United Nations General Assembly deplored "all unilateral actions that change the demographic structure of Cyprus." In its Resolution 4 (XXXII) (27/2/76) the Commission of Human Rights calls on parties to refrain from unilateral acts to change the demographic structure of Cyprus and in resolution 1987/50 (11 March 1987) the Commission on Human Rights expressed concern for the influx of settlers and calls for respect for the rights and freedoms of the population of Cyprus. The presence of the settlers impedes implementation of the right of the refugees to return to their homes contrary to numerous Security Council and General Assembly Resolutions.

Israeli professor and advisor to the Israeli military Moshe Ma'oz describes the policy of Israeli governments since 1967 as aimed at "maintain[ing] a unified Jerusalem; to Judaize or

Israelize it, demographically and politically."[36] These policies, which aim to change Jerusalem demographically, socially, culturally and politically, have intensified after the initiation of the Oslo peace process in 1993.[37] The United Nations has criticized Israel's efforts to manipulate and alter the demographic composition of Jerusalem in several resolutions. All legislative and administrative measures taken by Israel, which have altered or aimed to alter the character, legal status and demographic composition of Jerusalem, are described by the UN as "null and void" and having "no validity whatsoever."[38] Both the General Assembly and the Security Council, in several resolutions, have declared invalid the measures taken by Israel to change the status of Jerusalem. Security Council resolution 252 (1968), in particular, is explicit in this regard. An early resolution of the GA, the Assembly expressed "grave anxiety and concern" Israel measures designed to change the demographic composition of the City of Jerusalem.[39]

When Israel took steps to make annex Jerusalem its capital, the Security Council adopted resolution 476 (1980) on 30 June 1980, urgently calling on Israel, the occupying Power, to abide by this and previous Security Council resolutions and to desist forthwith from persisting in the policy and measures affecting the character and status of the Holy City of Jerusalem. After Israel's noncompliance with that resolution, the Council adopted resolution 478 (1980) on 20 August to reiterate its position that all actions altering the status of the city were null and void, and call upon States that had established diplomatic missions in Jerusalem to withdraw them. It reaffirmed the continued invalidity of all actions taken by Israel, the occupying Power, that have altered or purported to alter the character, legal status and demographic composition of Jerusalem.

Discrimination: Discrimination is understood as any formal or substantive distinction, exclusion, restriction, preference or other differential treatment that is directly or indirectly

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[36] Moshe Ma'oz, "The Future of Jerusalem: Israeli Moshe Ma'oz and Sari Nusseibeh, eds., *Jerusalem: Points of Friction and Beyond* (The Hague: Kluwer Law International for the Truman Institute and the Palestine Consultancy Group, 2000), p. 2

[37] Cheryl Rubenberg, *The Palestinians in Search of a Just Peace* (Bolder CO: Lynne Rienner, 2003), p. 194.

[38] S/RES/478, 20 August 1980, https://unispal.un.org/DPA/DPR/unispal.nsf/0/DDE590C6FF232007852560DF0065FDDB; S/RES/2334, 23 December 2016, https://undocs.org/S/RES/2334(2016); "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs in the Occupied Territories," A/RES/46/47, 9 December 1991,https://www.un.org/documents/ga/res/46/a46r047.htm; "The Situation in the Middle East," A/RES/46/82, 6 December 1991, https://www.un.org/documents/ga/res/46/a46r082.htm; "The situation in the Middle East," A/RES/48/59, 14 December 1993, http://i2ud.org/j/html3/un_resolutions/general_assembly/1992_1998/48_59.htm; "Jerusalem," A/RES?53/37, 15 January 1999, https://undocs.org/en/A/RES/53/37; "Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory," A/RES/E-10/6, 9 February 1999, https://unispal.un.org/DPA/DPR/unispal.nsf/0/E29F7195C53CDDA905256729005035E4; "Jerusalem," A/RES/59/32, 1 December 2004, https://undocs.org/en/A/RES/59/32; 2005; "Jerusalem," A/RES/60/41, 10 February 2006, https://unispal.un.org/DPA/DPR/unispal.nsf/0/A2F79234B1A7A9238525712600597B45; "Jerusalem," A/RES/62/84, 23 January 2008, https://undocs.org/en/a/res/62/84; "Jerusalem," A/RES/64/20, 2 December 2009, https://undocs.org/en/A/RES/64/20; "Illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory," A/RES/ES-10/2, 25 April 1997, https://www.un.org/documents/ga/res/10emsp/a10emr02.htm; "Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory," ES-10/14, 8 December 2003, https://unispal.un.org/UNISPAL.NSF/0/F953B744269B9B7485256E1500776DCA; "Status of Jerusalem," A/RES/ES-10/19; 21 December 2017, https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_res_es_10_19.pdf.

[39] "Recent illegal Israeli measures in the occupied Arab territories designed to change the legal status, geographical nature and demographic composition of those territories in contravention of the principles of the Charter of the United Nations, of Israel's international obligations under the fourth Geneva Convention of 1949 and of United Nations resolutions, and obstruction of efforts aimed at achieving a just and lasting peace in the Middle East," A/RES/32/5, 28 October 1977.

based on the prohibited grounds of discrimination as to race, colour, sex, language, religion, national or social origin, political or other opinion, property, birth or other status - including disability, age, nationality, marital and family status, sexual orientation and gender identity, health status, place of residence, economic and social status - which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights.[40]

Dispossession: the act of seizing and controlling someone's property without her/his consent or agreement. (See **confiscation** above.)

Dualism: In its most basic meaning, dualism is (1) the division of something conceptually into two opposed or contrasted aspects, or the state of being so divided, or (2) the quality or condition of being dual; i.e., duality. Some dualisms include that of mind and body,[41] or of mind and matter.[42]

Moral dualism is the belief of the great complement of, or conflict between, the benevolent and the malevolent; i.e., good and evil. Christian dualism refers to the belief that God and creation are distinct, but interrelated through an indivisible bond. Émile Durkheim attributed to humankind a dual nature,[43] which is made up of the body (individual) and the soul (social). The Dvaita Vedanta[44] school of Indian philosophy espouses a dualism between God and the universe by theorizing the existence of two separate realities. In a Nenets[45] myth of the Samoyed (Siberian) peoples, Num and Nga collaborate and compete with each other, creating land.[46]

The most common usage of the term and the most relevant to the human environment and habitat refers to the belief in a dualism between man and nature. This dualism, rooted in Judeo-Christian thought, expressed in colonial dominance[47] over the natural world and those who dwell in it.[48] Consolidated in 16th and 17th century Europe, social thought

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[40] See article 2.1 of International Covenant on Economic, Social and Cultural Rights and the related General Comment No. 20 of the Committee on Economic, Social and Cultural Rights.

[41] Neeta Mehta, "Mind-body Dualism: A critique from a Health Perspective," *Mens Sana Monograph*, Vol. 9, No. 1 (January-December 2011), pp. 202–09, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3115289/#:~:text=Mind%20and%20body%20dualism%20represents,of%20the%2017th%20century.

[42] "Mind–body dualism," *Wikipedia*, https://en.wikipedia.org/wiki/Mind%E2%80%93body_dualism#Cartesian_dualism.

[43] Émile Durkheim, "The Dualism of Human Nature and its Social Conditions," *Durkheimian Studies / Études Durkheimiennes*, New Series, Vol. 11 (2005), pp. 35–45, https://www.jstor.org/stable/23866721.

[44] "Dvaita Vedanta," *Wikipedia*, https://en.wikipedia.org/wiki/Dvaita_Vedanta.

[45] "Nenets people," *Wikipedia*, https://en.wikipedia.org/wiki/Nenets_people.

[46] Attila Mátéffy, "The Earth--Diver: Hungarian Variants of the Myth of the Dualistic Creation of the World—Pearls in the Primeval Sea of World Creation," *Sociology Study*, Vol. 4, No. 5 (May 2014), , 423–37, https://www.researchgate.net/publication/319123115_The_Earth--Diver_Hungarian_Variants_of_the_Myth_of_the_Dualistic_Creation_of_the_World-Pearls_in_the_Primeval_Sea_of_World_Creation.

[47] Nicholas P. Canny, *The Elizabethan Conquest o Ireland: A Pattern Established, 1565–76* (New York: Barnes and Noble, 1976).

[48] Joseph Schechla, "A Covenant of Dispossession and Genocide," The Endangered Planet in Literature conference, Istanbul, Turkey, 16–18 November 2005, 328–38, https://www.hlrn.org/img/documents/Endangered%20Planet%20-%2032%20Schechla%20-%20New%20Israelites%20-%20no%20annex.pdf.

espoused by such philosophers as René Descartes[49] and Immanuel Kant[50] constructed human/nature an enduring mental divide between human and nature, justifying human alienation from, and hierarchical dominance over the natural world.

The consequences of population growth and industrialization's profligate exploitation of land and nature over time, including climate change, have inspired thinking beyond the humankind/nature dualism[51] to more-integrated visions[52] of the sphere of life upon which humankind's survival depends. This has led to more-recent calls—some echoing millennia-old indigenous cultures—seeking to operationalize a needed correction to this man-versus-nature dualism as an obsolete dichotomy.[53] An expression of this urgent call is found in the UN Secretary General's reports and General Assembly resolutions on "Harmony with Nature."[54]

Duty: A duty is a required task, deed, action, service or function arising from a position or relationship held by a person, state or other entity. The duty can be moral or legal, but, in its general usage, conveys a moral connotation more than a legally binding sense. When used to refer to a duty holder in an economic, social and cultural rights case/situation, the duty could be held by the territorial state (primary duty holder) or other party (secondary duty holder). However, use of the term "duty" does not necessarily assume a legal "obligation" or verbal "commitment" (official statement). Such a level of requirement for the particular function would require other terms, instruments and arguments.

Domicide: Some scholars have defined domicide to mean the massive and deliberate destruction of homes, in order to cause human suffering.[55] UN Special Rapporteur Balakrishnan Rajagopal offers a more expansive view of that concept. Etymologically rooted in the Latin terms *domus* (home) and *caedo* (to strike, or to kill), domicide thus refers not

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[49] Jenny Motzer, "Environmental Ethics: Human-Nature Dualism of the Anthropocene," iThe Emerald Review (24 October 2022), https://emeraldreview.com/2022/10/environmental-ethics-human-nature-dualism-of-the-anthropocene/#:~:text=Environmental%20Ethics%3A%20Human,October%2024%2C%202022.

[50] Marc Lucht, "Does Kant Have Anything to Teach Us about Environmental Ethics?" *The American Journal of Economics and Sociology*, Vol. 66, No. 1, The Challenges of Globalization: Rethinking Nature, Culture, and Freedom (January 2007), pp. 127–50, https://www.jstor.org/stable/27739624.

[51] Karen François , "Beyond the Human-Nature Dualism: Towards a Concept of Nature as Part of the Life-World," Anna-Maria Tymieniecka, ed., *Phenomenology and the Human Positioning in the Cosmos Analecta Husserliana: The Yearbook of Phenomenological Research* book series, Vol. CXIII: *The Life-world Nature Earth* (Book One) (Dordrecht, Heidelberg, New York, London: Springer, 2013), pp. 205–16, https://link.springer.com/chapter/10.1007/978-94-007-4801-9_12.

[52] Isabelle Boulangeat, Sandrine Allain, Emilie Crouzat, Sabine Girard, Céline Granjou, Clara Poirier, Jean François Ruault, Yoan Paillet and Isabelle Arpin, "From Human-Nature Dualism Towards More Integration in Socio-ecosystems Studies," in Ieva Misiune, Daniel Depellegrin and Lukas Egarter Vigl, eds., *Human-Nature Interactions* (Cham CH: Springer Nature, 2022), pp. 37–49, https://link.springer.com/chapter/10.1007/978-3-031-01980-7_4.

[53] Fábio Valenti Possamai, "Nature and Culture Dualism: Genesis of an Obsolete Dichotomy," *Philosophy Study*, Vol. 3, No. 9 (September 2013). pp. 837–42, https://www.academia.edu/8286590/Nature_and_Culture_Dualism_Genesis_of_an_Obsolete_Dichotomy.

[54] United Nations, "UN Documents on Harmony with Nature," http://www.harmonywithnatureun.org/unDocs/.

[55] Bree Akesson and Andrew R. Basso, *From Bureaucracy to Bullets: Extreme Domicide and the Right to Home* (New Brunswick, New Jersey, Rutgers University Press, 2022), p. 26; International Military Tribunal (Nuremberg), Judgment, 30 September and 1 October 1946. 3 See the charge sheet of May 1949, served on 14 July 1949, p. 37. 4 J. Douglas Porteous and Sandra E. Smith, *Domicide: The Global Destruction of Home* (McGill Queen's University Press, 2001), p. 68; Avalon Project, *The Atomic Bombings of Hiroshima and Nagasaki*: Chapter 9 (2008), https://avalon.law.yale.edu/subject_menus/mpmenu.asp.

only to the deliberate destruction of the physical structures of homes, but also to the systematic violation of housing rights in violation of international law.[56]

Domicide is not to be confused with "democide," defined above.

Duty holders: Duty holders may be primary/principal and/or secondary/ancillary. It is generally understood that primary duty holders fall under one or more of the following designations as being: "authorities," "responsible parties," "perpetrators," "instigators" and/or "protectors." Duty holders can be territorially specific (i.e., responsible for authoring or regulating actions within a state's jurisdiction or area/territory of effective control), or an instigator of the harm/deprivation. Whether by committed action, instigation or condoning actions, or omissions leading to violations, the state, as the author of international law subject of various levels of duty, is always a principal and primary duty holder for actions or omissions within its "jurisdiction and area of effective control" leading to harm subject to dispute. The jurisdictional state is a "primary duty holder" in all situations.

In case of a dispute, only a tribunal or other judicial process can determine the fact and level of a state's (and others') "duty" and "liability." Relating to the accountability side of the equation, the following levels and categories of duty (and potential liability) present themselves, depending on the type of agreement to which the state is party.

Ecocide: In early December 1961, immediately after President John F. Kennedy authorized herbicide operations, the US military retrofitted C-123 transport aircraft with fixed-wing spray mechanisms at U.S. Air Force bases. Although the term "chemical warfare" became a contentious issue in the latter part of the decade, when antiwar and environmental protestors merged to denounce the "ecocide" of Vietnam and the dubious legality of Operation Ranch Hand in light of the Geneva Protocol of 1925.[57]

Speaking at a Washington conference in February 1970, Yale University plant biologist Arthur Galston offered the word "ecocide" to describe the environmental harm that defoliating US aerial bombings inflicted upon South Vietnam, in particular, using Agent Orange,[58] an herbicide produced by nine US chemical companies since the 1940s.[59] Ecocide has since become known, most generally, as destruction of the natural environment by deliberate or negligent human action.

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[56] Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context, Note by the Secretary-General, A/77/190, 19 July 2022, para.5, https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/431/55/PDF/N2243155.pdf?OpenElement.

[57] William A. Buckingham, Jr., "Operation Ranch Hand: The Air FOrxce and Herbicides in Southeast Asia, 1961–1971," (Washington: Office of Air Force History, United States Air Force, 1982), https://web.archive.org/web/20161123145823/http://www.afhso.af.mil/shared/media/document/AFD-100928-054.pdf.

[58] "In Memoriam: Arthur Galston, Plant Biologist, Fought Use of Agent Orange". *Yale News* (18 July 2008), http://news.yale.edu/2008/07/18/memoriam-arthur-galston-plant-biologist-fought-use-agent-orange.

[59] Dow Chemical Company, Monsanto Company, Diamond Shamrock Corporation, Hercules Inc., Thompson Hayward Chemical Co., United States Rubber Company (Uniroyal), Thompson Chemical Co., Hoffman-Taff Chemicals, Inc., and Agriselect. "Manufacturing Sites," *Agentorangerecord.com* (28 December 2010), https://agentorangerecord.com/manufacturing-sites/.

For the purpose of a proposed amendment to the Rome Statute of the International Criminal Court, "ecocide" means unlawful or wanton acts committed with knowledge that those acts could cause substantial harm to likelihood or severe and either widespread or long-term damage to the environment.

The proposed amendment to the Rome Statute includes a legal definition of ecocide and would add ecocide as a new crime to the Rome Statute, the Independent Expert Panel for the
Legal Definition of Ecocide recommends addition of a preambular paragraph 2 bis with the following amendments:

> "Concerned that the environment is daily threatened by severe destruction and deterioration, gravely endangering natural and human systems worldwide,"[60]

Addition to Article 5(1) (e):

> The crime of ecocide.

Addition of Article 8 ter Article 8 ter:

> Ecocide
>
> 1. For the purpose of this Statute, "ecocide" means unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts.
>
> 2. For the purpose of paragraph 1:
>
> a. "Wanton" means with reckless disregard for damage {that] would be clearly excessive in relation to the social and economic benefits anticipated;
>
> b. "Severe" means damage which involves very serious adverse changes, disruption or harm to any element of the environment, including grave impacts on human life or natural, cultural or economic resources;
>
> c. "Widespread" means damage [that] extends beyond a limited geographic area, crosses state boundaries, or is suffered by an entire ecosystem or species or a large number of human beings;
>
> d. "Long-term" means damage [that] is irreversible or [that] cannot be redressed through natural recovery within a reasonable period of time;
>
> e. "Environment" means the earth, its biosphere, cryosphere, lithosphere, hydrosphere and atmosphere, as well as outer space. [61]

[60] The International Expert Panel notes that consequential amendments may also be required for other provisions of the Rome Statute, such as Article 9, and to the ICC Rules of Procedure and Evidence, and the Elements of Crimes.

[61] For the purpose of paragraph 1: a. "wanton" means with reckless disregard for damage that would be clearly excessive in relation to the social and economic benefits anticipated; b. "severe" means damage that involves very serious adverse changes, disruption or harm to any element of the environment, including grave impacts on human life or natural, cultural or economic resources; c. "widespread" means damage that extends beyond a limited geographic area, crosses state boundaries, or is suffered by an entire ecosystem, or species, or a large number of human beings; d. "long-term" means damage that is irreversible, or cannot be redressed through natural recovery within a reasonable period of time; e. "environment" means the earth, its biosphere, cryosphere, lithosphere, hydrosphere and atmosphere, as well as outer space. Independent Expert Panel for the Legal Definition of Ecocide, "Commentary and Core Text," June 2021, p. 4, https://static1.squarespace.com/static/5ca2608ab914493c64ef1f6d/t/60d7479cf8e7e5461534dd07/1624721314430/SE+Foundation+Commentary+and+core+text+revised+%281%29.pdf.

Empowerment: Empowerment is a central element in social policies and programs with a long history of developing the concept and its practice. The term "empowerment" has been commonly used in several fields, including education, sociology, psychology, geography, management, public health, social work, urban planning, and political science.[62] Empowerment is often associated with the transformation of particular population groups with fewer advantages, including poor people, women, youth, the elderly, persons with disabilities, indigenous populations, and persons in situations of conflict, for example.[63] It is a process that gives a group or an individual member of such a group the authority, capability or other power to accomplish a goal they pursue. The objective of empowerment is to make people stronger and more confident, especially in controlling their life and claiming their rights.

Various authors have produced at least 32 definitions of "empowerment."[64] The World Bank defines "empowerment" as:

> "The process of increasing the capacity of individuals or groups to make choices and to transform those choices into desired actions and outcomes. Central to this process are actions [that] both build individual and collective assets, and improve the efficiency and fairness of the organizational and institutional context [that] govern the use of these assets."[65]
>
> "…the expansion of assets and capabilities of poor people to participate in, negotiate with, influence, control and hold accountable institutions that effect their lives."[66]

This definition is good; however, it neglects the process and objective of realizing corresponding rights, which is a critical component to empowerment in practice.

Oxfam considers that "empowerment involves challenging the forms of oppression which compel millions of people to play a part in their society on terms [that] are inequitable, or in ways [that] deny their human rights."

In 2005, UN Secretary General Kofi Annan reported that "empowerment" has two aspects that include (1) focus on rights holders and (2) equipping those who are responsible for implementing human rights (local authorities, government, etc.) with the necessary tools to do so.[67]

Empowerment as a strategy and outcome of programming is often aimed at marginalized or vulnerable groups such as women, rural and urban poor, and indigenous persons, who often find more challenges in accessing and asserting their rights. UN WOMEN has developed

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[62] M.H. Hur, "Empowerment in terms of theoretical perspectives: exploring a typology of the process and components across disciplines," *Journal of Community Psychology*, Issue 34 (2006), pp. 523–540, https://doi.org/10.1002/jcop.20113.

[63] United Nations Division for Social Policy and Development, Department of Economic and Social Affairs (DESA), *Empowerment: what does it mean to you?* (New York: UN DESA, 2012), http://www.un.org/esa/socdev/ngo/outreachmaterials/empowerment-booklet.pdf.

[64] Sabina Alkire and Solava Ibrahim, "Agency and Empowerment: A Proposal for Internationally Comparable Indicators." *Oxford Development Studies* Vol. 35, Issue 4 (2007), pp. 379–403.

[65] Alsop, Ruth, Mette Frost Bertelsen and Jeremy Holland, *Empowerment in Practice: From Analysis to Implementation* (Washington: World Bank, 2006), p. 10, https://digitallibrary.un.org/record/577228?ln=en.

[66] World Bank, *Sourcebook on Empowerment and Poverty Reduction* (Washington: World Bank Group, 2002),

[67] In larger freedom: towards development, security and human rights for all, Report of the Secretary-General, A/59/2005/Add.3, 26 May 2005, pp. 12–13, https://www.ohchr.org/Documents/Publications/A.59.2005.Add.3.pdf.

seven principles for women's empowerment in business, which indicate how the idea of "empowerment" can be operationalized for a specific goal. These principles are:

1. Leadership promotes gender equality;
2. Equal opportunity, inclusion and nondiscrimination;
3. Health, safety and freedom from violence;
4. Education and training;
5. Enterprise development;
6. Community leadership and engagement;
7. Transparency, measuring and reporting.[68]

Empowerment has several synonyms, including enabling, capacity building and capacitization, when applied in a remedial sense of transforming powerless into the ability to control or influence events and developments, and involving claims to rights. This relates closely to the work of Amartya Sen, which emphasizes synonymous "capabilities" as the repertoire of skills and power needed to transform a situation and develop through the exercise of rights and freedoms (Amartya Sen, *Development as Freedom*). Pedagogue Pãolo Freire pioneered an approach to education that leads to empowerment to exercise agency to transform a situation for the better. In the habitat domain, concepts of empowerment are identified with John F.C. Turner's concept of *Freedom to Build*, with all the capabilities that building a homes and community implies.

In the domain of housing and land rights, "empowerment" is a theory or an approach whereby persons or communities become agents in the realization of their own adequate housing, in all aspects of material and procedural rights. This often entails supporting communities in social production and effective participation in development and asserting rights *vis-à-vis* government authorities and other development actors.

Enforced Disappearance: according to the definition of the Declaration for the Protection of All Persons against Enforced Disappearances, adopted in 1992, enforced disappearances occur when persons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law. The declaration also, has affirmed the connection between enforced disappearances and crimes against humanity. In Article 5 of the 2006 International Convention on the Protection of All Persons against Enforced Disappearances states th"The widespread or systematic practice of enforced disappearance constitutes a crime against humanity as defined in applicable international law and shall attract the consequences provided for under such applicable international law."

[68] UN Women, "Women's Empowerment Principles: Equality Means Business," https://www.un.org/en/ecosoc/newfunct/pdf/womens_empowerment_principles_ppt_for_29_mar_briefing-without_notes.pdf.

Environmental justice: The fair treatment and meaningful involvement of all people regardless of ethnicity, sect, socio-economic class or other status, with respect to the enjoyment of the natural environment for themselves and future generations, emphasizing the collective interest in matters of development, implementation, and enforcement of environmental laws, regulations, policies and practices.

See also **Climate justice** (above), **Justice (theories of)**, **Environmental justice**, **Social justice** and **Transitional justice** (below).

Equity/equality: Fairness and impartiality toward all parties concerned, based on the principles of even-handed dealing. However, equity and equality are not synonymous, whereas equality means parity and equivalent measures of commonly share proportions of something. Equity may call for unequal measures and shares of something, corresponding to disproportionate needs to achieve fairness of opportunity or distribution.

Ethnic cleansing: various policies and practices with the effect and/or purpose of eliminating an unwanted group from a society or territory, as by genocide or forced migration, in order to create an ethnically homogenous, or supposedly "pure" society, area or state. Although no legal definition yet exists, "ethnic cleansing" has become a commonly used term in international legal writings, discourse and official documents.

Ethnic cleansing could be defined broadly and narrowly. Broader definitions identify eviction or expulsion on the basis of ethnic criteria. Some narrower definitions add specific characteristics, including the "systematic" or "illegal" nature of the evictions/expulsions, involving gross violations of human rights or grave breaches of international humanitarian law, or describe their context of an ongoing internal or international war, and/or deliberate policy. For example, another author characterizes ethnic cleansing is:

> "a well-defined policy of a particular group of persons…systematically [to] eliminate another group from a given territory on the basis of religious, ethnic or national origin. Such a policy involves violence and is very often connected with military operations. It is to be achieved by all possible means, from discrimination to extermination, and entails violations of human rights and international humanitarian law."[69]

One author defines ethnic cleansing such that,

> "At one end, it is virtually indistinguishable from forced emigration and population exchange while at the other it merges with deportation and genocide. At the most general level, however, ethnic cleansing can be understood as the expulsion of an "undesirable" population from a given territory due to religious or ethnic discrimination, political, strategic or ideological considerations, or a combination of these.[70]

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[69] Dražen Petrović, "Ethnic Cleansing - An Attempt at Methodology," *European Journal of International Law*, Vol. No. 3, pp. 342–60, at 352, and quoted in quoted by Ilan Pappe, *The Ethnic Cleansing of Palestine*" (Oxford: Oneworld Publications, 2006), p.1.

[70] Andrew Bell-Fialkoff, "A Brief History of Ethnic Cleansing," *Foreign Affairs*, Vol. 72, No. 3 (summer 1993).

The term "ethnic cleansing" entered the English lexicon as a calque (loan translation) of the Serbo-Croatian/Bosnian phrase *etničko čišćenje*. In the early the 1990s journalists and news media used the term extensively in reporting on events in the former Yugoslavia, and it has since become popularized and used more generally to describe analogous situations. The term may have earlier antecedents in the military doctrine of the former Yugoslav People's Army, which adopted the phrase "cleansing the field" (*čišćenje terena*); i.e., eliminating enemy presence, in order to gain total control of a conquered territory.[71]

Ethnic cleansing does not have a legal definition. However, the term has been used in numerous legal texts, including UN documents.

A UN Commission of Experts on grave breaches and other violations of international humanitarian law in the former Yugoslavia defined the practice as "rendering an area ethnically homogeneous by using force or intimidation to remove persons of given groups from the area. `Ethnic cleansing' is contrary to international law."[72]

In 1992, the UN General Assembly categorized "ethnic cleansing," as then underway in Yugoslavia, as "a form of genocide."[73]

Evacuation: the act of evacuating; leaving a place in an orderly fashion; especially for protecting the moved persons from impending harm. (Note distinction from "Eviction" below.)

Eviction: The act or process of evicting; or state of being evicted; the recovery of lands, tenements, etc., from another's possession by due course of law; dispossession by paramount title or claim of such title; ejection; ouster. Removal of a tenant from rental property by a law enforcement officer following the landlord's successful lawsuit, also known as an "unlawful detainer." (See "**Forced eviction**" below.)

Exclusion: A degree of nonparticipation whereby any strategy, mechanism or facility for stakeholder engagement or participation is absent.[74]

Extractivism: The practice and process of removing natural resources and raw materials from the Earth on a massive scale for export to sell on the world market. The term "extractivism" often applies to an economy that depends primarily on the extraction or removal of natural resources that are considered valuable for exportation worldwide. It is a dominant economic model—typically framed in development terms—that prioritizes growth and profit over the wellbeing of people and planet.

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[71] "Ethnic cleansing," in *Wikipedia*, http://en.wikipedia.org/wiki/Ethnic_cleansing#_note-1.

[72] *Interim Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992)*, para. 55.

[73] "The situation in Bosnia and Herzegovina," General Assembly resolution A/RES/47/121, adopted at the 91st plenary meeting, 18 December 1992.

[74] Arnstein, *op. cit.*

Many factors are involved in the process of extractivism. These include, but are not limited to activities by community members, the private sector and government institutions. However, extractivist trends often demonstrate that local actors do not extract their own resources, but the actual extraction is often led from abroad and/or by transnational corporations (TNCs).[75] These interactions have contributed to extractivism being rooted in the hegemonic order of global capitalism.[76] Extractivism is controversial because it forms a dilemma over the competing values of economic growth and environmental protection.

Beyond the extraction of primary goods as commodities, the term "extractivism" is used also in a broader sense to include secondary production from nature such as agriculture, especially its practice on an industrial scale. Crucially, the term extractivism pertains to not only the activity or the process, but also the conditions under which resources are extracted (such as the absence of consultation or consent of local populations) and the interests they serve (such as elite, corporate, and criminal interests, rather than the public good).

Extraterritorial obligation (ETO): One of the four dimensions of a state's duty (individual, collective, domestic and extraterritorial) as prescribed under international law by treaty and/or by peremptory norms. These include:

> "obligations relating to the acts and omissions of a state, within or beyond its territory, that have effects on the enjoyment of human rights outside of that state's territory and obligations of a global character that are set out in the Charter of the United Nations and human rights instruments to take action, separately, and jointly through international cooperation, to realize human rights universally.[77]

ETOs extend to situations over which the state:

> "exercises authority or effective control, whether or not such control is exercised in accordance with international law; situations over which its acts or omissions bring about foreseeable effects on the enjoyment of ESCR, whether within or outside its territory; situations in which it, separately or jointly, through executive, legislative or judicial authorities, is in a position to exercise decisive influence or to take measures to realize ESCR extraterritorially, in accordance with international law."[78]

ETOs derive from both the international cooperation of states,[79] which is an over-riding principle of human rights implementation,[80] as well as from the extraterritorial dimension of obligations corresponding to the respect, protection and fulfillment of specific human rights.

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[75] Daviken Gizbert-Studnicki, "Canadian Mining in Latin America (1990 to present): a provisional history," *Canadian Journal of Latin American and Caribbean Studies*. Vol. 41, Issue 1 (2016), pp. 95–113, https://www.tandfonline.com/doi/abs/10.1080/08263663.2015.1134498; Nicole Fabricant and Bret Gustafson, "Moving Beyond the Extractivism Debate, Imagining New Social Economies," *NACLA Report on the Americas*, Vol.. 47, No. 2 (2015), https://nacla.org/article/moving-beyond-extractivism-debate-imagining-new-social-economies; Adrienne Johnson, Anna Zalik, eds., contributors: Sharlene Mollett, Farhana Sultana, Elizabeth Havice, Tracey Osborne, Gabriela Valdivia, Flora Lu8 and Emily Billo, "Extraction, entanglements, and (im)materialities: Reflections on the methods and methodologies of natural resource industries fieldwork," *Environment and Planning E: Nature and* Space, Vol. 4, Issue 2 (June 2021), pp. 383–428, https://journals.sagepub.com/doi/epub/10.1177/2514848620907470.

[76] Fabricant and Gustafson, *op. cit.*

[77] "Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights," article 12, http://www.etoconsortium.org/nc/en/library/maastricht-principles/?tx_drblob_pi1%5BdownloadUid%5D=23; .

[78] *Ibid*., article 9.

[79] "Considering that [sic] the progressive development and codification of the following principles:…(d) the duty of States to cooperate with one another in accordance with the Charter;…(g) the principle that States shall fulfill in good faith the obligations assumed by them in accordance with the Charter, so as to secure their more-effective application within the

States, therefore, have an obligation to elaborate, interpret and apply relevant international agreements and standards in a manner consistent with their human rights obligations. Such obligations include those pertaining to international trade, investment, finance, taxation, environmental protection, development cooperation, and security.[81] A State in belligerent occupation, or that otherwise exercises effective control over territory outside its national territory, must respect, protect and fulfill the economic, social and cultural rights of persons within that territory. A State exercising effective control over persons outside its national territory must respect, protect and fulfill economic, social and cultural rights of those persons.

Family: A fundamental social group in society typically consisting of one or two parents and their children. However, family may be considered for the purposes of enumerating similarly formed social units inhabiting a housing unit: A group of individuals related by blood or marriage or by a feeling of closeness.[82]

Family farming: Activity, including all family-based agricultural functions, that are "a means of organising agricultural, forestry, fisheries, pastoral and aquaculture production […] managed and operated by a family and predominantly reliant on family labor, of both women and men. The family and the farm are linked, co-evolve and combine economic, environmental, social and cultural functions."[83]

Feminist urbanism: a theory and emerging social movement concerning the impact of the built environment on women. Proponents of feminist urbanism advance a perspective that is critical of patriarchal political and social structures that have negatively impacted women's lives and have limited female engagement in urban planning and governance. Some feminist urbanism theorists view the urban built environment as fundamentally inhospitable to women. Consequently, the feminist urbanism movement supports strategies for empowering women to plan and develop the future urban environment according to the specific needs of women.[84] The contemporary challenges of climate change, new technologies, pandemic and global wealth disparity have compelled planners and users of the built environment to rethink many premises of operation that create and manage

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international community would promote the realization of the purposes of the United Nations…": peace and security, forward development and human rights. "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations," GA 2625, adopted without a vote, 24 October 1970, annex.

[80] Article 2.1 of the International Covenant on Economic, Social and Cultural Rights (1966).

[81] Maastricht Principles, *op. cit.*, Article 17.

[82] Webster's New World Medical Dictionary, http://www.medterms.com/script/main/art.asp?articlekey=16603.

[83] FAO, *International Year of Family Farming 2014 Master Plan (final version)* (Rome: Food and Agriculture Organization of the United Nations, May 2013), p. 2, http://www.fao.org/fileadmin/user_upload/iyff/docs/Final_Master_Plan_IYFF_2014_30-05.pdf.

[84] See Liz Bondi and Rose, Damaris, "Constructing gender, constructing the urban: A review of Anglo-American feminist urban geography," *Gender, Place & Culture* Vol. 10, Issue 3 (14 July 2010), 229–45; Dörte Kuhlmann, *Gender studies in architecture: space, power and difference* (New York: Routledge, 2014); Patricia Morton, "The Social and the Poetic: Feminist Practices in Architecture 1970–2000," in Amelia Jones, ed. *The Feminism and Visual Culture Reader* (London: Psychology Press, 2003).

spaces, which also contribute to shaping realities from a feminist perspective. This takes into consideration:

1. That everyday needs should be fulfilled be close to home, on foot or by safe public transport.
2. Facilities, services, equipment, shops, public transport should accommodate all regardless of age, origin, functional diversity, type of family or dependencies.
3. Physical security and the perception of security with which one can use the spaces safely, freely and at any time.
4. Sufficient life spaces for socializing, finding each other, asking for or providing help if need.
5. Meaningful participation in decisions affecting life and environment, design, functionality, safety, and history (collective memory).[85]

Fixed asset: A long-term, tangible asset held for business use and not expected to be converted to cash in the current or upcoming fiscal year, such as manufacturing equipment, real estate, and furniture, also called "plant."

Food security: is the state of having reliable access to a sufficient quantity of affordable, nutritious food. The World Food Summit of 1996 defined food security as a situation that exists when "all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life."[86] Commonly, the concept of food security is defined as including both physical and economic access to food that meets people's dietary needs as well as their food preferences.

Food security is built on three pillars:

- Food availability: sufficient quantities of food available on a consistent basis.
- Food access: having sufficient resources to obtain appropriate foods for a nutritious diet.
- Food use: appropriate use based on knowledge of basic nutrition and care, as well as adequate water and sanitation.

Historically, food security has been a flexible concept, as reflected in the many attempts at definition through research and policy discourse. In the early 1990s, some 200 definitions were published.[87] Whenever the concept is introduced in the title of a study or its objectives, it is prudent to establish the explicit or implied definition in use.

Food sovereignty is a term coined by members of La Via Campesina in 1996 response to disillusion with "food security," the dominant global discourse on food provisioning and

[85] Adapted from *Urbanismo feminista: Por una transformación radical de los espacios de vida* (Barcelona: Col·lectiu Punt 6 (Collective Point 6) , 19 December 2019), https://www.txalaparta.eus/es/libros/urbanismo-feminista.

[86] FAO, "Rome Declaration on World Food Security and World Food Summit Plan of Action," para. 1, World Food Summit, Rome, 13–17 November 1996.

[87] S. Maxwell and M. Smith, "Household food security: a conceptual review," in S. Maxwell and T. R. Frankenberger, eds., *Household Food Security: Concepts, Indicators, Measurements: A Technical Review* (New York and Rome: UNICEF and IFAD, 1992).

policy focused on food supplies, the "corporate food regime," and large-scale industrialized farming based on specialized production, land concentration and trade liberalization. Distinct from "food security," food sovereignty involves a political economy analysis and a human rights approach to food as a basic human need and resource. Broadly defined, food sovereignty is "the right of nations and peoples to control their own food systems, including their own markets, modes of production, food culture and environments" and "restoring control over food access back to individual nations/tribes/peoples." Six guiding principles emerged from La Via Campesina's Nyéléni Forum for Food Sovereignty in 2007. These include: focusing on food for people; valuing food providers; localizing food systems; local control; building knowledge and skills; working with nature.

The concept of food sovereignty has evolved from the experiences of farming peoples who were affected by the changes in international and national agricultural policy that was introduced throughout the late 1980s and 1990s. These changes were brought on by the inclusion of agriculture in the General Agreement on Tariffs and Trade, resulting in a "widespread loss of control over food markets, environments, land and rural cultures."

Advocates of food sovereignty put the people who produce, distribute and consume food at the center of decisions on food systems and policies, rather than the demands of markets and corporations that they believe have come to dominate the global food system. This movement is advocated by farmer, peasant, pastoralist, fisherfolk, indigenous people, women, rural, youth and environment organizations.[88]

Food System:

Any system is a complex set of elements working together as complementary and mutually enabling parts of an interconnecting network. A functioning system is guided by a set of principles or procedures that, when observed, continually accomplish an intended objective. (See **Metabolism** below.)

The objective of a food system is to accomplish the functions that sustain the human relationship to food. Consideration has conventionally been limited to functions that lie along a value or supply chain, such as planning, production, processing, handling, preparation, storage, distribution, consumption and waste.[89]

However, a holistic understanding of food systems goes beyond a limited inventory of mechanical, value and supply chain functions, which are often expressed only in monetary or other quantitative measure. Sustaining the human relationship to food also demands functions that serve the well-being of people and planet. Food systems embody a combination of social, political, environmental, cultural, economic and technical dimensions, the consequences of which bear on the universal human need and, therefore, respect, protect and fulfill the human right to adequate food and

[88] For the information contained here, and further reading on the topic of Food Sovereignty see: Nyéléni Newsletter, No. 13 (March 2013); Raj Patel, "Food sovereignty," Journal of Peasant Studies, Vol. 36, No. 3 (July 2009), pp. 663–706; Christina Schiavoni, "The global struggle for food sovereignty: From Nyéléni to New York," Journal of Peasant Studies Vol. 36, No. 1 (2009), pp. 682–89.

[89] Committee on World Food Security (CFS), "Policy Roundtable on Food Losses and Waste in the Context of Sustainable Food Systems," 17 October 2014, https://www.hlrn.org/img/documents/Final%20decision%20box%20food%20loss%20and%20waste.docx.

nutrition.[90] The combination of these and other food-related functions forms a synergy whose outcome is the food system. (See **Synergy** below.)

Whereas a (value or supply) chain is a linear and finite system, the sustainability criterion of any (food) system seeks to be self-perpetuating. Sustainable food systems require the preservation of soil, seeds, water and other natural resources through practices such as agroecology; laborers who are willing and able to safely carry out food-related activities; consumers who are able to access food (financially or otherwise); and the production of outputs that will support and sustain the health, nutrition and well-being of its laborers (producers and other workers) and consumers.

Food systems involve also the complex interactions along webs of activities, actors, processes and environments that serve and support multiple public objectives within socio-cultural and ecological domains. These public objectives are defined within the regulating legal and political criteria and methodology of the human right to food and sustainable development, conducted as a duty of states and their successive governments. (See **Obligation** and **Sustainable development** below.)

Since food is essential to human sustenance, this wider system approach likewise encompasses livelihoods, the ecosystem and various determinants of human health.[91] The vital importance of food to human sustenance requires the food system to satisfy individual (nutritional) and collective (social) requirements.

A food system is typically subject policy interventions in at least five principle domains: governance, protection and regeneration of nature, health and wellbeing, modes of food production, exchange and employment; and culture, social relations and knowledge.[92] Beyond food, coherent policy directs change and transformation also in the fields of health, water and sanitation, climate and environment, finance, trade and investment, and social protection to combat hunger and malnutrition.[93]

An evaluation of a food system, therefore, should assess the quality of the corresponding inputs, transactions and outcomes. Thus, a food system can be examined through the lens of inter-related and indivisible human rights, including the anticipation of, and response to human needs, social justice and adherence to inherent values of human dignity, as well as cultural identity, equity, sustainability, sovereignty and the over-riding principles of human rights implementation. (See also **Over-riding principles** below.)

Food systems are constantly being shaped by multiple forces, drivers and decisions, and their operation, management, monitoring and evaluation require acknowledgement of the immense power imbalances present in today's food

[90] Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 12: The Right to Adequate Food (Art. 11), E/C.12/1999/5, 12 May 1999, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f1999%2f5&Lang=en.

[91] World Health Organization, "Determinants of health," https://www.who.int/hia/evidence/doh/en/.

[92] Civil Society and Indigenous People's Mechanism (CSM) Food Security and Nutrition Working Group, "Vision Document on the Voluntary Guidelines" (2019), http://www.csm4cfs.org/wp-content/uploads/2016/02/CSM-vision-document-FS-N_draft-June-2019-final.pdf.

[93] Civil Society and Indigenous People's Mechanism (CSM), Food Security and Nutrition Working Group, "Vision Document on the Voluntary Guidelines" (2019), pp. 1–2, http://www.csm4cfs.org/wp-content/uploads/2016/02/CSM-vision-document-FS-N_draft-June-2019-final.pdf.

systems. The city-region[94] and territorial approaches consider food systems across the rural-urban continuum[95] (see **Urban-rural continuum** below), acknowledging that resilient, sustainable, and people-centered food systems must encompass cities and human settlements, peri-urban and rural areas as complementary parts. Sustainable and healthy food systems are especially vital in the case of natural and man-made crises, which calls for the holistic approach to prepare for such contingencies throughout the food system, beginning with the planning process to anticipate and respond to the individual and collective human need for food and nutrition.

Forced eviction: defined in international law as "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land [that] they occupy, without the provision of, and access to, appropriate forms of legal or other protection."[96]

Forced migration: Refers to the movements of refugees or internally displaced persons compelled to flee to avoid harm arising from violent conflict or by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects. Forced migration is a complex, wide-ranging and pervasive set of phenomena that manifest as three separate, although sometimes simultaneous and inter-related, types identified by their causal factors: conflict, development policies and projects, and disasters.[97] (See "Internally displaced person(s)" and "Refugee" below.)

Forced removal: refers to various forms of coercive and often-violent displacement of persons from their habitation or residence. The meaning can vary according to the context, methods and affected persons.

In some cases, "forced removal" is a term synonymous with eviction, as in the case of the forced removal of squatters.

In the United States, "forced removal" describes the policy applied since the Thomas Jefferson presidency in the United States and throughout the 19th Century against indigenous peoples living east of the Mississippi River. Congress adopted the "Indian Removal Act" of 1830, which provided a legal basis and funds for President Andrew Jackson to "negotiate" removal (land exchange) treaties. One of the most famous applications of that removal policy was the forced migration of Cherokee Nation from their homeland in today's State of Georgia to present-day Oklahoma in the 1835 "Trail of Tears," or, in the

[94] Alison Blay-Palmer, Guido Santin, Marielle Dubbeling, Henk Renting, Makiko Taguchi and Thierry Giordano, "Validating the City Region Food System Approach: Enacting Inclusive, Transformational City Region Food Systems," *Sustainability* (May 2018), https://www.mdpi.com/2071-1050/10/5/1680/pdf; . UN Committee on World Food Security, "Addressing Food Security and Nutrition in the Context of Changing Rural-Urban Dynamics: Experiences and Effective Policy Approaches" (2019), http://www.csm4cfs.org/wp-content/uploads/2016/02/CFS_Addressing_FSN_in_the_context_of_changing_rur_urb_dynamics_experienc....pdf.

[95] UN Committee on World Food Security, "Addressing Food Security and Nutrition in the Context of Changing Rural-Urban Dynamics: Experiences and Effective Policy Approaches" (2019), http://www.csm4cfs.org/wp-content/uploads/2016/02/CFS_Addressing_FSN_in_the_context_of_changing_rur_urb_dynamics_experienc....pdf.

[96] Committee on Economic, Social, and Cultural Rights, General Comment 7, para. 3.

[97] Based on the definition adopted by the International Association for the Study of Forced Migration.

original Cherokee language, "*Nunna dual Tsuny*" [trail where they cried]. (See **Indigenous people(s)** below.)

In Australia, forced removal is commonly understood to describe an aspect of assimilationist policy whereby governments of Australian states forcibly separated Aboriginal children from their families in order to place them in non-Aboriginal institutions and families during the 1960s and 1970s. The victims of that policy are known as the "stolen generations."

South Africa's *apartheid* parliament devised the Land Act, Group Areas Act and Pass Laws to dispossess and expel Africans from their lands and homes to distant locations. From the 1950s until the early 1980s, the Government of South African implemented a "resettlement" policy to force people into their designated "group areas." Estimates place the number of affected persons at over three and a half million. (See "Resettlement" below.) These removals included:

- People evicted though slum-clearance programs,
- Tenant laborers on white-owned farms,
- Inhabitants of so-called "Black Spots," (Black-owned land surrounded by white farms),
- Families of workers living in townships near the homelands,
- "Surplus people" living in urban areas, including thousands of people moved to Transkei and Ciskei homelands from the Western Cape (which was declared a "Coloured Labour Preference Area").

One of the most well-known cases was the 1950s forced removal of some 60,000 Africans in Johannesburg to the new township of Soweto (an acronym for South Western Township).

The detention and deportation of an individual or group of migrants is also common referred to as "forced removal." International law strictly proscribes the practice and prohibits forced removals if carried out arbitrarily; without due process or access to affective remedies; collectively (against a particular group, amounting to discrimination); with undue or excessive force; against vulnerable persons, seriously ill persons, refugees, children or victims of trafficking.[98] (See **Refugee** below.)

Fracking: the term refers to the extraction of shale gas, coal-bed methane/coal seam gas (CBM/CSG) and "tight oil." A scaled-up form of hydraulic fracturing (high volume), involving injecting fluids under high pressure to crack the rock, is often used to release hydrocarbons during unconventional oil and gas extraction.

Unconventional oil and gas extraction is a complex process, involving pad construction, well drilling, casing, stimulation (often including but not limited to hydraulic fracturing), extraction, waste disposal, well plugging (or failure to do so) and abandonment, as well as associated infrastructures such as pipelines, storage facilities, compressor stations and export terminals.

Free Prior and Informed Consent (FPIC):

[98] For further information, see "Common principles on removal of irregular migrants and rejected asylum seekers" (August 2005), http://www.ccme.be/archive/2005/Common%20principles%20on%20removal%20lay-out.pdf.

States must hold good faith consultations with indigenous, peasant, fisher-folk, traditional, urban or other communities before any plan, project, legislative or constitutional reform, or administrative measure that may affect directly or indirectly the housing or land, territories or natural wealth in their possession, or that they occupy, or traditionally utilize or depend on for their traditional and livelihood activities. States must generate consensus regarding the procedures of these consultations that must be in harmony with the criteria, customary rules and decision-making structures of the indigenous peoples or other communities, as to facilitate access to the consultations to all the affected population, giving it ample diffusion and creating a climate of trust that will favor a productive dialogue.

The consultation aims for both parties to reach a mutual understanding and to adopt decisions by consensus. If the consulted communities do not give their free, prior and informed consent (FPIC) to the plan, project, policy, or legislative or administrative measure object of the consultation, then this cannot be implemented.

FPIC applies distinct rights to livelihood, food and housing, as enshrined in the International Covenant on Economic, Social and Cultural Rights (Article 11), as well as its prohibitions against violating self-determination: "In no case may a people be deprived of its own means of subsistence" (Article 1.2). It combines also human rights to information and participation, as guaranteed is the International Covenant on Civil and Political Rights (Articles 19 and 21, respectively).

In local application, FPIC grounded in the principle that "a community has the right to give or withhold its consent to proposed projects that may affect the lands they customarily own, occupy or otherwise use." A concept advanced by many organizations, including the Forest Peoples Program, is now a key principle in international law and jurisprudence related to indigenous peoples.

Case law establishing FPIC rights includes *Occupiers of 51 Olivia Road, Berea Township and 197 Main Street Johannesburg* v *City of Johannesburg and Others* (24/07) [2008] ZACC 1; 2008 (3) SA 208 (CC); 2008 (5) BCLR 475 (CC) (19 February 2008).

For more detail, see: Civil Society Organizations´ Proposals for the FAO Guidelines on Responsible Governance of Land and Natural Resources Tenure (pp. 20–23).

Freehold: An interest in land, housing or other real property that permits the owner to enjoy possession during her/his life without interference from others.

An estate of freehold is an estate in lands or other real property, held by a free tenure, for the life of the tenant, or that of some other person holding the freehold tenure, or for some uncertain period. Freehold tenure, frank tenement, or *liberum tenementum* was formerly described to be such an estate as could be created only by livery of *seisin*, a ceremony similar to the investiture of the feudal law. However, since the introduction of certain modern conveyances and methods by which an estate of freehold may be created without livery of *seisin*, that old description is not sufficient. Freehold estates may be inherited, or subject to inheritance.

Two qualities are essentially requisite to the existence of a freehold estate:

1. Immobility; that is, the property must either be land or some interest issuing out of or annexed to land;
2. A sufficient legal indeterminate duration; for, if the utmost period of time to which an estate can last is fixed and determined, it is not an estate of freehold. For example, if lands are conveyed to a person and her/his heirs, or for her/his life, or for the life of another, or until s/he shall be married, or leave the country, s/he has an estate of freehold. However, if such lands are limited to a person for one hundred or five hundred years, if s/he should live so long, s/he has not an estate of freehold.[99]

Genocide: As provided in Article II of the *Convention on the Prevention and Punishment of the Crime of Genocide* (1948) and Article 6 of the *Rome Statute of the International Criminal Court*, "genocide" is defined as any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

Gentrification: The restoration and upgrading of deteriorated urban property by middle-class or affluent people, often resulting in displacement of lower-income people.

Local authorities typically facilitate the process by extending home-improvement loans or grants as part of a policy-driven urban renewal program. Loans and/or grants are repaid by tax revenues, including increased return on the renovated properties and surrounding businesses. The original inhabitants move out as leases end, houses are sold, or landlords harass their tenants into moving. Gentrification often involves a change of tenure from rent (leasehold) to private ownership (freehold).

Neill Smith interprets the driver of gentrification to be the de-industrialization of the inner city and its consequent devaluation of land.[100] Chris Hamnett sees the increase in service employment in city centers, the feminization of the workforce, the reduced cost of do-it-yourself materials and the increase in single and dual households as increasing demands for living and working space in central business districts of cities.[101] David Ley emphasizes the effect of liberal middle classes taste for historic preservation in relation to concepts of material capital—wealth—and cultural capital—values.[102]

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[99] John Bouvier, *A Law Dictionary* 6th edition (Philadelphia: Childs & Peterson, 1856).

[100] N. Smith, *The New Urban Frontier: Gentrification and the Revanchist City* (London: Routledge, 1996).

[101] Chris Hamnett, "Gentrification and Residential Location Theory: A Review and Assessment," in David T. Herbert and Ronald J. Johnston, eds., *Geography and the Urban Environment (Progress in Research and Applications*, 6*)*, 283–319.

[102] David Ley, *The New Middle Class and the Remaking of the Central City* (Oxford: Oxford University Press, 1996).

The result of gentrification is a distinctive lifestyle; whereas, a gentrified neighborhood becomes the spatial expression of a new middle-class habitat at the expense of prior, lower-income residents who consequently lose their access to the city's goods and services upon which they depend. Those former residents leave the gentrified neighborhood by various forms of displacement, including forcible evictions, or by their inability to pay for higher rents and other costs in the gentrified zone.

"Gentrification" derives from the English term for the land-owning class (gentry) residing outside of the urban center. The phenomenon of migrating social classes with capital migrating to the city center resembles a migration of the gentry into the city. Thus, the term "gentrification" was applied. Its original usage is attributed to British Sociologist Ruth Glass, who coined the term in 1964 to describe the influx of wealthier individuals into cities or neighborhoods, replacing working people or lower-classes already living there.[103]

Global Commons: is that which no one person or state may own or control and which is central to life. A Global Common contains an infinite potential with regard to the understanding and advancement of the biology and society of all life; e.g., forests, oceans, land mass and cultural identity and hence requires absolute protection. [See also **Commons** above.]

Globalism: A set of values and ethical beliefs that share the premise that we share one fragile planet whose survival requires mutual respect and careful treatment of all its peoples and environments. In practice, globalism is an alternative to nationalism and/or regionalism that requires thinking and acting globally, attempting to understand all the interconnections of the modern world and highlight patterns that underlie and explain them. Three central activities that uphold globalism are (1) active communications to foster understanding, (2) the sharing of resources on the basis of equity and sustainability, and (3) mutual aid in times of need.[104]

Globalization is the increasing interdependence, integration and interaction among people and public or private bodies, organizations or corporations, featuring the exchange of information, labor, goods, or other resources, across disparate locations around the world.

Globalism and Globalization (contrasted): While globalism incorporates the idea of the "Global Commons" to describe the ozone layer, oceans and genetic diversity, globalization is the exploitation of these resources by large and powerful corporations beyond the reach of democratic processes or direct human rights obligations. While globalism implies respect for

[103] Ruth Glass, *London: aspects of change* (London: MacGibbon & Kee, 1964).

[104] See Mark Ritchie, *Globalization v. Globalism: Giving Internationalism a Bad Name*, background paper presented at CESCR Day of General Discussion: Globalization and its impact on the enjoyment of economic and social rights, Geneva, 11 May 1998; Joseph Nye, "Globalism Versus Globalization," *The Globalist* (15 April 2002), http://www.theglobalist.com/globalism-versus-globalization/.

diversity, globalization demands the standardization or homogenization of nearly everything and everybody.[105]

Good Governance: The many ways in which individuals and institutions, public and private, plan and manage public affairs, mitigating respective interests within the polity. The term connotes equity, civic engagement, transparency, accountability, rule of law, efficiency and effectiveness.

In international development, good governance is a way of measuring how public institutions conduct public affairs and manage public resources in a preferred way. Governance is "the process of decision making and the process by which decisions are implemented (or not implemented)."[106] Governance in this context can apply to corporate, international, national, or local governance as well as the interactions between other sectors of society.

The concept of "good governance" has emerges as a model to compare ineffective economies or political bodies with viable economies and political bodies. The concept centers on the responsibility of governments and governing bodies to meet the needs of all of their constituents, as opposed to select groups in society. Because countries often described as "most successful" are liberal democratic states, concentrated in Europe and the Americas, good governance standards often measure other state institutions against these states.[107]

Aid and development organizations and the authorities of developed countries often focus the meaning of "good governance" on a set of requirements that conform to the organization's agenda, making "good governance" imply many different things in many different contexts.[108]

Green economy: is an economy or economic development model based on sustainable development and knowledge of ecological economics. "Green economics" is loosely defined as any theory of economics by which an economy is considered to be component of the ecosystem in which it resides. One of the earliest proponents of green economy was the microbiologist Lynn Margulis, who held that economy, ethics and biology are indistinguishable.

Green economics is often used with or in place of the more widely used term of ''sustainability'' or ''sustainability science.'' Both terms reflect an evolving, and diffuse discipline, or an objective sought through multiple disciplines, including ecology, economics, engineering, natural sciences and sociology.

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[105] Adapted from Ritchie, Mark. *Ibid*.

[106] United Nations Economic and Social Commission for Asia and the Pacific, "What is Good Governance?" (undated), https://www.unescap.org/sites/default/files/good-governance.pdf.

[107] Mushtaq Husain Khan, *State formation in Palestine: viability and governance during a social transformation*, Volume 2 of *Political economy of the Middle East and North Africa* (New York: Routledge, 2004).

[108] Eva Poluha and Mona Rosendahl, *Contesting 'good' governance: crosscultural perspectives on representation, accountability and public space* (New York: Routledge, 2002); Sam Agere, *Promoting good governance* (London: Commonwealth Secretariat, 2000).

The green economy is one that results in improved human well-being and social equity, while significantly reducing environmental risks and ecological scarcities.

For the purposes of its Green Economy Initiative, The UN Environmental Programme (UNEP) has developed a working definition of a green economy as one that results in improved human well-being and social equity, while significantly reducing environmental risks and ecological scarcities. In its simplest expression, a green economy can be thought of as one [that] is low carbon [producing], resource efficient and socially inclusive.

Greenhouse gas (GHG): Gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and emit radiation at specific wavelengths within the spectrum of radiation emitted by the Earth's ocean and land surface, by the atmosphere itself and by clouds. This property causes the greenhouse effect. Water vapor (H_2O), carbon dioxide (CO_2), nitrous oxide (N_2O), methane (CH_4) and ozone (O_3) are the primary GHGs in the Earth's atmosphere. Human-made GHGs include sulphur hexafluoride (SF_6), hydrofluorocarbons (HFCs), chlorofluorocarbons (CFCs) and perfluorocarbons (PFCs). Several of these are also O_3-depleting and are regulated under the Montreal Protocol.

(See also **Mitigation** below.)

Gross domestic product (GDP): The sum of gross value added, at purchasers' prices, by all resident and non-resident producers in the economy, plus any taxes and minus any subsidies not included in the value of the products in a country or a geographic region for a given period, normally one year. GDP is calculated without deducting for depreciation of fabricated assets or depletion and degradation of natural resources.

GDP does not directly take account of distribution, leisure, environmental quality, levels of health and education, activities conducted outside the market, changes in inequality of income, increases in variety, increases in technology, or the (positive or negative) value that society may place on certain types of output. Many key goods, including peacefulness, environmental protection or family bonding, are not measured in GDP because they do not involve transactions. In fact, GDP includes pollution, crime, the health costs of cigarettes and environmental disasters as 'growth' because they generate spending. Therefore, GDP can be used for measuring some economic and market conditions, but is seen as a misleading measure of national wealth and wellbeing.[109]

Gross (and Large-scale) Violations of Human Rights: In its forty fifth session of the sub commission on prevention of discrimination and protection of minorities. The sub commission adopted resolution E/CN.4/Sub.2/1993/10, to define the term of Gross & Large-Scale Violations of Human Rights, in article 1. Gross and large-scale human rights violations

[109] Peter Vanham, "A brief history of GDP - and what could come next," in Klaus Schwab and Peter Vanham, *Stakeholder Capitalism: : A Global Economy that Works for Progress, People and Planet World Economic Forum* (Hoboken, NJ: Wiley, 1st edition 2021, chapter updated 12 December 2022) "The Problem with GDP," *Vision of Humanity* (undated), https://www.visionofhumanity.org/the-problem-with-gdp/; Diane Cole, "Rethinking GDP," *Finance & Development* (March 2017), https://www.imf.org/external/pubs/ft/fandd/2017/03/pdf/coyle.pdf.

committed on the orders of a Government, or with its sanction are a grave violation of the principle of respect for human rights and constitute an international crime. Such violations shall be deemed to include principally the following:

(a) Murder, including arbitrary execution;

(b) Torture;

(c) Genocide;

(d) Apartheid;

(e) Discrimination on racial, national, ethnic, linguistic or religious grounds;

(f) Establishing or maintaining over persons the status of slavery, servitude or forced labour;

(g) Enforced or involuntary disappearances;

(h) Arbitrary and prolonged detention;

(i) Deportation or forcible transfer of population.

2. The provisions of paragraph 1 should not be regarded as detracting from the right of States to establish, in conformity with the norms of international law currently in force, lawful restrictions of human rights, especially in connection with the declaration of states of emergency or war.

In 1993, the UN Commission on Human Rights affirmed that "the practice of forced evictions constitutes a gross violation of human rights, in particular the right to adequate housing…"(preamble to resolution 1993/77). [See Forced eviction above.]

Habitat: This term, in its original Latin, derives from the verb "it inhabits," 3rd singular present indicative of *habitāre*, frequentative of *habēre*, meaning to have, or to hold. Habitat is the natural environment of any organism, the place that is natural for the sustainable life and growth of an organism and a place where a living thing lives and can find food, shelter, protection and mates for reproduction. It also has come to mean the place where a person or thing is usually found.

In the context of development, planning and governance, the Habitat II Agenda defines habitat as a "regional and cross-sectoral approach to human settlements [that] places emphasis on rural/urban linkages and treats villages and cities as two ends [points] of a human settlements continuum in a common ecosystem" (para. 104).

Homelessness: the condition of living without permanent home or shelter and relying on temporary means of shelter.

According to a UN definition, 'homeless household'' refers to "households without a shelter that would fall within the scope of living quarters. They carry their few possessions with them sleeping in the streets, in doorways or on piers, or in any other space, on a more-or-

less random basis."[110] Other commentators have defined homelessness as the lack of access to secure and minimally adequate housing, variously described as rooflessness (living rough), houselessness (relying on emergency accommodation or long-term institutions), or inadequate housing (including insecure accommodation, intolerable housing conditions or involuntary sharing).[111]

In the United States, the Stewart B. McKinney Homeless Assistance Act of 1987, defined ''homeless'' to mean:

(1) An individual who lacks a fixed, regular, and adequate night-time residence; and

(2) An individual who has a primary night-time residence that is:

A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelter, and transitional housing for the mentally ill);

An institution that provides a temporary residence for individuals intended to be institutionalized; or

A public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.[112]

The European Typology on Homelessness and Housing Exclusion (ETHOS) classifies homeless people according to their living situation:

- *rooflessness* (without a shelter of any kind, sleeping rough);
- *houselessness* (with a place to sleep but temporary in institutions or shelter)
- living in *insecure housing* (threatened with severe exclusion due to insecure tenancies, eviction, domestic violence);
- living in *inadequate housing* (in caravans on illegal campsites, in unfit housing, in extreme overcrowding).[113]

Many countries do not have official definitions of homelessness, except for the purpose of allocating land for housing. The criteria for determining "homelessness" could derive from four deficits in accommodation:

- Tenure,
- Shelter,
- Quality, or

[110] ''Compendium of Human Settlement Statistics,' Principles and recommendation for population and housing censuses (New York: United Nations, 1998), 50.

[111] Edgar, B., Doherty, J., and Mina-Coull, A. *Services for Homeless People: Innovation and Change in the European Union* (Bristol: The Policy Press, 1999), 2.

[112] The legislation also asserts th"(3) This term does not include any individual imprisoned or otherwise detained under an Act of Congress or state law." *Priority: Home! The Federal Plan to Break the Cycle of Homelessness* (Washington: US Government, 1994).

[113] Over the past few years, the FEANTSA expert Data Collection Working Group and the European Observatory on Homelessness have developed a European definition of Homelessness and housing exclusion (ETHOS) as a means of improving understanding and measurement of homelessness in Europe, and to provide a common "language" for transnational This typology was launched beginning 2005 and has been discussed at various national and local meetings/seminar. It is now being used for different purposes - as a framework for debate, for data collection purposes, for policy purposes, monitoring purposes, and in the media. It is important to note that this typology is an open exercise which makes abstraction of existing legal definitions in the EU member states. ETHOS is a "home"-based definition that uses the physical, social and legal domains to create a broad typology of homelessness and housing exclusion. (See http://feantsa.horus.be/code/en/pg.asp?Page=484.)

- Permanence.

Thus, a tenure-based definition of homelessness in Peru and Zimbabwe would include only those persons who lack legal title to land or housing (property). That definition would include street dwellers and inhabitants awaiting legal title and "regularization." (See **Regularization** below.) However, it would exclude poorly housed formal tenure-holding inhabitants.

A shelter-based definition of homelessness in India and Ghana would cover those persons without a roof such as street dwellers. That definition would exclude people living in abandoned structures, under stairwells and other inadequate shelters having a roof. In India, a person may be eligible for assistance under land or housing allocation programs if not living in a "census house"; that is, structure with a roof that is counted as a house/unit of housing in the official census.

In South Africa, Egypt and Bangladesh, homeless persons may be considered to include also those inhabiting inadequate structures, such as cemeteries, rooftops, shacks, etc., but would exclude some squatters.

The Indonesia census of 200 distinguishes population as those having a permanent place of residence and those without. This categorization, perforce, mixes nomads, ship crews, house boat residents, as well as squatters and shelterless persons.[114]

Household: A social unit that includes all the persons who occupy a housing unit. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements. (People not living in households are classified generally as living in group quarters.)

Some methodologies define a household by the criteria of regularly sharing meals and/or cooking facilities.[115]

Human right: A human right is any basic entitlement or freedom inherent to every person by virtue of her/his intrinsic value as a human being equally to all others. A human right is, therefore, any entitlement or freedom required for a natural person to live in dignity and wellbeing. These basic rights are universal such that they are grounded in moral and philosophical values shared across all regions, civilizations and social groups such as dignity, fairness, equality, personal autonomy, mutual respect and social responsibility. These values and corresponding human rights are defined and protected by law, including international law.

Among the great achievements of the United Nations has been the codification of human rights in legal instruments that define most of these indispensable entitlements and

[114] These definitions are derived from the survey of homelessness in Graham Tipple and Suzanne Speak, "Definitions of homelessness in developing countries," Habitat International 29 (2005) 337–52; and Tipple and Speak, "Homelessness in Developing Countries" (Newcastle: University of Newcastle upon Tyne, May 2003).

[115] Republic of Kenya, *Kenya Population and Housing Census* 24th/25th August, 2009, pp. 7–8, https://international.ipums.org/international/resources/enum_materials_pdf/enum_instruct_ke2009a.pdf.

freedoms to which all people aspire, as well as the corresponding duties and obligations of states and governments to respect, protect and fulfill (promote, facilitate and assist) their realization.

First enshrined in the Universal Declaration of Human Rights (1948), subsequent human rights treaties (Covenants, Conventions and their accompanying Protocols) define the basic obligations of states and their successive governments. Human rights are general categorized as civil, cultural, economic, political and social. However, human rights, their underlying concepts and implementation are indivisible, interdependent and mutually reinforcing. Human rights are always evolving and developing through practice and jurisprudence, specifying their normative content and the corresponding obligations of states and their organs to ensure their progressive realization.

Human development is a process of enlarging people's choices to lead lives they value, by expanding functionings and capabilities. The process involves developing and pursuing a wide range of choices among functionings and capabilities that people may value. However, at all levels of human development, some capabilities are essential for all people and fundamental such that the lack of these capabilities forecloses others.[116] Such capabilities include being able to lead a long healthy life, to be knowledgeable, skilled and to enjoy a decent standard of living (conditions of life necessary for a human life with dignity). While many of these functionings and capabilities may be captured in statistics and indicators, others may require qualitative description such as basic capabilities to participation in the life of a community and important decisions made, personal security, and sustainability.

Evaluating human development strategies and programs applies at least four key principles or concerns that help define what should be measured:

- Focus on human outcomes (rather than on mere social or economic conditions);
- Multi-dimensional outcomes;
- Progress in three perspectives: national average, equity, and deprivation; and
- Participation and empowerment.[117]

Human Rights City/community: 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

[116] United Nations Development Programme (UNDP), Human Development Report 2000: Human Rights and Human Development (2000), https://hdr.undp.org/system/files/documents/hdr2000en.pdf.

[117] Sakiko Fukuda-Parr, "Indicators of human development and human rights– overlaps, differences ...and what about the human development index?" *Statistical Journal of the United Nations* ECE 18 (2001) pp. 239–48, https://sakikofukudaparr.net/wp-content/uploads/2016/06/Indicators-of-human-development-and-human-rights.pdf.

> 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."

A recent initiative to link Korean and international human rights cities has created the World Human Rights Cities Forum to expand discussions on human rights cities following the adoption of the "Local Governments and Human Rights" resolution [Arabic] at the 24th session of the UN Human Rights Council (2013).

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.

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. This more-specific context and application does not set out to establish new human rights. However, as such, 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.

Human security: "the liberation of human beings from those intense, extensive, prolonged, and comprehensive threats to which their lives and freedom are vulnerable." The definition rests on the classic analysis of human security advanced in the 1994 global Human Development Report sponsored by UNDP.

Human-made disaster: A human-made disaster is a specific event, whereby an anthropogenic hazard (i.e., a threat or risk of, or propensity to disaster) has become a reality. Such human-made disasters are crime, arson, civil disorder, terrorism, war, biological/chemical threat, cyber-attacks, etc.[118]

Human-made hazard: a human-made (or anthropogenic) hazard is the risk, threat or propensity to disaster caused by human action or inaction. They are distinct to natural hazards, caused by forces beyond human control, cause or influence. Human-made hazards may adversely affect, or be lethal to humans, other organisms, biomes, the built environment and/or ecosystems. The frequency and severity of hazards are key elements in some risk analysis methodologies. Hazards may also be described in relation to the impact that they have. A hazard only exists in the case of a pathway to, or risk of exposure.

Anthropogenic hazards can be grouped into societal hazards (criminality, civil disorder, terrorism, war, industrial hazards, engineering hazards, power outage, human-caused fire), and hazards caused by transportation and environmental hazards.

Impunity: The term "impunity" refers to the exemption from punishment or loss attaching to an act. In the international law of human rights, it refers to the failure to bring perpetrators of human rights violations to justice and, as such, itself constitutes a denial of the victims' right

[118] For a comprehensive list of causes and contexts of disaster, see "Category: Man-made Disaster," *Wikipedia,* https://en.wikipedia.org/wiki/Category:Man-made_disasters.

to justice and redress. Impunity is especially common in countries that lack a tradition of the rule of law, suffer from corruption or that have entrenched systems of patronage, or where the judiciary is weak or members of the security forces are protected by special jurisdictions or immunities. The definition of impunity was defined in the context of the Right of the Justice principle as" the impossibility, de jure or de facto, of bringing the perpetrators of violations to account - whether in criminal, civil, administrative or disciplinary proceedings - since they are not subject to any inquiry that might lead to their being accused, arrested, tried and, if found guilty, sentenced to appropriate penalties, and to making reparations to their victims.

Inalienable rights: (See **natural rights** or **moral rights**.)

Indigenous knowledge : The understandings, skills and philosophies developed by societies with long histories of interaction with their natural surroundings. For many indigenous peoples, indigenous knowledge informs decision making about fundamental aspects of life, from day-to-day activities to longer-term actions. This knowledge is integral to cultural complexes, which also encompass language, systems of classification, resource use practices, social interactions, values, ritual and spirituality. These distinctive ways of knowing are important facets of the world's cultural diversity.[119]

(See also **Local knowledge** below.)

Indigenous people(s) [شعب أصلي/اصلاني - شعوب أصلية/اسلانية]: cultural groups (and their descendants) who have an historical continuity or association with a given region, or parts of a region, and who formerly or currently inhabit the region:

- before its subsequent colonization or annexation; *or*
- alongside other cultural groups during the formation of the current State; *or*
- independently or largely isolated from the influence of the claimed governance by a State,

And who furthermore:

- have maintained at least in part their distinct linguistic, cultural and social / organizational characteristics, and in doing so remain differentiated in some degree from the surrounding populations and dominant culture of the state in which they live.

To the above, a criterion is usually added also to include:

- peoples who are self-identified as indigenous, and those recognized as such by other groups.

Other related terms for indigenous peoples include aborigines, native peoples, first peoples, Fourth World, first nations and autochthonous (this last term having a derivation from

[119] United Nations Educational, Scientific and Cultural Organization (UNESCO), *Natural Sciences Sector — Local and Indigenous Knowledge Systems (LINKS)* (2018), https://unesdoc.unesco.org/ark:/48223/pf0000262748.

Greek, meaning "sprung from the earth"). *Indigenous peoples* may often be used in preference to these or other terms, as a neutral replacement where these terms may have taken on negative or pejorative connotations by their prior association and use. It is the preferred term in use by the United Nations and its subsidiary organizations.

Informal settlement: A cluster of housing and other structures built without the formal consent of the planning authorities, or settlements that have only temporary permission to occupy the settled land.

Informing (verbal noun): Knowledge sharing with stakeholders on rights, responsibilities and options enables participatory planning, but is not limited to merely producing and publishing information. Instead, dissemination becomes a channel of interaction and negotiation in an early planning stage when stakeholders still have the possibility to influence decisions and outcomes.[120]

Infrastructure: Is the basic physical and organizational facilities and services needed for the efficient functioning of a system, institution, society, economy, state or enterprise. The term typically refers to the technical structures that support public-sector operation such as roads, water supply, sewers, energy grids, transport and telecommunications, among others.

Institution: An institution, in the broad sense, could be any established relationship, practice, organization and/or structure with the effect or purpose of bonding and bridging parties in habitual function. An "institution," in that sense, involves the rules of the game under which formal and informal activity is conducted, and includes public and private institutions, collective practices and norms, as well as changing norms (e.g., brought about through the youth, technology, economic or demographic shifts, and other emerging behaviors). According to Douglass C. North, institutions are "humanly devised constraints that shape human interaction."[121]

Institutional capital: A concept of sustainable development, institutional capital is the combination of the institution's (1) value in the public domain, (2) its institutional strength, (3) its (good) institutional governance, and (4) its equilibrium (i.e., stability). These elements and the analysis of their economic, social and environmental impacts are fundamental to assessing the social and economic order (institutional capital) for achieving sustainable development.[122]

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[120] Arnstein, *op. cit.*

[121] Douglass C. North, "Institutions," *The Journal of Economic Perspectives*, Vol. 5, No. 1 (winter, 1991), pp. 97–112, https://campus.fsu.edu/bbcswebdav/orgs/econ_office_org/Institutions_Reading_List/02._Institutional_Quality_and_Growth/North,_D._C.-_Institutions.

[122] Joost Platje, "An institutional capital approach to sustainable development," *Management of Environmental Quality: An International Journal*, Vol. 19, Issue 2 (2008), pp. 222–33, https://doi.org/10.1108/14777830810856609; and Joost Platje (2008) "Institutional capital" as a factor of sustainable development - the importance of an institutional equilibrium, *Ukio Technologinis ir Ekonominis Vystymas*, Vol. 14, No. 2 (2008), pp. 144–50, https://www.tandfonline.com/doi/abs/10.3846/1392-8619.2008.14.144-150.

Internally displaced person(s) (IDP[s]): "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."[123] (See also **Human-made disaster** above.)

International cooperation: The concept and term "international cooperation" in international relations and law is a foundational element of the United Nations, its purposes and its Charter. The first article of the United Nations Charter provides that one of the purposes of the world organization is "to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion."[124]

Providing further specificity, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States promotes "the progressive development and codification of…

(d) the duty of States to cooperate with one another in accordance with the Charter;…
(g) the principle that States shall fulfill in good faith the obligations assumed by them in accordance with the Charter, so as to secure their more-effective application within the international community would promote the realization of the purposes of the United Nations;…[125]

The duty of States to cooperate with one another in accordance with the Charter means to do so:

> "irrespective of the differences in their political, economic and social systems, in the various spheres of international relations, in order to maintain international peace and security and to promote international economic stability and progress, the general welfare of nations and international cooperation free from discrimination based on such differences."

The Declaration goes on to specify that cooperation in accordance with the Charter, its purposes and principles extends to economic, social, cultural, technical and trade fields and that states should cooperate also in the field of science and technology and to promote international cultural and educational progress. It also calls for states to cooperate in promoting "economic growth throughout the world, especially that of the developing countries." It further provides that "Every State has the duty to promote through joint and separate action universal respect for, and observance of human rights and fundamental freedoms in accordance with the Charter…." The Universal Declaration on Human Rights

[123] *Guiding Principles on Internal Displacement*, E/CN.4/1998/53/Add.2.
[124] *Charter of the United Nations*, 26 June 1945, Article 1: Purposes and Principles of the United Nations, para. 3.
[125] Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations," GA 2625, 24 October 1970, http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/348/90/IMG/NR034890.pdf?OpenElement.

goes so far as to assert that “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized” (Article 28).

ICCPR and ICESCR share a common article 1(2), making “international cooperation” an over-riding principle of treaty compliance. It reads:

> "All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence."

Two articles unique to ICESCR are explicit in setting forth how state parties are to apply the over-riding principle of international cooperation. Article 2 provides:

> "Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic, and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures."

Article 22 addresses specific forms of international cooperation through the intermediary of the UN and its agencies:

> "The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present Covenant which [sic] may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant."

International cooperation is one of seven explicit over-riding principles arising from the first three articles of ICESCR that explain how a state party is required to perform in order to comply with the obligations corresponding to the rights guaranteed in the Covenant. (See **Over-riding principles** below.)

At the regional level, the African Charter on Human and Peoples’ Rights (1981) affirms the principle and “obligation” of international cooperation in its Article 21, which states:

> 3. The free disposal of wealth and natural resources shall be exercised without prejudice to the obligation of promoting *international economic cooperation* based on mutual respect, equitable exchange and the principles of international law.

The same article goes further in defining the means of discharging the treaty obligation of international cooperation, including through the regulation of extraterritorial actors:

> 4. State Parties to the present Charter shall individually and collectively exercise the right to free disposal of their wealth and natural resources with a view to strengthening African Unity and solidarity.
>
> 5. State Parties to the present Charter *shall undertake to eliminate all forms of foreign exploitation, particularly that practised by international monopolies, so as to enable their peoples to fully benefit from the advantages derived from their national resources* (emphasis added).

While the international cooperation principle bears direct consequence on the extraterritorial conduct of states under treaty, it also relates to domestic conduct not only in regulating the cross-border activities of persons and entities that it hosts, but also in the conduct of foreign agents within the state's territorial jurisdiction. International cooperation as an over-riding principle of state obligation grounds the legal argument to hold multilateral organizations accountable and liable for their conduct through the human rights treaty-bound states parties that comprise the governing bodies of those organizations.

International law (general): Effectively in practice since the Middle Ages,[126] "international law" the term commonly used with reference to the system of implicit and explicit agreements that have their source in the international community of states, rather than individual states, and that bind states together in common adherence to recognized values and standards of behavior. In its most general sense, international law consists of rules and principles of general application dealing with the conduct of states and of intergovernmental organizations and with their inter-relations, as well as with some of their relations with persons, whether natural or juridical.

(See **Legal person** and **Natural person** below.)

International law (private): Private international law (a.k.a., conflict of laws) is the body of conventions and model laws that regulate private relationships across national borders; e.g., divorce law or the law relating to the sale and transport of goods. Private international law is that branch of international law and interstate law that regulates all lawsuits involving a "foreign" law element, where different judgments will result depending on which jurisdiction's laws are applied. Private international law addresses the questions of (1) in which legal jurisdiction (i.e., which legal bodies entitled to act[127]) may a case be heard; and (2) the law concerning which jurisdiction(s) apply to the issues in the case law of supranational organizations.

Multilateral private international law treaties cover such areas as trade and commerce, finance and banking, trusts and estates, family and children (e.g., custody, adoption, etc.) matters, international judicial assistance, and regulations on real property, consumer law, currency control, insurance and banking. For ETO Consortium purposes, private international law matters concern those cases where regional or international agreements render the domestic laws of nation states inapplicable when conflicting with a supranational legal system.

In *civil law systems*, private international law is a branch of the internal legal system dealing with the determination of which state law is applicable to situations crossing over the borders of one particular state and involving a "foreign element" (*élément d'extranéité*), (collisions of law, conflict of laws, clash of regimes). *Lato sensu* (at large) it also includes

[126] The first treatise on international law (*Siyar* in Arabic) was the *Introduction to the Law of Nations* written at the end of the 8th century by Muhammad al-Shaybani. See Herbert J. Liebesny and Majid Khadduri, eds, *Law in the Middle East: Volume I: Origin and Development of Islamic Law* (Washington: The Middle East Institute, 1955).

[127] Rosslyn Higgins, *Problems and Process: International Law and How We Use It* (Oxford: Clarendon Press, 1994), p. 146.

international civil procedure and international commercial arbitration (collisions of jurisdiction, conflict of jurisdictions.

In *common law systems*, private law/conflict of laws is principally concerned with determining whether the proposed forum has jurisdiction to adjudicate and is the appropriate venue for dealing with the dispute. Secondly, it is concerned with determining which of the competing state's laws are to be applied to resolve the dispute. It also deals with the enforcement of foreign judgments.

There are two major streams of legal thought on the nature of conflict of laws. One group of researchers regard Conflict of Laws as a part of international law, claiming that its norms are uniform, universal and obligatory for all states. This stream of legal thought in Conflict of Laws is called "universalism." Other researchers maintain the view that each State creates its own unique norms of Conflict of Laws pursuing its own policy. This theory is called "particularism" in Conflict of Laws.

(See International law, public and private (compared) below.)

International law (public): Public international law includes, but is not limited to: the United Nations human rights treaties, maritime law (law of the sea), international criminal law, international norms pertaining to nationality and citizenship, the Geneva Conventions and other sources of international humanitarian law (IHL). A common classification of public-law fields is fourfold: (1) constitutional, (2) administrative, (3) public international and (4) international human rights law.[128]

Public international law concerns the structure and conduct of states and intergovernmental organizations. To a lesser degree, international law also may affect multinational corporations and individuals, an impact increasingly evolving beyond domestic legal interpretation and enforcement. Public international law has increased greatly in use and importance over the last century, due all to the increase in adjudicating disputes involving global trade, armed conflict, environmental degradation and human rights violations.

Public international law is sometimes called the "law of nations." It should not be confused with "private international law," which is concerned with the resolution of conflict of laws.

(See International law, public and private (compared) below.)

International law, public and private (compared): The primacy of human rights as a core objective of the United Nations is encapsulated explicitly in article 103 of the UN Charter: "In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, *their obligations under the present Charter shall prevail*."[129] When any treaty is interpreted according to its "object and purpose" in line with article 31(1) of the Vienna Convention on the Law of Treaties (1969), that object and purpose must cohere with, or at least not offend

[128] David Dyzenhaus, ed., *The Unity of Public Law* (Oxford and Portland OR: Hart Publishing, 2004).
[129] U.N. Charter art. 103

the purpose and principles embodied in the UN Charter that article 103 seeks to protect.[130] Even when an international court is not called upon to interpret a treaty, it is still required to observe the coherence of the international legal system given both the peremptory norm status of article 103[131] and the broad reading of that article's reference to international agreements.

Although jurists and UN bodies have tried to classify certain rules, including rights and duties, with adjectives such as "inalienable, "inherent" or "fundamental," these terms have not assumed precise legal meaning, but have influenced some tribunals' interpretation of human rights and corresponding duties, including treaty obligations. Some eminent court opinions have supported the view that certain over-riding principles of international law form the body of *jus cogens*, or obligations of behavior that states owe to the entire international community as a whole. A principle of *jus cogens* is also considered a preemptory norm in international law.[132] The ICJ has ruled that "such obligations derive, for example, in contemporary international law, from the outlawing of acts of aggression, and of genocide, as also from the principles and rules concerning the basic rights of the human person, including protection from slavery and racial discrimination."[133] Such rules cannot be diluted or superseded by an international treaty, but only by the codification of, or other means of establishing another countervailing norm. The UN Charter principles of nondiscrimination and self-determination, as well as crimes against humanity, fall into the category of *jus cogens.*[134] As the International Law Commission accepted[135] and the Vienna Convention on the Law of Treaties (1969) affirms that "A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law."[136] (See ***Jus cogens*** below.)

The least that can be said is that public international law has an effect on private international law[137] and the relationship between the two disciplines involved public international law significantly governing private international law.[138]

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[130] 113. U.N. Charter art. 103; *see also* Vienna Convention on the Law of Treaties on relations between States and International Organizations, or between/among International Organizations art. 30 ¶ 6, 21 March 1986, 25 I.L.M. 562 ("The preceding paragraphs are without prejudice to the fact that, in the event of a conflict between obligations under the Charter of the United Nations and obligations under a treaty, the obligations under the Charter shall prevail.").

[131] Stanislaw E. Nahlik, "Book Note, 84 AM. J. INT'L L. 779 (1990) (reviewing Lauri Hannikainen, *Preemptory Norms (*jus cogens*) in International Law: Historical Development, Criteria, Present Status* [1988]).

[132] The Vienna Convention defines a peremptory norm of general international law as "a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character." The Vienna Convention on the Law of Treaties, Article 53: Treaties conflicting with a peremptory norm of general international law (*jus cogens*).

[133] Barcelona Traction (second phase). ICJ Reports (1970), 3 at. 32.

[134] Also the acquisition of territory by force and piracy. See Ian Brownlie, *Principles of Public International Law* (Oxford: Clarendon, 1991), pp. 512–14.

[135] In the ILC's terms, "a treaty is void is it conflicts with a peremptory norm of general international law from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character." Final draft on the law of treaties (1966), Article 50. See *Yearbook of the International Law Commission* (1966), ii, pp. 247–49.

[136] Vienna Convention, *op cit*., Article 53.

[137] Dan Jerker B. Svantesson, "The Relation between Public International Law and Private International Law in the Internet Context," *Yearbook of New Zealand Jurisprudence*, Volume 9 (2006), pp. 154–60.

[138] "Discussion of the relationship of private to public international law is meaningful, however, only if private international law is carefully delimited." John R. Stevenson, The Relationship between Private International Law and Public International Law, *Columbia Law Review*, Vol. 52, No. 5 (May 1952), pp. 561–88

Intifadha: The common Palestinian—and now international—term for "uprising," derives from the Arabic verb *nafaḍha* (نَفَضَ) "to shake off." The Palestinian uprising against Israeli occupation that began on 7 December 1987 is referred to as the first Intifadha. The ongoing uprising sparked by Israeli Gen. Ariel Sharon's militaristic desecration of the Muslim Noble Sanctuary (Jerusalem) and the subsequent massacre of Palestinian faithful there after Friday prayers at al-Aqsa Mosque, 29 September 2000, has come to be known as the second, or al-Aqsa Intifadha.

Involuntary resettlement: The World Bank in 1980 devised the term "involuntary resettlement" to apply to forced evictions carried out in the context of its investment projects. In the parlance of the World Bank and other conforming international and regional financial institutions, "involuntary resettlement refers both to physical displacement (relocation or loss of shelter) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or means of livelihood) as a result of project-related land acquisition[139] or restriction of access to natural resources."[140] According to the Bank, "Resettlement is considered involuntary when affected individuals or communities do not have the right to refuse land acquisition that results in displacement. This occurs in cases of:

(i) lawful expropriation or restrictions on land use based on eminent domain;[141] and
(ii) negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail."[142]

Despite these distinctions devised for project-implementation purposes within World Bank policy, any displacement of persons in the context of such projects or other development that fails to comply with the legal criteria for a lawful eviction provided in CESCR General Comment No. 7, paras. 15–16 constitutes a form of forced eviction, whether or not the displacement involves some form of planned resettlement. [See **forced eviction** above.]

Jus cogens, is a Latin phrase that literally means "compelling law." "Peremptory norm" is a corresponding English term that refers to certain fundamental, over-riding principles of international law. They are considered hierarchically to be norms of "superior" value, distinct from the sphere of state-to-state contractual law, or other rules of international law, and are universally applicable and enforceable.[143]

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[139] Land acquisition includes both outright purchases of property and purchases of access rights, such as rights-of-way.

[140] Examples include loss of access to state-owned sub-surface mineral rights by artisanal miners; loss of access to marine fishing grounds due to project activities; restriction of access to resources located within state-determined exclusion zones not acquired by the client; and demonstrated decreases in agricultural, livestock, forest, hunting and fishing yields resulting from project-related disturbance and/or pollution.

[141] Such restriction may include restrictions of access to legally designated nature conservation areas.

[142] See "PR 5: Land Acquisition, Involuntary Resettlement and Economic Displacement," in *Environment and Social Policy* (London: EBRD, 7 May 2014), p. 36, http://www.ebrd.com/downloads/research/policies/esp-final.pdf. See also World Bank, Environmental and Social Framework Setting Environmental and Social Standards for Investment Project Financing (Washington: World Bank, 4 August 2016), http://consultations.worldbank.org/Data/hub/files/consultation-template/review-and-update-world-bank-safeguard-policies/en/materials/the_esf_clean_final_for_public_disclosure_post_board_august_4.pdf.

[143] *Report of the International Law Commission*, Seventy-first session, Chapter V, UN GAOR, A/74/10 (August 2019).

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

According to the International Law Commission,

> the peremptory norm of general international law (jus cogens) is a norm accepted and recognized by the international community of States, as a whole, as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law (*jus cogens*) having the same character.[144]

Human rights as Jus cogens

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

The following is a list of the principles of human rights that emerging global *jus cogens* obligations:[145]

- The right to life (International Covenant on Civil and Political Rights, art. 6)
- The right to humane treatment (ICCPR, art. 7; European Convention for the
- Protection of Human Rights and Fundamental Freedoms, art. 3; American Convention on Human Rights, art. 5.)
- Prohibition of criminal *ex post facto* laws (ICCPR, art. 15; ECHR, art. 7; ACHR, art.9)
- Prohibition of genocide (Convention on the Prevention and Punishment of the Crime of Genocide, art. 1)
- Prohibition of war crimes (Geneva Convention IV, arts. 146, 149)
- Prohibition of slavery (ICCPR, art. 8; ECHR, 64, art. 4; ACHR, art. 6.)
- Prohibition of discrimination on the basis of race, color, sex, language, Religion, or social origin; (ICCPR, art. 4. ICCPR, art. 16; ACHR, art. 3)
- Prohibition of imprisonment for civil debt (ICCPR, art. 11)
- Prohibition of crimes against humanity (ICC Statute, art. 7)
- The right to legal personhood (ICCPR, art. 16; ACHR, art. 3)
- Freedom of conscience (ICCPR, art. 18; ACHR, art. 12) and
- The right to self-determination (e.g., Namibia Advisory Opinion 1971,[146] based on a series of General Assembly resolutions and state practice of decolonization.

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[144] Predrag Zenovic: *Human rights enforcement via peremptory norms – a challenge to state sovereignty*, RGSL research papers, No. 6. 2012.

[145] *Ibid.* p. 34.

[146] International Court of Justice, "Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)," https://www.icj-cij.org/case/53#:~:text=In%20its%20Advisory%20Opinion%20of,to%20withdraw%20its%20administration%20immediately.

Justice (theories of): Within the pursuit of justice are four main types that seek distinct ends. None of these is mutually exclusive, but their classification has helped to serve desired purposes and prioritize outcomes at particular historic moments. These include:

1. **Distributive justice**, also known as economic justice, is about fairness in what people receive and use, whether goods, services or attention within a system. It seeks to remedy the imbalance of the old social and economic order, and its roots lie in notions of socialism, where equality is a fundamental principle. Distributive justice is a corrective approach that ensures that the least well-off become better off first.
2. **Procedural justice** is concerned with making and implementing decisions according to fair processes that ensure "fair treatment." Procedural justice requires that rules and procedures must be followed impartially and consistently applied, in order to generate an unbiased decision or outcome. Those carrying out the procedures should be neutral, and those directly affected by the decisions should have some voice or meaningful representation (participation) in the decision-making process.
3. **Retributive justice** is a retroactive approach that justifies punishment of the perpetrator of an injustice as a response to past wrongdoing.
4. **Restorative justice** Restoration means putting things back as they were an injustice was perpetrated, so the outcome may include some act of contrition to demonstrate that the perpetrator is truly sorry. This may include actions to benefit, and even extra payment to the offended party. Restorative justice is also known as "corrective justice."

Other types of justice:

Depending on the particular circumstance, it may be desirable to serve other forms of justice. See also **Climate justice** and **Environmental justice** (above), as well as **Social justice** and **Transitional justice** (below).

Land development: the processes of implementing land-use planning or development proposals for building new neighborhoods and new physical infrastructure, planning and managing the change of existing urban or rural land use by granting permissions and land-use permits. Depending on the scale of the development project, the process may include a range of activities such as land acquisition, subdivision, legal assessment and planning consent, project design, construction works and the distribution of development incentives and costs. The process also includes a range of actors such as present and absentee landowners, traditional inhabitants and other users, surrogate land holders, secondary occupants, developers, public authorities, building contractors and financial institutions.

Landless: A person or group living without equitable access to, and use of rural or urban land with secure tenure as needed to fulfill one or more human needs and/or human rights (See: **Landlessness** below) due to any single, or combination of means and factors, including but not limited to:

- Discrimination;
- Dispossession;
- Displacement, including forced eviction;
- Denial (of use, access, etc.);
- Scarcity of land;

- Insufficient capability;
- Damage or destruction of land and/or means of access.

Landless persons or groups may be variously characterized as:

- Victims of landlessness (resulting from an act of crime or abuse of power and entitled to reparation),
- Affected by landlessness (whether the perpetrator(s)/duty holder(s) known or not),
- Vulnerable to landlessness (subject to policy priority and/or temporary special measures),
- Potential producers on land deprived of land, whereas available land is deprived of its social function (see Social Function below);
- Agents of remedy, in the sense that landless persons represent untapped potential for production and socially necessary labor on land.

Landlessness may result from causes involving:

- Political tyranny, social injustice;
- Conflict, occupation, war and colonization;
- Natural disasters and climate change;
- Failed land laws and policies;
- Corruption and fraud;
- Land grabbing;
- Insufficient lands for suitable use;
- Poverty and debt;
- Forcible displacement/population transfer;
- Corporate exploitation (land owners or users [e.g., farmers] expelled in favor of investment and global companies);
- State acquisition/public purpose (e.g., for the sake of selling or leasing to generate revenue for the state or government);
- Temporary measures prolonged (e.g., whereby acquisition takes place under the pretext of rehabilitation, conservation, development, or reconstruction, especially after natural disasters, wars and drought, and lands are not returned to their rightful owners);
- Displacement or refugee crisis (as in the case of a refugee or asylum seeker's well-founded fear of persecution or security threat);
- Land degradation, whether due to mismanagement, desertification, contamination or climate change.

A landless person or group may need land for:

- Cultivation and plantation;
- Grazing as a function of pastoral livelihood and lifestyle;
- Dwelling and cultivation;
- Residence only;
- Other forms of livelihood, including investment and trade.
- Access to, and use of land as a natural resource (e.g., for environmental sustenance, water or recreation).

Internationally codified human rights affected by landlessness may include:

- Life,
- Decent work,
- Livelihood,
- Adequate housing,
- Adequate food,
- Family,
- Social security,
- Highest attainable standard of mental and physical health,
- Freedom of movement,
- Water,
- Property,
- Freedom from discrimination,
- Gender equality,
- Fair trial/rule of law,
- Self-determination.

International humanitarian law provisions and prohibitions include:

- Evacuations only temporary (Hague, §§42–56; Geneva IV, §§27–34, 47–78)
- Prohibited: discrimination, exploitation, causing loss or depletion of, or endangering natural resources in the occupied territory (e.g., Palestine, Western Sahara, Cyprus) (Hague, §§55; Geneva IV, §55)
- Altering legal system in occupied territory prohibited (Hague, §43)
- Population transfer criminalized (Rome, §§7,8)

Landlessness: is the condition of being without equitable access to, and use of rural or urban land with secure tenure as needed to fulfill one or more human needs and/or human rights. (See **Landless** above.)

Landpedia: is a specialized database dedicated to issues related to the human rights dimensions and people's struggles over land. It includes proceedings of the HLRN Land Forums, a Library (containing Legal Materials: Customary law instruments, Treaty law instruments, Soft law instruments, Legislation, Jurispridence and Legal Commentary; Popular Sources; Analytical Materials; and Other Documentation), Land Struggles information, opinion and studies about land, based on HLRN Land Forum contributions and related research, as well as access to all issues of *Land Times*. The *Landpedia* is available on the internet in Wikipedia format.

Law of nations: (See **International law** (public) above.)

Leasehold: The right to hold or use property for a fixed period of time at a given price, without transfer of ownership, on the basis of a lease contract. A leasehold is a fixed asset.

Legal person: A "legal person" (also sometimes called "juridical person" or "juristic person") is a legal entity through which the law allows a group of natural persons to act as if they were a single entity (composite individual) for certain legal purposes. In some jurisdictions, a single person also may have a separate legal personality other than her/his natural own.[147] (Common examples include heads of corporations, ecclesiastical offices, such as a bishop and his/her office, and certain statutory offices, such as a public environmental protection agency, or minister of trade.)

Such a legal distinction does not mean that these corporations or offices are human beings, but only that the law allows such composite entities to act as persons for certain limited purposes, most commonly as parties to lawsuits and contracts, or owners of property. (This concept is distinct from and should *not* be confused with limited liability or the joint stock principle.[148])

Certain basic rights, like freedom of expression, adequate housing, food security and due process of law, do not necessarily follow from legal personhood, but instead from natural personhood.

A legal person is sometimes called an "artificial person" or "legal entity," although the latter is sometimes understood also to include natural persons as well.

The "legal person" concept is more central to Western—both common law and civil law—countries, but it is also found in virtually every legal system.[149]

Legal rights: (See **civil rights** or **statutory rights**.)

Limited equity coop(erative): a form of housing tenure in which shareholder residents manage their buildings, within limits imposed by a charter, and have the right to recover the costs and payments that they have paid for their shares, plus an allowance for improvements, if and when they decide to leave.[150]

Livelihood: The resources used and the activities undertaken for people to live. Not limited to remuneration for labor, economic security and other resources, livelihood is a composite of sustaining benefit derived from capabilities, assets (including both material and social resources) and activities that sustain human life with dignity.

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[147] For example, under English law, this is referred to as a corporation sole. See Luigi Cerri, "Corporate Personhood and Economic Democracy," Università di Siena, Dipartimento di Economia Politica; Université de Paris X, Ecole Doctorale "Economie, Organisation, Société," http://www.econ-pol.unisi.it/econdem/Documenti/Luigi%20Cerri.doc.

[148] A joint stock company is financed with capital invested by the members or stockholders who receive transferable shares, or stock. It is under the control of certain selected managers called directors. Joint stock companies are a form of partnership in which each member, or stockholder, is financially responsible for the acts of the company. It is not a legal entity separate from its stockholders.

[149] George F. Deiser, "The Juristic Person," *University of Pennsylvania Law Review and American Law Register*, Vol. 57, No. 3 [new series Vol. 48] (December 1908), pp. 131–42.

[150] Duncan Kennedy, "The Limited Equity Coop as a Vehicle for Affordable Housing in a Race and Class Divided Society," 46 *Howard Law Journal* 85–125, 85 (fall 2002).

Livelihoods are usually determined by the entitlements and assets to which people have access. Such assets can be categorized as human, social, natural, physical or financial.

Lobby/lobbying: A form and approach of advocacy involving direct contact with legislators to persuade them to vote or decide on an issue.

Local government/administration: Local government is commonly defined as the lowest tier of public administration within a given state. In unitary states, local government usually comprises the second or third tier of government, whereas in federal states, it is constituted as the third or sometimes fourth tier of government. Local government aims at bringing government to the grass-roots and enabling the citizens to participate effectively in the making of decisions affecting their daily lives. As the level closest to the citizens, local government is in a much better position than central government to deal with matters that require local knowledge and regulation on the basis of local needs and priorities.

The organization and functioning of local government considerably vary between countries. Different names are used for local government entities in different countries (county, prefecture, district, city, town, borough, parish, municipality, village, etc.). Local governments exist geographically both in urban and rural settings.

Local governments possess certain powers conferred upon them by legislation or directives of the higher levels of government. These powers consist, in substance, in regulating and managing certain public affairs and delivering certain public services. The extent of powers of local government should always be analyzed in the context of relations between local authorities and central government or regional authorities (in federal states). One of the important features of local government is that it has a specific, subordinate regulatory power for the exercise of its functions which is, however, subject to compliance with the law.

Although in some countries “local government” and “local self-government” are used interchangeably, given the fact that local government has different forms in different countries these two concepts should be differentiated. Local public administration can be exercised not only by local self-government entities (e.g. municipalities), but also by local units of state administration; the former are directly elected by the local population and enjoy wide-ranging autonomy, whereas the latter act as agents of the higher authorities and their officials are appointed by and responsible to those authorities. Local self-government is based on the principle of decentralization, and local state administration is based on the principle of deconcentration.

The degree of self-government enjoyed by local authorities can be regarded as a key element of genuine democracy. In this regard, political, fiscal and administrative decentralization is essential for localizing democracy and human rights. It should be borne in mind that democracy is not possible without respect for human rights and no human rights can be achieved without democracy.

The role of local authorities should not be limited to mere executors of decisions taken and policies developed without them. On the other hand, local independence should have certain limits clearly prescribed by law, and mechanisms may be available for supervising the legality of local authorities' activities.

To ensure effective local governance and adequate implementation of human rights at the local level, it is important to have a proper legal framework for local government. The organization, powers and functions should be clearly prescribed by law. Further, national legislation should delineate clearly the responsibilities and powers of central and local government authorities in relation to one another.

Local government should preferably be recognized in the national Constitution; indeed in a number of countries, the constitutions specifically protect local government autonomy. It should be underlined that the constitutional protection provides the greatest guarantee of stability. A specific law on local government passed by national parliament is the next best solution in this regard. In a few countries, legal safeguards are in place to maintain the stability of laws governing local government. In Hungary, for example, Law on Local Authorities can be adopted or amended only by a two-thirds majority of the parliamentarians present. The same applies to any legislation restricting the rights associated with local self-government.

It is noteworthy that the principles of subsidiarity, decentralization and accountability are explicitly envisaged in a number of countries as main principles of local government. Furthermore, the respective laws provide for the right of local authorities to have recourse to a judicial remedy in order to ensure respect for such principles.[151]

Local Government (الحكومة المحلية) v. Local Authority (السلطات المحلية/السلط الجهوية): For the citizen, local governance is the most-proximate of the various distinctive, interdependent and inter-related spheres of government within a territorial state. In unitary states, local governance usually comprises one of two or three spheres of government; whereas, in federal states, it is constituted as one of three or sometimes four spheres of government. [para. 6]

It is important to distinguish the meanings of terminology and concepts distinguishing "local administration" from "local government." The former is a generic term that may or may not constitute "government" and its functions as defined in human rights terms.

Both forms of governance possess certain powers conferred upon them by legislation or directives of the higher levels of government. These powers consist, in substance, in regulating and managing certain public affairs and delivering certain public services. The extent of powers of local governance should always be analyzed in the context of relations between local authorities and central government or regional authorities (in federal states). One of the important features of local governance is that it has a specific, subordinate regulatory power for the exercise of its functions which is, however, subject to compliance with the law [para. 8].

[151] UN Human Rights Council, Advisory Committee, "Preliminary research-based report on local government and human rights," A/HRC/AC/13/CRP.4, 11 August 2014, paras. 6–14.

"Local government," or "self-government," aims at bringing government to the grass-roots and enabling the citizens to participate effectively in the making of decisions affecting their daily lives. As the level closest to the citizens, local government is in a much better position than central government to deal with matters that require local knowledge and regulation on the basis of local needs and priorities. Local governments exist geographically both in urban and rural settings. [para. 6]

The degree of self-government enjoyed by local authorities can be regarded as a key element of genuine democracy. In this regard, political, fiscal and administrative decentralization is essential for localizing democracy and human rights. It should be borne in mind that democracy is not possible without respect for human rights and no human rights can be achieved without democracy. [para. 10]

"Local authorities" may include forms of governance closely associated with, or directly extending from the executive-branch of central government. That model is inconsistent with the latter notion of "local government" (or "local self-government"), which involves actual local decision making within a state in ways that foster and develop local participation and meaningful citizenship for the majority of inhabitants within subnational units belonging to the territorial state.

Thus, the notion of "local authority," as distinct from "local government," does not necessarily lend itself to the democratic practices of government. In the modern sense of statecraft, "government" involves citizen participation. Administration defined merely as "authority" does not.

Appointed military or political elites as regional governors or local mayors and council members may constitute "local authority." However, the tendency is for such systems and figures effectively to represent no one, except for the appointing party, which may be a monarch, an executive office, or a military commander.

In global practice, the majority of cities have elected mayors. However, some systems have central authorities assuming mayoral selections by political, military or royal appointment, rather than through constituent elections. Even in some rare cases, constituents have declined their right to elect a municipal head, favoring instead appointed local governing councils.

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.

Local knowledge: The understandings and skills developed by individuals and populations, specific to the places where they live. Local knowledge informs decision making about fundamental aspects of life, from day-to-day activities to longer-term actions. This

knowledge is a key element of the social and cultural systems, which influence observations of, and responses to change. Local knowledge should also inform governance decisions.[152]

(See also **Indigenous knowledge** above.)

Manipulation: A relationship in which concerned parties are placed in forums such as advisory committees to "prove people's involvement in a programme," but without any real power to influence or make decisions affecting them.[153]

Marginalization: Marginalization refers to the set of processes through which some individuals and groups face systematic disadvantages in their interactions with dominant social, political and economic institutions. The disadvantages arise from class status, social group identity (kinship, ethnicity, caste and race), political affiliation, gender, age and disability.

Beyond just a spatial metaphor, marginalization is a complex and multidimensional concept that cannot be seen simply as a state of being (a condition of low income or food insecurity), but needs to be considered a process over time with several inter-related elements interacting with social and economic conditions, political standing, and environmental health.

A full understanding of the term marginalization needs to be based on the view that the best judge of poverty and marginalization are the people experiencing it.[154]

Mass exodus: An event in which a large group of people leave a region because of conflict, ethnic or religious persecution, or natural disaster.

Massacre: A term borrowed from French,[155] used as either a noun or verb, referring to the killing of a "significant number" of (at least five[156]) persons in a single event, whereas victims are undefended, or have little capability of defending themselves relative to their attacker(s).[157]

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[152] UNESCO (2018),

[153] Arnstein, *op. cit.*

[154] Adapted from Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, undated, https://www.ipbes.net/glossary-tag/marginalization.

[155] From Old French *macecre* or *macecle*, meaning slaughter, derived from the verb *macecler* / *macecrer* (massacrer), also in its 12th Century form: *maçacre*. Its origins may be either from the Arabic *maslakh* (مسلخ), also meaning to butcher, or to skin, or from the Latin vulgate *matteuculare*, derived from gallo-roman *matteuca*..

[156] Rocio Mezquita, "The Guatemalan Commission for Historical Clarification: *Data Processing*," in Patrick Ball, Herbert F. Spirer, and Louise Spirer, eds. *Making the Case: Investigating Large Scale Human Rights Violations Using Information Systems and Data Analysis* (Washington: AAAS, 2000); Eric Carlton, "Race, Massacre and Genocide: An Exercise in Definitions," *International Journal of Sociology and Social Policy*, Vol. 10, No. 2 (1990), 80–93. The United Nations Office of the High Commissioner for Human Rights refers to a massacre as an act of killing *three* or more persons. OHCHR, *Human Rights and Law Enforcement: A Manual on Human Rights training for Police* (Professional Training Series No. 5) (Geneva: OHCHR, 1997).

[157] The foregoing definition is based on the application of the term in human rights, humanitarian law and criminal contexts. More generally, the Oxford English Dictionary defines "massacre" as, "The indiscriminate and brutal slaughter of people or (less commonly) animals; carnage, butchery, slaughter in numbers." The first known use of the term in the

Megaproject: This term does not have one strict technical or legal definition. However, the many definitions and explanations of megaprojects concur that a megaproject is a large-scale, high-cost project involving transportation infrastructure (roads, highways, rail systems, etc.), consumption (hotels, shopping centers, resorts, real estate development), industries (minerals, petroleum/oil, etc.), mechanized agricultural and monoculture projects, energy and water projects (power plants, dams, etc.), and/or production, among others.

"Mega," derived from the Greek (μέγας), meaning *great*, is a unit prefix in the metric system denoting a factor of one million. The "mega" in megaproject can connote the high cost of the undertaking, with many sources stating that a megaproject is an endeavor with a minimum cost of USD 1 billion. The "mega" also can indicate the high skill level and attention required to undertake, maintain and manage such a project. However, the "mega" dimension of these projects also reflects the social and environmental impact, as such projects are never built without a significant human effect. Due to the size of a megaproject, it typically results in displacement of persons and communities and the interruption of, and/or separation from their sources of livelihood.

Gellert and Lynch provide a working definition of a megaproject that both include what it is and its inherent socioeconomic and political effects of such a project. Their definition states that megaprojects are "projects [that] transform landscapes rapidly, intentionally, and profoundly in very visible ways, and require coordinated applications of capital and state power. They use heavy equipment and sophisticated technologies usually imported from the global North, and require coordinated flows of international finance capital." Gellert and Lynch also state that "megaprojects entail 'creative destruction' in a material sense: they transform landscapes rapidly and radically, displacing mountaintops, rivers, flora and fauna, as well as humans and their communities."[158]

Metabolism (habitat): A metabolism is the sum of chemical and physical processes that are continually occurring within a living organism and are essential to life and well-being. In this organic sense, two kinds of metabolism are often distinguished: constructive metabolism, which is the synthesis of the proteins, carbohydrates, and fats that form tissue and store energy, and destructive metabolism: the breakdown of complex substances and the consequent production of energy and waste matter.

In human settlement development, management, governance and planning, the habitat metabolism is the subject of a holistic vision that addresses and treats a human settlement as a living organism and seeks to sustain it. Infrastructure, resource use and efficiency,

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English language refers to events in France known as the Saint Bartholomew's Day Massacre (*Massacre de la Saint-Barthélemy*), in which an estimated 5,000 to 30,000 victims were killed. A long but incomplete list of events commonly referred to as "massacres" is found http://en.wikipedia.org/wiki/List_of_massacres#cite_ref-OED_N_0-0.

[158] More information can be found Paul K. Gellert and Barbara Lynch, "Mega-projects as Displacements," UNESCO, 2003; Alan Altshuler and David Luberoff, Mega-Projects: The Changing Politics of Urban Public Investment (Washington: Brookings Institution, 2003); "Megaprojects," Northmann Research website, http://www.nothmann.com/project-management/megaprojects/; "What are Megaprojects?" WiseGeek website, http://www.wisegeek.com/what-are-megaprojects.htm; Virginia Greiman, Megaproject Management: Lessons on Risk and Project Management from the Big Dig (New York, London, Hoboken: John A. Wiley, 2013).

production, environment viability and human well-being are key elements of a habitat metabolism. (See definition of **Habitat** above.)

In a habitat metabolism approach, infrastructure is understood as directing material flows and, therefore, resource use, productivity and efficiency in an urban or rural context. It enables examining human settlements of any scale from a material-flow perspective, with a dynamic and continuous flow of inputs and outputs as its "metabolism," while also understanding human habitats within the broader system of flows that make it possible for them to function. The habitat metabolism approach perceives the design, construction and operation of infrastructures, such as for energy, waste, water, sanitation and transport, create a social and technical environment that shapes the "way of life" of inhabitants and how they procure, use and dispose of the resources they require. This approach examines pressures for change within cities that go beyond technical considerations and emphasizes the importance of intermediaries as the dominant agents for change, as well as the fact that social processes and dynamics need to be understood and integrated into any assessment of interventions within a comprehensive strategic vision of the city region or any other human settlement.

Studies of habitat metabolism involve an analysis of stocks and flows.[159] Stocks include the resources available within the human settlement (buildings, roads, infrastructures), whereas flows involve resource inputs from within and outside the human settlement and the outputs from it to areas within and beyond its borders. However, a complete study of a habitat metabolism should include cultural, social, economic, political, human rights and ethical issues.

The metabolism of a typical modern city can be described as "linear" in the sense that it extracts resources from beyond its recognized boundaries, makes use of them within those boundaries to support human activities, and then deposits the resulting wastes in high concentrations back onto the external environment. Modern cities require a continuous supply of resource inputs and an unlimited capacity of nature to absorb the concentrated wastes they produce.

In this way, the modern city's metabolism is fundamentally different to the circular metabolism found in a natural ecosystem that produces no waste and survives off its immediate environment. The habitat metabolism approach helps formally to recognize the

[159] Joe Ravetz, *City Region 2020: Integrated Planning for a Sustainable Environment* (London: Earthscan, 2000); Sabine Barles, "Urban Metabolism of Paris and its Region," *Journal of Industrial Ecology*, Vol. 13, No. 6 (2009), pp. 898–913; Paul H. Brunner, Hans Daxbeck, and Peter Baccini, "Industrial Metabolism at the Regional and Local Level: A Case Study on a Swiss Region," in Robert U. Ayres and Udo E. Simonis, ed., *Industrial Metabolism: Restructuring for Sustainable Development* (Tokyo, Paris, New York: United Nations University Press, 1994); Fredrik Burström, Nils Brandt, Björn Frostell and Ulf Mohlander, "Material Flow Accounting and Information for Environmental Policies in the City of Stockholm. Analysis for action: support for policy towards sustainability by material flow accounting"; Hans Daxbeck, Christoph Lampert, Leo Morf, Richard Obernostere, Helmut Rechberger, Iris Reiner and Paul H. Brunner, *The Anthropogenic Metabolism of the City of Vienna. Regional and National Material Flow Accounting: From Paradigm to Practice of Sustainability*; Marina Fischer-Kowalski, "Society's Metabolism: Origins and Development of the Material Flow Paradigm," proceedings of the *ConAccount* workshop 21–23 January 1997 (Leiden: Wuppertal Institute, 1997); Fredrik Burström and Jouni Korhonen, "Municipalities and industrial ecology: Reconsidering municipal environmental management," *Sustainable Development*, Vol. 9, Issue 1 (February 2001), pp. 36–46; Mireille Faist Emmenegger, and Rolf Frischknecht, « Métabolisme du Canton de Genève - Phase 1» (Uster: ESU Service (2003); Mark Hammer, Stefan Giljum, Fed Luks and Matthias Winkler, Die ökologische Nachhaltigkeit regionaler Metabolismen: Materialflussanalysen der Regionen Hamburg, Wien und Leipzig," *Natur und Kultur*, Vol. 7, No. 22 (2006), pp. 62–78.

relevance of the practices in circular metabolisms, especially the ecological benefits, despite the lack of support from officials and urban producers and consumers.

As the understanding of urban metabolism grows, it will become possible to shed much greater light on the total material requirements (TMRs) of cities, including both direct and indirect flows. This will reveal how dependent cities are on material imported from other localities within and beyond national boundaries, indicating the environmental impact of cities on other localities and habitats.[160]

Migrant: "Any person who lives temporarily or permanently in a country where he or she was not born, and has acquired some significant social ties to this country."[161]

Minimum core obligation: A minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the right to housing is incumbent upon every State party to the relevant human rights treaties (ICESCR, ICERD, etc.). "Thus, for example, a State party in which any significant number of individuals is deprived of… basic shelter and housing, or of the most basic forms of education is, *prima facie*, failing to discharge its obligations… [A]ny assessment as to whether a State has discharged its minimum core obligation must also take account of resource constraints applying within the country concerned. Article 2 (1) [of ICESCR] obligates each State party to take the necessary steps `to the maximum of its available resources.' In order for a State party to be able to attribute its failure to meet at least its minimum core obligations to a lack of available resources it must demonstrate that every effort has been made to use all resources that are at its disposition in an effort to satisfy, as a matter of priority, those minimum obligations.[162]

Mitigation: In the context of climate change and climate action, mitigation can be any human intervention that aims to reduce greenhouse gas emissions or enhance the sinks of greenhouse gases.

Moral rights: (See **natural rights** or **inalienable rights**.)

Multistakeholderism: A governance model or structure, sometimes known as a multistakeholder initiative, that seeks to bring stakeholders together to participate in the dialogue, decision making, and implementation of solutions to common problems or goals. The principle behind such a model/structure is that, if enough input is provided by all actors involved in a question, the eventual consensual decision gains more legitimacy and, therefore, better reflects a set of perspectives rather than a single source of validation.

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[160] International Resource Panel (lead authors: Mark Swilling, Blake Robinson, Simon Marvin and Mike Hodson), City-level Decoupling: urban resource flows and the governance of infrastructure transitions (Nairobi: United Nations Environment Programme, 2013);

[161] Council of Europe, "Migration and integration - basic concepts and definitions," http://social.coe.int/en/cohesion/action/publi/migrants/concepts.htm#back1.

[162] Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 3: The nature of States parties' obligations (art. 2, para. 1, of the Covenant)," para. 9.

Forms of multistakeholderism may be distinguished as "representative" multistakeholderism in which a limited number of roles are distributed to representatives through some selection process, and "open" multistakeholderism, which relies on participants self-selecting to balance perspectives.

The pursuit of a consensual decision differs from other models of democracy. Multistakeholderism implies or assumes equal weight of the stakeholders in deliberation and decision making. It is important to understand the power relationship within any multistakeholder governance model and interrogate the moral weight of each with respect to the respective interest represented by the stakeholders. A moral distortion arises in structures that treat private, plural and public interests equally; whereas, in fact, the pursuit of private interests typically creates and imbalance and generates contention with the plural and public interested parties within the group.

Municipalism: is a new term, or buzzword, used in debates about new urban movements and the democratization of politics. In Europe it is currently associated especially with cities in Spain, the most prominent Barcelona. However, Municipalism has become a worldwide movement by citizen platforms taking political power and using the city as a starting point for profound democratic change. Municipalism and municipalist politics rest on four essential pillars of Municipalist politics: The feminization of politics, the expansion of the commons, the re-municipialication of public services (i.e., transfer of corporations or other assets to municipal ownership) and the re-designing of democracy.

Municipalization: is the transfer of corporations or other assets to municipal ownership. The transfer may be from private ownership (usually by purchase) or from other levels of government. It is the opposite of privatization and is different from nationalization.

Natural person: a “natural person” is a perceptible human being that is subject to physical laws, as opposed to an “artificial,” “legal” or “juristic” person. Those latter categories of legal subjects (“legal persons”) could be something other than a human person. Such a “legal person” could be an organization that the law treats for some purposes as if it were a “person” (entity) apart from its members or owners.

Certain rights apply to “natural persons” only.[163] Natural persons inherently possess fundamental human rights, like the right to life. For example, a corporation, although a “legal person,” cannot vote or hold public office as a “natural person” has the right to do. However, a corporation or formal organization, as a “legal person,” can file a lawsuit and seek remedy/reparation.

As distinct from a natural person, normally, every natural person is also a legal person in the sense that a natural person holds at least as many rights as a legal person. For our purposes,

[163] For example, such legal provisions as Amendment XIX to the *United States Constitution*, which guarantees a woman's right to vote, or Section 15 of the *Canadian Charter of Rights and Freedoms*, which guarantees equality rights, apply to natural persons only.

a natural person is the principal rights holder in human rights law and international humanitarian law, and a legal person, such as a corporation, may also be a duty holder and subject to regulation through the state's extraterrritorial obligations.

Certain basic rights, like freedom of expression, adequate housing, food security and due process of law, do not necessarily follow from legal personhood, but instead from natural personhood.

A legal person is sometimes called an "artificial person" or "legal entity," although the latter is sometimes understood also to include natural persons as well.

Natural rights: (also called *moral rights* or *inalienable rights*) are rights that are not contingent upon the laws, customs, or beliefs of a particular society or polity. Natural rights are thus necessarily universal. (See also **civil rights**, **legal rights** or **statutory rights** for contrasting concepts.)

Nonparticipation: A relationship whereby stakeholders have no substantive role or formal channel to influence decisions or corresponding actions in matters that affect them. Nonparticipation is the way of power holders claiming inclusion of people without any real objective of enabling stakeholder participation.[164]

Nonrefoulement: The term "nonrefoulement" refers to a cornerstone of asylum and international refugee law which prohibits the expulsion or return to a country in which a person's life or freedom is threatened. Article 33 (1) of the 1951 Convention Relating to the Status of Refugees states th

1. No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

The right to seek asylum is found in Article 14 of the Universal Declaration of Human Rights, and the principle reflects international commitment to ensure the protection of these rights including the rights to life, to freedom from torture or cruel, inhuman or degrading treatment or punishment, and to liberty and security of person. Non-refoulement is considered as a rule of customary law, thus all states are bound to respect this principle whether or not they are signatory to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol.[165]

Neoconservative: "Neoconservative" ideology and its purveyors (neocons) can have many different connotations. However, neoconservatism that affects housing and land policies

[164] Arnstein, *op. cit.*

[165] For more information on this principle please see UN High Commissioner for Refugees (UNHCR), *UNHCR Note on the Principle of Non-Refoulement*, November 1997, http://www.refworld.org/docid/438c6d972.html.

and administration is that ideology and its adherents that pursue socioeconomic development models developed in the United States and seek their replication to their private interest in other countries. Neocons and neoconservatism are closely identified with behaviors, policies, project and plans that seek to expand U.S. economic, political and material domination extraterritorially. The Project for the New American Century, which can be identified as a prominent neoconservative organization in the United States, promotes the view th

> "American [i.e., United States] leadership is good both for America and for the world; and that such leadership requires military strength, diplomatic energy and commitment to moral principle."

This definition is U.S. focused, but outlines important elements of neo-conservatism, which protagonists describe as those supporting government solutions and foreign [U.S.] interventionism to a perceived social problem.

Proponents of neoconservatism claim that their ideology is grounded in a moral-political rationality, as distinct from neo-liberalism's market-political rationality. Rather than a merely social or ideological formation, neoconservatism is a political formation that seeks to influence world developments in fulfillment of its own vision and preferences. Neoconservatism embodies a convergence, or alliance of convenience among the interests of seemingly diverse factions, including evangelical Christians, conservative feminists, Zionist groups and secular "cold warriors," among others, in an alliance that is "unevenly and opportunistically religious." What unites these groups are:

- A strong state that will use its strength via military or political power [consistent with their world view and political preferences];
- A state that will ally itself with, and empower corporations;
- Individuals that are not necessarily always religious, but ally themselves with [Judeo-Christian concepts of] the religious/religion;
- War (and the preparation for war) is viewed as the restoration of private virtue and public spirit.

Overall, neoconservatism calls for a revival of patriotism, a strong military, and an expansionist foreign policy. In matters of war, neocons and neoconservatism find common cause with neoliberals, perceiving destruction as an opportunity for renewal, offering private sector actors new opportunities for reconstruction and profit.

Neo-conservatives view foreign investment (with the pre-conditions of privatization), usually in countries located in the global south or third world as means of spreading "democracy." However, many of these groups, as Brown notes, are also united under a "shared loathing" of organizations such as the United Nations and Amnesty International, among other watchdog or regulatory groups.[166]

[166] More information can be found *Project for the New American Century*: http://www.newamericancentury.org/; Wendy Brown, "American Nightmare: Neoliberalism, Neoconservativism, and De-Democratization," *Political Theory*, Vol. 34, 2006; Anne Norton, *Leo Strauss and the Politics of American Empire* (New Haven and London: ale University Press, 2005), p. 178. Norton's description aims to reveal the affinities of neoconservatism with Nazism. "What is Neo-Conservatism?" *WiseGeek*, http://www.wisegeek.com/what-is-neo-conservatism.htm#didyouknowout; Michael Schwartz, "Neo-liberalism on crack: Cities under siege in Iraq," *City*, Vol. 11, Issue 1 (1 April 2007).

Neoliberal theory: refers to a school of thought which believes that nation-states are, or at least should be, concerned first and foremost with absolute gains rather than relative gains to other nation-states. This theory is often mistaken with neoliberal economic ideology, although both use some common methodological tools, such as game theory.

Neoliberalism: In the context of economics, "neoliberalism" refers to an approach that is intertwined with modern-day capitalism. In essence, it aims to facilitate trade among countries. The ideology and its corresponding policy approaches seek to relieve the state of its human rights obligations and social spending so as to defer instead to the market as the principal agent of development. This is done by allowing capital, goods and raw materials to move more freely and for investors always to obtain cheaper resources and inputs, thus maximizing efficiency and profits. The neo-liberal approach to economics and commerce seeks a reduction of barriers, tariffs and restrictions on the movement of capital and goods; decreased government deregulation, including environmental safeguards, safety precautions, etc.; and privatization, namely the sale of publicly owned (public-sector) projects, goods and services, such as banks, railroads, electricity, medical facilities, security, schools and water, to private investors, who then determine pricing, distribution and conditions of access.

The governments of most highly industrialized and capitalized countries, as well as most major international financial institutions (i.e., the International Monetary Fund, the World Bank, the Inter-American Development Bank, and the European Bank for Reconstruction and Development) promote and apply this economic philosophy through their cross-border conduct.

As a function of current economic globalization, these external actors and compliant local decision makers have implemented neoliberal policies in many poor and developing countries through structural adjustment and their successor programs, which have dismantled planned economies, in order to allow for foreign capital and goods to enter lesser-developed countries, in order to access cheaper services and resources without restriction. This process has had a largely negative effect on the economic sovereignty of countries of the Third World and created unfair competition that has diminished livelihoods of local producers.[167]

Network: A social organization whose structure resembles an openwork fabric or composition in form or concept, especially:

- A complex, interconnected group or system;
- An association of people drawn together by common relation or interest;
- An extended group of people or entities with similar interests or concerns who interact and remain in informal contact for mutual assistance or support.

[167] Elizabeth Martinez and Arnoldo Garcia, "What is Neoliberalism? A Brief Definition for Activists," *CorpWatch*, http://www.corpwatch.org/article.php?id=376; Anup Shah, "A Primer on Neoliberalism," *Global Issues* (22 August 2010), http://www.globalissues.org/article/39/a-primer-on-neoliberalism#Neoliberalismis;

The term "social network" was first coined by London School of Economics professor J. A. Barnes in the 1950s, who defined the size of a social network as a group of about 100 to 150 people.[168]

(For some definitions of terms distinguishing types of collective action such as alliance, coalition, collective, movement and network, click here.)

Non-refoulement: The fundamental principle that prescribes that no person should be returned to any country where s/he is likely to face persecution or torture. The principle encompasses both nonreturn and nonrejection.

Obligation: As the state is the only legal personality authorized to enter into a treaty and make international law, the state bears a legally binding duty (obligation) either to act positively or refrain from acting negatively so as to uphold the terms of the treaty or other norm of international law. In human rights law, to every right correspond obligations of the state as the primary duty holder. Consistent with its ratification of international human rights treaties, the State Party must "take steps, individually and through international assistance and cooperation…to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized…by all appropriate means, including particularly the adoption of legislative measures. Thus, the State also guarantees "that the rights…will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."[169] Likewise, the state is obliged to meet its obligations by ensuring gender equality.

A State's human rights obligation is comprised of three aspects: (1) to respect, (2) to protect and (3) to fulfill the right.[170] The obligation to respect requires States to refrain from interfering with the enjoyment of the right. (Thus, the State fulfills its duty to respect the right to housing when it refrains from arbitrary forced evictions or other outright violation.) The obligation to protect requires States to prevent violations of such rights by other (third) parties. (Thus, the State discharges its obligation to protect the human right to adequate housing when it prevents private developers from carrying out forced evictions and/or prosecutes those responsible for the violation; or the State meets its obligations to protect inhabitants' housing rights by treating domestic violence as a crime.) The obligation to fulfill requires States to take appropriate legislative, administrative, budgetary, judicial and other measures toward the full realization of the right. Therefore, when the State increases the

[168] J. A. Barnes, "Class and Committees in a Norwegian Island Parish," *Human Relations* No. 7, pp. 39–58 (1954).

[169] International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 2.

[170] *Maastricht Guidelines on Violations of Economic, Social and Cultural Rights*, Maastricht, 22–26 January 1997. Olivier De Schutter, Asbjørn Eide, Ashfaq Khalfan, Marcos Orellana, Margot Salomon and Ian Seidermanf, "Commentary to the Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights," *Human Rights Quarterly*, Vol. 34 (2012), pp. 1084–1169, https://www.icj.org/wp-content/uploads/2012/12/HRQMaastricht-Maastricht-Principles-on-ETO.pdf; Sub-Commission on Prevention of Discrimination and Protection of Minorities, "he New International Economic Order and the Promotion of Human Rights Report on the right to adequate food as a human right," submitted by Mr. Asbjø rn Eide, Special Rapporteur, E/CN.4/Sub.2/1987/23, 7 July 1987, https://undocs.org/en/E/CN.4/Sub.2/1987/23; Olivier De Schutter, "Economic, Social and Cultural Rights as Human Rights: An Introduction, CRIDHO Working Paper 2013/2 (Brussels: La Cellule de recherche interdisciplinaire en droits de l'homme (CRIDHO), 2013), https://sites.uclouvain.be/cridho/documents/Working.Papers/CRIDHO-WP2013-2-ODeSchutterESCRights.pdf.

amount or proportion of its budget for participatory slum upgrading through domestic or overseas development assistance, it is acting in compliance with its treaty-bound obligation by applying the over-riding principle of ensuring the maximum of available resources to fulfill the right to adequate housing.

"Obligation" is a term usually reserved for a state's agreed-upon, ratified and required preventive or remedial actions that are specifically treaty-based. Compliance with an "obligation" is binding and, thus, subject to various forms of adjudication. Grounding a claim in an "obligation" implies that the state bears a duty arising from a treaty, or a general principle of customary law that is also theoretically subject to adjudication.

"Obligation" is the strongest and most "black-letter law"-based of the three terms (commitment, responsibility and obligation) evoking duty and liability of the state.
(See Commitment and Extraterritorial Obligation above and Responsibility below.)

Obligations of Local Authorities: Local governments and authorities bear the same duty as central government institutions in performing obligations enshrined in international treaties and general principles of international law. Thus, the obligations of national and local governments to respect, protect and fulfill human rights are shared and complementary.The *Draft Articles on Responsibility of States for Internationally Wrongful Acts and their Commentaries* stipulate that "the conduct of **any State organ shall be considered an act of that State under international law**, whether the organ exercises legislative, executive, judicial or any other functions, whatever position it holds in the organization of the State, and whatever its character **as an organ of the central government or of a territorial unit** of the State" (A/56/10, 2001, Article 4).

Other sources address specific human rights obligations of all spheres of government, as in the following instruments and authoritative legal texts:

- CESCR General Comment No. 4: "the right to housing" (1991), para. 12;
- HRC General Comment No. 25: Article 25 (Participation in public affairs and the right to vote) (1996);
- HRC General Comment No. 27: Article 12 (Freedom of movement) (1999), para. 17;
- CESCR General Comment No. 11: "Plans of action for primary education" (art. 14)" (1999), para. 7;
- General comment No. 12: "The right to adequate food" (art. 11) (1999), paras. 22, 25;
- CESCR General Comment No. 15: "The right to water (arts. 11 and 12 of the Covenant)" (2002), para. 51;
- HRC General Comment No. 31: "The Nature of the General Legal Obligation Imposed on States Parties to the Covenant" (2004), para. 4;
- CESCR General Comment No. 16: "The equal right of men and women to the enjoyment of all economic, social and cultural rights (art. 3)" (2005), para. 42;
- "Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific targeted documents," HRI/MC/2005/3, 1 June 2005, para. 50;
- CESCR General Comment No. 19: "The right to social security" (art. 9) (2007), para. 73;
- "UN Basic principles and guidelines on development-based evictions and displacement," Annex I of the Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari, A/HRC/4/18, 5 February 2007;

- "Guidelines on Treaty-Specific Documents to be Submitted by States Parties under Articles 16 And 17 of the International Covenant on Economic, Social and Cultural Rights," E/C.12/2008/2, 24 March 2009;
- UNHRC-AC, "Preliminary research-based report on local government and human rights," A/HRC/AC/13/CRP.4 (2014).

Occupation: The international law definition of the term "occupation" refers to a "period following invasion and preceding the cessation of hostilities" that "imposes more onerous duties on an Occupying Power than on a party to an international armed conflict."[171]

Determining the start of an occupation is essentially a question of fact,[172] which must be distinguished from invasion: "Invasion is the marching or riding of troops—or the flying of military aircraft—into enemy country. Occupation is invasion plus taking possession of enemy country for the purpose of holding it, at any rate temporarily. The difference between mere invasion and occupation becomes apparent from the fact that an occupant sets up some kind of administration, whereas the mere invader does not.[173]

This distinction flows from The Hague Regulations, which has the status of customary international law, which has the status of customary international law and provides a definition of occupation upon which, on the whole, the Fourth GenevaConvention relies[174]: "Territory is considered occupied when it is actually placed under the authority of thehostile army. The occupation extends only to the territory where such authority has been established and can be exercised."[175]

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[171] *Prosecutor v Naletilić and Martinović*, International Criminal Tribunal for the Former Yugoslavia, Case No.IT-98-34-T (2003), 73, para.214, http://www.icty.org/sid/8274.

[172] See Lord Arnold Duncan McNair and Sir Arthur Watts, *The Legal Effects of War* (Cambridge: Cambridge University Press, fourth edition, 1966), pp. 377–78; and Georg Schwarzenberger, *International law as Applied by International Courts and Tribunals*, Vol. II: "The Law of Armed Conflict" (London: Stevens & Sons, 1968), p. 324.

[173] Hersch Lauterpacht, "Disputes, war and neutrality," in Lassa Francis Lawrence Oppenheim, *International law: a treatise,* Vol. II: (London: Longman, 7th edition, 1952) p. 434; see also Re Lepore, *Annual Digest of Public International Law Cases*, Vol. 13, p. 354 (Supreme Military Tribunal, Italy: 1946), p. 355; Disability pension case, *International Law Reports*, Vol. 90 (Federal Social Court, F. R. Germany: 1985), p. 403; and Gerhard von Glahn, *The Occupation of Enemy Territory: A Commentary on the Law and Practice of Belligerent Occupation* (Minneapolis: University of Minnesota Press, 1957), pp. 28–29.

[174] Article 6 of the Fourth Geneva Convention conveys a wider meaning than in Article 42 of The Hague Regulations: "So far as individuals are concerned, the application of the Fourth Geneva Convention does not depend upon the existence of a state of occupation within the meaning of Article 42 ... The relations between the civilian population of a territory and troops advancing into that territory, whether fighting or not, are governed by the present Convention. There is no intermediate period between what might be termed the invasion phase and the inauguration of a stable regime of occupation. Even a patrol which penetrates into enemy territory without any intention of staying there must respect the Convention in its dealings with the civilians it meets." Jean Pictet, ed., *Commentary to Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War* (Geneva: ICRC, 1958), pp. 59–60. See also Guénaël Mettraux, *International Crimes and the* ad hoc *Tribunals* (Oxford: Oxford University Press, 2005), pp. 64–71; and *Prosecutor v Naletilić and Martinović*, supra, pp. 74–75, paras. 219–21.

[175] See *Prosecutor v. Naletilic and Martinovic* (International Criminal Tribunal for the former Yugoslavia), www.un.org/icty/naletilic/trialc/judgement/naltj030331-e.pdf, p. 73, para. 215. The customary nature of The Hague Regulations was declared by the International Criminal Tribunal at Nuremberg in the Trial of German Major War Criminals, Cmd. 6964 (1946) 65. Numerous other courts have affirmed the customary status of The Hague Regulations; see, for example, Krupp case (United States Military Tribunal at Nuremberg), *Annual Digest of Public International Law Cases*, Vol. 15, pp. 620, 622 (subsequently retitled *International Law Reports*, which title now applies to the entire series) *R. v Finta*, 1 S.C.R. 701 (Canadian High Court of Justice), *International Law Reports*, Vol. 82, p. 439; *Affo v IDF Commander in the West Bank* (Israel High Court), *International Law Reports,* Vol., 83, p. 163; *Polyukhovich v. Commonwealth of Australia* (Australian High Court), *International Law Reports*. Vol. 91, p. 123; Theodor Meron, *Human Rights and Humanitarian Norms as Customary Law* (Oxford: Clarendon Press, 1989), pp. 38–40.

The most-fundamental principles of international law and world order affirm that "It is the right and duty of all States, individually and collectively, to eliminate colonialism, apartheid, racial discrimination, neocolonialism and all forms of foreign aggression, occupation and domination, and the economic and social consequences thereof, as a prerequisite for development."[176]

Over-riding principles of (human rights) application [المنادئ المصيرة لتطبيق (حقوق الانسان)]: Principles found in the initial articles common to both international human rights Covenants and other major international human rights treaties and standards, and to norms of justice arising from the major legal systems of the world. These explain *how* a State is to perform its obligation under human rights law and standards and involve principles of immediate application, including to ensure (1) the inalienable rights to self-determination; (2) nondiscrimination, in general; (3) gender equality; and (4) the rule of law, including access to justice and domestic application of the human rights contained in each treaty, particularly by adopting legislative measures. In the case of ESC rights, these also include (5) progressive realization of the rights and (6) the State's devotion of the maximum of available resources to the respect, protection and fulfillment of the rights. States are obligated also to engage in (7) international cooperation in order to ensure the respect, protection and fulfillment of human rights domestically and extraterritorially. Thus, comprehensive monitoring of the human right to adequate housing requires assessing each entitlement (element) in light of the rights and corresponding obligations arising from these over-riding legal principles:

1. Self-determination
2. Nondiscrimination
3. Gender equality
4. Rule of law
5. Applying the maximum of available resources
6. Progressive realization (nonregressivity/nonretrogression)
7. International cooperation

Ownership: A form of tenure also known as freehold, conferring the legally protected right of the tenure holder to dispose of property, including to exchange it in a market or non-market transaction. (See also **Tenure** below.)

Parallel report: [See **Report, parallel**.]

Participation: A relationship whereby decision making and other powers are distributed among stakeholders such as citizens or communities, decision makers and other authorities.

[176] *Charter of Economic Rights and Duties of States*, GA Res. 3281(xxix), UN GAOR, 29th Session, Supplement No. 31 (1974), p. 50, Article 16, https://legal.un.org/avl/ha/cerds/cerds.html.

The need to redistribute decision-making power through a participatory model in the context of public policy led Sherry R. Arnstein[177] to propose a ladder of participation with eight levels of citizen/stakeholder engagement corresponding to the degree of strategy, method, mechanism or practice of engaging stakeholders concerned or affected by official decisions, plans, programs and projects. Taking levels 1 through 8 as progressive steps, they redistribute decision-making power more equitably and, thereby, operationalize the principle of **greater participation = greater dignity** for all parties.

In the context of planning, implementation and operations, and monitoring and evaluation, often political and ideological agendas may prevail, even when not immediately apparent. Sensitivities between and among parties make it important to understand the motives of power holders and include stakeholders in genuine participation in order to succeed in executing the tasks and commitments determined and agreed upon.[178]

Partnership: The relationship in which power is distributed between or among powerholders and stakeholders by negotiation through structures such as joint policy boards, advisory councils and planning committees. Power structures inside the community of concerned parties are transparent and well-functioning, and communities are supported with economic means for leaders to cover the expenses of the community's own agents and representatives (technicians, lawyers, and community organizers and leaders).[179]

[See also **stakeholder participation** below.]

Pastoralist: A person who derives her/his main source of livelihood from tending and raising livestock, which may involve moving seasonally in search of pasture and water.

Peasant: a small-scale or subsistence farmer who may rely on, and claim occupancy of cultivatable land under various forms of tenure.

Plusvalía: A Spanish-language term (*mais-valia* in Portuguese) is the appreciation in value or capital gain from a change in the zoning or use, sale or development of land or property. When this added value derives from municipal land or property, this type of *plusvalía* is known as socially produced value. When applying the concept of social function of property, such *plusvalía* becomes value that should redound to the benefit of the community or municipality, with the function of distributing its benefits to needy citizens, or other public purposes.

Political economy analysis: Political economy analysis is concerned with the interaction of political and economic processes in a society: the distribution of power and wealth between

[177] Sherry Arnstein, "A Ladder of Citizen Participation," Journal of the American Planning Association, Vol. 35, No. 4 (July 1969), pp. 216–24, http://www.participatorymethods.org/sites/participatorymethods.org/files/Arnstein ladder 1969.pdf.
[178] Arnstein, *op. cit.*
[179] Arnstein, *op. cit.*

and among groups and individuals, and the processes that create, sustain and transform these relationships over time. When applied to situations of conflict, crisis and/or transition, political economy analysis seeks to understand both the political and the economic aspects of the situation, their root causes and how these combine to affect patterns of power, advantage, privilege, vulnerability, disadvantage, disparity and/or victimization. A political economy analysis should review a wide historical and geographical context, explain why the relative power, advantage, privilege, vulnerability, disadvantage, disparity and/or victimization of distinct social groups change over time, and explain how the fortunes, misfortunes and related activities of certain groups in society affect others.

Population transfer: Known also by other of synonyms, it is a process involving the movement of people as a consequence of processes in which a State government or State-authorized agencies participate. Such processes, whether intended or unintended, negatively affect the human rights of the transferred population, as well as the inhabitants of an area into which settlers move or are transferred. The term "transfer" implies purpose in the act of moving a population; however, it is not necessary that a destination be predefined. The State's role in population transfer may be active or passive, but nonetheless contributes to the systematic, coercive and deliberate nature of the movement of population into or out of an area. Thus, an element of official force, coercion or malign neglect is present in the state population transfer practice or policy. The state's role may involve financial subsidies, planning, public information, military action, recruitment of settlers, legislation or other judicial action, and even the administration of justice.[180]

Article 7 of the Rome Statute of the International Criminal Court[181] defines "crime against humanity" to include “any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:…(d) Deportation or forcible transfer of population,” which means “forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law…” Article 8 of the Rome Statute defines "war crimes" to include “(vii) Unlawful deportation or transfer or unlawful confinement” and other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, such as “(viii) the transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory…” International humanitarian law also embodies the prohibition against population transfer. The Geneva Convention relative to the Protection of Civilian persons in Time of War (1949) determines that “Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive….The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.”[182]

[180] “The human rights dimensions of population transfer, including the implantation of settlers” [preliminary report presented by Mr. A.S. al-Khasawneh and Mr. R. Hatano], E/CN.4/Sub.2/1993/17, 6 July 1993, paras. 14–15, http://www.hlrn.org/activitydetails.php?id=pWpoaQ==.

[181] UN Doc. 2187 UNTS 90, entered into force 1 July 2002.

[182] *United Nations Treaty Series* (*UNTS*), 287.

Private international law: (See **International law**, public and private [compared].)

Privatization of public goods and services: The act or policy of selling or transferring control of publicly owned goods and services, such as water, electricity, and utilities, to persons or privately owned enterprises. Such privatizations often are instituted without public input and can result in land and housing dispossession, increased living costs, and evictions.

Process (human) rights: These are the codified human rights that enable a person and/or community to realize the continuous improvement of living conditions. These include the human right to access to justice[183]information,[184] peaceful assembly,[185] freedom of association,[186] participation[187] and education.[188]

Prosecution the act or process of prosecuting; *especially*: the institution and carrying on of a criminal action involving the process of seeking formal charges against a person and pursuing those charges to final judgment. In from the legal aspect The act of prosecuting (charges leading to trial) the defendant(offender) in the criminal case in the court, by the government attorney to establish justice.

Protracted Crisis: This term can be used in many situations but here will be discussed in terms of food security. Although many definitions exist, civil society (including HIC-HLRN) along with FAO representatives have come up with the following definition that is utilized in the CFS Open Ended Working Group on Food Security in Protracted Crises:

> 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 exists. 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.[189]

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 food security outcomes; poor agricultural growth; limited public and/or informal institutional capacity to respond to or address critical issues. Food insecurity is the most common 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,

[183] Articles 2.3 and 14.
[184] *Ibid.*, article 19.
[185] *Ibid.*, article 21.
[186] *Ibid.*, article 22.
[187] *Ibid*. International Covenant on Civil and Political Rights (ICCPR), 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171 and vol. 1057, p. 407, article 25; ICERD, article 15. Egypt ratified ICCPR in 1982, and Yemen acceded in 1987.
[188] ICERD, articles 12 and 13.
[189] Food and Agricultural Organisation, *The State of Food Insecurity in the World 2010*: Addressing food insecurity in protracted crises, p. 12.

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, exists3. Nonetheless, protracted crises are a special category requiring a similar set of related policy and operational responses.

See the CFS policy instrument Framework for Action for Food Security and Nutrition in protracted Crises (2015).

Public international law: (See **International law**, public and private [compared].)

Public housing: A housing unit or development that is publicly funded and administered for low-income persons and families. Public housing or project homes usually involve forms of housing tenure in which a central or local government authority owns the property. (See also **Social housing** below, and **Local government** above.)

Quality of life: refers to any standard of health, happiness, security, and material comfort of an individual, a group of people, or a nation. The quality could be any standard on a spectrum of these factors.

When the quality of life satisfies human needs for a life of dignity, that condition is sometimes called "well-being."

(See also **Wellbeing** below.)

Refugee: anyone "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."[190]

Refugee protection: Protection is first and foremost the duty of a state to protect persons within its borders from persecution. States must minimally respect the principles of nondiscrimination and *non-refoulement*; i.e., the right of persons not to be forcibly expelled or returned to territories where their life or freedom would be at risk on account of their race, religion, nationality or membership of a particular social group, or political opinion. The prohibition against *refoulement* forms part of customary law and, therefore, applies to all States, irrespective of whether they are signatories to the 1951 Convention Relating to the Status of Refugees. When states are unable or unwilling to protect, this responsibility falls upon the international community.

[190] *Convention relating to the Status of Refugees*, 189 UNTS 150, entered into force 22 April 1954, Article 1.A.2.

The refugee protection regime is enshrined in the 1951 Refugee Convention and its 1967 Protocol, which cover the gamut of activities through which the rights of refugees are secured. The primary goals are to ensure physical security, access to territory and asylum procedures, as well as respect for the principle of *non-refoulement*. Once refugees are admitted to a territory, an international agency or the host country will normally provide shelter, water, food and medical care. Protecting agencies will also encourage host countries to show respect for the basic human rights of refugees. States party to the 1951 Refugee Convention and its 1967 Protocol are obliged to guarantee freedom of religion, freedom of movement, the right to work, housing, property ownership and education, as well as the right to identity papers, travel documents and social security. The 1951 Refugee Convention requires that most of these rights be guaranteed at the same level as nationals of the state; all are guaranteed at least at the same level as the most-favored category of foreigner in the host country. Promoting a proper legislative framework for refugee status determination within states is also a component of protection.

Protection also includes the search for durable solutions for refugees and IDPs at all stages of displacement. The search for durable solutions is a core component of protection. Durable solutions refer to the three possible solutions that will restore refugees' rights; i.e., repatriation (return), local integration in the host country, and resettlement in a third country.

The preferred solution for refugees and 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.

Refugee temporary protection: (See "Temporary protection" below.)

Rehabilitation: the restoration of normal living conditions following a disruption or displacement so as to return the inhabitant(s) to a state of personal and community integrity. Such process "should include medical and psychological care as well as legal and social services."[191]

Resolution 194 (III) "Palestine—Progress Report of the United Nations Mediator" (11 December 1949) refers to the right to return and to "economic and social rehabilitation" (para. 11).

Rehabilitation is one of the six forms of reparation: restitution, compensation, return (for refugees and IDPs), satisfaction and guarantees of nonrepetition. No single one of the six elements of reparation can substitute for another form. (See also "Compensation," "Guarantees of nonrepetition," "Rehabilitation," "Resettlement," "Restitution" and "Satisfaction" in this list of term.)

[191] "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law," A/RES/60/147, 21 March 2006, para. 21, http://www.un.org/Docs/asp/ws.asp?m=A/RES/60/147.

According to the Basic Principles, the fourth element of reparations, rehabilitation, should include the provision of medical and psychological care as well as vocational, legal and social services. Despite a lack of greater elaboration on this element in the legal text, it is an important component of the reparations package as all conceivable violations of HRAH, including forced displacement, confiscation and destruction of property and forced eviction, create vulnerable situations for victims in which further violations of their human rights becomes inevitable. When interpreted in this context, rehabilitation of personal, economic, social, cultural and institutional infrastructure, which may have been destroyed or confiscated as part of a systematic attack on populations, groups and/or individuals, becomes part and parcel of any and all reparations for violations of HRAH.

That no specific legal formula for determining what constitutes "rehabilitation" is offered in the Basic Principles merely reflects the broad and diverse scope of psychological, physical, social, cultural and institutional damage which can be incurred. So, while medical and psychological care as well as legal and social services are considered the most fundamental rehabilitation resources for victims, within a comprehensive and long-term framework of reparations for violations of HRAH, rehabilitation can be envisioned as a process which can help reverse the risks of resettlement. A risk-minimizing, capacity-building and reconstruction-oriented model of rehabilitation would be marked by a series of transitions from:

- Landlessness to land-based resettlement;
- Joblessness to re-employment;
- Food insecurity to safe nutrition;
- Homelessness to house reconstruction;
- Increased morbidity and mortality to improved health and well-being;
- Wide-scale deprivation of common property resources to community reconstruction and social inclusion.[192]

Remedy: Effective legal or judicial resolutions for victims of violations of rights and protection guaranteed in legislation, international human rights law or international humanitarian law. Remedy involves fulfilling the victim's right to the following as provided for under international law, 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. [193]

Reparation: In order to promote justice, international law establishes norms for adequate, effective and prompt reparation to redress gross violations of international human rights law or serious breaches of international humanitarian law. Reparation should be proportional to the gravity of the violations and the harm suffered. In accordance with its

[192] See Michael M. Cernea, "Impoverishment or Social Justice? A Model for Planning Resettlement," in Mathur, H.M. and Marsden, D. (eds) Development Projects and Impoverishment Risks: Resettling Project-Affected People in India (Delhi, OUP, 1998), p. 47.

[193] "Basic principles and guidelines on the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law" [Remedy and Reparation Guidelines] Human Rights Resolution 2005/35, para. 11.

domestic laws and international legal obligations, States are obliged to provide reparation to victims for acts or omissions resulting in such violations that can be attributed to the State. In cases where any entity is found liable for reparation to a victim, such party should provide reparation to the victim or compensate the State if the State has already provided reparation to the victim. Reparation includes the following forms of redress: restitution, compensation, rehabilitation, return (for refugees and IDPs), resettlement to an agreed-upon alternative dwelling (if return to the original one is physically impossible), satisfaction and guarantees of nonrepetition. No single one of the six elements of reparation can substitute for another form. (See also "Compensation," "**Guarantees of nonrepetition**," "**Rehabilitation**," "**Resettlement**," "**Restitution**" "**Return**," and "**Satisfaction**" in this HICtionary.)

Report, government v. national report: In the context of international processes, "**government reports**" are documents issued by institutions representing one or more spheres of public administration operating within a territorial state.

In the context of global processes to review states' performance of a treaty or compliance with other commitments, both the text of treaties and established practice call for states to submit reports on the implementation of corresponding obligations and/or commitments.

For example, the International Covenant of Economic, Social and Cultural Rights (ICESCR) refers simply to state party "reports" to be submitted periodically. However, the "Harmonized guidelines on reporting under the international human rights treaties" advise states to involve local governmental departments at the central, regional and local levels and, where appropriate, at the federal and provincial levels in the preparation of periodic reports (para. 50).

The authors of such submissions are the duty holders (committed parties) and, therefore, their submissions are considered "government reports."

"**National reports**" are submissions that present the combined views and findings of a broad range of stakeholders, including but not limited to those of government officials and institutions, the private sector, civil society and academia.

In the context of the Habitat III process, for example, states are expected to submit "national reports" as inputs to the Third United Nations Conference on Housing and Sustainable Urban [Human Settlements] Development, which will take place in Quito, Ecuador in October 2016. This reporting practice conforms to that established in the Habitat II (1996) preparation process, as well as fulfills the Habitat II commitment of "assessing progress" in implementing the Habitat II commitments (paras. 51–52, 222, 241).

Report, parallel: A report submitted by a civil society organization, or jointly by any number of cooperating civil society organizations, to a human rights treaty-monitoring body on the occasion of that body's initial or periodic review of the treaty performance by a particular state party to the treaty. Therefore, the report is "parallel" in both form and substance to the government report under review. Since such cicil society information is essential to a

thorough review of the treaty performance, the report is neither an "alternative," nor is it a "shadow," which adjectives suggest information from outside the procedure, or otherwise unauthorized and illegitimate.

Resettlement (refugee): A durable solution for an asylum seeker such that results in her/his consensual relocation to a destination country, where authorities accept the asylum seeker as an immigrant for the purpose of permanent residence and naturalization (i.e., citizenship).

Resettlement (displaced person): The transportation of a person or persons (as a family or community) for relocation at a different settlement (as after some kind of upheaval). The term resettlement includes:

1. the relocation of living quarters;
2. finding and engaging in acceptable new employment for those whose jobs are lost or severely
3. affected;
4. restoration (or compensation, as necessary) of affected productive resources, including land, workplaces, trees and infrastructure;
5. restoration of other adverse effects on affected persons' living standards (quality of life) through
   - adequate land acquisition for affected persons and communities;
   - restoration of, or compensation for affected private and public enterprises;
   - restoration of adversely affected persons on cultural or common property, as appropriate.[194]

Resettlement forms an integral part of reparation for victims of gross violation of housing rights and victims of grave breaches of humanitarian law that result in displacement. Thus, resettlement is closely linked to the other forms of redress that constitute the legally defined elements of reparation: restitution, return, compensation, rehabilitation, satisfaction and guarantees of nonrepetition. No single one of the six elements of reparation can substitute for another form. (See "Reparation," "Compensation," "Guarantees of nonrepetition," "Rehabilitation," "Return (right of)," "Restitution" and "Satisfaction" in this list of terms.)

Resettlement (homeless person): A planned supported process of change in an accommodation context.[195] In particular, a process for vulnerable homeless people with a history of sleeping rough of securing access to long-term accommodation that best suits their needs and reasonable preferences, and of ensuring that they do not subsequently lose

[194] Objectives of Resettlement Plan and Definition of Resettlement Terminology, at: http://209.225.62.100/Documents/Resettlement_Plans/PRC/Ningxia/ningxia_chap01.pdf.
[195] National Resettlement Conference, Manchester (1995), http://handbooks.homeless.org.uk/resettlement/howtouse.

it, or move to less-suitable accommodation[196] The process by which people are enabled to live as full a life as possible within an appropriate form of housing[197]

Resettlement (apartheid South Africa): From the 1950s until the early 1980s, the Government of South African implemented a "resettlement" policy that forced people into their designated "group areas." This policy, amounting to "forced removal," affected an estimated three and a half million. (See "Forced removal" above.)

Resilience: This term has many different definitions that apply to specific contexts. Definitions of "resilience" include "the ability of a system, community or society exposed to hazards to resist, absorb accommodate to and recover from the effects of a hazard in a timely and efficient manner" (UNISDR), or "the ability of a social or ecological system to absorb disturbances while retaining the same basic structure and ways of functioning, the capacity for self-organization, and the capacity to adapt to stress and change" (IPCC), or alternatively "the capacity of a system to absorb disturbance and reorganize while undergoing change" (Resilience Alliance).

Borrowing the concept as understood in social and natural sciences, an entity—be it an individual, community, organization or natural system—is resilient when it prepares for disruption, recovers from shocks and learns from disruptive experiences. An entity that has built up resilience, according to the theory in psychology, is one that is better able to *prevent* the shocks it can predict and *respond* to those it cannot. As devised by Judith Rodin, a resilience framework has five components: (1) being aware of one's situation and vulnerabilities; (2) being diverse, in order to mount a range of responses; (3) being integrated, in order to ensure collaborative solutions; (4) being self-regulating, in order to prevent disruptions from cascading through the system; and (5) being adaptive, in order to improvise in the face of challenges.[198] These features align also with the related concept of *anti-fragility*.[199]

Formerly, most research in the field of food security had focused on the development and refining of the methods of analysis chosen to predict more accurately the likelihood of experiencing future loss of adequate food; i.e., vulnerability to food security.[200] Beyond predictability and vulnerability, resilience to food insecurity has been described as "the ability of the household to keep within a certain level of well-being (e.g., food security), withstanding shocks and stresses, depending on the options available to the household to make a living and its ability to handle risks."[201]

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[196] Outreach and Resettlement Work with people Sleeping Rough by G. Randall and S. Brown, Department of the Environment (1995), http://handbooks.homeless.org.uk/resettlement/howtouse.

[197] Settlement and Housing Policy, Simon Community of Ireland (1994), at: http://handbooks.homeless.org.uk/resettlement/howtouse.

[198] Judith Rodin, *The Resilience Dividend: Being Strong in a World Where Things Go Wrong* (New York: Public Affairs/Perseus. November 2014).

[199] Nassim Nicholas Taleb, *The Black Swan: The Impact of the Highly Improbable* (New York: Random House, 2007); and *Antifragile: Things That Gain from Disorder* (New York: Random House, 2012).

[200] Christian Romer Løvendal, Marco Knowles and Naoko Horii, "Understanding Vulnerability to Food Insecurity Lessons from Vulnerable Livelihood Profiling," ESA Working Paper No. 04–18. (Rome: FAO Agricultural and Development Economics Division, October 2004), pp. 3–4, http://www.fao.org/3/a-ae220e.pdf.

[201] Luca Alinovi, Erdgin Mane and Donato Romano, "Towards the Measurement of Household Resilience to Food Insecurity: Applying a Model to Palestinian Household Data," in Ricardo Sibrian, ed., *Deriving Food Security Information from*

According to the UN Committee on World Food Security, "the resilience of communities is particularly important in protracted crises, during and after violent conflicts, and whenever state institutions and the systems through which livelihoods normally operate (e.g., markets and economies) are weak and ineffective" (FAO 2012). This iteration omits the preventive dimension and emphasizes adaptation without reference to remedy. The FFA enumerates the positive outcomes of resilience, but does not define the quality itself.

In the context of human settlements, resilience refers to the capability of a person, household or community to recuperate after a shock or crisis involving the loss of, or damage to home or landed property, and/or displacement from a habitual residence.[202]

Despite variances among definitions for "resilience" most share two common elements: (1) capacity to bounce back (i.e., recover quickly) after a shock and (2) capacity to adapt to a changing environment. However, these elements alone call for the victims and affected parties to (1) endure and (2) adapt. With the added descriptive elements of prediction and response, corresponding actions include resistance to the threat of disruption or harm accompanying the shock. Recovery may require remedy and/or reparation, which are elsewhere defined. However, prevention, if possible, is always the best remedy, and human rights provide for both. Building resilience requires providing support and multiple actors, including networks between and among individuals, communities and governments, in order to transform "resilience" called for in contemporary policy instruments into both preventive and remedial action, as well as assistance in recovery.

Whatever the current definition, "resilience" does not offer a normative framework like "sustainable development" does. Sustainable development aligns with the "progressive realization" of human rights and the state's obligation to ensure "continuous improvement of living conditions" enshrined in the International Covenant on Economic, Social and Cultural Rights (Articles 2.1 and 11, respectively). By contrast, resilience provides for only return to the status quo ante, regardless of the level of food security and nutrition prior to the shock. Nor does any operative definition of resilience allow for prevention, address the root cause of the shock, or suggest liability for the parties responsible for the shock. Rather, resilience puts the onus on the victim or affected party to "bounce back," and official concept descriptions remain silent about both the need and right to resist the causes and threats of the disruption or hazard, including defense against responsible parties, if any. Thus, resilience as an objective condition offers no recourse against the impunity of parties causing the human-made events, developments and crises necessitating resilience.

National Household Budget Surveys. Experiences, Achievement, Challenges (Rome: FAO, 2008), pp. 137–52, http://www.fao.org/3/a-i0430e.pdf; FAO and EU, "Food Security Information for Action Food Security Concepts and Frameworks, Lesson 2: Concepts related to Food Security," Learner's Notes (Rome: FAO, 2008), http://www.fao.org/elearning/Course/FC/en/pdf/trainerresources/learnernotes0412.pdf. Luca Alinovi, Marco D'Errico, Erdgin Mane and Donato Romano, *Livelihoods strategies and household resilience to food insecurity: an empirical analysis to Kenya* (Rome: FAO, 2010), http://erd.eui.eu/publications/erd-2010-publications/background-papers/livehoods-strategies-and-household-resilience-to-food-insecurity/.

[202] Global Platform on the Right to the City, "HABITAT III Policy Paper Frameworks, Review and Comments: 8. Urban Economic Development Strategies," February 2016, http://www.uclg-cisdp.org/sites/default/files/GPR2C%20comments%20on%20PPF8%20-%20Urban%20Ecology%20and%20%20Resilience.pdf.

Responsibility (state responsibility): "State responsibility" can be invoked in arguing that a state bears a duty to (an)other state(s) and may be liable for a wrongful act, including one that is not explicitly covered by an explicit treaty. The International Law Commission's (draft) Articles on State Responsibility[203] and Articles on International Liability for Injurious Consequences arising out of Acts Not Prohibited by International Law[204] have sought to establish a state's duty and a basis for liability and remedy owed to another state for harm caused by such wrongful acts. Acts invoking "state responsibility" could include certain cross-border social or environmental consequences such as pollution or population transfer.

That effort is related also to the ILC's work on "international liability for injurious consequences arising out of acts not prohibited by international law."[205] By the same token, where an act is not covered by an explicit treaty provision, the concept and term "responsibility" could apply also to international organizations, which are not party to treaties. The effort of the ILC continues to explore the extent and content of that "responsibility."[206] Similarly, in the case of international organizations, "responsibility" can be invoked along with other general terms (accountability, commitment, duty, etc.), except for "obligation," which habitually refers to required behavior in accordance with binding terms of a treaty.

The wrongfulness of the act also may constitute a cross-border breach/violation of a treaty obligation or general principles of international law, including human rights and humanitarian law. However, the prospective application of the (draft) Articles could provide a further basis and opportunity to (prevent wrongful acts and) establish liability and the corresponding remedy/reparations required. Because the (draft) Articles are explicit about the state's responsibility (duty) to provide/ensure reparations, at least to the aggrieved state, they may offer greater problem-solving/conflict-resolution potential than less-evolved norms, standards and their instruments from earlier generations. However, that prospect has yet to be affirmed in actual application of the Articles on State Responsibility.[207]

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[203] International Law Commission, "Responsibility of States for Internationally Wrongful Acts," *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 10* (A/56/10). Text reproduced in annex to General Assembly resolution 56/82, 12 December 2001, and corrected by document A/56/49(Vol. I)/Corr.4. Report of the International Law Commission on the work of its fifty-third session: report of the Sixth Committee (A/56/589 and Corr.1), 26 November 2001.

[204] By decision of the ILC in 1997, it subdivided this topic into two parts: "prevention of transboundary damage from hazardous activities" and "international liability in case of loss from transboundary harm arising out of hazardous activities." The ILC concluded its work with its adoption of the respective draft articles and draft principles and commentaries on the two subjects and submitted them to the General Assembly review and action. The draft articles on Prevention of Transboundary Damage from Hazardous Activities are annexed to " Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm," A/RES/62/68, 8 January 2008.he draft Principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities are annexed to "Allocation of loss in the case of transboundary harm arising out of hazardous activities," A/RES/61/36, 18 December 2006.

[205] From the outset of its work on the topic of State responsibility, the Commission agreed that that topic should deal only with the consequences of internationally wrongful acts, and that, in defining the general rule concerning the principle of responsibility for internationally wrongful acts, it was necessary to adopt a formula which did not prejudge the existence of responsibility for lawful acts. At its forty-ninth session, in 1997, the Commission decided to split the topic into two parts: "prevention of transboundary damage from hazardous activities" Report of the International Law Commission on the work of its fifty-third session (23 April–1 June and 2 July–10 August 2001), A/56/10, 24 October 2001 and "international liability in case of loss from transboundary harm arising out of hazardous activities" ("Draft principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities" and commentary, in Report of the International Law Commission Fifty-eighth session (1 May-9 June and 3 July-11 August 2006), A/61/10 (2006), pp. 101–82.

[206] See Giorgio Gaja, Special Rapporteur, "Fifth report on responsibility of international organizations," A/CN.4/583, 2 May 2007.

[207] The ICJ cited an earlier draft text of the Articles in *Gabčíkovo-Nagyamaros Project (Hungary/Slovakia)*, *ICJ Reports 1997*, at 7; and *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, case 91, International Court of Justice (ICJ) Judgment returned on 26 February

Responsibility also conveys a general, nonlegal sense, meaning simply to be supposed to do something, or liable to answer for one's action or omission. Thus, the use of the term could mean something far short of a binding treaty obligation, and the Articles on State Responsibility are intended also to cover wrongful acts that are not specifically proscribed by treaty as black letter law. Some may find the universal use of the term "responsibility" to be too broad and imprecise to distinguish which level or type (i.e., respect, protect and/or fulfill) of accountability is meant. Others may find that reserving the term "responsibility" only to mean nontreaty-specified norms, as in the (draft) Articles, to be too restricting.

This note attempts to achieve greater precision of terminology so as to obviate the need for explanations that arises from mixing usages in a single case, volume or more-complex project, like the ETO Consortium. Therefore, it is proposed to reserve use of the term "responsibility" to cases in which that form of accountability is meant as a function of invoking the Articles on State Accountability (or Articles on International Liability for Injurious Consequences arising out of Acts Not Prohibited by International Law).

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.[208]

Thus, restitution is closely linked to the other forms of redress that constitute the legally defined elements of reparation: restitution, return, compensation, rehabilitation, satisfaction and guarantees of nonrepetition. No one of the seven elements of reparation can substitute for another form. (See "Reparation," "Compensation," "Guarantees of nonrepetition," "Rehabilitation," "Return (right of)," "Resettlement" and "Satisfaction" in this list of terms.)

Return (right of): one of the elements of the right of all refugees to reparation,[209] as codified in international law and incumbent upon all States to respect protect and fulfill, entitling refugees to go back to their country of origin of their own volition, regardless of the present sovereign or any other conditions. The right of return is independent of the acquisition of citizenship or any other legal status. It is a fundamental right enshrined in both human rights law[210] and international humanitarian law.[211] At any time, even if locally

2007.). For a critique of the Court's standard in this case see Mark Gibney, Katarina Tomaševski and Jens Vedsted-Hansen, "Transnational State Responsibility for Violations of Human Rights," *Harvard Human Rights Journal* 12:267–96 (1999); also Mark Gibney, "ETOs and the Draft Articles on state responsibility" paper presented to ETO Consortium (2008).

[208] "Remedy and Reparation Guidelines," Article 19.

[209] See "Reparation," "Rehabilitation," "Compensation" and "Restitution" above.

[210] Universal Declaration of human Rights, 10 December 1948, Article 13(2); International Covenant on Civil and Political Rights, 16 December 1966, Article 12(4); and International Convention on the Elimination of All Forms of Racial Discrimination, 4 January 1969, Article 5(d)(ii).

[211] Fourth Geneva Convention relative to the Protection of Civilian Persons in Times of War, 12 August 1949, Article 45; Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, Article 85(4)(a); Turku Declaration of Minimum Humanitarian Standards, 2 December 1990, UN Doc. E/CN.4/Sub.2/1991/55, Article 7

integrated or resettled in a country other than their country of origin, refugees may decide to return to their homes spontaneously, or as part of a repatriation program. UNHCR stresses the following features of the right to return: (1) refugees are free and have the right to return to their country of origin at any time; (2) refugee's decision to return should be voluntary; (3) refugees must be provided with objective [true, reliable] and up-to-date information on the situation in their of origin, in order to make an informed decision about repatriation; and (4) the level of assistance and protection provided in the country of refuge should not be the determining factor for refugees to decide whether or not to return.[212]

Thus, return is closely linked to the other forms of redress that constitute the legally defined elements of reparation: restitution, return, compensation, rehabilitation, satisfaction and guarantees of nonrepetition. No one of the seven elements of reparation can substitute for another form. (See "Reparation," "Compensation," "Guarantees of nonrepetition," "Rehabilitation," "Restitution" "Resettlement" and "Satisfaction" in this list of terms.)

"**Right to the city**": a slogan and claim of urban social movements to guide 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. The French sociologist Henri Lefebvre is generally attributed as having developed the notion of a "right to the city" in his book, *Le droit à la ville* (Paris: Anthropos, 1968). Currently, the "right to the city" argument rests on a bundle of existing human rights, in addition to specific claims of right to access land, water, sanitation, transport and public space, as well as the concept of the "social function" of land, housing and related infrastructure and public goods and services. The "right to the city" is elaborated in the draft "Charter on the Right to the City," which developed out of the urban social movements in Latin America and spread through the World Social Forum.[213] (See "Social function" below.)

Right *to* the City is the most-assertive concept among the expressions of urban social and political transformation. It 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. Latin American social movements—self-characterized as popular mass actors with a common cause—favor R2C as part of a long, historical phenomenon of generating global standards and norms through coordinated mass actions.

However, R2C also has assumed a quasi-juridical character. It forms the subject of the above-mentioned first regional UCLG Charter-Agenda. That instrument's first operative section reflects the recognition th

(a) All city inhabitants have the right to a city 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.
(b) Every man and woman benefit from all rights enunciated in the present Charter-Agenda and are full-fledged actors of the life of the city.

[212] UNHCR, *Resettlement handbook* (Geneva: Department of International Protection, November 2004), Chapter II, P. 5.
[213] For more information, refer to "The Right to the City," Habitat International Coalition, http://www.hic-net.org/indepth.asp?PID=18.

(c) 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.
(d) All city inhabitants have the right to available spaces and resources allowing them to be active citizens. The working and common spaces shall be respectful of everyone else's values and of the value of pluralism.

2. The city offers its inhabitants all available means to exercise their rights. The signatories of the Charter are encouraged to develop contact with neighboring cities and territories with the aim of building caring communities and regional capitals.
   As a framework and summary of all rights provided for in this Charter-Agenda, the above right [to the City] will be satisfied to the degree in which each and every one of the rights described therein is fully effective and guaranteed domestically.

3. City inhabitants have the duty to respect the rights and dignity of others.

This iteration of the concept of R2C respects local inhabitants' collective right to local decision making. (See **Rights *of* the City** below.)

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.

The popular civil-society and social-movement approach to the **right to the city** arose in response to the marginalization and stigmatization of low-income areas of cities—in particular, slums—that have sprung up in the latter half of the previous century's intense rural-to-urban displacement and migration. In that context, the urban social movements, especially in countries of former military regimes in Latin America, enjoined and applied the vocabulary of Lefebvre and enshrined the principles of the **right to the city** in a Global Charter on the **Right to the City** [Arabic] (latest version 2005). 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 Forum.

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): Participation, peaceful assembly, freedom of association, freedom of expression, Freedom of movement, adequate housing, information, political participation, security of person, health, food, water and decent work.

The Charter also claims as rights and corresponding obligations certain values not yet enshrined explicitly in international treaty law. These include the social production of housing/habitat and the rights to "sustainable and equitable urban development" (whereas, the right to development is subject of 1986 Declaration [Arabic], but not yet enshrined in treaty law). The Global Charter also asserts a right to transport and public mobility, as well as a right to the environment in the city context. It establishes the popular claim at the level of rights related to (1) the human rights dimensions of land and the human right to equitable administration of land, public goods and natural resources, and (2) urban planning as a technical service and public good to which all citizens are equally entitled.

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).

While recognizing the imperative of coexistence based on peace, solidarity and multiculturalism, the Charter also celebrates the diversity of most cities. Thus, the Charter gives practical meaning to the over-riding human rights principle of nondiscrimination as pivotal to the institutionalization and enjoyment of the **right to the city**.

The **right to the city** concept emerged from a parochial urban context; however, it is not to be construed that that relegates the constituent claims to the benefit of urban inhabitants only. Nor does it mean that any person has to be "urban," as a condition for eligibility to enjoy these rights. Furthermore, the habitat discourse has evolved significantly since the Charter's 2005 version's ultimate inclusion of wider and more-diverse territorial regions, referring also to rural areas as city "surroundings."

Rights *of* the City: Local authorities and local governments, by definition, bear both authority and obligations to respect, protect and fulfill all human rights at the local level, as do other actors, as "organs of society" (UDHR preamble). The treaty-bound obligation arises from the territorial state's ratification of ICESCR, among other international instruments. The UN Committee on Economic, Social and Cultural Rights (CESCR) has observed that violations of inhabitants' human rights can occur through the direct action or failure to act (omission) by states, or through their institutions or agencies at the national and local levels.

It is not habitual to speak of the "human rights" of public bodies and authorities vis-à-vis citizens and other inhabitants in their jurisdiction. These public persons and entities primarily bear human economic, social and cultural rights (ESCR) *obligations*.

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' **right to the city**.

Moreover, collectively self-expressing cities and other human settlements could assert a (human) right to local self-determination consistent with the **right to the city**. This can—and does—manifest in the moderation of local self-interest and global human rights principles to: ensure the adequate function of city-region food systems, apply procurement policies for sustainable local development, and/or determine the level of participation of noncitizens in local decision making. The Covenant's over-riding "international cooperation" principle and its articulation in the European Charter's "international relations" reference above open a sea of debate. Some municipalities are adopting resolutions, commitments and declarations to apply general principles of international law in their contracting and procurement practices, in support of global human rights.

For the city or other human settlement to exercise its rights, an enabling constitutional, legal and institutional context is indispensable. Such is the organic relationship between the local and the national system, ensuring the balance among subsidiarity, local decision making and the "rights of the city" within the **human rights state** in its integrity.

Rom (sing.), **Roma** (plural), **Romani/y** (adj.): a traditionally mobile or nomadic ethnic group largely of Rajastani origin found globally, but concentrated in Europe. They often face severe persecution and violation of rights in their countries of residence, in particular, housing and land rights, in the form of forced eviction, dispossession, destruction, marginalization, denial of access to services and other forms of spatial, physical, psychological and material discrimination.

Satisfaction: In the case of reparation, the victim is entitled to the state of well-being in which s/he perceives that justice was done. Thus, satisfaction is an international legal norm providing that, where applicable, the remedy of the original violation/harm includes any or all of the following:

(a) Effective measures aimed at the cessation of continuing violations;

(b) Verification of 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;

(c) The search for the whereabouts of the disappeared, for the identities of the children abducted, and for the bodies of those killed, and assistance in the recovery, 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;

(d) An official declaration or a judicial decision restoring the dignity, the reputation and the rights of the victim and of persons closely connected with the victim;

(e) Public apology, including acknowledgement of the facts and acceptance of responsibility;

(f) Judicial and administrative sanctions against persons liable for the violations;

(g) Commemorations and tributes to the victims;

(h) Inclusion of an accurate account of the violations that occurred in international human rights law and international humanitarian law training and in educational material at all levels. [214]

Satisfaction is closely linked to the other forms of redress that constitute the legally defined elements of reparation: restitution, return, compensation, rehabilitation, satisfaction and guarantees of nonrepetition. No single one of the seven elements of reparation can substitute for another form. (See "Reparation," "Compensation," "Guarantees of nonrepetition," "Rehabilitation," "Restitution" "Resettlement" and "Return (right of)" in this list of terms.)

Secure tenure: The legally protected entitlement of all individuals and groups to occupy property and enjoy effective state protection against unlawful evictions.[215] Major types of tenure include freehold (ownership) and leasehold, "including rental (public and private) accommodation, cooperative housing, lease, owner-occupation, emergency housing and informal settlements, including occupation of land or property. Notwithstanding the type of tenure, all persons should possess a degree of security of tenure [that] guarantees legal protection against forced eviction, harassment and other threats. States […consequently should] take immediate measures aimed at conferring legal security of tenure upon those

[214] "Remedy and Reparation Guidelines," Article 22.

[215] "Expert seminar on the practice of forced evictions, Geneva, 11–13 June 1997," E/CN.4/Sub.2/1997/7 (2 July 1997).

persons and households currently lacking such protection, in genuine consultation with affected persons and groups."[216]

Sedentariness: [See **Sedentarization.**]

Sedentarization: Is the process by which a nomadic population settles, which process and ultimate condition also are known as sedentism, or (sometimes called sedentariness). Sedentarization may be spontaneous, consensual or forced. In the causative sense (verb: sedentarize), it means that an external party initiates and/or organizes the settlement of a nomadic people in a defined and permanent place of habitation.[217] State authorities increasingly favor sedentarization of pastoral and transhumant populations as a policy choice to prevent traditional movement on the land. The official practice of sedentarization also frequently accompanies radical changes in the land tenure arrangements of the affected population in their original range of movement and in the newly defined location. This practice typically has led to the total elimination of nomads by settling them on the land as agriculturalists or other types of laborers, requiring radical changes in lifestyle, modes and means of production and social relations.

Sedentism: The practice of living on one location for a prolonged period of time. In evolutionary anthropology and archaeology, the term takes on a slightly different submeaning, and is often applied to the transition from nomadic society to a lifestyle that remains in one place permanently. Essentially, sedentism means living in groups permanently in one place. [See also **Sedentarization** and **Sedentism.**]

Self-determination: the right of all peoples and nations freely to determine their political status and freely pursue their economic, social and cultural development.[218]

The principle of equal rights and self-determination of peoples is considered to have been a general principle of international law arising from common State practice already at the founding of the League of Nations. However, self-determination was first codified in the Charter of the United Nations in 1945, which sets forth the purposes of the United Nations as:

> 2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace…[219]

The Charter's Article 55 stipulates further:

[216] Committee on Economic, Social and Cultural Rights, "General Comment No. 4 `the right to adequate housing' (Article 11[1] of the Covenant)," 13 December 1991, UN document HRI/GEN/1/Rev.8, para. 8(a), p. 20.

[217] Frederik Barth, "Nomadism in the Mountain and Plateau Areas of South-West Asia," in *Problems of the Arid Zone* (Paris: UNESCO, 1960), p. 342, http://unesdoc.unesco.org/images/0007/000700/070024eo.pdf.

[218] ICCPR and ICESCR, common Article 1(1).

[219] *Charter of the United Nations, 26 June 1945, Article 1(2).*

> With a view to the creation of conditions of stability and well-being, which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:
>
> a. higher standards of living, full employment, and conditions of economic and social progress and development;[220]
> b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
> c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Every State has the duty, therefore, through unilateral, bilateral and multilateral action to promote universal respect for, and observance of human rights and fundamental freedoms in accordance with the Charter. Its Article 2.2 clarifies the universal duty of State membership such that:

> All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter….

The principle of self-determination has been progressively reaffirmed and legally defined throughout the UN system since its founding.[221] The material significance of self-determination is further elaborated in the Covenants on human rights adopted in 1966.[222] The common Article 1(2) of both the ICCPR and ICESCR sets forth that:

> All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

How concerned persons/communities exercise an effective role in determining the terms by which they realize the human right to adequate housing is also a subject of the inalienable right (see "natural right") of self-determination. Self-determination is the right of peoples, not of States. It is the State, however, that is the legal personality obliged to ensure the protection, defense, promotion and fulfillment of self-determination as a duty under international public law, as well as the essential legitimizing factor of the State itself.[223]

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[220] *Ibid*., Chapter IX, "International Economic and Social Co-operation," Article 55.

[221] For example, see Declaration on the Granting of Independence to Colonial Countries and Peoples (1960), preamble and Article 7; "Permanent sovereignty over natural resources," General Assembly resolution 1803 (XVII) (1962), preamble and paras. 1–2, 5–7; International Convention on the Elimination of All Forms of Racism and Racial Discrimination (1965), Articles 1 and 5; Declaration on Social Progress and Development (1969), Articles 2, 3 and Part II; Declaration on Principles of International Law (1970), preamble and, esp., "The principle of equal rights and self-determination of peoples"; ECOSOC Declaration on Race and Racial Prejudice (1978), Articles 1, 3, 5 and 9 Declaration on the Right to Development (1986) preamble and Article 1, 6 and 8.

[222] International Covenant on Economic, Social and Cultural Rights, adopted and opened for signature, ratification and accession by General Assembly resolution 2200 A (XXI), 16 December 1966 (entered into force 3 January 1976 in accordance with Article 27); Covenant on Civil and Political Rights, adopted and opened for signature, ratification and accession by General Assembly resolution 2200 A (XXI), 16 December 1966 (entered into force 23 March 1966 1976 in accordance with Article 49).

[223] Consistent with the principle of the Universal Declaration of Human Rights, Article 21, which states that "the will of the people shall be the basis of the authority of government."

The UN Committee on the Elimination of Racial Discrimination has provided its General Recommendation XXI on the right to self-determination, which provides a classical interpretation of this over-riding principle for application of the International Convention on the Elimination of All Forms of Racial Discrimination:

> 4. In respect of the self-determination of peoples two aspects have to be distinguished. The right to self-determination of peoples has an internal aspect, that is to say, the rights of all peoples to pursue freely their economic, social and cultural development without outside interference. In that respect there exists a link with the right of every citizen to take part in the conduct of public affairs at any level, as referred to in article 5 (c) of the International Convention on the Elimination of All Forms of Racial Discrimination. In consequence, Governments are to represent the whole population without distinction as to race, colour, descent or national or ethnic origin. The external aspect of self-determination implies that all peoples have the right to determine freely their political status and their place in the international community based upon the principle of equal rights and exemplified by the liberation of peoples from colonialism and by the prohibition to subject peoples to alien subjugation, domination and exploitation.[224]

The concept of, and right to self-determination manifest in a spectrum of types and expressions of effective local control over developments and relations within a community and territory may involve either external or internal self-determination; that is, national independence as in the formal distinction of a self-determination unit with its own internationally recognized borders, a self-determination unit within the internationally recognized borders of a unitary State, or a community's[225] effective control over developments and relations affecting it as an independent State.[226]

In its General Comment No. 12 on "the right of self-determination of peoples" (1984), The UN Human Rights Committee (HRC) gave its guidance on the corresponding obligations of States, with the following:

> 1. In accordance with the purposes and principles of the Charter of the United Nations, Article 1 of the International Covenant on Civil and Political Rights recognizes that all peoples have the right of self-determination. The right of self-determination is of particular importance because its realization is an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights. It is for that reason that States set forth the right of self-determination in a provision of positive law in both Covenants and placed this provision as Article 1 apart from and before all of the other rights in the two Covenants.

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[224] Adopted in document A/51/18, at the Committee's forty-eighth session (1996).

[225] While a standard legal definition of nation and people remains a subject of debate, the International Court of Justice has offered criteria for a community, having distinct rights as "a group of persons living in a given country or locality, having a race, religion, language and traditions of their own and united by the identity of race, religion, language and traditions in a sentiment of solidarity, with a view to preserving their traditions, maintaining their form of worship, insuring the instruction and upbringing of their children in accordance with the spirit and traditions of their race and rendering mutual assistance to each other," *Permanent Court of International Justice, The Greco-Bulgarian "Communities" Advisory Opinion No. 17*, 13 July 1939 (Leyden: Sijthoff, 1930), 21.

[226] For a comprehensive consideration of the human right of self-determination and its applications, see Hurst Hannum. *Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflicting Rights* (Philadelphia: University of Pennsylvania Press, 1996).

2. Article 1 [of ICCPR] enshrines an inalienable right of all peoples as described in its paragraphs 1 and 2. By virtue of that right they freely "determine their political status and freely pursue their economic, social and cultural development." The article imposes on all States parties corresponding obligations. This right and the corresponding obligations concerning its implementation are interrelated with other provisions of the Covenant and rules of international law.

3. Although the reporting obligations of all States parties include Article 1, only some reports give detailed explanations regarding each of its paragraphs. The Committee has noted that many of them completely ignore Article 1, provide inadequate information in regard to it or confine themselves to a reference to election laws. The Committee considers it highly desirable that States parties' reports should contain information on each paragraph of Article 1.

4. With regard to paragraph 1 of Article 1, States parties should describe the constitutional and political processes which in practice allow the exercise of this right.

5. Paragraph 2 affirms a particular aspect of the economic content of the right of self-determination, namely the right of peoples, for their own ends, freely to "dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence." This right entails corresponding duties for all States and the international community. States should indicate any factors or difficulties which prevent the free disposal of their natural wealth and resources contrary to the provisions of this paragraph and to what extent that affects the enjoyment of other rights set forth in the Covenant.

6. Paragraph 3, in the Committee's opinion, is particularly important in that it imposes specific obligations on States parties, not only in relation to their own peoples but *vis-à-vis* all peoples which have not been able to exercise or have been deprived of the possibility of exercising their right to self-determination. The general nature of this paragraph is confirmed by its drafting history. It stipulates that "The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations." The obligations exist irrespective of whether a people entitled to self-determination depends on a State party to the Covenant or not. It follows that all States parties to the Covenant should take positive action to facilitate realization of and respect for the right of peoples to self-determination. Such positive action must be consistent with the States' obligations under the Charter of the United Nations and under international law: in particular, States must refrain from interfering in the internal affairs of other States and thereby adversely affecting the exercise of the right to self-determination. The reports should contain information on the performance of these obligations and the measures taken to that end.

7. In connection with Article 1 of the Covenant, the Committee refers to other international instruments concerning the right of all peoples to self-determination, in particular the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United

Nations, adopted by the General Assembly on 24 October 1970 (General Assembly resolution 2625 (XXV)).

8. The Committee considers that history has proved that the realization of and respect for the right of self-determination of peoples contributes to the establishment of friendly relations and cooperation between States and to strengthening international peace and understanding.

Self-determination applied to communities*:*

The over-riding principle of self-determination in this “Toolkit” is inspired by classic (customary and treaty) law criteria, as well as popular claims to the same. In both senses, the claim is legally fixed in the common Article 1 of the human rights treaties. Using the ICESCR as a basic and integrated instrument, the “ToolKit” especially applies this over-riding principle to Article 11, which guarantees the human right to housing.

In making the case for ultimate "self-determination" at the community level, this “Toolkit” draws on a number of popular instruments (mostly written and collectively endorsed statements, but also those rooted in oral traditions) asserting the "right" of communities to determine their own destiny. "Community" also enjoys a legal definition (see below).

Self-determination becomes as vital as any other need that grounds other human rights, including those other over-riding principles of rule of law, nondiscrimination, gender equality and international cooperation consistent with all human rights. In their collective dimension, these all become community "needs" and, consequently, "rights" insofar as their absence leads to erosion and violation of a bundle of individual, stand-alone rights and can lead to the deprivation or demise of a community as such.

It should be noted that States and others have recognized the real problem of “ethnocide” and “cultural genocide” resulting from assimilation policies so as to compel the rewriting of the International Labour Organisation (ILO) Convention No. 107 on Indigenous and Tribal Populations in Independent Countries (1956), eventually to adopt the Indigenous and Tribal Peoples Convention No. 169 (1989). Relevant to the practice of self-determination is the question of land tenure, which ILO Convention No. 169 treats in Articles 13–19, while at the same time disclaiming that the term “people” in the Convention does not convey implications as a term of international law (i.e., conferring the right of self-determination).

However, it is the human consequence of the deprivation, rather than the legal "peoplehood," that makes self-determination vital for any putative victims. Therefore, collective self-determination becomes the right of communities as necessary, even if they are not (or not yet) internationally recognized as a "people" or "nation." To avoid the horrendous consequences of demise and deprivation, and to ensure survival of communities as a "right,” local self-determination is vital, no matter what assimilationist governments individually or jointly say. In human rights, it is the human who has the first and final subject of respect, protection, promotion and fulfillment.

That having been said, and recognizing that self-determination can be either internal or external, the international public law term of art "internal self-determination unit" applies in the case of a group or community, and is subject to case-by-case interpretation. This could

refer to the rightful place of a minority or an indigenous people. It could conceivable apply also to a community of urban poor, particularly if their survival and/or well-being is threatened and their self-determination then becomes a need/right and requisite to the realization of other rights (life, adequate housing, culture, health, etc.).

In any case, the claimant of self-determination, whether an external or internal type, must meet the challenge and legal test of asserting that the claim at any level does not conflict with—or at least is balanced with—the rights of others. That may mean, of course, ensuring that self-determination claims do not negate general ecological values, others' self-determination rights, the rights of women to gender equality, security of person, regional peace and security, etc.

What are the criteria for *bona fide* claimants to local self-determination in the terms of international law as developed? The criteria presented by Martinez-Cobo (*Study of Discrimination against Indigenous Peoples*, UN document E/CN.4/Sub.2/1986/7/Add.4) has grounded much of the self-determination thinking about indigenous peoplehood and the rights arising. Based on his criteria for indigenous "people," the characteristics constituting a community with the right to claim external or internal self-determination could also be that the community (1) predate the influx of "others," (2) possess distinct cultural attributes, (3) occupy an identifiable territory and (4) identify itself as a people/community having the right to self-determination.

Self-determination applied to communities:

The over-riding principle of self-determination is consistent with classic (customary and treaty) law criteria, as well as popular claims to the same. In both senses, the claim is legally fixed in the common Article 1 of the human rights treaties. With ICESCR as a basic treaty, integrated with other human rights instruments and enshrining the human right to adequate housing in its Article 11, that right is to be exercised together with the right to self-determination. That is particularly clear in cases of housing rights violations against a committed community that can be so severe in degree and large in scale as to violate also the right to self-determination.

Making the case for ultimate "self-determination" at the community level, numerous popular instruments (mostly written and collectively endorsed statements, but also those rooted in oral traditions) assert the "right" of communities to determine their own destiny. (See also "Community" above.)

Self-determination becomes as vital as any other need that grounds other human rights, including those other over-riding principles of rule of law, nondiscrimination, gender equality and international cooperation consistent with all human rights. In their collective dimension, these all become community "needs" and, consequently, "rights" insofar as their absence leads to erosion and violation of a bundle of individual, stand-alone rights and can lead to the deprivation or demise of a community as such.

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With that, and recognizing that self-determination can be either internal or external, the international public law term of art "internal self-determination unit" applies in the case of a group or community, and is subject to case-by-case interpretation. This could refer to the rightful place of a minority or an indigenous people. It could conceivable apply also to a community of urban poor, particularly if their survival and/or well-being is threatened and their self-determination then becomes a need/right and requisite to the realization of other rights (life, adequate housing, culture, health, etc.).

In any case, the claimant of self-determination, whether an external or internal type, must meet the challenge and legal test of asserting that the claim at any level does not conflict with—or at least is balanced with—the rights of others. That may mean, of course, ensuring that self-determination claims do not negate general ecological values, others' self-determination rights, the rights of women to gender equality, security of person, regional peace and security, etc.

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Settlement, **informal settlement** and **settler colony**: "Settlement" is the social science and planning term referring areas of human habitation, also referred to as “human settlement.” An inhabited area is also a “settlement,” irrespective of its density, the ethnic or religious composition of their population, or legal status. However, legal status may distinguish a human settlement as “formal” or “informal.” An “informal settlement” is a cluster of housing and other structures built without the formal consent of the planning authorities, or settlements that have only temporary permission to occupy the settled land. Thus, an informal settlement exists outside the conditions established in textual law.

The word “colony” has its etymological roots in Latin and Greek. The literal meaning of the word *colonia* is settlement. The act of “settlement” is an essential characteristic of colonialism, meaning the movement of people to a peripheral region or a foreign territory from a metropolitan state.

"Settler colony" is a term distinguished by its reference to wholly illegal human settlements of an Occupying Power's population. Both the process and the actual structures forming “settler colony” violate the Fourth Geneva Convention, [Arabic] Article 49, and, under article 147, constitute "grave breaches." Settler colonies form part of the practice of population transfer, recognized also as a "crime against humanity" (Article 7) and a “war crime” (Article 8) under the Rome Statute (1998). [Arabic]

The term “settler colony” is also used to distinguish between two types of historic European colonies: “settler (or settler invader) colonies” and “colonies of occupation” (or “exploitation colonies”). The primary difference between settlement and exploitation colonies is that settlers took possession of the land and cultivated it, stay permanently in “settler colonies,” without intending to return home. In “settler colonies,” according to Ashcroft, “the invading Europeans (or their descendants) annihilated, displaced and/or marginalized the indigenes to become a majority nonindigenous population” (p. 193). In “exploitation colonies” or “colonies of occupation,” the European “settlers” consisted of a relatively small but powerful group of white planters concerned mainly with managing and supervising the exploitation of resources, as well as safeguarding the geopolitical interests of the metropolitan state. Those colonies seldom remained after the end of their mission.

The majority of the non-European world was colonized under the fictitious and now discredited Doctrine of Discovery in international law and practice. Under this legal principle, European countries claimed superior rights over Indigenous nations. The international trusteeship system was established by the UN Charter. [Arabic] Affirming the principle of self-determination, the Charter describes the responsibility of States for territories under their administration as “a sacred trust” in which the interests of their inhabitants are paramount. As the process of decolonization continued to advance, the General Assembly adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV), 14 December 1960) [Arabic]. That Declaration affirmed the right of all people to self-determination and proclaimed that colonialism should be brought to a speedy and unconditional end.

Slum: a contiguous human settlement where the inhabitants are characterized as having inadequate housing and basic services. A slum is often not recognized and addressed by the public authorities as an integral or equal part of the city and includes any combination of the following elements:

- Insecure residential status;
- Inadequate access to safe water;
- Inadequate access to sanitation and other infrastructure;
- Poor structural quality of housing;

- Overcrowding.[227]

Smart city: A contemporary concept referring to an urban region that features highly advanced inter connected infrastructure, transportation and built environment, in general, and information and communications technology (ICT), in particular. Many technological platforms are involved, including but not limited to automated sensor networks and data centers.

"Smart city" is primarily a marketing term, promoting the production, exchange and consumption of such technology. The concept originated during the world economic crisis of 2008, when the IBM Corporation began work on a "smarter cities" concept as part of its Smarter Planet initiative. By the beginning of 2009, the concept had captured the imagination of many private- and public-sector innovators across the globe, becoming one of the many lucrative businesses forming the so-called "green economy."

The positive aspects of the smart city include a promised public benefit from enhanced quality, performance, efficiency and interactivity of urban functions and services, reduced costs and resource consumption, more-convenience access to information and improved contact between citizens and government. Certain smart city technologies also seek to enhance public security through digital monitoring, data exchange, surveillance and reporting applications.

Some negative aspects of a "smart city" are the high cost in financial resources and time, especially for taxpayers and consumers who would have to pay the bill for projects over the projected 20–30 years required to build a "smart city." Many cities seeking to become "smart" may require special investment regions or special economic zones with modified labor standards and tax incentives to attract investment, where much of the funding for these projects would have to come from private developers and from abroad, in addition to the maintenance and operation costs that tend to form a major part of public-private procurement and service contracts.

Social cohesion: Social cohesion is the demonstrated willingness of members of a community—or wider society—to cooperate with each other in order to survive and prosper. It is the bond and common purpose among members of a society to ensure the well-being of all its members, minimizing disparities and avoiding marginalization.

OECD has defined a cohesive society as one that "works toward the well-being of all its members, fights exclusion and marginalization, creates a sense of belonging, promotes trust, and offers its members the opportunity of upward mobility."

Social cohesion is perceived as desirable in diverse and dense living environments such as cities, especially as having a salutary effect to reduce intercommunity tensions and avoid conflict and violence. Its constituent elements include concerns about social inclusion, social capital and social mobility. Certain spheres of government and development agencies have begun to carry out projects and programs to encourage social cohesion, especially in the context of demographic change and displacement that new combinations of distinct populations and their interactions. Some of these

[227] "Defining Slums and Secure Tenure," Expert Group Meeting, Nairobi, November 2002.

elements are quantifiable, and some efforts have sought to develop suitable metrics to assess social cohesion.[228]

However, ideological movements have distorted the meaning and purpose of "social cohesion" to serve private or parochial interests. In certain contexts, the term has been used as a premise to exclude and enforce physical segregation, material discrimination and apartheid in order to preserve the cohesion of certain social groups as distinct from others.[229]

Social capital: the collective value of social networks of an individual, community or society that facilitates individual and collective action. Social capital broadly refers to those factors of effectively functioning social groups and their relationships to each other, include such values as interpersonal relationships, a shared sense of identity, a shared understanding of concepts and norms, trust, cooperation and reciprocity. The many views of this complex subject make a single definition difficult.

The term generally refers to (a) resources, and the value of these resources, both tangible (public spaces, private property) and intangible ("actors", "human capital", people), (b) the relationships among these resources, and (c) the impact that these relationships have on the resources involved in each relationship, and on larger groups. It is generally seen as a form of capital that produces public goods for a joint, collective or common purpose.
Social capital has been used to explain the improved performance of diverse groups, the growth of entrepreneurial firms, superior managerial performance, enhanced supply chain relations, the value derived from strategic alliances, and the evolution of communities. (For more information, click here.)

This term is to be understood distinctly and differently from parties outside the group such as external institutions, including the World Bank Group, that consider social capital in a community as an asset to be harnessed in order implement an externally driven project. Rather, social capital is a value rightfully belonging to its participants and practitioners within the group or community.

[228] Through specific activities and surveys assessing different aspects of people's social connections and civic engagement. For example, see: Deutsche Gesellschaft für Internationale Zusammenarbeit (GiZ), "Education for social cohesion" (2013–16), https://www.giz.de/en/worldwide/18393.html; European Committee for Social Cohesion, "Strategy for Social Cohesion" CDCS (2000) 43, www.coe.int/t/dg3/socialpolicies/socialcohesiondev/source/strategy_en.doc; African Development Bank, Côte d'Ivoire - Social Inclusion and Cohesion Enhancement Support Programme (PARICS) (2014–15), https://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/C%C3%B4te_d_Ivoire_-_Social_Inclusion_and_Cohesion_Enhancement_Support_Programme__PARICS__-_Appraisal_Report.pdf.

[229] In Israel, the military is seen as an institution that promotes social cohesion - a very important melting pot in the Israeli reality of diversity. Army service is seen as a as a process that promotes social cohesion – a very important melting pot to transform the Israeli reality of diversity into conformity. The army is seen as a principal institution for forming "national" (Zionist-Jewish) consciousness and participating in the nation-building project as conceived by the authorities, i.e. promoting Israel as a Jewish national state. See "Attempts To Mobilize Christians Into The Israeli Military The Case of Christian Arab Citizens of Israel," *Holy Land Christian Ecumenical Foundation*, https://hcef.org/790793710-attempts-to-mobilize-christians-into-the-israeli-military-the-case-of-christian-arab-citizens-of-israel/. See the inverted interpretation of the concept of "social cohesion" of individual communities as a basis for legalized segregation and institutionalized material discrimination between different classes of citizens is exemplified in decisions of the Israel Lands Administration Council. See Suhad Bishara, "On Class and Nationality in Housing Rights, ‖" *Adalah's Newsletter*, Volume 11 (March 2005), p. 1, http://www.adalah.org/newsletter/eng/mar05/ar1.pdf. See also HIC-HLRN (in conjunction with Sajha Manch) *Restructuring New Delhi's Urban HabitBuilding an Apartheid City?* Fact-finding Report No. 5 [on the resettlement process of Delhi, India] (New Delhi: HIC-HLRN, South Asia Regional Program—SARP, 2001), executive summary http://www.hic-gs.org/document.php?pid=2719.

Social function: in theory, a social function is "the contribution made by any phenomenon to a larger system of which the phenomenon is a part."[230] 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.

The 1988 Brazilian Constitution explicitly recognizes the right to decent housing, and provides that property, whether urban or rural, "shall fulfill its social function" (Article 5, §XXIII). Colombia's 1991 Constitution also recognizes property's "social function that implies obligations" (Article 58). The Constitution of Bolivia contains a similar provision (Article 397(l)), and Ecuador Constitution explicitly recognizes property's social and environmental functions (Articles 31 and 66(26) and 282). Unoccupied buildings or unproductive land, thus, became more susceptible to formal and enforceable transfer to use in the social interest. The Egyptian Constitutions, until 2014, also explicitly recognized the social function of property (Articles 30 and 32 of the Constitution of 1971; Article 24 of the Constitution of 2012). Islamic philosophy, Prophetic Tradition and law recognize ownership, but reserve water, pastureland and fire (i.e., energy) as common entitlement of the people with a social function,[231] restricting their privatization.[232]

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 property" (UDHR, Article 17). 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.

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[230] Thomas Ford Hoult, *Dictionary of Modern Sociology* (Totowa NJ: Littlefield Adams 1969), p. 139.

[231] "O you who believe! Verily, there are many of the (Jewish) rabbis and the (Christian) monks who devour the wealth of mankind in falsehood, and hinder (them) from the Way of Allâh (i.e., Allâh's Religion of Islâmic Monotheism). And those who hoard up gold and silver [*al-Kanz*: the money, the *Zakât* of which has not been paid], and spend it not in the Way of Allâh, -announce unto them a painful torment. 35. On the Day when that (*al-Kanz*: money, gold and silver, etc., the *Zakât* of which has not been paid) will be heated in the Fire of Hell and with it will be branded their foreheads, their flanks, and their backs, (and it will be said unto them):-"This is the treasure which you hoarded for yourselves. Now taste of what you used to hoard." *Surat al-Tawba* 9.

[232] The Prophet Muhammad (PBuH) famously enjoined: "Muslims are to share in these three things: water, pasture, and fire." 15. Hadith related by Abu-Dawud, Ibn Majah, and al-Khallal. See *Islamset,* http://www.islamset.com/env/contenv.html.

Social housing: is an umbrella term for government-assisted accommodation with the objective of attaining and sustaining household and community well-being. Social housing could include—although not uniquely—not-for-profit housing that government and community managers provide with the purpose to ensure for reasons of household affordability and appropriateness. Social housing has developed in response to inability of the housing market to respond to the general need and demand for housing. Usually, it is rental housing that may be owned and managed by the State, by not-for-profit organizations, or by a combination of the two. However, some social housing schemes involve also private-sector investment partners.

"Social housing is housing where the access is controlled by the existence of allocation rules favouring households that have difficulties in finding accommodation in the market."[233] While recognizing that the types of tenure, target groups/ beneficiaries and further interpretation of social housing are subject to variation by country, circumstance and over time, social housing involves at least the following characteristics:

- Allocation and access: State or the regional or local authorities determine the target groups and criteria for allocation and access, including such criteria as income ceilings, affirmative action/positive discrimination, or other priorities;
- Affordability: A low price or low level of rent to ensure that low income groups can gain and sustain access to social housing;
- Security of tenure: Secured and long-term lease on rented sector and securitization on social owner occupation sector. (See also **Public housing** above.)

Social justice: Any theory or practice that encourages members of a society to behave more justly toward each other. The "social justice" concept of fair and just relations between the individual and society is characterized and measured by the distribution of wealth, natural resources, goods and services, opportunities for personal activity, social privileges and other values related to habitat and well-being.

In many human cultures, the concept of social justice often has entailed processes of ensuring that individuals fulfill their societal roles and receive their due from society.[234] The current global grassroots movements for social justice emphasize breaking barriers to social

[233] The European Liaison Committee for Social Housing (CECODHAS) proposed this definition of social housing to the European Commission in 1998 to define Social Housing by a single, Europe-wide criterion under the 6th European directive on value-added tax (VAT), which allows the European Union Member States to apply a low rate of VAT on social housing.

[234] Aristotle, *The Politics* (ca 350 BC); Burke, T. P. (2014). John Rawls, *A Theory of Justice* (Cambridge MA: Harvard University Press, 1971); N. Hanif, *Islamic Concept of Crime and Justice: Political justice and crime* (New Delhi: Sarap & Sons, 1999); Barbara Hemphill, "Social Justice as a Moral Imperative," *The Open Journal of Occupational Therapy*, Vol. 3, Issue 2 (2015), https://scholarworks.wmich.edu/cgi/viewcontent.cgi?article=1150&context=ojot; Mary T. *Clark,* "Augustine on Justice," in *Teresa Delgado), John Doody, Kim Paffenroth, eds., Augustine and Social Justice* (Lanham MD: Lexington Books, 2015), pp. 3–10, https://drive.google.com/file/d/0B5cQDUWg9Kd8djVCRFoyQTZYS0k/view; Ayelet Banai, Miriam Ronzoni and Christian Schemmel, *Social Justice, Global Dynamics : Theoretical and Empirical Perspectives* (Florence: Taylor and Francis, 2011), https://drive.google.com/file/d/0B5cQDUWg9Kd8eXZMWHU3ckpQVUk/view;شکوه دیباجی وغلامرضا فروشانی جمشیدیه; "مفهوم عدالت از منظر فارابی و ابن‌خلدون" ["Justice from the Perspective of al-Farabi and Ibn Khaldun"], *فصلنامه علمی-پژوهشی نظریه های اجتماعی اندیشمندان مسلمان* [*Scientific-Research Quarterly of Social Theories of Muslim Thinkers*], Vol. 5, Issue 1 (winter and spring 2015), https://jstmt.ut.ac.ir /article_60438.html.

mobility, maintain safety nets and economic equity.[235] For example, a social justice policy may seek to alleviate the consequences of racism, patriarchy, colonization or other form of unequal treatment and/or improve relations between classes. In economics, social justice is associated with policies seeking to help the poor, especially but not necessarily at the punitive expense of the wealthy. While generally critical of capitalism, social justice is not necessarily a socialist ideology, and is often opposed to experiments in socialism due to human rights concerns or similar grounds.[236]

Social justice assigns rights and duties to the institutions of society, which enables people to share equitably the basic benefits and burdens of cooperation. The relevant institutions often include those responsible for taxation, social insurance, public health, public school, public services, public hygiene and sanitation, environmental goods and natural resources (land, water, etc.), labor law and regulation of markets, to ensure fair distribution of habitat, wealth and equal opportunity, and the attainment and maintenance of well-being.[237]

Interpretations that relate justice to a person's reciprocal relationship to society are mediated by differences in cultural traditions, some of which emphasize the individual responsibility toward society and others the equilibrium between access to power and its responsible use.[238] (See **Social function** above.) Hence, social justice is invoked today while reinterpreting historical figures such as Bartolomé de las Casas, in philosophical debates about differences among human beings, in efforts for gender, ethnic, and social equality, for advocating justice for migrants, prisoners, the environment, and the physically and developmentally disabled.[239]

While the concept of social justice can be traced through the theology of Augustine of Hippo and the philosophy of Thomas Paine, the term "social justice" became used explicitly in the 1780s.[240] The Jesuit priest Prospero (Luigi) Taparelli d'Azeglio (1793–1862) is typically

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[235] Gavin N. Kitching, *Seeking Social Justice Through Globalization Escaping a Nationalist Perspective* (University Park PA: Pennsylvania State University Press, 2001). pp. 3–10, https://drive.google.com/file/d/0B5cQDUWg9Kd8V3hpa0V1ekFQZms/view; Arye L. Hillman, "Globalization and Social Justice," *The Singapore Economic Review*, Vol. 53, Issue 2 (2008), pp. 173–89, https://drive.google.com/file/d/0B5cQDUWg9Kd8V3hpa0V1ekFQZms/view; Kaan Agartan, "Globalization and the Question of Social Justice," *Sociology Compass*, Vol. 8, Issue 6 (2014), pp. 903–15, https://drive.google.com/open?id=0B5cQDUWg9Kd8Qm8zcHRRQ0xFN2c; Ann El Khoury, *Globalization Development and Social Justice: A propositional political approach* (Florence: Taylor and Francis, 2015). pp. 1–20, https://drive.google.com/open?id=0B5cQDUWg9Kd8MTk1Qkp2b0ZaNDg; Cecile Lawrence and Natalie Churn *Movements in Time Revolution, Social Justice, and Times of Change* (Newcastle upon Tyne UK: Cambridge Scholars, 2012), pp. xi–xv, https://drive.google.com/open?id=0B5cQDUWg9Kd8MWpSSGRWUllXTEE.

[236] "Social Justice," *Farlex Financial Dictionary* (2009), at https://financial-dictionary.thefreedictionary.com/Social+Justice.

[237] Rawls, *op. cit.*

[238] Aiqing Zhang, Feifei Xia and Chengwei Li, "The Antecedents of Help Giving in Chinese Culture: Attribution, Judgment of Responsibility, Expectation Change and the Reaction of Affect," *Social Behavior and Personality*, Vol. 35 Issue 1 (2007), pp. 135–42, https://drive.google.com/open?id=0B5cQDUWg9Kd8cTlPd2dzZ3d3TG8.

[239] Justin E. H. Smith, *Nature, Human Nature, and Human Difference: Race in Early Modern Philosophy* (Princeton NJ: Princeton University Press, 2015), p. 17, https://drive.google.com/open?id=0B5cQDUWg9Kd8MWRYV0xVUzNlRlU; Thanh-Đạm Trương, Des Gasper, Jeff Handmaker and Sylvia I. Bergh, eds., *Migration, Gender and Social Justice: Perspectives on Human Insecurity* (Heidelberg, New York, Dordrecht and London: Springer, 2013), pp. 3–26, https://drive.google.com/open?id=0B5cQDUWg9Kd8RGJGb0RiZEc0NzA; Abebe Abay Teklu, "We Cannot Clap with One Hand: Global Socio–Political Differences in Social Support for People with Visual Impairment," *International Journal of Ethiopian Studies*, Vol. 5, Issue 1 (2010), pp. 93–105, https://drive.google.com/open?id=0B5cQDUWg9Kd8RGJGb0RiZEc0NzA.

[240] See Clark, *op. cit.,* `Abd al-Rahmān bin Muhammad Ibn Khaldūn, transl. by Franz Rosenthal, Nessim Joseph Dawood, ed., intro. by Bruce Lawrence, المقدمة [*Prolegomena*] *The Muqaddimah: an introduction to history; in three volumes* (Princeton NJ: Princeton University Press, 1969), excerpt http://www.muslimphilosophy.com/ik/Muqaddimah/; Thomas Paine. *Agrarian Justice, opposed to agrarian law, and to agrarian monopoly. Being a plan for meliorating the condition*

credited with coining the term,[241] and it spread during the revolutions of 1848 with the work of Antonio Francesco Davide Ambrogio Rosmini-Serbati (1797–1855).[242] However, more-recent research has shown that the expression "social justice" is even older (before the 19th Century,[243] for example, in Anglo-America, the term appears in *The Federalist Papers*.[244]

See also **Climate justice**, **Justice (theories of)**, **Environmental justice** (above), and **Transitional justice** (below).

Social movement: the term originated around 1850 by German sociologist Lorenz von Stein,[245] in its contemporary usage, commonly refers to collective action, involving an informal grouping of individuals and organizations focused on common political or social goals and manifesting a visible and recognizable force in the public arena.

A social movement is a major vehicle for ordinary people's participation in public politics through a series of contentious performances, displays and campaigns by which ordinary people make collective claims on others. Charles Tilly ascribes social movements as having any of three major elements:

1. Campaigns: a sustained, organized public effort making collective claims on target authorities;
2. Social movement repertoire: employment of combinations from among the following forms of political action: creation of special-purpose associations and coalitions, public meetings, solemn processions, vigils, rallies, demonstrations, petition drives, statements to and in public media, and pamphleteering; and
3. Participants' concerted public representation displays worthiness, unity, numbers, and commitments on the part of themselves and/or their constituencies.[246]

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of man, by creating in every nation, a national fund, to pay to every person, when arrived at the age of twenty-one years, the sum of fifteen pounds sterling, to enable him or her to begin the world! And also, ten pounds sterling per annum during life to every person now living of the age of fifty years, and to all others when they shall arrive at the age, to enable them to live in old age without wretchedness, and to enable them to live in old age without wretchedness, and go decently out of the world (Philadelphia: R. Folwell, for Benjamin Franklin Bache, 1796), https://ia802805.us.archive.org/14/items/agrarianjusticeo00pain/agrarianjusticeo00pain.pdf; Joseph Zajda, Suzanne Majhanovich, Val Rust and E Martín Sabina, *Education and Social Justice: Issues of Liberty and Equality in the Global Culture* (Dordrecht:, Springer Science & Business Media, 2006); J. Zajda, S. Majhanovich, and V. Rust, "Introduction: Education and social justice," *Review of Education*, Vol. 52, Issue, 1 (2006), pp. 9–22, https://talkcurriculum.files.wordpress.com/2014/09/zajda-j-majhanovich-s-and-rust-v-2006-introduction-education-and-social-justice.pdf.

[241] Thomas Patrick Burke, "The origins of social justice: Taparelli d'Azeglio," *First Principles Journal* (October 2014), https://isi.org/intercollegiate-review/the-origins-of-social-justice-taparelli-dazeglio/.

[242] Antonio Rosmini, transl. by Alberto Mingardi, *The Constitution under Social Justice* (Lanham MD: Lexington Books. 2007).

[243] Carlos Andrés Pérez-Garzón, "Unveiling the Meaning of Social Justice in Colombia," *Mexican Law Review*, Vol. 10, No. 2 (14 January 2018), pp. 27–66, https://revistas.juridicas.unam.mx/index.php/mexican-law-review/article/view/11892.

[244] "We have observed the disposition to retaliation excited in Connecticut in consequence of the enormities perpetrated by the Legislature of Rhode Island; and we reasonably infer that, in similar cases, under other circumstances, a war, not of parchment, but of the sword, would chastise such atrocious breaches of moral obligation and social justice." Alexander Hamilton, "The Same Subject Continued: Concerning Dangers from Dissensions Between the States, For the Independent Journal," *The Federalist Papers: No. 7*, *The Avalon Project: Documents in Law, History and Diplomacy*, https://avalon.law.yale.edu/18th_century/fed07.asp.

[245] Lorenz von Stein, *Geschichte der sozialen Bewegung in Frankreich von 1789 bis auf unsre Tage*, 3 vols. (Leipzig: 1850); *History of the French Social Movement from 1789 to 1850* (transl. by Kaethe Mengelberg) (New York: Bedminster Press, 1964).

[246] Charles Tilly, *Social Movements, 1768–2004* (Boulder CO, Paradigm Publishers, 2004).

Sydney Tarrow distinguishes social movements from political parties and interest groups, describing a social movement as collective challenges [to elites, authorities, other groups or cultural codes] by people with common purposes and solidarity in sustained interactions with elites, opponents and authorities.[247] (For more information, log onto to HIC-HLRN website: at www.hlrn.org.)

Social production of habitat (SPH): 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 and cases, go to HIC general website and HIC-HLRN website.)

SPH relates also to the state's obligation to *fulfill* the human right to adequate housing by promoting, facilitating and assisting its realization. This is consistent with the arguments and commitments of the NUA (paras. 31 and 46) and the preceding call from the 2015 Barcelona Urban Thinkers Campus for state-supported SPH on human rights grounds.

Social protection: In the context of development, development assistance and climate policy, social protection usually describes public and private initiatives that provide income or consumption transfers to the poor, protect the vulnerable against livelihood risks and enhance the social status and rights of the marginalized, with the overall objective of reducing the economic and social vulnerability of poor, vulnerable and marginalized groups.[248]

In other contexts, social protection may be used synonymously with social policy and can be described as all public and private initiatives that provide access to services, such as health, education or housing, or income and consumption transfers to people.

Social protection policies protect the poor and vulnerable against livelihood risks and enhance the social status and rights of the marginalized, as well as prevent vulnerable people from falling into poverty.

(See also **Marginalization**, **Livelihood** above, and **Vulnerability** below.)

Spatial justice: Physical space shapes social relations as much as social relations shape space. The space we live in can have negative, as well as positive consequences on everything people do. The concept of spatial justice involves "the fair and equitable distribution in space of socially valued resources and opportunities to use them."[249]

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[247] Sidney Tarrow, *Power in Movement: Collective Action, Social Movements and Politics* (Cambridge and London: Cambridge University Press, 1994).

[248] Stephen Devereux and Rachel Sabates-Wheeler, *"Transformative social protection,"* IDS Working Paper 232 (Brighton: Institute of Development Studies, October 2004), p. iii, https://www.ids.ac.uk/download.php?file=files/dmfile/Wp232.pdf.

[249] Edward W. Soja, "The city and spatial justice," justice spatiale - spatial justice, n° 01 (September 2009), http://www.jssj.org/article/la-ville-et-la-justice-spatiale/

Spatial justice focuses on mainly two 'types' of justice: distributive justice and procedural justice. (*See* **Distributive justice** above and **Procedural justice** below.) It relates to the spatial dimension of the fair distribution of the burdens and benefits of urban development, and on the particular manner this distribution is managed. Such management takes place through formal institutions, such as planning systems, but also through informal institutions, such as the informal agreements and cultural attitudes toward urban space. This includes all the different scales within living space, from the household to the global scale. Spatial justice involves "the fair and equitable distribution in space of socially valued resources and opportunities to use them."[250]

The concept links social justice to space, most notably in the works of geographers David Harvey and Edward W. Soja. The field analyzes the impact of regional planning and urban planning decisions. It is promoted by the scholarly tradition of critical geography, which arose in the 1970s.[251] Edward Soja stated that spatial justice "seeks to promote more progressive and participatory forms of democratic politics and social activism, and to provide new ideas about how to mobilise and maintain cohesive collations and regional confederations of grassroots social activists.[252]

Spatial justice as such is not a substitute or alternative to social, economic, or other forms of justice but rather a way of looking at justice from a critical spatial perspective.[253] In this perspective "the spatiality of (in)justice […] affects society and social life just as much as social processes shape the spatiality or specific geography of (in)justice."[254]

Spatial segregation: can be understood as the imposed or preferred separation of groups of people in a particular territory by lines of race, caste, ethnicity, language, religion or income status. Spatial, including residential segregation can have different forms depending on the territorial, cultural or historical context and is often characterized by forms of economic and social exclusion, inequity and spatial disparity in access to infrastructure, services and livelihood opportunities.

Squat (noun): a place (land or structure) occupied by persons claiming it for their residence or other use without holding legal title to it.

Squat (verb): to occupy a place unlawfully for the purpose of residence therein.

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[250] *Ibid.*

[251] David Harvey, *Social Justice and the City* (London: Edward Arnold, 1973); David Harvey, "Social justice, Postmodernism and the City," *International Journal of Urban and Regional Research*, Vol. 16, Issue 4 (1992,), pp. 588–601, https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1468-2427.1992.tb00198.x; Edward W. Soja, *Postmetropolis, Critical Studies of Cities and Regions* (Oxford: Blackwell, 2000).

[252] Soja, 2009, *op. cit.*

[253] Edward W. Soja, Seeking Spatial Justice (Minneapolis: University of Minnesota Press, 2010), p. 60.

[254] *Ibid*, p. 5.

Squatter: a person who engages, or is engaged in claiming possession of a property (land or structure) without holding legal title or tenure to it; one who squats. (See also "**Adverse possession**" above.)

Stakeholder: A stakeholder is a legal or natural person such as an employee, customer, or citizen who is involved with an organization, society, program or project, etc. and, therefore, has responsibilities toward it and an interest in its success. Stakeholders can affect, or be affected by the organization's actions, objectives and policies. Some examples of key stakeholders are creditors, directors, employees, government (and its agencies), owners (shareholders), suppliers, unions, citizens and/or the community from which the entity, project or program draws its resources.[255] A stakeholder could also be a player in a gambling wager or game.

Not all stakeholders are equal or homogenous. They may differ in relations to the number or weight of their constituency, or investment of resources at stake. In a multistakeholder structure, for example, stakeholders may have private interests (e.g., private-sector representatives), while others may have plural or public interests[256] (e.g., civil society organizations),[257] or public duties (i.e., central and local governments, and other organs of the state).

Stakeholder participation: A relationship in which stakeholders are able to negotiate with decision makers and have real influence on planning, policies and programs.[258]

Statutory rights: (See **Civil rights** and **Legal rights**.)

Strike: is an organized work stoppage caused by the mass refusal of employees to perform work. and usually takes place in response to employee grievances. The use of the English word "strike" first appeared in 1768, when sailors, in support of demonstrations in London, "struck" or removed the topgallant sails of merchant ships at port, thus crippling the ships. Strikes are sometimes used to put pressure on governments to change policies. Occasionally, strikes destabilize the rule of a particular political party. The Strike Action is the weapon of the workers most associated with industrial disputes, and certainly among the most powerful. In most countries, strikes are legal under a circumscribed set of conditions.

Sustainable Development: A process of synergetic integration and co-evolution among the great subsystems making up a territory (economic, social, physical and environmental) that guarantees and sustains an increasing level of wellbeing in the long term, without

[255] Derived from *Cambridge Dictionary* https://dictionary.cambridge.org/dictionary/english/stakeholder/.

[256] Henry Mintzberg, *Rebalancing Society: Radical Renewal beyond Left, Right, and Center* (Oakland CA: Berrett-Koehler Publishers, 2015); *see* https://rebalancingsociety.org/.

[257] For a more-detailed discussion, *see* Stephen Keith McGrath and Stephen Jonathan Whitty, "Stakeholder defined," *International Journal of Managing Projects in Business*, Vol. 10, Issue 4 (July 2017), https://www.researchgate.net/publication/318505331_Stakeholder_defined/.

[258] Arnstein, *op. cit.*

compromising the possibilities of development of surrounding areas and contributing to, or reducing the harmful effects of production, consumption and urbanization on the biosphere.

In various contexts, sustainable development has been defined in many ways. However, the most frequently quoted definition is:

> "Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs."[259]

Sustainable development poses dilemmas in public policy to achieve a balance between:

- "Needs," in particular, the essential needs of the world's poor, to which the overriding priority should be given; and
- The need for the state to manage production and consumption, distribution, technology and social organization within the environment's ability to meet present and future needs.

Sustainability: is the endurance (assured continuity) of a condition, system or process. Any condition or process can be either sustainable or unsustainable depending upon its likelihood of continuous progression. Such sustainability could be positive or negative, as seen by the beholder.

In the sense of sustainable development, its best expression may be the continuous improvement of economic, environmental and social conditions in a balanced pattern buttressed by the respect, protection fulfillment of human rights. In its worst expression, sustainable development could mean the persistence of a current pattern of development that does not uphold the balance of those three dimensions with their stabilizing human rights obligations.

In ecology, **sustainability** is the condition by which biological systems remain diverse, productive and reproductive. Enduring and healthy wetlands, forests and fisheries are examples of sustainable biological systems.

Despite the common usage of the use of the term "sustainability," the possibility that human societies will achieve environmental sustainability has been, and continues to be, questioned, especially in the light of environmental degradation, climate change, overconsumption, population growth and the economic-development organizations' and regional development organizations' pursuit of unbridled economic growth as the primary measure of development progress and sustainability in such a closed system as the planet earth. This trend and analytical method become particularly problematic when they function out of balance with the other (ecological and social) dimensions of "sustainable development," simultaneously upheld by the normative, human rights framework.

[259] United Nations, *Report of the World Commission on Environment and Development: Our Common Future: Our Common Future*, also known as the Brundtland Report (Oxford and London: Oxford University Press, 1987), p. 41, https://sustainabledevelopment.un.org/content/documents/5987our-common-future.pdf.

Other terms and practices involving the term and/or concept of sustainability can be so diverse and adverse as "debt sustainability," or "sustainable genocide" and "sustainable genocide prevention." When French Ecology Minister Ségolène Royal suggested on Canal+ television in June 2015 that consumer stop eating Nutella, because it is made with palm oil. The manufacturer Ferrero responded that it uses 100% segregated palm oil certified by the Roundtable on Sustainable Palm Oil (RSPO). However, RSPO standards do not prohibit deforestation and peatland destruction, raising questions at to the meaning and use of the term "sustainability" in that context.

Synergy: The benefit derived from an interaction or cooperation of two or more sources, organizations, substances, or other agents to produce a combined effect distinct from and greater than the sum of their separate parts or effects.

The term *synergy* comes from the Attic Greek word συνεργία (*synergia*), derived from συνεργός (*synergos*), which means "working together." A synergy may be conceptual/philosophical, human, corporate, economic, biological or chemical in nature. This is in contrast to a case in which the sources, organizations, substances, or other agents provide no greater combined effect, in which case the result is said to be a "redundancy."

Temporary protection (TP), alternatively "provisional protection": is the most recently emerging norm of State practice at finding refugee solutions. Along with the obligation of *non-refoulement* (no sending back) and the nonobligatory protection of political asylum, TP also constitutes an international law norm by which States treat as refugees those persons fleeing a major crisis in their home State, although they may not be covered explicitly by the 1951 Refugees Convention's criteria. TP applies to diverse migrants, or putative refugees, including, but not limited to those escaping armed conflict, civil strife or individual persecution. As developed, the multiple forms of TP implementation across the world share some common elements:

1. The host-State grants TP to specific groups or individuals for a defined period;
2. The State grants TP with the expectation of providing a solution for a defined period, after which the individual or group would return home, if s/he prefers, or should seek resettlement in a third State offering more-permanent status;
3. TP is a discretionary practice on the part of States and, thus,
4. May guarantee fewer rights than to refugees under the 1951 Convention.

Tenure: the holding of a thing, such as a position or a property. (See "secure tenure.") Land and housing tenure comes in various forms, including freehold (ownership), leasehold (rental), or other legal forms, and could be held singly (private tenure), jointly or collectively.

Tokenism: Stakeholders are allowed to access information and express their views, however, without any guarantee that the voice of concerned parties will be considered in the plans.[260]

(See also **Stakeholder** above.)

Transitional justice: When considering restitution and reparation processes, we find that, historically, juridical strategies have provided remarkably fewer reparations than the administrative processes have done. These administrative remedies have involved a variety of institutions and methods, ranging from corporations paying compensation to institutions in the name of holocaust victims,[261] and including the UN's Iraq Conciliation Commission, paying out directly to affected parties. Some processes have been local and focused on reconciling the pain, suffering, loss and costs to victims in a single country, such as the South African Truth and Reconciliation Commission and the Moroccan Equity and Reconciliation Commission (*Instance Équité et Réconciliation* [IER]), even though that has not delivered "reparations" in the legal sense. Cumulative experience has developed five principle transitional justice mechanisms (trials, truth commissions, amnesty, lustrations, or reparations).

Theoretically, complete transitional justice involves five processes, although in no rigidly prescribed order:

- Remembrance, documentation and acknowledgement of the pain, suffering, loss, motivations, etc., to reconstruct the broken past to determine the duties and violations (including breaches and crimes), especially with an eye to procedures and standards of evidence sufficient for adjudication;
- Dialogue and reconciliation between and among parties involved in an effort to uphold the other efforts of transitional justice;
- Prosecution of the duty holders to ascertain personal liability, state obligation, state liability, state responsibility, war crimes, crimes against humanity, etc.;
- Reform of abusive institutions;
- Reparation, according to the seven elements defined in the corresponding UN General Assembly resolution.[262]

See also **Climate justice**, **Justice (theories of)**, **Environmental justice** and **Social justice** (above).

Traveler*:* a person forming part of a traditionally nomadic group found globally, but concentrated in Ireland. They often face severe persecution and denial of rights in their countries of residence, in particular, housing and land rights violations in the form of forced eviction, dispossession, destruction, marginalization, denial of access to services and other forms of discrimination. Travelers also are associated with Roma, because of their nomadic life style, although they do not share the same Romani ethnic origins or composition.

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[260] Arnstein, *op. cit.*

[261] C.f.: Norman Finkelstein, *The Holocaust Industry: Reflections on the Exploitation of Jewish Suffering* (London: Verso Books, 2000).

[262] "Basic Principles and Guidelines," *op cit*.

Unit of housing: A structure, or part of a structure, that serves as the undivided dwelling place for habitation of one or more persons constituting a single nuclear family. A housing unit is a house, an apartment, a hut, a mobile home, a tent, a shanty, a group of rooms, or a single room that is occupied (or if vacant, is intended for occupancy) as separate living quarters. Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and that have direct access from the outside of the building or through a common hall. For example, a building with six apartments counts as six housing units.

Universal Periodic Review (UPR): Created in 2008, the Universal Periodic Review or UPR is a mechanism created by the UN Human Rights Council which is a review human rights record of UN member States every 4.5 years. This process allows for a review of all human rights instruments that a state is signatory to. The result of each review is reflected in an "outcome report" listing the **recommendations** the State under review will have to implement before the next review.

According to the Office of the High Commissioner for Human Rights (OHCHR), "the UPR is a State-driven process, under the auspices of the Human Rights Council, which provides the opportunity for each State to declare what actions they have taken to improve the human rights situations in their countries and to fulfill their human rights obligations." It also is a process in which civil society, via NGOs, can submit information on the human rights situation in the country, such as with other parallel reporting processes, as well as through monitoring state commitments to human rights obligations.

Information on past and upcoming reviews, as well as the UPR process can be found here.

"Unsafe" area: The official category given to an area of human habitation that is prone to natural or human-made disaster. The designation of a human settlement, community or residential zone as an "unsafe area" often preceeds an eventual demolition, (forced) eviction, resettlement or removal carried out at the behest of authorities reporesenting central or local spheres of government.

Following the rockslide that killed at least 199 people in Duwayqa, East Cairo on 8 September 2008, Egypt's then President Husni Mubarak established the Informal Settlement Development Fund to manage slum-development policy in that national context. The ISDF categorizes as "unsafe" those areas that are considered life threatening due to their location or other conditions. Identifying four grades of "unsafe areas":

> Grade (1), Life threatening areas: these include houses built in life-threatening locations such as under sliding geological formations, in flood zones, or exposed to railways accidents.
>
> Grade (2), Areas of Unsuitable Shelter Conditions: these include shelters made of make-shift materials, ruined and structurally unstable buildings, and houses on sites unsuitable for habitation; e.g., dump sites.

Grade (3), Health risks Areas: these include houses that lack access to clean drinking water or improved sanitation, those exposed to industrial pollution, and those under high voltage cables.

Grade (4), Areas of Unstable Tenure: these include houses developed on state land or on the territory of Endowments (*Awqaf*).

In March 2010, ISDF Executive Director `Ali el-Faramawy explained [Arabic] that, within the next seven years, the Government of Egypt would prioritize the eviction and removal of "unsafe areas" according to the level of urgency corresponding to the level of risk.

Urban: The categorization of areas as "urban" (often by government statistical departments) is generally based either on population size, population density, economic base, provision of services, or some combination of the above. Urban systems are networks and nodes of intensive interaction and exchange including capital, culture, and material objects. Urban areas exist on a continuum with rural areas and tend to exhibit higher levels of complexity, higher populations and population density, intensity of capital investment, and a preponderance of secondary (processing) and tertiary (service) sector industries. The extent and intensity of these features varies significantly within and between urban areas. Urban places and systems are open, with much movement and exchange between more rural areas as well as other urban regions. Urban areas can be globally interconnected, facilitating rapid flows between them, of capital investment, of ideas and culture, human migration, and disease. See also City, City region, Urbanisation and Urban systems.

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, inspired by the Council of Europe-organized "European Campaign for Urban Renaissance" (1980 to 1982). It identifies a bundle of "rights" that apply to inhabitants of both the city and "its surrounding region," including rights to:

2. Security; i.e., a secure and safe town, as free as possible from crime, delinquency and aggression;
3. An unpolluted and healthy environment free from air, noise, water and ground pollution and protective of nature and natural resources;
4. Adequate employment possibilities through a fair share in economic development toward achieving personal financial autonomy;
5. An adequate supply and choice of affordable, salubrious housing, guaranteeing privacy and tranquility;
6. Unhampered mobility and freedom of movement that pursues a harmonious balance among all street users; e.g., public transport, the private car, the pedestrian and cyclists;
7. Health in an environment and a range of facilities conducive to physical and psychological health;
8. Sport and leisure, with access to a wide range of facilities for all persons, without discrimination;
9. Access to, and participation in a wide range of cultural and creative activities and pursuits;

10. Multicultural integration, where communities of different cultural ethnic and religious backgrounds coexist peaceably;
11. Good quality architecture and physical surroundings through contemporary construction, as well as retention and sensitive restoration of built heritage;
12. Harmonization of urban functions and activities as closely interrelated as possible;
13. Participation in pluralistic democratic structures and in urban management through cooperation among all of the various partners, practicing the principle of subsidiarity, with corresponding rights to information and freedom from over-regulation;
14. Economic development, where the local authority assumes responsibility for creating—directly or indirectly—economic growth, in a [locally] determined and enlightened manner;
15. Sustained development, whereby local authorities attempt to reconcile economic development and environmental protection;
16. A wide range of accessible and adequate services and goods provided by the local authority, the private sector or by partnerships between both;
17. Natural wealth and resources and assets by a local authority in a rational, careful, efficient and equitable manner to benefit all citizens;
18. Personal fulfilment through urban conditions conducive to realizing personal well-being and individual social, cultural, moral and spiritual development;
19. Intermunicipal collaboration in which citizens are free and encouraged to participate directly in the international relations of their community;
20. Financial mechanisms and structures enabling local authorities to find the financial resources necessary for the exercise of the rights as defined in this declaration; and
21. 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;
- Community development and public participation.

Urban-rural continuum: As the separation and distinctions between urban and rural are increasingly difficult to make, the urban-rural continuum is a term used to emphasize that there are no distinct breaking points between urban and rural. By definition, a continuum is "a coherent whole characterized as a collection, sequence, or progression of values or elements varying by minute degrees." Thus, the urban-rural continuum supposes a gradation between cities and rural communities, with many varieties of community sizes, lifestyles, cultures and settlements in between. This term has become increasingly important in international forums as policy makers, development agencies, organizations and civil society strive to address spatial, social and economic realities to achieve complimentary development between rural and urban rural areas and social integration.

In this sense, it is important this the rural-urban continuum is not conceptualized as a linear construction, or as a simple gradation or fading from megapolis to rural farm, for example. In reality, human settlements are complex with traditional elements of "urban" and "rural" intermixing and constantly interacting. In reclaiming this term, civil society and proponents of integrated development insist that the rural-urban continuum should denote the relationships between and among city-regions, urban centers, agricultural zones, and all other forms of human habitat, and to emphasize the need to approach regions in their

actual complexity, entirety, rather conveying the sense of rural-urban symbiosis, than paring out artificial and unsustainable divisions.

Urban systems: The term refers to two interconnected systems: First, the comprehensive collections of city elements with multiple dimensions and characteristics: (a) encompass physical, built, socio-economic-technical, political, and ecological subsystems; (b) integrate social agent/constituency/processes with physical structure and processes; and (c) exist within broader spatial and temporal scales and governance and institutional contexts. Secondly; the term refers to the global system of cities and towns.

(See also **City region**, and **Urban** above.)

Urbanization: The process by which rural and sparsely distributed human settlements and populations into dense agglomerations in the form of towns and cities. Urbanization may refer to a housing and human settlement agglomeration *in situ*, as well as human migration from rural to urban areas.

Urbanization is predominantly a process by which towns and cities are (1) formed and (2) become larger as more people begin living and working in areas closer to centers of production and consumption. "Urbanization" may refer to the two concepts and their corresponding processes interchangeably.

Urbanization is distinguished from urban growth. That is, urbanization is "the proportion of the total national population living in areas classed as urban," while urban growth refers to "the absolute number of people living in areas classed as urban."[263] The United Nations projected that half of the world's population would live in urban areas at the end of 2008.[4] It is predicted that by 2050 about 64% of the developing world and 86% of the developed world will be urbanized.[5]

Villagization: This term means different things in different countries; however, its use generally refers to government policies that sedentarize pastoralist communities or resettle rural populations, often farming communities, into more-permanent settlements. This is often done as a form of forced eviction/forced relocation to make way for development projects or to reduce a target community's land use, including to the point of dispossession. The subsequent losses often result in increased food insecurity, destruction of livelihood and the loss of cultural heritage.

Governments and financiers often justify these movements of rural, isolated families/small communities into villages with the benefits of life in a permanent and built-up settlement with access to improved services and "modernization."

Although this practice has taken place in many countries, among the most aggressive villagizing governments are those of Ethiopia and Israel

[263] Cecilia Tacoli, Gordon McGranahan and David Satterthwaite, *Urbanisation, rural-urban migration and urban poverty* (London: International Institute for Environment and Development, 2015).

Violation: the failure of a duty holder (primarily the State) to fulfill its obligations to respect, protect and fulfill a human right. Violations may be by commission (a wrongful act, such as forced eviction, or discrimination), or by omission (the State's failure to act in protecting or fulfilling the right) "to take steps, individually and through international assistance and cooperation…to the maximum of its available resources, with a view to achieving progressively the full realization of the right[to adequate housing] by all appropriate means, including particularly the adoption of legislative measures"[264] in such a way as to ensure the continuous improvement of living conditions."[265]

Vulnerability: The propensity or predisposition to be adversely affected. Vulnerability encompasses a variety of concepts and elements, including sensitivity or susceptibility to harm and lack of capacity to cope and adapt.[266]

War Crime: According to the Rome Statute, war crime is (a) grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

(i) Wilful killing;

(ii) Torture or inhuman treatment, including biological experiments;

(iii) Wilfully causing great suffering, or serious injury to body or health;

(iv) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;

(v) Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;

(vi) Wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;

(vii) Unlawful deportation or transfer or unlawful confinement;

(viii) Taking of hostages.

(b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:

(i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;

(ii) Intentionally directing attacks against civilian objects, that is, objects which are not military objectives;

(iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the

[264] International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 2.1
[265] ICESCR, Article 11.1
[266] IPCC (2022), *op. cit.*, pp. 2927.

Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;

(iv) Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;

(v) Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;

(vi) Killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion;

(vii) Making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, as well as of the distinctive emblems of the Geneva Conventions, resulting in death or serious personal injury;

(viii) The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;

(ix) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;

(x) Subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;

(xi) Killing or wounding treacherously individuals belonging to the hostile nation or army;

(xii) Declaring that no quarter will be given;

(xiii) Destroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war;

(xiv) Declaring abolished, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party;

(xv) Compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war;

(xvi) Pillaging a town or place, even when taken by assault;

(xvii) Employing poison or poisoned weapons;

(xviii) Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;

(xix) Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;

(xx) Employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently

indiscriminate in violation of the international law of armed conflict, provided that such weapons, projectiles and material and methods of warfare are the subject of a comprehensive prohibition and are included in an annex to this Statute, by an amendment in accordance with the relevant provisions set forth in articles 121 and 123;

(xxi) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;

(xxii) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions;

(xxiii) Utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations;

(xxiv) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;

(xxv) Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions;

(xxvi) Conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities.

(c) In the case of an armed conflict not of an international character, serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention or any other cause:

(i) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(ii) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;

(iii) Taking of hostages;

(iv) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable.

(d) Paragraph 2 (c) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature.

(e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:

(i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;

(ii) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;

(iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;

(iv) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;

(v) Pillaging a town or place, even when taken by assault;

(vi) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, and any other form of sexual violence also constituting a serious violation of article 3 common to the four Geneva Conventions;

(vii) Conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities;

(viii) Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand;

(ix) Killing or wounding treacherously a combatant adversary;

(x) Declaring that no quarter will be given;

(xi) Subjecting persons who are in the power of another party to the conflict to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;

(xii) Destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict;

(f) Paragraph 2 (e) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature. It applies to armed conflicts that take place in the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups.

3. Nothing in paragraph 2 (c) and (e) shall affect the responsibility of a Government to maintain or re-establish law and order in the State or to defend the unity and territorial integrity of the State, by all legitimate means.

Well-being A state of existence that fulfills human needs, including material living conditions and a quality of life conducive to human dignity, as well as the ability to pursue one's goals, to thrive and to feel satisfied with one's life.

Ecosystem well-being refers to the ability of ecosystems to maintain their diversity and quality.

Wetland: Land that is covered by, or saturated with water for all or part of the year (e.g., peatland, marshland).

Zionism: 1. A movement initiated in Europe with the purpose of colonizing Palestine by and for persons of Jewish faith in the name and form of the State of Israel and predicated on the notion of a shared "race or descendency" as the basis for forming "Jewish nationality"—a status superior to other citizens or inhabitants—so that Jewish colonists and their descendants benefit materially from the expulsion (*see* **Ethnic cleansing** and **Population transfer** above) and dispossession of the indigenous (Palestinian) people of the country. Thus, Zionism asserts certain duties and responsibilities upon persons of Jewish faith in other countries toward maintaining the colonial situation and benefiting from Jewish supremacy with rights and privileges in the State of Israel and territories variously acquired, including my military force, under its effective control.

2. A religious movement (in southern Africa) represented by a group of independent churches practicing a form of Christianity incorporating elements of traditional African beliefs.