

Edited by Yves Cabannes, Silvia Guimarães Yafai and Cassidy Johnson

# HOW PEOPLE FACE EVICTIONS



• MIRSHĀQ AND SARANDŪ • DURBAN • KARACHI • ISTANBUL •  
HANGZHOU • SANTO DOMINGO • PORTO ALEGRE • BUENOS AIRES •

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## INTRODUCTION

Forced and market-driven evictions are increasing dramatically worldwide, with devastating effects on millions of children, women and men across the globe. Despite this negative trend, however, many people-led initiatives have been successful in addressing this issue and reducing the number of evictions, developing new policies and proving that alternatives to forced eviction can be found.

The term ‘forced eviction’ is defined by the United Nations Committee on Economic, Social and Cultural Rights as *“the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.”*<sup>1</sup> Forced evictions disproportionately affect the poor and are often accompanied by violence, in most cases with the direct or indirect involvement of the State. Forced eviction can only be justified in the most exceptional circumstances and where there is no other viable alternative. In this case, relocation must be in full compliance with international law and the priority where possible should be ‘on-site’ relocation, i.e. within walking distance for the people. Further considerations on issues of relocation can be found at the end of this report.

In its most recent report to the Executive Director of UN-HABITAT, the UN Advisory Group on Forced Evictions (AGFE) highlighted the fact that people-led movements are a fundamental ingredient for successful solutions to forced evictions. However, work documenting actual practices and strategies is somewhat limited, and is often carried out by NGOs and advisory groups rather than by the people and communities themselves. In addition, the existing people-led networks have limited opportunities at the global level to share and exchange experiences.

This project aims to document, reflect upon and share people-based initiatives and experiences of struggles against evictions, including how groups are securing rights to adequate housing, legal security of tenure and freedom from arbitrary destruction and dispossession, giving voice to people who are active on the ground and providing an opportunity for exchange and mutual learning.

The project has been coordinated by the Development Planning Unit (DPU) of University College London, with the support of the Building and Social Housing Foundation (BSHF), and carried out with a range of grassroots organisations, networks and activists in different parts of the world.

The project has been carried out in two stages, initially focussing on documenting the experiences and examples of good practice by gathering the narratives of local groups who have faced or are currently facing forced evictions the cities of Buenos Aires (Argentina), Porto Alegre (Brazil), Durban (South Africa), Hangzhou (China), Istanbul (Turkey), Karachi (Pakistan) and Santo Domingo (Dominican Republic), as well as in the rural villages of Mirshāq and Sarandū in Egypt. Participating experiences were selected from a large number of potential cases and most of the groups involved are linked to wider movements, international organisations and networks such as the International Alliance of Inhabitants, Habitat International Coalition - Housing and Land Rights Network, the Centre on Housing Rights and Evictions, No Vox network, Shack/Slum Dwellers International and Asian Coalition for Housing Rights. The cases included in this report represent just a few of the many hundreds of experiences that could have been documented and our hope is that many more will be developed and documented in future.

Some of the key strategies that were initially identified and that have been developed by the various groups resisting forced eviction, include the following:

- **Negotiation** with public authorities, i.e. for relocation, but accepting the fact of being displaced. In some countries, Shack/Slum Dwellers International has obtained a very high level of recognition in this area, with innovative strategies and a great capacity for negotiation.

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<sup>1</sup> Committee on Economic, Social and Cultural Rights, General Comment 7, para. 4, The right to adequate housing (Art. 11 (1) of the Covenant): forced evictions, U.N. Doc. E/C.12/1997/4 (1997).



- Ocupar – Resistir – Morar (**Occupy – Resist – Live**) is another strategy involving the occupation of empty properties, resistance to eviction and development of permanent housing solutions, a strategy employed, for example, by the National Movement for Housing Struggle in Brazil, part of the No Vox network.
- **Legal channels** and court cases, which can be very successful: this is for instance a strategy used by a number of communities working with the support of the Centre on Housing Rights and Evictions (COHRE) and Displacement Solutions, an organisation recently founded by the former's previous Director.
- **Open struggle, resistance and political perspective:** The Socialist Platform of the Oppressed and the Housing Rights Coordination in Turkey are resisting very violent evictions, and resistance is part of a much broader revolutionary perspective. Struggles for adequate housing and against evictions emerge as a means to gain political force and bring about change in society.
- **Building rights and policies:** Despite the rampant demolitions and violent forced evictions, the Coordination of Urban People's Movements in the Dominican Republic, closely linked with the International Alliance of Inhabitants, has always been active on the ground, struggling for pragmatic solutions, but at the same developing new policies and defending a rights-based approach.
- In some regions, such as in the Arab world and particularly in Palestine, the Housing and Land Rights Network (HLRN) of Habitat International Coalition has been promoting innovative approaches to **campaigning**.

These various different strategies are sometimes employed simultaneously, and often change over time, as is reflected in each of the cases documented in the report.

The second stage of the project focused on sharing these experiences - both amongst the various groups involved and to other groups currently facing forced evictions - through an international exchange event held in Istanbul, one of the participating cities, in February 2010.

Following the documentation of the individual cases and inputs from the exchange seminar, a cross-sectional analysis has been prepared with key lessons and themes drawn from the various cases, along with a few concluding remarks on issues of gender and relocation, which although not a part of the original study, have emerged as part of the discussions and documentation process.

## Methodology

The overarching method used in the project was that of action research, and included gathering the narratives of local groups who are facing evictions, offering some main lines of analysis to bring the narratives together and sharing the wealth of experiences of local groups internationally across the groups.

Once the cases had been selected and the local research teams identified, a simple outline with guidelines for the documentation of the cases was elaborated by the Research Coordinator to enable the local groups to deal with some common issues and to allow uniformity of basic hard facts. These were revised by the research team and submitted to the local teams, where inputs were provided and amendments made, in order to adapt the guidelines to the diverse realities. The guidelines were translated into Spanish, Portuguese, Turkish, Chinese and Arabic for the collection of data by the local groups. The structure of the guidelines includes a section on the city, neighbourhood and eviction process, followed by reflections on the struggle and identification of key strategies and finally, key messages to other groups that are struggling against evictions. The intention, however, was to leave the maximum freedom to each local group in order to capture how they have been addressing evictions over time, and to obtain their reflections and suggestions for future action and research. A copy of these guidelines can be found at the end of this report (see Annex 1).

Whilst at the outset of the project the intention was for the community leaders and residents to document their own experiences, in several of the cases local activists and academics, as well as members of the research coordination team, supported the various community groups in the documentation and consolidation

of information, as indicated in the credits section at the beginning of each case. The overall process has highlighted the need for a strong partnership between universities, NGOs and grassroots organisations, with each having an important role to play.

Following the initial documentation of the cases, the research coordination team prepared edited narratives of approximately 3,000 words per case, which were circulated at the international exchange seminar and are included in this report. Full, unedited versions of each of the cases are available from the DPU and BSHF upon request.

Through a dynamic and ongoing process of action research, the methods and tools used in the project and lessons learned through collective work and exchange allow each of the groups involved, as well as any potential readers, to reflect upon and improve their own actions and approaches rather than simply learning about ways in which people face evictions.

## International exchange

In February 2010 an international exchange seminar took place in Istanbul, Turkey, bringing together community leaders and activists representing struggles against forced evictions in each of the participating cities (see Annex 2 for the full list of participants).<sup>2</sup> The four-day exchange was hosted by the Housing Rights Coordination in Turkey and included the participation of representatives (typically one woman and one man) from each of the cases, as well as residents and representatives of various organisations in Istanbul who are committed to the right to housing, the resistance to evictions and the construction of alternatives. The seminar took place with simultaneous translation to English, Spanish and Turkish carried out by volunteers, with limited additional consecutive translation by fellow participants and volunteers for those speaking Portuguese, Urdu and Arabic.

Each of the cases was presented and discussed at length at the exchange seminar, with the comments and questions raised by the participants feeding into the final documentation report by each of the groups. The coordinating team presented some lessons and challenges that a cross-sectional analysis of the cases might inspire, serving as one of the bases for the discussions during the seminar.

At the same time, part of the seminar was open to local groups from Istanbul that are involved in resisting evictions. Visits were made to communities currently under threat of eviction in both the Asian and European sides of the city and the event provided a unique opportunity for these groups to learn from some of the effective strategies employed by the various groups, organisations and networks resisting forced eviction around the world, as well as finding some answers to the difficulties that they are facing.

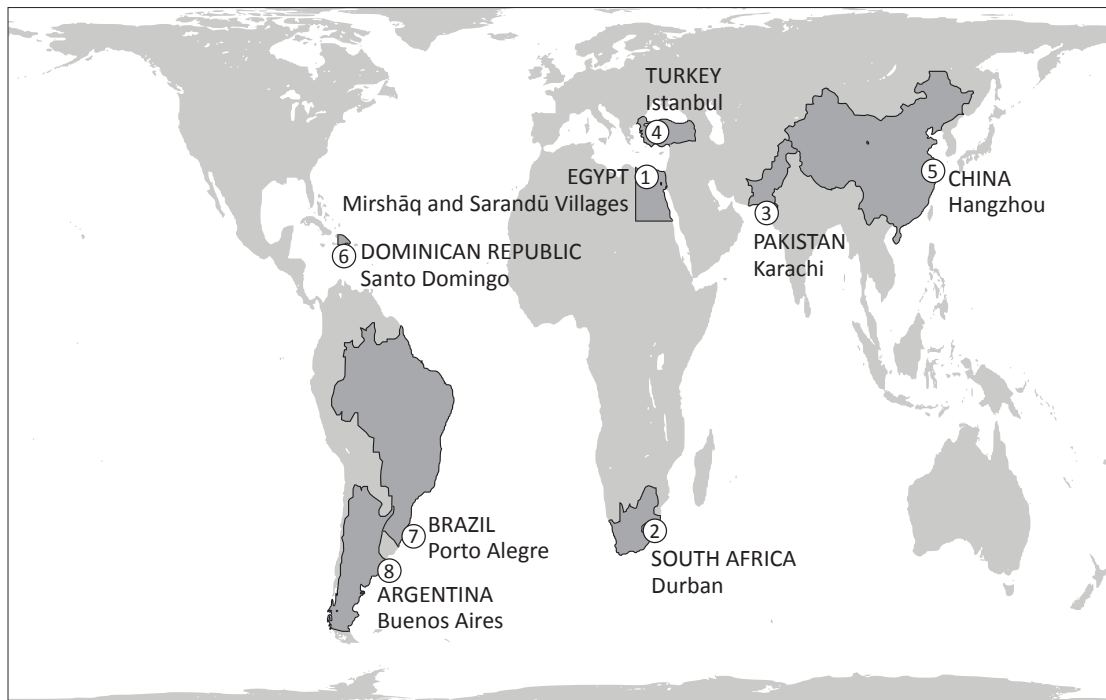
As a follow-up to the exchange seminar, a networking event on forced evictions was hosted by the DPU and BSHF at the World Urban Forum 5 in Rio de Janeiro, Brazil in March 2010, where the three Latin American experiences were presented to a wider audience by representatives of the National Movement for Housing Struggle (Porto Alegre), the Federation of Informal Settlements and Low-Income Neighbourhoods (Buenos Aires) and the Coordination of Urban People's Movements (Santo Domingo).<sup>3</sup>

The central focus of this report is on the practical strategies and experiences of communities who have directly struggled against forced evictions. Many of these experiences offer valuable lessons for other groups facing similar issues and it is envisaged that the groups involved, as well as the many other groups around the world confronting similar issues, will benefit from the documentation of these diverse experiences and drawing out of key lessons, and that this report will serve as an inspiration for all those interested in social justice in the housing field.

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<sup>2</sup> With the exception of the Hangzhou case, where participation was not possible due to the sensitive nature of the current situation of groups facing forced evictions in China.

<sup>3</sup> Speakers included Cristiano Schumacher of the National Movement for Housing Struggle (MNLN) in Brazil, Carlos Cesar Armando and Cristina Reynals of the Federation of Informal Settlements and Low-income Neighbourhoods (FEDEVI) in Argentina and Pedro Franco of the Coordination of Urban People's Movements, Dominican Republic.



A map of the world (Peters projection) showing the location of each of the cities included in the study. The case studies are numbered according to their sequence in the book.

## PUTTING THE CASES IN PERSPECTIVE

*Yves Cabannes*

The intention of the present chapter is not so much to unveil the specificities of each of the local cases that are summarised in the present report. The intention instead is to put the way people face evictions (in different parts of the world) in perspective around four issues, and propose some common threads that will allow us to go beyond what makes each experience a unique one:

- (a) Time, scale and places of evictions: Where are they taking place?
- (b) The reasons behind forced evictions: Why are they taking place? Is there any underlying logic that goes beyond the specificity of each city?
- (c) How people face the threats of evictions: What have been the tactics and the strategies? Do they share commonalities?
- (d) What have been the outcomes of the struggles in each case? This section gives a common balance of defeats and victories.

The report introduces very few experiences of people facing evictions when one considers the extremely high number of cases of forced eviction that have been happening or that are threatening millions of people in cities and villages of both the developed and the developing world. The nine documented cases are located in eight countries from various regions in the world:

### **Africa and Arab countries**

- Mirshāq and Sarandū Villages, Dakhaliyah and Buheira, Egypt
- Kennedy Road Settlement, Durban, South Africa.

### **Asia**

- Nongkou village and neighbourhood, Hangzhou, China
- Hasan Aulia Village, Lyari Corridor, Karachi, Pakistan

### **Europe/Asia**

- Kurtköy, Pendik, Istanbul

### **Latin America and the Caribbean**

- Barrio Valiente, Santo Domingo, Dominican Republic
- City centre, Porto Alegre, Brazil
- Villa 31 and 31 bis (also known as Barrio Carlos Mujica), Buenos Aires, Argentina

## **1. Time, scale and place**

### **1.1. Where**

The nine situations presented here are quite illustrative of the variety of places where evictions are taking place and where people are organising to face them: (i) city centre (Porto Alegre and Villa 31/31 bis in Buenos Aires) and historical district (Hasan Aulia Village in Karachi, Pakistan); (ii) villages that have gradually been absorbed by the expansion of the city such as Nongkou in Hangzhou, China; (iii) spontaneous settlements,

once at the periphery of the city (Barrio Valiente in Santo Domingo, Kennedy Road settlement in Durban or Kurtköy in Istanbul); or (iv) small villages in rural provinces of the Egypt Nile Delta.

## 1.2. Time and space

The Nile Delta villages or the village in Hangzhou, China are part of age-old civilizations, whereas Hasan Aulia Village was one of the first settlements of Karachi, self built 125 years ago.

The various neighbourhoods introduced in this report have been standing for decades:

- 70 years: Villa 31 and 31 bis in Buenos Aires, Argentina. Villa 31 was virtually demolished and evacuated at the beginning of the Dictatorship, in the mid-80's and was quickly rebuilt and expanded once democracy was re-established.
- 60 years: This is the case of Kurtköy, when the first residents, mostly from rural areas, settled.
- 30 years: This is the case of Kennedy Road, which has consolidated gradually since 1980.
- 20 years: Barrio Valiente (Santo Domingo) was built during the mid 90's by families evicted from the city centre, at the time of the renovation projects that took place under the pretext of the 500th anniversary of the "discovery" of America.

What is quite clear is that forced evictions are not taking place on recently occupied settlements, as is sometimes claimed by authorities that would "evict" in order to prevent an anarchical expansion of the city. These cases tend to demonstrate that they take place in settlements consolidated through time and where generations of people have been living for years. As a consequence, their destruction means the burial of millions and millions dollars worth of fixed capital, in addition to the destruction of hundreds of thousands of lives.

In addition, what is being destroyed along the Lyari Expressway in Karachi or around Kurtköy in Istanbul, Nangkou in Hangzhou or in the city centre of Santo Domingo is far more than the destruction of houses of bricks and mortar. What is being destroyed in each one of the studied cases are two things: (a) the city built by people and what gradually became their homes and (b) the destruction of the soul that was part of these homes, which once held people's hopes of a better life and where hundreds of memories are still vivid and that give a powerful symbolic meaning to these places. Each one of the incredible stories of struggles have to be understood in light of the preservation of the values such as solidarity or sense of belonging that appear to be a stronger cement than the one that binds bricks, and a strong motive to resist.

The elimination of homes that already happened or that are due to happen according to each city, in order to "develop" the land means the elimination of extremely diverse neighbourhoods. Barrio Valiente is different from Kennedy Road in Durban or from the *Gecekondus* from Kurtköy. Each one of them has its own architectural style and urban pattern, reflecting, within the limitations of scarcity and official norms, an adaptation to climate, physical and cultural environment. What is built instead is quite similar in any of the cases studied: the blocks built by TOKI, the National Housing Development Administration or Istanbul Housing Authority in Turkey looks quite similar to the eye of the people to the ones built in Hangzhou or those that were planned to substitute Villa 31 and 31 bis in booming Buenos Aires. The uniformity of the model, with very tiny variations from one place to another is quite striking. The dull blocks that are offered to the new settlers around the globe, not only look alike but unify what were at a point in time very diverse places marked by people's will, spirit and creativity.

Each one of the neighbourhood villages and districts where the actions described are taking place, are a clear material expression of the right to the city in *Henri Lefebvre's* definition of "*participation à l'oeuvre*" meaning the participation in a work of art, unique in itself and that contributes to the city of tomorrow, much beyond the building of a mere bricks and mortar house or neighbourhood. Therefore, the preservation of each one of these pieces of the city built by the people is the preservation of the "right to the city" for all under consideration. This element gives a common ground to each one of the cases presented.

### **1.3. Importance of toponymy**

Most of the settlements built by people have a name that makes it specific and that has generally been chosen by the people after a specific event, a date, or after the name of a person meaningful to them. The demolition of such neighbourhoods usually means the wiping out of a name that gave a place its identity and the sense of a collective belonging: the Lyari Expressway will replace the name Hasan Aulia Village if it is destroyed; Hangzhou Village doesn't exist as a toponymic name anymore. Each of the Latin American cases bears quite meaningful names that give a symbolic and unique value to each one of the settlements: Neighbourhood Carlos Mujica from the name of a priest who was killed by death squads because of his social and political commitment at the early time of the building of Villa 31 in downtown Buenos Aires. The current name "Villa 31" which means "Slum 31" was allocated during the dictatorship and as part of the efforts of the military regime to demolish and wipe out the presence of the poor. Barrio Valiente, in Santo Domingo means "Brave Neighbourhood," and the "Utopia e Luta" community ("Utopia and Struggle") was a self-declaration from the National Movement for Housing Struggle (MNLN) in Porto Alegre. Both cases refer to the ideals of the community: courage, utopia or struggle. Interestingly enough the word slum (or its translated equivalent), perceived as a negative and disrespectful name by people, is rarely used. They prefer instead words such as barrio (neighbourhood), villages, settlements or community just as in the case of the Kennedy Road Settlement.

### **1.4. Scale of evictions**

The scale of each one of the cases of eviction varies from a couple of hundred people (Porto Alegre) or less (both Egyptian villages) to thousands (Kurtköy in Istanbul or Kennedy Road in Durban). Even larger scales of 20 to 30 thousand people are quite frequent in the studied cases, for instance in Buenos Aires, Hangzhou, Barrio Valiente in Santo Domingo or Hasan Village in Karachi.

This being said, beyond this diversity of situations the nature of the violation of basic housing rights and the dramatic psychological and economic impacts on each one of the persons threatened or evicted is very similar from one situation to the other.

## **2. Why? Some reasons behind the threat of evictions**

The intention in this section is not so much to explain why evictions are taking place in general at global level, but to identify some underlying reasons that could emerge as common to the very limited number of cases that were documented.

### **2.1. The price of becoming a global city**

Cities such as Istanbul, Buenos Aires, Santo Domingo or Karachi went through a process of globalisation throughout the 90's and this process still continues. To reach the ideals of their planners and politicians, there is a need to find appropriate land to build the icons of the neoliberal global city catalogue. Apparently from one case to the other, the same causes (becoming a global city) are bringing the same results (moving people away in order to free out large areas of land to answer the necessities of becoming a global city).

What varies from one city to the other is merely the final use that will be given to the land once it is cleared out. The following cases illustrate and put in perspective the different cases in a sole logic.

- In the case of Kurtköy, a Formula One racetrack and its dependencies were the main reason, along with the building of a new airport, specialised for low cost tourism companies.
- In Buenos Aires the various projects planned once Villa 31 would be removed were a commercial mall and a mega investment project with office buildings for the newly established international companies and for the luxury apartments that their employees would require, close to the newly developed Puerto Madero complex, along the old port.

- In Boca Chica, the land that became Barrio Valiente is located close to the international airport, to a multi-modal container port, a techno-pole and a free trade zone. Each one of these elements giving Santo Domingo its global status represents a tremendous pressure on the Barrio, as its land becomes increasingly valuable.

## 2.2. Contradiction between the “city of fluxes” and the “city of spaces”

The main cause of eviction in the studied cases is transport infrastructure. This is particularly the case of:

- (i) Lyari Expressway in Karachi that connects the port to the northern neighbourhoods, and to the Northern provinces and Afghanistan.
- (ii) The widening of a downtown flyover in Buenos Aires and its connection to the highway urban system has been for years one of the justifications for removing Villa 31, whereas the expansion of the railway line was justifying the removal of Villa 31 bis. Both *Villas* are located in a node of communication between the port and downtown and therefore were considered as an obstacle for the good circulation of goods arriving in containers and for the circulation of private cars commuting between the developing urban centre and newly residential areas.
- (iii) The official reason for the expropriation of the Nongkou area in Hangzhou has been the building of the Eastern Railway Station and the opening of the highway connecting the city centre to the airport.
- (iv) The *Avenida de las Américas* that connects the historic city centre of downtown Santo Domingo to the International Airport, to the free trade zone and the Caribbean beaches for international tourism has increased the number of displacements in the Boca Chica municipality, including the Valiente neighbourhood. Most of the reference points for the people are linked to the km on the highway, starting at 0 for the city centre. Barrio Valiente identifies itself as “km 23”, meaning close to the 23<sup>rd</sup> km of the Americas highway.
- (v) In Istanbul quite a similar process explains why evictions took place and continue to take place in Kurtköy. The highway linking up the new airport and the Formula 1 racetrack to the city centre and the areas earmarked for future development along the third bridge over the Bosphorus brought an increase in land prices in the area, attracting private and public interests.

In more theoretical terms, one can say that the “city of fluxes” is largely destroying the “city of spaces” where people used to live. Contrary to the theoretical assumption on the immateriality and the benefits of these fluxes for the cities, what is observed in most cases is that transport infrastructure (that facilitates the circulation of fluxes) is highly destructive of neighbourhoods, particularly those that have been self-built. In addition, these highways, expressway, railway lines or heavy infrastructure networks (water and sanitation for instance) are connecting the elements of the catalogue of the global city that were previously mentioned such as commercial malls, golf courses, airports, techno-poles, international tourism complexes, gated communities or port of containers. The cases, once put in perspective, indicate the violent antagonism that exists between settlements generally built through time (and that are part of the city of spaces, to use Manuel Castells’ expression) and the city of fluxes.

It would be more accurate to say that there is a double antagonism: between the city of fluxes and the city of spaces on the one hand, and within the city of spaces on the other. In effect, there is also a strong antagonism between old neighbourhoods at various stages of consolidation and the new items of modernity, whether a commercial mall, a gated community or a leisure complex. The cases studied are usually crushed under this double implacable logic: fluxes on the one hand, new uses proper for a global city on the other. One has to note that tensions exist between these two uses, sometimes for the benefit of the resisting people, that take opportunity of these tensions to stay in place.

What goes without saying is that both of these new icons of stellar cities and a modern transport infrastructure will increase the value of the land of the surrounding areas. The attraction of investors both national and

international will certainly increase the interest towards what were previously low-income, under-equipped neighbourhoods.

### **2.3. Profit on land and weak security of tenure**

The key reason that links up most of the nine situations documented is the access to land that supposedly is allowing a maximisation of profits on a short term basis. The final uses of the land that is threatened or has undergone forced eviction are quite diverse according to each city:

- Upper- or middle-class high rise buildings (for instance Kurtköy, Istanbul)
- Mixed commercial/housing/office development (for instance the main threat for years for Villa 31, Buenos Aires or Hangzhou)
- Agricultural use (as for instance in both Egyptian villages)

However, the struggle for the control of the land by essentially market driven forces associated with the public sector is aiming in each case for extremely high profit and appropriation of the ground rent. Most cases suggest that the attempt of evictions tends to occur in places that are considered to be well located at present or that will be very well located in the future.

The areas where there is a potential for high profits for those who will control the land are relatively numerous in each one of the cities and one can wonder why demolitions are taking place specifically for instance in Kurtköy or Barrio Valiente and not in other places in Istanbul or Santo Domingo that are potentially just as profitable.

One of the findings that link up these two cases and various others is that eviction attempts tend to occur more precisely where the people do not have titles and where security of tenure is weak. Interestingly this low security of tenure is happening just the same on public land (as in the case of Kurtköy), or on private land, as in the Dominican experience. The type of tenure in each one of the cases is detailed and appears quite different in relation to national laws and practices. However, as the cases of Santo Domingo and Istanbul reveals, the possession of even formal titles of property or right of use is not always enough to remain in place.

### **2.4. Land mafia and fraud, an institutionalised process**

“Land mafias”, “corruption” or “massive frauds” are reasons that people from China, Egypt or Santo Domingo put forward to explain what has been happening in their cities or villages. It seems that the ultimate responsibility for evictions and “cleaning up” of the land from its inhabitants cannot be limited to a single actor, for instance the judicial power, a private investor or traditional landlord. Forced evictions are perceived by people as an institutionalised process and a comprehensive system that involves public and private actors from the political, economic and judicial spheres. In each one of the cases, people are explaining how this system works, and the respective roles of local politicians, the representatives of the law, the thugs and gangs in charge of the physical confrontations, and of repressions. People from each city are expressing in their own words the difficulties they face within such a complex and well established system. One of their strengths in these cases is that they usually have the law on their side. However, the Court decision in Durban in the first instance, or in Hangzhou or Egypt, clearly reflect that the judicial decisions have not been on the side of the rights of the people living on the land at stake. The victories obtained and presented in the report are for their exceptional character all the more valuable, exemplary and significant.

## **3. Forms of resistance and actions: how people face evictions**

The forms of resistance and the ways people face evictions are multiple and vary through time in a complex and creative combination that people in each case explain and describe. Although each one of the cases is unique, some converging practices can be identified.



### 3.1. Public protest and direct confrontation

*For alerting of the imminence of evictions.*

Protesting in public against forced evictions is a common practice to all groups with some variations in the actions carried out by the people. Here are some of the most relevant ones:

- Street demonstrations and marches, either in the neighbourhood or in the city (most cases).
- Picketing and blocking of streets, for instance in Buenos Aires where this practice is quite common, or in Durban.
- Draping buildings that are to be demolished with slogans claiming rights and constitutional guarantees, as in the Chinese case.
- ‘*Via Crucis*’ processions along the main avenues performed by neighbours that evoke the sufferings and martyrdom of Christ on the Cross, similar to the sufferings that they are enduring when becoming homeless (see Santo Domingo case, for instance).

These forms of protest usually aim at raising awareness of the neighbours and the public at large, in order to get support and mobilise a broader number of persons to defend their cause. They are also a way to draw the attention of the media that in most cases remains silent, in order to make their own voices heard.

### 3.2. Legal battles, cases filed

Most of the people in the cases studied are taking their battle to the legal level, under very different routes, with a view to achieving justice and the implementation of their rights, even if the conditions are quite adverse. Various cases illustrate this range of practices and are developed in the presentations.

- Hasan Aulia villagers along with numerous organisations mobilised along the Lyari River filed a case at the court whereas the Barrio Valiente settlers go regularly to the Office of the Cadastre in order to verify if the claimant of the land who is threatening the people actually has the property titles. In more than one case, this verification revealed that the claimants had no right to their land.
- Petitioning to central authorities is an old form of protest that normally forces the authority to examine the case and give a closer look to people’s requests. It has been one of the legal battles by peasants from the Nongkou village who presented their petitions not only to local authorities but also to the Central Government, all the way to Beijing.
- After losing in the first instance, Abahlali baseMjondolo, in Durban, introduced their case on the Kennedy Road settlement and others to the Constitutional Court.

In summary, most of the organisations facing evictions take an extremely “legalist” and rights-based approach, and carry out their battles at legal level to the extent possible.

### 3.3. Negotiations while resisting

“*In situ relocation*” is a common request and a common thread between most of the groups that participated in the research. Even if the concept of “in situ” is not fully clear, it corresponds either to on-site relocation or to relocation to neighbourhoods that are within walking distance of the place where the people under threat of eviction are living.

The experience of the Brazilian Movement for Housing Struggle in Porto Alegre is probably the most illustrative of the double strategy of resistance and collective negotiation, happening at the same time, in a very strategic way. One of the tensions that emerges in various cases is precisely between a government that offers individual “relocation packages” such as in China, on a one-to-one basis, and the grassroots that try as much as possible to get a collective deal and avoid the one-to-one relocation agreements.

One of the key lessons from the research and that is the object of a specific section in the report refers to the repeated failure of relocation schemes. Usually people resell and come back to their original settlement, at a high cost for the public authorities that might have subsidised the new housing. Renters are usually the first to suffer from relocation policies, and women-headed households as well. The destruction in the social fabric is the greatest factor leading to increased levels of poverty.

### **3.4. Internal mobilisation: getting organised**

One of the key lessons from the research is that there is an immense wealth of internal organisation and knowledge on how to take opportunity of the threat of forced evictions to organise and strengthen the communities concerned:

- Barrio Valiente and CODECOC: community strengthening through various precisely defined means.
- Abahlali baseMjondolo: the movement's objective was precisely to strengthen the threatened communities under a sole banner in order to better resist.
- Lyari residents from Karachi engage in "lots of assemblies and political rallies" in order to mobilise and strengthen their organisation.
- In Buenos Aires, the central and foremost issue was to be well-organised.

### **3.5. Generating a mobilisation beyond the neighbourhood: from organisation to movement or to federation**

The internal (or community-based) organisation is only a part of the social strategy expressed by the various organisations that have participated. A second step refers to the mobilisation and organisation beyond the limits of the area that is threatened.

Each one of the cases in its own right shows the shift from a community-based organisation to a wider movement that takes different forms according to each context. On the one hand the extraordinary expansion of the Villa 31 community organisation paved the way to FEDEVI, a federation of grassroots organisations, the importance of which spreads today beyond the limits of Buenos Aires.

The quick expansion of the Abahlali movement, beyond the limits of Durban to various cities in South Africa indicates a similar trajectory, even though the forms of organisation are quite different, but tend to reach the same objective (a more massive presence and bargaining capacity, among others).

The efforts of the recently created Housing Rights Coordination in Istanbul that was founded in 2009 indicates as well the effort of communities to break their isolation and unite their efforts, sometimes as in this case, in parallel with efforts from other communities that are also coordinating with localised resisting groups.

### **3.6. International solidarity and international networks**

The experiences clearly show that most of the key international networks that are active against forced evictions have played a role. But what was their role? They appear fragmented with very limited coordination capacity, and each one of them appears to be related to a particular group, which is an issue still to be worked out.

Examples include Santo Domingo (IAI, Jubileo); Porto Alegre (No Vox, during the occupation); Buenos Aires (IAI); Egypt (Via Campesina, HIC Housing and Land Rights Network); Karachi (ACHR, COHRE); Istanbul (not yet, though there are some relations and a willingness to connect). The difficulties in China, despite the connection on the human rights issues are limiting these international connections.

From the evidence here, the resistance to demolitions and evictions is directly linked and supported in most cases to international networks that for most of them are part of the anti-globalisation movement that reject the neo-liberal models and its unfortunate consequences for the millions of people who are evicted every

year. In that sense, the resistance to evictions deeply rooted in neighbourhoods and local spheres is linked to a much broader movement that brings in most cases some solidarity, within a renewed vision of international solidarity.

### **3.7. Mobilisation of the media**

This appears as a major issue in various of the cases. Mobilising the media and breaking the circle of silence or the criminalisation of the victims of evictions, is probably one of the common practices identified that vary greatly from one place to the other. The Egyptian and Dominican organisations explain clearly this importance. In successful cases, the media strategy has been one of the keys for success. This is particularly the case for the MNLM in Porto Alegre.

### **3.8. Some lessons learnt from the practices of resistance**

*Resistance as a way to unite and go beyond social divides.*

The various practices of resistance are a moment when the people go beyond the divides of religion, age or sex: women for instance have played a key role in the resistance and the setting up of the barricades to resist demolitions in Kurtköy and they appear leading the street demonstrations in Karachi against the Lyari Expressway project (see pictures at the end of the both cases). This pro-active role, at the forefront of the resistance is quite clear not only in cities such as Santo Domingo or in Durban, but just the same in countries such as Pakistan or Turkey, where supposedly, due to religious or cultural issues, women would supposedly be less visible in the streets and in such manifestations.

Quite interestingly, in each one of the cases, people unite to resist and in this sense the practices of resistance and struggle specifically against forced evictions appear as a moment of building mutual respect between different age groups (the youth for instance appear with a very clear role, and they are respected by the elderly in the Istanbul case), between ethnic groups (this was apparent the case in Durban, or again in Istanbul), or between religious sects or religions that are in various cases a divide between people.

*Physical resistance when evictions are taking place*

Most of the organisations that documented their cases explained how they are physically resisting and confronting, in an uneven battle, the forces in charge of the demolitions: barricades lasted over two weeks in Pendik and are a common practice by some groups in Istanbul. The National Movement for Housing Struggle, when the eviction was imminent, did not allow anybody to enter or go out of the building in order to avoid casualties that could have served as a pretext for a breakthrough from police forces into the occupied building.

A remarkable (and dramatically sad) commonality of the cases is the very high rate of casualties, death, torture or imprisonment that people resisting evictions and opposing the demolition of their homes are suffering. Various groups that participated in the research and exchange explained their readiness to resist till they die, as they are convinced of their rights. On the other side, the various forms of threats, institutionalised State violence, and sophisticated or brutal forms of repression appear as a common aspect of various cases. The discussions during the seminar, gave more details on the repression endured by those resisting:

- Assassination of leaders and priests (Buenos Aires) primarily during the dictatorships when eradication of “slums” became a policy and was fuelled by the political repression.
- Imprisonment in high-security jails in Istanbul appeared to be a regular practice for various of the youth and political leaders involved.
- The Boca Chica and Valiente neighbourhoods have been the scene of armed enforcement from thugs. As a result, one child died, and a resident is disabled for life.
- One of the peasants in Nongkou, China rejecting the relocation package proposed by the local authorities, was severely beaten and will be crippled for the rest of his life. Other forms of repression

included illegal jail detention, retaliation in the form of children that are refused entry to state schools, to name a few.

- Porto Alegre, despite the threats and the gas bombs appears to have had a conducive context and is the only case where open violence was not exerted.
- People from Karachi's Hasan Aulia village also reported killing, jail and torture for those resisting and not ready to abandon the place they have built. The same holds true for the Egyptian villagers, where cases of arrest, long detention and torture were reported.
- The Kennedy Road settlers in Durban suffered various killings and cases of burnings and death threats over the last year, while their experience was being documented.

This demonstrates the difference between those who negotiate and are adaptive to the system based on displacement and evictions and who are accepting normally relocation packages, and those who dare facing the situation and the threats, standing up and struggling for their right to leave in peace and dignity.

#### 4. Outcomes

Despite the high level of casualties, the cases bring to the forefront an even higher level of victories and positive outcomes. Here are some of them, largely detailed in the report.

- **Stronger communities** (for instance in the case of the Dominican Republic, *Comunidade Utopia e Luta* in Porto Alegre and *Abahlali* in Durban).
- **Stronger city-based organisations**, forged with the resistance to evictions as a key issue (see FEDEVI in Buenos Aires or HRC in Istanbul). This shows clearly the determining and mobilising role of the struggle for evictions and for the right to housing in relation to other rights).
- **Remaining in place:** This is probably the main outcome from the whole research. People who resist have shown a greater chance of winning and not being evicted. Although it may seem obvious, it is an important point to reaffirm in front of a growing international wisdom that recommends and trains people to negotiate instead of resisting to stay in place. There are clearly two very different ways for people to face evictions: resist at all costs and negotiate to stay in place, or negotiate to get a relocation package. The success obtained by groups in Buenos Aires, Karachi, Santo Domingo, Istanbul, Porto Alegre or Durban indicate the importance of the proposed strategies for people to stay in the places where they live.
- **Victories in court and changes in legal framework:** Jurisprudence has been established in various cases and is paving the way to significant changes, much beyond the case itself (see one of the cases from Egypt, the Durban victory in Court, the parliament commission in Santo Domingo).
- **Changing policies:** Some of the experiences have been seminal in the development of policy changes; for jurisprudence and building a new justice system, closer to the rights of the people; for giving confidence to many that it is worth resisting to win, and to build alternative policies. This is the story told by FEDEVI in Buenos Aires, or by MNLM and *Comunidade Utopia e Luta* in Porto Alegre.
- **Changes of paradigm in the way to address evictions:** The mottos put into practice by the various movements and organisations involved would deserve additional research and a more in-depth study. Three of them are particularly appealing:
  - *Protesta con propuesta* (protest with proposals): this was coined in Santo Domingo, but is well illustrated by the recent development of Villa 31, where the community developed its own project demonstrating to the authorities that remaining in place was technically possible.
  - *Radicar en lugar de erradicar* (to permanently settle, rather than eradicate): the motto of FEDEVI in Argentina. The main struggle has been to remain in place instead of being displaced and

this motto has been and remains the key one for building unity on a very simple “one motion” platform.

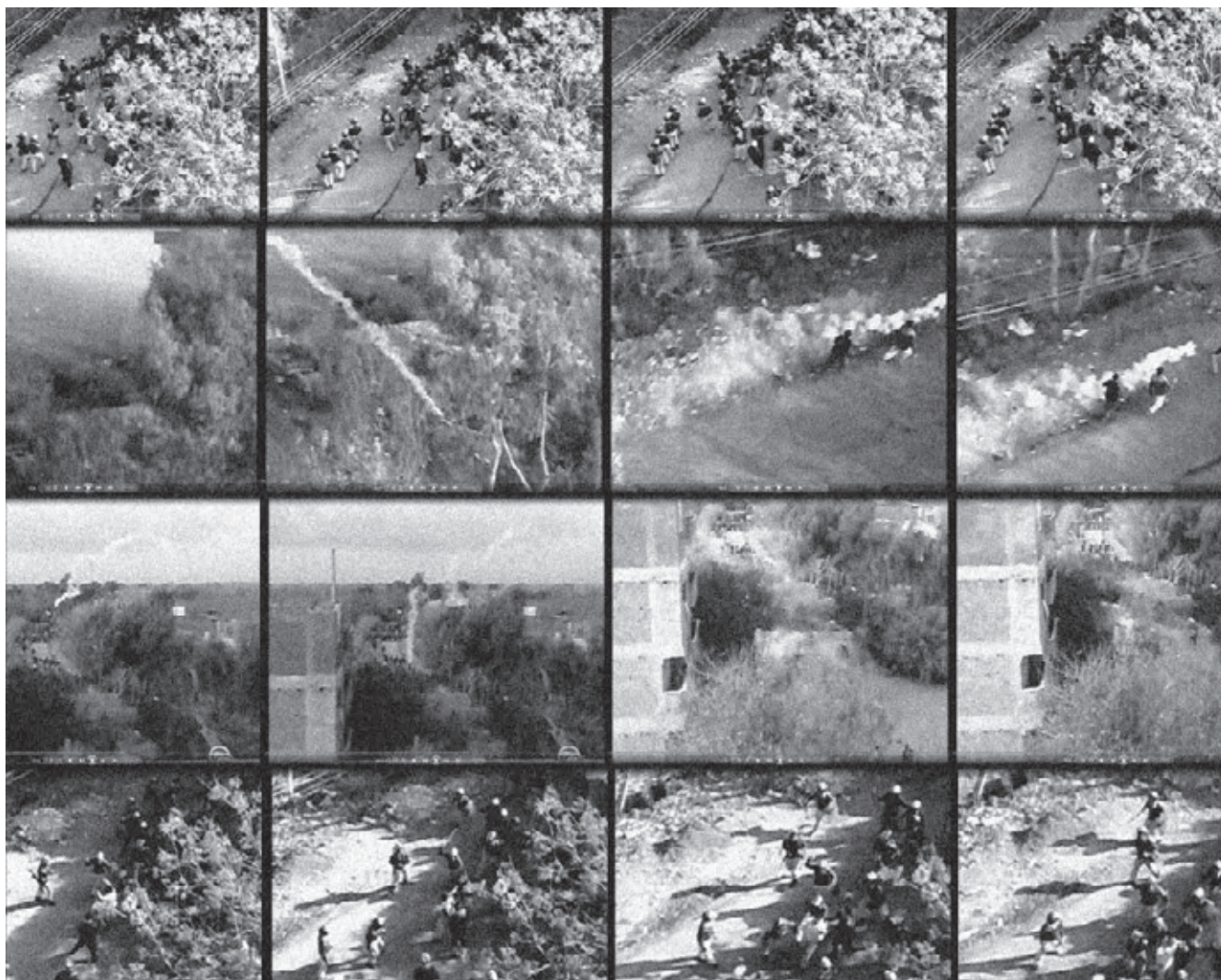
- *Ocupar, Resistir para Morar* (Occupy, Resist, Live): The MNLN in Brazil coined this motto and practices it. The first step, different from most of the other groups, is to strategically occupy an empty building or a piece of land, then resist eviction and eventually obtain a permanent housing solution.

The different cases presented are not more than a tiny part of the tip of an iceberg that cannot encompass the variety of ways through which people face and resist evictions in very different types of cities and political regimes. One of the key lessons that the research and the exchange bring is that organised citizens have been able, even under extremely difficult circumstances to stand up for their rights, and the rights of their neighbours, and defend the place that in most cases they have built through their own efforts. The central antagonism remains the access to urban land, usually profitable for those who want to evict.

The stories told in the next chapters bring a triple lesson of courage, of hope and of creativity. They clearly indicate that forced evictions must and can be stopped, when properly addressed, by the people and their organisations, along with other institutions.

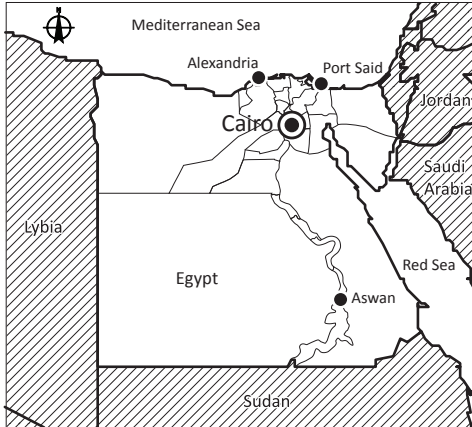
Cases from Africa and the Middle East

## How people face evictions in Mirshāq and Sarandū villages DAKHALIYAH AND BUHEIRA, EGYPT



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Map of the Arab Republic of Egypt



**Mirshāq, Dakhaliyah Governorate**

**Population of Mirshāq village:** 3,000 inhabitants

**Number of families affected by the evictions:** 100 (50 tenant families on leased land and 50 small farmers who owned the appropriated land)

**Size of the affected area:** 0.84km<sup>2</sup> (200 feddans)

**Stage of eviction:** The evictions from the disputed farmer-owned land were halted and the case has now been resolved.

**Strategies used for resistance:** legal battles, mobilisation and campaigns, direct resistance to state violence, international solidarity

**Main victories of the resistance:** The farmers who had paid for the land over a period of 40 years were able to prove their legitimate ownership of the land and obtain a final court ruling in favour of the farmers' entitlement to and ownership of the land.

**Sarandū, Buheira Governorate**

**Population of Sarandū village:** 1,500 inhabitants

**Total number farmers affected:** 70

**Size of the affected area:** 1.89km<sup>2</sup> (450 feddans)

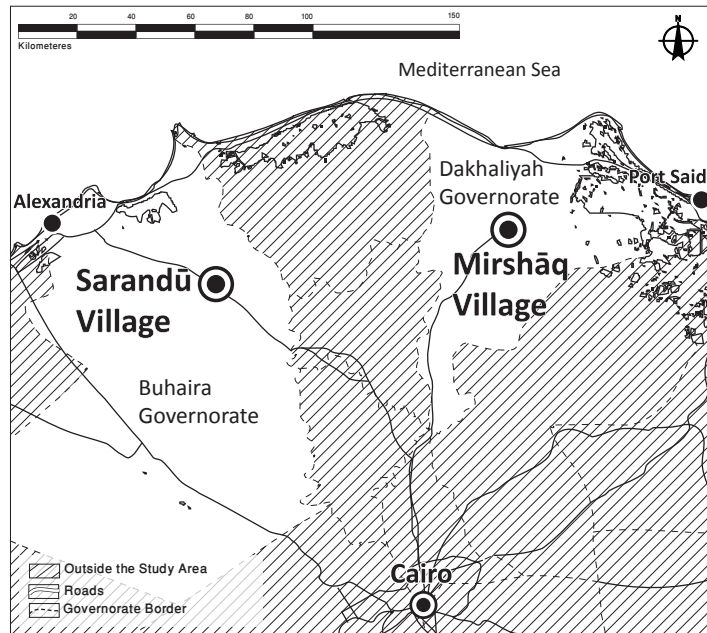
**Stage of eviction:** Resolved; ongoing insecurity of tenure for some farmers on leased land

**Strategies used for resistance:** legal battles, mobilisation and campaigns, mass protests, direct resistance to state violence

**Main victories of the resistance:**

Victory in legal battles: farmers were acquitted in a final court hearing.

Partial successes: though some completely lost ownership, others were able to remain on their land.



Map of the Nile Delta showing the locations of the two cases



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## **Acronyms:**

HLRN: Housing and Land Rights Network

## **Exchange rate and conversions:**

1 American Dollar = 5.49 Egyptian Pounds (LE) (2009)

1 Feddan = approximately 0.42 hectare (4,200 m<sup>2</sup>)

## 1. Egypt and the governorates of Dakhaliyah and Buheira

This narrative looks at two cases of resistance to forced eviction from agricultural land in Egypt – one in the village of Mirshāq in the Dakhaliyah governorate and other in the village of Sarandū in the governorate of Buheira. The coastal governorates of Dakhaliyah and Buheira each have a total population of around five million inhabitants and are located in the fertile Nile Delta region in Northern (Lower) Egypt.

## 2. Evictions between 1997 and 2009

The phenomena of eviction from agricultural land in Egypt forms part of the social repercussions of the economic transformations that have been taking place in the country since the 1970s, with the State adopting a policy that seeks to liberalise the economy in industry, agriculture and services.

The result of such policies is very hard on working classes in both rural areas and cities, where families suffer from inadequate wages to pay for basic needs. Hundreds of thousands of workers have lost their jobs due to the privatisation policies and hundreds of thousands have lost their security of tenure and have been expelled from the agricultural land on which they live.

The following are the most significant means by which farmers are evicted from agricultural land:

- The abolition of guardianship imposed on large landowners, whereby their heirs, in the late 1970s, recovered 66 per cent of the 123,000 feddans<sup>1</sup> (approx. 50,000 hectares) that had previously been placed under ‘guardianship,’ in accordance with agricultural reform laws of 1952, 1961 and 1969. This resulted in the exclusion of a number of poor small farmers from the tenure structure as tenants of these lands, as well as the increased concentration of land in the hands of agricultural capitalists.
- The liberalisation of agricultural production, including the liberalisation of prices of seeds, fertilisers, pesticides and fuel used in agricultural machinery, loan interest rates and agricultural land rent. Law 96 of 1992 represents the cornerstone of peasant eviction from agricultural land, as land leases became restricted to one year and rent was raised from LE200<sup>2</sup> (US\$36) per feddan, before the law was passed, to LE800, during the five-year transition period, to LE2,500 (US\$460) in 1997. In 2009, rents reached LE6,000 (US\$1,100) in some villages. Over 250,000 tenants have been evicted as a direct result. They are not able to obtain new land whether by way of alternative land compensation, according to state promises that go unfulfilled, or through leasing, due to high lease rates.
- Fraud committed by the heirs of large landowners in complicity with the police and the Agrarian Reform Authority. In some villages, this has led to the eviction of farmers from land for which they had been paying instalments for 40 years – lands that had been appropriated and distributed to farmers in accordance with the Agrarian Reform laws.

## 3. Two cases of resistance to forced eviction from agricultural land in Egypt

### 3.1. Mirshāq, Dakhaliyah governorate

Mirshāq is a small village of 3,000 inhabitants in the coastal governorate of Dakhaliyah. Its strategic value derives from its proximity to the city of Dakirnas and the fact that the disputed land is worth a high price. The families living in Mirshāq have been there for hundreds of years and the majority work as farmers, with a small number of merchants or government employees in the city of Dakirnas. The area of cultivated land in Mirshāq is approximately 400 feddans, or 170 ha, where food for the families and cattle is cultivated, such as rice, wheat and clover. A small proportion of the crops is sold in the market.

The Mirshāq incident demonstrates the conflict over agricultural land between the heirs of large landowners and the State on the one hand, and farmers, on the other. The conflict started with the first Agricultural

<sup>1</sup> Feddan is a North African unit of surface area equivalent to approximately 0.42 hectares, or 4,200 square meters.

<sup>2</sup> The Egyptian pound (LE) is currently equivalent to approximately €0.125, or US\$0.182 (November 2009).

Reform Law, Law 178 of 1952, which restricted maximum land ownership to 200 feddans per person, and 400 per family. The second law, Law 127 of 1961, set maximum ownership at 100 feddans per individual, while the third law, Law 50 of 1969, reduced the maximum limit to 50 feddans per individual and 100 per family. The State distributed land in excess of the ceiling to poor small farmers.

Land distribution took either of two forms: ownership to farmers, which involved the appropriation of land and distribution to small farmers who then pay for the land over a period of 40 years; and land that farmers lease from the Agricultural Reform Authority on behalf of large landowners or their heirs, i.e. 'land under guardianship'.

The second stage of the conflict over land started with the issuing of many laws that reflect policies contrary to that of Agricultural Reform in a number of aspects, the most significant of which are the abolition of guardianship (Law 69 of 1974); the full liberalisation of agricultural land rents in accordance with Law 96 of 1992; and the liberalisation of the prices of agricultural inputs, loan interest rates and agricultural machinery.

The area subject to the first and second Agricultural Reform laws in Mirshāq amounted to 204 feddans, or 85 hectares, which were previously owned by Zainab al-`Atrabi, a large landowner whose family owned over 2,800 feddans in various regions before the first Agricultural Reform Law was passed. Four feddans were sold by the Agricultural Reform Authority and of the remaining 200 feddans, 100 were appropriated and distributed to 50 families who paid for the land over 40 years, until 2004, and 100 were kept under guardianship and distributed to 50 tenant families to cultivate as leased land, with the Agricultural Reform Authority managing the land and collecting the rents on behalf of the owner or his heirs.

Most of the land under guardianship was controlled by tenants until Law 96 of 1992 was passed, which enabled large landowners to exclude the mediator, the Agricultural Reform Authority, between them and the farmers. The law was enforced in October 1997, following a five-year transitional grace period. The original owners got back 100 feddans, 41 of which they sold immediately. The law forced the poorer farmers to vacate the land to be leased to those able to pay the high rents, with devastating effects to the farmers and their families.

As for the other 100 feddans of appropriated land, the heirs of Zainab al-`Atrabi used forged documents and interpretations of loopholes in the Agricultural Reform Law to obtain two successive court rulings to recover 50 feddans by virtue of each ruling. After recovering the land under guardianship, `Atrabi's heirs recovered the appropriated land while the Agricultural Reform Authority failed to appeal the ruling, thus exposing its complicity with the heirs.

The Authority removed the names of the farmers cultivating `Atrabi's land from the Agricultural Reform Authority and placed them on the Credit Land Agricultural Association's register as leasers, although they had paid the full value of the land over 40 years. Thus, the farmers were left with the choice of either accepting to sign lease contracts with the heirs and risk being evicted from the land in accordance with Law 96 of 1992, or refusing to sign the contracts and risking trial for having stolen the land, in which case they would be evicted and jailed.

*One of the farmers said: "We paid the full value of the land over 40 instalments, from 1964 until 2004. We received ownership cards from the Agricultural Reform Authority. Despite all this, al-`Atrabi's heirs obtained rulings to reclaim the land. If the Agricultural Reform Authority wanted to give the land back to the heirs, why then did it accept the instalment amounts from us after the heirs obtained a final verdict to recover the land?"*

The farmers, supported by leftist leaders and lawyers, appealed the first verdict on the basis of fraud before the prosecution. The Dakhaliyah Attorney General ordered the enforcement documents to be kept in custody. The commander of the security forces in charge of enforcing the ruling on 8 June 2005 declined to do so after learning that the farmers had paid the full price of the land and received ownership cards from the Authority. However, police forces returned on 12 July 2005, led by another commander, to enforce the false sentence after falsifying the execution form by adding: "even through the use of force." The farmers' lawyer filed a

report to the Attorney General requesting that enforcement documents be kept in custody on the grounds of their falsification.

Another of the farmers threatened with eviction said: *“We were dreaming of improving our lives, enjoying stability and raising our kids. The State and the Pashas’ heirs thought we didn’t merit that. The Agricultural Reform staff, the Registry and the feudal heirs allied against us under the nose of all the officials, after had we paid them the full price of the land. They threw us on the street. But we will not let them achieve their goal. We will defend our land and the only vocation we know.”*

On Sunday, 21st May 2006 police aggression started against the farmers in Mirshāq, with a large number of Central Security vehicles filled with soldiers, in addition to four armoured vehicles and 10 -12 police cars and fire trucks. Facing these forces, in the courtyard where the ruling was to be carried out, stood 600 farmers and their families, including women and children, in addition to six journalists. The bloody battle began with waves of Central Security soldiers carrying sticks, shields and smoke grenades amid shouts and threats. Some women were thrown into the canal, while a number of farmers were wounded and 22 male and female peasants, in addition to the journalists, were arrested. The battle lasted for one hour and a quarter and resulted in the injury of 12 people.

Having been brutally beaten and kept in detention for three to four days, all of the defendants were released without bail by order of the court. Protests from foreign embassies and international farmer organisations, including Via Campesina, which includes 100 million farmers worldwide, and the French Peasant Confederation led by José Bové, played a vital role. Egyptian human rights organisations condemned the acts of violence, detentions and torture committed by security forces. The Solidarity Committee with Agrarian Reform Farmers also made an active contribution by writing to a number of newspapers about the incidents, which received significant press coverage. A number of party newspapers became involved, showing solidarity with the struggle of the farmers.

In addition to the mobilisation and campaigns carried out with the support of NGOs and the Housing and Land Rights Network (HLRN), lawyers and human rights centres, including the Hisham Mubarak Law Centre, the Justice Centre and the Land Centre supported the farmers in the legal battle to defend their right to the land. The farmers were able to prove their legitimate ownership of the land and the court rulings that had been based on forged documents were ultimately overturned by a final ruling in favour of the farmers’ entitlement to and ownership of the land.

### **3.2. Sarandū, Buheira governorate**

Located in the governorate of Buheira, in a green delta approximately 20 miles east of the provincial capital of Damanhūr, the village of Sarandū comprises 450 feddans of cultivated land, 90 of which are owned and 360 of which are leased. Most of the farmers are poor agricultural wage workers who do not own land and over 75 per cent of the village’s 1,500 inhabitants live in substandard housing. Rice, wheat, corn and clover are cultivated, primarily for the consumption of the farmers’ families and livestock.

This case involves an attempt by large landowner Salah Nawwār to forcibly evict farmers from their land and reclaim the land rightfully owned by the farmers by virtue of the Agrarian Reform Law, despite the fact that he did not possess any ownership documents. The disputed area, which forms part of the 12,000 feddans of Nawwār property that was placed under guardianship by Presidential Decree in 1965, is worth hundreds of thousands of Egyptian pounds.

In early 2005, in the village of Sarandū, Salah Nawwār, in collusion with the Damanhūr police, fabricated more than 15 cases against the farmers, ordering a brutal attack on them to compel them to vacate their land. The charges varied between bullying, destruction and the possession of firearms. Officer Muhammad Ammār contributed to the persecution of the farmers, the execution of fraudulent investigations and the detention of farmers to intimidate them in an attempt to force them to vacate the land. Damanhūr courts acquitted the farmers in all cases.

At 3:30 a.m. on the morning of 4 March 2005, while the farmers were sleeping, ten Security Forces vehicles, accompanied by a number of police cars, surrounded Sarandū. The forces attacked the homes of seven farmers, who were arrested and detained. At 7:30 a.m. a group of Nawwār family members arrived, accompanied by convicted criminals driving agricultural tractors, a trailer loaded with barbed wire, machetes, weapons, ammunition and flammable liquids. The attack started in an area about one kilometre from the village and progressed to the land to be taken by force from its farmers. Nearby village farmers responded to the appeal for solidarity with the Sarandū farmers. Men, women and children all rushed to defend their land. The battle lasted about half an hour, after which the attackers began to withdraw. Some tractors burned, some cars fell into the canal and the assault was stopped.

By midday about 20 Central Security vehicles accompanied by a number of police cars had reached Sarandū. They started destroying houses, displacing inhabitants and arresting eight men and 35 female farmers and young girls. Officer Ammar, nicknamed the ‘executioner,’ began to interrogate and brutally torture detainees. A number of women were subjected to physical and psychological torture, including Nafisa al-Marakbi, who later went into a coma and died on 15 March 2005, at the age of 38. Officer Ammar placed a number of detained women and girls in a police trucks, tying their hair together and touring neighbouring villages to keep them away from the media and human rights organisations. Around 29 women were eventually released while the rest were held at the Damanhūr police station.

The police subjected Nafisa’s family to severe pressure to force them to testify that her death had been due to natural causes. Other unlawfully detained farmers were also pressured to change their statements before prosecution and frame the 27 detainees, including the farmers’ lawyer Muhammad ‘Abd al-‘Aziz Salāma, five university students, an armed forces recruit, seven women and girls and 13 farmers, for the possession of weapons, murder, destruction of tractors and vehicles, and stealing of crops.

The case was heard before the Damanhūr Emergency Supreme State Security Court and postponed to 19 January 2007. In March 2007 the court acquitted the lawyer, sentenced two defendants in absentia to 15 years of hard labour and another two defendants to seven years, acquitting the remaining defendants, including all of the women. The military commander, however, decided to hold a retrial before another court.

The farmers suffered greatly due to their cohesive position around three the slogans of “*No compromise with the Nawwār family!*,” “*We will not sell one karat of the land to this family!*” and “*Nobody will buy the land in the farmers’ possession!*” Only 11 farmers remained committed to the three slogans before the verdict. Other farmers, the majority of about 70 farmers, held varied positions, including the eviction of the farmers from the land permanently in exchange for a small sum of money, eviction of the farmers from part of the land in exchange for keeping another part and buying the land from the Nawwār family.

These different positions resulted from the intense pressure the farmers were subjected to, including torture, persecution, murder and continuous threats, as well as the weakness and dispersion of collective farmer protest movements in Buheira and in Egypt’s rural areas as a whole. This is due to the absence of union or political organisations that unite the farmers and lead them towards achieving their goals. The Nawwār family and its allies dealt with farmers on an individual basis, rather than with a united group, thus succeeding in dividing their unity and cohesion.

On June 16 2008, eighteen farmers were ruled innocent before the Damanhūr State Security Court, representing the final verdict of a four-year-long battle. “*After four years in a struggle against the feudalists, officers, police and the army, finally we have won,*” said the farmers’ lawyer, ‘Abd al-‘Aziz Salāma. “*At every point people were afraid to talk, but each woman farmer stepped up to testify.*”<sup>3</sup>

3 Michaela Singer, “Sarando farmers celebrate victory in 4-year-old legal battle,” Daily News (Egypt), 24 June 2008.

## **4. Conclusions, messages and expectations**

### **4.1. Reflections on the evictions and resistance**

In the Mirshāq case, though the tenant farmers who were leasing the land from the Michaela Singer, “Sarando farmers celebrate victory in 4-year-old legal battle,” Daily News (Egypt), 24 June 2008 Agrarian Reform Authority were evicted in 1997 without receiving any reparations, the evictions were not successful in the case of the disputed farmer-owned land.

Feudal heirs obtained rulings to evacuate areas of land that had been appropriated and distributed to farmers and paid for over a period of 40 years. However, despite the fraud and the complicity of the Agricultural Reform Authority, they weren’t able to implement the rulings, as the farmers had documents proving their ownership of the land. The resistance took two forms: the legal approach, which was carried out by lawyers, and the direct practical approach, where male and female farmers, young and old, defended their land in the face of police attacks, detentions and brutality. The farmers learned to act as one cohesive group and had the support of leaders and lawyers, in addition to solidarity from human rights organisations and international farmer organisations.

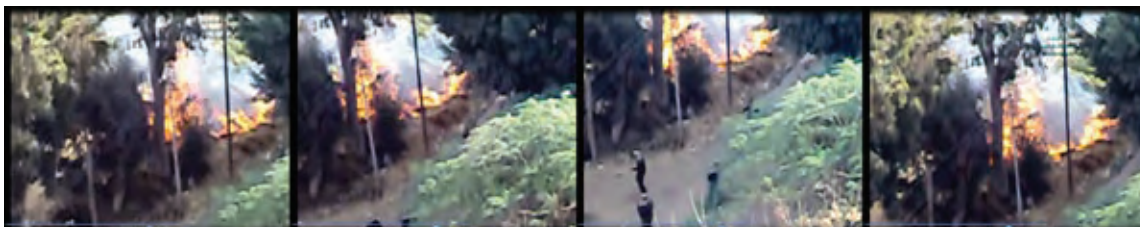
In the case of Sarandū, a large body of lawyers cooperated to defend the farmers and their lawyer, including lawyers from the Justice Centre, Hishām Mubarak Law Centre, al-Nadīm Centre for the Rehabilitation of Victims of Violence, Association for Human Rights Legal Aid, Arabic Network for Human Rights Information, Egyptian Centre for Housing Rights, Egyptian Association against Torture, Centre for Socialist Studies, Freedoms Committee of the Bar Association and Land Centre for Human Rights.

The United Nations Human Rights Council, in a report issued during its second session held in 2006, criticised the human rights violations committed by the Egyptian government in 2005, citing the Sarandū incident as the gravest. With the support of NGOs, activists, journalists and the Housing and Land Rights Network, the farmers continued protesting the complicity of the police and the Agricultural Reform Authority with the Nawwār family between the Sarandū farmers’ collective protest on 4 March 2005 and the court’s final verdict in 2008.

### **4.2. Messages to organisations fighting against evictions**

*“I would expect that organisations fighting under similar conditions would achieve similar results, i.e. partial successes.”*

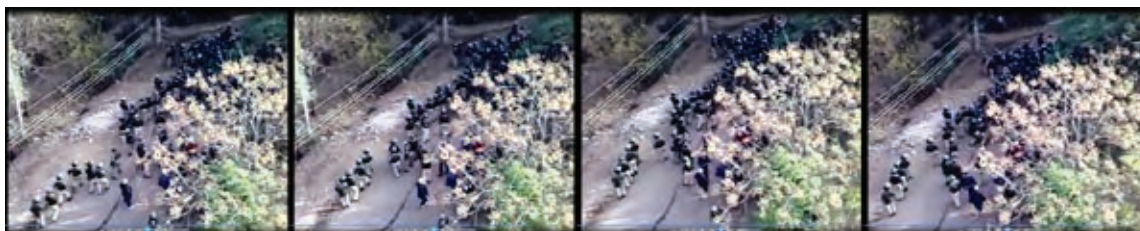
*“All forms of solidarity are necessary. It is important to search for effective forms of legal, research and procedural solidarity to assist in the struggle.”*



Picture 1: A fire is set in protest to practices put in place to force evictions.



Picture 2: The police uses smoke bombs to disperse the protestors.



Picture 3: The policemen congregate to subdue and arrest the protestors.



Picture 4: The police captures one of the protestors and assaults him with batons.

This sequences of shots in Pictures 1 to 4 are adapted from a video captured by a mobile phone camera on site.

Source: Undisclosed



Picture 5: 2005. Residents of Sarandū.

Source: Hossam-el-Hamalawy



Picture 6: 2005. Police Colonel and security agents responsible for the attack on Sarandū farmers.

Source: Housing and Land Rights Network/ Egypt



Picture 7: 2005. Detention of farmers in Sarandū.

Source: Housing and Land Rights Network/ Egypt



Picture 8: 2005. A number of women were subjected to physical and psychological violence.

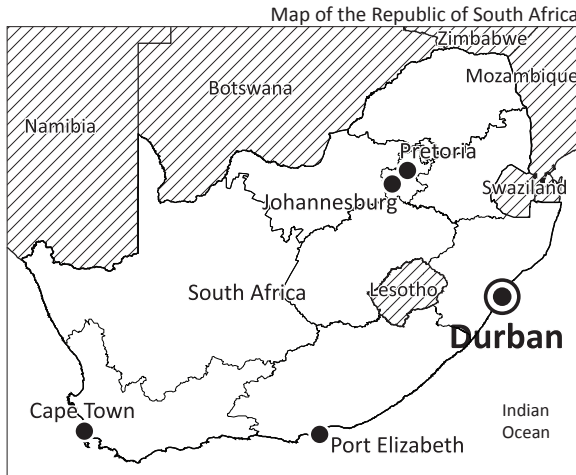
Source: Housing and Land Rights Network/ Egypt



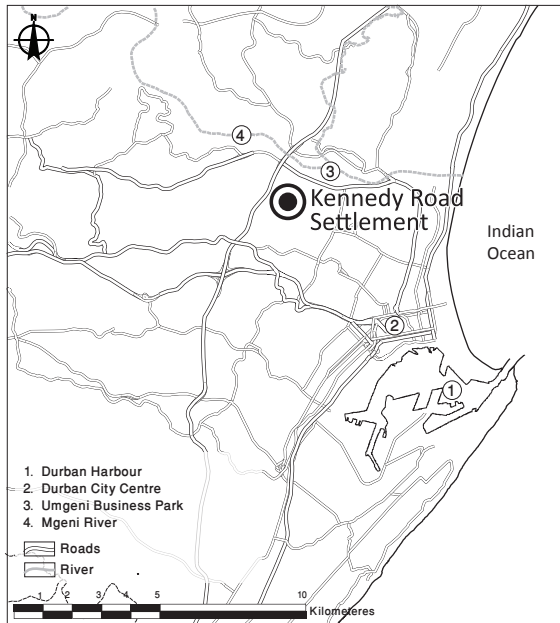
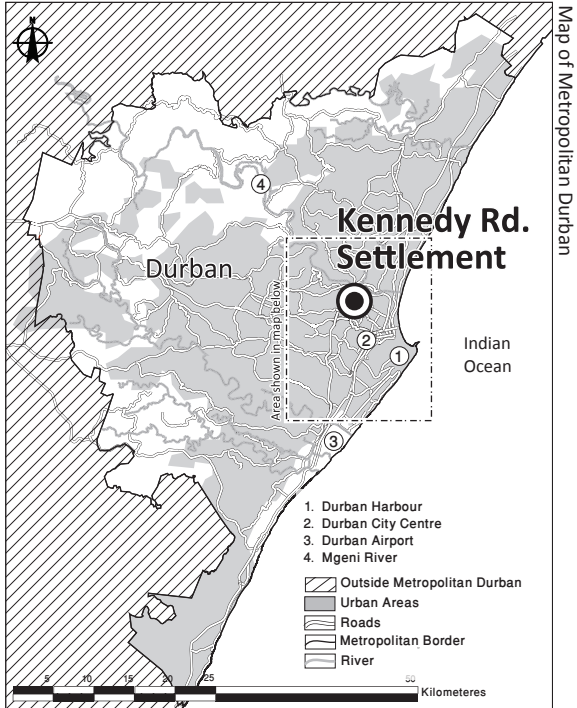
## How people face evictions in Kennedy Road Settlement DURBAN, SOUTH AFRICA



CREDITS • Narrative prepared by: Malavika Vartak (malavikav@gmail.com) based on interviews and information provided by Abahlali baseMjondolo leaders (abahlalibasemjondolo@telkomsa.net) S'bu Zikode, President of Abahlali baseMjondolo (AbM); Lindela Figlan Vice President of Abahlali baseMjondolo, and Zodwa Nsibande General Secretary of the Abahlali baseMjondolo Youth League (znsibande@gmail.com) • Acknowledgements also to Richard Pithouse (email: indianocean77@gmail.com) and Richard Ballard for their assistance in preparing this narrative • Editor of this narrative: Dr. Cassidy Johnson, DPU/UCL (cassidy.johnson@ucl.ac.uk) • Date of interviews and preparation of the narrative: October & November 2009 with short update in May 2010 •



**Population of Durban:** 3.5 million (2009)  
**Population of shacks:** estimated to be about 800,000 (2009)  
**Population of Kennedy Road before the eviction:** 10,000 people or 2,600 families (2009)  
**Number of people under threat of evictions in the city (estimate):** Most of the people living in shacks plus many who have been relocated. Estimate: 1 million.



Map of Central Durban

**Situation of Kennedy Road today:** Since attacks on Abahlali baseMjondolo (AbM) members on September 26, 2009, many houses demolished or burnt. AbM members have been forced out of Kennedy Road, and many people are now leaving Kennedy Road due to crime at night (May 2010).

**Strategies used for resistance:** massive community mobilisation, campaigning, protests, national and international alliances, legal proceedings, negotiations.

**Key dates for resistance:**

**March 2005:** Birth of AbM campaign and boycott of local elections 'No Land, No House, No Vote'.

**9 February 2009:** Memorandum of understanding between AbM and eThekweni municipality for in-situ upgrading of Kennedy Road.

**14 October 2009:** Section 16 of Prevention and Reemergence of Slums Act ruled as unconstitutional by South Africa's Constitutional Court.

**Main outcome:** Creation of AbM, the largest organisation of militant poor in post-apartheid South Africa, including tens of thousands of people from 54 settlements fighting for land and housing. Fought for and won ruling of Constitutional Court to strike down Slums act, which would have mandated private owners and municipalities to carry out eviction of illegal shacks.

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## **Acronyms:**

AbM: Abahlali baseMjondolo

ANC: African National Congress

BNG: Breaking New Ground (A Comprehensive Plan for the Development of Sustainable Human Settlements)

KDRC: Kennedy Road Development Committee

PIE: Prevention of Illegal Eviction

## **Exchange rate:**

1 American Dollar = about 8.4 South African Rands (average 2009)

## 1. Introduction

South Africa's Colonial and later the apartheid era laws including the infamous Group Areas Act of 1950 ensured that housing was strictly along racial lines and attempted to confine communities to race-based zones. Segregation laws and policies thus led to large-scale evictions in the urban areas pushing black African communities to poorly serviced townships on the peripheries of cities. At the end of the apartheid era in 1994, the shortage in urban housing was estimated at 1.5 million, with an increase of 178,000 households per year<sup>1</sup>. In an attempt to remedy this crisis situation, successive governments from 1994 pronounced plans to undertake large-scale social housing construction programmes. Simultaneously the state also undertook legal reform recognising, among other human rights, the right to adequate housing and providing protection from arbitrary and forced eviction.

Section 26 of the South African Constitution states that:

- (1) Everyone has the right to have access to adequate housing;
- (2) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right;
- (3) No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.

Additionally, the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act No. 19 of 1998 (PIE Act) applies to all occupiers of land without 'the express or tacit consent of the owner or the person in charge' and requires that all such evictions are authorised by an order of the court and must include 'written and effective notice' of the eviction proceedings on the unlawful occupier and the local municipality.

In 2004 the South African cabinet approved "Breaking New Ground: A Comprehensive Plan for the Development of Sustainable Human Settlements" (BNG). The BNG policy seeks to rectify the many shortcomings of the earlier programmes, including plans to integrate peripheral housing developments into cities as well as to ensure that future housing development occurs on well-located land<sup>2</sup>.

Despite legal protection against forced evictions and progressive policy pronouncements, several municipalities in South Africa have engaged in acts of illegal eviction without following due process. In the words of S'bu Zikode, President of Abahlali baseMjondolo (AbM), "The ambition to attain world class status has in fact encouraged City authorities to engage in illegal evictions."<sup>3</sup>

## 2. Kennedy Road informal settlement, Durban

Today, Durban is home to almost 3.5 million people. According to S'bu Zikode, of these, almost 800,000 live in substandard and inadequate housing.

The Kennedy Road Informal Settlement is home to 10,000 people or 2,600 working families and is located within Clare Estate, a predominantly Indian middle class area complete with shopping centres and high-rise buildings. The location of the settlement is central to the lives and livelihoods of its residents. Basic necessities like schools, clinics and a railway station essential for commuting to places of work, are a short walk from the settlement. Most of Kennedy Road's residents are engaged in the informal sector and work in shops, markets, building construction sites and as domestic labour. Others run shebeen (liquor) or spaza (small convenience) shops in the settlement. It is also close to the Springfield Industrial Area, where some work. Additionally, middle class homes in Clare Estates also provide employment to a large proportion of women from the settlement. In the words of Zodwa Nsiband, General Secretary of the Abahlali baseMjondolo Youth League,

1 For a detailed discussion on various segregation laws and policies and their impact on the growth of shack settlements in Durban see COHRE, Business as Usual? Housing Rights and Slum Eradication in Durban, South Africa, October 2008. [http://www.cohre.org/store/attachments/081007%20Business%20as%20Usual\\_final.print.pdf](http://www.cohre.org/store/attachments/081007%20Business%20as%20Usual_final.print.pdf)

2 COHRE, Business as Usual? Housing Rights and Slum Eradication in Durban, South Africa, October 2008 [http://www.cohre.org/store/attachments/081007%20Business%20as%20Usual\\_final.print.pdf](http://www.cohre.org/store/attachments/081007%20Business%20as%20Usual_final.print.pdf)

3 Interview with S'bu Zikode 15/10/2009.

*“we rely on middle class people for work. Although they don’t pay much, it at least helps us put food on the table.”<sup>4</sup> With an average income of R600 per month, if relocated to Verulam, one of the proposed relocation sites approximately 20 kilometres from the city centre, “most of the earnings would be spent on transport and people would bring hardly anything home.”<sup>5</sup>*

### **3. Abahlali baseMjondolo: a brief background**

Abahlali baseMjondolo, which could be translated from isiZulu to mean shack dwellers or residents of shacks, was formed in 2005 in Kennedy Road as a result of rising frustration due to a series of broken promises by the local authorities.

At the time of formation, Kennedy Road residents, through their elected Kennedy Road Development Committee (KRDC) had been trying to draw the attention of various municipal authorities to their dismal living conditions and lack of adequate services. In February 2005, the KRDC had a successful meeting with the Director of Housing of eThekweni Municipality and the Ward Councillor. The municipality promised Kennedy Road residents a vacant piece of land in Elf Road within the Clare Estate area. However, a month later, residents noticed bulldozers on the land promised to them for housing and soon found out that the land was in fact given for the construction of a brick factory<sup>6</sup>.

Frustration at yet another false promise led to a spontaneous protest where over 700 people blocked the Umgeni road for four hours on 21 March 2005. Police used tear gas and rubber bullets to dispel the protestors and 14 protestors were arrested on charges of public violence<sup>7</sup>. Following this, around 1,200 people marched on the nearby Sydenham police station where the 14 were held. The march was met with increased violence, the use of tear gas and dogs. Ten days of prison and court appearances later, the Kennedy Road 14 were freed<sup>8</sup>. Intense mobilisation followed, leading to the birth of Abahlali baseMjondolo.

As the AbM website documents, *“The movement that began with the road blockade grew quickly and now includes tens of thousands of people from more than 30 settlements. The movement’s key demand is for ‘Land and Housing in the City’ but it has also successfully politicised and fought for an end to forced removals and for access to education and the provision of water, electricity, sanitation, health care and refuse removal as well as bottom-up popular democracy.”<sup>9</sup>*

AbM elects its leadership on a yearly basis through a process of secret ballot. Lindela Figlan says *“We believe in real democracy and we do not discriminate against anyone. We believe that even our children can make meaningful inputs. Decisions to take a particular action are only made after the membership is given full information about the incident and asked for their inputs.”*

The movement’s approach is to address issues politically while remaining committed to working within the parameters of the law and the Constitution. While legal interventions are viewed as the last option, there is also an understanding that legal remedies need to be pursued in a conducive environment and therefore public education must go hand in hand with legal intervention. Thus as Zodwa Nsibandé says, *“in order to support our legal action we go to the streets and demonstrate and show the establishment that the power is with the people.”*

Taking a clear stand of not affiliating with any political party, S’bu Zikode says *“political parties have a role to play but we should also be given a chance to play our role.”* Similarly Lindela Figlan categorically states *“we*

4 Interview with Zodwa Nsibandé 18/10/2009.

5 Interview with Lindela Figlan 18/10/2009.

6 S’bu Zikode, ‘We are the Third Force’, 19/10/2006 <http://abahlali.org/node/17>

7 See Jacob Bryant, ‘Towards Dignity and Delivery: Community Struggle from Kennedy Road’, SIT Study Abroad, SIT Graduate Institute, 2005.

8 See Richard Pithouse, ‘Left in the Slum: the rise of a shack dwellers’ movement in Durban, South Africa’, History and African Studies Seminar 2005. <http://abahlali.org/node/864>

9 Abahlali baseMjondolo, ‘A Short History of Abahlali baseMjondolo, the Durban Shack Dwellers’ Movement’ October 2006 <http://abahlali.org/node/16>

*don't work with NGOs who think that they can think and plan for us. As Abahlali we are free to say what we want."*

#### **4. Living conditions in Kennedy Road**

*"Animals are better off", says Lindela Figlan when describing the quality of life in informal settlements. In Zodwa Nsibande's words, "living conditions are really bad – we are still living like we were in the apartheid era."*

For the 10,000 residents at Kennedy Road, there are five water standpipes providing potable water leading to long queues and many hours spent in collecting water. As the responsibility for ensuring the adequate availability of water for the family often rests with women, the lack of adequate sources of potable water is a huge burden on the women of the settlement. Sanitation is also severely lacking. Initially there were only six toilets for the entire settlement and it was only after Abahlali activists petitioned and fought for better services that more toilets were installed. The settlement now has 112 toilets; however, the toilets remain insufficient, and as Zodwa Nsibande points out *"many are forced to go out into the bush and women and children are sometimes attacked and even raped."*

Closely linked with water and sanitation is the issue of refuse collection and solid waste management, the absence of which not only results in increasing the incidence of disease in the settlement but has also led to the increase of rats. In 2008 three children were bitten by rats in the settlement and in January 2008 a four month old baby died due to rat bite.

The lack of electricity in the settlements (only 40 per cent of household have electricity) has forced many residents to use candles and paraffin lamps, leading to the regular occurrence of shack fires. In several settlements in Durban including Kennedy Road, shack fires and the destruction of homes has been used by the municipality to effect evictions by not allowing people to re-build their homes. In one case, Kennedy Road residents had just begun to clear the debris to rebuild their shacks when members of the Land Invasion Unit along with armed guards and bulldozers tore down their homes. The municipal authorities wanted to move the fire-affected residents to transit camps away from Kennedy Road; however, when the residents refused to move and insisted on re-building where their shacks once stood, the authorities finally conceded and provided them with building material.<sup>10</sup>

#### **5. Combating evictions**

According to the Abahlali activists interviewed, Kennedy Road Settlement was established in the early 1980s on land given to 43 families by Mr. Jordan, a member of the Durban Municipal Corporation. The land was given free of charge with the advise to not sell it nor allow anyone to evict them from it.

*"From 2004 there were many threats of evictions. The local elections were coming up in 2006 and the municipality was threatening to relocate us to far-off Verulam. This was also the time when Abahlali baseMjondolo was growing as a movement and 2005 had been declared as the Year of Action by the Kennedy Road Development Committee."<sup>11</sup> Some of the notable marches organised at this time included the blockading of a six lane freeway that ran through the city on 19 March 2005 and a 5,000 strong march against Councilor Yacoob Baig to demand an end to the threat of evictions, the provision of land, housing and toilets and the resignation of the Councilor.<sup>12</sup>*

*"It is our neighbours who ask the municipality to evict us. They suspect us to be criminals. If there are shacks close to houses no one would want to buy the houses. That is why they put pressure on the municipality to evict us,"* says Lindela Figlan. However, the official reason given for the eviction is quite different. According to S'bu Zikode, the municipality has tried to carry out the eviction on the pretext of health and safety concerns.

<sup>10</sup> Matt Birkenshaw, 'Big Devil in the Jondolos: The Politics of Shack Fires' 2008 <http://abahlali.org/node/4013>

<sup>11</sup> Interview with Zodwa Nsibande 18/10/2009.

<sup>12</sup> Richard Pithouse, 'Left in the Slum: the rise of a shack dwellers' movement in Durban, South Africa', History and African Studies Seminar 2005. <http://abahlali.org/node/864>

*“Kennedy Road residents have been given a number of excuses on why they need to be relocated including that the land is prone to landslides, that there is gas emanating from the land and that the land is unstable. We found out later that these were all merely excuses to evict us.”*

After several protests, arrests, and incidence of violence on the part of the state authorities, in 2007 AbM and the City began negotiations to upgrade Kennedy Road and other settlements in Durban with the help of Project Preparation Trust. Having previously been treated like criminals, for AbM activists to bring the municipal authorities to the negotiating table was testament to the movement’s growing popularity.

Several intense rounds of negotiations later, on 9 February 2009 AbM and the eThekweni municipality drew up a Memorandum of Understanding which agrees to in-situ upgrading for Kennedy Road along with two other settlements and the provision of basic services to 14 other settlements affiliated with the with movements. *“It is not possible to accommodate all Kennedy Road residents in the new plan for upgrading the settlement”* says S’bu Zikode. *“As a result, priority has been given to the first 43 families or ‘senior citizens’ who settled in Kennedy Road in the early 1980s. The decision about who will stay and who will be relocated has been a collective one, based on the particular needs of the remaining families. Unlike previously, those relocated will be given houses nearby. We are expecting construction to start by January 2010.”*

AbM has been able to ensure that they will be consulted at every stage of the project. Pointing to lack of proper consultation as the key cause of failure of several projects, Lindela Figlan opines, *“we have a mind and we have eyes and therefore we must be consulted. We need to see that the government is trying their best to find alternatives for us. If convinced, we will accept what the government proposes.”*

## **6. Victory in the Constitutional Court**

AbM have recently also successfully challenged attempts by the Kwazulu Natal legislature to introduce some draconian and anti-poor measures through the Prevention and Re-emergence of Slums Act of 2007.

AbM first critiqued the legislation when it was introduced as a bill in October 2006. Under the Act, *“... Owners of informally occupied land are mandated to institute evictions within a period stipulated by the municipality, and owners of vacant land are mandated to prevent informal occupation through measures such as fencing off areas and posting security guards.”*<sup>13</sup>

When the legislation was passed despite concerns from several different quarters, AbM with the help of the Johannesburg based Centre for Applied Legal Studies challenged the constitutionality of the Slums Act in the Durban High Court in 2008. The day after the movement announced that they would be challenging the Slums Act in court, Municipal authorities, resorting to their usual strong-arm tactics, arrived along with heavily armed members of the South African Police Service and a dog unit started disconnecting electricity from one end of the settlement without warning or explanation. Approximately 300 connections were removed in a single day.<sup>14</sup>

Judge President Vuka Tshabalala of the Durban High Court did not rule in favour of AbM. Declaring that he found the Act to be fair, the Judge President opined that the act would make things more orderly and should be given a chance.<sup>15</sup> AbM appealed against the verdict and South Africa’s Constitutional Court ultimately found the Act to be unconstitutional, in a decision rendered on 14 October 2009.

The Constitutional Court judgement not only confirmed concerns about the Act raised by AbM activists through their various petitions, marches and legal intervention but has strengthened protection from forced eviction for millions of South Africa’s shack dwellers.

13 Marie Huchzermeyer, ‘Uplift Slums, don’t destroy them’, The Mercury, 12/07/2007 <http://www.themercury.co.za/index.php?fArticleId=3928976> or <http://abahlali.org/node/1702>

14 Abahlali baseMjondolo, ‘City Escalates its War on the Poor: Mass Disconnections from Electricity at Gun Point at Kennedy Road Settlement’ 15 February 2008. <http://abahlali.org/node/3342>

15 The Mercury, ‘Shack dwellers step up court battle’ 19 February 2009 <http://www.themercury.co.za/index.php?fArticleId=4845960>

## 7. Abahlali under attack

The power of a shack dwellers movement to challenge not just their local authorities but also the provincial and national government has also led to efforts to de-legitimise and de-stabilise the movement including violent attacks on individual leaders.

Most recently on 26 September 2009, at 11:30 p.m. a group of about 40 men heavily armed attacked a meeting of the Kennedy Road Development Committee (KRDC). The armed men intimidated and threatened people and went on to find specific AbM activists in the settlement. While recounting the horrors of the 26th Lindela Figlan said *"they had planned it on the 24th. I was warned that someone was going to kill me but I thought it was a joke. Later one man and three girls also told me not be in the settlement. On the night of the 26th the attackers came to my door and started violently banging. I was inside the house but when they saw that it was padlocked from the outside they left saying that the Pondo is not here."*

Two people were killed in the attacks. Many others like S'bu Zikode had to flee in order to save their lives and remain in hiding till today (November, 2009). As S'bu said, *"Today I am a refugee in my own country, my own province, my own city and my own neighbourhood."*

AbM believes that the attacks were instigated by local African National Congress (ANC) leadership who have been intent on de-stabilising the movement in order to reverse its numerous achievements and growing popularity among South Africa's urban poor. S'bu Zikode when speaking of the attacks said *"We are not surprised by the attacks. AbM has challenged the local, provincial and national governments; has exposed the ANC with regard to corruption and misallocation of housing. AbM has been able to protect our Constitution from invasion and this has made the ANC very angry. The ANC are trying to show that there is no local leadership in Kennedy Road and that the settlement is ungovernable. It also does not surprise us that two days after the attacks when two people were left dead, the local ANC leadership visited Kennedy Road and elected a new KRDC."*

## 8. Conclusion

The movement, through a multi-pronged approach of public education, public protest, strategic use of the media and legal remedies has successfully given voice to South Africa's shack dwellers. *"People need to first identify and then organise themselves if they want to challenge those in power and protect their human rights"* says S'bu Zikode.

While discussing future plans AbM activists speak about organising workshops for communities in differing circumstances on legal remedies and the on ways in which the Constitution can be used to protect human rights. Forging alliances through the Poor People's Alliance a platform for a variety of people's movements like the Western Cape Anti-Eviction Campaign, Landless People's Movement, and the Rural Network (Abahlali baseplasini), AbM has ensured that their struggle is not limited to housing for shack dwellers alone but for respect and dignity for poor people in South Africa. As S'bu Zikode points out, *"We have seen in certain cases in South Africa where governments have handed out houses simply to silence the poor. This is not acceptable to us. Abahlali's struggle is beyond housing we fight for respect and dignity. If houses are given to silence the poor then houses are not acceptable to us"*.

### Update May 19, 2010

Since the attacks of September 25, 2010 the AbM movement in Kennedy road has been under severe intimidation and subject to extreme violence. Shacks have been demolished and burned almost every weekend. People are fleeing from the shacks for safety because substantial criminal behaviour is happening at night. The AbM movement is banned from Kennedy Road settlement, although the movement continues underground and more openly outside the settlement. The Kennedy Road AbM branch continues to have their regular meetings every Sunday except now in an assembly in a park in the Durban<sup>16</sup>. Twelve men from

<sup>16</sup> From posting on AbM website, 19 January 2010 by KRDC



Kennedy Road who have been charged after the attacks are still waiting for a trial in the courts. They have appeared before the court eleven times in eight months, finally on May 14, 2010, a date of 12 July 2010 has been set for the trial.



Picture 1: Kennedy Road Settlement.  
Source: Matt Birkenshaw



Picture 2: September 2005, protest against Councillor Baig.  
Source: Abahlali baseMjondolo



Picture 3: January 2007, rebuilding after a shack fire in Kennedy Road.  
Source: Abahlali baseMjondolo



Picture 4: November 2008, outside the Durban High Court during the Slums Act hearing.  
Source: Abahlali baseMjondolo



Picture 5: November 2008. Outside the Durban High Court during the Slums Act hearing.  
Source: Abahlali baseMjondolo



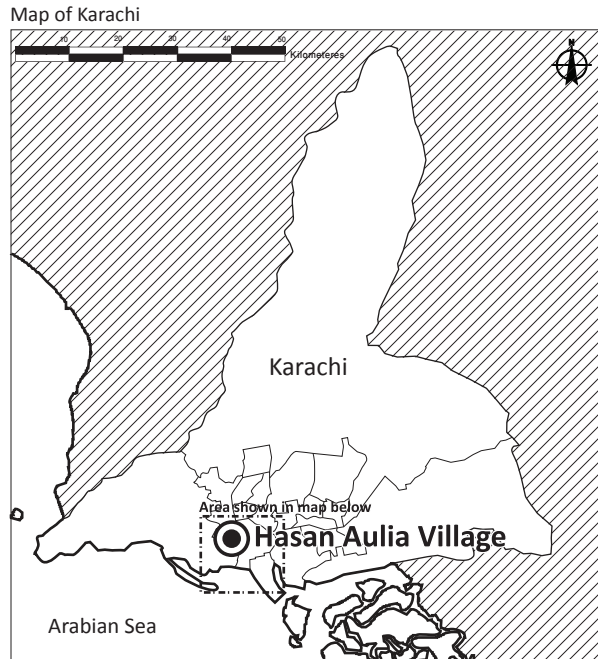
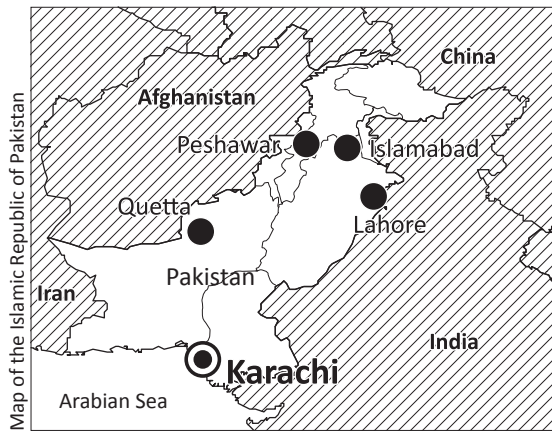
Picture 6: November 2008. Outside the Durban High Court during the Slums Act hearing.  
Source: Abahlali baseMjondolo

Cases from Asia and Europe

## How people face evictions in Hasan Aulia Village KARACHI, PAKISTAN



CREDITS • Narrative prepared by Assoc. Prof. Architect Asiya Sadiq Polack and Architect Suneela Ahmed from Urban Research and Design Cell (URDC), Department of Architecture and Planning, NED University of Engineering and Technology, Karachi. Email: asadiq@neduet.edu.pk and suneela\_mail@yahoo.com; Phone: 92-21-2620793 • The text is based on interviews with Mr. Tariq Aziz (Phone: +92 (0)300-9233488) and Mr. Haji Jan Mohammad (Phone: +92 (0)321-2870135) Activists – Social Leaders from Hasan Aulia Village and inputs from Architect Younus Baloch, Director of the Urban Resource Centre, Karachi. Email: urc@cyber.net.pk Phone: +92-21-4559317 • Editor of this narrative: Dr. Cassidy Johnson, DPU/UCL, London [cassidy.johnson@ucl.ac.uk] • Date of interviews: July 2009 • Date of this summary: August 2009 •

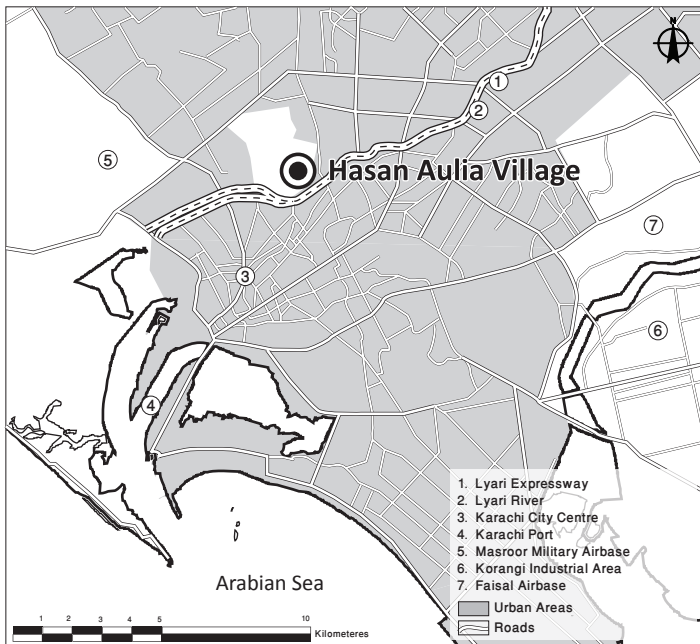


**Population of the Metro Karachi:** 10 million (1998) (*Statistics Division, Government of Pakistan*), 15 million (2009) (*estimate*)

**Population of Layari Town before the eviction:** 230,000 persons (*Urban Resource Centre, 2002*)

**Population of Hasan Aulia village before the eviction:** 15,000 persons (*Urban Resource Centre, 2002*)

**Population of of Hasan Aulia village today:** 10, 400 persons (Jan 2010)



Map of Karachi showing the location of Lyari Expressway and Hasan Aulia Village

**Population of informal settlements in Karachi:** 5 million (1998) (*Statistics Division, Government of Pakistan*)

**Total Number of people evicted in Karachi 1992-2009:** 209, 256 persons

**Number of houses demolished in LEW area:** 25,000

**Total number of people under threat of eviction in Hasan Aulia village:** 9,360 people residing in 1,500 houses

**Stage of eviction:** ongoing

**1989.** LEW is first proposed, it as later cancelled and proposed again in 2000

**2002.** beginning of demolitions

**2003.** October 14. verdict by Sindh High Court that LE project is of national importance; private properties may be acquired under law, there must be an accurate assessment of damages and compensation

**Strategies used for resistance:** international and national campaigns, mass protests, legal battles

**Main victories of the resistance:** obtained stay order from the government while fighting case in Supreme Court; obtained compensation for evictees; initiated change in government's and people's perceptions about the poor and their abilities to organise, document, resist.

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## **Acronyms:**

ACCP: Action Committee for Civic Problems

FCO: Federal Work Organisation

LEW: Lyari Expressway

NHA: National Highway Authority

URC: Urban Resource Centre

## **Exchange rate:**

1 American Dollar = 83.33 Pakistani Rupees (Rs.) (January 2010)

## **1. Creating awareness about Karachi, the neighbourhood and the eviction process**

### **1.1. Housing in the city of Karachi**

Karachi being the only port and largest city of Pakistan has continuously attracted migration. According to the 1998 census it accommodated a population of approximately 10 million, spread over 3,527 square kilometres<sup>1</sup>. According to the current unofficial estimates the population has gone up to 15 million. The metropolis comprises 10 per cent of Pakistan's total population and 25 per cent of its urban population<sup>2</sup>.

Population increase and housing demand has made land an important commodity in Karachi. There is a constant struggle to acquire and develop land for housing through legal or illegal means. Currently, almost 60 per cent of the total housing stock of the city lies in the informal settlements or katchi abadis. According to Maroof Sultan, an area activist and old resident of Karachi,

*"A powerful nexus exists between formal and informal sector developers, politicians, and bureaucrats, who manage to acquire vacant government and sometimes private land by settling poor people on it, using political and administrative force. Substantial money is taken from the poor for it. The land usually taken is that earmarked for amenity purposes, road extensions, railway reservations, river banks and high tension electric installations. The cycle of extortion from the poor does not end here, as touts of this nexus in the guise of social workers and area activists continue to live in these settlements and take money (in the form of bribes and fee) from the poor for accessing various utilities such as water, electricity, sanitation, health and education. After some years if these settlements are still un-regularised they are vulnerable for evictions. Once the eviction process starts, yet another cycle of money making ensues. These networks of touts once again with the corrupt government machinery starts to take bribes for fake delisting of households from the eviction process or accessing compensation money and alternative plots. In case of resettlement, these networks become the main beneficiaries by providing fake property records and identity cards and are able to access multiple plots, bypassing the real target groups. Once on the new resettlement site the cycle of so called social activism restarts. In short, the setting up of the squatter settlements, evictions and resettlement is a business for the land mafia. Whereas the genuine low income dwellers tend to become destitute in the process, as they lose assets and investments throughout this process".*

### **1.2. Evictions in Karachi**

The government's view to have mega-projects to cope with the population increase is a major reason behind evictions. More than 17,438 houses and shops have been bulldozed since 1992 in Karachi, displacing an estimated 209,256 persons and disrupting the education of about 69,752 children.

### **1.3. Case of the Mega-Project, Lyari Expressway**

The Lyari Corridor comprises the Lyari River (a perennial river presently serving as an open sewerage drain), the low income settlements along its banks (both above and below the flood line), eight bordering lower middle to upper middle income towns with formal housing, production activities and important social and physical amenities.

Despite the low income settlements being dilapidated and poorly serviced, they house communities and businesses like transporters, recyclers and traders belonging to different ethnicities and political groups, who are very influential and form a population segment of the city which has political and administrative support and can draw attention towards their plights and civic problems.

The Lyari Expressway project (LEW) had been proposed in 1989, and was revived in 2000 by the National Highway Authority. Although bulldozing began in January 2002, the administration has never provided project

1 Statistics Division, Government of Pakistan, "1998 Census Report of Pakistan", December 2001, Islamabad, as analyzed by Hasan Arif in, 'Urban Change: Scale and underlying causes, the case of Pakistan', 2002.

2 Statistics Division, Government of Pakistan, "1998 Census Report of Pakistan", December 2001, Islamabad, as analyzed by Hasan Arif in, 'Urban Change: Scale and underlying causes, the case of Pakistan', 2002.

details for review nor an economic or environmental impact assessment. People do not know the schedule of the bulldozers and demolition squad, the list of affected families has not been made public, expressway alignment is shrouded in mystery, and so is the expected land use change along its corridor.

According to Mr. Haji Jan Mohammed, *“The Lyari Expressway is being built at a cost of Rs. 22 billion<sup>3</sup> (260 million USD) for private vehicles in a city where a very small percentage of people own private vehicles. How will NHA ever recover the cost of construction of the Expressway, let alone make profit out of it. On an average only 250 to 300 cars use the Expressway for commuting at present”*.

According to government estimates they were going to demolish 11,964 housing units, 42 religious places (mosques, churches, mandirs) and 1,035 shops, workshops and factories<sup>4</sup>. According to the recent surveys undertaken by Urban Resource Centre (URC), since January 2002, 25,000 houses (accommodating 77,000 families, comprising 230,000 people), 146 religious places and 110 schools, 3,470 commercial units (including shops, factories, warehouses), 58 places of worship and 250 multi storied structures both leased and un-leased have been bulldozed. No compensation or alternative land has been given to the commercial units.

#### 1.4. The evictions

Hasan Aulia village, included in the demolition plan, lies within the Lyari Corridor and is one of the oldest settlements of Karachi, which traces its existence back by at least 125 years. Most of its residents are Baloch, and it is an ethnically uniform clan-based lower to lower middle income settlement. Haji Jan Mohammed, a senior activist from Hasan Aulia says, *“We are the founders of Karachi; the colonial style construction on M.A. Jinnah road was undertaken by our ancestors. Many of them also worked on construction projects in Bombay and Delhi”*<sup>5</sup>.

Hasan Aulia village is one of the settlements where the demolition teams have met with the most resistance resulting in the inability of the construction work to go ahead even after seven years since the commencement of the project. About 1,500 houses face the threat of eviction in Hasan Aulia, out of which 600 houses are leased.

In the year 2000, the residents were notified through an announcement on a loud speaker and six hundred families were soon issued the eviction notice. Fifteen to twenty residents, nominated by the listed families, attended a meeting in which the mayor explained the importance of the LEW for the city and its execution. After the meeting, angry crowds of both men and women protested and held demonstrations in front of the press club and different government offices and have to date refused to surrender and vacate their ancestral homes. The press provided coverage to the struggle of the evictees and local NGOs also joined in.

According to Mr. Tariq Aziz, another activist residing in Hasan Aulia, *“The government’s approach towards eviction is unreasonable as the residents were not informed well in advance about the evictions and notices were not issued. In addition the government treated both the people lying above (with legal status) and below the flood lines (without legal status) in the same manner. The government also used force by threatening dire consequences and using the support of police”*<sup>6</sup>.

In March 2001, the concerned communities and the organisations involved with them were invited to an Awami (Public) Assembly organised by the Urban Resource Centre (URC) and Action Committee for Civic Problems (ACCP). This was the first time the evictees of the LEW were informed in detail about the gravity of the situation and a methodology was presented to fight the evictions.

According to Mr. Haji Jan Mohammed, *“Until the holding of the public assembly the government was not planning to give any compensation to the evictees of the LEW. As a result of this organised opposition, in the form of demonstrations and assemblies by all the evictees of the LEW. The government decided to come up with the proposal of giving land and compensation money. But it was officially announced by the then mayor*

3 The Pakistani Rupee (Rs.) is currently equivalent to approximately €0.008, or US\$0.012 (January 2010).

4 Source: Urban Resource Centre Publications. www.urckarachi.org

5 Ibid.

6 Interview with Mr. Tariq Aziz, an activist from Hasan Aulia.



of Karachi, Mr. Naimuttullah that this compensation would only be given to leased residential units. Many communities have benefitted from this, especially those which did not have strong social and political ties in the area or were not organised accepted this proposal and took the money and the land and have left their residences in the Lyari corridor, but we are not going anywhere and will resist till the end”.

“What we have proposed to combat any political favouritism and injustices due to corruption is a joint meeting between a private engineer nominated by us, the engineers of the Federal Works Ordinance (FWO), the agency that is executing the project, and a neutral engineer like Dr. Noman Ahmed (Chairman Department of Architecture at NED University) as a neutral facilitator. Our argument is that the original flood line curve of the Lyari River that was drawn by the British in 1935 did not include Hasan Aulia as being in the flood prone areas. After the flood of 1979 in which 238 people lost their lives this flood line curve was revived and no construction was allowed in the flood zone. Once again Hasan Aulia was not included in the flood prone areas. The 1992 design of LEW did not include the demolition of Hasan Aulia village. Rather the area on the other bank of the Lyari River and opposite Hasan Aulia, that is Niazi Colony, was to be demolished, which lies within the flood line. When the plan of the Expressway was altered in 1996 under the auspices of Mr. Fahim uz Zaman Hasan Aulia was still not marked for demolition. We fail to understand why an area which is within the flood line (Niazi Colony) has been left intact and an area which is far away from the flood zone (Hasan Aulia) has been evicted. This meeting is to see the possibilities of change in design in the LEW, so that our physical assets are not affected. If this meeting concludes that there are no possibilities of a change in design then we are willing to leave our homes. We have put this proposal in front of the representatives of the government and have asked them to have dialogue only if they are willing to accept this proposal. But we have not heard anything positive as yet. There was one such dialogue initiated in April 2002 where engineers of NHA and our engineers, Mr. Shoaib Ismail and Mr. Nadeem Ansari had a two-day meeting to discuss the alternatives for LEW, but the meeting was non conclusive as the NHA engineers did not show up on the third day. The other option that we are willing to abide by is the use of force, if the government tries to bring down our houses forcefully”<sup>7</sup>.

According to Maroof Sultan, “Evictions are not only inhuman but brutal as anyone who dares to oppose them is put in jail and tortured, their families are harassed, and sometimes family members disappear or die under mysterious circumstances. All of this is done to scare the common man and deter the resistance”.

The evictees of Hasan Aulia filed a case against the LEW evictions in Sindh High Court in 2002. After the dissatisfactory ruling of the Sindh High Court on October 14, 2003, asking the executors of the Expressway to work in consultation causing minimum damage to property and paying market value to leased property owners, the residents of Hasan Aulia approached the Supreme Court. The case was initially filed by National Highway Authority in the Supreme Court against the evictees, which was challenged by the evictees in August 2005. After only one hearing soon after that, the case has shown no progress, and is pending in the Supreme Court. A lawyer who is charging minimal fees is representing the evictees.

The plight of the residents has been voiced internationally by the international NGOs like Centre on Housing Rights and Evictions (COHRE). As a result of some demonstrations, which were held in Geneva and France, in the form of chanting of anti Expressway slogans and a signature drive, the Asian Development Bank stopped funding of the project for a period.

To date the southbound side of the LEW has been completed and is operational. The northbound side of the Expressway, however, has not been completed because three communities, namely Hasan Aulia, Mianwali and Liaqatabad have put up a strong resistance and have gone to court.

While the stance of the evictees of Hasan Aulia and Mianwali Colony is no negotiations until the design of the Expressway is altered, the stand of the evictees of Liaqatabad is different. Two activists who represent the Liaqatabad evictees are Moulana Wali ullah and Moulana Hanif. These evictees are asking for greater monetary compensation and are willing to relocate if provided land in nearby places rather than the far flung resettlement sites. Moulana Wali ullah also wants his madrassa (religious school) to be saved and the design of the Expressway altered as such.

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7 Interview with Mr. Haji Jan Mohammed, an activist from Hasan Aulia.

According to the residents, the government surveyors conduct their survey during the night and mark the houses to be demolished, which makes the entire process very sinister and they are very resentful of it.

For the time being the residents have obtained a stay order from the government by fighting a case in the Supreme Court. The residents are unhappy with the compensation amount of Rs. 50,000 (590 USD) that they are getting for their houses, as according to them the current market value of their houses is much higher. To voice their concerns the people have formed a committee known as “The people affected by the Lyari Expressway” and it is because of the efforts of this committee that they have been able to obtain a stay order from the court against the demolition of their houses.

The Land Acquisition Act in the Karachi Building Bylaws states that a gazette notification must be published and made available to the settlements that are to be acquired. A public hearing is also required to be held and the affected people are to be given the market value of the acquired land in addition to any loss of livelihood. These legal requirements have been violated in the case of the LEW. The evictees who own a leased residential property have been given 80 square yard plots and Rs. 50,000 (590 USD) for construction, which according to the evictees only suffices for the construction up to the plinth level. Above the plinth level the construction has to be done out of private funding of the evictees.<sup>8</sup>

The resettlement plots are located on the outskirts of the city and some distance from the main roads. All sites have water supply problems some parts still do not have access to sewage, gas and electricity seven years after the resettlement. All of these sites have lack or no presence of social amenities or job opportunities.

According to a leader of the Hawksbay resettlement site, *“Officially there was no compensation planned for livelihood substitution. The commercial facilities and amenities given in the plan need to be developed yet. This provision for shops has not been allotted to the residents and is believed to be kept for speculation. As a result some of the residents have set up informal commercial outlets outside their houses which are not doing very well”*.

Discontented with the provision of amenities and civic facilities on time, many of the evictees have moved back to other areas in the city centre, and are mostly living on rent. They are no longer owners of plots but they do not have to go through the daily struggle of commuting long distances, getting access to water supply, gas and a sewerage system<sup>9</sup>.

## **2. Reflections on the struggle and the experience**

The communities have collected Rs. 3 million (35,000 USD) for litigation purposes and have filed cases in the Sindh High Court against illegal demolitions and attended the court proceedings in large numbers. They have held a people’s assembly in which 3,000 men, women and children from various settlements of the affected areas of the Lyari Corridor gathered to protest against the project. They have organised eight All Party Conferences where representatives of political parties have been invited to discuss the issues related to demolitions and evictions. The evictees have received journalists, concerned citizens and NGO representatives in their settlements and explained their problems to them. Over a thousand international human rights and housing rights organisations from all over the world have sent letters of concern to the President of Pakistan. They have taken part in the preparation of an alternative design proposal for the Expressway, which reduces the number of affected families to less than one quarter of those being affected by the current plan. They have identified engineering and planning experts to represent them in consultations with the government for review of the project if and when the proposal for such a review is accepted by the government<sup>10</sup>.

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<sup>8</sup> Interviews conducted at Hawksbay Resettlement Site.

<sup>9</sup> Ibid.

<sup>10</sup> Information from Mr. Younus Baloch, URC coordinator.

## **2.1. Recognition of the rights of the poor**

The media coverage given to the organised resistance of the communities diluted people's prejudices regarding low-income settlements and thus civil society have started supporting the poor. The government bureaucracy's attitude has also changed as they have started to negotiate with the communities and offer acceptable compensation for proposed evictions. A very important policy change is that the cut-off dates for regularisation of katchi abadis in Sindh and Punjab have been increased from 1985 to 2000 and 2006, respectively. National networks like the All Pakistan Alliance for katchi abadis and a network of railway colonies (earmarked for demolition) have been formed.

## **2.2. Struggle beyond evictions**

The system of housing and land rights in the city needs a drastic change where the construction of mega-projects should not be left at the discretion of decision-makers in the federal capital who can decide to evict each and every property coming in the way of the mega-project development. The process of change that the evictions of the LEW has generated is not yet tangible in terms of policies and laws but has initiated a change in the government's and peoples thinking regarding the poor, their ability to organise, document, resist and in some cases win the battle against eviction on legal grounds. This is evident by the delay in the duration of the construction of LEW and the massive monetary losses incurred by the government through their inability to complete the project on time.

## **2.3. Key messages to other groups facing evictions**

- Communities require strong and honest leadership, which should emerge out of the process and should have the support of the people.
- Correct surveys and documents should be a part of the struggle process as these are real negotiating tools and more effective than slogan changing.
- Concerned political parties need to be involved and should take responsibility for their constituencies.
- Alternative plans are the best counter to bad planning. For this professionals need to be involved in research, networking and advocacy with the communities, the government and the political parties. Concerned professionals should not wait till a project starts and evictions start to happen to react to it. Instead pre-emptive plans and alternatives should be made and presented in advance.
- Decision-making needs to be bottom-up with enough fiscal and administrative authority given to the city government. Federal and provincial governments should not be legally allowed to force their whims and decisions in a top-down manner.



Picture 1: The village on the banks of Lyari Riverbed.

Source: Urban Research & Design Cell at the Department of Architecture and Planning, NED University of Engineering and Technology, Karachi



Picture 2: Women and children join in the protests against being evicted from their homes.

Source: Urban Research & Design Cell at the Department of Architecture and Planning, NED University of Engineering and Technology, Karachi



Picture 3: The demolitions.

Source: Urban Research & Design Cell at the Department of Architecture and Planning, NED University of Engineering and Technology, Karachi



Picture 4: The construction of the LEW is underway.

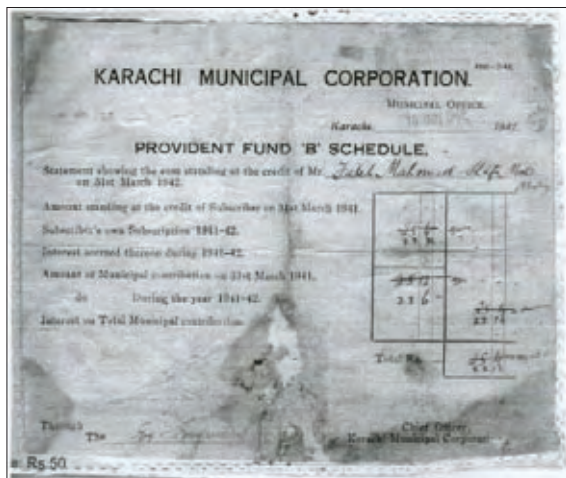
Source: Urban Research & Design Cell at the Department of Architecture and Planning, NED University of Engineering and Technology, Karachi



Picture 5: Views of one of the resettlement sites.  
 Source: Urban Research & Design Cell at the Department of Architecture and Planning, NED University of Engineering and Technology, Karachi



Picture 6: Residents protesting the threat to their livelihoods.  
 Source: Urban Research & Design Cell at the Department of Architecture and Planning, NED University of Engineering and Technology, Karachi



Picture 7: Municipal receipt dating to 1942.  
 Source: Omar Khan, Rana Sadeq and Zayed Farouq, Hassan Aulia Village - Case Study. 2009



Picture 8: Sketch of the village plan in the 1940s.  
 Source: Omar Khan, Rana Sadeq and Zayed Farouq, Hassan Aulia Village - Case Study. 2009

## How people face evictions in Kurtköy, Cambazbayırı District ISTANBUL, TURKEY



CREDITS • Narrative prepared by Alp Altınors of the Housing Rights Coordination, Turkey Tel: +90 (0)539 416 2047; Email: farabundo\_marti@hotmail.com • Based on interviews with Ali Doğan, resident of Kurtköy/Cambazbayırı. Phone +90 (0)535 474 87 27. And Birsen Kaya of the Housing Rights Coordination • Editor of this narrative: Dr. Cassidy Johnson, DPU/UCL, London [cassidy.johnson@ucl.ac.uk] • Date of interviews: September to December 2008 • Date of this summary: August 2009 •

Map of the Republic of Turkey



**Population of Istanbul:** 15,000,000 inh. (2008) (OECD Territorial Review, Istanbul, 2008)

**Population of Kurtköy/Cambazbayırı District before the eviction:** 6,000 people (2008, Ali Doğan, resident)

**Population of the Kurtköy/Cambazbayırı today:** 1,250 people (2008, Ali Doğan, resident)

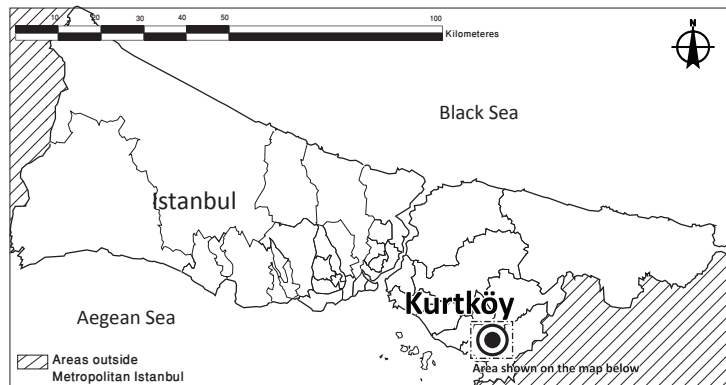
**Size of informal housing in Istanbul:** 80% of the 2.3 million housing units are informally built (Erbatur ÇAVUŞOĞLU, presentation to UN-AGFE mission, June 2009)

**Total number of families and people evicted 2005-2009 in the studied neighbourhood:** 950 families, 4,750 people

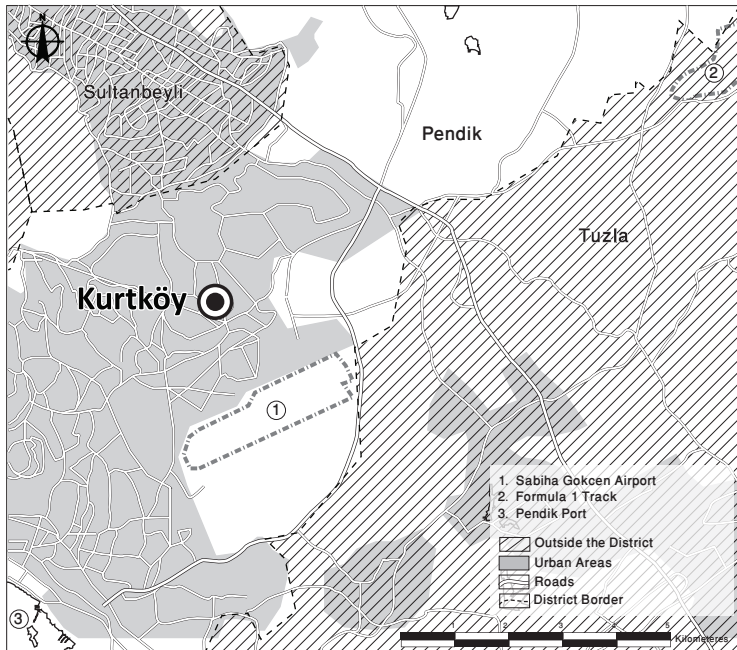
**Number of houses demolished:** 950

**Number of relocated families:** 950, but must pay debt

**Stage of eviction:** relocation for 950 families and planned eviction for 250 families



Map of Istanbul Municipality



Map of Pendik District

**Key dates for resistance:**

**2005:** First conference of the Coordination of Labouring People Against House Demolitions. Set up barricades and defended the territory against demolitions.

**2008:** August National conference of the Housing Rights Coordination held in Istanbul

**Strategies used for resistance:** Barricades and also negotiations and campaigns

**Main victory:** improved the consciousness about housing rights and the necessity of organizing in order to demand rights. In Kurtköy/Cambazbayırı, resistance reduced the amount of debt for relocated people.

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  - 1.5. Negotiations
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  - 1.7. Allies in the struggle
2. Reflections on the struggle

## **Acronyms:**

TOKI: Mass Housing Administration of Turkey

ESP: Socialist Platform for the Oppressed

AKP: Justice and Development Party

## **Exchange rate:**

1 American Dollar = 1.54 Turkish Liras (average 2009)



## 1. The eviction process

### 1.1. Istanbul city context<sup>1</sup>

Istanbul has been facing dramatic pressure on land over the past 50 years, due to population and economic growth. The city hosted 1.1 million inhabitants in 1945, 4.75 in 1980 and around 15 million in 2008<sup>2</sup>. With 63 per cent of its current population not born in the city, Istanbul is still a city of migrants and of a late migration process. Istanbul “concentrates 20 per cent of Turkey’s population, but produces 38 per cent of total industrial outputs and more than 50 per cent of services”<sup>3</sup>. Out of the 500 largest industrial companies in Turkey, 242 are located in Istanbul. One could expect that this sustained growth and the accumulation of wealth could have benefitted the population as a whole through redistribution mechanisms. However, as far as housing is concerned, upper end housing development and gated communities have been exercising a pressure on existing well-located settlements of the poor and middle class.

This two-sided growth, in economic and population terms, has meant the transformation of an 8,000-year-old prestigious city with a unique civilization into one more Global City. The attributes for becoming a Global City have increased and continue to exert a dramatic pressure on land: the new airport on the Asian side of Istanbul, the Formula 1 circuit or the new highways and bridges to connect the newly developed areas are example of projects that are related to the recent evictions.

The Mass Housing Administration (TOKI) and Istanbul Municipality officials recently declared that they plan to rebuild 1 million buildings in Istanbul<sup>4</sup>. This gives the scale of the dramatic problem that around 8 to 10 million poor and middle class residents of Istanbul living in these 1 million buildings are facing and will be facing in the near future if nothing is done to reverse the current trend and the current practices of evictions.

### 1.2. Kurtköy/Cambazbayırı District (Pendik Municipality)

*The following sections are based on an interview with Ali Doğan, resident of Kurtköy/Cambazbayırı.*

Kurtköy/Cambazbayırı District is located in Pendik Municipality on the Asian side of Istanbul. The Formula 1 racetrack has been constructed in our district and the new airport, Sabiha Gökçen, is also located nearby. Our gecekondü neighbourhood is located close to these strategic sites – it has irritated the capitalists and that is why our houses are being demolished.

Our neighbourhood has 1,200 homes, a few small workshops and two or three small grocers. Mostly everybody is a homeowner (except by the government we are seen as the ‘occupiers’ not as home-owners) and there are a few tenants also, maybe as many as 50 or 60. In total there are about 6,000 people in the neighbourhood; 1,800 men, 1,800 women and the rest are children.

Before the 1950’s immigrants from Bulgaria and Greece settled firstly in Kurtköy centre. But it was when internal migration from the other regions of Turkey increased that Kurtköy/Cambazbayırı began to take its current shape. Most of the people living here originally came from poor cities of Turkey like Maraş, Kars, Malatya, Sivas, Ardahan, Ordu, and Giresun. Our origins are Turkish, Kurdish, Alavi and Sunni.

For the first seven or eight years after we settled here, the government did not provide us with any services. We began by getting water from tankers and later we drilled wells. Eventually, we started a neighbourhood association, called the Kurtköy Beautifying and Solidarity Association with which we collectively provided electricity, water and telephones on our own.

Most of the people who live here are sellers in the market, or they work in construction. There are also a few people who have small businesses outside the community.

1 This section is an excerpt from the report of the AGFE (Advisory Group on Forced Evictions to the Executive Director of UN Habitat) mission to Istanbul in June 2009 prepared by Yves Cabannes, Arif Hasan, Cihan Baysal.

2 OECD Policy Brief, Territorial Review, Istanbul, Turkey, Policy Brief, 2008.

3 OECD, *ibid.*

4 Aysel Alp, Okhan Şentürk, 15.11.2007, Turkish Daily News.

One important thing to know about our neighbourhood is that there is a strong sense of solidarity between everybody. We communicate, we work in an organised way and we tried to make good things through our association. Although we have struggled, there have been no bad or negative aspects of our district. When they tried to demolish our neighbourhood, we were able to resist because we were organised. They had to come with 5,000 soldiers and raid us at 4 a.m. in the morning; this was because we were organised.

### **1.3. The eviction and resistance**

The first we knew of the eviction was a message sent by the municipality that said, “come and talk with us, the place you live belongs to us, we will evict you”. Three of us went to negotiate with municipality and they told us that some of the district would be demolished, in total 44 homes would be demolished, and there would be no more demolitions. But we understood that was a lie. Although we did not have official owner’s rights, we had lived here for 20 years. Some people had land registry allowance document, but that was not going to be considered.

This all began in 2005. We mobilised within our community association and we founded a district commission. We made a protest march to Pendik municipality with the commission. We made actions in the district. Many socialists, progressive people and organisations supported us, mostly the Socialist Platform of the Oppressed (ESP) and the Labouring People’s Coordination against Demolitions (now called the Housing Rights Coordination). We made mass meetings, discussed and made the decisions together. We made the public calls from the district’s mosque. Our resistance made a great influence. Before the demolition we put up barricades. People from the district were on post in front of the barricades. For three months we resisted against the demolitions, with the help of our commission and our friends’ support.

The women of the district were on the front lines. They were the first to defend their homes and they made more efforts in the resistance. Men also made an effort but not as much as women.

The most important moment was when they came for the demolition. We were face to face with the soldiers. To defend ourselves we threw stones and sticks at them, we put up barricades in our streets. The army wanted to arrest us. Fifteen of us were arrested and held for three days and assaulted during the arrest. All of us were assaulted during the confrontation and finally our homes were demolished.

At that time 44 homes were demolished. The Shanty Houses Management of the municipality, who was implementing the evictions, then said there would be no more demolitions after that. But there were. After the first demolitions, though, the psychology of the people was destroyed. In the second demolitions people did not struggle and surrendered to eviction. The municipality made the demolitions. In total there were three demolitions and 950 homes have been destroyed.

Overall there was a lot of violence used by the perpetrators. Threats were made. They said government would give us a home, they did not say it would debit us for all our life. Gas bombs were used on us. Some were injured. Human Rights Association came and reported the violence. We were beaten also.

All the people who lived here were impacted by the demolitions when they happened. The women and children were especially traumatised. For example, people suffered from fainting spells, and many children would not leave the neighbourhood for days because it was the place where they had grown up and it was everything they knew.

The government gave all the families who were evicted a home by putting them into debt. The place they were evicted to is 3-4 kilometres away from here and they were allocated small apartments of 60 m<sup>2</sup>. Many people cannot pay their debt now and they are under the threat of a new eviction of the government. Socially, many old people have trouble in the new place and children also.

There are 250 homes that left in the district and we have all been issued fines for unlawful occupation. Some of the penalties have been paid and some people went to the court. I, myself, lost my court case and they want me to pay the penalty. But I cannot afford to pay it, I am 60, neither a pensioner, nor do I have social assistance. I live by selling T-shirts in markets.

As an alternative to evictions we would like to see the application of the decision taken at the conference we held during our resistance. This conference, named Housing Right was held under the name of Labourer People's Coordination, together with people's representatives from other neighbourhoods. There we proposed that instead of the evictions, we should have transformation in place and to build triplex type homes; the Pendik Municipality should apply this. If the decisions we made in conference were used, the housing problem of the poor would be solved.

Before the eviction, we had a very positive life. There was no trouble in our district. When the government disturbed us, the trouble began. There was no robbery, no prostitution. Also, we were proud that people behaved in an organised way during the resistance. The destruction of our homes marked the end of a lifestyle, the end of a 20 years' togetherness. It is very painful.

#### **1.4. Legal platforms used in the struggle**

During our struggle, we had lawyers and friends who showed us the way. They brought us the demolition plan of the municipality. They enlightened us.

In terms of legal actions, we sued to take back our homes, we gave petitions to municipality to stop the demolition, talked verbally, we made a mass meeting, and we held press meetings. The municipality told us that we would be not victims but we are. To put us in debt for 10 years means not victimising us?!

#### **1.5. Negotiations**

I (Ali Doğan – resident) was attending directly the negotiations, along with a few friends. I was the spokesman of the commission. We negotiated with the Istanbul Metropolitan Municipality, Pendik Municipality, and the National Real Estate (Milli Emlak). But there is no result; our demands were not satisfied.

The fundamental difficulty was that every door we call upon said 'No'. Government and municipality officers rejected our demands. From these negotiations I have understood that all the institutions of the current regime stand for the rich and against the poor. I saw that the regime is against the poor; it oppresses them, and gives no right of life. All they think about is how to cheat the people and how they can benefit themselves.

#### **1.6. Rights and the struggle beyond evictions**

I think that with our struggle we contributed to gaining rights. Maybe our demands were not considered but people saw that they couldn't gain anything without struggle. Owing to the resistance before the first eviction, we managed to get the first apartments at a cost of 32,000 TL, but during the second and third evictions, when our people didn't resist, the apartments cost 65-70,000 TL. That is the gain of our struggle.

We don't have any demand beyond owning a home. We want our right to shelter. We do not want anything that is not our right.

However, individually, I do think that if the system does not change, our housing problem will not be solved either. We want the law and public acts to be changed concerning evictions and the shelter problem on behalf of the people and labourers.

#### **1.7. Allies in the struggle**

We are together with everyone who wants to be with us. We are open to all democratic organisations. Existing political parties did not support us. But socialists, platforms and other socialist institutions supported us.

The Popular Coordination Against Demolitions, established by people from different neighbourhoods under the threat of eviction, is now only working in Istanbul. Now it changed its name to Housing Rights Coordination. We act with them. They gave us strength and heart. They reached places that we cannot reach. We are not connected with any international platforms.

To mobilise our allies across Turkey, we made press meetings, mass meetings, and public announcements. We made a massive meeting in the Kadikoy Square of Istanbul. As I mentioned before, we also made a conference. Our work continues. In terms of our expectations from the people, we want them to understand that this problem not only belongs to us but to them also, and we want them to support us.

Messages to and expectations from other organisations struggling against evictions:

We have to unite to have a strong struggle. We have to work together.

I expect other organisations to contribute to solving our shelter problems and if they have plans or projects to discuss them with us, and apply them together.

\* Contact: Ali Doğan, resident of Kurtköy/Cambazbayırı, Phone +90 (0)535 474 87 27

## 2. Reflections on the Struggle

In the year 2005, the AKP Government and its Istanbul Municipality began to apply a project called 'Urban Transformation'. This was a demolition and eviction project. As a result, house demolitions occurred in many neighbourhoods. Popular committees arose in the neighbourhoods to defend the gecekond houses<sup>5</sup>. A need for coordination of these struggles appeared. On the 26th of June, 2005, 'The Conference of the Labouring People against House Demolitions' was organised with the participation of 500 people from 13 neighbourhoods. In the Conference a Coordination of the popular committees was established and it was named 'The Coordination of Labouring People Against House Demolitions'. This Coordination took part in nearly all the resistances against demolitions. In the Second Conference of this Coordination, its name was changed to 'Housing Rights Coordination'.

*The following text is composed by Alp Altınors from an interview with Birsen Kaya, of the Housing Rights Coordination.*

Q. How do you mobilise?

We mobilised throughout the struggle against eviction problems in the districts. First we founded a commission, which consists of the best-loved (like a leader) residents of the district. Then we founded other commissions, such as popular information and technical commission that will prepare the resistance, press commission, political organisations, women's organisations, etc.

Q. What was the role of the women? Also the men and youth?

The real subject of resistance is the women, and activities are mobilised from their determination. They don't usually work outside of the home, so it is the women who prepare the resistance in the demolition areas. They are the ones who most care about their home; they know what homelessness means in their heart. They are encouraging. At the same time, because the women took part in the resistance, the public opinion's support also increased. Men had a say in managing the process and they organised the participation of other men in the process in their own areas. The youth are the leaders of the resistance against destruction squads, and offer great energy for the preparation of the resistance.

Q. How long did your resistance last?

Each resistance had different periods, one lasted 15 days, one lasted a few days, etc.

Q. What were the important moments?

The first important moment is the process to persuade the masses to resist, and secondly, the preparation of resistance for when the destruction squads come. For example, during the demolitions, the government built

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<sup>5</sup> Gecekondu is a 1 or 2 storey building, in the outskirts of the city, usually with a garden. It is built either solely by its owner or with the help of other neighbours. Usually the owners improve their dwellings as they become more settled, thus it becomes a permanent residence for low-income groups. In Istanbul most of the gecekondu areas have infrastructure facilities undertaken by municipalities.

up its military power and they came with a large police force, as if there was a war. The most important thing was to organise the resistance and continue the determination against the government's harsh attitude. So, the determination of people was the guarantee of the victory.

We try all ways of struggle at the same time to get fast results. Gathering signatures, mass meetings and press conferences, appointments with assembly and local governments, organising a General Assembly Against Destruction, bringing suits to prevent the destruction attack, founding organisations, associations...

Q. What have you gained through your struggle?

Above all, we have made it clear in the consciousness of the masses about the right of people to resist against destruction of their homes and we have shown that that right is legitimate. Also government has offered better housing conditions to the regions that have resisted. However, we have not yet won our right to a free house or to a cheaper house.

Q. With whom do you work?

We work with architects, Chamber of Engineers, Contemporary Lawyers Association, villager and local associations, women's associations, socialist organisations...

Q. What is the role of lawyers?

They give information about the destruction victims' rights and clarify the meaning of other documents and laws. They also give us judicial support when there are arrests. The law in our country is strictly against the poor, so we don't have so many things to do in legal platforms. Our struggle depends on its legitimate style.

Q. Do you think that you have contributed to gain rights?

I think that we have contributed to the improvement of democratic rights and the improvement of the consciousness about housing rights as a fundamental human right, as well as the necessity of organising for that demand. Our country is ruled by fascist laws, so even the most democratic claims are suppressed violently. You have to struggle even for the applications of the rights defined in the laws and risk paying for it.

Q. What have you done to mobilise your people throughout the country?

We have done many activities like printing announcements, posters, and magazines for informing people. We have held press meetings, mass meetings and a conference. Radio and TV programs were made also, but of course in the limits of the opportunities.

Q. With which organisations do you have an alliance?

We have relations with socialist organisations, human rights associations, law association which took part in that struggle, architects, engineers, women's associations, and different organisations that are against demolitions.

Q. Do you have relations with political parties? How did they support you?

We have relations with the parties that care about the housing issue but we cannot say that they are so active. But as a socialist organisation, we continuously do common work with the ESP (The Socialist Platform of the Oppressed). We have a systematic relationship with them. They are with us in every means of support, mobilised technical and activist resources.

Q. Are you connected with platforms, networks or alliances?

We are not connected to a network. The history of the struggle against destruction is not so old. So the number of the organisations who care about the issue is small and the culture of making efforts in common is weak. Internationally, we are working with the International Alliance of Inhabitants.

Q. What kind of campaign or mobilisation do you do outside your community?

The problem of demolitions is one of the most vital problems of our country's poor and labourers. The achievements in getting rights are very limited, but we have expectations about the struggle to become stronger and to become a movement. Also the importance of the struggle for housing rights in the improvement of the democratic rights struggle, its achievements and support are expected.

Q. What do you want to reach beyond owning a home?

Our aim is to expand and improve the struggle of housing rights; having houses affordable for all and in humane conditions.

We want to change the system. Capitalism politically exists for the aim of profit and it does not recognise the housing rights of the poor. The strategy of the policies and plans is not predicated on humans but on profit. So one of the important elements of our struggle is an anti-capitalist struggle.

Q. Did you contribute to making new policies?

We caused the problem to be taken in the public opinion's agenda and stopped the destruction in some regions.

Q. What is your message to other organisations struggling against evictions?

The issue of forced evictions must be part of the anti-capitalist struggle and international solidarity must be created in action. Also common publications and meetings must be held to interchange experiences.



Picture 1: December 2006, throwing rocks during a resistance demonstration.

Source: Housing Rights Coordination



Picture 2: December 2006, barricades in flames, while resisting.

Source: Housing Rights Coordination



Picture 3: Demonstrations in protest to evictions in the neighbourhoods of Ayazma and Kurtköy.

Source: Housing Rights Coordination



Picture 4: Everyone participates in demonstrations to protest the evictions.

Source: Housing Rights Coordination



Picture 5: Slogans - another type of resistance - in Kurtköy. Slogan: 'For each demolition, one fist, one barricade!'

Source: Yves Cabannes



Picture 6: Protestors outside the Formula 1 track holding a banner that demands: 'Stop the Demolitions! Free Housing Is a Right For Everyone!'

Source: Housing Rights Coordination



Picture 7: Remaining Kurtköy Gecekondu. The Housing Blocks at the back were built on top of the destroyed homes. They are still empty.

Source: Yves Cabannes



## How people face evictions in Nongkou Village HANGZHOU CITY, CHINA



CREDITS • Yves Cabannes and Eva Pils wrote this narrative, which includes the testimonies of local petitioners and activists in Beijing and Hangzhou, and exchanges between the two authors • Most of the names of the villagers and persons involved are not disclosed • The authors express their solidarity with the persons met at great risks to themselves, risks they were willing to bear in their struggle for land and housing rights •

Map of the People's Republic of China



**Population of Hangzhou, Zhejiang Province:** 7.96 million inhabitants (2008, Hangzhou Government)  
**Number of informal settlements:** not available  
**Number of people under threat of evictions in Hangzhou:** not available  
**Number of people evicted over the last three years:** not available

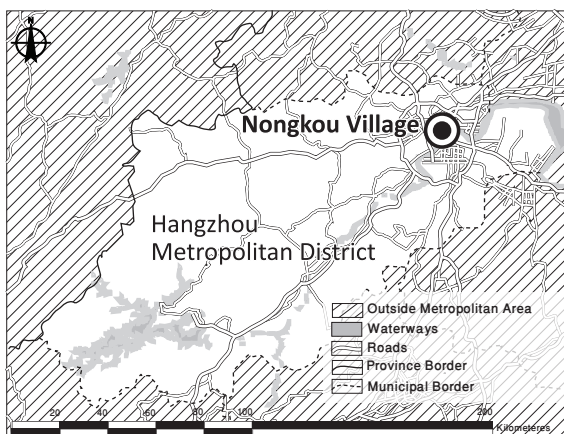
**Size of evicted area:** 20 square kilometres for expropriated area (people source); instead of 2, as originally planned.

**Population affected by evictions in the area:** 8,400 households

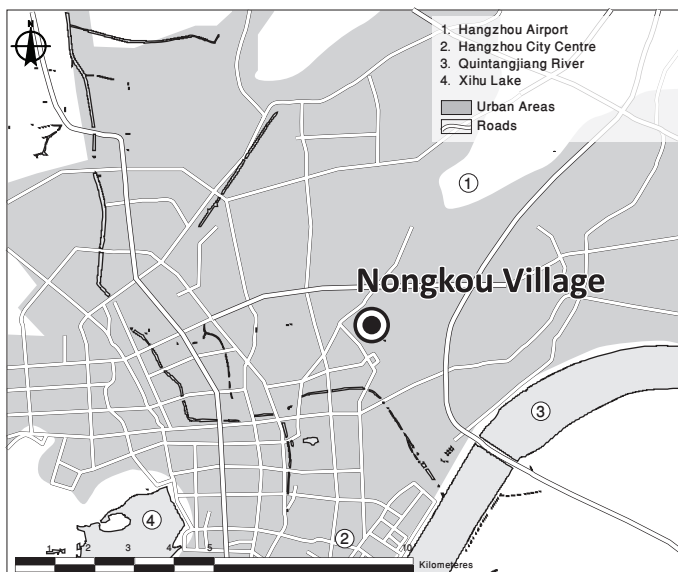
**Population remaining:** 0 persons

**Stage of eviction and demolitions:** 10 out of 107 buildings existing in 2007 were still standing in 2009.

**Main outcome:** No on-site success. Law revision (Jan, 2010) to better protect property owners' right in relation to demolition. Very likely to be influenced by people's resistance.



Map of Hangzhou Metropolitan District



Map of Hangzhou City Centre and Nongkou Village

**Strategies of resistance:**

(i) Taking the case to court; (ii) petitioning; (iii) public protest against being evicted; (iv) symbolic uses of law and human rights; (v) negotiation with the authorities for relocation and compensation; (vi) mobilisation, campaigning, networking and alliances; (vii) building solidarity ties among affected communities; (viii) public demonstrations and solidarity with lawyers.

**Key dates for resistance:**

**2008.** Decision to expropriate and demolish.  
**2008.** Letters to authorities, petitions, first contacts with lawyers.  
**2008.** Court suspends the handling of strongest appeals.  
**2008/2009.** Detentions and several beatings of people resisting.

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### Exchange rate and conversions:

1 American Dollar = 6.8 Chinese Yuans (2009)

1 mu = 667 m<sup>2</sup>

## 1. The City and the neighbourhood

### 1.1. Hangzhou city and Nongkou village

Nongkou village is part of Hangzhou, a major city in China's prosperous and developed eastern coastal province of Zhejiang with a total population of about eight million, of which four million is urban. This village has become part of the City of Hangzhou and thus technically, the 'village' has disappeared. Today, it is more often referred to as 'Nongkou neighbourhood.' It is located right next to a highway leading from Hangzhou City centre to Hangzhou's airport. Partly because of its convenient location, on the way to the airport and not far from the city centre, the neighbourhood became a prime land area, likely to attract interest from property developers. It became part of an important transport node, the Eastern Railway station, which has been the official reason for expropriating the area.

As a rural collective under Chinese law, Nongkou was first affected by expropriations of its collectively owned land around 1992-3. At that time, much of the land used for agricultural purposes was transformed into government-owned land for the purpose of urban construction. Thus deprived of (most of) their farmland and left with little more than small plots (on collectively owned land) to build homes on, the villagers resorted to building larger houses than they needed for their own families, and renting out flats to urban residents of Hangzhou City. This became their chief source of income. According to interviews each household invested around 600,000 Yuan RMB (USD 80-90,000) in the construction of a four-to-five storey building with 600-700 m<sup>2</sup>. Rents obtained for the flats were used to support the families.

Despite its wealth and development, administratively and in terms of the mode of land ownership, Nongkou remained 'rural' and thus at risk of having the remainder of its collectively owned land taken away and transformed into state-owned land.

### 1.2. The people living in the area

The people concerned in the conflict about evictions in Nongkou are exclusively villagers belonging to the land-owning collectives. As for the tenants of flats or rooms owned by the Nongkou villagers, nothing is known. All tenants have disappeared and no information was collected about them. Apparently they did not benefit from any compensation.

### 1.3. The eviction process

#### Affected population

The total number of households affected by the overall construction project in this part of Hangzhou, as mentioned in a report by Zhejiang News<sup>1</sup>, is 8,400 households, 7,000 of which are 'rural' households (like those of Nongkou) and 1,400 of which are 'urban' households<sup>2</sup>.

#### Key dates for evictions and resistance

##### 1992/93

- First expropriation of Nongkou villagers. They remained on site and constructed multi-storey buildings that they then rented out to make a living as their cultivable land had been expropriated.

1 <http://zjnews.zjol.com.cn/05zjnews/system/2008/03/19/009318396.shtml>

2 Due to the high complexity of the law on household registration and land rights in China, it is not clear to us whether 'urban' designates households situated on urban, and therefore by definition state-owned land or the members of households belonging to rural collectives who have obtained urban residents' status.

## 2007

- Government authorities of Hangzhou City and Jianggan district decide to carry out expropriations for the construction of the Eastern Railway station.

## 2008

- Decision to expropriate remaining land of Nongkou communicated to villagers. Nongkou villagers write letter to central authorities.
- Some of the villagers go to Beijing to petition and establish first contact with lawyers and scholars.
- The houses of the families that accepted the demolition/relocation package are being demolished.

## 2009

- Demolition of houses continues; resistance continues on site and resisting people from various communities meet the authors at great risk.
- Ms L and her cousin are detained on 22 September and released on 8 October. One of the reasons is that she entered in contact with international organisations and exposed her case publicly; the detention is also related to the PRC National Day (1 October) around which many petitioners are detained.
- The Court 'terminates' or 'suspends' the handling of M.L's appeal.
- Currently the demolition of the last bastion of resisting buildings is pending, about ten out of the 109 existing in 2007.

### Controversy about the size of the affected area

Controversy about the size of the affected area may be due to the fact that expropriation, demolition and construction is an ongoing process in Hangzhou and different reports may refer to different time periods or construction projects. But it may also be due to different reasons. An official document states that the municipal government of Hangzhou should be given approval for taking two square kilometres for the planned railway station construction project<sup>3</sup>. According to one of the persons interviewed, the total area is around twenty square kilometres, i.e. ten times more. The size of the expropriated land, beyond what was officially approved for expanding the railway system seems to be at the core of the problem. But it is not likely that this is simply a shift from a planned and approved expropriation for public transport to an unauthorised massive expropriation for private development and profits, because under PRC law, there is no private land ownership and almost all property developments, including commercial ones, are premised on state expropriations officially considered to be in the public interest. The villagers would have had no legal right to sell their land to property developers, circumventing expropriation. This is a central feature of the land tenure system that is ultimately responsible for the massive scope of expropriations and the high proportion of state revenue generated from fees collected in this process from property developers.

### Entities and authorities responsible

There are many entities responsible for dealing with the actual eviction, demolition and relocation process. Typically, and also in this case, municipal government authorities, particularly the land and state-owned resources administration authorities (transforming collectively owned land into state-owned land) and the urban housing administration authorities (demolition and relocation), but also the construction authorities (through the ensuing construction process) will be involved to some degree, as will be the police and the courts. Municipal authorities and private property developers will set up committees and offices that are directly responsible for dealing with residents. In some cases, the demolition and relocation office is responsible for

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<sup>3</sup> A document issued by the provincial government of Zhejiang dated 20 November 2008, copy on file with author, mentions roughly 2 sq km as approved area of expropriation.

hiring thugs dealing with recalcitrant residents refusing to sign agreements or otherwise comply with the government's demands.

The entity most commonly and directly involved was the Office for Directing Demolition and Relocation Work and Urban Construction of the Jianggan District of the City of Hangzhou. During a visit in 2009, slogans were displayed on its building telling the population: 'Speed up Urbanisation, Build the New Eastern City!' and 'Take a Lead in Realising Urbanisation, Take a Lead in Supporting Urbanisation.'<sup>4</sup>

### Repression during the eviction process

- (1) A measure carried out on 23 October 2008 in Zhencaozhuang village of Hangzhou's Jianggan district involved setting fire to a house to be demolished, between 3.00 and 4.00 a.m. As a result, a resident inside the building was burned to death. His name was Fu Yankang<sup>5</sup>.
- (2) Ms L's husband was attacked by unidentified thugs in Nongkou/Hangzhou on 13 December 2008.
- (3) Several beatings were reported by the evictees<sup>6</sup>. In the context of these beatings, residents tried to call the police by dialling the police emergency number, but no police would come to help.
- (4) Ms L and two others were taken on 22 September from their homes by people sent by the local Hangzhou government. Ms L was held in three different locations. During that time she was threatened and requested to sign several documents apparently including the 'agreement' concerning the compensation plan. She complied and was released after National Day, 17 days after being arrested.

## 2. Facing evictions through multiple forms of resistance

People facing forced eviction<sup>7</sup> do not have many means of practicing resistance without taking great risks. However, the Huangzhou villagers took and are still taking a wide variety of individual and collective actions that repression and violence have not been able to stop so far.

### 2.1. Taking the case to court

One act of resistance was to take the case to court. Six complainants filed a case against the Hangzhou Land Administration and National Resources Bureau's granting of demolition and relocation permits against them. The appeal against the first instance decision, which went against one of the claimants, has been 'terminated' or 'suspended' on the grounds that the case 'bore a relation' with another case, suggesting that the court needed to make a verdict based on the result of another case that had not yet been decided<sup>8</sup>. It should be noted that because of procedural constraints it is virtually impossible to win more than an increase of compensation in this type of case; but what the complainants in question wanted was their land and house back.

### 2.2. The petitioning or 'letters and visits' process

Petitioning is a traditional, but ineffective alternative to court litigation. It is, however, a second strategy for having one's voice heard. Authorities supposed to have some power to influence a case will be sought out by complainants hoping to obtain a decision that will help them. These include government authorities as well

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4 Field visit in August 2009.

5 In Chinese, 江干区笕桥镇草庄村2组12号。 In a report dated 5 November 2008, this incident is listed as one of nineteen selected cases of infliction of 'torture' occurring nationwide in October 2008 at the China Human Rights Defenders report 'Civil society reports on cases of torture (appendix 2)' (民间酷刑报告附件案例选编(2)) at [http://crd-net.org/Article/Class1/200811/20081105021419\\_11560.html](http://crd-net.org/Article/Class1/200811/20081105021419_11560.html).

6 See reports at <http://www.peacehall.com/news/gb/china/2009/06/200906162340.shtml> and at <http://www.msguancha.com/Article/ShowArticle.asp?ArticleID=574>.

7 Or 'demolition and relocation', as it is referred to in Chinese.

8 Copy of a document dated 26 August 2009, on file with author, bearing the chop of Hangzhou Intermediate Court and three judges.

as Party committees and People's Congresses at national and local levels. Most state authorities in China, including courts, have an 'office for answering letters and receiving visitors.' It is also common for petitioners to try to influence ongoing court litigation by petitioning other influential authorities, or to petition to get a final court decision reversed through re-trial. Petitioning also functions as a channel through which government at all levels can receive information on citizens' grievances<sup>9</sup>.

The cases of Ms L and Ms Wang are presented to illustrate the petitioning process:

### **First testimony: Nongkou villagers and Ms L**

In August 2008, the Nongkou villagers addressed a letter to the central authorities, appealing for justice. This is a very common move in such cases<sup>10</sup>. In autumn 2008, Ms L set out to complain on behalf of her village, formerly comprising a few hundred members, whose signatures she gathered in protest against Hangzhou municipal government taking of the village land, before travelling to Beijing to present her petition to the central government and party authorities. Shortly afterward most villagers withdrew from the joint protest with the Beijing authorities because of the violence to Ms L's husband.

After her release in October 2009 Ms L remained in Hangzhou under surveillance by 4-5 persons seeking to prevent her from returning to Beijing or making trouble. Later, she and her cousin returned to Beijing to continue petitioning. Petitioning efforts were mainly directed at the Ministry for Land and State-owned Resources Administration and the Supreme People's Court's respective petitioning offices.

### **Second testimony: Ms Wang Liying<sup>11</sup>**

*My name is Wang Liying; I am 57 years old and a former resident of Xiahou Alley. I was illegally evicted ten years ago.*

*In 1999, the Agency for Directing the Demolition and Relocation<sup>12</sup> and Urban Redevelopment of Xiacheng District's East River Borders carried out a forceful demolition of my shop area and the living space behind the shop, in the name of public interest and in the name of a big construction project, without having made any [written] administrative decision and without having entered into any agreement [with me]. They also deprived me of my right to move back to my [now destroyed] residence.*

*I have been petitioning for years now. Even the Central Authorities sent down letters [on our behalf]. But at the local level, there is collusion between certain department officials, as well as dissimulation of facts and evasion of responsibilities, and failure to implement policies and orders from above. The provincial High People's Court said: 'You have already obtained a court decision confirming that there has been illegality [on the part of the government]. For sorting out your new accommodation, you have to turn to the government.' And the government said: 'Since you have already entered a process of litigation before the courts, you should turn to the court [to solve your problems].' This forced us onto an endless and fruitless path of petitioning [the authorities in] Beijing.*

## **2.3. Public protest against being evicted**

The residents unwilling to sign agreements – and therefore presenting obstacles to a formally 'legal' demolition process, as long as no court order replacing the agreement had been obtained – draped their houses with banners verbally protesting the eviction.

9 Carl Minzner, "Xinfang: an alternative to the formal Chinese legal system," 42 Stanford Journal of International Law (2006).

10 The letter is reproduced at <http://www.peacehall.com/news/gb/china/2009/09/200909290608.shtml>.

11 Extracts of a letter from one of the petitioners met in August 2009.

12 This is the commonly used translation of the Chinese term *chaiqian* (拆迁). The first character of this two-character term (拆 *chai*) means 'demolish' or 'destroy' and it is the character that is typically painted onto the walls of buildings that have been condemned ('to be demolished') in red or white colour and in a circle. The second character (迁 *qian*) means 'relocate,' 'move to another place.' In urban areas this process, which occurs on land owned (in accordance with the Constitution and other laws) by the state, is governed by specific national level regulations for 'urban' *chaiqian* and by other local regulations. Land in rural and suburban areas is generally collectively owned (again by virtue of constitutional and other law) and *chaiqian* occurring in rural and suburban areas is governed by the Land Administration Law and further regulations.

One of the village's gutted houses, which was left standing amid piles of rubble, and was most probably destroyed in early 2010, was covered in slogans opposing the taking. The vertical slogans read: 'Citizens' rights are sacred and must not be violated.' 'Uphold and protect the Constitution, defend Human Rights.' 'The storm may enter, the rain may enter [this house] but the King and Emperor cannot enter.' 'My head may be broken and my blood may be shed, but my property earned through hard work must not be lost.' The horizontal text quoted Article 39 of the Constitution and read, 'The homes of citizens of the People's Republic of China are inviolable. Unlawful search of or intrusion into a home is prohibited.'

## 2.4. Symbolic uses of the law and human rights

As mentioned above, Ms L and others relied on provisions of the Constitution such as 'Citizens' homes are inviolable' in their struggle. It should be noted that in accordance with mainstream views the Constitution cannot be relied on to bring a lawsuit or to strike down more specific statutory laws in China. Neither does human rights law – rights contained in treaties ratified by China, or obligations China has assumed by acceding to a treaty – at this point have any chance of deciding a legal case. The symbolic significance of these norms for instance in motivating petitioners and their function in supplying them with ideas and arguments, however, is great.

## 2.5. Negotiation with the authorities for relocation and compensation

There has been little room for any negotiations in this case, since the state has the power to take the land and houses under current law. What is negotiable is only the exact shape the compensation package can take. This, however, is sometimes not the greatest grievance experienced by rural citizens facing the loss of their land and homes.

The law prescribes that the original inhabitants of expropriated land, so far as they are members of the land-owning collectives<sup>13</sup>, must be compensated. Compensation is not in accordance with market value of the land taken but in accordance with 'lost agricultural income' from the land for up to thirty years. The law also requires that relocation be taken care of either by providing new housing or by providing more monetary compensation for this purpose. The process of determining compensation and relocation packages includes the signing of 'agreements' by individual households. These 'agreements' are not the result of a negotiation of equal parties, however.

In places such as Nongkou, 'lost agricultural income' is a fiction since the inhabitants had long ceased to sustain themselves by agriculture, which had become impossible after much of their land had been taken in the early 1990s. Effectively, the Hangzhou case is one that illustrates that the standard for compensation is set in a political process in which the inhabitants have no independent representation and put themselves at risk if they oppose the government; having said that, the Hangzhou government was careful not to determine compensation standards in a way that would have left the former collective-members destitute.

*According to information received from Ms L, she has invested 600,000 RMB in her house, about to be demolished, and been asked to pay 210,000 RMB in 'fees' demanded by the government for the family's relocation. She has been offered the sum of 1,300,000 RMB in compensation<sup>14</sup>, and in addition, 40 years of government housing in a flat in a much less eligible location than Nongkou<sup>15</sup>. The urban land use rights to her family's land (the land formerly owned by the Nongkou village collective, in which her family held land use rights), half a Chinese mu situated in a prime location, will be sold for about 30,000,000 RMB<sup>16</sup>; and she and her husband will not obtain any new land use right, or ownership of the flat they have been offered. According to her information, then, she is offered far less than the land's market value, but she would not be left destitute.*

13 In the present case this would exclude any tenants, but includes every household registered as belonging to the village in question.

14 We understand that the rental income she had while renting out flats (until the summer of 2008) went to support her after the loss of her livelihood through farming but are not clear about how much money she made out of it.

15 Conversation, 28 August 2009.

16 Ibid.



On top of the relocation package, the authorities practice other forms of negotiation and cooptation. For instance, Ms L was reportedly offered a well-paid job in the office responsible for carrying out the demolition and relocation, but rejected the offer with the words, *'This project will cut off the livelihood of our children and grandchildren, I will certainly not do this kind of work; I would rather go begging!'*<sup>17</sup>

The second testimony, by Ms Wang Liying, illustrates what is happening to those who do not accept the demolition and compensation/relocation agreement. Ms Wang sheds light on the provisional accommodation process that starts when the house is forcibly demolished.

*"In over ten years since then, the government has given no monetary support and provided no provisional accommodation. They did not comply with a suggestion letter [in my case] from the [provincial-level Zhejiang] High People's Procuress, nor did they heed the administrative litigation decision by the [provincial] High People's Court, although this decision confirmed that there had been illegality. In these ten years, neither the demolishers nor the [responsible] administrative authorities paid any damages to the evictees. In addition, the evictees were forced to spend a large sum for new accommodation and they were also deprived of their legal right to exchange new accommodation for old accommodation.*

*In all these many years, I have had to live in a rented basement (RMB300/month). As a consequence I developed a medical condition affecting my knee joints and had to take early retirement. It is humid and cold in the basement and there are severe water leaks when it rains. As a result I now also suffer from blocked arteries and severe lack of oxygen supply to the brain".*

## **2.6. Mobilisation, campaigning, networking and alliances**

- So far the affected people in Hangzhou have not collectively contacted any organisations and have not mobilised beyond their own village. Doing so would be extremely risky in China's political system. No political party has any interest in taking on, or would dare to take on, the cause of China's 50-60 million 'peasants' affected by expropriations, or the case of its millions of citizens (both rural and urban) affected by 'demolition and relocation' processes.
- There is no domestic formal NGO explicitly dealing with this issue, as this would not be allowed. As for foreign NGOs it is difficult to break through internet blocks and access information on them; and this is moreover very risky. Note that one of the informal reasons given to Ms L orally when she was detained on 22 September was that she had 'made appeals abroad.'
- Having said that, there are certain lawyers and rights and democracy activists who do take on cases such as that of Ms L, at the risk of being deprived of their licence to practice and being arrested. Similarly, there are certain groups that are not formally registered but do address housing rights issues. One of these was the Beijing based organisation Gongmeng, which, run by legal academics/lawyers, operated with a business licence. However, Gongmeng was dissolved during the summer of 2009 and has not yet been revived.
- During the visit in Hangzhou, Mr Zou Wei was introduced as a local 'rights defender.' There are many such people who, without a formal legal qualification, take it upon themselves to help people whose rights have been violated. They tend to provide victims with advice, information and contacts, and thus play an important role in networking. Mr Zou was active in keeping the team informed about the case especially after Ms L's temporary disappearance.
- There have been recent open letters by scholars demanding legal reforms; while the villagers may not have initiated these they are aware of the efforts and those who went to Beijing had opportunities to communicate their plight to lawyers, etc.

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17 See report at <http://www.peacehall.com/news/gb/china/2009/09/200909290608.shtml>

## **2.7. Building solidarity ties among affected communities**

- It is remarkable that peasants (Nongmin) of Hangzhou affected by the expropriation, demolition and relocation processes at different times and in different locations were aware of each other and seemed to support each other. This is probably limited to those who were willing to 'hold out' and resist.
- While living and petitioning in Beijing, Ms L and her cousin met petitioners with similar problems from all over China on an almost daily basis, and reported this experience as extremely important.

## **2.8. Public demonstrations and solidarity with lawyers**

When in the summer of 2009 many Beijing human rights lawyers were threatened with having their licence taken away, Beijing petitioners, including those from the Nongkou collective, staged a small-scale illegal demonstration during which the slogan 'The Lawyers for us and we for the Lawyers' was chanted.

## **3. Lessons learnt**

### **3.1. Illegality during the process**

According to allegations made by villagers, the procedure leading up to the taking of land from Nongkou was marred by illegality in several ways: (a) shifting from 2 to 20 square kms for expropriation area; (b) physical violence used to intimidate recalcitrant residents who do not want to sign their agreement to vacate and accept compensations; (c) fraudulently obtained signatures by the head of the village committee.

Each of these problems would, if true, undermine the legality of the expropriation process affecting the village. It is important, however, to understand that the land of Nongkou could have been legally taken, as long as the taking was justified by 'the needs of public interest' and obtained higher-level approval.

### **3.2. Evictions reflect the nature of the current class struggle**

The eviction and actions taking place in Nongkou over the last 20 years reflect the nature of the class struggle opposing peasants to the emerging wealthy classes that have been accumulating wealth since the post Mao Zedong era and that enjoy excellent connections with the state officials. But they also reflect the fact that by not relinquishing its control over land, in the name of 'socialist public ownership,' the state has remained especially powerful in post-Mao China. It may be assumed that the State capitalism that China embraced is bound to lead to further exploitation, if not disappearance, of the rural society around urban centres that is being absorbed by these expanding cities.

However, there is a difference between the first expropriation (92/93) and the second one that is still lasting. During the first one, the residents could remain in place, and the compensation they received from the state allowed them to contribute positively to the growth of the city, investing in multi-storey apartments broadening the offer of rentals apartments, including to the new rural migrant that were flocking to the city to build and develop it. A rural-rural link was made possible.

In the eviction taking place now, the villagers of Nongkou and their tenants must leave the place to developers that are granted officially land use rights; and this happens in the name of 'urban renewal' and 'national construction.' In this complex new class struggle, the state and its bureaucrats form a very much intertwined and powerful group together with property developers. They are able to declare most development projects to be in the 'public interest' and in addition to that to enlarge the scope of expropriations, as they did here (2 square kilometres needed for the expansion of a railway station expanded to 20), and they are able to repress those recalcitrant residents who still think they can live in the centre of the city. What disappears through this antagonistic situation are the old rural classes living outside large cities and most probably (and this is an assumption still) some of the new rural migrant classes who had found a place to rent.

Before the demolitions took place, one of the last acts of resistance by the villagers was to cover their multi-storey houses, already decked out in banners and slogans proclaiming the inviolability of the rights of citizens, with posters of Mao Zedong and Zhou Enlai, and to plant huge flags of the PRC on top of it. The state's demolishers climbed up these buildings to take down the flags, out of respect to their symbolic meaning. Then the bulldozers buried the posters and banners and slogans – a symbolic burial both of the PRC's communist founders, and of the rule of law values related to the guarantees of property rights the PRC has more recently proclaimed to embrace.

It is part of a background of new class differences that in the context of Hangzhou urban construction, some websites are showing large and comparatively wealthy houses very similar to those of Nongkou, also just off the road to the Hangzhou airport, commenting that “these peasants are too rich,” an assessment apparently based on their low social status in Chinese society<sup>18</sup>. In conversation, Ms L reported that there had been a strong perception on the part of city officials that the ‘peasants’ of Nongkou were ‘too rich’ and that this influenced their attitude in the context of the expropriation.

#### **4. Messages to participants of the exchange seminar**

Ms Wang's last words of her petition letter calling for rights and humanity constitutes a message to all participants and beyond: *“Now our grandchild has already been born, and the seven people in my family have to squeeze into a space of only 30 square metres. Is there no home for our baby? I hope the leaders will investigate the situation of the common people [like us], that they will restore our right to housing, and that they will let us have a proper home and be a proper family again”*.

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<sup>18</sup> Anonymous, “Too rich! Pictures of peasant villas taken from the Zhejiang highway” Xinlang Zatan, 27 July 2009, at [http://xinwen.xm.haozhai.com/news\\_138728.html](http://xinwen.xm.haozhai.com/news_138728.html).



Picture 1: A picture of one of the demonstrations of resistance taken by a resident of the village.

Source: Undisclosed



Picture 2: The Office for Directing Demolition and Relocation Work and Urban Construction of the Jianggan District of the City of Hangzhou.

Source: Undisclosed



Picture 3: An image of the new planned project to be built where the village still stands. It is accompanied by slogans such as 'Take a Lead in Realising Urbanisation', and 'Speed Up Urbanisation, Build a New Eastern City'.

Source: Undisclosed



Picture 4: 2009, the rubble of what used to be homes of the residents of the Nongkou Village.

Source: Undisclosed



Picture 5: August 2009, people are resisting eviction with banners. The horizontal banners read 'Uphold and protect the Constitution, defend Human Rights'. While the horizontal text quotes Article 39 of the Constitution and reads, 'The homes of citizens of the People's Republic of China are inviolable. Unlawful search of or intrusion into a home is prohibited.'

Source: Undisclosed



Picture 6: the dreaded symbol of a demolition order stamped on a building.

Source: Undisclosed



Picture 7: Ms. Wang Liying holds up her testifying petition against eviction.

Source: Undisclosed



Picture 8: the Police removing flags the residents hoisted on the roof of their home before proceeding with demolition. This image is captured from a video film taken by one of the residents.

Source: Undisclosed

## Cases from Latin America and the Caribbean

## How people face evictions in Barrio Valiente SANTO DOMINGO, DOMINICAN REPUBLIC



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**Population of Santo Domingo Metropolitan Area:** 3,31 million inhabitants (2010, ONE, National Statistical Office)

**Population of Boca chica Municipality:** 120,135 (2010, ONE)

**Population of Barrio Valiente:** 20,000 inh. (1999 census) Probably 40,000 in 2010.

**Population threatened by constant evictions:** 3,000 families

**Key dates for resistance:**

**2000.** July. First large open struggle against attempt to evict (La Cueva)

**2004.** Various houses are demolished, increase of resistance.

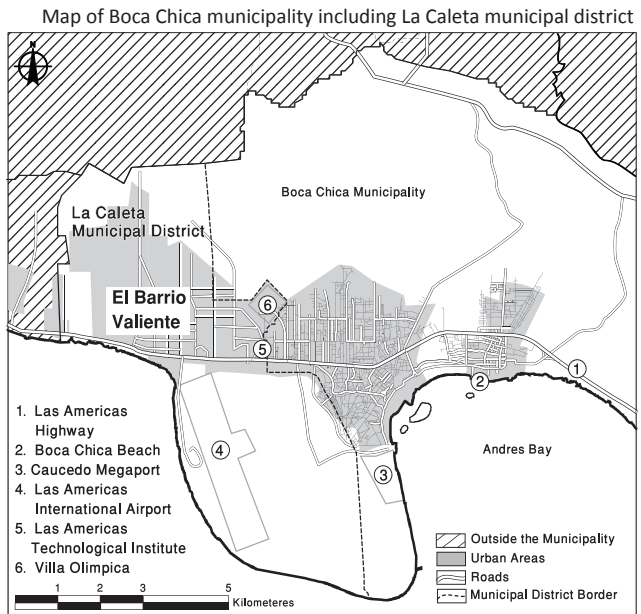
**2008.** October. Second large battle, Vista Alegre.

**2008-2010.** 3,000 families resisting in Valiente.

**Population remaining:** Most of the population remains.

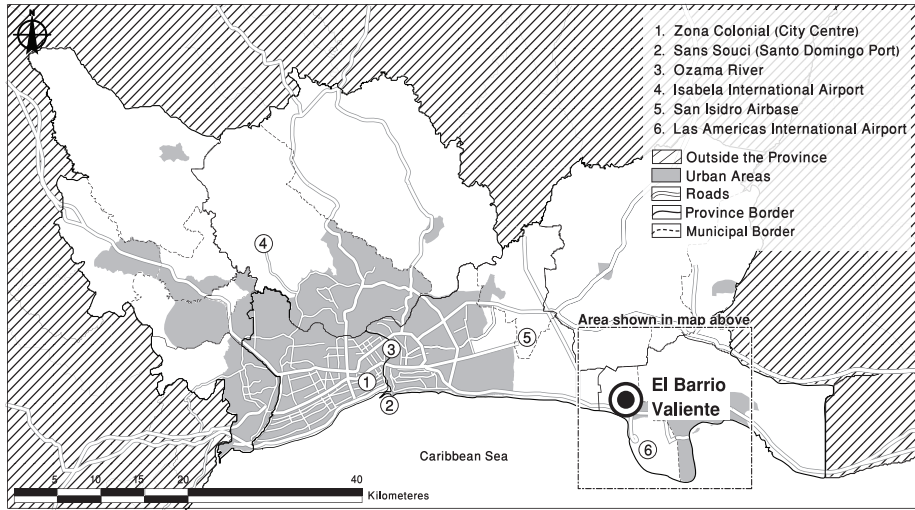
**Stage of eviction:** Families resisted 7 violent eviction attempts.

**Main outcome:** Most families still in place.



**Strategies of resistance:**

1. study of legality of property titles;
2. early collective warning and alert system;
3. permanent mobilisation;
4. open resistance, "all against one";
5. aiming commitment of local authorities;
6. evicted families stay together on site under plastic roofs;
7. mobilisation of public opinion;
8. via crucis (crucifixion), fasting;
9. picket in front of justice authority;
10. street demonstrations.



Map of Santo Domingo and Distrito Nacional Provinces



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## **Acronyms:**

AGFE: Advisory Group on Forced Evictions

CODECOC: Community Development Council of La Caleta

COODEZURZA: Coordinating Body of Organisations in La Zurza

COOPHABITAT: Coordination of Urban People's Movements

## **Exchange rate:**

1 American Dollar = around 35 Dominican Pesos (average 2009)

## **Introductory note:**

This is a summary of an extensive narrative and much longer testimonies from residents and leaders who are facing forced evictions in Santo Domingo. The complete report is available in Spanish only.

## **1. The Dominican Republic and the Province of Santo Domingo**

The Province of Santo Domingo was separated from the National District by law in 2001. It has a surface area of 1,296.35 square kilometres and is home to a population of approximately 1.9 million (2002 data). It includes the municipalities of Santo Domingo Este, Boca Chica, Guerra, Santo Domingo Norte, Santo Domingo Oeste, Los Alcarrizos and Pedro Brand. Santo Domingo Este is the capital of the province.

## **2. Evictions between 1989 and 2009**

The majority of the residents who were evicted from the city centre, along with migrants from other provinces, occupied the outskirts of Santo Domingo, to the extent that when the city was divided, creating the Province of Santo Domingo in 2001, twice as many people lived in these peripheral neighbourhoods, inhabitants of the Other City without efficient public services and without land titles. The lack of property titles has added a great deal of insecurity, as it has been used as the argument to grant the police the authority to carry out the evictions that occur on a regular basis, in the following manner: people's houses are demolished, they are not compensated or paid for any improvements they have made, the people are completely unprotected.

The country, between 1989 and 1992, was a hotbed of social struggle. First there were the public demonstrations; confrontations with police; occupations of buildings, as was the case in Los Mameyes; Stations of the Cross processions; occupations of churches such as La Paz y Bien in Ozama; squatter camps of evicted persons set up along main avenues, as the Los 3 Ojos group did in Las Americas, and resistance to the large-scale demolitions.

Evictions were reduced to a minimum for a time, but by 1999, a new technique of carrying out evictions had begun. With this technique, the evictions were on a smaller scale, for the most part not carried out by the State itself, but rather the State lent the police and armed forces for use to settle private claims. Thus, the evictions began to take place in peripheral settlements and neighbourhoods which had been built up as a result of the large-scale evictions from the urban centre of the city during the period of 1986-1996. Currently, these evictions continue, as does the resistance to them.

## **3. Evictions and resistance, as told by the actors involved**

### **3.1. Evictions, a daily occurrence in Santo Domingo**

Yasmin Feliz of Villa Esfuerzo describes one case among many: "It was about 9 in the morning of March 9, 2005...They arrived around 9 in three or four trucks, not only police, but also armed civilians. The children were very scared; it was just us women there, as the men were working. They threatened us, took everything out of our homes and threw it on the street; they took the best things and destroyed our houses. We took refuge in the church, where we lived for two or three months."

Cristina Alcantara, a resident of Brisas del Este in Santo Domingo Este, remembers: "It was about 7 in the morning. They came very violently. I was three months pregnant. I resisted by blocking the door with the gas tank, but I had my small son with me and they threw a tear gas canister through the window. They threw me aside and the boy was suffocating. I lost the child I was carrying. They took all of our best things: the washer, the wood and the zinc. They came without any order. We went to the prosecutor's office, the television, many places, but nobody paid any attention to us."

These are the stories of tens of thousands of families that today inhabit the Santo Domingo Province, where they arrived after being expelled from the centre of the city. The complete report includes a sample of such stories based on interviews conducted in three lower income neighbourhoods of the National District and the Province of Santo Domingo: La Zurza in the National District, El Valiente in Boca Chica and Villa Esfuerzo in Santo Domingo Este. This summary is limited to Barrio Valiente.

### 3.2. El Barrio Valiente: evictions and resistance

The El Valiente neighbourhood, commonly known as “Valiente” (meaning “brave” in English), is located in the municipal district of La Caleta of the municipality of Boca Chica, Santo Domingo, near the toll booth at kilometre 23 of the Las Americas highway, along the coast, just minutes from the Las Americas airport, the Las Americas Technological Institute, the Caucedo Megaport and the country’s most popular beach, Boca Chica. Although there are no official statistics on this neighbourhood, local community organisations, with the help of the Father Juan Montalvo Centre for Social Studies, conducted a community census in 1999 which counted a total of 5,127 households, and a population of some 20,000 people.

Although Boca Chica emerged between 1920 and 1926, the municipality was created by the law that established the Santo Domingo Province in 2001. Boca Chica is at the same time the name of the urban centre of this municipality and is located 30 kilometres from the centre of the city of Santo Domingo. It is a traditional tourist destination, and is also called “the beach” of Santo Domingo. It has a surface area of 148.64 square kilometres and around 103,000 inhabitants. Its main neighbourhoods include Andres, Los Tanquecitos, Valiente, Santa Lucia, Monte Adentro and Cristo Rey, among many others.

Santos Carvajal Mota, coordinator of the Community Development Council of La Caleta, CODECOC, when asked about the founding of the neighbourhood, says: “Among the first residents of Valiente were Mrs Chin and Don Pedro and Braudilio Pichardo, who in the late 1950s and early 60s, were caretakers for land belonging to the “Parcelación La Caleta” real estate company and the Contin family. The Presinal, Ozuna and Calzado-Angulo families then settled there. At the end of the 1980s, there were massive land occupations, especially after 1986. The first large invasions took place from “El Mamon” and other areas of the municipality of Guerra, but they intensified with the mass evictions that took place during the “remodelling” of the city from 1986 to 1992. The evictions began in El Valiente after Hurricane George in 1998 and have continued to the present day. In a short period of time, Valiente has become worthy of its name, because of its resistance, its ability to organise, its negotiating capacity and consolidation.

Yubelkis Matos, resident of Valiente, La Caleta, explains: “My motivation for the social struggles began when Dr Joaquin Balaguer decided to build the famous “Columbus Lighthouse” (1986-1996) and began to carry out evictions in the neighbourhoods near the construction site, in one of which my mother’s house is located, just behind the Wall of Shame, built to shield visitors from the poverty that remained following the evictions... After those families were evicted, the government promised to provide them with apartments, but this promise was only kept for some (of course members of the president’s political party), and they never gave my mother anything, neither money nor an apartment.

It was then that my mother joined a group of people who were fighting for a plot of land in Valiente in La Caleta. We moved there and my mother built a shack out of zinc and cardboard; there was no electricity, nor indoor plumbing, nor paved streets. We didn’t have any services, there was only scrubland, and it was difficult to endure the horrible odour and the mosquitoes coming from a nearby chicken farm.

After the scrubland had become a liveable neighbourhood, with water, electricity, schools, etc., Mr Del Orbe comes along in 1991, and through his lawyer, Mr Rivera, made claims for all of the land based on an alleged property title. The community did not accept his claim, and he left without achieving his goal, but he did leave the residents concerned.

In January 2006, Mr. Del Orbe again appeared, claiming 75 per cent of one of the blocks. This time he came with a supposed title issued by the Land Tribunal. After several hearings, the families involved in the litigation arrived at a verbal purchase agreement with attorney Rivera. Some families began to comply with the agreement, but Mr Rivera then disappeared until just a few months ago, when he appeared with the threat that if they didn’t buy the lots from him at the price that he set, he would carry out his threat of eviction. The case was reported to the CODECOC Community Development Council, and is now in the hands of the COOPHABITAT Housing Cooperative. The Assistant District Attorney ordered that a study be carried out to establish the exact property boundaries, as requested by the families.

Yubelkis Matos concludes her story, stating: “It cannot be that my family should have to once again swallow the bitter pill of homelessness, after having rescued these scrublands and transformed them into liveable neighbourhoods.”

Based on the stories of Santos Carvajal Mota and Yubelkis Matos, we can recreate the process of large-scale forced evictions carried out in the city of Santo Domingo (1986-1996), at the centre of which was the “celebration” of the 500th anniversary of the arrival of Europeans to the American continent (1992). The celebration took place in the city of Santo Domingo, with the presence of Pope John Paul II and the inauguration of the Columbus Lighthouse, along with many other construction works that had totally transformed the face of the city of Santo Domingo. The consequence of that process was the forced eviction of families living in the target areas and their relocation “out of necessity” and by their own effort to the peripheral zones of the city: in the case of the eastern area, specifically to Brisas del Este, La Caleta, Isabelita, El Tamarindo, Villa Esfuerzo, Los Frailes and San Bartolo, and nearby areas which were abandoned scrubland and pastures that were then rapidly urbanised by the residents themselves.

At the time when the residents occupied what later became El Valiente, those lands did not have the value that they later acquired, both because of their strategic location and the significant value added by the residents themselves. In terms of the strategic importance of the place, Santos Carvajal Mota says that “Valiente has a great strategic value because of its location along the Caribbean sea, with one of the main free trade zones of the country (the Las Americas FTZ) located within it, bordered by two large highways (the Las Americas Highway and the Santo-Domingo-Samaná Highway), very close to the Las Americas International Airport, close to the country’s most popular beach, “Boca Chica”, a popular destination for Santo Domingo residents, also close to the Las Americas Technological Institute, the San Andres AES and the Punta Caucedo Megaport. In addition, there are still large tracts of land owned by the State and real estate agencies, which the agencies sell in dollars and Euros to foreigners due to the privileged position that we occupy.”

### **3.3. Three battles fought by Valiente against evictions**

From what the residents say, it is clear that the neighbourhood of Valiente has been hard hit by evictions, especially between 1998, following Hurricane George, and 2005 when the UN AGFE mission took place, and resurfacing once again in 2009.

#### **(a) The eviction of the la Cueva sector, and the resistance**

Santos Carvajal Mota tells us how “on July 25, 2000, one of the largest evictions took place, affecting about 100 families in the sector then known as “La Cueva”, which is today called “Genesis”. The Zona Franca del Caribe company forced the residents to concentrate in a small area with the promise of expanding the free trade zone, offering to give them jobs, provide basic services, build roads and improve housing, supply electricity, schools, and other benefits. What they did then was to abandon the residents, breaking their promises and instead servicing the lots in order to sell them to foreigners.

#### **Resistance to the La Cueva evictions**

“The resistance began on July 25, 2000, when the eviction took place, and lasted for more than two years. The resistance consisted of constant street demonstrations, blocking traffic along the Las Americas avenue, setting up a tent where those of us who had been evicted went to live, picketing in front of the District Attorney’s office, mass visits to the press, participating in radio programmes such as El Sabado de Corporan, among others, a march of more than 10 kilometres on October 12, 2001, which brought government officials, members of Congress and even the President of the Republic, Hipolito Mejia, to the neighbourhood, where they ordered a number of public works to be carried out for the community, but fell short of fulfilling their promise to relocate us. Hundreds of people participated each day whilst the community members were living in tents, and supported the activities that were carried out. This protest ended with an agreement with the claimant in which the residents accepted to be relocated to a small strip of land with the promise of being granted titles, improving the housing stock and providing jobs in the area.”

**(b) Eviction and resistance in Vista Alegre, 2008**

Rosario Pichardo, 32, born in the Vista Alegre sector of Valiente, tells the following story: “On October 7, 2008, 17 families were evicted from the part of the neighbourhood known as ‘Vista Alegre’, ordered by the District Attorney at the behest of the Gerardino Real Estate Company. The residents of the area and the CODECOC organisation demonstrated that the location of the terrain being claimed was mistaken, which was confirmed by studies done by a company hired by the community. Despite this fact, the order and the evictions went ahead.”

**Resistance to the evictions in Vista Alegre**

The residents were surprised on the morning of October 7 by the police barricade that had been set up. Initially they tried to resist, by confronting the police forces. After the houses were demolished, they returned to their lands where they remained on watch for seven days, after which they were removed by the police. Many efforts were made by the evicted community and CODECOC involving the Municipal District, the Municipal Government of Boca Chica, social organisations, churches, and others. Among the dispossessed persons was the father of Rosario Pichardo and founding father of the neighbourhood, Mr Braudilio Pichardo, forcibly thrown out of the land where he had arrived to tend fields more than 50 years before.

**(c) Threat of eviction in the La Franja sector (2008-2009)**

This is a heavily populated sector of the Valiente neighbourhood bordering Vista Alegre. Santos Carvajal Mota explains: “On December 16, the verdict of the Land Tribunal of 30 September 2008 – issued during a proceeding that local residents weren’t invited to -- was announced. The verdict ordered the eviction of the entire sector of “La Franja de Valiente”, which would affect an estimated 4,000+ families, or more than 20,000 people.” The private claimants to the land, who the Land Tribunal had ruled in favour of, “ordered the District Attorney to immediately evict any person who was occupying the lots of La Franja as invaders... with the help of police and armed forces.”

**Resistance to the ordered eviction**

“The resistance began on December 16, the very day that the ruling of the Land Tribunal was announced, and continues to this day in an attempt to prevent the eviction. On January 29, 2009, the community organisations that are part of CODECOC signed a letter to the President of the Republic and the Governor of the Province of Santo Domingo, along with congressmen, church representatives, human rights and non-governmental organisations, and others, requesting “the declaration of these lands for public use... in order to find a solution to this problem and avoid bloodshed, the loss of life and the destruction of the only thing that these families have.”

Subsequently, thousands of people participated in a neighbourhood march, and the protests, meetings, visits with the media, and other activities, continue, whilst the legal case is being taken up by voluntary lawyers.

**3.4. Evictions: official reasons and who carries them out**

The official justification is that the inhabitants are invaders, who do not have land titles. The eviction orders are issued by the State’s Attorney and carried out by the National Police. At times, as was the case in Vista Alegre, the police are accompanied by armed civilians and hooded thugs, who terrorise the families, destroy their houses and rob their belongings. “These evictions show how the State offers the police force to implement these evictions against entire communities, makes no effort to create an environment for dialogue, and after the destruction of the houses does not guarantee any payment or compensation for improvements made nor for relocating the families, who are forced to seek another place to live and build their homes.”

## 4. Conclusions, messages and expectations

### 4.1. On the future of evictions

Santo Domingo and the Dominican Republic are internationally publicised as “inexhaustible”, primarily because of their attractions, their monuments and their tourism assets. But there is “another Santo Domingo” and “another city”, hidden from some by the Wall of Shame, but very visible to anyone with a social conscience.

The stories told by the residents themselves provide a portrait of this Other City, reduced to 30 per cent of the territory which houses 70 per cent of the population. This population has provided enormous added value to the land, but when they are evicted, they are not only denied relocation and compensation, but they sometimes cannot even take along their furniture and goods, which are destroyed by the police and armed civilians.

The outlook is for the evictions to accelerate even more from 2009 onwards. The construction of the Perimeter Freeway and the cleaning up of the Ozama and Isabela Rivers will be the official motivation for the eviction, according to government sources, of more than 7,000 families, or more than 30,000 people. The construction of the second line of the Santo Domingo Metro, the parallel bridge being built to the Francisco del Rosario Sanchez Bridge, the cargo train to Santiago, and other megaprojects could result in the eviction of more than 50,000 people in the National District alone, in addition to the continuing evictions for “the lack of property titles” that constantly occur, beginning with the 4,000 households (around 20,000 people) in El Valiente, who have received an eviction notice from the Land Tribunal.

### 4.2. Facing the evictions

In order to face the evictions the following is necessary:

- Strengthening the organisation and coordination of the population facing eviction and empowering citizens to take control over their situation.
- Having the proactive capacity for pressure-mobilisation and negotiation.
- Seeking the approval of the Law of Housing, Habitat and Human Settlements which guarantees the right to housing, a housing finance fund that will enable access to land, titles, construction and improvement of low-income housing.
- International mediation by AGFE, the Special Reporter on Adequate Housing and the Committee on Economic, Social and Cultural Rights that will make it possible to establish a dialogue with and new commitments from the government.

### 4.3. What is your message to other organisations struggling against evictions?

The responses varied from neighbourhood to neighbourhood in the Santo Domingo struggle:

La Zurza Neighbourhood: *“We must always begin with community organisation so that any eviction that is planned takes place with the least amount of social impact on the people. It is only through social organisation that success can be achieved. That is the experience of La Zurza and what we have learned from others.”* (Nicolas Mendoza, COODEZURZA)

Valiente Neighbourhood: *“We need to join our struggles so that we can make visible the situation of insecurity that we are living in, unite our efforts in the international arena and help to create a common space for all of us, inhabitants of the planet” ... “Participate in the Urban Way proposal and World Assembly of Inhabitants being promoted by the IAI” and “Promote the exchange of our experiences, carry out days of international struggle and solidarity in general, or for specific, concrete cases.”* (Santos Mota)

Villa Esfuerzo: *“We have only one path, the path of struggle.”* (Amparo Santana)

#### **4.4. Expectations with regard to other organisations that are struggling against evictions**

Solidarity and Unity in the struggle are the main expectations of the community leaders interviewed: *“Solidarity and exchange of our various struggles. This gives us strength to overcome them”* (Valiente neighbourhood); *“Establish ties of solidarity and join voices with others who in other places are suffering the constant violation of our rights.”* (Villa Esfuerzo) and *“That we can join our voices and efforts”* (Barrio La Zurza).



Picture 1: 2004. Demolition of a home in el Barrio Valiente.

Source: COOPHABITAT



Picture 2: 2004. Demolition of a home in el Barrio Valiente.

Source: COOPHABITAT



Picture 3: 2004. Rebuilding the rubble in el Barrio Valiente.

Source: COOPHABITAT



Picture 4: Symbolic crucifixion performed by demonstrators.

Source: COOPHABITAT





Picture 7: Residents and supporters of Barrio Valiente demonstrate demanding the right to housing.



Pictures 5 and 6 (above): 12 October 2006, a network of urban grassroots groups, including CODECOV and Valiente organised a peaceful march to the National Palace, only to be received by armed opposition of the police.



Pictures 8 and 9 (right): Peaceful demonstrations and protests were often met by violent oppression by the Police.

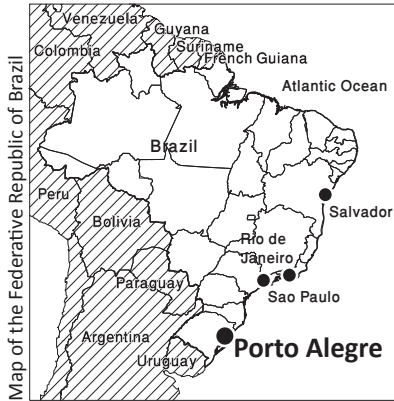
Source for all pictures: COOPHABITAT and Diario Libre Archives



## How people face evictions in the historic city centre PORTO ALEGRE, BRAZIL



CREDITS • Narrative written by Yves Cabannes, based on visits to Porto Alegre since 2000, meetings with representatives from the National Movement for Housing Struggle (MNLM) and conversations with some of its leaders: João Batista Nunez (Tita), Gilmar Avila, MNLM coordinator for Rio Grande do Sul and Edymar Cintra, member of the national executive committee for the MNLM • Various members of the autonomous community 'Utopia and Struggle', residents of the building in 2009 contributed with their statements, in particular Eduardo Solari • This essay owes much to the extensive master's thesis by Leda Velloso Buenfiglio, "Recuperation of the Centre of Porto Alegre: The struggle of the homeless for the right to housing" that is a fundamental text for understanding the occupation, resistance to eviction and tenure regularisation • The present text uses numerous journalistic sources and archives collected by MNLM throughout the process •



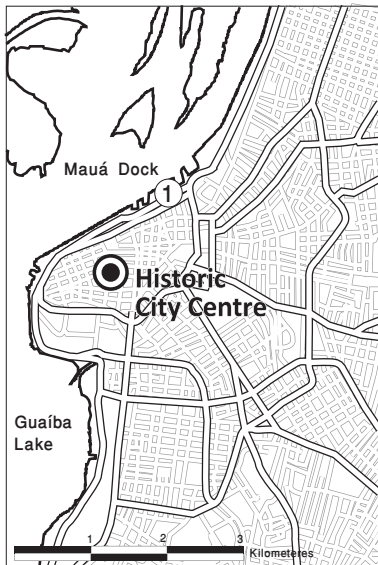
**Population of Metropolitan Region of POA:** 4 million (2007, Population Count, 2000 IBGE Census)

**Population of Porto Alegre:** 1.44 million (2009, Estimation of Population, IBGE)

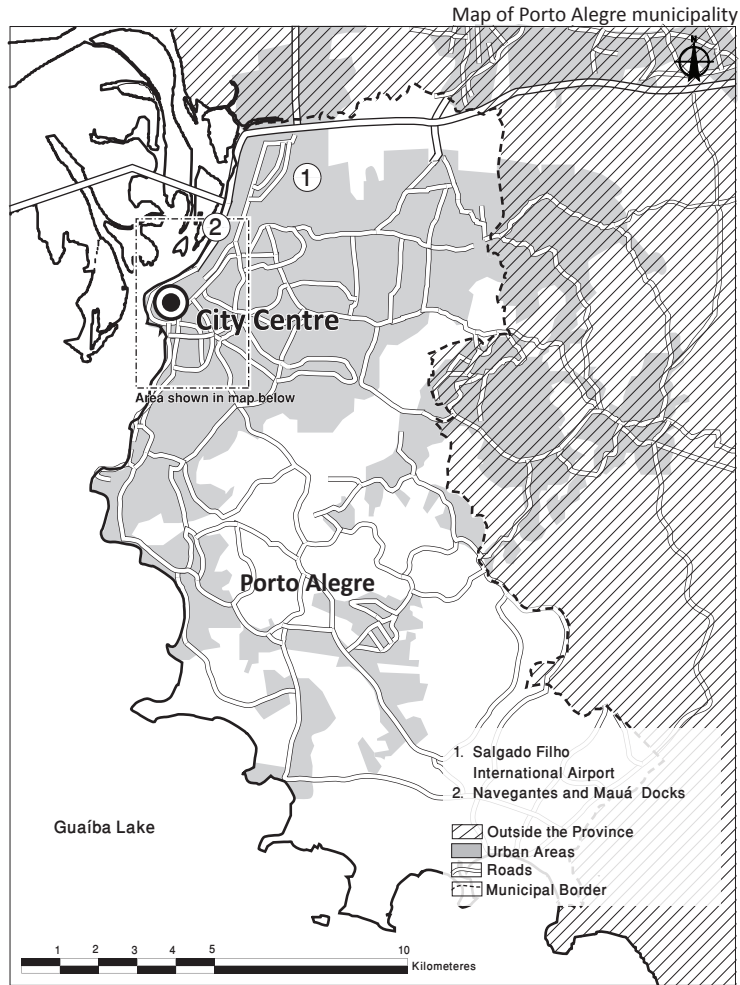
**Number of non-legalised settlements including favelas:** 736 of which 477 are spontaneous ones (cited in IDB, 2009)

**Number of favelas (and number of people living in favelas in POA):** not available

**Number of people under threat of eviction in the city of POA:** not available



Map of Porto Alegre City Centre



Map of Porto Alegre municipality

**Number of people evicted over the last 3 years:** 1,170 Removals (2006, 2007 and 2008)

**Population living in historic city centre:** [1991] 43,253 > [2000] 36,682, i.e less 13 % in ten years.

**Status of eviction:** Solved

**Strategies of resistance:** General from MNL: Occupy, Resist to Live (Ocupar, Resistir para Morar).

**Outcomes:**

**2007.** Presidential decree Modifying National 11481 Law: opens the possibility to use and legalise public land and buildings for social housing.

**2009.** Nov. The Ministry of Cities bought 25 unused buildings (US\$ 11.7 millions) to be used for social housing in the centre of nine Brazilian cities.

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## Acronyms:

CNBB: National Conference of Brazilian Bishops  
CEF: Federal Development Bank Caixa (Caixa Econômica Federal)  
COOPSUL: Utopia and Struggle Solidarity Cooperative  
CUT: United Workers' Federation of Brazil  
IBGE: Brazilian Institute of Geography and Statistics  
IPEA: Institute of Applied Economic Research  
MNLM: National Movement for Housing Struggle  
MST: Landless Workers' Movement  
INSS: National Institute of Social Security  
PAC: Growth Acceleration Program  
PCS: Solidarity Credit Programme  
WSF: World Social Forum

## Exchange rate:

1 American Dollar = 2.34 Brazilian Reals (Jan. 2009)  
1.98 Brazilian Reals (Jun. 2009)  
1.74 Brazilian Reals (Dec. 2009)

## 1. Porto Alegre and the historic centre

The Metropolitan Region of Porto Alegre, located in the south of Brazil, has a population of approximately 4 million (IBGE, 2009), of which 1.4 million reside in the municipality of Porto Alegre (IBGE, 2008). Despite the fact that the city has the highest Human Development Index of all of the Brazilian metropolises (IPEA, 2001), there are still high levels of inequality in terms of access to services, the number of informal settlements and the income per capita between the municipality of Porto Alegre and other municipalities that are part of the metropolitan region. The Participatory Budget that was started in 1989 and the social policies implemented by the Workers' Party in the city between 1989 and 2004 helped to reduce inequalities throughout the municipality and improve access to water, sanitation and transport (Baierle, 2003)<sup>1</sup>. In addition various movements in Porto Alegre have been struggling to conquer their right to housing and their right to the city<sup>2</sup>.

In the historic centre of Porto Alegre, a process of depopulation has taken place over the last decades, a trend also present in other Latin American cities. In 1980, there were 49,064 inhabitants in the historic centre; in 1991 this figure was 43,253 and by 2000 it had fallen to 36,862 (Velloso, 2007, p.98), representing a reduction in population of 25 per cent over the period. It continues to be a mixed-use neighbourhood, including residential (75 per cent of the properties according to Velloso), commercial, offices and nightlife establishments.

## 2. The National Movement for Housing Struggle, MNLM

*The National Movement for Housing Struggle (MNLM) was created on 1 July 1990, during the first National Gathering of Housing Movements from around the country, with representatives from 13 states. It emerged after the large-scale occupations of areas and housing developments in urban centres, primarily during the 1980s. Among the various entities that backed the movement were the National Conference of Brazilian Bishops (CNBB), Caritas and the Coordinating Council of Grassroots Movements (CMP). Nowadays the movement works in partnership with the United Workers' Federation of Brazil (CUT) and is linked to the Landless Workers' Movement (MST). The main objective of the MNLM is to foster solidarity within the urban space, in a struggle that goes well beyond just land, but is also a struggle for lots, housing, sanitation and other needs of the population. The movement is organised in 15 states (MNLM website, accessed 03/01/2010).*

In addition to its presence in various states across Brazil, the MNLM, since its inception, has defended the housing rights of more than 1 million Brazilians<sup>3</sup>. One of the unifying mottos of the MNLM is 'occupy, resist, live'. It makes a distinction between the concepts of occupying and invading. *"The MNLM occupies, it does not invade: there is a big difference between the two (...) an invasion is when one enters a site that is being used. Occupation, on the other hand, occurs when the site is not fulfilling its social function as set out in the Constitution, or in other words, is abandoned or not in use"*<sup>4</sup>.

## 3. Occupy, Resist, Live

### Timeline and key moments of the occupation

During the night between 24 and 25 January 2005, on the eve of the World Social Forum, approximately 170 people occupied a seven-storey building belonging to the National Institute of Social Security (INSS), which had been abandoned for years and had no functioning services, and which is extremely well located along one of the main avenues of the historic centre of Porto Alegre. Tita explains, *"The challenge we had that night was to bring together MNLM members from various places in the state of Rio Grande do Sul, at a point*

1 Baierle, Sergio, Base Document, URBAL Program. 2003

2 Andréia Marin Martins, Social movements that struggle for the right to housing and to the city: the redefinition of urban spaces, article presented for the postgraduate study programme of PUCRS (Pontifícia Universidade Católica do Rio Grande do Sul).

3 From the workshop on the history of the MNLM held in Campo Grande in 2003.

4 Velloso, op cit. p 83.

*that would not attract the attention of the police, the property owners or the public in general. We managed to gather together, each family with a mattress and kitchen utensils, and just before the occupation, we informed the managers of the building”.*

The occupation was carried out by families who were homeless or in need, and benefitted from the support of an international network called No Vox, which brings together the ‘have nots’ from various continents: homeless, jobless, without water, without papers, etc. The warm support and active solidarity demonstrated by No Vox during the World Social Forum is remembered as very important by the occupants. It had positive repercussions during a key moment of the resistance.

## **Resistance to eviction and internal organisation**

The following day at nine in the morning, the military tried to evict the families that had occupied the building. However, Gilmar remembers that *“they didn’t have a court order to proceed with the eviction, and thus their action was illegal. We were able to ensure that nobody entered from outside without our authorisation”.*

Despite the pressure from outside and the threat of eviction, the families and the MNLM delegates organised themselves within the building into committees for cleaning, cooking, childcare, reconnecting the building to the electrical grid, water and sanitation. A set of rules were decided upon in order to learn to live together, for the first time, in a building.

An intense period of negotiation and tension followed, marked by a first positive milestone: the signing of a letter of intent on 21 February by the Ministry of Cities and the MNLM. In this letter, the Ministry of Cities made a commitment to create a law that would guarantee that vacant buildings belonging to the Federal Government would be made available for low-income housing.

In light of this agreement, the last of the delegates that had been occupying the building returned to their places of origin on that same day. As the negotiations had developed, the families that had been occupying the building returned to their neighbourhoods and cities. A working group of five people began to determine who would be the future residents.

## **2002-2005: Preparations and the accumulation of experience**

The successful occupation of the INSS building in the centre of Porto Alegre is the result of a long process involving strategic decisions taken by the national and local coordinators of the MNLM. Tita and Gilmar recall that *“the MNLM didn’t have a tradition of occupying buildings in historic centres, but rather of occupying land in the outskirts. Those who had experience and capacity were other movements in São Paulo”.* In 2002, three years prior, taking advantage of the World Social Forum (WSF) which was supported by the left who was in power at the time, the MNLM decided for the first time to occupy an urban property, situated along the route of the WSF opening march. The poor families occupying the building received the support and sympathy of the WSF demonstrators and the occupation was reported on the front pages of various national newspapers. *“Nonetheless what we did was: “occupy, resist... and debate. It was not an occupation carried out in order to live there” (Tita).*

In 2003, *“we organised once again an encampment of urban activists during the World Social Forum, on a public property that we vacated after the Forum was over. At the same time we were able to organise a debate as a movement at the WSF”.* Bringing this issue of occupations to light within the Forum, from a grassroots perspective, was seen as a victory for the MNLM, who had always felt that the WSF was monopolised by NGOs and activist groups, with little participation by grassroots organisations. This debate continues to this day.

In 2004 the preparations gradually continued, and as Tita recalls, *“the national leadership sent us in June an order to identify vacant public properties, in preparation for action to be taken in the coming months. From that date, we began to walk the streets of Porto Alegre, identifying the vacant buildings”.* It was during this period that the list of buildings which had a chance of being successfully occupied was whittled down.

The decision of the MNLM to occupy buildings in city centres, in order to benefit from the advantages of such locations, and not limit actions to properties that were increasingly distant, with fewer and fewer public services, whilst consolidated in Porto Alegre, is not limited to this city. In 2002, an old bank building in the centre of Curitiba was occupied by the MNLM, and the initiative was violently repressed<sup>5</sup>. Despite this, the lessons learned were numerous and helped to determine how and when to occupy the INSS building in Porto Alegre. While these developments were taking place, other buildings were being occupied by other movements, primarily in São Paulo.

## **2006-2008: Resistance through negotiation - the legal and political struggles**

During the three years following the occupation, another form of resistance begins to take hold. It is about not giving up, even when facing myriad obstacles of all types.

In 2006, the negotiations continued and were extended beyond the Ministry of Cities with whom the letter of intent had been signed, to include the INSS (owner of the building) and the CAIXA Federal Bank (CEF), the financial entity with the capacity to grant the necessary loans to renovate the building that was in very poor condition. The state government of Rio Grande do Sul, of which Porto Alegre is the capital, participated in the negotiations. Thanks to the mobilisation of the MNLM ranks, the first victory was hailed in April of that same year: a provisional measure was passed at the national level that opened up the possibility of handing over property titles to the homeless.

Throughout 2007, numerous meetings mobilised the members of the MNLM, including the leaders of the group that would become the future residents, organised into the 'Utopia and Struggle' autonomous community. Constant pressure on the various organisations was kept up, without losing sight of the objective of transforming the building into decent and affordable housing. There were two main results: (a) firstly, the modification of the national law 11,481, by presidential decree, which opened up the possibility of use and regularisation of public land and buildings for low-income housing and (b) at the end of the year, the CAIXA Federal Bank and the municipal government of Porto Alegre approved the project for the renovation of the building, which had not undergone any maintenance since 2005.

The MNLM has played an important role in the formulation of the law, as Gilmar highlights: *"We even helped with the fine details of this law, which carries great significance in the struggle for Urban Reform. With it, we can truly discuss the use of empty spaces in the urban centres"*. The benefits of this law from the perspective of the MNLM include the following: *"(a) use of public buildings and land for low-income housing; (b) the affordability of the properties; (c) the cooperatives, associations and organisations linked to the popular movements have, thanks to this law, the option of purchasing these buildings and land; and (d) the titling of the apartments, for the first time, was free for the beneficiaries"*.

## **Start of renovation work on the building**

On 13 February 2008, almost six years after the first unsuccessful occupation in 2002, *"The Ministry of Cities signed a contract to start the renovation work on the building, which would house 42 families. Occupied by the MNLM for three years, it is the first public building in the country to be renovated for low-income housing, making use of the Solidarity Credit Programme (PCS) of the Ministry of Cities"*<sup>6</sup>.

Beyond marking a legal victory in the right to housing in the historic centre of Porto Alegre, the declarations of representatives from each public entity demonstrate the changes that took place in the ways of thinking about and approaching the issue of occupations of vacant buildings in run-down urban centres:

- The Ministry of Cities spoke of the advantages of this type of action for the Federal Government: *"It makes use of the infrastructure that is already in place, such as water, energy, public transport and*

5 Cabannes, Y. From Land Occupation to Cooperation: Story of planned occupation in Curitiba, Brazil, in *Habitat Debate* 2004-1. UN-HABITAT.

6 Alvaro Rocha Venino – Tresnurb press release, 15/02/2008.

*security, and contributes to the revitalisation of the city centre. The central areas of large cities are empty”.*

- The coordinator of the Federal Government’s Programme for Rehabilitation of City Centres explained his view: *“This type of intervention in central urban areas has at its core the improvement of the conditions of public spaces and the possibility of co-existence in a diverse environment, in addition to making it possible for people to identify with the central area and with the history of the formation of the city”.*
- The President of CAIXA Federal Bank noted *“the importance of the struggle and resistance of activists from social movements in this victory”.*
- The director of INSS highlighted the act as *“the materialisation of one of the guiding principles of the Lula government, that of social inclusion with dignity and citizenship”.*
- The Municipal Planning Secretary, José Fortunati, welcomed his *“new neighbours (he lives a few hundred metres away from the location), who I hope will contribute to the ‘Viva o Centro’ Programme,” saying that “what was done here serves as an example for the country”.* He defended the planned occupation of city centres. Mr. Fortunati, who was deputy mayor during the first terms of the Workers’ Party, is now deputy mayor representing the coalition of centre-right parties that defeated the Workers’ Party in the 2005 elections.

Gilmar Ávila, MNLM coordinator for the state and member of the national executive, made clear not only the guiding motto of the movement, but also the legal and political steps that have been taken: *“Here is a clear example of our motto: occupy, resist and live. We show that it is possible to provide affordable housing in the centres of large cities, where there is already existing infrastructure, instead of dumping people 30 or 40 kilometres away. This is the way to build a better life for the future”* concluded Avila.

## **2009: Division of the movement and self-management of the apartment building**

In February 2009, the Minister of Cities granted forty-two property deeds to the beneficiaries. Although the contracts are individual (as are the loans), the 42 families and individuals become an autonomous community and form Coopsul, Utopia and Struggle Solidarity Cooperative. For the first time in the history of low-income housing in Brazil, an abandoned public building, situated in one of the most privileged neighbourhoods in terms of services, has been transformed into decent and affordable housing for people who are homeless.

Meanwhile, the new residents, members of the Utopia and Struggle cooperative, decided to break away from the MNLM, giving their reasons in an open letter addressed to their fellow MNLM members. Despite the split they expressed that *“we will continue together (us and the MNLM), towards achieving our goals, to defeat capitalism, in all of its forms”.*

In December 2009, all of the apartments were occupied, and various collective activities that had been dreamed of during the long years of resistance and negotiations, are today in full expansion:

- Collective duties, which is very rare in Brazil, such as clothes washing or management of public spaces and lifts.
- Regular cultural activities such as theatre, music, poetry, meetings in the ‘Quilombo das Artes’ room, located on the ground floor of the building. The building is quickly becoming an alternative cultural space in the city centre.
- Organic urban agriculture on the roof of the building
- Productive activities such as silk-screen printing, or cake making.
- Strong communication and campaigning activities, supporting social struggles in the Porto Alegre region: two newspapers, ‘Utopia’ and ‘Struggle,’ have been created to date, as well as an internet blog <http://utopia-e-luta.blogspot.com/>, which is frequently visited by internet users.



The idea is to create an autonomous community both in economic terms, and which is environmentally sustainable (minimum energy use, recycling of waste, etc.).

### **2009: Many more public vacant buildings are transformed into low-income housing**

In November 2009, the Ministry of Cities purchased 25 vacant buildings from the INSS located in the urban centres of nine Brazilian cities, to be used for low-income housing, through the Programme “*My House, My Life*”. The total value of the acquisitions was 20.1 million Brazilian Reals (US\$11.7 million). In 2010, up to 60 additional buildings will be acquired by the Federal Government for the same purpose<sup>7</sup>. The agreement was signed by the President of the Republic himself, Luiz Inácio Lula da Silva, accompanied by his ministers.

The following announcement by Utopia and Struggle reflects the pride and satisfaction of a movement that, through the occupation and resistance in Porto Alegre by the MNLM managed to change the direction of urban policy in the country: “*The Utopia and Struggle autonomous community is proud to receive this news, and it gives us the strength to continue with the development of our Project, the first of its kind in Brazil. This has certainly helped to demonstrate the credibility of these actions by confirming these five years of self-directed and autonomous struggle in restoring the dignity of 42 families*”.

## **4. Reflections on the Experience**

The MNLM took advantage tactically and strategically of the political environment in Porto Alegre in February 2005. An eviction in Porto Alegre during the World Social Forum, in front of thousands of activists from all over the world that were campaigning for social justice, was politically out of the question. The political alliances developed with the Minister of Cities, Olívio Dutra, former mayor of Porto Alegre and former governor of the state of Rio Grande do Sul, a defender of the right to housing and of the WSF, legitimised the negotiations between the MNLM and the officials from the Ministry and the CAIXA Economic Federal Bank, who were looking to implement innovative solutions in low-income housing, including housing in historic centres. However, as Raquel Rolnick, who was the National Secretary for Urban Programmes at the time, highlights: “*it was the movement that got the ball rolling*”<sup>8</sup>.

The experience shows that resistance is not limited to confronting a military brigade, whether or not they have a court order. The gradual accumulation of strength by the MNLM, over a number of years, and in various cities, clearly indicates that there are many forms of resistance throughout the process, and that resistance is constructed and acquired over time; it is learning process.

Whilst it is true, as Gilmar Avila points out, that “*the provisional measure that has become law, and which allows unused public buildings to be transformed into housing, was an initiative of the MNLM*”<sup>9</sup>, the victories to date and most probably the future victories depend on the capacity of the various movements to remain united with a common purpose, regardless of their ideological, political or personal differences. The struggle for the transformation of vacant buildings in city centres into low-income housing has a history involving various local and national movements. Linking them together was decisive in ensuring that the experience brought about the formation of new legal frameworks and new urban regeneration policies. Such is the case that to date, according to Edymar Cintra, “*Two more buildings have had titles granted to residents and in São Paulo in particular, with the Union of Housing Movements, nine more are in the process of regularisation, two of which with the MNLM*”.

We agree with the argument that Leda Velloso introduces in her work on the struggle of the homeless for the right to housing. Occupation is most probably the mediating factor between the right to housing and the utopia of the right to the city<sup>10</sup>, as idealised by H. Lefebvre. The experience also demonstrates that the

7 Text based on a report by the Ministry of Cities, put together by the team working on the Programme for the Rehabilitation of City Centres.

8 Cited in Velloso, op. cit. p 174

9 Alvaro Rocha, art. cit.

10 Velloso, op. cit. p 70

struggle is not only for basic housing, as is the case in the majority of relocation cases. The struggle is for decent housing and urban spaces. Appropriating urban space in the city centre and practicing resistance to maintain it, points very clearly to a higher right, which is the right to the city, and not only the sum of rights in the city, one of these being the right to housing.

## 5. Message to Other Organisations

To the question ‘What do you expect from other organisations that are involved in the struggle?’ Tita responds: *“To understand the universal language of what we do, and understand that the system is global. I would also like us to understand that the pain caused to us by these injustices is a shared pain. [...] I hope that the exchange meeting strengthens our class consciousness, taking into account that a solution that works here may not work over there”*. Edymar adds, *“I would like to see to what extent we are going to join together to face the challenges that await us in order to change the current paradigm”*.

Important messages from other participants:

- *“Never give up, and be ready to start all over at any moment. One has to be able to start again from zero”* (Tita).
- *“The international platform that we managed to create with No Vox and with others facilitated the process and gave it another dimension. Moreover I am convinced that we need discipline and organisation within our organisations, not only in order to fight but also to be able to work at the level of policy changes”* (Edymar).



Picture 1: 2002/ 2003, the occupation of a building in Curitiba suffered a very strong repression by the Municipal Police.

Source: Unknown



Picture 2: 2002, first occupation of an empty building in Porto Alegre during the second World Urban Forum.

Source: Correio do Povo (1 February 2002)



Picture 3: 'Occupy. Resist. Live.' - the motto of the National Movement for Housing Struggles (MNLM).

Source: Unknown



Picture 4: 2006, inside the occupied building. MNLM motto - 'The right to life is not to be begged for, it is to be conquered'.

Source: Yves Cabannes



Picture 5: 13 February 2008, the Minister of Cities handing over ownership titles.

Source: Yves Cabannes



Picture 6: 14 July 2008, the building is being renovated.

Source: Yves Cabannes



Picture 7: the entrance to the building declares - 'You are stepping into the territory of people's self determination'.

Source: Yves Cabannes



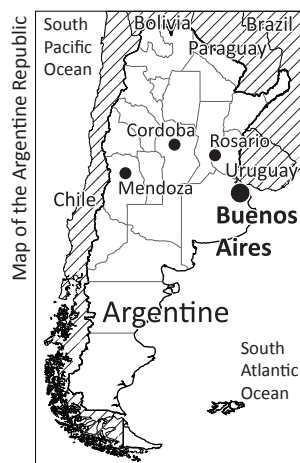
Picture 8: baking of panettone. The new residents of the building support themselves via small manufacturing cooperatives.

Source: Yves Cabannes

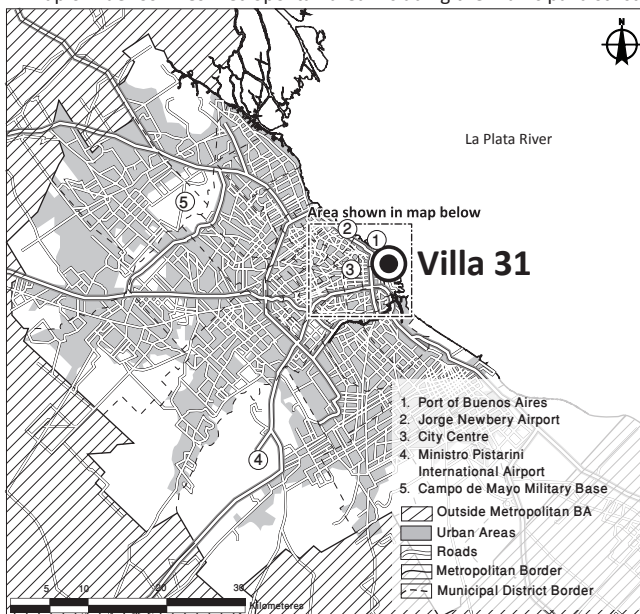
## How people face evictions in Villa 31 and 31 bis BUENOS AIRES, ARGENTINA



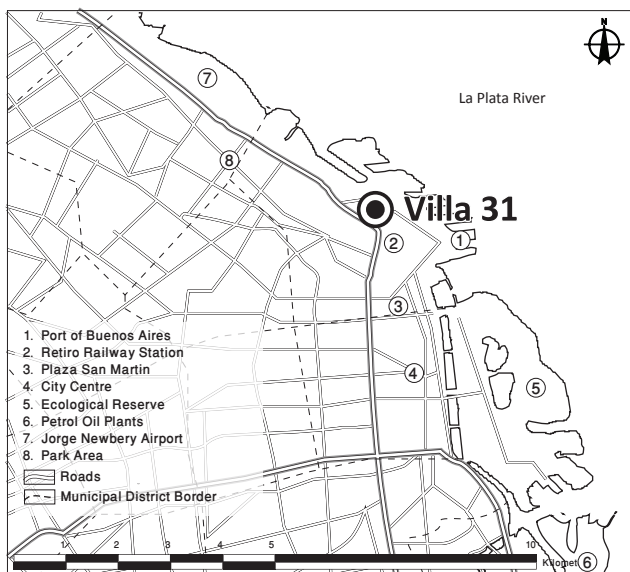
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Map of Buenos Aires metropolitan area including the municipal districts



**Population of Greater Buenos Aires:** 12,046,799 (2001)  
**Population of the City of Buenos Aires:** 2,776,138 (2001)  
**Population living in informal settlements:** 130,000 (2006)  
 Source: Auditoría del Gobierno de la Ciudad Autónoma de Buenos Aires  
**Population of the Villa 31 neighbourhood before the eviction:** 45,000 - 60,000 (1970s, prior to the mass evictions that took place between 1976 and 1983)



Map of the center of Buenos Aires

**Population of the neighbourhood today (official figures):** 25,987 (2009)

Source: Dirección General de Estadística y Censos, GCBA  
 According to FEDEVI and the Villa 31 residents, this figure is closer to 40,000.

**Total number people evicted:** 44,800 - 59,800 (1976 - 1983)

**Size of the evicted area:** 0.32 km<sup>2</sup>

**Number of houses demolished:** approx. 15,550 (only 46 families remained)

**Stage of eviction:** Following the mass evictions in the 1970s, the area became quickly repopulated and has since successfully resisted any further evictions.

**Strategies used for resistance:** community mobilisation, national and international alliances, campaigns, mass protests, policymaking, negotiations.

**Main victories of the resistance:** Approval in December 2009 of the Participatory Urbanisation Law for the upgrading of Villa 31 and 31 bis, guaranteeing security of tenure for all residents, with zero evictions.

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  - 2.3. Mobilization, campaigns and alliances
3. Conclusions, messages and expectations

## **Acronyms:**

GCBA: Gobierno de la Ciudad de Buenos Aires (Government of the City of Buenos Aires)

FEDEVI: Federación de Villas, Núcleos y Barrios Marginados de la Ciudad (Federation of Informal Settlements and Low-income Neighbourhoods)

## **Exchange rate:**

1 American Dollar = 3.89 Argentinean Pesos (2009)

## 1. The City, the neighbourhood and the eviction process

In the city of Buenos Aires, capital of the Republic of Argentina, the 'Carlos Mujica' neighbourhood, known as Villa<sup>1</sup> 31, has existed for more than 60 years and is one of the largest, oldest, and most populated neighbourhoods in the city.

According to the latest census carried out by the Government of the City of Buenos Aires, on 28 and 29 March 2009, there are 25,987 residents in Villa 31 and 31 bis. This is a significant increase from the 2003 census, which found 14,588 residents.

Villa 31 dates from the 1940s, when, as a result of the crisis of the 30s, unemployed families settled in the area because of its proximity to the port. The neighbourhood grew as a result of government policies that provided provisional housing for poor European immigrants, for the most part Italians. Villa 31 bis, an appendage of Villa 31, was formed as a result of the construction of the Illia Highway in the 1990s.

### 1.1. The neighbourhood

*"The neighbourhood is located within the railway lands, between the highway and the road; the houses are built on the side of the road at approximately a half meter from the road, and on the side of the highway, on totally disproportionate plots of land.*

*The conditions of the houses in this area are precarious, and they are made of low-quality materials. The problems that we have in our neighbourhood are discrimination because of where we live, and the needs that we all have: the lack of jobs, healthcare, education, services and public safety.*

*The people in our neighbourhood work to survive, and they are for the most part Argentines who migrated from the interior of the country or migrants from the neighbouring countries of Paraguay (the majority) and Bolivia and Peru, to a lesser extent." (Carlos Cesar Armando, FEDEVI)*

Villa 31 and 31 bis are in the Buenos Aires neighbourhood of Retiro, an area with a high concentration of wealth. The surface area occupied by the Villa is 15.25 hectares, most of which belongs to the national government, a small part of which belongs to the Repsol/Spain oil company and another fraction of which belongs to the railway. Market speculation over the value of the land is growing and Villa 31 and 31 bis are in limbo in terms of the housing policies related to regularising land and housing in the city. The national government and the local government go back and forth with regards to their respective responsibilities towards the neighbourhood and support, at times tacitly and other times explicitly, the real estate projects that exist for the area.

### 1.2. The evictions

The first attempts at eradicating Villa 31 took place during the late 1950s and early 60s. At the same time, the first organisations in the neighbourhood emerged, and had the support of the Federation of Informal Settlements in the city of Buenos Aires. During the 1960s, Villa 31 is the object of contradictory and constantly changing policies, which range from recognition and patronage to the most dedicated will to eradicate the settlement. At the start of the decade, certain neighbourhood improvements took place, which facilitated access to the city and at the same time allowed the neighbourhood to grow. Nevertheless, this policy was resisted by the municipality, who promoted the construction of a bus terminal on land occupied by the settlement. The neighbourhood organisations, in a fluid dialogue with the national government, banded together and resisted the project. Towards the end of the decade, the State would carry out a harsh policy of eradication of informal settlements, through the Informal Settlement Eradication Programme, which led to the creation of the community Board of Representatives, formed by representatives of the Neighbourhood Committees of each of the six neighbourhoods that made up Villa 31.

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1 *Villa* is the term used in Argentina for informal (or 'squatter') settlements.



The beginning of the 1970s represented a stage of consolidation of the neighbourhood, with the provision of construction materials for improvements in the area and an ongoing dialogue between community organisations and the government. During this time, the Villero Liberation Front emerged to advocate for the right to ownership of the land and decent housing.

Everything changed with the 1976 coup d'état.

During the military dictatorship (1976-83), violent forced evictions were carried out, as people were taken by force in military trucks outside the city limits and either left to their own luck in the Greater Buenos Aires or deported to neighbouring countries, in the case of foreign nationals. The eradication policy carried out by the military government was extreme, with the argument that the settlement did not comply with the minimum urban standards issued by the Municipal Housing Commission. A three-step eradication plan was put in place which involved: a) freezing settlements, b) disincentives and c) eradication. Meanwhile, the residents of Villa 31 resisted through demonstrations, the support of certain sectors of the Catholic Church and complaints filed with the courts. The effects were devastating. Villa 31 was almost completely destroyed, with nearly 16,000 families evicted, except for one sector that was protected by a favourable ruling by a judge in 1979, which allowed 46 families (180-200 people) to remain, after the villa had already basically been 'cleansed' of inhabitants and the houses destroyed by the municipal bulldozers.

With the return to democracy in 1984, Villa 31 was quickly repopulated. During the first years of democratic life, more than 200 families settled there each night, including both expelled residents and new settlers. By the mid-1980s, the population had reached nearly 12,000 (approximately 1,900 families).

At the beginning of the 90s, the national government signed a plan to turn over the land to its occupants – Decree 1001/90, which recognised the occupation, provided legal protection and ordered the regularisation of several blocks – but the decree was never implemented. Also in the middle of that decade, the municipality offered cash payments to people in exchange for leaving the settlement, in an attempt to rupture the community's internal organisation and use the land for the construction of a highway. This initiative failed in the face of the resistance of a broad group of residents; a forced eviction was then attempted and bulldozers were sent by the municipality to once again demolish the houses in Villa 31. The drama and scandal that resulted from the recordings of the insults made by the then Mayor Jorge Domínguez against the population of the settlement ended the process of violent eradication that had been ordered. However, a new conflict emerged in January 1996, due to the construction of a new section of the highway. The new attempt at violent eviction ended with a lawsuit filed against the municipal government and the Mayor. Finally, the government committed to discontinuing the violent evictions.

In recent years, the development of Project Retiro 2010 has been gaining strength, a proposed real estate mega-project that includes the development of 18 hectares of land with hotels, restaurants, shopping areas and offices. The real estate boom that is sweeping the city, characterised by the construction of luxury housing and commercial projects, is exercising strong pressure on this area. Both the local and national governments are incapable of reacting; they lack an adequate urban planning policy and are going along with the process of driving out poor people from the city.

The resistance and struggle of the population managed to halt the police operation or 'cleansing of the poor' from an urban area that began to be valued by multi-million dollar real estate businesses. On that occasion, 800 consolidated homes were destroyed and a significant number of inhabitants left the area, through the clientelist system of political opportunists which operates in the settlement, making autonomous and democratic organisation very difficult. The promises of housing on the outskirts of the city, which were made to people who agreed to abandon their homes in Villa 31, were never kept; and those groups went on to join the ranks of exclusion and marginality of the informal settlements in the Greater Buenos Aires area.

Nowadays it is considered very unlikely that future evictions will be announced. Rather, different alternatives and theoretical proposals by the municipality to 'permanently establish and upgrade part of the settlement' are expected, whilst at the same time moving ahead with regulatory decrees, encouraged by the private sector, to facilitate the presentation of mega-investment projects involving the sale of public lands.

## 2. Reflections on the struggle

### 2.1. The resistance

The Federation of Informal Settlements and Low-income Neighbourhoods (FEDEVI) was formed in 1996. One of its objectives is to reunify the entire villa movement from within, and at the same time to strengthen its outward projection toward the whole of society. Currently, FEDEVI has gone beyond the city limits of Buenos Aires and has become a national organisation with representation across the country.

Carlos Cesar Armando, President of FEDEVI, states: *“FEDEVI is a social organisation, one could say, that groups together all of the organisations from all of the villas at the national and local level. At the national level, we are present in some provinces and in others, not yet. I am a resident of a villa. I don’t consider myself a “villero” because that is the mote that others like to use. I am person, let’s say a resident of the villa.*

*“I had the good fortune of coming from a middle class family, and later due to various circumstances in life I was left out on the street, and friends (...) took me to live in a villa – I lived in the villa – I had the chance to leave, but chose not to because I hadn’t reached my goal: I was determined to mobilise residents and organise the villas. So I began with Villa 31, and reorganised the villa during the time of democracy, in ’83 when a group of delegates was formed...*

*“In the neighbourhood there was no organisation, and a proposal then emerged with other leaders from other villas: the case of Juan Cymes and Isidora Penayo, who were activists in the struggle at that time... Guillermo Villar... we made up what was previously the Peronist Villero Movement but was the movement of low-income villas and neighbourhoods. Later, we began to work there together with the Villera Ministry of the Catholic Church; then in the 1990s the Ministry started to distance itself from our movement because within the movement at that time the leader was Juan Cymes – and he was not exactly a Peronist – and the priests had a case of (...)...let’s say they had received word from above that the leadership had to be Peronist. Then the Ministry left and what remained was the Movement of Villas, and so with those community leaders we began to organise, villa by villa. In the early 1990s, maybe 1989, a consensus-building roundtable was created, which was the roundtable of Carlos Grosso, the Mayor, and included all of his ministers and the democratically elected presidents of each villa. This consensus-building roundtable was led and organised by Cristina Reynals, who was always at the villa to give training and also to try to get others to see the villa residents in a different light.*

*“For us the decade of the 90s was very important, with the consensus-building roundtable in which had created a very strong grassroots organisation...Mayor Grosso understood a little about the problem of the villas (...) we didn’t want to have meetings just for the sake of it, we wanted something effective (...) like the roundtable, where we had very important achievements, such as decree 1001 which said that the transfer of national government land would be sold to the current occupants, the villa inhabitants. The 21-24 was all land belonging to the national government and was sold in its entirety.”*

The regularisation of Villa 31 and 31 bis is a pending task for the national government and the City of Buenos Aires and is based on constitutional rights and international obligations that Argentina has signed. Both the lack of initiatives in urbanisation as well as any attempt to evict people are violations of the right to housing and as such give the inhabitants the right to initiate legal actions to demand enforcement of those rights, or to use mechanisms to appeal to the international human rights system to report violations, and finally to demand the compensation that is owed. Any alternative that does not include the participation of the residents and which entails their expulsion from the city seriously compromises the image of the city of Buenos Aires, showing it to be an exclusive city in which low-income people are not allowed to live.

The solution to this problem lies in fully enforcing the law, including the fundamental laws that are enshrined in the constitution and international human rights treaties. The poverty of Buenos Aires, the poverty of a rich city, will not go away by hiding the poor or throwing them out, but rather by integrating them into urban life and respecting their rights.

## 2.2. Policymaking and changes in the legal and institutional framework

In mid-1997, FEDEVI launched the proposed law of Integration, Settlement and Transformation. The story of many struggles, victories and failures, the result of the conduct and uncompromising resistance by the residents for their right to live in the capital city – the affirmation of a stance of dignity and struggle in the face of social exclusion, began to bring together increasing numbers of old and new residents, with an emphasis on agreements and areas of concurrence until Law 148/99 was passed by the Legislature.

### Law 148/99

During the course of 1999, the Legislature of the City of Buenos Aires enacted Law 148, known as the Great Law or Mother Law, which represents the greatest legal victory of the Villa movement. This law calls for the creation of a Participatory Coordinating Commission, consisting of representatives of informal settlements and low-income neighbourhoods, the Government of Buenos Aires and the city's legislature. This Commission is in charge of achieving the effective enforcement of the objectives set out in the law.

The most important objective of Law 148 is: "To design the general outline of a comprehensive programme for the permanent settlement and transformation of informal settlements and villas, to be achieved within a maximum period of 5 years."

### Decree N°206/01

In order to fulfill the provisions of Law 148, the Government of the Autonomous City of Buenos Aires created, through decree No. 206 of 28 February 2001, the Programme for the Integration, Settlement and Upgrading of Informal Settlements and Villas, under the office of the Under-Secretary of Housing.

The Programme is to be carried out through an Implementing Unit that has an executive committee made up of the members of the Secretariats of Treasury and Finance, Public Works and Services, Urban Planning, Social Promotion and the Municipal Housing Commission. The residents are represented by nine (9) members, guaranteeing their participation in working out the details of the programme and in the implementation of the actions in the communities.

The functions of the Implementing Unit include evaluating alternatives and developing plans, projects and actions to fulfil the proposed objectives, in a coordinated way amongst the government entities that are part of the unit and the various different sectors of the affected population.

## 2.3. Mobilisation, campaigns and alliances

*"We have raised awareness among people by making them understand and explaining to them that the struggle is possible as long as we stick together to fight for the same cause. We have connections at the city level, representing the neighbourhood in FEDEVI; at the national level we are part of the Habitat Network, Argentina; at the international level we are part of the International Alliance of Inhabitants (IAI), which supports us through solidarity with our struggle, advising us and, most importantly for us, promoting the Urban Popular University where the knowledge of the residents is valued," states Carlos Cesar Armando.*

*"We participated in the World Assembly of Inhabitants that took place in Mexico in 2000 and took part in the international seminar entitled 'Social Production of Habitat and Neo-liberalism: The capital of people versus the misery of capital,' in Uruguay, in 2001. We have participated in several World Social Forums and in the Forum of the Americas in 2004, as promoters of ideas and experiences in defence of the right to land and housing.*

*"We organised the first meeting of the Urban Popular University in Buenos Aires (2006) where we spoke with leaders who defend the right to land and housing in Lima, Peru; Argentina and Brazil, with the University of Buenos Aires. There we valued equally the work in the classroom as in the field, in an attempt to re-assess organisation as a way in which to express ourselves, negotiate with the state, lobby and garner support.*

*“For several years, we have collaborated in the organisation of activities, marches and campaigns for World Habitat Day, at the National Congress of the Republic of Argentina, in front of houses about to be evicted in the city, at the University of Buenos Aires, the United Nations Information Office in Buenos Aires....*

*“Our struggle goes beyond the borders of the villa, but we know that we cannot do this on our own, and the fear of being evicted has led us to become the focal point for the South of the ‘Zero Evictions’ campaign of the International Alliance for Inhabitants, through which we, along with the Habitat Network, Argentina, receive reports of evictions that can then be widely disseminated internationally, in order to gain publicity and solidarity and/or to intervene in the eviction process.”*

### **3. Information, communication and exchange**

*“For us it is very important to share our experience with other leaders. Over the past years, we have lost Juan Cymes (a landmark figure in the struggle against evictions during the last military dictatorship in Argentina, and during the democratic era; a tireless worker for the unity of the ‘villero’ movement) and Guillermo Villar (a defender of the autonomy of organisations to bring about the permanent settlement of the villas) two fellow members in the struggle who left a legacy that needs to be passed on to the youth who will take up these struggles tomorrow.*

*“Sometimes I feel alone and aware of the enormous responsibility on my shoulders, and this is why it is essential to learn about the experiences of other communities in other countries, in order to expand our horizons in the search for new alternatives. We hope for the solidarity of other organisations; we must put an end to the indifference.*

*“I think about how the struggle in Villa 31 began in the middle of the 20th century, and today, in the first decade of the 21st century, we have just recently found the solution, **the Urbanisation Law for Villa 31 and 31 bis, approved unanimously by the Legislature of the City of Buenos Aires on 4 December 2009.** This law will enable an urban upgrading programme, developed by the Architecture Faculty of the University of Buenos Aires (UBA), to be carried out in Villa 31 and 31 bis, without evictions<sup>2</sup> and in a participatory manner. To this end, a committee will be formed, entitled the ‘Multidisciplinary and Participatory Management and Planning Roundtable,’ which will consist of residents and members of the local and national government.*

*“I would tell other organisations facing similar issues to discuss everything without the intervention of political parties, until such time as the decisions of the grassroots have been defined. They should always hold their flags up high, not let their arms down and seek alliances with other organisations to defend their rights.”  
(Carlos Cesar Armando, FEDEVI)*

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<sup>2</sup> Art. 9 of the Urbanisation Law for Villa 31 and 31 bis, passed by the Buenos Aires legislature on 4 December 2009: “The implementation of this project will not involve any forced evictions, and for those current residents – according to the population census established in article 3 – whose houses need to be relocated, they are guaranteed to have a housing solution provided to them of similar characteristics, which will be agreed with them, within the polygon established in article 1 of this law.”



Picture 1: 2000. An overview of Villa 31.

Source: FEDEVI



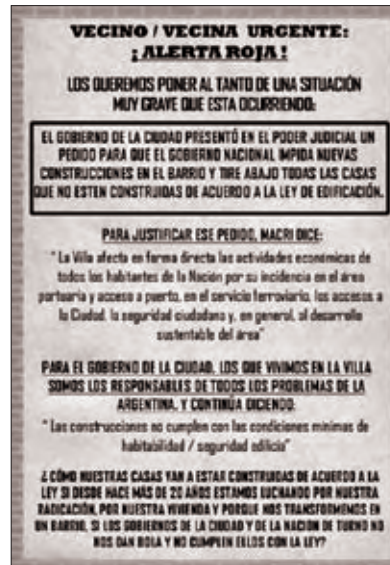
Picture 2: 2004. Residents of Villa 31 and their supporters protest the assassination of Father Carlos Mujica.

Source: FEDEVI



Picture 3: August 2009. Picket by various organizations, blocking traffic on the highway in protest against the demolition of Villa 31 bis.

Source: FEDEVI



Picture 4: Red Alert! A note urging the residents of Villa 31 to be aware of the authorities' unjust actions and to resist.

Source: FEDEVI



Picture 5 (left): Plans for the urbanisation project in Villa 31 and 31 bis, developed with the Architecture Faculty of the University of Buenos Aires. The Urbanisation Law for Villa 31 and 31 bis, approved on 4 December 2009, will enable the project to be carried out with zero evictions and in a participatory manner.  
Source: FEDEVI

Picture 6 (below left): 2010. Villa 31, the most valuable piece of land in Buenos Aires. Downtown skyline is visible in the background.  
Source: Yves Cabannes

Picture 7 (below): 2010. Villa 31 bis.  
Source: Yves Cabannes



Picture 8: 2010. Street fair at Villa 31, in the heart of the business and luxury residential areas (see skyline).  
Source: Yves Cabannes

Picture 9: 2010. Villa 31. On the left, the container area and the boulevard were built on a part of Villa 31.  
Source: Yves Cabannes

## HOW PEOPLE FACE EVICTIONS: A GENDER PERSPECTIVE

*Silvia Guimarães Yafai*

Following the documentation of the experiences and strategies of communities who have directly struggled against forced evictions, as well as the inputs from the grassroots exchange carried out in Istanbul in February 2010, a number of issues and questions have emerged from the discussions which, although not a central focus of the original documentation and exchange process, deserve particular mention.

Among these is the issue of women and gender roles, where discussions have taken place not only regarding the impact of forced evictions on women in particular but also the positive impact that the resistance to forced evictions has had on power and gender relations in a number of the cases included in this study.

### Women on the frontlines of evictions

Although forced evictions affect women as well as men, women often suffer disproportionately as a result of evictions. According to the UN Committee on Economic, Social and Cultural Rights,

*“Women... and other vulnerable individuals and groups all suffer disproportionately from the practice of forced eviction. Women in all groups are especially vulnerable given the extent of statutory and other forms of discrimination which often apply in relation to property rights (including home ownership) or rights of access to property or accommodation, and their particular vulnerability to acts of violence and sexual abuse when they are rendered homeless.”<sup>1</sup>*

The Centre on Housing Rights and Evictions (COHRE) has done extensive research on the ways in which forced evictions affect women in particular, with impacts in terms of vulnerability to violence and physical and psychological abuse, the loss of livelihoods and support networks, and the lack of security of land tenure.<sup>2</sup>

The cases included in this study support these findings and show how women, in the majority of cases, are on the frontlines of forced evictions. They are often the ones at home when the police or other armed forces come to carry out the evictions and are particularly vulnerable to rape, physical and psychological violence and brutality.

Speaking of the forced evictions that took place in the Villa Esfuerzo neighbourhood in Santo Domingo, Yasmín Feliz recounts,

*“It was around 9 o’clock in the morning on 9th March 2005... they got there in three or four trucks, not only police forces but also armed civilians. The children were very afraid and us women were on our own, with the men out at work. They threatened us, took out all of our belongings, knocked them over, took the best things and destroyed our houses. We took refuge in the church, where we stayed for two or three months.”*

Cristina Alcántara of the Brisas del Este neighbourhood of Santo Domingo, tells a similar account:

*“It was around 7 o’clock in the morning. They came with great violence. I was three months pregnant. I resisted by using the gas cylinder to keep them from opening the door, but I had my small son with me and they threw a tear gas canister through the window. They threw me to the floor and my son nearly suffocated. I lost the baby. They took all of our best things, the washing machine, timber and zinc. They came without giving any notice.”*

Representatives of the Brazilian National Movement for Housing Struggle (MNLN) have highlighted the fact that women comprise the majority in the struggles for urban reform in Brazil, yet often have particular difficulty in accessing housing and secure land tenure, and are the primary victims of violence in the cities.

<sup>1</sup> United Nations Committee on Economic, Social and Cultural Rights, General Comment n°7: The right to adequate housing: forced evictions (Art.11 (1)).

<sup>2</sup> See, for example, COHRE, ‘Violence: The Impact of Forced Evictions on Women in Palestine, India and Nigeria’, 2002 and COHRE, Women and Housing Rights Programme, ‘Fact Sheet 3: Women and Forced Evictions.’

As evidenced by the various cases, women in particular are exposed to violence not only during the eviction itself, but also prior to the eviction - where severe psychological and sometimes physical violence is perpetrated by those threatening them with eviction, and in the aftermath of evictions, where studies show an increase in incidences of domestic violence as well as increased vulnerability of women who often find themselves on the streets.

In addition to exposing women to various forms of violence and issues linked to insecurity of tenure, forced evictions represent a significant loss of livelihood for women in particular. In Karachi, for example, with many women earning a living by carrying out embroidery work from their homes for local factory owners, or domestic work in the houses of middle and high-income families nearby, forced eviction and relocation to far-away sites has led to a loss of livelihood opportunities and further impoverishment for the affected families. Women tell of how, following the evictions, factory owners are not willing to travel the long distances to take and collect the materials and embroidery. In addition to a lack of available public transport, women do not drive motorbikes and a government ban on two persons riding on motorbikes means that men aren't able to take the women with them as they travel to the city to work in the factories. Women have also spoken about the lack of schools for their children in resettlement areas, as well as the loss of vital social networks.

Whilst each situation has its own specificities, some common threads can be found and it is clear that forced evictions, when combined with existing gender inequalities, can have devastating effects on women.

What is also clear from the various cases, however, is the fundamental role that women have played in the resistance to forced evictions and development of alternative solutions.

### **At the forefront of the resistance and creation of alternatives**

As we see in the report, there are multiple forms of resistance and in each of the cases women have taken a leading role in these, showing themselves to be strong, articulate and committed activists in the struggle prior to, during and in the aftermath of forced evictions.

Examples from the various cases include (i) demonstrating leadership in organising and mobilising the community, (ii) taking part in public demonstrations, (iii) being involved in negotiations with authorities, (iv) physical resistance against state violence and eviction attempts, (v) advocating on behalf of women, (vi) taking part in national and international campaigns and networks, (vii) developing innovative strategies and important alliances, (viii) taking on key organisational roles (e.g. in Porto Alegre, following the occupation of the empty building) and (ix) taking leadership roles both within their communities and on a larger scale.

In the Latin American cases, women have played a prominent role at all levels. In the case of the National Movement for Housing Struggle (MNLM) in Brazil, for example, women are very active in the movement, not only in terms of numbers and general participation but also in taking on positions of leadership and making key decisions regarding strategies and the allocation of resources, with fifty per cent of the national coordinating body of the MNLM comprised of women. In the specific case of the occupied INSS building in Porto Alegre, women comprise 70 per cent of the current residents and according to *Utopia e Luta*, the proportion of women in positions of responsibility is increasing.

In the cases of Karachi and Egypt, whilst men occupy the majority of leadership positions and there is a significant imbalance in power relations between women and men, women have been at the forefront of the resistance, taking an active part in street demonstrations and in the development of solutions, and in a small number of cases, being elected as local councillors and taking on other leadership roles. In Hangzhou, women are also at the forefront of the resistance, petitioning central authorities and carrying out legal battles. In Kurtköy, Istanbul, women have been active in setting up barricades to physically resist the evictions, organising their communities and taking part in demonstrations.

In Durban, in the case of the Abahlali baseMjondolo movement, women are prominently represented within the movement and hold a number of leadership positions. In addition to being involved in the general struggles, decision-making process and activities of the movement, a Women's League was launched in August 2008 in order to better address and represent the concerns of women. There are other cases in which



bodies have been set up to address gender-specific issues, such as the Network of Mothers in Buenos Aires and workshops set up by COOPHABITAT and Red Urbano Popular in Santo Domingo to work with women's groups and carry out gender-specific capacity-building workshops.

During the grassroots exchange in Istanbul, participants highlighted the important role that women can play in facing forced evictions, and how taking on positions of leadership can help to inspire and motivate other women to do the same. Juana Iris Rivera, President of the Board of Residents of Nueva Dimensión and a strong leader in the struggles against forced evictions in Santo Domingo, gave the following message to communities currently resisting forced evictions in Istanbul:

*"I encourage you to bring the women out of their houses and involve them in the process, as this will strengthen the resistance. Women are strong and will defend their homes and their families... This is what we did in Santo Domingo, through COOPHABITAT - we brought out the women from their houses, taught them to struggle and defend what is theirs by law."*

### **Bringing together diverse groups and challenging traditional gender roles**

The various experiences highlighted in this report show that despite the devastating impact of forced evictions on communities, and women in particular, the process of coming together to face evictions, mobilising all actors and developing viable alternatives can have a powerful and positive effect on existing gender relations and has the potential to motivate, unify and inspire.

In Istanbul, for example, the struggle against forced evictions has brought together diverse groups, from ethnic Turks, Roma and Kurds, to Alevi and Sunni Muslims; women and men; children and older persons; unifying people across boundaries of ethnicity, religion, age and gender in the struggle for the right to adequate housing and against evictions. Whilst the struggle in Istanbul still remains somewhat fragmented, and there is scope for greater integration and coordination between the various groups involved, important advances can be seen in this respect and further research on this issue could be useful.

A similar pattern can also be seen in other cases, demonstrating how the resistance against forced evictions has served as a means of galvanising diverse groups, bringing greater unity through the struggle and in some cases challenging traditional power dynamics and gender roles.

In Hangzhou, for instance, following the attacks on some of the men, the women have had to take on a more prominent role in their households; in cases such as Santo Domingo and Buenos Aires, greater equality in gender roles has been reported. In Istanbul, many of the leaders of key activist organisations struggling for adequate housing and against forced evictions are young women.

Grassroots women leaders that were present at the exchange seminar in Istanbul demonstrated tremendous strength and leadership in their struggles: Zodwa Nsimbande, who at age 25 is the General Secretary of the Abahlali baseMjondolo Youth League as well as the National Administrator of the movement; Juana Iris Rivera, who herself has been forcibly evicted a number of times and who now heads up the Nueva Dimensión Board of Residents and Council for Community Development, and is a strong advocate for women; Edymar Cintra, member of the National Coordination of the MNLM movement in Brazil, which now has over 100,000 members; and many other women leaders, activists, from various parts of the world, each facing a different struggle, each a true inspiration to others.

Further research into the links between forced evictions and gender relations, and examples of the positive impacts that the resistance to forced eviction and development of alternative solutions can have on women and gender relations, as well as the identification of practical ways to foster these positive impacts, could not only inspire other groups facing similar situations but also help to ensure that issues of gender equality are taken into consideration in discussions on forced evictions and the development of relevant policies and strategies.

## UNDERSTANDING WHY RELOCATION IS NOT AN ANSWER TO FORCED EVICTIONS

*Cassidy Johnson*

Following what has been documented in the cases, it becomes clear that most governments are putting forth the proposition that relocating people from the land they occupy by compensating them with new land and a new house is considered a just solution to forced evictions. A lot of the policies being developed at the moment relate to relocation and the conditions for relocation (how to involve residents, terms, etc) rather than developing alternatives or looking at how to protect communities from forced eviction. This is leading to eviction-relocation becoming the rule, rather than the exception. However, evidence from the cases presented in this report and from the people who attended the exchange workshop in Istanbul, suggests that relocation is neither a just nor fair solution to forced evictions.

What people want is to remain in place and not to be relocated. Thus any relocation is actually against people's wishes. As is described in the narratives and was voiced in the exchange seminar, people are united across neighbourhoods, across cities and across the world by their common struggle in remain in place. The people contend that any decisions to relocate should be taken by the people themselves and not by the authorities and that this decision by the people should be based upon knowledge of all the facts and upon presentation of just cause for why the relocation needs to take place<sup>1</sup>.

Secondly, evidence from the cases and from the exchange workshop show that there are major problems with relocation; these problems can be grouped into some themes:

- *Compensation that is promised to the people at the time of the eviction (usually serviced land and a house) does not materialise.* In actual fact many people end up receiving no compensation in the end - neither house nor land.
- *When compensation does reach people it is not enough to replace the value of what was lost due to the eviction.* This includes not only the replacement of the land and the house, but also the utility value of the land and house that is very much linked to its location (either for farming, other income generation or location in proximity other functions). People also may have to pay exorbitant fees or deposits to gain access the new houses.
- *Relocation areas are too far away from the original settlement and too far away from the city.* This adds great hardship for people who are already suffering from the loss of place due to the eviction. In many cases this means they cannot sustain their lives in the new settlement and end up leaving to live on rent or on the street back in the city. The hardships are related to things that can be described quantitative terms, such as the difficulty of the location for access to income generation activities, and the lack of affordability and viability of transport links to the city centre. However, it is also very much about the social aspects of the relocation distance that makes living there so difficult, i.e. loss of community, loss of place, and the enjoyment and security in life that it brings.
- *Negotiations for compensation and 'agreements' with right holders are undertaken in an environment of duress,* where people will have no choice but to sign documents and little power to be able to negotiate for better compensation.

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<sup>1</sup> From a statement made by Zodwa Nsibande from Durban during the exchange workshop.

The following section explores each theme in more depth, drawing some examples from the cases:

### **Compensation that is promised to the people at the time of the eviction (usually serviced land and a house) does not materialise**

The cases show that while some people may receive the compensation if they are linked to the political party in power, and others may not receive the compensation promised. For example in the Santo Domingo case, Yubelkis Matos, resident of Valiente, La Caleta speaks about his mother's eviction from her house near the Columbus Lighthouse project in Santo Domingo. *'After those families were evicted, the government promised to provide them with apartments, but this promise was only kept for some (of course members of the president's political party), and they never gave my mother anything, neither money nor an apartment.'* In Sancaktepe, Istanbul which was one of neighbourhoods visited during the exchange workshop, we heard a similar account where a resident stated that only evictees with relations to political parties have been compensated with new houses.

### **When compensation does reach people it is not enough to replace the value of what was lost due to the eviction**

In Pakistan, the law states that the market value for the property must be given to people whose properties are bought through compulsory purchase. In the Lyari Expressway area in Karachi, people who owned a leased residential property were given a compensation of 80 square yard plots in the relocation area and 50,000 rupees (590US\$) to cover the costs of construction. There are two points to be made here in relation to replacement value: 1) people claim that the current market value of the houses is much higher than what is being offered by the government (and thus are fighting this in the Supreme Court); 2) The 50,000 rupees is in reality only enough to cover the costs of construction up to the plinth level and thus the rest of the costs must be covered from the evictees' own money. Furthermore the relocation sites have water supply problems and some parts still do not have access to sewage, gas and electricity seven years after the relocation.

In Istanbul, the people from Kurtköy who were evicted during the demolitions in 2005, had to pay between 32,000 TL and 70,000 TL (20,800 USD – 45,500 USD) in instalments over 10 years to receive a new house with legal title from the government. While people may have been compensated a small amount for the value of the materials used to build their original house, this is a very small amount in comparison to the amount that must be paid for the new house.

In Egypt, farmers had been offered different lands in exchange for the lands they held under guardianship. However, people did not want to accept these lands because they were not considered to be as fertile or good for farming as the lands that they held.

As the China case shows, people who were evicted from Nongkou village were offered compensation only for the value of the agricultural income from the land for up to 30 years. However, as is stated in the case text, "lost agricultural income is fiction since the inhabitants had long ceased to sustain themselves by agriculture, which had become impossible after much of their land had been taken in the early 1990s."

### **Relocation areas are too far away from the original settlement and too far away from the city**

For all those who have had to endure relocation to a far away location following eviction, this has been a very tough road for them. Some people may be committed to staying in the new place because they have a chance to become a legal owner of a house. Even so, for most people the difficulties of life in the new place make it impossible for them to stay there. For example in Karachi, the Lyari Expressway area was adjacent to higher income areas where many of the women were employed in the houses of middle and high-income people and also worked as seamstresses at home through piecework. Both of these livelihood activities were dependant on the women's location in Lyari being adjacent to income earning opportunities. Once they relocated to the new areas they lost these possibilities for extra income.

**Negotiations for compensation and ‘agreements’ with right holders are undertaken in an environment of duress**

Another very serious problem with relocation is that even if people sign an agreement to sell their property or an agreement for compensation, it cannot be taken that that person has signed the agreement on their own free will. Coercion and intimidation are commonplace during the negotiations. In Turkey for example, owners cannot usually negotiate collectively for compensation, but rather negotiations take place on an individual basis and behind closed doors, placing the owner at a serious disadvantage. In China, people are not eligible to have independent legal representation and put themselves and their families at great risk if they oppose the government’s offer for compensation.

This list of themes and their supporting examples from the cases offer a limited glimpse into the realities of relocation by forced eviction, based on the words of the people. This list is by no means exhaustive nor representative of all the problems people faced with relocation are struggling with, but it does show that there are some very serious problems with relocation and that these problems have long-term and irreversible effects on people’s health and on their lives and the lives of the children and youth. While policies of relocation may seem fair and just on paper, the reality of what happens to people who are forced to relocate is much different.

## USEFUL WEB RESOURCES

### Web resources linked to individual cases

#### Buenos Aires

University of Buenos Aires - Faculty of Architecture, Design and Urbanism (Extension)  
[www.fadu.uba.ar/extension](http://www.fadu.uba.ar/extension)

#### Durban

Abahlali baseMjondolo  
[www.abahlali.org](http://www.abahlali.org)

#### Egypt - Mirshāq and Sarandū

Housing and Land Rights Network – Habitat International Coalition  
[www.hlrn.org](http://www.hlrn.org)

Solidarity Committee with Agrarian Reform Farmers (Arabic)  
[www.tadamon.katib.org](http://www.tadamon.katib.org)

#### Istanbul

Housing Rights Coordination (Turkish)  
[www.konuthakki.com](http://www.konuthakki.com)

#### Karachi

Urban Research and Design Cell, Department of Architecture and Planning, NED University of Engineering and Technology  
[www.neduet.edu.pk/arch\\_planning/mainpage.htm](http://www.neduet.edu.pk/arch_planning/mainpage.htm)

Urban Resource Centre  
[www.urckarachi.org](http://www.urckarachi.org)

#### Porto Alegre

National Movement for Housing Struggle (MNLN) (Portuguese)  
[www.mnlm.net](http://www.mnlm.net)

Utopia e Luta Autonomous Community (Portuguese)  
<http://utopia-e-luta.blogspot.com/>

### General web resources

Asian Coalition for Housing Rights  
[www.achr.net](http://www.achr.net)

Building and Social Housing Foundation  
[www.bshf.org](http://www.bshf.org)

Centre on Housing Rights and Evictions  
[www.cohre.org](http://www.cohre.org)

Committee on Economic, Social and Cultural Rights, General Comment n°7: The right to adequate housing: forced evictions (art.11 (1))

[www.unhchr.ch/tbs/doc.nsf/\(symbol\)/CESCR+General+Comment+7.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(symbol)/CESCR+General+Comment+7.En?OpenDocument)

Development Planning Unit - University College London

[www.ucl.ac.uk/dpu](http://www.ucl.ac.uk/dpu)

Habitat International Coalition

[www.hic-net.org](http://www.hic-net.org)

Housing and Land Rights Network – Habitat International Coalition

[www.hlrn.org](http://www.hlrn.org)

International Alliance of Inhabitants

[www.habitants.org](http://www.habitants.org)

No-Vox network of grassroots social movements and organisations

[www.no-vox.org](http://www.no-vox.org)

Red Hábitat Regional (Regional Habitat Network)

[www.rhregional.org](http://www.rhregional.org)

Shack / Slum Dwellers International

[www.sdinet.org](http://www.sdinet.org)

Special Rapporteur on Adequate Housing - section on forced evictions

[www2.ohchr.org/english/issues/housing/evictions.htm](http://www2.ohchr.org/english/issues/housing/evictions.htm) (section on forced evictions)

UN-HABITAT Advisory Group on Forced Evictions

[www.unhabitat.org/content.asp?typeid=19&catid=24&cid=3480](http://www.unhabitat.org/content.asp?typeid=19&catid=24&cid=3480)

Annexes

## **ANNEX 1: Guidelines for documenting and reflecting on how people face evictions**

### **Introductory note**

This guide is designed to assist in documenting how people are facing land and housing evictions. It is part of a project with organisations and popular movements in a few cities around the world to document, reflect upon and share experiences of struggles against evictions, including how groups are securing rights to adequate housing, legal security of tenure and freedom from arbitrary destruction and dispossession. Most of these organisations are part of groups, movements or international organisations and networks such as the International Alliance of Inhabitants, No Vox Network, Asian Coalition for Housing Rights (ACHR), SDI, COHRE, HIC, etc. The project is coordinated by Yves Cabannes, of the Development Planning Unit (DPU) – University College London, with the assistance of Cassidy Johnson, also of the DPU (<http://www.ucl.ac.uk/dpu>). The project is being supported by the Building and Social Housing Foundation (BSHF) (<http://www.bshf.org>) with the involvement of Silvia Guimarães Yafai.

To date, experiences of resistance and struggles against eviction have been documented in the cities of Porto Alegre (Brazil), Istanbul (Turkey), Santo Domingo (Dominican Republic), Karachi (Pakistan), Durban (South Africa), Hangzhou (China), Dahkalyah and Buheira (Egypt) and Buenos Aires (Argentina) and an exchange seminar was held in Istanbul in February 2010 with representatives of each of the participating cities.

This guide is intended as a tool to help document your experience of struggle against evictions and to help you to reflect upon it, but at no time is this guide a questionnaire in which 100 per cent of the questions need to be answered. The information collected will provide inputs and components for writing a story (written in a simple format, of about 15-20 pages in length), which is what is expected of each participating organisation. It is recommended to include quotes from people, to give more strength and more life to the story. Each document can refer to more than one case of evictions that have happened in your city. The first part of this guide is designed to reflect on the individual cases of evictions, while the second part of this guide is more to help the reflection from a number of cases documented.

This guide is divided into three parts:

- (1) The first aims to help to inform about your city, neighbourhood or village where the evictions are happening and the evictions processes that are/were taking place.
- (2) The second part contains a series of questions to help reflect on your experience in facing evictions.
- (3) The third part provides information on the message you want to convey to other groups facing similar issues.

### **Part 1: Creating awareness of your city, your neighbourhood and the eviction process**

Inform about your city, your neighbourhood or your village and the eviction process.

#### **1.1. The city or the village**

1. Name of your city or village:
2. Name of your neighbourhood:
3. Number of inhabitants in the city and in the neighbourhood where the evictions are happening:
4. Number of people living in sub-standard housing (explain conditions of overcrowding, location in areas of risk, low-quality building materials, etc.):
5. Main problems experienced in daily life for people in the city and in the neighbourhood:



## **1.2. The neighbourhood**

6. Name of your neighbourhood (how is it known by the people):
7. What is the strategic value of the area (local, international)? What is around the area?
8. Brief description of the neighbourhood, for example:
  - How many houses or lots? Services existing and missing?
  - How many companies? What kind?
9. Proportion of owners and tenants (and other forms of housing tenure). Please give details here.
10. Tell in a few words the history of the neighbourhood.
11. Try to provide (a) a location map of the neighbourhood within the city or the metropolitan area, (b) a map of the neighbourhood, and (c) mark the areas and houses destroyed and that are/were under threat of eviction.

## **1.3. People living in the neighbourhood**

12. Who are the people? Where do they come from? Ethnic or religious diversity?
13. What do people do to live and survive?
14. Provide information and details considered appropriate to promote the uniqueness of the neighbourhood.

## **1.4. The evictions**

15. What is the name of the affected community?
16. What is the location of the affected community? (Indicate as accurately as possible.)
17. Approximately how many people or families are affected? (If possible, indicate how many men and how many women.)
18. What are the key dates and events in the eviction process and what steps have been taken in the resistance? What are the key developments that have taken place so far?
19. Which events do you see as negative actions [by whom? The perpetrators? Mistakes by the defending organisation?]?
20. Which events do you see as positive actions?
21. What are the reasons that officials have given for the eviction? Who gave those reasons?
22. Who executed or is executing the eviction (person, authority, organisation, or group)? Can you provide names of these people or organisations?
23. Land Tenure: Provide any information you consider relevant, including, who owns the land? Are people renting? Have the people lived on the land for a long time?
24. Has there been any violence or threat of violence? If yes, describe.
25. What upcoming events are planned? (For example, the date of threatened eviction, the date of a court case pending, etc.).
26. What steps should be taken to prevent the eviction, and how and by whom?
27. Are there any support organisations or NGOs working in partnership with the affected community? If so, what are their contributions to date (give names and contact details of the most important).

28. Are there any possible alternatives to eviction in this situation? Who proposed these?

### 1.5. The reparation and relocation process (explain)

29. If the eviction has already been carried out, what kind of reparation, or payment for damages, have you sought out?
30. Have the people who were evicted been relocated? Where and how? What options (if any) were given to residents (e.g. compensation, relocation, etc)?
31. What are the conditions for relocation? How did you negotiate (in case you did)?
- Explain the conditions for relocation, if any, in terms of the time frame to relocate, transportation to the new site, storage for belongings in the meantime, etc. and/or about the living conditions in the new place. It might be useful to have information on the new housing conditions, access (or not) to services and employment opportunities, etc.
  - Did the relocation take place at a time after replacement housing and services were already in place at the relocation site?
  - Did the relocation involve compensation for damages and losses in the process?
  - Did the relocation involve economic, health, vocational or other needed forms of rehabilitation?
  - Do relocated residents hold legally secure tenure in the new location?

### 1.6. Next steps

32. What are the FUTURE steps that you are going to take?

## Part 2: Reflections on the struggle and on the experience

Here are some questions to help you reflect on your struggle. Do not feel obligated to answer each one. You can also add any other comments you think are important to make clear to other people the content and direction of the struggle.

### 2.1. The resistance

1. How is it organised? Who has participated in the resistance?
2. What was the role of women? Of men? Of youth?
3. For how long has the resistance taken place?
4. What have been the key events and developments?

### 2.2. The legal battles and struggles

Explain the legal process involved, if any, in order to avoid the eviction or threat of eviction.

5. Have you employed constitutional provisions or local laws to defend against the eviction?
6. Have you employed international human rights norms (eg. Human rights treaties that your state has ratified) to defend against the eviction?
7. What legal battles have you been involved in?

8. What have you achieved though these legal battles?
9. Who did you work with?
10. What has been the role of the lawyers, NGOs, legal organisations?

### **2.3. Negotiations**

11. Who negotiates for the community and who is participating in the negotiations? (you directly as a community? or through others?)
12. With whom have you been negotiating?
13. Tell about the key events and developments in the negotiation.
14. What have you learnt through the negotiation process?
15. What has been obtained concretely?
16. What have been the main difficulties?
17. Have demands changed over time? What claims remain to be fulfilled?

### **2.4. Building rights through your struggle**

18. Do you think you have contributed to building rights such as housing rights, land rights or right to the city? How?
19. Have you approached international bodies or other human rights mechanisms to confront the evictions and uphold rights? (For example, UN Special Rapporteur on adequate housing, treaty bodies, a regional human rights commission, UN agencies, etc.)

### **2.5. Mobilisation, campaigning and alliances**

20. What has been done to mobilise people within your community?
21. With which organisations do you ally? With whom do you not ally?
22. What are your links with political parties? Have they been involved? What kind of support did they bring?
23. What are your links with other social movements? Have they been involved? What kind of support did they bring?
24. Do you belong to a platform, network or partnership that exists at the city or national level? What are some examples of effective support from these networks, platforms or alliances?
25. Have you provided support to other networks, platforms or alliances (i.e. are there cases in which you have helped other groups facing similar situations)
26. Do you belong to a platform, network or partnership that exists at the international level? What are some concrete examples of support from these networks, platforms or alliances?
27. What kind of campaign or mobilisation do you do outside of your community? What do you expect from your campaigns, or from people outside your community?

### **2.6. Your struggle beyond evictions**

28. Does your battle go beyond obtaining or securing a house or land?
29. Which elements of reparation do you seek/ claim/ demand?

30. Do you want to change the [legal, policy, etc.?] system, or do you think you can solve this problem within the existing system, however unfair it may be?

## **2.7. Building policies and changing the legal and institutional framework**

31. Have you been contributing to the formulation, implementation and monitoring of new policies for land, housing, and/or urban policy?
32. At which levels? Local, regional, national?

Give details, such as dates, number of law, title of the development plan, etc.

## **2.8. Would you like to add any further information or comments?**

## **Part 3: Information, communication, exchange**

### **3.1. Exchanges with others**

1. What would be your key message to other organisations that are struggling against evictions?
2. What do you expect from other organisations that are struggling?

### **3.2. Your contact (name, mail, phone, etc.)**

### **3.3. What are the existing sources of information about this eviction? (Contacts, news, links to websites, others)**

### **3.4. Please attach any relevant documents and images**

For more information:

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## **ANNEX 2: List of participants in the exchange seminar**

### **How People Face Evictions**

*Exchange Seminar: 4 – 7 February 2010, Istanbul, Turkey.*

#### **International Participants**

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**Cristina Reynals**, Federación de Villas, Núcleos y Barrios Marginados, FEDEVI (Federation of Informal Settlements and Low-income Neighbourhoods), ARGENTINA

**Bilma Acuña**, Asociación Civil David Echegaray, ARGENTINA

**Eduardo Solari**, Comunidade Autônoma Utopia e Luta (Utopia and Struggle Autonomous Community), BRAZIL

**Edymar Cintra**, Movimento Nacional de Luta pela Moradia, MNLM (National Movement for Housing Struggle), BRAZIL

**Gilmar Xavier Avila**, Movimento Nacional de Luta pela Moradia, MNLM (National Movement for Housing Struggle), BRAZIL

**Juana Iris Rivera**, Board of Residents Nueva Dimensión / Consejo de Desarrollo Comunitario, CODECOC (Council for Community Development), DOMINICAN REPUBLIC

**Pedro Franco**, COOPHABITAT – Coordination of Urban People’s Movements, DOMINICAN REPUBLIC

**Basheer Sakr**, Peasant Solidarity Committee, EGYPT

**Dr Hassanein Kishk**, National Centre for Social and Criminal Research, EGYPT

**Suneela Ahmed**, Department of Architecture and Planning, NED University of Engineering and Technology, PAKISTAN

**Tariq Aziz**, Hasan Aulia Welfare Society, PAKISTAN

**Zodwa Nsibande**, Abahlali baseMjondolo, SOUTH AFRICA

#### **Organizers**

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**Köksal Dogan**, Housing Rights Coordination, TURKEY

**Birsen Kaya**, Housing Rights Coordination, TURKEY

**Cassidy Johnson**, Development Planning Unit (DPU/UCL), UNITED KINGDOM

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**Silvia Guimarães Yafai**, Building and Social Housing Foundation, UNITED KINGDOM

**Yasar Adanali**, DPU Associate, TURKEY

The exchange seminar also included the participation of various social organisations and individuals in Istanbul engaged in struggles for adequate housing and against evictions including, among others, the Socialist Platform for the Oppressed (ESP), the Housing Rights Coordination, the Chamber of Architects, Association for the Social, Economic and Environmental Conservation of Karadolap Neighbourhood, Neighbourhood Association of Sancaktepe-Akpınar, Marmaray Labourers, Muhtars from Alibeyköy and residents and associations from Kurtköy and Ayazma and several other neighbourhoods in Istanbul.