

Prospects for the Arab City Facing the Multiple Challenge of War, Conflict, Social Cohesion and the Fulfillment of Human Rights

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I. Introduction

Despite international norms and standards for the “civilized” conduct of war, conflict in the 20th century “has been the history of the destruction of cities.”¹ In the ESCWA region, conflict has had multiple and diverse effects of cities. Tremendous physical destruction and various human and economic losses characterize cities subject to military operations. However, internal and cross-border conflict in the region also has affected most major cities distant from battle, particularly by the involuntary movement of literally millions of people in the past seven decades. Urbanists may ultimately characterize that consequent reshuffling of population, exchange patterns, financial flows and new construction of housing and other structures as positive and affirmative “growth” of the city. Amman and Beirut, the region’s two major cities most continuously affected by conflict-induced displacements, have multiplied in population, spatial reach and environmental impact as a result.

Mixed with these physical changes in cities is the escalating challenge of social cohesion. With the region as a transcontinental crossroads, conflict, instability and unequal distribution of resources within the ESCWA region and in adjacent regions have generated human waves. Not least of these consequences arises from the movement of migrant labor, which pool consists of both voluntary migrants and those forced to seek livelihoods outside of their conflict-torn and/or poverty-stricken homelands.

Urban policy makers, managers and technicians also face a common challenge of constant readiness to accommodate both incremental and abrupt population shifts toward cities. Disaster management figures prominently, demanding both remedial and preventive approaches to the urban consequences of the dominant will to wage war, as well as the predictable and unpredictable causes of flood, earthquake, the results of hazardous wastes, and the minefields remaining from previous conflicts in countries such as Lebanon, Egypt, Iraq, Jordan, Kuwait, Saudi Arabia and Yemen. Israel continues to refuse to provide mapping information of its land mines in territories that it occupies (e.g., Golan Heights).

Natural disaster prevention involves establishment of databases, digital maps, remote sensing and geographic information systems to help the decision-makers to formulate the best strategies possible.² In the case of recent earthquakes, the Egyptian government has undertaken to rebuild settlements with the cooperation of international organizations, providing emergency shelters and services for the immediately needy. The disaster-sensitive areas are being replanned.³ Ironically, techniques for preventing or remedying human-made disasters remain stubbornly theoretical and less developed in practice.

In most cases, cities are relegated to policy that reacts to symptoms of population displacement, but rarely are able to address the causes. In order to meet the challenges at the causal level, the larger policy context of state responsibility and international cooperation are crucial.

ESCWA-region states are variously dedicated to international cooperation, including through binding treaty obligations and other commitments. For example, the Istanbul Declaration on

Human Settlements, the Habitat II Agenda and the strategies for their implementation revolve around three main themes: (a) adequate shelter for all, (b) sustainable human settlements in an urbanising world and (c) recognition and reaffirmation of “the full and progressive realization of the right to adequate housing as provided for in international instruments.”⁴ Arab states also affirmed and reaffirmed these themes and commitments in their Rabat Declaration (1995)⁵ and al-Manama Declaration (2000).⁶

Reflecting this normative background, Habitat II endorsed important progress in the approach to human settlements, acknowledging the need for guiding urbanization, rather than preventing it.⁷ That accommodation to seemingly inevitable densification is simultaneous with the net deterioration of the rural communities, which host 70% of the region’s poverty, and where is found the single greatest nonmilitary factor in urban-destined migration across the region. Coincident with the urbanization bias in national and international development agencies, the inability of people to subsist on their land figures as a major source of the urban challenge needing greater and more-integrated policy attention and public investment.⁸ Nonetheless, “development” and “urbanization” are assumed to be synonymous terms, and calls for rethinking that bias and, instead, deurbanization and the restoration of disappearing peasantries remain remote to the urban agenda.⁹

Applicable to situations of both peacetime and war, domestic development as well as international development assistance, the region’s states variously have bound themselves to human rights, humanitarian and environmental norms and the corresponding obligations enshrined in relevant treaties. The following table summarizes this framework of obligations, which serve as a mandatory basis for state and local-government policy.

| ESCWA-region Ratification of Relevant Treaties | | | | | | | | | | | | | | |
|--|---------|-------|------|----------------------|--------|--------|---------|------|-----------|-------|--------------|-------|-----|-------|
| | Bahrain | Egypt | Iraq | Israel ¹⁰ | Jordan | Kuwait | Lebanon | Oman | Palestine | Qatar | Saudi Arabia | Syria | UAE | Yemen |
| UN Human Rights Treaties | | | | | | | | | | | | | | |
| ICESCR | | X | X | X | X | X | X | | | | | X | | X |
| ICCPR | | X | X | X | X | X | X | | | X | | X | | X |
| CERD | X | X | X | X | X | X | X | X | | | X | X | X | X |
| CEDaW | X | X | X | X | X | X | X | X | | | X | X | X | X |
| CRC | X | X | X | X | X | X | X | X | | X | X | X | X | X |
| MWC | | X | | | | | | | | | | X | | |
| Regional Instruments | | | | | | | | | | | | | | |
| Arab HR Charter | X | | | | X | | | | X | | | | X | X |
| ILO Conventions | | | | | | | | | | | | | | |
| 21: Inspection of Emigrants Convention, 1926 | | | | | | | | | | | | | | |
| 48: Maintenance of Migrants' Pension Rights Convention, 1935 | | | | X | | | | | | | | | | |
| 66: Migration for Employment Convention, 1939 | | | | | | | | | | | | | | |
| 87: Freedom of Association & Right to Organise (1948) | | | | X | X | | | | | | | X | | X |
| 97: Migration for Employment (Revised), 1949 | | | | X | | | | | | | | | | |

| | | | | | | | | | | | | | | |
|---|---------|-------|------|-----------------|--------|--------|---------|------|-----------|-------|--------------|-------|-----|-------|
| 107: Indigenous and Tribal Populations Convention, 1957 | | | X | | | | | | | | | X | | |
| 141: Rural Workers' Organisations Convention, 1975 | | | | X | | | | | | | | | | |
| 143 : Migrant Workers (Supplementary Provisions) Convention, 1975 | | | | | | | | | | | | | | |
| 169: Indigenous and Tribal Peoples Convention, 1989 | | | | | | | | | | | | | | |
| 182: Worst Forms of Child Labour Convention, 1999 | | | | X | | X | | | | | | | | X |
| International Humanitarian Law / Law of War | | | | | | | | | | | | | | |
| Hague Regulations (1899) | | X | X | X | | | X | | | | | | | |
| Hague Regulations (1907) | | X | X | X ¹¹ | X | X | X | | | | X | | | |
| Geneva 1–4 | X | X | X | X | X | X | X | X | | X | X | X | X | X |
| International Criminal Law | | | | | | | | | | | | | | |
| Genocide Convention | X | X | X | X | X | X | X | | | | X | X | | X |
| <i>Apartheid</i> Convention (1974) | X | X | X | | X | X | | X | | X | | X | X | X |
| Rome Statute (1998) | | | | | X | | | | | | | | | X |
| Protocol on Smuggling Migrants (2001) | | | | | | | | | | | | | | |
| Human Trafficking (2003) | | | | | | | | | | | | | | |
| Refugee Law | | | | | | | | | | | | | | |
| Refugee Convention 1951 | | X | | X | | | | | | | | | | X |
| Refugee Protocol (1967) | | X | | X | | | | | | | | | | X |
| Refugees in Africa Convention (1974) | | X | | | | | | | | | | | | |
| Environmental Law | | | | | | | | | | | | | | |
| Kyoto Protocol (1997) | X | X | | X | X | X | X | X | | X | X | X | X | X |
| Desertification Convention (1992) | X | X | | X | X | | X | X | | X | X | X | X | X |
| | Bahrain | Egypt | Iraq | Israel | Jordan | Kuwait | Lebanon | Oman | Palestine | Qatar | Saudi Arabia | Syria | UAE | Yemen |

a. Research scope and methodology

This chapter explores the key issues arising from population upheaval as it affects the Arab cities of the ESCWA region. It does so with the framework of these (above-cited) internationally agreed-upon standards, which apply to the combined challenges of conflict, migration and cohesive social development, whatever the cause. At the same time, these standards also inform the lines of accountability and normative response. The absence of such a framework would allow little more than storytelling, and not permit such a report to offer normative policymaking guidance for those official and civil parties who demand it. The lessons gathered from the regional landscape and decades of experience coincide with the law, as criteria of statecraft, in order to devise fair treatment, rights-based development and sound solutions for succeeding generations.

The sources for the present study include published documentary, legal and analytical references cited in their original. Many of those sources augment a basic set of ESCWA-provided references, taking into view the agency's state-oriented regional and country-specific findings

and crossanalyses. Much valuable information was gleaned also from current research in forced migration and refugee studies carried out in and outside the region.

By necessarily applying the international law framework, central governments are particularly implicated as bearing principle responsibility—and authority—in this chapter’s methodological approach. Thus, the study considers policy formulation and implementation in ESCWA cities within their larger context of the state’s obligations under human rights treaties and other international legal norms. These norms also should contribute to the lively debate over decentralization and privatization policies, which have effect on state’s rights, responsibilities and authorities, and the inhabitants’ corresponding responsibilities and their enjoyment of human rights. These rights include not least the individual and collective right to participation and a bundle of economic/social/cultural rights.¹²

a. Paper Structure

In an effort to achieve practical utility, this paper applies the above-mentioned framework, in order to enhance the understanding of what is to be done in the face of regional trends and dimensions of population movements in relation to Arab cities in western Asia. The regional scope also reveals peculiar advantages and disadvantages for cities affected by population displacement, as well as the concomitant policy challenges. Therefore, the chapter reflects these equivocating factors by way of local examples.

The policy consequences of these trends inform the second part of the chapter. It recognizes and addresses some of the policy challenges that local and central governments face. The Conclusion at the end of the chapter also relies on applicable regional and international norms to the extent that they can serve central and municipal governments in managing both the negative and positive changes that population displacement and migration inflict on Arab cities. For part of the solution may lie in customary and conventional principles of international cooperation and reparation, as codified in international law and affirmed by global state practice.

b. Refugees and Internally Displaced Persons (IDP)

Globally, the world’s displaced population is 48.3 million and growing.¹³ The refugee figure for 2006 rose to its highest in five years, and the number of stateless persons (5.8 million in 2006) had more than doubled the previous year’s figure. As of 2006, the world’s top five countries generating new displacement were Lebanon, Israel, Democratic Republic of Congo, Iraq and Sudan.¹⁴

In the heavily implicated ESCWA region, such displacement, in addition to voluntary migration, has swelled the populations, economies and environmental footprint of cities manifold since 1900. That human wave has involved intrastate and interstate patterns of population displacements, as well as growing refugee and migrant influxes from outside the region as well.

While this treatment offers a snapshot of crisis-generated migration to cities in the region, the situation, by nature, is fluid and ever changing. Refugees, displaced persons and migrants have merged with the urban populations in forms that challenge quantification methodologies. In the 2006 *State of the Worlds Cities* report, UN Habitat newly identified an emerging category of this urban population growth. Besides the natural (core?) population growth of urban centers and the identifiable rural-urban migration, cities commonly feature also the official incorporation of previously informal peripheral (periurban) zones into the municipal jurisdiction. Counting that

additional category of urban population growth actually may be a new category of administrative response to sprawling municipal realities, rather than a new and exotic category of urban habitation. The newly incorporated areas are typically inhabited also by urban core-to-periphery shifts, as well as rural-to-urban displacement and newly arrived migrants from further afield. Distinguishing them numerically would be difficult.

| IDPs in ESCWA Region | |
|-----------------------------|----------------------------|
| Iraq | 2,256,000 |
| Syria | 305,000 |
| Lebanon | 248,000–800,000 |
| Israel | 150,000–420,000 |
| oPt | 24,500–115,000 |
| Yemen | 30,000–35,000 |
| Total | 3,013,500–3,931,000 |

A statistical survey of the situation of forced migrants in the Muslim world reveals that almost half of the world's refugees in 2005 originated from states in the Organisation of Islamic Conference (OIC), and approximately 4 million of those same persons are being hosted in the Muslim world. Of the world's 26 million internally displaced persons, 15 million are displaced inside the Muslim world. The OIC countries host 53%, or a total of 19 million (IDPs and refugees combined), forced migrants out of a world total of 36 million. Meanwhile, the commitment of the ESCWA states to legal protection and assistance instruments of international law shows that 35 of the 57 OIC member states (61%) have signed both the Refugee Convention and the Optional Protocol. However, only two of those are ESCWA states.¹⁵

The trend also confirms that both urban centers and peripheries recently have become home to growing numbers of extraterritorial (Arab and non-Arab) refugees and voluntary migrants. While this process involves greater diversity of urban populations, it coincides with a widening gap between rich and poor with economic fault lines not necessarily corresponding neatly to other classification of indigeneity, longevity in a place or national origins. In general, however, refugees, displaced persons and migrants form the most vulnerable pockets of the population in any country. Much of the displaced populations have concentrated in cities, and research reveals that the majority of all IDPs face “serious threats to their physical safety.”¹⁶

Simultaneously, entire states in the ESCWA region are reporting high rates of local population growth, also streaming into the cities. Most notably, Egypt's population has been growing rapidly over the past few decades, doubling from 36 million, in 1976, to just over 70 million in 2006. At the present rate,¹⁷ an additional 26 million inhabitants are expected in Egypt by 2021, without projecting significant population displacements. The numbers alone pose a daunting challenge to the Government of Egypt (GoE), particularly as its annual economic growth rate is unlikely to top the 9% needed only to maintain the conservatively estimated 19% unemployment rate (with 560,000 new job seekers each year).

This ominous Egyptian pattern is symbiotic with the crisis in the countryside, where a land-privatization ideology has been enshrined in legislation (Law 96 of 1992), resulting in the destitution of some 7 million rural Egyptians in the past ten years, and contributing to yearly increases in basic food imports. To add to the magnitude of the challenge facing Egyptian cities and state, the GoE estimates that, between 2005 and 2017, the country will need 5.3 million new housing units, of which 3.7 million affordable units are for low and moderate income households.¹⁸

The Egyptian challenge is illustrative, but not unique among Arab states or other developing countries. The urge to privatize public assets and services adds to the pressure to accommodate the migratory population increase and create jobs and develop land that is expected to fall on large and still-burgeoning cities. Over the past few decades, the region's cities have experienced

very rapid population growth that has far outpaced central and local government's ability to deliver services and plan adequately for development, let alone "adequate shelter for all." To throw up one's hands and privatize public responsibilities often only exacerbates the problem and squanders sovereignty.

The globalized advance of privatization is shifting responsibility and authority from states, providing instead an option for authorities to sell off municipal services to (usually foreign) private operators, rather than develop and improve the efficiency of state enterprises to the continuing service of compatriots. Privatization, however, supplants the option for the authority to develop needed capacity, removes state duties and authorities in the daily interaction with inhabitants, and often renders physical and economic access to vital services more elusive for vulnerable and low-income populations. Unless adequately regulated in subsidiarity that conforms with the state's human rights obligations, the new, private service provider does not prioritize its service delivery on the basis of human need, but follows a profit motive. Privatization without corrective social policies threatens to transform the prospect of the city as haven into a poverty trap, containing refugees, migrants, displaced and other vulnerable populations in a cycle of mounting expense and exclusion with declining living conditions.

The weakening of central government also enables the breakdown of administrative state formations into smaller units, potentially corresponding to ethnic pockets that conform with displacement and population transfer. A now-infamous vision of civilian policy makers at the Pentagon in the United States, summarized in a document entitled "A Clean Break," imagines the replacement of the Arabic state system with smaller, more-competitive, ethnically exclusive administrative units, which configuration would facilitate perpetual manipulation and control by external forces.¹⁹ Further and more-imaginary versions have appeared lately by U.S. diplomatic, political and military authors, redrawing Middle Eastern borders to replace the existing states.²⁰ In a region where citizenship as the basis of rights and responsibilities without discrimination has not sufficiently evolved, biased policies and nepotistic practices of state could aid from within such an externally engineered fragmentation scenario. Making these radical adjustments more thinkable is the real context of increasing population displacement, especially if sectarian vengeance and land disputes are not urgently diffused for the common good.

The vulnerable populations also find themselves in cities cohabiting with several institutional challenges common to the region, including:

- (i) *Inadequate infrastructure and municipal services*, as delivery and management mechanisms have not managed to cope with the increased population pressure on cities with limited funding for investment from both central and local authorities;
- (ii) *Inadequate capacity within governorates for participatory strategic planning, urban management and service delivery*, as a result of local authorities' limited decision-making powers and fiscal autonomy, and civil servants' limited capacity;
- (iii) *Inadequate public-private partnership frameworks for land development and service delivery*, characterized by poor and often noncompetitive practices at the local level;
- (iv) *Inadequate land policies* that, over years, have led to: (a) inadequate titling systems for land and real estate in urban areas, (b) weak land and property taxation systems and (c) complex institutional and regulatory frameworks governing public land management;

- (v) *Inefficient affordable housing systems* that focus on public supply of housing and are characterized by ineffective targeting and inconsistencies in subsidies that cover a high percentage of the total development cost per unit and, consequently, cover only a small percentage of the estimated need, with the informal sector filling the gap in housing development and self-financing with the social production of habitat;
- (vi) *Increasing number and size of squatter settlements* as a result of issues above, where government interventions so far have focused only on the provision of some basic infrastructure without an overall strategy for socioeconomic development and integration of the impoverished segment of citizens and other inhabitants;²¹
- (vii) *Underdeveloped policies needed to support “social production of habitat,”* in which government enables a greater choice of options for informal inhabitants to design, implement and manage their own housing and community-development solutions without threat of dispossession and forced eviction;
- (viii) *Intensifying real estate speculation, insider trading and official corruption,* which foreclose fair-trade and affordable opportunities for housing and land rent and purchase by lower-income inhabitants and citizens in areas slums that outlaw and/or extremist social organizations dominate;
- (ix) *Short-sighted and expedient legislation* to “modernize” rent and mortgage structures and privatize housing such that rewards property owners and disadvantages low-income and immigrant populations seeking more-flexible options;²²
- (x) *Lack of law or regulation recognizing the social function of property and socially generated values;* whereas, regional states and their civil societies remain far behind trends elsewhere (e.g., Latin America), despite important aspects of cultural specificity in the ESCWA region supporting such legal development,²³ to adopt constitutional and statutory provisions ensuring the transfer of surplus values derived from rezoning and the use of idle properties to support public projects that improve the living conditions of impoverished inhabitants.²⁴

The high natural population growth in Egypt, Palestine, Jordan, Syria and Yemen have added to the already-existing housing crisis in those countries. Unfortunately, some of these factors were treated as temporary and foreign problems to the countries concerned, and this narrow policy vision has resulted in an acute crisis in the supply of the low-cost housing.²⁵ Partly as a consequence, high-cost housing is in abundance. The exceptionally wealthy foreign refugees and migrants—from outside and within the region—can spike demand and drive up rents generally. A larger pool of low-income locals and impoverished migrants understandably resent that added inflationary pressure. The property speculators who earlier overbuilt unaffordable housing now take relief in it.

A combination of war, conflict, official repression, “population transfer,” poverty and trade internal and external to the region has pushed new and more-diverse populations to Arab cities in western Asia. Within such overlapping factors, various categories of mobile humans characterize the growing population in Arab world cities. Our legal framework produces a typology that explains and, in important ways, guides regional and international research and management of the common challenges

Such references are seemingly little considered in ESCWA. One indicator of the low priority given to this framework is the dearth of indigenous centers of learning or services concerned with

refugees, migration and displacement. For instance, no indigenous educational institution in ESCWA teaches refugee law.²⁶ However, recent developments have spawned some important exceptions.²⁷

Sharing the internationally agreed meanings of some relevant terms and concepts is important to establish a symmetrical discussion. That discussion would contribute to prioritizing programs and policies for cities dealing with significant population shifts. Those terms and concepts also intend to identify the locus of rights and corresponding duties in a rational way. They are found in annex to this chapter.

II. The Effects of War and Conflicts on Cities and Urban Settings

The Palestinian refugees in countries neighboring Palestine is by far the most-striking example of systematic, war-induced population transfer in the region since the Armenian genocide nearly one hundred years ago. But there are historic others. The legacy of forced migration and resettlement in western Asia is a tale at least as old as the Assyrian Empire (1920–612 B.C.E.), but that long human story remains understudied from the perspective of cities.

No single set of indicators has been developed to assess the effects of war and conflicts on cities and urban settings. Rather, a variety of estimates with varying degrees of methodological rigor have attempted to quantify physical losses, with criteria derived in locally specific ways. For example, the characteristics of, effects on and demand for housing stock are different in the oil producing gulf countries of the Gulf Cooperation Council (GCC) from other countries in the region. Costs and losses are influenced by a several factors such as the relative formality of the built-up area, the comprehensiveness of the quantification method, the local will to document the effects and/or an anticipated remedy or compensation.

Consequences of conflict-induced population movements, in a sense, may factor as net gains for cities hosting migrants such as the population of workers and employment-seekers in the GCC countries. The unprecedented flow of refugees from Palestine has developed cities in Lebanon, Syria and Jordan. Jordan has been especially affected by the flow of refugees from the wars over Palestine, Lebanon and Iraq. That influx has been both a burden and a boon. The destruction from the Lebanon civil war, the four Gulf wars (the Iraq-Iran Gulf War, the Iraqi occupation of Kuwait and the subsequent 1991 and 2003 invasions of Iraq) and, to a lesser extent, civil conflict in Yemen have increased demand on the housing stock and living conditions in the region.²⁸ These events have rendered both temporary and permanent consequences for affected cities. Some of the most significant “temporary” conditions have spanned over 60 years.

Displacement and refugees/migrant flows to neighbouring countries resulting from the War on Iraq have affected all neighbouring countries. Often statistical information on actual numbers of migrants is elusive. In Jordan, several international agencies presently are working to ascertain actual numbers of migrants and refugees in the country, including cooperation with the Ministries of Foreign Affairs (MoFA), Interior and Labour. Current estimates vary between 740,000 and 1.3 million.²⁹

a. Political Effects

The movement of large numbers of displaced persons, refugees and migrants can pose political challenges to their hosts. The militarized presence of Palestinian refugees in Jordan and Lebanon

had evolved into autonomous forces that, in turn, had destabilized the local administrative and political order for over a decade preceding 1983.³⁰ In Lebanon, that history has been met with an army-enforced ban since 1982 on building materials entering Palestinian refugee camps, especially in the south.³¹ A formal ban on Palestinian refugee employment dates back as early as 1951.³² Civil conflict in Lebanon and Iraq has caused internal displacement due to ethnic and/or sectarian divisions, translating also as spatial displacements and social fragmentation. In the extreme, this challenges the very premise of the state. (See above reference to U.S. plans for regional fragmentation).

The influx of both refugees from the region and significant labor migration from outside have created a demographic situation in the Arab/Persian Gulf in which the temporary population outnumbers the indigenous people. Today Kuwait and UAE host migrant populations that actually form an alien majority (73% and 80%, respectively). The territory within the 1967 borders of Israel has witnessed the expulsion of most of the indigenous people and their replacement with extraterritorial migrant settlers, earning the State of Israel the region's highest rating for mobility in numbers of persons: in numbers well beyond 100% of the state's official population. The obvious and seminal cause of that displacement has produced another extreme consequence of displacement: the loss of the Palestinian people's self-determination on its home territory. The political consequences are recorded elsewhere over 60 years of a people's struggle over colonization, foreign occupation, dispossession and fragmentation.

b. Economic, Social and Environmental Effects

The multiple consequences of conflict-induced displacement vary from case to case. Of all those in the past century, the dispossession and expulsion of Palestinians since the late British Mandate period have been amply recorded, but brought no closer to resolution. That protracted displacement can be explained in five dimensions:

- The largest wave is comprised of those Palestinians whom Zionist forces expelled from their places of origin in 1948, including Palestinian refugees who receive international assistance from the UN Relief and Works Agency (UNRWA)—“registered refugees”—and other Palestinian refugees not eligible for international assistance.
- The second major wave of Palestinian refugees is comprised of those Palestinians displaced for the first time from their places of origin in the West Bank, eastern Jerusalem and the Gaza Strip (often referred to as “1967 displaced persons”).
- A third category of Palestinian refugees includes those who are neither 1948 or 1967 refugees and are outside the Palestinian territories occupied by Israel since 1967 and unable due to revocation of residency, denial of family reunification, deportation and other Israeli measures, or who are unwilling to return there, owing to a well-founded fear of persecution or other reasons.
- In addition, there are two groups of internally displaced Palestinians, although they are not considered as refugees, since they are not outside the border of their home territory of Palestine (now Israel and oPt).
 - The first includes internally displaced Palestinians who remained in the area that became the state of Israel since 1948;

- The second group includes those displaced in the West Bank, eastern Jerusalem, and the Gaza Strip. The most recent additions to this latter group are the thousands displaced from construction of the Separation Wall across the West Bank.

Meanwhile, Jordanian, Syrian, Lebanese and, to a lesser extent, Egyptian towns became the unsuspecting hosts to Palestinian refugees fleeing the assault of Israeli colonial forces. That combined population has grown to over 3.5 million.³³ Despite popular assumptions, only about a third of Palestinian refugees reside in the jurisdiction of camps.

The economic consequences of such fragmentation are largely quantifiable; however, the loss of social capital and *land* required for production and social cohesion never have been calculated. Only the losses arising from the initial 1947–48 wave of Palestinian refugees has been assessed through the work of the now-defunct Palestine Conciliation Commission.³⁷ Material losses subject to reparation include, but are not limited to, an estimated value of \$327 billion (2001 values).³⁸

No comparable quantification of losses has been conducted for destruction, dispossession and forced migration since 1948. However, subsequent to its resolution on the establishment of a Registry of Damage arising from the Separation Wall,³⁹ the UN General Assembly has followed the International Court of Justice recommendation in its 2004 Advisory Opinion⁴⁰ and specified the international law criteria of reparation.⁴¹ (See “Reparation” below.)

The Six-day War of June 1967 aggravated the refugee situation to the east of Palestine, where roughly 400,000 Palestinians crossed the Jordan River.⁴² The Israeli invasion and occupation displaced some 109,000 Syrians from the Golan Heights⁴³ (now grown to a population of 305,000).⁴⁴ Moreover, the Israeli conquest of the Sinai meant that many Egyptian citizens living there fell under foreign occupation.

Also displaced in war with Israel were the Egyptian “migrants” from the Suez Canal zone who fled between 1967 and 1976, as a result of the Six-day War and “War of Attrition” (March 1969–mid-1970). The number of displaced persons was roughly equal to the ¾ million Palestinian refugees fleeing their towns and villages in 1947–48. However, their economic and social experience was distinct, particularly in that they were fleeing warfare, but not population transfer or ethnic cleansing.

In the Suez Canal evacuations, both the refugees and their host population were of the same nationality, sharing cultural expectations, personal relations and even kinship. The Egyptian government organized some resettlement, while individual and personal relations drove others, relying on social capital and involving the social production of habitat. The displaced persons and

| Palestinian Registered Refugee Population by ESCWA City³⁴ | |
|---|----------------------|
| Lebanon | |
| Ba`albak | 79,564 |
| Beirut | 49,064 |
| Saida | 97,168 |
| Tripoli | 56,523 |
| Tyre | 102,124 |
| Syria | |
| Aleppo/north | 31,113 |
| South | 23,668 |
| Damascus | 332,979 |
| Homs-Hama | 36,890 |
| Jordan | |
| Amman-South | 297,446 |
| Amman-North | 210,287 |
| Irbid | 205,259 |
| Zarqa' | 240,020 |
| Egypt | |
| Cities in Egypt | 70,000 ³⁵ |
| Iraq | |
| Cities in Iraq | 90,000 ³⁶ |
| Palestine (West Bank) | |
| al-Khalil | 158,953 |
| Bethlehem | 40,709 |
| Jericho | 17,576 |
| Jerusalem | 203,082 |
| Nabulus | 292,361 |
| Ramallah | 21,136 |
| Palestine (Gaza) | |
| Jabalia | 172,945 |
| Rimal | 154,058 |
| Zaytun | 123,836 |
| Nusayrat | 112,717 |
| Dhayr al-Balah | 80,086 |
| Khan Yunis | 162,212 |
| Rafah | 155,791 |
| Total: | 3,580,677 |

the evacuees from the Suez Canal cities and the farming villages between Isma`iliyya and Suez produced a spectrum of social processes in the evacuation and absorption of refugees over a period of five to seven years, and then their return to their war-torn cities under reconstruction.

With today's hindsight, the Suez Canal migrations appear as a full cycle of movement in three distinct stages of (1) flight, (2) adaptation and (3) resettlement and/or and return (or integration into the host community).⁴⁵ The homogeneity of the displaced and host populations, as well as the absence of causal domestic conflict, facilitated the absorption of the displaced into a new setting, involving housing, schooling, work, and eventually marriage and the continuation of the normal family cycle without overt discrimination on the basis of mobility or migration status.

Egyptian authorities avoided the term "refugee," but spoke of "migrants," thus eschewing any parallel to the dire Palestinian case. Nonetheless, the uncertainty and the sense of loss among the displaced are well reported.⁴⁶ With the Egyptian recovery of the Sinai through treaty after the 1973 war, a return movement began spontaneously in 1974, continuing through 1976.⁴⁷ Despite its prolonged nature, this episode has not figured prominently in the national lore.⁴⁸

The Canal migration cycle illustrates how migrants and the hosts shared basic culture and expectations, and where the hosts—officially or spontaneously—provided substantial assistance, especially in the beginning. The reception and integration of the displaced was handled entirely within Egyptian systems, with no foreign aid. The Egyptian administrative system remained intact, and those publicly employed retained their same or similar government jobs or were transferred to similar posts. (This contrasts diametrically with the post-2003 displacements in Iraq, where even internal displacement has taken place after the dismantling of administrative systems and mass terminations of public servants.)

The official policy was to distribute the displaced as widely as possible, rather than house the migrants in camps. This commendable practice is consistent with Egypt's treatment of the Palestinian refugees from the late 1940s⁴⁹ and the sub-Saharan African refugees hosted today.⁵⁰ One consequence is that most refugees (or displaced persons) integrate with the host population and develop their (however precarious) autonomy. They largely concentrate in the major cities.⁵¹

Urbicide: The Mutuality of Cities and War

While war has had its impact on cities, that effect has been mutual and reciprocal. Urban warfare has transformed military strategy, and even physical planning has come to facilitate the conduct of war.

Israeli military commanders had long planned their 1982 invasion of Lebanon with a central purpose of eliminating the Palestine Liberation Organization from the country.⁵² The Israeli forces fielded 120,000 men, 1,600 tanks, 1,600 armored personnel carriers, and 600 guns. The Israeli army advanced toward Beirut in three columns: one along the coast, one in the central region and one to the east. These succeeded forcibly to evict civilians from their homes, towns and villages in the direction of Beirut, after breaking through lines of resistance on the fifth day of the invasion. Along the coast, the Israelis concentrated their strikes along a 25-km swath from Tyre to Na`mah, south of Beirut. They used helicopter gunships effectively in the central region, and branched out their land assault in the east through the UNIFIL zone toward the Biqua` Valley, with another branch turning westward

to converge on Tyre, at the coast.

The Israeli military's urban warfare doctrine, since occupying East Jerusalem (1967) battling in Suez City and Qantara (Egypt) in 1973, envisioned two types of offensive: one in which armor leads and the other in which armor supports infantry. Traditional Israeli reliance on armor favored the former technique until it proved too difficult to take with armor. The armored-warfare bias meant that Israeli urban-warfare doctrine compensated for insufficient infantry levels necessary for urban operations in Lebanon. The slow house-to-house Battle of Tyre may have led Israeli commanders to rely instead on attacking urban targets from the air in an effort to minimize their own casualties and maintain aggressive operations.

Israeli ground forces have evaded prohibitions against harming civilians in their heavy-weapons use and target selection in cities. When the ground forces met stiff resistance, the commanders called for an air strike. Thus, Israeli ground forces plausibly could claim to observe the letter of the restrictions against firing into civilian areas, while violating the spirit of those rules.⁵³ The responsibility for civilian casualties and "collateral damage" shifts to more-anonymous subjects: aircraft and the convenient margin of technical error in attempting precision air strikes in urban habitats.

Consequently, the Israelis began to bring artillery fire to bear on points of resistance, greatly increasing the collateral damage, using aircraft to bomb even densely populated refugee camps. The Siege of Beirut involved the Israeli forces' "intensive bombardment" of Syrian and PLO targets in presumed Palestinian sections of the city. The operation saw repeated Israeli attacks on West Beirut's high-rise apartment buildings, using cluster, incendiary and concussion bombs, maximized the killing.⁵⁴

Much of the civilian population fled the invasion and occupation of the south to take shelter in the Beirut. Israel's infamous Siege of Beirut began on 1 July 1982. Much of the southern and western sectors of Beirut became the target of Israel's air assaults, precisely those quarters where Lebanese and Palestinian refugees sought refuge as new IDPs. Lebanese sources estimated those attacks on civilian areas killed 17,825 Lebanese and wounded at over 30,000.⁵⁵

As an antecedent, Ariel Sharon had referred to the 1953 massacre at Qibya (Palestine) as a "turning point" in Israeli urban warfare tactics, in which he commanded that Palestinian villagers be killed by demolishing their homes on top of them.⁵⁶ Under the euphemistic title the "Pacification of Gaza," as head of the IDF's southern command, General Sharon blew up houses and bulldozed large tracts of refugee camps, creating a innovating standard in urban planning to aid tank warfare and achieve "urbicide."⁵⁷ More recently, the U.S. military has brought specialists from the Israeli military to provide training in military operations in urban terrain (MOUT) for its special forces at Fort Bragg, North Carolina, in the Naqab desert and inside Iraq.⁵⁸

The 1982, 1993 and 1996 Israeli invasions of Lebanon compare with the 2006 invasion in that they both targeted civilians in their homes and shelters. However, the previous invasions did not feature the high 2006 level of deliberate destruction of humanitarian infrastructure and personnel. These involved striking a shelter or vehicle with a guided missile launched by Israeli aircraft,

then striking the same target a few minutes later with an antipersonnel explosive that causes the greatest possible number and degree of casualties to those gathering to the rescue of the initially injured.⁵⁹

| Israeli-conducted Massacres of Lebanese Civilians by Destruction of Homes and Shelters, July–August 2006 | | | | | |
|---|------------------------|------------------------|---------------------|---------------|----------------|
| No. | Location | Region | Date | Killed | Wounded |
| 1 | Aytarun (1) | Bint Jubayl | 12 July | 11 | unknown |
| 2 | Dwayr | Nabatiyya | 13 July | 12 | unknown |
| 3 | Zibkīn | Tyre | 13 July | 12 | unknown |
| 4 | Shahur | Tyre | 13 July | 7 | unknown |
| 6 | Civil Defense Building | Tyre | 16 July | 12 | 50 |
| 7 | Abbasiyyah Crossroad | Tyre | 16 July | 13 | unknown |
| 8 | al-Burj al-Shamali | Tyre | 16 July | 5 | 8 |
| 9 | Aytarun (2) | Bint Jubayl | 17 July | 13 | unknown |
| 10 | Shmays | Shhim, Mount Lebanon | 17 July | 5 | 10 |
| 11 | Srifa | Tyre | night of 18–19 July | more than 35 | 30 |
| 12 | Aynatha | Bint Jubayl | night of 18–19 July | 4 | 5 |
| 13 | Nabatiyya (1) | Nabatiyya | 19 July | 5 | 5 |
| 14 | Nabi Shīt | West Biqa` | 19 July | 8 | 3 |
| 15 | Tyre (2) | Tyre | 19 July | 20 | unknown |
| 16 | Nabatiyya (2) | Nabatiyya | 25 July | 7 | unknown |
| 17 | Haddatha | Bint Jubayl | 28 July | 6 | unknown |
| 18 | Kfar Jawz | Nabatiyya | 28 July | 6 | unknown |
| 19 | Dayr Kanun Nahr | Tyre | 28 July | 4 | unknown |
| 20 | Yatar (2) | Bint Jubayl | 28 July | 4 | unknown |
| 21 | Numayriyyah | Nabatiyya | 29 July | 7 | unknown |
| 22 | `Ayn `Arab | Biqa` Valley | 29 July | 6 | 3 |
| 23 | Yarun | Bint Jubayl | 30 July | 6 | unknown |
| 24 | New Qana | Tyre | 30 July | 60 | at least 9 |
| 25 | Hallusiyyah | Tyre | 31 July | more than 13 | unknown |
| 26 | Harīs | Bint Jubayl | 31 July | 16 | unknown |
| 27 | Luwayzah | Iqlim Tuffah | 01 August | 5 | 1 |
| 28 | Ma`rub | Tyre | 01 August | 5 | unknown |
| 29 | Taybah | Marj`ayun | 04 August | 7 | 10 |
| 30 | Ayt al-Shaab | Bint Jubayl | 04 August | 10 | unknown |
| 31 | Ansar | Nabatiyya | 06 August | 5 | 10 |
| 32 | al-Jubbayn | Tyre | 06 August | 4 | unknown |
| 33 | Hula | Marj`ayun | 07 August | 5 | unknown |
| 34 | Ghasaniyeh | Sidon | 07 August | 8 | unknown |
| 35 | Ghaziyah (1) | Saida | 07 August | 21 | 30 |
| 36 | Kfar Tabnit | Nabatiyya | 07 August | 5 | 18 |
| 37 | Brital (1) | Biqa` Valley | 07 August | 14 | 31 |
| 38 | Shiyyah | Beirut southern suburb | 07 August | 20 | 30 |
| 39 | Mashgharah | Biqa` Valley | 09 August | 8 | unknown |
| 40 | al-Haysa | Akkar, North Lebanon | 11 August | 12 | 15 |
| 41 | Ruways | southern Beirut suburb | 13 August | 15 | unknown |
| 42 | Brital (2) | Biqa` Valley | 13 August | 13 | 22 |

Source: HIC-HLRN, based on Lebanese Higher Relief Council statistics.⁶⁰

This tactic of targeting shelters and humanitarian services characterized the 15 July 2006 massacre at Marwahin, in which Israeli aircraft struck 21 fleeing civilians, as well as the 23 July Israeli attack on an ICRC ambulance near Qana. More representative of Israel's long-standing military practice, however, is its creation of mass displacement, then causing heavy casualties of civilians in their shelters. In Lebanon, that pattern has emerged consistent throughout the Israeli invasions in 1982, 1993, 1996 and 2006.⁶¹

Discrimination, Dispossession and Displacement

As noted, population transfer has been a geostrategic feature of the region for three millennia. In the modern age, Ottoman authorities used demographic engineering as a tool of their pan-Islamic ideology, transferring or facilitating settlement of Muslims of various nationalities in the Balkans and Cyprus.⁶² However, demographic manipulation through sheer destruction of human settlements returned with the Armenian genocide in the early 20th Century, causing refugee flows to the ESCWA region. Implantation of ethnically selected settlers also has been used to consolidate control of territory, as in the case of the demographic policy in Hatay Province after the French Mandate conferred the territory to Turkey in 1939.⁶³

After population transfer was codified in international law as a war crime and crime against humanity at the end of World War II, the practice, nonetheless, continued with the Zionist colonization of Palestine. The Nakba of 1947–48 involved Israeli forces depopulating and demolishing some 531 villages, transferring the lands and properties to Jewish settlers enjoying the benefits and privileged status as “Jewish nationals.” (See definition in glossary annexed to this paper.) The still-continuing process is termed as “judaization,” while the appropriation of Palestinian real property by Jewish individuals and parastatal institutions such as the World Zionist Organization/Jewish Agency and Jewish National Fund is considered as “redeeming” the land.

Ethnic discrimination in governance has manifest in its most-extreme forms, resulting in refugee flows and displacement in Arab states as well. The forced transfer of Kurdish Iraqis during the Iran-Iraq War from 1980 to 1988 forced 100,000 to Iran, then another 60,000 Kurds to flee to Turkey.⁶⁶ A major offensive at the end of the war is known as the Anfal campaign, or campaigns, since it consisted of eight operations between February and September 1988. Observers and victims roundly have described Anfal as a program of “exterminating” the Kurdish people. Toward that end, Ba’thist forces destroyed some 4,500 villages.⁶⁷ This policy was not unique to Iraq, whereas the Turkish military similarly destroyed—predominantly by incineration—over 3,500 Kurdish villages in southeastern parts of the Turkey in 1991–96, creating three million new IDPs in Anatolia and cross-border refugees into Iraq and Syria.⁶⁸

Discrimination in Housing

One perspective on discrimination in housing is that it comes about in a haphazard and incremental process.⁶⁴ In many cases, however, the reality of housing discrimination may only appear to be subtle and individually driven. In addition, however, the consequent growth of “gated communities” and their exclusionary equivalents coincide with justification for segregation that has co-opted concepts of natural rights to property, “urban integration” and even “social cohesion” and “demographic balance” in ways that combine with actual policies that lead to dispossession, segregation and “apartheid cities.”⁶⁵ This stubborn process follows the inversion of older euphemisms of “gentrification” and “urban renewal” that have accompanied and driven segregation in earlier decades.



Land served as an object and a tool in the “arabization” policy in Iraq, but the pattern is found in preceding Israel’s “judaization” and Turkey’s “turanization” policies as well. The government would especially punish Kurds, as well as resistant Shi’a population in southern Iraq, by confiscating their land and then making it available to reward Ba`th partisans and increase the loyal Sunni Arab population.⁶⁹ Not only cities were “arabized,” but also surrounding villages. For example, in 2000, the authorities confiscated 10,000 pieces of land in Kirkuk, distributing them among members of the Iraqi military and the security forces.⁷⁰

In August 2000, the UN Special Rapporteur on Iraq referred “to the fact that non-Arab residents of the Kirkuk area—especially Kurds, Turkoman and Assyrians—[we]re driven from their homes by the Government through the use of different means.” He detailed their numbers as “13,367 families from 1991 to 1993; 112 in 1994; 395 in 1995; 282 in 1996; 710 in 1997; 394 in 1998; 449 in 1999; and 155 in 2000 (as of 4 June).”⁷¹ Thus, the total number of individuals forced to leave Kirkuk alone since 1991 reportedly amounts to 94,026.

In his 2000 interim report, the second Special Rapporteur on the Situation of Human Rights in Iraq described the twofold movement of arabization:

On the one hand, the policy of “arabization” is reported to be continuing and the Government reportedly maintains in force measures to that effect, such as the provision of grants and other incentives to Arabs to move to the Kirkuk area and legal impediments to the possession and transfer of property by non-Arabs. On the other hand, forced deportations of non-Arab families living in the Kirkuk area and confiscation of their property are also reported to continue on a large scale. Allegedly, those who refused to comply with the order to leave their homes are subjected to intimidation, arrest, economic hardship through the revocation of ration cards and, eventually, forced expulsion. Allegedly, no compensation is provided for the loss of property.⁷²

The Iraqi Directorate of Security recorded the names of people forcibly resettled to squalid camps. The documents also include lists of “eliminated villages,” even before the Anfal campaign.⁷³

The US-brokered 1975 Algiers Agreement between Iraq and Iran was to end Iran’s support to Kurdish rebels in Iraq in exchange for Iraq ceding 518 km² of oil-rich lands to Iran, including part of the Shatt al-Arab/Arvandrud). Thereafter, tens of thousands of Kurds fled to Iran to escape

Iraqi retaliation.⁷⁴ The Marsh people also fled to Iran in large numbers at that time. Between 1972 and 1980 alone, the Ba`athi regime expelled some 500,000 Kurds and Shi'a to Iran.⁷⁵

Iraq's occupation of Kuwait in August 1990 set another complex displacement in motion. Until coalition of states defeated the Iraqi occupation forces through the 42-day Second Gulf War, the city-state witnessed the displacement of XX (dozens) of Kuwaiti refugees, plus destructive and larcenous consequences for the city. Kuwait and the international community were left to extinguish the 1,160 oil well fires set by the retreating Iraqi army.

The war-displaced Kuwaitis returned home, and material victims won terms of compensation from Iraq through the United Nations Conciliation Commission. The UNCC Governing Council has identified six categories of claims: four by individuals, one for corporations, and one for governments and international organizations, which also includes claims for environmental damage.

| | |
|-------------------|--|
| <u>Category A</u> | Departure from Iraq or Kuwait |
| <u>Category B</u> | Serious personal injury or death |
| <u>Category C</u> | Individual claims for damages up to US\$100,000 |
| | <u>Egyptian Workers' Claims</u> |
| <u>Category D</u> | Individual claims for damages over US\$100,000 |
| <u>Category E</u> | Claims submitted by or on behalf of corporations, other private legal entities and public-sector enterprises |
| <u>E1</u> | Oil sector |
| <u>E2</u> | Claims filed on behalf of non-Kuwaiti corporations and other business entities, excluding oil sector, construction/engineering and export guarantee claims |
| <u>E3</u> | Non-Kuwaiti construction/engineering |
| <u>E4</u> | Kuwaiti private sector claims (excluding oil sector) |
| <u>Category F</u> | Governments and international organizations claims |
| <u>E/F</u> | Export guarantee and insurance |
| <u>F1</u> | Government claims for losses related to departure and evacuation costs or damage to physical property, and claims filed by international organizations |
| <u>F2</u> | Claims submitted by the governments of Jordan and Saudi Arabia (excluding environmental damage) |
| <u>F3</u> | Claims filed by the government of Kuwait, excluding claims for environmental damage |
| <u>F4</u> | Claims for environmental damage and depletion of natural resources |

United Nations Compensation Commission Claims (values in US\$)⁷⁶

| Category | Number of claims resolved | Compensation sought by claims resolved | Number of resolved claims awarded compensation ¹ | Compensation awarded ¹ | Percentage of awarded amount against claimed amount | Net compensation paid ² | Unpaid balance |
|------------------|---------------------------|--|---|-----------------------------------|---|------------------------------------|-------------------|
| A | 923,158 | 3,455,092,500 | 852,499 | 3,149,692,000 | 91.16 | 3,194,535,175 | (44,843,175) |
| B | 5,734 | 20,100,000 | 3,935 | 13,435,000 | 66.84 | 13,447,500 | (12,500,000) |
| C ^{4,5} | 1,736,288 | 11,503,877,999 | 672,452 | 5,185,716,912 | 45.08 | 5,200,861,916 | (15,145,000) |
| D | 13,864 | 16,539,501,201 | 10,343 | 3,348,902,861 | 20.25 | 3,351,370,576 | (2,467,700) |
| E1 | 105 | 44,740,422,417 | 67 | 21,522,047,546 | 48.1 | 1,172,597,749 | 20,349,449 |
| E2 | 2,445 | 13,661,076,541 | 954 | 916,054,517 | 6.71 | 911,143,147 | 4,911,370 |
| E3 | 398 | 8,538,543,367 | 159 | 402,562,327 | 4.71 | 402,603,766 | (41,241,439) |
| E4 | 3,623 | 11,796,336,671 | 2,868 | 3,456,889,662 | 29.3 | 3,446,936,297 | 9,953,365 |
| E/F | 123 | 6,148,493,927 | 57 | 311,282,668 | 5.06 | 311,282,668 | |
| F1 | 100 | 18,902,591,737 | 70 | 291,171,423 | 1.54 | 281,623,323 | 9,548,100 |
| F2 | 63 | 18,417,163,597 | 46 | 264,422,123 | 1.44 | 264,422,123 | |
| F3 | 62 | 113,905,394,877 | 60 | 8,259,433,226 | 7.25 | 3,693,136,049 | 4,566,297 |
| F4 | 168 | 84,904,244,069 | 109 | 5,261,746,450 | 6.2 | 1,132,410,654 | 4,129,335 |
| Total | 2,686,131 | 352,532,838,903 | 1,543,619 | 52,383,356,715 | 14.86% | 23,376,370,944 | 29,006,985 |

Only about 28% of Kuwait's pre-invasion population actually comprised Kuwaiti citizens. The largest percentage of noncitizens were an estimated 320,000 Palestinians and 270,000 Bidun, stateless Arabs, though many among both groups actually had been born in Kuwait and/or lived there for decades.⁷⁷

Exercising distrust and vengeance during and after the Iraq occupation, Kuwait and Saudi Arabia expelled over 1.2 million resident workers, including 25,000 Sudanese, 400,000 Jordanians and 850,000 Yemenis, the most-affected group. That was part of the payment extracted for their countries' nonsupport in the coalition war on Iraq itself. The GCC also cut aid and reduced trade to those three countries.⁷⁸

Slowly but steadily, the Yemeni returnees were absorbed into the population, except for some 80,000 with no village, kin or tribe to go back to. Those displaced people long remained in a few camps scattered around Hodeidah in the Tihama.⁷⁹

Few Yemenis have been allowed back to work in Saudi Arabia, prolonging their losses. Yemen's entire exports to Saudi Arabia (some \$150–200 million annually in 1991–96) are a fraction of remittance losses of the 850,000 ejected Yemeni citizens from Saudi Arabia and Kuwait.⁸⁰ The displaced Yemenis' material losses are estimated variously (\$3–7 billion).⁸¹

In 2007, Yemenis abroad remitted \$1.3 billion, amounting to 6.7 percent of that year's Gross Domestic Product. Total remittances from Yemeni emigrants during 2000–07 exceeded \$10 billion. Meanwhile, foreign workers living in Yemen reportedly have sent \$587 billion to other countries during 2000–07.⁸²

In the absence of sufficient treaty-based protections for migrant workers (in the ESCWA region, only Egypt and Syria are parties to the Migrant Workers Convention), alternate forms of international cooperation are seeking to address the conditions and treatment of foreign and contract laborers in the Persian Gulf states. In January 2008, 21 states adopted the Abu Dhabi Declaration as a basis for interstate cooperation in the interest of mutual benefits and improved conditions for contract workers of Asian Countries of Origin and Destination.⁸³ Both the recent events and the legal gaps exemplify the vulnerability and lack of protection for migrants' human rights across ESCWA.

Before, during and after the Third Gulf War

Since the Second Gulf War, Iraq's cities and habitats have undergone drastic transformations. The punishing international-sanctions regime ensured the deterioration of civil infrastructures and scarcity of essential goods, due to strict sanctions on "dual use" imports and vigilant international restriction of the country's finances, trade and disarmament. Although data are lacking on the number of houses destroyed during that 1991 attack on Iraq, but an estimated 100,000 were left homeless as a result.⁸⁴ Meanwhile, the Iraqi government severely repressed those communities that rebelled during the war. Monitors estimate over 1.5 million Iraqis escaped the cities torn by Iraqi reprisal operations during March and early April, amid crossing into Turkey and Iran, or fleeing into rebel-controlled zones.⁸⁵

Kirkuk is a city located just south of the territories that became the Kurdish autonomous region in 1992. As such, controlling its oil-rich surroundings became strategically crucial for the Iraqi

regime's consolidation of power. Families perceived as opposed to the regime, families with relatives outside Iraq, or in southern Iraq, and those who had relatives in detention or executed were reportedly the first targeted with forced displacement.⁸⁶

Shi'a living in regions other than the marshes are also reported to have been relocated during August and September of 1992. In late August, Shi'a living in the Kirkuk oil-producing region reportedly were rounded up and taken away to unknown locations.⁸⁷ Besides the Shi'a, the Turkmens and Assyrians constituted a large segment of the victims. Between mid-April and June 1998 alone, the government expelled 1,468 Kurdish families to the Kurdish-controlled region in the north.⁸⁸

Through 2000, the government continued its forced expulsion of Kurds and Turkmens from Kirkuk, Khaniqin, Makhmur, Sinjar, Tuz Khormatu and other districts as part of its "arabization" program. Those expelled included individuals who had refused to sign so-called "nationality correction" forms, introduced by the authorities prior to the 1997 population census, citizens residing in these districts to relinquish their Kurdish or Turkman identities and to register officially as Arabs.⁸⁹

In the case of the small Assyrian Christian community of northern Iraq, those expelled from their homes in Kirkuk also lost much of their farmlands in Ninawa Governorate. Joining earlier emigrants from their community, many Assyrians ultimately emigrated out of Iraq, joining substantial communities in the United States and Europe.⁹⁰

Comprised of forcibly displaced persons and those seeking asylum for political and other reasons, the numbers of refugees and exiles mounted during the lingering Saddam Husain regime to include up to four million Iraqis living abroad. At the time of the 2003 U.S.-led invasion, at least 400,000 of Iraqis abroad were refugees, and many others were living in refugee-like situations. One-half of them were mostly Kurdish and Shi'a Iraqis in Iran; the other half were scattered around dozens of countries.⁹¹

Amid such displacement, the 12 years of economic sanctions also impeded the enjoyment of a whole range of economic, social and cultural rights, such as the entitlements to public and environmental goods and services, including water.⁹² Before 2000, access to potable water in Iraq had dropped to 50% of the 1990 level in urban centers, and only 33% in rural areas.⁹³ By contrast to the right, the preinvasion water and sanitation sector featured:

- Only 60% of Iraqis with access to safe drinking water,
- Ten of Basra's 21 potable water treatment facilities not functional and
- 70% of Iraq's sewage treatment plants in need of repair.⁹⁴

Housing and cities were in disrepair and, by 2003, an estimated 30–40% of the population was without public services, or was underserved.⁹⁵ The total housing stock of about 2.8 million units was well below the minimum requirement of the current population of 25 million, leaving a housing deficit of 1–1.5 million units already before the 2003 invasion.⁹⁶ Overcrowding and limited maintenance, especially due to conflict-induced displacement, caused the quality of housing to drop significantly over the foregoing 15 years. For instance, per capita housing space declined to 10m² in 2000, with 30–35% of housing stock, especially in the large urban centers, failing to meet the Iraqi Ministry of Housing's own minimum standards.⁹⁷

In June 2000, the Iraqi government began to distribute imported essential building materials in the centre and southern governorates at highly subsidised prices to those who owned a plot of land and had a building permit. That coincided with a program of free land distribution. However, the labor, local materials and mortgage terms proved unaffordable and discouraged potential builders. The government started mid-2002 to provide subsidized loans for the construction of new houses, resulting in a noticeable increase in building permits. However, other constraints impeded the much-needed housing construction.⁹⁸

Just as an adequate livelihood is essential to realizing adequate housing, dropping household incomes factor heavily in the deterioration of physical living conditions. The general economic decline from 1991 to 2003⁹⁹ created a drop in living standards. The subsequent invasion and occupation of Iraq only aggravated already-squalid conditions for many Iraqis. However, the inadequate standards of decent work for laborers in several ESCWA countries poses the biggest obstacle to adequate housing and living conditions, even for those regularly employed.

The mass firing of employees and soldiers by the Coalition Provisional Authority in Iraq has been costly and unproductive. In the situation of high dependency ratios, the firing or suspending salaries to around 1.2 million persons left almost 12 million people (half the population) without any secure income base. Neither economic nor political stability was aided by the firings, which made instant enemies of the army and civil servants, two significant segments of society newly vulnerable to various forms of displacement.¹⁰⁰ Deteriorating public service conditions, even in neighborhoods where there was little or no fighting, created a stream of displacement that robbed cities of their economic, political and cultural vitality.¹⁰¹

Three years into the MNF occupation, more than 727,000 people are estimated to have been internally displaced due to sectarian and generalized violence that escalated in Iraq between February 2006 and March 2007. The tens of thousands more displaced by previous and ongoing military operations, and the over one million displaced by the former regime, nearly 1.9 million people are currently estimated as displaced within Iraq.

Homes and Infrastructure under Occupation and War

Officially, the U.S. maintains that “Operation Iraqi Freedom” (2003) largely spared water and wastewater treatment plants. However, the same sources admit that Baghdad’s water network, in particular, was subject to severe bomb attacks on the highways and roads that covered the sewage and water pipes.¹⁰² In fact, sewage treatment plants in Baghdad also were so badly damaged during (or after) the war that raw sewerage was being pumped into the Tigris River, polluting the river, affecting cities downstream.¹⁰³

Declaring “dual-use” targets legitimate military objectives, the invading U.S. Air Force sought to “target civilian morale.”¹⁰⁴ In Ramadi, this meant that, by mid-2006, “there were no civil services functioning.”

They bombed the power stations, water treatment facilities, and water pipes. This house is destroyed, that house is destroyed. You will see poverty everywhere. The things that the simplest human in the world must have, you won’t have it there.¹⁰⁵

Like the 1991 war on Iraq, attacking coalition forces claimed to mount precision bombing in their 2003 “Shock and Awe” campaign on Baghdad. Nonetheless, wayward missiles and attacks on civilian targets have destroyed many homes and residential structures. No reliable numbers yet exist to quantify the homes and infrastructure that U.S. and British forces damaged and destroyed during the 20 March–1 May 2003 invasion of Iraq. The general restrictions on movement under occupation and the deteriorating security situation have severely stifled any efforts at monitoring specific violations, even to the extent of abduction and murder of the people who went to give hand to the effected people.¹⁰⁶

House demolitions as collective punishment

In general, throughout the Ba`th Party’s tenure, the Iraqi regime employed the tactics similar to those common to Israeli occupation of Palestine, in which authorities demolished or threatened to demolish the family homes of prisoners, dissidents and other opponents for political ends.¹⁰⁷ Coincident methods in both Iraq and occupied Palestine consisted of exploding houses, especially in Iraq after the 1991 uprisings. When the Iraqi forces regained control of Kirkuk, they simply blew up all Kurdish houses. [See Kirkuk before-and-after photos.] That is how the Iraqi Ba`thist forces destroyed some 500 houses in Kirkuk’s Shorga District. Many others were reported demolished by explosives in other parts of the city.

"This is something Sharon would do." "What's happening in Iraq is just like Palestine."

Jamel Shahab, farmer

Years after, when the UN oil-for-food program was set up to mitigate the impact of sanctions on the Iraqi population, Saddam’s regime continued to employ house demolition as collective punishment for acts ranging from political dissent to protests over shortages of food and medicine. In September 1998, the U.S. government released aerial photos that it said substantiated opposition reports of government forces razing 160 homes in the southern village of al-Masha on June 29 following such protests.¹⁰⁸

The U.S. State Department previously had denounced Israel’s house demolition policy;¹⁰⁹ however, the U.S. military has adopted the same in Iraq as learned from Israeli training and example.¹¹⁰ (See box above: “Urbicide: The Mutuality of Cities and War.”) In Tikrit, during their mid-November 2003 operation code-named “Iron Hammer,” U.S. troops reportedly used tank and artillery fire to destroy homes belonging to families of Iraqis whom the occupiers believed had resisted occupation forces. A spokesman for the U.S. Army’s 4th Infantry Division said the demolitions were intended to “send a message” to the insurgents and their supporters.¹¹¹ The tactic has been applied even after apprehending persons suspected of resisting the occupation.¹¹²

In some cases, the U.S. soldiers gave the residents, mostly women and children, only five minutes to evacuate. The families, standing in near-freezing temperatures, watched as U.S. forces reduced their homes to rubble with large caliber rounds from Apache helicopters, and then left the families to be taken in by neighbors and relatives.¹¹³

The parallel’s with Israeli practice are not lost on the inhabitants of Iraqi cities, towns and villages. Referring to the Israeli prime minister, 41-year-old farmer Jamel Shahab said, "This is something Sharon would do. What's happening in Iraq is just like Palestine."¹¹⁴

Indeed, Israel routinely has carried out the demolition of Palestinian homes on the basis of three principle pretexts:

1. For “clearing operations,” which the Israeli army defines as “military needs” such as the demolitions in the Gaza Strip (exemplified in the massive demolitions in Rafah, along the Egyptian border, through 2004), in refugee camps; around settlements and army posts; alongside roads used by settlers and occupation forces; and in the northern part of the Gaza Strip;
2. Administrative demolitions of houses built without a permit, mostly carried out in Area C in the West Bank, where the Oslo Accords preserved Israeli authority over planning and building, as well as in East Jerusalem and inside the Green Line, targeting the “unrecognized villages” and other areas where indigenous Palestinian Arab citizens of Israel dwell;
3. Punitive demolitions against the relatives and neighbors of Palestinians alleged to have committed a security offense.

In fact, all these forms are punitive demolitions that deprive groups of innocent people and breach a bundle of treaties and specific human rights obligations.¹¹⁵

Since the al-Aqsa Intifada began (29 September 2000), Israeli forces have demolished at least 20,151 homes partially (10,508 in West Bank and 9,643 in Gaza Strip), affecting 3.5% of Palestinian households.¹¹⁶ They have damaged contents of 10.3% of Palestinian homes, and damaged structures of 25.3%.¹¹⁷ At least, 29,314 households live in Israeli-damaged homes (28,997 in Gaza Strip and 317 in WB).¹¹⁸ In Gaza Strip from the intifada’s beginning until end 2006, Israeli forces fully destroyed 2,977 houses, affecting 25,645 people, including 11,922 women and 13,023 children.¹¹⁹

No quantification of oPt demolition and confiscation losses presently exists. However, estimated direct damages from Israel’s military offensive during 26 June–28 August 2006 reached US\$46 million in Gaza alone.¹²⁰ In April 2006, the Israel army had narrowed the “safety zone” for artillery shelling, allowing the army to target their volleys much closer to Palestinian homes and populated areas. That contributed substantially to the increase in the loss of life and property. The assault on Bayt Hanun sequestered 40,000 residents to their homes under curfew, as Israeli tanks and bulldozers ravaged their town, destroying 279 homes, an eight-century-old mosque, public buildings, electricity networks, schools and hospitals, orchards, water and sanitation networks, and ripping up paved roads with special back-hoes designed to destroy subterranean infrastructure.¹²¹ Meanwhile, infrastructure damages in that operation are valued at \$2,372,970; while damages to NGOs and governmental buildings in that operation amounted to \$620,490.¹²² The consequent GDP reduction in Gaza was around US\$120 million in the first three quarters of 2006.¹²³ The overall direct and indirect costs for the Palestinian National Authority could total hundreds of millions of dollars.¹²⁴

On 27 June 2006, the Israeli Air Force destroyed all six transformers of the Gaza Strip’s only domestic power plant, which supplied Gaza City and 43% of Gaza Strip’s total daily needs. Not a military target, the generator’s loss disrupted normal life for the people of Gaza, causing power outages, affecting lighting, refrigerators, elevators, office production, water supply and sewage treatment, disabling vital services, including hospitals, at a time of military siege.¹²⁵ Destruction of the civil infrastructure and productive capacity of human settlements has become a routine act of Israeli occupation. This object has been further achieved in Gaza through the denial of fuel and

basic supplies under the Israeli-imposed blockade, punishing the population of Gaza Strip, newly designated as a “hostile entity.”

Despite international treaty obligations to “ensure respect” for international humanitarian law, state practice actually is establishing a new norm of devastating civil infrastructure and targeting entire civilian populations.

The Deconstruction of an Entire City: Falluja

The multinational occupation forces’ earlier claim of restraint in Iraq was extinguished when the insurgency evolved into full-scale war. The battles concentrated on specific cities that became centers of Iraqi resistance, as exemplified in the second battle of Falluja.

After three weeks of bombing that began in November 2004, 10,000 U.S. soldiers and 2,000 Iraqi national guards marched into Falluja to “a desolate world of skeletal buildings, tank-blasted homes, weeping power lines and severed palm trees.”¹²⁶ At least a quarter of Falluja’s homes were destroyed, and most of the others were substantially damaged where U.S. troops developed their “FISH” strategy (i.e., fighting in someone’s house). That involved tossing a hand grenade into each room “before checking it for unfriendlies.” According to a U.S. commander, each and every house was searched in that way, and very few remained livable.¹²⁷

The Iraqi winter was setting in hard for over 200,000 residents estimated to have fled the battle, many without even a change of clothes. Displaced persons were lucky to find shelter in the homes of friends and relatives in other cities, sometimes crowding as many as 30 people into a small flat. The unlucky ones spontaneously erected refugee camps and shantytowns virtually anywhere they could squat, mostly without any facilities at all.

The first medical teams, forbidden to enter the city during the military operation, arrived in January 2005 and collected more than 700 unburied and rotting bodies (including those of some 550 women and children) in only one-third of the city. That number did not include the dead already buried during the battle or hidden under the debris. Reportedly, the smell of corpses inside charred buildings pervaded the atmosphere.¹²⁸

a. War, Conflict and Social Cohesion in/of the Arab City

War and conflict in the eastern Arab region are not unique in the world. A comparative view helps shed light on the prospects and long-term costs and challenges for affected cities. What conflict-induced separation barriers across cities were previously unique to Berlin and then Belfast, have come to characterize Jerusalem and Baghdad, which feature the physical structures of division that became socially constructed in Beirut through the Lebanese civil war erupting in the 1970s. The new social divisions in war-torn Arab cities augur to become the staging ground for intractable ethnic conflict that shakes cherished notions about state identities and their supposedly bonding and integrating systems.

Much effort and expense since the 2003 invasion of Iraq have gone into expedient security measures that have accommodated or exacerbated the fragmentation of Iraqi society in cities. The wall built across the West Bank and through Palestinian cities has now become the latest seeming Israeli strategic import to Iraq. The “Baghdad Wall,” or “Great Wall of Adhamiyya” separates the Sunni neighborhood by that name on Baghdad’s east bank of the Tigris with a 5 km-long

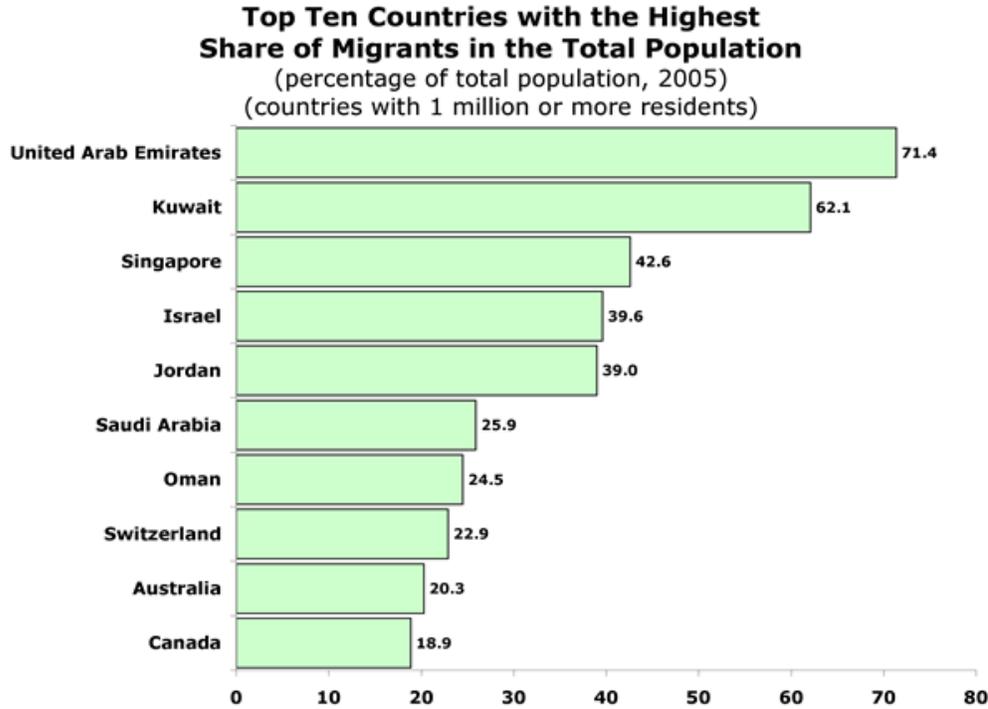
concrete edifice complete with traffic checkpoints controlled by Iraqi soldiers.¹²⁹ The construction begun in April 2007 follows previous earthen versions that the occupation troops built in 2005 to surround the Sunni-dominated city of Samarra, as well as at both Tal `Afar and Falluja. Local leaders warn that the strategy of physical separation will only lead to more strife and social fragmentation.¹³⁰

| Mobility Matrix of the ESCWA Region | | | | | | | | |
|-------------------------------------|-------------------------------|-------------------------------------|-----------------------------------|----------------------------------|--------------------------------|---------------------------------|--------------------------|-------------------------------|
| | IDPs ¹³¹ | Refugees/AS produced ¹³² | Refugees/AS hosted ¹³³ | Migrants produced ¹³⁴ | Migrants hosted ¹³⁵ | Total population ¹³⁶ | Total mobility | Mobility index ¹³⁷ |
| Bahrain | 0 | 82 | 18 | 7,278 | 295,461 | 742,562 | 302,839 | 41% |
| Egypt | 0 | 9,307 | 104,468 | 1,429,174 | 74,897 | 73,671,661 | 1,617,846 | 2% |
| Iraq | 2,256,000 | 2,200,000 ¹³⁸ | 46,586 | 348,110 | 1,393 | 28,810,000 | 4,852,089 ¹³⁹ | 17% |
| Israel | 150–420,000 ¹⁴⁰ | 5,519,932 ¹⁴¹ | 1,700 | 22,716 | 2,660,669 | 7,047,600 | 2,835,967–3,105,967 | 119–122% |
| Jordan | N/A | 2,378 | 519,486 | 182,739 | 423,775 | 5,600,000 | 1,128,378 | 20% |
| Kuwait | N/A | 742 | 575 | 126,181 | 1,667,472 | 2,457,257 | 1,794,970 ¹⁴² | 73% |
| Lebanon | 248,000–800,000 | 100,000 ¹⁴³ | 22,743 | 121,261 | 253,505 | 4,000,000 ¹⁴⁴ | 745,509–1,297,509 | 19–32% |
| Oman | 0 | 47 | 14 | 1,094 | 627,571 | 2,577,000 | 1,155 | 0.4% |
| oPt | 24,500–115,000 ¹⁴⁵ | 753,000 ¹⁴⁶ | 0 | 267,620 | 0 | 3,888,292 | 1,045,120–1,135,620 | 27–29% |
| Qatar | N/A | 58 | 81 | 571 | 636,705 | 838,065 | 637,415 | 76% |
| Saudi Arabia | N/A | 671 | 311,050 | 11,439 | 6,120,320 | 23,678,849 | 6,443,480 | 27% |
| Syria | 305,000 | 12,337 ¹⁴⁷ | 707,422 | 194,114 | 554,575 | 19,040,000 ¹⁴⁸ | 1,773,448 ¹⁴⁹ | 9% |
| UAE | N/A | 277 | 206 | 1,930 | 3,211,664 | 4,018,314 ¹⁵⁰ | 3,214,077 | 80% |
| Yemen | 35,000 | 1,723 ¹⁵¹ | 96,653 | 432,922 | 196,086 | 21,600,000 ¹⁵² | 727,379–727,384 | 3% |
| Totals | 3,013,500–3,288,500 | 8,600,554.00 | 1,811,002.00 | 3,147,149.00 | 16,096,522.00 | 197,969,600.00 | 32,488,727.00 | 36.71–38% |

The consequences of such an urban formation on the social and cultural life of the city of Baghdad are yet to be studied. However, social disruption in the war-torn Arab city has assumed some distinguishable features. The consequences of physical separation may be comparable to those on the lives of Palestinians subject to the Israeli Wall: There, the Wall has been the overwhelmingly dominant cause of Jerusalemites changing their place of residence. Well over half of Jerusalemites are contemplating a change in their place of residence due to the Wall and its associated regime.

The Israeli Wall has hampered access to education for the majority of students in secondary and higher education. Over 20% of Palestinian households reported to have at least one member who became separated from close relatives. Some 34% of Jerusalemites are impeded from regular health care. Fully 84.6% of Jerusalem households have encountered obstacles to visiting family and relatives because of the wall, about 56.3% of households have faced consequent obstacles to participation in cultural and social activities. Meanwhile, households facing impediments to marrying a partner living on the other side of the Wall have increased from 31.6% before the construction of the wall to 69.4% after construction of the wall.¹⁵³

Common urban-separation plans and execution have resulted from war and occupation. The most ominous consequences of that pattern are the perpetuation and deepening of animosities between and among distinct communities. The putatively temporary measures tend to become permanent fixtures, generating more conflict and making more elusive the prospects for reconciliation.



Source: United Nations, *Trends in Total Migrant Stock: The 2005 Revision*, data in digital form, 2006. Migration Policy Institute, at: <http://www.migrationinformation.org/datahub/charts/6.2.shtml>.

These population dynamics overlie other simultaneous challenges arising from the movement of human population into Arab cities from the national countryside, as well as from lands near and far afflicted with conflict and poverty/impoverishment. Both the conflict-induced and economically driven migrations converge to present development opportunities for cities, but also pose challenges to their social cohesion, where individuals, classes and diverse ethnic groups constantly vie for their share of the urban space. Thus, integration plans and programs are urgent and necessary.

Whether a city enjoys peacetime or is the locus of upheaval, managing the movement of city dwellers and managing services for all require policies and strategies that address four main categories of uprooted and new-coming inhabitants. While cities remain at the receiving end of these dynamics, their interest lies in the management of causes as well, even though those may lie beyond the city’s jurisdiction and sphere of influence. Thus, the partnership between cities and national and international authorities and sectors is essential.

| Context and Categories of Mobility | | |
|------------------------------------|------------------|---------------------|
| Mobility/Migration | Conflict-induced | Economically-driven |
| Internal | IDPs | Rural→urban |
| External | Refugees | Migrant workers |

City Regeneration, Urban Renewal and Reconstruction

When Derrick Anthony, a 21-year-old U.S. Navy Corpsman surveyed the desolate Falluja landscape, he commented: “It’s kind of bad [that] we destroyed everything, but at least we gave them a chance for a new start.”¹⁵⁴ A U.S. military reconstruction planner explained more

purposefully that “the best place to bring a model town into place is Falluja.”¹⁵⁵ The U.S. had pledged before the attack that Falluja would represent “a feat of social and physical engineering...intended to transform a bastion of militant anti-Americanism into a benevolent and functional metropolis.”¹⁵⁶ However, different conditions have prevailed.¹⁵⁷

In most reconstruction experience, attention has focused on physical damages to public infrastructure. However, the private sectors (agriculture, services, industry) remain notoriously uncompensated for damages and largely remain unable to recuperate Iraq’s competitive productive capacity. The pattern of reconstruction, therefore, affects everyone’s national interest.

Available estimates from various quarters put the cost of the reconstruction bill between €47–67 billion (\$70–\$100 billion), and plans remarkably have not taken into account the role that Iraqi inputs and expertise would play. Sound and early reconstruction advice cited the need to build local capacity and employ existing skills and capital.¹⁵⁸ However, that model has not led the process, and critics point to externally imposed, unsustainable repair-and-reconstruction options that have bypassed and/or replaced local capacities, failed to deliver due to impediments ranging from security delays to financial mismanagement. That development approach has left the country in deeper debt and dependence. Despite advice from ESCWA and other expert sources,¹⁵⁹ the US-led coalition provisional authority rushed to shape the future Iraqi economy by privatizing and internationalizing Iraqi assets without any clear mandate from the Iraqi people, leaving public services, including at the city level, with little means to cope with grave and mounting human needs.

The reliance on indigenous resources (materials and personnel) is essential to reconstruction efforts. The Iraqi experience of the years (1991–2002) has demonstrated that, despite postwar conditions such as severe foreign exchange shortages, reconstruction can take place in shorter time and at lower cost.¹⁶⁰ Such lessons indicate the need to develop and apply local Iraqi and ESCWA-region expertise and resources to reconstruction in Iraq.¹⁶¹

U.S. officials issued a monetary commitment for reconstruction of Falluja, beginning at \$50 million before the attacks and escalating to a January 2005 estimate of \$230 million.¹⁶² While that figure was equivalent to the cost of repairing the sewers alone, the allotment loomed minuscule against the real means required: The replacement of the electrical system, repair of 50,000 homes, restoration of the medical facilities, rebuilding of schools, clearing and rebuilding the streets represent further resources needed to create in Falluja “a benevolent and functional metropolis.” The destruction of religious institutions also represents further resources required to restore Falluja as “the city of mosques.” Six months after the destruction of Falluja, when local leaders urged the U.S. occupation authorities to do their promised part, the U.S. spokesperson dashed expectations further by now shifting the onus onto the people of Falluja to bear the task.¹⁶³

In fact, estimates of the cost of reconstruction vary widely without a single scheme (or national design) for the social and economic reconstruction of a “new Iraq.” Economic, social and political rebuilding implies multiple costs and challenges in search of pledges to fulfill them. Fully, \$12 billion was still needed just to bring Iraq’s electrical grid back to its unsatisfactory prewar status. Nevertheless, the inadequate \$5.6 billion allocated for the task was reduced further when \$1.3 billion available was diverted in 2004 to train the Iraqi army.¹⁶⁴

Two elements of US reconstruction policy in Iraq have been (1) a lack of competitive bidding and (2) self-regulation by contractors. The absence of competitive bidding encourages contractors to propose and execute the most ambitious and expensive versions of any project and hide profits.¹⁶⁵ The result is a series of half-done, cost over-run projects that first removed and partially replaced existing systems with new, costly and newly dependent ones. One observer summarizes the outcome:

US reconstruction policy made the potentially temporary devastation of the war permanent by seeking to impose a free trade market system on a socialist economy. The occupation introduced an extreme version of what has become known as economic “shock treatment,” idling state-owned enterprises that accounted for 35 percent of the economy and contracting with multinational firms to demolish functioning infrastructure and replace it with new systems that were incompatible with existing technologies and local expertise. The new construction was sabotaged by the contractors’ inexperience with the Iraqi physical and economic environment, by widespread corruption, by cost-plus contracts that incited them to undertake over-ambitious projects that could not be completed, and by the expenses associated with resolving the incompatibilities with in-place facilities. Few projects were completed and those that were completed could not be maintained by Iraqi professionals or technicians, and fell into disrepair.¹⁶⁶

The demodernization of cities and urban societies through warfare waged on the state infrastructure has emerged as a central component of contemporary military strategy applied consistently against Iraq, Palestine and Lebanon through the past 60 years.¹⁶⁷ Vast military research-and-development efforts are fuelling a widening range of “hard” and “soft” anti-infrastructureal weapons expertly designed to destroy, or disrupt the multiple networked infrastructures that together allow cities within modern “network societies” to function.¹⁶⁸

Indigenous Reconstruction Models

Following civil war and serial invasions in a country without the essential ministries of housing or planning, Lebanon’s Council for Development and Reconstruction assumed responsibility for the public reconstruction efforts in Beirut. Reconstruction of the city center, as well as its unregulated expansion, formed the Council’s priorities. Instead of public residential construction, the government’s reconstruction efforts focused instead on roads and transport, eventually including the seaport and airport. Some commentators have noted the absence of the social dimensions of urban development and weak (or missing) institutions in characterizing the Lebanese government’s reconstruction performance.¹⁶⁹

With the incentive of revitalizing Beirut’s commercial center, the Beirut Central District (BCD), a private firm developed a reconstruction project for the government. However, the national treasury was not sufficient to implement that or any other reconstruction plan. Ultimately, investors established the real-estate company *Solidère* that, aided by enactment of Law 117 (1991), undertook to expropriate and develop the 1.8 million-meter BCD. Through private investment and the acquisition of properties in exchange for “shares,” *Solidère* supplanted BCD residents’ and owners’ housing rights to tenure and property. With retrospect to the process and despite some laudable engineering and architectural achievements at restoring French Mandate-era constructions,¹⁷⁰ a consensus remains elusive among Beirutis as to whether the *Solidère* project has delivered the promised civic space for physical, national and emotional recovery.

Most of the housing reconstruction efforts in the country have been without assistance or involvement of the Government of Lebanon. In fact, the most ambitious and effective reconstruction program has remained that of Jihad al-Bina, a Shi`a community organization

affiliated with Hizb Ullah, rebuilding from the destruction left by Israel's repeated invasions and prolonged occupation, affecting all denominations in South Lebanon.

In South Beirut, the destruction of *al-Dhahiya* (south Beirut) by intensive Israeli bombing in 2006 has created complicated opportunities to negotiate reconstruction among Jihad al-Bina, land claimants and government authorities. Among the contention points are the prospect of government authorities regularizing and enforcing building codes and planning criteria, on the one hand, and the expediency to rebuild needed housing and communities, on the other. Reconstruction there involves state, communal and private landholdings upon which the dense neighborhoods have been informally built.¹⁷¹

2. Countering War and Conflicts with Development

City regeneration and urban renewal remain intense challenges for Arab cities in the ESCWA region, many of which are coping with destruction and/or accommodating displacement arising from conflict, or other causes of dispossession and displacement. Ensuring adequate housing and especially accommodating refugees and asylum-seekers from within and/or outside of the region involves theoretical and practical considerations and corresponding roles for various stakeholders. Human development is a theory that merges older ideas from welfare economics, ecological economics, sustainable development, feminist economics and the body of strategies to achieve human well-being. A variety of theoretical and practical tools and approaches are available to serve the various purposes of development.

Sustainable development calls forth a complex socio-ecological process characterized by the fulfillment of human needs, while maintaining the quality of the natural environment indefinitely. The concept came into general usage following publication of the 1987 report of the World Commission on Environment and Development (Brundtland Commission), defined as development that “meets the needs of the present generation without compromising the ability of future generations to meet their own needs.”¹⁷²

The common purposes of development are to meet human needs, eradicate poverty, protect the vulnerable, institute justice and remedy—as well as prevent—deprivation. Decision makers and technicians may debate the means how, and extent to which development model mandates the redistribution of wealth or preservation of the environment; however, each available approach involves the reconciliation of certain dilemmas and complementarity of diverse expertise.

a. Classic Development Approaches

Top-down (or center-down) development theory remains the classic reference for professionals in the fields of policy and project implementation. That approach involves relatively few, large investments in specific sectors of the economy or geographical areas on the assumption that the benefits would spread to benefit other areas. It is often related to the “trickle down” approach; whereby, governments make decisions without sufficiently consulting with development's local human subjects. Examples include such resource development and process projects as those involving strategic sectors; e.g., petroleum, minerals and forestry resources; and/or infrastructure projects such as roads, airports, mass transit, hard services and rail, office and retail development to regenerate urban areas, as well as investments in science and high technology. Such

approaches favor large-scale investment projects, which are efforts at increasing functional and territorial integration. That means that the increasing scale of the private and public organizations required to transmit development through these integrated units call for large redistribution mechanisms and the reform (i.e., reduction) of economic, social, cultural and institutional barriers that hinder the integration and transmission of effects between and among those targeted units.

In other words, the benefits of what is constructed or invested in are expected eventually to reach an ever-wider segment of society. However, sometimes the invested capital and resources flow from the periphery back to the core (the “backwash” effect). Consequently, some authors have concluded that:

The past three decades, dominated by development strategies “from above,” have not led to decreased disparities in living levels. Disparities have in general increased... between social strata and between geographical areas.¹⁷³

Alternative “bottom-up” approaches assert that decisions and power should remain as close to the bottom as possible within a region, rather than being imposed from outside. Thus, self-directed and self-generated economic growth and development is supposed to occur with greater success than a potentially risky project imposed from outside the affected community. Self-help programs and social production of habitat correspond with this brand of development and require the state to enable local initiative with supportive policy and program interventions.

Such approaches for bottom-up regional development pose the following theoretical probabilities:

- the structure of the regional economy plays a decisive role in its development;
- a region’s development gains or losses ultimately may depend on local conditions such as political institutions, regional policy interventions, infrastructure, supply of skilled labor, levels of education, social qualifications, price factors and population density, etc.

The top/center-down approach adheres to a core-periphery model of development; whereas, the bottom-up promotes development whose contours follow a “mosaic” pattern of many local efforts merging to achieve greater well-being (with or without a coordination mechanism). Both involve their share of risk: The former misses its organic (vertical) link to the subjects of development, and the latter may lack lateral/horizontal integration. However, the decentralized approach finds harmony with the pursuit of “intermediate needs”¹⁷⁴ “capabilities”¹⁷⁵ to ensure human well-being. The World Bank’s admission of majestic failure to achieve top-down development with well-being for the targeted poor has led to the search for correctives.¹⁷⁶

Lessons have taught that the pursuit of economic growth was never a condition and certainly nor sufficient to address poverty. Indeed the impoverished inhabitants of cities are less affected by economic growth than by economic distribution.

b. Neoliberal approach

The *contrastructural*, or neoliberal approach seeks to reduce the role of government and the state as actual impediments to development. Neoliberal brands of economic theory represent a countermovement against the dominance of huge bureaucracies and state regulations that apparently stifle private investment and distort prices in ways that make developing economies

inefficient. The effect and purpose of neoliberal theory are to free private interests and reduce public expenditures as means to stimulate growth and/or redistribution.

The consequences for distribution along this model are greater disparity between rich and poor, the privatization of public goods and services, rising “user fees” for these basics and the ultimate decline in access to public spaces, facilities and services in the city. The neoliberal approach is exemplified in the unraveling situation of Iraq cities, which subsist within a double bind of top-down development imposed by occupation authorities combined the idling of public enterprises with privatization of public goods, services and enterprises.¹⁷⁷

c. Charitable approach

The charitable approach to ensuring the well-being of those affected by war and grinding poverty is one way of addressing problems of economic distribution in cities. It involves giving aid in various forms in response to human deprivation. Philanthropy, as the name suggests, arises from a compassion emotional proclivity toward the person in need. It is seen as an ethical response and, as such, enhances the moral standing of the giver. Charity alone, however, does not equate with development insofar as it does not necessarily address structural matters or ensure sustainability of the benefits to the recipient. As an impulse from an outside party to render service to those in dire need, charity is often perceived as a temporary intervention akin to the top-down approach. Therefore, for charity to be a contributor to development requires the combination with other values and techniques.

d. Welfare Approach

The welfare approach perceives individuals and their associated economic activities as the basic units for aggregating to social welfare. “Social welfare,” whether for a group, a community, or an entire nation cannot be extricated from the “welfare” associated with its individual units. Welfare economics typically takes individual preferences as given and pursues (Pareto) improvement in well-being (welfare). Manipulating the allocation of goods, services or income for a set of needy individuals should make at least one individual better off without diminishing any other individual’s welfare. Another aspect of welfare treats income/goods distribution, including equality, as a further dimension of general (social) well-being. Such manipulation in policy terms can be universal, such as a market subsidy for essential goods, or selective, as in the case of targeting interventions to individuals and specific population groups meeting certain minimum criteria.¹⁷⁸

e. Humanitarian-assistance Approach

Humanitarian assistance is typically an international response to dire conditions arising from the absence or failure of development, or deprivation owing to natural or other disaster, including the suffering that comes with war and related conflict. Assistance is most often in the form of direct and discrete interventions not channeled through a comprehensive program of development. Humanitarian assistance is meant to be temporary, through the duration of the emergency, and is not intended to replace more deliberate, strategic development interventions that seek structural improvements and self-reliance over time.

In Palestine, the shift from long-term development support to emergency mode has interrupted the Palestinian Authority's progress on the mid-term development plan and sectoral plans. While these temporary measures have served to stabilize the emergency situation, they were not expected to contribute to the long-term improvement of socioeconomic conditions in the occupied territory. Nor were they expected to be a substitute for the direct responsibility of local parties, or for a rejuvenated political process that could address the underlying issues of the conflict.¹⁷⁹ The humanitarian assistance approach has time and scope limitations and does not pretend to accomplish more than a minimum level of well-being.

f. Participatory approach: shift to the rights-based approach

The human rights approach, or rights-based approach, has distinct ideological features; however, it is not a self-standing theoretical development model. The human rights approach to development is a hybrid of the above approaches to which an authoritative legal framework is added. The link between human rights and development long has been recognized in the international community, and its integration is a matter of policy across UN agencies.

The human rights approach takes one step beyond the theory of human need to argue that each individuals actually *deserves* to have her/his needs fulfilled, since “all human beings are born free and equal in dignity and rights.” What that means for authorities is that, for every codified human right, the state bears corresponding obligations. As these obligations arise from public international law and “paramount” human right norms, they supersede other commitments of state under other regimes, including international private law.

Proponents of human rights have sought and largely achieved the legal specificity in treaties, soft-law instruments and international jurisprudence that define the content of distinct rights, as in the definition of the “adequacy” of housing as a human right. These elements of the right have developed with much diverse input serve also as a check list for implementing both treaty and development project.

The theory and the text of the law set out the aspects of state authorities and obligations; that is, to respect, protect and fulfill each human right. That means that states parties to these norms must (1) refrain from violating the right, (2) ensure that third parties also respect the rights and (3) take positive steps toward the enjoyment of human rights, including the “continuous improvement of living conditions.”¹⁸⁰

In the human rights approach, one element common to all categories of rights is participation. The theory of human need identifies participation as essential to satisfying the basic need of autonomy, and the human rights approach assumes the formula such that the greater the degree of the concerned people's participation in development, the greater the recognition of their dignity. States also have codified the civil right to participation into human rights law.¹⁸¹ That coincidence illustrates, amid innumerable other examples, how human rights are interdependent and indivisible. Their realization is made possible also by applying principles that apply to all rights. That means that the state, the legal personality authorized to form treaties, is required to respect, protect and fulfill all human rights, including economic/social/cultural rights as measures of development. Therefore, they guarantee the following:

- Self-determination of nations and peoples, including their control over their own resources and means of subsistence;

- Nondiscrimination on any arbitrary basis,
- Gender equality,
- Rule of law and access to effective justice,
- Progressive realization of rights/nonretrogression in access or enjoyment of rights,
- Application of the maximum available resources, and
- International cooperation.¹⁸²

The best practices of state and city enable inhabitants to build their habitat within these thorough requirements, while upholding their autonomy and well-being. That is most difficult for even the best-intended systems in times of conflict and in cases of mobile and border-crossing populations.

Respecting, protecting and fulfilling the refugees' or migrant workers' human right to adequate housing might not translate into much assurance without a specific state policy. That is universal, but especially true in developing countries, where forced migration is concentrated.

ICESCR also recognizes that “developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.” However, legal authorities have interpreted narrowly the permissible discrepancy of treatment between citizens and humans of other civil status. The treaty-monitoring bodies have affirmed states' binding “core obligations” to respect, protect and fulfill all rights for non-nationals as well.¹⁸³

Therefore, in the development context of cities in war and comparable upheaval, it is relevant to note that no migrant—including any irregular migrant—is without rights guaranteed in the modern state. Some migrant rights may be derogated, particularly those affecting work, political participation and residency. Nonderogable are the right that no party in any circumstances, whether under emergency or in war, may violate. These include the rights to:

- Life
- Conscience, religion and belief
- Recognition as a person before the law
- No prosecution without law
- Freedom from torture
- Freedom from slavery
- Freedom from prison for nonfulfillment of a contract

The human rights framework also requires cities, as integral to state authority, to abide by the state's binding human rights treaties. In practice, that would mean, for example, that law enforcement officers must know that their first obligation is to protect, not to treat a person of any migration status as devoid of rights. Torture and trafficking are proscribed. An illegal migrant victim of any crime or civil offense retains the right to recognition before the law as such.

Within the human rights framework, the state and, by extension, the city have the right—indeed the obligation—also to seek international cooperation in addressing the material and social challenges of forced migration. Human rights norms also provide a basis for such a claim.

In the context of ESCWA, the human rights obligations [see ratification chart above] follow the state in its cross-border behavior, whether in trade or by military occupation. Reminding states of their human rights obligations and violations is one, but by no means sufficient, approach. What is meant by the mandatory human rights approach is to put human rights norms and jurisprudence to use as a guide, as well as a repository of good-practice solutions, in seeking remedy and inclusion.

Regional and cultural specificities in implementing human rights are natural ingredients to the exercise of rights of, and obligations toward refugees and migrants. Respect for migrants and those seeking refuge has been a permanent feature of the Islamic faith, and, therefore, not alien to the ESCWA region.¹⁸⁴

The Holy Quran is rich in references to the People of the Book, who preceded the Muslims as “the persecuted people,”¹⁸⁵ “oppressed in the land”¹⁸⁶ and having been “unjustly driven from their homes”¹⁸⁷ and “those who fled their homes, or were expelled from them, and those that suffered persecution.”¹⁸⁸ Comparative studies of the historical development of asylum laws have found that, “[p]erhaps the most generous right to asylum [is] found in the Arab-Islamic tradition.”¹⁸⁹ However, as moral systems also precede the emergence of modern religion, it is also important to note that the first codification of the right to return arose from the ESCWA region with the decree of Cyrus the Great (ca. 530 B.C.), granting the return of those numerous communities whom the then-vanquished Neo-Assyrian empire previously had uprooted and transferred.¹⁹⁰

g. Temporary and Durable Solutions

Those having “a well-founded fear of persecution” seek refuge outside their country when that state of origin fails in its duty to provide protection. Under such circumstances, the receiving state bears the legal obligation not to send back (*refoule*) the refugee or asylum seeker.¹⁹¹ The State also bears the obligation to determine the status of the asylum seeker according to the 1951 definition or other regional treaty standard. All parties to a refugee situation seek durable solutions. The principal options involve (1) voluntary return to the country of origin, (2) resettlement in a country providing residence and naturalization rights, (3) internment in refugee camps, (4) local integration and/or (5) temporary protection.

In any event, integration is the preferred option in both interim and permanent (durable) arrangements for refugees. Recognizing the potential of refugees to be agents of their own development and the wider economy, the integrated approach means that refugees interact with local people in ways that reduce stigma and discrimination. It also means that the aid provided for refugees living in existing communities can benefit also those host communities.¹⁹² In a developing-country context, creating structures of separate development for refugees and locals poses undue hazards that can arise out of resentment and social disharmony. Moreover, separate refugee camps and facilities are more expensive than integrated systems and, in the event that refugees return or move on, separately built facilities may lie to waste.

3. Remedial Measures

Applying the rights framework also involves the international law principles of victims’ reparation rights. The general principles of international law pertaining to remedies for, and

reparation of victims have been well established, not least through the post-WW II military tribunals¹⁹³ and the work of the UN's International Law Commission, Commission on Human Rights¹⁹⁴ and its Sub-Commission on the Promotion and Protection of Human Rights. Consistent with the call from the ICJ's 2004 Advisory Opinion on the construction of the wall in Palestine to specify terms of reparation, the General Assembly has adopted in law the applicable elements of victims' entitlements.

The General Assembly has affirmed the legal obligation of states to respect, protect and fulfill the victim's right to remedy and reparation, as they arise from international treaties, customary law and the domestic statute. That obligation requires the state to (1) incorporate norms of international human rights law and international humanitarian law into domestic law and/or otherwise implementing them in their domestic legal system; (2) adopt appropriate and effective legislative and administrative and other appropriate procedures and measures that provide fair, effective and prompt access to justice; (3) ensure that their domestic law provides at least the same level of protection for victims as that required by their international obligations; and (4) make adequate, effective, prompt and appropriate remedies available, including reparation.¹⁹⁵

Reparation

GA resolution A/RES/60/147 identifies the fundamental elements of remedy and reparation to victims of gross violations of human rights (e.g., forced eviction¹⁹⁶) and grave breaches of humanitarian law (e.g., population transfer).¹⁹⁷ These include restitution, compensation, rehabilitation, satisfaction and guarantees of nonrepetition.

Restitution means to restore the victim to the original situation before the violation occurred. That includes return to one's place of residence, restoration of employment and return of property. Where return and restoration of the property are not physically possible, because it is under a reservoir or other condition making it unsuitable for the victim inhabiting it, then resettlement in another location is possible with the consent of the victim.

As restitution involves return to and restoration of the original land and other properties, cash in exchange for real property is not applicable, unless by special consent of the victim.¹⁹⁸ Rather, *compensation* entitles the victim to reward for any economically assessable damage, including moral damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case. *Rehabilitation* should include medical and psychological care as well as legal and social services. *Satisfaction* should include, where applicable, the elements of transitional justice, including public establishment of culpability, access to an effective judicial process and adequate information to establish justice. *Guarantees of nonrepetition* should be comprised of actions by the responsible state and any proven perpetrator of the actual violation.

While these recently confirmed standards of remedy apply to victims of a range of gross violations and grave breaches, more specific guidelines have developed particularly for housing and property restitution in the context of the return of refugees and internally displaced persons. The ground-breaking work of the UN Sub-Commission for the Promotion and Protection of Human Rights has produced those guidelines through its Special Rapporteur Sérgio Pinheiro in the form of a report popularly known as the Pinheiro Principles.¹⁹⁹

These principles for housing and property restitution for returning refugees and IDPs rest on already codified human rights, including:

- Voluntary return in safety and dignity
- Peaceful enjoyment of possessions
- Privacy and respect for the home
- Protection from displacement
- Freedom of movement
- Adequate housing

According to this soft-law instrument, concerned states are required to establish and support equitable, timely, independent, transparent and nondiscriminatory procedures, institutions and mechanisms to assess and enforce housing, land and property restitution claims for the returnees. It calls on parties concluding peace arrangements to address specifically and effectively the measures and means to ensure the restoration of land, housing and property to the rightful owners, while also recognizing and addressing the rights of tenants, secondary occupants and other nonowners.²⁰⁰

The Pinheiro Principles reflect lessons learned from serial conflicts and transitional-justice models, including the reparations and refugee returns resulting from the Iraqi occupation of Kuwait, liberation and independence of East Timor, the measures laid out for Bosnia-Herzegovina in the Dayton Accords, and the return of Kosovar refugees. The Principles serve to guide future conflict resolution efforts, particularly in cases where resources and political circumstances permit the needed institutional and procedural requirements of justice. In that connection, the Pinheiro Principles reserve a significant role for the international community.²⁰¹

Transitional justice

Even more thorough are the principles of transitional justice. When considering restitution and reparation processes, we find that, historically, juridical strategies have provided remarkably fewer reparations than the administrative processes have done. These administrative remedies have involved a variety of institutions and methods, ranging from corporations paying compensation to institutions in the name of holocaust victims,²⁰² and including the UN's Iraq Conciliation Commission, paying out directly to affected parties. Some processes have been local and focused on reconciling the pain, suffering, loss and costs to victims in a single country, such as the South African Truth and Reconciliation Commission and the Moroccan Equity and Reconciliation Commission (*Instance Équité et Réconciliation* [IER]), even though that has not delivered "reparations" in the legal sense. Cumulative experience has developed five principle transitional justice mechanisms (trials, truth commissions, amnesty, lustrations, or reparations).

Theoretically, transitional justice complete involves five processes, although in no rigidly prescribed order:

1. **Remembrance, documentation and acknowledgement** of the pain, suffering, loss, motivations, etc., in order to reconstruct the broken past to determine the duties and violations (including breaches and crimes), especially with an eye to procedures and standards of evidence sufficient for adjudication;
2. **Dialogue and reconciliation** between and among parties involved in an effort to uphold the other efforts of transitional justice;
3. **Prosecution** of the duty holders to ascertain personal liability, state obligation, state liability, state responsibility, war crimes, crimes against humanity, etc.;
4. **Reform** of abusive institutions;
5. **Reparation**, according to the seven elements defined in the corresponding UN General Assembly resolution.²⁰³

While such forms and processes seem unimaginable for many, they are with rights universally recognized standard.

Paul Bremer enacted into law by CPA decree the Iraq Property Compensation Commission (IPCC) (now the Iraq Commission for the Resolution of Real Property Disputes), aimed at restitution for the victims of the Anfal campaigns. The initial method of the IPCC dismissed local law, took a narrow view of rights and omitted accumulated world expertise to establish an apparatus for process claims for past dispossession. However, the comparable ongoing violations remained just as unremedied as they were mounting.²⁰⁴

As recognized in UN Security Council resolutions 1483 and 1511, foreign forces in Iraq, as occupying powers, are bound to comply with these standards. Particularly relevant to the subject at hand, this includes the prohibition against certain forms of eviction, wanton property destruction and population transfer.²⁰⁵ Those practices have been codified among the gross violations of human rights treaty provisions, grave breaches of humanitarian law and/or criminally indictable as “grave breaches,” “war crimes” and “crimes against humanity.”²⁰⁶ Forced evictions, carried out in war or peacetime, would constitute a gross violation of human rights, in particular of the right to adequate housing, as the UN Commission on Human Rights has stressed by unanimously adopting its resolution E/CN.4/RES/1993/77.

Reliable figures assessing the value of war damage to Iraq’s housing stock and infrastructure are not available. Such an accounting would serve the purpose of assessing reparations, as in the case of German and Japanese reparations to neighboring countries occupied during World War II, or in the case of Iraq’s reparations paid to compensate victims for losses from its 1990–91 occupation of Kuwait, Bosnia, Kosovo, or East Timor.

Problematic is the fact that the parties liable for reparation payments in post-1947 Palestine and post-2003 Iraq are also the prevailing victors. Thus, no party has demonstrated the will and capacity to assess the housing and infrastructure damages arising from the invasion and occupation. Despite the contributions of coalition and noncoalition States to the development of human rights and the laws of war, implicated politicians do not favor legal culpability as a framework for financing or implementing Iraq’s reconstruction.

a. *Toward Preventive Policy*

Globally, social movements and local authorities have coincided to find equitable solutions to the problems that concentrate in cities. At Habitat II (1996), the World Assembly of Cities and Local Authorities recognized that, “as globalisation takes place, aspirations regarding the respect of fundamental rights, especially in...the governance of human settlements, are becoming universal.”²⁰⁷ The Assembly pledged “to ensure that towns and cities give more attention to social integration and the struggle against exclusion, in order to avoid weakening the social fabric and jeopardising the notion of belonging and citizenship.”²⁰⁸ In their declaration, the local authorities committed themselves to development “from the bottom up” in order to improve individual and collective quality of life, while maintaining a balance of competences, obligations and authority that respects “the proper role of the State in economic and social matters.”²⁰⁹

For their part, global civil society and social movements have pursued a similarly inclusive vision of an inclusive city, as expressed in the current draft Charter on the Right to the City. Building on the notion of “le droit à la ville” attributed to French urbanist Henri Lefebvre, Latin American urban social movements have crystallized their demands for equitable access to public goods, services and spaces through the World Social Forum and other venues. What started as an organizing slogan, eventually the draft Charter came to define the “right to the city” as a composite of existing human rights and state obligations to be exercised at the municipal level, in addition to claims to additional “rights” to land, sanitation, energy and transport. While the draft Charter on the Right to City emanated from Latin American, it remains a work in progress that its proponents seek to transform into a global movement.

Individual cities have taken initiatives to guarantee in writing and through programs to ensure their inclusiveness. Notable is the Montréal Charter of Rights and Responsibilities, which defines the roles of both citizens and authorities to ensure human dignity, peace, nondiscrimination, tolerance and equality in governance and in neighborly relations. The Montréal Charter invokes some of the relevant human rights instruments as well as official national, provincial and municipal commitments to those values and to sustainable development.²¹⁰

Cities in Europe have responded to a crisis that “is shaking delegated democracy in the field of national States” and “the unease...stirred up by European bureaucracies” to respond collectively in the form of The European Charter for the Safeguarding of Human Rights in the City (2000). The Charter acknowledges that “inhabitants of the rural areas continue their long march toward the cities” that “welcome large numbers of citizens in transit, but also and above all, foreigners who seek freedom, work and an exchange of awareness...” Thus, as a microcosm of crisis and mobility, the Charter asserts that “the city has become the future of mankind.”²¹¹ It recognizes “the right to the city,”²¹² as well as certain duties, including the duty of solidarity, and it projects the needed characteristics of a city that ensures human rights through:

One will: to integrate the social links, in a lasting way, in the public area;

One principle: equality;

One objective: an increase in the political awareness of all the inhabitants.

While specifying principles of democratic governance, the Charter also asserts newly articulated rights, including a right to the environment,²¹³ a right to harmonious and sustainable city development,²¹⁴ a right to circulation and tranquility in the city,²¹⁵ a right to leisure,²¹⁶ and consumer rights.²¹⁷ Whereas only states bear the legal personality to enter into binding treaties,²¹⁸

the European Charter for the Safeguarding of Human Rights in the City recognizes the principle of international municipal cooperation and commitment through the Charter as a legally binding instrument in the municipal jurisdiction of the cities that are party to it.

While drawing on the concepts and commitments emanating from other regions, other frameworks are available and potential in the ESCWA region. The ongoing double campaign of Secure Housing and Land Tenure and Good Urban Governance in ESCWA states bear the prospect of instituting urban inclusion and an Arab cities' call for peace and stability aided by all concerned parties.

| Number of migrants by sex, by development group and subregions of the Arab region, 1990 and 2005 | | | | | | |
|--|-----------------------------|------|------|------|---------------|------|
| | <i>Millions of migrants</i> | | | | <i>%age ♀</i> | |
| | 1990 | | 2005 | | 1990 | 2005 |
| | ♀ | ♂ | ♀ | ♂ | | |
| World | 76.0 | 79.0 | 94.5 | 96.1 | 49.0 | 49.6 |
| More-developed | 42.8 | 39.6 | 60.3 | 55.1 | 52.0 | 52.2 |
| Less-developed | 33.2 | 39.4 | 34.3 | 41.0 | 45.7 | 45.5 |
| AR with al- | 4.7 | 8.4 | 7.0 | 12.9 | 36.1 | 35.1 |
| Maghrib | 0.3 | 0.5 | 0.4 | 0.6 | 41.6 | 41.1 |
| Mashriq with | 1.7 | 1.8 | 2.8 | 3.0 | 48.7 | 48.6 |
| GCC | 2.6 | 6.0 | 3.7 | 9.1 | 31.4 | 29.2 |
| Bahrain | 0.0 | 0.1 | 0.1 | 0.2 | 28.5 | 30.9 |
| Kuwait | 0.6 | 0.9 | 0.5 | 1.2 | 39.0 | 31.0 |
| Oman | 0.1 | 0.4 | 0.1 | 0.5 | 20.9 | 20.9 |
| Qatar | 0.1 | 0.3 | 0.2 | 0.5 | 25.8 | 25.8 |
| Saudi Arabia | 1.4 | 3.3 | 1.9 | 4.4 | 30.0 | 30.1 |
| UAE | 0.4 | 1.0 | 0.9 | 2.3 | 28.5 | 27.8 |
| a Including Yemen. | | | | | | |
| Source: United Nations Population Division. ²¹⁹ | | | | | | |

Gender Considerations

The human rights framework and practical experience point to the urgency of addressing gender issues in two complementary ways: At the point of remedy and reparation, women should have special consideration for the disproportional burden they face in their social roles as guardians of the home and primary caregivers for succeeding generations. Further, as a preventive strategy, women's advice and consent on all aspects of human settlements development, from project design to urban management, averts the hazards of patriarchal top-down processes that have negated the intended objectives.²²⁰ Addressing the gender considerations in conflict and peace building, the UN Security Council has adopted binding terms for the UN, states and all conflict parties to take special measures for women's protection in time of conflict, and for their participation in all aspects of conflict prevention, peace building and post-conflict reconstruction.²²¹

A refugee or displaced woman's access to land and secure land tenure may be vital for economic survival. At the point of return, women returning to Darfur, southern Sudan, Lebanon or Palestine need legal protections not yet in place to recognize their personal and/or community housing and land tenure, especially in the absence of a male partner typically holding the title. In Iraq, already in 1997, the total officially registered widows population was over 560,000.²²² By 2001, in Northern Iraq, war widows were heads of 22,485 families or 16% of 141,234 internally displaced families

(805,505 persons).²²³ By 2007, the Iraqi Ministry of Women's Affairs estimated the number of Iraqi widows at two and three million, and growing.²²⁴

| Estimated Stock of Sri Lankan Overseas Contract Workers, 2005 | | | |
|--|----------------|----------------|------------------|
| Country | Male | Female | Total |
| Saudi Arabia | 141,085 | 239,701 | 380,786 |
| Kuwait | 35,267 | 166,860 | 202,127 |
| UAE | 68,889 | 102,669 | 171,558 |
| Lebanon | 96,577 | 22,192 | 118,769 |
| Italy | 7,168 | 86,208 | 93,376 |
| Jordan | 15,007 | 45,212 | 60,219 |
| Oman | 8,333 | 42,594 | 50,927 |
| Bahrain | 9,025 | 31,001 | 40,026 |
| Qatar | 6,810 | 24,577 | 31,387 |
| Cyprus | 3,960 | 13,485 | 17,445 |
| Maldives | 12,228 | 4,623 | 16,911 |
| Singapore | 2,682 | 13,209 | 15,891 |
| South Korea | 6,176 | 1,718 | 7,894 |
| Hong Kong | 304 | 2,649 | 2,953 |
| Malaysia | 2,507 | 1,049 | 3,556 |
| Mauritius | 392 | 930 | 1,322 |
| Greece | 391 | 424 | 815 |
| Egypt | 88 | 500 | 588 |
| Others | 2,007 | 1,946 | 3,953 |
| Total | 420,926 | 800,837 | 1,221,763 |

Source: Sri Lanka Bureau of Foreign Employment (Sri Lanka).²²⁵

UN-HABITAT believes that land and legal security of tenure are strategic prerequisites for the provision of adequate shelter settling tenure issues helps to break the vicious cycle of poverty for the urban poor. Especially women headed households and other vulnerable groups deserve to benefit.²²⁶

4. Current National Strategies Dealing with Outcomes of Wars and Conflicts

Increasingly, the international community is recognizing and emphasizing the positive effects of international migration for home country development.²²⁷ The High-Level Dialogue on International Migration has taken place in 2006, and the General Assembly agenda now includes "migration and development" as an annual item. At least a dozen multilateral organizations now deal with some aspects of migration and development, whether in the context of war and conflict or in "regular" forms of migration.²²⁸

Meanwhile, urgently needed are national strategies for the avoidance of the war, occupation and dispossession that deepen human deprivation and forced migration. Save that, the typical areas of national readiness and intervention in the face of the consequences of war and conflict involve the familiar functions of border control, labor migration management, international protection, and the management of irregular migration and refugee status determination. Increasingly, however, attention to the nexus between migration and development is growing. The task remains to fundamentally redefine and manage conflict and migration to the benefit of both originating and receiving countries, both individual migrants and host societies, consistent with the Millennium Development Goals (MDGs) and applicable treaty obligations, including the human rights covenants and conventions. The necessary deliberative process is underway in the Abu Dhabi Dialogue (as mentioned above).

Needed interventions would address root causes of migration linked to underdevelopment (poverty, socioeconomic instability, population pressures) with a view to preventing migration/creating conditions so that people do not want or need to migrate. Addressing negative aspects of migration related to development (brain drain, depletion of the labor force, disappearing peasantries) primarily through measures that limit such negative effects. Perhaps most stubborn of all tasks is to address and replace the dominant will among the leadership of states to wage war and carry out—or permit—acts of dispossession and deprivation that render strategic planning, public administration, development and human rights as majestically naïve pursuits.

| Major Destinations for Housemaids (by rank) | | | | | |
|--|--------------|--------------|--------------|--------------|-------------|
| | 2001 | 2002 | 2003 | 2004 | 2005 |
| 1 | Saudi Arabia | Saudi Arabia | Saudi Arabia | Saudi Arabia | UAE |
| 2 | Kuwait | Kuwait | Kuwait | Kuwait | Kuwait |
| 3 | UAE | UAE | UAE | UAE | UAE |
| 4 | Qatar | Qatar | Qatar | Qatar | Qatar |
| 5 | Lebanon | Lebanon | Lebanon | Lebanon | Lebanon |
| 6 | Jordan | Jordan | Oman | Jordan | Jordan |
| 7 | Bahrain | Bahrain | Bahrain | Bahrain | South Korea |
| 8 | Maldives | Cyprus | Maldives | Cyprus | Bahrain |

Source: Sri Lanka Bureau of Foreign Employment (Sri Lanka).²²⁹

Migration policy formulation is generally needed in the ESCWA region states, particularly whereas migrant workers are generally excluded from safeguards under labour law. A range of labour and human rights violations can and do result, including overwork, nonpayment of wages, restrictions on mobility and communication, and physical and sexual abuse.

In recent years, UN agencies have been engaged in technical cooperation with certain governments in the region to address abuses, as well as develop compatible national law and policy. For example, in 2001, Jordan's Ministry of Labour signed a Memorandum of Understanding with the United Nations Development Fund for Women (UNIFEM), agreeing to participate in the Empowering Women Migrant Workers in Asia programme, which seeks to improve conditions and ensure that domestic workers employed under proper labour contracts.²³⁰ Within the International Labour Organisation (ILO) Multilateral Framework on Labour Migration, affirming all ILO Conventions, ILO cooperation seeks to extend trade union protection to migrant workers; ensure cooperation and coordination of activities between and among states on migration issues.

The War on Iraq and subsequent displacement and refugees/migrant flows to neighbouring countries have required adjustments in a wide range of policy areas: housing, labour, education, health and infrastructure. In Jordan, ILO's advisory services have supported the government in implementing the Action Plan for the management of labour migration and the protection of migrant workers and assisted to develop a Migration Directorate within the Ministry of Labour (MoL) specialized to address migration-related national priorities and the development framework. Other efforts within the Jordanian Government have addressed migration issues, including those in the Ministry of Interior (MoI) and MoL.

The ILO assistance in developing both labour and migration policies is eminently relevant to the development and poverty eradication objectives sought in the ILO's tripartite programmes and Jordan's own National Agenda.²³¹ The "indivisibility" of rights becomes evident in such policy development, especially in a country such as Jordan, where the enjoyment of many human rights is inextricably linked to livelihood issues.

a. Local Governance

More and more, local government is assuming a greater portion of the delivery of services and bears the immediate responsibility for progress in some areas. Specifically, local governments tend to deliver more schools, health facilities, clean-water outlets and public housing. Decentralization programs appear to have increased public access to services, and their availability, thereby promoting economic and social rights. In many cases, poor and excluded people also benefit. However, research (not specific to ESCWA region) indicates that services are rarely adapted to meet local needs or cultural expectations and that many local governments in developing regions do not promote participation, prevent discrimination or sufficiently maintain accountability.²³²

Applying the human rights framework at all levels of government delivers certain benefits for the parties involved. First, it empowers citizens and voters who are the very subject of human right. Secondly, following the comprehensive and inter-related principles of human rights helps governments to act consistently and prevent discrimination and ensure access to justice. Thirdly, governments affirm their service to inhabitants as a legal obligation by extension of the human rights obligations and related commitments undertaken by the state.

Applying human rights as a method recognizes the indivisibility and inter-relatedness of rights and human needs. That means, for example, that civil, cultural, economic, political and social rights are respected, protected and fulfilled as a package, not subordinated in hierarchical fashion. Furthermore, using human rights as tools of statecraft at the city level links the local with the universal principles enshrined in the international level, facilitating vertical and horizontal interaction and the sharing of common criteria with authorities.

One of the most important advantages in upholding these human rights values is to ensure the internal and external legitimacy of governance. By citizens applying human rights also intends to bring government and civil society closer together, especially in practical partnerships. Likewise, linking local government to national obligations retains the partnership of cities with duty-holding central governments to ensure geographically uniform treatment within the state's jurisdiction. Maintaining the vision of cities in their human rights context also reinforces arguments and efforts to access international cooperation and international remedy, if needed.

Local government policies, projects and services are more effective and legitimate if they involve citizens in decisions that concern them. Human rights entitle people to voice their opinions, express disagreement and argue for their needs and interests as a vital element of all substantive rights. Participation, free expression and access to information are also codified rights as guaranteed in ICCPR, and are known as "process rights," due to their effect on the pursuit of other human rights.

Human rights standards, including treaties, require governments to provide access to certain services, including primary education and health, housing, and potable water. This duty is not discretionary, or merely morally advisable, but also legally binding. This clarifies for policy makers and implementers to know what their requirements and authorities toward third parties in the event of privatization of services upon which the city's residents rely. It also guides policy decisions in the case of discrimination or other illicit practice in the private sector.

A Framework for Action: Learning from Successful Local, Regional and International Experiences

Governments at all levels and specialized agencies dealing with conflict, displacement and development have accumulated vital lessons. They understand that, while they are also exceptionally vulnerable to abuse, migrants and refugees are also agents of development. Thus, informed migration management is a method to maximize the potential of individual migrants through realizing rights that enable them to achieve the highest possible capabilities to be productive contributors to the development process. In practice, this means applying the maximum of available efforts and resources to ensure:

- Security of person for migrants, displaced persons and refugees, as any other citizen;
- Access to education, training, skills acquisition, empowerment of women;
- Research and strategy exchange are carefully targeted to identify effective new modes of intervention;
- Physical and mental health facilities and psychosocial services with special capacity in treating affliction so f refugees and migrants;
- Official and civil dialogue with newly arriving communities;
- Coordination and partnership between international organizations and NGOs;
- Certain labor migration-facilitation programs, as appropriate, such as microcredit schemes for small enterprise businesses enhancing cross-border trade;
- Social and economic integration of migrants and refugees in countries of destination;
- Acknowledge migrant worker remittances as a factor in ODA;
- Private and/or public gathering spaces for cultural and education activities of refugees and migrant communities, especially when integrated with local (host) population;
- Maintain links between expatriates and their diaspora (in countries producing migrants), in order to provide support to nationals abroad at different stages of the migration process such as in their preparation for departure, return, dual citizenship, or foreign direct investment;
- Allow migrants to keep their jobs in the host country when serving on temporary contract abroad;
- Appropriate types of migration by identifying needed skills in ESCWA-region cities;
- Capacity building of public administration through programs that enhance planning and service delivery mechanisms at municipal levels;
- National reconciliation in postconflict countries and community-level conflict management skills as appropriate;
- Assistance to potential returnees to find job opportunities and other appropriate preconditions to sustainable and consensual return to their home countries;
- That women's education, work experience and economic independence abroad release women from traditional roles and enable them to exercise their rights and socioeconomic roles more effectively;

- Consultation with refugee and migrant women to understand needs and ensure participation in solutions in their integration and/or resettlement as important agents of development;
- International networking and advocacy to address the causes of displacement and economic migration through sustainable and human rights-based development in vulnerable countries;
- Essential lateral coordination and cooperation among ministries, as well as vertical coordination between central and local governments.

The last of these points of a policy framework is transversal. The need for coordination and cooperation among ministries and public institutions is always essential. Particularly in light of the “indivisibility” of human rights, ensuring well-being by remedy or prevention, as noted in above, becomes evident in such policy development, especially in a countries where the enjoyment of many human rights is inextricably linked to livelihood issues. By example, it may be fruitful for Jordan’s MoL, with its reliable statistics, to undertake an additional function of demonstrating the practical application of the MoL-produced data to other ministries.

Such measures and recommendations are foreseen as cost-effective in the long run by avoiding the more-costly consequences of social unrest, conflict and despair that otherwise accompanies displacement. Moreover, such services as health maintenance especially enhance a migrant’s ability to be economically, culturally and socially productive and contributory.

5. Conclusions: War, Conflicts, Migration and Sustainable Development of the Arab City

The cities in the ESCWA region are diverse in their historic development and future prospects. At the same time, they share common features: They coexist in a region that hosts a disproportionate share of the world’s migrant and refugee population. ESCWA cities contain a mix of indigenous populations, migrants and refugees from within the region, as well as migrants and refugees from regions beyond ESCWA. These cities are enduring the consequences of conflict and migration, while awareness is growing in the world as to the nexus between migration and development. In the meantime, many of the region’s cities have seen their infrastructure and service sectors devastated by the conduct of war and occupation. The patterns of national rural and urban development have largely left the poorest without adequate housing and, increasingly, rural agriculturalists without livelihoods.

The cruel practice of forced eviction and house demolitions, as well as the destruction of civilian infrastructure, have a particular history that has since become the subject of explicit international humanitarian law prohibitions.²³³ However, it is practiced as a form of collective punishment across the region, especially as means of repressing minorities, carrying our demographic manipulation and as a tool of military occupation.

A globalized—and, particularly, neoliberal—approach to development officially pervades the ESCWA region, promising that governments retreat from their responsibilities and authorities in ways that relinquish public assets and typically increase the cost of accessing public goods and services. Under this trend, the impoverished displaced, migrant, refugee and other vulnerable and marginalized populations will need more assistance in order to maintain a life in dignity. A human rights approach seems to offer authoritative and universal tools and principles to guide state and municipal policies toward remedy and prevention of displacement problems. The international law framework also serves to hold all relevant parties accountable to those ends.

The reconstruction phase in Iraq has left the country less developed than before, and the massive movement of internally displaced and external refugee populations promises to cripple the recovery and development of cities for years to come. The attack on homes and habitat of populations under Israel's various ethnic cleansing and military campaigns forms a continuum creating deprivation across the region for 60 years, most recently culminating in the "Operation Cast Lead" in Gaza.

Jordan and Syria maintain legal frameworks to address the needs of the refugees and provide them with the necessary instruments to be integrated in society. These include providing equal access to shelter, basic services and employment.²³⁴ Lebanon's legal and administrative set up explicitly discriminates against refugees.²³⁵ In practice, Kuwait and Saudi Arabia have carried out mass expulsions of migrant workers, including among them refugees. Despite certain institutional arrangements for restitution of properties lost in previous forced removals and population transfer in Iraq, those violations since 2003 persist with impunity.

Israel/Palestine emerges as the quintessential model of population transfer as *raison d'état*, involving the systematic and continuous dispossession of the indigenous people, their expulsion and continuing refusal of re-entry into their country. The state maintains laws and parastatal institutions with the effect and purpose of dispossession and material discrimination against them. All of these traits of state behavior have led to segregation and structural inequality within historic Palestine, as well as structures that defy social cohesion and cycles of violence in cities throughout the region.

At the same time, the region has remained a haven for refugees and displaced persons for centuries. The ESCWA region has been a refuge for Jews and Muslims ejected from al-Andalus, to the Armenian diaspora, as well as intra-regional migrants escaping the collapse of the Marib Dam in the 4th Century to accommodating millions of Palestinian refugees in the 20th. The tendency at the popular level has been to offer asylum based on morally persuasive and time-honored Islamic principles, or much deeper traditions of hospitality.

Migrant workers of varying status form a significant portion of the urban population in the ESCWA region. As seen in times of conflict, these residents can face mass exodus, despite state obligations to avoid the discriminatory and costly practice. The region's expatriate workers are the subject of new forms of international cooperation aimed at ensuring their adequate living and working conditions. This coincides with a global movement among local authorities and social movements to ensure inclusive urban spaces and equitable access to goods and services for all who live in the city as a human rights habitat.

Careful consideration must be given to providing regulatory frameworks for private-participation-in-infrastructure projects. Especially in the presence of displacement, regulating the costs of services to the poor should be a priority in the delivery of these services. When these projects are planned in traditional public sectors such as health, electricity and water, in order to preserve the fairness of the services to the public and reduce potential adverse social consequences of pricing determined by the market, especially the external market.

Managing migration also falls disproportionately to those countries least equipped. In the ESCWA region the inequities nationally and regionally are so pronounced that small oil exporting countries could report hundreds of billions of dollars of revenue over the last few years,

expend more than twice the world rate on weapons and, still, have a per capita income many times that of its neighbors. In January 2007, the Government of Yemen announced that it could no longer cope with the influx of African refugees.²³⁶ Since the Second Gulf War, Yemeni also has generated its own displacement. The brief 1994 civil war produced fewer IDPs than the local conflict in Sa`da Province. The al-Huthi rebels' conflict with Yemeni government forces has displaced some 100,000 local people, and more displacement is warned.²³⁷

Global migration data confirm that the incidence and consequences of large-scale population movements are felt disproportionately in the ESCWA region. Coping with the future prospects of the same requires preventing measures and ready policy to contain the impact of such volatility, especially, if oil prices decline.²³⁸ So far, policies across the region are not well developed or coordinated.²³⁹ Reliable and consistent national statistics are elusive. Despite the high proportion of foreigners in some countries of the ESCWA region, no Arab country has a program or policy of integrating either Arab or non-Arab foreigners into the host society.²⁴⁰

Central governments are particularly implicated in the policy formulation and implementation processes in cities, while taking into consideration the contours and limitations of certain coinciding decentralization and privatization policies. Security of tenure is considered the center piece of housing and urban development policies in the region and, in this connection, progressive legislation ensures security of tenure, right to property and to land without discrimination and proscribing forced eviction. Many efforts continue to be deployed to upgrade informal settlements in Yemen and Jordan,²⁴¹ which aimed at granting security of tenure to the inhabitants in those respective areas. In most cases, housing units and serviced plots were distributed to beneficiaries with heavily subsidized costs. In Syria, Palestinian refugees received state and international support to improve their living conditions in at least two camps (Nairab and `Ayn al-Tal).²⁴² The experiment is now being applied also in Jordan.²⁴³

For several countries and cities in the ESCWA region, the course of development simultaneously faces at least two looming challenges: (1) to repair the immediate damages of war and/or the distortion that political tensions impose on economic, social or institutional development and; and (2) to harness potential for economic growth, rapid industrialization and technological advancement by building all people's capabilities to produce value and achieve both individual human well-being and general (social) welfare. Reviving stagnant economies requires an end to military conflicts, a commitment to cease discrimination, respect and support for the peasantry, and the creation of a peaceful, politically stable environment conducive to both domestic and foreign investment. However, a further drag on progress lies in international security arrangements such that discourage the development of a governance culture that functions on the basis of citizenship as the common basis for the enjoyment of rights and development benefits. Cities occupy the locus where these features concentrate. Without official policies and practices that obviate the dominant will to wage war, deliberately incorporating the principles of the human rights framework that form legally binding attributes of civilized statecraft, the region continues to run the risks even to reverse yesterday's precarious achievements.

ANNEX I Arab City Profiles

Amman • Baghdad • Beirut • Cairo • Dubai • Jerusalem

Amman: The Challenges of Continuous Growth

Archaeological discoveries have revealed earliest known human settlements at present-day Amman to have arisen in the Neolithic period, around 8,500 BC. The Assyrians, Persians and, then, the Greeks conquered the area through its early history. Ptolemy II Philadelphus, the Hellenic ruler of Egypt, renamed it Philadelphia. Later, the city became part of the Nabataean kingdom until AD 106, when Philadelphia came under Roman control and joined the Decapolis.

Otherwise known as Rabbat Ammon, the site flourished also during Roman, Byzantine and early Islamic periods, but its good fortunes did not continue after the rule of the Umayyad dynasty came to an end in the middle of the eighth century. Renamed Amman during the Ghassanian period, the town gradually declined. A series of earthquakes and natural disasters reduced Amman to a small village and a pile of ruins, and was completely deserted by the end of the thirteenth century

Only in the 1870s was Amman inhabited again, when the Ottoman authorities settled Circassian families in the area. Streams of Circassians moved into the city over the subsequent decades, joined also by Arabs from surrounding areas. Ottoman Sultan Abdul Hamid II decided to link Damascus and Medina by the Hijaz Railway, facilitating both the haj and trade, making Amman a major station along the route. By 1921, when Amman became the capital of the new Emirate of Transjordan, the population of Amman had reached some 5,000 people.²⁴⁴

Since then, Amman has undergone exceptional growth, only partly attributed to natural population growth and to rural-to-urban migration. Amman's growth has mostly resulted from the waves of refugees and migrants settling there as a result of the constant political turmoil in the region, especially the Nakba, which began in 1947–48. At that pivotal time, Amman's population was estimated at 60,000.

While most of Amman's Iraqi migrants arriving in the 1990s have moved on from Amman to other locations, the presence of a new wave of over half a million Iraqi refugees from war and occupation has deeply affected the city's socioeconomic composition.

Most refugees waves into Amman have integrated within the city, although a significant number of Palestinian refugees still reside in low-income refugee camps located within Amman, including al-Husain and al-Wihdat. Other outlying refugee camps, such as al-Baq'a, have been effectively integrated into the capital area with the physical expansion of Amman's built-up area and the consequent services and other links. However, the camps' have a lower living standard and character distinct from other parts of the city.²⁴⁵

In addition to Palestinian stateless persons and Iraqi nationals, tens of thousands of Egyptian guest workers, almost exclusively young males, engage in construction, retail, sanitary work and

gardening. Sudanese and Egyptian workers also find employment in agriculture. Other guest workers include those from Indonesia, the Philippines and Sri Lanka; they are primarily young women employed as domestic help or toil in the Qualified Industrial Zones emerging after Jordan's 2001 Free trade Agreement with the United States. All foreigners, all agricultural workers and domestic help are excluded from basic rights at work such as minimum wage and social security, and are prohibited from joining labor unions or strike actions in claiming their labor rights. As income and decent work are related to living conditions, that legal anomaly ensures poverty and fragmentation for entire classes of workers.²⁴⁶

Predominantly a destination of refugees and migrant workers, Amman simultaneously exports Jordanian and resident Palestinian labor, especial working in Persian Gulf countries. A significant number of these external migrants return to Amman in summer months, when it is said that the city's population increases by no less than 10%.²⁴⁷

Since the arrival of Lebanon's civil war migrants and refugees, and again with the Gulf War *returnees* of the early 1990s,²⁴⁸ the new economic and social capital enabled Amman to transform from its comparatively provincial character into a city increasingly integrated with the global environment. That is not least due to the social and commercial linkages that have come with regional population displacement. However, the quality of services, incentives and legislation related to investment were not sufficiently inviting to Beirut-based businesses and, consequently, the impact of the movement of war-displaced people from Lebanon was short lived. The most recent arrivals from Iraq are more diverse, despite local stereotypes, indeed contributing to inflated rent and real-estate prices in Amman, while also forming significant pockets of poverty both in the capital and other Jordanian cities.

From the spatial dimension, the relocation of institutional and commercial activities and facilities from Amman's historic downtown to outlying hills took place primarily during the 1970s, and was particularly influenced by the spectacular construction boom that Amman experienced following two regional conflicts: the October 1973 War and the Lebanese Civil War. The first conflict brought about a dramatic increase in oil prices, which trickled down revenues to the periphery of the oil-producing Gulf, boosting the national incomes of such nonoil producing countries as Jordan. Within the context of the second conflict, the move of a considerable number of people and businesses from Beirut to Amman, albeit temporary, did contribute to the latter's subsequent construction boom.

The present city limits set by the new Greater Amman Municipality in 1987, now cover 526 square kilometers. Until then, more over 60% of that area remained empty.²⁴⁹ While considerable construction has taken place in outwardly expanding Amman, empty plots of land in all but the oldest parts of the city remain, attributed to inadequate zoning, excessive real estate speculation and inheritance laws that divide real estate among a significant number of inheritors, impeding development decisions and actions on shared plots.²⁵⁰

Over two decades following the 1948 Nakba, some 240,000 Palestinian refugees expelled from their homes settled in Amman and surrounding areas. Similarly, an estimated 180,000 more refugees settled in Amman as a consequence of the 1967 Arab-Israeli war. More recently, some 170,000 Jordanians, including Palestinians who had obtained Jordanian citizenship, relocated to Amman from Kuwait and other countries of the Gulf region as a result of their expulsion after the 1991 Gulf War.²⁵¹

Recent patterns of investment in construction, including large-scale development projects, have transformed West Amman. The new downtown project in Abdali is also building Dubai-style highrises to loom incongruously over the surrounding Jerusalem-stone edifices. Such developments promise to add to Amman's contrasting nature: affluent West Amman and overcrowded and disadvantaged East Amman. In the final retrospective, Amman, facing all of its social, demographic, environmental and economic challenges, has transformed from a deserted site for five centuries to a metropolis of some two million inhabitants.²⁵²

Baghdad, Garden of Justice

Capital of Iraq, Baghdad dates its origins to at least the 8th Century, but probably has roots in pre-Islamic times. Its name derives from the Persian for “garden of justice” (باغ داد). By 762, Caliph al-Mansur had commissioned the construction of a new eastern capital, choosing Baghdad as his site. Builders from the greater region came to work on a grand model of urban design noted for its circular plan. By its completion in 766–67, the Round City measured 2,000 meters in diameter and featured four main gates: the southwestern Kufa Gate, the southeastern Basra Gate, the Khurasan Gate extended to the northeast and the Damascus Gate to the northwest. The walls were constructed out of mud brick with reed supports, while the domes and vaults were composed in baked brick.

With a metropolitan area population estimated today at 7,000,000,²⁵³ Baghdad is the largest city in Iraq, the second-largest city in the Arab World (after Cairo) and the second-largest city in southwest Asia (after Tehran). Once the center of Dar al-Salam, the Muslim world under the Abbasids, the modern city is comprised of multiple centers and spreads over an area 734 km².

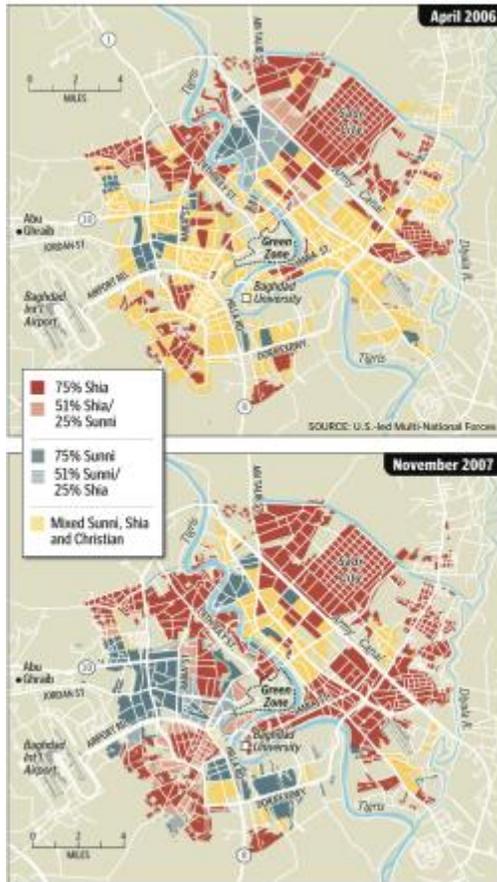
The city's population grew from an estimated 145,000 in 1900 to 580,000 in 1950 of which 140,000 were Jewish. The share of urban population in Iraq doubled from 35.1 per cent in 1950 to approximately 70% in 1995. By 1995, roughly 18 million people lived in urban areas. Natural growth and internal migration, caused by forcible population transfers in the prevailing instability in the country and region, led to the explosion of Baghdad's population, in particular, from just over 500,000, in 1947, growing by a factor of 14 over forty years.

The city of Baghdad provides an example of expedient physical planning over the recent decades of rapid urbanization, resulting in poor housing conditions in many popular neighborhoods. Baghdad's housing development has been the subject of three approved but, nonetheless, unsustainable plans: the Development Board plan provided by Monoperio (1956); the second master plan by Constantinos A. Doxiades (1958); and the “Baghdad 2000” master plan of 1976, devised by Poleservice. Typical of unsystematic physical development in Baghdad are Revolution (al-Thawra) Town and the Army Canal, which Doxiades designed in 1959–60 at the authorities' request.

Al-Thawra Town was planned to absorb the already-growing “internally displaced” inhabitants of the poverty pockets east of Baghdad. Growing from one pilot sector to an expanded plan of six sectors, al-Thawra Town now consists of 80 sectors, housing more than a million inhabitants. The original *ekistic*²⁵⁴ grid layout of blocks and sectors is considered as “Greek military camp” planning, with each block consisting of housing 26–32 units, each measuring 92m². Approximately 28–32 blocks form each sector with a projected density at 1,200 persons per hectare. The plan lacks adequate open spaces, except for small “gossip corners.” Replicating that model with the subsequent lack of services and public facilities has created unhealthy and unhygienic environments in the form of slums across Baghdad.

On the supply side, annual construction had declined by 98% from 1989 to 1996 throughout central and southern Iraq.²⁵⁵ The sharp decline in construction investment consequently had a negative impact on all sectors of the economy, naturally affecting trends in employment. Overcrowding and a lack of maintenance also had contributed to the deterioration of the existing housing stock and infrastructure.

Both the housing shortage and poorly planned housing have reached crisis level by most international standards, aggravated by the conditions of a war-torn economy and society at the center of violent conflict since 2003. A highly centralized system of governance further exacerbated the crisis, allowing limited local autonomy and accountability for implementing housing policies, planning, and basic public services.



Baghdad was bombed very heavily in March and April 2003 in the 2003 invasion of Iraq and fell under US control by April 7-April 9. Additional damage was caused by the severe looting during the days following the end of the war. With the deposition of Saddam Hussein's regime, the city was occupied by U.S. troops. The Coalition Provisional Authority established a three-square-mile (8 km²) "Green Zone" within the heart of the city from which it governed Iraq during the period before the new Iraqi government was established. The Coalition Provisional Authority ceded power to the interim government at the end of June 2004 and thereafter dissolved itself.^[23]

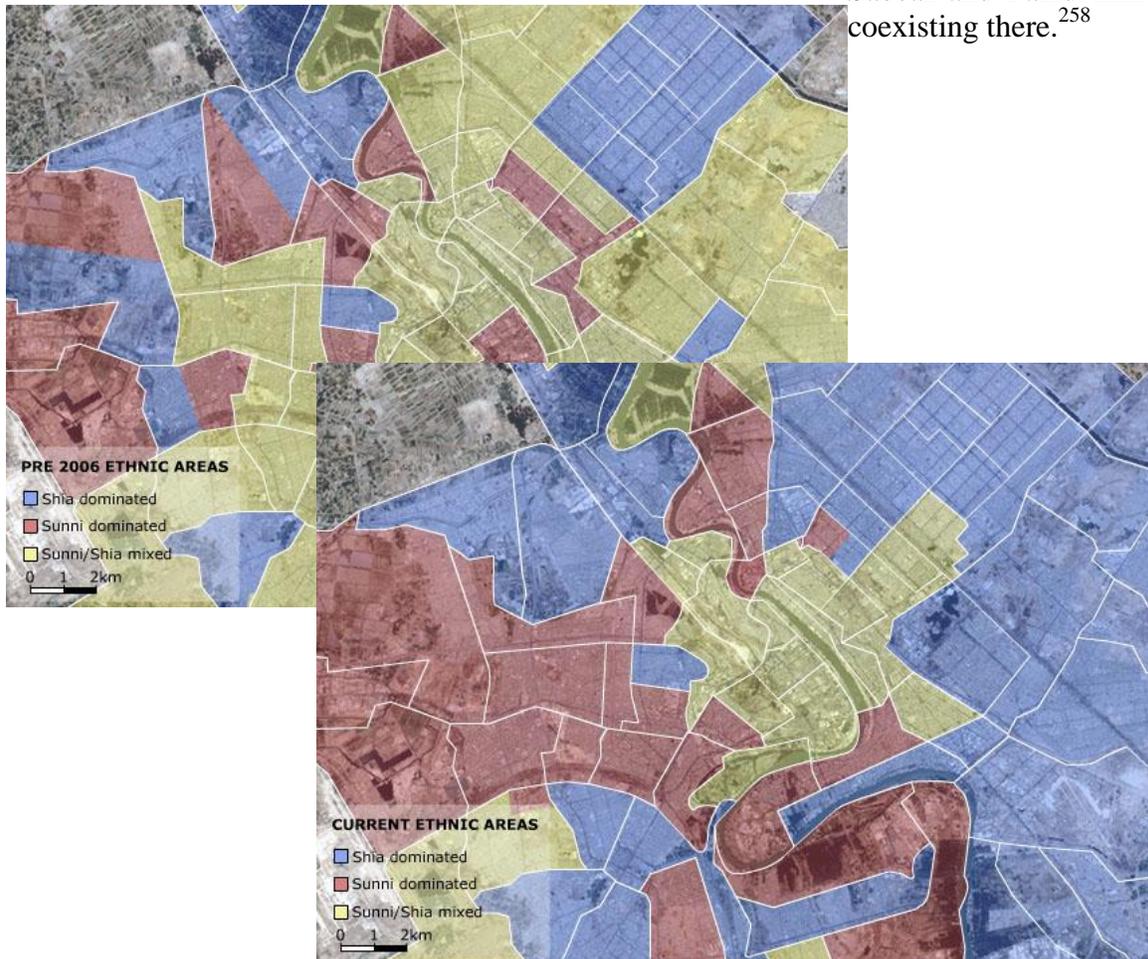
Officially, Baghdad's neighborhoods are organized in nine districts.²⁵⁶ These official subdivisions of the city served as administrative centers for the delivery of municipal services but had no political function. However, beginning in April 2003, the U.S.-controlled

Coalition Provisional Authority (CPA) devised new political functions for these structures by forming neighborhood councils, elected by neighborhood caucuses. Once all 88 (later 89) neighborhood councils were in place, each neighborhood council elected a proportional number of representatives to serve on one of the city's nine district councils. Then each of the nine district councils elected representatives from among them to serve on the 37-seat Baghdad City Council. This established a three-tier system of local government connecting Baghdad's inhabitants to a central governance structure through their representatives from (1) neighborhood, through the (2) district, and up to (3) the city council.

Electricity and other essential services were still unreliable more than a year after the U.S.-led invasion. In the hot summer of 2004, electricity was only available intermittently in most areas of Baghdad. The curfews imposed immediately after the invasion was lifted in the winter of 2003, but the security situation made going out in the city after dark too risky for many citizens, due to threats of kidnapping and being caught in the crossfire between security forces and insurgents.

On 10 April 2007, the United States military began construction of a 5 km-long, 3.5 metre tall wall around the Sunni district of Baghdad. On 23 April, Iraq's Prime Minister Nuri Maliki called for a halt in its construction.

The capital is now in the middle of a power struggle with insurgents forcing Shi'a residents out of some areas in western Baghdad where the Sunni sect is in the majority. After the bombing of a Shi'a shrine in Samarra, north of Baghdad, Shi'ite militias retaliated and forced out 26,000 Sunni families from predominantly Shi'ite areas. In Sadr City, a U.S. military campaign against resistance and missile assaults on the U.S.-controlled Green Zone has coincided with some 8,000 inhabitants fleeing the neighborhood.²⁵⁷ Social upheaval and militia activity increasingly have disrupted civil life and development in Baghdad, while also dramatically redrawing the demographic contours of the city. In 1950, 90% of the Baghdad's population was Sunni. Today, the city is largely Shi'a (about 60%), with a smaller Sunni population, and very small Christian, Sabeen and Yazidi minorities coexisting there.²⁵⁸



Beirut, a Phoenician Phoenix

War and displacement have characterized the urban experience in Beirut over much of its history. Most of Beirut's demographic transformations over the past century, apart from the Palestinian refugee influx of 1948, have resulted from conflict actually taking place on Lebanese national soil, involving both indigenous and foreign actors.

Without a central-policy tradition ever since its independence, Lebanon's physical development, including that of Beirut, has been implemented predominantly by private and privately interested actors. While that fact today has accompanied questions about the cost and few primary beneficiaries of Beirut's current recovery, it also has meant that the city has served as an unregulated haven for both rich and poor, including displaced persons, exiles and refugees of all socioeconomic strata. Conflict and population transfers, as well as other temporary populations such as tourists, have left their mark on the physical and cultural development of Beirut.

Physical development in Lebanon and Beirut has benefited—or, at least, grown—from the expansion of oil production in the Gulf region in the first half of the 20th Century. Growth was further enhanced during the Suez Canal crisis of 1956, when several major corporations relocated to Beirut from Egypt, including regional offices of banks, aviation and oil companies. The boom resulted in an increase of land transactions, building activity and living costs. Local amenities and a favorable financial and meteorological climate attracted both tourists and foreign investors, and resulted in the spread of hotels, office buildings, banks and upscale residential complexes. During that period, financiers and property speculators flourished as new business districts and residential projects were developed to cater to a growing middle class.

During Lebanon's civil war, the conflict segregated the population along sectarian lines, and the city's division in two halves—namely, with East Beirut becoming predominantly Christian and West Beirut becoming predominantly Muslim—became the norm. The displacement and relocation of a large number of people created other new poles. The population of the southern suburbs of Beirut increased significantly due to the displacement from South Lebanon. Moreover, the northern suburbs underwent frenetic construction that resulted in an uninterrupted urban sprawl reaching the town of Junia, some 15 kms north of the capital.

With no official figures available, it is estimated that 600–900,000 fled the country during the initial years of civil strife (1975–76). Some returned; however, continuing conflict through 1990 sparked further waves of emigration that cast further doubt on population figures and the sectarian division of power based on the outdated 1943 census.

As much as 170,000 persons, 7% of the population, were killed during the 1975–90 civil war. Approximately 17,000–20,000 people are still "missing" or unaccounted for from that period. In all, more than 100,000 were estimated to have been killed, and another 100,000 left handicapped. Up to one-fifth of the pre-war resident population, or about 900,000 people, were displaced from their homes, of whom nearly a quarter of a million emigrated permanently.

Following the cessation of hostilities in 1990, the country and its capital labored under significant human, material and economic losses. The material losses included a total of 300,000 dwellings ruined, with hospitals, schools, roads, water, electricity, and telecommunication severely damaged. Total material damages were estimated at \$12 billion, while opportunity costs rose to a minimum of \$60 billion.²⁵⁹ Return of the civil war displaced has remained slow.

Beirut now hosts some 1.3 million of the country's total 4 million people, or about one third. This urban populace includes tens of thousands of refugees from conflicts in the region, with many remaining displaced from the long Lebanon civil war, in addition to migrant workers and refugees from outside the region. Lebanon's Central Administration of Statistics (CAS) maintains the only official record of migrants workers in the country: work permits.

According to CAS, 90,000 work permits were issued to foreigners in 2002. But, according to some foreign embassy records, the number of their nationals was three times the CAS figure.²⁶⁰ Some 50,000 Beirut area residents are UNRWA-registered Palestinian refugees, while official figures of the additional unregistered Palestinian refugees remain unrecorded.

Internal war-time displacement toward Beirut has given the city a suburban population settled well beyond the city's 648 km² surface area, most of which is built up and which supports a population density of 2,800/km².²⁶¹ Defying the official planning map and relevant laws governing physical development, property and related rights and responsibilities, the contiguous Beirut-centered population has swollen Beirut to five times the size of the Beirut Central District (BCD). Much of Beirut's current southern suburbs were built informally during the civil war years.

With the incentive of revitalizing the BCD, a private firm developed a reconstruction project for the government. However, the national treasury was not sufficient to implement that or other reconstruction plan. Ultimately, investors established the real-estate company *Solidère* that, aided by enactment of Law 117 (1991), undertook to expropriate and develop the 1.8 million-meter BCD. Through private investment and the acquisition of properties in exchange for "shares," *Solidère* annulled BCD residents' and owners' housing rights to tenure and property. With retrospect to the process and despite some laudable engineering and architectural achievements at restoring French Mandate-era constructions,²⁶² a consensus remains elusive among Beirutis as to whether the *Solidère* project has delivered the promised civic space for physical, national and emotional recovery.

In a country without the essential ministries of housing or planning, Lebanon's Council for Development and Reconstruction assumed responsibility for the public reconstruction efforts. Reconstruction of the city center, as well as the unregulated expansion of the city, were the Council's priorities. Instead of public residential construction, the government's reconstruction efforts focused instead on roads and transport, eventually including the seaport and airport. Most commentators identify the social dimensions of urban development as a missing factor in Lebanese government's reconstruction performance.

Much of the housing reconstruction efforts in the country have been without assistance or involvement of the Government of Lebanon. In fact, the most ambitious and effective reconstruction program has remained that of Jihad al-Bina, a Shi'a community organization affiliated with Hizb Ullah, but rebuilding for all denominations out of the destruction left by Israel's repeated invasions and prolonged occupation in South Lebanon. Much of their reconstruction work following Israel's July 2006 War on Lebanon has focused on the South Beirut neighborhoods as well.

A public agency, *Elisar*, is pursuing the large-scale eviction and relocation of the already-displaced coastline settlers and their communities to other zones, in order to make way for upmarket housing and tourism development.²⁶³ After a \$400 million government investment, complications in executing the ambitious \$1.8 billion scheme, especially arising from land disputes, have delayed it.²⁶⁴ This is coupled with a reportedly authoritarian approach, leaving

little participation of the affected people in the project. Some observers have criticized the project as narrow, ideologically finance-driven and lacking the indispensable social dimension.²⁶⁵ No cost or loss-quantification assessment has been conducted yet to determine the stakes for the affected families.

Without a national housing policy or corresponding ministry, both private and public development characterizes the city outside of norms ensuring the social dimensions of development. Nonetheless, social production and local self-determination do prevail in some cases. Besides the Jihad al-Bina experience, the less-renown and local-scale Urban Observatory experience in the Beirut neighborhood of Sinn al-Fil exemplifies community participation as an alternative to the top-down development model.

Cairo: From Memphis to Megalopolis

Cairo is one of the most visited cities in human history. Visitors and residents alike say that, in Cairo, you can find anything one want, and everything you don't want. For better or worse, the city has played host to Greeks, Romans, Arabs, Turks, the French and the English, among others over the centuries. Throngs of tourists invade daily, mixing with its 15,750,000 population.²⁶⁶



When the Greek father of history Herodotus visited there ca. 450 B.C., Memphis was already 2,500 years old. The first human settlement in present-day Cairo was al-Fustat, founded in 20 A.H./641 A.D. as a military encampment of 'Amr ibn al-'As. Under the dynasties that ruled Egypt over the following centuries, the town grew into a major port city. In 969, the Fatimid leader, Jawhar, founded a new city near al-Fustat, initially naming it al-Mansuriyya, but its name was later changed to al-Qahira. The Fatimid rulers of Egypt, founding a dynasty that lasted for two centuries, made Cairo their capital. The nearby Pharaonic origins aside, al-Qahira, like Baghdad, is a relatively new human settlement among Arab capitals. The city's human origin at Memphis is effectively deserted, except for busloads of tourists who visit its singular relic: the gigantic, toppled statue of Pharaoh Ramses II.

Salah ul-Din seated his Ayyubid dynasty in 12th Century Cairo as the capital of a vast empire. (Al-Fustat, however, was burned down as part of the "scorched earth" strategy that defeated the Crusaders.) In the 13th Century, the Mamluks eclipsed the Ayyubids there, and ruled Egypt from 658–921 A.H. (1260 to 1516 A.D.) During the first hundred years of Mamluk rule, Cairo experienced its most illustrious period. Al-Azhar University, founded in the tenth century, became the foremost center of learning in the Islamic world, and Cairo played a key role in the east-west spice trade. Most of its greatest buildings were constructed during this period.

By the second half of the fourteenth century, Cairo experienced a decline, beginning with the scourge of the Black Death (1348) and other epidemics. By the end of the 15th Century, new trade routes had broken the city's monopoly on the spice trade, and in 1517 the Ottoman Sultan Selim I (reigning 1512–20) defeated Mamluk forces and conquered Egypt, putting the city came under Turkish rule. Under the Ottomans, Cairo was reduced to a provincial capital and, by the end of the 18th Century, its population had declined to under 300,000. The city was occupied by Napoleon's troops between 1798 and 1801, but then returned to Turkish rule.

The modernization of Egypt and its capital began under Mehmet 'Ali 1182–1265 A.H. (c. 1769–1849), often called the "father of modern Egypt," who ruled the country for nearly half a century beginning in 1219/1805, developing it and expanding its borders. The modernization of Cairo that began in 1245/1830 under Muhammad `Ali reached new levels during the reign of Ismail Pasha (1279–1296/1863–79). He undertook a major modernization of the city modeled on the renovation of Paris under Napoleon III (1222–1289/1808–73).

Historic Cairo (before 1276/1860) was confined to a land area abutting the eastern hills and only slightly higher than the Nile banks' flood plan that. To the west of the older, medieval part of Cairo, the newer sections of the city to the north (Abbasiyya, Shubra and Heliopolis) and south (Ma`adi and Helwan) emerged under Ismail Pasha and his successors boasted wide avenues laid

out around circular plazas in the style of a European city, coincident with a rise in French and British colonial power in Egypt.

The advent of the 20th Century saw advances in bridge building and flood control, which enabled and encouraged riverfront development. By 1345/1927, Cairo's population had reached one million. In the first half of the century, Cairo was dominated by foreign influences. During World War I (1914–18), it became the center for British military operations in the region, and British troops were headquartered in the city. The British military presence in Egypt was curtailed in the 1920s, but British forces reoccupied the country during World War II (1939–45). Only after the war did Cairo's expansion extend across the Nile into Giza and north into Shubra al-Khayma Governorate.

With the Egyptian Revolution in 1952, the colonial presence in Cairo—and throughout the country—came to an end. Since then, large numbers of Egyptians from other parts of the country have migrated to the capital, and the government has worked to accommodate a rapidly growing urban population. Cairo's "Master Plan" of 1956 led to the creation of new, planned suburbs, including Nasr City, Muqattam City, and Engineers' City (Muhandisin).

Building Nasr City followed an ambitious 1958 scheme to develop the desert fringe through a public-sector concession company affiliated with the Ministry of Housing. It involved a public housing programme through which, by 1965, the Cairo Governorate had constructed almost 15,000 units for low-income families. The 1967–73 period saw military conflict and consequent expenditures sap efforts at addressing urgent social problems such as housing. It was only during the period of 1974 to 1985 that the government realized the extent of the informal social production of housing and sought to check the rapid spread of encroachment of slums on state and agricultural lands. The central government launched its New Towns policy in 1992, after the authorities perceived impoverished urban neighborhoods as breeding grounds for social and political instability. The 1982 Master Plan (by Institut d'Aménagement et d'Urbanisme de la Région de l'Île de France) sought to meet housing needs of the poor in ten satellite cities. However, the sites did not attract the target population, plans for four towns scrapped, and most of the rest became sites for medium and luxury housing. Then the government finally launched a programme to improve informal or 'ashwa'i areas across the country.

Today, Greater Cairo is made up of the whole of Cairo Governorate and the urban parts of Giza Governorate (west bank of the Nile) and Qaliubiyya Governorate (north of Cairo Governorate). The Governorates constitute the main local administration districts in Egypt, with no macro-level structure that covers Greater Cairo as a single administrative entity, except for certain services provision (e.g., water, wastewater, and public transport). For planning purposes, Egypt's National Organization for Physical Planning has established the "Greater Cairo Regions."

In Cairo, urban poverty is not concentrated only in identifiable geographic pockets, but rather dispersed throughout the city. Poverty and extreme poverty affects families found mixed with lower- and middle-income families in older core neighbourhoods and sprawling informal areas of Greater Cairo. A small percentage of entrepreneurs and professionals also reside in these areas, especially because of the lack of residential mobility, rent control and features real estate markets.

The Greater Cairo Region hosts the bulk of the refugee population in Egypt. Their total number is at least 105,000, comprised of asylum seekers from Sudan, Somalia, Palestine, Ethiopia, Eritrea, Afghanistan, Burundi, Iran, Iraq, Liberia, Rwanda, Sierra Leone, Yemen, and many other Africans.²⁶⁷ Cairo also has produced its own asylum seekers, estimated at about ten thousand,²⁶⁸ but the Egyptian migrants into Cairo are swelled by those among the over five million rural people who have lost their lands and livelihoods by privatizing land reforms.²⁶⁹

Currently, most of the formal urban advance is to the east of Greater Cairo, exemplified by New Cairo City, Qattamiyya, Mena Garden City and Sheikh Zayyad City (as Dreamland and Beverly Hills to the west of Giza), which the Egyptian élite favor. The development is providing luxury housing and land for commercial investment in order to achieve the highest possible level of income for the state.²⁷⁰

Metro Cairo had doubled in size over the past five years. It is now expanding at three times the rate of “formal” growth.²⁷¹

The housing crisis is not actually one of a housing shortage, as such, but one of maldistribution. “In fact, Cairo is filled with buildings that are half empty.”²⁷² However, the problems remain in distribution and economic access to impoverished Egyptians without adequate housing. In Egypt, “public investment [for housing] has been largely wasted,” with the result that about 20 million people live today in houses that are detrimental to their health and safety.²⁷³ Today, consistent with applicable criteria of “homelessness,”²⁷⁴ some 1.5 million Cairenes, like about 200,000 Alexandrians, live on rooftops.²⁷⁵

Dubai: *Racing with Las Vegas*

A Persian Gulf fishing port since prehistoric times, the modern Dubai can trace its roots to the 1830s when, following a truce between the local sheikhs and their British suzerain, a settlement was established around a trading post and pearl diving harbour near Khor Dubai, the 10-km Dubai Creek that served as a natural harbor.²⁷⁶ In the early 19th Century, Dubai was referred to as *al-Wasl*, but the current name probably derives from either Persian or Arabic origin, possibly a distortion of the Arabic verb دب/يدب (ديب) in reference to the flow of the Dubai Creek.

The buildings from that period, which survived until the 1950s, attest to strong Persian architectural influences in the form of courtyards and wind catchers. Those features distinguished Dubai's architecture from the more austere architecture of the neighboring emirates.

In recent decades, Dubai and the United Arab Emirates have experienced almost uninterrupted economic growth based on oil production. Whereas the majority of the UAE's national oil reserves are in Abu Dhabi and Dubai, together the two emirates provide more than 80% of the national income. However, Dubai is much less dependent on oil than the other emirates. Oil amounts to less than 10% of Dubai's gross domestic product (GDP), estimated at \$18 billion in 2002. The government has pursued economic diversification, particularly given that Dubai's petroleum reserves are expected run out by 2010.

The city is renowned for its multinational and multiethnic composition, and the cosmopolitan nature of such a service-oriented economy. Dubai boasts an equally impressive urban transformation, architectural opulence and an identifiable urban and architectural agenda that has become associated as home of the Dubai Declaration and Dubai Prize. It will host the world's tallest building, Burg Dubai, the centerpiece of the region's most prestigious urban development to date.

Dubai increasingly serves as a hub for service industries such as IT and finance, with the establishment of a new Dubai International Financial Centre. The government has set up industry-specific free-trade zones throughout the city. Dubai Internet City, combined with Dubai Media City as part of TECOM (Dubai Technology, Electronic Commerce and Media Free Zone Authority), is one such enclave featuring the most-prominent IT firms and media organisations.

Dubai is considered to be an important tourist destination and its port, Jebel Ali, constructed in the 1970s 20 kms from Dubai, has the world's largest human-made harbour the largest free-trade zone in the Gulf region. Moreover, its geographical location halfway between Europe and the Far East has turned Dubai into a major entrepot. Within that context, Dubai International Airport plays a role of a major hub in the region, and transportation contributes to some 13.3 per cent of the city's GDP. Dubai is now the third largest re-exporter in the world after Hong Kong and Singapore.

To accommodate its innovative professional communities, Dubai is focusing on vast developments in the residential and office component of the real estate sector. The city offer diverse themes and settings for these projects, including, for example, an oasis in the desert, man-made islands and residential projects surrounded by golf courses and horse ranches. These projects have become more attractive to foreign investors, given the government's liberalizing reforms aimed at permitting property ownership by expatriates, and the growing number of financial institutions that help mortgage and finance real estate loans.

The United Arab Emirates has more than 2,300 factories employing some 188,000 workers. In Dubai, the most prominent manufacturing industry is Dubai Aluminium (DUBAL), which is ranked thirteenth among the world's aluminium smelters in the world and is considered as one of the government's flagship enterprises. As a producer of high-value aluminium, DUBAL is an example of a government decision to not to invest in manufacturing lower-value products that East Asian countries produce at much stronger advantage.

The Emirate of Dubai in the United Arab Emirates extends over 3,900 square kilometres and currently comprises a population of approximately one million. According to the census conducted by the Statistics Center of Dubai, the population of the emirate was 1,422,000 as of 2006 (1,073,000 males and 349,000 females).²⁷⁷ As of 1998, only 17% of the population of the emirate was made up of UAE nationals. Approximately 85% of the expatriate population (and 71% of the emirate's total population) was Asian, mostly Indian (51%), Pakistani (16%), Bangladeshi (9%) and Filipino (3%). About 3% of the total population of Dubai was categorized as "Western."²⁷⁸ A quarter of the population however reportedly traces their origins to neighboring Iran.²⁷⁹ In addition, 16% of the population (or 288,000 persons) were workers living in collective accommodations and unidentified by ethnicity or nationality.²⁸⁰ However, the complex relationships that emerge in the dynamic are characteristically transient and social cohesion is elusive.

Dubai glittering image also has been tarnished by the notorious mistreatment of wage laborers in the Emirates. Dubai's astonishing building boom, for example, has been made possible by the labor of about 700,000 immigrants, mostly from poor villages in India, Pakistan and Sri Lanka. For years, human rights organizations and migrant rights advocates have decried the harsh conditions and abuse of workers in Dubai and other Persian Gulf states. However, the problem drew global attention and local acknowledgment only after strikes by thousands of workers in 2006–07. Some recent protests turned violent. In March 2006, police arrested at least 500 angry South Asian workers who rioted in protest in the neighboring emirate of Sharjah.²⁸¹

Dubai has been running a neck-and-neck race with Las Vegas, Nevada as the fastest growing city in the world. Nonetheless, despite Dubai's formidable economic gains, critics still question the sustainability of such progress, arguing that the ongoing development is merely a reflection of excessive speculations, and that, like proverbial castles in the sand, could be susceptible to the shock of more regional conflict.

ANNEX II

Glossary of Terms

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

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

Adequate housing also embodies the congruent human rights of:

- Participation, freedom of expression, association and peaceful assembly;
- Education, information, capability and capacity building;
- Displaced persons' rights to reparation (i.e., restitution, return, resettlement, rehabilitation, compensation and pledge of nonrepetition); refugee rights to *nonrefoulement* (the prohibition against coerced return), and freedom of movement; and
- Security of person and privacy, including protection of the family and freedom from domestic violence.

Asylum seeker: a person who has left her/his country of origin, has applied for recognition as a refugee in another country, and is awaiting a decision on her/his application for refugee status.

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

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

(See **moral rights**, **natural rights** or **inalienable rights** for contrasting concepts.)

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

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

Recognition:

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

Identifiable stakeholders:

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

Interdependence:

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

Conflicts between individual and group interests:

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

Vulnerability:

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

Participatory management:

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

Rules:

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

Self-governance:

The rules are created from within ↔ The rules are created by outsiders or from the top down.²⁸²

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

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

The international law definition of “community,” as developed, refers to “a group of persons living in a given country or locality having a race, religion, language and tradition of their own and united in the identity of race, religion, language and tradition in a sentiment of solidarity, with a view to preserving traditions, maintaining their form of worship, insuring the instruction and upbringing of their children in accordance with the spirit and traditions of their race and rendering mutual assistance to each other.”²⁸³

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

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

Dunum: The traditional unit of land measurement in the Middle East/Western Asia, equaling 1,000 square meters. A standard dunum has been defined as land belonging to category 12 of the Ottoman Rural Property Tax Schedule.

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

Duty holders: Duty holders may be primary/principal and/or secondary/ancillary. It is generally understood that primary duty holders fall under one or more of the following designations as being: “authorities,” “responsible parties,” “perpetrators,” “instigators” and/or “protectors.” Duty holders can be territorially specific (i.e., responsible for authoring or regulating actions within a state’s jurisdiction or area/territory of effective control), or an instigator

of the harm/deprivation. Whether by committed action, instigation or condoning actions, or omissions leading to violations, the state, as the author of international law subject of various levels of duty, is always a principal and primary duty holder for actions or omissions within its “jurisdiction and area of effective control” leading to harm subject to dispute. The jurisdictional state is a “primary duty holder” in all situations.

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

Economic Refugee: This term is incorrect. The accurate description of people who leave their country or place of residence because they want to seek a better life is “economic migrant.”

Economic Migrant: A migrant who make a conscious choice to leave her/his country of origin and may return there safely (without well-founded fear of persecution).

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

A UN Commission of Experts on grave breaches and other violations of international humanitarian law in the former Yugoslavia defined the practice as “rendering an area ethnically homogeneous by using force or intimidation to remove persons of given groups from the area. ‘Ethnic cleansing’ is contrary to international law.”²⁸⁴

One author defines ethnic cleansing such that,

“At one end, it is virtually indistinguishable from forced emigration and population exchange while at the other it merges with deportation and genocide. At the most general level, however, ethnic cleansing can be understood as the expulsion of an “undesirable” population from a given territory due to religious or ethnic discrimination, political, strategic or ideological considerations, or a combination of these.”²⁸⁵

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

“a well-defined policy of a particular group of persons...systematically [to] eliminate another group from a given territory on the basis of religious, ethnic or national origin. Such a policy involves violence and is very often connected with military operations. It is to be achieved by all possible means, from discrimination to extermination, and entails violations of human rights and international humanitarian law.”²⁸⁶

The term “ethnic cleansing” entered the English lexicon as a calque (loan translation) of the Serbo-Croatian/Bosnian phrase *etničko čišćenje*. In the early the 1990s journalists and news media used the term extensively in reporting on events in the former Yugoslavia, and it has since become popularized and used more generally to describe analogous situations. The term may have earlier antecedents in the military doctrine of the former Yugoslav People’s Army, which adopted the phrase “cleansing the field” (*čišćenje terena*); i.e., eliminating enemy presence, in order to gain total control of a conquered territory.²⁸⁷

Ethnic cleansing does not have a legal definition. However, the term has been used in numerous legal texts, including UN documents.²⁸⁸

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

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

Forced eviction: defined in international law as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land [that] they occupy, without the provision of, and access to, appropriate forms of legal or other protection.”²⁸⁹

Forced migration: Refers to the movements of refugees or internally displaced persons compelled to flee to avoid harm arising from violent conflict or by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects. Forced migration is a complex, wide-ranging and pervasive set of phenomena that manifest as three separate, although sometimes simultaneous and inter-related, types identified by their causal factors: conflict, development policies and projects, and disasters.²⁹⁰ (See “**Internally displaced person(s)**” and “**Refugee**” below.)

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

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

The detention and deportation of an individual or group of migrants is also commonly referred to as “forced removal.” International law strictly prohibits forced removals if carried out arbitrarily; without due process or access to affective remedies; collectively (against a particular group, amounting to discrimination); with undue or excessive force; against vulnerable persons, seriously ill persons, refugees, children or victims of trafficking.²⁹¹ (See “**Refugee**” below.)

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

See also “Commons” above.

Globalism is a set of values and ethical beliefs that share the premise that we share one fragile planet whose survival requires mutual respect and careful treatment of all its people and its environment. Three central activities that uphold globalism are (1) active communications to foster understanding, (2) the sharing of resources on the basis of equity and sustainability, and (3) mutual aid in times of need.²⁹²

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

Globalism and Globalization (contrasted): While globalism incorporates the idea of the “Global Commons” to describe the ozone layer, oceans and genetic diversity, globalization is the exploitation of these resources by large and powerful corporations beyond the reach of democratic processes or direct human rights obligations. While globalism implies respect for diversity, globalization demands the standardization or homogenization of nearly everything and everybody.²⁹³

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

According to a UN definition, ‘homeless household’ refers to “households without a shelter that would fall within the scope of living quarters. They carry their few possessions with them sleeping in the streets, in doorways or on piers, or in any other space, on a more-or-less random basis.”²⁹⁴ Other commentators have defined homelessness as the lack of access to secure and minimally adequate housing, variously described as rooflessness (living rough), houselessness (relying on emergency accommodation or long-term institutions), or inadequate housing (including insecure accommodation, intolerable housing conditions or involuntary sharing).²⁹⁵

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

- (1) An individual who lacks a fixed, regular, and adequate night-time residence; and
- (2) An individual who has a primary night-time residence that is:

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

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

A public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.²⁹⁶

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

- *rooflessness* (without a shelter of any kind, sleeping rough);
- *houselessness* (with a place to sleep but temporary in institutions or shelter)
- living in *insecure housing* (threatened with severe exclusion due to insecure tenancies, eviction, domestic violence);
- living in *inadequate housing* (in caravans on illegal campsites, in unfit housing, in extreme overcrowding).²⁹⁷

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

- Tenure,
- Shelter,
- Quality, or
- Permanence.

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

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

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

The Indonesia census of 200 distinguishes population as those having a permanent place of residence and those without. This categorization, perforce, mixes nomads, ship crews, house boat residents, as well as squatters and shelterless persons.²⁹⁸

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

Human Trafficking: Trafficking in persons’ shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth in subparagraph (a) of this article;²⁹⁹

Illegal migrant/immigrant: an alien (noncitizen) who has entered a country without government permission, or has stayed in a country beyond the termination date of her/his visa to that country. The illegal status may deny the migrant/immigrant certain rights such as residence and work; however, the person nonetheless possesses the rights to respect, protection and fulfillment of other basic rights

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

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

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

And who furthermore:

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

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

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

Other related terms for indigenous peoples include aborigines, native peoples, first peoples, Fourth World, first nations and autochthonous (this last term having a derivation from Greek, meaning "sprung from the earth"). *Indigenous peoples* may often be used in preference to these or other terms, as a neutral replacement where these terms may have taken on negative or pejorative connotations by their prior association and use. It is the preferred term in use by the United Nations and its subsidiary organizations.

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

Internally displaced person(s) (IDP[s]): "Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of, or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border."³⁰⁰

[Internally displaced person : Arabic-language peculiarities]

International cooperation: The concept and term "international cooperation" in international relations and law is a foundational element of the United Nations, its purposes and its Charter. The first article of the United Nations Charter provides that one of the purposes of the world organization is "to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion."³⁰¹

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

(d) the duty of States to cooperate with one another in accordance with the Charter;...

(g) the principle that States shall fulfill in good faith the obligations assumed by them in accordance with the Charter, so as to secure their more-effective application within the international community would promote the realization of the purposes of the United Nations;...³⁰²

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

"irrespective of the differences in their political, economic and social systems, in the various spheres of international relations, in order to maintain international peace and security and to promote international

economic stability and progress, the general welfare of nations and international cooperation free from discrimination based on such differences.”

The Declaration goes on to specify that cooperation in accordance with the Charter, its purposes and principles extends to economic, social, cultural, technical and trade fields and that states should cooperate also in the field of science and technology and to promote international cultural and educational progress. It also calls for states to cooperate in promoting “economic growth throughout the world, especially that of the developing countries.” It further provides that “Every State has the duty to promote through joint and separate action universal respect for, and observance of human rights and fundamental freedoms in accordance with the Charter....” The Universal Declaration on Human Rights goes so far as to assert that “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized” (Article 28).

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

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

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

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

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

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

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

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

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

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

4. State Parties to the present Charter shall individually and collectively exercise the right to free disposal of their wealth and natural resources with a view to strengthening African Unity and solidarity.

5. State Parties to the present Charter *shall undertake to eliminate all forms of foreign exploitation, particularly that practised by international monopolies, so as to enable their peoples to fully benefit from the advantages derived from their national resources* (emphasis added).

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

and liable for their conduct through the human rights treaty-bound states parties that comprise the governing bodies of those organizations.

International law (general): Effectively in practice since the Middle Ages,³⁰³ “international law” the term commonly used with reference to the system of implicit and explicit agreements that have their source in the international community of states, rather than individual states, and that bind states together in common adherence to recognized values and standards of behaviour. In its most general sense, international law consists of rules and principles of general application dealing with the conduct of states and of intergovernmental organizations and with their inter-relations, as well as with some of their relations with persons, whether natural or juridical.

“Jewish nationality” (citizenship versus nationality): Distinct from democratic States, the legal and institutional determiners of civil status in Israeli law provide for “Israeli citizenship,” under the “Law of Citizenship” [*ezrahut*]. No “Israeli nationality” status exists, and the State has refused petitions to establish such. Rather, nationality is a civil status created in Israeli law, particularly, “Basic Law: Law of Return” (1950) and “Status Law” (1952), establishing “Jewish nationality” and related rights and privileges, superior and distinct from those arising from “citizenship.” Among the material consequences of this distinction are the State’s refusal to allow the return of the Palestinian refugees expelled in 1948, and subsequently, in favour of extraterritorial “Jewish nationals”; the dispossession of indigenous Palestinians, including current citizens of Israel, under the “Law of Absentee Property”; and the distribution of that property and additional development benefits through the parastatal “national” institutions, particularly the World Zionist Organization/Jewish Agency, Jewish National Fund and their subsidiaries.

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

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

Migrant: “Any person who lives temporarily or permanently in a country where he or she was not born, and has acquired some significant social ties to that country.”³⁰⁴

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

“National” institutions: “National” institutions is the official Israeli term qualifying the parastatal organizations, particularly the World Zionist Organization/Jewish Agency, Jewish National Fund and their subsidiaries, that are chartered to engage in public development on behalf of the State of Israel exclusively for “the Jewish people,” and that maintain an ideological commitment and strategy to colonize all areas under Israel’s effective control for those beneficiaries, excluding all others.

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

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

Obligation: As the state is the only legal personality authorized to enter into a treaty and make international law, the state bears a legally binding duty (obligation) either to act positively or refrain from acting negatively so as to uphold the terms of the treaty or other norm of international law. In human rights law, to every right correspond obligations of the state as the primary duty holder. Consistent with its ratification of international human rights treaties, the State Party must “take steps, individually and through international assistance and cooperation...to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized...by all appropriate means, including particularly the adoption of legislative measures. Thus, the State also guarantees “that the rights...will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”³⁰⁵ Likewise, the state is obliged to meet its obligations by ensuring gender equality.

A State’s human rights obligation is comprised of three aspects: (1) to respect, (2) to protect and (3) to fulfill the right.³⁰⁶ The obligation to respect requires States to refrain from interfering with the enjoyment of the right. (Thus, the State fulfills its duty to respect the right to housing when it refrains from arbitrary forced evictions or other

outright violation.) The obligation to protect requires States to prevent violations of such rights by other (third) parties. (Thus, the State discharges its obligation to protect the human right to adequate housing when it prevents private developers from carrying out forced evictions and/or prosecutes those responsible for the violation; or the State meets its obligations to protect inhabitants' housing rights by treating domestic violence as a crime.) The obligation to fulfill requires States to take appropriate legislative, administrative, budgetary, judicial and other measures toward the full realization of the right. Therefore, when the State increases the amount or proportion of its budget for participatory slum upgrading through domestic or overseas development assistance, it is acting in compliance with its treaty-bound obligation by applying the over-riding principle of ensuring the maximum of available resources to fulfill the right to adequate housing.

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

“Obligation” is the strongest and most “black-letter law”-based of the three terms (commitment, responsibility and obligation) evoking duty and liability of the state.

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

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

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

Population transfer: Known also by other of synonyms, it is a process involving the movement of people as a consequence of processes in which a State government or State-authorized agencies participate. The State's role in population transfer may be active or passive, but nonetheless contributes to the systematic, coercive and deliberate nature of the movement of population into or out of an area. Such processes, whether intended or unintended, negatively affect the human rights of the transferred population, as well as the inhabitants of an area into which settlers move or are transferred. The term "transfer" implies purpose in the act of moving a population; however, it is not necessary that a destination be predefined. An element of official force, coercion or malign neglect is present in the State population transfer practice or policy. The State's role may involve financial subsidies, planning, public information, military action, recruitment of settlers, legislation or other judicial action, and even the administration of justice.³⁰⁷

Article 7 of the Rome Statute of the International Criminal Court³⁰⁸ defines "crime against humanity" to include “any of the following acts when committed as part of a widespread or systematic attack directed against any civilian

population, with [the state having] knowledge of the attack:...(d) Deportation or forcible transfer of population,” which means “forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law...”

Article 8 of the Rome Statute defines "war crimes" to include “(vii) Unlawful deportation or transfer or unlawful confinement” and other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, such as “(viii) the transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory...”

International humanitarian law also embodies the prohibition against population transfer. The Geneva Convention relative to the Protection of Civilian persons in Time of War (1949) determines that “Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive³⁰⁹ ... The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.”³¹⁰

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

Refugee: anyone “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his [or her] nationality and is unable or, owing to such fear, is unwilling to avail himself [or herself] of the protection of that country; or who, not having a nationality and being outside the country of his [or her] former habitual residence, is unable or, owing to such fear, is unwilling to return to it.”³¹¹

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

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

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

The preferred solution for refugees and IDPs is repatriation, the only option constituting a fundamental and inalienable right (i.e., the right of return) that can be implemented by individuals independently of the search for durable solutions.

Refugee temporary protection: (See “Temporary protection” below.)

Rehabilitation: the restoration of normal living conditions following a disruption or displacement so as to return the inhabitant(s) to a state of personal and community integrity. Such process “should include medical and psychological care as well as legal and social services.”³¹²

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

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

- (a) Equal and effective access to justice;
- (b) Adequate, effective and prompt reparation for harm suffered; and
- (c) Access to relevant information concerning violations and reparation mechanisms.³¹³

Reparation: In order to promote justice, international law establishes norms for adequate, effective and prompt reparation to redress gross violations of international human rights law or serious breaches of international humanitarian law. Reparation should be proportional to the gravity of the violations and the harm suffered. In accordance with its domestic laws and international legal obligations, States are obliged to provide reparation to victims for acts or omissions resulting in such violations that can be attributed to the State. In cases where any entity is found liable for reparation to a victim, such party should provide reparation to the victim or compensate the State if the State has already provided reparation to the victim. Reparation includes the following forms of redress: restitution, compensation, rehabilitation, return (for refugees and IDPs), resettlement to an agreed-upon alternative dwelling (if return to the original one is physically impossible), satisfaction and guarantees of nonrepetition. No single one of the six elements of reparation can substitute for another form. (See also “**Compensation**,” “**Guarantees of nonrepetition**,” “**Rehabilitation**,” “**Resettlement**,” “**Restitution**” “**Return**,” and “**Satisfaction**” in this list of terms.)

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

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

1. the relocation of living quarters;
2. finding and engaging in acceptable new employment for those whose jobs are lost or severely affected;
3. affected;
4. restoration (or compensation, as necessary) of affected productive resources, including land, workplaces, trees and infrastructure;
5. restoration of other adverse effects on affected persons’ living standards (quality of life) through
 - adequate land acquisition for affected persons and communities;
 - restoration of, or compensation for affected private and public enterprises;
 - restoration of adversely affected persons on cultural or common property, as appropriate.³¹⁴

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

Resettlement (homeless person): A planned supported process of change in an accommodation context.³¹⁵ In particular, a process for vulnerable homeless people with a history of sleeping rough of securing access to long-term accommodation that best suits their needs and reasonable preferences, and of ensuring that they do not subsequently

lose it, or move to less-suitable accommodation³¹⁶ The process by which people are enabled to live as full a life as possible within an appropriate form of housing³¹⁷

Responsibility (state responsibility): “State responsibility” can be invoked in arguing that a state bears a duty to (an)other state(s) and may be liable for a wrongful act, including one that is not explicitly covered by an explicit treaty. The International Law Commission’s (draft) Articles on State Responsibility³¹⁸ and Articles on International Liability for Injurious Consequences arising out of Acts Not Prohibited by International Law³¹⁹ have sought to establish a state’s duty and a basis for liability and remedy owed to another state for harm caused by such wrongful acts. Acts invoking “state responsibility” could include certain cross-border social or environmental consequences such as pollution or population transfer.

That effort is related also to the ILC’s work on “international liability for injurious consequences arising out of acts not prohibited by international law.”³²⁰ By the same token, where an act is not covered by an explicit treaty provision, the concept and term “responsibility” could apply also to international organizations, which are not party to treaties. The effort of the ILC continues to explore the extent and content of that “responsibility.”³²¹ Similarly, in the case of international organizations, “responsibility” can be invoked along with other general terms (accountability, commitment, duty, etc.), except for “obligation,” which habitually refers to required behavior in accordance with binding terms of a treaty.

The wrongfulness of the act also may constitute a cross-border breach/violation of a treaty obligation or general principles of international law, including human rights and humanitarian law. However, the prospective application of the (draft) Articles could provide a further basis and opportunity to (prevent wrongful acts and) establish liability and the corresponding remedy/reparations required. Because the (draft) Articles are explicit about the state’s responsibility (duty) to provide/ensure reparations, at least to the aggrieved state, they may offer greater problem-solving/conflict-resolution potential than less-evolved norms, standards and their instruments from earlier generations. However, that prospect has yet to be affirmed in actual application of the Articles on State Responsibility.³²²

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

Restitution: should, whenever possible, restore the victim to the original situation before the gross violations of international human rights law or serious violations of international humanitarian law occurred. Restitution includes, as appropriate: restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return to one’s place of residence, restoration of employment and return of property.³²³

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

Return (right of): one of the elements of the right of all refugees to reparation,³²⁴ as codified in international law and incumbent upon all States to respect protect and fulfill, entitling refugees to go back to their country of origin of their own volition, regardless of the present sovereign or any other conditions. The right of return is independent of the acquisition of citizenship or any other legal status. It is a fundamental right enshrined in both human rights law³²⁵ and international humanitarian law.³²⁶ At any time, even if locally integrated or resettled in a country other than their country of origin, refugees may decide to return to their homes spontaneously, or as part of a repatriation program. UNHCR stresses the following features of the right to return: (1) refugees are free and have the right to return to their country of origin at any time; (2) refugee’s decision to return should be voluntary; (3) refugees must be provided with objective [true, reliable] and up-to-date information on the situation in their of origin, in order to make an

informed decision about repatriation; and (4) the level of assistance and protection provided in the country of refuge should not be the determining factor for refugees to decide whether or not to return.³²⁷

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

“Right to the city”: a slogan and claim of urban social movements to guide policies to be more equitable and inclusive, as an alternative to current policies and planning practices that effect or lead to segregation, privatization and inequitable distribution of public goods and services. Henri Lefebvre is generally attributed as having developed the notion of a “right to the city” in his book, *Le droit à la ville* (Paris: Anthropos, 1968). Currently, the “right to the city” argument rests on a bundle of existing human rights, in addition to specific claims of right to access land, water, sanitation, transport and public space, as well as the concept of the “social function” of property, including land, housing and related infrastructure and public goods and services. The “right to the city” is elaborated in the draft “Charter on the Right to the City,” which developed out of the urban social movements in Latin America and spread through the World Social Forum.³²⁸ (See “**Social function**” below.)

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

- (a) Effective measures aimed at the cessation of continuing violations;
- (b) Verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety and interests of the victim, the victim’s relatives, witnesses, or persons who have intervened to assist the victim or prevent the occurrence of further violations;
- (c) The search for the whereabouts of the disappeared, for the identities of the children abducted, and for the bodies of those killed, and assistance in the recovery, identification and reburial of the bodies in accordance with the expressed or presumed wish of the victims, or the cultural practices of the families and communities;
- (d) An official declaration or a judicial decision restoring the dignity, the reputation and the rights of the victim and of persons closely connected with the victim;
- (e) Public apology, including acknowledgement of the facts and acceptance of responsibility;
- (f) Judicial and administrative sanctions against persons liable for the violations;
- (g) Commemorations and tributes to the victims;
- (h) Inclusion of an accurate account of the violations that occurred in international human rights law and international humanitarian law training and in educational material at all levels.³²⁹

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

Secure tenure: The legally protected entitlement of all individuals and groups to occupy property and enjoy effective state protection against unlawful evictions.³³⁰ Major types of tenure include freehold (ownership) and leasehold, “including rental (public and private) accommodation, cooperative housing, lease, owner-occupation, emergency housing and informal settlements, including occupation of land or property. Notwithstanding the type of tenure, all persons should possess a degree of security of tenure [that] guarantees legal protection against forced eviction, harassment and other threats. States [...consequently should] take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups.”³³¹

Settlements and settler colonies: “Settlement” is the social science and planning term for areas of human habitation, irrespective of their legal status, or the ethnic or religious composition of their population. “Settler colony” is the term used in reference to wholly illegal settlements of the Occupying Power’s population, violating GC4, articles 49

and, under article 147, constituting "war crimes," and forming part of the practice of population transfer, recognized also as a "crime against humanity" under the Rome Statute (1998), Article 7.

Slum: a contiguous human settlement where the inhabitants are characterized as having inadequate housing and basic services. A slum is often not recognized and addressed by the public authorities as an integral or equal part of the city and includes any combination of the following elements:

- Insecure residential status;
- Inadequate access to safe water;
- Inadequate access to sanitation and other infrastructure;
- Poor structural quality of housing;
- Overcrowding.³³²

Social capital: the collective value of social networks of an individual, community or society that facilitates individual and collective action. (For more information, click [here](#).)

Social function: in theory, a social function is "the contribution made by any phenomenon to a larger system of which the phenomenon is a part."³³³ In practice, the social function of a thing is its use or application to the benefit of the greater society, in particular, prioritizing those with the greatest need. Thus, the social function of a property, good, resource or service is realized when it is applied to satisfy a general social need or the unmet need of a segment of society.

The 1988 Brazilian Constitution explicitly recognizes the right to decent housing, and provides that property, whether urban or rural, "shall fulfill its social function" (Article 5, §XXIII). Unoccupied buildings or unproductive land, thus, became more susceptible to expropriation in the social interest. The Egyptian Constitutions also explicitly recognizes the social function of property (Articles 30 and 32). Islamic philosophy, prophetic authority and law recognize ownership, but reserve water, pasture and fire as common entitlement of the people with a social function,³³⁴ restricting their privatization.³³⁵

Squat: [noun] a place (land or structure) occupied by persons claiming it for their residence or other use without holding legal title to it.

Social housing: is an umbrella term for government-assisted accommodation with the objective of attaining and sustaining household and community well-being. Social housing could include—although not uniquely—not-for-profit housing that government and community managers provide with the purpose to ensure for reasons of household affordability and appropriateness. Social housing has developed in response to inability of the housing market to respond to the general need and demand for housing. Usually, it is rental housing that may be owned and managed by the State, by not-for-profit organizations, or by a combination of the two. However, some social housing schemes involve also private-sector investment partners.

"Social housing is housing where the access is controlled by the existence of allocation rules favouring households that have difficulties in finding accommodation in the market."³³⁶ While recognizing that the types of tenure, target groups/beneficiaries and further interpretation of social housing are subject to variation by country, circumstance and over time, social housing involves at least the following characteristics:

- Allocation and access: State or the regional or local authorities determine the target groups and criteria for allocation and access, including such criteria as income ceilings, affirmative action/positive discrimination, or other priorities;
- Affordability: A low price or low level of rent to ensure that low income groups can gain and sustain access to social housing;
- Security of tenure: Secured and long-term lease on rented sector and securitization on social owner occupation sector. (See also "**Public housing**" above.)

Social production of habitat: all nonmarket processes carried out under inhabitants' initiative, management and control that generate and/or improve adequate living spaces, housing and other elements of physical and social

development, preferably without—and often despite—impediments posed by the State or other formal structure or authority. (For more information and cases, go to [HIC general website](#) and [HIC-HLRN website](#).)

Squat: [verb] to occupy a place unlawfully for the purpose of residence therein.

Squatter: a person who engages, or is engaged in claiming possession of a property (land or structure) without holding legal title or tenure to it; one who squats.

Statutory rights: (See [civil rights](#) or [legal rights](#).)

Temporary protection (TP), alternatively “provisional protection”: is the most recently emerging norm of State practice at finding refugee solutions. Along with the obligation of *non-refoulement* (no sending back) and the nonobligatory protection of political asylum, TP also constitutes an international law norm by which States treat as refugees those persons fleeing a major crisis in their home State, although they may not be covered explicitly by the 1951 Refugees Convention’s criteria. TP applies to diverse migrants, or putative refugees, including, but not limited to those escaping armed conflict, civil strife or individual persecution. As developed, the multiple forms of TP implementation across the world share some common elements:

1. The host-State grants TP to specific groups or individuals for a defined period;
2. The State grants TP with the expectation of providing a solution for a defined period, after which the individual or group would return home, if s/he prefers, or should seek resettlement in a third State offering more-permanent status;
3. TP is a discretionary practice on the part of States and, thus,
4. May guarantee fewer rights than to refugees under the 1951 Convention.

Tenure: the holding of a thing, such as a position or a property. (See “secure tenure.”) Land and housing tenure comes in various forms, including freehold (ownership), leasehold (rental), or other legal forms, and could be held singly (private tenure), jointly or collectively.

Transitional justice: When considering restitution and reparation processes, we find that, historically, juridical strategies have provided remarkably fewer reparations than the administrative processes have done. These administrative remedies have involved a variety of institutions and methods, ranging from corporations paying compensation to institutions in the name of holocaust victims,³³⁷ and including the UN’s Iraq Conciliation Commission, paying out directly to affected parties. Some processes have been local and focused on reconciling the pain, suffering, loss and costs to victims in a single country, such as the South African Truth and Reconciliation Commission and the Moroccan Equity and Reconciliation Commission (*Instance Équité et Réconciliation* [IER]), even though that has not delivered “reparations” in the legal sense. Cumulative experience has developed five principle transitional justice mechanisms (trials, truth commissions, amnesty, lustrations, or reparations).

Theoretically, transitional justice complete involves five processes, although in no rigidly prescribed order:

6. **Remembrance, documentation and acknowledgement** of the pain, suffering, loss, motivations, etc., in order to reconstruct the broken past to determine the duties and violations (including breaches and crimes), especially with an eye to procedures and standards of evidence sufficient for adjudication;
7. **Dialogue and reconciliation** between and among parties involved in an effort to uphold the other efforts of transitional justice;
8. **Prosecution** of the duty holders to ascertain personal liability, state obligation, state liability, state responsibility, war crimes, crimes against humanity, etc.;
9. **Reform** of abusive institutions;
10. **Reparation**, according to the seven elements defined in the corresponding UN General Assembly resolution.³³⁸

Unit of housing: A structure, or part of a structure, that serves as the undivided dwelling place for habitation of one or more persons constituting a single nuclear family. A housing unit is a house, an apartment, a hut, a mobile home, a tent, a shanty, a group of rooms, or a single room that is occupied (or if vacant, is intended for occupancy) as

separate living quarters. Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and that have direct access from the outside of the building or through a common hall. For example, a building with six apartments counts as six housing units.

Violation: the failure of a duty holder (primarily the State) to fulfill its obligations to respect, protect and fulfill a human right. Violations may be by commission (a violative act, such as forced eviction, or discrimination), or by omission (the State's failure to act in protecting or fulfilling the right) "to take steps, individually and through international assistance and cooperation...to the maximum of its available resources, with a view to achieving progressively the full realization of the right [to adequate housing] by all appropriate means, including particularly the adoption of legislative measures"³³⁹ in such as way as to ensure the continuous improvement of living conditions."³⁴⁰

Endnotes

- ¹ Eduardo Mendieta, "The axle of evil: SUVing through the slums of globalizing neoliberalism," *City* Vol. 9, No. 2 (July 2005), pp. 194–204, at 197.
- ² Draft Egypt national report, cited in "Synthesis of National Reports on the Implementation of the Habitat Agenda in the West Asia Region," p. 12.
- ³ Finding based on the national Habitat II-implementation reports of Bahrain, Egypt, Iraq, Jordan, Syrian Arab Republic, and Yemen. "Synthesis of National Reports on the Implementation of the Habitat Agenda in the West Asia Region" (2000), p. 12.
- ⁴ "Istanbul Declaration on Human Settlements and the Habitat Agenda," The United Nations Conference on Human Settlements (Habitat II), A/CONF.165/14, para. 8.
- ⁵ Arab Declaration on Sustainable Development for Human Settlements (Rabat Declaration) (1995) enshrines, *inter alia*, the following General Principles and Goals...2. The Family is the fundamental nucleus of the society. All appropriate conditions must be provided to maintain its safety, to upgrade its living standard, to safeguard its values and solidarity, and to provide it with adequate housing, job opportunities, and a dignified living for its members, including the elderly and the handicapped. 3. Woman assumes a highly important role in society, not only in her capacity as a mother, but also as a fundamental contributor to sustainable development. It is imperative to provide the necessary requirements to improve her quality of life and to ensure her participation in all phases of housing production, planning and management of human settlements....5. The youth are the main element of society's development and production, must be provided with wide-ranging opportunities to exercise their right to education and training, and to secure work and adequate housing in order to start and maintain families. They must be enabled for effective and collective participation in all activities of sustainable development...8. Adequate housing is a fundamental rights and requirement of the human being, who must be enabled to secure it in both urban and rural areas within a healthy and sound environment equipped with all services and utilities. 9. Peace and security are the basis of sustainable development and preservation of environment and natural resources. 10. Popular and collective participation in drawing up and reviewing policies, in decision making, implementation, follow-up and mobilizing and domestic resources are fundamental to the development of human settlement and the achievement of sustainable development. 11. Forced expulsion and settlement in the occupied Arab territories [are] confirmed by the international community as illegal acts, constitute a flagrant violation of human rights, a threat to regional and world peace, and an impediment to sustainable development of human settlements in the region. Therefore, the termination of such illegitimate practices would enhance the establishment of equitable and comprehensive peace in the region.
- ⁶ In particular, the Arab states adopting the Manama Declaration on Cities and human Settlements in the New Millennium (2000), Article 10, "reaffirm once more our commitments to the following: (b) Working toward full and progressive realization of the right to adequate housing as stipulated in the Habitat Agenda and international legal instruments within the framework of local legislation....(e) Working toward enabling and further enhancing the role of women in the decision-making process."
- ⁷ "Synthesis of National Reports on the Implementation of the Habitat Agenda in the West Asia Region," p. 1.
- ⁸ Serene Assir, "Starving those who feed us," *al-Ahram Weekly* (Cairo), No. 881 (30 January 2008), at: <http://weekly.ahram.org.eg/2008/881/feature.htm>.
- ⁹ As evidenced in the 2006 Habitat Jam and WUF III program. See "Habitat Jam Summary Report," at: http://www.globaldialoguecenter.com/docs/habitat_jam_report_en.pdf; also Guido Martinotti, "The new social morphology of cities," Management of Social Transformations (MOST) Discussion Paper Series, No. 16 (Paris: UNESCO, 1996); and D.F. Bryceson, C. Kay and J. Mooij, eds., "Disappearing Peasantries: Rural Labour in Africa, Asia and Latin America" (London: Intermediate Technology Publications, 2000). Iraq is also undergoing this phenomenon in the short-sighted displacement and dispossession of peasants from productive farm lands to make way for needed housing. "Iraq: Authorities destroy Kerbala farms, displacing peasants," *IRIN News*, at: <http://www.irinnews.org/PrintReport.aspx?ReportId=76208>.
- ¹⁰ Not an ESCWA region member state; however, its actions affect migration, population transfer and the largest refugee groups in the region.
- ¹¹ In addition to the state's 17 June 1962 signing of the Hague Regulations, since the Beit El case (High Court of Justice 606, 610/78, *Suleiman Tawfiq Ayyub et al. v. Minister of Defence et al*, Piskei Din 33(2)), the High Court of Justice has ruled that The Hague Regulations (1907) are customary law, therefore, automatically part of municipal law and judiciable in Israel.
- ¹² "5.1 Promote decentralization and strengthen local authorities. 65. Decentralization has been encouraged in many countries of the region, such as Egypt, Jordan and Lebanon. Good practices show that Local Authorities have more responsibilities and have been strengthened. In Gaza for instance, the municipality built the capacity building of its staff in three years and was therefore able to achieve many positive results such as the improvement of the city's outlook and the social and cultural services. (The Best Practices Database). In Egypt, the State has encouraged decentralization, supported local authorities through the development of self-government and local management laws, and has taken measures to ensure women's representation in local and national government." "Synthesis of National Reports on the Implementation of the Habitat Agenda in the West Asia Region," p. 14.
- ¹³ IDMC reports 24.5 million IDPs worldwide, while UNHCR counts an additional 9.9 refugees, added to which are 5,519,050 Palestinian registered and unregistered refugees (according to Badil) and 5.8 million stateless persons.
- ¹⁴ *Internal Displacement: Global Overview of Trends and Developments in 2006* (Geneva: Norwegian Refugee Council/Internal Displacement Monitoring Center, April 2007), p. 6.
- ¹⁵ See table above: "ESCWA-region Ratification of Relevant Treaties."
- ¹⁶ Amounting to 15.6 million of a total 24.5 million IDPs. IDMC, *Internal Displacement: Global Overview of Trends and Developments in 2006* (Geneva: Norwegian Refugee Council/Internal Displacement Monitoring Center, April 2007), p. 6.

- ¹⁷ The average annual growth rate of 2.8%, during the period 1976–86, dropped to 2.1% ,during the period 1986–96, and has now stabilized at 1.94%.
- ¹⁸ African Development Bank, "Egypt: 2006 at a Glance," at: http://www.afdb.org/pls/portal/docs/PAGE/ADB_ADMIN_PG/DOCUMENTS/FINANCIALINFORMATION/EGYPT.PDF, p. 47.
- ¹⁹ Richard Perle; James Colbert; Charles Fairbanks, Jr.; Douglas Feith; Robert Loewenberg; David Wurmser and Meyrav Wurmser, "A Clean Break: A New Strategy for Securing the Realm" (Washington: Institute for Advanced Strategic and Political Studies, 8 July 1996), at: <http://www.freerepublic.com/www.israeconomy.org/strat1.htm>.
- ²⁰ Ralph Peters (Ltnt. Col., ret'd.), "Blood borders: How a better Middle East would look," *Armed Forces Journal* (June 2006), Cullen Murphy with David Fromkin, Dennis Ross Kenneth Pollack and Daniel Byman, "Lines in the Sand," *Vanity Fair* (January 2008), pp. 60–63.
- ²¹ For example, Egypt hosts an estimated 1,105 squatter settlements, housing at least 15.7 million inhabitants (22% of the total population). See
- ²² Article 5 of the Jordanian Landlords and Tenants Law, which Parliament adopted in 2000, stipulates that all property rent contracts will be null and void on 31 December 2010 and subject to a balloon increase, which disproportionately will affect Palestinian and other refugee and migrant populations, as they form the majority of renters in cities.
- ²³ Islamic philosophy, prophetic authority and *Shari'a* recognize private ownership, but reserve water, pasture and fire as common entitlement of the people with a social function. The Prophet Muhammad (PBUH) famously enjoined: "Muslims are to share in these three things: water, pasture, and fire." 15. Hadith related by Abu-Dawud, Ibn Majah, and al-Khallal. Privatization is restricted, however, as in: "O you who believe! Verily, there are many of the (Jewish) rabbis and the (Christian) monks who devour the wealth of mankind in falsehood, and hinder (them) from the Way of Allāh. And those who hoard up gold and silver [*al-Kanz*: the money, the *Zakāt* of which has not been paid], and spend it not in the Way of Allāh, announce unto them a painful torment." 35. (*Ayat al-Kanzl*) "On the Day when that: money, gold and silver, etc., the *Zakāt* of which has not been paid) will be heated in the Fire of Hell and with it will be branded their foreheads, their flanks, and their backs, (and it will be said unto them): "This is the treasure that you hoarded for yourselves. Now taste of what you used to hoard," *Surat al-Tawba* 9.
- ²⁴ The 1988 Brazilian Constitution explicitly recognizes the right to decent housing, and provides that property, whether urban or rural, "shall fulfill its social function" (Article 5, §XXIII). Unoccupied buildings or unproductive land, thus, became more susceptible to expropriation in the social interest. Colombian law 388 (*de ordenamiento territorial*) provides for the recovery of 30–50% of socially produced values arising from rezoning and other public benefits for developers and regulates the use of that revenue for public housing and related projects. See also Brazil's Law 257 "Statute of the City" (10 September 2001), at: http://www.polis.org.br/obras/arquivo_163.pdf and (in Arabic) at: <http://www.hic-mena.org/documents/statute%20of%20the%20city%20Ar.pdf>.
- ²⁵ "Synthesis of National Reports on the Implementation of the Habitat Agenda in the West Asia Region," p. 4, para. 12.
- ²⁶ citation
- ²⁷ The Forced Migration and Refugees Studies Program, as well as the Law Department at American University in Cairo currently teach refugee law.
- ²⁸ "Synthesis of National Reports on the Implementation of the Habitat Agenda in the West Asia Region," p. 4, para. 11.
- ²⁹ Including migrants with permits to work (291,000 as of May 2007, including 1,700 Iraqis), plus other migrants. The Jordanian Department of Statistics, United Nations Population Fund (UNFPA) and the Norwegian Research Institute Fafo have estimated "between 450,000-500,000 Iraqi residents in Jordan as of May 2007." GoJ previously had maintained their number at about 750,000, and the United Nations High Commissioner for Refugees (UNHCR) had set the number as high as one million. "Norwegian pollster puts Iraqi refugees in Jordan at up to 500,000," *International Herald Tribune* (13 November 2007), at: <http://www.ihf.com/articles/ap/2007/11/13/africa/ME-GEN-Jordan-Iraqi-Refugees.php>.
- ³⁰ Rosemary Sayigh, *From Peasants to Revolutionaries* (London: Zed, 1979) and *Too Many Enemies: The Palestinian Experience in Lebanon* (London: Zed, 1994).
- ³¹ أمام الضغط الدائم لحل هذه المشكلة، أعلنت الحكومة اللبنانية رفع الحظر على دخول مواد البناء في 2004/11/30 ولكنها ما لبثت أن عادت لتشدّد في 2005/06/20
- ³² "الحق في العمل للفلسطينيين في لبنان،" في سهيل الناطور ودلال ياسين، الوضع القانوني للاجئين الفلسطينيين في لبنان (بيروت: مركز التنمية الإنسانية والمركز الفلسطيني للتوثيق والمعلومة، 2007)، ص 65–69.
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- ³⁸ Atif A. Kubursi, "Palestinian Losses in 1948: Calculating Refugee Compensation," Center for Policy Analysis on Palestine Information Brief, No. 81, 3 August 2001, at: www.palestinecenter.org.
- ³⁹ "Establishment of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory," GA resolution ES/10/17, 24 January 2007.
- ⁴⁰ ICJ recognized the "need for the United Nations, and especially the General Assembly and the Security Council, to consider what further action is required to bring to an end the illegal situation resulting from the construction of the Wall and its associated régime, taking due account of the Advisory Opinion." "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion," I. C. J. Reports 2004, p. 138.
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30. In very many countries questions of residential segregation linked with racial and ethnic difference receive far too little attention. As with discrimination in employment, experience shows that only by conducting research into the nature and consequences of this kind of discrimination is it possible to generate support for the introduction of legal and administrative remedies. Experimental research into what happens to would-be house purchasers or to those seeking to rent apartments could be modeled on the research sponsored by the International Labour Organization into discrimination in the workplace. The Programme of Action to be considered at the World Conference might recommend that either the United Nations Centre for Human Settlements or the United Nations Research Institute for Social Development undertake this responsibility.
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- ¹⁰⁸ Human Rights Watch, Overview Human Rights Developments-Iraq, year 1999, at: <http://www.hrw.org/doc?t=mideast&c=iraq>
- ¹⁰⁹ The State Department's 2002 human rights report, released in March, said such policies "left hundreds of Palestinians not involved in terror attacks homeless." In September, department spokesman Richard Boucher criticized Israel for destroying a seven-storey apartment building in Gaza during a raid on a suspected Hamas militant.
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- ¹¹⁴ Jeff Wilkinson, "In Tikrit, US Destroys Homes of Suspected Guerrillas," *Knight-Ridder* (18 November 2003), at: <http://www.commondreams.org/headlines03/1118-02.htm>.
- ¹¹⁵ Notably, the Fourth Geneva Convention relative to Civilian Persons in Time of War (1949) prohibitions in Articles 33 and 53 against destruction of property under "rendered absolutely necessary by military operations"; ICESCR, Article 11 on the right to housing as a component of an adequate standard of living; and ICCPR, Article 2 and 12 guarantees of access to justice.
- ¹¹⁶ PCBS contribution, p. 3.
- ¹¹⁷ PCBS contribution, p. 3.
- ¹¹⁸ PCBS, "A Report about Housing Conditions in the Palestinian Territory, 2006," Palestinian Central Bureau of Statistics Release, (27 December 2006).
- ¹¹⁹ Al-Mezan Center for Human Rights contribution, Table 1: "Number of homes demolished between 28 September 2000 and the end of 2006," 21 February 2007.
- ¹²⁰ Economic and Social Commission for Western Asia (ESCWA), "Monitoring and Analysis of Political, Social and Economic Development in Countries Affected by Conflict, July–December 2006" (Beirut: ESCWA, February 2007), pp. 13–14; and UNDP, "Assessment of Damages Caused by the Israeli Defense Forces Operations in the Gaza Strip," 2006.
- ¹²¹ Dugard, op cit., para. 10.
- ¹²² UNDP, "Report on Damages' assessment that resulted due to the Israeli incursion in Bayt Hanun town: Damages in infrastructure and public buildings" (November 2006), also cited in UNDP-PAPP contribution, p. 1.
- ¹²³ Compared to the same period in 2005. Palestinian Central Bureau of Statistics (PCBS), "Preliminary Estimates of Quarterly National Accounts, 3rd Quarter 2006," November 2006.
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- ¹²⁹ Mark Tran, "US builds Baghdad wall to keep Sunnis and Shias apart," *The Guardian* (April 20 2007), at: <http://www.guardian.co.uk/world/2007/apr/20/iraq.usa>.
- ¹³⁰ According to Senior Sunni cleric and leader of the General Council for the People of Iraq Adnan Dulaimi and others, in "Sunni leader attacks Baghdad wall," *BBC News* (21 April 2007), at: http://news.bbc.co.uk/2/hi/middle_east/6579335.stm.
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- ¹³⁴ Development Research Center on Migration, Globalisation & Poverty, “Global Migrant Origin Database,” version_3.xls, at: http://www.migrationdrc.org/research/typesofmigration/Global_Migrant_Origin_Database_Version_3.xls.
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- ¹³⁹ Including 130,000 stateless persons. Table 1. “Refugees, asylum-seekers, internally displaced persons (IDPs), returnees (refugees and IDPs), stateless persons, and others of concern to UNHCR by country/territory of asylum, end-2006,” *UNHCR Statistical Yearbook 2006: Trends in Displacement, Protection and Solutions* (Geneva: UNHCR, December 2007), at: <http://www.unhcr.org/cgi-bin/texis/vtx/home/opendoc.pdf?id=478ce34a2&tbl=STATISTICS>.
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- ¹⁴³ Since 12 July 2006, according to government sources (27 Aug 2006); 18,323, according to UNHCR, prior to June 2006, as cited in IDMC, “Internal Displacement in the Middle East,” op cit.
- ¹⁴⁴ Estimated. No official statistics available.
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- ¹⁴⁶ Palestinian refugees displaced for the first time in 1967.
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- ¹⁴⁸ IDMC, op cit.
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- ¹⁵² IDMC, op cit.
- ¹⁵³ *Displacement by the Wall - Forced Displacement as a Result of the West Bank Wall and its Associated Regime* (Bethlehem & Geneva: Badil Resource Center for Palestinian Refugee and Residency Rights and International Displacement Monitoring Center, September 2006), at: <http://www.badil.org/Publications/Books/Wall-Report.pdf>.
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Zand, B. (2006) 'Iraq: on the verge of collapse',

¹⁵⁶ Ibid.

¹⁵⁷ Baghdad University professor of political science Dr. Wamid Nadmi saw it differently, saying that "the increasing [U.S.] violence may lead to the killing or arrest of some resistance fighters," but "will increase the people's rage against the Americans [i.e., United States], especially those people whose homes are being destroyed or family members are being killed." "Captors extend deadline by 24 hrs," *Deccan Herald* (31 July 2004), at:

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¹⁵⁸ For example: (a) Reconstruction activities must be linked to making the widest possible use of Iraqi industries and services, in order to stimulate growth and productivity in the domestic economy. To that end, a depackaging of large contracts should be considered in order to enhance and maximize the local contribution;

(b) Costs should be contained and the utilization of Iraqi human resources, whether resident in Iraq or abroad, should be the rule at all stages of reconstruction. The international and Arab communities should not be considered as alternatives in that regard.

(d) Execution or direct supervision should be entrusted to the relevant Government entities, namely, technical ministries or public enterprises. In that regard, the regulatory role of the State and of policy-making institutions should be enhanced, in order to enable them to draw up appropriate policies on fiscal, financial and taxation matters and develop policies related to employment, education, health and social services;

(e) The rehabilitation of the infrastructure should be linked to local procurement to the maximum capacity of the local market, and to the support of productive activities that can finance its operations and maintenance.

"Reconstruction of Iraq: An Arab Economic and Social View," Report of the workshop on Iraq and the region after the War, Beirut, 9–11 July 2003, E/ESCWA/SDPD/2003/9 (Beirut: UN-ESCWA, 27 October 2003), pp. 2–3.

¹⁵⁹ Cf. F. Kalidar and T. Soutar, MEES (16 June 2003), p. Georges Corm, "Identifying the Main Economic and Reconstruction Issues in Iraq," in ESCWA, "Restruction of Iraq," op cit., p. 13.

¹⁶⁰ In the post-1991 reconstruction period, the Jumhuriya Bridge in the centre of Baghdad, for example, was assigned first infrastructure reconstruction priority by construction companies attached to the Ministry of Housing within about months.¹⁶⁰ Reconstruction in the strategic oil industry was exemplary in the case of the Daura Refinery. A large field engineering office was set up on site, local workers labored around the clock with two 12-hour shifts at increased wages and the refinery resumed operations on 28 April 1991, barely two months after the start of reconstruction. F. Kalidar and T. Soutar, MEES (16 June 2003), p. Georges Corm, "Identifying the Main Economic and Reconstruction Issues in Iraq," in ESCWA, "Restruction of Iraq," op cit., p. 35.

¹⁶¹ J.D. Jafar, "Reconstruction Efforts in the Intra-Wars Period," in ESCWA, "Reconstruction of Iraq," op cit., p. 4.

¹⁶² US Department of Defense, Office of the Assistant Secretary of Defense (Public Affairs), "Special Defense Department briefing on Iraq reconstruction update," [transcript of remarks by Director of the Project and Contracting Office in Iraq Charlie Hess], 15 December 2004, at: www.dod.mil/transcripts/2004/tr20041215-1802.html.

¹⁶³ Meeting with Falluja's temporary city council, Deputy Secretary of State Robert B. Zoellick remarked that "When it comes to reconstruction, obviously we can help," but "to bring a city back to life, it has to be done by the people of the city." Cited in Joel Brinkley, "Closer look at Fallujah finds rebuilding is slow," *New York Times* (14 April 2005), at: www.nytimes.com/2005/04/14/international/middleeast/14zoellick.html.

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¹⁶⁵ Bruce Baizel, Andrea Buffa, Pratap Chatterjee, Charlie Cray, Jim Donahue, Jennifer Goldman, David Phinney, Lisa Sumi and Jim Vallette, "Houston, we still have a problem: an alternative annual report on Halliburton," *Corporation Watch* (May 2005), at: www.corpwatch.org/downloads/houston.2005.pdf; Pratap Chatterjee, *Iraq, Inc.* (New York: Seven Stories, 2004), pp. 26–60.

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¹⁶⁷ See Stephen Graham, "Remember Fallujah: demonising place, constructing atrocity," *Environment and Planning D: Society and Space* (2005), Vol. 23, pp. 1–10; also Mike Davis, "The Pentagon as Global Slumlord," *Zmag* (19 April 2004), at: <http://www.zmag.org/content/showarticle.cfm?SectionID=15&ItemID=5363>.

¹⁶⁸ Stephen Graham, "Switching cities off: urban infrastructure and U.S. air power," *City* 9 (July 2005), pp. 169–194, at 169.

¹⁶⁹ See George Arbid, Beirut: The Phoenix and the Reconstruction Predicament," in *Urbanization and the Changing Character of the Arab City* (Beirut: ESCWA, 2005), pp. 13–24.

¹⁷⁰ R. Saliba, *Beirut City Center Recovery: The Foch-Allenby and Étoile Conservation Area* (Beirut: Solidère, 2004).

¹⁷¹ (القاهرة: شبكة حقوق الأرض والسكن – شرق الاوسط وشمال افريقيا، حرب الصيف على الموتل في لبنان: عين على انتهاكات حقوق السكن كجرائم حرب 2006)

¹⁷² United Nations, "Report of the World Commission on Environment and Development," General Assembly resolution 42/187, 11 December 1987; also *Our Common Future, From One Earth to One World* [Report of the World Commission on Environment and Development] (Oxford: Oxford University Press, 1987), also at: <http://www.un-documents.net/ocf-ov.htm#1.2>.

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- ¹⁸¹ As provided in Article 21 of the International Covenant on Civil and Political Rights (1966), hereinafter ICCPR.
- ¹⁸² Articles 1–3, ICESCR.
- ¹⁸³ CCPR General Comment; CESCR General Comments [cite needed]. Treat the nationals of other Members on the same footing as its own nationals (for the purpose of insurance and pension benefits.) International Labour Organization Convention No. 48 "Maintenance of Migrants' Pension Rights" (1935), Article 18. However, "Project-tied workers" and "specified-employment workers" exempted from equal benefits pertaining to social housing schemes. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 61 □ 62.
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- ¹⁸⁵ Q7:137.
- ¹⁸⁶ Q4:97, Q7:127.
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- ¹⁸⁸ Q3:195.
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- ²⁰¹ *Ibid.*, Section VI: "The Role of the International Community, Including international Organizations," paras. 22.1–22.7.

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- ²⁰³ “Basic Principles and Guidelines,” op cit.
- ²⁰⁴ استعادة القيم: التحديات المؤسسية التي تواجه عملية تعويض ضحايا انتهاك حقوق الأرض والسكن في العراق (القاهرة: شبكة حقوق الأرض والسكن – شرق الأوسط، 2005)؛ also Eric Stover, Hanny Megally, and Hania Mufti – “Bremer’s ‘Gordian Knot’: Transitional Justice and the US Occupation of Iraq,” *Human Rights Quarterly*, Vol. 27, No. 3 (2005) 830–57.
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- ²⁴⁵ The number of those residing in refugee camps is difficult to estimate. Available statistics indicate that in 1992 the number of officially registered refugees in al-Husain and al-Wihdat reached more than 29,000 and 39,000 inhabitants, respectively. As of December 2005, the population of the Amman-area camps are: Baqa’a, 90,575; al-Wihdat (Amman New Camp), 50,609; Marka, 44,198; Jabal al-Husain, 29,520, totaling 214,902. UNRWA statistics, at: <http://www.un.org/unrwa/refugees/jordan.html>.
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- ²⁴⁸ One satirist has commented that many of those new Amman residents migrated from Kuwait “because their bank cards wouldn’t work in Kuwaiti cash machines anymore.” P.J. O’Rourke, *Give War a Chance* (New York: The Atlantic Monthly Press, 1992), p. 172.
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- ²⁵⁰ ESCWA, “Urbanization and the Changing Character of the Arab City,” E/ESCWA/SDD/2005/1, 19 April 2005, p. 8.
- ²⁵¹ M. al-Asad, M. “Ruptures in the evolution of the Middle Eastern city: Amman” in M.E. Bonine ed., *Population, Poverty and Politics in Middle Eastern Cities* (Gainesville: University Press of Florida, 1997), pp. 47–48.
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- ²⁵⁴ “Ekistics” is a term coined by architect and urban planner Constantinos A. Doxiadis from the Greek words *oikos*, and *oiko*, “settling down,” to mean the science of human settlements. It conceives of the human settlement as a living organism having its own laws and, through the study of the evolution of human settlements from their most primitive phase to *megalopolis* and *ecumenopolis*, develops the interdisciplinary approach needed to solve its problems. There are five ekistic elements that compose human settlements: nature, anthropos (human), society, shells and networks.
- ²⁵⁵ Measures in spatial terms, construction produced 16.09 million m², in 1989, reduced to only 347,900 m², in 1996.
- ²⁵⁶ [Adhamiyah, Karkh, Karadah, Kadhimyah, Mansour, Sadr City \(Thawra\), Rasheed, Rusafa](#), Tisaa Nissan (9th of April).
- ²⁵⁷ Selcan Hacaoglu, “Civilians flee battle-torn Sadr City: 8,000 families have left since fighting began 6 weeks ago, city official says,” Associated Press (7 May 2008), at: <http://www.sfgate.com/cgi-bin/article.cgi?file=/c/a/2008/05/07/MNOF10HONA.DTL>.
- ²⁵⁸ *The Gulf/2000 Project* – SIPA, Columbia University, at: <http://gulf2000.columbia.edu/maps.shtml>.
- ²⁵⁹ F. Baz, “The macroeconomic basis of reconstruction” in P.G. Rowe and H. Sarkis, eds., *Projecting Beirut: Episodes in the Construction and Reconstruction of a Modern City* (Munich: Prestel-Verlag, 1998).
- ²⁶⁰ While Sri Lanka’s embassy estimated that around 160,000 of its nationals resided in Lebanon, only 32,497 reportedly held work permits; the rest, who number between 80,000 and 170,000, may hold expired work permits, be unemployed, or be in the country without authorization. Kara Murphy, “The Lebanese Crisis and Its Impact on Immigrants and Refugees,” *Migration Policy Institute* (September 2006), at: <http://www.migrationinformation.org/Feature/display.cfm?id=419>.
<http://www.citymayors.com/statistics/largest-cities-density-125.html>.
- ²⁶¹ [R. Saliba, Beirut City Center Recovery: The Foch-Allenby and Étoile Conservation Area](#) (Beirut: Solidère, 2004).
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- ²⁶⁴ According to M. Harb, “what was expected to be a participatory example of urban governance, bringing together the concerned population and the State, has become entangled in political negotiations and wrangling between local parties and the Government.” M. Harb, “Urban governance in post-war Beirut: resources, negotiations and contestations in the Elyssar Project” in S. Shami, ed., *Capital Cities: Ethnographies of Urban Governance in the Middle East* (Toronto University Press, 2001), pp. 111–33.
- ²⁶⁵ M. Harb has noted that “only economic considerations are determining the choices adopted by the project and no debate is being initiated about its urban and social dimensions.” M. Harb, “Transforming the site of dereliction into the urban culture of modernity: Beirut’s southern suburb and Elisar Project,” in Rowe and Sarkis, op cit., pp. 173–81.
- ²⁶⁶ “Cairo Urban Area: Central City & Suburban Population & Density,” (2006), at: <http://www.demographia.com/db-cairo.htm>.
- ²⁶⁷ See Table 1. “Refugees, asylum-seekers, internally displaced persons (IDPs), returnees (refugees and IDPs), stateless persons, and others of concern to UNHCR by country/territory of asylum, end-2006,” *UNHCR Statistical Yearbook 2006: Trends in Displacement, Protection and Solutions* (Geneva: UNHCR, December 2007), at: <http://www.unhcr.org/cgi-bin/texis/vtx/home/opendoc.pdf?id=478ce34a2&tbl=STATISTICS>.
- ²⁶⁸ UNdata indicates 9,307 Egyptians sought asylum in other countries as of end-2006. £Table 2. Refugees, asylum-seekers, internally displaced persons (IDPs), returnees (refugees and IDPs), stateless persons, and others of concern to UNHCR by origin, end-2006” (updated 12 March 2008), at: <http://data.un.org/DocumentData.aspx?id=69>.
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- ²⁷³ Ahmed Soliman, in Ananya Roy and Nezar al-Sayyad, *Urban Informality: International Perspectives from the Middle East, Latin American and South Asia* (Lanham MD: 2004), pp. 171, 202.
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- ³¹⁵ National Resettlement Conference, Manchester (1995), at: <http://handbooks.homeless.org.uk/resettlement/howtouse>.
- ³¹⁶ Outreach and Resettlement Work with people Sleeping Rough by G. Randall and S. Brown, Department of the Environment (1995), at: <http://handbooks.homeless.org.uk/resettlement/howtouse>.
- ³¹⁷ Settlement and Housing Policy, Simon Community of Ireland (1994), at: <http://handbooks.homeless.org.uk/resettlement/howtouse>.
- ³¹⁸ International Law Commission, “Responsibility of States for Internationally Wrongful Acts,” *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 10 (A/56/10)*. Text reproduced in annex to General Assembly resolution 56/82, 12 December 2001, and corrected by document A/56/49(Vol. I)/Corr.4. Report of the International Law Commission on the work of its fifty-third session: report of the Sixth Committee (A/56/589 and Corr.1), 26 November 2001.
- ³¹⁹ By decision of the ILC in 1997, it subdivided this topic into two parts: “prevention of transboundary damage from hazardous activities” and “international liability in case of loss from transboundary harm arising out of hazardous activities.” The ILC concluded its work with its adoption of the respective draft articles and draft principles and commentaries on the two subjects and submitted them to the General Assembly review and action. The draft articles on Prevention of Transboundary Damage from Hazardous Activities are annexed to “Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm,” A/RES/62/68, 8 January 2008. The draft Principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities are annexed to “Allocation of loss in the case of transboundary harm arising out of hazardous activities,” A/RES/61/36, 18 December 2006.
- ³²⁰ From the outset of its work on the topic of State responsibility, the Commission agreed that that topic should deal only with the consequences of internationally wrongful acts, and that, in defining the general rule concerning the principle of responsibility for internationally wrongful acts, it was necessary to adopt a formula which did not prejudice the existence of responsibility for lawful acts. At its forty-ninth session, in 1997, the Commission decided to split the topic into two parts: “prevention of transboundary damage from hazardous activities” Report of the International Law Commission on the work of its fifty-third session (23 April–1 June and 2 July–10 August 2001), A/56/10, 24 October 2001 and “international liability in case of loss from transboundary harm arising out of hazardous activities” (“Draft principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities” and commentary, in Report of the International Law Commission Fifty-eighth session (1 May–9 June and 3 July–11 August 2006), A/61/10 (2006), pp. 101–82.
- ³²¹ See Giorgio Gaja, Special Rapporteur, “Fifth report on responsibility of international organizations,” A/CN.4/583, 2 May 2007.
- ³²² The ICJ cited an earlier draft text of the Articles in *Gabčíkovo-Nagyamaros Project (Hungary/Slovakia)*, *ICJ Reports 1997*, at 7; and *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, case 91, International Court of Justice (ICJ) Judgment returned on 26 February 2007.). For a critique of the Court’s standard in this case see Mark Gibney, Katarina Tomaševski and Jens Vedsted-Hansen, “Transnational State Responsibility for Violations of Human Rights,” *Harvard Human Rights Journal* 12:267–96 (1999); also Mark Gibney, “ETOs and the Draft Articles on state responsibility” paper presented to ETO Consortium (2008).
- ³²³ “Remedy and Reparation Guidelines,” Article 19.
- ³²⁴ See “Reparation,” “Rehabilitation,” “Compensation” and “Restitution” above.
- ³²⁵ Universal Declaration of human Rights, 10 December 1948, Article 13(2); International Covenant on Civil and Political Rights, 16 December 1966, Article 12(4); and International Convention on the Elimination of All Forms of Racial Discrimination, 4 January 1969, Article 5(d)(ii).
- ³²⁶ Fourth Geneva Convention relative to the Protection of Civilian Persons in Times of War, 12 August 1949, Article 45; Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International

- Armed Conflicts (Protocol I), 8 June 1977, Article 85(4)(a); Turku Declaration of Minimum Humanitarian Standards, 2 December 1990, UN Doc. E/CN.4/Sub.2/1991/55, Article 7
- ³²⁷ UNHCR, *Resettlement handbook* (Geneva: Department of International Protection, November 2004), Chapter II, P. 5.
- ³²⁸ For more information, refer to “The Right to the City,” at Habitat International Coalition, at: <http://www.hic-net.org/indepth.asp?PID=18>.
- ³²⁹ “Remedy and Reparation Guidelines,” Article 22.
- ³³⁰ “Expert seminar on the practice of forced evictions, Geneva, 11–13 June 1997,” E/CN.4/Sub.2/1997/7 (2 July 1997).
- ³³¹ Committee on Economic, Social and Cultural Rights, “General Comment No. 4 ‘the right to adequate housing’ (Article 11[1] of the Covenant),” 13 December 1991, UN document HRI/GEN/1/Rev.8, para. 8(a), p. 20.
- ³³² “Defining Slums and Secure Tenure,” Expert Group Meeting, Nairobi, November 2002.
- ³³³ Thomas Ford Hout, *Dictionary of Modern Sociology* (Totowa NJ: Littlefield Adams 1969), p. 139.
- ³³⁴ “O you who believe! Verily, there are many of the (Jewish) rabbis and the (Christian) monks who devour the wealth of mankind in falsehood, and hinder (them) from the Way of Allâh (i.e., Allâh’s Religion of Islâmic Monotheism). And those who hoard up gold and silver [*al-Kanz*: the money, the *Zakât* of which has not been paid], and spend it not in the Way of Allâh, - announce unto them a painful torment. 35. On the Day when that (*al-Kanz*: money, gold and silver, etc., the *Zakât* of which has not been paid) will be heated in the Fire of Hell and with it will be branded their foreheads, their flanks, and their backs, (and it will be said unto them):-“This is the treasure which you hoarded for yourselves. Now taste of what you used to hoard.” *Surat al-Tawba* 9.
- ³³⁵ The Prophet Muhammad (PBUH) famously enjoined: “Muslims are to share in these three things: water, pasture, and fire.” 15. Hadith related by Abu-Dawud, Ibn Majah, and al-Khallal. See *Islamset*, at: <http://www.islamset.com/env/contenv.html>.
- ³³⁶ The European Liaison Committee for Social Housing (CECODHAS) proposed this definition of social housing to the European Commission in 1998 to define Social Housing by a single, Europe-wide criterion under the 6th European directive on value-added tax (VAT), which allows the European Union Member States to apply a low rate of VAT on social housing.
- ³³⁷ C.f.: Norman Finkelstein, *The Holocaust Industry: Reflections on the Exploitation of Jewish Suffering* (London: Verso Books, 2000).
- ³³⁸ “Basic Principles and Guidelines,” op cit.
- ³³⁹ International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 2.1
- ³⁴⁰ ICESCR, Article 11.1