

## **Interview with International Housing Activist Miloon Kothari**

Am Johal, 2007-10-07

Miloon Kothari, the UN Special Rapporteur for Housing, recently visited Canada on a fact-finding mission to look at the issues of homelessness, Aboriginal housing issues, women's housing issues and the impact of the 2010 Olympic Games in Vancouver. Am Johal recently sat down for breakfast with Mr. Kothari at the Sylvia Hotel in Vancouver.

### **Miloon, what do you do with a fancy title like UN Special Rapporteur for the Right to Adequate Housing? What do you do?**

As the Special Rapporteur for Housing, I work with the UN Human Rights Council that is an intergovernmental body of which Canada is a member. The Human Rights Council, which was previously the Human Rights Commission, it has a system of special rapporteurs, in an independent honorary capacity, to look at specific issues of global concern. One area is investigative, we do communications with governments on specific cases, monitoring specific cases, policy, and have a reporting mandate, pointing out obstacles and areas of concern and violations. And then there's a collaborative function, we build relations with civil society, with other UN agencies, but it has a global mandate that includes all regions of the world. The work of the Special Rapporteur, is to deal with issues at the ministerial or ambassadorial level. It is a high level appointment with an independent role, which is very useful. I have been doing this since 2000, so this is my 7th year as rapporteur. Of course, my area is housing which is a fundamental human rights issue.

### **On your recent visit to Australia, what were your main findings there?**

The last three country visits I did were in South Africa, Spain and Australia.

There are many similarities to what I have seen in Canada. We have seen a national housing crisis. Income support is not high enough for them. The speculation on land and property is so prevalent that even the middle class can no longer afford to buy. We also found that there's a primacy given to home ownership in government policies. There isn't enough focus on housing for low-income groups. Policies are geared toward home ownership. There's also a growing phenomenon of homelessness, very adverse, very disturbing housing conditions of the aboriginal people, many, we found that there was missing a national perspective on housing. No national housing ministry or Minister. In the legal system, the right to housing was not recognized.

There was some provincial human rights legislation that recognized elements of housing and some discriminatory areas. In Australia, there were many similarities to Canada. There was a need for an emergency response to the

housing problems of the indigenous peoples. There was a need to look at the causes and what can be done. There is a series of recommendations on how to tackle the housing situation specifically for women, indigenous people, children, people recently released from detention, a need to look at what kind of housing facilities they had if any.

We suggested that the housing solutions should be based on a system of a housing continuum where you have enough shelters, boarding houses, hostels, transitional, ownership, affordable rental units, but we also suggested that there needs to be a restructuring of the taxation system. Australia is among the highest in the world in terms of tax benefits to home ownership and to developers. It is a strange system where subsidies are just raising the prices of the homes and, in turn, subsidizing the developers.

### **What have you noticed in Canada so far? Let's start with Montreal and Quebec?**

In Montreal we visited many of the shelters and talked to people and had a large civil society forum. Many people gave testimonies. We met with government at the city and provincial level. Relatively speaking, it's certainly not a perfect situation, but they do have very entrenched social policies and are very conscious of the need for social housing. With Quebec, we have a province that continued to fund social housing after the federal cuts in 94-95, so there is a commitment within the government of a social leaning towards housing policies.

That being said, the problems that are elsewhere in other cities is present in Montreal. There is evidence of gentrification in the city and displacement and pushing low income people out. There is evidence from civil society that homelessness is increasing and the responses are not keeping up. The responses are not keeping up with the demands.

These were only some of the problems. We went to the Kahnawake Reserve and spoke to aboriginal leaders there. There were Chiefs from four different territories, including from the northern parts, testimonies and information on the housing and living conditions in the territories which are, of course, very disturbing. We met with provincial officials and discussed their plans as well.

### **How was Ottawa?**

We visited a number of sites in Ottawa including mens shelters and womens shelters. It was an excellent example of the emergency housing situation for youth and transitional housing. We also spoke with city officials. Homelessness in Ottawa is not as visible as you would see in other places in Canada like Edmonton or Toronto. In Canada, there is a hidden homelessness, there is a large crisis in housing, high density situations, there are not enough facilities for women escaping domestic violence. The problems in Ottawa are the same issue

of affordability and gentrification, and again, disproportionate representation of women and aboriginal people who are affected by homelessness.

### **How was your visit to Edmonton?**

Edmonton, we again visited and spoke with many people in a shelter of seniors who are homeless and others were outside of there. We visited also a house and apartment where immigrant families are staying. It was very disturbing. The officials said it was because of the boom, but homelessness is very visible.

There is also large drug related problem. And, of course, again, there is over-representation amongst specific groups. There is a need for shelters for women, single mothers, children, there were many people being turned away and when we were in Alberta, we also visited the Lubicon Territory because the UN has been following that case for some time. It was the first on-site visit there. We met with the Chief and elders and saw their homes - in all the homes, there is no portable drinking water that is directly available and the sanitation is very poor.

We toured the area where the oil exploration is going on. We were very concerned about the Lubicon people since there is no dialogue right now with federal authorities or provincial ones, they are being actively pushed out, lands are being taken away, the area is being polluted - we will certainly take their situation up as a violation of their rights. We spent part of the day speaking to provincial and city officials in Edmonton where homelessness situation is particularly dire. The situation in Edmonton is partially due to the boom as they did not anticipate so many people would come to the city.

### **What about Vancouver?**

I have of course been receiving information when I came to the World Urban Forum in 2006. There is a deep homelessness problem here. I must say I was taken aback by the scale of the crisis here in Vancouver, the Lower East Side. We heard very moving testimony at the public hearings - the problem is very severe and I was struck by the depth of problems, very drug related and mental health issues, some violence, general safety and privacy, how particular groups were directly affected disproportionately.

I was very interested in the work done by civil society organizations, including NGO's working on policy issues and service providers working on innovative programs. It's glaringly apparent in Vancouver that for quite some time, I understand, from government too, the emphasis that should be there for such an important issue like housing hasn't been there and successive governments have failed to create the housing that is necessary.

You have in government a legacy of misguided policy decisions which has led to this massive crisis in housing and homelessness. We didn't hear this in other

places - the decrepit nature of SRO's, the conditions of the buildings that people are living in, very poor health, as has been the case throughout our visit, I was repeatedly struck by the contrast that I see because it is such a beautiful city, because there has been so much investment, it is striking, that a few blocks from million dollar condominiums, that there is such immense poverty mere blocks away. Of course, the fact that the money that is generated from that economy, that's also something that struck me at both provincial and national levels, with surpluses, or things like oil extraction in Alberta, real estate and tourism in Vancouver, and now with the coming of the Olympic Games, the money and investment that is generated here has not led to the system in place at the level of governance to deal with revenue sharing, which would put some of the money back in to social areas. There seems to be a disconnect between the economic policies in Vancouver, BC, and the social policies that need to be in place to not have the social dysfunction that you see.

**I feel like I shouldn't have to ask you this, but since the supporters of the Olympic Games still seem to dispute this point, are Olympics and hallmark events linked to evictions?**

The history of hallmark events, mega-events, whether they are Olympic Games, hallmark events, large conferences, the history has been very negative, in terms of the legacy related to housing. That has been the case also in Beijing. In the developed world, if you look at what happened in Atlanta, Barcelona and Salt Lake City there have been evictions and neighbourhoods being gentrified – not just the poor but the middle class. There is a legacy of facilities that are built at great expense, then left unused, athlete's villages being turned in to high end housing, and of course the imposition of the Olympics and hallmark events, they are an aberration, a physical imposition upon the fabric of a city, the master plans that are created - it overturns whatever logic there was the pre-existed; instead the logic of infrastructure, high end investment, that's what takes over. It essentially leaves a permanent legacy, so you see a lot more investment in infrastructure, tourism, sport facilities, but what does it leave behind? If the event were not to take place, perhaps the priorities would be elsewhere. The history of hallmark events on the question of housing has not been very good.

**In terms of your broader role, what are some of the more egregious housing situations in the world today?**

I would say that the part that is the most disturbing and the scale is astounding, is the issue of forced evictions. In the last ten years, this has grown, this phenomenon of evictions. My particular interest has been, apart from conflict environments, what we see is an astronomical rise in development and market-driven evictions. Even rural evictions to urban areas.

Today, more people are being displaced from large development projects because of the market than places of conflicts – there are shocking statistics,

millions of people around the world being displaced. In some situations, it is not that displacement should not happen. What is a gross violation of human rights, is that there is no compensation or consultation, so you see this legacy of greater homelessness, which is often permanent. There's been of course, data on evictions, which shows that it is disproportionately represented by minorities, aboriginal people and other effects on women.

There is the whole area of increased speculation on land and property and the firm belief now across the world of the primacy of the market. This reliance on market solutions to meet housing demands, and increasingly not treating housing issues as a human right. This is not a commodity that you buy and sell. This expansion of neo-liberal thinking, has many nation-states moving away from addressing these complex phenomenon as legitimate social issues.

I think the increased migration around the world and the kind of conditions that people are required to live in is abysmal. Two areas where rights are being violated are forced evictions and globalization – affected, of course, by economic policies that only look at broad numbers.

One result is more ghettoization and segregation in urban and rural areas. More buildings of apartheid cities, playgrounds for the rich. I think that you also see now, perhaps, a new phenomenon of the last decade - the segregation of people not so much on class and race, but based purely on rich and poor. If you are poor, you are out. You are put in to marginal areas of the city and are essentially denied what everyone else has. This is very often the result of government policies. They are either acts of omission or neglect.

**I wanted to ask you about some specific countries now – what is the housing situation like in South Africa today?**

I did a mission to South Africa this year. I think the situation there is, of course, affected by a long history of apartheid, but you also have had at least six years after 94, where there were very progressive policies, perhaps the world's most progressive constitution, excellent legislation, some ground-breaking judgments from the constitutional courts on how the right to housing should be implemented by policy makers. But legislators in South Africa have lost their way since 2000-2001.

There is a drift that is very evident. The promises of the early years are now in reversal. More and more people are living in marginal areas. Many people not getting civil services. The physical separation of the apartheid years has not been addressed sufficiently. You have a bureaucracy deeply entrenched in power. I was struck by the lack of settlement support. The lack of access to water, electricity, sanitation. So you have a situation where the housing conditions are still far below basic standards.

As well, the physical separation from the apartheid era between races still exist, you have a bureaucracy that is deeply entrenched, not very open to what you consider a basic function of democracy, meaning struck by the very little work that has been done and lack of depth to the post-settlement approach. There is a lack of sanitation, lack of employment opportunities, and a situation where the housing conditions are very adverse.

All the progressive judgments have not been implemented, nor has the constitutional regulation, the right to housing, in policy been put in to practice. There are excellent national policies. The implementation is very weak that, the tension we see in other countries of decentralization is present – cities and provinces and federal government not following through.

Following the actions from the federal government that there are not enough resources, we have a very long way to go, to still overcome, the legacy of apartheid. All the remarkable work, in the build-up, overturning of apartheid, has been partially desecrated, but there is a lot of national networks, and a need for a national NGO focus. We also found that it is difficult on housing rights to advocate – there are global economic figures and a migrant economy. The policies are not necessarily benefiting the poor and there is a tendency to privatize services. The policy for the pre-payment for services has been disastrous.

It is difficult for people who are fighting for housing rights to get funded.

### **How is the housing situation in Israel?**

Yes I did a mission and went to the occupied territories in 2001, went to northern Israel and southern Lebanon since the recent conflict and have followed the situation inside the Green line, including the situation of the rights of the Bedouin and the rights of the Arab citizens inside Israel. The situation of the occupied territories is a worsening situation of the nature of the occupying power of the military machine and I would say, the legacy of inaction of the international community. A struggle that is long standing, difficult to understand, hard to explain, including the European Union's reluctance to be more directly involved, of the international community to confront the United States is a direct cause of the kind of brazenness that Israel still conducts its policies towards the Palestinian territories.

At the UN, the human rights bodies, the work of the Special Rapporteur on the Occupied Palestinian Territories, John Dugard, and the special rapporteurs have been in speaking with one voice. The so-called accords including what the Quartet has done, I've spoken against it, including the UN's roles. Yet the terms of reference and guiding principles don't include human rights instruments. We have a process, where the successive agreements have led to a situation where Israel has been able to consolidate its occupation, demolishing more homes,

creating enclaves in the West Bank, Gaza, creating a situation where the Palestinian Authority has no real power. In the Quartet, we don't recognize international charters, it has led to a situation for Israel to consolidate its occupation, occupying lands, demolishing homes, in Gaza, essentially we have a situation where the Palestinian people have suffered asphyxiation. The infighting between Palestinian factions is a direct result of that because of the sense of frustration that exists.

In terms of housing policies, the impact of successive decades, it is one of the worst situations in the world. Inside the Green line, in many ways, is not much better amongst the Arab citizens, there is heavy repression and segregation of the Bedouin, the unrecognized villages and in the Galilee. It has a devastating impact on people. There are thousands and thousands living without electricity or water – it is a reckless policy in the Negev. The Bedouin are concentrated in seven new communities. It is in stark contrast, to the tremendous resources for Jewish agricultural settlements sometimes just across the street from unrecognized villages. It is a grave situation. Without change, and spine put in to the international effort beyond the UN human rights work, it is difficult to see any kind of quick resolution, a change in the policy of occupation, of unhindered settlement, difficult to imagine a viable Palestinian state that would be a state beyond this type of banstustan-type situation. The longer we wait, the longer it will be for such a goal to actually take place.

**You have an independent role as Special Rapporteur. There are reports that some people and countries are attempting to undermine the independent role of the Special Rapporteurs?**

There are reports that within the international system, there are attempts to undermine some of that independence. It depends on what those changes are and how you feel about it.

I think the independence that we have is very, very important. Perhaps the most important and precious thing we have is to say what we have seen, identify with the situation and the people that we meet. It is vitally important that we see and speak from the heart for those who are fighting for human rights and to not be concerned with diplomatic niceties or in criticizing the UN itself.

It is a difficult role, we of course have a role with civil societies, it is sometimes not a very popular role, but we point out egregious situations in the world. We are an early warning system, there has been a rethinking as part of the reform process when the UN Human Rights Commission was created and when a new UN Human Rights Council was founded.

With the UN Human Rights Council, some governments wanted to use this opportunity to dilute the system and take away some of this independence, to draft a code of conduct for rapporteurs. With the work of many countries that do

support our work, the code of conduct was considerably improved from previous versions. The missions, media and so forth, so far the system has helped - it is strong, special procedures, some country mandates have been ended in Belarus, Cuba, and possibly some others in the future, but the thematic mandates are very strong.

I'm overall quite optimistic - one area of concern could be the appointment of new rapporteurs. We will wait and see if that results in rapporteurs who are not independent. The rapporteur system, the appointment system had been better than treaty bodies because you had the possibilities of appointments from academia and civil society. There are parts of that closed system that should be protected.

There is much work to be done in developing the UN Human Rights Council. There have been joint rapporteurs to southern Lebanon, other initiatives underway, doing work, a peer review process, quite promising, I am generally optimistic. We will have to wait for 1 or 2 years to make an assessment, but I think that we will see in the next six months many new appointments, there are clear indications, right now, that the human rights system is holding, very firm and we will remain strident in maintaining our independence.

### **Anything else?**

What I find perhaps in my work the most difficult is the lack of accountability of all levels of authority. I don't think the UN is immune from that in terms of its various bodies. Mostly I'm speaking about people in power and the responsibility of governments. The major obstacle right now, is the assault on human rights defenders, housing and land rights activists, people who are struggling for housing, land rights and water and it has become too difficult for people to respond.

We are seeing many examples of this and it is becoming more and more difficult. It is creating a situation, where we are having more violations, and with governments, we are having a more and more difficult time. I would call for much more transparency on the work of governments, from civil society, bilateral agencies, UN agencies, multi-lateral agencies, much more a sense of outrage.

What we are seeing in the streets is totally unacceptable. The whole issue of market-based evictions. What we see out there is very, very disturbing and adequate responses are not happening. We need much more collaborative work, when we call for governments to re-examine their economic policies, the very valiant civil society efforts, more networks and the alternatives they are putting forward, a great deal of work that needs to be done, much more strident reflection in policy of the human rights approach.

What we see on the ground, when you look at the violations, and a series of other problems, it is a violation of human rights. If you look at the violations on the street, the series of other connected problems, it is a violation of human rights. The human rights approach should not be run away from, but adopted comprehensively.