



Part B: Analysis of the Chhatrapati Shivaji Airport Development Project  
Case Study

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## **Analysis of the Chhatrapati Shivaji Airport Development Project Case Study**

### **I. Introduction**

This analysis assesses the rehabilitation and resettlement process of slum dwellers affected by the expansion project of Mumbai's international airport. In doing so, the analysis establishes in how far the duty bearers protect, respect and fulfill the slum dwellers' right to adequate housing and other rights involved. In particular, the analysis looks at specific aspects of the rights to housing during the rehabilitation process, such as issues relating to security of tenure and the appropriate procedural protection and due process relating to evictions, relocation and resettlements. The analysis further looks at possible rights implications for the actual resettlement and the rehabilitation housing, in particular in terms affordability, habitability, location and cultural adequacy.

The analysis also establishes in how far international human rights norms are translated on the local level through legislation or policies. Finally, the analysis explores the human rights based approach to development and poverty reduction to identify better practices to ensure the commitment to human rights from the duty bearers.

The human right to adequate housing is of "central importance for the enjoyment of all economic, social and cultural rights."<sup>1</sup> It's fulfillment and respect becomes increasingly vital in today's rapidly urbanizing world, in which the majority of people worldwide will be living in towns and cities for the first time in history. Already a sixth of today's world population, or one billion people world wide, live in urban slum settlements.<sup>2</sup> The majority of slum dwellers are living inadequately housed, with no security of tenure, adequate legal safeguards against forced evictions and without access to safe water sources and/or sanitary facilities. Duty bearers need to take measures to

meet their population's housing needs to prevent slum from being formed, while at the same time ensure to the best of their ability an adequate standard of housing in slum settlements. This also includes respecting, protecting and fulfilling the housing rights of slum dwellers affected by resettlement through development projects.

## **II. International Legal Norms and Policy Debates**

### *International Legal Norms*

Several international legal instruments as well as declarations, principles, guidelines and resolutions affirm and define the right to adequate housing as a basic human right. In 1948, the Universal Declaration of Human Rights for the first time spells out the human right to adequate housing in Article 25, which recognizes the right for everyone to a standard of living adequate for his or her well-being and his or her family, "including food, clothing, housing and medical care and necessary social services."

When, in the 1960s, UN Member States split the Universal Declaration into two separately ratifiable treaties, the right to adequate housing was placed under the Covenant of Economic, Social and Cultural Rights (CESCR), Article 11. Due to dominant political ideology, international decision- and policy-makers and even many leading human rights organizations perceived and treated economic, social and cultural rights as "less genuine rights with less binding duties,"<sup>3</sup> as their counterparts of political and civil rights. In the 1990s, a general change in thinking began to take hold and the United Nations made important advances to the right to adequate housing such as the General Comment 4 and 7 of the Committee on the CESCR. General Comment 4 aims at defining "adequate" housing by identifying seven factors that have to be taken into account in any social,

economic or cultural context: Legal Security of tenure, availability of service, materials, facilities and infrastructure, affordability, habitability, accessibility and location.<sup>4</sup> General Comment 7 addresses the practice of forced evictions. The Committee defines forced evictions as

the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection. The prohibition on forced evictions does not, however, apply to evictions carried out by force in accordance with the law and in conformity with the provisions of the International Covenants on Human Rights.”<sup>5</sup>

The Committee calls on State Parties to comply and ensure the compliance of private actors with the appropriate procedural protection and due process during evictions, which include an opportunity for genuine consultation with those affected, as well as the availability of resettlement to adequate alternative housing.

In 2000, the UN Commission on Human Rights (now the UN Human Rights Council) established the UN Special Rapporteur on adequate housing in its resolution 2000/9. The Special Rapporteur has the mandate to examine and report back on in-country implementation of the basic right.

UN Conventions, such as the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination

Against Women, the Convention on the Right of the Child, and the Convention on the Rights for Persons with Disabilities, also articulate the right to adequate housing in their specific topic areas. Some aspects of the right to housing are also enshrined in international law instruments, such as the Geneva Convention in its additional protocol 1 and the Rome Statue of the International Criminal Court.

In addition, the UN pays specific attention to housing right issues through the UN Human Settlements Programme, or UN Habitat. Established in 1978, the UN General Assembly mandated UN Habitat to “promote socially and environmentally sustainable towns and cities with the goal of providing adequate shelter for all.” In fulfilling its mandate, UN Habitat monitors and promotes progress of the Habitat Agenda, a non-binding declaration, in which UN Member States reaffirmed their commitment to the realization of the right to adequate housing. UN Habitat also actively works on fulfilling Millennium Declaration Target 4 of Goal Nr. 7, “to improve the lives of at least 100 million slum dwellers by the year 2020.”<sup>6</sup> Lastly, several UN Bodies have passed resolutions pertaining to housing rights, each of them forming a “legislative and political basis for instigating a broad range of activities within the United Nations on both housing rights and forced evictions.”<sup>7</sup>

Together, the international human rights framework spells out human rights principles such as the universality of human rights as well as their indivisibility and interdependence. The principles also rest on equality and non-discrimination as well as participation and inclusion of the rights holder. Lastly, the principle of accountability under the rule of law assures that States and other duty bearers are answerable to the observance of human rights and can be held accountable for non-observance. As a State

Party to the CSECR and many other international conventions outlining among other entitlements the right to adequate housing, the Indian government is the principle duty bearer who has to respect, protect and fulfill the human rights of the rights holders, or all people within its territory. As the duty bearer the Indian government not only has the negative obligation to refrain from violating the rights contained in the Covenant and other human rights conventions, but also has the positive obligation to actively secure the fulfillment of the entitlements of the rights holders. The positive obligation also extends to the principle of progressive realization, in which the duty bearer is obliged to take steps to progressively realize the rights to the maximum of its available resources.

### Policy Debates

There is a wide range of international development literature that addresses the issues of housing rights as they relate to the case study. The majority of policy debates center around the issues related to security of tenure, which is also a central theme in the case study.

The CSECR acknowledges that tenure takes different kind of forms, including informal settlements and occupation of land and property. The Covenant further details

... notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties should consequently 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.<sup>8</sup>

UN Habitat argues that land rights and security of tenure are “fundamental to shelter and livelihoods, and a cornerstone for the realisation of human rights and for poverty reduction.” Other literature reinforces security of tenure as essential to improve living standards of individuals and communities by encouraging investment into the land and houses, and as positively impacting economic development and social inclusion, particularly for women and minority groups.<sup>9</sup>

Development literature on socioeconomic situations of households in informal settlements reveals a strong correlation between urban poverty, tenure status and access to services and citizenship.<sup>10</sup> Dwellers living in informal settlements are least likely to enjoy security of tenure and become particularly vulnerable in situations of resettlement through development projects, as their security of tenure “depends largely on the public authorities’ perception of the degree of illegality of the settlement.”<sup>11</sup> If determined illegal occupants, dwellers may not be eligible for rehabilitation programs and could be evicted from the land without compensation. However, UN Habitat acknowledges an evolution of slum resettlement policies toward more inclusive and diverse approaches that address the underlying causes of poverty.<sup>12</sup> An increasing amount of development literature thereby focuses on the importance to establish security of tenure before resettlement processes, or for the very least extend eligibility for resettlement schemes as to avoid homelessness of the affected dwellers that would likely end in new slums settlements being build, perpetuating the occurrence of slums. The importance of providing security of tenure in the resettlement housing is also discussed.<sup>13</sup> Many international development agencies have adopted resettlement guidelines that reflect a

shift in thinking and approach. The World Bank in its *Involuntary Resettlement Sourcebook*, for example, views resettlement of slum communities as an opportunity to promote community development and security of tenure and adjusts its policies toward this end.

A considerable part of development literature deals with the other aspects of the rights to adequate housing in slums and/or in slum resettlement schemes that also relate directly to the case study, namely affordability, location, habitability and cultural adequacy. Some literature puts forward that the existence of slums indicate a failure of the local government to respond to the housing needs of its people. This is attributed in a large part to dysfunctional housing markets that lack availability of and accessibility to affordable housing, which again is due to lack of planning for land and housing needs. A body of literature hereby focuses on the retreat of the state from its responsibilities in the housing sector, leaving it to private developers who mainly focus on the production of housing for higher income groups, further marginalizing low income groups from access to housing.

More and more literature dealing with the underlying issue of poverty in slums, acknowledge the importance of the different kinds of income generation for slum dwellers. In regards to resettlement housing the literature pays attention to ensuring easy geographical access to jobs through appropriate location of the rehabilitation housing.<sup>14</sup> A considerably smaller body of international development literature focuses on the aspects of habitability and cultural adequacy, which usually refers to the need for resettlement housing to be culturally acceptable and habitable, for example in terms of adequate space.

### III. Human Rights Analysis

#### *Translation of International Norms on the Local Level*

Not all States that ratify a human rights treaty make the treaty's provisions part of their domestic law. This application of international norms depends on the country's legal system and thus varies from country to country. However, whether or not international legal norms become provisions in domestic law, States that become party to an international treaty have to assure some forms of domestic application of the rights. In its General Comment 9, the Committee on the CESCR requires governments to give effects to the rights of the Covenant "by all appropriate means." The Covenant thus

... adopts a broad and flexible approach which enables the particularities of the legal and administrative systems of each State, as well as other relevant considerations, to be taken into account. But this flexibility coexists with the obligation upon each State party to use all the means at its disposal to give effect to the rights recognized in the Covenant... Thus the Covenant norms must be recognized in appropriate ways within the domestic legal order, appropriate means of redress, or remedies, must be available to any aggrieved individual or group, and appropriate means of ensuring governmental accountability must be put in place.<sup>15</sup>

The Covenant hereby provides for justiciability of rights, meaning that rights holders can bring a rights violation before courts, which then can introduce measures of enforcement or remedies. In the case of India, which has not directly absorbed the

Covenants rights into its domestic legal system, the enforceability of social and economic rights depends to great extent on the Indian Courts' interpretation of the Indian Constitution.

India's Constitution is divided into different sections that house fundamental rights or provide guidelines for the working of the Constitution. Part III of the Constitution lists enforceable fundamental rights, which consists mainly of political and civil rights. Part IV, that spells out the Directive Principles of State Policy includes social and economic rights that are considered non-enforceable or non-justiciable rights because they are dependent on resources available with the state.<sup>16</sup>

However, in the 70s and 80s, the Indian Supreme Court passed several rulings that interpreted Article 21 of the Indian Constitution, the all-encompassing fundamental Right to Life, to include social and economic rights such as the right to adequate shelter and livelihood. These rulings brought social and economic rights closer within the sphere of fundamental rights. Thus "while earlier there existed merely the negative duty not to interfere with the life or liberty of an individual without the sanction of law, activist judges now imposed a positive obligation upon the State to take steps for ensuring to the individual a better enjoyment of life and dignity."<sup>17</sup>

In its rulings, the Supreme Court "reiterated the right to adequate housing as a distinct constitutional obligation of the state, both under the right to life and under Article 19(1)(e), which guarantees the right of every citizen to reside and settle in any part of the country..." and also "referred to the provisions regarding housing and shelter in the Universal Declaration of Human Rights and the International Covenant on Economic Social and Cultural Rights."<sup>18</sup> The rulings see part of the State's obligation to provide

adequate housing as formulating housing schemes and policy for the weaker sections of the society, which include provisions for alternative sites for the resettlements of slum dwellers.<sup>19</sup>

While some Supreme Court judgments since conflicted these rulings, the decisions nevertheless provide an important legal framework, especially in outlining the role of the state in protecting the right to adequate housing.

The Indian government has introduced several national policies that relate to the right to adequate housing. A national slum policy that proposes security of tenure for all residents on tenable government owned land and specifies guidelines for the resettlement and rehabilitation of slum dwellings located on untenable sites is stuck in the drafting stage since 2001. However, in 2007, the government passed two national policies: the National Urban Housing and Habitat Policy (NUHHP) and the National Policy on Resettlement and Rehabilitation (NPRR).

The NUHHP aims at combating India's housing shortage through "ensuring equitable supply of land, shelter and services at affordable prices to all sections of society." To achieve the goal of "affordable housing for all," the policy promotes various types of public-private partnerships. Critics of the housing policy allege that through the emphasis on private capital investment and private sector involvement in all aspects of development projects, the policy signs away government responsibility in development processes to the private sector.

The NPRR outlines benefits for all persons whose land, property or livelihood is adversely affected by land acquisition or by involuntary displacement of a permanent nature. The benefits encompass limited employment options at the project site, education

and job training and housing for affected persons. In an effort to create more transparent and effective rehabilitation and resettlement processes, the policy introduced mandatory dissemination of information on displacement, rehabilitation and resettlement and details of the rehabilitation packages as well as local oversight Committees and a National Rehabilitation Commission. Furthermore, the policy prohibits transferring land acquired for public purpose for any activity that is not for public benefit and sets forth that no project can be undertaken without a Social Impact Assessment Survey. Critics charge that the NPRR does not spell out a mechanism to comply with its guidelines, and allows alternative, state specific policies to be used instead. Other criticism relates to the lack of definition of “public purpose” and the limited participation of affected persons in project development.

On the local level, the Maharashtra government introduced the 2007 State Housing Policy, which like its national counterpart relies on public-private partnership in housing provisions. In addition, the State established several directives to form policy around the relocation of slum dwellers, such as the Maharashtra Slum Rehabilitation Scheme (SRS), under which the airport development project operates. While many welcomed the scheme’s private sector involvement in slum rehabilitation as innovative and people centered, a large body of literature drawing from the experience of slum dwellers under the scheme also offers criticism.

From an economic standpoint, critics charge that the scheme is vulnerable to market volatilities which can jeopardize the entire rehabilitation process. Secondly, although slum dwellers bear no initial costs for the housing, monthly maintaining costs are often too high for them to afford. From a technical point of view governmental bodies

responsible for facilitating the scheme, such as the Slum Rehabilitation Authority or in the case of the airport project the MMDRA, lack oversight control over the scheme's implementation, such as over the quality of construction of the SRS houses, and the access to basic services such as sanitary facilities. Critics further charge that facilitators also dismiss their role as mediators between slum residents and private developers, leaving the residents in an unfair vantage point in negotiations with the developers. Many critics also challenge the SRS's instituted cut off date for rehabilitation. Although this date can now be extended to include settlements up to January 1<sup>st</sup> 2000, critics argue that all project affected slum dwellers should be liable for rehabilitation, regardless of when they took residency in a particular slum. Another issue relating to the cut off date is the proof of residency through documentation or evidence, such as IDs or bills that slum dwellers are often lacking. Lastly, critics challenge the adequacy of the size of the rehabilitation housing's single-rooms measuring 225 square feet, which applies to all families irrespective of their size.

*Infringement of Rights of Those Affected by the Airport Development Project*

The duty bearers failed to protect, respect and fulfill the rights of the affected slum dwellers in several instances.

In terms of providing security of tenure, the State government did not take measures to confer security of tenure to those who were lacking such protection, as the CESCR outlines. On the contrary, the State government issued notices of eviction to those unable to furnish proof of their residency prior to a certain date. By issuing eviction notices before the cut off date for the rehabilitation eligibility was determined, the State government contributed to an overall insecurity of tenure among the slum dwellers.

The CDESCR further details measures to confer security of tenure to those who lack such protection in genuine consultation with affected persons and groups, for example, by conducting surveys as suggested by the affected slum dweller. The repeated failure by the MMRDA and the other players to conduct a survey establishing the exact number of affected households further enhanced the dwellers' insecurity of tenure. The project leaders also failed to introduce innovative ideas to enhance the security of tenure to those unable to prove it with the required ID cards or other documentation. A further failure to provide security of tenure is indicated by reports of apparent evictions of airport slum residents conducted by the local police. Although a seemingly single occurrence the State government failed to protect the slum residence from a forced eviction.

The other failure of the duty bearer relates to the CDESCR's appropriate procedural protection and due process relating to evictions, relocation and resettlements, which includes participation of the affected persons in the process as well as dissemination of information on the process to the affected persons. None of the duty bearers – not MIAL, HDIL, MMDRA, nor any other governmental body - has engaged with the slum dwellers to include them in the rehabilitation and resettlement process, despite repeated attempts from the slum dwellers to establish a dialogue. Affected slum dwellers obtain information about the process from media reports and have not yet received official information as to when the resettlement is due to begin and who will be moved to exactly where. The slum dwellers insecurity about the process is augmented by the memory of the 2005 mass evictions of slum dwellers in Mumbai, under another development project.

The failure of the duty bearers to include dwellers in - and inform dwellers about - the process also extends to the actual rehabilitation housing. Without adequate

consultation with the affected slum dwellers, the duty bearers may not fulfill the affordability, habitability, appropriate location and cultural adequacy of the rehabilitation housing.

According to a NGO survey conducted with former slum dwellers living in SRS housing, almost 30% of the occupants were leaving the housing because the monthly maintenance fees were too high.<sup>20</sup> Considering the socioeconomic differences between the airport slums, it is likely that the ability to pay maintenance fees will vary greatly. The same NGO survey sites insufficient accommodation in terms of space, poor infrastructure and inadequate amenities as reasons why residents leave SRS housing. Another concern for the slum dwellers is the access to schools, and health facilities and their ability to access their places of work. Locating the slum dwellers to the periphery of the city, as was discussed in some of the resettlement plans, would cut them off their habitual places of work, as the cost of traveling to their current places of work is too high. The access to making a livelihood is further curtailed in the limited space of the rehabilitation housing as many slum dwellers make their living in home based workshops. It is further questionable if the Maharashtra government fulfills the cultural adequacy aspect of the right to housing by building ten-story high tenements for people who are used to horizontal living, in which daily life is build on community interaction. Tenants of already constructed rehabilitation housing talk of experiencing loss of self-sufficiency and loneliness in the new and alien way of accommodation.<sup>21</sup>

Aside from infringing the slum dwellers rights to adequate housing, the duty bearers also fail to fulfill the human right principle to participation and inclusion, that spells out the right of all people “to participate in and access information relating to the

decision-making processes that affect their lives and well-being.”<sup>22</sup>

### Gaps in Law and Public Policy

As the Indian Constitution does not specifically detail the right to adequate housing, the enforceability of the right depends on the Supreme Court’s interpretation of rights pertaining to housing. Reliance on international obligations, such as on housing rights, in rulings from the Indian Supreme Court has been significant but not consistent.<sup>23</sup> While rulings in the 70s and 80s upheld the right to adequate housing, later rulings disregarded India’s obligation to housing rights under the CESCR and “Indian law on the matter has stagnated if not regressed.”<sup>24</sup>

With a somewhat loose legislation on housing rights partly due to a lack of awareness of international human rights law in the Indian judicial system<sup>25</sup> public policy on the subject for the most part does not reflect housing rights provisions either. In some cases public policy on aspects of the right to adequate housing is missing all together as evident in the non-existent national slum policy. However, recent national policies, such as the policy on housing and the policy on resettlement and rehabilitation reflect human rights based language. This change may be a concession to international development agencies, such as the World Bank, that withdrew funding for the Mumbai railway project after the violent 2005 evictions, but nevertheless is a step in the right direction. However, large gaps remain in the implementation of policies that reflect human rights, especially on the state level, where alternative policies often replace national ones and the applicability of schemes is often decided on a case-to-case basis. Here as elsewhere, implementation of policies often fails due to a lack of oversight, bad governance and mismanagement.

The absence of the right to adequate housing in the Indian Constitution and for the most part in national legislation is also reflected in the strategies chosen by the affected slum dwellers. Although the demands of the activists involved in the airport development project resistance included human rights principles such as participation, none of them explicitly used human rights based language to emphasize their petitions.<sup>26</sup>

#### **IV. Conclusion**

Several socioeconomic factors lead to the growth of slums in urban areas. In India, rapid rural-urban migration, perpetuated by rising population growth, led to an increasing number of slums. Unable to cope with the influx of people, cities such as Mumbai face increasing problems of unemployment and underemployment, housing shortages, inadequate provision of water, sanitation and other public services such as transport as well as growing rates of poverty and inequalities.

One reason for the strong migration trend from rural to urban areas is the decline of the agricultural sector, which continues to diminish in importance with its share in overall GDP falling from 30% in the early 90s, to below 17.5% in 2006.<sup>27</sup> As 71% of India's total population live in rural areas, the decline in agricultural production forces many to migrate to the cities to seek employment opportunities. A combination of a lack of skills necessary for competing in the new industries and a lack of formal job opportunities leads to the growth of the urban informal sector. In Mumbai the sector accounts for 68% of the total employment.<sup>28</sup>

Looking at slums and the underlying poverty issues through the lens of the human rights based approach (HRBA) to poverty reduction and development brings policy

options and advocacy tools to the duty bearer and the rights holders alike. UN Habitat in its 2003 report “The Challenge of Slums: Global Report on Human Settlements” argues in favor of the HRBA in saying that “effective approaches to urban development are those that integrate basic human rights into proposed solutions” to address “narrow political and economic priorities that are not based on meeting the needs of people in an equitable or sustainable manner.”<sup>29</sup>

To combat new formations of slums, the government has to improve the socioeconomic situation in rural areas by strengthening the agricultural sector, which would generate more jobs with higher incomes. But the government also has to increase access to health services and education, so that rural populations have a good chance to compete in the urban labor market. To alleviate urban poverty, the government should also do more to strengthen the informal sector, by introducing measures to increase incomes and provide social safety nets for those working in the sector. The government also needs to do more to meet the growing housing needs of its people and increase the availability of affordable housing and public services. Furthermore, as in the HRBA rights claimers can hold the duty bearers accountable for failing to fulfill their right to development, the government has to facilitate a transparent environment in which the duty bearer is answerable for the observance of human rights.

We can also apply the HRBA to the case study of the Chhatrapati Shivaji airport development project. In the HRBA the process is as important as the outcome.<sup>30</sup> Thus even if the duty bearers would provide rehabilitation housing to all affected slum dwellers and claim this to be a step toward fulfilling the dwellers’ right to adequate housing, the process of rehabilitation and resettlement has infringed the rights of the

dwellers and thus the outcome would be invalidated. In order to assure a rights based process, there needs to be an emphasize on the involvement of all stakeholders, especially of those who are the marginalized and more vulnerable members of society. In order to empower rights holders to hold duty bearers accountable, rights holders need to be organized and well informed of their rights.

Thus in the case of the airport development project, duty bearers have to ensure the involvement of affected slum dwellers and organizations working on their behalf in the design and implementation, monitoring and evaluation of the rehabilitation and resettlement process. This would require an enabling policy environment (on the national, state and local level) that promotes human rights and as well as capacity building of community organizations and awareness raising programs to promote human rights among the affected groups (but not exclusively).

The HRBA also brings advantages to the overall social economic costs of a project. Resettlement processes have long-term social, cultural and psychological ramifications that the HRBA seeks to understand, address and plan for with appropriate tools, such as community engagement, rather than simply trying to mitigate the effects. From a purely economic standpoint, community participation in all stages of a resettlement process makes the timely implementation of a project more likely, which reduces costs tremendously.

By working to fulfill the rights of the affected persons, not only during the resettlement process but also in the rehabilitation housing, the project's HRBA would also contribute to sustainable poverty alleviation. The affected persons would be less likely to move out of their rehabilitation housing, for example, if their livelihood

generating activities would be respected and supported by building rehabilitation housing close to the former sites of their employment, and/or providing adequate space to continue home-based workshops.

The affected slum dwellers and their organizations would also gain from adapting a human rights based strategy. Whether or not the right to adequate housing is part of the Indian constitution, as a signatory to the CESCR, the Indian government has the obligation to protect, respect and fulfill the rights contained in the Covenant. The rights holders should hold the duty bearers to their obligation and claim fulfillment of their rights. Using human rights based language gives their claims additional leverage. Organizations need to do more to raise awareness of human rights and the international human rights framework, among affected persons as well as the duty bearers and the Indian judicial system. It can be of help that some international institutions, such as the United Nations, the World Bank and the OECD have adopted guidelines on resettlement process that reflect aspects of the HRBA and oblige governments with which they cooperate to act in accordance with the guidelines.

In 1999 in Mumbai, the NGO SPARC successfully led an effort to resettle 900 families living along railway tracks to facilitate the extension of new tracks. Although the NGO's approach was not entirely rights based, it reflected key elements of the HRBA, like community engagement and capacity building, which laid the foundation "for communities to participate in the redress of any future grievances or disputes concerning property rights and entitlements."<sup>31</sup> The affected families were also involved in negotiating and approving the site for relocation, as well as in the organization, design, and construction of their permanent housing. SPARC also used alternative forms of prove

of residence to determine security of tenure, such as surveys conducted in corporation with the affected slum dwellers.<sup>32</sup> NGO efforts such as this one show that community participation and the fulfillment of rights are key to a successful resettlement and rehabilitation projects.

The duty bearers of the airport development project are obliged to protect, respect and fulfill not only the right to adequate housing, but all human rights of the affected slum dwellers. The airport development project is an ongoing process and it is not too late for the duty bearers to make sure that they fulfill their obligations to the rights holders in the remainder of the rehabilitation and resettlement process.

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