Intervening in a crisis: Violation, environmental hazard, climate-change event

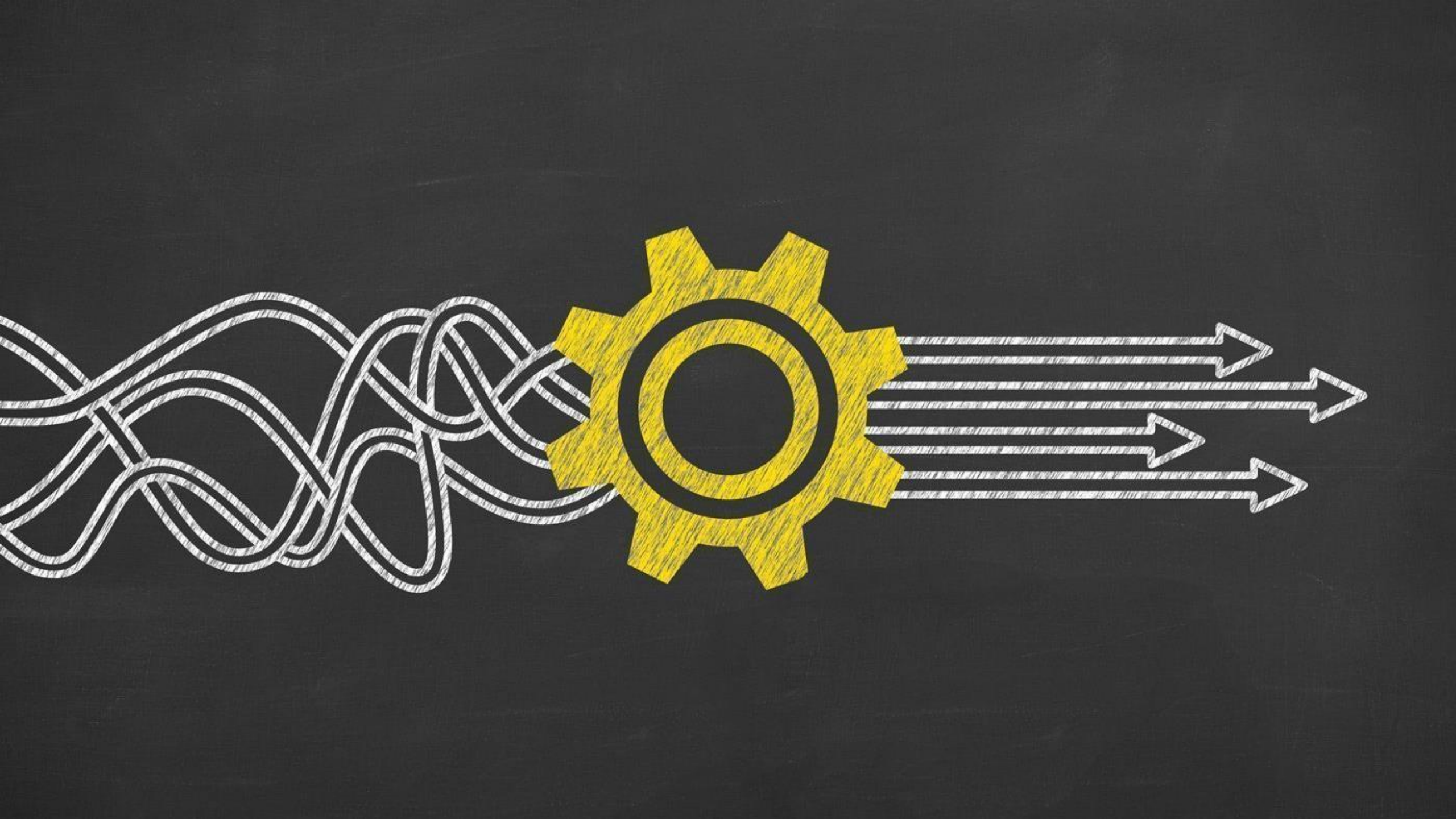
Habitat Defenders Africa

Housing and Land Rights Network
Habitat International Coalition

Kosovo Floods, Kampala, Uganda

22 April 2025

Joseph Schechla, *coordinator*
HIC-HLRN



Objectives

Housing and Land Rights Network
Habitat International Coalition

Workshop I:

- Prepare to take necessary steps for human rights-based intervention;
- Understand the normative framework and human rights approach;
- Determine obligations, commitments and responsible parties (state, development actors, local community).

Workshop II:

- Inventory the values at stake;
- Determine research criteria (purposive sample, target audience);
- Refine the survey instrument (questionnaire).

Field survey:

- Data collection (interviews in the field),
- Report writing and dissemination

Course Outline

Housing and Land Rights Network
Habitat International Coalition

Workshop I: 22 April

- Rights and rights-based methodology
  - Steps and content
  - Deprivation and the deprived
  - Duty holders
    - State obligations: HR & environment framework - Uganda
    - State commitments & other committed parties
- Strategic plan: Determining the intervention
  - Quantifying/documenting costs, loss and damage

Workshop II: 23 April

- Using the Climate Change-impact and Justice Tool (CCIAJT)
  - Stages of intervention: Before, during & after (short and long term)
  - Types of values and assets at stake to be quantified:
    A. Household values and assets: Replacement values of material assets possessed;
    B. Household expenditures: Changes in regular monetary expenditures;
    C. Nonmaterial household assets: Changes in community connections, sociocultural values and practices, social capital, etc.;
    D. Material community/civic values and assets: Changes in collective tenure of structures, lands, water resources, fishery and hunting grounds, environment, cemeteries, cultural/religious sites, commons, etc.;
    E. Nonmaterial community/civic values and assets: Changes in broader noneconomic and sociocultural values and practices, intangible cultural endowment, etc.

Monitoring, Quantifying, Documenting and Reporting Costs, Loss and Damage

for Remedy




Evaluation & follow-up
Actions, interventions (who, what, when)?
Strategic planning
Duty holder(s)?
Costs, loss, damage
Persons violated,
vulnerable to violatio
Threats, barriers, obstacles
Guarantees?
Over-riding principles?
Sources (legal/other)?
Concept, definition?

Commitments or Obligations?





?

Commitments and Obligations!



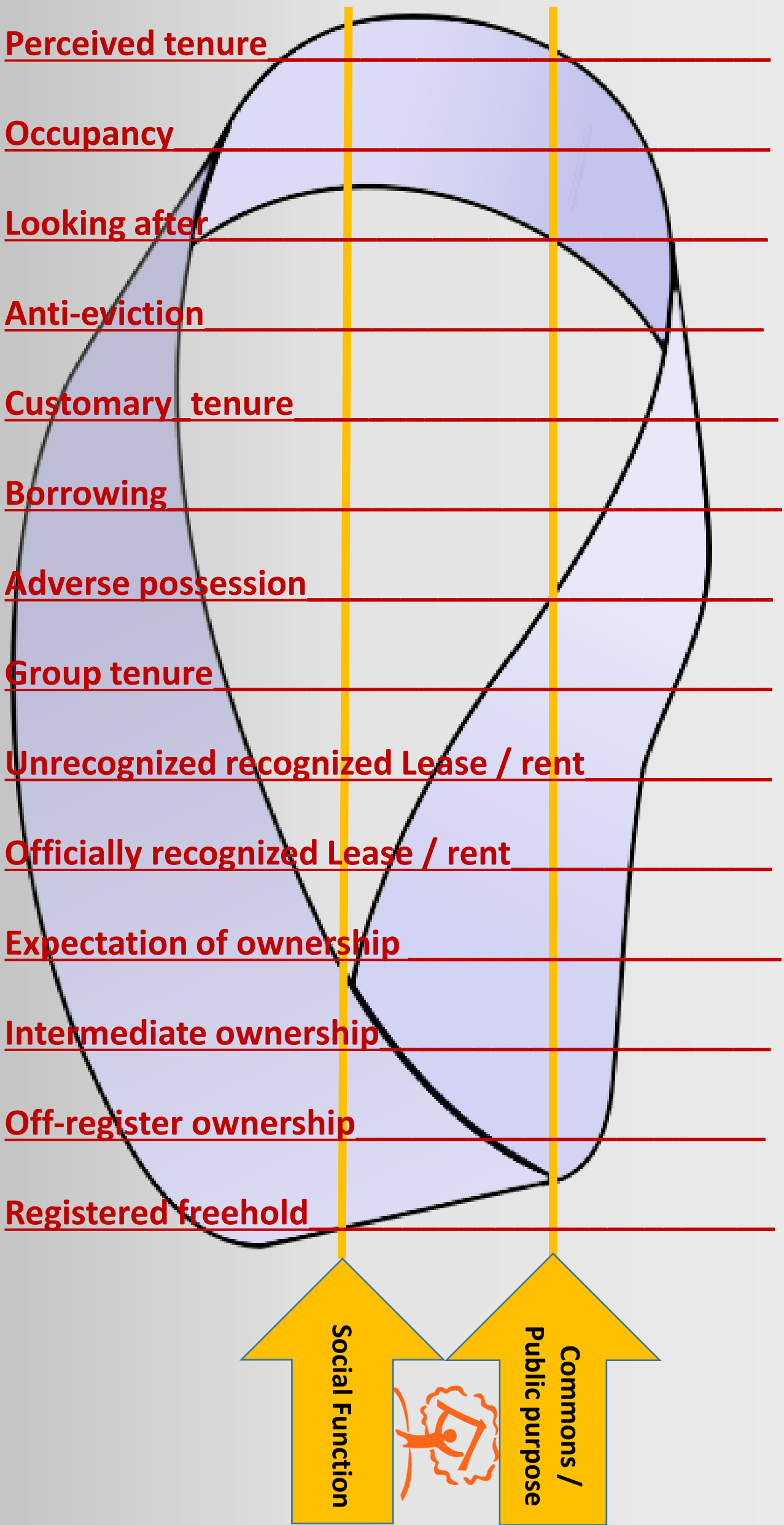
bligations





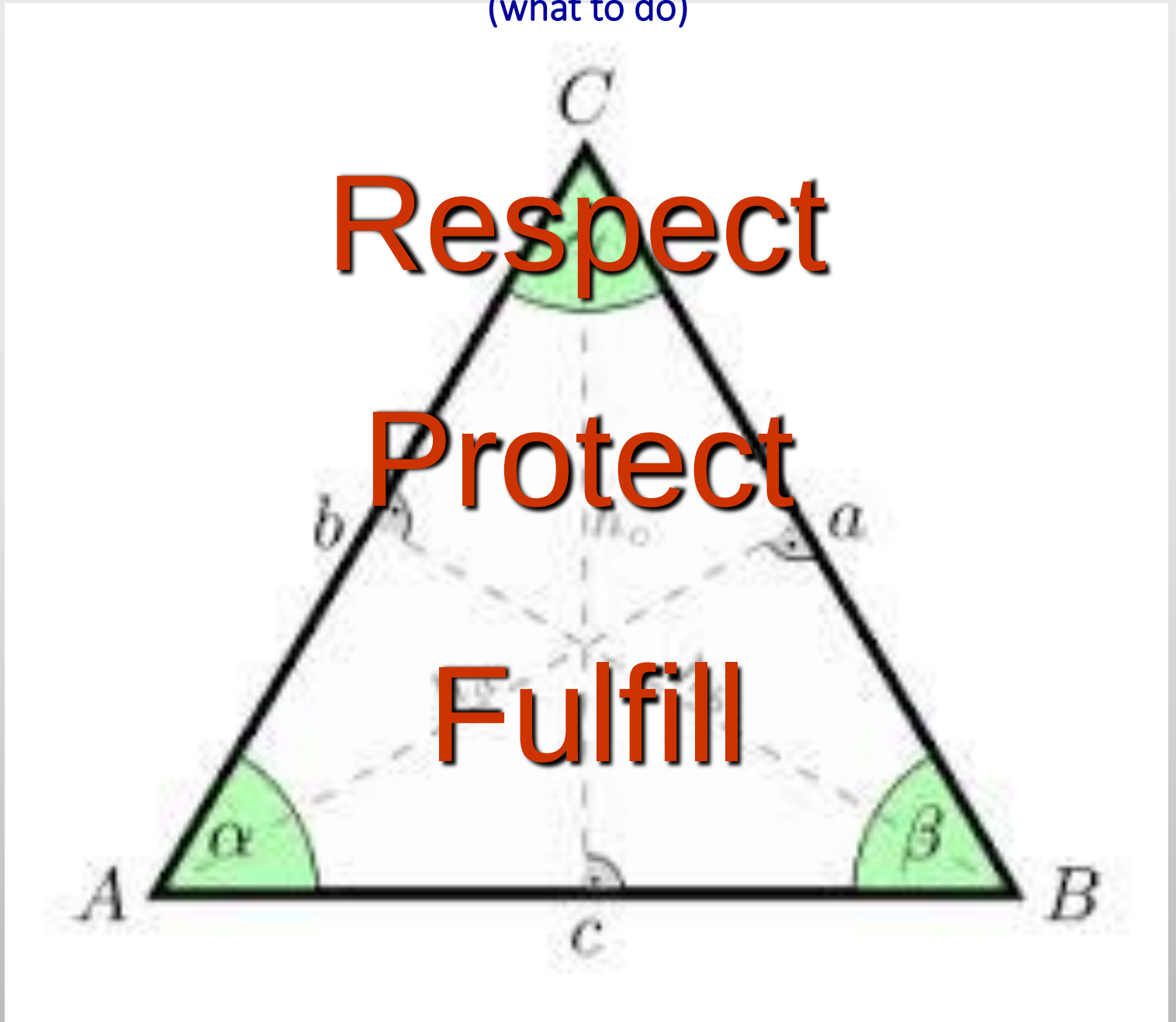
Human Right to Adequate Housing: elements

- **Security of tenure, freedom from dispossession**
- **Available services, materials, facilities & infrastructure.**
  - **Public goods & services**
  - **Environmental natural resources (land & water)**
- **Affordability**
- **Accessibility (physical)**
- **Habitability**
- **Location**
- **Cultural appropriateness**
- **Indivisibility and interdependence of rights:**
  - **Participation & self-expression;**
  - **Education, information, capability and capacity building;**
  - **Movement *(non-refoulement);***
  - **Remedy;**
  - **Security (physical), VaW, privacy.**


Perceived tenure
Occupancy
Looking after
Anti-eviction
Customary_tenure
Borrowing
Adverse possession
Group tenure
Unrecognized recognized Lease / rent
Officially recognized Lease / rent
Expectation of ownership
Intermediate ownership
Off-register ownership
Registered freehold
Social Function
Commons / Public purpose

Aspects of State Obligation

(what to do)



Over-riding implementation principles

(how to do it)

- Self-determination (Art. 1[1])
- International cooperation (Art. 2[1])
- Maximum of available resources (Art. 2 [1])
- Rule of law (Art. 2[1])
- Progressive realization (Art. 2[1])
- Nondiscrimination (Art. 2[2])
- Gender equality (Art. 3)

Violations

Commission

Omission

Right to Land in Core Instruments of African Human Rights

- **The African Charter on Human and Peoples' Rights (ACHPR) 1981 (signed 8/1986- ratified 5/1986)**
  - ✓freedom of religion (land as culture) ”Article 8”;
  - ✓ freely dispose of Wealth & Natural resources+ the People individually or collectively have the right to their economic, social and cultural development to(land as economic and social source) “Articles 21-22”
- **The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol) 2003—2005 (signed 12/2003-Ratified 7/2010)**
  - ✓ Separation, Divorce and Annulment of Marriage (equitable sharing of the joint property) “article 7”;
  - ✓adequate systems to ensure food security (right to food) “article 15”;
  - ✓Grant equal access to adequate housing (right to adequate housing) “article 16/D”;
  - ✓ access to and control over productive resources such as land and guarantee their right to property (right to sustainable development) “article 19/ C”;
  - ✓ the right to an equitable share in the inheritance of the property (husband-Parents) “Article 21”.
  - ✓ **No specific supervisory body. African Commission may receive State reports and African Court will be able to apply Protocol**



Uganda

- Minimum of 53,000 units are required annually to accommodate new 4.7-person HHs.
- UN-Habitat recommends maximum of 2 persons/room of 144 feet^2 (12'x12'), or 12.25^2 (3.5m x 3.5m)
- 69.7% of urban HHs overcrowded (average 4.2 persons/HH, average 1.6 rooms).

United Nations E/C.12/UGA/CO/1

Economic and Social Council

Distr.: General
8 July 2015

Original: English

Committee on Economic, Social and Cultural Rights

Concluding observations on the initial report of Uganda*

Right to housing

29. The Committee is concerned about the poor housing conditions, especially in northern Uganda, the shortage of housing units and the emergence of informal settlements that are characterized by poor infrastructure and insufficient access to basic services. The Committee is also concerned that access to social housing is limited and private sector based (art. 11).

•The Committee recommends that the State party redouble its efforts to address the housing conditions in northern Uganda and effectively address the shortage of housing units with a view to securing the right to adequate housing to those living in informal settlements. To this end the State party should, among other things, effectively implement the National Development Plan. It is also encouraged to consider providing social housing to the most disadvantaged and marginalized individuals and groups. The Committee draws the State party's attention to its general comment No. 4 (1991) on the right to adequate housing in this regard.

United Nations CEDAW/C/UGA/CO/8-9

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
1 March 2022

Original: English

Women's access to justice

16. With reference to its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:

(a) Harmonize its justice system, including by…(iii) Providing capacity-building to members of the judiciary, prosecutors, police and other law enforcement officers and qadhi court imams and officials on gender-responsive administration of justice…;

(c) Adopt the legal aid bill without further delay to provide for legal aid to women without sufficient means.

Economic empowerment of women

43. The Committee is concerned…about the lack of access for women-led businesses in the informal sector to the current government stimulus packages and that the parish development programme proportionally earmarks less funding (about 30 per cent) for women's economic empowerment than the women's entrepreneurship programme.

44. Recalling its previous recommendation (CEDAW/C/UGA/CO/7, para. 40), the Committee recommends that the State party increase access to loans and other forms of financial credit for women-led enterprises, including those in the informal sector, strengthen women's land rights…

United Nations A/HRC/50/11/Add.1

General Assembly

Distr.: General
21 April 2022

Original: English

Human Rights Council
Fiftieth session
13 June–8 July 2022
Agenda item 6
Universal periodic review

Report of the Working Group on the Universal Periodic Review*
Uganda

24. Maldives commended Uganda for the approval of the national urban policy, 2017, and the establishment of the climate change guidelines.

125.70 Integrate a rights-based approach into climate mitigation policy and disaster risk reduction plans (Cyprus) Accepted;

125.270 Strengthen efforts to ensure the participation of women, children, persons with disabilities and local communities when developing and implementing climate change and disaster risk reduction frameworks (Fiji) Accepted

Right to land

"Secure, equitable and sustainable access to, use of, and control over land" (to realize other human rights).

United Nations E/C.12/GC/26

Economic and Social Council

Distr.: General
24 January 2023

Original: English

Committee on Economic, Social and Cultural Rights

General comment No. 26 (2022) on land and economic, social and cultural rights*

I. Introduction

1. Land plays an essential role in the realization of a range of rights under the International Covenant on Economic, Social and Cultural Rights. Secure and equitable access to, use of and control over land for individuals and communities can be essential to eradicate hunger and poverty and to guarantee the right to an adequate standard of living. The sustainable use of land is essential to ensure the right to a clean, healthy and sustainable environment and to promote the right to development, among other rights. In many parts of the world, land is not only a resource for producing food, generating income and developing housing, it also constitutes the basis for social, cultural and religious practices and the enjoyment of the right to take part in cultural life. At the same time, secure land tenure systems are important to protect people's access to land as a means of guaranteeing livelihoods and avoiding and regulating disputes.

2. However, the current use and management of land are not conducive to the realization of the rights enshrined in the Covenant. The most important factors in this trend are the following:

(a) The increased competition for access to and control over land. Long-term trends in high demand for land and rapid urbanization in most parts of the world have had a significant impact on the rights of many, in particular peasants, rural communities, pastoralists, fisherfolk and Indigenous Peoples, as well as persons living in poverty in urban areas;

(b) In cities, the financialization of housing markets has led to competition between different groups for access to and control over land and has encouraged speculation and inflation, affecting the rights of those left behind to an adequate standard of living and to adequate housing;

(c) In rural areas, competition for arable land resulting from demographic growth, urbanization, large-scale development projects and tourism has significantly affected the livelihoods and rights of rural populations;

(d) Land degradation owing to overuse, poor management and unsustainable

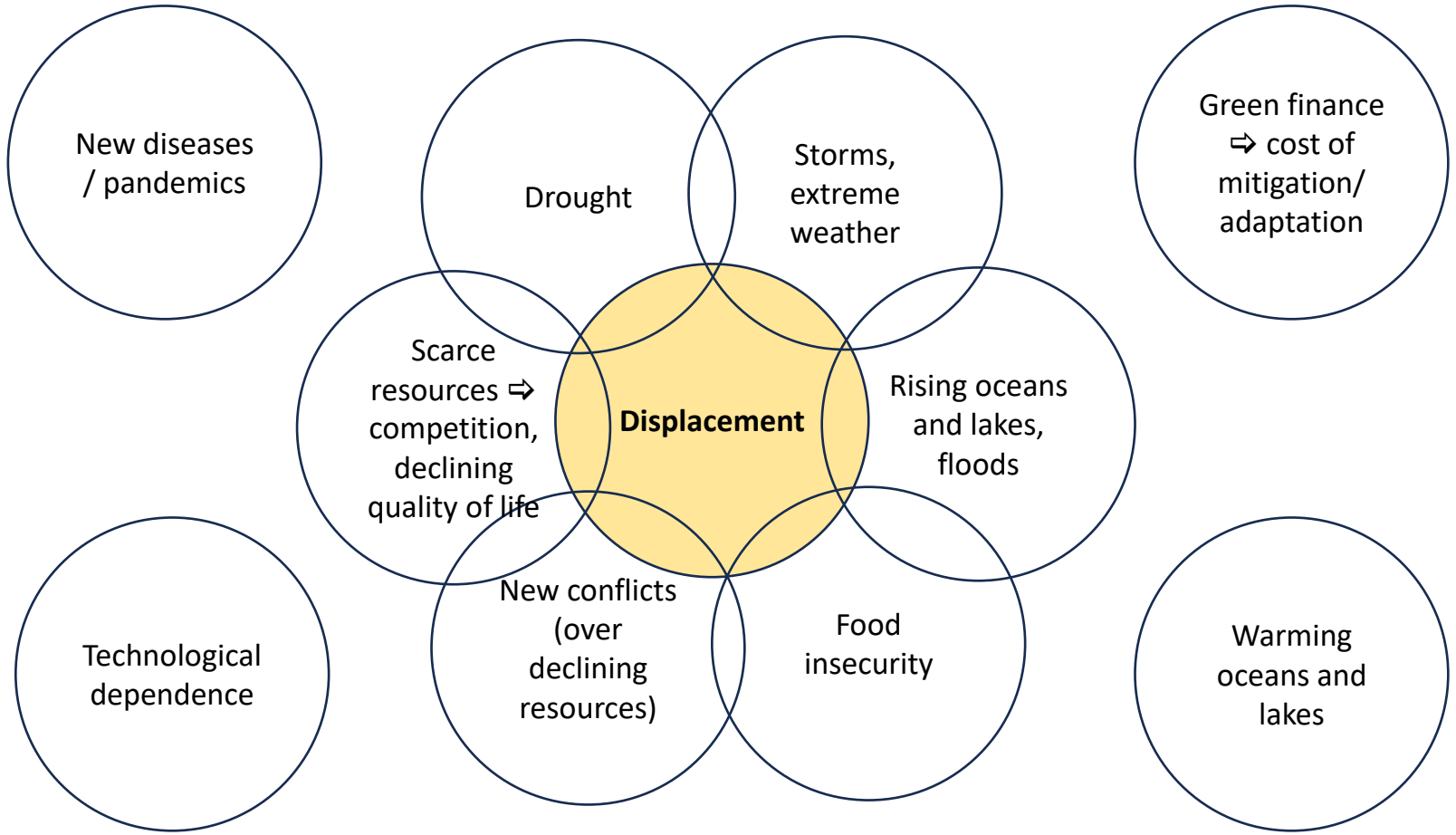
Women's right to land in Uganda

- Dual framework for land governance: 1995 Constitution and 1998 Land Act: legal pluralism explicitly recognizing customary rights to property, while strengthening formal protections for women's land rights;
- 80% of all land in Uganda under customary tenure, customary rules for land governance play a major role in determining women's land and housing rights;
- Land Act 1998 defines customary tenure rights and process for registration and administration of customary rights.
- Only two sections of the Land Act directly address gender, land and property rights:
  - Section 38A of the Land (Amendment) Act 2004 provides for a spouse's security of occupancy on family land;
  - Section 39 requires spousal consent prior for any land transaction concerning land on which the spouse resides on and uses, including for housing;
- Also requires land management bodies and institutions to have female representation.

The Uganda National Land Policy Implementation Action Plan, September 2019

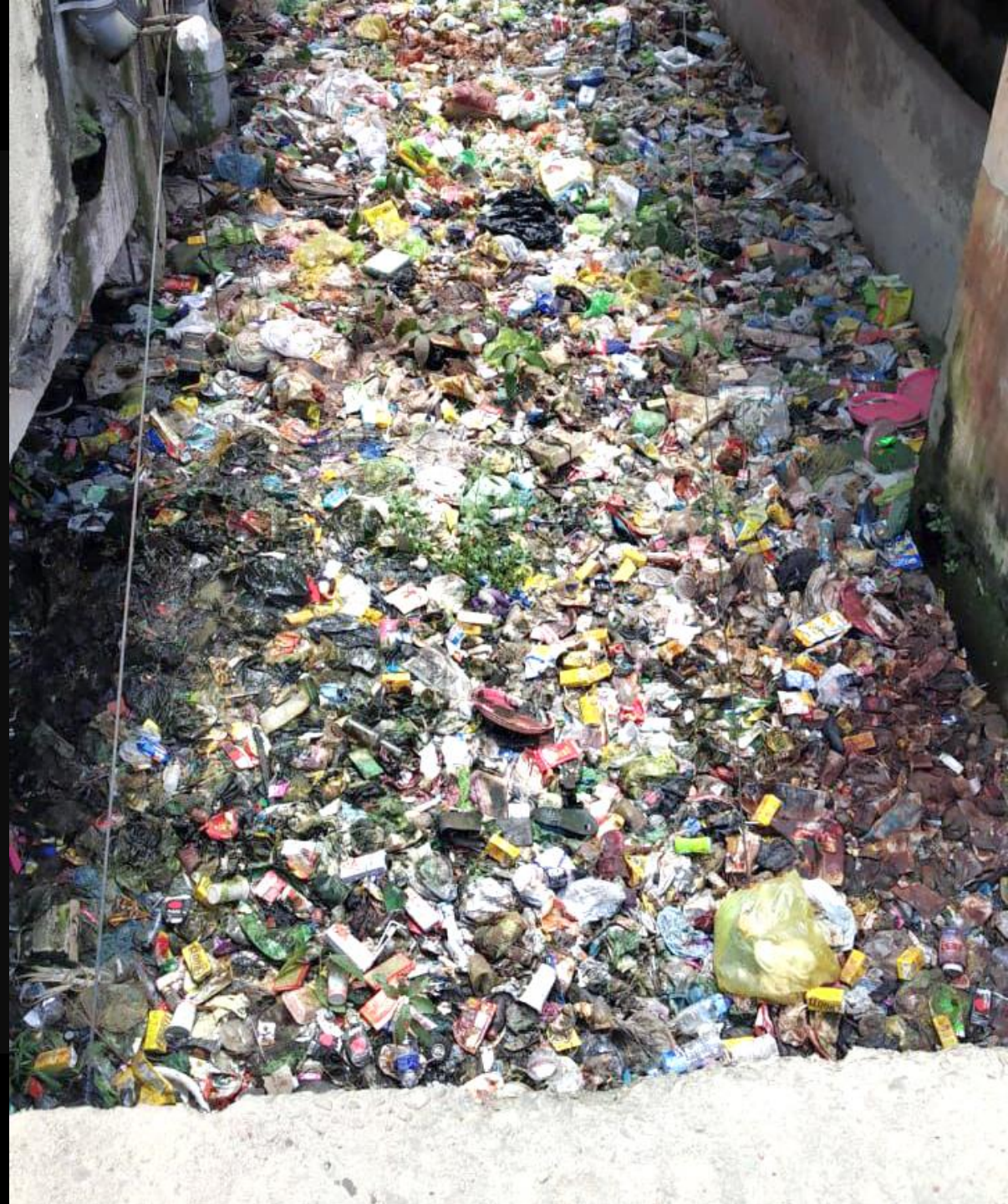
Promotion and Protection of Women's Secure Rights and Access to Land

- ✓ Recognizes the value and benefits of secure rights and access to land for women;
- ✓ Addressing the gender differences, women as (discrete group and as members of households and communities);
- ✓ Land administrative staff should include women;
- ✓ Customary access to land should focus on specialized expertise on women's status and rights.


New diseases / pandemics
Drought
Storms, extreme weather
Green finance ⇨ cost of mitigation/ adaptation
Scarce resources ⇨ competition, declining quality of life
Displacement
Rising oceans and lakes, floods
Technological dependence
New conflicts (over declining resources)
Food insecurity
Warming oceans and lakes

Local factors

- Lack of resources/capacity for adaptation
- Inadequate development/climate cooperation
- Unregulated urbanization (planning, enforcement, corruption)
- Inhabitant practices (HH solid waste management)
- Environmental racism
- Polluting industries



Prevention

- **2009**: UN-Habitat Cities and Climate Change Initiative (CCCI) “effects of climate change are exacerbating the already grim environmental, social and economic challenges, heightening the risk to the urban poor”;
- **2010**: Uganda Disaster Preparedness and Management Policy; Uganda National Physical Planning Act;
- **2012**: Kampala Physical Development Plan;
- **2015**: National Land Policy Implementation Action Plan; ***2030 Agenda***;
- **2016**: Kampala Climate Change Action Strategy; Kampala Drainage Master Plan; ***New Urban Agenda***;
- **2018**: Kampala Local Disaster Risk Reduction Plan; Disaster Resilience Workshop; Kampala: Disaster Risk and Climate Change Resilience Strategy; Multi-Hazard, Risk and Vulnerability Profile for Kampala City.



: 2030 Agenda

Goal 9. Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation

9.1 Develop quality, reliable, sustainable and resilient infrastructure, including regional and transborder infrastructure, to support economic development and human well-being, with a focus on affordable and equitable access for all

9.a Facilitate sustainable and resilient infrastructure development in developing countries through enhanced financial, technological and technical support to African countries, least developed countries, landlocked developing countries and small island developing States;

9.a.1 Total official international support (official development assistance plus other official flows) to infrastructure;



: 2030 Agenda

Goal 11. Make cities and human settlements inclusive, safe, resilient and sustainable

11.1 By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums

11.1.1 Proportion of urban population living in slums, informal settlements or inadequate housing



: 2030 Agenda

Goal 13.Take urgent action to combat climate change and its impacts

13.1 Strengthen resilience and adaptive capacity to climate-related hazards and natural disasters in all countries;

13.2 Integrate climate change measures into national policies, strategies & planning;

13.3 Improve education, awareness raising and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning;

13.a Implement the commitment undertaken by developed-country parties to the UNFCCC to jointly mobilizing $100 billion annually by 2020 from to meet developing country needs, and fully operationalize the Green Climate Fund through its capitalization as soon as possible;

13.b Promote mechanisms for raising capacity for effective climate change-related planning and management in least developed countries and small island developing States, including focusing on women, youth and local and marginalized communities



: New Urban Agenda

14.(*c*) Ensure environmental sustainability…by building urban resilience, reducing disaster risks, and mitigating and adapting to climate change.

79. promoting international, national, subnational and local climate action, including climate change adaptation and mitigation;

supporting cities and human settlements, their inhabitants and all local stakeholders as important implementers;

building resilience and reducing emissions of greenhouse gases from all relevant sectors, consistent with Paris Agreement goals;

80. medium- to long-term adaptation planning process, as well as city-level assessments of climate vulnerability and impact, to inform adaptation plans, policies, programmes and actions that build the resilience of urban inhabitants, including through the use of ecosystem-based adaptation.



: New Urban Agenda

101. integrate disaster risk reduction and climate change adaptation and mitigation into age- and gender-responsive urban and territorial development and planning processes;

build local authorities' capacities to plan and implement disaster risk reduction and response;

119. protective, accessible and sustainable infrastructure investment and service provision systems for water, sanitation and hygiene, sewage, solid waste management, urban drainage,…storm water management…to improve safety from water-related disasters,…with special attention to the needs and safety of women and girls and those in vulnerable situations;

ensure infrastructure is climate resilient and integrated into urban and territorial development plans;

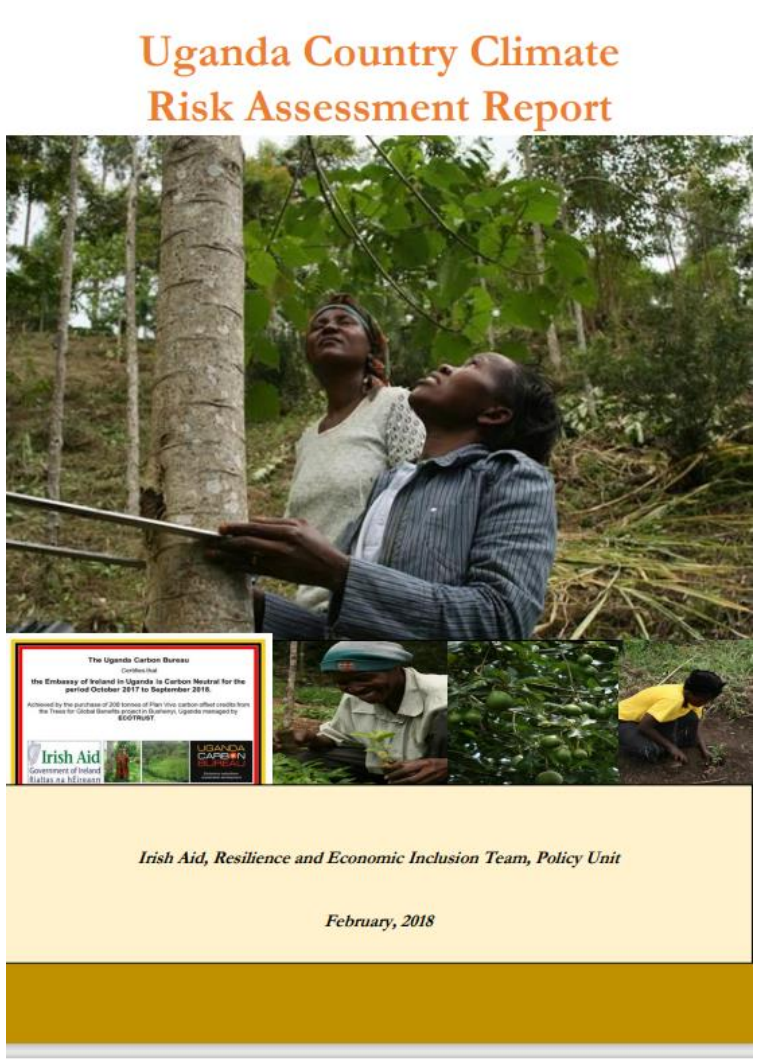
143–44, 165. access multilateral funds & other financing for climate change adaptation & mitigation all government spheres;

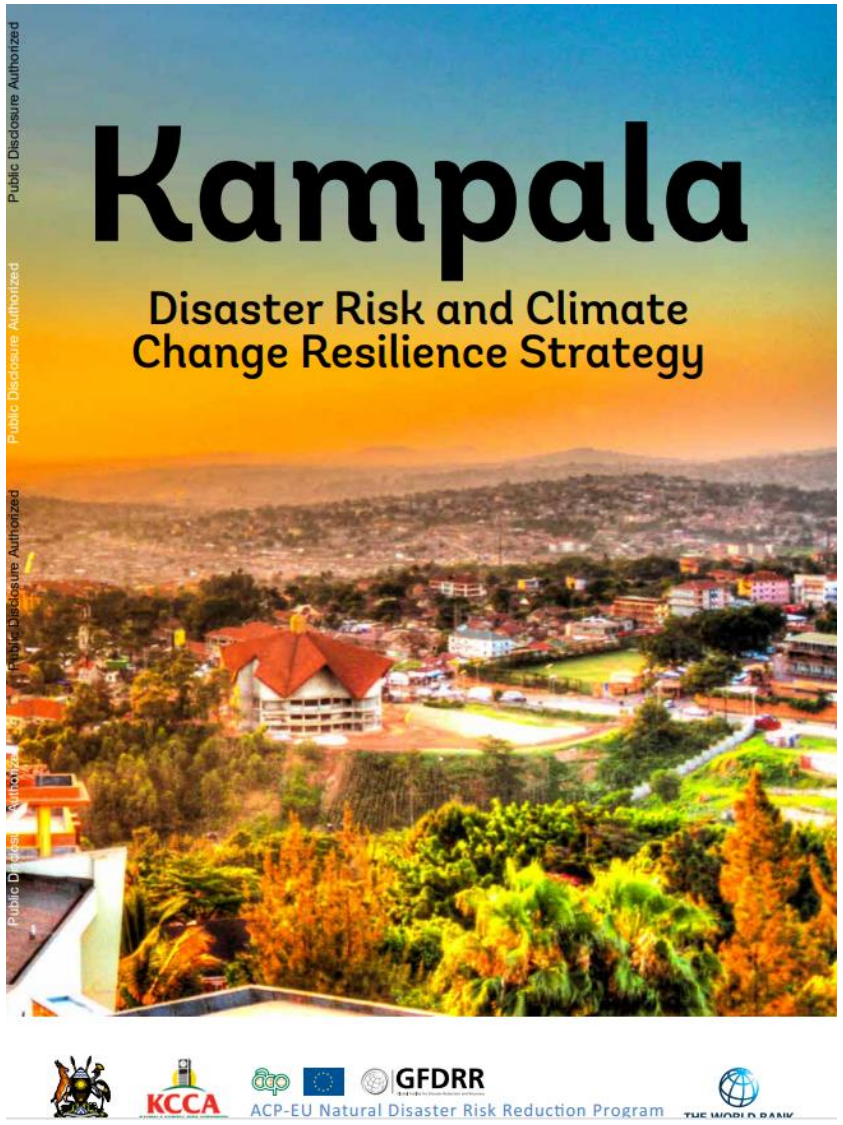


Prevention

جائزة دبي الدولية لأفضل ممارسات التنمية المستدامة

Dubai International Best Practices Award for Sustainable Development







Irish Aid

Kampala Floods: Karadi Criticises KCCA Over Blocked Drainage Channels

By Josephine Namakumbi | Friday, March 28, 2025



Karadi visited the affected communities, providing essential relief items, including rice, soap, and sugar.

Kampala floods: Lord Mayor Lukwago blasts govt for neglecting drainage structure

By Tracey Kansiime | Monday, March 31, 2025



Lord Mayor, Erias Lukwago

Kampala Lord Mayor, Erias Lukwago has blasted government for folding arms and neglecting

the city's head has been undermined by government ministers.

Remedies

KCCA council gives nod to working with local developer to end Kampala floods

NilePost

By Amon Katungulu | Saturday, April 5, 2025



Hamis Kiggundu

In a bid to tackle Kampala's flooding nightmare, the KCCA Council has approved a move to work hand-in-hand with competent local investors to develop, cover, and upgrade drainage channels across the city.

United Nations A/RES/60/147

General Assembly

Distr.: General
21 March 2006

Sixtieth session
Agenda item 71 (*a*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/60/509/Add.1)*]

60/147. Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights,[2] other relevant human rights instruments and the Vienna Declaration and Programme of Action,[3]

Affirming the importance of addressing the question of remedies and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law in a systematic and thorough way at the national and international levels,

Recognizing that, in honouring the victims' right to benefit from remedies and reparation, the international community keeps faith with the plight of victims, survivors and future human generations and reaffirms international law in the field,

Recalling the adoption of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law by the Commission on Human Rights in its resolution 2005/35 of 19 April 2005[4] and by the Economic and Social Council in its resolution 2005/30 of 25 July 2005, in which the Council recommended to the General Assembly that it adopt the Basic Principles and Guidelines,

1. *Adopts* the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law annexed to the present resolution;

Remedy and Reparation

Restitution:

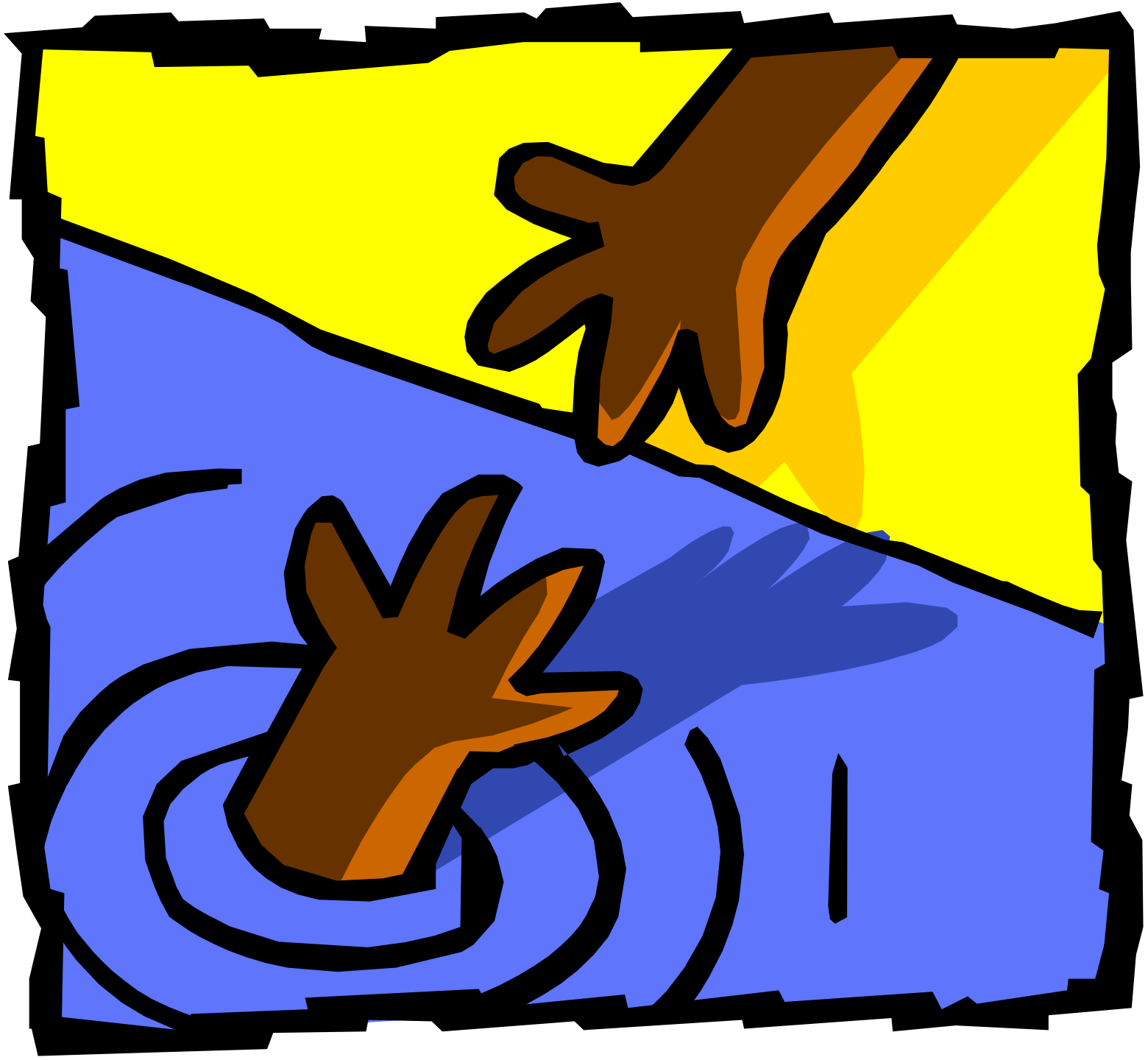
- **Return,**
- **Resettlement,**
- **Rehabilitation: all aspects;**

Compensation;

Nonrepetition;

Satisfaction.

Thank



You