Land and the right to adequate housing:
Multiple-state Review

3. Challenges in accessing or acquiring land, land use or access rights for the purpose of the realization of the right to adequate housing

Azerbaijan

In Nagorno-Karabagh, long-standing ethnic conflict spiked in 2023 against the Armenian population that had lived for centuries inside the territory of present-day Azerbaijan. The Azerbaijan government's large-scale forced eviction (expulsion), dispossession and destruction of Armenian homes and cultural heritage sites remain violations until remedied with entitled reparation. The region is usually equated with the administrative borders of the former Nagorno-Karabakh Autonomous Oblast, which comprises **4,400 square kilometers** (km^2) of land. However, the region's historical extent encompasses approximately **8,223 km^2**.

Reportedly, 69 Armenians died during the mass exodus, and some families became separated amid the chaos.[1] The few ethnic Armenians who were unwilling or unable to leave, including elderly people and persons with disabilities or chronic illnesses, were particularly vulnerable. Two years later, those who fled and those few who remain face an uncertain future.[2]

Chile

While large-scale forced evictions and demolitions currently threaten communities elsewhere in the country, Chile's largest affected community are 5,000 informal inhabitants in Toma 17 de Mayo, between San Antonio and Cartagena, Valparaíso Region. On 23 June 2023, the Valparaíso Court of Appeals ordered their eviction from **254 hectares** (ha) in Bellavista Sector, where some four thousand families came to live since October 2019.

In the early hours of 16 May 2024 (one day before the settlement's fifth anniversary), over 100 troops raided the camp, using tear gas, cornering the families toward the perimeter. They destroyed 200 homes with backhoes, leaving the victims on the street. The rest of the homes remain under eviction order, while the case remains the subject of further litigation and intense negotiations with local and central governments.

The community represents social sectors without access to the housing supply, neither through the housing subsidy, nor through the market. They lack access to social housing for two reasons: San Antonio is a booming port city,[3] and city authorities de-prioritize construction of social and affordable housing. The last social housing complexes, Mirador de

San Antonio I and II delivered 256 units in 2019, but are currently uninhabited, and the Ministry of Housing and Urbanism has ordered their demolition. Another 2023 offer provided 344 units in the Puesta del Sol complex, but most inhabitants cannot afford the high rents.[4] The other reason is that the families are "insolvent," without the economic capacity to assume a mortgage. The supply of homes is aimed at the middle class, not them.

Congo (DRC)

Violence between government and tribal militia forces in the Democratic Republic of Congo (DRC) North and South Kivu provinces has caused two million to flee their homes. In Mbobero village, about ten kilometers north of Bukavu city, Kabare, South Kivu, DRC Republican Guards expelled the population from their homes and fields on 30 January 2016. A year after the events, the victims claimed restitution of their estimated **240 hectares** of land from former President Joseph Kabila. Until remedy could be reached, approximately at least 317 households (≈3,000 people), including 500 children, remained homeless, without aid and abandoned to their fate.[5]

A delegation from the capital, including the ex-First Lady, offered to console the dispossessed villagers with a token 9 ha land offering for the church and 8 ha for households. The parcel of household lands could only accommodate 12 families. The villagers refused the token offer.[6]

Côte d'Ivoire

The popular Koumassi quarter of Abidjan has been the target of violent evictions since the city's proposal to host the Africa Cup of Nations (AFCoN), which took place from 13 January to 11 February 2024.

To 'beautify' the host city, Ivorian authorities evicted inhabitants from their homes in the Yopougon neighborhood known as Gesco, with an area of around **100 ha** and an estimated population of 100,000. The eviction, which began more than a month before the games, first targeted the residents of the Eden housing estate in Yopougon, on the western outskirts of Abidjan.

After an initial series of demolitions on 28 January, the excavators returned on 19 February to raze half of the 171 houses without prior notice, compensation or offer of rehousing, according to all the residents interviewed. This is despite some of the victims having title deeds to their land.

Government forces demolished houses and even schools without delay, provoking the anger of the people who found themselves on the street, with pupils, whose education was interrupted.[7]

For Gesco, the government signed a €50.3 million financing agreement with the French Development Agency in 2021 to renew the district. The debt-reduction and development contract allowed part of the national debt to be converted into investments. However, the same government razed the district three years later.

The AFCoN may be over, but the rush is still on to consolidate public lands under the feet of those with no other living space. The city district has planned a new wave of demolitions to continue with published list of 176 sites identified as "risk zones" to be vacated in this way over time.

East Timor is one of the world's youngest and poorest nations. The latest chapter in its Long story of dispossession and forced eviction came in the seemingly unlikely context of the September 2024 Papal Visit.

East Timor's government and Catholic churches hosted a lavish welcome for Pope Francis' historic visit by spending $12 million, including $1 million for an altar. That alone drew rebuke from activists and human rights organizations in a nation where 42% of the population lives in poverty. However, the authorities combined that event with the forced eviction and dispossession of some 185 households living in an open field on a **23-ha** coastal plot at Tasitolu, about 8 km from downtown Dili, for the liturgical celebration. Rights groups accused the government of not offering any alternatives to the poor displaced families.[8]

Ethiopia

The New Land Grabbing VDB entry covers the 2018 case of land leased to notorious land grabber Karuturi Global Ltd., whose 2009–10 **300,000 ha** farm project in Ethiopia's western Gambella region has served as an example of the Ethiopian government's flawed land-investment policy. The investor never cultivated more than a few thousand hectares, while, in neighboring Kenya, the company's flower farm was put into receivership and lost its licenses.

In Gambella, Karuturi's practices forcibly evicted the Anuak people, fragmenting the community, dispossessing them of customary lands, deforesting and losing biodiversity, using chemical fertilizers and pesticides that degraded the soil, leaving hunger and homelessness. Some Anuak fled to South Sudan and Kenya under Karuturi ill-treatment, as the company also fomented conflicts among Indigenous Peoples in Gambella and other parts of the country.[9]

In 2017, the land agreement was cancelled and Karuturi exited the country.[10] However, the Ethiopian government provided the company with a new lease for **25,000 ha** in the same area, after reported pressure from the government of India,[11] where Karuturi is domiciled., Karuturi ultimately divested and left Ethiopia, demanding Ethiopian government compensation for their losses.[12]

Finland

In 2015, UN SR on the rights of Indigenous Peoples alerted about the land rights of Sámi (Saami) people in Nordic countries, amid the drive to extract minerals and mount renewable energy projects in the Sápmi region.

In 2020, Sámi communities across the region protested the Finnish Safety and Chemicals Agency (Tukes) licensing Dutch-owned Akkerman Finland Oy to explore mineral deposits in the Arm of Finland (Käsivarsi), the Finnish side of Sápmi, without the Indigenous Sámis' free, prior and informed consent (FPIC). In **8,400 km²**[13] in the northwest of the country with about 1,800 inhabitants,[14] one of the rare areas of Finnish Sápmi where the *siida* system of reindeer-herding has survived.[15]

Although Finland voted for UNDRIP in 2007, it still has not recognized the Sámis' land rights, for which the Saami Council has petitioned Finland[16] to implement UNDRIP, ratify ILO Convention No. 169 and make necessary amendments to the inadequate Mining Act, among other necessary measures.[17]

Indonesia/West Papua

In 2019–20, numerous internal displacements resulted from security operations in Indonesian-occupied West Papua against the West Papua National Liberation Army (Tentara Pembebasan Nasional Papua Barat, or TPNPB) in the Mimika, Intan Jaya, Puncak, Lanny Jaya, and Nduga districts (locally known as 'regencies'). These began on 4 December 2018 in Nduga in response to the killing of 19 government contractors, resulting in further armed clashes, whereby TPNPB increasingly targeted civilians.[18]

TNI Retaliation records various estimates that the fighting displaced 60,000–100,000 indigenous Papuans, whereupon at least 214 died from sickness, malnutrition, exhaustion, and hypothermia.[19] The COVID-19 outbreak there also aggravated this humanitarian crisis, while in April–November 2021, security forces perpetrated various atrocities and forcibly displaced at least 5,000 Indigenous Papuans. Thereafter, West Papua authorities imposed even greater civil rights restrictions.[20]

Extreme exploitation of Papua and West Papua forests for multinational agribusiness in palm oil, sugar cane and paper production form the context. Accompanying the escalating cycle of repression and resistance, the West Papua Indigenous Peoples' loss of habitat by deforestation has reached staggering proportions since 2000.[21] In 2023, they lost **12.9 thousand ha** of primary forest, equivalent to 10.8 Mt of CO_2 emissions.[22]

Kashmir

The VDB records eight major cases of housing and land rights violations in Indian-occupied Kashmir during the period, but only two—Industrial Concessions and J&K Farmlands—record data on land areas affected. After India's Jammu and Kashmir government introduced its industrialization policy in April 2021, it offered subsidies on capital investments, tax incentives on machinery purchases, and loans, also favoring extraterritorial investors. Thereafter, forested land has been transformed into industrial estates, and India's National Highways Authority is planning a logistics park to facilitate these investments with related land takeovers.

Kandhari Beverages Pvt. Ltd. has begun construction on **36 allotted acres**. Muralidharan's Ceylon Beverages has been allotted **25.75 acres** in Kathua (Jammu district). The Ennar Group, of Dubai's Burj Khalifa fame, obtained land grants to construct a $60 million shopping mall and IT tower in Srinagar, and another IT tower elsewhere in Jammu division.

With 6,909 venture applications as of 3 July 2024. Kashmir Valley has 5,007 applications, mostly for small and medium enterprises, requiring **14,859,989 m**^{2} of land.[23] The total land area allotted for these ventures has reached almost 20 km^2.[24]

Under the pretext of alleged anti-encroachment drive, the Indian occupation has identified as "state land" some 178,005.213 acres in Kashmir region and 25,159.56 acres in Jammu, totaling (**822,179,393 m^2**).[25] Kashmiri inhabitants have effectively owned and cultivated these lands and properties under numerous laws and other orders to favor of economically vulnerable and otherwise-landless Kashmiri peasants.[26] The occupying Indian state's appropriation of these lands needed for housing and agricultural will further disempower and spatial displacement the Kashmiri population, further diminishing their entitled self-determination.

Nicaragua

Nicaragua's Indigenous Caribbean Coast Autonomous Regions (CCAR) communities have faced incessant violence and land dispossession, evidenced in the 2020 Indigenous Territory case. Foreign gold-mining firms, national and international logging and cattle ranching actors, as well as Nicaraguan officials have attacked local Alal, Wasakin, and Miskitu communities. On 29 January 2020, over 80 armed land grabbers attacked the Indigenous Alal community in the protected Indigenous Mayangna Sauni territory of the Bosawás Biosphere Reserve, the world's third largest forest reserve, hosting diverse Indigenous People, other traditional communities, and 21 rich biodiverse ecosystems.

Perpetrators reportedly killed four persons, injured two, and burned 16 houses. In subsequent weeks, locals remained under continuous threat and harassment under warning shots near their villages. This episode is but one of the ongoing and systematic assaults over decades against the Indigenous and Afro-descendant communities in Nicaragua across successive regimes.

Despite Nicaragua's vote in favor of UNDRIP, Nicaraguan officials have unilaterally offered investors of over **7.1 million ha** of land (60% of the country) for mining concessions and over **3.5 million ha** (another 30% of the country) for forestry projects.

Since 2020, the land under mining concessions has more than doubled, totaling **2.6 million hectares**, or 20% of the country. Nicaragua's primary forests, mostly along CCAR are essential for the Indigenous Peoples' and mixed Creole and Garifuna populations' housing and livelihoods. Corporations and illegal settlers engaged in cattle ranching and lumber operations have contributed to Nicaragua's forest-cover loss from 76% in 1969 to 25% today. Meanwhile, President Daniel Ortega and family maintain personal links to forestry and logging businesses through the Alba Forestal company.[27]

In Nicaragua, affected communities continue to struggle for *saneamiento*, the final step of implementing Law 445, which requires clearing the Indigenous territories of colonial settlers and corporations, who and using the territories without legal title or lease agreement with the communities.

Saudi Arabia

Saudi Arabian Crown Prince Muhammad bin Salman's much-touted futuristic Neom Megaproject provides the pretext for land deprivation by royal decree and even assassination.

The $500 billion, 170 km-long, 1,600 feet tall and 650 feet wide[28] city state is intended to occupy land the size of Belgium (ca. **30,689 km^2**)[29] and accommodate 9 million residents at the far north of Saudi Arabia's Red Sea coastline.

Part of that land is the Huwaitat tribe, spanning Saudi Arabia, Jordan and the Sinai Peninsula for generations, tracing their lineage long before the Saudi state arose. With evicted Huwaitat so far exceeding 6,000, at least 20,000 tribe members face forced eviction to accommodate the Neom project, with no provision for their future welfare.[30]

Ukraine

In Ukraine, land losses by way of dispossession and/or destruction are largely the result of grounded military action. However, air assaults have been similarly destructive in the war.

One of the greatest losses of land for housing and livelihood is the deliberate destruction of infrastructure by aerial bombing took place in the early hours of 6 June 2023, when Russian bombs breached the Kakhovka hydroelectric dam, retaining Ukraine's biggest reservoir, on the Dnipro River in (Kherson Oblast).[31] The dam breach caused extensive flooding, with domino effects on humans, housing and environment. The water loss cost Ukraine 41,700 cubic meters (m^3) per day, while releasing 1.2–1.3 billion m^3 of water, a volume equal to one-fourth of Ukraine's water supply. Even if the dam were to be restored today, an estimated 33.5 years would be required to recover the water loss.

The Kakhovka Dam destruction killed dozens of people and submerged entire villages, affecting 17,221 households of 86,000 persons.[32] The breach inflicted almost €13 billion in economic loss and damage, with immediate recovery and reconstruction needs at $5.04 billion. However, these figures are expected to grow with more-detailed assessments.[33]

In total, around 37,012 residential units were affected by the flooding, and 15% of those (over 550) were destroyed. This number includes apartment units, single-family houses, and dormitories. Single-family houses have been the most affected (97.3% of damage), which indicating significant impact on the rural landscape of Ukraine, including peri-urban communities.

The geographical extent of housing damage spread across two oblasts, with Kherson being significantly more impacted (98.4% of damage) than Mykolaiv (1.6%). Estimated losses in the housing sector are at US$66 million, reflecting the cost of demolition and debris removal and a one-time Ukraine government's indemnity payment. That figure does not reflect bank losses and mortgage defaults, temporary rental and shelter provision by owners, or adjusted rental income losses.[34] For the housing sector lone, total damage is estimated at US$1.101 to US$1.502 billion.[35]

USA

In the Norfolk Southern derailment in East Palestine, Ohio, on 3 February 2023, just before 21:00 EST, a train derailed near the town of about 4,800 people near the border with Pennsylvania. Nobody was hurt at the time of the accident, but 20 of the derailed cars contained hazardous materials, which included ethylene glycol monobutyl ether, ethylhexyl acrylate and isobutylene, all of which can cause irritation or neurological symptoms like dizziness and headaches. One tank car lost its entire load of butyl acrylate, a clear liquid used to make paint, adhesives and caulk. And as authorities worked to assess the damage and investigate the derailment, five rail cars` worth of vinyl chloride and other contaminants and carcinogens were intentionally burned off in a controlled explosion that, in turn, prompted a temporary evacuation of the area.

Public work crews removed contaminated soil from the populated areas near the derailment site. Trucks and trains hauled it to designated incinerators and landfills in Ohio, Indiana, Michigan, Colorado and Texas.[36]

A federal judge approved a US$600 million class-action suit against *Norfolk Southern*,[37] which potentially offered US$70,000 household and property compensation, and US$25,000 for personal health issues to residents living within a 3.2-km radius of the derailment (**32,169,882 m^2**),[38] subject to approval. These amounts decline for those living farther away.[39]

As of late October 2024, soil samples show significant chemical sediment in the soil around the derailments site.[40]

Western Sahara

None of the 12 VDB entries for Western Sahara since 2014 report land-surface area details for numerous housing and land rights violations under occupation. A 2023 report covers the devices that Moroccan occupation authorities use to dispossess Sahrawis of their lands and homes, including breaching The Hague Regulations' Article 43-prohibited alteration of the legal system of an occupied territory. By imposing Moroccan law and institutions in Western Sahara, the occupier denies traditional tenure on tribal *grarat* lands with their palm groves or desert trees such as acacia, which also act as natural storage of scarce water for agriculture and drinking.[41]

Cases of Sahrawi homes demolished by occupying forces form patterns of continuous loss and damage that the Sahrawi people have incurred under Morocco's policy of violating the Sahrawi people's individual and collective human right to adequate housing and land. The context is Morocco's denial of the Sahrawi people's collective right to self-determination for 50 years.

The cumulative approach to the rarely reported phenomenon of house demolitions and land confiscations in Western Sahara faces a challenge of quantifying this half-century of violations. However, MINURSA calculates the land area subject to reparation for the Sahrawi people. The 80% of Western Sahara that Morocco illegally occupies amounts to a total **21,280,000 ha** of land subject to restitution, rehabilitation, compensation, guarantees of non-repetition and victims' expressed satisfaction with the ultimate remedy.

Yemen

Most of the ten VDB entries for Yemen during the 2014–24 period reflect lingering land and housing disputes arising from the former regime of Ali Abdallah Salih, which at least partly sparked the 2011 uprising and subsequent civil war. With an eye to deeper historical roots of land-based conflicts in Yemen, housing, land and property (HLP) rights challenges include older systems of patronage and nepotism.

However, land rights violations also have grounded restorative justice efforts of Yemen's National Dialogue (2011–15), inspiring one of the main transitional-justice committees that emerged from it. Despite domestic civil and international support for proposed transitional-justice processes,[42] remedies have remained elusive amid mounting violations and their impoverishing and displacing consequences throughout the Ansar Allah (Houthi) Rebellion and ensuing internationalized conflict.

Prior to 2011, the most-dramatic challenges to housing and land rights realization arose from a combination of:

- Tribal, political and military cronyism accompanying HLP dispossession by armed force;
- Weak law and judicial institutions upholding HLP rights;
- Patriarchal customary practices and misinterpretation of religion tenets disfavoring women and girls in inheritance and tenure options;

- Racial discrimination against minorities, particularly, the East African *Akhdam*/*Muhamishin* community;
- Denial of livelihood and dispossession of civil servants from the South Yemen;
- Lack of information related to land rights, land tenure and land holdings.

With the civil war came new and additional difficulties, including:

- HLP looting in Houthi-controlled areas of al-Hudayda, `Ibb, Sana'a, and some areas in the Ta`iz governorate.
- Looting of HLP by new gangs generated by the ongoing war between factions that were established to assert government legitimacy, as in Aden and Ta`iz governorates.
- Internal displacement of some four million citizens from conflict areas.
- The Houthis' unique tactic of laying mines in the areas they enter, then withdrawing and leaving boobytrapped houses and agricultural lands without corresponding maps, preventing citizens' safe return to their HLP.
- Many civilian homes in all governorates subjected to indiscriminate bombardment from all sides of the conflict, which increased the number of civilian casualties - human losses - as well as the destruction of many innocent citizens' homes and sources of livelihood.
- The Houthis' systematic bombing of opponents' homes.

HIC-HLRN and Yemen's Social Democratic Forum explored ways to surmount these challenges by illustratively quantifying losses, costs and damages arising from the land grabbing and related violations under the Salih regime and ensuing war within the UN reparations framework.[43] While the National Dialogue and transitional justice processes have been encouraging, the war has posed the greatest challenge to progress at restoring HLP rights.

Conclusion

While these cases from the VDB represent only a fraction of entries over the review period, they are especially significant in that the authors have tried to quantify the land areas affected. With that single criterion, it is possible to derive a cumulative figure for the land area that would otherwise be needed for other uses fulfilling their social, economic and/or ecological functions, especially adequate housing, including not least social production of habitat.[44]

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[39] Josh Funk, "EPA data make it hard to know the extent of the contamination from last year's Ohio derailment," *AP* (25 September 2024), https://apnews.com/article/epa-east-palestine-train-derailment-contamination-6d5f43a6d6105741747a67c68f1cbccd.
[40] "EPA Lab Results: Soil and Sediment (through 10/23/2024) - East Palestine, OH Response (csv)," U.S. EPA East Palestine, OH Derailment Soil/Sediment Sampling Dashboard, https://www.epa.gov/east-palestine-oh-train-derailment/soil-and-sediment-sampling-data.
[41] HIC-HLRN and The Sahrawi Association in the United States of America (SAUSA), *Human Rights to Habitat in Western Sahara: Land, Housing, Population Transfer, Natural Resources* (Cairo: HIC-HLRN, 2023), https://www.hlrn.org/img/publications/sausa-hic-hlrn_ws-hlrs.pdf.
[42] Typically involving: (1) preservation of memory, victims' testimonies and other evidence; (2) prosecution or other adjudication of perpetrators; (3) reparation of victims; (4) institutional and legal reform; and (5) national reconciliation.
[43] *التعويل على كفاءة العدالة: العواقب التي تواجه ضحايا انتهاكات حقوق الأرض ومشروع دعم العدالة الانتقالية وجبر الضرر في اليمن* (Cairo: HIC-HLRN, 2021), http://hlrn.org/img/documents/Yemen%20-%20Interactive.pdf; *Counting on Justice: A Reckoning of Land Rights Violations and Their Consequences toward Reparations for Victims in Yemen* (summary in English) (Cairo: HIC-HLRN, 2021), https://www.hlrn.org/img/documents/Ex_Sum_EN_FINAL.pdf.
[44] HIC-HLRN (2023), *op. cit.*