

# **FAIR PLAY FOR HOUSING RIGHTS**



**MEGA-EVENTS, OLYMPIC GAMES AND HOUSING RIGHTS**

**OPPORTUNITIES FOR THE OLYMPIC MOVEMENT AND OTHERS**

**CENTRE ON HOUSING RIGHTS AND EVICTIONS (COHRE)**

SUPPORTED BY THE GENEVA INTERNATIONAL ACADEMIC NETWORK (GIAN)

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# LIST OF ACRONYMS AND ABBREVIATIONS

ACHR	Asian Coalition for Housing Rights	NSW	New South Wales
ACLU	American Civil Liberties Union	OC	Olympic Charter
ACOG	Atlanta Committee for the Olympic Games	OCOG	Organising Committee for the Olympic Games
AHA	Atlanta Housing Authority	ODA	Olympic Delivery Authority
AOC	Atlanta Olympic Committee	OGCC	Olympic Games Coordination Commission
AOMSA	Anella Olímpica de Montjuïc SA	OGGI	Olympic Games Global Impact
BIE	Bureau International des Expositions	OM	Olympic Movement
BOCOG	Beijing Organizing Committee for the Games of the XXIX Olympiad	PMH	Barcelona City Council Department of Housing (Patronat Municipal de l'Habitatge)
CAP	Central Atlanta Progress	PSC	Catalonian Socialist Party (Partit dels Socialistes de Catalunya)
CIU	Convergence and Union (Convergència i Unió)	PSOE	Spanish Workers' Socialist Party
COE	Spanish Olympic Committee	RETL	Re-Education Through Labour
COHRE	Centre on Housing Rights and Evictions	REGESA	Societat Urbanística Metropolitana de Rehabilitació i Gestió SA
COOB	Barcelona Olympic Organising Committee	ROK	Republic of Korea
CPO	Compulsory Purchase Order	SIA	Social Impact Assessment
CRC	Convention on the Rights of the Child	SIAC	Social Impact Advisory Committee
DPRK	Democratic Peoples Republic of Korea	SOCOG	Sydney Organising Committee for the Olympic Games
EU	European Union	SOOC	Seoul Olympic Organizing Committee
FAO	Food and Agriculture Organization	SRA	Single Room Accommodation
FARE	Football Against Racism in Europe	SRO	Single Room Occupancy
FAVB	Federation of Residents' Associations of Barcelona	TOP	The Olympic Partner Programme
FYP	Five Year Plan	UAB	Universidad Autónoma de Barcelona
GHM	Greek Helsinki Monitor	UK	United Kingdom (of Great Britain and Northern Ireland)
GIAN	Geneva International Academic Network	UN	United Nations
GNP	Gross National Product	UNAIDS	Joint United Nations Programme on HIV/AIDS
HCC	Host City Contract	UNCED	United Nations World Conference on Environment and Development
HEI	Graduate Institute of International Studies	UNCESCR	United Nations Committee on Economic, Social and Cultural Rights
HIA	Health Impact Assessment	UNCHS	United Nations Centre for Human Settlements
HOLSA	Barcelona Olympic Holding SA	UNDP	United Nations Development Programme
IBC	International Broadcasting Centre	UNEP	United Nations Environment Programme
ICCPR	International Covenant on Civil and Political Rights	UNEP	United Nations Environment Programme
ICESCR	International Covenant on Economic, Social and Cultural Rights	UNESCO	United Nations Educational, Scientific and Cultural Organization
IF	International Federation	UNHCR	United Nations High Commissioner for Refugees
ILO	International Labour Organisation	UNICEF	United Nations Children Fund
IMF	International Monetary Fund	UNODCCP	United Nations Office for Drug Control and Crime Prevention
IMPUSA	Institut Municipal de Promoció Urbanística i el Jocs Olímpics de 1992	UPU	Universal Postal Union
IOC EB	International Olympic Committee Executive Board	US	United States
IOC	International Olympic Committee	USA	United States of America
IOCC	Impacts of the Olympics on Community Coalition	VOSA	Vila Olímpica SA
ITU	International Telecommunications Union	WHO	Workers Housing Organization
IUED	Graduate Institute of Development Studies	WHO	World Health Organization
KOC	Korean Olympic Committee	WMO	World Meteorological Organization
KOCER	Korea Center for City and Environmental Research	WTO	World Trade Organization
LDA	London Development Agency	YWCA	Young Women's Christian Association
MAOGA	Metropolitan Atlanta Olympic Games Authority		
MBC	Media Broadcasting Centre		
NCOSS	New South Wales Council of Social Services		
NGO	non-governmental organisation		
NOC	National Olympic Committee		
NSSG	National Statistical Service of Greece		

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New York University Law School, the University of Wisconsin-Madison and a corporate social responsibility expert. Other institutions, such as the United Nations Environment Programme (UNEP) have contributed to the academic research. We gratefully acknowledge the financial assistance provided by GIAN and express our gratitude for all the help received from our partners.

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We are indebted to those victims of mega-event related housing rights violations who have shared their stories with us throughout this project. It is our hope and wish that this report may help to ensure that their experiences will not be repeated.

# FOREWORD

The potential of mega-events such as the Olympic Games to foster cooperation and dialogue among the world's peoples and nations is indisputable. Through the bringing together of humanity in all its diversity to celebrate excellence in sport and other pursuits, such events can promote peace and global solidarity. However, the staging of mega-events can also have the opposite effect. For example, they can result in human rights violations, such as the forced eviction of many thousands of people from their homes, causing severe hardship and misery. This unfortunate, darker side of mega-events stands in stark contrast to the admirable universal ideals that are often cited at their opening ceremonies.

In 2003 the Centre on Housing Rights and Evictions (COHRE) raised the alarm on the terrible impact that preparations for the 2004 Summer Olympic Games in Athens were having upon multiple Romani communities who were being evicted from their settlements.<sup>1</sup> Our concerns about the suffering being inflicted upon these communities, and the difficulties experienced in getting the Greek authorities to take the problem seriously, reminded us of many others who had been similarly affected by the hosting of major sporting and other events. We had seen this problem before, over and over again, in every city hosting the Olympics; and in many other cities hosting other types of mega-events, such as World Fairs or Expos, IMF conferences, even beauty pageants.

Our anger at the many examples of communities and individuals who had been forcibly evicted from their homes and lands in order to make way for sports stadiums, new hotels, car parks, or pretty façades, prompted COHRE to initiate the Mega-Events, Olympic Games and Housing Rights Project. One of the aims of this project was to set out the international human rights framework which necessitates the protection of fundamental human rights such as the right to adequate housing, the rights to participation and information, and the prohibitions on forced evictions and discrimination. We wanted to remind mega-event organisers, sponsors, participants and the general public that under international human rights law, numerous stakeholders can and should take responsibility for ensuring the promotion and protection of those rights.

COHRE took the Olympic Games as a case study because forced evictions, discrimination against racial minorities, targeting homeless persons, and the many other effects we noted, are in complete contradiction to the very spirit and ideals of the Olympic Movement, which aims to foster peace, solidarity and respect of universal fundamental principles.

Within this context, the COHRE Mega-Events, Olympic Games and Housing Rights project analysed examples of thousands of people forcibly evicted from their shelters in Seoul in 1987-8. We looked at the effects of 'street cleaning operations' in Atlanta in which thousands of homeless were effectively criminalised. And we studied the way in which the Roma were disproportionately affected by evictions for Olympic-related construction in Athens. Disturbingly, as our study progressed, we realised that the issue was even bigger than we had at first imagined; and getting worse. For example, since the commencement of this project, the number of people displaced due to Olympics-related development in Beijing has risen from 400,000 (a figure we reported in 2005) to a staggering 1.25 million (the number of people our research shows have been displaced as of early 2007, with another 250,000 more expected to be displaced over the next year).

Successive hosts of mega-events such as the Olympic Games like to improve on previous events, making them bigger, better, ever more spectacular. It is crucial that this spirit of improvement is translated into a growing commitment to ensure that these events improve the human rights and well-being of the inhabitants of host cities. Past errors should be used to improve future conduct of host cities. It is worrying that, in spite of publicity of the violations committed by the City of Beijing, the City of London is already failing to sufficiently prioritise housing concerns in their preparations for staging the Olympic Games.

1 See Centre on Housing Rights and Evictions (COHRE), '2004 Athens Olympic Games bring misery to Roma Communities in Greece', *Housing Rights Bulletin*, Vol. 1, No. 3 (Aug. 2004).

However, we have also found some positive examples. Vancouver, for example, has incorporated within its formal bid for hosting the Olympic Games a series of commitments aimed at ensuring that housing for the local population will not be adversely affected. Such promises are a step in the right direction, and cities whose bids take into account their obligations to protect and respect housing rights must be supported by the Olympic Movement and the International Olympic Committee. It is imperative that paying adequate attention to housing considerations should be mainstreamed in the bidding and selection process. This is important not just for Olympic Games host cities, but for the host cities of any mega-event, whether cultural events such as a World's Fair or World Expo, sporting events such as the Soccer World Cup or Commonwealth Games, or political gatherings such as IMF/World Bank Conferences.

Nobody should be forcibly evicted for the sake of a sporting event. No-one should be displaced due to a cultural celebration. The diversity of a community should not be hidden or moved out of sight in order to host a beauty pageant. Mega-events, including the Olympic Games, can be organised without forcibly evicting people, without criminalising the homeless and without rendering housing unaffordable. Where it appears that displacement of people might be necessary, governments, host cities and international agencies such as the International Olympic Committee have to approach the planning process from a human rights framework, which would include the full participation and full consent of affected communities.

The project's findings and recommendations are presented in this publication. In particular, I draw your attention to COHRE's *Multi-Stakeholder Guidelines on Mega-Events and the Protection and Promotion of Housing Rights*. These *Multi-Stakeholder Guidelines* provide a proactive framework for organisers of future mega-events to follow; and a tool for activists to use to hold their cities accountable for protecting housing rights. COHRE's *Multi-Stakeholder Guidelines* affirm the principle that mega-events (and the redevelopment that accompanies them) can be used to enhance housing conditions and promote housing rights. It is vital that mega-events are founded on the desire and commitment to promote a positive housing legacy for all sectors of society, especially the poor and marginalised.

This report is dedicated to the millions of victims of housing rights abuses in the context of mega-events. It is dedicated to those who have lost their homes and suffered displacement or eviction because of the Olympic Games or other mega-events; those who have been arrested, beaten, traumatised, incarcerated, even killed; those who have been dispossessed and impoverished; and those who have otherwise found themselves unable to 'share the spirit' when the Olympics or other events came to town.

COHRE supports the struggles of individuals, communities and organisations who are resisting the forced eviction of people to make way for mega-events. We support the efforts of all who advocate on behalf of victims of mega-event related housing rights violations. It is our sincere hope that all stakeholders will take on board the findings and recommendations of this report; and will take up the challenge to eliminate the negative consequences of mega-events and build positive housing and human rights legacies in their place.

Jean du Plessis  
COHRE Acting Executive Director

Geneva, June 2007

# EXECUTIVE SUMMARY

News reports and anecdotal evidence have long indicated that, in addition to the positive effects that the Olympic Games and other mega-events can have on an urban space, they can also diminish the enjoyment of housing rights. Poor and homeless people, marginalised ethnic minorities, or simply those in the way of development related to the mega-event, have been forced from their homes or living spaces – or even forced from the city. Often the net impact of hosting the Olympic Games or similar mega-events is to permanently place housing beyond the financial means of a significant segment of society. To date, however, this aspect of Olympic development has not been systematically documented. This report – the result of three years of intensive research by the Centre on Housing Rights and Evictions (COHRE) and partners – is an effort to fill this gap.

In Seoul, 720,000 people were forcibly evicted from their homes in preparation for the Olympic Games in 1988. In Barcelona, housing became so unaffordable as a result of the Olympic Games that low income earners were forced to leave the city. In Atlanta 9,000 arrest citations were issued to homeless people (mostly African-Americans) as part of an Olympics-inspired campaign to ‘clean the streets and approximately 30,000 people were displaced by Olympics-related gentrification and development’. In Athens, hundreds of Roma were displaced under the pretext of Olympics-related preparations. In the lead up to the 2008 Olympic Games in Beijing, COHRE estimates that over 1.25 million people already have been displaced due to Olympics-related urban redevelopment, with at least another quarter of a million displacements expected in the year prior to the staging of the event. In London, housing for 1,000 people is already under threat of demolition, over five years before the Olympic Games are due to be held.

COHRE research has established that the Olympic Games and other mega-events are often catalysts for redevelopment entailing massive displacements and reductions in low cost and social housing stock, all of which result in a significant decrease in housing affordability. In addition, specific legislation is often concurrently introduced, for example to allow for speedy expropriations of property or to criminalise homelessness. These factors all give rise to housing impacts which disproportionately affect the most vulnerable and marginalised members of the community. Moreover, there is often little or no participation of local residents in the decision making processes for mega-events.

COHRE’s study also analyses other mega-events; the Olympic Games being just one example of a mega-event that detrimentally affects the housing rights of the local population. There are many different kinds of mega-events: sporting events such as the Olympic or Asian Games; political events such as the IMF/World Bank conferences; or cultural events such as World Expositions. COHRE’s research has shown that these and other types of mega-events also threaten the housing rights of local communities and individuals.

For decades, cultural, sporting and political mega-events have been characterised by these negative housing impacts. Thousands of people have been displaced and forcibly evicted from event sites, and displacements and forced evictions due to the urban redevelopment and gentrification connected to hosting mega-events are also common, as the cost of housing escalates and the city’s stock of social and low cost housing diminishes.

For example, COHRE’s research shows that in relation to cultural events such as World Fairs: 18,000 people were evicted from the site of the Shanghai 2010 World Expo and at least 400,000 people have been relocated from nearby parts of the city owing to related urban development; 1,000 homes were destroyed in shantytowns in Abuja for the 2002 Miss World Beauty Pageant; 180,000 people (30,000 families) were evicted in Santo Domingo for the 1992 500th Columbus Anniversary; 5,000 people were evicted in Bangkok for the 1991 Miss Universe Beauty Pageant; between 1,400 and 3,000 people were evicted in Brisbane as a consequence of the 1988 Expo; between 1,000 and 2,000 units of low income housing were lost in Vancouver as a consequence of the 1986 World’s Fair; and 1,500 tenants were evicted in Knoxville as a result of the 1982 World’s Fair.

Political events have also given rise to negative housing impacts: 42 families were violently evicted in Lapu-Lapu City for the 2006 ASEAN Summit; 2,000 people were evicted from slums in Bangkok for the 1991 IMF/World Bank Conference; 1,200 slum

dwelling families were evicted in Seoul for the 1985 IMF/World Bank Conference; and 400 families were evicted in Manila for the 1976 IMF/World Bank Conference. In relation to sporting events other than the Olympic Games, one striking example is the approximately 300,000 people who have been evicted, to date, in New Delhi for the 2010 Commonwealth Games.

Discrimination and harassment of the vulnerable members of society is a common feature of all types of mega-events: Roma were particularly subjected to harassment and eviction in Patras during the 2006 Cultural Capital of Europe celebrations; the tents of homeless people were removed by private security guards and police officers in Osaka for the 2006 World Rose Convention; homeless people were rounded up and institutionalised in Abuja for the 2002 Miss World Beauty Pageant; 300 homeless were 'cleaned up' from Osaka for the 2002 FIFA World Cup; homeless people, beggars and other 'undesirables' were banned from sleeping and doing business in Bangkok for the 1998 Asian Games; and homeless people were displaced in Chicago for the 1994 World Cup.

Yet the news is not always bad – one can also see developments in the willingness of Olympic Games Host Cities to embrace sustainability and to take steps to promote positive housing legacies. In Sydney, for example, the government was pressured into instituting a protocol to ensure that homeless people would not be targeted for removal during the Olympic Games. Some cities have made provision for post event use of athletes' accommodation as affordable housing. This report identifies and details these and other impacts and opportunities in the seven cities hosting the Summer Olympiads from 1988 to 2012.<sup>2</sup>

Primarily through the prism of the Olympic Games, this report studies mega-events and the impacts they have had on housing conditions in the host cities, and demonstrates that abuses such as those outlined above will stop only when the consideration of housing issues is integrated into every stage of mega-event planning and hosting. Given the nature and scale of the possible negative side effects, it is important that future cities considering bidding for and hosting a mega-event like the Olympic Games take proper precautions to prevent similar violations of housing rights.

Mega-events are regarded as opportunities to unite the community over a sporting or cultural occasion. They are also used as instruments of economic development, modernisation, and opportunities to re-engineer the image of a city. Yet the benefits of this process are rarely shared by all, and the negative impacts are borne by particular segments of society. These negative impacts, before, during and after the event, are not merely undesirable – in many instances they constitute violations of international human rights law, in particular, the right to adequate housing.

The right to adequate housing envisages non-violent displacement only after the exhaustion of all other feasible alternatives and conditional on the satisfaction of a number of important protections; harm must be minimised and local housing conditions must be continuously improved. Housing rights are protected under numerous international instruments, including the *Universal Declaration of Human Rights*, the *International Covenant on Economic, Social and Cultural Rights*, and regional human rights treaties, and have been widely recognised by the international community.

Preventing violations of the right to adequate housing, including forced evictions, and protecting and promoting the full realisation of housing rights, is the responsibility of numerous stakeholders, including: governments; host cities; event organisers; corporate sponsors; other entities involved in the organisation of mega-events; and even individual participants.

It is for this reason that COHRE has developed a set of *Multi-Stakeholder Guidelines on Mega-Events and the Protection and Promotion of Housing Rights*. COHRE's *Multi-Stakeholder Guidelines* call on all mega-event stakeholders to play their part in promoting and protecting housing rights, so that everyone, including local residents, can reap the benefits of hosting a mega-event. These Guidelines should become a standard for all future mega-events.

This report summarises COHRE's academic and field research. It begins in Chapter II with an overview of mega-events – what they are, what they aim to achieve, and many examples of the impacts they have had upon housing rights. The report then addresses how mega-events operate within the international human rights framework. International human rights laws and standards provide guidance regarding the obligations that exist and the rights that must be respected at all times, including when preparing or staging a mega-event. Respect for the right to adequate housing is established as a vital protection for the local population during mega-events.

<sup>2</sup> These impacts are explained in detail in Chapter IV and summarised in the 'Summary tables on the housing impacts of Olympic Games and other mega-events' contained in this publication.

Many mega-events are based on principles similar to those on which the organisation of the Olympic Games is founded, such as the desire to enhance international cooperation and promote understanding. However, these admirable principles cannot be fully achieved if vulnerable groups and individuals are hurt in the process. Mega-events cannot be regarded as achieving their objectives if they are accompanied by forced evictions which violate human rights law, if they impinge on the right to adequate housing (e.g. by making housing unaffordable or social housing less available), or if they are accompanied by legislation criminalising homelessness or otherwise targeting minority groups. Rather, the prevention of these practices and the effective protection of the human rights of local inhabitants should be seen as a necessary part of the event hosting process.

Chapter III of this report analyses the Olympic Games' impact on local housing from an international human rights perspective. It considers whether the International Olympic Committee has been addressing this issue in its selection procedure for Olympic Games Host Cities and whether the Olympic Movement's governing instruments and internal values require or request the IOC to do so. The research also examines the responsibility of other Olympic stakeholders, including Host Cities Host Governments, as well as Olympic sponsors and other Olympics-related entities, to uphold the local population's housing rights.

COHRE took the Olympic Games as a case study because forced evictions, discrimination against racial minorities, targeting of homeless persons, and the many other effects we noted are in complete contradiction to the very spirit and ideals of the Olympic Movement, which aims to foster peace, solidarity and respect for universal fundamental principles. In recent times, there has been significant progress made within the Olympic Movement to understand the various implications of the Olympic Games, including the long term legacies created by the staging of this event. Increasing emphasis on the need for the Olympic Games to promote sustainable development and leave a positive post-Olympic legacy demonstrates how the Olympic Movement and the IOC are beginning to focus on addressing these concerns. This report urges the IOC to go one step further, by fully integrating housing concerns into every stage of the process; including when selecting a Host City, and when planning and preparing to stage the Olympic Games.

Chapter IV includes detailed studies of seven past and future Olympic Games Host Cities (Seoul, Barcelona, Atlanta, Sydney, Athens, Beijing and London). Field research in these cities assessed how housing conditions and rights have been (or are being) affected in the preparations for the Olympic Games. The on-site research and factfinding missions included assessments of the phenomena of forced evictions related to the preparations for the Olympic Games, including their scale and the communities affected, and whether there was adequate resettlement and compensation provided, along with issues such as escalations in housing costs, reductions in public housing, discrimination against minorities and the lack of effective community participation. Based on these assessments, this Chapter attempts to identify best practices. It summarises the experiences of housing rights activists, local residents, Olympic authorities and other stakeholders in each of these cities.

The major outcome of the COHRE Mega-Events, Olympic Games and Housing Rights project is a set of *Multi-Stakeholder Guidelines on Mega-Events and the Protection and Promotion of Housing Rights*. By following COHRE's *Multi-Stakeholder Guidelines*, it is hoped that the organisation of future events can be conducted in a manner that minimises the negative impacts on housing rights and ensures that mega-events contribute to a positive housing legacy.

COHRE believes that approaching the housing impact of hosting the Olympic Games and other mega-events from a housing rights perspective can significantly advance the achievement of the Olympic Movement's principles and commitments (as well as those of other mega-events), while also adequately protecting the housing rights of the local population.

Mega-event host cities must focus on how to mitigate negative housing impacts. They must also adopt concrete and practical measures to promote the right to housing. Approaching housing issues from the perspective of the right to adequate housing can assist in identifying truly positive legacies, where the benefits are equitably dispersed among all individuals and groups in society, including the most vulnerable and marginalised.

Ultimately, this project seeks to transform the planning and convening of the Olympic Games and other mega-events into processes that clearly promote and protect the local populations' housing rights. While the relationship between a country's human rights record and the awarding of the Olympic Games has been raised numerous times before, rarely has the planning process leading up the Olympic Games event itself been treated as a vehicle for improving the protection of human rights. This publication concludes with an analysis of examples of best practices and opportunities which are open to the members of the Olympic Movement and those associated with other mega-events for protecting and promoting housing rights.

This publication is designed to be one part of an ongoing focus on housing rights and the Olympic Games and other mega-events. COHRE has developed a dedicated website to continue its examination of this issue and to provide information and resources to others who are similarly interested. It is hoped that this will become a valuable resource for housing rights activists, governments and private entities involved in planning and hosting mega-events, and for members of the Olympic Movement and other hallmark event organisers. The website, [www.cohre.org/mega-events](http://www.cohre.org/mega-events), will be developed to contain background information relevant to this report (including the background papers on each of the Olympic Host Cities featured in this report), as well as a bibliography of various research material.

Finally, it must be noted that this report is by no means exhaustive, nor could it be. Rather, it seeks to use case studies of certain mega-events and demonstrate the impact these events have had on housing rights of the local communities.

COHRE's report demonstrates that the link between mega-events and adverse housing impacts is so clear and so consistent that housing concerns can no longer be ignored when these events are planned and staged. Housing concerns must be fully integrated into all aspects of the deliberations and preparations associated with staging mega-events.

# INTRODUCTION

Hosting a ‘mega-event’ can have a significant impact upon the enjoyment of housing rights for many of a city’s inhabitants. When cities prepare to host large-scale events such as major sporting, cultural or political gatherings, many people may find themselves displaced, sometimes forcibly, while others are disproportionately affected by rising housing prices. Many poor and marginalised communities are discriminated against as a city undergoes the significant redevelopment considered necessary in order to put it ‘on the world map’. The homeless are particularly affected – sometimes even treated as criminals – as efforts are frequently made to remove them from sight in order to avoid negative coverage in the publicity that accompanies such meetings. These aspects of hallmark events are generally overlooked and, as a result, largely neglected, although they may call into question a country’s compliance with international human rights law. At worst, these harms are presented as necessary outcomes, or downplayed as marginal compared to the benefits brought by mega-events.

The Centre on Housing Rights and Evictions (COHRE), a leading international housing rights organisation, and its partners on this project,<sup>3</sup> have taken the staging of the Olympic Games as a case study to analyse the impact that the organisation of mega-events may have upon communities and the opportunities that exist for minimising such effects through proper planning and consideration of housing issues throughout the hosting process. The project entailed academic research as well as field research in seven Olympic Host Cities (Athens, Atlanta, Barcelona, Beijing, Sydney, Seoul and London). The project’s findings and recommendations are presented in this publication.

As a major sporting event of significant scale and significance, the Olympic Games offer an important case study for both analysing the negative impacts of mega-events, as well as considering opportunities to address and prevent them. Hosting of the Olympic Games requires host cities to develop important infrastructure. This requirement, along with gentrification processes that often accompany the hosting of the Olympic Games, usually result in drastic changes in a city’s urban plan, and lead to people losing their homes, facing increased poverty, vulnerability and insecurity. For such persons, the Olympic Games mean heightened or new poverty, the loss of community, and even violence. Should it be this way? Is this simply an unavoidable impact, the price to pay to successfully host the Olympic Games? Who is responsible, for what and when? Has the International Olympic Committee (IOC) any responsibility for mitigating this impact? What measures should the Olympic Movement put in place to ensure that, in the run-up to and hosting of a mega-event, all stakeholders ensure compliance with international human rights norms?

This project aims to address these questions. It is based on the view that mega-events, including the Olympic Games, can be convened without forcibly evicting people, without criminalising the homeless and without rendering housing unaffordable for segments of the population. A comprehensive approach to this issue, firmly grounded in accepted international human rights norms and involving all stakeholders – including communities, local governments, national governments, the IOC, the United Nations (UN), corporate sponsors, those involved in venue construction, athletes and civil society groups – can potentially make a real difference in the lives of millions of people who would otherwise face forced eviction and resultant homelessness, displacement and despair. This project was designed to develop such an approach and to identify the mechanisms needed to re-orient planning processes to embrace housing rights concerns right from the start, rather than ignoring human rights principles.

3 The project partners include UN-Habitat, the Special Advisor to the UN Secretary General on Sport for Development and Peace, the Graduate Institute of International Studies (HEI), the Graduate Institute for Development Studies (IUED), the Geneva School of Architecture, the University of Toronto, the New York University Law School and the University of Wisconsin-Madison.

In the context of this project, research has been conducted in Athens, Atlanta, Barcelona, Beijing, Sydney, Seoul and London.<sup>4</sup> Our studies on each of these cities have highlighted that the staging of mega-events such as the Olympic Games<sup>5</sup> often impacts significantly upon the local population's enjoyment of the right to adequate housing. These impacts can take different forms; they can be direct or indirect, visible in the short-term or having longer-term effects. In most cases, they affect the most vulnerable and marginalised sectors of society, including the poor, the homeless and other minorities.

These impacts are not unique to the Olympic Games – studies of other mega-events also show similar outcomes and vulnerabilities. A decade ago the UN Centre for Human Settlements (UNCHS) identified that more than one in seven massive evictions worldwide were related to mega-events, and that 'beautification' projects related to these events served as the most common justification for slum clearance programmes.<sup>6</sup> COHRE's research generally confirms this.<sup>7</sup> In 2004 over 20 percent of the global forced evictions recorded by COHRE were caused by mega-events.<sup>8</sup> It is hoped that the lessons to be learned from this case study of the Olympic Games can also be applied to other mega-events.

Overall, from the first city studied in this publication, Seoul (host of the 1988 Olympics), to Beijing (the upcoming host of the 2008 Olympics 20 years later), we can see patterns of forced evictions preceding the hosting of the Olympic Games. In most Olympic host cities we can also see evidence of escalating housing costs, leading to a reduction in the availability of affordable housing (particularly evident in Barcelona, Atlanta and Sydney) and absolute declines in the level of public housing stock and low cost housing in general (evident in every Olympic Host City studied, from Seoul to London). In each case, those who are particularly vulnerable to the effects of these impacts are the marginalised groups such as low-income earners, those with insecure tenure, and ethnic minorities (for example, the urban poor in Seoul, low-income earners and the elderly in Barcelona, African-Americans in Atlanta, tenants on short term tenure in Sydney, the Roma in Athens, the poor in Beijing, public housing residents, Romani Gypsies and Travellers in London, and migrants in Beijing).

At present, beyond the framework of international human rights law, there are no specific regulations, guidelines or procedures binding on cities organising the Olympic Games or other mega-events, requiring them to prevent forced evictions; protect against the rising cost of housing; ensure no reductions in social housing stock; cement a role for engagement with affected residents; or institutionalise non-discrimination in the effects that mega-event construction and related regeneration processes have upon communities and individuals. In the case study of the Olympic Games, no mechanisms or procedures are in place within the IOC to prevent or mitigate the negative impacts of hosting the Olympic Games, or to ensure a greater focus on using the Olympic Games to promote a positive housing legacy. This needs to change.

One of the reasons why the Olympic Movement provides such a good case study for mega-events and housing is that in recent times there has been significant progress made within the Olympic Movement to understand the various implications of the Olympic Games, including the long-term legacy created by the staging of this event. Increasing emphasis on the need for the Olympic Games to promote sustainable development and leave a positive post-Olympic legacy demonstrates how the Olympic Movement and the IOC are focused on addressing these concerns. The introduction of a level of transparency in the Host City election procedure is an example of efforts to address these concerns. These recent developments, including the inclusion of the environment as a third Olympic dimension, alongside sport and culture, illustrate the willingness and capacity of the Olympic Movement to engage in innovative progress. The increasing number of cooperation agreements between the UN and the IOC also indicate the significant parallels and increasing convergence between both organisations inspired by the same universal values and fundamental principles.

We have also seen developments in the willingness of Host and Candidate Cities to embrace sustainability and the 'positive legacy' aspects of the bid process. Some encouraging initiatives have come from Host and Candidate Cities that have been eager to demonstrate the positive effects the Olympics could have for their cities. For example, Sydney touted itself as hosting the 'Green Games', focusing on the way in which the Games could promote environmental issues and sustainability concerns.

4 This project has focused in particular the housing impacts of the Summer Olympic Games. Many housing impacts also result from the hosting of the Winter Olympic Games. While it has been beyond the scope of this study to detail these, some are briefly discussing in Chapter II and at the end of chapter IV

5 The Olympic Games are held parallel with the Paralympic Games. This study considers both of these events together, and usually refers only to the Olympic Games except when specific issues relating to the Paralympics are discussed.

6 UN Centre for Human Settlements (UNCHS) *An Urbanizing World: Global Report on Human Settlements*: (Nairobi: Habitat, 1996), para. 245-246.

7 COHRE, *Global Forced Evictions Survey* (Geneva: COHRE, 2006).

8 Ibid.



Beijing, Hujialou: As recently as February 2007 dozens of families were still living in these buildings targeted for demolition, having passed the winter without windows, doors or heating [Photo courtesy of COHRE].

Beijing has promised to continue this trend. In the bidding for the 2012 Games, a number of Candidate Cities promoted social housing components in the post-Games development of the Olympic Village. Each of these initiatives was driven by the Host or Candidate Cities themselves, and not by the IOC.

The IOC has not looked in a comprehensive manner at the impact which staging the Olympic Games has upon housing in a Host City. It has not introduced any specific requirements to mitigate the housing-related impacts of the Olympic Games in its selection procedure. However, the Olympic Movement's internal obligations and commitments clearly include a need to consider issues related to the housing impact of the Games on the local population. These housing concerns should, therefore, be addressed in the candidature and selection processes. The IOC has the tools to address this dimension within its current structure, and it has a responsibility to do so. The IOC and other members of the Olympic Movement should take up this challenge and lead the way in demonstrating to the organisers of other mega-events how to ensure a sustainable social legacy for all involved in such events, including, and in particular, the local communities.

It is not just the IOC or organisers of other mega-events that have responsibilities in relation to the impact on housing of these events. Governments, regional and local authorities, project partners, construction companies, corporate sponsors, even athletes and spectators, all have a role to play in ensuring that mega-events such as the Olympic Games create a positive impact in all respects – including for the local community's enjoyment of the right to housing. It is for this reason that this report addresses the Olympic Movement from a broad perspective, including all those involved in hosting and staging the Olympics, from the IOC and National Organising Committees, to corporate sponsors and other participants. It is only if each party involved in such events is cognisant of the effects that their involvement can potentially have, that we can begin to see changes for those whose housing rights are most negatively affected.

The major outcome of the COHRE Mega-Events, Olympic Games and Housing Rights project is a set of *Multi-Stakeholder Guidelines on Mega-Events and the Protection and Promotion of Housing Rights*. By following COHRE's *Multi-Stakeholder Guidelines*, it is hoped that the organisation of future events can be conducted in a manner that minimises the negative impact on housing rights and ensures that mega-events contribute to a positive housing legacy.

## 1. METHODOLOGY

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This publication is the outcome of a project spanning approximately three years, which has focused on analysing the impact that mega-events can have upon the enjoyment of the right to adequate housing. This project has been coordinated by COHRE and was carried out in partnership with the following institutions: UN-Habitat, the Office of the Special Adviser to the Secretary-General on Sport for Development and Peace, the Graduate Institute of International Studies (HEI), the Graduate Institute for Development Studies (IUED), the Geneva School of Architecture, the University of Toronto, the New York University Law School and the University of Wisconsin-Madison. These project partners were represented in an Advisory Board that has supervised the project's implementation. Members of the project's Advisory Board have included: Philip Alston, Rémi Baudouï, Andrew Clapham, Selman Erguden, David Hulchanski, Michael Kleiner, Scott Leckie, Kris Olds, Farouk Tebbal, Alain Viaro and David Winiger.

The Olympic Games have been used as a case study in this project, however the principle of ensuring that mega-events do not lead to abuses of housing rights remains important for other events as well. The hosting of large-scale sporting events in particular, such as the World Cup, the America's Cup and the Commonwealth Games, as well as other types of world events such as World Fairs and World Expos, and even Miss Universe and Miss World competitions, can all have negative impacts upon the local communities' ability to enjoy their right to adequate housing. These other events are briefly addressed in Chapter II of this study.

Many mega-events are based on principles similar to those underscoring the organisation of the Olympic Games – the desire to enhance international cooperation and understanding – but these admirable principles cannot be fully achieved if vulnerable groups and individuals are hurt in the process. For example, mega-events cannot be regarded as successful if they are accompanied by forced evictions which violate human rights law or if they result in restrictions on the ability to access the right to adequate housing because of unaffordability or the lack of social housing, or if they are accompanied by legislation criminalising homelessness or otherwise targeting minority groups. Rather, the prevention of these practices and the effective protection of the human rights of local inhabitants should be seen as a necessary part of the process of hosting the event. Indeed, the positive contributions of the Olympic Games and other mega-events to global peace and understanding is undermined when forced evictions and other violations of the right to housing are carried out prior to the convening of these events.

This project is not intended to outline a global human rights framework for staging the Olympic Games. Rather, it specifically examines the direct impact of the Olympic Games on the housing situation of the local populations in the Host Cities and hence focuses on how compliance with the human right to adequate housing can best be furthered.

The project involved both academic and field research. The academic research analysed the Olympic Games' impact on local housing from an international human rights perspective. It considered whether the IOC was addressing this issue in its selection procedure for Olympic Host Cities and whether the Olympic Movement's governing documents and internal values required or requested the IOC to do so. The research also looked at the responsibility of other Olympic stakeholders, including Host Cities and Host Governments, as well as Olympic sponsors and other Olympic-related entities, to uphold the local population's housing rights. Field research assessed how housing conditions and rights have been (or are being) affected in the preparations for the Olympic Games. The on-site research and fact-finding missions included assessments of: the phenomena of forced evictions related to the preparations for the Olympic Games, with regard to their scale and the affected communities; resettlement and compensation, and issues such as escalation in housing costs; reductions in public and low cost housing; discrimination against minorities; and community participation. They also attempted to identify best practices, and to address the relationship between displacements and forced evictions carried out in relation to the Olympic Games and other urban redevelopment programmes, as well as other phenomena such as rising housing costs and declining public housing stock.

Research was conducted in five former and one future Summer Olympic Games Host Cities: Beijing (China, 2008 Olympiad); Athens (Greece, 2004 Olympiad); Sydney (Australia, 2000 Olympiad); Atlanta (USA, 1996 Olympiad); Barcelona (Spain, 1992 Olympiad); and Seoul (South Korea, 1988 Olympiad). During this project, London's selection as Host City for the 2012 Olympic Games was announced, so an additional study was included comparing the 2012 Candidate Cities and the way in which housing considerations featured in their bids, and providing a preliminary assessment of some of the housing impacts already evident in London. COHRE has published separate background papers on each of these cities. Each of these background papers was written by local researchers (usually based in the city under examination) and all are published by

COHRE as part of its Mega-Events, Olympic Games and Housing Rights Project.<sup>9</sup> The 'on the ground' research was complemented by COHRE's fact finding missions, undertaken throughout 2006 and 2007, to Seoul, Barcelona, Atlanta, Sydney, Athens and London. Recognising that writing local urban histories is a complicated affair – perspectives differ and information is at times difficult to gather – COHRE welcomes any feedback on the individual case studies of Olympic Host Cities.

Accompanying the research and field visits, the project partners have undertaken consultations regarding the elaboration of COHRE's *Multi-Stakeholder Guidelines on Mega-Events and the Protection and Promotion of Housing Rights*<sup>10</sup> and other procedures more specifically focused on the Olympic Movement and the IOC.

Ultimately, this project seeks to transform the planning and convening of the Olympic Games and other mega-events into processes that clearly promote and protect the local population's housing rights. While the relationship between a country's human rights record and the awarding of the Olympic Games has been raised numerous times before, rarely has the planning process leading up the actual event itself been treated as a vehicle for improving the protection of human rights. This publication concludes with an analysis of the opportunities which are open to the members of the Olympic Movement and those associated with other mega-events for protecting and promoting housing rights.

This publication is designed to be one part of an ongoing focus on housing rights and the Olympic Games and other mega-events. COHRE has developed a dedicated website to continue its examination of this issue and to provide information and resources to others who are similarly interested. It is hoped that this will become a valuable resource tool for housing rights advocates, governments and private entities involved in planning and hosting mega-events, and for members of the Olympic Movement and other hallmark event organisers. The website, [www.cohre.org/mega-events](http://www.cohre.org/mega-events), will be developed to contain background information relevant to this report (including the reports on each Olympic host city featured in this report), as well as a bibliography of useful research material.

Mega-events are, by their very nature, one-off opportunities for a city, so that when a city stages an event, the communities involved in monitoring the housing impacts are unlikely to have had extensive experience with similar scenarios. This publication and the project's website are intended to redress this by providing useful information on the housing rights impacts of mega-events. It is hoped that the website will become a place where those who are considering hosting mega-events can access information about how to best protect housing rights throughout the process.

## 2. RELATIONSHIP WITH THE INTERNATIONAL OLYMPIC COMMITTEE

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From the outset, COHRE and its partners adopted a collaborative approach in relation to the IOC. However, although attempts were made to engage with the IOC on various occasions during the duration of the project, this proved difficult at times and to date has produced very few positive results. While the IOC showed interest on various occasions in taking up the issues raised for further discussion, very little progress would appear to have been made as yet.

There have been a number of reforms undertaken at the IOC in recent times. The project partners believe the IOC is to be commended for the various commitments it has undertaken regarding analysing the post-Olympic legacy in Host Cities and focusing on the ethical framework upon which the Olympic Movement was founded. These positive developments prompted our desire to engage in a dialogue with the IOC and collaborate in order to bring about internal changes to better protect housing rights in the context of the Olympic Games. Our goal was (and remains) to encourage the IOC to build on the reforms it has already made and to include housing-related requirements, safeguards and monitoring tools in the candidate city and Host City selection processes. The project team met with the IOC on two occasions; initially at the programme officers' level and subsequently at the directors' level.<sup>11</sup> While the first meeting was very encouraging regarding the IOC's willingness to address the housing impact of the Olympic Games, we were disappointed that, at our second

9 Lisa Kim Davis, *Housing Evictions and the Seoul 1988 Summer Olympic Games*, (Geneva: COHRE, 2007); Observatorio DESC, *Barcelona 1992: International Events and Housing Rights: A Focus on the Olympic Games*, (Geneva: COHRE, 2007); Anita Beaty, *Atlanta's Olympic Legacy*, (Geneva: COHRE, 2007); Hazel Blunden, *The Impacts of the Sydney Olympic Games on Housing Rights*, (Geneva: COHRE, 2007); Greek Helsinki Monitor, *The Housing Impact of the 2004 Olympic Games in Athens*, (Geneva: COHRE, 2007); New Beijing, *New Olympics: Urban Transformation at What Cost?* (Geneva: COHRE, 2007); Claire Mahon, *Hosting the 2012 Olympic Games: London's Olympic Preparations and Housing Rights Concerns*, (Geneva: COHRE, 2007). These reports are available at [www.cohre.org/mega-events](http://www.cohre.org/mega-events)

10 COHRE, *Multi-Stakeholder Guidelines on Mega-Events and the Protection and Promotion of Housing Rights*, (Geneva: COHRE, 2007), available at [www.cohre.org/mega-events](http://www.cohre.org/mega-events)

11 The first meeting was held on 24 January 2005 (IOC attendees included staff from the International Cooperation and Development section, the Olympic Games Department and the Olympic Studies Centre). The second meeting took place on 11 May 2006 with Mr Gilbert Felli, Director of the Olympic Games.

meeting with the Executive Director for the Olympic Games, we were met with an unwillingness to collaborate or to recognise the importance of this issue.

The project's preliminary research was made available to the IOC over one year before final publication. It clearly established that the Olympic Movement's principles and commitments require immediate action from the IOC on housing-related issues. The IOC did not respond to this preliminary research and made no specific comments on the research's findings. After presenting this research, COHRE and its project partners are unconvinced that the IOC has made any progress in addressing these concerns, or that it has shown any desire to take on board the suggestions that were offered as to how housing rights considerations could be better integrated into their work. It is hoped that this publication and the project's continued attempts to engage with the IOC will eventually lead to some positive developments regarding the ways in which housing rights concerns are addressed by the Olympic Movement.



Beijing: Poster on the left asks why residents are being offered 360 RMB / sq meter less in compensation than the (then) appraised value of 5760 RMB / sq meter. RMB is short for Ren Min Bi, or 'the people's currency'. RMB is also known as the Chinese Yuan and cited as CNY by currency traders. Top right is a photocopy of the newspaper article announcing the land price adjustment of 2002 cited in the previous quote. Middle right headline: "Chaigian Company No Longer Has Special Rights". Lower right headline: "Who is Splitting Sanlitun's 6 Billion RMB <Chaigian Cake>". [Photo courtesy of COHRE]

# MEGA-EVENTS AND HOUSING RIGHTS

The convening of major international events is becoming increasingly commonplace. While such events were comparatively rare some 30 years ago, we now live in a time of unprecedented mobility where people, products and events span the far corners of the world. Now, it seems that barely a day passes without some city hosting a major international gathering. Such events can be seen as generally positive developments which support and foster mutual understanding among nations and peoples. The host nations, cities and multinational corporations sponsoring large international events often benefit from publicity, tourism and infrastructure development.

As the frequency and size of international events are likely to increase in coming years, it is of paramount importance that steps are taken to appropriately guide the planning and development processes linked to the hosting of international events. These processes must become more sensitive to the social impact they may have upon the marginalised sections of society in host cities. This is necessary in order to alleviate negative impacts of hosting such events; namely, forced evictions, reductions in the levels of housing affordability, targeting of vulnerable groups, and other such effects.

Mega-events<sup>12</sup>, commonly also termed ‘hallmark events’, are large-scale tourist events of limited duration, designed to generate attention and attract support (often in terms of public funding and private investment) in order to stimulate redevelopment.<sup>13</sup> The staging of a mega-event is typically motivated by three key concerns: (1) putting the city ‘on the world map’ (increasing tourism); (2) boosting economic investment in the city and attracting capital (for improving urban infrastructure and redevelopment); and (3) ‘reimagining’<sup>14</sup> the city.

“Possibly the majority of hallmark events are staged to enhance local, regional or national tourist development. This may be in terms of increasing visitor numbers, boosting tourism industry profitability, or promoting destination awareness. However, increasingly hallmark events, especially mega hallmark events, are sought in order to boost a city’s broader international status, promote wider investment, or to accelerate urban redevelopment. Hallmark events provide an opportunity to ‘show off’ the city for a variety of economic, political and status reasons – motivations that exceed the simple chase for the tourist dollar. Consequently, hallmark events are avidly sought by political and business elites for wider economic and political reasons.”<sup>15</sup>

Each of these motivations for hosting a mega-event leads to specific impacts: “These impacts frequently show up the city rather than show it off.”<sup>16</sup> For example, attempts to improve the urban infrastructure through redevelopment can lead to a

12 Mega-events have been described as “short-term events with long-term consequences for the cities that stage them. They are associated with the creation of infrastructure and event facilities often carrying long-term debts and always requiring long-term use programmes. In addition, if successful, they project a new (or renewed) and perhaps persistent and positive image and identity for the host city through national and international media, particularly TV, coverage. This is usually assumed to have long-term positive consequences in terms of tourism, industrial relocation, and inward investments.” Maurice Roche as quoted in Solomon J. Green, ‘Staged Cities: Mega-events, Slum Clearance and Global Capital’, *Yale Human Rights and Development Law Journal*, Vol.6 (2003), p. 165.

13 The two commonly cited definitions of hallmark events are those of Ritchie and Hall: “Major one-time or recurring events of limited duration, developed primarily to enhance the awareness, appeal and profitability of a tourism destination in the short and/or long term. Such events rely for their success on uniqueness, status, or timely significance to create interest and attract attention.” J. R. Brent Ritchie, ‘Assessing the Impact of Hallmark Events: Conceptual and Research Issues’, *Journal of Travel Research*, Vol. 23, No. 1 (1984), p. 2.

“Mega tourist events, otherwise referred to as hallmark or special events, are major large-scale fairs, festivals, expositions, or cultural and sporting events that are held on either a regular or a one-off basis, which often require a substantial input of public funding and/or support that serve as major mechanisms for physical redevelopment and/or reimagining strategies.” Colin Michael Hall, *Hallmark Events: Impacts, Management, and Planning of Event Tourism*, (Belhaven Press: New York, 1992).

14 Ibid.

15 Gary Cox, ‘Faster, Higher, Stronger ... but what about our rights? Human rights and hallmark events’, paper presented at the 17th Annual Meeting of the International Association for Impact Assessment (New Orleans, USA: May 1997). See further, Hall, *Hallmark Events* (1992).

16 Gary Cox, ‘Showing off or Showing Up the City? The Social Impacts of Major Events’, paper presented at the 16th Annual Meeting of the International Association for Impact Assessment (Lisbon, Portugal: June 1996).

decrease in public housing stock and an escalation of real estate prices, which makes housing unaffordable for many low income residents and other marginalised groups. The desire to show off a city and make it an attractive tourist destination is often accompanied by a process of sanitisation – clean-ups of public areas facilitated by criminalisation of homelessness and increases in police powers. Rebuilding a city's image appears, from the examples of many mega-events, to mean rebuilding a city to make it more attractive for the local, national and international elites (middle and high income earners), and as a result, less liveable for those who fall outside these categories.

Academic scholars studying mega or hallmark events have identified pre-event, event and post-event impacts, each of which may involve unintended and unanticipated consequences.<sup>17</sup> Professor Kris Olds groups the housing impacts of mega-events into four temporal categories: (1) onsite impacts; (2) post-announcement speculative impact; (3) pre-event tourist accommodation supply impact; and (4) post-event impact.<sup>18</sup> These effects are sometimes felt long into the future. Parallel or collateral effects may also be felt, and while these may not be a direct result of the event itself, they nonetheless form part of the overall outcome.<sup>19</sup> The cause-effect relationship is often difficult to identify clearly, particularly as regards collateral effects, and impacts may be cumulative in nature.<sup>20</sup> Mega-events can often also be a catalyst or excuse for other changes, so that while redevelopment programmes may not be directly connected to the construction of, for example, new event facilities, the two processes are intricately linked. Further, some impacts can entail both positive and negative aspects; i.e. a desirable effect could include the upgrading of deteriorating structures or redeveloping and modernising a city, while the undesirable consequence of this is often the displacement of groups that contribute to the diversity of the city.

The staging of a mega-event is considered to be a special or exceptional opportunity for a city, which arguably demands or justifies exceptional measures to facilitate its implementation. Such exceptional measures can include the introduction of special enabling legislation, the reduction of normal protections offered to local residents, changes in construction and redevelopment laws and standards, and restrictions of civil liberties.<sup>21</sup> A desire for the community to engage enthusiastically in preparing their city to be the centre of international attention can often result in the dissuasion of dissent and the stifling of objections. This may lead to the further marginalisation of those questioning the negative impacts of the event, to their being labelled as anti-national, or as unsupportive of or opposing the event itself. Depending on a country's tolerance for dissident voices, and the degree of protection afforded to freedom of expression and freedom of association, opposition to the negative effects of mega-events can be met with brutality, repression and in some instances, imprisonment.

Promoters of mega-events typically comprise a collection of corporate interests, including the tourism industry, construction industry, development corporations and other real estate interests. The business opportunities offered by a mega-event can mobilise vast quantities of capital, from both public and private actors. The organisation of mega-events is often a result of public-private collaboration, as both public and private funds are usually required. The decision to stage a mega-event and the process of planning and hosting the event are thus normally entrusted to a business and political elite, with little community participation or transparency regarding the planning and governance processes.

Our studies show that, whatever the nature of the mega-event, they are not used by their promoters as opportunities to unite the community over a sporting or cultural occasion, but are primarily instruments of economic development, modernisation, and an opportunity to re-engineer the image of a city. Yet the benefits of this process are rarely reaped by all, and the negative impacts that are inflicted upon many, before, during and after the event, are not merely undesirable – in many instances, they constitute violations of international human rights law, in particular the right to adequate housing.

17 Harry H. Hiller, 'Assessing the Impact of Mega-Events: A Linkage Model', *Current Issues in Tourism*, Vol. 1, No. 1 (1998).

18 Kristopher Olds, 'Canada: Hallmark Events, Evictions, and Housing Rights' in A. Azuela, E. Duhau and E. Ortiz (eds.), *Evictions and the Right to Housing: Experience from Canada, Chile, the Dominican Republic, South Africa, and South Korea* (Canada: International Development Research Centre, 1998), available at [http://www.idrc.ca/en/ev-32007-201-1-DO\\_TOPIC.html](http://www.idrc.ca/en/ev-32007-201-1-DO_TOPIC.html)

19 Hiller, 'Assessing the Impact of Mega-Events' (1998).

20 Cox, 'Showing off or Showing Up the City' (1996).

21 Olds, 'Canada: Hallmark Events, Evictions, and Housing Rights' (1998).



Beijing: Residents express their views on the walls of their buildings. Chinese script reads, at line one: "Tongying Company Violent Evictions Harass Residents by Removing Windows and Scraping the Walls" Line two: "Residents have long tried to stop forced evictions, as have the police but without effect." Line three: "How can [Tongying] go against the publicly broadcast call protect social stability." [Photo courtesy of COHRE]

## 1. MEGA-EVENTS AND THEIR IMPACT ON HOUSING

Mega-events frequently have a significant impact on the enjoyment of housing rights. Whether the event is a cultural event such as a World's Fair or World Expo, a sporting event such as the World Cup or the Commonwealth Games, or a political gathering such as the IMF/World Bank Conferences, it is possible to identify the negative impact that such events have upon local residents. The organisation and implementation of such events are all too frequently characterised by forced evictions, discrimination in the implementation of gentrification or beautification programmes, and/or a striking increase in the unaffordability of housing for local residents.

Our studies of mega-events show significant housing impacts no matter what the event, be it a cultural celebration, sporting occasion or a political gathering.

### 1.1 Cultural mega-events

Cultural mega-events offer an opportunity to open a city to the world, often over an extended period of time. The most notable international cultural mega-event is the World's Fair or World Expo, a semi-regular event which has been organised for more than a century.<sup>22</sup> These expositions are considered to be the third largest event in the world in terms of economic and cultural impact, after the World Cup and the Olympic Games. The regulation of such events is coordinated by the International Exhibitions Bureau (Bureau International des Expositions (BIE) and governed by an international convention.<sup>23</sup> The World's Fairs, which can be either international or specialised events, normally last between three to six months. The Universal World's Fairs are held in a specially constructed pavilion building, and there is much competition surrounding the design of this structure. Expos were traditionally developed to showcase new inventions and to facilitate cultural exchange between nations. In modern times, they are also used to promote the national image of participating countries and as an exercise in national branding for the host country.<sup>24</sup> For example, Expo '92 in Seville was used by Spain to promote itself as a modern and democratic country.

<sup>22</sup> See further <http://www.bie-paris.org/>

<sup>23</sup> Convention Relating to International Exhibitions, signed in Paris on 22 Nov. 1928, available at <http://www.bie-paris.org/main/index.php?p=5&m2=24>. The BIE's Regulations establish that there is an Executive Committee that assesses the applications to host international exhibitions, but the principles or criteria for selection of such hosts, if any, are not clear: Regulations of the International Exhibitions Bureau, available at <http://www.bie-paris.org/main/index.php?p=6&m2=25>

<sup>24</sup> Wally Ollins, 'National Branding in Europe', *Business at Oxford: The Magazine of the Said Business School*, Issue 7 (Summer 2005).

At its General Assembly in 1994, the BIE adopted a resolution designed to “guarantee that Expos will contribute to the quality of life, to the quality of the environment and to the preservation of resources”.<sup>25</sup> The resolution, entitled “The Conditions of the Insertion and Re-Utilisation of the Site” states:

In order to ensure the contribution which exhibitions should make to the development and the improvement of the quality of life, the organisers should accord a primordial importance to:

- the environmental conditions of insertion of the site and the infrastructures of access; to the reduction of the risks of pollution, to the preservation and constitution of green spaces and to the quality of real estate development.
- the re-utilisation of the site and its infrastructures after the exhibition.”<sup>26</sup>

Despite these proclamations, even the most recent World’s Fairs are marred by significant housing impacts. The bulldozing of squatters’ homes in Seville<sup>27</sup> is merely one example of the downside of the desire to improve a nation’s image through an event such as the World Expo. At the time of writing this report, the city of Shanghai is being transformed in preparation for its hosting of the 2010 World Expo, and already thousands of people are suffering the effects. A boom in construction in the city has led to the displacement and eviction of many: 18,000 families have been evicted from the Expo site alone.<sup>28</sup> However, this figure is only a small portion of the 400,000 people who will be moved to the suburbs as part of a comprehensive urban development scheme that includes the Expo, large infrastructural development, and market-rate commercial and residential development. The Expo site is positioned in a densely populated area of central Shanghai,<sup>29</sup> which means many inner city residents are being relocated while the city is transformed. One architect estimates that only five percent of the neighbourhoods existing in 2003 will remain by 2010.<sup>30</sup>

Residents are being relocated to faraway suburban areas,<sup>31</sup> as their compensation packages are not adequate for them to relocate within the inner city, raising issues related to access to the workplace and livelihood opportunities.<sup>32</sup> No low-income housing is being rebuilt in the city’s core.<sup>33</sup> There are persistent reports of high-level corruption involving developers and politicians, and it is claimed that the Chinese Government has not engaged in adequate dialogue with evictees nor afforded them appropriate process for consultation.<sup>34</sup> For example, there have reportedly been no public consultations on the city’s planned neighbourhood demolitions.<sup>35</sup> In fact, Chinese authorities have detained residents protesting against the evictions and their legal representatives.<sup>36</sup> To compound these violations of internationally recognised housing standards, in 2005 the Supreme Court ordered lower courts to stop hearing cases brought by those who had been evicted,<sup>37</sup> and the Government has introduced new regulations restricting the ability of lawyers to represent groups of evictees.<sup>38</sup>

Over the course of the past two decades of World’s Fairs, little has changed, although perhaps the quantity of evictees is unprecedented in Shanghai. At the time of the 1988 Expo in Brisbane, Australia, between 1,400 to 3,000 people were estimated to have been evicted from low cost housing due to unbearable escalation in rental costs or the demolition of their homes in favour of high-rent commercial and residential development on the former Expo site.<sup>39</sup> In the leadup to the 1988 Brisbane Expo, neither the State Government nor the city made arrangements to provide affordable replacement housing,<sup>40</sup> and it is estimated that over 800 beds were lost as a result.<sup>41</sup> However, the comprehensive impacts of Expo ‘88 on the

25 *Progression*, BIE Newsletter, No. 3 (Fall 2006).

26 Resolution No 2, ‘The Conditions of the Insertion and Re-Utilisation of the Site’, *Resolutions Proposed by the Working Group and Adopted by the 115th Session of the General Assembly on 8th June 1994*, Bureau International des Expositions.

27 Margot Hornblower, ‘The Dark Side of Spain’s Fiesta’, *Time Magazine - U.S. Edition* (13 July 1992).

28 Bill Savadove, ‘City Betting High in World Expo Expectation Game’, *South China Morning Post* (10 June 2006).

29 *Ibid.*

30 Howard French, ‘Shanghai’s Boom: A Building Frenzy’, *The New York Times* (13 Apr. 2006), p. 1.

31 *Ibid.*

32 ‘Relocation of 17,000 Households from 2010 Shanghai Expo Site To Be Completed by End-2006’ *Chinese News Digest* (19 Oct. 2004). Reports over compensation vary, but some residents claim to have accepted 4,000-5,000 Yuan per sq. m: Bill Savadove, ‘Residents Cry Foul as Shanghai Hails Expo Relocation Success’, *South China Morning Post* (1 June 2006).

33 French, ‘Shanghai’s Boom’ (2006).

34 *Ibid.*

35 *Ibid.*

36 Bill Savadove, ‘Housing-Eviction Protesters Detained’, *South China Morning Post* (21 Sept. 2005). See also, Gady A. Epstein, ‘Chinese Dissenters Face Jail for ‘State Secrets’ Violations; Vague, Catchall Term is Used to Punish Activists’, *The Baltimore Sun* (13 Mar. 2005); See also, ‘Beijing’ *The Economist* (11 Oct. 2003). In 2006 COHRE awarded its ‘Housing Rights Defender Award’ to seven Chinese activists (Fu Xiancai, Ma Yalian, Liu Zhengyou, Huang Weizhong, Chen Xiaoming, Xu Zhengqing, and Zheng Enchong), many of who had been imprisoned for their activism. All seven activists have been subjected to ongoing intimidation, harassment and even beatings for their housing and land rights activities.

37 Geoff Dyer, ‘Shanghai Property Boom Brings Eviction Protests’, *Financial Times* (13 Aug. 2005).

38 Human Rights Watch (HRW) *A Great Danger for Lawyers: New Regulatory Curbs on Lawyers Representing Protesters* (New York: Human Rights Watch, 2006).

39 Mike O’Connor, ‘South Bank Revisited’, *Queensland Newspapers* (11 Apr. 1990); see also Juanita Phillips, ‘The Dispossessed’, *Queensland Newspapers* (10 Mar. 1988); and J. Orr, ‘Interest Rates Rise “Threatens Renters”’, *Queensland Newspapers* (30 May 1988).

40 Orr, ‘Interest Rates Rise’ (1988).

41 COHRE interview with Australian housing advocates, Sydney, March 2007.

neighborhood surrounding the site (in particular the neighbourhood of West End) are difficult to discern because neither the State nor Federal Government carried out a social impact assessment of the event.<sup>42</sup>

The announcement of Vancouver as host city for the 1986 World's Fair created a market for land speculation in neighbourhoods that bordered the site.<sup>43</sup> Landlords evicted between 500 and 850 people in order to use their units to accommodate tourists for the fair.<sup>44</sup> Most evictees were unemployed, elderly, poor, and either handicapped or in a poor state of health.<sup>45</sup> The City Council wanted legislation to protect renters in the area from eviction; however, the provincial government, the only body with the power to do so, refused to intervene.<sup>46</sup> In addition, between 1,000 and 2,000 low income lodging house units were lost to demolition or conversion to non-residential uses,<sup>47</sup> while 1,150 residential hotel units were lost in the few years following the Expo, as the Pacific Place, a giant mixed-use development, was constructed on the Expo site.<sup>48</sup>

At the 1982 World's Fair in Knoxville, United States, approximately 1,500 tenants were evicted from low-rent accommodations as landlords rented their apartments to visitors.<sup>49</sup>

It is not only the World's Fairs and Expos that create significant housing impacts. During the 2006 Cultural Capital of Europe celebrations in Patras, Greece, Roma were harassed, and threatened with eviction, and most were eventually evicted from their shantytowns, as the municipality attempted to 'clean' itself for hosting this festival of culturally-themed events.<sup>50</sup> Even events organised by the United Nations, such as the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (held in Durban, South Africa, in 2001), can have an impact on local housing conditions, given their sheer size and the number of visitors who descend upon a city to attend such an event.

Historical milestone events can also result in negative housing impacts. The Australian Bicentennial on 26 January 1988, which was marked by a year of celebrations throughout the country, resulted in a loss of low income housing in Sydney as boarding houses were converted into tourist accommodation.<sup>51</sup> At the time, there was limited monitoring of these housing impacts.

As a consequence of the 1992 celebrations for the 500th Columbus Anniversary in Santo Domingo, the Dominican Republic, 30,000 families (180,000 people) were evicted from their homes as part of urban redevelopment schemes conducted in the course of preparations (from 1986 to 1992).<sup>52</sup> Most were not offered any form of resettlement.<sup>53</sup> These violations of housing rights were addressed by the UN Committee on Economic, Social and Cultural Rights when it came to review the Government's implementation of the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*.<sup>54</sup> While much of the impact of the mega-event surrounding the 500th Columbus Anniversary in Santo Domingo is difficult to separate from ongoing redevelopment schemes, the neighbourhoods surrounding the monument built specifically for this event were directly affected. For example, over 10,000 people were evicted to make way for a lighthouse and surrounding grounds, and a four-mile long wall was erected to block the view of poor areas.<sup>55</sup>

It seems that staging horticultural fairs can also involve evictions: in Osaka, Japan, at the 2006 World Rose Convention, 440 private security guards and 350 police officers forcibly removed 28 tents occupied by homeless people from two public parks.<sup>56</sup>

42 Phillips, 'The Dispossessed' (1988).

43 Kristopher Olds, 'Canada: Hallmark Events, Evictions, and Housing Rights' in A. Azuela, E. Duhau and E. Ortiz (eds.), *Evictions and the Right to Housing: Experience from Canada, Chile, the Dominican Republic, South Africa, and South Korea* (Canada: International Development Research Centre, 1998), available at [http://www.idrc.ca/en/ev-32007-201-1-DO\\_TOPIC.html](http://www.idrc.ca/en/ev-32007-201-1-DO_TOPIC.html)

44 Ibid.

45 Ibid.

46 Ibid.

47 Ibid.

48 Ibid.

49 Art Harris, 'It's the South's "Biggest Extravaganza"; But Don't Ask the Evicted Tenants What They Think of Expo "82"', *The Washington Post* (28 Mar. 1982).

50 'Roma File Complaint Against Greek City', *Agence France Presse English Wire* (27 Dec. 2005); See also, Christine Pirovolakis, 'Culture Capital Patras Shuns the Gypsies', *Bangkok Post* (27 Dec. 2005).

51 Cox, 'Showing off or Showing Up the City?' (1996).

52 Edmundo Morel and Manuel Mejia, 'The Dominican Republic: Urban Renewal and Evictions in Santo Domingo Rights', in A. Azuela, E. Duhau and E. Ortiz (eds.), *Evictions and the Right to Housing: Experience from Canada, Chile, the Dominican Republic, South Africa, and South Korea* (Canada: International Development Research Centre, 1998).

53 Green, 'Staged Cities' (2003), p. 176.

54 *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Dominican Republic*, UN Doc. E/C.12/1994/15 (1994).

55 Green, 'Staged Cities' (2003), p. 177.

56 Justin McCurry, 'Police Move in on Japanese Homeless', *Guardian* (31 Jan. 2006); See also, 'Osaka City Removes Homeless Tents; Tempers Flare as City Workers, Homeless Residents Face Off in Municipal Parks', *The Daily Yomiuri* (31 Jan. 2006).

Finally, perhaps the most headline-grabbing example is that of Nigeria's attempt to beautify the city of Abuja in preparation for hosting the 2002 Miss World Beauty Pageant. As a consequence, the world witnessed the ugly impacts of mega-events, with the destruction of shantytowns and the forced eviction of at least 1,000 households.<sup>57</sup> Here authorities implemented a policy of rounding up and institutionalising homeless persons for a four-week period until after the pageant.<sup>58</sup> This is not a unique example of evictions carried out in order to beautify the city in preparation for hosting a beauty pageant: Thailand did a similar thing when hosting the Miss Universe Beauty Pageant in the same year as the IMF/World Bank Conference (1991).<sup>59</sup> At that time, the Thai authorities sought to evict as many as 5,000 people.<sup>60</sup>

## 1.2 Political mega-events

Large international political events also have negative consequences for many local residents. One event of particular note is the IMF/World Bank Conference. Thirty years ago in Manila, the Philippines, the 1976 IMF/World Bank Conference was precipitated by the eviction of 400 families from a slum as part of an urban renewal project.<sup>61</sup> Forced evictions formed part of the city's beautification campaign in preparation for the conference. Nine years later, in Seoul, South Korea, preparations for the 1985 IMF/World Bank Conference included bulldozers and police tearing down a slum located between a luxury hotel and the corporate headquarters of Daewoo Corporation, the two principal venues for the conference.<sup>62</sup> One thousand, two hundred slum families were evicted from the site.<sup>63</sup> It is reported that the head of each household received between only \$350 and \$750 as compensation for the loss of their homes.<sup>64</sup> Furthermore, it appears the Government took steps to prevent students who planned on protesting from marching in the streets.<sup>65</sup>

More recently, there have been similar evictions of 2,000 slum dwellers in Bangkok, Thailand, in the months leading up to the 1991 IMF/World Bank Conference.<sup>66</sup> In that instance, some evictees were relocated to new apartments just a few hundred feet from their homes but out of sight of the Conference Centre.<sup>67</sup> Others were moved out from the centre of the city, restricting access to work and reliable public transport.<sup>68</sup> These evictions, which affected 647 families,<sup>69</sup> were reportedly conducted because the authorities claimed that the slums were an eyesore and that it would be shameful for Thailand if foreign dignitaries attending the IMF/World Bank Conference saw them.<sup>70</sup> They also claimed that the slums would be a 'good hiding place for terrorists'.<sup>71</sup>

One of the most recent examples of forced evictions related to the preparations for a political mega-event are reports of the violent forced eviction of 30 households (affecting 42 families) in Lapu-lapu City in Cebu, Philippines, in September 2006, at the site of the 12th ASEAN Summit scheduled for December 2006.<sup>72</sup> The land on which the families' homes were located was needed as a parking lot for the Shangrila Hotel, the place where the participants in the ASEAN summit were staying. Although the homes were on private land, the authorities did not obtain court orders authorising the demolitions, and instead relied upon building permit violations to evict the squatter families, many of whom had resided on the site for decades. The evictions were violent: authorities used water cannons and truncheons to disperse the human barricade put up by students and members of the Atbang Shangrila Urban Poor Association. The monitoring body, Eviction Watch, reported that "scores were hurt, including women and children, twelve protestors were arrested and have been detained for a month now."<sup>73</sup>

Lately concerns have also been expressed about the treatment of the homeless and beggars, mostly street children, in Uganda, in relation to the preparations the Government of Uganda is undertaking for the Commonwealth Heads of Government meeting in November 2007. Reports indicate that already hundreds of street children have been 'rounded up'

57 Hugh Dougherty, 'Nigeria Shows Ugly Side Ahead of Beauty Pageant; "So Far 1,000 Houses Have Been Destroyed"', *The Evening Standard* (London) (15 Nov. 2002).

58 Ibid.

59 Phillip Shenon, 'Bangkok Journal; Where Beauty Queens Preen, No Eyesores, Please', *The New York Times* (21 Aug. 1991).

60 Ibid.

61 Greene, 'Staged Cities' (2003)

62 Peter McGill, 'Seoul Gets a Face-Lift', *Maclean's* (14 Oct. 1985).

63 Ibid.

64 Ibid.

65 Ibid.

66 Shenon, 'Bangkok Journal' (1991); See also Stephen Webb, 'Offending the eyes of the might', *New Internationalist*, Issue 229 (Mar. 1992).

67 Shenon, 'Bangkok Journal' (1991).

68 Ibid.

69 Webb, 'Offending the eyes of the might' (1992).

70 Ibid.

71 Ibid.

72 Ted Anana, 'Solidarity with eviction victims of the 12th ASEAN Summit in Cebu Philippines', Eviction Watch email campaign (31 Oct. 2006), on file at COHRE.

73 Ibid.

by the Government and taken to a makeshift holding centre, actually a rehabilitation centre for young offenders, outside of Kampala (the capital).<sup>74</sup> It is claimed that this process to date has been voluntary, but that it will soon be made compulsory and enforced by arrests.<sup>75</sup>

### 1.3 Sporting mega-events

The World Cup, the international men's football (soccer) competition organised every four years by the Fédération Internationale de Football Association (FIFA), is considered one of the world's largest sporting events after the Olympic Games. In recent years, FIFA has embarked on a number of campaigns and initiatives to "make the world a better place", using concepts such as 'fair play' to guide the values, mission and goals of its organisation.<sup>76</sup> It has begun developing strategic alliances with international organisations such as the United Nations Children Fund (UNICEF), the World Health Organisation (WHO), the International Labour Organisation (ILO), the UN High Commissioner for Refugees (UNHCR), the UN Development Programme (UNDP), UN Environment Programme (UNEP), SOS Children's Villages, FARE Network (Football Against Racism in Europe) and streetfootballworld, in order to prioritise the focus on issues such as discrimination, racism, child labour, health, education and the environment. Through concentrating on youth, FIFA is aiming to use football as a tool for social development.

*"As world footballs' supreme body, FIFA is responding openly to its social duty as an organisation of international status and renown. ... The reason why football is a success story is that it has reached the hearts and minds of humankind and it is our duty to channel this untold potential into making the world a better place."*

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Joseph S. Blatter, FIFA President

Yet despite these attempts to embrace socially responsible ideals and its commitment "to protecting and promoting human, social and economic development"<sup>77</sup>, FIFA World Cup events have had a significant negative impact upon housing rights.

'Clean-up' programmes associated with the World Cup events have led to the displacement of homeless people, for example, the homeless removed from an area surrounding the Nagai Stadium in Osaka, Japan, in 2002. Here nearly 300 homeless were moved,<sup>78</sup> with city officials claiming that the removal was to avoid confrontations between rowdy fans and the homeless.<sup>79</sup> In Seoul, the co-host city for the 2002 World Cup, city officials created a list of areas that were off-limits to the homeless.<sup>80</sup> It is alleged that the City had originally planned to send homeless people to rehabilitation programmes outside the city during the World Cup, but cancelled those plans in the face of pressure from media and human rights groups.<sup>81</sup> Other host cities replicate these violations of the right to adequate housing – for example a 'cleaning operation' displaced roughly 20 homeless people from their makeshift homes days before the 1994 World Cup in Chicago,<sup>82</sup> USA, and between 200 and 300 people were displaced after the demolition of their seven-year old shantytown underneath a highway overpass in Dallas, USA, in preparation for the 1994 World Cup.<sup>83</sup> In relation to the evictions in Dallas, a Federal District Court judge ruled that the City could demolish the shantytown because the act was rationally related to a legitimate governmental interest (the standard under which a person may be treated unequally under the law).<sup>84</sup> While the City dedicated

74 Sarah Grainger, 'Summit displaces Uganda street children', *BBC News* (27 Feb. 2007).

75 Ibid.

76 See, for example, Fédération Internationale de Football Association (FIFA), *Make the World a Better Place: Mission, goals and programmes of the FIFA Football for Hope movement* (Zurich: Fifa, 2005).

77 Ibid. p. 9.

78 Fred Varcoe and Eric Johnston, 'Osaka: Good Times with Attitude', *The Japan Times* (3 May 2002). Some were offered shelter in facilities at an opposite end of the large park in which they lived.

79 'Niigata Homeless Given Boot to Avoid Hooligans', *Mainichi Daily News* (1 June 2002).

80 Min-hee Kim, 'Seoul Scraps Plan to Take Homeless Out of City During World Cup', *The Korea Herald* (8 Feb. 2002).

81 Ibid.

82 Terry Wilson, 'On Eve of World Cup, City Removes Homeless', *Chicago Tribune* (16 June 1994).

83 Jonathan Eig, 'Needy May Be Forced onto Streets; Funds Dwindling in Plan to House Homeless' *The Dallas Morning News* (28 Jan. 1995); see also, Kim Horner, 'Dallas Razes Homeless Camp Residents Vow to Return; 'Official Face Task of Breaking Cycle', *The Dallas Morning News* (11 May 2005).

84 *Johnson v. City of Dallas*, 860 F. Supp. 344, 358 (N.D. Tex 1994).

\$300,000 towards city-sponsored apartments for the evictees for eight months, those who took up this offer were again evicted when the funding for these sponsored apartments was halted.<sup>85</sup> Fears have also been expressed regarding the impact that preparations for the forthcoming 2010 World Cup in South Africa will have on enjoyment of housing rights for many in South Africa.<sup>86</sup>

Other international sporting events such as the Commonwealth Games and Asian Games bring similar problems, and while the competition for hosting these events is fierce and the selection processes are rigorous, housing concerns are excluded from the evaluation criteria in these processes. The Commonwealth Games is awarded to a candidate city by the Commonwealth Games Federation (CGF) at its General Assembly. This city is chosen seven years in advance of the year in which it will host the Games and selection is based on an analysis of the candidate city's bid proposition. A Candidate City Manual, prepared for each Commonwealth Games host city selection process, sets out the legal and technical requirements for this bid proposition.<sup>87</sup> It requires an environmental impact assessment to be conducted, and establishes, for example, that the Games facilities, including the Athletes' Village, must be constructed with post-Commonwealth Games legacy considerations in mind.<sup>88</sup> However, no mention is made of the need to carry out an assessment of the potential positive or negative impacts upon the housing rights of the local resident population.

In New Delhi, India, the athletes for the 2010 Commonwealth Games will be housed on land from which slum dwellers were cleared.<sup>89</sup> Forced evictions related to a river beautification plan and development for the Commonwealth Games<sup>90</sup> has resulted in the forcible eviction of 35,000 families from public lands on the riverbanks over the course of the last two years.<sup>91</sup> The UN Special Rapporteur on the Right to Adequate Housing, Mr Miloon Kothari, has said that the slum demolition process had led to evictions of around 300,000 people during the 2003-2006 period.<sup>92</sup> These large-scale evictions have been blamed on a desire on the part of the city authorities to make Delhi 'slum-free' before the athletes and spectators arrive for the Commonwealth Games.<sup>93</sup> Evictions from and demolitions of slums occurred without advance notice,<sup>94</sup> and were sometimes accompanied by violence.<sup>95</sup> Evictees were only entitled to housing alternatives from the Delhi government if they provided documentation proving that they had lived in the same slum for eight years.<sup>96</sup> Most evictees currently live in a resettlement camp, where they pay rent and have leases, but no security of tenure.<sup>97</sup> The resettlement camp is located far from public facilities such as schools, more than 40 kilometres from the centre of Delhi – three bus rides away.<sup>98</sup> One resident of the resettlement camp also complained that children from the camp are discriminated against in school admissions processes.<sup>99</sup> After recognizing the ongoing problems associated with the slum clearances that accompanied the Commonwealth Games preparations, the Government passed The Delhi Laws (Special Provisions) Act in late May 2006. This legislation placed a one-year moratorium on all actions against 'unauthorized development' so that the policy issues could be fully studied and debated.<sup>100</sup>

In preparation for the 1998 Asian Games in Bangkok, Thailand, city officials banned the homeless, beggars, and other 'undesirables' from sleeping or doing business at Sanam Luang and squatters caught sleeping there were fined up to 500 baht.<sup>101</sup> Such clean-up processes are not a recent aspect of the Asian Games: as early as 1962 in Jakarta, Indonesia, preparations for this event were accompanied by forced evictions. At that time, hundreds of homes in the Senayan district of central Jakarta were bulldozed to clear the way for the Senayan Sports Complex, the largest in southeast Asia at the time.<sup>102</sup>

85 E.g. 'Needy May Be Forced onto Streets' (1995).

86 Centre on Housing Rights and Evictions (COHRE), *Any Room for the Poor? Forced Evictions in Johannesburg, South Africa* (Geneva: Centre on Housing Rights and Evictions, 2005).

87 See, for example, the 2014 *Commonwealth Games Candidate City Manual*, Commonwealth Games Federation (Nov. 2005), available at [http://www.thecgf.com/ccm\\_v72.pdf](http://www.thecgf.com/ccm_v72.pdf)

88 In the *Commonwealth Games Candidate City Manual* it is noted that this document is based on the IOC's *Candidate City Manual*, thus both the process and requirements appear very similar.

89 John Sudworth, 'Slum dispute over Commonwealth Games', *BBC News* (21 Oct. 2006), available at [http://news.bbc.co.uk/go/pr/fr/-/2/hi/south\\_asia/5325034.stm](http://news.bbc.co.uk/go/pr/fr/-/2/hi/south_asia/5325034.stm)

90 The Athlete's Village will be built on part of the east bank of the Yamuna River, formerly a slum residence.

91 Rajeshree Sisodia, 'Out of a Slum, Into Uncertainty' *South China Morning Post* (28 May 2006).

92 Associated Press, 'Slums, shops make way for 'world-class' Delhi', *New Delhi* (26 Apr. 2006).

93 John Sudworth, 'Slum dispute' (2006), available at [http://news.bbc.co.uk/go/pr/fr/-/2/hi/south\\_asia/5325034.stm](http://news.bbc.co.uk/go/pr/fr/-/2/hi/south_asia/5325034.stm)

94 Sisodia, 'Out of a Slum' (2006).

95 Sudworth, 'Slum dispute over Commonwealth Games' (2006).

96 Sisodia, 'Out of a Slum' (2006).

97 Ibid.

98 Sudworth, 'Slum dispute over Commonwealth Games' (2006).

99 Sisodia, 'Out of a Slum' (2006).

100 'The Delhi Laws (Special Provisions) Bill, 2006 Enacted', *Hindustan Times* (26 May 2006).

101 Poona Antaseeda, 'Asian Games – Beggars Face Crackdown as Asiad Nears', *Bangkok Post* (25 Nov. 1998).

102 Andreas Harsono, 'Jakarta's Dispossessed; The Big City or Bust; land ownership problem in Jakarta', *Indonesia UNESCO Courier* (1 June 1999).

Even the America's Cup, a sporting event largely conducted at sea rather than on land, has had an impact upon the housing rights of some. In the host city of Fremantle, Australia, there was a noted loss of low income housing, which particularly affected tenants of boarding houses.<sup>103</sup> These impacts occurred despite the fact that there was both a social impact assessment and a housing impact study carried out prior to the event. A post-impact assessment was also completed.<sup>104</sup> It can be assumed that one of the reasons that these assessments recorded, but failed to prevent, the eventual loss of housing was that adequate preventative measures were never implemented.

The staging of the Winter Olympic Games can also affect the enjoyment of housing rights. At the 1988 Winter Olympics in Calgary, Canada, over 2,000 people were displaced (some temporarily),<sup>105</sup> including approximately 740 tenants who were displaced from two apartment complex towers and one townhouse, as weak tenancy laws allowed for the exorbitant rent increases that led to the evictions.<sup>106</sup> The tenants received financial incentives to relocate, and after their relocation, the units were rented to Olympic visitors.<sup>107</sup> Fears are also held about the evictions of low income tenants in Vancouver in the lead up to the 2010 Winter Olympic Games, despite impressive promises to promote affordable housing in the world's first 'socially sustainable' Games (see further Chapter IV Section 3).<sup>108</sup> Hundreds of poor and elderly residents have already been displaced from downtown Vancouver as developers work to convert buildings that previously housed the indigent and elderly into boutique hotels and tourist accommodation.<sup>109</sup> Landlords are evicting tenants in order to renovate their properties and place them back on the market for double the rental rates.<sup>110</sup> The shrinking stock of low cost housing has been evident in both the public and private housing market in Vancouver, with drastic consequences for the thousands of indigent people already on waiting lists for affordable accommodation. It has also been reported that the Vancouver authorities are discussing a proposal to increase law enforcement against aggressive panhandling and open drug use<sup>111</sup> – the kind of legislation that has been used elsewhere, such as in Atlanta, to target the homeless.

*"Thousands of people have lost their homes since this city was awarded the Olympic Games. There's simply no place for these people to go. People in the Downtown Eastside die on the street."*<sup>112</sup>

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Kim Kerr, Downtown Eastside Residents Association, Vancouver

## 2. BEST PRACTICES IN MEGA-EVENT BIDDING AND PLANNING

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Among the many examples of people forcibly evicted or discriminated against in the process of preparing for a mega-event, there are also examples of best practices regarding the protection of housing rights during the bidding and preparation processes. These all emerged from Host Cities' own initiatives and were, unfortunately, not driven by any requirement from mega-events organisers.

For example, preparations for the 2006 Commonwealth Games, held in Melbourne, Australia, were in stark contrast to those currently underway for the 2010 Commonwealth Games in India (described above). Cooperation between civil society in Melbourne and the Victorian State Government saw better protections for homeless and low income earners. This began when an affiliation of community and legal organisations set up 'The Monitoring 2006 project' with the aim of ensuring that the local population, in particular the marginalised residents of Melbourne (such as the homeless), were not discriminated against during the preparation and hosting of the Commonwealth Games.<sup>113</sup> The Victorian State Government

103 Cox, 'Showing off or Showing Up the City?' (1996).

104 Ibid.

105 Helen Jefferson Lenskyj, 'Making the world safe for global capital: The Sydney 2000 Olympics and Beyond', in J. Bale and M. Christensen (eds.), *Post Olympism? Questioning Sport in the Twenty-first Century* (London: Berg Publishers 2004) pp. 135-45.

106 Olds, 'Canada: Hallmark Events, Evictions, and Housing Rights' (1998).

107 Ibid.

108 Matthew Burrows, 'Green fears SRO evictions', *straight.com* (5 Oct. 2006), available at <http://www.straight.com/node/34501>; Jeremy Hainsworth, 'Vancouver group accuses Olympics organizers of dislodging poor to make way for Games', *MSNBC, Associated Press Sports* (31 Oct. 2006); Vision Vancouver, 'Vision Takes Action on Homelessness', *CityNotes* (5 Oct. 2006).

109 Hainsworth, 'Vancouver group accuses' (2006).

110 Darah Hansen, 'Evictions put squeeze on middle class', *Vancouver Sun* (10 Oct. 2006).

111 '2010 Olympic development driving up homelessness in Vancouver', *Games Monitor* (14 Dec. 2006).

112 Hainsworth, 'Vancouver group accuses' (2006).

113 'Melbourne Competes for World's Most "Compassionate" City. Homeless Services United by the Moment', available at [www.urbanseed.org/journal/mt/news/archives/comm%20Press%20Release.pdf](http://www.urbanseed.org/journal/mt/news/archives/comm%20Press%20Release.pdf) [accessed Aug. 2005].

worked with the Council of Homeless Persons to create the Victorian Protocol for People Who are Homeless in Public Places, which provides guidelines for respecting the rights of homeless people, focusing on respect, participation, and the provision of information and safety.<sup>114</sup> In addition, the Victorian Government provided AUS\$60,000 to reserve 600 cheap, but safe, accommodations during the period of the Games so that homeless people would not be priced out of the market for a room.<sup>115</sup> Collaborations such as this, between community service, interest groups and the local governmental authorities, provide one example of the ways in which the homeless and urban poor can be better protected in the planning and preparation of mega-events.

In other instances, pre-event social impact assessments (SIAs), followed by monitoring (including by the community) and government sponsored post-event impact evaluations or audits, have either helped reduce or at least record the effects that mega-events have had upon the local population.<sup>116</sup> For example, in preparation for the 2000 Sydney Olympics, a SIA showed potential negative effects, such as harassment of the homeless and loss of low income housing through conversion of boarding houses and rising rents.<sup>117</sup> This forewarning prompted agreements regarding the way in which homeless people should be protected during the Olympic Games, and provided impetus to community organisations and government to monitor the impacts upon housing affordability.

The effective post-event use of purpose-built infrastructure is another important means of mitigating the potential negative impacts and promoting local housing strategies. For example, when Calgary hosted the Winter Olympics in 1988, the community gained long term benefits from the sporting facilities that were built.<sup>118</sup> In instances where new accommodation is built for the purpose of the event, post-event use for public, social or affordable housing is a positive step. For the 2010 Winter Olympics, Vancouver has promised a 'socially sustainable' event with commitments to ensuring no one is made homeless or evicted because of the Games. Further examples of best practices in Olympic bidding and planning are detailed below in Chapter IV Section 3.

### 3. THE HUMAN RIGHTS LAW FRAMEWORK APPLICABLE TO MEGA-EVENTS

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This section analyses the relevant international legal framework that applies to the housing impacts of mega-events. Housing has been recognised as a fundamental human right and this recognition creates legally enforceable entitlements and rights for those who have been negatively affected by the staging of mega-events. An analysis of housing rights under international human rights law highlights that the housing impacts of mega-events identified above raise serious concerns and require immediate action to provide remedies to the victims.

Why is it important to measure the housing impact of mega-events against the yardstick of human rights and, in particular, the right to adequate housing? Why not use existing national laws dealing with tenants' rights, property rights and related housing issues? What are the advantages of using the human rights framework?

First, international rules can act as a point of reference for national laws and can help harmonise national regulations. In addition, national standards might simply be lacking when it comes to protecting peoples' housing rights. Besides this protection framework, human rights can also provide a common universal standard. Human rights law is the only existing internationally agreed expression of the minimum conditions that everyone should enjoy if they are to live with dignity as human beings. As such, it can provide clear guidance to all stakeholders involved in the planning and hosting of mega-events on how to mitigate the housing impact, regardless of the host city and local culture. Human rights law also offers guidance as to concrete and practical measures that can be taken to address housing rights issues and establishes requirements regarding the rights of communities and individuals to participate in decisions affecting them. This dimension is of paramount importance in relation to the staging of mega-events, as problems of participation and transparency are recurrent.

114 David Wright-Howie, 'Public Space, Homelessness, and the Commonwealth Games: Developing Reference Points', available at [www.chp.org.au/public\\_library/items/2006/02/00086-upload-00001.doc](http://www.chp.org.au/public_library/items/2006/02/00086-upload-00001.doc)

115 Shaun Phillips and Michael Warner, 'Beds Secured for Homeless', *Herald Sun* (14 Feb. 2006).

116 Cox, 'Showing off or Showing Up the City?' (1996).

117 Ibid.

118 Ibid.

### 3.1 The right to adequate housing

The right to adequate housing is enshrined in several international human rights instruments and has long been regarded as essential to ensuring the well-being and dignity of the human person.<sup>119</sup> Housing rights have been included in the most authoritative international statements regarding human rights. The *Universal Declaration of Human Rights (UDHR, 1948)* enshrines in Article 25 a specific right for everyone to adequate housing:

“Everyone has the right to a standard living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.” (emphasis added)

In a partial recapitulation of this clause, Article 11 of the *ICESCR* which is now legally binding on more than 155 countries, states:

“The Government parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and for his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The Governments Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.”

Noteworthy in these provisions is the extent to which housing rights are bundled together with livelihood, as well as the recognition that a decent and dignified life is dependent on, among other things, adequate housing. These considerations have been elaborated by the UN Committee on Economic, Social and Cultural Rights (UNCESCR), which is responsible for monitoring Governments’ compliance with the *ICESCR*. This body has helped to clarify, through General Comments,<sup>120</sup> the content of the right to adequate housing.

General Comment No. 4, adopted in 1991, focuses on the right to adequate housing. The Comment interprets the right to adequate housing as “the right to live somewhere in security, peace and dignity”.<sup>121</sup> The General Comment affirms the right to adequate housing as an entitlement to something more than just bricks and mortar. Adequate housing, according to the General Comment, means adequate privacy, protection against forced evictions, harassment and other threats, space, security, lightening, ventilation, basic infrastructure, all at an affordable cost and within reasonable distance from job opportunities and social services. Paragraph 8 of the General Comment sets out seven dimensions of ‘adequacy’ to be taken into account when assessing efforts to give effect to the right. These are:

1. **Legal security of tenure:** From rental housing to full freehold, whichever tenure is considered most appropriate for a particular context must guarantee “legal protection against forced eviction, harassment and other threats”.<sup>122</sup> Importantly, the Comment concludes that forced evictions are *prima facie* incompatible with the requirements of the *ICESCR*. Legal security of tenure in the context of mega-events protects residents against the trauma of forced eviction and displacement. It is one of the cornerstones of the right to adequate housing.
2. **Availability of services, materials, facilities and infrastructure:** These include “sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services.” When people are evicted from their homes in preparation

119 These instruments include, among others, the *Universal Declaration of Human Rights (UDHR)*, the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*, the *International Covenant on Civil and Political Rights (ICCPR)*, the *Convention on the Elimination of all forms of Racial Discrimination (CERD)*, the *Convention on the Rights of the Child (CRC)*, the *Convention on the Elimination of Discrimination against Women (CEDAW)*, the *San Salvador Protocol*, the *African Charter on Human and Peoples Rights*, the *American Convention on Human Rights*, the *European Social Charter*, the *European Convention for the Protection of Human Rights and Fundamental Freedoms* and the *Fourth Geneva Convention*.

120 ‘General Comments’ are documents produced by the UN Committee on Economic, Social and Cultural Rights (UNCESCR) to set out its interpretation of the content of the human rights provisions found in the *International Covenant on Economic, Social and Cultural Rights*. General Comments are also produced by other UN human rights treaty bodies.

121 UN Committee on Economic, Social and Cultural Rights, *General Comment No. 4 on the Right to Adequate Housing*, (1991) and UN Committee on Economic, Social and Cultural Rights, *General Comment No. 7 on the Right to Adequate Housing and Forced Evictions*, (1997). The full text of both General Comments are reproduced in Annex 2.

122 UNCESCR, *General Comment No. 4*.

for mega-events and relocated to places where they have no access to these services, their right to adequate housing is not being protected.

3. **Affordability:** Housing costs should not deny a rights-bearer the resources necessary to meet other basic needs. Affordability ensures that residents have access to an adequate home regardless of how poor they are, or how much the price of housing has escalated because of the real estate speculation that inevitably accompanies mega-events.
4. **Habitability:** Housing must be sufficiently spacious, safe and healthy. Habitability protects a person's physical and psychological health from environmental threats, including those associated with overcrowded and/or poorly constructed housing. When residents are evicted as part of the modernisation of a city in preparation for a mega-event, they may be forced to reside in housing that does not satisfy these criteria.
5. **Accessibility:** housing must be accessible. Disadvantaged groups must be assisted in accessing housing and land. In the lead-up to mega-events, it is often particularly vulnerable groups whose housing rights are most affected. In many instances, laws and policies (including those designed as part of the mega-event preparation process) do little to address the housing needs of the most disadvantaged, instead focusing on already advantaged social groups.
6. **Location:** housing must be situated so as to allow access to job opportunities, healthcare services, schools, child-care centres and other social facilities. When communities are evicted from their homes, as happens around the time of hosting mega-events, they are often relocated to remote locations far from livelihood opportunities, lacking facilities or to polluted areas, near garbage dumps or other sources of pollution.
7. **Cultural Adequacy:** housing must be constructed so as to enable the expression of cultural identity. Forced relocation programmes where ethnic minorities are made to 'integrate' without due respect for their cultural needs violate this requirement.

There are many other features of the enjoyment of the right to housing, including protection against all forms of discrimination, freedom of movement, the right to privacy and respect for the home. According to international human rights law, particular attention must also be paid to vulnerable and marginalised groups which are particularly susceptible to violations of their rights to live in security, peace and dignity, such as women, children, ethnic minorities, the disabled and mentally ill. When preparing for mega-events, each of these elements should be taken into consideration. In particular, when it comes to the treatment of minorities and vulnerable groups (including those without security of tenure), attention must be paid to the prohibition on discrimination. Article 26 of the *ICCPR* establishes a free-standing right to enforce this prohibition, including in relation to the right to housing. The prohibition on discrimination includes, amongst other aspects, bans on direct and indirect discrimination, and harassment, and guarantees equal and effective protection against discrimination on grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The ban on discrimination is included in all major international human rights treaties. It is interpreted to require both equality of treatment and equality of outcome. States have a broad range of positive duties to ensure equality. In the context of the *ICESCR*, the ban on discrimination further means that States Parties must achieve progressive implementation of the rights included in the Covenant, without differentiation on arbitrary grounds.

### 3.2 The protection from forced evictions

*“Instances of forced evictions also occur in the name of development. They might be carried out in connection with conflicts over land rights, development and infrastructure projects, such as the construction of dams or other large-scale energy projects, with land acquisition measures associated with urban renewal, housing renovation, city beautification programmes, (...) or the holding of major sporting events like the Olympic Games.”*

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UNCESCR, General Comment No. 7

The practice of forced evictions is of particular relevance to the staging and hosting of mega-events. While forced evictions are carried out in a variety of circumstances and for various reasons, the organisation and hosting of mega-events very often leads to forced evictions. Human rights standards and laws forbid forced evictions, and make no exception for those occurring in the context of the organisation of a mega-event.

The term ‘forced eviction’ refers to the permanent or temporary removal against their will of people from the homes or lands which they occupy, without the provision of and access to appropriate forms of legal or other protection.<sup>123</sup> According to the UNCESCR, forced evictions “are prima facie incompatible with the requirements of the [International] Covenant [on Economic, Social and Cultural Rights]”.<sup>124</sup> The international community, through the Commission on Human Rights, has repeatedly condemned the practice of forced evictions, considered as a gross violation of human rights, in particular the right to adequate housing.<sup>125</sup> Moreover, in recent years, many governments have been held accountable by UN bodies, international human rights courts and national judiciaries, for directly carrying out or tolerating forced evictions.

Evictions can only take place in the most exceptional circumstances, after all feasible alternatives have been considered and in accordance with the relevant principles of international law.<sup>126</sup> Even then, the following procedural protections must be followed:<sup>127</sup>

- (1) genuine consultation with those affected;
- (2) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;<sup>128</sup>
- (3) information on the proposed evictions and, where applicable, on the alternative purpose for which the land or housing is to be used to be made available in reasonable time to all those affected;
- (4) presence of government officials or their representatives during the eviction
- (5) proper identification of all persons carrying out the eviction;
- (6) evictions should not take place in particularly bad weather or at night;
- (7) provision of legal remedies or procedures and legal aid to people affected by eviction orders and persons who are in need;<sup>129</sup> and
- (8) adequate resettlement.

Whether evicted people are owners or tenants, they have the right to adequate compensation for the loss of any good or property and must be provided with adequate resettlement. This implies relocation within a reasonable distance from the original site, with access to essential services such as water, electricity, job opportunities, schools, hospitals and transport facilities in the area selected.<sup>130</sup>

Finally, even if the evictions are otherwise deemed lawful under this test, they must not render persons homeless. Where those affected are unable to provide for themselves, the State must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.<sup>131</sup>

The impact of forced evictions on families and communities, and particularly the poor, is severe and deeply traumatic. Property is often damaged and destroyed, productive assets are lost or rendered useless, social networks are broken up, livelihood strategies are compromised, and access to essential facilities and services is lost. In extreme cases, violence, including rape, physical assault and murder, is used to force people to comply with the eviction. A recent study has highlighted that the impact of forced evictions on children can be similar to war in terms of the developmental consequences.<sup>132</sup>

123 UNCESCR, *General Comment No. 7*, (1997).

124 UNCESCR, *General Comment No. 4*, para. 18, and UNCESCR, *General Comment No. 7*, para. 1.

125 UN Commission on Human Rights, *Resolution 2004/28 on the Prohibition of Forced Evictions*, UN Doc. E/CN.4/2004/127, adopted 16 Apr. 2004 by a recorded vote of 45 votes to 1 with 7 abstentions, and *Resolution 1993/77 on the Prohibition of Forced Evictions*, UN Doc. E/CN.4/RES/1993/77 adopted unanimously on 10 Mar. 1993.

126 UNCESCR, *General Comment No. 4*, (1991), para 18.

127 UNCESCR, *General Comment No. 7*, (1997), para. 15.

128 The UN Comprehensive Human Rights Guidelines on Development-Based Displacement prescribe 90 days prior notice: *The Practice of Force Evictions: Comprehensive Human Rights Guidelines on Development-Based Displacement*, adopted by the Expert Seminar on the Practice of Forced Evictions, Geneva, 11-13 June 1997, UN Doc. E/CN.4/SUB.2/1997/7.

129 Provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

130 Respectively, *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Dominican Republic*, 19 Dec. 1994, UN Doc. E/C.12/1994/15, para. 319 and *Concluding Observations of the Committee on Economic, Social and Cultural Rights: the Philippines*, UN Doc. E/C.12/1995/7, para. 131.

131 UNCESCR *General Comment No. 4*; UNCESCR *General Comment No. 7*.

132 Sheridan Bartlett, *Urban Children and the Physical Environment*, City University of New York and the International Institute for Environment and Development (London), available at: <http://www.araburban.org/childcity/Papers/English/Sheridan%20Bartlett.pdf>

Forcible evictions can also result in, or be accompanied by, direct violations of other fundamental human rights; in particular rights to work, food, health, water and education. The rights that may be affected include:<sup>133</sup>

- The right to non-interference with privacy, family and home;
- The right to be protected against the arbitrary deprivation of property;
- The right to the peaceful enjoyment of possessions – many forced evictions occur without warning, forcing people to abandon their homes, lands and worldly possessions;
- The right to respect for the home;
- The right to freedom of movement and to choose one's residence;
- The right to education – often children cannot attend school due to relocation;
- The right to water – evicted people often find it far more difficult to access potable water;<sup>134</sup>
- The right to life – violence during the forced eviction can sometimes result in death;
- The right to security of the person – implementing authorities rarely provide evicted persons with adequate homes or any form of compensation, thus rendering them vulnerable to homelessness and further acts of violence; and
- The right to effective remedies for human rights violations.<sup>135</sup>

*“The human cost and trauma of forced eviction on individuals, families and communities cannot be over-emphasised. Forced eviction most often affects those who are already disadvantaged, including: the poor, women, indigenous groups, ethnic, religious and racial minorities, occupied peoples and others lacking security of tenure. Forced evictions take away people’s livelihoods, their land, their belonging to a community, and the dignity of a place to live in peace without the fear of losing their home.”*

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COHRE, Global Survey on Forced Evictions, December 2006

While evictions and relocations may occur in cases of urban renewal or large-scale redevelopments, these should be considered as a last resort, rather than as an inevitable consequence of such renewal or redevelopment. In addition, the manner in which evictions and relocations are planned and implemented should be in accordance with agreed human rights norms and procedural safeguards. These apply to any forced evictions occurring within the context of mega-events. In these situations it is important that communities and individuals have a right to be protected against “arbitrary or unlawful interference” with their homes. Paragraph 20 of General Comment No. 7 specifically refers to urban renewal or ‘beautiful city’ initiatives, such as those which often accompany mega-events, and requires that these initiatives guarantee protection from eviction, or at least guarantee “re-housing based on mutual consent”.<sup>136</sup> In General Comment No. 7 the UNCESCR explains how it requires States to describe the:

“measures taken during, inter alia, urban renewal programmes, redevelopment projects, site upgrading, preparation for international events (Olympics and other sporting competitions, exhibitions, conferences, etc.) ‘beautiful city’ campaigns, etc. which guarantee protection from eviction or guarantee rehousing based on mutual consent, by any persons living on or near to affected sites.”<sup>137</sup>

In addition to the General Comment No.7, there are other key documents that provide guidance in implementing the general prohibition of forced evictions. The *Guidelines on Development-Based Displacement*, developed by a group of experts and submitted by the UN Secretary-General to the Commission on Human Rights in 1997, provide further details about requirements for adequate resettlement and compensation.<sup>138</sup> In 2006 the UN Special Rapporteur on the Right to Adequate Housing, Mr Miloon Kothari, produced the *Basic Principles and Guidelines on Development-Based Evictions and Displacement*<sup>139</sup> as a further development of the 1997 guidelines. These *Basic Principles and Guidelines on Development-Based Evictions and*

133 These rights are detailed in the ICESCR, ICCPR, UNCESCR General Comment No. 4 and UNCESCR General Comment No. 7.

134 See further, UNCESCR General Comment No. 15 on the Right to Water.

135 See further, *Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, adopted by the General Assembly, Resolution 60/147.

136 UNCESCR General Comment No. 7, para. 20.

137 UNCESCR, General Comment No. 7, quoting UNCESCR, *Guidelines on State Reporting on the ICESCR*, UN Doc. E/C.12/1999/8, annex IV.

138 ‘The Practice Of Forced Evictions: Comprehensive Human Rights Guidelines on Development-Based Displacement’, UN Doc. E/CN.4/Sub.2/1997/7, 2 July 1997.

139 *Basic Principles and Guidelines on Development-Based Evictions and Displacement*, UN Doc. E/CN.4/2006/41.

*Displacement*, which reflect and develop existing standards, provide further guidance to governments on the measures and procedures to be adopted in order to ensure that such evictions do not constitute forced evictions due to their contravention of existing international human rights standards.

The *Basic Principles and Guidelines on Development-Based Evictions and Displacement* are particularly directed to “evictions that are planned or conducted under the pretext of serving the ‘public good’, such as those linked to development and infrastructure projects ...; land-acquisition measures associated with urban renewal, slum upgrades, housing renovation, city beautification, or other land-use programmes ...; ... unbridled land speculation; [and] major international business or sporting events.”<sup>140</sup>

The *Basic Principles and Guidelines on Development-Based Evictions and Displacement*, amongst other things:<sup>141</sup>

- set out the need for States to conduct comprehensive impact assessments in advance of evictions that take into account their differential impact on women, children and other vulnerable groups;
- call for States to take intervening measures to ensure that market forces do not increase the vulnerability of low-income and marginalized groups to forced eviction;
- affirm the obligation of States to recognize the fundamental human rights of evicted persons to return, resettlement and fair and just compensation;
- affirm the requirement that all affected persons be notified in writing and sufficiently in advance with a view towards minimizing the adverse impacts of evictions;
- enumerate detailed steps to be taken by States to protect human rights prior to, during and after evictions; and
- establish stringent criteria for initiating and carrying out evictions in exceptional circumstances.

In some circumstances, those responsible for evictions use the argument that development will actually result in an enhancement of the right to adequate housing. When it comes to large settlements of people living in sub-standard housing, the need to regulate development-based evictions and displacement seeks to move the focus away from ‘slum redevelopment’ or ‘slum clearance’ and onto ‘slum upgrading’, which is now widely acknowledged as one of the more effective means of improving the housing conditions of the poor.<sup>142</sup> Slum upgrading is considered a way of helping to realise the right to adequate housing and other human rights, and a method of providing protection from forced evictions through enhanced security of tenure. The important factor is the way in which such upgrades are conducted – i.e. the need to ensure compliance with standards such as those set out in the *Basic Principles and Guidelines on Development-Based Evictions and Displacement*.

### 3.3 The rights to participation and information

The right to participation is part of international human rights law. With regard to the right to adequate housing, UNCESCR General Comment No. 4 states:

“While the most appropriate means of achieving the full realization of the right to adequate housing will inevitably vary significantly from one Government party to another ... [this duty] will almost invariably require the adoption of a national housing strategy .... Both for reasons of relevance and effectiveness, as well as in order to ensure respect for other human rights, such a strategy should reflect extensive genuine consultation with, and participation by, all of those affected, including the homeless, the inadequately housed and their representatives.”<sup>143</sup>

The requirement for participation is even more strongly emphasised in relation to the threat of forced evictions. In this respect, the UNCESCR General Comment No. 7 states:

“Governments parties shall ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons, with a view to avoiding, or at least minimizing, the need to use force.”<sup>144</sup>

<sup>140</sup> Ibid, para. 8.

<sup>141</sup> Ibid.

<sup>142</sup> See further, COHRE, *Human Rights and Slum-Upgrading: General Introduction and Compilation of Case Studies* (Geneva: COHRE, 2005).

<sup>143</sup> UNCESCR, *General Comment No. 4*, para. 12.

<sup>144</sup> UNCESCR, *General Comment No. 7*, para. 14.

Citizens and residents also have a right to information. The rights to participation and information are important in the context of mega-events. When local communities are affected by the transformation of their cities, it is vital that they are fully and genuinely involved in the process. In the context of the Olympic Games for example, local residents are asked to ‘share the spirit’<sup>145</sup> and engage with enthusiasm in efforts to prepare the city to be the focus of world attention. It is difficult to do this when you are unsure whether your house will be demolished in the reconstruction process, whether you will be evicted in order to make way for a new sports stadium, or whether your rent will increase so much that you will be forced to move to the outskirts of town far away from your workplace.

Mega-events by their very nature affect the broader community which hosts the visiting participants. They are, by definition, public events, and thus elements of public involvement and consultation should be incorporated into the planning and hosting processes. Redevelopment strategies, including those related to mega-events, should reflect genuine consultation with, and participation by, all sectors of society, including the homeless, other vulnerable people and their representatives, as well as community organisations. Disappointingly, the lack of community involvement in the planning and decision-making processes regarding the housing impacts of mega-events appears to be a recurring theme.

### **3.4 Housing rights obligations for Governments and non-State entities**

#### **3.4.1 Who bears the responsibility for promoting and protecting housing rights?**

The primary responsibility for the protection and promotion of human rights rests upon governments. Under international human rights law, States have an obligation to protect the housing rights of a population. Governments must ensure that any possible violations of these rights by non-state actors, such as landlords, property developers or corporations are prevented. Where such infringements do occur, the relevant public authorities should act to prevent any further deprivations and provide affected persons access to legal remedies to redress for any damage.

However, there are increasing expectations from the international community that other actors, such as corporations (which are frequently official sponsors of mega-events), should respect international human rights norms and standards. Today, the impact of non-state actors in the area of housing rights is undeniable. This is especially evident in the process of preparing to host mega-events, where private or semi-private actors are involved in the staging and hosting of events that have a significant impact on the population’s housing rights. In addition, many non-state actors themselves have acknowledged that their increased power and influence calls for increased responsibilities including respect for universal values, international human rights norms, environmental standards and the broader concept of sustainable development. The corporate sponsors of mega-events, as well mega-events organising associations such as the IOC and FIFA, are no exception to this trend.

As is detailed further below in Chapter III Section 5, non-state actors, including sponsors of mega-events, and entities associated with the construction and development of a city in preparation for a mega-event, have human rights responsibilities and must therefore act to respect and protect housing rights.

#### **3.4.1 What is the nature and scope of the right to adequate housing?**

The right to adequate housing envisages non-violent displacement only after exploration of all other feasible alternatives, and viable challenge by the individuals affected; it requires that harm be minimised; and that local housing conditions be continuously improved.

The right to adequate housing can be protected through the adoption and implementation of housing strategies that incorporate consideration of the various components of the right as set out above and in General Comment No. 4. These strategies must be implemented at all times, and cannot be disregarded during the process of preparing for a mega-event. They should be developed in an inclusive manner, enabling community participation. For example, governments must take steps to ensure effective coordination between relevant ministries and regional and local authorities in order to reconcile related policies. This is particularly important in the context of mega-events – entities responsible for managing sporting or cultural events must coordinate these processes with the authorities responsible for housing and social protection.

<sup>145</sup> This was the slogan of the Sydney Olympic Games in 2000.

Mega-events often attract large investments of capital. Human rights law requires that rights such as the right to adequate housing are realised through the equitable and effective use of, and access to, available resources. All stakeholders should be conscious of how the resources invested in the hosting of a mega-event are being used so as to ensure that the right to adequate housing is protected and fulfilled to the maximum extent possible.

Article 2(1) of the *ICESCR* establishes that rights such as the right to adequate housing are progressively realisable, however this does not imply that the efforts needed to ensure the full realisation of these rights can be indefinitely postponed, or even suspended, during the preparations for a mega-event. Further, it does not allow for regression in the realisation of the right to adequate housing, even in the context of the need to prioritise resources for a mega-event such as the Olympic Games. Rather, the concept of progressively realising the right to adequate housing must be understood in the light of other parts of the *ICESCR* which contain an obligation to work towards the “continuous improvement of living conditions”.<sup>146</sup> Further, there are numerous aspects of the right to adequate housing which are immediately realisable, for example, protection against discrimination.

The key aspects of the right to adequate housing can be categorised as the obligations to respect, protect and fulfil.

The **duty to respect** the right to adequate housing means that governments and stakeholders should refrain from any action that would prevent people from realising this right whenever they themselves are able to do so. Respecting this right will often only require governments and stakeholders to abstain from certain practices, such as forced evictions. Nothing should be done to worsen, or further diminish the housing situation. Notably, this means a prohibition on forcibly evicting people and on arbitrarily and unlawfully destroying their homes. The duty to respect also encompasses obligations to respect the right to organise and assemble, as this forms part of the obligation not to restrict the full enjoyment of the right to participation. The duty to respect is immediately realisable.

In order to satisfy the **duty to protect** the right to adequate housing, governments and stakeholders must effectively prevent violations of these rights by other (third) parties such as landlords, property developers, and other private-sector individuals or entities. This also requires governments and stakeholders to ensure that no further deprivations occur if violations have been allowed to happen, and obliges the government to guarantee access to legal remedies for such violations. For example, governments must act to prevent developers or others from violently evicting people from Olympic Games sites.

In order to protect against forced evictions conducted by third parties, immediate measures must be taken to confer legal security of tenure upon all persons. This protects against the threat of forced eviction at the hands of private bodies. In addition, residents should be protected, by legislation and other effective measures, from discrimination, harassment, withdrawal of services or other threats. Governments should take steps to ensure that housing-related costs for individuals, families and households are commensurate with income levels. For example, rent-control policies could be introduced throughout the period leading up to and during mega-events in order to ensure affordability of housing for the most vulnerable. The creation of judicial, quasi-judicial, administrative or political enforcement mechanisms capable of providing redress to victims of infringements of the right to adequate housing must be ensured. Housing rights must not be left unaddressed, especially in the context of mega-events, and as they are the responsibility of all stakeholders - they cannot be delegated away or contracted out to private agencies or other actors.

The **duty to fulfil** the right to adequate housing entails positive obligations, for example the provision of housing subsidies or social housing and the provision of public services. This consists of a requirement to take immediate steps to fulfil the right to adequate housing, using the maximum available resources to progressively realise housing rights, without discrimination on any grounds. The hosting of mega-events can be seen as an important opportunity to take steps towards fulfilling the realisation of the right to adequate housing. The construction of new housing, for example to house athletes during the Olympic Games, is potentially an opportunity to increase the stock of public and low-cost housing, if the infrastructural legacy of the mega-event is used for this purpose.

146 See Article 11(1) of the *ICESCR*.

## 4. CONCLUSIONS ON MEGA-EVENTS AND HOUSING RIGHTS

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Mega-events are an opportunity for a city to promote its image, boost its investment attractiveness, and place itself on the world map as a tourist destination. Mega-events act as catalysts for development, and are usually characterised by urban regeneration and gentrification. However, the benefits of this process are rarely shared equally – the poor, homeless and other minorities bear the brunt of the negative side effects, and opportunities for using mega-events as a method of promoting a positive housing legacy are usually neglected.

The housing impacts created by mega-events can take different forms. They can be direct or indirect, visible in the short-term or displaying longer-term effects. In most cases they affect the most marginalised and vulnerable sectors of society. For these groups, mega-events are often mean increased precariousness, vulnerability and impoverishment. The main dimensions of the housing impacts of mega-events include the following features:

- Displacement and forced evictions of communities and/or individuals in order to pave the way for the construction of mega-event related infrastructure;
- Displacement and forced evictions of communities and/or individuals related to redevelopment and gentrification processes that are linked to or brought about by the staging of the mega-events;
- Displacement and forced evictions (particularly of tenants) related to significant increases in housing costs related to the hosting of the mega-event;
- Escalation of housing costs having a significant impact on the local population's access to affordable housing;
- Reduction in the availability of social and low-cost housing in the pre and post mega-event phases, as well as during the event itself;
- 'Cleaning operations' to remove homeless people from sight before and during the mega-event, as well as the criminalisation of homelessness;
- Introduction of other 'special' legislative or policy measures to facilitate the preparations for or staging of the mega-event: for example, measures allowing for expropriation of private property, or targeting homeless or minorities, increases in police powers, restrictions of freedoms such as assembly and movement;
- Discriminatory and disproportionate effects on marginalised groups including the poor, low-income earners, those with insecure tenure, the homeless, ethnic minorities, indigenous peoples, the elderly, the disabled, street vendors, sex workers, migrants and other vulnerable groups;
- Limited transparency and participation of residents and civil society in decision-making affecting housing issues.

For decades, cultural, sporting and political mega-events have been characterised by these negative housing impacts. Thousands of people have been displaced and forcibly evicted from the sites of event facilities, for example: 300,000 people were evicted in New Delhi for the 2010 Commonwealth Games; 18,000 people were evicted from the Shanghai 2010 World Expo site and 42 families were violently evicted in Lapu-Lapu City for the 2006 ASEAN Summit. Displacements and forced evictions due to urban redevelopment prompted by mega-event and gentrification are also common, for example: 400,000 people were relocated in Shanghai in preparation for the 2010 World Expo; 1,000 homes were destroyed in shanty-towns in Abuja for the 2002 Miss World Beauty Pageant; 200-308 people were displaced from Dallas for the 1994 FIFA World Cup; 180,000 people (30,000 families) were evicted in Santo Domingo for the 1992 500th Columbus Anniversary; 5,000 people were evicted in Bangkok for the 1991 Miss Universe Beauty Pageant; 2,000 people were evicted from slums in Bangkok for the 1991 IMF/World Bank Conference; 1,200 slum dwelling families were evicted in Seoul for the 1985 IMF/World Bank Conference; 400 families were evicted in Manila for the 1976 IMF/World Bank Conference; and hundreds of homes were demolished in Jakarta for the 1962 Asian Games.

Secondary evictions are also common, as the cost of housing escalates and the city's stock of social and low-cost housing diminishes, for example: 1,400-3,000 were people evicted in Brisbane as a consequence of the 1988 Expo; 1,000-2,000 units of low income housing were lost in Vancouver as a consequence of the 1986 World's Fair; much low-cost housing was lost in Fremantle due to the 1985 America's Cup; and 1,500 tenants were evicted in Knoxville as a result of the 1982 World's Fair.

Discrimination and harassment of the vulnerable is another common feature: Roma were particularly subjected to harassment and eviction in Patras during the 2006 Cultural Capital of Europe celebrations; 28 homeless persons' tents were removed by nearly 800 private security guards and police officers in Osaka for the 2006 World Rose Convention; homeless were rounded up and institutionalised in Abuja for the 2002 Miss World Beauty Pageant; 300 homeless persons were 'cleaned up' from Osaka for the 2002 FIFA World Cup; homeless, beggars and other 'undesirables' were banned from sleeping and doing business in Bangkok for the 1998 Asian Games; and 20 homeless were displaced in Chicago for the 1994 World Cup.

These negative impacts are more than just an unfortunate side-effect of hosting a mega-event – they are a violation of international human rights law, namely the right to adequate housing. The processes of bidding for, preparing and staging a mega-event are also often marred by violations of the rights to participation and information. Housing rights are protected under numerous international instruments, including the *UDHR*, the *ICESCR*, regional human rights treaties, and resolutions of the Commission on Human Rights, to name just a few sources of this legal protection. Preventing violations of the right to adequate housing, including forced evictions, and protecting and promoting the full realisation of housing rights are the responsibility of numerous stakeholders: governments, host cities, event organisers, corporate sponsors, other entities involved in the organisation of a mega-event, and even individual participants.

# THE CASE STUDY OF THE OLYMPIC MOVEMENT

*“To belong to the Olympic Movement entails moral and legal duties.”*

Mr. Gafner, IOC Member<sup>147</sup>

In Greek antiquity, the Olympic Games pursued the twofold mission of furthering the ideal of *“mens sana in corpore sano”*<sup>148</sup> and conveying a global ethical message. In 1894 Pierre de Coubertin founded the Modern Olympic Games, also motivated by the promotion of peace, brotherhood and fair play. One century later, members of the International Olympic Committee IOC, re-emphasized the importance of preserving and further building upon this important ethical heritage, particularly in relation to the world’s youth.<sup>149</sup> The idea of using sport as a tool for peace is still considered highly relevant, as is demonstrated by the proclamation of 2005 as the International Year of Sport and Physical Education. The UN General Assembly stated in its resolution 58/5 that sport could present opportunities for solidarity and cooperation in order to promote a culture of peace, social and gender equality and to advocate dialogue and harmony.<sup>150</sup> It also stressed that sport can contribute towards achieving the internationally agreed development goals, as well as economic and social development.<sup>151</sup>

Olympism has been defined by the Olympic Movement<sup>152</sup> as “a philosophy of life which seeks to create a way of life based on (...) respect for universal fundamental ethical principles.”<sup>153</sup> According to the *Olympic Charter*, the goal of Olympism is to “place sport at the service of the harmonious development of man, with a view to promoting a peaceful society concerned with the preservation of human dignity”.<sup>154</sup> The Olympic spirit is said to require mutual understanding, friendship, solidarity, fair play and non-violence.<sup>155</sup>

The values behind this desire to link sport with peace and development, and the ethical underpinnings of the Olympic Games in particular, are admirable, as are the significant potential benefits of the Olympic Games to a Host City’s population. Hosting the Olympic Games is likely to enhance the local infrastructure, economy and labour market, promote tourism and enhance a Host City’s (and country’s) status and image. The Seoul Olympic Games, which made South Korea a tourism destination, is an example of this. The 2008 Beijing Games are likewise being used to ‘open China to the world’. For the IOC and the Olympic Movement (including corporate sponsors of this hallmark event), the Olympic Games provide unique worldwide publicity and opportunities for financial gain.

Olympic Games also produce negative side effects. From a financial perspective, Olympic Games debts can affect city finances for decades.<sup>156</sup> From an environmental perspective, the need for Candidate Cities to carry out an environmental

147 International Olympics Committee (IOC), Minutes of the 89th IOC Session (Lausanne: 1-2 Dec. 1984), p. 7.

148 ‘A sound mind in a healthy body.’

149 See Dr Kissinger, IOC, Minutes of the 110th IOC Session (Lausanne: 11-12 Dec 1999), p. 7.

150 United Nations General Assembly, Resolution 58/5 on Sport as a means to promote education, health, development and peace, UN Doc. A/RES/58/5.

151 Ibid.

152 The Olympic Movement groups together all those who agree to be guided by the Olympic Charter and who recognise the authority of its supreme authority, the International Olympic Committee (IOC). It embraces the National Olympic Committees (NOCs), the Organising Committees of the Olympic Games (OCOGs), the IOC advisory Commissions and Working Groups, the International Federations of sports on the programme of the Olympic Games (IFs), athletes, judges and referees, associations and clubs, as well as all the organisations and institutions recognised by the IOC.

153 IOC, *Olympic Charter* (Lausanne, Switzerland: IOC, Aug. 2004), Fundamental Principle 1.

154 Ibid, Fundamental Principle 2.

155 Ibid, Fundamental Principle 4 and Rule 2.1. The *Code of Ethics* also underlines the importance of the principle of non-discrimination in sport (Rule 2).

156 Gary Cox, ‘Showing off or Showing Up the City? The Social Impacts of Major Events’, paper presented at the 16th Annual Meeting of the International Association for Impact Assessment (Lisbon, Portugal, June 1996).



Beijing: South Sanlitun northern boundary prior to departure of residents. [Photo courtesy of COHRE]

impact assessment acknowledges the potential for harmful effects on the environment. From a social perspective, the diversity of impacts emanating from the staging of this event is striking. Some of these remain largely unaddressed. The impact on local people's housing conditions is a good example (see Chapter IV for further details). The United Nations (UN) Committee on Economic, Social and Cultural Rights recognised that forced evictions occur in relation to the holding of major sporting events like the Olympic Games.<sup>157</sup> The creation of new infrastructure often leads to the demolition of public or private housing. The past practice of Olympics infrastructure being constructed without clear post-Olympics applications in mind has resulted in new permanent infrastructure becoming burdensome and costly white elephants for locals.<sup>158</sup> This event can also produce an indirect impact on housing unrelated to the construction of Olympics infrastructure, with beautification processes in preparation for the Olympic Games leading to displacement. According to the UN Commission on Human Settlements, 'beautification' projects conducted immediately prior to international events are one of the most common justifications for slum clearance programmes.<sup>159</sup> Overall, for the poor and marginalised, the Olympic Games have often meant additional precariousness, including vulnerability to the loss of their homes, and subjection to violence.

In 1999 UN-Habitat noted that approximately 720,000 people were displaced to 'beautify' those parts of Seoul which would receive media attention.<sup>160</sup> Poor neighbourhoods were often disproportionately prone to these evictions. In Beijing, at least 1.25 million people are estimated to have been displaced as part of the massive urban development drive associated with the upcoming Olympics (with displacements of another 250,000 people still expected before the Games), and thousands are being pushed into poverty as a result. Olympic Games are also likely to affect the housing market forces and make affordable rental housing a remote dream for the less well-off. In Barcelona, some commentators claim new house prices rose by 250percent between the 1986 announcement of the election of Barcelona as Host City and the actual event in 1992.<sup>161</sup> In Sydney, real estate speculation led to the eviction of long-term tenants throughout the greater city, and the number of homeless nearly tripled over a five year period.<sup>162</sup> The Olympic Games may accelerate gentrification of working class or immigrant neighbourhoods, and are thus likely to disproportionately affect the vulnerable and marginalised within society.<sup>163</sup> The Olympic Games can also be used as a pretext for removing ethnic minorities such as the Roma in Athens, or communities of migrant workers such as in Beijing. Further, Olympic Games have led to the increased marginalisation (and even criminalisation) of homeless people. In the leadup to the Atlanta Olympics, over 9,000 arrest citations were

157 UNCESCR, *General Comment No. 7*.

158 Helena Smith, 'Venues rot as Greece loses its Olympic gains', *The Observer* (6 Mar. 2005).

159 See, United Nations Commission on Human Settlements, *An Urbanizing World* (1996), para 245-246.

160 United Nations Commission on Human Settlements, *An Urbanizing World* (1996); See also, Asian Coalition for Housing Rights (ACHR), 'Evictions in Seoul, South Korea', *Environment and Urbanization*, Vol. 1 (1989), pp. 89-94.

161 Cox, 'Showing off or Showing Up the City?' (1996).

162 Helen Jefferson Lenskyj, *The Best Olympics Ever? Social Impacts of Sydney 2000* (Albany: SUNY Press 2002), p. 95.

163 For instance as happened in Barcelona, Sydney and with the gentrification of African-American neighbourhoods in Atlanta, Cox, 'Showing off or Showing Up the City?' (1996).

issued to homeless persons, mostly African-Americans. Finally, Olympic Games bring a significant flow of investment, creating opportunities for new housing and other general infrastructure projects which are unrelated to the construction of Olympic infrastructure. This can also negatively affect the current housing situation of the local population, in particular the already disadvantaged and marginalised.

The impacts that staging the Olympic Games have upon housing raise serious concerns under international human rights law and these have been highlighted by the United Nations.<sup>164</sup> The UNCESCR expressed its concern regarding the forced evictions that took place in Athens, Beijing and Seoul, respectively, in relation to the preparation of the Olympic Games in each of those cities.<sup>165</sup>

Similarly, these impacts on housing also raise concerns under the various instruments setting forth the commitments and obligations of the IOC and the Olympic Movement as a whole; notably the *Olympic Charter*, the *Code of Ethics* and the *Olympic Movement's Agenda 21*. The major commitments undertaken by the Olympic Movement that are directly relevant to the housing impacts of the Olympic Games, include the promise to safeguard the dignity of the individual; the obligation not to discriminate; the promotion of sustainable development and of a positive legacy; and the commitment to fight against poverty and exclusion.

Various actors and institutions are involved in the preparation and staging of the Olympic Games, including the IOC, the host country and city, Olympic sponsors and the National Olympic Committee (NOC). As a result, they all have a responsibility to mitigate and address the housing impacts of this event. COHRE's recommendations to these various actors (set out at the end of this chapter) seek to propose concrete measures, as well as monitoring mechanisms, to address the negative effects of future Olympic Games on the enjoyment of housing rights. These recommendations build, in part, upon best practices developed by host cities which enabled them, to varying degrees, to alleviate the adverse housing impact of the Olympic Games on the local population. Among other things, COHRE calls for the full integration of consideration of housing rights concerns into the bid and candidature selection processes. The analysis and subsequent recommendations found in this chapter are based on and refer to international human rights law, which provides for the protection and promotion of the right to adequate housing and offers a common framework and benchmark for consideration of these issues.

## 1. THE OLYMPIC MOVEMENT'S PRINCIPLES AND HOUSING-RELATED COMMITMENTS

The protection and promotion of housing rights throughout the preparation, staging and legacy phases of the Olympic Games should be an integral part of the Olympic Movement's practices. Indeed, the Olympic Movement's own principles and commitments recognise the importance of such considerations. Through its Fundamental Principles of Olympism, the principles of the Olympic Movement, and the specific housing and Olympic infrastructure-related commitments it has undertaken, all of which are spelt out in the *Olympic Charter* and other important documents,<sup>166</sup> the Olympic Movement has already begun to 'talk the talk' when it comes to protecting and promoting housing rights.

The Fundamental Principles of Olympism are enshrined at the very beginning of the *Olympic Charter*. From these Fundamental Principles, and other parts of the *Olympic Charter*, along with the *Code of Ethics* and the *Olympic Movement's Agenda 21 'Sport for sustainable development' (OM Agenda 21)*, one can extrapolate a further (broader) set of principles of the Olympic Movement which are relevant to housing considerations. In addition, the Olympic Movement has adopted specific housing and Olympic infrastructure-related commitments, which are contained in *OM Agenda 21*.

### 1.1 The Fundamental Principles of Olympism

The *Olympic Charter* is the Movement's overarching constitutional instrument and binds all persons and organisations belonging to it. It outlines the Fundamental Principles of Olympism, governs the organisation of the Olympic Movement, and sets out the conditions for conducting the Olympic Games.

<sup>164</sup> The international human rights framework applicable in the context of mega-events is set out in Chapter II Section 3.

<sup>165</sup> *Concluding Observations of the Committee on Economic, Social and Cultural Rights: People's Republic of China*, May 2005, UN Doc. E/CN.12/1/Add. 107, para. 31; *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Greece*, UN Doc. E/CN.12/1/Add.97 (June 2004), paras 23 and 43; *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Republic of Korea*, June 1995, UN Doc. E/CN.12/1995/3, para. 14.

<sup>166</sup> IOC, *Olympic Charter* (2004) [*Olympic Charter*]; IOC, *Code of Ethics* (Lausanne: IOC, 4. Mar. 2004) [*Code of Ethics*]; IOC Sport and Environment Commission, *The Olympic Movement's Agenda 21 'Sport for Sustainable Development'* (Lausanne: IOC, 1999) [*OM Agenda 21*].

### Fundamental Principles of Olympism

1. Olympism is a philosophy of life, exalting and combining in a balanced whole the qualities of body, will and mind. Blending sport with culture and education, Olympism seeks to create a way of life based on the joy of effort, the educational value of good example and respect for universal fundamental ethical principles.
2. The goal of Olympism is to place sport at the service of the harmonious development of man, with a view to promoting a peaceful society concerned with the preservation of human dignity.
3. The Olympic Movement is the concerted, organised, universal and permanent action, carried out under the supreme authority of the IOC, of all individuals and entities who are inspired by the values of Olympism. It covers the five continents. It reaches its peak with the bringing together of the world's athletes at the great sports festival, the Olympic Games. Its symbol is five interlaced rings.
4. The practice of sport is a human right. Every individual must have the possibility of practising sport, without discrimination of any kind and in the Olympic spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play. The organisation, administration and management of sport must be controlled by independent sports organisations.
5. Any form of discrimination with regard to a country or a person on grounds of race, religion, politics, gender or otherwise is incompatible with belonging to the Olympic Movement.
6. Belonging to the Olympic Movement requires compliance with the *Olympic Charter* and recognition by the IOC.

The key Fundamental Principles of Olympism relevant in the housing context are: respect for universal fundamental ethical principles; the concept of human dignity; the recognition of human rights; and non-discrimination.

## 1.2 Principles of the Olympic Movement relevant to housing considerations

These Fundamental Principles of Olympism can be interpreted in light of other aspects of the *Olympic Charter* and its *Code of Ethics*. The *Code of Ethics* is an important instrument. Developed by the Ethics Commission in 2000, it forms an integral part of the *Olympic Charter*. As such, it has the same binding force on all Olympic parties: the IOC, the cities wishing to host the Olympic Games, the Organising Committees of the Olympic Games and the NOCs.

The OM Agenda 21 is another important guiding document. In the mid-1990s the Olympic Movement decided to adopt 'environment' as a third Olympic pillar, alongside sport and culture.<sup>167</sup> This led to an amendment of the *Olympic Charter* in 1996 and to the adoption of *OM Agenda 21* in 1999. Although not a binding instrument per se, *OM Agenda 21* is founded on, and further elaborates upon, the principles of the Olympic Movement contained in the *Olympic Charter*. It serves as a concrete tool for promoting sustainable development, which is a binding principle enshrined in the *Olympic Charter*. *OM Agenda 21* highlights the three dimensions of sustainable development: environmental protection, improvement of socio-economic conditions and active participation of civil society.<sup>168</sup> It also contains specific provisions on human habitat and settlements.<sup>169</sup>

One can extrapolate from the *Olympic Charter*, the *Code of Ethics* and *OM Agenda 21* a number of principles of the Olympic Movement that are relevant to housing considerations. From our analysis of the Olympic Movement's internal normative framework, we have identified identify seven principles<sup>170</sup> that directly relate to the protection of a local population's housing rights. The first four principles are explicitly enshrined in the *Olympic Charter* (and often also in the *Code of Ethics*), and the latter three are contained in *OM Agenda 21* as a precondition for ensuring sustainable development in all circumstances.

<sup>167</sup> This increased focus on the environment relates, in part, to a Cooperative Agreement that the Olympic Movement signed with UNEP in 1994, in which it recognised the special responsibility of the whole Sports community in the area of sustainable development.

<sup>168</sup> Moreover, *OM Agenda 21* describes the 'green' dimension as a prerequisite for the safeguarding and improvement of socio-economic conditions with a view to guaranteeing a life with dignity.

<sup>169</sup> *OM Agenda 21*, para. 3.1.6.

<sup>170</sup> A distinction should be drawn here between the Fundamental Principles of Olympism contained in the *Olympic Charter*, and these principles which are extrapolated from the *Olympic Charter*, the *Code of Ethics*, and *OM Agenda 21* for the purposes of this analysis of the Olympic Movement's self-expressed housing related commitments.

These seven principles of the Olympic Movement relevant to housing considerations are as follows:

- Safeguarding the dignity of the individual.<sup>171</sup>
- Non-discrimination.<sup>172</sup>
- The promotion of a positive legacy to the host city and country.<sup>173</sup>
- The promotion of sustainable development, which includes the satisfaction of material needs indispensable for all individuals to live with dignity.<sup>174</sup> *OM Agenda 21* specifically spells out that Olympic organisers should aim at ensuring that the Olympic Games provide better conditions for sustainable development as compared to previous events staged under the same socio-economic, geographical and climatic conditions.<sup>175</sup>
- The fight against poverty and combat against exclusion, paying particular attention to the fate of the poor and most disadvantaged members of society.<sup>176</sup> *OM Agenda 21* highlights the improvement of socio-economic conditions through the satisfaction of cultural and material needs indispensable for all individuals to live with dignity, establishing this as an essential dimension of sustainable development. In this context, particular attention is to be paid to the fate of the poor and most disadvantaged members of society. It follows from the *Olympic Charter's* Fundamental Principle 5 that Olympic Games organisers have a responsibility to seek to ensure the satisfaction of local people's fundamental needs, including their housing needs.
- The principle of participation:<sup>177</sup> All interested groups must be able to actively participate in the decision-making process related to sustainable development. This principle, enshrined in *OM Agenda 21*, requires the Olympic Movement's governing bodies to encourage access to sources of information and to pay particular attention to strengthening the role of women, young people and indigenous communities. Generally speaking, participation in decision-making, democratisation of the Olympic Movement and enhancing transparency have constituted continuous challenges since the Movement launched its institutional reform in 2000 following the Salt Lake City crises.<sup>178</sup>
- Respect for human rights:<sup>179</sup> *OM Agenda 21* makes explicit reference to the Olympic Movement's concern for and commitment to respect and ensure respect of human rights. In particular, it commits itself to applying the 1989 *United Nations Convention on the Rights of the Child* (CRC) and to condemning and combating violations of human rights of which young people are particularly likely to be victims. Article 27(3) of the CRC affirms the right to an adequate standard of living, from which the right to adequate housing is explicitly derived.

The *Code of Ethics* makes clear that all actors involved in the organisation of the Olympic Games, including Olympic sponsors, broadcasters and the sporting goods industry, are bound by these principles.<sup>180</sup>

### 1.3 Olympic commitments relevant to housing considerations

The Olympic Movement has also adopted specific commitments related to housing and Olympic infrastructure. These are contained in *OM Agenda 21*. While these are not binding on the various Olympic stakeholders – only the *Olympic Charter* and *Code of Ethics* are binding – they build upon and allow for the realisation of the Charter-based principles, according to which Olympic Games should promote sustainable development.

171 *Olympic Charter*, Fundamental Principle of Olympicism 2, and *Code of Ethics*, A.1.

172 *Olympic Charter*, Fundamental Principle of Olympicism 5; see also *Code of Ethics*, rule 2.

173 *Olympic Charter*, Chapter 1, section 1, para. 14.

174 *Olympic Charter*, Chapter 1, section 1, para. 13.

175 *OM Agenda 21*, para. 3.1.6.

176 *OM Agenda 21*, para. 3.1.3.

177 *OM Agenda 21*, para. 3.1.7.

178 IOC, *Intermediary Report of the IOC 2000 Commission* (Lausanne: IOC, 2 June 1999). In particular, the Salt Lake City crisis emerged because of corruption and excessive expenditure by some IOC members in the Host City election procedure for the 2002 XIX Olympic Winter Games. It revealed the need to take major steps toward renewal, transparency and strengthening credibility. In its wake, the IOC 2000 Commission was set up to propose measures of serious institutional reform. One of its Working Groups reviewed the Host City election process. The Salt Lake City crisis also resulted in the publication of audited financial reports and the creation of the Ethics Commission, which adopted in 2004 the Rules of conduct for all cities wishing to organise the Olympic Games.

179 *OM Agenda 21*, para. 3.3.2.

180 *Code of Ethics*, preambular paragraph.

According to *OM Agenda 21*, sports movements should participate in the promotion of a viable model for human settlements by integrating sustainable development into sports facilities.<sup>181</sup> *OM Agenda 21* also contains the following guidelines pertaining to the choice of the site and the construction of Olympic infrastructure:

- **Limited environmental impact:** Olympic Games should be situated so as to minimise the environmental impact of the infrastructure associated with them, such as housing, water or food supplies.<sup>182</sup> The use of a site should go hand in hand with *protective measures*. Provision must also be made for compensation when any irreversible damage to the environment is caused.<sup>183</sup>
- **Priority to existing infrastructure:** New sports facilities should only be constructed when demand cannot be satisfied by using or renovating existing facilities.<sup>184</sup>
- **Harmonious integration into the local environment:** All Olympic Games-related infrastructure should be built or converted so as to ensure their harmonious integration into the local (natural or human-made) environment. Any construction work should be in accordance with considerate planning of land use and local legislation.<sup>185</sup>
- **Boost to local housing strategies:** The creation of living accommodation for members of the sports movement should be designed to provide a boost to local housing strategies, not forgetting the poorest members of society.<sup>186</sup>

These guidelines contemplate, although not comprehensively, the potential housing impact of hosting the Olympic Games. They clearly call for the establishment of Olympic infrastructure that puts into practice the Olympic Movement's Fundamental Principles of Olympism and supports the local population's housing rights through respect for all the housing related principles and commitments of the Olympic Movement outlined above. The clear link between *OM Agenda 21* and the 'other' Agenda 21 that was adopted at the 1992 UN World Conference on Environment and Development (*UNCED Agenda 21*) supports this approach. *OM Agenda 21* explicitly "agrees with the analysis undertaken by the UNCED", which expresses commitments towards access to safe and healthy shelter, the need to support the shelter efforts of the poor, and the importance of implementing the right to adequate housing.<sup>187</sup> *UNCED Agenda 21* also emphasises that "[p]eople should be protected by law against unfair eviction from their homes or land".<sup>188</sup>

## 2. CONGRUENCE WITH HUMAN RIGHTS STANDARDS

A strong imperative for respecting the housing rights of local populations flows from the Olympic Movement's principles and housing-related commitments outlined above. The Olympic Movement clearly links its internal framework with human rights standards. Aside from this cross-referencing and the Olympic Movement's specific human rights commitments, there is a clear congruence between international human rights standards and the Olympic Movement's internal responsibilities.

International human rights law<sup>189</sup> and the Olympic Movement give similar recognition to the principles of non-discrimination, human dignity and participation. The Olympic Movement has also undertaken to respect and ensure respect of human rights, as well as to combat violations of which young people are particularly likely to be victims.<sup>190</sup> UN human

181 *OM Agenda 21*, para. 3.1.6.

182 According to *OM Agenda 21* this should apply to sport activities, facilities and events generally. *OM Agenda 21*'s scope reaches beyond the Olympic parties here, as it equally makes this obligation incumbent upon the whole sports goods industry.

183 *OM Agenda 21*, 3.2.2, 'Protection of conservation areas and countryside'.

184 *Ibid.*; see further sections 3.1.6 and 3.2.3.

185 *Ibid.*

186 *Ibid.*

187 Agenda 21, adopted by the UN World Conference on Environment and Development (UNCED), Rio de Janeiro, June 1992, Chapter 7 [*UNCED Agenda 21*].

188 Chapter 7.9 (b) and Chapter 7.9 (c) of *UNCED Agenda 21* reads, "All countries should, as appropriate, support the shelter efforts of the urban and rural poor, the unemployed and the no-income group by adopting and/or adapting existing codes and regulations, to facilitate their access to land, finance and low cost building materials and by actively promoting the regularization and upgrading of informal settlements and urban slums as an expedient measure and pragmatic solution to the urban shelter deficit."

189 The six major UN international human rights instruments are the *Universal Declaration of Human Rights* (UDHR, 1948), the *International Covenant on Civil and Political Rights* (ICCPR, 1966), the *International Covenant on Economic, Social and Cultural Rights* (ICESCR, 1966), the *International Convention on the Elimination of all Forms of Racial Discrimination* (CERD, 1965), the *Convention on the Elimination of Discrimination Against Women* (CEDAW, 1979), the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT, 1984) and the *Convention on the Rights of the Child* (CRC, 1989).

190 *OM Agenda 21*, para. 3.3.2.

rights bodies have highlighted that children and youth constitute a specific vulnerable group in the context of housing rights violations.<sup>191</sup> In relation to this focus on youth, the Olympic Movement has also committed itself to applying the CRC which protects the right to adequate housing.<sup>192</sup> By fully agreeing with *UNCED Agenda 21*, the Olympic Movement has endorsed the recognition of housing rights as basic human rights, as well as the need to protect people against unfair eviction from their homes or land.<sup>193</sup>

The Olympic Movement's commitment to fight against poverty and exclusion, promote sustainable development and pay particular attention to the poor and most disadvantaged members of society has particular relevance to the housing impact of the Olympic Games. The right to adequate housing is intrinsically related to livelihood opportunities and the fight against poverty. Forced evictions, a direct violation of this right, often affect the poorest and most vulnerable sectors of society, destroying their livelihood opportunities and productive assets. Victims usually end up poorer following an eviction, having not only lost their personal goods and shelter, but also their job, livelihood and social support networks. In this respect, the Olympic Movement's commitment to work towards improving the satisfaction of local peoples' fundamental needs through the organisation of the Olympic Games calls for direct respect of the housing rights of local residents.

Finally, in recent years, the Olympic Movement has increasingly emphasised its social responsibility and, in this context, has concluded cooperation agreements with numerous UN special agencies and programmes. Cases in point are agreements between the IOC and UNEP, UNICEF, UNHCR and WHO.<sup>194</sup> By associating itself with UN bodies, the IOC has willingly extended its social accountability beyond the Olympic Movement. Furthermore, any third party freely associating itself with the United Nations can reasonably be expected to bona fide apply the UN's guiding principles in their cooperation. This would, for instance, prevent such third parties from forming partnerships with entities that do not satisfy the relevant UN obligations or observe relevant UN principles.<sup>195</sup> The Cooperation Agreement between the IOC and UNEP underlines that "the IOC and UNEP share the same fundamental objectives." The promotion of universal values and observance of human rights constitute the basis of all UN agencies' and programmes' mandates.

Given this obvious congruence, approaching the housing impact of hosting the Olympic Games from a housing rights perspective could significantly advance the achievement of the Olympic Movement's principles and commitments, as well as provide adequate protection to the local population.

### 3. THE HUMAN RIGHTS APPROACH

The human rights regime offers a concrete and practical avenue through which to operationalise the Olympic Movement's commitments in the housing rights field. The right to adequate housing provides clear guidance to all stakeholders involved in the planning and hosting of the Olympic Games on how to mitigate negative housing impacts. It also outlines concrete and practical measures that can be taken to address the promotion of the right to housing, as well as a list of priority items that have to be taken into account. An approach rooted in international human rights law also offers a common legal framework that can be applied across the board, in any country or city hosting the Olympic Games. International human rights law also provides significant guidance regarding the rights of communities and individuals to participation in decisions affecting them. This dimension is of paramount importance, as lack of participation and transparency are recurrent problems. Beyond this utilitarian argument, the Olympic Movement, as an 'organ of society', also has a responsibility and

191 *General Comment No. 4 on the Right to Adequate Housing* (1991) adopted by the UN Committee on Economic, Social and Cultural Rights (UNCESCR) on 12 December 1991 (UN Doc. E/CN.4/1991/4), para. 8 (Accessibility). A recent study has also highlighted that the impact of forced evictions on children can be similar to war in term of the developmental consequences: Sheridan Bartlett, *Urban Children and the Physical Environment*, City University of New York and the International Institute for Environment and Development (London), available at: <http://www.araburban.org/childcity/Papers/English/Sheridan%20Barlett.pdf>

192 *International Convention on the Rights of the Child*, article 27(3).

193 Chapter 7.9 (b) and Chapter 7.9 (c) *UNCED Agenda 21*.

194 *Olympic Review* (Dec. 2004), p. 1. It has also concluded cooperation agreements with UNODCCP, UNDP, WMO, FAO, UNESCO, UPU, WTO, ILO, ITU, UNAIDS and the World Bank, the International Federation of Red Cross and Red Crescent Societies and the International Committee of the Red Cross.

195 The UN Secretary General issued *Guidelines for cooperation between the United Nations and the Business Community* on 17 July 2000. Paragraph 12 c) states, "Business entities that are complicit in human rights abuses, tolerate forced or compulsory labour or the use of child labour, are involved in the sale or manufacture of anti-personnel mines or their components, or that otherwise do not meet relevant obligations or responsibility by the United Nations, are not eligible for partnership." (emphasis added).

obligation to uphold international human rights law and ensure that it does not contribute to specific violations of human rights (see Section 4 of this chapter for further details).

From the Olympic Movement's perspective, a human rights approach would encourage the observance of its own principles and commitments during the bidding, preparatory and staging processes of the Olympic Games. It would offer concrete avenues to operationalise and implement these principles and commitments, ensuring enhanced compliance.<sup>196</sup>

International human rights law offers tools for protecting vulnerable groups of society that are likely to be adversely affected by the Olympic Games: This would assist in fulfilling *OM Agenda 21*'s requirement to combat exclusion and poverty. For example, the sharp increases in rent levels following the announcement of a city's election as the host city is likely to force the less well-off to relocate further away from the Olympic Games' epicentre and hence affect their living conditions. The right to adequate housing, which requires housing to be affordable, specifically requires the protection of tenants against such negative impacts on affordability, for instance through the establishment of subsidised housing for those unable to pay higher rent levels.<sup>197</sup> Organising Committees are currently required to pay the difference between the actual cost of the rooms at the time of staging the Games and the cost as stated in the City's Candidature. However, the benefits of this rental subsidy mechanism apply only to IOC members and other honourable invitees of the IOC during the Olympic Games.

It is said that sometimes displacements cannot be avoided when preparing to host the Olympic Games. However, on the rare occasions when displacements are unavoidable or will actually result in an enhancement of the right to adequate housing, their scale, as well as the degree of human suffering involved, can be significantly minimized – as explicitly required by *OM Agenda 21* – when the urban planning process complies with the right to adequate housing. This means that displacements and evictions are not regarded as a necessary or unavoidable aspect of hosting the Olympic Games and that relocation programmes only take place in the most exceptional circumstances, *after* all feasible alternatives have been considered, and in accordance with the relevant principles of international law and procedural safeguards outlined in Chapter II Section 3.2 above.

Finally, approaching housing issues from the perspective of the right to adequate housing can also assist in identifying truly positive legacies, i.e. where the benefits are dispersed among the various groups in society (including the most vulnerable and marginalized) on an equitable basis.

## 4. THE HOST CITY ELECTION PROCESS AND THE IMPACT OF THE OLYMPIC GAMES ON HOUSING: ARE PRINCIPLES MATCHED BY REALITY?

The integration of an ethical focus in the Olympic Movement's normative instruments constitutes a fairly recent development. The need to take major steps towards renewal, transparency and strengthening credibility became obvious in wake of the 1998 Salt Lake City crisis.<sup>198</sup> The IOC 2000 Commission was specifically set up to study institutional reform and "bring the Movement back into line with the values upon which it was founded".<sup>199</sup> One of its Working Groups reviewed the Host City election process. As a consequence of its work, the bidding process has become more structured and formalised. A two-tiered bidding process was adopted in 1999 to minimise losses of time and resources by cities that were not considered viable candidates and to ensure that all Candidate Cities in the final ballot were capable of staging the Olympic Games. Eligibility criteria for bidding cities were also introduced. As stated by the IOC 2000 Commission, the establishment of a clearer selection procedure had to "contribute to correcting an environment in which acts of wrongdoing were committed".<sup>200</sup> As a direct result, visits by IOC members to bidding cities were banned and it was decided that only one Evaluation Commission would pay one visit per city and produce a single report. The Salt Lake City crisis also resulted in the publica-

196 Compliance with Olympic principles has become a predominant concern since the Salt Lake City crisis. Senator Robert Badinter, member of the IOC Ethics Commission and former Minister for Justice and President of the Constitutional Council of the French Republic, addressed the IOC Members at the Session in 1999 on the need for respect for ethical principles, which, in his opinion, "the Olympic Games had to uphold if they were to avoid jeopardizing their very soul....": See Mr. Badinter, IOC, *Minutes of the 110th IOC Session* (1999), pp. 6-7.

197 UNCESCR, *General Comment No. 4*. This means in practical terms that personal or household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not compromised. Hence, the percentage of housing-related costs should be commensurate with income levels.

198 IOC, *Intermediary Report of the IOC 2000 Commission* (1999). For further information about the Salt Lake City crisis, see the Glossary in Annex I.

199 Ibid. Institutional reform was undertaken in three specific areas, for which different working groups were set up on, respectively: Composition, structure and organisation of the IOC; role of the IOC; and designation of the host of the Olympic Games.

200 Ibid.

tion of audited financial reports and the creation of the Ethics Commission, which adopted in 2004 the *Rules of Conduct* for all cities wishing to organise the Olympic Games.<sup>201</sup>

This section briefly outlines the different bidding phases, as well as the required documents or guarantees to be presented at each stage, with a view to gaining a better understanding of the bidding process. It then analyses whether, and to what extent, the bidding selection criteria reflect the Olympic Movement's principles and housing-related commitments. We believe it is imperative that the bidding selection criteria reflect these principles and commitments, as the *Olympic Charter*, the *Code of Ethics*, and *OM Agenda 21* all apply to bidding cities. In order to ensure respect for the Fundamental Principles of Olympism, and the Olympic Movement's principles and housing-related commitments, when preparing and staging the Olympic Games, it is essential to incorporate compliance benchmarks and monitoring mechanisms within the official bidding requirements and selection criteria. Finally, we identify ways to further strengthen positive developments within the Olympic Movement with a view to fully integrating compliance with its principles and housing-related commitments as a selection criterion in the candidature process.

#### 4.1 From bidding to election: main stages

The entire preparatory process leading to the staging of the Olympic Games generally takes up to 12 years. Prior to staging of the Olympic Games, there are four different pre-Olympics phases. The first (national) phase involves the selection of an Applicant City. The subsequent three phases take place at the international level. They consist of the candidature acceptance procedure (when Applicant Cities are selected to compete against each other), the candidature procedure (during which Candidate Cities prepare their applications) and the election of the Host City.

A NOC can designate one city per country to bid for the Olympic Games (phase one).<sup>202</sup> When the IOC receives an application through the NOC, the nominated city officially becomes an 'Applicant City' and enters the international candidature acceptance procedure (phase two).

The candidature acceptance procedure lasts around 10 months<sup>203</sup> and is conducted under the authority of the IOC Executive Board.<sup>204</sup> The NOC and the city's competent authorities must provide letters of guarantee, which explicitly state that the Olympic Games will comply with all obligations set out in the *Olympic Charter*.<sup>205</sup> The NOC and the Applicant City thereby commit themselves to respecting the Olympic Movement's principles which are relevant in the housing sphere once the Applicant City is elected to as the Host City.

Applicant Cities must create a Bid Committee, which is automatically composed of all NOC members, as well as IOC members if they so request.<sup>206</sup> The Applicant City must complete a succinct applicant questionnaire which involves an overview of its project for the organisation of the Olympic Games. After assessing the questionnaire, a Candidature Acceptance Working Group issues a report containing non-binding recommendations to the IOC Executive Board.<sup>207</sup> The IOC Executive Board determines which cities are to be accepted as 'Candidate Cities', to go on to the third phase. The IOC Executive Board is not constrained by the recommendations in the report, and does not have to provide a rationale for the reasons behind its decision.

201 *IOC Rules of Conduct Applicable to the Cities Wishing to Host the Olympic Games*, 16 November 2004.

202 In 1956 this restriction of only one city was introduced. This change significantly reduced the workload of the IOC: it had become too time-consuming and impractical for the IOC to handle the numerous national applications submitted.

203 It took approximately six months for the 2008 XXIX and 2012 XXX Olympiad bidding processes.

204 The Ethics Commission may suggest amendments to the procedure.

205 IOC Candidature Acceptance Working Group, 'Candidature Acceptance Procedure: Games of the XXX Olympiad in 2012' (Lausanne: IOC, 2004), question 4c, [http://multimedia.olympic.org/pdf/en\\_report\\_810.pdf](http://multimedia.olympic.org/pdf/en_report_810.pdf) [accessed 30 Aug. 2005] [2012 *Candidature Procedure and Questionnaire*].

206 Applicant cities should also specify which public or private institutions, organisations or bodies will be represented on the Committee, and their respective levels of authority. Strong public and private support is vital since the OCOG budget granted by the IOC only covers the operations budget for organisation of the Olympic Games. Costs pertaining to construction of general and sporting infrastructure (which will constitute a long-term legacy of the Olympic Games) are to be covered by public authorities or the private sector. The OCOG budget also does not cover the costs of planned infrastructure; i.e. infrastructure that had been planned for construction irrespective of the city's bid application. For this reason, cities wishing to organise the Olympic Games need to distinguish between existing, planned and additional infrastructure. The latter pertains to the infrastructure which will be put in place specifically with a view to staging of the Olympic Games. 2012 *Candidature Procedure and Questionnaire*, question 5.

207 An external independent environmental expert (i.e. not commissioned by any Applicant city) is systematically designated as a member of the Candidature Acceptance Working Group.

The candidature procedure (phase three), also governed by the IOC Executive Board, generally takes one year. Local, regional and national authorities must provide guarantees of their financial and other support for the Olympic project.<sup>208</sup> From the candidature phase onwards, all statements and commitments (oral and written) made by the Candidate City, the NOC and the Bid Committee,<sup>209</sup> are binding on them if they eventually win the Host City election process. In this third phase, Candidate Cities must answer a very detailed candidature questionnaire.<sup>210</sup> An Evaluation Commission is in charge of examining the candidature and pays an inspection visit to each Candidate City.<sup>211</sup> On this occasion, the Evaluation Commission discusses all aspects of the candidature with the Bid Committee and holds meetings with the local authorities and independent experts. In the end, it issues a report to the IOC Executive Board containing non-binding recommendations.<sup>212</sup> The IOC Executive Board then draws up the final list of Candidate Cities which it submits to the annual general meeting of the members of the IOC (called the Session). The Session considers the Evaluation Commission's report before proceeding with the election of the Host City. It is not obliged to follow the Evaluation Commission's recommendations (as contained in its report), and no reasons for choices and decisions need be given.

The election of the Host City usually takes place seven years before the celebration of the Olympic Games (phase four). The Session at which the election is conducted and the result announced is held in a 'neutral' country; i.e. one which did not put forward a Candidate City.<sup>213</sup> The voting takes place in rounds, and after each round of voting the city receiving the fewest number of votes is eliminated. The secret ballot continues until one candidate secures an absolute majority. Upon election, the Host City and the relevant NOC enter into a written agreement with the IOC, called the Host City Contract (HCC).<sup>214</sup> A HCC is an ad hoc contract specific to each edition of the Olympic Games, whose exact content depends on the legal structure of the country concerned. It is a confidential document. The HCC outlines the legal, commercial and financial rights and obligations of the IOC, the Host City and the NOC, respectively, in relation to the Olympic Games. It is executed immediately by all parties. The HCC takes precedence over the *Olympic Charter* in cases of conflict between the provisions of the two legal instruments. This aspect of the HCC is a matter of concern, since it purports to allow for circumvention of the *Olympic Charter*, and thus for disregard of the fundamental Olympic principles which it is imperative be observed in the housing sphere.

Within five months of signature of the HCC, the Bid Committee is dissolved and an Organising Committee for the Olympic Games (OCOG) is constituted by the NOC. The OCOG has the status of a legal entity in its country and reports directly to the IOC Executive Board. It is considered to be a party to, and automatically bound by, the HCC. The OCOG's executive body includes the IOC member(s) from the Host country, the President and Secretary-General of the NOC, and at least one member representing, and designated by, the Host City. It may also include representatives of the public authorities or other leading figures. In order to guarantee continuity and efficiency, the IOC recommends that the OCOG's composition reflects, at least to a certain extent, the former Bid Committee. Finally, the IOC President establishes

208 2012 *Candidature Procedure and Questionnaire*, question 2.3. For example, the IOC Executive Board will examine whether public authorities are committed to covering potential economic shortfalls of the OCOG and to making available all sport and non-sport venues owned by them, either at no cost or at a rental cost pre-approved by the IOC.

209 This is the same Committee as the one created at the candidature acceptance phase (phase two). During the candidature phase (phase three), the city authorities must submit a declaration that the Bid Committee is empowered to represent the Candidate City and must indicate the names and/or titles of persons who have the authority to sign contracts and other documents (e.g. undertakings, Host City Contract) on behalf of the Candidate City.

210 The *Candidature Questionnaire* is part of the *Manual for Candidate Cities*, updated after each edition of the Olympic Games. This Manual consists of three parts. Part I is a Guide explaining the different stages of the candidature (e.g. deadlines, official registration of the candidature, visit of the IOC Evaluation Commission). Part II is called the 'Candidature File' and contains the questionnaire and Model Candidature File. Part III provides annexes: the *Olympic Charter*, the Undertaking (original to be signed), the Host City Contract, requirements of the International Olympic Summer Sports Federations, the Paralympic Games Guidelines and General Information. Note that these appellations are not yet standardized. In the 2012 bidding process, the general document was named '2012 Candidature Procedure and Questionnaire' rather than 'Manual for Candidate Cities'. Candidate Cities must also abide by the terms of an undertaking which in general terms provides that if the Candidate City is elected as a Host City, its representatives and the NOC will sign the Host City Contract.

211 The members of the Evaluation Commission are: independent experts (e.g. an environmental expert); International Federation and NOC representatives; IOC members, as well as representatives of the IOC Athletes' Commission and the International Paralympic Committee. The Ethics Commission may decide to take part in these inspection visits.

212 A numeric-type code has been developed for assessing candidatures. This does not, however, produce an overall ranking system; rather, the benchmarks are used as required minima for a candidature to be potentially successful in organising the Olympic Games.

213 *Olympic Charter*, rule 34, 2 and 4.

214 The Host City Contract (HCC) was created in the 1970s in order to hold the city to the commitments it expressed in the bid. However, since the HCC is signed seven years in advance of hosting the Olympic Games, some flexibility in its interpretation and application is permitted.

an Olympic Games Coordination Commission (OGCC),<sup>215</sup> which is primarily entrusted with ensuring optimal cooperation among the IOC, the OCOG, the International Federations<sup>216</sup> and the NOC.

## 4.2 Increased recognition of the principle of participation in the bidding process

The need for a more open, fair and efficient Host City election procedure was a consequence of the Salt Lake City crisis and constituted a cornerstone of subsequent institutional reform.<sup>217</sup> Today, cities are required to provide extremely detailed information. From a two page document in 1908, the (candidature) questionnaire had expanded to 80 pages for the 2000 Olympic Games. Cities must now also provide explicit evidence of the population's support for the Olympic project from an early stage in the bidding process. Applicant cities are expressly requested to conduct an independent opinion poll.<sup>218</sup> The Candidature Acceptance Procedure Questionnaire for the XXX Olympiad in 2012 specifically requested information on questions asked in the poll, the areas covered, the dates of the poll and the sample size. Hence, there is a positive trend towards including the views of the population in a city's Olympic project. Cities must also be more pro-active in cultivating local support and interest within the country. The 2012 questionnaire also asked cities to show the results of awareness campaigns where these had been undertaken.<sup>219</sup>

However, the requirement that cities cultivate, and report in their bids on, the level of local support can sometimes be controversial, and may in some cases hamper rather than promote fulfilment of the right to participate. As will be detailed in the Olympic city case studies below (in Chapter IV), the need to ensure community support in order to secure a winning bid means that dissent is sometimes quelled (in violation of the right to freedom of expression and assembly, and sometimes even violently), and legitimate community concerns are ignored in an attempt to focus on support for, rather than opposition to, hosting of the Olympic Games.

Nonetheless, it is worth noting that the area of environmental protection constitutes a best practice in relation to the increased recognition of the principle of participation. The 2012 candidature questionnaire specifies that, as the environment is "an area where Candidate Cities often experience rigorous and extensive public scrutiny and opposition, it is essential that, from the earliest stages of planning, a dialogue of cooperation is established with the government and non-government organisations."<sup>220</sup> The 2000 Sydney Olympic Games represents best practice in this regard, demonstrating that active participation of civil society can significantly contribute to the success of the Olympic Games, and that constructive dialogue and cooperation are optimal guarantees for avoiding opposition.<sup>221</sup> The involvement and participation of a number of key stakeholders, such as Greenpeace, from the outset of the Olympic bid, was crucial to achieving Sydney's 'Green Games'. The positive relationship between the Sydney OCOG and civil society allowed for the previously adopted Environmental Guidelines to be turned into legal requirements. This ensured that, as construction began and the realities of cost were realised, the original environmental commitments made so boldly during the bidding process could not be discarded. The positive relationship between the Sydney OCOG and civil society was reflected in Greenpeace's post-Olympics environmental assessment, the findings of which did not conflict with those of the OCOG.<sup>222</sup>

215 The OGCC also includes representatives of the IOC, the International Federations, the NOCs and the athletes, as well as experts in the fields of media, environment and television technology. *Olympic Charter*, Rule 38. Its seven-year long mandate includes monitoring the progress of the OCOG, helping resolve differences between the parties and examining all major aspects of the organisation of the Olympic Games. As such, it determines arrangements at the competition and training venues for accommodation and facilities in the Olympic Village. The OGCC pays regular visits to the Host City and compiles frequent reports on the progress achieved, which it submits to the Executive Board.

216 The International Federations (IFs) are international non-governmental organisations administering one or several sports at the international level and encompassing organisations that administer such sports at the national level. Each IF maintains its independence and administration of its sport. IFs express their opinions on the candidatures for organising the Olympic Games, in particular as far as the technical aspects of venues for their respective sports are concerned. They establish their criteria for eligibility for the Olympic Games and submit these to the IOC for approval. They assume responsibility for the technical control and direction of their sports at the Olympic Games. *Olympic Charter*, Rules 27 and 49.

217 IOC, *Intermediary Report of the IOC 2000 Commission* (1999), see introduction, glossary, Salt Lake City crisis.

218 They must also carry out a referendum if this is required by national legislation. IOC Candidature Acceptance Working Group, 'Candidature Acceptance Procedure Questionnaire: Games for the 2012 XXX Olympiad' (2004), question 6 c (legal aspects).

219 11 percent and 13 percent of the population were reported as opposed to the 2012 Olympic Project in New York and London, respectively in the Report by the Candidature Acceptance Working Group to the Executive Board.

220 2012 *Candidature Procedure and Questionnaire*, theme 5. In its 2008 bid, Paris developed a comprehensive set of principles and policies on environmental protection, with some of the following objectives: participation of the public with maximum involvement of environmental associations and the establishment of an Independent Environment Authority which would check on progress and action and help communicate widely the achievements and environmental legacies of the Olympic Games. IOC Evaluation Commission, 'Report of the IOC Evaluation Commission for the XXIX Olympiad in 2008' (Lausanne, Switzerland :IOC, 3 Apr. 2001), p. 28. [http://multimedia.olympic.org/pdf/en\\_report\\_299.pdf](http://multimedia.olympic.org/pdf/en_report_299.pdf) [accessed 30 August 2005].

221 Greenpeace Australia and the Pacific, '2000 Green Olympics Questions and Answers', [http://www.greenpeace.org.a/archives/olympics/press\\_kit/quanda.html](http://www.greenpeace.org.a/archives/olympics/press_kit/quanda.html) [accessed Aug. 2005].

222 It is compulsory for the OCOG to carry out an Environmental Impact Assessment (EIA) after the staging of the Olympic Games.

These changes constitute moves towards the promotion of the principle of participation.<sup>223</sup> Nevertheless, the *full* implementation of this fundamental principle would allow for civil society's active involvement in the concrete shaping of a city's Olympic project. Full implementation is in fact required in order for the right to participation to have any meaningful effect. It is only through ensuring that each city adequately protects this participation principle that the IOC will avoid discriminating, in effect, against cities where civil society is already more freely able to voice concerns about aspects of their city's bid and/or opposition to the bid itself.<sup>224</sup>

Further, proper input from affected communities should occur at *all* stages of the process. Until now, a Candidate City must await receipt of written authorisation from the IOC before it can release its Candidature File to the public and the media. This lack of immediate disclosure risks excluding civil society organisations from all planning stages of the Olympic bid, with their main concerns not being taken on board or addressed in a timely manner, or at all.

### 4.3 The candidate selection criteria and housing

At the national phase (phase one), there are no formal selection criteria. Nevertheless, NOCs base their selection on the fulfilment of the IOC minimum requirements which are applicable at the subsequent international phases.<sup>225</sup> At the candidature acceptance phase (phase two), requirements pertain to: motivation; concept and public opinion; political support;<sup>226</sup> finance; venues;<sup>227</sup> accommodation;<sup>228</sup> transport infrastructure<sup>229</sup> and general conditions, logistics and experience.<sup>230</sup> None of these requires information about, or consideration of, issues such as the number of people who may be displaced, the amount of social or low-cost housing that may be demolished or reassigned or the degree of community consultation conducted. At the candidature phase (phase three) the requirements become much more detailed and substantive. However, they predominantly focus on ensuring that a Candidate City's Olympic project is viable and they deal to an even lesser extent with the impact of the Olympic Games.

The Candidature questionnaire requires bidding cities to identify all national and binding international legal obligations that are likely to have an impact on the organisation and staging of the Olympic Games. These obligations are explained in the questionnaire as those which are likely to interfere with the smooth running of the Olympic Games, such as obligations pertaining to competition policy and trade and commerce-related practices. While international and national human rights obligations are of equal legal value and significance, no specific reference is made to these in the questionnaire.

223 Which constitutes a fundamental principle of both international human rights law and *OM Agenda 21* (as detailed in Chapter II Section 3.3 and Chapter III Section 1 respectively).

224 It is somewhat ironic that the cities where civil society is most free to express its concerns and opposition to events such as the Olympic Games have lost their bids to host this event, in part due to lack of community support. For example, the active opposition of the Bread Not Circuses groups in Toronto and Melbourne to the bids for these two cities to host the 1996 is seen as an important element in the failure of these bids: Helen Jefferson Lenskyj, 'Making the world safe for global capital: The Sydney 2000 Olympics and Beyond', in J. Bale and M. Christensen (eds.), *Post Olympism? Questioning Sport in the Twenty-first Century* (London: Berg Publishers 2004), p 5.

225 The third Working Group of the IOC 2000 Commission underlined the need for NOCs to take full responsibility for its Olympic bids and to ensure that the national application meets IOC requirements. A by-law to rule 34 of the *Olympic Charter* states that "... the NOC must guarantee that the Olympic Games will be organised to the satisfaction of and under the conditions required to the IOC".

226 In the questionnaire for the XXX Olympiad (2012), this theme included questions on government support, the future candidature committee and legal aspects of organizing the Olympic Games. Legal questions related to whether there are any legal obstacles to the organisation of the Games, whether implementation of new laws to facilitate the organisation is envisaged or required, existing laws relating to sport (and more specifically, to combat doping), whether the country applies an anti-doping code, and whether the relevant authorities have signed an agreement with the World Anti-Doping Agency.

227 I.e. existing, planned and additional competition venues and non-competition venues, such as the Olympic Village(s), the International Broadcast Centre and the Main Press Centre. The city's concept for all of these venues, its plans for their post-Olympics use, as well as their sources of financing need to be specified.

228 I.e. whether the Candidate City meets the temporary accommodation requirements in terms of guaranteed number of hotel or other types of rooms, room locations and rates, and allocations of accommodation.

229 Existing, planned and additional airports, railways and buses, as well as the distance (expressed in kilometres and in travelling time) to the different Olympic venues need to be indicated. Transportation requirements for 150,000 to 200,000 accredited persons and often more than 500,000 spectators per peak day place considerable pressure on any metropolitan transport system.

230 The 2012 candidature acceptance questionnaire started to address environmental issues in more detail, although not as an autonomous theme. While environmental issues were formerly dealt with under the theme of 'sport infrastructure', in the 2012 candidature acceptance questionnaire, they were considered under general conditions, logistics and previous experience in organising major events. Environmental protection is treated as an autonomous theme in the candidature phase.

Of the 17 selection themes in the Candidature questionnaire,<sup>231</sup> four indirectly address housing-related issues: environment and meteorology;<sup>232</sup> sport and venues;<sup>233</sup> accommodation<sup>234</sup> and media operations (i.e. construction of an International Broadcast Centre and a Main Press Centre).<sup>235</sup> Only one selection theme, relating to the Olympic village, pertains directly to housing. Under this theme, the candidature questionnaire explicitly identifies as best practices the eventual conversion of the Olympic village to new residential housing projects, campus-style villages and privately operated housing schemes. Overall, Candidate cities must guarantee that the site chosen is in line with the city development plan and the standards for obtaining planning permission.

Where new infrastructure is required for the construction of the Olympic village, the information requested by the questionnaire pertains to questions of accessibility, in particular, the distances and travel times between the new Olympic Village site and the sporting venues and the likelihood of traffic congestion and delays for athletes and officials. The candidature questionnaire does not request information concerning the circumstances of the existing inhabitants or their future displacement.

Where no new infrastructure is built and local housing is used for non-sport venues (e.g. the Olympic Village, Main Press Centre, International Broadcast Centre and Olympic Movement Members' accommodation), the candidature questionnaire asks cities to guarantee the use of the property, including possession and vacation dates.<sup>236</sup> The questionnaire does not, however, inquire about the agreement of non-owners (renters, informal settlers, squatters) or about the (temporary or permanent) relocation and compensation of affected residents. For example, the Evaluation Commission's analysis of Paris' candidature for the 2008 XXIX Olympiad commended the intended rejuvenation of a city sector following the construction of the Olympic village in a currently rundown housing area, without raising the question of the relocation and compensation of its current inhabitants.<sup>237</sup>

Candidate Cities must also explicitly link the post-Olympics legacy to the promotion of sustainable development, which constitutes a significant step forward. This condition was introduced in the 2008 Host City election procedure and requires that Applicant and Candidate Cities carefully consider and explain the post-Olympics legacy of newly-built or renovated infrastructure. The motivation behind this recent requirement is the desire to avoid the creation of 'white elephants',<sup>238</sup> as has occurred in the past.<sup>239</sup> Since 2004, Candidature acceptance and candidature questionnaires have equally emphasised the need for the Olympic project to fit into the city's long-term planning strategy. This request reflects *OM Agenda 21*'s requirement to harmoniously integrate an Olympic project into society and is based on previous candidature questionnaires that mainly focused on a city's principal motivation and objectives for hosting the Olympic Games.

231 The 2012 Candidature questionnaire is organised into the following aspects: Olympic Games concept and legacy; political and economic climate and structure; legal aspects; customs and immigration formalities; environment and meteorology; finance; marketing; sport and venues; Paralympic Games; Olympic Village; medical and health services; security; accommodation; transport; technology; media operations and Olympism and culture. Candidate Cities must describe the exact role that public authorities will be expected to play and describe their support in the preparation and hosting of the Olympic Games. They should indicate the extent to which such support constitutes binding obligations on the authorities. They must provide a description of the intended procedures to ensure coordination between various government levels and bodies. *2012 Candidature Procedure and Questionnaire*, questions 2.1. and 2.2.

232 Specific charts are to be provided on the city's temperature and humidity, precipitation, and wind direction and strength. Candidate cities are required to provide guarantees from the competent authorities that all construction work necessary for the organisation of the Olympic Games will comply with local, regional and national environmental regulations and acts, on the one hand, and with international agreements and protocols regarding planning, construction and protection of the environment, on the other. The OCOG is also required to explain how it will integrate its environmental approach into contracts with suppliers and sponsors, for example, with respect to procurement of recyclable or compostable goods, in recyclable or compostable packaging, *2012 Candidature Procedure and Questionnaire*, pp. 86-92.

233 The candidature questionnaire stipulates the IOC's Guiding Principles for competition and non-competition venues. Venues must meet requirements and be realistic with respect to the master plan of the Host City, resource efficiencies and post-Olympic legacy. Venue planning should support the concept of sustainable development as it applies to the Olympic Games in general and to venues specifically (e.g. use of permanent versus temporary facilities, environmentally sensitive materials/systems/impacts). For venue selection, cities should use existing venues, refurbished if necessary, and *build new venues only if there is a 'legacy need'*. Where there is no such legacy need, a temporary solution must be sought. Venues should be safely and efficiently operated, keeping the primary focus on the athletes, *2012 Candidature Procedure and Questionnaire*, p. 132.

234 This theme deals with the accommodation to be provided to Members of the Olympic Movement, such as IOC administrators, interpreters, members of Commissions, advisors and consultants, partners and suppliers, guests, future and former OCOG members, etc. It focuses on hotel accommodation, the primary concern being to guarantee a short travel distance between the accommodation and the Olympic Games' venues, as well as reasonable accommodation costs. In relation to accommodation costs, this theme establishes a rental subsidy mechanism, i.e. obligates the OCOG to pay the difference between the actual cost of the rooms at the time of staging the Games and the cost as stated in the City's Candidature File (for the aforementioned Members of the Olympic Movement). It also inquires about other types of accommodation (e.g. villages other than the Olympic Village, cruise ships, etc) which are existing, or which may be planned, and whether construction authorisations have been signed. If existing buildings/ships are being used, the Candidate City is to provide guarantees from the owners concerned regarding: use of venue, possession and vacation dates and rental costs (if any).

235 Candidate Cities are to describe their concept for the International Broadcast Centre and Main Press Centre, including the following elements: location, size, parking and facilities. They must state whether these venues are existing facilities or are to be constructed, and specify their intended post-Olympic use, including legacy considerations. Guarantees are to be obtained for the use and/or construction of the International Broadcast Centre and Main Press Centre from the owners concerned, including possession and vacation dates.

236 *2012 Candidature Procedure and Questionnaire*, question 10.7.

237 IOC Evaluation Commission, 'Report of the IOC Evaluation Commission for the XXIX Olympiad in 2008' (2001), p. 41.

238 A white elephant, in this context, refers to infrastructure whose upkeep exceeds its usefulness, therefore rendering it a liability.

239 IOC, 'Report of the IOC Candidature Acceptance Working Group to the EB on the Games of the XXX Olympiad in 2012' (Lausanne: IOC, Mar. 2004), [http://multimedia.olympic.org/pdf/en\\_report\\_809.pdf](http://multimedia.olympic.org/pdf/en_report_809.pdf) [accessed 30 August 2005], p. 35.

These developments represent positive signs that the Olympic Movement is increasingly devoting attention to the impact of the Olympic Games, including the various aspects relating to housing. However, the approach remains very limited and falls short of fully addressing the impacts that the Olympic Games have upon housing rights. This is demonstrated by the way in which the housing impacts of the 2008 Summer Olympic Games in Beijing, many of which are already devastatingly evident,<sup>240</sup> were not considered when assessing the Beijing candidature, despite the progressive and rigorous selection criteria being applied. This is a missed opportunity: the process by which Candidate Cities demonstrate that they have satisfied the selection criteria could provide a method for establishing positive housing legacies, by requiring Candidate Cities to commit to ensuring the prevention of negative housing outcomes.

Environmental issues have been emphasised by the introduction of the promotion of sustainable development as a cross-cutting selection theme in the candidature questionnaire. The improvement of socio-economic conditions, which constitutes an equally important pillar of sustainable development, has effectively been omitted to date.<sup>241</sup> Further, a recommendation to pay special attention to the protection of habitats, which emerged for the first time in the 2008 candidature questionnaire, was not retained in the 2012 edition.

It is clear that the Olympic Games' impacts on local housing conditions is not addressed per se in the selection process. No specific information is required from Candidate Cities concerning the potential negative impact on local housing, the displacement of local communities, or strategies to remedy or minimize potential harm. This failure to require the provision of targeted information is a regrettable deficiency in the current selection process. This failure is particularly striking given the Olympic Movement's proclaimed principles and housing-related commitments. The omission is also of concern, given the significant impact that staging the Olympic Games can have on local housing conditions. All of the official documents outlining the bidding process refer to the obligation of cities wishing to organise the Olympic Games to abide by all aspects of the *Olympic Charter*, the *Code of Ethics* and the *Rules of Conduct*.<sup>242</sup> Compliance with these normative instruments was explicitly identified as an assessment criterion in the 2008 Host City selection process.<sup>243</sup> For the Host City of the 2016 Games, the *Rules of Conduct* (and thus the housing related principles) will apply to cities as soon as they indicate an intention to bid (i.e. before they officially become an Applicant City).<sup>244</sup> However, to date the process has failed to encompass requirements (including monitoring and enforcement procedures) specifically related to the housing impacts of the Olympic Games.

The Host City election process is principally concerned with technical aspects of organisation of the Olympic Games. The selection criteria focus on matters related to the efficiency of the Olympic Games (travel distances, traffic fluency), as well as on the level of comfort provided to athletes and important guests (e.g. reasonable prices for accommodation).<sup>245</sup> The technical information requested from cities is not an appropriate basis on which to assess observance of the Fundamental Principles of Olympism and the Olympic Movement's principles and housing-related commitments. The satisfaction of technical requirements (e.g. infrastructure, logistics, tourism, economic revenue) has been prioritised over the promotion of Olympic values.

#### 4.4 Mainstreaming housing requirements in the bidding process

Although COHRE has identified a failure to implement in practical terms the Olympic Movement's principles and housing-related commitments, we believe this deficiency could be addressed without requiring significant changes to the current bidding procedures. In fact, the assessment of the impact of the Olympic Games has on local housing could be undertaken within the existing selection themes, including those related to general infrastructure (i.e. transport, accommodation); sport infrastructure; and the provision of an Olympic village and media villages.

This approach treats housing as a cross-cutting selection theme, in the same way that environmental issues have been treated in the context of sustainable development. This approach would build upon recent positive developments in the bidding requirements, as underlined in Sections 4.2 and 4.3 above, and in the following Section 4.5 on the Olympic-legacy

240 See further Chapter IV, Section 2.6.

241 2012 *Candidature Procedure and Questionnaire* and IOC Candidature Acceptance Working Group, 'Candidature Acceptance Procedure: Games of the XIX Olympiad in 2008, (Lausanne: IOC, 2000) [2008 *Candidature Procedure and Questionnaire*].

242 For example, the *Rules of Conduct* (adopted by the Ethics Commission in March 2004) stipulate that "the promotion of candidature must take place with dignity (...)".

243 E.g. 2008 *Candidature Procedure and Questionnaire*, 1.2 *Abiding by Various Rules and Conditions* and 1.4. *Criteria for assessment of applications*.

244 *Rules of Conduct applicable to all cities wishing to organise the 2016 Olympic Games*, effective from 8 February 2007.

245 The high cost of hotel accommodation for Members of the Olympic Movement and officials in Paris, for instance, was mentioned as a potentially problematic issue by the IOC Evaluation Commission, 'Report of the IOC Evaluation Commission for the XXIX Olympiad in 2008' (2001), p. 37.

project. Such developments are not only evidence of the Olympic Movement's capacity to adapt bidding requirements in a progressive manner, but also of practical ways in which it can live up to its principles and commitments. A further promising development is that, despite the lack of encouragement from the IOC, Candidate and Host Cities have displayed their willingness to ensure that hosting of the Olympic Games contributes to the socio-economic dimension of sustainable development.

Certain Candidate Cities are to be commended for incorporating – on their own initiative – observance of the Fundamental Principles of Olympism, the Olympic Movement's principles and housing-related commitments into their Olympic projects, and designing practical implementation strategies.<sup>246</sup> Toronto's 2008 bid, for instance, proposed an Olympic village construction project based on sustainable housing and ecological refurbishment of existing facilities.<sup>247</sup> Cape Town's bid for the 2004 Olympic Games sought to use the Olympic Games as a catalyst for improving the position of disadvantaged groups and areas by focusing on a broad interpretation of the concept of Olympic development.<sup>248</sup> London committed itself in both its 2008 and 2012 Olympic Games bids to providing affordable housing for teachers and medical personnel as part of a larger redevelopment project in the East London area.<sup>249</sup> Paris committed to use the 2012 Olympic village for mixed use housing (including social and low-cost housing) after the Games. These initiatives demonstrate the feasibility of incorporating housing commitments in the bidding process. However, it is unsatisfactory for such a crucial issue to be left to the initiative of Candidate Cities. Clear guidelines should be provided by the IOC.

The IOC currently requests Candidate Cities to carry out preliminary independent environmental impact assessments (EIAs).<sup>250</sup> The 2012 Candidature questionnaire included an express request to take into account socio-economic parameters (which should include housing) in these EIAs.<sup>251</sup> This requirement could be further supplemented with a requirement to undertake a Social Impact Assessment (SIA). Previous Candidate Cities have carried out SIAs on their own initiative. For example, Melbourne undertook a SIA for its bid to host the 1996 Olympic Games.<sup>252</sup> London carried out a Health Impact Assessment as part of its bid for the 2012 Olympic Games.<sup>253</sup> It is vital that such SIAs assess the full social cost, taking into account factors such as the trauma associated with evictions and displacements.

International Principles regarding SIAs have been developed by the International Association for Impact Assessment.<sup>254</sup> According to these, a SIA must be based on the premise that respect for human rights underpins all actions and that people have the right to be involved in decision making about planned interventions that will affect their lives. This means that housing-related projects and projects impacting on housing should be broadly acceptable to the members of those communities likely to be affected by, the planned intervention. According to the International Principles, conducting a SIA involves identifying interested and affected people, facilitating and coordinating stakeholders' participation, collecting baseline data, identifying activities likely to cause impacts, predicting likely impacts and stakeholders' reactions, assisting in evaluating and selecting alternatives, recommending mitigation measures and providing suggestions about compensation. An SIA practitioner is guided by values that incorporate sustainability, scientific integrity, accountability, fairness and equity, and an ethic that defends human rights and advocates openness.

It is equally important that further strategies for monitoring and managing the housing impact of the Olympic Games are developed as follow up measures to ensure that the findings and recommendations of a SIA are implemented. Proper accountability mechanisms need to be in place in order to ensure that the issues highlighted by a SIA are adequately addressed.

246 See further Chapter IV Section 3 on best practices and Chapter IV Section 2.7 on the examples of Paris, London and Madrid, each of which included aspects of social housing in their bids for the 2012 Olympic Games, despite the fact that this requirement was not included in the Candidate questionnaire or selection criteria.

247 IOC Evaluation Commission, 'Report of the IOC Evaluation Commission' (2001), p. 46.

248 See further Chapter IV Section 3 on best practices.

249 IOC Evaluation Commission, 'Report of the IOC Evaluation Commission' (2001), p. 49. London's City Plan sets a tough and progressive housing policy, calling for all new developments to include 50% affordable housing.

250 Applicant Cities need to provide a basic assessment of the environmental impact of staging the Olympic Games, while Candidate Cities are required to conduct a preliminary EIA. The studies are to be summarised, indicating the feasibility of the project in terms of environmental sustainability and the measures planned to alleviate any negative environmental impacts.

251 2012 Candidature Procedure and Questionnaire, question 5.6.

252 See further Chapter IV Section 3.2.

253 See further Chapter IV Section 2.7. This HIA has been criticised for not adequately addressing the socio-economic concerns of affected communities such as Clay's Lane: COHRE correspondence with local residents, February 2007.

254 International Association for Impact Assessment (IAIA), *Social Impact Assessment International Principles, Special Publications Series N° 2* (IAIA, May 2003), at 3, available at [http://www.iaia.org/Members/Publications/Guidelines\\_Principles/SP2.pdf](http://www.iaia.org/Members/Publications/Guidelines_Principles/SP2.pdf). The International Association for Impact Assessment describes itself as the leading global authority on best practice in environmental assessment, management and policy. Further information is available at: [www.iaia.org](http://www.iaia.org)

## 4.5 Housing legacies

Finally, it is important to analyse the long term effects of the Olympic Games, i.e. the Olympic legacy, and how this is monitored and taken into consideration in selecting the Applicant and Host Cities.

As part of its recognition of the importance of sustainable development, the IOC has launched the Olympic Games Global Impact Study (OGGI project) to evaluate the social, environmental, cultural, and economic impact of the Olympic Games on the region of the organizing city.<sup>255</sup> The objectives of the OGGI project are: first, to measure the global impact of the Olympic Games; secondly, to create a comparable benchmark across all future Olympic Games editions; and finally, to help bidding cities and future organisers identify potential legacies to maximise the benefits of the Olympic Games.

The OGGI project requires a Host City to submit an evaluation report two years after the event is completed. Three areas of long-term development have been determined to address this impact, along with specific indicators related to the following domains:

- The economic domain
- The social domain
- The environmental domain

The period of measurement extends over 11 years; starting two years before the election of the Host City and ending two years after the staging of the Olympic Games. Beijing will be the first Host City to conduct this evaluation, and Vancouver and London will also participate.

Since 2001, the IOC has selected a set of over 150 measurable indicators for the collection of data from each Olympic Games.<sup>256</sup> Housing is not included among the 'social' indicators, although 'poverty' and 'consultation with specific groups' are included in this category. There are some indicators dealing with housing in the 'environmental domain', however the indicators on 'housing', 'breakdown of building stock' and 'built area of Olympic sites' are very general and do not address the full social and economic dimensions of the housing impact of the Olympic Games.

Information on the global impact of the Olympic Games forms part of the Official Report produced after each Olympiad. COHRE commends the launching of the OGGI project, which reflects the IOC's recognition of the importance of its social responsibilities. COHRE also suggests that housing be included as a specific social indicator. None of the current OGGI indicators addresses social impacts from a perspective that permits adequate measurement of the true impact of the Olympic Games upon housing rights from the perspective of those affected. In assessing the concept and legacy of the overall Olympic project, there has until now been no explicit mention of the need to protect and enhance local living conditions. In order to ensure that the Olympic Movement's principles and commitments are fulfilled and that the post-Games legacy is a positive one, it is important that the method for measuring the housing impact of the Olympic Games indicates the true social, economic and environmental effects of the Olympic Games in the housing sphere.

<sup>255</sup> See further, IOC, 'Focus: Olympic Games Global Impact', *Olympic Review* (June 2006) available at: [http://multimedia.olympic.org/pdf/en\\_report\\_1077.pdf](http://multimedia.olympic.org/pdf/en_report_1077.pdf)

<sup>256</sup> In collaboration with a network of local universities and experts.

## 5. ACCOUNTABILITY FOR THE OLYMPIC GAMES' NEGATIVE IMPACT ON LOCAL HOUSING

The incorporation of specific housing-related requirements in the Candidate and Host City selection processes is a fundamental step towards bringing the Olympic Movement in line with its internal commitments to guarantee a beneficial impact of the Olympic Games. This should exist in conjunction with a strong accountability framework. Accordingly, this section analyses the issue from two perspectives: First, it considers the scope for accountability within the Olympic Movement's internal normative framework; and secondly, it examines the potential accountability of each Olympic stakeholder under international law.

### 5.1 The Olympic Movement's internal accountability framework

#### 5.1.1 The IOC Executive Board and the Session: issuing sanctions for non-compliance of the Olympic Movement's principles

There are several existing internal mechanisms to monitor the observance of the Olympic Movement's principles and housing-related commitments by various Olympic stakeholders, including the IOC, the OCOG, the NOC, the Host City and Olympic sponsors.<sup>257</sup>

Two other important bodies are the IOC Executive Board and the IOC Session. The IOC Executive Board is a permanent executive body, composed of the IOC President, four Vice-Presidents and 10 IOC members. The IOC Session is the supreme authority of the IOC. It meets annually as the general meeting of all 115 IOC members. The IOC Executive Board and the IOC Session are the two organs that can sanction deviations from the *Olympic Charter*, the *Code of Ethics* and other IOC regulations.<sup>258</sup> As such, the IOC Executive Board and the IOC Session are empowered to sanction non-observance of the Fundamental Principles of Olympism and other principles of the Olympic Movement which are enshrined in the *Olympic Charter* and *Code of Ethics*.<sup>259</sup>

The IOC Session has greater powers than the IOC Executive Board. While the IOC Executive Board may withdraw the right of a city to be an applicant or, of a Candidate City to bid for the Olympic Games, the IOC Session is empowered to withdraw permission previously granted to a Host City, an OCOG and a NOC to organise the Olympic Games. Similarly, the IOC Executive Board can reprimand or suspend IOC members, while the IOC Session can expel IOC members. For example, the IOC Session voted to expel six IOC members after the Salt Lake City crisis in November 1998, as a result of the recommendations of an ad hoc Inquiry Commission established by the IOC President. Other IOC members resigned from their positions voluntarily.

Although there is provision for sanctioning IOC Executive Board members individually, the situation is entirely different with regard to the IOC as a body. In fact, there is no institutionalised mechanism monitoring the conduct or activities of the IOC. Furthermore, there is no means through which the IOC can be held internally accountable. For instance, in the HCC, the Host City, the NOC and subsequently the OCOG must each waive all claims against the IOC for damages resulting from acts or omissions relating to the Olympic Games.<sup>260</sup> Rule 37 of the *Olympic Charter* also provides that "the IOC has no financial responsibility whatsoever in respect of the organization and staging of the Olympic Games".

The IOC Executive Board's power to withdraw an Applicant or Candidate City's application and the ability of the IOC Session to revoke the permission granted to a Host City, an OCOG and a NOC to organise the Olympic Games, means that these entities have the capacity to hold each of the Host City, the OCOG and the NOC accountable for compliance with housing rights standards. For example, if a Host City has failed to protect human dignity in connection with the right to housing, or to comply with the principle of promoting a positive legacy locally, or if it has breached its obligation not to discriminate, the option of sanctions is available as an enforcement mechanism.

#### 5.1.2 The IOC Ethics Commission: investigating ethical complaints

The IOC Ethics Commission, established in 1999 by the IOC President, investigates complaints concerning non-observance of ethical principles, generally, as well as the non-observance of the *Code of Ethics*, specifically. If necessary, the Ethics

<sup>257</sup> Each of the terms and bodies referred to in this section are defined in further detail in the Glossary contained in Annex I.

<sup>258</sup> *Olympic Charter*, rule 23.

<sup>259</sup> IOC regulations, however, do not embrace the commitments endorsed in *OM Agenda 21*.

<sup>260</sup> The indemnification and waiver do not apply to "wilful misconduct or gross negligence" by the IOC. These concepts have not yet been defined.

Commission proposes sanctions to the IOC Executive Board.<sup>261</sup> Nevertheless, the final decision on this issue is made by the IOC Executive Board, or the IOC Session, depending on the severity of the sanction.

Although the Government of the Host Country is officially an external partner of the Olympic Games, and is not considered an Olympic Party as such, the *Code of Ethics* requires that the Host Country Government execute a legally binding contract in which it undertakes to “scrupulously respect the Fundamental Olympic Principles” and the Code of Ethics.<sup>262</sup> This agreement constitutes a basis for holding the Government of the Host Country accountable for failure to respect these principles. These agreements also require the national Government commit itself to taking all the necessary measures to guarantee compliance with the principles of the Olympic Movement by its public authorities, the Host City and the NOC. However, as the Ethics Commission is relatively new, and so far not fully structured and operational, there is no practice yet of severe sanctions being imposed against a Host City, OCOG or NOC. Nonetheless, the possibility remains that under this mechanism, action can be taken against a Host City or OCOG if displacement and/or resettlement of locals occurs in violent or discriminatory circumstances.

The obligation to act in conformity with the principles of the Olympic Movement applies equally to sponsors, broadcasters and partners in general.<sup>263</sup> However, there is no formal provision for their accountability or for the imposition of sanctions in cases of non-compliance. The *Code of Ethics* obligates all Olympic Parties to not be involved with firms or persons whose activity is inconsistent with the Olympic Movement’s principles.<sup>264</sup>

### 5.1.3 The Sport and Environment Commission: monitoring sustainable development commitments

With regard to the Olympic Movement’s commitments in the field of sustainable development, a Sport and Environment Commission was created in 1995.<sup>265</sup> It has the primary responsibility for promoting and monitoring *OM Agenda 21*.<sup>266</sup> The Sport and Environment Commission has established a joint Working Group with UNEP to provide policy advice on *OM Agenda 21* and to monitor its implementation.<sup>267</sup>

The Sport and Environment Commission is specifically charged with promoting Olympic Games that respect the environment and meet the standards of sustainable development. It has gained significant influence and has played a major role in ensuring that environmental considerations now constitute an important aspect of any bid. The Sport and Environment Commission appoints an environmental expert to represent it on the Evaluation Commission’s inspection visits to Candidate Cities.

Nevertheless, as an advisory body, it cannot authoritatively enforce the Olympic Movement’s environmental and housing-related standards. It can neither sanction a Host City for failure to respect its environmental commitments, nor it take action against other Olympic stakeholders that fail to uphold *OM Agenda 21* standards. There is thus scope for both strengthening the powers of the Sport and Environment Commission and encouraging this body to consider housing-related issues, which, as seen above, form an integral component of the socio-economic dimension of sustainable development.

## 5.2 Accountability under international law

This section focuses on the accountability of Olympic stakeholders under international law. It examines the extent to which the Host Country (directly) and the Host City (indirectly) are required to respect, protect and fulfil the right to adequate housing of the local population.<sup>268</sup> Although the IOC is a non-state actor, it can be argued that, as an ‘organ of society’, under the *UDHR*, it is required to respect and promote the right to adequate housing.

261 When it is seized of a complaint or a denunciation, it undertakes a confidential investigation. A report is presented to the members of the Commission and, after deliberation, a decision is adopted by the means of conclusions and recommendations. This decision is delivered to the EB, through the IOC President, and remains confidential until the EB has reached a decision.

262 In fact, each of the national Governments of each bidding city must issue such a covenant.

263 *Code of Ethics*, C. Resources, 3 reads, “The Olympic parties recognise the significant contribution that broadcasters, sponsors, partners and other supports of sports events make to the development and prestige of the Olympic Games throughout the world. However, such support must be in a form consistent with the rules of sport and the principles defined in the Olympic Charter and the present Code.” (emphasis added).

264 Ibid. B. II, reads, “The Olympic parties must not be involved with firms or persons whose activity is inconsistent with the principles set out in the *Olympic Charter* and in the present Code” (emphasis added).

265 Its members are appointed by the IOC president. It is composed of 19 members and presided over by Pal Schmitt.

266 *Rio de Janeiro Statement on Sport and Sustainable Development*, adopted in 1999.

267 A Cooperative Agreement was signed in February 1994 between the IOC and UNEP by Juan Antonio Samaranch and Elizabeth Dowdeswell.

268 The applicable international human rights law framework was set out in Chapter II Section 3.

Furthermore, Olympic sponsors and other Olympics-related entities are similarly seen as ‘organs of society’ and ought to respect and promote the UDHR.

### 5.2.1 The Host State and Host City

When states ratify international human rights treaties, they freely bind themselves to implement the obligations associated with each protected individual right. Consequently, a state which hosts the Olympic Games is responsible under international law for its actions and omissions that are not in conformity with its human rights obligations. Such obligations include those arising under the *International Covenant on Economic, Social and Cultural Rights* and the *CRC*, in addition to other human rights treaties and standards.

Under international law, the conduct of a municipal authority, as a territorial governmental entity within a state, is considered to be an act of that state.<sup>269</sup> Hence, the Host Country will be responsible under international law if the Host City does not comply with the Host Country’s human rights obligations when bidding for, preparing and staging the Olympic Games. In the context of the preparation of the 2004 Olympiad, for instance, the UN Committee on Economic, Social and Cultural Rights, which monitors the *ICESCR*, raised grave concerns with regard to Greece about certain conduct by the city of Athens. In its concluding observations on Greece’s periodic implementation report, the Committee underlined that the conduct of Athens as the Olympic Host City had seriously jeopardised locals’ right to adequate housing.<sup>270</sup> The Committee had received reports on forced evictions of Roma from their settlements by municipal authorities, often under the pretext of constructing projects for the 2004 Olympic Games, and frequently without payment of adequate compensation or provision of alternative housing.

As the Olympic Games generally produce effects on local housing conditions, it is important for the Host City not to act in ways that would engage the Host Country’s international legal responsibility for violating international human rights.

Under international law States are also obligated to regulate the behaviour of private (non-state) actors, such as private landlords, property developers, corporations and organisers of the Olympic Games. This requires a State to ensure that it has in place legislative, regulatory and other measures that are adequate to prevent and prohibit abuses of housing rights by such actors. It also requires public authorities to punish the perpetrators of rights violations and guarantee victims access to legal remedies in cases where infringements have occurred. This means that, where the election of a Host City results in a steep increase in rental prices, rendering housing unaffordable for some (and hence inadequate), the state should act to protect the housing rights of those affected (e.g. through the use of rent controls).

### 5.2.2 The International Olympic Committee and the Organising Committee of the Olympic Games

Primary responsibility for the protection and promotion of human rights rests upon States. In the context of the Olympic Games, the Host Country remains the primary bearer of international obligations. However, the responsibility of non-state actors is now increasingly claimed and recognised.<sup>271</sup> This development has been triggered by the increasing power and influence of non-state actors, such as corporations, on the enjoyment of human rights. Most private enterprises today also acknowledge that their increasing power and influence justifies their increased responsibilities and obligations to respect universal values, including international human rights norms, environmental standards and the broader concept of sustainable development. Corporate sponsors of mega-events, as well associations that organise mega-events (e.g. the IOC and FIFA) are no exception in this regard. Within the context of the organisation of the Olympic Games, the IOC’s mandate and powers are considerable, as is the impact of its decisions on local housing conditions. This raises legitimate questions regarding the IOC’s accountability for the consequences of its actions and decisions.

269 *Articles on the Responsibility of States for Internationally Wrongful Acts*, adopted by the International Law Commission in 2001, UN Doc. A/56/10, Article 4. Moreover, under international law, the conduct of an entity which is not an organ of the state but which is empowered by the law of that state to exercise elements of the governmental authority shall be considered an act of the state under international law, provided the entity is acting in that capacity in the particular instance, *ibid*, Article 5.

270 *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Greece*, UN Doc. E/C.12/1/Add.97 (June 2004), para. 21.

271 In US courts, under the *Alien Tort Claims Act* of 1789 for instance, multinationals have been sued for participating in human rights violations committed outside the U.S.: *Alien Tort Claims Act (ATCA)*, 28 U.S.C. §1350. See further, A. Clapham, *Human Rights Obligations of Non-State Actors* (Oxford: Oxford University Press, 2006), Chapters 6 and 10.

An international accountability framework extending beyond States is clearly spelled out in the UDHR, which calls on every individual and every organ of society to strive to respect human rights and to secure their observance.<sup>272</sup> The IOC, as an ‘organ of society’, therefore has a responsibility to respect human rights that may be affected by its activities as the organising and supervisory body of the Olympic Games.<sup>273</sup> A case in point is the obligation to respect the right to adequate housing of a Host City’s local population.

*“... every individual and every organ of society ... shall strive ... to promote respect for these rights and freedoms and ... to secure their universal and effective recognition and observance”*

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Universal Declaration of Human Rights (1948)

*“Every individual and every organ of society excludes no one, no company, no market, no cyberspace. The Universal Declaration applies to them all.”*

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Professor Louis Henkin<sup>274</sup>

Furthermore, according to the UDHR, ‘organs of society’ should not only strive to respect human rights, but should also promote respect for human rights on behalf of other actors. In the present context, members of the Olympic Movement under the direct IOC authority (including, among others, the Host City, the Host State, the OCOG and Olympic sponsors) are other actors over which the IOC has considerable influence. The IOC is in a privileged position to prevent breaches of local people’s rights to adequate housing in that it can select a Host City that is committed to executing an Olympic Project which respects this human right.

### 5.2.3 Olympic sponsors and partners

Sponsor support is crucial to the staging of the Olympic Games. The Olympic Partner Programme (TOP), created in 1985 and managed by the IOC, offers exclusive worldwide marketing rights and opportunities within the designated product categories to sponsors of both Winter and Summer Olympic Games. Coca-Cola, John Hancock, Kodak, McDonalds, Panasonic, Samsung, Atos Origin, Omega, Visa, Swatch, Sports Illustrated and Xerox were TOP partners for the Athens 2004 Olympic Games. They are all also TOP partners for the 2008 Beijing Olympiad, along with three new partners: Lenovo Group Ltd (the first Chinese company to join the IOC partnership programme), General Electric and Adidas.

In recent times, an increasing number of corporate actors have acknowledged ethical, operational and utilitarian reasons for respecting human rights. It is possible to argue that corporations are also obligated to respect human rights as a matter of international law. In 1999, the former UN High Commissioner for Human Rights, Mary Robinson, made the case that, in the context of corporate social responsibility, all actors must respect the UDHR.<sup>275</sup> Since corporations also constitute ‘organs of society’ subject to the obligations of the UDHR, corporations and other business enterprises should respect the right to adequate housing enshrined in the UDHR. Furthermore, according to the UDHR, ‘organs of society’ should also promote respect for human rights among other actors. This means that Olympic sponsors not only have an obligation to respect the right to adequate housing; they should also, through their ability to influence the conduct of their business partners, promote respect for the right to adequate housing among other Olympic stakeholders, such as other corporations, the Host City or government, the OCOG and even the IOC.

272 The preamble to the UDHR reads: “The General Assembly, Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.”

273 Olympic Charter, rule 19, 3.6 and 3.10. i.e. where a nexus exists between its activities and human rights. On companies’ human rights obligations, see Clapham, *Human Rights Obligations* (2006); Steven R. Ratner, ‘Corporations and Human Rights: A theory of legal responsibility’, *Yale Law Journal*, Vol. 111, No. 3 (Dec. 2001), p. 465; and Nicola Jägers, *Corporate human rights obligations: In search of accountability* (Antwerp: Intersentia, 2002).

274 Louis Henkin, ‘The Universal Declaration at 50 and the Challenge of Global Markets’, *Brooklyn Journal of International Law* (Apr. 1999), p. 25.

275 Mary Robinson, ‘The business case for human rights’, in M. McIntosh (ed.), *Visions of Ethical Business No. 1* (London: Financial Times Management, 1998), p. 14.

Corporations can influence their business partners (and thus promote respect for the *UDHR*) through their direct business relationships (e.g. through the incorporation of human rights and housing rights conditions in contracts). A less direct way of influencing other actors to respect and promote housing rights is by disseminating general policy statements encouraging business partners to apply principles of corporate conduct compatible with the *UDHR*. Many companies are beginning to do this; referring to the *UDHR* in the human rights provisions contained in their voluntary codes of conduct.<sup>276</sup>

When a violation of international human rights law is sufficiently serious to amount to an international crime,<sup>277</sup> companies may be accused of complicity in these violations.<sup>278</sup> In these instances, companies are considered complicit when they knowingly assist a State in violating human rights. An example of such a situation would be where a corporation assists in the forced eviction of peoples in circumstances where the forced eviction constitutes an international crime.<sup>279</sup>

In addition, there is an increasing trend to consider corporations complicit where they assist a government in committing violations of the *UDHR*, even when such violations do not constitute international crimes.<sup>280</sup> In 2004, the UN Sub-Commission on the Promotion and Protection of Human Rights proposed that the full scope of human rights obligations (to respect, protect, promote and fulfil rights) applied to corporations within their respective spheres of influence.<sup>281</sup> The UN Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, Professor John Ruggie, confirms that “businesses are capable of both breaching human rights and contributing to their protection”.<sup>282</sup> Thus, the issue of protecting and promoting housing rights in the context of mega-events has resonance for many corporate actors, not least of all corporate sponsors of such events.

Beyond the responsibilities referred to in the *UDHR* and the framework of complicity, several international instruments on corporate social responsibility have been adopted by different stakeholders in various contexts, including: the Organisation for Economic Co-operation and Development Guidelines for Multinational Enterprises (OECD Guidelines) (which apply to the majority of Olympic sponsors);<sup>283</sup> the UN Global Compact (which only one TOP Olympic Sponsor, Coca-Cola, has joined to date);<sup>284</sup> the Caux Principles for Business;<sup>285</sup> the Principles for Global Corporate Responsibility: Benchmarks;<sup>286</sup> the Global

276 Some companies have begun to use compliance assessment tools, such as the Human Rights Compliance Assessment compiled by the Danish Institute for Human Rights, relying upon internal assessment.

277 Examples of international crimes are slavery, genocide, crimes against humanity and torture. The concept of complicity for international delicts or torts is drawn from the international rules for civil responsibility; see Anthony Ewing, ‘Understanding the Global Compact Human Rights Principles’, in U. Wijnhoven and J. Senne (eds.), *Embedding Human Rights in Business Practice* (New York: United Nations Global Compact Office, 2004), pp. 28–42.

278 John Ruggie, ‘Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises’, UN Doc. A/HRC/4/35, 19 February 2007.

279 COHRE has previously raised concerns about forced evictions that may amount to crimes against humanity, for example, forced evictions in Zimbabwe: see COHRE, ‘Kenya risks massive increase in homelessness and violence’, Media Release (8 Jul. 2005), available at <http://cohre.org/store/attachments/Media%20Release%20July%2008%202005.doc>

280 See further the work of the International Commission of Jurists’ Expert Legal Panel on Corporate Complicity in International Crimes, <http://www.business-humanrights.org/Updates/Archive/ICJPaneloncomplicity>; and Ruggie, ‘Business and human rights’ (2007).

281 *UN Norms on the Responsibilities of Transnational Enterprises and Other Business Enterprises with regard to Human Rights*, UN Doc E/CN.4/Sub.2/2003/12/Rev.2 (2003); see also Ruggie, *ibid.*, para. 35. Ruggie claims this goes further than the ‘traditional view’.

282 *ibid.*, para 41.

283 The *OECD Guidelines for Multinational Enterprises* (OECD Guidelines) are a comprehensive code developed by governments in constructive dialogue with the business community, labour representatives and NGOs. Adhering governments sign a binding decision to participate in the Guidelines’ implementation and to promote compliance them by enterprises operating in or from their territory. As such, corporations are not able to opt out of their observance. The OECD Guidelines apply to an OECD-based corporation’s worldwide operations, and to enterprises based in the Guidelines’ adhering countries (i.e. the 30 OECD countries, plus Argentina, Brazil, Chile, Estonia, Israel, Lithuania and Slovenia). They therefore apply to the majority of Olympic sponsors, which are US, French and Swiss companies. The OECD Guidelines state that enterprises should “[r]espect the human rights of those affected by their activities consistent with the host government’s international obligations and commitments.” They also urge enterprises to “encourage, where practicable, business partners, including suppliers and sub-contractors, to apply principles of corporate conduct compatible with the Guidelines.” Ultimate responsibility for enforcement of the OECD Guidelines lies with governments through a National Contact Point, to which a trade union, NGO or another interested party can raise a case if a corporation is believed to be in violation of the Guidelines. The National Contact Point’s decisions are not binding on the parties.

284 The *UN Global Compact* was initiated by UN Secretary General Kofi Annan in 2000 and remains a purely voluntary initiative. Joining corporations must sign up to ten principles asking them to embrace, support and enact, within their sphere of influence, a set of core values in the areas of human rights, labour standards, the environment and anti-corruption. The principles are derived from, among others, the *UDHR* and UNCED Agenda 21. The first two principles engage corporations to support and protect internationally proclaimed human rights. According to Principle 1, business should respect human rights in the workplace as well as within its “sphere of influence”. Where a corporation can exert influence, Principle 1 extends corporate obligations to promote respect for human rights by others. The prevention of forcible displacement of individuals, groups or communities is a means by which corporations can guarantee human rights through their daily activities in the community. According to Principle 2, corporations should ensure that they are not complicit in human rights abuses committed by others, such as host governments and business partners. To date, over 1600 companies worldwide have joined the *UN Global Compact*, although these include only one TOP partner (Coca-Cola).

285 The *Caux Principles for Business*, issued in 1994, are an aspirational set of recommendations covering many areas of corporate behaviour. They are sponsored by the Caux Roundtable which is comprised of senior business leaders from Europe, Japan and North America. No formal mechanism for corporate commitment to these principles exists.

286 The *Principles for Global Corporate Responsibility – Benchmarks* (Benchmarks), revised in 1998, are designed to provide a “model framework” through which stakeholders can assess corporate codes of conduct, policies and practices related to corporate social responsibility expectations. The standard includes benchmarks to be used by external parties to assess a corporation’s performance related to the recommended policies and practices. The sponsors of the Benchmarks (several religious NGOs based in the United Kingdom and North America) do not seek endorsement from corporations.

Reporting Initiative;<sup>287</sup> the Global Sullivan Principles;<sup>288</sup> and Social Accountability 8000.<sup>289</sup> Human rights and transparency are the only issues covered by all of these. Notwithstanding their beneficial impact, these voluntary initiatives have resulted in a greater degree of accountability when they have been incorporated in binding instruments. Businesses can incorporate the OECD Guidelines or UN Global Compact into host country investment agreements. Governments have the right to prescribe the conditions under which multinational enterprises operate within their jurisdictions.<sup>290</sup> Hence, observance of voluntary initiatives can be stipulated as a condition for the receipt of public subsidies. In the Netherlands for example, corporations are required to state that they comply with the OECD Guidelines in order to receive export credit guarantees.

These voluntary initiatives can be used to promote and protect human rights, including housing rights, in the context of mega-events. Mega-event sponsors should ensure that compliance with these voluntary guidelines is integrated into all of their contractual arrangements with mega-event authorities and other mega-event-related partners.

It should be noted that while these voluntary guidelines and codes of conduct remain non-binding, these ‘soft norms’ can be used to clarify or enhance the ‘hard’ legal requirements, and may over time become new international legal standards with binding force. For example, the standards set by soft norms of corporate conduct are increasingly being used in arbitrations and may affect the ability of corporations to enforce their rights under investment treaties (for example where they lack ‘clean hands’ because of their abuses of human rights or failures to act in good faith and in a conscionable manner).<sup>291</sup>

Thus even though such corporate social responsibility standards remain voluntary, they have and will continue to shape the more binding obligations that corporations are bound to comply with. It thus behoves Olympic sponsors and other related entities to take seriously human rights issues such as the right to adequate housing.

We can conclude that, under the existing international legal framework, Olympic sponsors should respect the right to adequate housing of the Host City’s local population. Secondly, Olympic sponsors are required to refrain from any action that would result in them being complicit in a violation of the right to adequate housing by the Host Government, Host City or IOC. Third, given the power they are capable of exercising, Olympic sponsors should seek to influence the Host City, Host Government and IOC, respectively, to promote the protection of the right to adequate housing and prevent its violation, for example, through forced evictions.

#### 5.2.4 Other private entities involved in Olympic preparations

The framework of human rights responsibilities outlined above can also be applied to other private entities involved with the Olympic Games, such as development corporations, architecture firms, engineering and construction firms and other participants in the real estate and construction industry. Just like corporate sponsors, these entities, as ‘organs of society’, have responsibilities to promote, protect and ensure compliance with housing rights under the UDHR. They are also subject to the same risk of responsibility for complicity in human rights violations, including violations of housing rights, if they are aware of and assist in such violations.

287 The *Global Reporting Initiative (GRI)*, issued in 1999, is a voluntary international reporting standard for use by organizations in reporting on the economic, environmental and social dimensions of their activities, products and services. Using input from reporters and report users, the GRI has sought to develop a list of specific indicators for reporting on social, environmental and economic performance. The GRI is led by the Coalition of Environmentally Responsible Economies (CERES) and includes NGOs, corporations, consultancies, accounting firms, business associations, academics and others. It does not assess the conformity of corporations with its reporting guidelines.

288 The *Global Sullivan Principles*, reissued in 1999, are aspirational standards developed with the input of several multinational corporations and written by Reverend Sullivan. Corporations endorse the Sullivan Principles by publicly pledging to integrate them into their operations. Continuing support requires that corporations provide an annual letter to Reverend Sullivan restating the corporation’s commitment and outlining progress to date.

289 *Social Accountability 8000 (SA 8000)* is a voluntary, factory-based monitoring and certification standard for assessing labour conditions in global manufacturing operations. SA 8000 is modelled after the quality and environmental auditing processes developed through the International Standards Organisation (ISO) in its ISO 9000 and ISO 14000 standards. SA 8000 relies on certified monitors to verify factories’ compliance with the standard. The sponsor is an NGO called Social Accountability International.

290 *OECD Guidelines*, I. Guidelines and Principles, 5. Adhering countries can make reference to the Guidelines in their bilateral investment treaties with non-adhering countries so as to make the latter aware of the expectations of those companies.

291 Peter Mulchinski, “‘Caveat Investor’? The Relevance of the Conduct of the Investor Under the Fair and Equitable Treatment Standard”, *International Comparative Law Quarterly*, Vol. 55 (2006), at pp.535-6.

### 5.2.5 Sports Associations, Olympic Athletes, Volunteers, Participants, spectators, Host city landlords and homeowners

The UDHR calls upon every individual to strive to respect and promote human rights and to secure their effective recognition and observance.<sup>292</sup> This requires each and every person to ensure that housing rights are respected at all times, including in relation to the holding of mega-events. Indeed, pressure exerted by Olympic athletes, volunteers, participants and spectators can be extremely important in ensuring that the Host City, Host government, IOC, and other members and partners of the Olympic Movement protect and promote housing rights. For example, sporting associations and athletes could declare their opposition to violations of housing rights committed in the course of preparation for an upcoming Olympic event, and even boycott the Athlete's Village if its construction has resulted in forced evictions. Public pressure and community outrage and activism in relation to housing rights violations can also place pressure on those responsible for ensuring better protections to take action.

Landlords and homeowners also play an important role in protecting and promoting housing rights by ensuring that they are not themselves participating in practices such as evictions or arbitrary rent increases.

## 6. CONCLUSIONS AND RECOMMENDATIONS FOR INCORPORATING HOUSING RIGHTS CONSIDERATIONS INTO THE OLYMPIC MOVEMENT'S PROCESSES

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### 6.1 Conclusions

The Olympic Movement bases its operations around the principles enshrined in its binding *Olympic Charter* and *Code of Ethics*. The protection of human dignity, the promotion of the Olympic Games' positive legacy locally and the obligation not to discriminate are examples of such principles. These obligations are binding on all Olympic parties: the IOC, the bidding and Host Cities, the NOCs and OCOGs, as well as on non-Olympic parties such as the Host countries, Olympic sponsors and other Olympic partners. In addition, in *OM Agenda 21*, the Olympic Movement has expressed its commitment to sustainable development, which includes a strong housing component.

Observance of these principles and housing-related commitments is vital if the Olympic Movement is to avoid the negative impacts that staging the Olympic Games can have on the housing conditions of local people, and if it is to have some hope of ensuring a beneficial impact. To date, the impact of the Olympic Games on local housing conditions has not been adequately addressed in the selection process, which remains focused on primarily technical matters and does not inquire into the potential displacement and relocation of the local population. Nevertheless, the Olympic Movement's principles and housing-related commitments could be upheld by building on recent positive developments concerning the increased recognition of the principle of participation. Doing so would at the same time contribute to greater protection of the right to adequate housing when preparing and staging Olympic Games.

The integration of housing-related selection criteria into the Applicant and Host City selection process is key to this goal, but is not sufficient on its own. It needs to be accompanied by clear monitoring procedures. Identification of potential housing impacts must be accompanied by appropriate management and monitoring mechanisms, and accountability procedures, in order to ensure violations of housing rights and commitments do not go unchecked.

Greenpeace has noted that its:

“[A]nalysis of the Sydney Games highlighted the absence of involvement at a detailed level by the IOC and its failure to intervene to ensure that the Games' Environmental Guidelines were not breached. The IOC must increase its capacity to advise, direct and pressure bidding and host cities to ensure that their environmental commitments are met.”<sup>293</sup>

292 The preamble to the UDHR reads: “The General Assembly, Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.”

293 Greenpeace *Olympic Environmental Guidelines: A Guide to Sustainable Events* (September 2000), available at <http://sites.greenpeace.org.au/archives/olympics/newguide.html>

COHRE urges that the IOC likewise assume a proactive role in the context of housing rights.

A failure to incorporate housing considerations in the candidature and selection processes attracts responsibility under both international human rights law and the Olympic Movement's internal accountability framework. By incorporating consideration of housing impacts into the current selection criteria, and implementing the appropriate measures to identify, manage and monitor those impacts, the various members of the Olympic Movement (including the IOC, NOCs, OCOGs, Host Cities and Host Governments) can take appropriate preventative measures to minimise the negative, and ensure the beneficial, housing impacts of Olympic Games. In so doing, the various members of the Olympic Movement would also (as expressly required by the *Code of Ethics*) be exercising due care and diligence in fulfilling their important roles in organising the Olympic Games. The Olympic Movement stakeholders would also thereby discharge their responsibilities under the UDHR to respect the right to adequate housing and to promote its respect by others.

The Olympic Movement has established internal mechanisms to monitor the observance of its principles. The most recent mechanism is the creation of the Ethics Commission, which can propose sanctions against IOC members, bidding and Host Cities, OCOGs and NOCs if the *Code of Ethics* specifically or other principles of the Olympic Movement are not observed in an Olympic Games' bidding, preparation or staging context. Under this mechanism, action can be taken against a Host City or OCOG if displacement and/or resettlement of locals occurs in violent or discriminatory circumstances. The ultimate remedy available in the IOC framework is to sanction Olympic stakeholders that have not complied with the Fundamental Principles of Olympism or other aspects of the *Olympic Charter* and *Code of Ethics*. This option is available, for example, a Host City has failed to protect human dignity, if it has not complied with the principle of promoting a positive legacy locally, or if it has breached its obligation not to discriminate. These mechanisms should be used and enhanced as avenues through which to ensure compliance with the Olympic Movement's housing-related principles.

In addition, international law offers a framework through which all members of the Olympic Movement can be held accountable for their involvement in housing rights violations, whether this is through direct action (such as Host City conducting or sanctioning forcible evictions), or indirect action (such as the complicity of a construction company in forced evictions).

The human right to adequate housing, including its prohibition on forced evictions, offers the Olympic Movement a lens through which to assess the implementation of its principles and commitments.

The Olympic Movement's principles and commitments are congruent with human rights law: they are based on the same underlying universal values, such as non-discrimination, human dignity and active participation. Human rights law, however, goes significantly further in offering protections for the vulnerable. Systematically approaching Olympic Games-related housing issues from the perspective of the human right to adequate housing will significantly promote and enhance the practical observance of the Olympic Movement's binding principles and ensure conformity with its commitment to observe human rights in *OM Agenda 21*.

In conclusion, guaranteeing that the Olympic Games will have a beneficial impact on local people's housing conditions (according to the Olympic Movement's internal binding obligations and commitments) and protecting the right to adequate housing recognised in international human rights law are mutually reinforcing obligations. It is hoped that the Olympic Movement will, in light of recent positive developments such as its engagement with the principles of sustainable development and participation, begin to address the housing impact of Olympic Games. In doing so, it will move towards realising its *raison d'être*, ideals and noble fundamental principles, all of which underpin the right to adequate housing.

## 6.2 Recommendations for incorporating housing rights considerations into the Olympic Movement's selection processes and criteria

### 6.2.1 Recommendations to the International Olympic Committee

COHRE recommends to the International Olympic Committee that it:

1. Fully incorporate housing issues within its guiding values, principles and commitments, including in its various governing documents, such as the *Olympic Charter*, *Code of Ethics* and *OM Agenda 21*, by:
  - a. Extending the Olympic Movement's principles, which already enshrine respect for human dignity, non-discrimination, participation and sustainable development, to include respect for internationally recognised housing rights standards.
  - b. Developing its *OM Agenda 21* housing-related commitments to encompass all substantive components of the internationally recognised human right to adequate housing.
2. Actively evaluate Applicant and Candidate Cities' Olympic projects against compliance with internationally recognised housing rights standards and laws, including through incorporating housing-related selection criteria which adequately reflect the human right to adequate housing within the bidding requirements, in order to promote observance of the right to adequate housing by the Organising Committee for the Olympic Games, the Host State and by municipal authorities, as required by the *UDHR* and other legal instruments and standards.
3. Address the Olympic Games' impact on local housing at all stages of the Host City selection process through the introduction of specific selection criteria:
  - a. Require the Olympic Project's compliance with international housing rights law and standards;
  - b. Require the Olympic Project's compliance with COHRE's *Multi-Stakeholder Guidelines on Mega-Events and the Protection and Promotion of Housing Rights*;
  - c. Require the Applicant and Candidate Cities to specifically address how the Olympic Project complies with the Fundamental Principles of Olympism and the principles and housing-related commitments of the Olympic Movement, including: safeguarding the dignity of the individual; non-discrimination; the promotion of a positive housing legacy; the promotion of sustainable development, especially as regards the living and housing conditions of the local population; the fight against poverty; the principle of participation; respect for human rights; limiting environmental impacts; giving priority to existing infrastructure; harmonious integration into the local environment; and enhancing local housing strategies.
  - d. Request information from Applicant and Candidate Cities on the potential impact of the Olympic Games on housing, notably in relation to: forced evictions; changes in the cost of housing; changes in the provision of social and low-cost housing, beautification and gentrification; and homeless people, other minorities and vulnerable groups, and identify strategies to minimize potential harm, remedy potential housing rights violations and maximise opportunities for positive housing legacies;
  - e. Require Candidate Cities to carry out an independent Social Impact Assessment, incorporating a thorough consideration of housing issues;
  - f. Request the development of strategies for the ongoing monitoring and management of the identified housing impact of Olympic Games, which would further constitute a ground for holding Olympic stakeholders accountable;
  - g. Further develop the recently introduced request to take into account socio-economic parameters when carrying out environmental impact assessments, and explicitly link this requirement to housing;
  - h. Request information from Applicant and Candidate Cities on the temporary or permanent relocation of, and compensation granted to, affected local people and require Candidate Cities to adopt specific measures, such as reset-

tlement and the provision of adequate compensation, to assist those who will lose their homes or income in the process of preparing for and staging the Olympic Games.

- i. Require Applicant and Candidate Cities to commit to taking specific protective measures *vis-à-vis* vulnerable categories of the local population, such as low-income groups or ethnic minorities (e.g. targeting post-Olympic legacies towards vulnerable groups) and to adopting specific measures to assist those likely to face increased levels of poverty or housing insecurity leading up to the Olympic Games (e.g. legislating to control the level of rent increases or to subsidise housing for those unable to pay higher rents).
  - j. Require Applicant and Candidate Cities to commit to refraining from implementing or enacting legislation or policies that would have a discriminatory effect upon vulnerable groups and thus impact upon their ability to access or enjoy their housing rights;
  - k. Encourage Applicant and Candidate Cities to confer legal security of tenure upon those persons and households lacking such protection, independently of their title;
  - l. Link requirements for post-Olympic legacies with the improvement of local housing conditions, including through: mainstreaming housing concerns as a cross-cutting issue to be addressed in all of the various selection themes, including: general infrastructure (transport, accommodation for VIPs, tourists, Olympic family members); sport infrastructure; and Olympic village and media village provision, and encouraging the Olympic accommodation to be dedicated to use for social and low-cost housing after the Olympic Games;
4. Select only those Candidate and Host Cities which sufficiently guarantee that their Olympic Project will protect and promote the right to adequate housing, for example through adoption and implementation of COHRE's *Multi-Stakeholder Guidelines on Mega-Events and the Protection and Promotion of Housing Rights*.
  5. Incorporate respect for internationally recognised housing standards in the Host City Contract, as is already the case for environmental commitments.
  6. Ensure all third parties and non-state entities involved in the Olympic Games respect internationally recognised housing standards, including through:
    - a. Ensuring all third parties involved in the Olympic Project adopt and implement COHRE's *Multi-Stakeholder Guidelines on Mega-Events and the Protection and Promotion of Housing Rights*;
    - b. Incorporation of contractual obligations regarding respect for internationally recognised housing standards in all relevant Olympics-related contracts, including construction, licensing, sponsorship and marketing agreements;
    - c. Making a careful pre-selection of Olympic sponsors and partners based on their corporate code of conduct and activity being consistent with the Olympic Movement's fundamental principles and respect for internationally recognised housing standards;
    - d. Making formal provision for the accountability of, and potential sanctions in case of non-compliance against, developers, construction companies, sponsors, broadcasters and partners should they fail to act in conformity with the housing-related commitments of the Olympic Movement, including the fundamental Olympic principles required by the Code of Ethics;
    - e. Terminating any financial collaboration when an Olympic partner engages in conduct or activities that are inconsistent with the Olympic Movement's fundamental principles and respect for internationally recognised housing standards.
  7. Closely monitor the implementation of and respect for housing-related issues, including those highlighted in the selection criteria, the binding commitments expressed in the candidature bid book and the requirements for respecting and protecting housing rights to be enshrined in the Host City Contract, throughout the whole planning and preparation process, and until after the hosting of the Olympic Games, and intervene in case of any breach.

Specific measures in order to achieve this include:

- a. Making provision for seeking external input and advice on the housing impact of the Olympic Games – throughout the Host City selection process and until the hosting of the Olympic Games – from housing rights experts, UN bodies and civil society organisations, in order to enable the thorough and accurate evaluation of bids from a housing rights perspective and to ensure ongoing compliance with housing-related commitments;
  - b. Electing a housing rights expert to join the IOC as a member in order to assess compliance of Olympic projects with internationally recognised housing standards;
  - c. Mandating an independent investigation if information provided by civil society groups or independent media outlets regarding the projected housing impacts differs from the official information submitted during the candidature phase;
  - d. Requiring, in cases where evictions cannot be avoided (in order to safeguard the dignity of local population), that the Host Country:
    - (1) have previously engaged in genuine consultation with the affected communities;
    - (2) give adequate and reasonable notice to all affected persons prior to the scheduled date of the actual eviction;
    - (3) inform the affected communities of the proposed evictions and of the alternative purposes for which the land or housing is to be used;
    - (4) ensure the presence of government officials during the eviction;
    - (5) guarantee that the evictions do not take place in bad weather or at night;
    - (6) provide legal remedies and legal aid for those affected;
    - (7) provide adequate alternative housing.
  - e. Taking action against a Host City, OCOG or Host Government if displacement and/or resettlement of locals takes place in violent or discriminatory circumstances or in any way which is not in compliance with internationally recognised housing standards;
  - f. Including housing as a specific social indicator under the Olympic Games Global Impact Study (OGGI), taking into account the main elements of the internationally recognised right to adequate housing. Further, clearly relate the concept of 'post-Olympic legacy' to sustainable development in relation to adequate housing and negatively assess Olympic projects that distort a city's current housing policy or solely benefit the privileged to the detriment of vulnerable groups in the housing sphere;
  - g. Requiring a post-Olympic Host City to carry out a full retrospective Social Impact Assessment, incorporating a housing component;
  - h. Requesting that Host Cities prepare a post-Olympic report which integrates a full audit/assessment of the housing impact on the local population of hosting the Olympic Games, along with the various measures taken to mitigate this impact, which is included in the official records for use by future bidding cities or Host Cities.
8. **Take concrete steps to implement the principle of active participation** enshrined in *OM Agenda 21*, from the initial stages of the bidding process through to the hosting of the Olympic Games, and encourage applicant and candidate cities and the Evaluation Commission to actively consult and involve NGOs and other civil society actors in the initial planning stages of the bid, notably as regards the housing-related aspects of the city's Olympic Project. The Olympic Movement should also allow those parts of the bid that will produce a significant impact on the daily life and living conditions of the local population (including impacts on housing), to be made public in the candidature acceptance phase.

9. Implement effective coordination mechanisms with national and local authorities to facilitate compliance with housing rights obligations, through:
  - a. Enabling active governmental and/or municipal participation in the bid committee, and later in the OCOG, with a view to guaranteeing compliance with the Host Country's international legal obligations relating to the human right to adequate housing;
  - b. Clarify the exact division of tasks and responsibilities between the OCOG, NOC, and municipal authorities in the preparatory stages of the Olympic Games.
10. Hold to account those who violate the right to adequate housing and other human rights in the context of the Olympic Project, by developing and enforcing accountability mechanisms for all members and partners of the Olympic Movement and others who may bring the Olympic Movement into disrepute through violations of housing rights.

### 6.2.2 Recommendations to Olympic Applicant, Candidate and Host Cities

COHRE recommends that each Olympic Applicant, Candidate and Host City (including the OGOC):

1. Respect, protect and fulfil the right to adequate housing of the local population.
2. Incorporate commitments to comply with the right to adequate housing in the bid proposal and in agreements related to hosting the Olympic Games, including in the candidature bid book, Host City Contract, and letter of guarantee to be submitted to the IOC.
3. Implement *COHRE's Multi-Stakeholder Guidelines on Mega-Events and the Protection and Promotion of Housing Rights*.
4. Analyse and monitor the housing impact of hosting the Olympic Games and implement strategies to minimise the negative effects and maximise positive housing legacy opportunities, including by:
  - a. Carrying out an independent Social Impact Assessment, incorporating a thorough consideration of housing issues;
  - b. Developing and implementing strategies for ongoing and active monitoring and management of the identified housing impact of the Olympic Games;
  - c. Developing and implementing temporary or permanent relocation and compensation programmes for affected local people and adopting specific measures, such as resettlement and the provision of adequate compensation, to assist those who will lose their homes or income leading up to the Olympic Games;
  - d. Conferring legal security of tenure upon those persons and households lacking such protection, independently of their title;
  - e. Committing to dedicating the post-Games use of Olympic accommodation facilities to social and low-cost housing;
  - f. Conducting a post-Olympic audit/assessment of the housing impact on the local population of hosting the Olympic Games, along with the various measures taken to mitigate this impact and maximise the positive housing legacy, and making this information publicly available for use by future bidding cities or Host Cities.
5. Actively consult and involve NGOs and other civil society actors in the initial planning stages of the bid, notably in relation to the housing-related aspects of the city's Olympic project.
6. Avoid carrying out evictions in the course of preparations for the Olympic Games and, in cases where such evictions cannot be avoided:
  - (a) conduct timely and genuine consultation with the affected communities;
  - (b) give adequate and reasonable notice to all affected persons prior to the scheduled date of the actual eviction;
  - (c) inform the affected communities of the proposed evictions and of the alternative purposes for which the land or housing is to be used;

- (d) guarantee that government officials are present during the eviction;
  - (e) guarantee that the evictions do not take place in bad weather or at night;
  - (f) guarantee the provision of legal remedies and legal aid for affected people;
  - (g) provide adequate alternative housing and ensure that evictions do not result in homelessness.
7. Protect the rights of homeless people and other minorities in relation to the hosting of the Olympic Games, including by:
- a. Guaranteeing that homeless people and other minorities will not be targeted ahead of, and during, the Olympic Games;
  - b. Guaranteeing a moratorium on the implementation or enactment of legislation or policies which would have a discriminatory effect upon vulnerable groups and adversely affect their ability to access or enjoy their housing rights, or which would increase the powers of the police or other authorities when dealing with the homeless or other minorities;
  - c. Adopting a Homeless Persons Protocol to ensure that all homeless people have the right to remain on the street, without harassment, and to receive appropriate accommodation and support services, and similar protocols directed at the protection of minorities and other particularly vulnerable groups.
8. Adopt specific measures targeted at the particularly vulnerable, including:
- a. Assisting people who are likely to face increased levels of poverty leading up to the Olympic Games, for instance by passing legislation to control rent levels or subsidise market rents for those unable to pay higher rent levels;
  - b. Taking specific protective measures *vis-à-vis* marginalised or vulnerable categories of the local population, such as the poor, low or no-income groups or ethnic minorities (i.e. targeting post-Olympic legacies towards vulnerable groups) for example, by designating athletes' villages for post-Olympics use as low income or public housing).
9. Ensure all third parties and non-state entities involved in the Olympic Games respect internationally recognised housing standards, including through:
- a. Ensuring all third parties involved in the Olympic project adopt and implement the *Multi-Stakeholder Guidelines on Mega-Events and the Protection and Promotion of Housing Rights*;
  - b. Adopting sourcing policies that call for suppliers and their subcontractors to respect internationally recognised housing standards;
  - c. Incorporating contractual conditions regulating respect for internationally recognised housing standards in all relevant Olympic-related contracts, including construction, licensing, sponsorship and marketing agreements;
  - d. Conducting a careful screening of Olympic sponsors and partners based on their corporate code of conduct and activities in line with the Olympic Movement's fundamental principles and respect for internationally recognised housing standards;
  - e. Terminating any financial collaboration when an Olympic partner engages in conduct or activities that are inconsistent with the protection and promotion of the right to adequate housing.
10. Hold to account those who violate the right to adequate housing and other human rights in the context of the Olympic project, by developing and enforcing accountability mechanisms for all members, partners and other entities and individuals who may bring the Olympic project into disrepute through violations of housing rights, and by strengthening and enforcing legal and regulatory protections for the vulnerable.

### 6.2.3 Recommendations to Olympic Applicant, Candidate and Host Governments

COHRE recommends that Applicant, Candidate and Host Governments:

1. Respect, protect and fulfil all aspects of the right to adequate housing of the local population, including by implementing such measures to protect housing rights and by ensuring that perpetrators of violations of the right to housing are brought to justice and that victims are accorded proper remedy and redress.
2. Implement COHRE's *Multi-Stakeholder Guidelines on Mega-Events and the Protection and Promotion of Housing Rights*.
3. Assist, facilitate and enable the Olympic Applicant, Candidate and Host Cities in implementing the recommendations outlined above, wherever and whenever necessary or appropriate.
4. Ensure all third parties and non-state entities involved in the Olympic Games respect internationally recognised housing standards and COHRE's *Multi-Stakeholder Guidelines on Mega-Events and the Protection and Promotion of Housing Rights*, including through measures such as those outlined above for the IOC (at 6.2.1).
5. Hold to account those who violate the right to adequate housing and other human rights in the context of the Olympic Project, by developing and enforcing accountability mechanisms, and by strengthening and enforcing legal and regulatory protections for the vulnerable.

### 6.2.4 Recommendations to National Olympic Committees

COHRE recommends that NOCs:

1. Respect, protect and fulfil the right to adequate housing of the local population.
2. Implement COHRE's *Multi-Stakeholder Guidelines on Mega-Events and the Protection and Promotion of Housing Rights*.
3. Actively evaluate potential Olympic Projects against compliance with internationally recognised housing rights standards, including through incorporating housing-related selection criteria which reflect the human right to adequate housing within the bidding requirements, in order to promote observance of the right to adequate housing by the OCOG, the Host Country and by municipal authorities, as required by the *UDHR*.

In order to address the Olympic Games' impact on local housing at all stages of the Applicant City selection process, specific selection criteria should be introduced that mirror the IOC's housing-related selection criteria outlined above (at 6.2.1).

4. Actively consult and involve NGOs and other civil society actors in the selection of an Applicant City and in the initial planning stages of the bid, notably in relation to the housing-related aspects of the Applicant City's Olympic Project.
5. Select only those Applicant Cities which sufficiently guarantee that their Olympic Project will protect and promote the right to adequate housing, for example through adoption and implementation of COHRE's *Multi-Stakeholder Guidelines on Mega-Events and the Protection and Promotion of Housing Rights*.
6. Ensure all third parties and non-state entities involved in the Olympic Games respect internationally recognised housing standards and COHRE's *Multi-Stakeholder Guidelines on Mega-Events and the Protection and Promotion of Housing Rights*, including through measures such as those outlined above for the IOC (at 6.2.1).
7. Closely monitor the implementation of and respect for housing-related issues, including those highlighted in the selection criteria, the commitments expressed in the Applicant City's bid and the candidature bid book and the requirements to respect protecting housing rights enshrined in the Host City Contract, throughout the whole planning and preparation process, and until after the hosting of the Olympic Games, and intervene in case of any breach, including through implementing measures such as those set out above for the IOC (at 6.2.1).

8. Hold to account those who violate the right to adequate housing and other human rights in the context of the Olympic project, by developing and enforcing accountability mechanisms for all members, partners and others who may bring the Olympic Project into disrepute through violations of housing rights.

#### **6.2.5 Recommendations to Olympic sponsors and partners**

COHRE recommends that Olympic sponsors:

1. Respect the human right to adequate housing and actively encourage others to do so, including business partners, the Host City, the Host Government(s), the OCOG, the IOC, government and municipal authorities, and any other Olympics-related entity.
2. Implement COHRE's *Multi-Stakeholder Guidelines on Mega-Events and the Protection and Promotion of Housing Rights*.
3. Refrain from taking any action that would make them complicit in a violation of the right to adequate housing by the Host Government(s), Host City, the IOC, or any other Olympics-related entity.
4. Join the Global Compact and/or other voluntary codes of conduct to demonstrate commitment to the protection and promotion of housing rights.
5. Incorporate the OECD Guidelines and/or UN Global Compact into their Olympics-related agreements, including with the Host Government(s), Host City, the IOC and any other Olympics-related entity.
6. Hold to account those who violate the right to adequate housing and other human rights in the context of the Olympic project, including through using international and national enforcement measures against those who bring the Olympic project into disrepute through violations of housing rights.

#### **6.2.6 Recommendations to other Olympics-related entities**

COHRE recommends that Olympics-related entities:

1. Respect the fundamental right to adequate housing and actively encourage others to do so, including business partners, Olympic sponsors, the Host City, the Host Government(s), the OCOG, the IOC, and government and municipal authorities.
2. Implement COHRE's *Multi-Stakeholder Guidelines on Mega-Events and the Protection and Promotion of Housing Rights*.
3. Refrain from taking any action that would make them complicit to a violation of the right to adequate housing by the Host Government(s), Host City, the IOC, Olympic sponsor or any other Olympics-related entity.
4. Join the Global Compact and/or other voluntary codes of conduct to demonstrate commitment to the protection and promotion of housing rights.
5. Incorporate the OECD Guidelines and/or UN Global Compact into their Olympic-related agreements, including with the Host Government(s) or Host City, the IOC and any other Olympics-related entity.
6. Hold to account those who violate the right to adequate housing and other human rights in the context of the Olympic project, including through using international and national enforcement measures against those who bring the Olympic project into disrepute through violations of housing rights.

#### **6.2.6 Recommendations to Sports Associations/Federations and individuals including Olympic athletes, volunteers, participants, spectators and Host City landlords and homeowners**

COHRE recommends that Sports Associations/Federations individuals, including Olympic athletes, volunteers, participants, spectators and Host City landlords and homeowners:

1. Respect the human right to adequate housing, for example through respecting tenants rights.
2. Implement COHRE's *Multi-Stakeholder Guidelines on Mega-Events and the Protection and Promotion of Housing Rights*.
3. Actively encourage others to protect and promote the right to adequate housing, including by actively calling on the Host City, the Host Government(s), the OCOG, the IOC, government and municipal authorities, Olympic sponsors, and other Olympics-related entities to fully protect and promote housing rights at all stages of the Olympic Games process, and seeking to hold them accountable for any failures or violations.
4. Refrain from taking any action that would make them complicit in a violation of the right to adequate housing by the Host Government(s), Host City, the IOC, Olympic sponsors or any other Olympics-related entity.
5. Hold to account those who violate the right to adequate housing and other human rights in the context of the Olympic project, including through using international and national enforcement measures against those who bring the Olympic project into disrepute through violations of housing rights.

# STUDIES ON OLYMPIC GAMES AND HOUSING IMPACTS

The Olympic Games, as a major regular international event, has the potential to be a catalyst for peace, dialogue and development. However, COHRE's research has highlighted that, in some instances, preparations for the Olympic Games have in reality led to people losing their homes, facing increased poverty, vulnerability and precariousness. This problem is not new; indeed, it seems to be a regular feature of staging the Olympic Games. In one of the most well known examples, prior to the 1936 Olympic Games in Berlin, Germany, the Nazi Government mounted a campaign to eliminate any evidence of poverty from the streets of Berlin. Homeless people, those living in inadequate housing and other poor communities were simply evicted from the city, all in order to present a favourable image to the international community.

Although one would hope that these practices were an anomaly, the evidence suggests that forced evictions, criminalisation of homelessness and other negative impacts on the local population's housing rights are often part of the process of preparing for the Olympic Games. In most of the cases documented, the affected communities were not consulted, other feasible alternatives were not explored, procedural safeguards and legal remedies were not available, adequate compensation was not provided to victims and alternative housing or resettlement was not provided. For the homeless, the poor and other disadvantaged minorities, the Olympic Games have meant increased precariousness and poverty, the loss of their homes, and violence. Is this an unavoidable consequence of holding this mega-event, the price to pay to in return for international attention and acclaim? Does the International Olympic Committee bear any responsibility for such occurrences, and should the IOC become more involved in responding to the violations of human rights that are associated with its famous event? Is there a need or desire for action to be taken beyond the local or national level? In the 20 years of Olympic Games experiences outlined in this Chapter, human rights violations of often scandalous proportions have been committed in the name of the Olympic Games. This is unacceptable, in particular given the Olympic Movement's principles and commitments which establish, among other values, respect for human dignity, non-discrimination and a positive legacy of sustainability.

The contradictions between the objectives of the Olympic Movement and the potential social impact of hosting the Olympic Games need to be addressed, not only to provide adequate protection to potential victims of forced evictions and other violations of the right to adequate housing, but also to guarantee that the Olympic Games live up to the Olympic objectives of promoting peace, development and international dialogue. Indeed, the fact that people lose their homes and become marginalised and impoverished in the course of preparations for an Olympic Games is completely at odds with the vision that sport in general, and the Olympic Games in particular, represents an important means for achieving economic and social development goals. It is often the poorest members of society who are affected by the Olympic Games. These people often lack access to justice, as well as political support, to remedy their situation. If the specific protection of the vulnerable members of society is not addressed from the first day a city plans to host the Olympic Games, there is very little chance that they will be heard and protected throughout the process.

This study on the housing rights impacts of the Olympic Games takes the previous five, and next two, Summer Olympic Host Cities (Seoul, Barcelona, Atlanta, Sydney and Athens, as well as Beijing and London, respectively) and compares the different planning and development approaches taken by each city organising the Olympic Games and their impact upon the enjoyment of the right to adequate housing.<sup>294</sup> It seeks to identify particular practices that have either led to, or prevented, forced evictions, and to analyse the causal role of the Olympic Games and other contributing factors. It adopts the same approach in relation to other impacts, such as escalations in housing costs and reductions in social and low-cost

<sup>294</sup> It is beyond the scope of this study to address fully the housing impacts of the Winter Olympic Games, some of which are referred to generally in Chapter II and in Section III of this chapter.



Beijing: View of building where residents are resisting intimidation and offers of compensation. [Photo courtesy of COHRE]

housing. The studies of each of these cities seek to identify those policies and practices that have led to comparatively greater, or lesser, human rights violations (specifically, through the removal of people from their homes and lands to free urban land for the construction of venues, transportation or to 'beautify' cities). They also examine issues such as transparency and accountability in the bid processes and community activism concerning housing issues.

The case studies are limited to the Summer Olympic Games. However, it is important to note that there are also housing impacts of hosting of Winter Olympics. Some of these were addressed in Chapter II Section 1.3, and examples of best practices in relation to housing impacts and Winter Olympic Games are addressed in Section 3 of this Chapter.

## 1. STAGING THE OLYMPIC GAMES: SOME COMMON FEATURES RELEVANT TO HOUSING RIGHTS

Studies of the experiences of various Olympic Host Cities highlight a number of common features, some of which are relevant to the right to adequate housing. Specifically, staging the Olympic Games is frequently characterised by, *inter alia*:

- The potential to attract large amounts of capital and provide a legacy of significant infrastructural improvements;
- The initiation, expansion, intensification and/or hastening of reurbanisation, gentrification and redevelopment plans;
- An often unprecedented level of collaboration between federal, state and local governmental authorities, and/or public and private entities;
- A disproportionate effect on marginalised and already vulnerable groups;
- A 'state of exception' mentality in which the community and its leaders tolerate lower standards of due process, greater restrictions of rights, and other measures considered 'necessary' in order to realise vast changes in a short period of time, and to facilitate the smooth operation of the event itself;

- A need to inspire community support for the Olympic Project; and
- Limited transparency, community participation and consultation in the planning and development process.

## 1.1 Legacy of infrastructural improvements

Hosting the Olympic Games has resulted in massive infrastructural and environmental improvements for many cities. Besides expanded sporting venues, such improvement include new roads, transport systems, airports, waste management facilities, clean-up of contaminated areas, and protection of cultural heritage. Olympic Games venues are often chosen for their capacity to enhance infrastructure and accelerate regeneration of a city.

Studies of such improvements to Host Cities since 1964<sup>295</sup> indicate patterns of investment in public transport systems and roads, the construction of airports and the redevelopment of industrial or waste zones. For the 1964 Olympic Games in Tokyo, 22 highways were constructed, along with two subway lines and three sewage treatment plants. Tokyo also embarked on a large-scale 'cleaning campaign', cleaning streets, rivers and streams and regularising garbage collection, all of which vastly improved public health standards. Four years later, Munich, host of the 1972 Olympic Games, used the event as the catalyst for restoring its historic quarter, improving its public transit system, and building 145 kilometres of new highways. The expansion of subway systems was undertaken in Montreal for the 1976 Olympic Games, and in Seoul, for the 1988 Olympic Games (three new subway lines were constructed in Seoul). Seoul also expanded its airport, following the example of Moscow, the host of the 1980 Olympic Games, which had built a new airport for the event. Likewise, Barcelona constructed a new airport to facilitate the staging of the 1992 Olympic Games, as well as a ringroad system surrounding the city. Barcelona is said to have constructed 50 years' worth of infrastructure over the eight year period of preparations for the Olympic Games. Athens vastly improved its transport network; extensively expanding the metro system, installing a tramway from the city to the sea, and building a new ring road. Beijing is in the process of building the world's largest airport for the upcoming 2008 Olympic Games. Beijing is also using the Olympic Games to enhance its public transport system, developing nearly 150 kilometres of new light rail and subway tracks, two new ring roads to surround the city, a new expressway, and building or expanding 318 kilometres of downtown streets.

Such infrastructural developments are accompanied by environmental improvements. For example, Beijing is renovating 640 kilometres of sewage pipes and building two natural gas pipelines as part of its Olympic Games preparations. It has also shifted the coal-burning heavy industry to other cities in order to improve the atmosphere in Beijing. Seoul also took steps to address similar environmental concerns in its preparations for the 1988 Olympic Games, introducing programmes to deal with air pollution and garbage, and cleaning the polluted Han River. The city of Sydney, host of the 2000 Olympic Games, cleaned up Homebush Bay, previously a contaminated wasteland, to transform it into an Olympic Village and numerous other Olympic facilities. In Barcelona, the 1992 Olympics prompted local developers to convert a former industrial zone into part of the Olympic site (the Athlete's village), and redevelop it after the event into a 'seaside playground', reclaiming the port and waterfront for community use. Atlanta also made significant changes to its public spaces, building a nine-hectare park downtown to celebrate the 1996 Olympic Games. In Barcelona, transformations were also carried out on other public spaces; for example, efforts were made to improve and clean public squares. In Athens, trees were planted and building façades restored and/or cleaned.

A number of cities also developed new cultural facilities to accompany the improvements to their sporting facilities. Seoul built new palaces of art and culture, while Barcelona renovated its museums, theatres and art galleries. In Moscow, new hotels were built, and subsequent to the Olympic Games, the Olympic village was converted into housing for 15,000 residents. Athens built a network of footpaths to link archaeological sites and preserve its numerous Olympics-related cultural heritage sites. Beijing has been working on rebuilding heritage sites within the centre of the city, for example the historic Qianmen quarter.<sup>296</sup>

295 Information about these infrastructural and environmental improvements is derived from Don Butler, 'Faster, Stronger, Glitzier', *CanWest News* (19 June 2006); Brian Chalkley and Stephen Essex, 'Urban development through hosting international events: a history of the Olympic Games', *Planning Perspectives*, Vol. 14, No. 4 (Oct. 1999), pp. 369-394; and the COHRE Background Papers on each Olympic city published in conjunction with this project: Lisa Kim Davis, *Housing Evictions and the Seoul 1988 Summer Olympic Games*, (Geneva: COHRE, 2007); Observatorio DESC, *Barcelona 1992: International Events and Housing Rights: A Focus on the Olympic Games*, (Geneva: COHRE, 2007); Anita Beaty, *Atlanta's Olympic Legacy*, (Geneva: COHRE, 2007); Hazel Blunden, *The Impacts of the Sydney Olympic Games on Housing Rights*, (Geneva: COHRE, 2007); Greek Helsinki Monitor, *The Housing Impact of the 2004 Olympic Games in Athens*, (Geneva: COHRE, 2007); *New Beijing, New Olympics: Urban Transformation at What Cost?* (Geneva: COHRE, 2007); Claire Mahon, *Hosting the 2012 Olympic Games: London's Olympic Preparations and Housing Rights Concerns*, (Geneva: COHRE, 2007).

296 David Scharf and Alex Sullivan, 'Beijing's Traditional Neighborhoods Fall Victim to Olympic Building Frenzy', *Voice of America* (5 June 2006); Anthony Kuhn, 'The Lost Sounds of Old Beijing', *NPR* (30 Jan. 2006); Rob Gifford, 'Olympic Preparations Change Beijing's Landscape', *NPR*, 22 May 2006.

## 1.2 A catalyst for urban development

*“The Games act as an important tool to literally reshape the city”<sup>297</sup>*

John Rennie

*“What the Olympics can do for a city is bulldoze away barriers to development, clearing the path for massive urban renewal projects that otherwise would be unthinkable”<sup>298</sup>*

Dr Charles Rutheiser

The case studies highlight one common feature: that Olympic Host Cities typically use the Olympic Games as a catalyst for the initiation, expansion, intensification or hastening of plans for reurbanisation or community gentrification. Sometimes, the Olympics Games refocus development priorities, accelerating pre-existing development plans, or legitimising development plans that had been stalled as a result of previous conflicts. At other times, the ability to attract large quantities of public and private investment means that development which would not normally be possible becomes feasible under the impetus of the Olympic Games. “For urban planners and policy-makers, the Games has come to represent a major opportunity for infrastructural investment and environmental improvement.”<sup>299</sup>

“During preparations for [the Olympic Games], the line between short-term events and ongoing urban development is blurred: hotels, stadiums, entertainment complexes, urban parks, and civic monuments are constructed to accommodate the event itself but often are connected with a broader urban revitalization agenda. Frequently, in the years prior to [the Olympic Games], the host city will witness unprecedented rates of construction activity as the city gears up for a massive influx of visitors and heightened international attention.”<sup>300</sup>

For example, most Olympic Host Cities undertake massive redevelopment of their inner city areas. One implication of this is that the Olympics facilities themselves (or at least components of them) are usually located in the inner city. This inner-city development focus can be both a cause and a consequence of the desire to revitalise these areas as part of longer-term redevelopment plans. It may result in redevelopment plans being hastened to fit the timeframe for the Olympic Games, or it may necessitate an expansion of previous plans to cover a larger, more ‘Olympic’ scope. Even if the Olympic venues are not located nearby, the need to improve the overall ‘look’ of the city and to provide a wider range of facilities can lead to an intensification or hastening of pre-existing reurbanisation or redevelopment plans. Olympic Games facilities (whether inner city or not) are usually located in areas which were previously the most run down or neglected – areas with the lowest land values and those most suitable for ‘revitalisation’. For the poor and low income residents who happen to live in the areas targeted for redevelopment, this revitalisation often results in forced evictions or displacement. These low-income communities generally lack the political power necessary to influence decision making or to extract concessions from authorities in connection with such development.<sup>301</sup>

The redevelopment process is not only internally focused, aimed at revitalising neglected or under-resourced urban areas. It is also aimed at developing the country for external reasons; to make it a more attractive candidate for international investment and international tourism. In Seoul for example, the Olympic Games was regarded not simply as a sports event, but rather, as part of a wider ‘world relationship’; an attempt by the City and the national Government to embrace modernisation and globalisation. China’s use of the 2008 Olympics in Beijing (and the 2010 World Expo in Shanghai) as catalysts

297 John Rennie, *Global Metropolitan*, as quoted in Butler, ‘Faster, Stronger, Glitzier’ (2006).

298 Dr. Charles Rutheiser, Johns Hopkins anthropology professor in *The Village Voice*, 13-19 Dec. (2000), quoted in Rutheiser, 4.

299 Chalkley and Essex, ‘Urban development through hosting international events’ (1999), p. 370.

300 Solomon J. Green, ‘Staged Cities: Mega-events, Slum Clearance and Global Capital’, *Yale Human Rights and Development Law Journal*, Vol.6 (2003), pp. 161-187.

301 Kristopher Olds, ‘Canada: Hallmark Events, Evictions, and Housing Rights’ in A. Azuela, E. Duhau and E. Ortiz (eds.), *Evictions and the Right to Housing: Experience from Canada, Chile, the Dominican Republic, South Africa, and South Korea* (Canada: International Development Research Centre, 1998), available at [http://www.idrc.ca/en/ev-32007-201-1-DO\\_TOPIC.html](http://www.idrc.ca/en/ev-32007-201-1-DO_TOPIC.html).

for development is leading to unprecedented levels of construction and improvements, with commentators remarking that the cities will be completely transformed as a result of hosting these mega-events.

The permanent nature of many of the Olympic Games-related changes, including the facilities constructed for the Games and the various other infrastructural improvements referred to above, attests to the fact that the Olympic Games are used as a tool for large scale redevelopment, well beyond what is necessary to host the two week sporting event. Concerns may be expressed over the massive scale of investment required to implement Olympics-related developments; particularly as regards the diversion of policy and financial resources from the provision of affordable housing and fulfilment of other social objectives. Public policy itself can be totally reoriented according to what is necessary for a successful Olympic Games. This is another disadvantage in using the Olympic Games as a catalyst for reshaping a city: In the words of one commentator, “Using the Olympic Games to drive urban renewal distorts priorities ... the problem with the Olympics is you don’t get to choose what’s important for your city. Essentially that’s done by an organizing committee.”<sup>302</sup>

### 1.3 Collaboration between interest groups

The staging of the Olympic Games often involves extensive (and sometimes unprecedented) collaboration between federal, state and local governmental authorities, and/or public and private entities. This may be because, in order to achieve so much in such a short period, such collaboration (or at least the ‘illusion of consensus’<sup>303</sup>) is necessary. Collaboration can also be a result of different groups using the Olympic Games as an opportunity to pursue their various interests – which happen to converge through the common goal of supporting or promoting the Olympic Games. For example, in Barcelona, the Catalan authorities cooperated with the Spanish Government and the local Barcelona leadership, although each had very different reasons for supporting the Olympic Games: the municipal authorities regarded the Olympic Games as an opportunity to obtain funding for a major transformation of the city; the regional Government sought to promote Catalonia (and Catalan nationalism); while the Spanish Government saw the Games as an important opportunity to demonstrate Spain’s modernity and position in the European Union.

A local government’s wish to improve the status and image of the city and revitalise its inner suburbs may converge with the construction industry’s desire to stimulate urban redevelopment, leading both to actively support the staging of the Olympic Games and readily agree on measures (such as changes to city development plans) which would normally have involved greater contestation and consultation. In Atlanta, the Olympic Games provided an opportunity for business interests to obtain government cooperation and funding for their plans to revitalise the inner city. In Barcelona, the gas company and other corporate entities with interests in neglected areas near the waterfront sought to use the Olympics as a means to secure public funding for redevelopment of these areas, including improvements in the provision of essential services.<sup>304</sup> In Seoul, the need for the Korean Government to create an economic environment that would support Korean construction corporations following the crisis in the Middle Eastern construction industry<sup>305</sup> was easier to justify when ‘sold’ as the need to prepare the city for its Olympics visitors.

Private investment is often a crucial factor in the preparation of the Olympic Games. Re-urbanisation is an expensive process and collaboration between the public sector and private industry is necessary. This explains the common use of public/private cooperation models in Olympic Games preparations. An extreme example was when, in the lead up to Japan’s national selection of its Applicant City for the 2016 Olympic Games, Goldman Sachs (a US investment bank) proposed using its own funds to finance the infrastructural developments in Fukuoka based on its belief that such an investment would yield “sizeable returns”.<sup>306</sup> As was the case with the 1992 Olympic Games in Barcelona, the investment models of the private companies that are given control of the construction of the Athletes’ villages and other Olympic accommodation facilities usually require that the properties be sold on the market after the Games. In Seoul, public-private cooperation was the centrepiece of the massive urban redevelopment plan: the Joint Redevelopment Law facilitated the use of private capital, expertise and technology to ensure the profitability of the redevelopment process.

302 Butler, ‘Faster, Stronger, Glitzier’, (2006).

303 Olds, ‘Canada: Hallmark Events, Evictions, and Housing Rights’ (1998).

304 COHRE interview with local expert, Barcelona, 5 July 2006.

305 By the end of the 1970s, South Korean construction had become so significant internationally, especially in the Middle East, that they represented the world’s second largest contractor for international construction projects. With the collapse of the Middle East construction boom in 1979, these corporations refocused their attention on domestic opportunities in South Korea. Construction companies lobbied the Korean Government to implement the ‘joint redevelopment’ programme which provided them with large-scale construction opportunities. Greene, ‘Staged Cities’ (2003).

306 Michiyo Nakamoto, ‘Goldman to back Fukuoka Olympics’, *The Financial Times* (26 Aug. 2006).

When private firms are involved in Olympics-related construction and property development, it is even more important to ensure that governments protect the right to adequate housing, for example, through minimal social housing requirements in accommodation developments. These private entities (e.g. investors, construction corporations, developers) should also be aware of their own human rights obligations (as outlined above in Chapter II and III) and of the fact that, should they be involved in Olympic Projects which result in violations of the right to adequate housing (such as forcible evictions), they can be held accountable for any complicity in such violations, or for failing to fulfil their duty to promote and protect housing rights.

#### 1.4 Disproportionate effect on marginalised and already vulnerable groups

The drive to make Olympic Host Cities ‘world class’ stimulates investment and redevelopment. However, the benefits of these activities are usually reserved for those who are already privileged – the Host City is made ‘world class’ for the elite, but not for the poor and disadvantaged, who are pushed out and further marginalised while their city transforms into a modern tourist destination. While escalating property prices benefit some (e.g. landlords and homeowners), they disadvantage others (e.g. tenants and those on a low income). It is often the more socio-economically disadvantaged sections of society which are adversely affected by the staging of mega-events: these are also the sections that generally lack access to the justice system or to political leverage to redress their situation.

*“Often it is this same section of the population ... that is currently disadvantaged – unemployed, receiving statutory benefits and the aged. This group will find it hardest to compete for alternative accommodation within their present area of residence and would be further disadvantaged if forced to move to outer suburbs.”*

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Social Impact Study of the America’s Cup in Fremantle, Australia<sup>307</sup>

The inner city areas which are targeted for redevelopment, gentrification and beautification are areas which usually house the highest concentration of low income earners, often renters and/or those with limited or no security of tenure. Groups disproportionately affected (and made even more vulnerable) by Olympic projects include ethnic minorities (such as the Roma in Athens), the elderly (particularly the case in Barcelona and Sydney), people with disabilities or the mentally ill, street vendors (for example in Seoul and potentially in Beijing), sex workers (who were targeted specifically in Barcelona), and migrant workers (in Beijing).

#### 1.5 Quasi-‘state of exception’ mentality

*“[T]he Olympic rationale ... became acceptable even to so-called ‘liberal’ elected officials.<sup>308</sup> They were willing to accept assurances like, ‘just for the games’ and ‘we can tolerate anything for a couple of weeks’. The boosterism became patriotic, and people normally concerned with the reality of living in the city became mesmerized by the possibilities.”<sup>309</sup>*

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Anita Beaty, Metro Atlanta Task Force for the Homeless

A quasi-‘state of exception’ mentality often accompanies the news that a city has won its bid to stage the Olympic Games. The possibility of hosting the Olympic Games is considered a special or exceptional opportunity for a city, which can be seen as demanding or justifying exceptional measures in order to bring it to fruition. In this scenario, the community and

307 As quoted in Gary Cox, Michael Darcy and Michael Bounds, *The Olympics and Housing: A Study of Six International Events and Analysis of Potential Impacts of the Sydney 2000 Olympics*, (Sydney: Shelter NSW and the Housing and Urban Studies Research Group, University of Western Sydney, 1994).

308 As used here, the term ‘liberal’ means tolerant of other views and tending towards representational government.

309 Anita Beaty, *Atlanta’s Olympic Legacy* (Geneva: COHRE, 2007).

its leaders become more tolerant of lowered standards of due process, increased restrictions of rights, and other measures which are considered 'necessary' to undertake a vast amount of preparation in a short period, and to facilitate the smooth operation of the event itself. A prime example is the introduction of legislation criminalising homelessness; a measure which would normally be considered unacceptable. Exceptional measures can also include lowered protections for tenants, changes in construction and development laws and standards, and restrictions in civil liberties.<sup>310</sup>

The all-encompassing nature of an Olympic project can skew public decision-making. For example, authorities may prioritise the interests of urban elites, incur enormous levels of debt, or clear slums to reduce the visibility of poverty in their city.<sup>311</sup> The consensus in support of an Olympic project (even if only temporary) enables execution of major urban redevelopment projects with only limited public scrutiny, and condones the implementation of measures aimed at thwarting resistance.

*"In Atlanta, the patina of Olympic glory meant that construction companies and developers were able to wrap around political power plays, and this meant that the population at large didn't even see stuff go off the table. ... The Olympic Games coincided with a resurgence in gentrification and the fact that it did allowed folks to attract that glory to it. It dressed it up in a new skin and new outfit. It gave folks a sense of their own efficacy. This makes people more compliant."*<sup>312</sup>

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Dr Larry Keating

## 1.6 Inspiring community support

*"People think that the Olympic Games is such a crucial opportunity to show our city in a particular light, the consequences don't matter so much. This is part of how it works – you need most people to think it is not going to concern us that much."*<sup>313</sup>

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Former Atlantan legal advocate for the homeless

While the Olympic Games is an event that mobilises national pride and engenders community support, it also requires community support in order to succeed. Those raising concerns about possible negative impacts of the Olympic Games may be criticised for being unpatriotic or for being opposed to the Games; at worst, critics of the Olympic Games may be harassed, intimidated, imprisoned or violently repressed.

*"If you believe in London's 2012 bid, you are a nice person who wants Britain to succeed. But express doubts and you are a Scrooge-like killjoy."*<sup>314</sup>

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BBC News

## 1.7 Limited transparency, community consultation and participation

A notable feature of almost all Olympic Games experiences is the limited degree of consultation conducted with civil society and affected communities throughout the bidding process. The Olympic bid processes are normally directed and

310 Olds, 'Canada: Urban Mega-Events, Evictions and Housing Rights' (1998).

311 Ibid.

312 COHRE interview with Dr Larry Keating, 13 July 2006.

313 COHRE interview with former legal advocate for the homeless, Atlanta, 13 July 2006.

314 Finlo Rohrer, 'Saying no to London 2012', BBC News (17 Feb. 2005).

controlled by business and political elites, and their involvement in the infrastructural and other developmental aspects of the Olympic Project means that the interests of these groups are prioritised over those of local residents. In addition, the scale of mega-events makes it difficult for poorly funded community groups to mount viable dissenting campaigns.<sup>315</sup>

## 2. TWENTY YEARS OF EXPERIENCES FROM OLYMPIC HOST CITIES

This section details over twenty years of lessons learned from analysing the experiences of seven Olympic Host Cities.<sup>316</sup> In this section, we examine the experiences of five former Host Cities of the Summer Olympic Games: Seoul (1988); Barcelona (1992); Atlanta (1996); Sydney (2000); and Athens (2004). We also detail our findings regarding the preparations underway for the 2008 Beijing Olympics. Finally, we undertake a comparative analysis of the Candidate Cities for the 2012 Olympic Games (London, Madrid, Moscow, New York City and Paris) and offer some preliminary comments on the impact that London's Olympic Games preparations are already having upon the enjoyment of housing rights in that city.

The information contained in each of the subsections below is drawn from separately published background papers on each city, written by local researchers (usually based in the city under examination) and published by COHRE as part of its Mega-Events, Olympic Games and Housing Rights Project.<sup>317</sup> The 'on the ground' research was complemented by COHRE's fact finding missions, undertaken throughout 2006 and 2007, to Seoul, Barcelona, Atlanta, Sydney, Athens and London.

### 2.1 Seoul<sup>318</sup>

Preparations for the 1988 Olympic Games involved large-scale forced evictions from urban areas, Olympic sites and torch relay routes. During the five years preceding the Olympic Games, 48,000 buildings housing 720,000 people were destroyed for redevelopment. Ninety percent of the evictees did not receive replacement housing within the redevelopment site. The practice of forced evictions became more frequent and more violent as a direct result of the city's preparations to host the Olympic Games.

Seoul's city beautification campaign, specifically carried out to prepare for hosting the 1988 Olympics, is both famous and notorious. It is boasted about in official histories of Seoul and its planning history. It was also condemned by the UN Habitat conference in 1987 for being one of the world's most physically violent and brutal housing relocation policies.<sup>319</sup> The motivation behind hosting the Olympic Games and conducting such an enormous city-wide 'clean up' programme was the desire to 'Westernise' the city in order to attract international financial investment and enhance the burgeoning tourism and service industries.

Preparation for the Olympic Games and implementation of the broader redevelopment scheme had devastating consequences for Seoul's urban poor, homeless, street vendors and other vulnerable groups. It resulted in a huge loss of low income housing in Seoul, the effects of which were compounded by the way in which the joint public-private redevelopment programme prioritised the profits of owners and development corporations at the expense of thousands of poor residents who had no security of tenure.

The emergence of a housing rights movement during the Olympics-era mobilised citizens to call for affordable housing and to work proactively with city managers to create a constructive housing policy. Yet this movement failed to prevent the evictions from continuing. Demolitions and redevelopment in Seoul did not end after the Olympic Games were held in 1988. In fact, the process of preparing the city for the Olympic Games emboldened both the Government and the construction industry so that the practices actually intensified from 1990.

315 Olds, 'Canada: Urban Mega-Events, Evictions and Housing Rights' (1998).

316 Recognising that writing local urban histories is a complicated affair – perspectives differ and information is at times difficult to gather – COHRE would welcome any feedback on these individual case studies of Olympic Host Cities.

317 Lisa Kim Davis, *Housing Evictions and the Seoul 1988 Summer Olympic Games*, (Geneva: COHRE, 2007); Observatorio DESC, *Barcelona 1992: International Events and Housing Rights: A Focus on the Olympic Games*, (Geneva: COHRE, 2007); Anita Beaty, *Atlanta's Olympic Legacy*, (Geneva: COHRE, 2007); Hazel Blunden, *The Impacts of the Sydney Olympic Games on Housing Rights*, (Geneva: COHRE, 2007); Greek Helsinki Monitor, *The Housing Impact of the 2004 Olympic Games in Athens*, (Geneva: COHRE, 2007); *New Beijing, New Olympics: Urban Transformation at What Cost?* (Geneva: COHRE, 2007); Claire Mahon, *Hosting the 2012 Olympic Games: London's Olympic Preparations and Housing Rights Concerns*, (Geneva: COHRE, 2007). These reports are available at [www.cohre.org/mega-events](http://www.cohre.org/mega-events)

318 The information contained in this section is a summary of a separate background paper commissioned as part of this project, supplemented by further research and information obtained during a fact finding mission carried out in June 2006. See further: Lisa Kim Davis, *Housing, Evictions and the Seoul 1988 Summer Olympic Games* (Geneva: COHRE, 2007), available at: [www.cohre.org/mega-events](http://www.cohre.org/mega-events). The fact finding mission was conducted by Claire Mahon, COHRE Researcher, with the assistance of (Fr Frank) Mun Su Park and Myong-Ho Shin, and the Korea Center for City and Environment Research (KOCER).

319 Along with South Africa's township system.



*A Seoul neighbourhood similar to those demolished during preparations for the Olympic Games.  
[Photo courtesy of Claire Mahon.]*

### 2.1.1 Background to Seoul's hosting of the 1988 Olympic Games

#### (a) The historical context behind Seoul's Olympic bid

South Korea, also known as the Republic of Korea (ROK), was created at the end of World War II. The Korean peninsula, which had been colonized by Japan since 1910, was divided in half at the 38th parallel by US military officers. The division was approved by the Soviet Army in August 1945,<sup>320</sup> on the eve of Japan's surrender. The Korean War (1950 to 1953), at first a civil war, escalated into an international war due to the involvement of the major military powers, including the United States, the Soviet Union, and China. The war culminated in an unresolved temporary cease-fire agreement which remains in effect today, preserving the 38th parallel division of the Korean peninsula into southern and northern halves.<sup>321</sup> North Korea, or the Democratic Peoples' Republic of Korea (DPRK), is a centrally-planned, military regime run by the son of its original founder. The DPRK experienced near economic collapse in the 1990s after the collapse of Communism.

Defended by the US military since its inception, South Korea has become a major player in the world economy. Despite South Korea's newly found wealth, reunification of the Korean peninsula remains something of a national obsession for the Korean people. The border between north and south is one of the most heavily militarised zones in the world, a last vestige of Cold War conflict. The relationship between North Korea and South Korea is always a priority consideration for the South Korean Government and it played a major role in influencing South Korea to bid for the Olympic Games. During the period leading up to the 1988 Olympics, North and South negotiated over the inclusion of North Korea in the Olympic Games. Although the negotiations were ultimately unsuccessful, they are said to have involved as much effort as the actual Olympic Games preparations themselves.<sup>322</sup> Although North Korea ultimately declined to participate in the 1988 Olympic Games, it did not disrupt them. Most international and domestic projects involving South Korea, including hosting the Olympic Games and the related planning for housing requirements, are planned to take into consideration the entire peninsula.

From the 1960s to the 1990s, ROK experienced rapid industrialisation, economic expansion and population migration to urban areas. The per capita Gross National Product rose from US\$94 in 1960, to US\$1,481 in 1980, and by 1990 it had risen to US\$6,800. During this period of expansion, the per capita income of the Seoul area remained considerably higher than the national average. From 1960 to 2000, the rate of urbanisation of the South Korean population grew from 36 percent to 80 percent, reflecting the shift from an agriculture-based economy to a manufacturing economy. At the same time, Seoul's

320 Bruce Cumings *Korea's Place in the Sun: A Modern History* (New York: Norton, 1997), p. 187; Carter J. Eckert, Ki-baik Lee, Young Lew, et. al., *Korea Old and New: A History* (Seoul: Ilchokak Publishers and Harvard University Press, 1990), p. 335.

321 Bruce Cumings *The Origins of the Korean War* (Princeton: Princeton University Press; vol. I, 1981; vol. II, 1990).

322 Ron Palenski, 'Seoul 1988' in J. E. Findling and K. D. Pelle (eds.), *Encyclopaedia of the Modern Olympic Movement* (Westport: Greenwood, 2004), pp. xvii-xxii.

population grew from two-and-a-half million to 11 million, and the population in the Seoul Metropolitan Region increased from five million to 20 million.<sup>323</sup>

There are several aspects of the political history of South Korea, and of its capital, Seoul, during the period from 1979 to 1988 that are worth mentioning when considering its candidature for hosting the Olympic Games. First, the national Government oversaw the governance of the city.<sup>324</sup> Secondly, Olympic development in Seoul coincided with a period of social and political upheaval for the national Government.<sup>325</sup> The principal political leader during this period, Chun Doo Hwan, assumed power by military coup following the end of a military regime which had governed from 1961 to 1979. Another important aspect of the context of Seoul's development related to the Olympics is the absence of free civil society during this period of government upheaval and social unrest. To write, speak and organise at the grassroots level in South Korea was to face harassment, detention, imprisonment and torture, as many did during this period.<sup>326</sup> These factors influenced both Seoul's Host City candidature and the way in which housing issues were dealt with during the Olympic Games preparations.

#### (b) Housing in Seoul: main features

The Olympics-related redevelopments which took place in Seoul in the 1980s were not the first time that large-scale forced evictions had been undertaken in South Korea.<sup>327</sup> Two previous redevelopment phases and their associated waves of evictions and clearances occurred under periods of harsh government rule, characterised by enforced curfews, the absence of freedom of association and freedom of the press, the jailing of large numbers of political prisoners, and the practice of torturing and executing dissenters.

The third urban redevelopment episode was undertaken in preparation for the 1988 Olympics. At the time that the Olympic bid was made in 1980, the standard form of housing for employed urban poor people was a multi-family, small single-story house. Often one of the resident families would own the house, while the other resident family rented from them. Thus, traditionally there was little divide between the categories of owners and tenants. Many of these structures were illegally built on public land. There were large-scale squatter settlements, many the result of government-led relocations, in which inhabitants lacked any security of tenure. In 1983, at least 13 percent of the population of Seoul lived in such informal settlements.<sup>328</sup>

The housing had cold running water, electricity, and wood or coal briquette heating. Toilet facilities were outside at the back of the house and bathing was done at the public bath houses. Although this type of housing served its function of housing the city's vast workforce and the occasional foreign anthropologist or missionary, many Koreans thought it was

323 Joochul Kim. and Sang-Chuel Choe, *Seoul: The Making of a Metropolis* (London: Wiley, 1997); Republic of Korea (R.O.K), National Statistics Office, *Major Statistics of Korean Economy*, (Seoul: R.O.K., 1995); R.O.K, *Social Indicators in Korea* (Seoul: R.O.K., 2000); Sôul T'ukbyôlsi [Seoul Metropolitan Government], *Sôul T'onggyeyônbo* [Seoul Statistical Yearbook] (1962-2003, separate editions).

324 Seoul was the administrative capital of South Korea since its inception in 1948. Under the administrative status of 'special city', the Mayor of Seoul was appointed by the President.

325 The Republic of Korea had four different Presidents from 1979 to 1988. On 26 October 1979, just weeks after preparations for an Olympic bid were announced, President Park Chung Hee, who ruled as an iron-fisted military dictator for 18 years, was assassinated by his Korean Central Intelligence Agency chief. The Prime Minister, Choi Kyu Hah, was appointed Acting President. On 12 December 1979, Chun Doo Hwan took control of Seoul and of the South Korean military following one night of fighting in a multi-staged military coup: Eckert et al, *Korea Old and New: A History* (1990); John A. Wickham, *Korea on the Brink: from the 12/12 incident to the Kwangju Uprising, 1979-1980* (Washington, DC: National Defense University, 1999). During the last two weeks of August 1980, Chun promoted himself to four-star General and resigned from the army, the ineffectual President Choi was forced to resign, and Chun was elected President by his ruling junta. Later, in February 1981, Chun held elections for himself and for the National Assembly, and was officially inaugurated as President: Eckert et al, *Korea Old and New: A History* (1990).

326 T.K. (Dr. Chi Myung-Gwan), 'Letters from South Korea', May/June 1976; D. C. Lee, *Mokdong Ajuma* (Seoul: Donggwang, 1985); Christian Institute for the Study of Justice and Development, *Lost Victory: An overview of the Korean people's struggle for democracy in 1987* (Seoul: Minjungsa, 1988); Asia Watch, 'Retreat from reform', *Human Rights Watch*, 18 Nov. 1990. Throughout the 1970s, civil and labour unrest had been growing, although the government actively detained, imprisoned and tortured dissidents, including many journalists, writers, academics and other pro-democracy leaders. This civil unrest continued to intensify in 1980 as it became clear that the Choi interim presidency was not evolving into a democratically-elected government. In April 1980, Chun had himself appointed head of the Korean Central Intelligence Agency, leading to nationwide protests. During the 'May 18 Uprising', student-led civilian demonstrations met with violence and finally were crushed by the South Korean Army Special Forces. The subsequent Kwangju Massacre, in which several hundreds (or thousands, depending on whose account) were killed over a 10-day period, ended in a total military victory for Chun, followed by a harsh crack-down against dissent. Donald N. Clark (ed.), *The Kwangju Uprising* (Boulder: Westview, 1987); Linda S. Lewis, *Laying Claim to the Memory of May* (Honolulu: University of Hawai'i, 2002); Amalie M. Weber (ed.), *Kwangju in the Eyes of the World: the personal recollections of the foreign correspondents covering the Kwangju Uprising* (Seoul: Pulbit, 1997); Wickham, *Korea on the Brink* (1999). It was not until June 1987, when a coalition of pro-democracy civil constituencies forced the proclamation of a commitment to change the country's leadership and hold direct elections, that South Korea experienced the start of its gradual move away from military-controlled government.

327 In-Joung Whang, *Social Development in Action: The Korean Experience* (Seoul: Korea Development Institute, 1986); Se Hun Chang, 'Tosihwa, Kukga kurigo Tosibinmin [Urbanization, the State, and Urban Poor People]' in Kim, H. G. and Ha, S. K. (ed.), *Bulryangch'on'gwa Chaekaebal* [Substandard Settlements and Redevelopment] (2nd ed., Seoul: NANAM, 1993 [1989]), pp. 187-239; Jong-Youl Lee, *The Practice of Protest: three case studies in urban renewal* (Ph.D. Thesis, New York: City University of New York, 1990); Jong-Youl Lee, 'The Politics of Urban Renewal' in K. W. Kim and Y. D. Jung (eds.), *Korean Public Administration and Policy in Transition Vol. 2* (Seoul: Jangwon, 1993); Jong-Youl Lee, 'The Practice of Urban Renewal in Seoul, Korea: Mode, Governance, and Sustainability', paper presented at the 2nd International Critical Geography Conference (Taegu, Korea, Aug. 2000); Sôul T'ukbyôlsi [Seoul Metropolitan Government], *Chutaek Chekaebal Kibon Kyaehoek* [Housing Redevelopment Master Plan] (1998); R.O.K Ministry of Construction and Transportation, *21C Daebi Nohu Bulryang Jutae Chôngbi Chedo Kaesônbanngan Yôngu* [21st Century Preparations for Decrepit and Substandard Housing Maintenance System Improvement Plan Research] (Seoul: R.O.K, 2000); Chông Mok Son, *Sôul Tosi Kyehoek Iyagi* [Seoul City Planning Stories Vol. 1 - 5] (Seoul: Hanul, 2003).

328 COHRE interview with urban housing expert, Seoul, 29 June 2006.

unfit for international viewing, and certainly for accommodating international visitors. An effort was reportedly made to avoid taking visiting members of international sports associations and National Olympic Committees through the many poor neighbourhoods during the bid competition period.<sup>329</sup>

Koreans felt that the standard of living for the average Seoul family would not be acceptable to international visitors. The adequacy of Seoul's housing came to be evaluated against 'Westernised' living standards. As Koreans began to define for themselves the living standards to which they aspired, they came to consider certain common features of housing in old neighbourhoods (such as leaky roofs, draughty walls, and the absence of features such as hot running water, paved kitchen floors, showers and baths and an internal toilet) to be less tolerable,<sup>330</sup> labelling old neighbourhoods as 'substandard'.<sup>331</sup> These changing attitudes regarding the sort of housing in which Koreans wanted to live were accompanied by an escalation in real estate prices in the central city, making one-story houses an uneconomical proposition from an investor's standpoint. Commentators have explained this as a phenomenon where the upper class began deciding on the types of residences that would be acceptable for the working classes, indifferent to the plight of low income tenants.<sup>332</sup>

The local housing stock was considered a problem from several perspectives. COHRE's research indicates that, for many Koreans, it was a problem of image; if they were to host the 1988 Olympic Games, South Koreans wanted to present a positive picture of Seoul as a prosperous, happy and healthy place and not as a squalid, impoverished city run by a brutal military dictatorship and undergoing an awkward phase of industrial urbanisation. The ability to present Seoul as an up-and-coming, global city worthy of international investment depended on successful image-making. Local housing also presented substantive problems with which successive local governments had struggled since the colonial period of the 1920s. There was a pronounced shortage of supply, along with problems concerning the adequacy and quality of the housing constructed. There was also a more general problem of the legal ownership of the urban housing stock: as a result of the waves of migration into Seoul at different periods since 1945, a significant proportion of housing had been constructed without authorisation, leaving residents with little or no security of tenure. Resolving land use matters was a priority for planners and was regarded as an important governance issue as the city underwent its transformation from an administrative centre to an international centre of production and exchange.

### (c) Seoul's candidature for the Olympic Games: ignoring local and housing concerns

President Park had initiated a study of the possibility of hosting the Olympic Games in the summer of 1979, although after his assassination in October that year, there was little interest in bidding for the 1988 Olympic Games. The person who had promoted the idea of an Olympic Games bid, Pak Chong Gyu, had resigned as head of the Korean Amateur Athletic Association fearing arrest, and other persons in leadership roles from the Park regime were imprisoned.<sup>333</sup> By July 1980, however, the national leadership began to place a greater emphasis on athletics in order to divert attention from the Kwangju Massacre in May 1980.<sup>334</sup>

Hosting the Olympic Games was part of what came to be described as the '3S' policy of promoting 'sex, sports and screen' to distract the public from the bloody political and economic struggles taking place and to enhance public approval of the national political leadership. Censorship restrictions on lewd cinema were relaxed, 'love' motels proliferated along sight-seeing routes, and colour television was introduced from the end of 1980. In March 1982, South Korea inaugurated professional baseball. Bids for the 1986 Asian Games, awarded in November 1981, and the 1988 Olympic Games, secured in late September 1981, were large jewels in the crown of the '3S policy'.<sup>335</sup>

The principal motivation behind South Korea's bid to host the 1988 Olympics was economic: to enhance the national image in order to attract foreign investment and develop business ties for exporting. The second major motivation was diplomatic, particularly important given the instability of the divided Korean peninsula, which is still under temporary lease-five truce today. Playing Olympic host was expected to increase the prestige of South Korea as a prosperous, successfully-run state in the eyes of its long-time rival Japan, and the superpowers that kept North Korea contained (the United States, China and the Soviet Union).

329 Son, *Seoul City Planning Stories Vol. 1 – 5* (2003), p. 31; 'Confirmation of Seoul as the Host for the 1988 Olympics', *Sin Dong'a* (Nov. 1981).

330 Lisa Kim Davis, *Reshaping Seoul: Redevelopment, Women and Insurgent Citizenship* (Ph.D. thesis, Maryland: John Hopkins University, 2005).

331 In Korean, the word *bulryang chutaek* is often translated as 'slum' rather than literally as 'substandard housing'.

332 Hyông Guk Kim, 'Sanggyedong Sat'aeüi Chônmal [The Sanggyedong Debacle] Kim, H. G. (ed.) *Bulryangch'on'gwa Chaekaebal* [Substandard Settlements and Redevelopment] (2nd ed., Seoul: NANAM, 1993 [1989]), p. 240.

333 Son, *Seoul City Planning Stories Vol. 1 – 5* (2003), p. 11, p. 14.

334 See further Section 2.1.1(a) above and related footnotes.

335 "'3S' Policy of the Fifth Republic', *Munwha Broadcasting Corporation*, documentary on Seoul (22 May 2005); Son, *Seoul City Planning Stories Vol. 1 – 5* (2003); Chông Mok Son, 'The Fifth Republic's 3S Policy' *Tosi Munje* [Urban Issues] (Feb. 2004), pp. 103-122.

However, the decision to bid for the Olympic Games was not without controversy. By autumn 1980, there was a full-scale disagreement within the Government over whether or not South Korea should make a bid. The several different mayors installed by President Chun during this period had all reportedly concluded that it was not a good idea for Seoul to bid for the Olympic Games in light of the dilapidated housing stock, facilities, infrastructure and pollution, and the lack of time and financial resources to remedy any of these problems.<sup>336</sup> Finally, President Chun accepted the arguments of those in favour of bidding, who were officials of the Education Ministry, Athletics division, Korean Amateur Athletic Association, and Korean Olympic Committee. Official notice of the intent to bid was sent to the International Olympic Committee on 2 December 1980.

The centrality of housing concerns in the early debates is clear from a review of South Korea's candidature process. Identifying the ways in which broad debate about housing was stifled is essential for comprehending the housing policy measures adopted once preparations for the Olympic Games were underway. Housing concerns were central to the city administration's arguments against pursuing the Olympics bid, but were quashed by a national Government eager to gain economic and political mileage, both domestically and internationally. The primacy of the national Government in deciding issues of urban reform and process in 1980s Seoul is noteworthy.

The Seoul city administration was reportedly consistently opposed to bidding for the Olympic Games. As outlined earlier, the reasons for this opposition included inadequate sports facilities, inadequate housing facilities for visitors, and the overwhelming redevelopment effort that would be required to clean up the environment (including hundreds of neighbourhoods of unauthorised housing stock) for international scrutiny. There was no explicit reference to forced evictions, but the question of addressing the 'substandard' housing settlements in and around the city was central to the arguments of those opposed to bidding.<sup>337</sup>

Housing was thus a major issue in the Host City candidature in two respects: first, the need to vastly increase the availability of lodging at standards acceptable to Westerners for international competitors, their entourages, the press and tourists; and secondly, the problem of addressing the housing situation of local residents. All of the arguments against hosting the Olympic Games were based on either the expectation of the financial loss to be realised on the urban development, or the difficulty of cleaning up the urban environment to an internationally suitable standard in such a short timeframe.

The discourse on upgrading urban neighbourhoods for international scrutiny included terminology such as 'city environment improvement, with 'environment' referring to built environment as well as pollution. 'City environment improvement' and 'city beautification' became code words for clearance and redevelopment which, given the enormous number of people involved and the short time span, entailed evictions by force.<sup>338</sup>

The public statements announcing Seoul's candidature to host the Olympic Games did not make reference to housing at all. They referred only to hosting the Olympic Games as a project of national significance calling for unprecedented national unity. However, the stories of local residents reveal that each neighbourhood underwent its own internal struggle over demolition and redevelopment. The struggle did not always divide the rich and poor inhabitants:<sup>339</sup> Individual building owners often faced off against corporate interests which oversaw the redevelopment and would own the new high-rise residential and office buildings.

#### (d) Transparency and participation in the bid process: Civil society repression

In relation to the transparency of the candidature and bidding process, South Korea was not a democratically-governed country at the time it competed for, was awarded, and hosted the Olympic Games. The country was ruled by its second consecutive military dictatorship, still in the midst of consolidating its power, which had not even begun to implement any kind of transition to civilian rule until the time the Olympic Games drew near. Consequently, the bidding process was not transparent to the public at all, and the stakeholders excluded citizens' groups, labour unions, and other organisations, such as the many tenants groups that were closely monitored by the Korean Central Intelligence Agency and could only operate on a clandestine basis.<sup>340</sup>

336 COHRE interview with housing expert, Seoul, July 2006.

337 Son, *Seoul City Planning Stories Vol. 2* (2003), pp. 185-189.

338 Lee, 'The Politics of Urban Renewal' (1993); Son, *Seoul City Planning Stories Vol. 1-5* (2003); Kim H. G., *The Sanggyedong Debacle* (1989); Hyōng Guk Kim and Seong-Kyu Ha (eds.), *Bulryangchut'aek Chaekaebalron [Substandard Housing Redevelopment Theory]* (Seoul: NANAM, 1993 [1998]).

339 'Seoul is Frustrated,' *Chosōn Ilbo* (10 Feb. 1983); Se Hun Chang, 'Tosihwa, Kukga kurigo Tosibinmin [Urbanization, the State, and Urban Poor People]' in H. G. Kim and S. K. Ha (eds.), *Bulryangchut'aek Chaekaebalron [Substandard Housing Redevelopment Theory]* (revised and expanded, Seoul: NANAM, 1993 [1998]).

340 Sōul Ch'ōlgomin Hyōpūihoe [Seoul Evictees Union], *1 Chunyōn Bogosō [1st Anniversary Report]* (1988).

Leaders within City Hall were repeatedly dismissed for expressing opposition to the Olympic Games. For civil society, openly expressing opposition to the Olympic Games resulted in harassment and sometimes detention.

#### (e) Planning and implementing the preparations for the Olympic Games

Research indicates that, after winning the bid to host the 1988 Olympic Games, Seoul city planning changes were dictated from the top down with a 'we can do it' mindset<sup>341</sup> which left little place for questioning or non-cooperative city officials. Thereafter, the urban development component of the Olympic Games preparations consisted of updating the Seoul infrastructure for the benefit of Korean nationals and international parties involved in making Seoul an international economic hub for South Korea's export-led manufacturing industry, international finance, and tourism.

The type of modern city envisioned by Seoul planners in the 1980s catered to an imagined large, prosperous middle class, in addition to the upper class. The new half of the city, where the Olympic facilities were built, was designed with a private car culture in mind and featured large avenues with planned traffic patterns (connecting to expressways through and out of the city) which were hurriedly completed in time for the Olympic Games. Planning the Olympic facilities envisaged further development of public leisure space in the form of parks and recreational sports venues. This imagined upper-middle class would eventually emerge in the 1990s to enjoy the well-designed apartment developments and leisure facilities left behind by the Olympic Games. However, the housing situation of large numbers of urban poor people who comprised the labour force of the industrialising economy worsened as a result of the successful hosting bid and subsequent Olympic Games preparations.

The list of urban improvement projects initiated after winning the bids for the 1988 Olympics and the 1986 Asian Games is long and ambitious. The South Korean Government used both the 1986 Asian Games<sup>342</sup> and the 1988 Olympic Games dates as deadlines for a host of necessary upgrades to the city. In the early stages, scheduling of preparations beyond event-specific facilities mentioned both international events, the Asian Games as a preliminary, and the Olympic Games as a final deadline. Seoul used the preparation period to accomplish, in just a few years, urban restructuring, including infrastructure building and redevelopment of older areas, that would normally have taken decades to accomplish.<sup>343</sup>

The breadth of changes included the construction of a number of large commercial buildings, several new highways, a new river bed and river banks flowing through the middle of Seoul, and upgraded waterworks and sewage infrastructure related to the river. Development of the relatively new southern half of Seoul was furthered by the addition of sports facilities and middle- and upper-middle class housing, and several new subway lines.

The projects involving building construction were planned and carried out by the city administration, mainly the Department of Urban Planning and the Department of Urban Renewal, in conjunction with the national Ministry of Transportation and Construction. Changes brought about by the construction of new buildings included the creation of downtown commercial districts, renewal of substandard residential districts, and urbanisation of farmland inside the borders of the city. There were people living in all of these areas. Most of the demolished structures were single-storey houses that had been built without public investment. They were replaced by high-rise public housing projects criticised by many for disturbing the vitality and texture of the urban environment.<sup>344</sup>

Residential redevelopment was an integral part of the centrally-planned restructuring proposed and implemented rapidly in Seoul from 1982 onwards. Much of this fell under the category of 'city beautification'.<sup>345</sup> By the time of the 1988 Olympic Games, 'city beautification' came to be understood as 'slum clearance' because it entailed demolishing tracts of unauthorised buildings and replacing them with highly-priced condominiums. Although superficially an aesthetic project to beautify the city for international tourists - and by extension, foreign investors - the underlying process involved a histori-

341 See, for example, Son, *Seoul City Planning Stories* Vol. 2 and 5 (2003).

342 The decision to host the Olympics had a positive influence on the subsequent awarding of the 1986 Asian Games to Seoul as well. The Asian Games hosting decision was made in New Delhi on 25 November 1981. Seoul had been competing against Baghdad and Pyongyang: Son, *Seoul City Planning Stories* Vol. 5 (2003), p. 40. The latter two withdrew their candidacy prior to the vote.

343 See, for example, Son, *Seoul City Planning Stories* Vol. 2 (2003), p. 188; Vol. 5, p. 46.

344 COHRE interviews with residents and activists, Seoul, June 2006.

345 Asian Coalition for Housing Rights (ACHR) and Third World Network (TWN) *Battle for Housing Rights in Korea: Report of the South Korea Project of the Asian Coalition for Housing Rights* (Bangkok: 1989); Kim, H. G., *The Sanggyedong Debacle* (1989); Lee, 'The Politics of Urban Renewal' (1993); Ōn Hui Kim, *Sŏulsi Tosimchi Jaekaealchŏngch'aekŭi Sahoechŏk Ŭimi-e Kwanhan Yongu* [Research on the Social Meaning of Seoul City Downtown Redevelopment Policy] (Master's Thesis, Sogang: Sogang University, 1993); Son, *Seoul City Planning Stories* Vol. 1-5, (2003).

cal transformation of the land ownership regime.<sup>346</sup> In order to redevelop Seoul's residential districts with different types of housing under the 'city beautification' scheme, planners had first to define 'substandard' housing. Many areas were designated as consisting of a majority of 'substandard' housing. After defining, categorising, and counting these 'substandard' districts requiring redevelopment, the city began to schedule the construction projects.

*City beautification is a standard of affluent people. Forcing that standard on poor people is immoral.... were the public to decide that the affluent standard was to be supplied to poor people, too, the government would have had to reallocate resources differently than it in fact did.*<sup>347</sup>

Research shows that during the 1980s, most of those who owned houses in such areas, motivated by the prospect of financial reward, gradually came to agree with the vision of the old houses as 'slums'. These 'owner-squatters' were paid for their houses and given the opportunity to buy property in the form of a new apartment in the redeveloped district. This policy of dividing the interests of 'owner-squatters' and 'tenant-squatters'<sup>348</sup> was reportedly widely practiced during the pre-Olympics period, when redevelopment plans created large numbers of private apartments for sale at market prices.

Local experts conclude that the Olympic Games, through its appeal to Korean nationalism, provided a means for uniting the public behind whatever massive urban improvement projects were deemed necessary to create an imagined modern city. Old neighbourhoods of 'substandard' buildings were seen as an obstacle to that vision.

#### (f) Identifying Seoul's Olympic authorities

In the early stages, the Seoul 'Bid Measures Working Committee' was composed of two persons from the Ministry of Education, two persons from City Hall, and three persons from the Korean Amateur Athletic Association. This group compiled the extensive response to International Olympic Committee questions in order to continue to the next stage of the competition. Responsibility for the response lay with the Education Ministry.

Organisationally, the Korean Olympic Committee was led by the (South) Korean Amateur Athletic Association head, Cho Sang Ho, who was employed by the Ministry of Education of the national Government.

In March 1981, when the competition was narrowed down to just two cities, Seoul and Nagoya, a cabinet-level group was convened to decide whether or not to pursue the bid and responsibility shifted from the Education Ministry to the Prime Minister's office. 'The Committee to Carry Out the Bidding Process' was chaired by the Prime Minister, and its membership included the head of National Security Planning, the Economic Planning Minister, the Foreign Affairs Minister, the Education Minister, the Minister of Culture and Public Information, the Mayor of Seoul, the head of the Korean Amateur Athletic Association, South Korea's International Olympic Committee representative, and the head of the Prime Minister's Office of Public Administration as Secretary-General. Representatives of this Committee were present when the final decision to continue with the bid was made on 16 May 1981.

By the time of the election of Seoul as Host City in October 1981, the Bid Committee was dominated by nationally prominent figures and lacked local representation, other than Mayor Pak Yōng Su.<sup>349</sup> The final bid committee also included: Cho Sang Ho, the head of the Korean Olympic Committee and Korean Amateur Athletic Association; Chōng Ju Yōng, Chair of the Olympics Preparation Committee and head of the Hyundai Corporation; Lee Wōn Kyōng, permanent advisor to the Korean Olympic Committee; Yu Ch'ang Sun, head of the Trading Association; and Lee Wōn Hong, Chief Executive Officer of the Korea Broadcasting System television station, as spokesperson.<sup>350</sup>

346 According to scholars, an often overlooked component of the 'city beautification' campaign was a public relations effort to redefine ordinary Seoul residential neighbourhoods as 'slums' in the eyes of the public. This change in public perceptions involved cultivating normative expectations of living standards more in line with 'modern' or 'Westernized' styles of living. Ha, in his academic study on this topic, explains that when a large portion of the people in a country live in a certain form of housing with certain facilities, they do not consider those housing areas as 'slums'. The English word 'slum' connotes poor quality in relative terms: It implies that there is better to be had, within reach of the average family. Ha details the distinction between slums in Western cities, and slums in so-called developing countries, where the usual practice for families coming to live in the city is simply to build one's own house on empty land: Kim and Ha, *Substandard Housing Redevelopment Theory* (1998), p. 53. This form of settlement is tacitly condoned during the period in which the city is a focus of industrial production and labor needs are acute. Under these economic conditions, informal settlements for the laborer class come to be seen as the norm.

347 Kim H. G., *Substandard Settlements and Redevelopment* (1989), p. 264.

348 Lee, *The Practice of Protest: three case studies in urban renewal* (1990).

349 See, for example, H. Koo, 'Strong State and Contentious Society' in H. Koo (ed.), *State and Society in Contemporary Korea* (Ithaca: Cornell University Press, 1993), pp. 230-249.

350 Son, *Seoul City Planning Stories Vol. 5* (2003), p. 33.

Chông Ju Yông was appointed as Chair of the Olympic Games Preparation Committee after the May 1981 decision to continue the bid to host the Olympic Games. One of the most prominent Korean corporate figures of the twentieth century, Chông was the head of the Hyundai Group until his death on 21 March 2001. After his death, Chông was credited with having assisted with the financial arrangements which made it possible to successfully host the 1988 Olympic Games.

Once Seoul was selected as the Host City for the 1988 Games, the responsibility for developing the Olympic infrastructure shifted to the Seoul Olympic Organizing Committee (SOOC). Seoul city government officials planned and implemented the preparations in cooperation with the national government authorities. Urban housing policy had been part of national five-year economic plans since the early 1960s, without marked success, but the speed and ‘top down’ nature of decision making required by the Olympics preparations were to change that situation. Mechanisms were already in place for local housing plans to be implemented through collaboration between the Ministry of Construction and City Hall. The Redevelopment Office at City Hall then worked with local district officials to implement plans.

The speed and efficiency demanded by the Olympics preparations led to a shift in the administrative method of urban redevelopment between 1983 and 1984. In the Mokdong redevelopment project, owners and tenants both created obstacles to the development of a new area of the city. As a result, City Hall adopted the ‘joint redevelopment’ method, in which private construction companies formed private corporations with house owners and assumed responsibility for clearing the land of pre-existing settlements. This removed city officials from the task of directly carrying out the ‘awkward’ stages of urban redevelopment - such as forced evictions and clearance - and paved the way for the increased (extralegal) use of private eviction companies which employed ‘thugs’ to get rid of existing residents.<sup>351</sup>

#### (g) Legal measures taken as part of the Olympic preparations

Following Seoul’s election as Host City for the 1988 Olympic Games, the city embarked on an accelerated programme of infrastructure updating and ‘city environment improvement’. There was a boom in urban redevelopment during the Olympic Games preparation period as a result of the planned infrastructure upgrades to prepare the city to host the Games. Specific public laws were promulgated to carry out the extensive infrastructure work. The President of South Korea proclaimed the Urban Redevelopment Law<sup>352</sup> on 31 December 1982, to facilitate urban redevelopment by removing many of the previous legal and administrative obstacles.

Under the Urban Redevelopment Law the redevelopment of ‘substandard’ areas was effectively outsourced to private construction companies, organised through ‘redevelopment cooperatives’. The joint redevelopment process recognised the ownership rights of formerly illegal ‘squatter-owners’. Construction companies would obtain the properties of the squatter-owners and commitments that the properties would be vacated, in exchange for compensation or ‘tickets’ entitling the squatter-owners to accommodation in the new facilities. The construction companies would then redevelop the site with higher density dwellings, forcefully evicting recalcitrant tenants if necessary along the way, and then sell the new properties on the private market, including to previous squatter-owners (or those who had acquired the squatter-owner’s ‘ticket’). Tenants were excluded from the process and “gained nothing but the loss of their homes”.<sup>353</sup> Although the redevelopment cooperatives formally comprised squatter-owners who (as owners of the land) had to force the renters out, in reality, the construction companies hired private security forces to conduct the forced evictions. Through this legislative framework, the Government was able to stimulate redevelopment but remain removed from the process, only becoming involved in instances of extreme violence, usually by arresting the protesters for blocking a Government-approved project.

Another particularly unpopular piece of the legislation relaxed limits on building height and size in the central business districts of Seoul’s older northern half. Even a leading pro-Government newspaper bitterly assessed the relaxation of these controls with the proverb “ruining both one’s self and one’s family to pretty up for the party”.<sup>354</sup> Small- and medium-sized business owners were faced with losing ground, literally, to the large corporate conglomerates that were to construct the tall office buildings.

351 The private contractors engaged by these eviction companies are consistently referred to as ‘thugs’ or ‘gangsters’ by the local residents.

352 Public Law #3646.

353 Hyung-Hook Kim, ‘South Korea: Experiences of Eviction in Seoul’, in A. Azuela, E. Duhau and E. Ortiz (eds.), *Evictions and the Right to Housing: Experience from Canada, Chile, the Dominican Republic, South Africa, and South Korea* (Canada: International Development Research Centre, 1998).

354 ‘Seoul is Frustrated,’ *Chosôn Ilbo* (1983).

These laws did not ban forced eviction or set out any form of procedural safeguards, and there was no broad public debate over the nature of improvements to be made.

### 2.1.2 The 1988 Olympic Games: impacts upon housing in Seoul

#### (a) Large-scale forced evictions and Olympic-related redevelopment

Slum clearance was a major element of the preparations for the Olympic Games in Seoul. In lead up to the 1988 Olympic Games, displacements of residents were conducted on such an enormous scale that Seoul's practice of forced evictions became known internationally.

A widely cited international investigation conducted in 1989 by the Asian Coalition for Housing Rights (ACHR) states that around 100 neighbourhoods were redeveloped between 1982 and 1989.<sup>355</sup> It goes on to report that between 1983 and 1988, 48,000 buildings housing 720,000 people were destroyed,<sup>356</sup> and that government officials verified these figures in face-to-face meetings.<sup>357</sup> These were the figures relied upon at the UN Habitat meeting in 1987 which condemned South Korea. COHRE's research verifies these estimates.<sup>358</sup>

A government publication states that 332 districts, most of them in Seoul, were redeveloped from 1973 to 2000: "from 1986 to 1987 through the city beautification programme for the Olympics... 40 districts were undertaken...."<sup>359</sup> The same source shows 82 sites completed between 1982 and 1989, slightly fewer than the 100 estimated by ACHR.<sup>360</sup> It also reports a much lower number of buildings demolished between 1983 and 1988, about 23,000.<sup>361</sup> A Seoul government publication shows much the same figures.<sup>362</sup> There are several possible explanations for this discrepancy in the number of buildings removed.<sup>363</sup> The latter report may not include the many residents of commercial districts who were also evicted at the time, or the communities located in agricultural areas within city limits which still existed at that time. According to a respected source, the following schedule was announced during General Chun's annual tour of City Hall on 8 February 1983: "42 neighbourhoods lining the main arteries and 53 neighbourhoods in the city centre, for a total of 95 neighbourhoods were targeted for redevelopment. Of those 71 areas were to be finished before the 1986 Asian Games, and the remaining 24 before the Olympic Games."<sup>364</sup> Ninety-three of the 95 neighbourhoods were finished by 1988.<sup>365</sup>

There was a steady increase in the number of houses demolished, and the number of new apartments created for sale, during the pre-Olympics period, beginning particularly in the period between 1981 and 1983. The peak of demolitions and constructions occurred in 1986, with numbers falling, but remaining high, through 1988 until 1989.<sup>366</sup> In studies of housing produced between 1960 and 1990, researchers have established that the twin peaks of new housing construction occurred in 1985 and 1987.<sup>367</sup> These peaks coincide with preparations for the Asian Games of 1986 and the Olympic Games of 1988. As there was little empty land for development in Seoul since the late 1960s, one can surmise that new housing construction in the 1980s corresponded to eviction and housing demolition.

Official accounts from the Seoul Municipal Government concur with these findings, showing that the period from 1986 to 1987 was a historical high point for redevelopment "due by and large to the city beautification maintenance project in preparation for the Seoul Olympics."<sup>368</sup>

355 ACHR and Third World Network, *Battle for Housing Rights in Korea* (1989), p. 5.

356 Ibid. p. 23.

357 Ibid. p. 43.

358 The ACHR estimates can be assessed as follows: 15 persons or roughly three families per house, at five persons per household, is a reasonable estimate for the more densely-populated, low-income districts at that time. The estimate of the number of buildings removed is plausible if one considers that a 1979 survey showed 186,436 illegal houses in Seoul, a large increase over 136,650 illegal houses identified in 1966, when the government reported that 35 percent of the city's population was residing in such housing: Whang, *Social Development in Action* (1986), p. 270.

359 R.O.K Ministry of Construction and Transportation, *21st Century Preparations for Decrepit and Substandard Housing* (2000), p. 56.

360 Ibid.

361 Ibid.

362 Sôul T'ukbyôlsi [Seoul Metropolitan Government], *Chutaek Chekaebal Kibon Kyaehoek [Housing Redevelopment Master Plan]* (1998), pp.33-34.

363 ACHR and Third World Network *Battle for Housing Rights in Korea* (1989).

364 Son, *Seoul City Planning Stories Vol. 5* (2003), p. 45.

365 Ibid. p. 46.

366 Chang, 'Urbanization, the State, and Urban Poor People' (1989), p. 206; Soo-Hyun Kim, *Hanguk Konggongimdaechut'aek Chônggh'aek'Ŭi Chôn'gwajonggwa Sôngkyôk [A Study on the Characteristics of Public Housing Policy of Korea]* (Ph.D. Thesis, Seoul: Seoul National University, 1996), p. 89; Seoul Metropolitan Government, *Housing Redevelopment Master Plan*, (1998), p. 34.

367 Kim and Choe, *Seoul* (1997), p. 116.

368 Seoul Metropolitan Government, *Housing Redevelopment Master Plan* (1998), p. 33.

## (b) Use of violence in conducting forced evictions

A significant feature of the Seoul evictions in the 1980s was the level of violence that accompanied the demolitions of neighbourhoods such as Sadangdong, Mokdong, and Sanggyedong. As discussed previously, the city Government had designed the redevelopment mechanisms so that the authorities themselves were distanced from the actual forced evictions. Evictions were largely carried out through the use of private security personnel (more commonly referred to by the local residents and activists as hired thugs or gangsters) employed by service companies.

The use of violence at redevelopment sites extended beyond the eviction itself. According to residents, private security forces created an atmosphere of terror. Residents typically did not know when they would be evicted, as eviction notices were either not sent, not received or not understood. Residents claimed: “we heard nothing [by way of notification], all we heard was their sticks”.<sup>369</sup>

According to residents, there were frequent visits by ‘gangster groups’ hired by the redevelopment corporations; outbreaks of violence were common at sit-in protests and gangsters patrolled neighbourhoods at night. At many redevelopment sites, gangsters working for ‘service’ companies were brought in to intimidate resisting residents into leaving. This was accomplished through the presence of hired thugs circulating in the community; by the practice of demolishing already-emptied houses with sledgehammers to prevent squatters or speculators from reoccupying them; by covertly setting fires at night in empty houses to frighten remaining residents; by the use of physical violence (including sexual assault during negotiations and sit-in protests at the ‘joint development’ cooperative office); and through the destruction of temporary dwellings inhabited by communities refusing to leave.<sup>370</sup> Veteran members of tenants groups reported clashes during which chunks of people’s hair were pulled out, and fingers, arms and ribs were broken or twisted, causing lasting injury.<sup>371</sup> Women and the elderly were usually placed at the front line of protests, in the hope that the gangsters would be less likely to attack them.<sup>372</sup>

Approximately 20 people were believed to have died as a result of such violence, most as a result of alcoholism or suicide brought on by the stresses of the redevelopment process.<sup>373</sup> The demolition of houses in close proximity to where people were still living created dangerous areas, as evidenced by the death of a nine-year old boy in 1989 at one of the occupied demolition sites. The creation of uninhabitable environments was another form of violence perpetrated against the community.<sup>374</sup>

COHRE’s research shows that the threat and use of violence permeated the redevelopment process, extending well beyond the physical expulsion from, and destruction of, occupied houses. The intensity and extensive duration of the violence were other noteworthy factors: clearances of redevelopment site dragged on for years, due to a combination of battles, group negotiations with various factions, displacement, and forced eviction.

## (c) Communities forcibly evicted by Olympics-related redevelopment

There are at least three Olympics-related projects that are particularly important given their size and the number of communities involved: Mokdong, Sanggyedong and Sadangdong. Each entailed clearing a large area of the city, consisting of numerous well populated neighbourhoods. Mokdong and Sanggyedong became sites of conflict permanently etched in the annals of housing history in South Korea. Sadangdong involved no shortage of tenant struggle either, involving tens of thousands of persons.<sup>375</sup>

### Mokdong

Mokdong was one of the last remaining agricultural areas in the city, located in southwestern Seoul, on an arterial road leading to Kimpo International Airport. The area was visible to foreign visitors arriving at the airport.<sup>376</sup> The city Government announced its intentions to develop Mokdong on 11 April 1983 and released detailed plans a month later.<sup>377</sup> Mokdong did

369 COHRE interview with community leaders who had been active in the pre-Olympic eviction areas, 30 June 2006.

370 Ibid.

371 Davis, *Reshaping Seoul*, (2005), pp. 117-172.

372 Davis, *Reshaping Seoul*, (2005), pp. 117-172.

373 COHRE interview with member of the urban poor movement, Seoul, June 2006.

374 Ibid.

375 Uhn Cho and Ok Ra Cho, *Tosi BinminŬi Salmgwa Konggan [The Lives and Space of Urban Poor People]* (Seoul: Seoul National University Press, 1992), p. 23; Kim S. H., *A Study on the Characteristics of Public Housing Policy of Korea* (1996).

376 Hyung-Hook Kim, ‘South Korea: Experiences of Eviction in Seoul’, in A. Azuela, E. Duhau and E. Ortiz (eds.), *Evictions and the Right to Housing: Experience from Canada, Chile, the Dominican Republic, South Africa, and South Korea* (Canada: International Development Research Centre, 1998).

377 Son, *Seoul City Planning Stories Vol. 4* (2003), p. 312.

eventually become a new middle-class city within Seoul, with a prize-winning layout including wide roads, parks, recreation centres, hospitals and schools, but not before undergoing a period of vitriolic protest which lasted from April 1984 to March 1986.<sup>378</sup>

The Mokdong New City project began in 1983 with Mok 1-dong (one sector of the Mokdong district), which had a population of 25,888 people or 5,832 households. About 38 percent of residents were owner-squatters, and 62 percent were tenant-squatters.<sup>379</sup> The profile of residents was slightly younger, better-educated, and of a higher income than the average urban poor person of Seoul.<sup>380</sup> Mok 1-dong was first settled in 1964, under the 'Five-Year Squatter Clearance Plan' of the Seoul City Government, when 74,759 households were removed from 52,534 houses in central Seoul neighbourhoods. The initial residents were allotted a tiny plot of land on the outskirts of the city and built their own houses out of home-made mud bricks. The houses were gradually upgraded.<sup>381</sup> Given the community's history of displacement and relocation, it is probably not surprising that the Mokdong New City project ran into opposition early on.

Research indicates there were four main phases of protests against the evictions in Mokdong: five initial months of attempts to negotiate through official channels; three months of direct action protests, some of which grew violent and attracted the attention of Catholic and Protestant social justice organisations; 15 months of expansion of the protest groups; and a final five weeks of the most intense protests and repeated negotiations.<sup>382</sup> By this time, the protests of owners and tenants had spilled beyond local bounds and were taking place city-wide, at the district headquarters, City Hall, the Catholic cathedral downtown, and the universities. Protestors blocked a major highway near the site, the YWCA hosted a forum for the residents, and the development office was burned down. Many people were arrested. Nearly two years after the beginning of the protest, almost half of the residents were still living there.<sup>383</sup>

Due to the large and growing demonstration of solidarity from around the city, and the perseverance of the protesters, the two years of unrest culminated in better outcomes for the residents than were achieved from most redevelopment protests in Seoul, with both owners and tenants receiving concessions from the city. This was evidently in order to expedite a construction project that had originally been scheduled to be finished in December 1986.<sup>384</sup> House owners received compensation for their buildings, moving fees, and priority 'tickets' to purchase a new apartment on the redeveloped site. Tenants received a ticket entitling them to rent one room in a new apartment on the site, moving fees, and the option of subsidised relocation to rural areas or relocation as a group to a site outside Seoul.<sup>385</sup> According to activists, arrangements whereby tenants could receive a right to occupy even one room of an apartment in the newly redeveloped site would come to be regarded as a measure of success attainable by only a minority of the most fiercely organised tenants groups in future struggles.

The Mokdong redevelopment struggle was unique in several ways. It was a development project on a large scale, involving at least five neighbourhoods. It involved evicting households that had been forcibly moved to this site by the city Government in the early 1960s. The city Government used a so-called 'Public Management Redevelopment Method', in which the city took on the task of assembling the land parcels, and then contracted with private builders to do the construction work. The city would then sell the apartments. The Government reportedly intended to use the profits from the sale of new apartments to help finance the Olympic Games.

Due to difficulties encountered from the start of this project, in particular the degree of protest engendered, the city adopted a new method for conducting most of its future redevelopment projects. The new method, called 'joint redevelopment', was proposed in the fall of 1983 and implemented from 1984 onwards. Under 'joint redevelopment', house owners and a private construction company formed a corporation overseeing the redevelopment through the various stages. This shift in redevelopment policy was the major legacy handed down from the Mok 1-dong struggle: activists contend that joint redevelopment made it more difficult for urban poor people to fight for inclusion in redeveloped sites and easier for redevelopment corporations to forcibly evict residents.

378 Lee, *The Practice of Protest* (1990), p. 138.

379 Ibid. p. 128.

380 Ibid. pp. 128-133.

381 Ibid. p. 126.

382 Ibid.

383 Ibid; Yŏng Sŏk Kim, 'Tosibinminron' [Theory of Urban Poor People], *Chŏnju: Achi'm Saech'aek*, No. 8 (1987), appendix; Seoul Evictees Union, *1st Anniversary Report* (1988).

384 Kim Y. S., 'Theory of Urban Poor People' (1987).

385 Lee, *The Practice of Protest* (1990), pp. 152-153.

Another unique aspect of the Mokdong protests was that the interests of house owners were largely aligned with those of tenants, in opposition to the development. This was initially because, after having made the announcement, the Government subsequently changed the plan for the type of apartments to be constructed, reducing the number of lower-priced, small apartments and increasing the number of large, expensive apartments. House owners foresaw that they would not be able to afford to live in the new apartments. Although both house owners and tenants were eventually given priority tickets which would allow owners to buy a new apartment, and granted rental rights to tenants (allowing them to rent one room of an apartment), both groups sold their tickets for cash and most left the area. Despite the tickets, the entry price for new housing in these developments was unaffordable for the majority of owners and renters. Research shows that authorities became adept at exploiting the divide between the interests of owners and tenants.

### Sanggyedong

Sanggyedong was another of the neighbourhoods in Seoul that was slated for redevelopment in Seoul and became infamous as the site of the evictions associated with the hosting of the Olympic Games. Sanggyedong was a large neighborhood of about 1,500 households (1,000 households of owners, 520 households of renters) in northern Seoul. Sanggyedong Sub-area 173 went under the bulldozers in the mid-1980s, as part of the plans to create large numbers of high-rise apartments for the middle class. The small houses making up the area before demolition had been built, with government assistance, in the 1960s and 1970s, as residents were relocated there from central Seoul, especially from Hannamdong and Ch'onggyech'ôn. Demolition began in 1986.

Little media attention was paid to this area until 26 June 1986, when there was a large protest by tenants opposed to the redevelopment and one person died. Newspapers in South Korea were still censored at this time, and there was no protection of freedom of the press. Journalists were routinely detained, imprisoned, tortured, and forced into exile. Despite this environment, a report vividly describes the events of 26 June 1986; noting that there were 1,000 renters confronting 500 gangsters, 500 police, and 100 plainclothes police, plus a variety of local officials.<sup>386</sup> By the day's end, one person was dead, crushed by wreckage from a gangster's demolition, one person was severely wounded, and 40 people were treated for slight injuries.<sup>387</sup> The evictions and demolitions continued. During protests held from December 1986 through to March 1987, a number of tenant leaders were imprisoned. That winter, 160 evicted families gathered and lived in tents on the site, in protest against the redevelopment.

Research indicates that by the end of winter in 1986 there were 73 families left in the area. In the spring of 1987, a child was killed by falling building debris while playing on the construction site, and a young man burned himself to death in protest. Gangsters and police kept destroying the tent village as well as the old houses. In March 1987, the remaining families moved to the plaza in front of the Myôngdong Cathedral in the centre of Seoul. In this location, supported by Cardinal Kim Su Hwan, the evictees gained the attention of the middle-class people who worked and shopped in the Myôngdong area. Community activists explained that the public saw what was occurring in regular media coverage all over the country and sent money and food to the evictees, who were still living there in June 1987 when the Chun dictatorship began to acquiesce to the public's demands.<sup>388</sup> That spring, 500 students protesting for democratic reforms entered into the cathedral where they were shielded by the Cardinal, as well as priests and nuns who came there in solidarity, forming a human line to keep riot police out.

The evicted tenants were demanding a place to live, and more generally, to be allowed to live with basic dignity even though they were poor. They asked for government land for resettlement, and government loans or grants to assist with rebuilding costs. The Government proposed the site of P'och'ôn, located outside Seoul, but this site was rejected by many families even though they were offered about \$1,000 per family to relocate. The reasons for the rejection of the site were that it was 25 miles north of Seoul, near the demilitarised zone, had previously been used as a poultry farm and was generally considered uninhabitable.<sup>389</sup> Of the 73 families remaining at the Cathedral, 39 moved to NamYangjugun in the greenbelt surrounding Seoul. It was later reported that they were again evicted from this location only four days after the Olympic Games ended for construction work in the greenbelt zone.<sup>390</sup>

386 Kim H. G., *The Sanggyedong Debacle* (1989), p. 241.

387 Ibid. p. 242.

388 COHRE interviews with community leaders, June 2006.

389 Ibid.

390 Kim and Ha, *Substandard Housing Redevelopment Theory* (1998), p. 333.

The remaining members of the tenants committee refused to be split up. Government negotiations with the tenants committee were conducted by staff from the Korean Central Intelligence Agency rather than city bureaucrats. Eventually, only about 30 to 40 households (approximately 120 people) remained living at the cathedral. In January 1988, they purchased land in Puchôn with assistance from the Roman Catholic Church and donations from all over the country. Puchôn was a suburban city attached to western Seoul and the evictees built their own structures there, again with donations and loans from religious groups and the public. Coincidentally, the land they had purchased abutted a major highway leading into Seoul from Inch'ôn (the site of the city's main airport), where the Olympic torch would pass on its way to the opening ceremony of the Olympic Games, and local officials were desperate to remove any visible evidence of the self-built settlement.<sup>391</sup> The families were denied permission to build and their temporary houses were repeatedly destroyed throughout the winter by Puchôn city officials on the grounds that they were not built in accordance with the building code specifications.<sup>392</sup> The group resorted to living in cave-like sheds dug into the embankment: "living underground was their only option".<sup>393</sup>

Sanggyedong is the neighbourhood most directly associated with the dark side of Olympic Games preparations. Not only were evictees displaced from their homes as a result of the city's beautification campaign, accelerated by the Olympic deadline, but they then encountered further problems due to their relocation to Puchôn, because public officials wanted to ensure that the Olympic torch route was free of evidence of the resettlement. The result was a public relations disaster for the Government.<sup>394</sup>

The practice of forced evictions was especially widespread and energetic in Seoul during the Olympic Games preparations, resulting in arrests and deaths.<sup>395</sup> It is clear from the historical record that the clashes between groups sponsoring eviction and communities resisting eviction reached a high point in terms of visibility, intensity of conflicts, and length of conflicts in the pre-Games preparation period. By the time that the Mokdong and Sanggyedong redevelopment areas were completed, several years after the 1988 Olympic Games, a significant percentage of the total number of small houses in Seoul was gone. If one includes the Sadangdong redevelopment, which removed another large urban poor settlement, there were three large areas of hundreds of acres each that were redeveloped under the Olympic Games preparation plan.

While the secondary impacts of these forced evictions were said to include a further increase in poverty, the destruction of families and a loss of humanity and dignity, a further concern was the effect on the children:

"[T]he children suffered the most. They witnessed their parents demonstrating, being taken away by police, and being beaten up. Children would scream in terror on seeing a hammer. 'They are going to tear our houses down!'"<sup>396</sup>

#### (d) Escalation in housing costs and other flow-on effects

Entire areas of previously low-cost housing were demolished under the redevelopment plans and replaced by housing for middle- and upper-income families. The evicted residents of these areas faced enormous housing stress as their ability to pay for alternative housing was limited due to the high cost of housing. As the eviction processes began, many residents looked for alternative housing in surrounding areas: "There were 3,000 families living in Sanggyedong and the cost of housing in nearby areas was shooting up five times because of all the people leaving".<sup>397</sup>

When the renters first moved to the Mok Dong area, they paid a deposit to occupy their residences which may have totalled around SKW200,000, but 10 years later (when they were forcibly evicted in the late 1980s), they needed perhaps 10 or 20

391 See Kim Y. S., 'Theory of Urban Poor People' (1987); Kim Dong Wan (director), *Sanggyedong Olympics* (Seoul: Purûn Yongsan film collective, 1989); Kim H. G., *Substandard Settlements and Redevelopment 2nd Edition* (1989); Kim and Ha, *Substandard Housing Redevelopment Theory* (1998); J.C. Kim, 'Urban Struggle: A Tale of Sanggye-Dong, Seoul, Korea', *Bulletin of Concerned Asian Scholars*, Vol. 23, No. 2 (1991); Seoul Evictees Union, *1st Anniversary Report*, (1988); Sandra Sturdevant, 'Seeing and Remembering: Sanggye-Dong and the Demonstrations of June 1987', *Bulletin of Concerned Asian Scholars*, Vol. 23, No. 2 (1991), pp. 35-41.

392 Kim Dong Wan (director), *Sanggyedong Olympics* (Seoul: Purûn Yongsan film collective, 1989).

393 COHRE interview with Mr Kim Dong-won, director of *Sanggyedong Olympics*, (Seoul: Purûn Yongsan film collective, 1989), Seoul, 28 June 2006.

394 For example, the film *Sanggyedong Olympics*, which highlighted the disaster of forced evictions in Seoul, received worldwide attention.

395 This conclusion is based on research charting the numbers of houses constructed without building permits which were removed over time (Kim S. H., *A Study on the Characteristics of Public Housing Policy of Korea* (1996), p. 89), historical accounts of the Olympics and Seoul city planning (Kim and Choe, *Seoul* (1997); Son, *Seoul City Planning Stories Vol. 1 - 5* (2003)), and the plethora of documentation published by civil society groups advocating for humane relocation and compensation policies in the major struggles described above (See 'Uri Kwanli'nûn Uriga Ch'ajayajiyo [We Have to Claim our Rights: the Mokdong Women]' *Seoul*, Vol. 1 (1985); Kim Y. S., 'Theory of Urban Poor People' (1987); Seoul Evictees Union, *1st Anniversary Report* (1988); ACHR, 'Eviction in Seoul 1988, Fact Finding Team's report' (1988); Kim H. G., 'Redevelopment of Urban Substandard Settlements', Kim H. G. (ed.), *Bulryangch'on'gwa Chaekaebal [Substandard Settlements and Redevelopment]* (2nd ed., Seoul: NANAM, 1993 [1989]); Cho and Cho, *The Lives and Space of Urban Poor People* (1992); Kim S. H., *A Study on the Characteristics of Public Housing Policy of Korea* (1996); Kim and Ha, *Substandard Housing Redevelopment Theory* (1998); Se Hun Chang, 'Tosihwa, Kukga kurigo Tosibinmin [Urbanization, the State, and Urban Poor People revised and expanded] in H. G. Kim and S. K. Ha (eds.), *Bulryangchut'aek Chaekaebal [Substandard Housing Redevelopment Theory]* (Seoul: NANAM, 1993 [1998]); Seoul Metropolitan Government, *Housing Redevelopment Master Plan* (1998); R. O. K., Ministry of Construction and Transportation, *21st Century Preparations* (2000); etc.)

396 Kim H. H., 'South Korea: Experiences of Eviction in Seoul' (1998).

397 COHRE interview with community leaders who had been active in the pre-Olympic eviction areas, 30 June 2006.

times that amount in order to place a deposit on a new residence.<sup>398</sup> Even the ‘tickets’ granting them entry to new housing (obtained as part of the concessions granted in the negotiations over the eviction) were of little help. In 1987 and 1988, the Government outlawed the resale of ‘tickets’, as an active secondary market for tickets was resulting in further significant increases in prices. Residents were caught in a trap in which their need to find alternative low cost housing was driving up demand, further increasing housing prices in the few remaining low cost areas and consequently making such housing more difficult to obtain.

Many tenants were forced to relocate outside the city or far from where they had previously lived. However, as day workers, their employment was in the city. The evictions, coupled with the consequent scarcity of affordable alternative housing, therefore had a significant effect on the ability of the evicted tenants to access employment and education opportunities. For example, employment opportunities for many of the previous residents of the Sanggyedong area remained in Sanggyedong, and approximately 10 years after the evictions, more than 80 percent of these people were still commuting to Seoul and Sanggyedong for work.<sup>399</sup> Sanggyedong is in the north-eastern area of Seoul, and many of the tenants had moved to the far south-west areas of Seoul:

“Moving to the new area meant changing schools, the need to get a new job etc. But this was hard so some remained in old jobs. It took a long time to readjust, especially for those for whom it took almost two hours to travel by subway or car to work.”<sup>400</sup>

#### (e) Reduction in the availability of social and low cost housing

It appears that during the 1980s, little attention was paid to low income housing policies in South Korea. The number of public rental units created in 1985 and 1986 was in the low hundreds – tiny compared to the scale of the evictions – and there were no units created immediately before or after these two years. There was no meaningful effort to create public rental units until 1990, when for some six or seven years, a considerable number of rental apartments were built<sup>401</sup> under the ‘2 Million Homes Construction Plan’ of 1988 to 1992.<sup>402</sup> This plan was enacted to redress Olympic-era deficiencies.<sup>403</sup> In the period of preparations for the Olympic Games, low-income housing policy was neglected, while the decades-old ad hoc solution of squatting ceased to be tolerated due to the imperative of ‘city beautification’.

#### (f) Marginalised groups affected

Urban restructuring in preparation for the Seoul 1988 Olympic Games exacerbated an already severe housing shortage, resulting in violent struggles over forced evictions and the displacement of hundreds of thousands of low-income earners and urban poor. In the almost twenty years since, the desperate plight of South Korean low income tenants during this period has been mentioned frequently in the literature of international organisations concerned with housing advocacy and human rights<sup>404</sup> as well as in mainstream histories of the Olympic Games.<sup>405</sup> Tenants with no security of tenure were most severely affected by the ‘slum clearance’ programmes undertaken in the Substandard Housing Redevelopment districts. Although they composed the majority of residents in these areas, they were excluded from the process as a result of the joint redevelopment programme.

The poor (and their houses) were considered to be unsightly, and not in keeping with the self-image Seoul wanted to portray. Where it was not possible to implement the joint development projects in time for the Olympic Games, walls were even built around poor areas located near the Olympic venues so that the areas where the poor were living would not be visible.<sup>406</sup>

398 Ibid.

399 Kim H. H., ‘South Korea: Experiences of Eviction in Seoul’ (1998).

400 COHRE interview with Mr Dong-won Kim, film director, Seoul, 28 June 2006.

401 R. O. K. Ministry of Construction and Transportation, *21st Century Preparations* (2000), p. 56.

402 Chong-Won Chu, ‘The Evaluation of the Five-Year Two Million Housing Unit Construction Plan’ in A.G. Yeh and M.K. Ng (eds.), *Planning for a better Urban Living Environment in Asia* (Aldershot: Ashgate, 2000), p. 180.

403 For a few years from 1990, the government created and oversaw implementation of a programme for the construction of low-income, long-term rental housing, through which it intend to alleviate the tenants’ plight; but in 1994, this programme was handed over to private developers and became a *de facto* subsidized middle-class housing scheme, with low income households facing fewer and fewer options other than moving to cheaper rental housing on the city’s fringes. Low income housing policy in Seoul remains a challenge that government planners, residents, and advocates for the urban poor grapple with daily. In the meantime, the urban poor face spatial dispersal to either the far reaches of the city, or to new forms of informal housing, such as vinyl greenhouse communities, which emerge hidden away within the city.

404 ACHR, ‘Eviction in Seoul 1988, Fact Finding Team’s report’ (1988); Seoul Evictees Union, *1st Anniversary Report* (1988); ACHR and TWN, *Battle for Housing Rights in Korea* (1989); ACHR, ‘Evictions in Seoul, South Korea’, *Environment and Urbanization*, Vol. 1 (1989); Kim H. G., *Substandard Settlements and Redevelopment* (1989); Kim D.W., *Sanggyedong Olympics* (1989); Kim J. C., ‘Urban Struggle’ (1991); Sturdevant, ‘Seeing and Remembering’ (1991); Green, ‘Staged Cities’ (2003).

405 John A Daly, ‘Introduction’ in J.E. Findling and K.D. Pelle, (eds.), *Encyclopaedia of the Modern Olympic Movement* (Westport: Greenwood, 2004), p. xix.

406 COHRE interview with Seoul housing expert, Seoul, 29 June 2006.

In addition to low income families living in old houses, usually with no security of tenure, homeless persons and street vendors were also displaced for the Olympic Games, albeit more temporarily, under the rubric of ‘city beautification’. In 1986, a facility in the style of a prison camp was built 50 kilometres south of the city to house 1,000 people.<sup>407</sup> The homeless, vagabonds and indigent (including those with alcoholism and mental illness problems) were placed in this facility:

“This was a deliberate policy to remove people from the city because foreigners were coming and they wanted to move out of sight the beggars and people who would be drunk in the streets.”<sup>408</sup>

Street vendors were another group targeted for removal at that time. Since the Asian Games, two years prior to the Olympics, street vendors had been declared illegal, except for the few who were authorised. This restricted the ability of the street vendors to operate their businesses, and destroyed their means of income.

### 2.1.3 Community activism

The places where urban poor people lived were spatially disparate and thus vulnerable to authoritarian government plans. Nonetheless members of the pro-democracy movement, including religious leaders and students, rallied to support the neighbourhood activists in the largest of the redevelopment clearances during the pre-Olympics period. The alliance between wealthier classes of urban residents and urban low-income tenant families was apparently weak and sporadic at best. It was insufficient to prevent the clearance of substandard housing in preparation for the Olympic Games.

Community activists conducted training and awareness raising campaigns in order to increase the community’s level of consciousness about housing rights issues. A local film-maker produced a documentary about the Sanggyedong Olympic experience, *Sanggyedong Olympics*, which attracted international attention to the issue.<sup>409</sup> Activists protested, defended their homes against demolition, and cooperated with other communities to assist each other.

Until the 1980s, the Urban Poor Peoples Movement, under whose auspices tenants’ rights struggles were fought, had been a minor player among domestic South Korean social movements. However, in the mid-1980s, several large local struggles over redevelopment began to sporadically attract the attention of a nationwide pro-democracy coalition comprised of labour, students, intellectuals including journalists and academics, and religious leaders, who had throughout the 1970s and 1980s fought against repressive police practices, harsh labour conditions and human rights violations such as torture and the imprisonment of political opponents of the Government.<sup>410</sup> According to the activists, the forced evictions conducted during the period of preparations for hosting the 1988 Olympic Games galvanised nationwide support for a more humane low income housing policy.

The emergence of a nationwide housing rights movement in South Korea is one positive outcome of the tragic history of the Seoul Olympic Games. Hundreds of local tenants’ organisations and concerned citizens’ groups have been established to advocate for inclusion when neighbourhoods are redesigned. These organisations are loosely united through the Korea Coalition for Housing Rights. Regionally, the formation of the Asia Coalition for Housing Rights in Bangkok was accelerated in reaction to the brutal South Korean eviction practices of the mid 1980s. In Seoul, a large and diverse network of scholars, policy-makers, and advocates emerged from the Olympics-era struggles, committing their professional lives to the consideration of housing issues (including setting minimum housing standards and obtaining a higher degree of government transparency) as a major tenet of social policy. The pre-Olympics evictions in South Korea spurred the broad engagement of domestic activists, policy-makers, planners and scholars on the issue of urban housing for all societal classes, and independent and government research institutes continue to build upon a large body of published studies to the present day.<sup>411</sup>

However, it is regrettable that such mobilisation to protect the rights of so many was needed, and despite the fact that the horror of the Olympic Games evictions in Seoul helped to bond and unite activists, it did not prevent the evictions from continuing.

407 Ibid.

408 Ibid.

409 Kim D. W. (director), *Sanggyedong Olympics*, (Seoul: Purūn Yōngsan film collective, 1989).

410 Asia Watch, ‘Retreat from reform’, *Human Rights Watch* (18 Nov. 1990).

411 COHRE interviews with representatives of KOCER, Seoul, June 2006.

#### 2.1.4 Conclusions on the housing impacts of the Olympic Games in Seoul

In general, the 1988 Olympic Games was judged a great success by the international sports community<sup>412</sup> and by a large part of the South Korean public. However, with the passage of time and advent of a more open political and social climate in South Korea, it is appropriate to re-evaluate the impact of the 1988 Olympic Games on the Seoul housing situation and the use of violent force for 'slum clearance'. The positive achievements of the 1988 Olympic Games are widely recognised by Koreans and others around the world: the event itself proceeded smoothly, leaving a legacy of improved facilities for recreation and leisure, modernized roadway systems in the city, and exceedingly popular, upper-middle class housing developments inherited from the 1986 Asian Games and 1988 Olympic Games athletes' villages. Further, it is widely believed that the 1988 Olympic Games provided a great deal of the political impetus behind the Chun Government's decision to announce direct elections in response to the June 1987 struggle for democracy.

However, there was a darker side to the redevelopment boom and other rapid preparations that were made for hosting the Olympic Games. In particular, there was an increase in severity and visibility of forced evictions during this period. The 1986 Asian Games and 1988 Olympic Games reinvigorated the pre-existing practice of large-scale housing redevelopment, increased the size and speed of completion of the redevelopment projects, and reshaped policy-makers' expectations of what was possible. This resulted in an enlarged scale of subsequent redevelopment in the 1990s. The Olympic Games period demonstrated a repeated, systemic failure to manage the situations that arise when tenants are expelled from land claimed for redevelopment. The ferocity of government and development corporation members' actions against the urban poor gave rise to an outpouring of support for the displaced, initially from all over the country, and later from the international community.

There were large-scale evictions in poor neighbourhoods that were proximate to the travel routes of international visitors. The 1988 Olympic Games in Seoul caused the forced eviction of resisting populations of Mokdong, Sanggyedong, Sadangdong, and numerous other residential and mixed-use central city neighbourhoods, not to mention Olympic site villages. The international press also drew attention to the sweeping up of street peddlers, beggars, and the homeless in the weeks prior to the event.<sup>413</sup> Between 1983 and 1988, in a rush to beautify the city, nearly 100 sites were cleared and redeveloped within Seoul,<sup>414</sup> consisting of an estimated 48,000 buildings housing approximately 720,000 people.<sup>415</sup> The 1988 Olympic Games were the immediate cause of an increase in evictions as the strict time horizon led to the adoption of the 'joint redevelopment' model.

Despite the boom in construction of new housing units during the Olympic Games period, the new housing constructed was not designed for or subsequently inhabited by those who were evicted from the previous housing. This resulted in a worsening shortage of low-income housing. The international publicity given to the dire situation of the evicted low-income renters in Seoul as a result of Olympic Games preparation policies highlighted the need for low-income housing to replace what was being demolished, but no steps were taken to address this need in time to help the evictees.

South Korea's bid to host the 1988 Olympic Games ignored initial concerns about the city's housing stock, which had been at the forefront of city leadership's objections to competing to host the Olympic Games. The relationship between national and municipal authorities was thus a central part of the Seoul Olympic Games story.

412 Palenski, 'Seoul 1988' (2004), p. 221.

413 Greene, 'Staged Cities' (2003).

414 ACHR, 'Evictions in Seoul, South Korea' (1989), p.5.

415 Ibid. p. 23.



*Barcelona: The athletes' accommodation in Villa Olímpica was sold on the private market after the Games and now forms part of a prosperous neighbourhood near the sea. [Photo courtesy of David J. Hulchanski]*

## 2.2 Barcelona<sup>416</sup>

The staging of the 1992 Barcelona Olympic Games had a negative impact on the accessibility and affordability of housing. Between 1986 and 1992 (the period from the Olympic candidature to the staging of the Games) the price of housing increased, the availability of rental accommodation was reduced, the construction of public housing decreased, and there were no public housing policies directed at the groups most in need of assistance. Many people in Barcelona were displaced, with over 600 families evicted from areas designated as Olympic sites or because of associated Olympic redevelopment. A reported 240 percent rise in new house prices between the 1986 announcement of the election of Barcelona as a Host City and the 1992 actual event<sup>417</sup> created a more expensive housing environment that led to further secondary displacements.

The preparation and celebration of the Olympic Games took place in the context of minimal state intervention in the area of housing. The Olympic Games served to reinforce and exacerbate the consequences of the privatisation of housing. In Barcelona, the organisation and celebration of the Olympic Games accentuated the decline in housing affordability, demonstrated by strong increases in the prices of housing for rent and for sale (from 1986 to 1993 the cumulative increase was 139 percent for sale prices and nearly 145 percent for rentals), and a drastic decrease in the availability of public housing (from 1986 to 1992<sup>418</sup> there was a cumulative decrease of 75.92 percent). During the years leading up to the Olympic Games, economic growth spiked and the expansion of the building sector was greater than ever before: from 1986 to 1992<sup>419</sup> the building of new houses in Barcelona increased by approximately 101 percent.

The hosting of the Barcelona Olympic Games was accompanied by a new urbanisation strategy for the city: the key feature of which was the recovery of the sea front and the transformation of a number of neighbourhoods. Two groups of individuals were most affected by the preparations. First, the construction of Olympic buildings created a need to relocate the resi-

<sup>416</sup> The information contained in this section is a summary of a separate background paper commissioned as part of this project, supplemented by further research and information obtained during a fact finding mission carried out in July 2006. See further: Anna B. Sánchez and Roser Plandiura (Observatori DESC), *Barcelona 1992: International Events and Forced Evictions: A Focus on the Olympic Games* (Geneva: COHRE, 2007), available at: [www.cohre.org/mega-events](http://www.cohre.org/mega-events). The fact finding mission was conducted by Claire Mahon, COHRE Researcher and David Hulchanski, University of Toronto and member of the project's Advisory Board, with the assistance of Anna B. Sánchez, Roser Plandiura, Lorena González Es Cribano, Lowri Rees, and Vanesa Valiño, Observatori DESC.

<sup>417</sup> Cox, Darcy and Bounds, *The Olympics and Housing* (1994).

<sup>418</sup> The year 1993 is not included. The approval of the Housing Plan 1992-1995, which allowed the conversion of free market housing into public housing, would result in an apparently spectacular increase of 203.54 percent in the availability of public housing. If the whole period (1986 to 1993) were taken into account, the decrease would have been 26.92 percent.

<sup>419</sup> The year 1993 is not included since this signals the beginning of the crisis, with a reduction of 34 percent in the number of houses built. If the whole period were included (1986 to 1993) the increase would have been 67 percent.

dents of the affected areas. Others were indirectly affected as a result of the close relationship between the organisation of the Olympic Games and the existing process of urban regeneration, which involved the complete elimination of the city's informal settlements and improvement of road networks. This regeneration was accelerated so as to be completed in time for the Olympic Games celebrations.

The main infringements on the right to adequate housing occurred as a result of the relocation and rehousing process, and concerned the lack of communication with, and participation of, the affected groups and the community as a whole. In particular, there was limited communication with residents in the initial stages of the urban transformation projects, and a lack of transparency regarding relocation, particularly when it came to the relocation of Romani families.

### **2.2.1 Background to Barcelona's hosting of the 1992 Olympic Games**

#### **(a) The historical context behind Barcelona's Olympic bid**

Barcelona's candidature to host the 1992 Olympic Games coincided with the early years of democracy in Spain, a time of political and social transition following a long period of dictatorship.<sup>420</sup> During the first half of the 1980s, Spain was also undergoing a severe economic crisis, with inflation, industrial rationalisation and increased unemployment.

In 1979, following 40 years of dictatorship, the first municipal elections provided the city of Barcelona with a democratically-elected Council. The legacy of the Franco regime was marked by not only the absence of a number of freedoms, as well as economic and social isolation, but also exacerbated the problems of urban growth. During the 'development' years (between 1960 and 1970), the whole metropolitan region of Barcelona, and especially the areas within the city itself, underwent industrial and economic growth accompanied by a lack of planning and resulting urban chaos. A large number of poor quality housing estates emerged in order to house workers. Their construction was viewed as a speculative process in which the provision of basic services, public spaces and amenities was forgotten or ignored.

In some neighbourhoods, such as the Nou Barris, residents' associations had achieved significant improvement in the provision of services such as electricity, water, and sewage, and in the basic urbanisation of the area, for example, through the sealing of roads. Nevertheless, residents reported that further action was required in order to resolve defects in the construction of properties, to create public spaces, and to provide the area with social, educational and health services, as well as recreational and sports facilities.

One of the first challenges for the new Council was to deal with these problems. The city of Barcelona entered a significant new phase for the development of infrastructure and reurbanisation, but faced difficulties in relation to financing planned projects which urgently needed to be completed.

The idea of presenting Barcelona's candidature to host the 1992 Olympic Games emerged in 1980, against the background of political and social transition. The development of the idea coincided with the first years of democracy, and therefore with the definition of the different political and administrative institutions in Spain, the selection of their respective representatives, and the organisation of the new State into autonomous regions and municipal bodies.

Research shows that preparations for the Barcelona Olympic Games were highly political. The project initiative was directly managed by public institutions at the three levels of government (national, autonomous and local), each of which sought to pursue their own particular objectives, thus leading to political competitiveness as well as linguistic and cultural tensions.

The national Spanish Government was led by the Spanish Workers' Socialist Party (PSOE) from the time of the Olympic bid in 1982 until the Olympic Games took place in 1992. The national Government regarded the Olympic Games as an opportunity to promote Spain to the international community. It intended to control the decision-making in relation to the staging of the Olympic Games.

During the same period, the autonomous regional Government of the Generalitat de Catalunya (Catalonia) was led by the conservative nationalist union Convergència and Unió (CiU, *Convergència i Unió*). The objective of the autonomous Catalan Government was the 'catalanisation' of the Olympic Games and the promotion of Catalonia (and Catalan nationalism) at the international level.

<sup>420</sup> Spain's first democratic elections occurred in 1979 after the death of dictator Franco.

Meanwhile, from the time of the first free elections in 1979, the Barcelona City Council had been led by the Catalanian Socialist Party (PSC, Partit dels Socialistes de Catalunya) in coalition with other progressive political groups. The City Council's objective was urban transformation, and in order to achieve this, it required a high degree of autonomy.

Furthermore, the entry of Spain into the European Economic Community (now the EU) in 1986 led to a change of direction, and despite the restructuring that occurred in some industrial sectors (such as agriculture and industry), the Spanish economy entered into a phase of expansion. This economic boom lasted until the early 1990s, with the Olympic Games and the Universal Exhibition of 1992 (held in Seville) disguising some underlying economic problems until 1993.

Most community activism did not oppose the Olympic project as a whole, but focussed on specific issues (mostly related to the location of new roads that were to pass through different neighbourhoods).<sup>421</sup> Although organised residents' associations had historically been key political actors, with significant mobilisation power and the ability to articulate and manage social demands, these groups had begun to fracture in the 1980s and their political power had thus declined. Moreover, the citizens of Barcelona had placed a great deal of trust in the democratically-elected Barcelona City Council to carry out sound urban planning with social participation. This trust was strengthened by the fact that many of the former leaders of the residents' associations had become local government consultants and had expressly requested understanding and support for the planned projects.

The socio-political climate in Barcelona was a determining factor in the decision to present the Olympic candidature, and in the characteristics of that candidature. The newly-democratic Barcelona City Council, which included professionals and leaders of the residents' associations, was faced with the challenge of overcoming problems inherited from years of speculative urbanisation during the dictatorship. Another factor that should be noted is the importance of the construction industry in Spain.<sup>422</sup> Reportedly approximately 20 percent of male labour workers in Spain are engaged in the construction industry, 12 percent of the Spanish labour force is directly involved in construction, and six out of 10 of the most important construction companies world-wide are Spanish.<sup>423</sup> Thus, the influence of this sector over the political decision making and the way in which its priorities drive the economy cannot be underestimated.

Despite the instability of the young democracy, a potential economic crisis, and industrial rationalisation, the Olympic Games candidature became a collective dream. Residents claim that no other event in Barcelona has managed to attract such a level of support.

#### (b) Housing in Barcelona: main features

*“All Spaniards have the right to enjoy decent and adequate housing. The public authorities shall promote the necessary conditions and establish appropriate standards in order to make this right effective, regulating land use in accordance with the general interest in order to prevent speculation. The community shall have a share in the benefits accruing from the town-planning policies of public bodies.”<sup>424</sup>*

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Article 47, Spanish Constitution 1978

In Spain, housing rights are recognised on a constitutional level, along with the need to interpret these rights in conformity with the relevant international treaties. Spain is a party to the *International Covenant on Economic, Social and Cultural Rights*. However, since these rights are included in a chapter of the Spanish Constitution which deals mainly with 'social rights'<sup>425</sup> (and are therefore set apart from the 'fundamental rights')<sup>426</sup> they have always been less developed and less protected than the so-called 'individual rights'. The protection of the right to adequate housing as a fundamental human right has, in practical terms, been significantly weakened by this constitutional context, and its normative development has depended on executive rather than legislative action. Its protection is therefore dependant upon the distribution of competencies among the different administrative levels.

421 COHRE interviews with community leaders, July 2006.

422 COHRE interview with Barcelona economist, Barcelona, 5 July 2006.

423 Ibid.

424 Article 47 of the Spanish Constitution.

425 'Social rights' are contained in the Third Chapter of Part I of the Spanish Constitution, *Principles governing Economic and Social Policy*.

426 'Fundamental rights' are listed in Part I, Chapter 1, Title 1; *Fundamental Rights and Public Freedoms*.

Both the Spanish Constitution and the Catalanian Autonomy Statute establish that the competencies with regards to 'territory, by-law, urbanisation and housing' fall within the remit of the autonomous region. However, the Spanish Constitution declares certain matters to be within the exclusive competence of the national Government, including guaranteeing equality in the exercise of constitutional rights, renting, economic planning and forced evictions. Some of these competencies have been transferred to autonomous regions, and thus the Government of Catalonia is the authority responsible for the regulation of housing subsidies for low-income families. Local councils were awarded competencies in housing promotion and management and the protection of public health.

The balance of power between the various levels of governments had led, in practice, to a centralisation of the regulation of public housing policies at the national level. At that level, public housing policy is driven more by economic considerations (i.e. managing cyclical downturns in the construction sector which impact on the national economy) than on social considerations (e.g. provision of guaranteed access to housing). During the relevant period (1982 to 1992) Spanish public housing policies were developed through 'state housing plans' which were based more on supply-side considerations (e.g. stimulating the construction sector by providing incentives to housing developers) than demand-side imperatives (e.g. the needs of low income families). Public housing policies (taking the form of subsidies to housing developers to build houses which are then sold to families who are able to obtain a mortgage to buy them) were used to counteract the cyclical crises in the construction sector, rather than to address social needs. As the construction sector in Spain was in expansion at the time of the presentation of the Olympic Games candidature, the construction of public housing was dramatically curtailed.

The system of state-subsidised housing in Spain is organised through different 'Housing Plans'. Research shows that in the period leading up to the Olympic Games, there was a significant lack of state planning regarding public housing: During the period 1987 to 1992, no state housing plans were approved, and no stable instruments of public financing for social housing were established.

The approach of the Barcelona authorities has been described as typified by a disinclination to invest in public housing, balanced by a preference for a semi-public model characterised by price control, housing loans, restrictions on resale within 30 years, and other similar features.<sup>427</sup> Under this model, the Government puts a limit on the price, guarantees access to credit, and operates a lottery to allocate housing.

In addition, at the time of the Olympic Games, there was an absence of regulation of housing at the local administrative level. In 1985, the rental market had been radically liberalised and landlords were permitted to freely determine the level of rents and the duration of tenancies, leaving tenants defenceless. This position did not change until 1994, when laws were introduced to afford a number of basic rights to tenants.

All of these factors had led to a decline in the affordability of housing in Barcelona. From the late 1980s onwards, a significant portion of the population could not find affordable housing in the city. As a consequence, there was an increase in 'latent' demand, a sacrifice in quality standards, and emigration from the city.<sup>428</sup> In some ways, this was representative of what was happening throughout Spain, as much of the country was experiencing a gradual decrease in the affordability of private houses for rent,<sup>429</sup> and a lack of state regulation in relation to public control on renting.<sup>430</sup>

### (c) Barcelona's candidature for the Olympic Games: ignoring housing issues

Barcelona's aspiration to host the Olympic Games was raised in public for the first time during a prize gala in 1980. The then Head of the Council, Narcís Serra, discussed with Juan Antonio Samaranch (President of the IOC) the idea of proposing Barcelona as a candidate for the 1992 Summer Olympic Games.

In 1981, the Municipal Plenary Council agreed unanimously to begin the necessary formalities and procedures to enable Barcelona to host the XXV Olympic Games. A Civic Commission was created, with representation from different sectors of the community, to carry out the necessary research to prepare the Olympic Games bid. In 1982, the Barcelona municipal council created the Olympic Office, mandating it to undertake the first feasibility studies in relation to the Olympics candidature and to compile the Preliminary Report of the Candidature. A Governing Commission was formed in 1983, compris-

427 COHRE interview with Barcelona economist, Barcelona, 5 July 2006.

428 Manuel J. Calvo, 'El cost de l'accés a l'habitatge a Barcelona 1989-1995 [the cost of access to housing in Barcelona]' in J. Roca (ed.), *Expansió urbana i planejament a Barcelona* (Barcelona: Edicions Proa i Institut Municipal d'Història de Barcelona, 1997).

429 From 1981 to 1991 the cumulative decrease was 23.69%.

430 During the period 1985-1994.

ing representatives of all of the public administrations. The Governing Commission established the Barcelona Olympic Organising Committee (COOB), which replaced the municipal Olympic Office, and assumed responsibility for making the Olympic bid and organising the event.

The general objectives set by the Barcelona Council were not just to host the Olympic Games in 1992, but also to take advantage of the organisation of the Olympic Games to provide Barcelona and Catalonia with urban infrastructures, promote a large-scale urban regeneration of the city to improve the quality of life and the attractiveness of the city; and to mobilise the city's citizens.<sup>431</sup> The Olympic Games candidature, designed to complement the existing urban planning scheme, was used as an excuse to go ahead with the planned urban transformation. In record time, the public-private financing provided the city and the surrounding metropolitan region with infrastructure and substantial sports facilities.

The Preliminary Report of the Candidature (1983) proposed grouping the Olympic Games facilities into nine Olympic Areas: four located in the city, three in the surrounding areas, and two whose location depended on the specific conditions required (e.g. rowing competitions in the Banyoles area and sailing in an undecided location<sup>432</sup>). The report explains the Council's intention that the construction of the large Olympic Games facilities (the stadium, sports palace, swimming pool, and velodrome) would be independent of the celebration of the Olympic Games. Another important criterion in the design and location of the facilities was to ensure that non-profitable investments would be kept to an absolute minimum, which necessitated consideration of the future reutilisation of the Olympic structures.

Therefore, the project aspired to go further than the mere hosting of the Olympic Games, and purported to be the engine and justification for a community effort. The Olympic Games were not considered to be a panacea for the problems of the city and its metropolitan area, but as an instrument of political decision-making and collaboration with the citizens in order to accelerate the pending urban improvement activities.

It should be noted that, at a time when the market conditions were already hindering access to housing for the most vulnerable groups, the Preliminary Report did not consider or make any reference to the need for a public housing policy.<sup>433</sup> Furthermore, the Preliminary Report, which considered the different possibilities for developing the Olympic project and its impact over the city, did not establish mechanisms for citizen participation, or protocols to rehouse groups affected by the envisaged building works. Nor did the report make reference to the acceleration of the eradication of informal settlements or 'shantytowns' that would occur as a result of the Olympic Games.

Barcelona's candidature for the 1992 Games was presented to the IOC in 1986. The bid contained details related to the organisational structure (linked to the way in which the management and execution of the Olympic projects were structured), answers to the IOC's questionnaire describing the Olympic Areas and Villages, and the financing of the Olympic Games (this was a determining factor in the management of the housing in the Olympic Villages).

The bid also set out the location of the sporting facilities, explaining that of the 37 sports facilities required in order to celebrate the Olympic Games, 27 were already built, five were under construction in 1985 and 1986 and five were being planned. Two areas deserve particular attention. First, the area of Montjuïc (which already housed a number of public sports facilities, mostly from Barcelona's previous candidatures for the Olympic Games) was to be the new 'Olympic Ring'. This would involve the renovation of the Stadium, the renovation and extension of the Picornell swimming pools, the construction of a new Sports centre and the New Headquarters of the National Institute of Physical Education. Although the candidature did not mention it, Montjuïc Mountain was in a state of degradation where people lived in informal settlements.

The second key area was Parc de Mar. The main feature of this area would be the Olympic Village, which would house most of the athletes and would also contain a large number of training facilities that would be at the disposal of the 'new' neighbourhood after the Olympic Games. The part of the candidature that described the Olympic Villages explained their location in terms of the Olympic Games, urban renovation and housing. It was proposed to place the main Olympic Village, with an area of 43 hectares, in the zone of Poblenou, between the Parque de la Ciudadela and the cemetery. After the Olympic Games, it would become a new high quality residential neighbourhood. In the candidature, this neighbourhood was described as an old city district that took part in the first wave of Catalan industrialisation in the nineteenth century,

431 Francesco Raventos, *La collaboració pública privada* (Barcelona: Universitat de Barcelona, 2000), p. 33.

432 In the end a harbour was built in the area of Poblenou.

433 As previously noted, the implementation of a housing policy was not an objective of the creation of the Olympic Village.

and that required a residential renovation. The candidature also talked of opening the city to the sea, which required urbanisation and the creation of underground tunnels for the train lines that had, until that time, divided the city from the beach. The short description of the current nature of the area did not mention the urban and environmental degradation, the number of inhabitants in the area, or the nature of activities in the area.

The last aspect of the candidature that should be considered in order to understand the treatment of housing in the Olympic project is the financing. Barcelona's financing came from the COOB and from the public administrations (central, autonomous and local). The public administration was also responsible for the urbanisation of the areas where the Olympic Games sites would be built and for the development of road infrastructures, communications and transport. Any infrastructure investments besides these would be outside the Olympic Games budget.

There was significant private investment in the construction of the residences, as they would be used as private housing after accommodating the athletes during the Olympic Games. The construction of the Olympic Villages required the largest investment, but was not meant to lead to an increase in the already high cost of hosting the event. It was estimated that 95 percent of the investment would need to be from private sources if the project were to be completed. Everyone involved was confident that the main development, the Olympic Village located in the Poblenou, with 15,000 housing units, would be popular with homebuyers, as it was located in a central area and close to the sea.

The Organising Committee would be responsible for adapting the buildings for the Olympic Games and then for their re-adaptation as private houses following the Olympic Games. "This way the private initiatives financing their construction would be compensated for the period that they could not use them without having to incur any additional expense".<sup>434</sup>

There is no reference in this part of the candidature to the situation of the metropolitan property market at the time, nor is there an assessment of the need to introduce public housing, or to implement public housing policies. Further, no mention is made of the procedure that groups affected by the Olympic works should follow, or measures to alleviate the adverse impact of the Olympic project on access to housing for the population as a whole.

#### (d) Transparency and participation in the bid process

Advocates criticised the fact that citizen participation was not sought for this process of urban transformation planning, and was only later introduced in response to citizen demands during the construction phase. The only public involvement foreseen by the administration was volunteering in the Olympic Games events. In the Official Report of the XXV Olympic Games (1993) discussion of citizenship participation focuses on the success of the Olympic Games volunteering and on the citizens' support and enthusiasm for, and general collaboration with, the Olympic Games.

There is no evidence of any participative or consultative process, either during the preparation of the candidature or during the research period previous to this. However, during the execution of the Olympic works, there was some participation by the affected groups, who were keen to continue a dialogue through their residents' associations and commissions during the rehousing process (agreements were reached with the City Council through the holding of community meetings). Concerns were also expressed in relation to the construction of the new roads (some demands from the affected groups were accepted by the Council, such as the partial covering of the Ronda de Dalt and some changes to the Ronda Litoral (the coastal ring road)).

In relation to the latter, activists explained that residents of Poblenou had learned through newspaper reports that the coastal ring road would be built. The *Coordinadora de Entidades de Poblenou* (a regrouping of the various residents' associations) requested immediate information from the Council. The Council refused. A community meeting was organised in October 1987 in response to the refusal, under the slogan '*Volem ser consultats*' ('We want to be consulted'). The Council was warned that if it did not attend the meeting, there would be a street demonstration. Given the massive community participation, the Council agreed to consider the residents' concerns. They proposed that the coastal ring road be covered, and that bridges be built over it in order to facilitate access to the beaches. As requested by the residents, the ring roads were also built as dual rather than triple carriageways, against the preference of the national government.

<sup>434</sup> Oficina Olímpica Barcelona '92, *Solicitud de candidatura al Comité Olímpico Internacional para la celebración en Barcelona de los Juegos de la XXV Olimpiada* (Barcelona: Oficina Olímpica, 1986), p.96.

### (e) Planning for the Olympic Games

The preparation of the Olympic Games candidature and the urban and infrastructure reform projects carried out for the Olympic Games did not bring about a total change of direction in urban planning. They did, however, lead to a change in priorities. The Olympic projects were added to existing plans, leading to a prioritisation of the plans to open the city out to the sea, to improve public spaces and facilities, to develop major ring roads in the city and to promote new central areas. Urban planning was also altered by the Olympic project in that it resulted in the abandonment of plans to construct public housing in the improved areas of the city. This was due to the requirement that the Olympic project not result in a deficit. It was estimated that 95 percent of the investment for the construction of the Olympic Villages would need to be funded from private sources if the projects were to be completed. This meant that, in relation to housing, plans to construct public housing in the improved areas of the city were almost completely abandoned.

From 1979 onwards, Barcelona's urban planning objectives were encapsulated by the expression "recover the city centre and value the outskirts".<sup>435</sup> Urban planning sought to address two main problems: the degradation of parts of the city centre and the lack of urban consolidation of the outskirts. Much of this urban planning was carried out before the Olympic Games bid was presented. From 1981 to 1987, works were carried out in preparation for the Olympic Games, strategies were developed, possible urban planning actions and their alternatives were studied and the ability to rehouse displaced residents in existing public housing was considered. Between 1985 and 1990, the City Council worked on the procurement of the necessary land with the intention of dedicating the subsequent years (from 1990 to 1992) to carrying out construction. During this period 1,000,000 square metres of roofing material was obtained in order to build the Olympic villas, the ring roads and other Olympic facilities.

The main urban developments in relation to the Olympic Games were the building of the Olympic Village in Poblenou and the ring roads to the city (the Rondas). These plans were made according to territorial criteria, with an urban planning strategy based on two key factors: the recovery of the sea front and a metropolitan vision. The building of the Olympic Village would be the main element of the process of the recovery of the sea front. The location of the Olympic Village in Poblenou offered a number of advantages to the city, in particular the elimination of the train lines along the sea front, which although unused, had remained due to a lack of agreement between the public train company and the national Government. However, the construction of the Olympic Village on urban land which was already in use and which already housed residents also gave rise to a number of disadvantages. In particular, it involved a complicated expropriation process which many thought would lead to a greater risk of legal proceedings. Given the numerous and diverse situations of the affected groups (home owners, tenants, factory owners, land owners) there was a greater risk of legal proceedings arising out of the expropriations.

The municipality decided upon six guidelines which would determine the design and building of the Olympic Village. These guidelines were as follows:

- All Olympic projects should continue to benefit the city of Barcelona after the event itself;
- The Games should finish without deficit. (In order to ensure greater flexibility in the management of the works, a state-owned company, VOSA (Vila Olímpica SA), was created, as an instrument through which the investments in the Olympic Village were made);
- The construction of the Olympic Village would lead to the creation of a new area of the city, which would retain its vitality after the Olympic Games. The residents would therefore need to have the financial resources to develop the neighbourhood themselves and stimulate the development of trade and activities in the area;
- This construction would lead to an eventual extension of the new neighbourhood to the east, creating a continuation of the recovery process along the rest of the sea front;
- This project would involve obtaining resources for the sewer infrastructure project; and
- The project would ensure an ability to compensate business owners and residents of the area.

<sup>435</sup> Juli Esteban, *El proyecto urbanístico, Valorar la periferia y recuperar el centro* (Barcelona: Aula Barcelona, Universitat de Barcelona, 1999), p. 11.

Research shows that the Council considered these directives to be incompatible with the inclusion of public housing, whether for sale or rental. This decision apparently was questioned within the municipal Government. Although it was unofficially proposed to expand the expropriation area further than the Olympic Village in order to develop a public housing policy, the proposal ultimately failed due to lack of finance. The plans for the Olympic Village, and the guidelines upon which the development of the Olympic Village were based, did not incorporate any aspect of public or low cost housing.

#### (f) Implementing the preparations for the Olympic Games

Once the plans for the Olympic Games sites and infrastructures were drawn up, the City Council began the process of expropriation and negotiations with the affected groups, through delegating powers to the municipal companies created to execute the Olympic projects. The rehousing processes were managed by a number of public companies created for the purpose of preparing for the Olympic Games.<sup>436</sup> These companies had responsibility for negotiating the financial compensation and rehousing the affected families. The relocations were also managed by the public housing entities: the *Patronat Municipal de l'Habitatge* (PMH) (City Council Department of Housing) and the *Societat Urbanística Metropolitana de Rehabilitació i Gestió SA* (REGESA).<sup>437</sup> The Council used the different existing structures in order to manage the process as quickly as possible.

Although in most cases a solution was reached through negotiation, legal expropriation procedures were initiated on occasion. Given the extended duration of the expropriation process, and the urgency of the impending Olympic Games, expropriation procedures were only employed as a last resort. The affected people were aware that the Olympic projects would inevitably be executed, and this had been made evident both in the negotiations with them and in the negotiations between the different agents involved in the development of the projects.

There appear to have been two stages of consultations with the residents. The first stage was generally collective, at which time the Council explained in general terms the alternatives for rehousing. In the second stage, consultations were conducted on a more individual basis, and the different rehousing options, tailored to individual cases, were explored. Through commissions composed of affected people and residents' associations, the general conditions for evaluating property and the expropriation process were established according to factors which included: the use of the property, whether industrial, residential or other; the value of the land and characteristics of the house; and the type of occupation, i.e. ownership, renting, or other. As a result, tenants with lower rents received a higher indemnity in order to make it possible for them to rent another property. The Council generally talked with these 'Commissions of affected people' whose objective was to co-ordinate the processes in order to facilitate the negotiations. Activists explain that the members of these commissions acted less as advocates for the affected groups than as agents or mediators. The information sessions, consisting of dialogue and negotiation, generally took place in the main office of each different district. The Council informed and agreed with the residents the general criteria for the expropriations, the options for those who were owners or tenants, the management of the rehousing, and the distribution of costs. The Council then negotiated the final amount of compensation with each family unit, agreed according to the composition of the family (i.e. number of members and age) and the family's financial situation.

#### (g) Barcelona's Olympic Authorities

The Olympic Games initiative in Barcelona was directly managed by public institutions at all levels of government. This led to strong political competitiveness (the process coincided with different electoral processes at the local, autonomous and central levels), and linguistic and cultural tensions of significant symbolic intensity.<sup>438</sup> Each level of administration involved represented different political ideals with specific interests, which did not always converge. There was an institutional agreement between the City Council of Barcelona (as the promoter and authority responsible for the initiative),<sup>439</sup> the

436 The municipal infrastructure policy was carried out by a number of public companies: AOMSA (*Anella Olímpica de Montjuïc SA*) was created in 1984 in order to develop the sport facilities at Montjuïc, build the Sot del Migdia recreational area and carry out the urbanization of the mountain; VOSA (*Vila Olímpica SA*) was created in 1986 to redesign the sea front and build the new residential neighbourhood (this included recovery of the sea front, building of a new residential neighbourhood, development of projects in the area of *Poble Nou*, procurement of land, elimination of the train lines, urbanisation and construction of the Olympic Village and Harbour and the coastal parks, the completion of the sewage network and the management of the facilities). It was also responsible for the construction of part of the coastal ring road, by appointment of the Ministry of Public Works and Transport.; and IMPUSA (*Institut Municipal de Promoció Urbanística i el Jocs Olímpics de 1992*) was created in 1987. IMPUSA differed from AOMSA and VOSA in that its remit covered the whole city and had diverse objectives, such as the procurement of land, moving of materials to be used in the construction of the roads, management of the Olympic areas of Diagonal and Vall d'Hebron, and the development of various new zones in the city centre.

437 Despite this flexibility, the PMH (and in some occasions REGESA) was responsible for rehousing residents. The IMPU focused more on the factories and large infrastructures. While REGESA intervened in some of the previous negotiations with those affected, the PMH would intervene in the final phase when rehousing the affected residents.

438 Miguel Botella and Miguel de Morgas, *Barcelona: l'herència dels Jocs 1992 – 2002* (Bellaterra: Centre d'Estudis Olímpics i de L'esport, 2002), pp. 178-185.

439 The City Council had a very clear objective of urban transformation, and for this, required a high level of autonomy.

Spanish Government<sup>440</sup> and the Catalanian Government,<sup>441</sup> the Spanish Olympic Committee (COE) and the IOC. There was also a large degree of private-public collaboration for the preparation of the project, and a special managerial organisation was created independently of the public administration, dividing the investment and organisational functions.

The City Council was the main actor in relation to the Olympic construction. The Central (national) Government contributed to the investment and the Catalanian Government approved the planning proposed by the Council, and to a lesser extent also contributed to the investment. Thus three-way agreements were conceived. The first stage of the project (1986 to 1989) was said to involve the greatest tension between the different institutions. From 1990 onwards, the administrative levels appeared to cooperate more effectively, employing the slogan 'everyone's Games'. According to Olympic authority representatives, a relationship of absolute cooperation was established between the City Council and the COOB.<sup>442</sup>

The main authorities responsible for preparing the Olympic Games bid were: the Governing Council (which established the main guidelines for the candidature and included representatives from all institutions involved in the project<sup>443</sup>); the Olympic Office (focused on the preparation of the projects and documents required to complete the IOC petition and promotion initiatives that favoured the nomination); and two organisations to co-ordinate specific building works (the Anell Olímpic de Montjuïc, SA (AOMSA) and the *Òrgan Especial de Gestió del Front Marítim del Poble Nou* (Olympic Village)).

In 1983 the COOB was established to replace the original Olympic Office, with the objective of obtaining the Olympic nomination and organising the event. In 1989, HOLSA (Barcelona Olympic Holding SA) was created, with the participation of the National Government (as to 51 percent of the shares) and the City Council (as to 49 percent). HOLSA's objective was to obtain financing for the investments and to monitor and control the public construction works. A network of companies was then established to hasten the processes of land acquisition and relocation of affected residents.<sup>444</sup> These were public companies at first (i.e. the shareholders were public authorities), and subsequently also included private capital (mixed companies). These entities had the specific objective of coordinating and carrying out the construction of the Olympic infrastructure.

It was at first through these companies, which were fully financed through public capital (at the municipal level), that the municipal policy of developing infrastructures for the Olympic Games was realised, but at a later date new companies of a mixed character (financed through public and private capital) with new and more specific objectives were formed, including NISA (Nova Icària SA)<sup>445</sup>, and POBASA (Port Olímpic de Barcelona SA)<sup>446</sup>. VOSA was an important shareholder in both companies and there was significant private sector participation in each (60 percent in NISA and 50 percent in POBASA).

## 2.2.2 The 1992 Olympic Games: impacts upon housing in Barcelona

### (a) Displacements and evictions: a general lack of consultation and information

The construction of the Olympic facilities and other associated projects affected more than 600 families in very different residential and financial situations. Three main areas were targeted for evictions: a number of neighbourhoods in the areas around and near the new Olympic Village; the Montjuïc area (where many Olympic facilities were located); and the neighbourhoods in the path of or surrounding the new ring roads (Rondas).

The process of rehousing the affected groups had two main weaknesses: there was no active communication with the citizens at the beginning, and negotiations regarding the compensation were conducted on an individual basis. Local residents are of the opinion that the first demonstrated a belief that the city planners were those best placed to determine the design of the city and that they could legitimately do so without community participation. The second resulted in fragmentation of interests and the weakening of the position of the affected groups which, according to advocates, would have been stronger had negotiations occurred on a collective basis.

It should be noted that the affected groups had previously been living in old housing which was in poor condition, not compliant with urban planning guidelines, and with no security of tenure. Through the rehousing process, these groups

440 The central government was interested in promoting Spain to the international community through the two big events taking place in 1992 (Seville's Universal Exhibition and the Olympic Games in Barcelona). It intended to control the decision-making.

441 The autonomous Catalanian government (*Generalitat*) had as its objective the 'catalanisation' of the Olympic Games and the promotion of Catalonia on an international level (Catalan nationalism). Its strategy was to participate in the celebration of the event.

442 Observatori DESC interview with former City Councillor, Barcelona, 19 July 2005.

443 Including the municipal government, the central national government, the 'Barcelona Olímpica '92 Association', and the Chamber of Commerce.

444 See Section 2.2.1(f) above and related footnotes.

445 NISA was created in 1988 for the construction and commercialisation of the housing in the Olympic Village of Poblenou.

446 POBASA was established for the commercialisation and management of the Olympic Port.

would have access to better quality housing, although they would often be required to move out of their neighbourhoods, and either give up their ownership of a home or pay a much higher rent. The move to new neighbourhoods impacted upon their ability to access other services and their strong sense of community.

Neither the City Council nor the municipal companies created to carry out the Olympic projects held talks with the affected citizens during the planning process. Residents report that the first news they received of the rehousing process was an official notification announcing that they should leave their homes. They were only consulted in relation to negotiation of compensation.

Alternative housing was provided to the affected residents, with the aim of providing housing appropriate to the size and needs of the family. At this stage, the ethnicity of the affected residents was also taken into account, with the aim of improving the living conditions and integration of ethnic minorities.

Various criteria were established in order to determine the amount of compensation to be awarded to the affected groups (e.g. the quality and size of the house, whether the person affected was a tenant or home owner, the composition of the home (i.e. family, couple), and the financial situation of the affected person). There was also the option of financial compensation available to the few who already had another home to which they could relocate themselves.

The rehousing options of the displaced people needing relocation were generally either housing in the limited number of homes provided by the PMH (City Council Department of Housing) or private flats in the secondary market. Once the limited available public housing options were exhausted, the only possibility was the secondary market. The secondary housing market included state-subsidized housing in Barcelona. Within this option, the affected groups, whatever their previous situation (i.e. ownership, tenancy, unstable, or other typical situations) could also choose from different alternatives:

- Purchase of a state-subsidized house (at a price lower than market price). The difference between the financial compensation awarded for the expropriated house and the price of the residence where the resident would be rehoused was compensated with a mortgage loan at an interest rate lower than the market rate.<sup>447</sup> The mortgage loans represented on average between 10 and 40 percent of the house price. In most cases, loans were obtained for amounts between one and five million pesetas (between 6,000 and 30,000 €);
- Rental of a state-subsidized house (at lower than market rent). Those who could not or did not want to buy a house opted for renting, with a rent that was publicly protected and so remained below market price;
- Occupation of a state-subsidised house with a lease for life. Many elderly people availed themselves of this option. When the occupant died, the PMH would recover the house.

Most people from the Olympic Village area who opted for houses from the PMH were rehoused in the Llevant Sud, a set of buildings located in les Corts Catalanes, comprising 322 houses in total. Although not built for this purpose, they were used to rehouse the affected people from the Parc de Mar Area. Fifteen years later, the relocated residents continue to experience problems with this alternative housing. In interviews conducted as part of this project, the residents explained they are still waiting for improvements to the public spaces to be carried out; in particular improvements to the green areas below the buildings, which were still unattended and remained dirty and unused. These improvements had been promised by the Council at the time of the relocation. They also expressed unhappiness at difficulties experienced as a result of being housed in state-owned property (e.g. problematic neighbours housed through social services).

The degradation and unsafe atmosphere of these buildings contrasts with the development of the neighbourhoods of the Villa Olímpica (where the Olympic Village had been) at Poblenou: at the time of COHRE's visit in July 2006, a medium- to upper-class district where residents enjoy a high quality of life.

Those rehoused in the secondary market moved to different districts of Barcelona or nearby towns. When the City Council could no longer offer state-subsidised housing, houses in the secondary market were sought through private agents specialising in the property market. When a suitable house was found and the price agreed, the local administration (or the relevant public company) would sign a deposit contract on behalf of the buyer (which would result in a payment being made

<sup>447</sup> In those years the market interest rate was 15% while interest rates on loans for the purchase of public houses were 5%.

as a sign of compromise in a private contract). The contract provided that title to the property was to be in the name of the rehoused person and not in the name of the public administration. This avoided the tax expenses of a double transmission of the property (from seller to administration to rehoused person). However, this option also meant moving to more affordable areas in the outskirts of the city.

Finally, there were cases where the affected people chose to live with members of their family or in second homes that they owned. Since they already had alternative housing, they would refuse the option of rehousing, opting instead for financial compensation.

## (b) Displacements and evictions from the Olympic Village site

### Poblenou

The first of the three main areas where displacements occurred were the neighbourhoods where the Olympic Village was constructed. In the Poblenou neighbourhood, 147 families were affected.<sup>448</sup> Of the affected residents displaced from Poblenou, approximately half were elderly widows, living alone. There were also numerous retired married couples and young families on low incomes. Most of the buildings (single family or multi-family) were individually owned. Although some were owners of the houses they occupied, most were tenants.

The removal of residents from Poblenou was carried out and organised by the Council, thus exhibiting greater municipal control of the process and guaranteeing the removal of all the residents on the arranged dates. Some of the affected residents continued to resist their eviction in the hope of obtaining a larger sum of compensation, but there were no collective mobilisations or strong opposition. According to our research, mutual agreement was reached in 99 percent of the negotiations, leaving only one percent of cases where an 'administrative act of occupation' was used.

In the same area, 150 factories were expropriated as VOSA reclaimed most of the unused industrial land.<sup>449</sup> The factory owners organised themselves into the *Associació d'Indústries Afectades* (the Association of Affected Industries). According to experts and the residents' associations, it was the factory owners who benefited the most from the process. To relocate the 50 working factories, an agreement was reached with INCASOL in which the factory owners would be sold industrial land through direct sale, without having to follow the normal procedure of a public auction. Approximately 95 percent of the negotiations were concluded by mutual agreement and the remaining 5 percent had to be subjected to an administrative act of occupation. The greatest number of affected businesses was in the district of Poblenou. According to the Olympic authorities, most had already planned to move outside the Olympic zone.<sup>450</sup> No action was taken or aid given to prevent the loss of jobs.

### La Perona

Other areas were also affected. In the district of Sant Martí 102 families were displaced.<sup>451</sup> Here an informal settlement called 'La Perona', which was believed to have been established around the late 1940s and populated mainly by Roma families,<sup>452</sup> was demolished. Although the clearing process was started before the launch of the Olympic Games bid and the area was not directly affected by any Olympic Games project, it was agreed that the 'problem' of this settlement had to be resolved before the Olympic Games. In 1982, the negotiation and rehousing process started with the purchasing of houses in the secondary market (the option chosen by most people) and the construction of new dwellings to rehouse the families in the Besòs-Maresme area. The residents of this area strongly opposed the construction works (initially impeding them) and the City Council decided to send police to stop the protests. After a few weeks of tension, the residents of Besòs-Maresme and the City Council engaged in a dialogue and reached an agreement, the main features of which were the approval of a step-by-step plan to eradicate La Perona and creation of a monitoring commission with representatives from the different municipal areas, residents' associations, the district and other interested parties.<sup>453</sup> In 1985, shacks were eradicated in the Ronda de Sant Martí and in 1989 the last remaining shacks were destroyed. Nowadays there is a *rambla* (boulevard) in place of these informal settlements.

448 Observatori DESC interview with former representatives of PMH and REGESA, Barcelona, 13 July 2005.

449 Ibid.

450 Observatori DESC interview with current and former representatives of PMH and REGESA, Barcelona, 29 June 2005.

451 Ibid.

452 Ninety percent of residents of 'La Perona' were Roma: PMH, *Barcelona: 10 anys d'habitatge públic* (Barcelona: Patronat Municipal de l'Habitatge, 1991).

453 Ibid. pp. 100-102

### Camp de la Bota

A further 60 families were displaced from Camp de la Bota.<sup>454</sup> This beach area that stretched from the Rambla de Poblenou to Besòs was mostly occupied by families of Roma ethnicity.<sup>455</sup> Based on the experiences in the Besòs-Maresme area, a main concern in rehousing the Roma from Camp de la Bota was preventing a 'concentration' of Roma families in the new residences. As a consequence, the relocation was carried out as discreetly as possible in order to avoid provoking the objections of the existing residents. According to our research, the families were rehoused in homes purchased on the secondary market in the districts of Sants, Sant Martí and Sant Andreu (not according to territorial or political criteria, but according to property market prices). The last rehousing process was completed in 1989, and according to our research, in 80 percent of the cases there had been integration into the new residence. The Ronda Litoral (the coastal ring road) now lies where the shacks used to be.

### Transcamentiri

A further 100 families were displaced from the area of Transcamentiri.<sup>456</sup> In the initial studies, this area was not expected to be affected, but for the construction of the Rondas, it apparently became necessary to expropriate some modest family houses and their private patios, occupied by around 100 families, mostly of Roma origin.<sup>457</sup> The rehousing process took place between 1988 and 1989. Those involved at the time say that the authorities contacted young property market agents who were given the task of finding houses in the secondary market all over the city, without advising the sellers of the identities of the actual buyers. When the agents had agreed the price with a seller, the authorities provided the deposit for purchase and arranged hired workers from a private company to prepare the houses. One hundred houses were bought in different areas of the city, and handed over to 100 evicted families.

### (c) Displacements and forced evictions and the construction of the Olympic Stadium: Roma displaced from Montjuïc

Twenty families were displaced from Can Valero Petit in the District of Montjuïc. All of the residents were Roma. The origins of the shantytown at Montjuïc Mountain are said to go back to the eighteenth century, when the area was occupied by workers in the quarries. The shantytown grew with the immigration waves generated by the growth of the city, and in 1966 there were approximately 12,000 shacks in the area and more families living in the ruins of the 1929 Universal Exhibition Stadium. When the quarries were turned into landfill sites in 1953, the already poor living conditions in the area deteriorated further. By 1975, after a series of controversial processes to rehouse those living at Can Valero Petit and attempts to halt further deterioration of the area (such as stopping the practice of dumping waste at the site), 20 families remained in Can Valero. These families made a living out of the picnic areas (Valero Grande and Valero Chico) and buildings owned by the landowners. However, this area was close to the Olympic Stadium and would become part of the Parc Del Migdia.

Between 1984 and 1986, the City Council held negotiations with the families of Can Valero Petit. In most cases, the parties agreed on an amount of compensation. Construction work on the Olympic Games facilities began between 1985 and 1986. In 1987, when the last shacks were demolished, there were between five and seven families living around Can Calero, most of whom were renting. They were rehoused in the secondary market as homeowners in the nearby neighbourhood of Can Clos.

### (d) Displacements and forced evictions and the construction of the ring roads

Many people were also displaced by the construction of the ring roads. While one of the most significant effects of the Olympic Games was on the political commitment to access to, and movement within, the city through the improvement of road infrastructure, the construction of the ring roads had a direct effect on a number of residential buildings. Compensation was negotiated in most cases.

Sixty-five families were displaced from the building Bloque Fantasma in the area surrounding access to the second ring road (Ronda de Dalt).<sup>458</sup> The Council procured houses for the displaced residents on the secondary market, and in response to demands from the evicted families, all of the houses were bought in the same neighbourhood, Nou Barris. The process was slow, lasting roughly one and a half years.<sup>459</sup> Although the residents' association agreed that the original Bloque Fantasma building needed to be demolished, it was unhappy with the way that the negotiations over compensation had

454 Observatori DESC interview with representatives of PMH and REGESA, Barcelona, 29 June 2005, and also according to the reports of the PMH.

455 Ninety-five percent of residents of *Camp de la Bota* were Roma: PMH, *Barcelona: 10 anys d'habitatge públic* (Barcelona: Patronat Municipal de l'Habitatge, 1991).

456 Observatori DESC interview with former representatives of PMH and REGESA, Barcelona 13 July 2005.

457 Ibid.

458 Observatori DESC interview with local advocates, Barcelona, 29 June 2005.

459 Observatori DESC interview with former representatives of PMH and REGESA, Barcelona, 13 July 2005.

taken place. The Council's refusal to negotiate with affected families on a collective basis resulted in families receiving compensation amounts which varied according to a family's negotiating power (the amounts awarded varied between one and five million pesetas).<sup>460</sup>

A further 18 families were displaced from Las casas del comandante, an area affected by the construction of the ring roads. All families were either rehoused or provided financial compensation.<sup>461</sup>

Fifty-two families were from the area of La Pata norte en Santa Coloma de Gramanet. These residents were mostly elderly people who owned their homes; mostly houses with gardens. For the previous 30 years, these houses had been in a deteriorated state, as the owners were only able to carry out minor repairs. The houses were demolished in order to make way for a road which would join the Olympic Area of Montigalà (in Badalona) with the Olympic Areas of Barcelona city.

Finally, 60 families were displaced from the area of La Pata sur en L'Hospitalet de Llobregat,<sup>462</sup> again an area affected by the ring road construction.

#### **(e) Escalations in housing costs and secondary displacements and evictions**

Our research shows that between 1986 and 1992,<sup>463</sup> the number of new houses for sale in Barcelona increased by almost 101 percent. This increase in construction, far from increasing access to housing, had a negative impact on accessibility which was reflected in the significant increase in the sale prices of houses.

From 1986 to 1993, there was a 139 percent cumulative increase in house prices in Barcelona. The most significant increases took place between 1986 and 1987 (34 percent), 1987 and 1988 (49 percent) and 1988 and 1989 (35 percent), when the building sector was in expansion. It was not until after the Olympic Games that increases in housing prices were more restrained (two percent increase in 1993). Others have pointed to increases of 240 percent and 287 percent, respectively, in the market prices of old and new housing between 1986 and 1992.<sup>464</sup>

According to our research, between 1986 and 1993, there was also a 144.55 percent increase in rents. The highest increases took place in 1988 (33 percent) and 1989 (33.17 percent), and in contrast to housing prices, the increases remained high in successive years until 1993, when rents started to decrease. The evolution of housing prices and rents during the pre-Olympic Games years had a negative impact on access to housing for families resident in Barcelona.

Taking 1986 as year zero (the year when the Olympic candidature was approved) and family income and economic effort in that year as 100, the statistics show that between 1989 and 1992 (the year of the celebration of the Olympic Games) the increase in financial strain on families gaining access to accommodation in Barcelona was far superior to the increase in their incomes (a differential of 61.6 points in 1988; 173.8 points in 1990; and 146.9 in 1992). Following the celebration of the Olympic Games, the financial strain decreased considerably (20.9 points in 1994 and 19.2 points in 1996).

These increases in housing costs led to many secondary displacements and evictions as housing became unaffordable. Young people, the elderly, and low income earners were forced to move out of the inner city and relocate to the outer suburbs. This in turn affected their ability to access work and educational opportunities.

Such significant increases in housing costs led to unaffordability particularly affecting the poor, low income earners and those with insecure tenure. It led to many secondary displacements and evictions: It has been said that a further 59,000 residents left Barcelona to live elsewhere between the years of 1984 and 1992.<sup>465</sup>

#### **(f) Reduction in the availability of social and low cost housing**

Between 1986 and 1991, the construction of public housing decreased radically, with the number of public houses built in the Ciutat Vella district of Barcelona falling from 2,647 in 1986 to only nine in 1991.

460 COHRE interview with Barcelona economist, Barcelona, 5 July 2005.

461 Observatori DESC interview with former representatives of PMH and REGESA, Barcelona, 29 June 2005.

462 Observatori DESC interview with former representatives of PMH and REGESA, Barcelona, 13 July 2005.

463 The year 1993 is not included since this signals the beginning of the economic crisis, which caused a 34 percent reduction in the number of houses built. If the whole period were included (1986-1993) the increase would have been 67 percent.

464 Gary Cox, Michael Darcy and Michael Bounds, *The Olympics and Housing: A Study of Six International Events and Analysis of Potential Impacts of the Sydney 2000 Olympics*, (Sydney: Shelter NSW and the Housing and Urban Studies Research Group, University of Western Sydney, 1994).

465 Ibid.

The decline in the construction of public housing in Barcelona during this period cannot be disassociated from the evolution of the construction sector in the free market over the same period. From 1986 to 1991, the construction of homes for the private sector was in full expansion (partly due to the Olympic Games) and private promoters focused on constructing houses for the private market, being disinterested in producing public housing. Nor did the Government appear to be interested in encouraging the private sector to build public housing. Given that one of the objectives of the Housing Plans was to stimulate the building sector when in crisis, there were no multi-year public plans during this period and therefore, hardly any public housing was built.

From 1992 to 1995, the private sector went into recession. Housing that had been started in the pre-Olympic Games period of expansion, in particular during 1988 and 1989, could not be sold. The Government therefore approved the 1992-1995 Housing Plan. The 1992-1995 Housing Plan created the VPT system<sup>466</sup> through which public housing was re-launched; not as a consequence of new homes being built, but by the conversion of the existing stock of housing as a result of the crisis, into VPT. This meant that, in the space of a few years, there was more public housing in Barcelona but, paradoxically, the price of VPT housing was high, with less public regulation.

It is also evident that in three of the Olympic areas (Sants Montjuïc, Horta-Guinardó and Sant Martí), the construction of new houses peaked in 1992, coinciding with the celebration of the Olympic Games. However, the new houses built specifically for the Olympic Games did not contribute to enhancing the availability of social housing. In total, approximately 4,500 houses were built in the various components of the Olympic Village. During 1991, contracts were signed with private promoters to regulate the use of the houses in the Olympic Villages after the Olympic Games, which in the majority of cases restricted their use to resale for full market value.<sup>467</sup>

#### Poblenou

The main Olympic Village in Poblenou was designated as accommodation for athletes. The development of this site involved the construction of 1,841 houses. This site had a maximum capacity of 14,000 residents and the maximum number of residents accommodated here at any one time was 13,994. During the Olympic Games 14,406 people in total were housed in the village.

In February 1991, there were changes to the board of directors of one of the main contracting parties, and the Council took advantage of this occurrence to claim that a portion of the houses constructed would be dedicated to groups with special needs. The councillor for social services and youth claimed that 10 percent of the village's houses (200 houses) would be allocated for young people.<sup>468</sup> According to the housing department of the City Council (Patronat Municipal de l'Habitatge), 25 percent of the houses would be designated for families with low incomes.<sup>469</sup> The Head of the Council of Barcelona claimed that some of the houses were sold at 'cost price'.<sup>470</sup>

The Federation of Residents' Associations of Barcelona (FAVB) also took advantage of this occurrence to claim that 40 percent of the houses built in the Olympic Village (25 houses) should be allocated to public housing.

As it turned out, the houses were promoted through a public-private partnership for sale to middle-upper class families at market prices ranging from between 200,000 and 300,000 pesetas per square metre.

Further, in order to hasten the sale of the houses, the construction company requested that the Spanish Government allow families who bought houses in the Olympic Village to benefit from a law that would provide tax benefits to businesses and self-employed professionals who purchased a house in an area where specific events (such as the Universal Exhibition and the Olympic Games) had taken place, by deeming such persons to be collaborators in the events.<sup>471</sup>

#### Parc de Mar

At Parc de Mar, 205 houses were built to house judges and referees during the Olympic Games. The maximum capacity of the village was 1,600 residents, with 1,425 housed at any one time. During the Olympic Games 1,518 in total resided here. An agreement was signed between the constructors and the authorities according to which two-thirds of the houses were

466 *Viviendas a Precio Tasado*, whereby the prices would be regulated and a maximum price ceiling established in order to ensure affordability.

467 Barcelona Olympic Organising Committee (COOB), *Memoria Oficial dels Jocs de la XXV a Olimpíada Barcelona 1992* (Barcelona: COOB, 1993), pp. 183-201.

468 *El Periódico*, 17 Feb. 1991.

469 *Avui*, 28 Feb. 1991.

470 *El País*, 8 Mar. 1991.

471 *El País*, 18 Oct. 1991.

directly commercialised by the private promoter for sale at market prices and the remaining one-third was managed by the PMH, which diversified the houses as follows: one part was managed directly by the Patronat Municipal de l'Habitatge for sale at a moderate prices to low income families on the basis of a draw/lottery, another part was agreed with the *Generalitat* to be used for the public promotion of social renting, and the remaining part was made available to housing co-operatives in order to enable them to award the houses to their co-operative members at cost price.<sup>472</sup>

### Vall Hebron

Members of the media resided in the 488 houses which were built in the area of Vall Hebron during the Olympic Games. This site had a maximum capacity of 2,200 residents. A maximum of 1,748 was housed here at any one time and there were 1,912 in total accommodated during the Olympic Games. These houses had been constructed on the basis of an agreement involving an exchange of municipal land in return for the houses built by private promoters. One hundred and fifty houses were sold by the Patronat Municipal de Sòl at moderate prices (less than 150,000 pesetas per square metre) to families with limited resources<sup>473</sup> and 338 houses were sold by the construction company at market prices (between 145,000-200,000 pesetas per square metre).<sup>474</sup>

### Badalona

In the neighbouring town of Badalona, 842 multi-family houses and 56 single-family houses were built in an area called Montigalà. During the Olympic Games, members of the media also stayed here. This village had a maximum capacity of 5,366 residents and the maximum number of persons who resided here at any one time was 3,902. During the Olympic Games, a total of 4,462 people resided here. The village residences were part of the first phase of construction of houses in the area of Montigalà-Batlòria, and were promoted through public-private agreements with private promoters who were contracted to sell the houses at moderate prices (between 100,000 and 125,000 pesetas per square metre). The Council of Badalona subsequently carried out a second phase of construction of 900 houses in the same area, through agreements with union co-operatives (200 houses) and a mix of public and private companies, with 100 houses being retained by the Council for sale directly to the public.<sup>475</sup>

### Cerdanyola del Vallès

Finally, 600 apartments were built in the neighbouring town of Cerdanyola del Vallès and were administered directly through the PMH. The apartments were subsequently handed over to the *Universidad Autónoma de Barcelona* and currently house university students at a moderate rent.

### (g) Marginalised groups affected

The main group affected by Olympic-related displacements in Barcelona were the families of Roma ethnicity. In the areas surrounding the Olympic Village communities which were between 90 and 95 percent Roma were displaced, and in the Olympic Ring area of Montjuïc, it was completely Roma communities who were displaced from their homes and means of livelihood.

The authorities explained that, in rehousing the Romani communities, they had sought to avoid locating these families in the same buildings in order to prevent the development of ghettos (which had arisen in areas like the Mina). This was also an attempt to avoid the social rejection frequently experienced by Roma families arriving at a building or neighbourhood. This strategy of dispersing the families to different buildings (through the option of buying flats in the secondary market) was carried out secretly and with caution. Some detractors accused the Council of concealing the process and of failing to publicly disclose the fates of the rehoused Roma families; indeed, the principal weakness of the strategy was its lack of transparency. Despite the authorities' intention to favour integration and reduce rejection, the strategy presented integration as assimilation, reinforcing the prejudicial image of Roma families as problematic, without exploring the reasons for their rejection and problems of coexistence. It also caused the Roma communities (often comprising numerous related family units) to be separated.

Other groups who were disproportionately affected in the process of Barcelona's preparations for hosting the Olympic Games were immigrants, the elderly, low-income earners, the homeless and sex workers. The areas targeted for redevelopment,

472 Xavier Valls, *Quan l'habitatge fa ciutat* (Barcelona: Aula Barcelona, Fundació Bosch i Gimpera, Universitat de Barcelona, 2001), p. 31.

473 *El Observador*, 25 Apr. 1991.

474 *Avui*, 30 Apr. 1991.

475 *Avui*, 31 May 1991.

such as Barrio El Raval, in the old part of the inner city, had historically been populated by immigrants, sex workers and low-income earners.<sup>476</sup>

The 'pensions' or boarding houses which had traditionally housed the elderly and other persons needing cheap accommodation were reclaimed for tourists. Faced with real estate speculation driving up the costs of housing, the former residents of these communities were driven out of the area.

In 1986, coinciding with Barcelona's Olympic candidature, a Municipal Table of Police Co-ordination was set up to implement a Preventative Police Presence Plan.<sup>477</sup> In May 1992, two months before the celebration of the Olympic Games, the Council made public a plan to "clean the streets of beggars, prostitutes, street sellers and swindlers" and "annoying passers-by".<sup>478</sup> This plan had been requested by the COOB in order to create a favourable impression of the city. The pensions where sex workers had previously safely worked were closed, and the workers were denied a means of earning income to support their families.<sup>479</sup> Many transsexual sex workers located in the Montjuïc area were also targeted for removal to more distant places where they would not be seen by the Olympic visitors.<sup>480</sup>

In 1992, it was estimated that 800 homeless people were living in Barcelona, and that there were 16 homeless shelters. As authorities believed that the Olympic Games would attract homeless people from other cities, they established a permanent office to co-ordinate the activities of the municipal Social Services. The construction of a new shelter was planned, aid for victims of crime was strengthened and 3,000 urban police were given the task of preventing street sellers and moving the prostitutes that worked in the centre of the city to "other less touristic locations".<sup>481</sup>

It has been estimated that over 400 poor and homeless persons were subjected to 'control and supervision' during the Olympic Games.<sup>482</sup>

### 2.2.3 Community activism

Discourse on the 1992 Olympic Games often refers to the success of the 'Barcelona Model' and gives the impression that there was no criticism of, or reaction against, the Olympic project. Citizen activism did occur, although the activism did not oppose the Barcelona Olympic project as a whole, but rather specific aspects; particularly the location of roads that passed through different neighbourhoods.

In order to understand this apparent lack of activism, the position of social movements in general and the residents' associations in particular, needs to be taken into account. First, a great deal of trust had been placed in the democratically-elected City Council to carry out sound urban planning with social participation. This trust was strengthened by the involvement of many of the former leaders of the residents' associations in the City Council, and their public support of the planned projects. The historical lack of a civil society movement in Spain is also a relevant factor. During the early years of the dictatorship, all political parties and associations not related to the *Movimiento*<sup>483</sup> were forbidden. In the neighbourhoods, there were only the *Asociaciones de Cabezas de Familia* (Heads of the Family Associations).

It was not until 1964, with the passage of the Associations Act, that residents' associations started to appear. At the same time, and linked to the residents' movements, critical groups were formed within the university network. Many members of these groups were democratically-elected as members of the municipal government. Further, journalists and intellectuals in various fields supported the movements challenging the municipal policies and played a decisive role in denouncing abuses and deficiencies. In 1975, there were organised groups in most of the neighbourhoods. These groups became key political actors, having significant mobilisation power and the ability to articulate and manage social demands. However, in the 1980s, the residents' associations began to be fractured (by collectives and topics) and their prominence in the media decreased.<sup>484</sup>

476 COHRE interview with local activists, Barcelona, 5 July 2006.

477 Observatori del sistema penal i drets humans (OSPDH), *Desarrollo/Expansión urbana y criminalidad* (Barcelona: Observatori del sistema penal i drets humans, 2002), p. 35.

478 COHRE interviews with women at *Ambit dona*, sexual workers organisation, Barcelona, 5 July 2006.

479 Ibid.

480 Ibid.

481 Ibid.

482 F. Barreiro, J. Costa and J.M. Vilanova, *Impactos Urbanísticos, Económicos y Sociales de los Juegos Olímpicos de Barcelona '92* (Barcelona: Centre d'Estudis Olímpics i de l'Esport, Universitat Autònoma de Barcelona, 1993).

483 Popular name given to the organisation, institutions and ideology of the dictatorship.

484 Joan Roca (ed.), *Expansió urbana i planejament a Barcelona* (Barcelona: Edicions Proa i Institut Municipal d'Història de Barcelona, 1997), p. 335.

During the lead up to the Olympic Games, the residents' associations and community groups were weakened and underwent their own transformation, however they remained active on the Olympic Games issue. The residents' associations generally focused their activities on supporting residents of houses with aluminosis<sup>485</sup> and participating in the elaboration of the special interior reform plans which designed the city's urban areas. In relation to the Olympics-related construction works, the residents' associations actively participated in four areas: negotiation of the expropriations and rehousing, the demand for public housing in the Olympic Village, the plans for the ring roads (Ronda Litoral and Ronda de Dalt), and the demand for sporting facilities.

The residents' associations actively participated in the rehousing process by advising and representing the affected residents. For example, when the planned construction of the Olympic Village was publicly announced, the Poblenou Residents' Association created the Nova Icaria Commission to monitor the construction works and evaluate the consequences for the neighbourhood as a whole. In 1987 and 1988, this Commission, together with the Poblenou Residents' Association and the cultural association, *Flor de Maig*, organised a number of activities under the title 'Poblenou, on vas?' ('Poblenou, where are you going?'). These activities ranged from visits to the areas that would disappear, to debates about the future of the neighbourhood.<sup>486</sup>

The Federation of Residents' Associations of Barcelona, with the support of the trade unions *Comisiones Obreras*, the *Confederación General de Trabajadores* and other community groups, launched a campaign in June 1990. Under the slogan 'Protestem' ('Let's protest'), they denounced the property speculation and demanded that the Council reserve 40 percent of the houses in the Olympic Village for citizens on low incomes. The campaign was launched with a number of information sessions and debates to encourage consideration of the subject. The campaign denounced the failure of the authorities to take action to address the serious housing problem in the city and demanded that housing be provided as a public service.<sup>487</sup>

On 28 June 1990, 400 people took part in a protest demanding that the Council allocate 40 percent of the new Olympic Village housing to state-subsidised housing, and that the *Generalitat* establish a plan for the construction of public housing specifically for the city of Barcelona. The protestors distributed to both administrations literature demonstrating the increased price of housing in Barcelona over the previous few years and accused the administration of abandoning social policy in relation to housing, by leaving the construction of housing to speculative construction companies.<sup>488</sup> The campaigners estimated that 5,000 new state subsidised houses would be required in Barcelona during the subsequent four years and demanded action in relation to the estimated 100,000 permanently uninhabited secondary market houses in the city.

The mobilisation received significant coverage in the media and managed to put pressure on the Council. However, despite an initial agreement with the Council on a proposal to allocate a percentage of the Olympic Village housing to state-subsidised housing, pressure from private promoters (including their expressed willingness to privately finance the operation) put an end to the proposal.

The residents' organisations were not the only critical voice. The committed and critical points of view developed by journalists from *El Correo Catalán* and *El Noticiero Universal* during the dictatorship were kept alive during the preparatory years of the Olympic Games by *El Periódico de Cataluña*, the *Diario de Barcelona* and the *Avui*. The media transmitted the collective enthusiasm for the Olympic Games in the same way as civil society did, but the journalists (especially print journalists), continued to examine closely the ways in which neighbourhoods and the city in general were transformed, and highlighted the negative aspects of, and problems generated by, this transformation.

## 2.2.4 Best practices and positive outcomes

There are some good reasons why the 'Barcelona Model' is touted as a positive example of the benefits to be gained from hosting the Olympic Games. For Barcelona, the Olympic Games represented the beginning of a new model for the city, with the expansion of its geographical limits, the massive development of road infrastructures and the revitalisation of the housing industry. The new roads contributed to the increasing employment-related and residential mobility, and facilitated the expansion of the

485 Aluminosis is a pathology that threatens the structure of the buildings.

486 VVAA, *Nou viatge a Icaria* (Barcelona: Arxiu Històric del Poblenou, 1990), p. 82.

487 *Avui*, 9 June 1990.

488 *El País*, 29 June 1990.

city and the emigration of the segments of the population to nearby towns<sup>489</sup>. The Olympic Games helped to promote the city as a tourist destination on an international level, bringing unparalleled levels of tourism income to the city.

There were also some positive aspects of the rehousing process in Barcelona. In most cases, rehousing (or compensation) arrangements were arrived at by mutual agreement and it was not necessary to resort to the expropriation process or appeal to tribunals. The compensation measures also tended to be adapted to the different needs of the affected groups and incorporated an element of choice regarding the nature of the ownership interest in the new residence. The fact that no forced evictions took place and all residents were rehoused or compensated was a positive aspect of the Olympic Games preparations, although the processes through which this occurred can be criticised for its lack of transparency and other deficiencies.

### 2.2.5 Conclusions on the housing impacts of the Olympic Games in Barcelona

Barcelona's Olympic Games candidature was part of a larger strategy of urban regeneration of the city of Barcelona, including the recovery of the sea front and the improvement of the infrastructure connecting the city to the surrounding metropolitan areas. However, despite the wide scope of this urban regeneration, no processes for including community participation were included in the plans or Olympic candidature, and no specific protocols or processes were set up in relation to the inevitable displacements or the possible impact of the Olympic Games on access to housing.

The completion of the Olympic Games project resulted in the displacement and relocation of 624 families in total, consisting of 147 families who were directly affected (due to the construction of the Olympic Village in Poblenou); and 477 indirectly affected families (282 due to the elimination of informal settlements or shantytowns and 195 due to completion of ring roads). Sixty-five percent of the families living in the informal settlements or shantytowns were of Roma ethnicity.

One of the principal weaknesses of the displacement and relocation process was the lack of mechanisms for participation by residents in the elaboration of the urban plans. This suggests that citizens were regarded as passive subjects, who were expected to accept the urbanisation process established by technicians and politicians, and to contribute only to the extent of defining their own immediate interests. There was also a lack of real alternatives to the evictions due to the strong belief and high level of trust (on the part of politicians, technicians, associations, and affected residents alike) in the benefits that the Olympic Games project would bring to the city. Further, the strategy of promoting individual (case by case) negotiation of financial compensation arrangements resulted in a fragmentation of interests, and a weakening of the influence that the affected residents may have been able to exert as a collective group. Finally, although alternative housing was offered, in the most cases the alternative housing was not in the same area, leading to secondary social effects on other aspects of life, such as work and education.

The celebration of the Olympic Games also had a negative impact on the right to adequate housing in terms of the accessibility and affordability of housing. Market prices for housing rose, there was a reduction in the availability of rental accommodation and there were no public housing policies directed at the groups which were most in need of assistance. Between 1986 and 1992<sup>490</sup> the number of new houses for sale in Barcelona increased by almost 101 percent. This increase in construction, far from increasing access to housing, had a negative impact on accessibility that was reflected in the significant increase in the sale prices of houses. As a result of new regulations on renting, rental prices also underwent a significant increase. Between 1986 and 1993 the cumulative increase was almost 145 percent. At the same time, the supply of rental houses gradually decreased. Between 1981 and 1991, there was a cumulative decrease in available rental housing of 23.69 percent. The availability of public housing was drastically reduced. Between 1986 and 1992,<sup>491</sup> there was a cumulative decrease of 75.92 percent in available public housing.

Over a decade after the Olympic Games, it is evident that, while the Olympic Games helped to promote Barcelona as an international tourist destination, it significantly affected the price of housing in Barcelona, and the increased tourism also affected housing availability and the use of public spaces.

489 The latter as a result of the price increases in the city itself.

490 The year 1993 is not included since this signals the beginning of the economic crisis, which caused a 34% reduction in the number of houses built. If the whole period were included (1986-1993) the increase would have been 67%.

491 The year 1993 is not included. Following the Housing Plan 1992-1995, which permitted the conversion of unoccupied property into public housing, there appears to have been a spectacular 203.54% increase in public housing. If the whole period were taken into account (1986-1993), there is a cumulative decrease of 26.92%.



Atlanta: A man sleeps in a downtown park in Atlanta during the 1996 Olympics. [Photo courtesy of Bobby Abrahamson].

### 2.3 Atlanta<sup>492</sup>

Preparations for the Atlanta 1996 Olympic Games produced three key impacts for housing: evictions of low income communities; criminalisation and arrests of homeless people; and reinforcement and acceleration of Atlanta's gentrification process. In general, the Olympic Games was a significant aggravating factor in the deterioration of the housing situations for low income and African-American populations living in Atlanta.

The criminalisation of homelessness was a key feature of the 1996 Atlanta Games: 9,000 arrest citations were issued to of homeless people in Atlanta in 1995 and 1996 as part of the Olympic Games 'clean up'. As a result of Federal litigation brought by homeless people and local advocates, the City was subjected to an injunction issued on the eve of the Games and a Federal Court Order to 'cease and desist' arresting homeless people without probable cause.

There was also widespread displacement, approximately 30,000 poor families and other individuals, forced from their homes by Olympic gentrification, the demolition of public housing, rental speculation, and continuing urban renewal. People were displaced to make way for visitors, new construction, and higher cost housing. Public housing was destroyed, with approximately 2,000 public housing units destroyed and nearly 6,000 residents displaced: COHRE's research into one particularly striking example revealed evictions of at least 1,000 households (approximately 4,000 people) from just one housing estate – Techwood Homes.

The overall reinforcement and acceleration of gentrification and beautification processes that drove poor communities away from the centre of Atlanta also led to a significant increase in rents and housing prices. According to local housing advocates, this process was motivated and generated by the Olympic Games, and led by a group of business and political elite that sought to control the development of the city.

<sup>492</sup> The information contained in this section is a summary of a separate background paper commissioned as part of this project, supplemented by information obtained during a fact finding field mission carried out in July 2006. See further: Anita Beaty, *Atlanta's Olympic Legacy* (Geneva: COHRE, 2007), available at: [www.cohre.org/mega-events](http://www.cohre.org/mega-events). The fact finding mission was conducted by Claire Mahon, COHRE Researcher, with the assistance of Anita Beaty and the Metro Atlanta Taskforce for the Homeless.

### 2.3.1 Background to Atlanta's hosting of the 1996 Olympic Games

#### (a) The historical context behind Atlanta's Olympic bid

Atlanta is known as the 'seat of the civil rights movement' yet this city is also characterised by racial segregation and high inner-city poverty, despite enjoying substantial economic growth.<sup>493</sup> Atlanta has been labelled "one of the poorest and most racially segregated central cities in the United States."<sup>494</sup> In the lead up to hosting the Olympic Games, Atlanta had already undergone decades of urban renewal and expressway developments that had resulted in the displacement and forced eviction of 68,000 people in the 1960s, representing 22,000 households.<sup>495</sup> This redevelopment had produced housing displacement for thousands of poor, African-American residents of Atlanta: "Nineteen out of every twenty people displaced were black."<sup>496</sup> In addition, the supply of low income private housing was reportedly reduced by half during the same period. Beginning in the late 1960s, the term 'urban renewal' was called by some activists 'Negro removal' because of its devastating and obviously intentional impact on minority communities.

Atlanta has suffered from a long history of racial segregation, particularly evident in the housing sector. Local academics assert that in 1990 Atlanta was the fourth most segregated city in the United States.<sup>497</sup> This segregation was said to occur as a result of the aggressive efforts of policy makers to diffuse the increasing black voting strength, and led to the destruction of 'alley housing', as well as pocket communities inside white neighbourhoods. Atlanta is no stranger to forcible displacement: For example, between 1945 and 1953, more than 400 renter families were moved out of an area called Macedonia Park, without compensation and without any relocation assistance. A later example from 1979 in the community of Johnstown demonstrates how another black neighbourhood inside a majority white area was displaced to make way for a rapid transit station beside a large shopping mall. These were not isolated incidents and the local residents claim that the replacement of those black communities with commercial development is evidence of the long term practice of Atlanta developers to remove or displace black residents.

In the decades leading up to the Olympic Games, the suburbs were outgrowing the city of Atlanta, and businesses were moving out of the central business district. 'White flight' and highway construction encouraged the unprecedented development of suburban communities that competed with the downtown central business district. According to local housing activists, the downtown Atlanta business community, represented at a policy-making level by Central Atlanta Progress, was anxious to remove the poor and homeless, overwhelmingly black, from the downtown area and to draw the wealthy, younger, white professionals to the downtown area to live, work and play. During the decade before the 1996 Olympic Games, Atlanta's metropolitan area family income grew at a rate that was double the national income growth rate. At the same time, inside the city, family incomes declined. Most of the growth in population, housing, and income, as well as in jobs, occurred in the northern suburbs, near or outside the perimeter and outside the city limits.

For the local governments inside the perimeter (and the businesses operating in the inner city area), one major goal for the hosting of the Olympic Games was to begin to reinvigorate the city itself – to reverse the 'white flight' that had begun in the 1960s (i.e., to bring wealthy suburban dwellers back into the city), as well as to retain young, highly educated professionals who may have been considering moving out to the suburbs. It appeared, however, that there was no intention to include the majority black and poor residents of the inner city in the planned gentrification of a city that had already lost 20 percent of its population. In fact, the poverty rate for African-Americans in the city had increased from 29 percent in 1970 to 35 percent in 1990.<sup>498</sup> In 1990, Atlanta was considered by many to be the most criminally violent city in the United States. Links were made between the growing problem of violent crime and visible poverty and homelessness, however, this contributed to discouraging young professionals from moving to the city. According to former housing officials, the Olympic Games were therefore seen as an opportunity to revive the inner city areas and draw a different kind of suburbanite to the downtown area.<sup>499</sup>

493 David L. Sjoquist (ed.), *The Atlanta Paradox: Multi-City Study of Urban Inequality* (New York: Russell Sage Foundation, 2000), p. 1.

494 Charles Rutheiser, 'How Atlanta Lost the Olympics: City, State Lose Control of Economic Benefits', *New Statesman* (19 July 1996).

495 Records indicate that by 1966, a total of 67,000 people had been displaced by some kind of government action, including 24,202 displaced by the development of the expressway and 17,064 by general urban renewal: Clarence N. Stone, *Economic Growth and Neighborhood Discontent* (Chapel Hill: University of North Carolina Press, 1976), p. 227. During the years between 1958 and 1968, more than 30,000 units of low-income housing were destroyed by the construction of the I-75/85 highway (the interstate "Connector") as well as by urban renewal projects that displaced 20 percent of the residents of the inner city, nearly all of whom were African-American. Urban renewal brought stadiums, the rail system (MARTA), convention facilities, hotels and downtown mixed-use development complexes.

496 Larry Keating, *Race, Class and Urban Expansion* (Philadelphia: Temple University Press, 2001), p. 93.

497 Ibid. p. 44.

498 Sjoquist, 'The Atlanta Paradox' (2000).

499 COHRE interviews with former Housing Commissioners for Atlanta, Atlanta, July 2006.

The push for the removal of the poor began as early as the mid-1980s; at that time the most dramatic symptom of inner city poverty was the newly documented and visible number of homeless people on the streets. During the winter of 1981, 17 people froze to death on the streets of Atlanta. Advocates from the faith community, homeless people, and community leaders mobilised an immediate response, prompting the Mayor, Andrew Young, to create the Task Force for the Homeless, which also included leaders from the business community.<sup>500</sup> In 1986, Central Atlanta Progress decided to address the 'homeless problem'. They funded studies of the downtown,<sup>501</sup> focusing on the growing numbers of people living on the streets and in church basements. The outcome was to label the central business district a 'vagrant-free zone' and 'a sanitised corridor', categorising homelessness as a public safety issue.<sup>502</sup>

Before the Olympic Games, Atlanta hosted the Democratic National Convention in 1988. At that time, the extent of poverty and homelessness and Atlanta's housing crisis became evident to the rest of the country. Five months before the Democratic National Convention, the Wall Street Journal recorded: "When the Democrats pick a presidential candidate here in July, delegates will find shanty homes nearly in the shadow of the convention centre."<sup>503</sup> The highly visible inner city poverty was addressed through street sweeps of homeless people, and the relocation of a community (Hutville) which lay between the new World Congress Center and Underground Atlanta. The socio-economic situation did not improve in the lead up to the Olympics.

It was clear that since the 1980s Atlanta had been suffering from a housing crisis: there was insufficient affordable housing for people on minimum wages, and public funding for housing support had been cut by 74 percent between 1974 and 1984. People trying to live on fixed incomes or no income competed for the shrinking stock of public or social housing. It is said that while Mayors Andrew Young and Maynard Jackson were determined to revitalise the inner city poor and majority black neighbourhoods, they were competing against the interests of developers and the business elites. Those interests did not include planning for decent housing for families living on fixed incomes or for minimum-wage-earning workers.<sup>504</sup>

#### (a) Housing in Atlanta: main features

During the years leading up to and during Atlanta's planning for the Olympics bid, development plans concentrated on the central business district. Housing plans focused on gentrification: upscale condominiums, lofts and expensive, gated apartment communities. The development of 'affordable' housing was not addressed by the municipality and was rather taken up by NGOs. Local activists complain that there was no attempt made by the authorities to include housing for the thousands of homeless whose numbers increased as stocks of 'substandard' housing decreased. The Atlanta Housing Authority was the quasi-government entity which for fifty years had built and managed public housing. The Atlanta Housing Authority had, over the years, replaced only a small percentage of the housing destroyed by decades of 'urban renewal'.<sup>505</sup>

Public housing in Atlanta was in crisis and by the mid-1980s, inner city public housing had been allowed to deteriorate to the point that the valuable land it sat on then waited to be 'rescued' by developers and investors.<sup>506</sup> The deterioration of public housing meant that, in preparation for the Olympic Games, these properties were demolished and rebuilt into housing for athletes, which later became 'mixed income' housing. Former Housing Commissioners admit that this was a deliberate and systematic replacement of publicly subsidised, low and no income family units with new housing for Olympic athletes and after the Olympic Games, for students and middle-income earners.<sup>507</sup> The result of this development strategy of 'gentrification' was the displacement of the poor residents who relied upon public housing.

#### (b) Atlanta's candidature for the Olympic Games

Atlanta's bid to host the Olympic Games was spearheaded by Billy Payne,<sup>508</sup> and originally supported by Mayor Maynard Jackson, the Chamber of Commerce and others. However, the devastating report of Montreal's financial losses put most off the idea for some time. The urban development that occurred in Atlanta during the decade leading up to the decision to make a bid, including the expansion of the airport, the building of the World Congress Center, and the addition of thou-

500 That *ad hoc* group incorporated in 1986 and became the Metropolitan Atlanta Task Force for the Homeless, serving as the linkage for homeless people to access emergency housing and support services, as well as resource support to groups serving those people who were already homeless or at risk of losing their housing.

501 Central Area Studies I and II.

502 This was later changed to the less controversial and still commonly used label, the 'Downtown/Business Improvement District'.

503 *The Wall Street Journal*, 29 Feb. 1988, quoted in Frederick Allen, *Atlanta Rising* (Atlanta: Longstreet, 1996), p. 232.

504 See further Keating, *Race, Class, and Urban Expansion* (2001).

505 COHRE interviews with former Housing Commissioners for Atlanta, Atlanta, July 2006.

506 Ibid.

507 COHRE interviews with former Housing Commissioners for Atlanta, Atlanta, July 2006.

508 An Atlanta commercial real estate lawyer.

sands of hotel and motel rooms, eventually led the decision makers to believe that hosting the Olympic Games was feasible. Apparently decisive in influencing the decision for City Hall and some of the leadership in the business community was the news of the \$200 million profit realised by the 1984 Los Angeles Olympic Games. Encouraged by the reports from Los Angeles that the 1984 Olympic Games had cost no public money, Billy Payne and the Atlanta Olympic bid committee raised their own funds to mount a bid to the US Olympic Committee.<sup>509</sup> Payne guaranteed that the Olympic Games would be produced using only private funds.

This promise was not kept, and “by 1995 over \$350 million in public funds (local, state, and federal) had been expended in direct connection with the Olympics”.<sup>510</sup> The Atlanta Olympic Committee (AOC) persuaded the state legislature to approve the use of state-owned land for sporting events and housing: “the plan the AOC submitted to the IOC called for two-thirds of the Olympic venues to be located on, or make use of, state property.”<sup>511</sup>

“While it was not widely talked about at the time, the choice of these locations would oblige the State of Georgia to expend significant funds to support the Games. The largest single contribution was made by the Board of Regents of the University System of Georgia, who agreed to spend approximately \$120 million to build a part of the Olympic Village, which would be used after the Games as dormitories for students of Georgia Tech and Georgia State University.”<sup>512</sup>

During the bid preparation, the private supporters of the Olympic Games spent huge amounts of money, so while “[o]fficially, the AOC spent \$7.3 million on its efforts between 1987 and 1990 ... this is widely considered to be an underestimate.”<sup>513</sup> Apparently convinced by the promise that the Olympic Games would not cost the taxpayers any money, Mayor Andrew Young gave his support. Payne’s team, which became the official AOC, was also supported by Coke, SunTrust and other Atlanta corporations such as BellSouth. Once Atlanta became the United States’ entry to the worldwide competition, the bid committee grew, gaining resources and support.

The promoters of the Olympic Games wanted to advance Atlanta as a ‘world-class city’, the next ‘international city’. This was a chance to redevelop Atlanta, to increase tourism for those two weeks in a way that would put Atlanta on the map as a tourist destination, not just a convention site. The stated goal was to create an economic stimulus for the inner city, and many believe that this promise was used to soothe the public into submission as the private development plans went forward with minimal input and a nearly total lack of accountability:

“Business began preparing in 1989 to take advantage of the more than \$7 billion in Olympic contracts and predicted tourist spending. They created a body (MAOGA, The Metropolitan Atlanta Olympic Games Authority) with a huge budget and special powers to buy and sell land, borrow and lend money, form its own police force and distribute contracts for massive new building projects. It promptly delegated much of its power to a private corporation called the Atlanta Committee for the Olympic Games (ACOG), which united promoters, developers and big business conglomerates.”<sup>514</sup>

The Metropolitan Atlanta Olympic Games Authority (MAOGA) was a quasi-governmental non-profit entity legislated into existence by the State’s General Assembly. The MAOGA was the authority created to be the entity responsible for hosting the Olympic Games in 1996, and it was intended to provide oversight to the ACOG.<sup>515</sup> MAOGA owned the Olympic Stadium, acquired the power of ‘eminent domain’<sup>516</sup> and could call up troops in an emergency.

509 The informal bid committee, known as Payne’s ‘Crazy Atlanta Nine’, became the core of the Atlanta Olympic Committee (AOC): Charles Rutheiser, *Imagineering Atlanta: The Politics of Place in the City of Dreams*, (New York, NY: Verso, 1996), p. 228.

510 Rutheiser, *Imagineering Atlanta* (1996), p. 231.

511 Ibid.

512 Ibid.

513 Ibid. p. 239.

514 Norm Dixon, ‘Atlanta Olympics: Poor Pay the Price’, *Green Left Weekly* (summer 1996). Further:

“In early 1991, the Atlanta Olympic Committee reconstituted itself as the Atlanta Committee for the Olympic Games, or ACOG, a private, non-profit (sic) corporation. However, the Letter of Agreement worked out between ACOG and city and state governments clearly spelled out that ACOG was working on behalf of the latter, who assumed no financial responsibility for undertaking the Games. ACOG was thus yet another in a series of Atlanta’s public-private partnerships, even though it had steadfastly maintained that it is an exclusively private entity. As such, it claimed to be exempt from Georgia’s “Sunshine Law” and routinely refused to release information on its decision-making process or any aspect of its internal operations, including the salaries of its top officials. ACOG’s penchant for secrecy also proved to be increasingly problematic as the mobilization for the Games took place.” Rutheiser, *Imagineering Atlanta* (1996).

515 George Berry, the former Vice President of Cousins Properties, headed the MAOGA Board. Berry had also previously headed the state’s Department of Industry, Trade and Tourism, “the state’s chief operating arm”: Rutheiser, *Imagineering Atlanta* (1996), p. 236. ACOG was staffed by people from the Andrew Young and Maynard Jackson city administrations (Andrew Young was a former United Nations Ambassador and charismatic representative of the civil rights movement of the 1960s). A.D. Frazier, Chief Operating Officer, came from the administration of former U.S. President (and former Georgia Governor) Jimmy Carter.

516 Eminent domain powers are provisions under US law that authorise the seizure of private land for public use.

### (c) Transparency and participation

*“The Atlanta way of making Olympic decisions included a few white men assembling informally, committing their own and the public’s resources to create policy, to initiate legislation and to add to their ranks their country club cronies. They developed the structure for their own benefit and control, promising public benefit and spouting platitudes.”*

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Anita Beaty, Metro Atlanta Task Force for the Homeless

COHRE’s research indicates that the Atlanta advocates and organisations working for the poor and homeless had not expected that their city, rife as it was with poverty and neglect of the inner city, could or should host the 1996 Summer Olympic Games. However, activists explain that in Atlanta, the entire decision making process occurred behind closed doors, with no public discussion, much less debate. There was no information provided to the public about the bid process, or any an open debate about whether or not Atlantans even wanted the Olympic Games. The resistance to the Olympic Games that surfaced after the bid announcement and grew during the planning years was hardly covered by the local press.

In 1993 Shirley Franklin<sup>517</sup> was appointed to provide policy advice to ACOG. She dealt with the resistance of poor, mostly African-American neighbourhoods as they faced development plans. She was hired to ensure that the people were heard, and she visited them in their community centres and held forums so they could speak. Unfortunately this resulted in little, if any, impact as policy matters were decided behind closed doors. Some local leaders were given seats on committees and advisory councils. Activists report frustration at the stances taken by some local leaders, citing for example, a case where one neighbourhood wound up arguing over the percentage of the parking revenues they should receive instead of resisting stadium parking that destroyed community businesses. Activists claim that the strategy to divide and conquer resistance worked in most development cases.<sup>518</sup>

It appeared that in Atlanta, the Olympic Games, which had been privately bid for, would be privately planned and organised. Financial risks would be insured by commitments of public funds. “The all-private, chain-link-fenced Atlanta event completed the metamorphosis of the Olympic Games into a vehicle for big business.”<sup>519</sup>

### (d) Planning for the Olympic Games

The Atlanta Olympic Organising Committee (AOOC) was responsible for the housing arrangements for the Olympic participants and guests, while the city authorities focused on other aspects of Olympic Games development. In terms of housing, attention focused on only one goal: to house the Olympic ‘family’ in a newly constructed Olympic Village. Achieving this goal would require the eventual exchange of low income and public housing for upgraded housing for middle and upper income brackets. Hotels, motels, and private housing would also be required to provide for visitors and the extended Olympic ‘family’. The housing needs of Atlanta’s desperately poor and homeless citizens were not considered to be the responsibility of the Olympic Games movement. Former Mayor and civil rights leader Andrew Young called the Olympics a “business venture, not an anti-poverty program”.<sup>520</sup>

In response to the IOC’s concerns about Atlanta’s capacity to house the ‘Olympic family’, Atlanta’s bid proposal highlighted the city’s hotel-motel capacity along with plans for an Olympic Village. The AOOC submitted goals for housing its own extended family, stating publicly that this was their only responsibility for housing in Atlanta. The IOC and its extended ‘family’, visiting elected officials, and the media would be housed along with athletes. Housing these Olympic Games visitors would cost invaluable units of public (social) housing. Pressure to complete the massive construction projects drove policy, planning and publicity.

517 Shirley Franklin was formerly a member of CODA (The Committee for Olympic Development in Atlanta), and later would be Mayor of Atlanta.

518 COHRE interview with local residents, Atlanta, July 2006.

519 Andrew Jennings, *The New Lords of the Rings: Olympic Corruption and How to Buy Gold Medals* (London: Pocket Books, 1996), p. 289.

520 Rutheiser, ‘How Atlanta Lost the Olympics’ (1996), p. 1.

Mayor Maynard Jackson had promised his supporters that he would use the Olympic Games to improve their neighbourhoods, the city's crumbling infrastructure, the nightmarish traffic for commuters, and the city's poverty and crime. However, Jackson (an African-American) struggled to get support from the white business community and from AOOC, which was determined to concentrate its expenditure on the area inside the so-called 'Olympic ring'.

"Known as the Olympic Ring, this magic circle encompassed all of downtown and much of Midtown, as well as a large swathe of Atlanta's poorest neighborhoods. Although these latter areas were inside the ring, they were 'outside the fence' as far as Olympic organizers were concerned. The AOC was on record that its attention, and money, would be limited to the venues themselves, which were distributed among six distinct clusters inside the ring."<sup>521</sup>

By 1992, development was concerned with venues and neighbourhoods contiguous to the Olympic Games venues. As a gesture of good faith, the concerns of 13 neighbourhoods inside the Olympic ring (but outside the fences) were designated the responsibility of the Corporation for Olympic Development in Atlanta (CODA).<sup>522</sup> CODA would be responsible for 'revitalising' the neighbourhoods inside the Olympic ring. In 1993 CODA released its plan for this 'revitalisation' which called for the demolition of 553 private residential units - severely deteriorated and dilapidated units that housed approximately 1,393 people. The Task Force for the Homeless issued a report, in the name of the Atlanta Olympic Conscience Coalition, which analysed CODA's entire plan for redevelopment and publicised their concerns about the complete lack of a plan to take care of the estimated 9,700 low income residents who were likely to be displaced if the plan were implemented.<sup>523</sup> The 1993 CODA Plan was followed by a process of demolition of a variety of housing; not only units that had been condemned because of their deteriorated state, but others that residents claimed were habitable were also demolished.

The Atlanta Olympic Conscience Coalition asked the Olympic Games leadership to commit to making new Olympic Games housing available for low income people. The response was reportedly: "Do you all have \$140 million (\$154 million, finally) to pay for it?"<sup>524</sup> Later, 95 representatives of this Conscience Coalition<sup>525</sup> visited the AOOC headquarters to request the Olympic leadership to use its influence to benefit Atlanta's most vulnerable citizens. They managed to obtain weak, verbal promises that none of the preparations would negatively affect poor and homeless people or the services they depended upon.

The State Board of Regents<sup>526</sup> funded most of the Olympic Games housing development, on the condition that it was designated for student accommodation<sup>527</sup> after the Olympic Games. The reason given by local leadership for refusing to promise this housing for poor people, whose own housing had been destroyed to make way for it, was that the Board of Regents could pay for it, and there were no public funds available for developing public housing. Yet advocates believe that the real reason for the refusal was the decades-long effort by Atlanta business leadership to clear valuable land of all poor people who lived on it, as public housing was seen as an impediment to the revitalisation of Atlanta - an eyesore.<sup>528</sup> Abandoned by the Government, neglected by the Atlanta Housing Authority, public housing had deteriorated and appeared increasingly crime-infested.<sup>529</sup> None of the leadership, private or public, demonstrated any real intention to provide urgently needed housing for the hundreds of households that would be displaced.<sup>530</sup>

#### (e) Implementing the preparations for the Olympic Games

As part of the preparations for the Olympic Games, the business community and Olympics planners had proposed to demolish Techwood Homes, Clark Howell Homes, and East Lake Meadows, as well as 10 other public housing projects, and redevelop them as mixed-income apartment communities. Along with areas such as Summerhill, these neighbourhoods received the most attention because of their proximity to the Olympic Games venues. Former housing officials claim the goal was the privatisation of Atlanta's nearly 50-year-old public housing stock.<sup>531</sup> The first major Olympics redevelopment project was the neighbourhood of Techwood, an inner city public housing community. The Techwood/Clark Howell public housing community sat between the Olympic Center (Dome, World Congress Center and the Omni) and Georgia Tech,

521 Rutheiser, *Imagining Atlanta* (1996), p. 232.

522 CODA was headed initially by Shirley Franklin as CEO with then Mayor Jackson as the Co-Chairman of its Board.

523 Atlanta Olympic Conscience Coalition, *A Displacement Analysis of the CODA (Corporation for Olympic Development in Atlanta) Master Olympic Development Program for the City of Atlanta* (Atlanta: Atlanta Olympic Conscience Coalition, 1993).

524 COHRE interviews with local housing advocates, Atlanta, July 2006.

525 Comprised of poor and homeless people, activists, students, clergy, labor leaders.

526 The Board of Regents is a state agency created under the Constitution of Georgia, which coordinates all public higher education in the State.

527 To house students from Georgia Tech and Georgia State Universities.

528 COHRE interviews with housing advocates, Atlanta, July 2006.

529 Ibid.

530 Ibid.

531 COHRE interviews with former Housing Commissioners for Atlanta, Atlanta, July 2006.

where the swimming events would take place. Techwood Homes was the oldest public housing project in the United States and was listed on the National Register of Historic Places.

It had also come to be labelled the ‘Techwood problem’<sup>532</sup> due to its run down state. Local residents insist that Techwood’s demise was the result of a tactic, used very effectively over the decades by local government and business interests, to abandon neighbourhoods where poor and minority people lived. Withholding city services like public works and policing was designed to turn the neighbourhoods into blighted ghettos, ripe for redevelopment and gentrification. The Olympic Games gave the developers, businesses, and the city government an opportunity to accelerate that process.

Leading Atlanta figures, including architect Dick Bradfield, housing specialist Dr. Larry Keating, and Max Creighton, the Director of the Atlanta Urban Design Center, developed proposals for the redevelopment of Techwood/Clark Howell Homes that demonstrated it was possible to avoid demolition for all but just over 100 units. Along with the new head of the Atlanta Housing Authority, Earl Phillips, they worked for two years with residents and local development resources to plan a redevelopment. They explained that the plan was never seriously considered and that the Atlanta Housing Authority proceeded anyway to demolish the community.<sup>533</sup> The entire housing complex was demolished to make way for the Olympic Village that would house athletes and some members of the press. After the Olympic Games, most of it was turned over to the Georgia Board of Regents, which had paid for its development. The rest of Techwood Homes was replaced with mixed income housing.

Projects to gentrify specific areas of Atlanta in preparation for the Olympic Games also included the renewal of the neighbourhood of Summerhill, the area surrounding the Olympic Stadium. Here, the residents of the most visible, front row houses, received brand new homes, “becoming living advertisements for how well Atlanta treated its poor neighbourhoods”.<sup>534</sup> These new homes were built only along the corridor lining the way to the stadium, and behind the shiny facades was a different reality of neglected properties and homeless people sleeping outside while trying to avoid arrest.

“The first Olympic venue to be completed on time” was the new prison, as the director of this pre-trial detention centre described it.<sup>535</sup> Many community groups believed that this prison was designed to house homeless people over the course of the Olympic Games.

#### (f) Legal measures taken as part of the Olympic preparations

The 1996 Atlanta Olympic Games were characterised by the criminalisation of poor and homeless people and the introduction of ordinances and policies that targeted minorities. As part of the preparations for the Olympic Games, six new pieces of legislation, called Quality of Life Ordinances, were adopted in the year after Atlanta won the bid. The Quality of Life Ordinance criminalised people sleeping in derelict buildings, begging, or walking through parking lots if they did not own a car. It was joked that the effect of this ordinance was that people could be arrested on the charge of “possession of blanket with intent to use”.<sup>536</sup> These ordinances were enforced specifically in the zones frequented by the homeless.<sup>537</sup>

Under this legislation 9,000 arrest citations were issued to homeless people in downtown Atlanta between July 1995 and July 1996 (more than four times the usual number).<sup>538</sup> Many people who were arrested were held for trial until after the Olympic Games: advocates allege that there were deliberate delays during the Olympic Games period in bringing people before the court.<sup>539</sup> Typically, during such arrests, homeless persons were only able to avail themselves of due process rights to an extremely limited extent, if at all, leading some to claim that this constituted a suspension of their habeas corpus rights.<sup>540</sup> Arrests were carried out so frequently and on such a large scale that observers and homeless persons characterised this period as a ‘war on the homeless’, evidently undertaken with the intent of persuading homeless people to leave Atlanta entirely.

532 For a complete history of the development and destruction of Techwood Homes, first US public housing development, see Larry Keating and C.A. Flores, ‘60 Years and Out: Techwood Homes Transformed by Enemies and Friends’, *Journal of Urban History*, Vol. 26, No. 3 (Mar. 2000), p. 284.

533 COHRE telephone interviews with Dr Larry Keating, July 2006.

534 COHRE interviews with local residents, Atlanta, July 2006.

535 Louise Boon-Kuo, ‘Everyone is not a winner: Policing the Olympics’, *Green Left Weekly* (Sydney, Australia, 14 Apr 1999).

536 COHRE interview with Gerry Weber, Legal Director, American Council on Civil Liberties, Atlanta, 9 July 2006.

537 Ibid.

538 Atlanta Task Force for the Homeless, ‘The Criminalization of Poverty: City Ordinances Unfairly Target Homeless People For Arrest’ (Atlanta: Atlanta Task Force For The Homeless, 1993). See further, Holy Levinson, *Misplaced Priorities: Atlanta, the ‘96 Olympics, and the Politics of Urban Removal* (Atlanta, Georgia: Atlanta Task Force For The Homeless, 1993).

539 COHRE interview with former Metro Atlanta Task Force for the Homeless attorney, 14 July 2006.

540 Ibid.

Further, penalties were increased, for example up to six months for panhandling. Yet because of the fears about the constitutionality of such measures, judges were reportedly reluctant to enforce the laws. Further information on the effects of these laws and the Federal Court's decision regarding them is detailed below in Section 2.3.2(d).

### 2.3.2 The 1996 Olympic Games: impacts upon housing in Atlanta

#### (a) Displacements from public and low cost housing: gentrification and the pretext of the Olympic Games

*“What the Olympic Games did for public housing [in Atlanta] was unconscionable.”<sup>541</sup>*

*“The spotlight of the Olympics provided the catalyst to remove the problem of public housing from the doorstep of the corporate and academic institutions that could not abide or accommodate the proximity of poor people.”<sup>542</sup>*

As part of the process of urban development and gentrification associated with the Olympic Games, a significant amount of public housing in Atlanta was destroyed. Reportedly a total of 2,077 units of public housing were destroyed and 5,813 residents displaced.<sup>543</sup> At the Techwood/Clark Howell housing development 1195 housing units comprising 1125 households were destroyed, displacing 3,375 people. At Eagan Homes, 112 housing units were destroyed displacing 340 people, at John Hope Homes 30 units were destroyed affecting 64 people, at Martin Street housing complex 30 units were demolished displacing 90 people, at East Lake housing complex 650 units of housing were demolished, displacing 1,764 people, and in Summerhill 60 units of housing were demolished displacing 180 people. Another 10,000 units are said to have been lost to rent increases, demolitions and code enforcements, leading to an estimated displacement of 25,000 people.

One of the most significant losses of housing in Atlanta related to the destruction of the Techwood/Clark-Howell public housing community. While Techwood was not a site for the construction of any Olympics facilities, the Olympic Games were used as an opportunity to develop this area given its proximity to the Olympics venues. The Techwood Clark Howell demolition project resulted in 1,195 public housing units being replaced with 900 new units intended for mixed income use.<sup>544</sup> Only 360 of the 900 units were to be public housing. A small portion of the remaining units were set aside as ‘affordable housing’, while the majority were sold at market rates. In the end, there was a net loss of over 800 public housing units at this site. According to many local residents and advocates, Techwood Clark Howell did not need to be torn down, but for societal and imaging reasons, it was the most expedient path to redevelopment.<sup>545</sup> Of the over 1,000 households (between 3,600 and 4,300 people)<sup>546</sup> evicted between 1990 and 1996, only 44 percent received relocation assistance.<sup>547</sup> Moreover, former residents reported that this assistance was minimal and did not result in replacement housing for most of those displaced. Residents report that in order to reduce resistance to the project, the Atlanta Housing Authority changed a rent payment policy and allowed crime levels to increase, and then strictly enforced laws that allowed evictions for crimes taking place on a tenant’s premises (even if the tenant had not been involved).<sup>548</sup> After tenants were evicted, their units were not rented to new tenants.

541 COHRE interview with Reverend Tim McDonald, Senior Pastor, First Iconium Baptist Church, former co-chair of the Atlanta Olympic Conscience Coalition and former President of the Concerned Black Clergy, Atlanta, 11 July 2006.

542 Keating and Flores, ‘Sixty years and Out’ (2000), pp. 305-6.

543 Harry K. Newman, *The Atlanta Housing Authority’s Olympic Legacy Program: Public Housing Projects To Mixed Income Communities* (Atlanta: Atlanta Research, 2002).

544 Keating and Flores, ‘Sixty years and Out’ (2000); Arthur Gulden, *Housing Impacts and the Olympic Games: A Comparison of Atlanta 1996 and Salt Lake City 2002* (MA thesis, Department of Geography, University of Wisconsin-Madison, 2005).

545 Gulden, *Housing Impacts and the Olympic Games* (2005).

546 Ibid.

547 Keating, ‘Sixty years and Out’ (2000).

548 Ibid.

Atlanta housing expert Dr Larry Keating explains how the destruction of Techwood impacted upon the community of social housing residents:

“[D]ata for Techwood Homes indicate an average residency of 7.95 years. Approximately one-third of the families lived there more than 11 years and valued their homes and the proximity to friends, jobs, health care, and transportation ... We do know ... that the residents of Techwood Homes wanted their community preserved ... most of the costs involved with moving and relocation were borne by the residents ... only 545 of the original 1,117 households residing in the complex at the beginning of the redevelopment planning received relocation housing.”<sup>549</sup>

COHRE's research shows that residents of Techwood/Clark Howell homes were displaced over a long period in a variety of ways.<sup>550</sup> At first residents who were even slightly late paying rent were evicted. Next, families who allowed others who were not on their leases to stay in their homes, even for a short time, were evicted for breaching their lease agreements. If a tenant household included anyone charged with a felony, that family also lost its housing. Many families who feared eviction left of their own accord to avoid that process. Some residents explained they stayed and tried to participate in the confusing redevelopment process. However they knew that the smallest offence would result in their loss of housing: the threat of eviction was a powerful weapon for displacing families from public housing in order to redevelop valuable property. These remaining residents were shown videos of the mixed income housing that would replace their units. They say they were never told that only 30 percent of those new units would be rented by people from the lowest income levels. They say they were not told that the screening for those new apartments would include credit checks and background checks, which most of those original residents would not be able to pass.

Some of those families were moved to other housing projects that had been emptied for the relocation. Hundreds of families were left looking for replacement housing and never finding it. Some moved south of the city, using time-sensitive housing vouchers given to them by the authorities, although these vouchers were good for only a few years. Others found that even the vouchers failed to provide them with consistently affordable housing because of the cost of utilities. The 'Section 8 vouchers'<sup>551</sup> that some displaced residents were entitled to receive depended on the housing market for their usefulness. When landlords had other options, they preferred tenants who were able to pay market rents. And if a Section 8 holder did not find a landlord willing to accept Section 8 subsidies, that family could lose its certificate. When the rental market is buoyant, landlords do not need the subsidies that the Section 8 vouchers provide. Further, Section 8 vouchers (and any public housing placements) come with a 'one strike and you're out' policy which allowed residents to be evicted for drug offences committed by those presumed to be under the control of the resident, whether or not the resident had any knowledge of the offence.

Residents describe the tactics used by the authorities to ensure that there was no-one left in the community to rehouse, including strictly scrutinising the behaviour of residents and evicting them for minor lease infractions, offering immediate cash payments to residents who left of their own accord, and generally destroying the community through neglect. By the time the displacements were to take place, between 1993 and 1996, there were few, if any, residents left to bring back to the new housing.

Before the Olympic Games preparations began in Atlanta, the Techwood/Clark-Howell Housing Community contained 1,195 units. After the Olympic Games, it became the privately managed Centennial Place Apartments with 360 subsidised units, leaving only 30 percent available for former income-level residents.<sup>552</sup>

In 1998, a US Department of Housing and Urban Development audit, which acknowledged the physical improvements in the gentrified community, made the following observation: "... improvements to the lives of the residents who lived there are much less obvious."<sup>553</sup> According to COHRE's research, this statement was apparently the only criticism from the federal level of the gentrification of public housing in Atlanta and the displacement of thousands of families.

549 Ibid.

550 COHRE interview with former resident and leader in the Techwood United For Fairness coalition, Atlanta, July 2006.

551 The Section 8 Rental Voucher Program is a scheme whereby recipients are entitled to rent houses on the public market and have the public housing authority pay the difference between the standard for fair market rent and the recipient's contribution of 30% of their income.

552 Note that former residents from Techwood were not accommodated in Centennial Place, rather, residents who had the same income-level as the previous Techwood residents were accommodated there.

553 Mara Shalhoup, 'Atlanta Housing Authority Shell Game', *Creative Loafing* (6 Nov. 2002).

Although Techwood was the most notorious of the redevelopment projects, it was not the only area affected. For example, in the neighbourhood of Summerville, the construction of new townhouses and single family homes and the renovations of street fronts led to an increase in land values and the displacement of 60 households.<sup>554</sup> While some of these residents were evicted, their homes remained empty during the Olympic Games.<sup>555</sup>

#### (b) Escalation in housing costs and secondary displacements and evictions

The Centennial Place housing community, which replaced a part of Techwood Homes, effectively removed the indigenous poor and replaced their housing with 360 units of market-rate housing:

“[I]ncome limits for Centennial Place are substantially higher than previous public housing incomes. The median income in Techwood prior to redevelopment was \$3,219 per year. Income limits have been increased to \$34,000 for a household with two people and to \$38,250 for a household with three occupants.”<sup>556</sup>

In areas such as the Summerhill stadium neighbourhood, townhouses and new single family homes replaced the public housing that had previously existed. This new housing was financially out of reach for the residents who were displaced, as they were designed to attract upper income white families.

Throughout Atlanta, many landlords also refused to renew leases, or cancelled agreements, and raised their rents in a speculative move to cash in on the Olympic Games housing potential. Increases in rents were recorded in experiential documentation, with landlords displacing thousands in order to rent to Olympic Games visitors. “Price-gouging in the rental-housing market went unchecked. No one knows how many people ended up paying higher rents, the amount by which rents actually increased, or how many renters were forced to move.”<sup>557</sup> Other negative impacts of the Olympic Games included the inflation in construction costs, both immediately and longer term.

For renters, gentrification brought even more desperation. Affordable rental housing stock was destroyed as owners speculated on the flight back to the city. The redevelopment of Olympic Games areas and the inner city neighbourhoods as part of the Olympics-motivated gentrification process changed the composition of entire neighbourhoods. They were no longer affordable for the original or renting residents, but suitable only for upper income young professionals, some with families, who wanted the safety and exclusivity of the suburbs with the convenience of city living. This was a desirable outcome for some: the Central Atlanta Progress group assessed the situation immediately post-Olympics in the following manner: “Now that we have taken the city back from those vagrants and beggars, we must keep it!”<sup>558</sup>

In general, the gentrification of downtown, coupled with transformations in property taxes, created long term effects including the displacement of the poor from inner city neighbourhoods due to an escalation in the cost of housing, and subsequent heightened racial tensions. For example, in some of Atlanta’s older east side neighbourhoods, property values increased after the Olympic Games by 25 percent in one year. In the neighbourhood of Kirkwood, median sales prices increased 274 percent in the ten years between 1994 and 2004.<sup>559</sup> Kirkwood is a neighbourhood that had experienced reversal of the ‘white flight’ of the 1960s and 1970s, as in the 90s the resident population went from being 100 percent African-American to nearly 100 percent white. Then during the years from the Olympics bid announcement until 2000, the white population increased from one percent to 14 percent and had moved towards 50 percent by 2005.

The long term effects of this escalation in housing costs are clear: By 2004, owning a median priced home (costing \$223,266) required an annual income of \$69,600 a year. Most service level jobs in Atlanta (for example, police officers, firefighters, and elementary school teachers) earned incomes ranging from \$32,000 to \$45,000 a year.<sup>560</sup> A family with an income of \$40,000 a year could afford a home that cost no more than \$120,000, nearly half the median cost of housing. When it came to rental properties, the situation was similar. In 2005, fair market rent, according to the Department of Housing and Urban Development, was \$810 per month for a one bedroom apartment and \$944 per month for a two bedroom apartment. In order for such rents to be affordable (i.e. to represent no more than 30 percent of income), a tenant would need to be earn-

554 Gulden, *Housing Impacts and the Olympic Games* (2005).

555 Ibid.

556 Keating, *Race, Class and Urban Expansion* (2001), p. 304.

557 Ibid. p. 155.

558 Central Atlanta Progress, *Central Atlanta Progress: Newsletter* (fall 1996).

559 Samantha A. Reid ‘Remodelling Public Housing’, *The Atlanta Constitution* (14 Sept. 1996), p. 2.

560 Barbara Lipman, *Paycheck to Paycheck: Wages and the Cost of Housing in the Counties* (Washington, DC: Center for Housing Policy, 2004), p. 19.

ing \$15.58 per hour and \$18.15 per hour, respectively and be in full time employment. Yet the median income in the area of retail sales is \$10.31 an hour, exactly twice the Federal Minimum Wage of \$5.15 per hour. Even the working poor have been priced out of the housing market in Atlanta.

(c) Marginalised groups affected

*“Atlantans bought into the fallacy about what Atlanta should be – that we should sanitize the poor people.”*

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Senator Vince Fort<sup>561</sup>

The 1996 Atlanta Olympic Games had a disproportionate effect on minority groups such as the homeless and those living in poverty (including those earning minimum wage and/or on fixed incomes) and racial minorities (in particular African-Americans). The racial disproportionality in the impacts was noted and criticised by many: people found it incredulous that “the world was coming in all its shapes and colours, but we had to sanitise our streets?”<sup>562</sup>

Travelers’ Aid, a non-profit organisation developed to assist travellers and relocating people, distributed thousands of dollars in funds granted by local governments to purchase one-way bus tickets for poor and homeless people in order to get them out of town for the Olympic Games. The poor and homeless were forced to leave Atlanta for destinations such as Birmingham, Alabama and Florida. The majority of these poor and homeless were African-American.

Those who were evicted from their homes were usually poor families headed by a female, and minorities. The casualties of the redevelopment in places like the Summerhill stadium area were the low income renters, and owners of small businesses along the streets leading to the new stadium. The elderly were also affected by evictions and displacements, some being evicted from homes in which they had lived for 30 years.<sup>563</sup>

Between 1989 and 1999, Atlanta’s poor increased by 77,456 individuals, while the poverty rate decreased slightly. The influx of middle to upper income residents in the northside neighbourhoods kept the poverty rate down, while inner city residents, 60 percent of whom were African-American, became poorer.<sup>564</sup>

Now, 10 years after the devastating effects of the Olympic Games, Atlanta is still a city divided. Most neighbourhoods remain segregated, and research shows that African-Americans’ family incomes lag behind those of whites by \$38,000 a year. One third of the city’s black families live below the poverty line and a huge 40 percent of Atlanta’s children live in poverty.<sup>565</sup>

The people of colour (predominantly African-Americans) were not the only ones to find themselves particularly affected by the Atlanta Olympic Games. The homeless also suffered the brunt of the changes that the Olympic Games brought to the city.

(d) Criminalisation and targeting of the homeless

*“By the 1996 Olympic Games, Atlanta may well make the claim that there are no homeless people in the city – because most will be in jail.”<sup>566</sup>*

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Holly Levinson, former Empty the Shelters advocate

561 COHRE interview with Senator Vince Fort, State Senator and Professor of History and a civil, human and housing rights activist, Atlanta, 14 July 2006.

562 COHRE interview with Dr Gloria Brommell-Tinubu (former Atlanta City Council Member), Carl Hartrampf (former Atlanta City Housing Commissioner) and D. Scott Carlson (former Atlanta City Housing Commissioner), Atlanta, 10 July 2006.

563 COHRE interview with Reverend Tim McDonald, Senior Pastor, First Iconium Baptist Church, former co-chair of the Atlanta Olympic Conscience Coalition and former President of the Concerned Black Clergy, Atlanta, 11 July 2006.

564 Atlanta Regional Commission, *Regional Snapshot: Income Trends* (Atlanta: Atlanta Regional Commission, 2002).

565 Living Cities National Community Development Initiative, [www.livingcities.org](http://www.livingcities.org): Atlanta was chosen for redevelopment funds in 1991, targeting public housing first at Techwood Homes, then East Lake Meadows and the Auburn Avenue Historical District.

566 Levinson, *Misplaced Priorities* (1993).

In 1996 Human Rights Watch reported:

“It may interest visitors to Atlanta to know that the likely invisibility of homeless people will be largely due to city ordinances that prohibit entering a vacant building or crossing a parking lot without owning a car parked there; ordinances that assist police in clearing homeless people off the downtown streets.”<sup>567</sup>

In 1989 the Task Force for the Homeless began documenting the pattern and practice of Atlanta’s police arresting homeless people without probable cause. By the end of 1991, as the slew of new ordinances directed at criminalising homelessness passed, in spite of massive protest from the activist and faith communities, homeless people were being arrested routinely and without ‘probable cause’. Arrest and harassment were used as a deterrent: Some hoped that the harassment and threats of arrest would pressure homeless people to leave the city or at least become less visible. The downtown business community funded the Ambassadors as form of private police force paid for by a self-imposed business tax. These Olympic Ambassadors, in addition to the police and security forces, were visible as an effort to ‘clean-up’ the inner city areas.

Police in Atlanta were revealed to be mass-producing arrest citations with the following information pre-printed: African-American, Male, Homeless. The citations were left blank for the charge and the date and the arresting officer’s name. One of the most devastating side effects of this mass criminalisation of homelessness was the impact upon a person’s future ability to access housing: Those with a criminal record were not eligible for public housing, and so criminalising the activities of the homeless was a further measure of housing exclusion.

In 1996, the Metro Atlanta Task Force for the Homeless, assisted by the Empty the Shelters group, caused a federal lawsuit to be filed to challenge the pattern and practice of arresting homeless people without probable cause.<sup>568</sup> That challenge resulted in a Federal Judge issuing a temporary restraining order and a preliminary injunction against the City of Atlanta two days before the Olympic Games opening ceremonies. The case was settled in 1998 through the ordering of cash payments to the five homeless plaintiffs and with an order made by Judge Forrester to the City Council of Atlanta, the Mayor, and the Atlanta Police Department, to cease arresting homeless people without probable cause that a crime was being committed. Judge Forrester further ordered that any homeless person arrested be designated ‘homeless’ and allowed to call the Task Force, which was given responsibility for training police officers and recruits in appropriate resources and treatment of homeless people.

Homeless people were also targeted in extra-legal ways: Soup kitchens came under pressure to feed fewer people, reportedly because the authorities did not want visible homeless men to be given any encouragement. Two homeless shelters were removed from the area around Techwood Homes.

### 2.3.3 Community activism

The announcement in September 1990 that Atlanta had won its bid for the 1996 Olympic Games was met with protests from groups like the Metro Atlanta Task Force for the Homeless (Task Force), the Open Door Community, Empty the Shelters, and Concerned Black Clergy (CBC). The Task Force and CBC issued a call to concerned citizens to organise to save the conscience of the city; thus the Olympic Conscience Coalition formed, with clergy, homeless people, activists, service providers and residents of predominantly poor communities. Activists conducted research into recent Olympic Games and their impacts on cities like Los Angeles and Seoul and developed a social manifesto called the Olympic Conscience Agenda. The Olympic Conscience Agenda was signed by more than 300 organisations and leaders who had become concerned about reports of massive displacement and arrests that had occurred in other Olympic Host Cities. It called on the City of Atlanta to step up and protect housing and civil rights and social services for Atlanta’s poorest and most vulnerable people. This community activism included the Atlanta Labor Council, union members, poor people, residents of endangered neighbourhoods, social activists and service organisations, as well as some elected officials.

The Task Force contacted the Habitat International Coalition with a request to help research the potential impact on Atlanta’s poor and homeless people. Joseph Schechla of HIC visited Atlanta and met with activists and academics as well as policy makers and developed a draft Fact-Finding Paper.

567 Human Rights Watch (HRW), *Human Rights Violations in the United States: Modern Capital of Human Rights? Abuses in the State of Georgia* (New York: Human Rights Watch, 1996).

568 *Atchison v. Atlanta*, No. 1:96-CV-1430 (N.D. Ga. June, 1996).

The planned redevelopment of neighbourhoods, for example the Summerhill stadium community, stimulated the organising of residents into Atlantans United For Fairness, a group that campaigned against the destruction of their communities, including through meeting with planners and elected officials. Techwood United For Fairness was a similar organisation centred around the Techwood area. Its membership included neighbourhood mothers, advocates, lawyers and other members of the neighbourhood.

The housing campaigns rallied around the slogan ‘one for one’ – calling on authorities to ensure that for each unit of public housing demolished, another should be made available to replace it. Their concerns went unheeded. Many of these organisations engaged in public debate, peaceful protests and resistance, which although attracting hundreds, had to rely on the national and international press for exposure of issues that local officials and the local media largely ignored.<sup>569</sup>

Further community activism was undertaken by students from Empty the Shelters (ETS), a group of young organisers who specialised in creative resistance to oppression and worked as part of the Olympic Conscience Coalition. ETS created a mascot for the Olympic Conscience Coalition of Atlanta and called her Spoilsport. They reasoned that the name would take the wind out of the sails of the local media, and that pitting her against the official mascot, Izzy, would interest bored reporters who had tired of covering the Olympics preparations. ETS also published Spoilsport’s Guide to Atlanta, presenting ironic and authentic descriptions of the city and its attractions, and ran the ‘Copwatch’ effort that helped to produce evidence for the federal lawsuit against the criminalisation of homelessness.

Finally, the American Civil Liberties Union of Georgia represented homeless people in most of the lawsuits challenging the laws that criminalised homelessness. The Atlanta Legal Aid defended residents of public housing, Techwood, East Lake and others against the process that destroyed those communities.

#### **2.3.4 Conclusions on the housing impacts of the Olympic Games in Atlanta**

Atlanta’s Olympic experience brought housing displacement, evictions, arrests of homeless people, and the cementing of developers’ control over the city’s administration and planning processes. Hosting the Olympic Games led to a deterioration in the housing situation for many thousands of low income residents of Atlanta, particularly affecting the African-American communities. The homeless were targeted in street sweeps and ‘clean up’ operations, and subjected to ordinances effectively criminalising homelessness, leading to the issuance of 9,000 citations for homeless people. Secondary displacements resulting from gentrification and beautification were widespread, reported to number 30,000 in total. The country’s oldest public housing complex, Techwood, was demolished, displacing approximately more than 1,100 households. Over 2,000 units of public housing were lost.

The poor residents of Atlanta were excluded and marginalised throughout the Olympic Project, and suffered as a result.

<sup>569</sup> The local activists also relied upon assistance from the Canadian activist group *Bread, Not Circuses* who had campaigned about the housing impacts of Toronto’s bid for the Olympics, as well as the international watchdog Habitat International Coalition.



Sydney: A giant banner hung on the front of the Broadway squats protesting against Olympic evictions.  
[Photo courtesy of Hazel Blunden.]

## 2.4 Sydney<sup>570</sup>

At first glance, it may appear that the staging of the 2000 Olympic Games in Sydney had a limited impact on local housing when compared with the experiences of other Host Cities. For example, there were no forced evictions in the course of construction or upgrading of facilities for the Olympic Games. Nonetheless, a number of significant negative housing impacts occurred.

The Olympic Games was part of Sydney's gentrification process and one of the ways in which the Government sought to cast Sydney as a 'global' or 'world-class' city. An enormous amount of development associated with the Olympic Games was fast-tracked, and as a result of this development, housing in Sydney became less affordable for those on limited or low incomes. Although the Olympic Village became an important new suburb of the city, there was no commitment in the bid document to reserve any part of it for low cost or social housing.

The staging of the Olympic Games exacerbated the escalation of housing costs in Sydney. The acceleration of the gentrification of the city, including the renovation and rejuvenation of inner city housing stock, led to house prices more than doubling between 1996 and 2003. Rents also increased significantly during this period, contributing to the lack of affordability of housing. There was a loss of low income housing stock such as boarding houses in the lead up to the Olympic Games. Low income earners living in boarding houses were evicted by the owners in order for these dwellings to be converted into accommodation for Olympic Games visitors. Despite lobbying by housing rights groups and minority political parties, the New South Wales Government<sup>571</sup> failed to prevent or alleviate the Olympic Games-related pressure on housing prices, for example, by enacting temporary rent controls or preventing evictions in the period just prior to and during the Olympic Games.

Particularly vulnerable groups were also targeted by legislation that was enacted to control people's behaviour in public spaces. Restrictive legislation was adopted extending police powers to remove people from public areas on little pretext (including collecting or attempting to collect money, or using facilities for sleeping overnight). This legislation could be used to 'move on' homeless people to prevent them from sleeping in public places; and to repress protests or dissent. These

<sup>570</sup> The information contained in this section is a summary of a separate background paper commissioned as part of this project, supplemented by information obtained during a fact finding carried out in March 2007. See further: Hazel Blunden, *The Impacts of the Sydney Olympic Games on Housing Rights* (Geneva: COHRE, 2007), available at [www.cohre.org/mega-events](http://www.cohre.org/mega-events). The fact-finding mission was conducted by Claire Mahon, COHRE Researcher, with the assistance of Hazel Blunden.

<sup>571</sup> The State Government of New South Wales was the main level of government in charge of preparations for and hosting of the 2000 Sydney Olympic Games (Sydney is located in the state of New South Wales).

provisions were especially significant for homeless people's civil liberties, although harassment during the Olympic Games was minimal due to specific commitments from the Government and active monitoring from civil society organisations.

The Sydney Olympic Games also resulted in a number of important 'best practices', such as the establishment of a Social Impact Advisory Committee (SIAC), which included representatives from civil society organisations.<sup>572</sup> The Sydney bid had made it clear from the start that 'no resumption of land' would be involved in the staging of the Olympic Games since the main Olympic Stadium area was located on surplus government vacant land. As a result, the Government did not resume residential areas, or evict or relocate people in order to build the Olympic Stadium. Many of the other positive experiences were the result of commitments and agreements among the relevant authorities, such as an agreement to monitor rents, the adoption of a Homelessness Protocol (which had been developed in consultation with community groups) by the Olympics Coordination Authority, the City of Sydney, the Government and the police, and an official announcement that 'unfortunates' would not be removed from Sydney streets just to provide a good impression during the 2000 Olympic Games. Perhaps the Sydney Olympic Games are most well known for their 'green' emphasis, and in this regard the Sydney Olympic village was built according to high environmental standards.

Finally, there was a high level of community activism regarding housing issues and homelessness prior to, and during, the Olympic Games. Activist groups and NGOs educated themselves well in advance about the effects of the Olympic Games in other cities (in particular, Atlanta and Barcelona) and coalitions were formed (e.g. the Olympic Games Impact Alliance and Anti-Olympics Alliance).

## 2.4.1 Background to Sydney's hosting of the 2000 Olympic Games

### (a) Housing in Sydney: overall context

Australia is a relatively affluent nation of home owners. About two thirds of people in Australia are owner-occupiers. However, a significant proportion of Australians (26.3 percent) are renters. Of these, 21 percent rent privately and 5.6 percent rent public housing.<sup>573</sup> The proportion of renters in Sydney is higher than the national average and is particularly high in inner city local government areas such as the City of Sydney, where 53 percent of all residents rent.<sup>574</sup>

Four million, two hundred thousand people live in Sydney, Australia's most populous, and most expensive, city.<sup>575</sup> Between 1993 and 1995, Sydney's rents increased by 40 percent, compared with the next biggest increase in rents (in Melbourne), which was only 9.6 percent over the same period.<sup>576</sup> For Sydney-siders wanting to buy a home in 2004, a median priced dwelling was nine times the median household income, while in the 1970s a median home had been approximately three or four times the median household income.<sup>577</sup> In 2004, Sydney was ranked the twentieth most expensive city in the world in which to live, and the most expensive city in the Australasian region.<sup>578</sup> By 2006, Sydney had become the seventh most expensive city in the world.<sup>579</sup> There is an increasing level of housing stress<sup>580</sup> in Sydney. The 2001 census revealed that 58.9 percent of low to moderate income private renters and purchasers in New South Wales (nearly 220,000 households), were in housing stress. The large majority of these households lives in Sydney or other coastal areas and consists of single people or single parent families.<sup>581</sup>

Australia's housing stock is largely unregulated. A neo-liberal or 'economic-rationalist' economic philosophy is dominant in Australia, and especially in New South Wales. There are few regulations controlling housing price or rent levels. Particularly vulnerable groups in the housing sector are low income earners (including young people and single parent families), the homeless, and Indigenous Australians. In 2001, 99,900 Australians were classed as homeless while at least 14,200 people

572 However, civil society organisations reported a level of secrecy and that their suggestions were not implemented.

573 Australian Bureau of Statistics, 2001 Census data <http://www.abs.gov.au/Ausstats/abs@.nsf/0/ddc8dc3787e2d9fcca256e9e0028f91e?OpenDocument> [accessed 30 May 2005].

574 Ibid.

575 Australian Bureau of Statistics, Sydney Statistical Division population (June 2002).

576 Rentwatchers, *Rentwatchers Report 1999* (Sydney: Rentwatchers, 1999).

577 Stewart Crawford, 'Scoping the Affordable Housing Task', a presentation for the Moderate Income Housing programme, Landcom, New South Wales, <http://www.shelterNewSouthWales.infoxchange.net.au/ahn/ahn-posto4013olandcom.pdf> [accessed 30 May 2005].

578 Mercer Human Resources Consulting Cost of Living Survey ranked Sydney 20th most expensive city in the world in 2004 and the most expensive in the Australasian region. <http://www.finfacts.com/costofliving.htm> [accessed 30 May 2005].

579 The Third Annual Demographia International Housing Affordability Survey ranked Sydney seventh most expensive city in the world in 2007. <http://www.demographia.com/dhi-ix2005q3.pdf>.

580 Housing stress is a term commonly applied to households in the lowest two quintiles of income distribution paying more than 30% of their income on rent or mortgage repayments.

581 New South Wales Department of Housing Annual Report 2002-2003 (Sydney: NSW Department of Housing, 2003), available at [http://www.housing.NewSouthWales.gov.au/DOH\\_AR/2002-2003/section4.htm](http://www.housing.NewSouthWales.gov.au/DOH_AR/2002-2003/section4.htm) [accessed 30 May 2005].

were sleeping rough. Of the total number of homeless, 26,676 were in New South Wales.<sup>582</sup> Indigenous Australians have only half the home ownership rates of non-Indigenous Australians.<sup>583</sup> Many Indigenous Australians, especially those in rural and remote parts of Australia, live in substandard housing and suffer from relatively poorer health and higher than average rates of mortality than the general Australian population.

#### (b) Housing in Australia: main features

There are three levels of government in Australia: the Commonwealth or Federal Government, the State and Territory Governments, and local Government. The States and Territories each have their own residential tenancy and social housing legislation. The core of Australia's post-war social settlement was access to affordable home ownership and access to a social housing system. This settlement is rapidly being eroded: housing has become increasingly unaffordable to buy and the supply of social housing has stagnated. There is no legislation that reflects the principles of Article 11 of the *International Covenant on Economic, Social and Cultural Rights* which provides for the right to adequate housing. For example, in four key pieces of Australian housing legislation, there is no language of entitlement or right to housing as such. Rather housing legislation in New South Wales has the following general objectives: to provide housing assistance to enable people to obtain affordable, secure and appropriate housing;<sup>584</sup> to maintain a core social housing sector to assist people unable to access suitable alternative housing options;<sup>585</sup> to provide transitional supported accommodation and related support services, in order to help people who are homeless to achieve the maximum possible degree of self reliance and independence;<sup>586</sup> and to maximise the opportunities for all people in New South Wales to have access to secure, appropriate and affordable housing.<sup>587</sup> The language employed means that assistance, while offered, is contingent on need and inability to access other forms of housing (private rental or home ownership) and geared towards maximising opportunities for self-reliance rather than guaranteeing secure, safe and affordable housing for all those who need it.

Australia has no official national housing policy. There is no Federal Housing Minister; however there are State and Territory Housing Ministers and Departments. The social housing system, which is funded by a Commonwealth grant regulated through the Commonwealth-State Housing Agreement, represents 5.6 percent of total Australian housing stock. In New South Wales, the Department of Housing is the government agency that owns and manages over 140,000 units of social housing.<sup>588</sup> There are long waiting lists for this housing and it is strictly rationed.

In the private market, the landlord's right to his or her premises is more valued than a tenant's security of tenure and ability to pay. This is reflected in the legislation; for example, a Residential Tenancy Agreement in New South Wales may be terminated on 'no grounds' (i.e. without cause) if the adequate notice is given (60 days). Leases are generally short, ordinarily with a fixed term of six or 12 months. A fixed term lease can be terminated within 14 days of its expiration date. There is no requirement that rent increases be linked to the Consumer Price Index. In fact, there is no cap on the amounts by which rents can be increased, provided the correct notice period is observed (60 days).

Social housing<sup>589</sup> tenants have greater security of tenure. Provided they do not breach the terms of the lease agreement, they can remain in social housing for as long as they like (and remain eligible for social housing).<sup>590</sup> Social housing tenants have their rents fixed at an affordable level (25 percent of gross income).<sup>591</sup> As of 30 June 2004, there were 73,289 households on the social housing register in New South Wales.<sup>592</sup> Eligible applicants face a long wait for social housing (in Sydney, the wait can exceed 10 years). Even those on the priority list can wait months, or even years to be accommodated in social housing.

582 Australian Bureau of Statistics, 2001 Census data, available at <http://www.abs.gov.au/Ausstats/abs@.nsf/0/ddc8dc3787e2d9fcca256e90028f91e?OpenDocument> [accessed 30 May 2005].

583 However in some areas, collective forms of 'ownership' prevail. Private property ownership (in the sense of holding a title or deed to land) is not commonly part of traditional Indigenous cultural practice; there are traditional rights to land.

584 Commonwealth Housing Assistance Act 1996.

585 Commonwealth-State Housing Agreement 2003.

586 Commonwealth Supported Accommodation and Assistance Act 1994.

587 New South Wales Housing Act 2001.

588 New South Wales Department of Housing Annual Report 2005-2006 (Sydney: NSW Department of Housing, 2006)

589 Social housing refers to housing owned by the Department of Housing. There are four managers of this housing: the Department of Housing, community housing associations, Aboriginal housing organisations and co-ops. However the title to all of these forms of social housing is held by the Department of Housing. As at 30 June 2003, the total number of properties under management by social housing providers was 145,933. New South Wales Department of Housing Annual Report 2002-2003, (Sydney: NSW Department of Housing, 2003), available at [http://www.housing.nsw.gov.au/DOH\\_AR/2002-2003/section4.htm](http://www.housing.nsw.gov.au/DOH_AR/2002-2003/section4.htm) [accessed 30 May 2005].

590 However recent changes were announced to make social housing leases shorter or 'renewable'.

591 This may be changing too as recent announcements indicate moves to increase some tenants' rents to 30 percent of income, and require those on moderate incomes to leave social housing and move into the private rental sector: Announcement by the Minister for Housing, Joe Tripodi, and the New South Wales Premier, Bob Carr, on 27 Apr. 2005.

592 New South Wales Department of Housing Annual Report 2003-2004 (Sydney: NSW Department of Housing, 2004), available at <http://www.housing.nsw.gov.au/> [accessed 30 May 2005].

### (c) Sydney's candidature for the Olympic Games

Australia has a strong association with the Olympic Games. The Olympic Games was hosted by Melbourne in 1956. Brisbane bid unsuccessfully to host the 1996 Olympic Games. When the New South Wales and Federal Governments made a bid for Sydney to host the 2000 Olympic Games, it was with bipartisan support from the two major political parties, the other State and Territory Governments, and from the City of Sydney. Trade unions also supported the bid.

The bidding vehicle was formed as a company (Sydney Olympic Games 2000 Bid Ltd) which was incorporated in New South Wales and drew on funds from the public and private sectors.<sup>593</sup> The Premier of New South Wales was the company's president. Other directors were drawn from the New South Wales and Federal governments, local government, the IOC and Australian Olympic Committee, and the private sector. Some of the people who had promoted the Brisbane Olympics bid became involved in the Sydney bid. Rod McGeoch, one of the directors of Sydney Olympic Games Bid Ltd, described the bid as a 'sophisticated international marketing exercise' and the IOC members as 'our customers'.<sup>594</sup> Sydney was a 'brand'. An advertising agency came up with a slogan for the campaign: 'Share the Spirit'. As well as the marketing-speak, the bid company espoused 'worthy principles' proper to the Olympic Games – "friendship, solidarity and fair-play".<sup>595</sup> The bid emphasised that Sydney was ready to host the Olympic Games and had the requisite infrastructure for the staging of the mega-event. The elements of the 'pitch' were in essence that: Sydney was a city in a developed country; Sydney had the necessary infrastructure (or could build it); Sydney had a beautiful harbour; and Australians were sports-mad and would therefore welcome the Olympic Games with open arms.

The bid documents reassured the reader that there would be "no resumption of land" involved in the staging of the Olympic Games because the main stadium area at Homebush was surplus vacant government land,<sup>596</sup> and therefore no evictions would be necessary. However, the bid documents failed mention the significant pollution at the site. The documents also outlined plans to set aside some of the Homebush Bay site for the construction of the Athlete's Village and retail outlets, and made claims that "Sydney's Olympic Village will be exceptional", that it will reach international standards for contemporary urban design and would function as a prototype for future medium-density developments in Australia.<sup>597</sup> The housing was to be built to exacting environmental standards as part of the 'green' emphasis of the Sydney Olympic Games. After the Games, the Athletes' Village would become a new suburb; however there was no commitment in the bid documents to reserve any part of it for social or low cost housing purposes.<sup>598</sup> The housing would be rented, and then sold, "according to prevailing market conditions".<sup>599</sup>

Sydney's pitch to the IOC and years of concerted lobbying worked. Sydney was announced as the Host City for the 2000 Summer Olympic Games on 23 September 1993.

### (d) Transparency and participation in the bid process

The Reverend Harry Herbert<sup>600</sup> recounted how, when the New South Wales Government announced its intention to make an Olympic bid, a number of organisations asked for social impacts to be included as part of the bid.<sup>601</sup> The Government rejected such requests. However following the award of the Olympic Games to Sydney, it agreed to a social impact study being undertaken by Keys Young Consultancy in 1995. The main findings of this report were that there should be coordinated social impact management, access and equity (broad community and special groups), public information, channels for community consultation, involvement of local government, and early monitoring and planning.<sup>602</sup> The Keys Young report recommended an Olympic Charter to 'help to achieve widespread community benefits from the Games'. This recommendation was never implemented.

After a change in leadership, the New South Wales State Government established the SIAC, chaired by Reverend Harry Herbert, which included representatives from community organisations such as New South Wales Council of Social Services (NCOSS), Shelter New South Wales, the church-based services, and other community organisations. The SIAC was to report

<sup>593</sup> Sydney Olympics Bid 2000 Ltd., *Fact Sheets: A presentation of the bid by the city of Sydney to host the games of the XXVII Olympiad in the year 2000* (Sydney: Sydney Olympics Bid 2000 Ltd., 1992), p.3.

<sup>594</sup> Rod McGeoch and Linda Korporaal, *The Bid: Australia's greatest marketing coup* (Melbourne: Mandarin, 1995).

<sup>595</sup> Sydney Olympics Bid 2000 Ltd., *Sydney 2000: Share the Spirit*, vols. 1-3 (Sydney: Sydney Olympics Bid 2000 Ltd., 1993), vol. 1, p. 10.

<sup>596</sup> Sydney Olympics Bid 2000 Ltd., *Sydney 2000* (1993), vol. 2, p. 14.

<sup>597</sup> *Ibid*, p. 6.

<sup>598</sup> In contrast, a proportion of the housing built for the 2006 Commonwealth Games in Melbourne comprises affordable housing.

<sup>599</sup> Sydney Olympics Bid 2000 Ltd., *Sydney 2000* (1993), vol. 2, p. 20.

<sup>600</sup> Executive Director of Uniting Care NSW/ACT, former Chair of the NSW Government Social Justice Reference Group

<sup>601</sup> Harry Herbert, Chair, Olympic Games Social Impacts Advisory Committee, 'How well are we managing the social impacts?'

<sup>602</sup> Gary Cox, *Social Issues for Olympic Cities: A Summary of the Social Impact Assessment of the Sydney 2000 Olympic Games* (Darlinghurst, Australia: Cox Consulting Pty Limited, 1998).

every six months to the Minister for the Olympic Games who would then report to the leader of the New South Wales Government (the Premier, Bob Carr). Although these reports would not be made public, members of the SIAC thought they should be<sup>603</sup>.

Gary Moore, the NCOSS representative on the SIAC, noted that certain information was kept from the community representatives on the committee.<sup>604</sup> At SIAC meetings, Moore, Herbert and others often raised housing issues, such as rising rents and homelessness. Herbert said that while they were not terribly successful in having their concerns acted upon, the Government was at least forced to address their concerns (for example, the Government agreed to appoint consultants to monitor rents).<sup>605</sup>

#### (e) Sydney's Olympic authorities

The Australian Federal Government had the role of backing the Olympic Games bid and providing some funding for the staging of the Olympic Games, however it was the government at the state level (the New South Wales Government) which had primary responsibility for staging the Olympic Games. The New South Wales Government provided much of the funding, staff and resources, and organised the construction of the stadium, other sporting venues, athletes' village and related infrastructure, such as a new train line. The New South Wales Government set up specific instrumentalities to assist in the staging of the Olympic Games. In particular, the Sydney Organising Committee for the Olympic Games (SOCOG) acted as the central point for coordinating the staging of the Olympic Games. Its predecessor, the AOC had strong links with IOC. Two members of the AOC, Phil Coles and Kevan Gosper, were (and are currently) members of the IOC. The AOC was subsumed into the Sydney Olympic Bid Company Limited, which then became SOCOG. The City of Sydney Council, and other Sydney-based municipal councils also played their part, especially where a sporting venue was located in their area. The Mayor of Sydney, Frank Sartor, publicly backed the Olympic Games bid and was represented on SOCOG. All of the Olympics-related authorities were dominated by government representatives. There was some civil society representation, in the form of former athlete members of the AOC, and some private sector members. Women were underrepresented on all of the Olympic Committees.

#### (f) Legal measures taken as part of the Olympic preparations

Legislation was introduced specifically related to the Olympic Games. Of particular interest is the *Crimes Legislation (Police and Public Safety) Act 1998*, the *Homebush Bay Operations Act and Regulation 1999* and the *Sydney Harbour Foreshore Authority Act 1999*. This legislation was aimed at controlling conduct in public space and extending police powers through the creation of a series of public order offences in certain geographic areas. It also entrusted rangers employed by municipal councils and private security guards with special enforcement powers.<sup>606</sup> The University of Technology Sydney Community Law and Legal Research Centre and Public Interest Advocacy Centre lawyers warned that these new powers could be enforced by the police in an arbitrary manner and would disproportionately target young people, street sex workers, Aboriginal people and the homeless.<sup>607</sup>

Under the *Homebush Bay Operations Act and Regulation 1999* and *Sydney Harbour Foreshore Authority Act and Regulation 1999* police and other officials were granted powers to remove people from certain public areas, such as Homebush Bay or Darling Harbour. A person could be removed for causing 'annoyance or inconvenience' or for indecent language. The wording of the legislation and associated regulations permitted police, rangers or security to remove people fairly easily and on little pretext. A wide variety of activities were prohibited under the *Sydney Harbour Foreshore Authority Regulations*. These included collecting or attempting to collect money, using facilities for sleeping overnight or using a skateboard, or roller skates.<sup>608</sup>

*"There's little doubt that the new powers given to rangers in the Sydney Harbour area are designed to be used and to be used to sweep away the homeless people."*

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Kevin O'Rourke, New South Wales Council for Civil Liberties

603 Researcher Interview with Gary Moore, New South Wales Council of Social Services representative on the Social Impact Assessment Committee (SIAC), Sydney, April 2005.

604 Ibid.

605 Researcher Interview with Reverend Harry Herbert, Chair of the SIAC, Sydney, June 2005.

606 Patricia McEnery, 'Olympic Games Liberty and Security Issues' (Sydney: Public Interest Advocacy Centre (PIAC), Feb. 2000).

607 Ibid.

608 Ibid.

The provisions relating to indigence and sleeping overnight were especially significant for homeless peoples’ civil liberties. The only safeguard in this legislation was the requirement that a warning be given prior to the person being removed or arrested.<sup>609</sup>

As regards public protest, a provision in the Sydney Harbour Foreshore Authority Regulation<sup>610</sup> made it an offence to participate in or conduct any public assembly in the Sydney Harbour Foreshore area without authorisation from the Authority. This gave the Authority wider powers to control public assemblies. Louise Boon-Kuo, the former Coordinator of the University of Technology Sydney Law and Legal Research Centre commented that:

“These are really quite landmark regulations that really changed the nature of public and private space in Sydney... At the time there was a lot of criticism from human rights and housing and homelessness organisations about this kind of clamp down in public space where there was no kind of further provisions made for housing during this period”.<sup>611</sup>

The specially enacted legislation effectively resulted in an escalation in surveillance and police powers in public spaces. From data collected during the Olympic Games period, it appears that these special powers were not used often, with police preferring to use already-existing powers.<sup>612</sup> There has been no study conducted as to whether, and the extent to which, the police have used these powers subsequent to the Olympic Games.

There was also an attempt by a minor political party to introduce legislation to protect against an escalation in the cost of housing. The purpose of the proposed legislation, the Residential Tenancies (Olympic Games) Bill 1999, was:

“[T]o put in place measures to ensure that moderate to low income residential tenants have a measure of security of tenure, as well as affordable rents, and that they are dealt with fairly during the 2000 Games.”<sup>613</sup>

In introducing the Bill, Ian Cohen, the Greens member of the New South Wales Legislative Assembly, referred to Australia’s obligations under Article 11 of the ICESCR regarding the right to adequate housing. While several of the minor parties and independent parliamentarians supported the Bill, the Government and Opposition party did not. Eddie Obeid, speaking on behalf of the (Labor) Government outlined the Government’s reasons for not supporting the Bill:

“While the Government appreciates the worthy intentions behind the bill, it is unnecessary for two reasons: New South Wales tenancy laws already provide protection for tenants against unscrupulous landlords, and there is no evidence of Olympic-related rent increases.”<sup>614</sup>

The Bill was voted down and the Residential Tenancies Act remained unchanged.

## **2.4.2 The 2000 Olympic Games: impacts upon housing in Sydney**

### **(a) Displacements and forced evictions caused by Olympics-related housing speculation**

It is easy to evict a tenant in New South Wales. Provisions allowing for 60 day ‘no grounds’ notice periods to terminate a lease, or shorter 30 or 14 day notice periods in other circumstances, mean that tenants have little security of tenure, even if they do not breach their tenancy agreement.

According to COHRE’s research, prior to the Olympic Games, some landlords decided to renovate their properties and issued notices to vacate to the tenant so that they could carry out extensive renovations. Others decided it was a good time to sell, and issued their tenants with termination notices. Local advocacy groups recorded a number of examples where ten-

609 Ibid.

610 Clause 5(2).

611 Researcher interview with Louise Boon-Kuo, former Coordinator of the University of Technology, Sydney Law and Legal Research Centre, Sydney, May 2005.

612 Researcher interview with NSW Police Superintendent Donald Graham, Sydney, May 2005.

613 The Hon. Ian Cohen, *New South Wales Legislative Council Hansard*, 13 May 1999.

614 The Hon. Eddie Obeid, *New South Wales Legislative Council Hansard*, 15 September 1999.

ants received termination notices and upon inquiring, were told that their landlord wanted to renovate or sell the property to make the most of the rise in property values generated by the Olympic Games.<sup>615</sup>

It is difficult to ascertain whether or not there was an increase in terminations that was directly related to the Olympic Games. The Tenants Union reported that tenancy services in inner Sydney recorded a near doubling of calls seeking advice about terminations in the two years leading to the Olympic Games, and that an increased number of eviction matters was being heard by the Residential Tenancies Tribunal.<sup>616</sup> In general, there appeared to be a significant rise in the frequency of inquiries about terminations from tenants. This was particularly noticeable in the municipality of Waverley, which was host to the volleyball stadium and on the path of the marathon.

Many tenants reported that their landlord was evicting them in order to carry out major renovations. It is unknown whether the Olympic Games may have brought forward a landlord's decision to renovate, however, the Olympic Games may certainly have been a contributing factor given escalating housing prices.

There were also reports of landlords evicting tenants because they wished to rent their house out to Olympic Games visitors for a lucrative return. For instance, a two-bedroom home in the Sydney suburb of Lilydale was advertised for Au\$5,600 a week over the three-week Olympic Games period, and records show that a spare room could be let for Au\$267 a night.<sup>617</sup> To put the numbers into context, the same two-bedroom home could be rented for around Au\$300 per week prior to the Olympic Games, and the nightly rate of Au\$267 was only slightly less than a 'normal' weekly rental at pre-Olympic Games rent levels.<sup>618</sup>

#### **(b) Escalation in housing costs and secondary evictions and displacements**

*"[T]he Olympics is ... part of that process [of urban redevelopment] rather than the driver ... of that process, though obviously in the short term in the Sydney context, a fantastic amount of development occurred that was fast-tracked was associated with the Olympics".<sup>619</sup>*

Sydney's pattern of gentrification involved the renovation and rejuvenation of inner city housing stock and the use of brownfield<sup>620</sup> sites for high density 'infill' developments, such as those in ex-industrial areas at Pyrmont and Ultimo. The main Olympic Games stadium was one of these brownfield developments, as was the Olympic village. The Olympic Games was a part of the general gentrification process and part of the way the Government was casting Sydney as a 'global' or 'world-class' city.

While local activists admit "the economic impact of the Olympics is complicated, it is never as simple as one event comes to town and rents go up", they maintain that the Olympic Games added to the already existing problem of escalating housing costs.<sup>621</sup> The UN Committee on Economic, Social and Cultural Rights recognised this problem as well, expressing concern:

*"[T]hat the current Residential Tenancies Act 1987 (in New South Wales) does not provide adequate security of tenure and protection against eviction and arbitrary rent increases, and that, consequently, rents in Sydney have increased substantially and forced evictions are reported to have taken place, especially in connection with the forthcoming Olympic Games."<sup>622</sup>*

615 Rentwatchers 'proof file', accessed in Rentwatcher archives.

616 Michelle Burrell, 'Olympic Games - Strange tenants' *Workers Online*, Issue 49 (7 Apr. 2000), available at [http://workers.labor.net.au/49/c\\_historicalfeature\\_rent.html](http://workers.labor.net.au/49/c_historicalfeature_rent.html) [accessed 30 May 2005].

617 Rentwatchers, *Rentwatchers Report No. 5* (Sydney: Rentwatchers, Dec. 1999).

618 Ibid.

619 Researcher interview with Michael Bounds, co-author of *The Olympics and Housing: A study of Six International Events and Analysis of Potential Impacts of the Sydney 2000 Olympics* (Sydney: Shelter NSW and the Housing and Urban Studies Research Group, University of Western Sydney, Macarthur, 1994), Sydney, April 2005.

620 Brownfield sites are abandoned or under-used industrial areas, sometimes affected by environmental contamination. The stadium at Homebush Bay was located in a former industrial zone, and extensive remediation took place to remove contaminated topsoil.

621 COHRE interviews with local tenancy workers, Sydney, March 2007.

622 *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Australia*, UN Doc. E/C.12/1/Add.50 (September 2000), para. 21.

Both house prices and rents were increasing at a rate beyond general inflation. For example, the Rent and Sales Report for the December quarter of 1998 revealed that rents in the Sydney metropolitan area had been steadily increasing at 5 percent over the 12 months to December 1998. Some areas where multi-unit developments had gone up showed larger increases in rents. For example, in the Inner Ring, Randwick and South Sydney Local Government Areas had annual rent increases of 16 percent and 10 percent respectively. In the central business district, rents for three bedroom dwellings increased by 15 percent over the year to December 1998. Of particular note was a 29 percent annual increase in median rents for two bedroom units in Concord, a suburb adjacent to the Olympic Games stadium site. In the areas close to the Olympic Stadium, tenants' advocates noted that rent increases caused a number of people to move to more affordable areas.<sup>623</sup> A report published in June 1998 found that 160,000 Sydney households faced little choice but to live on the city's fringe, leave Sydney altogether or pay more than 30 percent of their income in rent closer to the city.<sup>624</sup>

Some real estate agents 'talked up' the opportunities that the staging of the Olympic Games presented for property investors. While the Government expressed doubts as to whether the Olympic Games would cause rental or housing prices to increase, there seemed to be no doubt in the minds of Sydney's realtors. Real estate agent Di Jones commented:

"While some anticipate a post-Olympic decline in the property market, Sydney's international exposure due to the Games may be enough to keep prices propped up in both sales and rentals, particularly in inner city ..."<sup>625</sup>

At the Property Expo '99, celebrity real estate agent John McGrath told the crowd that "there is no doubt the Olympic Games has had and will continue to have a major impact on Sydney's real estate market".<sup>626</sup> McGrath believed the exposure that Sydney would receive during the Olympic Games could further attract overseas investors. He encouraged local investors to buy up so that they could take advantage of the renewed interest in the property market subsequent to the Olympic Games. Experts confirm that real estate speculation did occur, especially around Concord and Strathfield (both areas close to the Olympics stadium). Real estate advertisements featured words like 'gold', or 'champion' to give the potential investor the sense that buying would link them to the Olympic Games. The Olympic Games corridor (an area from the city through to the inner western suburbs of Ashfield to Concord, Homebush and Strathfield) was reportedly a 'hotspot' for property investment, largely because of the development of new infrastructure such as roads and train services. McGrath also predicted that the increase in property prices would be accompanied by an increase in rents.<sup>627</sup>

The New South Wales Department of Fair Trading appointed consultants to analyse the Rent and Sales Report data and the Tenants Advice and Advocacy Services data. The consultants produced quarterly reports, which showed significant increases in rents. Some areas still recorded high increases even when the new properties were excluded.<sup>628</sup> The consultants' June 1999 Monitoring Report concluded that rents in suburbs in the middle price range, especially those near the Olympic sites, were increasing rapidly. The cause of the increase was attributed to the process of gentrification, although "for some LGAs [Local Government Authorities (municipalities)], proximity to the Olympic site at Homebush Bay may be accelerating the gentrification process."<sup>629</sup> The Government's view differed. Minister for Fair Trading, John Watkins, was quick to interpret the Rental Market Monitoring reports as 'proving' there was no need for legislation to control the escalation in rents as a result of the Olympic Games. However one of the report's authors, consultant Robyn Kennedy, was quoted in the media<sup>630</sup> saying there was 'little doubt' that the Olympic Games were influencing rents in suburbs close to the Olympic site. Kennedy supported legislation protecting against unfair rent increases and terminations in the lead up to the Games.<sup>631</sup> The consultants also noted that in March 2000, tenancy advice services had recorded a significant increase over the prior year in the number of inquiries about rent increases.

The Tenants Advice and Advocacy Services found a number of cases where tenants renting close to Olympic Games sites had been subjected to significant rent increases (for example, a number of tenants were subjected to rent increases of between Au\$40 and Au\$80 per week).<sup>632</sup>

623 Researcher interview with Sundar Mahtani, tenant's advice worker, Sydney, April 2005.

624 *Housing New South Wales' Low to Moderate Income Households*, University of Sydney Planning Research Centre, available at <http://faculty.arch.usyd.edu.au/web/research/prc/Research.htm> [accessed April 2005].

625 'Real Estate Section', *Sydney Morning Herald* (13 Mar. 1999).

626 John McGrath, Property Expo, Darling Harbour (6 Aug. 1999).

627 Polly Porteous, *Rentwatchers Report No. 4* (Sydney: Rentwatchers, Sept. 1999).

628 Rentwatchers, *Rentwatchers Report No. 5* (1999).

629 Ibid.

630 *Sydney Morning Herald* (17 Sept. 1999).

631 Rentwatchers, *Rentwatchers Report No. 5* (1999).

632 Rentwatchers 'proof kit', accessed in Rentwatchers archives.

Local experts commented on the overall context:

“I think really it’s standing back out of the picture more generally and looking at the overall process of development which the Olympics was implicated in. The Olympics was definitely a big driver, there was something like \$7 billion dollars worth of investment associated with the Olympics – just the multiplier effects alone were fantastic in terms of stimulating the urban development overall, but also the infrastructure that was put in.”<sup>633</sup>

A representative from the New South Wales Council of Social Services agreed that the Olympic Games were one of many factors contributing to the increases in rents:

“My view looking back on it is that the impact on the loss of lower cost housing had already well started in Sydney well before the Olympics occurred. What the Olympics did was give an extra grunt to the gentrification and consolidation activity that was already happening in Sydney. I don’t think the Olympics in its own right played a major part. What it did was solidified the boom housing market and the changes that were already occurring.”<sup>634</sup>

Robyn Kennedy and Co, the Government’s consultants, found that:

“Given the wide range of LGAs [municipalities] exhibiting signs of inflationary pressures it is difficult to assess the extent to which the Olympics may be contributing to these results... the Olympics is likely to be accelerating the process of gentrification...”<sup>635</sup>

Yet the Government did very little to help tenants and made no move to regulate rent increases, despite the evidence of rent increases and greater numbers of tenants seeking advice about such increases.<sup>636</sup>

The effects for those priced out of the market were striking. The homeless rate increased as a result of the crisis in housing affordability. Already by 1997, reports indicated that a new profile of person was living in homeless shelters: 60 to 70 per cent of those in homeless shelter accommodation had never used shelter accommodation before, and more than half were from outside the city centre, including (in particular) the suburbs in the Olympics corridor.<sup>637</sup>

### (c) Reduction in the availability of social and low cost housing

Social housing stock was not diminished by the Olympic Games. For example, no social housing stock was demolished for Olympic construction. However, social housing stock was not augmented either. NCOSS explained that although it had suggested ways of increasing social housing stock (e.g. by converting some of the athlete’s village to social housing after the Olympic Games), such suggestions were resisted by developers.<sup>638</sup> The escalation in private housing prices and rents and the reduction of other forms of low cost private housing (such as boarding houses) placed further pressure on an already stretched social housing system.

Boarding houses are common forms of housing for low or no income earners in Australian cities as they provide cheap accommodation. A person rents a single room, and has use of common areas (typically, a kitchen and bathroom/toilet). Boarders and lodgers are not legally defined as tenants (and are therefore not covered by the Residential Tenancies Act) and can be evicted without notice. There is little data on boarding houses, apart from a handful of studies commissioned by municipal authorities, and data compiled by the Tenants’ Advice and Advocacy Services, which provides information to boarders and lodgers.

There has been a gradual loss of boarding house stock in Sydney.<sup>639</sup> For example, in the decade since 1988, 76.05 percent of South Sydney’s boarding houses disappeared.<sup>640</sup> The staging of the Olympic Games may have further contributed to the loss of low cost boarding houses. Service providers noted that some boarding house owners told boarders to vacate and subsequently renovated the properties in time for the Olympic Games in the hopes of accommodating the budget

633 Researcher interview with Michael Bounds, co-author of *The Olympics and Housing: A study of Six International Events and Analysis of Potential Impacts of the Sydney 2000 Olympics* (Sydney: Shelter NSW and the Housing and Urban Studies Research Group, University of Western Sydney, Macarthur, 1994), Sydney, April 2005.

634 Researcher interview with Gary Moore, New South Wales Council of Social Services representative on the Social Impact Assessment Committee, Sydney, April 2005.

635 Robyn Kennedy et al., *2000 Olympics and Rental Market Monitoring: March Quarter 2000 Report*, University of Sydney, p.11 and 14.

636 Researcher interview with Gary Moore, New South Wales Council of Social Services representative on the Social Impact Assessment Committee, Sydney, April 2005.

637 Cox et al, *The Olympics and Housing* (1994).

638 Researcher interview with Gary Moore, New South Wales Council of Social Services representative on the Social Impact Assessment Committee, Sydney, April 2005

639 See Gary Cox, A. Davidson and P. Phibbs, *Inner Sydney Boarding Housing Report*, (Sydney: University of Sydney, 1998).

640 Ibid.

end of the visitor market. There was evidence that whole boarding houses were being converted into accommodation for Olympics visitors. There is evidence that boarders were evicted, and that some boarding houses closed or changed use, just prior to the Olympic Games.

Residential park<sup>641</sup> residents were in a similarly vulnerable position to boarders and lodgers. For example, German tourist agencies were offering places in a Wollongong residential park which suggested there would be displacement of long term residents in favour of Olympic visitors.<sup>642</sup>

Students in university accommodation are also not covered by the Residential Tenancies Act. Students at Sydney University and the University of Technology, Sydney were told to vacate their accommodation for a month over the Olympics Games period.

The Olympic Village is now a private housing estate named Newington. No social housing or affordable housing was included in this new development. Rather, the Government chose to utilise a public-private partnership in which the private developers demanded that the housing constructed be sold at market rates after the Olympic Games. Part of the public-private arrangement was that the developer (Mirvac Lend Lease Village Consortium) was entitled to sell the housing commercially after the Olympic Games. This is in contrast to the approach currently being taken by the Victorian Government to stipulate a percentage of housing for social housing in the new housing built for the 2006 Commonwealth Games.<sup>643</sup>

#### (d) Marginalised groups affected

Certain people are more vulnerable than others to eviction and homelessness. They are more likely to move house often, be evicted and/or come into contact with the police on the streets. In Sydney, the most vulnerable groups include Indigenous Australians, people on low incomes, people with mental illness, young people who have had to leave home, and the homeless.

Indigenous Australians are more likely to be homeless or sleep out of doors. Indigenous Australians are less likely to be home owners (however in remote and rural areas, Aboriginal people may live on the land in a collective manner and continue to practice traditional culture). The Government provides housing (some of it of very poor quality) to Indigenous Australians. In Sydney, by contrast, many Indigenous people rent from a private landlord, or are tenants in social or Aboriginal housing. Indigenous Australians are more likely to experience discrimination from real estate agents or landlords when trying to access private rental housing. There are significant numbers of Indigenous Australians among Sydney's homeless population.

For the homeless or marginally housed, the pressures arising from crowds moving into the City and Parramatta and the new laws policing these spaces and controlling behaviour would have had a displacing effect. For those in mainstream social and Aboriginal housing, rent is capped, so the Olympic Games did not affect the affordability of this housing. However community members and workers reported that the psychological effects of the Olympic Games on Aboriginal people were complex. Some Indigenous activists used the Olympic Games as an opportunity to emphasise the injustice done to Indigenous people since the European invasion of Australia and set up a 'peace camp' in an inner city park and staged a demonstration at Homebush Bay. Yet, there was a strong Indigenous presence in the Olympic Games – in the organising process, in the opening ceremony and on the track. Despite this, the great inequalities between Aboriginal and non-Aboriginal people remained. Ray Jackson, an Indigenous activist, commented that Aboriginal children would still go hungry that night.<sup>644</sup>

People on low incomes include those who are unemployed, single parents, those on a disability pension or other government benefits, and recent arrivals to Australia. They have great difficulty accessing private rental housing, due to a combination of the cost and discrimination by real estate agents and landlords. Many people on low incomes live in boarding houses or in residential parks in moveable structures. There is an inadequate supply of social housing in Sydney with waiting lists of over 10 years for many metropolitan areas. Those who cannot access any of these housing options can become homeless, moving between friends' couches, from refuge to refuge, or sleeping on the streets. Some on low incomes, particularly those on pensions, tend to move away from expensive cities to lower cost housing areas in regional towns or rural

641 Residential Parks ('caravan parks', 'trailer parks') are often the last housing option for people on low incomes.

642 Researcher interview with Beth Jewell, former convenor of Rentwatchers, Sydney, April 2005.

643 See Chapter II Section 2.

644 'Ray Jackson Interview', *Insight*, television program, Special Broadcasting Service, broadcast (5 Oct. 2000), <http://news.sbs.com.au/insight/archive.php?daysum=2000-10-05#>

areas.<sup>645</sup> Low income earners were made particularly vulnerable during the preparations for and staging of the Olympic Games: their accommodation possibilities became more limited as boarding houses were gentrified and rents escalated, pricing them out of the market. Direct evictions from low cost housing and displacements through increased housing unaffordability became common for this group.

The mentally ill make up the majority of Sydney's street homeless population. Following deinstitutionalisation, people with a mental illness may not be able to access care in a community setting and many end up in temporary accommodation or on the streets. New South Wales's prisons and hospital emergency wards are full of people with mental illnesses. Community workers say that the Olympic Games may have affected street homeless people with a mental illness, with the Olympic crowds intimidating some and pushing them out of some areas.

Young people who have had to leave home have difficulty accessing private rental because of discrimination or their lack of rental history. They are often on a lower income than adults. Family breakdown is often the cause of homelessness in these cases. Escalating rents particularly affect young people, who have less spending power. According to tenancy workers, many young people may have had to move house as a result of the Olympic Games, being unable to afford rent increases or as a result of their landlord terminating their lease in order to renovate or sell.

Homeless people were feared likely to be the most vulnerable group during the Olympic Games preparations. In the lead up to the Olympic Games, housing and homelessness organisations started to ask the Government about its plans for homeless people during the Olympic Games period. NCOS, Rentwatchers and welfare groups were concerned there would be a strategy of sanitising the Sydney for the Olympic Games similar to the one employed in Atlanta, and that homeless people would be forced to leave.

*"There are already an estimated 25,000 homeless people who cannot be accommodated by existing refuges. Instead of housing our homeless before we house our visitors, the State and local government are bringing in laws to get them out of sight – one SOCOG director even suggested bussing them to Gosford<sup>646</sup> for a few weeks!"<sup>647</sup>*

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Beth Jewell, former Convenor of Rentwatchers

Perhaps because of the welfare and housing sector's growing anxiety about the possible treatment of homeless people, the Premier of New South Wales announced on 2 June 1998 that 'unfortunates' would not be removed from Sydney streets just to provide a good impression during the 2000 Olympic Games. This comment was welcomed by those working with homeless people and no doubt by homeless people themselves.

*"'Unfortunates' would not be removed from Sydney streets just to provide a good impression during the 2000 Olympic Games ... and, any idea that we behave like Hitler in 1936 by getting unfortunate people off the streets to present a false image of the world should not be embraced."<sup>648</sup>*

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Premier Bob Carr

<sup>645</sup> Bruce Bradbury and Jenny Chalmers, *Housing, Location and Employment* (Sydney: Housing and Urban Research Institute UNSW-UWS Research Centre, 2003).

<sup>646</sup> Gosford is a Central Coast town about 80 kilometres north of Sydney.

<sup>647</sup> Beth Jewell, 'Are we sharing the spirit?', speech (Bangkok, June 1999).

<sup>648</sup> "'Unfortunates' would not be removed from Sydney streets', *Australian Associated Press* (2 June 1998).

In an effort to prevent Atlanta-style mistreatment of homeless people in Sydney, Shelter New South Wales, NCOSS and other community groups made numerous approaches to the Government seeking assurances that homeless people would not be harassed or sent away by police or city rangers. At the 'Living in the Olympic State' conference in 1999, the Department of Housing announced a new committee that would concentrate on homelessness, which would later evolve into Partnership Against Homelessness, a cross-department initiative. The most important tool for regulating the behaviour of the authorities towards the homeless was the Homelessness Protocol, developed by Allen Consulting at the request of the SIAC, in consultation with community groups and the Government, and adopted by the Olympics Coordination Authority, the City of Sydney, the Government and police. In essence, this was a response to community and welfare sector concerns and provided guidelines for police to follow when dealing with homeless people.

*“[A]ll people have the right to be in public places and that they will not be harassed or moved on unless their safety or the security of others is being threatened.”*

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#### Sydney's Homeless Protocol

The Homelessness Protocol was adopted by the police and other governmental agencies for the inner city area. Essentially, it advised police and others to assist the homeless if they needed assistance, and to leave them alone unless they posed a risk to themselves or to the safety of others.

The Ombudsman's office set up a committee to monitor police activity in relation to the homeless during the Olympic Games. Its particular focus was on compliance with the Protocol. At the weekly meetings, Police Commander Superintendent Graham heard any complaints from the local service providers and afterwards spoke to those sections of the police force that had been the subject of complaints. According to advocates, this direct high-level intervention was critical to improved official behaviour towards the homeless during the Olympic Games.<sup>649</sup>

Despite the Homelessness Protocol being in place, organisations such as Redfern Legal Centre, Rentwatchers and the UTS Community Law and Legal Research Centre were still concerned about the over-policing of homeless people, youth and the potential for stifling dissent, especially in the light of the new laws granting greater powers to police and rangers. Welfare groups were concerned about the potential effect on the homeless of the expected crowds at the 'live sites' in the city and Parramatta.

In general, during the Olympic Games period, housing and welfare groups stepped up their assistance, the Department of Housing made extra emergency accommodation available and activists and NGOs maintained vigilance throughout. Perhaps as a result, there was little reported police harassment of homeless people. Beth Jewell commented that:

“Harassment was fairly minimal and we believe that this was also because of a protocol that was put in place between the city council, the IOC, the RTA [Roads and Traffic Authority] et cetera in the city to say that homeless people should not be harassed unless they were causing obstruction or violence; and generally speaking we also found that homeless people were also saying that they were going to leave the city, move their place of hanging out for the duration of the Games, anyway.”<sup>650</sup>

Other more subtle but nonetheless direct measures were also taken to target the homeless – for example, lighting in parks was increased to discourage 'sleeping rough', and park benches and seats at bus stations were modified in order to make them difficult to sleep on.<sup>651</sup> Changes to public spaces made life as a homeless person increasingly difficult.

Some homeless people did leave their favourite haunts because of crowds and noise, but not many were arrested and there was no officially-sanctioned attempt to move homeless people out of the city.

649 COHRE interviews with housing and homeless persons advocates, Sydney, March 2007. See further Tony Vinson and Rod Plant, 'Counting the Homeless during the Sydney Olympics' (Sydney: Shelter NSW, 2000).

650 Researcher interview with Beth Jewell, former Convenor of Rentwatchers, Sydney, April 2005.

651 COHRE interviews with local housing advocates, Sydney, March 2006.

### 2.4.3 Community activism

From 1993 onwards, NGOs and activist groups began to undertake research, form coalitions, and organise to ensure that the Olympic Games would not cause detrimental social impacts on Sydney's most marginalised and poorest residents. The community attitude to the Olympic Games, from the initial winning of the bid to the years preparing for and leading up to 2000, ranged from jubilation and enthusiasm, to hostility, to satire.<sup>652</sup> Most welfare groups and housing organisations were concerned that underprivileged people would be adversely affected. The main points of reference for these fears were the Brisbane Expo of 1988 and the Atlanta Olympic Games in 1996 – events which had witnessed major urban redevelopment, the clearing out of homeless people from the city and the loss of low cost housing stock. Almost as soon Sydney won the Olympic bid, housing and legal groups set about ensuring that this pattern would not be repeated in Sydney.

The New South Wales Council of Social Services organised two one-day conferences called 'Living in the Olympic State' in 1997 and 1999. When the Executive Officer of Shelter New South Wales presented to the 'Living in the Olympic State II' conference in 1999, his assessment was that the State Government was:

- Unprepared in a large number of social impact areas;
- Unwilling to publicly acknowledge these areas and so failing to plan properly for them;
- Denying that some obvious impacts, such as huge Olympics-related rent increases and evictions, were even happening.<sup>653</sup>

In January 2000, the Olympic Impact Coalition (OIC) was formed.<sup>654</sup> It brought together a range of organisations with the aim of mitigating the impact of the Olympic Games. It conducted two strategy days in order to discuss issues and formulate plans for action. In 2000, the coalition met with IOC Director General François Carrard, who reassured them that the IOC would take their concerns to SOCOG. At a press conference later that day, Carrard said that after meeting with the Minister for the Olympics, Michael Knight, he was totally convinced by SOCOG and Minister Knight that the OIC's concerns were unfounded.<sup>655</sup>

#### Monitoring rent escalations

*"Rentwatchers started off ... mainly to prevent rent increases and evictions in the lead-up to the Olympic Games, because of other evidence from round the world that this would happen and our own research into the Bicentennial celebrations [in 1988] in Australia."*<sup>656</sup>

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Beth Jewell, Convenor of Rentwatchers

In 1994, soon after the Olympic Games bid was won, fears about rent increases coalesced into an activist group, Rentwatchers. Its aim was to monitor rent increases and advocate that the Government adopt rent stabilisation policies during the Olympic Games period. Rentwatchers was afraid that the Olympic Games would cause rent increases to rise dramatically, especially in the 'Olympic corridor' suburbs. This community coalition began their own rental monitoring and reported regularly on the findings in their Rentwatchers Reports.

Rentwatchers also staged a number of theatrical protests with Olympic themes such as 'medal ceremonies' where property developers and landlords won gold and silver medals and homeless people got the wooden spoon. Rentwatchers met with advocates and activists from other countries, staged conferences, attended conferences and lobbied the United Nations. Rentwatchers was also part of the 'official' machinery of government monitoring through the SIAC and constantly lobbied the Government to amend legislation to provide protection against arbitrary rent increases and 'no grounds' evictions.

<sup>652</sup> For example, see the Australian Broadcasting Corporation satirical television series *The Games*.

<sup>653</sup> Rod Plant, 'Not ready, barely set, but soon to go', *On Line Opinion* (15 May 2000).

<sup>654</sup> Some of the groups in the Olympic Impact Coalition were: Anglicare New South Wales; Red Cross New South Wales; Bankstown Bushland Society Burnside; Combined Pensioners and Superannuants Association; Copwatch; New South Wales Council of Social Services; Council of the Ageing; Green Games Watch; Inner Sydney Regional Council Social Development; Inner West Greens; Mental Health Co-ordinating Council; Mercy Family Centre; National Union of Students; Meals on Wheels; Public Interest Advocacy Centre; Reclaim the Streets; The Salvation Army; University of Technology, Sydney Community Law and Legal Research Centre; and the Youth Accommodation Association. Rentwatchers, *Rentwatchers Report No. 6* (Sydney: Rentwatchers, July 2000). The activists later evolved into two coalitions – the Olympics Impact Coalition and the Anti-Olympic Alliance.

<sup>655</sup> Ibid.

<sup>656</sup> Researcher interview with Beth Jewell, former Convenor of Rentwatchers, Sydney, April 2005.

They argued for 'rent stabilisation' throughout the Olympic Games period and worked with a minority political party (The Greens) to draft legislation designed to protect tenants from arbitrary rent increases and evictions for the duration of the Olympics period. As mentioned previously, this legislation was defeated in the New South Wales Parliament, as the Government did not agree with Rentwatchers that the Olympic Games would exacerbate rent increases.

*"In 1996 the then Minister for Fair Trading commissioned a study into the possible impact of the Olympic Games on the residential tenancy market. The resulting report 2000 Olympic Games and the Residential Tenancy Market found that there was no evidence of any Olympic impact."<sup>657</sup>*

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John Watkins, Minister for Fair Trading

Other groups monitoring rent increases and other trends included: the Tenants Advice and Advocacy Services,<sup>658</sup> which recorded data relating to enquiries from tenants about rent increases and terminations and Shelter New South Wales, a non-government housing peak organisation, which also had a strong interest in the Olympic Games and continued its efforts right up to and during the Olympic Games.<sup>659</sup> Shelter New South Wales released a report in September 1999, 'Ready... Set... Go! One year to go – It's time for action on housing and homelessness for the 2000 Olympic Games' exactly one year before the Olympic Games were to commence.<sup>660</sup> This report made many recommendations, including legislative safeguards to protect residents of Sydney from large rent increases.

#### Activism by Indigenous Australians

Another important group of activists was Indigenous Australians, some of whom thought that the international attention afforded by the Olympic Games would provide an opportunity to advance their causes for securing justice, land rights and equality for aboriginal people.<sup>661</sup> Some wanted to enter the Olympic Games site and camp at Bicentennial Park (near Parramatta).<sup>662</sup> A semi-permanent peace camp was set up in Victoria Park.<sup>663</sup> It was alleged also that undercover police had infiltrated the peace camp and that some elements were trying to dissuade or intimidate Indigenous activists from taking action.<sup>664</sup>

The Indigenous Social Justice Association (part of the Anti-Olympic Alliance) and the Indigenous Student Network worked to build momentum for a rally of thousands to draw attention to Indigenous issues. In September 2000, two rallies were held: a fairly well-attended Unity March in the city<sup>665</sup> and a rally at Bicentennial Park which was very small.<sup>666</sup> Indigenous protests focussed on broad issues of justice, reconciliation and the wide disparities that exist between Indigenous Australians and non-indigenous people in terms of well-being, health and income. In preparing for the Olympic Games, the AOC had conducted consultations with representatives of the Indigenous community, and there was highly visible Indigenous content in the opening ceremony, for example, an Indigenous Australian, Cathy Freeman was chosen to light the Olympic torch. However, many Indigenous activists sought to draw attention to the longer term issues of Indigenous inequality:

657 Rentwatchers, *Rentwatchers Report No. 4* (1999).

658 These services, funded by the interest from tenants' bonds, provide free advice and advocacy to New South Wales tenants on their rights and responsibilities under the Residential Tenancies Act 1987.

659 Researcher interview with Rod Plant, former Executive Officer of Shelter NSW, Sydney, May 2005.

660 Shelter NSW, *Ready... Set... Go! One year to go – It's time for action on housing and homelessness for the 2000 Olympic Games* (Sydney: Shelter NSW, 1999).

661 Up to half a million people had already walked across the Harbour Bridge for Corroboree 2000, a march showing support for reconciliation between non-aboriginal and aboriginal Australians.

662 Sean Dodson and Patrick Barkham, 'Protestors limber up for Olympics', *Guardian Unlimited* (19 July 2000).

663 An Aboriginal Tent Embassy has existed outside Parliament House in Canberra since 1972: the Victoria Park encampment was in a similar tradition of aboriginal visibility through camping and a direct reclamation of land. The camp was highly visible in Victoria Park, right next to Sydney University, in inner Sydney.

664 Researcher interview with Louise Boon-Kuo, tenants' worker, Sydney, May 2005.

665 Zanne Begg, 'Forum assesses September 15 Indigenous people's rights', *Green Left Weekly*, Issue 422 (27 Sept. 2000).

666 'Ray Jackson Interview', *Insight*, television program, Special Broadcasting Service, broadcast (5 Oct. 2000), <http://news.sbs.com.au/insight/archive.php?daysum=2000-10-05#>

*“Reconciliation in this country has a hell of a long way to go. OK, it was great that we had a bit in the opening ceremony; we had a bit on the closing ceremony; Cathy [Freeman] done us proud [winning the gold medal in the 400 metres], as did our others. But I didn’t see it actually advanced reconciliation one millimetre... OK, Cathy done us proud - she went out and got gold. But how many Aboriginal children went to bed hungry that night?”<sup>667</sup>*

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Ray Jackson, Indigenous Social Justice Association

### Protection of the homeless

A further area of significant focus for community activism was the protection of the rights of the homeless. During the Olympic Games in September 2000, four projects attempted to ensure respect for the right of homeless people to be in a public place, free from harassment. Three projects were conducted in the inner city and CBD area, while the fourth took place in Parramatta.

In the inner city area, Redfern Legal Centre and Rentwatchers volunteers handed out cards to homeless people giving them a telephone number they could ring 24 hours a day if they suffered police harassment. The telephone line was staffed by volunteer lawyers. Meanwhile, Shelter New South Wales conducted a survey project called ‘Counting the Street Homeless’ in partnership with the School of Social Work at the University of New South Wales. Volunteers surveyed and counted homeless people congregating around food vans at night. A key question to homeless people was whether they had experienced police harassment. If police harassment was reported, Shelter New South Wales would bring the matter up with the police commander at their (almost daily) meetings.<sup>668</sup>

Governmental agencies also cooperated with community groups to protect the homeless. The deployment of outreach workers by the City of Sydney responded to homeless people and police calls regarding homeless people in the inner city during the Olympic Games period. It was often these workers rather than the police who communicated with homeless people. The Police Commander explained that the use of outreach workers was welcomed by the police and expressed the wish that such an arrangement could exist on a permanent basis.<sup>669</sup> In other areas, Parramatta Council, in partnership with church-based welfare organisations, undertook ‘Operation Safe Haven’. This was a series of special arrangements designed to ensure that homeless people had somewhere to go during the day and after hours to relax, eat and escape from the expected crowds in Parramatta Mall.

In general, there was a high level of proactive activity by legal and other activists to protect the rights of the homeless.

### 2.4.4 Best practices and positive examples

A number of positive examples can be drawn from the Sydney Olympic Games experience. Such positive practices resulted from action on the part of the Government, as well as by NGOs and activists.

From the outset, and unlike in other Olympic Host Cities, the Government did not resume residential areas, evict or relocate people in order to build Olympics facilities. In contrast to what happened in Atlanta, Seoul, and Barcelona, the site selected for the main sporting complex was surplus government land and not an established residential area.

The ‘green games’ rhetoric was also put into action. The Government conducted a clean up of the contamination in Homebush, where the bulk of the Olympics facilities was located. After the Olympic Games, private developers were contracted to create a well-designed new suburb which incorporated some eco-design features.

Steps were also taken to ensure that the homeless were not subject to harassment. The Government agreed to the Homelessness Protocol and liaised with welfare and other groups. The Homelessness Protocol was probably the best ‘best practice’ to come out of the Sydney Olympic Games. This provided that homeless people should be left alone unless they posed a serious threat to themselves or to others. The Premier of New South Wales came out publicly to allay fears that homeless people would be moved out of the city to make it ‘look better’ for the Olympic Games.

<sup>667</sup> Ibid.

<sup>668</sup> Researcher interview, Rod Plant, former Executive Officer of Shelter NSW, May 2005.

<sup>669</sup> Researcher interview, NSW Police Superintendent Donald Graham, May 2005.

The Government took some (albeit limited) steps to consult with community groups through setting up of the SIAC which reported to the Minister for the Olympic Games.<sup>670</sup> Those on the SIAC sought to hold the Government to account, to a limited extent. The Government set up the Rental Monitoring Group as a result of pressure from some on the SIAC and from community organisations.

Activists and NGOs set a good example by commencing their preparations as soon as Sydney's successful bid was announced. The OIC, a broadly-based coalition, was formed. It had international links<sup>671</sup> and met with Government, AOC and IOC representatives in order to represent community interests. A more radical and critical analysis of the Olympic Games was offered by the Anti-Olympics Alliance. This group also undertook direct action and prioritised Indigenous issues.

The local NGO, Rentwatchers pressured Government action through its issuance of rent reports and case studies. Together with The Greens, Rentwatchers proposed legislative amendments designed to afford tenants greater protection from rent increases and evictions. Although this legislation was not adopted, it did provoke debate on the issue.

Legal advocates were extremely vigilant in ensuring homeless people's rights were protected. They warned the Government and the police that they would be monitoring the treatment of homeless people. There was effective outreach to homeless people, including through the provision of a 24-hour free legal advice line.<sup>672</sup> There was minimal harassment of homeless people during the Olympic Games; homeless people were not subject to being moved on or out of the city during this period. The monitoring of, and liaison with police, use of outreach workers, adoption of the Homelessness Protocol and clear support from the Premier all reduced the negative impacts on homeless people in Sydney, as compared with Atlanta.

Activists claim that the NSW Homelessness Conference, held in 1999, was a major turning point in their advocacy efforts.<sup>673</sup> This event was used as an opportunity to focus awareness on homelessness: it attracted media attention and became a platform for the announcement of the Government's responses to concerns raised.

#### **2.4.5 Conclusions on the housing impacts of the Olympic Games in Sydney**

Despite the positive examples outlined above, the Sydney 2000 Olympic Games continues to have negative impacts on the right to adequate housing for many people. The conclusion drawn by most is that the staging of the Olympic Games exacerbated Sydney's housing unaffordability.

During the lead up to the Olympic Games, the Government failed to take a preventative approach to pressures for increased rents and evictions as a result of the Olympics. It failed to implement the recommendations of Rentwatchers, the SIAC, The Greens and others to enact legislation strengthening tenants' rights during the Olympic Games period. The precarious legal position of boarders and lodgers was not addressed and despite the spate of evictions suffered by this group during the preparations for the Olympic Games, boarders still do not have the status of tenants under New South Wales law.

Housing unaffordability has continued to worsen since the Olympic Games. In 2006, Sydney was, according to some studies, the seventh most expensive city in the world.<sup>674</sup> The affordability of homeownership has declined.<sup>675</sup> The rental market has tightened<sup>676</sup> and there has been upward pressure on rents.

Social housing has stagnated. There has been little addition to the stock of social housing despite relative increases in population growth. Although social housing is affordable (due to rental being based on income), eligibility for social housing has been restricted increasingly since 2000.<sup>677</sup>

670 It was disappointing that many on the SIAC reported a level of secrecy and that their suggestions were not implemented.

671 Including with Bread not Circuses, Atlanta Taskforce on Homelessness, COHRE, and the UN.

672 Advocates report that in fact this legal advice helpline for the homeless was hardly used, as it appeared the combination of advocacy measures had been effective in ensuring a limited need for such service: COHRE interviews with housing rights advocates, Sydney, March 2007.

673 COHRE interview with housing rights advocates, Sydney, March 2007.

674 The *Third Annual Demographia International Housing Affordability Survey* ranked Sydney seventh most expensive city in the world in 2007, available at <http://www.demographia.com/dhi-ix2005q3.pdf>

675 Judith Yates and Michelle Gabriel, 'Housing Affordability in Australia, Background Report for Collaborative Research Venture 3: Housing Affordability for Lower Income Australians' (Sydney: Australian Housing and Urban Research Institute, 2006).

676 'Sydney's vacancy rates continue to plummet', *Real Estate Institute of NSW*, 7 Mar. 2007, <http://www.reinsw.com.au/Sydney-s-vacancy-rates-continue-to-plummet/default.aspx>

677 See the NSW Department of Housing's Factsheet on 'Reshaping Public Housing', available at <http://www.housing.nsw.gov.au/Changes+to+Public+Housing/Reshaping+Public+Housing/Summary+of+Reforms.htm>

In conclusion, the staging of the Olympic Games increased the momentum of rising housing costs in Sydney. It was by no means the sole cause, but it did exacerbate a process that was already underway. The Olympic Games directly affected the housing rights of thousands of people in Sydney, particularly those low and median income earners renting in certain areas of the city, and the homeless. The Government did very little to offset dislocations caused by the unhampered operation of the real estate market. Little has changed since then. If anything, the housing situation in Sydney in 2007 is worse than it was in 2000.

## 2.5 Athens<sup>678</sup>

The 2004 Olympic Games in Athens resulted in a number of impacts on the housing rights of residents of the city. For Roma, the Olympic Games served to aggravate the discrimination and marginalisation they already suffered, leading to further segregation, violent forced evictions and setbacks in their prospects of securing adequate and humane living conditions. Approximately 2,700 Roma were directly affected by the preparation and staging of the Olympic Games in Athens, and the long term impacts of the Olympic Games on this group are still evident today. These impacts were not considered by Olympic Games authorities at any stage of the Olympic Games process, from the preparation of the candidature file to the closing ceremony of the Games on 20 August 2004.

Besides the disastrous consequences of the Olympic Games for the already marginalised Roma community, the staging of the Olympic Games had other impacts, both positive and negative, on housing in Athens. Other vulnerable groups, such as asylum seekers, the homeless and drug addicts were also specifically affected, while special laws to accelerate expropriation processes were passed in order to facilitate the acquisition of land needed to construct the Olympics facilities. On the positive side, the Olympic village provided, 3,000 units of subsidised housing for approximately 10,000 residents, while two media villages have been converted into student dormitories.

### 2.5.1 Background to Athens's hosting of the 2004 Games

#### (a) Housing in Greece: main features

The housing impact of the 2004 Olympic Games cannot be dissociated from the main features of the housing sector in Greece; namely, (1) an almost exclusive orientation towards house ownership and a related lack of legal protections for tenants; (2) the lack of social housing; and (3) widespread discrimination against the Roma population.

The percentage of home ownership in Greece is relatively high: in 2001, approximately 80 percent of the Greek population owned the dwellings in which they were living.<sup>679</sup> The percentage of renters is higher in the urban areas (e.g. approximately 30 percent of residents in Athens are renters). It is also interesting to note that 93 percent of those at risk of poverty (i.e. below 60 percent of the median income line) live in houses they own.<sup>680</sup>

Thus, the housing market in Greece is almost exclusively oriented towards purchasing and not renting, a feature that has severe repercussions for tenants.

Greek law has a particular bias in favour of owners/landlords, to the detriment of tenants. Although Article 21.4 of the Greek Constitution provides: "The acquisition of a home by the homeless or those inadequately sheltered shall constitute an object of special State care",<sup>681</sup> this provision has not been translated into specific legislation. The laws which did afford protection to tenants against forced evictions were repealed in 1997. As a result, since that date, tenants have been able to be evicted much more easily by their landlords. The UNCESCR noted:

678 The information contained in this section is a summary of a separate background paper commissioned as part of this project, supplemented by further research and information obtained during a fact finding mission carried out in April 2007. See further: Greek Helsinki Monitor, *The Housing Impact of the 2004 Olympic Games in Athens* (Geneva: COHRE, 2007), available at: [www.cohre.org/mega-events](http://www.cohre.org/mega-events). The fact finding mission was conducted by Claire Mahon, COHRE Researcher, with the assistance of Theodoros Alexandridis and the Greek Helsinki Monitor.

679 National Board of Housing, Building and Planning of Sweden and the Ministry for Regional Development of the Czech Republic, *Housing Statistics in the European Union*, (Karlskrona: Boverket, 2005), p. 50, <http://www.iut.nu/EU/HousingStatistics2004.pdf>. According to the Hellenic Property Federation (POMIDA) the current percentage of families owning the dwelling in which they live should be in the region of 82 percent, while approximately one-third of the Greek families have a second home: GHM email correspondence with Stratos Paradias, President of the Hellenic Property Federation, 12 Jan. 2006.

680 See Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, *Joint Report on Social Inclusion, summarising the results of the examination of the National Action Plans for Social Inclusion (2003-2005)*, Commission of the European Communities, Brussels, 12 Dec. 2003, COM (2003)773 final, at p19 (hereinafter Joint Report for Social Inclusion 2003-2005). The report is available at [http://europa.eu.int/comm/employment\\_social/soc-prat/soc-incl/joint\\_rep\\_en.htm](http://europa.eu.int/comm/employment_social/soc-prat/soc-incl/joint_rep_en.htm)

681 <http://www.parliament.gr/english/politeuma/syntagma.pdf>



Athens: After the Games, the athletes' accommodation was sold as subsidised housing to members of the Workers Housing Organisation. The Olympic village is still plagued with ongoing problems, such as lack of garbage collection by the local municipality. [Photo courtesy of Claire Mahon]

“During the decade after 1985, the rental sector was under a regime of relatively strict controls with regard to both rents and evictions. Gradually, however, since the beginning of the 1990s and in full by 1996, the sector has undergone complete deregulation. Thus, aside from the protection and controls offered by Greek Civil Law, tenants enjoy essentially no legal protection against excessive rent increases and a rather limited protection against evictions.”<sup>682</sup>

The Greek State has acknowledged that the complete deregulation of the rental sector has had an adverse impact on tenants, yet it considers that the rental sector should be self-regulating.<sup>683</sup>

The precarious position of tenants is matched by a serious lack of social housing. While the Greek Ministry of Health and Welfare coordinates a small social housing programme – the Popular Housing Programme – it has not been fully operational since 1986 due to a lack of funds. Nevertheless, the Ministry managed to keep the housing programme running, by cooperating with the Workers’ Housing Organisation (WHO), an organisation which enables workers to apply for housing benefits.<sup>684</sup>

Roma are particularly affected by problems in the housing sector. There are no official estimates of the number of Roma living in Greece, however, the Greek Helsinki Monitor<sup>685</sup> estimates that the Romani population in Greece numbers between 300,000 and 350,000. Approximately half of these Roma have integrated and/or assimilated into mainstream Greek society. Others, possibly numbering up to half of the total Romani community of Greece, and including Romani migrants from Albanian, Bulgaria and other countries, live in destitute settlements. Roma living in exposed slum settlements face a range of problems, including lack of access to public services such as running water and electricity and inadequate access to health care. Roma in such settlements are frequently subjected to forced eviction. Forced evictions of Roma occur on a large scale throughout Greece, highlighting a pattern of severe discrimination against Roma. These forced evictions are usually conducted by local authorities, who are often accompanied in the evictions by service-providers working for the municipality. Such evictions often involve police brutality. Various regional and international bodies have condemned Greece for violating a range of international human rights treaties through its treatment of Roma in relation to housing and forced

682 *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Greece*, UN Doc. E/C.12/1/Add.97 (June 2004), at para. 325.

683 *Ibid.*

684 The WHO scheme is available to employees, usually from the private sector, who make contributions to certain social security funds and who elect to make certain contributions towards WHO. Once they reach a specified level of contributions, they become entitled to apply for various housing benefits, including subsidised housing loans, and subsidised rent.

685 Greek Helsinki Monitor (GHM) is one of the few NGOs in Greece collecting information on human rights issues (including housing) and submitting civil society reports to various UN bodies. GHM is highly active in the field of Roma rights, a substantial component of which consists of collecting information on the housing situation of the Roma in Greece, and engaging in litigation with a view to securing the rights to housing of Roma people.

evictions. Notably, in December 2004, Greece was found in violation of three aspects of the *European Social Charter* as a result of the systemic frustration of the right to adequate housing where Roma are concerned.<sup>686</sup> Implementation of that decision has to date been deemed inadequate by Council of Europe supervisory bodies.<sup>687</sup>

Overall, most of the forced evictions affecting Roma communities in Greece are carried out without adequate redress, reparation and resettlement to the victims, as required by international human rights law.<sup>688</sup> In some cases, Roma being evicted have also even been criminally prosecuted. In the rare cases where a resettlement plan is envisaged, it is often not implemented by the authorities. In any case, commitments by the authorities to resettle and compensate displaced persons apply only to Greek Roma. Other Roma who have legal residency status in Greece, such as Albanian Roma, are excluded from the scope of any such commitments.

Greece has attempted to address the situation of the Roma through its Integrated Action Plan for the Social Integration of Greek Gypsies,<sup>689</sup> which updates and expands earlier policies. While the Action Plan represents a step in the right direction in this regard, its practical implementation is problematic, usually due to the reactions of residents living in the areas where Roma communities are to be relocated and/or the reluctance (or open hostility) of local authorities towards Roma.

#### (b) Athens' candidature for the Olympic Games: ignoring the housing impact

Greek authorities considered the staging of the Olympic Games to be a highly emotional event. Greece's candidature file stressed that:

"For Greece, the birthplace of the Olympic Spirit and the Olympic idea, the Athens Games will be a matter of supreme national and cultural significance. The Games will serve as a bridge between tradition and the potential of modern Greece, allowing the country to contribute to the development and promotion of the Olympic ideal in the modern ages."<sup>690</sup>

The Bidding Committee assured the IOC that all political parties as well as municipal authorities unreservedly supported the bid for the Olympic Games, while it was also noted that, as of the date of the submission of the candidature file, "...not a single political or social group has expressed its opposition to the prospect of the Games being held in Athens."<sup>691</sup>

Like many cities' candidature files for the 2004 Olympic Games, the Athens bid focused significant attention on the environment. The Athens candidature file included a chapter on environmental protection,<sup>692</sup> and one of the first so-called 'Olympic Laws'<sup>693</sup> in Greece (related to the planning, development and construction of the Olympics infrastructure), entailed extensive provisions concerning environmental protection. All subsequent Olympic Laws also included provisions requiring that the preparations for and implementation of the 2004 Olympic Games respect the environment. However, while many promises were made in relation to environmental protection, time constraints and cost overruns led to a downsizing of the planned measures, with the authorities not failing to uphold their initial commitments.

Neither the candidature file nor the Olympic Laws provided any safeguards against the potential adverse housing impact of the Olympic Games. In fact, the primary concern of Olympics planning was the speedy expropriation of land needed for the construction of Olympic Games infrastructure.<sup>694</sup>

In this respect, 57 major infrastructure projects had to be constructed for the Olympic Games, in addition to numerous small and medium scale projects. Twenty-four of these projects involved sports facilities, two concerned telecommunications facilities, 15 projects were aimed at expanding the road network and improving traffic while another five related to

686 See Council of Europe, Committee of Social Rights, Decision on the Merits, 8 December 2004, Collective Complaint 15/2003, *European Roma Rights Centre v. Greece*, available at: [http://www.coe.int/t/e/human\\_rights/esc/4\\_collective\\_complaints/list\\_of\\_collective\\_complaints/RC15\\_merits.pdf](http://www.coe.int/t/e/human_rights/esc/4_collective_complaints/list_of_collective_complaints/RC15_merits.pdf)

687 See Council of Europe, European Social Charter, European Committee of Social Rights, Conclusions XVIII-1 (Greece), Articles 1, 12, 13, 16 and 19 of the Charter, at: [http://www.coe.int/t/e/human\\_rights/esc/3\\_reporting\\_procedure/2\\_recent\\_conclusions/1\\_by\\_state/GreeceXVIII-1\\_en.pdf](http://www.coe.int/t/e/human_rights/esc/3_reporting_procedure/2_recent_conclusions/1_by_state/GreeceXVIII-1_en.pdf). The UN Human Rights Committee has also recently stated: "The Committee is concerned that the Roma people remain disadvantaged in many aspects of life covered by the Covenant (arts. 26 and 27): (a) The State party should intensify its efforts to improve the situation of the Roma people in a manner that is respectful of their cultural identity, in particular, through the adoption of positive measures regarding housing, employment, education and social services." (see *Concluding Observations of the Human Rights Committee: Greece*, UN Doc. UN CCPR/CO/83/GRC, paragraph 18).

688 In particular as elaborated in UNCESCR, *General Comment No. 7*, see further Chapter II Section 3 above.

689 The Integrated Action Plan was adopted in 2002.

690 Candidature File, Volume I, Theme 1, page 20.

691 Ibid. p. 18.

692 Athens Candidature File, Volume I, Theme 4: Environmental Protection.

693 Law 2730/99.

694 See further Section (c) below.

improving and expanding the electricity grid so that it would be able to cope with the expected increased consumption of electricity. Seven media villages were also to be constructed, as well as the Olympic village.<sup>695</sup> It should be noted that many of these projects (e.g. the urban railway network) were planned regardless of the Olympic Games, although certainly the Olympic Games helped ensure that they were implemented. Of these projects, only three were planned to be used for housing following the completion of the 2004 Games: the Olympic village and two of the media villages; namely, those at the University and National Technical University Campuses of Athens.<sup>696</sup> Almost all the projects were plagued by delays and cost overruns, while some of them (not specifically Olympics-oriented, e.g. certain additional metro lines) were not completed on time.

The Government initially sought ways to assign the construction projects to private enterprises and investors. However, this did not happen and the construction of Olympic Games infrastructure came to be considered as yet another public work, funded almost exclusively by the State.<sup>697</sup> The main ministries involved in the Olympic Games construction projects included the Ministry of Environment and Public Works and the Ministry of Culture (to which the General Secretariat of Sports was seconded). Other ministries, such as the Ministry of Transport and Communications, were also heavily involved. Members of civil society were not included in the planning process. While some may have thought to solicit the views of NGOs, schedule and cost overruns, together with the additional costs that NGO proposals would presumably have entailed, precluded any meaningful consultation with civil society.

### (c) Legal measures taken as part of the Olympics preparations

Special legal provisions were enacted to accelerate the expropriation of land and/or buildings and enable Olympics-related infrastructure projects to move forward. These legal provisions provided for exceedingly rapid judicial processes.<sup>698</sup> For example, civil actions concerning Olympics related expropriations were to be introduced to the competent courts in addition to the scheduled cases, while the relevant court decisions were to be notarised and issued within 30 days from the date of the hearing (decisions have to be notarised in order to be appealed).<sup>699</sup> Under normal Greek judicial practice, expropriation is a protracted process, usually taking up to five or six months for court decisions to be notarised and issued. The new law applied only to expropriations related to the Olympic Games and enabled land to be appropriated as quickly as possible in order to minimise delays in the construction of the Olympic projects. Time limits for the lodging of appeals were also shortened.<sup>700</sup>

Persons residing on land to be expropriated under a court order were given 24 hours to vacate the land before they were evicted.<sup>701</sup> For houses and offices, the respective periods for compliance were set at 10 days. Before the expropriation took place, the State was required to provide the owner with provisional compensation in an amount determined by the court.

Although concrete data is lacking, it appears that the majority of these expropriations were, in economic terms, beneficial for the landowners. Compensation for expropriation was deemed by most residents to be adequate and it appears that, in some cases, the sums awarded were higher than the market value of the land in question.<sup>702</sup> One of the reasons for this might have been the desire on the part of the authorities to prevent protracted legal proceedings with the owners; proceedings that would have resulted in further delays in completing the construction projects, together with excessive estimates of land values in the areas where Olympic venues were established.<sup>703</sup>

695 Extensive information concerning these 57 major Olympics-related infrastructure projects as well as information concerning their stage of completion by Sept. 2002 is available in the *Technical Chamber of Greece Bulletin*, Issue 2216 (30 Sept. 2002), available in Greek at <http://www.tee.gr/online/afieromata/2002/2216/olybic.htm>

696 Out of the remaining five media villages, three were turned into offices for various government agencies (Amygdaleza, SELETE and Marousi), one is summer resort for Armed Forces personnel (Aghios Andreas) while the last one (Lofos Pallini) was built by a private construction company for private use after the Olympic Games.

697 Tassos Telloglou, *The City of the Games*, (Athens: Estia, 2004), p. 70.

698 Article 4a of Law 2730/1999.

699 By way of comparison, 'ordinary' civil cases are scheduled to be heard many months (and often years) after their filing, while staff shortages generally mean that decisions are notarised months after the decision is issued.

700 It should be noted that, despite the urgent nature of the Olympics related expropriations, different deadlines were established for expropriations involving land, on the one hand, and houses and offices, on the other.

701 Article 7 of Law 2730/1999.

702 See, for example, Telloglou, *The City of the Games*, (2004) p. 112, 208.

703 For example, the land on which the sports facilities of the Olympic village were built was expropriated in 2000 at a price of 62 euros per square metre. Today, based on an assessment of certified assessors for the purposes of conducting a bidding competition, its value was estimated at 11.2 euros per square metre. See 'Real Estate Insert' *Kathimerini* (25 Jan. 2006) available in Greek at [http://portal.kathimerini.gr/4dcgi/\\_w\\_articles\\_tile3\\_13\\_25/01/2006\\_143891](http://portal.kathimerini.gr/4dcgi/_w_articles_tile3_13_25/01/2006_143891).

## 2.5.2 The 2004 Olympic Games: impact upon housing in Athens

### (a) Forced evictions and denial of housing rights: the Olympic Games as an aggravating factor for Roma communities

Almost all forced evictions that occurred in relation to the preparations for the 2004 Olympic Games involved Roma communities. It is estimated that more than 2,700 Roma were affected by the Olympic Games, being subjected to forced evictions or the abandonment of planned projects to relocate them to settlements where they would be provided with access to basic services. As early as 2001, the Greek National Commission on Human Rights noted that:

“It is also a fact that the holding of the Olympic Games has been an occasion for driving the Roma out of many regions. Local communities (very often untruthfully) invoked the need for the construction of sports facilities in order to get rid of the Roma, as was the case in Mexico in 1968. The president of the special committee for the Roma with the Council of Europe, Josephine Verspaget, on a recent visit (June 2001) - like the Ombudsman - denounced the illegal circumstances in which tents were destroyed and tent-dwellers driven out from Aspropyrgos in summer 2000 because of Olympic Games projects.”<sup>704</sup>

In its Concluding Observations on the initial report of Greece under the ICESCR, the UNCESCR also expressed its concern concerning the eviction of Roma in the framework of the Olympic Games:

“The Committee is gravely concerned about numerous reports on the extrajudicial demolition of dwellings and forced evictions of Roma from their settlements by municipal authorities, often under the pretext of construction projects for the 2004 Olympic Games, and frequently without payment of adequate compensation or provision of alternative housing.”<sup>705</sup>

The Committee also called on Greece to:

“[...] provide, in its second periodic report, detailed information on the number of Roma evicted from their homes, especially in the context of the 2004 Olympic Games, and on any measures taken to remedy illegal acts which may have occurred in that regard.”<sup>706</sup>

There are several aspects to the relationship between the preparations for the Olympic Games and forced evictions of Roma communities in Greece. First, municipal authorities used the preparations for the Olympic Games as a pretext to carry out forced evictions of Roma communities. Secondly, pre-existing plans to relocate Roma communities to settlements and provide them with adequate accommodation and access to basic services were abandoned as a result of Greece's hosting of the Olympic Games. Thirdly, the actual construction of Olympics infrastructure led to the forced eviction of Roma. Finally, Roma were forcibly evicted during the period of the Olympic Games itself.

### (b) Attempted or actual forced evictions using the Olympic Games as a pretext

The preparations for the Olympic Games were used by the Athens' municipal authorities as a pretext to forcibly evict Roma settlements located in the Greater Athens area. The Council of Europe's Commissioner for Human Rights noted in this respect, during his visit to Greece on June 2002, that under the pretext of reclaiming land for the Olympic Games, certain local authorities were seeking to forcibly evict Roma communities:

<sup>704</sup> National Commission for Human Rights (NCHR), *State of Roma in Greece*, (NCHR, 29 Nov. 2001), available at [http://www.nchr.gr/category.php?category\\_id=99](http://www.nchr.gr/category.php?category_id=99)

<sup>705</sup> See *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Greece*, UN Doc. E/C.12/1/Add.97 (June 2004), para. 21.

<sup>706</sup> *Ibid.* para. 43.

“Finally, an NGO, the Organisation mondiale contre la torture (OMCT), condemned the evictions of Roma communities from their dwellings in Athens ahead of the 2004 Olympic Games and criticised the International Olympic Committee (IOC) for its silence. I was assured by all my official contacts that it was quite untrue and that all families needing to be possibly moved because of the Games would be relocated on state-owned land. Apparently however, use of the Olympic Games argument is made by certain local authorities for refusing to take in Roma/Gypsy communities or hasten their departure, according to the people I met at Aspropyrgos. A future site of the Olympic facilities is indeed hard to imagine out there, so far from the centre and bordering on the refuse tip. I ask the Olympic organising committee to publish the list of proposed sites in order to prevent pressure from being brought to bear on families settled or wishing to settle in areas supposedly set aside for the organisation of the Olympic Games.”<sup>707</sup>

The Roma settlement of Aspropyrgos, situated near Athens, was one example of this phenomenon. From 1999 onwards, Romani communities in Aspropyrgos were threatened with forced eviction either by police officers or by civilians threatening to call the police. While it was not clear for some time whether Olympics facilities would be built in Aspropyrgos, the Mayor used the possibility that they would be as an excuse to forcibly evict or refuse to relocate the Roma communities. Ultimately, no Olympics facilities were constructed in the area. In a 1998 document, the deputy Minister for Environment, Town Planning and Public Works suggested that Aspropyrgos could constitute one of the main ‘Olympics hubs’.<sup>708</sup> As early as February 1999 however, this proposal had been dropped: members of the IOC, together with a member of the OCOG, visited Aspropyrgos, where it is claimed they got lost in the maze of small-scale industrial facilities and warehouses that abound in the area. Moreover, the sight of the nearby rubbish tip could not have been overly pleasing. As a result, the proposed area was turned down as a possible site.<sup>709</sup>

Despite this, local authorities continued to make vague references to the Olympic Games when rejecting proposals for the relocation of Roma. For instance, on 14 July 2000, a municipal bulldozer, allegedly accompanied by the Mayor and the police, demolished numerous Roma huts in a settlement located on a garbage dump in Aspropyrgos. The huts, which belonged to Greek and Albanian Roma, contained the inhabitants’ personal belongings. All families in this settlement were ordered to leave within three days, Romani tent dwellers living in the upper part of the garbage dump had been evicted some days before this incident, when the Mayor of Ano Liosia – a municipality located near Aspropyrgos – offered each Roma family 100’000 drachmas (approximately US\$266) to leave the settlement. Following the Roma’s departure, the municipality demolished their tents. All of the Roma – those evicted on July 14 and those evicted a few days earlier – moved to other settlements around Aspropyrgos. A report by the Greek Ombudsman, released on 26 January 2001, condemned the July 2000 operation and found that “in all likelihood, members of the Municipality of Aspropyrgos have committed criminal acts”.<sup>710</sup>

In September 2001, the municipal authorities of Aspropyrgos, under the orders of the Mayor, proceeded to destroy six homes and damaged others under the pretext of carrying out a ‘cleaning operation’. The operation took place in a settlement close to the one destroyed in July 2000. Demolition of the sheds was stopped following the intervention of GHM and of the Greek Ombudsman’s Office.

### (c) Abandoned relocation projects for the Roma due to the preparation of the Olympic Games

Approximately half of the Roma population in Greece lives in destitute settlements with no security of tenure or access to basic services. The Government’s Roma Integration Action Plan provides for the relocation of Roma to settlements equipped with prefabricated houses and all the necessary facilities (sewage, electricity and running water), providing access to basic services, and affording security of tenure. Preparations for the Olympic Games led to the rejection of three relocation plans for Roma communities.

707 See Office of the Commissioner for Human Rights, Report by Mr. Alvaro-Gil Robles, Commissioner for Human Rights, on his visit to the Hellenic Republic 2-5 June 2002 (Strasbourg: Council of Europe, 2002), para. 26.

708 Telloğlu, *The City of the Games*, (2004), p. 46.

709 Ibid, p. 53.

710 Ombudsman’s Findings Report on Case No 11128/200, 26 Jan. 2001.

## Roma in Herakleion

The city of Herakleion is located in Crete and was one of the Candidate Cities for the 2004 Olympic Games. On the outskirts of Herakleion lies the Municipality of Nea Alikarnassos, which is home to a Romani community of 200 families. A resettlement project funded by central government resources was planned and already under construction for these families. This resettlement project was designed to allow Roma to live in humane conditions until their permanent relocation to proper houses.<sup>711</sup>

According to the Cultural Association of Athinganoi of the Herakleion Prefecture Elpis ('Hope'), on 23 January 2003, the Mayor of Nea Alikarnassos, Evangelos Sissamakis, authorised municipal employees to break into a site allocated for the resettlement of the Roma. Municipal employees allegedly forced the entrance lock and placed iron props inside the site.

Some days following the incident, the Nea Alikarnassos Mayor stated in a media interview that:

"You cannot have a Gypsy settlement next to a basketball court, part of the Olympics 2004 facilities, because Gypsies blemish one's sense of good taste and, in addition, they deal in drugs... I do not deny that I do not want the Gypsies in our area. Let them rent houses in Heraklion or Nea Alikarnassos. I cannot understand with they should be treated in a privileged way. If they want to be integrated into society then they should not be allowed to choose where they should be resettled... All Greeks serve their military service but only Gypsies have a right to break the law"<sup>712</sup>

In place of the Romani settlement, the Mayor reportedly proposed the construction of a parking lot for the adjoining basketball court. On 28 January 2003, SOKADRE<sup>713</sup> lodged a complaint with the Ombudsman's office and a criminal complaint against the Mayor for violation of Greece's anti-racism Law 927/1979. In the trial that took place on 29 June 2004, the Mayor was found not guilty. Work on the prospective Romani settlement was halted and the relocation did not move forward. As of the date of writing, Roma still live in the old settlement under unacceptable conditions while the parking lot has been never constructed.

This was not the first time that authorities tried to use the Olympic Games as a pretext for evicting Roma. In 1997, the municipality of Nea Alikarnassos issued a protocol of administrative eviction against the local Roma community. This community was located in a settlement between a main road and an industrial zone, without garbage collection services or access to water, electricity or sewage. The municipality argued that the settlement "blemished the city's image".<sup>714</sup> While the decision to evict Roma was made in 1997, the Mayor only sought to enforce it in 1999, which led local activists to suggest that he had been motivated by the desire to evict Roma before the Olympic Games. In a complaint addressed to the Ombudsman's office on 21 August 2000, the local Romani community alleged that there were plans to build a new sports hall in the area (indeed, a basketball court was built in the area and used for the Olympic Games), and to create a park in which businessmen had expressed their interest in buying plots of land and buildings.

The Romani community challenged the eviction protocol before the courts, with the Magistrate's Court of Herakleion declaring the eviction abusive.<sup>715</sup> The court ruled that the eviction could not be carried out unless alternative housing was provided. However, the municipal authorities ignored the court's decision and served a second, almost identical, protocol of administrative eviction on 10 August 2000. At this stage, the Ombudsman reminded the authorities of the court's ruling and stated that unless a relocation site with the necessary infrastructure to secure a decent standard of living had been identified and was available, the second eviction order would most likely also be declared abusive. In 2001, the Magistrate's Court of Herakleion found that, as the Roma had not been relocated, there was no reason to depart from its previous decision and consequently found the second protocol abusive as well.<sup>716</sup> The Roma thus continued to live in the same settlement in which they had been living for the previous 20 years.

711 Much of the background information in this section is derived from the European Roma Rights Centre (ERRC) and Greek Helsinki Monitor, *Cleaning Operations: Excluding Roma in Greece* (Budapest: ERRC, 2003).

712 Statement (available in Greek) in Athens based daily newspaper *Eleftherotypia* (27 Jan. 2003), available at [http://www.enet.gr/online/online\\_p1\\_text.jsp?dt=27/01/2003&c=112&id=16178080](http://www.enet.gr/online/online_p1_text.jsp?dt=27/01/2003&c=112&id=16178080)

713 The Coordinated Organizations and Communities for Roma Human Rights in Greece (SOKADRE) is a network founded in 2001; its members include 30 Roma communities and five Greek NGOs that have been working on Roma rights.

714 *Eleftherotypia*, 11 Sep. 1997.

715 Magistrate Court's Decision No 976/1999, 12 Nov. 1999.

716 Magistrate Court's Decision No 47/2001, 29 Jan. 2001.

### Roma in Lechaina

Another example of an abandoned relocation project justified by reference to the Olympic Games involves the Roma community of Lechaina, in Western Peloponnese. The Lechaina mayor, Mr Dimitris Hadjigiannis, submitted a proposal to house 35 Roma families (including Albanian Roma) in 35 prefabricated houses on a plot of land owned by the municipality, adjacent to the national highway between Patras to Pyrgos (and incidentally, the main route leading to Ancient Olympia). Local journalists claim that Mr Hadjigiannis had secured funding for half of the total projected budget, and work on the settlement was about to start when he received a call from the Director of the Town Planning and Environment Directorate of the Western Greece Region.<sup>717</sup> The Director informed Mr. Hadjigiannis that because the land in question was within sight of the national highway, the establishment of the settlement could not proceed, as foreign visitors on their way to Olympia should not see the Gypsies living there.<sup>718</sup> The Municipality of Lechaina's proposal to relocate the Roma was not implemented.

### Roma in Aghia Paraskevi

A similar thing happened to the Roma of Aghia Paraskevi, in the greater Athens region. A plot of land was purchased by the municipality of Aghia Paraskevi in the neighbouring municipality of Spata in September 2002, with a view to relocating the Roma concerned to that location. The Roma had previously agreed in writing with this proposal.<sup>719</sup> The necessary funds for the purchase (approximately €243,580) were provided to the municipality by the Ministry of Interior, in the framework of the Roma Integration Action Plan, along with an additional €49,890. The whole grant was specified to be "exclusively and only for the improvement of the Gypsies' quality of life and specifically for the purchase of a plot of land for the settlement of the Gypsies".<sup>720</sup>

However, as a result of the opposition from the municipality of Spata (apparently motivated by racial animosity), the relocation did not take place.

"[...] It is obvious that the tastelessness (along with all other problems to be exposed below) noticed in every settlement of athiganoi [pejorative for Roma] will rudely insult the aesthetics of a cultural wine centre to be built in the same area, which is for us a symbol of our history and culture. Moreover, the plot of land bought by the Municipality of Aghia Paraskevi ... is a mere 1,000 meters away from the North entry to the airport ... Constructing buildings and installing Gypsies ... is not the most aesthetic thing across the airport, especially ahead of the 2004 Olympic Games, and the consequent traffic during that time ... As such an action will create uncontrollable situations, since the population of Spata will in no way accept the Gypsies of another municipality in its area ... all competent authorities should see to it that this resettlement of Gypsies is not allowed."<sup>721</sup>

This statement is an extract from a letter from the Municipality of Spata to the Prosecutor's Office of Athens. As a result of the abandonment of the relocation to Spata, five Romani families had their sheds destroyed, as the owners of the land on which the Roma squatted decided to execute the judicial decisions ordering the eviction of the Roma. Local authorities essentially forced the Roma to agree to their relocation (to a locality approximately 90 kilometres away from Aghia Paraskevi, near Chalkida), since the alternative of relocating to Spata (to which the Roma had originally agreed) was no longer open.

### (d) Eviction of a Romani community in relation to the construction of the Olympic stadium

In 2002, the Romani community of Marousi was asked by the municipal authorities to vacate their settlement because the 2004 Olympic Games Committee decided to extend an Olympic Games installation to that area and construct a parking lot for the Olympic stadium. This decision affected 42 Roma families who had been living for more than 30 years in three small settlements next to or opposite the Olympic stadium. All but 10 of these families lived on state-owned land located directly adjacent to the Olympic stadium, one of the main venues for the 2004 Olympic Games.<sup>722</sup>

717 GHM interview with local journalist, 2005.

718 Apparently believing this was some sort of joke, Mr. Hadjigiannis called the Ministry of Interior, to find that the official with whom he spoke not only supported the Director's decision (and reasoning) but also suggested as an alternative that the settlement be landscaped to create a small hill which, when trees were planted on it, would prevent the settlement being seen by drivers on the national highway. Ibid.

719 Letter to municipality of Aghia Paraskevi, signed by all ten heads of family, dated 1 July 2002 and with municipal protocol number 28393/2 Oct. 2002, on file with GHM.

720 Ministry of Interior Ruling Ref. No. 40330/18 Oct. 2001, on file with GHM.

721 Municipality of Spata, 29 May 2003, Ref. No. 3432/29 May 2003, on file with GHM.

722 Footage of the life in the Maroussi Roma settlement before the 'velvet' eviction and problems that they subsequently faced is depicted in: Cameron Hickey and Lauren Feeney (directors), *Uprooted* (Athens: Panoramatos Productions, 2004), see further <http://www.panoramatos.com/home.php>

Once it had been decided that Athens would host the 2004 Olympic Games, it was evident that this particular Romani community should be relocated. Roma living on this settlement had believed that the Olympic Games would result in the State finally addressing their housing problem in a constructive manner.

At that time, the Marousi Municipality assured the Roma that special measures would be taken for their resettlement. An agreement to that effect was signed on 1 August 2002 between Panagiotis Tzanikos, the Marousi Mayor, and Stelios Kalamiotis, a representative of the 40 Roma families. This agreement only covered Greek Roma. Excluded from the agreement were Albanian Roma, who were by and large legally resident in Greece and who had set up a settlement next to the settlement of Greek Roma. The approximately 20 Albanian Roma families were not offered any alternative accommodation, and were forcefully evicted.<sup>723</sup>

Under the terms of the agreement, the 40 Greek Roma families (amounting to 137 people) were to vacate the land on which they had been living for decades. In return, they were to receive subsidies to assist them in renting new accommodation.<sup>724</sup> The Roma had the responsibility to find houses or apartments, and the municipality simply paid them a monthly amount to subsidise their rents. This was regarded as a temporary measure, as the agreement also stipulated that the Roma families would, in the future, be resettled in heavy duty prefabricated houses to be constructed by the Marousi municipality, and other more permanent housing. Furthermore, under the agreement, the municipal authorities agreed to provide special assistance to the Roma families (e.g. clothing and food) and to develop a plan for the Roma's integration into local society.

On the basis of this agreement, Romani families started to leave their settlement in September 2002. Some rented houses, while others chose to stay in houses owned or rented by relatives. Although the Roma kept their end of the agreement, the municipality soon defaulted on its various obligations. Local activists report that the displaced Roma were not paid the monthly subsidies from the end of the Olympics in August 2004. Indeed, only a few months after signing the agreement, the municipality began defaulting on its payments to the Roma, causing them severe financial hardship. As a result, certain Roma families fell into arrears in their rent and were evicted by their landlords.<sup>725</sup> Other families also faced severe economic hardship, as they relied on the subsidies to cover their rental costs. At the time of writing, the municipality continues to fail to honour its agreement with these families.

The locality in which the Roma's permanent houses will be built is not yet known. Although Roma families have asked the mayor several times about this, they have not received an answer to date. Some Roma families have expressed concerns that the agreement with the municipality was a device to induce them to vacate the land where they had been living without attracting negative publicity, on the pretext that infrastructure related to the Olympic Games had to be constructed there.

#### (e) Forced evictions occurring during the Olympic Games

Forced evictions, particularly those targeting Romani communities, were not limited to the preparations for the Olympic Games, but also occurred during the period of the Olympic Games itself. On 17 August 2004, a 'cleaning operation' took place against Albanian Roma living in Riganokampos, on land belonging to the University of Patras. Two Greek Romani families who had set up their sheds next to those of the Albanian Roma were offered money to transfer their sheds to the neighbouring plot of land on which Greek Roma were living. No such arrangements were made for the 35 Albanian Romani families who had been living on the land for three years. Most of the Albanian Roma were away from their homes at the time, engaged in seasonal agricultural work in other parts of Greece, and they were given no notice of the pending eviction. Although the municipality of Patras publicly argued that the Roma abandoned the sheds and that the municipality had simply been conducting a cleaning operation, evidence points to the racial dimension of the operation. According to an official document from the Patras Municipality, the presence of the Albanian Roma in Riganokampos "... further aggravated ..." the "...wretched and inhumane..." living conditions there and "the ousting of Albanian speaking gypsies" was necessary because they "were illegally in our country and constituted the main source of origin for the street children".<sup>726</sup> The document confirms that 35 families of Albanian speaking gypsies were evicted and their sheds demolished, and "the whole area

723 This practice was condemned by the UN Committee on Economic, Social and Cultural Rights in its *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Greece*, UN Doc. E/C.12/1/Add.97 (June 2004), para. 44.

724 The amount depended on the size of the family; for example, a family with two children (i.e. four people) would receive €735 per month, while a family with six children would receive €1150 per month.

725 In Sept. 2003, the two Roma families of Dimitris and Panayota Nikolaou and Petrou Mitrou and Dimitra Karagianni were evicted by their landlords because they could not pay the rent.

726 See Municipality of Patras document, Ref. No. 13/351, dated 9 Sep. 2004, on file with GHM.

of about 70,000 square metres was cleaned up in order to be landscaped, for the benefit of the residents of the area.”<sup>727</sup> There is no mention of any request from the University that the municipality clean the area, let alone evict the Romani communities, although it is known that the University has always wanted to get rid of them. It is therefore highly likely that the University (at least unofficially) endorsed the eviction operation,<sup>728</sup> even though it constituted an act of trespass by the municipality. As the area in question was not near the Olympic venue of Patras (the Pan-Peloponnesian Football Stadium) and would not have been ‘visible’ to Olympics tourists,<sup>729</sup> locals say it appeared that the local authorities merely took advantage of the fact that public attention was focused on the Olympic Games that were underway in order to quietly evict Roma.

This perspective on the rationale behind the evictions appears to be shared by various other commentators. For example it has been noted that:

“Over the last couple of years (2004-2005) there has been an increase of evictions of Roma dwellings in the areas where major cultural and sport events had taken place or area going to take place in the near future (2004 Olympic Games of Athens, Patras Cultural Capital of Europe 2006, Votanikos area, site of a new Football Stadium). These are inevitably accompanied by tensions, local society intolerance and violent attacks against Roma. Despite the efforts of the state, the Roma living, health and sanitary conditions in impoverished settlements still remain a major social and humanitarian emergency.”<sup>730</sup>

#### (f) Escalation in housing costs

Preliminary research undertaken in Greece shows that there were no significant increases in rents or in the prices of houses in Athens or in the other cities where Olympic sporting events were held. The so-called ‘Olympics effect’ (i.e. sharp increases in house prices before and after the Olympic Games) was quite limited in the case of Greece. According to research carried out by the British Halifax Bank, there was a 63 percent increase in house prices in Athens in the five year period leading to the Olympic Games. This was not significantly higher than the 55 percent increase in house prices in the rest of Greece. By comparison, the report notes that in Barcelona, house prices increased by 131 percent in the five year period leading to the 1992 Olympic Games against an increase of 83 percent in the rest of Spain over the same period.<sup>731</sup> Other potential ‘tell-tale’ signs of a sharp increase in rents or house prices could be increases in household budgets for housing. Again however, according to the data collected by the National Statistical Service of Greece, the increases that were noted appear to be more the result of inflationary pressures together with increased expenditure in order to repay housing loans rather than an Olympics related housing/renting ‘boom’.<sup>732</sup> If anything, rents and house prices decreased slightly in the period just prior to the 2004 Olympics. This was, *inter alia*, due to housing supply outstripping demand, and led to prices remaining more or less stable.

#### (g) Marginalised groups affected

The run up to the 2004 Olympic Games in Athens was characterised by the persecution of certain groups considered capable of giving the city ‘a bad image’; namely, the homeless, drug addicts, and asylum seekers. Prosecutors issued decrees ordering the confinement of drug addicts and homeless people to mental institutions, while the police allegedly sought to incarcerate asylum seekers in special camps, away from the Olympic Games venues.<sup>733</sup> Many members of civil society and the press strongly protested against such measures. It appears that most of the measures were not implemented in the end.

The group most obviously affected by the Olympic Games was the Roma, who were subjected to forced evictions and denial of their housing rights in the context of the preparations for the Olympic Games. It is estimated that more than 2,700 individuals of Romani ethnic origin were adversely affected by the Olympic Games, either suffering evictions or experiencing the abandonment of their relocation projects for reasons ostensibly related to the Olympic Games. There were hopes that the Olympic Games would provide an impetus to address the plight of the Roma in Greece, if for no other reason than to

<sup>727</sup> Ibid.

<sup>728</sup> The University also did not object to an eviction attempt that took place in Aug. 2001.

<sup>729</sup> For example, from the ring road of Patras.

<sup>730</sup> Mitlos Paylou, ‘Immigrants, Minorities and Discrimination in Greece’, Nov 2006, available at <http://www.migrationeducation.org/23.0.html>

<sup>731</sup> See Halifax Plc Press Release, ‘House Prices go for gold in Olympic host cities’ (6 July 2005), available at <http://www.hbosplc.com/economy/includes/06-07-05OlympicsandHousePrices.doc>

<sup>732</sup> NSSG, *Hellas in Numbers*, p. 19.

<sup>733</sup> See Helen Smith, ‘Beggars and drug addicts disappear in Athens clean up before games’, *The Guardian* (11 Aug. 2004). See also Amnesty International, ‘Greece: Olympics “clean-up” hits city’s most vulnerable inhabitants’, press release (6 Aug. 2004), available at <http://news.amnesty.org/index/ENGEUR256082004>

present a positive image of Greece. Indeed, in Greece's 2001 National Report concerning the Implementation of the Habitat Agenda – Istanbul +5, it was noted:

“Thus, the emphasis for the next five years will be put on the effort to confront the problems of urban planning and quality of life in Greek cities, rather than on a new, social, redistributive policy for housing. Nevertheless, long-standing problems such as those of the housing of minorities living in particularly poor conditions (e.g. the Roma), or new problems due to the influx of economic migrants, will certainly receive the attention of all those involved in shaping housing policy.”<sup>734</sup>

Unfortunately however, this was not to be the case.

Local activists also point out that few civil society organisations or members of the mass media spoke out against the violations of the Roma that took place in the shadow of the Olympic Games.

### 2.5.3 Community activism

There was almost no reaction from civil society groups regarding the housing impact of the Olympic Games. The Olympic Games appear to have had adverse housing effects predominantly for Roma, a social group that is not popular with the NGOs active in Greece, or with the public at large. It is no coincidence that almost all of the appeals or letters of concern regarding the treatment of Roma were drafted by international NGOs such as COHRE, the European Roma Rights Center, and Amnesty International, in cooperation with Greek Helsinki Monitor. Almost no other members of civil society or the mass media spoke out against the violations of the housing and other human rights of the Roma that were either underway or had already taken place.

By contrast, local citizen groups and individuals took judicial action in relation to the environmental impacts of the Olympic Games, although usually with poor results. Perhaps the best example is that of Dorilaos Clapakis, an architect who challenged the building of the Maroussi press village, alleging numerous town planning violations.<sup>735</sup>

### 2.5.4 Best practices and positive outcomes

The 2004 Athens Olympic Games produced a number of positive outcomes. For example, the numerous large and small scale infrastructure projects that were completed in the lead up to the Olympic Games have enhanced the quality of life for many in Athens. Certain projects entailed the planting of trees and the improvement of building facades, while the Athens transport network was improved. There were also important developments in relation to housing. Three out of the 57 infrastructure projects will have a lasting influence on housing in Athens and will assist in meeting the housing needs of certain groups of Athenians.

The Olympic village was the most extensive construction project undertaken in the framework of the Athens Olympic Games. In fact, the Olympic village represents one of the biggest housing projects undertaken in Greece, and will provide subsidised housing for around 3,000 families. These families are beneficiaries of the WHO, who are entitled to buy homes at approximately half of their market value.<sup>736</sup>

The former Olympic village was intended to be a small town of approximately 10,000 inhabitants, with its own schools, a church and a small hospital unit. Perhaps even more importantly, the residences in the Olympic village were intended to conform, to a large extent, to the most exacting standards of habitability, and will be surrounded by one of the largest parks in Athens. As demand for houses in the village was greater than the number of houses available (approximately 17,800 applications were filed for around 3,000 dwellings), WHO proceeded to assign the houses to its beneficiaries by

<sup>734</sup> Available in English at <http://www.unhabitat.org/Istanbul+5/NatRep-Greece.pdf>, p. 20.

<sup>735</sup> The Council of State held, with its decision No 1528/2003 issued on 9 Apr. 2003, that the modifications to the town planning regulations that had been enacted in order to allow the building of the Maroussi press village were illegal, as no adequate reasons had been given for them. It also held that they were in violation of Art 24 of the Greek Constitution concerning the protection of the environment). Ordinarily, such a decision would lead to the immediate freezing of the construction of the Maroussi press village. However, this did not happen and construction of the village continued despite the Court's decision. Applications to the local police station by Mr. Clapakis as well as Prosecutor's orders to the effect that construction be halted were apparently ignored, with the local police commander stating that he was following orders from an unspecified 'public agency'. On 24 Dec. 2003, Law 3207/2003 was voted and entered into effect. Article 6 of this law concerned the Maroussi press village and aimed at 'legitimising' it: as a result, the six months of illegal construction were ex post facto legalised. During these six months, the Maroussi press village was, according to Tassos Telloğlu, "the biggest illegal building in Europe": Telloğlu, *The City of the Games*, (2004). Mr Clapakis, together with other concerned citizens, launched yet another legal battle before the Council of State, this time against Law 3207/2003. See further: *Galera Magazine*, Jan. 2006, available in Greek at <http://galera.gr/magazine/modules/articles/article.php?id=68>.

<sup>736</sup> WHO beneficiaries can apply for a favourable housing loan from WHO in order to buy a house in the Olympic Village.

means of a draw or lottery. There was no draw where houses were destined for handicapped beneficiaries<sup>737</sup> or families with more than five children: this affected approximately 229 families.

Unfortunately however, by April 2007, many future inhabitants had not yet taken up residence in the Olympic village. In April 2006, only 400 families had moved into the Olympic village, and by April 2007, approximately 7,000 of the expected 10,000 residents had moved in. Those who had moved in encountered numerous problems, most of which continue to plague the village at the time of writing: there are virtually no shops operating in the village, buses do not run frequently, and there is a dispute with the municipality of Acharnai (which is the municipality to which the Olympic Village belongs for administrative purposes) over the municipality's refusal to collect garbage from the village and maintain the green areas.<sup>738</sup> These events have had both a psychological and financial impact on the tenants, as they risk being forced to pay the rent for the houses where they are currently living as well as the first instalments on their new WHO homes. A number of those selected by the WHO in the lottery subsequently decided not to move to the village because of these problems. The current residents have various concerns about the effect that poor initial planning has had upon their community, and the ongoing technical, social and administrative problems that continue to affect them.<sup>739</sup>

Another problem plaguing the Olympic village is that, due to time and budgetary constraints, the high environmental standards laid down both in the candidature file and in the various technical reports were silently abandoned. According to the candidature file, the principal guidelines to be followed in designing and building the Olympic village were to have been the use of new technologies in order to save energy (such as passive solar architecture and cross-season storing of thermal energy), new water management resources, new building materials and the adoption of a modern solid waste management strategy.<sup>740</sup> Similar recommendations are contained in WHO's 2000 Town Planning Study of the "Olympic Village" settlement.<sup>741</sup> Unfortunately, the mounting costs forced WHO to discard most, if not all, of these projects, leading Greenpeace to issue a scathing report in August 2003.<sup>742</sup>

The other key housing outcomes for Athens were the press villages. It was envisaged that two of the seven press villages would be used as University and National Technical University dormitories following the 2004 Olympic Games. The University of Athens Major Student Dormitory, located in Zografou, was renovated and almost rebuilt for the Olympic Games, after which its 523 rooms (174 two-bed rooms and 358 single-bed rooms; all with individual toilet and shower facilities) would be used by low income students. Additionally, two smaller student dormitories were also built a few hundred metres from the Major Student Dormitory. These two new dormitories have a combined capacity of 294 single-bed rooms with individual toilet and shower facilities.<sup>743</sup> Similarly, following the Olympic Games, the Goudi press village was transferred to the National Technical University of Athens to be used as student dormitories with a capacity of 800 rooms. Eligibility for rooms in these dormitories depends on students having a low income as well as not being in possession of a house at their place of study.

### 2.5.5 Conclusions on the housing impacts of the Olympic Games in Athens

Athens' Romani population suffered most from the effects of the Athens Olympic dream. For Roma, the preparations for and staging of the Olympic Games exacerbated their already vulnerable situation and the level of discrimination to which they were regularly subject. Approximately 2,700 Roma were forcibly evicted or displaced, either directly as a result of reclamation of land for, or near, Olympics facilities, or because relocation projects were abandoned as resources were instead devoted to Olympic Games projects. In general, the Olympic Games were used as a pretext for pushing Roma communities out of their existing settlements. Such evictions occurred both before and during the Olympic Games.

737 The Olympic Village also hosted the athletes of the Paralympic Games – as a result, certain houses had been modified in order to be more accessible to persons with wheelchairs.

738 COHRE interviews with residents and representatives of the Olympic Village, Athens, 12 and 14 April 2007.

739 COHRE interview with Rizos Tzolakostas, Chairman of the Olympic Village Residents Association, Athens, 14 April 2007.

740 Candidature File Volume III, Theme 12, page 26.

741 Telloglou, *The City of the Games*, (2004), p. 103.

742 See further Greenpeace International, 'Athens Disqualified from Green Olympics', 29 July 2004, available at <http://www.greenpeace.org/international/news/athens-disqualified-from-green>

743 Information from the University's Official site, available with photos (in Greek) at [http://kapodistriako.uoa.gr/stories/053\\_th\\_01/index.php?m=2](http://kapodistriako.uoa.gr/stories/053_th_01/index.php?m=2)



Beijing: Residents express their opinion on the wall of their apartment block : "Oppose use of threats, fear and swindles and other methods to carry out evictions" [Photo courtesy of COHRE]

## 2.6 Beijing<sup>744</sup>

China is striving to ensure that the 2008 Olympic Games will firmly establish its credentials as a genuine superpower of the 21st century. The construction of this image has required a thorough transformation of Beijing's residents, work places, modes of living, transport, and culture. Not unlike other cities that have hosted Olympic Games, such changes will (and already have) created winners and losers. For most of the last decade, preparations for the 2008 Beijing Olympic Games have had an enormous impact on housing for the local population in Beijing, in particular through large scale forced evictions and displacements, and the repression of housing rights defenders.

According to COHRE research, statements by the Chinese government and estimates documented in the field, by April 2007, at least 1.25 million people have already been displaced as a result of urban development linked to the Olympic Games, and unknown numbers of these people have been evicted forcibly. At least a further 250,000 people are expected to be displaced in the final year before the Olympic Games, resulting in a total of 1.5 million people being displaced in Beijing due to Olympics-related development. While many of these displacements resulted from large scale urban redevelopment that would have occurred without the Olympic Games, the scale of displacements has more than doubled since Beijing was elected as an Olympic Host City. Over the period between 2006 and 2008, an average of 60,000 homes per year were or are being demolished, displacing 156,000 people per year. These figures appear not to include the numerous migrants living 'temporarily' in some 171 neighbourhoods within the fourth ring road (the city's urbanised core) that were demolished to create space for the principal Olympics venues, other urban facilities related to the Olympic Games and improvements to the city's general infrastructure. Of the total number of persons displaced in Olympics-related development, COHRE estimates that each year, as many as 33,000 people with sustainable livelihoods were pushed into poverty, or deeper poverty, because their homes and neighbourhoods were demolished.

Evictions in Beijing often involve the complete demolition of poor people's houses. The inhabitants are then forced to relocate far from their communities and workplaces, with inadequate transportation networks adding significantly to their costs of living. In Beijing, and in China more generally, the process of demolition and eviction is characterised by arbitrariness and lack of due process. Courts often refuse to hear cases concerning forced evictions because of pressure on judges

<sup>744</sup> Most of the information contained in this section is a summary of a separate background paper commissioned as part of this project, which has been published as a draft for consultation. This separate paper was researched and written by a China-based expert whose identity must remain anonymous for security reasons. See further: *New Beijing, New Olympics: Urban Transformation at What Cost?* (Geneva: COHRE, 2007), available at: [www.cohre.org/mega-events](http://www.cohre.org/mega-events). Unless otherwise indicated, in this section English translations from Chinese sources are the author's. Evidence of violent treatment of persons resisting evictions in Beijing is well documented. Due to concerns for the safety of the residents and our researcher it was difficult to formally interview those who had already been mistreated during an eviction process, and it was not possible to conduct a fact finding mission to Beijing. COHRE's local researcher did visit many sites in Beijing where evictions were in progress or planned and conversed with residents about what was happening or expected to happen. These conversations were initiated by the residents, undertaken on an anonymous basis, and only after explaining that the researcher was gathering information on urban planning problems such as those facing Beijing.

and lawyers from local or higher officials. In many cases, tenants are given little or no notice of their eviction and do not receive the promised compensation. This lack of adequate compensation (or any compensation at all) sometimes leaves the evictees at risk of homelessness. The forced evictions are often violent and abuses committed during the eviction processes have multiplied. In some cases, developers and demolition personnel have cut off water and electricity, used physical threats and other forms of intimidation, and resorted to violence to deal with residents who refused to leave. Although the Central Government has issued several notices condemning such practices, and has prosecuted some companies and individuals for abuses, various forms of violations and violence continue to be reported.

COHRE's previous work has highlighted the repression and violence directed towards victims of forced evictions and their representatives (e.g. lawyers, housing rights defenders) who try to oppose or challenge the evictions.<sup>745</sup> Housing rights activists are subjected to ongoing intimidation, harassment and even beatings for their housing and land rights activities.

## 2.6.1 Background to Beijing's hosting of the 2008 Olympic Games

### (h) Housing in Beijing: main features

From 1949 until the early 1980s, urban housing in China was treated as a welfare good. After the Communist revolution, the state nationalised the urban housing stock and reallocated it to citizens. As new housing was needed to accommodate a growing urban population, work units (e.g. state or collectively owned enterprises, schools and government agencies, including Municipal Housing Offices) built, or contracted the local Construction Bureau to build, more housing. For the majority of urban residents, housing remained cramped and uncomfortable throughout the 1980s.<sup>746</sup> By this time, policy makers had come to the conclusion that housing could no longer be treated as a welfare good, and that eventually, residents would have to bear the full costs of their housing, either by paying rent that covered all costs (including construction, maintenance, and interest), or by eventually buying their own homes.

Governments in a number of cities began building homes for sale, or commodity homes (*shangpinfang*). In the initial stages, these were sold to Chinese living overseas or to local families who could pay for homes with foreign currency. The market for housing built especially for foreign residents coming to China as investors or as representatives of companies or governments took off at this time. Until the early 1990s, these houses and apartments could only be rented, not bought. Although Chinese could, by this time, purchase commodity homes using local currency (RMB), buyers remained scarce.<sup>747</sup> Welfare housing was comparatively much more affordable: rent for welfare housing cost about five percent of the average urban family's disposable income,<sup>748</sup> whereas the purchase of a commodity home required an outlay equivalent to a very high multiple of annual income.

Although some state enterprises began selling their existing housing stock to employees in the early 1990s, this did not fundamentally change the welfare nature of the housing system. Until the second half of the decade, reform of the housing system had been piecemeal and experimental in nature: rents gradually grew to cover more of the cost of housing provision and maintenance, while state enterprises and government agencies raised salaries to help employees cover a portion of the rent increases. The newly established housing provident fund<sup>749</sup> began collecting and disbursing funds to promote the construction and sale of commodity housing and state banks began to issue mortgages to buyers of new commodity apartments and housing. Once this foundation was in place, Vice Premier Zhu Rongji unveiled a new housing policy:<sup>750</sup>

<sup>745</sup> In 2006 COHRE awarded its 'Housing Rights Defender Award' to seven Chinese activists who COHRE considered had displayed exemplary commitment, courage and perseverance in their struggles for the land and housing rights of hundreds of farmers, workers and residents in China. All seven activists have been subjected to ongoing intimidation, harassment and even beatings for their housing and land rights activities. COHRE's 'Housing Rights Defender Award' is presented annually by COHRE to an individual who has shown outstanding commitment to the realisation of housing rights for all people. For the first time since the inception of this award in 2003, it was presented to a number of housing rights activists rather than a single person. The joint recipients of the 2006 Housing Rights Defender Award were: Fu Xiancai; Ma Yalian; Liu Zhengyou; Huang Weizhong; Chen Xiaoming; Xu Zhengqing; and Zheng Enchong. See further COHRE, 'Seven Chinese housing rights activists honoured with prestigious international human rights award' (Geneva: COHRE, 5 December 2006), available at <http://www.cohre.org/store/attachments/2006%20COHRE%20Housing%20Rights%20Awards%20-%20Media%20Kit%20Intl.doc>

<sup>746</sup> In the late 1980s, Shanghai residents, although among the most highly paid in the country, typically shared kitchen and bathroom facilities with one or more other families. In 1989, 40 years after the revolution, per capita habitable housing space had increased to only 6.9 square metres from 3.9 square metres. 1990 Shanghai Statistical Annual (1990 Shanghai Tonji Nianjian), p.388.

<sup>747</sup> Purchasers of urban commodity housing were mainly Chinese living overseas, or their relatives in China, and the 'nouveau riche' independent entrepreneurs who began appearing in the late 1980s and early 1990s.

<sup>748</sup> Rongji Zhu, 'Problems in Housing System Reform (*Guanyu Zhufang Zhidu Gaige Wenti*)', speech delivered on 24 January 1997, available at [http://news3.xinhuanet.com/ziliao/2002-03/03/content\\_2645079.htm](http://news3.xinhuanet.com/ziliao/2002-03/03/content_2645079.htm)

<sup>749</sup> China's Housing Provident Fund (*Zhufang Gongjijin*) manages matching contributions from workers and employers that workers can draw upon to construct, upgrade or purchase housing. The principal beneficiaries to date have been the upper-income quintile of state sector employees. In this sense, the Fund redistributes resources upward.

<sup>750</sup> The directive setting out the government policy to halt the distribution of housing as a welfare good is *Announcement Regarding the Deepening the Reform of the Urban Housing to Speed Up Housing Construction* (State Council [1998] No.23. *Guowuyuan guanyu jinyibu shenhua chengzhen zhufang zhidu gaige jiakuai zhufangde tongzhi guofa* [1998]23 hao). available at <http://www.cnu.edu.cn/fangguan/policy/disppolicy.asp?id=23>

From the second half of 1998, the Government would begin dismantling the system of providing housing in-kind and workers and staff members would purchase their current apartments roughly at cost, which represented slightly more than four times the average annual income of a two-worker household.<sup>751</sup> Workers would pay for their apartments from their salaries, bank loans and provident fund accounts. For those who could not afford to buy their apartments, the rental option would remain open. Workers unable to pay the prevailing rents could apply to the local authorities for special assistance.

Although Zhu's reforms gave new impetus to the housing market, the main beneficiaries were initially limited to the better off members of society who were able to acquire some of the best state owned housing stock at bargain prices. As newly built commodity housing remained far more expensive than the state owned apartments in which they lived, many residents who could afford to buy new apartments chose not to enter the market. Apartment complexes targeted at the local population remained empty or sold very slowly.

In contrast, in the fast growing cities of the coastal region, which attracted a significant amount of foreign direct investment, the market for luxury housing, office complexes, and commercial spaces, whether for lease or sale, was escalating. Speculative investment from within and outside China poured into the real estate sector, making it the fastest growing and most profitable sector of China's economy.

China's major cities, competing with each other to attract more foreign investment, embarked on large scale urban regeneration programmes. These consisted not only of the construction of luxury housing, office buildings and commercial complexes, but included: beautification schemes; new airports; harbours; train stations and subways; sports complexes and other recreational facilities; new highway and road systems; university cities and special economic zones. All of these programmes required large quantities of land, much of it already occupied by factories, housing, and schools.

With so much construction on existing urbanised land, relocations preceded by evictions and demolitions became commonplace in the 1990s. Prior to the late 1990s, renovation of dilapidated or dangerous housing entailed moving residents to temporary housing during the period in which repairs were undertaken. Similarly, residents could be temporarily relocated if they were likely to be unduly disturbed during the construction of large scale infrastructure improvements. In cases where neighbourhood housing was to be replaced with new housing, efforts were made to house residents in nearby temporary accommodation until they could move into their new flats. In cases where neighbourhoods were condemned for other uses, residents were generally offered resettlement in newly built communities elsewhere in the city or on its periphery.

As plans for urban upgrading in Beijing evolved in the late 1990s, the close and reportedly often corrupt collaboration between local (City and District) authorities, on the one hand, and real estate developers, contractors and sub-contractors, on the other, became a major source of contention in the city. District authorities held the power to negotiate with developers on the price and conditions attached to the use of urban land that was rapidly becoming scarcer (and therefore more valuable). This increased the price of land in the city where replacement housing for the displaced community members could be located. By the year 2000, local authorities had realised that the benefits to both the developers and themselves were far greater if they built high-end projects in all city centre locations. The resulting displacement of lower income groups from the city centre to locations outside the fourth ring road has continued apace since then. More recently, local and national authorities in Beijing have reached agreement on the need to radically transform the social and economic functions of the city of Beijing within the fourth ring road by 2010. In Beijing, land use is chiefly determined by the expected return on the acquisition of central urban space.

Among the apparent successful characteristics of the modern city of Beijing are: its impressive skyline; access to all ranges of luxury goods; sophisticated airports, apartment buildings and rapid transit systems; a rapidly growing IT industry and corridor; and closely linked and highly profitable finance, construction and real estate industries. The growth model that generated these developments has also rapidly accelerated the rural-urban divide, and more recently, has sharpened the income, social and spatial divides between the new urban rich and the other residents of the city. Much of the city's traditional economic foundations (central government bureaucracy and state-owned heavy industry) have been dismantled, downsized or relocated, leaving former employees and their families with precarious livelihoods, including increased insecurity of housing tenure and reduced social services.

751 The average cost of the apartment is determined on the basis of its location and the construction costs of the standard issue 60 square metre staff or worker apartment. These apartments were known (in 1997) as 'economic and comfortable housing' (*jingjishiyongfang*): Zhu, 'Problems in Housing System Reform' (1997). In 2007, this category of housing applies to apartments in complexes that receive government land and tax subsidies and have upper income limits for purchasers.

(i) Beijing's preparations for the Olympic Games

*"Persevere in 'Using the Olympics to promote development, using development to help the Olympics'."*<sup>752</sup>

Beijing was elected as the Host City for the 2008 Olympic Games on 13 July 2001. Five months later, the Beijing Organizing Committee for the Games of the XXIX Olympiad (BOCOG) was established. Beijing's bid to host the Olympic Games involved it making commitments to undergo huge infrastructural changes in preparation to stage this event. For example, the BOCOG announced that 62 roads and four bridges would need to be constructed around the new Olympic Games venues.<sup>753</sup> The venues themselves include 31 competition venues, 45 training venues and five other affiliated facilities, all located in Beijing, with more venues to be located in co-Host Cities (Qingdao, Hong Kong, Tianjin, Shanghai, Shenyang and Qinhuangdao). In terms of infrastructure related to accommodation, the athlete's village is planned to comprise 42 new residential buildings to be built in the four Olympic venue zones, and the media village will consist of 16 apartment buildings.<sup>754</sup>

Among the projects which have been accelerated due to the Olympic Games are: the expansion of the city's transportation network – including the airport, subway and light rail network; the extensive demolitions in the Qianmen quarter and its planned reconstruction; the approval and construction of a central business district on the city's East Side; a new round of massive public contracts and investments in the high-tech corridor of Zhongguancun; the clearance of old *danwei* (work-unit) housing in the central east corridor between the second and fourth ring roads to make room for high-end residential developments, luxury shopping complexes and entertainment districts; and large environmental remediation projects, including the relocation to Hebei Province of the main facility of the Capital Steel Factory, formerly the largest single employer in Beijing.

The various arms of government in Beijing and elsewhere in the country have committed to invest approximately US\$40 billion to prepare the city – including its people, economy and environment – to host the 2008 Olympic Games. The rationale given to the public for this scale of investment is that the money will be well spent. At the very least, it is suggested that there will be long term benefits to the city and country because of the prestige generated by holding the Olympic Games in Beijing. Experts claim that the task of reconfiguring the centre city in record time will be proof of how effective China's leadership and governance system can be when it focuses on achieving a goal.

The Chinese Government, the City of Beijing, the mayors of 500 other cities in China and all the peoples of China have promised to make the 2008 Olympics not only first rate, green, high-tech, people-centred, but also the best ever.<sup>755</sup> At the same time, the government expects the Olympic Games to be a catalyst for, and accelerate, planned developments that nearly 30 years of the 'Open Door Policy' and nine percent annual growth over the past 15 years have not been able to accomplish. These include marked improvements to the country's economic system, industrial structure, political culture, degree of openness to, and fair dealing with, the rest of the world and the level of sophistication and moral values of the average citizen.

Meanwhile, the 2008 Olympic Games has increased the precariousness of the livelihoods and living conditions of the more vulnerable members of Beijing's population, including migrants. Forced evictions have been integral to the success of urban redevelopment schemes, and COHRE's research shows that the economic, political and psychological leverage applied in the name of undertaking Olympic Games preparations has been a crucial factor in this process.

In the period between 1991 and 2006, millions of people have been relocated, some willingly, and others unwillingly. An unknown number of people were evicted illegally and violently. While a significant number of families who were evicted and relocated during this period are now living in more comfortable homes, what is less clear is the number of families who suffered significant economic, social and psychological damage as a result of the relocations. It is also unclear the

752 Chinese translation: *Jianchi "Yi aoyun cujin fazhan, yi fazhan zhu aoyun."* Quote from the Olympic Implementation Plan (Aoyun xingdong guihua), available at: [http://www.bjpc.gov.cn/tzgh/oyxdgh/200508/t150\\_1.htm](http://www.bjpc.gov.cn/tzgh/oyxdgh/200508/t150_1.htm)

753 See further Beijing Organizing Committee (BOCOG) <http://en.beijing2008.cn/>, section 'Venues'.

754 BOCOG, 'Construction of Olympic projects progresses smoothly', 7 December 2006, available at <http://en.beijing2008.cn/57/40/article212064057.shtml>

755 A public information website about Beijing's efforts to win the right to organise the 2008 Olympic Games contains an entry under a section entitled 'heartfelt voices of the common people (*minzhong de xinsheng*)', announcing that on 24 June 2001, 500 mayors and special guests attending a meeting of the National Association of Mayors signed their names to a statement expressing deep support for Beijing efforts to organise the games. Unlike the bilingual websites of the Beijing Olympic Bid Committee and the Beijing Organizing Committee for the Olympic Games, information on this large website appears only in Chinese. The same site also contains well wishes from many other individuals and groups, none of which left contact addresses. See further <http://www.china.org.cn/ch-shenao/minzhong-2.htm>

extent to which the government has measures in place to monitor the relocations, to ensure that reparations are made to those who have suffered damage in the process, and to guarantee that future evictions will be carried out in a 'welfare' neutral manner for similarly-situated families.

What is clear is that it has been very difficult to follow the implementation of new regulations governing the redevelopment process: many new regulations have been proposed and discussed, and only some implemented. Some new regulations of relevance to the right to adequate housing include efforts to reign in forced evictions, to improve compensation for evicted families, to slow the phenomenal rise in real estate prices, to limit, if not eradicate, corruption and gaming in the allocation and resale of subsidised housing, and to increase the supply of low rent housing for the neediest (registered) urban residents. At this stage, it is difficult to assess the success of these efforts, as there are many factors which either support or undermine their effective implementation. One thing is clear from our research – the rate of displacements and forced evictions caused or facilitated by the Olympic Games preparations has continued unabated.

#### (j) The role of public support for the Olympic Games

*"The Olympics is the only global pageant of sports whose aim is to protect peace, spread friendship and promote culture. As one of the most influential countries in the world, China should make its contribution to the global development of the Olympic movement; holding the Olympic Games is thus the most concentrated embodiment of this contribution. Upholding the Olympic Spirit, participating in the Olympic endeavor and organizing the Olympic Games is the aspiration and ideal of all Chinese people, including the people of Beijing. In recent years, with the deepening of reform and opening up and sustained economic and social development, China's stability, economic prowess and overall national strength have increased greatly. As the nation's capital, Beijing in representing China in organizing the Olympics, can most comprehensively reflect the development of China's political-economic culture and its level of national development, and to faithfully present our national image. At the same time as it fortifies Beijing's image as a civilized, open and developed modern international metropolis, it will benefit Beijing's own development. Therefore, to apply again to organize the Olympic Games is for all Chinese and Beijingers to partake in the Olympic spirit, to advance human civilization, to promote a grand event of east-west cultural exchange, as well as an opportunity to exhibit our resplendent achievements, to speed our opening to the outside world and to use this auspicious moment/turning point for our own development."*<sup>756</sup>

*"Over 95 percent of our population support the bid because they believe that hosting the 2008 Olympic Games will help raise their quality of life. It will help promote all economic and social projects and will also benefit the further development of our human rights cause."*<sup>757</sup>

Formal planning documents issued at the national and city levels have emphasised that one of China's goals in hosting the Olympic Games is to make the Beijing Olympic Games the best ever, thereby proving that China is a first-rate country which is capable of achieving massive undertakings.<sup>758</sup> It is anticipated the success of China's Olympic Games undertaking will cement the confidence of foreign investors and thereby boost foreign investment in China. The Government uses this publicly stated and oft-repeated goal to rally citizens behind official efforts to realise the Olympic Games project. This 'holding the best Olympics ever' communication strategy is effective because it focuses public and peer group pressure on residents who refuse to move from their homes to make way for Olympics-related development. The implicit message is that if the whole city and country do not pull together, the overall effort may fall short and cause China to lose face in the international arena. COHRE researchers have heard this sentiment expressed dozens of times by residents who are resigned

756 'Why does Beijing want to hold the Olympic Games?' (*Beijing wei shenme yao shenban aoyunhui?*) Anonymous article posted on government sponsored website, available at <http://www.china.org.cn/ch-shenao/wenda/t3.htm>. Translation by COHRE.

757 Liu Qi, Mayor of Beijing, during his presentation to the IOC in Moscow, prior to the final selection of the 2008 Olympics Host City.

758 Olympic Games Implementation Plan (*Aoyun xingdong guihua*), available at <http://www.bjpc.gov.cn/fzgh/oyxdgh/200508/t150.htm>; Beijing City Government Annual Work (Progress) Report 1998-2006 (*Beijingshi zhengfu bagao, 1998-2006*), available at <http://www.beijing.gov.cn/zfzx/qzbg/default.htm>; Beijing Urban Plan 2004-2020 (*Beijing chengshi zongti guihua 2004-2020*) available at <http://www.bjpc.gov.cn/fzgh/csztggh/200508/t133.htm>; Beijing Urban Plan 1991-2006 (*Beijing chengshi zongti guihua 1991-2010*) available at <http://www.bjpc.gov.cn/fzgh/csztggh/200508/t130.htm>; Xuanwu District Government Annual Report (*Xuanwuqu zhengfu gongzuo baogao 2005*) available at <http://www.bjxw.gov.cn/XWzhwgk/XWzwzwbzg/XWzwzwbzg.ycs>; BOCOG English website, available at <http://en.beijing2008.cn/>; 'Reader Responses on Olympics' available at [www.china.com](http://www.china.com)

to the prospect of their impending relocation.<sup>759</sup> Some also maintain that sacrificing some of the wellbeing of between 10 and 20 percent of the urban population is not a high price to pay if the Olympic Games are able to maintain or accelerate the current high rate of economic growth and prevent others from losing their jobs or falling into poverty.<sup>760</sup>

In the course of its research, COHRE encountered many residents who said that they generally supported Beijing's hosting of the Olympic Games because of the expected future benefits it may bring to the city, as well as the pride they feel in living in the first Chinese city to host the Olympic Games. At the same time, many of the more privileged residents expressed the sentiment that it is inevitable that not all people can benefit from the Olympic Games and that some will be hurt: "on the whole, the nation will benefit, so maybe it's better for some people to be 'sacrificed' for the good of the whole".<sup>761</sup>

## 2.6.2 The 2008 Olympic Games: impacts upon housing in Beijing

### (h) Displacements and forced evictions resulting from Olympics-related urban development

It has been clear from our research that, without the 2008 Olympic Games, and Beijing's earlier failure to secure the 2000 Olympic Games, it is unlikely that the pace and trajectory of Beijing's transformation would be what it is today (and will be for many years to come). The Olympic Games project has been used to create a social climate where forced evictions are considered not only possible, but acceptable.

COHRE has undertaken a process of reviewing available data in order to estimate the number of forced evictions that have occurred annually in Beijing since 1990. The main sources of information for this study are the Chinese language press (whether in print or on websites accessed inside China), Chinese language blogs (also accessed inside China), and to a much lesser extent, English language international press with credentialed correspondents inside China.<sup>762</sup> Official statistical annuals, government progress reports, national and municipal Five Year Plans (FYPs), comprehensive urban plans and planning documents, Beijing Olympic Committee (BOC) bulletins and reports have also been used.

Officials have been forthcoming in confirming the number of residents who have been the subject of 'demolition and relocation' programmes.<sup>763</sup> While it is difficult to determine how many residents subjected to such 'demolition and relocation' programmes have been forcibly evicted, it is clear that the majority of such evictions and displacements have not complied with the requirements of international human rights law (as outlined in Chapter II Section 3). Among other things, such evictions and displacements are characterised by a lack of public participation, little or no notice to residents, and the relocation of residents to locations far removed from their sources of livelihood.

The main areas in which evictions have been carried out within the municipality of Beijing during the period between 2000 and 2007 are:

- Neighbourhoods in the four central districts of the capital where overcrowding and old or dangerous housing is common; namely, Dongcheng, Xicheng, Chongwen and Xuanwu; and
- *Chengzhongcun* (literally, villages in the city); informal urban settlements comprising housing that has not been approved for construction, does not comply with building codes and typically receives urban services informally, if at all. The most extensive of these are now found between the second and fifth ring roads in the extended urban districts of Chaoyang, Fengtai, Shijingshan and Haidian.

Some of the evictions in these areas may have arisen as a result of Beijing's first Olympic Games bid (for the 2000 Olympic Games) but the majority stem from the 2008 Olympic Games and related urban projects.<sup>764</sup>

759 Researcher's interviews with local residents, June 2002.

760 Researcher's interviews with local residents, November 2006.

761 Researcher's interviews with local residents reflect that these are frequent comments by persons already in settled homes and not likely to be demolished in the near future (2001-2006).

762 Newspapers and magazine reports, government documents, and broadcast media programmes in China discussing topics that touch on matters of social stability, in addition to having passed an internal 'censor', are also likely to have been pre-emptively edited to be vague or susceptible to a variety of interpretations when sensitive issues are discussed. Much of the data that will be discussed below are likely to have been 'adjusted' to be both plausible and minimally provocative socially. We may thus assume that we are working with conservative estimates and softened criticisms.

763 The Chinese phrase for demolition and relocation is *chaiqian*: the first character means to 'dismantle' or 'tear down', and the second, to 'move away'.

764 The evictions that occurred in the course of preparations for the 1990 Asian Games are not discussed here.

The prime motivations for these evictions include:

- Reorientation of the functions of the core city (within the fourth ring road) away from residential use to predominantly commercial, governmental, international and high tech industrial use;
- Transportation upgrading projects such as the construction of ring roads and highways, light rails, subway extensions, and the widening of major road arteries;
- Environmental projects such as the construction or expansion of plazas and green spaces, watercourses and public parks;
- Construction of cultural and sports facilities such as museums, galleries and performance centres, Olympic Games venues and tourism related infrastructure;
- Real estate projects such as the construction of high end commercial and residential buildings.

Forced evictions are driven by the imperatives of an urban redevelopment project in which the business community and government have collaborated for their mutual benefit. Implementing a project of the kind contemplated as part of Beijing's hosting of the Olympic Games in 2008, without appropriate social safety measures in place, will almost certainly lead to a major deterioration in 'life opportunities' for many of Beijing's low income residents. These residents have therefore strongly opposed the eviction processes that have been necessitated by the short time frame in which the Olympic project must be achieved.<sup>765</sup> Business interests and the government have responded with a call to hold 'the best Olympics' in 2008 – an appeal to nationalist sentiment that is designed to silence and undermine the legitimacy of any protest.

Local residents who spoke to COHRE expressed dissatisfaction with various aspects of their treatment at the hands of the local authorities. Rarely did they place the blame for their problems solely with the property developers. Typically, these local residents considered that local government, after having accepted large (illegal) payments from developers, engaged third parties – often with the assistance of neighbourhood committees – to carry out the hard work of getting residents out of their homes and neighbourhoods.

In visits to central city neighbourhoods<sup>766</sup> COHRE found residents resisting relocation long after most of their neighbours had accepted compensation and moved elsewhere. These neighbourhoods have been reduced to rubble, with the exception of the scattered rooms or buildings inhabited by those who obstinately refuse the offers of alternative housing and/or compensation.<sup>767</sup> All over China, these households are known as *dingzihu* or 'nailed-in households'. Although as early as 2004, city authorities issued directives to maintain such residents' electric, water and telephone services for as long as they remain in their homes, life in these neighbourhoods has become extremely difficult, if not hazardous.

In June 2004, China's State Council, the country's highest law making body, issued new directives (State Council Office [2004] No. 46) for managing relocations. The directives were intended to prevent infringements on residents' legal rights during land clearance and relocation. Among the crucial components of the directive were instructions to: limit the scale of evictions and relocations to the extent and areas legally approved by municipal or town planning offices; ensure that eviction and relocation procedures were strictly implemented in an open and fair fashion; and strengthen vigilance over and management of organisations carrying out clearance and relocations. In particular, governments were charged with preventing violent evictions, illegal evictions and the cutting off of services to residents (including water, gas, electricity, heating and access to transportation) in order to force residents to leave.<sup>768</sup>

Yet State Council Office Directive No. 46 [2004] is not being fully implemented. While homes are no longer bulldozed while residents are inside, and beatings by hired thugs are now comparatively rare, residents in neighbourhoods in Beijing and

765 Researcher's interviews with local residents between 2001 and 2007. Subsequent footnotes will list dates of visits to areas undergoing evictions and demolitions in Qianmen, Xuanwuqu, Congwenmen, Sanlitun, and Hujialou neighbourhoods between 2001 and 2007.

766 COHRE's research was conducted over the course of repeated visits by our researcher (since 2001) to numerous Beijing neighbourhoods threatened with and in the process of demolition. None of the communities studied would, as a whole, meet the UN-Habitat operational definition of a 'slum' (see UN Habitat, *The Global Report on Human Settlements 2003: The Challenge of Slums*, London; Earthscan 2003, p.12). While many of the neighbourhoods referred to are located far away from Olympic Games venues and are of limited historical significance, they are attractive targets for redevelopment because of their proximity to the city's historic and new commercial centres. Redevelopment tied to the Olympic Games relies on the circular argument that redevelopment is the best way of capitalising on the 'Olympic Economy' effect, and that the Olympic Games provides the best opportunity to undertake redevelopment because it will ensure that Beijing puts its best foot forward when the eyes of the world are on the city.

767 This is a common feature of the eviction process throughout China: A notorious example, which received international attention, is the case of Wu Ping and Yang Wu and their fight against eviction in Chongqing. See, for example, Edward Cody, 'As a House Falls in China, Rights Debate Resonates: 3-Year Standoff Symbolic to Many in Era of Growth', *Washington Post* (4 Apr. 2007). Wu Ping and Yang Wu were due to be evicted in 2004 when their home became one of 280 scheduled for demolition to make way for a redevelopment project. They refused to leave and their home was effectively turned into an island in the middle of a construction zone.

768 Cailiang Wang, *Explaining Conflicts during Housing Evictions [Fangwu Chaqian Jiufen Jiadian Ziyi]* (Beijing: Law Press, 2005), pp. 324-325. Information is paraphrased from the original Chinese language source.

Shanghai have told COHRE that similar tactics have been used in the past two years, and newspaper reports have highlighted the problem in other cities as recently as mid-2006.<sup>769</sup> In all of the cases examined as part of this study, high profile commercial and/or high end residential projects in central city locations have benefited from the destruction of China's affordable housing for low income groups.

Recourse to adequate compensation by different social groups affected by relocation appears to vary widely. After relocation has taken place over the objections of residents, it appears that avenues for compensation for lost property or livelihood opportunities are extremely limited, as are the amounts awarded. Among those affected by evictions – especially those whose compensation is deemed to be far from adequate to prevent a sharp drop in living conditions – there is a strong belief that local authorities continue to receive corrupt payments through their involvement as the overseers of evictions in their areas. Decisions in recent court cases tend to reinforce the perception that the government can and does stack the law against evictees. In one case, the Ningbo intermediate court ruled that a local government in its jurisdiction had ignored its own rules in tearing down an illegally built structure, yet it failed to award any compensation for the damage done.<sup>770</sup>

In another case, Zheng Enchong, the lawyer representing hundreds of Shanghai residents in their claims for restitution of properties involved in a real estate scandal valued in the billions of yuan, was sentenced to three years in prison for releasing information indicating high level official corruption in the deal. Even after serving three years in detention, Mr Zheng, who has now been released, is not permitted to leave his neighbourhood or interact with his former clients.<sup>771</sup> Press controls on such matters continue to be applied rigorously in other places as well.<sup>772</sup>

### Estimates of numbers of evictions

In a press conference with Shanghai's Mayor, Han Zheng in March 2003, Beijing's current Mayor Wang Qishan stated (in the context of a discussion about the impact of demolitions in the historic centre of Beijing): "In the past few years 1.5 million residents' habitat has been improved through demolition and relocation".<sup>773</sup> Less than a year later, at another press conference covering a wide range of topics, Mr Wang said that "between 1991 and 2003 some 550,000 thousand households, or about 1.5 million persons have been relocated to improve their housing. In the process many of their homes were demolished."<sup>774</sup>

Mayor Wang's use of the 1.5 million estimate twice suggests the number was correct or officially approved, even if the time frames he gave were different on each occasion. Wang's extension of the time frame for the evictions the second time he used the estimate of 1.5 million appears to be a correction of his earlier statement that the evictions had "occurred in the past few years".<sup>775</sup>

The full estimate of the number of evictions and demolitions conducted prior to the Olympic Games should include those occurring during the full five years of the Beijing Municipality's 10th FYP (covering 2001 to 2005, inclusive) as well as further evictions occurring during the first 31 months of the 11th FYP. The Vice-Chairman of the Beijing Construction Commission, Zhang Xingye, in a paper presented at an international conference held in Beijing in May 2002, gives a semi-official estimate of 10th FYP evictions.<sup>776</sup> In that paper, Mr. Zhang noted that during the 10th FYP, demolition and relocation of 347,000

769 At the beginning of July 2006, the city of Dalian in northeast China sent out eviction notices to 3,600 households telling residents that they had to move from their small but fully serviced 20 year old apartments. They were instructed to move on the 17 July and 17 August 2006 and were told that the land under their apartment would be used to for the construction of a large financial centre. Local authorities ignored resident protests and went ahead with the demolitions. Today *dingzihu* residents collect drinking water from broken pipes. Electricity was cut off long ago. But *dingzihu* remain in their homes because they cannot find apartments that they can afford with the compensation offered by the developer. "Problem Evictions" pull up housing prices; 60 year olds weep" (13 Dec. 2006), available at <http://www.soufun.com>

770 Huan Chen 'Landmark Decision: No compensation, illegal procedure still has force' (*Lichengbei panjue: meiyou peichang feifa banfa reng you xiao*), 21st Century Economic Herald (16 Jan. 2007), available at <http://finance.sina.com.cn/g/20070116/10043250243.shtml>

771 Peijin Chen, 'A tale of two people: Zhou Zhengyi and Zheng Enchong', *Shanghaiist*, 27 June 2006, available at [http://www.shanghaiist.com/archives/2006/06/27/zhou\\_zhengyi\\_an.php](http://www.shanghaiist.com/archives/2006/06/27/zhou_zhengyi_an.php)

772 See, Mark O'Neill, 'China: Media censorship alive and well', *South China Morning Post* (London, 9 Mar. 2006).

773 'Beijing, Shanghai Paired City Record: Wang Qishan and Han Zheng Debate Development' (*Shuangchengji: Wang Qishan, Han Zheng shizhang lun fazhan*), 3 Aug. 2006, available at <http://news.tom.com>

774 Transcript of Wang Qishan answering reporters: 'I will be for the people, practicality and uprightness' (*Wang Qishan da jizhe wen shilu: Wo jiang wei min, wushi, lianjie*), 21 Feb. 2004, available at: <http://www.tyfo.com/news/pic/block/html/2004022100199.html>

775 The earlier imprecision was likely to have been an honest mistake. Wang been provisionally appointed Mayor of Beijing that month, specifically to control the SARS crisis, both medically and politically.

776 Zhang Yanling 'The Scale of Building and Focus of Urban Development during Beijing's Tenth FYP' (*Shiwu qijian Beijing jianzhu guimo he chengshi jianshe zhongdian*), conference paper, presented on 27 May 2002, available at <http://www.china.org.cn/chinese/zhuanti/150991.htm>

households (approximately 975,000 million persons<sup>777</sup>) would touch all eight of the municipality's urban districts, including the nearby suburbs. One third of the housing earmarked for demolition had been classified as 'dangerous' (weifang), from which it may be inferred that the rest of the housing was adequate, but for the fact that it was located on land being condemned for urban projects planned by the city.

Although some of the demolitions conducted during the 1990s were intended to benefit the Beijing Olympic Games bid, others (especially in the early 1990s) were motivated more by the need to improve housing for inner city residents living in dilapidated and often dangerous conditions.<sup>778</sup> For this reason, as well as to provide the most conservative estimate of forced evictions and demolitions related to the 2008 Olympic Games, additional data has been used estimate the portion of Mayor Wang's global evictions for the years between 1991 and 2002 that can be attributed to the years 2000, 2001 and 2002.

The data used is derived from a study by the city's Government Affairs Offices that was submitted to the Municipal Consultative Congress as part of its consideration of a plan to renovate Beijing's historic city centre. That Office put the number of households whose homes were demolished between 1991 and the end of 1999 at 160,900 (about 640,000 persons<sup>779</sup>). Subtracting 160,900 from the global figure of 347,000 yields a figure of 186,100 households for the years 2000, 2001 and 2002.

Actual demolitions and removals for the years 2003, 2004 and 2005 were 50,000, 24,000 and 72,000, respectively.<sup>780</sup> Demolitions for the period 2006 to 2008 are expected to average 60,000 households per year.<sup>781</sup> The total estimate of affected households during the lead up to the 2008 Olympic Games is therefore 512,000 households, or approximately 1.5 million persons.

### Estimates of Households and Persons Affected by Demolitions in Beijing 2000-2008

Year	Households affected by demolitions	Persons per household	Persons affected by demolitions
2000	58,550	3	175,650
2001	58,550	3	175,650
2002	69,000	3	262,200
2003	50,000	2.9	145,000
2004	24,000	2.9	69,600
2005	72,000	2.6	187,200
2006	60,000	2.6	156,000
2007	60,000	2.6	156,000
2008	60,000	2.6	156,000
Total	512,100		1,483,300

Sources are cited in footnotes to the accompanying text.

By comparison, during the nine years from 1991 to 1999, demolitions and/or relocations directly affected 640,000 people, or roughly 70,000 persons annually. The average for the period encompassing the Olympic Games preparations is nearly 2.3 times higher: approximately 165,000 people were being displaced annually.

777 This estimate is based on an average household size of 2.81 persons for all eight urban districts. The estimate would increase by between 25 and 30 percent if migrants were included. It has been reported that the results of a recent population census sample survey showing that the ratio of Beijing's "floating population" (*liudongrenkou*) to registered residents is 1: 3.33: 2006 Beijing Statistical Yearbook (*Beijing Tongji Nianjian* 2006) (Beijing: China Statistical Press, 2006), p.77; 'Beijing Estimates Migrant Population and the quantity of Housing They Rent', First Financial News (*Di yi cai jing ribao*), 11 Oct. 2006, available at <http://www.china-cbn.com/s/n/000002/20061011/020000028015.shtml>. This would still be a conservative estimate, however, as lower income residents and migrant worker households tend to comprise more members than the average household, and are more likely to live in housing targeted for demolition (see further section below on demolition of chengzhongcun).

778 A 1991 study by the Municipal Housing Bureau found that housing covering a third of the total area of the four core urban districts was dangerous for some 920,000 inhabitants: Municipal Government Affairs Office, *Opinion to Beijing Political Consultative Committee* (Guanyu Beijing chengqu weijiufang gaizao wenti de jianyi an de han), 20 Sept. 2000 (in Chinese), available at [http://www.cin.gov.cn/zcfg/bwwj/200611/t20061101\\_5274.htm](http://www.cin.gov.cn/zcfg/bwwj/200611/t20061101_5274.htm)

779 A higher average family size (three) is used here because the sizes of families affected by demolitions in the 1990s were on average slightly larger than today's: 2006 Beijing Statistical Yearbook (*Beijing Tongji Nianjian* 2006) (Beijing: China Statistical Press, 2006).

780 Beijing Government Work Report 2004-2006, [*Beijing zhengfu gongzuo baogao*] available at <http://www.beijing.gov.cn/zfzx/gzbg/default.htm> (See further the Beijing Government Work Reports for 2006, 2005 and 2004.) Data on persons affected were not provided. Estimate of 2.9 and 2.6 persons per household is used for relocations after 2002 and 2005, respectively, when the most overcrowded neighbourhoods were demolished: 2006 Beijing Statistical Yearbook (*Beijing Tongji Nianjian* 2006) (Beijing: China Statistical Press, 2006).

781 Sui Zhenjiang, 'Beijing to demolish 60,000 homes per year' [*Beijing meinian chai 6 wan hu*], statement by Party Secretary of the Beijing Municipal Construction Commission, *New Beijing News* (11 Jan. 2006), available at <http://www.soufun.com>

Although the number of households and persons projected to have been relocated by the start of the 2008 Olympic Games is very large (512,000 and 1.48 million, respectively), it does not necessarily mean that most relocated families moved unwillingly, or that their livelihood and/or living conditions deteriorated because of the move. COHRE's research and discussions with residents in Beijing's Sanlitun, Qianmen, Hujialou and Donghuashi neighbourhoods lead us to estimate that the percentage of people who have suffered a significant decline in their living conditions as a result of their relocation could be as high as 20 percent in some neighbourhoods and may grow higher in the future.

If the estimate of the number of persons relocated between 2000 and 2008 (1,483,300) is approximately correct, and some 20 percent of this population suffered a marked decline in livelihood and living conditions because of relocation, one could infer that on average, in each of those years, as many as 33,000 persons with sustainable livelihoods were pushed into poverty, or deeper into poverty, because their homes and neighbourhoods were demolished as part of urban redevelopment.

### Neighbourhood case study – Hujialou

*“Housing conditions improve; living standard falls: a typical story of impoverishment because of eviction.”*  
*“As soon as you are evicted, you lose part of your livelihood.”*

---

Qianmen resident Wang Daming<sup>782</sup>

The standoff in the neighbourhood of Hujialou tells a typical story of evictions in Beijing, particularly the way in which a neighbourhood marked for demolition can be converted into a slum around the determined residents who remain living there (*dingzihu*) for lack of an acceptable alternative option.

Residents in Hujialou explained to COHRE that the demolition-relocation company (*chaiqian gongsi*)<sup>783</sup> had removed the windows and steel safety doors from all of the buildings and apartments, dug trenches in the neighbourhood green spaces and walkways, removed manhole covers and exterior lighting, and broken down walls and interior fixtures in the abandoned apartments, while scattering debris in the stairways and entrances to the buildings where the *dingzihu* continued to live.<sup>784</sup> Residents also complained that the demolition company had hired ‘thugs’ to harass the residents at night, physically attacking some of the most outspoken critics of the demolitions, and dumping garbage and defecating in entryways at night. The situation has worsened over the winter of 2006 and 2007, with temperatures hovering at or below zero degrees celsius: the buildings are without heat and electricity and water pressure is low. There is an ever present risk of fire.

Residents claim that they have appealed to the local residents’ committee (*juweihui*), street and district level government officials and the Mayor’s office for help. Such calls for assistance have apparently fallen on deaf ears. The residents are convinced that the Hujialou Residents Committee is receiving corrupt payments or other favours from the relocation-demolition company and will therefore not respond genuinely to any of the residents’ concerns.

According to residents of the Hujialou neighbourhood interviewed by COHRE, about one third of the residents, or approximately 330 persons, remained in their apartments even after the destruction of many of their community services and amenities. Most of the remaining households comprise highly vulnerable individuals: school aged children, unemployed adults with few marketable skills, the handicapped or chronically ill, and retired and elderly living on meagre pensions.<sup>785</sup>

The reason Hujialou residents give for not leaving their apartments despite the difficulties they face while remaining is the same reason given by residents elsewhere in the city: The compensation offered to owners and tenants by the *chaiqian*

782 Statements made by Wang Daming after incurring debts to buy a new home following his family’s eviction their Qianmen home: Xianghong Nan ‘A review of the urban eviction economy: the painful record of an ordinary Beijing family’s eviction and purchase of a new apartment’ [Xiushi chengshi chaiqian jingji: Beijing pingmin chaifang maifang de kanke jilu], *Southern Weekend* (Nanfang Zhoumo), 12 Oct. 2006, available at [http://www.dzwww.com/caijing/cybd/200610/t20061012\\_1801620.htm](http://www.dzwww.com/caijing/cybd/200610/t20061012_1801620.htm)

783 It is a function of local authorities to contract companies to clear land that has been approved for redevelopment, including removal of residents, their property and any structures standing on the land. Local governments are no longer authorized to manage the clearance process themselves. But it is not infrequently the case that local officials have facilitated the establishment of relocation companies that operate within their jurisdiction, and take an active interest in their work and profitability. Reportedly kickbacks abound.

784 Researcher’s interviews with local residents, October 2006.

785 These were typically the major categories of ‘*dingzihu*’ in the Donghuashi, Qianmen, Liulichang, and Sanlitun neighborhoods that COHRE’s researcher visited between 2003 and 2006. Another category of evictees that will be discussed later in this report is migrant workers. Most of these individuals or families never expected to be compensated for their loss of housing because they were never given any expectation of secure tenure, even after very recently obtaining the right to register themselves as legal residents of Beijing. Also, very few migrants have purchased housing in areas subject to demolition and redevelopment.

company is inadequate to maintain their existing minimally adequate living conditions. Even if the amount were sufficient to buy a low cost apartment, and often it is not, such housing could be located as far as 20 to 30 kilometres from the city centre. This places those capable of working far from employment opportunities, and the others far from essential services such as hospitals and clinics, schools and shopping facilities. Public transportation to these distant suburbs is poorly developed, resulting in unacceptably high costs in terms of time, money and physical inconvenience for most Hujialou residents.

Even if these residents receive sufficient compensation to buy a low cost apartment, most complain that they cannot afford to pay the higher fees associated with ownership of a new apartment, such as management fees, and market rate (unsubsidised) heating, water and electricity charges. For many, these charges exceed by many multiples the equivalent charges in Hujialou. Nor can they afford the costs of finding and renting adequate accommodation between the time of their eviction and their entry into the new apartment. Additional costs of fitting out a new apartment are also prohibitive for these residents.<sup>786</sup>

In the former *danwei*<sup>787</sup> neighborhoods like Hujialou, many residents used a large portion of their family savings to purchase their apartments from their employers in the early to mid-1990s. But not all were willing or able to do so, and renters continue to represent a significant proportion of the remaining resident pool. These families were not entitled to compensation because they were not owners. Still, they managed to live in a safe, clean and socially stable environment because the rent they paid in Hujialou (RMB 100 per month; equivalent to US\$13 at current exchange rates) allowed them to manage other household expenses on family incomes of less than RMB 1000 per month (US\$ 125).<sup>788</sup> The market rental for an apartment with similar amenities and access to essential services in Hujialou would be between RMB 1,000 and 2,000 per month, depending on the area of the city. But the latter apartments are likely to be in deteriorating condition, and in any case, could very easily be scheduled for demolition before the 2008 Olympic Games or not long thereafter.

In addition to facing great difficulty in paying these higher rents, relocated renters (and even owners) find it extremely difficult to rebuild social networks and local knowledge equivalent to those they had established in their old neighbourhoods. Social networks include mutual assistance networks for trading services, information, materials and familial care.<sup>789</sup> Local knowledge encompasses knowing how to get things done in the neighbourhood and those from whom to seek assistance when one's own resources do not suffice. This is part of the trauma of eviction.

An extremely worrisome aspect of the situation occurring at Hujialou is the harassment and endangerment of residents which is still part of the process, despite it being more than two years since State Council Office Directive [2004] No. 46 went into force.

#### (i) Displacements and evictions of migrants

*"I'll stay where I am as long as I can. It's no big deal for me if I have to move to an underpass."*

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Migrant vendor's response to hearing that his chengzhongcun would be torn down

*"If we raise the subsistence costs of migrant workers, they'll move outward of their own accord to Beijing's periphery and stay there."*

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Ding Xiangyang, Director, Beijing Development and Reform Commission,  
discussing population control methods for the core city of Beijing<sup>790</sup>

786 Affordable apartments are finished in the most rudimentary fashion, and require substantial investments of time, money and effort to install flooring, plumbing, lighting and kitchen equipment.

787 *Danwei* means work unit or place of employment. Until the mid-1990s, most urban workers' housing was supplied directly by, or arranged through, their employer. Rents rarely covered maintenance costs, and most utilities were heavily subsidised.

788 Beijing's minimum income support (*dibao gongzi*) is RMB 310 per person, or about 930 RMB for a three person household with little or no visible income.

789 Urban Chinese often take turns paying each other's bills, handling banking, walking children to and from school and other tasks that require waiting in long queues. Working for the same employer and living in the same apartment complex makes this level of trust and mutual dependence quite normal.

790 Ping Li, Qingyuan Zhang, and Jiujie Wu, 'The Future of Beijing's 332 Chengzhongcun: Renovation Plan Points the Dagger at the Floating Population' [Beijing 332ge chengzhongcunde weilai zhengzhi jihua jian zhi liudong renkou], *Economic Observer (jingji guancha bao)*, 24 Sept. 2006, available at <http://news.hexun.com/detail.aspx?id=1842620> (in Chinese).

Today, Beijing's population of 16 million includes approximately 3.6 million migrants. As the size of the migrant workforce grows, affordable housing options in the city centre or on work sites have become scarce. Those unable to find such accommodation are now taking refuge in *chengzhongcun*, or urban villages. More and more, these villages are coming to resemble the peri-urban settlements that characterised the rapid urbanisation which occurred in other developing countries in the 1950s and 1960s. In China, these urban villages first developed in the 1980s on the peripheries of China's faster growing major cities; namely, Guangzhou, Shenzhen, Shanghai and Beijing. Initially, when they grew large enough to draw the attention of local authorities, they were suppressed and eventually torn down.<sup>791</sup>

Of the reported million plus people living in Beijing's 332 *chengzhongcun*, the 2002 census estimated that 80 percent were migrants. By 2006, these numbers were thought to be much larger, but according to officials, the flows in and out of *chengzhongcun* are so large that it is impossible to be sure.<sup>792</sup> What is certain is that many cities around China are planning to suppress or redevelop *chengzhongcun* in the built up or soon to be urbanised suburbs. In the case of Beijing, the 2008 Olympic Games are adding urgency to this task. According to the plan for Olympic Games construction projects, the 171 *chengzhongcun* within the fourth ring road and surrounding the Olympic stadium site will be demolished before the Olympic Games. Between the end of the Olympic Games in 2008 and 2010, another 61 *chengzhongcun* will be torn down. It is unclear where the residents of these 232 *chengzhongcun* will live.<sup>793</sup> The fate of the remaining 100 *chengzhongcun* in the municipality has yet to be announced, although those within the fifth ring road are expected to "disappear".<sup>794</sup>

It is also unclear whether the approximately 400,000 migrant workers living in the *chengzhongcun* within the capital's fourth ring road have been included in the Mayor's relocation estimate.<sup>795</sup> It is probable that they have not been included because very few migrant workers own property legally in Beijing. Moreover, because migrants are preponderantly the renters of illegally constructed buildings, they enjoy virtually no protection against eviction and have no right to a resettlement allowance.

Migrant workers and family members living in Beijing are not eligible for special treatment in the event that their living quarters are demolished to make way for Olympics or other urban development projects. Many of these workers live on the job site or in off-site dormitories provided by the construction companies, and thus do not have security of tenure. The continuing demolition of *hutong* and *danwei* housing in the centre of the city is already reducing the affordable housing which is sought by hundreds of thousands of migrant workers in the city's existing dispersed service establishments.

Under these circumstances, migrant workers and accompanying family members are likely to be negatively affected by the demolition of *chengzhongcun*, at least in the short run. They will be forced to find new accommodation as the supply of affordable, if inadequate, housing shrinks.<sup>796</sup>

#### (j) Displacements, forced evictions and other impacts resulting from the construction of Olympics venues

The Mayor of Beijing, Mr. Qisan Wang, has confirmed that the number of people relocated from areas designated for Olympics facilities is approximately 18,000.<sup>797</sup> In 2004, he was quoted as saying "A total of 6,000 households will be relocated due to the construction of Olympics venues. So far 5,000 families have been removed".<sup>798</sup> Given the size and scope of the infrastructural projects being undertaken, COHRE believes the actual figure to be much higher.

These evictions have taken place, or will take place, on sites where Olympics facilities are being constructed, and on sites earmarked for supporting Olympics infrastructure such as competition venues, the athletes' village, management facili-

791 Among the largest and most famous of these cases was *Zhejiangcun* (Zhejiang Village). Before its demolition at the insistence of local authorities in December 1995, Zhejiang Village housed a population of some 100,000 persons, along with thousands of enterprises. The village governed itself, establishing health clinics, water and sanitation systems, recreational facilities and schools using the Zhejiang dialect (*Jeong*). It also proved itself to be a major boon to Beijing residents who rented land to the village and bought the village's prodigious output of low cost, fashionable clothing. Jong-Ho Jeong, 'Shifting Central-Local Relations in Post-Reform China', *Development and Society*, Vol. 31, No. 1, (2002), pp. 23-51.

792 Ping Li, 'The Future of Beijing's 332 Chengzhongcun' (2006).

793 Beijing officials expect the demolition of *chengzhongcun* to help with population control in the core city (within the fifth ring road) because it will "raise the subsistence costs for migrants", thereby forcing them to find accommodations in new towns in the municipality's periphery. Ibid.

794 Ibid. The guidelines for dealing with the remaining *chengzhongcun* are expected to be released at any time.

795 Ibid. The Official Workplan for the 2008 Olympic Games calls for the eradication of 171 of the existing 332 *chengzhongcun* before the Olympic Games begin. The number of migrant workers affected is a rough estimate based on the following calculation: Of the nearly one million persons living in Beijing's 332 *chengzhongcun*, 80 percent (or about 800,000 persons) are estimated to be migrants. If the migrant population is distributed roughly equally among the *chengzhongcun*, then slightly more than half (171 out of 332) would be affected by the pre-2008 Olympic Games demolitions.

796 Most migrants do have a home in their native place, to which they may choose to return there if housing becomes too expensive or difficult to secure in Beijing. Alternatively, they may look for employment in cities with more favourable housing conditions. Another possibility is that they will found new *chengzhongcun* outside Beijing's fifth ring road.

797 The figure of 18,000 is obtained by calculating the approximate number of individuals displaced if 6,000 households are displaced.

798 'Beijing denies reports on large-scale evictions', *China Daily*, 11 March 2004.

ties, green spaces, amenities for visitors and transportation facilities. Indeed, local authorities have assigned the highest possible priority to these projects. Households affected by these projects also receive priority treatment, including higher compensation and faster access to subsidised housing.<sup>799</sup>

A number of evictions from Olympics facilities have been marked by residents' protests. For example, the construction of the new Chinese Central Television offices, built specifically for the Olympic Games, has involved evictions of local residents, which have been met with protests (see further section (k) below). The construction of a new power plant to serve the Olympic Games has also had an impact upon the local community, with more than two hundred residents in the Nanli District of Science Park protesting about problems with stability of their homes, the safety of residents, and the need to be evacuated during the construction works.<sup>800</sup>

#### (k) The use of violence and repression

Violence against, and the repression of, housing rights activists and their lawyers has been well documented by international NGOs and the media.<sup>801</sup> Some examples include the following:

- In 2004, defence lawyer Zheng Enchong was sentenced to three years in prison for releasing information about collusion between a property developer and local authorities in Shanghai to illegally evict residents from land the developer had acquired in order to build a luxury commercial complex.<sup>802</sup> The lawyer's license to practice law had previously been revoked by Shanghai City authorities after he had argued for amendments to Article 10 of the People's Republic of China's Constitution in order to offer better protection to the land and housing rights of residents. Zheng Enchong was released from prison in 2006 and was placed under de facto house arrest – he continues to be subject to harassment and intimidation.<sup>803</sup>
- A Beijing tenants' rights lawyer, Xu Yonghai, was sentenced to jail in 2004 for circulating state secrets related to real estate deals in the city.<sup>804</sup>
- In 2003, Ye Guozhu was made homeless after being forcibly evicted from his home in Beijing to make way for developments related to the 2008 Olympic Games. Having organised several protests, he was arrested on 27 August 2004 on 'suspicion of disturbing social order' and sentenced to four years' jail in December 2004.<sup>805</sup> Amnesty International has reported that Ye Guozhu has been tortured in detention, including by being suspended from the ceiling by his arms and beaten with electro-shock batons.<sup>806</sup>
- Qi Zhiyong has been forced to move his shop several times, reportedly as a result of Olympics-related construction. In February 2006, following his participation in a 'hunger-strike' protest, authorities revoked his trading licence and detained him for 51 days.<sup>807</sup>

As a result of this repressive climate, lawyers and housing rights defenders are being dissuaded from taking on cases involving forced evictions. To compound this problem, in 2005, the Supreme Court ordered lower courts to stop hearing cases brought by people who had been evicted,<sup>808</sup> and the Government has introduced new regulations restricting lawyers from representing groups of evictees.<sup>809</sup> In May 2006, the All China Lawyers Association announced its 'Guiding Opinion on Lawyers handling Mass Cases' which aims to restrict the role of lawyers who seek to represent groups of victims of hous-

799 A family member of a resident near the Dongzhimen multimode transit centre cited neighbours receiving compensation of up to RMB 30,000 per square metre in return for their agreement to rapidly relocate away from site: COHRE interviews with residents, November 2006. This amount is roughly six times greater than Hujialou residents were initially offered.

800 Network of Chinese Human Rights Defenders (CRD), *China Human Rights Briefing* (Hong Kong: CRD, 22 October 2006), p.2.

801 COHRE, 'Seven Chinese housing rights activists honoured with prestigious international human rights award' (Geneva: COHRE, 5 December 2006), available at <http://www.cohre.org/store/attachments/2006%20COHRE%20Housing%20Rights%20Awards%20-%20Media%20Kit%20Intl.doc>; Amnesty International, *People's Republic of China: The Olympics countdown – failing to keep human rights promises*, AI Index ASA 17/046/2006, 21 Sept. 2006; Human Rights Watch, 'Demolished: Forced Evictions and the Tenants' Rights Movement in China', Human Rights Watch, Vol. 16, No. 4 (c) (Mar. 2004); Human Rights Watch, *A Great Danger for Lawyers: New Regulatory Curbs on Lawyers Representing Protesters* (New York: Human Rights Watch, 2006).

802 COHRE, 'Seven Chinese housing rights activists honoured with prestigious international human rights award' (Geneva: COHRE, 5 December 2006).

803 COHRE, 'Seven Chinese housing rights activists honoured with prestigious international human rights award' (Geneva: COHRE, 5 December 2006); see further Amnesty International, *People's Republic of China: The Olympics countdown – failing to keep human rights promises*, AI Index ASA 17/046/2006, 21 Sept. 2006, p.4.

804 Human Rights Watch, 'Demolished: Forced Evictions and the Tenants' Rights Movement in China', Human Rights Watch, Vol. 16, No. 4 (c) (Mar. 2004).

805 See further Amnesty International, *People's Republic of China: The Olympics countdown – failing to keep human rights promises*, AI Index ASA 17/046/2006, 21 Sept. 2006, p. 3-4.

806 Ibid.

807 Ibid.

808 Geoff Dyer, 'Shanghai Property Boom Brings Eviction Protests', *Financial Times* (13 Aug. 2005).

809 Human Rights Watch, *A Great Danger for Lawyers: New Regulatory Curbs on Lawyers Representing Protesters* (New York: Human Rights Watch, 2006).

ing and land rights violations, including forced evictions.<sup>810</sup> This Opinion calls for lawyers to take a ‘cautious approach’ (shenzhong duidai) and requires them to report to the association for ‘support, supervision and guidance’ (zhichi, zhidao he jiandu) if they decide to take on a ‘mass case’.<sup>811</sup> As a result of these measures, fewer lawyers are willing to assist victims and the independence of lawyers is under threat.

Violence and repression is not only experienced in terms of crackdowns on dissenters. Residents also resort to self harm and risks to their own lives in order to resist or avoid eviction. For example, in early April 2007, a Chinese blogger reported that an elderly woman had threatened suicide by preparing to jump from her apartment (which was located on the construction site of China’s new Central TV Building) after all of her possessions had been removed by the *chaiqian gongsi*.<sup>812</sup> She was reportedly arrested by the Chaoyang District Government for creating a public disturbance, along with another person who had expressed sympathy with her cause.

*“The prospect of being forcibly evicted can be so terrifying that it is not uncommon for people to risk their lives in an attempt to resist; or, even more extreme, to take their own lives when it becomes apparent that the eviction cannot be prevented.”<sup>813</sup>*

In other examples, some related specifically to Olympic Games construction, Human Rights Watch has reported that:

“In August [2003], a Nanjing city man who returned from a lunch break one day to find his home demolished set himself afire and burned to death at the office of the municipal demolition and eviction department. In September, resident Wang Baoguan burned himself to death while being forcibly evicted in Beijing. On October 1, China’s National Day, Beijing resident Ye Guoqiang attempted suicide by jumping from Beijing’s Jinshui bridge to protest his forced eviction for construction related to the 2008 Beijing Olympics.”<sup>814</sup>

#### (I) Marginalised groups affected

Those plunged further into poverty as a result of their evictions tend to be on low incomes, especially those persons living on public assistance, receiving old age pensions, in unstable informal sector employment, receiving help from family members or begging.<sup>815</sup> Unregistered migrant workers, especially where accompanied by non-working family members, are also negatively affected by relocation.<sup>816</sup> Relocations appear designed to expel the city’s many migrant workers in preparation for the Olympic Games.

Another issue of concern is reports that the Beijing authorities have decided that, as part of the city-wide Olympics ‘clean-up’ process, the groups that will be subjected to ‘Re-Education Through Labour’ (RETL). RETL, a commonly used form of imprisonment without charge, will be expanded to include people conducting unlawful advertising or leafleting, operating unlicensed taxis or unlicensed businesses, vagrants and beggars.<sup>817</sup> Detention under RETL already targets housing rights activists and advocates.<sup>818</sup> Reports also indicate that the Beijing authorities have been considering hospitalising the mentally ill in order to remove them from the streets before the Olympic Games.<sup>819</sup>

810 Amnesty International, *People’s Republic of China: The Olympics countdown – failing to keep human rights promises*, AI Index ASA 17/046/2006, 21 Sept. 2006.

811 Ibid.

812 The original blog has since been closed down, however the photographs of the incident are still available at [http://bbs.cn.yimg.com/user\\_img/200704/10/legionare\\_kz\\_1176217185360555.jpg](http://bbs.cn.yimg.com/user_img/200704/10/legionare_kz_1176217185360555.jpg) [last accessed 27 April 2007].

813 Jean du Plessis, ‘The growing problem of forced evictions and the crucial importance of community-based, locally appropriate alternatives’, *Environment and Urbanization*, Vol. 17 (2005), p.125.

814 Human Rights Watch, ‘Demolished: Forced Evictions and the Tenants’ Rights Movement in China’, *Human Rights Watch*, Vol. 16, No. 4 (c) (Mar. 2004), p.3-4.

815 COHRE interviews with local residents, November 2003; July and March 2005; October 2006.

816 Ping Li, ‘The Future of Beijing’s 332 Chengzhongcun’ (2006).

817 Lü Minghe, ‘The difficult choice between cleaning up the city’s image and protecting freedom’, *Caijing Magazine*, Vol. 159, 15 May 2006; see further Amnesty International, *People’s Republic of China: The Olympics countdown – failing to keep human rights promises*, AI Index ASA 17/046/2006, 21 Sept. 2006, p.3.

818 For example, COHRE has previously drawn attention to the plight of Ma Yalian, who began her activism when she became a victim of forced eviction due to a redevelopment plan in Shanghai. Ma was sentenced to spend a year at a Re-Education Through Labour (RETL) camp in August 2001 for her repeated complaints to authorities, and open criticism of the Chinese Petitioning System. While at the camp, Ma was beaten so badly that both her legs were broken, leaving her disabled. Upon her release, Ma continued her activism and was arrested in 2004 for her role in petitioning the government to address grievances involving forced evictions. Following this incident, she published an article on the Internet titled ‘A True Record of Being Turned Away from the National Petitions and Letters Office and the Petitions Bureau of the National People’s Congress.’ Ma’s article provided an eyewitness account of ill treatment of petitioners by police and civil servants in front of the main entrance of the Petitions Office in Beijing. As a result of this article, the Re-Education Through Labour Management Committee sentenced her to 18 months in a RETL camp for “disturbing social order and security.” Ma was released in August 2005 after serving her full term. See further COHRE, ‘Seven Chinese housing rights activists honoured with prestigious international human rights award’ (Geneva: COHRE, 5 December 2006), available at <http://www.cohre.org/store/attachments/2006%20COHRE%20Housing%20Rights%20Awards%20-%20Media%20Kit%20Intl.doc>

819 ‘Beijing considers hospitalising mentally ill for Olympics’, *Daily Mail* (15 Sept. 2006), available at: [http://www.dailymail.co.uk/pages/live/articles/news/worldnews.html?in\\_article\\_id=405299&in\\_page\\_id=1811](http://www.dailymail.co.uk/pages/live/articles/news/worldnews.html?in_article_id=405299&in_page_id=1811)

*“As the Olympic Games approaches, it is an important political duty to provide a secure, clean and ordered city environment to ensure that the Olympics runs smoothly....However, what has shocked many legal experts is that RTL [Re-education Through Labour] will be used as an important tool in the clean-up efforts, and that its scope will be enlarged.”*

Lu Minghe<sup>820</sup>

### 2.6.3 Community activism

A notable difference between Beijing and many other Host Cities studied in this report is the limited role of the media, civil society, and political parties in publicising and/or advocating changes in the relocation policy. This is due to the extreme restrictions on the rights to freedom of expression, assembly and association in China.

The restrictions on community activism and lack of freedom of expression have even affected the collection of information for this report. The connection between the 2008 Beijing Olympic Games and forced evictions in the Beijing Municipality is not a subject approved for independently conducted research or public debate. Nowhere on publicly accessible government sponsored websites, newspapers or television programmes will interested researchers find proscriptions of such activities. But everyone concerned with the possible nexus between the Olympic Games and urban development which is reshaping the physical and social landscape of China's capital knows that casting doubt on the validity of Beijing's efforts to hold the “best Olympics ever” could have very serious repercussions.

Journalists are even further restricted: “Many subjects are taboo, including resistance to the city's redevelopment.”<sup>821</sup> In Shanghai, reporter Liu Ming explains that “We are not allowed to report disputes or protests related to the redevelopment ... That is seen as bad for social stability and may interrupt preparations for the World Expo in 2010”.<sup>822</sup> Likewise, restrictions on media freedom in relation to the Olympic Games is a well known challenge for Beijing.

### 2.6.4 Conclusions on the housing impacts of the Olympic Games in Beijing

If the standard for assessing the impact of the 2008 Olympic Games on relocations is calculated to include urban development activities that were either accelerated, expanded or facilitated by the political imperative of “holding the best Olympics ever”, there will be at least 1.5 million persons affected. Many of these have been subjected to forcible evictions and other violations of their housing rights, and perhaps as many as 20 percent of these have crossed the line from having a sustainable low income livelihood to a genuinely precarious one.

Given the large scale of evictions, demolitions and relocations occurring in Beijing in tandem with preparations for the 2008 Olympic Games, both the IOC and the Beijing Government would be well advised to work together to not only minimise harmful relocation processes in the lead up to 2008, but perhaps more importantly, to learn some lessons from the experience of Beijing that will ensure that future Olympic Games do not worsen living conditions and livelihood opportunities of vulnerable populations. It is clear from this study of Beijing that the lessons of Seoul from 20 years ago were not learned. This has led to COHRE's call for mechanisms to ensure that the IOC requires, as a non-negotiable selection criterion, that Candidate Cities commit to hosting the Olympic Games without causing serious adverse housing impacts for vulnerable groups, in both the short and long term.

More Chinese cities and other large cities in developing countries will be competing to host the Olympic Games from now on. For these cities, Beijing will be a major reference point for many aspects of bringing the dream of hosting the Olympic Games to fruition.<sup>823</sup> But the ways in which preparations for an Olympic Games are conducted, and the corresponding changes brought about, may unnecessarily undermine the social cohesion necessary for the long term stability of the city and the nation. This is certainly not what the IOC, the Government of the Peoples' Republic of China, or aspirant Olympic Host Cities would want.

820 Lu Minghe, ‘The difficult choice between cleaning up the city's image and protecting freedom’ [Zhengzhi shirong yu weihi ziyou de liangge xuanze], *Caijing Magazine*, Vol. 159, 15 May 2006.

821 Mark O'Neill, ‘Voice and Virtue’, *South China Morning Post* (9 Mar. 2006).

822 Ibid.

823 As the 1992 Barcelona Olympics served as Beijing's model for the 2008 Olympics, and city promotion schemes more generally.

## 2.7 London and the other 2012 Candidate Cities<sup>824</sup>

As part of this project, COHRE analysed the bids made by the various Candidate Cities for the 2012 Olympic Games (London, Madrid, Moscow, New York and Paris) in order to address how housing related issues were integrated in their candidature files.

We found that limited but positive housing related considerations were outlined in the Candidate Cities' bid books which, in limited ways, addressed some housing concerns. For example, some Candidate Cities promised that accommodation constructed for the Olympic Games would be used (in part) for social and low cost housing after the Olympic Games. These positive announcements were made voluntarily by Host Cities, and were not requested in the Candidature Manual or in any other guidelines produced by the IOC. Indeed, the IOC did not take in to account any housing related concerns in its consideration of the Candidate Cities and the election of the Host City.

Since the election of London as the Host City for the 2012 Olympic Games, COHRE has followed the preparations underway in that city, and the impacts on housing rights that are already becoming evident, in particular in the East London area. Already, over five years before the Olympic Games are due to be staged, over 1,000 people face the threat of displacement from their homes, and housing prices are escalating. As is common in Olympic Host Cities, these effects are being disproportionately felt by marginalised groups: in particular the poor, low income earners, residents of public housing, and ethnic minorities such as Romani Gypsies and Irish Travellers.

The first part of this section analyses the extent to which the five 2012 Candidate Cities incorporated housing considerations in their Olympic Games bids.<sup>825</sup> The goal is to identify the potential impact of hosting the Olympic Games on the housing conditions in these cities. Some of the negative impacts that are examined include evictions of residents and businesses and escalations in housing costs that will inevitably lead to secondary displacement. This section also examines whether the Candidate Cities made commitments to creating positive housing legacies in their bid documents, for example promises to increase the amount of available housing, especially affordable and social housing, or incorporate a degree of community consultation in decision making processes. Another aspect examined in this section is the engagement of civil society groups in the bidding process and the degree to which concerns raised by these groups have been addressed by the Candidate City, National Olympic Committee, Bid Committee or other local authorities and the degree of consultation carried out with the affected communities. We had intended to examine how the IOC ultimately valued these initiatives in its final choice. However the answer to this last question is disappointingly simple: Our research showed that no issues related to the housing impact of the Olympic Games were discussed in the report of the IOC Evaluation Commission.<sup>826</sup>

### 2.7.1 Comparative analysis of the Bid Books submitted by the 2012 Candidate Cities

The tables below were compiled after analysing the bid books of the Candidate Cities. They provide an overview of the contents of the bids in terms of Fundamental Principles of Olympism,<sup>827</sup> the principles of the Olympic Movement<sup>828</sup> and the Olympic Movement's housing related commitments.<sup>829</sup> The tables show whether each value was mentioned and how clearly it was described in the bid books. This serves to highlight differences in the importance placed on these values by the cities. A more detailed description appears below each table.

<sup>824</sup> The information contained in this section is a summary of a separate background paper written as part of this project. See further: Claire Mahon, *Hosting the 2012 Olympic Games: London's Olympic Preparations and Housing Rights Concerns* (Geneva: COHRE, 2006), available at: [www.cohre.org/mega-events](http://www.cohre.org/mega-events)

<sup>825</sup> This research relied on an analysis of the Bid Books, and included research on issues related to housing. The main sources of information regarding the housing related aspects and community concerns were conversations with groups opposed to their city hosting the Olympic Games for reasons related to the expected housing impacts of the Games. Unfortunately for a variety of reasons, including language barriers, less information was available regarding the actual or potential housing impacts in Moscow.

<sup>826</sup> IOC, 'Report of the IOC Evaluation Commission for the Games of the XXX Olympiad in 2012' (Lausanne: IOC, 22 Mar. 2005).

<sup>827</sup> For a discussion of the Fundamental Principles of Olympism, see Chapter II Section 1.1.

<sup>828</sup> For a discussion of the principles of the Olympic Movement relevant to housing considerations, see Chapter II Section 1.2.

<sup>829</sup> Ibid.



London: The Clays Lane Housing Cooperative estate, due to be demolished to make way for the Olympic Park.  
[Photo courtesy of Mike Wells]

#### (a) Candidate Cities and references in their Bid Books to the Olympic principles and ethical values

Olympic Principles & values	London	Madrid	Moscow	New York	Paris
Safeguarding human dignity	No mention	No mention	N/A	No mention	No mention
Non-discrimination	Mentioned	Mentioned	N/A	No mention	Mentioned
Promotion of a positive legacy	"model of social inclusion"	"enhance quality of life of inhabitants"	N/A	"transform New York City"	"exemplary urban regeneration project"
Sustainable development	"sustainability has been a fundamental criterion"	"sustainability criteria in decision taking"	N/A	"model of urban sustainability"	"new benchmark of sustainable development"
Civil society participation	No mention	"citizen participation"	N/A	"engaging every community in the Games"	"organization of working groups"
Respect for human rights	No mention	No mention	N/A	No mention	No mention

The Fundamental Principles of Olympism, and in particular the aspects of these principles that are relevant to housing rights issues, were not clearly addressed in any of the 2012 Candidate City bid books.

Most Candidate Cities stated that they would respect existing anti-discrimination legislation for the period of the Olympic Games. In the context of the Games, this generally refers to legislation prohibiting discrimination against persons with disabilities.

The extent to which civil society was included differed. All Candidate Cities mentioned that their bids enjoyed the full support of the population and the communities concerned and noted the absence of any opposition to hosting the Olympic Games. Some mentioned steps they had taken to include civil society in the decision making process. Madrid promised to

establish a “landscape plan with citizen participation.”<sup>830</sup> Paris committed to creating and participating in working groups on social integration.<sup>831</sup> New York also promised to “draw broad support by engaging every community in the Games.”<sup>832</sup>

Almost all of the Candidate Cities spoke in the same terms about the principles of ‘positive legacy’ and ‘sustainable development’. New York and Paris envisioned their cities being transformed by the urban regeneration projects.<sup>833</sup> The Olympic Games were promoted as a vehicle to accelerate this process. Madrid committed itself to increasing the quality of life of its inhabitants,<sup>834</sup> while London sought to set a model for social inclusion.<sup>835</sup> Similar guarantees concerning sustainable development are found in each Candidate City bid book.

(b) Candidate Cities and references in their Bid Books to the Olympic Movement’s housing related commitments

Housing commitments	London	Madrid	Moscow	New York	Paris
Selection of sites – environmental impact & integration	“area ripe for redevelopment”	“old mining area”	“undeveloped area”	“rail yards, vacant land, parking lots and warehouses” “mostly abandoned”	“railway area” “wasteland”
Infrastructure – priority to existing infrastructure	“temporary buildings, new venues only where needed”	“temporary solutions when post-use is not clear”	“maximum utilisation of existing infrastructure”	“designed to serve pressing local needs”	“use of temporary venues”
Boost to local housing strategies	“50% of the new housing will be affordable homes”	“half of the housing will be protected”	“sold for use as private residential property”	“rented or sold on the private market”	“social housing and private residence”

In the bid books, the Candidate Cities generally do not detail the current use of the areas that would become sites for Olympic venues. These areas are simply described as ‘undeveloped’, ‘wasteland’ or ‘abandoned’. However some bid books give a more precise description: for example, New York explained it would use “rail yards, vacant lands, parking lots and warehouses”<sup>836</sup> for the location of its facilities. It also acknowledged that a part of the site in Queens was privately owned and needed to be purchased.<sup>837</sup> Madrid also gave more details on the site envisioned for the Olympic Village, the old mining area of the southern bank of the Manzanares River.<sup>838</sup>

None of the Candidate Cities appeared to take into account the possible impact of Olympics-related construction on the housing situation of the local communities. For instance, Moscow selected the sites in order “to ensure maximum ease regarding access to the venues”.<sup>839</sup> The candidature file for Paris also cited among the reasons for choosing the locations, their central location or the presence of existing venues and world famous settings,<sup>840</sup> but nothing was mentioned about the impact on local residents.

London guaranteed that the regeneration of the community would benefit everyone who lives there.<sup>841</sup> In addition, London organised an “Environmental Impact Assessment [EIA] that considered existing site conditions and potential impacts of Olympic developments; this includes detailed assessments of socio-economic aspects.”<sup>842</sup> However London’s bid did not mention explicitly taking into account possible housing impacts in the selection process, and the EIA itself was silent on housing considerations.<sup>843</sup>

830 Madrid Mini Bid Book, p.47 (available for consultation at the Olympic Studies Centre).

831 Paris Bid Book, p.39 (available for consultation at the Olympic Studies Centre).

832 New York Mini Bid Book, p.2 (available for consultation at the Olympic Studies Centre).

833 Paris Bid Book, p.33 and New York Bid Book, p.25 (available for consultation at the Olympic Studies Centre).

834 Madrid Mini Bid Book, p.3 (available for consultation at the Olympic Studies Centre).

835 London Bid Book, p.19 (available for consultation at the Olympic Studies Centre).

836 New York Bid Book, p.25 (available for consultation at the Olympic Studies Centre).

837 New York Bid Book, p.203 (available for consultation at the Olympic Studies Centre).

838 Madrid Mini Bid Book, p.3 (available for consultation at the Olympic Studies Centre).

839 Moscow Bid Book, p.143 (available for consultation at the Olympic Studies Centre).

840 Paris Bid Book, p.29 (available for consultation at the Olympic Studies Centre).

841 London Bid Book, p.19 (available for consultation at the Olympic Studies Centre).

842 London Bid Book, p.211 (available for consultation at the Olympic Studies Centre).

843 See further Section 3.7.4 below for further information about the inclusion of housing considerations in the EIA.

Paris, Madrid and London mentioned the planned use of temporary venues which are less likely to have a negative impact on the housing situation of residents in these cities.<sup>844</sup>

The key issue that clearly differentiated the cities in terms of their concern for housing impacts was the anticipated future boost to local housing of their respective Olympic Projects. Moscow and New York's Olympic village residences were to be sold on the private market, an outcome that would not benefit low income residents. On the other hand, the bids of each of Paris, London and Madrid included provision for social housing. The extent to which the concept of social housing was detailed in the respective bid books varied. Paris' candidature mentioned its plan for 'social housing',<sup>845</sup> but did not give a more precise definition of this term, or provide further information as to the proportion of housing that was to be allocated for use as social housing. In discussions with representatives of those responsible for the bid, it was explained that 40 percent of the total housing was to be allocated for social use, and that the price of such housing would be regulated to make it affordable to low income residents.<sup>846</sup> This policy was also intended to promote the neighbourhood's diversity.

Madrid's bid book contained a similar provision: "half of the housing will be protected."<sup>847</sup> It also stated that "different types of accommodation will be provided in the Olympic Village, according to planned future use: social housing, housing for other income levels, and hotels."<sup>848</sup>

London's bid also envisaged allocating 50 percent of the total Olympic village housing to affordable housing. The London bid provided the clearest and most concise description of the Olympic village's future use: affordable homes would be "for key workers, such as nurses, doctors, police and teachers and social housing for people in acute need."<sup>849</sup> New houses would be a mix of public rented accommodation and affordable housing.<sup>850</sup> The latter was intended to be sold at below market prices and was intended for people with an income under £40,000 per year.<sup>851</sup>

Notwithstanding these assurances that housing built as part of the Olympics development would be reserved for those on lower incomes, all bid books lacked a comprehensive analysis of the housing impacts of hosting the Olympic Games. None referred to possible displacements, evictions or relocations. According to the information (or lack thereof) in the bid books, most sites earmarked for Olympic Games venues appeared to be vacant.<sup>852</sup>

The main differences between the cities in relation to housing are found in their plans for the use of new housing following the Olympic Games. Madrid, Paris and London should be commended for their plans to designate such housing for social use and affordable housing. However, various concerns regarding these plans are outlined below.

## 2.7.2 Comparison of potential housing impacts evident during the selection process

### (a) Olympics-related displacements and evictions

#### London

It is possible at this early stage to surmise that, despite there being no reference to evictions in the bid books, construction of the Olympics facilities in London will affect a number of people, including the residents of a University campus, a co-operative housing estate and a Gypsy and Travellers' site, leading to the possible displacement of approximately 1,000 people.

Foreign students at the East London University Park Village estate were affected by this planned construction even before London had been officially selected as the Host City, with 550 being displaced from their university accommodation under threat of court action. Although it was proposed that these students would be relocated in the Docklands or Barking, this was not a suitable solution for many of the students because it meant living far from their university campus. As a result,

844 Reducing the level of construction of new infrastructure in turn reduces the likelihood of displacements and evictions.

845 *Paris Bid Book*, p.243 (Volume 2) (available for consultation at the Olympic Studies Centre).

846 COHRE telephone interview with Emmanuelle Obligis, Directrice déléguée aux infrastructures et opérations du Comité de Candidature aux Jeux de la XXXème olympiade - Paris 2012, 7 June 2005.

847 *Madrid Bid Book*, p.209 (available for consultation at the Olympic Studies Centre).

848 *Madrid Bid Book*, p.217 (available for consultation at the Olympic Studies Centre).

849 *London Bid Book*, p.207 (available for consultation at the Olympic Studies Centre).

850 COHRE telephone interview with Anthony Vigor, Institute of Public Policy Research, 2 June 2005.

851 It was pointed out that this threshold is still high and encompasses a wide range of the population, prompting the recommendation that socially-rented accommodation would be more appropriate: *ibid*.

852 Although COHRE's research suggests otherwise.

many students have been forced onto the private housing market.<sup>853</sup> The destruction of the student accommodation represents a loss of a resource which could have continued to house students or others.<sup>854</sup> The London Development Agency (LDA) insisted on vacant possession of the University site by June 2005 in order to facilitate the demolition in December 2005. However, Clay's Lane Housing Cooperative, an estate adjacent to the University campus, was not scheduled to be cleared until 2007. Authorities claim this site is also required for the Olympic Village construction. No guarantees were given to the displaced Clay's Lane residents concerning relocation.

According to local activists, the London bid lacked transparency regarding its potential housing impact.<sup>855</sup> "They don't tell you that Clay Lane Housing Co-op, a modern purpose built estate where 450 people live, would be demolished."<sup>856</sup>

There was also a Gypsy and Travellers site scheduled for relocation in 2007. About 150 people are to be displaced as a consequence.<sup>857</sup> Many Travellers live on unauthorised sites, but relocation and compensation will only benefit those who were officially registered with the local authorities.

These evictions are addressed in more detail in Section 2.7.4 which outlines the housing impacts that are already evident from London's preparations to host the Olympic Games in 2012.

### Madrid

It is important to compare London's bid and early preparations with the other Candidate Cities. Although no evictions were planned for Madrid, this city is widely acknowledged as lacking in hotel space.<sup>858</sup> This in turn makes it more likely that, had Madrid been successful in its bid to host the Olympic Games, landlords would have capitalised on the shortage of Olympic tourist accommodation and many tenants would have faced eviction.

### New York

In New York City, the Hudson Yards Stadium Plan would have potentially displaced thousands by demolishing homes and businesses.<sup>859</sup> The city also planned to use its 'eminent domain' powers, a law that authorises seizure of private land for public use. Opponents claim it would have in fact been used to benefit a privately owned franchise. Another concern involved fears that the rent stabilisation legislation (which protects tenants by giving them the right to renew their lease) may not be renewed when it expires in 2011. Landlords would have then found it easier to evict tenants in order to accommodate tourists during the Olympic Games.<sup>860</sup>

"Over 800 people will be moved out of their homes in Brooklyn if the New York is elected" was the dire warning from local activists.<sup>861</sup> The homes of these 800 people were to have been destroyed to build a gymnasium basketball arena. In addition, 200 to 300 jobs would have been lost in Brooklyn as a result of the Olympics-related development in the area. About half of those who would have been affected are minorities, most of them African-American or Hispanics. The remainder are white working class persons on low wages. The area in question also houses a homeless shelter, and the Olympics construction would thus have meant the displacement of many homeless people and a reduction in homeless services.

The Clinton Special District Coalition produced a 'Contra-Bid Book' to counter the official New York City Bid. This publication noted that:

"One thing that NYC2012 will not tell you is that the west side neighborhoods of Chelsea and Clinton/Hell's Kitchen are worth saving. We are not rich or famous. We are immigrants, the working class, the place where young actors and musicians make their home in (what used to be) affordable walkups, so that they can audition, wait tables and hold other jobs while auditioning for Broadway and off-Broadway shows. Chelsea and Hell's Kitchen are the places where generations of families made their homes. NYC2012 would have you believe that because the demographics do not

853 COHRE email correspondence with Julian Cheyne, resident at the Clay's Lane Co-operative estate, 8 June 2005.

854 COHRE email correspondence with Julian Cheyne, resident at the Clay's Lane Co-operative estate, Feb. 2007.

855 Jim Patton, 'Advisory Services for Squatters', *No London 2012*, press release (14 Feb. 2005).

856 Ibid.

857 COHRE telephone interview with Debby Kennet, London Traveller Unit, 8 June 2005

858 COHRE email correspondence with Angeles Nieto, *Ecologistas en Accion*, 26 May 2005.

859 Jillian Jonas, 'Analysis: Developments in NY's future', *United Press International* (25 June 2004).

860 COHRE email correspondence with John Fisher, Clinton Special District Coalition, New York, June 2005.

861 COHRE telephone interview with Patti Hagan, *Develop Don't Destroy Brooklyn*, 31 May 2005.

reflect the East Side of Manhattan, or because the support companies do not carry logos worth millions of dollars, we do not have a worth. They are wrong.”<sup>862</sup>

## Paris

Paris presented a different picture as no evictions were considered necessary because very few people lived on the proposed Olympic sites.<sup>863</sup> “There will be no displacement [in Paris]. Since most facilities already exist there will be no need to demolish houses for construction”.<sup>864</sup>

## (b) Escalation in housing costs

### London

Before London had officially been selected to host the 2012 Olympic Games, many residents expressed fears that hosting the Olympic Games would result in real estate speculation and lead to secondary displacements due to dramatically increasing rents. The suburb of Newham (a site for one of the Olympics venues) is among the most affordable areas in London in which to buy property, and there were widespread concerns over rising rents and landlords evicting tenants if London’s bid were successful. Prices had risen in the London area even prior to the announcement that its bid had been successful. The effect of the announcement is described in Section 3.7.4.

### Madrid

Madrid was in a different position to the other Candidate Cities as it already had a surplus of housing. There were 300,000 empty houses in Madrid, and construction of new homes was continuing unabated.<sup>865</sup> Despite the excess supply, however, Madrid also suffered from a shortage of affordable housing, and housing advocates in Madrid insisted that Madrid needed affordable housing much more than it needed further construction fuelled by Olympics speculation.<sup>866</sup> Despite the fact that rents in Madrid were already the highest of any city in Spain, it was reported that they rose four-fold over a period of two years prior to the selection of the 2012 Host City in areas earmarked as sites for Olympic Games events or facilities.<sup>867</sup> The simple announcement that Olympics facilities would be constructed if the bid were successful induced rent increases in the surrounding areas. The areas in the vicinity of the planned Olympics site included San Blas and Villaverde. These areas were inhabited by middle-income residents and working class neighbourhoods,<sup>868</sup> and it was predicted that the increase in rents would be likely to force the current residents out of those areas.

### New York

Escalation in housing costs related to the prospect of the Olympic Games was a problem in New York City before the decision to elect London as the 2012 Host City. Prices for property in Brooklyn are said to have increased five-fold during the period leading up to the announcement of the Host City, and this was said to have been exacerbated by speculation related to the Olympic Games.<sup>869</sup> Along the waterfront in Williamsburg, Brooklyn, the area in which the swimming and beach volleyball venues were to have been located, the city faced opposition from community groups concerned about rising rents. Brooklyn Borough President Markowitz believed that the rezoning plan for the area was geared towards upper-income people:<sup>870</sup> “More steps must be taken to protect residents from being priced out of the neighbourhood”.

## (c) Reduction in the availability of social and low cost housing

### London

Most of London’s proposed Olympics sites, from north Newham to Manor Park, Leyton, Homerton and Hackney Wick, are sites with a major concentration of relatively cheap private rented housing.<sup>871</sup> This affordable housing is a rarity in a city like London, and is relied upon by thousands of people on low and average incomes. It is widely feared that the Olympic Games will therefore result in a reduction of the total stock of affordable housing in London.

862 John Fisher, President, Clinton Special District Coalition, Letter to United States Olympic Committee Members dated 29 Oct. 2002, in *Contra Bid-Book*, available at <http://www.hellskitchen.net/develop/olympics/contra-bid-book.pdf>

863 COHRE telephone interview with Emmanuelle Obligis, Directrice déléguée aux infrastructures et opérations du Comité de Candidature aux Jeux de la XXXème olympiade - Paris 2012, 7 June 2005.

864 COHRE telephone interview with Charlotte Nenner, Green Party, 6 June 2005.

865 COHRE email correspondence with Angeles Nieto, Ecologistas en Accion, 26 May 2005.

866 COHRE email correspondence with Carolina del Olmo, Asociacion Ladinamo, 30 May 2005.

867 COHRE email correspondence with Angeles Nieto, Ecologistas en Accion, 26 May 2005.

868 Ibid.

869 COHRE telephone interviews with local activists, June 2005.

870 Graham Rayman, ‘Olympic talks make waves’, *Newsday* (27 Feb. 2005).

871 Jim Patton, ‘Advisory Services for Squatters’ (2005).

According to London's Advisory Services to Squatters, "social housing promised by the [London] Olympic Village legacy will not be available in time to be of use to those who lose their homes and is unlikely to provide sufficient housing to compensate for a huge loss of rented housing in the area."<sup>872</sup> In addition, the use of the term 'social housing' in the London Bid was considered by many to be vague. There were fears the social housing envisioned in London's bid would not in fact be available to the majority of low wage workers who live and work in the affected areas, but would rather prioritise the 'modestly prosperous'.<sup>873</sup> Low income workers would not be able to remain living in the redeveloped areas and the Olympic Games would therefore precipitate an entire social transformation of those areas. The London Civic Forum recommended that:

"It is not enough that the Bid Document state that 50% of new housing in East London and on the Olympic site will be affordable. It should define 'affordable' and state how this goal is to be achieved."<sup>874</sup>

## Madrid

Although Madrid's bid had promised to 'protect' half of the Olympic Games accommodation and social housing was also mentioned in Madrid's bid, some feared that the authorities would not have fulfilled their promise if the bid had been successful. A change in the intended use of Olympic Games accommodation had already happened in Barcelona, when housing was subsequently allocated for luxury use, and there were concerns that this would happen again. Some cautioned that the commitments made by Madrid regarding social housing should be considered nothing more than a 'declaration of intention' since the Bid Committee did not have the support of the private sector or the budget to make good on its promises.<sup>875</sup>

## Paris

The Paris Bid Committee also indicated its intention that after the Olympic Games, the Paris Olympic Village would become a mixed-use area. Forty percent of the total housing would be 'social housing', with price controls including protections against inflation.

## New York

New York City made a commitment to provide for 'inclusionary zoning', which ensured that 20 percent of new developments would consist of affordable housing. In the long run, however, this would have led to a net loss of affordable housing, because the amount of affordable housing to be gained as a result of Olympics related development was still less than the amount of affordable housing that would have been lost as a result of Olympic-related construction. Moreover, 'affordable' housing in this context meant housing that would have been available only to those on incomes over \$100,000 per year: "This is not generally considered as low-income revenue."<sup>876</sup>

## (d) Displacements of businesses

### London

Businesses in London also faced the prospect of displacement as part of the Olympic Games preparations. According to a press release by the opposition group 'No London 2012', 5,542 jobs would have to be relocated. Compulsory purchase letters had already been sent out to 284 Lower Lea Valley firms by the beginning of 2005.<sup>877</sup> Businesses from Marshgate Lane Estate in Stratford protested that compensation packages offered for expropriations were too low, being 20 percent to 30 percent less than original prices paid for land.<sup>878</sup> Companies from Marshgate Lane Business Group alleged they were being "blackmailed into moving out of the area."<sup>879</sup> Lawyer Mark Stephens claimed "it is obviously contrary to Olympic ideals to enter into the most aggressive method of acquiring property – namely compulsory purchase."<sup>880</sup> The LDA was accused of offering "derisory" compensation that made it impossible for business owners to buy new premises.<sup>881</sup> The Marshgate Lane Business Group argued that the LDA had allocated £450 million to relocate all the businesses when professional advisers to the businesses have estimated that the real cost will be more than £1.5 billion.<sup>882</sup>

872 Ibid.

873 Elenora Galloni, *An Olympic Legacy for Londoners: An analysis of the legacy planning for the proposed 2012 Olympics and Paralympics: Summary Report and Recommendations* (London: London Civic Forum, 2004).

874 Ibid, p. 4.

875 COHRE email correspondence with Carolina del Olmo, Asociacion Ladinamo, 30 May 2005.

876 COHRE email correspondence with John Fisher, Clinton Special District Coalition, New York, 20 May 2005.

877 Jim Patton, 'Advisory Services for Squatters' (2005).

878 Ibid.

879 Mark Stephens, 'London 2012 Proposed Stadium Has Set Back', [www.gamesbid.com](http://www.gamesbid.com) (20 Apr. 2005).

880 Ibid.

881 Ibid.

882 David Smith, '2012 Bid News: Businesses Withdraw London Support', [www.sportbusiness.com](http://www.sportbusiness.com) (6 May 2005).

## New York

If it had been selected to host the 2012 Olympic Games, New York City would also have faced problems with the displacement of businesses. According to John Fisher, President of the Clinton Special District Coalition, the New York Bid Committee was constantly trying to diminish the value of neighbourhoods.<sup>883</sup> By claiming that the Olympic Games venues were to be located on vacant and abandoned land, the New York Bid Committee was implying that the areas had little, if any, value. However the sites were actually home to numerous industries. For instance, in Northern Manhattan, there is a Federal Express Terminal, an important business resident in terms of taxes. This neighbourhood is also a location for gas tanks, small enterprises and warehouses. “Those are not pretty, but they are necessary”.<sup>884</sup> Fisher alleged that this suggestion of worthlessness was intended to facilitate expropriation. Moreover, the proposed Olympic Games site on Manhattan’s West Side is far from being a “wasteland”.<sup>885</sup> It has warehouses, slaughterhouses, and railroads. There is extensive infrastructure on the site, in addition to people who live there. Some of the industrial facilities had been converted into artists’ workshops, small law offices, and photography and TV studios. “This is valuable, it generates activity and revenue, it is just different than the kind of activity Olympic developers wish to see.”<sup>886</sup>

There were more examples of local businesses in other areas of New York City that were affected by the Olympic Games bid. For example, a unique exotic fruit market, the Bronx Terminal Market, was intended to be sacrificed to make way for the construction of a mall, an Olympic velodrome and a badminton arena, causing merchants to relocate and leading to hundreds of workers, most of them migrants from West Africa, losing their jobs.<sup>887</sup> Relocation proved unsatisfactory, and compensation was considered insufficient to enable merchants to re-establish their businesses.<sup>888</sup> “They are the people who should be assisted and encouraged, not summarily thrown out of their businesses to facilitate a sweetheart development deal and an Olympic facility.”<sup>889</sup>

## (e) Discrimination

### London

In London, concerns were expressed about likely increases in discrimination due to the hosting of the Olympic Games. According to the ‘Campaign against Criminalising Communities’: “police powers have been used disproportionately against ethnic minorities for a long time” and such practices were expected to continue.<sup>890</sup> There were fears that the London bid could exacerbate racism and that anti-terror laws would be used to harass local people and activists in order to prevent any attempts at protest.

### New York

A similar concern existed in New York City, as most neighbourhoods proposed as Olympics sites were inhabited by minority groups.<sup>891</sup> Thus ethnic minorities would have been the group most affected by displacements. “The area is like a village, it is an ethnically diverse community”.<sup>892</sup> Many residents were concerned these areas would undergo a gentrification process and that the Olympics Games would change the entire social profile of these neighbourhoods.

## 2.7.3 Transparency and participation of civil society in the bid process

### London

London’s Bid Committee proved receptive to demands from citizens’ associations. In September 2004 the London Civic Forum<sup>893</sup> produced its positive analysis of the potential legacy of the Olympic Games, and expressed its support on the basis that it believed the Olympic Games would be a catalyst for urban renewal and civil engagement.<sup>894</sup> However, it ques-

883 COHRE email correspondence with John Fisher, Clinton Special District Coalition, New York, 20 May 2005

884 Ibid.

885 Ibid.

886 Ibid.

887 Tom Robbins, Market-Rate Giveaway, *Village Voice* (22 May 2005).

888 Ibid. The 23 businesses with 900 employees sued Related, the enterprise that acquired the site, in an attempt to stop their eviction: Graham Rayman, ‘City largesse in Bronx deal revealed’, *Newsday* (22 Mar. 2005).

889 Adrian Zuckerman, Partner at New York law firm Lowenstein Sandler, as quoted in Rayman, *ibid.*

890 Les Lebidow, ‘Campaign against Criminalizing Communities’, *No London 2012*, press release (14 Feb. 2005).

891 COHRE telephone interview with Philip de Paola, People’s Firehours, New York, 20 May 2005.

892 Ibid.

893 London Civic Forum represents over 1,000 organisations from the private sector, public institutions, voluntary and community organisations, faith groups and minority communities. It seeks to strengthen the role of civil society and ensure that all Londoners are given a voice on issues affecting them. See further [www.londoncivicforum.org.uk](http://www.londoncivicforum.org.uk)

894 Elenora Galloni, *An Olympic Legacy for Londoners: An analysis of the legacy planning for the proposed 2012 Olympics and Paralympics: Summary Report and Recommendations* (London: London Civic Forum, 2004), p 1-2.

tioned the definition of 'affordable' housing offered by the Bid Committee. The London Civic Forum also noted that some local organisations wanted at least 60 percent of the land designated for Olympics housing, including the Olympic village, to be handed over to a 'Community Land Trust' to ensure its post-Olympics use as affordable housing.

Following dialogue with London Citizens,<sup>895</sup> the Bid Committee included in its candidature file a commitment to designate 50 percent of the Olympic village for affordable housing and to release some land to the Community Land Trust.<sup>896</sup>

Consultants were also commissioned by the LDA to carry out a study with each affected family regarding their needs, but the resultant enquiry was not very thorough.<sup>897</sup>

## Madrid

By contrast, groups opposing the Olympics bid by Madrid faced difficulties in making their voices heard in the face of overwhelming and unanimous support for the Olympic Games from the media, the government and the left wing opposition. For example, the media refused to publish a bulletin by *Ecologistas en Accion* concerning the poor air quality in Madrid before the visit of the IOC Evaluation Commission.<sup>898</sup>

## New York

While New York's bid and the IOC Evaluation Commission's Report both declared there was no opposition to New York City's candidature, on the contrary numerous groups had expressed discontent with the bid. For example, the IOC and the New York City Olympic Bid Committee ignored community groups and activists opposed to New York's bid during their evaluation visit.<sup>899</sup> Provision for a series of hearings was made, named Urban Land Use Review Procedure, but the board members were chosen by City officials and did not include representatives of the dissenting community.<sup>900</sup> In addition, community groups tried to make contact with the IOC directly three times, but were redirected to the New York City Bid Committee, which set onerous conditions for meeting.

A demonstration against the Olympic Games was also organised in Brooklyn during the visit of the IOC Evaluation Commission, but the IOC Evaluation Commission did not go to Brooklyn.<sup>901</sup> In the bid preparation process, six alternative plans were proposed by community groups, but none were considered by New York City Bid Committee or by the Mayor.<sup>902</sup> One of them was called the 'Unity Plan', which proposed the use of large areas of undeveloped rail yards. According to the activists behind this proposal, the 'Unity Plan' would not have affected jobs or people. It also provided for affordable housing that would have benefited the neighbourhood. By contrast, developer Bruce Ratner's plan (the plan ultimately put forward in New York City's Olympic bid) envisioned office towers 60 stories high at a time when Brooklyn's office vacancy rate was already 11 percent. Further, in Williamsburg, where the swimming venue was planned to be located, 400 people were to be evicted through the exercise of the government's eminent domain powers.<sup>903</sup>

## Paris

There was comparatively less opposition to the Olympics bid in Paris and no groups in particular opposed the bid on the basis of housing issues. Those expressing concerns about Paris' bid were ecologists and anti-globalisation activists. One focus of criticism was that the funds to be used to stage the Olympics were to be diverted from other uses, such as helping homeless people.<sup>904</sup>

895 COHRE interview with Neil Jameson, of London Citizens, 6 June 2005.

896 The Community Land Trust builds homes and sells them for a price which does not include the price of land. This helps to make the homes more affordable.

897 COHRE interview with Debby Kennet, London Traveller Unit, 8 June 2005.

898 COHRE email correspondence with Carolina del Olmo, Asociacion Ladinamo, 30 May 2005.

899 'International Olympic Committee snubs NYC Bid Protesters; Denies request to meet with BID opponents; meets with supporters instead', *Hellskitchen* (24 Feb. 2005).

900 COHRE email correspondence with John Fisher, Clinton Special District Coalition, New York, 20 May 2005.

901 COHRE telephone interview with Patti Hagan, Develop Don't Destroy Brooklyn, Brooklyn, 31 May 2005.

902 Ibid.

903 COHRE telephone interview with Philip de Paola, People's Firehouse, New York, 20 May 2005.

904 Jean-Michel Pinon, 'Non de gauche à Paris 2012', *www.agigateur.org* (24 Mar. 2005).

#### 2.7.4 Conclusions regarding the 2012 Candidate Cities and the consideration of housing rights concerns

*[B]idding for the [2012] Olympic Games is also proving to be a catalyst for the regeneration of city areas, accelerated construction of general infrastructure... showing the unique nature and influence of the Olympic Games.*

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IOC Evaluation Commission<sup>905</sup>

The Report of the IOC Evaluation Commission clearly shows that no housing or other social criteria were applied by the IOC in the selection process: none of the key housing issues discussed in this study is mentioned in the Evaluation Commission's Report. While recognising the way in which the Olympic Games acts as a 'catalyst' for urban regeneration, the report does not comment on progressive measures that cities such as Madrid, Paris, and London were taking to forge a positive legacy of social housing. Indeed, the measures proposed by London, Madrid and Paris to provide some degree of social housing could have contributed to refocusing the Olympic Games legacy. It is therefore regrettable that the IOC did not commend, or even acknowledge, these provisions for social housing, especially as they were included in the bids on the initiative of the cities themselves. Such progressive initiatives should be encouraged and favoured, not ignored.

Despite London's progressive stance on social housing and best practices in communication with opposition groups and civil society, the impact of the Olympic Games on housing (in terms of evictions and displacements) is significant. Holding the 2012 Olympics in either London or New York would force hundreds of people out of their neighbourhoods, and displace businesses, causing many to lose their employment, and putting further strain on their ability to enjoy adequate housing. The bids from Madrid and Paris appeared to entail no direct evictions and potentially fewer secondary displacements.

In relation to the important consideration of housing affordability, it should be noted that rising rents can have multiplier effects on the enjoyment of the right to housing and can lead to large scale secondary displacements. Such concerns are common among residents in the potentially affected areas of each Candidate City. It appears from our research that each Candidate City would have experienced some form of increase in housing costs (and decrease in housing affordability) as a consequence of the Olympic Games. The Candidate Cities did not propose any measures to address this issue, and the IOC did not require that any such measures be proposed.

While many of the bids mentioned the participation of civil society and the transparency of the bid process, on the whole, activists and community organisers told a different story. COHRE's research shows community activism and concerns were at best placated and at worst totally ignored in the bidding process.

#### 2.7.5 London's preparations for the 2012 Summer Olympic Games and the impact on housing

On 6 July 2005, at the IOC's 117th Session, London was elected to host the Games of the XXX Olympiad in 2012. This section considers some of the housing impacts already being felt by vulnerable groups in London in light of the preparations the city is undertaking.

For those familiar with the experiences of past Olympic Host Cities detailed in the preceding sections, the description of London's plans to use the Olympic Games to re-urbanise its eastern suburbs sounds frighteningly familiar. The official London 2012 plans explain that the focus of the London Olympic Games will be a new Olympic Park to be constructed in an area that was "carefully chosen ... because of the enormous positive regeneration legacy it offers". The plans go on to explain:

"The Park lies within some of the UK's most disadvantaged boroughs; the Games will herald major changes for them. They will become home to the largest urban park in Europe for over 150 years, the size of Hyde Park. Waterways will be revived and new wildlife habitats created. After the Games the Park will be home to world-class sporting facilities for elite and community use, including an Aquatics Centre, a Velopark, a Hockey facility and a new multi-sport venue. A range of transport improvements are already underway, with an extension to the Docklands Light Railway opened and capacity on the Jubilee Line serving the Park increased. Economically, the area will be transformed. Up to 12,000

905 IOC, 'Report of the IOC Evaluation Commission (2005)', p.5.

new jobs will be created in the Park alone. The Olympic Village, where the athletes will stay during the Games, will be converted into apartments, many available for key workers such as teachers and nurses. In all 9,000 new homes will be built within the Park. Many of the facilities in the Park will remain for use by local communities. The Park will significantly contribute to the regeneration and development of east London and the wider Thames Gateway.”<sup>906</sup>

Regeneration is not necessarily a cause for concern in itself; on the contrary, it can be used as a positive way to enhance housing standards and the overall enjoyment of housing rights. However, as the case studies of other Olympic Games Host Cities outlined above have shown, in the context of the Olympic Games, regeneration has too often been used as a tool for displacement, evictions and increases in the housing costs resulting in housing unaffordability. Further, implementation of regeneration and reurbanisation processes has usually disproportionately affected marginalised and particularly vulnerable groups. It is therefore a concern that the London plans do not appear to include any reference to the need to displace or evict existing residents, nor do they include details of any relocation or compensation arrangements that will be made to ensure that the housing rights of those likely to be affected will not be violated.

Impact studies and assessments commissioned by Olympic Games authorities have failed to adequately address housing aspects. *The Olympic Games Impact Study: Final Report* prepared by PriceWaterhouseCoopers at the request of the Department for Culture, Media and Sport, listed housing as one of many environmental impacts (excluding housing considerations from the social or economic impacts).<sup>907</sup> While it identified the clear levels of existing deprivation in terms of housing in the Olympic areas, it classified the impact on housing in the Lower Lea Valley area during the pre-event period as ‘slightly-negative’, during the event itself as ‘neutral’, and during the legacy/post-event phase as ‘positive’. The latter assessment seems to be based solely on the fact that 3,600 new houses are scheduled to be built as part of the Olympic village. The ‘slightly negative’ pre-Olympics assessment was not based on concerns about displacements and evictions, but rather on factors such as deterioration in air quality and expected increases in road traffic during the construction of the new facilities. It is interesting to note that the London Health Commission and London Sustainable Development Commission ordered the preparation of a Health Impact Assessment, which resulted in a thorough analysis of the potential impacts of the Olympic Games on health in London, including factors such as housing.<sup>908</sup> It is regrettable that a similar study was not commissioned to specifically address the housing impacts of the Olympic Games.

At this early stage, still five years before the Olympic Games will be held, most of the housing effects that are evident relate directly to relocations of residents and businesses for construction of Olympics facilities. One area in particular where the housing effects of the Olympic Games preparations are already being felt is the Clay’s Lane Housing Cooperative, where a number of residents and businesses face eviction as a direct result of the construction of the Olympic village, and the business district of Stratford which is on the site of the future Olympic Park.

#### (a) Housing in London: main features

London is a city with a young and growing population which is ethnically and culturally diverse. Its composition is changing rapidly in part because of the large numbers of migrants and asylum seekers who are making their home there. The number of foreign migrants has increased threefold in the last decade.<sup>909</sup> London is also already a top global tourist destination. These factors put great strain on its housing sector.<sup>910</sup> The city’s diverse nature, its fast changing composition, and the polarisation between rich and poor, means that many are excluded and marginalised in their ability to access adequate housing. Each of these factors also adversely affects housing affordability.

A study published by the Greater London Authority (the main housing authority in the city) in May 2003 concluded that housing related issues are presently the most serious issues affecting the lives of Londoners and the London economy in general.<sup>911</sup> The report blamed market failure for the shortage of affordable housing for low income earners. The housing market in the United Kingdom has been expanding rapidly since the 1990s: “the past seven years have seen ... a house price boom stronger than in any other major world economy”.<sup>912</sup> The price of houses, of virtually all kinds and in all locations, has increased drastically in recent years, leading the Lord Mayor’s office to describe the problem of housing affordability in

906 ‘A massive boost for East London’, *London 2012*, <http://www.london2012.org/en/ourvision/regeneration/transforming+the+east+end.htm>

907 PricewaterhouseCoopers, *Olympic Games Impact Study: Final Report* (London: Department for Culture Media and Sport, 2005), pp. 17-18.

908 Andrew Buroni, *Rapid Health Impact Assessment of the Proposed London Olympic Games and Their Legacy: Final report* (London: Environmental Resources Management, 2004).

909 Greater London Authority (GLA), *Housing in London: the London housing strategy evidence base 2005* (London: GLA, 2005), p. 19, <http://www.london.gov.uk/mayor/housing/evidencebase/evidencebase1-4.pdf>

910 Ibid. p. 6.

911 GLA Economics, *Market failure and the London housing market* (London: GLA, 2003), [http://www.london.gov.uk/mayor/economic\\_unit/docs/london\\_housing\\_market.pdf](http://www.london.gov.uk/mayor/economic_unit/docs/london_housing_market.pdf)

912 Ibid.

London as being “acute, especially for first time buyers on low or moderate incomes”.<sup>913</sup> During the period from 1995 to the beginning of 2002, London’s average house prices rose by 149 percent,<sup>914</sup> and house price-to-income ratios are at historically very high levels.<sup>915</sup> The average London house costs almost seven times a teacher’s average annual salary and almost nine times an average nurse’s salary.<sup>916</sup> On the back of this housing market boom, more and more British people are investing in the property market through ‘buy-to-let’. In 2006 new homes were being constructed at a faster rate than at any other time in the previous 17 years.<sup>917</sup> Yet the construction of new homes has failed to keep up with the growing population.<sup>918</sup>

The expansion of the property market has led to a crisis in housing supply, affecting especially the social or public housing sector which suffers from excess demand and increasing waiting lists.<sup>919</sup> The construction of new social housing has failed to keep up with the loss of stock that has come about as a result of programs like ‘Right to Buy’.<sup>920</sup> In 1984, 35 percent of housing in London was public sector housing, whereas in 2005 this figure was 26 percent.<sup>921</sup> Fifty-nine percent of London’s housing is made up of owner-occupied households and 16 percent is privately rented.<sup>922</sup>

The 2004 London Housing Requirements Study<sup>923</sup> found that there were over half a million households in unsuitable housing in London. Nearly 48 percent of households in London (1.4 million households) suffer so badly from housing unaffordability that they would be unable to afford housing without subsidies.<sup>924</sup> Such unaffordability particularly affects certain ethnic groups, in particular Bangladeshi, black African and other black communities.

London is ethnically diverse and in some boroughs minority ethnic groups make up more than 50 percent of the population.<sup>925</sup> In London, ethnicity has a large effect on the ability to enjoy the right to adequate housing. However, a study conducted by the Lord Mayor of London’s office shows that “factors such as nationality, culture, faith and immigration status may have a much greater impact on housing needs and aspirations than ethnicity alone.”<sup>926</sup> International migration plays a large part in London’s ethnic diversity. The number of immigrant workers moving to London as the European Union expands has placed more pressure on the low cost housing market. Many immigrant workers rely upon privately rented accommodation, often on short tenancies.

Other disadvantaged and marginalised groups in London, and in Britain in general, are the Romani Gypsies and Irish Traveller populations. Gypsy and Traveller communities are protected in the United Kingdom under Section 225 of the *Housing Act 2004*. This legislation ensures that every local housing authority must assess the accommodation needs of Gypsies and Travellers residing in or resorting to their district. There are over 800 gypsy sites in London and its surrounding areas, including approximately 209 unauthorised encampments. Previously existing official sites have been progressively dismantled since the legislation was amended in 1993. The United Kingdom has been found in violation of the *European Convention of Human Rights* as a result of issues related to failures to provide adequate sites for Travellers.<sup>927</sup>

Finally, there are over 11,000 statutorily homeless persons in London, and around 60,000 households in temporary accommodation.<sup>928</sup>

913 GLA, *Housing in London* (2005), p. 63.

914 Canada Mortgage and Housing Corporation (CMHC), *Housing Market Outlook: London* (Ottawa: CMHC, 2006), p. 38.

915 GLA Economics, *Market failure* (2003).

916 Ibid. p. 42.

917 GLA, *Housing in London* (2005), p. 60.

918 Ibid. page 33.

919 GLA Economics, *Market failure* (2003).

920 ‘Right to Buy’ is a program targeted at tenants of council housing which enables them to purchase their public rental property. Since the introduction of the program in 1980, over 31 percent of the housing stock has been transferred into private ownership through this scheme. While there has been an increase in low-income homeowners, there are many instances of private companies encouraging tenants to buy and then taking over the properties to let at market rates. GLA, *Housing in London*, (2005), p. 40.

921 Ibid. p. 31.

922 Ibid.

923 GLA, *Greater London Housing Requirements Study* (London: GLA, Dec. 2004).

924 GLA, *Housing in London* (2005), p. 64.

925 Ibid. p. 19.

926 GLA, *Capital Homes: London Housing Strategy 2005 – 2016, Report of the equality impact assessment* (London: GLA, 2006), <http://www.london.gov.uk/gla/publications/housing/eqia-report.pdf>

927 *Connors v. The United Kingdom* (Application No. 66746/01), Judgement of the European Court of Human Rights, 27 May 2004.

928 New Policy Institute (NPI), *Estimating the Numbers of People in Housing Need and at Risk of Homelessness in London: A Report for the GLA* (London: NPI, 2004) [http://www.london.gov.uk/mayor/housing/docs/housing\\_need.pdf](http://www.london.gov.uk/mayor/housing/docs/housing_need.pdf)

Given this context, there are concerns about the possible link between London's existing housing crisis – including the lack of affordable housing, decreases in social housing stock, the unsatisfactory nature of existing housing, and particular vulnerabilities of marginalised groups such as ethnic minorities, Gypsies and Travellers and the homeless – and the city's susceptibility to escalations of these problems due to the Olympic Games.

#### **(b) London's Olympic authorities**

London's bid for the Olympics was coordinated by 'London 2012' and a multi-agency group comprised of the following stakeholders: the British Olympic Association (BOA); the Department for Culture, Media and Sport; the Government Office for London; the Greater London Authority (including the London Development Agency (LDA) and Transport for London).

Now that the bid has been won, the Olympic Games in London will be organised by the London 2012 Organising Committee, which is responsible for organising, publicising and staging the Olympic Games, and reporting to the IOC after the event. The creation of new venues and infrastructure and management of their legacy is the responsibility of the Olympic Delivery Authority (ODA). The ODA is a public body authorised by an act of Parliament to buy, sell and hold land, and to make arrangements for building works, and the installation of transport and other infrastructure. It has been designated as the local planning authority for the areas surrounding the Olympic sites, and as such, has control over all planning applications for the Olympics areas and their surrounds.<sup>929</sup> The ODA will build the Olympic village and manage the 'venue legacy conversion'. It is working with a number of regional development agencies, other public bodies, the London Thames Gateway Development Corporation, and other companies.

The London 2012 Organising Committee's £2 billion budget for the Olympic Games and Paralympic Games will be raised almost entirely from the private sector.<sup>930</sup> The 2012 Olympic Games' corporate sponsors (British Airways, British Telecom, Siemens and Microsoft) will also dominate much of the commercial side of the Olympic Games. A public and private partnership arrangement will ensure that those enterprises sponsoring the construction and other work are partners in the Olympic Project along with other Olympic Games authorities.

It is expected that the 2012 Olympic Games and their preparations will provide London businesses with enormous possibilities for financial reward. The President of London's Chamber of Commerce has predicted that: "The Games will produce a colossal one-off commercial boost to the entire country."<sup>931</sup> London's Olympic Games will be an important opportunity to attract investment from private companies, and will necessitate the involvement of many private enterprises, including building companies. It has been reported that share prices for construction and civil engineering firms likely to win contracts have already increased since the announcement that London was to host the Olympic Games.<sup>932</sup>

#### **(c) Implementing the preparations for the Olympic Games**

London's main Olympic Games venues include the new Olympic Park, as well as an Olympic stadium, a velodrome, an aquatics centre, the press centre, and the Olympic village. The majority of these facilities will be located in the Lower Lea Valley, an area comprised of sections from four London boroughs (Newham, Tower Hamlets, Hackney and Waltham Forest).

The Lower Lea Valley is a 1,500 acre expanse of light industrial land and contaminated waterways.<sup>933</sup> Its skyline is dominated by electricity pylons and car and rubble dumps. Despite these negative environmental factors, its proximity to central London, and its easy accessibility, makes the area an appealing location for many businesses and some residents.

The Lower Lea Valley is one of the most disadvantaged and underprivileged areas in Britain.<sup>934</sup> It has high levels of crime, and a higher than national average proportion of residents in the area suffer health problems and rely upon social security benefits. The area is marred by poor housing, high levels of unemployment and educational underachievement. It has been identified as one of the top-10 most deprived areas in the United Kingdom.

929 See further London 2012, 'ODA Planning Decisions Team', <http://www.london2012.org/en/ourvision/ODA/ODA+Planning/>

930 See further London 2012 'Sponsorship - a vital part of a successful Games' <http://www.london2012.org/en/gettinginvolved/Sponsorship/> There have been controversies over this budget of £2 billion, with the estimates having been revealed to be closer to £8 billion: Denis Campbell, 'Revealed: the true cost of the Olympics', *The Guardian* (19 Nov. 2006).

931 Michael Cassidy, 'British Business "Ecstatic" at the IOC's Decision on 2012', *London Chamber of Commerce*, available at [http://www.londonchamber.co.uk/lcc\\_public/article.asp?id=65&did=47&aid=1005&st=&oid=1](http://www.londonchamber.co.uk/lcc_public/article.asp?id=65&did=47&aid=1005&st=&oid=1)

932 Paul Bond and Daniel O'Flynn, 'London Olympics 2012: corporate greed and privatisation', *World Socialist Web Site*, 2 August 2005.

933 Matthew Beard, 'Family Firm Forced Out; Up in Smoke: The Firm that Lost Out in the Olympics', *The Independent* (6 Oct. 2005); See also, Sean O'Hagan, 'Remember Lea', *The Observer* (23 Oct. 2005).

934 Galloni, *An Olympic Legacy for Londoners* (2004).

In 2002, the LDA<sup>935</sup> targeted the Lower Lea Valley in its first corporate plan.<sup>936</sup> In the years since, London's bid and success at attracting the Olympic Games have focused the LDA's attention on this area. While the area was targeted for redevelopment and reurbanisation regardless of the success or failure of London's Olympics bid, it is believed that:

"The Olympic and Paralympic Games would speed up the rebirth of the Lower Lea Valley by six or seven years, cleaning up polluted land and reclaiming the area for the benefit of the whole of London."<sup>937</sup>

#### (d) Displacement and evictions from the Olympics site

In order to advance the plans for redeveloping the Lower Lea Valley, the LDA has been negotiating relocation options with residents and businesses currently located in the area. The LDA argued that the Olympic Games will bring much needed regeneration to the area, which would "far outweigh the effect upon those who own property or live in the area."<sup>938</sup> However these negotiations have taken place under the shadow of a CPO. The LDA issued a CPO for the land to ensure its acquisition from those with whom it could not strike a deal. This CPO issued for the Olympics site is said to be the largest ever compulsory land acquisition programme in England.<sup>939</sup> Once the LDA acquires the land, it will transfer it to the ODA, the official body charged with constructing Olympic venues and infrastructure.<sup>940</sup>

The main area affected by the CPO is Clay's Lane Housing Cooperative, where 430 of the residents were issued with orders to leave by July 2007.<sup>941</sup> The second key residential housing development affected by the CPO is Waterden Crescent. Waterden Crescent is inhabited by a group of Irish Travellers. They have been offered a number of alternatives to their present site. The proposals involve splitting the community into four smaller sites, and one group will be relocated to homes.<sup>942</sup> In addition, over 400 students from the University of East London were evicted in July 2005.

Over the course of the negotiations for the Lea Valley area and the related CPOs, businesses employing nearly 15,000 workers in total were also reportedly forced to move.<sup>943</sup> In Stratford, 300 businesses were evicted in order to use the land on which they operated for the Olympic Park.<sup>944</sup> In order to clear the path for the construction of the Olympic Stadium, companies employing over 5,000 staff were reportedly moved out of their establishments in the Marshgate Lane area.<sup>945</sup> Many of these businesses benefited from their proximity to central London, and the relocation sites offered were over 50 miles away from where they were originally located.<sup>946</sup> The businesses argued that the LDA's valuation of their land was made before news of the bid had inflated property prices in the area,<sup>947</sup> and that the LDA's proposed alternative sites would leave many of the businesses at a competitive disadvantage.<sup>948</sup> However, the vast majority of businesses reached agreements with the LDA before the CPOs were issued.

#### Clay's Lane

The Clay's Lane estate evictions have become the most controversial aspect of London's Olympic Games preparations. The Clay's Lane Housing Cooperative is located in the Lower Lea Valley, which sits adjacent to Stratford City, three miles from central London. It was developed in the 1970s to provide cheap cooperative living quarters, in a combination of shared and self-contained accommodation, for single persons earning low wages.<sup>949</sup> It was constructed by the National Building Agency with a unique layout, specifically designed to sustain the institutions of a housing cooperative and to promote social interaction among residents.<sup>950</sup> It is the largest purpose-built development for single inhabitants in Northern Europe.

935 The London Development Agency (LDA) is one of nine regional development agencies created under the Regional Development Agencies Act of 1998. Its mandate includes creating economic development through job growth, urban competitiveness, job training programs, and sustainable development.

936 The London Development Agency (Lower Lea Valley, Olympic and Legacy) Compulsory Purchase Order 2005, *Statement of the Case of the London Development Agency*. This document is available at: [http://www.persona.uk.com/olympics/docs/Core\\_Documents/CD3.pdf](http://www.persona.uk.com/olympics/docs/Core_Documents/CD3.pdf)

937 Galloni, *An Olympic Legacy for Londoners* (2004); PriceWaterhouseCoopers, *Olympic Games Impact Study* (2005).

938 Bob Sherwood, 'Inquiry Begins into Purchase of Olympics Land', *The Financial Times* (London, England) (10 May 2006).

939 Matthew Beard, 'Business on Olympic site fight to avoid eviction', *The Independent* (13 Aug. 2005).

940 Ellen Widdup, 'Caravan Families Stand in the Way of Olympics', *Evening Standard* (8 May 2006).

941 John Sole, Clay's Lane Housing Estate, *Proof of Evidence* (OBJ/308), The LDA (Lower Lea Valley, Olympic and Legacy) CPO Inquiry, available at: <http://www.persona.uk.com/olympics/objectorsproofs.htm>

942 Rebecca Taylor, 'Fool's Gold, Real Stories Behind the 2012 Olympics', *Time Out* (31 May 2006).

943 Malcolm Moore, 'Businesses on planned Olympic site vow to sue if London wins', *The Daily Telegraph* (London) (4 July 2005).

944 Beard, 'Business on Olympic' (2005).

945 Ibid.

946 Ibid.

947 Ibid.

948 Matheus Sanchez, '400 Stratford Residents Face Eviction to Make Way for 2012 Olympics', *The Evening Standard* (London) (15 Nov. 2005); See also, Ben Leapman, '400 Residents, 280 Firms Ordered Off Olympic Site', *The Evening Standard* (London) (16 Nov. 2005).

949 John Sole, Clay's Lane Housing Estate, *Proof of Evidence* (OBJ/308), The LDA (Lower Lea Valley, Olympic and Legacy) CPO Inquiry, available at: <http://www.persona.uk.com/olympics/objectorsproofs.htm>

950 Ben Leapman and Matheus Sanchez, 'Mayor's Olympic Deal Rescues £4bn Plan for Stratford City Project', *The Evening Standard* (London) (15 Nov. 2005).

The land on which the Clay's Lane estate is located is owned by the Newham Council.<sup>951</sup> Clay's Lane estate is also inhabited by encampments of English Romani Gypsies, some of whom have lived there since in the early 1970s.<sup>952</sup> It is estimated that approximately 38 Travellers families are resident at the Clay's Lane Caravan Site.<sup>953</sup>

Residents of Clay's Lane Housing estate enjoy extremely low rents of between £46 and £69 per week, including service charges, energy costs, and Council taxes.<sup>954</sup> The complex has a permanent staff of five, and a maintenance staff of three.<sup>955</sup> Residents enjoy direct and indirect access to various open spaces, which are used for informal recreation. They also enjoy relatively close proximity to roads, local and coach bus stops, rail, light rail, and the Underground.<sup>956</sup> In fact, the existence of extensive transportation infrastructure is said to be one of the principal reasons that the LDA targeted this area for Olympics development projects.<sup>957</sup>

Residents of Clay's Lane were first approached by the LDA in 2004.<sup>958</sup> While some members of the community apparently welcomed the opportunity to trade in their flats, the majority have not been satisfied with the LDA's relocation offers. Residents of Clay's Lane are among a group of parties that contested the CPO in a public inquiry conducted by the City of London. Almost 450 objections to the CPO were received before and during the public inquiry.<sup>959</sup> As part of the public inquiry process, an Inspector was appointed to review the evidence and make recommendations to the Secretary of State, who then ruled on whether the CPO should be upheld.<sup>960</sup> In December 2006, the decision was announced: the CPO was upheld with some modifications and exclusions.<sup>961</sup> The importance of quickly acquiring the land, including Clay's Lane estate and the Waterden Crescent Travellers site, in order to prepare for the Olympic Games, outweighed the objections of residents and concerns about the evictions and the inadequacy of relocation options for residents who would be displaced.<sup>962</sup>

In the letter communicating the Secretary of State's decision, it was explained that:

"[T]he benefits of hosting the Games and providing the catalyst to a lasting Legacy are likely to be immeasurable ... the Order is crucial to this [Olympic] timetable and [this] has ... been a factor to which [the Secretary of State] has attached considerable weight in his consideration of the objections ... [While] in order to achieve the benefits ... identified, a substantial group of residents would have to give up their homes and a number of businesses would be displaced... the Games represented a unique opportunity to secure benefits on an unimaginable scale which could not be realised in a less damaging way."<sup>963</sup>

With regards to the Gypsies and Travellers, whom the Secretary of State recognised "could be rendered homeless", it was noted:

"The Secretary of State has considerable sympathy with those living at the Clays Lane and Waterden Crescent sites but ... he take[s] the view that the scale and extent of physical infrastructure required for the Olympic Games necessitates [the CPO] ... Therefore given the urgency, timing and importance of the Olympics and Legacy developments, he considers the acquisition of the gypsy and travellers' sites is vital in order to meet the requirements of the Olympic timetable."<sup>964</sup>

During the inquiry, residents explained that they were fearful of the uncertainty, and did not understand the logic of displacing a large group of longstanding residents in order to host a two week event.<sup>965</sup> Some residents were also worried that

951 Newham is a borough of London.

952 Widdup, 'Caravan Families' (2006).

953 Games Monitor, *Briefing Paper 1: Impact*, Games Monitor, (2006), available at [www.gamesmonitor.org.uk](http://www.gamesmonitor.org.uk) [accessed 15 Sept. 2006].

954 COHRE email correspondence with local residents, February 2007.

955 Taylor, 'Fool's Gold' (2006).

956 Julian Cheyne, *Proof of Evidence* (OBJ/258), The LDA (Lower Lea Valley, Olympic and Legacy) CPO Inquiry, available at: <http://www.persona.uk.com/olympics/objectorsproofs.htm>, para. 3.2.

957 Leapman, '400 Residents, 280 Firms' (2005).

958 Hellen William, 'Coe Quizzed Over Olympic Park Eviction Plans', *The Press Association Newswire* (11 May 2006).

959 Decision of the Secretary of State for Trade and Industry on the London Development Agency (Lower Lea Valley, Olympic and Legacy) Compulsory Purchase Order Inquiry (18 Dec. 2006), para. 17, available at [http://www.persona.uk.com/olympics/docs/Final\\_Decision.pdf](http://www.persona.uk.com/olympics/docs/Final_Decision.pdf)

960 Jonathan Bunn, 'Inquiry into Olympic Row', *This Is Local London* (11 May 2006).

961 Decision of the Secretary of State for Trade and Industry on the London Development Agency (2006).

962 *Ibid.*, para. 19.

963 Decision of the Secretary of State for Trade and Industry on the London Development Agency (2006).

964 *Ibid.*

965 Lily Smith, Clay's Lane Travellers Site, *Proof of Evidence* (OBJ/317), The LDA (Lower Lea Valley, Olympic and Legacy) CPO Inquiry, available at: <http://www.persona.uk.com/olympics/objectorsproofs.htm>

any new place they settle may not welcome their Traveller lifestyles.<sup>966</sup> One resident specifically complained that Romani Gypsies have special status under the *Race Relations Act 1976*, and that despite this they have often been placed in unsuitable living conditions.<sup>967</sup> The group of Travellers who live in the Clays Lane Caravan site are said to be mounting a complaint to the European Court of Human Rights to save the site from demolition.<sup>968</sup> They have argued that the LDA's CPO is a disproportionate infringement of their rights under Article 8 of the *European Convention on Human Rights*.<sup>969</sup>

In documents submitted for review during the public inquiry, Clay's Lane residents complained at length regarding the LDA's approach to dealing with their potential relocation. The inadequacy of the relocation options was also recognised in the CPO Decision.<sup>970</sup> For example, the LDA has not agreed to explain the CPO public inquiry process to residents, despite being requested to do.<sup>971</sup> Julian Cheyne, a tenant at Clay's Lane, reported the following list of improper and allegedly illegal behaviour by city officials during the process: poor quality of information provided; imposition of a flawed advice/advocacy service in the Independent Tenants Liaison Advisor; the inequity of granting legal advice to businesses and private residential tenants - but not to Clay's Lane; ignoring a survey conducted by a consulting company (Fluid), and replacing it with a more restricted one; general slowness; failure to research residents' demands for changes; and changing and ignoring commitments.<sup>972</sup>

The LDA originally promised that the community would be rehoused in homes "as good as or better than before".<sup>973</sup> But in more recent documents from the LDA this language has been changed to "at least as good as residents currently have and as far as is reasonably practicable".<sup>974</sup> Julian Cheyne has argued on behalf of the tenants at Clay's Lane that the original promises of the Mayor should be legally binding.<sup>975</sup>

Some residents have allegedly already been pressured into moving to flats with which they are unhappy.<sup>976</sup> The issue of relocation remains unsettled, and residents fear that it will remain unsettled until they are forced out by bulldozers due to construction timelines.<sup>977</sup>

Much of the residents' upset with various relocation offers is attributable to the fact that the offers have come about too slowly. Despite promises that they would be given a number of relocation options by 11 May 2006, they had only received one by that date.<sup>978</sup> Mrs Lily Smith, one of the residents who submitted an affidavit at the public inquiry, has said that she would not oppose relocation if the proposed alternatives met her needs.<sup>979</sup> Other residents have submitted affidavits in which they argued that relocation proposals did not take into account the low rent, the inclusion of council taxes, and the security of tenure that they currently enjoy.<sup>980</sup> One resident has noted in an affidavit that the LDA must take into account factors other than the size of alternative accommodations.<sup>981</sup> The LDA had offered self-contained flats between 30 and 45 square metres in size; however, it did not take into account many of the other unique facets of the current accommodations at Clay's Lane, such as the high standard of design and quality, secluded location and ready access to lots of open space.<sup>982</sup> Other residents have focused on more specific problems that Clay's Lane residents would face should they be

966 Ibid.

967 Stephen Rowe, 'LDA Faces Opposition from Olympic Park Residents' (2005)

968 Moore, 'Businesses on planned Olympic site' (2005).

969 Saied Fatehi, *Proof of Evidence* (OBJ/250), The LDA (Lower Lea Valley, Olympic and Legacy) CPO Inquiry, available at: <http://www.persona.uk.com/olympics/objectorsproofs.htm>. Article 8 of the European Convention on Human Rights provides: (1) Everyone has the right to respect for his private and family life, his home and his correspondence. (2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

970 Decision of the Secretary of State for Trade and Industry on the London Development Agency (2006), para. 32 and 33.

971 Sanchez, '400 Stratford Residents Face Eviction' (2005).

972 Julian Cheyne, *Proof of Evidence* (OBJ/258), The LDA (Lower Lea Valley, Olympic and Legacy) CPO Inquiry, available at <http://www.persona.uk.com/olympics/objectorsproofs.htm>, para. 5.6.

973 Sanchez, '400 Stratford Residents Face Eviction' (2005).

974 Ibid.

975 Julian Cheyne, blog entry at <http://forum.insidehousing.co.uk/shwmessage.aspx?ForumID=9&MessageID=75>

976 Bunn, 'Inquiry into Olympic Row' (2006); Sherwood, 'Inquiry Begins' (2006).

977 Lily Smith, Clay's Lane Travellers Site, *Proof of Evidence* (OBJ/317), The LDA (Lower Lea Valley, Olympic and Legacy) CPO Inquiry, available at <http://www.persona.uk.com/olympics/objectorsproofs.htm>

978 Saied Fatehi, *Proof of Evidence* (OBJ/250), The LDA (Lower Lea Valley, Olympic and Legacy) CPO Inquiry, available at <http://www.persona.uk.com/olympics/objectorsproofs.htm>

979 Lily Smith, Clay's Lane Travellers Site, *Proof of Evidence* (OBJ/317), The LDA (Lower Lea Valley, Olympic and Legacy) CPO Inquiry, available at <http://www.persona.uk.com/olympics/objectorsproofs.htm>

980 Saied Fatehi, *Proof of Evidence* (OBJ/250), The LDA (Lower Lea Valley, Olympic and Legacy) CPO Inquiry, available at <http://www.persona.uk.com/olympics/objectorsproofs.htm>

981 John Sole, Clay's Lane Housing Estate, *Proof of Evidence* (OBJ/308), The LDA (Lower Lea Valley, Olympic and Legacy) CPO Inquiry, available at <http://www.persona.uk.com/olympics/objectorsproofs.htm>

982 John Sole, Clay's Lane Housing Estate, *Proof of Evidence* (OBJ/308), The LDA (Lower Lea Valley, Olympic and Legacy) CPO Inquiry, available at <http://www.persona.uk.com/olympics/objectorsproofs.htm>, para. 7.13.1.

forced to move, such as losses of their proximity to doctors, the ease with which they can access public transportation, and their inherent closeness as a community.<sup>983</sup>

By way of compensation, each of the 450 residents relocated from the Clay's Lane estate will receive £8,500 to compensate for the loss of their house and to cover relocation expenses.<sup>984</sup> In contrast, each of the Gypsy and Traveller residents (35 families) will only receive only a £2,200 'disturbance fee'.

With regard to the Traveller communities, the LDA's first relocation offer was a parking lot in Beckton, which is bordered by industrial land, a rubbish dump, and the Thames, and is also close to a roundabout of the busy A13 road.<sup>985</sup> Since then, two alternative sites have been proposed, another in Beckton, and one in Leyton Road. Residents have themselves identified a third potential site.<sup>986</sup> Residents have complained that Beckton is too far away, and that Leyton Road is surrounded by construction work.<sup>987</sup> Even the CPO Decision recognises that the latter options "may have shortcomings as a suitable relocation site".<sup>988</sup> Some also see the relocation as a questioning of their Traveller lifestyle.<sup>989</sup>

*"With relocation, we are worried about stigma, violence and discrimination. families will be broken up. ... The site at Jenkins Lane is not fit for human habitation. We feel very let down and disappointed with the lack of consultation [by] the LDA and LB Newham."*

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Tracie Giles, resident of Clays Lane Caravan Site<sup>990</sup>

#### (e) Escalation in housing costs and secondary displacements and evictions

*"This is a major concern for some people in the East End of London, who fear that Olympics-led regeneration of the area will make the area as unaffordable as everywhere else in the London area, particularly for key workers and other workers on low incomes."*

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Louise Every, Institute for Public Policy Research<sup>991</sup>

The announcement of London's decision to bid for the Olympic Games fuelled an increase in housing prices in the relevant areas. This situation has only escalated since London was announced as the Host City for the 2012 Games, leading journalists to report that "[p]roperty developers and estate agents have been predicting medal-winning performances for housing markets in the Olympic zone ever since London's successful bid."<sup>992</sup> During the latter months of 2005, property prices in the areas surrounding the Olympics site had increased between 1.4 percent and 4.6 percent on the back of the announcement of London's winning bid, while prices across London were in general down by 0.2 percent.<sup>993</sup>

There are concerns that because the neighbourhoods where the Olympics site is positioned are some of the most affordable in London (for both buyers and renters), they are prime candidates for price escalation, which will drastically affect the current affordability of these areas. For example, much of the Lower Lea Valley area is already a popular 'buy-to-let' investment zone, with a high proportion of tenanted properties.

983 Leapman and Sanchez, 'Mayor's Olympic Deal Rescues £4bn Plan' (2005).

984 Denis Campbell, 'Gypsy fury over £2,200 Olympic Clearance Payout', *The Observer* (24 Dec. 2006); COHRE email correspondence with local residents, February 2007.

985 Jonathan Bunn, 'Olympics Could Force Travellers to Move to Car Park', *This Is Local London* (13 Dec. 2005); Widdup, 'Caravan Families' (2006).

986 Ibid.

987 COHRE email correspondence with Ian Sandison, Clay's Lane Housing Cooperative, 3 Aug. 2006.

988 Decision of the Secretary of State for Trade and Industry on the London Development Agency (2006).

989 Sherwood, 'Inquiry Begins' (2006).

990 Games Monitor, *Briefing Paper 1* (2006).

991 COHRE email correspondence with Louise Every, Institute for Public Policy Research, 8 Dec. 2005.

992 David Budworth, 'Landlords chase Olympic gold', *The Sunday Times* (16 Oct. 2005).

993 David Budworth, 'Olympic boost for East End property prices', *The Times* (17 Oct. 2005).

Residents on short term private tenancies are likely to bear the brunt of the effects of rising property values, either through terminations or non-renewals of their tenancies by landlords wishing to capitalise on the increased property values, and/or potentially higher than average increases in rent over the coming years. Those priced out of the market will be forced to relocate to other areas, with flow on effects on their ability to access work and livelihood opportunities.

**(f) Reduction in the availability of social and low cost housing**

London's Olympic village will house up to 17,000 athletes during the Olympic Games. Afterwards, it will be converted into 3,600 homes with 'guaranteed legacy use' as affordable housing for 'key occupations' (such as teaching and nursing).<sup>994</sup>

It is planned that after the Olympic Games, a total of 9,100 new housing units will be constructed on former Olympics sites by 2020 under the Olympic Legacy Development plan.<sup>995</sup> This will include 4,300 units from the former Athletes' village which will be converted into a mixed residential community. One thousand, four hundred units in the north western area of the Olympic site and the Bow Lane Industrial Estate will also form part of a mixed use area, and 3,800 new units from the southern part of the Olympics site will become new housing neighbourhoods. However, research shows some discrepancy in the promised number of new housing units.

Given the loss of 150 units from the Clay's Lane estate, the projected new housing construction should result in a considerable overall increase in housing. However, it may result in a decrease in affordable housing in the area.<sup>996</sup> Less than 50 percent of the new housing will be 'affordable', and of this, only about 30 percent may end up reserved for social housing, which will itself become more expensive.<sup>997</sup> Student accommodation is being included within the 'affordable housing' bracket, further reducing the amount of affordable housing actually available to families. Questions have also been raised about whether the 'affordable housing' components promised will become even more susceptible to real estate speculation given the housing shortage in London.<sup>998</sup>

*"[R]egeneration might just lead to a change in the composition of the local communities, through a classic process of gentrification such as other Olympic cities have experienced. The bid said the Olympics would be a one-in-a-lifetime opportunity for the local community. This might prove true: it just depends on what the local community looks like. ... The Games are meant to lead a regeneration that is not only made for local people, but is also inclusive of local people."*<sup>999</sup>

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Fabien Vaujany, University of East London

**(g) Marginalised groups affected**

The groups affected by the displacements and relocations in London are predominantly low income earners and ethnic minorities, including Gypsies and Travellers. For example, the Clay's Lane Travellers site is inhabited by English Romani Gypsies, and Waterden Crescent is inhabited by a group of Irish Travellers. Due to the high concentration of Romani Gypsies and Irish Travellers residing at the Olympics sites, these groups are likely to be the most affected by the redevelopment proposals.

**(h) Legal measures taken as part of the Olympic preparations**

*"I am worried the police are going to get heavier, there's going to be more stop and search and it will be worse for Blacks and Asians – they really going to have a hard time, especially the youth."*<sup>1000</sup>

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Stratford resident

<sup>994</sup> See further <http://www.london2012.org/>

<sup>995</sup> Galloni, *An Olympic Legacy for Londoners* (2004), p 3.

<sup>996</sup> Fabien Vaujany, 'Hardly Heroic: Olympics Housing Plans', *University of East London: Rising East Online*, Issue No. 3 (2006).

<sup>997</sup> Ibid.

<sup>998</sup> Paul Bond and Daniel O'Flynn, 'London Olympics 2012: corporate greed and privatisation', *World Socialist Web Site*, 2 Aug. 2005.

<sup>999</sup> Vaujany, 'Hardly Heroic' (2006).

<sup>1000</sup> Comment made by a Stratford resident during a focus group conducted by the University of East London as part of a project to monitor and evaluate the impact of the London Games: Phil Cohen and Iain MacRury, 'Hopeful or worried but not yet jumping for joy ...', *University of East London: Rising East Online*, Issue No. 2 (2005).

To date there has been little official public discussion of the new legal measures that will be taken as part of the Olympic Games preparations; for example, enhancement of police powers or restrictions on freedom of association and assembly. However, there are concerns that pre-existing police powers and anti-terror legislation could be used generally for this purpose, and that such powers could and would be used disproportionately against ethnic minorities and to harass or threaten local people and activists in order to prevent protests.<sup>1001</sup>

## 2.7.6 Community activism during London's Olympic preparations

*“There has been no option to say no. There has been a suppression of any dissent, a diktat ‘thou shalt back the bid’.*

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Annie Chipchase, No London 2012<sup>1002</sup>

Both the London Bid Committee and the IOC Evaluation Commission noted that there was no organised public opposition to hosting the 2012 Olympic Games in London.<sup>1003</sup> However, at least two public demonstrations took place in February 2006 at the time of the IOC visit to London, one organised by ‘Critical Mass’ and the other by ‘No London 2012’.<sup>1004</sup> Since the decision to award the hosting of the Olympic Games to London, the ‘No London 2012’ campaign has been taken over by the ‘Games Monitor’ network, and the ‘No London 2012’ website ([www.nolondon2012.org](http://www.nolondon2012.org)), along with all of the electronic resources that it contained, was taken offline. The ‘Games Monitor’ website ([www.gamesmonitor.org.uk](http://www.gamesmonitor.org.uk)) was established to scrutinise the Olympic Games preparations and their effects, especially on London’s East End. ‘Games Monitor’ describes itself as “a network of people raising awareness about issues within the London Olympic development processes”,<sup>1005</sup> seeking to highlight “international as well as local and London implications of Olympic processes”.<sup>1006</sup>

*“Supporting London 2012 has been presented as some kind of national duty, and anyone questioning it – which is by no means the same as opposing it – thus becomes a traitor.”<sup>1007</sup>*

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Fabien Vaujany, University of East London

Local researchers explain that:

“Officially, everyone supported the bid. However, those trying to challenge some issues of the bid, those raising concerns and worries, those wanting to actually discuss the bid, those not taking everything for granted have been ignored or strongly criticised.”<sup>1008</sup>

At a community meeting on ‘Olympic Mega-projects’ in August 2005, local residents revealed that they had found the bid campaign to be “aggressive, undemocratic and neglectful of local communities”.<sup>1009</sup> A documentary, *“The Bid”* (by Agitate Films),<sup>1010</sup> and a short film, *“All that glitters”* (by Noemi Rodriguez), have detailed the concerns of the local communities – sides of the Olympics story that have to date been left out.

Community and business leaders have also raised concerns directly with the IOC: in early 2005 companies wrote to the IOC to complain about their eviction from the Olympics sites, threatening also to protest publicly at the IOC Session in Singapore in 2005.<sup>1011</sup> The ‘No London 2012’ group also sent a briefing document to IOC members in early 2005.

1001 See, for example, Carolyn Smith, ‘Intensification of policing, civil liberties implications’, *Games Monitor*, (27 Dec. 2006), available at [www.gamesmonitor.org.uk](http://www.gamesmonitor.org.uk)

1002 As quoted in Rohrer, ‘Saying no to London 2012’ (2005).

1003 IOC, ‘Report of the IOC Evaluation Commission’ (2005).

1004 London Action Resource Centre Archive of Events, available at [http://www.londonarc.org/larc\\_archive2005.html](http://www.londonarc.org/larc_archive2005.html)

1005 [www.gamesmonitor.org.uk](http://www.gamesmonitor.org.uk)

1006 Games Monitor, *Briefing Paper 1* (2006).

1007 Vaujany, ‘Hardly Heroic’ (2006).

1008 Ibid.

1009 Ibid. The meeting took place at the Institute of Contemporary Art on 25 Aug. 2005.

1010 Available for viewing at [www.agitatefilms.co.uk](http://www.agitatefilms.co.uk)

1011 Beard, ‘Business on Olympic’ (2005).

### 2.7.7 Best practices emerging from London's Olympic preparations

Although it is far too early to draw many conclusions regarding best practices or positive outcomes from the 2012 Olympic Games, one aspect of London's Olympic Games preparations deserves highlighting as an example of best practice. In 2004, the London Health Commission and the LDA commissioned a private company (Environmental Resources Management) to undertake a rapid Health Impact Assessment of the 2012 London Olympic bid and the associated legacy plan.<sup>1012</sup> This Health Impact Assessment provides a positive example for what could be undertaken in the area of housing, and begs the question why a similar study was not conducted to assess the potential impact of the Olympic Games on housing in London.

The Health Impact Assessment set out its objects as being to:

“[I]dentify the potential health impacts of the London Olympic Games ...; to support the development of health indicators to be applied [in the Olympic Games Impact Study]; and to identify potential means to mitigate health impacts and maximise health benefits.”<sup>1013</sup>

The rationale behind this report is that “[a]nalysis and management of the health impacts associated with the success of infrastructure projects has ... become as important as the management of environmental issues”.<sup>1014</sup>

The Health Assessment Impact explained that:

“[I]nternational magnitude and near perpetual nature of the Olympic Games makes them very suitable for Health Impact Assessment ... community susceptibilities and the inequalities within host nations, along with the potential impacts and benefits to the wider determinants of health, are not always considered prior to planning Olympic events. As a result, mitigation, health maximalisation options and subsequent health legacy opportunities are missed. A health impact assessment is therefore a logical progression for the Olympic movement, identifying potential impacts to host nations, removing or reducing negative impacts and maximising health benefits and legacy.”<sup>1015</sup>

It stated that:

“The health assessment of the proposed London Olympic Games provides an effective method for identifying, preventing and integrating health concerns into the Games, maximising local and regional legacy benefits, displaying an attitude consistent with the Olympic ethos, and promoting the London bid as being the first Organising Committee to provide a ‘Fourth Olympic Pillar’ of Health.”

One hardly needs to point out that each of these aspects could be equally relevant, necessary and accurate if the word ‘housing’ was used instead of, or as well as, the word ‘health’.

The Health Impact Assessment also included an analysis of the ways in which housing impacts upon health, using a comprehensive range of determinants including: quality of housing; distribution; overcrowding; affordability and ownership of homes.<sup>1016</sup> It assessed the long term post-Olympics legacy impact of the Olympic Games on housing as being positive:

“As a mass of additional housing and residential areas will have been created through the Olympic Village and other new housing developments, the Legacy Masterplan aims to re-house the local population, increasing the availability of local affordable housing in the areas and massively improving their standard of living and quality of life.”<sup>1017</sup>

However, it stated that some human displacement would be necessary in the preparatory stages, and that the Olympic Games would displace some local and travelling communities, potentially affecting their health and well-being.<sup>1018</sup>

<sup>1012</sup> Buroni, *Rapid Health Impact* (2004).

<sup>1013</sup> Ibid. p. 1.

<sup>1014</sup> Ibid.

<sup>1015</sup> Ibid. pp. 4-5.

<sup>1016</sup> Ibid. p. 36.

<sup>1017</sup> Ibid. p. 70.

<sup>1018</sup> Ibid. p. 77.

While conducting a Health Impact Assessment is to be applauded, the absence of a similar assessment for housing is lamentable. Even if a Housing Impact Assessment were conducted, this identification tool would only be one step, it is equally important that measures be implemented to minimise or alleviate the identified impacts.

In terms of best practices, it should also be mentioned that the way in which most 2012 Candidate Cities set out social housing as a component of their legacy plans for the Olympic village is an important step forward in ensuring housing considerations are integrated into Olympic Games bids. It is disappointing that the IOC did not pay more attention to this aspect in their assessment of the bids, and that such initiatives on the part of the Candidate Cities were largely ignored in the selection process.

#### 2.7.8 Preliminary conclusions regarding the housing impact of the 2012 London Olympic Games

*“Under the Legacy proposals, East London is supposed to benefit from the Olympics. At the moment it is hard to see how Clays Lane residents are going to receive what has been promised to them. If the community which is demolished to make way for the Olympics does not benefit what hope for the rest of East London?”*

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Julian Cheyne, tenant at Clay's Lane and campaign activist<sup>1019</sup>

The potential displacement of over 1,000 residents from their housing is already an important impact flowing from London's successful bid to host the 2012 Olympic Games. The impact on Gypsy and Traveller communities is also of concern. The escalation of housing costs will inevitably change the composition of the communities currently residing in the Olympics areas, unless further steps are taken to ensure sufficient supplies of social housing and other forms of low cost and truly affordable housing.

Many of these early stage impacts resulting from the preparations for the Olympic Games are the direct result of the construction of the Olympics facilities. It is likely that other impacts will emerge over the next five years, and in the years following the Olympic Games in 2012. The key challenge faced by the London 2012 Organising Committee and all of the members of the Olympic Movement and others involved in hosting the London Olympic Games, will be to ensure that the potential negative effects are prevented or at least minimised, especially for marginalised communities.

### 3. HOUSING BEST PRACTICES IN OLYMPIC BIDS AND PREPARATIONS

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A number of cities have demonstrated that there are steps that can be taken towards protecting and promoting housing rights in the process of hosting the Olympic Games. Some examples of best practices that have been adopted by previous Host Cities, proposed by Candidate Cities in their bids, or suggested by activists include:

- regulating the involvement of private industry, in particular where their actions could impact upon housing rights (such as construction of Olympics-related projects);
- ensuring the full participation of local communities in decision making that affects their enjoyment of the right to adequate housing;
- conducting full social impact assessments at different stages, including at the bid, planning, preparation, staging and post-event periods;
- entering into formal commitments to ensure that there are no Olympics-related displacements or evictions, or to require outcomes having a positive impact on housing, as part of the bid process;
- establishing protocols and other commitments regarding the treatment and protection of the homeless and other minorities;

<sup>1019</sup> Julian Cheyne maintains a blog on the removal process, available at <http://forum.insidehousing.co.uk/shwmessage.aspx?ForumID=9&MessageID=75>.

- legislating to protect the right to adequate housing;
- committing to housing-positive regeneration strategies for disadvantaged areas;
- planning for post-Olympics use of venues for social housing; and
- building strong community activism.

Evidence of best practices in the field of protecting and promoting housing rights during Olympic Games preparations has only been found in the few instances where ad hoc decisions were made to integrate housing considerations in the bid process, usually in response to community pressure. The drafting of a Homeless Protocol adopted in the context of the Sydney Olympic Games is one such example – community concerns about ‘another Atlanta’ prompted the Government to issue reassuring statements and commit to a protocol on the treatment of homeless people during the Olympic Games. Attempts to introduce legislation to protect residents against escalating housing costs (such as legislation to restrict rent increases or allocate public monies to social housing), as occurred in Sydney and Vancouver, again resulted from community activism informed by the negative impacts that were already being felt by communities whose right to adequate housing was being violated.

Some Host Cities have incorporated housing concerns in a more systematic manner and have made voluntary pledges to create sustainable housing legacies in their bids to host the Olympic Games. Commitments made by London (in its bids for both the 2008 and 2012 Olympic Games) and other cities regarding the use of Olympics accommodation facilities for social and low cost housing after the Olympic Games are examples where housing concerns were incorporated early in the bid process. Such inclusion was again prompted by pressure from civil society. The social housing commitments made by a number of Candidate Cities were no doubt motivated by the more recent focus on the sustainability of the Olympic Games and the inclusion of ‘environment’ as a third pillar for the Olympic Movement. Yet such promises have not always been followed through to fulfilment, and the impetus for including such considerations in the bid process and ensuring their compliance has not been provided by the IOC itself, despite the powerful role it could play in this regard.

There are two positive examples of bids by Candidate Cities which systematically addressed housing concerns: Vancouver’s 2010 Winter Olympic Games bid and Cape Town’s 2004 Summer Olympic Games bid.

The 2010 Vancouver Winter Olympics began as an example of best practice, however problems have already arisen with the implementation of many of the housing-related commitments. Vancouver had touted the 2010 Olympic Games as the first ‘socially sustainable’ Olympic Games.<sup>1020</sup> Community organisations were engaged in focusing the broad goal of social sustainability on issues such as the protection of civil liberties and social housing.<sup>1021</sup> They collaborated through the Impacts of the Olympics on Community Coalition (IOCC)<sup>1022</sup> to conduct ongoing community-impact assessments and to produce a set of 70 recommendations on the potential affects of the Olympic Games. This resulted in the Olympics organisers including a number of written guarantees in the bid, focusing among other issues, on social housing.

As part of this process, the city of Vancouver, the province of British Columbia and the Canadian Federal Government each issued an ‘Inner-City Inclusive Commitment Statement’ which made commitments in 12 different areas, aimed at ensuring no adverse affects for inner city residents arising out of the process of staging the Olympic Games. One of these 12 areas was affordable housing, with commitments in this area including: protecting housing stock; providing alternative temporary accommodation for Olympic Games visitors; protecting the homeless and ensuring that no-one is made homeless as a result of the Olympic Games; ensuring there are no involuntary displacements or evictions due to the Olympic Games; ensuring no unreasonable increases in rent because of the Olympic Games; and providing an affordable housing legacy. The city promised that the staging of the Olympic Games would result in no evictions and would create a legacy of affordable housing, with 30 percent of the housing to be built being committed to use as social housing after the Olympic Games. The governments committed CAN\$500,000 towards funding shelter beds for the homeless during the Olympic Games, and made specific commitments towards supporting homeless people with mental illness and drug addiction problems.

1020 Frances Bula, ‘World expects ‘socially sustainable’ 2010 Olympics’, *Vancouver Sun* (1 Nov. 2006).

1021 Robert Van Wynsberghe, Jim Frankish and Elvin K. Wyly, *Community-Based Coalitions and Mega-Events: Proposal for a Case Study of the Vancouver 2010 Olympics as a Healthy Communities Initiative* (Ottawa: Social Sciences and Humanities Research, University of British Columbia, 2005).

1022 The Impacts of the Olympics on Community Coalition (IOCC) is working on a ‘Report Card’ for the 2010 Vancouver Winter Games, which will provide systematic measures for helping the public evaluate the positive and negative impacts of the Olympic Games planning and development processes.

*"It's the first time an Olympic organizing committee has taken on any accountability for its social impacts. ... We don't want the Games to exacerbate the situation we already have here [with housing]. We want to use them as a catalyst. The Games spotlight can make things happen."*<sup>1023</sup>

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Linda Coady, Vice-President, 2010 Sustainability

Vancouver's commitments in the field of housing rights go beyond any previously made by a city hosting a mega-event. However, these commitments have been jeopardised by proposals to cut funding for the affordable housing program.<sup>1024</sup> Activists have warned of the dangers of retreating on promises for social and affordable housing: "If we do see the subsidized rental units privatized or converted to market housing and supplements, we'll see rents go up ... low income-earning tenants will be forced out into a marketplace that will be clogged by the many social housing tenants that are about to be evicted by this government".<sup>1025</sup> Low cost rental stock and residential hotels are already disappearing years before the event is due to be held.

In October 2006, a Vancouver Councillor, Tim Stevenson, proposed an emergency moratorium on single room accommodation redevelopments, claiming that such a legislative measure was necessary in order to prevent a breach by Vancouver of its commitments that there would be no evictions and to protect the many low income people who had already been evicted from hotels in Vancouver.<sup>1026</sup> This was followed by action by a member of Vancouver's legislative assembly, Jenny Kwan, who in April 2007 delivered a letter to the UN High Commissioner for Human Rights, Louise Arbour, asking her to monitor the increasing loss of low cost housing in Vancouver; particularly the conversion of single room occupancy hotels. Kwan claimed that the Vancouver Downtown Eastside had lost over 700 units of low income housing since the city's election as Host City for the 2010 Winter Games.<sup>1027</sup>

*"[T]he prospect of revitalization triggered by hosting the Olympics is causing property values to skyrocket which, in turn, is displacing some of the most vulnerable people in our society."*

*Jenny Kwan, Vancouver politician, in a letter to High Commissioner for Human Rights Louise Arbour*<sup>1028</sup>

*"The 2010 Winter Olympics were supposed to be sustainable and not be implicated in the displacement of long-term residents. Unfortunately, the worst fears are coming true due to the inaction of government and inadequate public policy planning."*

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Jenny Kwan, Vancouver politician<sup>1029</sup>

In March 2007, the 'Inner-City Inclusive Housing Table' produced a report recommending actions such as the construction of 3,200 new affordable housing units, the purchase of 800 Single Room Occupancy (SRO) units and increases in the welfare payment rates – all measures designed to "create lasting housing benefits associated with the 2010 Games ... [and] in pursuit of the overarching goal of eradicating homelessness".<sup>1030</sup> In early April 2007, the province of Vancouver announced that it would purchase 15 SRO hotels in the Downtown Eastside area, ensuring that nearly 1,000 units would be retained for housing the homeless rather than being sold or converted into less affordable housing.<sup>1031</sup> This followed successful challenges made by local housing advocates to illegal eviction notices and rent increases that had been linked to the Olympic Games.<sup>1032</sup>

1023 Bula, 'World expects' (2006).

1024 Frances Bula, 'False Creek plan would make "playground for the rich": MLA', *The Vancouver Sun* (16 Jan. 2006).

1025 Nelson Bennett, 'Olympics to bring more evictions: Critic: Affordable housing deficit predicted', *Richmond News* (10 Feb. 2006).

1026 Vision Vancouver, 'Vision takes action on homeless', *CityNotes* (5 Oct. 2006).

1027 Jenny Wai Ching Kwan, MLA, Letter to UN High Commissioner for Human Rights, Louise Arbour, 22 March 2007 (on file).

1028 Ibid.

1029 Wendy Cox, 'MLA: Poor kicked out of their homes for 2010 Games', *Canoe network CNEWS* (2 Apr. 2007), available at <http://cnews.canoe.ca/CNEWS/Canada/2007/04/02/pf-3904652.html>

1030 *Report of the Inner-City Inclusive Housing Table* (Vancouver: March 2007), available at <http://www.city.vancouver.bc.ca/commssvcs/housing/pdf/icihousingtablemar07.pdf>

1031 Mark Hume, 'B.C. to buy run-down hotels to house Vancouver's homeless', *The Globe and Mail* (Vancouver: 4 Apr. 2007).

1032 PIVOT Legal Services, 'Two small victories for housing campaign', PIVOT Press Release (20 Mar. 2007), available at <http://www.pivotlegal.org/News/07-03-19--goldencrown.html>. The eviction notices related to 28 units in which the hotel owners had indicated that they wished to evict the current residents in order to use the hotel to provide housing to Olympics workers.

Advocates hope that the recommendations contained in the Report of the Inner-City Housing Table will be adopted in order to ensure that Vancouver maximises the potential positive housing legacies from the 2010 Winter Games. The recommendations made in the report, while wide ranging, focus particular attention on the issue of homelessness and the importance of developing affordable housing:

“Homelessness is arguably the single most urgent housing issue in the city of Vancouver ... if hosting the Games is to provide a significant, enduring, and visible legacy, it should be to eliminate homelessness. The construction of affordable housing is the most potent way of impacting homelessness”.<sup>1033</sup>

Many of the other strategies recommended in the report reflect the best practices drawn from the experiences of other Olympic Host Cities (outlined below).

### 3.1 Regulating the involvement of private enterprise

*“This isn’t a charity. We’ve entered into a business transaction. We will make money. That’s what it’s all about.”*

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Hugh McColl, Chairman of Atlanta Games sponsor Nations Bank

The involvement of private enterprise in aspects of Olympic Games development projects, such as the construction of Athletes’ villages, has a significant bearing on housing considerations. There is clearly a link between the involvement of private capital (often encouraged by governments through public-private partnerships) in the development of Olympic Games-related infrastructure and the abandonment by governments of the interests of the poor and marginalised: The development trajectory is used to serve powerful private interests directly at the expense of the underprivileged. Private entities are unlikely to focus on the concerns of groups in need. Thus, rather than being content to regard the Olympic Games as an event that will eventually bring many ‘trickle-down’ benefits to all sectors of society through general ‘development’, the experiences outlined in this report highlight the need to ensure that there is sufficient oversight and regulation of private enterprise to protect the interests of the poor and marginalised, who are ultimately those most severely negatively affected.

Careful regulation of the involvement of private capital in the Olympic project can also have a bearing on the possible post-Games legacies and their contribution to improving the housing situation in a city. For example, in Athens, the positive attempts to use the Athletes’ village for subsidised workers’ housing (associated with the decision to use public rather than private funds to stage the event) can be contrasted with the ways in which the private ownership of the Athletes’ village complexes in Barcelona and Sydney ensured that these housing legacies were reserved for those who could afford to access them via the private market.

Governments need to be involved in ensuring a regulatory environment that sufficiently protects housing rights from direct or indirect abuses by private actors (and abuses that occur from the private pursuit of profit), including, through enforcing accountability measures. They should also pay attention to whether the Olympic Games development model they adopt serves primarily private interests or more generally the interests of society as a whole.

### 3.2 Participation of local communities

The stories of Olympic Host City experiences detailed in this report demonstrate the importance of community participation and transparency in order to ensure the mitigation of negative impacts, and the possibility of positive community development. The participation of local communities is not only an essential aspect of the Olympic Candidature requirements (see Chapter III Section 4.2), but also a requirement under international human rights law (see Chapter II Section 3.3). In addition, a participatory approach can enhance community support for and ownership of the Olympic project, and aid in ensuring that the benefits of such events will be enjoyed by the affected communities.

<sup>1033</sup> Report of the Inner-City Inclusive Housing Table (Vancouver: March 2007), p.3.

Affected communities participated in the Olympic Games planning processes in the case of Vancouver and also in the previous bid by Toronto to host the 1996 Summer Olympic Games. In Toronto, the city hired consultants to create an Olympic Games plan that would facilitate public involvement. It held public meetings on housing issues and allocated can\$110,000 to support community group research, which allowed certain groups to participate more meaningfully in the planning process. Twenty groups applied for funding and eight were approved, although the city decided that support should only be allocated to groups committed to improving the city's bid, not stopping it.<sup>1034</sup> A study of the far reaching benefits of this collaboration with the community in Toronto showed that: it ignited significant public debate over staging of mega-events in Toronto; it prompted the creation of a formal 'Olympic Commitment' which included housing rights concerns; it facilitated a greater awareness of weaknesses in existing landlord-tenant legislation; and it led to further awareness of the need to involve the community in deliberations for events with city-wide impacts.<sup>1035</sup>

### 3.3 Impact Assessments

The inclusion of impact assessments which focus on socio-economic issues and use appropriate indicators to measure housing impacts is an important part of identifying potential housing problems. By analysing multi-stage impacts, the organisers and Olympics-related entities can take adequate steps to ensure that potential negative outcomes are avoided, and potential positive legacies are implemented in a way that benefits all affected communities equitably.

London's use of a Health Impact Assessment as part of its 2012 bid demonstrates the value of such a tool in the planning process – finding ways to capitalise on the potential impacts is a vital way of 'selling' the benefits of the Olympic Games to communities and investors alike. Such systematic assessments of how the Olympic project responds to residents' social needs (including housing needs) is an important tool in developing best practices for responding to the potential effects the Olympic Games on housing and other socio-economic conditions.

It is vital that impact assessments (and related monitoring, evaluation and auditing) are conducted at various stages throughout the bidding, planning, preparation and post-event processes, and that they involve an analysis of all aspects, including: identifying interested and affected people; facilitating and coordinating stakeholders' participation; collecting baseline data; identifying activities likely to cause impacts; predicting likely impacts and stakeholders' reactions; evaluating and selecting alternatives; recommending mitigation measures; and providing suggestions about compensation.

Furthermore, it is also necessary that there are strategies in place for ongoing monitoring and management of the detected impacts. Impact assessments are of little value if the concerns they highlight are not addressed through policy, budgetary and regulatory measures, coupled with appropriate accountability mechanisms.

### 3.4 Commitments regarding no direct, adverse housing impacts

The example of Vancouver is one instance where the Olympic Games organisers have made public commitments (even including such commitments in their Olympic bid) that the staging of the Olympic Games would not be accompanied by displacements or evictions. The inclusion of housing-positive commitments in the bid, while not binding on the Candidate City, means that the Olympic Games organisers will face pressure to ensure the fulfilment of such commitments. A similar commitment was made by the Toronto City Council in 1989 during the preparation of its bid for the 1996 Olympic Games. In Toronto, a Task Force worked with local politicians to create "The Toronto Olympic Commitment", a document designed to ensure that, if selected by the IOC to host the 1996 Olympic Games, Toronto would plan and stage an "equitable, affordable Olympics that would leave a lasting legacy for all Canadians".<sup>1036</sup> The Commitment categorised its goals into five areas: social equity; environment; financial guarantees; a healthy Olympics; and jobs. Specific concerns regarding housing were outlined in the 'social equity' category, and included commitments not to displace existing residents due to the increased numbers of visitors during the Olympic Games.

However, a key concern with commitments such as these is that, as they are essentially policy statements, they are susceptible to implementation with varying degrees of success<sup>1037</sup> and are subject to few, if any, accountability mechanisms.

1034 Kristopher Olds, 'Canada: Hallmark Events, Evictions, and Housing Rights' in A. Azuela, E. Duhau and E. Ortiz (eds.), *Evictions and the Right to Housing: Experience from Canada, Chile, the Dominican Republic, South Africa, and South Korea* (Canada: International Development Research Centre, 1998), available at [http://www.idrc.ca/en/ev-32007-201-1-DO\\_TOPIC.html](http://www.idrc.ca/en/ev-32007-201-1-DO_TOPIC.html)

1035 Ibid.

1036 Ibid.

1037 Ibid.

This highlights the important role of civil society in holding stakeholders accountable and ensuring such commitments are implemented and enforced.

### 3.5 Establishment of Protocols for the treatment of minorities

A best practice from Sydney was the adoption of a Homeless Persons Protocol. This Protocol provided that any homeless person had the right to remain on the street, without harassment, and to receive appropriate accommodation and support services. Other groups particularly targeted for 'clean-up' campaigns, such as ethnic minorities like Roma, and groups like sex workers or street vendors, could also benefit from such commitments.

In Sydney, the Homelessness Protocol was adopted by the Olympics Coordination Authority, the City of Sydney, government and the police. It had been developed in consultation with community groups, and was combined with an official announcement allaying fears that homeless would be the subject of 'Atlanta style' street sweeps. The Protocol acted as a tool for regulating the behaviour of the authorities towards the homeless as it provided guidelines for police to follow. Community groups were actively involved in ensuring that this Protocol was enforced and it is clear that the vigilance of community groups was necessary to ensure it was complied with.

### 3.6 Legislative protection of the right to housing

None of the cities studied have enacted legislation to adequately protect housing rights. However, efforts have been made in Sydney, Atlanta, Vancouver, Toronto and elsewhere to introduce preventative legislative measures aimed at controlling rent increases, preventing arbitrary evictions, or providing social assistance packages for those affected by Olympics-related housing unaffordability. These attempts reflect the need for such legislative measures, particularly where existing legal protections for renters (in terms of the cost of accommodation and security of tenure) are insufficient.

### 3.7 Housing-positive regeneration strategies for disadvantaged areas

In another example of incorporating sustainability concepts that extend into the field of housing into the Olympic bid process, Cape Town proposed, in its candidature for the 2004 Summer Olympic Games, that the Olympic Games be a catalyst to improve the lives of the historically disadvantaged. It set out to address 'Olympic Development' in a broad sense, and included in its Olympics plans strategies focused on redressing social and economic imbalances covering many areas such as: housing; employment; empowerment; facilities; transportation; and service improvements.<sup>1038</sup> A key part of this strategy was locating seven of the 42 competition venues and 66 of the 77 training sites in disadvantaged areas. It was envisaged that these venues would serve as community facilities before and after the Olympic Games, and would redress the imbalance of amenities between white and non-white neighbourhoods.<sup>1039</sup> Planners hoped that locating the facilities in strategic areas would 'kickstart' a mixture of public and private investment that could lead to high density housing and retail around the venues.<sup>1040</sup> Olympic Games restructuring plans also included plans for new transit lines that would connect isolated areas of the city and cut travel times for residents of underserved areas, enhancing access to work and education opportunities for those in underprivileged areas.<sup>1041</sup> Further, the corporate bid vehicle interpreted federal legislation requiring that 30 percent of employees be 'local labour' to mean that the employees were to come from the local neighbourhood<sup>1042</sup> and would have offered 50 percent of its business transactions to commercial and professional enterprises from previously marginalised communities.<sup>1043</sup> The bid vehicle also commissioned a Strategic Environmental Assessment of economic, social, cultural, and environmental impacts of the Olympic Games, and planned to submit this document for community approval.<sup>1044</sup> However, critics have reported that this process was rushed and largely ineffective.<sup>1045</sup> Despite the implementation problems, the detailed consideration of how the Olympic Games could be directed towards enhancing, rather than taking advantage of, communities in need is a positive example of how to use an Olympics bid to promote positive housing legacies.

1038 Harry H. Hiller, 'Mega-Events, Urban Boosterism and Growth Strategies: An Analysis of the Objectives and Legitimations of the Cape Town 2004 Olympic Bid', *International Journal of Urban and Regional Research*, Vol. 24, No. 2 (2000). Study of the Cape Town bid was carried out in 1997, while it was being short-listed as a finalist candidate city, and preparing for the final vote.

1039 Ibid. p. 446.

1040 Ibid.

1041 Ibid. p. 445.

1042 Ibid. p. 447.

1043 Ibid. p. 448.

1044 Ibid. p. 449.

1045 Ibid.

### 3.8 Post-Olympics use of venues for social, public and low cost housing

A number of examples have been highlighted of Olympic Candidate and Host City bids which made particular reference to the post-Olympics use of venues for social or low cost housing. London, Madrid and Paris each made reference, to varying degrees, to some form of commitment to use the Athletes' villages that would be built for the 2012 Olympic Games for social or low cost housing. The inclusion of these promises in the bid process is an essential part of recognising the possible positive housing legacy of the Olympic Games. However, several concerns must also be raised, including: the non-binding nature of such policy commitments, the capacity of the government to actually follow through on provision of this housing, and the true meaning of 'affordable' housing promised (especially whether those most in need will be able to access this kind of housing).

The use of the Athens Olympic village as a housing project for the Workers' Housing Organisation is an example of post-Olympics use of venues for social housing. In this case, the housing project has had mixed success. After the Olympic Games, the accommodation units were sold at below market rates to members of the Workers' Housing Organisation programme; that is, the entire legacy of this purpose-built development has been directed towards workers and families through a subsidised housing scheme. This programme has created housing for 10,000 individuals, mostly families with children and pensioners. However, due to a lack of forward planning and coordination between the Olympics authorities, the Workers' Housing Organisation, national government and local municipalities, the former Olympic village now suffers from problems such as insufficient services (e.g. shops, transport, and garbage collection). This has led to numerous problems for local residents, and demonstrates the need for long term considerations to be included at the early planning stages and for effective communication with all relevant stakeholders (municipal authorities, Olympics authorities, those responsible for construction, eventual owners/operators, and eventual residents (owners/tenants)). While the Athens Olympic Village could serve as a positive model for how to develop an Olympic village into a subsidised housing community servicing a sector of the population in housing need, it also highlights the importance of thinking ahead about the post-legacy use, in particular from the perspective of the needs of the future residents. It is insufficient to make 'bid promises' without the ability and foresight to effectively carry them out, and this factor must be properly evaluated by Applicant and Candidate Cities, the IOC Evaluation Commission, and others, when assessing the potential social and housing impacts of the Olympic Games.

### 3.9 Building community activism

*"Only vocal citizen protest, such as occurred around the Berlin Bid for the 2000 Games, can hope to avert an inappropriate bid that may have potential negative impacts on host populations. Participation strategies need to fully recognise that there will be a range of winners and losers in hallmark events."<sup>1046</sup>*

Probably one of the most important lessons learned from the above experiences is the pivotal role of community activism. COHRE's research has shown that participation is not enough – strenuous advocacy is often what makes the difference between a disastrous housing impact and one where the negative effects can be avoided or mitigated.

The actual effects of Olympics related development processes are complex outcomes of a variety of forces – not the least of which are the (varying) capacities and actions to resist abuse and defend people's rights. The impacts of the Olympic Games on housing rights vary in each city but one thing remains the same – the potential impact that civil society can have upon the bid process and the eventual outcome of the process of staging the Olympic Games. In Sydney, it was clear that organised civil society activism, building on the activism in other previous Host Cities such as Atlanta, ensured a range of mechanisms were included within the Olympic Games process to prevent the 'same old' problems arising again. The Sydney experience shows that by learning from other cities' experiences, problematic issues can be addressed in a pre-emptive manner: In Sydney, the experience of Atlanta led to the development of a protocol and commitments regarding the treatment of the homeless during the Olympic Games. Even in Seoul, where activism was repressed, it is clear that struggles waged by movements of actual people on-the-ground yielded results.

<sup>1046</sup> Gary Cox, 'Faster, Higher, Stronger ... but what about our rights? Human rights and hallmark events', paper presented at the 17th Annual Meeting of the International Association for Impact Assessment (New Orleans, USA: May 1997).

Community activism is the lynch-pin for holding authorities to account. Community groups can also be extremely effective in achieving their goal of protecting and promoting housing rights through providing information, guidance and advice to authorities and other stakeholders: working collaboratively to ensure housing concerns are incorporated at all stages of an Olympic project.

Based on the experiences outlined above, what is ‘best practice’ in terms of building community activism? There are many strategies that can be adopted by organisations and individuals to ensure housing rights are protected and promoted throughout an Olympic project. In some cities, groups and individuals have resorted to litigation to protect rights, for example: the challenges to evictions in London, Vancouver and Beijing; the complaints about discriminatory measures in Athens; and the challenges to legislation in Atlanta.

Protests and activism at various levels, for example through local community forums and meetings, engaging the national media, and drawing international attention to the potential downsides of an Olympic project through movies and documentaries, are also tools that can be used. In cities such as Seoul, organised and sustained local resistance led to residents’ groups being taken seriously and benefiting from increased compensation.

COHRE has found one aspect of best practice which was consistently striking in all the cities studied – linking campaigns internationally, sharing experience and combining forces with activists and advocacy groups from different locations can bring enormous benefits. The Olympic Games experiences are, by their very nature, one-off occurrences for most cities, and thus local groups often lack the resources and knowledge to respond in a comprehensive manner. The benefits of working with others in a similar position has been invaluable in minimising negative impacts and learning from positive examples.

#### **4. SUMMARISING THE EVIDENCE: THE OLYMPIC GAMES AND THEIR IMPACT ON THE ENJOYMENT OF HOUSING RIGHTS**

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*“Hosting the Olympics is kind of like throwing a party, albeit on an epic scale. You fix the place up, send out invitations, and when it’s over, hopefully everyone had a good time. And once the guests leave, the hosts are left to clean up by themselves. After a party however, the hosts may be left with a broken lamp and a heap of garbage to deal with; the Olympic host city, on the other hand, begins the business of assessing the impact of housing the world’s largest sporting and media event.”<sup>1047</sup>*

This study has identified the following key housing impacts that result from the staging of the Olympic Games:

- Displacement and forced evictions of communities and/or individuals in order to pave the way for the construction of Olympics related infrastructure;
- Displacement and forced evictions of communities and/or individuals related to redevelopment and gentrification processes that are linked to or brought about by the staging of the Olympic Games;
- Displacement and forced evictions (particularly of tenants) arising from significant increases in housing costs related to the hosting of the Olympic Games;
- Escalation of housing costs having a significant impact on the local population’s access to affordable housing;
- Reduction in the availability of social and low cost housing in the pre- and post- Olympic Games phases, as well as during the event itself;

1047 Canadian Broadcasting Corporation, ‘Hosting the Olympics’, Creative Resistance (22 Oct. 2002), available at: [www.creativeresistance.ca](http://www.creativeresistance.ca).

- ‘Cleaning operations’ to remove homeless people from sight before and during the Olympic Games, as well as the criminalisation of homelessness;
- Introduction of other ‘special’ legislative or policy measures to facilitate the preparations for or staging of the Olympic Games: for example, measures allowing for expropriation of private property, the targeting of the homeless or minorities, increases in police powers, or restrictions of freedoms such as assembly and movement;
- Discriminatory and disproportionate effects on marginalised groups, including the poor, low income earners, those without security of tenure, the homeless, ethnic minorities, indigenous peoples, the elderly, the disabled, street vendors, sex workers, migrants and other vulnerable groups; and
- Limited transparency and participation of residents and civil society in decision making affecting housing issues.

#### **4.1 Displacements and forced evictions due to construction of Olympics venues**

There is a causal link between displacements and forced evictions on the one hand, and the Olympic Games on the other. This is because such displacements and evictions are a result of processes which have been directly sanctioned as part of the preparations for staging the Olympic Games (as happened in Seoul, Atlanta, Athens and London, and as are taking place in Beijing), or of property speculation and price rises which lead to housing unaffordability (as in Seoul, Atlanta, Barcelona, Sydney, and are anticipated in London).

In order to pave the way for the construction of Olympics infrastructure (stadiums, transports or accommodation for participants), many people are displaced, often forcibly evicted, from their homes. While the impact of Olympic Games related displacements and evictions on communities may be quantitatively less than the impact of other forms of displacements and evictions, it is still significant, as demonstrated by the recent example of approximately 1,000 people potentially being evicted from the areas designated as 2012 Olympics sites in London. In Barcelona, over 400 families were displaced from sites needed for construction of the Olympic village, and a further 20 from the site for the Olympic stadium.

#### **4.2 Displacements and forced evictions due to Olympics-related redevelopment and gentrification processes**

Displacements and forced evictions prompted by gentrification (under the rubric of redevelopment) have been accelerated by the Olympic Games. Some 720,000 people were forcibly evicted in Seoul and Incheon prior to the 1988 Olympic Games, while conservative estimates show at least 1.25 million people have already been evicted in Beijing in the lead up to the 2008 Summer Olympic Games (with approximately 250,000 more displacements expected before the Games are staged). Furthermore, thousands of people were evicted or relocated in Barcelona (1992), Atlanta (1996) and Sydney (2000) and Roma were evicted from their settlements Athens in relation to the 2004 Olympic Games. In Barcelona, almost 200 families were displaced specifically for the construction of the ring roads surrounding the city, and countless more due to gentrification of the inner city areas. In Atlanta, it is estimated that 30,000 people were affected by displacement due to Olympics-related gentrification and the associated escalation in housing costs, with specific examples of over 4,000 people being displaced from just one housing community.

Part of the process of gentrification and beautification in preparation for hosting the Olympic Games also involves eradicating signs of poverty through ‘redevelopment’ programs which often radically change the composition of urban areas, pushing the poor out of their homes and communities. It also involves ‘clearing’ homeless persons off the streets, often by forcing them to move to other cities or areas, or jailing them.

#### **4.3 Displacements and forced evictions due to increased housing costs**

In most Olympic Host Cities, the greatest proportion of people are evicted and displaced as a result of significant increases in housing costs, often linked to the gentrification of neighbourhoods described in the paragraphs above. In Barcelona, the increases in house prices and rents of 139 percent and 144 percent, respectively, during the six year Olympic Games period drove many low income earners, elderly and young people out of the inner city areas.

Escalations in housing costs have a significant impact on the local population's access to affordable housing. Cost increases have important flow on effects too: when secondary displacements or evictions occur due to escalations in housing costs, a resident's ability to access work and education opportunities is often further limited. Dislocation from existing community and social networks or the break up of families can also result. The need to relocate further away in order to secure affordable accommodation means that many spend increased hours travelling between work or school, or are cut off from existing or potential livelihood sources. These impacts were felt by those evicted in Seoul, the many thousands who found the escalation of housing costs in Barcelona left them excluded from the city centre, as well as the African-American communities in downtown Atlanta.

#### **4.5 Reductions in the availability of social and low cost housing**

In the gentrification process that accompanies many Olympic projects, the 'unsightly' or 'undesirable' housing stock that is demolished is often the city's supply of social or low cost housing. Such housing is replaced by housing for middle- to upper-income earners, a process which tends to reduce the supply of social and/or low cost housing, at precisely the time when the other pressures outlined above are resulting in a greater than ever need for this kind of housing. In Atlanta and London, historic housing projects which have served as international models for social or low cost housing communities were or are being destroyed to make way for new Athletes' villages. Even the promise of a minimum level of social or low cost housing in the new developments is insufficient to replace the stock lost through demolition, or to address the growing need for low cost housing.

#### **4.6 Targeting homeless persons**

'Cleaning operations' to 'get rid' of homeless people before and during the Olympic Games have been a problem in many Olympic Host Cities. Seoul's campaign to rid the streets of undesirables included rounding up the homeless and detaining them in facilities outside the city during the Olympic Games. In Atlanta, the practice was more widespread and overtly targeted at the homeless, with 9,000 arrest citations issued to homeless people under special laws enacted to facilitate this 'clean up'.

#### **4.7 Introduction of special legislative or policy measures**

In order to facilitate the preparations for staging the Olympic Games, many Host Cities and governments rely on the introduction of special legislative measures. These include laws regulating expropriation (such as in Athens and Barcelona), restrictions on civil liberties (Atlanta, Sydney, Beijing), criminalisation of homelessness (such as in Atlanta), or redesigning the planning and development laws (Seoul, London). The impact of such measures is often felt disproportionately by those who are already not well protected; i.e. those with limited security of tenure, or those already suffering from marginalisation and discrimination.

#### **4.8 Limited transparency and participation**

Limited transparency and participation of residents and civil society in decision making related to housing appears to be a hallmark feature of the Olympic Games experience.

In Seoul, not only were community concerns not included in the planning and preparation processes, the valid concerns of the municipal council were ignored or stifled, and the bid to host the Olympic Games went ahead despite official concerns about the housing impacts. Community activists were harassed, threatened, arrested and imprisoned for their dissent. In Barcelona and Atlanta, decisions were made *for* communities, not with them, and complicated processes were established, ostensibly to conduct some limited degree of consultation, but generally to secure agreement to relocate. Community participation in the Olympic Games planning processes in Sydney was not as extensive as it could have been (and the processes themselves were not as transparent), with community representatives still excluded from much of the decision making.

By failing to take community concerns into account in its Olympic Games plans, the Olympic Movement gives credence to the critique that "[t]he Olympic Games serve the interests of global capital first and foremost".<sup>1048</sup>

<sup>1048</sup> Helen Jefferson Lenskyj, 'Making the world safe for global capital: The Sydney 2000 Olympics and Beyond', in J. Bale and M. Christensen (eds.), *Post Olympism? Questioning Sport in the Twenty-first Century* (London: Berg Publishers 2004) pp. 135-45.

#### **4.9 Discrimination against marginalised groups**

The impact of the Olympic Games is often felt disproportionately by marginalised groups who are discriminated against throughout the process, including the poor, low income earners, those with insecure tenure, the homeless, ethnic minorities, the elderly, the disabled, street vendors, sex workers, migrants, the mentally ill, and other vulnerable groups.

In Seoul, the urban poor were particularly affected given their vulnerable legal status (as squatters and renters) and weak economic position (rendering them particularly susceptible to housing unaffordability). In Barcelona, Atlanta and Sydney, the poor suffered disproportionately from displacement, the effects of housing unaffordability and reductions in social and low cost housing stock. In Athens, the Olympic Games had a particularly adverse impact on the Roma, who were displaced in large numbers from their settlements on the pretext of preparations for the Olympic Games. In Beijing, communities of migrant workers are being subjected to evictions, and legislation targeting the mentally ill and beggars is reportedly being proposed.

# CONCLUSIONS AND RECOMMENDATIONS:

## ‘Olympic’ opportunities and ‘mega’ possibilities for protecting and promoting housing rights

### 1. CONCLUSIONS

*“Everytime big events like the World Cup, the Olympic Games, etc come it is the grassroots, the poor people, who are the worst damaged and worst affected. But we could not prevent that situation [in Seoul] and the sacrifice was more than we imagined. So the key is to prevent this from happening, make sure the government does not let it happen that way. We must call on the government to make sure we don’t make poor peoples’ lives worse.”*<sup>1049</sup>

*“We should tell our decision makers that if you can’t do this to share the benefits then don’t do it at all. Let the normal problems that are facing us be part of it, you don’t have to pretend that they don’t exist – poor and homeless exist everywhere.”*<sup>1050</sup>

*“Make the Olympic Games neutral in its impact upon humanity – ensure no one is worse off by the Olympic Games. ... You must be willing to make a commitment to house no less than the percentage of your population that is poor in the year after putting in a bid. Ensure no less numbers will be housed after the Olympic Games. No passing the buck.”*<sup>1051</sup>

*“Make sure that whoever is going to be affected – they have the power, the power is with them. Give a guarantee that if you are going to tear down 100 units, build more for poor people. Let the poor people be in the majority – give them the vote!”*<sup>1052</sup>

1049 COHRE interview with Mrs Hye-Kyung Kim, South Korean politician and advocate for the urban poor movement, Seoul, 30 June 2006.

1050 COHRE interview with Mr Greg Payne, former legal advocate for the Metro Atlanta Task Force for the Homeless, Atlanta, 13 July 2006.

1051 COHRE interview with Professor Frank Alexander, Dean of Emory Law School, Atlanta, 10 July 2006.

1052 COHRE interview with Mr Horace Tribble, former resident of Techwood/Clark Howell Homes, a leader in TUFF (Techwood United for Fairness), 11 July 2006.



Beijing: Residents express their views on the walls of their buildings. Chinese script reads: "Reject removal of windows and gratings; Beware Chaqian company, we will call the police." [Photo courtesy of COHRE]

Hosting the Olympic Games and other mega-events provides powerful opportunities for many actors to be involved in reshaping a city. However, in light of the many possible negative housing impacts that can result (and indeed have resulted in the many examples detailed in this report), cautious approaches are necessary to focus on protecting and promoting housing rights during all stages of the mega-event process: from the initial bid phase through the planning and preparation phases, to the staging of the event, and the post-event legacy.

In the example of the Olympic Games, it is not just the Host City, Olympic authorities, and Host Government that have the responsibility and the opportunity to address these concerns, but all actors involved in an Olympic project. All those involved in staging the Olympic Games, from governments, organising committees, sponsors, participants, construction companies, investors, and spectators, can and should ensure that the Olympic Games takes place in an environment where the housing rights of all are protected equitably. The Olympic Games should produce a positive housing legacy, and each actor should take up the opportunity to impart this constructive outcome. As the rewards for private entities from involvement in an Olympic project are potentially great, so too is the potential for them to contribute to a positive lasting legacy. The same can also be said of other mega-events.

However there is a particular need for governments to take action to protect against the violations of housing rights that frequently occur. Whether the Olympic Games or other mega-events constitute the major cause, or are one of many causes of violations of housing rights, all levels of government have an obligation to prevent such violations. The continued involvement of local authorities is vital. This was clear from examples such as Seoul, where the local authorities appeared to believe that they could evade their obligations by outsourcing the eviction process to private entities, and from Atlanta, where the city effectively relinquished control of the municipal planning process to interested local businesses and developers. As private entities are less inclined or able to include the concerns of the marginalised within their decision making, these concerns must be addressed by the relevant authorities, and informed by adequate community consultation and participation.

Community participation and active collaboration in the Olympic project or any mega-event project is necessary for ensuring that the resulting costs and benefits will be shared equitably and that those affected are genuinely willing to make the sacrifices needed. There is a definite need to plan *with* the communities that are going to be affected, as opposed to planning *for* them, or indeed (as happened in Seoul and Atlanta) *against* them. Civil society engagement in the planning and preparation for the Olympic Games can and should be facilitated in a variety of ways, both locally and internationally. In terms of collaboration, networking and experiences from other cities can be useful tools for informing debate and consideration of issues within new Host City communities. The sharing of experiences and the open monitoring of housing related commitments and impacts is only possible in an environment in which there is a free international press and where freedom of association and assembly is not repressed.

In many of the examples in which local communities or interest groups were not afforded the opportunity to participate in the Olympic Games planning processes, or when their concerns about the impact of the Olympic Games were ignored or repressed, they have directed their disquiet at the International Olympic Committee (IOC). The IOC does not presently have the mechanisms in place to address complaints related to housing concerns. It needs to institutionalise processes to deal with such complaints, and preferably, to prevent them from arising in the first place. For example, requiring Host Cities to establish mechanisms for managing and monitoring housing impacts would reduce the possibility of such concerns being ignored and complaints subsequently being raised directly with the IOC. As more and more complaints about the Olympic Games and their effects are being lodged directly with the IOC, it makes sense for the IOC to institutionalise ways in which to prevent and address the problems giving rise to such complaints, including through requiring greater transparency in the bid process, and compliance with strategies to protect the right to housing in the course of hosting the Olympic Games.

Coupled with the need to introduce these institutional safeguards is the need for enforcement of the promises made by cities during the bidding process. As the sustainability pillar of the Olympic Movement becomes more important in the selection of the Candidate and Host Cities, more promises regarding the possible positive legacies of the Olympic Games are likely to be made. There is a need therefore to hold the cities to their promises – promises made in the process of winning the right to host the Olympic Games need to be fulfilled before and after the Olympic Games are staged, and best practices for ensuring the fulfilment of such promises need to be identified, highlighted and implemented.

The commitments made by Candidate and Host Cities also need to address housing problems in a meaningful way. For example, promises of ‘affordable’ housing should reflect the financial capability of the cross section of society and, in that sense, be truly affordable housing. Policies to provide social housing and subsidise low cost housing need to be targeted towards those most in need and most affected by the impacts of the Olympic Games on the socio-economic wellbeing of the various residents of the city.

The experiences outlined above demonstrate that Olympic Games construction and related development often result in a loss of social and low cost housing. This is a real lost opportunity, not merely an unfortunate side effect. The Olympic Games cannot leave a positive legacy if post-Olympics use of infrastructure only benefits one (already privileged) group of the population to the detriment of others. For example, the construction of an Olympic village which is ultimately to be sold for private housing would leave a negative legacy for both current residents and future owners if such construction involved the eviction of current inhabitants without adequate compensation or alternative resettlement, as required by international human rights law.

This report has focused on the housing impacts of the Olympic Games and other mega-events, along with some examples of best practices. As has been shown, the impacts have not been entirely negative. On the contrary, mega-events such as the Olympic Games also provide many opportunities to develop positive housing legacies, and the examples above highlight some of the strategies for capitalising on such opportunities.

*“Impact management is not just about minimising negative impacts. It should ensure that benefits are maximised too.”<sup>1053</sup>*

All stakeholders can play a role in ensuring that a positive housing legacy results from the hosting of a mega-event such as the Olympic Games. Mega-event organisers can commit to including such features within their plans, and mega-event governing bodies can require that such considerations be taken into account and adequately implemented. Residents and advocates can demand that the benefits of the mega-event are shared by all, including those marginalised members of the community who need the authorities to take proactive measures to fulfil their housing rights. In the same way that a mega-event is used to boost investment and development in a Host City, so too can it be used as a catalyst for positive housing impacts, such as the development of social or low cost housing, the improvement of public housing, the introduction of rent controls or housing affordability protection measures, or the implementation of commitments to protect the homeless or other minority groups. These positive measures could benefit a broader range of people than the local residents of the Host City; for example, strengthening legislative protections for those lacking security of tenure or realigning housing policies could benefit all residents in the State.

1053 Gary Cox, Michael Darcy and Michael Bounds, 1994, *The Olympics and Housing: A Study of Six International Events and Analysis of Potential Impacts of the Sydney 2000 Olympics*, Shelter NSW and the Housing and Urban Studies Research Group, University of Western Sydney, Macarthur, Sydney.

As has been evident in the examples highlighted in this report, one of the most important factors in ensuring the minimisation of negative housing impacts and the maximisation of positive ones is the degree of involved and informed community activism. The development of housing rights movements as a result of the Olympic Games experience, and the solidification of their role in influencing decision makers, is a feature of a number of the experiences described in this report. However, the lessons learned include the importance of Host City activist groups starting early and forming effective coalitions to make clear demands. Linking up with other groups internationally to learn from their experiences, both good and bad, is also useful. It is hoped that through this project, COHRE can provide a gateway to resources for future Olympic or other Mega-event Host City housing advocates.

## 2. RECOMMENDATIONS

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COHRE's recommendations are directed to all stakeholders, including mega-event governing bodies, cities and governments applying to host or selected to host mega-events, municipal authorities, mega-event organising committees, mega-event sponsors and partners, shareholders, development corporations, architecture firms, building corporations, members of the construction industry, mega-event suppliers, mega-event participants such as athletes, volunteers, and spectators, sporting associations and federations, event exhibitors, consumers, community activists, NGOs, housing policy makers, service providers, urban planners, and the media.

### **Recommendation 1: Implement COHRE's Multi-Stakeholder Guidelines on Mega-Events and the Protection and Promotion of Housing Rights**

COHRE recommends that all stakeholders act to fully implement COHRE's *Multi-Stakeholder Guidelines*, thus ensuring compliance with all international housing rights laws and standards in all aspects of mega-events. Adopting such an approach from the initial stages of a mega-event project will help to ensure that housing concerns are adequately addressed at all stages.

By implementing COHRE's *Guidelines*, stakeholders should ensure they contribute to:

- Preventing violations of housing rights arising directly from the staging of mega-events; for example, those related to the construction of mega-event facilities;
- Preventing violations of housing rights arising indirectly from the staging of mega-events; in particular, by respecting the prohibition against forced evictions. Other measures that could be taken include: moratoriums on repressive or specifically targeted legislation, legislation to prevent rent excessive increases, appropriate economic policies to restrict escalations in housing prices, and police action that is not targeted towards minorities and the homeless;
- Protecting the right to adequate housing; for example, through ensuring that relocations satisfy the criteria set out in international human rights law;
- Promoting housing rights; for example, by using mega-events as an opportunity to create a positive housing legacy through measures such as enhancing social and low cost housing.

### **Recommendation 2: Disseminate the Multi-Stakeholder Guidelines on Mega-Events and the Protection and Promotion of Housing Rights**

COHRE recommends that all stakeholders take measures to disseminate COHRE's *Multi-Stakeholder Guidelines*, strive to promote and respect housing rights, and work towards securing their effective recognition and observance.

**Recommendation 3: Establish enforcement and accountability mechanisms for violations of housing rights in the context of mega-events**

COHRE recommends that all stakeholders promote, and seek the establishment of, enforcement and accountability mechanisms for violations of housing rights in the context of mega-events; including, ensuring the provision of remedies and reparations for victims of housing rights violations and abuses related to mega-events. Stakeholders should ensure that there are strong penalties for failure to comply with COHRE's *Multi-Stakeholder Guidelines* and that these penalties are enforced.

**Recommendation 4: Facilitate and support community participation and activism**

Transparency and public participation are essential elements of ensuring the adequate protection of housing rights. COHRE recommends that all stakeholders embrace the role of community activism in building capacity and undertaking action to resist abuses of housing rights and to defend people's human rights.

# MULTI-STAKEHOLDER GUIDELINES ON MEGA-EVENTS AND THE PROTECTION AND PROMOTION OF HOUSING RIGHTS

## 1. OVERVIEW

COHRE's *Multi-Stakeholder Guidelines* are aimed at furthering the goal of protecting and promoting housing rights in the broader context of mega-events in general. They are intended to provide guidance on how to create a sustainable housing legacy when hosting a mega-event, regardless of the type of event under consideration. COHRE's *Multi-Stakeholder Guidelines* are based on the principle of ensuring that the housing concerns of local residents are adequately taken into consideration in the planning of a mega-event – a key step in ensuring that housing rights are respected, protected and fulfilled.

COHRE's extensive research has shown that the staging of a mega-event can have a significant impact upon the enjoyment of housing rights for many of the city's inhabitants. When cities prepare to host large-scale events such as major sporting, cultural or political gatherings, people are often displaced, sometimes forcibly, and many are disproportionately affected by rising housing prices. Many poor and marginalised communities are discriminated against as the city undergoes the significant redevelopment considered necessary in order to put it 'on the world map'. The homeless are particularly affected – sometimes even treated as criminals – and frequent efforts are made to remove them from sight so as not to attract negative attention in the publicity that accompanies such meetings. These aspects of hallmark events are generally overlooked and, as a result, largely neglected, although they may call into question a country's compliance with international human rights law. In the worst-case scenarios, these harms are presented as necessary outcomes, or downplayed as marginal compared to the benefits brought by mega-events.

The housing impacts of mega-events can take different forms; they can be direct or indirect, visible in the short-term, or displaying longer-term effects. In most cases they affect the most vulnerable and poorest sectors of society, including the poor, the homeless and other minorities. Such impacts are evident when analysing many different types of mega-events, including sporting, cultural and political events. Such impacts can be seen in host cities located in affluent First World countries as well as in less affluent parts of the world.

The results of COHRE's studies on mega-events such as the Olympic Games demonstrate that the main features of these housing impacts include:



Beijing: Centre of Sanlitun Block showing mix of small businesses and residential housing. [Photo courtesy of COHRE]

- Displacement and forced evictions of communities and/or individuals in order to pave the way for the construction of mega-event related infrastructure;
- Displacement and forced evictions of communities and/or individuals related to redevelopment and gentrification processes that are linked to or brought about by the staging of the mega-events;
- Displacement and forced evictions (particularly of tenants) related to significant increases in housing costs related to the hosting of the mega-event;
- Escalation of housing costs having a significant impact on the local population's access to affordable housing;
- Reduction in the availability of social and low cost housing in the pre- and post- mega-event phases, as well as during the event itself;
- 'Cleaning operations' to remove homeless people from sight before and during the mega-event, as well as the criminalisation of homelessness;
- Introduction of other 'special' legislative or policy measures to facilitate the preparations for or staging of the mega-event: for example, measures allowing for expropriation of private property, or targeting homeless or minorities, increases in police powers, or restrictions of freedoms such as assembly and movement;
- Discriminatory and disproportionate effects on marginalised groups including the poor, low income earners, those with insecure tenure, the homeless, ethnic minorities, indigenous peoples, the elderly, the disabled, street vendors, sex workers, migrants, and other vulnerable groups;
- Limited transparency and participation of residents and civil society in decision making affecting housing issues.

These housing impacts have often been perceived as an inevitable and acceptable side effect of staging a mega-event: an unpleasant but necessary sacrifice to be borne in order to enable a country and a city to enjoy the significant benefits in investment, tourism and international recognition that come from hosting an important international event.

However, the staging of mega-events and their impact upon local housing raises serious concerns under international human rights law. It raises questions of who is accountable for violations of the right to adequate housing, and who is

responsible for ensuring the protection and promotion of housing rights throughout the process of staging a mega-event. The answer is that many different entities play a role in protecting and promoting housing rights: governments, host cities, organising committees, the events' governing or regulatory bodies, corporate sponsors, those involved in constructing the event facilities, and even the participants in an event.

Questions then arise about how to protect against possible violations and how to ensure that housing rights are best promoted at all stages of preparation for and staging of a mega-event? COHRE's *Multi-Stakeholder Guidelines on Mega-Events and the Protection and Promotion of Housing Rights* are an attempt to provide some answers to those questions.

COHRE's *Multi-Stakeholders Guidelines* are directed at all the various entities involved in the organisation of a mega-event: those who are impacted by mega-events and those who can impact mega-events. They aim to propose concrete measures, as well as monitoring mechanisms, that could be implemented in order to ensure that the negative impact that future mega-events could have upon housing rights is at worst minimised and at best eradicated. They also aim to show how mega-events can be used as a tool for promoting housing rights – if implemented, COHRE's *Multi-Stakeholder Guidelines* can facilitate mega-events acting as a catalyst for ensuring a positive and sustainable housing legacy.

COHRE's *Multi-Stakeholder Guidelines* build upon best practices developed in the context of previous mega-events. They are also informed by prior experiences of situations where the devastating consequences of mega-events, in terms of impact on the local population's housing, taught us what to avoid and what not to do. COHRE's *Multi-Stakeholders Guidelines* are based upon and refer to international human rights law,<sup>1054</sup> which provides for the protection and promotion of the right to adequate housing and other associated rights. They also draw on other useful sets of principles and guidelines from related fields.<sup>1055</sup>

COHRE's *Multi-Stakeholder Guidelines on Mega-Events and the Protection and Promotion of Housing Rights* call on all mega-event stakeholders to play their part in promoting and protecting housing rights, so that everyone, including the local residents, can reap the benefits of hosting a mega-event. They should become a standard for all future mega-events.

## 2. THE MULTI-STAKEHOLDER GUIDELINES ON MEGA-EVENTS AND THE PROTECTION AND PROMOTION OF HOUSING RIGHTS

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These *Guidelines* call for all mega-event stakeholders to play their part in promoting and protecting housing rights, so that everyone, including the local residents, can reap the benefits of hosting a mega-event. They are founded on the principle of compliance with international human rights laws and standards. They call for the full implementation of strategies directed at preventing any potential negative impacts on housing rights and maximising the possible positive legacies in terms of the enjoyment of the right to adequate housing.

These *Guidelines* are directed towards all mega-event stakeholders, including: mega-event governing bodies, cities applying to host or selected to host mega-events, governments applying to host or selected to host mega-events, municipal authorities, mega-event organising committees, mega-event sponsors and partners, shareholders, development corporations, architecture firms, building corporations, members of the construction industry, mega-event suppliers, mega-event participants such as athletes, volunteers, and spectators, sporting associations and federations, event exhibitors, consumers, community activists, NGOs, housing policy makers, service providers, urban planners, landlords and property owners, the media, the international community as a whole, and not least of all local residents.

<sup>1054</sup> Including, among other instruments: the *Universal Declaration on Human Rights* (1948), the *International Covenant on Economic, Social and Cultural Rights* (1966), the *International Covenant on Civil and Political Rights* (1966), the United Nations Committee on Economic, Social and Cultural Rights' (UNCESCR) *General Comment No. 4 on the Right to Adequate Housing* (1991) and UNCESCR's *General Comment No. 7 on the Prohibition on Forced Evictions* (1997).

<sup>1055</sup> Such as: the *Greenpeace Olympic Environmental Guidelines: A Guide to Sustainable Events* (2000); the *Basic Principles and Guidelines on Development-Based Evictions and Displacement* (UN Doc. E/CN.4/2006/41, 2007); the *Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* (adopted by the General Assembly in its resolution 60/147, 2005); the *Guiding Principles on Internal Displacement* (UN Doc. E/CN.4/1998/53/Add.2, 1988); the *Principles on housing and property restitution for refugees and displaced persons* (The Pinheiro Principles) (UN Doc. E/CN.4/Sub.2/2005/17, 2005); *The Practice of Forced Evictions: Comprehensive Human Rights Guidelines on Development-Based Displacement* (UN Doc. E/CN.4/Sub.2/1997/7, annex, 1997); and the proposed *Guidelines for the Prevention and Remedy of Forced Evictions*, contained in Annex 1 of Malcolm Langford and Jean du Plessis, 'Dignity in the Rubble? Forced Evictions and Human Rights Law', Working Paper (COHRE, 2005).

Even where some responsibilities for promoting and protecting housing rights lie clearly with a particular entity (for example, governmental or event-organising authorities), other stakeholders still have a role to play in ensuring that these responsibilities are fulfilled. Everyone has a role to play in promoting and protecting housing rights.

The suggested methods of implementing each Guideline, which are set out below to accompany the explanations of each Guideline, are by no means exhaustive. It is incumbent upon all stakeholders to identify and adopt appropriate implementation measures. Stakeholders should work with each other to ensure compliance and implementation of these Guidelines.

*All entities and individuals involved in a mega-event should:*

### **Guideline 1: Respect, ensure respect for, and implement all international housing rights laws and standards in all aspects of hosting a mega-event**

The most important aspect of promoting and protecting housing rights in the context of mega-events is to respect, ensure respect for, and implement all international housing rights laws and standards in all aspects of hosting a mega-event. This means complying with and implementing all the international treaties, covenants, resolutions, guidelines and other legal instruments that establish and clarify the scope of the right to adequate housing and other associated rights, including (and in particular) the prohibition of forced evictions, the rights to participation and information, the requirement of non-discrimination, and the protection against any other form of arbitrary or unlawful interference with privacy, family, home and legal security of tenure.<sup>1056</sup>

This means ensuring that the responsibility to protect housing rights is taken into account in all stages of the event-hosting process: from the time of the initial development of the mega-event proposal to host the mega-event, in the planning and implementation phases, throughout the event itself and afterwards into the post-event legacy period. This entails the full integration of housing rights considerations into the host city candidature and selection processes for all mega-events.

This requirement to respect, ensure respect for, and implement all international housing rights laws and standards applies to all acts and omissions, and all entities and individuals whose actions impact upon or could influence the enjoyment of housing rights. Stakeholders must not only refrain from acting in a manner that violates or abuses housing rights, they should also take proactive steps to protect and promote housing rights.

Governments can implement this Guideline by signing and ratifying international instruments protecting the right to adequate housing and other rights related to housing, and ensuring the incorporation of these elements of law into the domestic legal order. Applicant, Candidate and Host Cities can implement this Guideline by outlining (for example in bid documents) precise mechanisms to ensure all aspects of preparing for, staging and following up after a mega-event comply with international housing rights laws and standards, and implementing mechanisms to ensure this commitment is fulfilled. Mega-event governing bodies can require such compliance among the criteria to be met as part of the process for selecting host cities, and can ensure such requirements are satisfied by enforcing sanctions or withdrawing hosting rights if housing rights are violated or abused. International organisations can also work with national governments, event organisers and governing bodies, and other stakeholders, to share expertise and help ensure the mega-event project is compatible with international housing rights and support the monitoring of this compliance. Corporate sponsors and other entities involved in the mega-event can **respect housing rights and promote them** within their respective spheres of activity and influence, and from the outset should not sponsor or be involved in any mega-event project that may involve violations or abuses of housing rights. **Sports organisations (in the case of mega-sporting events)** and individual participants and spectators can themselves ensure the respect of international housing rights laws and standards by actively advocating for compliance, and immediately declaring their opposition to acts that violate or abuse housing rights – for example, by boycotting an event in which the construction of event facilities involved the forced eviction of local residents.

<sup>1056</sup> International housing rights laws and standards include, amongst others, those set out in the following: the *Universal Declaration on Human Rights* (1948); the *International Covenant on Economic, Social and Cultural Rights* (1966); the *International Covenant on Civil and Political Rights* (1966); the United Nations Committee on Economic, Social and Cultural Rights' (UNCESCR) *General Comment No. 4 on the Right to Adequate Housing* (1991); UNCESCR's *General Comment No. 7 on the Prohibition on Forced Evictions* (1997); the UN Commission on Human Rights' *Resolution 2004/28 on the Prohibition of Forced Evictions* (UN Doc. E/CN.4/2004/127); the UN Commission on Human Rights' *Resolution 1993/77 on the Prohibition of Forced Evictions* (UN Doc. E/CN.4/RES/1993/77); the *Convention on the Elimination of all forms of Racial Discrimination*; the *Convention on the Rights of the Child*; the *Convention on the Elimination of Discrimination against Women*; the *San Salvador Protocol*; the *African Charter on Human and Peoples Rights*; the *American Convention on Human Rights*; the *European Social Charter*; the *European Convention for the Protection of Human Rights and Fundamental Freedoms*; the *Fourth Geneva Convention*; the *Basic Principles and Guidelines on Development-Based Evictions and Displacement* (UN Doc. E/CN.4/2006/41, 2007); the *Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* (adopted by the General Assembly in its resolution 60/147, 2005); the *Guiding Principles on Internal Displacement* (UN Doc. E/CN.4/1998/53/Add.2, 1988); the *Principles on housing and property restitution for refugees and displaced persons* (The Pinheiro Principles) (UN Doc. E/CN.4/Sub.2/2005/17, 2005); and *The Practice of Forced Evictions: Comprehensive Human Rights Guidelines on Development-Based Displacement* (UN Doc. E/CN.4/Sub.2/1997/7, annex, 1997).

## **Guideline 2: Thoroughly assess, monitor and evaluate potential and actual housing impacts of mega-events and develop and implement policies and initiatives to adequately address these**

In order to adequately incorporate and address housing concerns in all aspects of hosting a mega-event, and guard against any violations or abuses of housing rights, stakeholders need to thoroughly assess, monitor and evaluate potential and actual housing impacts from both a qualitative and quantitative perspective, paying due attention to the need to disaggregate data. These processes must be accompanied by the introduction of policies and other measures (including legislative and budgetary measures) to adequately address the issues highlighted. For example, where a concern regarding a potential violation or abuse of housing rights is identified in the monitoring process, or where the initial assessment identifies the potential for housing rights to be improved through the mega-event project, the responsible authorities must ensure that adequate steps are taken to address the issues identified, and other stakeholders should seek to ensure that these measures are implemented. Accountability measures must also be instituted in order to protect against failures in the implementation of such policies and programmes, and to provide adequate avenues of redress for victims.

One way in which this Guideline can be implemented is by conducting pre-event social impact assessments (SIAs), followed by monitoring (including by the community) and independent (and/or government sponsored) post-event impact evaluations or audits. Full SIAs - which pay particular attention to housing issues - should be carried out prior to the initiation of any mega-event project, and candidates to host mega-events should be evaluated on their willingness to undertake SIA, and implement effective policies directed towards addressing the findings. Independent monitoring, auditing and reporting on social impacts should continue throughout the life of the mega-event project and after its completion.

All stakeholders should ensure that the assessment, monitoring and evaluation of the social impacts of mega-events are comprehensive and publicly transparent. Monitoring, assessing and evaluating housing commitments can serve as the platform for discussion between stakeholders.

## **Guideline 3: Prevent evictions and displacements related to mega-events**

To prevent evictions and displacements related to mega-events, stakeholders: should not carry out forced evictions; should not support those that do carry out forced evictions; and should do whatever is in their power (or within their realm of responsibility or influence) to ensure forced evictions do not occur. No stakeholder may carry out, sanction, demand, propose, initiate, condone or acquiesce in evictions related to the hosting of a mega-event.

In the context of mega-events, all stakeholders should strive to eliminate and reduce evictions and displacements. No-one (whether individuals, businesses, groups or communities) should be displaced for the sake of a sporting, cultural, political or other event. All stakeholders can play a role in ensuring that no forced evictions occur because of a mega-event, and that there are strict controls on the circumstances under which displacements can be carried out.

For example, national or regional governments or municipal authorities should adopt legislation forbidding forced evictions in connection with mega-events, and ensuring the effective protection of individuals, businesses, groups and communities from forced eviction. Such prohibitions should extend to preventing unlawful or uncompensated displacement, demolition of houses, destruction of agricultural areas and the arbitrary confiscation or expropriation of land for the sake of the mega-event. The legislation should protect residents from evictions by third parties, and ensure that there are sufficient penalties and disincentives to prevent agents or entities from conducting or allowing forced evictions. The prohibitions on evictions or displacements should be consistent with international human rights laws and standards, and the protections should extend to everyone within the government's or authority's legal jurisdiction or effective control.

Mega-event organisers and host cities should make clear commitments that they will not conduct, request, or tolerate forced evictions carried out in relation to the mega-event, and that they will eliminate or reduce other forms of displacement. Likewise, mega-event sponsors, participants, those involved in constructing event facilities, and others all have a role to play in guarding against evictions and displacements and promoting a mega-event that is not tainted by forced evictions.

Private landlords and other property owners can also act to prevent displacements and the net loss of low income housing. By refraining from evicting residents in connection with a mega-event, they protect residents from becoming increasingly vulnerable to homelessness or increased poverty.

States, mega-event organisers, and other stakeholders should fully explore all possible alternatives to evictions and displacements. This requirement includes the need to consult with local communities and offer them the opportunity to propose alternatives. If, after considering all alternatives, displacements are found to be necessary, the rights of the residents in the community to which the displaced group is relocated should not be affected, and the relocations should not result in an alteration to the ethnic, religious or racial composition of the relocated or the receiving community. All stakeholders should refrain, to the maximum extent possible, from claiming, confiscating or expropriating housing or land, in particular when such action does not contribute to the enjoyment of housing rights.

The displacement of residents should be considered necessary only in exceptional circumstances, for example, **where the safety, health or enjoyment of human rights of the residents requires their displacement, where displacement is necessary to protect the general welfare, or where displacement will significantly contribute to enhancing these residents' rights to adequate housing.** In such cases, it is essential that due process is granted and that all requirements under international law are met, including the need to implement a full resettlement policy before displacements occur. **Given their potential (and significant) negative impact on a wide range of internationally recognised human rights, evictions and displacements require full justification, and must be conducted in a just and equitable manner.** Any eviction must be authorised by law, be reasonable in the circumstances, proportionate, regulated so as to ensure full and fair compensation, undertaken solely for the purpose of promoting the general welfare, and in accordance with international human rights law and humanitarian law. All stakeholders should ensure that exceptions to the prohibition on forced evictions, such as the 'interest of society' or the 'public interest', should be interpreted restrictively, again to ensure that evictions only occur in genuinely exceptional circumstances, not merely for the sake of a sporting, cultural, political or other event.

Further, in cases where residents are displaced temporarily before being moved back into improved accommodation, due consideration must be given to their housing needs during the intervening period. Stakeholders should ensure that displaced or evicted residents who are provided with guaranteed places within the new replacement housing have a place to live in the interim, and are, during that interim period, afforded the **right to adequate alternative land or housing** (i.e. the alternative land or housing should be safe, secure, accessible, affordable, habitable, culturally adequate, in a suitable location, and with access to essential services such as health and education facilities). Stakeholders must guarantee that no affected persons, businesses, groups or communities should suffer a diminution of their human rights, or any infringement of their right to the continuous improvement of their living conditions.

Another step required to fully implement this Guideline is to provide the greatest possible security of tenure to occupants of houses and land.

#### **Guideline 4: Prevent any homelessness related to a mega-event, avoid disrupting the existing homeless population and reduce the number of homeless persons**

Stakeholders should ensure that the mega-event project does not result in individuals being rendered homeless. Further, the existing homeless population should not be disrupted or have their rights violated (e.g. through harassment, intimidation, criminalisation, 'cleaning operations' or 'street sweeps') in the process of preparing for or hosting the mega-event. Rather, the mega-event should be used as an opportunity to enact better protections for homeless people and other minorities. The mega-event should, through the provision of better services and affordable housing, be the catalyst for reducing the number of homeless.

National and regional governments and municipal authorities should adopt bans or at least moratoriums on legislation which represses or specifically targets the homeless, and all stakeholders should seek to ensure such bans and moratoriums are introduced and implemented. Stakeholders should also be vigilant in ensuring that police action does not target minorities such as the homeless, and that the homeless are not treated in a discriminatory manner.

The mega-event can be used by authorities, mega-event organisers, and other sectors of society as an opportunity to redress the city's homeless problem, for example through increasing the provision of new permanent and temporary accommodation (benefiting existing or potential homeless people), and enhancing the level of support services provided for homeless people. Protocols or commitments (formalised and made binding and enforceable where possible) should be established among the various stakeholders to ensure that any homeless person living on the street has the right to remain on the street without harassment, or to receive appropriate accommodation and support services.



Beijing: This is a map of the North Sanlitun Neighbourhood located between the east second and third ring roads that has been demolished to make way for a high end retail and entertainment district. The map shows this large city block contains 35 multi-story residences, several green spaces, a nursery school, a kindergarten, a hospital, a public health station, a supermarket, many smaller shops providing daily necessities, a publishing house, a welfare factory and several government agencies. The eastern border of the block and several of the internal alleys have over the past 15 years become home to a thriving bar and restaurant district. [Photo courtesy of COHRE]

#### Guideline 5: Ensure that staging a mega-event contributes to creating stable housing markets and delivering more affordable housing

All stakeholders, in particular the governmental authorities and those responsible for creating new housing in connection with a mega-event, should ensure that staging a mega-event contributes to creating a stable housing market. Steps can be implemented to both prevent housing instability and deliver more affordable housing. Mega-event governing authorities should ensure that strategies to protect housing stability are integral to all aspects of the mega-event project, and that event accommodation requirements can be transformed into affordable housing (for example public, social or low cost housing) after the event has been completed.

National, regional and municipal authorities should review the operation and regulation of housing and tenancy markets to ensure that market forces do not increase the vulnerability of low income and other marginalised groups to eviction, displacement or other effects of housing unaffordability. Measures that can be taken to implement this Guideline include advocating for and adopting legislation to prevent rent hikes, implementing appropriate economic policies to prevent an escalation in housing prices, introducing moratoriums on the reduction of low cost housing and ensuring there are sufficient protections against physical or economic pressures forcing residents to leave their housing or land. Further, support schemes could be introduced to facilitate access to affordable housing (e.g. rent subsidy schemes, cooperative or other forms of shared ownership, social housing), and legislative protections could be enacted to ensure 'no net loss' or 'one-for-one' replacement housing. Support services could also be enhanced and in this regard, all stakeholders could facilitate and assist in increasing the level of services (including advisory, mediation, advocacy and legal services) provided for tenants and landlords.

This Guideline is not directed only towards the State. The private sector, including mega-event organisers, can also play a role in providing or facilitating access to affordable housing and guaranteeing a stable housing market. The level of affordable housing in a city can be enhanced through the provision of effective, targeted and coordinated investment and funding. In order to better regulate the role of private landlords and property owners, financial penalties could be introduced to deter property owners from undertaking, in connection with a mega-event, conversions or demolitions that would adversely impact upon the ability of existing residents to enjoy their right to adequate housing. Further, incentives

could be introduced to protect rental, social or low cost housing (or disincentives for displacing tenants), and thereby enhance stability in the housing market. As housing instability associated with a mega-event is often related to the need for a large amount of short term accommodation for event participants and associated workers, provision of alternative forms of temporary housing (e.g. short stay registries and other measures) could alleviate this problem somewhat. Further, landlords and property owners should refrain from reacting or contributing to the 'Olympic phenomenon' or other real estate speculation related to a mega-event, which serves to heighten instability, rather than long term sustainability, in the housing market.

An essential component of creating a stable housing market is ongoing monitoring and the implementation of policies to address potential problems. Such monitoring should identify barriers to accessing affordable housing (including by groups such as women, the elderly, disabled, ethnic and racial minorities, and low income earners). Further, stakeholders should guarantee that 'affordable housing' is defined in such a way as to realistically reflect the financial capabilities of various groups in society.

The basis for creating a stable housing market is the provision of the greatest possible security of tenure to occupants of houses and land.

#### **Guideline 6: Use mega-events as an opportunity to increase the supply of low income, public and social housing and improve the existing housing stock**

All stakeholders should ensure that mega-events pay a long-term social dividend for all local residents. A mega-event project provides significant opportunities to enhance the provision of affordable housing and improve the existing housing stock. Where a mega-event requires the construction of purpose built accommodation, the post-event allocation of such housing to social, low cost or public housing projects is one way in which the mega-event can serve to deliver more affordable housing. 'Beautification' measures which frequently accompany mega-events should be focused on upgrading existing housing stock and delivering a better quality supply of affordable housing.

A city's housing priorities should be determined by the needs of its residents, rather than the short term requirements of a mega-event. Where a mega-event requires a host city to address its housing situation in the short term, consideration should also be given to the longer term needs and how the investment and development that accompanies a mega-event can be directed towards projects that will enhance the supply and quality of low income, public and social housing. New housing developments should be developed with the needs of all community members in mind, reflecting the diversity and special needs of minority and marginalised groups.

#### **Guideline 7: Enhance the legal and regulatory protection of housing rights**

All stakeholders should promote and/or facilitate the enhancement of the best possible legal and regulatory protections for all aspects of housing rights, in particular the greatest possible security of tenure to occupants of houses and land. Legal and regulatory protections also include the right to a remedy, due process rights, and guarantees protecting the rights of minorities. Mega-events can be opportunities for introducing or strengthening existing residential tenancy legislation, including to limit rent increases (in accordance with Guideline 5 on creating stable and sustainable housing markets), and to protect against evictions.

Mega-events can be the catalyst for enacting legislation and regulations that guarantee legal security of tenure over housing and land, including the recognition of collective rights and women's equal rights to housing, property and land. Stakeholders should ensure that the rights of tenants, social-occupancy rights holders and other legitimate occupants or users of housing, land and property are recognised and equally protected.

All stakeholders should ensure that accessible and effective complaints mechanisms are in place to provide victims of housing rights violations or abuses with access to a remedy. For example, mega-event organisers and governing bodies, as well as other entities involved in the construction of mega-event facilities or other aspects of the mega-event project, should establish or accede to complaints procedures to enable residents affected by their practices to seek redress.

At the very least, legislative protections against forced evictions should be introduced and actively advocated and supported by all stakeholders. Legislative measures should prohibit evictions without a court order, and those threatened with

eviction should have clear legislative guarantees regarding their rights to a fair hearing and effective remedies. Legislative and regulatory protections should guarantee that compensation must be provided in the case of evictions.

#### **Guideline 8: Hold violators of housing rights to account and ensure the availability of remedies for victims**

Individual stakeholders such as participants or spectators, corporate sponsors of mega-events, and mega-event organisers, along with all other stakeholders, must hold violators and abusers of housing rights to account. They must also ensure the protection of victims' rights, including rights to appropriate remedies and reparations, should the prevention mechanisms set about above fail. For example, not only must all stakeholders ensure that violence, intimidation and threats are not used against evictees or displaced residents, they should also strive to ensure that such practices are criminalised and that the laws are enforced through sanctions and appropriate penalties. Appropriate civil or criminal penalties should be imposed upon any public or private person or entity that violates or abuses housing rights.

All stakeholders should support and encourage the establishment of equitable, timely, independent, transparent and non-discriminatory procedures, institutions and mechanisms to assess and enforce housing rights that may be violated, abused or threatened in the context of the mega-event. Adequate, equal and effective access to legal or other appropriate remedies should be made available to any person claiming that his/her housing rights have been violated (or are under threat of violation), as well as to those who remain vulnerable to, or defend against, housing rights violations. Appropriate remedies include a fair hearing, access to legal counsel, provision of legal aid, return, restitution, resettlement, rehabilitation and compensation. For example, stakeholders should advocate for and support the establishment of mega-event 'ombudspersons' or other judicial or quasi-judicial bodies mandated with the task of adjudicating cases relating to violations or abuses of housing rights (or threats of such) in the context of a mega-event.

Whether people subject to eviction are owners or tenants, they have the right to adequate compensation for the loss of any good or property, and must be provided with adequate resettlement. Multiple stakeholders can each play a role in fulfilling this requirement.

#### **Guideline 9: Ensure transparency and active public participation in all aspects of hosting a mega-event**

Some stakeholders are able to control the means through which others can participate in the mega-event project. Yet all stakeholders are responsible for ensuring transparency and active public participation in all aspects of staging a mega-event. Stakeholders that are able to facilitate such participation should take appropriate steps to ensure that dialogue and consultation with interested and affected individuals, communities and groups occurs at each stage of the mega-event process. Stakeholders that are affected by the mega-event project should strive to ensure transparency and that they actively participate in the decision making processes to the best of their abilities.

Event organisers and governing bodies have a responsibility to ensure transparency of decision making, especially when those decisions impact upon others. Related to this obligation is the need for independent monitoring to ensure the credibility and accuracy of assessments and planning decisions taking in the context of preparing and hosting a mega-event. The creation of an open process, where information is made public, is important in order to enable stakeholders to react and participate meaningfully in the staging of a mega-event.

Consultation with affected communities is one aspect of implementing this Guideline that can be undertaken by multiple stakeholders; for example, construction companies, municipal authorities, mega-event organisers, international organisations, and local communities themselves. Such consultations should be meaningful and open to participation by all interested and affected parties (individuals, businesses, groups, communities) and/or their representatives, and should include women, children, racial and ethnic minorities, migrants, the elderly, the disabled, the homeless, indigenous peoples, the poor and those on low or no incomes, illiterate persons, and others. Local residents must be provided with relevant information and offered the opportunity to propose alternatives to aspects of the project that impact upon them and, in particular, their housing. Throughout this process, the needs of vulnerable groups should be given particular attention.

Stakeholders should also foster the development of social movements which provide an important means through which many individuals and communities can participate in public decision making and monitor transparency.

## **Guideline 10: Ensure the housing needs of all sectors of society are taken into account in planning a mega-event and addressing its impact**

All stakeholders should ensure that the benefits of hosting a mega-event are dispersed on an equitable basis and that the diversity of the community hosting the mega-event is celebrated rather than hidden. In all aspects of the mega-event project, stakeholders should implement (or ensure the implementation of) principles of gender equality and non-discrimination, ensuring that neither *de facto* nor *de jure* discrimination occurs and that all persons are considered equal. Policies and programmes aimed at protecting and promoting housing rights in the context of mega-events should not be formulated or implemented in a discriminatory manner, and stakeholders should ensure that such programmes and policies (and the mega-event project as a whole) does not further marginalise those living in poverty or in other precarious or vulnerable situations. All housing policies and practices should be implemented by stakeholders in a way that does not discriminate on the basis of race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth or other status. Further, it is important to recognise women's equal rights to housing, property and land.

When protecting against existing or potential violations or abuses of housing rights, consideration must be given to all vulnerable groups, including women, children, the elderly, indigenous peoples, migrants, the homeless, racial and ethnic minorities, those lacking security of tenure, the poor and low or no income earners.

When devising strategies for maximising the housing legacies realised in the context of hosting a mega-event, the housing needs of all sectors of society must be considered in order to ensure that those most in need directly benefit from the mega-event. Measures should be taken to ensure that additional housing created as a result of the mega-event is provided on an equitable and non-discriminatory basis, and that it meets the diverse needs of the community. Stakeholders should specifically target vulnerable and marginalised groups in the housing sphere for priority housing and other measures which protect and promote their housing rights. After the mega-event, all members of the local community should have access to the mega-event facilities.

### **Note:**

These Guidelines and the descriptions and suggestions for their implementation are not exhaustive. They should not be interpreted as limiting or prejudicing the rights recognised under any other international legal instruments or related standards which ensure the enjoyment of all human rights, in particular housing rights, or rights consistent with these international laws and standards as recognised under national laws.

# SUMMARY TABLES ON THE HOUSING IMPACTS OF OLYMPIC GAMES AND OTHER MEGA-EVENTS

The following tables provide an overview of the main housing impacts of Olympic Games and other mega-events, identified in the course of COHRE's research. They are not intended to be a comprehensive attempt to quantify all housing impacts of all mega-events.

Table 1: Mega-events and their impact on housing		
City	Event	Key Housing Impacts
Shanghai, China	2010 World Expo	<ul style="list-style-type: none"> <li>• 18,000 families evicted from the Expo site</li> <li>• 400,000 people reportedly displaced as a result of related urban development</li> <li>• Demolition of low income housing</li> <li>• Lack of consultation with residents during displacement process</li> <li>• Repression of residents' protests</li> <li>• Restrictions on lawyers representing evictees</li> </ul>
Vancouver, Canada	2010 Winter Olympic Games	<ul style="list-style-type: none"> <li>• Loss of over 700 units of low income housing</li> <li>• Hundreds of poor and elderly residents displaced due to conversion of low cost housing into tourist accommodation</li> </ul>
Multiple cities, South Africa	2010 FIFA World Cup	<ul style="list-style-type: none"> <li>• Concerns regarding possible evictions and displacements</li> </ul>
Delhi, India	2010 Commonwealth Games	<ul style="list-style-type: none"> <li>• Forced eviction of 35,000 families</li> <li>• Slum demolition resulting in evictions of 300,000 people</li> <li>• Evictions sometimes violent, without advance notice</li> </ul>
Kampala, Uganda	2007 Commonwealth Heads of Government meeting	<ul style="list-style-type: none"> <li>• Hundreds of street children 'rounded up' and taken to a makeshift holding centre</li> </ul>
Osaka, Japan	2006 World Rose Convention	<ul style="list-style-type: none"> <li>• 440 private security guards and 350 police officers forcibly removed 28 tents occupied by homeless people from two public parks</li> </ul>
Patras, Greece	2006 Cultural Capital of Europe celebrations	<ul style="list-style-type: none"> <li>• Roma harassed, threatened with eviction, and evicted</li> </ul>
Lapu-Lapu City, Philippines	2006 ASEAN Summit	<ul style="list-style-type: none"> <li>• Violent forced eviction of 30 households (affecting 42 families) to make way for a parking lot</li> <li>• Scores hurt, including women and children</li> <li>• 12 protesters arrested and detained for lengthy periods</li> </ul>

Abuja, Nigeria	2002 Miss World Beauty Pageant	<ul style="list-style-type: none"> <li>• Destruction of shantytowns</li> <li>• Forced eviction of at least 1,000 households</li> <li>• Authorities implemented a policy of rounding up and institutionalising homeless persons during the pageant</li> </ul>
Osaka, Japan	2002 FIFA World Cup	<ul style="list-style-type: none"> <li>• Removal of 300 homeless people from areas surrounding the stadium</li> </ul>
Seoul, South Korea	2002 FIFA World Cup	<ul style="list-style-type: none"> <li>• City officials created a list of areas that were off limits to the homeless</li> <li>• Originally authorities had planned to send homeless people to rehabilitation programmes outside the city</li> </ul>
Bangkok, Thailand	1998 Asian Games	<ul style="list-style-type: none"> <li>• City officials banned the homeless, beggars, and other 'undesirables' from sleeping or doing business in the street</li> <li>• Squatters fined</li> </ul>
Chicago, USA	1994 FIFA World Cup	<ul style="list-style-type: none"> <li>• 'Cleaning operation' displaced 20 homeless people</li> </ul>
Dallas, USA	1994 FIFA World Cup	<ul style="list-style-type: none"> <li>• Between 200-300 people displaced after the demolition of their seven-year old shantytown underneath a highway overpass</li> </ul>
Seville, Spain	1992 World Fair	<ul style="list-style-type: none"> <li>• Squatter homes bulldozed</li> </ul>
Santo Domingo, Dominican Republic	1992 500th Columbus Anniversary celebrations	<ul style="list-style-type: none"> <li>• 30,000 families (180,000 people) evicted from their homes as part of urban redevelopment schemes</li> <li>• Most not offered any form of resettlement</li> <li>• 10,000 people directly affected by purpose built facilities</li> <li>• Four mile long wall built to block view of poor areas</li> </ul>
Bangkok, Thailand	1991 Miss Universe Beauty Pageant	<ul style="list-style-type: none"> <li>• Eviction of 5,000 people</li> </ul>
Bangkok, Thailand	1991 IMF/World Bank Conference	<ul style="list-style-type: none"> <li>• Eviction of 2,000 slum dwellers (affecting 647 families)</li> </ul>
Brisbane, Australia	1988 World Expo	<ul style="list-style-type: none"> <li>• Between 1,400 to 3,000 people evicted from low cost housing due to escalations in rental costs or the demolition of their homes</li> <li>• Loss of over 800 'affordable' beds</li> </ul>
Calgary, Canada	1988 Winter Olympic Games	<ul style="list-style-type: none"> <li>• 2,000 people displaced</li> </ul>
Sydney, Australia	1988 Bicentennial celebrations	<ul style="list-style-type: none"> <li>• Loss of low income housing, in particular boarding houses were converted into tourist accommodation</li> </ul>
Fremantle, Australia	1987 America's Cup	<ul style="list-style-type: none"> <li>• Noted loss of low income housing particularly affecting boarding house tenants</li> </ul>
Vancouver, Canada	1986 World's Fair	<ul style="list-style-type: none"> <li>• Between 500 to 850 people evicted</li> <li>• Most evictees were unemployed, elderly, poor, and either handicapped or in a poor state of health</li> <li>• Between 1,000 to 2,000 low income lodging house units were lost to demolition or conversion to non-residential uses</li> </ul>
Seoul, South Korea	1985 IMF/World Bank Conference	<ul style="list-style-type: none"> <li>• Bulldozers and police used to tear down a slum</li> <li>• 1,200 slum families evicted from the site</li> <li>• Repression of protests related to evictions</li> </ul>
Knoxville, USA	1982 World's Fair	<ul style="list-style-type: none"> <li>• 1,500 tenants evicted from low rent accommodations</li> </ul>
Manila, Philippines	1976 IMF/World Bank Conference	<ul style="list-style-type: none"> <li>• Eviction of 400 families from a slum</li> </ul>
Jakarta, Indonesia	1962 Asian Games	<ul style="list-style-type: none"> <li>• Forced eviction of hundreds of homes to clear the way for a new sports complex</li> </ul>

Table 2: Olympic Games and their impact on housing	
Olympic Host City	Key Housing Impacts
Seoul, South Korea (1988)	<ul style="list-style-type: none"> <li>• 720,000 people forcibly evicted from their homes</li> <li>• Development and urbanisation led to unaffordability of housing</li> <li>• Homeless people rounded up and detained in facilities outside the city</li> <li>• Legislative changes to development and planning laws to facilitate construction and redevelopment related to the Olympic Games</li> <li>• No transparency in decision making and violent repression of residents' protests</li> <li>• Urban poor particularly affected</li> </ul>
Barcelona, Spain (1992)	<ul style="list-style-type: none"> <li>• Over 400 families displaced from sites needed for construction of the Olympic village</li> <li>• 20 families evicted from site for Olympic stadium</li> <li>• 200 families displaced for the construction of the ring roads</li> <li>• Thousands of others evicted or displaced due to development and gentrification processes related to the Olympic Games</li> <li>• Increases in house prices and rents of 139 percent and 149 percent, respectively, during the six year Olympic Games period</li> <li>• Low income earners, elderly and young people forced to move out of the city areas due to unaffordability of housing</li> <li>• Introduction of legislative measures to facilitate expropriation of private property</li> <li>• Lack of transparency in decision making and limited public consultation with affected communities</li> <li>• Poor and other minority groups suffered disproportionately</li> </ul>
Atlanta, USA (1996)	<ul style="list-style-type: none"> <li>• Approximately 25,000 poor families and individuals evicted or displaced due to development and gentrification processes related to the Olympic Games and associated housing unaffordability</li> <li>• Loss of over 1,100 housing units in one historic public housing community, displacing 4,000 people</li> <li>• Overall diminution of public housing stock – total loss of approximately 2,000 housing units, displacing nearly 6,000 residents</li> <li>• Legislation introduced which effectively 'criminalised' homelessness</li> <li>• 9,000 citations issued to homeless people under 'clean up' measures</li> <li>• African-Americans particularly affected by displacements and 'criminalisation' of homelessness</li> <li>• Poor and low income earners suffered disproportionately</li> <li>• Lack of transparency in decision making</li> </ul>
Sydney, Australia (2000)	<ul style="list-style-type: none"> <li>• Many people evicted or displaced due to development and gentrification processes related to the Olympic Games</li> <li>• Legislative measures taken to restrict civil liberties</li> <li>• Poor and other minority groups suffered disproportionately</li> </ul>
Athens, Greece (2004)	<ul style="list-style-type: none"> <li>• Hundreds of Roma evicted from their settlements</li> <li>• Introduction of legislative measures to facilitate expropriation of private property</li> <li>• Lack of transparency in decision making and limited public consultation with affected communities</li> <li>• Poor, Roma and other minority groups suffered disproportionately</li> </ul>
Beijing, China (2008)	<ul style="list-style-type: none"> <li>• 1.25 million people already displaced, another 250,000 expected to be displaced before the Games are held</li> <li>• Use of 'Re-Education Through Labour' measures to target homeless, beggars, mentally ill and other minorities</li> <li>• As many as two-thirds of these displacements may have been directly or indirectly brought about by the Olympics</li> <li>• No transparency in decision-making and violent repression of residents' protests</li> <li>• Up to 400,000 migrants displaced with no formal plans for their relocation</li> <li>• Up to 20 percent of families displaced plunged into (or further into) poverty</li> </ul>
London, United Kingdom (2012)	<ul style="list-style-type: none"> <li>• Housing for 1,000 people facing demolition from Olympic sites</li> <li>• Demolition of a historic low cost housing community</li> <li>• Legislative changes to development and planning laws to facilitate construction and redevelopment related to the Olympic Games</li> <li>• Poor and other minority groups disproportionately affected</li> </ul>

Table 3: The housing impacts of recent Olympic Games	
Key Housing Impact	Olympic Games Host City
Displacements and forced evictions of communities and/or individuals to pave the way for the construction of Olympics or Olympics-related infrastructure	Seoul (1988), Barcelona (1992), Atlanta (1996), Sydney (2000), Athens (2004), Beijing (2008), London (2012)
Displacements and forced evictions of communities and/or individuals related to redevelopment and gentrification processes that are linked to or brought about by the staging of the Olympic Games	Seoul (1988), Barcelona (1992), Atlanta (1996), Sydney (2000), Athens (2004), Beijing (2008), London (2012)
Displacements and forced evictions (particularly of tenants) due to a significant increase in housing costs in relation to the hosting of the Olympic Games	Seoul (1988), Barcelona (1992), Atlanta (1996), Sydney (2000), London (2012)
Escalation of housing costs bearing significant impact on the local population's access to affordable housing	Seoul (1988), Barcelona (1992), Atlanta (1996), Sydney (2000), Beijing (2008), London (2012)
Reduction in the availability of social and low cost housing in the pre and post Olympic phases, as well as during the event itself	Seoul (1988), Barcelona (1992), Atlanta (1996), Sydney (2000), Beijing (2008), London (2012)
'Cleaning operations' to get rid of homeless people before and during the Olympic Games, as well as the criminalisation of homelessness	Seoul (1988), Barcelona (1992), Atlanta (1996), Beijing (2008)
Introduction of other 'special' legislative or policy measures to facilitate the preparations for or staging of the Olympic Games	Seoul (1988), Barcelona (1992), Atlanta (1996), Sydney (2000), Athens (2004), Beijing (2008), London (2012)
Limited transparency and participation of residents and civil society in decision making affecting housing issues	Seoul (1988), Barcelona (1992), Atlanta (1996), Athens (2004), Beijing (2008)
Discriminatory and disproportionate effects on marginalised groups including the poor, low income earners, those with insecure tenure, homeless, ethnic minorities, indigenous peoples, the elderly, the disabled, street vendors, sex workers and other vulnerable groups	Seoul (1988), Barcelona (1992), Atlanta (1996), Sydney (2000), Athens (2004), Beijing (2008), London (2012)

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# GLOSSARY

**Adequate resettlement** implies relocation within a reasonable distance from the original site and with access to essential services such as water, electricity, job opportunities, schools, hospitals and transport facilities in the area selected, and after genuine consultation with, and participation of, the affected people.

**Affordable housing** is a general term which is intended to incorporate all forms of housing that are accessible to households with low incomes, including housing occupied under any form of tenure such as rented housing, self-owned, public housing or social housing. Affordable housing must be ‘truly’ affordable – i.e. the cost of housing must be affordable relative to the income and resources of the relevant household, and must be priced at a level which does not place the household under housing stress (i.e. the housing should cost less than 30 percent of the household’s income).

**Brownfield sites** are abandoned or under-used industrial areas, sometimes affected by environmental contamination.

**Displacements**, in particular development-based or development-induced displacements, involve the removal of communities and individuals from their homes, land or neighbourhoods for the purpose of economic development. *See also* **Forced evictions**.

**Eminent domain** relates to the inherent power of the State to seize private land for public use.

**Forced evictions** are removals of individuals, families or communities from their homes, land or neighbourhoods, against their will, which are directly or indirectly attributable to the State or emanations of the State. Forced evictions are *prima facie* incompatible with international human rights law and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law. The insecurity and use of violence associated with forced evictions (and/or the threat of forced evictions) is extremely traumatic and can, among other things, affect the ability to earn a livelihood, access education, and impact upon the health and well-being, of an individual, family or community. The prohibition on forced evictions does not apply to evictions carried out both in accordance with established legal procedures and in conformity with international human rights treaties. *See also* **Displacements**.

**Gentrification** refers to the process whereby a neighbourhood, community or urban area (often containing low cost housing) undergoes renovation, restoration, ‘revitalisation’ or upgrading, resulting in a general increase in housing costs (including higher property values and rental prices), which in turn changes the social composition of the community, bringing into the area new (middle class or affluent) residents who can afford the higher housing costs while displacing the previous (poor, low- and no-income) residents who cannot afford the higher housing costs.

**Host City** is the city elected, selected or otherwise appointed or acting as the host of a mega-event.

**Host Government** is the national or federal government of the city elected, selected or otherwise appointed or acting as the host of a mega-event.

**Housing related commitments** are commitments adopted by the Olympic Movement, which specifically relate to housing and Olympic infrastructure, contained in *OM Agenda 21*.

**Housing stress** is a term commonly applied to households in the lowest two quintiles of income distribution spending more than 30 percent of their income in rent or mortgage repayments.

**International Federations (IFs)** are international non-governmental organisations administering one or several sports at the international level and comprising organisations administering such sports at national level. Each IF maintains its independence and the administration of its sport. IFs express their opinions on the candidatures for organising the Olympic

Games, in particular as far as the technical aspects of venues for their respective sports are concerned. They establish the criteria of eligibility for competing in the Olympic Games events related to their sports and submit these to the IOC for approval. IFs also assume responsibility for the technical control and direction of their sports at the Olympic Games.

The International Olympic Committee (IOC) is an international non-governmental, not-for-profit organisation of unlimited duration, in the form of an association with the status of a legal person, recognised by the Swiss Federal Council. Its members (maximum 115) are natural persons. A majority of its members (maximum 70) is not linked to any specific function or office; others are active athletes (maximum 15) and presidents of, or persons holding an executive or senior leadership position within, NOCs and IFs (maximum 15 each). The powers of the IOC are exercised by its three organs: the Session, the IOC Executive Board and the President.

The IOC Ethics Commission is charged with defining and updating a framework of ethical principles, including a *Code of Ethics* based upon the values and principles enshrined in the *Olympic Charter*. The Code forms an integral part of the *Olympic Charter*. In addition, the Ethics Commission investigates complaints raised in relation to the failure to respect ethical principles and the *Code of Ethics*. If necessary, it proposes sanctions to the IOC Executive Board. The IOC Executive Board or the Session takes the final decision on any such matters.

The IOC Executive Board consists of the President, four Vice-presidents and 10 other members. The IOC Executive Board assumes the general overall responsibility for the administration of the IOC and the management of its affairs. Some of its particular duties are:

- to monitor the observance of the *Olympic Charter*,
- to establish and supervise the procedure for accepting and selecting candidatures to organise the Olympic Games.
- to take all decisions and issue legally binding regulations of the IOC; including ( but not limited to) all regulations necessary to ensure the proper implementation of the *Olympic Charter* and the organisation of the Olympic Games.

Mega-events (or 'hallmark events'), are large-scale, tourist events of limited duration, designed to generate attention and attract support (often in terms of public funding and private investment) in order to stimulate redevelopment. The staging of a mega-event is usually motivated by three key concerns: (1) putting the city 'on the world map' (increasing tourism); (2) increasing economic investment in the city and attracting capital (for improving urban infrastructure and redevelopment); and (3) 'reimagining' the city (image building). See further Chapter II above.

National Olympic Committees (NOCs) are organisations to develop, promote and protect the Olympic Movement in their respective countries in accordance with the *Olympic Charter*. NOCs have the exclusive authority for the representation of their respective countries at the Olympic Games. They are obliged to participate in the Games of the Olympiad (Summer Games) by sending athletes. The NOCs have the exclusive authority to select and designate the city which may apply to organise Olympic Games in their respective countries. They also have the right to give their opinions concerning the candidatures for the organisation of the Olympic Games. An NOC's composition includes all IOC members in their country (if any), all national federations affiliated to the IFs' governing sports included in the programme of the Olympic Games, and active or retired athletes who have taken part in the Olympic Games.

The Organising Committee for the Olympic Games (OCOG) is constituted by the NOC after a Candidate City has been elected as the Host City. The OCOG has the status of a legal entity in its country and reports directly to the IOC Executive Board. It is considered to be a party automatically bound by the Host City Contract. The OCOG's executive body includes the IOC member(s) in the country, the President and Secretary General of the NOC and at least one member representing, and designated by, the Host City. It may also include representatives of the public authorities or other leading figures. Generally, it is a continuation of the former bid committee.

The *Olympic Charter* is the Olympic Movement's primary overarching instrument. It has binding force on all persons and organisations parties to it and is the codification of the 'Fundamental Principles of Olympism', Rules and By-laws adopted by the IOC. The *Olympic Charter* governs the organisation and running of the Olympic Movement and sets the conditions for the celebration of the Olympic Games. As the basic constitutional instrument of the IOC, it defines the main reciprocal rights and obligations of the three main constituent organs of the Olympic Movement and sets forth and recalls the 'Fundamental Principles of Olympism'.

The Olympic Movement groups together all organisations and individuals who agree to be guided by the *Olympic Charter* and who recognise the authority of its supreme authority, the IOC. It embraces the NOCs, the OCOGs, the IOC advisory Commissions and working groups, the IFs of sports on the programme of the Olympic Games, athletes, judges and referees, associations and clubs, as well as all the organisations and institutions recognised by the IOC.

*Olympic Movement's Agenda 21 'Sport for sustainable development' (OM Agenda 21)*. The Olympic Movement has adopted specific commitments related to housing and Olympic infrastructure which are contained in *OM Agenda 21*. Although not a binding instrument *per se*, *OM Agenda 21* is based on and further elaborates upon the principles contained in the *Olympic Charter*. It serves as a concrete tool for promoting sustainable development, which is a binding fundamental principle enshrined in the *Olympic Charter*. *OM Agenda 21* highlights the three dimensions of sustainable development: environmental protection; improvement of socio-economic conditions; and active participation of civil society. It also contains specific provisions on human habitat and settlements.

Olympic parties include the IOC, the cities wishing to organise the Olympic Games, the OCOGs and the NOCs.

The IOC President is elected from among the IOC's members for a term of eight years which is renewable once for a further four years. He or she represents the IOC and presides over all of its activities. The President may take any action or decision on behalf of the IOC when circumstances preclude them being taken by the Session or the IOC Executive Board, provided such decision is submitted promptly for ratification by the competent organ. For the purpose of advising the Session, the IOC Executive Board or the President, the President can establish permanent or *ad hoc* commissions and working groups. The President is a member *ex officio* of all commissions and working groups and designates their membership.

The Olympic project includes all aspects of bidding, planning, preparing and staging the Olympic games.

The Olympic village is the area designated for use by the Olympic athletes, and which contains the athletes' accommodation. It is often purpose built for the Olympic Games.

Public housing is government provided housing (i.e. housing owned, built, operated, managed by governmental authorities) designed to service the housing needs of low or no-income households, including households dependant upon social security as their primary source of income. It is usually provided at no or nominal cost to residents.

The Salt Lake City crisis emerged because of allegations of corruption and excessive expenditure by some IOC members in the Host City election procedure for the 2002 XIX Olympic Winter Games. It revealed the need for the IOC to take major steps toward renewal, transparency and strengthening the credibility of the organisation. As a result of the Salt Lake City crisis, the IOC 2000 Commission was set up to propose measures of serious institutional reform within the IOC. One of its working groups reviewed the Host City election process. The Salt Lake City crisis also led to the requirement for the IOC to publish audited financial reports and the creation of the Ethics Commission, which adopted in 2004 the *Rules of Conduct* for all cities wishing to organise the Olympic Games.

Security of tenure means that residents are protected by a legal agreement against arbitrary forced eviction and expropriation of property. Secure tenure is necessary to developing sustainable cities, human dignity and urban development, and is an essential element of housing rights. It is fundamentally related to the long term security of one's home. An individual or group, such as a family, can be said to enjoy security of tenure when they are legally protected against involuntary removal from their land or residence, except in exceptional circumstances, and then only by means of a known and agreed legal procedure. Forms of secure tenure include leasehold, freehold, conditional freehold, collective tenure, and communal tenure, as well as legislative protections applicable to all dwellers.

The Session is the general meeting of the members of the IOC. As the IOC's supreme authority, the decisions of the Session are final. An ordinary Session is held once a year. The Session's powers include the following:

- to adopt or amend the *Olympic Charter*.
- to elect all the members of the IOC, including the IOC Executive Board and the President.
- to elect the host city of the Olympic Games.
- to decide on the awarding or withdrawal of full recognition to or from NOCs and IFs etc.
- to expel IOC members.

A slum is defined by UN Habitat as “a heavily populated urban area characterised by substandard housing and squalor”, which “can be divided into two broad types: ‘slums of hope’ and ‘slums of despair’. The first are settlements on an upward trend, largely made up of newer, usually self-built structures, and that are in or have recently been through a process of development, consolidation and improvement. The second group comprise ‘declining’ neighbourhoods in which environmental conditions and services are in a process of seemingly inevitable decay.” A slum “is an area that combines to various extents the following characteristics: inadequate access to safe water; inadequate access to sanitation and other infrastructure; poor structural quality of housing; overcrowding; and insecure residential status.” (See further <http://www.unhabitat.org>)

**Social housing** is subsidised or reduced cost housing provided by government or other authorities (such as semi-public authorities including pension funds or workers cooperatives, or non-profit entities). Such housing is designed to be affordable to low-income households.

**Social Impact Assessment (SIA)** is a method of reviewing and assessing the social effects or impacts of infrastructure and other development projects upon society. SIAs are normally carried out before such projects go ahead, as a way of categorising and assessing the affect on populations, groups, and settlements. The International Association for Impact Assessment uses the following definition of a SIA: “Social impact assessment includes the processes of analysing, monitoring and managing the intended and unintended social consequences, both positive and negative, of planned interventions (policies, programmes, plans, projects) and any social change processes invoked by those interventions. Its primary purpose is to bring about a more sustainable and equitable biophysical and human environment.” (See further <http://www.iaia.org/>)

A **Stakeholder** is any individual or entity associated in some way with a mega-event, in particular any individual or entity who can impact who or is impacted by the hosting of a mega-event. Mega-event stakeholders include: mega-event governing bodies, cities applying to host or selected to host mega-events, governments applying to host or selected to host mega-events, municipal authorities, mega-event organising committees, mega-event sponsors and partners, shareholders, development corporations, architecture firms, building corporations, members of the construction industry, mega-event suppliers, mega-event participants such as athletes, volunteers and spectators, sporting associations and federations, event exhibitors, consumers, community activists, NGOs, housing policy makers, service providers, urban planners, the media, the international community as a whole, and not least of all local residents.

The **Olympic Partner Programme (TOP)** is the only Olympic Games sponsorship arrangement which offers exclusive worldwide marketing rights to both Winter and Summer Games. It was created in 1985 and is managed by the IOC.

# LEGAL RESOURCES ON THE RIGHT TO HOUSING

## 1. UNCESCR GENERAL COMMENT NO. 4: THE RIGHT TO ADEQUATE HOUSING (ART.11(1), 13 DECEMBER 1991\*

### The UN Committee on Economic, Social and Cultural Rights,

1. Pursuant to article 11 (1) of the Covenant, States parties “recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions”. The human right to adequate housing, which is thus derived from the right to an adequate standard of living, is of central importance for the enjoyment of all economic, social and cultural rights.
2. The Committee has been able to accumulate a large amount of information pertaining to this right. Since 1979, the Committee and its predecessors have examined 75 reports dealing with the right to adequate housing. The Committee has also devoted a day of general discussion to the issue at each of its third (see E/1989/22, para. 312) and fourth sessions (E/1990/23, paras. 281-285). In addition, the Committee has taken careful note of information generated by the International Year of Shelter for the Homeless (1987) including the Global Strategy for Shelter to the Year 2000 adopted by the General Assembly in its resolution 42/191 of 11 December 1987<sup>1/</sup>. The Committee has also reviewed relevant reports and other documentation of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities<sup>2/</sup>.
3. Although a wide variety of international instruments address the different dimensions of the right to adequate housing<sup>3/</sup> article 11 (1) of the Covenant is the most comprehensive and perhaps the most important of the relevant provisions.
4. Despite the fact that the international community has frequently reaffirmed the importance of full respect for the right to adequate housing, there remains a disturbingly large gap between the standards set in article 11 (1) of the Covenant and the situation prevailing in many parts of the world. While the problems are often particularly acute in some developing countries which confront major resource and other constraints, the Committee observes that significant problems of homelessness and inadequate housing also exist in some of the most economically developed societies. The United Nations estimates that there are over 100 million persons homeless worldwide and over 1 billion inadequately housed<sup>4/</sup>. There is no indication that this number is decreasing. It seems clear that no State party is free of significant problems of one kind or another in relation to the right to housing.
5. In some instances, the reports of States parties examined by the Committee have acknowledged and described difficulties in ensuring the right to adequate housing. For the most part, however, the information provided has been insufficient to enable the Committee to obtain an adequate picture of the situation prevailing in the State concerned. This General Comment thus aims to identify some of the principal issues which the Committee considers to be important in relation to this right.
6. The right to adequate housing applies to everyone. While the reference to “himself and his family” reflects assumptions as to gender roles and economic activity patterns commonly accepted in 1966 when the Covenant was adopted, the phrase cannot be read today as implying any limitations upon the applicability of the right to individuals or to female-headed households or other such groups. Thus, the concept of “family” must be understood in a wide sense. Further, individuals, as well as families, are entitled to adequate housing regardless of age, economic status, group or other

affiliation or status and other such factors. In particular, enjoyment of this right must, in accordance with article 2 (2) of the Covenant, not be subject to any form of discrimination.

7. In the Committee's view, the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one's head or views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity. This is appropriate for at least two reasons. In the first place, the right to housing is integrally linked to other human rights and to the fundamental principles upon which the Covenant is premised. This "the inherent dignity of the human person" from which the rights in the Covenant are said to derive requires that the term "housing" be interpreted so as to take account of a variety of other considerations, most importantly that the right to housing should be ensured to all persons irrespective of income or access to economic resources. Secondly, the reference in article 11 (1) must be read as referring not just to housing but to adequate housing. As both the Commission on Human Settlements and the Global Strategy for Shelter to the Year 2000 have stated: "Adequate shelter means ... adequate privacy, adequate space, adequate security, adequate lighting and ventilation, adequate basic infrastructure and adequate location with regard to work and basic facilities - all at a reasonable cost".
8. Thus the concept of adequacy is particularly significant in relation to the right to housing since it serves to underline a number of factors which must be taken into account in determining whether particular forms of shelter can be considered to constitute "adequate housing" for the purposes of the Covenant. While adequacy is determined in part by social, economic, cultural, climatic, ecological and other factors, the Committee believes that it is nevertheless possible to identify certain aspects of the right that must be taken into account for this purpose in any particular context. They include the following:
  - (a) Legal security of tenure. Tenure takes a variety of forms, including rental (public and private) accommodation, cooperative housing, lease, owner-occupation, emergency housing and informal settlements, including occupation of land or property. Notwithstanding the type of tenure, all persons should possess a degree of security of tenure 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;
  - (b) Availability of services, materials, facilities and infrastructure. An adequate house must contain certain facilities essential for health, security, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services;
  - (c) Affordability. Personal or household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised. Steps should be taken by States parties to ensure that the percentage of housing-related costs is, in general, commensurate with income levels. States parties should establish housing subsidies for those unable to obtain affordable housing, as well as forms and levels of housing finance which adequately reflect housing needs. In accordance with the principle of affordability, tenants should be protected by appropriate means against unreasonable rent levels or rent increases. In societies where natural materials constitute the chief sources of building materials for housing, steps should be taken by States parties to ensure the availability of such materials;
  - (d) Habitability. Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors. The physical safety of occupants must be guaranteed as well. The Committee encourages States parties to comprehensively apply the Health Principles of Housing<sup>5/</sup> prepared by WHO which view housing as the environmental factor most frequently associated with conditions for disease in epidemiological analyses; i.e. inadequate and deficient housing and living conditions are invariably associated with higher mortality and morbidity rates;
  - (e) Accessibility. Adequate housing must be accessible to those entitled to it. Disadvantaged groups must be accorded full and sustainable access to adequate housing resources. Thus, such disadvantaged groups as the elderly, children, the physically disabled, the terminally ill, HIV-positive individuals, persons with persistent medical problems, the mentally ill, victims of natural disasters, people living in disaster-prone areas and other groups should be ensured some degree of priority consideration in the housing sphere. Both housing law and policy should take fully into account the special housing needs of these groups. Within many States parties increasing access to land by landless or impoverished segments of the society should constitute a central policy goal. Discernible governmental obligations need to be developed aiming to substantiate the right of all to a secure place to live in peace and dignity, including access to land as an entitlement;

- (f) Location. Adequate housing must be in a location which allows access to employment options, health-care services, schools, child-care centres and other social facilities. This is true both in large cities and in rural areas where the temporal and financial costs of getting to and from the place of work can place excessive demands upon the budgets of poor households. Similarly, housing should not be built on polluted sites nor in immediate proximity to pollution sources that threaten the right to health of the inhabitants;
  - (g) Cultural adequacy. The way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing. Activities geared towards development or modernization in the housing sphere should ensure that the cultural dimensions of housing are not sacrificed, and that, *inter alia*, modern technological facilities, as appropriate are also ensured.
9. As noted above, the right to adequate housing cannot be viewed in isolation from other human rights contained in the two International Covenants and other applicable international instruments. Reference has already been made in this regard to the concept of human dignity and the principle of non-discrimination. In addition, the full enjoyment of other rights - such as the right to freedom of expression, the right to freedom of association (such as for tenants and other community-based groups), the right to freedom of residence and the right to participate in public decision-making - is indispensable if the right to adequate housing is to be realised and maintained by all groups in society. Similarly, the right not to be subjected to arbitrary or unlawful interference with one's privacy, family, home or correspondence constitutes a very important dimension in defining the right to adequate housing.
  10. Regardless of the state of development of any country, there are certain steps which must be taken immediately. As recognized in the Global Strategy for Shelter and in other international analyses, many of the measures required to promote the right to housing would only require the abstention by the Government from certain practices and a commitment to facilitating "self-help" by affected groups. To the extent that any such steps are considered to be beyond the maximum resources available to a State party, it is appropriate that a request be made as soon as possible for international cooperation in accordance with articles 11 (1), 22 and 23 of the Covenant, and that the Committee be informed thereof.
  11. States parties must give due priority to those social groups living in unfavourable conditions by giving them particular consideration. Policies and legislation should correspondingly not be designed to benefit already advantaged social groups at the expense of others. The Committee is aware that external factors can affect the right to a continuous improvement of living conditions, and that in many States parties overall living conditions declined during the 1980s. However, as noted by the Committee in its General Comment 2 (1990) (E/1990/23, annex III), despite externally caused problems, the obligations under the Covenant continue to apply and are perhaps even more pertinent during times of economic contraction. It would thus appear to the Committee that a general decline in living and housing conditions, directly attributable to policy and legislative decisions by States parties, and in the absence of accompanying compensatory measures, would be inconsistent with the obligations under the Covenant.
  12. While the most appropriate means of achieving the full realization of the right to adequate housing will inevitably vary significantly from one State party to another, the Covenant clearly requires that each State party take whatever steps are necessary for that purpose. This will almost invariably require the adoption of a national housing strategy which, as stated in paragraph 32 of the Global Strategy for Shelter, "defines the objectives for the development of shelter conditions, identifies the resources available to meet these goals and the most cost-effective way of using them and sets out the responsibilities and time-frame for the implementation of the necessary measures". Both for reasons of relevance and effectiveness, as well as in order to ensure respect for other human rights, such a strategy should reflect extensive genuine consultation with, and participation by, all of those affected, including the homeless, the inadequately housed and their representatives. Furthermore, steps should be taken to ensure coordination between ministries and regional and local authorities in order to reconcile related policies (economics, agriculture, environment, energy, etc.) with the obligations under article 11 of the Covenant.
  13. Effective monitoring of the situation with respect to housing is another obligation of immediate effect. For a State party to satisfy its obligations under article 11 (1) it must demonstrate, *inter alia*, that it has taken whatever steps are necessary, either alone or on the basis of international cooperation, to ascertain the full extent of homelessness and inadequate housing within its jurisdiction. In this regard, the revised general guidelines regarding the form and contents of reports adopted by the Committee (E/C.12/1991/1) emphasize the need to "provide detailed information about those groups within ... society that are vulnerable and disadvantaged with regard to housing". They include, in par-

ticular, homeless persons and families, those inadequately housed and without ready access to basic amenities, those living in “illegal” settlements, those subject to forced evictions and low-income groups.

14. Measures designed to satisfy a State party’s obligations in respect of the right to adequate housing may reflect whatever mix of public and private sector measures considered appropriate. While in some States public financing of housing might most usefully be spent on direct construction of new housing, in most cases, experience has shown the inability of Governments to fully satisfy housing deficits with publicly built housing. The promotion by States parties of “enabling strategies”, combined with a full commitment to obligations under the right to adequate housing, should thus be encouraged. In essence, the obligation is to demonstrate that, in aggregate, the measures being taken are sufficient to realise the right for every individual in the shortest possible time in accordance with the maximum of available resources.
15. Many of the measures that will be required will involve resource allocations and policy initiatives of a general kind. Nevertheless, the role of formal legislative and administrative measures should not be underestimated in this context. The Global Strategy for Shelter (paras. 66-67) has drawn attention to the types of measures that might be taken in this regard and to their importance.
16. In some States, the right to adequate housing is constitutionally entrenched. In such cases the Committee is particularly interested in learning of the legal and practical significance of such an approach. Details of specific cases and of other ways in which entrenchment has proved helpful should thus be provided.
17. The Committee views many component elements of the right to adequate housing as being at least consistent with the provision of domestic legal remedies. Depending on the legal system, such areas might include, but are not limited to: (a) legal appeals aimed at preventing planned evictions or demolitions through the issuance of court-ordered injunctions; (b) legal procedures seeking compensation following an illegal eviction; (c) complaints against illegal actions carried out or supported by landlords (whether public or private) in relation to rent levels, dwelling maintenance, and racial or other forms of discrimination; (d) allegations of any form of discrimination in the allocation and availability of access to housing; and (e) complaints against landlords concerning unhealthy or inadequate housing conditions. In some legal systems it would also be appropriate to explore the possibility of facilitating class action suits in situations involving significantly increased levels of homelessness.
18. In this regard, the Committee considers that instances of forced eviction are *prima facie* incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law.
19. Finally, article 11 (i) concludes with the obligation of States parties to recognize “the essential importance of international cooperation based on free consent”. Traditionally, less than 5 per cent of all international assistance has been directed towards housing or human settlements, and often the manner by which such funding is provided does little to address the housing needs of disadvantaged groups. States parties, both recipients and providers, should ensure that a substantial proportion of financing is devoted to creating conditions leading to a higher number of persons being adequately housed. International financial institutions promoting measures of structural adjustment should ensure that such measures do not compromise the enjoyment of the right to adequate housing. States parties should, when contemplating international financial cooperation, seek to indicate areas relevant to the right to adequate housing where external financing would have the most effect. Such requests should take full account of the needs and views of the affected groups.

#### Notes

\* Contained in United Nations document E/1992/23.

1/ Official Records of the General Assembly, Forty-third Session, Supplement No. 8, addendum (A/43/8/Add.1).

2/ Commission on Human Rights resolutions 1986/36 and 1987/22; reports by Mr. Danilo Türk, Special Rapporteur of the Sub-Commission (E/CN.4/Sub.2/1990/19, paras. 108-120; E/CN.4/Sub.2/1991/17, paras. 137-139); see also Sub-Commission resolution 1991/26.

3/ See, for example, article 25 (i) of the Universal Declaration on Human Rights, article 5 (e) (iii) of the International Convention on the Elimination of All Forms of Racial Discrimination, article 14 (2) of the Convention on the Elimination of All Forms of Discrimination against Women, article 27 (3) of the Convention on the Rights of the Child, article 10 of the Declaration on Social Progress and Development, section III (8) of the Vancouver Declaration on Human Settlements, 1976 (Report of Habitat: United Nations Conference on Human Settlements (United Nations publication, Sales No. E.76.IV.7 and corrigendum), chap. I), article 8 (i) of the Declaration on the Right to Development and the ILO Recommendation Concerning Workers’ Housing, 1961 (No. 115).

4/ See footnote 1/.

5/ Geneva, World Health Organisation, 1990.

## 2 UNCESCR GENERAL COMMENT NO. 7: THE RIGHT TO ADEQUATE HOUSING (ART.11(1)), FORCED EVICTIONS, 20 MAY 1997\*

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### The UN Committee on Economic, Social and Cultural Rights,

1. In its General Comment No. 4 (1991), the Committee observed that all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. It concluded that forced evictions are *prima facie* incompatible with the requirements of the Covenant. Having considered a significant number of reports of forced evictions in recent years, including instances in which it has determined that the obligations of States parties were being violated, the Committee is now in a position to seek to provide further clarification as to the implications of such practices in terms of the obligations contained in the Covenant.
2. The international community has long recognized that the issue of forced evictions is a serious one. In 1976, the United Nations Conference on Human Settlements noted that special attention should be paid to “undertaking major clearance operations should take place only when conservation and rehabilitation are not feasible and relocation measures are made”.<sup>1/</sup> In 1988, in the Global Strategy for Shelter to the Year 2000, adopted by the General Assembly in its resolution 43/181, the “fundamental obligation [of Governments] to protect and improve houses and neighbourhoods, rather than damage or destroy them” was recognized.<sup>2/</sup> Agenda 21 stated that “people should be protected by law against unfair eviction from their homes or land”.<sup>3/</sup> In the Habitat Agenda Governments committed themselves to “protecting all people from, and providing legal protection and redress for, forced evictions that are contrary to the law, taking human rights into consideration; [and] when evictions are unavoidable, ensuring, as appropriate, that alternative suitable solutions are provided”.<sup>4/</sup> The Commission on Human Rights has also indicated that “forced evictions are a gross violation of human rights”.<sup>5/</sup> However, although these statements are important, they leave open one of the most critical issues, namely that of determining the circumstances under which forced evictions are permissible and of spelling out the types of protection required to ensure respect for the relevant provisions of the Covenant.
3. The use of the term “forced evictions” is, in some respects, problematic. This expression seeks to convey a sense of arbitrariness and of illegality. To many observers, however, the reference to “forced evictions” is a tautology, while others have criticized the expression “illegal evictions” on the ground that it assumes that the relevant law provides adequate protection of the right to housing and conforms with the Covenant, which is by no means always the case. Similarly, it has been suggested that the term “unfair evictions” is even more subjective by virtue of its failure to refer to any legal framework at all. The international community, especially in the context of the Commission on Human Rights, has opted to refer to “forced evictions”, primarily since all suggested alternatives also suffer from many such defects. The term “forced evictions” as used throughout this general comment is defined 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.
4. The practice of forced evictions is widespread and affects persons in both developed and developing countries. Owing to the interrelationship and interdependency which exist among all human rights, forced evictions frequently violate other human rights. Thus, while manifestly breaching the rights enshrined in the Covenant, the practice of forced evictions may also result in violations of civil and political rights, such as the right to life, the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possessions.
5. Although the practice of forced evictions might appear to occur primarily in heavily populated urban areas, it also takes place in connection with forced population transfers, internal displacement, forced relocations in the context of armed conflict, mass exoduses and refugee movements. In all of these contexts, the right to adequate housing and not to be subjected to forced eviction may be violated through a wide range of acts or omissions attributable to States parties. Even in situations where it may be necessary to impose limitations on such a right, full compliance with article 4 of the Covenant is required so that any limitations imposed must be “determined by law only insofar as this may be compatible with the nature of these [i.e. economic, social and cultural] rights and solely for the purpose of promoting the general welfare in a democratic society”.

6. Many instances of forced eviction are associated with violence, such as evictions resulting from international armed conflicts, internal strife and communal or ethnic violence.
7. Other instances of forced eviction occur in the name of development. Evictions may be carried out in connection with conflict over land rights, development and infrastructure projects, such as the construction of dams or other large-scale energy projects, with land acquisition measures associated with urban renewal, housing renovation, city beautification programmes, the clearing of land for agricultural purposes, unbridled speculation in land, or the holding of major sporting events like the Olympic Games.
8. In essence, the obligations of States parties to the Covenant in relation to forced evictions are based on article 11.1, read in conjunction with other relevant provisions. In particular, article 2.1 obliges States to use “all appropriate means” to promote the right to adequate housing. However, in view of the nature of the practice of forced evictions, the reference in article 2.1 to progressive achievement based on the availability of resources will rarely be relevant. The State itself must refrain from forced evictions and ensure that the law is enforced against its agents or third parties who carry out forced evictions (as defined in paragraph 3 above). Moreover, this approach is reinforced by article 17.1 of the International Covenant on Civil and Political Rights which complements the right not to be forcefully evicted without adequate protection. That provision recognizes, *inter alia*, the right to be protected against “arbitrary or unlawful interference” with one’s home. It is to be noted that the State’s obligation to ensure respect for that right is not qualified by considerations relating to its available resources.
9. Article 2.1 of the Covenant requires States parties to use “all appropriate means”, including the adoption of legislative measures, to promote all the rights protected under the Covenant. Although the Committee has indicated in its General Comment No. 3 (1990) that such measures may not be indispensable in relation to all rights, it is clear that legislation against forced evictions is an essential basis upon which to build a system of effective protection. Such legislation should include measures which (a) provide the greatest possible security of tenure to occupiers of houses and land, (b) conform to the Covenant and (c) are designed to control strictly the circumstances under which evictions may be carried out. The legislation must also apply to all agents acting under the authority of the State or who are accountable to it. Moreover, in view of the increasing trend in some States towards the Government greatly reducing its responsibilities in the housing sector, States parties must ensure that legislative and other measures are adequate to prevent and, if appropriate, punish forced evictions carried out, without appropriate safeguards, by private persons or bodies. States parties should therefore review relevant legislation and policies to ensure that they are compatible with the obligations arising from the right to adequate housing and repeal or amend any legislation or policies that are inconsistent with the requirements of the Covenant.
10. Women, children, youth, older persons, indigenous people, ethnic and other minorities, and other vulnerable individuals and groups all suffer disproportionately from the practice of forced eviction. Women in all groups are especially vulnerable given the extent of statutory and other forms of discrimination which often apply in relation to property rights (including home ownership) or rights of access to property or accommodation, and their particular vulnerability to acts of violence and sexual abuse when they are rendered homeless. The non-discrimination provisions of articles 2.2 and 3 of the Covenant impose an additional obligation upon Governments to ensure that, where evictions do occur, appropriate measures are taken to ensure that no form of discrimination is involved.
11. Whereas some evictions may be justifiable, such as in the case of persistent non-payment of rent or of damage to rented property without any reasonable cause, it is incumbent upon the relevant authorities to ensure that they are carried out in a manner warranted by a law which is compatible with the Covenant and that all the legal recourses and remedies are available to those affected.
12. Forced eviction and house demolition as a punitive measure are also inconsistent with the norms of the Covenant. Likewise, the Committee takes note of the obligations enshrined in the Geneva Conventions of 1949 and Protocols thereto of 1977 concerning prohibitions on the displacement of the civilian population and the destruction of private property as these relate to the practice of forced eviction.
13. States parties shall ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons, with a view to avoiding, or at least minimizing, the need to use force. Legal remedies or procedures should be provided to those who are affected by eviction

orders. States parties shall also see to it that all the individuals concerned have a right to adequate compensation for any property, both personal and real, which is affected. In this respect, it is pertinent to recall article 2.3 of the International Covenant on Civil and Political Rights, which requires States parties to ensure “an effective remedy” for persons whose rights have been violated and the obligation upon the “competent authorities (to) enforce such remedies when granted”.

14. In cases where eviction is considered to be justified, it should be carried out in strict compliance with the relevant provisions of international human rights law and in accordance with general principles of reasonableness and proportionality. In this regard it is especially pertinent to recall General Comment 16 of the Human Rights Committee, relating to article 17 of the International Covenant on Civil and Political Rights, which states that interference with a person’s home can only take place “in cases envisaged by the law”. The Committee observed that the law “should be in accordance with the provisions, aims and objectives of the Covenant and should be, in any event, reasonable in the particular circumstances”. The Committee also indicated that “relevant legislation must specify in detail the precise circumstances in which such interferences may be permitted”.
15. Appropriate procedural protection and due process are essential aspects of all human rights but are especially pertinent in relation to a matter such as forced evictions which directly invokes a large number of the rights recognized in both the International Covenants on Human Rights. The Committee considers that the procedural protections which should be applied in relation to forced evictions include: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.
16. Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.
17. The Committee is aware that various development projects financed by international agencies within the territories of State parties have resulted in forced evictions. In this regard, the Committee recalls its General Comment No. 2 (1990) which states, *inter alia*, that “international agencies should scrupulously avoid involvement in projects which, for example ... promote or reinforce discrimination against individuals or groups contrary to the provisions of the Covenant, or involve large-scale evictions or displacement of persons without the provision of all appropriate protection and compensation. Every effort should be made, at each phase of a development project, to ensure that the rights contained in the Covenant are duly taken into account”.<sup>6/</sup>
18. Some institutions, such as the World Bank and the Organisation for Economic Cooperation and Development (OECD) have adopted guidelines on relocation and/or resettlement with a view to limiting the scale of and human suffering associated with forced evictions. Such practices often accompany large-scale development projects, such as dam-building and other major energy projects. Full respect for such guidelines, insofar as they reflect the obligations contained in the Covenant, is essential on the part of both the agencies themselves and States parties to the Covenant. The Committee recalls in this respect the statement in the Vienna Declaration and Programme of Action to the effect that “while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights” (Part I, para. 10).
19. In accordance with the guidelines for reporting adopted by the Committee, State parties are requested to provide various types of information pertaining directly to the practice of forced evictions. This includes information relating to (a) the “number of persons evicted within the last five years and the number of persons currently lacking legal protection against arbitrary eviction or any other kind of eviction”, (b) “legislation concerning the rights of tenants to security of tenure, to protection from eviction” and (c) “legislation prohibiting any form of eviction”.<sup>7/</sup>

20. Information is also sought as to “measures taken during, *inter alia*, urban renewal programmes, redevelopment projects, site upgrading, preparation for international events (Olympics and other sporting competitions, exhibitions, conferences, etc.) ‘beautiful city’ campaigns, etc. which guarantee protection from eviction or guarantee rehousing based on mutual consent, by any persons living on or near to affected sites”.<sup>8/</sup> However, few States parties have included the requisite information in their reports to the Committee. The Committee therefore wishes to emphasize the importance it attaches to the receipt of such information.
21. Some States parties have indicated that information of this nature is not available. The Committee recalls that effective monitoring of the right to adequate housing, either by the Government concerned or by the Committee, is not possible in the absence of the collection of appropriate data and would request all States parties to ensure that the necessary data is collected and is reflected in the reports submitted by them under the Covenant.

#### Notes

\* Contained in United Nations document E/1998/22, annex IV.

1/ Report of Habitat: United Nations Conference on Human Settlements, Vancouver, 31 May - 11 June 1976 (A/CONF.70/15), chap. II, recommendation B.8, para. C (ii).

2/ Report of the Commission on Human Settlements on the work of its eleventh session, Addendum (A/43/8/Add.1), para. 13.

3/ Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992, Vol. I (A/CONF.151/26/Rev.1(vol.1)), annex II, Agenda 21, chap. 7.9 (b).

4/ Report of the United Nations Conference on Settlements (Habitat II) (A/CONF.165/14), annex II, The Habitat Agenda, para. 40 (n).

5/ Commission on Human Rights resolution 1993/77, para. 1.

6/ E/1990/23, annex III, paras. 6 and 8 (d).

7/ E/C.12/1999/8, annex IV.

8/ Ibid.

### 3. BASIC PRINCIPLES AND GUIDELINES ON DEVELOPMENT-BASED EVICTIONS AND DISPLACEMENT\*

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#### I. SCOPE AND NATURE

1. The obligation of States to refrain from, and protect against, forced evictions from home(s) and land arises from several international legal instruments that protect the human right to adequate housing and other related human rights. These include the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights (art. 11, para. 1), the Convention on the Rights of the Child (art. 27, para. 3), the non-discrimination provisions found in article 14, paragraph 2 (h), of the Convention on the Elimination of All Forms of Discrimination against Women, and article 5 (e) of the International Convention on the Elimination of All Forms of Racial Discrimination.
2. In addition, and consistent with the indivisibility of a human rights approach, article 17 of the International Covenant on Civil and Political Rights states that “[n]o one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence”, and further that “[e]veryone has the right to the protection of the law against such interference or attacks”. Article 16, paragraph 1, of the Convention on the Rights of the Child contains a similar provision. Other references in international law include article 21 of the 1951 Convention relating to the Status of Refugees; article 16 of International Labour Organisation (ILO) Convention No. 169 concerning indigenous and tribal peoples in independent countries (1989); and article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (Fourth Geneva Convention).
3. The present guidelines address the human rights implications of development-linked evictions and related displacement in urban and/or rural areas. These guidelines represent a further development of the Comprehensive human rights guidelines on development-based displacement (E/CN.4/Sub.2/1997/7, annex). They are based on international human rights law, and are consistent with general comment No. 4 (1991) and general comment No. 7 (1997) of the Committee on Economic, Social and Cultural Rights, the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2), the Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted by the General Assembly in its resolution 60/147, and the Principles on housing and property restitution for refugees and displaced persons (see E/CN.4/Sub.2/2005/17 and Add.1).

4. Having due regard for all relevant definitions of the practice of “forced evictions” in the context of international human rights standards, the present guidelines apply to acts and/or omissions involving the coerced or involuntary displacement of individuals, groups and communities from homes and/or lands and common property resources that were occupied or depended upon, thus eliminating or limiting the ability of an individual, group or community to reside or work in a particular dwelling, residence or location, without the provision of, and access to, appropriate forms of legal or other protection.<sup>a</sup>
5. Forced evictions constitute a distinct phenomenon under international law, and are often linked to the absence of legally secure tenure, which constitutes an essential element of the right to adequate housing. Forced evictions share many consequences similar to those resulting from arbitrary displacement,<sup>b</sup> including population transfer, mass expulsions, mass exodus, ethnic cleansing and other practices involving the coerced and involuntary displacement of people from their homes, lands and communities.
6. Forced evictions constitute gross violations of a range of internationally recognized human rights, including the human rights to adequate housing, food, water, health, education, work, security of the person, security of the home, freedom from cruel, inhuman and degrading treatment, and freedom of movement. Evictions must be carried out lawfully, only in exceptional circumstances, and in full accordance with relevant provisions of international human rights and humanitarian law.
7. Forced evictions intensify inequality, social conflict, segregation and “ghettoization”, and invariably affect the poorest, most socially and economically vulnerable and marginalized sectors of society, especially women, children, minorities and indigenous peoples.
8. In the context of the present guidelines, development-based evictions include evictions often planned or conducted under the pretext of serving the “public good”, such as those linked to development and infrastructure projects (including large dams, large-scale industrial or energy projects, or mining and other extractive industries); land-acquisition measures associated with urban renewal, slum upgrades, housing renovation, city beautification, or other land-use programmes (including for agricultural purposes); property, real estate and land disputes; unbridled land speculation; major international business or sporting events; and, ostensibly, environmental purposes. Such activities also include those supported by international development assistance.
9. Displacement resulting from environmental destruction or degradation, evictions or evacuations resulting from public disturbances, natural or human-induced disasters, tension or unrest, internal, international or mixed conflict (having domestic and international dimensions) and public emergencies, domestic violence, and certain cultural and traditional practices often take place without regard for existing human rights and humanitarian standards, including the right to adequate housing. Such situations may, however, involve an additional set of considerations that the present guidelines do not explicitly address, though they can also provide useful guidance in those contexts. Attention is drawn to the Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, the Guiding Principles on Internal Displacement, and the Principles on housing and property restitution for refugees and displaced persons.
10. While recognizing the wide range of contexts in which forced evictions take place, the present guidelines focus on providing guidance to States on measures and procedures to be adopted in order to ensure that development-based evictions are not undertaken in contravention of existing international human rights standards and do not thus constitute “forced evictions”. These guidelines aim at providing a practical tool to assist States and agencies in developing policies, legislation, procedures and preventive measures to ensure that forced evictions do not take place, and to provide effective remedies to those whose human rights have been violated, should prevention fail.

## II. GENERAL OBLIGATIONS

### A. Duty bearers and nature of obligations

11. While a variety of distinct actors may carry out, sanction, demand, propose, initiate, condone or acquiesce to forced evictions, States bear the principal obligation for applying human rights and humanitarian norms, in order to ensure respect for the rights enshrined in binding treaties and general principles of international public law, as reflected in the present guidelines. This does not, however, absolve other parties, including project managers and personnel, international financial and other institutions or organisations, transnational and other corporations, and individual parties, including private landlords and landowners, of all responsibility.
12. Under international law, the obligations of States include the respect, protection and fulfilment of all human rights and fundamental freedoms. This means that States shall: refrain from violating human rights domestically and extra-territorially; ensure that other parties within the State's jurisdiction and effective control do not violate the human rights of others; and take preventive and remedial steps to uphold human rights and provide assistance to those whose rights have been violated. These obligations are continuous and simultaneous, and are not suggestive of a hierarchy of measures.

### B. Basic human rights principle

13. According to international human rights law, everyone has the right to adequate housing as a component of the right to an adequate standard of living. The right to adequate housing includes, inter alia, the right to protection against arbitrary or unlawful interference with privacy, family, home, and to legal security of tenure.
14. According to international law, States must ensure that protection against forced evictions, and the human right to adequate housing and secure tenure, are guaranteed without discrimination of any kind on the basis of race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth or other status.
15. States must ensure the equal right of women and men to protection from forced evictions and the equal enjoyment of the human right to adequate housing and security of tenure, as reflected in the present guidelines.
16. All persons, groups and communities have the right to resettlement, which includes the right to alternative land of better or equal quality and housing that must satisfy the following criteria for adequacy: accessibility, affordability, habitability, security of tenure, cultural adequacy, suitability of location, and access to essential services such as health and education.<sup>c</sup>
17. States must ensure that adequate and effective legal or other appropriate remedies are available to any person claiming that his/her right to protection against forced evictions has been violated or is under threat of violation.
18. States must refrain from introducing any deliberately retrogressive measures with respect to de jure or de facto protection against forced evictions.
19. States must recognize that the prohibition of forced evictions includes arbitrary displacement that results in altering the ethnic, religious or racial composition of the affected population.
20. States must formulate and conduct their international policies and activities in compliance with their human rights obligations, including through both the pursuit and provision of international development assistance.

### C. Implementation of State obligations

21. States shall ensure that evictions only occur in exceptional circumstances. Evictions require full justification given their adverse impact on a wide range of internationally recognized human rights. Any eviction must be (a) authorized by law; (b) carried out in accordance with international human rights law; (c) undertaken solely for the purpose of promoting the general welfare;<sup>d</sup> (d) reasonable and proportional; (e) regulated so as to ensure full and fair compensation and rehabilitation; and (f) carried out in accordance with the present guidelines. The protection provided by these

procedural requirements applies to all vulnerable persons and affected groups, irrespective of whether they hold title to home and property under domestic law.

22. States must adopt legislative and policy measures prohibiting the execution of evictions that are not in conformity with their international human rights obligations. States should refrain, to the maximum extent possible, from claiming or confiscating housing or land, and in particular when such action does not contribute to the enjoyment of human rights. For instance, an eviction may be considered justified if measures of land reform or redistribution, especially for the benefit of vulnerable or deprived persons, groups or communities are involved. States should apply appropriate civil or criminal penalties against any public or private person or entity within its jurisdiction that carries out evictions in a manner not fully consistent with applicable law and international human rights standards. States must ensure that adequate and effective legal or other appropriate remedies are available to all those who undergo, remain vulnerable to, or defend against forced evictions.
23. States shall take steps, to the maximum of their available resources, to ensure the equal enjoyment of the right to adequate housing by all. The obligation of States to adopt appropriate legislative and policy measures to ensure the protection of individuals, groups and communities from evictions that are not in conformity with existing international human rights standards is immediate.<sup>e</sup>
24. In order to ensure that no form of discrimination, statutory or otherwise, adversely affects the enjoyment of the human right to adequate housing, States should carry out comprehensive reviews of relevant national legislation and policy with a view to ensuring their conformity with international human rights provisions. Such comprehensive review should also ensure that existing legislation, regulation and policy address the privatization of public services, inheritance and cultural practices, so as not to lead to, or facilitate forced evictions.<sup>f</sup>
25. In order to secure a maximum degree of effective legal protection against the practice of forced evictions for all persons under their jurisdiction, States should take immediate measures aimed at conferring legal security of tenure upon those persons, households and communities currently lacking such protection, including all those who do not have formal titles to home and land.
26. States must ensure the equal enjoyment of the right to adequate housing by women and men. This requires States to adopt and implement special measures to protect women from forced evictions. Such measures should ensure that titles to housing and land are conferred on all women.
27. States should ensure that binding human rights standards are integrated in their international relations, including through trade and investment, development assistance and participation in multilateral forums and organisations. States should implement their human rights obligations with regard to international cooperation,<sup>g</sup> whether as donors or as beneficiaries. States should ensure that international organisations in which they are represented refrain from sponsoring or implementing any project, programme or policy that may involve forced evictions, that is, evictions not in full conformity with international law, and as specified in the present guidelines.

#### D. Preventive strategies, policies and programmes

28. States should adopt, to the maximum of their available resources, appropriate strategies, policies and programmes to ensure effective protection of individuals, groups and communities against forced eviction and its consequences.
29. States should carry out comprehensive reviews of relevant strategies, policies and programmes, with a view to ensuring their compatibility with international human rights norms. In this regard, such reviews must strive to remove provisions that contribute to sustaining or exacerbating existing inequalities that adversely affect women and marginalized and vulnerable groups. Governments must take special measures to ensure that policies and programmes are not formulated or implemented in a discriminatory manner, and do not further marginalize those living in poverty, whether in urban or rural areas.
30. States should take specific preventive measures to avoid and/or eliminate underlying causes of forced evictions, such as speculation in land and real estate. States should review the operation and regulation of the housing and tenancy markets and, when necessary, intervene to ensure that market forces do not increase the vulnerability of low-income

and other marginalized groups to forced eviction. In the event of an increase in housing or land prices, States should also ensure sufficient protection against physical or economic pressures on residents to leave or be deprived of adequate housing or land.

31. Priority in housing and land allocation should be ensured to disadvantaged groups such as the elderly, children and persons with disabilities.
32. States must give priority to exploring strategies that minimize displacement. Comprehensive and holistic impact assessments should be carried out prior to the initiation of any project that could result in development-based eviction and displacement, with a view to securing fully the human rights of all potentially affected persons, groups and communities, including their protection against forced evictions. “Eviction-impact” assessment should also include exploration of alternatives and strategies for minimizing harm.
33. Impact assessments must take into account the differential impacts of forced evictions on women, children, the elderly, and marginalized sectors of society. All such assessments should be based on the collection of disaggregated data, such that all differential impacts can be appropriately identified and addressed.
34. Adequate training in applying international human rights norms should be required and provided for relevant professionals, including lawyers, law enforcement officials, urban and regional planners and other personnel involved in the design, management and implementation of development projects. This must include training on women’s rights, with an emphasis on women’s particular concerns and requirements pertaining to housing and land.
35. States should ensure the dissemination of adequate information on human rights and laws and policies relating to protection against forced evictions. Specific attention should be given to the dissemination of timely and appropriate information to groups particularly vulnerable to evictions, through culturally appropriate channels and methods.
36. States must ensure that individuals, groups and communities are protected from eviction during the period that their particular case is being examined before a national, regional or international legal body.

### III. PRIOR TO EVICTIONS

37. Urban or rural planning and development processes should involve all those likely to be affected and should include the following elements: (a) appropriate notice to all potentially affected persons that eviction is being considered and that there will be public hearings on the proposed plans and alternatives; (b) effective dissemination by the authorities of relevant information in advance, including land records and proposed comprehensive resettlement plans specifically addressing efforts to protect vulnerable groups; (c) a reasonable time period for public review of, comment on, and/or objection to the proposed plan; (d) opportunities and efforts to facilitate the provision of legal, technical and other advice to affected persons about their rights and options; and (e) holding of public hearing(s) that provide(s) affected persons and their advocates with opportunities to challenge the eviction decision and/or to present alternative proposals and to articulate their demands and development priorities.
38. States should explore fully all possible alternatives to evictions. All potentially affected groups and persons, including women, indigenous peoples and persons with disabilities, as well as others working on behalf of the affected, have the right to relevant information, full consultation and participation throughout the entire process, and to propose alternatives that authorities should duly consider. In the event that agreement cannot be reached on a proposed alternative among concerned parties, an independent body having constitutional authority, such as a court of law, tribunal or ombudsperson should mediate, arbitrate or adjudicate as appropriate.
39. During planning processes, opportunities for dialogue and consultation must be extended effectively to the full spectrum of affected persons, including women and vulnerable and marginalized groups, and, when necessary, through the adoption of special measures or procedures.
40. Prior to any decision to initiate an eviction, authorities must demonstrate that the eviction is unavoidable and consistent with international human rights commitments protective of the general welfare.

41. Any decision relating to evictions should be announced in writing in the local language to all individuals concerned, sufficiently in advance. The eviction notice should contain a detailed justification for the decision, including on: (a) absence of reasonable alternatives; (b) the full details of the proposed alternative; and (c) where no alternatives exist, all measures taken and foreseen to minimize the adverse effects of evictions. All final decisions should be subject to administrative and judicial review. Affected parties must also be guaranteed timely access to legal counsel, without payment if necessary.
42. Due eviction notice should allow and enable those subject to eviction to take an inventory in order to assess the values of their properties, investments and other material goods that may be damaged. Those subject to eviction should also be given the opportunity to assess and document non-monetary losses to be compensated.
43. Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. The State must make provision for the adoption of all appropriate measures, to the maximum of its available resources, especially for those who are unable to provide for themselves, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available and provided. Alternative housing should be situated as close as possible to the original place of residence and source of livelihood of those evicted.
44. All resettlement measures, such as construction of homes, provision of water, electricity, sanitation, schools, access roads and allocation of land and sites, must be consistent with the present guidelines and internationally recognized human rights principles, and completed before those who are to be evicted are moved from their original areas of dwelling.<sup>h</sup>

#### IV. DURING EVICTIONS

45. The procedural requirements for ensuring respect for human rights standards include the mandatory presence of governmental officials or their representatives on site during evictions. The governmental officials, their representatives and persons implementing the eviction must identify themselves to the persons being evicted and present formal authorization for the eviction action.
46. Neutral observers, including regional and international observers, should be allowed access upon request, to ensure transparency and compliance with international human rights principles during the carrying out of any eviction.
47. Evictions shall not be carried out in a manner that violates the dignity and human rights to life and security of those affected. States must also take steps to ensure that women are not subject to gender-based violence and discrimination in the course of evictions, and that the human rights of children are protected.
48. Any legal use of force must respect the principles of necessity and proportionality, as well as the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and any national or local code of conduct consistent with international law enforcement and human rights standards.
49. Evictions must not take place in inclement weather, at night, during festivals or religious holidays, prior to elections, or during or just prior to school examinations.
50. States and their agents must take steps to ensure that no one is subject to direct or indiscriminate attacks or other acts of violence, especially against women and children, or arbitrarily deprived of property or possessions as a result of demolition, arson and other forms of deliberate destruction, negligence or any form of collective punishment. Property and possessions left behind involuntarily should be protected against destruction and arbitrary and illegal appropriation, occupation or use.
51. Authorities and their agents should never require or force those evicted to demolish their own dwellings or other structures. The option to do so must be provided to affected persons, however, as this would facilitate salvaging of possessions and building material.

## V. AFTER AN EVICTION: IMMEDIATE RELIEF AND RELOCATION

52. The Government and any other parties responsible for providing just compensation and sufficient alternative accommodation, or restitution when feasible, must do so immediately upon the eviction, except in cases of force majeure. At a minimum, regardless of the circumstances and without discrimination, competent authorities shall ensure that evicted persons or groups, especially those who are unable to provide for themselves, have safe and secure access to: (a) essential food, potable water and sanitation; (b) basic shelter and housing; (c) appropriate clothing; (d) essential medical services; (e) livelihood sources; (f) fodder for livestock and access to common property resources previously depended upon; and (g) education for children and childcare facilities. States should also ensure that members of the same extended family or community are not separated as a result of evictions.
53. Special efforts should be made to ensure equal participation of women in all planning processes and in the distribution of basic services and supplies.
54. In order to ensure the protection of the human right to the highest attainable standard of physical and mental health, all evicted persons who are wounded and sick, as well as those with disabilities, should receive the medical care and attention they require to the fullest extent practicable and with the least possible delay, without distinction on any non-medically relevant grounds. When necessary, evicted persons should have access to psychological and social services. Special attention should be paid to: (a) the health needs of women and children, including access to female health-care providers where necessary, and to services such as reproductive health care and appropriate counselling for victims of sexual and other abuses; (b) ensuring that ongoing medical treatment is not disrupted as a result of eviction or relocation; and (c) the prevention of contagious and infectious diseases, including HIV/AIDS, at relocation sites.
55. Identified relocation sites must fulfil the criteria for adequate housing according to international human rights law. These include: (a) security of tenure; (b) services, materials, facilities and infrastructure such as potable water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services, and to natural and common resources, where appropriate; (c) affordable housing; (d) habitable housing providing inhabitants with adequate space, protection from cold, damp, heat, rain, wind or other threats to health, structural hazards and disease vectors, and ensuring the physical safety of occupants; (e) accessibility for disadvantaged groups; (f) access to employment options, health-care services, schools, childcare centres and other social facilities, whether in urban or rural areas; and (g) culturally appropriate housing. In order to ensure security of the home, adequate housing should also include the following essential elements: privacy and security; participation in decision-making; freedom from violence; and access to remedies for any violations suffered.
56. In determining the compatibility of resettlement with the present guidelines, States should ensure that in the context of any case of resettlement the following criteria are adhered to:
- (a) No resettlement shall take place until such time as a comprehensive resettlement policy consistent with the present guidelines and internationally recognized human rights principles is in place;
  - (b) Resettlement must ensure that the human rights of women, children, indigenous peoples and other vulnerable groups are equally protected, including their right to property ownership and access to resources;
  - (c) The actor proposing and/or carrying out the resettlement shall be required by law to pay for any associated costs, including all resettlement costs;
  - (d) No affected persons, groups or communities shall suffer detriment as far as their human rights are concerned, nor shall their right to the continuous improvement of living conditions be subject to infringement. This applies equally to host communities at resettlement sites, and affected persons, groups and communities subjected to forced eviction;
  - (e) The right of affected persons, groups and communities to full and prior informed consent regarding relocation must be guaranteed. The State shall provide all necessary amenities, services and economic opportunities at the proposed site;
  - (f) The time and financial cost required for travel to and from the place of work or to access essential services should not place excessive demands upon the budgets of low-income households;
  - (g) Relocation sites must not be situated on polluted land or in immediate proximity to pollution sources that threaten the right to the highest attainable standards of mental and physical health of the inhabitants;

- (h) Sufficient information shall be provided to the affected persons, groups and communities on all State projects and planning and implementation processes relating to the concerned resettlement, including information on the purported use of the eviction dwelling or site and its proposed beneficiaries. Particular attention must be paid to ensuring that indigenous peoples, minorities, the landless, women and children are represented and included in this process;
- (i) The entire resettlement process should be carried out with full participation by and with affected persons, groups and communities. States should, in particular, take into account all alternative plans proposed by the affected persons, groups and communities;
- (j) If, after a full and fair public hearing, it is found that there still exists a need to proceed with the resettlement, then the affected persons, groups and communities shall be given at least 90 days' notice prior to the date of the resettlement; and
- (k) Local government officials and neutral observers, properly identified, shall be present during the resettlement so as to ensure that no force, violence or intimidation is involved.

57. Rehabilitation policies must include programmes designed for women and marginalized and vulnerable groups to ensure their equal enjoyment of the human rights to housing, food, water, health, education, work, security of the person, security of the home, freedom from cruel, inhuman or degrading treatment, and freedom of movement.

58. Persons, groups or communities affected by an eviction should not suffer detriment to their human rights, including their right to the progressive realization of the right to adequate housing. This applies equally to host communities at relocation sites.

## VI. REMEDIES FOR FORCED EVICTIONS

59. All persons threatened with or subject to forced evictions have the right of access to timely remedy. Appropriate remedies include a fair hearing, access to legal counsel, legal aid, return, restitution, resettlement, rehabilitation and compensation, and should comply, as applicable, with the Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

### A. Compensation

60. When eviction is unavoidable, and necessary for the promotion of the general welfare, the State must provide or ensure fair and just compensation for any losses of personal, real or other property or goods, including rights or interests in property. Compensation should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case, such as: loss of life or limb; physical or mental harm; lost opportunities, including employment, education and social benefits; material damages and loss of earnings, including loss of earning potential; moral damage; and costs required for legal or expert assistance, medicine and medical services, and psychological and social services. Cash compensation should under no circumstances replace real compensation in the form of land and common property resources. Where land has been taken, the evicted should be compensated with land commensurate in quality, size and value, or better.

61. All those evicted, irrespective of whether they hold title to their property, should be entitled to compensation for the loss, salvage and transport of their properties affected, including the original dwelling and land lost or damaged in the process. Consideration of the circumstances of each case shall allow for the provision of compensation for losses related to informal property, such as slum dwellings.

62. Women and men must be co-beneficiaries of all compensation packages. Single women and widows should be entitled to their own compensation.

63. To the extent not covered by assistance for relocation, the assessment of economic damage should take into consideration losses and costs, for example, of land plots and house structures; contents; infrastructure; mortgage or other debt penalties; interim housing; bureaucratic and legal fees; alternative housing; lost wages and incomes; lost educational opportunities; health and medical care; resettlement and transportation costs (especially in the case of relocation far

from the source of livelihood). Where the home and land also provide a source of livelihood for the evicted inhabitants, impact and loss assessment must account for the value of business losses, equipment/inventory, livestock, land, trees/crops, and lost/decreased wages/income.

## **B. Restitution and return**

64. The circumstances of forced evictions linked to development and infrastructure projects (including those mentioned in paragraph 8 above) seldom allow for restitution and return. Nevertheless, when circumstances allow, States should prioritize these rights of all persons, groups and communities subjected to forced evictions. Persons, groups and communities shall not, however, be forced against their will to return to their homes, lands or places of origin.
65. When return is possible or adequate resettlement in conformity with these guidelines is not provided, the competent authorities should establish conditions and provide the means, including financial, for voluntary return in safety and security, and with dignity, to homes or places of habitual residence. Responsible authorities should facilitate the reintegration of returned persons and exert efforts to ensure the full participation of affected persons, groups and communities in the planning and management of return processes. Special measures may be required to ensure women's equal and effective participation in return or restitution processes in order to overcome existing household, community, institutional, administrative, legal or other gender biases that contribute to marginalization or exclusion of women.
66. Competent authorities have the duty and responsibility to assist returning persons, groups or communities to recover, to the maximum extent possible, the property and possessions that they left behind or were dispossessed of upon their eviction.
67. When return to one's place of residence and recovery of property and possessions is not possible, competent authorities must provide victims of forced evictions, or assist them in obtaining, appropriate compensation or other forms of just reparation.

## **C. Resettlement and rehabilitation**

68. While all parties must give priority to the right of return, certain circumstances (including for the promotion of general welfare, or where the safety, health or enjoyment of human rights so demands) may necessitate the resettlement of particular persons, groups and communities due to development-based evictions. Such resettlement must occur in a just and equitable manner and in full accordance with international human rights law as elaborated in section V of these guidelines.

## **VII. MONITORING, EVALUATION AND FOLLOW-UP**

69. States should actively monitor and carry out quantitative and qualitative evaluations to determine the number, type and long-term consequences of evictions, including forced evictions, that occur within their jurisdiction and territory of effective control. Monitoring reports and findings should be made available to the public and concerned international parties in order to promote the development of best practices and problem-solving experiences based on lessons learned.
70. States should entrust an independent national body, such as a national human rights institution, to monitor and investigate forced evictions and State compliance with these guidelines and international human rights law.

## VIII. ROLE OF THE INTERNATIONAL COMMUNITY, INCLUDING INTERNATIONAL ORGANISATIONS

71. The international community bears an obligation to promote, protect and fulfil the human right to housing, land and property. International financial, trade, development and other related institutions and agencies, including member or donor States that have voting rights within such bodies, should take fully into account the prohibition on forced evictions under international human rights law and related standards.
72. International organisations should establish or accede to complaint mechanisms for cases of forced evictions that result from their own practices and policies. Legal remedies should be provided to victims in accordance with those stipulated in these guidelines.
73. Transnational corporations and other business enterprises must respect the human right to adequate housing, including the prohibition on forced evictions, within their respective spheres of activity and influence.

## IX. INTERPRETATION

74. These guidelines on development-based evictions and displacement shall not be interpreted as limiting, altering or otherwise prejudicing the rights recognized under international human rights, refugee, criminal or humanitarian law and related standards, or rights consistent with these laws and standards as recognized under any national law.

### Notes

- \* Contained in United Nations document A/HRC/4/18, annex 1 and E/CN.4/2006/41.
- a The prohibition of forced evictions does not apply to evictions carried out both in accordance with the law and in conformity with the provisions of international human rights treaties.
- b Consistent with Principle 6 of the Guiding Principles on Internal Displacement.
- c See general comment No. 4 on the right to adequate housing, adopted by the Committee on Economic, Social and Cultural Rights in 1991.
- d In the present guidelines, the promotion of the general welfare refers to steps taken by States consistent with their international human rights obligations, in particular the need to ensure the human rights of the most vulnerable.
- e See general comment No. 3 on the nature of States parties' obligations, adopted in 1990 by the Committee on Economic, Social and Cultural Rights.
- f See Guidelines on Housing and Discrimination contained in the 2002 report of the Commission on Human Rights Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (E/CN.4/2002/59).
- g As set forth in article 22, Universal Declaration of Human Rights; Articles 55 and 56 of the Charter of the United Nations; articles 2, paragraph 1, 11, 15, 22, 23, International Covenant on Economic, Social and Cultural Rights, articles 23, paragraph 4, and 28, paragraph 3, Convention on the Rights of the Child.
- h See section V of the present guidelines.
- i See general comment No. 4 on adequate housing adopted by the Committee on Economic, Social and Cultural Rights in 1991. See 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.



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