

**THE CORRELATION BETWEEN FORCED EVICTIONS AND HOUSING
RIGHT VIOLATIONS IN DEVELOPING NATIONS HOSTING THE FIFA
WORLD CUP**

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Declaration

I, ZOHER SHABBIR MOHAMEDALI, do hereby declare that this research is my original work and that to the best of my knowledge and belief, it has not been previously, in its entirety or in part, been submitted to any other university for a degree or diploma. Other works cited or referred to are accordingly acknowledged.

Signed:

Date:

This dissertation has been submitted for examination with my approval as University Supervisor.

Signed:.....

[Supervisor's Name]

List of abbreviations

FIFA - Fédération Internationale de Football Association

OHCHR - The Office of the United Nations High Commissioner for Human Rights

CESCR - The Committee on Economic, Social and Cultural Rights

COHRE - Centre on Housing Rights and Evictions

ICESCR – International Covenant on Economic Social and Cultural Rights

ICCPR – International Covenant on Civil and Political Rights

UHDR – Universal Declaration of Human Rights

LRC – The Legal Resource Center

DAG - The Development Action Group

PI Act - The Prevention of Illegal Eviction from and Unlawful Occupation of Land Act

TRU – Temporary Residential Unit

BRT – Bus Rapid Transit

UNDP – United Nations Development Program

List of cases

Residents of Joe Slovo Community, Western Cape v Thubelisha Homes and Others [2009] ZACC 16 - Constitutional Court of South Africa, Case CCT 22/08

Case of Nachova and Others v. Bulgaria (2004) - European Court of Human Rights (applications numbers: 43577/98 and 43579/98)

List of statutes

South African Statutes

The Constitution of South African, 1996

The Prevention of Illegal Eviction from and Unlawful Occupation of Land Act of 1998

Brazil Statutes

The Federal Constitution of Brazil, 1988

The State Constitution of Rio de Janeiro, 1989

International Statutes

International Covenant on Economic Social and Cultural Rights (ICESCR)

International Covenant on Civil and Political Rights (ICCPR)

Universal Declaration of Human Rights (UHDR)

UN basic principles and guidelines on development based evictions and displacements (2007)

FIFA Laws and Regulations

FIFA's football stadiums: technical recommendations and requirements

ABSTRACT

For quite some time, the FIFA World Cup has been linked to Human Rights violations. However, forced evictions and housing rights violations seem to occur more severely in developing countries which host the International sporting event. This dissertation shall attempt to show how FIFA's Football Stadiums: Technical Recommendations and Requirements induce forced evictions in developing host nations by carrying out a study on the World Cups hosted in South Africa(2010) and Brazil(2014). Additionally, this dissertation will discuss reasons why such evictions and violation were not experienced in Germany (2006) even though all three countries had to abide by the same FIFA requirements. Finally, this paper shall contain recommendations which aim to ensure such evictions and housing right violations do not occur again.

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CHAPTER ONE

Introduction

1.1. Background

The FIFA world cup is the most popular sporting event in the world. However, for quite some time, every world cup has been linked to certain human rights violations; be it sex trafficking during the 2006 world cup in Germany¹ (which had nothing to do with FIFA), forced evictions in South Africa (2010) and Brazil (2014), homophobia in Russia (2018) and Qatar (2022)², labor rights violations in Qatar (2022)³. There is a clear correlation between the hosting of a FIFA world cup and human rights violations. This dissertation shall attempt to study this correlation, with a focus on forced evictions.

Since 1930, football has grown drastically in popularity to become the greatest or rather the most popular sporting event in the world (the South Africa 2010 world cup was shown all over the world and had around 3.2 billion viewers which is nearly half of the world's population⁴). The countries bidding for the tournament seek prestige and the

¹Tavella AM, 'Sex trafficking and the 2006 world cup in Germany: Concerns, actions and implications for future international sporting events', *Northwestern Journal of International Human Rights*, volume 6, issue 1, Article 8, (2008), - <http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1071&context=njihr> on 5 December 2016.

² Phelan J, '6 times human rights were violated in the name of soccer' (*Public Radio International*, 29 May 2015) - <http://www.pri.org/stories/2015-05-29/6-times-human-rights-were-violated-name-soccer> on 13 December 2016.

³ 'Qatar: Abuse of world cup workers exposed' (*Amnesty International*, 31 March 2016) - <https://www.amnesty.org/en/latest/news/2016/03/abuse-of-world-cup-workers-exposed/> on 5 December 2016.

⁴Tang K, 'The world cup: Changing country's laws, One tournament at a time' (*Berkeley Journal of International Law Blog*, 26 October 2013)- <http://berkeleytravaux.com/world-cup-changing-countrys-laws-one-tournament-time/> on 5 December 2016.

world's attention as they attempt to take on the task of hosting the multibillion-dollar competition⁵.

The increase in popularity, size and the monetary benefits involved has led to FIFA working more closely with the governments of host countries. This proximity of closeness has reached an extent where FIFA has even gone so far as changing some of these countries' laws. This is because before choosing a host country, FIFA requires the potential host countries to meet a large number of requirements, some of them being of legal nature⁶. These requirements lead to host nations altering their laws dealing with security, visa procedures, labor regulations, customs and tax law, and infrastructure which then lead to several human rights violations⁷. This paper shall focus on how FIFA's requirements on infrastructure lead to forced evictions and housing rights violations in the host nation.

However, it must also be noted that situations have arisen which have led FIFA to make changes to their world cup strategy as well. In particular, the Qatar world cup in 2022 which will be hosted during November and December instead of the regular June/July period. The 2022 world cup will also be played in a reduced time frame of 28 days⁸.

Such changes, though quite significant to the football world, are nothing compared to the human rights violations that are induced due to the changes host nations need to make in order to host the FIFA world cup.

1.2. Justification of study

The hosting of the FIFA world cup has been linked to several human rights violations. However housing rights violations have only been experienced in developing countries (which have been selected as host nations). This dissertation shall attempt to study the

⁵Tang K, 'the world cup: Changing country's laws, One tournament at a time', *Berkeley Journal of International Law Blog*, (2013), on 5 December 2016.

⁶Tang K, 'the world cup: Changing country's laws, One tournament at a time' on 5 December 2016.

⁷Tang K, 'the world cup: Changing country's laws, One tournament at a time' on 5 December 2016.

⁸'FIFA executive committee confirms November/December event period for Qatar 2022', *FIFA.com*, 2015, -<<http://www.fifa.com/worldcup/qatar2022/news/y=2015/m=3/news=fifa-executive-committee-confirms-november-december-event-period-for-q-2567789.html>>, on 5 December 2016.

link between FIFA requirements for infrastructure and forced evictions and other housing right violations.

1.3. Statement of objectives

1. To show how FIFA's requirements on infrastructure leads to forced evictions and the violation of rights to shelter in developing countries.
2. Give appropriate recommendations to aid in stopping such forced evictions.

1.4. Research questions

1. What are the specific hosting requirements with regards to infrastructure?
2. Why are developing countries more susceptible to cases of forced evictions and displacement of communities when they become World Cup Hosts?

1.5. Theoretical framework

The interest theory approach to human rights shall be used in the course of this dissertation. This theory provides that the principal function of human rights is to protect and promote certain essential human interests. This theory is therefore concerned with the factors that ensure human beings lead a minimally good life⁹. John Finnis elaborated on this approach by creating 7 fundamental rights or interests that forms the basis of human rights. The seven fundamental interests, rights or what Finnis terms 'basic forms of human good', as providing the basis for human rights are: (I) life and its capacity for development, (II) the acquisition of knowledge, as an end in itself, (III) play, as the capacity for recreation (IV) aesthetic expression (V) sociability and friendship (VI) practical reasonableness, the capacity for intelligent and reasonable thought processes and (VII) religion, or the capacity for spiritual experience¹⁰. This dissertation will attempt to show how FIFA's requirements on infrastructure lead to

⁹'Human Rights', Internet encyclopedia of philosophy, -<<http://www.iep.utm.edu/hum-rts/#SH4b>> on 5 November 2016.

¹⁰'Human rights', Internet encyclopedia of philosophy, on 5 November 2016.

forced evictions and housing rights violations which in turn lead to the victims (of forced eviction and housing rights violation) not being able to exercise the above mentioned fundamental human rights/ interests.

Additionally, Saint Thomas Aquinas' classical natural law theory's definition of law shall also be considered. In this theory, Aquinas defines law as "*a certain ordinance of reason from the common good (affecting all people equally, made by him who has the care of the community and has the powers to coerce others to obey it*"¹¹. Taking this into context, the dissertation will attempt to prove that FIFA's requirements on infrastructure are contrary to this theory i.e. that laws, requirements and regulations on infrastructure do not promote the common.

1.6. Hypothesis

The past two FIFA world cups (South Africa 2010 and Brazil 2014) have been linked with several cases of forced evictions and housing right violations. Though the world cup has been hosted in other countries as well, these countries have been quite well developed (Germany 2006), which have not had cases of forced evictions and housing right violations as experienced by South Africa and Brazil. This leads to the notion that developing countries more susceptible to cases of forced evictions and displacement of communities when they become World Cup Hosts compared to developed countries.

1.7. Research Design and Methodology

The research for the paper shall be conducted via (I) the internet: In the course of my research I shall include information found from reports related to this topic, the domestic laws of the countries involved in this research (brazil and south Africa), the relevant international treaties the above mentioned countries have ratified and/ or signed, the laws of FIFA and their requirements for hosting the FIFA world cup,

¹¹'Classical Natural Law Theory', -<<http://cstl-cla.semo.edu/hhill/Classical%20Natural%20Law%20Theory.htm>>on 12 December 2016.

articles from the internet (legal blogs and websites, human rights blogs and websites and other reliable and relevant websites and (II) books, law journals and newspaper articles related to the topic of this dissertation

1.8. Limitations.

1. The research for this paper will be conducted through the internet and newspapers. The inability to conduct actual interviews of victims of the forced evictions in Brazil and South Africa qualifies as a major limitation. Furthermore, it also limits the amount of information I am able to get. For instance, if travelling to South Africa or Brazil could have been possible, I would be able to get testimonies of human rights volunteers who actually witnessed the forced evictions and housing rights violations.

2. The cases that deal with the forced evictions and housing rights violations that occurred in Brazil and South Africa have been difficult to find through the internet. Case law for Brazil has been a particular problem possibly because the cases are recorded in Portuguese. This is also another downfall of conducting research through the internet.

3. The dissertation only focuses on forced evictions and housing right violations. This is a limitation due to the fact that all human rights are interconnected. However, focusing on all human rights that have occurred during FIFA world cups would not have allowed me to prove my hypothesis which is that developing countries are more susceptible to forced evictions and housing right violations when hosting the FIFA world cup since the various other human rights violations have been experienced by all host nations, developed or not.

1.9. Chapter Breakdown

1.9.1. Chapter One

Introduction (Research Proposal).

1.9.2. Chapter Two

Literature Review.

1.9.3. Chapter Three

FIFA's Requirements on Infrastructure for Host Nations.

1.9.4. Chapter Four

Case studies: South Africa and Brazil

1.9.5. Chapter Five

Discussion, Findings, Recommendations and Conclusion.

CHAPTER TWO

Literature review

2.1. Introduction

Before dwelling into how FIFA's requirements on infrastructure leads to forced evictions and housing rights violations, it seems prudent to understand what human rights are and what entails a forced eviction. Additionally, this chapter shall also give a brief overview of FIFA with regards to the world cup and an overview of the forced evictions that took place in South Africa and Brazil.

2.2. Forced Evictions

The The Office of the United Nations High Commissioner for Human Rights (OHCHR)¹² defines human rights as “*rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status.*”¹³

Forced evictions can be 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*”¹⁴.

Furthermore, forced evictions can lead to homelessness or to violations to the right to adequate housing which in turn exposes a person to other human rights violations such as: the right to life (International Covenant on Civil and Political Rights, art. 6.1), freedom from cruel, inhuman and degrading treatment (International Covenant on Civil

¹²United Nations Human Rights Office of the High Commissioner, -
<<http://www.ohchr.org/EN/Pages/Home.aspx>> , on 7 December 2016.

¹³'What are human rights', *United Nations human rights office of the high commissioner*, 1996, -
<<http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>> on 13 November 2016.

¹⁴'Forced Evictions', *United Nations human rights office of the high commissioner*, 2014 -
<<http://www.ohchr.org/Documents/Publications/FS25.Rev.1.pdf>>, on 15 December 2016.

and Political Rights art. 7), the right to security of the person (International Covenant on Civil and Political Rights art. 9.1).

However, forced evictions can be considered legal if they are in line with international human rights standards and a country's domestic laws (for example serving the tenant with an eviction notice)¹⁵. Such evictions are known as "legal evictions".¹⁶

The Committee on Economic, Social and Cultural Rights (CESCR), in its General Comment No. 4 (1991) on the right to adequate housing, asserted that forced evictions are justified in cases where the circumstances are considered to be 'exceptional'. However, the evictions must be in line with the relevant principles of international law¹⁷.

Accordingly, "exceptional circumstances" include elements such as: (a) racist or other discriminatory comments, behavior or attacks; (b) unjust destruction of the land lord's property; (c) consistent antisocial behavior which harms, intimidates or threatens public health or safety¹⁸.

2.3. FIFA and the World Cup

Additionally, one must also understand how FIFA works. As briefly mentioned earlier, FIFA is the global governing body of association football. FIFA consists of 209 national football associations and Men's World Cup (which is the focus of this dissertation) is FIFA's main tournament¹⁹.

In order to host the world cup, interested bidders submit a 'bid book' to FIFA outlining how they plan to meet FIFA's requirements for hosting the world cup. The successful bidding nation is announced about seven years prior to the world cup²⁰. Once a host

¹⁵ 'How evictions work: rules for landlords and property managers' NOLO,-
<<https://www.nolo.com/legal-encyclopedia/evictions-landlord-rules-29740.html>> on 15 December 2016.

¹⁶ 'Forced Evictions', United Nations Human Rights Office of the High Commissioner.

¹⁷ 'CESCR General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant)', Office of the High Commissioner for Human Rights' 1991.

¹⁸ 'Forced Evictions', United Nations Human Rights Office of the High Commissioner, 2014.

¹⁹ Ruggie J, 'For the game, For the world.' FIFA and Human Rights.

²⁰ Ruggie J, 'For the game, For the world.' FIFA and human rights, page 18.

nation is chosen, its bid book and the hosting agreement form a legally binding contractual relationship between the host nation and FIFA²¹.

FIFA's demands/ requirements and the consequential changes made by host nations have created an environment for Human Rights violations. These violations have been acknowledged by FIFA itself and as a result, in 2015, FIFA appointed John G. Ruggie²² to develop recommendations on what it means for FIFA to embed respect for human rights across its global operations²³. The aforementioned report deals with human rights risks as opposed to violations. A risk can be defined *as a situation involving exposure to danger*²⁴. A violation on the other hand can be understood to mean *the action of violating someone or something*²⁵. The report by John Ruggie assesses the potential human rights violations that may occur due to FIFA's existing regulations, policies and legislations. This dissertation, on the other hand, shall deal with forced evictions that have already occurred and set out recommendations on what FIFA could have done (or could still do to prevent such violations from occurring again). However, it must also be noted that the aforementioned report shall be used as a fundamental guideline in the course of this dissertation.

2.4. Discussion

A large sporting event such as the world cup normally requires the acquisition of large pieces of land to build stadiums, car parks, training sites, improved transport systems to and from stadia, hotels etc in accordance with FIFA's requirements on infrastructure. Although such improvements are considered to be a benefit of hosting the World Cup it has a lot of negative effects as well. The main negative effect of such land acquisition is the forceful displacement of individuals and/or communities. In some cases, some of these communities/ individuals were removed without adequate compensation or put in

²¹Ruggie J, 'For the game, For the world.' FIFA and Human Rights, page 18.

²² John G. Ruggie is the Berthold Beitz Professor in Human Rights and International Affairs at Harvard's Kennedy School of Government and Affiliated Professor in International Legal Studies at Harvard Law School. An award-winning scholar, he is a Fellow of the American Academy of Arts and Sciences.

²³Ruggie J, 'For the game, For the world.' FIFA and Human Rights'.

²⁴ 'Risk', Oxford Dictionary -<<https://en.oxforddictionaries.com/definition/risk>> on 12 December 2016.

²⁵'Violations', Oxford Dictionary, -<<https://en.oxforddictionaries.com/definition/violation>> on 12 December 2016.

worse places than they were before. Similar sentiments were shared by John Ruggie in his report for FIFA²⁶.

Take for example the case involving an entire community of 366 people being evicted from Spes Bona Hostel in South Africa²⁷. These evictions were reported by Rosalie de Bruijn, a masters student at the University of Amsterdam, who went to South Africa to research on the evictions taking place during the world cup for her thesis 'Claiming the Right to the City Contesting Forced Evictions of Squatters in Cape Town during the run-up to the 2010 FIFA World Cup'²⁸. This was also reported by David Smith²⁹, a reporter for the Guardian³⁰. According to Smith's news report, 366 people forcefully evicted from the Spes Bona Hostel in the district of Athlone because a stadium there was being reconstructed so that football players participating in the world cup could use it for training. Those evicted were relocated to a place known as Blikkiesdorp in Delft where the conditions were much worse than the area they were evicted from.³¹

The conditions in Delft can be corroborated by COHRE's report on Delft (where Blikkiesdorp is located).³² According to the report the settlement was very congested and was not adequate, in terms of space, for families with a large number of members. Furthermore, the houses were built with material that is not able to protect its residents against bad weather conditions. The settlement also lacked adequate water and sanitation facilities and had a high crime rate, especially rape³³.

²⁶Ruggie J, 'For the game, For the world.' FIFA and Human Rights'.

²⁷Van der zee A, 'The Upper Echelon Theory and Ethical Behavior', Universiteit Van Amsterdam, Faculty of Economics and Business, page 36, 2006, -<<http://dare.uva.nl/cgi/arno/show.cgi?fid=18936>> on 17 November 2016 .

²⁸Bruijn R, 'Claiming the Right to the City Contesting Forced Evictions of Squatters in Cape Town during the run-up to the 2010 FIFA World Cup', page 38-41.

²⁹ David Smith is a correspondent for The Guardian.

³⁰Smith D, 'Life in 'tin can town' for the south Africans evicted ahead of world cup' The Guardian, 2010, -<<https://www.theguardian.com/world/2010/apr/01/south-africa-world-cup-blikkiesdorp>> on 27 June 2016.

³¹Smith D, 'Life in 'tin can town' for the South Africans evicted ahead of world cup' on 27 June 2016.

³² 'N2 Gateway Project: Housing Rights Violations as 'Development' in South Africa', Centre on Housing Rights and Evictions, page 26, -<<https://westerncapeantieviction.files.wordpress.com/2009/09/090911-n2-gateway-project-report.pdf>>, on 18 September 2016.

³³'N2 gateway project: housing rights violations as 'development' in South Africa', page 26.

Though a defense can be made regarding a few evictions in the sense that those evicted were put in alternate housing hence no human rights were violated. However, in the case of *Naidenova et al vs. Bulgaria*^{34,35}, the United Nations Human Rights Committee evaluated forceful evictions using Article 17 of the ICCPR³⁶ and Article 11 of the ICESCR³⁷. In this case, the committee held that when a state evicts people from their homes, the state has a duty to ensure the evicted are provided with adequate housing immediately. If the state cannot guarantee this, then they should not evict people in the first place. This is because, failure to provide adequate alternate housing exposes those evicted to further human rights violations³⁸ (Even though the case mentioned above deals with European human rights violations, it can be used for informative purposes as to what amounts to a human rights violation with regards to forced evictions and right to adequate housing). In the *Spes Bona* case study, the evicted were not put in adequate replacement housing, instead, they were relocated to Blikkiesdorp, where they were subjected numerous housing right violations (such as lack of adequate water and sanitation) as well as other human right violations (such as Rape).

To add to the above, the ICCPR was ratified on 10 December 1998 by South Africa. Regarding the ICSECR, South Africa was a signatory to the covenant but had not ratified it during the time of the world cup³⁹. Furthermore the above cases of forced

³⁴Case of *Nachova and Others v. Bulgaria* (2004) - European Court of Human Rights (applications numbers: 43577/98 and 43579/98),.

³⁵Dellatorre M, 'Case watch: Stopping Evictions of Roma in Bulgaria', Open Society Foundations, 8 May 2013) -<<https://www.opensocietyfoundations.org/voices/case-watch-stopping-evictions-roma-bulgaria>> on 7 November 2016.

³⁶ Article 17 of the ICCPR states as follows “(1) *No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation. (2) Everyone has the right to the protection of the law against such interference or attack*”.

³⁷ Article 11 of the ICSECR states as follows “*The States Parties to the present Covenant 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 States 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*”.

³⁸Willis G, 'Going down kicking: Illegality of Forcible Evictions in Pre-World cup brazil' (*Michigan law journal*, 2014, -<<http://www.mjilonline.org/going-down-kicking-illegality-of-forcible-evictions-in-pre-world-cup-brazil/>> on 19 November 2016.

³⁹ 'Ratification of 18 Human Rights Treaties', United Nations Human Rights office of the High Commissioner, - <<http://indicators.ohchr.org/>> , on 7 November 2016.

evictions clearly violate Article 26⁴⁰ of the South African constitution which deals with the right to adequate housing.⁴¹

Brazil is also party to all the major Human Rights Treaties without any reservations⁴². Brazil is a party to the ICESCR which they ratified on 24th January of 1992 and the ICCPR which was ratified in Brazil on 24th April 1992⁴³. Brazil was also one of the 48 countries that came together at the United Nations in Paris on 10th December 1948 to sign the Universal Declaration of Human Rights.⁴⁴⁴⁵

In Brazil, a similar trend was observed with regards to forced evictions during the preparation for the FIFA world cup. A report from the National Coalition of Local Committees for a people's World Cup and Olympics; 'Mega-Events and Human Rights Violations in Brazil'⁴⁶, outlined several cases of housing right violations in cities that were supposed to play host to world cup matches. Take for example, in São Paulo, the construction of the road between stadium (that was also being built) and the city's International Airport led to 4,000 families being forcefully evicted⁴⁷.

⁴⁰ Article 26 of the South African constitution states as follows “(I) everyone has the right to have access to adequate housing. (II) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of this right. (III) No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions”

⁴¹ ‘Article 26’, Constitution of the Republic of South Africa, 1996.

⁴² ‘Brazil Homepage’, United Nations Human Rights Office of the High Commissioner, 1996, - <<http://www.ohchr.org/EN/Countries/LACRegion/Pages/BRIndex.aspx>> on 23 November 2016.

⁴³ ‘Ratification of 18 Human Rights Treaties’, United Nations Human Rights Office of the High Commissioner,.

⁴⁴ Article 12 of the Universal Declaration of Human Rights “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks”.

⁴⁵ ‘Chapter V: Social, Humanitarian and Cultural Questions’, Year book of the United Nations, page 535 - <https://web.archive.org/web/20130927221000/http://unyearbook.un.org/1948-49YUN/1948-49_P1_CH5.pdf> on 17 November 2016.

⁴⁶ ‘Mega-events and Human Rights violations in Brazil’, Report from the National Coalition of Local Committees for a people's World Cup and Olympics, 2013, page 8 -<[http://www.conectas.org/arquivos-site/Sumario_eng%20\(1\)\(1\).pdf](http://www.conectas.org/arquivos-site/Sumario_eng%20(1)(1).pdf)> on 19 November 2016 .

⁴⁷ Mega-Events and Human Rights Violations in Brazil, page 13.

Concerns regarding such forced evictions were also voiced by an independent United Nations Human Rights expert called Raquel Rolnik⁴⁸. Rolnik stated in a news release *“I am particularly worried about what seems to be a pattern of lack of transparency, consultation, dialogue, fair negotiation (leading to adequate compensation), and participation of the affected communities in processes concerning evictions undertaken or planned in connection with the World Cup ...insufficient attention is being given to access to infrastructure, services and means of subsistence in relocation sites...this can result in homelessness and the formation of new informal settlements”*⁴⁹.

The General Comment no. 7 by the UN Human Rights Committee regarding the case of *Naidenova et al v. Bulgaria*⁵⁰ can be used to further elaborate on how inadequate compensation is a human right violation. The comment states that evictions should not render persons homeless or make them more vulnerable to any human rights violations. There must also be prior consultation with the person(s) being evicted and a proper notice must be given as to when the eviction will take place. If the evicted do not have alternate housing, the state should use all available resources to ensure sufficient housing or sufficient compensation is provided to the evicted⁵¹.

2.5. Conclusion

All the above examples (in both Brazil and South Africa) have one thing in common; all the housing rights violations happened due to construction of stadiums, training grounds, roads etc in preparation for the FIFA world cup. Furthermore, as per my research, no housing rights violations occurred in Germany 2006. This leads to the belief that developing countries are more susceptible to forced evictions and other housing rights violations when hosting the FIFA world cup. According to Aaron

⁴⁸Rolnik is a Special Rapporteur on the Right to Adequate Housing. She also reports to the Geneva-based UN Human Rights Council in an independent and unpaid capacity.

⁴⁹Right to housing at risk as Brazil prepares for world cup and Olympics – UN expert', *United Nations news centre*, 2011 -<<http://www.un.org/apps/news/story.asp?NewsID=38189#.WFKqKbJ97IU>> on 24 November 2016.

⁵⁰Willis G, 'Going down kicking: Illegality of Forcible Evictions in Pre-World cup Brazil' *Michigan law journal*, 2014-<<http://www.mjilonline.org/going-down-kicking-illegality-of-forcible-evictions-in-pre-world-cup-brazil/>> on 19 November 2016.

⁵¹Willis G, 'Going down kicking: Illegality of Forcible Evictions in Pre-World cup Brazil', on 19 November 2016.

Beacom, in his book 'sport and international development', International sporting organizations have drastically increased their focus on leaving behind a long term legacy⁵² (like large infrastructure). However at the same time, they do not take into consideration the particular country that they are dealing with i.e. whether it is a developed nation or not and the consequences of their infrastructure requirements. This can be supported by Beacom again, who in his book, uses the 1992 Barcelona games as an example. In this case, the infrastructure developments in the developed areas were met with a lot of positivity. However, the under developed areas of Barcelona saw small scale businesses being forcefully evicted due to infrastructure requirements of the games⁵³.

⁵²Beacom A, *Sport and international development*, Springer 2008, page 87.

⁵³Beacom A, *Sport and international development*, Springer, 2008, page 87.

CHAPTER THREE

FIFA's Requirements for Infrastructure for Host Nations.

3.1. Introduction

In order for the cities (of the world cup host nation) to earn the privilege of hosting the World Cup games (about 3-5 games per city⁵⁴), they must comply with FIFA's requirements on infrastructure⁵⁵. These requirements are set out in FIFA's Football Stadiums' Technical Recommendations⁵⁶. This chapter shall take a look at the infrastructure requirements for the South Africa 2010 World Cup and the Brazil 2014 World Cup and attempt to show how they create an environment for forced evictions.

3.2. Requirements for Stadium Seating and Parking Capacity

With regards to stadium capacity and size, section 1.1 of the FIFA recommendations require a minimum of 30,000 seats for international games (which includes regular world cup matches e.g. group stages), 50,000 for a Confederations Cup final, and 60,000 for a World Cup final⁵⁷. The same section also states that the stadium should be designed in a manner that ensures effective and efficient maintenance, cleaning and management in a cost effective manner"(FIFA's requirements remain very vague on what amounts to cost effectiveness.)⁵⁸.

Furthermore, section 3 requires all parking to be on-site. For a stadium with a capacity of 60,000, parking places should be provided for 10,000 cars, 500 buses, special VIP parking (which should separate from public parking and be near the VIP entrance), the

⁵⁴Know the FIFA requirements for world cup stadiums', *The 2014 portal*, 2009, - <http://www.portal2014.org.br/en/news/2350/know+the+fifa+requirements+for+world+cup+stadiums.html> on 27 November 2016.

⁵⁵FIFA football stadiums: technical recommendations and requirements', 2007, - http://www.ksi.is/media/mannvirki/FIFA_Football_Stadiums.pdf , on 7 August 2016.

⁵⁶ 'FIFA football stadiums: technical recommendations and requirements', 2007, .

⁵⁷FIFA football stadiums: technical recommendations and requirements', page 60, 2007.

⁵⁸FIFA football stadiums: technical recommendations and requirements', page 27, 2007.

media vehicles, parking for 2 busses and at least 8 cars for the players and match officials and a sufficiently large area for a helipad⁵⁹. Where sufficient on-site public parking is not possible, parking should be provided no further than 1,500 meters from the stadium⁶⁰.

These requirements are clearly designed to modernize stadiums in accordance to FIFA standards⁶¹. One problem here is that FIFA fails to realize that a stadium may have certain history or tradition to it or be a source of pride within the community. This can be better emphasized by using the Maracana stadium in Brazil as an example. According to the Cairo Review of Global Affairs, the Maracana stadium was a source of pride for all Brazilian football fans since it was economically accessible to all. It was also considered to be an international icon⁶². Unfortunately, during the preparation for the World Cup, the Maracana's, traditions and history contradicted FIFA's requirements for World Cup stadiums⁶³. This led to the stadium being completely destroyed and rebuilt in accordance to FIFA's requirements⁶⁴. As a result, such reconstruction saw, in one case, almost 1000 residents living in poor areas near the stadium being forcefully evicted to make space for a parking lot as part of the recommendations set forth by FIFA.⁶⁵ ⁶⁶ Additionally, these residents were evicted without any form of compensation.⁶⁷ This is particularly sad since a stadium that was once a source of pride within the community became the reason why families and individuals lost their homes due to FIFA's requirements.

⁵⁹FIFA football stadiums: technical recommendations and requirements', page 49-52, 2007.

⁶⁰FIFA football stadiums: technical recommendations and requirements', page 49-52, 2007.

⁶¹De Hollanda BB and Medeiros J, 'FIFA rules', *The Cairo review of global affairs*, 2014, - <<https://www.thecaireview.com/essays/fifa-rules/>> on 11 January 2017.

⁶²'FIFA rules', *The Cairo review of global affairs*, on 11 January 2017.

⁶³'FIFA rules', *The Cairo review of global affairs*, on 11 January 2017.

⁶⁴'FIFA rules', *The Cairo review of global affairs*, on 11 January 2017.

⁶⁵Carroll T 'Illusions of unity: the paradox between mega-sporting events and nation building', Syracuse University, *The Journal of Public Diplomacy*, Volume 3: Issue 1, Article 2, <<http://surface.syr.edu/exchange/vol3/iss1/2>>page 19, on 1 January 2017.

⁶⁶Barron KE, 'Video advocacy and forced Evictions in Brazil: An interview with Tiago Donato', *NACLA*, -<<https://nacla.org/article/video-advocacy-and-forced-evictions-brazil-interview-tiago-donato>>, on 12 January 2017.

⁶⁷Carroll T 'Illusions of unity: the paradox between mega-sporting events and nation building', page 19.

FIFA argues that such requirements on infrastructure will lead to increase in revenue for the sports teams that use these stadiums⁶⁸ since more seats mean more spectators which in turn mean more revenue. However, in reality, this has not been the case since the new or refurbished stadiums have led to an increase in ticket prices which has led to a fall in attendance levels⁶⁹. Take for example the social discontent in Brazil which arose among the working class population due to an increase ticket prices after the FIFA world cup⁷⁰. This has led to stadiums in South Africa and Brazil becoming white elephants⁷¹⁷²⁷³. For example, the green point stadium in Cape Town whose maintenance costs are higher than the income it generates.⁷⁴ As a result, the Congress of South African trade union called for it to be reconstructed into low cost housing⁷⁵. While in Brazil, the Estadio Nacional in Brasilia is currently being used as a parking lot. This is due to the fact that there is no top-division football team in the area⁷⁶. This adds insult to injury to those families and individuals who were displaced because such stadiums were being built or refurbished since now, the reason for their evictions are idle unutilized stadiums.

3.3. Requirements for Infrastructure Surrounding the Stadiums

Section 1.2 requires hotels, commercial environments, good transports facilities and at least one international airport to be easily accessible to and from the stadium (so that it can play host to major international events in the future, such as music concerts)⁷⁷. All

⁶⁸FIFA football stadiums: technical recommendations and requirements', page 26, 2007.

⁶⁹De Hollanda BB and Medeiros J, 'FIFA rules', *The Cairo review of global affairs*, 2014 - <<https://www.thecaireview.com/essays/fifa-rules/>> on 11 January 2017.

⁷⁰ 'FIFA rules', *The Cairo review of global affairs*, on 11 January 2017.

⁷¹ The term 'white elephant' can be defined as a possession entailing great expense out of proportion to its usefulness or value to the owner

⁷² Manfred T , 'Brazil's \$3 Billion world cup stadiums are turning into white elephants 6 months later', *Business Insider*, 2015, -<<http://www.businessinsider.com/brazil-world-cup-stadium-white-elephants-2015-1>> on 11 January 2017.

⁷³Young J, 'After the world cup, stadiums predictably leaving white-elephant legacies' *Sports Illustrated* - <<http://www.si.com/planet-futbol/2015/02/02/world-cup-stadiums-brazil-south-africa-fifa-white-elephants>> on 11 January 2017.

⁷⁴Laing A, 'South Africa's 'white elephant stadium should be converted into housing' *The Telegraph* , 2012, -<<http://www.telegraph.co.uk/news/worldnews/africaandindianocean/southafrica/9373324/South-Africas-white-elephant-stadium-should-be-converted-into-housing.html>> , on 8 January 2017.

⁷⁵South Africa's 'white elephant stadium should be converted into housing' on 8 January 2017.

⁷⁶Brazil's \$3 billion world cup stadiums are becoming white elephants a year later', on 8 January 2017.

⁷⁷FIFA football stadiums: technical recommendations and requirements', page 60, 2007.

of this gives the impression that the FIFA requirements are designed with the intention to beautify an entire city around a football stadium so that it reflects the modern outlook of the stadium and also corresponds to FIFA's persistent need to leave behind a legacy⁷⁸. The fact that the need for such infrastructure only arose due to a new or refurbished- to- FIFA-standards stadium can be supported by Robert Baumann and Victor Matheson, in their report 'Infrastructure Investments and Mega-Sports Events: Comparing the Experience of Developing and Industrialized Countries', when they used Wembley as an example and stated that the roads and subway station nearby the stadium would not have been built if the stadium wasn't being constructed.⁷⁹

The requirements in the above paragraph saw thousands of people in South Africa and Brazil have their housing rights being violated. For example, the N2 Gateway which was designed to clean up slums from the airport to the town area in Cape Town and replace them with aesthetic low rent housing for the slum dwellers⁸⁰. As a result, 20,000 people were evicted and forced towards the outskirts of the city where they were exposed to more human rights violations.⁸¹⁸² Furthermore, the aesthetic units that were built were rented out at a rate much higher than what any of the previous inhabitants could afford which further exposed the inhabitants to homelessness.⁸³

The goal of the N2 gateway project was clearly to beautify and modernize the city in accordance to FIFA's requirements.⁸⁴⁸⁵⁸⁶ However, an argument can be made that the

⁷⁸ 'FIFA rules', *The Cairo review of global affairs*, 2014, on 11 January 2017.

⁷⁹ Baumann R and Matheson V, 'Infrastructure Investments and Mega-Sports Events: Comparing the Experience of Developing and Industrialized Countries', working paper No. 1305, 2013.

⁸⁰ Carroll T 'Illusions of unity: the paradox between mega-sporting events and nation building', Syracuse university, page 17.

⁸¹ Von Geldern W 'Identity "from Below" Political Mobilization at the 2010 World Cup South Africa, Grinnell College, page 12.

⁸² Carroll T 'Illusions of unity: the paradox between mega-sporting events and nation building', Syracuse university, page 17,.

⁸³ Carroll T 'Illusions of unity: the paradox between mega-sporting events and nation building', Syracuse university, page 17.

⁸⁴ Newton C 'the Reverse Side of the Medal: About the 2010 FIFA World Cup and the Beautification of the N2 in Cape Town', Urban Forum, 2009.

⁸⁵ Carroll T 'Illusions of unity: the paradox between mega-sporting events and nation building', Syracuse university, page 17.

⁸⁶ N2 gateway project: housing rights violations as 'development' in South Africa, 2009.

project was conceived before the world cup, but the fact that the project began a few months after South Africa was declared the host of the 2010 world cup is no coincidence⁸⁷. COHRE in their report ‘N2 gateway; housing rights violations as ‘development’ in South Africa’ share a similar view.⁸⁸

3.4. Conclusion

FIFA claims, under section 1.6 of the requirements, that the infrastructure being built will lead to strengthening of the poorer local communities in those areas and would also enhance the quality of life, community pride and provide financial stability⁸⁹. Firstly, this is quite debatable since there is no undisputable link between infrastructure/facilities development and poverty reduction. This claim could be supported by Udesch Pillay in his report ‘Mega-events as a response to poverty reduction: The 2010 FIFA world cup and its urban development implications’. According to Udesch, infrastructural developments may be disadvantageous to the poor communities rather than advantageous since it is highly unlikely that the urban poor would have the means to utilize ‘world class’ stadiums and other infrastructures such as shopping villages etc⁹⁰. This can also be supported by Whitson and Horne who claim that there is no guarantee that modern stadiums and brand new, improved facilities would benefit the urban poor⁹¹. Secondly, as shown above with the case of the Marcana one of the main disadvantages of FIFA’s infrastructure requirements is that a large number of poor communities and families from proposed construction sites are forcefully evicted and displaced. This can be supported by Raquel Rolnik who stated that *“authorities use the organization of mega-events as a catalyst for the regeneration of their city; residents of the affected areas may face mass displacement, forced evictions and the demolition of*

⁸⁷ De Bruijn R, 'Claiming the Right to the City Contesting Forced Evictions of Squatters in Cape Town during the run-up to the 2010 FIFA World Cup', University of Amsterdam, 2010, page 30.

⁸⁸ N2 gateway project: housing rights violations as ‘development’ in South Africa, 2009.

⁸⁹FIFA football stadiums: technical recommendations and requirements', 2007, page 35.

⁹⁰Pillay U and Bass O, 'Mega-events as a response to poverty reduction: The 2010 FIFA world cup and its urban development implications' (2008) 19(3) Urban Forum page 329–346 on 11 January 2017

⁹¹Whitson, D, and Horne, J. (2006). Underestimated costs and overestimated benefits? Comparing the outcomes of sports mega-events in Canada and Japan. In J. Horne, & W. Manzenreiter (Eds.), *Sports mega-events: social scientific analyses of a global phenomenon* (pp. 73–89). Blackwell/The Sociological Review: Malden, USA.

their homes”⁹². Another problem is that such re urbanization projects lead to gentrification thus leading to increased rent and property prices which would in turn negatively affect those who fall in the lower class (financially) of society since it would hinder their ability to get adequate housing⁹³⁹⁴,for example, the N2 gateway project mentioned above.

Such housing right violations in South Africa and Brazil shall be the focus of the following chapter(s) in this dissertation.

⁹²Cezne E ‘Sports mega-events and development: a critical analysis of Brazil’s hosting of the 2014 FIFA World Cup and 2016 Summer Olympic Games’ Norwegian University of life sciences, Faculty of social sciences, 2014. Page 13.

⁹³ ‘Sports mega-events and development: a critical analysis of Brazil’s hosting of the 2014 FIFA World Cup and 2016 Summer Olympic Games’.

⁹⁴‘Mega-events as a response to poverty reduction: The 2010 FIFA world cup and its urban development implications’.

CHAPTER FOUR

Case Study: South Africa and Brazil

4.1. South Africa

4.1.1. Introduction

On may 15th 2004 South Africa won the bid to host the World Cup⁹⁵. Consequently, South Africa had to take the relevant actions to meet the standards set by FIFA for host nations. This led to several infrastructures such as stadiums and transport systems being built or refurbished⁹⁶. This case study shall focus on the evictions and housing rights violations suffered by the Joe Slovo community as a result of the N2 Gateway housing project.

4.1.2. N2 Gateway Housing project

The year which saw South Africa win the bid to host the world cup also saw the South African government begin the N2 Gateway Housing Project⁹⁷. The project aimed to clean up the slums from the airport to the town area in Cape Town and replace them with aesthetic low rent housing for the slum dwellers⁹⁸. As earlier stated in chapter 3, this was just a 'beautification' project in preparation for the world cup.

⁹⁵ 'South Africa wins the 2010 bid to host the soccer world cup' (16 March 2011)
<<http://www.sahistory.org.za/dated-event/south-africa-wins-2010-bid-host-soccer-world-cup>> on 9 September 2016

⁹⁶'South Africa 2010 stadiums', <<http://www.sa-venues.com/2010/2010-stadium.htm>> on 27 August 2016

⁹⁷'De Bruijn R, 'Claiming the Right to the City Contesting Forced Evictions of Squatters in Cape Town during the run-up to the 2010 FIFA World Cup', University of Amsterdam, 2010, page 30
<<http://N2gateway>>, <<http://www.thehda.co.za/content/page/n2-gateway>> on 9 November 2016> on 19 November 2016

⁹⁸ Carroll T ' Illusions of unity: the paradox between mega-sporting events and nation building' , Syracuse university, page 17.

This claim can also be supported by Peter Alegi. In his article ‘A Nation to Be Reckoned With’: The Politics of World Cup Stadium Construction in Cape Town and Durban, South Africa’, he mentions a quote by an unnamed FIFA delegate, which is as follows: ‘*a billion television viewers don’t want to see shacks and poverty on this scale*⁹⁹’

Raquel Rolnik, a United Nations Special Rapporteur on adequate housing also mentioned in a report (UN: Olympic ‘beautification’ of cities means forced evictions¹⁰⁰) that the benefits of hosting mega sporting events are not distributed fairly because cities tend to prioritize beautification and modernization projects over the requirements of local residents. She went on to highlight, as an example, this very case study i.e. the removal of 20,000 people from the Joe Slovo settlement in Cape Town to make way for rental housing for 2010 World Cup. She further stated that the evicted residents were moved to much poorer areas because the promises for affordable housing were forgotten and were not prioritized due to (I) high standards of infrastructure required by FIFA. (II) The deadlines (for preparations) set by FIFA¹⁰¹.

As a result of the N2 gateway project and FIFA’s requirements, the residents of Joe Slovo informal settlement, were forcefully evicted to make way for more attractive housing¹⁰². The evicted, estimated to be around 20,000 people, moved to an area called Tubelisha, in Delft.¹⁰³ These evictions led to the Residents of Joe Slovo Community protesting and taking the matter to court, in the case of Joe Slovo Community, Western

⁹⁹ Alegi P, ‘A Nation To Be Reckoned With’: The Politics of World Cup Stadium Construction in Cape Town and Durban, South Africa’, African Studies Journal, Volume 67, Issue 3, 2008, page 402.

¹⁰⁰UN: Olympic ‘Beautification’ of cities means forced Evictions’.

¹⁰¹UN: Olympic ‘Beautification’ of cities means forced Evictions’.

¹⁰² COHRE ‘N2 gateway project: Housing rights violations as ‘development’ in South Africa, 2009 - <<https://westerncapeantieviction.files.wordpress.com/2009/09/090911-n2-gateway-project-report.pdf>> , on 9 November 2016.

¹⁰³ Claiming the Right to the City Contesting Forced Evictions of Squatters in Cape Town during the run-up to the 2010 FIFA World Cup, page 30.

Cape Anti Eviction Campaign vs. Thubelisha Homes and others (also known as the Joe Slovo case)¹⁰⁴ .

4.1.3. The Joe Slovo case

On 20 September 2007, a temporary eviction order against the residents of Joe Slovo was obtained from the Cape High Court by Thubelisha Homes¹⁰⁵. The Joe Slovo residents objected the eviction order. They argued that the City of Cape Town had consented them to occupy Joe Slovo hence meaning that they could not be considered unlawful occupiers under the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act of 1998 (PIE Act). The residents also argued that the Delft was very far from the central business district, their jobs and education and health centers. As a result, this would severely disadvantage their community, which was already vulnerable.¹⁰⁶

However, the High Court of Cape Town ruled in favor of the government. According to the Court, residents of Joe Slovo had a right to adequate housing but did not have a right to remain in the area of their choice i.e. Joe Slovo.¹⁰⁷ The Court thus consented to the eviction of Joe Slovo residents and their relocation to Delft¹⁰⁸.

As a result, the residents of Joe Slovo community appealed to the Constitutional Court. In their judgment, the Constitutional Court of South Africa held that the respondents had acted in accordance with Article 26¹⁰⁹ of the Constitution¹¹⁰. However, the

¹⁰⁴Residents of the Joe Slovo Community, Western Cape v. Thubelisha Homes and others, 2010, (3) SA 454 (CC) ,-<<https://www.escr-net.org/caselaw/2011/residents-joe-slovo-community-western-cape-v-thubelisha-homes-and-others-2010-3-sa-454>>, - <<http://www.saflii.org/za/cases/ZACC/2009/16.pdf> , on 9 November 2016

¹⁰⁵ Residents of the Joe Slovo Community, Western Cape v. Thubelisha Homes and others, 2010, (3) SA 454 (CC).

¹⁰⁶ COHRE ‘N2 gateway project: housing rights violations as ‘development’ in South Africa’, 2009, page 21.

¹⁰⁷Thubelisha Homes and Others vs. Various Occupants and others, Final Judgment, High Court of South Africa, Cape of Good Hope Provincial Division, Case Number 13109/07.

¹⁰⁸‘N2 gateway project: housing rights violations as ‘development’ in south Africa’, page 21.

¹⁰⁹ See footnote NO. 40

¹¹⁰ ‘Residents of Joe Slovo community and another vs. Thubelisha homes and others, Final Judgment, Constitutional court of South Africa.

Constitutional Court's order did have three significant features which were designed to make the eviction 'just and equitable'¹¹¹¹¹².

Firstly, the judgment established that at least 70% of houses built in Phase 3 of the N2 Gateway must be distributed among the Joe Slovo residents who were staying there before they were evicted. Secondly, the Court ordered every Joe Slovo resident, who was moved from the Joe Slovo settlement, to be provided with a temporary residential unit (TRU). The Court also outlined the quality and the character of the TRUs. Such description included size, composition and amenities.¹¹³ Finally, the Court ordered proper communication, regarding the relocation, to take place between the appellants (Joe Slovo residents) and respondents (Thubelisha Homes and others). The court further stated that such communication must deal with elements such as the date and time of relocation.¹¹⁴

Despite the mitigating factors of the judgment above, the residents who were relocated were still subjected to several housing rights violations.¹¹⁵ This will be elaborated below.

4.1.4. Criticism

The Constitutional Court's ruling was severely criticized by legal academics and activists¹¹⁶. From the facts of the case, it is pretty clear that the construction of the N2 project was prioritized over the rights of the Joe Slovo residents. Pierre de Vos, a professor of constitutional governance at the University of Cape Town supported this claim when he stated that the judgment by the Constitutional Court was questionable

¹¹¹ N2 gateway project: housing rights violations as 'development' in south Africa', page 19-20 on 24 December 2016.

¹¹² Residents of Joe Slovo community and another vs. Thubelisha homes and others, Final Judgment, Constitutional Court of South Africa.

¹¹³ See paragraph 9 and 10 of the Residents of Joe Slovo community and another vs. Thubelisha homes and others, final judgment.

¹¹⁴ See paragraph 11 of the Residents of Joe Slovo community and another vs. Thubelisha homes and others, final judgment.

¹¹⁵ 'Claiming the Right to the City Contesting Forced Evictions of Squatters in Cape Town during the run-up to the 2010 FIFA World Cup', page 30.

¹¹⁶ COHRE 'N2 gateway project: housing rights violations as 'development' in south Africa', 2009, page 21.

because it clearly allows the forceful eviction of an entire community. Furthermore, De vos also stated that the Courts, via their judgment, have consented to a vanity project which is completely against South African housing policy which holds that settlements, such as the Joe Slovo settlement, should be removed via in situ¹¹⁷ upgrading¹¹⁸.

The Legal Resources Centre (LRC), which represented Joe Slovo residents, applauded the mitigating factors put in place by the Court to protect the housing needs of the residents, but also stated that the court should have ruled for in situ upgrading of the Joe Slovo settlement.¹¹⁹

4.1.5. Housing right violations and the N2 gateway project

The result of the Constitutional Court's ruling led to reallocation of an entire community. This reallocation, not only led to violations of the right to adequate housing but several other Human Rights as well such as the right to work, education and healthcare.

The right to adequate housing can be found in Article 11 (1) ICESCR (see footnote NO. 37).¹²⁰The Committee on Economic, Social and Cultural Rights (CESCR) which has the duty to oversee compliance with the ICESCR, has elaborated on the right to adequate housing in its General Comment No. According to General Comment 4, 'adequate housing' must include the following seven elements: (1). Security (2). Availability of

¹¹⁷ In situ is a strategy used to upgrade an area without evicting or reallocating the people living in that area. This was the strategy to be used by the South African government in projects such as the N2 gateway project. For further information see 'National Department of Housing, "Breaking New Ground" A Comprehensive Plan for the Development of Sustainable Human Settlements', 2004, Part A, section 2, page 104.

¹¹⁸ De Vos P, 'A (partial) victory for Joe Slovo residents', 2009, - <http://constitutionallyspeaking.co.za/?p=1112> on 12 January 2017.

¹¹⁹ "Residents of Joe Slovo lose and win in the Constitutional Court", Legal Resources Centre (LRC) press release, 2009, - <http://www.lrc.org.za/press-releases/1008-2009-06-16-residents-of-joe-slovo-lose-and-win-in-theconstitutional-court-lrc> on 12 January 2017.

¹²⁰ Article 11, International Covenant on Economic Social and Cultural Rights, on 24 December 2016.

services and infrastructure. (3). Affordability (4). Habitability. (5).Accessibility. (6).Location (7). Cultural adequacy.¹²¹

Additionally, in the General Comment 4 on the right to adequate housing, the Committee held that 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*”¹²².

General Comment 4 further stipulates “*Adequate housing must be in a location which allows access to employment options, health-care services, schools, childcare centers 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.*”¹²³.

FIFA’s requirements and the consequent ruling of the Constitutional Court of South Africa to allow residents of the Joe Slovo community to be reallocated to Delft led to Article 11 of the ICESCR being violated in several ways.

Firstly, Delft was over 15km away from the Joe Slovo informal settlement. This meant that people, who were already struggling financially, had to travel a lot more, hence pay more for transport, to reach their jobs or areas of commerce.¹²⁴

Another problem, and violation, was that Delft had almost no employment opportunities. According to one woman who was skeptical about moving from Joe Slovo, the transports costs for her,if she moved to delft would be so high that it would

¹²¹UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant)*, 1991, - <http://www.refworld.org/docid/47a7079a1.html> on 21 January 2017.

¹²²UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant)*.

¹²³UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant)*.

¹²⁴ COHRE ‘N2 gateway project: housing rights violations as ‘development’ in south Africa’,2009, page 29.

render her unable to buy food for herself and her family¹²⁵. Thirdly, schools and health care facilities are also scarce in Delft.¹²⁶

The Development Action Group (DAG) can also corroborate such claims. DAG surveyed a number of families that had been relocated to Delft from Joe Slovo. Their survey found a number of difficulties that those who had been relocated had to deal with. Among these difficulties were distance from job opportunities, lack of job opportunities in Delft and very high transport costs to and from the city center and work places. Furthermore, public transportation was also less frequent which led to an increase in commuting time.¹²⁷

All of the above not only violate the ICESCR but also go on to violate provisions in the South African constitution. Section 27 of the South African constitution states the *“Everyone has the right to have access to- (a) health care services, including reproductive health care; (b) sufficient food and water...”*¹²⁸. The above case study clearly shows how residents who had been relocated to Delft were put in situations where their rights under Article 27 were violated.

Additionally, section III and IV (which outline guidelines to be followed prior to evictions and during evictions) of the UN basic principles and guidelines on development based evictions and displacement were also violated¹²⁹.

Article 38¹³⁰ of the above guidelines holds that state should explore all possible alternatives to the evictions. In this case, alternatives were not considered. This can be proven by the fact that the evictions could have been carried out in-situ¹³¹ but weren't.

¹²⁵ COHRE ‘N2 gateway project: housing rights violations as ‘development’ in south Africa’,2009, page 29.

¹²⁶ COHRE ‘N2 gateway project: housing rights violations as ‘development’ in south Africa’,2009, page 30.

¹²⁷ DAG, “Living on the Edge: A Study of the Delft Temporary Relocation Area”, Cape Town, 2007, page 16.

¹²⁸ ‘Article 27’, The constitution of the republic of south Africa, 1996, 30 January 2017.

¹²⁹ ‘UN basic principles and guidelines on development based evictions and displacement’, Annex 1 of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, A/HRC/4/18.

Article 43¹³² and 44¹³³ of chapter IV of the guidelines hold that the relocation should not lead to the evicted being exposed to homelessness or further human rights violations and that the area where the evictees are relocated should have adequate water supply, sanitation, schools, transport etc. from the facts mentioned above, it is clear that both these provisions were violated.

4.2. Brazil

4.2.1. Introduction

On 30th October 2007, FIFA announced that Brazil would host the 2014 World Cup.¹³⁴ Once this was done, potential host cities were identified to play host to the world cup matches. Unfortunately, FIFA's technical team found that the stadiums did not meet FIFA's requirements for World Cup stadiums¹³⁵. This meant that several stadiums were

¹³⁰ Article 38 of the UN basic principles and guidelines on development based evictions and displacement states as follows “*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*”.

¹³¹ In situ is a strategy used to upgrade an area without evicting or reallocating the people living in that area. This was the strategy to be used by the South African government in projects such as the N2 gateway project. For further information see ‘National Department of Housing, “Breaking New Ground” A Comprehensive Plan for the Development of Sustainable Human Settlements’, 2004, Part A, section 2, page 104.

¹³² Article 43 of the UN basic principles and guidelines on development based evictions and displacement states as follows “*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*”.

¹³³ Article 44 of the UN basic principles and guidelines on development based evictions and displacement states as follows: “*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*”.

¹³⁴ ‘Brazil officially named 2014 world cup hosts’, *REUTERS*, 2007, -<<http://uk.reuters.com/article/uk-soccer-world-brazil-idUKL3026608120071030>> on 9 November 2016

¹³⁵ Gaffney C, ‘A World Cup for Whom? The impact of the 2014 World Cup on Brazilian football stadiums and cultures’, page 9, -

renovated or built from scratch¹³⁶ while other infrastructure related to the FIFA World Cup was also built¹³⁷. This case study shall focus around the Maracana stadium, the bus rapid transit (BRT) line and forced evictions linked to them.

4.2.2. The Maracana stadium

The Maracana stadium was built between 1948 -1950.¹³⁸ Ever since its birth, the stadium has been a source of pride for Brazilians¹³⁹. Unfortunately, as mentioned above and in chapter 3, FIFA's inspection report found that the stadium was not in accordance with FIFA's requirements¹⁴⁰. As a result, the stadium was destroyed and rebuilt in accordance with FIFA's requirements (for example section 1.1 of the FIFA requirements do not allow standing terraces for spectators during world cup matches¹⁴¹. This meant that the Maracana, which had several spectator stands, had to make the relevant construction changes to abide by FIFA standards).¹⁴²

4.2.3. The Bus Rapid Transit Line in Rio de Janeiro

Inaugurated in June 2012, the BRT was implemented to decrease congestion and increase the use of public transport systems. However, certain lines were built with the intention to be used for the 2014 FIFA world cup¹⁴³. Hence those lines had to be ready before the 2014 event, in particular, the Transcarioca BRT system which runs from the International Airport to the West Zone and near the Maracanã Stadium¹⁴⁴.

Although advertized as a means of improving mobility for the urban poor, this was just another part of FIFA's requirements to ensure that stadiums are easily accessible from International airports. This can be supported by Chris Gaffney, a professor of urbanism

<[https://www.academia.edu/8528132/A World Cup for Whom The Impact of the 2014 World Cup on Brazilian Football Stadiums and Cultures](https://www.academia.edu/8528132/A_World_Cup_for_Whom_The_Impact_of_the_2014_World_Cup_on_Brazilian_Football_Stadiums_and_Cultures)> on 7 September 2016.

¹³⁶'2014 world cup Brazil', (*FIFA.com*) on 7 September 2016.

¹³⁷ Rio's BRT system: a tool for legacy or fragmentation', Rioonwatch.org - <<http://www.rioonwatch.org/?p=15531>> on 7 August 2016.

¹³⁸ 'A history of the Maracana stadium', Culture Tip, -<<https://theculturetrip.com/south-america/brazil/articles/a-history-of-the-maracana-stadium/>> , on 10 January 2017.

¹³⁹'FIFA rules', *The Cairo review of global affairs*, 8 February 2014, accessed 11 January 2017.

¹⁴⁰ 'FIFA rules', *The Cairo review of global affairs*, 8 February 2014, accessed 11 January 2017.

¹⁴¹'FIFA football stadiums: technical recommendations and requirements', page 26.

¹⁴²'FIFA rules', *The Cairo review of global affairs*, 8 February 2014, accessed 11 January 2017.

¹⁴³ De Paula M 'the 2014 world cup in Brazil: its legacy and challenges' 2014, page 11.

¹⁴⁴ De Paula M 'the 2014 world cup in Brazil: its legacy and challenges' 2014, page 11.

at the Fluminense Federal University. According to Gaffney, the routes chosen for the BRT lines do not help in solving the city's congestion problem. He used a traffic study to show how majority of the daily commuters in the city travel from their places of residence to the dense formal employment areas of the city. However, all of the BRT lines ran through the expansive real estate areas and the tourist sites of Rio¹⁴⁵.

4.2.4. Evictions due to the Maracana and BRT

As a result of the construction done to bring the Maracana up to FIFA standards, the Municipal Government began demolishing the favelas¹⁴⁶ near the stadium to make space for a new parking lot (see chapter 3) as part of the requirements for the new Maracana stadium¹⁴⁷. This was also reported by Rioonwatch, an NGO attempting to bring voice to favela communities in Rio¹⁴⁸. Such construction saw at least 1000 residents of the favela de Metro being forcefully evicted without adequate compensation or adequate alternate housing¹⁴⁹. These claims can be supported by Amnesty international¹⁵⁰ and Terrence Carroll in his report 'Illusions of unity: the paradox between mega-sporting events and nation building'¹⁵¹.

Furthermore, a large part of evictions in Rio de Janeiro were related to the construction of the BRT. One of the lines created, before the start of the world cup, was a line from the International airport in Rio to the west zone and the Maracana¹⁵². This is similar to the N2 gateway project in South Africa and can be supported by several human rights organizations such as RIONwatch which claim that it is nothing but a 'legacy'

¹⁴⁵ Rio's BRT system: a tool for legacy or fragmentation' Rioonwatch.org - <<http://www.rioonwatch.org/?p=15531>> on 7 August 2016.

¹⁴⁶ A Brazilian shack or shanty town.

¹⁴⁷ Tom Phillips, "Rio World Cup Demolitions Leave Favela Families Trapped in Ghost Town," *The Guardian*, April 26, 2011, on 6 January 2017.

¹⁴⁸ Samuca 'evictions at favela de metro clear the way for world cup parking', Rioonwatch.org, on 27 January 2017.

¹⁴⁹ Barron KE, 'Video advocacy and forced Evictions in Brazil: An interview with Tiago Donato' on 12 January 2017.

¹⁵⁰ "Brazil," Amnesty International Annual Report 2011.

¹⁵¹ Carroll T ' Illusions of unity: the paradox between mega-sporting events and nation building' , Syracuse university, page 19.

¹⁵² De Paula M 'the 2014 world cup in Brazil: its legacy and challenges' 2014, page 11.

project¹⁵³. This project has led to around 385 families from the areas, through which the lines run, being forcefully evicted¹⁵⁴.

Some of the evicted residents in Rio de Janeiro were given an official notification to evacuate the area with a “maximum deadline of 0 day(s)”, while those who resisted were subjected to abuse and were forcefully evicted. Furthermore, a large number of the evicted people were placed almost 50km away¹⁵⁵. This can be supported by Dr Melissa Fernández Arrigoitia, a sociologist at the London School of Economics who further added that the distance and area in which the evicted were relocated had a massive negative impact on the residents’ abilities to get proper jobs. Dr. Arrigoitia also added that the areas to which the evicted were reallocated lacked local schools, health facilities and other basic infrastructure¹⁵⁶.

In other situations, residents living in Rio de Janeiro learned that their houses were going to be demolished, not via official government communications, but through the media. Take for example the Vila Autódromo community, whose residents found out about their eviction via a front-page report in a newspaper¹⁵⁷.

Kyle Barron, a graduate student in comparative politics at New York University, who was researching on the intersection of politics and new media, also reported situations where government officials and employees of private investors used excessive force during evictions¹⁵⁸. This can be corroborated by a report from the National Coalition of Local Committees for a people’s World Cup and Olympics. This report documented several cases where excessive force was used to evict residents throughout the country

¹⁵³ ‘Rio’s BRT system: a tool for legacy or fragmentation’, on 7 August 2016.

¹⁵⁴ Douglas B ‘Brazil officials evict families from homes ahead of 2016 Olympic games’ The Guardian, 2015, on 25 January 2017.

¹⁵⁵ Report from the National Coalition of Local Committees for a people’s world cup and Olympics ‘Mega-events and human rights violations in brazil’, 2013, page 8, -<[http://www.conectas.org/arquivos-site/Sumario_eng%20\(1\)\(1\).pdf](http://www.conectas.org/arquivos-site/Sumario_eng%20(1)(1).pdf)>.

¹⁵⁶ Douglas B ‘Brazil officials evict families from homes ahead of 2016 Olympic Games’ The Guardian, 2015, on 25 January 2017.

¹⁵⁷ Mega-Events and Human Rights Violations in Brazil, page 14.

¹⁵⁸ Barron KE, ‘Video advocacy and forced Evictions in brazil: An interview with Tiago Donato’ on 12 January 2017.

(not just in Rio de Janeiro)¹⁵⁹. The report goes on to single out a well known agent known as Francisco Evandro. Evandro is an employee of BST transport system, which had been hired by the government to do the “cleansing”, a term used when referring to the eviction of poor residents (similar to the ‘beautification’ project in South Africa)¹⁶⁰. According to the report, Evandro was central in at least two scenarios involving violent forced evictions that were carried out without legal mandates. In one case, according to residents, he came with a gun, claimed to be a government official and began intimidating families to leave their homes¹⁶¹.

4.2.5. The Maracana, BRT and Housing Right Violations

Chapter 1 of the Brazilian constitution establishes individual and collective rights and duties¹⁶². Article 5, clause 11 of the same chapter states that the home is the individual's inviolable asylum, and no one may enter it without the dweller's consent, except in cases of disaster or rescue, or, during the day, with a court order¹⁶³. Clauses 22 and 23 further establish the right to property and then state that property must perform a social function¹⁶⁴. Clauses 24 and 25 state that if the Government takes land for public necessity or for social interest, fair amount of money must be provided to the owners as compensation before taking the land¹⁶⁵. While Article 6 establishes the right to housing¹⁶⁶.

From the facts above; it is pretty clear that Brazil's constitution was violated in several ways. Firstly, the parking lot created as per FIFA's requirements does not in any way serve a social function. This means that the land in question was taken for reasons other than public interest or to provide a social function. Furthermore, no compensation was provided to several residents and where compensation was provided, it was not market

¹⁵⁹ Mega-Events and Human Rights Violations in Brazil, page 14.

¹⁶⁰ Mega-Events and Human Rights Violations in Brazil, page 13.

¹⁶¹ Mega-Events and Human Rights Violations in Brazil, page 13.

¹⁶² ‘chapter 1’ Brazil's constitution, 1988, available in English at - https://www.constituteproject.org/constitution/Brazil_2014.pdf .

¹⁶³ ‘Clause 11’, Article 5, Brazil's Constitution, 1988.

¹⁶⁴ ‘Clause 22 and 23’, Article 5, Brazil's Constitution, 1988.

¹⁶⁵ ‘Clause 24 and 25’, Article 5, Brazil's Constitution, 1988.

¹⁶⁶ ‘Article 6, Brazil's constitution, 1988.

value compensation, as required by clauses 24 and 25. Residents were also subjected to the use of excessive force in some cases and were being evicted without any court order. This directly violates clause 11 which states that no one may enter a person's home without the dweller's consent.

Further violations can be established by diving into the Rio de Janeiro State Constitution. Article 429 of the State Constitution protects Favela residents from being evicted unless they are in physical risk¹⁶⁷. Most of the residents, if not all, evicted during the preparation for the world cup were Favela residents (for example the 1000 residents evicted from Favela de metro). According to RIOonwatch, the Favela residents were in no physical risk and were only evicted because of the FIFA World Cup¹⁶⁸. This can be supported by a news report from Owen Gibson and Jonathan Ross. In their report for the Guardian, they include a testimony of a Favela resident named Maria De Soccoro who stated before Brazil got chosen to host the world cup; the government officials never entered their community. There was also no mention of moving. However, once Brazil got chosen to host the international event, everything changed.¹⁶⁹.

Some residents also learnt that they would be evicted via newspaper articles. This is in direct contravention of Articles 458 and 459 of Rio's state constitution which requires the government to make sure citizens are informed about all urban policy initiatives¹⁷⁰.

Those who were relocated were put in areas that were nearly 50km away from their original place of residence. These areas had scarce job opportunities, health facilities and educational facilities and other basic infrastructure. All of this contravenes article

¹⁶⁷ 'Article 429', Rio de Janeiro's Organic Constitution.

¹⁶⁸ Samuca 'evictions at favela de metro clear the way for world cup parking' Rioonwatch.org, on 27 January 2017.

¹⁶⁹ Gibson O and Ross J, 'World Cup: Rio favelas being 'socially cleansed' in runup to sporting events, The Guardian, 2013, on 27 January 2017.

¹⁷⁰ Article 458 and 459, Rio de Janeiro's Organic Constitution.

11 of the ICESCR, which Brazil has ratified¹⁷¹, as well as the General Comment no.4 by the CESCR (which was elaborated above).

Finally, as was the case in South Africa, the UN basic principles and guidelines on development based evictions and displacement¹⁷² were also violated in Brazil. From the facts above, it is clear that Articles 43 and 44¹⁷³ of the UN guidelines were violated.

Additionally, Article 37 of the guidelines state that appropriate notice of the eviction should be given to all persons who could be affected by the eviction. Article 37 also states that a reasonable time period must be given after the eviction notice. From the facts above, it is clear that Article 37 was violated since some of the evicted residents in Rio de Janeiro were given an official notification to evacuate the area with a “maximum deadline of 0 day(s)”¹⁷⁴, while in other areas, communities found out that they were going to be evicted not via government notice but via news papers reports¹⁷⁵.

4.3. Conclusion

From the case studies above, it is quite clear that the forced evictions suffered in Brazil and South Africa were a result of FIFA’s requirements on infrastructure. These evictions occurred four years apart and on different continents. The only similarity here was that both of the nations were, during the times of these evictions and housing rights violations, host nations for the FIFA world cup.

Additionally, the case studies go on to show how all human rights are interconnected and that the violation of just one human right or a component of that right can lead to several other human rights being violated. Take for example, location, as a component

¹⁷¹Ratification of 18 Human Rights Treaties’, United Nations Human Rights Office of the High Commissioner, on 23 November 2016.

¹⁷² UN basic principles and guidelines on development based evictions and displacement’, Annex 1 of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, A/HRC/4/18.

¹⁷³ See footnote 132 and 133.

¹⁷⁴Report from the National Coalition of Local Committees for a people’s world cup and Olympics 'Mega-events and human rights violations in brazil', 2013, page 8, -<[http://www.conectas.org/arquivos-site/Sumario_eng%20\(1\)\(1\).pdf](http://www.conectas.org/arquivos-site/Sumario_eng%20(1)(1).pdf)>.

¹⁷⁵ Mega-Events and Human Rights Violations in Brazil, page 14.

of the right to adequate housing. Reallocating individuals to areas far away from the city can hinder their ability to find adequate work or may increase transport costs (especially for low income earners). This in turn may lead to loss of work or failure to find work. This in turn, affects a person ability and right to adequate food, health care and education.

CHAPTER FIVE

Discussion, Findings, Recommendations and Conclusion

5.1. Discussion

From the above chapters, it is clear that there is a correlation between FIFA's requirements on infrastructure and forced evictions. However, Germany, which had to abide by the same set of requirements as Brazil and South Africa¹⁷⁶, did not have any reported incidents of forced evictions during its preparation for the 2006 world cup, as per my research.

Looking at these 3 countries, all in different continents, the only difference between Germany compared to South Africa and Brazil, is, that Germany is classified as developed nation, as per the Human Development Index¹⁷⁷. To put this into context, the Human Development Report of the United Nations Development Program (UNDP) ranks Germany at 6th place, Brazil at 75th and South Africa at 116th¹⁷⁸. Furthermore, the World Bank¹⁷⁹ ranks Germany 1st ¹⁸⁰ with regards to quality of trade and transport related infrastructure, while South Africa and Brazil were ranked 21st and 47th respectively¹⁸¹. Finally, the Social Progress Index¹⁸², with regards to shelter as a basic human need, ranks Germany 13th in the world. South Africa and Brazil were ranked 86th and 77th respectively¹⁸³.

¹⁷⁶ 'Know the FIFA requirements for world cup stadiums', 2009.

¹⁷⁷ 'Human development reports', on 9 December 2016.

¹⁷⁸ 'Human development reports', on 9 December 2016.

¹⁷⁹ 'The world bank' - <<http://www.worldbank.org/>> on 27 December 2016.

¹⁸⁰ 'Global rankings' The world bank, 2016, -

<<http://lpi.worldbank.org/international/global?sort=asc&order=Infrastructure>> on 27 December 2016.

¹⁸¹ 'Global rankings' The world bank, 2016, on 27 December 2016..

¹⁸² For further information on the social progress index methodology, visit socialprogressimperative.org -

<<http://www.socialprogressimperative.org/global-index/methodology/>> on 28 January 2017.

¹⁸³ '2016 social progress index', social progress imperative, 2016 -

<[http://www.socialprogressimperative.org/global-](http://www.socialprogressimperative.org/global-index/?gclid=CMnE5tmA5dECFY8Q0wodpIcLTg#map/countries/com3/dim1.com3,dim2,dim3,com9)

[index/?gclid=CMnE5tmA5dECFY8Q0wodpIcLTg#map/countries/com3/dim1.com3,dim2,dim3,com9](http://www.socialprogressimperative.org/global-index/?gclid=CMnE5tmA5dECFY8Q0wodpIcLTg#map/countries/com3/dim1.com3,dim2,dim3,com9)> on 28 January 2017.

These statistics help in supporting the claim that there is a correlation between hosting the FIFA world cup and forced evictions in developing countries. This claim can be derived in the following manner: Firstly, developing countries will naturally have more urban poor citizens, compared to their developed counterparts, who cannot afford proper housing.¹⁸⁴¹⁸⁵¹⁸⁶ Such forms of urban poor housing, as proven in the above chapters, are seen as ‘eyes sores’ by FIFA¹⁸⁷. This, together with FIFA’s desire to leave behind a legacy¹⁸⁸ through high end infrastructure results in a mix of unwanted consequences for the urban poor, namely, forced evictions.

Secondly, developed nations have much better infrastructure and sports-specific facilities in place to host major international sporting events such as the world cup compared to developing countries which often need to spend large sums of money in order to construct the necessary infrastructures¹⁸⁹. To further support this point, consider the expenditure difference between Brazil and Germany. For the 2006 world cup, Germany spent 3.7 billion US dollars on stadiums and infrastructure while Brazil spent 13.3 billion US dollars for the 2014 world cup¹⁹⁰¹⁹¹.

Such construction projects involve acquiring land for stadiums, training sites, transportation systems etc. However, such land acquisition, in developing countries at least, normally involves the displacement of individuals or entire communities¹⁹². Take for example the residents near the Maracana stadium who were forcefully evicted and displaced because the stadium did not have a parking area that matched FIFA’s international requirements.

¹⁸⁴ ‘The right to adequate housing’ ,UN habitat, fact sheet 21/rev1, page 20.

¹⁸⁵ Montgomery M ‘urban poverty and health in developing countries’ Population Reference Bureau, Volume 64, No. 2, 2009, -<<http://www.prb.org/Publications/Reports/2009/urbanization.aspx>> .

¹⁸⁶ Ravallion M, ‘urban poverty’ International monetary fund, 2007, volume 44, number 3 - <<http://www.imf.org/external/pubs/ft/fandd/2007/09/ravalli.htm>> on 28 January 2017.

¹⁸⁷ Steinbrink M ,Haferburg C and Ley A ‘Festivalisation and urban renewal in the Global South: socio-spatial consequences of the 2010 FIFA World Cup’, 2011, page 21.

¹⁸⁸ Beacom A, *Sport and international development* (Springer 2008), page 87.

¹⁸⁹ Carroll T, Illusions of unity: the paradox between mega-sporting events and nation building, page 16.

¹⁹⁰ ‘Germany’s world cup report hails economic, social success’, Deutsche Welle, 2006 - <<http://www.dw.com/en/germanys-world-cup-report-hails-economic-social-success/a-2263053>> on 31 January 2017.

¹⁹¹ De Paula M, ‘the 2014 world cup: its legacy and challenges’, page 3, on 30.

¹⁹² Ruggie J, ‘FIFA and human rights’ page 22.

5.2. Findings

From my research, I found that governments of developing countries chosen as host nations go along with such infrastructural projects due to the belief that infrastructural development will lead to improved economic benefits and poverty reduction¹⁹³¹⁹⁴. While FIFA further argues that such requirements on infrastructure will lead to increase in revenue for the sports teams that use these stadiums and will benefit the local communities around the stadium by creating more jobs, better inflow of customers etc¹⁹⁵.

However as the case studies in chapter 4 have shown, this has not been the case. Rather, infrastructural development has led to greater exclusion of poorer urban communities from adequate jobs and amenities. Udesh Pillay, in his aforementioned report corroborates this by saying that stadiums, training facilities etc situated in disadvantaged communities could lead to the value of property in the those areas to increase, therefore altering character of such an area.¹⁹⁶ The transformation of such areas would lead to the urban poor being displaced because they no longer fit into the character of that area. Furthermore, gentrification would mean that even those who were not forced out will not be able to afford the rent in the area anymore. As a result, they would be forced to move to areas that are more friendly to their pockets¹⁹⁷ and in most cases, such areas are very far away from employment, educational and health facilities, as shown in the case studies in chapter 4. All of this can be supported by Malte Steinbrink, Christoph Haferburg and Astrid Ley who use, as an example, the evictions and displacements of low-income population during the renewal and

¹⁹³Pillay U and Bass O, 'Mega-events as a response to poverty reduction: The 2010 FIFA world cup and its urban development implications', page 329–346.

¹⁹⁴ Ali I and Pernia E 'Infrastructure and poverty reduction- what is the connection?', ERD policy brief NO. 13, 2003.

¹⁹⁵FIFA football stadiums: technical recommendations and requirements', page 26, 2007.

¹⁹⁶Pillay U and Bass O, 'Mega-events as a response to poverty reduction: The 2010 FIFA world cup and its urban development implications', page 329–346.

¹⁹⁷Pillay U and Bass O, 'Mega-events as a response to poverty reduction: The 2010 FIFA world cup and its urban development implications', page 329–346.

gentrification of commercial and residential areas located near the Ellis Park stadium in Johannesburg during the preparation for the World Cup.¹⁹⁸

Further corroboration can be made via Scarlett Cornelissin's report 'China and the 2008 Beijing Olympics: the dynamics and implications of sport mega-events in the semi-periphery states'. According to Cornelissin, infrastructural and other developments in developing host nations may actually be disadvantageous to the majority population¹⁹⁹. Whitson and Horne further claim that there is no guarantee that modern stadiums and brand new, improved facilities (such as the BRT line in Rio de Janeiro) would benefit the urban poor.²⁰⁰

5.3. Recommendations

Before embarking on setting forth the recommendations, it is pertinent to note that even though this dissertation deals with forced evictions and the right to adequate housing, it is quite clear that all Human Rights are interconnected. This was discussed, albeit briefly, in chapter 4. Furthermore, sentiments regarding the interconnectivity of all human rights are also shared by the United Nations Human Rights Office of the Commissioner.²⁰¹ As a result of this, some of the recommendations may deal with or apply to all human rights

5.3.1. Establish a clear and consistent Human Rights Policy²⁰².

This is the first step FIFA should take in their attempt to ensure respect for Human Rights. Establishing such a policy will show what FIFA expects from their own organs and employees as well as from their partners, sponsors, and local organizing committees. With regards to housing right violations exclusively, FIFA could

¹⁹⁸ Steinbrink M, Haferburg C and Ley A 'Festivalisation and urban renewal in the Global South: socio-spatial consequences of the 2010 FIFA World Cup', *South African Geographical Journal*, 93:1, 15-28, DOI: 10.1080/03736245.2011.567827, 2011, page 21.

¹⁹⁹Cornelissen S 'China and the 2008 Beijing Olympics: The dynamics and implications of sport mega-events in the semi-periphery', *The China Monitor*, 2007.

²⁰⁰Whitson, D., & Horne, J, 'Underestimated costs and overestimated benefits?', 2006.

²⁰¹'Forced Evictions', United Nations Human Rights Office of the High Commissioner, 2014, on 15 December 2016.

²⁰²Ruggie J 'For the game, For the world :FIFA and human rights, page 29.

adopt COHRE's Multi-Stakeholder Guidelines on Mega-Events and the Protection and Promotion of Housing Rights²⁰³. These guidelines require compliance from all stakeholders; this in turn ensures that all the international housing rights laws and standards are not violated during the FIFA World Cup. This approach should be adopted from the initial stages of the FIFA world cup (i.e. during the preparation for the world cup)²⁰⁴. Complying with these guidelines will ensure prevention of housing rights violations arising directly and indirectly from the hosting the world cup²⁰⁵.

5.3.2. Embed Respect for Human Rights.²⁰⁶

This would involve taking the necessary actions to make the Human Rights policy a norm of practice when planning any FIFA event²⁰⁷. This would require even FIFA's top management employees to include human rights policies into their decision making activities²⁰⁸. A perfect example here would be the forced evictions that occurred in the Joe Slovo community during the N2 gateway project (see chapter 4). If a Human Rights policy had been embedded into all the organs of FIFA, then there is a possibility that the need for 'beautifying' the area would not have been prioritized over the rights of all the Joe Slovo residents who were evicted. This in turn would have ensured that the Joe Slovo community would not have been forcefully evicted or, if they were evicted, they would have been put in housing that doesn't violate international housing rights.

5.3.3. Identify and Evaluate Human Rights Risks.²⁰⁹

The evictions that occurred in Sao Paulo due to the construction of Avenue Parque Linear Várzeas do Tietê which links an international airport to the Arena de Sao Paulo

²⁰³ COHRE, ' Mega-Events, Olympic Games and Housing Rights', 2007, page 203- 204 - <http://www.ruig-gian.org/ressources/Report%20Fair%20Play%20FINAL%20FINAL%20070531.pdf>.

²⁰⁴ Centre on Housing Rights and Evictions -Mega-Events, Olympic Games and Housing Rights, page 203-204.

²⁰⁵ Centre on housing rights and evictions -Mega-Events, Olympic Games and Housing Rights, page 203-204.

²⁰⁶Ruggie J 'For the game, For the world –FIFA and human rights, page 30.

²⁰⁷ Ruggie J 'For the game, For the world –FIFA and human rights, page 30.

²⁰⁸ Ruggie J 'For the game, For the world –FIFA and human rights.

²⁰⁹Ruggie J 'For the game, fFor the world –FIFA and human rights, page 31.

(now called Arena Corinthians) can be used to further explain this point. Such construction took place due to FIFA's requirements (see chapter 3) and led to at least 4000 families being evicted²¹⁰. If FIFA had adopted plans to identify and evaluate potential human rights violations then there is a large possibility that the 4000 families in Sao Paulo would not have been evicted.

5.3.4. Enable access to Remedy.²¹¹

The right to effective remedy is a foundational Human Rights principle²¹². In a situation where FIFA directly or indirectly causes or contributes to negative human rights impacts, it should then take an active role in providing remedy, by itself or in cooperation with others. Even though judicial remedy is the duty of a state, FIFA can provide a non judicial remedy which complements the judicial remedy²¹³

5.3.5. Consider a country's culture and history.

FIFA should consider a country's history and culture before imposing their requirements on that country. For example in Cape Town, a large number of people live in informal housing as a result of the apartheid²¹⁴. Understanding and putting such a factor into consideration may have led FIFA to alter their 'beautification' strategy in to a more, 'empower the oppressed' strategy.

5.3.6. Focus more on the urban poor, in developing countries, rather than leaving behind an expensive legacy.

From the above chapters, it is pretty clear that FIFA desires and prioritizes leaving behind a 'modern legacy'. The controversies generated regarding the Athlone stadium perfectly highlight how FIFA's requirements for aesthetics and large commercial stadiums are prioritized over everything else.

²¹⁰ 'Mega event and Human Rights Violations in Brazil' 2012.

²¹¹Ruggie J 'For the game, For the world –FIFA and human rights, 2016, page 32.

²¹²Ruggie J 'For the game, For the world –FIFA and human rights.

²¹³Ruggie J 'For the game, For the world –FIFA and human rights.

²¹⁴ De Bruijn R, 'Claiming the Right to the City Contesting Forced Evictions of Squatters in Cape Town during the run-up to the 2010 FIFA World Cup', page 26, on 18 January 2017.

In 2005, the Western Cape ANC leadership decided to propose Athlone as the Cape Town venue, since it was perceived that hosting the games at Athlone stadium would bring more developmental benefits to the city (additionally, Cape Town authorities had spent R60 million to upgrade Athlone Stadium. Athlone's seating capacity tripled to 30,000 spectators; a flexible master design allowed for future expansion to 48,000 seats in case it became a World Cup venue. To ensure long-term sustainability, stadium capacity would revert to 30,000 after 2010²¹⁵)²¹⁶²¹⁷. The developmental benefits were also pointed out by City of Cape Town's 2010 Project Director Teral Cullen who explained "*having the World Cup at Athlone would be a catalyst for other development, which is why the City of Cape Town wants it there*".²¹⁸ In pursuing Athlone as a venue, local officials believed they were dutifully carrying out social responsibility programmes for the benefit of historically disadvantaged communities, as advocated by FIFA²¹⁹.

FIFA, however, dismissed Athlone as a venue. The negative reaction of football's global governing body showed how '*the World Cup is FIFA's main source of revenue*' writes Alegi²²⁰. Further evidence of FIFA's commercialization can be outlined in the joint city/province strategic plan of January 2007. The document noted as follows; '*they [FIFA] were surprised that Green Point had only been proposed as a training venue and not as the site for a semi-final, as it was the prime location to profile South Africa and the African continent through the world's biggest football event*'²²¹. Apparently, the

²¹⁵Alegi P, 'A Nation To Be Reckoned With': The Politics of World Cup Stadium Construction in Cape Town and Durban, South Africa', Online Publication Date: 01 December 2008,page 401, on 9 November 2016

²¹⁶Alegi P, 'A Nation To Be Reckoned With': The Politics of World Cup Stadium Construction in Cape Town and Durban, South Africa', Online Publication Date: 01 December 2008,page 402, on 9 November 2016

²¹⁷ Claiming the Right to the City Contesting Forced Evictions of Squatters in Cape Town during the run-up to the 2010 FIFA World Cup, page 34-38, on 27 December 2016

²¹⁸ Pollack M, 'City punts Athlone stadium to "positive" FIFA', < <http://www.capetown.gov.za/clusters/viewarticle3.asp?conid%411748>> on 6 March 2016.

²¹⁹Alegi P, 'A Nation To Be Reckoned With': The Politics of World Cup Stadium Construction in Cape Town and Durban, South Africa', Online Publication Date: 01 December 2008,page 401, on 9 November 2016

²²⁰Alegi P, 'A Nation To Be Reckoned With': The Politics of World Cup Stadium Construction in Cape Town and Durban, South Africa', Online Publication Date: 01 December 2008,page 402, on 9 November 2016

²²¹ Claiming the Right to the City Contesting Forced Evictions of Squatters in Cape Town during the run-up to the 2010 FIFA World Cup,page 34-38, on 27 December 2016

FIFA delegation suggested that a stadium on green point would provide a magnificent tele - visual image of the city to billions of viewers²²². As a result, the 2010 committee officially shifted its position and announced a new plan to build a state-of-the-art 68,000-seat stadium at Green Point, which would host a World Cup semi-final²²³.

5.4. Conclusion

Generally, governments have an obligation to make sure that private entities follow the law, but at the same time, FIFA, also have a duty to use their influence wisely and to work with national governments and local authorities to protect the rights of local communities²²⁴. Furthermore, protecting all human rights, not just housing rights, must be used as the benchmark for FIFA in determining the host nation for the World Cup²²⁵.

The challenge now for FIFA is to take measures which go beyond putting words on paper. In his report: “For the game, for the world- FIFA and Human Rights”, John Ruggie²²⁶ elaborates this challenge perfectly when he said “*The result must be good governance, not merely good-looking governance*”.²²⁷ Finally, FIFA must be commended since they are the first in the global sporting world to adopt UN’s Guiding Principles on Human Rights²²⁸

²²² Claiming the Right to the City Contesting Forced Evictions of Squatters in Cape Town during the run-up to the 2010 FIFA World Cup, page 34-38, on 27 December 2016

²²³ Alegi P, ‘A Nation To Be Reckoned With’: The Politics of World Cup Stadium Construction in Cape Town and Durban, South Africa’, Online Publication Date: 01 December 2008, page 402, on 9 November 2016

²²⁴ Human rights advocates: Mega-Events and the Right to Housing.

²²⁵ Human rights advocates: Mega-Events and the Right to Housing.

²²⁶ John G. Ruggie is the Berthold Beitz Professor in Human Rights and International Affairs at Harvard’s Kennedy School of Government and Affiliated Professor in International Legal Studies at Harvard Law School. An award-winning scholar, he is a Fellow of the American Academy of Arts and Sciences.

²²⁷ Ruggie J, For the game, For the world- FIFA and Human Rights.

²²⁸ Business and human rights resource center -<<https://business-humanrights.org/en/john-ruggie-to-develop-recommendations-for-fifa-on-implementing-un-guiding-principles>> on 27 December 2016.

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