



Habitat International Coalition and the Habitat III Process

# Habitat International Coalition

## Comments on Habitat III Policy Paper Frameworks

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## **A. Introduction and General Comments**

Since the very early stages of the Habitat III preparations, Habitat International Coalition (HIC) has called for the integrity of the Habitat II (1996) commitments and modalities; this demand has three related aspects:

- Processes must uphold the Habitat II-established principle to be as inclusive as possible;
- Maintain the Habitat Agenda, not pose a narrower and more-divisive “urban agenda”;
- The human rights and good-governance approaches must continue to anchor and guide global human settlement policy and corresponding commitments.

The various Habitat III preparations, reporting and deliberation processes and contents must be grounded in (1) a faithful evaluation of commitments made at Habitat II; (2) a review of housing-rights and good-governance practices consistent with those essential aspects of the Habitat II promise, while taking into consideration the lessons learned and greater conceptual clarity of the issues since Habitat II; and (3) realistic preparation for the emerging human settlement-development challenges that light the way toward improving “balanced rural and urban development,” as pledged since Habitat I (1976).

This message has been delivered to the Habitat III Secretariat, States and other Stakeholders in different occasions. Regretfully, we observe how these fundamental principals are omitted -again- in the Policy Paper Frameworks (PPFs). These documents generally point out challenges, priorities and ways of implementation to resolve problems. They succeed, in part, but they fail in general to address the fundamental causes of these problems.

The official narrative production on Habitat III, despite the number of documents and stakeholders involved, has left important questions unanswered: these Frameworks are not an exception. Habitat International Coalition expected that these PPFs would fill the gaps already identified in the Issue Papers and in several other documents and discussions, gaps that should have been filled by now with the discourse and intended consensus that will take the form of Habitat III principles and commitments on a similarly broad range of issues.

This review points to some outstanding considerations, in particular, civil society issues that have yet to find a home in any of the existing forums and mechanisms; unfortunately they are essential and too numerous. The authors of this document have been fundamental to the Habitat I and Habitat II processes, defining related normative frameworks, informing public policies at all levels, as well as analyzing, training, multi-actor awareness raising and mobilizing around habitat-related human rights and the right to the city.

All PPFs would benefit from a regimen of both maintaining integrity with, and challenging Habitat II issues and commitments made in 1996. HIC has insisted that is rather the heart of the exercise, otherwise the conversation falsely presumes to start from zero and come from nowhere, especially for any newcomer to the process. Rather, the exercise forms part of a continuum of forty years of policy discourse and commitments, currently enshrined in Habitat II (expiring and coming up for renewal this year).

It's clear that the PPFs can stimulate discussion and they point at many fundamental issues but, at the same time, they reflect a deliberate purpose of ostensibly dismissing or forgetting what has gone before. This consistent omission of Habitat II commitments from the discussion has not been addressed yet, and we fear never will be.

The PPFs did not achieve such a goal, leaving the question of Habitat III's purpose, relevance and coherence unresolved, particularly if Habitat II issues and commitments are now rendered to oblivion. Such treatment does not augur much relevance, coherence, impact or hopes for implementation of a Habitat III. Besides the broken promises of Habitat II implementation and missing links between Habitat II and Habitat III, the discontinuity puts into critical focus the tremendous resource demands now on all Habitat III stakeholders to participate effectively, especially to salvage the Habitat II values that risk to be lost. If the supposed guardians of Habitat II and its commitments (UN-Habitat, ECOSOC, the UN Secretariat and UN member states) cannot show continuity and integrity of that Habitat process since 1996, then the current and future one must be doubted.

The apparent structural amnesia of what went before is closely related to the other gap wanting to be filled: As mentioned above, the PPFs succeed in presenting problems and posing solutions; however, they need a greater

emphasis on root causes and the normative aspect of remedial responses, including the applicable international norms—not least including Habitat II commitments—that already address, prohibit, seek to prevent and/or avoid many of the problems identified.

The PPFs' general silence on the existing normative framework and the needed attention to causative factors for habitat problems it's alarming, especially at this stage of the HIII process.

The assumption that urbanization is inevitable prevails and remains immune to any prospect of mitigating them, except for only their direst consequences. The PPFs conclude with apparent contentment at technical adjustments to ensure some measure of comfort for those who can afford them. The apocalyptic Habitat III Secretariat's vision of a mechanized countryside, of depopulated rural areas without peasants and devoted to the prosperity of cities, of megacities 'nurturing and embracing' all newcomers, is reflected to some extent in the PPFs.

This approach is highly ideological in nature and disposition, having the ostensible purpose of lulling dominant stakeholders into a sense of gratification with whatever they are presently doing, and encouraging an agenda for simply doing more of the same (i.e., inviting a rather cynical interpretation of “sustainability”). The preventive and remedial behavioural changes required, as well as the behavioural changes already long-ago committed (in Habitat II), are not prominent.

Issues that should define the Habitat III debate are missing, such as the reparations framework, a significant UN General Assembly clarification (A/RES/60/147) since Habitat II, the discourse on human security in its human settlement context or the essential human rights standards that specifically apply in the context of human settlements which must be a purpose and constant pillar of action in the UN Charter.

Despite the UN Charter's contractual guidance and the abundance of normative references, especially since 1996, the PPFs mostly do not take a human rights approach, and do not incorporate human rights principles, especially the indivisibility of human rights, nor the over-riding treaty-implementation requirements of gender equality, and non-discrimination. Certain PPFs claim to take a rights-based approach, but do not follow through with that assertion. Most of them are weak on gender and women's rights, but they should be a methodological standard of such products from any UN Charter-based specialized organization or Secretariat body dealing with habitat issues.

Therefore, Habitat International Coalition misses the references to the relevant norms and human rights standards, including those from the UN—as well as trends in practice—that have evolved since 1996. The wholesale omission of these aspects suggests a bias toward avoidance of the law when it is inconvenient to embedded interests. The absence of international law and related norms, in general, and Habitat II commitments, in particular, suggests something deliberately hidden, rather than something merely overlooked as unimportant. Each PPF needs a legal review to ensure universal reference to the applicable international norms and to correct some errors and misunderstandings, in some cases, and to provide appropriate emphasis in others.

The body of PPFs reveals also the need also for additional Papers on (1) population trends (growth, ageing, youth bulge) and related global and state policies (or lack thereof) and on (2) global financialization of real estate as a challenge, providing recommendations toward adequate social and political regulation of the related markets and actors and on alternatives to "free" housing, land, mortgage markets and to private property. That would complete the picture and address some of the causes and consequences behind the looming assumption that current trends are, perforce, immutable.

The needed debate over curative responses eventually will propel the importance of the Habitat III processes. This phase of Habitat III discourse should have reached that stage by now, through the rigorous deliberation that should follow and fill any gaps.

Macroeconomic policies are not mentioned at all, despite the repeated Habitat II commitment to take that factor into consideration in all related fields of policy, housing affordability, finance, land tenure, et al. This forms one more example where the abandonment of the Habitat II commitments has weakened the PPFs and the Habitat III discourse, in general.

As a whole, the PPFs do not justify narrowing the subject of habitat to only an “urban” agenda, despite several comments about urban-rural linkages. The concepts and ideas listed in the PPFs make a strong conceptual

case for restoring the “Habitat” Agenda and dropping the divisive, inadequate and lopsided messaging of a development agenda only for spaces yet undefined as “urban.” The evidence does not support the presumptive conclusion that we all are facing the need for an “urban agenda,” at the ideological expense of other values, communities, contexts, human practice and planning-and-governance wisdom.

It would be useful also to include a contextualizing introduction that stresses the Habitat II commitments and assesses their implementation, laying out a path for strengthening, actually implementing, developing and updating—instead of omitting/ignoring/diluting—them, something that Habitat International Coalition, hand in hand with its Members, Friends and allies, have been hammering since the early Habitat III preparations.

## **B. Policy Paper Framework:**

### **1. The Right to the City and Cities for All**

#### **General Suggestions**

The PPF would benefit from the more-ordered expression of the Right to the City reflected in the literature and the Global Charter.

The introduction should read: “The current urban-development model has **proved** to fail in granting **all** urban dwellers a good life.” The current construction of that sentence overstates the problem as too categorical and may repel potential supporters of the R2C thesis.

The issue is more than a failure of the “urban” development model. Failed urban development is not divorced from failed development, in general. The PPF begins by upholding the ideological “urban” mantra attributed to UN-Habitat, which narrows and dismantles the habitat concept and Habitat Agenda. The standing commitments and future challenges are not sufficiently represented only by “urban development” of an “urban agenda.”

If Habitat III were, in fact, to be a third iteration of the UN process begun in 1976, then it would be entitled “Third UN Conference on Human Settlements” and affirm the concept of *habitat*:

“regional and cross-sectoral approach to human settlements planning, which places emphasis on rural/urban linkages and treats villages and cities as two ends [points] of a human settlements continuum in a common ecosystem” (H2, para. 104).

However, the branding has deviated from that broader concept. In fact, this input is consistent with the proposed **First** United Nations Conference on Urban Development. No previous UN Habitat conference was so narrow in title and scope.

By following—even reinforcing—the narrower call to an “urban agenda,” the PPF does not accomplish the needed contextualization with the 40-year legacy of the Habitat Agenda, but discards the Habitat Agenda with its commitments to human rights, in general, and the progressive realization of the human right to adequate housing (as provided in international instruments), in particular.

The PPF would benefit from the recognition of Habitat Agenda commitments that already support its right-to-the-city claims and operational principles. Rather, it seems quite unwise, tactically speaking, to repeat the message that this is a “new urban paradigm.”

The PPF1 makes reference to human rights, but does not specify which codified human rights constitute the right to the city. The PPF does not break them down, and omits to mention the corresponding or obligations (and instruments) existing in the field and applicable to all spheres of government.

For example, with reference to water, the PPF cites only some features of the human right to water. When speaking of evictions, it refers to the need to implement laws but does not acknowledge the legal conditions on evictions to avoid “forced eviction,” formally recognized as a gross violation of human rights since before Habitat II.

Applying the human rights norms and methodology is very relevant, especially considering also that human rights cannot be left to interpretation as being subject to “property rights.” The human rights comprising the right to the city cannot be subject to discrimination on the basis of tenure status. The human right to water also

touches people living in informal settlements called or adequate relocation also touches people who do not have a title.

How “new” can a 60-year-old and much-debated paradigm be in 2015? The R2C theory and, in fact, the practice should be conveyed as quite well developed and, thus, should be liberated from the ranks of a still-insurgent concept seeking to establish itself anew in 2016. What would be new, however, is to have its normative content recognized in a global policy outcome document.

There is much talk of the right to the city and some of its components, but not very explicitly about the important elements of social production of habitat or the right to land, or at least the human rights dimensions of land and land use as it relates to the priority of serving the poor and marginalized people and communities.

It retains the impression that the right to the city is a narrowly defined territorial right that excludes peasants, territorial or rural communities and indigenous people.

Indeed, as the PPF states, the “important premise of the New Urban Agenda is to understand the City...”—but only the city, no longer human settlements as such and their common ecosystem as provided in the concept of habitat and its sustainable development. Nonetheless, the PPF tries to reconcile the resulting contradiction by stating that “It includes the urban space as well as the rural or semi-rural surroundings that form part of its territory.” However, neither the logic or slogan of the “urban agenda” nor the “right to the city” actually accomplish that embracing conclusion. In fact, the very expressions of “the rural or semi-rural surroundings” as forming “part of *its* territory” or “the cities and *their* hinterlands” (emphasis added) affirm another kind of “urban-development” hegemony: that of the city over all the rest, including vast productive resources and at least half of humanity where cities dispose of their waste.

The “right to the city” must relate to, and be expressed within the habitat concept and the “metabolism” that prevails in actual human settlements in their context. Positing a “right to the city” outside of its wider human settlements and environmental context is likewise doomed to the same failure as present-day “hegemonic” urbanization that the drafters seem so unhappy about.

A more more-inclusive territorial scope of R2C principles is needed, which emerges, once again, as a perennial challenge to the R2C concept and slogan. In actual practice, the energy, labour, transport and food-system functions of any city affirm the need for a wider scope (and slogan). The constituent human rights—both existing and newly claimed—and operational principles of R2C should not stop at the city limits, as the current expression implies. (See the need to acknowledge other kindred concepts and terms under “Priorities” below).

In fact, omitting or rejecting a more-inclusive understanding and, thus, failing to express the “right to the city” as a component of the “human rights habitat” promise further to enable the dismantling and diminution of the current Habitat Agenda. Those omissions invite the additional harm that comes from artificially segregating/segmenting the wider social movements, rather than harmonize urban, rural and indigenous partners by variously calling for the operationalization of the human rights purpose that the UN Charter enshrines to guide this UN process. The PU needs to correct these (perhaps unintended) flaws to avoid the resulting harm to long-sought convergence and solidarity among social movements (WSF 2009).

The Policy Paper appears to have swallowed the bait of the UN-Habitat-proposed “urban agenda,” shedding the values, commitments, accountability and more-inclusive nature of the Habitat Agenda. The PPF1 is an ideological document that appears to seek, but not achieve a human rights claim. Like the very earliest drafts of the Charter on the Right to the City, the PPF does not identify (1) the human rights that underpin it, (2) the overriding principles of implementation or the corresponding obligations of states, central and local spheres of government, or (3) their sources in current international law. It also does not assert the claims to “emerging” rights, as the 2005 version of the Global Charter ultimately achieved, but identifying them as such (e.g., newly claimed “rights” to public transport, energy and land). With these omissions, the PU squanders a unique, didactic opportunity.

The PPF is true to the “core components of this new urban paradigm” (p. 3). The PPF is silent on the core R2C principle of the inclusion of minorities—sexual, linguistic, faith-identified, indigenous—but mentions minorities only in the context of minority privilege; i.e., uneven spatial development produces a situation in which the minority of more affluent people enjoys the benefits of urban life (Urban Spatial Strategies, p. 5). The examples

of groups to be integrated without discrimination (para. 2 under 3. The Right to the City as a Heart of the New Urban Agenda, p. 3) should be expanded to include these omitted others.

The paper needs corrections of an English-language editor. The paper includes wholly invented words that may raise more questions than they clarify; e.g., “plus value” (literally translated from the Spanish *plusvalía*), “recreative” (instead of recreational).

The term “solvent demand” may be misplaced. “Solvent demand” (Fr: “*demande solvable*”) has been defined as revenue/income formed and its actual expenditure on consumption and investment goods. Is this the meaning intended? (See 1.2, p. 7.)

The three references to “social production” (of space, housing and habitat) may need definition here. Although these are not new terms to the Habitat Debate, they are new to a Habitat Process outcome document. We offer: “all nonmarket processes carried out under inhabitants’ initiative, management and control that generate and/or improve adequate living spaces, housing and other elements of physical and social development, preferably without—and often despite—impediments posed by the State or other formal structure or authority.”

Social production is a fact, but the demand and corresponding recommendation should be for “state-supported social production of habitat” by providing urban planning, land adjustment, tenure security, subsidies and other services.

On a more-methodological note, we believe that cross referencing to other, similar Policy Papers would strengthen approaches and proposed points. It might be worth numbering several points that are included in a larger point (1.1.1, etc.) for easy reading/reference. Some issues are mentioned almost as telegraphic titles, and others developed more. It is unclear why such imbalance.

## **A. Key messages**

### **Main concepts**

1. The Recognition of the Link **among** Human Rights, Social Inclusion and Participatory Democracy with the Territory in the New Urban Agenda (p. 3).

The PPF could mention that the current model of urban development has made cities grow at the expense of the countryside, which has reduced (access to) natural resources and often made the countryside the dumping ground for urban waste.

Maybe you could add a sentence to the effect that the promotion, respect and full realization of the right to the city would require profound changes in the institutional framework (and in the training of professionals and technicians!) and, at the same time, depend on their ability and capacity to advance an integrated and territorial approach to policies and programs.

## **2. Understanding the City and Citizenship in the New Habitat Agenda**

When we speak about citizenship, an effort should be made to extend the conceptualization of citizenship beyond the traditional basis of nationality status, beyond the usual emphasis on migrant labour. It would be better not to limit or exclude forced migrants, understood as displaced persons, but address every type of migrant. When you are speaking of priority to certain groups, we should mention the indigenous people.

### **1.1. Urban Form - right to Access the benefits of the city life**

See discussion below on the gratuitous insertion of “access” without the other attributes of a right.

It is said that people of different socioeconomic status is distributed in different neighborhoods “through private market mechanisms” (second paragraph on p. 6). We understand that, in many cases, it is rather a combination thereof with the effect (direct or indirect, intended or not intended, wanted or unwanted) of policies and programs, in particular, but not only public housing and habitat policies and programs.

A couple of lines down, the PPF notes that it is critical to pursue “the social mix approach.” We believe that we must be careful with this. In any case, we suggest to refine the criticism and emphasize its positive aspects and say where it worked.

In point not just talk about the evictions of women but specify it but leave it wider and refer to respect for human rights standards in the matter and, if you could put in a note of [General Comment No. 7](#) and "[UN Principles and Guidelines on Development-based Evictions and Displacement](#)."

## **1.2 Social function of land and housing – right to habitat (p. 7)**

The human right to habitat is very much the broader concept within which R2C resides. However, the social function of land and housing is only one aspect, and not entirely equivalent to a "right to habitat" or "human rights habitat." If the authors intend to assert a right to habitat (human rights habitat), that may need explanation.

The paper should clarify the rights of the poor to access serviced land and affordable adequate housing in the cities. Without this explanation, the social function of the city (or land, housing) is not clear.

## **1.3 Essential basic services (p. 7)**

The diagnosis and focus on better infrastructure in big cities is fine. However, we must recognize that one can also suffer shortage whereas, sometimes, the presence of infrastructure does not always equal a service. (Having pipes does not always mean having water according to human rights standards, and even having water at all, if not of good quality and appropriate amount. The PPF should cite the [source of the norm](#) in which basic services are defined as a component of the human right to adequate housing. We should mention again the issue of privatization and the obligations of the state to regulate services so that third parties do not bring about a regression in the enjoyment of basic services as a component of the human right to adequate housing and right to water (see CESCR, [General Comment No. 15](#), paras. 43 and 44).

## **1.4. Public space – right to public space as a component of the urban commons (p. 7–8)**

Should incorporate the demand for public spaces public assembly and specifically dedicated for direct participation through organized cultural participation and popular debate and expression of needs and development objectives.

## **1.5 Mobility and accessibility**

There is talk of the need to increase private/public alternatives. This should include the call to invest also in social/community partnerships, hence public/popular partnerships (PPPs), as well as public/private/popular partnerships (PPPPs).

Regarding the last bullet point on women, what is said about participation in the design, development and maintenance of public spaces and housing for older persons. However, in the subject of mobility, all vulnerable categories need efficient and affordable transport that meets their needs and is safe from violence.

## **2.1 Mainstream local governance in sustainable urban development**

We are not sure that if we speak of "meaningful participation," in English, it is well understood to mean direct democracy that involves people participating in decisions about the city, or only through their representatives or councils etc., or if the participation is only consultative. What we would say is that we want a substantive participation (informed and with a voice and vote) in making decisions that affect the lives of people and communities.

Besides talking about "stakeholders" could mention the importance of the involvement of the various types of institutions in society (civic, academic, professional associations, unions, churches, etc.) to enable public debate and consensus building, which requires a democratic local government (not just local authorities).

## **2.2 Governance models and structures**

The PPF is written in the language of "claims," but does not acknowledge already-developed norms and instruments related to the right to the city (and human rights in the city, human rights cities, etc.), including those commitments of Habitat II compatible with the right to the city and its cohorts.

This section overlooks one of the principal prerequisites for operationalizing the right to the city: the legislative and constitutional framework of the state. This, along with a mobilized populous, is cannot be assumed to exist in many human settlements and their jurisdictions, including cities.

Regarding barriers, tend to "top-down governance" is mentioned. One could speak more explicitly of technocratic approaches and business-type "management" to local government that are unresponsive to the challenges of



democratic and participatory management of public affairs. On the next line, in addition to structures and spaces, missing also is the needed mention of the lack of support and resources needed to enable effective participation of different sectors and actors.

### **2.3 Participation and capacity building for urban actors**

The PPF speaks of "enabling the private sector, collective participation for benefit": The meaning of this phrase is not entirely clear and, in any case, echoes the recommendations of the World Bank published its famous early 1990s on housing ("Enabling markets to work") - and everyone knows the disastrous consequences of that. The tone and content of the PPF should rather reflect the objective that public bodies promote / guide / regulate from the principles of the right to the city.

### **2.4. Transparency and accountability in urban development processes (p. 10)**

Also citizens generally lack mechanisms through which to vet projects that affect the environment, human rights etc., or enforce binding public consultations in the process of urban development.

### **3.1 Urban livelihoods (p. 10–11)**

The PPF speaks of "Lack of government support for the local construction elements production with quality standards by trained population," but perhaps you could talk about broader social production of habitat and way of support should receive.

Overall, we believe it would be worth highlighting the lack of linkage between economic development policies and habitat/housing, despite commitments of Habitat II to ensure just macroeconomic approaches in implementing the Habitat Agenda (H2, paras. 40a, 62, 65, 67b, 115, 186d, 189b and 201b).

### **3.2 Growth versus equity and well-being (pp. 11–12)**

It is unclear what is meant by "de-linking of economic activities and territory."

The next line cites a "lack of acknowledgment of the potential of the solidarity economy and non-financial initiatives." It should be noted also that, in many cases, solidarity economy rather suffers increasing obstacles and often a direct attack (the legal framework that weakens more than protects, the same rules are imposed as to for-profit companies, support for cooperatives has declined; solidarity economy is criminalized, persecuted, displaced, repressed...).

A point below could be added "to measure and take care of ..." well-being.

### **3.3 De-commodification of space**

In "social production of space" is a bit strange. It probably should be the more-habitual term: "social production of housing and habitat."

Besides privatization, we are experiencing also a growing "securitization" of public space -more police / military, more cameras, more bans / restrictions on what can be done (such as changes in legislation in Barcelona during previous governments to give just one example). New York became known for a policy of "zero tolerance," which New York's mayor has been promoting for several cities worldwide, including for Mexico City). This is particularly serious because of its many implications for the right to the city, especially in the context of broader policies related to national security called "war on drugs" and "fight against terrorism."

It could be noted that, in many cases, the implementation / enforcement of megaprojects destroys means of subsistence and ways of life, thereby generating more poverty.

### **4.1 Welfare and well-being**

Challenges include not only erosion of the "urban commons," but also erosion of "livelihoods" (means and ways of life).

The third bullet point below should read "tackling social inequality and *injustice*."

### **5.2 Water management and waste management**

Respect all the characteristics of the human right to water and sanitation, which are often not a reality in the cities, not only related to the quality of the environment. Let it be said that human rights (in this case the water

and sanitation) cannot be subject to property rights. Services should also reach homeowners or people living in informal settlements. (International human rights law guarantees everyone, and creates a state obligation to provide water intakes close to their homes.)

### **5.3 Climate change, disaster and risk management and protection of risk areas**

It must be stressed that urban resilience levels can always build at the country level (in addition to the international level) by seeking to resolve the underlying problems that cause climate risks, including inappropriate development.

The relocation of people living in disaster areas has to be done in accordance with human rights standards in the field and not conceal other interests; e.g., removing people -and destroying/usurping their means of subsistence and ways of life-for economic objectives disguised as concern for their safety. (See [Guidelines](#) mentioned above.)

### **5.4 Energy consumption**

Implement subsidies that encourage the use of alternative energy in housing, the built environment and equipment.

### **5.5 Construction impact**

Rather than "natural resources using" we believe that we should speak of the use of local materials.

### **5.6 Protection of ecosystems and biodiversity**

The PPF advises to safeguard agricultural areas. It should specify that right to the city principles for the New Habitat Agenda should ensure food security and sovereignty of the country and, to the extent possible, the city-region, as well as stimulate direct links between consumers-producers.

We should also mention the obligation to perform impact assessments and to respect the precautionary principle, etc., consistent with environmental law.

## **2. Priorities:**

### **1.1 Urban form – right to access the benefits of city life**

When speaking of limiting mega-events, the PPF should say also that, if carried out, they will have to respect human rights standards, in with regard to the prohibitions against eviction.

When talking about densification, one must remember that requires that the poor have the ability to access central and serviced plots in order to build for densification. Their inability to access such land should not be used an excuse to keep the poor away from the city, but for the need to recognize their (right to) land use.

### **1.2 Urban planning and practice – right to participatory and inclusionary urban planning**

The paper here should clarify that, in addition to accessible public transport, it has to be "affordable" in the sense of being fair and adequate relative to people's income.

The New Habitat Agenda should insist on substantive social participation (informed, with full voting) in decision making on urban and regional planning (and not in " training processes").

### **1.3 Social function of land and housing – right to habitat**

Here is may be necessary to refer, once again, to the need for the poor to access central and serviced housing plots.

Speaking of evictions (there are 3 references at this point), once again it is necessary to cite the human rights standards in the field, including their references in the Habitat II Agenda, as well as norms developed since 1996. This should include reference to the obligation to align legal and judicial systems in each country according to the human rights treaty obligations relevant to the prohibitions against forced evictions.

These require safeguards, including:

- (a) an opportunity for genuine consultation with those affected;
- (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;

- (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;
- (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction;
- (e) all persons carrying out the eviction to be properly identified;
- (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise;
- (g) provision of legal remedies;
- (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts;
- (i) Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available; and
- (j) reparations for victims of forced evictions.

When speaking of the examples whereby a population that seeks to address housing needs of the poor by referring to the social production of habitat, including the numerous commitments made at Habitat II to support community-based and self-help initiatives by all of the necessary legal, administrative, technical, financial, training and promotion instruments.

The treatment of “social function of land and housing” may be abstract for some, way too obvious for others. More important to assert than the social function of the inanimate object (property) is the *social duty* that applies to *the holder* of land and housing. The PPF should make that clear to all audiences

The “right to adequate housing” is mentioned three times: in the second and 18<sup>th</sup> bullets under “**1.3 Social function of land and housing – right to habitat**,” and with the third bullet under “2.1 Mainstream local governance in sustainable urban development.” It is a small but important distinction to refer to such rights as “human rights.” Otherwise, a claim only to a “right to housing” could be construed as a property right only.

#### **1.4 Public space – right to public space as a component of the urban commons (p. 21)**

This includes examples of abstractions such as “To recognize public space as an expression of social and cultural collective participation and use.” Perhaps a fragment is missing here; however, perhaps what is meant is that public space *is a locus* for social and cultural collective participation and use.

It is worthwhile to highlight the political and pedagogical dimension of public space.

#### **1.5 Violence and segregation – right to a safe and secure living environment**

On the last bullet point, add the “unequal economic and urban development” as what generates exclusion and marginalization resulting in violence.

#### **1.7 Right to access essential basic services and infrastructure (p. 23)**

This is redundant following 1.3 above.

Again the PPF should use the terminology of the human right to water and sanitation to specify what types of services should be prioritized.

When speaking of ensuring the proximity of communities to services, it should be mentioned also that this should happen to the settlements called “irregular.”

The right to basic services is (1) a constituent element of the human right to adequate housing ([General Comment No. 4](#)) and (2) not limited to access only, but involved other criteria: availability, acceptability, quality, affordability and other elements as defined in human rights law.

Revise wording of the last sentence because it is confusing. It should not be presumed that “urban development,” as such, is not the singular cause or solution to social ills and marginalization. Neither “urbanization” nor “urban development” are the panacea to a multidimensional challenge that involves all facets of development, in

general, of which the habitat is an important part. Education, employment, ethical upbringing, the exercise of citizenship, empathy, social responsibility, other environmental factors all affect the human condition. Urban development is neither a coherent ideology, comprehensive religion, nor a messianic development.

### **1.8 Cultural practice, identity and heritage (p. 23)**

The human rights method is lacking in this assertion. By not grounding the claim in existing norms, it becomes vulnerable to contestation.

Forced evictions are mentioned several times with the objective to “stop,” “protect from,” and “find alternatives to” the practice. These references should go further to call for universal criminalization of the practice as a “[gross violation of human rights, in particular the human right to adequate housing](#)” and the entitlement of [reparations](#) for victims of the crime.

The text refers liberally to presumed rights: to safety and security, to access the benefits of city life, to participatory and inclusionary urban planning, to habitat, right to a safe and secure living environment, to mobility and accessibility, to access essential basic services and infrastructure, to dignity and equality of all persons. In fact, some of these are codified human rights, some are not. In all cases, the assertion of such rights should (1) apply the proper formulation as “human rights,” which appears to be what is meant, (2) identify the sources in law that argue for those claimed rights that are not actual codified rights and (3) distinguish between human rights and over-riding principles. (E.g., “dignity” and “equality” are not rights, but inherent qualities of each person at birth, according to UDHR. The corresponding rights derive from that human quality, such as the right to nondiscrimination, fair trial, etc.)

### **2.1 Mainstream local governance in sustainable urban development**

This section is repetitive.

When talking of what would be achieved by including the right to the city as a “new urban paradigm,” it is also useful to refer to the respectful and sustainable relationship—indeed metabolism—shared with rural areas, which must be defended and not subject to urban growth or abandonment as the only scenarios.

When you are speaking of the right to mention not only the city, but the constituent human rights to housing, to land and, by extension, the social production of habitat, etc.

### **2.3 Participation and capacity building for urban actors**

Insist on forms of participation that are with voice and vote, and binding.

### **3.3 De-commodification of space**

Here the PPF speaks of access to land for all LA but under the concept of land market; best not to link the land to the market (remove the word).

At the fourth bullet point, “Integrate the informal sector into mainstream urban planning systems by including the voice of informal workers in all phases of urban planning” probably intends to include “informal residents.”

In the examples of non-speculative housing models, also refer to the social production of habitat/housing.

### **4.1 Welfare and well-being**

When referring to access to social services saying “according to human rights standards” (ICESCR, Article 9 and [General Comment No. 19](#)).

### **5.1 Air quality and noise pollution**

Insist on the polluter-pays principle, but not a system by which wealthy polluters pay for a privilege to poison the environment.

### **5.2 Water management and waste management**

When it comes to protecting water resources reference should be made "for present and future generations." This may relate to the principle of intergenerational equity in the environment, but may be preferable to refer to it explicitly.

Industries and mines should ensure far more than what is mentioned here. Also, corporate responsibility does not absolve the state's permanent obligation to protect human rights against third parties, as established in the treaties on human rights and in many national laws.

The differentiated rates should be based not only consumption, but also the income of the responsible persons/entities.

## **B. Challenges:**

Perhaps the PPF should identify challenges, including structural and policy constraints: patriarchy, cronyism, false rural-urban dichotomy, authoritarianism, etc.

The PPF neglects to include the core lessons learned in trying to export and market R2C: the inadequate treatment of the problem of the R2C's limited territorial scope, perception of urban chauvinism, the essential requirements of a compatible constitutional and legal framework, and the corresponding functionality of bona-fide local government (not just "local authorities"). These should include some "R2C indicators."

## **Summary**

The "local government" deficit needs to be discussed, including the distinction between local government and local authorities.

Good practices such as participatory budgeting, human rights cities, participation of migrants, et al could be included as lessons learned since Habitat II.

**3.1. Urban livelihoods:** Misses the opportunity to incorporate the lessons of GPR2C in the need to incorporate informality into the R2C concept, including informal livelihoods and social production; e.g., through a claim to "state-supported SPH" or recognizing and legitimizing informal innovation. However, it does recommend to acknowledge and foster "the solidarity economy" and "other economics." However, the PPF does mention "the right to socially produce the habitat and the city" (3. The Right to the City as a Heart of the New Urban Agenda, p. 3) and "socially produced, community-led housing projects" (1.2 Social function of land and housing – right to habitat, p.7).

**3.2 Growth versus well-being:** Does not include the analogous criterion of "equitable distribution" as the measure of economic performance.

Section 4. "Public space – right to public space as a component of the urban commons" defines the content of this claim as:

- Access to public commons, concern for the potential privatization of public space through municipal agreements that generate income;
- Social and cultural expression of public space;
- Role of public space in inclusion and equity;
- Access to public spaces must promote a more wide [sic] definition that include from recreative [sic] to economic activities. Governments must also guarantee access and security for women and children.

In the PPF1 section on "Decommodification of space," the authors point out the failure "to recognize the urban commons as a fundamental component of the quality of life" and a "lack of recognition, understanding and valuation of popular investment in the urban commons." Meanwhile, challenges to Welfare and well-being include "erosion of the urban commons." It also recommends to "prevent marketization of the urban commons and the commodification of public goods."

Concerning the "social function of land and housing – right to habitat," PPF1 calls for Habitat III "to recognize the social function of property and the urban commons, for housing, employment and other urban activities," and "to promote instruments, in order to correct, provide incentives and enforce the social function of land and the urban commons."

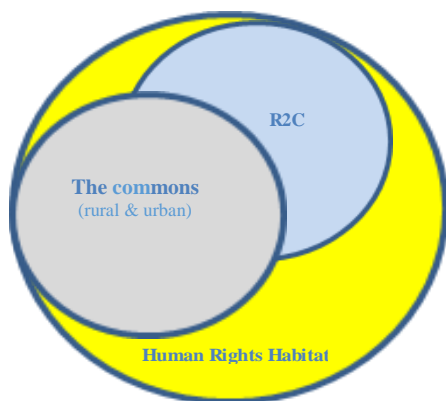
PPF2 on “Social-cultural urban framework” also issues a *key message* calling for “increased attention for the ‘commons,’ preservation of cultural heritage, among other elements.”

Perhaps PPF1 could expand the concept of the commons by identifying the intersection of the following themes:

- Conceiving the commons (the concept and working definition)
- Mapping the commons
- The commons and democratic innovation
- The collaborative sharing economy as the basis for a commons-based economy
- Social innovation as the basis for a commons-based welfare
- Designing and governing the city as a commons

This exercise would pose an opportunity also to identify the requisites for realizing the two approaches (indicators), including the need for (1) an organized, strategic and goal-oriented movement (social movement) to advance the ideas and (2) a compatible constitutional and legislative framework that enables local autonomy in democratic management of human settlements within the territorial state.

It may be necessary to attribute the exercise of R2C and the commons to the existing and constantly binding human rights obligations of the state, including the link to codified rights to livelihood, adequate housing, decent work, food, participation in culture, etc. The Policy Paper might also define how to conceptualize the relationship between R2C and commons. For example, is the relationship concentric with habitat and intersecting/overlapping the right to the city; e.g.:



or another conceptualization.

### **Key challenges**

**5.3 Climate change, disaster and risk management and protection of risk areas** (p. 16) This section speaks of climate change and the need for resilience, but fails to mention that great efforts are needed to address root causes. The mention of resilience seems only to be in the case of environmental events, while many other causes create the need for resilience in human settlements, including for rebounding from human-made disasters, conflicts, development-based displacements, intermittent and protracted crises, failed and fragile states, occupation, et al. In all of these cases, the pursuit of resilience must be coupled with the pursuit of accountability for such causes, where applicable. (See HIComments on PPF8.)

The PPF does not address any challenges such as local governance of authorities that do not qualify as local government. (See [distinction](#).)

It gives no attention to the international treaty and peremptory norm-based obligations of (1) central governments or (2) local authorities to uphold the bundle of human rights and, therefore, R2C.

### **Priorities**

The PPF1 contribution to Habitat III must acknowledge the analogous movements, their concepts and names and terminology: human rights city, human rights in the city, human rights habitat, the rights *of* the city, urban rights, right to the built environment (*al-haq fi al-`umrān*), etc.

It must restore the human rights methodology to the argument and incorporate/demonstrate the learning on the subject since Habitat II (1996) and the Global Charter (2005).

It is essential to identify the requisite criteria (indicators) for realizing R2C (see Challenges above, discussing legal and constitutional frameworks and mobilized civil society and social movements to drive, advocate, implement and monitor R2C).

## 2. Socio-Cultural Urban Framework

### General Suggestions

- Take a human rights approach and include the applicable international norms (ICESCR, CEDAW, ICCPR, etc.) and reference to the SDGs;
- Follow up of Habitat II commitments;
- Pay special attention to the needs of children, youth, aged, women, people with disabilities and person living in poverty and exclusion;
- Children and youth develop themselves as human beings in cities, there they build their capacities, relationships, emotions and livelihoods. The challenge is to build a city where youth could have a full and decent life.

### A. Key messages

0. To adopt a human rights and democratic governance approach, in particular the right to the city approach, understood as the right to habitat that facilitates a network of social relations, the right to social cohesion and the collective construction of the city, the right to live with dignity in the city, the right to co-existence, the right to influence and participate in the municipal government's decision making processes and the right to equal rights.

1. To put the human being at the core of development, as an active participant and beneficiary of the right to development.

2. To promote social justice, the inclusion of disadvantaged groups, with special mention to the needs and priorities of women, minorities, children, youth, people with disabilities, aged persons and persons living in poverty and exclusion.

**B. Challenges:** Identify challenges, including structural and policy constraints

### Summary

- How to ensure the exercise of full citizenship, namely the realization of all human rights to ensure the collective well-being of inhabitants and the social production and management of their habitat.
- How to ensure the right to development, to participate, contribute and enjoy economic, social and cultural development in which all human rights can be fully realized.
- How to ensure the social function of—and human right to—land and property as a policy principle, with the collective good prevailing over individual property rights, including a socially just and environmentally sustainable use of urban space.

### Key challenges

- Build a city where youth, children and women could have a full and decent life.
- Pay special attention to root causes of habitat problems: exclusion, inequity, gentrification, evictions, homelessness, insecure of tenure and segregation.
- Ensure the realization of human rights and the full exercise of citizenship.

- Work on the concept of "solidarity" to face racism and inequalities.
- Public space: the cities should provide free public-community infrastructures and equipments to social movements, organisations or projects to develop their activities and promote cultural and social events.

### **Priorities**

- Human rights and democratic governance approaches.
- Social function of land, city and property.
- The effective participation of youth, in political, economic and social life; develop and enhance effective skills and provide education and training to prepare youth for current and future decision-making roles and sustainable livelihoods in human settlements management and development; development and support of strategies and mechanisms that encourage open and inclusive dialogue with special attention to youth needs and priorities.
- The need for urban renewal and development planning and law, paying special attention to the needs of people with disabilities and aged people securing their social integration and taking into account their functional capacities in order to provide them with a better living environment.
- Ensure that, in practice, men and women enjoy their economic, social and cultural rights on a basis of equality. Promote equal representation of men and women in public offices and decision making bodies; promote equal participation of men and women in development planning, decision making and in the benefits of development and all programs related to the realization of economic, social and cultural rights.
- Add bad effects of massive tourism in some cities (prices, gentrification, policies for tourists instead for inhabitants, loss of local culture...).
- Include the affordability of public transport to make easier the movement of people.
- Related to safety, debate the role of the police and security forces in some neighbourhoods.
- Related to the participation and engagement of civil society in policies, try to foster bottom-up participation instead of top-down proposals. Promote spaces of participation and recognise and respect spaces already created.

## **3. National Urban Policies**

### **General comments:**

1. This paper includes no mention of the Habitat II commitments nor the international/UN human rights mandatory framework and instruments; nor does it include any reference to the other Policy Papers (some others have).
2. On the other hand, it's the only paper that actually includes a revision on some key recommendations arising from most of the Issue Papers (except #4 on Urban Culture & Heritage, #8 on Urban & Spatial Planning and Design, #13 on Jobs and Livelihoods, #16 on Urban Ecosystems & Resource Management, #17 on Cities and Climate Change and #22 on Informal Settlements - why?) and their linkages with the NUPs - particular emphasis is on Issue Papers 5, 6 and 7 because they "were highlighted by the Habitat III Secretariat as being particularly pertinent for Policy Unit 3" This also raises very serious questions about the relationship between PU and the HIII Secretariat - what is their level of autonomy? How are they going to treat the outcome of their work. It includes some important issues/criteria: recognition of informality, rural-urban continuum, cross-sectorial planning, coordination among different levels (should be replaced by "spheres") of governments, partnership and collaboration with communities, "national governments must engage with the real needs, aspirations and agendas of people in particular places", etc.; but these are mixed with many others related to a much more technocratic approach -- it even mentions the need of a "strong technocratic/expert component" Totally missing is the need of Land Policy as a key component of any NUP.

### **Challenges and Priorities**



1. Once again, no analysis (or even mention!) of the root causes of the urbanization process, but the repetition of the well-known mantra about "its potential to increase prosperity, productivity, and well-being" and a very simplistic accusatory line of the "narrow view" that sees it "mainly as a source of problems". That is particularly shocking and in fact counterproductive to the approach and contents of this paper, that makes a strong point for the need of NUPs. If urbanization is presented as a kind of inevitable natural force or supra-human trend to which we simply need to conform and adapt to, then there is/will be very little room for human/rational control over it, so what would be the point in developing a NUP?!
2. When identifying disagreements/controversies (a.2) the paper makes a strong point for the need of NUPs as "a crucial ingredient for building cities that are sustainable, productive, liveable and inclusive," as a result of "balancing top-down and bottom-up elements", including the "right (!?) stakeholders together (government and non-government) as well as the right (!?) expertise"; long-term vision but at the same time needs to be flexible to change/adapt (mid-term goals and action oriented policy); paying attention to the delicate tension between identifying priorities and integrating/aligning policies across sectors/levels.
3. It also stresses the need to understand the scope of NUP not only as physical urban planning but to see other policies that have huge implications for cities "through an 'urban lens'" - this is certainly fundamental and will make more evident the need for a territorial and integral approach. It is also related to the "need to undertake institutional and policy mapping" in order to provide greater coherence (many OECD countries have 8 ministries, national-level departments or agencies with urban policy functions).
4. Although it's obvious for most of the actors/sectors, it's certainly positive the understanding of the NUP as a "process" and not just as a "product"; and, at the same time as "both a technical and a political process" - but the latter should so first (also for obvious reasons). The papers highlights more than once that, in order "to have legitimacy and to be implemented successfully, a large number of public and private actors at all levels should be involved in the design, implementation, and M&E of a NUP and must believe that the policy process is open, fair and transparent." Several mentions are also included about the need to articulate subnational and local governments (responsibilities/powers/resources).
5. This paper make a strong connection between the NUP and the SDGs: "NUP can serve as key instrument to achieve SDGs, in particular SDG 11 on Cities, SDG 6 on Sanitation, and SDG 8 on Economic Development". Further on (under the "priorities" section) the connection between the two is stronger: "NUPs constitute an important part of any serious attempt to implement the SDGs, not merely SDG 11... Most of the SDGs have evident urban" (by the way, not just urban but territorial) "dimensions and cannot be realised without addressing what happens in cities" (b.1, pp.17–18). The paper includes a useful although limited list of key themes/issues linked to NUP in every SDG (d.1, p.14).
6. The short list of possible indicators or key criteria for a NUP includes the more or less classic mentions to land-use efficiency, effective urban governance systems, productivity and connectivity... but no mention to any human rights and other previous commitments (Habitat Agenda) - i.e. need to track land redistribution/access/security of tenure, evictions, vacant/empty plots/buildings, recognize and support SPH, measure the negative impacts of "development", etc.
7. It also stresses the need of a "strong communication strategy" and an "inclusive dialogue aiming to establish a consensus" - but that is presented in a very limited way to "introduce the process and invite all to be involved" without mention of other relevant criteria/conditions for substantive participation in the decision-making process and the need for a permanent/institutionalized space - clear rules, aiming to provide equal opportunities to different actors, etc.
8. It certainly surprising that the reader needs to wait until p.18 to actually know that "Improved quality of life is the ultimate aim" of any NUP - there is no mention to "human dignity" or human rights. Equally shocking, under the list of key priorities: "promoting equitable opportunity in cities, addressing urban poverty, segregation and inequality" is #4; "considering safe and security" #7; "supporting cities' actions for environmental sustainability" is #8 out of 10 - while "structuring the urban systems and the connectivity among cities" and "facilitating urban policies and governance at a metropolitan scale" came first on the list. Important recognition of rural-urban continuum but kind of repeated and disconnected in #3 and #5.
9. It includes a List of targets (p. 21) related to the number of countries developing/implementing/monitoring NUP by 2020, 2025 and 2030 but no mention to the must-have contents and methodology --including

stakeholder participation mechanisms in the process of developing a NUP; it should also qualify that participation and add it to the implementation and monitoring processes as well.

## Implementation

### b.1 Financial resources

Mention of "mechanism of value capture and sharing" without any further details.

No recognition of people's and communities' contributions to the actual/potential implementation of urban policies and plans - Again, promotion of "improved PPPs" without mention of social actors.

### c.2 Monitoring mechanisms

"Outcome monitoring *may* be linked to SDG's reporting system" - should?!

"In this context, stakeholders *can* play an important role in monitoring the impact of a NUP" - should!

## 4. Urban Governance, Capacity and Institutional Development

### General Suggestions

Habitat II enshrined eight principles of governance and committed states and their governments to at least 107 specific actions to achieve and sustain good habitat governance.

For the Habitat III process and outcomes to be credible, it is indispensable to assess implementation of the commitments of Habitat II in the region, as promised in Habitat Agenda "G. Assessing Progress." In essence, the Habitat II achievements were: (1) an affirmation of the centrality of human rights, in particular the progressive realization of the human right to adequate housing (as provided in international instruments) in human settlements and (2) recognition of the principles of good governance in balanced rural and urban development. Those two pillars of the Habitat II Agenda are reflected in the Istanbul Declaration and Habitat II Agenda. Other detailed commitments demonstrate the continuity and integrity of 1st UN Habitat Forum (Vancouver, 1976) and Habitat II (Istanbul, 1996).

These principles also included specific categories such as Indigenous people, woman, marginalized groups, and small farmers, among others that should be the priority of any plan of action.

Additionally, institutions should aim at increasing the awareness on the importance of good governance through the promotion of policy dialogue and information exchange, promoting the capacity building of all governance actors ensuring that they play a significant role in maintaining the sustainable urban development and reducing urban poverty.

### A. Key messages

#### Suggestions (Important issues missing):

Page 1: **3. Holistic approach:** Local government is the best *sphere* of government to ensure cross-sectoral integration. N.B.: the term "sphere" and not "tier" or "layer," is helpful. That subtle usage connotes a non-hierarchical approach to governance structures and allows for the recognition that local government, such as it exists, is the first sphere of interaction with the citizen and, therefore, at least as important to the citizen as central structures and functions. However, the PPF begins referring to "tiers" and "levels" of government on page 6.

Nonetheless, this approach does not contradict the unitary or federated state structure of governance that integrates and coordinates among other spheres on national habitat-related policies, plans and strategies. As provided in numerous treaties and international instruments,<sup>1</sup> local authorities and local governments are equally

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<sup>1</sup> For example, International Covenant on Civil and Political Rights (1966), Article 50, and International Covenant on Economic, Social and Cultural Rights (1966), Article 28, affirm that "The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions." The International Law Commission has confirmed that the conduct of any State organ shall be considered an act of that State under international law, whether the organ exercises legislative, executive, judicial or any other functions, whatever position it holds in the organization

obligated to uphold international law: all of treaty law, general principles and peremptory norms of the unitary system of international law.

For the citizen, local governance is the nearest of the various distinctive, interdependent and inter-related spheres of government within a territorial state.<sup>2</sup> In unitary states, local governance usually comprises one of two or three spheres of government; whereas, in federal states, local governance constitutes one of three, or sometimes four spheres of government.<sup>3</sup>

As the governmental sphere closest to the citizens, local government is in a much better position than central government to deal with matters that require local knowledge and regulation on the basis of local needs and priorities. This axiom applies whether the local government operates in urban or rural settings.<sup>4</sup>

*The human rights obligations of “local governments” (LGs) and “local authorities” (LAs):*

The two terms are not synonymous, and the PU should clarify this without using the two interchangeably. The distinction is important not to differentiate between the nature of the obligations, but to distinguish them by their respective type of governance.

The particular terminology and concepts defining “local administration”/“local authorities” and “local government” distinguish the former as generic terms that may or may not constitute “government,” as defined by representational criteria.<sup>5</sup> Both forms of governance possess certain powers conferred upon them by legislation or directives of the central spheres of government. Those powers involve regulating and managing certain public affairs and delivering certain public services.

Habitat III participants can inquire into the extent of local governance rights, powers and relations *vis-à-vis* local authorities and the central sphere of government and/or regional authorities (in federal states). One of the important features of local “government” is that it has a specific, subsidiary duty and regulatory power for the relatively autonomous exercise of its functions, which are, at the same time, subject to compliance with national law, policies and reasonable programs.<sup>6</sup>

“Local government,” or “local self-government,” aims at bringing government to the grass-roots and enabling the citizens to participate effectively in the making of decisions affecting their daily lives and longer-term development.

“Local authorities” may include forms of governance closely associated with, or directly extending from the executive-branch of central government. However, such models are inconsistent with the more-specific notion of “local government” (or “local self-government”), which involves actual local decision making within a state.

In global practice, the majority of cities have elected mayors.<sup>7</sup> In some rare circumstances, constituents have declined their right to elect a municipal head, favoring instead appointed local governing councils.<sup>8</sup> However,

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of the State, and whatever its character as an organ of the central government or of a territorial unit of the State. Draft articles on Responsibility of States for internationally wrongful acts, A/56/10 (2001), at: <http://www.un.org/documents/ga/docs/56/a5610.pdf>; and Commentaries, at: [http://www.eydner.org/dokumente/darsiwa\\_comm\\_e.pdf](http://www.eydner.org/dokumente/darsiwa_comm_e.pdf). The nature of human rights treaty obligations is binding on “every State Party as a whole,” ex-plains the UN Human Rights Committee further: “All branches of government (executive, legislative and judicial), and other public or governmental authorities, at whatever level - national, regional or local - are in a position to engage the responsibility of the State Party. The executive branch that usually represents the State Party internationally...may not point to...another branch of government as a means of seeking to relieve the State Party from responsibility for an action incompatible with the provisions of the Covenant.” Human Rights Committee (HRC), General Comment No. 31: “The Nature of the General Legal Obligation Imposed on States Parties to the Covenant” (2004), para. 4, at: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d/PPRiCAqhKb7yhsjYoiCfMKoIRv2FVaVzRkMjTnjRO%2bfud3cPVrcM9YR0iW6Txaxgp3f9kUFpWog/hW/TpKi2tPhZsbEJw/GeZRASjdFuujQRnbJEaUhby31WiQPI2mLFDe6ZSwMMvmQGVHA%3d%3d>.

<sup>2</sup> Education & Training Unit for Democracy and Development, “Three Spheres of Government” (South Africa), at:

<http://www.etu.org.za/toolbox/docs/govern/spheres.html>.

<sup>3</sup> Human Rights Council Advisory Committee, “Local government and human rights,” A/HRC/AC/13/L.4, 14 August 2014, para. 6, at: [http://www.hlrn.org/img/documents/A\\_HRC\\_AC\\_13\\_L4\\_EN.pdf](http://www.hlrn.org/img/documents/A_HRC_AC_13_L4_EN.pdf).

<sup>4</sup> *Ibid.*, para. 6.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*, para. 8.

<sup>7</sup> Andrew Stevens, “World mayors, their parties and politics,” *City Mayors Politics*, No. 10 (28 July 2014), at:

<http://www.citymayors.com/politics/political-parties-mayors.html>.

<sup>8</sup> “Nine cities reject elected mayors,” *BBC News* (4 May 2012), at: <http://www.bbc.com/news/uk-politics-17949950>.

some systems indeed have central authorities assuming mayoral selections by political,<sup>9</sup> military<sup>10</sup> or royal<sup>11</sup> appointment, rather than chosen through constituent elections.

**B. Challenges:** Identify challenges, including structural and policy constraints

### Summary

“Multi-level governance needs to take into account territorial cohesion to reduce inequalities between regions (e.g. poverty, demographic issues, infrastructure, etc.)” (p. 4). This aligns with the Habitat II commitment to “balanced rural and urban development,” as pledged since Habitat I (1976).<sup>12</sup>

On p. 7, the PPF asserts that “Digitisation will question the very definition of functional urban regions and integrated labour markets.” However, despite the UN-Habitat mantra about everything “urban,” that distinction is already under question, particularly as urban and rural coexist and intertwine, thus making an “urban agenda” anathema to the habitat process agreed upon over decades, as well as inoperable in actual practice. As pointed out elsewhere, especially labor markets, energy grids, transport and city-region food systems exemplify the development and corresponding governance spheres in which the “urban agenda” does not fit.

Human settlements, as already established in the Habitat Agendas, should be perceived and governed as a metabolism (HIC, p. 4; IRP). Hence, the challenge of the needed (further) “Shift from governing location to governing flows” (p. 7). Just as “Enhanced urban-rural collaboration is a vital challenge for metropolitan governance” (p. 5), so, too, is the ideological premise of the proposed “new urban agenda.” The PU and PPF should be far clearer in asserting these points to challenge the narrow and inoperable “urban agenda” notion. Particularly in relation to governance, the subject at hand is far more inclusive than only urban governance, and hence the “metropolitan governance” that the PPF is talking about.

On the other hand, effective institutional measures should be taken as to ensure that the interests of low income and marginalized groups, indigenous people and other disadvantaged groups, are part of policy and decision-making processes, as asserted in Habitat II

“Promoting equality and equity, incorporating gender considerations and the full and equal participation of women, and involving vulnerable and disadvantaged groups, including people living in poverty and other low-income groups,....”. (See. article 182.JHabitat II);

“Providing access to effective judicial and administrative channels for affected individuals and -groups so that they can challenge or seek redress from decisions and actions that are socially and environmentally harmful or violate human rights....”. (See Habitat II, 182k);

“Promoting the full potential of youth as key partners for the achievement of adequate shelter for all and sustainable human settlements through various forms of education, quality training and skill-building, taking into account the diverse abilities, realities and experiences of youth.” (See. article 182, N Habitat II);

### Key challenges

The legislative and constitutional framework is not mentioned as a common constraint to autonomous and democratic local government, in general, as well as to participatory planning, budgeting and other governmental functions with the affected people.

The key challenge of capacity building accompanies the need for sufficient local resources, which central government spheres and functions typically either, provide, enable, impede or deny. At this juncture, the notion of the “rights of the city” come into view.

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<sup>9</sup> T.V.Dozhd, Catherine A. Fitzpatrick, transl., “Russia to Abolish Mayoral and City Duma Elections,” *The Interpreter* (11 December 2013), at: <http://www.interpretermag.com/russia-to-abolish-mayoral-and-city-duma-elections/>.

<sup>10</sup> “Local Government Acts 2013 and Province-Local Government Relations,” *UNDP in Pakistan* (undated), at: [http://www.pk.undp.org/content/pakistan/en/home/library/hiv\\_aids/development-advocate-pakistan/local-government-acts-2013-and-province-local-government-relatio.html](http://www.pk.undp.org/content/pakistan/en/home/library/hiv_aids/development-advocate-pakistan/local-government-acts-2013-and-province-local-government-relatio.html).

<sup>11</sup> Niels Karsten, Lex Cachet and LinzeSchaap, “The Dutch Anomaly: Appointed Mayors. Can Appointed Mayors Cope with Role Changes and Societal Demands?” *Lex & Localis* (14 April 2011), at: <http://pub.lex-localis.info/index.php/LexLocalis/article/view/243>.

<sup>12</sup> Istanbul Declaration on Human Settlements [Istanbul Declaration] and The Habitat Agenda, paras. 29, 43(l), 43(k), 109, 111, 126, 156, 163–69, A/CONF.165/14, 14 June 1996, at: [http://ww2.unhabitat.org/declarations/habitat\\_agenda.asp](http://ww2.unhabitat.org/declarations/habitat_agenda.asp); [Vancouver Action Plan \(VAP\), Recommendation B.1 Settlement planning in national context \(1976\)](#).

This is a logical complement to, but an admittedly underdeveloped notion in, the “right to the city” discourse. At the same time, this is the link to PPF1 that argue for coupling the two in a single, integrated PU, rather than splitting organically linked subjects into distinct and multiple Pus, while neglecting the obvious and urgently needed Habitat III reviews of (1) population policies, (2) the human right to adequate housing and (3) the financialization of housing, land and natural resources. The Habitat III-process decision makers should be accountable for these deliberate and bone-headed methodological shortcomings.

Arbitrary refusal of non-national citizen/residents to participate is an omitted challenge that finds remedy in some good practices in recent years. For example, the São Paulo council of migrants engaged in the local municipality is one innovative example.

Some “decentralization” methods have led to new opportunities for central authorities to manipulate local governance through appointments and electoral gerrymandering (as in 1990s Morocco).

**d. 1. SGD targets and indicators related**(p.8) offers an incomplete list. Indeed, all 17 Goals require multi-sphere governance.

Under **b. 1 Financial resources**, *Multi-level governance*:(Should be *Multisphere governance*), “land added-value capture” is cited. It would be useful to identify the commitments to land-value capture in the Habitat Agendas (VAP, **Recommendation D.3 Recapturing plus value**; H2, para. 76h).

A word on privatization and governance is in order. In particular, the PPF should incorporate the binding treaty obligation to ensure that any sphere of government relegating public functions to third parties does not result in retrogression in conditions (quality, affordability, acceptability, access, availability) of a public good or service. (See CESCR GC15, paras. 43, 44).

### **Priorities**

Under “External factors,” “Crisis as opportunity or big flagship events (Barcelona vs. Athens in the case of Olympics)” (p.13) may have inverted the issue. Another view has it that these Olympic opportunities and other mega-events actually pose, produce and/or deepen crises. Athens is the clearest example. The Barcelona legacy is also à propos, but the debate involves divergent tastes.

Throughout the PPF, the PU has ignored the human rights dimensions and corresponding obligations of all spheres of governance, as if the process were divorced from the UN purposes as set out in the UN Charter. This is a major structural and ideological deficit across the PPF. These involve the range of human rights treaties and the obligations of all spheres of government to respect, protect and fulfil the enshrined human rights. The PPF also should take heed of global and regional norms emerging over the past 20 years since Habitat II, as they link also to PPF1, including the “right to the city” and related practices, the UNHRC Advisory Committee study on Local Government and Human Rights and Local Government, as well as AMCHUD N’Djamena and Bamako declarations and the African Charter on Values and Principles of Public Service and Administration (11 January 2011).

The sections on capacity building seems to refer to the local authorities/government staff to be the principal beneficiaries. Meanwhile, civil society and communities should benefit accordingly also, as Habitat II committed to also. Many countries suffer deficits in the capacity of their populations to exercise full citizenship, due to poor capabilities and shortcomings in civic education.

The Habitat II Agenda aimed at “Develop education in citizenship to emphasize the role of individuals as actors in their communities” (See, article 180, C Habitat II Agenda) and “Undertaking civic and human rights education and training programs, using all forms of the media and education and information campaigns, to promote a civic spirit and an awareness of civil rights and responsibilities and the means of exercising them, of the changing roles of women and men and of issues relating to sustainable human settlements development and the quality of life” (See, article 182, E Habitat II Agenda);

That means that the capacity building of government actors should bear two main dimensions: (1) the institutional development and capacity for network management, and the (2) development of the citizens’ capacities.

**c.1 Indicators of success** (pp. 20–21) omit any indicator for adequate housing and/or its constituent elements. (However, it does cite “The percentage of the urban population with access to secure tenure.” Why only “access to” and not other qualities—e.g., legal protection, affordability, et al—mentioned is inexplicable.)

## 5. Municipal Finance and Local Fiscal Systems

### General Suggestions (**important issues missing**)

Municipal finance is one of the main fields to promote and enhance decentralization/localization of governance and citizen engagement toward the Human Rights Habitat we want.

The Vancouver Action Plan (VAP) at Habitat I recommended (C.15 on Social services) “Decentralization of the administrative and financial machinery, in order to provide a greater measure of management at the community level” and gear essential services to community needs.

The Istanbul Declaration (Article 12) committed to promoting decentralization through democratic local authorities [local government or local authorities], which need to strengthen their financial and institutional capacities to demonstrate transparency, accountability and responsiveness to people’s needs.

Para.189 of the Habitat II Agenda committed states and government, indeed all Habitat Agenda Partners, to 12 actions that would ensure equality and counter corruption with transparent systems for the financial accountability and performance-based transfer mechanisms.

### Challenges and opportunities: **Suggestions (Important issues missing):**

Generally, financial regulation, macroeconomic policies and economic recovery should be implemented in the context of a treaty-bound and human rights-based approach.

The same commitment (@ para.189c) seeks to “Develop efficient, fair, equitable and buoyant sources of national and local revenue, including taxation, user charges, tariffs and betterment levies, to promote national and local capacity for capital investment in housing, infrastructure and basic services, and devise, as appropriate, new fiscal instruments that disincentivize environmental damage from both production and consumption;...”

Also, the Habitat II Agenda emphasized the importance of supporting local efforts to encourage the community partnership and participation in building, operating and maintaining basic infrastructure and services that empower women and meet the marginalized groups’ livelihood (189f).

The challenges and priorities omitted to address the **tax abuses and tax evasion** that have negative impact on anti-poverty efforts in the developing countries. The developing legal framework should enable community participation and consultation during implementation of fiscal law and taxation policy.

The General Comments of obligations under ICESCR, with their several, collective, domestic and extraterritorial obligations, require governments’ respect, protection and fulfilment of ESCRs without causing harm outside their territorial jurisdiction. Financial fields of international trade, investment, banking and finance, and taxation must retain standards consistent with human rights obligations.” (See Article 17 of Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights.)

The PPF piece omitted to dedicate financial resources for rural shelter by the private sector, as committed in the Habitat II Agenda (action 68c). Also, the commitment to “review and adjust, when necessary, the legal, fiscal and regulatory framework to respond to the special needs of people living in poverty and low-income people” (68f) needs review.

The concept of equality and participation is missing in dealing with the habitat asset of land value taxes. The PPF needs to focus on land-value sharing, while promoting and enhancing equity and transparency in distribution of the revenue from land use.

The measures on management of the public investment at local/municipal level not addressed as have significant affect costs, and income growth and welfare at national and local levels therefore it's important to consider the participation and consultation with the communities in the neighbouring municipality, metropolitan areas on the fiscal aspects (expenditure, revenue) of projects such as water, urban transportation, waste management, and energy.

**Recommendations: Suggestions (Important issues missing):**

- Emphasise the principle of rights-based approach in the financial management;
- Facilitating investment in rural shelter and productivity;
- Integrate policy with Habitat II and Agenda 21, Vancouver Action plan (Habitat I) alongside frameworks for SDG11 or Cop21;
- Realize the social function of land through land-value sharing, learning from examples (Habitat II, para. 76h);
- Affirming the general obligations of ICESCR and ETO principles in countering corruption especially, tax abuse and evasion.

## **6. Urban Spatial Strategies: Land Market and Segregation**

### **General Suggestions**

Take into consideration the “habitat” concept: concept of habitat, as established in the two bi-decennial global policies involves “regional and cross-sectoral approach to human settlements planning, which places emphasis on rural/urban linkages and treats villages and cities as two ends [points] of a human settlements continuum in a common ecosystem” ([H2, para. 104](#)).

In general, this paper has some good points that seek to find a way to being dealing with the urban growth, while taking into consideration rural-urban linkages. Habitat II commitment (para 6) on this issue states: “Rural and urban development are interdependent. In addition to improving the urban habitat, we must also work to extend adequate infrastructure, public services and employment opportunities to rural areas in order to enhance their attractiveness, develop an integrated network of settlements and minimize rural-to-urban migration. Small- and medium-sized towns need special focus.” There was an effort to approach the urban from a more territorial approach, which is something many actors, including CSOs, academics, etc. have been pushing the Habitat process to encompass, and is directly correlated to commitments made in Habitat I and II.

One overarching issue is that the paper treats urbanization as a given, and there is no meaningful discussion or strategy presented around making rural and peri-urban lives/livelihoods more sustainable and possible-many issues under this Paper, such as tenure, land access, mobility, access to markets, infrastructure and planning etc. should be addressed to meet this deficit.

In order to meet the Habitat II commitment, it would be critical to better address rural areas, as well as small and medium sized towns, which often have close links to rural areas. Generally, some big issues are present in the current thinking around spatial strategies in Habitat III, and the need for further clarification on certain aspects.

### *Human rights*

This paper has no mention of human rights obligations, approaches, framework, etc. While a participatory approach to planning is mentioned as key (slide 9), if it is not rooted in human rights approaches.

### *Public Space*

The role of created public space is discussed as “positive”, but it is clear that public space is not seen as something fundamental to a territory, nor does it the paper capture the nuances of what public space really is and should be, and in particular the **social function** of public space is not understood.

### *SDGs*

The SDGs are mentioned several times- but it is important that not too much emphasis is placed on the SDGs. The SDGs are still a sort of moving target, so vesting too much interest there does not make sense quite yet, as we do not know exactly what we have to work with. Additionally, the proposed indicators within the SDGs, specifically in goal 11, do not contain all of the specific aspects of spatial planning monitoring that we need to see in and Habitat commitments- specifically rural-related issues and tenure.

### *Private Sector*

This paper set up a scenario, and subsequent strategies that put the private sector at the center of development, and of course PPPs, and essentially moving away from government responsibility of 1) problems in territories and 2) responsibility to carry out solutions. PPPs are not a best practice as is often put forward, and in fact, CSOs have many experiences that suggest the opposite. Partnerships with the private sector will not really solve the core issues many territories suffer from, and will not inherently prioritize the issues or segments of society often ignored in planning processes. IF there is mention of bringing in the private sector 2 conditions must be met 1) POLICIES/public policies are a discussion between the state and inhabitants-corporations have interests, not rights, and 2) regulation that protects public interest.

### *Multistakeholderism*

There are always problems with multistakeholder spaces where the private sector is present, as their interests are driven by bottom lines and profits, not the rights and benefit of the community—on slide 13- number 3-1-1 there is a recommendation that states “efficient implementation of planning decisions safeguarding sustainable spatial development while balancing the **interests of multiple stakeholders** and social groups...integrating rural and urban areas”- spatially, the mention of rural and urban areas is important and welcome, but we cannot speak of the “interests of multiple stakeholders”- again, communities have rights, corporations have interests and the distinction needs to be made clear.

We must be clear about who we are prioritizing as not all stakeholders are at the same level/the power balance is not even- it is essential that we prioritize full and meaningful participation of the **public** (civil society), into decision making process, but also that priority is given to ensure the participation of most vulnerable and marginalized populations. The private sector may have a role in providing services, infrastructure, etc., but public policy decisions and policy design should be between the government (national, local, etc.) and the community.

### *Ecosystem services vs ecosystem function*

When planning on a territorial level and integrating the rural-urban areas the discussion of ecosystems increasingly enters the state. When discussing ecosystems, the paper discusses “ecosystem services” (slide 5)- discussing it in this way inherently financializes the ecosystem. The preferred terminology is **ecosystem function**- as of course, there is a function of the ecosystem, especially in planning, but it is not a service to be commodified- this term shift also changes the way we discuss and think about the ecosystem, and re-conceptualizes the sustainable planning discourse.

### *Tenure*

The Tenure section is very weak. It avoids the linkage between tenure and eviction, and human rights- and only really discusses the presence of slums, not the range of tenure issues that the Habitat process should address.

Other tenure issues that we continue to push for, but fail to fully enter the discourse are the CFS Tenure guidelines, issues of housing and evictions, peri-urban and urban agriculture, land use planning in cities for food, and general territorial planning and urban expansion and how tenure issues (customary, and otherwise) are dealt with.

Informal and customary tenure are not sufficiently addressed, and these are areas where the UN system has really progressed—the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and



Forests should be used as a guide as they were done in a well-respected multi-actor space, with the full and meaningful inclusion of civil society, and in particular those most affected by lack of tenure access.

Five SDGs address land (1.4, 2.3, 5a, 11.1, 15.4), including the human settlements Goal 11. None makes mention of security of tenure.

Habitat III should fill this void by committing states and governments to providing “legal security of tenure and equal access to land to all people, including women and those living in poverty; and undertaking legislative and administrative reforms to give women full and equal access to economic resources, including the right to inheritance and to ownership of land and other property...”(H2, para. 12), and ensuring that all persons and groups “will enjoy freedom from discrimination in housing and legal security of tenure...” ([H2, para.11](#)).

The various forms of tenure include the following:

- (a) Possession rights;
- (b) Use rights;
- (c) Rental;
- (d) Freehold tenure; and
- (e) Collective arrangements ([Rolnik, op. cit., p. 4](#)).

“Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States...should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups” ([GC4, 8a](#)).

In considering the array of tenure arrangements available, consider the “continuum” and Möbius strip of tenure. (See [Security of Tenure through the Habitat Agenda, 1976–2016](#).)

Interesting the reference/examples about land "guardianship -a rule of conduct distributing responsibilities to maintain the land properly among community members"- in SE Asia. Also important mentions are included to the contradictions between land ownership and sharing economy: "Alternative land policies suited to a culture of sharing are needed. / The plurality of tenure security should be respected. / Spatial planning should be inspired by the concept of inalienable common goods, also to preserve urban-rural balances." And some key principles of the R2C like "recuperate a fair share of the economic benefits created by land development..." as "one of the most important priorities in combating segregation and inequality in cities" (p.12).

### *Spatial planning*

Spatial planning of human settlements should:

- Prioritize *in situ* solutions,
- Promote the social function of property,
- Combat discrimination on the basis of tenure,
- Promote women’s security of tenure,
- Respect security of tenure in business activities,
- Strengthen security of tenure in development cooperation,
- Empower the urban poor and holding states accountable,
- Ensure access to justice ([Rolnik, op. cit., p. 5–6](#)).

Urban planning is a public good and service to be included in the “Availability services, materials, facilities and infrastructure” element of the human right to adequate housing ([GC4, 8b](#)).

The reference to the planning contribution to SDG 11—and others—should be consistent with the UN Charter-based principles, combining safety and security, sustainable development and human rights.

Planners in many countries are notorious for imperious attitudes and decision making without consultation and free, prior and informed consent of affected persons and communities. That mode of operation has to reform, including through curriculum and teaching of human rights-based ethics of the profession.

To the extent possible, spatial planning should not extend the territorial extent, environmental footprint (especially on arable land) and/or carbon output of built-up areas.

The previous title of this PU was “Spatial Planning Strategies: Land Market and Segregation,” but the important issues of land and segregation were submerged under other interests. The PPF could not avoid addressing land, but still needs to address segregation. It should note the [Habitat II land-related principles and 31 commitments to actions](#).

### *Local government*

In Habitat II a commitment was made (para 12) that presented local authorities “as our closest partners, and as essential, in the implementation of the Habitat Agenda, we must, within the legal framework of each country, promote decentralization through democratic local authorities and work to strengthen their financial and institutional capacities in accordance with the conditions of countries, while ensuring their transparency, accountability and responsiveness to the needs of people, which are key requirements for Governments at all levels”. But this paper seems to lack a clear priority on decentralized governance, which is essential to having participatory, territorial planning strategies, and meeting Habitat II commitments.

### *International Guidelines on Urban and Territorial Planning*

There are some good points in the guidelines, however 1) they were created without the input or consultation of CSOs. This is a practice that cannot be accepted; 2) they really push private sector investment/private sector financing urban development; and 3) there lacks a strong Human Rights framework, and as UN-based guidelines, human rights principles should be at the core.

### *The right to adequate housing*

Habitat III must reaffirm states’ and governments’ commitment—and obligation—to ensure the full and progressive realization of the right to adequate housing as provided for in international instruments. To that end, we shall seek the active participation of our public, private and nongovernmental partners at all levels to ensure legal security of tenure, protection from

discrimination and equal access to affordable, adequate housing for all persons and their families ([ID, para. 8](#)).

## **Priorities**

Page 10 notes positively that the PU seeks to:

- Reconceptualise the so-called rural-urban dichotomy to a urban-rural continuum based on documented horizontal interactions and vertical interdependences;
- Reflect urban-rural linkages in institutional frameworks that promote sustainable and efficient spatial planning and management;
- Develop new urban-rural relationships supportive of sustainable urban development.

These would be enhanced through planning city-region/balanced rural and urban (i.e., habitat) systems for the production and consumption of food, energy and transport, as well as planning for labor markets and livelihoods.

The Habitat III tenure-securing commitments of states and respective governments, once again, should include actions to:

- Adopt an enabling legal and regulatory framework, understanding and acceptance of existing practices based on an enhanced knowledge, understanding and acceptance of existing practices and land-delivery mechanisms ([H2, para. 79a](#));
- Provide institutional support, accountability and transparency of land management, and accurate information on land ownership, land transactions and current and planned land use ([H2, para. 79b](#));
- Explore innovative arrangements to enhance the security of tenure, other than full legalization, which may be too costly and time-consuming in certain situations, including access to credit, as appropriate, in the absence of a conventional title to land ([H2, para. 79c](#));
- Promote measures to ensure that women have equal access to credit for buying, leasing or renting land, and equal protection for the legal security of tenure of such land ([H2, para. 79d](#));

- Remove legal obstacles, including those related to security of tenure and credit, that deny women equal access to basic services ([H2, para. 87g](#));
- Take full advantage of the potential contribution of key interested parties in the private formal and informal sectors, and support the engagement of nongovernmental organizations, community organizations and the private sector in participatory and collective initiatives and mechanisms appropriate to conflict resolution ([H2, para. 79e](#));
- Encourage the participation of community and nongovernmental organizations to reduce their vulnerability causes by insecure tenure ([H2, para. 79f](#) and [98a](#)); and
- Carry out tenure regularization, as appropriate, in informal settlements to achieve the minimum level of legal recognition required for the provision of basic services ([H2, para. 141i](#)).

## 7. Urban Economic Development Strategies

### General Comments:

- No mention to Issue Papers! (some others did).
  - No mention to Habitat II commitments nor to the relevant international instruments on just economic development and human rights (some others did).
- The paper is based on a classical (liberal) economic theory, lacking a political economy perspective and a critical approach. Most of the analysis and consequent proposals are around "enabling markets to work" and creating employment -so, basically, more of the same recipe that IMF and WB have been promoting over decades with the results that we all know.
- Lack of proportion/coherence between the challenges and the priorities/proposals for implementation - in particular those related with the "informal economy" (it is recognized as a huge proportion of the economy and labour but then there are minimal measures to understand, promote and support it in an adequate way).

### 1. Challenges

#### 1.1 Urban potential

Why starting with the urban potential inside the "challenges" section?!

Typical UN Habitat (& others) glorification of urbanization: world already urban; cities as "drivers of growth"; migration to cities as a "pathway out of poverty", etc, etc.

Important (obvious) point about economic growth not being = to economic *development* ("a broader goal that includes resilience, inclusion, economic security, environmental sustainability").

Phrase not clear (but certainly controversial!): "urban-based livelihood is a crucial means of climate adaptation"?!

#### 1.2 Challenges

Many fundamental issues missing here, including hyperconcentration of wealth!, "work flexibilization" and more or less explicit violation of labour rights (shorter contracts, lack of social security, no union rights, etc.).

Phrase not clear: "rising income inequality coupled with less tolerance of inequality" (meaning that it should be more tolerance?!).

#### 1.3 Employment challenge

Controversial affirmation: "In developing regions... unemployment rates are relative. It low and not growing significantly"?

The definition of formal employment is not certainly coupled with long-term contracts anymore.

Some % and characteristics about informality are mentioned but more in depth analysis missing, including contribution to local and national economic wealth, different population sectors involved, etc.

## **1.4 Investment for employment**

The critique to the land market seems absolutely incomplete, technocratic and naive - there is no single mention about speculation, land-grabbing, dispossession and privatization.

Strong focus on the need of infrastructure, utilities and public services but with no mention to the fair distribution of urbanization burdens and benefits and plus value capture, among other right to the city planning and fiscal instruments.

No mention to spatial segregation/spatial injustice either when analysing urban sprawl and inefficient land use. Need to include lack of access to other fundamental services, facilities and opportunities, and not just transportation.

No mention either to the "well planned and formal urban sprawl"! (according to data, most cities have grown more than twice the population over the last decades - there were some mentions to that in the issue papers).

## **1.5 Competitiveness**

"Most jobs are created by firms and individuals," according to the data we know, 9 out of 10 jobs in the formal market are created by individuals.

"A key motivation to job creation is to meet demand"? No mention to social justice, inclusion, human rights, etc.

Great focus on competitiveness, of course.

"The basis of decent work is productive employment," not only!

## **2. Priorities**

### **2.1 Introduction**

"Foci of this report are: to generate more jobs and work opportunities in a city; to enhance existing jobs and livelihoods; and to ensure that all citizens (including low-income, low-skill, informal workers and in-migrants) have access to income earning opportunities". Not too bad but: should not be reduced to "cities"; the proposals are really mostly addressing the first point and not so much/or not at all the other two! Nothing about social protection and labour rights, of course.

Again, "land market failure".

Again, the presumption that economic growth = job creation.

Again, productivity improvement = wage growth (no single mention in the paper to the actually growing disconnection between wages and prices increases!).

"The principal role of public policy is to support the development of human potential," (YES, and to guarantee human dignity, wellbeing, human rights!) "while seeking to compensate for market failures" (NO!!! rather to regulate, control, etc.).

"a business friendly regulatory environment" - the problem is that they have been too friendly!

### **2.2. Enabling markets to work**

As we all know, that was part of the mantra of the Washington Consensus and it is the title of a famous WB book from the early 90 about housing, that many countries have taken as the "Ten Commandments" during the past decades (those included: property rights development; mortgage promotion; rational subsidies; infrastructure for served land; deregulation of land and housing development; organization of construction industry; institutional framework development).

"Clear and enforceable land titles are important for economic development as these enable land and buildings to serve as collateral" - terrible!!! And also part of the key strict regulations of the WB that, for example, prevent people most in need to actually access to security of tenure, infrastructure, reconstruction after disasters (the example of Haiti is shocking (see Raquel Rolnik's report about this issue being a huge barrier) and economic development in general.

Recommendation for high density development and mixed land uses but without any warning to prevent additional segregation, speculation, gentrification processes.

First bullet point: "Macro-economic policies need to strike the right balance between liberalization and nurturing of domestic industries. Removing infrastructural and institutional barriers at local level is an important part of gaining this access." What happened to the standing Habitat II commitment to "maintaining just macroeconomic policies" (paras. 40a, 62, 65, 67b, 115, 186d, 189b and 201b)?

Housing policies: no mention about the empty stock and over-production! (alarming in many countries, including Mexico, Spain, etc. - more generally speaking, broad numbers in big cities show that the available stock is more than enough to house all the people).

### **2.3 Infrastructure and services**

Not only for the "working poor" - broader goal to overcome segregation and generate spatial, economic, social, political and cultural inclusion!

No mention to privatization of services and the corresponding obligations of states. (See [General Comment No. 15](#), paras. 43, 44.)

### **2.4 Urban finance**

"Strong case for taxation of land values" but, again, no mention to the right to the city principles and instruments for that. And mostly because "is less likely to be damaging to productive activity than corporate taxes or business licensing fees" - the point of growing inequality and concentration of wealth is greatly rooted on exactly that!

Be careful: the mention to "tripartite partnerships" (local government, private sector and communities of the urban poor) for effective slum upgrading can hide labour exploitation - who benefits from it? who accumulates? (private sector making more money; public sector saving money). It should not be confused with self-help, self-management, non-profit processes (social production of habitat).

### **2.5 Land use planning**

"Infrastructure investments that lead, rather than lag, private development should be considered" - funny again, because that's mostly what they're already doing!

Another controversial phrase: "The role of urban strategies and plans should be supportive, rather than directive, of private investment." ! How would it then be articulated with a rational use of land policy according to people's needs and rights? And the more general interest?

### **2.6 Business support initiatives**

Again, almost nothing about recognizing and supporting the "informal" sector (that, according to the data they mention at the beginning, represents the 50% or more of the economy in many countries!).

### **2.7 Urban governance**

The issues and values at stake are not only "urban" governance, as if the principles and functions of concentrated populations is distinct from other contexts. The premise is wrong and inoperable in practice to delink "urban" governance from the wider territory and governance, in general.

The "accountability" factor is important, but principles otherwise on offer omit the representativity of governance, especially at local levels, and the engagement of the residents, as well as the public duty to prioritize those in greatest need. The paper does not acknowledge the important distinction between local authorities and local governments. It does not recognize the duty of local governments to refrain from some of the most notorious violations by local authorities/governments: forced evictions, corruption in land deals and procurement, cronyism, authoritarianism, etc.

Again, "pro-business culture" to be able to work with the private sector, education institutions and community development partners!

Need to include "support" and not just "recognition and integration of the livelihoods of the working poor".

### **3. Implementation**

More of the same, of course, under the "enabling markets to work" mantra.

Classical indicators (nothing about measuring the impact/contribution of SPH and Social and Solidarity Economy, etc.). Key point for advocacy.

Nothing about mapping, GIS linked to statistics, etc.

## **8. Urban Ecology and Resilience**

### **Overview**

The PPF describes in general the current challenges and threatens to urban ecosystems but in general fails to (1) question the root causes of climate change (CC) and environmental damage (ED), (2) identify the needed technical and economic actions to prevent CC and ED, and, although it mentions several times the interdependence of urban and rural areas (points 1.b.4, 2.b.2 and 2.b.4), it also fails to (3) deal comprehensively with the notion of urban rural linkages. Rural areas are mentioned but the PPF does not go beyond this. The PPF does mention the need to alleviate CC and restore ED but it could do more to present alternatives to the current economic model.

On the other hand the PPF does not question the root causes of urbanization. It simply states the percentage of global population living in urban areas while states that an unprecedented number of people are at risk. We should point here that many ecosystems are put at risk by urbanization, rampant consumption and resource depletion. This human&urban centred perspective is repeated throughout the whole PPF.

The focus of the PPF is on cities as the subject, but little mention is made of inhabitants. This peculiarity may arise from an overwhelmingly technical approach of the PU, which also would explain the other omissions mentioned here. The composition of expertise may be the source of shortcomings. In any case, the PPF needs to be reconsidered as an input to Habitat III, revising it to include the human and human rights dimensions and recent developments in the field and critical discourse on "resilience."

Women are mentioned, but only in the sense of "others" (among indigenous peoples and other "marginalized" categories), rather than acknowledging their pivotal role in bearing the burdens of "resilience."

The notion of accountability, indispensable to the discussion of resilience, is wholly absent. No party should be expected to be resilient to shocks and crises caused by other parties, without those responsible parties bearing the liability for the damage they have authored. The treatment of resilience is lopsided and ideological in this PPF without the accompanying accountability dimension.

Under **a.1 Key recommendation for action, a.1 Create an enabling framework** (p. 14), the PPF mentions the need "to increase the responsibility and accountability of local or municipal governments," assuming that actual local and municipal *governments* exist, and omitting local authorities who do not qualify as local government (see [Land Times No. 12](#)). A deeper understanding and corresponding recommendation is needed that calls for the formulation of functional local governments, before promoting the assumption that they exist for all communities.

### **Key concepts**

Ecology shouldn't be understood as an isolated urban phenomenon. The symbiosis between urban-rural areas and between urban and nature is essential and this is further discussed in this PPF (1.b.4 Planning; 2.b.2 Policy; and 2.b.4 Planning) but not adequately addressed.

On the other hand, resilience is much needed to face natural disasters but it shouldn't be understood or promoted as a potential to recover from a range of human caused shock and stresses or human made

disasters. Although this is easy to understand, the PPF should address the human causes of these stresses and define measures to alleviate them. While resilience is a concept that has been widely misused to alleviate the living conditions of the more disadvantaged communities, much more should be done to improve the living conditions of these communities.

If resilience is the quality desired, then the scope of this paper is far too narrow. It is not only in the context of climate change and ecological events and developments that resilience enables survival and sustainability. Also in times of crises—cyclical financial crises, conflict, intermittent crises and protracted crises, military occupation, cases of failed and fragile states—resilience is needed.

There has been a new trend among development practitioners in the focus on resilience. However, the level of the value and effectiveness of this approach for communities depends on (1) how resilience is defined, and (2) to which policies and actions it is applied.

We should understand that the concept of resilience is not a new one. Affected individuals and communities always have developed their own devices for coping, resisting, absorbing, or overcoming vulnerabilities, crises and their consequences, of semantic trends and fashions.

This term has many different definitions that apply to specific contexts. Different definitions of “resilience” include “the ability of a system, community or society exposed to hazards to resist, absorb accommodate to and recover from the effects of a hazard in a timely and efficient manner” (UNISDR), or “the ability of a social or ecological system to absorb disturbances while retaining the same basic structure and ways of functioning, the capacity for self-organisation, and the capacity to adapt to stress and change” (IPCC), or alternatively “the capacity of a system to absorb disturbance and reorganize while undergoing change” (Resilience Alliance).

According to FAO, “the resilience of communities is particularly important in protracted crises, during and after violent conflicts, and whenever state institutions and the systems through which livelihoods normally operate (e.g. markets) are weak and ineffective.” Despite variances among definitions of “resilience” most have two common elements: (1) capacity to rebound after a shock and (2) capacity to adapt to changing environments (political, security, financial, economic, legal, social, demographic, ecological, etc.). Building resilience requires building supportive institutions and support networks between and among individuals, communities and governments, in order to transform policy into action and assist in prevention and remedy/recovery.

In housing and land rights, resilience refers to the capability of a person, household or community to recuperate after a shock or crisis involving the loss of, or damage to home or landed property, and/or displacement from a habitual residence.

For more information on this term, see the brief produced by the High-Level Expert Forum on Food Insecurity in Protracted Crises, released in September 2012.

Here we identify four essential requirements for building resilience to achieve adequate housing for all and good governance through balanced rural and urban development, as the Habitat Agendas have promised:

1. Address the underlying causes of vulnerabilities and follow a human rights-based approach,
2. Link humanitarian and long term development programs,
3. Combine local knowledge, priorities, and initiatives with research, science and technology,
4. Advance socio-ecological systems and sustainability.

### **1. Address the underlying causes of vulnerabilities and follow a human rights-based approach**

Building resilience must include policies and actions which not only assist communities in coping with or absorbing “vulnerabilities” and “crises” but which act to resolve, resist and prevent them and their manifestations from reoccurring. A comprehensive resilience approach, therefore, must involve:

- Focus on the immediate, underlying and structural causes of vulnerability in general and crises in particular;
- Rigorous context analysis, given the wide variety of causes, including an analysis of power dynamics, inequality, livelihoods, markets, and others factors that may affect vulnerability;
- Recognition that inadequate housing, displacement and deprivation often result from deliberate actions by conscious parties. Methods to erode local housing and habitat systems forcing populations into relationships of dependency include: the usurpation or the destruction of natural resource, the violent targeting of vulnerable populations with forced eviction, dispossession, destruction and/or privatization of public goods and services, as well as other violations; the imposition of sieges and asymmetric policies and relationships, neglecting rural or urban communities on some arbitrary basis of discrimination (race, religions, ethnicity, sexual orientation, tenure status, et al); and using food or water as coercive tools against populations;
- Preventive and remedial policies to respect, protect and fulfill people's human rights in cases where they are being violated as well as ways to survive or cope with the manifestations of those violations;
- Adherence to do-no-harm principles by public and privately interested persons and organizations, and avoidance of creating competing parallel systems that may heighten the risk of division and conflict;
- Challenges to the social, economic, and political institutions that sustain societal inequality, which may lead to further vulnerability or crises (particularly conflict), and which result in the unequal distribution of burden that most often falls on the marginalized. Unequal distribution of risk is particularly true in the case of climate change. (Around 50 per cent of global carbon emissions are generated by just 11 per cent of people.) Those who suffer the most from climate change have the least role in causing it: It is estimated that, by 2100, the impact on poor countries will be GDP losses of 12–23 per cent; whereas, in the richest countries, the impact will be in the range of 0.1 per cent loss to a benefit of 0.9 per cent of GDP.<sup>13</sup> Another example is land and housing speculation, when wealthy investors gamble with prices of habitat assets and services, it is the poorest populations who are often unable to withstand the resulting volatility in prices.

Causes vary significantly with their contexts. However, removing commonly occurring drivers of housing and land insecurity in intermittent and protracted crises requires policy and behavioral reform and political action:

- Decentralized governance that is based on rights and participatory decision making;
- To guarantee appropriate accountability mechanisms for all stakeholders;
- Ensuring compliance with human rights and international humanitarian law for all actors; and
- Raising the awareness and capacity of local and global communities.

## **2. Link humanitarian interventions with long-term development programs**

If we were to pursue long-term resilience within communities and societies, we must break down the artificial barriers among humanitarian, development and human rights institutions, funding, and programs. This means converging humanitarian, political and economic responses and initiatives to include:

- Strengthening diversified local food production as well as national and local markets; supporting small farmers and community housing initiative, particularly through access to productive resources, in order to make communities less vulnerable to crises, conflict, sieges, the absence of safe borders among other factors;
- Prioritizing local procurement in humanitarian response, including the use of cash transfers and vouchers;
- Establishing and scaling-up local, national and regional reserves of habitat resources, including building materials, land banks and trusts, et al;
- Alternative methods of resource management alternatives such as water harvesting and urban agriculture;
- Comprehensive social-protection systems;
- Mainstreaming risk analysis through disaster risk-reduction (DRR) approaches and prevention, including early warning systems, disaster risk management, surge capacity, and climate change projection). The involvement of local institutions and communities in DRR is necessary. (Measuring and modeling resilience

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<sup>13</sup> Robert Mendelsohn et al. (2006) "The distributional impact of climate change on rich and poor countries", *Environment and Development Economics* 11: 159–178.



is especially helpful when investing in resilience to know both the cost and relative impact of different initiatives.);

- Funding streams adapted to be flexible, long-term and predictable.

### **3. Combine local knowledge, priorities, and initiatives with research, science and technology**

Affected communities should be in the center of planning and implementation. In order to support these communities, there is a need to:

- Improve the capacities of local institutions;
- Focus on mapping and supporting local initiatives and reducing negative strategies that increase future vulnerability;
- Prioritize marginalized populations, including women, youth, small-scale producers, indigenous peoples, and people living under occupation.

Many successful local initiatives already strive to increase the resilience of their populations to threats and obstacles:

- In Palestine, the occupying State of Israel has razed thousands of acres of Palestinian agricultural lands and uprooted trees, and demolished over 600 indigenous villages, tens of thousands of Palestinian homes and subjected many surviving farmers' lands to confiscation. Despite the United Nations' "permanent responsibility" in the Palestine question, the long-standing failure of the international community to remedy these crimes. Meanwhile, as the 2030 Sustainable Development Agenda acknowledges the destructive consequences of foreign and military occupation (para. 34), it offers no goal, target or action to remedy it.
- Agricultural and housing cooperatives are community-driven business models created as a form of resilience to both economic and environmental shocks.

### **4. Advance socio-ecological systems and sustainability**

Resilience cannot be achieved without environmental sustainability and the sustainable development of communities and economies. This requires an integrated approach between social and ecological systems, ensuring that they interact regularly in a resilient, sustained manner by:

- Collecting and analyzing regular data on the interaction of the ecological and social systems;
- Early-warning systems;
- Supporting healthy ecosystems through the preservation and sustainable use of natural resources;
- Prioritizing and integrating traditional knowledge and practices into sustainability initiatives and policies;
- Promoting adaptive governance of communities and ecosystems.

The PPF should take note and adapt to the New Habitat Agenda of evolving recognition of the need for greater policy coherence, such as that provided in the Committee on Global Food Security's "Framework for Action for Food Security and Nutrition in Protracted Crises" (CFS-FFA). It's paragraph 16 sets out the goal to "strengthen policy coherence in line with the progressive realization of the right to adequate food in the context of national food security, by fostering coordination of policies and actions taken in the fields of humanitarian assistance, development and human rights."

Finally, if the focus of this PPF is only on the city, to the characteristic neglect of the countryside, the pursuit of resilience will be doomed. The entire PPF8 must be revamped to align with the concept of habitat:

"regional and cross-sectoral approach to human settlements planning, which places emphasis on rural/urban linkages and treats villages and cities as two ends [points] of a human settlements continuum in a common ecosystem" (H2, para. 104).

### **Challenges**

The vision included under point 1, does not challenge the rampant consumption pattern of cities, including goods, energy or water. It recommends green infrastructure, higher efficiency, improved resilience and mobility

but does not address the unsustainable patterns of consumption and transport. The PPF should link these themes to other related PPFs such as PPF 6 "Urban Spatial Strategies" or PPF 9 "Urban Services and Technology".

PPF 8 successfully identifies key challenges grouped in a number of fields such as Governance, Policy, Capacity or Planning among others. However, it fails to go beyond and establish the obvious links with the current root causes of a number of issues such as environmental degradation, pollution, consumption and waste, infrastructure and transport inefficiency and unplanned urban growth.

As pointed above, the interdependence of urban and rural areas is mentioned several times (points 1.b.4, 2.b.2 and 2.b.4), but the PPF does not go beyond this. In particular, it would be very useful a much more detailed description of a number of processes such as migration, food security or water management that question the current urbanization trend.

### **Priorities**

The PPF cleverly recommends greater autonomy, authority and resources for local governments as well as decentralization of decision making processes. It also recommends governments and policy makers to restore environmental degradation. The PPF also encourages public participation but it is difficult to know to what extent this would improve urban form's resilience, as stated in the document. In any case the paragraph positively encourages the participation of women, grassroots and marginalized groups. There are also a few comments on how to avoid the financial or technological gaps of most disadvantaged communities in terms of urban ecology and resilience. Affordability and adaptability are only mentioned, without giving further details.

The PPF proposes to build capacities and educate on urban ecology and resilience, but it fails to recommend alternatives to the current unsustainable consumption patterns such as the Social and Solidarity Economy or changes in the ill-conceived financialization of urban and rural land or housing.

Instead of demanding investments for infrastructure that "can meet growing demands for services" (2.b.5), the PPF should demand fair redistribution, lower consumption (if possible) and equal access to resources, including water, energy and food.

Point 2.b.8 supports social resilience to enhance the ability of individuals, households, communities and organizations to respond to shocks and stresses, but fails to mention the need to target the causes of shocks and stresses.

### **Implementation**

PPF8 names Green Economy (3.a.1), but it does not elaborate on this. Furthermore, it does not point at the failures and environmental degradation of the current economic model but only points at the need of advancing this green economy. The PPF positively recommends nature-based solutions and circular economy (3.a.2) but regrettably these concepts are linked to (green) growth and (sustainable) development.

Last but not least, the PPF does not make any reference to the still valid HII commitments which, among other factors, promote comprehensive rural development while protecting fragile ecosystems and encourage the participation of community and nongovernmental organizations (*H2, para. 79f*). Two of these commitments relate to urban ecology:

-Promote optimal use of productive land in urban and rural areas and protecting fragile ecosystems and environmentally vulnerable areas from the negative impacts of human settlements... (*H2, para. 43p*).

-Integrate land and shelter policies with policies for reducing poverty and creating jobs, for environmental protection, for preservation of cultural heritage, for education and health, for providing clean water-supply and sanitation facilities, and for empowering those belonging to disadvantaged and vulnerable groups, particularly people without shelter (*H2, para. 67e*).

## 9. Urban Services and Technology

### Overview

The authors admit that the paper represents yet a rather scientifically biased perspective on urban services and technology but they assert several times that basic affordable services should be accessible for all and call for equal opportunities for all, aiming at eliminating technological gaps within urban areas.

In general, the PPF lists already existing problems and challenges related with urban infrastructure, public services, transport and mobility, but is not proposing remedies or alternatives to the root causes of these problems. It does propose some alternatives but they are unattainable for many, especially for the urban poor and those living in rural areas, whose needs are not considered in this PPF.

It is very important to remember that the Habitat II Agenda included the full and progressive realization of the Human Right to adequate housing, and the corresponding obligations of states and governments. In this sense, it is important to note that basic urban services, infrastructure and transportation are inherent components of this Human Right. Unfortunately, this is not mentioned in this PPF.

The conclusion of this PPF is particularly interesting; it is important to highlight all the vectors included, in particular vector no. 2 "To develop local economies that sustain processes of social production of habitat and community development" and no. 4 "To move towards a new model of sustainable habitat". It's a pity that the document neither explains nor explores this new model any further.

The human rights approach is missing -again- when vector no 1. quotes "(...) give legitimacy to the right to land, housing, access to urban services and opportunities, without compromising environmental values". These rights are basic Human Rights and there's no need to give them legitimacy, but only to uphold and implement them.

### Challenges, priorities and implementation

Infrastructure projects are becoming incredible expensive and unable to cope with the needs of urban dwellers. These systems require massive investments and involve a high maintenance cost which is an issue in poor countries. At the same time, it exacerbates the inequalities between rural and urban areas, with the later consuming most of the existing resources. Only a balanced development (and balanced investment) for both urban and rural areas, as pledged in Habitat II, would solve this dilemma being also an alternative to the urban future that Habitat III is predicting. Regarding the urban-rural continuum, only the section about transport and mobility mentions the need of planned inter-city and rural-urban transportation models, going beyond the administrative boundaries of cities (2.b). This principle is further developed in the conclusion, pointing that the interdependence of urban and rural areas which "constitute an imperative for a sustainable urban development and its inter-urban and urban-rural ties" but fails to ensure also the above mentioned balanced rural development.

Apart from seeking solutions and sharing best practices, we should note that some basic services, such as transport, waste disposal and recycling, are managed largely by the informal sectors in many countries. The PPF positively recommends that any improvement of these services should be planned with those who make a living from these activities.

The PPF briefly denounces the privatization of public spaces, but does not mention the privatization trends of public services (transportation, education, health, water supply and water treatment and even security) which in many cases exacerbate inequality.

The use of private transport methods can not only be identified with social status or self-interest. In developing countries, many have to commute from one place to another in an endless run to make a living. Thus, there

are many other factors that can foster the use of alternative systems and reduce urban mobility problems such as (good) Urban planning, proper distribution of urban services (i.e. educational and health facilities) and decent and well located jobs.

Last but not least, PPF9 adequately recommends that local governments have access to funding and corresponding political and administrative capacities. There are also some comments about smart solutions; despite the obvious advantages of any solutions aiming at improving the living conditions of many, these solutions can increase the existent technological gap on those who cannot afford them. For this reason, it is highly important that any "smart" solution is adapted to different built environments and they should not become another north to south technology transfer.

The PPF promotes the new concept of the "smart city" and its accompanying technology. It should be noted that this [contemporary concept](#) refers to an urban region that features highly advanced interconnected infrastructure, transportation and built environment, in general, and information and communications technology (ICT), in particular. Many technological platforms are involved, including but not limited to automated sensor networks and data centers.

"Smart city" is primarily a marketing term, promoting the production, exchange and consumption of such technology. The concept originated during the world economic crisis of 2008, when the IBM Corporation began work on a "smarter cities" concept as part of its [Smarter Planet](#) initiative. By the beginning of 2009, the concept had captured the imagination of many private- and public-sector innovators across the globe, becoming one of the many lucrative businesses forming the so-called "[green economy](#)."

The [positive aspects](#) of the smart city include a promised public benefit from enhanced quality, performance, efficiency and interactivity of urban functions and services, reduced costs and resource consumption, more-convenience access to information and improved contact between citizens and government. Certain smart city technologies also seek to enhance public security through digital monitoring, data exchange, surveillance and reporting applications.

Some negative aspects of a "smart city" are the high cost in financial resources and time, especially for taxpayers and consumers who would have to pay the bill for projects over the projected 20–30 years required to build a "smart city." Many cities seeking to become "smart" may require special investment regions or special economic zones with modified labor standards and tax incentives to attract investment, where much of the funding for these projects would have to come from private developers and from abroad, in addition to the maintenance and operation costs that tend to form a major part of public-private procurement and service contracts.

Some [critics warn](#) that the dominance of the fashion to acquire cool, new, innovative technology forms a giant distraction from the most-important issues and survival priorities of the impoverished majority in cities and other human settlements, while accelerating processes that lead to the transfer of power away from ordinary people. For instance, a city in which insurance companies, banks and corporations are eager to incorporate "smart city" technologies in their operations and decision making, their propriety over data and systems raises questions related to the larger issues of the democratization of data.

Noteworthy among the challenges and hazards is harmonization of "smart city" features across wide spatial areas. Only certain parts of cities can implement these technologies at any given time, thus creating clusters of buildings, zones or neighbourhoods featuring smart solutions, but disconnected from the surrounding areas.

The "smart city" concept also poses a human rights and governance dilemma, as every "freedom" digital technology offers is accompanied by the corresponding threat of surveillance and social engineering. Other concerns emerge from uneven coverage resulting in increased hegemony of the city over the countryside and supplanting the greater urgency of building a human rights habitat.

Moreover, building or converting to a "smart city" can deepen the existent technological gap, leaving behind those who cannot afford such solutions. For this reason, it is highly important that these solutions are adapted to various built environments, including poorer neighbourhoods, and they should not form another north-to-south technology transfer pattern, replacing local and indigenous innovation with costly, external solutions.

The technological advances of a “smart city” do not obviate the need for human settlements to operate as “learning cities” or “learning villages,” by ensuring appropriate, high-quality education for all, as well as participatory evaluation of the performance of functions, tasks and services toward future improvement of habitat conditions. Among the examples of such “learning” habitats are those that have evaluated the implementation of Habitat Agenda commitments over the period since Habitat II (1996) and have committed to applying consequent lessons in the performance period of Habitat III (2017–36).

## 10. Housing Policies

### Overview

The paper has chosen to discuss only four elements of adequate housing (for which indicators were developed in the report of the Special Rapporteur on housing (A/HRC/4/18). However, all elements of adequacy (as expounded by General Comment 4 of the Committee on Economic, Social and Cultural Rights) and the SR need to be discussed, analyzed, and monitored. The authors of this paper should view Annex 3 (Questionnaire on women and housing) in the same report (A/HRC/4/18) to discuss the expanded list of elements of adequacy of housing. Merely looking at four elements is not sufficient.

The fundamental premise for this report needs to be the fact that **housing is a human right**, recognized and upheld in international law, especially the International Covenant on Economic, Social and Cultural Rights (Art. 11.1). This is not mentioned anywhere in the paper. International law needs to be the legal basis and the point of reference for the progressive realization of the right to adequate housing and for developing national housing policies, not MDGs or SDGs, which are merely aspirational targets.

State accountability needs to be built in strongly. The paper should recommend legally enforceable national housing laws as policies remain on paper in most countries, as they are not enforceable, and also guarantee the corresponding budget and financing mechanisms.

The paper completely **ignores rural housing** and the need for comprehensive housing policies that view urban and rural on the same spectrum. It only discusses urbanization, without questioning its inevitability. It also does not discuss rural homelessness, landlessness, displacement – that are key ‘push’ factors for forced migration to urban areas. The paper needs to move beyond the ‘New Urban Agenda’ to a ‘New Habitat Agenda’ as it omits a large percentage of the world’s population living in rural areas. In countries such as India, 69 per cent of the population is rural while in Cambodia it is 80 per cent. Habitat III cannot afford to ignore these populations, especially since issues of rural development and housing were included in the Habitat Agenda.

The sections of the Habitat Agenda that have been cited in the report, also, only focus on the financing of housing and economic elements of the housing sector – not on the very important commitments of the Habitat Agenda that call for the recognition and realization of the right to housing.

The role of the market is merely viewed as a supplier/financer of housing. The destructive role of the private sector, especially in aiding and abetting demolitions and evictions, and its direct role in destroying housing stock of low income groups is completely ignored – and must be addressed taking into account the trauma and health related problems that especially affect the most vulnerable, i.e. the children. Similarly, the privatization of housing, speculation of property, and other excesses of the real estate sector need to be condemned, as they have directly led to the loss of housing and increasing homelessness of low income groups and marginalized populations. The overwhelming focus in the paper on the ‘housing sector’ – instead of the consideration of housing as a human right, is misplaced, incorrect, and misleading. The paper should also mention the responsibility of financial institutions (national and international), especially with regard to the financialization of housing and their bad and abusive lending practices before the crisis (2007-?).

Important principles of participation, consultation, the free and prior informed consent of affected persons and ways to improve social cohesion are completely missing from the paper.

There is also much confusion about the different tenure options throughout the document including:

- private freehold ownership
- collective forms of private ownership which could be freehold with shared common areas, as in condominiums or shared ownership under various legal regimes including cooperatives and co-ownership
- different forms of community ownership which again could include rental cooperatives

- different forms of social not-for-profit ownership which would typically be rental from a municipality or municipal housing company, a social housing agency or association, etc. ( why doesn't not-for-profit housing appear in the list on page 11, under b, point 2?).

Regardless of all the confusion, we would like to see cooperative housing mentioned early in the document. i.e. on page 10 in Sec 1.4, second to last paragraph – in fact, at least 30 countries have experimented with different forms of cooperative housing around the world.

Making a housing project/development accessible and desirable to households with a mix of incomes and who occupy different tenure forms (ownership, market rental, below-market rental) ought to be a goal of any overall housing policy or approach. Communities are inclusive, less segregated. The negative consequences of concentrations of poverty are eliminated. Financial viability of community-based housing providers is improved when, in addition to delivering subsidized units affordable to low-income households, they are able to generate revenue from the sale of ownership units or rental revenue from non-subsidized units. This goal – of housing plans that emphasize tenure and diverse income – ought to be clearly outlined in the Policy Paper.

Co-operative housing provides a form of housing in which resident members are equal stakeholders in their housing enterprise, keeping decision-making within the community. A housing co-operative is governed by a Board of Directors elected by and from members who live in that housing co-operative. Housing co-operatives are mentioned only once in the policy paper, but there are successful examples of housing co-operatives, accessible to a range of income-levels, around the world. Given their demonstrated success and their inclusive, member-oriented nature, they ought to prioritize as a desirable housing form within the Policy Paper.

The paper should also address the security of tenure and living conditions of those living in informal areas. Many of these citizens have no access to basic urban services, health services or education; the lack of a formal address deprives many of their rights; they simply don't exist.

There is insufficient understanding of the issues of affordability and appropriate responses. In Section 1.3, it is not much help to quote average, national income figures when we need household incomes. Most importantly, most people in 'slums' could not afford the cost of a mortgage even if the banks chose to make them available. So, there is not too much value in the critique of the banks even if it is valid. The key issue is that the poor acquire land and build incrementally, and they need forms of incremental finance (sometimes called "housing microfinance") to support this process.

The paper should also discuss housing policies in the framework of the Right to the City (PPF1), and establish needed links with other PPFs such as PPF9, exploring methods to increase the resilience by means of participatory processes in risk reduction, urban planning, social housing, use of local technologies and materials as well as promoting local labour.

Any housing policy should guarantee the access to basic services and develop mechanisms to ensure both the quality and the affordability of these services while protecting human rights.

## **Indicators**

The role of MDGs in monitoring housing has not been as positive as reported. In many countries, governments used the MDG target to justify demolitions of informal settlements. This is the reason why the human rights approach must be integrated into the development of housing policies across the world. The indicators for monitoring SDG 11 need to be widely discussed and need to incorporate a strong human rights approach.

The targets listed on page 12 – point 2(d) are not sufficient and too vague. For instance, "reduce by 20% the population living in inadequate housing by 2030." This should be increased to 40-50% and must include those who do not have any housing such as the homeless and landless. The homeless population, as a priority target group for housing, needs to be included. Under 'Indicators of Success' on page 16, the 'intergovernmental panel' being proposed should be one on Adequate Housing.

The selection of "the most important policy recommendations" on page 14 is completely random and vague, how is green infrastructure going to address the structural issues of affordability and accessibility? There must be better recommendations.

The numbers on page 15, b.1 'Financial resources' are all over the place and incoherent and do not take into account that the urban poor will probably contribute about half the costs if there is incremental finance, and when we create millions of jobs for building infrastructure and housing.

Regarding Annex 2, indicators shouldn't show the total number of social housing units, or the units allocated for rent. Instead, indicators should give accurate data on accessibility (percentage related to population) and disaggregated data (number of people per housing unit, age, accessibility for the most disadvantaged).

These are some of the corrections and additions:

**Primary Housing Indicators** (corrections and additions)

Issue	Outcome Indicator	Process Indicator
Habitability	<ul style="list-style-type: none"> <li>✓ % of low cost social housing units allocated for rent.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Growth rate of affordable housing, social housing and housing for rent.</li> <li>✓ Average household income of families receiving housing subsidies.</li> <li>✓ % of low income households (i.e. below 4 times the basic salary) receiving housing subsidies or living in social housing units.</li> </ul>
Accessibility to services	<ul style="list-style-type: none"> <li>✓ % of the contribution made by local communities to improve informal areas.</li> <li>✓ % of countries implementing housing policies in line with the SDGs and the specific needs of local population.</li> </ul>	
Affordability and accessibility	<ul style="list-style-type: none"> <li>✓ % of reservation of housing for low income groups in private housing projects of real estate developers/builders</li> </ul>	<ul style="list-style-type: none"> <li>✓ % of energy consumption and pollution of the housing and building sector.</li> </ul>
Housing affordability	<ul style="list-style-type: none"> <li>✓ Growth of available credit for low income population with financial difficulties and for other groups marginalized by the public and private sectors.</li> <li>✓ Considering the total national budget, % of housing programs budgets allocated to low income and vulnerable groups.</li> <li>✓ Number of low income households receiving adequate housing with tenure security</li> <li>✓ Number of homeless persons who receive housing and are thus no longer homeless</li> </ul>	<ul style="list-style-type: none"> <li>✓ Number of low income households integrated in public-private associations.</li> <li>✓ % of population in informal settlements living in peace and with security.</li> <li>✓</li> </ul>
Land tenure	Number of landless families receiving land under land redistribution programmes aimed at promoting the social function of land	<ul style="list-style-type: none"> <li>✓ % of low income women led households that have legal access (and formal tenure) to housing and land.</li> </ul>

**Secondary Housing Indicators** ((corrections and additions))

Issue	Process Indicator
Housing affordability	<ul style="list-style-type: none"> <li>✓ % yearly increase of the value of vacant housing units and available land.</li> </ul>

## **C. Independent Contributions**

### **Habitat for People - Not for Profit!**

*International working group for the  
promotion of market regulation  
and market alternatives at Habitat III*

#### **OPEN LETTER**

To:  
Habitat III Secretary General and Preparatory Committee  
UN Habitat Executive Director  
Responsible national ministers

31 January 2016

### **Make social regulation of real estate markets an issue at Habitat III !**

*Dear Sir/Madam,*

Our organisations have been involved in the Habitat process for a long time and/or are representing people who have been affected by financial crashes and harmful pro-market policies. Together, we are fighting for socially grounded regulations of markets that stop the speculation and treat housing, land and mortgage as goods for people and not for profit. We are very concerned about fundamental deficits in the current path of the Habitat III preparations.

Everybody knows about the 2007–08 crashes resulting from housing bubbles and their context of globalized financial markets. Hundreds of millions of people in diverse economies have been impoverished, many millions have lost their homes. In Spain alone, 436,235 evictions took place since 2008. Governments, municipalities, communities, social organizations and socially orientated housing providers around the world are still struggling with the consequences.

The private-homeowner and commercial mortgage-based model of housing provision has totally failed. Nevertheless, governments continue those policies. In East Asia, the explosive growth of mortgage lending in real estate sectors and infrastructural financing may lead to the next collapse. In India, the government promotes the building of 100 "smart cities," financed by transnational capital at the expense of other social priorities. In London, council housing will be "redeveloped" in favour of the financial business. Market-driven megaprojects, land grabbing and urban renewal projects displace people and destroy communities worldwide. That's because private financial capital only invests in the interest of high returns for its financial stakeholders.

Small homeowners, as well as renters and the inhabitants of unauthorized housing zones, are left to pay the price. It is estimated that, today, 330 million households worldwide are financially overburdened by housing costs. In Italy, more than 250,000 families are threatened by evictions because of rent arrears. Globally, at least one billion new homes are needed by 2025. (1) Will they be built through financial markets? After decades of privatization and deregulations, municipalities today lack the capacities and non-profit partners to provide adequate housing for all and regulate the relevant markets (land, rents, mortgage...) in favour of those in need.



We believe that property must be fairly distributed and socially regulated to be protected against its perversion through financialization and that possessing property includes a duty toward society. We also believe that alternatives to private property, which exist in many societies (community land trusts and housing, public housing, self-managed community housing et al), play an important role in meeting habitat needs. Their development and global strengthening are among the keys to resolving the housing, land and urbanization crises.

We had expected that Habitat III would provide a space for reflections on the grave lessons learned from the crisis. Thus, we took a look into the policy unit (PU) papers, which should prepare the Habitat III UN conference and its outcome. However, the Policy Papers are quite silent on those issues, although the Habitat II Agenda promised that States and their various spheres of government would pursue just macroeconomic policies toward its faithful implementation. (2)

We cannot understand that facts about the financial and housing crisis—with few exceptions (3)—have hardly been mentioned. We are also disappointed that the local consequences of growing global inequality; e.g., the extreme redistribution of global wealth into the hands of very few (4), as well as the consequences of free trade agreements (such as TISA, CETA, TPP), transnational austerity measurements and structural-adjustment programs (through international financial institutions or the European crisis programmes) have not been discussed.

We also miss any systematic debate about the responsibility of politicians, corporations and banks in these economic developments. We find nothing on the necessity of remedial policy measures toward the legal regulation of the financial real estate business and for the creation of alternatives to markets. Instead, we find a lot of problematic pro-market approaches in the papers. (5)

We are very worried about the consequences of these fundamental deficits for the Habitat III outcomes. The exclusion of these international issues would be an extreme regression in efforts toward global equality and equity promised in the Habitat II Agenda (1996) and, more recently, in the 2030 Sustainable Development Agenda. Habitat III could end in a total betrayal of the principles and commitments already standing in the Habitat Agenda, as it is replaced by a narrower and inferior “new urban agenda.” This, we fear, will produce another pretext for economic attacks on our commons, our livelihoods, our neighbourhoods, our human rights.

Nevertheless, we acknowledge the huge work and resources already put into the preparations, as well as the ambitious processes. However, the value of their outputs fall far short of the investment.

The policy unit papers list numerous objectives and instruments for national and local regulations of housing and land markets (6), which we would like to see seriously discussed. However, just as we do not find a reflection on the global challenges of financialization, we also do not find a systematic concept that relates to the necessary implementation of transnational regulations of related markets. Without a clear commitment of the global community to human rights—as pledged throughout the Habitat II Agenda—and to a just and sustainable organization of human spaces and local practices, the Agenda for the next twenty years cannot overcome the existing, unjust global frame.

Being aware of the complexity of the debates, we very much hope that the ensuing Habitat III processes can overcome these alarming defects and deficits. In order to achieve a positive and credible result, we believe that Habitat III immediately should set up an additional policy unit (or a similar group) that focusses on the global financialization of real estate (7) as a challenge, providing recommendations toward adequate social and political regulation of the related markets and actors and on alternatives to “free” housing, land, mortgage markets and to private property (8).

If such a policy unit were to be established, we would be willing to share our experiences, proposals and demands with the conference.

We hope that you will understand our concerns and that you will facilitate the proper deliberation and input on the mentioned issues into the further Habitat III process.

Looking forward to your prompt reply,

*Sincerely*

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### **Footnotes:**

(1) Policy Unit Paper (PU) 10, 1.3. <https://www.habitat3.org/the-new-urban-agenda/policy>.

(2) Habitat II Agenda, paras. 40(a), 62, 65, 67(b), 115, 186(d), 189(b) and 201(b).

(3) PU 10 "Housing Policies" under point 1.3. summarizes some of the consequences, but without discussing political measurements. PU 5 mentions "macroeconomic policies" without precision. PU 6.1 mentions "financialization" as part of a controversial "scenario."

The long version of the draft of the UNECE report for Habitat III includes an important and useful collection of facts related to the financial crisis and housing, which has not been reflected in the PUs: [http://www.unece.org/housing/committee76thsession.html#](http://www.unece.org/housing/committee76thsession.html#/).

Independently from Habitat III, since 2008, the UN special rapporteurs on the right to housing made important reports on the consequences of financialization and its crisis on housing rights. We hope these reports to the General Assembly will not be neglected in Habitat III: <http://www.ohchr.org/EN/Issues/Housing/Pages/AnnualReports.aspx>.

(4) e.g. PU 2.1 mentions "increasing disparities between rich and poor" as a challenge.

(5) e.g. PU 5 demands better access of municipalities to private capital markets, combined with a "robust" framework for managing the resulting debt. PU 7, .2 focuses on the "enabling" of markets and private investments through "balanced liberalization." PU 8 proposes market oriented solutions for environment problems.

(6) Many important proposals for local and national market regulation are listed in PU 1 "right to the city"; for our purpose see especially 1.3. However, rental housing, rent control, etc. is also missing here. PU 2 .2 mentions regulations of multinationals, but does not explain any detail. PU 3 addresses the need of "National Urban Policies," but does not mention the financial investors as a factor. PU 4 on "governance" does not speak about transnational governance of markets. PU 7 sees regulation as an "enabling market" approach, but also supports public infrastructure (which does not include housing).

(7) By financialization of real estate, we understand the domination of the production, letting, trading, financing, maintenance and management of housing and other buildings, built infrastructure, mortgage and land ownership according to the logic of financial product creation (bonds, etc.) for institutional and rich private customers in transnational markets. Through financialization commons and basic goods transform into financial assets for global trade.

(8) While alternatives to freehold land titling are mentioned in a couple of papers (PU 6, PU 10), it is astonishing that the important role of rental housing is only mentioned in PU 10: 1.2 billion people are renting worldwide.