



HOUSING AND LAND RIGHTS NETWORK

Habitat International Coalition

The Habitat Agenda Commitments on Governance

This reference paper reviews the **specific principles and commitments** that States adopted in the Habitat Agenda¹ at the United Nations Conference on Human Settlements (Habitat II), held in Istanbul in 1996, to assist in their reconsideration before adoption of the new Agenda at the United Nations Conference on Human Settlements (Habitat III), to be held in Quito in October 2016.

For the Habitat III process and outcomes to be credible, it is crucial to assess implementation of the commitments of Habitat II, as promised in Habitat Agenda's section "G. Assessing Progress." Many of those commitments also remain the essential core for any new global agenda.

At the heart of 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 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.

The commitments related to governance are to be understood within the concept of human habitat, a concept the two relevant bi-decennial global policies established, first at Vancouver in 1976 (Habitat I) and, secondly, at Istanbul (Habitat II) in 1996. The concept of habitat is both urban and rural, involving a "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).

At Habitat II (1996), states, including their various spheres of government, committed to principles and actions over the ensuing 20 years. Concerning governance, the Habitat Agenda recognizes in the preamble that:

"Democracy, respect for human rights, transparent, representative and accountable government and administration in all sectors of society, as well as effective participation by civil society, are indispensable foundations for the realization of sustainable development"; (H2:4)

and,

"The sooner communities, local governments and partnerships among the public, private and community sectors join efforts to create comprehensive, bold and innovative strategies for shelter and human settlements, the better the prospects will be for the safety, health and well-being of people and the brighter the outlook for solutions to global environment and social problems"; (H2:5)

¹ United Nations, Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul (Turkey) 3-14 June 1996, Consulted on March 2016 [on line]: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G96/025/00/PDF/G9602500.pdf?OpenElement>

The Habitat II principles, commitments and action strategies concerning **governance** are reproduced in the following sections. As mentioned above, these form criteria for the indispensable evaluation of Habitat II's implementation by governments and development agencies, in particular, UN-Habitat. These reminders serve further as the minimum elements upon which to build a new Habitat Agenda, which we expect to address the new challenges facing human settlements in the 21st Century, with States and development actors committing to more-progressive development and far more-diligent implementation.

The document provides as well a list of the relevant obligations for governance that States have assumed in the Habitat agenda and the intervening period since Habitat II, jointly with other relevant documents forming part of the current minimum norms for human settlements development, administration and governance.

Habitat II Goals and Principles

Recognizing 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. The enabling strategy includes a responsibility for Governments to implement special measures for members of disadvantaged and vulnerable groups when appropriate; (ID:12)

Equitable human settlements are those in which all people, without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, have equal access to housing, infrastructure, health services, adequate food and water, education and open spaces. In addition, such human settlements provide equal opportunity for participation in public decision-making; and equal access to mechanisms to ensure that rights are not violated; (H2:27)

Governments at all appropriate levels, including local authorities, have a responsibility to ensure access to education and to protect their population's health, safety and general welfare. This requires, as appropriate, establishing policies, laws and regulations for both public and private activities, encouraging responsible private activities in all fields, facilitating community groups' participation, adopting transparent procedures, encouraging public-spirited leadership and public-private partnerships, and helping people to understand and exercise their rights and responsibilities through open and effective participatory processes, universal education and information dissemination; (H2:32)

Partnerships among countries and among all actors within countries from public, private, voluntary and community-based organizations, the cooperative sector, non-governmental organizations and individuals are essential to the achievement of sustainable human settlements development and the provision of adequate shelter for all and basic services. Partnerships can integrate and mutually support objectives of broad-based participation. The processes can be made more effective by strengthening civil organizations at all levels. Every effort must be made to encourage the collaboration and partnership of all sectors of society and among all actors in decision-making processes, as appropriate; (H2:33)

The international community and Governments at all appropriate levels are called upon to promote sound and effective policies and instruments, thereby strengthening cooperation among Governments

and non governmental organizations, as well as to mobilize complementary resources to meet these challenges; (H2:34)

Habitat II Commitments and actions

We commit ourselves to implementing the Habitat Agenda, through local, national, subregional and regional plans of action and/or other policies and programmes drafted and executed in cooperation with interested parties at all levels and supported by the international community, taking into account that human beings are at the centre of concerns for sustainable development; (37)

Legislative and institutional improvement

Enabling local leadership, promoting democratic rule, exercising public authority and using public resources in all public institutions at all levels in a manner that is conducive to ensuring transparent, responsible, accountable, just, effective and efficient governance of towns, cities and metropolitan areas; (45a)

Adopting, where appropriate, transparent, timely, predictable and performance-based mechanisms for the allocation of resources among different levels of government and various actors; (48f)

Implement the institutional and legal reforms necessary to remove unnecessary overlaps and redundancies in the functions and jurisdictions of multiple sectoral institutions and to ensure effective coordination among those institutions in the delivery and management of services; (141f)

Interactive development of policies and concrete actions to provide access to food and nutrition, safe drinking water, sanitation, and universal access to the widest range of primary health-care services; (36)

Protect all people from, and providing legal protection and redress for forced evictions that are contrary to the law, taking human rights into consideration; when evictions are unavoidable, ensuring, as appropriate, that alternative suitable solutions are provided; (40n, 61b, 98b)

Provide legal security of tenure and equal access to land to all people; (142d)

Provide a body of law, cadastre, rules for property valuation and other statutory basis for the clear definition of property rights; (H3:72c) Develop appropriate cadastral systems and streamline land registration procedures in order to facilitate the regularization of informal settlements; (76j)

Permit land and housing exchange without undue restriction, and apply procedures that will make property transactions transparent, accountable and prevent corrupt practices; (72e)

Provide institutional support in the form of industrial standards and quality control, with particular attention to energy efficiency, health, accessibility, and consumer safety and protection; (88)

Promote, where appropriate, compliance with and enforcement of all health and environmental laws, especially in low-income areas with vulnerable groups; (98d)

Establish, as appropriate, structures for the enforcement of land management laws and regulations in order to make enforcement and appeals more efficient and effective; (114b)

Develop the land market through the establishment of an effective legal framework that incorporates environmental concerns and encompasses the diversity of tenure systems; (114c)

Provide, in the matter of housing, that the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground; (61a) and enforce foreclosure laws to facilitate private sector participation; (81e)

Encourage and promote the application of low-energy, environmentally sound and safe manufacturing technologies backed by appropriate norms and effective regulatory measures; (92b)

Improve policies that reduce environmental health hazards, and provide the informal sector and all workers with accessible information on how to enhance occupational safety and reduce health risks; (118c)

Develop and implement national and local plans, policies and specific cross-sectoral programmes, addressing all relevant chapters of Agenda 21; (137a)

Establish, equip and build capacity for monitoring and evaluating compliance with environmental regulations and effectiveness of enforcement at all levels; (137c)

Take necessary legislative action to improve education and enhance job training in order to improve the quality of the local workforce; restructure local industries, where appropriate; develop urban infrastructure and services; promote reliable, efficient and environmentally sound energy supply, enhance telecommunication networks; attract private investment; prevent crime and enhance public safety in order to make urban areas more attractive for economic, social and cultural activities; encourage sound financial practices at all levels of government; (161)

Develop, adopt and enforce appropriate norms and by laws for land use, building and planning standards that are based on professionally established hazard and vulnerability assessments; (172a)

Introduce a clear definition of roles and responsibilities and of communication channels between the various key functions of disaster preparedness and prevention, including assessment, monitoring, prediction, prevention, relief, resettlement and emergency response; (175c)

To facilitate capacity-building and institutional development for the improvement of human settlements planning and management, Governments at the appropriate levels, including local authorities and their associations, should: Support training programmes for administrators and civic officials at all levels, and for all other key actors, as appropriate, to enhance leadership qualities and promote the inclusion of women and young people in staff structures and decision-making; Promote comprehensive training, education and human resources development policies and programmes that are gender-sensitive and involve local authorities and their associations/networks, as well as academic, research, training and educational institutions, community-based organizations and the private sector; Develop information systems for networking, for accessing resources in a timely manner and for the exchange, transfer and sharing of experience, expertise, know-how and technology in human settlements development; When appropriate, encourage, within the context of transparency and accountability, as appropriate, the involvement of private-sector authorities, including non-governmental organizations, in improving public-sector management and administration and the formation of entities that are public in their function, private in their management and public-privately funded; (184 a, c-e)

Decentralization and local authorities

Local authorities and other interested parties, (who) are on the front line in achieving the goals of Habitat II. Although the structural causes of problems have often to be dealt with at the national and

sometimes the international level, progress will depend to a large degree on local authorities, civic engagement and the forging of partnerships at all levels of government with the private sector, the cooperative sector, non-governmental and community-based organizations, workers and employers and civil society at large; (56)

Establish appropriate processes for coordination and decentralization that define clear local-level rights and responsibilities within the policy development process; (68.b)

To ensure effective decentralization and strengthening of local authorities and their associations/networks, Governments at the appropriate levels should: Examine and adopt, as appropriate, policies and legal frameworks from other States that are implementing decentralization effectively; Review and revise, as appropriate, legislation to increase local autonomy and participation in decision-making, implementation, and resource mobilization and use, especially with respect to human, technical and financial resources and local enterprise development, within the overall framework of a national, social, economic and environmental strategy, and encourage the participation of the inhabitants in decision making regarding their cities, neighborhoods or dwellings; Develop education in citizenship to emphasize the role of individuals as actors in their communities; Support local authorities reviewing revenue-generating mechanisms; Strengthen, as necessary, the capacity of educational, research and training institutions to provide continuous training to local elected officials, managers and professionals on urban-related issues, such as planning, land and resource management techniques, and municipal finance; Facilitate the exchange of technology, experience and management expertise vertically and horizontally between government and local authorities in the delivery of services, expenditure control, resource mobilization, partnership building and local-enterprise development, inter alia, through technical twinning and exchange of experience programs; Enhance the performance of local authorities by undertaking data collection, disaggregated by gender, age and income, and comparative analyses of, and by disseminating information on innovative practices in, the delivery, operation and maintenance of public goods and services, in providing for the needs of their populations and in exploiting the fiscal and other potential of their cities; Encourage institutionalization of broad-based participation, including consultative mechanisms, in decision making and management processes at the local level; Strengthen the capacity of local authorities to engage the local private and community sectors in goal-setting and in establishing local priorities and environmentally sound standards for infrastructure development, services delivery and local economic development; Promote policy dialogue among all levels of government and the private and community sectors and other representatives of civil society to improve planning and implementation; Within the framework of governance, establish public-private citizens' partnerships for urban innovation, and analyze, evaluate and disseminate information on successful partnerships; Collect, analyze and disseminate, as appropriate, comparative data, disaggregated by gender, age and income, on the performance of local authorities in providing for the needs of their populations; Reinforce measures to eradicate corruption and ensure greater transparency, efficiency, accountability, responsiveness and community participation in the management of local resources; Enable local authorities and their associations/networks to take initiatives in national and international cooperation and, in particular, to share good practices and innovative approaches to sustainable human settlements management; Strengthen the capacities of both central and local government through training courses on urban finance and management for elected government officials and managers; Develop and/or strengthen, as appropriate, in cooperation with relevant United Nations bodies, within their respective mandates, as well as associations/networks of local authorities and other international associations and organizations, global and easily accessible information networks to facilitate the exchange of experience, know-how and expertise; (180 a-p)

Provide accessible, affordable, impartial, prompt and humane local systems of justice by, inter alia, facilitating and strengthening, where appropriate, existing traditional institutions and procedures for the resolution of disputes and conflicts; (123h)

Introduce a clear delineation of the roles and responsibilities of, and communication channels among, the various key functions and actors in pre event disaster management, mitigation and preparedness activities, such as hazard and risk assessment, monitoring, prediction, prevention, relief, resettlement and emergency response; (174d)

Strengthening the capacity of local authorities and civil society to review social, economic and environmental policies affecting their communities and to set local priorities and contribute to the setting of local standards for services in such areas as basic education, child care, public health, public safety, drug-abuse awareness and environmental management; (182p)

Participation and human rights

Establish legislative, institutional and financial frameworks that will enable the private sector, nongovernmental organizations and community groups to fully contribute to the achievement of adequate shelter for all and sustainable human settlements development and enable all women and men to work with each other and in their communities with governments at all levels to determine their future collectively, decide on priorities for action, identify and allocate resources fairly and build partnerships to achieve common goals; (59)

Broad-based participatory and consultative mechanisms that involve representatives from public, private, nongovernmental, cooperative and community sectors, including representatives of groups that are considered to be living in poverty, at all levels in the policy-development process; (68a)

Protection from forced evictions that are contrary to the law, taking human rights into consideration; (61b)

Avoid inappropriate interventions that stifle supply and distort demand for housing and services; (72b)

Support professional groups offering technical planning, design, construction, maintenance, rehabilitation and management assistance to community-based organizations, NGOs and others engaged in self-help and community-based development; (90l)

Institutionalize a participatory approach to sustainable human settlements through the development and support of strategies and mechanisms that encourages open and inclusive dialogue among all interested parties, with special attention to the needs and priorities of women, minorities, children, youth, people with disabilities, older persons and persons living in poverty and exclusion; (113l)

Redirect public resources to encourage community-based management of services and infrastructure and promote participation of the private sector and local residents, including people living in poverty, women, people with disabilities, indigenous people and members of disadvantaged groups, in the identification of public service needs, spatial planning and the design, provision and maintenance of urban infrastructure and open and green spaces; (116b)

Involve marginalized and/or disadvantaged groups and individuals in the planning, decision-making, monitoring and assessment related to human settlements development; (117c)

Support mechanisms for consultations and partnerships among interested parties to prepare and implement local environmental plans and local Agenda 21 initiatives and specific cross-sectoral environmental health programmes; (137i)

Ensure the participation in disaster planning and management of all interested parties, in such areas as water and food storage, fuel and first aid, and in disaster prevention through activities that build a culture of safety; (174e) Promote and encourage broad based participation in disaster preparedness activities by giving to the population living in the vicinity of a dangerous activity adequate and regular information on the potential hazards; (175d)

Establish agenda-setting participatory mechanisms, enabling individuals, families, communities, indigenous people and civil society to play a proactive role in identifying local needs and priorities and formulating new policies, plans and projects; (180h)

Removing legal barriers to participation in public life by socially marginalized groups and promoting non-discrimination legislation; (182g)

Consider establishing private-public, community sector, business and economic forums to exchange management know-how and experience; (194b)

Consider developing mediation programmes to resolve conflicts, including those between competing actors over access to and distribution and use of resources in human settlements and train civil society in their use; (194f)

International Norms related to Governance

The International normative frameworks cited in the Habitat Agenda:

- United Nations General Assembly (UNGA), [Charter of the United Nations](#), (1945)*;
- UNGA, [The Universal Declaration on Human Rights](#), A/RES/3/217A, (1948)*;
- UNGA, [Convention relating to the Status of Refugees](#) (1951)**;
- GC ILO, [Convention concerning Abolition of Forced Labour](#) (No. 105), (1957)**;
- UNGA, [International Convention on the Elimination of All Forms of Racial Discrimination](#), A/RES/51/80, (1965)**;
- UNGA, [International Convention on Economic, Social and Cultural Rights](#), A/res/21/2200, (1966)**;
- UNGA, [International Covenant on Civil and Political Rights](#), A/res/21/2200A (1966)**;
- UNGA, [Protocol relating to the Status of Refugees](#) (1967)**;
- United Nations Educational, Scientific and Cultural Organisation (UNESCO), [Convention concerning the Protection of the World Cultural and Natural Heritage](#), Paris, (1972)**;
- UNGA, [International Convention on the Elimination of All Forms of Discrimination against Women](#), A/RES/34/180, (1979)**;
- UNGA, [Convention on the Rights of the Child](#), A/Res/44/25, (1989)**;
- [United Nations Conference on Environment & Development](#), Rio de Janeiro (Brasil), 3–14 June 1992:
 - [Agenda 21](#)[†]

- [Rio Declaration on Environment and Development](#)[†]
- [World Summit for Social Development](#), Copenhagen (Denmark), 6–12 March 1995:
 - [Copenhagen Declaration Social Development Declaration](#)[†]
 - [Programme of Action](#)[†]

The international normative documents developed after the adoption of Habitat Agenda or not mentioned in the Habitat Agenda²:

- CESCR, [General Comment No. 3](#) on the nature of states parties' obligations (1990)**;
- Human Rights Committee (HRC), [General Comment No. 25](#) on the right to participate in public affairs, voting rights and the right of equal access to public service (1996)**;
- CEDaW, [General Recommendation No. 23](#) on women in political and public life (1997) **;
- CESCR, [General Comment No. 9](#) on the domestic application of the covenant, (1998) **;
- International Law Commission (ILC), [Responsibility of States for internationally Wrongful Acts](#) (2001) †;
- UNGA, [Declaration on Cities and Other human Settlements in the New Millennium](#), A/Res/S-25/2, (2001)†;
- [World Summit on Sustainable Development](#), Johannesburg (South Africa), 26 August–4 September 2002:
 - [Johannesburg Declaration](#)[†]
 - [Plan of Implementation](#)[†]
- HRC, [General Comment No. 31](#) on the nature of the general legal obligation imposed on states parties to the covenant (2004) **;
- United Nations Development Program (UNDP), [Decentralised Governance for Development: A Combined Practice Note on Decentralisation, Local Governance and Urban/Rural Development](#), (2004) †;
- Office of the United Nations for the High Commissioner for Human Rights (OHCHR), [Good Governance Practices for the Protection of Human Rights](#) (2007) †;
- UNGA, [The Human Right to Water and Sanitation](#), A/RES/64/292, (2010)†;
- Food and Agriculture Organization (FAO), [Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests](#), Rome, (2012)†;
- UNGA, [The Future We Want](#), A/RES/66/288, (2012)†;
- ETO Consortium, [Maastricht Principles on Extraterritorial Obligation of States in the Area of Economic, Social and Cultural Rights](#), Germany, (2013)†;
- [World Human Rights Cities Forum](#), Gwanju (South Korea), 15–18 May 2014:
 - [Gwangju Guiding Principles for a Human Rights City](#)[†]

² This is an illustrative non-exhaustive compilation of international norms.

- UNHRC, [Role of Local Government in the Promotion and Protection of Human Rights](#) – Final report of the Human Rights Council Advisory, A/HRC/30/49 (2015)†;
- UN–Habitat, [International Guidelines on Urban and Territorial Planning](#), Nairobi (2015)†;
- UNGA, [Transforming our World: the 2030 Agenda for Sustainable Development](#), A/RES/70/1, (2015)†;
- UNGA, Resolution on the Human Rights to Safe Drinking Water and Sanitation, [S/RES/70/169](#) (2015)*;
- UNGA, Resolution on Towards Comprehensive Cooperation among All Modes of Transport for Promoting Sustainable Multimodal Transit Corridors, [S/RES/70/197](#) (2015)*;
- UNGA, Resolution on Women on Development, [S/RES/70/219](#), (2015)*;
- UNGA, Resolution on Agriculture Development, Food Security and Nutrition, [S/RES/70/223](#) (2015)*;

Key to symbols:

* = binding on all States; ** = binding on all States party to the relevant treaty; † = declaratory law as guidance for States and their governments to comply with general principles of international law and certain treaty–law requirements.