# HOUSING in The City We Need

# Report:

Barcelona Urban Thinkers Campus, a World Urban Campaign Event

16-18 November 2015





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#### 1. INTRODUCTION

The Urban Thinkers Campus is an initiative of the World Urban Campaign — UN-Habitat, as part of the preparation process of the UN Conference Habitat III (Quito, Ecuador, 17-20 October 2016). This version of the Campus on Housing in The City We Need was sponsored by the Area Metropolitana de Barcelona (AMB) and co-organized by Habitat Professionals Forum (HPF), International Federation of Urbanists (Federación Internacional de Urbanistas, FIU), European Council of Spatial Planners — Conseil Européen des Urbanistes, (ECTP-CEU), all WUC partners, the Spanish Urbanists Association (Asociación Española de Técnicos Urbanistas, AETU) and Observatori DESC.

Focused on the theme Housing in The City We Need, the Campus aimed to gather housing experts, local authorities –city leaders and decision makers– and other major groups representatives –academics and students, peasants and trade unions, human rights defenders, dwellers and neighborhood's organizations, urban planners, women, journalist and writers–, all of them interested in promoting adequate housing in cities that are socially and economically inclusive, well planned, affordable and equitable.

Housing in The City We Need is a key urban and rural issue, and is recognized as part of the right to an adequate standard of living in international legal instruments, including the 1948 Universal Declaration of Human Rights and in the 1966 International Covenant on Economic, Social and Cultural Rights.

### 2. PARTNERS

93 participants from 14 countries were at the Urban Thinkers Campus Housing in The City We Need. Among the 93 urban thinkers participating at the UTC, the following constituent groups or clusters of partners, which feature in the partner categories proposed by the World Urban Campaign were represented:

- Women;
- Local and subnational authorities;
- · Civil society organizations;
- Parliamentarians;
- Business and Industries;
- Foundations and Philanthropies;
- Professionals:
- Trade Unions and Workers;
- Peasants and Farmers;
- Medias:
- Research and Academia.

In accordance with the wishes of the key stakeholder the UTC methodology was centered on a consensus building approach; in a mixed social dynamic, participants were distributed in groups with a maximum of 25 persons.

## 3. KEY OUTCOMES

Housing in the City We Need is an essential element and a priority of the New Habitat Agenda that calls for a cross-sectoral and integrated regional approach to planning, production and governance of human settlements for all, without discrimination, leaving no one behind and prioritizing enhancing democracy and human rights.

That challenge, within its diverse contexts, continues to call for an approach promised in the Habitat Agendas in 1976 and 1996. A review, evaluation, renewal and further development of those commitments are

indispensable steps in the Habitat III process, whereby current and emerging economic, social, peace-and-security and environmental conditions pose new and pressing challenges.

Housing in the City We Need has built on the assets of foregoing Habitat Agendas, more-recent normative development, lessons learned and the cumulative expertise of multi-stakeholder and cross-generational participants to affirm principles and proposed actions for the current Habitat III process. The rich inputs and outcomes of the UTC deliberations have produced a common set of principles and operational recommendations for the New Habitat Agenda.

## 4. KEY RECOMMENDATIONS

- Participatory, democratic, multisector and integral territorial/regional planning and governance that links and integrates towns, villages, cities and other human settlements across regions within common ecosystems, recognizing habitat's urban and rural scope;
- Respect, protection and fulfillment of the human right to adequate housing, including its judiciability (as a function of human rights treaty obligations), in international cooperation and extraterritorial responsibilities and relations;
- Promotion of a continuum of legitimate tenure arrangements (collective and individual, customary, perceived or formally registered) that involve legal protection against forced evictions, dispossession, destruction and other violations, not prioritizing private ownership as the only or best option; and eradication of all forms of eviction that is not previously agreed with the residents affected;
- The urgently needed intervention of states in land markets, implementing principles to fulfill the social function of land, housing and property, mitigate speculation, protect the tenure of vulnerable groups, ensure affordability of adequate housing, and anticipate future needs of adequate land for both social housing and socially produced habitat;
- Renewing and monitoring commitment to land-value sharing that involves the development/consolidation of public, open and transparent integrated cadastres, assessing values to be captured and transferred to the community (for social housing and community infrastructure), inter alia through incremental taxation for available empty units/plots, the unearned increment resulting from changes in use, or public investment or decisions, or due to the general growth of the community, adopting and implementing traditional and innovative instruments; i.e. mandatory percentages of social housing and/or regulated zoning;
- "Socially produced habitat" as a key concept to identify vast parts of territories and cities built by communities to address their urgent needs of shelter according to their cultural, social and economic preferences, capacities and possibilities. The concept of "slum" and its translation into Spanish language "tugurios" currently used when referring to socially produced habitat, should be applied in a more restrictive manner to urban and rural settlements in precarious conditions;
- Renewal of standing Habitat Agenda commitments to combat homelessness and state-supported social production of habitat (SSSPH), implementing public policies that guarantee appropriate access to land, adequate financing schemes and technical assistance;
- Land and housing policies should reduce social inequality and spatial segregation, considering the provision of spaces for productive and creative activities and supporting social and solidarity economy initiatives;
- Reaffirming obligations to respect, protect and fulfill the constituent human rights in the implementation of "The Right to the City," including the human rights dimensions of land, energy, transport, urban planning and the social function of the city, as a social claim in a process of an emerging composite right;
- For all housing spheres, in urban and rural areas, the requirements of social and community-wide participation and meaningful consultation as well as free, prior and informed consent (FPIC); reparation for human rights violations; public-popular partnerships, in addition to public-private partnerships; prohibition, criminalization and prosecution of forced evictions; and nondiscrimination on any arbitrary basis, including geographical, civil, migration or tenure status;
- Habitat –housing, neighborhoods and settlements– is the locus of practicing full citizenship, bringing together inhabitants and other stakeholders' social, civic and environmental rights and responsibilities;

- The commitments of the Habitat Agenda to be translated into targets, indicators, and participatory monitoring, evaluation and accountability mechanisms defined for states (all spheres and sectors of government) and UN agencies;
- Habitat III has a key role in filling the 2030 Sustainable Development Agenda gaps in specifying habitat indicators, including the respect, protection and fulfillment of tenure security for adequate housing, paying particular attention to priority contexts such as colonial and foreign occupation.

## 5. KEY ACTORS

The UTC Housing in The City We Need was meant to allow participants to build a consensus on six core topics. In facilitated sessions, supported by a moderator, a keynote presentation and a rapporteur, urban thinkers could exchange on the basis of their knowledge and experiences. By promoting a common position through consensus, participants representing partner organizations acknowledged that they will have a stronger voice in this international debate to raise their level of influence in future global and national policies and strategies. Through the proposed Campus format, urban thinkers were able to converge on common values and principles that they wanted to support.

For this Campus on Housing in The City We Need, participants registered themselves freely in one of the following clusters or core topic: (i) Human Right to Adequate Housing; (ii) Security of Tenure; (iii) Land and Location; (iv) "Slums" that during the debate changed to Socially Produced Habitat; (v) Access to housing; and (vi) Residential Districts.

The six core topics sessions were developed during two days around three parallel issues. The debate of each thematic issue held was organized in three different moments or sessions: presentation of a keynote by one expert; debate; and thematic drafting session. Conclusions and recommendations of each thematic group were presented in a plenary, opening a broad debate for précising the wording of concepts and proposals. At the end of the second day, a drafting group was created with the participation of ten urban thinkers. The key outcomes and recommendations were discussed at the closure session and once again, via email, among the drafting group members.



## 6. MATRIX OF LINKAGES

Housing in The City We Need recommendations are based on existing principles, defined by the UN System, i.e. The Vancouver Action Plan (1976); Istanbul Declaration on Human Settlements and The Habitat Agenda (1996); 2030 Agenda for Sustainable Development (2015).

Example of these existing principles: Addressing "habitat" involves "a regional and cross-sectoral human settlements planning approach that emphasizes rural/urban linkages and treats villages and cities as ends of a human-settlements continuum in a common ecosystem." The Habitat II Agenda [H2], para. 104.

The Right to the City does not correspond to established standards and norms," but "it corresponds to established standards and norms (right to participation (ICCPR, art. 25), information (ICCPR, art. 19) and "the will of the people is the basis of the authority of government" (UDHR, par. 21). The subjects of additional claims to "emerging" rights include the human rights dimensions of land, energy, transport, urban planning and the social function of the city, as a social claim in a process of an emerging composite right.

#### 7. OUTSTANDING ISSUES

Because of the consensus building process on which the UTC methodology was based, no outstanding issues were listed during the sessions.

Later, this report has been reviewed by the Drafting Group, formed by ten key participants –organizers, moderators, keynote exponents and rapporteurs–. No one has proposed outstanding issues.







## 8. ANNEXES

## 8.1 The UTC Housing The City We Need Program

DAY 1: HOUSING A HUMAN RIGHT, SECURITY AND HABITABILITY

16 November 2015 – Venue: Metropolitan Area of Barcelona Headquarters

9:00 – 9:30	Opening Session				
1st Urban Thinkers Session HOUSING IS A HUMAN RIGHT	2nd Urban Thinkers Session ACCESS TO HOUSING	3rd Urban Thinkers Session SECURITY OF TENURE			
9:30 – 10:00  Core Topics Presentations  Keynote  Rachelle Alterman	9:30 – 10:00  Core Topics Presentations  Keynote José García Montalvo	9:30 – 10:00 Core Topics Presentations Keynote Joseph Schechla			
10:00 – 13:00  Debates Sessions  Moderator	10:00 – 13:00 Debates Sessions	10:00 – 13:00 Debates Sessions			
Pablo Molina (Includes Coffee Break )	Javier Burón (Includes Coffee Break )	Anna Sugranyes (Includes Coffee Break )			
Lunch Break 13:00 – 14:00					
14:00 – 15:30 Drafting Sessions	14:00 – 15:30 Drafting Sessions	14:00 – 15:30 Drafting Sessions			
Rapporteur Irene Escorihuela	Rapporteur Martin McNally	Rapporteur Sonia Kirby			
Coffee Break 15:30 – 16:00					
16:00 – 17:30 Building Consensus Session. Plenary Session. Day Conclusions					

DAY 2: LOCATION, HOUSING NEIGHBOURHOODS AND SLUMS

17 November 2015 – Venue: Metropolitan Area of Barcelona Headquarters

4th Urban Thinkers Session THE LAND	5th Urban Thinkers Session RESIDENTIAL DISTRICTS	6th Urban Thinkers Session THE SLUMS			
9:00 – 9:30 Core Topics Presentations	9:00 – 9:30 Core Topics Presentations	9:00 – 9:30 Core Topics Presentations			
Keynote Paulo Henrique Ribeiro	Keynote David Bravo	Keynote Julian Salas			
9:30 – 12:30 Debates Sessions Moderator Amadeu Iglesias	9:30 – 12:30 Debates Sessions Moderator Amador Ferrer	9:30 – 12:30 Debates Sessions Moderator Antonio Azuela			
(Includes Coffee Break )	(Includes Coffee Break )	(Includes Coffee Break )			
Lunch Break 12:30 - 13:30					
13:30 – 15:00 Drafting Sessions Rapporteur Lorena Zárate	13:30 – 15:00  Drafting Sessions  Rapporteur Joris Scheers	13:30 – 15:00 Drafting Sessions Rapporteur Joan Mac Donald			
Coffee Break 15:00 – 15:30					
15:30 – 16:30 Building Consensus Session. Plenary Session. Day Conclusions					
Coffee Break 16:30 – 17:00					

Building Consensus Session. Plenary Session. UTC Conclusions

#### DAY 3: SIDE EVENT AND CLOSURE SESSION

18 November 2015 – Venues: Smart City Expo and University Barcelona

09:00 - 11:00Closure Session at the Smart City Expo **Side Event with Students on Socially Produced Habitat (Slums)** 

#### 8.2 Sessions' Summary

#### 8.2.1 Opening Session

16:00 - 18:00

The Opening Session was lead by Major Josep San Jose, of the city Sant Feliu de Llobregat and Vice-President of the Metropolitan Area of Barcelona (AMB) welcoming everyone and acknowledging the supports and collaborations of the AMB staff, the Habitat Professionals Forum (HPF), International Federation of Urbanists (Federación Internacional de Urbanistas, FIU), the European Council of Spatial Planners – Conseil Européen des Urbanistes, (ECTP-CEU), the Spanish Urbanists Association (Asociación Española de Técnicos Urbanistas, AETU) and Observatori DESC.

#### 8.2.2 Six Core Topics UTC Sessions

Here are reported conclusions and recommendations, built in consensus during the UTC six core topics sessions, presented and discussed during the plenary sessions, and later reviewed and integrated by the drafting group.

#### 8.2.2.1 Human Right to Adequate Housing

#### **Principles:**

- Recognize the right to an adequate housing as an independently and directly actionable human right (ID-JHR), in the sense of General Comment number 2 from the ESCR Committee -1991, and article 53 of the Vienna Convention on International Covenants);
- Budgetary difficulties should not be an obstacle to the recognition of the right to housing;
- Recognition of the right as an IDJHR does not necessarily need to detail its contents. The sole recognition of the right to adequate housing as an IDJHR would lead to a common and universal minimum core and would enable the states to increase and concretize the sphere of protection of the right according to General Comment number 4 of the ESCR Committee. The right to housing should not be subject to conditions neither subjective nor temporary;
- Standing should be universal. Not only private persons but also civil society must be entitled to challenge violations;
- The role of judges and the justice system regarding this recognition is crucial, in terms of independence, access to justice, speed and execution of the rulings;
- Through the recognition of the right to housing as an IDJHR, some components of the right to the city could also be the object of legal discussion at the Court System. Some of the contents of the right to the City are actually in the GC number 4, for example the access to water, electricity and gas and the proximity to schools and hospitals.

#### **Explanation of legal terms**

• Justiciable – a legal issue that would be within the scope of court action, as contrasted with topics that the courts would view as entirely a political matter;

• Actionable – Giving sufficient legal grounds for a lawsuit that legal entities (with standing) can bring before the courts directly.

#### 8.2.2.2 Security of Tenure (SoT)

- Expand on the existing principles from Habitat II. Habitat III needs to go beyond 'principles' and into 'indicators' and 'targets' for SoT (refer to draft of changes to Principles);
- To re-conceptualize the validity of 'informal' and 'formal' tenure look at transforming from a linear progression, but legitimize all of the different forms of 'tenure';
- Judiciable instrument that meets certain criteria as determined by the State (eg. Community plan, legal agreement) that needs political and technical validity, to legitimize tenure;
- Consider the SoT for housing within the context of access to services and infrastructure that contributes to 'quality of life' e.g. Culture, transport, employment, social networks, and social services;
- Consider SoT along a matrix relative to level of security, and the 'threats';
- Needs to confirm the roles and responsibilities of the four key stakeholders involved in managing SoT negotiations –Leaders, Authorities/City Planners, Communities and Landowners;
- Consider SoT in the context of 'The Right to the City', which are related to the basic human rights, water, electricity, transportation, but also beyond to enable people to flourish; considering this 'right' as social claim in a process of an emerging right.

#### 8.2.2.3 Land and Location

- Highlight the role of planning as a public function and a mandatory need of developing plans, at the appropriate scale (regional/territorial including urban / ecological dimensions); and timeframe (long term, not depending on change of government/political parties) should be coordinated between different spheres of governments; holistic/integral (different uses present and future; maximize them); with strong social/citizen's participation;
- Plans need to be simple enough for everyone to understand them (political and not only technical tool) flexible, easy to monitor and adapt/correct, etc.; new pedagogy and part of the "common sense";
- Need to approve laws and instruments –integrated cadastre (different land uses), public and transparent—to control the market price and/or reduce the highest and best use of land; and that determine/regulate the conditions under which land owners can use the land (separation between property rights and right to build) in light of social needs and priorities –public action should be oriented to more social and spatial inclusion –less stigmatization—, support social and solidarity economy; thus the "Right to the City" principles;
- Conduct an international survey to evaluate the implementation and shortcoming of the principles and commitments on land value sharing policies and instruments made since Habitat I (1976) and Habitat II (1996);
- Social function of property and land; expropriation; land value capture; mandatory percentage of social housing and/or community infrastructure in exchange for new developments; identify which specific instruments have been used/can be used after disasters/for reconstruction;
- Recuperate/strengthening other financing instruments: public banks; public budget and funds; workers/union's solidarity funds, cooperatives and social/collective funds.
- Investment in housing considered to be more than monetary investment, there are other resources that must also be invested effectively land, self-help and other in-kind contributions, technical capacity, knowledge.
- Decisions on housing should be based on evidence that ensures that decision-makers and the community are able to make informed decisions about the efficient use of land resources.

#### 8.2.2.4 Socially Produced Habitat (SPH) instead of "Slums"

This Urban Thinkers' session started with a core presentation by Julian Salas (Spain) who provided quantitative and qualitative information that triggered a lively discussion during the debate session facilitated by Antonio Azuela (Mexico) and reported by Joan Mac Donald (Chile). Consensus was reached on the following aspects:

#### Concept of "Slum"

The group identified at least five types of settlements/housing with "lacking basic habitability": i) central urban poverty pockets; ii) peri-urban settlements; iii) rural settlements (scattered); iv) emergency camps, and v) scattered homeless situations. The term "slum" does necessarily include them all and labels all informal settlements as extremely precarious and illegal. Considering that effective upgrading demands recognizing diversity of situations, problems and potentials, the term "socially produced habitat" (SPH) was suggested as more appropriate than "slums".

#### **Human Rights Approach**

Critical conditions that prevail in slums are often used by governments and real estate market can be an excuse to forcibly evict. The group reaffirms Right to Housing as a Human Right as already signed by Habitat II. This implies minimal standards such as secure tenure (not necessarily private ownership), infrastructure according to local contexts; habitability; accessibility, adequate urban integration and cultural adequacy.

#### **SPH Upgrading**

Upgrading should be the main approach to Socially Produced Habitat, to provide basic habitability at residential urban level. Relocation should be only exceptional and always negotiated with inhabitants, in terms of choice of land, adequate parceling and gradual installment of infrastructure, etc.

#### **State-supported Socially Produced Habitat**

Inhabitants of slums are best qualified to lead upgrading processes than governments, as experience shows. They developed effective tools and strategies to implement upgrading, giving importance to processes along with products. But to rely on community driven processes does not exempt governments from the responsibility to fully support them. Governments should accept that self-managed upgrading is as a legitimate strategy and respect procedures and priorities of inhabitants. They should take responsibility for regularizing land tenure, providing technical assistance and other help for housing improvement and promoting social economy within settlements. Governments should also anticipate future demands of land and services for expansion or new settlements, and place controls on excessive powers by real estate developers that entail forced evictions.

#### **Academia and Urban Society**

Finally, participants agreed on the importance of enhancing academic knowledge on slums upgrading, training professionals to work effectively with communities, and in general, raise public awareness about the urgency of improving habitat conditions of the poor within cities.

#### 8.2.2.5 Access to Housing

- Increase the public housing budget: Increase the material, human and financial resources devoted to housing policy to enable the implementation of housing policy instruments with which to adequately deal with the different forms of residential exclusion, recognizing / acknowledging the capacities of communities and the key role of third sector and non-profit organizations including housing associations and cooperatives;
- Recognizing the capacities and resources that community possess and invest in the social production of habitat;
- Increasing the supply of decent and affordable housing: Force provision of AH through inclusionary zoning policies, increasing the supply of social housing; stopping privatization of social housing. Decent homes should feature the basics of heating, lighting and water and be developed in accessible urban environments with a mixture of services, infrastructure and improvements to existing stock; and promoting social mix. Decent and affordable housing should be promoted in urban consolidated areas through urban renewal /regeneration interventions where needed and counteracting gentrification and segregation processes. In countries with considerable vacant housing, affordable housing should be promoted using empty stock through instruments such as public mediation between owners and levels of demand; incentives for affordable renting and taxation

on empty houses. The tenure regime of the supply of decent and affordable housing must be coherent with the demand's preferences and avoiding unsustainable long-term financial commitments;

- Public intervention in land markets: integration of housing policy and urban planning with instruments such as compulsory purchase; inclusionary zoning housing policy; non-isolated development; introduction of mixed communities; direct intervention through public land policy; human and material resources (including planning expertise) at the local level; taxation on vacant land, and compulsory use;
- Only sell residential public land in small quantities for social purposes and where land value can be captured and devoted to housing policy;
- Finding the balance between tenures: housing policy instruments should seek to find the right balance of tenures according to need; support housing cooperatives and other affordable tenures;
- Control of housing as a public good: return surpluses generated by the housing policy, action or measures to the public sector; for example surpluses in the land market due to infrastructure and reselling of affordable housing;
- Preventative and supportive government actions for home owners' indebtedness: Implement controls that can regulate the mortgage market; offering priority housing to households that are at risk of repossession and eviction; intervening directly between lenders and borrowers.

#### 8.2.2.6 Residential Districts

#### 'If the city were a paella, let housing be the rice' - WUC, Urban Thinkers Campus Barcelona 2015

On the planetary scale: different urban contexts, different housing and residential evolutions, different challenges. Very important to learn from successes and failures, taking into account the local and regional context and needs, linked up within a global scale.

- Housing and neighborhood are important keys to citizenship. Every single house and every group of houses we build, bring social responsibilities towards the city.
- Community involvement is crucial. The needs of the residents are taken into account, supported by a variety of professionals/experts.
- Housing and planning policies should counteract pernicious global dynamics such as segregation, gentrification and touristification, and be alert to their unintended consequences.
- Value existing residential areas and (re-)develop them towards more liveable, resilient, inclusive and compact built up areas.
- Different urban typologies need different approaches and solutions. No one-size-fits-all solutions. Start from local assets.
- Towards a new grammar for the art of urbanism, based on the human scale: provide quality public space and green infrastructure; go for compact urban form and sustainable housing typologies (energy, shared services; see: attached houses, row houses, or co-housing; always involve residents from the very start; integrate and coordinate every new development related with the urban fabric; be multifunctional; implement mixed use development (commerce, crafts, production,...) and link public spaces with ground floors; human scale heights (4-7 stories); different, versatile and flexible typologies needed with more shared spaces; proximity as a central indicator; to prioritize urban residential development which favors the use of sidewalks, bicycle paths and collective transport and reduce the need for private car use; invest in metropolitan and regional planning: compact cities, regional networks, polycentric development; including place making, urban design, sustainable mobility.

#### 8.2.3 UTC Lab with Students

A special activity was organized giving grade students the opportunity to participate in the debate of Housing in The City We Need.

The side event took place at the FIU and AETU headquarters. Was held in Spanish, with the three presentations

on Socially Produced Habitat (SPH) in Latin America, by Julian Salas (Spain), Joan Mac Donald (Chile) and Antonio Azuela (Mexico).

According to Julian Salas, 2.5 billons people are living around the world in precarious SPH, i.e. on third of the planet's population. Joan Mac Donald centered her intervention on peoples' capacities for improving the living conditions in the SPH. Antonio Azuela stressed the supremacy of law according in the transformation process of SPH in Latin America.

#### 8.2.4 Closure Session

The last UTC Housing in **The City We Need** open session was held at the Smart City World Congress.

Its program considered three moments: (i) introduction made by Ismael Mejía, Chair of the Habitat Professional Forum, explained the UTC process; (ii) presentation of the UTC key outcomes and recommendations, giving the audience a further possibility to accord the consensus building methodology by reviewing the results and wording; (iii) presentation of the housing policy in Barcelona by Josep Maria Montaner, Head of the Housing Department at the Municipality of Barcelona, explaining the implementation of the human right to adequate housing approach, and presenting the current action plan, with the City direct intervention on the following issues: empty and touristic flats; construction of social housing.













#### 8.3 Links and References

Housing in The City We Need recommendations are based on the following United Nations official documents and commitments:

- Universal Declaration of the Human Rights (1948), in particular the right to own property individually and in association with others (Art. 17);
- International Convention on the Elimination of All Forms of Racial Discrimination (1965);
- International Covenant on Civil and Political Rights (1966);
- International Covenant of Economic, Social and Cultural Rights (1966);
- ILO Convention (1969), on the rights of indigenous peoples in independent countries;
- Stockholm Declaration of the United Nations Conference on the Human Environment (1972), with the concept of the three dimensions of sustainable development –social, economic and environmental;
- The Vancouver Action Plan (1976);
- CEDaW (1979);
- Convention on the Rights of the Child (1989);
- Istanbul Declaration (1996);
- The Habitat Agenda (1996);
- Declaration on Cities and Other Human Settlements in the New Millennium (2001);
- Johannesburg Declaration and PoA of the World Summit on Sustainable Development (2002);
- The UN Declaration on the Rights of Indigenous Peoples (2007);
- 2030 Agenda for Sustainable Development (2015);
- Habitat III, Issue Papers Nr. 20 Housing (2015).

## 8.4 List of Participants

		Name	Family Name	Organization	Country
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