

Comments from Brazil to the issue papers that will inform the discussions of the UN Habitat III Conference.

"ISSUE PAPER 5: "URBAN RULES AND LEGISLATION"

The more the world's population becomes urban, the more fundamental is the role of urban law in the formulation of public policies, plans and projects regarding the conformation of more equal urban places.

The Brazilian government understands urban law not only as a set of rules and standards that govern cities, but also as the practices and traditions legitimized by formal and informal institutions. Furthermore, Brazil believes that it should reflect the conjugation of a set of rights (such as civil, political, social, economic and cultural, including collective rights) in the urban territory – a place characterized by social diversity, the enjoyment of the political right to choose and by the continuous search of preservation and protection of social life.

The principle of the "rule of law" plays a fundamental role in this context. It establishes the law as the most important means by which society is organized, as well as the equality of all individuals.

In order to be effective, urban law should have clear language and simple structure, enabling the participation of the population in its process of formulation and

revision. It should also be relevant and adaptable to any urban reality, given the financial resources available for its implementation and governments' institutional capacity.

Brazil believes that urban law should firstly establish the guidelines to urban development, which subsequently will be the basis for the formulation of objectives and goals aimed at the transformation of fragmented, vulnerable and segregated cities, as well as national and regional policies and local plans – such as the master plans (“planos diretores”) in Brazil.

Urban law should create tools able to influence the land market with the aim of expanding the access of the poorest population to cities' goods and services. In this context, housing and land are the elements which require more financial resources, engendering one of the main issues that should be addressed by urban law.

Inflexible laws that offer elitist urbanistic patterns should be avoided, like minimal areas of lands that are, in practical terms, much bigger than the necessary for the location or for the regularization of habitable buildings.

The dissemination of the use of alternative tools to real estate property, such as granting a special right of use for housing and social housing purposes, is of fundamental importance. A conservative legal framework, with limited options for the enjoyment of the right to housing, besides increasing informality, is a sign of urban rules and legislation that are not based on reality, making informality a rule and not an exception.

ISSUE PAPERS 8 AND 11: "URBAN AND SPATIAL PLANNING AND DESIGN"
AND "PUBLIC SPACES"

Brazil agrees with the view expressed in the issue papers under consideration that cities should be compact and have connectivity. Particularly, they ought to have basic land planning elements, such as macro-zoning and definition of areas of urban expansion, and present a legal framework democratically established and which contemplates the poorest population's interests.

Cities should become spaces of social coexistence and interaction. Adequately planned and managed public spaces with multifunctional areas are of extreme importance for achieving this aim and, thus, must play an important role in urban planning. Furthermore, as noted in the issue paper on public spaces, these areas "enable the population to remain engaged and to stake a claim on the city" and should, for this reason, be part of the debate on the right to the city.

As regards the social mix concept presented in the issue paper on urban planning, Brazil believes that one particular instrument for achieving this objective is ensuring that neighborhoods with areas intended for social housing are also occupied by families from other income levels.

In urban planning, it is essential to formulate policies that are able to regain the land value appreciation that resulted from urbanization, allowing structural

investments aimed at the reduction of social inequality. This could be done through tools that value the right to build above the limits normally allowed by zoning – in Brazil, “outorga onerosa do direito de construir” – or that combine public and private resources.

As regards the need of raising awareness of leaders and decision-makers to the relation between urban planning and local development, it is important to emphasize that the judiciary must be up-to-date with the legal innovations that have an impact on the approach to traditional legal institutes. Otherwise, this may lead to making decisions without due consideration to legal structures in which, in light of the right to the city and the principle of the social function of property, the social right to housing may supersede the individual right to property.

Lastly, it is important to emphasize that urban planning should be a collective exercise, in which the individuals are not only observers, but can actively participate in the political process of decision-making regarding their territory, thus reducing the merely technical character of plans and projects through a process of continuous negotiation.

ISSUE PAPER 15: “RESILIENCE”

It is stated in page 4 of the issue paper under consideration that “the three pillars of the New Urban Agenda – urban planning, urban legislation and municipal finance – provide a helpful framework for understanding resilience in an urban context”. In that regard, it is important to emphasize that the issue papers should not define the

main topics of the final document of Habitat III. This definition should be established through intergovernmental negotiations and inputs from States and stakeholders. Therefore, the statement that the Agenda will have three pillars and which are going to be such pillars is not aligned with the current process of negotiation.

ISSUE PAPER 17: "CITIES AND CLIMATE CHANGE AND DISASTER RISK MANAGEMENT"

Issue paper 17 raises important topics in light of the world's urbanization trends and cities' vulnerability to the impacts of climate change and disaster risks. Brazil believes, as stated in the Sendai Framework for Disaster Risk Reduction, that the links between disaster risk reduction and sustainable development have to be kept always in the center of development policies.

As regards discussions on short-lived climate pollutants, Brazil believes that the policy units should avoid singling out views expressed by initiatives that do not represent broad multilateral consensus, such as the Climate and Clean Air Coalition to Reduce Short-lived Climate Pollutants.

The debate on climate pollutants should be aligned with discussions in other international fora. Therefore, the approach to greenhouse gases (GHGs) that are governed by the United Nations Framework Convention on Climate Change should be distinct from the treatment given to the short-lived climate pollutants (SCLPs), which are not all covered by the UNFCCC.

ISSUE PAPER 19: "TRANSPORT AND MOBILITY"

Given the essential part it plays in the enjoyment of other rights, Brazil believes that transport and mobility should be recognized as a structural axis of the right to the city and have a prominent part in the New Urban Agenda. Habitat III should give greater emphasis than Habitat II to the importance of public and non-motorized transport as a means of promoting social equity, environmental quality and healthy lives.

Special attention should be given to traffic safety, the lack of which annually kills 1.2 million people worldwide and leaves 50 million injured. The Brazilian government attaches great importance to the integration of road safety into the New Urban Agenda and believes that discussions on this topic should be harmonized with the debate in other forums, such as the discussions related to the United Nations Decade of Action for Road Safety and the Post-2015 Development Agenda and its Sustainable Development Goals.

ISSUE PAPER 20: "HOUSING"

Brazil considers it extremely positive that the issue paper on housing adopts a rights-based approach, presenting the concept of adequate housing correctly as part of the right to an adequate standard of living – as stated in the 1948 Universal Declaration of Human Rights and the 1966 International Covenant on Economic, Social and Cultural Rights. Brazil believes that, despite significant progress in this area, the high

housing deficit in the world calls for the maintenance of the right to adequate housing as a priority in the New Urban Agenda.

In this context, special attention should be given to tackling both the quantitative and qualitative housing deficit, given its fundamental role in fighting poverty and reducing inequalities. Housing policies should aim at several income groups, with a clear focus on the poor and people in other vulnerable conditions – such as women, persons with disabilities, families residing in risk areas and homeless, older and indigenous people –, to which priority should be given in the access to adequate housing.

It is stated in the Issue Summary's second item (p. 4) that governmental interference in the housing sector, besides being small, has decreased lately. In this respect, Brazil believes that it is worthy to mention the exceptions to this scenario, as is the case of Latin America. Particularly, Brazil has spent considerable amount of resources in the provision of infrastructure and housing since 2007, which can be exemplified by the large-scale investment program "Minha Casa Minha Vida".

ISSUE PAPER 21: "SMART CITIES"

Given the fact that urbanization trends are expected to be particularly significant in developing countries – where, as stated in page 2 of issue paper 21, "90% of the additional 2.5 billion urban inhabitants and where much of the growth of secondary and tertiary cities by 2050 are projected" –, it is of fundamental importance to maintain the perspective, expressed in page 6 of the same document, that the research and work

on smart cities should result in the offer of models responsive to the increasing pressures faced by developing countries to deliver more and better basic services to a growing urban population.

As far as the application of the concept of "smart cities" to developing countries is concerned, it is also important to emphasize that the discussions should take into consideration the possibility of leap-frogging for cities in developing countries, with the incorporation of cutting edge technology, as well as the facilitated access to already consolidated basic urban technologies.

ISSUE PAPER 22: "INFORMAL SETTLEMENTS"

Brazil concurs with the concepts presented in the issue paper 22, agreeing notably that the needs and rights of people living in informal settlements and slums should be addressed through rights-based policies.

Slums should not be understood as a set of temporary houses, but areas characterized by housing and urban vulnerability, where, even when there is no land regularization, it is possible to bring investments and infrastructure aimed at providing better living conditions for the poor and other people living in vulnerable situations.

Brazil also believes that the offer of insufficient parcels of land is a less important reason of the increase of urban informality than the urban land price. For this reason, it is necessary to establish zones intended for social housing in areas that are

either central or perfectly connected to adequate public transportation, which should be regulated by different tax policies and more flexible urban frameworks of land use and occupation.

Furthermore, in order to address the housing problem in its current complexity and dimension, it is necessary to use the physical, socioeconomic and cultural resources already available in informal settlements. Brazil believes that these settlements should always be urbanized as long as it is possible to combine adequate living conditions and environmental sustainability."

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ISSUE PAPER 1: "INCLUSIVE CITIES"

Brazil believes that issue paper 1 should have addressed the current debates on the "right to the city", given the fact that, among the 4 issue papers that will guide the work of the policy unit "Right to the City and Cities for All", this is the document that discusses topics most directly connected to the subject. In this respect, it is important to stress that the "right to the city" was mentioned only twice in the 22 issue papers circulated - once in the document on safer cities and once in the document on urban and spatial planning and design. For the above reasons, Brazil believes that the policy units, notably the one on the "Right to the City and Cities for All", should correct this omission in the policy documents.

The Brazilian government also considers it important to take into account, among the key facts of the discussion on inclusive cities, the difficulties faced by the elderly population and by persons with disabilities.

Particularly, it is important to bear in mind that difficulties in urban mobility planning and design hinder their access to basic services and their full and effective participation in society. Therefore, Brazil believes that the policy units should address the importance of integrating adequate criteria regarding mobility, logistics and urban infrastructure in urban planning, so as to make cities more accessible to the elderly and persons with disabilities and, thus, reduce their current social exclusion.

ISSUE PAPER 2: "MIGRATION AND REFUGEES IN URBAN AREAS"

The issue paper on migration and refugees in urban areas expresses correctly the importance of prioritizing humanitarian considerations in the reception of migrants and refugees, as well as of promoting their empowerment through participation in the local political debate. Brazil also concurs with the fact presented in the document that migrants and refugees contribute to the social, economic and cultural fabric of their host communities and believes that such perspective must be conveyed in the New Urban Agenda.

The Brazilian government also agrees with the statement in page 4 of the document about the importance of promoting better data collection. For the data collection to be effective, it is essential to implement "firewalls" between immigration enforcement and public service authorities, as recommended by the Special Rapporteur on the human rights of migrants, François Crépeau. This would make it possible to bring irregular migrants out of the shadows and, thus, better identify protection challenges and improve urban planning, and guarantee to migrants the enjoyment of their human rights.

ISSUE PAPER 13: "JOBS AND LIVELIHOODS"

Brazil believes that urban job creation is fundamental not only for harnessing cities' potential as engines of growth and development, but also for promoting social inclusion, since it is the most important household income source.

Nevertheless, the mere creation of jobs should not be seen as an instrument for achieving more inclusive cities, given the fact that those who live in poverty or in other vulnerable situations have difficulties to overcome these conditions due to, among other factors, low wages and job insecurity. In this context, when broadly understood, work may also be a means of reproducing inequalities.

Therefore, the Brazilian government concurs with the view expressed in page 5 of the issue paper under consideration about "the need to generate not just more jobs, but decent jobs", as well as with the overall perspective conveyed in issue paper 13 that decent work should be one of the main concepts in the approach to the subject of jobs and livelihoods.

ISSUE PAPER 14: "INFORMAL SECTOR"

Since there is no consensus on the definition, causes, effects and methodology used for measuring informal employment, international discussions on this subject are usually intricate. Therefore, Brazil believes that efforts of data collection and harmonization, with due consideration of each country's specificities and strategies for tackling the issue, are essential for a good understanding of the subject.

The Brazilian government also believes that discussions on the informal sector should take into consideration Recommendation No. 204 of the International Labor

Organization concerning the Transition from the Informal to the Formal Economy, which was adopted during the 104th Session of the International Labor Conference, in Geneva, on 12 June 2015.

The Recommendation could provide useful insights on the topic in the discussions of the New Urban Agenda. Besides addressing the issue of preventing the informalization of formal economy jobs, the Recommendation offers guidance to States to facilitate the transition of workers and economic units from the informal to the formal economy, while respecting workers' fundamental rights and ensuring opportunities for income security, livelihoods and entrepreneurship, as well as on how to promote the creation, preservation and sustainability of enterprises and decent jobs in the formal economy.