



# Habitat International Coalition

## Habitat International Coalition Comments on Habitat III Issue Papers

### Overview:

*The Papers generally point out challenges, threats and opportunities to resolve problems. They succeed, in part, but could go much further toward that end. However, if we were to understand that the Issue Papers' essential purpose is to catalyze debate, then they hold tremendous potential to achieve that end. They make for essential reading.*

*In serving those essential purposes, they also leave many gaps to be filled with the discourse and intended consensus that will take the form of Habitat III principles and commitments on a similarly broad range of issues. The official narrative production on Habitat III already has been voluminous, but has left important lacunae.*

*Given the chance, stakeholders are bound to raise other urgent considerations. This review is a precursor of some of them. It also points to some of those outstanding stakeholder considerations, in particular, civil society issues that have yet to find a home in any of the existing forums and mechanisms. (The General Assembly of Partners may facilitate dissemination of information about processes, but does not allow for deliberation about substance.) The combined issues from the Issue Papers, along with those yet to be developed, help show the way toward what forums and channels of stakeholder input are still needed.*

All Issue Papers would benefit from a regimen of both maintaining integrity with, and challenging Habitat II issues and commitments made in 1996. 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 or to the Papers. The usefulness, relevance or coherence of the Issue Paper production would be lost if, in fact, the Issue Papers are perceived as think pieces on issues coming out of some process delinked from the global policy-making process spanning decades. 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 next year).

Useful as the Papers are for stimulating discussion, 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 so far begs looming questions that deserve answers.

That is the greatest legitimacy challenge that UN-Habitat and the Habitat III Secretariat have to overcome. The Issue Papers 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: The Papers 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 Papers' general silence on the existing normative framework and the needed attention to causative factors for habitat problems remain the principle elephants in the Habitat III room. However, the following comments also point out the notable occurrence where the Issue Papers have touched upon those vaulted beasts and occasioned new questions about both: What caused this? Shouldn't there be a law? What are the consequences for people? Who is responsible for the remedy?

The Issue Papers affirm that, in Habitat III, “managing” crises supersedes avoidance or resolution strategies, which approach supplants attention to the changes in behavior that remedial strategies require. This leaves the impression that Habitat III is purposefully designed to avoid remedial strategies in its processes and outcomes. The organizers may face a challenge to correct that impression.

Although the Papers avoid calling all ominous and life-threatening human-settlement phenomena as “inevitable,” the assumption nonetheless prevails throughout the Papers that certain trends are irreversible and remain immune to any prospect of mitigating them, except for only their direst consequences. Examples are the three-fold territorial expansion of urbanization (cities) by 2030, the burgeoning growth in population, the continued destruction of the atmosphere *et al.* The Papers identify these looming problems, but conclude with apparent contentment at technical adjustments to ensure some measure of comfort for those who can afford them.

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 behavioral changes required, as well as the behavioral changes already long-ago committed (in Habitat II), are not prominent in the Issues Papers, but nonetheless occasionally hinted at.

To wit, the entirety of the Issue Papers ignores 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 is still needed in the relevant Paper 3 – Safer Cities. The voluminous human rights standards that specifically apply in the context of human settlements—although proposed to be a purpose and constant pillar of action in the UN Charter—have disappeared in the Issue Papers that purport to define the terms of the Habitat III debate.

Taking advantage of certain conceptual advancements of recent years would help strengthen some of the Issue Papers to avoid ideological pitfalls. For instance, the nexus of housing and planning livelihoods is a conceptual link that disengages in the discrete papers on “Informality,” “Housing,” “Urban-rural Linkages,” “Urban and Spatial Planning and Design” and “Informal Settlements.” À propos, the “Informality” paper should link more to “Housing.” Some of these sectoral treatments lend themselves to

greater cross-referencing in the ensuing debate, and those linkages deserve attention in any overview of the 22 Issue Papers, as well as the Habitat III agenda itself.

Despite the UN Charter's contractual guidance and the abundance of normative references, especially since 1996, the papers 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 Papers claim to take a rights-based approach (e.g., 18 – Urban Infrastructure and Basic Services, including energy), but do not follow through with that assertion. Most of the Papers 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, a missing piece of the Issue Papers' method and format is any reference 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 Issue Paper 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 Issue Papers reveals also the need also for an additional Issue Paper on population trends (growth, ageing, youth bulge) and related global and state policies (or lack thereof). That would complete the picture and address some of the causes and consequences behind the looming assumption that current trends are, perforce, immutable.

The “Platforms and Projects” section of the Papers is very selective, limiting the listings mostly to intergovernmental examples, excluding critical others and having the potential effect of narrowing the parameters of debate.

The global challenges of (1) *eliminating* disparity and (2) accountability for injustice and its manifestations (e.g., forced eviction) are unmentioned anywhere. The Papers and the Habitat III debate, in order to be taken seriously, still has to address these pending issues, which means posing the needed measures actually to resolve them.

The “Drivers for Action” heading is cryptic. What follows this term of art sometimes appears to be imperatives for action, other times modest recommendations, or, at other times, actual causes of the consequences cited in the Papers. The reader may have to interpret, Paper by Paper, which of these purposes the “Drivers” are intended to capture. The recommendations, thus, need to be stronger, more specific and at a common level of purpose.

The needed debate over curative responses eventually will propel the importance of the Habitat III processes. The next phase of Habitat III discourse should achieve that stage through the rigorous deliberation that should follow and fill any gaps in the Papers.

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 Issue Papers and the Habitat III discourse, in general. That omission is also creating the need to invent the wheel of Habitat issues, with all the cognitive and cost inefficiencies that that process implies.

As a whole, the Papers do not justify narrowing the subject of habitat to only an “urban” agenda. The principles and issues laid out in the Issue Papers actually make a strong conceptual case for restoring the “Habitat” Agenda and dropping the divisive, inadequate and lopsided messaging of a development agenda only for things urban.

The “urban” Habitat III approach and messaging keeps appearing more and more untenable as a global policy premise or functional reality. In the Papers 1 – Inclusive Cities, 10 - Urban-rural Linkages, even the narrowly titled 8 – Urban and Spatial Planning, the more inclusive “habitat” approach is evident and unavoidable. In this sense, the narrative of the Papers does not have to change, but, overall, the Habitat III branding urgently does. The evidence does not support the presumptive conclusion that we are facing the need for an “urban agenda,” at the ideological expense of other values, communities, contexts, human practice and planning-and-governance wisdom.

The Papers apply divergent style criteria. In any finale version, they should be harmonized with the help of copy and style editors to correct the misuse of hyphens, inconsistent punctuation rules, usage, subject-verb disagreements, etc.

If such a final version of these substantive Papers is contemplated, it would be useful 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, while taking an evaluative view forward. In some form, that approach would go far to demonstrate the utility and relevance of Habitat III to its various publics and stakeholder groups. That would transform the substantive detail of the Issue Papers into instruments of greater purpose, coherence and considerable power.

#### **Issue Paper-specific comments:**

##### **1 – Inclusive Cities**

While the paper recognizes political commitment (will) and mechanisms as the two types of drivers needed to ensure inclusive cities, it recognizes the importance of legislation. However, the constitutional framework should be considered as an important factor (aid or encumbrance) for both. Realizing the right to the city, for example, is anathema to the experience in some regions largely due to the lack of constitutional provisions allowing for the institutional and procedural possibilities for transparency and participation. In this sense, the link to frameworks is important (See Policy Group 2 – Habitat Frameworks).

Here it would be important also to distinguish between “local authorities” and “local government.” The human rights obligations of subnational public institutions apply whether those are qualified and referred to as “local governments” (LGs) or as “local authorities” (LAs). The two are not always synonymous. The distinction is important not to differentiate between the nature of the obligations, but to distinguish the two categories by their respective political processes.

For the citizen, local governance is the nearest of the various distinctive, interdependent and inter-related spheres of government within a territorial state. 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.

The concept of “spheres” of government offers an alternative to the hierarchy implied by the reference to “tiers” and “layers” of government. That terminology, often portraying local government as the “lowest” form, distorts the perception of more integrated approaches to governance. From the perspective of most citizens, local government/administration is actually the most proximate sphere of contact with the state’s public institutions. From the human rights perspective, local government/administration is also the most-immediate and most-constant duty holder in day-to-day life.

The particular terminology and concepts defining “local administration” and “local government” distinguish the former is a generic term that may or may not constitute “government” as defined in representational terms. Both forms of governance possess certain powers conferred upon them by legislation or directives of the higher levels of government. These powers consist, in substance, in regulating and managing certain public affairs and delivering certain public services.

The extent of local governance rights and powers should be analyzed always in the context of relations among 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 regulatory power for the exercise of its functions, which is, however, subject to compliance with national law. Whether or not local administration exercises these regulatory powers and meets the qualification as “government,” the human rights obligations of each sphere of administration remain constant.

“Local government,” or “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. As the level 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 observation applies whether the local government operates in urban or rural settings.

According to the UN Human Rights Council’s Advisory Committee (HRCAC), the degree of self-government exercised by citizens and local authorities can be regarded as a key indicator of genuine democracy. HRCAC sees political, fiscal and administrative decentralization to be essential for localizing democracy and its human rights cohort. The UN’s human rights policy think tank asserts also that “democracy is not possible without respect for human rights, and no human rights can be achieved without democracy.”

“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.

A measure of local decision-making autonomy fosters and enables a concomitant measure local participation and meaningful citizenship for the majority of inhabitants within the subnational units belonging to the territorial state. Thus, the notion of “local authority,” as distinct from “local government,” does not necessarily lend itself to the democratic practices of government. In the modern sense of statecraft, “government” involves citizen participation. Administration defined merely as “authority” inherently does not.

Whichever the configuration of offices and division of duties and functions, the model of “local government” (LG) is understood as preferred in modern unitary states, as well as in federal systems. The constitutive principles of “local government” are aligned with the substantive and process human rights

enshrined in the International Bill of Human Rights and specific conventions. Democratic local government upholds the organic vertical development of the state. It preserves the state.

In global practice, the majority of cities have elected mayors. In some rare circumstances, constituents have declined their right to elect a municipal head, favoring instead appointed local governing councils. However, some systems indeed have central authorities assuming mayoral selections by political, military or royal appointment, rather than chosen through constituent elections.

Whether elected, appointed, military or security-state governance, all subnational authority bears identical treaty obligations, regardless of its civil or official status. Its obligations arise from the authority's status as representing institutions of a state.

p. 1: Key Facts and Figures: Slum-like conditions are not just in the “developing world,” but also found in many major urban centers in the developed world (e.g., Paris, Chicago, Los Angeles, Hong Kong).

P. 3: The impact of such inequities, in general, is noted as affecting “health outcomes, further influenced by social determinants of health.” However, more attention should be given to the connections between environmental injustice and public health in human settlements, including cities: marginalized/poor communities tend to live in environmentally contaminated areas, facing health risks and consequences such as asthma, lead and other chemical poisoning, *et al.*

pp. 3 and 6: Vulnerable and marginalized groups are identified: slum dwellers, migrant workers, children, young people, older persons, persons with disabilities, indigenous peoples and minority groups. Disadvantages are greater for women within these groups as they also bear gender-based discriminations (p. 3); indigenous peoples, migrants, ethno-cultural specificities of communities, women with disabilities, adolescent girls, older persons (RE: basic services, p. 6). More focus/elaboration may be needed on what populations need to be reached out to create inclusive cities, in the other target aspects mentioned: e.g., planning, implementation, accountability, local government. Included in all categories of human settlement functions should be also LGTBQ, refugees, subjects of discrimination on the basis of work and descent, people with HIV/AIDS, etc.

p. 5: B. Establishing the Pathway to Inclusive Cities: In addition to the necessary political will (p. 1), the mechanisms and institutions to facilitate inclusion (i.e., participatory policy making, universal access to services, spatial planning, etc.) *investments* are needed to ensure inclusive cities (for expanding affordable housing stock, expanding educational access, etc.).

p. 6: Some mention of “decent work,” but a clarification of what constitutes “decent work” is needed. As pointed out in the PrepCom 2 side event on “Sustainable Housing as an engine for economic development and employment generation,” housing construction and repair are correlated with job creation, but little attention is [aid to the quality of that work within ILO criteria for “decent work.”

The “Spatial Planning for Inclusion” section could be more specific, offering good practice examples of inclusionary-zoning requirements for developments, applying labor standards, etc.

pp. 6–7: The Paper ties analysis of “slums” to concepts of spatial inequality, but points out *en passant* that, with improved spatial planning, “New jobs emerge that, if in line with human rights and labour standards, can provide pathways for individuals, households and communities to reduced poverty, increased well-being and greater equality.” This could be considered a “Driver for Action,” but, in this Paper, it is categorized among “Establishing the Pathway to Inclusive Cities.”

The “regional” approach to planning and the importance of regionalism is needed as a perspective for understanding labor markets, inclusive transit needs, urban-rural continuum. That necessitates jettisoning the exclusive Habitat III message of an “urban” agenda, which obfuscates the needed vision for planning and operationalizing the city/human settlement as part of the diverse territorial metabolism that it actually is.

## 2 – Migration and Refugees in Urban Areas

In general, the Paper could be improved with more attention to, and identification of “economic” migrants. It seems to emphasize refugees and IDPs. Therefore, a correction for balance and inclusivity would convey more of the reality.

The treatment needs more attention to particular worker rights violations migrant and refugee communities face (wage theft, discrimination, indentured status, confiscated passports under contract, etc.) and the particular sectors/industries in which there tends to be high concentration of migrant and refugee workers (service industry, construction, *et al.*). Migrant workers’ housing and living conditions is a notorious issue that is not covered, and this lacuna should be corrected.

p. 1: Migrant and refugees are appreciated as drivers of sustainable development. It should be noted—and corrected—that not “most” but *all* countries (states) bear obligations to protect refugees under international law.

Top of p. 4: “Humanitarian intervention and emergency assistance should be provided in ways that support long-term development to transition from relief to rehabilitation.” The third pillar of constant application is the human rights framework that accompanies corresponding obligations and accountability has been omitted. The Paper should update readers about indispensable link among humanitarian, development and human rights approaches. (Cross-reference to Issue Paper 15 – Urban Resilience; see also Principle 16 of Framework for Action for Food Security and Nutrition in Protracted Crises, among other sources.)

The reference to the collection of “robust data” should be accompanied by the principle that collecting data on migrant and refugee communities should not imperil them (i.e., consideration is needed of risks communities can face when documentation status is exposed). Consistent with the opening acknowledgement of migrants and refugees as development assets, the Paper could also point out, therefore, how such data collection should focus on contributions migrants and refugees.

The Paper needs to focus on global and shared responsibility but *differentiated* functions, with greater burden placed on local governments (if they exist) and local authorities in both rural and urban settings. The planning and response need to reflect that reality and, so far, does not. The majority of displaced persons and refugees move within a small radius from their original homes.

Reference to the corresponding Habitat II commitments is needed, namely: H2: paras. 9, 38, 96, 119, 184, 204(y). In so doing, more elaboration needed on what a human rights approach to urbanization—as championed in Habitat II and omitted here—means for migrants and mobile populations such as the human right to water, other services, adequate housing, education, health *et al.*, regardless of status, affordable housing available regardless of status, etc.

The Paper also needs to take note of the increased recognition of the importance and exercise of migrant communities’ rights to collective action. A good practice example could be the *Consejero Extraordinario*

*de Inmigrantes* in the local *Consejo Participativo Municipal*, the attention to immigrants and migrant workers in the Gwangju, South Korea's Human Rights City program, the inclusionary treatment of migrant automotive workers in Hamamata, Japan's governance.

### 3 – Safer Cities

p. 1: reference to “layers” of government should be replaced with “spheres” of government. (See comments on Paper 1 above.)

The inclusion of “resilience” appears rather perfunctory and contrived, but could and should be developed with its full meaning, including accountability and remedy.

“Social capital” definition needs developing to reflect the nonmarket dimensions of social production of anything (e.g., social production of a safer city?).

p. 2: what is “urban” about “urban safety”?

“innovation” is presented as exclusively a function of technology.

Key facts and Figures: Size-vs-planning/management factors at the absence of others

Considers only deliberate human-on-human breaches of safety (i.e., crime, harassment). Resilience and the institutional protection from nonhuman causes, as well as a “human security” approach, are needed. That would enable consideration of traffic, infrastructure hazards, natural disasters, education, *et al.*

The reference to the fact that inequality—not poverty—is the salient factor is the prevalence of crime hints at the more holistic human-security approach, but does not complete the link.

p. 4: Messages that provide an occupational boost for urban planners should not overshadow the sober reality for millions. The premise that well-planned cities are “engines of growth and prosperity” is a unidimensional, ideological slogan that probably should be tempered by a more-neutral and factual statement to the effect that “urbanization facilitates concentrated production and consumption.” The rest is what the inhabitants make of it.

The subject of this Paper is supposed to be safety and security. However, its exclusive focus on planning (or lack thereof) is discussed as the singular factor in determining safety.

Policy: blames a lack of “multi-layer coordinated governance”; should be multi-sphere governance, to get away from the old hierarchical concept of governance, with local at the bottom.

p. 8: “Rule of law and human rights” become an addendum reduced to an unrelated paragraph that cites “the right to the city for all,” explained as a function of vulnerable groups participating in the (social?) production of safety (and security?).

Where are the corresponding Habitat II commitments? Remedy and prevention of forced eviction (Habitat II Agenda: paras. 40n, 61b, 98b).

Since H2: Millennium Declaration identified small-arms trade. MDGs identified clean water. Brazil made the reduction of traffic deaths and injuries a focus of its National Plan for Human Rights (1990s). All are among the range of timely human-security issues to develop on this subject of Safer Cities.

The Paper should bring readers up to date on the relevant food safety, food security and nutrition norms developed through the Rome-based agencies and the Committee on Global Food Security (CFS).

#### 4 – Urban Culture and Heritage

The exclusive “urban” focus comes off as distorting and contentious, as if rural culture and heritage are not values and/or are not present in human settlements.

While the introduction recognizes monetary and nonmonetary values, tangible and intangible assets, the thrust of the Paper is on economic and exchange value of cultural heritage in cities. It needs balance to emphasize the cultural dimensions of identity/ies, indigenous and other, ethnicity of neighborhoods, trends and factors enhancing and detracting from those values.

p. 1: As part of “Main Concepts,” the following points should be included:

- o Recognition of “pluri-cultural” “pluri-nacional” human settlements: communities, city-regions and states;
- o Importance of multi-cultural, multi-lingual aspects of urban culture and heritage;
- o More recognition of culture as central to identity, self-determination, collective action/expression of communities, relations with the land and location.

Nature/sacred lands as part of “cultural patrimony” is even enshrined in the current generation of national constitutions (e.g., Ecuador and Bolivia). Urban heritage conservation needs to include lands under threat because of mega projects or the pursuit of other economic interests.

p. 2: The “Main Concepts” recognize cultural production among them, but seem to consider only that production that can be exchanged or commercialized. That narrow concept should be broadened to incorporate also (1) social production of culture outside of the market and (2) the human right to participate in culture, including access to resources for cultural production as critical for equity in cultural production and heritage, “inclusive cities” (with reference to Paper 1) and the related values of sustaining equitable human settlements. This includes the “culture of solidarity” promised in Habitat II (Istanbul Declaration (ID): para. 15) and other commitments to uphold rights to culture in human settlements (ID: 2, 11, 15; H2: 7–9, 14, 23–24, 26–27, 29–31, 36, 42, 43(r, s, t, z); 60, 67, 67 (c, a), 69(a), 78(a), 99, 101, 106, 109, 109, 117(a–b, d), 120, 121(m), 122, 142(b), entire section 8: paras. 152–54, 161(d), 176(k), 185, 186, 190, 191(h) and 199).

p. 3: Issue Summary: “urban crisis.”

p. 4: Urban Cultural Practices - globalization, tourism, migration and gentrification mentioned, but not developed. Particularly, gentrification and urbanization too often generate homogenization and loss of heritage, memory, and bring about deculturization. Obvious hazards of the “global city” and “world-class city” concepts are overlooked. Cities under occupation (Jerusalem, Lhasa, al-`Ayūn, Nicosia) suffer urban “development” that is lethal to cultural heritage, peace and security and human rights (the three purposeful pillars of the UN Charter).

A human rights approach would raise the “participation” elements to proper level and their status as a codified human right, binding treaty obligation and accessory to the realization of other rights, in particular the human right to adequate housing.

p. 7: A “Driver for Action” should also include maintaining cultural infrastructures/institutions public and free/affordable to all.

This would follow from a more-general recommendation from good practice to maintain channels for marginalized communities into creative industries, noting also that maintaining a so-called “[creative class](#),” as in many major urban centers, is a source and function of economic inequalities.

Another “Driver” to consider is culture-based regeneration or economic-development strategies that align with enabling policies, mechanisms, investments such as fair trade policies, addressing barriers to licensing, *et al.*

## 5 – Urban Rules and Legislation

p. 1: The Paper promotes “levels” of government; should be spheres.

Where is enforcement? Links to order and safety/security?

p. 2: “recognition of human rights as a necessary outcome”; should be respect, protection and fulfilment...

This subject needs a proper treatment of the universal rules that apply to habitat, including the need to harmonize national and local legislation with the universal norms. For a UN Charter-based organization and process, that should be the point of departure.

The hierarchy of laws, paramountcy of human rights, *erga omnes* and *jus cogens* principles, human rights and local government, are cardinal points upon which the Paper remains silent.

p. 3: cites three abstract Habitat II commitments: review, adopt and put into effect facilitating legal framework; however, the relevant specificity of Habitat II commitments are ignored.

Prevention and remedy of forced eviction, innovative value recovery (H2, para. 76h), *et al.* not mentioned.

p. 4: Policy: 6 suggests the need to rethink the 1996 trend toward deregulation, but then does not continue the thought. The Habitat II commitments to ensure a macroeconomic system conducive to implementation of the Habitat II Agenda also receive no attention.

The need to rethink property rights and the range of tenure options available in an integrated (not uniform) national legal system also are absent.

The Paper makes no distinction between “local authorities” and “local government,” or the legal and constitutional framework and criteria that distinguishes them.

p. 5: Knowledge and Operations: 9 equates property rights with freehold tenure only.

The normative Right to the City criteria and examples from practice deserve coverage in this Paper.

This paper has to be reconceptualized and rewritten to fill the basic tenets that are left out.

## 6 – Urban Governance

p. 1: Local self-government: recognizes concept of “spheres” of government. (See comments on Paper 1 above.) However, the reference to “multi-level governance” unravels it.

p. 3: mention of the “scourge of corruption” is important. But treating this issue also in connection with existing commitments from multiple norms and instruments would help support this. (See Habitat II, paras. 25, 72d, 179 and 180m.)

What is the purpose of Figure 1? Perhaps it relates better to Paper 7?

Participation as a function of good governance has evolved since 1996; should cite current and accumulated experiences with participatory budgeting, participation of migrants/non-nationals *et al.*

p. 8: PPPs !!! This is positive and should be elaborated and regularized in Habitat III. Also the Public-popular partnership remains an option to be explored. That is mindful of the fact that, in any scenario, the private sectors (formal and informal vendors) will play a role in development, upgrading, maintenance, etc. However, the stress of PPP(P)s in the Habitat III/New Habitat Agenda, therefore, has to be on “people” and on promoting adequate participation in all aspects of responsibility and benefits.

Evolution of human rights governance (Right to the City, Human Rights Cities, Human Rights in Cities, Human Rights Habitat, Rights of Cities) are highly relevant here, but omitted.

p. 9: city-to-city cooperation and territorial approach are positive and important aspects to be elaborated in further debate.

Cities as models of state-society relations in fragile states is timely. The Paper could give attention to the concept of “[stateless democracy](#),” which is being adapted perforce in situations such as [Rojava](#) (Kurdish Syria).

## **7 – Municipal Finance**

pp. 1–2: refer more to governance than finance issues.

Improving outdated governance system:

1. Argues for territorial (not urban-exclusive approach), although is only tangentially related to finance
2. “transfer systems that encourage perverse behaviors reducing local government efficiency”! “Value-capture financing” as good practice.

p. 4: Bridging shortfall in endogenous resources: The practice applies only where bona-fide “local government” exists. (See comment on Paper 1 above.)

## **8 – Urban and Spatial Planning and Design**

p. 1: Main concepts: 1. Omits village, regional, rural, city-region scopes and subjects of planning.

Planning for other-than-spatial aspects of human settlements missing: food security/sovereignty, migration *et al.*

p. 5: “social mix” as social integration?: “The right to the city movement has been influential in promoting these issues on the international agenda.” Add: human rights city movement, *et al.* (See comment on Paper 6, p. 8, above.)

p. 6: “In recent years, particularly in Europe, the concept of ‘the right to plan’ has been discussed, recognizing its importance for individuals to be able to fully engage with the development process in the city.” This has been discussed at the international level as a function of the respect, protection and fulfilment of the human right to adequate housing, GC 4, “public goods and services,” related jurisprudence and further elaborated in applying the human rights criteria and methodology to the social production of habitat, including the social production of housing.

“...formation of partnerships [among] public, private and civil society can support the development process” suggests PPPP and social production of habitat.

p. 7: Key Drivers for Action: “International Guidelines on Urban and Territorial Planning can be a global reference for local and national initiative to improve planning and design.” ? They represent the lowest-possible common denominator among planners. They refer to coordination across institutions and participation (not citizenship), but provide no criteria. They emphasize the cultural aspect, but omit the human rights aspect and, therefore, miss the opportunity/duty to operationalize human rights. They may stand as some fundamental principles, but omit certain indispensable others: e.g., the rights (and responsibilities) dimensions.

“Planning as a pre-eminently public function.”

“Facilitate land tenure security,” but does not mention diversity in tenure systems coexisting in a single state system.

p. 8: “Plan for disaster and climate resilience,” but lacks attention to the human-made disasters and corresponding liabilities, without which, resilience can amount to heaping a further expectation on the victims coping with the resulting burden on their own, without remedial or reparation outcomes.

“Plan in advance of urban population growth” needs to be integrated with Issue Paper 2.

## **9 – Urban Land**

Overall, this paper wasn’t terrible. It acknowledged some critically important areas, but did have some shortcomings. On a positive note, certain key points should form part of this Paper and the corresponding Habitat III dialogue:

1. The need for integrated land planning across rural and urban areas, and across sectors; however, the issue that is not fully addressed is for that discussion to be right-to-land/human-rights (i.e., equity) based, rather than land rights understood as private ownership/financialization based.

2. The Paper showed clear support for the rights to land and resources, and strong tenure protection of persons living in peri-urban / green belt and rural areas, including small-scale food producers, which are most at risk for displacement and dispossession for various reasons, including speculation and urban capture.

3. A valid criticism of the “cities without slums” slogan as a way for authorities to justify evictions. The author recognizes that this is problematic and that authorities at all levels need to be educated to better understand their obligations.

4. Action Points include free, prior and informed consent (FPIC). So many issues have accompanied this principle, recognized in other forums and international policy processes (FAO, UN Declaration on the

Rights of Indigenous Peoples, *et al.*). The Habitat III process and commitments should incorporate this emerging standard.

Main observations:

The focus is on land rights (as if limited to private ownership), rather than the right to land, which is grounded in equity principles. Generally, the Paper does not reflect or apply a human rights approach, which aspect must be restored. The paper discusses the “continuum of land rights,” but this is focused on shades of ownership, not international human rights obligations and operational principles.

The Paper exemplifies that terms and concepts of this discussion have to change. The issue of land makes clear the indivisibility of human rights, including ESC and civil and political rights. The Paper leaves a need to reference and use the “right to land” work that is being done, especially through the past 20 years. The two main areas that need stronger HR analysis are: (1) human rights and tenure and (2) human rights and access to natural resources (in urban and rural areas). The way the paper is written now puts too much deference to the private-sector “responsibility” to price better, rather than the state obligations to respect, protect and fulfil human rights and regulate the market accordingly.

Related to this point, while it was made clear that land access is important for vulnerable and impoverished communities, the Paper fails to address the **social function of land** and land as part of the **commons**. Instead, the discussion focuses on the need for better pricing of land, rather than its community and social function.

In line with the above point, a discussion on municipal zoning issues related to land is relevant to all regions. Land-use restrictions that prevent, for example, urban food production or livestock keeping, are impediments to many low-income residents’ survival and sustainability. The Habitat II Agenda is replete with commitments to enable agriculture and horticulture in the context of human settlements. This principle does not need to be reinvented, or argued from ciphers. This is true, especially in Global South informal areas, but also is a real issue in urban areas in the North America and Europe. It also affects what kind of real-estate/buildings can go where, including social and public housing and retail markets (i.e., lack of markets in low-income neighborhoods/“food deserts”), and public space/commons within human settlements.

The Paper overemphasizes urban land/urban sprawl (which aligns with the UN-Habitat / H3 approach of urban-only messaging and focus) without discussing the serious flaws in rural land use and access that are contributing to urban growth and to further land-use issues, especially via land and resource grabbing. This myopia also contradicts the mention of the need for integrated urban-rural planning that the paper also underlines as important.

“Multistakeholderism” (Action Point 11) requires careful consideration. Globally, civil society is suffering a lot from “multistakeholderism” that is perfunctory, ineffective and still maintains huge power imbalances, especially if one of the “stakeholders” is the private sector. The Paper should have clarified that the government bears the responsibility and carries the obligation of the state to serve people and the public good first, not businesses/corporations/banks and private interests. The dialogue and decision-making processes must be principally between the government and the affected community.

Main Concepts:

p. 1: good spectrum presentation and explanation of “land value sharing.”

p. 2: Includes definition of forced eviction, but omits mention of its classification as a “gross violation” (CHR res. 1993/7) and corresponding reparations entitlements; omits also mention of dispossession, destruction and privatization of land as violations—or sources of violations—involving arbitrary cancellation of tenure and/or use rights.

Figures and Key Facts:

1. Land actually formed an issue in Stockholm Declaration of the United Nations Conference on the Human Environment (1972):

Principle 2: “The natural resources of the earth, including the air, water, land, flora and fauna and especially representative samples of natural ecosystems, must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate.”

2–3. Food security mentioned in connection with land, as it should be included in other sectoral papers (e.g., 8 - Urban and Spatial Planning and Design).

p. 3: 5. needs to address displacement in the context of ostensible development projects.

p. 5: Issue Summary:

8. “land value sharing” is an important reference to be developed.

10. needs to add the social function of land and property.

The Paper also should address land acquisition laws, flawed practice of eminent domain and misuse of “public purpose/ interest” to take over land from the poor.

Also deserving of inclusion is the problem of ghettoization, forced relocation to peripheries and failed and/or otherwise inadequate resettlement, and the issue of conversion of public land to private use through illegal means, often with the collusion of government officials and private actors.

11. Some local authorities misinterpret public interest and the slogan “cities without slums” to perpetuate inhumane evictions. !! but no mention of the corresponding Habitat II commitments, especially the human right to adequate housing (cited 61 times in the Habitat II Agenda).

12. needs to be rewritten. Inherent value judgment, not necessarily true.

The Paper makes no mention of women’s concerns, rights and needs. Especially important to mention is the link between land, housing and livelihood and the need for tenure security for women.

The Paper should add at least a reference to the failure of land reform, absence of agrarian reform and anti-reform.

p. 7: Key Drivers for Action:

The “Key Drivers for Action” section is mostly okay, but it needs to be expanded, revised and interpreted to be more useful to civil society and social movements.

11. small holders and small-scale food producers on “urban and rural land” should not be excluded from multistakeholder processes. The functions and interests were protected in the promises of Habitat II. We are back to square 1, making the old and still-valid arguments that the Habitat III process institutionally has overlooked.

Should also consider collective rights and related tenure options.

Need for human rights-based urban reform and urban land reform should be raised among the Drivers for Action.

Drop the limiting, contentious and unfit-for-purpose title of this Issue Paper, suggesting unique focus on “urban” land. The scope is too narrow to be operational in a global habitat agenda.

## 10 – Urban-Rural Linkages

General comment: This paper needs to be rewritten to assume its place among the Issue Papers as more than just the UN-Habitat afterthought that rural-urban has become, but to emphasize the human rights dimensions and organic nature of habitat, housing and human settlements. It remains weak or silent on these indispensable points and falls short of the expectation that it could return land and habitat issues back into a real-world focus.

The Paper cites some useful “facts,” but the analysis is disappointing. The treatment of the issue misses or evades the point, and is potentially very problematic. It is especially disassociated from the body of work on rights to land/human rights dimensions of land in the treaty system, as well as much of the Rome-based advocacy and knowledge-based efforts and normative outcomes. Of course, the food system is an important aspect of this paper, but also is work on climate change and local economies. This Paper embodies the reasons for a call for an alternative/parallel report to have a salutary effect on the hazards that this one potentially creates.

Wittingly or unwittingly, Paper 10 creates a clear opening for private-sector-facilitated development and fails to criticize the current economic model that is causing so many of the land-based the problems in the first place, not least of which involve the degradation of land and water resources. For example, in the section on food waste and loss (para. 10), it does not acknowledge that the reason this is a problem is that the mechanized food system/intensive industrial and plantation farms are inherently wasteful. The “unnecessary pressure on natural resources” is evident, but the *why* (root cause) is missing, or purposefully dropped. Wanting, too, are the solutions: small-scale, agroecological food producers; preservation of short food-supply chains, and the preservation of existing (traditional and local) marketplaces.

The discussion on “synergies” between rural and urban areas and the need for “green infrastructure” (para. 19) is worrying, as this coded language plays into privately interested motives and activities, and, of course, the financialization of nature/green washing, and opening the discussion on climate-smart agriculture. The discussions about “innovations” are used in other policy processes to open up relationships with the private sector and TNCs, also via PPPs, which exclude people, especially the needy and the efficient producers.

This policy area is particularly important for small- and medium-sized towns/peripheral cities, and this Paper fails to consider their needs adequately. It also fails to address creating partnerships at a local level for better planning, with focus on the community/city-region community and local/regional authorities.

p. 1: Main Concepts:

City-region food systems encompass the complex network of actors, processes and relationships...

Migration: “cyclical movement of people” is in line with the dual (rural/urban) nature of people’s habitat (if indeed such adjectives are relevant at all).

The Paper needs to add forced land acquisition, absence of rehabilitation, displacement, and lack of agrarian reform as major push factors. Environmental conservation, too, has emerged as a pretext for land rights violations and cannot be ignored in this presentation.

Also the lack of adequate investment in rural areas, including in rural housing and livelihoods, needs to be addressed, especially in light of the Habitat II commitment to balanced rural and urban development (Habitat II: paras. 109; 126; 156; entire section 10, paras. 163–69).

Peri-urban “diffusion of `urban’ lifestyle”? From another perspective, it is an integration of rural and urban, as well as a locus of rural-urban migration.

p. 2: Figures and Key Facts:

2. In many countries, such as India, the rural population is still 70%. This needs to be reflected and can’t be ignored.

5. It is dangerous/reductionist to narrow rural areas’ contribution to the impressionistic “only 20% of GDP.” This is an indicator of acute poverty, inequality, and neglect of the rural sector, and is precisely why rural development must be promoted and invested in, and why states and UN agencies carry their Habitat II commitment to do so. However, not one of them conscientiously implements it.

p. 3: recognizes rural and urban areas are interdependent, but makes no mention of the Habitat II commitment to “balanced urban and rural development” (see above).

p. 4: Issue Summary:

14. The Paper positively acknowledges urbanization as having both positive and negative consequences and that “the political, social and geographical dichotomy must evolve.” No truer words were ever spoken in the context of these Issue Papers; however, this Paper, as a whole—like the body of Habitat II messaging—fails to live up to that urgent task.

16. Balanced outcomes across rural and urban areas are a vital objective of sustainable development. Wasn’t this promised in ample Habitat II commitments? (See H2: 43k, 75, 76m, 107, 109, 156, § 10: 163–69.)

18. Disproportionate focus on large cities and insufficient information on small and medium city dynamics and potentials. (See above.)

19. Add housing, a core issue to the Third UN Conference (Habitat III).

Also rural development should be the focus of solutions to rampant urbanization that shouldn’t be viewed as an inevitability.

30. Add land acquisition

This Paper should also address issues related to landlessness, a major focus of urban and rural development dynamics.

35. The last sentence in the paragraph needs to be rewritten.

p. 6: Key Drivers of Action

32. Strengthen city-region food systems!

p. 7: exceptionally, some non-intergovernmental platforms cited: City-region Food Systems Platform and ICLEI Cityfood network.

## 11 – Public Space

1<sup>st</sup> mention of a link to SDGs (but #11 only).

Figures and Key Facts:

30% to ½ of 120 cities not covered by “impervious surfaces” (S. Angel, *Planet of Cities* (2012), 208–12)!

p. 2: 15% of increasing crimes have a public-space design-and-management component!

Commercialization of public space separates and divides societies!

Issue Summary:

A city’s character is defined by its streets and public spaces

Public space generates equality and cohesion!

p. 3, top para.: municipalities’ responsibility to manage and maintain public space, but citizens, communities and—of course—the private sector have a role.

Mentions “citizen” roles and actors 3 times. Perhaps the public space as a teacher of social responsibility remains a potential to be planned and executed further. Public education and public space connections also could be further developed, as well as identifying the need for conducive constitutional and legislative frameworks.

Public space as a common good is a key enabler for the fulfillment of human rights, including, notably, women’s rights.

Property values usually increase with proximity to (publicly managed) public space.

This would be the appropriate place to include reference to/discussion of the social function of the city, as a subset of the social function of property.

pp. 6–7: UN-Habitat targets for allocating public space!

## 12 – Local Economic Development

LED is key to urban development strategy. This welcome observation also relates with Paper 10.

Exchange and divisions of labor, value chains, capital transfers *et al.* make for territorial planning and administration that are by no means exclusively urban. (See “urban” v. “habitat” approaches discussed in **Overview** above, and throughout.)

## 13 – Jobs and Livelihoods

The nexus of planning and building housing and livelihoods is still needed. (See Overview with reference to “Informality,” “Housing,” “Urban-rural Linkages,” “Urban and Spatial Planning and Design” and “Informal Settlements.”)

p. 1: Main Concepts

Decent work definition should cite the Fundamental Principles and Rights at Work (FPRW), which include: (1) Freedom of association and the effective recognition of the right to collective bargaining, (2) Elimination of all forms of forced or compulsory labor, (3) Effective abolition of child labor and (4) Elimination of discrimination in employment and occupation. (See ILO Declaration on FPRW at: <http://www.ilo.org/declaration/lang--en/index.htm>.) Reference should acknowledge the treaty-bound obligations to respect the normative content of the right to (decent) work, including in the definition of “gender pay gap” and “livelihood.” The latter relies on ICESCR Article 11 and its interpretation.

Needs definition of “informal job/informal livelihood” as distinct from decent work, cross-referenced to Paper 14 – Informal Sector.

Needs discussion of the consequences of land dispossession and forced eviction on livelihoods, with cross-reference to tenure in Paper 9 – Urban Land.

p. 4: 2. Lack of investment needs discussion about income disparity, hoarding and unemployment/underemployment. (See *Distribution of economic values* in “[Habitat III Basics](#).”)

Reference to labor mobility and investment reinforces the rural-urban metabolism concept, debunks the “New Urban Agenda” discourse.

Appropriate emphasis on youth employment (a slow process), typically without complementary emphasis on aging population and pressing social-security requirements (immediate need). Ageing population needs to be discussed, including through an additional Issue Paper on population trends.

p. 7: Key Drivers for Action

City-region/territorial approach/rural-urban metabolism concepts in planning, investment and administration should be included, cross-referenced to Papers 8 – Urban and Spatial Planning, Design, 9 – Urban Land and 10 – Urban-Rural Linkages.

## **14 – Informal Sector**

p. 1: Main Concepts:

Informal enterprises do not always have small workforces below a certain threshold. Informal agricultural work is an example, street-vendor operations is another.

Informality is not only an urban phenomenon, requiring reference to Paper 10 Rural-Urban Linkages and the Habitat II commitment to balanced rural and urban development. (See discussion above, Paper 10.)

The paper focuses only on employment, and not on housing and habitat. The Social Production of Housing and Social Production of Habitat are omitted and must be restored, reflected also in an improved Platforms and Projects section.

## 15 – Urban Resilience

In general, the value of resilience must be explained as not only an urban pursuit, but also rural. Planning, infrastructure, services and administration must comply with needs in diverse contexts. Any Paper intended for serious discourse on this subject must explain that resilience is not a replacement to liability for and victims' reparations from human-made shocks, damage and disasters.

Without these corrections, resilience cannot be “an overarching framework to address the risks and realize the opportunities associated...”

Human settlements must resolve the discrimination that puts low-income and vulnerable communities at risk of disaster (to be cross-referenced with 1 – Inclusive Cities, 3 – Safer Cities and 8 - Urban and Spatial Planning and Design).

p. 3: Add “occupation” to Socio-economic-political-cultural Crises (with reference to FfA on Food Security and Nutrition in Protracted Crises).

Humanitarian intervention and emergency assistance should be provided in ways that support long-term development to transition from relief to rehabilitation. One of the three pillars of constant UN-Charter application, i.e., the human rights framework that accompanies corresponding obligations and accountability, has been left out. The indispensable link among humanitarian, development and human rights approaches. (Cross reference to Paper 2 – Migration and Refugees in Urban Areas.)

p. 8: Key Drivers for Action needs to include mechanisms for accountability, liability and deterrence for actual and potential shocks and stresses that impose dire consequences for people and communities in human-made disasters and crises. In cases of natural and environmental disasters, plans for rehabilitation must be sufficiently in place, resourced and operational. (See Kandhamal and Bainsiria, India cases of HIC-HLRN application of the Eviction Impact Assessment Tool.)

Development-context issues omitted wholesale.

p. 9: Platforms and Projects: needs improvement to cite reparations, accountability, quantification for reparation (rehabilitation, compensation, nonrepetition et al).

*UN Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)* should hold its proper place in this discussion.

## 16 – Urban Ecosystem and Resource Management

p. 2: Although the Paper refers only to cities, it is still unclear if the characteristics defined relate only to cities, in fact, or to human settlements more generally. Application to cities is too narrow and impedes learning the relevant lessons for human settlements in general.

The UNEP (2011) statistics on the proportion of the production and consumption characteristics of economic output, energy consumption, CO<sub>2</sub> emissions, etc. are among a plethora of estimates, some of which are mutually contradicting. It must be understood that these data, like urban population estimates, are impressions only, with many methodological caveats.

p. 3: Urbanization affects ecosystems with or without good planning. “Good” planning is undefined in the Papers, generally; however, that quality remains to be defined by: (1) a review of the criteria provided in the Habitat II Agenda, augmented with complementary Habitat III standards, and (2) other standards, including the UNESCO, *Urban Policies and the Right to the City* (2009); UNESCO/COMEST, *An Ethical Framework for Climate Change Policies*; UIA/UNESCO *Charter for Architectural Education*, among others.

“The growing global population requires natural resources for its livelihood and well-being, and the density that characterizes urban [sic] offers solutions to provide for this population at less cost to our ecosystems.” This statement is highly ideological in that it contains two patent assumptions: (1) population will continue to grow at a pace unspecified in the Issue Papers (pointing out a gap yet to be filled) and (2) the ecological stresses from human populations is assumed to be fewer when concentrated (urban) than when the population (assuming the same numbers) are strewn.

The ideological assumption appears plausible; however, it is not subject to comparative analysis, because of the lack of interest in alternative models of de-urbanization or population management. This assertion, without alternatives, has become an axiom in UN-Habitat/Habitat III discourse that, for lack of interest, forecloses heuristic options. This ideological stance produces and reproduces an analytical lethargy that will not stand the test of time, when rethinking comes epically too late. The current progress of climate change should raise the alarm about profligate urbanism and its ideological cohort, green technologies notwithstanding. This assumption does not belong in the paper on ecosystems and resources management, except in a more critical frame.

p. 4: “Consequently, cities are the front-liners in the challenge to preserve the ecosystems that support humanity. They are tasked with finding ways to establish a harmonious interaction between the natural and the built environments.” This assertive conclusion is dubious not only for its passive voice construction. The (presumed residents of) cities “are tasked” without identifying who or what tasks them, if, in fact, they are tasked at all. The second incongruity in the statement is in its proverbial “fox guarding the hen house” suggestion, as if a triumphal 50-plus% of urbanite humanity faces any incentive to become harmonious with the ecosystems that they have supplanted.

Relying, as the contemporary cadre of urban planners does not encourage the needed pursuit of alternatives. Nonetheless, the paper’s recognition that cities are “systems and components of nested systems” approaches a diagnosis of the problem. However, it does go further, and does not pose alternatives.

The Paper lays out an ominous pattern of ultimate resource depletion and ecological destruction. Yet, it still resides within a frame of thought deliberately redefined for 2016 as a new “urban” agenda.

p. 5: Question: “with 2.8 global hectares per capita, the city of London has an ecological footprint almost 10% lower than the European average (Dodman, 2009).” This encourages further inquiry.

p. 7: Although the foregoing section points out the human health benefits of access to natural areas, the “Key Drivers for Action” rely exclusively on economic arguments for an “ecosystems-based management of cities” and, presumably, for other human settlements as well. (This is only an observation of the ideological predisposition of the paper, presumably to relate to its intended narrow audience. The debate on this issue should ensue within Habitat III processes, including the Policy Units.)

## **17 – Cities and Climate Change and Disaster-risk Management**

pp. 1–2: Assertion: new “urban” agenda principles (established by whom?) compactness, connectedness, inclusiveness and integration—all technical planning criteria—will improve disaster management. This panacea has little evidentiary basis.

Urban land is expected to triple between 2000 and 2030. While this presumed inevitability is not challenged, the prospectus still begs to be reconciled with the key concept of “sustainable urbanization.” Taking the optimist interpretation of circumstances as “an enormous challenge and opportunity,” the Paper gives a realistic picture of them, but does not dare proposals to mitigate them. The current damage and heralded disasters call for resilience, but accompany no calls for accountability or divergence from the predictable consequences or the behavior that brings them about. That leaves only “mitigation” (management) of the consequences, but no “mitigation” of the uncritical prediction of population growth and/or the urban-land expansion that spells further, viciously cyclical destruction.

p. 7: The Key Drivers (urban design and planning, governance, urban economy, participation and inclusion) again omit the needed change in behavior that addresses the causes of crises and disasters. To the extent politically possible, the CFS Framework for Action for Food Security and Nutrition in *Protracted Crises* addresses some needed measures and serves as a basis for further evolution of commitments, targets and monitoring mechanisms needed within Habitat III.

p. 9: Urban governance is seen here as an amalgam of stakeholders in some vision of synergy; however, it does not see enlightened leadership, related public education and governance toward behavioral change as factors or drivers. Although “integrated development” is viewed as a value, the Paper maintains a hierarchical notion of “multi-level” governance, a distorting perception that also must be overcome before Habitat III.

“Urban economy, finance and investment” completely skirts the problématique of financialization of cities, public spaces, housing and land as negative drivers of multiple crises.

While “broad-based coalitions empower [facilitate?] the sharing of data, information, data and solutions,” the proposal is only to raise ambitions to address climate change, and *not* other forms of crisis and disaster, and only to the presumed ends outlined in the Paper, which will not be sufficient to resolve any root causes or prevent their future occurrence. The treatment of “inclusion and participation” in this context needs to go much deeper.

“Information, data and knowledge management” only seek “adaptation” to climate change, not further action, nor responses to the numerous other forms of crises/disasters.

Again, the Issue Paper makes no reference to the relevant commitments of Habitat II, which considered disaster management a central concern [See Preamble] and enshrined commitments to address natural and human-made disasters [paras. 43l, z; 57; 64; 88; 98h; 108; 109; 129; entire section 11, paras. 170–76; paras. 185; 204o,z].

## **18 – Urban Infrastructure and Basic Services, including energy**

p. 1: Despite references to a prevailing limited and discrete sectoral approach to infrastructure and services, until a systematic view emerged over the past decade, the Habitat II Agenda adopted and committed to a human rights approach that views the availability of (and access to) a bundle of services, materials, facilities and infrastructure [GC4: para. 8b] legally defined already in 1991 as elements of the binding obligations of states to uphold the human right to adequate housing. H2, para. 43c–e calls for integration of urban planning among such services. The paras. 51a, 62 and 69a promises to do so within the H2 commitment to **G. Assessing Progress**, including the commitment to integrate financial services (para. 80) and land management/administration (para. 109) as well. By continuing to abandon the Habitat II Agenda and its commitments by way of this Issue Paper—and the others—misses an indispensable evaluative point.

p. 5: The Paper makes reference to the human rights definition of fulfillment in the enjoyment of the elemental right to services and infrastructure, and to the link with the realization of human rights in general. However, the link is not explained. Its didactic values has to be restored.

p. 7, second bullet: “financial returns on land value increased provided by new infrastructure.” Also committed in H2 [para. 76h], but largely not implemented or evaluated (except in Colombia).

The same paragraph promotes private investment/privatization of public services (the subject of an established human right to adequate housing), but omits the corresponding obligation of the state to ensure fulfillment of the corresponding human rights [GC15: paras. 43–44].

## 19 – Transport and Mobility

p. 4: reference to bias toward planning in favor of private transport. That is no violation in and of itself, but, unregulated, could be.

p. 6: advocates an alternative paradigm that is demand driven, rather than supply driven, and hints at this as reflecting a rights-based approach. However, it does not elaborate on the corresponding obligations of state to respect, protect and fulfill the elemental right to transport (also unabashedly identified in the World Charter on the Right to the City, Part II, Article 14: Rights to Freedom of Movement, Public Transportation and Urban Mobility). The good practice guidance to follow could be explained as forming part of that approach, but Paper 19 remains silent on that normative point.

pp. 8–9: the public-private partnership model involves *pluvalía* capture to pay the cost of the transport infrastructure. This is a useful example that inspires further inquiry.

## 20 – Housing

This Paper needs to be rewritten with housing at the center, with more-recent data and better references.

With regard to the “continuum of housing solutions,” one point on that continuum is homelessness, about which this Paper is silent. (See ID: 3, 4 and 8; H2: 11, 38, 40l, 61b, 61c.iv, 61d, 115, 119k and 204y.)

Inadequate housing is a prominent issue in resettlement sites, and should be recognized in this Paper.

The practical nexus of housing and planning livelihoods should be recognized in this context also. The nexus of housing and planning livelihoods is still needed. (See Overview with reference to “Informality,”

“Urban-rural Linkages,” “Urban and Spatial Planning and Design,” “Jobs and Livelihoods” and “Informal Settlements.”)

p. 1: the right to adequate housing should be “human right.” It is also enshrined in the ICERD [Article 5e.3], which also binds states that have not yet ratified ICESCR. The definition offered is derived from GC4, but omits the accessory/process rights that also apply to realization of the human right. Add expanded list of elements of HRAH.

p. 2, first bullet: “An increasing number of urban dwellers, especially the most poor and vulnerable groups (women, migrants, persons with disabilities and HIV, elder, youth and LGBT) are living in precarious conditions, addressing their housing needs informally, lacking access to basic services and living space, isolated from livelihood opportunities and vulnerable to forced evictions or homelessness.” Unfortunately, the term “vulnerable groups” is not used consistently, so that, on page 5, people living with HIV are not mentioned in the first bullet when the groups are listed again. We should try to strengthen the wording as above, and also the absolute necessity to work very closely with all “vulnerable groups” to develop solutions.

Second bullet: raises forced evictions as a gross violation of human rights and notes its continued practice. The passage omits the development-based evictions and “displacements,” however, as well as the UN guidance that applies to all states and development partners [Basic Principles and Guidelines, 2007].

The efforts to apply UN norms and standards to provide reparations in these cases has revealed many policy shortcomings and information gaps. While some CSOs have been trying to fill them since 1996, any reference to those efforts to take seriously and apply Habitat II are unceremoniously discarded in these Papers and in the official Habitat III messaging. The dismissal of a knowledge-based and evaluative approach to Habitat III has constrained also these Papers from divulging any reference to already-standing commitments that relate to their subject.

Missing is the observation of planning, construction, investment, financing and marketing that favors freehold tenure, even to the point of causing a global housing and financial crisis, as witnessed during the latter half of the Habitat II-implementation period. Surprisingly absent from Habitat III discourse is the habitat-policy connection with the macroeconomy—and any reminder of the Habitat II commitment to harmonize macroeconomic policies with the human right to adequate housing and the Agenda. (See H2: 62, 65, 67, 115, 186, 189 and 201).

Also missing is the global issue of [homelessness](#) and the corresponding Habitat II commitments. (See ID: 3, 4 and 8; H2: 11, 38, 40l, 61b, 61c.iv, 61d, 115, 119k and 204y.)

Beginning in the Key Words and Figures and Key Facts, the Paper creates a group of “vulnerable people” and then repeats it throughout. In this connection, one notable consequence it that the Paper does not mention children at all.

It is also very important to include human settlements and “housing first” as a response to HIV and AIDS. It took almost a decade for activists, notably the National AIDS Housing Coalition in the USA, the Ontario HIV Treatment Network, Rooftops Canada and others to obtain recognition from UNAIDS and UNDP of the critical housing-HIV linkages. It is now part of the discourse as one of the social determinants (“social drivers”) of the disease, especially among the homeless and slum communities. UN Habitat has completely ignored this issue through the three WUFs where civil society organizations have raised it and organized workshops and panel presentations on that theme.

The “Figures and Key Facts” correctly point out (at the third bullet) the World Bank’s contribution to global violations of the human right to adequate housing. However, it must be pointed out also that realizing the human right to adequate housing is a treaty-based state obligation of states and consequent responsibility of governments to ensure provision of affordable housing. It is not only a function of the World Bank, which variously has claimed that its operations fall outside international law.

Indeed, the World Bank has failed to uphold many international minimum standards of human rights. Meanwhile, its Directors, representing individual and proxy states, have failed to implement their corresponding extraterritorial human rights obligations while operating in that capacity. They and the states they represent consequently bear liability for the losses, costs and damages of their oversight actions and omissions, including the various violations of the human right to adequate housing.

What must be said and discussed in Habitat III is the ideological proximity of UN-Habitat to the World Bank in promoting its pro-private sector approach, the diminishing role and responsibility of the state and eschewing human rights norms, including the corresponding Habitat II commitments, in its operations and advice to governments. Neither in this Paper on housing—a basic human right—or any other, can we find the indispensable call for correcting UN-Habitat’s course, which has deviated so demonstrably from its UN Charter-based norms.

p. 3: The second bullet points out that the practice of forced eviction remains a “gross and systematic violation of human rights,” affecting some 18.59 million victims in roughly the first decade of Habitat II implementation, which included a commitment of states and stakeholders to prevent and remedy that criminal practice (H2: 40n, 61b, 98b).

A reference specific to the wrong-headed omission of this issue from the Habitat III process and discourse is the most-recent [HIC-HLRN report](#) on World Habitat Day 2014, pointing out the broken promise of Habitat II and missing link of Habitat III related to forced eviction.

Although this Paper, led by UN-Habitat, involved contributions from UNDP, UNOPS, OHCHR and UN Women, it remains silent on housing-based violence against women. Although it mentions women as among the “vulnerable groups,” it must also add children as subjects of housing rights violations, in particular through the violence of forced eviction.

The holistic concept of the human right to adequate housing, at the core of Habitat II, cannot be relegated to oblivion in Habitat III. Children’s right to adequate housing are integral to that concept, but remain unmentioned in this Paper.

Research that our Members have conducted in Nairobi confirms that children in slums—especially girl children, but certainly not only girls—suffer from extraordinary levels of violence in and out of their homes (i.e., shacks), including sexual violence, forcible exploitation of their labor, severe environmental hazards, gang and political violence. The children, youth and their parents all believe strongly that improved human settlements, preferably relocation, are absolutely essential to respond to this violence.

p. 4: Issue Summary:

Should incorporate issues of discrimination and access, and **homelessness**.

The link between housing and land is critical. Importance of housing right of women deserves special treatment. In particular, property rights/tenure certification must be in the names of women.

Missing also here is the link between violence against women (VaW) and violence against children (see p. 3 above) and the human right to adequate housing (HRAH), related human rights to personal security, privacy and the highest attainable standard of mental and physical health.

True to the elements of the human right to adequate housing, the Paper must mention also basic services (water, sanitation, spatial planning, etc.) and their link to housing adequacy, as legally defined.

p. 5, first bullet: However, notes that “most governments have sought to encourage owner-occupation at the detriment of other types of housing tenure, especially rental housing.” This constitutes a problem that calls for a corresponding solution.

The question of property relations and social function of housing, land and property are also absent.

The great majority of slum dwellers are tenants with very little, if any, legal protection. Therefore, slum upgrading is, for most, really not an answer without other actions to secure their tenure where they live. Nonetheless, the issue of tenants in slums is rarely addressed. The Paper acknowledges that rental housing is a vital option, particularly since it enables mobility, etc. This may be true for the middle class in private rental, or for the very small proportion of the world's tenants in not-for-profit social and coop housing. However, that is certainly not the case for tenants living in slums. It does suggest there is a need for a variety of tenure options, but the necessary attention to tenants is lost.

Second bullet refers to “enabling the poor to help themselves” and could develop into a discussion of social production of habitat/housing. It also could align with the reference to PPPPs (Papers 6 – Urban Governance, and 8 – Urban and Spatial Planning and Design).

pp. 7–8: these elements should be included in the “Drivers for Action.”

Opportunity to augment with references to existing standards and relevant instruments missing: Eviction guidelines, Special Rapporteur studies on women and housing, security of tenure guidelines and the reparation framework and their applications.

## **21 – Smart Cities**

In this Paper, the biggest chance to up-scale this discussion is by linking it to the Right to the City or any of its iterations. The link between the subject of ITC in human settlements and the UN Charter and other requirements of human rights application seem to be outside the Paper's scope. This may require a remedial effort to incorporate and explain the concept embodying its bundle of human rights, including the rights to information and participation as accessory/process rights and their connection to the principal habitat rights (housing, land, services, water, livelihood, development, etc.).

Focus must be on building equitable, inclusive, sustainable and just cities first, so that the link to Paper 1 – Inclusive Cities becomes clear. Therefore, the Paper is not complete until it addresses glaring inequality, poverty and discrimination in the context of the “smart city.” The subject of “smart city” should not be only a technical experiment, but promote a social and transformative knowledge base.

Public spaces must be understood to be gendered space, with safety and security for women. That need invites smart applications.

The Paper emphasizes technical and administrative uses of ICT; however, the democratization of information to enable informed citizenship engagement and participation is equally important. The

potential for ensuring free, prior and informed consent (FPIC) is also important to note, not only as an entitlement for indigenous peoples, but a principle of local habitat management.

The Paper could elaborate on the potential link with Issue Paper 3 – Safer Cities, and vice versa, as an aspect of developments since 1996. However, the negative consequences of surveillance would have to be acknowledged as well, especially in a human rights frame.

In general, the Paper must consider alternative visions of urbanization, not just capitalist and opportunist ones.

## **22 - Informal Settlements**

The Paper defines and describes slums, and identifies where they proliferate. The link with Issue Paper 14 – Informal Sector is weak, despite ostensible division of the phenomenon of informality into livelihoods and housing/habitat aspects between the two Papers.

By default, this Paper demonstrates the need to move away from language like “squatting,” which carries the notion of “criminality.”

p. 2: The “Main Concepts” avoid the policy-relevant source of slums. It defers to circumstantial, secondary factors for the configuration of slum communities. The selective set of concepts reflects a cut-and-paste exercise from non-specific UNDP and World Bank websites.

p. 4: The Paper does not attempt to identify the genesis of slums or the factors that necessitate them. Rather it takes up the story in the middle, purveying the pathology of slums and observing that they “affect prosperity of cities and their sustainability.”

p. 5: In the Issue Summary, third bullet, a hint of causality arises from the observation that governments have been disengaging from the provision of affordable housing, but the concomitant privatization and financialization is not discussed. The reference to speculation is without reference to its policy-based or other enabling roots.

The Paper would benefit from a statement recognizing the need to implement the human rights-based entitlement to participation and to free, prior and informed consent (FPIC) in cases of slum upgrading.

The Paper should clarify the link between housing and livelihood etc.

A needed observation in this Paper is recognition that the achievement of MDG 7, or “Cities without Slums” (see Paper 9 – Urban Land) often has been pursued by eliminating slums through demolitions/ evictions and other human rights violations.

By the same token land grabbing has been facilitated by using the law to evict without legal/ judicial redress options.

The gender component is also missing; e.g.: The impacts of inadequate living conditions are most severe for women.

p. 6: Key Drivers for Action, with reference to “the mainstreaming of human rights,” is a bit of a non sequitur, since the relevant preventive and remedial applications of human rights (i.e., nondiscrimination) are not defined or figured in the foregoing discussion, but only the symptoms of slums.

Reference is made to “unjustified evictions,” but their classification as a gross violation, the need to criminalize the practice, the H2 commitment to “prevent and remedy” forced evictions and the entitlements of reparations in their event (A/RES/60/147) are still needed to cover the issue at all.

The Paper needs to address the phenomenon of habitat informality with greater depth, seriousness and critical policy analysis that involve “regularization.” It is dedicated to the important aspect of slum upgrading as a belated response to slums and informal housing/habitat. However, it is only a sliver of the issue that needs to be discussed.

Within that wide scope of the issue, the “Key Drivers for Action” include that:

- Data should be disaggregated.
- Comprehensive rights-based housing laws are needed.
- Flexible tenure options should be in the name of women...

The Paper should cross-reference also to the Papers 9 – Urban Land and 20 – Housing, particularly with regard to affordability and shortage of housing and land for the urban poor.

## **Conclusion**

While the Issue Papers could not conceivably cover all relevant issues, they have largely succeeded to identify many, while catalyzing debate around those issues and others left out. Although they have mostly ignored any reference to, or evaluation of Habitat II commitments that theoretically still are in force, they have pointed out important trends that a follower of the Habitat Agenda can interpret.

For example, the Papers note that “most governments have sought to encourage owner-occupation at the detriment of other types of housing tenure, especially rental housing.” This constitutes a problem that calls for a corresponding solution. The spectrum/continuum of property and tenure rights is not widely understood from these Papers. The continuing practice of forced eviction, despite Habitat II commitments to prevent and remedy that gross violation and common crime, receives short shrift in these Papers that otherwise go far to setting an agenda for Habitat III discourse.

The Papers generally have missed the opportunity to make reference to most relevant standards and their international law instruments relating to the field. The UN eviction guidelines, Special Rapporteur studies on women and housing, security of tenure guidelines are unreferenced, as is the reparation framework and its relevant applications. The Issue Papers are largely delinked from UN criteria, standard setting and corresponding obligations of both Member States and specialize UN Charter-based agencies.

Missing, too, is the habitat-policy connection with the macroeconomy—and any reminder of the Habitat II commitment to harmonize macroeconomic policies with the human right to adequate housing and the Agenda. The planning, construction, investment, financing and marketing trend that exclusively favors freehold tenure, even to the point of causing a global housing and financial crisis, as witnessed during the latter half of the Habitat II-implementation period, is surprisingly absent from Habitat III discourse. Nonetheless, the Issue Papers at least recognize the consequences.

What must be said and discussed in Habitat III is the ideological proximity of UN-Habitat to the World Bank in promoting its pro-private sector approach, diminishing the role and responsibility of the state and eschewing human rights norms, including the corresponding Habitat II commitments, in its operations. Any memory of Habitat II commitments and the normative content of the human right to

adequate housing raises the call for UN-Habitat's urgent realignment with UN Charter-based norms, if it is to continue as a specialized UN agency.

The "urban" Habitat III approach and messaging keeps appearing more and more untenable as a global policy premise or functional reality. The evidence does not support the presumptive conclusion that we are facing the need for an "urban agenda," at the ideological and policy expense of other values, communities, contexts, human practice and planning-and-governance wisdom. For example, in the Papers 1 – Inclusive Cities, 10 - Urban-rural Linkages, even the narrowly titled 8 – Urban and Spatial Planning, the more inclusive "habitat" approach is evident and unavoidable. In this sense, the narrative of the Papers does not have to change, but substantiate the need for the Habitat III branding urgently to do so.

While the Issue Papers are indispensable reading for the rich descriptive and analytical substance they contain, they leave many other issues on the table, conspicuous by their absence. We trust that the contributions of the veteran Habitat International Coalition Members and officers, along with the submissions of fellow civil society and local democracy partners, will be constructive in completing the indispensable discourse toward our New Habitat Agenda in 2016.