

1, 2, 3, Habitat!



Reflecting on, and Looking forward to the Habitat Process, 1976–2016

The perspective of the Habitat International Coalition—HIC

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A Crit-HIC-al Approach to Habitat III

The Third United Nations Conference on Housing and Sustainable Urban Development, “Habitat III,” will take place in 2016. This milestone is formally enshrined in General Assembly resolutions,¹ with three Preparatory Committees convening in the next two years. HIC welcomes Habitat III as the first global conference after setting the post-2015 Development Agenda. However, HIC and its civil society Members have deep concerns and high expectations that this Habitat Conference commit to progress built on, but well beyond Habitat II and previous Development Goals: HIC calls upon states and development actors to meet the repeated demands and future challenges of development.

Habitat III is a General Assembly initiative, a conference of the whole. Thus, Habitat III is not the gathering of a single UN Charter-based agency.² It is designed to convene global actors to discuss and chart new pathways toward meeting the challenges of ensuring equitable, resilient and sustainable human settlements, embodying justice and maximizing the opportunities they offer for accountable implementation of socially responsible development goals. The outcomes of Habitat III must ensure social justice, build democracy and respect the environment in human settlements.

The Habitat III conference is intended to bring together diverse habitat actors such as governments, local authorities, civil society, the private sector, academic institutions, technicians, social movements and all relevant interest groups to review urban and housing policies affecting the present and future of cities, towns and villages within a cooperative international governance architecture. The role of Habitat International Coalition (HIC) in this process seeks a “New Habitat Agenda”—not merely an “urban” agenda—for the 21st Century that recognizes the ever-changing dynamics and continuity of human civilization and the built environment, respecting the urban-rural continuum, and realizes greater autonomy, meaningful participation and responsible citizenship at the local level. Formulating and implementing such an agenda is possible only by addressing inhibiting political structures, private interests, parochial and patriarchal attitudes and power relations.

After Forty Years...

HIC first formed when the United Nations General Assembly convened the first “Habitat: UN conference on Human Settlements” at Vancouver in 1976. There, not only governments, but also civil society and practitioners gathered with common concern over the conditions in human settlements that deprive human welfare, particularly those prevailing in impoverished communities and countries. All participants faced the need to advance and strengthen socially responsible and human rights-based international cooperation, grounded in the principles of the United Nations Charter and their specific articulation in international law. That approach never was realized to resolve world problems, including cyclical and protracted crises and failed economic models that generate squalor and squander finite resources. An international community based on equity, justice and solidarity remains a goal for HIC and its Members, both its founders at Vancouver, its steadfast Wisdom Keepers, its global

coordination and, especially, its new generation of adherents who have joined and built the Coalition to last over the decades. All of this social capital is what keeps the forward-looking visions of Vancouver alive and evolving appropriately.

At Vancouver, states acknowledged that “the condition of human settlements largely determines the quality of life.”³ Then and there, they began to recognize the need for socially and environmentally rational human settlements and the dire consequences of “uncontrolled urbanization and consequent conditions of overcrowding, pollution, deterioration and psychological tensions in metropolitan regions,” as well as “rural backwardness,” especially in the impoverished world.

At 1976, the world was starting to witness the burgeoning of urban populations through (1) the greatest and fastest migration of people into cities and towns since the Industrial Revolution; (2) rising urban population through natural growth resulting from advances in medicine, hygiene and nutrition; and (3) increasing reclassification of peripheral zones as urban. These three factors remain the principle features of expanding urban populations, driven by market economies. The Vancouver conference sought to assure orderly urbanization and arrange for rational occupation of rural space.⁴ The need for that rational shift had arisen from centuries of relative neglect and exploitation of the rural space, its resources and inhabitants.

However, the presently unsustainable patterns of urbanization have continued by conscious choices and ineffective policy alternatives. Rural-to-urban migration has arisen from compulsion born of a lack of opportunities, or dashed hopes for a decent life in the rural areas due to the paucity of jobs, resources, education, transport, health care, sanitation, etc. Emigration can be reduced—and depathologized—only when it is a free, informed and consensual choice, an option, not the only resort to seeking a decent life. The original Habitat Agenda did not focus selectively and artificially only on “urban” quality of life, but just as consciously addressed development in rural areas. A future Habitat Agenda must not abandon that holistic mandate.

The Vancouver Declaration also reaffirmed basic rights consistent with human needs, well-being and aspirations of social justice. By definition, rights engage the corresponding duties of states, successive governments and “every organ of society”⁵ to uphold these rights and the public welfare. Importantly, the 1976 Declaration reaffirmed the human right and responsibility of all persons “to participate, individually and collectively, in the elaboration and implementation of policies and programmes of their human settlements.”⁶

The Vancouver Declaration was also a call to combat certain harmful behaviors such as the waste and misuse of resources⁷; practices that heighten inequalities,⁸ [the causes of] involuntary migration, politically, racially, and economically motivated, relocation and expulsion of people from their national homeland.⁹ At Vancouver, states reaffirmed also that the establishment of settlements in territories occupied by force is illegal.¹⁰ This solid normative standard also recognized the rights of every state “to exercise full and permanent sovereignty over its wealth, natural resources and

economic activities, adopting the necessary measures for the planning and management of its resources, providing for the protection, preservation and enhancement of the environment.”¹¹

As always, states are comprised of their territory (land and natural resources), peoples and institutions, legitimate only when they uphold the self-determination of their people(s). To these ends, the Vancouver Declaration acknowledged every states’ extraterritorial obligations, consistent with general principles of international law, not only through the common duty of international cooperation, but also through the exercise of peoples’ sovereign right to rule and exercise effective control over foreign investments, including the financial institutions and transnational corporations operating within the state’s national jurisdiction, which affect directly or indirectly the human settlements programs.¹²

Twenty Years Hence...

States and civil participants reconfirmed the Vancouver commitments twenty years later at the Habitat II conference, at Istanbul (1996). World leaders formally adopted the Habitat II Agenda as a global Plan of Action (PoA) for adequate shelter for all, reaffirming the human right to adequate housing as provided in international instruments, along with the notion of “sustainable” human settlements as a driver of development that should fulfill basic human rights to shelter, health, decent work and the continuous improvement of living conditions.¹³

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The Istanbul Declaration on Human Settlements and the Habitat II Agenda enshrined goals and principles, commitments and a corresponding global Plan of Action (PoA). Addressing the “living environment,” that Plan was as comprehensive in its scope as it was in its modalities of participation, with relevant civil society actors taking part in the deliberations and drafting. Embodying the promise of meaningful participation, Habitat II addressed the same developmental shortcomings as its 1976 predecessor, but its expressed commitment to human rights add gender equality and larger freedoms augured a new era of indispensable partnership for the improvement of living conditions in human population centers, large and small.

Habitat II recognized, once again, the interdependence of rural and urban development, along with the need to focus development, especially in rural areas and small- and medium-sized towns, while minimizing the deprivation causing and resulting from rural-to-urban migration.¹⁴ The states gathering at Istanbul pledged to “intensify our efforts to eradicate poverty and discrimination, to promote and protect all human rights and fundamental freedoms for

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all, and to provide for basic needs, such as education, nutrition and life-span health care services, and, especially, adequate shelter for all.”¹⁵

In particular, states reaffirmed their commitment to “the full and progressive realization of the right to adequate housing as provided for in international instruments,”¹⁶ repeating that affirmation eight times across the Habitat II Agenda.¹⁷ The Agenda also refers to human rights, generally, and to particular human rights at least 67 times throughout the text, and cited human rights treaties and declaratory instruments in 11 distinct references. In pursuit of the corresponding treaty obligations and declaratory commitments, the states vowed, “we shall seek the active participation of our public, private and non-governmental partners at all levels to ensure legal security of tenure, protection from discrimination and equal opportunities to attain and sustain affordable, adequate housing for all persons and their families.”¹⁸

Through 1996, HIC and the Women's Caucus worked very hard with some of the national delegations to the Habitat II process (notably Canada) to ensure that the Habitat Agenda was "genderized" with respect to many human settlements issues, carefully in line with the Beijing documents. As a result, the Habitat II Agenda contains specific references to CEDaW. The first principle refers to equitable human settlements without any discrimination on the basis of "sex" (i.e., gender), and para. 46 is explicitly about gender equality.

The United Nations Conference on Human Settlements (Habitat II) followed the 1993 resolution of the UN Commission on Human Rights, affirming that “the practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing.”¹⁹ The Habitat II Agenda echoed the prohibition against forced eviction, emphasizing the need for protection against this violative practice within the framework of human rights.²⁰

When it came time for evaluating progress of “The Habitat Agenda” adopted at Habitat II, both states and UN Habitat retreated from the unequivocal spirit of earlier obligations, commitments and avowed participatory practices. An exceptional alliance of states pressed for the exclusion of nongovernmental partners from the deliberations at the second Preparatory Committee for the Istanbul+5 review (2001). This culminated with the new UN-Habitat Executive Director calling up UN Security in full

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riot gear to prevent NGOs from entering the plenary room at Nairobi. Emblematic of the backlash was the indelible scene of one state delegate shouting on the plenary floor at the newly appointed Special Rapporteur on adequate housing, forbidding him from speaking about adequate housing as a human right.²¹ Amid great controversy in the plenary, the chairman struck a “compromise” by permitting civil society two minutes to address the plenary.²²

Reviewing and appraising progress five years after Habitat II, in June 2001, states convened in a UN General Assembly Special Session, re-emphasizing that rural and urban areas are economically, socially and environmentally interdependent. Recognizing the gaps and obstacles leading to uneven development, the states acknowledged that “the consequences of those gaps and obstacles are serious: for the first time in human history a majority of the world’s 6 billion people will live in cities.”²³

However, addressing the challenges, state delegates dutifully renewed their Habitat II commitments, but reaffirmed only a single paragraph extracted from the 1996 Agenda.²⁴ Meanwhile, they prefaced their outcome document, *Declaration on Cities and Other Human Settlements in the New Millennium*, in the preamble subtitled “Welcoming progress in implementing the Habitat Agenda.”²⁵

Tellingly consistent with this equivocal, but self-congratulatory trend, the 66th General Assembly’s resolution outlining the Habitat III and preparation modalities recalled an operative portion of the Habitat II PoA, but apparently omitted to cite subsequent paragraphs committing states to environment-related aspects of habitat and recognizing “the need for an integrated approach to the provision of those environmental services and policies that are essential for human life.”²⁶ This apparent selectivity is emblematic of the hazards and challenges of the Habitat III process and potentially retrogressive outcomes.

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UN Habitat, Habitat II and Gross Violations

Forced eviction remained a concern—and a codified gross violation of human rights—before, during and after Habitat II.²⁷ In the interim leading up to Istanbul+5, international human rights law developed further on the subject. Unlike the Habitat II Agenda’s reference to protection against this violation and consideration for human rights, the Istanbul+5 assembly pledged equivocally to “preventing forced evictions that are contrary to the law”; that is, as if “forced eviction” could ever not be contrary to the law from the perspective of international minimum standards.²⁸

On the positive side, while calling for other practical measures, the 2001 Declaration expressed appreciation to the developed countries that agreed to, and reached the target of 0.7% of their gross national product for overall official development assistance. The Millennium Declaration had called upon countries that have not yet done so to strengthen their efforts to achieve the agreed target of 0.7% as soon as possible and, where agreed, within that target, to earmark 0.15 to 0.20% of their gross national product for the least-developed countries.²⁹ In the final draft, the Declaration salvaged reaffirmation of the prohibition against [the crime of] population transfer through the implantation of settlers and settlements in occupied territory.³⁰

The preparatory resolutions have failed to recognize the continuation of the scourges of forced eviction and population transfer in the process leading to Habitat III.

However, the most-recent Secretary General’s reports on coordinated implementation of Habitat II did mention these violations. His 2012 report noted that UN-Habitat hosted an expert group meeting in 2011 on forced eviction that “formally recognized the commitment and unique role of UN-Habitat in promoting socially inclusive and sustainable cities and effective slum prevention and upgrading initiatives.”³¹ The Secretary General’s report noted “participants recommended the formalization of the UN-Habitat human rights mandate, in particular regarding the right to adequate housing and the right not to be forcibly evicted, and highlighted the need to use the rights-based approach in the development of housing policies and programmes.”³² However, the report omitted to mention the over-riding message from the experts chastising the agency for collaborating with notorious violators through its corporate partnerships and disingenuously rewarding its “Scroll of Honor Awards” to other evictors and authors of related crimes.³³

Unfinished Business

Eighteen years after Habitat II, a wide consensus has emerged such that the towns and cities’ structure, form, functionality and governance still need to change to realize the needs, well-being and requirements and aspirations of social justice—and, therefore, rights—of all, particularly as societies change, grow and become denser and more diverse. The spatial legacy of the city of the twentieth century is sprawl outside its boundaries to satellite or dormitory towns and suburban neighborhoods and gated communities, segregating the increasingly rich and increasingly poor. Cities have diffused and continued to expand outward beyond their periurban areas, often due to weak urban planning, poor urban management, land regulation crises, real estate speculation, corruption, and the operations of slum lords and land mafias.

At 2010, UN-Habitat reported that more than 827 million people were living in slum-like conditions. Meanwhile, the Millennium Development Goal of “ensuring sustainable environment” (Goal 7), its targets and indicators to be reached by 2015—and deferred to 2020—did not address proportionately the growth in “slums” during the same period. Nor did Goal 7 call for national targets.

It is now well understood that “slums” and related informal settlements are a form of urbanization, consisting of a series of survival strategies by the poor, mostly borne out of poverty, exclusion and maldistribution of national wealth and natural resources. Other antidemocratic political forces and privately interested parties, meanwhile, perpetuate these conditions and thrive on the structural exploitation, corruption, denial of public services, neglect, patriarchy and political manipulation that afflict such impoverished urban and rural pockets of deprivation. Meanwhile, governments withholding official recognition of such communities perpetuates the lack of responsible governance that surrounds this human-settlement phenomenon. Such “nonrecognition” forms a common pretext that governments and local authorities use further to exclude communities of citizens and withholding from them entitled public services.

We oppose the disqualification of popular habitat, and urge states and governments to recognize and support social production of habitat (SPH).

“Urban” Dilemmas

Throughout modern history, deliberate urbanization—whether formally planned or unplanned—has been a major driver of greater efficiencies in economic and production, service delivery and greater consumption. However, that does not mean that urbanization is a mode of development. It does not create or reduce poverty, except by deliberate means. People determine the inequitable distribution of opportunities and resources.

The realization of global development, as any outcome, is all about facing dilemmas by making and acting on choices. Certain vested interests recently have promoted the axiom that urbanization is “inevitable.”³⁴ Such ideology dismisses human responsibility and suggests that the forces and factors of urbanization are involuntary, or the consequence of some *force majeure*. However, urbanization—like population policy or adherence to international law—is not self-executing.

It is the consequence of human choice and corresponding action. The fact and nature of urbanization are the outcomes of human political will, among other conscious choices.

Urbanization is only one deliberate choice among others. With the current market-driven model, the real or imagined urban opportunities also are not self-executing. The distribution of wealth and poverty are systemic, grounded in deliberate choices. Development processes, including urban development, are not inevitable, linear or always forward moving, nor are they an irreversible processes, without alternative, or self-executing.

The patterns of regulated and unregulated urbanization also have involved choices leading to stark inequality, dangerously inefficient use of public goods, environmental destruction and social stratification. Governments can respond more effectively to address the urban development dilemma through implementing Habitat II, and not by diluting text, finessing obligations or derogating accountability for violations at Habitat III. Needed are environmentally rational and ethically corrective models of human settlements, integrating all facets of environmentally friendly and socially respectful development to promote human dignity, equity, justice, welfare and shared prosperity. A major governance evaluation within Habitat II criteria is still needed.

It is time to correct and redirect the course and discourse of urbanization. The Habitat Agenda never was—and should not be—only an “urban agenda,” and much less an “urbanist” or “urbanite” agenda. The preparation, convening and subsequent policy

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implementation processes of Habitat III must be a demonstration of how to mobilize the global community and focus on people's living conditions in all levels of human settlements, including small rural communities, villages, market towns, indigenous peoples' lands, intermediate cities, forests dwellings, refugee centers and metropolises for demographic and economic well-being, equitable distribution of benefits and opportunities, social production of habitat and environmental guardianship. The Habitat III process should help bring into rational balance and systematize the alignment of these values in cities, towns and villages, and elsewhere, respecting the rural-urban continuum. This presages containment of the urbanization's ecological footprint within national planning and development objectives through international cooperation and the other over-riding principles of human rights implementation.³⁵ The role of urbanization as a driver of national economic and social development must be socially rationalized, not ideologized in its present form.

For all these reasons, HIC does not share the argument exposed in UN-Habitat's concept note for WUF-7 and its vision for Habitat III, asserting that the greater the growth, the greater the equity. This synthetic formula represents a very impoverished and impoverishing vision of the variety of urban problems and development dilemmas without relating them to more structural issues. The growing gap between rich and poor shows that the benefits of growth are by no means distributed in an equitable manner. On the contrary, they tend to concentrate in the hands of those who already have more, without providing for any mitigation of that lopsided model. Without transversal policies of redistribution of wealth at place at local, national, regional and global levels, the growth = equity equation is a very dangerous fallacy that encourages the destruction of the planet and the majority of those on it, without questioning the current model of production, accumulation and irresponsible consumption.

Reviewing How States Have Faced These Dilemmas

The Habitat III process should provide the occasion with a more-appropriate methodology for national reporting than what UN-Habitat has recommended.³⁶ The national reports to Habitat III should not focus primarily on technical issues, memorializing urban-planning's spatial challenges and enumerating housing deficits. Innovative solutions to physical development of human settlements are also important. However, at Habitat III, states should address measures that governments and other institutions have taken to ensure social justice in human settlements, including through local governance. National reports for Habitat III also should include a review of housing conditions and human settlement development policies, not only in urban areas. Governments should report how many, what proportion and who lives in the state without legally secure and protected tenure. This is already a reporting requirement of most states under their standing treaty obligations.³⁷

States also should be expected to report on the practice of forced eviction within the state since Habitat II and the measures taken to criminalize, prevent and ensure reparations for this gross violation. Indeed, operationalizing human rights, in particular human rights to adequate housing, water and sanitation, should be central to national-

reporting criteria. Operative elements of these rights involve technical assistance, including provision of public goods and services to communities such as urban planning and finance, for social production of habitat should be a subject of national Habitat III reports toward ensuring that the practice become a norm and commitment in the Habitat III Agenda.

Currently, UN-Habitat's guidance on Habitat III national reporting mentions "improving participation human rights in *urban* development" [emphasis added] as one abstract point among 42. The guidance asks for no specificity about operationalizing any human right, even the human right to adequate housing. That is despite over two decades of normative development, jurisprudence and treaty-reporting guidelines at the UN level and UN-Habitat's putative joint Housing Rights Programme with OHCHR, announced in 2002. Without including these rather obvious minimum standards of assessment for states, national Habitat III reports are bound to be little more than verbal whitewash.

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While UN-Habitat's advice for National—and local—Habitat Committees to prepare the national Habitat III report, it proffers no criteria, except to "promote dialogue and consensus among *all* stakeholders." Whereas consensus may be elusive, provision should be made for "parallel reporting" by civil society, as is well-established practice in the UN treaty-monitoring system and the Human Rights Council's Universal Periodic Review.

As always, as a UN Charter-based process, states, governments and UN Charter-based agencies remain challenged by Habitat III to maintain human settlements consistent with their over-riding human rights-implementation obligations. States are required by treaty to ensure self-determination, nondiscrimination, gender equality, rule of law, progressive realization (nonretrogression), application of the maximum of available resources and international cooperation to respect, protect and fulfill human rights in the context of human settlements. As a UN Charter-based process, Habitat III bears the Charter's triple purpose to pursue (1) forward development, indivisible from (2) human rights, as well as (3) peace and security. This binding formula forms the consistent basis for state assessments of which national reports to Habitat III on implementing the Habitat II Agenda constitute a specialized form.

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The review of state implementation of the Habitat Agenda would not be sufficient without a review of the performance in the delivery of public goods and services, including water and sanitation; energy; urban planning; social protection, including social security; and other public services to ensure common well-being. In such a review, the policies and practices of privatization should be critically considered within

the principles of Habitat II, as well as corresponding treaty obligations and human rights as developed. Such a review would address policy actions and/or omissions in take appropriate steps toward the full realization of everyone's right to water and adequate housing, national policy on housing, water and energy provision, as well as the adoption and enforcement of relevant laws. Such a review in reporting by states and parallel reports of civil society would be consistent with already-standing state obligations to monitor and report on performance at safeguarding persons within their jurisdiction from infringements of the rights to water, sanitation and adequate housing by third parties.³⁸

Urbanization and Sustainability?

Is the apparent urban trend the subject of a self-fulfilling agenda?

Over the past 20 years, the world has undergone great advances in technology, realignment of global power relations, demographic transformations, recognition of emerging resource constraints, innovations in public/private/popular partnerships, the consequences of infinity finance, greater clarification about democratic governance, as well as the popular reassertion of human rights and justice demands, including the implementation of existing individual, collective, domestic and extraterritorial obligations of states under international law. With these dynamics and historic lessons, global development should trigger a profound, systemic improvement in the human condition. Such a new international order would provide more entrepreneurial room for cities and regional economies to contribute to national development—and vice versa—through direct participation in a norm-based global economy.

Private interests continue unregulated to hoard the world's wealth and natural resources. The world has more billionaires than ever before and, in some countries (e.g., USA and UK), the richest 10% have surpassed the national disparity one century ago, at the height of the Gilded Age.³⁹ If only one-fifth of the wealth possessed by the world's 1,225 billionaires were allocated for human settlements upgrading, the net \$1 trillion would solve the problem of slums in ten years. State would fail in their duties to impoverished citizens if they did not commit to such a scheme at Habitat III. In any event, the urban poor will invest another \$1 trillion of their own in the social production of habitat. Well managed, the proceeds would create millions of jobs, ensure dignified living conditions, realize human rights and improve human well-being.

Even U.S. President Barak Obama has characterized income inequality as the “defining challenge of our time.”⁴⁰ Will Habitat III and its participating states meet this challenge, or will they again fail, defer to the market and call it “inevitable”?

We have seen the normative content of the Millennium Declaration reduced to “minimal” Development Goals that evaded human rights obligations of states and structural reforms in the same political climate and period as the Istanbul+5 review. However, an overwhelming consensus is building to restore human rights and corresponding state obligations to the development process. This demand arises from the deficit of political will within governments and global institutions to distribute

production, consumption, natural wealth and resources, and contrived values (finance) fairly.

Independent experts of the UN Human Rights System have expressed the need to “[learn] from the mistakes of the Millennium Development Goals,” asserting that “the new sustainable goals must integrate the full range of human rights linked with sustainable development, and human rights must be the benchmark for whether or not inclusive, equitable and sustainable development is occurring.”⁴¹ The chairpersons of the ten UN human rights treaty bodies also have urged that human rights and corresponding obligations form the core of the new global development agenda.⁴²

Naturally also, civil society organizations have mounted the same call.⁴³ Learning from past lessons, the Rio+20 process has ushered in a more open and deliberative process in the formulation of the post-2015 Sustainable Development Goals. This openness can only enhance the Habitat III process and outcomes accordingly. However, that prospect calls for a compatible commitment to human rights and corresponding obligations at the core of the Habitat III process and Agenda.

We urge all parties in the Habitat III process, in particular, UN-Habitat, other UN-Charter-based specialized organizations and UN member states to restore the participatory Habitat II procedures as a minimum. Then, Habitat III could offer member states and all stakeholders an opportunity to discuss a new Habitat Agenda that will focus on human rights principles, policies and strategies that consider villages, towns and cities within their wider normative, territorial and state contexts. This envisages strategic planning of measures that enable more-responsible, more-effective, more-accountable and more-rational development, and equitably harnesses and distributes the resources produced and consumed in, as well as the power and forces behind urbanization. All stakeholders remain challenged to operationalize these principles in practical ways, exceeding mere abstraction or diplomatic expressions.

Key Issues and Values at Stake

HIC proposes several key elements to consider in the Habitat III process for creating and managing people-centered habitat patterns:

(a) The purpose and functions of the state encompass its land and natural resources, peoples, and the public institutions that administer and serve the whole. Political leaders, elected officials and civil servants are the duty-bound implementers of the public interest, respecting, protecting and fulfilling human rights. “The will of the people shall be the basis of the authority of government.”⁴⁴

(b) The democratic management of the city—and all human settlements—through local inhabitants’ direct participation in planning, production, maintenance and governance, thus capacitating local government’s primary constituency, organizing civil society and localizing state duties and legitimacy. No city or town should be without such a local government.

(c) National Development and Habitat-management Policy establishes an operational connection between the dynamics of urbanization and the overall process of national development within the human rights-based purposes and functions of the state.

(d) Laws, institutions and systems of governance create the normative basis of action, the operational principles, implementation criteria, organizational structures and institutional and societal relationships underlying the processes of human-settlements development and management. In doing so, laws, institutions and systems of governance should harmonize with the human rights-based purposes and functions of the state, accommodate multiple land tenure systems and prioritize disadvantaged regions and social sectors.

(e) The urban and rural economy involves a strong correlation among population dynamics, production, consumption, distribution and the built environment. This potential relationship is not spontaneous, self-generating or inherently equitable. Both public administration and direct, popular participation are indispensable factors.

(f) **Distribution of economic values**, not merely growth, is a critical measure of development, as well as a measure of policy and governance success, including for the legitimacy of global governance.

Also some operational factors maximize the advantages and minimize the hazards of the urbanization process:

(a) **Holistic habitat planning**: The vision of the city is not the domain of an exclusive set of stakeholders. The physical configuration, the definition of technical solutions, human needs and aspirations, and environmental considerations of the village, town and city all should be determined through participatory urban/regional planning, a public good and service and element of the human right to adequate housing. Equitable, ethical and people-centered development planning can optimize economies of agglomeration, promote sustainable density, encourage social diversity and mixed-land uses, foster inclusiveness, maximize heterogeneity, guarantee equal opportunity, promote livable public spaces, vibrant and safe streets, and, thus, make human settlements more functional, more democratic and more environmentally balanced.

(b) **Social production of habitat** involves all nonmarket processes carried out under inhabitants' initiative, management and control that generate and/or improve adequate living spaces, housing and other elements of physical and social development, preferably without—and often despite—impediments posed by the state or other formal structure or authority.⁴⁵ The majority of housing in many urban centers, including megacities, is the result of social production. For this form of production to be sustainable and technically sound requires a measure of urban planning and other technical support that public institutions, regulation and policy should support, not pathologize or criminalize.

(c) **Social function of property and human settlements**: Implementing the social function of the city, land and property is essential. Realizing the social function of

human settlements protects and prioritizes the commons and collective goods over private interest, involving the pursuit of socially just and environmentally sustainable use of urban space.

(d) **Local fiscal systems** have to change from being instruments of revenue generation and budget management to vectors of change that generate real development outcomes. Fiscal systems and services must realize their social function in support of people-centered development. Public and private investment must uphold fundamental principles and basic rights at work, and investment policies must purposefully generate decent work. Regulatory mechanisms are needed to ensure that fiscal systems and financial services serve not only clients and beneficiaries, but also rights holders, especially for households in need of a choice of tenure options to achieve adequate housing and human well-being. Capital gains created by development of state/people's lands and properties must be sufficiently recovered to finance and promote equal access to public services, continuous improvement of living conditions and adequate housing by right.

(e) **Investment in basic services:** Proper planning and management of public goods and services among the functions of the state allows for the constant improvement and provision of affordable basic services such as water and sanitation, higher resilience, climate-change mitigation and adaptation, poverty reduction and pro-poor policies. A challenge remains to ensure that the provision of such basic services is not denied on any arbitrary basis of discrimination, including tenure status. This includes reinvesting the *plusvalía* (capital gains from urbanization) to finance and promote equal access to adequate housing, public services and socially rational management of the commons.

(f) **Accountability for violations of human rights**, in particular the human rights to adequate housing, land, water and sanitation, public goods and services and the related process rights, must be built into the Habitat III commitments. The practice of forced evictions; displacement; population transfer, including the implantation of settler colonies in occupied territory; demographic manipulation; land grabbing; and other gross violations, grave breaches and crimes have continued with impunity in every region since Habitat II. A new development agenda and global order must put an end to these wholly unsustainable models, destructive behaviors and breaches of existing norms, while ensuring reparation for victims, affected persons and communities.

Our Habitat III Expectations

1. At Habitat III, we expect states to commit to deep structural changes in patterns of production, consumption, wealth distribution and in the ways that territories and natural resources are appropriated. The Habitat III process has many ongoing global processes to learn from and relate to, such as FAO's Committee on Food Security decisions and Agenda for Action on Food Security in Prolonged Crises, the post-2015 discussions on "Sustainable consumption and production (including chemicals and waste)."

These states should decide how relevant Sustainable Development Goals relate to governance and material conditions of human settlements. Habitat III also should provide an instructive and specialized reference for the anticipated review a generation of human rights commitments and developments at Vienna+25 (2018).

2. Habitat III should ensure participatory processes and opportunities to rethink human habitat as a place to realize all human rights and to ensure the collective well-being of all inhabitants. By embracing the dilemmas and challenges of urbanization at all levels of human settlements, the Habitat III process should enable the convergence of all stakeholders in the process to formulate more-appropriate development, governance and resource-use policies and practices across physical space, bridging urban, peri-urban and rural areas, and assist central and local governments to address challenges through national and local development policy frameworks. Their goals should be the realization of all human rights, in order to ensure the individual and collective well-being of all inhabitants, with the state prioritizing the most deprived of their well-being.

3. All parties engaged in Habitat III preparations and outcomes have a responsibility to integrate equity into the human settlements-development agenda, including adoption of commitments to the key issues and values cited above. Equity, substantive equality and nondiscrimination are integral to social justice that Habitat III should propagate in the public sphere. States at Habitat III must commit to extending opportunities and increases the commons, while upholding many of the pillars of states' and local governments' human rights obligations.

4. Habitat III should recognize and foster national and local spatial planning and planned human settlements as a public good and service integral to realizing the human right to adequate housing. Ultimately local and alternative planning deserve support within democratic criteria. A human rights—and corresponding state obligations—approach, perforce, engages development partners into popular-sector partnerships in the process of social production of habitat. That begets citizenship and a community sense best where it is locally managed.

5. This is the process to guide UN-Habitat reform in alignment with its Charter-based mandate and function. UN-Habitat has announced that it is ready to join efforts with central and local governments, civil society organizations, academic institutions, social movements and Habitat Agenda partners to promote a new model of habitat development for the 21st Century consistent with human rights.⁴⁶ A reformed UN-Habitat would operationalize that commitment, playing a combined norm-based and technical role of stewardship vis-à-vis states and governments.

6. An inter-governmental process encourages peer review, and its outcomes support efforts to update national legislation and strike a dialogue among diverse stakeholders. Popular sector voices may feel increasingly foreclosed from, and disenchanting with the usual Habitat Agenda review processes. However, those voices are joining in the public squares and demanding—not always achieving—political and social change.

7. The Habitat III process, prior to, throughout and following the 2016 conference needs to devise a civil society mechanism. This increasingly standard function has several models to apply. HIC is separately circulating a proposal to Habitat III stakeholders to establish and manage such a mechanism to aid and channel civil input into the deliberation and Habitat III Agenda monitoring and implementation processes.

Key Deliberation Topics:

HIC has identified fifteen key areas of political, macroeconomic and financial governance of human habitat that need critical consideration in formulating a meaningful Habitat III Agenda (some themes are inter-related):

1. financialization and regulation of habitat;
2. pro-cyclical, or austerity-based fiscal and monetary policies, including subsidy reductions; subsidies to the rich;
3. human rights and local government/authorities;
4. forced evictions, related criminal practice and reparations;
5. private sector roles in human settlements development, including privatization of public goods and services;
6. mechanisms and models of public participation and consultation;
7. integrating multifarious tenure arrangements in a national system;
8. ensuring substantive gender equality;
9. human rights cities in human rights states;
10. democratic governance in international aid and financial institutions;
11. social functions of property and the city;
12. social production of habitat;
13. foreign direct investment in housing, real estate, land and development projects;
14. corruption, land and resource grabbing, and capital flight;
15. displacement, migration, human settlements and local government.

With all of its greater efficiencies, global urbanization continues without social-justice criteria to homogenize human settlements in some places, marginalize, punish and dispossess in others. The increasing scene in urban spaces has people and communities resisting failed economic development models. They are building barricades, rising up against forced eviction, still fighting apartheid, reclaiming lands, resisting population transfer, building their housing beyond the formal market, insisting on social justice and finding their own alternatives. Habitat should have them take the floor.

Endnotes

- ¹ General Assembly resolution 66/207, and resolution 67/216 decided on the conference modalities, preparatory activities and format of the conference
- ² "...the conference and its Preparatory Committee shall be open to all States Members of the United Nations and members of specialized agencies and of the International Atomic Energy Agency;" "Implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II) and strengthening of the United Nations Human Settlements Programme (UN-Habitat) A/RES/67/216, 20 March 2013, para. 8, at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/67/216.
- ³ "The Vancouver Declaration on Human Settlements," 11 June 1976, preamble
- ⁴ *Ibid.*, Guideline for Action 5.
- ⁵ Universal Declaration of Human Rights (1948), preamble.
- ⁶ *Ibid.*, General Principle 13.
- ⁷ *Ibid.*, General Principle 12 and Guideline for Action 7.
- ⁸ *Ibid.*, Guideline for Action 7.
- ⁹ *Ibid.*, preamble.
- ¹⁰ *Ibid.*, General Principle 5.
- ¹¹ *Ibid.*, General Principle 8.
- ¹² *Ibid.*, General Principles 19 and 17, respectively.
- ¹³ *Ibid.*, Guidelines for Action 8–12. Edited to be consistent with the treaty obligations of states under Article 11, Covenant on Economic, Social and Cultural Rights (1966).
- ¹⁴ "Istanbul Declaration on Human Settlements," 14 June 1996, A/Conf.165/14 (annex 1), p. 7, para. 6.
- ¹⁵ *Ibid.*, para. 7.
- ¹⁶ *Ibid.*, para. 8.
- ¹⁷ "The Habitat Agenda," 14 June 1996, A/Conf.165/14 (annex 1), paras. 11, 26 (2x), 39, 61 (3x), 94,
- ¹⁸ "Istanbul Declaration," *op. cit.*, para. 8.
- ¹⁹ "Forced evictions," resolution 1993/77, 10 March 1993.
- ²⁰ "The Habitat Agenda," *op. cit.*, paras. 40(n), 61(b), 98(b).
- ²¹ Michael Dennis, attorney-adviser, Office of Private International Law, Office of the Legal Adviser, Department of State of the United States of America.
- ²² Statement of Habitat International Coalition (the global NGO alliance on human settlements) before the special Plenary Session on NGO participation Habitat II+5 Second Preparatory Committee (endorsed by NGOs participating in the Habitat II+5 process), Nairobi, 21 February 2001.
- ²³ "Declaration on Cities and Other Human Settlements in the New Millennium," A/RES/S-25/2, 16 August 2001, para. 28.
- ²⁴ In the form of a footnote to paragraph 5, the 2001 Declaration specifically reconfirmed only the commitment contained in the Habitat II Agenda's paragraph 25, which read: "We, the States participating in the United Nations Conference on Human Settlements (Habitat II), are committed to a political, economic, environmental, ethical and spiritual vision of human settlements based on the principles of equality, solidarity, partnership, human dignity, respect and cooperation. We adopt the goals and principles of adequate shelter for all and sustainable human settlements development in an urbanizing world. We believe that attaining these goals will promote a more stable and equitable world that is free from injustice and conflict and will contribute to a just, comprehensive and lasting peace. Civil, ethnic and religious strife, violations of human rights, alien and colonial domination, foreign occupation, economic imbalances, poverty, organized crime, terrorism in all its forms, and corruption are destructive to human settlements and should therefore be denounced and discouraged by all States, which should cooperate to achieve the elimination of such practices and all unilateral measures impeding social and economic development. At the national level we will reinforce peace by promoting tolerance, non violence and respect for diversity and by settling disputes by peaceful means. At the local level, the prevention of crime and the promotion of sustainable communities are essential to the attainment of safe and secure societies. Crime prevention through social development is one crucial key to these goals. At the international level, we will promote international peace and security and make and support all efforts to settle international disputes by peaceful means, in accordance with the Charter of the United Nations."
- ²⁵ "Declaration on Cities and Other Human Settlements in the New Millennium." A/RES/S-25/2, 16 August 2001, at: www.unhabitat.org/istanbul%2B5/A_RES_S25_2.doc and http://hq.unhabitat.org/declarations/documents/The_Habitat_Agenda.pdf.
- ²⁶ A/RES/66/216, *op. cit.*, preamble, selectively recognizing paragraphs 134–37.
- ²⁷ "Forced evictions," resolution 1993/77, 10 March 1993, *op. cit.*
- ²⁸ *Ibid.*, para. 51.
- ²⁹ *Ibid.*, para. 35.

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- ³⁰ By initiative of the Arab Republic of Egypt. *Ibid.*, para. 57. By 1998, the UN adopted the Rome Statute on the International Criminal Court, enshrining the prohibition of population transfer as a crime against humanity (Article 7) and war crime (Article 8).
- ³¹ “Coordinated implementation of the Habitat II Agenda: Report of the Secretary General,” E/2012/65, 4 May 2012, para. 67.
- ³² *Ibid.*
- ³³ Notably, General Sutiyoso, governor of Jakarta (Indonesia), in 2005, and Sheikh Khalifa Bin Salman al-Khalifa (Bahrain), in 2006.
- ³⁴ See “Manifesto for Cities,” UN-Habitat, World Urban Campaign, at: <http://www.worldurbancampaign.org/manifesto-for-cities/>.
- ³⁵ Self-determination, nondiscrimination, rule of law, gender equality, progressive realization nonretrogression, applying the maximum of available resources, as provided in Articles 1–3 of the International Covenant on Economic, Social and Cultural Rights (1966).
- ³⁶ UN-Habitat, “Guidelines and Format for the Preparation of National Reports: On Six Key Topics, Thirty Issues and Twelve Indicators,” at: <http://www.unhabitat.org/downloads/docs/Guidelines%20for%20Habitat%20III%20National%20Reports.pdf>.
- ³⁷ See, for example, “Guidelines on Treaty-Specific Documents to Be Submitted by States Parties under Articles 16 And 17 of the International Covenant on Economic, Social and Cultural Rights,” E/C.12/2008/2, 24 March 2009, esp. pp. 10–12.
- ³⁸ Committee on Economic, Social and Cultural Rights, General Comment No. 15: “The right to water (arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights),” E/C.12/2002/11, 20 January 2003, paras. 43–44, at: <http://www.unhchr.ch/tbs/doc.nsf/0/a5458d1d1bbd713fc1256cc400389e94>.
- ³⁹ Thomas Picketty, *Capital in the Twenty-first Century* (Cambridge MA: Harvard University Press, 2014).
- ⁴⁰ “Remarks by the President on Economic Mobility,” The White House, Office of the Press Secretary, 4 December 2013, at: <http://www.whitehouse.gov/the-press-office/2013/12/04/remarks-president-economic-mobility>.
- ⁴¹ UN experts call for including human rights standards in development goals,” UN News Centre, 19 March 2012, at: <http://www.un.org/apps/news/story.asp/http%3Cspan%20class='pullme'%3EIt%20has%20become%20increasingly%20clear%20that%20disasters%20are%20setting%20back%20efforts%20in%20development%20%E2%80%93%20they%20can%20cripple%20the%20economy,%20destroy%20infrastructure,%20and%20plunge%20more%20people%20into%20poverty%3C/span%3E://www.unisdr.org/story.asp?NewsID=41574&Cr=Sustainable+Development&Cr1=#.UvaEEGdDFpw>.
- ⁴² Chairpersons of the UN Human Rights Treaty Bodies Joint Statement on the Post-2015 Development Agenda, May 2013, at: <http://www.ohchr.org/Documents/HRBodies/TB/AnnualMeeting/JointStatementChairsMeetingMay2013.doc>.
- ⁴³ “Joint Statement: Human Rights for All Post-2015,” 10 December 2013, at: <http://sustainabledevelopment.un.org/content/documents/5123joint.statement.dec10.pdf>.
- ⁴⁴ Universal Declaration of Human Rights, Article 21.3.
- ⁴⁵ For more information and cases, go to HIC general website and HIC-HLRN website.
- ⁴⁶ “Towards a Housing Rights Strategy: Practical Contributions by UNCHS (Habitat) on Promoting, Ensuring and Protecting the Full Realization of the Human Right to Adequate Housing,” HS/C/15/INF.7, 16 February 1995; Memorandum of Understanding between the UN Office of the High Commissioner for Human Rights and UN-Habitat (2002); United Nations Housing Rights Programme (UNHRP), Report of the Executive Director on UN-Habitat commitment to the human rights-based approach to development,” HSP/GC/24/2/Add.7, 11 February 2013.