



Analysis of the Habitat III Framework Document Policy Unit 1 - The right to the city and cities for all

Presented by UCLG Committee on Social Inclusion, Participatory Democracy
and Human Rights

1. Analysis of the Framework Paper

The framework on the right to the city and cities for all tackles the model of “Competitive cities”, based on business attractiveness and commodification of land and resulting speculation, as unable to create a sustainable model of social inclusion and are rather exclusion- generators. The framework call for the recognition of the right to the city at the heart of the Urban Agenda as a “new paradigm that provides an alternative framework to rethink cities and urbanization on the basis of social justice, equity, effective fulfillment of all human rights, responsibility towards nature and future generations, and local democracy”. In that way, the framework of the paper ambitiously addresses all the dimensions of the Agenda.

2. Commentaries

Conceptual issues

The framework insists widely on women and children –it should **rather refer to gender than just only women**. Indeed sexual minorities such as **LGBTI are very few referred** in the text, whereas they are often one of the most vulnerable collectives in cities. **Other vulnerable collectives are few mentioned**: ethnic and religious minorities, people with disabilities, young, street dwellers and sexual workers, refugees and migrants.

The concept of **resilience** (not defined) should be understood as a process that not only depends on **people’s ability to face disasters but as a right of affected people to be taken into consideration and supported by the institutions to re-build their community** after a disaster.

Challenges and priorities

Social function of land and housing - right to habitat (1.2)

- Not only fulfilling habitat rights for all through social production of habitat projects and diverse housing tenure choices, but also need to insist on the necessary investment of public institutions into sustainable social housing, and the development of social rentals.
- Unsustainability of considering homeownership as the solution even if the conditions to access property are more affordable. This is especially important considering urban dwellers residential mobility, due to the fast changing of their living conditions. The only fact of promoting property increases necessarily the demand and could create speculation (see the case of Spain).
- Insist on the necessary regulation of housing market by state (limitation of rental prices, implementing principles to fulfil the social function of land, housing and property, mitigate speculation, protect the tenure of vulnerable groups, ensure affordability of adequate housing,

and anticipate future needs of adequate land for both social housing and socially produced habitat, public control of land, regulated zoning, districts renewal)

- Develop mechanisms of judiciability and actionability of habitat right (such as observatories, enforceable right to housing, legal assistance...) in particular to prevent forced evictions.

Public space – right to public space as a component of urban commons (1.4): Urban policies should pay a particular attention to the street dwellers that are increasingly growing, attending their specific needs and taking them into account in the planning processes (participation). Hence, there's a need to fit out the space to relieve the everyday life of homeless (see Bogota's public policy on street dwellers). Also, cities should develop welcoming public spaces (benches, fountains, car-free ...), with free Wi-Fi and remove cameras that have an important cost and are interfering with liberties without being so efficient, as well as support citizens' projects in public space (garden, party, exhibitions...).

Right to mobility and accessibility (1.7)

- Adapt transport to the elderly, people with disabilities, blind, deaf persons
- Reduce car uses by developing transports with green energy, with 24h/24h service

Governance models and structure (2.2):

Adopt local charter for HR protection, promotion and guarantee at local level, together with civil society, including the right to participation and standards of transparency (Open Gov).

Participation and capacity building for urban actors (2.3) should refer more to **empowerment mechanisms**, and the need to implement places and free spaces for self-organization processes, to encourage public and participative media that acknowledge a diversity of voices, to implement public funding for citizens' initiatives, expertise and project with transparent criteria.

Urban economy (Challenge and priority 3 and 3.4) does not refer to the crucial issue of poor workers and precariousness and to the mutations of labor market, due to the automatization of the economy, which reduces the economic system's job creation capacity. In that regard, the paper should :

- address a substantial economic reconversion through ecological transition: re-localization of economy, through circular economy, short-circuits consumption, urban agriculture, but also through local development policies focused on popular /informal sectors
 - support local projects of solidarity based economy
 - encourage the implementation of social protection mechanisms at local level, related with popular / informal sector.
 - encourage the progressive implementation of contributive and/ or basic incomes
- mention the crucial role of local government to promote corporate responsibility, sharing benefits with the local citizens (i.e. charter City-Company in Saint-Denis) and committing to responsible public purchase policies (i.e. Tax Haven Free, local elected that commit not to have contracts with company related to fiscal evasion).

Right to access essential basic services and infrastructure (Priority 1.7) and welfare & well-being (priority 4.1) should be frameworked within a human rights' mainstreaming, as a way to promote awareness and to involve to whole community in its fulfilment –and in the management of public services.

- Reach-out policies in services' provision, together with a "differential approach" within public administration may facilitate real access to this right for all citizens, especially for vulnerable groups, by taking into account their specificities.
- Involve citizens in the management of public services

Identity, culture and heritage (Challenge 4.2 and priority 1.8 and 4.3) should

- address the threats of growing religious intolerance on cultural practices
- include the Art as an innovative process to create community, enshrined in the freedom of expression and accessible to everybody,
- recognize cultural rights to acknowledge the capacity of people to create and practice

Violence and segregation (Challenge 4.3 – Priority 1.5 and 4.2): this section should address the violence against minorities related to **increasing racism and intolerance** and the **stigmatization of popular districts inhabitants**, contributing to urban segregation. It should also

- raise the **problem of police violence**: discriminatory police controls and repression and the unpunished abuses of police patrols, particularly in the poorest districts. **Police action should respect Human Rights and be submitted to strict judicial control.**
- Address the issue of **control of popular districts by drug trafficking and illegal economy should also be addressed as a key source of violence**, which should result in ambitious States policies: investigations and repression against organized crime through international cooperation, policies of drug consumption's prevention, study the possibility of light drugs' legalization...

The environmental aspects and resilience rights to environmental protection (challenge and priority 5) should be addressed in terms of **environmental right that should be judiciable and actionable** –acknowledging that popular districts and peripheries are the most affected by contamination, due to industrial and motorways' pollution, risk of landslide, subsidence, erosion...) **Protection of ecosystems and biodiversity** should include urban ecology practices, such as collective gardens and the enhancement of urban agriculture (i.e. Detroit), as well as the promotion and strengthen of circular economy in the waste management. Finally, **the right to water and to energy should be recognized** as well, and should lead to the adoption of public policies to fight against energetic precariousness (i.e. Catalan law).

➤ Questions to foster

Local finances: The challenges do not address the question of finances, whereas local resources are crucial to build cities for all. They should acknowledge that austerity policies are a threat to concrete the right to the city. Some alternative solutions may be proposed: a fair taxation system, state transfers for territorial cohesion, access to sustainable borrows, creation of Local Development Funds (for growing cities to fulfil rights to housing, services and resilient infrastructures, and climate change adaptation).

Human Right approach: Need to reaffirm obligations to respect, protect and fulfill the constituent human rights (land, energy, transport, culture, environment, urban planning...) in the implementation of "The Right to the City ", including the human rights dimensions as a social claim in a process of an emerging composite right.

Human rights should be seen “both a local community and socio-political process in a local context where human rights play a key role as the fundamental values and guiding principles” (Gwangju’s principles for Human Rights Cities) that involve all local stakeholders. **To that end, the paper should refer more to Human Rights mainstreaming in local public services, to Human Rights awareness and training and also encourage the implementation of mechanisms that allow the judiciability and actionnability of Human rights (also regarding the environmental one) against institutions and companies.**

Migrants: The framework should pay particular attention to inclusion of migrants. They are not referred in the document whereas they represent a very important challenge for social inclusion –related to an increasing racism and intolerance to diversity in many societies, and concerning police repressive actions as well.

In recent years, cities experience increased mixed migration flows at the same time as increased urban development. The mixed migration flows arriving to cities, including labour migrants, refugees and others arriving from rural-to-urban, urban-to-urban, and international migration flows increase both the foreign and national populations of the cities, while also placing increasing demands on social services and urban infrastructures available. This situation poses new challenges for effective migration governance and management at local level, which have hitherto been focused on the country level, while cities are the main locus of integration. Yet, effective city governance in a diverse society is based on universal access to rights based on existing services, processes, and infrastructure, and not developed in parallel as special service targeted at immigrants only.

Furthermore, the economic and social development of cities is not only dependent on “hard” factors like the availability of jobs, housing and infrastructure, but also on the degree of social inclusion and cohesion a city can offer to its inhabitants. Through appropriate and inclusive policies cities can provide opportunities not only for immigrants but for the whole population, thus preventing social tensions and divides.

In order to go through effective inclusive policies for migrants with benefits for the whole territory at social and economical level, it is important to recognize that:

- Migrant integration and access to rights take place at local government level, with the various local stakeholders as key actors in the process;
- Migration management and migrant integration are not sufficiently addressed at local level, with implications for the development of harmonious cities;
- Dialogue and sharing good practices between cities will be a key element to improve integration outcomes.

The Youth: the youth, as an important part of the urban poor should be included at the center of challenges and priorities: access to education and training- formal and popular education- support of the youth projects and creativity, access to leisure, sports and art, work on gender issue and health prevention, help young people in situation of family breakdown, work on reparative justice for young authors of crimes, work on the youth participation within the schools, inclusion of the youth in the labor market and in the City Hall staff...

Finally, the document should **include targets, indicators, and participatory monitoring**, evaluation and accountability mechanisms defined for states all spheres and sectors of government and UN agencies to follow up the commitments of the Habitat Agenda for Inclusive cities has to be translated into.