



**Global Platform for the Right to the City**  
Plataforma Global por el Derecho a la Ciudad  
Plataforma Global pelo Direito à Cidade

# **HABITAT III**

## **Policy Papers Frameworks**

## **Review and Comments**

**February 2016**

### **1.- THE RIGHT TO THE CITY AND CITIES FOR ALL**

## Overview

1. 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”. The right to the city means cities for people with a special attention to marginalized groups and people living under vulnerable conditions. In that way, the framework of the paper **addresses all the dimensions of the Agenda**: ensuring citizenship of all urban dwellers, respect and protection of human rights for all, social function of land and property and the city, democratic, participatory and accountable management of cities, inclusive economy, responsible management of commons, sufficient and accessible public spaces and community facilities, polycentric cities in terms of services, jobs and opportunities, leisure amenities and transport, the promotion of culture as a lever of social cohesion, social capital self-expression and identity, memory and heritage and a balanced and respectful relationships with the surroundings rural area and its natural resources.

2. The PPF would benefit from the recognition of **Habitat Agenda commitments** that already support its right-to- the-city claims and operational principles. Rather, it seems quite unwise, tactically speaking, to repeat the message that this is a “new urban paradigm.” The “right to the city” must relate to, and be expressed within the habitat concept and the “metabolism” that prevails in actual human settlements in their context. Positing a “right to the city” outside of its wider human settlements and environmental context is likewise doomed to the same failure as present-day “hegemonic” urbanization that the drafters seem so unhappy about.

3. The PPF1 makes reference to human rights, but does not specify which codified human rights constitute the right to the city. The PPF does not break them down, and omits to mention the corresponding or obligations (and instruments) existing in the field and applicable to all spheres of government. For example, with reference to water, the PPF cites only some features of the human right to water. When speaking of evictions, it refers to the need to implementing laws but does not acknowledge the legal conditions on evictions to avoid “forced eviction,” formally recognized as a gross violation of human rights since before Habitat II. Applying the **human rights norms and methodology** is very relevant, especially considering also that human rights cannot be left to interpretation as being subject to “property rights.” The human rights comprising the right to the city cannot be subject to discrimination on the basis of tenure status. The human right to water also touches people living in informal settlements called or adequate relocation also touches people who do not have a title.

4. There is much talk of the right to the city and some of its components, but not very explicitly about the **important elements** of social production of habitat or the right to land, or at least the human rights dimensions of land and land use as it relates to the priority of serving the poor and marginalized people and communities. The PPF is silent on the core R2C principle of the inclusion of **minorities**—sexual, linguistic, faith-identified, indigenous—

but mentions minorities only in the context of minority privilege; i.e., uneven spatial development produces a situation in which the minority of more affluent people enjoys the benefits of urban life (Urban Spatial Strategies, p. 5). The examples of groups to be integrated without discrimination (para. 2 under 3. The Right to the City as a Heart of the New Urban Agenda, p. 3) should be expanded to include these omitted others. Globally, the framework insists widely on women and children. In some occasion, it should rather refer to **gender** than just only women. Indeed sexual minorities such as LGBTI are very few referred in the text while they are often one of the most vulnerable collectives in cities. Other vulnerable collectives are few mentioned in comparison with children and women: ethnic and religious minorities, people with disabilities, young, street dwellers and sexual workers, refugees and migrants.

5. Also, the concept of **resilience** is used lots of time in the document without definition. It should be defined 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 catastrophe.

6. The three references to "**social production**" (of space, housing and habitat) may need **definition** here. Although these are not new terms to the Habitat Debate, they are new to a Habitat Process outcome document. We offer: "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." Social production is a fact, but the demand and corresponding recommendation should be for "state-supported social production of habitat" by providing urban planning, land adjustment, tenure security, subsidies and other services.

7. The introduction should read: "The current urban-development model has **proved** to fail in granting **all** urban dwellers a good life." The current construction of that sentence overstates the problem as too categorical and may repel potential supporters of the R2C thesis.

8. On a more-methodological note, we believe that **cross referencing** to other, similar Policy Papers would strengthen approaches and proposed points. It might be worth numbering several points that are included in a larger point (1.1.1, etc.) for easy reading/reference. Some issues are mentioned almost as telegraphic titles, and others developed more. It is unclear why such imbalance.

## **Challenges**

Perhaps the PPF should identify challenges, including structural and policy constraints: patriarchy, cronyism, false rural-urban dichotomy, authoritarianism, etc.

The "local government" deficit needs to be discussed, including the distinction between local government and local authorities.

Good practices such as participatory budgeting, human rights cities, participation of migrants, et al could be included as lessons learned since Habitat II.

## **Social function of land and housing – right to habitat**

- The human right to habitat is very much the broader concept within which R2C resides. However, the social function of land and housing is only one aspect, and not entirely equivalent to a “right to habitat” or “human rights habitat.” If the authors intend to assert a right to habitat (human rights habitat), that may need explanation.
- The paper should clarify the rights of the poor to access serviced land and affordable adequate housing in the cities. Without this explanation, the social function of the city (or land, housing) is not clear.
- While addressing the challenge of fulfilling habitat rights for all, through social production of habitat projects and diverse housing tenure choices, it seems to be important to insist on the necessary investment of public institutions into 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, obligation of a minimum of 35% social housing per city).
- 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**

- Urban policies should pay particular attention to **the street dwellers** that are increasingly growing. Their situation should to be addressed not by a repressive approach, but by attending the specific needs of that population and taking them into account in the planning processes. Bogota’s public policy on street dwellers should be a reference in that matter.  
It is important also to develop welcoming public spaces (benches, fountains, car-free...), to offer free wifi access in public spaces, to remove cameras that have an important cost, are not efficient in terms of security protection and are interfering with liberties.
- It is fundamental to support citizens projects in public space (gardening, food growing, social and cultural activities), as well as respect and promote its political and pedagogical dimensions for a participatory and democratic city life.

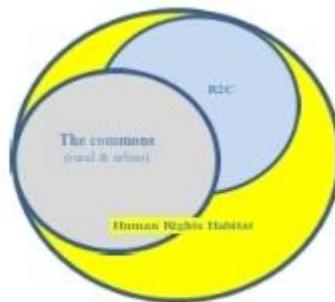
Perhaps PPF1 could expand the concept of the commons by identifying the intersection of the following themes:

- Conceiving the commons (the concept and working definition)
- The commons and democratic innovation

- The collaborative sharing economy as the basis for a commons-based economy
- Social innovation as the basis for a commons-based welfare
- Designing and governing the city as a commons
- Mapping the commons

This exercise would pose an opportunity also to identify the requisites for realizing the two approaches (indicators), including the need for (1) an organized, strategic and goal-oriented movement (social movement) to advance the ideas and (2) a compatible constitutional and legislative framework that enables local autonomy in democratic management of human settlements within the territorial state.

It may be necessary to attribute the exercise of R2C and the commons to the existing and constantly binding human rights obligations of the state, including the link to codified rights to livelihood, adequate housing, decent work, food, participation in culture, etc. The Policy Paper might also define how to conceptualize the relationship between R2C and commons. For example, is the relationship concentric with habitat and intersecting/overlapping the right to the city; e.g.:



or another conceptualization

### **De-commodification of space**

- Besides privatization, we are also experiencing a growing "securitization" of public space -more police/military, more cameras, more bans/restrictions on what can be done (such as changes in Barcelona's legislation during previous governments, to give just one example; New York became famous for its "zero tolerance" policy, which its former mayor has been promoting in several cities worldwide, including Mexico City). This is particularly serious because of its many implications for the right to the city, especially in the context of broader policies related to national security as the so-called "war on drugs" or "fight against terrorism."
- It should be noted that, in many cases, the implementation of megaprojects destroys means of subsistence and ways of life, thereby generating more poverty.

### **Right to mobility and accessibility**

There is talk of the need to increase private/public alternatives. This should include the call to invest also in social/community partnerships, hence public/popular partnerships (PPPs), as well as public/private/popular partnerships (PPPPs).

Regarding the population, all vulnerable categories need efficient and affordable transport that meets their needs and is safe from violence against them. Some of the measures would include: adapt transportation systems to the elderly, and people with disabilities; provide day-long (24/7) services; reduce car use; etc.

### **Mainstream local governance in sustainable urban development**

- Make sure that "meaningful participation" is understood as direct democracy (that involves people participating at decision-making processes about the city, and not just in consultative spaces). It should be clear that we want substantive participation (informed and with a voice and vote) in decisions that affect the lives of people and communities.
- Besides talking about "stakeholders", it would be important to mention the needed involvement of the various institutions (civic, academic, professional associations, unions, churches, etc.) to enable public debate and consensus building, which requires a democratic local government (not just local authorities).

### **Transparency and accountability in urban development processes**

- Also citizens generally lack mechanisms through which to vet projects that affect the environment, human rights, etc., or enforce binding public consultations in the process of urban development.

### **Governance models and structures**

- Adopt local charters for HR protection, promotion and guarantee at local level, together with civil society, including the right to participation.
- Adopt the transparency standards -Open Gov.
- Give power to organized civil society.
- The PPF is written in the language of "claims," but does not acknowledge already-developed norms and instruments related to the right to the city (and human rights in the city, human rights cities, etc.), including those commitments of Habitat II compatible with the right to the city and its cohorts.
- This section overlooks one of the principal prerequisites for operationalizing the right to the city: the legislative and constitutional framework of the state. This cannot be assumed to exist in many human settlements and their jurisdictions, including cities.
- Regarding barriers, tend to "top-down governance" is mentioned. One could speak more explicitly of technocratic approaches and business-type "management" to local government that are unresponsive to the challenges of democratic and participatory management of public affairs. On the next line, in addition to structures and spaces, missing also is the needed mention of the lack of support and resources needed to enable effective participation of different sectors and actors.

### **Participation and capacity building for urban actors**

- The PPF speaks of "enabling the private sector, collective participation for benefit": The meaning of this phrase is not entirely clear and, in any case, echoes the recommendations of the World Bank published its famous early 1990s on housing ("Enabling markets to work"). The tone and content of the PPF should rather reflect the objective that public bodies promote / guide / regulate the private sector participation according to the right to the city principles.
- 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 and projects with transparent criteria. The core of participation should be the capacity of

public bodies and institutions to develop a bottom up approach and, to that end, to support civil society associations and social movements.

### **Urban economy (Challenge and priority 3 and 3.4)**

This part do not refer to the crucial question poor workers and precariousness and to the mutations of labor market. According to the ILO, the weakening of world economy is having an impact on the increasing number of unemployed and of the poor and vulnerable workers. The automatization of the economy also reduces the capacity of the economic system to create jobs. In that regard, the paper should:

- Address a substantial change, towards the 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 project of solidarity based economy.
- Value local currency and banks of time.
- Develop the idea of economic reconversion through ecological transition.
- Encourage the implementation of social protection mechanisms at local level, related with informal sector.
- Encourage the progressive implementation of contributive and/or basic universal incomes that are getting developed in some territories.
- Mention the crucial role of local government to promote social responsibility, encouraging business sector responsibility, sharing benefits with the local citizens (i.e. charter City-Company in Saint-Denis), taking commitment to have a responsible public bought policy (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)**

- The recommendations should encourage human rights mainstreaming in the provision of services, as a way to promote Human Rights awareness and to involve to whole community in the fulfillment of Human Rights.
- The basic services management should involve citizens.
- The diagnosis and focus on better infrastructure in big cities is fine. However, we must recognize that one can also suffer shortage whereas, sometimes, the presence of infrastructure does not always equal a service. (Having pipes does not always mean having water according to human rights standards, and even having water at all, if not of good quality and appropriate amount. The PPF should cite the [source of the norm](#) in which basic services are defined as a component of the human right to adequate housing. We should mention again the issue of privatization and the obligations of the state to regulate services so that third parties do not cause regression in the enjoyment of basic services as a component of the human right to adequate housing and right to water (see CESCR, [General Comment No. 15](#), paras. 43 and 44).

### **Welfare and well-being (priority 4.1)**

- HR mainstreaming in provision of public services.
- Reach out policies to facilitate access to rights for everybody.
- “Differential approach” within public administration to take into account the specificities of vulnerable groups and facilitate their access to rights.

- Specific policies to include the elderly, that are becoming a growing percentage in urban societies
- **Identity, culture and heritage (Challenge 4.2 and priority 1.8 and 4.3)**
- The challenges should also address the threats of growing religious intolerance on cultural practices.
- The **recognition of cultural rights** is crucial to acknowledge the capacity of people to produce culture, to practice it and to take part in cultural events.
- Culture is not only an heritage, it also lean on art, as an innovative process to create community. Art should be enshrined in the freedom of expression and should be accessible to everybody. It should also be present in the public space, as a signification and dignifying-process of the common city.

### **Growth versus equity and well-being**

- It is unclear what is meant by "de-linking of economic activities and territory."
- The next line cites a "lack of acknowledgment of the potential of the solidarity economy and non-financial initiatives." It should be noted also that, in many cases, solidarity economy rather suffers increasing obstacles and often a direct attack (the legal framework that weakens more than protects its activities; the same rules are imposed as to for-profit companies; support for cooperatives has declined; solidarity economy is criminalized, persecuted, displaced, repressed...).
- A point below could be added "to measure and take care of ..." well-being.
- Does not include the analogous criterion of "equitable distribution" as the measure of economic performance.

### **Urban livelihoods**

- The PPF speaks of "Lack of government support for the local construction elements production with quality standards by trained population," but it would be relevant to talk about social production of habitat in a broader sense and refer to the state support it should receive (land, financial mechanisms, technical advisory, etc.).
- Overall, we believe it would be worth highlighting the lack of linkage between economic development policies and habitat/housing, despite commitments of Habitat II to ensure just macroeconomic approaches in implementing the Habitat Agenda (H2, paras. 40a, 62, 65, 67b, 115, 186d, 189b and 201b).
- Challenges include not only erosion of the "urban commons," but also erosion of "livelihoods" (means and ways of living).

### **Violence and segregation (Challenge 4.3 – Priority 1.5 and 4.2)**

- The violence against minorities related to increasing racism and intolerance is not addressed, and neither is the stigmatization of popular districts inhabitants, contributing to urban segregation. It is important to raise also the problem of police violence and to address the discriminatory police controls and repression, and the unpunished abuses of police patrols. In some districts, particularly the poorest ones, the police is seen as a threat and not as a protective body. The framework of action of the police, respectful towards Human Rights and under citizen's control, is crucial for the pacification of the districts. Police action should respect Human Rights and be submitted to strict judicial control.

- The issue of popular districts controlled by drug trafficking and illegal economy should also be addressed as a key issue of violence. The States need to settle ambitious police investigations and repression against organized crime that structure the urban space in a totalitarian way. They have to adopt prevention policies to prevent drug consumption, with the participation of citizens, and to consider light drugs legalization.

### **Environmental aspects and resilience rights to environmental protection (challenge and priority 5)**

- The environmental aspects should be addressed in terms of **environmental rights**. Popular districts and peripheries are the most affected by contamination (industrial pollution, air pollution because of the proximity with roads and motorways, risk of landslide, erosion.). The recognition of environmental rights, that should be judiciable and actionable, is crucial for urban equality.

### **Protection of ecosystems and biodiversity**

- The PPF advises to safeguard agricultural areas. It should specify that the right to the city principles for the New Habitat Agenda should ensure food security and sovereignty of the country and, to the extent possible, the city-region, as well as stimulate direct links between consumers-producers.
- It should also mention the obligation to perform impact assessments and to respect the precautionary principle, etc., consistent with environmental law.

### **Water management and waste management**

- The right to water and to energy should be recognized and lead to the adoption of public policies to fight against energetic precariousness (i.e. Catalan law). There is also a need to promote and strengthen circular economy in the waste management.
- Respect all the characteristics of the human right to water and sanitation, which are often not a reality in the cities, not only related to the quality of the environment. Let it be said that human rights (in this case to water and sanitation) cannot be subject to property rights. Services should also reach people living in informal settlements despite its legal tenure status. (International human rights law guarantees access to everyone, and creates a state obligation to provide water intakes close to their homes.)

**Protection of ecosystems and biodiversity** should include urban ecology practices, such as collective gardens and the enhancement of urban agriculture (i.e. Detroit)

### **Climate change, disaster and risk management and protection of risk areas**

- This section speaks of climate change and the need for resilience, but fails to mention that great efforts are needed to address root causes. The mention of resilience seems only to be in the case of environmental events, while many other causes create the need for resilience in human settlements, including for rebounding from human-made disasters, conflicts, development-based displacements, intermittent and protracted crises, failed and fragile states, occupation, et al. In all of these cases, the pursuit of resilience must be coupled with the pursuit of accountability for such causes, where applicable. (See HIComments on PPF8.)
- The PPF does not address any challenges such as local governance of authorities that do not qualify as local government. (See [distinction.](#))
- It gives no attention to the international treaty and peremptory norm-based obligations of (1) central governments or (2) local authorities to uphold the bundle of human rights and, therefore, R2C.

- It must be stressed that urban resilience levels can always build at the country level (in addition to the international level) by seeking to resolve the underlying problems that cause climate risks, including inappropriate development.
- The relocation of people living in disaster areas has to be done in accordance with human rights standards in the field and not conceal other interests; e.g., removing people -and destroying/usurping their means of subsistence and ways of life-for economic objectives disguised as concern for their safety. (See Guidelines mentioned above.)

### **Energy consumption**

Implement subsidies that encourage the use of alternative energy in housing, the built environment and equipment.

### **Construction impact**

Rather than "natural resources using" speak about the use of local materials.

### **Local finances**

Globally, the challenges do not address the question of finances. To build cities for all, the question of local resources is crucial. The austerity policies are a threat to implement the right to the city. The question of lack of means should be addressed by proposing the creation of fair taxation systems, access to sustainable loans and the creation of Local Development Funds to fulfil the huge demands growing cities face in terms housing, services and resilient infrastructures.

### **Human Right approach**

Reaffirming obligations to respect, protect and fulfill the constituent human rights in the implementation of "The Right to the City," including the human rights dimensions of land, energy, transport, urban planning and the social function of the city, as a social claim in a process of an emerging composite right.

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. Social inclusion means the fulfillment, protection and promotion of HR. 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, against institutions and companies.

The PPF could mention that the current model of urban development has made cities grow at the expense of the countryside, which has reduced (access to) natural resources and often made the countryside the dumping ground for urban waste.

Maybe a sentence could be added to the effect that the promotion, respect and full realization of the right to the city would require profound changes in the institutional framework and in the training of public servants and professionals; at the same time, it will depend on their ability and capacity to advance an integrated and territorial approach to policies and programs.

### **Understanding the City and Citizenship in the New Habitat Agenda**

When speaking about citizenship, an effort should be made to extend the conceptualization of citizenship beyond the traditional basis of nationality status and the usual emphasis on migrant labour. It would be better not to limit or exclude forced migrants, understood as displaced persons, but address every type of migrant. When referring to the need to give priority to certain groups, the indigenous people should be also mentioned.

### **Urban Form - right to Access the benefits of the city life**

See discussion below on the gratuitous insertion of “access” without the other attributes of a right.

It is said that people of different socioeconomic status is distributed in different neighborhoods "through private market mechanisms" (second paragraph on p. 6). We understand that, in many cases, it is rather a combination thereof with the effect (direct or indirect, intended or not intended, wanted or unwanted) of policies and programs, in particular, but not only public housing and habitat policies and programs.

A couple of lines down, the PPF notes that it is critical to pursue "the social mix approach." We believe that we must be careful about this, considering that there are different points of view about its pros and cons. In any case, we suggest to refine the criticism and emphasize its positive aspects.

When talking about evictions, the paper should mention the need to respect human rights standards ([General Comment No. 7](#) and "[UN Principles and Guidelines on Development-based Evictions and Displacement.](#)").

### **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.

In recent years, 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 economic 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, help young people in situation of family breakdown, work on reparative justice for young authors of crime, 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 all spheres and sectors of government and UN agencies to follow up the commitments of the Habitat Agenda.

## **Priorities**

The PPF1 contribution to Habitat III must acknowledge the analogous movements, their concepts and names and terminology: human rights city, human rights in the city, human rights habitat, the rights *of* the city, urban rights, right to the built environment (*al-haq fi al-`umrān*), etc.

It must restore the human rights methodology to the argument and incorporate/demonstrate the learning on the subject since Habitat II (1996) and the Global Charter (2005).

It is essential to identify the requisite criteria (indicators) for realizing R2C (see Challenges above, discussing legal and constitutional frameworks and mobilized civil society and social movements to drive, advocate, implement and monitor R2C).

**Urban form – right to access the benefits of city life:** When speaking of limiting mega-events, the PPF should say also that, if carried out, they will have to respect human rights standards, in with regard to the prohibitions against eviction.

When talking about densification, one must remember that requires that the poor have the ability to access central and serviced plots in order to build for densification. Their inability to access such land should not be used an excuse to keep the poor away from the city, but for the need to recognize their (right to) land use.

**Urban planning and practice – right to participatory and inclusionary urban planning:**

The paper here should clarify that, in addition to accessible public transport, it has to be "affordable" in the sense of being fair and adequate relative to people's income.

The New Habitat Agenda should insist on substantive social participation (informed, with full voting rights) in decision making on urban and regional planning (and not in " training processes").

**Social function of land and housing – right to habitat:** Here it may be necessary to refer, once again, to the need for the poor to access central and serviced housing plots.

Speaking of evictions (there are 3 references at this point), once again it is necessary to cite the human rights standards in the field, including their references in the Habitat II Agenda,

as well as norms developed since 1996. This should include reference to the obligation to align legal and judicial systems in each country according to the human rights treaty obligations relevant to the prohibitions against forced evictions.

These require safeguards, including:

- (a) an opportunity for genuine consultation with those affected;
- (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;
- (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;
- (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction;
- (e) all persons carrying out the eviction to be properly identified;
- (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise;
- (g) provision of legal remedies;
- (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts;
- (i) Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available; and
- (j) reparations for victims of forced evictions.

When speaking of the examples whereby a population that seeks to address housing needs of the poor by referring to the social production of habitat, including the numerous commitments made at Habitat II to support community-based and self-help initiatives by all of the necessary legal, administrative, technical, financial, training and promotion instruments.

The treatment of “social function of land and housing” may be abstract for some, way too obvious for others. More important to assert than the social function of the inanimate object (property) is the *social duty* that applies to *the holder* of land and housing. The PPF should make that clear to all audiences

The “right to adequate housing” is mentioned three times: in the second and 18<sup>th</sup> bullets under “**1.3 Social function of land and housing – right to habitat,**” and with the third bullet under “2.1 Mainstream local governance in sustainable urban development.” It is a small but important distinction to refer to such rights as “human rights.” Otherwise, a claim only to a “right to housing” could be construed as a property right only.

**Public space—right to public space as a component of the urban commons (p. 21):** This includes examples of abstractions such as “To recognize public space as an expression of social and cultural collective participation and use.” Perhaps a fragment is missing here; however, perhaps what is meant is that public space *is a locus* for social and cultural

collective participation and use. It is worthwhile to highlight the political and pedagogical dimension of public space.

**Violence and segregation – right to a safe and secure living environment:** On the last bullet point, add the "unequal economic and urban development" as what generates exclusion and marginalization resulting in violence.

**Right to access essential basic services and infrastructure (p. 23):** This is redundant following 1.3 above.

Again the PPF should use the terminology of the human right to water and sanitation to specify what types of services should be prioritized.

When speaking of ensuring the proximity of services, it should be mentioned also that this should happen to the settlements called "irregular."

The right to basic services is (1) a constituent element of the human right to adequate housing ([General Comment No. 4](#)) and (2) not limited to access only, but involved other criteria: availability, acceptability, quality, affordability and other elements as defined in human rights law.

Revise wording of the last sentence because it is confusing. It should not be presumed that "urban development," as such, is not the singular cause or solution to social ills and marginalization. Neither "urbanization" nor "urban development" are the panacea to a multidimensional challenge that involves all facets of development, in general, of which the habitat is an important part. Education, employment, ethical upbringing, the exercise of citizenship, empathy, social responsibility, other environmental factors all affect the human condition.

**Cultural practice, identity and heritage (p. 23):** The human rights method is lacking in this assertion. By not grounding the claim in existing norms, it becomes vulnerable to contestation.

Forced evictions are mentioned several times with the objective to "stop," "protect from," and "find alternatives to" the practice. These references should go further to call for universal criminalization of the practice as a "[gross violation of human rights, in particular the human right to adequate housing](#)" and the entitlement of [reparations](#) for victims of the crime.

The text refers liberally to presumed rights: to safety and security, to access the benefits of city life, to participatory and inclusionary urban planning, to habitat, right to a safe and secure living environment, to mobility and accessibility, to access essential basic services and infrastructure, to dignity and equality of all persons. In fact, some of these are codified human rights, some are not. In all cases, the assertion of such rights should (1) apply the proper formulation as "human rights," which appears to be what is meant, (2) identify the sources in law that argue for those claimed rights that are not actual codified rights and (3) distinguish between human rights and over-riding principles. (E.g., "dignity" and "equality" are not rights, but inherent qualities of each person at birth, according to UDHR. The

corresponding rights derive from that human quality, such as the right to nondiscrimination, fair trial, etc.)

**Mainstream local governance in sustainable urban development:** This section is repetitive.

When talking of what would be achieved by including the right to the city as a “new urban paradigm,” it is also useful to refer to the respectful and sustainable relationship—indeed metabolism—shared with rural areas, which must be defended and not subject to urban growth or abandonment as the only scenarios.

**Participation and capacity building for urban actors:** Insist on forms of participation that are with voice and vote, and binding.

**De-commodification of space:** Here the PPF speaks of access to land for all but under the concept of land market; best not to link the land to the market (remove the word).

At the fourth bullet point, “Integrate the informal sector into mainstream urban planning systems by including the voice of informal workers in all phases of urban planning” probably intends to include “informal residents.”

In the examples of non-speculative housing models, also refer to the social production of habitat/housing.

**Welfare and well-being:** When referring to access to social services saying “according to human rights standards” (ICESCR, Article 9 and [General Comment No. 19](#)).

**Air quality and noise pollution:** Insist on the polluter-pays principle, but not a system by which wealthy polluters pay for a privilege to poison the environment.

**Water management and waste management:** When it comes to protecting water resources reference should be made “for present and future generations.” This may relate to the principle of intergenerational equity in the environment, but may be preferable to refer to it explicitly.

Industries and mines should ensure far more than what is mentioned here. Also, corporate responsibility does not absolve the state's permanent obligation to protect human rights against third parties, as established in the treaties on human rights and in many national laws.

The differentiated rates should be based not only consumption, but also the income of the responsible persons/entities.