



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

Initial Comments on Habitat III Issue Papers

July 2015

The following comments on the Habitat III Issue Papers are the product of a collective effort of Habitat International Coalition (HIC) members, including in particular those from the Housing and Land Rights Network (HIC-HLRN); the Polis Institute; the United Cities and Local Governments-Commission on Social Inclusion, Participatory Democracy and Human Rights (UCLG-CSIPD) as well as the UCLG-Global Task Force for Habitat III, and representatives of Women in Informal Employment Globalizing and Organizing (WIEGO).

Due to limited time and competing constraints, the comments are still incomplete and in draft form. Nevertheless, taking into consideration that the Issue Papers are still in process, it is our hope that the submission of these proposals are of value to it. We look forward to putting forth additional comments to the Issue Papers ahead, as well as contributing to the Policy Units work (See Annex I) and discussion of all other relevant Habitat III documents.

General comments (about the Issue Papers and the Habitat III "New Urban Agenda")

By HIC

All Issue Papers would benefit from a regimen of both maintaining integrity with, and challenging Habitat II issues and commitments made in 1996. That is rather the heart of the exercise, otherwise the conversation falsely presumes to start from zero and come from nowhere, especially for any newcomer to the process or to the Papers. The usefulness, relevance or coherence of the Issue Paper production would be lost if, in fact, the Issue Papers are perceived as think pieces on issues coming out of some process delinked from the global policy-making process spanning decades. Rather, the exercise forms part of a continuum of forty years of policy discourse and commitments, currently enshrined in Habitat II (expiring and coming up for renewal next year).

Useful as the Papers are for stimulating discussion, at the same time, they reflect a deliberate purpose of ostensibly dismissing or forgetting what has gone before. This consistent omission of Habitat II commitments from the discussion so far begs looming questions that deserve answers.

That is the greatest legitimacy challenge that UN-Habitat and the Habitat III Secretariat have to overcome. The Issue Papers did not achieve such a goal, leaving the question of Habitat III's purpose, relevance and coherence unresolved, particularly if Habitat II issues and commitments are now rendered to oblivion. Such treatment does augur much relevance, coherence, impact or even implementation hopes for a Habitat III. Besides the broken promises of Habitat II implementation and missing links between Habitat II and Habitat III, the discontinuity puts into critical focus the tremendous resource demands on all Habitat III stakeholder. If the supposed guardians of Habitat II and its commitments (UN-Habitat, ECOSOC, the UN Secretariat and UN member states) cannot show continuity and integrity of that Habitat process, the current one lies in doubt.

The apparent structural amnesia of what went before is closely related to the other gap wanting to be filled: The Papers succeed in presenting problems and posing solutions; however, they need a greater emphasis on root causes and the normative aspect of remedial responses, including the applicable international norms—not least including Habitat II commitments—that already address, prohibit, seek to prevent and/or avoid many of the problems identified.

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

To wit, the entirety of the Issue Papers ignore the reparations framework, a significant UN General Assembly clarification (A/RES/60/147) since Habitat II. The discourse on human security in its human settlement context is still needed in the relevant Paper 3 – Safer Cities. The voluminous human rights standards that specifically apply in the context of human settlements—although proposed to be a purpose and constant pillar of action in the UN Charter—have disappeared in the Issue Papers that purport to define the terms of the Habitat III debate.

Implementing some conceptual advancements of recent years would help strengthen some of the Issue Papers to avoid ideological pitfalls. For instance, the nexus of housing and planning livelihoods is a conceptual link that disengages in the discrete papers on “Informality,” “Housing,” “Urban-rural Linkages,” “Urban and Spatial Planning and Design” and “Informal Settlements.” À propos, the “Informality” paper should link more to “Housing.” Some of these sectoral treatments lend themselves to greater cross-referencing in the ensuing debate, and those linkages deserve attention in any overview of the 22 Issue Papers, as well as the Habitat III agenda itself.

Despite the UN Charter's contractual guidance and the abundance of references, especially since 1996, the papers mostly do not take a human rights approach, and do not incorporate human rights principles, especially the indivisibility of human rights, nor the over-riding treaty-implementation requirements of gender equality, and non-discrimination. Certain Papers claim to take a rights-based approach (e.g., 18 – Urban Infrastructure and Basic Services, including energy), but do not follow through with claim. Most of the Papers are weak on gender and women's rights, but they should be a methodological standard of such products of any UN specialized organization or Secretariat body.

Therefore, a missing piece of the Issue Papers' method and format is any reference to the relevant norms and human rights standards, including those from the UN—as well as trends in practice—that have evolved since 1996. The wholesale omission of these aspects suggests a bias toward avoidance

of the law when it is inconvenient to embedded interests. The absence of international law and related norms, in general, and Habitat II commitments, in particular, suggests something deliberately hidden, rather than something merely omitted as unimportant. Each Issue Paper needs a legal review to ensure universal reference to the applicable international norms and to correct some errors and misunderstandings, in some cases, and to provide appropriate emphasis in others.

The body of Issue Papers reveals the need also for an additional Issue Paper on population trends (growth, ageing, youth) and related global and state policies (or lack thereof). That would complete the picture and address some of the causes and consequences behind the looming assumption that current trends are, perforce, immutable.

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

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

The “Drivers for Action” sections are cryptic. What follows this heading sometimes appears to be imperatives for action, recommendations, or actual causes of the consequences cited in the Papers. The reader may have to interpret, Paper by Paper, which of these purposes the “Drivers” are intended to capture. The recommendations, thus, need to be stronger and more specific.

Macroeconomic policies are not mentioned at all, despite the repeated Habitat II commitment to take that factor into consideration in all related fields of policy, housing affordability, finance, land tenure, et al. This forms one more example where the abandonment of the Habitat II commitments has weakened the Issue Papers and the Habitat III discourse, in general. That omission is also creating the need to invent the wheel of Habitat issues, with all the cognitive and cost inefficiencies that that omission implies.

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

If a final version of these substantive Papers is contemplated, it would be useful to include an contextualizing introduction that stresses the Habitat II commitments and assesses their implementation, laying out a path for strengthening, actually implementing and developing—instead of omitting/ignoring/diluting—them with an evaluative view forward. In some form, that approach would go far to explain the utility and relevance of Habitat III to its various publics and stakeholder groups. That would transform the substantive detail of the Issue Papers into instruments of greater relevance, coherence and considerable.

Additional elements to further comment / check if already included in Issue Papers (later on):

About the contents:

- Stress that growth is not development and does not guarantee equity.
- Support social production of housing and habitat processes (including housing cooperatives) with adequate instruments.
- Give rise to public accountability.
- Avoid distortions of the "green economy".

About the process:

- Proposals arising from multi-stakeholder preparatory events should be taken into account as relevant inputs (International Meeting on The Right to the City, São Paulo, November 2014; Latin American and Caribbean Forum on Adequate Housing, Monterrey, May 2015; etc.).
- Ensure that all relevant documents are accessible (language), and timeframe and mechanisms are appropriate for wide and substantive participation.
- Define clear indicators and targets for follow up on the agreements, as well as monitoring and evaluation participatory instruments and mechanisms.

By UCLG-GTF

- "Local democracy" is not mentioned in all the text, and "subsidiarity" and "local self-government" appear very rarely.
- The papers present a rather technical and operational view of urban matters; the **governance dimensions remain underexplored**. For example, urban planning is approached as a technical process; the political dimensions that should support the planning exercise in which citizens, private sector and the local government debate and decide upon the vision of the sustainable future for a city are not considered.
- We urge Habitat to **put local democracy at the heart of its agenda**, and to recognize that no solution, however technically sound and well-financed, will be sustainable if it does not have the support and ownership of the communities in which it is implemented. In order to foster and strengthen local democracy, the Habitat III Agenda should recognize local governments as the key agents in constructing democratic legitimacy at local level.
- There is no mention of the importance of **local government associations** as a vehicle for cities to share experiences, learn from one other, and to undertake joint advocacy strategies in their relationships with national governments and international institutions.
- There is little reference to the impact of the global financial system on the powers, responsibilities and resources of local governments. This is particularly critical considering that the 2008 financial crisis had its origin in the **real estate bubble and its consequences in urban areas**, with important reductions in budgets and investments in infrastructures at subnational levels.
- We welcome the numerous calls for **disaggregated local data** (including on gender, age and disability) in many of the papers, but wish to highlight the need for significant investment and capacity building at local level in order to make this a reality.

- The Habitat III agenda need to be framed in a way that the constraints, particularly the financial constraints, of European local governments, are properly understood. **Habitat III proposals should not be very expansive and un-costed.** The final text needs to recognise these constraints, as otherwise the Habitat III Agenda (which will be partially binding on the EU and its Member States) might be used as an excuse for further recentralisation to the national level on the argument of efficiency and scale.

Issue Papers Analysis, Comments and Proposals

1. Inclusive Cities

By HIC

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

For the citizen, local governance is the nearest of the various distinctive, interdependent and inter-related spheres of government within a territorial state. In unitary states, local governance usually comprises one of two or three spheres of government; whereas, in federal states, local governance constitutes one of three, or sometimes four spheres of government.

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

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

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

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

p. 5: B. Establishing the Pathway to Inclusive Cities: In addition to the necessary political will (p. 1), the mechanisms and institutions to facilitate inclusion (i.e., participatory policy making, universal access to

services, spatial planning, etc.) *investments* are needed to ensure inclusive cities (for expanding affordable housing stock, expanding educational access, etc.).

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

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

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

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

To further comment / check:

Diagnosis:

- Missing reference to the structural causes of exclusion/non-inclusion, and housing bubble and its effects.
- Need of deeper analysis and to address the implications of intermediate cities growth (impact on rural areas, agricultural land, etc).
- Analyze impacts of mega-projects/events and gentrification.
- Include considerations about evictions.
- Give more relevance to mobility issues.

By POLIS

The Issue

The right to the city is opposed to the current model of urban development, in which prevails a neoliberal logic that benefits the economic interests of the minority groups. This logic allows the commercialization of the urban land, the gentrification of traditional and popular neighborhoods, the privatization of collective spaces and the use of public funds to promote major infrastructure, with the consequent marginalization, criminalization and expulsion of large sectors of the population. All of this undermining the development of decentralized, inclusive and sustainable cities that ensure job opportunities, health, education, leisure and culture in its different neighborhoods.

For the implementations the right to the city to build just, democratic and sustainable cities in necessary to adopt the next principles: the social function of land and property; democratic

management of the territory; the right to produce the habitat and economy for life (not for accumulation, speculation and profit); responsible and sustainable management of common (natural, energy, historic and cultural) assets; and equal enjoyment of public spaces and community facilities. The right to the city also includes the need of a framework for the decentralization of public administration (office, technical ability, resources) and an active role of local authorities, ensuring democratic and participatory mechanisms in decision-making processes.

Key Drivers - The Implementation the Right to the City

One of the premises to understand the nature and contents of the right to the city is that all people have the right to a city built as local political community that assures proper life conditions to all and good coexistence among all its inhabitants and public authorities.

Another important premise is to understand the city as a cultural diverse and rich collective space that belongs to all its inhabitants, and understood as the city, town, suburb, municipality or village institutionally organized as a local government unit (Municipal or Metropolitan), and that includes the urban, rural or semi-rural areas of its territory.

To understand the nature and contents of the right to the city on the basis of the reference documents mentioned above, the principles and foundations of this right are:

- To fully exercise human rights and citizenship in the city;
- The social function of the city and of the property;
- Democratic management of the city;
- The democratic production of the city and the social production of the habitat;
- Sustainable and responsible management of common assets: natural resources, energy and property of the city and its surroundings;
- Economic, Social and Cultural equity in the enjoyment of resources, wealth, services, common assets, public goods, public spaces and opportunities in the cities;
- Social responsibility of the private sector.

The compliance with the principles of the social functions of the city and the property assumes a city where its inhabitants participate in order to ensure an equitable use of goods, services and opportunities offered by the city in the distribution of its territory. A city that prioritizes the public interest collectively defined, ensuring a socially just and environmentally balanced use of urban and rural territory.

The right to the city has been understood as the equitable usufruct of cities within the principles of sustainability, democracy, equity, and social justice; is a right that confers legitimacy upon people's action and organization, based on their uses and customs, with the objective to achieve full exercise of the right to an adequate standard of living. Like all human rights, the Right to the City is interdependent of all internationally recognized and integrally conceived human rights. That is why it has interface with civil, political, economic, social, cultural and environmental rights, bringing them dimensions of the territory and the urban life.

The right to the city as a collective right is not restricted to the respect, protection and to ensure individual human rights at the local level. As a new collective right, it reflects a territorial, integral and complex human rights concept already legislated (and corresponding to obligations of the authorities in their different Government levels). On the other hand, it offers an "umbrella" to integrate new rights not yet recognized, that is to say, "emerging collective rights" (water, urban land, energy, transport, public space, memory and cultural and ethnic identity etc.).

It is important to also consider as a strategic component of the right to the city the strengthening of local authorities through the political and financial decentralization. The city as a local government unit must have the institutional capacity to decide and choose their own authorities, access to public resources, decentralization of power, autonomy and self-management programmes and public projects named as the city rights.

By UCLG-CSIPD

First considerations

The Committee on Social Inclusion Participatory Democracy and Human Rights of United Cities and Local Governments is pleased to see the acknowledgement that the Task Team on Habitat III attributed to the issues of social inclusion and equal access to Human Rights in our contemporary cities.

As part of the world's largest association of Cities and Local Governments (UCLG), this committee is glad to see how, each time more, **the role of local governments and the need for decentralization** is being valued by the international community. Therefore, the CSIPDHR reiterates the need to stimulate policies to strengthen the work of these governments and clear barriers to conduct them towards inclusive cities.

Specific Comments

- The document contains a very well detailed description of issues related to urbanization and development, including **the very essential paradox contained in this concept**: on one hand, cities are major incubators of opportunities and connections between individuals and groups, which theoretically helps to increase access to services, social bounding, diversity and empowerment processes. On the other hand, it is mainly in cities where are found the most exacerbated conditions of inequalities, such as slum-like settlements and socially/economically excluded peripheries.
- The document also insists pertinently on the **multidimensional aspects of exclusion** and tackles the intersection of various “forms of inequalities in the social, legal, spatial, cultural, political and environmental spheres, reinforcing deprivation and exacerbating further inequalities”. Those exclusion phenomena are threatening the cohesion among people and lead to the rise of racism and, often, to an unsafe environment.
- Furthermore, the document has a very critical view on the processes that generate exclusion, acknowledging the fact that the **current patterns of urban development** based on competitive cities, business attractiveness and “commodification of land and resulting speculation” **are not able to create a sustainable model of social inclusion and are rather exclusion-generators.**
- Additionally, the document suggest very well two main drivers to tackle urban exclusion, which are (1) political commitment to inclusive urbanization and a (2) range of mechanisms and institutions to realize the rights of all.
- Some examples are also mentioned, which helps to visualize different actions that have been made to address such issues.

Recommendations

- The range of rights and the variety of forms specified in the section 2 “Realizing the rights of all to universal access to quality basic services” could be analyzed in a more holistic way, **mentioning and embracing the concept of the Right to the City.**

➤ The UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights recalls the importance to recognize the Right to the City in the New Urban Agenda, as an individual and collective right for all inhabitants. **In this context, the territories of the cities and their hinterlands are considered as spaces for the exercise and fulfillment of rights**, in order to ensure that people have access to the resources, services, goods and opportunities that the city brings in a fair, universal, democratic and sustainable way.

➤ Therefore, **the Right to the City is a cross cutting approach**, which would enrich many aspects in the New Urban Agenda, in every policy recommendations. Among other principles, it stands for:

- o Cities where human rights are respected, protected and fulfilled for all inhabitants;
- o Democratic, transparent, and participatory cities based on citizens' empowerment;
- o Cities as common goods for all inhabitants, where human rights take precedence over the process of privatization and speculation, which inevitably lead to the exclusion of the majority of the population, and where the rehabilitation of historic centers and low-income neighborhoods do not result in their gentrification;
- o Sustainable cities which maintain a balanced and respectful relationship with the surrounding rural area and its natural resources;
- o Cities whose economies aim to ensure their inhabitants' well-being, and rely on endogenous and sustainable local economic developments and resources without seeking to attract international investments as a priority above all else;
- o Multicultural and welcoming cities which value the presence of its migrants;
- o Cities where public spaces are accessible to all and recognized as arenas of social encounter, cultural exchange, political life and, above all, freedom of expression;
- o Cities where cultural rights are guaranteed as key for social inclusion;

In large metropolises, these principles are better applied through the **planning and building of polycentric cities**, with integrated and equally valued peripheries, rather than a centralist focus.

➤ Furthermore, UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights reaffirms the necessary **link between social inclusion, participatory democracy, and human rights** to make inclusive, fair, democratic and sustainable cities.

➤ The Committee also stress the fact that, in the current global political crisis, **the Issue Paper should refer more to Local Democracy** and the central role of local governments to strengthen democracy and, consequently, social inclusion. Indeed, local governments aim at bringing power to the base of society, **enabling citizens to participate effectively in the decision-making processes, which affect their daily lives**. Hence the local governments are bound to work on a daily basis, through their public policies and with the participation of their inhabitants, towards “contributing to building inclusive, livable, fair, democratic, sustainable and enjoyable cities; to launching social organization processes, strengthening social cohesion and building active and responsible citizenship; contributing to build fair, inclusive and solidarity-based urban economies capable of guaranteeing productive inclusion and enhancing popular economic sectors.” (Mexico City Charter for the Right to the City).

➤ In that sense, it is important to mention the relevance of the [Global Charter-Agenda for Human Rights in the City](#) adopted by UCLG in 2011. Such document circumscribes the eleven basic civil, political, economic, social, cultural and environmental rights, along with short and mid-term suggested Action Plans in order to implement those rights. **The Charter is a basis for a new local social contract**, renewing the shared commitment of all urban stakeholders together with inhabitants to make democratic, fair, inclusive and sustainable cities for all the inhabitants, without legal and illegal discrimination. Therefore, **the Committee on Social Inclusion Participatory Democracy and**

Human Rights believes that the incorporation of the Charter as a guide for further documents and issue papers would be a great addition for discussions in Habitat III.

- UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights recalls the need for public investments and the **consolidation of local finances** based on progressive local tax system, on consolidated state transfers based on fair criteria and the creation of Local Development Funds to fulfill the huge demands which growing cities face in terms housing, services and resilient infrastructures.
- We also emphasize the need of the Issue Paper to mention **all the disadvantaged and minority groups, including LGBT, disabled and the elderly** in its recommendations and encourage measures to guarantee their equality and participation.
- The document should also address the **issue of homeless people and the criminalization of public spaces occupants**, such as informal workers instead of only referring to slum dwellers.
- The document should insist more on the **link between environmental justice and social inclusion**, due to the fact that marginalized communities tend to be more allocated in environmentally harmful areas than wealthier/non-marginalized groups.
- Additionally, the mentioned “range of mechanisms and institutions” necessary to increase social inclusion in cities could be more detailed and specific. For instance, it could be mentioned or developed a **guide listing with public policies related to social inclusion**, human rights-based approaches in delivering public services and on independent mechanisms of protection, such as local ombudspersons, complaints procedures, anti-discrimination agencies, civil servant training and information and citizens’ awareness-raising, for instance, could be organized in order to help local, regional and national governments that wish to work towards inclusive cities.
- Finally, we highlight the need to create connections, not only physical ones (between citizens and services), but between all the different actors that play in these context, like civil society, NGOs and other private and public institutions, which were rapidly mentioned in the paper. However, when relating to physical connections, it is vital to emphasize the need for quality and inclusive public spaces and facilities, which are the arena for the contemporary democratic social manifestations.

By UCLG-GTF

- We welcome the paper’s strong recognition of role of local government in inclusion, including of women.
- We welcome the human rights approach to inclusion. The **Global Charter-Agenda for Human Rights in the City**, adopted by UCLG in 2011, circumscribes the eleven basic civil, political, economic, social, cultural and environmental rights, along with short and mid-term suggested Action Plans in order to implement those rights. The Charter is a basis for a new local social contract, renewing the shared commitment of all urban stakeholders together with inhabitants to make democratic, fair, inclusive and sustainable cities for all the inhabitants, without legal and illegal discrimination. The Committee on Social Inclusion Participatory Democracy and Human Rights believes that the incorporation of the Charter as a guide for further documents and issue papers would be a great addition for discussions in Habitat III.
- We emphasize the need for the Issue Paper to mention all the disadvantaged and minority groups, including LGBT, disabled and the elderly in its recommendations and encourage measures to guarantee their equality and participation.
- We recall the need for public investments and the **consolidation of local finances** based on progressive local tax system, on consolidated state transfers based on fair criteria of territorial equality

and on the creation of Local Development Funds to fulfill the huge demands which growing cities face in terms housing, services and resilient infrastructures.

- We welcome references to **city-to-city cooperation and knowledge exchange** on inclusion. There are a number of relevant initiatives in this field, particularly those undertaken by the UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights, which has been working on these issues with cities, researchers and civil society from all over the world for ten years.
- We share concerns that economic competition between cities, especially small and medium cities, can lead to a 'race to the bottom' on social rights and security.
- The paper should recognize that creating **age-friendly** environment and cities, for people of all ages has become a challenge for cities in Europe –physical and social environments are key determinants whether people can remain healthy, independent and autonomous long into their old age.
- The UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights and members of the Global Platform on the Right to the City recall the importance to recognize the **Right to the City** in the New Urban Agenda, as an individual and collective right for all inhabitants. In this context, the territories of the cities and their hinterlands are considered as spaces for the exercise and fulfillment of rights, in order to ensure that people have access to the resources, services, goods and opportunities that the city brings in a fair, universal, democratic and sustainable way.
- We would like to see more references to **local democracy** and the central role of local governments in strengthening democracy and, consequently, social inclusion.

By WIEGO

The paper is based on a 'human rights' agenda, but fails to go beyond this to address the challenges of inclusion in 21st century cities. There is insufficient reference to the collective urban rights inherent to the 'right to the city' agenda, for example the right to participation and to recognition of the social function of property, as a challenge to the commodification of urban land. For example, Part B should include much stronger reference to the collective rights and responsibilities (eg: see p5 item 1).

The paper makes welcome reference to the inclusion of workers in the informal economy. Recognition of the specific employment challenges faced by vulnerable groups including women, young people, slum dwellers and migrants is welcome (p2-3). References to women's work should refer to 'home-based work *and* informal economy work', not just 'home-based work'.

There should be more emphasis on the potential for: partnership working in urban planning, eg: in community-led upgrading (p5); spatial planning that does not dispossess the poor, in ensuring inclusive access to public space for livelihoods and other activities (p6), and on the importance of community-generated information to enhance accountability (p7).

2. Migration and refugees in urban areas

By HIC

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

The treatment needs more attention to particular worker rights violations migrant and refugee communities face (wage theft, discrimination, indentured status, confiscated passports under contract, etc.) and the particular sectors/industries in which there tends to be high concentration of migrant and

refugee workers (service industry, construction, *et al.*). Migrant workers' housing and living conditions is a notorious issue that is not covered, and this lacuna should be corrected.

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

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

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

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

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

The Paper also needs to take note of the increased recognition of the importance and exercise of migrant communities' rights to collective action. A good practice example could be the *Consejero Extraordinario de Inmigrantes* in the local *Consejo Participativo Municipal*, the attention to immigrants and migrant workers in the Gwangju, South Korea's Human Rights City program, the inclusionary treatment of migrant automotive workers in Hamamata, Japan's governance.

To further comment:

- Need to include climate change migrants & displaced people/communities.

By POLIS

Right to the City, Key Driver for Action

Non-discrimination and protection of vulnerable groups

The right to the city is for all persons living permanently or temporarily in the cities and it aims to ensure a life in the city without any discrimination regarding age, gender, sexual orientation, language, religion, opinion, ethnic or racial origin, social, level of income, citizenship or migratory situation. And also a city that has as its pillars gender equality, non-discrimination, non-prejudice, differences recognition, social inclusion and justice. To implement them is essential to take policy actions addressed to different individuals and underrepresented, marginalized and groups in vulnerable situation; such as: women, children, people with a disability, HIV positive, homeless, the collective LGTB, groups in poverty situation and in environmental risk or victims of violence, meaning every group that, according to the reality of each city, is at a disadvantage regarding the remaining inhabitants.

These policies should be multisectoral and address problems that arise in different spheres of life (political, social, economic and cultural). It also must consider several types of measures: of recognition, integration, distribution of resources, access to basic services and non-discrimination. The effectiveness of these policies will depend on the budgetary resources provided by governments, as well as the existence of monitoring and evaluation mechanisms that include the effective participation of these individuals and groups. Still, it is essential to ensure the effective representation and incidence of these individuals and groups in all institutional spaces for social political participation created by governments.

By UCLG-GTF

- We particularly welcome the paper's human rights approach and call for disaggregated data on migration.
- However, we would like to highlight the risk of conflating migrants in general with refugees in particular. Migration is a complex, multifaceted phenomenon, and it is important that the paper reflects this, both in its analysis and its policy response.
- We also question the description of local governments as 'hostile' to migrants per se. When local governments have sufficient resources, training and competencies to manage migration, they are best-placed to foster social and economic integration and harness migration for local sustainable development. More resources need to be placed at the local level in those municipalities hosting a large number of migrants, so that tensions between fast population growth and service provision can be resolved.
- Cooperation should be established between the different tiers of government in the implementation of refugee relocation systems, asylum policies, etc. Supra-municipal and inter-municipal cooperation mechanisms are also essential to allow local governments to effectively manage migration across territories.
- One policy recommendation is to identify the variables at the local level (type of city, economic structure, etc.) which determine the success of integration policies at the urban level (such as the MIPLEX initiative at the national level) in order to elaborate a benchmark to design good policies at the local level.
- Another potential policy is the creation of Migrant Councils at the local level (composed by migrants directly and by CSOs working with migrants and cooperation between cities and countries of origin).

By WIEGO

The paper is welcome and broadly sound. The critical issue is that migrants be viewed as legitimate urban inhabitants, with: rights to access the benefits of urban life, eg: shelter, livelihoods and services; responsibilities to contribute to safe and secure cities, and the potential to contribute to diverse, vibrant and multi-cultural cities.

It is critically important to share knowledge on the inclusion and management of large refugee populations, and support local governments in facing this challenge.

3. Safer Cities

By HIC

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

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

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

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

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

Key facts and Figures: Size-vs-planning/management factors at the absence of others
Considers only deliberate human-on-human breaches of safety (i.e., crime, harassment). Resilience and the institutional protection from nonhuman causes, as well as a “human security” approach, are needed. That would enable consideration of traffic, infrastructure hazards, natural disasters, education, *et al.*

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

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

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

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

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

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

Since H2: Millennium Declaration identified small-arms trade. MDGs identified clean water. Brazil made the reduction of traffic deaths and injuries a focus of its National Plan for Human Rights (1990s).

All are among the range of timely human-security issues to develop on this subject of Safer Cities.

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

By POLIS

Main concepts

The right to the city as a collective right means understanding that the residents of the cities are the recipients of the public security services as a well-fitting democratic body. Competent institutions for this sector have to work in order to establish peaceful coexistence and relations among inhabitants, respecting differences of gender, class, age, thought, beliefs and ethnicity, and adopting measures to protect the rights of those who are “different”.

Rule of Law and human rights and the Right to the city: In terms of shaping good governance, trust in rule of law and an enabling environment are vital to encourage long-term investment. Promoting inclusive rules and regulations in line with international human rights standards and the collective capacities for implementation around laws and institutions of governance could shape the culture and conviviality of ‘safe, inclusive and connected public spaces’ and enhance the ‘right to the city for all’ which integrate vulnerable communities such as the poor, migrants, women and children and people with disabilities who together participate in the co-production of safety for all. Establishing clear legal and operational framework regulating public private cooperation and the engagement of civil society and at large to make security policies more inclusive and ready to address a wider spectrum of challenges and threats.

By UCLG-GTF

- We would like to underline our conception of ‘safe cities’ as going beyond urban security and including a sense of safety and freedom in both in private and public spaces that allow residents to pursue their life projects without fear or distress.
- We welcome the recognition that the best practices on security are usually municipal initiatives and of the role of local governments in facilitating security partnerships at local level. We also support the call for disaggregated data on urban crime.
- However, the paper makes little reference to youth violence and strategies (e.g. educational). It would have been interesting to make a link between social inclusion and urban security, from the angle of prevention. There is no reference to municipal police forces or the cooperation between national/local policing, the local government and the citizens, which can have a form of mediation / prevention and dialogue

By WIEGO

The paper generally reflects that importance of safety and security in enhancing individual and collective rights to access urban benefits. Freedom from violence and intimidation is fundamental to the enjoyment of urban rights, including livelihood rights. Provision of effective policing and security services is a critical facet of effective urban management, in which the involvement of local authorities is often key.

The paper needs to make clearer distinction between petty crime and violence, organised criminal activity characterised by gang and drug violence, civil or political conflict, and state-sponsored violence or repression. There should also be recognition that much urban violence takes place in public space, with sometimes acute impacts for those that depend on access to public space for their livelihoods, eg: street vendors and waste-pickers.

There is welcome recognition in the final paragraph of the role of ‘safe, inclusive and protected public spaces’, and the ‘right to the city for all’.

4. Urban Culture and Heritage

By HIC

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

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

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

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

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

p. 3: Issue Summary: “urban crisis.”

p. 4: Urban Cultural Practices - globalization, tourism, migration and gentrification mentioned, but not developed. Particularly, gentrification and urbanization too often generate homogenization and loss of

heritage, memory, and bring about deculturization. Obvious hazards of the “global city” and “world-class city” concepts are overlooked. Cities under occupation (Jerusalem, Lhasa, al-`Ayūn, Nicosia) suffer urban “development” that is lethal to cultural heritage, peace and security and human rights (the three purposeful pillars of the UN Charter).

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

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

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

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

To further comment / check:

- Increase availability and quality cultural spaces next to different social groups.
- Support vernacular practices.
- Encourage cultural production of different human groups (not just institutions, business and cultural professionals).
- Encourage alternative education projects based on cultural practices present in the city.
- Rescuing the knowledge of indigenous peoples in the management and preservation of the heritage.
- To train the population on equity historical city with multicultural and intergenerational programs.

By POLIS

The role of art and culture in the construction of urban utopias

The right to the city constitutes a new paradigm that seeks to transform the current model of neoliberal urbanization. To shift the current paradigm, we need to focus on several levels: political, social and cultural. Starting with the politic, it is possible to change the legal system and the institution and it is essential to mobilize the society, articulating social struggles and pushing governments. However, in order to do this, it is necessary that society itself respond to the hegemonic paradigm based on other principles and values.

For this transformation of the collective subconscious, it is essential to pay attention to it's cultural dimension. That is, we must stay away of the prevailing rational logic and deepen the field of creativity and utopia to imagine other possibilities for social emancipation. In this process, the art and the urban culture and cultural diversity play a vital role, both in terms of creating a new collective imaginary, and in terms of forming new communities of emotion and action.

General Observations

1. UCLG's Culture Committee welcomes the publication of a specific issue paper on 'Urban Culture and Heritage' as part of the preparations of Habitat III, and generally agrees with the arguments presented by the paper. This confirms the increasing importance given to the cultural dimension in sustainable development and the role of cities in this context.
2. UCLG's Culture Committee is also pleased to see references to its work, including mentions of the Agenda 21 for culture as an example of the networks which acknowledge culture as a key priority of local development (page 6) and of Culture 21: Actions as a relevant reference (p. 8).

Specific Observations and Recommendations

3. The issue paper seems to concentrate mainly on the nexus between heritage, urban re-generation and tourism, on the one hand; and that between the cultural and creative industries, employment and economic development, on the other. While there are references to the role of culture in 'rehumanising' cities and making them more resilient and inclusive, it may be convenient to include more precise references to the following aspects:
 - a) the importance of accessible, decentralised and well-resourced cultural infrastructures, including not only museums (p. 5), but also art schools, libraries or theatres;
 - b) the relation between culture and education, e.g. how formal and non-formal education and lifelong learning should recognise cultural diversity and integrate artistic and cultural education;
 - c) the relation between culture, health and well-being, e.g. how health and welfare policies should be responsive to cultural diversity and explore the benefits of cultural participation;
 - d) the relation between culture, technologies and knowledge, e.g. how cultural participation may enhance individual and collective knowledge and how cultural policies should be concerned with access to digital tools.
4. References to the role of culture for economic, social and environmental sustainability of cities and to the need for a comprehensive approach integrating culture in sustainable urban development (p. 3) should be welcomed. However, a more ambitious stance, recognising culture as the fourth (or the first) pillar of sustainable development and quoting UCLG's work in this field (including 2010's policy statement) would be desirable.
5. The inclusion of references to culture in documents related to the Post-2015 Development Agenda and the SDGs is indeed welcome (pp. 3-4), but emphasis so far has been placed mainly on the heritage dimension, at the expense of creativity, diversity and cultural participation. The issue paper could stress that these aspects deserve more attention in Post-2015 documents. The global platform #culture2015goal has produced three outstanding documents, on culture as a goal (October 2013), on targets (May 2014) and on indicators (February 2015), rich in contents, that it is worth using in the definition of the new Urban agenda.
6. The role of civil society may need to be mentioned within the 'renewed governance system' called for in p. 7. This would be in line with references to participatory approaches which are included throughout the document.

Summary

7. The New Urban Agenda must provide details (key issues, main actors, essential processes and fundamental resources) of a culture-based approach to local sustainable development.

By UCLG-GTF

- We would like to see a more ambitious stance that recognizes culture as the fourth (or the first) pillar of sustainable development and quoting UCLG's work in this field (including our 2010 policy statement).
- The issue paper seems to concentrate mainly on the nexus between heritage, urban regeneration and tourism and between the cultural and creative industries, employment and economic development. While there are references to the role of culture in 'rehumanising' cities and making them more resilient and inclusive, it may be convenient to include more references to the following issues:
 - a) the importance of accessible, decentralised and well-resourced cultural infrastructures, including not only museums (p. 5), but also art schools, libraries or theatres;
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 - c) the relation between culture, health and well-being, e.g. how health and welfare policies should be responsive to cultural diversity and explore the benefits of cultural participation;
 - d) the relation between culture, technologies and knowledge, e.g. how cultural participation may enhance individual and collective knowledge and how cultural policies should be concerned with access to digital tools.
- The issue paper could stress that creativity, diversity and cultural participation deserve more attention in Post-2015 documents. The global platform #culture2015goal has produced three outstanding documents, on culture as a goal (October 2013), on targets (May 2014) and on indicators (February 2015), rich in contents, that it is worth using in the definition of the new Urban agenda.
- The role of civil society may need to be mentioned within the 'renewed governance system' called for in p. 7. This would be in line with references to participatory approaches which are included throughout the document.

5. Urban Rules and Legislation

By HIC

p. 1: The Paper promotes "levels" of government; should be spheres.
Where is enforcement? Links to order and safety/security?

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

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

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

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

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

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

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

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

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

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

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

By UCLG-GTF

- There is no mention of decentralization in the paper. We would like to see stronger references to issues of urban governance here. It would also be relevant to mention the UN Habitat "International guidelines on decentralization and basic services for all" adopted by the Governing Council of UN Habitat in 2007 and 2009 in the text.
- There is also only one reference to ‘subsidiarity’, and this is as an ‘instrument’, rather than as a foundational principle of effective legislation. We would like to see stronger references to the principle of subsidiarity as it relates to urban law in this regard.

By WIEGO

The paper recognises the vulnerabilities caused for those who are excluded from the rule of law, particularly for those whose homes and livelihoods are informal. However, it needs to clarify that the agenda should emphasise ‘essential law’, rather than formalisation according to an outmoded urban legislation which has often not been updated for many years (p 3).

The Policy section (p4) should make explicit the innovative legal frameworks provided by the Right to the City agenda, as in Brazil or Ecuador, which is enshrining participation at the heart of urban planning and governance processes.

The paper makes useful comments on the informal economy such as the lack of recognised rights for livelihoods. Of particular importance is an overarching (often constitutional) right to work. However, the *Knowledge and Operations* section of the issue paper is simplistic and misleading in its definition of informal businesses as those that ‘operate without licenses and do not pay taxes’ (p5, item 5).

ILO definitions distinguish between informal enterprises and informal employment. In practice, informal businesses often pay considerable amounts in taxes, licenses or daily fees either directly to local

governments or to middlemen—but their owners and employees remain excluded from legal and social protections. The problem is for local governments to capture those payments where they are going to middlemen, and to provide effective legal and social protection and appropriate enterprise promotion in return. Transparency in the payment of fees is critical.

6. Urban Governance

By HIC

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

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

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

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

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

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

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

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

UCLG-GTF

- We welcome this paper’s acknowledgement of the subsidiarity principle and its calls for “effective decentralization and stronger local governments”. We also agree about the necessity of decentralizing resources with responsibilities. However, we are missing explicit references to multi-level governance mechanisms to ensure coordination between levels and an enabling environment for local governments to operate in the context of subsidiarity.
- We support the need for the 'localization' of the definition of the New Urban Agenda priorities, its implementation and the definition of indicators to monitor progress”.

- We would like clarification on the meaning of ‘Public-Private-Popular-Partnerships’.
- We also welcome the explicit mention of metropolitan areas, intermediary cities, urban-rural linkages, and a territorial approach, as well as the emphasis on women's leadership and gender sensitive local governance.
- We support the mentions of city-to-city cooperation, however, there is little reference to local government associations and their importance to foster inter-municipal learning and joint advocacy. There should also be more references to intergovernmental relations mechanisms, through which local governments are included on an equal basis in the design, planning, evaluation and monitoring of public policies, financing and legislation affecting them.

By WIEGO

The paper needs more emphasis on analysing the powers, structure and decision-making framework that underpin transparent and just local government. This requires effective legislation that defines local government powers as well as constraints on those powers, accountable leadership, reasonable pay and conditions for local government officers, and a transparent decision-making process based on adequate data and participatory governance. The potential for participatory governance mechanisms that the ‘right to the city’ approaches entail should be mentioned.

The paper is ambivalent about informal systems of service provision, with limited recognition of their potential for effective service delivery where formal systems fail, nor the job-creation potential that these provide. Yet, Brazilian cities have shown how the inclusion of waste-pickers in municipal service delivery systems can improve working conditions and social protection, increase waste recycling, and provide effective local services. However the paper does talk about the need for greater partnership and collaboration with communities etc. in urban management and service delivery, and for co-production of services – unpacking of these ideas would be useful.

We strongly disagree with the premise on p3 that ‘tax evasion produced by the informal economy ... is one of the major threats to good governance’. In practice, informal businesses often pay considerable amounts both officially and unofficially in taxes, licenses or daily fees, including bribes and protection money. The problem is for local governments to eliminate the need for payments to non-state actors by providing effective legal protection in exchange for existing taxes and fees, produce transparent accounting, and to provide identifiable benefits in return.

The discussion of the role of local governments in combatting urban violence and in fragile settings is welcome.

7. Municipal Finance

By HIC

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

Improving outdated governance system:

1. Argues for territorial (not urban-exclusive approach), although is only tangentially related to finance;

2. “transfer systems that encourage perverse behaviors reducing local government efficiency”!
“Value-capture financing” as good practice.
- p. 4: Bridging shortfall in endogenous resources: The practice applies only where bona-fide “local government” exists. (See comment on Paper 1 above).

By UCLG-GTF

- Overall, this paper has a robust approach to municipal finance. That said, we would like to see more in the paper on the debate on the share between national vs. local revenues and fiscal reforms and the need for a better (re)distribution of resources between the different levels of governments based on devolved and shared responsibilities.
- There is also little mention of municipal development funds, through which small and mid-sized/intermediary cities can get access to funding to invest in local infrastructures and basic services. Despite the fact that these funds might need strengthening, the idea of ensuring that smaller and mid-sized/intermediary cities can access funding is important.
- The paper mentions that transfers should include performance indicators and incentives to support better performance of cities. Attention should be given to the use of performance indicators: they should be accompanied by technical assistance and support especially for the smaller and weaker municipalities, to avoid that only the larger and higher capacity cities will benefit. The issue of equalization grants should not be neglected. Incentives can be very effective if they are combined with learning elements to ensure that no municipality is left behind.
- With regard to capacity building, we would like to highlight the relevant role of city to city cooperation, and peer to peer exchanges. There is a real will of cities CFOs to learn from each other. The global observatory on local finance, led by the UCLG Committee on Local Financing for Development will be a strong tool to follow-up the progress of fiscal decentralization. It could be interesting to include further initiatives, such as the PEFA assessment of cities, in the paper.
- Regarding financial tools, land based financing are mentioned but not developed. This is a real opportunity for developing cities to leverage endogenous resources on the basis of the land added value.
- It might be relevant for this paper to pick up the issue of economic competition between cities and the ‘race to the bottom’ in rights and public services, mentioned in the paper on Local Economic Development, and assess how this might affect fiscal policy.
- In Europe, the constraint (rigorous assessment of debt capacity) also comes from the EU level: therefore national policy and EU policy need to address the issue of city financing - need for national / EU systems to evolve.
- Finally, the paper does not address the issue of climate finance. However, many of the resilient infrastructures will be led at local levels, and financed by local governments, but today, they have almost have no access to those financial tools.

8. Urban and Spatial Planning and Design

By HIC

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

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

Should also include notion of equity centered planning and recognition of emergence in last decades of planning that recognizes the Right to the City –more rights based approaches to planning, that strive towards more participatory methods for resident engagement in city planning processes and that recognize the complexity of urban systems

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

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

“...formation of partnerships [among] public, private and civil society can support the development process” suggests PPPs and social production of habitat. Formation of public-private partnerships should not come at the “cost” of privatizing public goods or decreasing public investments.

More recognition of how land politics/land speculation are tied to expansion of inequitable cities. Social-spatial exclusion needs to be tied in more in Diagnosis

Important to call out threat of privatization of public spaces and services as part of challenges.

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

“Planning as a pre-eminently public function.”

When recognizing how spatial planning can contribute to generating increases of value for land, critical to include importance of policies that can capture this added value for the public good/investment.

Planning across scales should include more localized scales as well as intra-regional efforts (sur-sur collaboration).

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

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

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

Resiliency strategies in urban and spatial planning should reflect a Environmental Justice considerations- which communities are most disproportionately impacted by environmental injustice

- Who is facing lack of transit? Public health issues related to pollution and inadequate housing?

Urban governance should institutionalize participatory methods and representation: resident participation in Planning Boards, planning processes, etc.

Stronger nexus between housing and urban planning practice should include stronger mechanisms to measure social impact of development and risk of displacement (just as there is environmental impact assessments in development process, eviction impact assessment should be integrated).

Urban and Spatial Planning should encourage (and invest in) the social production of habitat.

By UCLG-GTF

- We welcome the growing international interest in planning as a tool for sustainable development, but would like to stress the necessity of linking planning to governance, participation, and local political leadership.
- More general principles and concrete policy proposals from local governments can be found in the [Policy Paper](#) of the UCLG Committee on Urban Strategic Planning.
- The issue paper does not address the question of demographic change. This is one of the main challenges for cities in developed countries.

By WIEGO

The paper holds initial promise in its recognition on page 1 that “inclusivity in planning recognizes that every person has the right to participate in shaping the built environment and to benefit from urban development” – core elements of the ‘right to the city’. Page 6 notes the concept of the ‘right to the plan’. However, opportunities are missed later in the paper, and in the *Key Drivers* section, the emphasis is unfortunately only on ‘engagement’ rather than full participation.

The paper makes welcome comment on the role of urban planning in improving access, public spaces, transport and the local economy in encouraging inclusion of informal settlers, migrants and refugees (page 5). It also recognises the importance of public space and multi-functional spaces (page 4). While there are some references to informal settlements, there is no reference to the role of spatial planning in recognising and accommodating the informal economy.

9. Urban Land

By HIC

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

1. The need for integrated land planning across rural and urban areas, and across sectors; however, the issue that is not fully addressed is for that discussion to be right-to-land/human-rights (i.e., equity) based, rather than land rights understood as private ownership/financialization based.
2. The Paper showed clear support for the rights to land and resources, and strong tenure protection of persons living in peri-urban / green belt and rural areas, including small-scale food producers, which are most at risk for displacement and dispossession for various reasons, including speculation and urban capture.
3. A valid criticism of the "cities without slums" slogan as a way for authorities to justify evictions. The author recognizes that this is problematic and that authorities at all levels need to be educated to better understand their obligations.
4. Action Points include free, prior and informed consent (FPIC). So many issues have accompanied this principle, recognized in other forums and international policy processes (FAO, UN Declaration on the Rights of Indigenous Peoples, *et al.*). The Habitat III process and commitments should incorporate this emerging standard.

Main observations:

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

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

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

In line with the above point, a discussion on municipal zoning issues related to land is relevant to all regions. Land-use restrictions that prevent, for example, urban food production or livestock keeping, are impediments to many low-income residents' survival and sustainability. The Habitat II Agenda is replete with commitments to enable agriculture and horticulture in the context of human settlements.

This principle does not need to be reinvented, or argued from cipher. This is true, especially in Global South informal areas, but also is a real issue in urban areas in the North America and Europe. It also affects what kind of real-estate/buildings can go where, including social and public housing and retail markets (i.e., lack of markets in low-income neighborhoods/"food deserts"), and public space/commons within human settlements.

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

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

Main Concepts:

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

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

Figures and Key Facts:

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

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

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

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

p. 5: Issue Summary:

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

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

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

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

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

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

The Paper makes no mention of women’s concerns, rights and needs. Especially important to mention is the link between land, housing and livelihood and the need for tenure security for women. The Paper should add at least a reference to the failure of land reform, absence of agrarian reform and anTi-reform.

p. 7: The “Key Drivers for Action” section is mostly okay, but it needs to be expanded, revised and interpreted to be more useful to civil society and social movements.

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

Should also consider collective rights and related tenure options.

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

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

By UCLG-GTF

- The responsibility for land registration and management varies from country to country and in general is a shared responsibility between different levels of government (or centralized by national governments). Land management requires strong capacities and expensive tools (cadastre) that are not always accessible for local governments (particularly in small and middle cities in LDCs).
- Even when local governments have a direct responsibility for planning and land use, in many cases they don’t have access to adequate tools, information and capacities to manage land and ensure the enforcement of local decisions. A key recommendation therefore should be that local and national levels work together to ensure financing and operationalization of land management and registry.

By WIEGO

The paper includes useful information but lacks clarity in several key areas. Some of the statements appear to apply to *all* land, not just urban land (eg: p3, item 5 which discusses land and property rights

for IPDs), while other aspects focus only on 'land and residential property', with (eg: *Key Drivers for Action*) with very limited discussion of other urban land areas such as public space. There are also several references to farming land but it is unclear the relationship between 'urban' land and farming land.

There is one brief mention of 'public space and land held in common' (bottom of p5) but limited discussion of the urban commons (eg: public space is critical to street vendors' livelihoods, while shorelines or wild spaces are widely used by the urban poor for recreation, but are often lost to elite developments). The urban commons literature offers many reasons why land should be considered not only in terms of its exchange value but also in terms of collective use value.

The issue paper misses critical challenges, such as the need for *all* urban inhabitants to gain access to suitable and appropriate land for shelter, determining the social function of property as a source of shelter. A critical problem is the displacement of low-income and slum housing due to the commodification of land, eg: through the development of gated communities, or clearances to improve 'urban image' (eg: along major trunk roads).

The paper refers mainly to 'land and residential property' and 'secure tenure for households', but in doing so ignores other land, especially land for livelihoods. The problems of lack of a secure place to work are critical for many of the urban poor, and evictions – for example of street vendors – are a global phenomenon that is largely unrecognised. A more clearly-defined and broader conceptualisation of 'urban land' is required in this policy paper that accommodate rights to work and negotiated rights to use public space.

10. Urban-Rural Linkages

By HIC

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

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

Wittingly or unwittingly, Paper 10 creates a clear opening for private-sector-facilitated development and fails to criticize the current economic model that is causing so many of the land-based problems in the first place, not least of which involve the degradation of land and water resources. For example, in the section on food waste and loss (para. 10), it does not acknowledge that the reason this is a problem is that the mechanized food system/intensive industrial and plantation farms are

inherently wasteful. The “unnecessary pressure on natural resources” is evident, but the *why* (root cause) is missing, or purposefully dropped. Wanting, too, are the solutions: small-scale, agroecological food producers; preservation of short food-supply chains, and the preservation of existing (traditional and local) marketplaces.

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

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

p. 1: Main Concepts:

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

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

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

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

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

p. 2: Figures and Key Facts:

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

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

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

p. 4: Issue Summary:

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

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

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

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

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

30. Add land acquisition

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

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

p. 6: Key Drivers of Action

32. Strengthen city-region food systems!

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

By UCLG-GTF

- In our view, the language of ‘urban-rural linkages’ sets out a false dichotomy from the start. Cities cannot be separated from their rural hinterlands, and nor can policy-making. It would be worth reflecting on this and considering using language of a ‘territorial approach’ or similar to drive this point home.
- There is little mention in the paper of specific governance challenges and measures to improve coordination across municipal boundaries.
- Inter-municipal cooperation should be stressed, for it is municipalities that cooperate in a territorial area to achieve effective service delivery within an urban system. Local productivity and circular economy are concepts that should be included here as models on the rise.

11. Public Space

By HIC

1st mention of a link to SDGs (but #11 only).

Figures and Key Facts:

30% to ½ of 120 cities not covered by “impervious surfaces” (Angel, 2012, pp. 208-12)!

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

Commercialization of public space separates and divides societies!

Issue Summary:

City character is defined by its streets and public spaces

Public space generates equality and cohesion!

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

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

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

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

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

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

By WIEGO

The freedom to access public space is a core right of citizenship, integral to the ‘right to the city’. The inclusion in the Draft SDG Target 11 (sustainable cities) of a target on public space to provide universal access to safe, inclusive and accessible green and public spaces (cited on page 1) is welcome, and could provide a foundation for inclusive policy frameworks to combat the erosion of public space by elite development, and the exclusion of the urban poor from public space by discriminatory management practices.

This issue paper could make much more explicit recognition of the role of public space in securing the ‘right to the city’, but it should be commended for seeing public space as a common good and key in the fulfilment of human rights, empowering women and providing urban jobs (p3). Recognition of the importance of access to public space in enabling urban livelihoods, for example for street vendors and waste picker, in order to create vibrant spaces in the urban commons, is also welcome.

12. Local Economic Development

By HIC

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

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

By UCLG-GTF

- We welcome the call for local data (disaggregated by sex), and the call to "ensure that local values and objectives drive the development of actions that support the local economy"
- We also strongly support the call to "develop and reinforce cities network of exchanges, involving cities of similar size, interest and challenges with the support of relevant international organizations."
- However, the paper is rather business oriented and makes no reference to incentives for businesses to respect human rights, social inclusion and sustainability criteria. Businesses should be made aware that if local governments create the enabling environment for them to flourish, that there is also a need for them to contribute to the well-being of the local communities, contributing to decent work (social and environmental responsibility).

13. Jobs and Livelihoods

By HIC

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

p. 1: Main Concepts

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

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

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

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

Reference to labor mobility and investment reinforce the rural-urban metabolism concept.

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

p. 7: Key Drivers for Action

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

By UCLG-GTF

- We agree that "national economic policies tend to focus on employment in general and do not link jobs to cities and towns", and strongly support language emphasizing 'decent work' rather than just 'more jobs'.
- We praise the strong focus on urban planning and urban-rural linkages.
- We appreciate the reference to the ILO/UCLG urban markets project.

By WIEGO

The paper recognises the importance of employment and decent work, but stops short of recognising rights-based approaches to employment, including a 'right to legitimate and decent work', the need for protection of jobs, eg: in the informal economy, and the need for a 'no-forced-eviction' policy from places of work. The last paragraph discusses the employment potential of mega-events such as the Olympic Games, but fails to mention that such events frequently result in extensive and damaging evictions – of people from low-income housing and employment sites – as host countries seek to hide poverty from the gaze of international visitors.

14. Informal Sector

By HIC

p. 1: Main Concepts

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

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

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

By UCLG-GTF

- We welcome this paper's acknowledgement of local governments and its calls for a "leading role of local governments" to develop localized policies to better support and integrate informal sector in the local economy.
- We would like to highlight the enormous potential of partnerships between local governments and organizations of informal workers in this regard.

By WIEGO

The paper is highly significant as the challenge of urban informal economies in burgeoning cities has received far less attention on the global stage than slums and informal settlements. Yet securing urban livelihoods is a key route out of poverty.

The paper is important in its recognition of the significance of informal economies, particularly in providing work for women and young people, and for the need for labour rights for workers and security through improved regulation for informal sector enterprises. Recognition of the need to strengthen representation and voice for informal economy workers is welcome. Nevertheless several aspects of the paper could be strengthened.

For example: rights-based frameworks should ensure a right to legitimate work, and the key role of local governments in enabling urban livelihoods should be emphasised. Evictions (for example of street traders) remain commonplace, and a 'no-forced-eviction' policy should apply – it is easy to destroy jobs but hard to create them. The need for property rights in places of work, including public space, is a key element of urban rights and removal of punitive legislation and bylaws that criminalises work for the urban poor. The paper includes undue emphasis on formalization as the main route to reducing vulnerability of informal economy workers.

15. Urban Resilience

By HIC

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

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

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

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

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

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

Development-context issues omitted wholesale.

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

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

By UCLG-GTF

- We agree with this paper’s position that we have “a brief window of opportunity to build the capacity of local authorities to pursue strategies that strengthen the resilience of all elements of the urban system”.
- The section on “drivers for action” mentioned in the paper are well approached (city planning instruments, improving existing policies, mechanisms/instrument to promote coherence across systems) but we miss a bit the social involvement of stakeholders.
- UNISDR's Making Cities Resilient Campaign is a relevant project, and examples of how local government action can increase resilience can be found in the Handbook for Local Governments (included under References).

16. Urban Ecosystem and Resource Management

By HIC

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

The UNEP (2011) statistics on the proportion of the production and consumption characteristics of economic output, energy consumption, CO₂ emissions, etc. are among a plethora of estimates, some

of which are mutually contradicting. It must be understood that these data, like urban population estimates, are impressions only, with many methodological caveats.

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

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

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

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

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

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

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

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

By UCLG-GTF

- We do miss a bit the impact of crucial sectors such as transport in the ecosystem in this paper.
- We welcome the reference to the role of summits for cities and subnational governments. We hope that the UN will revise its governance mechanisms to ensure special status for local authorities in our contributions to international negotiations on the Urban Agenda, and on its implementation.

17. Cities and Climate Change and Disaster-risk Management

By HIC

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

Urban land is expected to triple between 2000 and 2030. While this presumed inevitability is not challenged, the prospectus still begs to be reconciled with the key concept of “sustainable urbanization.” Taking the optimist interpretation of circumstances as “an enormous challenge and opportunity,” the Paper gives a realistic picture of them, but does not dare proposals to mitigate them.

The current damage and heralded disasters call for resilience, but accompany no calls for accountability or divergence from the predictable consequences or the behavior that brings them about. That leaves only “mitigation” (management) of the consequences, but no “mitigation” of the uncritical prediction of population growth and/or the urban-land expansion that spells further, viciously cyclical destruction.

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

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

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

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

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

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

By UCLG-GTF

- When the paper talks about engagement, it does not expand much on what the citizens can do. We would like to see the link between urban justice and climate change acknowledged, and recognition of the role for local government in encouraging local ecological citizenship and protecting environmental rights.
- We question the claim that “Member states are the lead actors in the global climate response.”
- We strongly agree that “Policy frameworks should not make local climate action an unfunded mandate” and that “both international and national climatefinance should be accessible for cities to accelerate urban climate action.”
- References to Carbons, CDP and Compact of Mayors should be included in 'Existing platforms/Projects' in this paper.

18. Urban Infrastructure and Basic Services, including energy

By HIC

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

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

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

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

By UCGL-GTF

- The paper slightly oversimplifies the debate on the management of infrastructure and basic services. There is no mention of the fact that the responsibility for the provision of basic services often falls to local and regional governments or that “improvements to basic services are positively correlated with local government involvement in their provision.” (UCLG’s *Basic Services for All in and Urbanizing World, GOLD III*).
- In general, we would like to see more on the governance of basic services, particularly in relation to the question of democratic accountability when services are provided by private partners. Whatever the model of service financing and delivery, local governments are ultimately the institution democratically accountable to their citizens for the access to and quality of basic services. This link is fundamental for the effective governance of basic services. (See GOLD III).
- There is no clear identification of current challenges: particularly in Africa and Asia, where there is a need for urgent support for national and local policies to deliver infrastructures and basic services. Many developed countries are confronted with huge investments gaps to renew their infrastructures, adapt to structural demographic and economic changes and to promote climate adaptation and mitigation.
- There is extensive literature and debate on models of public, private, mixed (PPP) management of basic services and infrastructures that the text does not mention (see GOLD III).
- The same in relation to the debate on financing the maintenance and investments needed. For a majority of urban services and in a majority of countries (developed and developing), the maintenance and, overall, investments, require a combination of sources of financing (users fees, local budget support and transfers from regional or national levels).

19. Transport and Mobility

By HIC

p. 4: reference to bias toward planning in favor of private transport.

p. 6: advocates an alternative paradigm that is demand driven, rather than supply driven, and hints at this as reflecting a rights-based approach. However, it does not elaborate on the corresponding obligations of state to respect, protect and fulfill the elemental right to transport (also identified in the

World Charter on the Right to the City, Part II, Article 14: Rights to Freedom of Movement, Public Transportation and Urban Mobility). The good practice guidance to follow could be explained as forming part of that approach, but Paper 19 remains silent on that normative point.

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

By UCLG-GTF

- There is virtually no explicit mention of local governments in this paper. Transport and mobility are key local government responsibilities in most countries.
- This paper should address governance as well as technical issues relating to transport, particularly questions of transport as a public good, and democratic accountability when services are provided with private partners.

20. Housing

By HIC

This Paper needs to be rewritten with more-recent data and better references.

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

Inadequate housing is a prominent issue in resettlement sites, and should be recognized in this Paper. The practical nexus of housing and planning livelihoods should be recognized in this context also. The nexus of housing and planning livelihoods is still needed. (See Overview with reference to “Informality,” “Urban-rural Linkages,” “Urban and Spatial Planning and Design,” “Jobs and Livelihoods” and “Informal Settlements.”)

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

p. 2, first bullet: the term “vulnerable groups” is not used consistently, so that, on page 5, people living with HIV are not mentioned in the first bullet when the groups are listed again. We should try to strengthen the wording as in the first sentence, and also the absolute necessity to work very closely with all “vulnerable groups” to develop solutions.

p. 2, second bullet: raises forced evictions as a gross violation of human rights and notes its continued practice. The passage omits the development-based evictions and “displacements,” however, as well as the UN guidance that applies to all states and development partners [Basic Principles and Guidelines, 2007].

The efforts to apply UN norms and standards to provide reparations in these cases has revealed many policy shortcomings and information gaps. While some CSOs have been trying to fill them since 1996, any reference to those efforts to take seriously and apply Habitat II are unceremoniously discarded in

these Papers and in the official Habitat III messaging. The dismissal of a knowledge-based and evaluative approach to Habitat III has constrained also these Papers from divulging any reference to already-standing commitments that relate to their subject

Important to further underscore what impacts have been experienced by residents/cities with the shift (of last 20-30 years) from strategies of public investment in housing to more market orientated solutions --and address the increasing empty housing stock (link with social function of land, property and the city).

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

Housing mortgages/push for homeownership has come hand in hand with problems with subprime lending and redlining.

Challenges are not only rooted in “deficient urban planning” but also with lack of regulation and unfettered market driven housing markets (rampant speculation, lack of protection for tenants/evictions).

In addressing how inadequate housing has contributed to health inequality and risk exposure, important to acknowledge how low income and historically marginalized communities are often forced to live in more “environmentally unjust” land/housing (near highways, near brownfields, etc).

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

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

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

Indeed, the World Bank has failed to uphold many international minimum standards of human rights. Meanwhile, its Directors, representing individual and proxy states, have failed to implement their corresponding extraterritorial human rights obligations while operating in that capacity. They and the

states they represent consequently bear liability for the losses, costs and damages of their oversight actions and omissions, including the various violations of the human right to adequate housing.

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

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

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

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

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

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

p. 4: Issue Summary:

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

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

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

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

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

Paper’s critique on land titling programs as “remaining too narrow and not leading to the social and economic outcomes” misses a critical recognition here of how notions of property rights needs to expand. Too often such initiatives are restricted to and/or reinforce individual notions of ownership...often undermining more transformative forms of collective ownership.

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

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

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

As part of acknowledgment of local initiatives and innovations led by organizations formed and run by the urban poor, vernacular architectural strategies should be mentioned.

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

Should be more concrete on naming types of best practices that address key issues raised: regulation of unfettered speculation, inclusionary zoning policies, tenant protection and rent regulation.

Stronger nexus between housing and urban planning practice should include stronger mechanisms to measure social impact of development and risk of displacement (just as there is environmental impact assessments in development process, eviction impact assessment should be integrated).

Regulations and investments should facilitate and support the “social production of housing/habitat”.

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

By UCLG-GTF

- We would like to underline that for governments to “take a leadership role on housing, not just an enabling role”, they need vastly increased resources.

- We question the paper's call for incentives for private companies to lend to low income households for housing. The recent financial crisis has demonstrated the risks of such policies, and their consequences for low-income urban residents and communities.
- Reference could be made to the Report of the Special Rapporteur, Leilani Farha, on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context.

21. Smart Cities

By HIC

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

Focus must be on building equitable, inclusive, sustainable and just cities first, so that the link to Paper 1 – Inclusive Cities becomes clear. Therefore, the Paper is not complete until it addresses glaring inequality, poverty and discrimination in the context of the "smart city." The subject of "smart city" should not be only a technical experiment, but promote a social and transformative knowledge base. Public spaces must be understood to be gendered space, with safety and security for women. That need invites smart applications.

The Paper emphasizes technical and administrative uses of ICT; however, the democratization of information to enable informed citizenship engagement and participation is equally important. The potential for ensuring free, prior and informed consent (FPIC) is also important to note, not only as an entitlement for indigenous peoples, but a principle of local habitat management.

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

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

By UCLG-GTF

- The paper adopts a top-down, technocratic approach and does not explore the vast potential for bottom-up production of tech solutions by citizens, or tech as tool for citizen empowerment.
- The paper should note the high proportion of private provision of communications and technology services (in contrast to other basic services) and be aware of possible tensions between economic motives and the public interest. Where does democratic accountability lie when smart city tech goes wrong?
- We are concerned about the development of binding urban indicators for cities to qualify for being "smart". The setting of standards in this area has a political dimension and therefore should be

approved on the basis of a democratic mandate and in a transparent way. Indicators should only be developed in close cooperation with local authorities and should provide a tool for self-assessment on a voluntary basis. No standardization is needed on whether a city is neither “smart”, nor minimum requirements of “smart cities”, indicators of “Smart Cities”, (international) rankings, etc.

- We would like to see the paper call for mechanisms to respect human rights and freedom of citizens in data collection.
- The paper contains a contradiction with targets from Public Space paper, calling for 50% of urban land to be dedicated to public space, rather than 45%.

22. Informal Settlements

By HIC

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

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

Terminology “Informal” settlements needs to be problematized; can connote a criminalization of the “informal” as equating it with what is illegal/not recognized.....Precarious settlements more adequate.

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

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

More detailed recognition needed to what knowledge/skills are part of what slum dweller organizations can bring: community based financial mechanism; vernacular architecture; more recognition that informality is not just strategy of poor communities, higher income residents can use as form of speculation.

Focus too centered on negative impacts “slums” bring to cities, also need to bring in more recognition of how many slum dwellers are key actors in important areas of city economies (ex in service economy- domestic workers, construction workers “servicing” the urban core).

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

In recognition of relationship between growth of informal settlements and lack of adequate housing and land, paper must also put in center rural-urban linkages here- major displacement many rural

communities are facing because displacement caused by mega-projects, agro industry, lack of livelihood options.

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

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

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

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

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

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

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

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

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

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

Social production of housing/habitat needs to be recognized here as a critical way to harness local knowledge, address broader livelihood questions, etc (employment, training/education) that affects the lives of residents in precarious settlements.

Data collection/mapping needs of informal settlements needs to be approached in a way that is participatory, empowering for residents and that does not position precarious settlements at further risk.

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

By UCLG-GTF

- We would like to highlight the strong language emphasizing role of national governments in this paper, in contrast to the paper on the Informal Sector.
- It will be important to resolve these contradictions between the papers:
 "National governments must play a lead and key role in recognizing informal settlement/slum challenges and in creating the environment to develop and drive the appropriate policies and plans to trigger change and improvement for and in partnership with poor urban dwellers."
 "Governments must develop broader integrated policy and planning framework, especially those at a national level related to urban development, housing, land management and livelihoods."
- We would like to emphasize the role of partnerships between local authorities and associations of slum-dwellers in slum-upgrading and other projects.
- We welcome the paper's call for improved local data collection, monitoring and evaluation. The 'Know Your City' programme by UCLG Africa and Slum/Shack Dwellers International is a global campaign to standardise and aggregate the data collected at settlement level. This data on everyday lives and living conditions in slums is a means to communicate the scale and extent of informality and deprivation in the spaces they occupy in their cities. Government planning departments often use inadequate data, which does not reflect the reality on the ground and is not fit for purpose. By standardizing community data collection processes and management, SDI federations hope to scale up their leverage ability, and use this data to work with government staff to make real improvements to the areas where they live.

By WIEGO

The *Informal Settlements* issue paper provides a welcome basis for action and policy development on informal settlements, particularly in its stance against forced evictions. However two areas need strengthening. First, while the call to put housing at the centre of integrated approaches to urban development, and to adopt different conceptions of tenure security are central, the issue paper makes no recognition of the need for a reframing of land policy, that moves away from market valuations of land to recognise the social function of property in order to fulfil the right to adequate housing for all (mentioned on p7).

Second, the paper makes scant passing reference to the multiple forms of livelihood activities found in informal settlements and the need to protect and enhance these. Informal settlements and slums are increasingly acknowledged as vibrant mixed-use communities and dynamic focal points for the urban informal economy, providing a wide range of local services and jobs, and employment concentrations that are integral to the wider urban economy. For example, Dharavi, in Mumbai, one of the largest slums in Asia with more than 700,000 people living in 175 hectares, has been dubbed 'India's largest recycling centre', and operates like a well-organized industrial district dealing with waste recycling.

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Annex I

Areas	Issue Papers	Policy Units
1. Social Cohesion and Equity - Livable Cities	1. Inclusive cities (a.o. Pro Poor, Gender, Youth, Ageing)	Right to the City and Cities for All Socio-cultural Urban Framework
	2. Migration and refugees in urban areas	
	3. Safer Cities	
	4. Urban Culture and Heritage	
2. Urban Frameworks	5. Urban Rules and Legislation	3. National Urban Policies 4. Urban Governance, Capacity and Institutional Development 5. Municipal Finance and Local Fiscal Systems
	6. Urban Governance	
	7. Municipal Finance	
3. Spatial Development	8. Urban and Spatial Planning and Design	6. Urban Spatial Strategies: Land Market and Segregation
	9. Urban Land	
	10. Urban-rural linkages	
	11. Public Space	
4. Urban Economy	12. Local Economic Development	7. Urban Economic Development Strategies
	13. Jobs and Livelihoods	
	14. Informal Sector	
5. Urban Ecology and Environment	15. Urban Resilience	8. Urban Ecology and Resilience
	16. Urban Ecosystems and Resource Management	
	17. Cities and Climate Change and Disaster Risk Management	
6. Urban Housing and Basic Services	18. Urban Infrastructure and Basic Services, including energy	9. Urban Services and Technology 10. Housing Policies
	19. Transport and Mobility	
	20. Housing	
	21. Smart Cities	
	22. Informal Settlements	

Annex II

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

The extent of local governance rights and powers should be analyzed always in the context of relations among local authorities and the central sphere of government and/or regional authorities (in federal states). One of the important features of local “government” is that it has a specific, subsidiary regulatory power for the exercise of its functions, which is, however, subject to compliance with national law. Whether or not local administration exercises these regulatory powers and meets the qualification as “government,” the human rights obligations of each sphere of administration remain constant.

“Local government,” or “self-government,” aims at bringing government to the grass-roots and enabling the citizens to participate effectively in the making of decisions affecting their daily lives. As the level closest to the citizens, local government is in a much better position than central government to deal with matters that require local knowledge and regulation on the basis of local needs and priorities. This observation applies whether the local government operates in urban or rural settings.

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

“Local authorities” may include forms of governance closely associated with, or directly extending from the executive-branch of central government. However, such models are inconsistent with the more-specific notion of “local government” (or “local self-government”), which involves actual local decision making within a state.

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

Whichever the configuration of offices and division of duties and functions, the model of “local government” (LG) is understood as preferred in modern unitary states, as well as in federal systems.

The constitutive principles of “local government” are aligned with the substantive and process human rights enshrined in the International Bill of Human Rights and specific conventions. Democratic local government upholds the organic vertical development of the state. It preserves the state.

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

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