



Restoring Human Rights and Habitat to the Habitat III Process and New Habitat Agenda

Habitat International Coalition (HIC)¹ has consistently called for the integrity of the Habitat II (Istanbul, 1996) commitments and modalities, especially as the world advances toward Habitat III (the United Nations Conference on Housing and Sustainable Urban Development). This requires:

- Upholding the Habitat II-established principle to be as **inclusive** as possible;
- Maintaining the **Habitat Agenda**, not pursuing a narrower “urban agenda”;
- Ensuring that **human rights** and **good governance** approaches continue to anchor and guide global human settlement policy and corresponding commitments.

The various Habitat III preparations, reporting and deliberation processes and contents officially have avoided (1) a faithful evaluation of commitments made at Habitat II; (2) a review of housing-rights and good-governance practices consistent with those essential aspects of the Habitat II promise, while taking into consideration the lessons learned and conceptual clarity gained since Habitat II; and (3) realistic preparation for the emerging human settlement-development challenges that light the way toward improving “balanced rural and urban development,” as pledged since Habitat I (Vancouver, 1976).²

No programme, campaign, or periodic report of UN-Habitat or the United Nations (UN) Secretary General so far has reviewed or evaluated the commitments of Habitat II, and the UN-Habitat-proffered national Habitat III reporting guidelines deliberately omitted these essentials. By design, the Habitat III process has missed the opportunity to assess the **Habitat Agenda**'s strengths and weaknesses, or consider the relevant norms that have developed over the past 20 years. Instead, a willful amnesia about the holistic **Habitat Agenda** and an exclusively “urban” focus have prevailed, dividing and alienating constituencies, while culling them in favor of a narrower set of interests. The spirit of Vancouver and the achievements of Istanbul are now at stake.

Promises, Promises

HIC has upheld the **Habitat Agenda** faithfully since 1976 and, over the last 20 years, has cautioned against the erosion and abandonment of the core human rights commitments and recognized obligations enshrined in Habitat II. As in many serial UN policy conferences, this erosion is leading Habitat III's standard to be inferior to the one before. That could have been avoided by critically reviewing the performance of the Habitat II commitments, considering most of them the foundation of the eventual Habitat III's pillars.



The promises that governments made and development partners shared at Habitat II are classified in the outcome “Commitments” and “Global Plan of Action.”³ States and governments reaffirmed their obligations to the full and progressive realization of the **human right to adequate housing** 61 times in the Habitat II outcome document.⁴ Among the specific commitments corresponding to this legal obligation was the states’ pledge to **protect from, and redress forced evictions**.⁵ In 1996, governments also explicitly committed to **combat homelessness**.⁶ Neither core commitment is mentioned in the UN-Habitat national Habitat III report guidelines,⁷ nor reflected in the proposed New Agenda drafts.

However, these priorities have not waned. The **Habitat Agenda** commitments were, at once, varied and inter-related. Their progressive nature augured hope for a better living environment by:

- Ensuring gender equality⁸
- Protecting the environment⁹
- Practicing international cooperation¹⁰
- Maintaining just macroeconomic policies¹¹
- Recognizing habitat’s urban and rural scope¹²
- Promoting community-based land management¹³
- Ensuring participatory governance in all spheres¹⁴
- Promoting land markets that meet community needs¹⁵
- Involving multiple sectors and partnering with civil society and communities¹⁶
- Adopting innovative instruments that capture gains in land value and recover public investments¹⁷
- Increasing housing affordability through subsidies and other innovative forms of assistance, including support for self-built housing.¹⁸

The official refusal so far to evaluate implementation—or even recall—Habitat II commitments has generated questions about the credibility and implementation of any new Agenda.

Beyond that fatal flaw, the so-called “new urban agenda,” so far neglects the former promise of balanced development of all human habitats, and promotes only urbanization and city “growth” as the drivers of the world’s economic development in a homogenized future. Thus, greater urbanization has been presented mainly as unstoppable, without recognition of the human choices responsible for it. This has fostered a vision of a depopulated, mechanized and extractivist countryside, devoted to the exclusive prosperity of cities, without regard for rural habitats and populations, including peasants, farmers, forest dwellers, and indigenous peoples.

Against this vision, HIC joins several states and blocs in reiterating that not all sustainable development belongs to cities. The Coalition advocates the indivisibility of human rights, which calls for balanced development (and balanced investment) in both urban and rural areas, as pledged in Habitat II, and as a needed alternative to a projected uniquely urban future. However, Habitat III organizers and followers assert a vision that evades the negative aspects of urbanization¹⁹ such as private interests dictating the price and terms of access to land; impoverished people forced to move to cities; chronic homelessness and landlessness, housing inequity, and increased evictions and displacement.

These violations of housing and land rights existed in the past, and have been further exacerbated by more-intense climate change, conflicts, occupations, wars, protracted crises, fragile states, and the greatest displacement of people since the World Wars. The current Habitat III discourse avoids all of these, ignoring their root causes, despite the opportunities left by gaps in the 2030 Sustainable Development Agenda.²⁰ Yet these problems are colossal, despite pledges to solve the dilemmas, as already discussed 40 years ago. Rather than facing the urgent and obvious tasks of fulfilling the human right to adequate housing, ending homelessness and banning and remedying forced evictions amid swelling human displacement, a domineering urbanite ideology is masking them behind a narrower, more-divisive and inoperable “urban agenda” and accompanying business model.

HIC also supports inputs from civil society partners that deserve inclusion in a **New Habitat Agenda**, welcoming inclusion of social-solidarity economy,²¹ the social regulation of real estate markets,²² stronger commitments to gender equality and women’s rights,²³ ensuring easy access and full participation for people with disabilities, protecting the right to a healthy environment, and calling for effective measures to end the destruction of habitat by conflict, occupation and war, among others.

HIC hopes that states would insist that a **New Habitat Agenda** replaces the narrow proposed “new urban agenda” and conscientiously reflect greater coherence with universal needs and

urgencies, current global policy processes and standing commitments, including the long-promised habitat approach and pledge to balanced rural and urban development within a framework of human rights and related international norms. So, as contributors to this new global policy, we all have to put the New Agenda back on a principled human-rights-habitat track, while also addressing certain shortcomings of previous Agendas. With greater knowledge and experience over 40 years, we can develop a **New Habitat Agenda** with greater relevance to current and emerging challenges during the next 20 years.

Greater Clarity and Lessons Learned since 1996

Habitat III could live up to its title (i.e., upholding the “habitat” concept) if it were to build on the Habitat II commitments and findings from their performance evaluation, while aligning the **New Habitat Agenda** explicitly with the over-arching frameworks of the new Paris Agreement on climate change, the 2030 Sustainable Development Agenda, and the World Humanitarian Summit outcomes. The **Habitat Agenda** promised a “cross-sectoral approach to human settlements planning, which places emphasis on rural/urban linkages and treats villages and cities as two [points on] a human settlements continuum in a common ecosystem.” Pursuing that vision would be more coherent with these over-arching policy instruments than a purely “urban” one.

During the Habitat II Agenda’s implementation period, states, governments, UN bodies and other development partners, including civil society and social movements, have developed and further clarified concepts and practices inspired by **Habitat Agenda** processes. Meanwhile, these concepts and their operation have evolved to inform Habitat III. While it remains within the competence of **Habitat Agenda** Partners to inventory these good practices and concepts, HIC has identified the following key elements that it expects to be among the **New Habitat Agenda** commitments:

Right to the city, its elements and derivations: Although predating Habitat I, the concept of the “right to the city” has evolved in the form of the “Global Charter for the Right to the City,” numerous local charters, the United Cities and Local Government (UCLG) “Charter Agenda on Human Rights in the City,” regional iterations of the concept, a prolific literature on both its theory and practice, urban social movements asserting the claim of a right to the city and the formation of the current Global Platform for the Right to the City.²⁴ Articulations of the elements of the right to the city are found also in such related expressions as: “human rights city,” “human rights in the city,” “human rights habitat” and “rights of the city.”²⁵ These approaches contextualize human rights and corresponding obligations of the state, through all spheres of government, and add a spatial-justice dimension to already-codified human rights. While the human rights and good-governance practices characterizing this mode of local development are not the entitlement of city dwellers alone, HIC envisions their application to ensure “the right to the city within a human-rights habitat.”

Democratic local governments are still our closest partners in implementing the **New Habitat Agenda**, as pledged at Habitat II. We seek that partnership not merely with local “authorities,” but actual local “governments” in the participatory-democratic sense. HIC shares the vision of governments operating within “spheres,” not stratified tiers, which aligns with the international law view of the state as a legal personality constituting of territory, people, and the whole of its constituent institutional parts, whereby all government spheres share common-but-differentiated obligations.

Social production of habitat is also a time-honoured concept, but, more importantly, it is the dominant form of housing production in the built environment of many cities and human settlements, especially in the developing world. The social production of habitat (SPH) encompasses all nonmarket processes carried out under inhabitants’ initiative, management and control that generate and/or improve adequate living spaces, housing and other elements of physical and social development, preferably without—and often despite impediments posed by—the state, or other formal structures or authorities.²⁶ The SPH experience provides a basis for fulfilling the human right to adequate housing and corresponding obligations to extend urban planning and other support to communities engaged in SPH, as well as illustrates the related concepts of public-popular partnership (PPP) and public-private-popular partnership (PPPP). HIC echoes the call from the Urban Thinkers Campus on “Housing in the City We Need” for state-supported, socially produced housing and habitat.²⁷

Habitat metabolism: Equitable, ethical, rule-based, and people-centered development planning and democratic management can optimize economies of agglomeration, promote sustainable density, encourage social diversity and mixed land uses, foster inclusiveness, maximize heterogeneity, guarantee equal opportunity, promote livable public spaces, ensure

vibrant and safe streets and, thus, make human settlements more equitable, functional, democratic and environmentally balanced. A needed planning-and-administrative vision broader than the touted “urban agenda” considers the habitat “metabolism,” addressing and treating a human settlement or city as a living organism, and seeks to sustain it. Infrastructure, resource use and efficiency, production, environment viability and human well-being are key elements of such a metabolism. This vision becomes more conceivable—indeed indispensable—in light of efforts to maintain city-region food systems, labor markets and transport systems, reconsidering the defunct segregating distinctions of “rural” and “urban,” and enabling an approach to villages or city-regions as functional metabolisms.

The social function of land and property has been the subject of increased policy debate and reform over the years since Habitat II.²⁸ In practice, the social function of a thing is its use or application to the benefit of the greater society, in particular, prioritizing those with the greatest need. Thus, the social function of land, property, a good, resource or service is realized when it is applied to satisfy a general social need or the unmet need of a segment of society. The social function of—and human right to—land and property in human settlement development is a policy principle that can ensure more-equitable distribution of benefits of an economic system and habitat metabolism. Its application is the subject of much contemporary practice and, in certain countries, is ordained as a constitutional requirement.²⁹

Value sharing, variously expressed,³⁰ is not a new concept, but its expression reflects the Habitat II commitment to apply “innovative instruments that capture gains in land value and recover public investments.”³¹ Several states and cities have developed corresponding programs, projects, institutions and legislation to operationalize the social application of the appreciation in value or capital gain from a change in zoning, use, sale or development of public land or property. A portion of the added value derived from public land or property becomes a public asset considered to be a “socially produced” value. Applying the social function of that property, such assets create value that redounds to the welfare of the community or municipality, with the function of distributing its benefits to needy citizens, and/or for other public purposes.

Local economic and fiscal systems have to evolve from being mere instruments of revenue generation and budget management to vectors of change that generate real development outcomes. Fiscal systems and services must realize their social function also in support of people-centered development. Public and private investment must uphold “fundamental principles and basic rights at work,”³² and investment policies must purposefully generate decent work,³³ ensuring adequate housing and habitat affordability, whether in the formal or informal components of the economy. Regulatory mechanisms are needed to ensure that fiscal systems and financial services serve not only clients and beneficiaries, but also rights holders, especially households in need of a choice of tenure options to realize adequate housing and human well-being.³⁴ Socially produced values must be recovered sufficiently to finance and promote equal and equitable access to public services, continuous improvement of living conditions and fully and progressively realize the human right to adequate housing, while preventing evictions and displacement.

Rule of law and accountability for violations of habitat rights, in particular the human rights to adequate housing, land, water, sanitation, a healthy environment, public goods and services, and related process rights must be organic to the Habitat III commitments. The practice of forced evictions; displacement; population transfer, including the implantation of settler colonies in occupied territories; demographic manipulation; land grabbing; and other gross violations, grave breaches, and crimes have continued with impunity in every region since Habitat II. Any development agenda that upholds the world order must put an end to these wholly unsustainable models, destructive behaviours and breaches of existing norms, while ensuring reparation for victims, and affected persons and communities.³⁵

Extraterritorial obligations to respect, protect and, in certain cases, fulfill human rights form one dimension³⁶ of the duties of states, including local governments and authorities, under both treaties and peremptory norms of international law. The **New Habitat Agenda** should enshrine the human right to adequate housing, the human right to water and other habitat-related substantive and process human rights domestically. Meanwhile, states and their constituent bodies also bear obligations to apply these norms through their international relations, transactions and the regulation of transnational third parties.

Moving Forward

Since 1996, new and growing challenges and issues apply to human settlement and deserve addition to the **New Habitat Agenda**. The patterns of urbanization, new policies and dissenting voices, as well as environmental conditions, have created new urgencies for the **New Habitat Agenda** to address:

Distribution of economic values, not merely growth, is the critical measure of development, as well as policy and governance success. Unregulated private interests continue to hoard the world’s wealth and natural resources. The world now has more billionaires than ever before.³⁷ If only one-fifth of the wealth possessed by the world’s 1,225 billionaires were allocated for human settlement upgrading, the net USD 1 trillion could solve the problem of informal settlements and inadequate housing well within the Habitat III period. States and governments would fail in their duties to impoverished citizens if they did not commit to a wealth-redistribution scheme in Habitat III. In any event, the urban poor will invest another USD 1 trillion of their own resources in the social production of habitat in even less time. Well managed and supported, the proceeds would create millions of jobs, ensure dignified living conditions, realize human rights, and improve human well-being. Income inequality has been characterized as the “defining challenge of our time.”³⁸ At Habitat III, states must not fail to rise to this challenge by deferring to the market and its consequences as if “inevitable.”

Resilience: Climate change has raised the priority of disaster preparedness and risk reduction in human settlements, as well as the capacity to sustain and recover from various shocks. Resilience of human settlements and inhabitants is more vital also in light of cyclical crises such as those in finance, food and other resource distribution. Human settlements and their inhabitants are compelled to be more resilient, in order to survive the shocks that have manifested since Habitat II, as well as those anticipated in the period of the **New Habitat Agenda**. However, as much a virtue resilience may be, it must not become a substitute to sustainable development, or another pretext to shift the onus onto victims of human-made crises and violations of their human rights, expecting them and their defenders, as well as philanthropists and other donors, to bear the consequences incessantly without resolving the root causes of shocks and crises, including through the accountability and liability of responsible parties, while ensuring remedy and reparations for victims.³⁹

Urbanization is not inevitable: The realization of global development, as any outcome, is about facing dilemmas by making and acting on choices. Since Habitat II, certain parties have promoted the axiom that urbanization is “inevitable.”⁴⁰ Such ideology dismisses human responsibility, suggesting that the forces and factors of urbanization are involuntary, or the consequence of some force majeure. It also dismisses the causal and liability issues of duress and distress migration to cities, due to a failure to honor the commitment to “balanced rural and urban development.” Urbanization is not self-executing. Rather, it is the consequence of human choice and corresponding action. The fact and nature of urbanization are outcomes of human political will, among other conscious choices.

Urbanization is only one deliberate policy choice among others. With the currently dominant market-driven urbanization model, real or imagined opportunities also are not self-executing. The distribution of urban wealth and poverty become systemic, but also grounded in deliberate policy choices. Development processes, including urban development, thus, are no more inevitable than they are linear, or always forward moving, nor are they irreversible, without alternative, or exempt from needed restraint.

Focus on marginalized individuals, groups and communities: HIC is gratified at the drafts of the eventual **New Habitat Agenda** pledging to “leave no one behind” and “reach the furthest behind first,” consistent with the 2030 Sustainable Development Agenda. While these are not new commitments, they are clearer in their articulation, taking on new meaning in light of the current patterns of environmental and human-made disasters, including violations of habitat rights cited here. In all cases and processes, implementation will require sufficient emphasis on remedy and prevention, spatial justice, and strict nondiscrimination. By definition, an urban-centric agenda cannot achieve such ends.

Follow-up and Review

The Habitat II commitments, although never properly operationalized, monitored or evaluated, have provided a firm basis for further development of the principles and commitments for a better world with a **New Habitat Agenda** in 2016. Those promises stand to be improved and developed as proposed above, this time with national targets to be monitored and assessed during the coming 20 years through a multi-stakeholder platform operating under the new UN Sustainable Development System.

The opportunity also presents itself finally to reform UN-Habitat accordingly, aligning it with the triple (security, development and human rights) chartered purposes of the UN. Applying the preceding decades of normative development and practical experience within the current over-arching global policies, a **New Habitat Agenda** must avoid repeating the legacy of broken promises, missing historic opportunities, and squandering the efforts and resources invested in Habitats I and II, and in this Habitat III process.

Endnotes:

- 1 Habitat International Coalition (HIC) is a global network of about 400 organizations working in over 120 countries on habitat and related human rights issues. For more information, see: www.hic-net.org (portal) and regional and thematic online resources: www.hlrn.org, www.hlrn.org.in, www.hic-la.org, and www.hic-mena.org.
- 2 Istanbul Declaration on Human Settlements [Istanbul Declaration] and The Habitat Agenda, paras. 29, 43(l), 43(k), 109, 111, 126, 156, 163–69, A/CONF.165/14, 14 June 1996, at: http://www2.unhabitat.org/declarations/habitat_agenda.asp.
- 3 Under seven organizational headings A. Adequate Shelter for All, B. Sustainable Human Settlements, C. Enablement and Participation, D. Gender Equality, E. Financing Shelter & Human Settlements, F. International Cooperation, and G. Assess Progress.
- 4 Istanbul Declaration on Human Settlements [Istanbul Declaration], op. cit., para. 8, and The Habitat Agenda, op. cit., paras. 39 and 61.
- 5 The Habitat Agenda, op. cit., paras. 40n, 61b, and 98b.
- 6 Istanbul Declaration, op. cit., para. 4; The Habitat Agenda, op. cit., paras. 8; 11; 38; 40(l); 61(c)(iv), 61 (d); 115; 119(k) and 204(y).
- 7 “Guidelines and Format for the Preparation of National Reports: On Six Key Topics, Thirty Issues and Twelve Indicators,” at: <http://unhabitat.org/wp-content/uploads/2014/07/Guidelines-and-Format-for-the-Preparation-of-National-Reports-On-Six-Key-Topics-Thirty-Issues-and-Twelve-Indicators.pdf>.
- 8 The Habitat Agenda, op. cit., 119(a–l), 46(a–e), 72(a), 78(f), 46(c), 51, 72, 119(j), 120(f), 127(b), 180(g), 180(l), 208(b) and 239.
- 9 Istanbul Declaration, op. cit., paras. 1, 3, 4, 7, 9, 10 and 11; The Habitat Agenda, paras. 128–144, and throughout, totaling 278 references.
- 10 The Habitat Agenda, op. cit., paras. 119(k), 204(a–j), 204(m) and 204(y).
- 11 Ibid., paras. 40(a), 62, 65, 67(b) 115, 186(d), 189(b) and 201(b).
- 12 Istanbul Declaration, op. cit., paras. 6 and 10; The Habitat Agenda, op. cit., paras. 46(d), 68, 68(c), 70(a), 70(c), 75, 79(m), 104, 113(a–n) and 114.
- 13 The Habitat Agenda, op. cit., paras. 74(c), 75 and 113(m).
- 14 Ibid., 50(c) 113(l) and 68(b).
- 15 The Habitat Agenda, op. cit., paras. 113–14.
- 16 Istanbul Declaration, op. cit., para. 8; The Habitat Agenda, op. cit., paras. 50(c), 61(c)(v), 113(l).
- 17 The Habitat Agenda, op. cit., para. 76(h).
- 18 Ibid., paras. 47; 61(c)(ii), 72(b), 73, 74.
- 19 Habitat III zero draft of the New Urban Agenda, 6 May 2015, para. 68
- 20 For instance, the 2030 Agenda recognizes that foreign and military occupation impedes sustainable development, but offers no goal, target or indicator to address this distorting and wholly illegal root cause. Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1, 21 October 2015, para. 35, at: <https://sustainabledevelopment.un.org/post2015/summit>.
- 21 See “Social and Solidarity Economy must be a key component of the New Agenda,” 20 June 2016, at: <http://www.hic-gs.org/document.php?pid=6820>.
- 22 See “Habitat for people, not for profit! – Open letter against financialization of cities and for Human Rights in the New Habitat Agenda,” 14 June 2016, at: <http://www.hic-gs.org/news.php?pid=6805>.
- 23 See “Huairou Commission report of the expert group meeting (EGM) on engendering the new urban agenda,” 9 March 2016, at: <http://huairou.org/Engender-Habitat3>.
- 24 See Global Platform for the Right to the City at: <http://www.righttothecityplatform.org.br/>.
- 25 See “Terminology Corner,” Land Times Issue 11 (November 2014), at: <http://landtimes.landpedia.org/>.
- 26 For more information and cases, go to [HIC general website](http://www.hic-gs.org/) and [HIC-HLRN website](http://www.hic-hlrn.org/).
- 27 “Housing in The City We Need,” Report: Barcelona Urban Thinkers Campus, 16–18 November 2015, pp. 4, 10.
- 28 Notably the Committee on Global Food Security-endorsed the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Forests and Fisheries in the Context of National Food Security (2012), at: <http://www.fao.org/nr/tenure/voluntary-guidelines/en/>.
- 29 See Constitutions of Brazil, Ecuador, Bolivia and Egypt (until 2014). See also: Habib Bourguiba, « La propriété, fonction sociale » (Tunis: Secrétariat d’État aux Affaires Culturelles et à l’Information, 17 January 1967), p. 23.
- 30 Also known as “plusvalia,” “mais-valia,” and “land-value capture” in much of the urban-development literature.
- 31 The Habitat Agenda, para. 76(h).
- 32 See International Labour Organization [ILO], Declaration on Fundamental Principles and Rights at Work (1998), at: <http://www.ilo.org/declaration/lang-en/index.htm>.
- 33 As the ILO has defined, at: <http://www.ilo.org/global/topics/decent-work/lang-en/index.htm>.
- 34 Report of the Special Rapporteur 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, Raquel Rolnik, A/HRC/25/54, 30 December 2013, at: http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-54_en.doc.
- 35 Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A/RES/60/147, 21 March 2006, at: <http://www2.ohchr.org/english/law/remedy.htm>.
- 36 In addition to domestic, individual and collective dimensions of duty under treaty and erga omnes obligations.
- 37 Thomas Picketty, Capital in the Twenty-first Century (Cambridge MA: Harvard University Press, 2014).
- 38 Remarks by the President on Economic Mobility, The White House, Office of the Press Secretary, 4 December 2013, at: <http://www.whitehouse.gov/the-press-office/2013/12/04/remarks-president-economic-mobility>.
- 39 Victims are distinguished as those affected by crime, abuse of power and human rights violations. See Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, A/RES/40/34, 29 November 1985; A/RES/60/147, op. cit., supra, note 38.
- 40 See “Manifesto for Cities,” UN-Habitat, World Urban Campaign, at: <http://www.worldurbancampaign.org/manifesto-for-cities/>.