



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

HABITAT III

Policy Papers Frameworks

Review and Comments

February 2016

6.- URBAN SPATIAL STRATEGIES

Overview

1. This paper does not refer to the **Right to the City** although it should be a crucial question to address the urban spatial strategies towards cities for all, without segregation. It could develop more the aspects related to **social inclusion** and access to services that remain absent in the document.

2. This paper has no mention of **human rights** obligations, approaches, framework, etc. While a participatory approach to planning is mentioned as key (slide 9), if it is not rooted in human rights approaches. Words like “inclusive”, and “participatory” are very recurrent but it is barely developed what they mean and how we make them real. It is mainly focused on the achievement of quantitative results. It should be more oriented to the fulfilment of **citizens’ rights** or the improvement of their quality of life. In order to concrete the meaning of concepts like “participatory” or “inclusive” cities, some key documents on these issues could be added: the Charter-Agenda for Human Rights in the City, or “For a World of Inclusive Cities” (CISDPDH, UCLG).

3. References to the **commons**, the **social production of habitat** and/or the **diversity of land’s uses** should be included, as a way to balance the prominent role that the market have in this paper as catalyst of solutions. The role of created public space is discussed as “positive”, but it is clear that public space is not seen as something fundamental to a territory, nor does it the paper capture the nuances of what public space really is and should be, and in particular the **social function** of public space is not understood.

4. The paper should include references to **metropolitan areas**, both as institutional level and as a territorial areas, as they are key to ensure territorial and policy cohesion throughout the urban-rural continuum. The issue of poly-centric metropolises to improve people’s access to services and rights everywhere in the territory should be also addressed in order to address/prevent urban segregation.

5. In general this paper has some good points that seek to find a way to being dealing with the urban growth, while taking into consideration **rural-urban linkages**. Habitat II commitment (para 6) on this issue states: “Rural and urban development are interdependent. In addition to improving the urban habitat, we must also work to extend adequate infrastructure, public services and employment opportunities to rural areas in order to enhance their attractiveness, develop an integrated network of settlements and minimize rural-to-urban migration. Small- and medium-sized towns need special focus.” There was an effort to approach the urban from a more territorial approach, which is something many actors, including CSOs, academics have been pushing the Habitat process to encompass, and is directly correlated to commitments made in Habitat I and II. In order to meet the Habitat II commitment, it would be critical to better address rural areas, as well as small and medium sized towns, which often have close links to rural areas. Generally, some big issues are present in the current thinking around spatial strategies in Habitat III, and the need for further clarification on certain aspects.

6. One overarching issue is that the paper treats **urbanization as a given**, and there is no meaningful discussion or strategy presented around making rural and peri-urban lives/livelihoods more sustainable and possible- many issues under this Paper, such as tenure, land access, mobility, access to markets, infrastructure and planning etc. should be addressed to meet this deficit.

7. The paper will benefit from taken into consideration the “**habitat**” concept, as established in the two bi-decennial global policies involves “regional and cross-sectoral approach to human settlements planning, which places emphasis on rural/urban linkages and treats villages and cities as two ends [points] of a human settlements continuum in a common ecosystem” (H2, para. 104).

Challenges

8. The **SDGs** are mentioned several times- but it is important that not too much emphasis is placed on the SDGs. The SDGs are still a sort of moving target, so vesting too much interest there does not make sense quite yet, as we do not know exactly what we have to work with. Additionally, the proposed indicators within the SDGs, specifically in goal 11, do not contain all of the specific aspects of spatial planning monitoring that we need to see in and Habitat commitments- specifically rural-related issues and tenure.

9. This paper set up a scenario, and subsequent strategies that put the private sector at the center of development, and of course **PPPs**, and essentially moving away from government responsibility of 1) problems in territories and 2) responsibility to carry out solutions. PPPs are not a best practice as is often put forward, and in fact, CSOs have many experiences that suggest the opposite. Partnerships with the private sector will not really solve the core issues many territories suffer from, and will not inherently prioritize the issues or segments of society often ignored in planning processes. IF there is mention of bringing in the private sector 2 conditions must be met 1) **POLICIES/public policies** are a discussion between the state and inhabitants- corporations have interests, not rights, and 2) regulation that protects public interest.

10. There are always problems with multi-stakeholder spaces where the private sector is present, as their interests are driven by bottom lines and profits, not the rights and benefit of the community—on slide 13- number 3-1-1 there is a recommendation that states “efficient implementation of planning decisions safeguarding sustainable spatial development while balancing the **interests of multiple stakeholders** and social groups...integrating rural and urban areas”- spatially, the mention of rural and urban areas is important and welcome, but we cannot speak of the “interests of multiple stakeholders”- again, communities have rights, corporations have interests and the distinction needs to be made clear.

11. We must be clear about who we are prioritizing as not all stakeholders are at the same level/the power balance is not even- it is essential that we prioritize full and meaningful participation of the **public** (civil society), into decision making process, but also that priority is given to ensure the participation of most vulnerable and marginalized populations. The

private sector may have a role in providing services, infrastructure, etc., but public policy decisions and policy design should be between the government (national, local, etc.) and the community.

12. When planning on a territorial level and integrating the rural-urban areas the discussion of ecosystems increasingly enters the state. When discussing ecosystems, the paper discusses “ecosystem services” (slide 5)- discussing it in this way inherently financializes the ecosystem. The preferred terminology is **ecosystem function**- as of course, there is a function of the ecosystem, especially in planning, but it is not a service to be commodified- this term shift also changes the way we discuss and think about the ecosystem, and re-conceptualizes the sustainable planning discourse.

13. The **tenure** section is very weak. It avoids the linkage between tenure and eviction, and human rights- and only really discusses the presence of slums, not the range of tenure issues that the Habitat process should address. Other tenure issues that we continue to push for, but fail to fully enter the discourse are the CFS Tenure guidelines, issues of housing and evictions, peri-urban and urban agriculture, land use planning in cities for food, and general territorial planning and urban expansion and how tenure issues (customary, and otherwise) are dealt with. Specifically informal and customary tenure are not fully addressed, and these are areas where the **UN system** has really progressed— the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests should be used as a guide as they were done in a well-respected multi-actor space, with the full and meaningful inclusion of civil society, and in particular those most affected by lack of tenure access.

14. Five SDGs address land (1.4, 2.3, 5a, 11.1, 15.4), including the human settlements Goal 11. None makes mention of security of tenure. Habitat III should fill this void by committing states and governments to providing “legal security of tenure and equal access to land to all people, including women and those living in poverty; and undertaking legislative and administrative reforms to give women full and equal access to economic resources, including the right to inheritance and to ownership of land and other property...”(H2, para. 12), and ensuring that all persons and groups “will enjoy freedom from discrimination in housing and legal security of tenure...” (H2, para.11). In considering the array of tenure arrangements available, consider the “continuum” and Möbuis strip of tenure. (See [Security of Tenure through the Habitat Agenda, 1976–2016](#).) The various forms of tenure include the following: (a) Possession rights; (b) Use rights; (c) Rental; (d) Freehold tenure; and (e) Collective arrangements ([Rolnik, op. cit., p. 4](#)).

15. Interesting the reference/examples about land "guardianship -a rule of conduct distributing responsibilities to maintain the land properly among community members"- in SE Asia. Also important mentions are included to the contradictions between land ownership and sharing economy: "Alternative land policies suited to a culture of sharing are needed. / The plurality of tenure security should be respected. / Spatial planning should be inspired by the concept of inalienable common goods, also to preserve urban-rural balances." And some key principles of the R2C like "recuperate a fair share of the economic benefits created by land development..." as "one of the most important priorities in combating segregation and inequality in cities" (p.12).

16. **Urban planning** is a public good and service to be included in the “Availability services, materials, facilities and infrastructure” element of the human right to adequate housing (GC4, 8b). The reference to the planning contribution to SDG 11—and others—should be consistent with the UN Charter based principles, combining safety and security, sustainable development and human rights. Spatial planning of human settlements should: Prioritize in situ solutions; Promote the social function of property; Combat discrimination on the basis of tenure; Promote women’s security of tenure; Respect security of tenure in business activities; Strengthen security of tenure in development cooperation; Empower the urban poor and holding states accountable; Ensure access to justice (Rolnik, op. cit., p. 5–6).

17. **Planners** in many countries are notorious for imperious attitudes and decision making without consultation and free, prior and informed consent of affected persons and communities. That mode of operation has to reform, including through curriculum and teaching of human rights-based ethics of the profession. To the extent possible, spatial planning should not extend the territorial extent, environmental footprint (especially on arable land) and/or carbon output of built-up areas. The previous title of this PU was “Spatial Planning Strategies: Land Market and Segregation,” but the important issues of land and segregation were submerged under other interests. The PPF could not avoid addressing land, but still needs to address **segregation**. It should note the [Habitat II land-related principles and 31 commitments to actions](#).

18. In Habitat II a commitment was made (para 12) that presented local authorities “as our closest partners, and as essential, in the implementation of the Habitat Agenda, we must, within the legal framework of each country, promote decentralization through democratic local authorities and work to strengthen their financial and institutional capacities in accordance with the conditions of countries, while ensuring their transparency, accountability and responsiveness to the needs of people, which are key requirements for Governments at all levels”. But this paper seems to lack a clear priority on **decentralized governance**, which is essential to having participatory, territorial planning strategies, and meeting Habitat II commitments.

19. There are some important points in the International Guidelines for Urban and Territorial Planning to which the paper refers to. However: 1) they were created without the input or consultation of CSOs. This is a practice that cannot be accepted; 2) they really push private sector investment/private sector financing urban development; and 3) there lacks a strong Human Rights framework, and as UN-based guidelines, human rights principles should be at the core.

20. Habitat III must reaffirm states’ and governments’ commitment—and obligation—to ensure the full and progressive realization of the right to adequate housing as provided for in international instruments. To that end, we shall seek the active participation of our public, private and nongovernmental partners at all levels to ensure legal security of tenure, protection from discrimination and equal access to affordable, adequate housing for all persons and their families (ID, para. 8).

Priorities

21. The participatory frameworks referred here seem to be very limited regarding civil society's initiatives. They should be adapted to and respectful to civil society's autonomy.

22. This paper should contribute to strengthen metropolitan areas' role as appropriate framework to develop territorially inclusive and sustainable policies.

23. The paper should include the legal concepts of social function of property and social production of habitat as ways to ensure the right to housing and the right to the city – and which local governments should promote.

24. Page 10 notes positively that the PU seeks to: a) Re-conceptualize the so-called rural-urban dichotomy to a urban-rural continuum based on documented horizontal interactions and vertical interdependences; b) Reflect urban-rural linkages in institutional frameworks that promote sustainable and efficient spatial planning and management; c) Develop new urban-rural relationships supportive of sustainable urban development. These would be enhanced through planning city-region/balanced rural and urban (i.e., habitat) systems for the production and consumption of food, energy and transport, as well as planning for labor markets and livelihoods.

25. The Habitat III tenure-securing commitments of states and respective governments, once again, should include actions to:

- Adopt an enabling legal and regulatory framework, understanding and acceptance of existing practices based on an enhanced knowledge, understanding and acceptance of existing practices and land-delivery mechanisms (H2, para. 79a);

- Provide institutional support, accountability and transparency of land management, and accurate information on land ownership, land transactions and current and planned land use (H2, para. 79b);

- Explore innovative arrangements to enhance the security of tenure, other than full legalization, which may be too costly and time-consuming in certain situations, including access to credit, as appropriate, in the absence of a conventional title to land(H2, para. 79c);

- Promote measures to ensure that women have equal access to credit for buying, leasing or renting land, and equal protection for the legal security of tenure of such land(H2, para. 79d);

- Remove legal obstacles, including those related to security of tenure and credit, that deny women equal access to basic services(H2, para. 87g);

- Take full advantage of the potential contribution of key interested parties in the private formal and informal sectors, and support the engagement of nongovernmental organizations, community organizations and the private sector in participatory and collective initiatives and mechanisms appropriate to conflict resolution (H2, para. 79e);

- Encourage the participation of community and nongovernmental organizations to reduce their vulnerability causes by insecure tenure (H2, para. 79f and 98a); and,

- Carry out tenure regularization, as appropriate, in informal settlements to achieve the minimum level of legal recognition required for the provision of basic services (H2, para. 141i).

Implementation

26. Green and public spaces should be considered here not only as a “major priority of planning” but as fulfilment of citizens’ environmental rights, which cannot depend on financial flows and investments interests in the city.

27. Regarding the urban land, this paper should highlight the crucial role of local governments to ensure citizens’ rights and to make sure that city planning is made to fulfil common wellbeing. Therefore, it should be mentioned the need for strengthen governments’ capacities to control land’s uses and to de-financialize these uses for citizens’ benefit.

28. In order to effectively include social inclusion as part of the urban spatial planning’s objectives, this paper should include the recommendation to develop indicators on this issue and to include them in the NUA.

29. Governments should respect citizens’ own initiatives and solutions when addressing issues regarding common goods and fundamental rights –as part of the social production of habitat.