

UN  HABITAT
FOR A BETTER URBAN FUTURE

www.unhabitat.org

Law, urban law and a new urban agenda

What was the old urban agenda (for law)?

The 'Strategies for Implementation' of the Habitat Agenda included:

- Review restrictive, exclusionary and costly legal and regulatory processes, planning systems, standards and development regulations;
- Adopt an enabling legal and regulatory framework based on enhanced knowledge, understanding and acceptance of existing practices and land delivery mechanisms, to stimulate partnerships with the private and community sectors;
- Deploy institutional and legal frameworks for inclusive participation in decision-making regarding human settlement strategies, policies and programmes.

Why do we need a 'new urban agenda' (for law)?

1. 20 Year review of progress and strategy
2. Old agenda hasn't worked
3. Circumstances changing dramatically, particularly in the poorest countries

Relationship to the 2030 Sustainable Development Agenda

... to be or not to be

The New Urban Agenda

A tale of not one or two, but three, new urban agendas

- The text – 151 paragraphs, 136 pages
- The aspiration
- ...and what it all means in practice

Draft document but considered not far from final in many respects

Important themes and issues: transformation

11(a) transform the way we plan, develop, govern and manage cities and human settlements, recognizing sustainable urban development as an essential instrument to achieve prosperity for all and sustainable development.

Important themes and issues: human rights and equity

- 8. *We envisage cities and human settlements that are inclusive and free from all forms of discrimination and violence, where all inhabitants, whether permanent or transitional, enjoy equal rights and opportunities, guided by the purposes and principles of the Charter of the United Nations, including full respect for international law and grounded in the Universal Declaration of Human Rights and other international human rights treaties.*
- 10(b) *Leave no one behind, ensuring urban equity and eradicate poverty in all its forms and dimensions, including extreme poverty, as well as all forms of discrimination, by providing equal access for all, to economic and productive resources, physical and social infrastructure, food security and nutrition, recognizing and leveraging culture, diversity and safety, while enabling participation and enhancing livability, well-being, and quality of life.*

Almost certain that the reference to equity will be either deleted or changed to 'equality'. When discussing equality, member states often assert they are talking about substantive equality or equality of outcome, but frequently only commit to equality of treatment or process.

Important themes and issues: differential implementation

Additional paragraph (G77):

All of us will work to implement this Agenda within our own countries and at the regional and global levels, taking into account different national realities, capacities and levels of development and respecting national policies and priorities.

Important themes and issues: Roles and responsibilities

9. *We envisage cities and human settlements that...*

- Interesting point by the US:

Cities don't do all of the things listed below; it is a combination of the various levels of government and city inhabitants that can bring out cities with these characteristics. By using cities as shorthand for the actors here, it relieves people from the responsibility for producing sustainable cities.

What is a city?

Important themes and issues: law and governance

- 11(b)(ii) Strengthening urban legislation, providing predictability and order in the urban development plans to enable social and economic performance and wealth creation;

Very strong push from member states to change 'legislation' for 'governance'

Conclusion

- Many aspects of the new urban agenda depend upon law, and particularly effective regulation
- The explicit commitments of the old urban agenda are not there

UN  HABITAT
FOR A BETTER URBAN FUTURE

www.unhabitat.org