



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

3.- NATIONAL URBAN POLICY

Overview

1. This paper includes no mention of the **Habitat II commitments** nor the international/UN **human rights** mandatory framework and instruments; nor does it include any reference to the other Policy Papers (some others do). At the same time, there is no explicit mention of the **Right to the City**, and the treatment of rights is generally weak, arising only in the first section, which summarizes the Issue Papers.

2. On the other hand, it's the only paper that actually includes a revision on some key recommendations arising from most of the **Issue Papers** (except #4 on Urban Culture & Heritage, #8 on Urban & Spatial Planning and Design, #13 on Jobs and Livelihoods, #16 on Urban Ecosystems & Resource Management, #17 on Cities and Climate Change and #22 on Informal Settlements - why?) and their linkages with the **NUPs** - particular emphasis is on Issue Papers 5, 6 and 7 because they "were highlighted by the Habitat III Secretariat as being particularly pertinent for PU3. Gives a good analysis of the Issues Papers from the GPR2C perspective, highlighting several aspects that are important to the GPR2C, including: mention of formal and informal property rights and the social function of land and property (Issues Paper 9, Page 8); seeing public space as a common good (Issue Paper 11: Page 8).

3. The paper includes some important **issues/criteria**: recognition of informality, rural-urban continuum, cross-sectorial planning, coordination among different levels (should be replaced by "spheres") of governments, partnership and collaboration with communities, "national governments must engage with the real needs, aspirations and agendas of people in particular places", etc.; but these are mixed with many others related to a much more technocratic approach -- it even mentions the need of a "strong technocratic/expert component". Totally missing is the need of Land Policy as a key component of any NUP. The call for NUPs to be capable of encompassing informality (Issue Paper 14: Page 9).

4. **Other concerns** that should be mentioned as part of the national policies that involve cities are social inclusion, energy policies, health, education, migration policies... In all these areas, national governments can provide legal frameworks and financial, material and human resources for a better public action in cities –and the introduction should refer to this.

5. Globally, this paper overestimates the role of **metropolitan cities** in the national growth, without referring to the necessary balance with intermediary cities, towns and rural regions in terms of settlement in order to ensure territorial cohesion, food sovereignty and a fair repartition of development at national level. NUP should also work on settlements policy to limit the densification of urban population and not only to monitor it.

6. In general terms, the paper omits any analysis of the **root causes of the urbanization process**, but instead includes the repetition of the well-known mantra about "its potential to increase prosperity, productivity, and well-being" and a very simplistic accusatory line of

the "narrow view" that sees it "mainly as a source of problems". That is particularly shocking and might in fact be counterproductive to the approach and contents of this paper that makes a strong point for the need of NUPs. **If urbanization is presented as a kind of inevitable natural force or supra-human trend** to which we simply need to conform and adapt to, then there is/will be very little room for human/rational control over it, so what would be the point in developing a NUP?

Challenges

7. Regarding Issue paper 6, recommendation 6: along with the call for recognition of the need for partnership and collaboration of all stakeholders, and their participation in the governance process, the final recommendation should also include the need for accountability mechanisms as basic tool for citizens to ensure that common good is the main objective of these alliances.

8. Regarding Issue Paper 7, recommendation 6: urban public services are essential for social cohesion, and infrastructures planning should be instrumental to this. Therefore, what NUPs should prioritize are not "infrastructures investments" for the sake of infrastructures themselves, but infrastructures according to general interest.

9. From Issue Paper 2, regarding the role of both national and local governments concerning the inclusion of refugees and migration policies, the recognition of their rights to accessible services, political participation, health, education, housing, energy, etc. should be added to devolution of competencies and fiscal powers to local governments.

10. About Issue Paper 9 regarding urban land, it should be explicitly mentioned the call for national governments to prevent boosting individual private ownership as best or unique tenure form –as it may result in serious social, economic and environmental damages (see the case of Spain).

11. Regarding Issue Paper 20 NUP should address the need of a housing policy at national level in order to ensure the right to habitat for every person (recognition and legal protection, national housing plans, incentives for local government to build social housing, minimum average of social housing in every cities and toolkit to fight against poor housing and forced evictions).

12. Ecuador's case could be included: its Constitution recognizes the Right to the City.

13. When identifying disagreements/controversies (a.2) the paper makes **a strong point for the need of NUPs as "a crucial ingredient for building cities that are sustainable, productive, livable and inclusive"**, as a result of "balancing top-down and bottom-up elements", including the "right (!?) stakeholders together (government and non-government) as well as the right (!?) expertise"; long-term vision but at the same time needs to be flexible to change/adapt (mid-term goals and action oriented policy); paying

attention to the delicate tension between identifying priorities and integrating/aligning policies across sectors/levels.

14. In order to make this paper consistent with what is said in Policy Paper 1 on Right to the City and in Policy Paper 9 on Urban Ecology, **two more criteria should be added:**

- The NUP contributes to an economic transformation towards the ecological transition.

- The NUP tackles social inequality in urban systems and metropolitan areas.

15. The short list of possible indicators or **key criteria for a NUP** includes the more or less classic mentions to land-use efficiency, effective urban governance systems, productivity and connectivity... but **no mention to any human rights and other previous commitments (Habitat Agenda)** - i.e. need to track land redistribution/access/security of tenure, evictions, vacant/empty plots/buildings, recognize and support SPH, measure the negative impacts of "development", etc.

16. The need of a "strong communication strategy" and an "inclusive dialogue aiming to establish a consensus" is presented in a very limited way to "introduce the process and invite all to be involved" **without mention of other relevant criteria/conditions for substantive participation in the decision-making process** and the need of a permanent/institutionalized space - clear rules, aiming to provide equal opportunities to different actors, etc.

17. It certainly surprising that the reader needs to wait until p.18 to actually know that "Improved quality of life is the ultimate aim" of any NUP - there is **no mention to "human dignity" or human rights**. Equally shocking, under the list of key priorities: "promoting equitable opportunity in cities, addressing urban poverty, segregation and inequality" is #4; "considering safe and security" #7; "supporting cities actions for environmental sustainability" is #8 out of 10 - while "structuring the urban systems and the connectivity among cities" and "facilitating urban policies and governance at a metropolitan scale" came first on the list. Important recognition of rural-urban continuum but kind of repeated and disconnected in #3 and #5.

18. The paper includes a List of targets (p. 21) related to the number of countries developing/implementing/monitoring NUP by 2020, 2025 and 2030 **but no mention to the must-have contents and methodology --including stakeholder participation mechanisms in the process of developing a NUP**; it should also qualify that participation and add it to the implementation and monitoring processes as well.

Implementation

19. Regarding recommendation 3: public finances and public-private partnerships (PPP) have been broadly used over the last decades, proving that, in many cases, their social and financial costs have been really high. PPP has should ensure that general and

citizens' interest are fulfilled by the private sector, and that private profit does not damages universal access and quality of services. This can be done through independent accountability mechanisms set up by civil society's organizations and to a greater empowerment of local governments in this kind of partnerships. Also, this paper should recognize people's and communities' contributions to the actual/potential implementation of urban policies and plans and therefore include recommendations regarding "public-popular" partnership (i.e. services management, slum upgrading, etc.). The Habitat II Agenda emphasized the importance of supporting local efforts to encourage the community partnership and participation in building, operating and maintaining basic infrastructure and services that empower women and meet the marginalized groups' livelihood (Art. 189f).

20. At the same time, public funds such as pooling mechanisms should also be mentioned as an alternative. (see comments on Policy Paper N°5); and "mechanism of value capture and sharing" should be explained with further details (see Policy Paper N°1).

21. In order to ensure that the monitoring of NUP targets are based on common good criteria, independent mechanisms of accountability, opened to civil society's organizations, are required –and therefore they should be mentioned here.