In 1996, governments also explicitly committed to Habitat II commitments and modalities, especially as the world advances toward sustainable human settlements policy and corresponding commitments. The various Habitat II preparations, reporting and deliberation processes and outputs have avoided (1) a faithful evaluation of commitments made at Habitat II; (2) a review of housing, rights and good-governance practices consistent with these 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). 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-professed national Habitat III reporting guidelines deliberately omitted these essentials. By design, the Habitat III process has missed the opportunity to assess the Habitat II’s commitments and modalities, or consider the relevant norms that have developed over the past 20 years. Instead, a wishy-washy 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.” States and governments reaffirmed commitments to the “universal 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 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 Agenda with urban governance identified as the overarching frameworks of the new agenda. A focus 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 treaties villages and cities as two points on a human settlements continuum in a common ecosystem.” Pursuing that vision would be more coherent with these overarching policy concepts 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 the human rights-based principles and core global human settlement policy and corresponding commitments. Meanwhile, these concepts and their operation have evolved to inform Habitat III. While it remains within the competence of the New 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 Agenda’s commitments:

- *Right to the city,* its elements and derivations: Although predating Habitat I, the concept of “human rights in the city,” “human rights in the city,” “human rights in the city”, and “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 theoretical foundations, urban social movements asserting the claim of a right to the city, and the “growth” as the drivers of the world’s economic development in a homogenized future. Thus, greater urbanization has been presented as unstoppable, without recognition of the human rights choices responsible for it. This has fostered a vision of a depopulated, mechanized and extraterritorial city, devoted to the exclusive prosperity of cities, without regard for rural habitats and populations, including peasants, farmers, farm dwellers, and indigenous peoples.

- *Ensuring the right to the city.* against this vision, HIC joins several states and cities 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.

- *Promoting social production of habitat (SPH).* 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 HIC also supports inputs from civil society partners that deserve inclusion in a New Habitat Agenda, welcoming inclusion of social-solidarity economy;28 the social regulation of real estate markets,29 stronger commitments to gender equality and women’s rights,30 ensuring easy access and full participation for people with disabilities, protecting the right to housing, 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 context of the right to the city. In the event, Habitat Agenda 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.31 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-private partnership (PPP) and public-private-partnership (PPP). 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 physical spaces, ensure
vibrant and safe streets and, thus, make human settlements more equitable, functional, democratic and environmentally balanced. A needed planning-and-administrative vision is thus a three-legged stool: development and growth, governance and accountability, 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—when we recognize that cities, cities with their inhabitants, and engaging an approach to villages or city-regions as functional metabolism.

The social function of land and property has been the subject of increased policy debate and reform over the years since Habitat I. In practice, the social function of a thing is its use or application to the health, welfare, or well-being of itself or others, particularly the greatest need. Thus, the social function of land, property, a good, resource or service is realized when it is applied to 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.

Value sharing, variously expressed, 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 costs incurred for particular public services. Laws, programs, 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 “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-centric planning and development. They need to be conventionally organized as principles and basic rights at work, and investment policies must purposefully generate decent work, ensuring adequate housing and habitat affordability, whether in the formal or informal sectors, with mechanisms that 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. Socially produced values must be recovered sufficiently to finance and support 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 practices of urban and equitable access to public services, improving the distribution of urban wealth and poverty become systemic, but also grounded in deliberate human political will, among other conscious choices.

Extraterritorial obligations to respect, protect and, in certain cases, fulfill human rights form one dimension of the duties of states, including local governments and authorities, under both treaties and peremptory norms of international law. The New Habitat Agenda should seek to embed and implement such extraterritorial obligations, building on the 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.

Endnotes:

1. Habitat International Coalition (HIC) is a global network of about 400 organizations working in over 100 countries on habitat and related human rights issues. For more information, see: http://www.hic.org (portal and regional and thematic information sites). See also: http://www.habitat-agenda.org and http://www.hc-mens.org.

2. Istanbul Declaration on Human Settlements (Istanbul Declaration) and The Habitat Agenda, paras. 23, 43(b), 188(a), 188(b), 191(a), 191(b), 193(a), 193(b), 195(a), 195(b), 197(a), 197(b), 199(b), 202(a), 202(b).


5. The Habitat Agenda, paras. op. cit., para. 40, 61(a), and 98(b). See also: http://www.habitat-agenda.org and http://www.habitat-agenda.org.

6. Istanbul Declaration, op. cit., para. 4; The Habitat Agenda, op. cit., para. 8; 31, 38; 40(b); 51(b); 61(a); 115; 119(a); 138(a).


8. The Habitat Agenda, op. cit., paras. 119(a), 46(a), 72(b), 76(a), 46(b), 51, 72, 119(a), 128(b), 128(c), 180(a), 180(b), and 259.

9. Istanbul Declaration, op. cit., paras. 1, 3, 4, 7, 9, 10, and 11; The Habitat Agenda, paras. 128–144, and throughout, totaling 270 references to human rights in the New Habitat Agenda.

10. The Habitat Agenda, op. cit., paras. 119(b), 204(a–j), and 204(b).

11. Ibid., paras. 40(a), 62, 65(b), 71(b), 115(a), 156(b), and 158(b).

12. The Habitat Agenda, op. cit., paras. 76(d), 80(a), 118(a), 118(b), 125(a), and 125(b).

13. The Habitat Agenda, op. cit., paras. 74(j) and 75(h).

14. Ibid., (53(a)) 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(s), 61(a), 118.

17. The Habitat Agenda, op. cit., para. 78(j).


19. Habitat II and draft of the New Habitat Agenda, 6 May 2015, para. 68.


21. See “Social and Solidarity Economy: Must be a key component of the New Agenda,” 2 June 2016, at: http://www.worldsocialist.org/article/2016/06/02/social-and-solidarity-economy-must-be-a-key-component-of-the-new-agenda-


24. Ibid., p. 5.

25. For information and cases, go to http://www.habitat-agenda.org/en/doc/urban-agenda.


29. Also known as “pluriel foncier,” “local land," and “land-value capture” in much of the urban-development literature. The Habitat Agenda, paras. 76(j).


31. See as the ILO has defined, at: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:413:25::NO:413-25-0::


36. Victims are discriminated as those affected by crime, abuse of power and human rights violations. See Declaration on the Right of Peoples and Communities to Self-Determination, Articles 4(4), 6(a), 8(b)(1), 9(3), and 10(3), 28 November 1966, ARES(ES)/6147, op. cit., supra note 38.