Cairo, 30 June 2014

Dr. Joan Clos
Secretary-General of the Third United Nations Conference on
Housing and Sustainable Urban Development (Habitat III)
United Nations Human Settlements Programme (UN-Habitat)
United Nations Avenue, Gigiri
Nairobi-00100, Kenya

Participation of Local Authorities and Other Habitat Agenda
Partners in the Habitat III Preparatory Process

Your Excellency:

We have received with thanks your 5 June 2014 letter to HIC President Emeritus Davinder Lamba, requesting initial ideas and inputs from Habitat International Coalition – Housing and Land Rights Network on how the United Nations might engage with UN-Habitat and our constituency in the Habitat III preparatory process.

In doing so in the attached responses to the four survey questions, we hope that they are helpful toward making the right recommendations to the PrepComm on improved participation of all stakeholders, including in the conduct of the conference itself.

This survey comes at an opportune time for HIC, as we have recently completed a series of consultations with our Board, Members and broader constituency on these very questions. This represents the initial phase of our preparations for Habitat III, and we are now able to share those responses and findings in the attached summary.

Please accept this contribution with our best wishes.

Sincerely,

Álvaro Puertas Robina, Secretary General
Habitat International Coalition (HIC)

Joseph Schechla, Coordinator
Housing and Land Rights Network (HIC-HLRN)
1. **What constituency do you represent, or are you most closely associated with?**

Civil society, including social movements, NGOs, CBOs, professional associations and academic centers engaged in habitat issues, especially related to gender, (social) production, environment and human rights.

2. **What would be most important for your constituency’s representation in the Habitat III preparatory process at the local, national and global levels?**

The question is worded in such a way as not to specify the kind or category of importance: prerequisites, activities, issues, material aspects, strategies, modalities of representation, etc. However, what is “most” important of all of these aspects of representation are the following:

**Local representation:**

1. The most important **prerequisites** for our constituency’s representation is an enabling environment for local communities to represent themselves and be counted as a reference of equal standing with the other voices defining the New Habitat Agenda. This implies also sufficient and accessible information for local communities to critically assess the content and implementation of the Habitat II Agenda, in order to express what values should remain, which values are missing, whether or not the Habitat II Agenda had effect at the local level, and in order to prioritize their needs and expectations. Our constituency has argued that people’s processes need to be especially empowered in the Habitat III preparations, because of the particularly brutal trends against people’s processes in urban development, as well as because of the alternative lessons of people’s innovation in production and consumption of habitat.

2. The most important **activities** for our constituency’s representation at the local level include debates among, and surveys of local inhabitants of cities, towns and villages in order to crystallize analyses, visions and positions to put forward in the review of Habitat II and the prospectus for Habitat III.

3. The most important **issues** for our constituency’s representation are: (1) the continuum/symbiosis of the rural and the urban as a fundamental principle and subject of the Habitat Agenda, as it has been conceived and serially expressed in all previous Habitat Agenda iterations; (2) human rights and corresponding state obligations at the core of Habitat III processes, including country reporting, the synthesis report and the outcomes document, which should embody the corresponding expressions of the various expressions of the bundle of human rights in their habitat context (“right to the city,” “human rights in the city,” “human rights city” and “human rights habitat”), recognition of the practice of social production of habitat and the social function of land and property. Further details of the Habitat Agenda such as the treatment of marginalized social groups, international cooperation and dedicating the maximum of available resources to realize its principles descend from these core issues.

4. The most important **material aspects** for our constituency’s representation include the means for (1) civil society representatives to meet in safe and habitable venues to carry out debates and critical processes with sufficient documentary references in the appropriate languages, and to conduct surveys and record findings in presentable ways so that the voices reach the national, regional and global levels and phases of the Habitat III processes. It is important also that these material mean also enabling the results of these local processes to reach back to the communities from whence they came—and others—to serve as references in the further stages, including Habitat III implementation.

5. The most important **strategies** for our constituency’s representation involve (1) applying Habitat II in its integrity as the basis for evaluating implementation results (i.e., not selecting fragments like UN-Habitat has done since 1996), (2) applying treaty obligations, human rights norms and relevant soft-law commitments of states as analytical tools for evaluating Habitat II implementation and proposing for Habitat III and (3) deproblematizing the social production of habitat at the local level.

6. The most important **modalities of representation** for our constituency’s representation require democratic participation in the deliberations, exchange and transfer of knowledge, information and technology, and the collection and distribution of inputs. This implies a preference for gender diversity and facilitating the participation of all generations, kinds of migration status, indigenous people, persons with physical disability and/or any other local persons and groups with special needs in all representational activities.

**National representation:**

1. The most important **prerequisites** for our constituency’s representation are conditions indicative of political will on the part of National Habitat Committees and other actors from the public and private sector to respect the local voices and expressions on an equal footing with others engaged in evaluating and reporting on Habitat II implementation and defining the New Habitat Agenda. This is consistent with the principle of common-but-differentiated responsibility within the framework of a democratic state in which the role of actors in local and central government and administration are recognized as distinct from civil society in their (1) duty to serve the people(s) who comprise the state and (2) their authority to mediate competing interests in the course of discharging that duty. This means that national-level venues should be accessible and public to the greatest extent possible. National policy makers, law makers and other duty holders should be present and engaged with the public in the national-level debates and processes. The resulting National Habitat Reports should evaluate implementation of the Habitat II Agenda in its integrity, apply
People’s processes especially need to be empowered in the Habitat III preparations at the national level, because of the particularly brutal measures against people’s processes in urban development carried out by national actors and policy makers, as well as because of the lessons to be learnt from people’s innovation in production and consumption of the national habitat.

2. The most important activities for our constituency’s representation at the national level include debates and workshops convening local inhabitants and CSOs from cities, towns and villages, in order to crystallize analyses, visions and positions to put forward in the review of Habitat II and the prospectus for Habitat III. These will include a mix of rural and urban participants, as well as specialized gatherings of representatives sharing similar living conditions and styles (slum dwellers, indigenous people(s), villagers, etc.). In addition, active and articulate CSO engagement is important also in the National Habitat Committee meetings and processes and in cooperation with the media. To ensure that active and articulate CSO engagement, important national-level activities include research, documentation, policy analysis, publication and audio-video production. In certain cases of filling identifiable gaps in implementing the Habitat II Agenda and/or acting on critical findings of that assessment, activities might include also policy formulation, legislative drafting and delivering reparations to victims of gross violations (e.g., forced eviction). Among the important activities proposed in HIC consultations with constituents over Habitat III is to introduce “parallel reporting” functions and related activities at the national level.

3. The most important issues for our constituency’s representation are consistent with those at the local level. (See Local Representation 3, above.) Obligations at the national level involve the state—and its successive governments—respecting, protecting and fulfilling the human right to adequate housing, criminalizing forced eviction and delivering remedies and reparations, as appropriate, for those violated. CSO representation in those national-level processes is important as well. Additional issues will arise as important within individual national contexts.

4. The most important material aspects for our constituency’s representation include the means for (1) civil society representatives to meet at the national level in safe and habitable conditions to carry out debates and critical processes in the appropriate languages both in civil society consultations and forums, as well as in mixed plenaries with public, private and popular sectors represented, along with actors representing the relevant regional intergovernmental organizations. It is important also that the data and materials produced at the national level be available in the appropriate languages for exchange at the regional level. It would be important also for some regions to have the resources to conduct regional surveys and analytical reports to inform the regional Habitat III processes.

5. The most important strategies for our constituency’s representation at the regional level also involve (1) applying Habitat II in its integrity as the basis for evaluating implementation results (i.e., not selecting fragments like UN-Habitat has done since 1996), (2) applying treaty obligations, human rights norms and relevant soft-law commitments of states as analytical tools for evaluating Habitat II implementation and proposing for Habitat III and (3) deproblematizing the social production of habitat at the local level.

6. The most important modalities of representation for our constituency’s representation at the national level require democratic participation in the national-level deliberations, exchange and transfer of knowledge, information and technology, and the collection and distribution of inputs. This implies a preference for gender diversity and facilitating the participation of all generations, kinds of migration status, indigenous people, persons with physical disability and/or any other local persons and groups with special needs in all representational activities. The modalities of representation importantly would enable self-organized cross-sectoral forums, in order to allow for lateral alliances to emerge on certain issues (as HIC notably has done already with local authorities).

Regional representation:

Civil society structures in certain regions are already setting out to represent their constituencies at the regional level, as states already are doing, or plan to do, at the ministerial level through the regional UN Economic Commissions and Economic and Social Councils. Civil society prioritizes the regional-level representation especially as this enables consolidation of positions and problem solving to address conditions common across borders, but specific to geographical, cultural and linguistic units not confined to single states.

1. Among the most important prerequisites for our constituency’s representation at the regional level is an enabling environment for CSOs to represent themselves and be counting as a reference of equal standing with the other voices defining the New Habitat Agenda. This implies also sufficient and accessible information for local communities to critically assess the content and implementation of the Habitat II Agenda, in order to express what values should remain, which values have been missing, and what effect that Habitat II Agenda and related regional instruments and processes have had at the regional level.

People’s processes need to be especially empowered in the Habitat III preparations at the regional level, because of the particularly brutal trends against people’s processes in urban development (e.g., displacement, forced eviction, dispossession, corruption, privatization) common to regional situations, but also because of the advantage of
exchanging lessons of people how people—especially disadvantaged people—innovate in the production and consumption of habitat in particular regions.

2. The most important activities for our constituency’s representation at the regional level include debates among and surveys of local inhabitants of cities, towns and villages in order to crystallize analyses, visions and positions to put forward in the review of Habitat II and the prospectus for Habitat III. Innovations of CSO self-organization in the Habitat II process included the development of thematic “treaties” of agreed-upon principles relating to topics and social groups, and this remains a possible model for activities channeling regional “articulation” of CSO issues and positions.

3. The most important issues for our constituency’s representation apply also at the regional level. (See Local Representation 3, above.)

4. The most important material aspects for our constituency’s representation include the means for (1) civil society representatives to meet in safe and habitable venues to carry out debates and critical processes with sufficient references in the appropriate languages, and to conduct surveys and record findings in presentable ways so that the regional voices reach the official regional Habitat III forums and global-level processes. It is important also that these material means enable the results of these local processes to reach back to the local communities from whence they came—and other publics—to serve as references in the further stages, including Habitat III implementation.

5. The most important regional strategies for our constituency’s representation involve (1) applying Habitat II in its integrity as the basis for evaluating implementation results (i.e., not peeling off discrete bits of it like UN-Habitat has done since 1996), (2) applying treaty obligations, human rights norms and relevant soft-law commitments of states as analytical tools for evaluating Habitat II implementation and proposing inputs for Habitat III and (3) deproblematizing the social production of habitat at the local level. At the regional level, these strategies underpin the strategy of lobbying and consulting with regional-level actors and decision makers, including the regional blocks of state representatives and the intergovernmental Economic Councils and Economic and Social Councils.

6. The most important modalities of representation for our constituency’s representation at the regional level require democratic participation in the deliberations, exchange and transfer of knowledge, information and technology, and the collection and distribution of inputs. This implies a preference for gender diversity and facilitating the participation of all generations, various kinds of migration status, indigenous people, persons with physical disability and/or any other local persons and groups with special needs in all representational activities.

This foresees a regional-level structure along the lines of a self-organized Regional Habitat III Civil Society Mechanism that runs parallel to mechanisms formed by states/governments and other constituent groups. In addition, some of our constituents have proposed to revive official Habitat II-era processes such as the formation of a Regional Partnership Committee for state and major group consultations, in which civil society actively participated. Other examples include the regional consultations of the FAO’s Civil Society Mechanism (CSM), which has proved tremendously productive and contributory to the Committee on World Food Security. These models remain precedents for civil society and UN offices to replicate and improve for the Habitat III process.

Global representation:

1. The most important prerequisites and modalities of representation for our constituency’s representation are related to an enabling environment for CSOs and major groups to represent themselves and be counted as a reference of equal standing with the other voices defining the New Habitat Agenda at the global level. This implies also sufficient and accessible information for CSOs critically to assess the content and implementation of the Habitat II Agenda, in order to express what values should remain, which values have been missing, what effect the Habitat II Agenda has had at the global level.

The minimum expectation and demand of our constituency have sought to ensure at least the same level of civil society participation as in the Habitat II process, but taking advantage of procedural and technical advances of the ensuing 20 years. Our constituency bears the indelible memory of bad-practice examples, particularly in the Istanbul+5 process, where certain states and UN-Habitat curtailed civil society participation and left a bitter legacy.

2. The most important activities for our constituency’s representation at the global level include participation in the PrepComs through some form of self-organized International Facilitating Group (as in Habitat II) for civil society that runs parallel to other state-formed and constituent groups. In addition, our Members have proposed to revive Habitat II official processes such as the formation of a Partnership Committee for state and major group consultations, in which civil society actively participated. As already proposed, one important activity is to engage in hearings to review CSO “parallel reports” on the National Habitat III Reports presented by states and the Habitat III Synthesis report presented by UN Habitat. These activities could run in parallel, integrated with, or immediately prior to the PrepComs and Habitat III, coordinated with the public events around the official reports.

3. The most important issues for our constituency’s representation apply at the global level as well. (See Local Representation 3, above.)

4. The most important material aspects for our constituency’s global Habitat III representation include the means for (1) civil society representatives to arrive at the PrepCom and Habitat III venues with facilities common with other stakeholders for their debates and critical processes. It is important also that these material means enable CSO
participants to present the results of these local, national and regional processes in the form of public events, multimedia presentations and publications that can be used to report back to the affected communities and to serve as references in the Habitat III implementation phase.

Material resource questions also relate to the modalities of representation in the particular sense that a CSO mechanism would need to be supported with donor and/or NGO contributions to make it work, including the human resources and the logistics involved in such a complex undertaking.

5. The most important strategies for our constituency’s representation involve (1) applying Habitat II in its integrity as the basis for evaluating implementation results (i.e., not selecting fragments like UN-Habitat has done since 1996), (2) applying treaty obligations, human rights norms and relevant soft-law commitments of states as analytical tools for evaluating Habitat II implementation and proposing for Habitat III and (3) deproblematizing the social production of habitat at the local level.

6. The most important modalities of representation for our constituency’s representation require democratic participation in the deliberations, exchange and transfer of knowledge, information and technology, and the collection and distribution of inputs. Naturally, this representation should reflect gender diversity and facilitate the participation of all generations, kinds of migration status, indigenous people, persons with physical disability and/or any other local persons and groups with special needs in all representational activities. The modalities of representation importantly would enable self-organized cross-sectoral forums, in order to allow for lateral alliances to emerge on certain issues at global levels.

In addition, some of our constituents have proposed to revive official Habitat II-era processes such as the formation of a global Partnership Committee for state and major group consultations, in which civil society actively participated. Other examples include the regional consultations of the FAO’s Civil Society Mechanism (CSM), which has proved tremendously productive in contributing to the Committee on World Food Security. These models remain precedents for civil society and UN offices to replicate and improve for the Habitat III process. These practices also should form models of a permanent civil society mechanism for representation and implementation-monitoring inputs after Habitat III.

3. What is most important for your constituency in influencing the formulation of a New Urban Agenda?

Our constituency does not seek a “New Urban Agenda,” but rather a New Habitat Agenda. Narrowing the time-honored habitat-and-human-settlements approach risks abandoning core values of previous Habitat Agendas; creating conceptual silos that are not consistent with, nor sustainable in human practice; and this already has fostered unnecessary divisiveness and polarization among stakeholders. Producing a “New Urban Agenda” with such a narrow and unstrategic approach cannot be constructive or successful toward meeting the development challenges of the next 20 years of Habitat III implementation. As a global policy, the Habitat III outcomes must be more holistic and respectful of diversity of, and in, human habitats.

The promotion of urbanization as “inevitable” constitutes an ideological position that seeks to justify all acts that lead to such a conclusion. Development processes, including urban development, are not inevitable, linear or always forward moving, nor are they an irreversible processes, without alternative, nor are they self-executing.

Moreover, the trend to “deproblematize” urbanization has exceeded its usefulness, given way to promotional language that has created a syllogistic fallacy. Instead, addressing the dominant reality of the “rural-urban continuum,” or rather “rural-urban symbiosis,” would ensure that Habitat III and its New Habitat Agenda reflect this reality and habitat diversity. For that, it is imperative that the Habitat III processes and contents address “habitat” in a holistic sense, recognizing that the needs and aspirations of the “right to the city,” “human rights in the city,” “human rights city” or “human rights habitat” with social justice and good governance will only be possible if we do protect and support the right to live with dignity for campesin@s, indigenous people and inhabitants of rural towns.

What are the important values:

The Habitat III processes should promote and enshrine the principle that cities and built environments should be spaces of inclusion and social justice. Thus, our constituency argues that the social function of habitat and the city must be emphasized, and these concepts should be core components of urban assessments and future planning. The New Habitat Agenda should call for adequate space to be allocated for social use, including ample green space, and space for arts, culture and self-expression, open to all inhabitants. More specifically, Habitat III and the New Habitat Agenda should explicitly acknowledge and remedy material discrimination and spatial segregation, and set out affirmative action for marginalized groups to ensure their equal enjoyment of urban spaces, facilities and services.

In the Habitat III discourse, the concept and term “sustainability” must not be a euphemism for the continuation of current practices, especially the further commodification of the commons. In this connection, the constituency has learned a lesson from the distortion of the “green economy” narrative via Rio +20, which “converted nature into capital.” Habitat sustainability should be oriented toward improving living conditions through responsible production and consumption that protect the environment and advance social justice, for present and future generations. Sustainability, in any case, must
include discussion of both urban and rural needs and how they affect and relate to each other. In this respect, the Habitat III Agenda should emphasize the norm that both central and local governments’ primary duties and functions are to serve and protect people and communities, along with maintaining safe and healthy environment for them, respecting, protecting and fulfilling human rights and the rights of Mother Earth.

The Habitat III summit and preparatory processes must have human rights norms and corresponding obligations “at the center” or “comprise the normative framework.” This includes process human rights to participation and full exercise of citizenship within the built environments, right to freedom of movement, right to resources (energy, water, etc.), among others. Habitat III deliberations and outcomes should embody the understanding that those human rights enable the realization of other human rights such as the human right to adequate housing, adequate standard of living, etc.

For those advocating the “right to the city,” it is important that Habitat III recognize their claim, as such, but also as expressed with its constituent elements: social function of land and property of the city, democratic participation and full exercise of citizenship, inhabitants’ right to produce their habitat and to an economy for the people and for life, not just for profit, the responsible and sustainable management of the commons within the city and its surrounding territory, and the right to enjoy the public spaces. For those advocates invoking the World Charter on the Right to the City, this means treaty obligations to those living within life, aligning with states, the operational questions arise from the executive-dominated “local administration” that prevails in cities across many countries. While this is a domestic issue for states, the operational questions arise from the universal human rights to freedom of expression and participation in public life, aligning with both the Human Rights Covenants and the popular World Charter for the Right to the City.

- Right to land (both urban and rural) and its social function;
- Right to public transport (interpreted as freedom of movement to fulfill needs and rights in a sustainable habitat);
- Right to energy (as element of housing, food, health).

A core component of rights in the content of Habitat III is the issue of housing and land tenure security, recognizing the human rights dimensions of land and property within their social function. Upholding the human right to housing, as in the Habitat II Agenda, now also should more explicitly uphold the ban on forced evictions.

Habitat III should not be another lost opportunity to address causes of hazards, problems and violations under economic systems and development models. In so doing, the deliberations and agreed text have to break from the past exercises of avoiding critical inquiry and, thus, failing to address crippling debt, irresponsible production and consumption, indulging profit and self-enrichment, and exalting private ownership (which some call “freehold fetishism”) over other forms of tenure.

The new Habitat Agenda must address causes of shortcomings and failures to implement previously agreed-upon commitments and treaty-bound obligations related to habitat rights and governance. In so doing, the Habitat III process and outcome should recognize that “growth [as an economic indicator] does not bring equity.” Other obsolete development notions that demand to be made more relevant include the updating of public-private partnership (PPP) models that exclude the popular sector. This suggests the explicit promotion of fuller development-partnership options to include the popular sector (PPPPs).

Our constituency has proposed that Habitat III processes and outcomes address the notion of responsible investment. In this sense, it is not sufficient for private-sector actors simply to “do no harm,” but rather uphold their responsibility to ensure that the investment fulfills its social function. In this track comes the recommendation from our constituency that Habitat III embody the standard that both public and private investment be prioritized to generate decent work, especially for youth, and social protection for all.

In addressing deprivation, poverty and other human rights abuses, Habitat III debates and outcomes require governments to serve and protect inhabitants as primary duties and functions as part of states’ treaty obligations to those living within their jurisdiction and territory of effective control, as well as to other state treaty parties. For this, many of our constituents have expressed that a rights-based Habitat III should create mechanisms of accountability for [states’] violations of habitat rights.

Among the specific problem-solving issues that CSOs proposed to include in the New Habitat Agenda are (1) reparations for victims of gross violations and (2) support for alternative planning and social production of habitat, based on people’s processes and the exercise of recognized human rights.

Among the important concepts that CSOs have proposed is greater clarity about local government, as distinct from the executive-dominated “local administration” that prevails in cities across many countries. While this is a domestic issue for states, the operational questions arise from the universal human rights to freedom of expression and participation in public life, aligning with both the Human Rights Covenants and the popular World Charter for the Right to the City.
The concept of resilience, in its contemporary usage, needs to be redefined to reduce the burden on the victims, and emphasize both accountability and liability for crises and causal factors necessitating “resilience.” Resilience in cities is headed for contention with people and communities who assert their right to resist and obtain remedy for hazards, problems, losses, costs, damages and violations that plunge them into crises. This recognition reaffirms the right to reparations as an entitlement defined in international instruments. It is also important that Habitat III processes not reduce this discussion to “resilient cities,” but also specifically focus on the human dimension of resilience, throughout the rural-urban symbiosis. Crises, like habitat right, do not cease at urban edges.

How to advocate them:

1. Address the profound causes of urbanization and habitat in its integrity, not fragmenting habitat or focusing exclusively on cities, but respecting the rural-urban symbiosis;
2. Ensure that human rights and corresponding obligations remain at the core of the new agenda, recognizing the right to the city and ensuring accountability to human rights norms in habitat development; and
3. Provide for the widest and most-substantive civil society participation in preparation and implementation of the New Habitat Agenda.

Concerning the review of states’ implementation of Habitat II, our constituency has found human rights treaty norms to be indispensable Habitat-III reporting criteria. That has emerged as especially necessary in light of the fact that the foregoing Habitat II and Millennium Development Goal processes evaded setting structural, process and outcome indicators or national targets for implementing MDG 7 (ensure environmental sustainability).

Advocating the “right to the city” and its related concepts suggests that our constituency develop links with another distinct constituency in the Habitat III process, local authorities, which is a field already sown with good examples of social dialogue and cross-sectoral agreement.

For clarity of communication and to ensure a level field (equal opportunity) for all civil society actors in the Habitat III processes, it would be useful also to have clear definition of Habitat III terms (terminology). This is foreseen to be a feature of the on-line references, social media and tools to be exploited in formulating the Habitat Agenda. This clarity and current technologies not available at the time of Habitat III will enable multiple forms of communication across cultures to connect with communities, linking local and global.

4. What would be the greatest asset that your organization or constituency would draw on in defining a New Urban Agenda?

Our organization and broad constituency have asserted and supported people’s processes, and HIC especially can bring these to bear in the Habitat III preparations. This is a great asset in defining the New Habitat Agenda for two urgent and pragmatic reasons: 1. because the authors of these popular-sector experiences embody the consequences of particularly cruel practices against people’s processes in urban development, despite the promises of Habitat II; and 2. because the innovation of the urban poor’s considerable production and consumption of habitat provides alternative lessons not to be missed, and potential partnerships yet to be tried.

Within HIC, the Coalition Members constitute a pool of civil-society organizations with four specific areas of competence—gender, (social) production, environment and human rights—in habitat development. Their number (some 400) spans both urban and rural habitats, and enjoys synergistic links and relations with other specialized networks and coalitions. All operate in the social domain and assert no national, private or other parochial interest.

Endnotes:

2 See “Joint Declaration of Habitat International Coalition (HIC), the Committee on Social Inclusion, Participatory Democracy and Human Rights of United Cities and Local Governments, the Forum of Peripheral Local Authorities (FALP) and Mercociudades regarding the 7th World Urban Forum,” 4 April 2014, at: http://www.hlfn.org/news.php?id=pXFlbA==#.U5zJyWeKBpw.
3 In particular, International Covenant on Civil and Political Rights (1966), Articles 19 and 25, respectively, at: https://treaties.un.org/doc/db/survey/CovenantCivPo.pdf.