



# HABITAT INTERNATIONAL COALITION

## « Building Climate-resilient Societies »

*HIC statement to the 21<sup>st</sup> Conference of Parties (COP21) to the UN Framework on Climate Change UNFCCC), Paris, 30 November–11 December 2015*

As climate change and its effects continue to worsen, COP21 delegates must understand deeply and vigorously confront the challenges that vulnerable communities face. Those who suffer the most from climate and environmental changes' negative impacts are those who lack the promised benefit from the current global economy, are consistently disenfranchised by a system that commodifies natural resources and plans their fate without prioritizing their needs, while governance favors profits over people. While harsh climate changes increase the challenges of rural life, accelerating urbanization has mounted environmental and habitat challenges through concentrated production and consumption, further pollution and carbon emissions, disparities in water access, threats to food sovereignty and security, and perennial housing crises.

Peoples' alternatives to climate-mitigation strategies are grounded in promoting local development and participation in policy making in all spheres that affect them, from remote international forums such as COP, to local government. Strategies and solutions must be based on these communities' participation in decisions and processes to secure their rights to adequate housing; potable water; equitable land access; safe, reliable and affordable transport; and a healthy environment. These are basic human rights and needs that contrast with the shortcomings of governments to resolve the further-widening disparities amid galloping climate change.

Environmental degradation has increased the stakes for minority and impoverished communities, accompanying unprecedented population displacements and migrations, increased demands on natural, humanitarian and development resources and a surge of special interests toward managing them. These vulnerable communities bear a share of responsibility in facing environmental and climate-change that is far more than their responsibility for its causes. Meanwhile, the predominant discourse continues to ask them to be more resilient at enduring CC outcomes.

At the same time, the global discussions (SDGs, COP21 and Habitat III) highlight the important role of cities in eradicating poverty and inequality, adjusting to climate change and ensuring that all human inhabitants have a decent place in which to live in peace and dignity.

But cities do not exist in a vacuum, and it is essential that this discussion and subsequent agendas extend to rural areas where half of humanity lives, while promoting dialogue and relationships of solidarity between and among communities living in rural and urban habitats. The defining hazards of our time—poverty, climate change, urbanization and socioeconomic disparity—call for a convergence of peoples' innovations to meet these challenges through social movements and meaningful participation across many constructed divides.<sup>1</sup>

### ***Toward a Human Rights Habitat***

Habitat International Coalition, founded and dedicated to uphold the integral *Habitat Agenda*, calls for all spheres of government to mediate interests and operationalize the human rights of all inhabitants accordingly. As expressed in the 2030 Sustainable Development Agenda, this also calls for prioritizing the most

disadvantaged, affected and vulnerable. In urban habitats, claiming and implementing the Right to the City means mobilizing inhabitant participation in the management and planning of the city and its region as “a common ecosystem”<sup>2</sup> to address climate impacts, while ensuring accountability for meeting the social and human needs and aspirations of communities, in particular those often rendered invisible or voiceless in the debates that most deeply affect them.

Although each region has its specific interpretation and community of practice, the common tenets of the Charter on the Right to the City clearly connect human rights within the context of cities undergoing environmental change, natural resource challenges and cyclical crises. We have learnt from practice that humanitarian and development interventions must be coherent with the normative framework of human rights. This integrated approach is essential to address root causes of harm, accountability for violations, with both preventive and remedial actions for urban and rural communities alike to achieve human well-being.<sup>3</sup> Implementing the human rights framework promises crisis prevention, as well as remedy.

In each specific human rights field, this approach also calls for states, through their various spheres of government, to apply the over-riding principles of self-determination, nondiscrimination, gender equality, rule of law, dedicating the maximum of available resources, progressive realization and constant improvement of living conditions, and international cooperation.

### **1. Full Exercise of Citizenship and Democratic Management of the Human Habitat**

As the Right to the City Charter acknowledges, urban areas often are places of unequal opportunity and conditions in which inhabitants lack participation in decision-making processes and equitable access to utilities and services, including social services.<sup>4</sup> Many Right to the City principles relate directly to the environment, such as potable drinking water, public transport, food, shelter and energy. What upholds social justice and improves living conditions for a community is often the processes consistent with its participation in sustainable urban development and management of natural resources. Full and meaningful participation in responsible stewardship of the environment leads to healthier people and habitats. Importantly also, social production and management of their habitat reduces the dependence of vulnerable communities on a system that has failed, marginalized and exploited them.

An urban community’s responsible stewardship of their habitat, corresponding to the Right to the City, involves participation in decisions over public budgets, urban plans, natural resources and housing policy within the integral state. Through practicing citizenship locally, inhabitants have the opportunity to ensure that the state—which they constitute—upholds its obligation to maintain human security and mitigate the negative impacts of climate change. Otherwise, they will not only be left out of decisions, but likely left without remedy. The more direct the participation of inhabitants, the less discrimination faced by vulnerable communities in the response to atmospheric and environmental challenges.

However, much of our climate-related decisions take place in central administration and international spaces that are not only closed off from civil society, but increasingly are dominated by corporate actors. Commitments and deals made accordingly cannot be seen as fully vested in the public interest or prioritizing those whom development and its governance have left behind.<sup>5</sup>

States’ COP21 delegations have no good option but to make decisions with communities most affected by climate change—from peasants to the urban poor, indigenous peoples, nomads, women, children (boys and girls), people with disabilities and others whose livelihood relies on public and/or natural resources. The use and development of land and property in line with their needs would not breach climate safeguards, but rather create an occasion for dialogue on root causes of hazards and form the basis for developing resilient societies, not just “resilient cities.” Where COP so far has failed at this indispensable task, we demand better consideration from the state actors in all governance spheres in international processes and at home.

## **2. Social Function of the City, Land and Property**

A city region's entire space and resources should be available for equitable use by all inhabitants, and should be managed to meet the needs of the community. The social function of anything is its use or application to the benefit of the greater society, in particular, prioritizing those with the greatest need. Thus, the social function of land, property, a good, resource or service is realized when it is applied to satisfy a general social benefit, 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 an economic system's benefits, as well as more-balanced and sustainable approaches to urban development. The state must invest in this way, rather than serve the corporate sector's interests, especially those pursuing jobless growth and lavish profits in our finite ecosystems.

## **3 Equality, Nondiscrimination and Special Protection in Vulnerable Situations**

The UNFCCC has acknowledged the need to combat climate change “on the basis of equity and in accordance with their common-but-differentiated responsibilities and respective capabilities.”<sup>6</sup> To this end, it is essential that all inhabitants have the capability to realize their human rights without discrimination of any kind, and that protections are safeguard those communities and peoples who are most marginalized and vulnerable, exercising affirmative action where appropriate. As UN functions, the COP process and UNFCCC implementation should be rooted in the UN Charter's, which opens with “We the Peoples,” and is dedicated to friendly relations among them.<sup>7</sup>

Human rights, along with peace and security, as well as forward development, form the main purposeful pillars of the United Nations, girded by international cooperation and forming individual, collective, domestic and extraterritorial state obligations. Fulfilling the chartered and treaty-bound promise of international law and world order requires nondiscrimination in the exercise of self-determination of “all peoples,” for their own ends, to “freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.”<sup>8</sup> Achieving the right balance through the state's respect, protection and fulfillment of particular, economic, social and cultural rights, as well as other process rights, is not only delicate, but a vital task.

## **4. Social Commitment of the Private Sector**

Big businesses, with a negative record in human rights and environmental protection, is playing a decisive role in developing and partnering in the “solutions” posited at COP 21, including Coca-Cola, Renault-Nissan, Avril/Sofiproteol and Suez Environment, among many others. The false solutions posed by the governments taking part in the COP 21, such as REDD+, Climate Smart Agriculture and Climate Smart Cities, Green Economy, benefit the interests of corporations, not the rights of people and communities.

While the private sector (formal and informal) has a role in realizing the needs and aspirations of the public, private interests must not dominate public policy related to the future use of the habitat, its resources, and planning. The *Right to the City within a human rights habitat* realizes a collective claim to human well-being that belongs to inhabitants and the state safeguards and respects. The private sector's interest in influencing public policy, especially where real estate, natural resources, and development are concerned, should not trump the interests of a city's or village's inhabitants.

That does not mean that businesses are not responsible for their contribution to climate change and its mitigation. Rather, the privately interested sector must take responsibility for its role in climate change and be part of the effort to adopt preventative and restorative measures that simultaneously respect human rights and sustain development and environment without commodifying natural resources. Furthermore, it must

respect all inhabitants' fundamental human rights and refrain from doing any harm. This should involve a global restriction on further destruction and dispossession of agricultural lands, forests and water courses.

## 5. Solidarity Economy and Progressive Taxation Policies

Inequalities disadvantaging the most-vulnerable communities not only mean that they are shouldering more than their share of responsibility for climate change, but they are paying for it too. Progressive tax policies and land-value sharing are long-standing commitments of states and governments at global forums,<sup>9</sup> but more reform is still needed to help finance the effort to build a healthy habitat for everyone. One byproduct will be a more-productive and more-balanced society and economy.

Additionally, businesses and all parties that pollute should face fines and liabilities commensurate with the harm they cause. However, simply paying money in exchange for a privilege to pollute is a distortion of the polluter-pays principle, and liabilities should be computed for the reparation<sup>10</sup> of losses, costs, damage and other harm to affected parties, understanding that certain values cannot be quantified easily.

Certain values produced, traded and consumed in solidarity economies are not formally quantified, but are essential values in communities' survival and well-being. The social production of habitat, housing, livelihoods and the city outside of the formal market remain legitimate forms of human activity that the state should support with tenure security, technical and other means. Especially in facing the hazards of climate change, state-supported social production of habitat, housing and livelihoods requires a more socially responsible and less-authoritarian appreciation of the state, composed of its territory, peoples and institutions. Government institutions, in this sense, mediate interests and fulfill human rights obligations individually, collectively, domestically and extraterritorially. This vision takes us back to where we began: Building climate-resilient societies by first understanding deeply and vigorously confronting the challenges that vulnerable communities face.

### Endnotes:

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- <sup>1</sup> Other UN processes have promised greater participation than the COP. For example, note "Format and organizational aspects of the high-level political forum on sustainable development, A/67/290, 23 August 2013, para. 15.
  - <sup>2</sup> States and UN specialized agencies meet at Habitat II committed to the "habitat" concept and vision as "a regional and cross-sectoral human settlements planning approach that emphasizes rural/urban linkages and treats villages and cities as ends of a human-settlements continuum in a common ecosystem." The Habitat II Agenda [H2], para. 104.
  - <sup>3</sup> See Committee on Global Food Security (CFS), "[Framework for Action for Food Security and Nutrition in protracted Crises](#)," adopted October 2015, para. 16.
  - <sup>4</sup> [World Charter for the Right to the City](#), 30 September 2005.
  - <sup>5</sup> Enrique Ortíz, "[From Vancouver 1976 to Vancouver 2006](#)" (Mexico City : HIC-AL, September 2008) Campaign for Peoples Goals for Sustainable Development, "[Corporate capture of the International Development Agenda and why the SDGs cannot stop it](#)" (Quezon City: IBON International, 2015).
  - <sup>6</sup> [United Nations Framework Convention on Climate Change](#) (1992), preamble.
  - <sup>7</sup> [Declaration on Principles of International Law Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations](#), GA/RES/2625 (XXV), 24 October 1970.
  - <sup>8</sup> Common article 1.2 on self-determination of the International Covenant on Civil and Political Rights (1966) and International Covenant on Economic, Social and Cultural Rights (1966).
  - <sup>9</sup> At Habitat I (1976) states and UN specialized agencies committed to "assessing the value of land and transferring to the community, inter alia through taxation, the unearned increment resulting from changes in use, or public investment or decisions, or due to the general growth of the community..." The Vancouver Action Plan, D: Land, preamble, para. 5. At Habitat II (1996), participants adopting innovative instruments that capture gains in land value and recover public investments..." H2, op. cit., para. 76(h).
  - <sup>10</sup> As defined in "[Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law](#)," A/RES/60/147, 21 March 2006.