

HIC written submission to UN-Habitat EB

Nairobi, 15–16 November 2021

Habitat International Coalition (HIC) is pleased to join this second 2021 session of the UN-Habitat Executive Board. As most delegates, UN-Habitat colleagues and fellow partners know, HIC was founded from the same origins as UN-Habitat, at the Vancouver Conference in 1976. Thus, the successive Habitat Agendas and subsequent New Urban Agenda are existential references for HIC and its Members as the normative and operative framework for UN-Habitat. For these 45 years, HIC has remained dedicated to upholding and further developing that common framework within the three peace-and-security, sustainable development and human-rights pillars of the UN Charter that are binding and bonding each specialized UN organization.

That is a principal impetus behind HIC encouraging UN-Habitat, the Habitat Assembly and subsidiary organs to advance with partners in developing an appropriate stakeholder engagement policy and strategy, as well as the corresponding self-organized mechanism as officially announced at the first UN-Habitat Assembly. We kept our own promise there to review precedents within the UN System and propose options in time for the 10th World Urban Forum (2020).ⁱ

Despite the more-recent constraints of the COVID-19 pandemic, we have remained ready and able to do our part to restore partnership with the agency. The Executive Board (EB) must know that decisions and actions so far have not been sufficient to restore effective partnerships with the promised new UN-Habitat. We urge the EB to renew its focus on this important missing link and help develop the necessary infrastructure for partnerships that lend needed legitimacy, diffusion and wider uptake of UN-Habitat's development mission in that "regional and cross-sectoral approach to human settlements planning that places emphasis on rural/urban linkages and treats villages and cities as [points] of a human settlements continuum in a common ecosystem."ⁱⁱ

Complementing and aligned with states' binding treaty obligations, the voluntary commitments of the New Urban Agenda (NUA) promise to give greater clarity and specificity to those obligations and the ongoing 2030 Agenda commitments. As with previous Habitat Agenda iterations, NUA commitments include some important guidance as the principal framework for UN-Habitat and various spheres of government going forward.

While the first NUA-implementation reporting has already passed, we look forward to improved future performance and reporting by states, especially the majority that have not yet reported. In noting the implementation and reporting gaps, we also look forward to improved UN-Habitat guidance for states to bear their reporting burden with focus on the more-innovative and timely NUA commitments such as state support for social production of housing and habitatⁱⁱⁱ and realizing the social and ecological functions of land.^{iv} These value-added and operational commitments are among those whose guidance, implementation and reporting methods would be enhanced by meaningful partnership with civil society actors in a functioning engagement mechanism.

HIC commends the new UN-Habitat's efforts to develop 'flagship products' as tools that facilitate normative and operative NUA implementation. One example is the development of a Global Urban Monitoring Framework. This tool has potential to go beyond the piecemeal Urban Observatory, or secure-tenure and good-government campaigns of the past with greater coherence and inclusion of the normative dimension by incorporating the international law definition of adequate housing, a human right with its corresponding obligations that all states reaffirmed 61 times in the Habitat Agenda of 1996. This flagship product would benefit also from similar inclusion of the international



criteria for lawful eviction,^v whereas forced eviction remains the most-prominent gross violation of human rights^{vi} in the urban sphere.

Through coordinated knowledge creation, social force and global action, HIC looks forward to contributing to “the continuous improvement of living conditions”^{vii} by “achieving progressively the full realization of [human] rights.”^{viii} As a long-standing Habitat Partner and stakeholder, HIC looks forward to engagement that brings out the best of UN-Habitat. The development of a legitimate and functioning stakeholder engagement policy and mechanism, policy and implementation guidance true to the NUA, while incorporating the relevant human rights obligations of states in its products are among the examples of contributions that HIC and other civil society actors can offer to this historic partnership.

Endnotes:

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- ⁱ Housing and Land Rights Network – Habitat International Coalition, “Toward an Institutional Mechanism for Stakeholder Engagement in the New UN-Habitat Governance” (2020), http://www.hlrn.org/img/documents/UN-Habitat_Stakeholder_mechanism_final.pdf; see also “HIC-HLRN: New Ways to Work with UN Habitat,” *Land Times/أحوال الأرض*, No. 19 (April 2020), <http://landtimes.landpedia.org/newsdes.php?id=p2po&catid=pQ==&edition=pGg=->.
- ⁱⁱ The Habitat Agenda, A/Conf.165/14, 14 June 1996, para. 104, <https://undocs.org/A/CONF.165/14>.
- ⁱⁱⁱ New Urban Agenda, A/RES/71/256, 25 January 2017, paras. 31 and 46, <https://habitat3.org/wp-content/uploads/New-Urban-Agenda-GA-Adopted-68th-Plenary-N1646655-E.pdf>.
- ^{iv} *Ibid.*, paras. 13 and 69.
- ^v Committee on Economic, Social and Cultural Rights, General comment No. 7: The right to adequate housing (art. 11 (1) of the Covenant): Forced evictions, 16 May 1997, paras. 15–16, https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/1_Global/INT_CESCR_GEC_6430_E.doc.
- ^{vi} The UN Commission on Human Rights (CHR) affirmed that “the practice of forced evictions constitutes a gross violation of human rights, in particular the right to adequate housing...”, “forced eviction,” resolution 1993/77, 10 March 1993, operative para. 1, <http://www.hlrn.org/img/documents/ECN4199377%20en.pdf>; and reaffirmed “that the practice of forced evictions constitutes a gross violation of human rights, in particular the right to adequate housing...”, “Prohibition of forced evictions,” resolution 2004/28, 16 April 2004, operative para. 1, http://www.hlrn.org/img/documents/E-CN_4-RES-2004-28.pdf.
- ^{vii} UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, para. 2.1, <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.
- ^{viii} *Ibid.*, para. 11.1.