NEW LEGAL FRAMEWORKS FOR URBAN DEVELOPMENT

Barcelona, 17-18 December 2015
GLOBAL EXPERTS GROUP MEETING

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With the collaboration of: Ajuntament de Barcelona
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1. BACKGROUND

The global urban population will grow by +3 billion in the coming 50 years and 98% of the urban growth will be in developing countries. This unprecedented growth can result in anarchy and increased inequalities if not underpinned by strong and coherent policy and legal, institutional and governance frameworks that will ensure a solid context for planning and conditions for access to land, infrastructure, housing and basic services.

Effective urban legislation will be fundamental in achieving Goal 11, Sustainable Urbanisation, of the 2030 Sustainable Development Agenda as well as a number of the other goals. Urbanization’s potential to generate increases in productivity and contribute positively to development depends on the quality and transparency of its rules and regulations. The generally poor state of urban law in developing countries, particularly in the intermediary towns and cities that are expected to be the focus of future growth and prosperity, demonstrates the need for new approaches. These approaches must be evidence based, locally relevant, designed to be functionally effective and responsive to the needs of people, both individually and collectively.

Despite the significance of urban law to national economies and in the achievement of social goals, its foundational elements have a weak record of design and implementation in most developing countries. On the design side, legal frameworks rarely distinguish between the situations of primary and intermediary cities. They also generally rely on external structures and resources (skills, finance, processes for access to justice etc.) without verifying whether these are present, instead relying on ‘capacity building’ as a universal solution. In implementation, it can be challenging to match practice with the structures and processes established in law.

To varying degrees this situation prevails in a number of important areas including physical planning, development control and the financing of infrastructure and basic services. When master plans are drawn up but not effected on the ground, or are envisaged but not drawn up at all, the explanation is capacity. When building codes are not enforced, the explanation is governance. Weak municipal finance systems are the result of poverty, and so on …

Whatever the precise reality in individual cases (and cases are invariably individual), a significant part of the challenge is almost always that the legal frameworks are not good quality. ‘Quality’ implies subjective judgement but it can also be characterised by more objective criteria. Chief among these is the extent to which the legal framework seeks to achieve clearly stated and well understood policy goals and is assessed in its effectiveness in achieving these functions; i.e. the law’s ‘functional effectiveness’. A further important criterion is ‘efficiency’, that is the degree to which the law achieves its function in the most efficient way possible. Efficiency may be construed in a purely formalistic sense of immediate costs and benefits but, for the United Nations, it also includes more consequential considerations, such as impact upon vulnerable groups and contribution towards the recognition of human rights.

The New Urban Agenda needs to deliver efficient and liveable cities that capture the benefits of agglomeration to contribute to national economies and to create and improve livelihoods. The prevalent models for spatial planning and development control legal frameworks in developing countries do not deliver these outcomes and, in many cases, barely affect the shape of towns and cities at all. The development or identification of alternative approaches is long overdue. The Expert Group Meeting critically reviewed the prevailing models of legal frameworks for physical planning and development control and seek to identify technical and political paths for the development of effective alternatives.
2. ALIGNMENT WITH INTERNATIONAL AGENDAS

2.1 EXISTING MANDATES AND COMMITMENTS

A. The ‘Strategies for Implementation’ of the Habitat Agenda included commitments to:

a. Review restrictive, exclusionary and costly legal and regulatory processes, planning systems, standards and development regulations;

b. Adopt an enabling legal and regulatory framework based on enhanced knowledge, understanding and acceptance of existing practices and land delivery mechanisms so as to stimulate partnerships with the private business and community sectors;

c. Put into effect institutional and legal frameworks that facilitate and enable the broad based participation of all people and their community organizations in decision-making of human settlement strategies, policies and programmes.

B. In paragraph 6 of Resolution 25/4, Implementation of the strategic plan for 2014–2019, Member States gave the following direction:

“... Further requests the Executive Director to continue to support national and local governments in the development of functionally effective legal and institutional frameworks to facilitate sustainable urbanization and human settlement development that provide for long-term objectives, are non-discriminatory and inclusive and provide the most efficient and locally relevant solutions possible, and encourages member States to consider, as appropriate, the development of an effective policy framework around sustainable urbanization and human settlements;...”

C. In fulfilment of these mandates, UN-Habitat seeks to promote reformed legal frameworks that focus on essential policy objectives according to evidence-based identifications of local need and, in these areas, prioritises ‘functional effectiveness’, i.e. the actual ability of the law to deliver agreed policy. Many existing legal structures focus on broad planning and development processes and pay little attention to the core elements of design that make a difference on the ground. They also tend to ignore financial feasibility and economic drivers. These structures rely on high levels of local technical expertise to deliver their objectives and tend to reflect a major disconnect between national aspirations and local realities. As a result, they frequently struggle with ‘implementation’ or ‘enforcement’, which is actually a symptom of poor legislative design. As well as promoting the delivery of specific objectives, functionally effective legal frameworks also reinforce fundamental principles, such as the rule of law and respect for human rights. Furthermore, they can work in secondary cities as well as primary and, therefore, will serve the major poles of growth in the next 50 years. Finally, the implementation of functionally effective legal frameworks improves accountability and responsiveness, particularly for vulnerable groups, and also improves the delivery of policy.
3. THE UN-HABITAT EXPERT GROUP MEETING

The EGM gathered 25 international and national experts (see Annex 1 for full list of experts and organisers).

3.1 OBJECTIVES

The New Urban Agenda needs to deliver efficient and liveable cities that capture the benefits of agglomeration to contribute to national economies and to create and improve livelihoods. The prevalent models for spatial planning and development control legal frameworks in developing countries do not deliver these outcomes and, in many cases, barely affect the shape of towns and cities at all. The development or identification of alternative approaches is long overdue.

The Expert Group Meeting critically review the prevailing models of legal frameworks for physical planning and development control and seek to identify technical and political paths for the development of effective alternatives.

3.2 SPECIFIC OBJECTIVES

✓ Consider the effectiveness of planning, land use and development control laws in selected countries, identifying the most successful elements wherever possible

✓ Identify the principal short-, medium- and long-term policy objectives for planning, land use and development control laws in intermediary cities in rapidly urbanising and already urbanised contexts

✓ Discuss and identify approaches to defining the appropriate level of administrative discretion in the implementation of urban development law

✓ Identify options for reformed approaches to physical planning, land use and development control laws.

3.3 STRATEGY AND METHODOLOGY

The EGM will bring together external expertise to discuss and help UN-Habitat to define principles and policy recommendations for the facilitation of international dialogue on the need for, and creation of, new models for spatial planning and development control law that are responsive to developing country needs and that can effectively impact the shape and sustainability of cities.

The findings from the presentations and debates and the outcomes of the EGM will be organized in a final report summarizing the main innovations, opportunities to be harnessed, principles, guidelines and recommendations for UN-Habitat overall work
in the area. The report will also contribute to the achievement of the following:

- Identify the main topics of concern / disagreement / constraints for a new legal framework.
- Basic elements – guidelines – for a new legal framework (toolkit of minimum elements).
- Roadmap towards Habitat III (Third United Nations Conference on Housing and Sustainable Urban Development to be held on 2016).
- Documentation of case studies – (not necessarily as best practices, but as illustrating the main point agreed or no of the discussion).

3.3.1 INTRODUCTION SESSION

The existing situation: In many countries, particularly in the least developed and developing countries, planning law does not meet the basic criterion of effectiveness. That is, it is not translating policy objectives into change on the ground. This is sometimes described to ‘implementation’ and ‘capacity’ but the scale of the failure suggests that there is a need to question the appropriateness of what we are trying to implement.

3.3.2 THEMATIC SESSIONS

SESSION 1. Defining the challenge: the failure of planning law

Has planning law ‘failed’ and, if so, in what terms and from what causes? The aim is not to dwell on weakness in and of itself but to consider these issues as a means to identifying possible paths for addressing the challenge. Discussions will be opened by means of different cases and of failures in planning law in developing countries and a specific consideration of planning law experiences in Africa.

1. Which are the main failures of planning law in different scenarios and realities of the developing countries with different levels of governance and institutional power?

2. What are the possible causes? Economic causes, political causes, cultural causes? Are we expecting too much from planning regulations?

3. How do planning laws recognize the specificity of each territory or are becoming too homogeneous as a result of globalization?
SESSION 2. Priority policy objectives in resource poor settings

Planning law should be shaped and driven by clear objectives for how it is intended to effect change on the ground, i.e. by clear planning policy. Many urban policies, whether explicit or implicit, are either too ambitious in their objectives or too general in their description. They are also rarely used as means to assess the effectiveness of urban law. This is particularly important in situations of limited resources or capacity, as prioritising becomes much more challenging. Urban sustainability, poverty reduction, accessibility, economic prosperity are objectives repeated elsewhere but less effort is given to the specific conditions which apply in a particular country or city, becoming a weak list of good intentions with few capacities to really modify the conditions of the inhabitants in a certain area.

1. What do we need from a planning system?

2. What impacts are planning systems intended to have?

3. How can we balance short-term objectives with longer term vision?

SESSION 3. The relevance of planning hierarchies and achieving integrated planning

There is a long way from the planning formulation until its implementation. A way typically defined by a hierarchy of planning tools apparently in a coherent process. Each level represents a more detailed definition from the previous one in an attempt to facilitate the final implementation. In many occasions, though there is a lack of integration or coherence among the different levels. The result of this is that a policy input at a very broad level of the hierarchy is very difficult to recognise in the hierarchy’s most specific tools.

1. Is the rationality of the planning hierarchy system helping us to achieve priority policy objectives? Are there other ways?

2. Is this hierarchy really responding to the challenges that cities are facing or is more a legacy of a theoretical background?

3. Are those systems too complicated in the absence or lack of institutional, technical and management capacity?

4. What are the most important demands of the hierarchical approach and is there an alternative means of achieving these?

SESSION 4. Planning vs Design

Many existing legal structures focus on broad planning and development processes and pay little attention to the core elements of design that make a difference on the ground. There is also a prevalent trend of proposing a very detailed management of space that sometimes obscures the fundamental objectives of the planning system. Planning and Design respond to different scales and the timeframe in which both tasks are developed can vary considerably.

1. How deep do we want to regulate? Which type of designed elements can be fixed at the planning level not determining the implementation of the proposal?

2. How can we establish a link between both tasks in a reasonable time and effort? How can we create a shared code (language) among law, planning and design? Levels of detail, strategic approach vs traditional master plan.
3. Which elements could be the liaisons between the broad character of planning and the detailed of design?

SESSION 5. The final kilometre: development control that reflects planning objectives

Along the process of formulation and approval of any plan, it frequently struggles with 'implementation' or 'enforcement', which is actually a symptom of poor legislative design. It is on the “final kilometre” where plans translate into particular projects and development control mechanisms that plans have the capacity to really make a tangible difference. Many times, plans stay on shelves forever because they are not reflected in the permits issued and projects proposed, others are stuck in long litigation processes and may be overtaken by reality.

1. How can we design plans and legal structures oriented towards implementation in a much more practical way?

2. Is there a lack of realism in the contents of the plans, the legal structure or the absence of financial considerations?

3. Is it possible to transform plans and regulations in road maps to clarify further steps towards implementation? How can we engage enforcement in a practical manner?

4. What are the feedback and assessment mechanisms that will help strengthen the links between planning and development control in resource-poor settings?

SESSION 6. Public and private interests in planning law

One of the purposes of law is to manage relationships in complex processes and to mitigate the impacts of asymmetrical power and information, as well as mediating between short and long term objectives. Urban development is a highly complex process that is vulnerable to asymmetries that, while it should be a “perfect” combination and balance of public and private interests, it is frequently captured by short-term and narrow interests. It is not realistic to plan without considering private interests, although some “pedagogy” is missing to show the advantages in terms of opportunity costs to do things in a certain manner. All of these factors weaken urban development outcomes and increase long-term efficiency for both the private and public sectors. Planning law must establish the rules of the game for all stakeholders engaged in urban development. Such rules have to be clear, fair, recognized and followed for all actors.

1. In the absence of strong institutions, what are effective ways to manage conflicts of interest?

2. What is the range of appropriate public roles in guiding urban development (regulator, investor, developer, mediator etc.)?

3. How to promote long-term private investment and strategies and mitigate the negative impacts of some short-term strategies?

4. Can National urban policy become a useful tool to provide a clear understanding of how to deal with public and private interests on urban development matters?

5. Which are the basic components of public and private rights and duties regarding urban development?

6. How can we create arguments to convince the “free riders” to play following the rules? Should we develop the contents of a kind of “corporative social responsibility”?
SESSION 7. The international guidelines on urban and territorial planning

The world is becoming more and more urbanized while the pressure for sustainability and the scarcity of natural resources increase. Although most of the discussions of these issues is global, urban and territorial planning have just started to appear at the global level. The international guidelines on urban and territorial planning have recently been adopted by the UN-Habitat Governing Council with broad support among member states. They begin the process of setting global standards for planning and need to be considered in terms of the models the guidelines support for planning law in resource-poor settings.

1. To what extent do the international guidelines respond to the failure of planning law in resource poor settings?

2. What range of approaches and models is compatible with the international guidelines on urban and territorial planning?

3. Do the international guidelines challenge arguments on South-North, western models, localism vs global homogeneity?

4. What are the next steps to reflecting the international guidelines in planning laws at the national and sub-national levels?

3.4 BACKGROUND DOCUMENTS

International Guidelines on Urban and Territorial Planning

In April 2015, the UN-Habitat Governing Council approved the International Guidelines on Urban and Territorial Planning1 (Resolution 25/L5). The Resolution calls upon “international financial institutions, development agencies, and UN-Habitat to assist interested member States in using and adapting the Guidelines to their territorial and national contexts, where appropriate, and further developing tools and monitoring indicators”. The Guidelines are a source of inspiration and a global reference framework that will act as a compass for decision makers and urban professionals while developing urban and territorial planning frameworks.

3.5 FINDINGS AND OUTCOMES FROM THE EXPERT GROUP MEETING

Urbanization is not ruled by legal frameworks; it happens no matter in which scenario we are: in strongly formalized scenarios within a strong legal framework or in informal scenarios in the absence of legal frameworks. But by legal frameworks we suppose it will be done or developed in a certain way, according to what we call “good urbanization”, in other words, improving people conditions for all.

3.5.1 MAIN TOPICS OF CONCERN AND CONSTRAINTS OF EXISTING LEGAL FRAMEWORKS.

Legal Frameworks with MINIMAL IMPACT. At low income countries, there are almost no good models of functioning systems of planning law which are mostly associated with barriers and rent seeking and have minimal positive impact. At higher low income levels there is some semblance of implementation but still minimal positive impact.

1 Available at http://unhabitat.org/books/international-guidelines-on-urban-and-territorial-planning/
Legal Frameworks REFLECTS PLANS WEAKNESS. If the planning system is not clear defined on its objectives and it is detached from reality (professional and management capacity as well as financial capacity), legal frameworks will suffer from the same. Both – plans and laws – are so technocratic, ambitious and generic that their implementation and enforcement become impossible.

Legal Frameworks TOO TECHNICAL. Many states have lost sight of the policy objectives. Many times, legal frameworks are too technocratic and not adequately focused on impact due to a weak understanding of regulatory impacts – no or poor integration of financial considerations into law reform –, a mismatch between needed and actual capacity and finally because, the political-economic dimension is not integrated with the technical dimension.

Legal Frameworks TOO GENERALISTIC. In developing countries, imported models not suited to actual conditions. Sometimes the legal frameworks are inspired or based on outdated legislation (what does it mean in practice?) or outdated planning paradigms.

Legal Frameworks don’t avoid CORRUPTION. Private-public tensions due to conflict of interest are inherent to planning processes which contributes to the presence of corruption if apply in discretionary conditions.

3.5.2 PRELIMINARY ISSUES ON URBAN PLANNING FOR A NEW LEGAL FRAMEWORK.

At the context level, there are some preliminary issues that have to be considered before guidelines or elements for a new legal framework are identified.

Urbanisation and development are an incremental process, therefore standards and regulations should be understood as a more dynamic set of instruments which can be upgraded over time.

Urban Planning needs to return to its social roots and respond from a human needs perspective, although we understand that in urbanization and development there are strong and complex forces at play.

Plans should be comprehensive, simple and readable. We need to shift from regulatory plans towards action plans in which urban planning and strategic planning are integrated.

In low income contexts, the hierarchy of Plans has to recognized three basic scales if we want to have an impact on the ground: 1. The Strategic plan – the vision; 2. The Land use plan: the land organization (structure and tenure); 3. The detailed plan: the implementation (public space and lots).

3.5.3 BASIC ELEMENTS, GUIDELINES FOR A NEW LEGAL FRAMEWORK

✓ A Planning Law is a public law.
✓ A Planning Law is “operated” by public institutions that are given special planning-
A Planning Law must give the competent authority a clearer mandate to rule, to control.

A Planning Law is the regulatory and institutional structure, including policy direction, for spatial planning from national down to plot level.

A Planning Law must distinguish between the provision of public and private goods:

Provision of public goods: protect the poor and vulnerable, secure stable revenue for infrastructure and protect environmental quality.

Provision of private goods: define the relationship and the management among: rights, powers and duties (interests, expectations and fears), provide legitimacy and security for investment.

A Planning Law must include the links between planning processes and public space acquisition and maintenance.

A Planning Law has to be built on a consent process, allowing co-evolution in a “learning by doing process”.

A Planning Law must also broadly reflect, or at least allow for, preferred financing and economic strategies.

A Planning Law must allocate resources for capacity building.

A Planning Law must include main development control at a broader scale and flexible normative elements, both that

3.5.4 MAIN NORMATIVE CONTROL ELEMENTS

- Land classification: (urban), not buildable, buildable,
- Basic infrastructure funding/executing systems (government, privates, privates/government),
- Public/private space definition/generation,
- Land readjustment system,
- Phasing system,
- Flexible normative elements:
  - Land uses,
  - FARs & densities,
  - Plot definition,
  - Public spaces design (streets and others)
  - A planning legal framework will have a chance to succeed when:
    - Its intentions are reasonably clear, well understood and widely accepted
    - It is meeting its objectives and achieving the broadly expected impact it is the most efficient means of achieving the expected impact
4. ANNEXES

4.1 ANNEX 1: COMMUNIQUÉ

UN-HABITAT HOLDS A GLOBAL EXPERTS GROUP MEETING ON NEW LEGAL FRAMEWORKS FOR URBAN DEVELOPMENT IN SUPPORTING THE NEW URBAN AGENDA


Effective Urban Legislation is fundamental in delivering efficient and liveable cities that capture the benefits of agglomeration to contribute to national economies and create and improve livelihoods. Furthermore, effective urban legislation is also important in achieving Goal 11, Sustainable Urbanisation, of the 2030 Sustainable Development Agenda, as well as a number of other goals. The experts commented on the impact of legislation as a way to set meaningful frameworks for sustainable development or accentuate inequalities and exclusion.

Throughout the sessions of the event, experts from the Accademia and from the professional practice critically reviewed the prevailing models of legal frameworks for physical planning and development controls.

Rachelle Alterman, professor (emerita) and Head of the Laboratory on Comparative Planning Law and Property Rights from Technion-Israel Institute of Technology, emphasized that public education, both for legislators and urban dwellers is one of the main challenges of planning law towards the New Urban Agenda. Alterman also highlighted that “legal development is very difficult to ensure if it’s not embedded into society. It cannot be embedded if it’s just within the administration.”

Juan Felipe Pinilla, lawyer and independent consultant from JFP & Asociados – Derecho Urbano (Colombia) considered the lack of recognition of diversity as another challenge for planning law. It is “only by recognizing the true diversity of cities that it will be possible to achieve a true change in urban governance. It is necessary to look at specific cases of solutions that are being implemented in other cities to understand the progress in urban legislation”, Pinilla highlighted.

The participants also sought to indentify technical and political paths for the development of effective alternatives. The main objectives of the UN-Habitat Global Experts Group meeting in Barcelona were to discuss and brainstorm on the following topics:

- Consider the effectiveness of planning, land use and development control laws in selected countries, identifying a selection of case studies.
- Discuss the main topics of concern, disagreement and constraints regarding the definition of policy objectives for planning and the appropriate level of administrative discretion in the implementation of urban development law.
- Identify the basic elements – guidelines – for a new legal framework in intermediary cities in rapid urbanizing and already urbanized contexts (toolkit of minimum elements).

The final outcome of the meeting helped UN-Habitat to define principles and policy recommendations for the facilitation of international dialogue on the need for new models of spatial planning and development control law. These outcomes contributed towards the discussion for Habitat III (to be held on 2016).
4.2 ANNEX 2: LIST OF PARTICIPANTS

RACHELLE ALTERMAN
Professor (emerita). Head, Laboratory on Comparative Planning Law and Property Rights. Technion – Israel Institute of Technology

Professor Rachelle Altermann of the Technion – Israel Institute of Technology is the Founding President of the International Academic Association on Planning, Law and Property Rights and an Honorary Member of the Association of European Schools of Planning (the 5th person thus honored and the only non-European). With degrees in planning and in law from Canadian and Israeli universities, Dr. Altermann specialized in cross-national comparative analysis of the relationship between planning law, land use regulations, property rights and planning practice. She has published 8 international books, over 100 academic papers, and has been invited to speak at conferences and seminars in over 30 countries.

STUART ANDREWS
Specialist Planning Lawyer and Head of the National Planning and Infrastructure Consenting Team. Eversheds (United Kingdom)

Stuart is a specialist planning lawyer and is the head of the National Planning and Infrastructure Consenting Team at Eversheds. He is a dual qualified town planner and solicitor and is both a member of the Royal Town Planning Institute and the Law Society Planning Panel. His experience includes major infrastructure projects, town centre schemes and strategic residential development proposals. He has particular expertise in the promotion of redevelopment projects involving complex compulsory purchase orders, substantial highway orders and associated environmental assessment. Stuart’s relevant experience includes:
Advising on the major urban extension comprising 4,000 new homes, railway station improvements, a school, highway improvements, a village green, community hall, shops and open space. The scheme is one of the largest Greenfield residential development schemes in the UK. Stuart is described in Chambers as being singled out for combining “outstanding legal and commercial good sense with an approachable manner” and by competitors as “… one of the people I would least like to see on the other side at an Inquiry”. He is consistently listed in the top 10 planning lawyers in the UK by Planning magazine.

STEPHEN BERRYFORD
Honorary Adjunct Associate Professor, African Centre for Cities. University of Cape Town (South Africa)

Stephen Berryford is an independent consultant working at the intersection between law and urban development in Sub-Saharan Africa. Stephen is also an Honorary Adjunct Associate Professor at the University of Cape Town’s African Centre for Cities. A central focus of his work is on the need to use data better in the design of regulatory interventions into the management and planning of African cities. Before establishing his consultancy in 2000 he worked for the town planning departments of Cape Town and Johannesburg municipalities as well as the Department of Land Affairs where he was Director: Land Development Facilitation, responsible for the implementation of South Africa’s first post-apartheid land development legislation. Stephen was the principal drafter of the 2001 White Paper on Spatial Planning and Land Use Management and has played a key role in the development of provincial planning legislation in five provinces. Currently he is advising the National Treasury in South Africa on new legislation for municipal development charges in South Africa, on a strategic review of the country’s spatial planning frameworks and the use of city land for PPPs.
MARIA BUHIGAS  
Urban Planning Expert. Urban Facts Consultants (Spain)

Born in Barcelona, she is an architect and urban planner, graduated from the School of Architecture of Barcelona ETSAB and received a Master’s Degree in Urban Planning (MsUP) from Columbia University. In 2014 she founded URBAN-FACTS, focused on urban strategy, urban planning and urban economic development. From her current position, she is supporting the Latin America and Caribbean Regional UN-Habitat Office (ROLAC) as Urban Development Advisor, as well as collaborating with different urban design and real estate firms in urban projects for the private and public sector. From 1999-2013, she developed her professional career in the public urban Agency, Barcelona Regional, the last five years as the Director of the Urban Strategy Department. In her work, stand out the studies in the field of industrial areas and their evolution, the role of the urban industry in the contemporary city, ways of interrelate urban and economic policies, as well as research on the urban planning tools and their renewal. She has participated in forums and conferences local and internationally and has written articles and publications related to the subjects of her work.

LIU CHENG  
National Registered Planner, Urban Design Studio. Guangzhou Urban Planning and Design Survey Research Institute (China)

Liu Cheng holds a Bachelor’s degree in Urban Planning at Tianjin University and a Master’s degree of Engineering at Tsinghua University in 2013. He was invited as a lecturer in urban design at the Architecture School of Amsterdam in August 2011. He has also participated in the Urban Design Joint Workshop held by Tsinghua University and MIT’s Architecture Department in June 2012. Since 2013, Liu Cheng has worked for Guangzhou Urban Planning & Design Survey Research Institute. His research is focused on urban planning and design, as well as urban strategic development.

ANGELICA DE LA CRUZ MERA  
Vice-Director of Urbanism. Ministry of Development. Government of Spain

Urban Lawyer. Member of several editors’ boards on Spanish legislation on urbanism, housing and land planning, among others. Ms. De La Cruz Civil Service Administrators Corps of the State. She is also lecturer and speaker in congresses, conferences and seminars related to urbanism and related subjects. She holds a degree in Law, with specialization in Urbanism. De la Cruz has been a technician of the Superior Body of Civil Engineering Management since 1987, Speaker within AETU, standing for Spanish Urban Technicians Association, and editor in the team of land and urban rehabilitation from 1992, until 2013. As a professor in both, public and private sectors, she has taught in universities, foundations and institutions of taxing studies. She has published several articles in specialized magazines and important editorials such as “El Consultor de los Ayuntamientos”, “Wolters Kluwer”, etc. She is currently the Vice-Director of Urbanism of Ministry of Development the Spanish Government.
LOURDES GERMAN  
Director, The Civic Innovation Project. Visiting Fellow, Lincoln Institute of Land Policy (USA)

Lourdes Germán serves as a Fellow at the Lincoln Institute of Land Policy, where she is supporting the launch of the institute’s global municipal fiscal health campaign, and is the Director of the Civic Innovation Project, a government innovation thought leadership platform. Lourdes began her career as an attorney advising government leaders in public finance at the international law firm Edwards Wildman and then joined Fidelity Investments as a Vice President where she co-created the company’s global business division focused on municipal finance. At Fidelity, Lourdes served as a senior advisor to government leaders using public finance for large capital projects. Lourdes also opened and managed Fidelity’s first New York office for municipal finance and helped develop Fidelity’s thought leadership program on government public finance. After Fidelity, Lourdes served as Vice President of Research and General Counsel at Breckinridge Capital Advisors, a global Investment Management Company focused on public finance investments and she developed and taught a graduate curriculum in municipal finance at the Northeastern University School of Law. Outside of work, Lourdes serves as a senior advisor to top government officials as an appointee of the Mayor of the City of Boston on the civic board that advises the City with respect to budget, capital, audit, and finance matters and has been appointed by the Governor of Massachusetts to the State Governance Board. Lourdes is a graduate of Boston College, where she received her degree with the highest distinction awarded by the University, Scholar of the College, and holds a Juris Doctorate degree in Law from the Boston University School of Law, with honors.

CARME GUAL VIA  
International Relations Coordinator. Ecology, Urbanism and Mobility, Barcelona City Council

Carme is a Lawyer and, since April 2014, she has been the Coordinator of the International Relations for Ecology at Barcelona City Council, where she has 20 years working experience in many different roles and responsibilities. For instance, Carme worked in the elaboration and implementation of the Plan for Irregular Settlements (2011) with the creation of an Office in charge of this question. She also worked at Foment de Ciutat Vella, SA. as Director of Communications and Participation. She has participated in international events such as Shanghai World Expo 2010.

SARA HOEFLICH  
Director of Programs Learning and Decentralized Cooperation. The Global Network of Cities, Local and Regional Governments (UCLG)

Sara Hoeflich de Duque has a diploma in engineering from the University of Aachen and is an architect and urban planner. She has been active in international cooperation and urban development and strategic planning for 20 years. Since 2006, she has been in charge of building knowledge and network on urban planning and management in UCLG with program focus in Africa. Currently she is responsible for the overall learning programs Previously she worked in German development cooperation GIZ in Indonesia and Colombia in the field of territorial and urban planning and management, as well as in urban design and social housing enterprises in her home town of Cologne in Germany.
LI KAIMENG  
Superintendent of Planning and Design Studio. Guangzhou Urban Planning and Design Survey Research Institute (China)

Li Kaimeng holds a Bachelor’s degree in Urban Planning at Chongqing University and a Master’s degree in Urban Planning at South China University of Technology. He is an expert of major administrative decision argumentation, Municipal Science and Technology, and Bid Evaluation of City Construction Projects in Guangzhou. He has worked as an Urban Planner for 14 years, covering from strategic to detailed planning. His work includes a number of major planning projects in China, involving 14 provinces such as Guangdong, Tianjin, Jiangsu, Zhejiang, Shandong, Shanxi, Henan, Hubei, Hunan, Sichuan, Jiangxi, Hainan, Xinjiang. He has been awarded for his work 21 times at national first prize, including Guangdong’s province first prize and Guangzhou’s first prize of Excellent Urban Planning Design Award. He won more than 40 times in international or domestic planning and design competitions. He has published more than 10 papers in various Chinese academic journals, with main research areas about city center area planning, new town district planning, industrial parks planning and rural planning.

ENRIC LAMBIES I ORTIN  
Director of Legal Coordination with Barcelona Metropolitan Area and Monitoring of Institutional Agreements. Barcelona City Council

He holds a degree in Law from the University of Barcelona (1980). He is also a Technical Planner and Secretary of Local Administration (1980), technician of General Administration of Barcelona City Hall (1984). Enric Lambies i Ortín is also a civil servant at Barcelona City Council since 1984. He has had various positions in the Department of Planning, such as Head of Planning Unit (1992), Director of Coordination and Resources (2001) and Legal Director of Planning and Infrastructure (2003). He has also been appointed Legal Director of Urban Habitat (2011) and he is currently the Director of Coordination with the Metropolitan Area and Monitoring of Institutional Agreements (2013). In terms of urban planning, Enric Lambies Ortín has participated in the drafting, prosecution and legal defence of Barcelona’s Master Plans approved between 1985 and 2013. He has also been involved in the Special Internal Reform Plans of the Old Town; planning of Barcelona’s Olympic Village (1992), Hotel plans, Special Interior Reform Plan. Also, he has been involved in other local planning projects such as Diagonal Poblenou and Poblenou 22@. He has been part of the Urban Planning Subcommittee of Barcelona from 1999 to 2015. His academic experience is in teaching within the fields of urban planning law and housing rights at Pompeu Fabra University. He is also a member of Barcelona Bar Association and the School of Public Administration of Catalonia.

REBECCA LESHINSKY  
Lawyer. Senior Lecturer, Royal Melbourne Institute of Technology University (Australia)

Dr. Rebecca Leshinsky is an Australian barrister (lawyer) with over 20 years of experience in property, land use planning & development. Rebecca is a Senior Lecturer-in-Law at the Royal Melbourne Institute of Technology University (RMIT), School of Property, Construction and Project Management (PCPM). She has worked on the law reform project for the Planning and Environment Act in the state of Victoria Planning Department and her academic research is centered on property and land use planning law & policy. Forthcoming publication: Leshinsky, R. and Legacy, C. (eds) (2016) Instruments of Planning: Towards more Equitable and Sustainable Cities. New York. Routledge.
JOSEP MARIA LLOP TORMÉ
Director of UNESCO Chair on Intermediate Cities, Lleida University (Spain)

Josep Maria Llop Torné is an architect and an urban planner since 1974. He graduated from the Superior Technical School of Architecture of Barcelona (ETSAB). He has developed his professional work in local planning management. He has worked as Planning Director of Lleida (1979-1987), and Director and Coordinator of Planning in Barcelona, prior to the Olympic Games of 1992 (1988-1991). He has also worked as Director of Planning and Environment of Lleida (1991-2003). He was appointed President of the AAUC (Association of Planning Architects of Catalonia) from 1989 to 2001. Josep Maria Llop Torné has also been a professor at the University of Lleida, the Polytechnic University of Catalonia and other universities, teaching graduate and postgraduate courses. As director of Lleida’s Master Plan (1995-2015), he obtained the Prize of Urban Planning of Catalonia. In 2010 he received a medal from Catalonia’s Official College of Architects as a reward for his efforts in promoting urban planning. Josep Maria Llop Torné has also served as the Coordinator of a joint project between URBAL Network (urbanization in Latin America) and CEPAL (Economic Commission for Latin America) on “Management and control of urbanization”. From 1996 to 2011, he was Director of the International Work Programme from the International Union of Architects (UIA) on Intermediate Cities and World Urbanization.

ADA LLORENS
BCN 42’ (Spain)

Architect and urban planner. Advisor to the Government of Barcelona and various municipalities. She was responsible for the Department of Urban Planning -Organizing Committee of the Olympic Games in Barcelona.

AURORA LOPEZ CORDUENTE
Manager of Planning Council, Ecology, Planning and Mobility Unit. Barcelona City Council

NISHA MISTRY
Director, Urban Law Center. Fordham University (USA)

Nisha Mistry is Director of the Urban Law Center at Fordham Law School in New York City. Previously, Nisha Mistry served as a policy advisor in the Department of Economic and Housing Development, City of Newark, New Jersey (U.S.A.), where she advised Newark’s Deputy Mayor on matters related to industrial revitalization and economic growth and served as founding manager of the Newark Manufacturing Initiative. She also served as a Visiting Fellow at Rutgers Business School. From 2009 to 2014, Mistry successively served as Lead Project Consultant (2009-2011) and Mayor’s Office Fellow (Office of Mayor Cory Booker, City of Newark) and Non-resident Fellow (2012-14) with the Brookings Institution’s Metropolitan Policy Program. She has authored policy reports for the Brookings Institution and served as a researcher to LSE Cities on governance and redevelopment issues in Istanbul, Turkey. Mistry is co-editor of the forthcoming volume “Law Between Buildings: Emergent Global Perspectives in Urban Law,” which will be released by Ashgate Publishing. A licensed attorney, Mistry holds a MSc. with Distinction in City Design & Social Science from the London School of Economics, Juris Doctor from Northeastern University School of Law, and B.A. from Barnard College. A native New Yorker, Mistry speaks Gujarati and German.
OSWALDO MOLINA  
Assistant Professor, Universidad del Pacifico (Peru)

Oswaldo Molina is an Assistant Professor at the Universidad del Pacifico and a Research Associate at Universidad Del Pacifico Research Center. Previously, he held a senior position at the Institute for Liberty and Democracy (ILD) as the Senior Economic Manager, where he lead the research projects and design the economic aspects of institutional reforms in developing countries. Furthermore, he worked as the General Director of User Management at the Peruvian Ministry of Development and Social Inclusion, where he managed the Peruvian targeting system for social policy. Dr. Molina received his PhD in Economics and MSc in Economics for Development from Oxford University and holds a BA degree in Economics from Universidad del Pacifico.

CARLES PAREJA  
Partner, Pareja & Associats. Professor, Pompeu Fabra University (20’) (Spain)

Carles Pareja has specialised in administrative law since 1977 accumulating a wealth of professional experience providing legal advice, preparing studies and legal opinions, carrying out legislative projects, preparing spatial planning and urban management tools, as well as providing defence counsel in contentious legal proceedings. He combines his professional role with academic activities, including both teaching and research. His academic career started at the Universidad Autònoma de Barcelona and later continued at Pompeu Fabra University. He has published widely including monographs on administrative law, urban planning, local government, the environment and public regulation of economic activities, in addition to many articles and chapters of books. He is also a frequent lecturer in courses, seminars and conferences in Spain and abroad, and he has taught on the Master’s in Regional Policy degree course at Carlos III University in Madrid for the last 20 years. He was co-founder and head of the Postgraduate Diploma in Real Estate Law and Urban Planning and head of the Master’s in Land Law, Urban Planning and Environment degree at Pompeu Fabra University. He was a visiting researcher at the Stanford Law School (USA) from 1992-1993 and he taught at the Open University of Catalonia from 1997-1998.

HERMAN PIENAAR  
Director: City Transformation and Spatial Planning, City of Johannesburg (South Africa)

Herman Pienaar is the Director: City Transformation and Spatial Planning in the Department of Development Planning at the City of Johannesburg. He has worked at the City of Johannesburg for the past 14 years, leading a team of urban planners to design and maintain the City’s Spatial Development Framework and related planning policies and strategies. He has led the development of a Growth Management Strategy that aims to steer both public and private investments towards locations that are more desirable and sustainable. Mr. Pienaar also directs and coordinates the City’s capital investment process in order to strategically align infrastructure spending to meet development goals and strategic outcomes. To this end he developed the Capital Investment Management System, (CIMS), and institutionalized an integrated process for prioritization and alignment of capital investment in the City of Johannesburg. Mr. Pienaar plays a strategic role in the drive to transform the City of Johannesburg from an apartheid city to a functional and inclusive World Class African City.
JUAN FELIPE PINILLA
Lawyer and Independent Consultant. JFP& Asociados-Derecho Urbano (Colombia)

Lawyer with a Master in Urban Management. Independent Consultant (Juan Felipe Pinilla & Asociados Derecho Urbano) and Coordinator of the legal and public component of “Progresa Fenicia”, an urban regeneration project in Bogota- Colombia promoted by University of Los Andes. As an independent consultant, he focuses on advising and conducts research for a wide range of public and international organizations on issues related to land management instruments, land value capture mechanisms and urban law. Juan Felipe Pinilla has been a consultant for several public agencies in Bogota, such as: The Planning Department, The Urban Renewal Company and Metrovivienda and for international organizations such as UN-Habitat, the Development Bank of Latin America (CAF), the Inter-American Development Bank (IDB) and the World Bank (WB). He is involved in academic and training activities at different institutions where he has been invited as a lecturer on property rights and urban law at the undergraduate and graduate level.

MARTINA SPERNBAUER
Quality Management Officer Urban Development, DG International Cooperation and Development. European Commission

Martina Spernbanuer Ph.D. (European University Institute), has worked for the Austrian Ministry of Foreign Affairs in Vienna, and the European Union in Brussels, Kosovo (CSDP mission) and Afghanistan (EU Delegation to Afghanistan). She has published on various aspects of International Law and EU external relations, including EU membership conditionality. Since September 2015, she is working in the European Commission’s DG International Cooperation and Development, as staff member in the thematic unit “Water, Infrastructure and Cities.”

ROBERT LEWIS-LETTINGTON
Urban Land, Legislation and Governance Branch. Urban Legislation Unit. UN Habitat

Leader of UN-Habitat’s Urban Legislation Unit, which as part of the Legislation, Land and Governance Branch, includes the responsibility for the multi-unit project, “Participatory and Inclusive Land Readjustment”, which is focused on the development of a global pilot in partnership with the City of Medellin, Colombia. Robert is a lawyer with fifteen years’ experience in supporting policy formulation and legislative drafting at the national and international levels. Robert holds graduate degrees in Law, Architectural History and History. He has worked for, or provided consultancy services to, a number of United Nations and other intergovernmental agencies as well as national governments and NGO’s in five continents. Robert has also taught legislative drafting and intellectual property rights law in Kenya. Robert’s principal areas of work have been: legislative processes and methodologies; urban law; land, natural resources and environmental law; trade and commercial law; and, legal history.
GIANLUCA CRISPI
Urban Land, Legislation and Governance Branch. Urban Legislation Unit. UN Habitat

Gianluca Crispi has more than ten years’ experience in supporting policy formulation and the review of urban planning regulatory systems. Gianluca is currently serving as Legal Officer in the Urban Legislation Unit of UN-Habitat providing legal advice to UN-Habitat’s planning projects and assisting member states and local authorities in translating urban policies into effectively implementable laws. He is currently leading the Essential Law Programme, an initiative that aims at analyzing the main constraints of practicability and enforceability of urban legislation in developing countries. Prior to his current position, he worked as Research Officer for the UN State of the World’s Cities Report, a normative tool geared to inform policy discussion and to assist local governments in designing sustainable urban policies.

MARCO KAMIYA
Urban Economy Branch. Urban and Municipal Finance. UN Habitat

Marco Kamiya is Leader of the Urban Economy and Municipal Finance Unit at the Urban Economy Branch, UN HABITAT headquarters in Kenya. He works globally on urban economy studies and municipal finance in Africa, Asia and Latin America. He was Senior Manager at CAF Development Bank in Venezuela; Senior Consultant at the Inter-American Development Bank in Washington DC, and Director of International Projects at PADECO Co., Ltd., a global development consultancy firm, in Tokyo, Japan. He studied Economics in Lima and Tokyo, and International Development at Harvard University. He is co-author of forthcoming UN-HABITAT’s World Cities Report 2016, and co-editor of UN-HABITAT handbook “Finance for City Leaders”. He has published at CAF and IADB on entrepreneurship, finance, innovation and urban development.

SALVATORE FUNDARO
Urban Planning & Design LAB. UN-Habitat

Salvatore Fundaró is urban planner and designer at UN-Habitat Urban Planning and Design LAB since June 2012, following several urban planning projects in Africa, South America and Asia. Graduated as Architect at Università degli Studi di Palermo, he continued his studies and professional activity in Barcelona at Universitat Politècnica de Catalunya and Escola Sert-COAC. He has more than 15 years of experience in urban planning projects, developed both in the public and private sector. He has worked as project leader in many Spanish architectural and urban planning agencies, among the others in Busquets Arquitectura y Urbanismo, Ana Coello Paisaje y Arquitectura and ERV Arquitectos, developing several architecture and urban planning projects in Europe, Latin America and Africa. He has also developed professional career in local government, being urban designer at Gavà (Barcelona) City Council Planning Agency, and as a freelance, being the founder partner of Roca & Fundaró Arquitectes, developing architectural and urban planning projects in Spain and Italy. Salvatore Fundaró also participated as tutor to several architecture and urban planning seminars and workshops, and to the editing of different publications in Spain and Italy.
CARMEN SANCHEZ-MIRANDA GALLEGO
UN-Habitat Office in Spain

Carmen Sánchez-Miranda Gallego has a degree in Economics from the University of Salamanca, a Master’s Degree in Political Science from the Latin American Faculty of Social Sciences (FLACSO) and is a Gender Studies Graduate from the University Rafael Landivar. She has over fifteen years of experience in the field of development cooperation, of which ten have been dedicated to the management of programs in Latin America. Before joining UN-Habitat Office in Spain in July 2012, she has worked at the United Nations Development Programme, the Spanish Agency for Multilateral Cooperation, several private foundations such as the Club of Madrid, and various international consulting institutions. She has specialized in development, humanitarian aid efficiency and multilateralism. She has published several articles and reports on the analysis of development and has taught and lectured on topics related to development studies in several universities in Spain.

THOMAS STELLMACH
Urban Planning and Design Branch. City Planning, Extensions and Design Unit. UN Habitat

Thomas Stellmach is founding director at TSPA Making Cities, a Berlin based planning and architecture studio and consults the UN-Habitat Urban Planning and Design Branch as urban planning and design expert. He supports the programme for achieving sustainable urban development with pilot projects in the Philippines, Rwanda, and Mozambique. Thomas is currently developing a planning methodology for sustainable urban development in rapidly growing contexts for UN-Habitat. Recent examples of TSPA’s work are a strategic plan for the 8 million people of Germany’s challenged Ruhr region, city transformation projects in Baghdad and Moscow, as well as the competition-winning concept for Berlin’s central library and adjacent neighbourhood. In 2016, construction of TSPA’s mixed use city extension project for Naberezhny Chelny in Russia starts.
4.3 ANNEX 3: EGM PROGRAMME

Thursday, 17th December 2015

<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
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<tbody>
<tr>
<td>08:30–09:00</td>
<td>Arrival and registration of participants</td>
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<tr>
<td>09:00–09:30</td>
<td>Welcoming and introduction remarks</td>
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<td></td>
<td>• Joan Clos. Executive Director, United Nations Human Settlements Programme (UN-Habitat) and Under Secretary General, United Nations (video message)</td>
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<td></td>
<td>• Robert Lewis-Lettington. Coordinator of Legislation, Land and Governance Branch. Leader of Legislation Unit. UN-Habitat.</td>
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<td></td>
<td>• Enric Lambies i Ortin. Director of Legal Coordination with Barcelona Metropolitan Area and Monitoring of Institutional Agreements, Barcelona City Council.</td>
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<td></td>
<td>Participants’ introduction round</td>
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<tr>
<td>09:30–11:00</td>
<td>Session 1: Defining the challenge: the failure of planning law</td>
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<tr>
<td></td>
<td>• Stephen Berrisford. Honorary Adjunct Associate Professor, African Centre for Cities. University of Cape Town (South Africa).</td>
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<td>• Angela de la Cruz Mera. Vice-Director of Urbanism. Ministry of Development. Government of Spain.</td>
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<tr>
<td>11:15–11:30</td>
<td>Coffee Break</td>
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<tr>
<td>11:30–13:00</td>
<td>Session 2: Priority policy objectives in resource poor settings</td>
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<td></td>
<td>• Thomas Stellmach. Consultant, Urban Planning and Design Expert. UN-Habitat. (20’ )</td>
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<td></td>
<td>• Herman Pienaar. Director: City Transformation and Spatial Planning. City of Johannesburg (South Africa). (20’ )</td>
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<tr>
<td>13:00–14:30</td>
<td>Lunch Break</td>
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<tr>
<td>Time</td>
<td>Session</td>
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| 15:00-16:15  | Session 3 – The relevance of planning hierarchies and achieving integrated planning  
  □ Josep Maria Llop. Director of UNESCO Chair on Intermediate Cities. Lleida University. (20’)  
  □ Juan Felipe Pinilla. Lawyer and Independent Consultant. JFP& Asociados-Derecho Urbano (Colombia). (20’)  
  **Respondent:** Sara Hoeflich. Director of Programs Learning and Decentralized Cooperation. The Global Network of Cities, Local and Regional Governments (UCLG). (10’)  
| 16:15-17:30  | Session 4 – Planning vs Design  
  □ Li Kaimeng, Superintendent of Planning and Design Studio, & Liu Cheng, National Registered Planner. Guangzhou Urban Planning and Design Survey Research Institute (China). (20’)  
  □ Salvatore Fundaro. Urban Planning and Design Expert, Urban Planning and Design Branch. City Planning, Extensions and Design Unit. UN-Habitat. (20’)  
  **Respondent:** Aurora López Corduente. Manager of Planning Council, Ecology, Planning and Mobility Unit. Barcelona City Council (10’).  
  **Moderator:** Annika Lenz. Liaison Officer, UN-Habitat Office for Liaison with European Institutions. |
| 17:30-17:45  | Recap of Day                                                                   |

**Friday, 18th December 2015**

<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
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</table>
| 9:00-10:30   | Session 5: The final kilometre: development control that reflects planning objectives  
  ▪ Rebecca Leshinsky. Lawyer. Senior Lecturer, Royal Melbourne Institute of Technology University (RMIT) (Australia). (20’)  
  ▪ Stuart Andrews. Specialist Planning Lawyer and Head of the National Planning and Infrastructure Consenting Team. Eversheds (United Kingdom). (20’)  
  **Respondent:** Salvatore Fundaro. Urban Planning and Design Expert. City Planning, Extensions and Design Unit. UN-Habitat. (10’).  
  **Moderator:** Marco Kamiya. Unit Leader, Urban Economy Branch. Urban Economy and Municipal Finance. UN-Habitat. |
<p>| 10:45-11:00  | Coffee Break                                                             |</p>
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<tr>
<th>Time</th>
<th>Session</th>
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<tr>
<td>11:30-13:00</td>
<td>Session 6: Public and private interests in planning law</td>
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<td>• Carles Pareja. Partner, Pareja &amp; Associats. Professor, Pompeu Fabra. (20’)</td>
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<td>• Rachelle Alterman. Professor (emerita). Head, Laboratory on Comparative Planning Law and Property Rights. Technion – Israel Institute of Technology. (20’)</td>
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<td><strong>Respondent:</strong> Nisha Mistry. Director, Urban Law Center. Fordham University (USA). (10’)</td>
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<td><strong>Moderator:</strong> Carmen Sánchez-Miranda Gallego. Head of Office. UN-Habitat Office in Spain</td>
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<tr>
<td>13:00-14:30</td>
<td>Lunch Break</td>
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<tr>
<td>14:30-16:00</td>
<td>Session 7: The international guidelines on urban and territorial planning</td>
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<td></td>
<td>• Oswaldo Molina. Assistant Professor, Universidad del Pacifico (Peru). (20’)</td>
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<td><strong>Moderator:</strong> Gianluca Crispi. Urban Land, Legislation and Governance Branch. Urban Legislation Unit. UN-Habitat</td>
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<td>16:00-16:15</td>
<td>Coffee Break</td>
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<td>16:00-16:30</td>
<td>Conclusions and Way forward.</td>
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<td>□ Carme Gual Via. International Relations Coordinator. Ecology, Urbanism and Mobility, Barcelona City Council.</td>
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