

THE RULES OF THE GAME: URBAN GOVERNANCE AND LEGISLATION

Urban governance and legislation efforts still inadequate, new UN-Habitat report asserts

The continuation of a legal system that does not fundamentally express the realities of the socioeconomic and political-institutional processes that it proposes to regulate, i.e., the realities of its context, generates distortions.

Although many countries have embarked on urban governance and legislation, the results are still inadequate and fall short of the ideal, according to the just released *The World Cities Report 2016, Urbanization and Development: Emerging Futures*, by the United Nations Human Settlements Programme, UN-Habitat. Furthermore, legislative reforms are yet to come and in most countries the dispensation of public power remains very similar to what it was at the time of Habitat II - The second United Nations Conference on Human Settlements held in 1996 – says the Report.

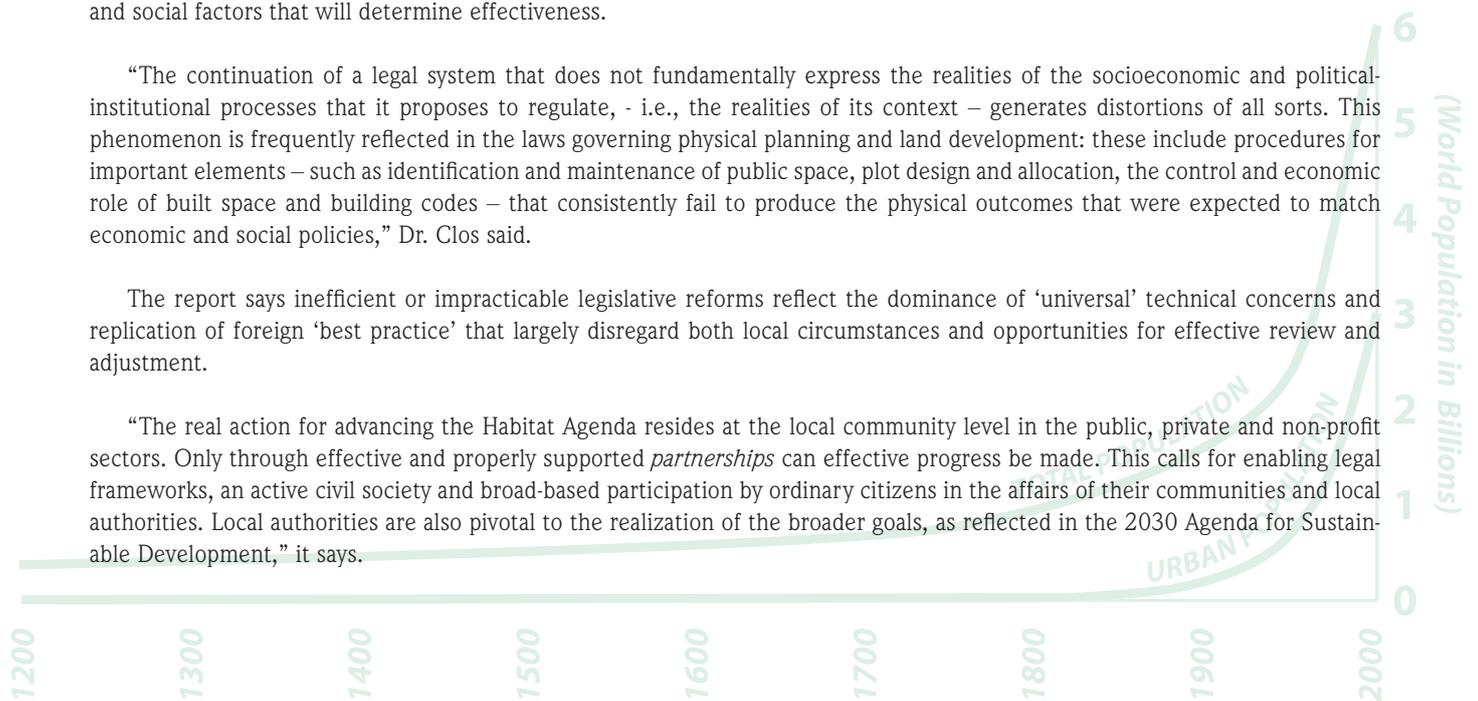
UN Under-Secretary-General and UN-Habitat Executive Director, Dr Joan Clos, said: “Robust and well-implemented urban rules and regulations create an enabling environment for fostering positive urban development. Despite many countries embarking on decentralization, results have been highly variable, generally falling short of the ambitions set out at Habitat II.”

Under urban law, the report says the broad-ranging collection of diverse policies, laws, decisions and practices that govern the management and development of the urban environment - remains a highly segmented and complex field driven by a dynamic where technical objectives in specific fields are considered in isolation from each other, as well as from the institutional, financial and social factors that will determine effectiveness.

“The continuation of a legal system that does not fundamentally express the realities of the socioeconomic and political-institutional processes that it proposes to regulate, - i.e., the realities of its context – generates distortions of all sorts. This phenomenon is frequently reflected in the laws governing physical planning and land development: these include procedures for important elements – such as identification and maintenance of public space, plot design and allocation, the control and economic role of built space and building codes – that consistently fail to produce the physical outcomes that were expected to match economic and social policies,” Dr. Clos said.

The report says inefficient or impracticable legislative reforms reflect the dominance of ‘universal’ technical concerns and replication of foreign ‘best practice’ that largely disregard both local circumstances and opportunities for effective review and adjustment.

“The real action for advancing the Habitat Agenda resides at the local community level in the public, private and non-profit sectors. Only through effective and properly supported *partnerships* can effective progress be made. This calls for enabling legal frameworks, an active civil society and broad-based participation by ordinary citizens in the affairs of their communities and local authorities. Local authorities are also pivotal to the realization of the broader goals, as reflected in the 2030 Agenda for Sustainable Development,” it says.



Box 6.1: What is urban law?

Urban law is the broad ranging, collection of diverse policies, laws, decisions and practices that govern the management and development of the urban environment. Urban law has several defining characteristics:

- It governs the crucial functions of towns and cities and reflects the rights and responsibilities of the residents and users of these urban areas. The functions are diverse, including urban planning, municipal finance, land administration and management, infrastructure provision, mobility and local economic development, among others.
- It is present at various levels, from internationally recognized rights, such as the right to housing, to national legislation and on to municipal rules or by-laws that often govern local issues such as provision of services or management of public space.
- It often has a dual character, with an apparently neutral technical nature accompanied by a complex social aspect, including the potential for differential effects on different groups within the urban environment - with those more vulnerable, such as the poor and the socially marginalized, being of particular concern.

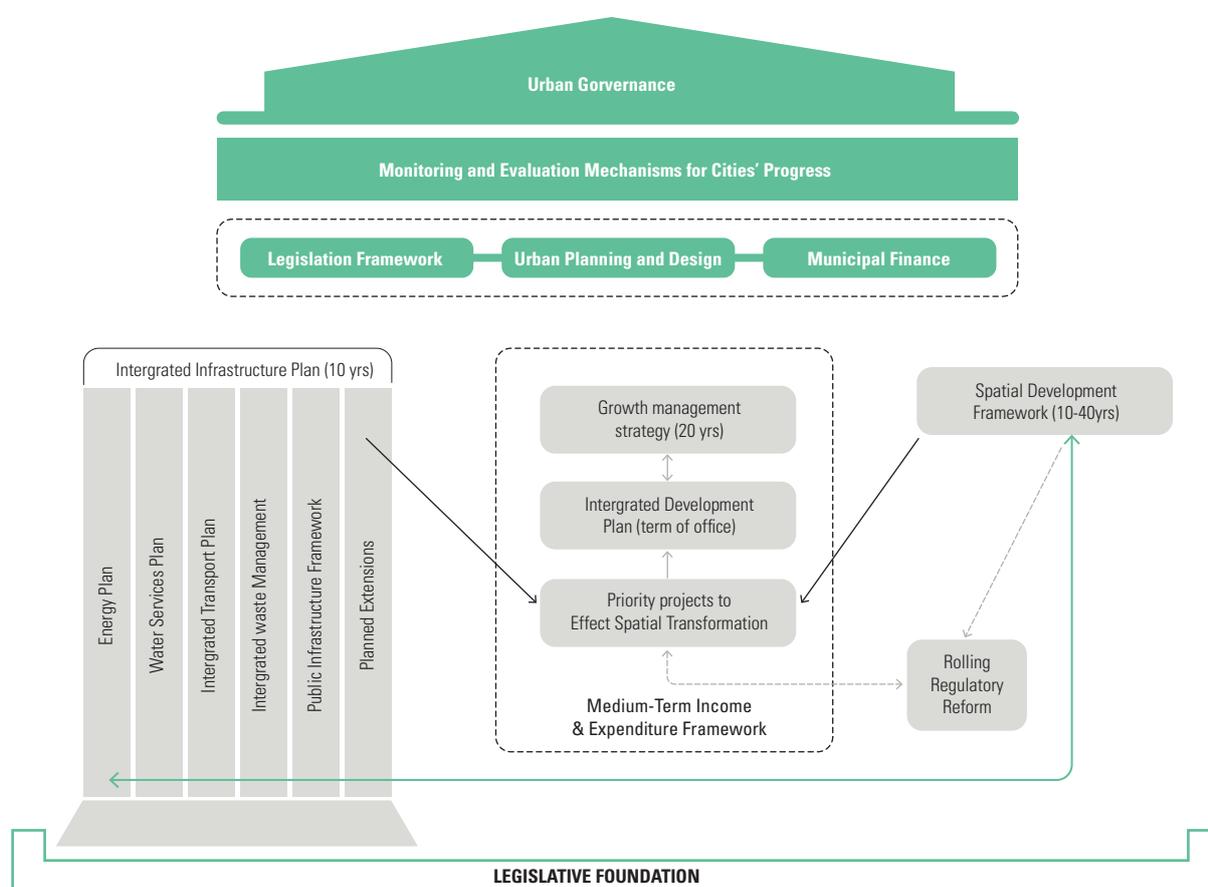
Source: United Nations, 2015j.

Key messages

- Good quality urban law contributes to investment, strong economic performance and wealth creation, as it provides predictability and order in urban development.
- Effective local governance rests on participatory service delivery planning, budgeting, management and monitoring. When endowed with appropriate legal powers, adequate financial allocations and the human capacity they can drive the transformation agenda.
- The critical ingredient for successful legal reform is credibility. Credibility is enhanced when laws are culturally resonant and enforceable.
- A focus on basic, essential statutory and derived legislation that can be enforced will provide the most effective support to sustainable urban development.

Figure 6.3: The institutional components of effective urban governance

Source: UN-Habitat, 2015.



The World Cities Report will be available for download from the UN-Habitat publication site

<http://unhabitat.org/urban-knowledge/publications/> and as an App for mobile devices from <http://appstore.unhabitat.org>

For more information, please contact: **Mr. Gordon Weiss**, Spokesperson and Head Advocacy, Outreach and Communications, e-mail: Gordon.weiss@unhabitat.org, or **Jeanette Elsworth**, Head of Press and Media, Jeanette.elsworth@unhabitat.org Tel: +254 20 7623147