

Getting Back to the Agenda

HIC Statement on the Occasion of the NUA+5 Implementation Review

With today's belated five-year review of implementing the UN New Urban Agenda (NUA), the third global Habitat Agenda since 1976, HIC shares this anniversary by celebrating its own 45 years of accompanying and contributing to the successive global human-settlement policies. We also welcome the UN Secretary General's recent Quadrennial Report, which contains a rich repertoire of global efforts by states and their spheres of government, UN agencies, civil society and private sector under the NUA's principal operational themes: urban policies, urban governance, urban planning, municipal finance and technology.¹

At the same time, we are concerned that, while a comprehensive assessment is difficult, it is evident that many countries still lack awareness of the NUA and how to implement it, or how that could help accelerate the achievement of the SDGs and other policy frameworks.² As only 25 countries have submitted progress reports on NUA implementation so far,³ a comprehensive review of NUA implementation is not possible at this time. The Quadrennial Report finds that "the implementation and monitoring of the New Urban Agenda remains largely unimplemented."⁴

From the perspective of the past 45 years of Habitat Agendas, we are dismayed at NUA's lack of prominence, particularly after we all have expended so much time, effort and other resources toward its adoption. However, this follows a pattern, whereby UN Habitat did not accept any evaluative reporting on the neglected Habitat II Agenda in the Habitat III process, or reference to the previous Habitat II commitments since 1996. This time, like the serial reports on Habitat Agenda implementation to the General Assembly and ECOSOC,⁵ this quadrennial report makes no reference to any commitment enshrined in the global human settlements policy of 2016. We are concerned also that this treatment will again assign the NUA's contents to the same inattention and oblivion as its predecessors.

Obligations and Commitments

In passing, the NUA does refer to states' human rights obligations, in general,⁶ to the rights of refugees,⁷ and to "support [sic] the progressive realization of the right to adequate housing for all as a component of the right to an adequate standard of living,"⁸ in particular. However, implementing these prior, permanent and binding obligations are not reflected in the Quadrennial Report. That is despite its overarching UN Charter framework and the relevant stakeholder inputs to the preparatory Quadrennial Report Write-shop, including from its Human Rights Clinic.⁹

This NUA formula of obligations and commitments on the part of states and their constituent organs is a standard of UN norm setting, and all stakeholders still need to understand and operationalize **respect, protection and fulfillment of human rights in the context of cities and human settlements** as integral to the NUA. Human rights implementation—among the three purposeful pillars of the UN, mandating all UN Charter-based bodies and agencies—is key to maintaining human life with dignity for all through self-determination; nondiscrimination; gender equality; rule of law; progressive realization of economic, social and cultural rights; the maximum of available resources; and international cooperation.¹⁰ This, fundament of both human rights implementation and sustainable development is the subject of a gap to be filled in NUA implementation, monitoring and evaluation.

Inexplicably, the current NUA-implementation report is silent about NUA commitments to achieve sustainable urban development and addressing the increasing financialization of housing and key goods and services by ensuring the **social and environmental functions of land and the city**¹¹ and supporting **social production of housing and habitat**,¹² while disregarding the NUA-reaffirmed obligation to **the full and progressive realization of the human right to adequate housing**.¹³ Moreover, the NUA also promises states' promotion of, and support to **social and solidarity economy, operating in both the formal and informal economies**.¹⁴ Despite the **NUA commitment to prevent forced evictions**, aligned with the binding international law prohibition on its practice¹⁵, states treaty obligation to report periodically on such instances their impacts,^{16a} and renewed commitments to stop evictions through the COVID-19 outbreak^{16b}, none of the UN-Habitat guidelines for national reporting on NUA implementation,¹⁷ the current Quadrennial Report, or the new system-wide Global Urban Monitoring Framework (GUMF)¹⁸ mentions these urgencies. (However, the GUMF does incorporate the legal criteria of adequate housing).

While omitting reference to NUA commitments, the implementation report does draw randomly on certain commitments as themes for reporting on urban-development initiatives. Without reference to the corresponding NUA commitments, the report recognizes the essential role of local government in NUA implementation¹⁹ and catalogs efforts at decentralization²⁰ and data collection,²¹ including community-led and citizen-generated data collection,²² for example.

The report also cites several "smart city" projects,²³ with national governments steering "smart city" development beyond a technological concept to "an approach that incorporates principles of inclusion, human rights and ecological sustainability."²⁴ However this controversial assertion has yet to be substantiated.²⁵

Stakeholder Engagement

The involvement of the diverse constituencies to support NUA implementation, as called for in General Assembly resolution 71/235,²⁶ is needed to enhance collaborative action on housing and sustainable urban development.²⁷ The 2018 Quadrennial Report had noted that “Significant positive interactions are achieved when multisectoral, multi-stakeholder governance and partnerships are adopted.”²⁸ It promised that the 2022 report “will also include voluntary inputs from Member States and contributions from the United Nations system, regional and subregional organizations, partners and stakeholders, using the platforms of engagement proposed in the present report.”²⁹ The 2018 report further states that “The New Urban Agenda requires that reporting on the progress of its implementation be country-led, outlining an inclusive process that integrates the actions of a wide range of stakeholders, complementing the work of national Governments, including the collation of data and information and their use in policy formulation.”³⁰ For example, “independent platforms and stakeholder networks, such as the Global Platform for the Right to the City and the General Assembly of Partners, promote bottom-up monitoring and reporting on the Agenda and the Goals.”³¹ It recommends that “The United Nations system should strengthen existing multi-stakeholder platforms that facilitate participation and engagement at all levels and support Member States in reporting on the Agenda and the Goals.”³²

With full appreciation of these theoretical principles and the will and readiness to participate with its diverse and deep-rooted experience, HIC and partners still look forward to UN-Habitat fulfilling its promise since 2019 to facilitate a self-organized stakeholder-engagement mechanism.³³ However, the political and institutional will appears to be lacking at all levels to fulfill that principled commitment.

Reaffirming HIC Commitments and Contributions

Reflecting on the findings of the new Quadrennial Report and experience at negotiating and monitoring the NUA, we commit to contributing to further progress in the following areas of NUA-implementation engagement:

- Increasing the NUA’s visibility within our constituencies as a more-specific complement to other legal obligations and policy commitments of our states and their organs, including local governments and authorities;
- Filling the normative and operational gaps in NUA implementation, monitoring and evaluative reporting, in particular, demonstrating and building awareness of the links between specific NUA commitments and their corresponding prior, permanent and binding human rights obligations;
- Working with UN-Habitat to develop and seek long-term and predictable financing, institutional capacity and reasoned political will for the implementation and monitoring of the NUA and the long-promised and still-needed self-organized stakeholder-engagement mechanism in conjunction with the UN Habitat Assembly and subsidiaries;
- Supporting the self-expressed priorities, needs and experiences of citizens and communities, especially women, impoverished persons and communities, older persons, indigenous peoples, people under occupation, persons with disability, youth, minorities and other marginalized groups, as well as the organizations supporting them.

HIC Calls for:

- Working toward a holistic approach to NUA implementation, prioritizing its more-progressive commitments, including those cited above, but which remain omitted from monitoring and reporting instruments and practices to date;
- In particular, fulfilling the social function of property, land and human settlements by strengthening collective social, cultural and environmental interests over neo-liberal economic policies and market-driven corporate interests;
- Also promoting and supporting the social production of housing and habitat, as states committed to do in the NUA;
- Ensuring that the participatory and fairness principles and practices of solidarity economy are operationalized as a function of NUA implementation;
- Operationalizing the democratic management of cities and territories, ensuring that all human-settlement inhabitants exercise their human right to meaningful participation in local political, development and city-management processes;
- Enforcement of the prohibition against forced evictions and full reparation for such gross violations,³⁴ in accordance with international law³⁵;
- Duty holders, including states, their organs and other responsible parties, to make reparations to victims of gross violations of habitat-related human rights, both in peacetime and in situations of conflict, occupation and war;
- Reconciling the digital divide that separates North and South and socio-economic strata within states;
- Implementing genuine decentralization with the necessary capabilities and resources in the local sphere to ensure that local governments and authorities can make effective decisions to fulfill inhabitants’ human rights in the context of human settlements.

New York, April 27th, 2022

