

Berrisford comment: 'Draft NUA (18 July 2016)'

Introduction

- This document sets out my initial thoughts on the 18 July 2016 draft New Urban Agenda circulated by the Habitat III secretariat.
- It begins with overall concerns relating to the overall approach and structure of the document and this is followed by a set of clause-by-clause, specific observations.

Overall

- No reflection on what was the outcome of the **Habitat Agenda**. What was learned from the experience of implementing it and how does this shape what we are aiming for in the NUA? To the extent that the Habitat Agenda failed, how should the New Urban Agenda be different to ensure that it is implemented more effectively. I don't think that paragraph 3 does justice to this question and without this analytical base it is hard to understand how serious the prescriptions of the NUA are, or how effective they'll be in practice.
- What **causes** the problems that the NUA exhorts us all to address? Cities are places of contestation and conflict. People come to cities - and remain in cities - to improve their material conditions. Households and firms compete with each other to get the best deal and cities compete with each other to give their inhabitants the best deal. This **contestation** is balanced with the need for **collaboration**. Identifying how cities fail to reach an optimal balance between these two impulses is core to identifying what interventions the NUA should propose. The term 'challenges' is first used only at paragraph 23. 'Threats' only arises in paragraph 55.
- The NUA doesn't identify the **risks** that arise from cities attempting to implement the actions demanded by the NUA, especially where they necessitate balancing opposing interests of different groups and sectors.
- The injunctions of the draft NUA are not all mutually reinforcing of each other, especially when applied to the particular contexts of particular cities. This means that cities have to make **choices**. These choices have to be based on each city's own strategic objectives, natural resources, demography, economic priorities and so on. The NUA should thus read more as a guide on how cities make these choices rather than a task list of actions to be implemented one after the other. This is especially important in the resource-constrained cities of the global south (but the principle is applicable to a greater or lesser extent in every city in the world).

- Many commentators have called for the document to be streamlined. I endorse these. For example, it would be useful to have somewhere at the beginning of the document to set out which marginalised groups need to be included in urban development processes, instead of listing them repeatedly through the document. Similarly, I think that it would make sense, in the implementation plan (paragraph 18 onwards) to set out the implementation actions (e.g. revise building codes and standards) and then relate them to the multiple thematic and secular areas to which these actions need to apply, rather than repeating the actions under the thematic areas. Focusing on actions and interventions seems more useful in an implementation plan than focusing on concerns or themes.¹

Specific

- Paragraph 8. '*Equal* use and enjoyment of cities' (my emphasis) is an unattainable goal. 'Cities for all' doesn't mean that every person and every firm in a city has an *equal* use and enjoyment, but it must be that every person and firm has a fair and protected chance to use and enjoy the city.
- Paragraph 12. The use of the term 'transform' at 12(a) highlights the general concern identified above. Transformation implies a change **from** one state **to** another. To transform only for transforming's sake is not a useful exercise if the current and future states are not clearly understood.
- Paragraph 40. The term 'social habitat production' is jargon that should not be used in a document like this.
- Paragraphs 60 and 61 deal with land consumption and land supply, which are both important issues. However it is the impact of both consumption and supply on land *prices* that is essential to determine whether or not there will be inclusion of poor households.
- Paragraph 69. The 'build back better' principles are not familiar to people who don't work in post-disaster work and clearer wording is needed there.
- Paragraph 91. The emphasis on compliance here is problematic. It assumes that the legal requirements with which there must be compliance are legitimate and appropriate. In most cities of the global south there has to be law reform first, to promote more affordable, more open access to land rights before pushing compliance. Pushing compliance with inappropriate legal requirements will reveal widespread non-

¹ On the issue of groups to be targeted for inclusion, a number of the Policy Units included people discriminated against on the grounds of **sexual orientation** as a group that should be specifically listed in the NUA, not least because of the importance of public urban spaces for the many people in this group (escaping discrimination at home, asserting identity, promoting openness etc). This group is not identified anywhere in the NUA.

compliance, which in turn will lead to displacement, demolition and eviction. The wording here has to change.

- Paragraph 106. It strikes me that 'knowledge sharing and peer learning partnerships' should have a much higher and more prominent status in the NUA. It's too important to be limited to this paragraph that refers only to water and sanitation. Reference is made to peer-learning later, in paragraphs 133 and 136, but as an implementation action; I wonder if it's not more important than that, that it should be a substantive goal of the NUA to achieve learning across national and regional boundaries and between cities (South-South, North-South, South-North, networks, triangles, regional etc). For now, peer learning is identified as an end goal for water and sanitation only, but alluded to as a means of achieving the NUA's wider set of objectives.
- Paragraph 107. The references to what needs to be done to promote energy efficiency fail to highlight that there are necessary and inherent *trade-offs* to be made, in relation to affordability, between short-term and medium-term objectives. In the medium to long term there will be savings from energy efficiency, but in the short term the affordability burden of complying with new 'codes and standards' falls on firms and (mainly poor) households.
- Paragraphs 120 and 124 both refer to capture of land value increases resulting from infrastructure investment and planning. I suggest that *sharing* is preferable to *capture*. Capture comes across as unnecessarily and inaccurately as predatory.
- Paragraph 120. The 'principle of national ownership' is not explained: ownership of what?
- Paragraph 124. The last two sentences need to be clarified. Perhaps, in place of the last but one sentence: "We will reinforce the links between fiscal systems and urban planning and management instruments, enabling effective land market regulation." The last sentence is difficult to understand.

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