

Climate Policy in Cities without Forced Evictions – Establishing Human Rights Principles in the Urban Agenda

MISEREOR Policy Paper on the 3. UN Conference on
Housing and Sustainable Urban Development (Habitat III)

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May 2016

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1. Climate policy in cities without forced evictions – establishing human rights principles in the urban agenda

The Third UN Conference on Housing and Sustainable Urban Development – Habitat III, which takes place in Quito, Ecuador, from 17th– 20th October 2016, aims to implement the Agenda 2030 and the Sustainable Development Goals for the urban areas into concrete actions. The Conference aims to design a set of guidelines of sustainable urban development, the “New Urban Agenda” (NUA).

As a Catholic Development Agency, MISEREOR for years has been supporting the urban poor in asserting their right to the city, to housing and continued abode and hence to a decent life as well as in preventing forced evictions. With a view to linking urban climate policy with poverty reduction, MISEREOR demands that the rights and interests of the urban poor and those living in informal settlements come centre-stage in international climate policy. Solely incremental measures, i.e. isolated improvements, are not enough. An entirely new political agenda is needed to improve the living situation of the urban poor as a central element of a sustainable development path that is both poverty and justice oriented.

MISEREOR expects the German Government to support in particular the following demands in the context of the Third UN Summit on Housing and Sustainable Urban Development (Habitat III):

1. Urban climate policy needs to serve the protection of the urban poor and poverty reduction. The emphasis must be on asserting the right of the urban poor to the cities and to housing as well as their rights of abode, and hence their right to a decent life.
2. The implementation of ecological sustainability and sustainable development in the context of the 2030 Agenda at the expense of human rights violations and an increase in social injustice is politically and socially unacceptable. Therefore, the universal human rights have to provide the framework for the New Urban Agenda.
3. Compliance with binding social, ecological and human rights guidelines to prevent forced evictions in all direct and indirect funding and implementation initiatives in German development cooperation. In addition, the New Urban Agenda has to contain an explicit ban on forced evictions.
4. Review of publicly and internationally financed climate adaptation projects with regard to compliance with binding social, ecological and human rights standards for German participation in international climate financing projects, whether they be direct or indirect.

5. Orienting municipal development cooperation and urbanisation and climate partnerships on human rights principles as well as regular monitoring of and public reporting on the impact of municipal development and climate partnerships on urban climate and development policies in Germany and in the partner municipalities.
6. Establishing the obligation to provide adequate and climate-friendly housing for all as a centrepiece of the New Urban Agenda.

2. Urban climate policy has to serve the protection of the poorest groups and poverty reduction

By 2050, almost two thirds of the world population will be living in cities. The enormous growth of the urban population is creating social and ecological challenges for small and megacities alike. For already today, they have to struggle with densely populated poor settlements that lack even the bare essentials whereas the middle and upper classes can retreat to wealthy enclaves and acquire urban community goods and spaces. The urban lifestyle of these more affluent strata in society, oriented on Western models, has already led to cities nowadays consuming around 70 per cent of the energy produced world-wide and emitting 70 per cent of the greenhouse gas emissions world-wide. The lion's share of future additional energy demand will also be consumed by cities, which makes them a crucial factor in limiting climate change. On the other hand, cities are also immediately exposed to the hazards of climate change, for example through typhoons, heat waves and mudslides.

This puts topics such as lifestyles, mobility, infrastructure and the way in which our cities are built and structured in terms of social environments on the agenda. For example, if the conditions of urban development are correct, life in cities is generally more natural resource-friendly than a comparable lifestyle in a rural area. Therefore, urbanisation bears both hopes of limiting climate change and fears of the cities being precisely the factor that makes climate change uncontrollable.

3. Human rights must be at the centre of the New Urban Agenda

In developing countries and emerging economies, on average, around 30 per cent of the urban population live in informal settlements. Many of these settlements are located directly in hazardous zones, such as along the banks and mouths of rivers, on the coast or on steep slopes, on rails or below high voltage electricity pylons. People do not voluntarily opt for life in such hazardous areas. Lack of housing forces those concerned to come to terms with inhumane conditions such as their homes being flooded seasonally. With their small environmental footprint, the urban poor are not responsible for climate change. Their lifestyle is largely climate-neutral and differs considerably from the ecological footprint of the global middle and upper classes. How can the interests of the inhabitants of informal settlements, or as a whole of the urban poor, be represented and safeguarded? How does the NUA contribute to effectively supporting the rights and interests of the poor urban population? From the perspective of MISEREOR and its partners, these are key issues that the Habitat III Conference should address. The international community, through the NUA, explicitly

pursues the goal of being more than a mere collection of ideas for possible strategies and measures. The NUA ought to serve the purpose of developing concrete options for the implementation of the Sustainable Development Goals (SDGs) which includes what was settled in the Paris Agreement.

4. Urban climate policy needs to be combined with the objectives of poverty eradication and sustainable development

Infrastructural measures and measures to mitigate the impact of climate change focus on conurbations. The rapidly growing Asian and African cities demonstrate the greatest need for action. Experience over the last few years shows that climate change and its tangible effects as well as the strategies to mitigate it and the impact that it has are exacerbating the controversial topics of social justice, political and economic participation and access to housing and basic infrastructure. From the angle of the urban poor, that and how their interests and rights are considered in this Agenda is of central importance.

Under the comprehensive title of climate change, strategic resources such as access to land, access to public spaces, protection of housing, rights of residence and continued abode for those living in informal settlements are being newly balanced – very often in contradiction to human rights obligations. For very large amounts of money from national and international sources are at stake. For MISEREOR, the core question remains: Does urban climate policy protect those who are strongly affected by the impact of climate change and have a particularly small ecological footprint?

5. Ecological sustainability at the expense of increasing human rights violations is unacceptable

The next few decades will see an estimated volume of infrastructure development equalling what has been established in total over the last 5,000 years. There are going to be investments in the context of newly emerging cities and the climate-friendly redevelopment of existing cities. Correspondingly, cities are actors of a transformation which is to lead to a complete decarbonisation.

It is clear that urban development, emissions and justice strategies are most closely linked. Very large numbers of urban dwellers are without access to public spaces or to infrastructure such as water supply and wastewater disposal, electricity and mobility or education and health facilities. Here, the question arises whether planned infrastructure is tailored to the needs of poor people and whether the benefits of the infrastructure being created relate in any way to the districts they are living in. Do investments in infrastructure, such as the construction of toll speedways, offer poor people any advantages? Public funding provided for these measures is not available for urgently needed poverty-oriented measures. The redevelopment of cities with a view to sustainability always requires political negotiation processes between the wealthy and the poor. MISEREOR demands that the dimension of the small CO₂ footprint left by the urban poor and their rights and their needs be adequately addressed in such negotiation processes.

From the angle of the urban poor, three factors are key. Firstly, the classification of an area as a hazard zone along with the design of an adaptation measure. If, for

example, the classification is based on the worst flood levels in a century, particularly extensive flood plains or dyke and canal volumes would need to be provided. Secondly, the aims that such a project pursues in addition to its protective role are of considerable importance (e.g. in reclaiming land, housing for the wealthy, recreational facilities and transport infrastructure, etc.). The third crucial factor is the status of the settlements and the people living in them. Unfortunately, it can be observed that the interests and rights of people living in informal settlements are consistently ignored. For example, protective measures are not made use of to legalise the status of informal settlements, even if the creation of housing is part of the overall measure.

6. Measures for climate financing must be tied to the protection of human rights along the whole value chain

Currently, urban climate policy is affecting the urban poor in several ways. Firstly, protective measures are frequently taken to the advantage of residential areas that need not necessarily be classified as hazardous zones, while at the same time urban poor people living in informal settlements are offered no protection. For example, informal settlements are not provided with shelters that people could use in hazardous situations. Neither are they an integral element of municipal emergency and disaster plans. Secondly, many people living in hazardous zones are confronted with embankment and protective barrier projects of enormous dimensions that undoubtedly serve “urban renewal” geared to middle-class interests.

This is often enabled with the aid of the Public-Private Partnership (PPP) tool: For

instance, an embankment is constructed with climate funding which is provided internationally. Private investment enables land reclamation, the development of recreational infrastructure, privatised transport infrastructure or high-price housing. Those living in the coastal area – usually fisher families – no longer have access to water. Even the further existence of their settlements is uncertain. Especially in the case of climate change adaptation projects that are (partly) financed via PPPs, the question inevitably arises how their orientation on poverty can be maintained if one of their funding pillars is a profit-oriented private investment.

As one of the largest donors to the World Bank and the Asian Development Bank (ADB), and given its engagement in international climate financing and municipal development partnerships, the German Federal Government has to ensure that the supply chain principle of human rights due diligence obligations is observed.

7. Making municipal development co-operation as well as urbanisation and climate partnerships work to enshrine human rights due diligence

Over the last five years, German municipalities have been involved in municipal development co-operation in a wide variety of ways, especially in Africa and Latin America. In the context of these partnerships, justice and sustainability strategies are defined using examples of concrete projects and training and further education programmes at municipal level. Thus the options for action are also anchored in the local political and social sphere. Via peer-to-peer learning,

municipal development co-operation pursues the goal of transferring financial means, methods and participation to the middle level of decision-making in the hierarchy, thus strengthening the bottom-up approach. Here, one major challenge is posed by the different political, economic, cultural and human rights conditions of municipal action. This starts, for example, with the act of legitimising the respective counterparts, authority, the interfaces with civil society actors, accountability of local counterparts towards local mandate holders and local civil society and may end with considering how the target groups benefiting from a project are integrated in planning it and what the chief target groups are.

Municipal development co-operation in the form of peer-to-peer learning is a useful development co-operation tool, and there is no doubt that the focus has to be on strengthening local administrative action. However, even in the context of communication that appears to concentrate on purely technical issues, human rights aspects are of key importance in observing human rights obligations in the context of technical development and infrastructural measures, especially with regard to negotiating processes between wealthy and poor people. Appropriate further training for communal decision makers should be made mandatory prior to the approval of funding for a publicly-subsidized partnership.

8. Adequate and climate-adapted housing for all must be at the centre of the New Urban Agenda

Given the more than two billion people who are already living in poor housing or are homeless in cities today and given the need for housing for a further two billion people

who will be living in the cities within the next decades, providing decent housing for all is a task of gigantic proportions that ought to be dealt with in the New Urban Agenda in an appropriate manner. According to the German Advisory Council on Global Change (WBGU), the construction alone of the housing required – if done without the use of climate-friendly building material and modes of construction - would already use up almost all of the CO₂ budget available in order to stay within the 1.5 C global warming limit. Forward-looking housing policies must therefore be oriented along climate and social justice.

The state's obligation to ensure adequate housing enshrined in the human right to adequate housing for all implies establishing support programmes benefiting the lowest income groups, in line with the state's obligation to mobilize the maximum of available resources towards this end. MISEREOR therefore demands adequate budget allocations for self-determined housing projects for low-income groups and for council housing at municipal level that is initially financed by local tax revenue and by creaming off profits in the real estate sector, supplemented where needed by external funding, e.g. via special climate funds, debt relief agreements and international loans.

9. Ban on and outlawing of forced evictions in the New Urban Agenda

A general and overdue ban on forced evictions in line with the binding comments on the human right to adequate housing is one of the MISEREOR's key demands towards the outcome of the UN Habitat III conference. The current draft of the NUA falls short of meeting this demand. The UN Human Rights system outlaws forced evictions. In spite of this, many

municipalities world-wide still take coercive action in the form of forced eviction or forced resettlement. In few countries laws exist banning forced evictions. However, in MISEREOR's opinion, the NUA needs to make clear reference to the duty of all states to respect, protect and fulfil the human right to adequate housing. In addition to recognising rights of continued abode as well as banning forced evictions, this comprises the state's duty to ensure that everyone is provided with adequate housing, e.g. via council housing programmes, enabling everyone to

participate in urban development. This also includes an explicit obligation on the side of municipalities to improve living conditions of all disadvantaged groups.

One-sided emphasis on measures to adapt to climate change in concert with statements on economic efficiency and new, "innovative" financing mechanisms involving private investors while simultaneously failing to clearly ban forced evictions would represent a regression behind the agreements of the 1996 UN Habitat II conference in Istanbul.