



UNITED
NATIONS



UNITED NATIONS CONFERENCE
ON HUMAN SETTLEMENTS
(HABITAT II)

Istanbul (Turkey)
3-14 June 1996

Distr.
LIMITED

A/CONF.165/L.6/Add.5
12 June 1996

Original: ENGLISH

Agenda item 9

THE HABITAT AGENDA: GOALS AND PRINCIPLES,
COMMITMENTS AND GLOBAL PLAN OF ACTION

Report of Committee I

Addendum

Rapporteur: Mrs. Ayse Esen ÖGÜT (Turkey)

At the ... meeting, on ... June 1996, Committee I approved chapter IV, section B, of the Habitat Agenda and recommended it to the Conference for adoption. The text of chapter IV, section B, read as follows:

B. Adequate shelter for all

1. Introduction

43. Adequate shelter means more than a roof over one's head. It also means adequate privacy; adequate space; physical accessibility; adequate security; security of tenure; structural stability and durability; adequate lighting, heating and ventilation; adequate basic infrastructure, such as water-supply, sanitation and waste-management facilities; suitable environmental quality and health-related factors; and adequate and accessible location with regard to work and basic facilities: all of which should be available at an affordable cost. Adequacy should be determined together with the people concerned, bearing in mind the prospect for gradual development. Adequacy often varies from country to country, since it depends on specific cultural, social, environmental and economic factors. Gender-specific and age-specific factors, such as the exposure of children and women to toxic substances, should be considered in this context.

IST.96-05282 (E)

44. Since the adoption of the Universal Declaration of Human Rights in 1948, the right to adequate housing has been recognized as an important component of the right to an adequate standard of living. All Governments without exception have a responsibility in the shelter sector, as exemplified by their creation of ministries of housing or agencies, by their allocation of funds for the housing sector and by their policies, programmes and projects. The provision of adequate housing for everyone requires action not only by Governments, but by all sectors of society, including the private sector, non-governmental organizations, communities and local authorities, as well as by partner organizations and entities of the international community. Within the overall context of an enabling approach, Governments should take appropriate action in order to promote, protect and ensure the full and progressive realization of the right to adequate housing. These actions include, but are not limited to:

(a) Providing, in the matter of housing, that the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

(b) Providing legal security of tenure and equal access to land among all, including women and those living in poverty, as well as effective protection from forced evictions that are contrary to the law, taking human rights into consideration, bearing in mind that homeless people should not be penalized for their status;

(c) Adopting policies aimed at making housing habitable, affordable and accessible, including for those who are unable to secure adequate housing through their own means, by inter alia:

- (i) Expanding the supply of affordable housing through appropriate regulatory measures and market incentives;
- (ii) Increasing affordability through provision of subsidies and rental and other forms of housing assistance to people living in poverty;
- (iii) Supporting community-based, cooperative and non-profit rental and owner-occupied housing programmes;
- (iv) Promoting supporting services to the homeless and other vulnerable groups;

- (v) Mobilizing innovative financial and other resources - public and private - for housing and community development;
- (vi) Creating and promoting market-based incentives to encourage the private sector to meet the need for affordable rental and owner-occupied housing;
- (vii) Promoting sustainable spatial development patterns and transportation systems that improve accessibility of goods, services, amenities and work;

(d) Effective monitoring and evaluation of housing conditions, including the extent of homelessness and inadequate housing, and in consultation with the affected population, formulating and adopting appropriate housing policies and implementing effective strategies and plans to address those problems.

45. Because it leads to the full mobilization of all potential indigenous resources, a shelter strategy that is based on an enabling approach greatly contributes to the sustainable development of human settlements. The management of such resources must be people-centred and must be environmentally, socially and economically sound. This can occur only if policies and actions in the shelter sector are integrated with policies and actions that are intended to promote economic development, social development and environmental protection. A fundamental objective of this chapter, therefore, is to integrate shelter policies with policies that will guide macroeconomic and social development and sound environmental management.

46. A second fundamental objective of this chapter is to enable markets - the primary housing delivery mechanism - to perform their function with efficiency. Actions to achieve this objective and at the same time contribute to social goals, including, where appropriate, market-based incentives and compensatory measures, are recommended. Further objectives and recommended actions address the components of shelter-delivery systems (land, finance, infrastructure and services, construction, building materials, maintenance and rehabilitation) in the private, community and public rental sectors, and ways of making them better serve all people. Finally, special attention is given to all those, including women, who are at considerable risk because they lack security of tenure or are inhibited from participation in shelter markets. Actions are recommended to reduce their vulnerability and enable them to obtain adequate shelter in a just and humane way.

47. International and national cooperation at all levels will be both necessary and beneficial in promoting adequate shelter for all. This is especially needed in areas that are affected by war or by natural, industrial or technological disasters, and in situations in which reconstruction and rehabilitation needs surpass national resources.

2. Shelter policies

48. The formulation and periodic evaluation and revision, as necessary, of enabling shelter policies, with a view to creating a framework for efficient and effective shelter delivery systems, are the cornerstone for the provision of adequate shelter for all. A fundamental principle in formulating a realistic shelter policy is its interdependence with overall macroeconomic, environmental and social development policies. Shelter policies, while focusing on the increasing demand for housing and infrastructure, should also emphasize the increased use and maintenance of existing stock through ownership, rental and other tenure options, responding to the diversity of needs. These policies should also encourage and support the people, who in many countries, particularly developing countries, individually or collectively act as important producers of housing. Policies should respond to the diverse needs of those belonging to disadvantaged and vulnerable groups as set forth in subsection 4 below (paras. 72 to 75).

Actions

48 bis. Governments should strive to decentralize shelter policies and their administration to subnational and local levels within the national framework, whenever possible and as appropriate.

49. To integrate shelter policies with macroeconomic, social, demographic, environmental and cultural policies, Governments, as appropriate, should:

(a) Establish and implement consultative mechanisms among the governmental authorities that are responsible for economic, environmental, social, human settlements and shelter policies, and the organization of civil society and the private sector so as to coordinate the shelter sector in a coherent manner, which should include identifying the market and precise criteria for allocations, subsidies and other forms of assistance;

(b) Constantly monitor the impact of macroeconomic policies on shelter delivery systems, considering their specific linkages and taking into account their possible effects on vulnerable and disadvantaged groups;

(c) Strengthen the linkages between shelter policies, employment generation, environmental protection, preservation of cultural heritage, resource mobilization and the maximization of resource efficiency, and strengthen the stimulation of and support for sustainable economic development and social development activities;

(d) Apply public policies, including expenditure, taxation, monetary and planning policies, to stimulate sustainable shelter markets and land development;

(e) Integrate land and shelter policies with policies for reducing poverty and creating jobs, for environmental protection, for preservation of cultural heritage, for education and health, for providing clean water-supply and sanitation facilities, and for empowering those belonging to disadvantaged and vulnerable groups, particularly people without shelter;

(f) Strengthen shelter-related information systems, and make use of relevant research activities in policy development, including gender-disaggregated data;

(g) Periodically evaluate and, as appropriate, revise shelter policies, taking into consideration the needs of people without shelter and the impact of such policies on the environment, economic development and social welfare.

50. To formulate and implement policies that promote the enablement approach to the development, maintenance and rehabilitation of shelter in both rural and urban areas, Governments at all levels, as appropriate, should:

(a) Employ broad-based participatory and consultative mechanisms that involve representatives from public, private, non-governmental, cooperative and community sectors, including representatives of groups that are considered to be living in poverty, at all levels in the policy development process;

(b) Establish appropriate processes for coordination and decentralization that define clear local-level rights and responsibilities within the policy development process;

(c) Develop and support adequate institutional frameworks, especially for facilitating investment in the supply of both rural and urban shelter by the private sector;

(d) Consider establishing priorities for the allocation of natural, human, technical and financial resources;

(e) Establish and adopt a regulatory framework, and provide institutional support for facilitating participation and partnership arrangements at all levels;

(f) Review and adjust, when necessary, the legal, fiscal and regulatory framework to respond to the special needs of people living in poverty and low-income people;

(g) Promote the supply of affordable rental houses and the legal rights and obligations of both tenants and owners.

51. To adopt and implement a cross-sectoral approach to policy development, Governments at appropriate levels, including local authorities, should:

(a) Coordinate and integrate shelter and human settlement policies with other related policies, such as population and human resource development policies, environment, cultural, land and infrastructure policies, and urban and rural planning, as well as private and/or public employment initiatives;

(b) Take full account of the need for economic development, social development and environmental protection, and the objectives of adequate shelter for all and sustainable human settlements development principles and of the basic needs for human development and health;

(b bis) Adopt policies ensuring that persons with disabilities have access to new public buildings and facilities, public housing and public transport systems. Furthermore, during renovation of existing buildings, similar measures should be adopted whenever feasible;

(c) Encourage the development of environmentally sound and affordable construction methods and production and distribution of building materials, including strengthening the indigenous building materials industry, based as far as possible on locally available resources;

(d) Promote the free exchange of information on the entire range of the environmental health aspects of construction, including the development and dissemination of databases on the adverse environmental effects of building materials, through the collaborative efforts of the private and public sectors.

52. To improve shelter delivery systems, Governments at the appropriate levels should:

(a) Adopt an enabling approach to shelter development, including the renovation, rehabilitation, upgrading and strengthening of the existing housing stock in both rural and urban areas;

(b) Establish priorities for the allocation of natural, human, technical and financial resources;

(c) Develop adequate institutional frameworks for the public, community and private sectors, especially for facilitating investments in the supply of both rural and urban shelter by the private and non-profit sectors;

(d) When necessary, review and adjust the legal, fiscal and regulatory framework to respond to the special needs of those belonging to vulnerable and disadvantaged groups, in particular, people living in poverty and low-income people;

(e) Periodically evaluate and, as necessary, revise policies and systems for financing shelter, taking into consideration the impact of such policies and systems on the environment, economic development and social welfare, especially their different effects on vulnerable and disadvantaged groups;

(f) Promote and adopt, where appropriate, policies that coordinate and encourage the adequate supply of the key inputs required for the construction of housing and infrastructure, such as land, finance and building materials;

(g) Encourage the development of environmentally-sound and affordable construction methods and production and distribution of building materials, including strengthening the local building materials industry, based as far as possible on locally available resources;

(h) Promote, in those countries where it may be appropriate, the use of labour-intensive construction and maintenance technologies that generate employment in the construction sector for the underemployed labour force found in most large cities, at the same time promoting the development of skills in the construction sector.

3. Shelter delivery systems

(a) Enabling markets to work

53. In many countries, markets serve as the primary housing delivery mechanism, and hence their effectiveness and efficiency are important to the goal of sustainable development. It is the responsibility of Governments to create an enabling framework for a well-functioning housing market. The housing sector should be viewed as an integrating market in which trends in one segment affect performance in other segments. Government interventions are required to address the needs of disadvantaged and vulnerable groups that are insufficiently served by markets.

Actions

54. To ensure market efficiency, Governments, at the appropriate levels and consistent with their legal authority, should:

(a) Assess housing supply and demand on a gender-disaggregated basis and collect, analyse and disseminate information about housing markets and other delivery mechanisms, and encourage the private and non-profit sectors and the media to do the same, while avoiding duplication of efforts;

(b) Avoid inappropriate interventions that stifle supply and distort demand for housing and services, and periodically review and adjust legal, financial and regulatory frameworks, including frameworks for contracts, land use, building codes and standards;

(c) Employ mechanisms (for example, a body of law, a cadastre, rules for property valuation and others) for the clear definition of property rights;

(d) Permit the exchange of land and housing without undue restriction, and apply procedures that will make property transactions transparent and accountable in order to prevent corrupt practices;

(e) Undertake legislative and administrative reforms to give women full and equal access to economic resources, including the right to inheritance and the ownership of land and other property, credit, natural resources and appropriate technologies;

(f) Apply appropriate fiscal measures, including taxation, to promote the adequate supply of housing and land;

(g) Periodically assess how best to satisfy the requirement for government intervention to meet the specific needs of people living in poverty and vulnerable groups for whom traditional market mechanisms fail to work;

(h) Develop, as appropriate, flexible instruments for the regulation of housing markets, including the rental market, taking into account the special needs of vulnerable groups.

(b) Facilitating community-based production of housing

54 bis. In many countries, particularly developing countries, more than half the existing housing stock has been built by the owner-occupiers themselves, serving mainly the lower-income population. Self-built housing will continue to play a major role in the provision of housing into the distant future. Many countries are supporting self-built housing by regularizing and upgrading

programmes. To support the efforts of people, individually or collectively, to produce shelter, Governments at the appropriate levels should, where appropriate:

- (a) Promote self-built housing within the context of a comprehensive land-use policy;
- (b) Integrate and regularize self-built housing, especially through appropriate land registration programmes, as a holistic part of the overall housing and infrastructure system in urban and rural areas, subject to a comprehensive land-use policy;
- (c) Encourage efforts to improve existing self-built housing through better access to housing resources, including land, finance and building materials;
- (d) Develop the means and methods to improve the standards of self-built housing;
- (e) Encourage community-based and non-governmental organizations in their role of assisting and facilitating the production of self-built housing;
- (f) Facilitate regular dialogue and gender-sensitive participation of the various actors involved in housing production at all levels and stages of decision-making;
- (g) Mitigate the problems related to spontaneous human settlements through programmes and policies that anticipate unplanned settlements.

(c) Ensuring access to land

55. Access to land and legal security of tenure are strategic prerequisites for the provision of adequate shelter for all and for the development of sustainable human settlements affecting both urban and rural areas. It is also one way of breaking the vicious circle of poverty. Every Government must show a commitment to promoting the provision of an adequate supply of land in the context of sustainable land-use policies. While recognizing the existence of different national laws and/or systems of land tenure, Governments at the appropriate levels, including local authorities, should nevertheless strive to remove all possible obstacles that may hamper equitable access to land and ensure that equal rights of women and men related to land and property are protected under the law. The failure to adopt, at all levels, appropriate rural and urban land policies and land management practices remains a primary cause of inequity and poverty. It is also the cause of increased living costs, the occupation of hazard-prone land, environmental degradation and the

increased vulnerability of urban and rural habitats, affecting all people, especially disadvantaged and vulnerable groups, people living in poverty and low-income people.

Actions

56. To ensure an adequate supply of serviceable land, Governments, at the appropriate levels and in accordance with their legal framework, should:

- (a) Recognize and legitimize the diversity of land delivery mechanisms;
- (b) Decentralize land management responsibilities and provide local capacity-building programmes that recognize the role of key interested parties, where appropriate;
- (c) Prepare comprehensive inventories of publicly held land and, where appropriate, develop programmes for making them available for shelter and human settlements development, including, where appropriate, development by non-governmental and community-based organizations;
- (d) Apply transparent, comprehensive and equitable fiscal incentive mechanisms, as appropriate, to stimulate the efficient, accessible and environmentally-sound use of land, and utilize land-based and other forms of taxation in mobilizing financial resources for service provision by local authorities;
- (e) Consider fiscal and other measures, as appropriate, to promote the efficient functioning of the market for vacant land, ensuring the supply of housing and land for shelter development;
- (f) Develop and implement land information systems and practices for managing land, including land value assessment, and seek to ensure that such information is readily available;
- (g) Make full use of existing infrastructure in urban areas, encouraging optimal density of the occupation of available serviced land in accordance with its carrying capacity, at the same time ensuring the adequate provision of parks, play areas, common spaces and facilities, and plots of land for home gardening, as appropriate;
- (h) Consider the adoption of innovative instruments that capture gains in land value and recover public investments;
- (i) Consider the adoption of innovative instruments for the efficient and sustainable assembly and development of land, including, where appropriate, land readjustment and consolidation;

(j) Develop appropriate cadastral systems and streamline land registration procedures in order to facilitate the regularization of informal settlements, where appropriate, and simplify land transactions;

(k) Develop land codes and legal framework that define the nature of land and real property and the rights that are formally recognized;

(l) Mobilize local and regional expertise to promote research, the transfer of technology and education programmes to support land administration systems;

(m) Promote comprehensive rural development through such measures as equal access to land, land improvement, economic diversification, the development of small and medium-scale cities in rural areas and, where appropriate, indigenous land settlements;

(n) Ensure simple procedures for the transfer of land and conversion of land use within the context of a comprehensive policy framework, including the protection of arable land and the environment.

57. To promote efficient land markets and the environmentally sustainable use of land, Governments at the appropriate levels should:

(a) Re-evaluate and, if necessary, periodically adjust planning and building regulatory frameworks, taking into consideration their human settlements and economic, social and environmental policies;

(b) Support the development of land markets by means of effective legal frameworks, and develop flexible and varied mechanisms aimed at mobilizing lands with diverse juridical status;

(c) Encourage the multiplicity and diversity of interventions by both the public and private sectors and other interested parties, men and women alike, acting within the market system;

(d) Develop a legal framework of land use aimed at balancing the need for construction with the protection of the environment, minimizing risk and diversifying uses;

(e) Review restrictive, exclusionary and costly legal and regulatory processes, planning systems, standards and development regulations.

58. To eradicate legal and social barriers to the equal and equitable access to land, especially the access of women, people with disabilities and those belonging to vulnerable groups, Governments, at the appropriate levels,

in partnership with the private sector, non-governmental organizations, the cooperative sector and community-based organizations, should:

(a) Address the cultural, ethnic, religious, social and disability-based causes that result in the creation of barriers that lead to segregation and exclusion, inter alia, by encouraging education and training for peaceful conflict resolution;

(b) Promote awareness campaigns, education and enabling practices regarding, in particular, legal rights with respect to tenure, land ownership and inheritance for women, so as to overcome existing barriers;

(c) Review legal and regulatory frameworks, adjusting them to the principles and commitments of the Global Plan of Action and ensuring that the equal rights of women and men are clearly specified and enforced;

(d) Develop regularization programmes and formulate and implement such programmes and projects in consultation with the concerned population and organized groups, ensuring the full and equal participation of women and taking into account the needs differentiated by gender, age, disability and vulnerability;

(e) Support, inter alia, community projects, policies and programmes that aim to remove all barriers to women's access to affordable housing, land and property ownership, economic resources, infrastructure and social services, and ensure the full participation of women in all decision-making processes, with particular regard to women in poverty, especially female heads of households and women who are sole providers for their families;

(f) Undertake legislative and administrative reforms to give women full and equal access to economic resources, including the right to inheritance and the ownership of land and other property, credit, natural resources and appropriate technologies;

(g) Promote mechanisms for the protection of women who risk losing their homes and properties when their husbands die.

59. To facilitate access to land and security of tenure for all socio-economic groups, Governments, at the appropriate levels, including local authorities, should:

(a) Adopt an enabling legal and regulatory framework based on an enhanced knowledge, understanding and acceptance of existing practices and

land delivery mechanisms so as to stimulate partnerships with the private business and community sectors, specifying recognized types of land tenure and prescribing procedures for the regularization of tenure, where needed;

(b) Provide institutional support, accountability and transparency of land management, and accurate information on land ownership, land transactions and current and planned land use;

(c) Explore innovative arrangements to enhance the security of tenure, other than full legalization, which may be too costly and time-consuming in certain situations, including access to credit, as appropriate, in the absence of a conventional title to land;

(d) Promote measures to ensure that women have equal access to credit for buying, leasing or renting land, and equal protection for the legal security of tenure of such land;

(e) Capitalize on the potential contribution of key interested parties in the private formal and informal sectors, and support the engagement of non-governmental organizations, community organizations and the private sector in participatory and collective initiatives and mechanisms appropriate to conflict resolution;

(f) Encourage, in particular, the participation of community and non-governmental organizations by:

- (i) Reviewing and adjusting legal and regulatory frameworks in order to recognize and stimulate the diverse forms of organization of the population engaged in the production and management of land, housing and services;
- (ii) Considering financial systems that recognize organizations as credit holders, extend credit to collective units backed by collective collateral and introduce financial procedures that are adapted to the needs of housing production by the people themselves and to the modalities through which the population generates income and savings;
- (iii) Developing and implementing complementary measures designed to enhance their capabilities, including, where appropriate, fiscal support, educational and training programmes, and technical assistance and funds in support of technological innovation;

- (iv) Supporting the capacity-building and accumulation of experience carried out by non-governmental organizations and peoples' organizations in order to make them efficient and competent partners in the implementation of national housing plans of action;
- (v) Encouraging lending institutions to recognize that community-based organizations may act as guarantors for those who, because of poverty or discrimination, lack other sources of equity, giving particular attention to the needs of individual women.

(d) Mobilizing sources of finance

60. Housing finance institutions serve the conventional market but do not always respond adequately to the different needs of large segments of the population, particularly those belonging to vulnerable and disadvantaged groups, people living in poverty and low-income people. In order to mobilize more domestic and international resources for housing finance and extend credit to more households it is necessary to integrate housing finance into the broader financial system and to use existing instruments or develop new instruments, as appropriate, to address the financial needs of people having limited or no access to credit.

Actions

61. To improve the effectiveness of existing housing finance systems, Governments at the appropriate levels should:

- (a) Adopt policies that increase the mobilization of housing finance and extend more credit to people living in poverty, while maintaining the solvency of credit systems;
- (b) Strengthen the effectiveness of existing housing finance systems;
- (c) Enhance the accessibility of housing finance systems and eradicate all forms of discrimination against borrowers;
- (d) Promote transparency, accountability and ethical practices in financial transactions through support from effective legal and regulatory frameworks;
- (e) Establish, where necessary, a comprehensive and detailed body of property law and property rights, and enforce foreclosure laws to facilitate private-sector participation;

(f) Encourage the private sector to mobilize resources to meet varying housing demands, including rental housing, maintenance and rehabilitation;

(g) Support the competitiveness of mortgage markets and, where appropriate, facilitate the development of secondary markets and securitization;

(h) Decentralize, as appropriate, the lending operations of mortgage markets and encourage the private sector to do the same in order to provide greater physical access to credit, especially in rural areas;

(i) Encourage all lending institutions to improve their management and the efficiency of their operations;

(j) Encourage community mortgage programmes that are accessible to people living in poverty, especially women, in order to increase their productive capacity by providing them with access to capital, resources, credit, land, technology and information so that they can raise their income and improve their living conditions and status within the household.

62. To create new housing finance mechanisms, as necessary, Governments at the appropriate levels should:

(a) Harness the potential of non-traditional financing arrangements by encouraging communities to form housing and multi-purpose community development cooperatives, especially for the provision of low-cost housing;

(b) Review and strengthen the legal and regulatory framework and institutional base for mobilizing non-traditional lenders;

(c) Encourage, in particular by removing legal and administrative obstacles, the expansion of savings and credit cooperatives, credit unions, cooperative banks and cooperative insurance enterprises, and other non-bank financial institutions, and establish savings mechanisms in the informal sector, particularly for women;

(d) Support partnerships between such cooperative institutions and public and other financing institutions as an effective means of mobilizing local capital and applying it to local entrepreneurial and community activity for housing and infrastructure development;

(e) Facilitate the efforts of trade unions, farmers', women's and consumers' organizations, organizations of people with disabilities, and other associations of the populations concerned to set up their own cooperatively organized or local financial institutions and mechanisms;

(f) Promote the exchange of information on innovations in housing finance;

(g) Support non-governmental organizations and their capacity to foster the development, where appropriate, of small savings cooperatives.

63. To facilitate access to housing for those not served by existing finance mechanisms, Governments should review and rationalize, where appropriate, systems of subsidies through policies that will ensure their viability, equity and transparency, thus allowing many people without access to credit and land to enter the market.

(e) Ensuring access to basic infrastructure and services

64. Basic infrastructure and services at the community level include the delivery of safe water, sanitation, waste management, social welfare, transport and communications facilities, energy, health and emergency services, schools, public safety, and the management of open spaces. The lack of adequate basic services, a key component of shelter, exacts a heavy toll on human health, productivity and the quality of life, particularly for people living in poverty in urban and rural areas. Local and state/provincial authorities, as the case may be, have the primary responsibility to provide or enable delivery of services, regulated by appropriate legislation and standards. Their capacity to manage, operate and maintain infrastructure and basic services must be supported by central Governments. There are, however, a host of other actors, including the private sector, communities and non-governmental organizations, who can participate in service provision and management under the coordination of Governments at the appropriate levels, including local authorities.

Actions

65. To safeguard the health, safety, welfare, and improved living environment of all people and to provide adequate and affordable basic infrastructure and services, Governments at the appropriate levels, including local authorities, should promote:

(a) The supply of and access to adequate quantities of safe drinking water;

(b) Adequate sanitation and environmentally sound waste management;

(c) Adequate mobility through access to affordable and physically accessible public transport and other communications facilities;

(c bis) Access to markets and retail outlets for selling and purchasing basic necessities;

(d) The provision of social services, especially for underserved groups and communities;

(e) Access to community facilities, including places of worship;

(f) Access to sustainable sources of energy;

(g) Environmentally sound technologies and the planning, provision and maintenance of infrastructure, including roads, streets, parks and open spaces;

(h) A high level of safety and public security;

(i) The use of a variety of planning mechanisms that provide for meaningful participation to reduce the negative impacts on biological resources, such as prime agricultural land and forests, that may arise from human settlements activities;

(j) Planning and implementation systems that integrate all of the above factors into the design and operation of sustainable human settlements.

66. To ensure more equitable provision of basic infrastructure and service delivery systems, Governments at the appropriate levels, including local authorities, should:

(a) Work with all interested parties in providing serviced land and in allocating adequate space for basic services as well as for recreational and open space in the development of new schemes and the upgrading of existing ones;

(b) Involve local communities, particularly women, children and persons with disabilities, in decision-making and in setting priorities for the provision of services;

(c) Involve, encourage and assist, as appropriate, local communities, particularly women, children and persons with disabilities, in setting standards for community facilities and in the operation and maintenance of those facilities;

(d) Support the efforts of academic and professional groups in analysing the need for infrastructure and services at the community level;

(e) Facilitate the mobilization of funds from all interested parties, especially the private sector, for increased investment;

(f) Establish support mechanisms to enable people living in poverty and the disadvantaged to have access to basic infrastructure and services;

(f bis) Remove legal obstacles, including those related to security of tenure and credit, denying women equal access to basic services;

(g) Promote dialogue among all interested parties to help provide basic services and infrastructure.

67. To ensure the efficiency of infrastructure and the provision of services and their operation and maintenance practices, Governments at the appropriate levels, including local authorities, should:

(a) Create mechanisms to promote autonomous, transparent and accountable management of services at the local level;

(b) Create an enabling environment to encourage the private sector to participate in the efficient and competitive management and delivery of basic services;

(c) Promote the application of appropriate and environmentally sound technologies for infrastructure and delivery of services on a cost-effective basis;

(d) Promote partnerships with the private sector and with non-profit organizations for the management and delivery of services and, where necessary, improve the regulatory capacity of the public sector and apply pricing policies that ensure economic sustainability and efficient use of services as well as equal access to them by all social groups;

(e) Where appropriate and feasible, establish partnerships with community groups for the construction, operation and maintenance of infrastructure and services.

(f) Improving planning, design, construction, maintenance and rehabilitation

68. With rapid urbanization, population growth and industrialization, the skills, materials and financing for the planning, design, construction, maintenance, and rehabilitation of housing, infrastructure and other facilities are often not available or are of inferior quality. Public policy and private investment should, together, facilitate an adequate supply of cost-effective building materials, construction technology and bridging finance to avoid the bottlenecks and distortions that inhibit the development of local and national economies. By improving the quality and reducing the cost of production, housing and other structures will last longer, be better protected against disasters, and be affordable to low-income populations and accessible to persons with disabilities, which will provide a better living environment. The potential for job creation and other positive external

socio-economic impacts of the construction industry should be harnessed; its activity should be brought into harmony with the environment, and its contribution to overall economic growth should be exploited, all to the advantage of society at large. Institutional support should also be provided in the form of industrial standards and quality control, with particular attention to energy efficiency, health, accessibility, and consumer safety and protection.

68 bis. Meeting the actual needs of individuals, families and their communities cannot be achieved by looking at shelter in isolation. Provision of adequate social services and facilities, improving and rationalizing urban planning and shelter design to cope firmly with the actual needs of communities, as well as provision of technical and other relevant assistance to the inhabitants of unplanned settlements are essential for the improvement of living conditions.

Actions

69. To respond effectively to the requirements for appropriate planning, design, construction, maintenance and rehabilitation of shelter, infrastructure and other facilities, Governments at the appropriate levels should:

(a) Encourage and support research and studies to promote and develop indigenous planning and design techniques, norms and standards to match the actual needs of local communities;

(b) Encourage public participation in assessing real user needs, especially gender needs, as an integrated action of the planning and design process;

(c) Encourage the exchange of regional and international experience of best practices and facilitate the transfer of planning, design and construction techniques;

(d) Strengthen the capacities of training institutions and non-governmental organizations to increase and diversify the supply of skilled workers in construction and promote apprenticeship training, particularly for women;

(e) Make use of contracts with community-based organizations and, where applicable, the informal sector for the planning, design, construction, maintenance and rehabilitation of housing and local services, especially in low-income settlements, with an emphasis on enhancing the participation and, thus, short- and long-term gains of local communities;

(f) Strengthen the capacity of both public and private sectors for infrastructure delivery through cost-effective, employment-intensive methods, where appropriate, thereby optimizing the impact on the creation of employment;

(g) Promote research, exchange of information and capacity-building with respect to affordable and technically and environmentally sound building, maintenance and rehabilitation technologies;

(h) Provide incentives for engineers, architects, planners and contractors and their clients to design and build accessible energy-efficient structures and facilities by using locally available resources and to reduce energy consumption in buildings in use;

(i) Provide training to professionals and practitioners in the construction and development sector to update their skills and knowledge in order to promote the development of shelter programmes that serve the interests and needs of women, persons with disabilities and disadvantaged groups and that ensure their participation at all stages of the shelter development process;

(j) Adopt and ensure the enforcement of appropriate standards relating to planning, design, construction, maintenance and rehabilitation;

(k) Support private-sector initiatives to provide bridging loans to builders at reasonable interest rates;

(l) Support professional groups in offering technical assistance in planning, design, construction, maintenance, rehabilitation and management to community-based organizations, non-governmental organizations and others engaged in self-help and community-based development;

(m) Strengthen and make more transparent government regulatory and inspection systems;

(n) Join with professional societies to review and revise building codes and regulations based on current standards of engineering, building and planning practices, local conditions and ease of administration, and adopt performance standards, as appropriate;

(o) Support non-governmental organizations and other groups to ensure full and equal participation of women and persons with disabilities in the planning, design and construction of houses to suit their specific individual and family requirements.

70. To promote and support an adequate supply of locally produced, environmentally sound, affordable and durable basic building materials, Governments at the appropriate levels, in cooperation with all other interested parties, should:

(a) Where appropriate, encourage and support the establishment and expansion of environmentally sound, small-scale, local building materials industries and the expansion of their production and commercialization through, inter alia, legal and fiscal incentives and the provision of credit, research and development, and information;

(b) As required, provide policies and guidelines to facilitate fair market competition for building materials with enhanced participation of local interested parties and establish a public mechanism to enforce them;

(c) Promote information exchange and the flow of appropriate environmentally sound, affordable and accessible building technologies and facilitate the transfer of technology;

(d) With adequate attention to safety needs, reformulate and adopt building standards and by-laws, where appropriate, to promote and permit the use of low-cost building materials in housing schemes, and use such materials in public construction works;

(e) Where appropriate, promote partnerships with the private sector and non-governmental organizations to create mechanisms for the commercial production and distribution of basic building materials for self-help construction programmes;

(f) Evaluate on a regular basis the progress made in the pursuit of the above objectives.

71. To enhance the local capacity for environmentally sound production of building materials and construction techniques, Governments at the appropriate levels, including local authorities, in cooperation with all interested parties, should:

(a) Intensify and support research efforts to find substitutes for or optimize the use of non-renewable resources and to reduce their polluting effects, paying special attention to recycling, re-use of waste materials and increased reforestation;

(b) Encourage and promote the application of low-energy, environmentally sound and safe manufacturing technologies backed by appropriate norms and effective regulatory measures;

(c) Adopt mining and quarrying policies and practices that ensure minimum damage to the environment.

4. Vulnerable groups and people with special needs

72. Vulnerability and disadvantage are often caused by marginalization in and exclusion from the socio-economic mainstream and decision-making processes and the lack of access on an equal basis to resources and opportunities. If vulnerability and disadvantage are to be reduced, there is a need to improve and ensure access by those belonging to vulnerable and disadvantaged groups to shelter, finance, infrastructure, basic social services, safety nets and decision-making processes within national and international enabling environments. It is understood that not all those belonging to vulnerable and disadvantaged groups are vulnerable and disadvantaged at all times.

Vulnerability and disadvantage are mainly caused by circumstances, rather than inherent characteristics. Recognizing that vulnerability and disadvantage are affected, inter alia, by conditions in the housing sector and the availability, enforcement and effectiveness of legal protection guaranteeing equal access to resources and opportunities, some members of certain groups are more likely to be vulnerable and experience disadvantage with regard to shelter and human settlement conditions. Those belonging to vulnerable and disadvantaged groups are especially at risk when they have no security of tenure or where they lack basic services or face disproportionately adverse environmental and health impacts, or because they may be excluded, either inadvertently or deliberately, from the housing market and services.

72 bis. Adequate shelter must be recognized as an important component of the particular care and assistance to which children and their families, as well as children living outside or without families, have a right. Special consideration must be given to the needs of children living in difficult circumstances.

72 ter. Inadequate shelter or lack of shelter contributes to a loss of dignity, security and health in the lives of refugees, other displaced persons in need of international protection and internally displaced persons. There is a need to strengthen the support for the international protection of and assistance to refugees, especially refugee women and refugee children, who are particularly vulnerable.

Actions

73. To remove barriers and eradicate discrimination in the provision of shelter, Governments at the appropriate levels, including local authorities, should:

(a) Review and revise legal, fiscal and regulatory frameworks that act as barriers within the shelter sectors;

(a bis) Support, through legislation, incentives and other means, where appropriate, organizations of vulnerable and disadvantaged groups so that they may promote their interests and become involved in local and national economic, social and political decision-making;

(b) Establish laws and regulations aimed at preventing discrimination and barriers and, where such laws and regulations already exist, ensure their enforcement;

(c) Work with the private sector cooperatives and local communities and other interested parties to raise the awareness of the need to eliminate prejudice and discrimination in housing transactions and provision of services;

(d) Consider becoming parties to the relevant instruments of the United Nations system that, inter alia, deal with specific and special needs of those belonging to vulnerable and disadvantaged groups, such as the 1951 Convention Relating to the Status of Refugees and the Protocol Relating to the Status of Refugees, the International Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and abiding by the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities;

(e) Promote systems of public transport that are affordable and accessible in order to make a wider range of housing and jobs available to vulnerable groups;

(f) Provide vulnerable and disadvantaged groups with access to information and with opportunities to participate in the local decision-making process on community and shelter issues that will affect them;

(g) Provide increased coverage of water supply and sanitation services to ensure that vulnerable and disadvantaged groups have access to adequate quantities of safe water and to hygienic sanitation.

74. To provide for the shelter needs of those belonging to vulnerable groups, Governments at appropriate levels, including local authorities, in cooperation with all interested parties, as appropriate, should:

(a) Provide, where appropriate, targeted and transparent subsidies, social services and various types of safety nets to the most vulnerable groups;

(b) Work with the private and non-profit sectors and community-based organizations and other actors to provide adequate shelter for members of those belonging to vulnerable groups, making special efforts to remove all physical constraints to the independent living of persons with disabilities and of older persons;

(c) Strive to provide special living facilities and shelter solutions for members of those belonging to vulnerable groups, as appropriate, such as shelters for women subjected to violence, or shared living arrangements for persons with mental or physical disabilities;

(d) Provide an environment that enables those belonging to vulnerable groups to participate in the social, economic and political life of their community and country.

75. To reduce vulnerability, Governments at appropriate levels, including local authorities, should:

(a) Work with non-governmental organizations and community-based organizations to assist members of vulnerable groups to obtain secure tenure;

(b) Protect all people from and provide legal protection and redress for forced evictions that are contrary to the law, taking human rights into consideration; when evictions are unavoidable, ensure that, as appropriate, alternative suitable solutions are provided;

(c) Promote and support self-help housing programmes and initiatives;

(d) Promote, where appropriate, compliance with and enforcement of all health and environmental laws, especially in low-income areas with vulnerable groups;

(d bis) Facilitate actions aimed at, inter alia, ensuring legal security of tenure, capacity-building and improving access to credit, which, apart from subsidies and other financial instruments, can provide safety nets that reduce vulnerability;

- (e) Pursue policies that will provide information to and consultation with vulnerable groups;
- (f) Facilitate the availability of legal information and assistance to vulnerable groups;
- (g) Promote the use of tools for disaster prevention, mitigation and preparedness in order to reduce the vulnerability of populations to natural, man-made and technological disasters.
