

ASSESSING THE SOCIAL IMPACT OF URBAN LAW

GEOGRAPHICAL SCOPE

Global, Afghanistan, Egypt, Haiti, Guinea Bissau and Rwanda.

THEMATIC SCOPE

Urban Law

TARGET BENEFICIARIES

- Poor, youth and women
- Member states
- Local authorities

PARTNERS

- Urban Legal Network.
- Government partners from existing UN-Habitat projects
- UNDP, UNHCHR and the World Bank

PROGRAMME SUMMARY

Background: Legal frameworks and institutional structures are foundational elements in urban development strategies. They implement the policies determined by legislative and executive authorities and they are central to delivering the rights and protections that societies offer to individuals and groups. Central elements of urban legal frameworks, such as those regulating urban planning and development control, are not functionally effective in many developing and least developed countries. The complex or inappropriate nature of technically driven legal frameworks means that they are not implemented as intended and activity on the ground becomes a series of ad hoc ‘one offs’ instead of part of a predictable and systematic pattern. This is exacerbated by the tendency to view urban law as technocratic and objective, and, therefore, necessarily equal in its treatment of all. Complexity, administrative discretion and a perception of rational, ‘equal’, application also creates a prevalent trend of unaccountability and lack of access for vulnerable groups, particularly the poor, youth and women. They are unable to access economic and social opportunities and are often deprived of basic rights.

Goals and objectives: The main goal of this project is to support the implementation of UN-Habitat’s legislative reform processes at country level and to provide UN member states with knowledge material and training packages to improve their urban legal frameworks and advance in the achievement of several SDG goals and targets and in the implementation of the Habitat III New Urban Agenda.

The main developmental objective of the project is to produce knowledge and assessment tools to allow partners to review the impact of urban law on vulnerable groups; particularly the poor, youth and women.

Planned activities: The main activities that will help in achieving the goals and objectives of this project are:

- Analysis of previous and current projects of UN-Habitat’s initiative on essential law
- Development of guidance notes for the development of human rights based urban law and regulation
- Development of training materials aimed at senior technical staff in national government and at academic institutions.
- Development of the case studies and reviewing them by international experts and in country partners before the final products are considered at an expert group meeting.

- Expert group meeting that will adopt specific recommendations for socially responsive urban legal reforms that can be built into subsequent domestic reform programmes.

 **UN-HABITAT
ROLE**

Central elements of urban legal frameworks, such as those regulating urban planning and development control, are not functionally effective in many developing and least developed countries. The complex or inappropriate nature of technically driven legal frameworks means that they are not implemented as intended and activity on the ground becomes a series of ad hoc ‘one offs’ instead of part of a predictable and systematic pattern. This is exacerbated by the tendency to view urban law as technocratic and objective, and, therefore, necessarily equal in its treatment of all. Complexity, administrative discretion and a perception of rational, ‘equal’, application also creates a prevalent trend of unaccountability and lack of access for vulnerable groups, particularly the poor, youth and women. They are unable to access economic and social opportunities and are often deprived of basic rights.

UN-Habitat is currently working on the identification of alternative models and options for legal and institutional frameworks in planning and development control law. Alternatives identify essential policy functions according to local need and prioritize ‘functional effectiveness’, i.e. the ability of the law to deliver policy and reinforce fundamental principles, such as the rule of law and human rights. This line of work has already produced several case studies, legislative assessments in 39 countries, expert group meetings, knowledge materials and trainings.

 **MAIN
OUTPUTS**

- guidance notes for the development of human of human rights based urban law and regulation
- Training materials
- Adoption of specific recommendations for socially responsive urban legal reforms that will be built into subsequent domestic reform programmes.

 **MAIN RESULTS /
IMPACT**

- Improved government effectiveness in particular the quality of policy formulation and implementation, reinforcing the link between public policy and law.
- Reinforced rule of law through the increased implementation of urban legislation.
- Lessening the legal and institutional exclusion of poor and marginalized people from property rights and tenure security, economic opportunities, basic urban services (water, sanitation, and electricity) and from the right to participate to the city decision-making process.
- A simpler and clearer urban legal system will reduce corruption and discretion of public officials and improve the efficiency of the public administration.
- Better understanding by city leaders of constraints in their current legal and institutional framework.

 **PROGRAMME
DURATION**

- 24 Months

 **TOTAL PROJECT
BUDGET**

- US\$1,500,000