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Implementation of the Habitat Agenda in the legislation of five different countries between 1996 and 2006

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Mr. Chairman, ladies and gentlemen,

thank you for the invitation and the opportunity to present the results of an international research project. I will be presenting the results of the work of the seven members of our task-force. My colleagues are:

Mrs. Anneke Assen from the The Netherlands,
Mrs. Anca Ginavar and Mrs.Vera Marin from Romania,
Mr. Kimmo Kurunmäki from Finland,
Mr. Gerd Lüers and Mr. Sinal Özdal from Turkey.

Let me first thank my colleagues for their work. I would not have been able to give this presentation without their help.

I. Preliminary remarks

The Habitat Agenda was passed in 1996 in Istanbul. It contains two primary goals:

- Adequate shelter for all
- Sustainable settlements development in an urbanizing world.

Almost ten years have passed since then. Has the Habitat Agenda had an effect? Is there now an adequate supply of living space? Have the Megacities around the world been developed more sustainably?

Anyone who desires exact and conclusive answers to these questions must conduct extensive, methodically difficult, long-term empirical research. There is currently no sign of anyone who could, and would want to, finance such a research project specially for the Habitat Agenda. My German sponsors were more modest, they asked: Have the goals and principles of the Habitat Agenda left their mark in the legislation passed between 1996 and 2005 in the five signatory countries chosen?

A change in the law is easier to verify than a change in reality as laws are well documented. One need only refer to the official gazette. Reading ten years worth of official gazettes may, on occasion, be somewhat exhausting, but it is possible.

However, the question needs to be asked: is an observation of a country's legislation an adequate indicator of the implementation of the Habitat Agenda?

We are all aware that the world does not become a better place simply because a law is passed, the goal of which is that the world should become a better place. There are many obstacles, any of which can cause a law to fail.

But there is no reason to be unduly pessimistic. Laws are recognised as effective instruments for steering developments. Where there are good laws one can hope that they will also be obeyed and that positive effects will therefore be carried over in reality.

This belief, this assumption formed the basis of our research project "The implementation of the Habitat Agenda in the legislation of Germany, Finland, The Netherlands, Romania and Turkey".

As I have mentioned, the central question was:

Have the goals and principles of the Habitat Agenda left their mark in the legislation passed between 1996 and 2005 in the five signatory countries chosen?

In order to answer this question one must first of all clarify what the goals and principles of Habitat actually are. That is not as easy as one might think.

II. What are the goals and principles of the Habitat Agenda?

Although the Habitat Agenda is structured logically into the four chapters,

- I. Preamble
- II. Goals and Principles
- III. Commitments
- IV. Global Plan of Action: Strategies for Implementation

the text within the chapters is characterised by numerous repetitions and the contents do not always correspond to the headings.

In addition, the principles of the Habitat Agenda were not first invented for the occasion of the Agenda's formulation and resolution. The Agenda is a manifestation of principles and demands which had long before been developed. In many points it is a mere summary of that which was already recognised or was worthy of recognition.

I would just like to cite two paragraphs so as to show the broad spectrum of issues covered by the Habitat Agenda:

Here you see paragraph 27 with the following keywords:

Paragraph 27

Equitable human settlements are those in which people have equal access to

- housing,
 - infrastructure,
 - health services,
 - adequate food and water,
 - education,
 - open space,
- with empowerment of women and their full participation.

And here you see paragraph 29 with the following keywords:

Paragraph 29

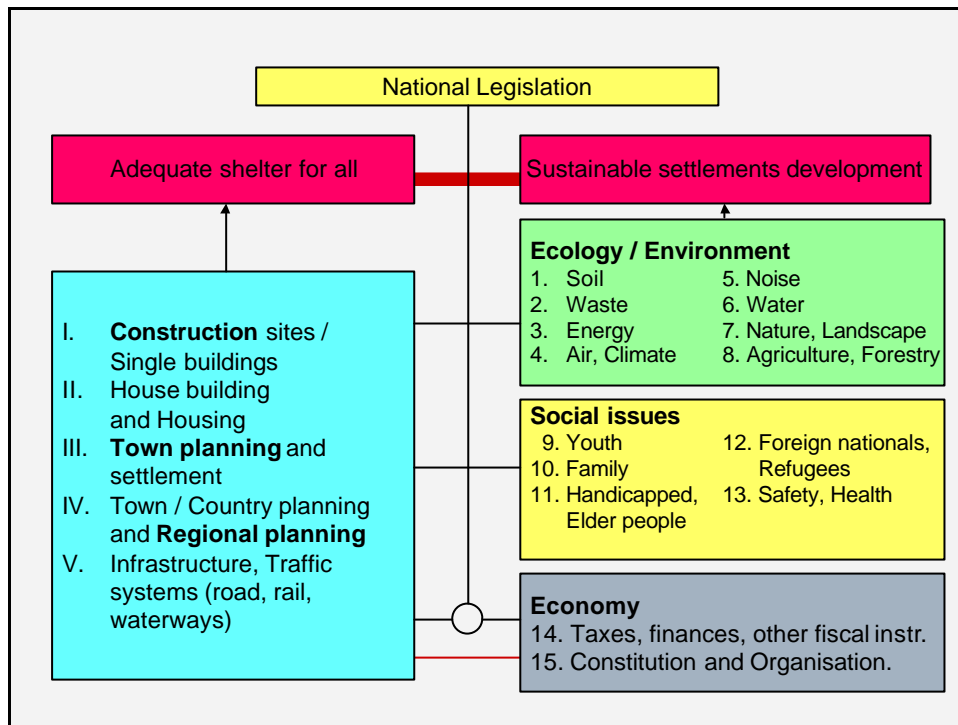
Human settlements shall be planned, developed and improved in a manner, that takes full account of sustainable development principles and all their components as set out in **Agenda 21** and related outcomes of the UN Conference on Environment and Development. ...

Sustainability of human settlements entails their **balanced geographical distribution** or other appropriate distribution in keeping with national conditions, **promotion of economic and social development**, human health and education, and the **conservation of biological diversity** and the sustainable use of its components, and maintenance of cultural diversity as well as **air, water, forest, vegetation and soil qualities** at standards sufficient to sustain human life and well-being for future generations.

These two paragraphs alone show that the Habitat Agenda reaches across all levels of planning and governmental organisation and that the three main branches of sustainability are completely integrated in it – ecology, social issues and the economy.

In my opinion one is forced to come to the conclusion that the goals and principles of the Habitat Agenda are very extensive. Based on this the subject matter of the Habitat Agenda can be summarised as in the following chart.

Table 1: Implementation of the Habitat Agenda by National Legislation



This chart shows how far-reaching the goals and principles of the Habitat Agenda are. On the left you can see the levels of planning involved in housing and town planning, on the right you can see the fields of sustainability with all their individual aspects which go toward a sustainable settlement development.

III. How are these various principles and goals „implemented“ in the legislation?

When one is talking of implementation it is important that one knows what one means. Is there only then a case of implementation when the legislature passes a law with explicit reference to the Habitat Agenda with, furthermore, the explicit and primary goal of promoting particular aspects of the Agenda?

If one was to define implementation so narrowly one would find only a few laws implementing the Habitat Agenda. One would also be forgetting the fact that most laws are passed for a variety of reasons. For this reason we were satisfied with asking if a law has had a positive effect as regards to the implementation of the goals and principles of the Habitat Agenda. It was neither the cause nor the reason, but rather the effects which were crucial.

Furthermore, it must be decided what is meant by “law”. Only laws which are actually new? Or also amendment laws? Only Acts of Parliament? Or also ordinances?

We decided to examine all laws and ordinances passed during the research period which were relevant to the topic. There were a great many, different for each country with correspondingly different emphases – but also with many similarities.

I will be mainly reporting on the similarities in the following section. For the differences you can refer to the summary provided for you on the internet.

IV. What were the common results?

Similarities can be found on two levels: firstly, on the level of the laws which are recognised as being necessary. Secondly, on the level of the individual instruments which can play a useful role.

Remarks on the level of necessary legislation

Every country that feels its obligation to the Habitat Agenda should check whether certain laws exist.

As an example I will show you a list of necessary laws which I do not wish to read out. You will recognise many of the keywords from the chart on the goals and principles of the Habitat Agenda. For example:

- Laws on the planning of human settlements at local and regional level
- Laws on urban regeneration and urban renewal
- **Housing** construction laws and laws on social housing
- **Nature conservation** laws
- Water resource management laws
- Emission control and **immission protection** laws
- **Soil protection** laws
- **Waste management** laws
- Environmental assessment legislation
- Historical preservation acts.

Where laws on these subjects do not exist, or are inadequate, appropriate legislation should be passed to fill the gaps.

Remarks on the level of the individual instruments which play a useful role

The list of useful instruments which we discovered is long. The legislation of the five countries contains a total of over 80 individual instruments. Altogether it shows the comparatively high level of legislation in the five countries we examined.

In Germany alone over 200 legislative acts had to be analysed to discover these instruments.

It would take too long to present each of these instruments here. You can refer to the written summary for more information on them.

I would like to draw your attention to just **three positive examples** of instruments or activities worthy of emulation **in each of the five countries** involved:

THE NETHERLANDS

- 1. World Habitat Day: The official *World Habitat Day* is held every year on the first Monday in October in order to publicize the Habitat Agenda.

This action day reminds the public of the Agenda and of the necessity for implementing it.

- 2. The Habitat Platform: the institution responsible for World Habitat Day. As well as preparing the annual World Habitat Day, the Platform organizes conferences to promote an exchange of experience and also runs projects in developing countries.

The Netherlands are exemplary in recognising that the Habitat Agenda should not only be implemented in one's own country. It is just as important to help other countries with their implementation. This occurs in the Netherlands with the help of, among other things, the Habitat Platform which operates as an established institution.

- 3. Levying of a local tax on buildings: The municipalities are empowered to levy a local tax on buildings, differentiated between buildings for housing and buildings for business. This improves the local authorities' financial situation. In addition to the local tax on buildings, there is a taxation of real estate (with real estate included as part of the property), which forms part of the Dutch Government's taxation of wealth.

The practical realisation of the Habitat Agenda occurs mainly at the level of the local authorities. For this they require money. The best way of making money available is in ensuring their own sources of revenue, not in government grants. The taxation of buildings is a good idea because buildings earn money and this can then be taxed.

FINLAND

- 1. Participation scheme: At the start of each planning process, an individual "participation and assessment scheme" must be drawn up usually in the form of an annotated timetable to decide how to organize the public consultation process and environmental assessment,.

The demand for the participation of the public also comes very high on the Habitat Agenda wish list. Finland has discovered a method of ensuring adequate participation for every single case of planning activity.

- 2. Environmental insurance: Organizations responsible for projects which may have a harmful impact on the environment must obtain environmental insurance to cover the costs of repairing any environmental damage caused.

Even though all possible precautions may be taken there is always a risk of environmental damage being caused by private projects. In Finland the agents responsible for carrying out the project must take out an insurance policy covering environmental damage. Thus the repair of the environment is ensured in the case of an accident.

- 3. Regional "Centres of Expertise": "Centres of Expertise for the Collection and Exchange of Knowledge and Experience" have been established at regional level, enhancing regional competence in various economic matters, so as to strengthen regions.

Even within a country it is possible for municipalities and regions to learn from one another (and not just in the international comparisons which we are cultivating here). Finland has set up "Centres of Expertise for the Collection and Exchange of Knowledge and Experience" at a regional level which have proved their worth.

ROMANIA

With Romania and, following directly after, Turkey we turn to two countries which are not yet members of the European Community.

They face economic problems (e.g. Romania) and / or they have embarked upon political reform (e.g. Turkey).

In both of these countries is shown the **importance of a decentralised organisation of government**. Decentralisation means:

- 1. Decentralisation and regionalisation of the public administration. In particular the regionalisation process which is now being carried out is one of the key institutional prerequisites for a sustainable environment as well as for human settlements.
- 2. in addition: introducing and consolidating municipal self-government is the basis for effective popular participation in the decision-making process.

An effective implementation of the Habitat Agenda is not possible without municipal self-government.

- 3. In Romania, the "National Centre for Human Settlement" has proved its worth as an inter-departmental agency addressing housing problems. It was established in 1991, mainly to formulate a national habitat strategy, aimed primarily at creating "adequate shelter for all" and the identification of mechanisms to achieve this.

In countries with significant problems in providing living space (within the five countries examined this only applies to Romania and Turkey) it is advisable to create a taskforce spanning all governmental departments, rather than just based in the Ministry for Housing. This emphasises the importance of the task and allows the problem of "departmental egos" to be avoided.

TURKEY

- 1. Turkey's voluntary commitments, through its accession to international agreements, has achieved significant progress in implementing the goals and objectives of the Habitat Agenda.

The example of Turkey shows the important role international treaties play for the Habitat Agenda. Many of Turkey's activities on the way to implementing the Habitat Agenda have been triggered by international treaties which Turkey has acceded to through ratification laws.

- 2. Upgrading to an internationally applicable statistical system is a prerequisite for the preparation of sound scientific analyses and international comparisons.

There can be no target-oriented politics without the relevant information. If one does not know where the shortfalls are or what they are the result of one cannot effectively combat them. For this reason the creation of a dependable and, furthermore, internationally comparable statistical system is exceedingly important. Turkey is in the act of adding its national statistics to the system used within the EU.

- 3. Improving building safety, especially against natural disasters, is a basic prerequisite for sustainable housing.

In a comparison of the five countries examined Turkey is the most threatened by natural catastrophes as parts of Turkey belong to areas liable to earthquakes. Precautions against such dangers need to be carried out in good time – helping afterwards is only ever the second best solution.

GERMANY

- 1. Closed substance cycle waste management: Germany's Closed Substance Cycle Waste Management Act is a very advanced response by legislators to the problem of waste.

I have the impression that Germany belongs to the world champions of waste legislation – we are approaching perfection. It is not to be regarded as undue self-praise when I assert that waste management in Germany is exemplarily regulated (and, for the most part, exemplarily carried out).

- 2. EU-wide uniform labelling of building materials which meet EU standards simplifies the construction process and enhances building safety.

Uniform labelling of the conformity of building materials with the relevant norms simplifies import and export and provides for certainty. This is why the European system of labelling using the CE marking system is exemplary.

- 3. The Strategic Environmental Assessment for all urban land-use plans and regional planning processes increases the impact of environmental issues in planning. At the same time, the European Union's increasing influence on legislation in the member states is becoming apparent.

The European Community has ensured that the environmental assessment of projects shall not be examined during the final approval of the project but rather during the preparation of the plans which set the parameters for the project. This is a good, exemplary system.

I hope to have shown with these examples that legislators all over the world can gain a great deal of useful suggestions from the results of this study.

Thank you for listening.