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HABITAT II PREPCOM III HIGHLIGHTS MONDAY, 12 FEBRUARY 1996

Delegates continued to negotiate text for the Habitat II Conference in three Subgroups. An additional, open-ended group met in the afternoon to begin consideration of text related to a "right to housing."

WORKING GROUP II SUBGROUP A

On **23** (commitment to the Habitat II Agenda), the G-77/China proposed noting that human beings are at the center of concerns on adequate shelter for all. On **24** (adequate shelter for all), the EU referred to implementation consistent with human rights standards and Canada proposed language from Agenda 21. On **25(b)** (security of tenure), the group discussed "vulnerable and disadvantaged groups," disabled persons and "legal" tenure options. The G-77/China proposed "through a diverse range of tenure options." The group agreed to the G-77/China text as amended, and "legal" was bracketed. On **25(c)** (housing finance), the group accepted the original text and included the US-proposed "public and private" finance sources.

On **25(g)** (discrimination), some delegates supported an EU proposal specifying types of discrimination. The G-77/China objected to "sexual orientation" and the Holy See proposed "discrimination in all its forms." On **25(h)** (groups needing shelter), delegates debated the inclusion of refugees, migrants and indigenous peoples. Some delegates proposed including a new **25(i)**. The Philippines supported measures for legal migrants, but many delegates said the proposal unduly differentiates migrants from other groups. Delegates bracketed a proposed **25(j)** (traditional rights to land). Proposed **25(k)** (forced evictions) was withdrawn pending the results of the housing rights drafting group.

In written proposals on **26** (sustainable human settlements), the EU proposed referring to the precautionary principle and the US proposed substituting developing "economies" with "societies." Delegates debated the inclusion of several issues under **27**(objectives), such as: sustained economic development, coastal zones, access to services, redevelopment of poorly utilized land, natural and human-made disasters, and implementation of local commitments. Language on cities under foreign occupation was bracketed.

On **28** (enablement), the G-77/China recommended a reference to assistance from the international community, the US referred to grassroots women's groups, and Norway proposed "men and women on an equal basis." Many delegates supported Canada's

proposal to include "design, management and assessment," as well as Australia's proposal to include "participation" in the title. Some delegates thought "enablement" should refer to national, rather than international, actions.

In **29** (objectives), the EU proposed language on enabling local leadership and the US proposed including "gender-sensitive" institutional frameworks. Delegates accepted Canada's references to institutionalizing "a participatory approach," supporting "progress and security" and encouraging "community-based organizations." Canada will redraft its proposal on gender equality following comments on its length and location. A proposal on tenant participation in management and a proposal on scientific research and development were adopted. A G-77/China proposal on international cooperation was bracketed.

In **31** (objectives), the group deferred discussing economic development pending consideration by a drafting group. The group adopted sub-paragraphs on enhancing public revenue, strengthening regulatory frameworks, promoting access to credit, and adopting mechanisms for allocation of resources, as amended. The G-77/China proposal for a new sub-paragraph recognizing the housing sector was included for review by the drafting group. For **32** (international cooperation), the G-77/China's proposal was bracketed pending discussion by the drafting group. In **33** (further objectives), delegates debated a proposal on a target percentage of GNP for development assistance, private capital flows and mobilizing adequate new and additional resources. In **35** (UNCHS), the EU proposed referring only to the UN framework, and the G-77/China objected.

WORKING GROUP II SUBGROUP B

The Subgroup reviewed their work from Saturday and, at the suggestion of India, the US dropped its objection to "equitable" use of land in paragraph **56(d)** (taxation and incentive mechanisms to ensure supply of serviceable land). In **56(g)** (existing infrastructure), delegates noted that action should be in accordance with carrying capacity (G-77/China) and added a Norwegian proposal calling for adequate provision of common spaces and facilities. Delegates added new **56(h)bis**, proposed by the G-77/China, calling for instruments for the development of land including, where appropriate, land readjustment and consolidation. In **56(i)** (cadastral systems and land registration), delegates called for regularization of informal settlements, "where appropriate," and removed the brackets from "simplify land transactions." In **56(j)** (develop land laws), delegates called for development of a "legal framework" (G-77/China). Delegates incorporated references to

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"indigenous land settlement" (Canada) and the development of small and medium-scale cities and rural areas (Croatia) into **56(l)** (rural development). In **56(m)** (procedures to transfer land), delegates noted that procedures should be "within the context of a comprehensive land-use policy framework" (G-77/China), including the protection of arable land and the environment." (EU)

In **57** (efficient land markets), the US agreed to include a reference to the "equitable" use of land based on India's proposal to "promote" rather than "ensure" such action. In **57(b)** (legislative arrangements), delegates called for an effective "legal framework" rather than legislative arrangements. Delegates called for review of "exclusionary" (US) processes in **57(e)** (review restrictive processes).

In **58** (eradicate barriers to access to land), delegates added references to "people with disabilities" (US) and "other vulnerable groups." (G-77/China) The US and Canada objected to the reference to "equitable" access to land, a word which generated some debate. A reference to "equal and equitable" remains bracketed. In **58(a)** (barriers that lead to segregation), delegates added references to "social" (Canada) and "disability-based" causes that create barriers, and encouraged training for peaceful conflict resolution (US). In **58(b)** (awareness campaigns), delegates called for education regarding "legal rights" (G-77/China), "land ownership and tenure and inheritance for women." (Canada) In **58(c)** (review legal frameworks), Canada proposed reference to the WSSD and FWCW documents, but the G-77/China opposed an enumeration of the conferences. In **58(d)** (implement programmes), delegates incorporated US, EU and Canadian proposals calling for "full and equal participation of women and taking into account the needs differentiated by gender, age, disability and vulnerability." The Holy See was assigned the task of combining **58(e)** (women in informal urban settlements) with an EU-proposed *dbis*, regarding enabling women to obtain housing and access to land. In **58(f)** (mechanisms to protect widows), delegates retained the subparagraph addressing women whose husbands die, and added an EU subparagraph calling for review of legal frameworks to ensure equal rights to own and inherit land. The Subgroup continued negotiations in an evening informal meeting.

WORKING GROUP II SUBGROUP C

On Friday and Saturday, Subgroup C completed work on paragraphs **66-75** in Section B (Adequate shelter) and began Section C (sustainable human settlements). In paragraph **77** (urban role in sustainable development), references to natural (EU) and religious (Holy See) heritage were added. References to demographic, poverty, consumption and production factors (US) remain bracketed. Proposals for a **77bis** suggested by the EU (recognition of local authority role) and the US (knowledge and skills of stakeholders) were deferred.

In **79** (unsafe disposal of waste), the US added language on cross-boundary impacts. Brackets were placed around EU proposals on carrying capacity, the precautionary principle, environmental impacts, and language on trade in hazardous waste. The latter was qualified by the US to apply only to parties to international agreements.

In **80** (rural settlements), additions included: social and physical infrastructure for all (UNICEF); forests (US); and the integrating role of strong subnational institutions (EU). In **81** (international cooperation), new language includes: city-to-city cooperation and additional activities to promote sustainability (Canada); and patterns of human settlement in the context of UN conference objectives.

In **82** (land resources), Israel and G-77/China replaced "conflicting" with "potentially" (Canada) competing demands of different land uses. The US added reference to safe access to land for members of vulnerable and disadvantaged groups. An NGO

suggested stronger language on land issues. Proposals on the precautionary [principle] (EU) [approach] (US) and environmental and social impact assessments (EU and Australia) were bracketed. The G-77/China proposed deferral of an EU-proposed **82bis** (water development and management). In **83** (peripheral land use), the EU deleted a reference to the promotion of land-use patterns as a "precondition." Australia added water quality and recharge. The EU introduced **83bis** (green spaces) with an amendment on pollution by Norway.

In **84** (establishing sustainable urban land-use patterns), EU amendments included: appropriate levels, human settlements and sustainable land-use, and planning. Canada proposed **84(a)bis** to encourage sub-national and urban land-use plans. In **84(b)** (efficient and accessible land markets), the G-77/China replaced "ensure" with "promote." The US introduced **84(e)bis** (polluting facilities in areas inhabited by the poor). The EU preferred general reference to residential areas and language on pollution minimization. In **84(f)** (improved land-management), the EU and Canada added "forested areas." In **84(g)** (integrate land-use and transport policy), the US added "communications planning." Barbados added **84(g)bis** (integrated coastal management). In **84(h)** (urban monitoring and indicators), Canada added "promotion of capacities." In **84(i)** (participatory approach to sustainable urban development), the G-77/China replaced "urban development" with "human settlements." Canada, with Norway/UNICEF, specified a list of vulnerable groups. In **84(j)** (community-based land-resource protection), the EU preferred "land-management." The G-77/China introduced reference to best practices in human settlements. The EU added **84(k)** (integrated environmental management).

The qualification [establish] "as appropriate" was introduced to **85(b)** (quasi-judicial local structures) by the US and G-77/China. Norway expressed discomfort with the weakening of language. In **85(c)** (land market), delegates accepted a Swaziland reformulation of an EU proposal to establish an environmentally sound and effective legal framework. The Subgroup continued work during an evening session.

IN THE CORRIDORS

A shortage of space in Conference Room C provided an appropriate indicator of interest in the "right to housing" question at the PrepCom Monday. The group, chaired by Marcela Nicodemus (Brazil), convened to consider the issue, but was forced to adjourn because so many delegates attended that many were forced to stand. The Secretariat has been invited to produce a summary of delegates' positions for a second session. Some G-77/China delegates have said that Habitat II is the "most appropriate forum" in which to affirm a basic right to housing. One delegation said the issue was inseparable from that of sustainable development.

THINGS TO LOOK FOR TODAY

SUBGROUP A: The Subgroup will begin consideration of Section E (international cooperation) in Conference Room 2.

SUBGROUP B: The Subgroup will continue negotiations in Conference Room 3. They are expected to consider paragraphs 100 to 128 of Section C (sustainable human settlements) once they complete consideration of paragraphs 43-65 in Section B (adequate shelter for all).

SUBGROUP C: The Subgroup is expected to continue negotiations in Conference Room 5. They are expected to consider Section D (capacity-building and institutional development) once they complete the first half of Section C (sustainable human settlements).

RIGHT TO HOUSING: A second session of the Contact Group on the right to housing is expected to convene at 10:00 am. Delegates should consult the Journal for the room.