

Good Policies and Enabling Legislation for Attaining the Millennium Development Goals

A Methodology for Participatory
Review and Assessment



UN-HABITAT

UNITED NATIONS HUMAN SETTLEMENTS PROGRAMME

Good urban policies and enabling legislation for attaining the Millennium Development Goals (MDGs)

Background

The Commission on Human Settlements¹, at its 17th (1999) and 18th sessions (2001), decided that the documentation of best practices should be expanded to include examples of good policies and legislation. The decision was further endorsed by the "*Declaration on Cities and Other Human Settlements in the New Millennium*", adopted by the General Assembly at its special session (Istanbul+5) in June 2001. Paragraph 63 of the declaration states: "A further goal is to translate best practices into policies and permit their replication. In this respect, the international community should ensure the effective formatting and dissemination of proven best practices and policies."

Documenting good policies and enabling legislation

In response to the above, UN-HABITAT initiated, in 2001, the pilot phase of a programme to document and assess good urban policies and enabling legislation, consisting of:

- Defining what constitutes good policy and enabling legislation, including specific criteria;
- Developing guidelines for assessing policy and legislation;
- Developing a methodology and reporting format for documenting policy and legislation;
- Field testing the methodology with examples of policies or laws from the different regions;
- Holding an Expert Group Meeting that included participants from the pilot phase, with the aim of refining the methodology and reporting format and;
- Making recommendations for the future including dissemination and applications in policy development and capacity building.

For the field-testing, examples of policies and laws were selected from a diverse set of countries. Thematic areas included decentralization, mobilization of municipal resources, urban safety, access to health and secure tenure by the urban poor. Testing was carried out in nine countries: Brazil, Colombia, Peru, the Philippines, Mexico, Senegal, Burkina Faso, Tanzania and Uganda. The

methodology includes the following key steps:

- The unpacking and dissemination of a law or set of laws in simple language and easily accessible form by all stakeholders;
- The mapping of the originally-intended and actual institutional framework for implementation, monitoring and evaluation;
- The organisation of a perception-based multi-stakeholder review of the effectiveness of the law or policy and assessment of difficulties encountered in its implementation;
- The dissemination of the results of the review together with recommendations for policy reform and capacity building.

Expert Group Meeting

An Expert Group Meeting (EGM) was held in Nairobi in July 2004 to share experience in the use of the methodology and reporting format with those who participated in the pilot phase, and to refine the tools. It brought together key persons and institutions from participating countries, as well as partners of the Best Practices Steering Committee and key programmes of UN-HABITAT involved in the initiative. Participants at the EGM also shared their plans for using the findings on the particular policies or laws documented, as well as intended future applications of the methodology.

Pilot phase policies and legislation

The following participated in the pilot phase:

- **Brazil:** focusing on pro-poor (*pro favela*) land-use planning and land tenure laws as applied to the case of Belo Horizonte.
- **Burkina Faso:** focusing on the mobilization of municipal financial resources.
- **Colombia:** focusing on decentralization laws and land use planning
- **Mexico:** an *ex-ante* application of the methodology for a new National Housing Law to take the form of a constitutional amendment.
- **Peru:** focusing on participatory urban governance as applied to the case of Lima.
- **Philippines:** focusing on the 1991 Local Government Code.

¹ UN-HABITAT's governing body now known as the Governing Council

- **Senegal:** focusing on the policy for “Access to better health care for all at a lower cost.”
- **Tanzania:** focusing on decentralized crime prevention and social justice as applied in of Dar es Salaam.
- **Uganda:** focusing on decentralization policy and the Local Government Act.

Implementation experience and lessons learned

The initiative was well received in all countries concerned. It responded to an effective demand for the assessment of policies and legislation in general, and for policies dealing with decentralization and urban governance in particular.

Using a participatory approach and local institutional expertise, the method proved effective in all countries covered. It has provided decision-makers at different levels with a rapid insight as to how a given policy or law is perceived to function by all major stakeholders concerned. This form of assessment is not only germane to the political process, but is also highly cost-effective. All countries in the pilot phase found the following aspects of the methodology particularly useful:

- It provides a simplified version of a law or policy, summarising its main provisions, in a language accessible to all stakeholders.
- It focuses on the content as well as the process of formulating a law or policy and provides an institutional map of key actors involved and their respective roles and responsibilities.
- A participatory stakeholder review brings out the perceptions of different actors and institutions on the outcomes and impact of implementing the law or policy. Almost all the countries saw the potential for using the stakeholder review for various functions related to implementing or reviewing their respective laws or policies.

Central government ministries in Colombia, Peru, Philippines and Uganda are considering initiatives following up on reviews of the respective laws. In the case of Brazil, central government authorities are considering reviews of other examples of municipal urban policies and laws. In Tanzania, the results will be used in the scaling up of Safer Dar es Salaam. In the case of Mexico, the Senate is using the methodology as part of the

process of formulating new national housing legislation. The guidelines and criteria have proven valid. The reporting format has been refined based on the feedback obtained from the pilot phase. The resulting methodology is a cost-effective tool for the *ex-ante* (as in the case of Mexico) and *ex-post* assessment of urban policies and enabling legislation. It provides an entry point for assessing the effectiveness of sectoral policies or laws in support of the attainment of the MDGs and for assessing capacity-building priorities for overcoming obstacles and problems in implementation.

The EGM, recommended this rapid assessment methodology as an integral part of existing tools for policy advocacy and development. It also proposed that it be widely used and applied to assist all spheres of government in attaining the MDGs through supportive policy frameworks. Finally, the EGM proposed that the results of its application, in the form of documented examples of urban policies and legislation, be used as a means of monitoring and assessing progress in the implementation of the *Habitat Agenda* and the attainment of the related MDGs.

Brazil: Land access and security of tenure for the urban poor in Belo Horizonte

The Issue: Access to land and security of tenure is critical to the integration of slums into the formal city and the improvement of living conditions for the urban poor. The granting of secure tenure, generally acknowledged as the first and most critical step towards slum improvement,



is often hampered by the fact that slums and informal settlements are “illegal” in their occupation and do not comply with building codes, regulations and standards. Interventions by public authorities, whether they seek to regularise or improve these settlements, are politically complex because any intervention could be interpreted as a *de facto* recognition of their legal status. This often leads to an intractable situation whereby, without regularisation, slum dwellers are reluctant to improve their living environment and service providers are reluctant to assume the risk of investments in basic infrastructure and services.

The Context: Belo Horizonte has 177 slums and 63 public housing projects, totalling 240 poor neighbourhoods, with approximately 500,000 inhabitants –about 22 percent of the total population of the municipality. These areas have

health problems, access difficulties and poor quality of housing. There are also serious lowland flood and mudslide risks to the population.

The Law: *PROFAVELA*, The pro-poor land law that was adopted in Belo Horizonte was developed in compliance with enabling legislation at the federal level. The local authority suspends and relaxes, on a temporary basis, relevant laws, byelaws and standards to facilitate improvements and land tenure regularisation. This enables negotiations to take place between public authorities, service providers and slum dwellers to establish a plan for the improvement and regularisation of their settlements. Once the plan is approved, it becomes a legal instrument that further enables public intervention, empowers slum dwellers to invest in improvements and to comply with agreed codes and standards, and ultimately, to gain legal recognition and title deeds.

The Impact /Lessons learned: The pro-poor land law of Belo Horizonte shows how enabling legislation has made it possible for tens of thousands of inhabitants of informal settlements to obtain security of tenure and to regularize their status. The local authority implements the law in the form of a planning and zoning instrument called ZEIS (Zone of special social interest). This land regulation instrument has since been adopted and implemented in several municipalities in Brazil. One issue that remains is that not all inhabitants are able to invest to the same degree and to comply even with relaxed by-laws and standards, leading to delays in the granting of title deeds and attaining improved housing conditions.

Burkina Faso: Mobilising municipal taxation in Koudougou

The Issue: Decentralisation from central to local spheres of government is generally acknowledged as a means of making government more responsive to the needs of the people. The ability of local government to provide better services depends, however, to a large extent on adequate



resources and tax revenues. In many developing country cities, local tax revenues are neither buoyant nor elastic, with the result that per capita revenues tend to stagnate or even to fall over time. This situation leads to a vicious cycle of lessened capacity by the local authority to provide basic services and increasing reluctance on behalf of the population to pay taxes.

The Context: Decentralization started in Burkina Faso in 1995 with the adoption of a new constitution in 1991 that devolves administrative powers and powers of taxation to the local level. Forty-nine urban and 350 rural administrative entities were created of which *Koudougou*, with a population of 93,272 people, is the third largest town in Burkina Faso. According to the new Constitution, cities are in charge of collecting taxes for the benefit of the State and the City Administration. However, the industrial activities of *Koudougou* have waned as a result of globalisation, and the local economy has become predominantly informal. This has led to a rapidly diminishing tax base with tax yields decreasing every year. These problems are compounded by the lack of civic consciousness and commitment to pay taxes. .

The Policy: To counter this problem and to improve the prospects of economic and social development of the city, the Town Council decided to implement a new policy to make local tax collection more effective. The policy had three main objectives:

- To stimulate the local economy by curbing the city's operational budget and by increasing the capacity to self-finance the municipal administration.
- To promote civic engagement and education.
- To promote good urban governance, by taking into account the socio-cultural context dimension and using participatory budgeting.

A City Tax Collection monitoring committee including representatives of Finance, the Town Council and the Municipal Administration, was established. This committee meets monthly to review the implementation of the policy and to suggest measures and proposals to the Council President. At the same time, a communication strategy was devised to sensitise people to the financial situation of the city and to compel them pay taxes. This involved meetings with taxpayers to create awareness of the importance of taxation and thereby improve willingness to pay. All financial decisions were discussed openly with all major stakeholders.

The Impact/Lessons learned: As a result of this policy, tax collection rates have increased from 68 percent in 2000 to 97 percent 2002, representing a 42 percent increase in revenues. The municipality has improved its investment possibilities and people are more willing to pay taxes as they participate in decisions that have a direct impact on their livelihoods through the allocation of tax revenues.



China: Access to housing

The Issue: Housing for low-income groups has long plagued developed and developing countries alike. Strategies ranging from subsidised public housing to inner



city rehabilitation, and from sites and services to slum upgrading, have all been beset by social, economic and political problems exacerbated by rapid urbanisation. This creates a vicious cycle of poverty, deprivation and social exclusion.

The Context: China has had high rates of economic growth and urbanisation for two decades. The housing sector has been liberalised according to market principles of supply and demand. The economic boom witnessed by Chinese cities has induced investment in the high and middle segments of the housing market, posing problems of affordability and accessibility for families with limited income and savings. China's urban housing market was, until the early 1980s, almost entirely the purview of the state and state-owned enterprises, responsible for investing in and allocating housing within a strict command and control economy.

The Policy: To facilitate access to the housing market, Chinese cities have been practicing a policy of stimulating supply and demand. This done through the use of equity grants for people living in sub-standard housing to facilitate home ownership, and fiscal incentives for real estate developers to provide housing within a negotiated price range. The liberalisation of the urban housing market in the late 1990s was a key component of China's macro-economic reforms towards a "socialist economy based on market principles." While land remains the property of the state, leases are auctioned to developers to supply housing on a home-ownership basis. Low-income families living in slums or sub-standard housing are provided with a once-in-a-lifetime equity grants based on the market

value of their existing housing. The aim is to facilitate access to mortgage instruments and to provide incentives in the form of tax reductions or exemptions to developers to provide housing within a negotiated price range.

Impact/lessons Learned: Three documented practices of Chengdu, Baotou and Shanghai highlight the success of the policy. In Chengdu, over 100,000 slum dwellers, having benefited from one-time equity grants were relocated and re-housed in housing estates where developers were provided with tax breaks to ensure more affordable prices. Similarly in Baotou, this system combined with a one-stop-shop for housing finance, enabled the local authority to re-house 500,000 people left homeless by a major earthquake.

China's urban housing policy differs considerably from prevailing housing policies and strategies for low-income groups. The use of equity grants, combined with incentives for housing developers to provide affordable housing, stimulates both supply and demand. About 24 million housing units have been built in the last 4 years. Chinese cities have been able to avoid the social problems of low-income housing estates that tend to evolve into urban ghettos over time. Slums and homelessness are also seemingly absent from the urban landscape. In large housing estate developments, many of which attract foreign direct investment, a new level of self-governance has emerged - residents elect



committees to oversee and manage urban safety and security, environmental conservation and urban greening, and to cater to the specific needs of youth, single female-headed households and the elderly. The housing policy, however, has had a limited impact for the residents of insolvent and poorly performing state-owned enterprises whose housing stock has become relatively sub-standard and socially undesirable. It also does not address the housing needs of an estimated 100 million migrants, or

“floating population” who tend to rent rooms in peri-urban and fringe areas. Furthermore, there is not enough public housing built by the local authorities to be rented out to low-income families who cannot afford housing ownership.

Colombia: Integrating decentralisation and land-use planning

The Issue: Decentralisation is generally recognised as a means of improving service delivery. In many rapidly urbanising societies, the ability of public authorities to provide basic infrastructure and services, particularly to the urban poor, is seriously hampered by urban sprawl and unplanned settlements. Effective land-use planning is a key instrument in ensuring equitable access to public goods and services.

The Context: Accelerated urbanization started in Colombia in the 1960s, with more than half of the country's population living in urban areas. The lack of an equitable land law created two types of living environments: legal settlements replete with infrastructure and services, and illegal or informal settlements lacking the minimum conditions of quality of life. Outdated legal and institutional frameworks that failed to cater for the needs of low-income communities exacerbated this situation.

The Law: A new constitution, adopted in 1991, radically modified the concept of private property. It introduced the notion of urban land as a public good and recognized the need for land use planning to cater to interests of the general public. The constitution of 1991 led to the revision and adoption of many other laws, such as the “Law on Spatial Planning”. One of the main objectives of this law was to ensure a more efficient and equitable use of land. Some of its main provisions included:

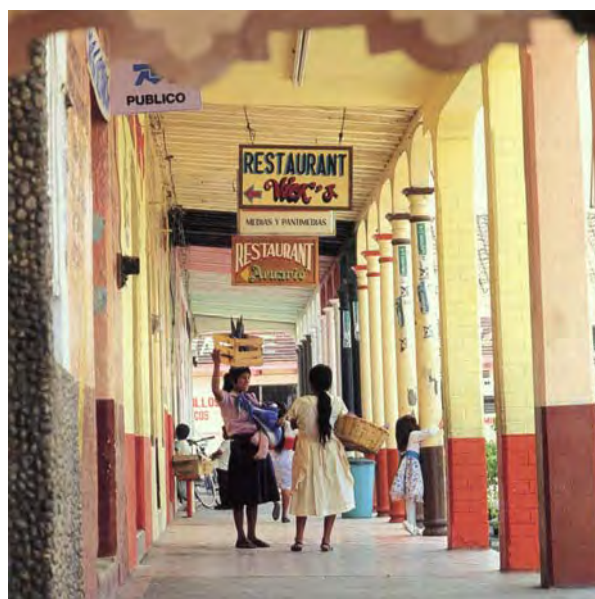
- The definition of the respective roles and responsibilities of state and local authorities in land use planning.
- The obligation of state and local authorities to classify the use of all public land in accordance with the constitutional principles of gender equality and social inclusion, and the principles of public interest such as the preservation of ecological and cultural heritage and disaster prevention and mitigation.
- The adoption of mandatory municipal land use plans using a participatory and democratic process as a pre-condition for the approval of urban development

projects, building permits and the allocation of central government grants and subsidies for housing and infrastructure development. In addition, the law provides for the use of specific instruments and procedures for conflict resolution and mediation on planning matters.

Impact/Lessons Learned: The “Law on Spatial Planning” has transformed the urban landscape in Colombia. The overarching principle of protecting the general over individual interest has led to more rational use of land, greater equity in the provision of basic infrastructure and services, the protection of the environment and the preservation of cultural heritage. The participatory approach required for the adoption of land use plans and regulations has contributed to more effective, transparent and accountable local government. In such cases as Bogotá and Medellín, it has enabled the adoption of innovative practices in the integration of low-income settlements, as well as a more efficient network of roads, infrastructure and transport. It has also led to greater transparency in the costs and benefits of urban development. A key-contributing factor to success has been the role of the Ministry of Economic Development in nationwide campaigns including TV, seminars and workshops to familiarize the public with the law.

Mexico: Revision of the National Housing Law

The Issue: The combined impact of rapid urbanization and globalisation is resulting, in many developing countries, in the urbanization of poverty. One of the most



important manifestations is the proliferation of slums and informal settlements, both of which have a direct impact on the attainment of other MDGs such as access to health, education, water and sanitation, and the ability to care for those affected by HIV/AIDS. Women, particularly single female-headed households, are among the most severely affected.

The Context: Mexico is one of the most urbanized countries in Latin America, with over two-thirds of its 104 million people residing in cities. Despite a relatively high GDP per capita (circa US\$ 6,250), 44 percent of the urban population lives in asset poverty and 24 percent of urban households live in slums and informal settlements. If present trends continue, the estimated need for housing by 2030 will exceed 730,000 new dwelling units and 390,000 household improvements per annum. The present Housing Law, adopted in 1984, is clearly inadequate to meet this challenge. This situation prompted the Housing Commission of the Mexican Senate to propose a new Housing Law to be tabled in September 2004.

The Process: The process of formulating a new Housing Law was initiated in 2001. It involved a wide spectrum of stakeholders, including academia, the Federation of Employers, government agencies and councils, representatives of civil society, experts and consultants. Key issues identified include the need to:

- Adjust existing land-use laws and regulations to facilitate urban development.
- Assign clear roles and responsibilities between state and municipal governments.
- Ensure the active participation and buy-in by the social and private sectors of the economy.
- Establish a body to coordinate the implementation of

formed part of a comprehensive process involving the following components:

- The compilation and analysis of statistical information to assess trends and conditions as they pertain to the *Habitat Agenda* and the *MDGs*.
- The analysis of socio-demographic and cultural variables that affect participation in and ownership of the decision making process.
- The identification of territorial variables including the institutional and economic capacities of different spheres of government.
- The analysis of the socio-political context and the relations between key institutional actors and stakeholders to ascertain their level of commitment to the new law or policy.

Impact/Lessons Learned: The use of the methodology as an *ex-ante* policy development tool was an unanticipated outcome of the pilot phase. Its relevance as a checklist for ensuring compliance with the *Habitat Agenda* and the *MDGs* provides an additional source of validation of its basic tenets and criteria.

Morocco: Reducing urban poverty and stimulating local economic development through strategic urban planning

The Issue: In many developing countries, metropolitan authorities lack flexibility and the instruments required to link administrative decisions with physical planning and the planning of infrastructure, services and socio-economic development. Municipal authorities compete for resources. Each operates according to their own

预览已结束，完整报告链接和二维码如下：

https://www.yunbaogao.cn/report/index/report?reportId=5_19345

