

URBAN LAW DAY VIRTUAL
DISCUSSION: **CLIMATE
CHANGE AND URBAN
LEGISLATION**

| **A REPORT**

DATE

October 29, 2021

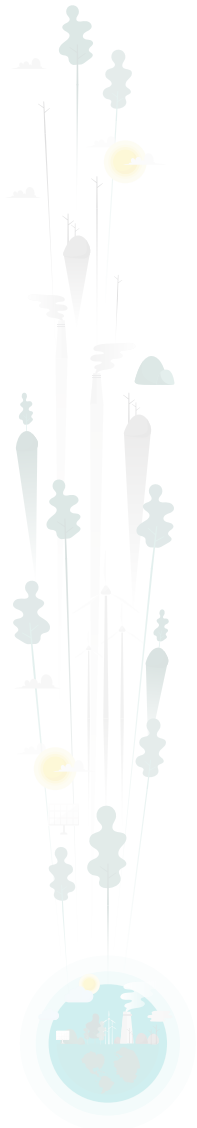
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ORGANIZED BY

Fordham University School of Law

IN COLLABORATION WITH

UN-Habitat



PRESENTER



Ana Paula Pimentel Walker

Assistant Professor of Urban and Regional Planning, Taubman College of Architecture and Urban Planning - University of Michigan

Biography: <https://taubmancollege.umich.edu/faculty/directory/ana-paula-pimentel-walker>

PANELISTS/DISCUSSANTS



Nestor Davidson

Albert A. Walsh Chair in Real Estate, Land Use and Property Law; Faculty Director, Urban Law Center, Fordham University School of Law

Biography: https://www.fordham.edu/info/23127/nestor_m_davidson



Sheila Foster

Scott K. Ginsburg Professor of Urban Law and Public Policy; Professor of Public Policy; Associate Dean for Equity and Inclusion; Georgetown University

Biography: <https://www.law.georgetown.edu/faculty/sheila-foster/>



Anne Amin

Legal Specialist, UN Habitat

Biography: <https://urbanpolicyplatform.org/anne-amin/>

SUMMARY

On October 29, 2021, the Urban Law Center at Fordham University in New York and UN-Habitat convened a virtual discussion on Climate Change and Urban Legislation in honor of the 5th annual Urban Law Day.

UN-Habitat Legal Specialist **Ms. Anne Amin** opened the discussion, outlining the broad scope and unprecedented scale of the impact of global climate change: with the global urban population growing by 1.3 million people weekly, urban areas account for almost two thirds of greenhouse gas emissions and energy consumption. She detailed the populations most vulnerable to the damaging effects of climate change and highlighted the role that urban law plays in reducing emissions and managing the consequences of climate change, noting the paradox of ineffective laws and policies in place in some cities and countries.

Ms. Amin introduced the UN-Habitat Climate Change Initiative as a flagship organization supporting cities in emerging and developing countries to address climate change and enact effective mitigation measures. The initiative also advances tools to support city leaders and practitioners in climate action measures. One such tool is the Climate Change Tool Kit, which develops tools and initiatives to support cities and law makers in their efforts to reduce the impact of climate change.

Professor Ana Paula Pimentel Walker then shared findings from a case study of climate change and urban legislation in Colombia. The study was performed by her students at University of Michigan, utilizing UN-Habitat's Climate Change Toolkit as a rubric to determine Colombia's ability to accelerate climate action by integrating urban and climate law.

The Toolkit is divided into the following sections:



1. Governance and Institutional Arrangements



2. Planning Instruments



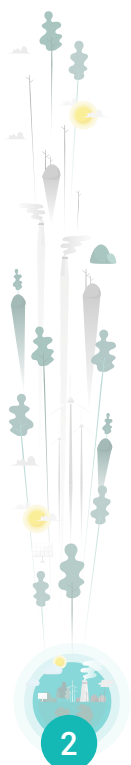
3. Planning for Adaptation



4. Planning for Mitigation



5. Economic and Financing Instruments.



The first step in accelerating climate action was to build a “legal map” of Colombia’s legal and policy framework by determining relevant laws and policies. One of the goals of the toolkit is to discover if the country’s laws have a requirement for adaptation and mitigation.

Assisting in this goal was a group of questions - to be answered with a yes or no - that would illustrate the lack or presence of a requirement. Following the questions, a literature review was engaged on the implementation of urban and climate change laws. As a result a report was drafted on the findings and recommendations.

1. GOVERNANCE & INSTITUTIONAL ARRANGEMENTS

This foundational section analyzed 22 Colombian laws reflecting a strong multilevel coordination between instruments with requirements for participation. Over the past 30 years, Colombia’s constitution has generated a body of legislation that prioritizes urban socioeconomic rights and environmental rights. These laws have been expanded to meet the growing impact of climate change on the regional and national level.

Disaster planning laws that predate Colombia’s constitution have given coastal municipalities considerable knowledge on risk preparation. As a participatory democracy, Colombia has laws in place that serve as mechanisms to engage the population. Indigenous territories and urban commerce are protected. However, Colombia’s slum dwellers do not have a say in their governance; hence, the research committee made recommendations that these laws be strengthened

2. PLANNING INSTRUMENTS

Upon initial review, Colombia’s planning instruments on the regional and national level support each other. However, implementation of these plans faces considerable challenges due to decentralization - particularly on the

cities’ heavy reliance on a transfer of revenue from the central government. Therefore, the research committee recommended increased fiscal decentralization.

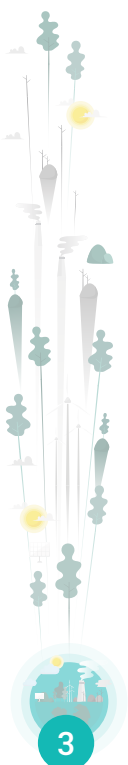
3. PLANNING FOR ADAPTATION

The committee analyzed 45 laws and decrees that address adaptation and risk. The Toolkit’s questions prioritized risk and adaptation strategies. Law 2044 of 2020, for example, has been enacted so that residents of informal and precarious settlements may acquire property rights if they can demonstrate possession for at least ten years.

Regarding vulnerable populations, study participants made recommendations for clearer policies to protect and reimburse families who have relocated from rural areas. Additional findings indicate that there could be more development approval for adaptation strategies.

Communities vulnerable to climate change in Colombia include the Afro-Colombian population, which is largely in coastal areas and inhabit communities with more precarious housing and infrastructure that is more vulnerable to flooding and extreme weather, and Indigenous communities, although Colombia has reserved large plots of land for some of its Indigenous populations.

Most recommendations in this section refer to verifiable benchmarks in ranking - some municipalities struggle between balancing biodiversity, strong infrastructure that would protect citizens, and climate change.



4. PLANNING FOR MITIGATION

Most of Colombia's greenhouse emissions come from natural resources and deforestation. Colombia provides 0.25% of global greenhouse emissions. The country is 81% urban with legislation that actively aims to reduce emissions in architecture and transportation.

The committee's recommendations were for more passive design that benefits from sun and wind patterns, as well as provisions for green spaces that will promote water preservation.

5. ECONOMIC & FINANCING INSTRUMENTS

This section surveyed two sustainability incentives - laws that establish an environmental management system) and one unsustainable incentive. In turn, the section recommended resources for urban planning and climate change.

After Professor Pimentel Walker's presentation, **Professor Sheila Foster** opened the panel discussion with a question regarding planning issues concerning vulnerable populations and risk assessment: "In terms of adaptation, in light of the social vulnerability mapping in the US, is there a similar concept at play in Colombia (to address housing precarity and access to health services)?" **Professor Pimentel Walker** replied that a similar concept is at play in Colombia, and yet there needs to be more connection between climate change and social vulnerability. **Professor Pimentel Walker** mentioned a law in Colombia to protect women as the heads of households, as well as a law in development to protect housing.

However, there is not enough drive to protect informal settlements and resources like potable water, nor infrastructure like proper drainage. This is especially crucial as Colombia receives a high number of Afghan and Venezuelan refugees who are filling informal settlements due to the perception that they are safer than rural settlements. Along with relocation and climate gentrification, Colombia needs to make a conscious effort to maintain green development.

Professor Foster next asked if Colombia has any movement towards a de-centralization of a centralized electrical grid in favor of microgrids and community-based grids (with a co-governance framework)? **Professor Pimentel Walker** explained that Colombia has laws for decentralized grids and reducing carbon emissions from buildings. Initially, the scope of the laws was national, but now there is a push to focus on local issues.

Professor Nestor Davidson posed his query from the American framework of "law on the books or in action". He asked how Colombia can take the next step, particularly in terms of processes and outcomes, to activate laws that are currently on its books. **Professor Pimentel Walker** responded that she teaches a planning law class that explores the fact that when laws are implemented, you don't always get the law enacted. With that in mind, law is not the only tool to utilize in the fight for urban justice and climate action.

Anne Amin concluded the panel discussion by adding the importance of contextual specificity to ensure that laws are effective and thoroughly clear in their scope, execution, and implications.