

EFFECTIVE URBAN LAWS TO LOCALIZE THE SDGs

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| A REPORT

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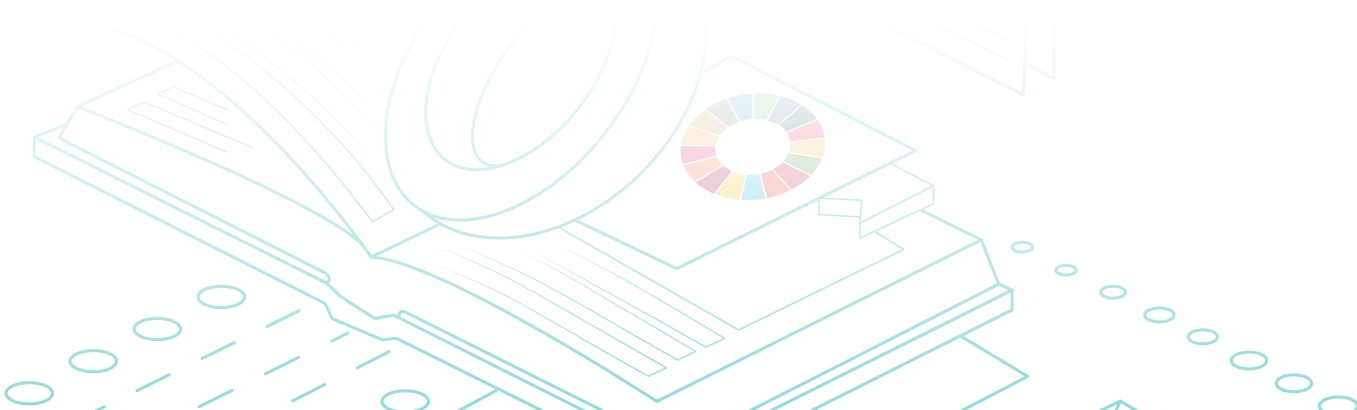


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TABLE OF CONTENTS

Background and Introduction	3
SESSION 1:	5
Panel Discussion on Localizing the SDGs Through Effective Urban Laws	5
Panel Interventions	6
Discussion/Q&A	8
SESSION 2:	
Case Studies and Knowledge Sharing on Effective Laws	9
Discussion/Q&A	10
KEY LESSONS:	
Urban Law For SDG Localization	11



BACKGROUND AND INTRODUCTION

The 11th Urban Law Day was co-hosted by the Institute of Advanced Legal Studies (University of London) and UN-Habitat. The session focussed on localizing the SDGs through effective urban legislation as key drivers of change for sustainable and inclusive cities.

Several SDGs can only be achieved through effective legislative frameworks and policies. Urban legislation has an important role to play in virtually all targets of SDG 11. It defines conditions for access to land, infrastructure, housing and basic services; lays out rules for planning and decision-making; guides the improvement of livelihoods and living conditions by setting requirements for urban development initiatives; and sets the context within which urban authorities, local governments and communities are expected to fulfil their mandate and react to emerging challenges.

Furthermore, legislation can set meaningful frameworks to promote inclusion, or it can accentuate inequalities and exclusion (SDG 10).

Effective urban regulatory frameworks are also fundamental to promote climate smart urbanization (SDG 13) as well as promote the rule of law, develop effective, accountable and transparent institutions at all levels; and ensure participatory and representative decision-making (SDG 16).

UN-Habitat, with the support of the Institute of Advanced Legal Studies, University of London, UK (IALS), the Commonwealth Lawyers Association, the Commonwealth Association of Architects and the Commonwealth Association of Planners are preparing an SDG legal checklist for cities.

This tool aims to assist urban managers in attaining sustainability and resilience by establishing connections across a value chain encompassing, inclusive and evidence-based spatial planning, strengthened tenure security, improved local institutional capacities, and the promotion of environmentally friendly urbanization through climate-focused human rights. It is hoped that this tool will impact 1,000 cities and 1 billion lives by 2030.

With the attendance of **89 participants** from multidisciplinary backgrounds, the **11th Urban Law Day** showcased the SDG Cities Legal Checklist; sharing country and city best practices on how urban laws can promote sustainable urban development especially in resource-poor contexts; and provided a unique platform to facilitate dialogue and exchange on how to address shortcomings in urban legal frameworks.

ATTENDANCE	ACHIEVEMENTS		
<p>89 Participants</p> <p>Online Ms Teams</p>	<p>1</p> <p>SHOWCASING <i>the SDG legal checklist for cities Tool</i></p>	<p>2</p> <p>PLATFORM <i>for best practices</i></p>	<p>3</p> <p>DIALOGUE & EXCHANGE <i>to address shortcomings in urban legal frameworks</i></p>
<p>Produced by UN-HABITAT with the support of:</p>			



Ms. Norah Syokau

Urban Law and Governance Officer,
UN-Habitat

– Moderator

Ms. Syokau welcomed everyone to the 11th Urban Law Day on **Effective Urban Laws to Localize the SDGs**.



Dr. Constantin Stefanou

Director, IALS

– Opening Remarks

In his opening remarks, Dr. Stefanou warmly welcomed the participants to the 11th Urban Law Day. He expressed his appreciation for the enduring collaboration with UN-Habitat, an initiative that began from a simple conversation over coffee at IALS and has since evolved into a significant institutional partnership. He commended the sustained efforts and contributions of all organizers in driving the success of this event over the years.



Dr. Shipra Narang Suri

Chief, Urban Practices Branch, UN-Habitat

– Opening Remarks

Dr. Suri emphasized that this 11th Urban Law Day marks more than a decade of the Urban Law Initiative, a collaboration with the IALS initiated in 2013 to bolster sustainable urban development through effective legislation. Notable achievements include a training program on legislative drafting for urban practitioners in 2017 and guidelines for parliamentarians on scrutiny of urban legislation in 2023. The Urban Law Day provides an interdisciplinary platform for discussion on emerging issues and mutual learning.

This year's theme, "**Effective Urban Laws to Localize the SDGs**," will highlight the critical role of urban law in achieving SDGs related to sustainability, equality, climate action, and justice.

Urban legislation is vital for achieving many SDGs and is essential for localizing the SDGs. She mentioned that the event will focus on showcasing the SDG Cities Legal Checklist, a tool developed to help urban managers impact 1,000 cities and 1 billion lives by 2030, aiming to foster discussions on improving urban legal frameworks. Dr. Suri extended gratitude to IALS and the Commonwealth Associations for their ongoing collaboration and emphasized the importance of continued partnerships for achieving sustainable and inclusive urban development.

2013 **FIRST INITIATION**
A collaboration with the Institute of Advanced Legal Studies (IALS) to bolster sustainable urban development through effective legislation

2017 **TRAINING PROGRAM**
on legislative drafting for urban practitioners

CASE STUDIES
to support the Kingdom of Lesotho with drafting their Housing Law.

2019
2020 [Rent Regulations in Kenya, Lagos-Nigeria, Botswana, and South Africa: A Comparative Analysis.](#)

2020
2021 [Comparative Analysis of Housing Acts in Five Countries: Bolivia, Botswana, Ethiopia, Nigeria, and South Africa.](#)

2023 **GUIDELINES**
for parliamentarians on scrutiny of urban legislation

SESSION 1:

PANEL DISCUSSION ON LOCALIZING THE SDGS THROUGH EFFECTIVE URBAN LAWS



Ms. Sapna Singh

Urban Law and Governance Officer,
UN-Habitat

– **SDG Cities Legal Checklist**

Ms. Singh presented the SDG Cities Legal Checklist that has been developed in collaboration with the Commonwealth Lawyers Association, Commonwealth Association of Architects, and Commonwealth Association of Planners. The legal checklist has become timely, given that of the various tools used to shape and govern cities, laws are the most difficult to change once they are in place. Ms. Singh argues that when crafting laws, the aim is to produce outcomes that benefit societies as a whole. However, sometimes legislation can have unforeseen effects that influence vulnerable populations disproportionately. Therefore, the purpose, content, structure, accessibility and feasibility of legislation should be scrutinized.

Elaborating on the structure of the checklist, Ms. Singh explained that it includes an assessment survey, recommendations, and supplementary e-learning materials. Questions are divided into three tiers and scores are aggregated using a traffic light system to indicate areas needing immediate action and areas for improvement. Direct and narrative recommendations will be provided based on these scores, offering concise guidance and detailed information linked to SDGs and NUA principles.

The SDG Legal Checklist has four (4) themes.



1) Inclusive urban planning.

> Urban plans should guide growth to maximize positive and minimize negative effects of urbanization. Effective policies link social, economic and environmental aspects.



2) Land tenure, property rights and housing.

> Legal instruments play a key role in addressing issues of informal settlements, unclear land ownership, and housing rights. Addressing these issues is crucial for fostering inclusive growth and sustainable development. This theme is split into two topics: secure land tenure, and adequate housing.



3) Environmental protection and resilience.

> Environmental laws play a crucial role in safeguarding urban ecosystems and facilitating adaptive and mitigation strategies for climate resilience. The theme is also split into two topics: resilience to climate change, and environmentally friendly urbanization.



4) Digital governance.

> Legal frameworks must delicately balance the use of data for urban planning while protecting the privacy rights of urban dwellers. That means data-driven decision-making should be transparent and accountable.

Examples of questions of all themes were showcased during the presentation.

The next steps for the checklist include developing second and third level questions and the narrative and direct recommendations. The checklist will be piloted, possibly with the city of Kigali, around August/September 2024.

PANEL INTERVENTIONS



Mr. Hasan Khan

Vice President for the Australasia Hub,
Commonwealth Lawyers Association

Mr. Khan stated that when developing toolkits to be applied globally, one must consider that one size does not fit all. By 2050 nearly 70 per cent of the global population will reside in urban areas. This will bring significant challenges, and urban laws must evolve to address these challenges. For example, migration from rural to urban areas leads to the conversion of agricultural land to grey infrastructure. Therefore, urbanization impacts food security.

As the urban environment is interconnected, everyone must think on a larger scale to balance priorities and determine how laws can affect different areas. Requirements for adequate green spaces in cities and renewable energy should be included in future laws. Moreover, laws should mandate the provision of sustainable, adequate and affordable housing and subsidized by the government.

He also stressed that smart cities are an emerging phenomenon bringing certain challenges related to data and privacy. Importantly, he argued that laws cannot be developed in isolation but only in consultation with all stakeholders and the public so that all views can be included. Laws should also include provisions on effective enforcement mechanisms. Capacity building is essential, and regulators should be fully trained to implement laws. Legislation should be in place to consider the short-term, mid-term, and long-term, especially to address climate change.

Concluding his remarks, Mr. Khan stressed that the main problem with legislation lies in implementation and enforcement.



Mr. Peter Oborn

President, Commonwealth Association of
Architects

Mr. Oborn presented key findings from a survey that the Commonwealth Association of Architects conducted in its member countries. He explained that the survey aimed to ascertain how well equipped the surveyed countries are to face the challenges to come. The research found that most of the future population growth will take place in secondary cities, which are not central in the global dialogue. Moreover, a mismatch was identified between where the built environment professionals are and where the growth is taking place. There is a corresponding lack of educational and institutional capacity in the most vulnerable places. Similarly, the environmental policies are weak and planning laws and building codes are lacking.

Mr. Oborn then showed an ecosystem map that serves to identify the complex relationships that exist within cities. In addition, he touched on a knowledge sharing partnership with member organizations with a focus on advocacy, capacity building and climate action. The fact-finding survey that was conducted forms the foundation for the work ahead. The survey included questions on the effectiveness of public policies. In many important areas, public policy was found to be weak, with the most important issues concerning failures to implement or institute legislation. There is a particular weakness in terms of energy use, embodied carbon and the use of biobased materials, as well as enforcement and certification. Looking at the current rates of CO₂ emissions in the Commonwealth countries, the research revealed that 10 per cent of the population accounts for half of the emissions.

Finally, Mr. Oborn explained that the ecosystem map was meant to identify barriers and enablers in the built environment.

It found that there are issues with the training of built environment professionals, a lack of capacity in academic faculty, outdated curriculums, a lack of capacity in local government, a lack of evidence-based policymaking, and a critical failure of implementation and enforcement mechanisms.



Prof. Jua Cilliers

President, Commonwealth Association of Planners

The aim of the Commonwealth Association of Planners is to advance professional planning globally so that planning is a respected, valued, and inclusive profession across the Commonwealth and globally.

Prof. Cilliers stated that humanity's level of natural resource consumption is exceeding nature's capacity leading to the loss of nature. Therefore, it is crucial to embed nature-based solutions in our cities to prevent heat, flooding, etc. and to transform our cities into liveable places. Globally, there is a decrease in the amount of urban green space.

This trend is applicable everywhere, and the relationship with nature needs to be restored. Emphasizing the importance of green infrastructure, Prof. Cilliers demonstrated that it has the potential to address all 17 SDGs. Therefore, it is imperative that green space is formally integrated into urban legal frameworks. However, less than 0.3 per cent of our urban infrastructure spending goes to green infrastructure. She highlighted that green infrastructure is 50 per cent cheaper than the grey alternative.

Prof. Cilliers stressed that time is running out. The rate of urbanization is very high, and she argued that all actors must all look for ways to change business as usual. Everyone must rethink urban planning and infrastructure. That is where urban law can help us. However, she posed the question of how such regulations could be enforced.

Going forward, urban laws must match the new reality and bring nature into the discussion. In this sense, quick wins can be made to build a better future in cities.



Prof. Anel du Plessis

Professor of Urban Law, Stellenbosch University

To reflect on the future role of urban laws, Prof. du Plessis argued that it is important to study who makes urban laws. The common understanding is that only public authorities make laws, but laws are also produced by the executives at all levels. Moreover, private sector actors also make their own laws, as well as informal actors. Therefore, it is important that all actors adopt a broader view of who wants to see the law work. It is not limited to legal drafters, but also those participating in the law-making process, those implementing it, those bound to comply with it, those enforcing it, and those committed to use law for transformative change.

In her presentation, Prof. du Plessis included a wish list of what urban law should not be. She stated that it should not focus on an urban reality that no longer exists (exclusively formal, untouched by climate change, etc.), it should not only include control, management, and criminalization measures, and it should not be a short-term political ploy to address phenomena that cannot realistically be the subject of law. Moreover, law can never be an automated government function following recipes from different geographies and socio-economic environments, and it cannot be a compilation of inherently contradictory legislation.

On the other hand, she continued her narrative arguing that law should be adaptive and attuned to urban reality, accessible and authentic, consistent and collaborative, enabling and encouraging, humane and holistic, inclusive and intentional, innovative and informed by science and data, and realistic and real. Critical subjects of law include how it responds to marginalized groups.

Regarding objects of law, urban space, the built environment, co-habited life and work, local governance, and cooperative government are key issues.

She wrapped up by highlighting the key challenges facing urban law today. Prof. du Plessis identified the mounting number of metropolitan regions that cross legal borders, rights protection in smart cities, the inability

of formal law to regulate informality, the strength of property law as opposed to housing and land use crises, mainstreaming climate change in urban law systems, the balancing of rights, and risk-averse law-making that avoids unintended consequences as the most pressing issues.

DISCUSSION/Q&A

Q¹ How do we ensure that we create laws that are responsive and adequate to address some of the 'moving targets' in constantly changing urban spaces?

A. Law can be much more adaptive if we focus more on the principles of decision-making and the way that we design instruments. That is why having less command and control provisions in legislation is a good thing. It is more democratic and more adaptive to future changing circumstances.

Q² Is there a space to consult with other actors apart from legislators and parliamentarians, such as donors? After all, international finance corporations impose standards on their lenders?

A. Yes, it is vital to engage with the private sector, donors and financiers since many obligations are forged in contracts. It is difficult to rope these actors in. Therefore, we need to reflect on how we train people.

Q³ How can future laws address urban issues impacted by or impacting rural areas (food security, biodiversity loss) in an integrated manner amidst urbanization? Are there any examples of such laws?

A. The challenge is to integrate various departments and levels of government who are responsible for lawmaking. The problem is compounded by the fact that mandates are often spread over various levels of government. There should be some kind of reporting and cooperation mechanism at the top level.

Q⁴ How do we compromise economic and social sustainability to achieve environmental sustainability?

A. These are not mutually exclusive. There is a demonstrable economic cost-benefit for environmental sustainability. This points to a need for more evidence-based discourse and lawmaking.

A. For example, when flooding happens this has severe health consequences. This points to the fact that everything is integrated, and we should apply a holistic approach to address environmental issues.

SESSION 2:

CASE STUDIES AND KNOWLEDGE SHARING ON EFFECTIVE LAWS



Dr. Johnson Okello

Legislative Drafter, Senate of Kenya
& President of the Commonwealth
Association of Legislative Counsel

Dr. Okello offered a candid perspective on the relationship between law and policy, emphasizing that law inherently follows policy and often struggles to keep pace with societal needs, particularly in the dynamic context of urban development. Speaking from his experience as a legislative drafter and a member of the Kenyan legislature, he pointed out the reactive nature of laws, especially when addressing the challenges of rapid urbanization and slum proliferation in major Kenyan cities like Nairobi, Nakuru, Kisumu, Mombasa, and the upcoming city, Eldoret.

Highlighting the severe rural-urban migration in Kenya, Dr. Okello detailed the stark contrasts within Nairobi, where high-end estates are situated adjacent to extensive slums such as Kibera—one of the largest slums in Africa—and others like Mukuru Kwa Njenga. He described how these slums not only house a significant portion of the urban workforce, providing essential services to the affluent neighbourhoods but also underscore the failures of current urban planning and building regulations.

Dr. Okello criticized the antiquated building codes dating back to 1963, which have been insufficient in preventing building collapses and ensuring safe urban development. He discussed ongoing reforms aimed at modernizing these codes to include environmental screening measures that would better address the sustainability challenges cities face today. Additionally, he noted legislative innovations mandating the integration of renewable energy sources, such as solar panels, in new buildings with four or more bedrooms, reflecting a shift towards sustainability in urban housing regulations.

Furthermore, Dr. Okello highlighted initiatives for slum upgrading, which the current government frames as part of its affordable housing strategy. He praised the support from international bodies like UN-Habitat in these endeavours, which aim to improve living conditions in urban slums and integrate them more effectively into the broader urban framework.

In conclusion, Dr. Okello reiterated the necessity for responsive and forward-looking policies that can preemptively address the evolving demands of urban development rather than merely reacting to crises. He advocated for a policy-driven approach to legislation that prioritizes the needs of the populace, ensuring that laws are not only reactive but also proactive in fostering sustainable urban environments.



Dr. Chantelle Moyo

Environmental Legal Expert &
Programme Manager, Konrad Adenauer
Foundation Sub-Saharan African
Regional Programme Energy Security
and Climate Change

Dr. Moyo discussed city-led legal innovations aimed at promoting sustainability, with a focus on secondary cities and subnational or local level interventions. She highlighted Africa's position as the second-most populous continent with the fastest growing urban population, presenting both challenges and opportunities for sustainable development. Dr. Moyo used Kampala, the capital of Uganda, as a case study, noting its population of approximately 3.2 million people and significant issues like heavy traffic and environmental degradation. In response, Kampala developed its first Climate Change Action Plan (KCCAP) in 2016, which aims to improve urban planning, implement efficient transportation systems, expand the use of renewable energy, and engage in significant tree

planting to restore degraded landscapes. Additionally, efforts to reduce the city's overdependence on charcoal include implementing more efficient energy sources and phasing out motorcycles from the city center, alongside launching an electric bus service and a tree-planting campaign.

Dr. Moyo also discussed the initiatives in Yaoundé IV, a commune in Cameroon, which adapted its climate change action plan in 2020 to align with its city planning efforts. The plan focuses on increasing the use of renewable energy, such as solar power for household and street lighting. Moreover, the city has installed nine biogas plants to provide low-income households with sustainable energy alternatives for cooking, significantly reducing greenhouse gas emissions in the process. These examples underscore the potential of localized legal and policy innovations in addressing the unique sustainability challenges faced by African cities.



Dr. Maria Mousmouti
Associate Research Fellow, IALS

Dr. Mousmouti, emphasized the critical role of legislators in designing effective legislation, particularly highlighting that legislation serves as just one tool among many in governance and must be accompanied by thorough scrutiny.

This scrutiny should align with the Sustainable Development Goals (SDGs) and be conducted in an evidence-based manner to ensure consistent results. A practical hypothetical example was given of Country A that has tabled a new Climate Resilience Act which encompasses objectives such as climate resilience and economic mechanisms.

Dr. Mousmouti stressed the importance of scrutinizing such legislation through an SDG lens, examining laws critically to collect not just data but also diverse stakeholder opinions.

This approach helps anticipate potential issues and assess whether the legislation aligns with the committed SDG targets. Further, she covered the importance of introducing review clauses in legislation to specify the timing and topics for future reviews, ensuring laws are revisited and evaluated against clear benchmarks. This process aids in understanding the implementation's effectiveness and what aspects may require amendment.

The absence of data for monitoring was noted as a challenge, yet Dr. Mousmouti suggested establishing bodies specifically to monitor such data. By revisiting laws every five years or so, based on measurable objectives, stakeholders can better understand achievements and necessary corrections, supporting a hypothesis-driven trial-and-error approach to legislative refinement.

DISCUSSION/Q&A

Q⁷ What would you suggest regarding measurable targets in data collection and compliance?

A. If, for example, legislation on climate change introduces measurable targets (e.g. a certain percentage of emission reduction by 2030), this also helps you identify what kind of data you need to monitor. If some of this data is not in place, you can introduce obligations to make sure the data is reported.

KEY LESSONS: URBAN LAW FOR SDG LOCALIZATION

The 11th Urban Law Day was instrumental in advancing discussions on the role of effective urban laws in localizing the SDGs, drawing insights from a diverse group of participants from multidisciplinary backgrounds. **Urban legislation is crucial for achieving a wide array of SDGs**, particularly SDG 11, which focuses on sustainable cities and communities. Legislation is essential for defining access to land, infrastructure, housing, and basic services, thereby guiding urban development and improving livelihoods.

A significant highlight from the event was the introduction of the SDG Cities Legal Checklist. This new diagnostic tool is aimed at assisting urban managers in implementing strategies for sustainable and resilient urban environments. This tool is anticipated to impact 1,000 cities and 1 billion lives by 2030, demonstrating its potential as a transformative instrument for urban management globally.

Urban laws need to be tailored to local contexts, recognizing the diversity of urban challenges and opportunities across different regions. This approach ensures that legislation is relevant, effective, and sensitive to the specific needs and conditions of each city. Moreover, the event highlighted the importance of continuous scrutiny and evaluation of laws to ensure they remain effective over time, with regular updates and revisions based on empirical data and stakeholder feedback.



Collaboration among various disciplines, including legal professionals, architects, planners, and urban managers is key. The discussions underscored the importance of interdisciplinary approaches in tackling complex urban issues. The event also stressed the importance of capacity building and stakeholder engagement, advocating for comprehensive education and training for all parties involved in urban development, from policymakers to community members.

Economic, social, and environmental objectives must be balanced in urban laws to promote sustainable development effectively. This involves integrating considerations such as climate change mitigation and resource management into urban planning and legislation.

Robust enforcement mechanisms must be in place to ensure accountability and promote the effective implementation of urban laws. This includes establishing clear and enforceable regulations that hold various stakeholders accountable and ensure compliance.

Overall, the 11th Urban Law Day provided valuable lessons on enhancing urban legislative frameworks to better support sustainable, inclusive, and resilient urban development, reflecting a collective commitment to transforming urban environments in line with the global agenda for sustainable development.

