

# The new urban agenda and rights to the city

There is growing pressure around the world to formalise human rights in urban policy. *Ivan Turok* and *Andreas Scheba* analyse South Africa's experience of the right to housing to identify the pitfalls in a legalistic approach and caution against a too general definition of rights that bear no relationship to state capacity to fulfil them.



Right to housing: Elizabeth Gqoboka, one of several speakers during a community meeting in the Methodist Church in Sea Point. They came to argue that affordable houses should be built on the nearly two hectare Tafelberg property, the last sizeable state-owned land in the suburb. Credit: Ashraf Hendricks/GroundUp

In the negotiations leading up to the Habitat III in Ecuador in October 2016, the 'right to the city' was one of the main sticking points that almost derailed the New Urban Agenda (NUA) – the new framework for managing urbanisation across the world.

Civic activists argued that the right to the city should be the broad principle for shaping urban growth because it would bring about cities that are just, equitable and accessible to everyone. Many governments resisted this, fearing that people would make unrealistic and unaffordable claims. They also said that the meaning of the right to the city was unclear and ambiguous.

The right to the city was therefore replaced by the vague slogan 'cities for all' as the overarching goal of the NUA. The right to the city is mentioned only once, although human rights principles still feature prominently throughout:

*'We aim to achieve cities and human settlements where all persons are able to enjoy equal rights and opportunities, as well as their fundamental freedoms, guided by the purposes and principles of the Charter of the United Nations.'*

The idea that governments can cut poverty and build inclusive cities through a human rights-based approach has become prominent in academic and policy circles in recent years. It has also been accompanied by a growing recognition that local authorities have a vital role to play through the provision of universal basic services. Pressure groups advocate a human-rights approach as a moral and ethical platform from which to challenge neoliberal policies blamed for causing urban poverty and social exclusion through real estate speculation and gentrification.

Housing is a cornerstone of the human-rights approach to the city. This reflects the importance of decent, secure shelter for human wellbeing and dignity. The shortage of adequate, affordable accommodation has been heavily criticised by human-rights groups and urban scholars. Roughly a billion people worldwide occupy makeshift structures within crowded slums. Homelessness and evictions of vulnerable people from

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unauthorised squatter settlements are serious concerns.

Despite widespread support for strengthening human rights, evidence to justify this approach is limited. Discussions about rights are often abstract and theoretical in nature, without spelling out how they can be implemented in practice. This is a major drawback bearing in mind the myriad pressing social needs that exist in fast-growing cities and conflicting ideas about which are most important. There is also little consideration of the detailed norms and standards surrounding specific rights, such as what the right to 'adequate' housing actually means in reality.

## South Africa's experience

South Africa's Constitution included the right to adequate housing as a fundamental principle aimed at redressing the history of urban exclusion and segregation for the poor majority. However, the pursuit of a rights-based approach over the last two decades has not produced the anticipated benefits. This is partly because the housing right was expressed in very general terms, with no indication of the location, minimum standards or time horizons that citizens could look forward to.

The right to housing was formalised into a national housing programme that has proved too narrow, prescriptive and ultimately unattainable given the economic situation. A single inflexible, expensive model has been unresponsive to conditions on the ground. Instead, a range of more pragmatic solutions could have been adapted to different local needs and circumstances.

As a result, the national policy has failed to reduce the housing shortfall in the major cities. It has also had damaging effects of its own creation. These include building sterile dormitory settlements which reproduce segregation and worsen

exclusion from economic and social opportunities.

Among the growing population of shack dwellers, the promise of a free house has been dashed by the government's inability to deliver at a sufficient scale to match the level of need. The state has become enmeshed in a housing supply regime that is arguably more of a liability than an asset. It is underpinned by the weight of popular expectations, malfeasance and extensive patronage relationships that benefit the few, not the many. Bold leadership will be required to extricate public authorities from this problematic system.

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## Wider implications

One of the implications for countries implementing the NUA is that human rights need to be defined in more specific ways to give them real meaning and to develop practical pathways to realisation. Careful consideration needs to be given to ensuring that the norms and standards are appropriate to national circumstances, and that the level of provision is fair and achievable.



Nowezile Nkunyana enjoys her new 2 bedroom home, a vast improvement on the shack she lived in for almost 10 years.  
Credit: David Larsen/Africa Media Online

Timescales are important to frame citizen expectations and to hold governments to account. It may be necessary for the content of each human right to vary between cities, towns and rural locations to ensure relevance to local needs. The specification may be ratcheted up from time to time as progress is achieved.

Another implication is that rights should be defined in a collaborative exercise involving civil society and other stakeholders. Collective agreement on the specific content of a right can test its feasibility and strengthen its legitimacy. Popular involvement can build support and shared responsibility for implementation.

Different parties should hold each other to account. There are limits to state paternalism based on taxation and welfare transfers to a passive citizenry. Empowering communities through a participatory approach can harness energy and know-how that is otherwise unavailable. It can also equip people with practical skills and organising abilities that could improve their livelihood prospects.

A third implication concerns the role of the private sector. Many private enterprises benefit from supporting the right to housing. Employers gain a more productive workforce and developers and landowners enjoy higher land values

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from better planned, more functional cities. Investors gain reassurance from a more stable and cohesive civil society.

Rights to the city should therefore place responsibilities on private enterprises to contribute to urban development through, for example, inclusionary housing schemes that set aside a proportion of market-related housing for social purposes. There are also good reasons for limiting the ability of well-off groups to insulate themselves from shared urban obligations by creating exclusive residential and business precincts.

Finally, it is essential for human rights to incorporate a local, spatial dimension. Localities are where the benefits from aligning sectoral policies are greatest, such as the value of proximity between housing, schools, health facilities and jobs. They are also where glaring mistakes from disjointed actions are most apparent, such as bottlenecks in infrastructure and urban sprawl.

Sustainable urban development depends upon coordinated decisions based on local knowledge and coherent institutions. Pursuing rights-based policies at the local level also encourages active citizenship and stakeholder involvement, thereby increasing accountability and improving outcomes.

Capacitated city governments have a valuable role to play in providing creative leadership and orchestrating alliances among different interests to achieve more equitable and prosperous cities and towns.

In summary, inclusive cities cannot be built by prescribing a particular model of social delivery irrespective of economic conditions, institutional capabilities and community resources. There is a shared responsibility on civil society and private enterprise to support the state in creating better cities.

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# Ubuntu as a basis for moral education

The Constitution of Namibia (1990) guarantees the freedom to practise any religion, a sentiment also expressed in the Education Act (2001) for state schools and further emphasised in the National Curriculum for Basic Education, which aims to develop respect for and tolerance of other people's religions, beliefs and cultures. But how does this manifest in practice? *Olga Bialostocka* conducted a study to find out.

