

Implementing the Goals and Principles of the Habitat Agenda in the legislation of the Federal Republik of Germany, Finland, the Netherlands, Romania and Turkey during the period 1996–2005

Final Report

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Summary

The second United Nations Conference on Human Settlements (HABITAT II) took place in Istanbul in June 1996 as the follow-up event to the 1992 UN conference in Rio de Janeiro – the moment when the principle of sustainable development gained international recognition. One outcome of the Istanbul conference was the adoption of the Habitat Agenda. Almost ten years have passed since then and the conference delegates and advocates of the Agenda must now ask themselves whether their adoption of the Agenda has had any impact. Have the participating countries taken action to implement the principles enshrined in the Agenda? One – if not the key – means of implementation is the Agenda's incorporation into national legislation. The present study therefore examines whether, and how, the goals and principles enshrined in the Agenda adopted in Istanbul in 1996 have been integrated into the legislation of five selected European signatory states.

I. General principles

1. Alongside government programmes and action plans, legislation is a useful indicator to determine whether a country is genuinely committed to the goals and principles of the Habitat Agenda. This applies despite the fact that to date, none of the legislators in the five countries surveyed have brought forward legislation with the explicit and primary purpose of implementing the Habitat Agenda. Indeed, during the period under review (1996-2005), none of these countries – Germany, Finland, the Netherlands, Romania and Turkey – adopted a single item of legislation which was mainly aimed to implement the Habitat Agenda. However, the explanatory arguments of some laws explicitly refer to the Habitat Agenda.

2. At present, then, there is no direct causality between the Habitat Agenda and specific laws. Nonetheless, there are many different thematic links between national legislation and the goals and principles defined in the Habitat Agenda. Given the Agenda's wide-ranging objectives, an entire network of linkages can be identified in various thematic areas, at different planning levels, and in a range of administrative and policy fields.

3. The broad range of issues addressed by the Habitat Agenda, with its two principle commitments – "Sustainable human settlements" and "Adequate shelter for all" – is illustrated in the diagram at the end of this summary. The boundaries between the topics covered in individual items of legislation are fluid.

II. Approaches and individual outcomes

4. The quotations from the Habitat Agenda contained in the first part of the study show how the Habitat Agenda's goals can have an impact through specific legislation. They also indicate the various themes and the planning and administrative levels on which legislators can contribute to the implementation of the Habitat Agenda goals and principles by introducing relevant regulations.

5. The second part of the study contains the country reports from the Federal Republic of Germany, Finland, the Netherlands, Romania and Turkey.

6. The third part – based on the national reports – presents a comparative overview of the main legislation pertaining to sustainability in habitat and human settlements and identifies the instruments which can be used to promote the Habitat Agenda's individual goals and principles. The parallel overview allows interesting comparisons to be made and reveals how specific – and essentially similar – instruments vary in the countries under review.

7. Regular evaluation of the impact of legislation and programmes, and the use of common indicators, facilitate the international comparison. In the context of the survey, Finland emerges as the country which has advanced furthest along the Habitat route.

8. Clearly, the overall commitments to implement the Habitat Agenda vary widely according to the stage reached in a country's development and its government's current objectives. Consolidated industrialized countries such as Germany, Finland and the Netherlands have very little real scope for improvement. Assuming that there is an appropriate political commitment, they can now focus on assisting other countries – especially developing countries – to implement the Agenda. This appears to be happening with more direct reference to the Habitat Agenda in the Netherlands than elsewhere as there is a Habitat platform. The same work is done in the other countries without explicit mention of Habitat.

9. Countries which face economic problems (e.g. Romania) and/or which have embarked upon political reform (e.g. Turkey) can benefit from some form of external impetus to encourage them to focus specifically on the Habitat Agenda. This may take the form of international agreements and/or economic assistance programmes – e.g. from the EU – which offer appropriate incentives. For Romania and especially for Turkey, the important impetus provided by international agreements cannot be over-estimated.

10. The basic legislation of relevance to Habitat was introduced long before 1996 in all five countries, so the laws adopted over the last ten years were primarily designed to improve upon this basic legislation. The following impressive **List of Instruments** introduced in this context testifies to the legislators' innovation and creativity.

Table: List of Instruments to implement the Habitat Agenda into Legislation

Field of Action	Instruments
ADEQUATE SHELTER FOR ALL	
I. Construction Sites / Buildings	I. 1. Standard marking system CE for labelling building material I. 2. Standardised norms for construction and buildings including quality measures I. 3. Official encouragement of architectural qualities and the building culture I. 4. Monitoring a building's safety I. 5. Protection of ancient monuments
II. House Building and Housing	II. 1. Constitutionally protected „ basic right to housing “ II. 2. Allocation of the Federal Government's and local government bodies' sites for house-building II. 3. State subsidy for housing projects (also for council house-building) and modernisation of dwellings II. 4. Monitoring eligibility for council houses II. 5. Direct subsidy when building or acquiring housing property II. 6. Tax privileges for acquiring housing II. 7. Financial support for overhead costs for floor space II. 8. Civil law protection for tenants II. 9. Special regulations for those with special accommodation needs II.10. Setting up a governmental institute for encouraging house-building
III. Town Planning and Settlement	III. 1. Basic Regulation of urban land use planning III. 2. Well-established public-private partnerships (PPP) III. 3. Obligatory (also cross-border) co-operation for neighbouring local government bodies and authorities involved in urban land-use planning III. 4. Obligatory public participation in urban land-use planning, including cross-border public participation III. 5. Environmental impact assessment of certain public and private projects (Project EIA) III. 6. Strategic environmental assessment of plans and programmes: Obligation to audit the probable significant environmental effects caused by the realisation of urban land-use planning already being processed, obligation to prepare an environmental report, monitoring the environmental effects of realising urban land-use III. 7. Special obligation to consider the requirements of nature conservation in urban land-use planning III. 8. Relaxing State supervision of local -government as regards urban land-use planning III. 9. Limiting the timeframe of validity for urban land-use planning III.10. Use of special governmental funding for town planning and urban renewal III.11. Local authorities have the pre-emptive right when disposing of sites III.12. Co-operation of the Federal Government / local authorities with the private sector during land allocation III.13. Controlling the settlement of shopping centres and large area retail III.14. Enabling co-operation between local authorities III.15. Introducing special town planning development areas

IV. Town / Country Planning and Regional Planning	IV.1 General Regulation of the governmental task Regional Planning IV.2 Strategic environmental assessment of plans and programmes even at the regional planning level IV.3 Planning precautions against natural catastrophes (flooding, earthquakes) and hazardous accidents IV.4 Special coastal zone management and coast protection
V. Infrastructure. Traffic Systems	V.1 Promoting environmentally-friendly traffic V.2 Precautions against accidents involving hazardous substances V.3 Regulating the interoperability of the rail system V.4 Coordinating the flight plans of the passenger airports in Europe V.5 Regulation of infrastructure networks V.6 Regulation of fees on the use of streets

SUSTAINABLE SETTLEMENTS DEVELOPMENT	ECOLOGICALLY SUSTAINABLE DEVELOPMENT
0. General	0.1 Principle of environmental protection rooted in the constitution 0.2 Introduction of an environmental liability insurance
1. Soil	1.1 Regulation of soil protection by law
2. Waste	2.1 Regulation of waste transport 2.2 Special control on waste disposal sites and waste incineration plants 2.3 Separating waste 2.4 Introduction of closed cycle waste management in waste processing
3. Energy (Electricity, Energy Conservation)	3.1 Liberalising the energy market 3.2 Promoting the generation of energy from renewable sources 3.3 Promoting energy conservation 3.4 Obligation to label energy consumption
4. Air, Climate, Emissions	4.1 Measuring air pollution ; regulating countermeasures and appropriate procedures 4.2 Regulations for dealing with benzine 4.3 Limitation of emissions into the air
5. Noise	5.1 Protection against aircraft noise 5.2 Obligation to compile noise maps and noise reduction charts to combat ambient noise
6. Water (Supply, Treatment)	6.1 Monitoring waters , regulation of the instruments of intervention 6.2 Compiling management plans for all waters and for the surface water in the state territory and for adjoining waters
7. Nature and Landscape	7.1 Obligation of the party interfering with nature or landscape to provide compensation (intervention-compensatory measures) 7.2 Creation of a Europe-wide network of nature reserves and bird sanctuaries: „ Natura 2000 “
8. Agriculture and Forestry	8.1 Promotion of ecological cultivation 8.2 Limitation of tree-felling ; targeted reforestation

SUSTAINABLE SETTLEMENTS DEVELOPMENT	SOCIALLY SUSTAINABLE DEVELOPMENT
9. Youth	9.1 Early diagnosis of handicaps of children 9.2 Special regulations for the protection of children and youths (against child labour; alcohol and tobacco abuse, etc.)
10. Family and Gender	10.1 Explicit codification of the equal status of women and men 10.2 Maternity protection 10.3 Payments of child allowance to parents; tax allowances for parents with children living in the household 10.4 Protection against violence in the home
11. Old and Handicapped People	11.1 Handicapped accessible public buildings 11.2 Handicapped accessible residential buildings 11.3 Obligation of employers to employ handicapped people 11.4 Allowances on care for old people
12. Foreigners, Asylum-Seekers, Refugees	12.1 Basic regulation and limitation of the rights of foreigners, asylum-seekers and refugees 12.2 Setting up a special office for foreigners
13. Security and Health	13.1 Public insurance against labour accidents 13.2 Granting allowances o unemployed people 13.3 Introduction of a minimum wage in the building trade 13.4 Promotion of public health

SUSTAINABLE SETTLEMENTS DEVELOPMENT	ECONOMICALLY SUSTAINABLE DEVELOPMENT
14. Taxes; Finances, Other Fiscal Instruments	14.1 Governmental grants to local government bodies 14.2 Taxing real estate and trade by local taxes
15. Constitution and Organization of Government	15.1 Constitutionally guaranteed right to local self-government including the right to financial autonomy 15.2 Creation of a regional level of government administration 15.3 Supply of relevant statistical information 15.4 Citizen's right to free access to any information about the environment in the public authorities possession (against payment of a moderate fee) 15.5 Setting up special agencies, commissions; appointing a commissioner 15.6 Governmental support of research institutions for town and regional planning, for housing, and for the protection of the environment

III. The country reports

Federal Republic of Germany

11. In the comparison of the five countries surveyed, a particular feature of Germany is its federal structure and very robust system of municipal self-government. The municipalities form part of the *Länder* and fall outside the purview of the Federation. Fiscal steering of the municipalities' activities by the Federation is only possible in cooperation with the *Länder*. The Federation's role – and also its strength – lies primarily in its legislative steering function, which it utilizes to the full by passing numerous laws. In several laws the German federal legislator explicitly refers to the Habitat Agenda in the explanation of the law.

12. In the thematic area of relevance to Habitat, the strong influence of European regulations and directives is very noticeable. They impact – via federal and state legislation – at all tiers of government right down to the municipalities. Ultimately, it is the municipalities – as the bodies responsible for urban land-use planning – which control the development of human settlements. In doing so, they generally comply with the Habitat goals by default, if not explicitly. In the comparison of the five countries surveyed, a unique feature of Germany – and eastern Germany in particular – is the housing surplus in many cities and municipalities; many of these dwellings are being removed from the housing market as a result of publicly funded urban regeneration programmes.

Finland

13. Finland displays all the advantages of a relatively small and efficiently governed state. Although the natural conditions for Finland's development are not necessarily straightforward, the country faces no risks from extreme natural events (such as earthquakes or flooding) and has extensive forests and abundant water resources. Furthermore, due to its marginal position, Finland is not exposed to a high level of immigration by foreign demographic groups.

14. Finland ranked first in an international comparison of environmental sustainability in 146 countries undertaken by experts at America's Yale and Columbia Universities. Like the other countries, Finland introduced Habitat-compatible legislation well before 1996. However, Finland still adopts an innovative approach to ensure that its legislation and administration continue to develop positively in environmental terms – for example, it commissions international experts to undertake external evaluations of the effectiveness of its national housing policy. The report from Finland therefore justifiably reflects Finland's "clear conscience" with regard to the implementation of the Habitat Agenda.

The Netherlands

15. The Netherlands has a very strong tradition in environmental protection, social housing and environmentally responsible settlement policy and sets standards in this field. Most of its environmental, urban development and housing laws were introduced well before 1996 and the adoption of the Habitat Agenda. In the Netherlands too, most of the Habitat-relevant laws passed during the period

1996-2005 therefore consist of amending provisions which make detailed improvements to existing legislation. Due to the very large number of indirect impacts, the survey focussed exclusively on the core features of the Dutch legislative provisions.

16. What is noticeable in the Netherlands is the central government's disproportionately strong emphasis on fiscal steering of municipal activities, e.g. through subsidy programmes based on specific (e.g. environmental) criteria. To secure funding under these national programmes, the municipalities must fulfil the relevant criteria.

17. The Netherlands is the only country to have launched an official *Habitat Platform* and, as an element of this Platform, an official *World Habitat Day* every year on the first Monday in October. The Habitat Platform hosts conferences on Habitat-relevant themes and, in particular, runs Habitat projects in developing countries, especially in Africa. The Netherlands has thus assumed a special responsibility for implementing the Habitat principles not only at home but especially in poor countries. As the Netherlands' settlement and housing policies are already Habitat-compatible to a large extent, this is a logical and consistent step which facilitates the implementation of the Habitat Agenda.

Romania

18. In the original version, the report from Romania is the most comprehensive and detailed report. This is partly due to the fact that Romania changed all the relevant legislation after the collapse of the communist dictatorship in 1990. Legislation introduced after 1990 therefore reflects Romania's efforts to evolve, under extremely difficult circumstances, into a fully democratic and accountable polity.

19. However, in Romania in particular, the letter of the law and the good intentions underlying the legislation do not equate with social reality. Much of what is written on paper needs more time to be implemented. This change must also happen in the political and social consciousness. This cannot happen overnight. As in the other countries, the legislation makes no direct reference to the Habitat Agenda, although it relates in many different ways to its substantive goals. At the same time, the legislation is a reaction to the economic and institutional problems and difficulties faced by Romania on its way into the European Union. The focus is entirely on addressing the country's own deficits; Romania yet lacks the resources to assume any global responsibility.

Turkey

20. The report breaks down Turkey's legislative activities during the period 1996-2005 into three phases: the first phase (1996-1999) was dominated by terrorist attacks by the Kurdistan Workers' Party (PKK) and Turkey's perceptions of its own social vulnerability, when most reform efforts were obstructed by the administration. Nonetheless, even during this period, Turkey participated in various international development projects and acceded to agreements which had a positive effect on the implementation of the Habitat goals.

21. The second phase (1999-2002) began with the devastating earthquakes in the Marmara region in late summer/autumn 1999. The effect of these events was to focus the debate about habitat and human settlements entirely on essential relief and reconstruction activities and on minimizing risk in the event of future earthquakes. The legislation adopted during this period also reflected these priorities.

22. The third phase (late 2002 to 2005) began with the landslide victory of the Party of Justice and Development (AKP) in the November 2002 parliamentary elections. Since then, the adoption of legislation – based on the AKP's parliamentary majority – has accelerated rapidly, and this applies to Habitat-relevant legislation as well. However, given the speed at which legislation is being passed, especially to establish the basis for EU accession, the laws are having to be corrected and amended continuously.

23. The Turkish state's strongly centralistic governmental traditions have an impact – but so do the international agreements of relevance to Habitat. To a large extent, Turkey is being drawn into implementing the Habitat Agenda through its ratification of treaties and agreements. What is very significant is the fact that Turkey is the only country surveyed which still has strong population growth. This creates very different urban development and housing problems compared with those faced by the other four countries, whose populations are decreasing.

IV. Reform proposals and recommendations

Developing the Habitat Agenda

24. The national legislators in the countries surveyed have not been idle when it comes to implementing the goals and principles of the Habitat Agenda, but their efforts so far have not been targeted appropriately.

25. The thematic classification of legislation in terms of individual aspects of the Agenda – and, above all, targeted action by the legislators – would be easier to achieve in future if the text of the Agenda were to make a clearer distinction between fundamental objectives and the explanatory interpretations and guidance on implementation which occur throughout the document. The fundamental objectives should be clearly defined in the Agenda, designated as "goals" and numbered consecutively. This procedure is required for the legally binding objectives contained in Germany's regional development plans, for example.

26. It would also be helpful if national legislators, when adopting Habitat-relevant laws, could signal that the law in question is intended (among other things) to implement specific goals defined in the Habitat Agenda. They could do so by appending a footnote to the title of the legislation and specifying the goal in question. To facilitate this process, the fundamental goals set out in the Agenda must be clearly defined and numbered. This approach is adopted in the German legislation to implement EC regulations and directives. Where otherwise not possible at least a citation of the Habitat Agenda should form a part of the explanation of the law.

Recommended instruments

27. The country reports were evaluated in order, among other things, to identify the various instruments which can be recommended as particularly suitable to promote the Habitat Agenda goals. Three models of best practice from each of the five countries surveyed are listed as examples below.

28. THE NETHERLANDS

- World Habitat Day: an official *World Habitat Day* is held every year on the first Monday in October in order to publicise the Habitat Agenda.
- The Habitat Platform: the institution responsible for World Habitat Day. As well as preparing the annual World Habitat Day, the Platform organizes conferences to promote an exchange of experience and also runs projects in developing countries.
- Levying of a local tax on buildings: The municipalities are empowered to levy a local tax on buildings, differentiated between buildings for housing and buildings for business. This improves the local authorities' financial situation. In addition to the local tax on buildings, there is a taxation of real estate (with real estate included as part of the property), which forms part of the Dutch Government's taxation of wealth.

29. FINLAND

- Participation and assessment scheme: At the start of each planning process, an individual "participation and assessment scheme" must be drawn up how to organize the public consultation process and environmental assessment, mostly in the form of an annotated timetable.
- Environmental insurance: Organizations responsible for projects which may have a harmful impact on the environment must obtain environmental insurance to cover the costs of repairing any environmental damage caused.
- Regional "Centres of Expertise": "Centres of Expertise for the Collection and Exchange of Knowledge and Experience" have been established at regional level, enhancing regional competence in various economic matters, so as to strengthen regions.

30. ROMANIA

- Decentralization of the public administration, and the regionalization process which is now beginning, are key institutional prerequisites for sustainable habitat and human settlements.
- Introducing and consolidating municipal self-government is the basis for effective popular participation in the decision-making process.
- The "National Housing Agency" has proved its worth as an inter-departmental agency addressing housing problems.

31. TURKEY

- Turkey's voluntary commitment, through its accession to international agreements, has achieved significant progress in implementing the goals and objectives of the Habitat Agenda.
- The improvement to an internationally applicable statistical system is a prerequisite for the preparation of sound scientific analyses and international comparisons.
- Improving building safety, especially against natural disasters, is a basic prerequisite for sustainable housing.

32. GERMANY

- **Closed substance cycle and waste management:** Germany's **Closed Substance Cycle and Waste Management Act** is a very advanced response by legislators to the problem of waste.
- Uniform labelling of building materials which meet EU standards simplifies the construction process and enhances building safety.
- The Strategic Environmental Assessment for all urban land-use plans and regional planning processes increases the impact of environmental issues in planning. Hereby - as by the EU-wide uniform labelling of building materials - the European Union's increasing influence on legislation in the member states is becoming apparent.

Essential legislation

33. The following fields of legislation have proved indispensable for the implementation of the goals and principles of the Habitat Agenda:

A. Specific laws

- Laws on the planning of human settlements at local and regional level
- Laws on urban regeneration and urban renewal
- Housing construction laws, housing laws and laws on social housing
- Nature conservation laws
- Water resource management laws
- Emission control and immission protection laws
- Soil protection laws
- Waste management laws
- Environmental assessment legislation
- Historical preservation acts.

B. Laws relating to the organization of the state

- Laws on the decentralization of the public administration
- Laws and decrees on the establishment of regions
- Laws and decrees on the establishment of specialized agencies (e.g. with responsibility for regionalization, environmental protection, exchange of experience)
- Laws on municipal self-government.

34. These laws already exist, in essence, in all five countries surveyed. Where they do not exist, or are inadequate, appropriate legislation should be brought forward to fill the gaps.

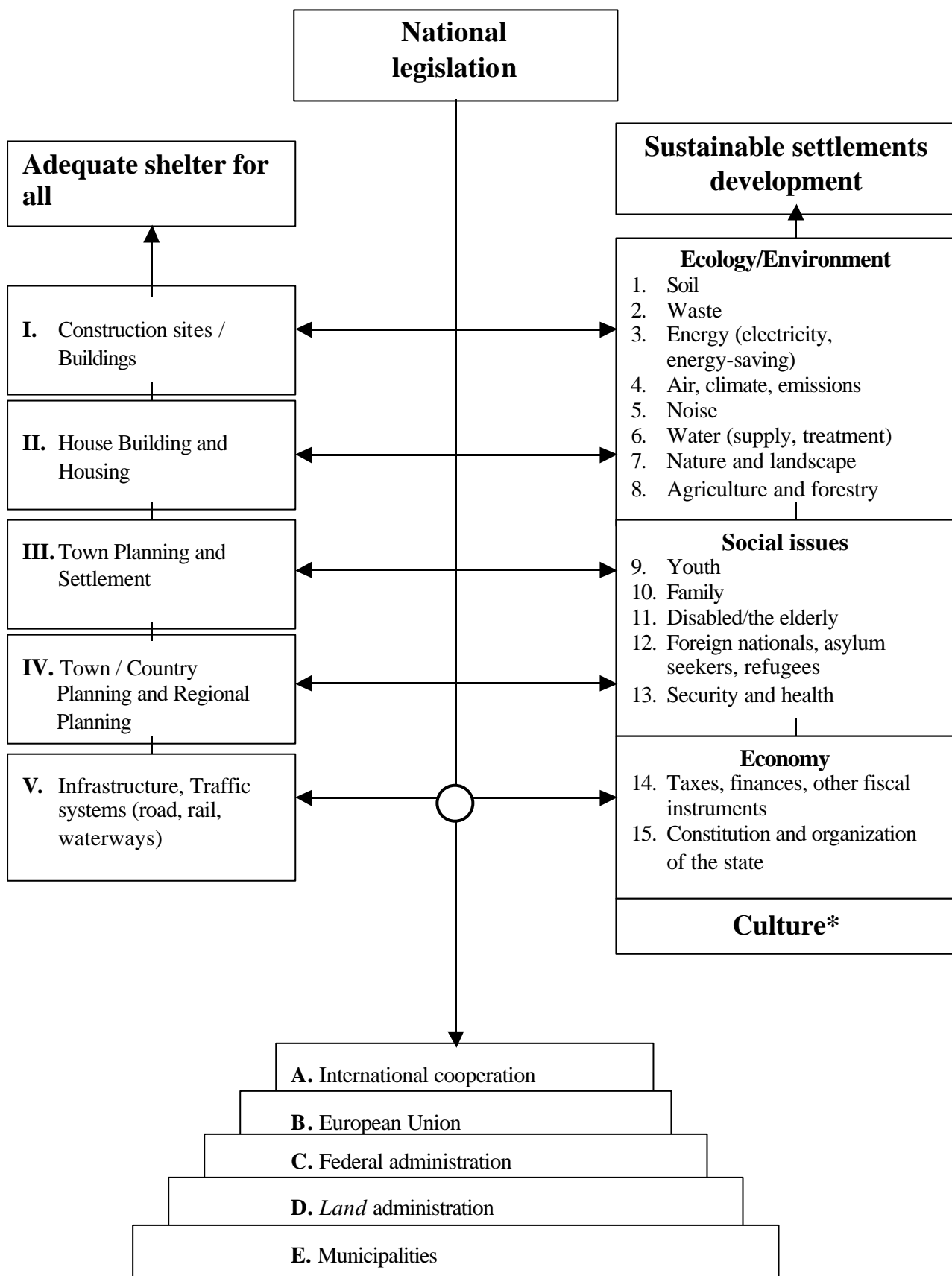
V. Conclusions

35. Overall, the present survey on the implementation of the Habitat Agenda, adopted in Istanbul in 1996, in the legislation of five countries shows that it is worth developing further national legislators' capacities and willingness to learn from each other in a process which transcends language barriers.

36. Within the five countries themselves, there is a substantial prosperity gap which has substantial implications for housing and sustainable urban development in particular. Against the background of the threats to survival faced by much of the global population living in developing countries, however, these prosperity gaps appear less severe.

37. Regardless of this, the legislation in the five countries examined should stimulate the legislature in all of the 172 countries which signed the Habitat Agenda 1996 in Istanbul. If they hope to further the implementation of the goals and principles of the Habitat Agenda through legislation, they can regard the substantial catalogue of instruments in the five countries as offering useful models.

Fig. 1: Implementation of the Habitat Agenda by national legislation



* In Germany: The Federation has no legislative competence in this area.

A. Commission and parameters of the study

I. Introduction to the objectives of the study

The second United Nations Conference on Human Settlements (HABITAT II) took place in Istanbul in June 1996 as the follow-up event to the 1992 UN conference in Rio de Janeiro – the moment when the principle of sustainable development gained international recognition. One outcome of the Istanbul conference was the adoption of the Habitat Agenda. Almost ten years have passed since then and the conference delegates and advocates of the Agenda must now ask themselves whether their adoption of the Agenda has had any impact. Have the participating countries taken action to implement the principles enshrined in the Agenda? One – if not the key – means of implementation is the Agenda's incorporation into national legislation. The present study therefore examines whether, and how, the goals and principles enshrined in the Agenda adopted in Istanbul in 1996 have been integrated into the legislation of five selected European signatory states.

II. Overview of the basic contents of the Agenda

1. Organisation and main objectives of the Habitat Agenda

Not everyone has read the Habitat Agenda. Nor is it easy to read. Despite the cogent organisation in four main chapters, namely,

- I. Preamble
- II. Goals and Principles
- III. Commitments
- IV. Global Plan of Action: Strategies for Implementation

the text is characterised by numerous repetitions and the contents do not always correspond to the headings. It was thus necessary for this study to single out from several of the chapters the formulations relevant to legislation so as to be able to get an idea of what is to be understood under the „implementation of the Habitat Agenda“ in national legislation.

Be that as it may, all four sections serve to describe and instrumentalise the main objective as formulated in the first sentence of the agenda: *We recognize the imperative need to improve the quality of human settlements.*

The implementation of this primary goal is being carried out with a focus on the two main sub-goals which also form the titles of the first sections in Chapter III:

- A. *Adequate shelter for all*
- B. *Sustainable human settlements.*

The subsequent sections C to G of Chapter III formulate methods and approaches to achieve the primary goals. They are titled:

- C. *Enablement and participation*
- D. *Gender equality*
- E. *Financing shelter and human settlements*
- F. *International cooperation*
- G. *Assessing progress.*

These methods and sub-goals are taken up again in Chapter IV, the Plan of Action. The sections of Chapter IV are titled as follows:

- A. *Introduction*
- B. *Adequate shelter for all*
- C. *Sustainable human settlements development in an urbanizing world*
- D. *Capacity-building and institutional development*
- E. *International cooperation and coordination*
- F. *Implementation and follow-up of the Habitat Agenda.*

The entire Agenda is organised into 241 serially numbered paragraphs. The wording of Paragraph 24 shows that the implementation of the Agenda in the cooperating countries occurs not only through national laws but also, and no less importantly, through „development priorities, programmes and policies.“ The programmes and policies¹ brought into being to implement Habitat in the countries examined do not, however, form a part of this study.

The current study of national legislation can thus, by its nature, only partially reflect the implementation. The following extracts from the Agenda are thus confined to those statements which are particularly important for national legislation.

2. Fundamental statements of the Habitat Agenda significant for national legislation

Paragraph 27

Equitable human settlements are those in which people, without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, have equal access to

- housing,
- infrastructure,
- health services,
- adequate food and water,
- education and
- open space.

¹ For the Federal Republic of Germany see the National Actionplan for Sustainable Town Development, resolved by the Second German National Habitat Committee (*Deutsches Nationalkomitee Habitat II*) on the 5th March 1996, published by the Federal Ministry for Building and Regional Planning, as well as the documentation on German Best Practices within the course of the Global Best Practice Initiative to Improve the Living Environment, HABITAT II, published by the Federal Ministry for Building and Regional Planning, Bonn, 1996.

Paragraph 29

Human settlements shall be planned, developed and improved in a manner, that takes full account of sustainable development principles and all their components as set out in Agenda 21 and related outcomes of the UN Conference on Environment and Development. ... Sustainability of human settlements entails their balanced geographical distribution or other appropriate distribution in keeping with national conditions, promotion of economic and social development, human health and education, and the conservation of biological diversity and the sustainable use of its components, and maintenance of cultural diversity as well as air, water, forest, vegetation and soil qualities at standards sufficient to sustain human life and well-being for future generation.

Paragraph 35

New and additional financial resources from various sources are necessary to active the goals of adequate shelter for all and sustainable settlements development in an urbanizing world.

Paragraph 37

We commit ourselves to implementing the Habitat Agenda through local, national, sub-regional and regional plans of action and/or other policies and programmes drafted and executed in cooperation with interested parties at all levels and supported by the international community.

Paragraph 38

Special attention should be given to the circumstances and needs of

- people, living in poverty,
- people, who are homeless,
- women,
- older people,
- refugees,
- displaced persons,
- persons with disabilities,
- migrants,
- children, particular street children.

Paragraph 43

We commit ourselves to the objectives of ...

- (j) promoting changes in unsuitable production and consumption patterns, particularly in industrialized countries, population policies and settlement structures that are more sustainable, reduce environmental stress, promote the efficient and rational use of natural resources – including water, air, biodiversity, forests, energy sources and land – and meet basic needs, thereby providing a healthy living and working environment for all and reducing the ecological footprint of human settlements;
- (k) promoting, where appropriate, the creation of a geographical balanced settlement structure;
- (l) giving priority attention to human settlement programmes and policies to reduce urban pollution, especially from inadequate water supply, sanitation and drainage, poor industrial and domestic waste management, including air pollution;
- (o) promoting more energy-efficient technology and alternative/renewable energy for human settlements ...;

(p) promoting optional use of productive land in urban areas and protecting fragile ecosystems and environmentally vulnerable areas from negative effects of human settlements, and reducing the negative impacts of energy production and use on human health and on the environment.

(q) addressing population issues affecting human settlements and fully integrating demographic concerns into human settlements policies ...

Paragraph 48

We further commit ourselves ...

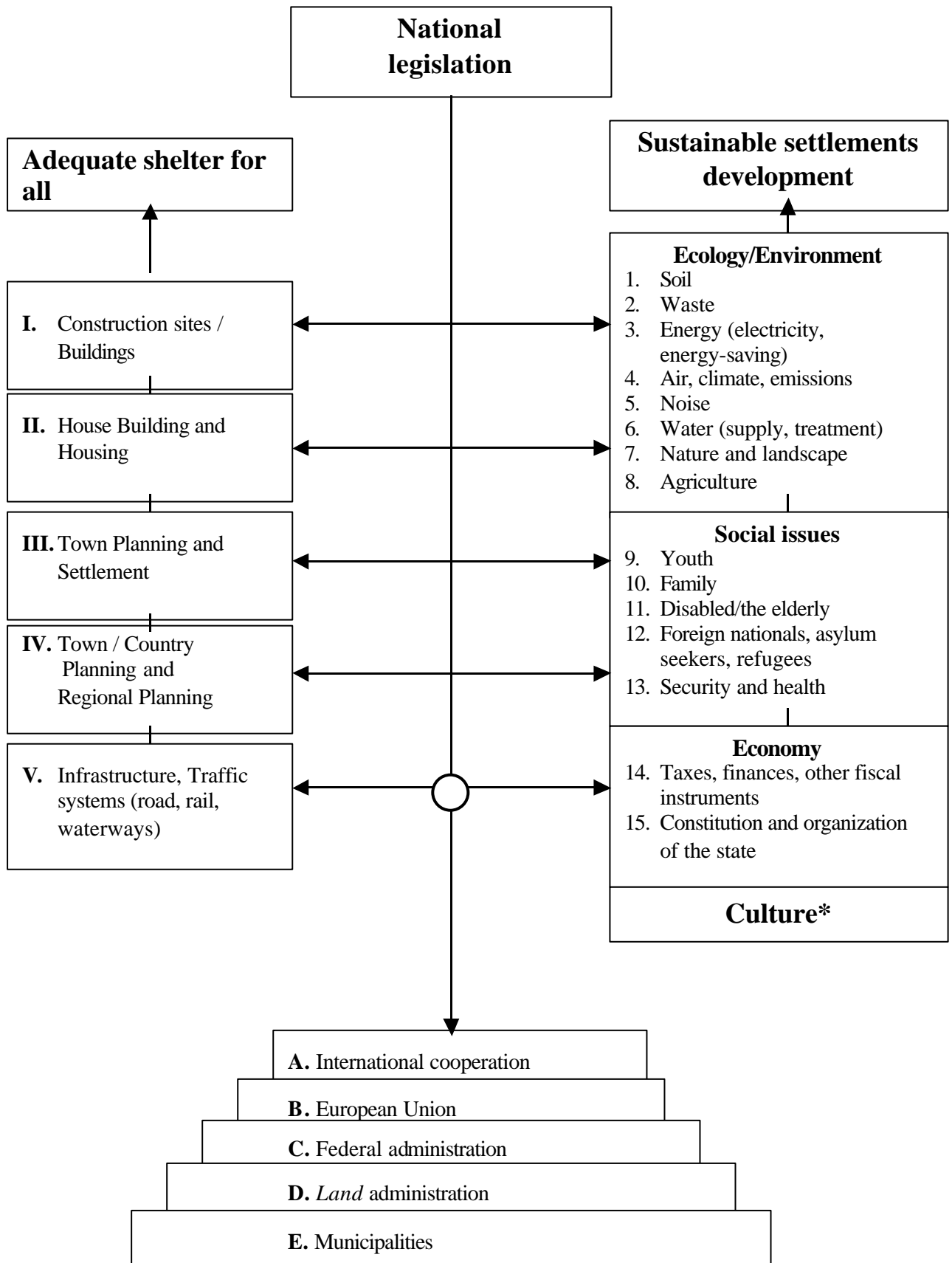
(c) enacting public revenue through the use, as appropriate, of fiscal instruments that are conducive to environmentally sound practices in order to promote direct support for sustainable human settlements developments ...

Paragraph 51

We commit ourselves to observing and implementing the Habitat Agenda as a guide for action within our countries and will monitor progress towards that goal.

These excerpts can be combined to form a picture which shows how national legislation, by regulating and, in turn, being influenced by the objective and organisational sub-topics which are mentioned throughout the Agenda can play a role in realising the main sub-goals of „Adequate shelter for all“ and „Sustainable settlements development in an urbanizing world.“

Fig. 1: Implementation of the Habitat Agenda by National Legislation



* In Germany: The Federation has no legislative competence in this area.

III. Basic parameters of the study

1. Methods and scope of the study

The first step in the study was to draw up an inventory, based on the official gazettes, of legislation in the countries concerned between 1996 and 2005 which was pertinent to Habitat. As the research was confined to a certain period a decision had to be taken as to which legislative activities were to be considered in the study. Should only legislation being codified for the first time be considered? This would have meant that a large part of the legislation fell beyond the focus of the research as the majority of the laws are amendment laws. They must therefore be considered. But then, to what extent? Should the amendment alone be considered or should the amendment of a law within the research period be taken as an opportunity to consider the complete law as it was originally passed? As the point of the exercise is to use examples to learn from one another it was decided that an amendment law could generally be used as an opportunity to include a consideration of the law and its instruments in its entirety. This principle has also been applied in the case of the renewed notification of a law.

2. The problem of causality

When embarking on a search for acts and ministerial orders since 1996 through the use of which national legislators have assisted the principles of the Habitat Agenda summarised above to achieve an effective existence, it quickly becomes clear that there is not often a direct causality between the legislative acts and the Habitat Agenda. The legislators do not (with some exceptions) explicitly and primarily become active so as to implement the goals and principles of the Habitat Agenda in their country. Regardless of this, there are, at least in the five countries examined, a manifold of acts and legal initiatives with which the principles and requirements of the Habitat Agenda have been promoted. The Habitat Agenda is thus only implemented in an indirect manner. This indirect implementation nearly always rests on laws which are already existent. The implementation of the Habitat Agenda had therefore already started long before it was passed. This is hardly surprising when we examine the facts more closely. The principles of the Habitat Agenda were not first invented for the occasion of their formulation and resolution. The Agenda is a manifestation of principles and demands which had long before been developed. In many points it is a mere summary of that which was already recognised or was worthy of recognition. That is why all laws whose content is relevant to the goals and principles of the Habitat Agenda have been considered, regardless of whether an explicit reference to it can be found or not. It was not the cause, but rather the effect of the legislation, which mattered.

3. Laws and their execution

The problems of sustainable urban development and of housing policy are not solved merely by the legislator passing appropriate regulations and publishing them in the official gazette. The laws only have an actual effect when they are put into practice and enforced. There is a veritable battery of obstacles which can prevent this.

Reasons for the failure of legal rulings are represented in the following systematic overview:

Fig. 2: Why do laws fail?

Protagonist	Cause of mistake	Examples
Legislature	Programmatical mistake Wrong implementation	<i>Facts are incompletely ascertained, incorrect or inadequate prognosis of the consequences; blatantly unfair regulation. Responsibilities incorrectly regulated; insufficient time before it comes into effect; effort underestimated.</i>
Executive administration	Enforcement deficit Wrong enforcement	<i>Ignorance of the law; deliberately turning a blind eye; inappropriate indulgence, lack of personnel; lack of financial resources; lack of controls. Mistakes during implementation; incompetence.</i>
Citizens as addressees	Recalcitrance Abuse	<i>Waiting until caught; refusal; abuse of legal process; Exploiting loop-holes and ambiguities contrary to the intended aims</i>
Courts as interpreters	Delay Restriction, reinterpretation	<i>Excessively long legal process, delayed formulation of the grounds for judgement. Unexpectedly restrictive interpretation, casuistry leads to a change of meaning</i>

This long list of possible reasons for the failure of an act shows that a problem cannot be solved just by having the legislature pass a bill. Even in such a relatively efficient constitutional state such as the Federal Republic of Germany there may be programmatic mistakes, enforcement deficits, recalcitrance among the citizens and an excessively long legal process. This is all also true for regulations pertinent to Habitat.

It would, however, have overextended the scope of the research when in the course of a study of legal facts the extent of enforcement had also to be verified. This is why this study is, in general, restricted to clarifying the extent to which the legislator has become active. Whether the laws were then successful and achieved

their results has not been researched in detail. All the reporters were, however, required to name the authority responsible in each case for the realisation of the laws relevant to Habitat and to give a general estimate of the activities engaged in for their implementation. The research does therefore also contain information as to the execution of the laws.

4. The national characteristics

Any comparison of the extent and efficiency of legislative activity must pay due consideration to the national characteristics of the five countries examined: the state structure, the level of development and the original state of affairs in 1996. The legislation of a country which had already reached a high level in providing floor space in 1996 and had also paid noticeable and demonstrable attention to the fundamental principles of sustainability in the politics of settlement development and town planning will necessarily have a different signature to a country which when following the goals and principles of the Habitat Agenda is, at least as far as legislation is concerned, still very much just starting out. This even affects the type of legislation. The legislation of environmentally advanced countries such as the Federal Republic of Germany, the Netherlands and Finland consists not only, but certainly to a great extent of amendment laws for laws already existent. Individual instruments may be improved or added, but the basic framework is already in place. In Romania and Turkey, however, new legislative territory was being explored even up to, and particularly after, 1996.

The consequence for this report is that, particularly in the developed countries, regulations from before 1996 needed to be included for consideration in the report so as to avoid the impression of inactivity.

Further differences between the countries included are that Germany, the Netherlands and Finland are already members of the European Union whereas Romania and Turkey are not. The legislation of the EU member-states is strongly influenced by EC directives and guidelines and is required to become active, particularly with respect to the realisation of environmental conservation. These effects are missing in Romania and Turkey although the accession negotiations have had a similar effect.

5. The methodology of the report

It lies in the nature of things that a report on which five reporters from five different countries and with different disciplines (political scientists, lawyers and town planners) were involved that different focuses were set in the national reports, despite previous mutual agreement as to the methods and research goals. The report from Finland relies on a holistic description of laws significant for the Habitat Agenda and includes governmental programmes in the study; the report from Germany deals with each of the individual laws passed between 1996 and 2005 (including the ministerial orders) at national level and is particularly concerned with the introduction in these laws of new or modified instruments for influencing sustainable settlement development and the provision of floor space. The report from Turkey depends to a large extent on the inclusion of contracts of international law as well as treaties in the research period, thus on issues which are included in Part II of the legal gazette(*Gesetzblatt*) in Germany and were not

included here. The report from the Netherlands draws heavily on a classification of laws (carried out in the first stage of the research) as being relevant or, due to their too indirect influence on the realisation of the Habitat Agenda goals, as not being worth mentioning.

All the reports have the common goal of communicating suggestions to other signatory countries how to successfully implement the Habitat Agenda by portraying successful examples and exposing the difficulties encountered. This is also the goal behind the present summary of all five reports. In the following section the five national reports are first of all presented (shortened where necessary), there is then an analytical and summarising evaluation. The report closes with recommendations for the discussion and resolution for the Habitat follow-up conference in Vancouver 2006.

A synopsis of important comparative data has been placed before the national reports.

B. National reports

I. Important data for the comparison of settlement and housing matters

The most significant data on settlement and housing are imparted in the following section as an introduction to the characteristics of the countries included in the study: data as to surface area, the percentage of sealed surfaces, the administrative units, the number of households and apartments, etc. The high rate of home-ownership in Romania is surprising (97.5%: certainly a result of the compulsory transfer to the inhabitants of all the apartments which belonged to “the people” until 1990); the difference in standards of comfort is clearly seen in the amount of living space per capita: in the Federal Republic of Germany the average amount of floor space per capita was 40.8 m² in 2004; in Finland it was 37.1 m²; and in Romania 17.4 m².

1. Federal Republic of Germany

Objects	Datas
Total area of the state	<u>357 050 km²</u> http://www.destatis.de/basis/d/umw/ugrtab7.php
Rate of settlement area (upbuilt areas including streets etc. = sealed area)	<u>12,8 % / 45621 km² (2004)</u> settlement area (including recreation and sport areas and cemeteries within settlements) http://www.destatis.de/basis/d/umw/ugrtab7.php
Number of Federal States, there of: City States	16 3
Number of Towns and villages total thereof County free Cities (Kreisfreie Städte) Autonomous municipalities Villages within a joint local authority (Verwaltungsgemeinschaft)	13.144 (2003) 117 2.977 10.046 (within 1.685 joint Local Authorities)
Total number of population	82.534.164
Total number of dwellings:	<u>39.362.900 (2004)</u> http://www.destatis.de/basis/d/bauwo/bauwotab1.php
Total number of housing buildings	not available
Total number of high-rise housing buildings	not available
Total number of households	<u>35.872.900 (2002)</u> http://www.destatis.de/basis/d/bauwo/wositab6.php
Average size of households	<u>2,2 Persons (2002)</u> (persons per dwelling) http://www.destatis.de/basis/d/bauwo/wositab2.php

Homeownership rate	<u>42 % (2002)</u> Homeownership rate on households http://www.destatis.de/basis/d/bauwo/wositab6.php
Rate of social housing	<u>2.470.605</u> dwellings (in public housing)
Number of dwellings/1.000 inhabitants	<u>477 (2004)</u> dwellings per 1000 inhabitants http://www.destatis.de/basis/d/bauwo/bauwotab1.php
Average living area/person	<u>41,6 m² (2002)</u> Average housing area/person http://www.destatis.de/basis/d/bauwo/wositab2.php or <u>40,8 m² (2004)</u> Average living area/person http://www.destatis.de/basis/d/bauwo/bauwotab1.php
Average number of rooms/dwelling	<u>4,4 (2004)</u> rooms per dwelling http://www.destatis.de/basis/d/bauwo/bauwotab1.php
Other dates of interest to compare:	
Average size of dwelling	<u>89,4 m² (2002)</u> area per dwelling http://www.destatis.de/basis/d/bauwo/wositab2.php or <u>85,6 m² (2004)</u> living area per dwelling http://www.destatis.de/basis/d/bauwo/bauwotab1.php
Dwellings by tenure status 2003: - owner-occupied - rental housing	<u>42,6 % owner occupied (2002)</u> <u>57,4% rental housing (2002)</u> http://www.destatis.de/basis/d/bauwo/wositab4.php

2. Finland

Objects	Data
Total area of the state	338 145 km ²
Rate of settlement area (upbuilt areas including streets etc. = sealed area)	3,55%, 12 000 km ² (1999) (excluding farm buildings)
Total number of population	5 236 611 (2004)
Total number of dwellings:	2 634 728 (2004) (2000: 2 512 442)
- urban	- 2 127 311 (2000)
- rural	- 385 131 (2000)
Total number of housing buildings	1 161 851 (2004) (2003: 1 150 211)
Total number of high-rise housing buildings	53 372 (2003)
Total number of households:	2 402 091 (2004)
Average size of households:	2,18
Homeownership rate	63% (2004) (2003: 57,6%)
Social housing rate	16,5% (2003)
Number of dwellings/1.000 inhabitants	503 (2004) (my own calculation, no data found)
Average living area/person	37,1 m ² (2004)
Average number of rooms/dwelling	(including kitchen:) 1-2 rooms 24,4% 3-4 rooms 44,5% 5+ rooms 30,1% (2003)
Other data of interest to compare:	
Persons per room	0,7
Average size of dwelling	77,3 m ²
Dwellings by tenure status 2003:	
- owner-occupied	57,6%
- rental, social housing	16,5%
- rental, other (private)	15,5%
- other tenure status (incl. right-of-occupancy)	10,4%
Free-time residences	470 000 (2004)

(Source: Statistics Finland, http://www.stat.fi/index_en.html)

Statistics Finland

Street address: Työpajankatu 13, Helsinki

Postal address: FI-00022 Statistics Finland

Telephone: +358 9 17341 (switchboard)

3. The Netherlands

Objects	Data (01.01.2005)
Total area of the state	41 528 000 km ²
Rate of settlement area (built-up areas including streets etc. = sealed area)	13%
Total number of population	16 305 526
Total number of dwellings:	6 973 000
Percentage of population living in areas	
- urban	42 (is increasing)
- rural	41 (is diminishing)
- in-between	17 (is slightly increasing)
Total number of housing buildings	Not available
Total number of flats in high-rise housing buildings	2 062 400
Total number of households:	7 052 000
Average size of households:	2,28
Homeownership rate - percentage	54 (is increasing)
Social housing rate	34 (is diminishing)
Number of dwellings/1.000 inhabitants	428
Average living area/person	Not available
Average content per dwellings in m ³	351 m ³
Average number of rooms/dwelling	3,98
Other data of interest to compare:	
Population density – Inhabitants/km ²	483
Percentage of one-person households	34,5 (is strongly increasing)
Dwellings for elderly people	490.000 = ca. 14%

4. Romania

Objects	Datas
Total area of the state	237.500 km ²
Rate of settlement area (upbuilt areas including streets etc. = sealed area)	
Total number of Regions / Provinces - average square/km	8 regions, therein 42 counties (judets)
Total number of Communas / Local Authorities: Urban Rural	2.685, therein 13.0092 villages as not selfstanding units)
Total number of population	21.681.000
Total number of dwellings: - urban -rural	8.107.114 52,5 %
Total number of housing buildings	4.848.100
Total number of high-rise housing buildings	85.000
Total number of households:	7.302.202
Average size of households:	2,96 persons
Homeownership rate	97,5 %
Social housing rate	2,2 %
Number of dwellings/1.000 inhabitants	348
Average living area/person	17,4 m ²
Average number of rooms/dwelling	2,6

5. Turkey

Objects	Data*(01.01.2000)
Total area of the state	774.815
Rate of settlement area (upbuilt areas including streets etc. = sealed area)	not available.
Total number of Regions / Provinces - average square/km	
Total number of Communas / Local Authorities: Urban Rural	
Total number of population	67.461.000
Total number of dwellings: - urban -rural	16.235.380 59,25 %
Total number of housing buildings	5.872.808
Total number of high-rise housing buildings (as rate of 6+storey buildings to total no. of buildings)	4 %
Total number of households:	15.070.093
Average size of households:	4,50
Homeownership rate	ca. 60 %
Social housing rate	a social housing system does not exist
Number of dwellings/1.000 inhabitants	240,67
Average living area/person	1,27
Average number of rooms/dwelling as average floor area of dwelling unit (m ²)	128
Other dates of interest to compare:	
Annual production of dwelling units per thousand population	3.6

* All data is acquired from the Web Site of the Turkish Statistics Institute (WWW.die.gov.tr) except for the home ownership rate, which is derived from the web site of the "Capital Markets Board of Turkey" (WWW.spk.gov.tr).

II. National Report: The Federal Republic of Germany

1. Introduction to the national characteristics of the Federal Republic of Germany

When considering the national legislation of the Federal Republic of Germany attention must be given to the fact that Germany is organised as a federal state. According to the German constitution (the Basic Constitutional Law of 1949) each individual state (the member-states) is entitled to enact its own legislation; the Federal Government may only legislate in those areas explicitly assigned to it in the constitution.

With regard to the Habitat Agenda it can be established that a large majority of those fields of work primarily referred to in the Agenda are, according to the constitution, subject to the legislation of the Federal Government. The main areas referred to in Table 1 with which the sustainability of settlement development and social housing can be influenced are all within the scope of the Federal Government's legislative responsibility. The Federal Government can only influence some matters, for example conservation and water legislation, by framework guidelines which are then filled in and supplemented by the individual states. However framework guidelines are often sufficient to influence sustainability. It is only in the cultural arena (for example, protection of ancient monuments), regarded by some as the fourth key area of sustainability, that the federal government has no legislative authority. Here he can only become indirectly active, for example through tax law.

A further particularity of the Federal Republic of Germany is the strongly-rooted principle of self-government for local authorities. Article 28 of the German constitution guarantees the local authorities sole responsibility for regulating all matters concerning the local community within the boundaries set by the law. In accordance with this the local government bodies regulate the further development of towns and villages by compiling development plans and zoning plans. "Sustainable Settlement Development" is thus – within the scope of the laws and the town and country planning – very much a matter under the jurisdiction of municipal self-regulation. The state, in this case each of the member-states is or rather are obligated to place funding at the disposal of the local bodies adequate to enable them to meet their commitments. The constitutional courts – at the top the Federal Constitutional Court - ensure that the member-states satisfy this obligation.

The courts must be judged as playing a very significant role in applying and interpreting the laws of the Federal State of Germany. Germany is an (almost) perfect constitutional state where anyone may invoke the courts to enforce his rights. The principle of "adequate shelter for all" highlighted by the HABITAT Agenda has long been a legal reality in Germany. According to the VIII book of the Social Security Code (formerly the Federal Social Assistance Act) anyone legally resident in the Federal Republic of Germany can assert a judicial, actionable and enforceable right to board and lodging for himself and his family. There are still homeless people in the Federal Republic of Germany, these are however, without exception, individuals who for personal reasons would rather forego the state's offer (in this case the responsible local municipal bodies' offer)

of accommodation or due to a chaotic lifestyle, often characterised by alcohol-abuse, can no longer be caught in the net of social maintenance, or those who are illegally resident in Germany. An average of 40 (forty) square metres of fully-equipped floor space per capita are available to every „normal citizen,“ originally 8 square metres during the founding of the Federal Republic in 1949, four years after the end of the second world war with all its destruction of cities in bomb wars. Due to an East-West migration of the population within Germany, continuing suburbanisation and a general decline in the birth-rate functional residential premises are being torn down, primarily in the east of Germany as the weak demand means that they are no longer rentable. Since 1970 Germany has registered an average of 1.4 births per woman, this leads to a negative growth of one-third for each following generation and to the excessive aging of the population as a whole. Although this phenomenon is to be observed throughout Europe – with the exception of Ireland - its consequences for the Federal Republic of Germany are already particularly serious as the social security system is based on the supposition of an at least stable population development.

In comparison with the problems which lead to the enactment of the Habitat Agenda worldwide Germany must be described as a well-provided-for paradise. Every citizen has an actionable right at least to a roof over his head, if not to his own accommodation, and indeed practically every inhabitant of Germany is provided with living space. Towns and villages, including their infrastructure, are to a large extent in good order and condition. The quality of the air and water are regulated by the EU, compliance with these regulations is efficiently monitored. Waste is systematically collected and is to a large extent ecologically-compatibly recycled or disposed of. Grounds and property must be rid of contamination before they may be used for building purposes. There are standard values for the endowment of towns and villages with nurseries, schools, public parks, swimming pools, etc., etc. These values form the basis of any planning and are, in fact, also realised. Plants and animals are protected by conservation laws, as well as by special protected areas based on these laws.

The following overview of legislation relevant to Agenda between the years 1996 and 2005 will therefore unearth norms and instruments with which the provision of floor space has been improved above and beyond an already high level and which has also been secured for the socially disadvantaged. The norms and instruments do not provide a pertinent basis for sustainability, as the foundations for this have long since been laid in Germany, rather they serve for its optimisation in a highly-developed industrial society.

The foundation for the Federal Building Code (*BauGB*) as the „Basic Law of town planning“ was created in the Federal Republic of Germany in 1960 with the introduction of the Federal Building Act (*BBauG*). The Law on Promoting Urban Development (*StBauFG*) followed in 1971. The *BBauG* and *StBauFG* were added together in 1986 to become the Federal Building Code. The Building and Regional Act (*BauROG*) from 1998 improved the procedure and the contents of the Federal Building Code with explicit reference to the results of the Habitat II conference in Istanbul in 1996². The explanatory argument for the Law to Adapt

² See the explanatory argument for the BauROG 1998 in BT-Drs 13/6392, p. 31 (Printed Papers of the Deutscher Bundestag).

the Federal Building Code to European Law (*EAG Bau 2004*), also explicitly refers to the principles of the Habitat Agenda in the explanatory argument for extending § 35 (Building in the Undesignated Outlying Area) of the Federal Building Code³. The Federal Building Code follows, as a whole, the guidelines of sustainability. According to § 1 Section 5 of the *BauGB* in the edition amended by the *EAG Bau 2004* land-use plans should „safeguard sustainable urban development which considers the demands of social equality, of the economy and of environmental conservation consistent also with their responsibility to future generations.“ Legislation on environmental protection, soil protection, the closed cycle management of waste products, on immission protection, and on the needs of special members of the community, etc. all follow this guideline. There are numerous individual instruments to help enforce this guideline. They will be described presently.

This is not to say that there are no problems in the area of housing and land settlement in the Federal Republic of Germany, but that, in comparison with the *favelas* and squatter settlements of the Third World and their completely inadequate supply and disposal systems they are almost without exception luxury problems.

2. The Instruments used between 1996 and 2005 in the legislation of the Federal Republic of Germany to promote sustainable housing and land settlement

The following description of the instruments used by the German legislature to promote sustainable housing and land settlements is based on an exhaustive table of all acts of legislation pertinent to Habitat from 1996 to 2005. The table is ordered first of all chronologically and subsequently according to topic using the system of classification developed in figure 1. There are thus two main approaches used to follow the guiding themes of the Agenda, namely the principles of “shelter for all” and of “sustainable settlement development.” The following sub-topics are followed within the main approaches:

- I. Construction Sites/Buildings
- II. House-building and Housing
- III. Town Planning and Settlement
- IV. Town and Country Planning and Regional Planning
- V. Infrastructure, Traffic Systems (Road, Rail and Waterways)

as well as the following sub-topics (in accordance with sustainability’s trio⁴ of goals):

Ecology/Environment

1. Soil
2. Waste
3. Energy (Electricity, Energy Conservation)

³ See the explanatory argument for the *EAG Bau 2004* – individual argument for § 35 Section 4 in BT-Drs. (Printed Papers of the Bundestag) 15/2250. p. 37.

⁴ Cultural sustainability, sometimes referred to as the fourth goal, is not included here as it falls outside the Federal Government’s legislative authority.

4. Air, Climate, Emissions
5. Noise
6. Water (Supply, Treatment)
7. Nature and Landscape
8. Agriculture

Community

9. Youth
10. Family
11. Old and Handicapped People
12. Foreigners, Asylum-Seekers, Refugees
13. Security and Health

Economy

14. Taxes, Finances, Other Fiscal Instruments
15. Constitution and Organisation of Government.

The linking-up of all these topics in the table has been undertaken so as to express the idea that the effects of laws and other instruments are very often neither clearly identifiable, nor can they be clearly classified as belonging to only one topic, rather they are constantly interacting with each other. The following table lists first of all the instrument used by the legislature in column 1, then the corresponding key law in column 2 (with reference to possible guidelines or other statutory instruments of the EC which form their foundation); column 3 indicates who is (mainly) responsible for carrying out the law, or who is mainly responsible for applying it: the Federal Government, the member-states, the local government bodies, the private sector or the individual citizens.

The table also strives for completeness in respect of the technical considerations involved in the implementation of sustainability as regards to ecological, economical and social aspects. It should at least partly serve to show all the possibilities the legislature has to promote sustainability in settlement matters. In case of doubt marginal instruments have also been listed. In the subsequent international comparison can be ascertained which of the instruments listed have also been used in the four other countries examined and which additional or different ideas they had there.

Tab. 1: The new or newly regulated instruments used to promote sustainability in housing and settlement in the Federal Republic of Germany between 1996 and 2005 also detailing the responsibility for applying/ implementing the instrument

Adequate Shelter For All		
Instrument	Regulated in/by:	Responsible
I. CONSTRUCTION SITES/BUILDINGS		
Regulation of qualified vocational training in the building trade	Ordinance on Vocational Training in the Building Trade 6/1999	The private sector
Europe-wide standard CE marking system for labelling building material which conforms to EU standards	Law on building material 2/1998	The private sector
Safety on construction sites; Construction sites must be shown to the inspector of works before construction can start	Labour safety act 8/1996; Safety and Health Protection on Construction Sites Ordinance 11/1998	The private sector
Lifts may only then be put in circulation when they satisfy certain safety demands	Elevator Safety Ordinance 12/1998	The private sector
Setting up „districts“ for chimney sweeps. The owner of a building structure is required to have his chimneys regularly cleaned and inspected	Chimney Sweeps Act 16/1998	Chimney sweeps/ owner
II. HOUSE-BUILDING AND HOUSING		
Constitutionally protected „basic right to housing“; shelter and heating for all	Art. 2 of Basic Law (GG): right to life and physical inviolability; Right on shelter and heating is directly regulated in Book XII of the Social Security Code – Social Assistance - 12/2003	
The direct payment of an allowance when purchasing an own-use single family house or own-use flat	Home-owners Allowance Act (in force until 31.12.2005) 1/1996; 7/1997; 14/1998; 23/1999; 20/2000	Federal Government
Subsidisation of council house-building and of modernisation of council dwellings; Charging a levy on individuals who inappropriately occupy such a dwelling as their income has increased beyond that foreseen by the council house scheme	Act to Promote Public Housing Accommodation (21/2001) in conjunction with the Ordinance on Calculating Floor-Space and on the Computation of Overhead Costs (Computation Ordinance) 10/2003; Act to Ensure the Appropriate Use of Council Houses 22/2001	The Federal Government / the member-states
Payment of an allowance for rent or loan repayment to applicants with a low income, the amount depending on empirically derived rent-levels	Public Housing Allowance Act 14/1998; 24/1999; 17/2004. Allowance for Heating Act 21/2000 Public Housing Allowance	Local government bodies

	Ordinance 2/2001; 23/2001	
Law on socially just tenancies: notices to quit for the purpose of raising the rent are impermissible – the tenant must however accept raised rents up to the level reached by other comparable accommodation; the period of notice to cancel the rent contract is three month in the maximum for the tenant	(German) Civil Code: §§ 535 et seq.-6/2001	Landlords / tenants
Tax privileges for contributions paid into a building society or loan association	Building Societies Ordinance 19/1998; House-Building Premiums Act 26/1997	The tax-offices / Building societies
III. TOWN PLANNING AND SETTLEMENT		
General obligation to plan in a sustainable way	German Federal Building Code – 20/1997; Regional Planning Act 1998	
Regulation of public-private-partnership by contracts and project-orientated B-Plans	§§ 11, 12 BauGB 20/1997	
Obligatory cross-border co-operation for authorities involved in urban land-use planning	German Federal Building Code – Regional Planning Act 1998 – 20/1997	Local government bodies
Obligatory cross-border participation of the public affected by urban land-use planning	German Federal Building Code – Regional Planning Act 1998 – 20/1997	Local government bodies
Assessment of the environmental effects of implementing urban land-use planning already being processed, obligation to complete an environmental report, monitoring the environmental effects of realising urban land-use planning (Strategic Environmental Assessment)	Re-enactment of the German Federal Building Code 2001 (13/2001) and the Adjustment Act for Europe (Building Code) 2004 – 9/2004	Local government bodies
Regulation of opening hours for retail outlets	Shop Hours Act 6/1996; Act to Extend Opening Hours on Saturdays 2/2003	The private sector
IV. TOWN AND COUNTRY PLANNING AND REGIONAL PLANNING		
Obligation of the States to produce Regional Plans in a uniformed system; introduction of the Regional development Plan	Regional Planning Act 1998 20/1997	
Decentralisation of the locations of Federal Government Authorities	Federal Court: From Berlin to Leipzig 27/1997; Federal Authority for the Environment: From Berlin to Dessau 3/1996; Federal Cartel Authority: from Berlin to Bonn 11/1999; Federal Audit Office:	Federal Government Authorities

	from Frankfurt (Main) to Bonn 10/1999; Federal Labour Court: from Kassel to Erfurt 13/1999; Federal Institute for Drugs and Medical Devices: from Berlin to Bonn 14/1999; Federal Railway Authority: from Frankfurt (Main) to Bonn 16/1999; Federal Financial Supervisory Authority: from Berlin to Bonn 18/2000; Federal Banking Supervisory Office: from Berlin to Bonn 18/2000; Federal Authority for Vocational Training: From Berlin to Bonn 12/1999	
Obligation to audit the probable significant environmental effects caused by the realisation of regional planning charts or town and country planning already being processed, Obligation to complete an environmental report, monitoring the environmental effects of realising such plans (Strategic Environmental Assessment)	Amendment of the Regional Planning Act 9/ 2004; re-enactment of the Act on the EIA –14/2005	The member-states: the centres for town and country planning
Planning precautions against natural catastrophes: Obligation to determine areas endangered by floods as well as flood protection areas and their identification in town and country planning and urban land-use planning; precaution against accidents with hazardous materials	Implementation of the Federal Agency for the Protection of the Population against Catastrophes by Act 7/2004; Act to Improve Preventive Flood Control (8/2005); Act on the Implementation of Council Directive 2003/105 EC to Amend the Control of Major-Accident Hazards Involving Dangerous Substances (13/2005; 16/2005)	The member-states' water / town and country planning centres / local government bodies
V. INFRASTRUCTURE, TRAFFIC SYSTEMS		
Planning and Regulation of gas-pipelines	Amendment of the Law on Energy Management 3/2003	
Establishing interoperability in the trans-european high-speed rail system and in the conventional trans-european rail system	Interoperability of Rail Systems Ordinance 5/1999; Interoperability of Conventional Trans-European Rail Systems Ordinance 1/2005	Federal Railway Authority
The member-states are responsible for organising public (short-distance) transport for which they are entitled to a certain sum paid out of the mineral oil tax revenue	Regionalisation Act 13/2002	The member-states
The enactment of a statutory general plan for the streets and railway systems of the	Appendix 1 of the Act on Federal Highways 14/2004 and to the Act	The Federal Government

German government; speeding up the procedure of planning streets and railways	on the Railway System 13/2004; Act on speeding up the procedure of planning streets and railways 23/1999 and 18/2004	
Regulating the transport of hazardous substances on streets and railways systems	Ordinance on Internal and Cross-Border Transport of Hazardous Substances on Streets and Railway Systems 2/2005	Transport companies
Obligation to observe the safety regulations when transporting hazardous substances on inland waterways	Ordinance on the Transportation of Hazardous Substances on Inland Waterways 14/1996; 14/2001	Inland waterways operators
Speed-limit on ecologically sensitive inland waters	Ordinance on Sailing on Federal Waterways 15/1997; 7/2005	Inland waterways operators
Coordinating the flight plans of the passenger airports in Europe	Regulation on implementing flight plan coordination 11/2005	
Recognition of a lump-sum distance allowance in income tax law	Act on the Introduction of a lump-sum distance allowance 22/2000	The tax-offices
Regulation of fees on the parking on public streets	Amendment on the Act on Road Traffic (§ 6a) 1/2004	Local Authorities

Sustainable Settlements Development

Ecology / Environment		
1. Soil		
Obligation to avoid damaging changes to the soil, empowerment to regulate the clean-up of contaminated soils, providing financing with the balancing payment as a public burden; Defining values for inspection, intervention and for precautionary measures	Federal Soil Protection Act (1/1998) and the Federal Soil Protection Ordinance (9/1999) in conjunction with Soil Protection Encumbrances Registration Ordinance 4/1999; Contaminated Sites Ordinance	The member-states, the private sector, landowners
2. Waste		
Waste disposal sites and waste incineration plants are subject to special requirements; they are subject to official approval	Ordinance on Incinerators for Waste and Similar Combustible Materials ((17th Federal Immission Control Ordinance) 3/1999; 8/2003; Act on Waste disposal sites 11/2001	The private sector
Setting up a joint fund for the return of wastes which have been unlawfully transported abroad where the person responsible for returning it cannot be determined	Ordinance concerning Joint Funds Institutions for the Return of Waste 12/2000	The private sector
Scrapped cars may only be turned over to recognised reception and processing plants; recently the obligation of the	German Ordinance on the Transfer, Collection and Environmentally Sound Disposal of End-of-life	The private sector, Vehicle

manufacturer to take back end of life vehicles free of charge; obligation to label recyclable parts	Vehicles 16/1997; Act on the disposal of end-of-life vehicles and Background paper End-of-Life Vehicles Act (in accordance with EC Guideline 2000/53) –12/2002	owners
Batteries containing pollutant matter are subject to a return scheme	Ordinance on the Return and Disposal of Used Batteries and Accumulators	The private sector
A deposit must be charged when selling a car or starter battery to a consumer if he does not return an old car battery	Ordinance on the Return and Disposal of Used Batteries and Accumulators 3/1998; 8/2001	The private sector
Obligation to collect transport packaging, sales packaging and other packaging as well as plastic crates and palettes	Ordinance on the Avoidance and Recovery of Packaging Waste 17/1998; 14/2000	The private sector, consumers
Obligation to charge a deposit for beverage containers (particularly cans) as well as for cleaning agents and detergents and emulsion paints containers	Ordinance on the Avoidance and Recovery of Packaging Waste 10/2005	The private sector
Obligation to separate municipal waste and waste from construction and demolition into the categories: 1. Paper and cardboard; 2. Glass; 3. Plastics; 4. Metals; 5. Biodegradable kitchen and canteen waste	Ordinance on the Management of Municipal Wastes of Commercial Origin and Certain Construction and Demolition Wastes 10/2002	Public and private waste-disposal companies
Obligation for the manufacturers to take-back, separate and collect electrically powered and electronic devices	Act Governing the Sale, Return and Environmentally Sound Disposal of Electrical and electronic Equipment 6/2005	The private sector
3. Energy (Electricity, Energy Conservation)		
Promoting the research and the use of wind and water energy in the outskirts; planning of areas of concentration	Amendment to § 35 Federal Building Code 7/1996	
Opening up the power supply grid for all providers: Guaranteed access to the grid for the connection and supply of customers	Energy Management Act 5/1998; 3/2003; 17/2005	The private sector (energy supply companies)
Grid operators are obliged to accept electricity from renewable energy at a price regulated by law	Law on Feed-In Systems 5/1998 Act on Granting Priority to Renewable Energy Sources (Renewable Energy Sources Act) 4/2000; 7/2003; 11/2003. Ordinance on Generation of Electricity from Biomass 9/2001; Act on the Re-adjustment of Energy Data 11/2004	The private sector (energy supply companies)
Grid operators are obliged to accept and pay remuneration for electricity from power stations using combined heat /	Act to Protect the Generation of Electricity from Combined Heat / Power Generation 6/2000; Act to	The private sector (energy

power generation	Maintain, Modernise and Expand the Use of Combined Heat / Power Generation 4/2002, 6/2002	supply companies)
Tax-relief for current-drain from off-peak storage heating	Electricity Supply Tax Act 10/2000	Private consumers
Promoting the installation of geothermal power pumping plants	Home Owners Allowance Act (invalid from 01-01-2006)	The tax-offices
Regulation by law of minimum values of heat-insulation for new buildings; minimum technical standards for central-heating boilers and warm-water systems; introduction of „heating IDs“ for buildings	Ordinance on Energy Saving Insulation and Energy-Saving Equipment Technology in Buildings (Ordinance on Energy Saving) –24/2001; 16/2004. Ordinance on Heating installations 7/1998	Private building-contractors
Obligation to indicate the consumption of energy and other important resources (water) for all types of domestic appliances (in particular for refrigeration and freezing appliances) and for vehicles / in some cases fixing maximum values of consumption / evaluating consumption on the basis of EU norms	Energy Consumption Labelling Act (1/2002) in conjunction with the Ordinance on Labelling Household Devices According to their Consumption of Energy and Other Important Resources 12/1997; 18/1999; 4/2004; Ordinance on the Maximum Values of Energy Consumption of Refrigeration and Freezing Appliances 10/1998; Ordinance on the Labelling of Mains-Powered Air Conditioners and Electric Cookers 21/2002	The private sector (manufacturers)
4. Air, Climate, Emissions		
Tax concessions for vehicles with a low concentration of air-pollutants	Motor Vehicle Tax Act 11/1997	The tax-offices
Diesel motors in particular may only be brought into circulation when certain emission value-levels are maintained	Ordinance Limiting the Emissions of Internal Combustion Engines (28th Federal Immission Control Ordinance in accordance with Council Directive 2001/63 EC – 5/2004; 9/2005	The private sector (manufacturers)
Limiting the permissible emissions during the decanting and storage of benzine	20th Federal Immission Control Ordinance	Operating material suppliers
Petrol stations are to be so constructed so that while vehicles are being tanked with benzine the displaced fumes are caught by a vapour recovery system and fed into the petrol stations storage tank.	Ordinance Limiting Emissions of Hydrocarbons during Fuelling of Vehicles 8/2002	Managers of petrol-stations
Limiting emissions by setting emission value-levels for the use of organic solvents for cleaning textiles, for the manufacture of shoes and the manufacture of pharmaceuticals	31 st Federal Immission Control Ordinance 16/2001	The private sector (Cleaners, manufacturers)
Obligation to monitor air quality by measuring facilities; obligation to inform	§ 46 a Federal Immission Control Act; Ordinance on the Reduction of	The local government

the public when an alert is caused by excess values	Summer Smog, Acidification and Eutrophication (Over-Fertilisation) (33 rd Federal Immission Control Ordinance) in accordance with Council Directives 96/72/EC; 2001/81/EC; 2002/3/EG – 10/2004	bodies
5. Noise		
Noise protection zones with zoning restrictions to be set around airports	Aircraft Noise Mitigation Act in conjunction with the local Ordinance On Noise Protection Zones 10/1996; 13/1997; 14/1997; 15/1998; 8/1999; 15/1999; 2/2000	The member-states
Setting values for noise emission for propeller planes	Landing Field Noise Mitigation Ordinance 1/1999	The member-states, manufacturers
Obligation to compile noise maps and noise reduction charts to combat ambient noise	Act on the Implementation of the EC Council Directive on Ambient Air Quality Assessment and Management 2005(in accordance with Council Directive 2002/49/EC) – 15/2005	The member-states, the local government bodies
6. Water (Supply, Treatment)		
Permission with right-of-refusal for the extraction of ground water and water from surface waters	Federal Water Act 11/1996; 9/2002	The private sector, land-owners
Permission is required to introduce effluents into waters; it is only possible upon payment of a fee, there is a ban on the introduction of certain substances, obligation to test and monitor, setting up of analysis and measuring procedure to determine the pollutants	Federal Water Act in conjunction with the Ground Water Ordinance 5/1997, Ordinance on the Requirements to Release Waste in Water 6/1997; 2/1999; 9/2000; 10/2001; Waste Water Charges Act 3/2005	The private sector, land-owners
The EC member-states are required to regularly report to the Commission in Brussels on the quality of their drinking water	Drinking Water Ordinance 4/1998	The Federal Government
Setting up management goals for surface waters and for groundwater; obligation to compile water resource plans for each individual catchment area in Germany	Federal Water Act 11/1996; 9/2002	The Federal Government, the member-states
7. Nature and Landscape		
Obligation of the party interfering with nature or landscape to provide compensation (intervention-compensatory measures)	Federal Act on Nature Conservation 6/1998; Federal Building Code 20/1997	
Creation of „Natura 2000“: a Europe-wide network of nature reserves and bird sanctuaries:	Federal Act on Nature Conservation (Implementation of the Council Directives 92/43 EC	The Federal Government, the member-

	wild fauna and flora und 79/40 EC wild birds) – 6/1998; 5/2002	states
8. Agriculture and Forestry		
Limiting yearly tree-felling	Regulation on the limitation of the regular tree-felling in the forestry in the years 2000 and 2001 1/2000	
Regular soil quality tests for all agriculturally used lands	Act on Top-Soil Evaluation in conjunction with the Ordinance for its Implementation 5/2000	Agricultural authorities
Introduction of a labelling-system for ecologically cultivated produce; introduction of control boards	Eco Labelling Act 27/2001 in conjunction with the Eco Labelling Regulation (in accordance with 2002/91/EC) – 2/2002; 14/2002	The member-states, producers
Obligation to preserve unused agricultural land in good condition	Regulation on the principles of preservation of agricultural land in good agricultural and ecological conditions 15/2004	
Improvement of the agricultural structure and coast protection as Joint Task of the Federal Government and the Member-states	Law on the Joint Task(GA): Improvement of the agricultural structure and coast protection 17/1997	The member states

Social Issues		
9. Youth		
Organization of youth care; Laying down the equal status of girls and boys	Social Security Code: Child and Youth Care 2/1996; 20/1998	Local government bodies and districts (youth welfare offices)
Early diagnosis of handicaps of children; creation of a foundation „Handicapped children’s aid organisation“	Act on the Creation of the Foundation „Handicapped Children’s Aid Organisation“ 2/1997; Act on the Early Diagnosis and Encouragement of Handicapped Children and of Children Threatened by a Handicap 6/2003	The Federal Government, the member-states
The family members of those who work from home or in agriculture are insured by law against accident (especially the young ones)	Social Security Code: Statutory accident insurance 9/1996	Mutual indemnity associations, insurance companies
Pupils, apprentices and students are insured by law against accident	Social Security Code: Statutory accident insurance 9/1996	Insurance companies
Children may not be commercially employed (with exceptions for children from 13 years of age onward: Newspaper-	Child Labour Protection Ordinance 4/1997; 13/1998	The private sector

delivery, errands, etc.)		
Subsidised distribution of milk in schools	School Milk Subsidisation Ordinance 12/2001	The member-states (schools)
Regulation of limits for the visitation of pubs, game halls etc; special tax on alcoholic drinks	Youth Protection Act 18/2002, Act to promote the protection of the youth against the dangers of tobacco and alcohol 12/2004	
Promotion of education in universities	Amendment to the Act on Promotion of Education 3/2001	
10. Family		
Obligation for companies to set up restrooms and mother and baby rooms for mothers-to-be and breast-feeding mothers; ban on their deployment for dangerous work; employment regulations for mothers-to-be and breast-feeding mothers	Maternity Protection Act 12/1996; 1/1997. See also the Maternity Protection Ordinance for female Soldiers 22/1997	The private sector
Obligation for employers to assess the dangers of hazardous substances, biological materials and physical dangers to mothers-to-be and breast-feeding mothers	Ordinance on Implementing the EC Council Directive on Maternity Protection 8/1997	The private sector
Granting parents tax-allowances for children living in the household	Income Tax Act 22/1999; Child Allowance Act 2/1997; 15/2001	The tax-offices
Payment of a child benefit allowance to parents	Federal Child Benefit Act 16/2000; 3/2004	The tax-offices
Parents have the right to be granted parental leave / educational holidays	Civil Service Acts and Ordinances 12/1997; 19/2000	The Federal Government, the member-states
A person who has been abused by their partner has the right to be left the shared apartment after the act of violence	Act on Improving Civil-Law Protection Against Violence and Persecution, as well as Facilitating the Transferal of the Marital-Home in the Case of Separation (Amendment of § 1361 b German Civil Code) – 25/2001	Citizens
Promoting a violence-free upbringing	Law on Banning Violence in the Home and Amending The Act on Child Maintenance 17/2000	Parents
11. Old and Handicapped People		
Employers are obliged to employ severely-handicapped people and to pay a compensatory tax per month and per unoccupied compulsory workplace; obligation to introduce integration management for the workplace	Severely Handicapped Persons Act; Social Security Code – Book IX – Rehabilitation and Participation of Handicapped People 5/2001; 6/2004	Employers
All of the governments new buildings are	The Equality of Handicapped	The Federal

required to be designed obstacle-free; accessible information technology is to be used; the Federal Government will appoint a commissioner to secure the rights of handicapped people	People Act 7/2002; Ordinance on the Use of Sign Language and Other Aids to Communication in the Administrative Process 15/2002; Ordinance on the Creation of Accessible Information Technology 17/2002	Government
Tax incentives to take an insurance for retirement pension	Act on Renewal of Provisions for Old Age 7/2001	The private sector
Granting allowances for the care of old people; granting an additional sum for the home care of dementia patients	Act on Care Allowances 4/1996; Supplementary Benefits for the Domestic Care for Those Requiring Significant General Care Act 26/2001	Nursing care insurance
Public Control on old people homes	Old People Home Act 3/1997	Local government bodies and districts
12. Foreigners, Asylum-Seekers, Refugees		
Granting cash payments and benefits in kind to asylum-seekers limiting the payments of those who have betaken themselves to the Federal Republic with the intention of obtaining such payments; installing a data base for lost and found Passports and Identity Cards	Social Welfare Law for asylum seekers 18/1997; 18/1998. Law on Migration 5 /2005	Local government bodies and districts
Regulating the subsequent immigration of a foreigner's family members / Conditions for staying in old age	Foreigners Act 24/1997; 8/2000. Act on Refugees 24/1997	Local government bodies and districts
13. Social Security and Health		
Introduction of a minimum-wage in the building trade	Ordinance on Minimum Standards of Employment in the Building Trade 13/2000; 19/2001	The private sector
Granting Allowances to unemployed people	Help Unemployed People Reform Act 5/1996; 17/1999	Labour Agencies
Public Insurance against labour accidents	Act on Insurance against labour accidents 9/1996	Insurance Agencies

ECONOMY		
14. Taxes, Finances, Other Fiscal Instruments		
Distribution of tax revenue - of the employment and income-tax - of the value-added tax - of the trade tax to Federal Government, member-states and local government bodies.	Reorganisation of Local Community Finance Act (9/1997; 7/1999) in conjunction with the Annual Ordinance on Determining the Key Figures for its Allocation; Act on substantiating the general	The tax-offices

	constitutional standards for the distribution of V.A:T. for the purposes of fiscal adjustment as well as for supplementary federal payments 20/2001	
Financial adjustment between the member states; Special additional grants from the Federal Government to over-indebted federal member-states	Fiscal Adjustment Act in conjunction with the Implementation of the Fiscal Adjustment Act Ordinance 7/2000; 9/2003	The Federal Government, the member-states
15. Constitution and Organisation of Government		
The constitutionally guaranteed right of a local government body with the right to levy tax to any sources of tax related to economic size	Amendment of Basic (Constitutional) Law, Art. 28 23/1997	The tax-offices, the local government bodies
Regular data collection for supply of relevant statistical information	Collection of building activity and update of the housing stock: Structural Engineering Data Act (8/1998); Data on population and labour market: Micro census (2005 – 2012) 8/2004; Energy Data Act 19/2002	Federal Statistical Office
The citizen's right to free access to any information about the environment in the public authorities possession (against payment of a moderate fee)	Environmental Information Act 17/2001; 19/2004 in conjunction with the Environmental Information Fees Ordinance 18/2001	The Federal Government, the member-states, the local government bodies,
Setting up special Commissions and Commissioners	Commissioner to Foreigners: Foreigners Act 24/1997; Commissioner for handicapped people: The Equality of Handicapped People Act 7/2002; Commission on Plant safety: Act on the Implementation of Council Directive 2003/105 EC to Amend the Control of Major-Accident Hazards Involving Dangerous Substances (Seveso-Guideline) 13/2005; 16/2005	The federal government
Governmental support of research institutions for town and regional planning	Setting up the Federal Office for Building and Regional Planning 29/1997	The federal government

3. The main focuses of legislation on sustainability in settlement and housing matters

202 acts of legislation passed by national legislature and ministerial authorities between 1996 and 2005 are listed in the previous table. Figure 3 shows how the acts of legislation are distributed among the areas relevant to the Habitat Agenda.

Fig. 3: Distribution of the acts of legislation 1996 – 2005 among the areas relevant to the Habitat Agenda in the Federal Republic of Germany

No.	Areas	Acts of Legislation
	ADEQUATE SHELTER FOR ALL	50
I.	Construction Sites / Buildings	9
II.	House-building and Housing	16
III.	Town Planning and Settlement	6
IV.	Town and Country Planning and Regional Planning	5
V.	Infrastructure, Traffic Systems (Road, Rail and Waterways)	14
	SUSTAINABLE SETTLEMENTS DEVELOPMENT	152
	Ecology / Environment	
1.	Soil	3
2.	Waste	13
3.	Energy (Elektricity, Energy Conservation)	22
4.	Air, Climate, Emissions	8
5.	Noise	10
6.	Water (Supply, Treatment)	9
7.	Nature and Landscape	3
8.	Agriculture and Forestry	8
	<i>Sum</i>	76
	Community	
9.	Youth	9
10.	Family	12
11.	Old and Handicapped People	14
12.	Foreigners, Asylum-Seekers, Refugees	5
13.	Security and Health	2
	<i>Sum</i>	42
	Economy	
14.	Taxes, Finances, Other Fiscal Instruments	17
15.	Constitution and Organisation of Government.	17
	<i>Sum</i>	34
	SUM TOTAL	202

If we accept the frequency of legislative activity as also being an indication of the importance of a subject area then the subject of sustainable settlement development in general clearly predominates over the topic of „housing.“ This

appears plausible as adequate floor space is provided in the Federal Republic of Germany. Within the subject of sustainable settlement development the topic of „energy“ predominates with 22 entries. This is also plausible, in consideration of the political discussions on a changeover to renewable energy sources for the power supply.

4. On implementing acts on sustainability in land settlement and housing policy in the administrative levels of the Federal Republic of Germany

The previous table of possible instrument usage shows that the responsibilities for realising the aims and general principles of the Habitat Agenda are distributed between all levels of the state structure of the Federal Republic of Germany, in some cases companies and citizens are also addressed. Subdivided according to “Adequate Shelter for all” and “Sustainable settlements Development” we receive the following purely numerical distribution.

Fig. 4: The distribution of responsibility for realising the Habitat Agenda in the Federal Republic of Germany – measured by the number of available instruments

Target area	The Federal Government		The member-states		Local government bodies		The private sector		Individuals	
	1	2	3	4	5	6	7	8	9	10
	abs.	%	abs.	%	abs.	%	abs.	%	abs.	%
Adequate Shelter for all	6	17,1	6	17,1	9	25,7	11	31,4	3	8,6
Sustainable settlement development	12	12,5	24	25,0	12	12,5	38	39,6	10	10,4
Total	18	13,7	30	22,9	21	16,0	49	37,4	13	9,9

The significance of this table should not be rated too highly as the importance of the different instruments among each other has not been allowed for and it is, in any case, only based on an observation of the years from 1996 to 2005. Nevertheless the results do appear plausible. The table shows that roughly half the responsibility for the practical application of the instruments for sustainability in housing and land settlement is distributed among the three levels of public administration (the Federal Government, the member-states and the local bodies) on the one hand and on the other hand among private protagonists (the private sector as well as individuals). The member-states carry the main burden within the public administration, among the private protagonists it is the private sector. The single largest percentage devolves on the private sector (with more than one-third of the primary responsibility for implementation – without taking possible governmental controls into account). Overall it should be noted that the passage of a bill is in no way a guarantee of its application. The decisive factor is always how well the regulations catch on with those they are intended to reach. It's a long way between the public announcement of an act in the law gazette and its application along which various obstacles can arise starting from mistakes or

miscalculations in the act itself up to recalcitrance of the addressees who may be in a position to block the application of the act.

It can however be maintained that, as a general rule, acts are carried out to the letter across all levels of the administration in the Federal Republic of Germany. The main responsibility for truly sustainable land settlement lies with the local government bodies bound to the principles of town and country planning. To discharge the obligation of „adequate shelter for all“ the Federal Government must accept the role of guarantor, for the rest however it depends on private house-building activity within the context of a working social market economy. The word “social” needs to be emphasized in the area of rented accommodation. The law on socially just tenancies ensures a balanced consideration of the interests of tenants and landlords.

5. Summary of conclusions

In comparison with the five countries investigated Germany exhibits the characteristics of a federally based government with strongly developed self-government for local authorities. Generally speaking the Federal Government does not have its own executive administrative offices, rather all of the Federal Government's acts are carried out by each of the member-states as if they were their own. An „executive by-pass“ on the part of the Federal Government is thus for all practical purposes impossible in Germany. The local government bodies are constituent parts of the member-states and are outside the influence of the Federal Government. The Federal Government can only exert influence by means of financial incentives on the local governments' activities in co-operation with the member-states. The purpose and the strength of the Federal Government lies in his legislative control function, of which he makes ample use passing numerous acts of legislation. The strength of the legislature in the Federal Republic of Germany lies in its wealth of available instruments. The catalogue of instruments is for that reason also comparatively extensive. Their realisation is for the most part certain.

As in the Netherlands and Finland the foundation legislation relevant to Habitat was established long before 1995 so that for the period between 1996 and 2005 it was a matter of amendment laws for their improvement. In several laws the German federal legislator explicitly refers to the Habitat Agenda in the explanation of the law.

Certainly in the area relevant to Habitat the strong role of ordinances and guidelines from the European Union is noticeable. This influence penetrates – by way of federal legislation – right through to the local government bodies. It is indeed ultimately the local government bodies who control land settlement with their urban land-use planning, the Habitat goals are thereby not explicitly but for the most part certainly inherently adhered to. It must certainly be unique within the international comparison that in numerous towns and communities, particularly in the east of Germany there exists a surplus of floor space which is being removed from the market with publicly aided urban renewal programmes.

III. Finland: National Report

The report from Finland chooses a different style of coverage to the report from Germany. The focus here is rather the regulatory content of entire laws, while the German report is mainly concerned with the detection of individual instruments. The report is therefore more „holistic“: the legislative instruments are so summarised as to show them as a consistent bundle of laws at each of the different levels of state structure. This perspective allows, particularly in a comparison, a successful and informative type of coverage.

1. Introduction

This study clarifies the changes in the Finnish legislation during 1996-2005 in the light of the key themes of the Habitat Agenda 1996. The focus is on the legal reforms made during the time-period, with approaches to sustainable development from six viewpoints: sustainable urban development, sustainable regional development, and sustainable housing policy, strengthening local/regional capacities, strengthening public participation, and strengthening international cooperation. The viewpoints have not necessarily been separated clearly in the legal formulations, but instead, they often overlap each other. Furthermore, although the legal formulations do not directly refer to the Habitat Agenda, one can clearly find the connections of the laws to the Agenda's themes.

This report does not give the full picture of all the legal reforms with a connection to sustainable development, but clarifies the main steps in order to give a general view of the legal development in Finland during 1996-2005.

Environmental legislation in Finland originates mainly from the 1980s and 1990s. In that sense, Finland has prioritised a number of sustainability approaches for quite a long time. A holistic and strategic approach in human settlements development in Finland has included better urban management, holistic strategic land use planning, and transparent and efficient land administration, including security of land tenure; sustainable housing reform and social equity, particularly through the regeneration of deprived communities; effective decentralisation and resourcing of local authorities together with promoting good land administration for social equity by emphasising transparency and efficiency to ensure fair competition and security of tenure; access to basic services in both urban and rural areas; and compact city development which enables sustainable transport arrangements.

Different programmes in Finland are most often drawn up in line with these priorities. For example, Finland is developing public participation in land use planning, and taking a holistic approach to land use planning by taking into account cultural, social and ecological aspects. In housing policy, measures have been taken to promote a balanced regional and municipal structure by promoting housing production in densely populated areas, and launching special instruments to be used in areas of decreasing population.

Finland was ranked first in the world in environmental sustainability out of the 146 countries according to the 2005 Environmental Sustainability Index (ESI) produced by the team of experts at Yale and Columbia Universities (Yale News

Release, www.yale.edu/esi/ESI2005.pdf). The ESI used 21 elements of environmental sustainability covering natural resource endowments, past and present pollution levels, environmental management efforts, contributions to protection of the global commons, and a society's capacity to improve its environmental performance over time.

In the fields of sustainable settlement development and housing policy, the Ministry of the Environment is the key body in terms of legislation and national policy-making. The Ministry is responsible for the legislation and guidelines for an integrated approach to spatial planning and the management of land and water resources. It also has a wide policy, legislation and administrative responsibility on housing issues. The Ministry of the Interior is in charge of urban and regional development policies and legislation of local government. The Ministry of Transport and Communications bears the main responsibility for transport policy. The Ministry of Agriculture and Forestry is responsible, among other things, for water service issues.

Sustainable development was taken into consideration in the national legislation in Finland well before 1996. Key legislative actions towards sustainability made before 1996 include, for instance, the Act on Environmental Impact Assessment Procedure (468/1994) which came into force on September 1st 1994. It aims to further the assessment of environmental impact and the consistent consideration of this impact in planning and decision-making, and at the same time to increase the information available to citizens and their opportunities to participate in decision-making. In 1999, this Act was amended by highlighting the enhancement of interaction and information, and a Decree was established to fulfil and specify the provisions of the Act. Another example of the pre-1996 legislation is the Waste Act 1993 which was amended in 2004 with provisions concerning the responsibilities of the producer in the management of waste.

Within the study period 1996-2005, major legislative emphasis regarding sustainable development has been put on the comprehensive renewal of the building law. The process of the law renewal started in the mid-1990s and resulted in the Land Use and Building Act in 1999 (132/1999), which repealed the Building Act originally from 1958. The new law came into force on January 1st 2000. The aim of the Act is to ensure that land use and building activities are directed to create good urban and rural environments, enhance public participation, and promote sustainable development in general.

In the light of sustainable development, the most central emphases of the Land Use and Building Act are the sections concerning the repeal of the central government confirmation of local detailed plans, the obligation for the authorities to prepare a so-called participation and impact assessment scheme, the restrictions concerning the building of large retail units outside inner urban areas, and the obligation for the authorities to check whether an old plan is or is not up-to-date.

At the moment, the Ministry of the Environment is carrying out an assessment of the functionality of the Land Use and Building Act. Consequently, some changes can be expected on the basis of the assessment.

In addition to the Land Use and Building Act, other important legal reforms during 1996-2005 include the Nature Conservation Act 1996 and the Environmental Protection Act 2000. Particularly the latter one can be seen a comprehensive act since it combines formerly separated laws, or sections of laws, regarding noise pollution, water bodies, chemicals, soil, and air pollution, for instance. Legal instruments for regional development have also been established, such as the Regional Development Act 2002. Here, we can also raise the new form of the Finnish Constitution (731/1999) which gives grounds for sustainability in the Finnish society.

Many of the still relevant legal instruments concerning sustainable housing policy were established before 1996, such as the Act on State-Subsidised Housing Loans from 1993. Together with amendments to that law, new laws concerning the improvement of housing conditions have been established since 1996. They mostly deal with the consideration of social aspects in housing production.

Finland's population is ageing rapidly. This increases the need for good quality and accessible housing. Additionally, other special groups, such as the disabled and the homeless have specific needs which can be fulfilled through independent housing and related care, supported housing or service housing. The State of Finland supports the housing of these groups with loans, interest subsidy schemes and special investment grants for the construction, acquisition or renovation costs of housing units. In the new housing construction, "design for all" and "accessible design" are the main demands where the elderly and disabled are concerned. Furthermore, the purpose of life-cycle housing is to ensure better integration of people with different housing needs in the same buildings and surroundings. There are approximately 8 000 homeless people in Finland. The programme of the present government includes actions tackling that question. During the next couple of years, the actions are targeted towards homelessness in the Helsinki region, in particular.

2. The legislative implementation of the Habitat Agenda in the most important policy fields relating to sustainability in urban planning and the housing sector

2.1 Sustainable urban development

Since 1996, many of the legal reforms in the field of sustainable development in Finland have meant updating and harmonisation of already established laws and sections of laws.

The stipulations on environmental protection are combined in the *Environmental Protection Act* (86/2000). It is a general act on the prevention of all kind of pollution, which is applied to all activities that cause or may cause environmental damage. The Act combines many of the formerly separated laws, or sections of laws, concerning sustainable development – noise prevention, water bodies, chemicals, protection of soil, and air pollution – although, for instance, parts of water issues have still been kept under Water Act and Water Services Act.

The principles of the Environmental Protection Act are: the prevention or the restriction of damages to a minimum caution and precaution, the application of the best available technology (BAT), the best practice from the perspective of the environment (BEP), and the polluter pays -principle.

The integration of the environmental permits system was one of the main aims of the Environmental Protection Act. With the integration of the legislation, pollution can be prevented efficiently since the environment is considered as a whole. In addition to the integration of the legal system, in practice, single applications for the environmental permits are made to one authority. All the environmental effects of the activity will be assessed during the consideration of the permit. Technological solutions that save energy as much as possible at the lowest possible cost will be applied to reduce emissions. The Act defines the requirements of environmental permits and the prerequisites for granting a permit.

Environmental permits of regional significance are dealt with at the 13 regional environmental centres. Other permits are decided by the environmental protection authority of the municipality. Citizens have greater opportunity to influence decision-making since the right to appeal has been extended in the Environmental Protection Act. In addition to the parties involved, associations and foundations that promote the protection of the environment, health and nature or that improve the living environment have the right to appeal.

The *Nature Conservation Act* (1096/1996) concentrates on the diversity of nature, natural beauty and landscape values, sustainable use of natural resources, and knowledge and research on nature. According to the Act, in planning of nature or landscape conservation, economic and social aspects, and regional and local characteristics, have to be taken into account.

The *Land Use and Building Act* (132/1999) sets out requirements for regional and municipal land use plans and also includes national guidelines for land use. Section one of the Act states that "the objective of the Act is to ensure that the use of land and water areas and building activities on them create preconditions for a favourable living environment and promote ecologically, economically, socially and culturally sustainable development." The Act also aims to ensure that "everyone has the right to participate in the preparation process, and that planning is high quality and interactive, that expertise is comprehensive and that there is open provision of information on matters being processed."

The *national guidelines* within the Land Use and Building Act concern matters which have national or supra-regional impacts on land use such as motorways and other major transportation networks, energy networks, nature protection, the cultural heritage, and the avoidance of environmental hazards. Concerning building activities, environmental aspects of building materials, quality and the life-cycle approach are central targets of the Act.

Below the national land use guidelines, there are three levels in the land use planning system: the regional land use plan, the local master plan and the local detailed plan. A systematic assessment of environmental impacts for each planning level is stipulated in the Act. In the beginning of every planning process,

a scheme has to be prepared where the procedure of how to arrange public participation is explained.

The Land Use and Building Act allows national urban parks to be designated on land owned by the state or the local authorities. Urban parks are designated to safeguard extensive green belts within urban areas, in order to improve the residential environment and recreational amenities, while also protecting Finland's natural and cultural heritage.

Another new element in the Act is the regulation concerning the building of large retail units outside the inner urban areas. The Act tells that a large retail unit may not be located outside the area designated in the regional plan or the local master plan for central functions, unless the area is specifically designated for such a purpose in the local detailed plan. By this regulation, unsustainable urban sprawl and increase in traffic amounts are tried to minimise. This is, of course, a question of sustainable regional development as well.

Local authorities must monitor detailed plans to ensure that the plans are kept up-to-date. If a plan is still mostly unimplemented 13 years after its confirmation, the local authority must assess whether the plan has to be amended before any new construction on site is allowed.

The Land Use and Building Act, together with *the Land Use and Building Decree* (895/1999), regulates the quality of construction and maintenance of buildings. A building maintenance manual must be prepared for every new residential building in order to specify the useful life of the building, and to forecast the servicing and repairs that the building is likely to require. The quality of construction is enhanced by quality requirements that must be applied in building design and construction. The national programme for sustainable construction has since 1999 promoted ecologically sustainable development of housing, construction and maintenance of real estate. The government and the building sector have agreed on how to promote sustainability in building design, production, the construction process and maintenance.

Finland's national waste plan is based on the *Waste Act* (1072/1993) which aims to support sustainable development by promoting recycling and reasonable use of natural resources, as well as by preventing the disadvantages of waste to health and environment. The Act was amended in 2004 (452/2004) in a way which defines in detail the responsibilities of the producer of waste. The amendment also states that the last user of a specific product (motor vehicles, tyres, electronic devices, packages, paper) has the right to deliver it for free to the recycling, reuse or waste management system arranged by the producer. In addition to the Act, the European Union waste directives play crucial role in the national waste plan.

The *Water Services Act* (119/2001) came into force in 2001. It superseded the Act on Public Water and Sewerage Plants and the Act on Sewage Charge. In the new Act, there are provisions regarding general development and arrangement of water services. Rights and obligations of municipalities, water supply and sewerage plants and their customers are described in the Act. Also charges and agreements in water supply and sewerage are addressed. Regulations on joining water and sewer systems of water utilities are included. In the Water Services Act, water

services are seen more as basic services that need to be made available for everyone, rather than just municipal engineering. The Act aims at guaranteeing the availability of water supply services in both urban and rural areas. The municipal water services are being incorporated, and in this connection, it is important to secure the consumer interests, reasonable payments, equality and compatibility of payments with the real costs of the services. The Ministry of Agriculture and Forestry has published guidelines for the implementation of the Water Services Act.

The *Environmental Damage Insurance Act* (81/1998) came into force in 1999. The Act guarantees full compensation not only to those suffering from environmental damage, but it also covers the costs of measures taken to prevent or limit the damage and to restore the environment to its previous state. The scheme is financed by special insurance which is compulsory for the companies whose activities cause risk to the environment. All parties holding an environmental permit are obliged to take out insurance. The system is run by insurance companies which have established the Environmental Insurance Centre to handle all the claims for compensation.

2.2 Sustainable regional development

Many of the above mentioned aspects of sustainable urban development are valid also in regional development. The implementation of legal instruments is often considered both in an urban and a regional scale, and the instruments have often impacts wider than local. This is very true in land use and infrastructure planning and water services and waste arrangements, as well as environmental damage insurance and environmental impact assessment of regional scale. For example, according to the Land Use and Building Act 1999, building permits for large commercial premises of more than 2 000 square meters may only be granted where a site has already been designated for commercial uses in existing plans. With this provision, unsustainable urban sprawl and regional development can be avoided better. Furthermore, the whole Environmental Protection Act 86/2000 contains provisions which have local and regional, but also national and even international, effects. The same applies to the Nature Conservation Act (1096/1996).

Still, some issues of particular regional aspects can be mentioned here. The Land Use and Building Act 1999 enables municipalities to prepare together joint master plans, covering the planning of major roads, and the location of significant retail outlets, workplaces, and residential areas. Joint master plans require the confirmation of the Ministry of the Environment. This is a new tool for more comprehensive approach to planning within sub-regions. For instance, the housing project of Vuores is a joint master plan project between the city of Tampere and the municipality of Lempäälä to produce a new housing area on both sides of the municipal borders for about 13 000 inhabitants.

The Land Use and Building Act presents provisions concerning the preparation and approval of regional plans by the Regional Councils. Again, the same type of participation and impact assessment procedures are followed in regional planning than in local planning. In general, the regional plans cover issues of regional importance, including sustainability questions.

Sustainable regional development is also promoted by the national land use guidelines which are legally formulated in the Act to Amend the Land Use and Building Act (202/2005), but which were programmatically presented already in Finland's National Land Use Guidelines by the Council of State Decision issued in November 2000. The cases which are considered nationally significant, and thus belonging to the national guidelines, often become concrete on the regional level.

The Regional Development Act (602/2002) is a general act aiming to strengthen regions on the basis of their own development potentials, competence and sustainable development. The Act contains provisions concerning sustainable and balanced development of the regions, and promotes competitiveness, industrial and business development, and employment. Under the Regional Development Act, several development programmes such as Regional Centre Programme have been launched mainly by the Ministry of the Interior.

2.3 Sustainable housing policy

According to the Finnish Constitution 1999, it is the duty of the public authorities to promote everyone's right to housing, and to support attempts by individuals to find housing on their own initiative. The Constitution does not grant a subjective right to receive a home to those in need of housing. However, the subjective right to housing is provided for in legislation covering child protection and services for the disabled.

In Finland, housing administration is the responsibility of the Ministry of the Environment. The Ministry also works to improve the quality of housing construction through controls and guidelines, and to improve the quality of the residential environment.

The off-budget Housing Fund of Finland ("ARA") is a governmental agency of the Republic of Finland operating under the supervision of the Ministry of the Environment. ARA is an agency to implement social housing policy. It finances and administers all State housing subsidies, except housing allowances. The Fund's functions include guidance on quality and control of building costs in State-subsidized housing construction and renovation projects. Its main task is to provide State-subsidised rental housing production. The Fund has also other obligations such as to make grants for housing repairs and to supervise for granting of state guarantees on loans for owner-occupied housing.

The off-budget Fund's goal is to promote well planned housing with quality and reasonable housing cost. Properties to be constructed must be located in comfortable and safe areas in municipalities with housing demand.

Local authorities are obliged to create in their area a general framework for the development of housing conditions. The central government provides various forms of housing subsidies, such as loans, interest subsidies, grants, state guarantees, tax reliefs and housing allowance. The state-subsidised social rental housing stock plays a key role in safeguarding access to reasonably priced housing for low-income earners and those who urgently need housing. The Act on

State-Subsidised Housing Loans (ARAVA loans) (1189/1993) is central in this respect. The Act was amended in 1999 (571/1999) with provisions concerning the possibilities for getting ARAVA loans for housing production on the basis of the 'public good'.

According to the resident selection criteria of social rental housing, priority must be given to housing applicants who are homeless, in the most urgent need of housing, have modest means and low income. This is stated in the Council of State Decree on the Grounds Applied in the Selection of Residents in the State-Subsidized Rental Housing (1191/2001). Additionally, the state subsidizes the building and acquisition of homes to help people belonging to so-called special groups (disabled, homeless, refugees, elderly people). The Act on Subsidy for the Improvement of the Housing Conditions of Special Groups (1281/2004) provides frames for financial aid in order to increase the supply of appropriate rental dwellings for the special groups and in that way to improve the housing conditions. Aid can be granted to groups when the housing conditions are bad, incomes are exceptionally low, housing requires more supporting services than normally, or when particular spatial and equipment solutions are required in the building. Renovation and energy subsidies can also be granted to the disabled and elderly people on social grounds, according to the Act to Amend the Act on Housing Renovation and Energy Subsidies (1222/2004).

Occupants in both state-subsidized and non-subsidized housing are eligible for a housing allowance from the state to the extent that the rent is within the limits of reasonable housing costs. The costs, which are taken into consideration when granting the allowance, are determined on the basis of reasonable floor area and rent per square metre.

In addition to sustainable urban and regional development, the Water Services Act (119/2001) can also be considered an instrument promoting sustainable housing policy. Clean water for all, and reasonable charges of household water are central elements of sustainable and equal housing.

2.4 Strengthening local and regional capacities

The implementation of the recent laws is as such about capacity-building of the localities and regions, since the law reforms have been made simultaneously with the decentralisation politics of the state. The politics of decentralisation started in the late 1980s, but was activated in the latter part of 1990s, for instance in the renewal process of the building law.

Local decision-making powers were enhanced in the Land Use and Building Act 1999. The local authorities have more suitable resources and expertise to deal with local planning issues, and the local detailed plans drawn up at municipal level to control building do not need to be approved by higher authorities, as was the case previously. However, the central government continues to safeguard the achievement of national goals, and provides assistance to local authorities as necessary.

The Land Use and Building Act 1999 also contains new provisions regarding the designation of special development areas. The local authority may designate one

or more specified areas in the municipality as special development areas for a maximum period of ten years. The requirements of designation are presented broadly. The development area can be a built area where special development or implementation measures are necessary for renewal, conservation, improvement of the living environment or change of use, or to attain other goals concerning a common need. The area can also be unbuilt, when its development is necessary due to housing or business development policies, and special development or implementation measures are required because of fragmented ownership or partition, or for some other corresponding reason. The special measures applicable in development areas are defined in the law. For instance, there is a possibility for the municipality to negotiate on special housing or business development subsidies with the relevant government authority. Furthermore, the concept of development area aims at promoting public-private cooperation and in that way strengthening local capacities. It can also be seen a tool for sustainable housing policy, if applied in the renewal of suburban housing areas, in the production of new socially-based housing, or in the improvement of the living environment, in general.

The autonomous development of the regions is promoted by relying on their own strengths in Finland. Skills and expertise as well as the latest technology are used to boost the value added of production and the quality of services. The opportunities offered by the information society will be effectively used to narrow down regional differences. The competitiveness of regional and sub-regional centres is promoted, for instance through the Regional Centre Programme under the Regional Development Act.

The common targets of regional development in Finland are based on the Regional Development Act (602/2002) and the Government decision on national regional development targets. Under the Act, one of the targets is to improve the potential for economic growth, the development of business and industry and the improvement of employment that are based on expertise and sustainable development and ensure the competitiveness and prosperity of regions. Another target is to reduce regional disparities in development, improve the population's living conditions and promote balanced regional development. Furthermore, the aim is to create a balanced regional structure which keeps all the regions viable.

The environmental legislation since 1996 has in general strengthened the position and capacity of the regional administration, both the Regional Councils and Regional Environmental Centres, since the legislation directs central duties, responsibilities and also resources to them.

2.5 Strengthening public participation

The Finnish Constitution (731/1999) says that it is the duty of the public authorities to safeguard everyone's possibility to have an influence on the decision-making concerning his/her living environment.

In land use planning, the general trend has been to disseminate information more effectively and increase public participation. The Land Use and Building Act (132/1999) ensures that there is open information during all stages of the planning process. As a new provision, participation and impact assessment schemes are

required in the beginning of every planning project. That is, the preparation of a land use plan starts with a preparation of participation and impact assessment scheme. Once the scheme has been accepted, the planning process must follow the participatory principles set in the scheme. Local authorities arrange public hearings and provide planning reviews for the residents of a particular area. Methods of strengthening the participation of stakeholders in planning processes have been actively developed on both the municipal and state level.

The Land Use and Building Act encourages to adopt cooperative consultation based on genuine interaction rather than merely on public announcements. Participation and openness are increased by public meetings and 'planning stations' where alternative solutions are on display for discussion and comments. The Ministry of the Environment has published guidebooks on participation and interaction in planning for the general public and experts as well.

Participation is also connected to the impact assessment of land use planning. Impact assessment is not a separate task, but an integral part of the whole planning process. The necessity for and extent of analysis is decided by different interest groups in cooperation, and impacts are assessed at all stages of land use planning work. Systematic assessment of environmental impacts has significantly changed the planning process and shifted the viewpoint from one centralised planning mode of expert planning towards empowering the actual user of the environment. Both the Land Use and Building Act and the Act on Environmental Impact Assessment (amended in 1999 with specifications concerning transfer of information and meanings of impact and participation) stress participatory aspects of local practices. The EIA Act also regulates participation in transport policy. Additionally, impact assessment, and public participation at the same time, has been recently extended in the implementation of the Act on Environmental Impact Assessment of the Plans and Programmes of the Public Authorities (200/2005).

Transparency is important in promoting accountability, responsibility and participation in government activity. The actions of the Finnish authorities are now more transparent, since the Act on the Openness of Government Activities (621/1999) entered into force in 1999. Publicity of a document is the rule, and secrecy the exception. Therefore, an official must give information to a citizen when asked, unless the matter has been specifically declared secret by law. The national bureau Statistics of Finland gives comprehensive statistical information free of charge and publishes easily accessible information on the internet.

2.6 Strengthening international cooperation

International cooperation can be found more in programmes and their implementation than in national legislation. Still, there are some legal reforms made in 1996-2005 which directly refer to sustainable development in the international scope. The new Act on Environmental Impact Assessment of the Plans and Programmes of the Public Authorities (200/2005) obliges the authorities to inform the countries which may be affected by the plan or programme. The plan or programme has to be delivered to those countries, and the Ministry of the Environment must start negotiations, if a country or countries express the willingness within 60 days.

Especially after joining the EU in 1995, Finland has been very active in the European cooperation in sustainable development. Within the EU, one of Finland's priorities has been the integration of environmental policy into different policy sectors. As a result of international cooperation, Finland has followed the European Union directives in the legislation. For instance, the Environmental Protection Act (86/2000) implements the directive on Integrated Pollution Prevention and Control, which obliges EU member states to integrate the control of emissions caused by industry. The Nature Conservation Act (1096/1996) and its amendment (553/2004) implement European Union directives for example concerning the Natura 2000 network and the directive on birds.

In terms of international cooperation in regional development, the Regional Development Act (602/2002) gives provisions concerning the application of the Act in development projects outside the Finnish territory, as well as the drawing up of Regional Structural Fund programmes of the European Community, and the granting of aid under the Interreg or Urban programmes or the European Regional Development Fund.

On the level of sustainable development programmes, the Baltic Sea and the countries and cities around that sea, have been key targets of international cooperation of Finland.

3. The realisation of sustainability policy at the various administrative levels

3.1 State level

The Government Programme for Sustainable Development

The process of sustainable development in Finland can be characterised as a joint effort involving society at large as well as the public administration. Broad public participation in the Finnish National Commission for Sustainable Development (FNCSD), established in 1993, enables various stakeholders to get actively involved in the formulation of national sustainable development policies. The strategic work of the Commission has resulted, for instance, in the adoption of the Finnish Government Programme for Sustainable Development in 1998.

The Government Programme for Sustainable Development of 1998 is designed to promote ecological sustainability and its economic, social and cultural preconditions. It provides guidelines and a vital frame of reference for other parties aiming to promote sustainable development, while also defining strategic objectives and lines of action for key sectors in relation to sustainable development. The key sectors include: Finland's role in international cooperation, products, production and consumption, energy economy, regional and urban structure and transport, rural areas and the use of renewable resources, and research and education.

At the request of the FNCSD, various NGOs and organisations representing local and regional administrations, trade and industry, commerce, agricultural producers, forest owners and the Sámi Parliament have also drafted their own

programmes for sustainable development. Those programmes were included in the multi-stakeholder evaluation process of the Government Programme for Sustainable Development, conducted over the period 2000-2002. The results of the evaluation process were published in spring 2003. The evaluation report pointed out that considerable progress had been made towards sustainable development in Finland. On the other hand, high levels of resource consumption per capita, increasing road traffic volumes, and the state of the Baltic Sea still remain challenging problems, as do some social problems, too, such as ageing population and high level of long-term unemployment.

The integration of environmental concerns into sectoral policies is a central goal of the Government Programme for Sustainable Development. Finland's Ministry of Transport and Communications, for instance, has developed a comprehensive environmental management system that covers all modes of transportation, and also measures the environmental impacts of the whole system. The Ministry of Agriculture and Forestry has set up a Natural Resources Strategy that aims to ensure that the use of renewable natural resources does not exceed their regenerative capacity.

The FNCSO, chaired by the Prime Minister, resolved in December 2004 to initiate the preparation of a new national strategy for sustainable development. The Commission continues to have a central role in the strategy process.

Housing policy

The state supports both home ownership and rented housing. Subsidies in the form of interest subsidies, state loans, guarantees or grants are provided to promote the construction, renovation or acquisition of housing. Housing allowances are also paid to help residents in difficult financial circumstances to meet their housing costs. Support for the construction, renovation and acquisition of housing is financed mainly through the off-budget government agency Housing Fund of Finland. Some forms of housing support are financed from the national budget.

The housing programme of the government is paving the way for the reduction of homelessness. According to the present government programme, the aim of the national housing policy is to ensure a socially and regionally balanced and stable housing market, to eliminate homelessness and to improve the quality of housing. An action plan to reduce homelessness in cooperation between the central government and the cities in the Helsinki-region has been recently carried out.

In order for housing to be available at reasonable cost, the central government will ensure sufficient social housing production. As a consequence, housing policy should make it easier for people and families to find housing that corresponds to their current housing needs.

According to the government programme, central government funding for social housing production will be scaled so as to enable steady production of new dwellings annually. Loans will be channelled to the Helsinki metropolitan region, major growth centres and other regions with high demand for housing. In order to help young people leaving home and single-person households, there will be a

focus on socially subsidised construction of small dwellings and action to make it easier for young families to find housing corresponding to their needs.

The government continues the subsidisation of new construction by the so-called ARAVA-system. The terms of new and existing ARAVA-loans must be kept competitive in relation to market rates. The increase in the annual payment will be controlled so as not to exceed the inflation rate. The central government further aims at safeguarding the capacity of non-profit housing organisations for long-term financially sound business. Additionally, the government investigates measures for keeping existing privately-funded rental housing in rental use and to increase the supply of new privately-funded rental housing.

The government's housing policy underlines the efforts to enable the aged and the disabled to live in their own homes through more efficient cooperation between the housing sector and the health and social welfare sector. Repair grants and renovation loans granted by the Housing Fund of Finland are directed towards projects of easy accessibility in both owner-occupied and rental housing. The terms of grants for lift construction in owner-occupied and ARAVA rental housing are harmonised.

Sustainable housing policy is implemented also by raising the quality of building in cooperation between central government, business and industry, and other actors in the field, and by encouraging the networking of small and medium-sized enterprises in the construction industry. Building in wood will be promoted particularly in low-rise construction.

Public support for housing through tax relief is targeted in new housing loans to ensure that further support can be allocated to first-time homebuyers and families with children. The housing allowance system is developed by the government so as to better follow changes in the level of housing costs and rents and to enable feasible use of the existing housing stock. Local authorities are encouraged to use planning and land use policy instruments to ensure sufficient high-quality housing production at reasonable cost. New ways and means of obtaining unbuilt land for building purposes, whether subject to a land use plan or not, are studied. The government makes an effort that government land policy supports the overall goals of housing policy, making government-owned land available for reasonable-cost housing production.

Grants from the Housing Fund of Finland for the initial financing of municipal infrastructure are used to promote housing production and create new housing developments in the Helsinki metropolitan area and other growth areas. These grants are linked to municipal land acquisition and areas for government-subsidised housing construction. Good and environmentally-friendly living environments are produced through an approach to low-rise and densely-built housing areas, both for rental and owner-occupancy. Central government's role in the approach is to carry out planning reforms and promote infill development within existing urban structures, and in that way prevent unsustainable urban sprawl.

The state is also fighting against segregation through land use planning policies for instance by mixing publicly-owned rental houses and apartments with

privately-owned houses and apartments in new housing areas. Promotion of the renewal of suburbs is also one of the state activities towards sustainable housing. The national land use guidelines direct particular attention to the problems in the Helsinki region, where the low level of housing construction and the high costs of living are a hindrance to labour availability. It also causes dispersion of the community structure and makes it difficult to retain social integrity. State-supported housing loans will be concentrated particularly in the Helsinki region and other major growth centres in order to enable production of reasonably priced apartments.

Ministry of the Environment organised an international evaluation of Finnish housing policy and financing systems in 2002. The overall final conclusion in the evaluation was that in many respects, Finland's system for housing finance and housing subsidies are exemplary. The overcrowding of dwellings has decreased, the number of homeless has gone down, and even during the deepest economic recession in the 1990s, government support ensured that housing production continued. However, a number of reforms were proposed, although they would not considerably change the housing policy in Finland. The suggestions presented in the evaluation report were later considered by a working group appointed by the Ministry of the Environment. The aims of the group were to clarify the implementation possibilities of the suggestions, and to make proposals for further actions. Four approaches were chosen: the increase of the housing production in the rapidly growing Helsinki region, the lowering of the threshold to homeownership, more just targeting of the subsidies, and the maintenance of the housing stock and the living conditions in regions facing population decrease.

The Regional Centre Programme

The Regional Centre Programme (RCP) is used in reinforcing competitiveness, viability and socially balanced development of selected urban areas on the basis of their own strengths and specialisations. RCP was launched by the government in 2001 on the basis of the guidelines of regional policy and the government's regional policy target programmes. The current time period for the Programme is until the end of 2006. The aim of the Regional Centre Programme is the development of a network of regional centres covering every region/province, based on the particular strengths, expertise and specialisation of urban regions of various sizes. Regional development based on a network of regional centres results in a more balanced regional structure in Finland and an enhanced international competitiveness. In future, the resources of national regional policy are meant to be expressly directed to regional centres, and to the enhancement of the network consisting of them.

In October 2000 the Finnish Government adopted a platform of 8 points for enhancing the steps and measures taken towards balanced regional development. Behind the new guidelines loomed the distortion of regional structure, as indicated by the ever stronger concentration of population in the Helsinki metropolitan area, its areas of influence and in the four largest regional centres.

During the years after the recession of early 1990s, the decrease in unemployment had extremely uneven regional effects. Of the approximately 320 000 new jobs created in the period 1994-2000, almost half were situated in the Helsinki

Metropolitan Area and approximately 100 000 in other large university towns. The entrepreneurial activities requiring high levels of expertise were born to places where strong structures of expertise and networks based on those already existed. The expansion of the population base in growth centres provided also for the creation of jobs in the service sector.

Central starting-point for the new regional policy guidelines was the acknowledgement of different problems and development possibilities of the regions, and the diversity of steps and measures of regional policy in order to recognise different needs. Common denominator for the entirety of steps and measures was the expansion of the positive development of regions, based on their own strengths and expertise, to reach the whole country instead of the few regions undergoing rapid growth. Regional development taking better notice of the different parts of the country and their resources was seen to require support for the development possibilities of small and medium-sized urban regions with development potential.

The Regional Centre Programme is a government programme in accordance with the Regional Development Act from 2002. RCP is implemented on selected 34 regions out of the 41 applicants, and administered by the Ministry of the Interior.

RCP is a development tool, which emphasises the significance of development process and modes of operation. The development of regions consisting of several self-governing municipalities into strong regional centres requires a novel way of operating. This is described in the modes of operation emphasised by the RCP: sub-regionalism, partnerships, networking, commitment, participation, and socially sustainable development.

Majority of regional capitals are formed by central towns and the municipalities - often also rural - surrounding them. The aims of the RCP have emphasised the interaction between urban and rural areas. Central towns also need to see the resources and possibilities of the surrounding countryside. A study by STAKES (National Research and Development Centre for Welfare and Health) published August 2002 supports this by showing that the people living on the countryside near cities see their future as bright and generally fare better. The study also points out that the vitality of the countryside is strengthened by its interaction with developing regional centres.

Ministry of the Interior is in charge of the national co-ordination of the programme in co-operation with other ministries. The state supports the development work of the nominated urban regions by annually granting them basic funds, which amount to a half of the accepted expenses. In 2002 and 2003 approximately 8,2 million €year of basic funds were granted to the regions. Total expenses of development thus add up to about 16,5 million €year.

According to the evaluation report made in January 2003 development work has gained a good momentum in the regions during 2002 and several regions took significant steps forward in the implementation of the programme. Closer sub-regional co-operation, commitment of the municipalities and partnership between central co-operators, regional councils and regional administrative authorities

were the most central themes in last years programme work. A lot of ground has been covered in these respects.

There are also various other government programmes targeting at issues of regional development. Some of them aim to speed up development based on the regions' own strengths and specialisation. In turn, some other programmes aim to strengthen regions by encouraging co-operation of the municipalities. Administrative experiment in the sub-region Kainuu creates novel forms of regional decision-making by gathering such powers from various authorities to an elected regional council.

Present urban policy, administered by the Ministry of the Interior, is divided into urban policy in the region of Uusimaa and national urban policy. The former focuses on the development of the Greater Helsinki Region and urban programmes implemented in the region of Uusimaa, and the latter is based on the Centre of Expertise Programme. In fact, the Centre of Expertise Programme and the Regional Centre Programme serve as the basis for a policy mix for large urban regions.

To enhance the activity, regional centre and urban policy is diversified to address the special problems and development potential of large and versatile urban regions with a university, industrial centres and other medium-sized and small urban regions. In addition to the Greater Helsinki Region, the large urban regions are considered to include the urban regions of Tampere, Turku, Oulu, Jyväskylä, Kuopio, Lahti, Lappeenranta-Imatra and Vaasa.

The special characteristics of large urban regions necessitate an effort on the part of the State. Therefore, the State channels investments into large urban regions based on their own development strategies. In particular, investments are made to strengthen the expertise of large urban regions and to establish international contacts for them. The Centre of Expertise Programme strengthens the mutual relations between urban regions and furthers international cooperation.

3.2 Regional level

On the regional level, spatial development is managed by Regional Councils. Co-operation between central and local government has been developed to improve conditions for a good living environment for instance by improving the ability of municipalities to cope with land use planning and housing policy.

The Regional Councils prepare and approve regional plans, in which major schemes regarding land use and infrastructure construction within a region are formulated. For instance, questions regarding recreational areas, cultural heritage, significant landscape areas, large retail units, major road lines, and location of sewage treatment plant can be included in the regional land use planning.

Particularly since the enactment of the Nature Conservation Act (1996), the Land Use and Building Act (1999), and the Environmental Protection Act (2000), the role of the Regional Environment Centres has been crucial. Not only do they deal with nature conservation and environmental protection questions regionally, but also participate in regional and local land use planning according to the formal

plan-making procedure. They give statements concerning the appropriateness of the participation and impact assessment scheme produced by the local authorities in each planning process.

The realisation of the Regional Centre Programme

The 34 Regional Centres of the government programme are in operation. For instance, the Tampere Region (approx. 300 000 inhabitants) was accepted to the programme in 2001, and started to implement it in 2002. It has gathered together the municipalities of the sub-region, the Regional Council, the regional Employment and Economic Development Centre, Tampere Chamber of Commerce, regional entrepreneurs, and educational institutions. Also the regional Centre of Expertise Programme is one of the parties in the cooperation.

The list of the aims of the Tampere Regional Centre is wide, mainly focusing on competitiveness, improvement of municipal cooperation and cooperation with other parties, development of the urban environment, creation of better quality welfare, and creation of solutions to growth management and social problems. In sectoral policy terms, the focus is on a holistic approach of housing, urban planning, land use, economic development, education, day care, and infrastructure. Projects that have been carried out as part of the Tampere Regional Centre programme are, for instance, the evaluation of rail transportation development in the region, and a pilot project of services across municipal boundaries.

3.3 Local level

On the one hand, most of the Finnish municipalities are rather small in terms of population. On the other hand, they have great legal powers. The result is that the geographical boundaries of municipalities too often limit the cooperation necessary for housing and urban development. Furthermore, the high number of small municipalities results in a lack of adequate financial and manpower resources to arrange welfare services. At the same time, responsibilities at the local level are increasing, while the financial resources are scarce. Recently, however, there has been a lot of discussion regarding municipal cooperation and the need for consolidation of neighbouring municipalities in order to safeguard the public service production and enable a comprehensive approach to land use planning, housing production and transportation infrastructure.

In Finland, the municipalities are obliged to provide public and welfare services, including educational, health and social services, as well as technical infrastructure services. As equality is a central goal in Finland, the state redistributes a substantial amount of tax revenues between municipalities to ensure an adequate level of services throughout the country. Municipalities have also their own taxation power. According to the municipal self-government rule, the municipalities have the right to decide whether to produce public services themselves, or to buy them from outside. During the last years, municipalities, as well as the state, have started to be very interested in using different models of private finance of public services (public buildings, motorways, infrastructure etc.).

Municipalities have a central role in the promotion of sustainable settlement development and housing policy since many of the aims of sustainable development are implemented with local solutions. Municipal decision-making has a key role in giving opportunities for local residents, companies and other parties to implement sustainable development. In the search for necessary changes in the light of sustainable development, public participation and taking the opinions into account have a crucial role. To help the realisation of sustainable development at the local level, a special Finnish set of sustainable development indicators was published in 2000, and the indicators are continuously developed.

Local authorities have a key role in housing policy. They decide which housing projects may be entitled to state subsidies, and some municipalities also provide limited subsidies of their own. The local authorities are the largest owners of rental housing. They also provide land, infrastructure and other services for sustainable housing schemes.

The shortage of building land in the growth regions has hindered the start-up of housing construction, and of social housing in particular. Efforts to increase the supply of building land have led, for example, to a temporary tax exemption in cases where the buyer of the land is the local authority. This measure has increased land sales to some extent. It has also been decided to sell state-owned land to local authorities for social housing production below the market price. Local authorities have also been given the opportunity to impose a higher property tax on undeveloped residential plots than on other building land. Measures aimed at promoting the supply of land form a key part of the measures in the joint action document approved in 2004 between the state and the municipalities of the Helsinki metropolitan area.

The Association of Finnish Local and Regional Authorities is the most significant supporter of the local sustainable development. It aims, for instance, at strengthening the position of sustainable development in the municipal strategy-building. It adopted a Strategy on Sustainable Development for Local Authorities in 1997, outlining the sustainable development policy goals of the Association and actions for achieving those goals in the short term.

Co-operation between the major cities in Finland

One good example of 'self-made' activity in local sustainable development is the cooperation of the six biggest cities in Finland. Cities of Helsinki, Espoo, Vantaa, Tampere, Turku and Oulu have set up a work group to develop the measuring and reporting of sustainable development. They have seen that the existing methods and indicators are often not appropriate when applied to the reporting of cities.

The duty of the work group is to create a common frame for reporting on sustainable development, agree upon the common indicators and their definitions, and share experiences and information of the development work within the six cities. Furthermore, the aims of the cooperation are better comparability of the reports, the intensified position of the reports in strategic management, better utilisation of the development resources, and better possibilities for the cities to

answer to the demands of environmental management presented in the EU strategy on urban environment.

As the ground for reporting, the cities have agreed a long list of commonly-used indicators in the fields of general sustainability, sustainability of land use and urban structure, eco-efficiency, efficiency of transportation, environmentally responsible consumption and environmental education, and financial parameters.

3.4 International level

Finland is active in international spatial planning cooperation. Land use planning and protection of land resources are taken into account in all relevant cooperation projects. In the nearby areas, that is, North-western Russia, Estonia, Latvia and Lithuania, Finland supports training and finances projects mainly in regional planning, land and water resources management and environmental impact assessment.

The adoption of the European Spatial Development Perspective (ESDP) took place during the Finnish presidency in the EU in 1999. The aims of this cooperation are to develop a balanced and polycentric system of cities and a new urban-rural relationship, and promote equal access to infrastructure and knowledge, as well as prudent management and development of Europe's natural and cultural heritage. In the implementation of the policy aims, cooperation between the member states is enhanced. Trans-boundary cooperation between regional and local authorities is very important as well.

Finland has also been involved in the Northern Dimension Action Plan as part of the cross-border policies of the EU. The purpose of the Action Plan is to reinforce coordination and complementarity in the EU and in its member states' programmes, thereby promoting a more coherent approach to addressing the specific problems and needs of the North (Nordic countries, the Baltic states and Russia). It also enhances collaboration between the countries.

Other forms of cooperation are the Vision and Strategies around the Baltic Sea 2010, and the Baltic 21 agenda for sustainable development in the Baltic Sea region. There are also various projects to develop mapping and cartography. Within the framework of bilateral development cooperation, Finland supports programmes and projects related to the management and protection of land and water resources. As most recent example, a new sewage treatment plant, financed by Finland, Russia and Sweden, was opened in St Petersburg in September 2005. Nordic cooperation has long traditions and is carried out through the Nordic Council of Ministers. In the Baltic Sea region, Finland participates actively in cooperation which takes place at all government levels and involves all sectors of the society. Municipalities support for instance through twin town arrangements their counterparts in Russia and the Baltic countries in municipal management and improvement of environmental infrastructure. The Ministry of the Environment, together with other agencies such as the Finnish Environment Institute, provides funding for similar activities, which usually include capacity-building measures.

In 1996, a ministerial meeting between the countries around the Baltic Sea launched Baltic 21, a broad-based cooperative undertaking aiming at sustainable development in the Baltic Sea area. Emphasis in the programme is on seven sectors with the priority of environmental considerations: agriculture, energy production, fishing, forestry, industry, tourism, and transport. The Council of the Baltic Sea States has approved an Action Programme as part of the Baltic 21.

The Ministry of Foreign Affairs is in charge of channelling the official development assistance from Finland to developing countries. The Finnish development cooperation is directed towards poverty eradication, environmental protection and enhancing democracy, good governance and human rights. All these aims are compatible with the Habitat Agenda which stresses the creation of liveable human environments in urban areas and the provision of adequate shelter for all. The renovation of urban water supply is a good example of concrete and long-term involvement in development cooperation. More specialised cases include the mapping of underground utilities and the establishment of a GIS database in Cairo. With regard to aid policy, Africa is the main area of the Finnish aid. The main emphasis in the Finnish development cooperation is the water sector and the improvement of the availability of clean water.

In addition to the state-level cooperation internationally, several bigger cities in Finland have direct cooperation connections to cities in other countries and to international organisations.

4. Summary conclusions

The environmental legislation in Finland originates mainly from the 1980s and 1990s. The development since 1996 can be characterised as harmonisation of separate pieces of environmental laws as well as widening of the scope of implementation of environmental regulations. Naturally, the harmonisation of legislation on the EU-level plays a role in Finland, too. The politics of decentralisation from the 1980s onwards has given grounds for the building of comprehensive participatory instruments and practices in Finland. In addition to the access to authority documents, participation has been extended to offer people better possibilities to have an influence on matters concerning their living environment from various viewpoints. Today, environmental and participatory aspects are well integrated in legislation and society.

The situation in sustainable housing policy is quite a lot the same. Many of the social sustainability aspects of housing, for instance financial aid, were incorporated in the legislation far before 1996. The traditional welfare state politics carried on during the earlier decades offered a ground for sustainability approaches in housing sector. Since 1996, legal reforms have concentrated on the modification of existing laws. The reasons for the modifications stem from the changes in society, as in the case of the ageing of the population. In sustainable urban and regional development and planning, changes in the urban structure, diversification of involved parties, and demands for more effective participation, among other things, have been central elements in the development of the legislation.

The legal development of sustainability-issues continues in Finland in the future, not least because of the more and more active cooperation on the international level (between different countries on the one hand and between regions or cities on the other hand) and the initiatives the cooperation brings along. The link between programmes, either international or national, and legal reforms becomes closer. As can be seen already today, the preparation and implementation of legal reforms of sustainable settlement and housing development are promoted by simultaneously exercised programmes of sustainable development.

IV. National Report: The Netherlands

The report from the Netherlands is methodically very similar to the report from Germany: as in the German report the focus is on identifying the individual instruments used to implement the Habitat Agenda rather than displaying the regulatory contents of entire laws. For this reason the report is particularly suitable as the foundation for the comparative evaluation of the question as to which instruments were used in the period between 1996 and 2005 to promote the goals and principles of the Habitat Agenda. The presentation of the instruments in table form has been included in the comparative evaluation so that they are not printed here, but in the Appendix. What follows is the relatively short verbal overview.

1. The Laws and regulations concerning Habitat in 1996 in The Netherlands

This report reflects the inventory and the analysis of the legislature (laws and regulations with the status of laws) that might have an impact on the subjects and themes of Habitat, on the implementation of the Habitat Agenda in The Netherlands, from 1st January 1996 until 1st October 2005. Therefore, all the official laws and regulations, published in two official journals, Het Staatsblad and De Staatscourant, have been selected, registered and analysed.

Since Istanbul, none new law is made especially for implementing the Habitat Agenda. Does this mean that Habitat does not play a role in legislature? Of course it does, but only indirectly, as may be proved in this report. Also the answers of both ministers to the questions raised by the parliamentarians Kathleen Ferrier and Joanneke Kruijsen in October 2004, lead to his conclusion. In the following annex, these questions and answers have been translated in English.

The Netherlands have a long tradition in laws on housing, building and physical planning as well as environmental laws. There are a lot of laws concerning housing, like Housing Law, Housing Decree and Community Law. Changes in one law may have consequences for the other.

The first Law on Housing is from 1901. That means that in 1996, when the Habitat Agenda was adapted in Istanbul, a major part of the Habitat Agenda already has been implemented in existing laws and regulations. As far as The Netherlands concerns, a further implementation of the Habitat Agenda means amelioration of already existing laws and rules. It also means that Habitat should be a permanent issue to keep in mind. As a consequence, consciousness raising, time after time, is very important.

2. The Dutch Habitat Platform

To realise this, a new institution has been established, The Habitat Platform, which has two main tasks. The first is to raise consciousness about Habitat, by organising conferences. At least they do this every year on the first Monday in October, on Habitat Day. A special topic concerning Habitat is the subject of Habitat Day, e.g. Healthy Cities. The Habitat Platform offers more conferences with general as well as specific themes. Their second task, probably the one with

the highest priority, is to organise projects in underdeveloped countries, mainly in Africa. These projects concerns house building projects, as well as settlements upgrading, especially by good systems of sanitation and drinking water and in addition capacity building projects. Although this is only a very short summary of the tasks and projects of the Habitat Platform, the very existence of this institution means, that our Government and Parliament think Habitat to be a very important subject. The Habitat Platform is financed by two departments, the department of Development Cooperation and the department of Housing, Physical Planning and Environment. Most laws and regulations concerning Habitat Themes comes from the latter department.

3. Criteria

3.1. Documents and period

All the laws and regulations (with the status of laws) in this survey have been published in the two official publications of The Netherlands: De Staatscourant and Het Staatsblad between 01-01-1996 and 01-10-2005. Those two journals only publish laws and regulations that have been approved by the two chambers of the Parliament. For this comparative research only these documents have been studied.

No other sources have been investigated, like notes and reports from the Second Chamber (The Dutch House of Representatives). That means that at least one important note is not registered in this survey, that is the Plan to handle Sustainable Building (Plan van Aanpak Duurzaam Bouwen). In the legislature we found some amendments to laws and regulations to implement this Plan to handle Sustainable Building, but the plan it self is not part of this research. Another reason that this plan is not treated is the date of the plan: 1995.

In a way it is a pity, for we might miss some important topics from the Second Chamber, but on the other hand Plans should be transmitted into laws and regulations to be implemented and to be controlled.

For the selection of laws and regulations, all the laws and regulations published in the period 1 January 1996 until 1 October 2005 have been studied, selected and analysed to the themes, sub-themes and areas discerned. An awful lot of laws and regulations have been made on these topics, more than 10.000. If all the amendments, additions and changes are taken in account, the amount is much higher. It is impossible to present them all. That is another reason to stick very close to the themes of Habitat.

3.2 Themes of Habitat

Habitat has two main themes: *Shelter for all* and *Sustainable settlements development*. Both can be divided in a lot of sub-themes. Professor Schmidt-Eichstaedt has made a scheme with topics concerning Habitat, based on the Habitat Agenda. This scheme with topics will be applied here also. The sequence of the sub-themes is strictly applied as in the inventory which is presented in the appendix - Table 1 - as in the analysis, which is reflected in the appendix - Table

2. (These tables are presented in the appendix “Lists of Legislation” to this report).

3.3 The areas of analysis

Habitat and sustainability go together. That means that the laws and regulations under research must deal with sustainability. In total six areas of influence could be distinguished, which in this research are considered as the criteria for a law to have impact on Habitat. Those six are:

1. sustainable urban development
2. sustainable regional development
3. sustainable housing policy
4. capacity building: strengthen local or regional capacities
5. strengthening public participation
6. strengthening international cooperation.

For the sake of comparability I stick to these and will not make many changes it in; only a few remarks.

Even if these areas of influence are used in the selection, inventory and analysis, it might not always be very clear if a law has a direct impact on one of these areas or only very indirectly. While this research is not a study on the effectiveness of the laws and regulations, but an inventory, this study only enlist the laws and regulations that (means to) contribute to the implementation of one of the themes of the Habitat Agenda directly. The ones with a (very) indirect impact on Habitat are excluded from further analysis.

An example: (A law on) Energy-saving household appliances contribute to less use of energy and therefore for a diminution of CO₂ emission. It also contributes to less polluted waste, when the appliance is broken down. So it contributes to a better and sustainable environment. Does this law contribute to Habitat? In my opinion only very indirectly, so it should not be enlisted. How about a tax on removal of household appliances? I think that this regulation neither has to be mentioned. A lot of these kinds of laws and regulations have been made in The Netherlands, of course, but I will not analyse them, because they only have very indirect impact. The following two tables show a list of topics that can be disputed regarding its impact on Habitat are mentioned, as is my decision to register them or to exclude them.

Table A: Sub-themes with a possible impact on the areas of Habitat, only very indirectly, that are beyond the scope of this survey.

- | | |
|----|---|
| 1. | Energy-saving household appliances; energy savings by cars |
| 2. | Financial contribution for removal of electrical household appliances |
| 3. | Agricultural and Forest Laws |
| 4. | Social and Welfare Laws for different target groups, as far as finance, tax and subsidies are concerned |
| 5. | Changes in one law with consequences for other laws, but not for the implementation itself. |
| 6. | Commuter traffic regulations, taxes and benefits |
| 7. | Culture, laws on monuments |
| 8. | Infrastructure (waterways, harbours, etc) for economic development |

- | |
|--|
| <ol style="list-style-type: none"> 9. Economic developments in cities and villages, that strengthen local economy, but is not aimed at sustainable urban development 10. education and health policy, although this can strengthen urban developments 11. safety, like preventing fire, traffic safety, building safety 12. All kind of measures for sustainable housing building, as additional measure to existing laws, e.g. the decree on removal of asbestos in houses and public building 13. all kind of measures for anti fire building, fire prescriptions, hospital building 14. Kyoto treaty and norms 15. emission-rights, transferable mission-rights, in general in The Netherlands 16. CO2 reduction in general in The Netherlands 17. air pollution and climate in general in The Netherlands (together over 500 laws and regulations, only one in direct relation to Habitat – see infrastructure) |
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Table B: Sub-themes with an impact on the areas of Habitat, that are within the scope of this survey.

- | |
|--|
| <ol style="list-style-type: none"> 1. Energy saving methods (sustainability) for regions/districts to be newly developed or redeveloped 2. Changes in the finances of communities to give them more autonomy 3. Laws and regulations in the agricultural and industrial areas, that concern manure, smell and noise, or in sustainable country development 4. Social and welfare laws and regulations for target groups that contribute to houses, living conditions and safety; housing laws; safety and integration 8. Infrastructure as far as impacting sustainable urban or regional developments 11. Safety, related to urban sustainability 14. – 17. Only if laws and regulations are directly related to sustainable urban or regional development |
|--|

A special remark must be made regarding the fifth area, strengthening public participation. In The Netherlands this area is very often seen as a negative area, while leading to too much bureaucracy and inefficient implementation. Cooperation between local governments and the private sector (PPP: public private partnership) is nowadays considered as a much better solution for (large-scale) developments in housing and settlements. Some scientist and fieldworkers go even further. They insist on much more influence by civil society. They call it: PPSP: public private societal partnership. I will analyse the laws on the aspects of strengthening local governments and of strengthening PPP's or PPSP's.

Some financial laws in this research concern especially one of the sub-themes, e.g. tax reducing amendment concerning owner-occupied houses (29209). In this survey, those kinds of law have been listed under the sub-theme it self, but not under tax and finance. Under the latter, only general tax measures have been listed.

4. Commentary on some themes

4.1 Housing Law and Notes on Town and Country Planning

This is very short paragraph concerning housing and physical planning in The Netherlands. For a better understanding of how the laws work and what amendments mean in reality, a much broader research to the system of housing and physical planning is necessary, but this is beyond the scope of this research.

The yearly number of houses to be build is settled by the minister, based on the rules from the (Fourth , since 2001 the Fifth) Note on Physical Planning (town and country planning). This number is distributed between the provinces. The provinces distribute the number of houses between the communities, based on more detailed provincial Notes on regional planning. The rules for distributing the houses among the people from a waiting list have always been very, very strict, especially for cheapest houses (council houses – *woningwetwoningen*), that have been build with a subsidy from national government. The various housing councils are the ones to distribute these houses, the community only set the standards. People with low income can get an extra fee for paying the rent of these houses.

Expensive houses, without those subsidies, are excluded from this distribution rules, although the number of these houses are also set by the province, for every community. The province has the supervisory task, to control if communities have fulfilled the rules, the numbers of every kind of houses and if housing councils have distributed the houses in the right way.

Rising in rent of council houses (*woningwetwoningen*) is determined by the minister, according to the rules decided by the Parliament. If the minister wants to deviate from this, he has to ask for permission by the Parliament. More flexibility in the rise of rent is introduced in 1998. Renters are protected from arbitrariness by landlords according to the Housing Law.

A lot of laws, amendments and regulations concern the financial relation between the National Government, Housing Councils and Landlord, and renters. It concerns: the rise of rent, tariffs and subsidies. Those kinds of laws have only been studied in case they have an impact on one of the areas, such as capacity building.

4.2 Local tax

Communities get a yearly contribution from the National Government from the Funds for Communities. Provinces get it from the Funds for Provinces. This is the main source of income for communities and provinces.

Every year the division rate is determined. This budget enables provinces and communities to be autonomous within the limits (in tasks and competences) set by the national government. Communities also are allowed to levy taxes themselves, also within certain boundaries. Only when the competences of provinces and communities regarding to tax, to the funds or in other ways are limited or just

enlarged with regard to Habitat, it will be mentioned. All 'normal' distribution rates are not mentioned, because these go beyond the aim of this research.

Communities have the right to tax on buildings (OZB). The owners as well as the users had to pay tax to the community. In case of an owner-user, he had to pay double tax. So, as well the owners of the houses and buildings as the renters had to pay their share. However, on 1st January 2006, the tax for renters have been abolished, which must be seen as a weakening of the community capacity. The tax-rate can differ enormously from one community to another. After a couple of years, the value of the houses and business accommodations are adopted to the new real situation of the prices of houses and accommodations, caused by inflation and the autonomous rise of house prices.

Owners of houses have to pay tax on their owner-occupied houses to the National Government as well, within the framework of the Tax on Income and Property. On the other hand, they can deduct the interests of the mortgage within the framework of the same tax. In 2003 a new law has been introduced (29209), that relieves people with no mortgage on their house from this tax. But that law does not relieve owners from the local tax on houses (OZB).

4.3 Cities

In this 10-year period special attention has been given to the problems of the so-called Big Cities, with even a special minister for Big-Cities-Policy from 1998 on. Much attention has been given to social developments in those cities, to refugees, minorities and policy of integration. Only those laws and regulations with a direct impact on the areas of analysis have been included in this study. Very often this concerns the theme of social sustainable settlements, especially refugees. Firstly, only the 4 big cities were included in this policy, but more and more bigger and medium sized cities had to face the same kind of problems. The number of cities in this policy field grew until 30 nowadays.

- The four Big Cities are: Amsterdam, Rotterdam, Dan Haag en Utrecht
- The next 15 are: Almelo, Arnhem, Breda, Deventer, Eindhoven, Enschede, Groningen, Helmond, Hengelo, 's-Hertogenbosch, Leeuwarden, Maastricht, Nijmegen, Tilburg en Zwolle.
- The next 5 are: Alkmaar, Amersfoort, Emmen, Lelystad en Zaanstad
- The last 6 are: Dordrecht, Haarlem, Heerlen, Leiden, Schiedam en Venlo

5. Results

5.1 Inventory

The results of the inventory are presented in the separate *Appendix*. The separated Appendix presents the laws belonging to the themes and sub-themes of Habitat. The name of the laws are given, as is the place of publication and when available their official number. In the last column of this table the actors are mentioned. Actors means the ones who have to implement the law or regulation. Actors can be Governmental (Administrative) actors, like national government, provincial government, local government or Water Boards (which are democratic elected

governments in The Netherlands), but also firms (enterprises), utility enterprises (for gas, electricity or (Water Works) for drinking water), NGO's, the civil society, the private sector in general, specific firms in particular, households or even individuals.

Most laws and regulations can be found in the areas of Housing and Buildings, Cities and Town planning and in the field of Ecology. None is directly related to Habitat. Mostly, they are amendments on existing laws, sometimes new ones, but all are related to the areas mentioned before

5.2 Analysis

In the analysis, the areas of influence, the goals, and the instruments can be discerned. Most areas concerns sustainable housing and urban development policy. Strengthening local capacities is the next. A minority of the laws and regulations concerns the other areas. Instruments vary a lot. Among them are: levying tax, spending subsidies according to norms, reporting, accounting, setting norms and standards, promoting, consultation, making plans and get them approved by an other authority, mostly a higher one, cooperation and networking.

5.3 Water pollution

Every law on cleaning polluted water, rules, norms and laws and regulation to prevent water pollution have an impact on sustainability. For this theme 233 laws, amendments and regulations on water pollution (preventing, norms, taxes) have been found. I decided that this is too much to list in the inventory and too much to analysis. The conclusion is that for The Netherlands water is of vital importance, so that a lot of laws and regulations are needed for water management, water quality and water quantity.

6. Conclusion

Before the UN Conference on Habitat in Istanbul in 1996, The Netherlands already had a great variety in laws and regulations on Housing, Planning and Environment. Since Istanbul, there have been a lot of improvements, amendments and new regulations, especially on the themes of Sustainable Building, sustainable Urban Development and Big Cities, and a lot of environmental laws. Those laws are not especially accepted for Habitat, but mainly to fulfil European directives or norms set by Rio de Janeiro or Kyoto. Some of them have a direct impact on one on the areas of Habitat discerned; many of them have an indirect impact on Habitat.

The results of this study will contribute to the comparison of countries with regards to their implementation of the Habitat Agenda. In any case it will contribute to the necessary consciousness raising concerning Habitat.

7. Annex

Questions to the Government on the implementation of Habitat

Answers to the questions by MP's Kathleen Ferrier (CDA) and Joanneke Kruijssen (PvdA) concerning the implementation of the Habitat Agenda, ref. 2040500850, d.d. 1st October 2004

Question 1

How have you implemented the Habitat Agenda in The Netherlands and how have you shared the experiences in relation to this implementation (in particular articles 27-36, 212-215, 240 en 241)?

Answer

The most important principles and basic assumptions of the Habitat Agenda are sustainable development, decentralisation, integral approach, participation of weak groups and co-operation between governments, non-governmental organisations, private parties and citizens, in the way they have been stated in the articles of the Habitat Agenda mentioned by you. These basic assumptions are interwoven in the national policy on the field of housing in The Netherlands, as defined in the National Budget. The policy of the national government has been made operational and reproduced in the Yearly Account by the Department of Housing, Physical Planning and Environment (VROM). The experiences in the Netherlands have been shared through Knowledge Centres in the fields of urban renewal, neighbourhood development and participation of inhabitants.

Question 2

What do you intend to realise in the next time before the next World Urban Forum in Vancouver in the light of 10 years Habitat Agenda.

Answer

The third World Urban Forum in Vancouver will be held in June 2006. Taking into account that this will be 10 years after the second Habitat conference in Istanbul and thirty years after the first, also in Vancouver, it might be expected to look back at the realisations of the Habitat Agenda. The themes and agenda for this Forum are not known yet. UN-Habitat will make the first suggestions in December this year (= 2004). The Dutch contribution follows naturally from the outcome of CSD13 (= UN Commission on Sustainable Development) with accent on the fields of water, sanitation and health.

Question 3

In what way will The Netherlands support other countries with the implementation of the Habitat Agenda?

Answer

The Netherlands support other countries with the implementation of the Habitat Agenda in three ways: a. multilateral, where the main executors are UN-HABITAT, UNDP, the World Bank and UNEP; b. bilateral, as far as this suits within the five priorities of the Dutch Developing Co-operation Policy, namely education, HIV/Aids, reproductive healthcare, environment and water; and c. private, where the main executors are Co-financed organisations and Thematically co-financed organisations, in which a lot of small organisations participate.

In the field of living (housing), in particular the foundation Habitat Platform is working in Middle and Eastern Europe in the field of sustainable renovations of high buildings and in South Africa in restructuring as well as in the fields of housing and urban development, in the frame of the Memorandum of Understanding with South Africa.

Question 4

In what way do you contribute specifically to improving the life situation of inhabitants of slums, as is confirmed in the Millennium Development Goal 7, target 11, in 2000?

Answer

Most specific contributions of The Netherlands go through programmes with the above mentioned multilateral and private organisations. Important themes in these programmes are: good local governance and development of institutions, capacity building, training, planning of land use, safety, youth and employment, drinking water, sanitation, drainage and sewage, integrated rubbish management, urban food production, non-motorised transport and air pollution. In bilateral programmes drinking water and sanitation are the main issues.

Question 5

In which ways is the policy related to the agreements on Human Settlements, as they have been made and will be made in the UN Commission on Sustainable Development (CSD 12 and 13)?

Answer

During the World Summit on Sustainable Development (WSSD) in Johannesburg in 2002 goals have been set for human settlements. CSD 13 has to result in clear and solid agreements on the implementation of the Johannesburg Plan of Implementation for the fields of water, sanitation and human settlements. Also agreements will be made on the role of the several parties involved (donors, UN-institutions, international financial institutions, developing countries). In CSD 12 (2004) major bottlenecks have been identified mainly in the fields of capacity building and in the transfer of technology, governance and financial affairs. UN-HABITAT has taken up the assignments well and aimed a strategy on realising the Johannesburg goals. The Netherlands has appreciated the constructive role of UN-HABITAT. It is expected that the results of WUF2, in September 2004 in Barcelona, will be part of the report of SG Kofi Annan in the preparation of CSD13. On this moment preparation is going on concerning the standpoints and specific propositions of the EU for CDS13 on the themes of water, sanitation and human settlements and their interrelations. For this, the progress of the implementation of the Habitat Agenda, the results of WUF2 and the preparations for the Management-Council of UN-HABITAT are used. More particular, as president of the EU The Netherlands will approach UN-institutions, international financial institutions, the G77 and other important countries to hand in specific propositions during CSD13. UN-HABITAT has been approached too.

Question 6

What is your judgement about the national and international work of the Habitat Platform now and in the future? How can this be found in the budget of the departments?

Answer

In the beginning of 2004, an extern accounting bureau has made a broad evaluation on the effectiveness, efficiency and relevance of the Habitat Platform concerning the period 2001-2003. These results will be discussed with the Habitat Platform. The results of this discussion will lead to more or less financial support in the years to come.

The minister of Housing,
Planning and Environment
Mrs. S. M. Dekker

The minister for
Development Co-operation
Mrs. A.M.A. van Ardenne

V. National Report: Romania

Romania only freed itself from under the control of a communist dictatorship in 1990. The report from Romania can therefore be used as a model showing which problems must be solved when a system of sustainability is being created for the first time. Everything needed to be newly created here, from a decentralised system of government to a democratic - not centralised - system of planning and decision-making in the areas of relevance to sustainability. This is a difficult undertaking and it is by no means complete in Romania. But despite this - or perhaps because of it - the report from Romania approaches all the key questions as well as all the problems of sustainable urban development and the provision of floor space much more radically than any of the other reports. For this reason the account from Romania is also more comprehensive than the reports from the other four countries.

A. Introduction to specific national issues and overview of key areas of national action in the field of sustainability from 1996 to 2005

As the Habitat Agenda states, those countries which participated in the HABITAT II International Conference committed themselves to “a political, economic, environmental, moral and spiritual vision of human settlements based on the principles of equality, solidarity, partnership, human dignity, respect and cooperation”.

After ten years from Istanbul Conference, we are trying to offer an account of the Romanian changes in the legal framework in line with the objectives and principles of the Habitat Agenda. We are aware that in offering this report we are not required only to identify the achievements, but also the obstacles and difficulties encountered in the implementation of sustainable policies. Although of course the problems and challenges facing the world's settlements and cities share many common features, the Habitat Agenda recognizes explicitly the distinctive identity of each region and country, even of each individual town and city.

The main objective of this legislative report is to highlight the main trends and issues of concerning the implementation of the Habitat Agenda in the Romanian legislation, as identified in the analyse of the legal documents corpus issued between 1996-2005.

1. General data regarding Romania

Romania is a democracy in transition, working to build democratic institutions and a market-based economy.

The political situation has been stable in Romania since the elections of 2000. The latest general elections took place in November 2004, when the new Parliament and President Traian Basescu of Democratic Party (PD) were elected. The new Government of Romania, headed by Prime Minister Calin Popescu Tariceanu of National Liberal Party (PNL) was officially formed on 28 December 2004 and the

ruling coalition consists of PD, PNL, Humanist Party (PUR), and Democratic Union of Hungarians (UDMR).

Analysts agree that there is a platform on which to build prosperity for the country, and with entry into the European Union assured, the general socio-economic environment in the next two years looks promising.

Romania became a NATO member in 2004 and its main current foreign policy priority is to join EU in 2007. In December 2004, Romania provisionally closed all the negotiation chapters for its accession to the European Union. The signing of the EU Accession Treaty took place on 25 April 2005 and it will entry into force on 1 January 2007. Accession in 2007 is, however, subject to further progress under all chapters. In particular, under chapter 24 – Justice and Home Affairs, Romania should pay urgent attention to completing the legal approximation, implementing the revised legal framework and further strengthening of its administrative capacity.

Romania has a population of 21.7 million, with over 22 % living below poverty line. Most affected categories are the unemployed, farmers and large families. The registered unemployment at the national level has reportedly dropped by one per cent over the year to 6.2 % as of end-2004. The official statistics may however under-report the actual number, as Romania has a sizeable informal sector and a considerable number of long-term unemployed remain unregistered.

The macroeconomic trends have been encouraging with an estimated 8 % real GDP growth resulting from sustained industrial and construction activities and, particularly, the recovery of the services sector. The inward foreign direct investment (FDI) registered during 2003-2004 showed a significant increase, and the momentum is anticipated to continue into 2005. The monetary reform made with the denomination of the national currency (entails dropping of four zeros) in July 2005, is expected to have a significant impact on the general economic environment.

Out of the major social achievements made to date, the average monthly salary has increased from USD 100 in 2003 to close to EURO 200 in early 2005. The overall financial assistance from the EU is expected to considerably increase in 2006 in connection with the implementation of Romania's "roadmap" towards the EU accession.

2. Administrative Units, region components

Under the Constitution of 1991, Romania is a parliamentary republic. Legislative power is in the hands of the bicameral Parliament made up of the Chamber of Deputies and the Senate, elected by universal suffrage for a four-year term. Executive power is exercised by the Government, led by a Prime Minister appointed by the President of the country and sworn in by Parliament, to which he is accountable. The President, elected by universal suffrage, for two four-year terms at the most, is the supreme commander of the armed forces.

According to Article 3 of the Constitution, the territory of Romania is divided into administrative units such as communes, towns and municipalities and counties.

The commune is the basic unit of the administrative organisation, made up of one or several villages, led by a local council and an elected mayor. Romania has 2,685 communes with 13,285 villages, or an average of five villages per commune.

The town is the administrative unit headed by an elected local council and an elected mayor. Important towns may be declared municipalities. Romania has 265 towns, 82 of which are municipalities.

The County (in Romanian, Judet) is the administrative unit headed by a county council (consiliu judetean) and a prefect. The county council is elected to co-ordinate the activity of commune and town councils with a view to concentrating the public services of importance at county level. The Government appoints a prefect in each county as its local representative. Romania has 41 counties, including the capital city of Bucharest, which has similar status as a county. A county has an average area of 5,800 sq. km, and an average population of 500.000.

After an important study and using objective criteria, were created eight development regions in Romania, where Agencies for Regional Development perform their activities and which are represented at national level by the National Agency for Regional Development (ANDR). These regions reunite counties with economic, social and territorial similarities that enhance cooperation. Some of the counties are involved in international partnerships, such as the north-western counties that belong to the Euro-Carpathian region, one of the biggest areas for regional development in Europe.

The eight development regions, specific territorial entities, without administrative status or legal personality have been created by voluntary association. The development regions represent the framework for collecting specific statistical data, according to the European regulations issued by Eurostat for the Nomenclature of Territorial Units for Statistic II territorial level. According to Emergency Government Ordinance No 75/2001 on the functioning of the National Institute for Statistics, eight Directorates General for regional statistics have been created and together with the 34 county directorates for statistics, aim at developing regional statistics. The legal acts regarding Romania territorial division define the current territorial structure, similar to NUTS, as follows:

- I level: Romania
- II level: 8 development regions with an average population of 2.8 million inhabitants
- III level: 42 counties, reflecting Romania's administrative-territorial structure
- IV level: 2.685 cities and towns.

Beyond communal and municipal level, there are no further administrative subdivisions. However, communes are divided into villages (villages having no individual administration and hence not being an administrative division). There are 13,092 villages.

An exception to this structure the municipality of Bucharest, which is a is officially divided into six sectors, each sector having a local council and a mayor.

2686 communes with 13,092 villages, reflecting the administrative-territorial structure of Romania.

The urban and regional planning were in an individual ministry, called in the beginning Ministry of Public Works and regional planning, until 1996 when it was connected with the ministry of transportation and became the Ministry of public works, transportation and housing. After 2000 the ministry became the ministry of transportation, construction and tourism, where the public works, urban and regional planning are directions, as well as the secretary for the national center for human settlements (Habitat).

Another important organism for the sustainable development is the The National Agency for Regional Development that in 2000 was transformed in Minister for Planning and Development, to become, in 2003 a Department in the Minister for European Integration.

3. Romania and the national sustainable development strategy

In December 1989, Romania moved to a free market economy. During the communism, concepts like sustainable development and the human dimension of sustainability were not well known or understood and were therefore neglected. In Romania, all activities have been directed toward the achievement of a single goal, that of industrial development.

In 1999, however, Romania adopted a long-term National Sustainable Development Strategy (NSDS) and subsequently prepared a National Action Plan for the implementation of the NSDS, and the introduction of the Local Agenda 21 process in the country. Social, economic and environmental development goals are essential parts of the country's development strategy. In 1999, through the efforts of a group of experts, The Romanian Strategy for Sustainable Development was formulated with support from the Romanian Bureau of UNDP, CIDA and the Know-How Fund.

The formulation of the National Strategy for Sustainable Development received the support of a large number of institutions, including government departments, NGOs, the research sector, and the academic network.

An extended consultation of Romanian civil society was an important part of the elaboration of the Strategy at all phases. A team of Romanian researchers was gathered at national level (representing more than 20 specialised institutes, government departments, universities, and NGOs), divided into 6 work-groups. They drafted and presented the document for civil debate during 15 public seminars and discussion sessions.

After the approval of the Romanian Government, the document became the Romanian National Strategy for Sustainable Development.

4. The dynamic of Romanian legislation after Habitat conference

The strategic objective of Romania with regard to European integration requires the adoption and implementation of the European Community Acquis and

interconnection with international structures focusing on regional development and cooperation.

During the past ten years, since the Istanbul conference, a special attention was paid to this objective and, consequently, legislation was promulgated with this target, to create the appropriate institutional framework. In this context, special ministries were created, as the European Integration, Public Administration and internal affairs, and the Ministry for Water, Forests and Environmental Protection was reorganised as the Ministry for Water Management and Environmental Protection.

The Romanian legislative system consists of:

- (a) Laws in three categories: constitutional, organic and ordinary. Laws can be drafted as bills by the Government or members of Parliament, or as an initiative backed by at least 250,000 citizens. They are debated in the Senate and the Chamber of Deputies. After being adopted by Parliament, they are promulgated by the President within 20 days of their adoption. The Ministries may issue regulations and/or standards, to provide guidance on the implementation and enforcement of laws within their areas of competence;
- (b) Decrees, issued by the President of Romania, in accordance with his constitutional prerogatives;
- (c) Government resolutions and ordinances. Resolutions are issued by the Government, to regulate the execution of laws. Ordinances are issued on matters pertaining to statutory laws, through a special enabling law by Parliament. Ordinances come into effect on issue, but are subject to final approval by Parliament. Under special circumstances, the Government may issue Emergency Ordinances, which come into force only after submission to and adoption by Parliament. All legislation comes into force as published in the "Official Gazette".

In the field of environmental protection, but especially with regard to the protection of water, Romania is active within the framework of the Convention of the Danubian Countries and also as member of the International Commission for the Protection of Danube (ICPDR). Romania has also signed bilateral agreements with all its neighbouring countries regarding boundary waters.

With the support of the UNDP and other international donors, pilot projects focusing on Local Agenda 21 are implemented in several Romanian cities, and some of the counties have already established Local Action Plans for Environmental Protection.

B. The legislative implementation of the Habitat Agenda in the most important policy fields relating to sustainability in urban planning and the housing sector

To analyze the **sustainable urban development** means to take into consideration the triangle of goals formed by environmental justice, economic efficiency and social equity. It is rather difficult to find the legal instruments or methods to promote sustainability seen as a superposition of all the three categories of goals. As a consequence, the concept of „sustainable development“ was considered as a general frame – the major objective of HABITAT AGENDA, and the „sustainable

urban development“ as the application of the Habitat Agenda principles to the urban environment (towns and cities).

The sustainability of the development, being it at national, regional or local scale (or being it urban or rural), is analyzed through all areas of influence on which the present study is based: sustainability is to be achieved through housing policies, through local and regional capacities, through public participation (democratization of the decision making process) and, of course, through the international cooperation. In order to serve the purpose of the present report, the “sustainable urban development” concept was understood more as “**sustainable urban planning**” – from the technical point of view, emphasizing the built environment development. The same applies to the “sustainable regional development” which was seen as “sustainable territorial planning” (as described in the next section of the report – II.2.)

Therefore, the **social equity** sphere is seen either as a part of the housing policies section, either as a part of public participation section. The **economic efficiency** goal was understood as an effect of strengthening local and regional capacities. Taking into consideration the specificity of the Romanian context, where the preoccupations for implementing the EU norms and where the existing instruments for **environment protection** were very few during the communist regime, the natural environment protection was analyzed as a section in itself.

1. Sustainable urban planning

The sustainable urban planning policy field was analyzed from the perspective of the instruments and methods with which the legal framework has been contributing for the last decade in Romania, but also in accordance with the ways of understanding sustainability in town and city development.

1.1 The Romanian context

In general, legislation in the field of urban planning defines a regulatory and normative framework, reviewed and harmonized with the international norms, but characterized by inefficiency in the application of its provisions, with negative consequences regarding the quality of buildings but also regarding urban architectural aspects.

The objectives set for the management of space are related to the specific needs imposed by the Romanian context: during the communist regime, the urbanization was a constant and particularly pronounced tendency of all the settlements in Romania because of the massive industrialization in the ‘70s and ‘80s. After 1990, an excessively legal framework for the urban development control was the cause of urban sprawl phenomena in the areas of high concentration of population: the year 1990 represented a real demographic shock for **large cities**, with consequences on housing and all services offered to the urban population, but also on the inhabitants' degree of urbanization. A characteristic of the post-1990 period is the expansion and increased use (both legal and illegal) of *intramuros* space, both in the rural and urban areas, simultaneous with the diversion. The lack of efficient control on the use of plots, the lack of a complete database for this

essential aspect of human settlement management, leads to inadequate development and use of land, with negative long-term effects.

This growth of population in large towns has increased the pressure on urban services networks, (on transport, education, health), which have not been adequately restructured since the end of the 1970s. Functional elements (green areas and children's playgrounds) created in connection with urban units for collective housing have often been converted into private car parks, due to the increased number of the privately owned motor vehicles. This, combined with the policy of building more housing, has made urban green areas insufficient and destroyed residential comfort. For over 13% of the urban environment, the housing equipment is degraded, thus revealing the forced character of urbanization in the 80's. The lack of symbolic reference points, of personalization and orientation of the housing ensembles and of the human settlements in general, coupled with the absence of elementary urban culture and urban information for the public are the results of forced urbanization and of massive demolitions. All this is a depersonalization factor for the individual, and induces behavioral deviation phenomena, which in turn lead to a decrease in life quality in the human settlements. The large cities have less and less green spaces. In addition to the decrease of green areas during the period of housing construction in the 1980s, the existing green areas and belts are being further reduced, due to a massive influx into the cities.

Most buildings have concrete, brick or stone walls and floors made of reinforced concrete, but there is still a significant number of adobe and trelliswork buildings. Building materials used for the urban areas are large energy consumers, impossible to assimilate in the natural circuit and they do not allow for their restructuring according to the demographic dynamics. The significant seismic activity, frequent landslides and floods, are phenomena that have a negative impact on the durability of the physical and demographic stability of small towns and villages. The underdeveloped street network in many villages, as well as the spread out character of the roads, obstructs the opening that is favorable to the expansion of local networks. In urban areas, the type of street network is one of the main causes of traffic congestion.

The bad situation of infrastructure equipments in the rural areas represents the main problem connected to life quality in these areas.

1.2. The legal framework analysis

Consequently, a set of few general directions have been selected for the legal provisions regarding the sustainable urban planning section:

Urban planning methods

- division of responsibilities regarding the urban planning methods
- urban planning documents and urban planning general regulations

Construction process instruments

- division of responsibilities regarding the construction process and the building permits issuing (urbanism certificate, construction authorization)
- risk evaluation for buildings: preventing disasters

Patrimony protection rules

- division of responsibilities regarding the patrimony protection
- intervention methods for preservation of historical monuments and specific provisions regarding the protection of historical monuments (use restrictions).

As a general remark, the inventory of the legal provisions⁵, and especially for the second half of the last decade, shows a major concern for establishing rules in order to have a better control of the urban growth and of the built environment development.

The spatial management of the territory ensures to the individuals and to the collectivises the right of equitable use and the responsibility for an efficient utilization of the territory. This management shall be achieved through the town and country planning and city planning, which constitutes aggregates of complex activities of general interest that contribute to the balanced spatial development, to the protection of the natural and built real estate assets, as well as to the improvement of the living conditions in the urban and rural localities.

In respect to the other analysed sections of the present report, the principles stated in the legal framework of the city planning activity as a sustainable activity show an important concern for the local autonomy, as well as for the public participation.

2. Sustainable regional development

2.1. The Romanian context

The process of European Union integration requires the adaptation of the Romanian development strategy to the regional development policies of the European Union. Therefore, it became necessary to prepare the institutional framework to respond to the criteria for integration and eligibility in the EU and Structural and Cohesion Funds

The legal framework in the field of regional development was set up in 1998, once the Law 151 on regional development was issued. Law 151 /1998 laid down the objectives of the national policy in the field, the institutional framework, the competencies and specific instruments to promote the regional development policy. The legal framework is completed by documents signed every year by the Government of Romania and the European Commission, providing the allocation of the European support for different geographical areas or domains.

In the National Development Strategy⁶, (CHAPTER 11th -Territorial planning), presents briefly the complexity of the territorial planning activities which

⁵ Printed in the separate annex.

⁶ ROMANIA National Sustainable Development Strategy (document was finalized and promoted by the Working Group established by the Governmental Decision no. 305/15.04. 1999, with the participation of civil society) – chapter 6.6 Human settlements.

demonstrates that a balanced and sustainable development can be realised only through the implementation of development strategies and programmes: land-use planning programmes are seen as an instrument of the central and local public administration bodies for the creation of a harmonious natural environment; and the territorial planning activities are mainly supported by the land surveys that identify, describe, measure, classify, and evaluate land, which is individualised and its specific data are entered into a numeric and graphic database.

In the same document, the following organisational administrative measures are identified as being necessary for the Romanian context:

1. Placing emphasis on the interdisciplinary character of the specialised units of territorial and urban planning working with the County (Department) Councils by rising them in rating to the level of General Directions and staffing them according to the complexity of the territorial division. This should consist of specialists from the main domains that concur in the realisation of the land-use planning projects and regional development.
2. In order to implement the new structures set up in accordance with the diversification of the forms of property, created by the land survey, the Regional Offices for agricultural land surveying and organisation of farmland, and the Regional Offices for Soil Science and Agrochemical Study need to be unified.
3. In order to ensure the available data needed in the elaboration of the required documentation with regard to the actual land situation and the updated plans the revision of the presently inefficient and expensive system established through the land-surveying law becomes necessary.

2.2 The Legal Framework Analysis

Consequently, a set of few general directions have been selected for the legal provisions regarding the sustainable regional development section. That are:

Regions definition and regional development policy

(criteria for integration and eligibility in the EU and Structural and Cohesion Funds)

- main objectives for the regional development policy
- institutional framework
- financial resources and specific instruments.

Regional development and territorial planning methods

- division of responsibilities regarding the territorial planning methods
- territorial planning documents and regional territorial general regulations

As a general remark, the inventory of the legal provisions⁷ shows a complicated process through which the regions and their functioning have been defined: the Law no.151 /1998 was the initiation of the process ; in 2000, there has been a Seri of governmental ordinances to modify and complete de legal framework

⁷ Printed in the separate appendix.

established in 1998, and the [Law no.315/2004](#) represented the re-considering of the legal framework for the regional development, so that the ordinances of 2000 have been abolished.

3. Sustainable housing policy

3.1 The Romanian Context

The existing housing stock:

Although a number of local studies have been undertaken, the overall state of Romania's housing stock has not yet been surveyed, and the cost of repair, remodeling, refurbishment and renovation¹ remains unquantified. A large segment (nearly 40%) of urban housing is made of prefabricated panel buildings, and is served by ageing infrastructure and utility services which are in need of new and urgent investment. A further share of housing in rural areas (less than 50% of rural housing is constructed with concrete or bricks) is also believed to require significant investment in modernization. An appreciation based on opinions of technicians shows that only 17% of the 1992 stock would still be able to provide reliable shelter in 2020. Apartment buildings make up 71.7% of the urban stock. It is this part of the stock (about 2.9 million units in 76,000 buildings) which has the greatest need for urgent improvements.

Furthermore, the challenge for housing appears to be compounded by the poor condition of the infrastructure that services housing - for example, the utility services, including energy and water distribution, district heating systems, sewage and refuse collection. These are all part and parcel of the housing system in Romania, and appear to be facing similar difficulties as they struggle to provide services which both adequately meet consumer needs and are "market oriented".

One major problem is the greatest environmental risk affecting housing in Romania: the earthquakes. Many residential buildings still require renovation after major earthquakes in 1977, 1986, and 1990. In Bucharest, the older housing stock is not very resistant to earthquakes, and an estimated 4,700 apartments are in danger of collapsing. The Municipality of Bucharest conducted studies on about 2,500 buildings "at risk", and found, 300 five-storey structures, built before 1940, to be seriously damaged⁸.

One research (1998) by the Government's Quality of Life Institute revealed that an average family of two adults and two children earn barely a subsistence wage and is not able to afford a 'decent' standard of living without other sources of income. From the figures of this research, it appears that an alarming 71% of the population finds it difficult to meet its most basic needs. For those who are homeowners, this poses serious questions with regard to their ability to maintain their homes.

A particular manifestation of household/dwelling mismatch is homelessness. The National Commission for Statistics (NCS) reports that there is no evidence of

⁸ COUNTRY PROFILES ON THE HOUSING SECTOR – ROMANIA, UNITED NATIONS, New York and Geneva, 2001, Printed at United Nations, Geneva, Switzerland

homelessness and homelessness is not yet considered to be a national issue. Nonetheless, homelessness was identified as a concern of local authorities, and a subject addressed in social security networks. Attention was drawn in researching the study to the possibility that homelessness may grow in the near future as a result of house repossessions through restitution, despite the provisions of the law, and as households fail to pay their regular utility bills, as privatization comes into force.

The newly built dwellings:

The years of transition have not brought about an improvement in average living conditions in Romania. A spate of large projects towards the end of the communist era gave the construction sector an artificial boost, leaving Romania with the highest per capita cement consumption in the world. Schemes included the campaign to house large numbers of the rural population in apartment blocks in urban areas, and the reconstruction of large areas of central Bucharest.

The construction sector in the 1990s was badly affected by the decline in GDP, which led to cuts in government spending on infrastructure and a sudden and steep decline in house building. At the beginning of the 1990s, public sector developers dominated housing construction, but during the transition period, a large number of small privately owned construction firms have appeared in the market. By 1999, construction activity had fallen well below its 1989 level. The downsizing of the construction sector caused many construction workers to seek work abroad, with a consequent reduction in the immediate capacity of the sector. Predictions of a revival in construction work are, however, becoming more favorable as longer-term economic forecasts suggest that investment levels will rise as macroeconomic conditions become more stable.

Some questions, to which the housing policies have had to answer:

Romania currently witnesses a housing crisis in urban areas, caused by:

- Increase in urban population;
- Continuous degradation of existing housing, simultaneous with an excess of space in rural areas;
- Impact of the demographic boom that has its origin in the period when abortion was forbidden.
- Increase in number of the elderly and of poor families;

As a mixture of social problems and of technical problems of the built environment, heating represents the greatest share of household energy consumption and spending on utilities. This raises several issues:

- The monopoly of district heating companies, blamed for high prices and poor services;
- The lack of individual metering of energy consumption, which discourages households from pursuing efficiency;
- Poor insulation standards, particularly in prefabricated apartment blocks (losses of 30-35%);
- Huge energy losses from district heating systems before dwellings are reached (Romanian experts estimate losses of more than 50%);
- Very considerable debts in the form of unpaid utility bills for both individual consumers and owners' associations;
- The reduction of solid fuel resources, leading to price increases;

- Ecological problems associated with the continued, widespread use of wood as a fuel.

In more general terms, as concluded by the international experts in 2000⁹, the major problems of the Housing sector may be presented as following:

- Lack of an overall strategy
- Weak recognition of the potential roles of local governments and other partners
- Inefficient targeting of public spending
- Potential negative interference of the Romanian National Housing Agency with the market
- Poor condition and suitability of the existing stock, lack of finance, poorly developed markets and market demand.

The recommendations of the same group of experts were aiming at:

- For the existing housing stock: Strengthen the impact of the program for building consolidation by enlarging the scale of the town renewal schemes; Increase the benefit of the program for thermal insulation through complementary measures in view of restructuring and renewing housing condominiums – including management and maintenance.
- For the institutional framework: *National strategy and coordination*: The establishment of a national coordinating body for all matters related to housing.
- *Professional services*: Training for: urban planners, property managers, social workers and construction workers; Professional maintenance (funds and programs for the homeowners' associations); Change of attitude among the population.
- For the legal framework: Focus on the vulnerable groups, such as the victims of natural disasters
- For the financial framework: Coordination of budget spending, provide social equity and diminish the deficit risk in each program through a comprehensive housing subsidy system; Explore further the possibility of introducing a "contractual loans" system

As a consequence, in the declarations of the government representatives¹⁰, the strategic objectives of the Romanian housing policy are:

- Sustainable urban development and environment protection
- Cooperation between central and local authorities
- Improvement of the urban infrastructure (local roads, water supply, sewerage system, waste management, energy supply)
- Improvement of the relationship between the market price of the dwellings and the average family income
- Providing social protection for young families and individuals with low income
- Avoiding segregation

⁹ COUNTRY PROFILES ON THE HOUSING SECTOR – ROMANIA, UNITED NATIONS, New York and Geneva, 2001, Printed at United Nations, Geneva, Switzerland

¹⁰ AN OVERVIEW of the Romanian housing policy by Mrs. Mihaela AL-BASHTAWI and Mr. Ioan BEJAN for South East Europe Housing Network Expert Meeting, Zagreb, 7 November, 2003

- Facilitation of the investment process
- Creating more than 120.000 new jobs
- Development of the national construction materials industry
- Complying with the European standards regarding the life quality, one of the conditions to join the E.U.

Sectoral objectives

- Building new residential areas
- Improving the existing housing stock
- Improving the legislative, regulatory and institutional framework
- Facilitating the access to housing for those excluded from the market coordinates: social housing, rental housing for youngsters
- Completing the unfinished structures of blocks-of-flats
- Building housing in private ownership with mortgage loans

3.2 The Legal Framework Analysis

Consequently, a set of few general directions have been selected for the legal provisions regarding the sustainable urban planning section:

Providing the Right to Housing:

- managing the existing stock: retrocession process and privatization of the State housing stock (property issue); responsibilities for the maintenance of the existing stock
- encouraging new dwellings: programs for access to land and credit
- social programs related to housing:
- security of tenure: support for the housing costs payment for the inhabitants (both owners and tenants)
- demand vs. offer for social housing construction.

Providing adequate housing:

- quality of existing stock: retrofitting and rehabilitation of existing stock (earthquake risks, energy efficiency)
- quality of new housing: norms for construction, housing services.

As a general remark, the inventory of the legal provisions¹¹, especially those after the year 2000, shows a real effort to develop the Housing sector by the recognition of the problems, first of all, and by setting policy objectives in relation to the identified problems. The leading role in this process has been played by the Ministry of Construction (ex Ministry of Public Works, Transportation and Housing):

The most important legal document regarding the housing sector is the *Housing Act* (114/1996 and subsequent) which sets out (art. 67) the role of the Government in housing. This Act also lays two major obligations on the Government in the institutional framework for housing. The Government is responsible for the creation of housing development policy for the whole country; The dwellings construction development program is to be drawn up by the Ministry of Public

¹¹ Printed in the separate appendix.

Works, Transport and Housing (today the Ministry of Construction) on the basis of evidence submitted by local councils and other interested public administration bodies, and in accordance with the legally approved urban and regional planning documents.

In addition, the Housing Act (114/1996) lays down the following two principles which are relevant to national housing policy: Free and unrestricted access to dwelling is the right of every citizen; and Housing (construction, use and management) is in the national interest and represents a major long-term goal for the public and for both central and local government.

The Housing Act extends its action over Romanian citizens, in that it regulates the social, economic, technical and legal aspects of housing construction and utilization; it defines and develops the typology of dwellings; it prescribes the development of house construction; it determines the rules for renting dwellings; it establishes procedures for the management of dwellings, and rules for the organization and functioning of homeowners' associations.

A very important institution in housing policies in Romania is the *National Centre for Human Settlements (NCHS)*. It was established in 1991 (Government Decision No. 515), mainly to formulate a national habitat strategy, aimed primarily at 'an adequate habitat for everyone' and the identification of mechanisms to achieve this.

NCHS is a specialized department within the MLPTL (now the Ministry of Construction) and reports directly to the Prime Minister, while the Minister of Public Works, Transport and Housing is its chairman. The membership of this Centre is composed of the director-generals of 21 different departments and ministries. With this membership, NCHS is in a unique position, not only to create a strategic cross-government approach to the many challenges facing the housing sector in Romania, but also to ensure that the resulting policies and proposals are implemented. It has no mainstream dedicated resources to implement its policies and its function is restricted to policy generation and guidance. NCHS has taken the lead in representing Romania in international relations in the field of housing, ensuring the relevant contacts with the Committee on Human Settlements of the Economic Commission for Europe and with the United Nations Centre for Human Settlements in Nairobi.

4. Strengthening local and regional capacities

In Romania, important steps have been made in the field of public administration reform during the last ten years, as the number of legal acts from this field (modifications, re-publication, methodologies, and new laws) is showing. In the analysed interval, we can find an increased dynamic of the legal framework that is motivated mostly by the demands of the European Commission.

A major act, very important and that suffers a lot of modification is the law regarding the public administration, initially published as the law no. 69/1991. Only in 1996 we can notice three important normative acts dealing that are improving this law with provisions that are reinforcing the sustainability.

One of the main modifications is made in the first article of the law regarding the public administration, where are stipulated the main principles:

- “(1) Public administration in territorial-administrative units shall be based on the principles of local autonomy, decentralization of public services, eligibility of the local public administration authorities, legality, and consultation of the citizens on local problems of particular interest.
- (2) Local autonomy shall be administrative, and exercised only within the framework of the law.
- (3) Local autonomy shall concern the organization and functioning of the local public administration, and represent the right and effective capacity of the local public administration authorities to settle and manage, in their own name and under their own responsibility, an important part of public affairs, in the interest of the local communities they represent. By local community it shall be understood the totality of the citizens in the territorial-administrative unit. “

More important modifications were made in the respect of public administration reform and local and regional capacities through the *law no. 215/2001 regarding the public administration*, law that is abrogating the *law 69(re-published) from 1991*. Even if this law is trying to improve, there were still a lot of things not yet resolved, so that's why, between 2001 and 2005 it suffers a lot of modifications. As the last monitoring Report made by the European Commission, there is a lack of clarity regarding the allocation of responsibilities and financial resources between the different levels of government. The transfer of the power from the central to the inferior levels is not yet finalised.

To achieve the objectives of the decentralisation process in Romania, a legal basis for the process started to be created. This legal basis rests in the *Framework Law on Decentralisation no. 339/2004* and the *Law on the Institution of the Prefect no. 340/2004*; these two laws that appeared in 2004 represent the political commitment to continuing decentralisation in Romania.

The framework law on decentralisation aims to define the competencies exercised at commune, city and county level, concerning local public administration. At the same time there must be clear separation of competencies at the levels of mayors, local councils and county councils, trying to eliminate overlap. The law also aims to strengthen the mayor's role and prerogatives, as well as the co-ordination role of the county council in the local development process at county level.

The Framework Law on Decentralisation contains also provisions concerning financial decentralisation. The main principle here recognises that the transfer of competencies from central to local level must be accompanied by a simultaneous transfer of financial resources.

The law contains provisions for a system of monitoring the decentralisation process in Romania and marks the evolution of the principles underpinning the decentralisation process, which contains new elements.

The first new element introduced by this law refers to the “principle of proximity”, having in mind less distance between the administration and the citizen.

In this law it is established that the Romanian administrative and financial organisation, in a unitary and undivided state, is decentralised. For the first time in Romanian legislation, the rights of local authorities to experiment; and to co-operate to exercise their competencies, are defined.

Another new element in this law refers to the right of citizens to request the inclusion of their problems on the agenda of the authorities’ meetings if these problems are in their competence.

After a year since the apparition of this law, the authorities have difficulties to be applied. The main lack of this law is the transfer of the responsibilities from the central to local level without being correlate with the financial resources. Now, as the response of this difficulties observed as well by the European Commission, the authorities have a new project for this law where one can find a set of principles, rules and phases that can be respected by each minister that is decentralising. The project is proposing as well a new institutional structure- the Office for Decentralisation, under the direction of the Ministry of Administration and Internal Affairs that will manage this process, will ensure the correlation between the transfer of administrative and financial responsibilities.

Concerning the institution of the Prefect, the framework law aims to regulate this important institution in the process of local and central public administration reform. The reform of the institution of the Prefect does not contradict the process of decentralisation; on the contrary, it is part of the overall evolution of the process.

In view of the present need to elaborate a budget in line with modern management, representing a shift from central to a local level of responsibility and with adequate resources for some public activities, with improvement in the procedures and mechanisms for using public funds, a Government Emergency Ordinance (GEO no.45/2003) for local public finance was elaborated. The main provisions of the draft law, with new elements for Romania, are as follows:

- Programme budgeting;
- Regulations according to which local public authorities may contract guarantee and manage domestic and foreign credits;
- The creation of regulations concerning programme co-financing by both international institutions and state and local budgets; these will reinforce the national effort, mainly for local infrastructure development.
- The principle of solidarity, according to which the reserve budget fund of the local and county councils could be directed to communities in extreme situations.

Regarding the strengthening of the regional power, in order to obtain an appropriate legal framework as well as operational instruments, there is a sustained activity carried out by the Task Force on Regionalisation that set some short term engagements.

Regarding the existing regional development system, the Law no. 215/1998 was up-date because the existing mechanisms were not efficient enough, mostly regarding the pre-accession social and economic cohesion funds management.

For better promotion of the region, for partnership development and for increasing the “regional conscience” the role of the Regional Development Boards was extended. The new law improves the mechanisms for financing the Regional Development Agencies (RDA) by introducing contracts between parties, and technical assistance for programme implementation is foreseen.

Institutionally, there is a proposal for setting up, in each county (Judet), an office for regional development, as part of the RDAs, aiming at better local promotion of the national/regional development and related programmes.

5. Strengthening public participation

The European Community legislation on the urban environment, concluded by the Member States, makes possible to the public to take part in the process of urban planning. The citizen’s participation and the dialogue constitute common requirements for all territory in Europe. In the current context where Romania moves towards a pluralist democratic system, the consolidation of the civil society plays a fundamental role. The interest on the problem in the democratic process of decision-making, in citizen participation and dialogue has appeared in Romania after 1990. The success of sustainable development of our country in the economic, social and spatial respect depends on the capacity of all levels of authority to enforce priority tasks of the community. Sustainable development requires a responsive, open, and public authority at the local level and active participation of the organizations of the civil society. Therefore, institutional and legal baselines have to be in force and functioning in order to provide and assure the participation of the whole population.

As the legislation shows, the decentralization of responsibility and participation of the public are processes which are being highly developed during the last 10 years in our country. As far as the enforcement of democracy and sustainable development of settlements are concerned, it is important that all stakeholders should be educated adequately and that they should participate to an equal extent.

Today, the modern conception of public liberties creates a distinction between freedom as “individual autonomy”, the full ability of the individual to act by himself, and freedom as “individual participation”, a political freedom to take part in political decisions. Through the social contract, political freedom appears as the instrument to protect individual rights.

The current discourse on the weakening of “social cohesion” contains both dimensions. The difficulties of daily life it is increasing the social exclusion and reduces the space for implementing civil rights and obligations. The impoverishment of some urban area reduces the exercise of civil and political rights, increasing abstention in elections. Social exclusion in urban areas is the cumulative result of several factors: the rural exodus from the communist period, (result of the intensive industrialization) which has created a constantly high demand for new housing over several decades, the urban logic of Athens Chart,

based on functionalism and the separation of economic and social functions, an explicit zoning policy of urban space; poor quality of the environment, poor quality of mass housing – big dormitory neighborhoods, the impact of unemployment or the low rate of the incomes of the aged people who is leading to the inability to pay the maintenance expenses. The synergy of these events has led to a weakening of democratic life.

6. Strengthening international co-operation

Recent globalisation trends challenge the existing processes and structures of international cooperation and underline the need to develop new and innovative forms. This implies apart the national cooperation also the strengthening of the forms of decentralized cooperation to improve civil society organizations and relations between and among local authorities, and enhancing their participation in international cooperation. The institutional framework regarding the actors in the international cooperation is formed by a series of normative acts that are defining the organisations and the functioning of the ministries. The organisation and the functioning of the ministries are established on the basis of Government Decision.

During 1996 and 2005, after each of the general elections, was set up a government structure according to the government strategy. Except for the Ministry of Foreign Affairs which has a dedicated activity for the international affairs, currently, every ministry has a direction regarding the European integration and international cooperation.

At the local level, the authorities responsible with the de-centralised cooperation are the local councils and county councils, according to the law on the public administration and according to the framework law on decentralisation. There are many local council decisions that decide the twinning between cities from Romania and other countries. Some of the most important partners in the field are France, Germany, Italy and Holland.

The International Cooperation Principle is one of the environmental policy principles on which "The Environmental Strategy for Romania" is based. In accordance with this principle, multilateral relationships are being developed with the countries of the European Union as well as with other developed and developing countries. International cooperation is also based on international legal instruments such as environmental conventions and protocols to which the countries are parties. A very important number of memorandums and international conventions were signed between Romania and other countries, in order to reinforce the sustainability. Only in the field of environment, during the interval of study were signed more than 50 documents, a part of them are already ratified, another part is in the process of ratification. (See infra Environment policies)

7. Other selected policy fields

7.1 European integration process

The process of European Union integration requires the adaptation of the Romanian development strategy to the environmental policies of the European

Union. Therefore, it was compulsory to realise an adequate institutional framework to respond to the criteria for integration and eligibility in the EU and Structural and Cohesion Funds.

An important number of laws and international agreements appears, setting up the institutional and legal framework. However, compliance with these regulations is generally weak, mostly because of poor economic conditions, poor management practices and poor dissemination of information. For example, a number of new orders passed by the ministry and implemented by the authorities are still unknown to the public and not yet legal as they have been not published as part of the official government collection of laws, Official Gazette

All new laws, governmental decisions, orders of the minister, decisions and standards are drafted in compliance with the EU regulations. After the ratification of the Aarhus convention, all the legal documents in the field are elaborated with public consultation.

However, one of the biggest problems with environmental legislation in Romania is the lack of implementation and compliance. This is due to the absence of incentives, weak enforcement, insufficient technology, financial constraints and lack of education and interest on public participation.

The following institutions are responsible for enforcement of environmental legislation in Romania:

- environmental protection agencies;
- municipalities;
- local health authorities (health and veterinary police);
- district water authorities (branches of Romanian Waters);
- district forest authorities (branches of ROMSILVA)
- the police.

7.2 Environmental Administration

Environmental administration is coordinated on the national, regional and local level in Romania. After the change of the communist regime, in 1990, the Ministry of Environment was established,. Since then it suffers different re-organisations scheme in order to improve the functioning and to respond to the governmental priorities.

The ministry operates 41 Environmental Protection Agencies, one in each county, and the Administration of the Danube River Delta. Furthermore, the autonomous Romanian Water Authority (Apele Romana) operates 10 branches along the major rivers and tributaries; and the autonomous Forest Authority (ROMSILVA) operates 41 branches, again one in each county. Both the Water Authority and the Forest Authority report directly to the ministry. The acquis in the field of environment comprises over 200 legal acts covering horizontal legislation, water and air pollution, management of waste and chemicals, biotechnology, nature protection, industrial pollution and risk management, noise and radiation protection.

An important number of legal acts were approved in the past ten years in these fields. Romania has made progress as regards administrative capacity, but still strengthening is required in particular at regional and local level. Lack of proper co-ordination between national, local and the relatively newly established regional environment authorities remains an area of serious concern and it must be addressed in order to ensure correct implementation of the environment acquis.

One of the main problems that in connecting the environment and housing sector in Romania is the energy consumption. Because of the age and the condition of the fond of dwellings (main part block of flats) built during the communist regime, the energy consumption is very high > that's why an entire policy regarding the energetic efficiency was developed>after signing the Lisbon Chart regarding the energy efficiency and aspects connected with the environment in 1997.

In the same time with the creation of the appropriate legal and institutional framework, appears an international program of UNDP called UNDP/GEF that is promoting and supporting this issue.

Apart this documents an important number of government decision and expeditious government ordinances are detailing the legal and institutional framework.

C. Summary conclusions

After the analysis of the legal framework as well as after the presentation of the policies fields implementation, it can be concluded that there has been a very dynamic legal and institutional environment during the last decade. In relation to the sustainable development principles, it may be argued that important steps have been taken, but there is still a lot to be done especially because the NEW laws and instruments haven't had the time to be appropriated by various stakeholders in the development at different scales.

Even though the policies in each of the fields (regional planning and urban planning, of housing, of governance capacities and of public participation and of international cooperation) have proven to have set the major objectives, there is still a very necessary effort to invest in order to foresee the resources (both financial and human) for helping to the realization of the objectives. Another necessary way of reaching some significant results is through a better harmonization between the policy fields.

The **spatial planning and management system** will have to be institutionally articulated and integrated at all levels: national, regional, and local. This continuum has on the one hand democratic participating features, while on the other hand it has to provide more efficient protection of joint and public interest. In this respect all the decisions related to the spatial planning and management are shaped, made and implemented. There are also better conditions for the emergence and profiling of civil society, representing an extremely strong factor in identifying and shaping the public interest and possibilities for the expression of an individual within direct democracy.

The implementation of **sustainable urban development** is possible only if the tasks are successfully accomplished. For that reason the following issues have to be taken into consideration:

- elimination of the consequences of the disorder caused by the weak control system for the degree of application of the regulations;
- elimination of the effects of impoverishment of specialized service departments, and of inefficient administration which originates from vague division of responsibility between the state (in the 'centre' and in administrative units) and local i.e. municipal self-government;
- establishment of regional articulation of spatial management;
- contemporary conception of market principles in land register management; in this respect it has to be taken into account that space is a limited commodity and that in the area of cities and conurbations, long-term and joint (public) interests have to be protected;
- financial training of communities and towns for competent management of investments regarding construction-land and utilities management;
- providing for political independence of services which must be continuously concerned with spatial planning;
- understanding and developing human and social values related to environment and space, as well as cohabitation in urban or urbanized areas;
- introduction of promotional activity in connection with good spatial solutions and
- efficient participation of the population in decisions related to spatial planning and management, etc.

The **local self-government** has once again defined competence distribution between the state and the municipalities. Inter-municipal obligations regarding management of utilities and other urban infrastructure, as well as functioning of public transport and other urban services, need to be defined by law. In this respect the state will revise its taxation system and introduce distribution methods which will ensure the activity of the already practised urban services, as well as emergence of the new ones which will be conditioned by the imperative of the increasing complexity of society, and of cities as well.

Besides of insuring the appropriated legal framework, in the market or social-market economy system the role of the state as a protector of public interest and commodities of overall significance, and also as a promoter of an efficient establishment of joint interests and partnership of the private and public sector can be assured mainly by taxation and financial instruments. These also include the process of providing the conditions for priority purchase of construction land and other types of land, which are required for big development projects, or for socially and ecologically sensitive activities.

VI. National Report: Turkey

Turkey belongs, along with Romania, to the two states within the study which do not have recourse to a fund of already existing laws to implement Habitat as is the case in Germany, Finland and the Netherlands, but instead faced the requirement of preparing new rules where both the system of government as well as the pursuance of the principle of sustainable development was concerned. The impulses driving these new regulations in Turkey came in the vast majority of cases from outside the country - through the closing or accession to international agreements, whereby the aspired to accession to the European Union ranks as the most decisive.

1. Introduction: Method and Content

The study contains a review of the Turkish Official Gazette (*Resmi Gazete*) from June 1996 to July 2005. The aim of the study is to expose the legislative adaptation of the Habitat Agenda by Turkey along with its commitments. The leading principle, or filter, of the review was whether the existing legislation does serve the Habitat Agenda or not. That is, if the legislation in question is directly or indirectly advancing the purposes of the Agenda regardless of its reasons, it is included in the study. A direct causality is and could not be sought without reviewing a much wider choice of documentation of Turkish Government and Parliament where the resp. backgrounds of the laws are presented or discussed. Beside the Official Gazette, the compendium of laws has been cross checked in order to avoid oversights; especially due to the so-called “bag-laws” (see following section).

The study deals strictly with the legislation in Turkey that is in relation with the Habitat Agenda. Other projects, governmental, ministerial or municipal activities, strategy-papers, reports etc. that are not published in the Official Gazette regardless of their relation to the Habitat Agenda are not taken into consideration. This includes important strategic papers like the National Environment Action Plan by the Ministry of Environment or the 7th and 8th Five-Year-Development-Plans by the State Planning Organisation (SPO) etc..

The cited paragraphs of the Habitat Agenda interlinked with the Turkish Legislation belong rather to the “Commitments” chapter. It is the most concrete and specific chapter with local properties. The chapter “Goals and Principles” sets the abstract framework and the chapter “Global Plan of Action” has an advisory character for the governments.

2. The legislative implementation of the Habitat Agenda in the political fields of Sustainable Urbanisation and Sustainable Housing

2.1 An Overview into the Legislation in Turkey – An Historical Framework

The 1996-2005 decade contains three periods. However the Habitat Agenda does not appear to be an “Agenda” of its own for the governments and parliaments. Fight against terror, earthquakes, economic crises and EU candidature have

constituted major headlines for the governments in Turkey. In the first period until 1999 almost no legislative activities in connection with or furthering the Habitat Agenda can be filtered out. In this first period we identify many international or bilateral cooperation projects.

In the second period, some laws and regulations can be interlinked to the Habitat Agenda, but the number of laws and regulations are still limited. This period can also be understood as the period when the individual subjects stated in the Habitat Agenda start to be discussed by the citizens; public opinion starts to be formed and to grow.

The third period, finally, can be understood as a breakthrough or reformation period. Concepts like decentralisation, participation, improvement and empowerment of local governments, improved civil rights, which are being discussed in the society, start to be reflected in the legislation.

It should also be noted, that the excessive majority of the ruling Justice and Development Party (AKP) in the parliament and their respectively powerful government has enormously accelerated the legislation activities, after decades of weak coalition governments.

2.2 1996-1999 Period

This is the period right after the Habitat Summit. Social traumas and administrative hesitations against liberalisation and democratisation due to terror acts (PKK terror) characterise the legislation approach in the country in this period. Human and citizen rights start to be discussed again, but slowly and very carefully so that reforms appear in the legislature only at a modest level. Simultaneously, the Habitat Summit, in the foreground, introduces concepts like sustainability, decentralisation, local governments, local agenda, public participation etc. into the social life of Turkey. These concepts are being promoted by international and foreign institutions by means of Technical and Financial Assistance programs and projects. UN institutions (especially UNDP) and World Bank, but also European institutions together with country organisations – among them the German Development Cooperation (GTZ) – carry out a wide variety of development projects in Turkey. The legislation tables clearly show that many international development project agreements have been approved by the government right after the Istanbul Summit. It can be concluded that the Habitat Agenda has been inoculated first by the international and bilateral cooperation projects, by know-how transfer and awareness raising campaigns.

2.3 1999-2002 Period

The period can be started principally with the devastating earthquakes in the Marmara Region in the late-summer/autumn of 1999. Although these were not the only disasters of the year, they overwhelmed all other previous natural disasters in the country. The centre of discussions has moved away from sustainable human settlements towards urgent aid and risk minimisation against natural disasters. Government regulations as well as legislation indicate that the agenda of the governments concerning settlements is concentrated on levying the adverse effects of the disasters.

In 2001 Turkey experienced its heaviest economic crisis that shook the country as much as the earthquakes did. Once again the Habitat Agenda lost the chance to become a topic for the government.

On the other hand, along with the adaptation process to the EU, many legal arrangements have been made, that actually intend to fulfil the Copenhagen Criteria. However, these arrangements, including democratisation, decentralisation and strengthening of local governments, can be associated with the Habitat Agenda as well.

2.4 2002/2003-2005 Period

The EU-membership driven reformation process accelerates after the change of the government after AKP came into power with a landslide victory in parliamentary elections in November 2002. In this period, the legislative activity appears to be extraordinarily fast, intensive and comprehensive. It seems that the past 7-8 years have rather been used for public discussion and formation of a consensus among people and decision-makers in Turkey. Now, in the last period, the membership perspective and EU calendar (start up for accession talks) have speed up the legal adaptation process. Nevertheless the legislation of this late period is being criticised for its qualitative specifications: many laws and regulations are adopted by the parliament almost at a draft stage so that revisions and amendments have become imperative very shortly after enactment. As can be traced in the legislation tables in this study, many laws and regulations had to be fixed or corrected within the first months of implementation. In order to levy the shortcomings of those new laws, the parliament has started to enact special laws which are informally referred to as “bag-laws”.

A “bag-law” principally contains amendment paragraphs/statements for various laws and has no unity within. In each paragraph another law is amended. One can think of changes to different laws are put together in a bag to vote: Therefore the term “bag-law”. Although the “bag-laws” ease the parliamentary enactment process, they cause a disordered legislation that is very difficult to follow properly. Consequently, they decrease transparency of the legislation. Therefore, the compendium of laws had to be re-examined for any amendments via “bag-laws”.

In short, we understand the legislation process in the decade with respect to Habitat Agenda as a process, where first the concepts are identified, than intensively discussed and finally reflected in the legislation. However it is not possible to put the legislation into a direct causal context with the Habitat Agenda. A direct outcome of the Agenda cannot be found in any legal document. Nevertheless, an extensive correlation does exist between the legislation and the focuses of the Agenda. Thus it can be asserted that the Agenda and Istanbul Declaration have not been followed by the government and its related bodies on a one-to-one basis but have rather constituted a policy framework as a reference document. The Habitat Agenda should therefore be understood as a strategic-political guideline for governments in sustainable urban development and housing.

3. Implementation of the sustainability policies at different levels of administration

Since the 1992 Rio Summit, it is widely accepted that most of the problems in social, economical and ecological fields are considered global and solutions cannot be developed without the local. The Habitat Agenda and the Istanbul Declaration accept the local administration units as the most important partners for implementation. Furthermore close collaboration between governments, local administrations, NGOs and the private sector is considered inevitable for good practice and sustainability.

Turkey is a centrally governed country. The constitution of Turkey defines two administrative levels: the central administration and the local administrations. As an expression of this Unitarian structure, the 123rd paragraph of the constitution defines that the administration is a whole in terms of its set-up and duties. While the paragraph 126 identifies the central administration, the 127th paragraph secures the existence of the local administrations and defines the rules concerning the autonomy of the local administrations but identifies an administrative trusteeship of the centre over local administrations. A regional administration level does not exist.

The course of legislative activity in the time span of 1996-2005 according to years and the implementation level can be observed from the table in Attachment A (Legislative Activity between 1996-2005).

It shows that there is a localising implementation trend leading from central government towards local administrations. More than half of the cited legislation, which is 58%, point at the central government for implementation, while 42% of the legislation should be implemented at the local level. Although, as already mentioned, the regional administration level does not exist, the first public statement on the regional level ever in the government structure of the Turkish Republic, is the cabinet decision on identification of the NUTS (Nomenclature of Territorial Units for Statistics) regions; and these are clearly identified as statistical units. Despite the fact that there is a draft-law under discussion for establishment of Regional Development Agencies with boundaries of the NUTS regions, this step is not undertaken, yet.

The sustainable settlements development is divided into three parts as a default for the study: ecological, social and economical sustainability.

The first field of *ecological sustainability* contains 12 regulations published mainly in the last three years by the Ministry of Environment that foresee implementation at the local level; 8 laws and 7 international development cooperation agreements support Turkey's activities in ecologically sustainable development.

In the field of *social sustainability*, activities are concentrated rather on international projects. It seems that the UN is the strongest supporter of this field with 15 agreements. 8 laws in the field are mainly concerned with the approval of some international agreements. Total number of regulations is only 2. These

results show that there is just a limited priority for the field of social sustainability by the Turkish government.

The third field is *economical sustainability*. Legislation in this field is rather evenly distributed. 9 regulations, 7 laws and 7 international cooperation agreements describe the legislative activities in the ten years following the Habitat Summit in Istanbul. Regulations for housing finance even at local level, restructuring the state organisation (establishment or reformation of institutions) for new financial instruments in the housing sector describe the general layout of the field. The disasters and earthquakes and rehabilitation thereafter have apparently necessitated acquisition of some assistance funds from the World Bank and FAO in the years 1998-2000.

The second default perspective of the study is “Shelter for All”, where settlements development is taken into focus from the housing to the regional development scale. Public activities in the field of housing are covered by the Mass Housing Administration.

The field of construction is understood by the legislation as an implementation level at the local. Implementation rules of the Ministry of Public Works and Construction reorder the field with 6 regulations. Only one law is enacted in the sector in the period: the “construction control law“. After the disastrous earthquakes, it is intended to develop precaution measures in order to increase and effectively control the structural quality of new buildings.

The field of Urban Development is dominated by the Building Code as the principle law in building, planning and urbanisation issues. Although it is enacted already before the Habitat Summit (1985), its importance has to be underlined. For example, in the year 2003, with the change of the law, the proportion of land for public amenities to be reserved is increased by 5%, improving living standards in the newly developing areas. Regulations published by the ministry support the implementation of the law at the local level. Five International Cooperation projects with the UNDP aim at introduction and promotion of the Local Agenda 21 (LA21), Millennium Development Goals (MDG) and disaster rehabilitation.

The field of regional development in the past ten years is one of the areas where the least activity has taken place. However the approval of the NUTS regions has been a major step for regional development in Turkey that will open up further developments in the regional scale.

Expected Legal Changes:

There are several laws on the agenda of parliament and ministries. In order to frame up the study and provide a perspective for the upcoming legislation in the very near future, these draft laws are mentioned here as well; as far as those are made public.

The Ministry of Public Works and Resettlement is currently preparing a new law that will replace the Building Code of Turkey. The drafts are indicating a strong decentralisation in urbanisation issues. It is expected that a drastic shift of competencies towards local administrations will take place. Professionals and

local governments that are involved in the preparation of the draft assume the enactment of the new law within the first half of 2006.

Another expected law within the coming months deals with the Regional Development Agencies. Turkey having a central state structure, is strongly opposing federalism and a regional level of administration. But in line with the development needs of the country and in order to eradicate the development disparity between regions, the model of Regional Development Agencies (RDA) is proposed by the SPO. According to the model, the law will enforce establishment of unions of provinces and municipalities at the regional level, where the private sector, the organisations of entrepreneurs will be participating as a third party within the RDA structures. Thus, it is conceived that the central government (governor of the province), local administration (municipality) and the entrepreneurs of the region come together for decision making and effective implementation. The debate on the draft-law is still continuing. It is expected that the parliament will enact the law by the end of 2005.

Beside all these expected legal changes, the recently commenced scanning process for EU-adaptation will trigger a number of changes in the laws and regulations towards sustainability and strengthening of local and regional competencies in the coming years.

4. Conclusion

In almost all field it is possible to trace implementation level alternates between central government and local administrations. Provision of services to the citizens and on site implementations are principally the domain of the local administrations. Central government, on the other hand, clearly keeps the policy making and control functions directly under its own rule, even though the fields of implementation are related with local development, such as urbanisation, housing and shelter. Strengthening of local administrations, transfer of some competencies of the government to local administrations in terms of urban development can be seen only to a limited extent.

The past ten years with respect to urbanisation and sustainable development in terms of legislation in Turkey shows a clear path towards adoption of the Habitat Agenda. Even so, a causal connection cannot be established. However, it is apparent that with the Habitat Agenda Turkey has accepted a strategic framework and a policy direction for urban development.

C. Comparative report

I. The structure of the comparison

The main objectives of the following comparison of legislative activity in the five countries examined are:

- a short consideration of the **laws**, some of which appear analogously, in the countries examined which have been proved to act as the main regulatory works for the benefit of sustainability in settlement and housing matters
- An exhaustive comparison of the **instruments** available in the main fields of interest to Habitat.

Regarded as belonging to a holistic consideration of **laws** are:

- Laws on settlement planning at a local and regional level,
- Laws on urban development and urban renewal,
- House-building acts and Laws on Public Housing,
- Nature conservation acts,
- Water acts,
- Laws on Emission control and Immission protection acts,
- Soil protection acts,
- Waste management acts,
- Environmental assessment legislation,
- Historical preservation acts.

This list only includes the regulation of certain, material areas (from land-use planning to nature conservation, to historical preservation). Laws on the organisation of government, such as, for example, laws on the decentralisation of administrative structures and on the autonomy of local government are not mentioned. The five countries considered differ greatly as to the importance of such laws for the implementation of Habitat principles. Germany, Finland and the Netherlands have been countries with strong local government and a decentralised governmental structure for decades, in some cases for centuries. There have been no real changes here worthy of being mentioned. In Romania and Turkey decentralisation is only now being attempted. Autonomous local government has only been introduced recently, with great effort and only imperfectly. This is why laws on the organisation of government have a very different, prominent role in these countries. In particular the legislation of Romania, which only escaped communist leadership in 1990 can be read in this respect almost as a manual for creating a democratic and market-based political system. This is where the laws on government organisation which are also, and especially, important for the implementation of Habitat can be found. In particular, the following need to be mentioned:

- Laws on the decentralisation of public administration,
- Laws and decrees on the establishment of regions,
- Laws and decrees on the establishment of special agencies (e.g. with responsibility for regionalisation, for environmental protection, for exchange of experiences),

➤ Laws on municipal self government.

These laws are described in each of the respective national reports as well as in their appendices which are not printed here. They will not be referred to again. In general, however, it must be emphasised that: the goals and principles of the Habitat Agenda can only be realised imperfectly, if at all, where autonomous local government does not exist.

The comparative consideration of the **instruments** is based on the table included in the German report. The list is, however, supplemented chapter by chapter with those instruments which do not so far exist in Germany. In this way a complete toolbox of all the instruments available for the promotion of sustainability was created (see Table 2).

From the comparative consideration can be clearly seen that, as already mentioned in the beginning, laws and instruments created by the legislator do not offer the only means of implementing Habitat. Governmental programmes are also very important, often in connection with the allocation of subsidies. Subsidies must always, however, be tied in with a law, namely with the budget passed by Parliament. For the rest, the fundamental principle of legality of administrative action ensures that all measures which interfere with citizens' freedoms require a legal basis. Thus, although programmes and support programmes are indeed important they remain subordinate to the authority of the law (at least in a constitutional state).

II. Laws which have proved themselves to be the main regulatory works for the benefit of the goals and principles of the Habitat Agenda in the examined countries

1. Laws on settlement planning at local and regional level

That sustainable development of towns is not possible without efficient town and regional planning is a theme which has been developed in several of the national reports (Finland and Romania, among others). The legislator is required to regulate the various stages, any possible content as well as the preparation of the spatial plans. Public participation and the ensured consideration of the requirements of the environment are indispensable. These laws have been in existence in Germany, Finland and the Netherlands for a long time. They regulate the land-use planning in accordance with a high standard of participation of the public, as well as of public agencies and environmental impact assessments.

2. Laws on urban development and urban renewal

Not only the problem of regulating new projects but also, and particularly, the problem of adequately dealing with old ones which may comprise inadequate stock or stock which has been damaged by natural phenomena exists in all five of the examined countries. The owners are not often in a position to maintain and modernise the buildings without public subsidy.

3. House-building acts and Laws on Public Housing

The provision of floor space is very different in the five countries examined. In Germany, Finland and indeed in the Netherlands there are only localised shortages, the supply is otherwise ensured at a high level, there is, in parts, even a surplus of floor space. The provision of floor space is still inadequate in Romania as an after-effect of communism, the population is, however, declining so that a solution to the problem appears to be in sight, at least under the assumption that the economic situation of the general population will improve. Housing is under pressure from a growing population in Turkey, and it is only here that mass housing is still being conducted with public funds. The three prosperous countries concentrate more on the problems of providing floor space for groups with special characteristics or demands on housing: those with disabilities, older people, foreigners.

4. Environmental conservation acts, water acts, immission protection acts, soil protection acts, waste acts

A strong pressure to develop leads to the uncontrolled development of nature, the overloading of waters and the air with pollutants, as well as to contamination of the soil by waste products, among other things. These problems must be addressed by the legislator. The member-states of the European Union are further advanced than, for example, Romania and Turkey for the reason that it is the European Community that actively sets the standards and forms the guidelines in the area of environmental protection. The legislation of the highly developed industrial countries can be regarded as exemplary in this area. A variety of instruments are put into operation to combat the destruction of nature and environmental pollution. The list of instruments gives information as to which instruments were introduced in the years between 1996 and 2005. The most successful internationally is the environmental impact assessment system used in the course of preparing all sorts of plans and programmes as well as for the permissibility of environmentally significant projects.

5. Historical preservation acts

Historical preservation is a part of cultural sustainability and therefore a component of the fourth dimension of sustainability (alongside ecology, economy and social justice). Historical preservation in Germany belongs to the jurisdiction of the member-states, that is why this topic was dropped from the German report. Historical preservation is, however, such an important topic for countries with strong pressure to develop that it cannot go unmentioned in any discussion of sustainability

III. The instruments at the disposal of the legislator for the promotion of the goals and principles of the Habitat Agenda

There follows a table in which the instruments for sustainability of all five of the examined countries are presented parallel to each other. The exhaustive tables of laws drawn up by all of the reporters form the basis of the diagram though they are themselves not printed here. The parallel presentation allows interesting comparisons showing how certain, in principle, similar laws vary within the examined countries. In the Netherlands, for example, living costs are, as a rule, only then directly subsidised when they are for the purpose of acquiring property and are only paid as ongoing „accommodation allowance“ to subsidise rent in emergencies. This should also be given some thought to in Germany. Accommodation allowance is a bottomless pit, the acquisition of property is not.

Tab 2: Overview of the concurrent or exemplary instruments used in Germany and in the examined countries which were introduced or newly **regulated in the period between 1996 and 2005** with positive effects on the aims and general principles of the Habitat Agenda. (NOTE: An empty field does not mean there is no relevant legislation, but that there was no regulation in the period referred to.)

Part 1: Adequate shelter for all

I. CONSTRUCTION SITES / BUILDINGS (see also Energy conservation)					
INSTRUMENTS	Germany	Finland	The Netherlands	Romania	Turkey
Standardised norms for construction and buildings including quality measures	In Germany, state laws on construction and building (Bauordnungen) differ from state to state; only special norms connected to labour are federal – e.g. Law on Labour Security (17/1999)	The National Building Code of Finland is binding and regularly modified (several modifications during 1996-2005). The Code includes the following sections: general section, strength of structures, insulation, energy management, structural fire safety, general building planning, and housing planning and building.	Approval list of acknowledged quality measures by the Foundation for Building Quality (changes in norms for floors – 1996- B 1; quality measures – 1997 - B 2; Decree on Building existent buildings/ set prescriptions and norms for construction safety and fire safety 1997 -- B 3 / B 4; Amendment in the Decree on Building. Rules concerning the use of materials with formaldehyde and asbestos – 1998 – B 5 -; 2001, <i>Decree on Building</i> . Total renewal of the old Decree (1991). Prescriptions on safety, health, usability, environment and energy saving. In 2002 again	-Methodological Norms – 7 th of December 2000: application of Housing Law 114/1996 -Law no. 326/2001 – the Law of Public Utilities . -Law no. 453 – 18 th of July 2001: modification and completion of law no. 50 / 1991 regarding the authorization of construction works and some measures for dwelling construction -Order of the Ministry of Public Works, Transport and Housing no. 1943 – 19 th of December 2001: approval of the Methodological Norms for applying the Law no. 50 / 1991 regarding the authorization of construction works – updated and republished	Regulation by Reg. Nr. 23804/1999: Standardization of the building code / increases the standards for settlement development in comparison with the previous version.

			totally renewed for 2003, according to resolution 83/477/EC.		
Standard marking system for labelling building material	Law to amend the Building Products Act (in accordance with Guideline 89/106/EC: Labelling building materials with CE-Norm) (2/1998)	Law according to Guideline 89/106/EC	Law according to Guideline 89/106/EC	Law according to Guideline 89/106/EC	Law according to Guideline 89/106/EC by VO Nr. 24870/2002: Adopts the European Regulatory Directive (89/106/EC) for Construction Materials
Official encouragement of architectural qualities and the building culture	Federal Building Culture Foundation; Regulation of the education of construction trades (6/1999)		2001, Amendment of the Law on Housing concerning the procedure for building permission and the supervision by the Controlling committee on good-looking architecture (B 7).	Special committees within the permit process	
Monitoring a building's safety	Permit procedure according to building by-laws (member-states' jurisdiction); construction sites must be approved before construction can start (11/1998); setting up chimney-sweeps' districts (16/1998); special control of elevators (12/1998)				Rg. Nr. 24491/2001: Regulates the control procedures at constructions (introduced after the heavy losses in the Marmara Earthquake).
Protection of ancient monuments	Member-states laws to protect ancient monuments			-Law no. 422 – 18 th of July 2001: Historical Monuments Protection ; -Government Decision no. 1430 – 4 th of December 2003: approval of the Methodological Norms regarding the covering of the costs of protection works and intervention on historical monuments	Law on renewal, preservation, maintenance and utilization of the deteriorated historical and cultural immovable assets (G Nr. 25 866 / 2005).

II. HOUSE-BUILDING AND HOUSING					
INSTRUMENTS	Germany	Finland	The Netherlands	Romania	Turkey
Constitutionally protected „ basic right to housing “	Indirect protection through the Basic Law : right to life and physical inviolability; principle of welfare state. Directly regulated in Book XII of the Social Security Code – Social Assistance (12/2003)	Sustainable housing policy through the provision regarding the duty of the public authorities to promote everyone’s right to housing (Finnish Constitution Law No.. 731/1999)		-Law no. 114/1996 : Law of Housing -Law no. 213/1998 on public property and its legal status. -Law no. 10/ 2001 regarding the legal status of buildings abusively taken into possession between March 6, 1945 – December 22, 1989	
Allocation of the Federal Government’s and local government bodies’ sites for house-building	A matter for local government			National Housing Agency allocates land for house-building	Reg. on Development of Building Plots on Publicly owned Lands and their Sale - Replaces the former regulation Regulates provision of cheap urban land for housing development VO Nr. 25580/2004
State subsidy for public housing projects (also for council house-building) and modernisation of dwellings	Basic rules stipulated in the Act to Promote Public Housing Accommodation (20/2001; 10/2003)	The Act on State-Subsidized Housing Loans (ARAVA loans) (1189/1993) is central in this respect. The Act was amended in 1999 (571/1999) with provisions concerning the possibilities for getting ARAVA loans for housing production on the		-Order no. 15 – 24 th of June 1997: situation of land for dwelling construction -Law 190/1999 - mortgage credits for investment in property - Government Emergency Ordinance no. 148/1999 regarding	Mass Housing Law with following changes: Projects for slum eradication and mass housing are prioritized housing projects and competencies are given to Housing Development Administration over municipalities (G.Nr. 18 344 – amended

		basis of the 'public good'.		<p>the legal status of land for building through the National Housing Agency</p> <p>-Ministry of Finance Order 1026/2000 - applying the zero rate of VAT to housing construction, consolidation and rehabilitation</p> <p>-Decision no. 950 – 5th September 2002: approval of Methodological Norms for applying the Government Ordinance no. 19/1994 for stimulating investments in the dwelling construction</p> <p>-Law No. 172/2003 for the approval of EGO No.201/2002 for the modification of Law No.190/1999 regarding the mortgage loan for building investments</p> <p>-Law No.330/2003 for the approval of the EGO No.200/2002 regarding the mortgage loans companies</p>	15.02.2004)
Monitoring eligibility for council houses	Imposing a levy on tenants who inappropriately occupy council housing as their income has risen above that foreseen by the	Flats for social rental housing must be given to housing applicants who are homeless, in the most urgent need of housing, have modest means and			

	scheme (21/2001)	low income. (Council of State Decree on the Grounds Applied in the Selection of Residents in the State-Subsidised Rental Housing (1191/2001)..			
Direct subsidy when building or acquiring housing property	Beside state subsidies for public housing until 2006: Home-Owners Allowance Act: Direct allowance when purchasing an own-use single family house or own-use flat (invalid after 2006) (1/1996; 7/1997; 26/1997; 14/1998; 21/2000)		Regulation to promote house ownership. People with medium and low income can get a subsidy from communities if they buy a house in stead of renting one – to promote better living environment (H 5)	-Law No.15/2003 regarding the state support for youngsters in view of construction a private owned housing building -Governmental Decision No.401/2003 for the approval of the Methodological Norms for the implementation of the provisions of Law No.646/2002 regarding the state support for youngsters in the rural areas Subsidies to buy dwellings for private owning up to 30 % of the market value; in addition, subsidies zu the mortgage rates for max. 20 years (G Nr. 114/1996)	Reg. on Utilization of the Resources of the Housing Development Administration - Reg. Nr. 24730/2002: Housing Development Administration does not only provide built dwellings but also credits and loans for housing.
Tax privileges for acquiring housing or for modernising floor space	Tax privileges for contributions paid into a building society; increased write-off of expenses for acquisition (Income tax law) (26/1997; 19/1998)			Owner of newly constructed dwellings are free from ground tax for 10 years (G Nr. 114/1996)	

<p>Financial support for overhead costs for floor space</p>	<p>Payment of an allowance for rent (or loan repayment for own-use property) to applicants with a low income, the amount depending on empirically derived rent-levels (Public Housing Allowance) (14/1998; 24/1999; 22/2000; 2/2001; 22/2001); Data comparison to prevent abuse (17/2004)</p>	<p>The Act on Subsidy for the Improvement of the Housing Conditions of Special Groups (1281/2004) provides frames for financial aid in order to increase the supply of appropriate rental dwellings, but only for the special groups</p>	<p>See above (H 5)</p>	<p>-Law no. 416 – 18th of July 2001: the guaranteed minimum income -Emergency Governmental Ordinance no. 5 – 20th of February 2003: according subsidies for dwelling heating costs and other facilities offered to population for the payment of thermal energy, modified by Emergency Governmental Ordinance no. 81 – 18th of September 2003 and Governmental Decision no. 776 – 14th of July 2005</p>	
<p>Civil law protection for tenants</p>	<p>Regulations in the German Civil Code: notices to quit for the purpose of raising the rent are impermissible – the tenant must however accept raised rents up to the level reached by other comparable accommodation and absorb modernisation costs of 11% p.a. (6/2001)</p>		<p>1996: Decree on amendments on the Rent Act/ Law . Concerning rules and agreements between renters and landlords; rent protection. Amended in 1997 – stricter tasks landlords (often: house co-operations). Amended in 1998: more flexibility for landlords and house co-operations in the rise of rent. Amended in 1999, 2000, 2001, 2002: new rises in rent have been settled</p>		

			<p>(H4); 1998: Law on consultation between renters and landlords : Rules, duties and rights for consultation. Amended 1988, strict division between tasks of landlords for the benefit of the houses, the liveability and the environment and of landlords for the sake of the landlords company c.q. organisation. (H 6); 2003: Amendment on Civic Law/ Code art.244: it is easier (more possibilities) to hire rooms in ones house (H 8)</p>		
<p>Special regulations for those with special accomodation needs</p>	<p>Regulated by local Building Plans</p>	<p>Act on the Subsidy for the Improvement of the Housing Conditions of Special Groups (laki avustuksista erityisryhmien asunto-olojen parantamiseksi) 1281/2004, published on December 31st 2004: provisions concerning the improvement of the housing conditions of groups of special need. Act on the Housing Renovation and Energy Subsidies (laki asuntojen korjaus- ja energia-avustuksista) 1021/2002, published on December 9th 2002: Renovation of</p>	<p>2005: Amendments on Law on unoccupied houses. Communities got more possibilities to hire unoccupied houses (which will be broken down) to students (temporarily housing – to prevent rent protection) (H 10)</p>	<p>Decision no. 684 – 1st of November 1997: humanitarian aid for homeless people in Bucharest -The Housing Act 114/1996; with amendments and extensions -Emergency Ordinance 40/1999 – tenants’ protection and rent-setting for dwellings -Law 241 – 16th of May 2001: approval of the Emergency Government Ordinance No; 40 / 1999 for tenants protection.</p>	<p>Standards for handicapped: See the following chapter sub 11</p>

		<p>dwellings of the disabled and elderly people on social grounds, renovations aiming at removal of movement obstacles, improvement of household water system on social grounds, removal of health disadvantages on social grounds, implementation of a planned renovation of housing stock, improvement of energy efficiency of dwellings, reduction of emission of the use of energy in dwellings, and implementation of renewable energy in dwellings</p>			
<p>Setting up a governmental institute for encouraging house-building</p>	<p>Already in place: - the Housing Agencies of the member-states (Wohnungsbauanstalten der Länder) and - the Reconstruction Loan Corporation (Kreditanstalt für Wiederaufbau)</p>			<p>-Law 152/1998 - the creation of the National Housing Agency and procedures for applying Law</p>	<p>VO No. 24730/2002: The Housing Development Administration provides built of dwellings also by credits and loans for housing..</p>
III. TOWN PLANNING AND SETTLEMENT					
INSTRUMENTS	Germany	Finland	The Netherlands	Romania	Turkey
<p>The basic rules of urban land-use planning</p>	<p>German Federal Building Code, renewed 1998 (20/1997), amended 2001 (13/2001) and 2004</p>	<p>Land Use and Building Act 1999 replaced the Building Act 1958 with all its amendments. The</p>	<p>Law on Physical Planning: The various basic laws have been in existence before 1996 and</p>	<p>Law no. 350 - 6th of July 2001: law no. 350/2001 Law on town and country planning and</p>	<p>Ýmar Kanunu (Building Law or Building Code): The Law regulates</p>

	(9/2004)	general objective of the new Act is to promote ecologically, economically, socially and culturally sustainable development, and to ensure everyone's right to participate in the preparation process.	have been modified in the period under discussion	the city planning – (spatial, regional and urban planning = Urban and Territorial Planning Law) -Governmental Decision no. 855 - 30 th of August 2001: Approval of Methodological Norms : financing the elaboration of the general urban planning documents and of urban planning general regulations	- Settlement development - Physical planning at all scales and levels - Rules for urban public amenities - Building plots (parcels) and their standards - Permits and approval procedures for buildings and construction - Usage rights for buildings.
Well-established public-private partnerships (PPP)	§§ 11, 12 German Federal Building Code , amended 1988 (20/1997) and 2004 (9/2004): explicit regulation of town planning contracts and project related binding land-use plans	Regulation of planning contracts in the 1999 Land-Use and Building Act		Law 293 from 2003 on public-private partnership projects, especially for the construction of highways	
Obligatory (also cross-border) co-operation for neighbouring local government bodies and authorities involved in urban land-use planning	Corresponding regulation in the German Federal Building Code expanded by the Adjustment Act for Europe (Building Code) 2004 (9/2004)	Corresponding regulations within the Land Use and Building act of 12.2.1999 (G No. 132/1999)	Corresponding regulations within the Law on Physical Planning (P 1)	Corresponding regulations within the Law no. 350 - 6 th of July 2001: Urban and Territorial Planning Law (G Nr. 350/2001)	Law on approval of “European Outline Convention on Transfrontier Cooperation between Territorial Communities or Authorities” – (G No. 23965/2000): Enabling direct international cooperation of local government in border regions; see also in general Reg. Nr. 25434/2004 and 25729/2005.
Obligatory public participation in urban land-use planning,	Corresponding regulation in the German Federal	Strengthening public participation through the	Corresponding regulations within the Law on	Law no 86/2000, which ratifies the Aarhus	See also the regulations on environmental impact

including cross-border public participation	Building Code expanded by the Adjustment Act for Europe (Building Code) 2004 (9/2004)	requirement to interactive and public preparation of plans, participation and assessment scheme. (Land Use and Building Act, No. 132/1999)	Physical Planning (P 1)	Convention on access to information , public participation in decision-making and access to justice in environmental matters, guarantee free circulation of the environmental information; corresponding regulations within the Law no. 350 - 6 th of July 2001: Urban and Territorial Planning Law (G Nr. 350/2001)	assessment
Environmental impact assessment of certain public and private projects (Project EIA)	First regulated in the EIA law 1990 , re-enacted 2001(13/2001) and 2004 (9/2004)	Act on Environmental Impact Assessment Procedure (Laki ympäristövaikutusten arviointimenettelystä) 468/1994, published on June 17 th 1994 (No. 468/1994), with further amendments in 1999	Law according to guideline 85/337/EC		Reg. on Working Procedures and Principles of the Local Environment Councils - Nr. 25434/2003: Replaces the former EIA regulation - Participation of local institutions in environment related decision processes
Strategic environmental assessment of plans in accordance with guideline 2001/42/EC : Obligation to audit the probable significant environmental effects caused by the realisation of urban land-use planning already being processed, obligation to prepare an environmental report, monitoring the environmental effects of realising urban land-use	Guideline implemented by the Adjustment Act for Europe (Federal Building Code) 2004 (9/2004)	Act on Environmental Impact Assessment of the Plans and Programmes of the Public Authorities (Laki viranomaisten suunnitelmien ja ohjelmien ympäristövaikutusten arvioinnista) 200/2005, published on April 12 th 2005 (No. 200/2005)	Law according to guideline 2001/42/EC; Obligation of the local authorities to prevent buildings on contaminated soil (S 2)		
Special obligation to consider	Duty to consider legal	Sustainable urban and			

<p>the requirements of nature conservation in urban land-use planning</p>	<p>aspects of intervention-compensatory measures for nature conservation in urban land-use planning (6/1998; 5/2002)</p>	<p>regional development through the obligation to follow the Nature Conservation Act (Act Nr. 1096/1996)</p>			
<p>Relaxing State supervision of local -government as regards urban land-use planning</p>	<p>Abolition of the permit procedure for binding land-use plans on the part of higher-level administrative authorities (20/1997; 9/2004)</p>	<p>Repeal of the obligation to obtain state confirmation to detailed plans (Building Act from 1958, amended between 1996-1999) (No. 929/1996)</p>			
<p>Limiting the timeframe of validity for urban land-use planning</p>	<p>The preparatory land-use plan is to be checked for its relevance after a maximum period of 15 years and if necessary re-compiled (9/2004); the timeframe of B-Plans may be limited by the local council (9/2004)</p>	<p>The local authority must monitor detailed plans to ensure that they are kept up-to-date. If a plan is mostly unimplemented 13 years after its confirmation, the local authority must assess whether the plan has to be amended before any new construction is allowed on site. (Act No. 132/1999)</p>		<p>Special plans are only valid for the timeframe established by the local council</p>	
<p>Use of special governmental funding for town planning and urban renewal</p>	<p>Use of funds from federal, member-states' and local authorities' budgets in formally designated development areas, redevelopment areas and areas belonging to the Socially Integrative Cities Programme (9/2004)</p>	<p>Town planning development areas may be designated.</p>	<p>1996: regulation on liveability, safety and city economics for 15 big cities. Amended in 1998; 2000: subsidies on liveability for 5 extra communities, revised in 2001, 2002, 2003 (T 1); 1996: regulation on subsidies for communities to differentiate houses in districts with unidirectional kind of houses. Amendments in 1998 and 1999 (T 2);</p>		<p>Mass Housing Law: Creation of a special financial aid and credit line for the victims of the "Feb. 2002 Afyon Earthquake" (G Nr. 18 344); Projects for slum eradication and mass housing are prioritized housing projects and competencies are given to Housing Development Administration over municipalities: (G Nr. 18344/1984 in Verb. mit</p>

			<p>1996: Regulation on subsidies URBAN-programmes. Implementation of EU directive 94/C 180/2. Subsidies from EU and National Government to improve degenerated districts in the 4 Big Cities.(T 3); 1997: Decree subsidies to stimulate economic developments in degenerated districts in the 4 Big Cities. (economische stimuleringsgebieden)T 4); 1998: Law on experiments for City and Environmental Projects (Stad en Milieu). This is a renewal of the Law for City and Environment (1993), in which clear criteria are formulated (economical and efficient land use and optimal quality for living in cities) and more financial support for cities are provided who develop integrated plans for city renewal. In 2001 and 2002 new districts are approved as experimental areas. (R 1); 1998, Regulation subsidies on projects for nature and scenery in and around cities (ecology,</p>		<p>VO Nr. 25247/2003 und VO Nr. 25452/2004); Reg. changing the Implementation Regulations of the Squatter Settlements Law - VO Nr. 23804/1999: Introduces among others financial tools (e.g. soft loans) easing the red-tape for the squatter dwellers.</p>
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			<p>recreation, perception, coherence with nature, adjacent to cities), (T 5); 2000: Law Urban renewal, integrated law on physical city renewal: housing, planning, environment, scenery and economy in cities. Coordination of all kinds of subsidies. It substitutes parts of the laws on Town and Village renewal and different sorts of subsidies regulations. For these, amendments and / or additions have been made in 2000 (T 6); 2001: Decree stimulating innovative developments in urban renewal by subsidies for projects. Additions in 2002 (subsidies for 2003 en 2004), 2003, 2004. Finished in 2005 (T 8; T 11); State law restricts the level of savings for urban and village renewal. The maximum savings should not exceed 4 times the yearly subsidy. This is meant to prevent communities to save in stead of using the subsidies for the aim: urban and village renewal or to use it for other projects. (F 1)</p>		
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Implementing the Goals and Principles of the Habitat Agenda

<p>Local authorities have the pre-emptive right when disposing of sites</p>	<p>Expansion of the (existing) pre-emptive right for authorities to urban renewal areas with safeguard rulings (9/2004)</p>	<p>There is an old law on the pre-emptive right. The Land-use and Building Act 1999 (112§) defines, that in special development areas, the local authority has the pre-emptive right without any square metre limit. It means that the municipality can use the right also in small sites, which is not possible in planning in general.</p>	<p>1996: Communities get the first right to buy ground and buildings for city (re)development and for newly neighbourhoods (C 1)</p>		-
<p>Co-operation of the Federal Government / local authorities during land allocation</p>	<p>Introduction of „simplified re-allocation“ instead of boundary settlement (9/2004)</p>				<p>Ýmar Kanunu (= Building Law or Building Code) (G Nr. 18749/2005): The ratio of land to be reserved for public amenities in new development areas (school, greenery, car park, playground, shrine, police station, etc) is increased from up to 35% to up to 40%.</p>
<p>Controlling the settlement of shopping centres and large area retail</p>	<p>Beside existing planning law: Regulation of opening hours for retail outlets (6/1996; 2/2003)</p>	<p>A large retail unit may not be located outside the area designated in the regional plan or the local master plan for central functions, unless the area is specifically designated for such a purpose in the local detailed plan. (Act No. 132/1999)</p>			

Enabling co-operation between local authorities	During urban land-use planning: joint preparatory land-use plans as per § 204 German Federal Building Code ; joint binding land-use planning as per § 205 German Federal Building Code (20/1997). Otherwise: constitutional right of the local authorities within the scope of member-states' jurisdiction	Possibility of joint master plans is regulated in the law 132/1999	2002: Law on extension of Joint Governance Rules (Communities' Cooperation) for 7 cities and their region. The extension is for 2 years (until 01-01-2005), waiting for a new law on Governance in urban regions. 2004, again extension for 2 years (until 01-01-2007). (C 2)	Law on Local Authorities allows co-operation, especially in metropolitan areas in the law regarding urban territorial planning. Law 350/2001	Law on local administration unions
Introducing special town planning development areas	In Germany existing since 1971. New regulations in the BauROG 1998 (20/1997).	The local authority may designate one or more specified areas in the municipality as special development areas for a maximum fixed period of 10 years. (Act No. 132/1999)			

IV. TOWN / COUNTRY PLANNING AND REGIONAL PLANNING					
INSTRUMENTS	Germany	Finland	The Netherlands	Romania	Turkey
General regulation of the governmental task „regional planning“	Federal Regional Planning Act materially amended by the Federal Regional Planning Act 1998: duty of member-states to compile regional plans according to a standardised system; introduction of regional preparatory land-use plans	Land Use and Building Act (Maankäyttö- ja rakennuslaki) 132/1999 , At least once a year, a local authority must negotiate with the regional environment centre on issues concerning land use within the local	Law on Physical Planning; 2000: Law Urban renewal , integrated law on physical city renewal: housing, planning, environment, scenery and economy in cities. Coordination of all kinds of subsidies. It substitutes parts of the	-Law no. 151 – 15th of July 1998: Regional Development Law -Law no. 315 – 28th of June 2004: Regional development in Romania	Reg. on Principles for Making of Sub-Regional Zoning Plans -VO Nr. 24220/2000; Reg. changing the Regulations for principles of development plan making – 23804/1999 –

	(20/1997), amended 2004 (9/2004)	authority's territory.	laws on Town and Village renewal and different sorts of subsidies regulations. For these, amendments and / or additions have been made in 2000. (T 6)	Law no. 350 - 6 th of July 2001: Urban and Territorial Planning Law	with changing by Reg. Nr. 24345/2001: Introduces the sub-regional planning scale (1:25.000-1:100.000) and redefines the development plans. The Law on the Ministry of the Environment and Forestry and the Provincial Administration Law regulate the task of regional planning
Strategic environmental assessment of plans and programmes even at the regional planning level	Duty to audit the probable significant environmental effects caused by the realisation of regional planning charts or town / country planning already being processed, Obligation to complete an environmental report, monitoring the environmental effects of realising such plans (Strategic Environmental Assessment) (14/2005)	Act on Environmental Impact Assessment of the Plans and Programmes of the Public Authorities 200/2005, published on April 12 th 2005 (No. 200/2005)	Law according to the Guideline 2001/43/EC		
Planning precautions against natural catastrophes (flooding, earthquakes) and hazardous accidents	Act to Improve Preventive Flood Control (8/2005); Act on accidents with hazardous materials (13/2005; 16/2005); Federal Agency for protection against		Regulations exist.	-Order no.770 – 26th of September 1997: National Action Program for reducing the seismic risk of existing constructions: dwellings and important public use buildings;	Implementation Reg. of the Resettlement Law - Nr.24849/2002; Replaces the former regulations. Identifies Resettlement conditions and regulates procedures

	catastrophes (7/2004)			-Ordinance no. 62 – 22 nd of august 2003: modification and completion of the Ordinance no. 20/1994 regarding measures for reducing the seismic risk of existing buildings	and financing of resettlement activities. See also monitoring a building's safety and governmental funding for town planning and urban renewal
Special coastal zone management	Regional Planning Act: town / country planning for the German exclusive economic zone in the Northern See and the Baltic See (8/2004); Regulation of the Joint Task: Improvement of agricultural structure and coast protection (19/1997)		Regulations exist.		Reg. changing the Regulations of the Turkish National Committee on Coastal Zone Management - Nr. 25 116/2003
V. INFRASTRUCTURE, TRAFFIC SYSTEMS					
INSTRUMENTS	Germany	Finland	The Netherlands	Romania	Turkey
Promoting environmentally-friendly traffic	Tax concessions for vehicles with a low concentration of air-pollutants (11/1997; other tax concessions: 23/2000)	There are several state-level programmes for this (for example promotion of bio-fuel).	1997: Regulation of subsidies for Silent, Cleaner and more Economic (Stiller, Schoner en Zuiniger) transport in cities (public transport and goods transport; programme for a new transport system to diminish environmental pollution, 1997, 1998. Additional plans for 1999-2003, for which subsidies have been determined yearly (I 1); 2001: Decree		

			<p>Programme on Town Planning and Transport Subsidy for communities who develop energy saving methods for mobility (transport) in case of planning or restructuring districts. (I 2); 1998: Amendment on the Law of passenger traffic. New forms of water traffic as public transport in very densely populated areas of The Netherlands (I 4).</p>		
<p>Precautions against accidents involving hazardous substances (See also under „waste“)</p>	<p>Regulating the transport of hazardous substances on streets, railways systems and inland waterways: (14/1996; 15/1997; 14/2001 - waterways); 2/2005 - streets and railways))</p>				
<p>Regulating the interoperability of the rail system</p>	<p>Regulations on interoperability in the high-speed and the conventional trans-european rail system (5/1999; 1/2005)</p>				
<p>Coordinating the flight plans of the passenger airports in Europe</p>	<p>Regulation on implementing flight plan coordination (11/2005)</p>				
<p>Regulation of infrastructure networks</p>	<p>Regulation of pipelines (3/2003); Regulation of Federal Highways (14/2004; 18/2004);</p>				

	Regulation of the Federal rail networks (13/2004; 18/2004); Regulation of Federal waterways (7/2005); Regulation of electricity lines (17/2005)				
Regulation of fees on the use of streets	Fees for parking on local streets (1/2004)				

Part 2: Sustainable Settlements Development

I ECOLOGICALLY SUSTAINABLE DEVELOPMENT					
INSTRUMENTS	Germany	Finland	The Netherlands	Romania	Turkey
General: Principle of environmental protection rooted in the constitution	Art 20a of the Basic Law (since 27. 10. 1995)	(1) Finnish Constitution (Suomen perustuslaki) 731/1999, entered into force March 1 st 2000: Sustainable urban development through the provision concerned with the right to healthy environment .		The right to a healthy environment in the revised constitution of 1990.	
Introduction of an environmental liability insurance		Environmental Damage Insurance Act (laki ympäristövahinkovakuutuksesta) 81/1998: Any private corporation whose operations involve a material risk of environmental damage or whose operations cause harm to the environment in general shall be covered by insurance.			

1. Soil					
Basic regulation	Federal Soil Protection Act (Framework laws for the soil protection acts of the member-states): duty to avoid damaging changes to the soil, empowerment to regulate the clean-up of contaminated soils, financing independent of the party responsible with the balancing payment as a public burden; Defining values for inspection, intervention and precautionary measures (1/1998; 4/1999; 9/1999)	The Environmental Protection Act 2000 can be seen as comprehensive act since it combines formerly separated laws, or sections of laws, regarding noise pollution, water bodies, chemicals, soil, and air pollution, for instance.	Law on protection of the soil (Wet Bodembescherming)) (S 1): Provinces have to implement soil cleaning and are responsible for the budget and the cleaning. 25 big cities got the same competences and they are free to choose the instruments. The Agency will have to give advices for soils that can't be cleaned and to levy tax on it.		Reg. on Soil Pollution Control - VO Nr. 24609/2001.
2. Waste					
Basic regulation	The basic rules are in the Act for Promoting Closed Substance Cycle Waste Management and Ensuring Environmentally Compatible Waste Disposal (Law from 27.9.1994 with current amendments)	Finland's national waste plan is based on the Waste Act (1072/1993) which aims to support sustainable development by promoting recycling and reasonable use of natural resources, as well as by preventing the disadvantages of waste to health and environment. Amendments in 2004			Reg. changing the Solid Waste Control Regulations – (Nr. 25777/2005) Extensive changes to original reg. from 1991 adapting the reg. to local conditions – increased implement ability.
Regulation of waste transport	The transport (also cross-border) of dangerous waste products is subject to special rules (14/1996); setting up a joint fund for the return of wastes which have been unlawfully transported abroad where				Reg. on Control of Hazardous Waste - VO No. 25755/2005: Regulates measures and procedures against hazardous waste. Based on the Environment Law and The Basel

	the party responsible for returning it cannot be determined (12/2000)				Convention on the Control of Transboundary Movements of Hazardous Waste.
Special control on waste disposal sites and waste incineration plants	Special control on waste disposal sites (11/2001); waste incineration plants need special permission (3/1999; 8/2003)				
Separating waste	Duty to separate municipal waste and waste from construction and demolition into the categories : 1. Paper and cardboard; 2. Glass; 3. Plastics; 4. Metals; 5. Biodegradable kitchen and canteen waste (10/2002)		365 laws, amendments, resolutions and regulations on waste , concerning the regulations of all kinds of rubbish materials, like building materials, chemical residues, dredging, radioactive rubbish, but also rules for producing electricity, rules for transporting different kinds of rubbish, etc.		
Introduction of closed cycle waste management in waste processing	Scrapped cars may only be turned over to recognised reception and processing plants (16/1997); recently the obligation of the manufacturer to take back end of life vehicles free of charge (12/2002); obligation to label recyclable parts (12/2002); Batteries containing pollutant matter are subject to a return scheme (3/1998; 8/2001); A	The Waste Act (1072/1993) was amended in 2004 (452/2004) in a way which defines in detail the responsibilities of the producer of waste. The amendment also states that the last user of a specific product (motor vehicles, tyres, electronic devices, packages, paper) has the right to deliver it for free to the recycling, reuse or waste management system	1997, Regulations on packing materials and packing rubbish , Amendments in 1999,2000, 2001, 2002; 2005: resolution on packing paper and cardboard (W 1); 1997: Agreements (Covenant) between government and firms Regulations amended in 1999, 2000, 2001, 2002; 2002, new Agreements (Covenant) between		

	<p>deposit must be charged when selling a car or starter battery to a consumer if he does not return an old car battery; Obligation to collect transport packaging, sales packaging and other packaging as well as plastic crates and palettes (17/1998; 14/2000); Obligation to charge a deposit for beverage containers (particularly cans) as well as for cleaning agents and detergents and emulsion paints containers (17/1998; 11/2005); Obligation for the manufacturers to take-back, separate and collect electrically powered and electronic devices (6/2005)</p>	<p>arranged by the producer. In addition to the Act, the European Union waste directives play crucial role in the national waste plan.</p>	<p>government and firms (W 2); 2001: Resolution concerning subsidies to communities for preventing and diminishing rubbish by separating rubbish, preventing rubbish and saving energy amended yearly (W 3); 2003: prevention rubbish in general, sanitation rubbish and oil pollution by ships amendments in 2003 and 2004 (W 4)</p>		
3. Energy (Electricity, Energy Conservation)					
Liberalising the energy market	<p>Opening up the power supply grid for all providers: Guaranteed access to the grid for the connection and supply of customers (5/1998)</p>	<p>The liberalisation legislation is from 1995 (Electricity Market Act 386/1995). Between 1996-2005 there have been some minor amendments.</p>	<p>1998: Electricity Law. This law replaces the Electricity Law of 1989 and aims the liberalisation of the Electricity Market in three steps, due to the EC directive nr. 96/92/EC. Every year amendments to improve this law, regulations for subsidies,</p>		

			taxes and tariffs. (486 amendments and regulations) (EL 1)		
Promoting the generation of energy from renewable sources	<p>Grid operators are obliged to accept electricity from renewable energy at a price regulated by law (4/2000; 6/2000; 7/2003; 11/2003; 11/2004); Grid operators are obliged to accept and pay remuneration for electricity from power stations using combined heat / power generation (4/2002; 6/2002); Promoting the installation of geothermal power pumping plants (11/2004); privileged status of plants for research and use of wind and water energy as well as generation of energy from biowaste in undeveloped outer areas (7/1996; 9/2001; 9/2004)</p>	State-level programmes	<p>2001: regulation of Green Certificates for the production and use of Green Electricity. In 2003 this regulation is fit into the Electricity Bill and revised into a system of Guarantees of Origin of production of electricity, according to the EC directive 2001/77/EC (EL 2)</p> <p>1996: Subsidy for solar energy systems, yearly new amount</p> <p>1996, Programs for sustainable energy (EN 1);</p> <p>1998: Implementation regulation of new and alternative energy sources and energy savings (BSE-1998). Subsidies for new programs: 1. new energy conversion; 2. fuel cells; 3. energy storage; 4. wind energy; 5. energy from rubbish and bio mass; 6. thermal solar energy . Yearly update. In 2001 restricted to sustainable energy only. In 2004 further</p>		

			<p>restrictions. Updated in 2005.(EN 2); 2004: Amendment in Manure rules 1977. Rules for making bio-energy from manure and removal of legal obstructions (e.g. transport rules). Amendment in 2005: more co-products allowed.(EN 3); 2004: Resolution on the percentage of sustainable energy from waste incinerators (= 47%) (EN 4)</p>		
Promoting energy conservation	<p>Regulation by law of minimum values of heat-insulation for new buildings (23/2001; 16/2004); minimum technical standards for central-heating boilers and warm-water systems (7/1998); introduction of „heating IDs“ for buildings (23/2001); tax-relief for current-drain from off-peak storage heating (10/2000)</p>	State-level programmes.	<p>1997: Amendment on Law on Housing (Woningwet), and Decree on Building Improvement and energy saving, sustainable houses (building materials, energy isolation of houses, energy co-efficient, central heating) boilers), norms for 1998. 1999, id. For houses for sustainable building 2000, sharper norms for energy co-efficient (En/B 1); <i>Decree on Building</i> -1998, amendment on stricter rules for energy loss levels in non-housing buildings (like sport accommodations, schools</p>	<p>-Government Ordinance 29/2000 - thermal insulation of the existing building stock and the promotion of thermal energy conservation; -Law no. 325 – 27th of May 2002: approval of the Government Ordinance no. 29 / 2000 for thermal rehabilitation of the existing buildings and encouragement of energy efficiency use -Law no.211 – 16th of May 2003: approval of Emergency Governmental Ordinance no. 174/2002 regarding special measures for the thermal rehabilitation.</p>	<p>Reg. on Heat Isolation in Buildings (VO Nr. 24043/2000): Regulates standards for heating-cooling of buildings.</p>

			<p>etc) for sustainable buildings, to meet the EU regulation 93/96/EU; amendment in 2002, stricter rules for non-housing accommodations (En B 2); 2001, Subsidy for sustainable industrial estates: <i>firms</i> cooperate with governments for environmental measures, like energy saving, recycling water and health; yearly new amount; (EN 5); 2002, energy savings for existing firms by innovation (new technology and research); yearly new amount; in 2004 special subsidy for unique situations; in 2005 especial for traffic (the new way of car driving) (EN 6); 2002, resolution on energy saving by the cultivation under glasses sector (EN 7); 2004, Amendment in Manure rules 1977. Rules for making bio-energy from manure and removal of legal obstructions (e.g. transport rules). Amendment in 2005: more co-products allowed. (EN 3)</p>		
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Obligation to label energy consumption	Obligation to indicate the energy consumption of all types of domestic appliances (in particular for refrigeration and freezing appliances) and for vehicles, in some cases fixing maximum values of consumption / evaluating consumption on the basis of EC norms (25/1997; 10/1998; 18/1999; 1/2002; 21/2002; 4/2004)	Regulations according to the Guidelines of the EC	Regulations according to the Guidelines of the EC		
4. Air, Climate, Emissions					
Basic regulation	The basic rules of immission control – in particular the permit procedure for emitting plants - are in the Federal Immission Control Law and subsequent Ordinances (16/2001 = 31. BImSchV)	The Environmental Protection Act 2000 can be seen as comprehensive act since it combines formerly separated laws, or sections of laws, regarding noise pollution, water bodies, chemicals, soil, and air pollution, for instance.			Reg. on Environment Control (VO Nr. 24631/2002) : Regulates the procedures of environment controls conducted by the ministry;
Measuring air pollution; regulating countermeasures and appropriate procedures	Obligation to monitor air quality by measuring facilities; obligation to inform the public when an alert is caused by excess values (Regulation according to the respective Guideline of the EC) (20/2002; 10/2004)	Law according to the respective Guideline of the EC	Law according to the respective Guideline of the EC		Reg. on Air Pollution Control (VO Nr. 25606/2004): Replaces the former regulation. Regulates measures and procedures against air pollution
Regulations for dealing with benzine	Limiting the permissible emissions during the decanting and storage of benzine (9/1998); Petrol				

	stations are to be so constructed so that while vehicles are being tanked with benzine the displaced fumes are caught by a vapour recovery system and fed into the petrol stations storage tank (8/2002)				
Limitation of emissions into the air	Limitation of emissions of Dieselmotors: 5/2004; Limitations of air pollution in general: 10/2004; Limitation of emissions of motors: 9/2005				
5. Noise					
Protection against aircraft noise	Noise protection zones with zoning restrictions to be set around airports; Setting noise emission values for propeller planes (10/1996; 13/1997; 14/1997; 15/1998; 1/1999; 8/1999; 15/1999; 2/2000)		1998: Amendment on the Decree on Building concerning noise by night flights and some sustainable buildings measures on accessibility of buildings (B/N 1)		
Obligation to compile noise maps and noise reduction charts to combat ambient noise	Regulations according to the Guidelines of the EC (15/2005)	Regulations according to the Guidelines of the EC	Regulations according to the Guidelines of the EC		Reg. on Noise Emissions caused by Equipment used Open Air (2000/14/AT) (Reg. Nr. 25001/2003) : Noise Emissions control regulations – developed on the basis of the European standard (2000/14/EC); Reg. on Environmental Noise Management (2002/49/EC (VO Nr. 25862/2005):

					Noise Emissions control regulations – developed on basis of European standard (2002/49/EC)
6. Water (Supply, Treatment)					
Monitoring waters , regulation of the instruments of intervention	Regulated in Germany by a federal framework law (Federal Water Act) and by member-states' laws (water bye-laws); therein: Permission with right-of-refusal for the extraction of ground water and water from surface waters (5/1997); Permission is required to introduce effluents into waters (10/2001); permission only upon payment of a fee (3/2005); there is a ban on the introduction of certain substances, obligation to test and monitor, setting up of analysis and measuring procedure to determine the pollutants (11/1996; 6/1997; 4/1998; 2/1999; 9/2000)	Water Services Act (vesihuoltolaki) 119/2001, and Act on Subsidizing Water Services (laki vesihuollon tukemisesta) 686/2004: Organisation of water services; Design, construction, maintenance and use of water supply equipment; Quality requirements, inspection obligation; - Charges and costs for water services; Subsidization of household water management; Enhancement of regional cooperation; Precondition of the preparation of a plan which takes into account a local and regional water services plans.	2004: Amendment on the Law on Water management, special concerning water quantity management (Wa 3); 233 laws, amendments and regulations on water pollution (preventing, norms, taxes) have been found; a lot of minor rules exist, concerning local or regional toleration of water supply systems in areas newly developed for settlements. 1999, rules concerning prevention of legionnaire's disease, especially in swimming pools, amended in 2000 (Wa 1)	Water-Law Nr. 107 from 09.25.1996: Regulations on „Water-Management-Permissions“ (G Nr. 107/1996)	Reg. on Water Pollution Control (VO Nr. 25687/2004): Replaces the former EIA regulation Regulates measures and procedures against water pollution
Compiling management plans for all waters and for the surface water in the state territory and for adjoining waters	Setting up management goals for surface waters and for ground water; obligation to compile water resource plans for each individual catchment area in Germany (9/2002)	See above	See above	Water Law No. 107/1996: There has to be a „National Water Strategy and Policy“, introducing a system of master plans for the sustainable management of the water resources.	Law on approval of the Agreement on privileges and immunities of the Blacksea Pollution Prevention Commission (G Nr. 25 141/2003) and Law on approval of the Black Sea Biodiversity and Landscape

				Law on approval of the Black Sea Biodiversity and Landscape Conservation Protocol to the Convention on the Protection of the Black Sea against Pollution	Conservation Protocol to the Convention on the Protection of the Black Sea against Pollution (G Nr. 25 514/2004)
7. Nature and Landscape					
Basic regulation	Nature and landscape conservation is regulated in Germany by a federal framework law (Federal Act on Nature Conservation), (6/1998; 5/2002) or by member-states' laws	Nature Conservation Act (luonnon-suojelulaki) 1096/1996, and Nature Conservation Decree (luonnonsuojeluasetus) 160/1997.	1998: Regulation subsidies on projects for nature and scenery in and around cities (ecology, recreation, perception, coherence with nature, adjacent to cities), (T 5)		
Obligation of the party interfering with nature or landscape to provide compensation (intervention-compensatory measures)	Intervention-compensation regulations in nature conservation laws and the urban land-use planning laws (6/1998; 5/2002)				
Creation of a Europe-wide network of nature reserves and bird sanctuaries: „ Natura 2000 “	Corresponding regulation in the Federal Act on Nature Conservation (6/1998; 5/2002) and the member-states' laws on nature conservation	Law according to the respective Guideline of the EC	Law according to the respective Guideline of the EC;	Law according to the respective Guideline of the EC;	Law on approval of the European Landscape Convention (G Nr. 24 141/2003)
8. Agriculture and Forestry					
Promotion of ecological cultivation	Introduction of a labelling-system for ecologically cultivated produce (26/2001; 2/2002; 12/2005); introduction of control boards (14/2002)		1996: Decree on subsidies for projects in valuable landscapes. 11 regions/landscapes are selected, based on developmental plans for every year and		Regulation published by the Minister for Agriculture and Rural Affairs regulating rules of ecological cultivation

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	conservation of agriculture areas (15/2004); Improvement of the agricultural structure and protection of the coast (19/1997)		for perspectives in the long run. Duration: 8 years. Evaluation: every three year 2001: Regulation for subsidies for knowledge and demonstration projects in sustainable agriculture 2002, amendment, projects should fit within EC directive 1257/1999. (AF 1, AF 2)		
Limitation of tree-felling ; Targeted reforestation	Regulation of the regular tree-felling in the forestry in the years 2000 and 2001 (1/2000); targeted reforestation is often the object of compensatory measures in line with intervention-compensatory regulations				Reg. on National Afforestation and Erosion Control Campaign (Nr. 22770/1996); Aðaçlandırma Yönetmeliði (Reg. on Afforestation) (Nr. 25254/2003)

II. SOCIALLY SUSTAINABLE DEVELOPMENT					
INSTRUMENTS	Germany	Finland	The Netherlands	Romania	Turkey
9. Youth					
Basic regulation	Book VIII of the Social Security Code : Child and Youth Care (2/1996; 20/1998); Protection of Young Persons Act (18/2002)				
Early diagnosis of handicaps of children	Act on the Early Diagnosis and				

	Encouragement of Handicapped Children and of Children Threatened by a Handicap (6/2003); Creation of a foundation „ Handicapped children’s aid organization “ (21/1997; 6/2003);				
Special regulations for the protection of children and youths (against child labour; alcohol and tobacco abuse, etc.)	prohibition of employment: Children may not be commercially employed (with exceptions for children from 13 years of age onward: newspaper-delivery, errands, etc.) (4/1997; 13/1998); Subsidised milk distribution in schools (12/2001); Special tax on alcopops (12/2004)		1996, as part of ‘ Big cities Policy ’: subsidies for programmes to diminish youth criminality in cities, 1996-1999. Additional in 1997 (Y 1)	Government Decision Nr. 1150 from 11.11.1996 on social services functioning for the child protection on the counties councils and on local councils of sectors. (Nr. 1550/1996)	
10. Family and Gender					
Explicit codification of the equal status of women and men	Beside the general Rule of equality within Art. 3 Basic Law: Laying down the equal status of girls and boys within the Social Security Code-Book VIII: Child and Youth Care (2/1996; 20/1998)	Act on Equality Between Women and Men 609/1986, amendments made 1037/1997, 71/2001, 232/2005.			Law on approval of the optional Protocol to the convention on the elimination of all forms of discrimination against women (G Nr. 24 843); Law on amendment of several articles of the Turkish Constitution (G No. 25469/2004); Extension of the Article 10 (Equality): “Women

					and men have equal rights. The State is obliged to take measures to induce this equality”
Maternity protection	Setting up restrooms and mother and baby rooms in the workplace; employment regulations for mothers-to-be and breast-feeding mothers; protection against hazards in the workplace (12/1996; 1/1997; 8/1997; 12/1997; 22/1997)	Act on Maternity Allowance 477/1993, several amendments made 1996-2005.			New employment law with improved conditions for working mothers
Payments of child allowance to parents; tax allowances for parents with children living in the household	Direct payment of a children’s allowance (2/1997; 16/2000; 15/2001; 3/2004); reduced income tax through allowances for dependent children (22/1999)	Act on Child Allowance 796/1992, several amendments made between 1996-2005			
Protection against violence in the home	A person who has been abused by their partner has the right to be left the shared apartment after the act of violence (24/2001); banning of violence as instrument of education (17/2000)		2003, Amendments in the Decree on Housing . More possibilities to house female refugees subjected to violence at home. Communities may deviate from the strict rules for the distribution of houses. (H 1)		Law on Protection of the Family - (Law Nr. 23 233/1998):. Violence in the family is accepted as a crime where the state prosecutor can directly intervene without need for complaint (gender sensitivity)

11. Old and Handicapped People					
Basic regulation	Book VI of the Social Security Code: Insurance of pensioners (7/2001); Book IX of the Social Security Code Rehabilitation and Participation of Handicapped People (15/2000; 5/2001), Book X: Old Age Relief (4/1996; 3/1997; 25/2001)	The Act on Subsidy for the Improvement of the Housing Conditions of Special Groups (1281/2004) provides frames for financial aid in order to increase the supply of appropriate rental dwellings, but only for the special groups			Amendment to (Imar Kanunu – G Nr. 18 749): Introduces obligation for obeying standards for handicapped as set by the Turkish Standards Institute (TSE)
Handicapped accessible public buildings	All of the governments new buildings are required to be designed obstacle-free ; accessible information technology is to be used; the Federal Government will appoint a delegate to secure the rights of handicapped people (7/2002; 15/2002; 16/2002; 17/2002)	See above	1997: Amendment on the Decree on Building : minimum requirements for accessibility of houses for Wheelchairs (adjusted houses). Additional rectification (Ha/E 1);		See also basic regulations
Handicapped accessible residential buildings	§ 9 German Federal Building Code: the corresponding provisions can be laid down by the local authorities in legally binding land-use plans (20/1997)		2002: Regulation on small scale dwellings for handicapped. A maximum of 6 dwellings together and a maximum of 12 dwellings in the neighbourhood (HA 4); 2002: Regulation of standards for provisions for mentally retarded: combinations living, care,		See also basic regulations

			relaxing etc. (HA 3)		
Obligation of employers to employ handicapped people	Employers are obliged to employ severely-handicapped people and to pay a compensatory tax per month and per unoccupied compulsory workplace (2/2004); obligation to introduce integration management to the workplace (6/2004)				
Allowances on care of old people	Act on care allowances (4/1996); Act on Renewal of Provisions for Old Age (7/2001)				
12. Foreigners, Asylum-Seekers, Refugees					
Basic regulation	The Foreigners Act regulates the status of foreigners in the F. R. of Germany (24/1997; 8/2000); Basic rules for asylum seekers are in the Social Welfare Law : granting benefits to asylum-seekers; limiting the payments of those who have betaken themselves to the Federal Republic with the intention of obtaining such payments (18/1997; 8/2000; 5/2005).	Aliens Act 301/2004 (Statutes of Finland Nr. 301-305, p. 849, came into force 1.5.2004). The Act applies to aliens' entry into and departure from Finland and their residence and employment in Finland. Act on the Register of Aliens 1270/1997 (published in the Statutes of Finland, Nr. 1269-1273, 30.12.1997, p. 4386, came into force 1.1.1998); provisions concerning the collection and storage of personal information of aliens as well as the use	2005: Amendment on the Housing Law : new tasks for provinces en communities for houses for refugees with residence permit . (H 9); 2000: Decree on subsidies on behalf of non-physical economics in big cities (better establishment rules, coaching young and ethnic entrepreneurship). Additions in 2001 en 2002 (T 7)		Law on approval of the Agreement between the Rep. of Turkey and the International Organization for Migration on the legal status, privileges and immunities of the organization (G Nr. 25 267/2003): Establishment of the Turkey branch of the IOM

		<p>and distribution of the information.</p> <p>Act on the Integration of Immigrants and Reception of Asylum Seekers 493/1999 (published in the Statutes of Finland, Nr 493-497, 21.4.1999, p. 1201, came into force 1.5.1999). The objective of the Act is to promote the integration, equality and freedom of choice of immigrants through measures which help them to acquire the essential knowledge and skills they need to function in society, and to ensure the essential livelihood and welfare of asylum seekers by arranging for their reception.</p>			
<p>Setting up a special office for foreigners</p>	<p>Appointing a commissioner for foreigners in the Federal Government (24/1997)</p>	<p>Act on the Ethnic Minority Delegate 660/2001 (published in the Statutes of Finland, Nr 660-666, 25.7.2001, p. 2085, came into force 1.9.2001). A special delegate for ethnic minorities, placed in the Ministry of Labour, works for the prevention of ethnic discrimination, promotion of good ethnic relations, and safeguarding of the rights of foreigners and ethnic minorities.</p>		<p>National Authority for Foreigners (under the Ministry of Foreign Affairs)</p>	

13. Social Security and Health					
Public insurance against labour accidents	Public Obligation to take insurance against labour accidents (9/1996)				
Granting allowances to unemployed people	In case of unemployment allowances have to be paid (5/1996; 17/1999)				
Introduction of a minimum-wage in the building trade	In the building trade a minimum-wage has to be paid (13/2000); infringements will be sanctioned (19/2001)				
Promotion of public health					Reg. on Public Health Training VO Nr. 24132/2000 Awareness rising and behavioral change in Health through public training measures

III. ECONOMICALLY SUSTAINABLE DEVELOPMENT					
INSTRUMENTS	Germany	Finland	The Netherlands	Romania	Turkey
14. Taxes; Finances, Other Fiscal Instruments					
Governmental grants to local government bodies	Basic rules in the Local Community Finance Act (9/1997), amended 1997 (23/1997) and 1999 (21/1999); annual regulation in the Federal Governments ordinances (Sales Tax : 30/1997; 3/2000; 19/2001;	Act on Central Government Transfers to Local Government 1147/1996 (Statutes of Finland, Nr. 1147-1166, came into force 1.1.1997). Several	2005: Decree subsidies cities' economics for 30 Big Cities, for stimulating economics, for improving accessibility of enterprises,		Reg. on Benefits and Allowances for the Municipalities (Nr. 24778/2002)

	<p>Income Tax: 19/1999; 4/2003; 5/2003) and the Member-states' fiscal adjustment acts (7/2000)</p>	<p>amendments 1997-2005: The Act on Central Government Transfers to Local Government belongs to a set of laws that stipulates the amount of central government transfers to local government, and the distribution of costs between local and central government. Other laws with provisions covering central government transfers to local government are the Act on Planning and State Grants in the Area of Social Welfare and Health, administered by the Ministry of Social Affairs and Health, and the Act on the Funding of Educational and Cultural Services, administered by the Ministry of Education. These acts contain provisions on state grants to basic municipal services in these two sectors, while the Act on Central Government Transfers to Local Government incorporates the central government transfers administered by different ministries under one law.</p>	<p>improvements in industrial estates (T 9)</p>		
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<p>Taxing real estate and trade by local taxes</p>	<p>Taxation as per the Real Estate Tax Code with the right to levy taxes for local government bodies within the limits of Federal Law; regulation of the distribution of Trade Tax: 28/1997; 1/2001; 4/2005.</p>	<p>Law on Real Estate Tax from 1992, several amendments made 1996-2005.</p>	<p>1996 – Amendments in the Law Tax on Buildings (OZB): communities got the right to differentiate between houses and business accommodations; 1996-1998: regulations of the new value of houses and business accommodations (OZB)(H 2, H 3); 2003: Law Hillen: amendment in the Law on Income Tax. Owners of houses with no mortgage are relieved from tax for the National Government (not for the tax for communities) (H 7)</p>	<p>Fiscal Code (2005); 16% transaction tax and local taxes between 0.5% and 2%</p>	
<p>15. Constitution and Organization of Government</p>					
<p>Constitutionally guaranteed right to local self-government including the right to financial autonomy</p>	<p>Art. 28 Basic Law – guarantee of self-government, therein the constitutionally guaranteed right of a local government body with the right to levy tax to any sources of tax related to economic size (amended 1997).</p>			<p>? Law (No. 69(r1) from 11.6.1991) on local public administration introduces local self-government. Law No. 215/2001 regulates it.</p>	
<p>Creation of a regional level of government administration</p>	<p>In the Federal Republic of Germany a matter for the member-states with subsidies from the Federal Government for public traffic (18/2002)</p>	<p>The Regional Development Act (602/2002) is a general act aiming to strengthen regions on the basis of their own development</p>		<p>Law no. 151 – 15th of July 1998: Regional Development Law; Framework Law on Decentralisation no. 339/2004</p>	<p>Cabinet Decision on Identifying NUTS Regions (G Nr. 24 884) ; Special Provincial Administration Law- (G Nr. 25 745/2005): Regulates the establishment</p>

		potentials, competence and sustainable development. The Act contains provisions concerning sustainable and balanced development of the regions, and promotes competitiveness, industrial and business development, and employment. Under the Regional Development Act, several development programmes such as Regional Centre Programme have been launched .			and functioning of the special provincial administrations, which constitutes the local administration level in Turkey together with municipalities. While Special Provincial Administrations are responsible of the whole provincial area, municipalities are responsible of the towns and cities. (Regional Development Agencies Law has been passed in January 2006)
Supply of relevant statistical information	The Federal Agency of Statistics offers and organizes: Statistics on structural engineering and updating residential building (8/1998); representative statistics of the population and the employment market as well as the households' accommodation situation (Micro-census 2005-2012) (8/2004); statistics registering the bodies responsible for renewable energy (19/2002)	The national bureau Statistics of Finland gives comprehensive statistical information free of charge and publishes easily accessible information on the internet.	Central Bureau of Statistics	Government decision no. 1.362 from 26 august 2004 regarding the establishment of the national Informatics centre of the ministry of Public Administration and Internal Affairs and the setting operation the e-administration system	See also NUTS regions; National Statistics Institute has been re-formed 2005
Citizen's right to free access to any information about the environment in the public authorities possession (against payment of a moderate fee)	Corresponding regulation as per EC guideline (17/2001; 18/2001; 19/2004)	The Finnish Constitution (731/1999) says that it is the duty of the public authorities to safeguard everyone's possibility to have an influence on the decision-	Corresponding regulation as per EC guideline	Corresponding regulation as per EC guideline	A new law on free access to information

		<p>making concerning his/her living environment.</p> <p>Since the Act on the Openness of Government Activities (621/1999) entered into force in 1999, publicity of a document is the rule, and secrecy the exception. Therefore, an official must give information to a citizen when asked, unless the matter has been specifically declared secret by law.</p>			
<p>Setting up special agencies, commissions; appointing a commissioner</p>	<p>Setting up a commission on plant safety; Appointing a commissioner for foreigners in the Federal Government, appointing a commissioner in the Federal Government to secure the rights of handicapped people; setting up a commission on protection against hazards (7/2004)</p>			<p>Law no. 152 – 15th of July 1998: creation of the National Housing Agency; Emergency Governmental Ordinance no. 105 – 14th of July 2005: modification and completion of the Law 152 / 1998 regarding the creation of the National Housing Agency.</p> <p>Law nr. 158 from 10/20/1999 on constituting and functioning of the National Council for Environment and Sustainability.</p>	<p>Law on establishment of an economic and social council and its working principles and methods) (G Nr. 24 380/2001): Establishment of a national advisory council consisting of members of the government, workers-unions, unions trade and industry chambers, agricultural chambers, artisans confederation, other NGOs, etc.</p>

Implementing the Goals and Principles of the Habitat Agenda

				Decision nr. 515 (r1) from 07/26/1991 on setting up the National Centre for Human Settlements (habitat)	
Governmental support of research institutions for town and regional planning, for housing, and for the protection of the environment	The Federal Office for Building and Regional Planning has a large research department for regional planning and applied geography (29/1997). The existing Federal Environmental Agency works by order of the Federal Government.	Environmental Protection Act (ympäristönsuojelulaki) 86/2000: Strengthening local and regional capacity through the Regional Environmental Centres and the maintenance of environmental protection database by the Finnish Environment Institute .	2005: subsidy for The Centre of Knowledge of the 30 Big Cities, to improve the knowledge infrastructure aimed at integral knowledge of all urban questions. (T 10)	Under the authority of the Ministry for Transportation, Construction and Housing is a national research institute for urban planning; Urban Project – a research programme focussing on different urban problems	Regional Centre for the Environment (REC) for Central and Eastern Europe, created by Law No. 25 352 and 25 514

IV. Similarities in the use of instruments

The table shows that, as well as the presence of basic legal regulations for the areas referred to, the following instruments are used in three or more of the countries taking part in the study.

For the construction trade, house-building and housing:

- Standard marking system for labelling building material which conforms to European standards.
- Standardisation of sub-judicial building regulations.
- Official promotion of the building culture, protection of architectural monuments.
- State subsidy of council houses (council house-building – subsidisation of ownership).
- Direct subsidy of the building or acquisition of own-use property – subsidisation of use.
- Payment of rent allowance to the needy.
- Special regulations for the benefit of the housing requirements of those with disabilities and other especially needy.

In urban development and town and regional planning:

- Encouragement of cooperation between the public administration and private investors in house-building and urban development (Public-Private-Partnership).
- Encouragement of inter-communal cooperation during planning.
- Obligatory (also cross-border) co-operation for neighbouring local government bodies and authorities involved in spatial planning.
- Obligatory public participation in urban land-use planning, including cross-border public participation.
- Environmental impact assessment of certain public and private projects (Project EIA).
- Strategic environmental assessment of plans in accordance with EC guideline 2001/42 (SEIA).
- Restricting the period of validity of land-use planning.
- Use of special governmental funding for town planning and urban renewal.
- Preventive measures against natural catastrophes.

In the area of environmental conservation:

- Introduction of closed cycle waste management in waste disposal (Recycling).
- Promoting energy conservation.
- Obligation to indicate the energy consumption of domestic appliances.
- Measuring air pollution; regulating countermeasures.
- Obligation to prepare noise maps and noise reduction charts.
- Monitoring waters, regulation of the instruments of intervention, obligatory approval requirement.

- Compiling management plans for all waters and for the surface water in the state territory and for adjoining waters.
- Creation of a Europe-wide network „Natura 2000“ for the protection of plants and animals.
- The labelling of produce from ecological land cultivation.

In the social arena:

- Special protective regulations for the benefit of children and youths.
- Protection against violence in the home.
- Regulating the accessibility of public buildings for those with disabilities.

In the economic arena:

- Taxation of real estate (property tax).

Concerning the organisation of authorities and institutions:

- The establishment of a regional level of administration and planning.
- Supplying statistical information.
- Citizen's right to free access to any information on the environment in the public authorities possession.
- Allowing the cooperation of local government.
- Setting up special commissions (for example, to promote the protection of the environment, for reactor safety, for Habitat), appointing delegates (for example, for those with disabilities, for foreigners).
- Governmental support of research institutions for town and regional planning, for housing, and for the protection of the environment.

The following instruments can be regarded as exemplary and are worthy of imitation (with a restriction of three instruments for each country):

THE NETHERLANDS

- World Habitat Day: an official *World Habitat Day* is held every year on the first Monday in October in order to publicize the Habitat Agenda.
- The Habitat Platform: the institution responsible for World Habitat Day. As well as preparing the annual World Habitat Day, the Platform organizes conferences to promote an exchange of experience and also runs projects in developing countries.
- Levying of a local tax on buildings: The municipalities are empowered to levy a local tax on buildings, differentiated between buildings for housing and buildings for business. This improves the local authorities' financial situation. In addition to the local tax on buildings, there is a taxation of real estate (with real estate included as part of the property), which forms part of the Dutch Government's taxation of wealth.

FINLAND

- Participation scheme: At the start of each planning process, an individual "participation and assessment scheme" must be drawn up how to organize the public consultation process and environmental assessment, mostly in the form of an annotated timetable.
- Environmental insurance: Organizations responsible for projects which may have a harmful impact on the environment must obtain environmental insurance to cover the costs of repairing any environmental damage caused.
- Regional "Centres of Expertise": "Centres of Expertise for the Collection and Exchange of Knowledge and Experience" have been established at regional level, enhancing regional competence in various economic matters, so as to strengthen regions.

ROMANIA

- Decentralization of the public administration, and the regionalization process which is now beginning, are key institutional prerequisites for sustainable habitat and human settlements.
- Introducing and consolidating municipal self-government is the basis for effective popular participation in the decision-making process.
- The "National Centre for Human Settlement" has proved its worth as an inter-departmental agency addressing housing problems. It was established in 1991, mainly to formulate a national habitat strategy, aimed primarily at an "adequate habitat for everyone" and the identification of mechanisms to achieve this.

TURKEY

- Turkey's voluntary commitment, through its accession to international agreements, has achieved significant progress in implementing the goals and objectives of the Habitat Agenda.
- The improvement to an internationally applicable statistical system is a prerequisite for the preparation of sound scientific analyses and international comparisons.
- Improving building safety, especially against natural disasters, is a basic prerequisite for sustainable housing.

GERMANY

- Closed substance cycle and waste management: Germany's Closed Substance Cycle and Waste Management Act is a very advanced response by legislators to the problem of waste.
- EU-wide uniform labelling of building materials which meet EU standards simplifies the construction process and enhances building safety.
- The Strategic Environmental Assessment for all urban land-use plans and regional planning processes increases the impact of environmental issues in planning. At the same time, the European Union's increasing influence on legislation in the member states is becoming apparent.

Further instruments are also worth being reviewed particularly from the German perspective due to their suitability for the legal system in the Federal Republic: the Dutch statutory purchasing right (according to which the owner of a property must first offer his property to the municipality before attempting to otherwise sell it) appears significantly more practical than the German pre-emptive right for local government (which only becomes active once a sales contract has been closed with a third-party, who may then be thrown out of the contract).

One last comparison: in Germany the preparatory land-use plan is to be checked for its validity after 15 years at the latest; in the Netherlands a binding land-use plan, the majority of which has not been realised after 13 years, may no longer be used without demonstrable evaluation as the basis for approval for projects. Which system works better?

V. Conclusions

Overall, the present survey on the implementation of the Habitat Agenda, adopted in Istanbul in 1996, in the legislation of five countries shows the following:

- It is worth developing further national legislators' capacities and willingness to learn from each other in a process which transcends language barriers.
 - Within the five countries themselves, there is a substantial prosperity gap which has substantial implications for housing and sustainable urban development in particular. Against the background of the threats to survival faced by much of the global population living in developing countries, however, these prosperity gaps appear less severe.
 - Regardless of this, the legislation in the five countries examined should stimulate the legislature in all of the 172 countries which signed the Habitat Agenda 1996 in Istanbul. If they hope to further the implementation of the goals and principles of the Habitat Agenda through legislation, they can regard the substantial catalogue of instruments as offering useful models.
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