

**Habitat II: Implementing the goals and principles
of the Habitat-Agenda in national legislation
Final Report November 2008 (Summary)**

On behalf of the
Ministry of Transport, Building and Urban Affairs, Berlin
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Initiated by:

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Background

A study on comparative law analysed in 2006 how five signatory states of the Habitat-Agenda (Germany, Finland, the Netherlands, Romania and Turkey) have implemented the goals and principles of the Agenda during the period between the years 1996 and 2005. Therefore, rapporteurs drew up an inventory, based on the official gazettes of legislation in the five countries, which was pertinent to the Habitat-Agenda. Besides a list of instruments that can be used to implement the Habitat-Agenda the main results of the study were:

- The basic legislation of relevance to Habitat was introduced long before 1996 in all five countries, so the laws adopted in the timeframe investigated were primarily designed to improve upon this basic legislation.
- None of the countries adopted a single item of legislation mainly aimed to implement the Habitat Agenda. However, the explanatory arguments of some laws explicitly refer to the Habitat Agenda.
- 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.

- 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.

The project Habitat II is based on the preceding study. It informs experts from the new EU-member states about the results of the preceding study and asks them to implement approved instruments. Two workshops with national experts either researchers or administrative staff took place in 2008. The invited experts had to answer a questionnaire on the implementation of the instruments of the Habitat-Agenda in their countries in the run up to the workshop. The aim of the workshops was to exchange experiences on the implementation of the Habitat-Agenda, identify further instruments suitable for implementing the Habitat-Agenda as well as derive recommendations for action. The final report documents the results of the first workshop that took place on April 22nd, 23rd 2008 in the Romanian Ministry of Development, Public Works and Housing in Bucharest and the second that took place on October 6th, 7th 2008 in the Institute for Urban and Regional Planning of the Technische Universität Berlin. The report encompasses the results for Bulgaria (BG), the Czech Republic (CZ), Estonia (EST), Hungary (HU), Lithuania (LI), Latvia (LA), Poland (POL), Slovakia (SK) and Slovenia (SI). In the first workshop in Bucharest participated:

- Gheorghe Pătrașcu (Ministry of Development, Public Works and Housing, Romania),
- Anca Ginavar (Ministry of Development, Public Works and Housing, Romania),
- Dr. Bogdan Suditu (Ministry of Development, Public Works and Housing, Romania),
- Bogdan Ghinea (Ministry of Development, Public Works and Housing, Romania),
- Crenguța Iordăchescu (Ministry of Development, Public Works and Housing, Romania),
- Ileana Budișteanu (Resource Center for Building, Architecture, Town and Regional Planning, Romania),
- Teofil Ghercă (Ministry of Development, Public Works and Housing, Romania),
- Vera Marin (University of Architecture and Urbanism "Ion Mincu", Bucharest, Romania),
- Mihaela Al-Bashtawi (Craiova City Hall, Romania),
- Ágnes Böhönyey (Hungarian Society for Urban Planning, Hungary),
- Prof. Dr. Andrej Černe (University of Ljubljana, Department for Geography, Slovenia),
- Prof. Dr. Karel Maier (Czech Technical University, Faculty of Architecture, Czech Republic),
- Prof. Dr. Julia Spiridonova (National Center for Regional Development, Bulgaria),
- Elena Szolgayová (Ministry of Construction and Regional Development, Slovakia),
- Dr. Anneke Assen (Radboud University Nijmegen, the Netherlands),
- Prof. Dr. Gerd Schmidt-Eichstaedt (Technische Universität Berlin / Plans and Law Ltd.),
- Thomas Zimmermann (Technische Universität Berlin / Plans and Law Ltd.).

In the second workshop in Berlin participated:

- Prof. Dr. Jekabs Trusins (Riga Technical University, SPARD - University Research Centre of Spatial and Regional Development, Latvia),
- Inese Trusina (Riga Technical University, SPARD - University Research Centre of Spatial and Regional Development, Latvia),
- Prof. Dr. Eugenius Staniunas (Vilnius Technical University, Faculty of Architecture, Lithuania),
- Prof. Dr. Jüri Kõre (University of Tartu, Faculty of Social Sciences, Estonia),
- Kristiina Sipelgas (Ministry of Economic Affairs and Communications, Estonia),
- Prof. Dr. Marek Bryx (Warsaw School of Economics, Poland),
- Dr. Kimmo Kurunmäki (University of Helsinki, Finland),
- Prof. Dr. Gerd Schmidt-Eichstaedt (Technische Universität Berlin / Plans and Law Ltd.),
- Thomas Zimmermann (Technische Universität Berlin / Plans and Law Ltd.).

Results

The majority of the listed instruments aimed at implementing the goals and principles of the Habitat-Agenda exist in the legislation of the East-European countries. Different approaches are obvious in the field of housing. In general, to care about housing is a private responsibility, so a basic right to housing exists in four states' legislation only. People either without or with low income have to be supported by the state. Therefore need for action exists to improve/implement instruments dealing with adequate support for living costs and promoting house building. Some deficiencies are obvious in the field of action urban planning and settlement. The public sector depends on the co-operation with the private sector in the fields of action house building and urban development. Public private partnership is an efficient approach to promote public aims in this field. Two states possess an instrument which regulates public-private-partnership. But the public and the private sector co-operate in most of the states in some kind of way. So there is a need for action to regulate Public Private Partnership.

There are some more instruments which have not been implemented yet in most of the East-European countries:

- use of special governmental funding for urban renewal,
- controlling the settlement of shopping centers as well as large area retail and

- special town planning development areas.

Implementation-oriented instruments like state support for urban renewal are an important field of action for the legislator in the East-European states. Most states possess instruments dealing with co-operation of neighbouring communities. But even if local municipalities are able to co-operate in various fields of action, they do not do so. Incentives by the states are necessary in order to convince the municipalities to co-operate.

Financial funding for measures in the fields “adequate shelter for all” and “sustainable settlement development” is crucial for implementing the goals and principles of the Habitat-Agenda, besides implementing the listed instruments in national legislation. An important field are implementation-oriented instruments in the field urban planning, where funds provided by the European Union take an important role. The funding guidelines have to take into consideration national specifics in the future. One example is social housing that does not exist in most East-European new EU-member states in a comparable way to the old EU-member states. Controlling of spatial development is crucial for the implementation of the Habitat-Agenda also. One important field of action is settlement development. Therefore the relevance of spatial planning has to be encouraged and their long-term goals have to be strengthened with financial funding aimed at implementation. The EU-funding has to be adjusted to these aims. An all-integrating control of the EU is not goal-oriented, because subsidiarity is a crucial prerequisite for the implementation of the Habitat-Agenda.

Many regulations in the field of action environmentally sustainable settlement development have already been implemented due to EU-Directives. There still exist some instruments, which are not implemented in every state yet:

- closed cycle waste management in waste processing,
- promoting environmental friendly traffic and
- fees on the use of streets.

The instrument environmental liability insurance exists in two states at the moment. In order to achieve a sustainable settlement development the public awareness has to be raised and information has to be available. A good example is Latvia. University students are obliged to take courses in environmental protection in order to raise awareness for environmental protection. All academic teachers have to take such courses too. Consumers can be informed through ecologic labeling on products. Different kinds of labels for consumer products, e.g.

energy or resource consumption as well as labels for CO₂-emissions in the production process, are possible. Energy policy is another important field of action in order to achieve an ecologically sustainable development. Therefore the states have to:

- promote energy conservation, e.g. by energy consumption certificates for buildings,
- further the production of energy from renewable resources and
- commit customers to use energy from renewable resources. Germany is a good example for measures in the energy sector.

Most instruments promoting socially sustainable settlement development exist in the East-European states. They chose different approaches to promote employment of handicapped people. Some states do not obligate employers to hire handicapped people, but promote employment with financial support. Public health has to be promoted more effectively. Bans of smoking are not enough.

In the field economically sustainable settlement development the East-European states need to increase the funding for research institutes.

The role of the civil society is getting more important. Small countries can activate citizen's self help and the civil society more easily than bigger states. A good example is the Baltic States. 50,000 Estonian volunteers spent one day in the countryside in order to collect garbage in Estonia. Approaches like these need to be supported in other countries also. Another instrument to activate initiatives is small loans. Local banks, e.g. savings banks, should be activated to change their measures. Innovative instruments are small funds for urban development, which are being introduced in Germany.

Altogether, the national legislation pursues the goals and principles of the Habitat-Agenda, but without referring to the document. According to this, the direct relevance of the Agenda is marginal. But the relevance should not be undervalued, because the document offered orientation in a period of transformation. Prospects for further implementation of the Habitat-Agenda in the East-European states result from declarations on the European level that partially take on the ideas of the Habitat-Agenda. One example is the Leipzig-declaration on sustainable urban development, which covers the topic of monitoring urban development. This is one prerequisite for implementing the Habitat-Agenda.