

# URBAN LEGISLATION

**Urban legislation** is the collection of policies, laws, decisions and practices that govern the management and development of the urban environment. Urban law is necessary to create a stable and predictable framework for both public and private sector action in order to: guarantee inclusion of the interests of vulnerable groups, define conditions for access to land, infrastructure, housing and basic services; lay out rules for planning and decision-making; push for improved livelihoods and living conditions through setting the requirements for urban development initiatives.

## THE CHALLENGE

Urban law in many developing countries has failed to guide and support sustainable urban development. **Urban law is characterized by low implementation rates compared to most other fields of law** and by ineffectiveness in fulfilling its intended function. UN-Habitat believes that this bleak scenario depends upon the following factors:

- Urban law frameworks are complex and fragmented, where both the volume of rules and their technical nature are not reflective of the capacity and resources that are locally available.
- Planning frameworks have a highly technocratic nature and they are designed based on technical considerations without any regard to their feasibility, appropriateness or to local capacity.
- **Regulations are often inadequate to the challenges of urban development:** they are rigid, inflexible, costly and incapable of responding to on-the-ground needs and changes. Regulatory constraints on land supply, such as poor land allocation practices and arbitrary or discretionary normative regulations (densities, floor-area ratios, plots sizes), have limited urban productivity and the supply of affordable housing.
- The international transfer of 'best practice', including the direct copying of legal instruments, remains the prevalent approach in developing urban law, **often failing to reflect local practice and culture** and providing limited or no opportunities for effective review and adjustment.

## UN-HABITAT'S APPROACH

- In a large number of developing countries planning law frameworks are less effective in achieving their intended functions than perhaps any other area of law. In contrast to some literature that suggests that this situation derives from poor enforcement, UN-Habitat proposes that, in large part, it derives from the structural weakness of legal frameworks. **Structural** in the sense that the challenge lies more in the way that urban laws are conceived and designed than in the way that people interact with these laws after they have been developed. **Weakness** in the sense that there are major challenges with the policy direction of urban law where laws are generally poorly linked to policy objectives and rarely, if ever, specifically assessed or reformed in terms of their meeting those objectives.
- **Successful interventions in urban law** are more likely to be built from incremental adjustments to, or redirections of, existing practice on the ground than from complete transformational change. UN-Habitat proposes a simplified approach based on the establishment of a basic system of regulations and rules that provide a solid and predictable long-term framework for urban development that can be built upon, and that is adequate to real needs, existing capacities and available resources. UN-Habitat has developed a number of tools and methodologies to systematically review and reform urban legal frameworks to improve their effectiveness and their enforcement potential in order to make cities inclusive, safe, resilient and

sustainable, develop effective, accountable and transparent institutions to reinforce the rule of law.

**In a large number of developing countries planning law frameworks are less effective in achieving their intended functions than perhaps any other area of law.**

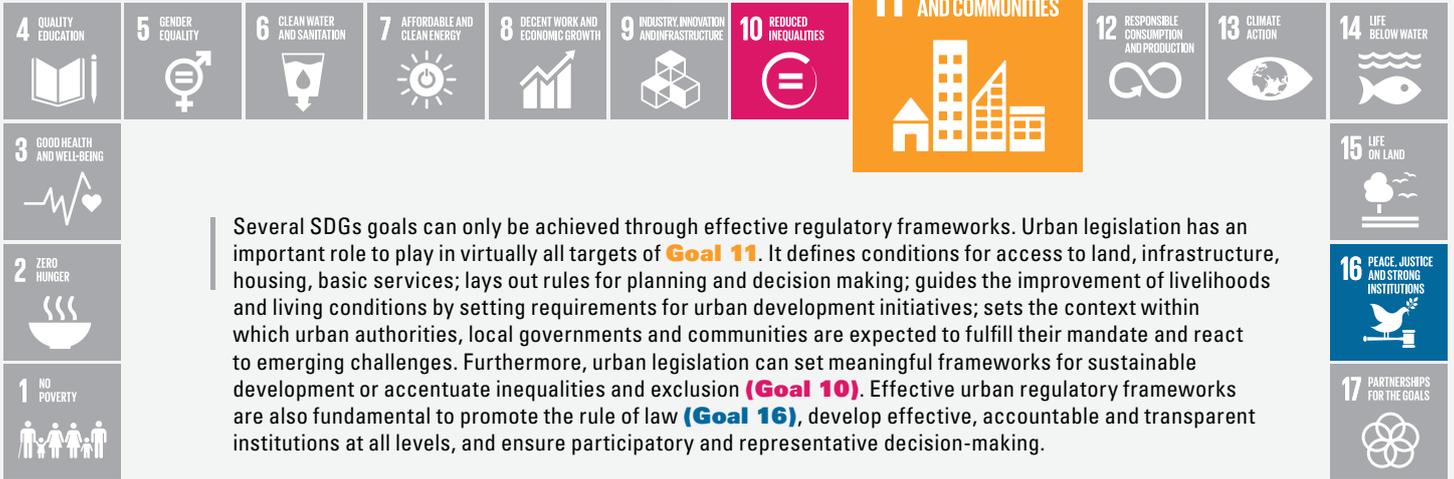
**Successful interventions in urban law are more likely to be built from incremental adjustments to, or redirections of, existing practice on the ground than from complete transformational change.**

**UN-Habitat aims at simplifying urban laws and improving their implementation as an effective means to promote suitable urban development, fight corruption, promote the rule of law and legally empower the poor and marginalized urban dwellers.**

## IMPACT

- UN-Habitat has engaged with over 40 Member States regarding the reform of their legal frameworks since 2013.
- Significant achievements in increasing the capacity of local and national governments in implementing enabling regulations for city extension have also been made across all of the 'Achieving Sustainable Urban Development'(ASUD) City Extension projects (Philippines, Rwanda, Mozambique, Egypt and Colombia).
- The 'Future Cities' project for Saudi Arabia is reviewing the legal framework for urban planning and development control, providing the evidence base and impact assessments for the formulation of new primary legislation and regulatory instruments at the national, provincial and local levels. The review of the Egyptian legal framework and the identification of urban redevelopment and densification best practices in Egypt have created a momentum for change in the country, contributing to the preparation for different policy options and supporting legal reforms on urban planning and land readjustment that have culminated in the adoption of draft primary legislation by the national government and in amended practices at the governorate level.

## CONTRIBUTING TO SUSTAINABLE DEVELOPMENT GOALS



Several SDGs goals can only be achieved through effective regulatory frameworks. Urban legislation has an important role to play in virtually all targets of **Goal 11**. It defines conditions for access to land, infrastructure, housing, basic services; lays out rules for planning and decision making; guides the improvement of livelihoods and living conditions by setting requirements for urban development initiatives; sets the context within which urban authorities, local governments and communities are expected to fulfill their mandate and react to emerging challenges. Furthermore, urban legislation can set meaningful frameworks for sustainable development or accentuate inequalities and exclusion (**Goal 10**). Effective urban regulatory frameworks are also fundamental to promote the rule of law (**Goal 16**), develop effective, accountable and transparent institutions at all levels, and ensure participatory and representative decision-making.

UN-Habitat approaches and methodologies for legal reviews and reforms tackle the legal and institutional exclusion of poor and marginalized people from affordable housing, property rights and tenure security, economic opportunities, basic urban services (water, sanitation, and electricity) and from the right to participate to the city decision making process. UN-Habitat aims at simplifying urban laws and improving their implementation as an effective means to promote suitable urban development, fight corruption, promote the rule of law and legally empower the poor and marginalized urban dwellers.

## BENEFICIARY VIEWS

*From the evaluation report of the 'Participatory Review Of Egyptian Planning And Related Urban Development Legislation To Support Sustainable Urban Development': The participation of the project in the legal drafting committees was highly praised for being structured, for ensuring the participation of all sectoral ministries and contributing to a holistic understanding of the problems and the examination of alternative policy options. The processes used fed into each other and were an important step for 'changing mindsets'*

as one interviewee noted.

*Furthermore, the processes for dialogue and consultation with and within the landowners, used in the pilot site in Banha, were innovative and left a lasting mark on all those that took part in them or that followed their evolution. All sides praised the value of this initiative as an 'eye-opener', as a valuable 'experiment' and as a learning process.*

*The enactment of the planning law of Cameroon in 2004 aimed at controlling urban development as a whole. However, the implementation of this law faces many difficulties, rooted to the inconsistencies and deficiencies identified in this urban legislation.*

Minister of Housing and Urban Development of Cameroon.

## DONORS AND PARTNERS



**URBAN LEGISLATION**  
FOR A BETTER URBAN FUTURE

UNITED NATIONS HUMAN SETTLEMENTS PROGRAMME  
P.O.Box 30030, Nairobi 00100, Kenya | Tel: +254-20-7625159; Fax: +254-20-7625015  
infohabitat@unhabitat.org | www.unhabitat.org/publications

**UN HABITAT**