

## Abstract

UN-HABITAT, through the Best Practices and Local Leadership Programme, has implemented a pilot project to document some outstanding urban policies and laws. Studies were done in Brazil, Burkina Faso, Colombia, Mexico, Peru, Philippines, Senegal, Tanzania and Uganda. An Expert Group Meeting (EGM) was held in Nairobi in July 2004, to review the experience and methodology. The EGM concluded that the methodology represents a cost effective tool for unpacking and assessing policies and legislation. It recommended its widespread application in support of attaining the Millennium Development Goals. This publication presents the process, the methodology and its application; and key findings. It also includes further inputs from the World Urban Forum II, *Dialogue on Urban Realities*, which showcased six outstanding policies and legislation.



**Good Policies and Enabling Legislation  
For Attaining the Millennium Development Goals: a  
Methodology for Review and Documentation**

## **Note to the reader**

This guide is the result of a new and on-going initiative by the United Nations Human Settlements Programme (UN-HABITAT): documenting good policies and enabling legislation. The pilot phase of this work was carried out in 2002-2004. The attached document outlines the genesis, process and status of the initiative and the results to date. It also includes tools developed for the process of identifying, reviewing and documenting laws and policies.

The next phase will constitute documentation in more countries and thematic areas as well as wide dissemination and production of value-added outputs.

As stated above, this is a new initiative. We would like to benefit from your comments as we continue to develop the tools for assessing and reviewing policy and legislation. In addition, if you are aware of outstanding policies / legislation that have significantly contributed to sustainable urbanization, please let us know – they can be considered for documentation and dissemination.

**Send your comments and /or information to:**

Bestpractices@unhabitat.org

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## **Good Urban Policies and Enabling Legislation In Support of Attaining the Millennium Development Goals**

### **Background**

The Commission on Human Settlements<sup>1</sup>, at its 17th (1999) and 18th sessions (2001), decided that the documentation of best practices should be expanded to include examples of good policies and legislation. The decision was further endorsed by the “*Declaration on Cities and Other Human Settlements in the New Millennium*”, adopted by the General Assembly at its special session (Istanbul+5) in June 2001. Paragraph 63 of the declaration states: “A further goal is to translate best practices into policies and permit their replication. In this respect, the international community should ensure the effective formatting and dissemination of proven best practices and policies.”

### **Documenting Good Policies and Enabling Legislation**

In response to the above, UN-HABITAT initiated, in 2001, the pilot phase of a programme to document and assess good urban policies and enabling legislation, consisting of:

- Defining what constitutes good policy and enabling legislation, including specific criteria;
- Developing guidelines for assessing policy and legislation;
- Developing a methodology and reporting format for documenting policy and legislation;
- Field testing the methodology with examples of policies/laws from the different regions;
- Holding an Expert Group Meeting that included participants from the pilot phase, with the aim of refining the methodology and reporting format and;
- Making recommendations for the future including dissemination and applications in policy development and capacity building.

For the field-testing examples of policies and laws were selected from a diverse set of countries. Thematic areas included decentralization, mobilization of municipal resources, urban safety, access to health and secure tenure by the urban poor. Testing was carried out in 9 countries: Brazil, Colombia, Peru, Philippines, Mexico, Senegal, Burkina Faso, Tanzania and Uganda. The methodology includes the following key steps:

- The unpacking and dissemination of a law or set of laws in simple language and easily accessible form by all stakeholders;
- The mapping of the originally-intended and actual institutional framework for implementation, monitoring and evaluation;
- The organisation of a perception-based multi-stakeholder review of the effectiveness of the law or policy and assessment of difficulties encountered in its implementation;
- The dissemination of the results of the review together with recommendations for policy reform and capacity building.

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<sup>1</sup> UN-Habitat’s governing body now known as the Governing Council

## Expert Group Meeting

An Expert Group Meeting (EGM) was held in Nairobi in July 2004. It was designed as an opportunity to share the experience in the use of the methodology and reporting format with those who participated in the pilot phase, and to refine the tools. It brought together key persons and institutions from participating countries, as well as partners of the Best Practices Steering Committee and key programmes of UN-HABITAT who were involved in the initiative. Participants at the EGM also shared their plans for using the findings on the particular policies/laws documented, as well as intended future applications of the methodology.

## Policies and Legislation Involved in the Pilot Phase

The following cases and countries formed part of the pilot phase of the initiative:

- **Brazil:** focusing on pro-poor (*pro favela*) land-use planning and land tenure laws as applied to the case of Belo Horizonte.
- **Burkina Faso:** focusing on “Mobilization of Municipal Financial Resources.”
- **Colombia:** focusing on decentralization laws and land use planning
- **Mexico:** an *ex-ante* application of the methodology towards the formulation of a new National Housing Law to take the form of a constitutional amendment.
- **Peru:** focusing on participatory urban governance as applied to the case of Lima.
- **Philippines:** focusing on the 1991 Local Government Code.
- **Senegal:** focusing on the policy for “Access to better health care for all at a lower cost.”
- **Tanzania:** focusing on decentralized crime prevention and social justice as applied to the case of Dar-es-Salaam.
- **Uganda:** focusing on decentralization policy and the Local Government Act.

## Implementation Experience and Lessons Learned

The initiative was well received in all countries concerned. It responded to an effective demand for the assessment of policies and legislation in general, and for policies dealing with decentralization and urban governance in particular.

The method for unpacking and assessment, using a participatory approach and local institutional expertise, has proved effective in all countries covered. It has provided decision-makers at different levels with a rapid insight as to how a given policy or law is perceived to function by all major stakeholders concerned. This form of assessment is not only germane to the political process, but is also highly cost-effective. All countries in the pilot phase, found the following aspects of the methodology particularly useful:

- It provides a simplified version of a law or policy, summarising it’s main provisions, in a language accessible to all stakeholders;
- It focuses on the content as well as the process of formulating a law or policy and provides an institutional map of key actors involved and their respective roles and responsibilities;
- A participatory stakeholder review brings out the perceptions of different actors and institutions on the outcomes and impact of implementing the law or policy. Almost all the countries saw the potential for using the stakeholder review for various functions related to implementing or reviewing their respective laws or policies.

Central government ministries in such countries as Colombia, Peru, Philippines and Uganda are considering initiatives following up on reviews of the respective laws. In the case of Brazil, central government authorities are considering to follow-up on reviews of other examples of municipal urban policies and laws. In Tanzania, the results will be used in the scaling up of Safer Dar-Es-Salaam. In the case of Mexico, the Senate is using the methodology as part of the process of formulating new National Housing Legislation.

The Guidelines and criteria have proven to be of overall validity. The reporting format has been refined based on the feedback obtained from the pilot phase. The resulting methodology is a cost-effective tool for the *ex-ante* (as in the case of Mexico) and *ex-post* assessment of urban policies and enabling legislation. It provides an entry point for assessing the effectiveness of sectorial policies/laws in support of the attainment of the MDG and for assessing capacity-building priorities for overcoming obstacles and problems in implementation.

The EGM, recommended this rapid assessment methodology as an integral part of existing tools for policy advocacy and development. It also proposed that it be widely used and applied to assist all spheres of government in attaining the Millenium Development Goals (MDGs) through supportive policy frameworks. Finally, the EGM proposed that the results of its application, in the form of documented examples of urban policies and legislation, be used as a means of monitoring and assessing progress in the implementation of the *Habitat Agenda* and the attainment of the related MDGs.

## **Case Studies**

Summaries of Policies and Laws

## **Brazil: Access to Land and Security of Tenure for the Urban Poor in Belo Horizonte**

**The Issue:** Access to land and security of tenure is critical to the integration of slums into the formal city and the improvement of living conditions of the urban poor. The granting of secure tenure, generally acknowledged as the first and most critical step towards slum improvement, is often hampered by the fact that slums and informal settlements are “illegal” in their occupation and do not comply with building codes, regulations and standards. Interventions by public authorities, whether they seek to regularise or improve these settlements, are politically difficult and sensitive as any intervention could be interpreted as a *de facto* recognition of their legal status. This often leads to an intractable situation whereby without regularisation slum dwellers are reluctant to improve their living environment and service providers are reluctant to assume the risk of investments in basic infrastructure and services.

**The Context:** Belo Horizonte has 177 slums and 63 public housing projects, totalling 240 poor neighbourhoods, with approximately 500,000 inhabitants -about 22% of the total population of the municipality. These areas have problems of public health and difficulties of access and poor quality of housing. There are also serious risks to the population due to lowland flooding and the threat of mudslides.

**The Law:** *PROFAVELA*, The pro-poor land law that was adopted in *Belo Horizonte* was developed in compliance with enabling legislation at the federal level. The local authority suspends and relaxes, on a temporary basis, relevant laws, by-laws and standards to facilitate improvements and land tenure regularisation. This enables negotiations to take place between public authorities, service providers and slum dwellers to establish a plan for the improvement and regularisation of their settlements. Once the plan is approved, it becomes a legal instrument that further enables public intervention, empowers slum dwellers to invest in improvements and to comply with agreed to codes and standards, and ultimately, to gain legal recognition and title deeds.

**The Impact/Lessons learned:** The pro-poor land law of *Belo Horizonte* shows how enabling legislation has made it possible for tens of thousands of inhabitants of informal settlements to obtain security of tenure and to regularize their status. The local authority implements the law in the form of a planning and zoning instrument called ZEIS (Zone of special social interest). This land regulation instrument has since been adopted and implemented in several Municipalities in Brazil. One issue that remains is that not all inhabitants are able to invest to the same degree and to comply even with relaxed by-laws and standards, leading to delays in the granting of title deeds and attaining improved housing conditions.

## **Burkina Faso: Mobilising Municipal Taxation In Koudougou**

**The Issue:** Decentralisation from central to local spheres of government is generally acknowledged as a means of making government more responsive to the needs of the people. The ability of local government to provide better services depends, however, to a large extent on adequate resources and tax revenues. In many developing country cities, local tax revenues are neither buoyant nor elastic, with the result that per capita revenues tend to stagnate or even to fall over time. This situation leads to a vicious cycle of lessened capacity by the local authority to provide basic services and increasing reluctance on behalf of the population to pay taxes.

**The Context:** Decentralization started in Burkina Faso in 1995 with the adoption of a new constitution in 1991 that devolves administrative powers and powers of taxation to the local level. 49 urban and 350 rural administrative entities were created of which *Koudougou*, with a population of 93,272 people, is the third largest municipality and town of Burkina Faso. According to the new constitution, cities are in charge of collecting taxes for the benefit of the State and the City Administration. However, as the industrial activities of *Koudougou* have been disappearing as a result of globalisation and the local economy has become predominantly informal. This has led to a rapidly diminishing tax base with tax yields decreasing every year. These problems are compounded by the lack of civic consciousness and commitment to pay taxes.

**The Policy:** To counter this problem and to improve the prospects of economic and social development of the city, the Town Council decided to implement a new policy to make local tax collection more effective. The policy had three main objectives:

- To stimulate the local economy by curbing the city's operational budget and by increasing the capacity to self-finance the municipal administration;
- To promote civic engagement and education;
- To promote good urban governance, by taking into account the socio-cultural context dimension and using participatory budgeting.

A City Tax Collection monitoring committee including representatives of Finance, the Town Council and the Municipal Administration, was established. This committee meets monthly to review the implementation of the policy and to suggest measures and proposals to the Council President. At the same time, a communication strategy was formulated to sensitise people to the financial situation of the city and to compel them pay taxes. This involved meetings with taxpayers to create awareness of the importance of taxation and thereby improve willingness to pay. All decisions regarding financial matters were discussed openly with all major stakeholders.

**The Impact/Lessons learned:** As a result of this policy, tax collection rates have increased from 68 percent in 2000 to 97 percent 2002, representing a 42 percent increase in revenues. The municipality has improved its investment possibilities and people are more willing to pay taxes as they participate in decisions that have a direct impact on their livelihoods through the allocation of tax revenues.

## China: Access to Housing

**The Issue:** Housing for low-income groups has long plagued developed and developing countries alike. Strategies ranging from subsidised public housing to inner city rehabilitation, and from sites and services to slum upgrading, have all been beset by social, economic and political problems exacerbated by rapid urbanisation. This creates a vicious cycle of poverty, deprivation and social exclusion.

**The Context:** China has seen high rates of economic growth and urbanisation for two decades. The housing sector has been liberalised according to market principles of supply and demand. The economic boom witnessed by Chinese cities has induced investment in the high and middle segments of the housing market, posing problems of affordability and accessibility for families with limited income and savings. China's urban housing market was, until the early 1980s, almost entirely the purview of the state and state-owned enterprises, responsible for investing in and allocating housing within a strict command and control economy.

**The Policy:** In order to facilitate access to the housing market, Chinese cities have been practicing a policy of stimulating supply and demand through the combined use of equity grants for people living in sub-standard housing to facilitate home ownership, and fiscal incentives for real estate developers to provide housing within a negotiated price range. The liberalisation of the urban housing market in the late 1990's was a key component of China's macro-economic reforms towards a "socialist economy based on market principles." While land remains the property of the state, leases are auctioned to developers to supply housing on a home-ownership basis. Low-income families living in slums or sub-standard housing, are provided with a once-in-a-lifetime equity grants based on the market value of their existing housing, to facilitate access to mortgage instruments and to provide incentives in the form of tax reductions or exemptions to developers to provide housing within a negotiated price range.

**Impact/lessons Learned:** Three documented practices of Chengdu, Baotou and Shanghai highlight the success of the policy. In Chengdu, over 100,000 slum dwellers, having benefited from one-time equity grants were relocated and re-housed in housing estates where developers were provided with tax breaks to ensure more affordable prices. Similarly in Baotou, this system combined with a one-stop-shop for housing finance, enabled the local authority to re-house 500,000 people left homeless by a major earthquake.

China's urban housing policy differs considerably from prevailing housing policies and strategies for low-income groups. The use of equity grants, combined with incentives for housing developers to provide affordable housing, stimulates both supply and demand. About 24 million housing units have been built in the last 4 years. Chinese cities have been able to avoid the social problems of low-income housing estates that tend to evolve into urban ghettos over time. Slums and homelessness are also seemingly absent from the urban landscape. In large housing estate developments, many of which attract foreign direct investment, a new level of self-governance has emerged - residents elect committees to oversee and manage urban safety and security, environmental conservation and urban greening, and to cater to the specific needs of youth, single female-headed households and the elderly. The housing policy, however, has had limited impact for the residents of insolvent and poorly performing state-owned enterprises whose housing stock has become relatively sub-standard and socially undesirable. It also does not address the housing needs of an estimated 100 million migrants, or "floating population" who tend to rent rooms in peri-urban and fringe areas. Furthermore, there is not enough public housing built by the local authorities to be rented out to low-income families who cannot afford housing ownership.

## **Colombia: Integrating Decentralisation and Land-Use Planning**

**The Issue:** Decentralisation is generally recognised as a means of improving service delivery. In many rapidly urbanising societies, the ability of public authorities to provide basic infrastructure and services, particularly to the urban poor, is seriously hampered by urban sprawl and unplanned settlements. Effective land-use planning is a key instrument in ensuring equitable access to public goods and services.

**The Context:** Accelerated urbanization started in Colombia in the 1960s with more than half of the country's population living in urban areas. The lack of an equitable land law created two types of living environments: legal settlements replete with infrastructure and services, and illegal or informal settlements lacking the minimum conditions of quality of life. Outdated legal and institutional frameworks that failed to cater for the needs of low-income communities exacerbated this situation.

**The Law:** A new constitution, adopted in 1991, radically modified the concept of private property. It introduced the notion of urban land as a public good and recognized the need for land use planning to cater to interests of the general public. The constitution of 1991 led to the revision and adoption of many other laws, such as the "Law on Spatial Planning". One of the main objectives of this law was to ensure a more efficient and equitable use of land. Some of its main provisions included:

- The definition of the respective roles and responsibilities of state and local authorities in land use planning;
- The obligation of state and local authorities to classify the use of all public land in accordance with the constitutional principles of gender equality and social inclusion, and the principles of public interest such as the preservation of ecological and cultural heritage and disaster prevention and mitigation;
- The adoption of mandatory municipal land use plans using a participatory and democratic process as a pre-condition for the approval of urban development projects, building permits and the allocation of central government grants and subsidies for housing and infrastructure development. In addition, the law provides for the use of specific instruments and procedures for conflict resolution and mediation on planning matters.

**Impact/Lessons Learned:** The "Law on Spatial Planning" has transformed the urban landscape in Colombia. The overarching principle of protecting the general over individual interest has led to more rational use of land, greater equity in the provision of basic infrastructure and services, the protection of the environment and the preservation of cultural heritage. The participatory approach required for the adoption of land use plans and regulations has contributed to more effective, transparent and accountable local government. In such cases as Bogotá and Medellín, it has enabled the adoption of innovative practices in the integration of low-income settlements, as well as a more efficient network of roads, infrastructure and transport. It has also led to greater transparency in the costs and benefits of urban development. A key-contributing factor to success has been the role of the Ministry of Economic Development in nation-wide campaigns including TV, seminars and workshops to familiarize the public with the law.

## Mexico: Revision of the National Housing Law

**The Issue:** The combined impact of rapid urbanization and globalization is resulting, in many developing countries, in the urbanization of poverty. One of the most important manifestations is the proliferation of slums and informal settlements, both of which have a direct impact on the attainment of other Millennium Development Goals such as access to health, education, water and sanitation, and the ability to care for those affected by HIV/AIDS. Women, particularly single female-headed households, are among the most severely affected.

**The Context:** Mexico is one of the most urbanized countries in Latin America, with over two-thirds of its 104 million people residing in cities. Despite a relatively high GDP per capita (circa US\$ 6,250), 44% of the urban population lives in asset poverty and 24% of urban households live in slums and informal settlements. If present trends continue, the estimated need for housing by 2030 will exceed 730,000 new dwelling units and 390,000 household improvements per annum. The present Housing Law, adopted in 1984, is clearly inadequate to meet this challenge. This situation prompted the Housing Commission of the Mexican Senate to propose a new Housing Law to be tabled at its resumed session in September 2004.

**The Process:** The process of formulating a new Housing Law was initiated in 2001, involving a wide spectrum of stakeholders including academia, the Federation of Employers, government agencies and councils, representatives of civil society, experts and consultants. Key issues that were identified include, *inter alia*, the need to:

- Adjust existing land-use laws and regulations to facilitate urban development;
- Assign clear roles and responsibilities between state and municipal governments;
- Ensure the active participation and buy-in by the social and private sectors of the economy;
- Establish a body to coordinate the implementation of the national housing policy;
- Adopt fiscal, financial and other instruments to facilitate access to housing by the low-income population.

The methodology developed by UN-HABITAT was proposed and used mid-way through the process as a means of mainstreaming pro-poor and gender-sensitive considerations.

**Results:** The methodology, as part of an *ex-ante* process, proved to be useful as a checklist for compliance of the new law with the goals and principles of the *Habitat Agenda* and of the *Millennium Development Goals*. It formed part of a comprehensive process involving the following components:

- The compilation and analysis of statistical information to assess trends and conditions as they pertain to the *Habitat Agenda* and the *Millennium Development Goals*;
- The analysis of socio-demographic and cultural variables that affect participation in and ownership of the decision making process;
- The identification of territorial variables including the institutional and economic capacities of different spheres of government;
- The analysis of the socio-political context and the relations between key institutional actors and stakeholders to ascertain their level of commitment to the new law or policy.

**Impact/Lessons Learned:** The use of the methodology as an *ex-ante* policy development tool was an unanticipated outcome of the pilot phase. Its relevance as a checklist for ensuring compliance with the *Habitat Agenda* and the *Millennium Development Goals* provides an additional source of validation of its basic tenets and criteria.

## **Morocco: Reducing Urban Poverty and Stimulating Local Economic Development through Strategic Urban Planning**

**The Issue:** In many developing countries, metropolitan authorities lack flexibility and the instruments required to link administrative decisions with physical planning and the planning of infrastructure, services and socio-economic development. Municipal authorities compete for resources. Each operates according to their own perceived priorities and needs, sometimes losing sight of the impact of their decisions on overall socio-economic or environmental trends and conditions. This often results in inequitable access to or provision of basic services, and generalised inefficiencies and lack of productivity. Decentralisation and administrative reform can help strengthen the capacity of metropolitan authorities to overcome this dichotomy and to engage in comprehensive development planning, monitoring and administration. In recent years, participatory planning, through the involvement of stakeholders, and the use of instruments that link social, economic and environmental planning and management, are proving to be effective in reducing urban poverty and stimulating local economic development.

**The Context:** In Tetuan, Morocco, the City Development Strategy (CDS) was applied as a comprehensive planning tool to enhance the benefits of decentralisation and administrative reform. The CDS involved all spheres of government and constituent municipalities of the metropolitan area in a participatory planning process. At the inter-governmental level, the CDS resulted in improved co-ordination and concerted budgeting between central, provincial and municipal governments, resulting in the leveraging of resources. At the metropolitan level, it enabled constituent municipalities to better understand the consequences of their actions and agree on a common set of objectives and means for monitoring their attainment. The process enabled the public to be better informed of the resource allocation process and make their voices heard.

**Impact/ Lessons Learned:** The concrete outputs of the process are a set of pro-poor and pro-investment policies, namely a Poverty Profile and City Economic Analysis, a Citizen Participation Methodology and a Public-Private Sector Partnership Framework, a City Poverty Alleviation Action Plan with an Integrated Urban Upgrading Operational Plan, and an Investment Strategy and a Local Economic Development Strategy. The results of the process include more transparent and accountable system of decision-making and resource allocation, a better-informed and educated electorate, and a more responsive administrative and governance system.

Metropolitan CDS is an innovative citywide demand-driven and participatory planning process. Credibility and legitimacy emanates from the participation local stakeholders as well as regional or central government to ensure that outputs are taken into account in sector and regional plans. A concluding Municipal Learning Forum will be open to Moroccan and regional city counterparts to disseminate lessons learned and successes from the CDS process, opening the way to replication and institutionalization.

## **Peru: Municipal Round Tables for Consultation and Consensus Building**

**The Issue:** Participatory governance is recognized as a pillar of effective democracy. Since 2001, Peru has systematically established legal frameworks for citizens' participation in various aspects of local development and governance.

**The Context:** Peru is a highly centralised country, with large regional disparities in economic and human development. The poorest regions are those predominantly populated by indigenous people. In the late 1990s, the Law for Citizen Participation and Control introduced certain mechanisms for participation in the formulation of laws, for constitutional reform by referendum, and for the reform of public authorities on the initiative of the citizens. However, it was not until the return to democracy, at the end of 2000, that participatory institutions were put in place to bridge the divide between the state and civil society. Besides tackling problems in specific thematic areas, the purpose of these institutions was to pave the way for representative and participatory governance.

**The Law:** The Co-ordination Committee for the Fight Against Poverty came into being in January 2001, through a Supreme Decree by the Ministry for the Promotion of Women and Human Development<sup>2</sup>. It was modified in July 2001 to specify the composition, functions and organic structure of its National Executive Committee and Technical Secretariat. In November 2002, the Regional Government Law ranked the Decree as a law that henceforth could only be modified by Congress. The objectives of the Co-ordination Committee for the Fight against Poverty are to:

- Coordinate and build consensus on social policies, focusing on human development with emphasis on gender and social equity;
- Achieve greater transparency, integrity and efficiency in implementing programmes against poverty and discrimination;
- Institutionalize citizen participation in planning, and monitoring social policies of the State.

The National Committee made up of representatives of eleven line ministries, functions at the national, departmental, and local levels. Provincial and district level Co-ordination Committees include Participatory Budgeting as well as roundtables on specific thematic areas. Through consultation, strategic priorities to combat poverty have been defined, including housing and the regularization and upgrading of informal settlements.

**Impact/Lessons Learned:** The Co-ordination Committees have greatly contributed to a new approach in the fight against poverty through improved co-ordination among stakeholders; overcoming mistrust between government and civil society; increased citizen's role in monitoring government performance and demanding accountability; identifying and addressing of capacity building needs of both government and civil society groups; improved information flows to the public; and a culture of conflict resolution and consensus building.

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<sup>2</sup> Since renamed the Ministry of Women's Affairs and Social Development.

## **Philippines: Strengthening the Role and Function of Local Authorities**

**The Issue:** Effective decentralisation depends not only the devolution of power and authority to manage revenues, to local spheres of government, but also on a clear definition of roles and responsibilities.

**The Context:** The Philippines used to have a long tradition of centralized government since colonial times. While centralization has made it possible for State formation and consolidation in an archipelago of more than 7100 islands, it has increasingly become unresponsive to the demand of the modern public administration and governance. In response, the Local Government Code of 1991 was adopted – it is said “the Philippine government system has never been the same again.”

**The Policy:** The Local Government Code was adopted in 1991 as a constitutional amendment. It defines the mandate, role and responsibilities of local government. It includes the formal recognition and designation of four tiers of governance - provincial, city, municipal and *barangay* (the smallest political unit). It also affects national government as far as their relationship to the local governments is concerned.

The Code devolves to local government units the responsibility for the delivery of various aspects of basic services. These include: health, social welfare services, environmental protection, agricultural extension, locally funded public works, education, tourism, telecommunications services and housing projects, and investment support and promotion. The Code also devolves to local governments certain regulatory powers, such as the reclassification of agricultural lands, enforcement of environmental laws, inspection of food products and quarantine, enforcement of national building code, operation of tricycles, and approval of subdivision plans.

The Local Government Code has increased the financial resources of the local government units by increasing their share of national wealth from 11 percent to as much as 40 percent. Much of this is through the sharing of national taxes by way of the internal revenue allotment (IRA) and by broadening local powers of taxation. Local governments have also become more innovative in maximizing local resources through mechanisms such as BOT (build-operate-transfer) arrangements with the private sector, joint ventures and bond flotation. Greater exercise of taxing powers has also become evident although efficiency is poor in the collection of some taxes such as the tax on real property. Local governments have also increased their local investment initiatives.

The Code upholds the right of registered voters to recall against any elected official whose performance has not been satisfactory. It has also enhanced the people’s access to justice, and given them the power to mediate and decide on local disputes through the *barangay* justice system. The Code also envisions a participatory planning process with representation from civil society, and the private sector in local development councils. The councils include civil society representatives, and are obliged to mobilize people’s participation in local development efforts and also monitor implementation of local development projects. However, lacks the elaboration of specific mechanisms for participatory planning and performance management.

The Code also stipulates the creation of a *Sangguniang Kabataan* (Youth Council) as part of the local government structure at all levels. It is a venue for youth to participate in public affairs, as well as a training ground for higher positions.

**Impact/Lessons Learned:** The 1991 Local Government Code has made many municipal best practices possible. For example, Naga City passed its "Empowerment Ordinance" in late 1995. This unique legislation promotes active partnership between the city government and the people in the formulation, implementation and evaluation of government policies through the Naga City People's Council (NCPC). The participatory process resulted in the formulation of a total of thirty strategic management plans including three city wide programmes: the clean up of the Naga River, the management of solid waste, and the revitalisation of the Naga City Hospital. It led to the establishment of the Naga City Investment Board, a private sector initiative with members from the Naga City People's Council that promotes investment and local economic development. The Integrated Livelihood Master plan has been adopted to harmonise national and local livelihood programmes. The Public Service Excellence Program and the Citizen's Guidebook of City Government Services have resulted in marked improvements in service delivery and accountability.

## Senegal: Access to Health Care for All in Dakar

**The Issue:** Universal access to health is one of the Millennium Development Goals and one that affects the well being and productivity of all women, men and children. By 2015, well over half of the world's population will be living in cities. If present trends continue, the vast majority will be living in slums with little or no access to basic services. The role of local authorities is therefore critical in the provision of basic health care.

**The Context:** In Senegal, the law on decentralization calls for cities to assume operational responsibility for administering primary health care. Working at the district level, *Dakar City* plays an important role in providing basic health care to the population. Before the policy on "Better Access to Health Care to all at a Lower Cost" was adopted, the health care system lacked adequate human, financial and technical resources, was poorly coordinated and has no clear strategy; there was also inadequate monitoring and follow-up.

**The Policy:** To respond to these challenges, the city adopted a Strategic Plan for the Development of Health and Social Affairs 2000-2007. The objective of this Plan is to provide access to basic health care to all at a lower cost. More emphasis is placed on prevention than cure, as part of a long-term strategy for sustainable health care. The plan comprises three integrated components:

- **Administration and Logistics**, including human resources, accounting, use of information and communication technology, infrastructure and maintenance;
- **Sanitary services**, including hygiene and prevention of disease, coordination and supervision of health committees and health education;
- **Social Services**, including poverty eradication, special care for children, the disabled and the elderly, administered by community centers.

Access and affordability to health and social services have been substantially improved by a combined approach on the use of generic drugs, taking into consideration geographical access and mobility of the low-income population, decentralizing specialized health care and services to different neighbourhood health centers, introducing well-equipped mobile revolving clinics, and integrating social services with health care at the neighbourhood level. The City Health Budget, central government grants, community participation and external partners including UNICEF, UNDP, and others provide financial support for the implementation of the policy and the plan.

**Impact/Lessons Learned:** Eight health care centers, 29 health units and one maternity centre have been built and made operational to date. Also a mobile service called "Un mois, une Commune" (one month, one district) has been established to provide free consultations and raise awareness and inform people on preventive health care. Community participation is one of the principal pillars of the policy with communities managing their own health committees and medical supplies. This policy has since been replicated in Kaffarine and Sédhiou in Senegal.

## **South Africa: Water and Sanitation for All**

**The Issue:** Access to urban basic services very often exemplifies the disparity between poor and better off urban areas. In particular, residents of slum areas suffer inadequate sanitation and lack of clean water. More equitable access to basic water supply and sanitation is critical in improving the living conditions of the urban poor.

**The Context:** During the recent period, South Africa thoroughly reviewed the national policy and legal framework for Water and Sanitation. The new legislation complies with the requirements of fairness, equity and sustainability and redresses the imbalances in access to water as a result of past apartheid laws. The new slogan of the Department of Water Affairs and Forestry, “Some, For All, For Ever”, reflects these values which are the fundamental ones of the new Constitution and the core of South Africa’s development vision stated in the Reconstruction and Development Programme.

**The Policy:** The revision process represented several years of hard work and was conducted through wide consultation of stakeholders, including the poor communities. Major strategies and laws include: The White Paper on Water Supply and Sanitation adopted in 1994; The Water Services Act in 1997; The National Water Act of 1998 related to water resources and the Pricing Strategy for Raw Water Use Charges in 1999; The White Paper on Basic Household Sanitation in 2001; The Strategy Framework for Water Services in 2003.

The use of water to meet basic domestic needs is a high political priority. The new framework defines all water, wherever it occurs, as a common resource for all. The main objective of the recent Strategy Framework for Water Services is that all people have access to a functioning basic water supply facility by 2008 and basic sanitation facility by 2010. It aims at providing water and sanitation equitably (to all people), affordably (no one is excluded because of the cost), effectively, efficiently, sustainably and gender sensitively.

Key principles of the strategy include:

- A clear definition of roles and responsibilities of the different spheres of government and other institutions with the separation of regulatory and operational responsibilities and with management, decision making and control of water services projects to be developed at the lowest appropriate level whilst taking into account efficiency benefits related to economies of scale;
- The important role of the private sector in assisting local governments and other water services institutions;
- The necessity to build on and further develop existing capacities and the transformation, through the institutional reform process, of water services institutions to ensure effective, efficient and sustainable services provision in the multicultural and multiethnic context;
- The importance of gender mainstreaming to enable women to ensure a meaningful and significant part at all levels and the substantial role of the Civil Society in, amongst others, planning, monitoring and advocacy.

**Impact/Lessons Learned:** The South African Water and Sanitation reform already had a significant impact. The percentage of people having access to basic water supply infrastructure increased from 60% in 1994 to 83% in 2002 and 86% in 2003 while for access to basic sanitation infrastructure, it increased from 49% in 1994 to 60% in 2002 and 63% in 2003. Effective public-private partnerships, capacity building for local authorities, and a high level of public participation have been key elements in the implementation of this policy.

## Tanzania: Decentralising Safety and Security Services, Dar-es-Salaam

**The Issue:** Safety, security and justice are closely linked and unless they function cohesively, safety tends to suffer. This has an impact on people's well-being and economic prospects. In many developing countries, safety, security and justice fall largely outside the purview of local authorities are highly centralized and depend on different ministries, leading to inefficiencies and a general perception of injustice. In recent years, attempts have been made, with positive results, to decentralize safety, security and justice, involving local authorities as well as communities in all three aspects of their administration.

**The Context:** Safer Dar-Es-Salaam Programme took advantage of the existing legislation and policy framework that supports and promotes the decentralization of safety and security services to the local authority and community levels. Its objectives are to bring justice closer to the people and to improve the efficiency of safety and security services by devolving the responsibility of dealing with minor offences to the community level.

**The Policy:** The supporting policy consists of three major components:

- A **Ward Tribunal System** to strengthen by-law enforcement at the local level and to alleviate the strain on the justice system, which was over-burdened by minor offences and petty crime. The system is a flexible form of justice delivery, taking into account local culture and emphasizing reconciliation rather than punitive measures;
- The Dar-Es-Salaam City **Auxiliary Police**, established in late 2000, to assist the National Police in community policing, crime prevention and by-law enforcement;
- The **Sungusungu**, or neighbourhood watch groups, with defined powers and roles in crime prevention, originate from traditional rural defense groups. They are managed by neighbourhoods working with the auxiliary and/or national police. Households contribute in cash or in kind.

All three components function together to strengthen the capacity of local authorities in managing and sustaining urban security. Ward Tribunal members and *Sungusungu* receive continuous training. Municipalities have set aside a budget for the Auxiliary Police and provide allowances for members of Ward tribunals. In addition to residents' contributions for the *Sungusungu* groups, municipalities have provided equipment. Regular sensitization workshops have been held with the communities, the police and private security firms and they are all involved at all stages of implementation. Special attention is paid to the involvement of women and youth at risk.

**Impact/Lessons Learned:** The success of the Safer Dar-Es-Salaam initiative has led to the replication of the Auxiliary Police, Ward Tribunals and *Sungusungu* in other municipalities in and outside Tanzania. Ten Tanzanian towns are working on replicating the Safer Dar-Es-Salaam Programme; South Africa is considering establishing an initiative similar to Ward Tribunals; and Nairobi, Kenya is interested in setting up a Municipal Police.

Internal and external evaluations of the Programme and its three components reveal several constraints including gaps in resources and co-ordination, a need for more capacity building and public awareness. These issues are currently being addressed as replication and scaling up are being planned.

## Uganda: Empowering Local Authorities

**The Issue:** Effective decentralisation depends not only the devolution of power and authority to manage revenues, to local spheres of government, but also on a clear definition of roles and responsibilities. The Ugandan Local Government Act was formulated in a participatory manner involving broad-based consultations. It has been simplified in various forms to inform all stakeholders of its provisions. The result has been a clear set of rules and procedures and a transparent demarcation of roles and responsibilities of different jurisdictions.

**The Context:** The Ugandan Local Government Act initially came into force in 1997, with an amendment in 2001. A significant provision of the amendment is affirmative action for groups marginalized on the basis of gender, age, disability or other reasons. The system of local government in Uganda is based on the district under which there are lower local governments and administrative units. Urban districts are comprised of city councils, city division councils (municipalities) and town councils.

**The Law:** The Act empowers city councils in the following areas:

- **Financial:** City Councils are mandated to collect revenues, approve and execute their budgets and plans; levy charges and collect fees and taxes. The Act specifies revenue sources and procedures, revenue sharing with lower councils, and borrowing powers.
- **Inspection, Monitoring and Co-ordination:** The Ministry of Local Government is responsible for overall coordination and oversight while line ministries monitor and coordinate government policies and initiatives and provide technical advice.
- **Planning:** The district council acts as the planning authority. A Technical Planning Committee supports the council by coordinating and integrating sectoral plans of lower local government units.
- **Legislative:** District councils pass ordinances, subject to certification by the Ministry of Local Government, while lower local government units pass bylaws.
- **Political:** The council is the highest political authority within its area of jurisdiction and has legislative and executive powers, with all members being elected and a chairperson, a speaker and a deputy speaker who are full time staff.
- **Personnel:** A District Service Commission, the members of which are independent of the local council, have the power to appoint staff serving District or Urban Councils, to confirm appointments and to exercise disciplinary control.

**Impact/Lessons Learned:** The participatory process involved in the formulation of the Local Government Act and its wide dissemination in easily understood forms has facilitated the active participation of a wide range of stakeholders in continuous monitoring and evaluation. This led to the formulation, in 2003, of a comprehensive capacity building strategy to improve and enhance implementation, particularly with regards to planning functions. The stakeholder review provided further insights on unintended outcomes of the law. One example was what some perceived as localization of corruption as well as fragmentation of development efforts. The review also pointed to the need for further harmonization with other laws that should be repealed or updated.

## Dialogue on Urban Realities World Urban Forum II, Barcelona, September 2004

### **Introduction**

Attaining the Millennium Development Goals (MDGs) of promoting gender equality and universal access to health and human services, improving the living conditions of slum dwellers, combating HIV/AIDS, providing clean drinking water and adequate sanitation, protecting the environment and reducing abject poverty will depend on the adoption of more effective legal and institutional frameworks and harmonised sectoral policies and strategies. Meeting the time frame and the numerical targets of the MDGs will also require a focus on urban areas as the majority of affected women, men and children will be living in urban and peri-urban areas by the target dates of 2015 and 2020.

By 2015 and 2020, the target dates set by the world's leaders for attaining the Millennium Development Goals, well over 50 percent of the world's population will be in urban and peri-urban areas, the majority living in developing country cities. If present trends continue, the vast majority of these people will be living in abject poverty, in slums and squatter settlements, without access to decent shelter, water and sanitation. Such living conditions could seriously inhibit sectoral strategies for meeting the MDGs. A typical case in point can be found in strategies to care for those affected by HIV/AIDS - their effectiveness depends to a large extent on safe and hygienic living conditions and nutrition for those infected, and on responsive support systems and services for surviving parents and orphans.

Urgent reforms are required in reshaping legal and institutional frameworks and governance systems to strengthen the capacity of public administrations and local authorities to implement concerted and harmonized approaches towards pro-poor and socially-inclusive economic development. Accompanying measures are urgently required to promote gender equality and social inclusion in the provision of health and human services, ensure adequate water and sanitation and prevent the rapid proliferation of slums and unplanned settlements from further degrading eco-systems and the environment. Such reforms, in turn, call for effective tools for assessing and improving existing laws and policies and, where necessary, formulating new ones.

The *Dialogue on Urban Realities* highlighted six outstanding policies/laws. The selection was made to reflect geographically representative and thematically relevant laws and policies. Areas covered included: land for the urban poor, water and sanitation, housing, gender equality and social inclusion, decentralisation and the empowerment of local authorities, and local economic development. Several of these laws and policies, illustrated by examples of good practices in their implementation, were assessed by UN-

HABITAT in the course of testing and developing the tool for participatory policy review and assessment of policies and laws, described earlier in this document. Others were identified through technical co-operation activities of UN-HABITAT. The following countries made presentations at the dialogue: Brazil, China, Morocco, Philippines, South Africa and Spain – [see summaries under “Case Studies”]

## **Lessons Learned and Pointers for the Future**

### **Lessons learned**

The case studies presented illustrate that pro-poor urban policies can be designed and implemented in line with the *Habitat Agenda* to allow the attainment of the MDGs. The key factors to their effectiveness appear to be:

- (a) The adoption of a holistic and integrated approach to development planning and administration. This often requires the breaking down of administrative barriers between and within spheres of government and in the allocation of resources for infrastructure and land-use planning, social services, and economic development. In Morocco, this was achieved by involving all spheres of government and municipalities within a metropolitan area in long-range strategic planning. Resources are matched with a common set of goals and objectives and the participation of civil society ensures greater transparency and responsiveness. In Spain, different municipal departments leverage their resources and co-ordinate their actions in a concerted approach to affordable housing, heritage conservation, skills training and job creation. Both cases underline the need to overcome the “competing jurisdictions” syndrome.
- (b) Effective decentralisation and the empowerment of local authorities. The ability of local authorities in the Philippines to fulfil their mandate is predicated on a substantial share of fiscal resources. This, in turn, enables them to engage in participatory decision-making and to respond to the needs and priorities of the people. Similarly, in China, cities have been empowered to combine fiscal incentives to the real estate sector with equity grants to stimulate supply and demand for urban housing and infrastructure. This unique approach has avoided, thus far, the creation of ghettos of the urban poor while contributing significantly to a dynamic urban economy.
- (c) Focusing on land and basic services. Security of tenure and the provision of basic services are widely recognized as being pre-requisites for improving livelihoods and reducing urban poverty. In Brazil, federal legislation has allowed state and local governments to adopt and implement pro-poor land policies and planning instruments. By relaxing requirements for compliance with middle class norms and standards, these policies allow local authorities to negotiate with urban poor communities to progressively normalise their settlements. This, in turn, provides the requisite incentives for inhabitants and guarantees for service providers to improve living conditions. In South Africa,

the new policy and legal framework on water and sanitation specifically addresses the needs of the poor with the goal of attaining the MDG of water and sanitation for all well before the MDG target date of 2015. By addressing the needs and backlog of urban and rural settlements in a unified manner, the law also helps bridge the rural-urban divide.

### **Pointers for the future**

The examples presented show that appropriate laws and policies favour investment and growth as well as social equity and inclusion. The key ingredients correspond to the strategic objectives of the *Habitat Agenda* - participation and partnerships, capacity building, decentralisation and the empowerment of local authorities as well as access to, and use of information in decision-making. All of them also respond to one or more MDG..

Conclusions from the *Dialogue on Urban Realities* in many ways corresponded to the findings from the pilot phase of documenting good policies and enabling legislation. In summary: There is no single law or policy that can address poverty, inclusiveness and sustainability issues. The key is having comprehensive and holistic approaches. This often requires the breaking down of administrative barriers between and within spheres of government and in the allocation of resources. It requires commitment at the national level to empowering the local level. This includes availing resources commensurate with devolved responsibilities, as well as capacity building. Individual policies and laws must have a strong social content and recognize individual as well as collective rights and needs. Public-private partnerships must be well formulated, managed and monitored to ensure social accountability.

Development of updated and innovative planning instruments and methodologies based on broad-based participation of stakeholders is crucial to address the growing urban challenges. Good policies and enabling legislation start with political will and vision. This has to be backed by participatory formulation and implementation as well as continuous monitoring and review. Institutional responsibilities and linkages must be well defined. Finally, proper tools for implementation must be developed and continuously reviewed to match changing realities.



## Participatory Assessment of Policies and Legislation In Support Of the Millennium Development Goals

### A User's Guide

#### INTRODUCTION

These guidelines provide a systematic approach for assessing the effectiveness of laws and policies in attaining the Millennium Development Goals. They are intended for use by all spheres of government and members of civil society concerned with the implementation, monitoring and evaluation of laws and policies to reduce poverty and HIV/AIDS, promote gender equality and social inclusion, facilitate universal access to health and education, improve the living conditions of slum dwellers and the environment.

The method uses a participatory process involving multiple stakeholders in a rapid, perception-based assessment. It was tested in ten countries in Africa, Asia and Latin America involving laws and policies ranging from decentralisation and municipal taxation to access to health care and land tenure for the urban poor.<sup>3</sup> In all cases the method proved to be cost effective and highly relevant to ongoing efforts to improve policy implementation and development. Case studies and lessons learned from the field test are provided in the present document.

#### A STEP-BY-STEP APPROACH

The step-by-step approach to the rapid assessment of laws and policies is designed as a capacity building exercise to foster a common understanding of the policy or law by all key actors and institutions, and to identify issues in implementation. It consists of the following:

- Step 1: Defining the scope of the exercise and identifying key stakeholders  
This step involves identifying the intended outcome of the assessment, its scope and the key stakeholders to be involved. The *substantive scope* of the exercise may be a parliamentary review, a proposed bill of amendment, or a capacity assessment to identify issues in implementation. The *geographic scope* may be nation-wide involving a representative sample of regions and authorities. It may also focus on a single region or authority. The scope of the exercise will determine the number of stakeholders involved and the depth of the assessment. In all cases, it is recommended that neutral party be assigned the substantive responsibility of the exercise.<sup>4</sup>

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<sup>3</sup> Field-testing made possible through a grant from the Government of Netherlands and support from the Government of Finland.

<sup>4</sup> For example, an institute of public or municipal administration, a local authority association or an umbrella non-governmental organisation.

- Step 2: Unpacking the law or policy  
This step involves the documentation of a given law or policy, according to a recommended template and in simple language. The purpose is to enable all stakeholders concerned to have a comprehensive and common understanding of the intent of the law. It includes an *Institutional Map* to help explicate the roles and responsibilities of different actors in the formulation, implementation and evaluation process. The unpacking exercise should involve a panel of experts familiar with the substantive and geographic focus of the exercise.
- Step 3: Organising a stakeholder review  
This step involves the organisation of one or more meetings involving key ministries and/or government departments, local authorities and their associations, civil society organisations and special interests groups. The review should be conducted by an experienced facilitator or mediator and involve the experts involved in Step [2] as resource persons. Its purpose is to identify, on a consensus basis, key issues in implementation. These may include shared or differing interpretations of the law or policy, issues related to capacities and resources required for its implementation, as well as specific needs, priorities or issues that were not initially foreseen. The review provides feedback for refining the unpacked version of the policy or law and validating the roles and responsibilities of key actors contained in the *Institutional Map*.
- Step 4: Recommendations and Dissemination

Based on Steps [2] and [3] above, this step involves the preparation and dissemination of a consolidated document containing the final unpacked version of the law or policy and the key recommendations and perceptions resulting from the stakeholder review. The resulting document is a consensus-based instrument that should be of immediate use to the political decision-making process. It also represents a tool that should be widely disseminated to help ensure a common understanding of the law or policy. Its potential applications include training and capacity building, awareness building and continued monitoring and evaluation.

## **INDICATIVE RESOURCE REQUIREMENTS**

The resources required to implement the rapid assessment approach described above depends to a large extent on the substantive and geographic scope of the exercise. However, based on the field-testing conducted in the 10 countries, the estimated cost of conducting a rapid assessment varied from US\$ 35,000 to US\$ 50,000 per case.<sup>5</sup> These costs compare favourably with other known and existing methodologies that typically cost three to five times more.

The time frame for undertaking a rapid assessment also varies considerably depending on the scope of the exercise and the availability of data. In the case of complex laws and policies involving the research and analysis of sets of laws or policies adopted by different spheres of government, the time frame may take up to 9 months. In most cases involving recently adopted laws or policies for which documentation is readily available, the time frame varies between 4 and 6 months.

## **EX-ANTE APPLICATIONS**

One of the ten field tests involved the use of the template in an ongoing exercise to formulate a new law. The criteria, in the form of lead questions contained in the template, were found to be useful and relevant as a checklist of issues to ensure a pro-poor, gender-sensitive approach to the formulation and the content of the law. Formulating a new law or set of policies requires, however, more steps in terms of data collection and analysis than are contained in the present guidelines.

## **INTERNATIONAL CO-OPERATION AND EXCHANGE**

<sup>5</sup> Including substantive backstopping provided by UN-HABITAT.

UN-HABITAT has established a Website containing the present guide and examples of peer-reviewed and assessed laws and policies (<http://www.bestpractices.org/policies>). UN-HABITAT invites all spheres of government and representatives of civil society to make use of this Website and to submit the results of the review and assessment of their respective laws and policies for the benefit of others.

UN-HABITAT will facilitate and support requests by governments, local authorities and civil society organisations to external support agencies and donors for technical assistance for the review and assessment of laws or policies in support of the Millennium Development Goals. It also has a network of partner institutions in Africa, Asia and Latin America that are familiar with the methodology and can serve as sources of expertise.

## Annex 2

# Guidelines for Reporting and Assessing Good Urban Policies and Enabling Legislation

## A. Background and Goals

In 1996 the second United Nations Conference on Human Settlements (Habitat II) addressed the issues of improving the living environment for all people. The conference adopted the Habitat Agenda, with all spheres of government and civil society organisations committing themselves to attaining the twin goals of “Adequate shelter for all” and “Sustainable development in an urbanizing world”. Documented “best practices” were identified as one of the two main tools together with indicators, for monitoring the implementation of the agenda. As a result, UNCHS (Habitat) established in 1997 the Best Practices and Local Leadership Programme, comprised of a global network of partners, which has documented to date over 2200 good and best practices from 140 countries.<sup>6</sup>

In 1999, UNCHS (Habitat) initiated, with the approval of the Commission on Human Settlements, two global campaigns on Secure Tenure and Urban Governance in support of the implementation of the Habitat Agenda. These two campaigns combine the operational and advisory capacities of UNCHS (Habitat) to promote, *inter alia*, the issues of housing rights; security of tenure and access to housing resources by the urban poor; decentralisation and the empowerment of local authorities; and more transparent and accountable forms of urban governance. These issues constitute the first tier entry points for the documentation and dissemination of good urban policies and enabling legislation.

In June 2001, the Special Session of the United Nations General Assembly for the review of the implementation of the Habitat Agenda adopted in paragraph 63 of its final declaration: “A further goal is to translate best practices into policies and permit their replication. In this respect, the international community should ensure the effective formatting and dissemination of proven best practices and policies.”

As a follow up to this declaration, UNCHS convened an Expert Group Meeting in November 2001 to develop a framework for documenting and disseminating lessons learned from good urban policies and enabling legislation to further the exchange of expertise and experience in support of the implementation of the Habitat Agenda and the Millennium Development Goals.<sup>7</sup> To this end, the Meeting adopted the following terms of reference:

- (a) Define what constitutes a good urban policy and enabling legislation including specific criteria;
- (b) Propose a template that would enable government officials, practicing professionals and the informed public to better understand the essence of documented policies and legislation;
- (c) Propose additional information that would enable the international community, researchers and policy analysts to understand and differentiate between the contextual and generic elements of the documented policies and legislation, including the socio-economic and political rationale for the policy;
- (d) Propose the thematic scope or entry points for documenting good urban policies and enabling legislation;
- (e) Propose means of dissemination and applications in policy development and capacity-building;

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<sup>6</sup> These practices are included in the Best Practices Database, available on the Internet: [www.bestpractices.org](http://www.bestpractices.org).

<sup>7</sup> The Millennium Declaration was adopted by the UN member states in the year 2000. It contains eight Millennium Development Goals (MDG) ranging from poverty reduction, health, and gender equality to education and environmental sustainability.

Accordingly, the Meeting designed a template and defined a set of criteria to enable policy makers, legislators and other partners to assess and document both the process and content of good urban policies and legislation. With the support of the Government of the Netherlands and the Government of Finland, the template and the criteria were field-tested in nine different countries in Africa, Asia and Latin America involving laws and policies ranging from decentralisation and the empowerment of local authorities to security of tenure for the urban poor. The present guidelines represent the refined version of the template, criteria and other inputs derived from the field-testing.

## **B. Checklist of Criteria**

In order to properly assess the effectiveness in the scope and design of good urban policies and legislation the following evaluation criteria are proposed. These criteria address a wide range of issues concerning the intended impact, the decision-making process and governance structures. While it is unlikely that any single policy or legislation will meet all of these criteria, they provide a checklist for improved understanding of how a policy or law supports the goals and strategic objectives of the *Habitat Agenda*.

a/ Criteria pertaining to social, spatial, economic and environmental impact

- Promotes gender equality
- Enhances social inclusion
- Recognises cultural sensitivity and diversity and promotes non-discrimination
- Empowers all stakeholders, particularly women, civil society organisations, local authorities and the urban poor
- Improves urban sustainability particularly through integrated, holistic and comprehensive approaches to social, spatial, economic and environmental issues
- Flexibility in accommodating different conditions, groups and needs

b/ Criteria pertaining to institutional roles and responsibilities

- Provides a clear definition/assignment of roles and responsibilities including appropriate institutional framework and governance structures and appropriate levels of centralisation and decentralization
- Promotes the use, availability and accessibility of research findings and information
- Simplicity and clarity
- Realistic in terms of scope and implementation
- Provides for measurable impact and/or results
- Supports the participation of all stakeholders including disadvantaged groups in decision making monitoring and evaluation

## **C. Institutional Framework and Governance Structures**

A key concern is the institutional framework and governance structure for creating and implementing good urban policies and legislation. Experience has shown that there needs to be a clear definition and assignment of roles between various actors, entities and jurisdictions responsible for oversight and regulation, coordination and implementation and evaluation and follow-up. In general, approaches that decentralise authority and responsibility lead to improved service delivery and responsiveness to local development priorities. This is especially the case for addressing the needs of the poor, particularly women, and other disadvantaged groups. Such forms of decentralisation must involve genuine reallocation of power, resources and responsibilities to local levels, not just the reshuffling or reassignment of administrative duties. Experience has demonstrated that in many situations, decentralization can foster more effective responses for reducing poverty – a key concern and priority for attaining the MDG.

## D. Gender Equality and the Empowerment of Women

An important cross cutting issue in good urban policy and enabling legislation is gender equality.<sup>8</sup> In order to attain gender equality, the political, social and economic empowerment of women is crucial. Specific focus on gender equality also means that good policies and enabling legislation need to be gender aware; they need to distinguish between men and women in the issues they seek to address. For example, a policy or law seeking to help the urban poor to obtain security of tenure should spell out how this can be done for both women and men. A critical contribution to gender equality and the empowerment women is to ensure that policies and legislation are based on the assessment of the different needs, concerns, roles and responsibilities of men and women.

## E. Template

The attached template is intended to provide detailed information regarding who developed the policy or legislation, its content and substance, how it was formulated and is being implemented and what are the measurable results and impacts. It also addresses the issue of how policies and laws are being monitored and evaluated, and most importantly, what are the lessons learned for replication and transfer. Attached is the complete template, much of which is self-explanatory. However, UN-HABITAT would like to highlight several key points regarding the purpose and rationale for the reporting categories.

- (i) It is important to explain the governmental context in terms of which agencies are responsible for various aspects of the process and anticipated outcomes. With respect to legislative initiatives, in addition to the date of adoption, it is important to record the date the law entered into force.
- (ii) The template requests that each policy and law identify the key aspects of the *Habitat Agenda* and the MDG that are addressed in terms of improving living environments, such as upgrading slums and reducing poverty.
- (iii) In recognition of the fact that each country and community is different, the reporting format asks for contextual information regarding the policy and legislative circumstances to enable others to assess the degree of relevance to their situation.
- (iv) Detailed information is requested regarding the purpose and intent of the policy or law as well as its substantial elements.
- (v) A premium is placed on describing the processes of policy and legislative formulation, implementation, monitoring and evaluation. At each stage it is vital to provide accurate information regarding the full involvement of all stakeholders in the process, and their ability to participate in decision making and to obtain access to information, particularly by disadvantaged and marginalised groups.
- (vi) The template calls for a detailed explanation and enumeration of measurable results and impacts of the policy or legislation, including positive as well as negative outcomes. Finally it is critical that the documentation includes an analysis of lessons learned and other implications.

## F. Use of Information and Dissemination

The information provided through this template will become part of the UN-HABITAT Best Practices Database and made available globally to support governments, local authorities and the private and civil society sectors to play more effective roles in the implementation of the Habitat Agenda and the MDG.

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<sup>8</sup> Gender equality is one of the seven commitments in the Habitat Agenda and was reaffirmed by the Declaration on Cities and Other Human Settlements in the New Millennium. It is recognized in the various non-discrimination provisions of international covenants and is one of the principles laid down in the Millennium Declaration.

In addition, lessons learned will be analyzed and discussed in international fora and will be used for training and capacity building purposes.

### **G. Submission Procedure**

Submissions of urban policies and enabling legislation can be made by any stakeholder at any time directly to UN-HABITAT. Submissions will be reviewed by an independent committee for eventual inclusion in the database. Urban policies and enabling legislation that are being submitted should, in principle, have been in existence and fully enforced since a minimum of two years. This time frame is deemed necessary to assess effectiveness and impact and to illustrate the contribution of a policy or law to the implementation of the Habitat Agenda, Local Agenda 21 and the MDG.

### **H. Stakeholders Review**

One or more meetings involving key ministries and/or government departments, local authorities and their associations, civil society organisations and special interests groups should be organized as a part of the review process. The meetings should be conducted by an experienced facilitator or mediator. Its purpose is to identify, on a consensus basis, key issues in implementation. These may include shared or differing interpretations of the law or policy, issues related to capacities and resources required for its implementation, as well as specific needs, priorities or issues that were not initially foreseen. The review provides feedback for refining the unpacked version of the policy or law and validating the roles and responsibilities of key actors. The diversity of views and opinions will further enhance the learning experience for those whom are directly involved and affected by the policy/law and other end users of the database.

## **Template for Reporting Urban Policies And Enabling Legislation**

1. **TITLE OF POLICY/LAW**
2. **COUNTRY**
3. **STATE:**  
**PROVINCE:**  
**DISTRICT:**  
**CITY:**  
**OTHER** (Please specify):
4. **LANGUAGE** of original policy document/bill
5. **LEVEL/SPHERE OF APPLICATION** (e.g. national, regional, city, local, etc.)
6. **DATE OF ADOPTION:**  
**DATE THE POLICY WAS PUT INTO EFFECT:**  
**DATE OF ENTRY INTO FORCE** (for legislation):
7. **ADOPTED BY:**
  - National level
    - Office of the President
    - Cabinet
    - National legislature (e.g. Parliament, House of Representatives)
    - Ministry/agency
    - Other....
  - Regional level
    - Regional authority
    - Department/agency
    - Other...
  - Local level
    - Metropolitan Council
    - Municipal/Community Council
    - Ward Council
    - Village Council
    - Department/agency
    - Other...
8. **AGENCY/BODY RESPONSIBLE FOR:**
  - Formulation/Revision
  - Adoption
  - Implementation
  - Monitoring and evaluation

## 9. OBJECTIVE/PURPOSE OF POLICY/LAW

Please describe briefly the purpose of the policy or law. In doing so, please try to provide information on the following; addressing gender issues where applicable:

- the problem/issue that led to adoption of the policy/law, considering political, economic, social, cultural and physical background;
- consistency of policy/law with other related policies and national and international law;
- Was compliance with any international conventions and a rationale for adopting the policy/law? If so, which law or convention?
- Is this policy/law linked to previously adopted policy/legislation? If yes, to which main national or local policy or legislation?
- Does this policy or law override any previous policies or legislation?

## 10. AREAS

Please tick up to three main categories and as many sub-categories that are being addressed by the policy/law:

**Poverty Reduction:** income generation; job creation; vocational training; access to credit; equal access to jobs; credit and training

**Economic Development:** industrial development; enterprise development (formal & informal sectors); investment development; capital formation; entrepreneurship training; cooperative opportunities; micro-credit; equal access to economic resources; economic competitiveness and innovation

**Social Services:** education; recreation; health and welfare; HIV/AIDS awareness and prevention; public safety; crime reduction and prevention; justice system reform; equal access to social services (especially by women); vulnerable groups including women

**Environmental Management:** pollution reduction; urban greening; environmentally sound technologies; environmental redemption; environmental health; impact assessment, monitoring and control; indicators for sustainability; ecological sustainability; "green" accounting; incentives for sound management; resource management; Eco-tourism

**Infrastructure, Tele-communication, Transportation:** energy use, conservation and production; transportation and mobility; communication and media; safe-water provision; waste-management and treatment; drainage and sanitation; infrastructure technology; gender specific needs and safety

**Housing:** affordable housing; homelessness; land tenure and security; access to housing finance; slum and settlement upgrading and improvement; housing rights; construction industry; building materials and construction technology; equal access to housing resources and ownership (especially by women)

**Land Use Management:** land use planning; geographical information systems; development incentives; open space conservation; land development; urban/suburban renewal; estate management; women's ownership and inheritance

**Urban Governance:** Urban management and administration; partnership development with civil society; partnership development with private sector; participatory budgeting and decision-making; human resources and leadership development; decentralization; resource mobilization; institutional reform; management and information systems; auditing; visioning; transparency and accountability; monitoring and evaluation; metro/urban-wide government; women in leadership roles

**Civic Engagement and Cultural Vitality:** community participation; social and cultural vitality; expression and animation; civic awareness and education; the arts and cultural development

**Gender Equality:** gender roles and responsibilities; gender specific needs; women empowerment; access to resources; control of resources;

**Social Inclusion:** removing barriers to equity; ethnicity; social integration; non-discrimination

**Disaster and Emergency:** reduction of vulnerability; civic awareness and preparedness; contingency planning; early warning systems; response capacity; hazard reduction and mitigation; life-line systems; rehabilitation/reconstruction; risk assessment; gender specific risks and needs

**Production and Consumption Patterns:** waste reuse and recycling; energy efficiency; clean energy production; water use and consumption; resource conservation; consumer awareness; producer responsibility; production/consumption cycles

**Urban and Regional Planning:** localizing Agenda 21; capital investment programming; budgeting; community-based planning and development; urban renewal; conflict management and mediation; consultative process; cultural heritage; conservation planning; regional planning; regional economic development; metro/urban-wide (integrated) planning; improved urban forms and structure

**Technology, Tools and Methods:** Software; hardware; management tools and systems; technology transfer; research and development; planning tools and techniques; networking; information and communications technology and systems; appropriate technologies; training and capacity building

**Children and Youth:** 0-9 years; 10 years to adult; health and nutrition; education and vocational training (including day care, after school care); environmental programmes with a youth focus; children's participatory planning and leadership development; recreational/cultural programming; legislation/advocacy; community support programmes; especially difficult circumstances (abuse, child labour, war); youth at risk; urban liveability

**Architecture and Urban Design:** affordable/ecological design; green building; sustainable community design; landscape design; historic preservation; special needs

**Older Persons and Special Needs:** safe/accessible dwelling design; participation; health; employment; multi-generational activities; transportation; group homes; financial security; needs of disabled people

**Use of Information in Decision Making:** Indicators and statistics; mapping (GIS); management (MIS); use of ICT; Use of media and awareness-building; improved access and participation; research; gender dis-aggregated data and analysis

## 11. CONTEXT

The information requested below is designed to provide users of the good policies database with contextual information that will allow them to better understand the circumstances and reasons underlying the policy or legislation.

- population and relevant urban statistics, including percentage of urban poor and/or percentage living in informal settlements;
- constitutional and government system (federal/unitary, tiers of government)
- Short description of executive structure (office of the president, ministries, commissions, councils, etc.);
- short description of legislature (approval and amendment authority/process);
- Short description of the judiciary system (court system including systems for arbitration/mediation, etc.);
- FOR LEGISLATION ONLY: have there been particularly important events such as court decisions or legislative debate that have contributed to the interpretation of the law?

## 12. SUBSTANCE

Please provide information in response to the lead questions below. *Please note that not all of these questions may be relevant to a particular policy or law.*

- What is the *spirit/intent* of the policy/law?
- Is there a specific target group covered by the policy/law? If so, please provide details.
- What specific needs, demands, challenges are being addressed by the policy/law?
- **POLICY**: what specific strategies and/or action plans have been included/foreseen to achieve the objectives of the policy?
- **LEGISLATION**: which norms, rights, responsibilities, enforcement mechanisms and/or incentives are laid down to achieve the objectives of the law;
- Does the policy/law address gender equality and the specific needs of women? If so, how and in which areas?
- Were cultural values, traditions and customary laws taken into account in the substance of the policy/law? What measures were taken to build on positive aspects of or to eliminate potential discriminatory effects (e.g. exclusion of women and minority groups) of customary laws or traditions?
- Which measures were used to make the substance of the policy/law simple, clear, understandable and as specific as possible?

## 13. PROCESS OF FORMULATION

Please describe the chronological sequence of events, steps taken and actors involved in the formulation of the policy/law. For example:

- Which actor(s) initiated the policy/law, when and how?
- Which actor(s) formulated the initial draft policy/bill, when and how?
- Was a budget or other sources of support provided? By whom?
- Did other stakeholders participate in the process? At what stage? Which stakeholders?
- What special interest groups petitioned or lobbied for or against the policy/law and how? How was consensus achieved?
- How was the process made transparent to all stakeholders, including civil society organisations, minority groups, etc.?
- To what extent was appropriate research findings, knowledge and information made available to all stakeholders?
- To what extent were gender dis-aggregated data used as background information?
- At what stages were other stakeholders consulted? Which stakeholders?
- What specific measures were taken to ensure the active participation of women in the formulation process?
- How were cultural sensitivities and diversity taken into account in the process? How was the inclusion of women ensured in the process? How were minority groups included in the process?

## 14. PROCESS OF IMPLEMENTATION

Please describe what steps have been taken to implement the policy/law, addressing gender issues where applicable. For example:

- How was the policy/law disseminated? By which actor(s) and means?
- What specific measures were taken to inform the general public about the law/policy and its implications? By whom and with what means (e.g. newspaper, radio, TV, posters, theater plays, T-shirts etc. etc. etc.)?
- What resources (human, technical, financial) were made available to support the implementation and dissemination of the law/policy? By whom?
- Were the resources adequate and taking into consideration gender disparities? If not, why?
- Was there an implementation strategy/action plan and was it followed? If not, why?

- Describe the favorables as well as mitigating circumstances encountered in the implementation of the law/policy? How were they taken into account?
- Was the policy/law made available in local languages, where applicable?
- What training and/or capacity building are foreseen to ensure effective implementation of the policy/law, and for which actors/institutions?
- Have any training/capacity building activities been undertaken for local authorities? If so, please describe.
- Have any training/capacity building activities been undertaken for civil society organisations including marginalised groups? If so, please describe.
- How does implementation (inter alia by dissemination) of the policy/law contribute to the empowerment of local authorities?
- How does implementation (*inter alia* by dissemination) of the policy/law contribute to the empowerment of civil society groups, women and marginalised groups?
- LEGISLATION ONLY: have any regulations been passed to implement the law? If yes, what are their titles and scope, and what roles and responsibilities do they confer or regulate?

### **15.1. MEASURABLE RESULTS**

Please describe in concrete terms results of the implementation of the policy/law. Where applicable and available disaggregate by sex. For example:

- Changes in management and decision-making systems
- Changes in use and allocation of resources, including budget allocations, grants, loans and inter-governmental transfers
- Improved environmental conditions (air, water or soil quality)
- Improved fiscal and financial performance
- Improved coverage of services. eg. sanitation, health, water supply
- Percentage and number of slum dwellers having obtained secure tenure (including tenancy and occupancy rights and alternative forms of tenure)
- Percentage and number of women appointed/elected to leadership positions
- Substantial shift between modes of transport

### **15.2 IMPACT**

Please describe the positive and the negative impact For example:

- Impact at the social, economic, environmental level;
- Impact in terms of social, economic and environmental sustainability;
- Impact on institutions and decision-making processes;
- Impact on marginalised groups;
- Impact on gender equality;
- Impact on the use and allocation of financial, human and technical resources
- Impact on the capacity, roles and responsibilities (mandate) of local authorities
- Impact on the capacity, roles and responsibilities of civil society organisations, in particular women's organisations and marginalised groups
- Impact on quality of life and improved community livability
- Was the policy/bylaw replicated in other parts of the country or in other countries?

### **16. MONITORING**

- Who is involved in the monitoring process and in what role/capacity?
- Please describe the monitoring process that is being followed;
- What is being monitored and how often?
- Please list the indicators/parameters that are used for monitoring;
- What levels of detail and aggregation do the indicators/parameters entail?
- To what extent are gender-desegregated data used?
- To what extent can civil society exercise a right to participate in monitoring?
- Who has access to monitoring information and how is the information disseminated?

- What constraints were encountered and how could they be overcome?

**17. EVALUATION**

- Is the policy/law still operational?
- Who is involved in the evaluation process and in what role?
- What evaluation methods were used?
- To what extent was/were the objective(s) reached?
- What constraints (e.g. legal, institutional, financial) in the implementation of the law/policy were revealed by the evaluation? What measures are needed/recommended to overcome these constraints?
- To what extent does the policy/law respond to current social issues and trends?
- How is the efficiency and effectiveness of the policy/law assessed?
- How often is the policy/law evaluated?
- How are the evaluation results acted upon and by whom?

**18. LESSONS LEARNED AND CHALLENGES AHEAD**

Please describe any lessons learned that could be taken into consideration in the amendment of the existing policy/law or in the formulation of future urban policy or legislation. Please specify lessons learned for each stage of the process (formulation, adoption, implementation, etc.). How have these lessons been documented and disseminated and to what extent have they been incorporated in other initiatives, action plans, policies, laws and regulations?

FURTHER CHALLENGES

Describe any anticipated challenges to be met to realise the effective implementation law/policy

**19. RECOMMENDATIONS**

- proposed amendments to the policy/law
- proposed amendments to other relevant policies/laws
- other recommendations (e.g., proposed institutional changes, proposals to improve agency coordination, etc)

**20. GOOD PRACTICES**

- What good practices have resulted from policy/legislation?
- What good practices inspired the making of the policy/legislation?
- What other laws/policies influenced the formulation of this law/policy?

**21. OTHER IMPLICATIONS**

Please provide a brief description of any other implications of the policy/law, including unforeseen effects, necessity to adopt other policies/laws or by-laws or standards etc.

**22. AUTHOR OF THE SUBMISSION**

Please provide the name and contact address of the person/organisation submitting the policy/law.

**23. CONTACT NAME AND ADDRESS OF STAKEHOLDERS INVOLVED IN THE REVIEW OF THE SUBMISSION**

Please provide the names and addresses of people/organisations that have reviewed this submission.

**24. CONTACT NAMES AND ADDRESSES OF PEOPLE/ORGANISATIONS INVOLVED IN THE VARIOUS STAGES OF THE PROCESS**

Please provide the name and contact address (including phone, fax email) of the organizations that could be contacted for additional information on:

- The substance and interpretation of the policy/law
- The implementation and enforcement of the policy/law
- The monitoring and evaluation of the policy/law

## Annex 4

### **The Institutional Framework**

The framework that follows is given as an example of what an institutional map could look like for any given law or policy. It must be emphasized that it is merely an example: the actors and their roles will vary depending on the constitutional and institutional context. What is important is to ensure that key actors are clearly identified, their roles and responsibilities defined and the constitutional and institutional linkages between them clearly defined.

The example is based on the study from Uganda, one of the pilot countries. The study team mapped out the institutional linkages *vis a vis* the Local Government Act, outlining the roles of twenty two different actors and how they related to each other with regard to the Act. The sample institutional map that follows is derived from the Uganda “map”.

In assessing a law or policy, it is important to further detail the various departments/agencies for government ministries, their line agencies and parastatal or quasi-NGOs, in order to verify whether the originally intended roles and responsibilities are still valid. In many instances, institutional reform may have modified these roles and responsibilities leading to ambiguities in implementation, monitoring and evaluation.

## EXAMPLE OF INSTITUTIONAL MAP

### ROLES

