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Economic Commission for Europe

Committee on Housing and Land Management

Working Group on a Possible Legally Binding Instrument on Affordable, Healthy and Ecological Housing in the UNECE Region

Second meeting

Geneva, 5 – 6 July 2011

Report of the second meeting of the Working Group on a Possible Legally Binding Instrument on Affordable, Healthy and Ecological Housing in the UNECE¹ Region

I. Attendance

1. The second meeting of the Working Group on Affordable, Healthy and Ecological Housing in the UNECE Region was held on 5 and 6 July, 2011 in Geneva.
2. Representatives of the following countries participated in the meeting: Albania, Armenia, Austria, Azerbaijan, Belarus, Croatia, Czech Republic, Denmark, Finland, Georgia, Germany, Hungary, Ireland, Kyrgyzstan, Lithuania, Montenegro, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Sweden, Tajikistan, The former Yugoslav Republic of Macedonia, Turkey, Ukraine and Uzbekistan.
3. In attendance were representatives of the UNECE Real Estate Markets Advisory Group.
4. The Vice-Chair of the Working Group, Ms. Elena Szolgayova (Slovakia), chaired the morning session of the first day. The Chair of the Working Group, Mr. Wolfgang Förster (Austria), chaired the rest of the meeting. The Director of the UNECE Trade and Sustainable Land Management Division, Ms. Virginia Cram-Martos welcomed the participants.

¹ United Nations Economic Commission for Europe

II. Adoption of the agenda (agenda item 1)

5. The Working Group adopted its provisional agenda as contained in document ECE/HBP/AC.1/2011/3.

6. Discussions under agenda items 2 and 3 had a brainstorming character allowing member States to express their views on such topics as desirability and effectiveness of a possible Framework Convention, the main issues to be addressed in this instrument, possible elements for the scope of the convention and its possible added value. Below is a summary of issues raised in the course of the meeting which the secretariat has compiled under the relevant agenda items.

III. Review of the updated synthesis document (agenda item 2)

7. The Legal Adviser presented an updated survey on housing issues conducted among members of the Working Group. One of the new issues identified by member States and reflected in the updated document was real estate market stability. Another presentation briefed the Working Group on the challenges in the real estate sector that the region is facing and on how a possible legal instrument could address them.

8. In the ensuing discussion, delegations highlighted national priority issues to be addressed in a possible Framework Convention, and exchanged views on whether such an instrument could be effective in tackling these housing challenges.

9. Section IV of this report gives a summary of the discussion on national priorities related to the possible scope of a convention (in particular, social, affordable and healthy housing, climate change issues, and energy efficiency aspects of housing). As regards other national priorities to be addressed in a possible convention, the following were highlighted by some delegations:

- Maintenance of the existing housing stock, in particular the need to address legal and financial challenges related to maintenance and renewal of older housing stock;
- Implementation of existing housing legislation. A number of delegations pointed out that the issue of implementation remained problematic in their countries despite the fact that they had adopted legislation. Some delegations emphasized that it was important to understand which factors were hindering implementation and address them in a possible convention;
- Illegal housing. It was emphasized that a possible convention should help to identify realistic policy responses to address this challenge.

10. Other national issues raised by some member States included: real estate market volatility; the effects of an ageing population and rapid population growth; the challenge of increasing migration flows among States as well as from rural to urban areas; and housing construction in landslide zones and other disaster-prone areas.

11. Discussions highlighted the divergence of views among member States concerning the desirability and effectiveness of a possible Framework Convention. In the view of a number of delegations, such an instrument could be effective and useful for the region in terms of the following:

- Advancing goals and objectives in the area of housing and raising the recognition of the role of housing for economic and social development;
- Promoting a general approach and providing flexible guidance, which could assist member States in formulating effective solutions at the national level;

- Reducing existing fragmentation in housing legislation and facilitating its implementation;
- Addressing those issues which have a transboundary impact, such as climate change, energy inefficient housing and real estate market volatility.

12. At the same time, some countries took a critical view as regards the desirability of such an instrument and expressed concern that it would be difficult for a Framework Convention to be effective in the areas where transboundary challenges are limited. Some other delegations emphasized that the views on the effectiveness of a Framework Convention would naturally differ among countries representing different sub-regions because of the economic and political differences guiding the national priorities of member States.

IV. Discussion on a possible Framework Convention (agenda item 3)

13. A paper on Possible Elements of a Framework Convention on Sustainable Housing was presented. A representative of the secretariat of the Long-range Transboundary Air Pollution Convention delivered a presentation on the impact that this Convention has had in the UNECE region.

14. Questions on the concrete principles and general provisions contained in such a document and the legal obligations arising for member States after its adoption were raised by the participants.

15. The secretariat and the Legal Adviser explained that framework conventions contain aspirational commitments. Once a convention is adopted by member States, the next step may involve the adoption of protocols which contain time bound commitments. A framework convention comes into effect when ratified by national Governments. The principles are the foundation on which calls for action on more operative measures are developed, for example, in protocols. Countries can then decide whether or not to participate in legally binding, time-bound commitments within protocols independently of their decision to ratify the convention itself. The States retain full control over the implementation and enforcement of both the convention and any protocol once they are signed and ratified by Governments.

16. In the ensuing discussion, delegations exchanged views on the possible scope and added value of a Framework Convention addressing housing issues.

17. As regards the added value of a possible convention, different and diverging opinions were expressed by member States. The main elements of possible added value which were raised by a number of delegations have been summarised by the secretariat as follows:

- The political value. Some delegations emphasized that it could raise the overall political significance of the housing sector and help mobilize support within national Governments and legislative bodies. Other delegations highlighted the role of such an instrument in raising awareness among national housing authorities, generating a shared sense of responsibility and promoting increased cooperation between member States.
- The normative value. A number of delegations considered that such an instrument could serve as a basis for collective action at national and international level and stimulate national authorities to improve the legislative framework for housing. In the view of other delegations, it could catalyse the development of new solutions to

evolving housing problems as well as help to improve policy coherence between housing and other sectors.

- The environmental value. A possible convention could help to transform the housing sector from a net source of greenhouse gas (GHG) emissions to a possible source of GHG reduction. As highlighted by a number of delegations, such an instrument could also help to promote energy efficient housing as well as resource efficient construction and waste management.
- The social value. As highlighted by some delegations, a possible convention could help to promote social cohesion and improve access to housing as a social good.
- The role in catalysing new financial resources. A possible convention could be effective in creating enabling conditions for private investment, stimulating national Governments to allocate sufficient resources to housing, and raising the interest of the private sector in developing sustainable housing projects.
- Many delegations highlighted the role of a possible convention in encouraging information and data sharing as well as exchange of experience and best practices.

18. However, some member States emphasized that the above elements neither reflected their opinion nor should be considered as a consensus view. Specifically, they were not convinced of the political value of a convention and took a critical view of its social value. Moreover, some delegations questioned the feasibility of exploring the added value without having a common understanding of the scope of such an instrument.

19. Discussions also highlighted the fact that the main divergence of views among member States was on the scope of the convention. For most member States, addressing such topics as energy efficiency and climate change, including energy security and energy poverty, was essential. A number of delegations stressed the importance of addressing the topics of housing affordability and accessibility. They highlighted these topics as closely linked to energy efficiency and climate change elements and crucial to many countries in the region which are struggling to ensure access to both affordable and energy efficient housing. Some delegations emphasized that a possible convention on sustainable housing should also address the challenges of healthy housing.

20. However, there was a divide regarding the need to address such topics as social and affordable housing in a convention. Some members of the Working Group maintained that these topics could be addressed more effectively at a national and/or sub-regional level. Diverging situations at the national level due to the different pace of economic and political development throughout the region were also highlighted as a reason. Some countries were concerned how a convention addressing the affordability topic might affect existing policies at the national level.

21. In this regard, it was suggested to use the term “Sustainable Housing” instead of “Affordable, Healthy and Ecological Housing” as it would more accurately reflect the common needs and concerns of countries in the region and would provide flexibility in further discussions on the scope of a possible framework convention.

22. In general, participants stressed the need to have the scope of the convention both clarified and agreed before providing the Committee with a recommendation on whether or not to develop a convention. It was suggested that the Working Group’s recommendation to the Committee should clearly reflect the divergences among the positions of the member States. The differences pertain to the perceived added value of a framework convention, which is closely linked with its scope and objectives. However, participants agreed that this difference in opinion should not prevent the Working Group from future deliberations on all the key issues.

V. Conclusions and next steps (agenda item 4)

23. The Working Group was presented with a summary of the major outcomes of the meeting. The summary was discussed by the delegates, adjusted and approved to be included as recommendations to the Committee on Housing and Land Management at its seventy-second session.

24. In particular, the Working Group:

- Recognized the importance of housing issues in the region.
- Recognized the added value for some States of a possible Framework Convention on Sustainable Housing.
- However, the Working Group could not come to a conclusion on whether to recommend to the Committee to develop such a convention, as opinions differed widely on the possible scope. The Working Group was of the opinion that a decision on whether to develop the convention should be based on a common understanding of its scope and objectives.
- The Working Group thus requested the Committee to:
 - Extend the mandate of the Working Group to continue its work in 2012 to define the scope (subject and geographical coverage), and objective(s) of a possible framework convention on sustainable housing.
 - Invite the participation of legal experts in the Working Group.
 - Change the current name of the Working Group to “Working Group on a Possible Framework Convention on Sustainable Housing”.²

VI. Closing of the meeting (agenda item 5)

25. The meeting closed at 1 p.m. on 6 July 2011.

² Principles of sustainable housing include also healthy housing.