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**Economic Commission for Europe****Committee on Housing and Land Management****Seventy-third session**

Geneva, 24 – 26 September 2012

**Item 4 of the provisional agenda****Possible Framework Convention on Sustainable Housing in the UNECE region****Summary of discussions related to the development of a possible framework convention on sustainable housing in the UNECE region****Note by the secretariat***Summary*

This document was prepared by the secretariat in consultation with the Bureau of the Committee on Housing and Land Management at the request of the Working Group on a Possible Framework Convention on Sustainable Housing (ECE/HBP/AC.1/2012/2, paragraph 24).

It provides a summary of the outcomes of the meetings which were relevant to the discussions on a possible development of a framework convention on sustainable housing in the UNECE region. Its purpose is to facilitate the Committee discussions under item 4 of the provisional agenda at its seventy-third session (ECE/HBP/169).

In particular, it includes advice by the Bureau of the Committee on Housing and Land Management; the decisions taken at the last two sessions of the Committee related to developing a possible framework convention and the outcomes of the three meetings of the Working Group. It contains elements from the following documents:

- The report of the Bureau meetings of the Committee on Housing and Land Management for the period 2009-2010 (ECE/HBP/2010/2).
- The reports of the first, second and third meeting of the Working Group (ECE/HBP/AC.1/2011/2), (ECE/HBP/AC.1/2011/4), (ECE/HBP/AC.1/2012/2).
- The updated synthesis document compiling all the replies received from the questionnaire on a possible legally binding instrument on affordable, healthy and ecological housing in the UNECE region, including the issues identified by participants in the first Working Group meeting (Informal notice 1, First meeting of the Working Group), (Informal notice 2, Second meeting of the Working Group).
- The reports of the seventy-first and seventy-second session of the Committee on Housing and Land Management (ECE/HBP/162), (ECE/HBP/167).

## Executive summary

1. At its seventy-third session, to be held from 24 to 26 September 2012, the Committee on Housing and Land Management is expected to consider the possible development of a framework convention on sustainable housing in the United Nations Economic Commission for Europe (UNECE) region. Such a convention could improve the housing situation in the region, including its sustainability, elevate housing issues among the political priorities of Governments and provide the context for the implementation of existing guidance developed by the Committee, as well as for the development of additional policies.

2. In September 2010, the Committee established an *ad hoc* Working Group to explore the possibility of a legal instrument on housing in the UNECE region. In 2011, the Working Group held two meetings and decided that a framework convention could be the appropriate instrument to tackle common challenges in sustainable housing. This year, the main task of the Working Group was to decide on the eventual scope and objectives of a possible framework convention.

3. In addition to this document, at the request of the Committee and its Bureau as well as of the Working Group, the secretariat prepared six background papers in order to facilitate the discussions on a possible framework convention on housing. For ease of reference, the documents are listed below. The numbering of the background notes by the secretariat<sup>1</sup> should facilitate the reading of this document.

**“Principles and Goals for Affordable, Healthy, and Ecological Housing” (ECE/HBP/2010/6)**<sup>2</sup>. This document was presented at the seventy-first session of the Committee (20 and 21 September 2010, Geneva) upon the request of the Bureau. It provides the rationale for the development of a UNECE-wide comprehensive policy framework for affordable, healthy and ecological housing and outlines key principles and goals for the improvement of the sector.

<sup>1</sup> Informal notices listed as background notes on pages 3 of the present document.

<sup>2</sup> Available at: <http://www.unece.org/fileadmin/DAM/hlm/documents/2010/ece.hbp.2010.6.e.pdf>.

**“Synthesis of member State responses to the questionnaire on a possible legally binding instrument on affordable, healthy and ecological housing” (Background note 1)<sup>3</sup>.** In advance to the first session of the Working Group (11-12 April 2011, Geneva), the secretariat circulated a questionnaire<sup>4</sup> to all member States to seek their views on five clusters of issues: main tools to promote access to affordable, healthy and ecological housing (AHEH) at the national level; major gaps in ensuring access to AHEH at the national level; added value of a possible legally binding instrument on AHEH; the way a possible legally binding instrument could help in addressing gaps in the areas of AHEH; factors that may hinder the implementation of a possible legally binding instrument on AHEH. This background document provides a synthesis of the responses of member States in relation to each of these clusters of issues. The document was presented at the first meeting of the Working Group.

**“Synthesis of UNECE Member State Views on a Possible Legal Instrument on Housing Issues” (Background note 2)<sup>5</sup>.** The Working Group requested the secretariat to update the “Synthesis of Member State Responses to the Questionnaire on a Possible Legally Binding Instrument on Affordable, Healthy and Ecological Housing”(Background note 1) and to integrate the comments of the first meeting, along with the additional responses to the questionnaire that were received after this first Working Group meeting. This document was presented at the second meeting of the Working Group (5-6 July 2011).

**“Possible Elements of a Framework Convention on Sustainable Housing” (Background note 3)<sup>6</sup>.** This note was prepared upon the request of the Working Group for its second meeting (5-6 July 2011, Geneva). It provides information and examples of possible provisions that could be included in a framework convention addressing housing issues.

**“Framework Convention Concept” (Background note 4)<sup>7</sup>.** This document was prepared for the seventy-second session of the Committee (3-4 October 2011, Geneva). It provides information on the notion, nature, legal effects, areas of application and reasons for elaboration of framework conventions.

**“Objectives and Scope of a Possible Framework Convention on Sustainable Housing” (Background note 5)<sup>8</sup>.** This paper facilitated the discussions at the third Working Group meeting (3 April 2012). It provides examples of objectives and scope of a possible framework convention on housing and is based on the discussions at the previous meetings of the Working Group.

4. The documents mentioned above aimed at facilitating the discussions on a possible framework convention on housing at the meetings of the Working Group and the Committee.

5. The decisions of the Committee regarding this topic can be found in the reports of the seventy-first (ECE/HBP/162)<sup>9</sup> and seventy-second sessions (ECE/HBP/167)<sup>10</sup>. The

3 Background note 1; First meeting of the Working Group on a Possible Legally Binding Instrument on Affordable, Healthy and Ecological Housing in the UNECE region; 11-12 April 2011; Available at: <http://www.unece.org/fileadmin/DAM/hlm/docs/synthesis.of.responses.pdf>; (Informal notice 1).

4 Available at: <http://www.unece.org/hlm/wgahch/sessions/1stsession.html>.

5 Background note 2, Second meeting of the Working Group on a Possible Legally Binding Instrument on Affordable, Healthy and Ecological Housing in the UNECE region; 5-6 July 2011; available at: <http://www.unece.org/fileadmin/DAM/hlm/wgahch/docs/meeting2/informal.notice.2.pdf>; (Informal notice 2).

6 Background note 3; Second meeting of the Working Group on a Possible Legally Binding Instrument on Affordable, Healthy and Ecological Housing in the UNECE region; 5-6 July 2011; available at: <http://www.unece.org/fileadmin/DAM/hlm/wgahch/docs/meeting2/informal.notice.3.pdf>; (Informal notice 3).

7 Background note 4; Seventy-second session of the Committee on Housing and Land Management; 3-4 October 2011; available at: <http://www.unece.org/fileadmin/DAM/hlm/sessions/docs2011/informal.notice.5.pdf>; (Informal notice 5).

8 Background note 5; 3 April 2012, Third meeting of the Working Group on a Possible Framework Convention on Sustainable Housing in the UNECE Region, Available at: <http://www.unece.org/fileadmin/DAM/hlm/wgahch/docs/meeting3/note.on.objectives.and.scope.pdf>; (Informal notice 1).

9 Available at: <http://www.unece.org/fileadmin/DAM/hlm/documents/2010/ece.hbp.162.e.adv.pdf>.

finding of the meetings of the Working Group held in 2011 can be found in the reports of its first (ECE/HBP/AC.1/2011/2)<sup>11</sup> and second meetings (ECE/HBP/AC.1/2011/4)<sup>12</sup>. These were presented to the Committee at its seventy-second session in 2011 (ECE/HBP/167).

6. The recommendations of the third Working Group meeting are contained in the report of the session (ECE/HBP/AC.1/2012/2). In summary, “After a constructive discussion, the Working Group recognized the added value of a framework convention on sustainable housing as a possible instrument to address housing issues in the UNECE region and recommended to the Committee on Housing and Land Management to consider its development favourably.” These final recommendations are to be considered by the Committee at its seventy-third session in September 2012.

7. As a background document for the discussions of the Committee at the session in September 2012, the Working Group requested the secretariat to prepare the present document. Furthermore, the Working Group recommended to the Committee to consider the paper on “**Objectives and scope of a possible Framework Convention on Sustainable Housing**” (Background note 5), when deciding on the possible development of a framework convention. Therefore, this paper is included in the present document under annex I. In addition three more annexes are included in this document as follows:

**Annex II Examples of objectives of a possible framework convention on sustainable housing in the UNECE region.** The examples of objectives of a possible framework convention on sustainable housing contained in annex II were approved by the third meeting of the Working Group (3 April 2012)<sup>13</sup>.

**Annex III Additional suggestions for the examples of objectives of a possible framework convention on sustainable housing.** This annex includes additional proposals on the examples of objectives contained in annex II that the secretariat received from Germany on 19 April 2012.

**Annex IV List of proposed topics for the activities of the Committee on Housing and Land Management.** At its third meeting (3 April 2012), the Working Group agreed on a list of topics to be presented to the Committee at its seventy-third session. The Working Group suggested that the Committee could consider these topics in the planning of its future activities.

## I. Introduction

8. The Committee has been holding discussions on a possible framework convention on sustainable housing over the past three years. The proposal to develop the convention originated from the Bureau of the Committee. In particular, at the meeting that took place in Prague on 21 December 2009, the Bureau was of the opinion that developing such a framework convention would provide countries with an effective tool for making the housing sector sustainable. It would also further support the application of existing UNECE housing tools (e.g. social housing guidelines, housing finance principles and the draft Action Plan on Energy-efficient Housing).

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10 Available at: <http://www.unece.org/fileadmin/DAM/hlm/documents/2011/ece.hbp.167.e.pdf>.

11 Available at: <http://www.unece.org/fileadmin/DAM/hlm/documents/2011/ece.hbp.ac.1.2011.2.e.pdf>.

12 Available at: <http://www.unece.org/fileadmin/DAM/hlm/documents/2011/ece.hbp.ac.1.2011.4.pdf>.

13 As extracted from the background paper on “Objectives and Scope of a Possible Framework Convention on Sustainable Housing” (Background note 5), which is contained in annex I.

9. At its meeting in March 2010, the Bureau suggested dedicating a regular Committee meeting to discussing such a convention (so far, the recommendation had come only from the Bureau itself).

10. The seventy-first session of the Committee took place in September 2010, and, as suggested by the Bureau, one of the agenda priorities was the discussion of a possible legally binding instrument on affordable, healthy and ecological housing. As an outcome of the discussions, the Committee decided to establish an *ad hoc* Working Group on a Possible Legally Binding Instrument on Affordable Healthy and Ecological Housing and invited member States to nominate their representatives to that body by the end of October 2010.

11. It further approved the terms of reference of this Working Group according to which the main aim was to “to explore the potential added value of, and to define the scope, objectives and possible options for, a UNECE-wide legally binding instrument on affordable, healthy and ecological housing”<sup>14</sup>. The terms of reference of the Working Group were also approved by the Executive Committee of UNECE.

12. The Working Group met twice in 2011. According to its terms of reference, the findings of its meetings were presented to the Committee at the seventy-second session, in October 2011. Following the recommendations of the Working Group, the Committee decided to extend the group’s mandate for 2012 with a specific task “to develop the scope (subject and geographical coverage), and objective(s) of a possible framework convention on sustainable housing”<sup>15</sup>.

13. At its third session, in April 2012, the Working Group “recognized the added value of a framework convention on sustainable housing as a possible instrument to address housing issues in the UNECE region and recommended to the Committee on Housing and Land Management to consider its development favourably”<sup>16</sup>. It asked the secretariat to prepare the present document, summarizing all meetings that contributed to the related discussions, and including the final recommendations which would be presented to the Committee at its seventy-third session, in September 2012.

14. This document is organized into four main sections describing, in chronological order, the process undertaken by member States since 2009:

*Section I.A.* provides details on the decision of the Committee to establish a Working Group to explore the possibility of developing a legally binding instrument on affordable, healthy and ecological housing.

*Section I.B.* presents the discussions of the first meeting of the Working Group.

*Section II.A.* describes developments at the second meeting of the Working Group, when participants decided that it would be more appropriate to explore the possibility of a “framework convention on sustainable housing” instead of a “legally binding agreement on affordable, healthy and ecological housing”. They emphasized the need to clarify the scope and objectives of such a convention before recommending its development to the Committee.

*Section II.B.* summarizes the discussions of scope and objectives of the possible convention which took place at the third meeting of the Working Group.

<sup>14</sup> Report on the seventy-first session of the Committee and Terms of Reference for the Working Group (ECE/HBP/162).

<sup>15</sup> Report of the Committee on Housing and Land Management on its seventy-second session (ECE/HBP/167).

<sup>16</sup> Report of the third meeting of the Working Group on a Possible Framework Convention on Sustainable Housing in the UNECE region.

15. The document concludes with the recommendations to be presented for consideration and decision at the seventy-third session of the Committee on Housing and Land Management in September 2012. The decisions of the Committee will be presented to the Executive Committee of the UNECE for endorsement. The Ministerial Meeting on Housing and Land Management is to take place in the third quarter of 2013.

## **II. Possible Legally Binding Instrument on Affordable, Healthy and Ecological Housing in the UNECE region**

### **A. Establishing a Working Group on a Possible Legally Binding Instrument on Affordable, Healthy and Ecological Housing in the UNECE region.**

16. The seventy-first session of the Committee took place in September 2010 in Geneva. The background document on, “Principles and goals for affordable, healthy and ecological housing” (ECE/HBP/2010/6), requested by the Bureau, facilitated the Committee’s discussion on the topic.

17. The purpose of the document was:

- To present the rationale for developing a UNECE-wide comprehensive policy framework on housing.
- To stress the need to better reflect housing issues among the political priorities of Governments.
- To outline key principles and goals for affordable, healthy and ecological housing.

18. The Committee welcomed the background document (ECE/HBP/2010/6) as a concise summary of the most important principles and goals for addressing major housing challenges in the region. It also emphasized the importance of addressing these issues in a comprehensive manner.

19. To explore this possibility, the Committee decided to establish a Working Group that could advise it on the potential benefit of a UNECE-wide legally binding instrument, and define the scope, objectives and possible options. It was suggested that the document on principles and goals (ECE/HBP/2010/6) could serve as a background paper for the discussions of the Working Group.

20. It was also suggested that discussions in the proposed Working Group should reflect the different economic realities and priorities across the UNECE region and also include such issues as:

- Finding a proper balance between the rights and responsibilities of households.
- Strengthening the role of spatial planning and urban development strategies.
- Ensuring the involvement of communities in maintaining social cohesion.
- Providing a platform for cooperation and exchange of best practice experience among member States.

21. After the Committee session, member States nominated their representatives to the Working Group. Meanwhile, the secretariat prepared a “Questionnaire on a possible legally

binding instrument on affordable, healthy and ecological housing in the UNECE region”<sup>17</sup>, which was distributed to member States.

22. Replies received were compiled into a Synthesis document (Background note 1)<sup>18</sup>, which was presented at the first meeting of the Working Group, together with the previously mentioned paper on “Principles and goals for Affordable, Healthy and Ecological Housing”(ECE/HBP/2010/6).

## **B. Discussion on a possible legally binding instrument**

23. The first meeting of the Working Group took place on 11 and 12 April 2011. The Synthesis document (Background note 1) and the “Principles and goals for Affordable, Healthy and Ecological Housing” (ECE/HBP/2010/6) paper supported the discussion.

24. The meeting welcomed the background document on “Principles and goals on Affordable, Healthy and Ecological Housing” (ECE/HBP/2010/6) as a summary of good guidelines on how to tackle housing challenges<sup>19</sup>. Based on the replies to the questionnaire, members of the Working Group delivered presentations on the housing situation in their countries<sup>20</sup>. Delegations shared their experience and needs, including challenges in the housing sector and examples of best practices in addressing these challenges. The secretariat was asked to update the Synthesis document (Background note 1) based on the new issues discussed at that meeting.

25. The Chair summarized those issues:

- In addition to energy efficiency, ecological housing should cover sustainable urban development, as well as waste and water management.
- The need to take a balanced approach in order to preserve cultural heritage when retrofitting old buildings.
- The importance of data and knowledge sharing.
- The key role of exchange of experience and best practices.

26. The Working Group acknowledged the importance of addressing housing issues in a comprehensive manner. At the same time, opinions varied on the benefits and drawbacks of a possible legally binding instrument. While a number of delegations highlighted the importance of developing a framework convention, some delegations took a critical view of a legally binding instrument at UNECE level in the light of the differences in national and even regional housing markets.

27. Moreover, some delegation were concerned about the instrument addressing the issue of affordability and in particular about how a convention addressing this topic might affect current national policies. It was suggested that a clearer definition of affordable, healthy and ecological housing would facilitate the discussion on this topic. Some countries stressed the lack of a policy framework at the national level, including the lack of clear objectives and targets for the housing sector.

28. For these reasons, the Working Group could not reach a conclusion on whether or not to recommend to the Committee the development of a legally binding instrument on

<sup>17</sup>Available at: <http://www.unece.org/hlm/wgaheh/sessions/1stsession.html> .

<sup>18</sup> Background note 1; First meeting of the Working Group on a Possible Legally Binding Instrument on Affordable, Healthy and Ecological Housing in the UNECE region; 11-12 April 2012, First meeting of the Working Group; Available at: <http://www.unece.org/fileadmin/DAM/hlm/docs/synthesis.of.responses.pdf> ; (Informal notice 1) .

<sup>19</sup> Elements of this paper were used as a reference when preparing other related documents for the Working Group meetings.

<sup>20</sup> Available at: <http://www.unece.org/hlm/wgaheh/sessions/1stsession.html>

affordable, healthy and ecological housing in the region. However, there was consensus that the Working Group should continue its work in order to further explore the options and the added value of such an instrument.

29. All the issues discussed at the meeting were included in an updated version of the Synthesis document (Background note 2) and presented at the second meeting of the Working Group, in July 2011. The secretariat was requested to prepare also a paper providing information on the structure of a framework convention to address housing issues, including some sample provisions (Background note 3).

## **II. Possible Framework Convention on Sustainable Housing in the UNECE region**

### **A. From Affordable, Healthy and Ecological Housing to Sustainable Housing**

30. The second meeting of the Working Group took place in Geneva on 5 and 6 July 2011. Two main documents were presented at the meeting: the updated synthesis of member States' replies to the questionnaire (Background note 2) and a paper on possible elements of a framework convention on sustainable housing (Background note 3). Discussions on this last document allowed for clarification of the general notion and role of framework conventions as legally binding agreements.

31. In particular, it was clarified that framework conventions contained aspirational commitments and general principles. 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. States retain full control over the implementation and enforcement of both the convention and any protocols once they are signed and ratified by Governments.

32. Views were expressed on the desirability and effectiveness of a legal agreement, the main issues the instrument should address, the possible elements for the scope of the agreement and its possible added value. Below is a summary of the issues raised during the meeting. Delegations also highlighted national priority issues to be addressed in a possible legally binding instrument, and exchanged views on whether such an instrument could be effective in tackling the housing challenges.

33. There was a divergence of views among member States concerning the desirability and effectiveness of a possible legally binding instrument. Some countries took a critical view and expressed concern that it would be difficult for a convention to be effective in those areas where the transboundary challenges were limited. At the same time, 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 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.

34. Opinions varied on the benefit of a possible convention. The main elements of possible added value which were raised by a number of delegations were as follows:



- **Political value** by raising the overall significance of the housing sector and awareness among national housing authorities, generating a shared sense of responsibility and promoting increased cooperation between member States.
- **Normative value** by providing the basis for collective action at national and international levels and stimulating national authorities to improve the legislative framework for housing.
- **Environmental value** through promoting energy efficient housing as well as resource efficient construction and waste management.
- **Social value** through promoting social cohesion and improving access to housing as a social good.
- **Catalyst for new financial resources** by 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.
- **Platform for encouraging information and data sharing** as well as for the exchange of experience and best practices.

35. No consensus was reached on the above list of benefits; in particular, on the political and social aspects as there was no common understanding on the scope of such a convention. For instance, addressing energy efficiency and climate change, including energy security and energy poverty, was considered essential. However, there was no consensus regarding the need to address topics such as social and affordable housing.

36. Some members of the Working Group maintained that these topics could be addressed more effectively at a national or subregional level. The different pace of economic and political development throughout the region was highlighted as a reason. Some countries were concerned about how a convention addressing the affordability topic might affect existing policies at the national level. It was, therefore, suggested to use the term “Sustainable housing” instead of “Affordable, healthy and ecological housing”, as this 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 framework convention.

37. 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 divergent positions of the member States. These differences pertained to the perceived benefit of a framework convention, which was closely linked to its scope and objectives. However, participants agreed that these differences should not prevent the Working Group from future deliberations on all the key issues.

38. In particular, the Working Group:

- Recognized the importance of housing issues in the region.
- Recognized the benefit for some countries of a possible Framework Convention on Sustainable Housing.

39. However, the Working Group could not reach a consensus on whether to recommend to the Committee to develop such a convention. It 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.

40. 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”.

## **B. Scope and objectives of a Possible Framework Convention**

41. The seventy-second session of the Committee took place in Geneva on 3 and 4 October 2011. In accordance with the terms of reference of the Working Group, its findings were to be presented to the Committee for approval. At the session there was consensus that the Working Group should continue its deliberations in 2012. Moreover, the Committee endorsed all of the Working Group’s recommendations. In particular, the Working Group was requested to further explore the scope and objectives of a possible framework convention. The Committee also agreed to change the name of the Working Group to “Working Group on a Possible Framework Convention on Sustainable Housing in the UNECE region”.

42. On 3 April 2012 the Working Group held its third meeting. To facilitate the discussions, the secretariat, in consultation with the Bureau of the Committee, prepared a background document providing examples of objectives and scope of a possible framework convention (Background note 5). This document is contained in annex I of the present paper.

43. In the ensuing debate, delegations exchanged views on the areas that a framework convention might cover. Some highlighted the role that it could serve by providing member States with general overarching principles to guide their housing policies. It was suggested that a framework convention should be formulated in a general and declarative way without imposing detailed targets on Governments.

### **Objectives**

44. It was highlighted that the examples provided in the background note on “Objectives and Scope of a Possible Framework Convention on Sustainable Housing” (annex I) were accurate and reflected well the shared challenges in the region.

45. In addition to these examples, another topic highlighted was the definition of tenure. However, the general opinion was that this topic should be avoided. Other possible topics that were raised included informal housing, security of tenure and legalization of human settlements. The list of other areas discussed by the Working Group is as follows:

- Accessible and affordable housing.
- Energy poverty.
- Housing resilience both to natural disasters and potential financial crises.
- Urban systems and urban management.

46. At previous meetings of the Working Group, the question of whether affordable housing should be addressed in a framework convention had been the main point of divergence preventing countries from reaching agreement. The Working Group considered that the way the examples were presented in the background note (annex I) was useful in moving towards an agreement on the possible benefits of a convention. To facilitate the

discussion on the objectives of a possible framework convention, the secretariat extracted the relevant elements, as agreed by the Working Group, from the background note (annex I) and included them in annex II. After the meeting, the secretariat received further suggestions on the objectives by Germany, which are presented in annex III.

47. As there was general consensus of the Working Group on the relevance of the objectives (annex II), the Working Group agreed that the additional, identified areas be listed and presented separately to the Committee as topics that it could use when planning its future activities (annex IV).

48. Overall, it was agreed that a framework convention should have broad objectives that address the three pillars of sustainable housing (economic, environmental and social). The question of how these areas should be addressed would be a matter for the actual negotiations, if the Committee decided to begin negotiations on a framework convention.

49. There was consensus that a convention should formulate general and shared objectives. This would allow Governments to have the discretion to decide on how to achieve them based on their capabilities. Setting up these objectives was crucial for providing housing for future generations and for the successful sustainable development of countries in the region.

#### **Scope - Geographical coverage**

50. The geographical coverage would be the UNECE region. However, a concern was expressed about the reference in some of the examples in the background note to “particularly in the countries with economies in transition”, since it was considered that all member States could benefit from this framework. Therefore, the Working Group agreed that such references should be deleted.

#### **Scope - Subject**

51. There was some discussion about having a broader scope than just housing, a scope that would take into account subjects interlinked with housing such as sustainable communities, transport and job creation. In the end, there was overall agreement to recommend the narrower focus on housing to the Committee. In particular, after discussion, the Working Group agreed on the text as formulated in example 2 of the background note (annex I), which reads “The scope of this Convention is to improve the sustainability of the housing in the UNECE region... through effective action at all levels, supported by international cooperation and with a view to contributing to the achievement of sustainable development in the region”.

### **III. Conclusions and next steps**

#### **A. Conclusions**

52. The Working Group agreed to provide the Committee with a general recommendation on the scope. There was overall consensus on the objectives (annex II). The secretariat was requested to present to the Committee a separate list containing other issues that were raised by the Working Group without adding them to the background note (annex I) as examples of objectives (annex IV). The Working Group further suggested that the Committee might wish to consider those topics in its future work.

53. The secretariat was also asked to prepare the present overview document summarizing the results of the three meetings of the Working Group as well as the decisions of the previous Committee sessions related to the development of a Possible

Framework Convention. The Working Group requested that the present document to be presented as a background paper for discussion by the Committee at its seventy-third session to be held in September 2012, along with the following conclusions:

**54. After a constructive discussion, the Working Group recognized the added value of a framework convention on sustainable housing as a possible instrument to address housing issues in the UNECE region and recommended to the Committee on Housing and Land Management to consider its development favourably.**

**55. The Working Group considered that such a framework convention should provide member States with guiding principles and, therefore:**

- **Agreed that a possible framework convention on housing could have the following scope: to improve the sustainability of housing in the UNECE region through effective policies and actions at all levels, supported by international cooperation and with a view to contributing to the achievement of sustainable development in the region;**
- **Recommended to the Committee on Housing and Land Management to consider the background note on Objectives and scope of a possible framework convention on sustainable housing when deciding on its possible development.**

## **B. Next steps**

56. At the seventy-third session, the Committee will discuss the issue and is expected to consider the conclusions of the Working Group and consider:

- Agreeing to negotiate a possible framework convention on sustainable housing.
- Based on the suggested scope by the Working Group, deciding on the scope and goal of the possible framework convention.
- Based on annex II, agreeing on the objectives of the possible framework convention.
- For pending matters, if need be, re-establishing the Working Group.

## Annex I

### **Background note on objectives and scope of a possible framework convention on sustainable housing**

#### **Explanatory note**

The background note below was prepared for the third meeting of the Working Group on a Possible Framework Convention on Sustainable Housing in the UNECE region that took place in Geneva on 3 April 2012. The Working Group “recommended to the Committee on Housing and Land Management to consider” this note when deciding on the possible development of a framework convention on housing.

Note by the secretariat for the third meeting of the Working Group on a Possible Framework Convention on Sustainable Housing in the UNECE :

#### **Summary**

This note is of an informal nature and aims to facilitate the discussions on objectives and scope of a possible framework convention on sustainable housing to be held under item 3 of the provisional agenda of the third meeting of the Working Group on a Possible Framework Convention on Sustainable Housing in the UNECE region (ECE/HBP/AC.1/2012/1). This document was prepared by the secretariat in consultation with the Bureau of the Committee on Housing and Land Management.

The examples presented in this note should serve to facilitate the discussion of the Working Group. They are not the outcome of negotiations and shall not be negotiated during the third meeting of the Working Group. Moreover, the information contained is in no way intended to serve as the basis of the Committee’s substantive negotiations. The possible objectives and scope are a matter for the member States to decide at a later stage, should the Committee choose to proceed with the negotiation of a framework convention.

The examples of objectives and scope contained in this document are based on standard practice within international agreements; discussions at the previous meetings of the Working Group; and the decisions taken at the last two sessions of the Committee on Housing and Land Management related to the development of a possible framework convention. In particular, the elements contained herein are drawn from the following documents:

- Reports of the first and second meeting of the Working Group (ECE/HBP/AC.1/2011/2), (ECE/HBP/AC.1/2011/4).
- Updated synthesis document compiling all the replies received to the questionnaire on a possible legally binding instrument on affordable, healthy and ecological housing in the UNECE region, including the issues identified by participants in the first Working Group meeting to be included in a possible legal agreement.
- Reports of seventy-first and seventy-second session of the Committee on Housing and Land Management (ECE/HBP/162), (ECE/HBP/167).
- Background paper on Principles and Goals for Affordable, Healthy, and Ecological Housing, which was prepared for consideration by the UNECE member States at the seventy-first session of the Committee (ECE/HBP/2010/6).

## Introduction

In September 2010, the Committee on Housing and Land Management established a Working Group to explore the potential added value of a possible legally binding instrument addressing housing issues. Since then, the Working Group met twice to discuss the social, health, economic and environmental challenges related to the housing sector in the UNECE region. At its seventy-second session, in October 2011, the Committee decided to extend the mandate of the Working Group “to continue its work in 2012 to develop the scope (subject and geographical coverage), and objective(s) of a possible framework convention on sustainable housing” in the UNECE region. It is important to note that the Working Group was not asked nor entitled to negotiate any legal agreement and this note intends only to facilitate its discussion on objectives and scope of a possible framework convention on sustainable housing.

This note takes into account the accepted understanding of sustainable development as reflected in the report of the Brundtland Commission - *Our Common Future*; the Rio Declaration on Environment and Development and the Johannesburg Declaration on Sustainable Development. It also draws from the objectives of the Millennium Development Goals, in particular from goal seven, which aims to ensure environmental sustainability in respect of three targets<sup>21</sup> and goal eight addressing partnership for development.

As the Rio+20 Conference<sup>22</sup> is nearing, recent United Nations reports have reviewed the progress made in achieving sustainable development and showed implementation gaps at a global and regional level<sup>23</sup>. Several key sectors were considered as central for shifting human development and providing a sustainable future. Residential buildings are responsible for a high proportion of world water and energy consumption and are one of the largest contributors to global greenhouse gas emissions. Therefore, the housing sector is considered as crucial to the green economy and critical in any attempt to achieve sustainable development. Strategic policy formulation, international cooperation, knowledge transfer, technological advancements and reformed institutions and frameworks will all be central in achieving substantial improvements in housing<sup>24</sup>.

Playing their part in the process of moving towards sustainable development, the discussions of the Working Group at its previous meetings are a basis for the examples of objectives and scope contained in the present note. Further to that, the elements contained in this document have been drawn up to reflect the principles and goals of leading housing related documents from the UN system. These include the Habitat Agenda, the objectives of Agenda 21 Chapter on Promoting Sustainable Human Settlements Development and the UNECE Strategy for a Sustainable Quality of Life in Human Settlements in the 21<sup>st</sup> Century.

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21 The three targets are: to integrate the principles of sustainable development into country policies and programs and reverse the loss of environmental resources; Halve, by 2015, the proportion of people without sustainable access to safe drinking water and basic sanitation; Have achieved by 2020 a significant improvement in the lives of at least 100 million slum dwellers.

22 United Nations Conference on Sustainable Development to be held on 20 - 22 June 2012.

23 Implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the Outcomes of the World Summit on Sustainable Development, Report of the Secretary General, 2011; Keeping the promise: a forward looking review to promote an agreed action agenda to achieve the Millennium Development Goals by 2015, Report of Secretary General, 2010; The Global Partnership for Development: Time to Deliver”, The MDG Gap Task Force Report, 2011; The Millennium Development Goals Report 2011”; Global Monitoring Report 2010, World Bank.

24 Towards a Green Economy, Pathways for Sustainable Development and Poverty Eradication, UNEP, 2011.

The document has an informal character presenting the different housing challenges as highlighted by member States<sup>25</sup> and aims to first explain the role of both the objectives and scope in a convention, and then to provide a tentative list of specific sustainable housing examples.

## A. Objectives of a Possible Framework Convention on Sustainable Housing

### Explanatory Note

Most international conventions contain provisions that set out the **policy objectives intended to guide the actions of the parties**. These objectives are in fact the actual **intended impact** that a convention could have and have political rather than juridical functions.

It is important to note that because a framework convention is a treaty that establishes broad commitments for its parties, it leaves the setting of specific targets either to subsequent more detailed agreements (usually protocols) or to national legislation.

As the issues in question are usually addressed through the development of national policies and strategies, framework conventions are inherently flexible, allowing governments the discretion of how to achieve the agreed objectives based on their countries' capabilities.

### Examples

The elements described below are examples which take into account the various housing challenges discussed at the previous meetings of the Working Group<sup>26</sup>. In order to facilitate the discussions, the broad range of matters that could be covered by a possible framework convention on sustainable housing are clustered under the three main pillars of sustainability (Environment, Economic and Social<sup>27</sup>).

It is important to note that the list provided below is not exhaustive. It is merely an indicative overview and will be possible to include other examples at the third meeting of the Working Group. Examples of objectives of a Possible Framework Convention on Sustainable Housing could be as follows:

#### (a) Related to the environmental concerns in housing:

*Each Contracting Party shall, as far as possible and as appropriate,*

- Improve standards for the environmental and energy performance of dwellings and thus contribute to greening the economy;
- Reduce the carbon footprint of the housing sector;
- Increase the number of low energy housing units;
- Secure a substantial increase in the use of low carbon and renewable energy technologies in housing;

<sup>25</sup> As per their replies to the Questionnaire on Affordable, Healthy and Ecological Housing as well as the discussions during the meetings of the Working Group and the Committee's last two sessions.

<sup>26</sup> They are also based on existing international conventions and relevant documents mentioned in the Introduction section of this note.

<sup>27</sup> 2005 World Summit Outcome, General Assembly, United Nations; Johannesburg Declaration on Sustainable Development; Rio Declaration on Environment and Development; World Commission on Environment and Development's report Our Common Future, 1987.

- Retrofit the existing housing stock in an environmentally friendly and energy-efficient way, making use of local solutions and knowledge when possible;
- Put in place strategies so that sustainable housing considerations will be taken into account at the time of design and construction of dwellings;
- Contribute to sustainable urban development, planning and management through the adoption and integration of greener housing policies;
- Make waste and water management an integral part of sustainable housing strategies/policies;
- Ensure that disposal, recycling and reuse of housing, construction and demolition waste is done in a sustainable way, respecting the environment;
- Ensure that the life-cycle approach is taken into account in housing design; material supply and manufacturing; construction processes; maintenance and refurbishment;
- *Other* possible examples to be discussed at the third meeting of the Working Group, and if requested by member States, added to the indicative list of examples in the note.

**(b) Related to social concerns, including the aspects of healthy and safe housing, taking into account the cultural and environmental particularities of each member State:**

*Each Contracting Party shall, as far as possible and as appropriate,*

- Ensure healthy dwellings through housing design, maintenance and retrofitting;
- Ensure safety of construction in order to prevent and minimize the risks from disasters;
- Apply, whenever possible, in the housing sector the principle of universal design<sup>28</sup>;
- Ensure the use of research-based guidelines and strategies when retrofitting old and/or historical buildings;
- Encourage the use of efficient local solutions for the design and construction of sustainable housing while respecting the cultural and environmental particularities of member States;
- Improve access to water and basic sanitation through sustainable housing programmes;
- Develop sustainable housing strategies that improve access to basic services, reduce the vulnerability of and contribute to better living conditions for the population;

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<sup>28</sup> Universal design refers to the design of buildings to be usable and accessible by everyone, to the greatest extent possible, without the need for later adaptation or modification to accommodate special needs, such as the use of wheelchairs.



- *Other* possible examples to be discussed at the third meeting of the Working Group and, if requested by member States, added to the indicative list of examples in the note.

(c) **Related to the economic constraints in housing:**

*Each Contracting Party shall, as far as possible and as appropriate,*

- Increase the availability of housing options/choice;
- Develop affordable mechanisms for housing refurbishment and ensure effective housing management;
- Review policies and procedures for maintenance and utility systems and encourage green investments in the sector;
- Take steps to ensure transparent, well-functioning, sustainable real estate markets;
- Provide incentives to sustainable design and construction of housing;
- Generate additional employment and improve working conditions in the sector through sustainable housing policies and thus contribute to the global goal of greening the economy;
- *Other* possible examples to be discussed at the third meeting of the Working Group and, if requested by member States, added to the indicative list of examples in the note.

## 2. Scope of a Possible Framework Convention on Sustainable Housing

### Explanatory Note

The scope of a convention is its general, overarching element, which applies to the treaty as whole. Therefore the term is by no accident in singular, as the general focus of a convention could be lost, if various different scopes are identified.

Usually, the notion of a scope of a convention integrates two main components- **subject and geographical coverage**, which are further described below.

The subject of a convention is the **object and purpose** to be addressed by the treaty. It is important to emphasize that there is a repeated use of “object and purpose” in the Vienna Convention on Law of Treaties, which suggests that these two should be understood as a single concept<sup>29</sup>. Furthermore, a convention should be interpreted in “light of its object and purpose”<sup>30</sup>. Therefore, the scope of a convention is also its general, overarching purpose, its *raison d’être*.

<sup>29</sup> Vienna Convention on law of Treaties, 1969; Article, 31; Article 41; etc.

<sup>30</sup> Vienna Convention on Law of Treaties, 1969; Article 31.

Further, the scope of a convention sets its **geographical boundaries**. For instance, the geographical coverage of a convention could be the UNECE region. Also, in general, a treaty “is binding upon each party in respect of its entire territory<sup>31</sup>”.

### Examples

Some examples on scope of a Possible Framework Convention on Sustainable Housing are provided below. They are based on the standard practice within international agreements. The primary differences between the first example and following examples are underlined. It is important to note that other scopes of a possible convention are possible and it is up to member States to decide on the actual scope at a later stage, if the Committee decides to develop such a convention.

#### Scope Example 1:

The scope of this Convention is to promote sustainable housing in the UNECE region, particularly in countries with economies in transition, through effective action at all levels, supported by international cooperation and with a view to contributing to the achievement of sustainable development in the region.

**OR**

#### Scope Example 2:

The scope of this Convention is to improve the sustainability of the housing in the UNECE region, particularly in countries with economies in transition, through effective action at all levels, supported by international cooperation and with a view to contributing to the achievement of sustainable development in the region.

**OR**

#### Scope Example 3:

The scope of this Convention is to ensure the development of a sustainable housing sector in the UNECE region, particularly in the countries with economies in transition, through effective action at all levels, supported by international cooperation, with a view to contribute to greening the economy and achieving sustainable development in the region.

**OR**

#### Scope Example 4:

The scope of this Convention is to improve the housing conditions in the UNECE region on a sustainable basis, with the ultimate objective of providing for all adequate shelter, that is ecological, healthy, safe, secure, accessible and affordable and that includes basic services, facilities and amenities; freedom from discrimination in housing; and legal security of tenure<sup>32</sup>.

**OR**

*Other* possible examples to be discussed at the third meeting of the Working Group and, if requested by member States, added to the indicative examples on scope in this note.

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<sup>31</sup> Vienna Convention on Law of Treaties, 1969; Article 29.

<sup>32</sup>Based on UN Habitat Agenda, paragraph 39.

## Annex II

### Examples of objectives of a possible framework convention on sustainable housing in the UNECE region

#### Explanatory note

The elements below are extracted from the background document on “Objectives and Scope of a Possible Framework Convention on Sustainable Housing” (annex I), which was discussed at the third meeting of the Working Group (3 April 2012). The secretariat was requested to present them to the Committee for its consideration at the seventy- third session (September 2012). In order to facilitate the discussions, the broad range of matters that could be covered by a possible framework convention on sustainable housing are clustered under the three main pillars of sustainability (environmental, economic and social<sup>33</sup>). The list provided below is not exhaustive and it will be possible to include other examples at the seventy-third session.

Examples of objectives of a possible framework convention on sustainable housing could be as follows:

#### 1. Related to the environmental concerns in housing:

*Each Contracting Party shall, as far as possible and as appropriate,*

- 1.1. Improve standards for the environmental and energy performance of dwellings and thus contribute to greening the economy;
- 1.2. Reduce the carbon footprint of the housing sector;
- 1.3. Increase the number of low energy housing units;
- 1.4. Secure a substantial increase in the use of low carbon and renewable energy technologies in housing;
- 1.5. Retrofit the existing housing stock in an environmentally friendly and energy-efficient way, making use of local solutions and knowledge when possible;
- 1.6. Put in place strategies so that sustainable housing considerations will be taken into account at the time of design and construction of dwellings;
- 1.7. Contribute to sustainable urban development, planning and management through the adoption and integration of greener housing policies;
- 1.8. Make waste and water management an integral part of sustainable housing strategies/policies;

<sup>33</sup> 2005 World Summit Outcome, General Assembly, United Nations; Johannesburg Declaration on Sustainable Development; Rio Declaration on Environment and Development; World Commission on Environment and Development's report Our Common Future, 1987.

1.9. Ensure that disposal, recycling and reuse of housing, construction and demolition waste is done in a sustainable way, respecting the environment;

1.10. Ensure that the life-cycle approach is taken into account in housing design; material supply and manufacturing; construction processes; maintenance and refurbishment;

**2. Related to social concerns, including the aspects of healthy and safe housing, taking into account the cultural and environmental particularities of each member State:**

*Each Contracting Party shall, as far as possible and as appropriate,*

2.1. Ensure healthy dwellings through housing design, maintenance and retrofitting;

2.2. Ensure safety of construction in order to prevent and minimize the risks from disasters;

2.3. Apply, whenever possible, in the housing sector the principle of universal design<sup>34</sup>;

2.4. Ensure the use of research-based guidelines and strategies when retrofitting old and/or historical buildings;

2.5. Encourage the use of efficient local solutions for the design and construction of sustainable housing while respecting the cultural and environmental particularities of member States;

2.6. Improve access to water and basic sanitation through sustainable housing programmes;

2.7. Develop sustainable housing strategies that improve access to basic services, reduce the vulnerability of and contribute to better living conditions for the population;

**3. Related to the economic constraints in housing:**

*Each Contracting Party shall, as far as possible and as appropriate,*

3.1. Increase the availability of housing options/choice;

3.2. Develop affordable mechanisms for housing refurbishment and ensure effective housing management;

3.3. Review policies and procedures for maintenance and utility systems and encourage green investments in the sector;

3.4. Take steps to ensure transparent, well-functioning, sustainable real estate markets;

3.5. Provide incentives to sustainable design and construction of housing;

3.6. Generate additional employment and improve working conditions in the sector through sustainable housing policies and thus contribute to the global goal of greening the economy;

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<sup>34</sup> Universal design refers to the design of buildings to be usable and accessible by everyone, to the greatest extent possible, without the need for later adaptation or modification to accommodate special needs, such as the use of wheelchairs.

## Annex III

### **Additional suggestions for examples of objectives of a possible framework convention on sustainable housing**

#### **Explanatory note**

In addition, after the third meeting of the Working Group, the secretariat received further comments on the background note on “Objectives and Scope on a Framework Convention on Sustainable Housing from Germany”. In particular, the comments received were on the examples of objectives, which are included in Annex II of the present document.

On the objectives of a possible framework convention on sustainable housing as per annex II, Germany’s proposals are presented in *Italics* below:

- 1.4. Secure a substantial increase in the use of low carbon and renewable energy technologies in housing, *in particular in new housing*;
- 1.5. Retrofit the existing housing stock in an environmentally friendly and energy-efficient way *and support a renewable and efficient energy supply*, making use of local solutions and knowledge when possible;
- 3.2. Develop affordable mechanisms for housing refurbishment and ensure effective housing management (*cost-effective legal standards, promotion, best practice*);
- 3.4. Take steps to ensure transparent, well-functioning, *competitive and* sustainable real estate markets.

## TAnnex IV

### **List of proposed topic for the activities of the Committee on Housing and Land Management**

#### **Explanatory note**

At its third meeting, the Working Group on a Possible Framework Convention on Sustainable Housing suggested other topics discussed to be presented to the seventy-third session in a separate list than the one of the agreed examples of objectives (annex II ). This list below was discussed and approved at the third meeting of the Working Group (ECE/HBP/AC.1/2012/2) and it was suggested that these and other topics as proposed by members of the Working Group could be considered by the Committee in the planning of its future activities.

Other topics discussed at the third meeting of the Working Group to be reported to the Committee on Housing and Land Management included:

- Accessibility to housing
  - Universal design
  - Informal settlements
  - Security of tenure
  - Homeownership
  - Energy poverty and energy standards
  - Resilience to natural disasters
  - Interdependent urban systems
  - Sustainable communities
  - Integrated approach to quality of housing.
-