

Guidance for the implementation of the Geneva UN Charter on Sustainable Housing

Ensure access to decent, adequate, affordable and healthy housing for all





Economic and Social Council

Distr.: General
17 June 2016

Original: English

Economic Commission for Europe

Committee on Housing and Land Management

Seventy-seventh session

Geneva, 13-14 September 2016

Item 6(a) of the provisional agenda

Review of the implementation of the programme of work 2016-2017

Sustainable housing and real estate markets

Guidance for the implementation of the Geneva UN Charter on Sustainable Housing

Note by the secretariat

Summary

The Committee discussed recommendations for the implementation of the Geneva UN Charter on Sustainable Housing (E/ECE/1478/Rev.1) at its seventy-sixth session (ECE/HBP/184); the recommendations included a proposal for the establishment of Geneva UN Charter Centres. The Committee endorsed the recommendations, and entrusted its Bureau with the elaboration of terms of reference for the Centres.

Based on the recommendations, the Committee secretariat elaborated draft guidelines for the implementation of the Charter, including a template for terms of reference for the Centres.

The Committee is invited to endorse the draft guidelines.

I. About the Geneva UN Charter on Sustainable Housing

1. The Charter is a non-legally binding document, which was developed and endorsed by representatives of 56 member States of the Economic Commission for Europe (ECE) in November 2014. Its goal is to support member States as they seek to ensure access to decent, adequate, affordable and healthy housing for all, with due attention to reducing the impact of the housing sector on the environment.
2. Its scope is to improve the sustainability of housing in the ECE region through effective policies and actions at all levels, supported by international cooperation, in order to contribute to sustainable development in the region.
3. The Charter binds itself to four overarching principles: *environmental protection; economic effectiveness; social inclusion and participation; and cultural adequacy*. The principles support the implementation of Sustainable Development Goal 11¹ to make cities inclusive, safe, resilient and sustainable.

1. History of the development of the Charter

4. In 2009, the United Nations Economic Commission for Europe (UNECE) Committee on Housing and Land Management (CHLM) established a regional instrument to support sustainable housing in the ECE region. The Bureau of the Committee initially proposed the development of a Framework Convention on Sustainable Housing (Convention) at its meeting in Prague on 21 December 2009, where the Bureau agreed that developing such a Convention would provide countries with an effective tool for addressing key housing challenges, and would also further support the application of existing UNECE housing policy tools (e.g., social housing guidelines, housing finance principles, and the Action Plan for Energy-Efficient Housing in the UNECE Region).
5. The Committee discussed a possible legally-binding instrument on housing (the Framework Convention) at its seventy-first session in September 2010. As a result, the Committee decided to establish an ad hoc Working Group on a Possible Framework Convention on Sustainable Housing in the UNECE Region (WG) in order to explore the potential benefit of such an instrument and to define its possible scope and objectives; and further invited member States to nominate representatives to the WG (ECE/HBP/162).
6. The WG was established, and three meetings took place in 2011 and 2012.² Participants of the meetings “recognized the added value of a Convention as a possible instrument to address housing issues in the UNECE region and recommended that the CHLM consider its development favourably”.
7. In September 2012, at its seventy-third session, the Committee endorsed the conclusions of the WG, and supported the proposal to open negotiations on a possible Convention (ECE/HBP/170 paras 13-22).³ Based on the recommendations of the WG, the Committee agreed that the Convention 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

¹ <http://www.un.org/sustainabledevelopment/cities/>

² Terms of Reference of the Working Group at <http://www.unece.org/fileadmin/DAM/hlm/wgaheh/ToRWGSHEnglishVersion.pdf> and a summary of discussions of the Working Group meetings at http://www.unece.org/fileadmin/DAM/hlm/documents/2012/ece_hbp_2012/ECE_HBP_2012_2_E.pdf

³ <http://www.unece.org/fileadmin/DAM/hlm/documents/2012/ece.hbp.170.e.pdf>

achievement of sustainable development in the region”. The Committee recommended that the UNECE Executive Committee (EXCOM) approve the establishment of an Intergovernmental Negotiating Committee (INC) to prepare the Convention. The Committee also recommended that the INC agree on the objectives of the Convention as the starting point for its substantive work.

8. At its seventy-fourth session in October 2013, the Committee opened a discussion on the possible development of the Convention (ECE/HBP/173)⁴. Some delegations reported that they were not ready to make a decision on the matter. Participants also recommended changing the name of the proposed instrument from a “convention” to a “charter” on sustainable housing. The Committee agreed to request the Bureau to provide further information and, if appropriate, in the light of decisions made by EXCOM, to develop elements of the proposed Charter, for consideration by the Bureau and subsequent consideration by the Committee.

9. At its sixty-sixth meeting on 6 February 2014, EXCOM encouraged the Committee to further investigate and discuss the possibility of developing the Charter. This was included in the Committee’s programme of work for 2014-2015, which was approved by EXCOM (ECE/EX/2014/L.2).

10. The Committee, at its informal meeting on 7 May 2014⁵, elaborated a draft Charter, which was further developed with member States. The draft was discussed at the Bureau meeting on 18 July 2014. Bureau members proposed a new title for the document – the Geneva UN Charter on Sustainable Housing (the Charter).

11. Drafting of the Charter text continued during an informal meeting of the CHLM in October 2014. The Charter was then presented at the Committee’s seventy-fifth session and was agreed. Further progress was made in November 2014 when EXCOM officially endorsed it. Finally, it was also endorsed by the ECE at its sixty-sixth session on 16 April 2015 (E/ECE/1478/Rev.1).⁶

2. The Charter as a soft law document

12. The Charter represents a form of “soft law”, as it is non-legally binding and does not create mandatory obligations. Rather, it is a commitment by the member States to pursue goals regarding the improvement of sustainability in housing.

13. It has no provisions that create obligations, but it does set out the goals and expectations of member States and the ECE, which encourage new legislation that guarantees common aims. It will carry the same weight as a treaty; but rather than creating immediate liability, its focus is more on long-term implementation. The key difference is that the signatories are free to pursue their own path to achieve the goals of the Charter. Below is an example of a soft law document (see Box 1).

⁴ <http://www.unece.org/fileadmin/DAM/hlm/documents/2013/ece.hbp.173.en.pdf>

⁵ [http://www.unece.org/index.php?id=35204#/#](http://www.unece.org/index.php?id=35204#/)

⁶ Information on the sixty-sixth session of the Commission information, [http://www.unece.org/index.php?id=35851#/#](http://www.unece.org/index.php?id=35851#/)

Box 1. Case example: Magna Carta (1215)

The Magna Carta is an example of the same type of instrument as the Charter, and it demonstrates how even a non-legally binding instrument can have major impacts. Arguably the most famous Charter in legal history, it was originally drafted by the Archbishop of Canterbury in 1215, and set out rights, which King John of England agreed to. Over 90 years later, in 1297, the Magna Carta was granted a statutory basis under Edward I. During this period, the Magna Carta was not legally enforceable and did not impose obligations upon the state. Yet, it served as a catalyst for civil rights, such as a guaranteed trial by jury, and became etched into the beliefs that people held regarding their rights. This is why, today, it is regarded as being the first document that constituted the uncodified constitution of the United Kingdom. The main rights which were proposed in the Magna Carta were later incorporated into the national legislation.

14. The benefits of developing non-legally binding documents are as follows:

- Legally-binding requirements can sometimes create disincentives for member States, as there is a risk of liabilities for not implementing policies, so governments would be more cautious, and would enforce only minimum requirements.
- The Charter contains general principles. These will continue to be relevant from a long-term perspective and
- will therefore provide a stable foundation. It also allows member States to tailor their policies for implementation to their specific national contexts and capabilities.

15. The implementation of measures to achieve the goals set out in the Charter I will remain at the member States' discretion. They could adopt new laws, or develop relevant policies, strategic plans and programmes containing the goals and targets.

16. Member States are encouraged to rely on the methods which would produce the best results in their own territory. This could be done, for instance, through reliance on a group or forum of experts representing different areas of expertise (environment, social and economic development and culture, municipal planning and management) who can better determine priority areas.

3. Recommendations for the implementation of the Charter

17. To support the implementation of the Charter and provide the public with practical resources to exercise the principles of sustainable housing under it, the CHLM secretariat made it available at <http://www.unece.org/housing/charter.html>. A recognizable visual identity and infographics for the Charter have been developed; a PowerPoint presentation template and an electronic version of the Charter in English, French and Russian were also made available on the website.

18. Countries and interested stakeholders are invited to widely disseminate the information available on the Charter webpage, and organize its translation into their national languages. As it is translated into other languages, these versions will be added to the webpage.

19. As a next step, according to the decision of the Committee at its seventy-sixth session in December 2015, a network of Geneva UN Charter Centres (Centres) will be established. These Centres will play a crucial role in promoting all four principles of the Charter: environmental protection, economic effectiveness, social inclusion and participation, and cultural adequacy. The Centres, depending on their specialization and

available expertise at host institutions, will work at national and/or international level and on topics covered by the Charter.

20. To establish the Centres, the ECE will partner with the governments of the participating States where they are to be located, as well as with international, national and non-government organizations and academic institutions. Cooperation with the Centres will be based on a Memorandum of Understanding between the ECE and the partner organization in the respective country. The draft Memorandum is found in Annex 1.

21. The Centres will be established as a network under the coordination of the ECE, to allow for the exchange of experience and best practices, and to promote cooperation and knowledge-sharing within the network. The secretariat of the CHLM will act as a facilitator and coordinator of the network of the Charter implementation activities. It will provide guidance for the initiative, and contribute to the capacity-building and training of the Centres' staff members. The Centres will report to the Committee at its annual sessions. In between sessions, they will be accountable to the Committee Bureau.

22. The range of activities of the Centres will include:

- Active dissemination of information on the Charter and its principles through publications, mass media, and national and local events
- Advisory services
- Capacity-building at international, national and local levels (organization of training, implementation of pilot projects, etc.)
- Networking, including with cities, regions, homeowner associations and other stakeholders
- Studies on the implementation of the Charter and best practices of the implementation of non-legally binding conventions
- Research on topics which will contribute to the better implementation of the Charter
- Collection and exchange of information on best practice on Charter implementation.

Annex 1: Draft template for Memorandum of Understanding for the Geneva UN Charter Centres

Memorandum of Understanding
between the
United Nations Economic Commission for Europe
and
<name of organization>

1. The United Nations Economic Commission for Europe (UNECE) and the <name of the organization> (collectively referred to herein as the “Parties”) have agreed to sign this Memorandum of Understanding (“Memorandum”), which represents a statement of intent by the Parties to develop cooperation for the promotion of sustainable housing through the implementation of the Geneva United Nations Charter on Sustainable Housing (the Charter) and through the establishment of a Geneva UN Charter Centre (Centre). The Memorandum also outlines the mechanism for collaboration and joint activities.

I. Objective

2. The objective of this Memorandum is to provide a framework within which the Parties can develop and undertake collaborative activities and projects. Specific activities and projects will be undertaken only after mutual agreement of the Parties, set forth in an Activity Agreement, subject to the Parties’ respective policies and procedures.

II. Liabilities of the Parties

3. The <name of the organization>, the partner organization hosting the Centre, shall execute the following activities:

- Translate and print the Charter in the national language(s)
- Develop and produce print and digital materials on sustainable housing, including brochures, website and mobile applications. Ensure a reference to the Charter on all the materials
- Provide information on the work related to the implementation of the Charter on the organization website
- Develop a curriculum for training and capacity-building on sustainable housing
- Organize and host national and local meetings (symposiums, workshops, training programmes and seminars) to disseminate information on the Charter
- Promote the Charter at national and local meetings and through print and social media (i.e. prepare articles for journals and newspapers, do interviews on TV and radio, disseminate through relevant newsletters, etc.)
- Support students and researchers in their research on the potential for the implementation of the Charter
- Hold regular consultations and cooperation with international, national and local stakeholders working on related topics

- Fundraise and prepare project proposals, and organize the implementation of projects supporting the above-mentioned activities
 - Develop and carry out pilot projects to support the implementation of the Charter (advisory services to support the preparation of laws and regulations, etc.)
 - Provide financial and in-kind support, when feasible, to the work of the network and the Secretariat, which acts as the network coordinator
 - Participate in regular surveys organized by the UNECE on the implementation of the Charter
 - Report to the ECE on the implementation of activities (i.e. number of meetings organized, number of new case studies analyzed, statistics on website traffic, etc.) through the preparation of a short annual activities report; the report is to be submitted by email to the ECE at the end of each year.
4. The ECE shall:
- Promote the goals and objectives of the Charter according to the priorities established by the UNECE Committee on Housing and Land Management (CHLM)
 - Facilitate and supervise within existing resources the work of the Centre and the exchange of information, knowledge and experience within the network as well as with external partners – relevant international and national organizations in the UNECE region
 - Coordinate the cooperation and exchange of experience between the Centres
 - Promote information on the work of the Centre through its website, email list, and information at the Committee sessions and other Committee events.

III. Protection of Intellectual Property Rights

5. The Parties recognize the importance of protecting and respecting intellectual property rights. This Memorandum does not grant the right to use materials belonging to or created by either Party. Specific arrangements for the use and protection of intellectual property will be set forth in Activity Agreements.

IV. Limits to the Agreement

6. This Memorandum does not constitute an agreement by either Party to provide support for any specific project or activity. Specific arrangements for individual projects or activities will be set forth in an Activity Agreement, signed by both Parties. Any sharing of information between the Parties will be subject to their respective policies on the disclosure of information.

V. Disputes

7. Any dispute between the Parties arising out of, or relating to, Activity Agreements shall be settled by negotiation or arbitration in accordance with the dispute settlement provisions specified in the Activity Agreement.

VI. Planning of Activities, and Key Points of Contact

8. In order to implement this Memorandum, the Parties must develop and agree on a biennial action plan.

9. The individuals with overall responsibility for the implementation of this Memorandum are listed below. Parties may, by written notice to the other Party, designate additional or different persons as points of contact. However, the Parties must agree to designate only one person at a time as the person with overall responsibility for all activities undertaken pursuant to this Memorandum.

Focal point for the ECE:
Head, Housing and Land Management Unit
United Nations Economic Commission for Europe
Palais des Nations
8-14 avenue de la Paix
1211 Geneva 10, Switzerland
Tel: +41 (0) 22 917 2257
Fax: +41 (0) 22 917 00 41

Focal point for <name of the organization>:

VII. Timeframe and Termination

10. This Memorandum will continue for three years from the date of the last signature, with the possibility of further extension based on mutual written agreement of the Parties. Either Party may, at its sole discretion, terminate this Memorandum at any time by providing written notice to the other Party three months in advance of the date of the termination.

VIII. Reporting, Monitoring and Evaluation

11. The Parties recognize the importance of monitoring and evaluating the performance of collaborative activities undertaken pursuant to this Memorandum. As mentioned in para 2, the Centre shall report to the CHLM on the overall performance (i.e. number of meetings organized, number of new case studies analyzed, statistics on website traffic, etc.) annually by means of an implementation report. Between sessions, the Centre should report on current activities to the CHLM Bureau.

12. Specific arrangements for reporting, monitoring and evaluating the results and impact of such activities will be set forth in Activity Agreements relating to those activities.

13. The Parties also agree to meet on an annual basis to evaluate the overall effectiveness of all the collaborative activities undertaken pursuant to this Memorandum, including (i) the extent to which the Parties have achieved their institutional goals; and (ii) the extent to which the overall results achieved through collaborative action were greater than the sum of the results each Party would have achieved on its own.

IX. Miscellaneous

14. Nothing in this Memorandum shall be construed as creating a joint venture, an agency relationship or a legal partnership between the Parties.

15. Nothing in this Memorandum is intended to be a waiver of the privileges and immunities of the ECE or members of the United Nations.

16. In witness whereof, the Parties hereto execute this Memorandum:

For the United Nations Economic Commission for Europe,
Executive Secretary, UNECE

For the <name and contact data of the organization>
<Head of the organization>

Annex to the Memorandum. Description of the organization hosting the Centre, with full contact information.
