SDG 11: SUSTAINABLE CITIES AND COMMUNITIES

A LEGAL GUIDE

This Legal Guide to the Sustainable Development Goals (SDGs) was first published by Advocates for International Development (A4ID).

Disclaimer

The information contained within this guide is correct at the date of publication.

Acknowledgements

We would like to thank Norton Rose Fulbright, Shearman & Sterling, Thomas Istasse, and Chandni Brown for their contributions in the development of this Guide. Thanks are also due to the Chetasi Kane for her production and design inputs.

Publishing information

May 2024

London, United Kingdom

About A4ID

Advocates for International Development (A4ID) was founded in 2006 to see the law and lawyers play their full part in the global eradication of poverty. Today, A4ID is the leading international charity channelling legal expertise globally toward the achievement of the UN Sustainable Development Goals. Through A4ID, the world's top lawyers are able to offer high-quality, free legal support to NGOs, social enterprises, community-based organisations, and developing country governments that are working to advance human dignity, equality, and justice. A4ID also operates as a knowledge and resource hub, exploring how the law can be better used to help achieve the SDGs through a range of courses, publications, and events.

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Foreword

The SDG Legal Initiative

There are now less than six years left to realise the achievement of the UN Sustainable Development Goals (SDGs). Aware of the challenge, Advocates for International Development (A4ID) has been continuing its innovative work towards meeting these targets by harnessing the power of the law and the work of lawyers. A4ID's SDG Legal Initiative has been developed because it is now more important than ever that the global legal community comes together to use their skills to advance positive global change.

The SDG Legal Initiative is a call to action to the global legal profession to work towards the achievement of the SDG Agenda and we have until 2030 to do so. By sharing knowledge and providing opportunities to take practical action to end poverty, protect the planet, and ensure that all people enjoy peace and prosperity, A4ID will continue its work with the legal sector to enhance this impact. The SDG Legal Initiative aims to create communities of practice, and to amplify the role of the legal sector in achieving the SDGs.

Legal Guide to the SDGs

As part of its SDG Legal Initiative, A4ID has developed the world's first Legal Guide to the SDGs. The Legal Guide has been developed as a unique resource. It provides a foundational analysis of the role that law can and should play in the achievement of the SDGs. Developed in collaboration with lawyers, academics, and development practitioners, the Guide is made up of 17 distinct chapters, each focussed on one of the 17 goals. Each chapter provides an overview of the relevant regional, national, and international legal frameworks, highlighting how the law can be applied to promote the implementation of the SDGs. The Guide also offers key insights into the legal challenges and opportunities that lawyers may encounter. It presents clear examples of the actions that lawyers can take to help achieve each goal.

Role of law in creating sustainable cities and communities

For most of human history, most people across the world lived in small communities. However, rapid urbanisation over the last few decades has dramatically changed this landscape. Today, over half the world lives in cities – a trend that is anticipated to increase for a global population that is already growing year on year. To accommodate everyone, current and future generations to come, it is imperative we build modern and resource-efficient cities. But with challenges of overpopulation, a scarcity of space and resources, and growing pollution problems, it is no surprise that 1 billion people are currently living in urban slums.

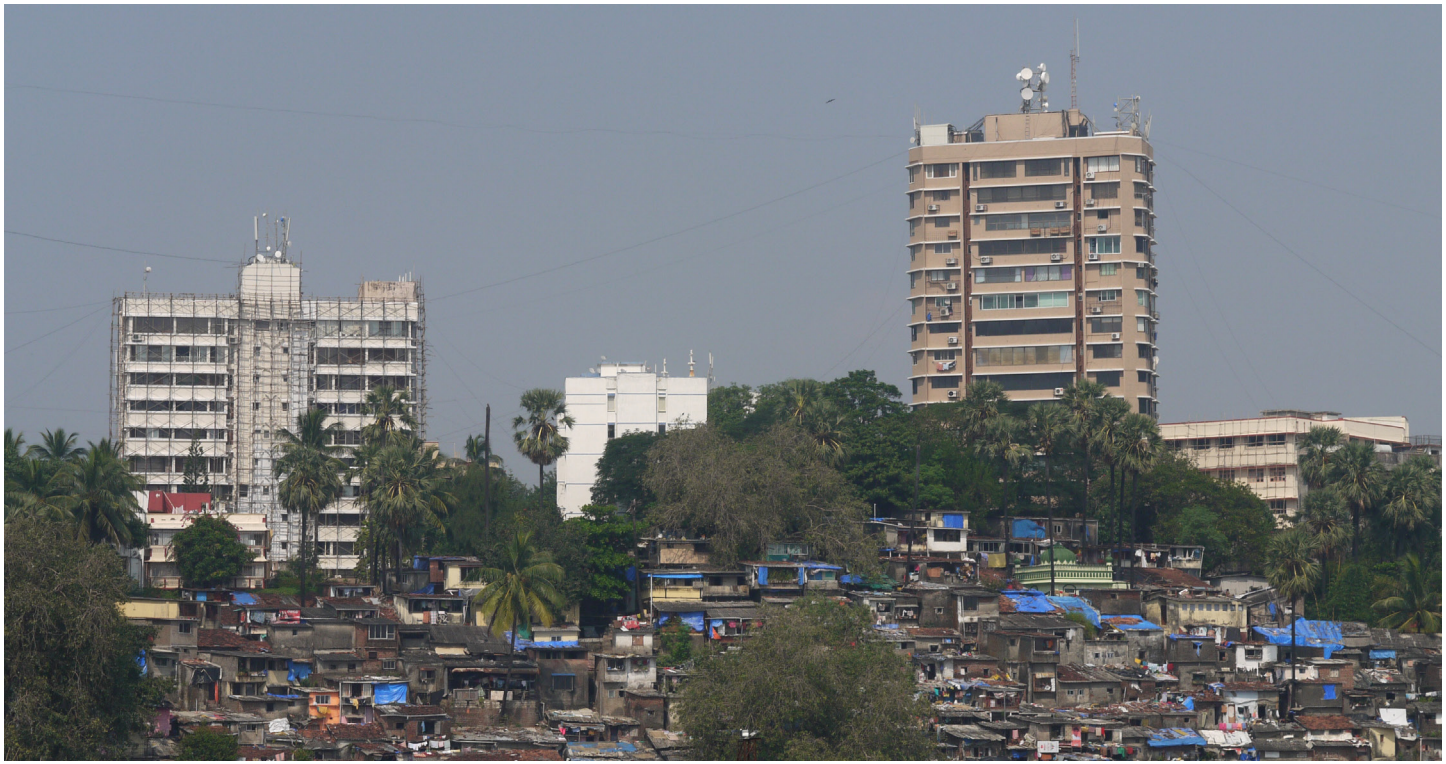
To give access to everyone to adequate and safe housing, efficient public transport and green spaces, SDG 11 looks

towards making our cities 'inclusive, safe, resilient, and sustainable.' Meanwhile improved air quality and waste management highlight the mutual benefits to both urban populations and the geographical spaces that they occupy. Better urban planning, including through participatory and inclusive local management, can help build cities that are more inclusive, healthier and enjoy a more equitable distribution of resources.

Our cities offer many opportunities – extensive employment prospects, access to education, healthcare and a supposed better quality of life. But they are also spaces where often the richest in society live side by side and yet worlds apart from the poorest. The nexus between SDG 11, poverty reduction and human rights is all too clear. It is only with legal protections, effective regulation and proactive policies that our cities can become spaces of true prosperity.

Yasmin Batliwala MBE

Chief Executive



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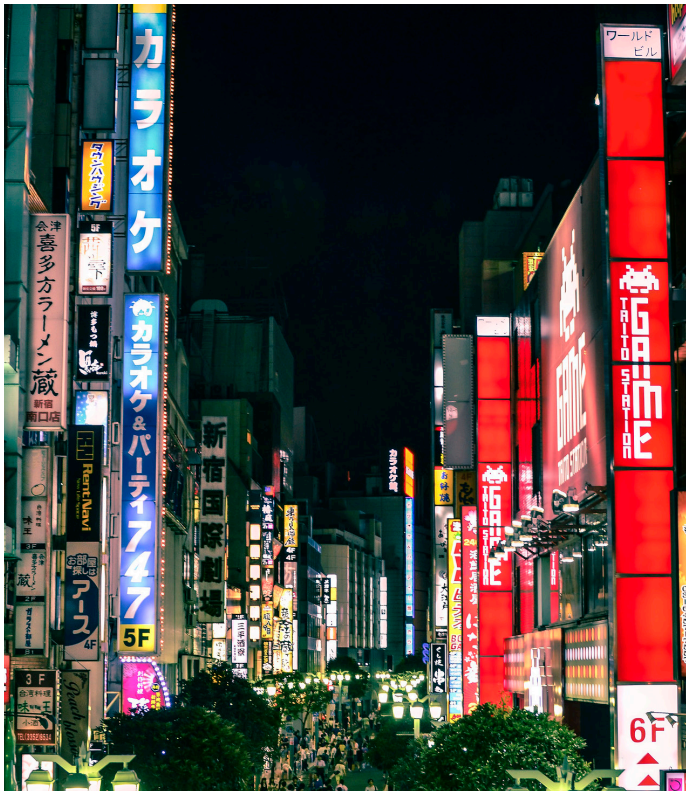
The Sustainable Development Goals

The UN Sustainable Development Goals (SDGs) are a universal call to action to end poverty, protect the planet, and ensure that all people can enjoy peace and prosperity.

Also known as the Agenda 2030, the SDGs were agreed in 2015 by the UN General Assembly (Resolution 70/1). They were adopted by all UN Member States, and 2030 was set as the deadline for achieving them.

Compared to the Millennium Development Goals (MDGs), which they succeed, the SDGs cover more ground, with wider ambitions to address inequalities, climate change, economic growth, decent jobs, cities, industrialization, oceans, ecosystems, energy, sustainable consumption and production, peace, and justice. The SDGs are also universal, applying to all countries, whereas the MDGs had only been intended for action in developing countries.



The 17 interdependent goals are broken down into 169 targets. At the global level, progress is monitored and reviewed using a set of 232 indicators. The Addis Ababa Action Agenda provides concrete policies and actions to further support the implementation of the 2030 Agenda. Each year, the UN Secretary General also publishes a report documenting progress towards the targets. In addition, the annual meetings of the High-level Political Forum on Sustainable Development (HLPF) continues to play a central role in reviewing global progress towards the SDGs.

At the national level, even though the SDGs are not legally binding, governments are expected to implement country-led sustainable development strategies, including resource mobilisation and financing strategies, and to develop their own national indicators to assist in monitoring progress made on the goals and targets.

SDG 17 stresses the importance of multi-stakeholder partnerships to achieve the goals. The mobilisation of governments, local authorities, civil society, and the private sector is needed to achieve this aim. Today, progress is being made in many places, but, overall, action to meet the SDGs is not yet advancing at the speed or scale required. This decade must therefore deliver rapid and ambitious action to meet the SDGs by 2030.

Key terms

SDG 11: Make cities and human settlements inclusive, safe, resilient and sustainable

In the context of SDG 11, the following terms mean:

'**Inclusive**': for cities to be inclusive they must provide access to all aspects of urban life to everybody, paying special attention to the needs of those in vulnerable situations, women, children, persons with disabilities and older persons.[1]

'**Resilient**': for cities to be resilient they must be able to effectively manage challenges of resource efficiency, climate change and disaster risk-mitigation. This includes developing and implementing holistic risk management at all levels in line with the Sendai Framework for Disaster Risk Reduction 2015 – 2030.'[2]

Overview of the targets

Making cities and human settlements inclusive, safe, resilient and sustainable is a critical part of the global sustainable development agenda. As hubs for trade, technology and culture, cities around the world attract an ever-growing number of people in search of economic and social development opportunities. As of 2018, 4.2 billion people, more than half of the global population, lived in cities and it is projected that by 2050, 70% of the world's population will live in urban areas.[3] Almost 90% of urban expansion is expected to happen in the developing world in the next few decades, with India, China, and Nigeria alone accounting for more than a third of this growth.[4] This growth is particularly notable given the role of cities as economic powerhouses contributing almost 80% of global GDP.[5]

However, growing urbanisation raises many challenges. Cities occupy just 2% of the world's total landmass, yet they consume substantial levels of energy and account for 75% of carbon emissions. Rapid urbanisation puts further pressure on natural resources, in particular water. It can lead to environmental degradation, especially poor air quality, with harmful effects on the health of urban dwellers, as well as flora and fauna. On the other hand, the high density of cities offers opportunities for efficiency gains and technological innovation to reduce resource and energy consumption.[6]

In 2020 and 2021, cities in many countries became epicentres of COVID-19 with more than 90% of cases occurring in urban areas. Here, the pandemic disproportionately affected low-income households due to inadequate housing and insufficient public health systems, exposing deep-rooted inequalities between urban dwellers.

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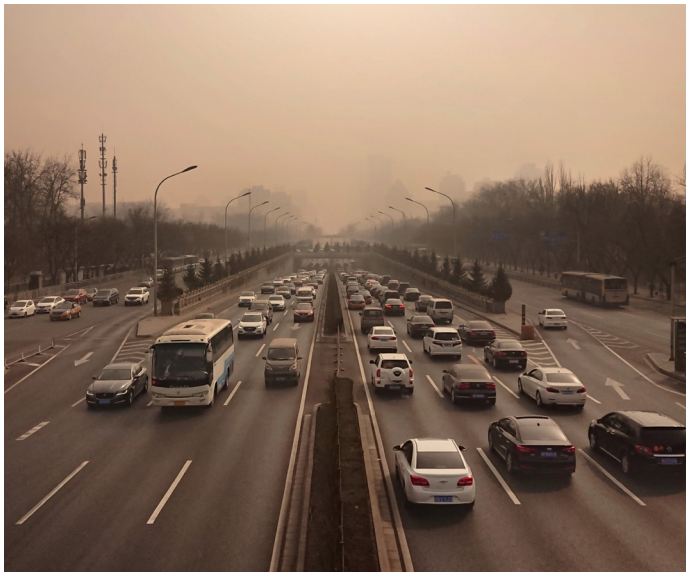


The goal of SDG 11 is to overcome these challenges in such a way as to allow cities to grow and thrive, offering the whole population a decent quality of life, shared prosperity, economic opportunities, basic services and social stability, while improving resource use, reducing environmental impact, and combatting poverty.

The following breakdown of each target under SDG 11 provides an insight into the current global situation on cities and communities and reveals the pressures and issues relevant to the achievement of each target.

By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums

The indicator used to measure this target is the proportion of urban population living in slums, informal settlements or inadequate housing.[7]

According to the interpretation of the Committee on Economic, Social and Cultural Rights, 'adequate housing' is not limited to four walls and a roof but, on the contrary, encompasses several aspects, including availability of facilities, affordability, location, and legal security of tenure.[8] An adequate house should incorporate water and sanitation, heating, energy for cooking, washing facilities, food storage and disposal. It must be affordable, taking into account levels of income, which means that housing subsidies and social housing should be provided to those unable to meet the cost of housing. In addition, it should be located with access to employment opportunities, schools, healthcare and other social facilities. And, finally, all households, regardless of whether they are owners, tenants or live in an informal settlement, should enjoy a degree of legal protection of tenure.

In a similar vein, while there is no universal definition of a 'slum', this is generally considered to include "a densely populated urban informal settlement characterised by substandard housing and squalor."[9] This may be seen where factors such as durability of structure, sufficient living space, access to basic amenities such as drinking water, access to adequate sanitation and security of tenure are missing.[10] Slums can emerge for a variety of reasons: a major factor being the migration of poor people from the countryside to the cities in search for economic opportunities. Natural disasters or armed violence can also force rural populations to flee to safer urban areas. Living conditions in slums make their inhabitants particularly vulnerable to natural hazards such as landslides and floods, violence, and diseases. For example, the 2014 Ebola outbreak was exacerbated by conditions in the slums of West African nations such as Liberia.[11]

In 2020 alone, approximately a quarter of urban dwellers were thought to be living in slums, i.e.: without access to adequate, safe and affordable housing. 85% of these populations were concentrated in Asia and Sub-Saharan Africa.[12] A 2022 report from UN Habitat found that amongst these individuals were "different levels of vulnerability based on gender, age, ethnicity, race, household structure, migration status and other intersectional factors," highlighting the need for a multidimensional approach to address the multiple faces of urban inequality.[13]

By 2030, provide access to a safe, affordable, accessible and sustainable transport system for all, improving road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situations, women, children, persons with disabilities and older persons

Access to public transport has a major effect on livelihood opportunities, community participation, and prosperity of individuals and communities. However, the proportion of urban residents who have convenient access to public transport remains low, particularly in developing countries. On average, only about half of urban residents globally have convenient access to public transport. There are however, significant discrepancies across regions, from a low of 30.7% in Sub-Saharan Africa to a high of 85.7% in Australia and New Zealand;[14] albeit these numbers do need to be nuanced as in some regions with low access to public transport, informal transport modes such as privately operated pedicabs, station wagons and mopeds are highly prevalent and provide reliable transport for the majority of urban populations.

By 2030, enhance inclusive and sustainable urbanisation and capacity for participatory, integrated and sustainable human settlement planning and management in all countries

There are two indicators used to measure the progress on this target: (1) the ratio of land consumption rate to population growth rate; and (2) the proportion of cities with a direct participation structure of civil society in urban planning and management that operate regularly and democratically.[15]

The first indicator is designed to measure the efficiency of land use, by monitoring the relationship between land consumption and population growth. Many of the world's cities – both from developed and developing countries – are expanding far beyond their formal administrative boundaries. This is because urban areas are expanding at a faster rate than their populations: between 2000 and 2014, areas occupied by cities grew 1.28 times faster than their populations. This decline in urban density is creating profound repercussions for environmental sustainability at the local, regional, and global scale.[16] Unplanned urban sprawl also makes the delivery of services more costly and inefficient, and can create unhealthy competition for available resources. For example, between 2000-2017, urban population growth in Sub-Sharan Africa and Oceania exceeded the number of persons with access to basic sanitation services, exacerbating urban inequalities and problems of extreme poverty in urban areas.[17] Better urban planning, taking into account future population growth, is therefore crucial to increase land use efficiency and hence creating sustainable cities.[18]

The second indicator measures the progress and willingness of elected officials, urban managers, and planners to integrate resident and civil society participation in urban planning and management. Direct participation structures are defined as any formal structure that allows and encourages participation of civil society in decision-making, without intermediaries, at every stage of the urban planning and management process. Direct participation structures can include, but are not limited to, town council meetings, websites, elections, suggestion boxes, appeals processes, notice period for planning proposals, etc.[19] This target is based on the assumption that urban

planning is more effective if a broad coalition supports the proposal and works together to deliver it. However, a lack of data has undermined the ability to properly assess progress on this indicator.[20]

Strengthen efforts to protect and safeguard the world's cultural and natural heritage

According to UNESCO, the world's 'intangible cultural heritage', is transmitted from generation to generation, and recreated continuously by different communities 'in response to their environment, their interactions with nature and their history.' It includes tangible culture (buildings and monuments), intangible culture (traditions and languages), and natural heritage (culturally significant landscapes and biodiversity).[21]

Culture lies at the heart of the broader concept of urban sustainability.[22] Investments in historic city cores and cultural heritage contribute to poverty reduction, job creation, and economic growth. A city's conserved historic character can differentiate it from competing locations, thereby attracting investments and human talent. Since cities expand rapidly, conservation can also provide crucial continuity and stability for those residing within them.[23]

Few countries currently effectively compile data on financial support to cultural and natural heritage, making progress against this indicator challenging to monitor.[24] However, in 2020 the first data collection exercise against SDG 11.4 was conducted. The findings highlighte generally low spending amongst countries for cultural and natural heritage conservation, with the exception of countries in Europe and North America. It is to be noted however, that these findings were obtained from a relatively low sample size of 29 countries.[25]

By 2030, significantly reduce the number of deaths and the number of people affected and substantially decrease the direct economic losses relative to global gross domestic product caused by disasters, including water-related disasters, with a focus on protecting the poor and people in vulnerable situations

The world is becoming increasingly urban. With population growth and rapid urbanisation, more than two-thirds of the world's population are projected to live in cities in the coming decades.

However, rapid and poorly planned urbanisation exacerbates vulnerability to disasters and requires measures for urban adaptation to predict, contain, and mitigate disasters when they happen.

A clear example of this was the pandemic. In 2020 alone, a total of 297,540 deaths were reported from all types of disasters across 80 countries. Of these, at least 80% of deaths were linked to COVID-19,[26] and with 90% of all reported COVID cases emerging in cities,[27] these fatalities were likely felt most in urban areas. It is no surprise then that as of March 2021, 156 countries around the world had adopted national urban policies, with almost half of these already at implementation stage.[28]

By 2030, reduce the adverse per capita environmental impact of cities, including by paying special attention to air quality and municipal and other waste management

Rapid urbanisation has resulted in increasing air pollution, especially in developing countries. Whilst countries are becoming more alive to the dangers of this phenomenon, with over 6,000 cities now monitoring air-quality, 99% of the world's urban population is still expected to live in areas that do not meet safe air quality standards as prescribed by the WHO. Rather, in 2019, 4.2 million deaths were attributed to air pollution from a variety of sources including: traffic, power generation, fuel combustion, and waste burning.[29]

The latter cause, namely 'waste', is a further cause of concern when seeking to create sustainable cities and communities. Due to increasing urban populations and consumer-oriented economies, the total waste generated globally is expected to double from nearly 2 billion tons in 2016 to about 4 billion tons by 2050.[30] Whilst management of this waste is largely positive on a global scale (where an average of 82% of municipal waste is collected), there are significant regional differences: in Australia and New Zealand, for example, the figure raises to 98.7%, whereas in the rest of Oceania it falls to 57%.[31] In Central and Southern Asia, open dumping is also still widespread, contributing to problems of sanitation and pollution.[32]

Tackling air pollution as well as unsafe and unsustainable waste management practices is essential to limit the environmental and social impact of cities. Collective action by government, industry, and individuals can reduce the adversity of these effects. Incentives to discourage private car use, investments in green public transport, education and awareness raising, and promotion of energy-efficient buildings have in some cases proved to be effective for improving air quality.[33]

By 2030, provide universal access to safe, inclusive, and accessible green and public spaces, in particular for women and children, older persons and persons with disabilities

Green and public spaces contribute to community cohesion, improve the well-being of all inhabitants, and reduce cities' ecological footprint. Furthermore, they help foster investment and economic development by increasing property values and retail activity, whilse also fostering social and cultural diversity to help combat urban segregation.

Well-designed and maintained streets and public spaces are therefore linked to wider social factors. For example, they have been known to reduce rates of urban crime and violence,[34] encourage non-motorised transport, and improve the general health and wellbeing of urban dwellers. As such, UN Habitat recommend that 30% of the global urban area should be allocated to streets and an additional 10-15% to open public spaces.[35]

However, most cities struggle to ensure convenient access to such areas. Recent data from 2020, covering 962 cities around the world, showed that only 37.8% of urban residential neighbourhoods had convenient access to open public spaces.[36] Convenient access here, is defined as spaces within 400m walking distance of their residence. This does not necessarily mean there is an inadequate share of land dedicated to open public spaces, but rather that there is an uneven distribution across urban areas.

Support positive economic, social and environmental links between urban, peri-urban and rural areas by strengthening national and regional development planning

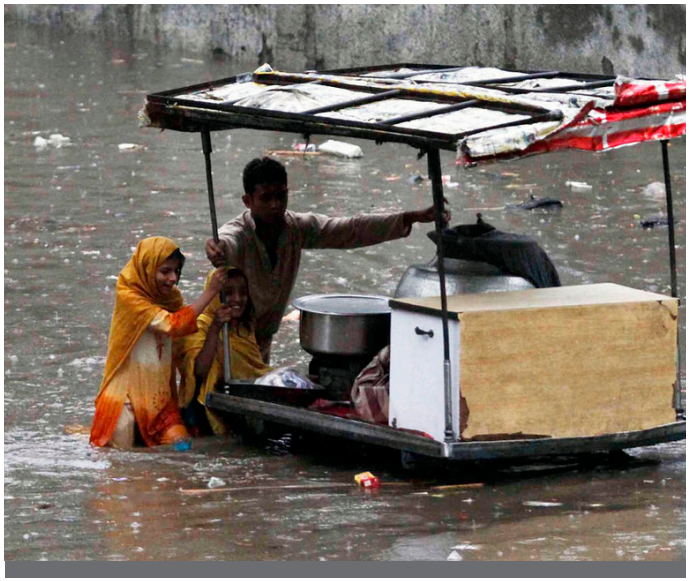
There are three elements to the indicator used to measure progress against this target: the number of countries that have national urban policies or regional development plans that (1) respond to population dynamics; (2) ensure balanced territorial development; and (3) increase local fiscal space.[37] SDG 11.a therefore seeks to expand consideration of urban planning beyond a single city in question and towards a country's overall spread of urban and rural areas. This includes, strengthening the role of smaller second and third tier cities as part of urban economic development,[38] and promoting strengthened urban-rural linkages that go beyond the urban versus rural divide.[39] In so doing, countries can be better prepared to cater for population growth in certain areas, and to decentralise the finances and resources available for improving quality of life across various regions.

A lack of data against this indicator, however, has prevented proper assessment of progress made.[40]

By 2020, substantially increase the number of cities and human settlements adopting and implementing integrated policies and plans towards inclusion, resource efficiency, mitigation and adaptation to climate change, resilience to disasters, and develop and implement, in line with the Sendai Framework for Disaster Risk Reduction 2015-2030, holistic disaster risk management at all levels

Linking closely with SDG 11.5, this target has also seen a rise in global awareness since COVID-19 with more countries adopting national disaster risk reduction strategies. Accordingly, whilst only 55 countries had such strategies in place in 2015 with only 15 showing substantial or comprehensive alignment with the Sendai Framework, by the end of 2021, this figure had increased substantially to 123 countries; 61 of which showed such alignment to the Sendai Framework. Improvements were also noted at local government levels (albeit less stark) with 66% possessing disaster risk reduction strategies in 2021 as compared with 55% in 2015.[41]

Nevertheless, the UN continues to stress the importance of risk reduction strategies to be implemented through 'further concerted effort, including through coherent institutional architectures, clear legislative mandates, partnerships and sufficient financial resources at national and sub-national levels.'[42]



Support least developed countries, including through financial and technical assistance, in building sustainable and resilient buildings utilizing local materials

This target emerges in light of urbanisation trends, recognising that most of what will constitute cities in 2030 is yet to be built. As such, a unique opportunity is afforded to adopt more resilient and sustainable practices over future development.[43] In particular, given the potential for least developed countries to urbanise, and the pace at which this change is already being realised (with the urban population of less developed regions growing faster than in their more developed counterparts),[44] SDG 11.c looks to encourage international cooperation towards more sustainable city building.

This includes maximising the availability of localised materials and workforces as part of infrastructure development. UN Habitat estimates that doing so could see 20-30% of construction costs reduced (from an economic perspective) whilst also reducing the carbon footprint that the construction industry has on the planet (from an environmental perspective).[45] However, SDG 11.c is unique in being the only target under the SDG 2030 framework that does not, as of yet, have an indicator for measuring progress.

Key actions lawyers can take

The final section of this chapter provides more details on how the international legal community can engage in efforts to achieve SDG 11. However, the following short summary describes some of the key actions lawyers can take to contribute to the sustainable development of cities and communities across the world.

Learn and educate

Lawyers can enhance their understanding of sustainable and inclusive urban planning by accessing free global database on laws governing urban management and development, called UrbanLex. This free database by UN Habitat can give lawyers access to policy and programmatic efforts to improve cities at local, national, regional and international levels. Urban planners, legal experts and all interested in cities' development can search legislation by region and by various topics.

Integrate

By integrating and referring to frameworks such as Equator Principles and UN Global Compact, lawyers can advise their clients on large scale investment projects to account for all impacts of potential transactions on the safety, inclusivity and sustainability of any relevant urban environments and communities. Lawyers can also access UN Global Compact's Cities Programme access various tools for advising on urban planning projects.

Act

Many law firms are working to make their pro bono more strategic, collaborative and sustainable. By aligning their work with the SDGs, lawyers can be confident that they are taking practical steps towards a comprehensive and inclusive roadmap for sustainable development. This can help firms to establish and develop collaborative, cross-sector partnerships with other organisations that are working towards the same goals. Domestically, pro bono work can foster access to justice for organisations under SDG 11 by looking to increase community participation in local governance and participatory planning in urban development.

Elements of the international legal framework

Universal Declaration of Human Rights

Adopted by the UN General Assembly: 10 December 1948

The Universal Declaration on Human Rights (UDHR) is a landmark in the articulation and advancement of fundamental human rights and freedoms. In 30 articles, the UDHR sets forth a series of civil, political, economic, social and cultural rights. Although it was not intended to create legally binding obligations, the UDHR presents a common standard of achievement that is widely regarded as customary international law. Moreover, many of its provisions were later adopted in binding international human rights instruments.

Article 25.1 is particularly relevant in the context of SDG 11, since it recognises the right of everyone to an adequate standard of living.

"Housing is a human right, not just a commodity" – OHCHR, Special Rapporteur on the right to adequate housing.

International Covenant on Economic, Social and Cultural Rights

Adopted by the UN General Assembly: 16 December 1966

Entered into force: 3 January 1976

Status of ratification (as of July 2023): 171 Parties

The International Covenant on Economic, Social and Cultural Rights (ICESCR), drawing on the UDHR, affirms a series of human rights and encourages social progress. Legally binding on a large number of States, it indicates a wide consensus on economic, social, and cultural human rights. However, a number of States have signed but not ratified the ICESCR, notably Cuba, Malaysia, Saudi Arabia, and the United States.

Article 2 of the ICESCR reflects a 'progressive realisation principle', imposing a duty on parties to 'take steps... to the maximum of its available resources, with a view to achieving progressively the full realisation of the rights recognised in the present Covenant by all appropriate means'.

Mirroring the UDHR, Article 11 recognises the 'right of everyone to an adequate standard of living for himself and his family', which includes decent housing. In relation to environmental conditions, the ICESCR further urges States to take all necessary steps to improve 'environmental and industrial hygiene' (Art. 12.2.b), linking closely to SDG 11's focus on pollution and waste management.

In 2009, an Optional Protocol to the Covenant was adopted, giving the Committee on ESCR the ability to receive and consider individual communications from persons claiming to have had their rights under the Covenant violated. Yet, to this date, only 27 States have ratified it.

International Convention on the Elimination of All Forms of Racial Discrimination

Adopted by the UN General Assembly: 21 December 1965

Entered into force: 4 January 1969

Status of ratification (as of July 2023): 182 Parties

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) seeks to ensure that human beings enjoy civil, political, economic, and social rights without any distinction of race, colour, or national and ethnic origin. The ICERD requires signatory States not only to prohibit but also to eliminate racial discrimination in all its forms in order to guarantee individual rights. The Committee on the Elimination of Racial Discrimination takes steps to monitor the work of States towards fulfilling their obligations under the Convention. Periodic reports are submitted to the Committee by state parties, and complaints processes are in place in the event that ICERD rights may have been violated. This includes both State-to-State complaints, as well as those brought by affected individuals.

Under Article 5, the Convention provides that the right to housing must be equally applied to all with no discrimination, linking to the ambitions of SDG 11 to remedy urban inequalities.

Convention on the Elimination of All Forms of Discrimination against Women

Adopted by the UN General Assembly: 18 December 1979

Entered into force: 3 September 1981

Status of ratification (as of July 2023): 189 Parties

The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) defines what constitutes discrimination against women and sets forth an agenda to eliminate it.

Among the States that have not signed or ratified the CEDAW are Iran, Somalia, Sudan, and the United States. That said, even for other States that have ratified the Convention, reservations against certain articles and in some cases general reservations against all aspects of the Convention, have been entered into.[46]

The Convention requires state parties to take "all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men" (Article 3).

Particularly relevant to SDG 11 are the commitments of state parties to eliminate discrimination against women in relation to access to housing and transport (Article 14.2.h). This includes available access in the public and political sphere, including at the local level (Article 7) and with respect to access to recreational activities, sports, and all aspects of cultural life (Article 13.c).

As with some other human rights instruments, a Committee is in place to monitor compliance with the Convention,[47] and states are required to submit reports regarding their efforts under CEDAW.

In 2009, the Optional Protocol to the Conventions was further adopted, under which a complaints mechanism was established. This allows the Committee to receive communications from individuals concerning alleged violations of their CEDAW rights by a state party.

International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

Adopted by the UN General Assembly: 18 December 1990

Entered into force: 1 July 2003

Status of ratification (as of July 2023): 58 Parties

The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) is a UN treaty which governs the protection of migrant workers and families. The CMW aims to prevent and end the exploitation of documented and undocumented migrants.

Compared to the other UN human rights instruments, this Convention achieved a much lower rate of ratification. Moreover, most of the ratifying States are in Africa and Latin America, traditionally regions where migrants originally come from, but, thus far, none of the European States, the US, Australia or Canada has signed or ratified the Convention.

The relevance of the CMW to SDG 11 stems from the global tendency of migrant workers to congregate in large urban centres where employment opportunities tend to be higher than in rural areas. Building a strong framework for migrant workers could contribute to turning cities into safe, inclusive, and sustainable hubs for all people, as intended by the SDG Agenda. Specifically, Article 43 protects migrant workers against discrimination in relation to access to housing.

"With equitable responsibility sharing, there would be no crisis for host countries. We can afford to help, and we know what we need to do to handle large movements of refugees and migrants." - Former UN Secretary General, Ban Ki-moon

Convention on the Rights of Persons with Disabilities

Adopted by the UN General Assembly: 13 December 2006

Entered into force: 3 May 2008

Status of ratification (as of July 2023): 187 Parties

The Convention on the Rights of the persons with disabilities (UNCRPD) is a UN treaty intended to promote and protect the full and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities.

The Convention promotes, inter alia, full and effective participation and inclusion in society, accessibility, and independence. Access to buildings, transportation, and services (Article 9) is thus also recognised as integral for the full inclusion of persons with disabilities in cities as per SDG 11.

The UNCRPD is monitored by the Committee on the Rights of Persons with Disabilities and includes an Optional Protocol which allows parties to recognise the competence of the Committee to consider complaints from individuals.

The Paris Agreement

Adopted: 12 December 2015

Entered into force: 4 November 2016

Status of ratification (as of July 2023): 195 Parties

The Paris Agreement is a legally-binding agreement within the framework of the United Nations Framework Convention on Climate Change which focuses on three objectives:

i. to limit global warming to less than two degrees Celsius above pre-industrial levels and pursue efforts to limit the rise to 1.5 degrees Celsius

ii. to improve the ability to adapt to climate change and foster climate resilience

iii. to make finance flows consistent with the above objectives.

Countries individually determine their contributions to achieving the worldwide goal through their 'nationally determined contributions' (NDCs). Notably, there is no mechanism in place to force a country to set a target in their NDC by a specific date or achieve it.

It is however expected there will be a rise in the number of cities and regions implementing climate action plans in the spirit of the Paris Agreement. This includes building resilience and increased financial support for urban climate action and mitigating against disaster risk – all of which are expected to form part of global urban space agendas. In addition, multi-party initiatives across different levels of governance, both national and local, are likely to become more prevalent by

Soft law and declarations

Declaration of the Rights of Indigenous Peoples (2007)

The United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) sets forward a universal framework of minimum standards for the survival, dignity, wellbeing, and rights of indigenous peoples.

The Declaration relates directly to SDG 11.4 in its commitment to protect and safeguard cultural heritage. This is because Articles 11, 12, and 31 of the UNDRIP look to enshrine the right of indigenous peoples to protect and develop manifestations of their culture; with indigenous peoples among the most impoverished and disadvantaged groups globally.

In this regard, SDG 11's commitment to make cities more inclusive marks a significant step towards improving the quality of life and equalities enjoyed by these groups.

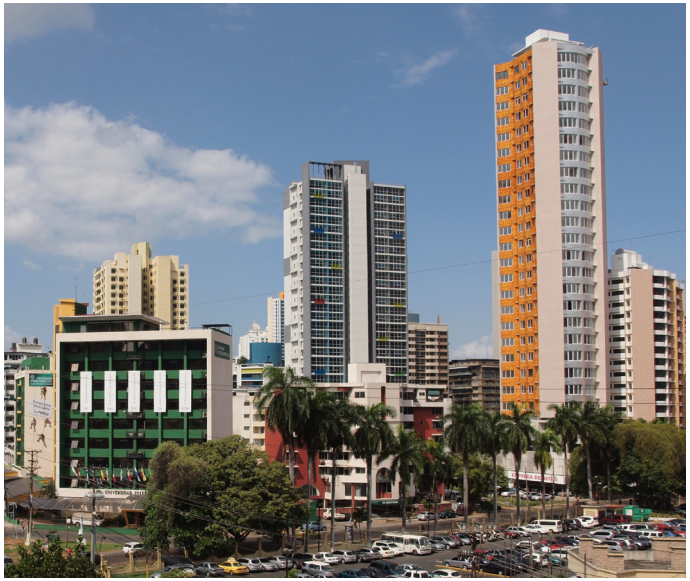
For instance, the United Nations reported in 2006 that 25% of the indigenous population of Australia were living in overcrowded conditions, where inadequate housing was one of the major challenges faced.[49] The UNDRIP declaration of 2007 was therefore an apt development in response to such challenges and as links closely with SDG 11.

New Urban Agenda (2016)

Adopted at the United Nations Conference on Housing and Sustainable Urban Development (Habitat III) in Quito (Ecuador), the New Urban Agenda has subsequently been endorsed by the UN General Assembly.[50]

The document envisions cities as a "source of solutions to, rather than the cause of, the challenges our world face today." This includes challenges such as, climate change and economic inequality. Closely linked with SDG 11, the New Urban Agenda promotes 'just, safe, healthy, accessible, affordable, resilient and sustainable cities and human settlements'.

The Declaration is backed by an implementation plan headed by UN Habitat.[51]

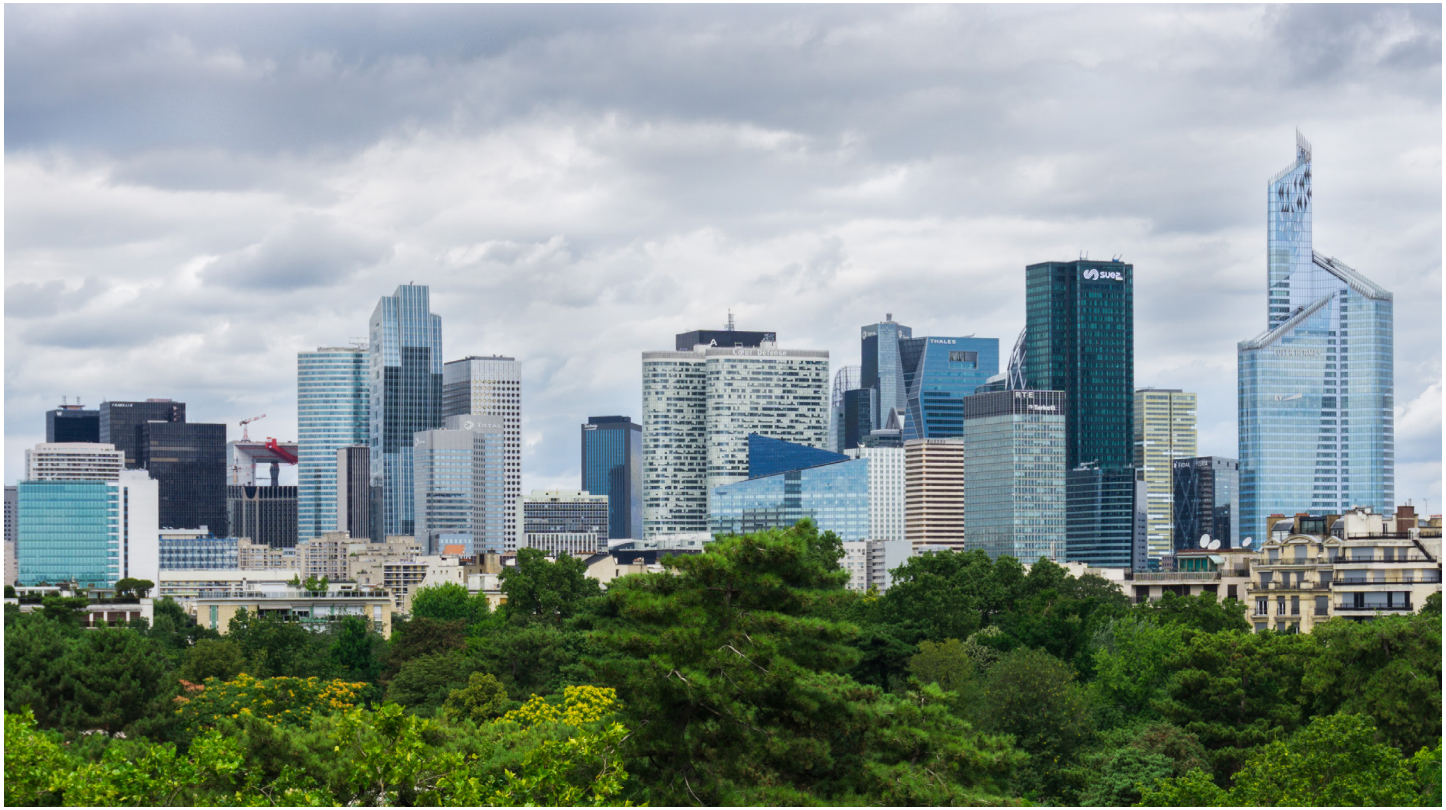


Regional legal and policy frameworks

Global

C40 Cities Climate Leadership Group

Created in 2005, at the initiative of the Mayor of London, C40 is a global network of nearly 100 of the largest cities in the world focused on combatting climate change. With the ambition of positioning cities as a leading force on climate action, the network facilitates peer-to-peer dialogue, produces data and research, and provides direct technical assistance to support the development of sustainable cities across the world.[52]



Africa

Agenda 2063: Strategic framework for the socio-economic transformation of the African continent (2015)

Agenda 2063 is a strategic framework for the socio-economic transformation of Africa over the next few decades, which aims at accelerating the implementation of continental initiatives for growth and sustainable development. Some of these established initiatives include the Lagos Plan of Action, the Abuja Treaty, and the New Partnership for Africa's Development. The frameworks are designed in accordance with the best practices at national, regional, and continental levels.

African cities face significant challenges: weak infrastructure and transport networks, lack of urban planning resulting in low urban density and urban sprawl, predominance of the informal economy, poor social services, and vulnerability to environmental risks.[53]

Agenda 2063 is dedicated to building a prosperous Africa on the basis of inclusive growth and sustainable development; encompassing provisions relating to ensuring that citizens are healthy, well-nourished, and have long life spans by equipping both, urban and rural communities, with modern communication, sanitation, education and health facilities, as well as providing people with access to affordable and decent housing.

Asia

ASEAN Socio-Cultural Community Blueprint 2025

Cities in ASEAN countries are faced with many challenges in their efforts to be environmentally sustainable and inhabitable because of rapid rates of rural to urban mass migration and rising affluence. ASEAN countries' commitments to contribute to the achievement of the SDGs are set out in the ASEAN Socio-Cultural Community Blueprint 2025.[54]

One of the goals of the ASCC Blueprint is to achieve environmentally sustainable cities, through strengthening the capacity of national and local authorities in urban planning and management and by developing standard measures for environmental quality in order to compare data from major cities in the ASEAN region.

Endorsed in 2005 by the ASEAN Environment Ministers, the ASEAN Initiative on Environmentally Sustainable Cities aims at assisting ASEAN cities in achieving environmental sustainability. The programme includes 25 participant cities in 10 ASEAN countries

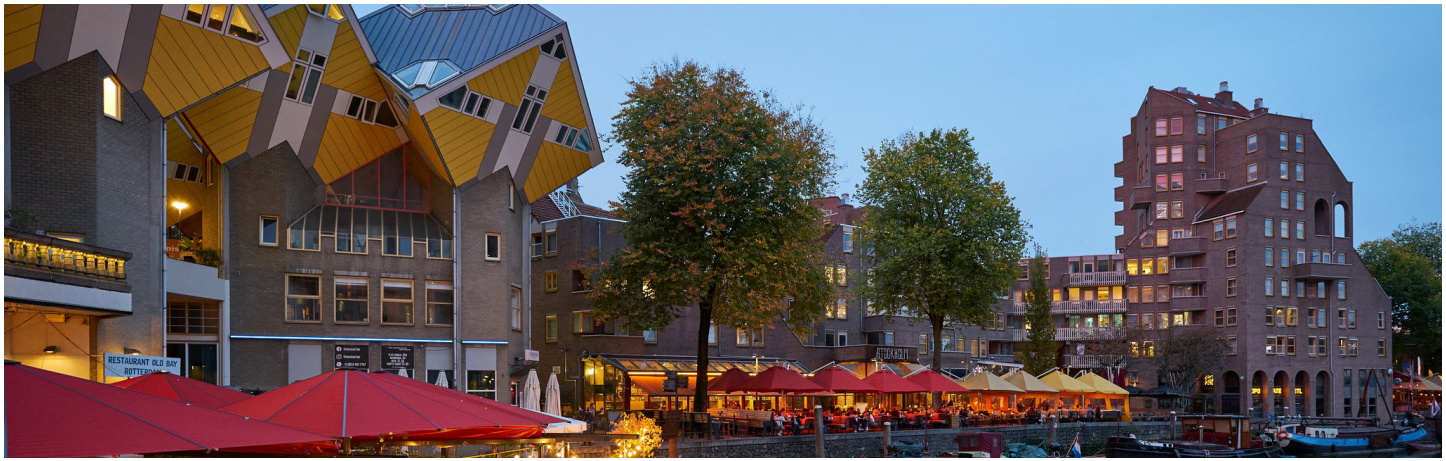
The Charter of European Cities & Towns towards Sustainability (1994) and Aalborg Commitments (2004)

Adopted at the first European Conference on Sustainable Cities & Towns in Aalborg, Denmark in 1994, the Aalborg Charter has now been signed by more than 3,000 local authorities from more than 40 countries. It is considered one of the most progressive documents on local sustainability.[55]

In 2004, the 4th European Conference on Sustainable Cities & Towns was held again in Aalborg. Conference participants developed a framework – known as the Aalborg Commitments – to provide guidance on how to implement the Charter at the local level. The Commitments cover 50 qualitative objectives organised around 10 themes:

i. governance
ii. urban management
iii. natural common goods
iv. responsible consumption
v. planning and design
vi. better mobility
vii. local action for health
viii. sustainable local economy
ix. social equity and justice
x. local to global

While the Charter is largely declaratory, signatories to the Aalborg commitments are required to produce a baseline review within a year of signature, implement a participatory target-setting process, and commit to monitoring reviews on a regular basis.



Examples of relevant national legislation

Brazil

Estatuto da Cidade 2001 - The City Statute (Federal Law Number 10.257)

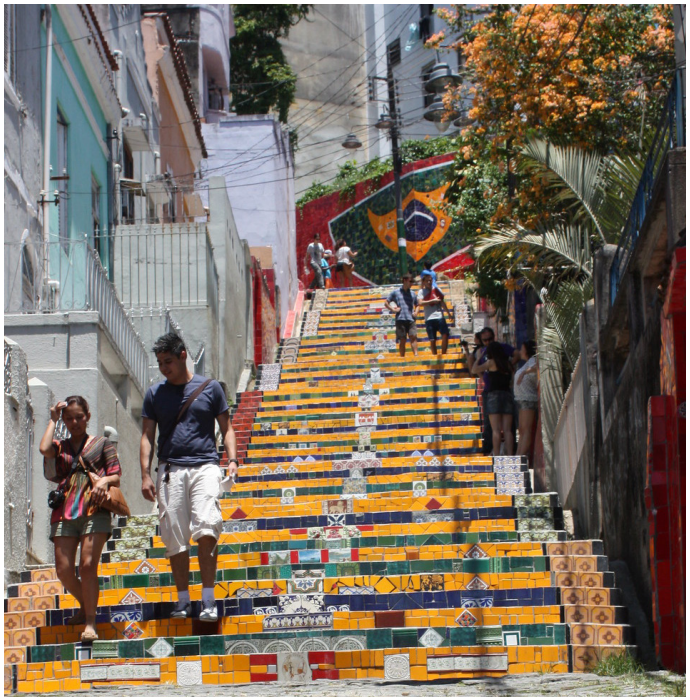
Brazil has historically seen some of the greatest inequalities, and its cities are therefore marked by deep spatial and social divisions. The 1988 Constitution, adopted after the end of the dictatorship, confers the competence of urban policy on municipalities (Article 182) and sets an objective for urban policy for "the full development of the social functions of the city" (Article 183).

After years of pressure from social movements, the City Statute of 2001 was adopted to implement these provisions with the aim of promoting inclusive and sustainable urban development and combat inequality within cities.[56]

One of the guiding principles of the statute is the 'social function of property,' establishing several mechanisms to prevent speculation from becoming an obstacle to the implementation of everyone's right to housing. For instance, municipalities can force owners of idle land to use it for a proper purpose, including social housing (Article 5).

Another guiding principle is the one of 'democratic city management' requiring cities with over 20,000 people to design a City Master Plan developed with popular participation. This has prompted local governments to experiment with citizen engagement strategies, such as presenting budget proposals for comment, providing space for debates, conferences, and opportunities for popular amendment.[57]

Of course, the City Statute alone is not sufficient to resolve the structural problems of a historically unequal society. Many Brazilians still live in favelas, with no urban planning or access to basic services. Moreover, the effective implementation of the law and use of urban regulation instruments, varies greatly from one municipality to another. Nevertheless, the City Statute is widely regarded as one of the most progressive



South Africa

Spatial Planning and Land Use Management Act (2013)

The South-African legal framework concerning urban planning and land use was fragmented and inconsistent prior to 2013. Many laws, dating from the apartheid era, were based on segregation and racial inequality patterns and it was only until The Spatial Planning and Land Use Management Act (SPLUMA) that a uniform and comprehensive legal framework was established.

The SPLUMA Act is applicable to both rural and urban lands as well as formal and informal settlements and looks at redressing past inequalities in the allocation of land.[59]

The Act is based on five principles which must guide all planning decisions: spatial justice, spatial sustainability, efficiency, spatial resilience, and good administration. Even though some of these principles lack the detailed content necessary to guide implementation, the Act is considered a 'significant contribution to ensuring that spatial change is realised'.[60] Nevertheless, it has been subject to controversy concerning the powers granted to traditional councils and leaders,[61] while others consider that the very concept of zoning, by restricting land use to one specific function, contradicts the objectives of the law.[62]

The Netherlands

Environmental and Planning Act (2016)

In the Netherlands, one of the most densely populated countries in the world, more than 60% of the population lives below sea level.[63] Initial Dutch planning focused on draining swamplands and lakes to create a widespread system of dams, dykes and dunes. Nowadays, the Netherlands are known for their well-connected public transport system and their incorporation of cycling into urban planning. Yet the current environmental law is fragmented, complex and regulated by over 30 different laws.

Although the Environment and Planning Act (EPA) was adopted in 2016,[64] it will not enter into force before all necessary implementing legislation is adopted.[65] The EPA entered into force on 1 January 2024,[66] replacing 15 existing laws, including the Water Act, the Crisis & Recovery Act and the Spatial Planning Act.[67] In so doing, the Act seeks to modernise, harmonise and simplify current rules on land use planning, environmental protection, nature conservation, construction of buildings, protection of cultural heritage, water management, urban and rural redevelopment, development of major public and private works and mining and earth removal.[68]

The key objective of the Act is set out in Article 1.3 and seeks to ensure sustainable development by looking to 'achieve and maintain a safe and healthy physical environment and

good environmental quality, and to effectively manage, use and develop the physical environment in order to perform societal needs.'

However, since the EPA is simply a framework act providing instruments to achieve goals, it offers only 'little substantive guidance for public authorities on how and when to use those instruments.' Critics have therefore concluded that the EPA can provide a comprehensive framework for sustainable development, but there is 'no incentive or guarantee that the instruments will be used in this manner.'[69]

Timor Leste

Law No. 6/2017 on Basic Law of Land Use Planning; Special Regime for the Ownership of Immovable Property

Although Timor Leste gained independence almost 20 years ago, it still struggles with the impacts of the Indonesian occupation on land ownership. These impacts include forced displacement, landlessness, land disputes as well as the lack of formal land titles, and have been further complicated by urban migration. Efforts to solve these issues started in 2012, when the first draft of a land law was approved by the Parliament.[70] Five years later, in 2017 the laws on Land Use Planning and on Land Ownership were also enacted.

The former 2012 law stipulates that one of the purposes of land use planning is the sustainability of urban areas, e.g. improving the living conditions of urban clusters and the habitability of buildings (Article 3.e).[71] The latter 2017 law establishes rules and procedures for recognising property rights, which also includes community ownership. This includes the creation of the National Land Registry "to allow the emergence of a safe and transparent real estate market" and clarification on which assets belong to the government "enabling it to carry out better management of its assets, distributing to those who may not otherwise have access to land."[72]

People's Republic of China

Urban and Rural Planning Law (2008, 2015 Amendment)

The new law on Urban and Rural Planning came into effect in 2008 and abolished the Urban Planning Law from 1989. The purpose of the law is to improve people's living environment and promote sustainable development of the urban and rural economy and society (Article 1). This includes promoting coordinated urban and rural planning to balance the country's development, protecting natural resources as well as cultural heritages, and maintaining local features and traditions.[73]

The law established that overall urban plans have to cover a time period of 20 years (Article 17), and that a new plan has to be published for at least 30 days before being sent to higher authorities for approval (Article 26). The authority responsible for the formulation of the plan shall then organise conferences or hearings to collect opinions from experts and the general public for mandatory consideration. The manner in which these opinions have been considered must then be outlined within any submission of the plan for approval. The same consultative process is then required for new plans as is the case for any changes made to an approved plan. The reason behind mandatory public discussion is 'to stop local government leaders from arbitrarily altering urban plans approved by their predecessor' and ultimately, to reduce corruption.[74]

Despite these well-intended rules on mandatory public participation, transparent negotiations tend to be an exception. Corruption in urban planning is still widespread as a result,[75] and public participation remains inaccessible due to poor implementation. For example, opportunities for public participation are limited by selective information, with plans often avoiding necessary details or controversial issues in order to minimise enquiries and criticisms.[76]

Thailand

Baan Mankong ("Secure house") programme (2003)

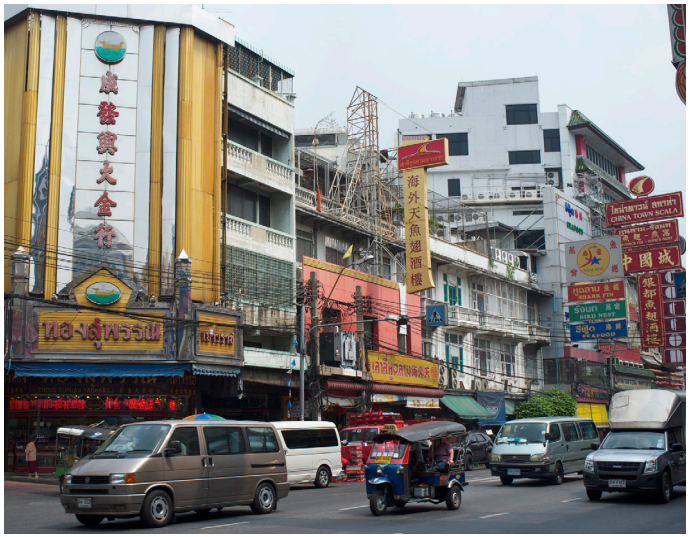
In January 2003, the Thai government introduced the Baan Mankong programme, which channels government funds in the form of subsidies, land loans, and technical support, directly to poor communities. Communities then plan and carry out improvements to their housing, environment, basic services, and tenure security and manage the budgets themselves. This model does not deliver housing units to individual poor families, but instead encompasses a collective process of developing long-term, comprehensive, citywide and varied solutions to problems of land and housing in Thai cities.[77]

Through the creation of a joint city committee as its first step, poor communities are afforded a platform to identify all informal settlements across the city that require support and can actively develop plans for comprehensively upgrading them. This action is undertaken with the help of local governments, professionals, universities, and NGOs. Where agreements are reached around these plans, the Community Organizations Development Institute (CODI) issues subsidised loans directly to the community to subsequently action them.[78]

In its 17th year, the Baan Mankong programme has spread out to 405 cities, in 76 out of the country's 77 provinces, where communities have implemented 1,035 housing projects to provide decent, secure, permanent housing to 105,739 urban poor families. 61% of these families made their new housing on the same site, using redevelopment strategies such as on-site upgrading, reconstruction or land-sharing.[79]

Although this entirely community-driven process has been globally successful, critics of the programme point to its inability to prevent new slum formation as it does not address the need for affordable housing in general. In addition, barriers of access for the poorest communities are noted, as the programme requires a community to establish a savings network and prove its saving capacity beforehand.[80]

Nevertheless, the programme's focus on self-empowerment and participant driven decision-making is highly commendable. This is seen not only from the programme's widespread use, but from those involved on the ground. For example, a study about how residents in four Bangkok communities perceive the outcomes, revealed that the majority would recommend the programme to others.[81]



Insights for the Legal Profession

a) Examples of Relevant Cases and Legal Proceedings

Waste management: Colombia Constitutional Court T-291/2009 (2009)

In 2008, Colombia passed Law 1259/08, which, citing environmental concerns, penalised activities carried out by informal waste recyclers.

As a result, the city of Cali subsequently decided to privatise its waste management system, which resulted in the closure of the Navarro landfill. The 600 families working in the landfill were denied access to the new landfill and, contrary to the promises of the local authorities, did not benefit from a social rehabilitation plan.

In line with an earlier ruling concerning the city of Bogota (T-724/03), the Constitutional Court found that the city of Cali failed to protect the rights of informal waste recyclers during the privatisation process. The Court consequently suspended those provisions that were averse to the waste pickers and ordered the State to take necessary measures to ensure implementation of their right to health, education, food, and other social services. However, the impact of the ruling on the ground has been minimal and informal recyclers remain one of the poorest and most disadvantaged groups in Colombia.[82]

Transport infrastructure/Cultural heritage: Pakistan Supreme Court 'Lahore Orange Line Metro Train Project' case (2017)

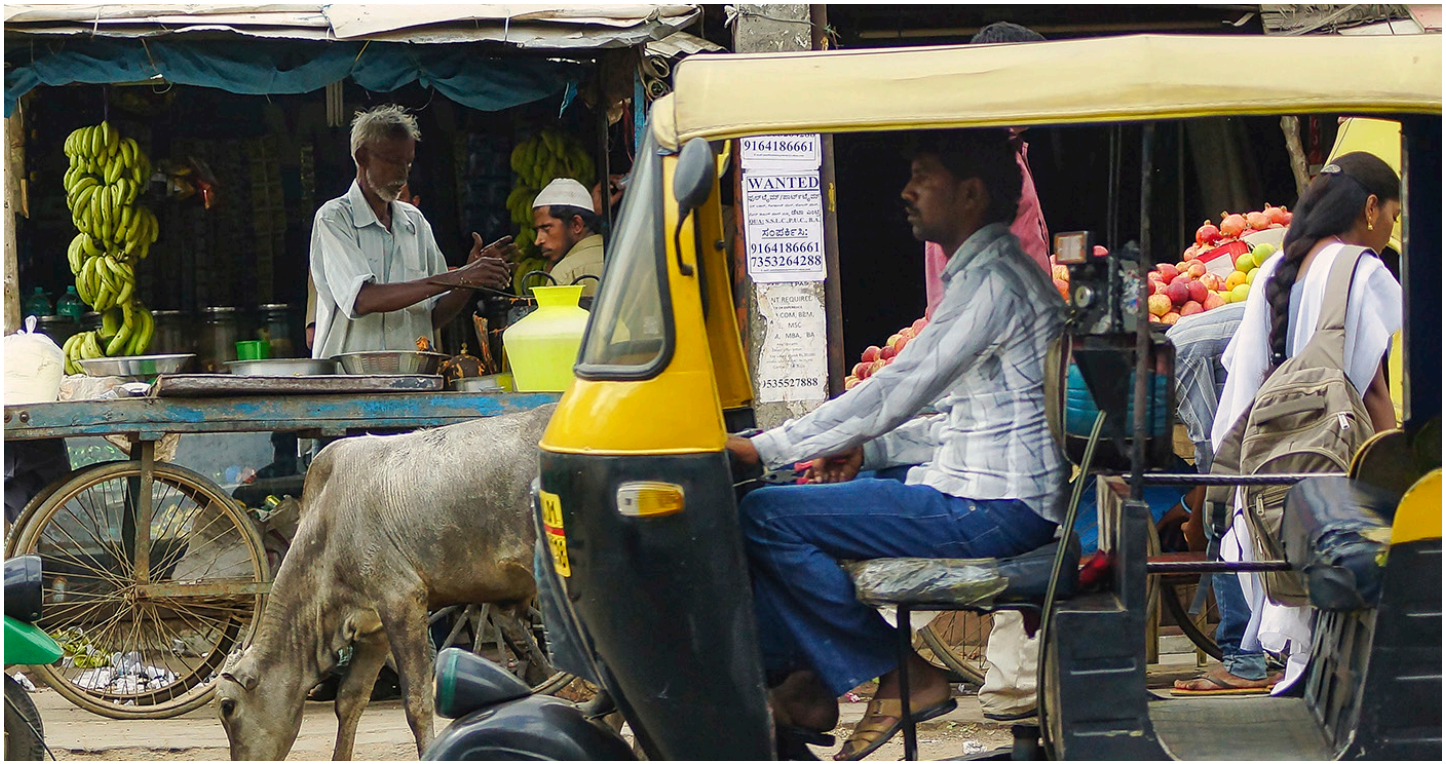
In Lahore, a multi-billion-dollar project to build an aerial metro line raised concerns from civil society organisations as well as international institutions, such as UNESCO, for the damage it could cause to several protected heritage sites, especially the Shalimar Gardens.

In August 2016, the Lahore High Court in Pakistan ordered the suspension of the construction within 200 feet of 11 protected heritage sites.[83] However, in December 2017, the Supreme Court reversed the High Court's decision and authorised the completion of the works. This was authorised subject to a series of conditions including to ensure that the vibrations of the metro line would not damage the nearby historic buildings.[84] Despite these mitigation efforts, a UNESCO report found 'very serious visual, noise, vibration and air pollution impacts' altering the historical and cultural value of the Shalimar Gardens.[85]

Access to public spaces and interaction with other rights: *Gandam Ram and Ors v MCD and Ors*, Indian Supreme Court (2010)

There are an estimated 10 million street vendors in India, a large majority of whom are women. Faced with police harassment and arbitrary restrictions of their access to public spaces,[86] the Indian Supreme Court received numerous complaints from hawkers against municipal authorities trying to prevent them from vending on the streets. In the Gandam Ram and Ors case, the Court recalled established case law against which the right to hawk on the street was deemed a fundamental right under Article 19(1)(g) of the Constitution. The Court however recognised that the law could impose reasonable restrictions on that right. As such, the Supreme Court ordered the enactment of national legislation to respect the right of street hawkers to practice their trade, balanced against the rights of the public to safety and enjoyment of public spaces.[87]

In 2014, the Indian Parliament enacted the Street Vendors Act to achieve just this; protecting the rights of urban street vendors whilst appropriately regulating their activities.[88]



Air quality – Case C-404/13 The Queen on the application of ClientEarth v The Secretary of State for the Environment, Food and Rural Affairs (2014) (Court of Justice of the European Union); R(ClientEarth No.1) v Secretary of State for the Environment, Food and Rural Affairs (2015) (Supreme Court); R(ClientEarth No.2) v Secretary of State for the Environment, Food and Rural Affairs (2016) (High Court (Administrative Court)); R (ClientEarth No.3) v Secretary of State for the Environment, Food and Rural Affairs & Secretary for Transport & Welsh Ministers (2018) (High Court (Administrative Court))

The EU Air Quality Directive establishes maximum values for polluting gases in the air.[89] In the UK, at an initial deadline set by the Directive (1 January 2010), the levels of nitrogen dioxide (NO2) in the air exceeded the limit in 40 out of 43 zones in the country. The British government subsequently submitted a request to the European Commission to postpone the deadline to 2015 for compliance.

To ensure accountability, an environmental NGO, ClientEarth, asked the British courts to order the UK government to adopt a plan that would effectively reduce NO2 values below the maximum limit by 2015. In response to a preliminary question, the Court of Justice of the European Union confirmed that Member States must adopt an Air Quality Plan (AQP) demonstrating how limit values will be met, and that national courts would be competent to ensure whether governments successfully complied with those obligations.[90]

However, in April 2015, the UK Supreme Court determined that the UK had breached its obligations under the Air Quality Directive and ordered the government to issue a new and improved Air Quality Plan by the end of the year.[91] This plan, the 2015 Air Quality Plan, was subsequently declared unlawful in November 2016 by the Administrative Court, on the basis that the projected compliance date of 2020 (and 2025 for Greater London) was too distant and that the models used to estimate future emission levels were unrealistic.[92]

In February 2018, the same occurred again in relation to the 2017 Air Quality Plan, with the Administrative Court finding that the plan still did not contain sufficient measures to reduce NO2 emissions so as to comply with EU and British regulations. Consequently, the Court ordered the government to produce a compliant Air Quality Plan and, given that this was the third instance of non-compliance, granted a continuing 'liberty to apply' for ClientEarth to bring the matter back before the Court if there was continuing evidence of the government failing to comply.[93] The legal battle for the right to clean air and court-ordered plans led to proposals for Clean Air Zones to ban the most polluting vehicles in cities such as Birmingham and Bath and the Ultra Low Emission Zone in London.

"Air pollution kills tens of thousands of people in [the UK] every year. We brought our case because we have a right to breathe clean air and today the Supreme Court has upheld that right." -ClientEarth Lawyer, Alan Andrews.

b) Legal context and challenges

Urban Laws

The challenge in ensuring access for all to adequate, safe, and affordable housing involves delivering sound urban planning and management, and inclusive housing policies. Urban laws – regulations, policies, and practices from local to national level that shape the management and development of cities – therefore play a fundamental role in making the urban environment more inclusive, safer, more resilient, and sustainable.

Land management is also a crucial issue for creating inclusive and sustainable cities. For example, unpredictable permit rules can impede urban development, and zoning laws can sometimes reinforce cultural and social segregation. In many instances, different levels of power overlap and the constant need to mediate conflicts between local government or community autonomy and regional or national authorities can be a challenge to legal process.[94]

Citizen Participation in Urban Planning

Citizen participation in urban planning and participatory budgeting are tools to promote involvement of citizens and local communities in the management of cities. However, to be inclusive, citizen participation must take into account the needs and concerns of all segments of the urban society in securing effective impact assessments.

However, slum dwellers are rarely involved in conventional urban planning, financing and policymaking, leaving an enormous segment of the global population behind. Some approaches, such as Community-Based Planning, deal with this issue by separating the community so that the preferred outcomes of different social groups are identified.

"We can't have it so there are skyscrapers side by side with slums." – Li Keqiang (Former Premier, People's Republic of China)

Lack of Funds

Another significant challenge is the potential lack of funds to implement plans, which can cause frustration and discourage further participation.

In recent years, major sporting events have seen traditional participatory planning processes by-passed by an aggressive corporate sports-media-business alliance. Following successful bids by host cities, the intense pressure for facilities to be delivered to deadlines has undermined the processes of consultation and participation, as was the case with the World Cup in South Africa or the Commonwealth Games in Delhi.[95]

Informal Property Ownership

Integrating informal property ownership into legislation and policy – i.e. for slums, squats or informal communal ownership – could also be one potential mechanism to closing the housing shortage gap in cities and communities.

Moreover, recognising property rights to informal settlers would provide incentives to invest in home improvement and would enable the use of titles as collateral for loans.[96] But the complex nature of such ownership arrangements can make integration challenging.[97] Even where an individual has legal title to their property, property ownership may still be irregular and noncompliant with other applicable requirements.[98]

Stakeholder Engagement

As shown in the previous section, strategic litigation can sometimes lead to positive outcomes. However, some advocates and scholars have criticised using a rights-based approach as overemphasising the role of lawyers and courts, while downplaying the importance of grassroots social movements, and the direct role of civil society in governance.

Here, democratic participation and stakeholder engagement in the policymaking process is stressed as an alternative to formal legal action in cases where private individuals and groups are prevented from challenging urban policy due to standing requirements.[99]

"Neither cities nor places in them are unordered, unplanned; the question is only whose order, whose planning, for what purpose?" – Peter Marcuse, lawyer and professor of urban planning

Private Sector

The private sector plays an increasingly large role in urban policies. However, privatisation of city services, such as water supply, can take autonomy away from communities or be detrimental to affordability.[100]

Appropriate mechanisms need to be put in place to regulate such privatisation and balance public interests with private investment.

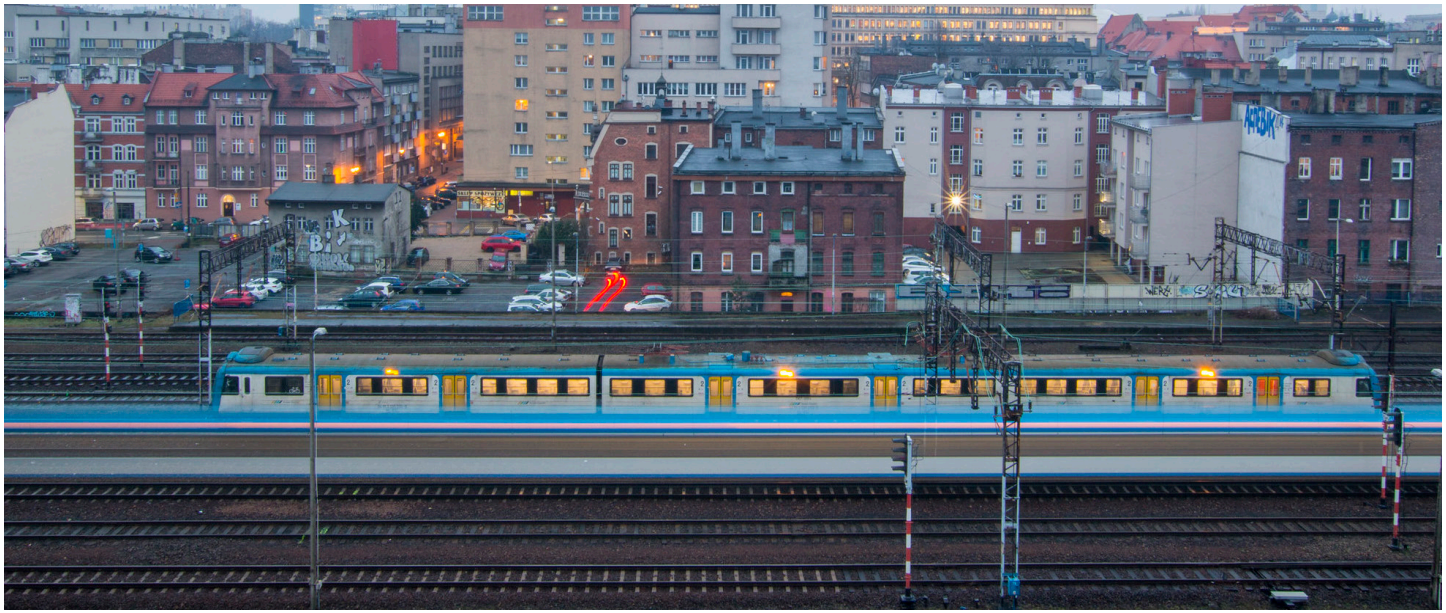
Making cities inclusive requires a functional ecosystem in which quality houses can be produced at prices that align with the financing and purchasing power of those who wish to reside in them.

Tax Regulations

Tax regulations can also be used to incentivise investment to new technologies and provide people with a price signal motivation to shift behaviours, for example, to minimise the use of cars in urban areas. However, the effectiveness of this strategy has been questioned when further changes to infrastructure and education on climate change are not made concurrently.[101] Additional concerns include the risk of placing unequal burdens on certain groups, which may be seen as discriminatory or retaliatory. Supporters of the tax-based approach suggest that these burdens fall primarily on the wealthy, as they make up the largest part of urban commuters.[102]

Expropriation

Finally, expropriation is an important legal concept that arises in the context of SDG 11, and which exists in nearly all countries. Concerning the State's power to take property or land from its owner for public use or benefit, expropriation is a key concept when discussing urban housing policy and its intersection with law. Here, international standards on land expropriation have been established in the Voluntary Guidelines on the Responsible Governance of Tenure and endorsed by the UN Committee on World Food Security in 2012.[103]



c) So, what can lawyers do?

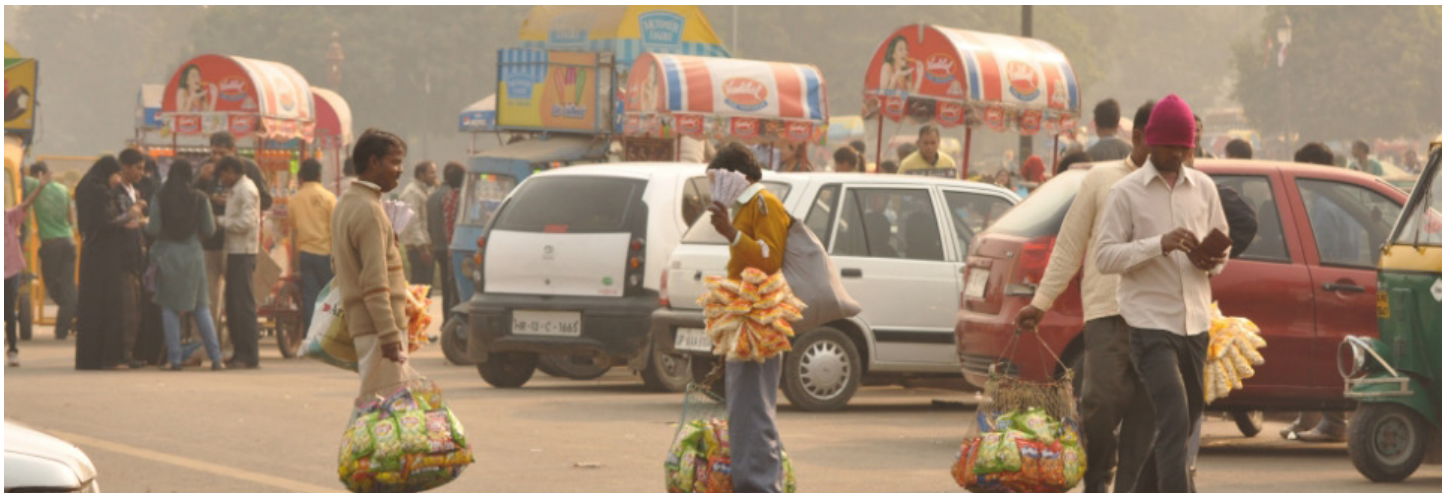
This section highlights several areas for action, encouraging the profession to use its expertise and influence to contribute to the objective of making cities inclusive, safe, resilient, and sustainable.

Learn and educate

Lawyers can enhance their understanding of sustainable and inclusive urban planning along with policy and programmatic efforts to improve cities at local, national, regional, and international levels.

UN Habitat offers a free global database on laws governing urban management and development, called UrbanLex.[104] Urban planners, legal experts and all interested in cities' development can search legislation by region and by topic, including:

- Taxation;
- Finance and economic development;
- Governance and government;
- Infrastructure and basic services;
- Urban planning;
- Disaster recovery and resilient cities;
- Building and construction; and
- Natural and cultural resources.



Integrate

The adoption of the UN Sustainable Development Agenda provides impetus for law firms, corporate legal departments, and other law-related organisations to examine and re-align their own policies and practices. This includes adopting appropriate risk assessment when advising on issues such as large scale investment projects to account for all impacts of potential transactions on the safety, inclusivity, and sustainability of any relevant urban environments and communities. To effectively integrate these concepts within the advice provided to clients, lawyers can refer to the Equator Principles and UN Global Compact (explored below).

Equator Principles

The Equator Principles (EPs) offer a risk management framework, adopted by financial institutions, for determining, assessing and managing environmental and social risk in projects. Given that the EPs apply globally to all industry sectors and to key financial products,[105] namely Project Finance Advisory Services, Project Finance, Project-Related Corporate Loans, and Bridge Loans – integrating these principles within legal advice given to clients is one way in which commercial law firms can remain sensitive to the needs of SDG 11.

UN Global Compact

Similarly, another opportunity to integrate sustainable principles and practices, is that of the UN Global Compact –enabling companies to develop individual sustainability strategies regardless of size, complexity, or location. Encompassing ten principles in the areas of human rights, labour, the environment, and combating corruption, the compact is the world's largest corporate sustainability initiative, with over 12,000 participating businesses and non-business organisations.

Of note then, is its urban arm: the Cities Programme. Working with the UN Global Compact's network of city signatories, the programme seeks to achieve fair, inclusive, sustainable, and resilient cities and societies. The Cities Programme does so by providing diagnostic tools, resources, capacity-building, and project support to cities, facilitating multi-stakeholder partnerships which connect local and regional governments with the private sector, civil society, and academic experts to support local-level implementation.[106]

"Housing is a human right. There can be no fairness or justice in a society in which some live in homelessness, or in the shadow of that risk, while others cannot even imagine it." - Jordan Flaherty

Act

Many law firms are working to make their pro bono more strategic, collaborative, and sustainable. By aligning their work with the SDGs, lawyers can be confident that they are taking practical steps towards a comprehensive and inclusive roadmap for sustainable development. This can help firms to establish and develop collaborative, cross-sector partnerships with other organisations that are working towards the same goals. Domestically, pro bono work can foster access to justice for organisations under SDG 11 by looking to increase community participation in local governance and participatory planning in urban development. Similarly, strategic litigation, such as the legal battle to force the British government to adopt a meaningful Air Quality Plan, can be critical in achieving change towards a better quality of life within cities and in holding local and national governments accountable.

In addition to domestic projects, attorneys and legal departments can also participate in projects that focus on cities and urban settlements worldwide. For instance, the global bank Citi partnered with the C40 Cities Climate Leadership Group (a network of the world's megacities committed to addressing climate change) to provide expert pro bono climate finance research and support to address sustainable infrastructure financing and implementation needs.[107] Developing cross-sector partnerships of this kind can help to ensure that legal pro bono contributions are similarly able to contribute to large-scale impacts such as these. For example, legal pro bono experts can advocate for, and help to establish, different types of legal frameworks that favour the achievement of SDG 11. These may include local regulations and systems that provide informal settlers and slum dwellers with progressively formalised tenure; fair urban housing laws promoting inclusiveness and sustainability; or expropriation laws that do not disadvantage the poor.

Another way to contribute to SDG 11 is to provide general pro bono advice to NGOs that work towards sustainable cities. This advice may take various forms, from advising on corporate governance or trademark issues, to helping with employment contracts. Whilst pro bono work like this would not directly improve cities, it is crucial to ensure that other organisations can continue their work of implementing SDG 11.

Examples of pro bono contributions that have been made specifically in the context of SDG 11 include:

- **Environmental and Social Governance:** Besides advocating for environmental and social-governance principles among their business clients, law firms can help develop and improve such principles. For example, in November 2019 an international law firm advised the Equator Principles Association as counsel for the legal review of the fourth Equator Principles.[108]

- **Cultural Preservation:** the legal profession can contribute to SDG 11 through providing innovative legal advice to cities and communities seeking to preserve environment and social assets, including natural and cultural heritage sites.[109] For instance, in December 2019, an international law firm advised the city of Sydney when it entered a $60 million renewable power purchase agreement (PPA), the largest standalone carbon-neutral energy transaction entered into by any Australian council to date.[110]

- **Safe Cities:** the Partners for Action Network in Canada illustrates how multi-stakeholder partnerships can improve the safety of cities. Here, Canadian insurance companies initiated a multi-stakeholder research and engagement effort to determine means to de-risk the Canadian residential property market from the increasingly negative impacts of overland flooding. This was in light of climate change impacts having increased the risk of flooding in a country already vulnerable to flood risks.[111] The multi-stakeholder project involved property and casualty insurers, policymakers, flood risk experts, professional associations, businesses, and the legal community. The project produced: studies on the viability of flood risk insurance, analysis of 15 cities' preparedness for floods, and key policy options across municipal services, utilities, telecommunications, emergency response, and other issues. As a result, in 2015, a Partners for Action Network was created and will continue to advance flood resiliency in Canada.[112]

Endnotes

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