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WORKING GROUP ON A POSSIBLE FRAMEWORK CONVENTION ON SUSTAINABLE HOUSING IN THE UNECE REGION

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Informal notice 1

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Objectives and Scope of a Possible Framework Convention on Sustainable Housing

Note by the secretariat

Summary

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

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

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

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

Introduction:

In September 2010, the Committee on Housing and Land Management established a Working Group to explore the potential added value of a possible legally binding instrument addressing housing issues¹. Since then, the Working Group met twice to discuss the social, health, economic and environmental challenges related to the housing sector in the UNECE region. At its seventy-second session, in October 2011, the Committee decided to extend the mandate of the Working Group “to continue its work in 2012 to develop the scope (subject and geographical coverage), and objective(s) of a possible framework convention on sustainable housing”² in the UNECE region. It is important to note that the Working Group was not asked nor entitled to negotiate any legal agreement and this note intends only to facilitate its discussion on objectives and scope of a possible framework convention on sustainable housing.

This note takes into account the accepted understanding of sustainable development as reflected in the report of the Brundtland Commission - *Our Common Future*; the Rio Declaration on Environment and Development and the Johannesburg Declaration on Sustainable Development. It also draws from the objectives of the Millennium Development Goals, in particular from goal seven, which aims to ensure environmental sustainability in respect of three targets³ and goal eight addressing partnership for development.

As the Rio+20 Conference⁴ is nearing, recent United Nations reports have reviewed the progress made in achieving sustainable development and showed implementation gaps at a global and regional level⁵. Several key sectors were considered as central for shifting human development and providing a sustainable future. Residential buildings are responsible for a high proportion of world water and energy consumption and are one of the largest contributors to global greenhouse gas emissions. Therefore, the housing sector is considered as crucial to the green economy and critical in any attempt to achieve sustainable development. Strategic policy formulation, international cooperation,

¹ Report of the Committee on Housing and Land Management on its seventy-first session, item 8.1.4., b), page 14.

² Report of the Committee on Housing and Land Management on its seventy-second session, paragraph 54, a), page 10.

³ The three targets are: to integrate the principles of sustainable development into country policies and programs and reverse the loss of environmental resources; Halve, by 2015, the proportion of people without sustainable access to safe drinking water and basic sanitation; Have achieved by 2020 a significant improvement in the lives of at least 100 million slum dwellers.

⁴ United Nations Conference on Sustainable Development to be held on 20 - 22 June 2012.

⁵ Implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the Outcomes of the World Summit on Sustainable Development, Report of the Secretary General, 2011; Keeping the promise: a forward looking review to promote an agreed action agenda to achieve the Millennium Development Goals by 2015, Report of Secretary General, 2010; The Global Partnership for Development: Time to Deliver”, The MDG Gap Task Force Report, 2011; The Millennium Development Goals Report 2011”; Global Monitoring Report 2010, World Bank.

knowledge transfer, technological advancements and reformed institutions and frameworks will all be central in achieving substantial improvements in housing⁶.

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

The document has an informal character presenting the different housing challenges as highlighted by member States⁷ and aims to first explain the role of both the objectives and scope in a convention, and then to provide a tentative list of specific sustainable housing examples.

⁶ Towards a Green Economy, Pathways for Sustainable Development and Poverty Eradication, UNEP, 2011.

⁷ As per their replies to the Questionnaire on Affordable, Healthy and Ecological Housing as well as the discussions during the meetings of the Working Group and the Committee's last two sessions.

Objectives of a Possible Framework Convention on Sustainable Housing

Explanatory Note:

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

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

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

Examples:

The elements described below are examples which take into account the various housing challenges discussed at the previous meetings of the Working Group⁸. In order to facilitate the discussions, the broad range of matters that could be covered by a possible framework convention on sustainable housing are clustered under the three main pillars of sustainability (Environment, Economic and Social⁹).

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

➤ **Related to the environmental concerns in housing:**

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

⁸ They are also based on existing international conventions and relevant documents mentioned in the Introduction section of this note.

⁹ 2005 World Summit Outcome, General Assembly, United Nations; Johannesburg Declaration on Sustainable Development; Rio Declaration on Environment and Development; World Commission on Environment and Development's report *Our Common Future*, 1987.

- Improve standards for the environmental and energy performance of dwellings and thus contribute to greening the economy;
 - Reduce the carbon footprint of the housing sector;
 - Increase the number of low energy housing units;
 - Secure a substantial increase in the use of low carbon and renewable energy technologies in housing;
 - Retrofit the existing housing stock in an environmentally friendly and energy-efficient way, making use of local solutions and knowledge when possible;
 - Put in place strategies so that sustainable housing considerations will be taken into account at the time of design and construction of dwellings;
 - Contribute to sustainable urban development, planning and management through the adoption and integration of greener housing policies;
 - Make waste and water management an integral part of sustainable housing strategies/policies;
 - Ensure that disposal, recycling and reuse of housing, construction and demolition waste is done in a sustainable way, respecting the environment;
 - Ensure that the life-cycle approach is taken into account in housing design; material supply and manufacturing; construction processes; maintenance and refurbishment;
 - *Other* possible examples to be discussed at the third meeting of the Working Group, and if requested by member States, added to the indicative list of examples in the note.
- **Related to social concerns, including the aspects of healthy and safe housing, taking into account the cultural and environmental particularities of each member State:**

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

- Ensure healthy dwellings through housing design, maintenance and retrofitting;
- Ensure safety of construction in order to prevent and minimize the risks from disasters;
- Apply, whenever possible, in the housing sector the principle of universal design¹⁰;

¹⁰ Universal design refers to the design of buildings to be usable and accessible by everyone, to the greatest extent possible, without the need for later adaptation or modification to accommodate special needs, such as the use of wheelchairs.

- Ensure the use of research-based guidelines and strategies when retrofitting old and/or historical buildings;
- Encourage the use of efficient local solutions for the design and construction of sustainable housing while respecting the cultural and environmental particularities of member States;
- Improve access to water and basic sanitation through sustainable housing programmes;
- Develop sustainable housing strategies that improve access to basic services, reduce the vulnerability of and contribute to better living conditions for the population;
- *Other* possible examples to be discussed at the third meeting of the Working Group and, if requested by member States, added to the indicative list of examples in the note.

➤ **Related to the economic constraints in housing:**

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

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

Scope of a Possible Framework Convention on Sustainable Housing:

Explanatory Note:

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

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

The subject of a convention is the **object and purpose** to be addressed by the treaty. It is important to emphasize that there is a repeated use of “object and purpose” in the Vienna Convention on Law of Treaties, which suggests that these two should be understood as a single concept¹¹. Furthermore, a convention should be interpreted in “light of its object and purpose”¹². Therefore, the scope of a convention is also its general, overarching purpose, its *raison d’être*.

Further, the scope of a convention sets its **geographical boundaries**. For instance, the geographical coverage of a convention could be the UNECE region. Also, in general, a treaty “is binding upon each party in respect of its entire territory¹³”.

Examples:

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

Scope Example 1:

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

¹¹ Vienna Convention on law of Treaties, 1969; Article, 31; Article 41; etc.

¹² Vienna Convention on Law of Treaties, 1969; Article 31.

¹³ Vienna Convention on Law of Treaties,1969; Article 29.

OR

Scope Example 2:

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

OR

Scope Example 3:

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

OR

Scope Example 4:

The scope of this Convention is to improve the housing conditions in the UNECE region on a sustainable basis, with the ultimate objective of providing for all adequate shelter, that is ecological, healthy, safe, secure, accessible and affordable and that includes basic services, facilities and amenities; freedom from discrimination in housing; and legal security of tenure¹⁴.

OR

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

¹⁴ Based on UN Habitat Agenda, paragraph 39.