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Designing the New Urban Agenda: Lessons from International Agreements

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1. Introduction

The process of drafting the New Urban Agenda (NUA) raises questions of paramount importance regarding its form and function. This discussion has three dimensions. First, the broader framing of the NUA: will the NUA reflect a clear vision on urbanisation and sustainable urban development, and if so, how? How will the NUA be linked to other international agreements? Second, what are the specific goals and desired impact of the NUA? What responses and actions should it trigger, and from whom? And third, what should the structure and contents of the NUA be? Ideally, the structure and contents should be designed to create the desired framing for the Agenda, and help it achieve its specific goals and impact. Structural characteristics include, for example, the role of monitoring, reporting and review mechanisms, and voluntary partnerships for implementing the NUA.

The following paragraphs (Sections 1.1-1.2) briefly outline the ongoing debate about the NUA in terms of these three dimensions. This is followed (Sections 2.1-2.3) by an in-depth analysis of the framing, goals, impact and structure of other relevant international agreements. We also discuss key findings from the literature about the success factors for such international agreements and their implications. Finally (Section 3), we outline the key lessons learned and our recommendations for the NUA.

This report builds on ongoing debates related to the structure and content of the New Urban Agenda. Ideas informing that report were discussed among members of the Cities Alliance Joint Work Programme (JWP) in support of a successful Habitat III preparation process at its annual meeting in Bonn on January 14th 2016. The JWP currently consists of 12 Cities Alliance members, chaired by the German Federal Ministry for Economic Cooperation and Development (BMZ). We gratefully acknowledge the support and input by GIZ and the JWP. Building on the overall guidance and concepts developed and published by the JWP, this report aims at providing further technical inputs and references to key issues and topics, and illustrates linkages to existing agreements.

1.1 Framing

Recent decades have seen a slow but steady shift in thinking about cities. It has become clear that well-managed cities can be drivers of sustainable, inclusive economic growth. Nonetheless, in some countries, cities are still viewed primarily as a problem, and urbanisation as an undesirable trend.

The NUA can play a pivotal role in communicating the benefits of well-managed urban development and outline the tools and necessary enabling conditions for achieving this. Besides emphasising that cities are sites of sustainable development, however, the NUA should highlight the fact that cities – that is to say, the sum of all urban actors, not just local authorities – are key actors for sustainable development, and stress their pivotal role in implementing other global agendas such as Agenda 2030.

The NUA is a universal agenda. As such, a key issue with respect to its framing is the extent to which it provides clear guidance for member states on urban issues, while still leaving room for adaptation to national circumstances. To provide guidance for member states, the NUA should be both normative (with a clear vision for the cities of the twenty-first century)

and action-oriented (spelling out clear guidelines and tools to help implement its normative vision). It needs to be easily understandable and translatable into concrete policy measures.

At the same time, agendas that are designed to be interpreted in the light of national contexts and priorities run the risk of member states picking and choosing those parts of the agenda that suit their current political climate. This is a difficult issue for the NUA, which needs to find the right balance and use appropriate language.

Another key issue with respect to the framing of the NUA relates to if – and how – it will be linked to other international agreements. Given the current limited political commitment to, and visibility of, the Habitat III process, linking the NUA to other international agreements could help strengthen the relevance of the Habitat III process and the NUA for policymakers. These agreements set the direction for sustainable development, which the NUA needs to build on and contextualise for cities. Four major milestones were achieved in 2015 with the adoption of Agenda 2030, the Addis Ababa Action Agenda (AAAA), the Paris Agreement and the Sendai Framework for Disaster Risk Reduction. These documents will increase political attention and drive programming and spending by multilateral and bilateral donors. However, the real work is just beginning. The ambitious goals outlined in these documents can only be met if cities focus sufficiently on their implementation over the coming years. Habitat III can make a substantial contribution to the discussion around implementation.

The linkages between Agenda 2030 and the NUA are the subject of frequent debate. Opinions differ as to the nature of these linkages: should the NUA connect primarily to SDG 11 or to the urban dimension of the goals, targets and indicators of Agenda 2030 beyond Goal 11? Debate is also emerging regarding the role of cities and urban issues in the Paris Agreement and the AAAA. The Paris Agreement tries to define the role of cities and sub-national governments under the new climate regime, and their specific contributions to implementing and measuring action. In addition, COP21 once again intensified the debate on climate finance and access to funding for cities.

With its focus on cities and sub-national governments, the Lima-Paris Action Agenda could provide a platform for facilitating collaboration between the NUA and the climate regime. This is especially important as the AAAA provides the framework for financing development, yet does not include a solid foundation for engaging with cities and urban issues. Although it refers to the role of cities and local governments, it lacks concrete measures supporting cities. The NUA could make a clear contribution here by emphasising the role of cities in financing development and, for example, highlighting how the Global Infrastructure Forum called for in the AAAA could serve as an important platform for urban finance. The NUA could also support the launch of additional initiatives and platforms to connect the issues of development funding and urban development.

1.2 Desired impact and overall goal

As outlined above, the NUA should frame cities as both the key sites and the key actors for sustainable development. A priority of the Habitat III process and the NUA should be to gain renewed political commitment to sustainable urban development and catalyse concrete actions to support this. The United Nations Sustainable Development Summit in September 2015 and COP21 in December 2015 left little room for the Habitat III process to gain visibility in recent months. Accordingly, it is now necessary to catalyse the interest of policymakers and stakeholders. Emphasising the inclusive nature of the Habitat III process and engaging

with all stakeholders in the discussion can help create a sense of ownership within this diverse group of actors.

Similarly, the NUA should enhance the visibility and recognition of cities as key actors by promoting their relevance and underlining their integral role in achieving sustainable development at all levels, especially the national level. This will make countries more willing to implement enabling frameworks for urban development and support cities in their efforts to implement concrete actions, laying the foundation for improved vertical integration across different levels of government. Moreover, increased recognition of cities as key actors could lead to new (or improved) initiatives and global partnerships involving a variety of stakeholders, including cities and city networks. This could also facilitate access to new financial and other resources and so strengthen their implementation capacity.

The NUA is an agreement between UN member states. As such, it primarily addresses the national governments of those member states. However, given that it concerns sustainable urban development, the NUA also needs to include and mobilise a broad range of actors. This means creating partnerships including – but not limited to – member states, civil society, the private sector, academic/scientific bodies and UN institutions. The surprisingly progressive rules that define stakeholder engagement in the Habitat III process (resolution A/70/473) provide a good first step to ensuring stakeholder demands are included in the NUA. This can occur, for example, through the proposed two informal two-day hearings between civil society, local authorities and national governments. These discussions should also consider the distribution of tasks between stakeholders in implementing the NUA.

The NUA has not yet been drafted, so it is too early to discuss the particular responsibilities of specific actors. However, we may make some assumptions about the general role of certain stakeholders. In the first place, it is clear that city administrations and other forms of local and regional government will play a key role in the implementation of the NUA. It is important to engage with these bodies at an early stage, not least to generate ownership and political will to play an active role in the implementation process. Second, national governments and UN institutions in particular need to provide a supportive institutional structure. This includes designated bodies for orchestrating and coordinating action on the ground, active and ongoing advocacy for city-based action, and financial support.

City networks will play a vital role in furthering advocacy for cities. They will provide much needed technical support, including capacity-building for local governments. They can also enable peer-to-peer learning among practitioners and strengthen coordinated action across national borders and policy frameworks. Additionally, city networks can mobilise civil society organisations, which are often reluctant to engage with governments directly. A similar role can be assumed for philanthropic and other development agencies, insofar as their current city-based initiatives are often network-focused. Furthermore, philanthropic organisations can provide an important interface for engaging with the private sector, building on their experience from various initiatives in the climate sphere (e.g. C40, What Works Cities, 100 Resilient Cities).

Finally, the NUA should pay greater attention to implementation than previous agendas. Strong reporting, monitoring and review (MRR) mechanisms are needed to strengthen the agreement's inclusiveness, legitimacy and accountability.

2. Analysis of relevant international agendas and agreements

In the preceding sections we discussed the framing of the NUA and its desired impact and overall goals. Based on these considerations, we can now develop a structure for the NUA. We do this in two steps. First, we analyse the relationship between the legality, structure and substance of international agreements in general. This helps us understand the impact of these different elements and the trade-offs between them, as well as how they affect the level of compliance. Second, we examine certain other relevant international agreements and agendas in terms of their form, elements, language and impact. This step is crucial in order to identify key components for the NUA, clarifying what these components should consist of and how they must be shaped in order to be meaningful and effective. It is important to note that these components can greatly differ in their depth of detail and specification.

2.1 Legality, structure and substance of international agreements

International agreements and agendas form the core of contemporary international cooperation. Depending on their purpose and overarching goal, they show considerable variation along three dimensions or design elements: how legally binding they are (their legality), their range of structural provisions for monitoring, review and enforcement (their structure), and the degree of policy change required on the part of signatories to meet the substantive obligations (their substance). Raustiala (2004) suggests that paying careful attention to the interaction and systematic trade-offs between these three design elements will enhance our understanding of international cooperation.

To give an example, the decision for or against a contract (legally binding) or pledge (non-legally binding) and thus the legality of an agreement strongly influences its substance and structure. The variables influencing this decision are manifold, ranging from uncertainty and the demands of domestic interest groups to credibility and the configuration of power. As contracts signal credibility in commitments, they are often perceived as favourable or stronger agreements. Yet Raustiala's (ibid: 60) analysis of numerous international agreements and agendas indicates that pledges can actually be more advantageous due to their greater flexibility; often they promote deeper and more ambitious commitments than comparable contracts, and are equally if not more effective at changing the behaviour of states. The type of legality and substance of an agreement are thus closely interlinked.

By the "substance" of an agreement we mean the depth or shallowness of an agreement and thus "the degree of deviation from the status quo ante that an agreement demands" (Raustiala 2004: 3). While some agreements simply ratify the state of affairs that existed previously, others require considerable policy change on the part of the signatories. If commitments must be deep, pledges are usually preferred as they do not raise compliance concerns. Contracts, by contrast, often result in weaker substance and structure of agreements due to member states' concerns about legal compliance. Where member states are uncertain about their ability to comply, they tend to compensate for the risk of non-compliance by weakening monitoring and enforcement (ibid: 5-6). This is different in the case of pledges, which due to their non-legally-binding character tend to motivate states to be more risk-accepting and to commit to stronger mechanisms and procedures for monitoring and en-

forcement. The relationship between the depth of an agreement and the type and degree of monitoring, review and enforcement mechanisms thus clearly reveals the interaction and trade-off between the substance and the structure of an agreement.

Mechanisms for monitoring, reporting and review (MRR), and for enforcement, are essential to support the implementation of international agreements. While these elements cannot guarantee regime effectiveness, they are key for supporting regime implementation (Dellas 2015). The degree to which MRR and enforcement mechanisms are included in an agreement determine the strength or weakness of the agreement's structure. For instance, some agreements contain MRR mechanisms and sanction non-compliance, while others do not. In the case of international agreements, strong review structures are necessary to promote compliance.

Enforcement is often understood in terms of imposing penalties in cases of non-compliance. However, agreements should include capacity-building and rewards as a means of creating incentives for compliance (Breitmeier et al. 2006). For instance, in the context of the NUA this could take the form of an award ceremony held at an occasion such as the World Urban Forum (WUF). This would raise awareness among participants and the general public, acknowledging those who implement actions, granting them visibility and potentially introducing a healthy element of competition. The award might honour innovative approaches to compliance with the NUA's goals and targets for various actors such as local governments or civic initiatives, say, or progress in setting up MRR mechanisms structures in local governments, or outstanding contributions to data collection.

Compliance with the rules and commitments of agreements is not only a matter of willingness but also a matter of capacity. Member states often simply lack the capacity to comply. Mechanisms aimed at building capacity through technology transfer, training and the like are much needed. However, building capacity only at the national level is not enough: the NUA explicitly targets the sub-national and local level, where capacities and resources are often scarce. Local capacity development, city-level finance and technology exchange are essential to ensure implementation (Freyling 2015).

As we have seen above, the three design elements of agreements – legality, structure and substance – are deeply intertwined with each other. When drafting agreements it is useful to be aware of these linkages as this will improve understanding of the negotiation process. Moreover, it is important to specify how an agreement should be framed, what language should be used, how it can communicate a clear vision, what key elements it should contain, what critical issues need to be addressed, and what institutional architecture and global partnerships would be needed. To this end the following section examines the structure and key elements of various international agreements and agendas, identifying their success factors.

2.2 Identification of relevant international agendas and agreements

The outcome documents of the Habitat I (1976) and Habitat II (1996) conferences – the Vancouver Declaration and Action Plan and the Habitat Agenda – failed to catalyse implementation. We must therefore turn to other international agreements for inspiration with regard to structure and language.

A vast number of international agreements could potentially be considered; Breitmeier et al. (2006), for example, examine 23 international agreements in the environmental sphere

alone. However, for practical reasons we need to limit the number of agreements investigated. Our approach in the discussion below is to identify the key potential components of the NUA (e.g. preamble, vision and key messages, call for partnerships) and then look at how these issues are treated in other international agreements, and with what effect. The key components identified are as follows:

- Common components of international agreements: Reoccurring features in international agreements (e.g. preamble, vision)
- Additional components discussed in the Habitat III process: This includes elements such as the call for partnerships. We also examine other agreements that include these less common features in their structure.
- Where available we also consider the literature on the agreements. Table 1 below provides an overview of the key components identified and the relevant agendas and agreements examined.

Table 1: Key components of the NUA and relevant international agendas and agreements

| Component | International agenda/agreement |
|---|---|
| Preamble | |
| Context | |
| Vision | Paris Agreement; Agenda 2030 |
| Guiding principles | Sendai Framework for DRR; Agenda 2030 |
| Challenges and critical urban issues; policy priorities for implementation | The Future We Want; Agenda 2030 |
| Framework for action | |
| Principle of subsidiarity | EU Urban Agenda |
| Stakeholder/resource mobilisation | AAAA; Agenda 2030; Sendai Framework for DRR; The Future We Want |
| Institutional framework | AAAA; Agenda 2030 |
| Capacity-building | Paris Agreement; Sendai Framework for DRR |
| Action plan | AAAA; Habitat Agenda |

| Component | International agenda/agreement |
|--|--|
| Means of implementation | |
| National urban policy frameworks | Paris Agreement; Agenda 2030 |
| Partnerships | Johannesburg World Summit on Sustainable Development; Agenda 2030 |
| Financing | AAAA; Agenda 2030; Sendai Framework for DRR; The Future We Want |
| Monitoring, reporting, review and follow-up | Agenda 2030; Paris Agreement; AAAA; United National Millennium Declaration |
| Annex I – Technical guidelines for implementation | |

2.3 Analysis of components of international agendas and agreements

I. Preamble

As a rule, the preamble to an agenda or agreement is not considered part of the "operative" text. It serves the purpose of contextualising the international agreement and helps clarify in what light "the agreement's obligations must be interpreted" (Mackenzie et. al. 2003). Consequently, the preamble often refers to other related international agreements. It may also contain "references to principles or concepts that are relevant to the international agreement" (ibid.).

The preamble to the NUA should provide the frame of reference and the conceptual basis for the agenda. As such, it should address three aspects: 1) the state of play with regard to urban development, including emerging trends and challenges; 2) the legacy of Habitat I and Habitat II; and 3) the pivotal role of cities in achieving sustainable development – by establishing links to other global agreements and agendas the NUA can positively contribute to and build on (see Section 1.1). Furthermore, the preamble should briefly mention the overarching vision and goals of the agenda (see below) and the key principles it is founded on.

II. Context

a. Vision

The success of the NUA will depend on the extent to which it can generate broad political commitment and mobilise stakeholders – from UN agencies and member states to regional and local governments, architects, planners, city dwellers and so on.

Crucially, the NUA must formulate a clear vision and narrative on the future of our cities and urban development and define key messages that are easily understood, communicated and of global concern. A clear vision and narrative will provide a normative base and thematic context for the agenda. It will also clarify what we want our cities to look like in the future and thus define a long-term action path.

Defining key messages in the NUA is crucial for both attracting global attention and securing broad political commitment. The key messages should be formulated concisely and communicate what lies at the core of the agenda. Agenda 2030 and the Paris Agreement demonstrate that the scope of the key messages – that is to say, the number of issues they embrace – and the language that is used is also of paramount importance; they determine how the agenda is perceived and to what extent it creates ownership and impact.

The scope of the key messages should be limited and focused. For example, while the Sustainable Development Goals (SDGs) attempt to be "integrated and indivisible" and thus cover nearly every issue, they "lack unifying themes and priorities" (Crosette 2015: 3). This makes them vague and hard to communicate. The recently adopted Paris Agreement, by contrast, has been very successful in promoting its key long-term goal of "keeping the increase in global average temperature to well below 2°C above pre-industrial levels" – a goal that is both succinctly phrased and easy to communicate. The response in the media, politics and society has been mainly positive, many actors considering the agreement both ambitious and promising thanks to its clear statement of why the 2°C goal is fundamental.

When drafting the vision and key messages, it is important to use comprehensive but inspiring language. Acronyms (e.g. SDG) should be avoided as they are hard to communicate to the general public. Jargon and abbreviations are "a way to boost efficient communication within a group or community and create internal ties"; outside of this group or community they are often perceived as abstract and elitist (Malo 2016).

b. Guiding principles

Guiding principles form the normative basis of international agreements, setting out the priorities for policies and implementation processes. They define the fundamental pillars of the agreement or agenda, the basis on which each action should build. International agreements and agendas often explicitly state that the guiding principles should also take into account national circumstances and capabilities, and be consistent with domestic laws and international obligations and commitments.

Guiding principles can vary greatly in their level of detail. Agenda 2030, for instance, simply refers to principles that have been defined in other international agreements. By contrast, the Sendai Framework for DRR explicitly outlines each of its guiding principles, which makes them very easy to communicate.

Guiding principles are usually not stand-alone, isolated principles but rather informed by other international agreements and declarations, which should be listed as such. For instance, both Agenda 2030 and the Sendai Framework for DRR reference other agreements. The guiding principles of the NUA should likewise be linked to other international agendas and agreements, such as Agenda 2030, the AAAA, the Paris Agreement and the Sendai Framework for DRR.

We propose the following guiding principles for the NUA:

- Acknowledge cities as key actors for sustainable development
- Apply a participatory approach through inclusive partnerships at different levels of government and between other stakeholders, including – but not limited to – local authorities, civil society actors, the private sector and city networks
- Take an integrated and cross-sectoral approach to urban development
- Ensure environmental sustainability and resource-efficiency
- Follow a people-centred approach in all policies and implementation measures

c. Challenges and critical urban issues: policy priorities for implementation

An overview of the state of play on a given issue is crucial to establish a common understanding of prevailing challenges, emerging trends and arising opportunities. It helps assess the achievements and reveal any shortcomings of previous agreements and agendas. At the same time, it makes it easier to set the key priorities for future action.

Agenda 2030 (paragraph 14) provides a concise, helpful summary of the current challenges for sustainable development, including poverty, inequality, climate change and global health threats. The NUA should include a similar paragraph highlighting urban development as a cross-cutting issue and referring to the key challenges and trends resulting from urbanisation, such as inequality, socio-economic polarisation, lack of affordable housing and provision of basic services, and climate change. This will strengthen the argument that cities are key actors for sustainable development. It is also important to recognise achievements and new opportunities, such as those offered by new technology. Doing so acknowledges the efforts already made, and further motivates stakeholders. Examples can be found in *The Future We Want* (paragraphs 22 and 37), the outcome document of the Rio+20 conference, and Agenda 2030 (paragraph 15).

The legacy of the earlier international agreements and agendas on which the document builds should also be assessed. It should state to what extent it seeks to reaffirm previous goals and principles, and to what extent it differs from its predecessors. In the case of the NUA, it is important to describe the legacy of Habitat I and II, including lessons learnt. Agenda 2030 (paragraph 16/17), by comparison, includes an assessment of the Millennium Development Goals (MDGs) and a statement of how it seeks to fill their gaps and shortcomings.

Based on the challenges and trends identified, the document should then outline critical issues and priorities for action. The number of priorities for action should be limited in order to ensure a clear focus. The Sendai Framework for DRR, for instance, identifies four priorities for action. Each priority is briefly defined and reasons given for how each priority can contribute to the overarching goal. Limiting the number of priorities is particularly important in the context of urban development, which covers a great variety of issues due to its cross-cutting nature.

Based on our analysis, we suggest including the following key priorities for action in the NUA:

- 1) Ensuring urban human rights, including social cohesion and equity, and access to urban housing and services
- 2) Strengthening urban resilience
- 3) Fostering economic growth, prosperity and overall development
- 4) Promoting sustainable and integrated urban planning and management

It is important to note that the suggested key priorities for action are based on an analysis of current debates. However, the issues to be included in the final agenda should be in line with the outcomes of the policy units and be informed by all inputs generated for the Habitat III process (e.g. World Urban Campaign, thematic and regional meetings etc.).

III. Framework for action

So far we have looked at the vision, goals and critical issues for agendas. However, the true challenge lies in implementation. To achieve widest possible implementation and thus compliance with the agenda's commitments and rules, a robust framework for action is needed. This framework must define the conditions required and the basic principles underlying actions, as well as addressing relevant actors and the relationships between them. It should also consider any commitments made under other international agreements, including the Vancouver Declaration and Action Plan and the Habitat Agenda, as well as general findings on the implementation of international policy.

The Global Task Force (2016: 4) suggests that "effective multi-level and multi-stakeholder governance requires appropriate institutional and legal frameworks that are guided by the principle of subsidiarity, and that clearly define the roles, responsibilities and resources of all level of government". These points should be specified in the agenda's framework for action. We therefore suggest including the following framework conditions, discussed in turn below: the principle of subsidiarity, stakeholder (resource) mobilisation, the institutional framework, capacity-building, and the action plan.

a. Principle of subsidiarity

The principle of subsidiarity refers to the process of reorganisation of the State, involving a transfer of responsibilities and resources to the lowest reasonable level. "To be effective, it needs to provide the adequate powers and resources to fulfil such responsibilities. It involves the fair distribution of resources and responsibilities amongst the different government spheres." (UNDP and UN-Habitat 2015: 1). Fundamentally, the principle is based on the notion that "decision-making and implementation are more efficient if taken as closest to citizens as possible" (ibid.). The principle of subsidiarity is therefore closely linked to questions such as local democracy, fiscal authority and equity.

Cities are key actors for sustainable development; it is crucial to give them the necessary authority to fulfil that duty. Increased responsibility and resources for city administrations will enhance their capacity for action and thus catalyse implementation (BMUB and BMZ 2015). A clear commitment by member states to strengthen local authorities – as key entities involved in implementation – will be pivotal to the success of the agenda. The EU Urban Agenda currently being drafted, for instance, is likely to acknowledge the relevance of devolution and "respect the subsidiarity principle" that better reflects urban realities (European Parliament 2015).

Including the principle of subsidiarity as a key enabling condition for successful implementation will also ensure continuity with the Habitat Agenda, which contains several commitments and references to this principle (Schechla 2015).

b. Stakeholder (resource) mobilisation

To be successful, international agreements and agendas have to secure real political commitment and mobilise a broad array of actors, such as national governments, local authorities, citizens, the private sector, civil society and other interest groups. Commitment and ownership are needed not just during the drafting process but also during the implementation phase. The rules that define stakeholder engagement in the Habitat III process (Resolution A/70/473) should therefore be reaffirmed and adjusted for the means of implementation.

The pathway for establishing a participatory implementation process is threefold and should be specified in the agenda. First, the NUA should provide the foundation for successful multi-stakeholder partnerships that mobilise the resources and knowledge of all relevant actors for its implementation. Partnerships can help strengthen the legitimacy and inclusiveness of an agreement. Other agreements, such as Agenda 2030, highlight the pivotal role of multi-stakeholder partnerships as a means of implementation and include corresponding targets (Goals 17.16 and 17.17; see below for details).

Second, the NUA should establish and create incentives for a voluntary and ongoing commitment process that is not limited to the Habitat III conference but continues beyond the event. Several international conferences, such as the Third United Nations World Conference on Disaster Risk Reduction and the Third Conference on Financing for Development, have emphasised the importance of action-oriented voluntary commitments and the creation of partnerships complementing government-led action. However, the call for voluntary commitments should be sustained and encourage contributions by all. For instance, Rio+20 mandated the United Nations Secretariat to establish and maintain a comprehensive registry of voluntary initiatives for sustainable development (paragraph 293, *The Future We Want*). These voluntary initiatives have to fulfil a number of criteria, including the specification of tangible deliverables, a timeline, and resources devoted to implementation.

Third, the NUA should include strong monitoring, reporting, review (MRR) and support mechanisms that ensure the continued engagement of stakeholders (BMUB and BMZ 2015: 1). Such mechanisms can guide decision-making and enhance the Agenda's inclusiveness, legitimacy and accountability. Moreover, they can help make progress, successes and challenges visible and thus motivate decision-makers to continue or step up their efforts to achieve sustainable urban development (see below for details). The NUA should also suggest a mechanism for creating incentives for the above-mentioned voluntary commitments and indicate how they can be recorded, monitored and reviewed.

c. Institutional framework

Based on the NUA's overarching goals and guiding principles, the institutional framework should follow four objectives. First, it should build an overarching and supporting structure for implementation, provided by international organisations both within the UN system and outside it. Second, it should achieve horizontal integration within the UN system. Third, it should facilitate and strengthen intergovernmental arrangements between member states for sustainable urban development. And fourth, it should facilitate vertical integration between different actors at the national, sub-national and local level. It is important to define the terms of direct engagement between national governments and cities (also across borders), as well

as working principles for international cooperation between member states. Responsibilities and mandates should also be defined.

Unless the standalone Intergovernmental Panel on Sustainable Urbanisation as proposed by Policy Unit 6 gains significant political support, the institutional framework should focus on establishing strong linkages with the existing structures set up by Agenda 2030 and the UN-FCCC.

To gain the commitment of other actors and agencies within the UN system, the NUA needs to be closely linked to the Agenda 2030 framework. This will involve clarifying the relationship between the NUA and the HLPF beyond SDG 11, if possible. Furthermore, the role of other UN institutions that address key urban issues (e.g. UNDP, UNEP, UNHCR) should be defined. This likewise applies to linkages with the UNFCCC. The Sendai Framework for DRR sketches out such a framework in a concise and detailed manner (paragraph 48). It will not be sufficient to simply make a vague reference to the institutional framework, as in the AAAA (paragraph 113), as this leaves room for inaction.

d. Capacity-building

To create incentives for the rules and commitments of an agenda or agreement, and to ensure compliance, member states and other entities responsible for implementation need sufficient resources and capacity. However, in many countries – developing and emerging economies in particular – the capacity of local administrations for delivering sound urban planning is insufficient. They are unable to meet even the minimum requirements of planning, acquiring and managing funding, and engaging with external stakeholders.

Consequently, a support mechanism focused on capacity-building (through training, technology transfer, etc.) is of the utmost importance. This also explains why many international environmental regimes "exhibit a pronounced tendency to favour the use of capacity building to enhance compliance and to focus on the development of transitional arrangements designed to encourage subjects – usually developing countries – to initiate processes that will lead to good records of compliance at a later stage" (Breitmeier et al. 2006: 189).

To take an example, the Paris Agreement recognises capacity-building (e.g. through the dissemination of tools and methods) as a fundamental requirement for advancing local climate action. It states that the provision of technology and capacity-building shall be supported by developed country Parties "to enable enhanced pre-2020 action by developing country Parties" (UNFCCC 2015: 2). Likewise, the Sendai Framework for DRR (paragraph 22) highlights the importance of capacity-building and calls for "stimulating and contributing to developing the knowledge, capacities and motivation for disaster risk reduction at all levels, in particular for developing countries".

To provide a useful capacity-building mechanism, the NUA should include references to mandates and responsibilities, defining the intergovernmental setup and the role of non-governmental organisations.

e. Action plan

The agenda should include a comprehensive action plan, which provides a roadmap for achieving the overall vision and goals. A clear, meaningful action plan is essential for guiding and ensuring the implementation. It should outline a timeline for actions, list specific deliverables and milestones, and indicate the various means of implementation (see below). The action plan makes it possible to measure progress and coordinate activities in line with the

guiding principles. It should also be forward-looking and adaptable to allow for institutional learning by stakeholders.

Some previous agendas failed to provide clear roadmaps. The AAAAA, for instance, covers numerous issues related to sustainable and inclusive development yet contains "very little in the way of concrete steps and deliverables" (Adams and Luchsinger 2015: 1). As a result it is often ridiculed as an "agenda for inaction" and criticised for failing to "provide the strong means of implementation for such a vision to become reality" (Centre of Concern: 2015).

The Habitat Agenda shows a similar failing. The Habitat II conference and the Habitat Agenda (its outcome document) were widely considered progressive in terms of fostering strong stakeholder involvement and supporting local authorities and their networks. However, the "main weakness of the Habitat II Agenda was the unclear means of implementation" and its inability to "fully mobilise local capacities" (GTF 2016: 4). A comprehensive review of the Habitat Agenda is yet to be undertaken, but the interim review of its implementation conducted at a UNGA Special Session in 2001 raised a number of concerns. In particular, it identified a lack of political will as a basic obstacle to implementation; it also found little progress in the field of international cooperation on shelter and human settlements development (Dellas et. al. 2015).

IV. Means of implementation

a. National urban policy frameworks

To ensure continuity with the Habitat Agenda and to address its inability to "fully mobilise local capacities" (GTF 2016: 4) for action, the NUA should highlight national urban policy frameworks as a crucial means for implementation. Recent developments suggest that international agreements which allow for national approaches to policy design may have two benefits: first, they relieve pressure on the negotiation process, and second, they simultaneously strengthen implementation efforts. Climate negotiations increasingly follow this path, having "shifted in recent years to a bottom up approach, using a 'pledge and review' process building on nationally determined contributions (NDCs)" (Beisheim 2015: 11). The Paris agreement translates this approach into action by referring to NDCs (see Decision 1/CP.19, paragraph 2b) and introduces a review mechanism to ensure ongoing application of the instrument (see Article 13 and elsewhere).

Agenda 2030 also allows adaptation to national circumstances. While the document describes SDG targets as "aspirational and global", governments are allowed to set their own targets, guided by the global targets. Agenda 2030 further elaborates on the key functions of national, regional and local action. For example, it refers to the essential role of "national parliaments [...] in ensuring accountability for effective implementation" (paragraph 45). It also includes reference to a bottom-up approach that highlights the role of regional and sub-regional frameworks in translating "sustainable development policies into concrete action at the national level, and to implementation of national, regional and local level" (paragraph 21).

A major challenge for the NUA as regards the design of national urban policy frameworks will be to strike the right balance between an agenda which can be adapted to national circumstances and one where countries simply pick and choose the parts that suit the political party currently in power. The technical details should therefore be carefully outlined in the annex to the NUA, building on input from the broader Habitat process, such as the results of the World Urban Campaign and the regional and thematic meetings.

b. Partnerships

Partnerships are an increasingly common component of international agreements, and are likely to feature in the NUA. However, experience cautions against being overly optimistic about the potential of partnerships. The right framework conditions or "meta-governance" needs to be created so that partnerships can make a worthwhile contribution to the implementation of international agreements (Beisheim and Simon 2015).

Partnerships can have a variety of functions, ranging from knowledge transfer and capacity-building to setting standards and facilitating technical cooperation. They can address a regulatory deficit by targeting issues where intergovernmental cooperation has previously been lacking, supporting the implementation of intergovernmental regulations and agreements. They can also make a significant contribution by broadening participation and involving all relevant state and non-state actors, which helps strengthen legitimacy and accountability (Biermann et al. 2007).

Analysis of the 2002 Johannesburg World Summit on Sustainable Development (WSSD) provides useful insights not only into the potential function of partnerships, but also their limitations. The partnerships tended to focus on issues that were already heavily regulated (e.g. water, energy) rather than those less well regulated (e.g. desertification). Moreover, the majority focused not on direct impact but on vaguer objectives such as "strengthening the means of implementation". They had a limited focus on supporting implementation in those countries that most needed it: developing countries were underrepresented as partners (particularly as lead partners) and participation by state partners and international organisations was far more prevalent than participation by NGOs, local governments, industry or marginalised actors, for example. This may have been due to the significant lack of financing that many partnerships under the WSSD suffered from (Biermann et al. 2007).

Multi-stakeholder partnerships are set to play an important role in Agenda 2030. Indeed, they constitute one of the five "Ps" in the Preamble. Two of the targets of Goal 17 on the means of implementation emphasise the role of partnerships, namely Goals 17.16 and 17.17. The establishment of partnerships is supposed to be facilitated at the annual multi-stakeholder forum on science, technology and innovation (paragraph 70). Moreover, the high-level political forum (HLPF) is supposed to function as a platform for partnerships (paragraph 84). While a review of partnerships by the HLPF is not explicitly mandated in Agenda 2030, the HLPF will be informed about the progress of partnerships and their contribution to achieving the SDGs based on information voluntarily registered via an online SDG partnerships platform. However, the lack of an explicit review could call into question the success of Agenda 2030 partnerships. Thus, with regards to the WSSD, Beisheim and Simon (2015: 15) point out that "there was neither political will to create strong institutions nor a mandate for a rigid follow-up after the WSSD in 2002 – and [...] this might have been a mistake".

The above discussion indicates the difficulties involved in ensuring that partnerships make a substantial contribution to the implementation of agreements. Moreover, making the rules too rigid brings the risk of constraining participation in partnerships, limiting their innovative potential and restricting their ability to adapt to local contexts. Nonetheless, "the international community should be able to distinguish successful partnerships from failures and to systematically review and evaluate which of these initiatives merit public support for scaling up" (Beisheim and Simon 2015: 21). What is needed, then, is an effective framework or meta-governance of partnerships that enables partnership activities by supporting their establishment and operation, as well as ensuring "the success of partnerships through establishing formalised and binding rules of conduct" (Beisheim and Simon 2015: 11).

The text of the NUA should provide a framework such as that described above, based on the objective of being both enabling and ensuring (Beisheim, Simon 2015). This should include clear statements about the function, goals and target groups of partnerships, as well as initial references to support mechanisms, partnership criteria and a review mechanism.

c. Financing

The issue of how the implementation of the NUA will be financed is critical for gaining support and political commitment, particularly in developing countries. The section on finance should therefore specify funding sources and financing mechanisms, and define an overarching institutional structure, both within the UN system and outside it, which will enable the tasks in question to be performed.¹ It should also include references to specific methods such as MRR mechanisms and capacity-building, following the principle of subsidiarity outlined above (see Framework for Action) and emphasising the importance of multi-level governance. The latter is explicitly recognised in the "The Future We Want" document, which highlights "the importance of international, regional and national financial mechanisms including those accessible to sub-national and local authorities to implement sustainable development programmes and call for their strengthening and implementation" (paragraph 253).

Unfortunately the funding schemes for the implementation of Agenda 2030 and the Paris Agreement have not been finalised, so we cannot draw any clear conclusions yet. In Paris, the parties decided to postpone the decision about increasing the USD 100 billion target and refrained from further specifying details of delivery on the existing commitment (Burluson 2016). Agenda 2030 refers to financing issues in its Goal 17, but it does not specify the technical details. This task is assigned to the Forum on Financing for Development (FfD) under ECOSOC, which operates on the basis of the AAAA (UNGA resolution 70/192). This raises concerns, as the AAAA includes neither a strong conceptual base for financing issues and mechanisms in urban contexts nor an explicit reference to the NUA. However, potential linkages between the NUA and the FfD exist via the position of the Trust Fund on Financing for Development as regards the NUA, and the proposed Global Infrastructure Forum (Article I.14). The Sendai Framework for DRR already provides an operational design for such a link, proposing a revised function of the UN Trust Fund for Disaster Risk Reduction with regards to the new DRR Framework (paragraph 48g).

d. Monitoring, review and follow-up

A strong monitoring, reporting and review (MRR) mechanism can guide decision-making, strengthen an agreement's inclusiveness, legitimacy and accountability, and support its implementation. By monitoring we mean data-processing to track progress on the goals and targets in the agreement, e.g. through a set of indicators. Reporting involves compiling and disseminating this data in formats that allow for comparisons of the data, e.g. standardised reports. Review involves a critical assessment of progress towards the agreed targets and goals, which helps sustain political commitment over time, encourage political learning and support implementation.

¹ Note that this section does not need to specify how urban development in general can be financed.

The MRR mechanism for the NUA needs to be adapted to its specific needs and character. This includes its focus on cities and urban development and its relationship with other international agreements and agendas, such as Agenda 2030 (Goal 11).

Regrettably, many national statistical offices lack the resources for effective monitoring. This makes it essential that the NUA does not create an additional monitoring and reporting burden; its monitoring approach should be above all affordable. The MRR mechanism needs to be inclusive and create political buy-in, so it will be helpful to link it to other international processes and agreements, such as Agenda 2030 and the UNFCCC. Moreover, the NUA should include measures creating incentives for participation and connecting the review process to a regular, high-level political event. It should also outline the roles and responsibilities of regional and local actors under the MRR mechanism.

Most agreements that are relevant for the NUA date from 2015 and so their MRR mechanisms have not yet been finalised or tested. Nonetheless, it is worth analysing their key features and implications for the NUA. The existing MRR mechanism within the UN should also be assessed.

One mechanism of particular interest is the Annual Ministerial Review (AMR) under ECOSOC. This contains some elements that are important for the NUA mechanism. For example, it focuses on the role of national and regional actors through its national voluntary presentations and country-led regional reviews, and is linked to a high-level political process through its final ministerial report, to be adopted in the ECOSOC high-level segment. However, in other important areas it falls short. Beisheim (2015:16) identifies as major deficits the "lack of incentives for UN Member States to participate in a serious way, [...] the complete absence of follow-up on the review and its recommendations [...]" and its lack of access for NGOs due to the "framework of the relatively restrictive ECOSOC rules".

The Paris agreement is highly relevant for the NUA as it includes an element of national sovereignty in implementing the agreement (the INDCs) and a five-year review cycle (paragraph 13.7) with continuously increasing ambitions. It also contains an incentive measure: capacity-building for monitoring and reporting (paragraph 11), which has the potential to increase effectiveness and affordability (Burleson, 2016). Affordability is also a concern of the Sendai Framework for DRR, which explicitly refers to building on existing processes and the mechanisms found in other agreements, such as Agenda 2030 and the Paris Agreement. The AAAA takes this link even further, calling on member states to feed into the overall review and follow-up on Agenda 2030 and committing to fully engaging with the Agenda on all levels (paragraph 130).

Agenda 2030 also has important implications for the NUA. It stresses the importance of building on existing mechanisms at a regional level (paragraph 81). It emphasises the role of national, regional and local authorities in monitoring and reporting (paragraph 83) and review (paragraphs 47, 77). It includes other stakeholders (paragraph 79). It calls for peer-learning at a sub-national level (paragraph 80). And it has been assigned a dedicated body to carry out follow-up and review, namely the HLPF.

3. Structure and contents

Based on our analysis of the general requirements of the NUA and lessons learnt from other international agreements and agendas, we propose the following structure and contents for the NUA. The document should contain three main chapters, supplemented by a preamble and an annex.

Preamble: This section should provide the frame of reference and the conceptual basis for the NUA. It should help contextualise the agenda by referring to its predecessors and establishing links to other global agreements and agendas, such as Agenda 2030, the Paris Agreement, the Sendai Framework for DRR, and the AAAA. Furthermore, it should briefly mention the overarching vision of the NUA, and its goals and key principles.

Chapter 1: This chapter should clarify why a new urban agenda is needed, accentuating the pivotal role of cities in achieving sustainable development. It should include a vision, key messages, guiding principles and key policy priorities for implementation. The inclusion of both a vision and key messages will help secure (or strengthen) political commitment to sustainable urban development. The vision should provide a narrative on how we envision the city of the twenty-first century. At the same time it should position sustainable urban development as a cross-cutting issue. This creates a normative basis and a direction for action. Key messages can support the vision by communicating the essential core of the NUA. The contribution of urban policy to inclusive growth and overall development should be among these key messages. The guiding principles serve to prioritise actions and define the basis on which these actions should build. To strengthen the argument that cities are key actors, we recommend including a paragraph on current challenges, emerging trends and the opportunities arising from urbanisation. This will ensure a common understanding, as well as informing the priorities for future action (see Table 2). A key challenge for the NUA and its implementation is to develop policies and prioritise actions based on cross-sectoral, integrated approaches while at the same time coping with rather limited implementation capacities. A sustained, long-term yet ambitious approach is needed.

Chapter 2: The second chapter should focus on what is required in order to implement the NUA and provide a roadmap for how its overall vision and goals will be achieved. We suggest including a framework for action that specifies the conditions and requirements for successful implementation. This framework should translate the principle of subsidiarity into action and define the terms for stakeholder mobilisation. It should also lay out the horizontal and vertical institutional architecture and governance arrangements, both within the UN and outside it, to enable effective, inclusive partnerships for implementing the NUA. The relevance of urbanisation for most UN activities must be emphasised both in written policy and strategic planning. The NUA can help other UN agencies and programmes develop city-focused strategies in their own particular fields, thus creating ownership. Furthermore, the framework should address capacity-building as this creates an incentive for complying with the rules and commitments of the agenda. The framework should also include a clear, meaningful action plan to guide and ensure implementation. This action plan is of paramount importance as it indicates a timeline for action, the list of deliverables and milestones, and the various means of implementation.

Chapter 3: As we have seen, the NUA should pay more attention to implementation than previous agendas. The third chapter should outline how, with what means and by whom the implementation will be carried out. As the NUA is an intergovernmental agreement, the

means of implementation should reflect the importance of the National Urban Policy Frameworks, which allow the more general NUA guidelines to be adapted to national contexts. Partnerships can play a vital role in supporting implementation and ensuring universal stakeholder engagement. The NUA should elaborate on what these partnerships should look like and how they will function. It should include a list of criteria for ensuring that partnerships are complementary, active and relevant to the goals of the NUA. Partnerships require strong support mechanisms if they are to make a meaningful contribution, such as a transparent approach to monitoring and reporting complemented by periodical review and follow-up. In fact, MRR mechanisms should not be limited to partnerships; they apply to all dimensions of the implementation of the NUA. Opportunities should be considered for linking the MRR mechanism of the NUA to other international processes and agreements, such as Agenda 2030 and the UNFCCC. The potential synergies will save resources and raise political attention for the NUA. Finally, the required funding for implementing the NUA should be specified.

Annex: The Habitat III process consists of both normative and technical discussions. This needs to be reflected in the outcome document. While the normative and political dimension of the NUA is well covered in the proposed structure and elements, technical input must also be included, e.g. from the World Urban Campaign, the thematic and regional meetings, and building on the existing expertise of UN Habitat and other bodies. The technical details of implementation can be hard to negotiate but they provide an important means by which the entities responsible for implementation, such as local governments, can commit to international agreements. As Agenda 2030 and climate negotiations have shown, putting technical details in a separate part of an agreement can avoid deadlocks in negotiations; it also helps keep the agenda short and readable, making it easier to communicate without compromising on substance.

Table 2: Proposed structure of the New Urban Agenda

| Components | Contents |
|---|---|
| Preamble | |
| Overarching vision and goals of the agenda Key principles Links to other global agreements | <ul style="list-style-type: none"> • Illustrate the state of play with regard to urban development, including emerging trends and challenges • Refer to the legacy of Habitat I and II • Emphasise the pivotal role of cities in achieving sustainable development |
| Chapter 1: Context | |
| Vision and key messages | <ul style="list-style-type: none"> • Define the core of the agenda • Use inspiring and encouraging language • Focus on essentials rather than broad, vague ideas |
| Guiding principles | <ul style="list-style-type: none"> • Acknowledge cities as the key actors for sustainable development • Apply a participatory approach in the form of inclusive partnerships at different levels of government and among other stakeholders • Take an integrated and cross-sectoral approach to urban development • Ensure environmental sustainability and resource efficiency • Follow a people-centred approach in all policies and implementation measures |
| Challenges and critical urban issues: policy priorities for implementation | <ul style="list-style-type: none"> • Foster economic growth and overall development • Ensure urban human rights, including social cohesion and equity and access to urban housing and services • Promote sustainable urban planning and design/buildings and infrastructure • Strengthen urban resilience |

| Components | Contents |
|--|--|
| Chapter 2: Framework for action | <ul style="list-style-type: none"> • Define enabling conditions and basic principles for actions • Address relevant actors and their relationships in an institutional arrangement • Consider the commitments made in other international agreements |
| Principle of subsidiarity | <ul style="list-style-type: none"> • Provide adequate powers and resources to all levels • Assign increased responsibilities and resources to city administrations • Ensure continuity with the Habitat Agenda |
| Stakeholder (resource) mobilisation | <ul style="list-style-type: none"> • Provide the foundation for successful multi-stakeholder partnerships • Create incentives and establish a voluntary, ongoing commitment process • Include strong monitoring, reporting, review (MRR) and support mechanisms that ensure the continued engagement of stakeholders |
| Institutional framework | <ul style="list-style-type: none"> • Build an overarching supportive structure for implementation, provided by international organisations both within the UN system and outside it • Achieve horizontal integration within the UN system • Facilitate and strengthen intergovernmental arrangements between member states for sustainable urban development. • Facilitate vertical integration between various actors at national, sub-national and local levels • Define terms of direct engagement between national governments and cities in other countries, as well as working principles for international cooperation between member states |
| Capacity-building | <ul style="list-style-type: none"> • Define the intergovernmental setup and role of non-governmental organisations • Increase the capacity of local administrations to deliver sound urban planning and MRR mechanisms |
| Action plan | <ul style="list-style-type: none"> • Be clear and meaningful • Outline a timeline for action • List specific deliverables and milestones • Indicate a set of means of implementation |

| Components | Contents |
|--|--|
| Chapter 3: Means of implementation | |
| National urban policy frameworks | <ul style="list-style-type: none"> • Allow for national approaches to implementation • Ensure transparency and follow-up |
| Partnerships | <ul style="list-style-type: none"> • Build on an enabling framework • Define the form and function of partnerships • Perform systematic reviews and evaluations |
| Financing | <ul style="list-style-type: none"> • Specify funding sources and financing mechanisms for implementing the NUA • Include references to specific methods such as MRR mechanisms and capacity-building • Follow the principle of subsidiarity • Emphasise the importance of multi-level governance • Define an overarching institutional structure both within the UN system and outside it |
| Monitoring, reporting, review and follow-up | <ul style="list-style-type: none"> • Outline the roles and responsibilities of regional and local actors • Link to other international agreements and agendas • Connect the review process to a regular high-level political event • Create incentives for participation through the support mechanism |
| Annex | |
| Technical guidelines for implementation | <ul style="list-style-type: none"> • Include input from the World Urban Campaign, thematic and regional meetings, and building on the existing expertise of UN Habitat and other bodies |

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