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UN-Habitat, the New Urban Agenda and Urban Refugees – A State of the Art

Abstract

In recent years, policy documents of the United Nations High Commissioner for Refugees (UNHCR) have increasingly focused on urban refugees. We argue in this article that the discussion on urban refugees should not only draw on expertise in forced migration studies, but also systematically involve perspectives from urban studies. Therefore, we analyse the *New Urban Agenda* and the way the United Nations Human Settlements Programme (UN-Habitat) has dealt with refugees based on their experience in urban development. Finally, we argue that an intensified discussion between urban and forced migration studies offers the opportunity to advance research and practices directed at refugees living in urban areas.

Keywords: urbanisation, urban refugees, UNHCR, UN-Habitat, New Urban Agenda

UN-Habitat, die Neue Urbane Agenda und Urbane Flüchtlinge – ein Überblick

Zusammenfassung

In den letzten Jahren haben strategische Leitlinien des Hohen Flüchtlingskommissars der Vereinten Nationen (UNHCR) verstärkt Bezug auf die gestiegene Zahl urbaner Flüchtlinge genommen. In diesem Artikel argumentieren die Autoren, dass die Debatte um Flüchtlinge, die in Städten leben, sich nicht einzig aus den Erfahrungen der Flüchtlingsforschung speisen, sondern auch systematisch auf Perspektiven der Stadtforschung beziehen sollte. Aus diesem Grund schaut der Artikel auf die Repräsentation von Flüchtlingen in der *Neuen Urbanen Agenda* des Programms der Vereinten Nationen für menschliche Siedlungen (UN-Habitat). Hier wird deutlich, dass ein zu intensivierender Austausch zwischen Stadt- und Flüchtlingsforschung die Möglichkeit bietet, Forschung und Praxis mit Bezug zu urbanen Flüchtlingen zu verbessern.

Schlagworte: Urbanisierung, urbane Flüchtlinge, UNHCR, UN-Habitat, Neue Urbane Agenda

1. Introduction

In 2007, for the first time in history, data from the United Nations Human Settlements Programme (UN-Habitat) has reported a higher number of people living in urban than in rural areas (UN-Habitat 2007: 1). Despite methodological and theoretical concerns regarding the definition of urban areas, practices and processes of urbanisation remain one of the most significant trends of the 21st century (Brenner/Schmid 2014). At the same time, the registered number of forcibly displaced people (internal and cross-border) is growing. According to data of the United Nations High Commissioner for Refugees (UNHCR), the number of forcibly displaced persons has reached over 65 million in 2016 (UNHCR 2016). Against the background of these two major trends, international organisations such as UNHCR and UN-Habitat have started to focus on a common topic: the growing number of urban refugees.[1] Focussing primarily on the Global South, we argue in this article that the discussion on urban refugees should not only draw on expertise in forced migration studies, but also systematically involve perspectives from urban studies. In line with several scholars (see Fawaz 2017; Archer/Dodman 2017; Terada et al. 2017), we further argue that an intensified discussion between these two academic fields offers the opportunity to advance research and practices directed at refugees living in urban areas.

In this article, we aim to analyse key policy documents of the two leading international agencies in the field of urban planning, UN-Habitat, and refugee protection, UNHCR. The objective is to assess to what extend normative policy frameworks of both international organisations have converged regarding urban refugees. First, this means to briefly outline the policies of the respective organisations and how they have developed over time. Therefore, we look at how the Habitat process has shaped policy agendas and perceptions on urbanisation, and how UNHCR has moved away from its mere focus on camp-based humanitarian action towards a recognition of urban spaces as legitimate place of refuge. In a second step, we explicitly focus on the representation of refugees and suggested means of protection within UN-Habitat's *New Urban Agenda*, the outcome of the third United Nations Conference on Housing and Sustainable Urban Development (Habitat III), which took place in Quito, Ecuador, in 2016. Finally, we argue in favour of an increased dialogue between the academic fields of urban and forced migration studies, and subsequently more cooperation between UN-Habitat and

1 UNHCR estimated that in 2009 more than half of the refugee population were considered urban refugees (UNHCR 2009). For a discussion of the urban refugee definition see *3. Urban Refugees and UNHCR* in this paper.

UNHCR in order to foster a fruitful dialogue between urban planning and asylum policies on a governmental level.

2. From urban scepticism towards an understanding of cities as engines of growth?

Prior to a discussion of the gradual recognition of urban refugees, we shall have a brief look at the changing international perception of urbanisation in general. Early policy responses to urbanisation sought to restrict, order, and limit city growth – whether through utopian concepts like the garden city in Europe or by means of urban exclusion in the colonised world (see Hardoy/Satterthwaite 1989: 18–25; Fox/Goodfellow 2016: 23–27). Newly independent countries set different priorities than shaping urbanisation. If at all, early urban policies in developing countries oscillated between structural ignorance and repression towards informal settlements, perceived as the most visible symptoms of uncontrolled urbanisation. Doebele (1987: 9) writes, »[m]any of the established urban élites, […], began, in the late 1950s and early 1960s, to become frightened: of crime, of disease, but above all, of uncontrollable masses in the hearts of their capitals that at any moment might rise in revolution«. Hence, many governments in the so-called Global South opted for short-termed solutions, favoured the demolition of shanty-towns and sent their inhabitants back either to their rural areas of origin or to isolated new neighbourhoods (Smart 2012: 13).

In the 1960s and 1970s, academics such as Turner (1967, 1969, 1977) and Mangin (1967), as well as the first Habitat conference (Habitat I) in Vancouver in 1976, challenged this hostility towards urban in-migration by acknowledging the irreversible and complex realities of urbanisation. As such, Habitat I urged governments to accept the challenge of urbanisation and to adopt inclusive human settlement policies seeking to improve living conditions within existing city structures, instead of shifting the problems out of sight (UN-Habitat 2016: 3; UN 1976). Furthermore, the conference participants agreed to found the United Nations Centre for Human Settlements (UNCHS, now UN-Habitat) with the mandate to develop a normative urban agenda at an international level. In 1996, this culminated in the *Habitat Agenda*, the comprehensive outcome document of the second Habitat conference (Habitat II, Istanbul; UN 1996). The 171 signatory states declared the development of sustainable urban policies and the need to ensure adequate housing for all to be the key concerns within a rapidly urbanising world. Although not ignoring its challenges, the *Habitat Agenda* also underlined

chances of urbanisation, which could – if well managed – function as an engine of growth and prosperity (Cohen 2016).

Today, for the first time in history, more people live in urban than in rural areas according to statistics of UN-Habitat. From 1990 to 2015, the world's urban population has increased by 74 % from 2.3 billion to 4 billion and is yet expected to continue rising. Most of its growth accounts for rapid urbanisation processes in developing countries in Asia and Sub-Saharan Africa (UN-Habitat 2016: 6–8). The *New Urban Agenda*, the recent outcome of the Habitat III conference (Quito, 2016), reaffirms the key principles of the *Habitat Agenda* of 1996 and calls »urbanization one of the twenty-first century's most transformative trends« (UN 2017: 3). Opposed to urban scepticism, the *New Urban Agenda* clearly emphasises a positive view on urbanisation focussing on its chances for economic and social development. In its foreword to the *New Urban Agenda*, Joan Clos, Secretary General of UN-Habitat, shares the vision of all people having »equal rights and access to the benefits and opportunities that cities can offer« (UN 2017: iv). In addition, the *New Urban Agenda* supports the idea that countries will only achieve sustainable development through well-planned and well-governed urbanisation.

Interestingly, throughout the document, it remains unclear what a city or an urban area precisely means. UN-Habitat predominantly relies on national, country-specific definitions of the *urban*, which mostly refer to administrative criteria or physical characteristics such as population size, population density, or socio-economic features. Hence, what public agencies categorise as *urban* differs largely across countries (Fox/Goodfellow 2016: 3–4). The inevitable arbitrariness of urban/rural classifications has motivated many scholars to find alternative, theoretically grounded ways to define the *urban* (Brenner/Schmid 2014). Simmel (2010 [1903]) was one of the first to stress individuality and heterogeneity, hence the permanent plurality of impressions to be fundamental characteristics of city life. Beyond its inherent heterogeneity, Wirth (1938) later highlighted the city's dominance and influence upon social life, being the »centre of economic, political, and cultural life«. Then, Lefèbvre (1970) moved away from seeing the city as a physical form. Questioning the rural/urban divide, he described a process of complete urbanisation leading towards an *urban society*. Based on these theoretical foundations, Brenner/Schmid (2014, 2015) as well as Merrifield (2013) have argued to stop talking about cities as absolute spaces but rather to see the *urban* as shapeless, formless and boundless. Against the background of multinuclear agglomerations, increasing global interconnectivities, spreading urban lifestyles, and a strengthened urban dominance within neoliberal forms of production, they

conclude a *planetary urbanisation*, continuously shaped and reshaped by heterogeneous forms and processes of urban production and transformation. Finally, with the words of Merrifield (2013: 915), the *urban* could be seen as a dense and differential social space, »nothing outside dynamic social relations, a coming together of people«.

What derives from that is a clear progression – within academia, but to some extent also within the Habitat process – from a physical understanding of a bounded city, towards an understanding of urbanisation as a heterogeneous, dynamic socio-spatial process that reaches every part of the planet. From people's perspective, this understanding of *urban* may imply individual and context-specific opportunities from social encountering to self-fulfilment and economic empowerment. Instead, governments have tended to emphasise problems of control related to individual and heterogeneous processes of urban production, which still translates into policies trying to restrict or limit urbanisation (see Annez/Buckley 2009; Schmidt-Kallert 2017: 82–83). However, reflections on planetary urbanisation urge us to recall the main advantage of the Habitat process, the pressure to recognise a ubiquitous urbanisation, which policymakers need to shape and form through proactive policymaking.

3. Urban Refugees and UNHCR

Acknowledging the process of rapid urbanisation and rising numbers of refugees settling in urban areas, UNHCR has, since 1997, increasingly focused on what it calls *urban refugees*. In 1997, UNHCR issued its first policy statement on refugees in urban areas, which, in its essence, demonised the urban as uncontrollable and undesirable environments for refugee hosting, favouring the closed settings of camps (UNHCR 1997). Growing numbers of refugees settling in cities, the perception that their presence was problematic for hosting states and aid delivery as well as a lack of institutional framework and UNHCR's funding shortage are the principle factors Crisp (2017: 88) attributes to the timing and development of the agency's early urban policy. Simultaneously, as outlined above, the international debate on urbanisation had moved beyond this negative perception of the process in the course of the Habitat II Conference of 1996 and the *Habitat Agenda* (UN 1996). Hence, UNHCR's 1997 policy statement was in this wider context rather regressive.

Over ten years later, in 2009, UNHCR then »recognised the need to address the issue of urban refugees in a more comprehensive manner« (UNHCR 2009: 2), as

it puts forward its *Policy on Refugee Protection and Solutions in Urban Areas,* replacing the organisation's controversial 1997 policy statement. A key element of the 2009 policy is the expansion of the protection space, recognising »urban areas to be a legitimate place for refugees to enjoy their rights« (UNHCR 2009: 3). With this, the discourse shifted from urban areas being perceived as unfavourable places of residence, the complexities of providing assistance and the additional cost this entails, to the recognition of urban areas as legitimate places of refuge.

In the document, the term *urban area* is defined as »a build-up area that accommodates large numbers of people living in close proximity to each other, and where the majority of people sustain themselves by means of formal and informal employment and the provision of goods and services« (UNHCR 2009: 2). The broad definition, however, does not reflect any of the previously discussed theories on the nature of cities. In fact, this almost tautologic definition does include almost every form of settlement except for subsistence farmers in very remote places. For example, refugee settlements, such as camps, share the described characteristics of »build-up areas«, »close proximity« of inhabitants as well as the informal »market« and would therefore, in almost all cases, fall under the agency's definition of the urban. As a result, UNHCR explicitly excludes camps from the definition's scope in the subsequent parts of its 2009 policy – although acknowledging such shared characteristics.

Hence, an *encampment – urban refugee dichotomy* appears to be at the centre of this definition. The encampment versus self-settlement debate is often articulated in the rural as camp versus urban as self-settled. Considering that UNHCR's 2009 definition of the *urban* encompasses almost every form of settlement, this dichotomy remains the only clear defining element. While the rural is then solely defined by the restrictiveness and control in the encampment, the *urban* would, in this sense, be conceptualised as a space free of restrictions and control. Therefore, one has to understand the timing and development of UNHCR's urban refugee framework not only in relation to the general trend of urbanisation and its changing conceptualisation within the Habitat process, but also as a way to counter the encampment policies in the host countries.

Furthermore, those apparent dichotomies do not always fit one on one (see Bernstein/Okello 2007; Hovil 2007). In Beirut, Palestinian refugees live in closed space camps located mainly in the capital's southern suburbs (Chaaban et al. 2010). Such urban camps pose a problem to the above definition, as they seem to fall through the agency's understanding of camps being located in rural areas. Hence, some camps are not only located within a defined urban area, such as

Beirut, but camps in some cases also share characteristics with urban areas (see Dalal 2013, on urbanisation processes in Za'atari Camp, Jordan). It has to be noted that Palestinian refugees in Lebanon do not fall under the mandate of UNHCR but are registered with the United Nations Relief and Work Agency for Palestine Refugees in the Near East (UNRWA). Within the last twenty years the discussion on urban refugees has been led by UNHCR as a central institution. Hence, discussions on the approach have mainly focused on cases under the institution's mandate, overlooking other cases such as the urban Palestinian refugee camps.

In 2014, UNHCR published its latest policy touching on the issue of refugees and urban areas. The *UNHCR Policy on Alternatives to Camps* sets its purpose »to pursue alternatives to camps, whenever possible, while ensuring that refugees are protected and assisted effectively and are able to achieve solutions« (UNHCR 2014: 4). Hence, considering the changing nature of conflicts and the protracted conditions often in camps, alternatives (such as urban areas) have moved to the centre of UNHCR's protection policy documents. While acknowledging the possibly restrictive role of governments requiring refugees to live in camps, the policy clearly states that in such cases the agency »will plan and implement the operational response in a way that enables camps to be phased out at the earliest possible stage« (UNHCR 2014: 6). With this, UNHCR moves past its urban-camps dichotomy making it a much more explicit policy statement in opposition to camps as »representing a compromise that limit the rights and freedoms of refugees« (UNHCR 2014: 4).

Despite the explicit aim to move away from the encampment of refugees, the humanitarian actors in the field appear to struggle to implement these policies. The perception that self-settled, urban refugees are uncontrollable still prevails and materialises to be at odds with the humanitarian nature of the work and the efficient delivery of aid. In her article on urban planning and the protection of refugees in Lebanon, the urban scholar Fawaz (2017) accounts of a meeting with a large relief agency in 2015 on the housing shortage. She recalls that during the meeting the humanitarian workers were getting seemingly frustrated with the decision of the Lebanese government not to allow for the establishment of camps in the country as, in their experience, this would have been the most efficient way to provide shelter (Fawaz 2017: 99–100). With her experience in informal settlement and urban planning, Fawaz points out three key elements limiting the humanitarian approach to the urban settlement of refugees:

> »While Eric's team [of a humanitarian agency] looked at refugee shelter needs as a ›humanitarian crisis‹, I located this shortage of shelter in the framework of a failed or absent national

> housing policy and the long view of Beirut's history which was consistently marked by flows of refugees. While Eric understood refugee settlement as temporary, to be addressed on the humanitarian relief clock of emergency spending, I understood it as a protracted crisis, one that we are likely to deal with for several years to come. While Eric's team saw in the infrastructure of the camp an ideal solution for producing rapidly the needed housing units, I expected a large section of the Syrian refugees to capitalize on historical networks of migration and employment and prefer the independence and the opportunities offered by Lebanon's cities over the confinement and dependency of the camps« (Fawaz 2017: 100).

The exchange, between humanitarian actors and urban planners, we belief is crucial to approach the urban refugee framework in a more comprehensive manner. To foster such debate, we shall, in the following, take a closer look at the representation and positioning of the *refugee* in the latest UN-Habitat document, the *New Urban Agenda*.

4. Refugees in the New Urban Agenda

With regards to refugees, the almost 200-page *Habitat Agenda* from 1996 was the first official UN-Habitat declaration that accounts for the increase of displaced persons – whether in rural or in urban areas.[2] The document highlighted their special situation within the fight against the inexorable increase of the number of poor people lacking shelter and access to basic services. In Article 12 it is written:

> »The rapidly increasing number of displaced persons, including refugees, other displaced persons in need of international protection and internally displaced persons, as a result of natural and human-made disasters in many regions of the world, is aggravating the shelter crisis, highlighting the need for a speedy solution to the problem on a durable basis« (UN 1996: 15).

The broad agenda even reaches to UNHCR territory arguing that special protection for refugees and displaced persons should be necessarily part of countries' housing policies (UN 1996: Art. 95). However, putting focus on the slogan »shelter for all«, the *Habitat Agenda* does not explicitly call for an inclusion of urban refugees within existing city structures. On the contrary, Article 40(l) supports the idea of providing »temporary shelter and basic services for refugees« (UN 1996), which presents a key principle of camp solutions.

With the *New Urban Agenda* from 2016, UN-Habitat shifts in its focus from *shelter* to the thematically broader, but geographically limited *urban space*. Grounding the *New Urban Agenda* in the Charter of the United Nations, it affirms

2 This chapter builds on a recent publication (Beier/Fritzsche 2017).

the shared vision of cities for all and a human rights language was adapted throughout the document, with repeated references to the principle of non-discrimination. Maybe one of the strongest points in this regard can be seen in the wording of migrants »regardless of the migration status« (UN 2017: 9, 11, 14).

In the drafting period of the agenda, migrants and refugees in urban areas were given special attention, resulting in one Habitat III Issue Paper co-led by UNHCR, OCHR and IOM (2016). The issue paper affirms the importance of urban space in refugee protection (see Beier/Fritzsche 2017). It acknowledges that today, the majority of refugees and IDPs live in urban areas. It most importantly acknowledges the complexity of the legal recognition of migrants and refugees and challenges the legal status as a pre-condition for protection and assistance. It points out that the lack of legal documents contributes to vulnerability as it creates bureaucratic barriers. The issue paper concludes that municipalities are disconnected from national migration policies and that including issues related to migration and displacement in urban planning and development will empower them to provide services irrespective of the legal status. With this, the paper not only calls for a human rights-based approach in the provision of services but for stronger planning for population movements on a municipal level. The rights-based approach of the issue paper has found its way into the agenda not only through the phrasing »regardless of their migration status« but most prominently through Art. 28 as it reads:

> »We commit ourselves to ensuring full respect for the human rights of refugees, internally displaced persons and migrants, regardless of their migration status, and support their host cities in spirit of international cooperation, taking into account national circumstances and recognize that, although the movement of large populations into towns and cities poses a variety of challenges, it can also bring significant social, economic and cultural contribution to urban life. We further commit ourselves to strengthening synergies between international migration and development at the global, regional, subnational and local levels by ensuring safe, orderly and regular migration through planned and well-managed migration policies, and to supporting local authorities in establishing frameworks that enable the positive contribution of migrants to cities and strengthened urban-rural linkages« (UN 2017: 11).

However, the *New Urban Agenda* is not nuanced enough as it lacks specific engagement with the particular needs of refugees and IDPs. Despite the explicit notion in Art. 28, it can be observed that throughout the document, refugees are merely listed as only one group amongst a larger list of very different kinds of vulnerable populations (UN 2017: Art. 20, 42, 57, 107, 111 and 114b). While the natural presence of *refugees* within this enumeration might be promising, it has to be asked what they have in common with other so-called *vulnerable groups* such

as disabled persons or indigenous populations. In this sense, the *New Urban Agenda* is a step backwards compared to its predecessor, the much more detailed *Habitat Agenda*. In addition, the explicit notion of refugees and IDPs as well as the phrase »regardless of their migration status« are not continuously present throughout the whole document. They are lacking in key articles calling for access to shelter and public services. For example, Art. 34, which enshrines the need to promote equitable and affordable access to suitable basic infrastructure, lists the complete range of vulnerable groups but leaves out refugees and IDPs. While this can be understood as a result of negotiations, such a selective inclusion undermines the human rights-based vision the document subscribes to.

Moreover, the *New Urban Agenda* has not solved a key problem of its predecessor, the *Habitat Agenda*. Both documents are legally non-binding and lack any reference to possible ways of independent evaluation and monitoring, which has been facing large criticism by civil society groups. This weakness is particular important, as many governments – despite their participation in Habitat II and III – tend to employ policies opposed to the internationally recommended strategies. According to a 2013 UN study, the majority of governments is still sceptical about urbanisation and even employs policies seeking to reduce urban in-migration (UN 2013). Many states are implementing programmes – e.g. resettlement projects and forced evictions – that restrict or limit access to urban areas for specific population groups such as shantytown dwellers or migrants.

Similarly, most governments' attitude towards urban refugees remains sceptical, if not hostile. Governments of many developing countries fear that refugees settling in urban areas would even further exacerbate urban conditions, for example through their likely settlement in shantytowns or other forms of informal neighbourhoods (Kibreab 2007: 28–29). Consequently, they prefer to control refugees in camps and remote settlements with the objective to prevent their integration into the (urban) host society, favouring the prospect of repatriation as durable solution (Hovil 2014: 492–493). The result are millions of refugees residing in cities and towns with unclear legal status, unwilling to spend their lives in spatially segregated sites without access to any kind of urban opportunities (Kibreab 2007). Similar to the recognition of urbanisation as an irreversible trend in the context of Habitat I, governments and humanitarian actors have to acknowledge that refugees *do* seek access to urban opportunities, thus, settle in cities. As Fawaz (2017) describes, this process simply *takes place* – with or without official recognition. Similar to the situation prior to Habitat I, political decision makers have to become aware that political inaction is likely to increase problems. Hence, once again, it is time to end ignorance and repression – this

time towards urban refugees – and to start thinking about possible ways to improve and foster refugees' integration into urban societies.

5. Conclusion: The need for more cooperation between UN-Habitat and UNHCR

UNHCR's gradual recognition of urban refugees shows striking similarities, while delayed, with UN-Habitat's changing conception of urbanisation in general. Today, both the positive effects and chances of urbanisation as well as the need to manage a rising number of refugees settling in towns and cities are integral part of normative policy agendas of both organisations.

As outlined here, UNHCR has moved beyond a demonisation of the urban towards an understanding of it as legitimate space of refuge. Refugees as one group of vulnerable urban populations have in turn become part of UN-Habitat's concerns and strategies in the *New Urban Agenda* as well as its predecessor the *Habitat Agenda.* Nonetheless, nation states have remained sceptical towards urbanisation and remain even more reluctant to adopt proactive and inclusive policies targeting urban refugees.

It seems difficult to convince more governments to overcome their scepticism towards urban refugees and inclusive urban policies in the near future, fearing aggravation of problems related to urban congestion and the long-term integration of refugees. Still, we suggest fostering cooperative initiatives and joined advocacy with UNHCR and UN-Habitat in order to improve the existing situation of refugees staying in urban areas. The heterogeneity of livelihood strategies (see Jacobsen 2002, 2006) among urban refugees calls for a further integration of urban planning expertise within the field of humanitarian action.

However, how could such cooperation might look like in practice? Amid the influx of Syrian refugees in neighbouring countries, UN-Habitat in Lebanon has increasingly focused on issues of urban refugees and shelter over the last four years with a number of different partners (UN-Habitat 2018). One of such cooperation was the joint study conducted by UNHCR and UN-Habitat on the influence of forced displacement on issues of housing, land and property in Lebanon in 2013 (UN-Habitat and UNHCR 2014). The study found that shelter conditions for Syrian refugees are inadequate and overcrowded. It further criticises the focus on short-term shelter by humanitarian agencies and calls for a more development-oriented approach[3]. The joint assessment reflects on and relates to a comprehensive

3 For a discussion of the limitations of development-oriented approach see Krause (2016).

understanding of urban settlements. Such cooperation between the agencies is a first step. However, to provoke long-term changes the exchange must be intensify, not only amongst practitioners but also between the different academic disciplines involved to nourish the scholarly debate. Drawing on existing research of both urban studies and forced migration scholarship will advance knowledge production, for example through a better understanding of local urban dynamics and housing markets.

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