



Ministerial conference on informal settlements in South Eastern Europe
Vienna, 28 September - 01 October 2004

Vienna Declaration on Informal Settlements in South Eastern Europe

As signed in Vienna on 28th September 2004 by

*H.E. Mr. Demeti (Vice Minister of Territory Regulation and Tourism, Albania),
H.E. Mr. Buxhaku (Minister of Transport and Communication, Republic of Macedonia),
H.E. Mr. Vucinic (Minister for Urban Planning and Protection of the Environment,
Montenegro) and
H.E. Mr. Ilic (Minister for Capital Investment, Serbia),*

In the presence of

*Dr. Erhard Busek (Special Co-ordinator of the Stability Pact),
Lars Reutersward (UN-Habitat, Director of Global Division),*

And signed in Pristina on 17 March 2005 by

*Mr. Jasch (UNMIK Principal International Officer, Ministry of Environmental Protection and
Spatial Planning, Kosovo)*

with full support of

H.E. Mr. Kosumi (Minister of Environmental Protection and Spatial Planning, Kosovo)

Vienna Declaration

on National and Regional Policy and Programmes regarding Informal Settlements in South Eastern Europe

The undersigned National and Regional Representatives from South Eastern Europe recognize that:

- I. The objective of this declaration is to commonly agree on actions that (a) will regularise (legalise) and improve informal settlements in a sustainable way and (b) will prevent future illegal settlements.
- II. *Informal settlements* are human settlements, which for a variety of reasons do not meet requirements for legal recognition (and have been constructed without respecting formal procedures of legal ownership, transfer of ownership, as well as construction and urban planning regulations), exist in their respective countries and hamper economic development. While there is significant regional diversity in terms of their manifestation, these settlements are mainly characterised by informal or insecure land tenure, inadequate access to basic services, both social and physical infrastructure and housing finance.
- III. *Every person in the city or community has the right to be an equal member of the community.* Legalisation/regularisation of informal dwellers will make them individuals with equal rights. As such, inhabitants of the city should enjoy the same opportunities to realise his/her access rights to an adequate standard of living and access to services as everyone else in the city, as well as the same obligations to respect the law and pay taxes and user charges.
- IV. *Sustainable urban management* requires that informal settlements be integrated in the social and economic, spatial/physical and legal framework, particularly at local level. Successful regularisation efforts contribute to long-term economic growth as well as to social equity, cohesion and stability.
- V. *Principles of Good Governance* have to be applied by Central and Local Governments when implementing the commitments made under international agreements and conventions to make maximum efforts, particularly to provide access to adequate shelter and to ensure that the shelter situation of the residents of informal settlements is improved. Respective commitments are contained in the “*Charter of Fundamental Rights of the European Union* (2000/C, 264/01), Articles 17.1 and 34.3”, the “*European Social Charter* (Revised, 1996, European Treaty Series No. 163), Articles 30 and 31” and the “*UN Habitat Agenda* (1996), Chapter III, Paragraph 39”. Detailed references are stated in Annex A.
- VI. The urban, social and economical integration of informal settlements within the overall city structure will be a key factor in preparing for accession to the EU.

The National and Regional Representatives from South Eastern Europe *have agreed on the following:*

- I. To create an adequate legal and institutional environment allowing for the functioning of housing, real estate and land markets through (a) the formulation and implementation of respective regularisation policies within the context of overall housing policies, (b) the adoption of specific and well-targeted programmes, (c) a clear assignment of responsibilities to national and local authorities in line with the subsidiarity principle (decentralisation) and (d) the promotion of sustainable urban management.
- II. To aim at the complete regional resolution of informal settlements by the year 2015, with national targets to be set by January 2005.
- III. To undertake in-situ regularisation and upgrading to the maximum extent (but only in cases that do not threaten proper urban development, i.e. contravening rights of way, environmental protection, cultural heritage protection).
- IV. To prevent future informal development by:
 - a. Reviewing and modifying, as appropriate, legal and regulatory framework and enforcing it
 - b. Changing planning processes, where appropriate, to provide adequate housing and/or serviced plots for all income groups, allowing wider public participation in the planning process
 - c. Mounting an awareness campaign to build up trust and explain that illegal construction is not only against the law, but will seriously hamper economic development
- V. To follow principles of good governance, such as non-discrimination, equality, transparency and accountability regarding the provision of tenure security, public services and infrastructure.
- VI. To develop effective policies and programmes facilitating sustainable regularisation of informal settlements, in accordance with paragraph III and IV above, along the following principles:
 - a. Creating security of tenure, providing public services and improving urban management
 - b. Decentralising land information, registration and management responsibilities
 - c. Integrating aspects of legal framework, property and urban functionality
- VII. To support capacity building and training activities regarding urban management at national and local level, first and foremost of local governments, which will be at the forefront of urban management.
- VIII. To periodically exchange information on good practice and monitor progress towards the above objectives through (bi-annual) regional review meetings, and regional reports to global habitat meetings such as the World Urban Forum.

Annex A: International Agreements and Conventions

Charter of Fundamental Rights of the European Union (2000/C, 264/01), Chapter II (Freedoms), Article 17.1 and Chapter III (Solidarity), Article 34.3:

- Article 17.1: Right to property
“Everyone has the right to own, use, dispose of and bequeath his or her lawfully acquired possessions. No one may be deprived of his or her possessions, except in the public interest and in the cases and under the conditions provided for by law, subject to fair compensation being paid in good time for their loss. The use of property may be regulated by law in so far as is necessary for the general interest.”
- Article 34.3: Social security and social assistance
“In order to combat social exclusion and poverty, the Union recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources, in accordance with the rules laid down by Community law and national laws and practices.”

European Social Charter (Revised, 1996, European Treaty Series No. 163), Part II, Articles 30 and 31

- Article 30: The right to protection against poverty and social exclusion
“With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake:
 - a. To take measures within the framework of an overall and co-ordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance;
 - b. To review these measures with a view to their adaptation if necessary.”
- Article 30: The right to housing
“With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:
 1. To promote access to housing of an adequate standard;
 2. To prevent and reduce homelessness with a view to its gradual elimination;
 3. To make the price of housing accessible to those without adequate resources.

UN Habitat Agenda (1996),

Chapter III - Commitments, A. Adequate Shelter for all, Paragraph 39

- Paragraph 39:
“We reaffirm our commitment to the full and progressive realization of the right to adequate housing, as provided for in international instruments. In this context, we recognize an obligation by Governments to enable people to obtain shelter and to protect and improve dwellings and neighbourhoods. We commit ourselves to the goal of improving living and working conditions on an equitable and sustainable basis, so that everyone will have adequate shelter that is healthy, safe, secure, accessible and affordable and that includes basic services, facilities and amenities, and will enjoy freedom from discrimination in housing and legal security of tenure. We shall implement and promote this objective in a manner fully consistent with human rights standards.”