Dignity by Design

Human Rights and the Built Environment Lifecycle

Executive Summary

IHRB

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About this paper: This is the latest in a series of occasional papers by the Institute for Human Rights and Business (IHRB). Papers in this series provide independent analysis and policy recommendations concerning timely subjects on the business and human rights agenda from the perspective of IHRB staff members and external experts.

The report provides mapping, scoping and framing of key issues, as a platform for a collaborative programme to advance human rights and dignity throughout the built environment lifecycle. The programme's founding partners are IHRB, Raoul Wallenberg Institute of Human Rights and Humanitarian Law, the Australian Human Rights Institute at the University of New South Wales, and Rafto Foundation for Human Rights.

The report highlights human rights issues across the built environment lifecycle – from land acquisition through to demolition and re-use – and makes initial recommendations for action. It builds on IHRB's existing work on migrant workers in the construction industry, and on recent conversations with architects. Both these sectors have emphasized the need to move towards a whole lifecycle approach to human rights and dignity in the built environment, and greater interaction on human rights between the different actors across the lifecycle. The report also builds on IHRB's work on the lifecycle of mega-sporting events, which evolved from its 2012 inception to the 2018 launch of the independent Centre for Sport and Human Rights.

Attribution: Annabel Short, consultant, prepared this paper with oversight from Frances House, IHRB Deputy Chief Executive, and input from across the IHRB team.
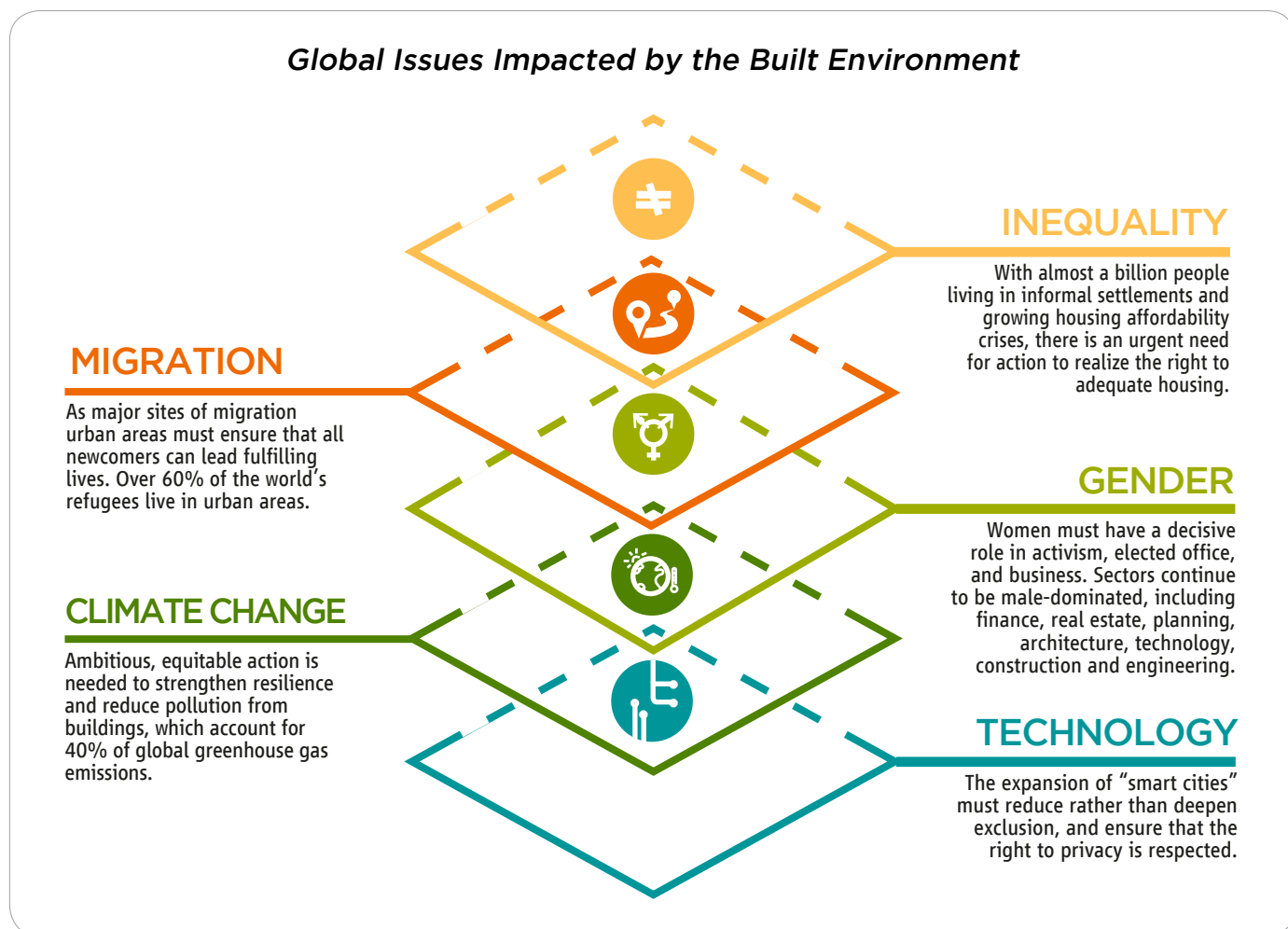
Executive Summary

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The built environment – the places where we live, work, and interact with others – has a defining influence over our ability to lead healthy, fulfilling lives. By 2050, two thirds of the world's population will live in urban areas. Through a combination of population growth and urbanisation, the world will have 2.5 billion more people by that time, with 90% of the increase occurring in Asia and Africa. Our efforts to address the world's major challenges like inequality, mass migration, and climate change hinge in many ways on what we build, how, and for whom.

> *… Should urbanism represent society as it is or seek to change it? This is the ethical problem in cities today.*[1]
>
> Richard Sennett, "Building and Dwelling, Ethics for the City"

Global Issues Impacted by the Built Environment

INEQUALITY

With almost a billion people living in informal settlements and growing housing affordability crises, there is an urgent need for action to realize the right to adequate housing.

MIGRATION

As major sites of migration urban areas must ensure that all newcomers can lead fulfilling lives. Over 60% of the world's refugees live in urban areas.

GENDER

Women must have a decisive role in activism, elected office, and business. Sectors continue to be male-dominated, including finance, real estate, planning, architecture, technology, construction and engineering.

CLIMATE CHANGE

Ambitious, equitable action is needed to strengthen resilience and reduce pollution from buildings, which account for 40% of global greenhouse gas emissions.

TECHNOLOGY

The expansion of "smart cities" must reduce rather than deepen exclusion, and ensure that the right to privacy is respected.
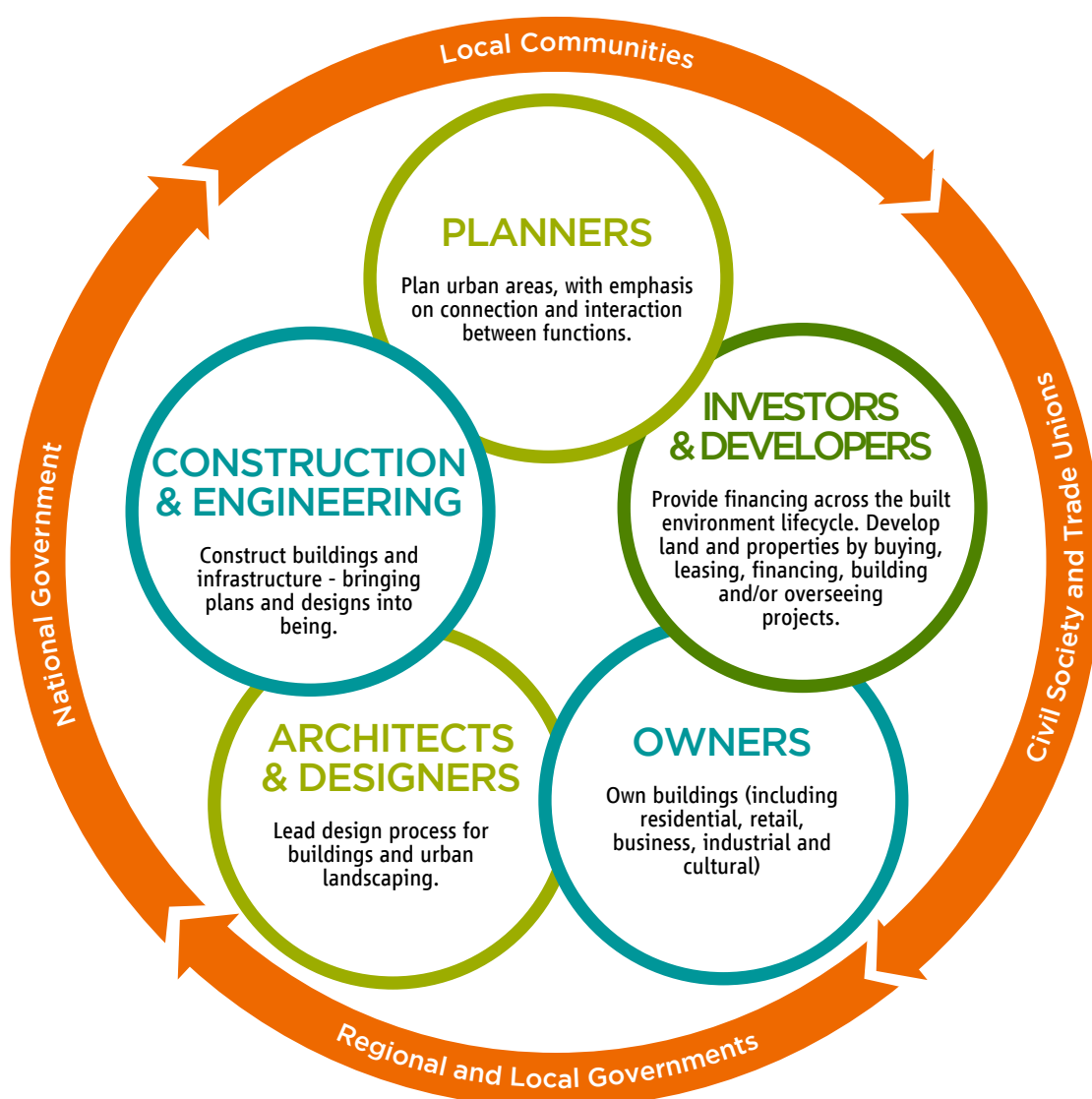
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1   Richard Sennett, "Building and Dwelling, Ethics for the City" *Farrar, Straus and Giroux* (April 2018).

Private sector actors have significant influence across the built environment lifecycle, and can either advance or impede the realisation of human rights. Real estate represents almost 60% of the value of all global assets. The construction industry accounts for around 7% of the world's total workforce. And architecture plays a defining role in the fabric of the built environment.

By taking respect for human rights and the agency of local populations as a starting point, governments and the private sector can contribute to just and thriving built environments. This approach will accelerate progress on global frameworks such as the UN Sustainable Development Goals and the New Urban Agenda.

Actors Driving Decisions Across the Built Environment

Local Communities

PLANNERS

Plan urban areas, with emphasis on connection and interaction between functions.

CONSTRUCTION & ENGINEERING

Construct buildings and infrastructure - bringing plans and designs into being.

INVESTORS & DEVELOPERS

Provide financing across the built environment lifecycle. Develop land and properties by buying, leasing, financing, building and/or overseeing projects.

ARCHITECTS & DESIGNERS

Lead design process for buildings and urban landscaping.

OWNERS

Own buildings (including residential, retail, business, industrial and cultural)

National Government

Civil Society and Trade Unions

Regional and Local Governments

This infographic conveys the continuum of human rights risk and responsibility across the built environment lifecycle, the inter-relatedness of the actors, and points of leverage between them. The distribution of power between these actors largely determines the nature of the built environment - and whether it responds only to narrow financial interests or also to the needs of residents, particularly the most vulnerable.

The built environment lifecycle has six interconnected stages, each of which has major implications for human rights.

01 LAND

Pressure for access to land can lead to forced evictions and the displacement of local populations. People most at risk are frequently those with the least power to challenge it – the poorest and most marginalised members of society, particularly those living in informal settlements. Indigenous and cultural rights are also at risk during the land acquisition process. The principles of Free, Prior and Informed Consent (FPIC) apply in urban areas just as they do in rural ones.

02 PLANNING & FINANCE

Decisions about the way land in urban areas is used can have significant repercussions for human rights. Municipal governments must balance attracting private finance, with the need to channel resources to best meet the needs of local populations. In doing so, they face a range of issues including the right to adequate housing, access to infrastructure, transportation and public space, climate change and disaster resilience, and corruption.

03 DESIGN

Architecture and design have significant potential to advance human rights, including the rights to non-discrimination, and to physical and mental health. But lack of awareness or commitment as well as budget and other constraints can also result in adverse impacts on the rights of individuals and communities including the elderly, low-income, and marginalised groups.

04 CONSTRUCTION

Complex layers of sub-contracting and supply chains in construction pose major challenges to transparency and accountability. Construction workers often face multiple risks of abuse. Migrant construction workers are particularly vulnerable to wage theft, hazardous workplaces, and forced labour.
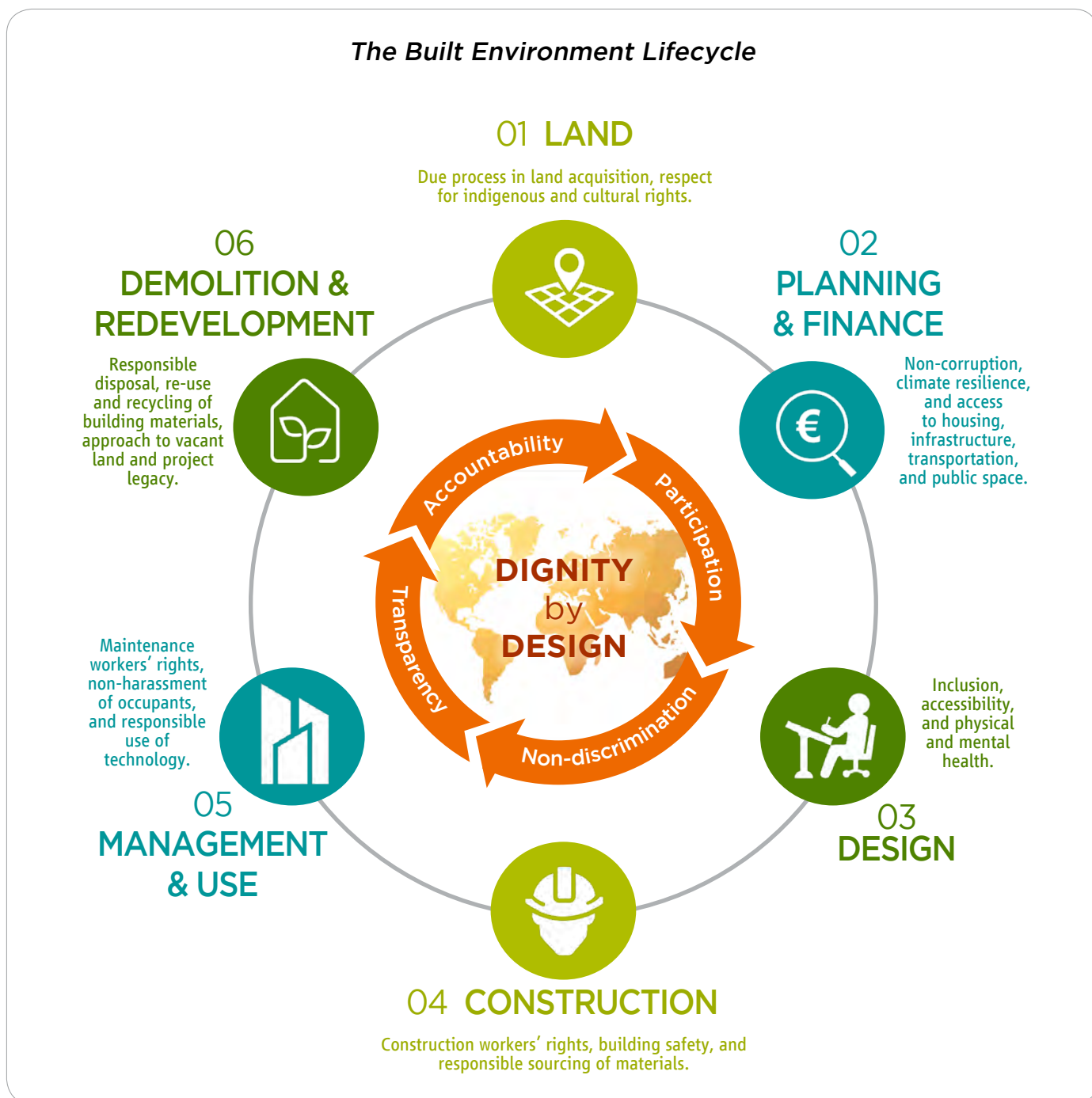
05 MANAGEMENT & USE

Those who occupy residential buildings as well as users of industrial, office, leisure, retail and cultural buildings all face potential human rights risks. Tenants and building maintenance workers alike can be vulnerable to exploitation. In addition, with the growing role of technology – in security and maintenance of individual buildings, as well as throughout the fabric of urban environments – governments and companies must address privacy and data protection.

06 DEMOLITION & REDEVELOPMENT

Any building project – from small scale developments to construction for mega-sporting events – should take account of the project's legacy and end-use phase. Lack of attention to these concerns can lead to abandoned buildings, neglected infrastructure and displacement of local populations. In addition, there are opportunities for developments originally intended for one purpose to be put to new uses that benefit local communities, or, when buildings are demolished, for materials to be re-used or recycled, which in turn can generate new jobs.

The Built Environment Lifecycle

01 LAND
Due process in land acquisition, respect for indigenous and cultural rights.

02 PLANNING & FINANCE
Non-corruption, climate resilience, and access to housing, infrastructure, transportation, and public space.

03 DESIGN
Inclusion, accessibility, and physical and mental health.

04 CONSTRUCTION
Construction workers' rights, building safety, and responsible sourcing of materials.

05 MANAGEMENT & USE
Maintenance workers' rights, non-harassment of occupants, and responsible use of technology.

06 DEMOLITION & REDEVELOPMENT
Responsible disposal, re-use and recycling of building materials, approach to vacant land and project legacy.

DIGNITY by DESIGN

Accountability · Participation · Non-discrimination · Transparency

Recommendations and IHRB's Next Steps

The built environment holds enormous potential to move us towards a brighter future. We hope that this report sparks action and collaboration towards built environments where rights are realised and everyone has the opportunity to thrive.

Given the multiple human rights issues at all stages of the built environment lifecycle, there is a clear need for collaborative, effective action involving all relevant stakeholders. The report sets out the issues involved, and the many steps that are already underway to advance human rights in the built environment. It also references a set of draft "Principles for Dignity in the Built Environment" for further consultation and action, as well as the following recommendations:

As a starting point, all actors should adhere to international human rights standards, and the United Nations Guiding Principles on Business and Human Rights. All actors must also avoid corruption.

National governments should:

- Commit and adhere to international human rights standards;
- ensure co-ordination between agencies and regions for effective and equitable urban planning, disaster preparation and response;
- ensure responsible investment in the built environment;
- require responsible conduct of nationally headquartered companies operating overseas;
- promote human rights in regional and international fora.

Municipal governments should:

- Protect human rights through the adoption and enforcement of laws and policies, as well as measures to ensure accountability and transparency;
- maximise residents' participation in the decisions that affect their lives;
- consider the full spectrum of rights and full geography of the urban area in planning and zoning decisions;
- ensure that investment is channeled in the public interest.

Investors and developers should:

- Ensure responsible investment that is closely aligned with locally-defined priorities and adds value to the communities where it is deployed;
- shift investment away from an "extractive" approach that is focused narrowly on short-term profit-maximisation and proactively engage companies on human rights risks and impacts.

Building maintenance and servicing companies should:

- Ensure that all workers' rights are respected – including those employed by subcontractors in the maintenance, servicing, cleaning and security of buildings;
- respect the rights of those using buildings.

Architecture and design firms should:

- Design with the rights of vulnerable and marginalised groups and neighbouring areas in mind;
- engage local communities in a meaningful way from the outset of any project and throughout its lifecycle;
- take the human rights record of clients into account when deciding to accept a contract and use any leverage over clients proactively to advance human rights;
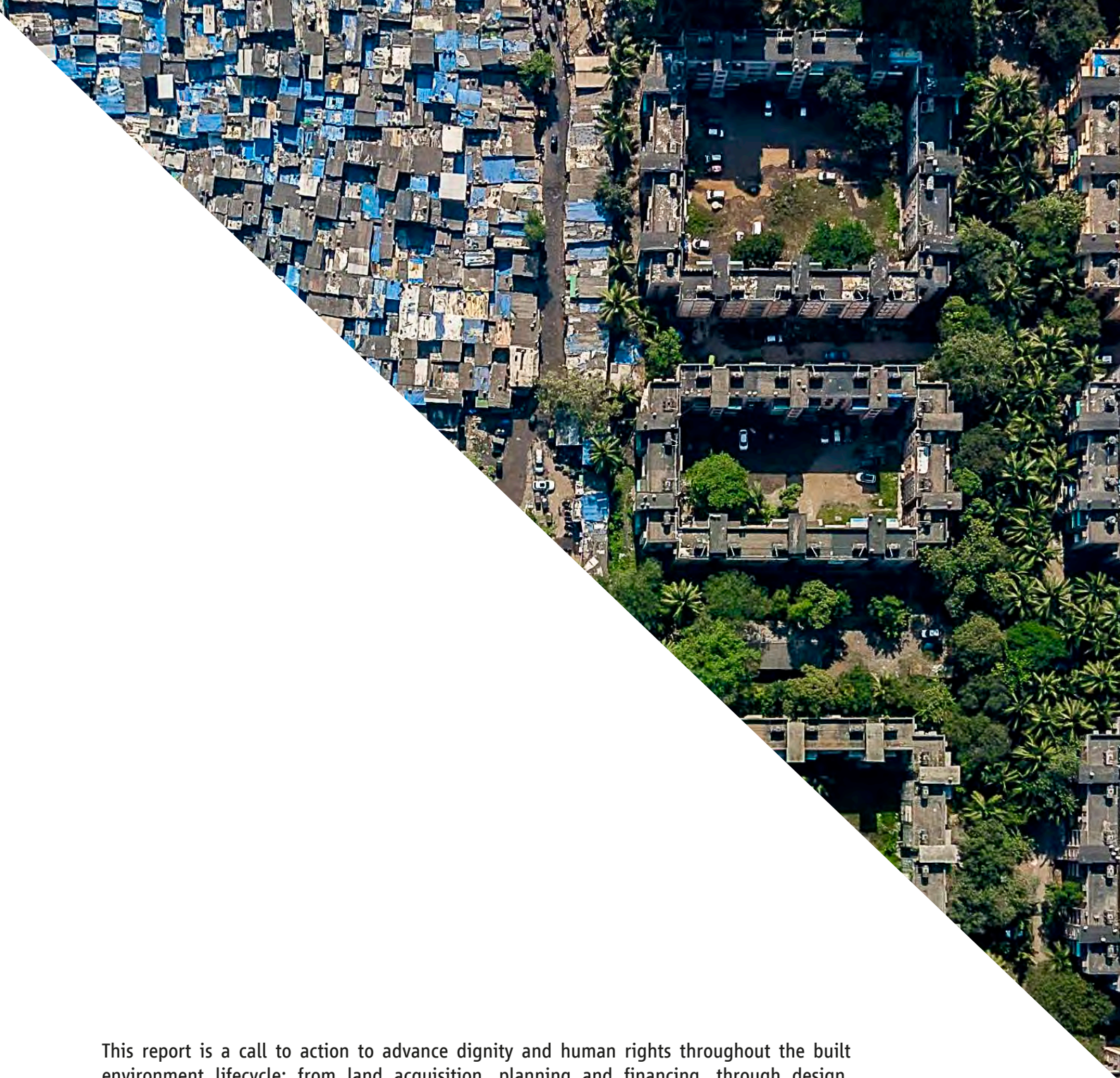- support policy initiatives that strengthen dignity in the built environment.

Construction and engineering companies should:

- Ensure respect for all workers' rights in direct operations and throughout the subcontracting chain;
- ensure women have equal access to employment and training;
- avoid corruption and conduct due diligence on all business partners;
- source materials with consideration for their social and environmental impacts;
- mitigate disruption to local communities during the construction process;
- ensure that buildings are environmentally resilient and structurally safe.

Technology companies should:

- Respect digital rights, including the rights to privacy and freedom of expression;
- seek to expand access to the benefits of technological innovation in urban areas;
- ensure transparency, accountability and non-discrimination in the collection and use of data.

This report is a call to action to advance dignity and human rights throughout the built environment lifecycle: from land acquisition, planning and financing, through design, construction, management and use, to demolition and re-development.

Two thirds of the world's population will live in urban areas by 2050. Decisions about what and how we build will define our ability to respond to global challenges like inequality, mass-migration and climate change.

Siloed, disconnected approaches will fail to address root problems or lead to long-term solutions. The report provides a platform for a collaborative approach towards just, sustainable built environments, with locally-defined needs at the forefront.

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