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TOOLS
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Law
Assessment
Framework

URBAN LAW TOOLS



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Planning Law Assessment Framework

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PART I

THE PLANNING LAW ASSESSMENT FRAMEWORK: WHAT IT IS AND HOW TO USE IT

Planning laws establish and regulate complex systems that not only govern spatial development but also directly influence land management and finance at local and national levels. As a consequence, they have an impact on many areas of life and economic activity in a country. Ensuring that planning laws fulfill their functions as effectively as possible means that they are frequently under scrutiny as contexts and needs change. Well-managed review or reform processes typically involve a number of steps from policy validation through to post-legislative scrutiny. Having some means to benchmark the legislative quality and identify the key characteristics, or lack thereof, of existing instruments is an important step.

It is important to note that this type of assessment is principally one of reflection and not competition, so benchmarking is intended to explore whether a law has the ability to address priority issues and not to quantitatively rank it against other laws from different contexts. While most effective when used as part of a wider structured process, an assessment of an existing instrument may also be useful in and of itself, whether as a means for project delivery or as a contribution to deciding on whether to launch a reform process or not.

As a tool for legal reform, the Planning Law Assessment Framework upholds the values and objectives outlined in the New Urban Agenda and the Sustainable Development Goals (SDGs). In particular, the assessment indicates specific ways that planning law can be improved to reach:

- SDG 10: Reduce inequality within and among countries
- SDG 11: Make cities and human settlements inclusive, safe, resilient, and sustainable
- SDG 16: Promote peaceful and inclusive societies for sustainable development provide access to justice for all and build effective, accountable, and inclusive institutions at all levels.

Diagnostic tools are useful in order to identify the strengths and weaknesses of legislation in a structured, objective and systematic way. The Planning Law Assessment Framework, developed by the Urban Legislation Unit of UN-Habitat, is a quick self-assessment tool that aims to identify the strengths and weaknesses of an urban planning law. It looks at the laws, regulations and decrees that are applicable in a city, and enacted at different levels. It has been tested in Colombia (2012), Philippines (2013), Rwanda (2014), Mozambique (2014), Egypt (2015) and Saudi Arabia (2016).

The Planning Law Assessment Framework uses two sets of indicators. The first is related to the functional effectiveness of law, which includes indicators related to the consistency of the objectives of the regulation, the efficiency and transparency of its mechanisms and processes, the organization of institutional responsibilities and roles, the clarity in the standard of drafting, and capacity to implement the legislation. The second set of indicators is technical in nature; they are related to the core areas of planning, which together provide an overview of urban planning issues relevant for most countries, namely in the categories of:

- 1) land and urban planning;
- 2) public space;
- 3) plots and blocks;
- 4) development rights;
- 5) building codes; and
- 6) land-based financing.

It is important to note that the tool relies on indicators and every indicator has 5 different scenarios from the worst (0) to the best (4); it does not exhaustively explore every possible mechanism or characteristic that might be found in a planning law. Instead, the tool relies on a basic/essential list of elements that, when found and operating effectively, tend to be indicative of a good or healthy planning law that is

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