Urban Legislation, Land and Governance Branch

Prepared for the informal CPR briefing

October 2017
Urban legislation must be enforceable and enforced, not just enacted in order to solve problems instead of creating some more. It must also set out clear, unambiguous, comprehensive, reliable and well-circumscribed rules, for the sake of easy, inexpensive implementation and access, and do so for the longer term. Outdated, complex, rigid and ineffective legislation that does not reflect reality, and does not recognise and preserve the inventiveness of the informal (licit) sector, will woefully fail to address today’s and tomorrow’s challenges, discouraging development and forcing citizens and officials into informality and corruption for access to basic services.

Urban law remains a highly segmented and complex field driven by a dynamic where technical objectives in specific fields are considered in isolation from each other as well as from the institutional, financial and social factors that will determine effectiveness. For example, planning laws often seek to achieve ambitious and radical reforms but fail to consider the resources and infrastructure required for implementation. Lawmakers may assume that resources will automatically follow and that is how they enact ineffective, impractical statutes.

Technical assistance

Legislation Unit technical assistance is sometimes delivered directly to a Member State, or to a government at another level. However, the Legislation Unit more commonly works through broader projects where legislative or regulatory work supports a specific technical objective. Recent and ongoing activities include:

- **Belize** – planning regulations and development control in Belmopan
- **Cuba** – delivery of the New Urban Agenda through existing legal framework
- **Haiti** – planning institutions and regulation for build back better and land readjustment in informal settlement upgrading
- **Kenya** – planning regulations for Kalobeyi Settlement
- **Saudi Arabia** – compliance and feasibility for city and local level planning and systems analysis for planning system reform
- **Zambia** – systems analysis for effective implementation of planning law and development control

Normative

Principally from its engagement in technical assistance and through engagement with partners, the Legislation Unit has identified a series of normative issues as priorities. These include:

**Planning Law Effectiveness** –
Two tools have been developed and tested to provide a framework for partners to assess the effectiveness of planning laws in developing urban policy. The first is the Planning Law Assessment Framework, which provides a list of globally relevant indicators in planning law and their associated variables. This quickly allows partners to identify strengths and weaknesses in their current systems and to develop a reform agenda. The second tool is for a ‘process analysis’ of planning law, that can be used to describe existing or proposed planning systems from the national through to the plot level and, apart from providing greater understanding of the intended and actual functioning of a system, that supports the identification of detailed reform priorities.

Informal Settlements Related Law –
In partnership with the Participatory Slum Upgrading Programme, the Legislation Unit has almost completed an Informal Settlements Law Assessment Framework. This is based on the same method as the planning law tool with its own set of indicators and variables. The possibility of developing a process analysis tool, i.e. a framework for mapping out what decisions and institutions are involved and how they are made, for this field is also being considered.

Human Rights, Rule of Law and Planning Law –
A policy brief on the specific ways in which human rights and rule of law standards are reflected in planning law instruments and processes is being prepared in partnership with the Office of the High Commissioner for Human Rights.

Environmental decision making in urban development –
Based on discussions with UN Environment, the World Bank and other partners with significant interests in environmental management and the implementation of urban development projects, the challenge of a disconnect between environmental and urban development decision making was identified as a significant concern. Ensuring that environmental protection priorities are achieved involves direct protection of particular environmental standards (e.g. on pollution, wetlands etc) but also requires effective urban development decision making that fully integrates environmental protection as part of its efficiency and cost-benefit considerations. Managing this can be challenging, particularly in resource poor environments, and the project seeks to provide processes and models to support partners.

Training and awareness raising
The UrbanLex database of urban law continues to be developed as an open access resource for research. The aim is to make the widest possible range of urban law instruments as accessible as possible through the indexing of instruments according to common urban themes and through the provision of basic descriptive summaries that indicate the scope of a given instrument. The database is also used as a basis for the comparative analysis of various themes, thus far including planning law, land readjustment and public space.

Formal opportunities for training in urban law are limited and specialised skills in public law and drafting even rarer. The Urban Legislation Unit has partnered with the Sir William Dale Centre for Legislative
Studies (University of London, UK), which specializes in global training for legislative quality, to develop specific training materials in the quality of urban law. The first training course was held in July 2017 and included participants from 9 countries. The intention is to make the materials widely available and to replicate the course with regional adaptation. In the longer term, preliminary discussions have been held with several universities regarding the possibility of developing professional and graduate courses.

The Legislation Unit also continues to partner with a variety of host institutions to hold ‘Urban Law Day’ seminars that explore urban law issues and themes according to local priorities or based on global processes.

### Matrix of Sustainable Development Goal and New Urban Agenda priorities

<table>
<thead>
<tr>
<th>Sub-theme</th>
<th>Relevant 2030 Sustainable Development Agenda Goals and Targets</th>
<th>Relevant New Urban Agenda Paragraphs</th>
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<tbody>
<tr>
<td>1. Equity and Governance</td>
<td>1.3, 1.4, 2.3, 5(c), 9.1, 10.2, 10.3, 11.1, 11.2, 11.3, 11.7, 16.3, 16.5, 16.6, 16.7, 16(b)</td>
<td>12, 13, 14(a), 15(b), 15(c)(ii), 20, 26, 28, 30, 34, 36, 37, 39, 40, 41, 43, 47, 48, 81, 84, 85, 86, 89, 90, 91, 100, 103, 108, 109, 117, 134, 148, 151, 152, 153, 155, 156</td>
</tr>
<tr>
<td>4. Economy and Finance</td>
<td>1.2, 1.4, 1.5, 1.a, 1.b, 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 8.7, 11.5, 11.a, 11.c, 17.1, 17.2, 17.3, 17.4, 17.5</td>
<td>14.b, 15.c.iv, 45, 57, 58, 59, 86, 90, 118, 134, 137, 138, 139, 140, 141, 143</td>
</tr>
</tbody>
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1.0 Equity and Governance

1.1 Respect for human rights and international law in urbanisation
1.2 Access to a safe, healthy and inclusive environment and to public goods and services
1.3 Participatory and inclusive decision making across all levels of government and stakeholders
1.4 Effectiveness, transparency and accountability in decision making

2.0 Planning, Land, Environment

2.1 Accountable and effective spatial planning
2.2 Inclusive, effective and multi-dimensional land management
2.3 Sustainable environmental management
3.0 Housing and Basic Services
   3.1 Equal access to adequate and affordable housing
   3.2 Housing policies
   3.3 Affordable and sustainable urban mobility and land and sea transport
   3.4 Appropriate regulatory frameworks to develop and manage basic services and infrastructure

4.0 Economy and Finance
   4.1 Improve accountability and transparency in public finance
   4.2 Expand local government revenue powers and implementation
   4.3 Inclusive employment and commercial regulation

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**Land and Global Land Tool Network Unit**

**The Land and GLTN Unit**
The Land and GLTN Unit supports Member States to improve land governance and tenure security for all for achieving sustainable urbanization, poverty reduction, food security, gender equality and peace building. The Unit also supports UN-Habitat to implement the GC Resolutions GC/23/17 that calls “to promote security of tenure for all segments of society by recognizing and respecting a plurality of tenure systems, identifying and adopting, as appropriate to particular situations, intermediate forms of tenure arrangements, adopting alternative forms of land administration and land records alongside conventional land administration systems, and intensifying efforts to achieve secure tenure in post-conflict and post-disaster situations” and GC/GC/25/L.6 that “requests the Executive Director to continue to support and reinforce the coordination of the efforts of the United Nations system, through the Global Land Tool Network, to bring coherence and conflict-sensitive approaches to land issues, including through a plurality of land tenure systems for all segments of society and alternative forms of land administration.” Last but not least, the Unit hosts the secretariat of the Global Land Tool Network (GLTN), which is an alliance of 77 international partners contributing to poverty alleviation through developing affordable and context appropriate land tools and improving capacity of land stakeholders to develop and implement land reforms, improved land management, fit-for-purpose land administration and inclusive security of tenure approaches.

**Key GLOBAL achievements and contributions**

**Recognition of land in key global frameworks**
Land and tenure security through inclusive tenure approaches were given global recognition as fundamental to sustainable development and urbanization in the last two years. Both the Sustainable Development Goals (SDG’s2015) and the New Urban Agenda (NUA 2016) include land and tenure security approaches promoted by UN-Habitat and GLTN. The Land and GLTN Unit and its partners were at the fore of advocacy efforts to secure this. Furthermore, UN-Habitat through the Unit is joint custodians, with the World Bank of SDG Indicator 1.4.2, responsible for developing methodology for data collection for this indicator and its upgrading to Tier II of SDGs indicators classification.
Land & GLTN Unit and partners have also developed a set of land tools, approaches and methodologies that are offered to Member States to enable them to achieve land related commitments made through SDGs and NUA.

**Key COUNTRY achievements and contributions**

**Uganda** – Communities are using GLTN tools to gather information about their informal settlements and negotiate and receive service improvement from authorities

Operating in 5 cities (Mbale, Tororo, Entebbe, Masaka; and in Kampala) and in partnership with SDI (Act Together), the STDM addressed the land information requirements of women and men living in slum communities building their capacity to use and apply land information systems. The project improved perceived tenure security which has had a catalytic effect in promoting household and community improvements. It also generated new community information which has enabled the residents to negotiate with local governments for improved services and funds to upgrade their settlements.

**Kenya** – Inclusion in national slum upgrading programmes

The GLTN’s Social Tenure Domain Model (STDM) was used by the Mashimoni community to undertake enumeration and mapping process which resulted in the recordation of tenure rights of the households. The settlement then benefitted from inclusion in the Kenya Informal Settlement Improvement Program (KISIP) which focused on infrastructure development of informal settlements. The Cabinet has since passed a resolution in March 2017 to officially recognise Mashimoni so that they can be registered as a community through the Community Land Act, facilitating further planning of the settlement. In Mombasa County, the issuance of certificates of land occupancy to residents of Kwa Bulo settlement has taken place building on the STDM implementation undertaken in previous years. Lessons from the two settlements demonstrate that the STDM and participatory enumerations are suitable tools for analyzing, consolidating and managing data on informal settlements.

**Kenya - Mapping for improved knowledge and progress to securing tenure**

In the context of the VGGTs implementation in Kenya, FAO, GLTN and the County Government of Turkana implemented a joint project “Support for Responsible Land and Natural Resources Governance in Communal Lands of Kenya.” Through this intervention a Land Information Management System (LMIS) was designed and deployed and tenure information for 1200 parcels in urban Lodwar was validated and migrated to the LMIS from paper based sources. 8 key staff from Ministry of Lands, Physical Planning and Urban Areas Management were trained and LIMS is expected to support the development of the Turkana County Spatial Plan.

**Philippines** – Using community led STDM to gather information for service improvement advocacy

The project on “Inclusive application and implementation of the STDM to enhance community development initiatives in the Philippines” (finished April 2017) completed the verification of community data. A total of 46,563 informal settlers (17,065 families) scattered across 122 communities in 4 barangays1 of Muntinlupa District I were covered by the STDM mapping activities. The activities enhanced the social cohesion within the communities and the data is being used to plan community settlements and to lobby local service providers to install water and electricity connections.

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1 “Barangay” is defined as the smallest political unit in the Philippines
Zambia – Improving security of tenure, especially for women
In partnership with the Huairou Commission, an innovative model for providing tenure security through customary land certification was developed delivering improved security of tenure to 434 households. Deepened knowledge on administration of customary land rights was gained, a digital registry of customary land rights at household level was established. Community socioeconomic priorities were mapped and partnerships strengthened amongst various land actors especially the traditional authorities. Women in particular benefitted as they spearheaded the data collection and facilitated discussions surrounding land rights with village elders and chiefs.

DRC – Resolving land disputes and building capacities for peace
In partnership with local land actors (UCBC), activities are being implemented in Beni town, DRC to support land dispute resolution for improved tenure security and to strengthen the capacity of stakeholders to undertake peaceful and equitable land reform processes. Through capacity development initiatives (34 very diverse land administration agents thus far), the project is improving community participation, land use planning and management processes, contributes to increased tenure security and strengthens the systems for land governance.

Iraq – Displaced households settled in a post-conflict context
The Iraq UN-Habitat team has been using the STDM and Participatory Enumeration tools to provide security of tenure to displaced Yazidi populations in the Sinuni town, Sinjar province of Iraq. In collaboration with the local authorities and the local community, the Sinuni town was mapped and houses were linked with original owners for the allocation of reconstruction subsidies and the provision of certificates of occupancy (awarded to about 300 households). These are the first tenure documents the communities have been given since they settled in the area in 1970s. UN-Habitat is collaborating with the central Ministry of Justice to ensure that such certificates are transformed to full ownership titles by following the due institutional process. Capacities of local communities have been developed to implement such process on the ground and discussions are ongoing with other stakeholders to replicate the successful pilot in other Iraqi locations.

Matrix of Sustainable Development Goal and New Urban Agenda priorities

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<td>34, 35, 105, 106, 107, 109, 111</td>
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<tr>
<td>2. Sustainable use of land</td>
<td>15.2, 15.3, 17.16</td>
<td>14.c, 49, 51, 69, 76, 88, 98, 104</td>
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<tr>
<td>3. Responsible land governance</td>
<td>5.a, 17.18, 17.16</td>
<td>14.b, 34, 88, 98, 104, 138, 156</td>
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<tr>
<td>4. Land based revenues for the benefit of all</td>
<td>17.1</td>
<td>104, 137, 152</td>
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</table>
1.0 Secure tenure and equitable access to and control over land
   1.1 Continuum of land rights
   1.2 Fit-for-purpose responsible land administration and tools
   1.3 Land policy and legislation
   1.4 Capacity development

2.0 Sustainable use of land
   2.1 Responsible land use planning
   2.2 Capacity development

3.0 Responsible land governance
   3.1 Transparency in land administration
   3.2 Good land governance through gender empowerment and grassroots participation
   3.3 Land sector coordination
   3.4 Capacity development

4.0 Land based revenues for the benefit of all
   4.1 Land based financing
   4.2 Innovative land and property taxation
   4.3 Valuation of unregistered lands and properties
   4.4 Capacity development

5.0 Responsible public land management
   5.1 Accountable and effective spatial planning
   5.2 Participatory and inclusive land readjustment
   5.3 Participatory slum upgrading
   5.4 Capacity development

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**Local Government and Decentralisation Unit**

ULLG believes that strong and capable local governments are the key levers to ensure inclusive and sustainable urban development, with accountable urban governance systems and balanced multi-stakeholder involvement.

ULLG is supporting local and regional governments to anchor the NUA and the SDGs on the ground and play a pivotal role in its implementation, in coordination with all levels of governments. Programmes developed by ULLG consider local and regional governments as policy and decision makers for inclusive and resilient cities and territories, as well as the transmission belt to citizens, which they are accountable to. As the interface of all local stakeholders (private sector, civil society, etc.), they facilitate the “local living together” and are the custodian of the participation and inclusion of communities to co-create cities and territories.

The NUA emphasizes the *subsidiarity principle* (par. 89) and clearly states how empowering urban stakeholders is a condition for success. The NUA, as a governance-oriented framework, recalls the importance of decentralized institutional, fiscal and political framework as one of the conditions for inclusive, safe, resilient and sustainable urban development. In this regard, ULLG articulates its activities to
promote effective decentralization as the cornerstone of the system and to strengthen the position of local and regional governments for a renewed social contract with their citizens.

Highlights of key results in 2016-17, including contribution to Habitat III and SDGs

- Enriching of UN-habitat’s database of best practices, lessons learnt, case studies, research reports on thematic, regional and local urban issues related to urban and metropolitan governance, transparency and innovative local management
- Increased recognition and global awareness on the role of local and regional governments as key development actors to implement the 2030 Global Development Agenda;
- Structured, constructive and organized mobilization of the local and regional governments in global processes, including through UNACLA, with reinforced capacity to express politically and technically their voice and perspective;
- Positioning of UN-Habitat as key actor of the localization of global agendas and developing a toolbox and knowledge platform. It reaffirms our mandate on local governments and decentralized governance and contributes to bridging NUA and SDG implementation through the localization strategy.
- Reinforcing the importance of urban governance as a mean of implementation of the NUA, following the mobilization of local, national and international partners to amplify the advocacy efforts of UN-Habitat.
- Including transparency, open government and accountability as a priority for local government networks global policy, as a tool to prevent corruption happening in urban development and management.

Local Government and Decentralization Unit programmes

1. Mainstreaming of the role of local and regional governments in global processes
The NUA specifically recognizes the contribution of LRG through the World Assembly of Local and Regional Governments, both for the Agenda preparation and its implementation and monitoring. LGDU actively supported the journey of the Second World Assembly of Local and Regional Governments including during the Local Authorities Informal hearings for Habitat III. LGDU has worked in the preparation of key messages such as the need for multi stakeholders and multilevel coordination, and strong and capable local governments, by providing technical inputs to the Habitat III preparation on urban governance (Issue paper, Special session in Quito). The whole process constituted an opportunity for UN-Habitat to deliver on its mandate and programme, being the focal point in the UN-system for local governments. Additionally, LGDU took the responsibility to support technically the work of the United Nations Advisory Committee of Local Authorities (UNACLA). A new mandate for UNACLA is opening as global agendas increasingly consider local implementation and the need for local governments to contribute to their achievement. An important meeting about the global agendas implementation challenges gathered UNACLA members in April 2017 where the workplan was approved.

2. Ensuring the local dimension of development: the ‘Localizing the SDGs’ initiative [ALL SDGs]
Together with UNDP and the Global Taskforce, we launched a pioneering knowledge and information sharing space, www.localizingthesdgs.org, gathering now over 6000 users. We are facilitating learning, sharing and discussion activities, as well as the identification of tools designed for policy makers, development practitioners and other relevant actors and geared towards the implementation of each of the 17 SDGs. Beyond awareness raising and advocacy work (e.g. publication of the the Roadmap for
localizing the SDGs), capacity development activities are now developed (e.g. first training module on localizing the SDGs). The platform was active in several key international events such as the High Level Panel Forum 2016 and 2017 (New York), the World Summit of Local and Regional Leaders (Bogota) and a number of regional events (Barcelona, Ouagadougou, Brussels, Tiquipaya, Mexico).

3. Urban governance [SDG 11, NUA]
LGDU strengthened its links with UCLG’s Commissions and Regional sections through capacity building sessions, workshops and city-to-city exchanges to enhance local governments’ management capacities. We contributed to the work of the UCLG Committee of Digital and Knowledge-based Cities on innovation and municipal management and the work of Metropolis about financing options based on land. In close collaboration with the UCLG Committee on Decentralization and local self-government and the London School of Economics (LSE) Cities Programme, a platform “How cities are governed” has been developed www.urbangovernance.net. This global database on current models of urban governance contains data about 127 cities from nearly a third of world’s countries and is used for public dissemination, comparative policy research and analysis.

4. Governing with the citizen [SDG16]
Transparent management is a cross cutting aspect of the global agendas and key to build the trust with the citizens and to restore confidence in the public action of all levels of governments. LGDU organized and facilitated several needs assessments and advocacy sessions on this new line of work which promotes inclusive city management through transparency and open government. As a product of this work and in partnership with the FEMP, the Unit has launched in 2017 the Urban-GLASS initiative (Global-Local Accountability Support System) http://www.urban-glass.org/en/ that supports local governments in being more transparent, opened and accountable. Furthermore, LGDU facilitates the celebration of the UN Anti-corruption day (December 9th) by the local government constituency and is bringing it into international arena such as the Convention of Parties of the UN Convention on corruption.

5. SMART city solutions for an active citizenship [SDG11, SDG16]
LGDU promotes innovative urban management via the use of ICT (ie. e-governance, accountability tools) as well as inclusive governance by developing citizens’ engagement mechanisms to better communicate and to co-create solutions with their elected representatives. In this regard, it has developed the Uraía Platform http://www.uraia.org/en/ that facilitates the transfer of knowledge and expertise regarding the application of SMART technologies to municipal management. More than a 100 partners and cities were members of Uraía. The annual “Citizenship Series” took place in Nicosia, Cyprus (the impact of SMART technologies in the municipal budget; April 2016) and Madrid, Spain (transparent and accountable cities; February 2017). This resulted in the elaboration of “Guidelines” and a catalogue of inspiring practices.

PARTNERSHIPS

Regional and global partners: LGDU strengthened direct cooperation with strategic partners and in particular with United Cities and Local Governments (UCLG), its committees, regional sections and metropolitan section (Metropolis). The coordinating role of the Global Taskforce of local and regional governments has been even more crucial for the reactivation of UNACLA, and the trust and common interest have been instrumental in bringing the voice of local governments in the NUA and the SDGs implementation discussions. Other important partners are the FMDV, the FEMP and CLGF who have joined forces to carry out activities in line with the work program, mostly about transparency and accountability. GIZ, Transparency International and LSE-Cities have played a role in the technical development of products.
**Other UN Agencies:** LGDU pursued its partnership with the ART Program of UNDP, specifically for the process of Localization of the SDGs. It has also contributed to the United Nations System Staff College (UNSCC) training activities. New lines of cooperation have opened with UNODC regarding joint activities about the fight against corruption in cities in the framework of the UN Anti-corruption convention. A new partnership is also strengthening with the World Bank, in particular with the Smart Cities Knowledge Silo Breaker and the Global Platform for Sustainable Cities.

**Internal collaboration:** LGDU worked on the synergies with the Land and GLTN Unit to promote the Land Based Finance tools to the local government audience.

<table>
<thead>
<tr>
<th><strong>LGDU work</strong></th>
<th><strong>Agenda 2030 and SDGs</strong></th>
<th><strong>New Urban Agenda</strong></th>
<th><strong>Partners (and donors)</strong></th>
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<tr>
<td><strong>Role of LRG</strong></td>
<td>34, 45, 52, all SDG 11</td>
<td>15b, 29, 42, 90, 91, 148, 158 8, 9, 128, 129, 154, 162, 163, 169, 172 146, 148, 149</td>
<td>UCLG, Global Taskforce UNDP</td>
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<td><strong>Urban governance</strong></td>
<td>63, 66 SDG 17.14, 17.16, 17.17</td>
<td>81, 85, 88, 89, 91, 105, 130, 134, 135 15c i. ii., 47, 87, 90 15ci, 21, 48, 153</td>
<td>CLGF, LSE Cities GIZ GLTN (Mc Arthur Foundation)</td>
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**SAFER CITIES**

1. **The Safer Cities Programme and the Global Network on Safer Cities**
   - The SCP implements the sub-programme one EA 3c on improving policies, plans and programmes on urban safety.
   - It continues to provide technical advisories and assistance to local governments on the development of municipal crime prevention policies and strategies, of which to-date at least 80 municipalities worldwide have benefitted from the establishment of these policies, plans and programmes.
   - The SDG 11 reinforces the Programmes mandate and work on making cities and human settlements safe, read in link with SDG 16 and SDG 5. As well, the SCP is aligning its work in response to NUA para 103 calling on governments to integrate crime prevention policies into urban strategies and interventions.
- In the ongoing General Assembly session, the SCP has been integrated into the SDG 16+ initiative convened by the NYU Centre for International Cooperation and 4 member states to leverage the work of cities in promoting peaceful, just and inclusive societies.

2. **UN-Habitat – UNODC EGM: Development of UN systemwide Guidelines on Safer Cities.**
   - Following the GC 26 resolution on safer cities, UN-Habitat and UNODC convened an EGM on the UN Guidelines on Safer Cities in April 2017. As part of the follow-up consultations, a survey will be administered to national governments through the CPR to explore the complementary roles if any of ministries of urban development and local government to the ministries of justice and security on safer cities.

3. **2nd Safer Cities Review Conference in Geneva: refining and launching a Global Partnership Initiative on Safer Cities at the next WUF.**
   - Following the Habitat III Summit in Quito, and in line with SDG 17, cities and partners of the Global Network on Safer Cities have recommended the launch of a Global Partnership Initiative on Safer Cities at the next WUF to propel the development and implementation of at least 100 city safety labs/initiatives within the next five years.
   - Towards the GPI, UN-Habitat is exploring funding possibilities with several private sector companies including Huawei and Microsoft, as well as with national governments and local governments.
   - SCP has been included in the SDG 16+ initiative led by NY on peaceful, just and inclusive cities linked to SDG 11.

4. **Piloting of city safety labs and a safety measurement and monitoring framework**
   - In 2017, SCP has embarked on the development of 10 city safety labs including in Durban, Guadalajara, Barcelona, Seoul, Medellin, Nairobi, and Kitchener Waterloo.

The process of developing of an urban safety monitor has also been initiated with the above mentions cities as the first sample for the refining and testing of this monitoring framework.