

Agenda 21: Myths and Facts

What is Agenda 21?

Increasingly, American planners working with the public on local plans are hearing concerns about Agenda 21, a United Nations report on policies on settlement patterns, poverty and the environment that involved 178 governments attending the United Nations Conference on Environment and Development (UNCED) in 1992. It is a non-legally binding set of ideas and recommendations to countries, especially developing nations, in support of sustainability and environmental responsibility as part of efforts to combat poverty. The entire document, as well as additional information, can be found here: <http://www.un.org/esa/dsd/agenda21/>

Below are some of the misconceptions, exaggerations and outright mistruths that have been disseminated by opponents of Agenda 21 as it relates to planning and planners in the U.S.:

Myth: Agenda 21 means the same thing as planning.

Fact: Planning is a way for all members of a community to be engaged in a local and cooperative process designed to create a blueprint for the future that meets the unique needs and values of the area. Planning in the U.S. dates back to the founding of the nation, long before the U.N. was founded and Agenda 21 drafted. Planning in the U.S. is a tool for communities and citizens to shape growth and their future. It is guided by local residents, constrained by state laws, and implemented by local elected officials. Planning helps inform how to build economic vitality and resiliency while maintaining and protecting community and property values. Among other things, planning enables communities to:

- Guide their future;
- Promote economic development;
- Protect historic areas, neighborhoods, farmland and community features; and
- Limit the obligations of the government by strategic building and maintaining infrastructure through capital improvement planning and investments.

The whole truth: This APA myth appears to be a "red herring," as this researcher knows of no one who ever suggested that planning and Agenda 21 are synonymous.

Myth: Agenda 21 is part of Local, State or Federal law, and support for its policy recommendations is legally binding.

Fact: Agenda 21 is not a legal document, and does not infringe on the sovereignty of any nation or the independence of the local planning process. Some states and local communities have adopted their own sustainable development policies that reflect the respective values of their own residents. Communities in the United States that use comprehensive planning do so independently in order to develop public policies that meet the community's long-term goals and values. Nothing in federal law is aimed at implementing Agenda 21 or requiring planning to address the issues discussed in Agenda 21.

The whole truth: The APA's statement is thoroughly false. Agenda 21 was represented by a series of documents signed onto by the leaders of 179 nations, including GHW Bush for the U.S.. As Agenda 21 was not a Treaty, it did not require Senate ratification. Rather, it was an Agreement and as such obligated the nation of the signatory to do nothing in opposition to the goals of the document and to promote implementation of the document's recommendations. (A similar situation occurred with the

Kyoto Protocol which Pres. Bill Clinton signed therefore obligating the U.S.. Pres. Bush took the unusual step of having the U.S. signature removed from the document to avoid further obligations.)

At the Agenda 21 Earth Summit Conference, however, the UN adopted two treaties. Pres. Bush signed and the Senate ratified "The Framework on Climate Change" and, later, Pres. Clinton signed, but the Senate failed to ratify the "Convention on Biological Diversity."

Nothing in Agenda 21 is legally binding on any government, until that government, at any level, adopts Agenda 21 recommendations as law or via an executive order. In the U.S., Pres. Clinton signed EO 12852 in June of 1993, which created the Pres. Council on Sustainable Development whose sole purpose was to implement the recommendations of Agenda 21.

These recommendations were then implemented through the EPA and other federal agencies and translated into de facto law via the various agencies' regulations. The Federal government paid the American Planning Association more than \$5M to create "The Growing Smart: Legislative Guidebook" which provides model legislation for states that, when adopted, requires counties and cities to adopt the same recommendations found in Agenda 21.

Myth: The federal government is implementing Agenda 21 through new programs that mandate local planning.

Fact: Comprehensive planning is, and remains, a quintessentially local activity guided and governed by state statutes. New federal programs, like the Partnership for Sustainable Communities, offer federal support for communities seeking to leverage federal funds to enhance their communities in the way they see fit. The federal role in planning is very limited, without mandates, and supportive of local and regional visioning because it is essential to good government and good business.

The whole truth: This APA statement is half true and thoroughly misleading. No, the federal government does not mandate local planning. However, local planning generally requires funding. When those funds are in the form of grants from programs such as the Partnership for Sustainable Communities, the Sustainable Development Challenge Grant Program or HUD's Funds for Discretionary Programs, recipients are mandated to meet certain requirements. These may include sustainability, social equity, environmental justice, climate change and even meeting definitions of livability and the distances allowed between transportation and living structures. In other words, this becomes a top down, highly regulated mandate for what your community must look like.

Myth: Planning, as a result of Agenda 21, is against single family homes, car ownership, discourages family farms and undermines private property rights in rural areas.

Fact: Planning protects private property and oftentimes preserves and enhances its value. It is a tool for preserving neighborhoods, providing certainty to homeowners, and safeguarding agricultural land, as well as promoting transportation choices. Planning is neutral; it does not make value judgments for a community, but is a tool for communities to preserve that which they value.

The whole truth: The APA's statements are highly misleading. Plan after plan, town after town, whether in King County, Washington, Santa Cruz, CA or even the APA's own model examples of Columbia, TN and Boca Raton, FL center planning around mixed use, high density dwellings in urban

areas and the reduction of rural living. These are all key elements of the Agenda 21 model. No one is suggesting that some may not prefer this, but the sheer imbalance toward high-density communities leaves the planning suspect.

If the majority of planners put personal property rights first, we would not be having this conversation. When the APA refers to protecting private property, they refer to conservation easements and land trusts that takeover development rights to protect land from future commercial construction and maintain either farming or scenic beauty. This sounds fine. What they fail to mention is that, in the process, many farm and homeowners lose the value of their property and in many cases are forced to sell back to the trust or the government at a loss. The net result of this form of "protection" is that private property reverts to the public domain.

Myth: Terms such as "smart growth," "growth management" and "comprehensive planning" are code for Agenda 21 policies, which transform rural communities into compact urban centers while denying suburban growth in all cases.

Fact: There is no causal relationship between the terms and concepts of "smart growth," "growth management" and "comprehensive planning," and Agenda 21. Any such implication or reference is a fabrication; it has no basis in fact or reality. Comprehensive planning is the process in which transportation, utilities, housing, recreation and the environment are considered as they relate to the values and goals of the community over the long-term. "Smart Growth" and "Growth Management" are planning approaches some communities choose. These concepts refer to the idea of mapping a future for development that conserves resources, expands choices and encourages strategic investment in communities as a means of promoting economic prosperity and quality of life.

The whole truth: This APA statement is both factually and inferentially false. While it is quite possible to have comprehensive planning without following the mandates of Agenda 21 as enforced via regulatory agencies through grant stipulations, too often that does not occur. As for the relationship between smart growth and Agenda 21, I quote J. Gary Lawrence, former advisor to President's Council on Sustainable Development, past Director of Urban Strategies for ARUP Consulting and current VP and Chief Sustainability officer at AECOM, NYC: "

"Participating in a UN advocated planning process would very likely bring out many...who would actively work to defeat any elected official...undertaking Local Agenda 21.

"So, we will call our process something else, such as 'comprehensive planning' 'growth management,' or 'smart growth.'"

Myth: The American Planning Association is one of several Non-Governmental Organizations (NGOs), tasked with the implementation of Agenda 21.

Fact: The American Planning Association (APA) has no affiliation with or authority regarding any policy goals and recommendations of the U.N. APA receives no money or other support from the U.N. APA gives no funds to the U.N. APA is an independent, non-profit, non-partisan organization.

None of APA's programs, products or services, including the independently written *Growing Smart Legislative Guidebook: Model Statutes for Planning and the Management of Change, 2002 Edition*, are linked to Agenda 21. The "Growing Smart" Guidebook is a menu of planning options and ideas for states and localities to consider based on successes around the country. It offers practical tools for communities to address issues such as protecting farmland, promoting affordable housing, and encouraging economic development. Planning enables civic leaders, business interests, and citizens to play a meaningful role in creating communities that enrich people's lives and make responsible solutions to local challenges possible.

The whole truth: The APA's comments are factually correct and inferentially false. First off, the APA IS a non-governmental organization and as such has substantial interactions with numerous federal agencies. It is true that the APA has neither direct affiliation nor fund sharing with the UN. However, they contracted to write the legislative planning guidebook for the very federal agency that the PCSD charged with implementing Agenda 21 in the U.S. via planning.

The idea that the *Legislative Guidebook: Model Statutes for Planning and the Management of Change, 2002 Edition*, which just happens to echo Agenda 21's planning principles, was written independently of the agency that paid \$5 million for the book is inconceivable.

Myth: Public participation in the planning process is contrived, and planning professionals have predetermined outcomes.

Fact: Plans are fundamentally an expression of citizen input and engagement. Any good planning process is fully open and transparent. Planning relies on meaningful public participation because only through shared understanding, involvement and support will any plan be successful. Planners are part of their communities, and are invested in their community's growth, prosperity and value, not in the implementation of certain development patterns.

The whole truth: The APA's comments are experientially true and false. While many fine planning organizations have open and responsive planning, many others have a preconceived format. This may involve moving people out of rural areas into high density urban living, added light rails, reduced numbers of parking spaces forcing people out of cars, and rendering rural living prohibitively expensive through increased costs of services. Opposition to this second format is discouraged. Though it is true that some planning groups may not do this on their own, or perhaps even see it all happening, when you combine federal agency regulations, conservation easement requirements and EPA wildlife and nature designations, and more, the end result is that citizens lose private property rights.

If you think your public planning process may not be open to "expressions of citizen input," try the following. Ask for the opportunity to review and discuss all documents before signing and for guarantees that private property will be protected without burdensome regulations. Notice the response.

Myth: The infrastructure is being created for a post-private property era in which every aspect of human life is subject to a global central government, and the ultimate goal of planning is to transfer land from citizen to government control.

Fact: Among the fundamental protections and guaranteed freedoms set forth in the U.S. Constitution is the right of citizens to own private property. Planning in the U.S. is the democratic process through which well-informed public policy is implemented, policy that protects and supports a community's values and priorities as well as the rights and property of citizens.

The whole truth: The APA's statements are partially correct, but mostly false. Yes, the Fifth Amendment to the U.S. Constitution protects private property. However, eminent domain has been found to be legal; conservation easements are legal and frequently erode property owner's rights and values and amortization of non-conforming principles, which is detailed in chapter 8 of the Legislative Guide once imposed, allows local authorities to confiscate private property without compensation.

In some cases, a property owner may have legal recourse, in others he or she will not. Either way, why place a homeowner in a position to have to spend their life's savings and years of their lives to defend what should be rightfully theirs?