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Edited by Barbara M. Oomen, Martha F. Davis and Michele Grigolo

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Introduction

The promise and challenges of human rights cities

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One of the metro stations in Gwangju, Korea, is filled with sculptures, posters and books dedicated to human rights. The site is designed to underscore Gwangju's identity as a human rights city; in commemorating the massacre of 200,000 striking workers, protesting students and citizens that occurred in 1980, the city has reinvented itself as the 'birthplace of democracy' (Lee 2007). In its Basic Ordinance on Human Rights, the city sets out its aspiration to be 'the model city, which succeeds, develops, and realises the historicity and spirit of democracy and human rights in the local community, and spreads them widely' (Bouchard 2014). In defining itself as a human rights city, Gwangju is not alone. When it hosted the World Human Rights Cities Forum in 2014, it welcomed 500 participants to discuss creating 'Global Alliance of Human Rights Cities for All'.¹ The urban actors in Gwangju are just part of a much larger group of cities to explicitly base their urban policies on international human rights.

The rise of these human rights cities does not only hold the potential of strengthening social justice in cities worldwide at a time in which this is direly needed and cities are arguably best placed to deliver it, but also holds considerable promise for the realisation of international human rights at a time when these rights – although omnipresent – suffer from considerable critique. It is against this background that this book takes stock of the experiences of human rights cities worldwide as they have developed over the past two decades and analyses their meaning for the realisation of human rights – locally, and also globally.

¹ UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights, '5th World Human Rights Cities Forum in Gwangju (South Korea)', www.uclg-cisdp.org/en/news/latest-news/5th-world-human-rights-cities-forum-gwangju-south-korea.

There is much at stake in cities engaging with and explicitly trying to realise human rights. For one, as of 2010, more of the world's population lives in cities than in rural areas, with the numbers rising every year.² These cities face enormous challenges when it comes to enabling people from a variety of backgrounds to live together, including the spatial and social organisation involved, delivering the services needed and ensuring that the urban population can subsist. Additionally, over the past decades, decentralisation policies worldwide – whether sparked by neo-liberal austerity measures, a belief in the power of local authorities or both – have brought cities both unprecedented responsibilities and challenges in formulating and implementing social policies (Glaeser 2011; Graham et al. in this volume). The potential of cities to deliver where nation states have failed has become a central argument in an ever-expanding body of scholarship. Benjamin Barber, for instance, points out that cities were ‘democracy’s original incubator’ and makes a case for “glocality”, a product of integrating bottom-up and top-down approaches and eliminating the dysfunctional middle occupied by regional and national governments’ (Barber 2013: 3, 355). Such ‘moral urbanism’ considers cities to embody a set of moral values (Darling in this volume).

Explicitly relating the power and potential of urban authorities to their obligations with respect to international human rights, however, is a relatively new approach. Such an approach also marks a new phase in the ‘human rights revolution’, the seemingly unstoppable rise of human rights as the ‘moral lingua franca’ in which to address social injustices worldwide and discuss the appropriate course of action (Ignatieff 2003; Iriye, Goedde and Hitchcock 2012). Since the codification of the notion of universal, indivisible and inalienable rights in the 1948 Universal Declaration of Human Rights, the rights of all individuals and the concurrent obligations of nation states have been defined in a host of human rights treaties, with their compliance institutionalised via regional courts and international monitoring bodies (Donnelly 2006; Steiner and Alston 2000: 1497). The global human rights catalogue was expanded from an initial emphasis on civil and political rights to economic, social and cultural rights, with separate treaties stipulating the rights of children, women, migrant workers and – recently – people with disabilities. More

² World Health Organisation, ‘Urban population growth’, www.who.int/gho/urban_health/situation_trends/urban_population_growth_text/en.

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importantly, international human rights became the most ‘commonly shared bulwark’ against all evils worldwide, raised by social movements in the fight for social justice in all corners of the world (Hunt 2007: 212; Neier 2012). This rise of ‘rights talk’ started in the 1970s, but became widespread in the 1990s.

This does not mean that the rise of human rights has gone without criticism. There is the contention that human rights, at least in their origin, are far from universal, but distinctly rooted in Western Enlightenment culture, and thus not in line with local conceptions of right and wrong and local contexts, cultures and practices (An Na’im 1995; Ishay 2004). Whereas such critiques of human rights as alien, imperialist interventions classically came from the global South, they are increasingly part of a ‘human rights backlash’ in those countries that played a key role in drafting the UDHR, like Canada and the United Kingdom (Halliday and Schmidt 2004; Hopgood 2013; Levant 2009). In addition, there is the critique that rights are too legalistic, pitting rights holders against duty bearers and thus fostering adversarialism instead of conflict resolution (Babbit and Lutz 2009; Helfer 2002). Finally, there is the critique that human rights simply have not been able to deliver on their worthy and appealing promise, with destitution and inequality still rampant worldwide (Goodhart 2009; Posner 2014).

It is in addressing these critiques and their root causes that human rights cities hold considerable promise. Cities can be considered the ‘new kids on the block’ in the realisation of human rights. Whereas the roles and duties of regional organisations and civil society, businesses and other non-state actors in realising human rights, next to nation-states, have long been recognised by practitioners and scholars alike, human rights cities are only slowly starting to gain scholarly attention (Grigolo 2010; Marks, Modrowski and Lichem 2008; Oomen and Baumgärtel 2014). Policy-makers and practitioners have, in turn, begun to take notice of these local developments and to stimulate them (ICHRP 2005; Kamuf Ward 2012). This is understandable as cities hold the potential of localising human rights (De Feyter et al. 2011) and bringing them in line with local practices, cultures and beliefs (Goodale and Merry 2007) – thus countering critiques of imperialism. Also, cities with their ‘pragmatism instead of politics’ (Barber 2013: 4) seem to enable the formation of stakeholder alliances – between authorities and civil society, between local and international actors – that transgress the classic divide between rights holders and duty bearers and move away from a legalistic approach

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to human rights. Most importantly, they ensure that those authorities best placed to actually deliver upon human rights promises bear the brunt of doing so.

Such an understanding of how rights can and should be realised is in line with social constructionist understandings of rights realisation that consider human rights as ‘historically and socially contingent, the product of a particular time, place, and set of circumstances, and a work in permanent process’ (Morris 2006: 16; see also Goodale 2009 and Grigolo in this volume). These understandings go beyond the legal-positivist understanding of human rights to emphasise the role of actors and power differentials in constructing, within a given situation, understandings and practices of rights (Short 2009). They recognise how reference to human rights, as invoked by particular actors, forms a discursive frame within which social reality is understood and altered and meanings are created (Cowan, Dembour and Wilson 2001; Merry et al. 2010). An interplay between the global and the local, from such a perspective, can strengthen local struggles but also fortify international human rights discourse (Goodale and Merry 2007; Keck and Sikkink 1998).

It is with these theories, and these promises held by human rights cities in mind, that this introduction first gives an overview of the fledgling practice of human rights cities, offering both a genealogy and a typology of this development. It subsequently discusses three aspects of the promise held in connecting international human rights to local politics and policies. First, there is that of forging new alliances. This takes place ‘horizontally’, when local authorities and other stakeholders, like civil society, churches or the ombudsman, cooperate to realise human rights and combine forces in city networks – a form of international relations labelled ‘paradiplomacy’ (Lecours 2002). There is also the ‘vertical’ development in which cities bypass nation states in joining forces with international organisations, strengthening them and gaining strength from them. Second, there is an intensely political process involved in translating universal and abstract norms into values and indicators that hold relevance at the local level, their renegotiation in a specific context with its power differentials and the gains as well as the losses involved. A third aspect of the promise held by human rights cities is that of truly new practices in bringing social justice at the local level. These three elements will be discussed in the chapters of this book that will briefly be introduced at the end of this introduction.

A nascent development

Whereas the practice of cities explicitly expressing commitment towards international human rights is relatively recent, the definition of the relationship between cities and their inhabitants in terms of rights is long standing and deeply rooted (Isin, Nyers and Turner 2008). From ancient Athens as the birthplace of democracy to the medieval city-states, cities defined the rights of their inhabitants and formed the main authorities to secure them long before the advent of the nation-state (Glaeser 2011). With the formation of nation-states in the eighteenth and nineteenth centuries, demands for '*égalité, fraternité, solidarité*' were directed towards these states and became part of their *raison d'être* (Hobsbawm 1992). When the Second World War added urgency to the notion that these rights should be truly universal, and laid down in international agreements, it was only logical that nation-states were the political entities to accede to these treaties. Just like nation-states had taken over the role of safeguarding the rights of their citizens, they became the key actors in respecting, protecting and fulfilling universal human rights.

A rights-based discourse on urban policies first surfaced in the 1960s, as part of much wider social protests against capitalism and the vested authorities of the decade. Henry Lefebvre's radical and highly influential work on *le droit à la ville*, departing from the idea that 'old classical humanism ended long ago and badly' (Lefebvre 1996: 149; Darling, García Chueca, and Sánchez Rodríguez in this volume), emphasised the need for the participation of all urban dwellers in urban planning. His notion of the 'right to urban life' essentially constituted a collective right and envisaged a 'radical restructuring of social, political, and economic relations, both in the city and beyond' (Purcell 2002: 101). The notion would influence right to the city movements across Europe, North and Latin America, as a protest against urban developments related to neo-liberalism and a call for more just, sustainable and democratic cities with democratic decision-making and collective ownership of the city's destination at their heart (Harvey 2012; Mayer 2009; García Chueca and Sánchez Rodríguez in this volume). It became part of many urban reform projects and was even codified in the Brazilian constitution, but was also transformed and lost part of its radical rallying call along the way (Plyushteva 2009; Sánchez Rodríguez in this volume). Lefebvre's *right to the city* has also become the *locus classicus* in an ever-growing body of scholarship on 'rebel cities' and 'just cities' that conceptualises the city as essentially a social organisation.

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This scholarship emphasises the urban potential and obligation to bring prosperity, participation and equal treatment to all inhabitants and is more revolutionary and transformational in nature than the notion of human rights cities (Fainstain 2010; Harvey 1973, 2012).

The explicit reference of cities worldwide to international human rights has a somewhat different genealogy and can best be understood by examining the way in which the actual *realisation* of human rights, as a next phase after their *codification*, became a focal point for the United Nations in the 1990s. With the Cold War over, all the UN member states reaffirmed their pledge towards international human rights at the Vienna Conference of 1993, but also emphasised the importance of the domestication of international human rights and of human rights education (Cardenas 2009). The NGO People's Movement for Human Rights Learning (PDHRE) took up the challenge and worked with local organisations and authorities worldwide in setting up human rights cities. In 1997, in Argentina, the city of Rosario, local NGOs and the mayor jointly signed a proclamation expressing their commitment to building a human rights community and promoting respect for human rights, equity and peace, thus declaring Rosario the first human rights city in the movement (Marks, Modrowski and Lichem 2008; PDHRE 2007). It would be followed by similar NGO-driven initiatives supported by the international PDHRE in at least seventeen cities worldwide.³

One movement, driven more by local authorities than by NGOs, that straddles the tradition of the right to the city and the notion of human rights cities is the one behind the development of the European Charter for the Safeguarding of Human Rights in the City. Here, the initiative originated at a conference on cities for human rights organised as a commemoration of the Fiftieth anniversary of the UDHR in 1998. The Charter, which has been signed by over 400 cities, starts by stipulating the right to the city in a manner that echoes Lefebvre's ideals of the city as a collective space belonging to all who live in it. It continues, however, to set out the principle of equality and a variety of rights that can be found in the core human rights treaties whilst also defining new rights like those to 'harmonious city development' and to 'movement and tranquillity in the city'.⁴ Whereas European cities, with Barcelona and Graz in the forefront, played a key role in formulating the Charter, the development was also

³ 'PDHRE The People's Movement For Human Rights Learning: A Site Dedicated to Human Rights Learning for Social and Economic Transformation', www.pdhre.org.

⁴ European Charter for Safeguarding Human Rights in the City, Saint Denis, adopted 2000.

picked up by the international United Cities and Local Governments and led to the development of a Global Charter-Agenda for Human Rights in the City (García Chueca in this volume). The Gwangju Principles on a human rights city, adopted in 2014, echoed the same combined attention for the collective human right to the city and individual human rights.⁵

Next to the cities that manifest themselves as *general human rights cities*, the past two decades have also witnessed the rise of cities that explicitly commit to one particular human rights treaty or human rights cause. San Francisco, for instance, adopted the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) as a local ordinance (Lozner 2004; Davis and Kamuf Ward in this volume). The ECCAR network, in turn, is a European Coalition of Cities against Racism seeking to implement the UN Convention on the Elimination of All Forms of Racial Discrimination (CERD) (Starl in this volume).⁶ The formulation of the UN Convention on the Rights of People with Disabilities has spurred cities worldwide to symbolically ratify the Convention and realise the rights in it before the nations concerned (van den Berg in this volume).⁷ In addition, there is a wide variety of cities that seek to provide refuge to people persecuted in their home country, like the International Network of Cities of Refuge ICORN that creates cities of sanctuary for creative professionals, or the European Shelter City Initiative (Sønderbye 2012). In many ways, they can be compared to other city networks like those pertaining to nuclear-free cities or child-friendly cities.⁸

There are not only many different ways of being a human rights city, but the motivations for becoming one also differ. In part, reference to human rights constitutes a legal tool that enables cities to steer a more progressive course than the national governments and to exert pressure towards national governments to ratify human rights treaties (Berends et al. 2013; Davis 2007; Oomen and Baumgärtel 2014; Kamuf Ward in this volume). Human rights, in addition, are always the outcome of multilateral negotiations amongst very different parties and thus hold a universal appeal to a wide variety of local stakeholders who might not have seen their common interests otherwise. Reference to rights also – as will be discussed later –

⁵ The Gwangju Guiding Principles for a Human Rights City, Gwangju, Republic of Korea, 17 May 2014 (Gwangju Principles).

⁶ 'European Coalition of Cities against Racism', www.eccar.info.

⁷ Examples are Zwolle and Wierden in the Netherlands, see 'VN Verdrag voor Rechten van Mensen met een Beperking', <http://vnverdragwaarmaken.nl>.

⁸ 'Child Friendly Cities', <http://childfriendlycities.org>; 'Cities for a Nuclear Free Europe', www.cnfe.eu.

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opens up avenues towards international networks, sources of funding and expertise. ‘Rights talk’, additionally, enables cities to, at a time when city marketing is more important than ever, position themselves as cosmopolitan and multicultural (Lee 2007). In all cases, the identity of a human rights city is subject to on-going negotiations amongst a variety of stakeholders, local as well as national and international.

Actors and their shifting capacities

In these on-going processes of giving human rights meaning at the local level, a variety of actors are involved, in constellations that differ notably from the classical human rights scheme pitting individual rights holders against institutional duty bearers, the States. Human rights cities, however, often manage to rally a variety of different actors – within the city, in national and international networks and in constellations of multilevel governance. This is, of course, not always the case: most human rights cities start as an initiative taken by an enthusiastic individual or NGO with an interest in the theme (Oomen and Baumgärtel 2014; Van den Berg in this volume). Examples are a mayor with a legal background who coincidentally was asked to speak about human rights cities at an international conference and returned to Utrecht convinced that his city should be a human rights city as well; university teachers who played a key role in coaching the city of Graz into becoming the first European human rights city and having Montréal adopt the right to the city; and the San Francisco councillor who managed to enact human rights obligations at the local level simply because his colleagues were not interested in the theme (Davis 2007; Frate, Kamuf Ward and Starl in this volume).

Nevertheless, coalitions to give human rights meaning at the local level can only be a success if individual enthusiasm is expanded towards the formation of a broader coalition that includes both governmental and non-governmental parties. In York, for instance, the York Human Rights City Project included the Council of York City, the International Service and the Joseph Rowntree Charitable Trust, but also other local social justice-related organisations and the university (Graham et al. in this volume). In Graz, the Human Rights Council unites stakeholders from civil society, government and academia alike and plays a key role in monitoring human rights at the local level (Berends et al. 2013; Starl in this volume). An extensive study of the way in which states and local governments can use human rights to advance local policies concludes that

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'collaboration with local constituents and community groups can enhance the ability of state and local government officials to develop laws and policies that promote greater equality, are sustainable and respond to local needs' (Columbia HRI 2012: 25). The whole methodology of the PDHRE, as it was implemented in cities around the world, also includes a first step in which civil society organisations, solidarity groups and governmental and UN agencies establish a joint steering committee (PDHRE 1998: 11). Via such coalitions, realisation of human rights becomes a shared responsibility.

It is striking how cities hardly ever develop their activities in isolation, but do so in a permanent dialogue with a broader network of cities, both in- and outside of the countries concerned (see Grigolo 2011b; García Chueca in this volume). They draw inspiration from one another, discuss ways of monitoring achievements, exchange experiences and strengthen each other in addressing national governments on human rights issues. At a conference for human rights cities organised by the PDHRE in 2011, a hundred cities participated. Another conference organised by the International Permanent Secretariat for Human Rights and Local Governments Forum in Nantes in 2013 attracted hundreds of delegates from all over the world. The same applied to the 2014 World Human Rights Cities Forum in Gwangju. At all these meetings, and in other networks, cities exchange experiences. The European Charter on Human Rights in the City, to give one example, formed the direct inspiration for the Montréal Charter on Rights and Responsibilities (Frate in this volume).

It is understandable that international organisations have taken a keen interest in these developments, seeking to support them where possible. In 2013, the United Nations commissioned a study on Local Government and Human Rights, taking note of the regional and international initiatives to promote human rights at the local level and recognising the role of local governments in the promotion and protection of human rights.⁹ The United Cities and Local Governments network, with its 1000 cities as members, has played a key role in bringing together human rights cities and supporting them. The Congress of Local and Regional Authorities of

⁹ United Nations Human Rights Council, 'Resolution on Local Government and Human Rights', UN Doc. A/HRC/24/L.2 (2013). See also Human Rights Council, 'Progress report of the Advisory Committee on the role of local government in the promotion and protection of human rights, including human rights mainstreaming in local administration and public services', UN Doc. A/HRC/27/59 (2014).

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the Council of Europe adopted reports on the role of local and regional authorities in the implementation of human rights and the role of indicators in raising awareness and best practices in the implementation of human rights at the local and regional level.¹⁰ The EU Fundamental Rights Agency, in turn, developed a toolkit on implementing fundamental rights at the local level, integrating them into policy-making, service delivery and administrative practices.¹¹

International monitoring bodies also increasingly speak directly to local authorities, emphasising their responsibilities as duty bearers in the field of human rights. The ECHR, for example, held that the right to life as enshrined in art. 2 was violated by the local authorities in Turkey that allowed houses be built on a rubbish heap, resulting in the death of thirty-nine people after a methane explosion. Whereas the court held that it was not its role to decide on the best policy to adopt in dealing with the social, economic and urban problems in Istanbul, Turkey, there was a positive obligation to take preventive measures that fall ‘precisely within the powers conferred on the authorities’.¹² Apart from international courts, other monitoring bodies also speak directly to municipalities. The Special Rapporteur on Violence against Women, to take one example amongst many, in visiting Italy in 2012 not only spoke to representatives of the national government and various NGOs, but also visited Rome, Milan, Bologna and Naples, and explicitly referred to the importance of local political will to address violence against women in her final report.¹³

Far from being a top-down process of human rights implementation, these are dialectical, mutually strengthening coalitions. The concept of glocalisation, developed to describe the way in which globalisation involves the creation and incorporation of locality, ‘processes which themselves largely shape, in turn, the compression of the world as a whole’ well covers the process by which both human rights at the local level and the international human rights regime are strengthened (Bauman 1998; Robertson 1995: 40). On the one hand, an appeal to human rights in

¹⁰ Council of Europe Congress of Local and Regional Authorities, ‘The role of local and regional authorities in the implementation of human rights’, Resolution CG18(6) (2010); ‘Developing indicators to raise awareness of human rights at local and regional level’, Resolution 334 (2011); ‘Best practices of implementation of human rights at local and regional level in member states of the Council of Europe and other countries’, Resolution 365 (2014).

¹¹ ‘Joining up Fundamental Rights’, <http://fra.europa.eu/en/joinedup/home>.

¹² *Oneryildiz v. Turkey* [2004] ECHR, App. No. 48939/99.

¹³ Human Rights Council, ‘Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, Mission to Italy’, A/HRC/20/16/Add.2 (2012).