SIDE EVENT

The right to the city: an international dialogue for the MENA region
1 October, 11:30–13:30
English, French and Spanish translation

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Moderator:

Joseph Schechla, HIC-HLRN coordinator.

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Joseph Schechla, HIC-HLRN coordinator.

Synthesis

The main components of new paradigms of social production and enjoyment of human settlements (a democratic, inclusive, sustainable, productive, educational and safe place for everyone, everywhere to live in peace and dignity) have been the subject of discussions, experiences and concrete proposals of social movements, national and international networks of civil society, including trade unions, professional and technical, academic and human rights organizations and activists in various countries of Latin America in the last 50 years. Urban reform and a "right to the city" are now present—explicitly or implicitly—in both theoretical and legal frameworks and, at once, as a platform for action in several other regions of the world.

The Earth Summit (Rio de Janeiro, 1992), Habitat II (Istanbul, 1996) and the First World Assembly of Inhabitants "Rethinking the City from the People" (Mexico City, 2000) were important moments in the development of actors and the articulation of concrete proposals. Undoubtedly, this process has gained new strength and expanded in size and content since 2001 in the World Social Forum and the Social Forum of the Americas. Thousands of people

and dozens of organizations and networks have since participated in the discussions, preparation, signing and dissemination of the World Charter for the Right to the City (defined as the equitable usufruct of cities within the principles of sustainability, democracy, equity and social justice), including UNESCO and UN HABITAT. In its geneses and social meaning, this instrument primarily aims at strengthening the processes and collective claims against injustice and social and regional discrimination. In human rights terms, the Charter and its movement seek locally to contextualize and operationalize the obligations of the state to respect, protect and fulfill human rights through a set of binding principles. By applying human rights in cities also emphasizes the role of the city within the state, and calls upon state support to integrate the city into a wider human rights habitat.

Alongside this social process toward realization of human rights governance at every level, some local, national and regional governments that seek to apply human rights in the urban context have developed legal instruments in explicit recognition of the "right to the city," "human rights in the city," the "human rights city" and/or "human rights habitat." Among the most advanced of these approaches have been the European Charter of Human Rights in the City (2000), the City Statute in Brazil (2001), the Charter of Rights and Responsibilities of Montréal (2006), the Constitution of Ecuador (2008), the Mexico City Charter for the Right to the City (2010), the Charter-Agenda for Human Rights in the City (2010) and the Charter of Human Rights Gwangju, South Korea (2012).

In light of the changes taking place in the MENA region, including the redefinition of governance and the state, the panel gathered regional and international actors to compare experiences and spark debate on the prospects of new relationships between civil society and local administration, and the foreseeable outcomes of this dialectic process, toward the development of local government in the region.

These lessons will inform the deliberations of the Habitat III preparatory process so as to ensure that the new review of global habitat policy addresses the right to the city substantively, reflecting contemporary experience and aspirations, and in practical terms.

Session structure

Moderator: Welcome and introduction (5 min).

3 interventions (10 minutes each) from local authorities and civil society representatives from Latin America, Asia and MENA.

List of speakers

- **Halima Tijani**, Mayor of the City of Roued, Tunisia.
- **Anselmo Lee**, Korea Human Rights Foundation, South Korea.
- **Claudio Sule Fernandez**, Asociación de Municipios—Ciudad Sur, Chile.

Each of the speakers was given ten minutes to speak on their experience and views on the right to the city, responding to three questions:

- What is meant by a "right to the city" from the point of view of civil society organizations and local governments?
- What content and strategies can the right to the city offer for the democratization of our urban societies?
- What commitments must the various stakeholders assume, in order to advance implementation of the right to the city?

After the welcome by **Joseph Schechla** (HIC-HLRN), Ms. **Halima Tijani**, mayor of Roued, Tunisia, spoke from a prepared text about the city as the space in which the forces of history are played out. In the case of her country, these forces involve the emergence from colonization through phases of development that coincide with the popular call for justice. Thus, the city is not only a function of ensuring access to public services, but forms the locus of urban justice. Madame Tijani characterized the realization of the right to the city as a life of dignity for each person residing in it.

While noting that the concept of the right to the city differs from one urban experience to another, she noted the forces of history that shape its meaning in the Tunisian context. Reflecting the calls for social justice that arose from her country first in the "Arab spring," Madame Tijani noted that hypercentralization of developing countries has left certain cities deprived of their fair share of civilizing facilities, while their natural resources are exploited to serve the center. Among these are Gafsa, Kasserine, Siliana, le Kef and Sidi Bouzid, the town of Mohamed Bou Azizi, who immolated himself and ignited a revolution.

Madame Tijani presented her own city, Roued, as such an example, noting that 60% of the 120,000 inhabitants lack waste collection and paved streets. Meanwhile, Roued, which covers a surface area of 75,000 hectares, lies no more than 12 km from the capital and lacks industrial activity. In light of the struggle against injustice within the city and among cities, she made a case for incorporating the right to the city into an equitable development plan that enables local governance and meets the current and future needs of municipalities.

Anselmo Lee (KHRF) introduced the experience of realizing human rights governance in the city of Gwanju, South Korea, a municipality of some 1.4 million people. While taking into consideration the seminal notion of the "right to the city" as published by Paul Lefebvre in the 1960s, the local community in Gwangju have opted for the expression of "human rights *in* the city," whereby the "city" is a political concept and Gwangju is referred to as a "human rights city."

Mr. Lee complemented Madame Tijani's observation of the varying forces that defined local human rights governance. In the case of Gwangju, the struggle against the Korean military dictatorship manifested locally in the so-called May 1980 Gwangju Uprising. Those events turned Gwangju City into a symbol of democracy in Korea, as well as across Asia. In response to the Korean army's week-long massacre of citizens, the citizens of Gwangju City rose up and organized civilian militias to fight back against the military machinery of the state. Gwangju citizens then endured a long campaign of civil protest and armed rebellion. In June 1987, the South Korean government officially recognized the civil uprising as the Gwangju Democratization Movement.

The citizens of Gwangju have sought to develop their city to recognize the city's diversity and to address the structural causes of inequality. In South Korea, a distortion exists among regional political parties that prevents the representation of various interests. For example, Gwangju City is dominated by one political party. However, local government autonomy has been revived in earnest since 1995, culminating in a system of adopting local ordinances. The mayoral election presented an opportunity for citizens to challenge martial law. In this local governance system, each local community has the inherent power to enact its own ordinances suited to its own situation (as long as the ordinance does not contradict national law). In this case, the process of enacting local ordinances by local legislative bodies is combined with the citizen's voluntary initiative to propose ideas for such ordinances, guaranteeing public participation in the process. Local governments can enact human rights ordinances, even without explicit national laws delegating local legislative power for the protection of the citizen's rights and with the imposition of duties and penalties for their

violation. These "autonomous" ordinances can even lead to the enactment of national laws on human rights.

In Gwanju City, the techniques devised for city governance include the development of human rights indicators, in collaboration with OHCHR. Recently also, Gwangju has sought to share the local experience internationally. The Metropolitan City of Gwangju to join as co-organizer the 1st World Human Rights Cities Forum (WHRCF), 16–18 May 2011. The Korean Human Rights Foundation has promoted the human rights dimensions of local government through the Advisory Committee (AC) of the UN Human Rights Council, which adopted a resolution on 29 September 2013 endorsing a new study of the AC on the subject.

Claudio Sule Fernández (Ciudad Sur) shared the experience of developing a right to the city in Chile by situating the municipalities in the political economy of the state. Mr. Sule characterized the so-called "Chilean model" as a neoliberal culture that has broken away from the past structure of the state. Under the current model, the state has withdrawn from many social programs and relied on the market as the main determiner of livelihoods. By way of example, the current national budget allots only about 12% to local government.

Mr. Sule provided the example of Ciudad Sur, with its sample of six municipalities to the south of the Chilean capital, Santiago. There, work promoting the right to the city has enabled those communities to build a consensus and development vision through participatory planning.

The underlying problem of these municipalities is their lack of planning and management, as well as any integral geographic information system. This impedes the cities from accessing resources for their social, environmental and spatial development that are otherwise available through various funds and existing state programs. The lack of sufficient planning also makes it difficult to attract private capital for urban infrastructure. To capture both sources of funding requires management capacities of our municipalities for participatory and efficient planning. Accordingly, the locally designed participatory-planning methodology has permitted installation of a geo-referenced information-management system to institutionalize citizen engagement, to train and reorganize the municipal-management system with greater internal and external coordination.

Discussion

In the moderated discussion, Mr. Schechla poses questions to the panelists to draw out lessons for the MENA region. In advance of questions from the audience, he asked the presenters to speak on factors that distinguish the success of efforts to develop the right to the city, or human rights in the city.

Mr. Lee and Mr. Sule recounted how the scale of the urban entity affects the strategies and techniques chosen. In the case of Ciudad Sur, the cities were peripheral and, thus, a smaller scale relative to the large size of the capital. The municipalities chosen also had functioning local governments, which is distinct from the situation in Santiago, which has a centralize structure, but many local administrative units that do not function as local government with participatory processes. In the case of Gwangju, the participatory planning and legislation were community based, rather than citywide in scale, perhaps facilitating the greater participatory nature of the experience.

In response to the moderator's questions about demographic factors, the panelists reflected on the class and ethnic dimensions. Schechla and Sule discussed the composition of communities on the urban periphery, not only in Latin America, with a predominantly working-class demographic as a factor enabling a culture of political solidarity. Mr. Lee raised

the demographics of migration and ethnic minorities in large cities, like Gwangju, as a factor in raising principles of diversity and nondiscrimination in the normative definition of human rights in the city.

Madame Tijani emphasized a set of prerequisites for realizing the right to the city in her country and the region. These include (1) the means, including sufficient resources of all kinds, to ensure adequate services and competence; (2) political will on the part of all stakeholders to participate in building the city and to devolve the authorities to do so; (3) compatible legislation and a constitutional framework that allows for participatory local government and (4) civic education in order to prepare citizens for engagement in civic affairs in ways to which they are not yet accustomed. Madame Tijani added also the need for citizens to develop respect for each other and the commons, municipal property and local authority.

Lessons for the MENA region

In light of the objectives of the side event, "The right to the city: an international dialogue for the MENA region," the panel enabled the exchange of experiences and views from various stakeholders and regions concerning progress and challenges in the realization of the right to the city. Since the notion of local government is new for the MENA region, much more coordination of local stakeholders in MENA is needed to discuss possibility and opportunity to develop local and/or regional charters on the right to the city. However, the constitutional reform processes across the region provide a likely opportunity to extend concepts of the democratic state beyond the current fixation with central government and its institutions.

The few questions from the audience and the views expressed from the panel identified some prospects for the right to the city in the MENA region. As Mr. Lee observed from Korea, the global public is vigilantly monitoring the events and developments arising from the so-called "Arab spring" countries. Thus, despite setbacks in the democratic processes, the potential for solidarity and exchange of experiences in developing local human rights-based governance remains great.

Certain proposals from the panel will help stimulate the debate about a progressive urban agenda leading up to Habitat III (2016). These include the requisite constitutional and legal order to enable autonomous local government within the enabling state; the question of scale and scaling-up good practices, from local efforts to citywide programs; the resource needs of ensuring institutions, systems and personnel competent to meet city dwellers' democratic expectations; the need for sufficient civic education for public servants, officials and the general public in human rights-based governance.

The character of the state context is essential in determining the right to the city experiment, as the Latin American and South Korean examples showed that the right to the city movements have coincided with a transition from military rule. As a hangover of previous (or current) regimes—whether security states and/or monarchies—many MENA states do not allow for actual local government in their constitutions, legislation or in their practice. The norm remains only for local administrations to manage services with little autonomy or authority beyond the executive branch of central government or the military.

The question of resources remains crucial to the success of local government that respects, protects and fulfills human rights. Political culture must evolve to ensure full citizenship is practiced locally, whereas civic, cultural, economic, political and social human rights are a local task and, therefore, obligation of statecraft. Greater public investment in municipal governance and participatory budgeting are means to build citizenship rights and responsibilities at local scale.