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# THE STATE OF THE CITY AND THE FUTURE OF HUMAN RIGHTS: A REVIEW OF GLOBAL URBAN JUSTICE

Johanna Kalb\*

## INTRODUCTION

As of 2014, fifty-four percent of the world's population lived in cities; by 2050, this proportion is expected to rise to sixty-six percent.<sup>1</sup> As a result, cities face tremendous and unique challenges in creating communities in which diverse populations can thrive.<sup>2</sup> This pattern of global urbanization has also led to an increased focus on the relationship between city governance and economic, environmental, and political sustainability, with many observers hopeful that “cities [will] deliver where nation states have failed.”<sup>3</sup>

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\* Associate Professor of Law, Loyola University New Orleans College of Law. I am grateful to Martha Davis, JoAnn Ward, Judith Resnik, John Lovett, Risa Kaufman, Reuben Teague, and JJ Rosenbaum for the conversations which informed this essay, and to Brian Huddleston for his assistance securing sources. I am also indebted to the editors of the *Columbia Human Rights Law Review*, and particularly to Isabel Rivera, for excellent editorial assistance.

1. UNITED NATIONS, DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS, WORLD URBANIZATION PROSPECTS: THE 2014 REVISION, HIGHLIGHTS 2 (2014), <https://esa.un.org/unpd/wup/Publications/Files/WUP2014-Highlights.pdf> (last visited Mar. 4, 2017).

2. See, e.g., Mike Hower, *The 5 toughest challenges tomorrow's cities face*, GREEN BIZ (Apr. 27, 2016, 1:45 AM), <https://www.greenbiz.com/article/5-toughest-challenges-tomorrows-cities-face> (describing the challenges that cities face in addressing climate change and providing their populations with water, food, and shelter); OECD, THE METROPOLITAN CENTURY: UNDERSTANDING URBANISATION AND ITS CONSEQUENCES 1–2 (2015) (describing the qualities that make modern cities successful and cataloging the barriers that cities face in supporting increased urbanization).

3. Barbara M. Oomen, *Introduction: The Promise and Challenges of Human Rights Cities*, in GLOBAL URBAN JUSTICE: THE RISE OF HUMAN RIGHTS CITIES 1, 2 (Barbara Oomen, Martha F. Davis & Michele Grigolo eds., 2016) [hereinafter GLOBAL URBAN JUSTICE]. Several recent books highlight the possibilities for improved governance at the local level. See BENJAMIN R. BARBER, IF MAYORS RULED THE WORLD: DYSFUNCTIONAL NATIONS, RISING CITIES (2013); NEIL BRENNER, NEW STATE SPACES: URBAN GOVERNANCE AND THE RESCALING OF

Corresponding with their renewed significance, cities have also begun to reimagine their individual and collective power. In the United States, local leaders are working together to develop policies responsive to the unique needs of urban dwellers and to collectively advocate for these policies on the national stage.<sup>4</sup> In some areas, like environmental protection, U.S. cities have committed to action in the absence of national government leadership.<sup>5</sup> The Council of Europe and the European Union have also developed systems to ensure that local and regional authorities have a voice in policy-making.<sup>6</sup> On the international level, United Cities and Local Governments (UCLG), a membership organization representing over one thousand cities, is one of several organizations connecting and advocating for cities regionally and internationally, on “glocal”<sup>7</sup> issues like climate change, disaster risk reeducation, and sustainable development.<sup>8</sup> In 2015, the Vatican invited sixty mayors from around the globe to a meeting on climate change.<sup>9</sup> While this was not the first convening that the Vatican organized on this issue, it was the first to which local officials were invited in the hopes that they could “mobilize grass-roots action and maintain pressure on world leaders” in advance of the global

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STATEHOOD (2004); EDWARD GLAESER, TRIUMPH OF THE CITY: HOW OUR GREATEST INVENTION MAKES US RICHER, SMARTER, GREENER, HEALTHIER, AND HAPPIER (2012); BRUCE KATZ & JENNIFER BRADLEY, THE METROPOLITAN REVOLUTION: HOW CITIES AND METROS ARE FIXING OUR BROKEN POLITICS AND FRAGILE ECONOMY (2014).

4. For an overview of these organizations and their activities, see Judith Resnik et al., *Ratifying Kyoto at the Local Level: Sovereignism, Federalism, and Translocal Organizations of Government Actors (TOGAs)*, 50 ARIZ. L. REV. 709 (2008).

5. See Kim Murphy, *1,000 mayors agree to reduce greenhouse gas emissions*, L.A. TIMES (Oct. 3, 2009), <http://articles.latimes.com/2009/oct/03/nation/na-mayors-climate3>.

6. Cynthia Soohoo, *Human Rights Cities: Challenges and Possibilities*, in GLOBAL URBAN JUSTICE, *supra* note 3, at 257, 263.

7. Melissa Martins Casagrande, *International Law as Glocal Law*, 103 AM. SOC'Y INT'L L. PROC. 475, 475 n.1 (2010).

8. UCLG, *Advocacy and Partnerships*, <https://www.uclg.org/en/action/international-agenda> (last visited Mar. 4, 2017). The Global Parliament of Mayors, founded in 2016, is an international governance body representing mayors from all continents, which will represent the policy perspective of local leaders in global summits and in the deliberations of supranational organizations like the United Nations, the Organization for Economic and Cooperation and Development, and the European Union. See Global Parliament of Mayors, *Mission Statement*, <http://www.globalparliamentofmayors.org/mission-statement> (last visited Mar. 4, 2017).

9. Gaia Pianigiani, *At Vatican, Mayors Pledge Climate Change Fight*, N.Y. TIMES, July 21, 2015, at A3.

climate summit in Paris.<sup>10</sup> As a result of these types of initiatives, cities are increasingly well-represented on the international stage, challenging the traditional monopoly of national governments in the area of foreign relations.

As cities become more visible on the national, regional, and international stages, they are also gaining prominence as sites of human rights activity. Although the human rights system is formally organized around states and their constituents, in practice, cities are often the sites in which rights are experienced. Consequently, advocates have begun to focus on local governments as sites of rights protection, invoking universal international human rights norms as a source of authority for local policy. Advocates also use human rights language as a tool for social mobilization, but these initiatives have taken different forms. In some cities, local authorities or advocates push for “human rights in the city,” or direct municipal implementation of specific human rights protections.<sup>11</sup> At the international level, the People’s Decade for Human Rights Education (PDHRE), has helped establish at least seventeen “human rights cities,” which are committed to advancing human rights locally through a formalized governance structure and process.<sup>12</sup> Finally, “right to the city” movements, particularly in the global South, have invoked classic human rights in arguing for “a collective right to reshape the process of urbanization”<sup>13</sup> to reflect the lived realities of urban dwellers.<sup>14</sup>

The emergence of cities as key actors in the struggle to advance human rights has been met with great enthusiasm. This is in part because cities offer a possible rejoinder to some of the system’s long-standing challenges. In the sixty years since the Universal Declaration of Human Rights (UDHR) was adopted, its guarantees have been translated into treaty instruments that protect economic and social rights as well as political and civil liberties, and that address the specific challenges faced by racial and ethnic minorities,

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10. *Id.*

11. Eva García Chueca, *Human Rights in the City and the Right to the City: Two Different Paradigms Confronting Urbanization*, in GLOBAL URBAN JUSTICE, *supra* note 3, at 103, 103.

12. *Id.*

13. Tayyab Mahmud, “*Surplus Humanity*” and the Margins of Legality: *Slums, Slumdogs, and Accumulation by Dispossession*, 14 CHAP. L. REV. 1, 69 (2010).

14. Chueca, *supra* note 11, at 103.

children, women, migrant workers, and people with disabilities.<sup>15</sup> These commitments are enforced by international and regional courts, and through international monitoring bodies.<sup>16</sup> Human rights is increasingly “the ‘moral lingua franca,’ [to] address social injustices worldwide.”<sup>17</sup>

Corresponding with this growth in the human rights system and its authority has also come unprecedented criticism. Countries, primarily in the global South, have long argued that the U.N. human rights regime advances a hegemonic, Western view of rights.<sup>18</sup> In the last decade, this critique has gained traction in countries of the global North, where concerns about the undemocratic processes of international lawmaking have been raised to challenge the legitimacy of the human rights system.<sup>19</sup> At the same time, some observers

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15. See *The Core International Human Rights Instruments and their monitoring bodies*, OHCHR, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx> (last visited Mar. 4, 2017) (listing the major U.N. human rights treaties and their monitoring bodies).

16. *Id.*

17. See Oomen, *supra* note 3, at 2.

18. For example, China has challenged the universality and legitimacy of the international human rights regime by arguing for an alternative “Chinese human rights” based on “Asian values.” See Katrin Kinzelbach, *Resisting the Power of Human Rights: The People’s Republic of China*, in *THE PERSISTENT POWER OF HUMAN RIGHTS: FROM COMMITMENT TO COMPLIANCE* 164, 166–67 (Thomas Risse et al. eds., 2013) (discussing differences between “Chinese human rights” and “universal” human rights); see also MAKAU MUTUA, *HUMAN RIGHTS: A POLITICAL AND CULTURAL CRITIQUE* 3–5 (2008) (arguing that to be successful, the human rights system must move away from its current Eurocentric orientation). A related critique is that human rights occupy the field, thereby displacing other, potentially more powerful and emancipatory possibilities. See David Kennedy, *The International Human Rights Movement: Part of the Problem?*, 15 *HARV. HUM. RTS. J.* 101, 108 (2002) (human rights as “institutional and political hegemony makes other valuable, often more valuable, emancipatory strategies less available”).

19. See John O. McGinnis & Ilya Somin, *Democracy and International Human Rights Law*, 84 *NOTRE DAME L. REV.* 1740, 1752–60 (2009) (explaining why creating international law through democratic processes is beneficial for its content); Jed Rubinfeld, *Unilateralism and Constitutionalism*, 79 *N.Y.U. L. REV.* 1971, 1986 (2004); Kenneth Anderson, *The Ottawa Convention Banning Landmines, the Role of International Non-Governmental Organizations, and the Idea of International Civil Society*, 11 *EUR. J. INT’L L.* 91, 92–93 (2000) (discussing two treaties as the most important legal events of the post-Cold War decade in part because they signaled the democratization of international law). These concerns were reflected in the 2016 Republican Party Platform, which referred critically to some of the human rights treaties, including the U.N. Convention on Women’s Rights, the Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities. Republican National Committee,

openly question whether the human rights system can deliver on its promise of social and economic justice for all.<sup>20</sup> Significant barriers to enforcement and accountability persist.<sup>21</sup> Moreover, even willing states face challenges on all fronts from the forces of conflict, globalization, and privatization. Failed states are unable to meet their rights obligations, both with respect to their own people and in the international arena.<sup>22</sup> Conflict and economic migration have generated a population comprising millions of persons whose rights must be guaranteed by states that are not their own.<sup>23</sup> International economic regimes limit the capacity of states to regulate to protect rights, particularly in developing countries.<sup>24</sup> Even (and perhaps especially) in wealthy states, privatization of traditional state functions has limited governmental ability (if not responsibility) to protect and guarantee rights.<sup>25</sup>

Proponents argue that cities can answer these critiques, bringing increased energy and momentum to efforts to respect, protect, and fulfill human rights. Adopting universal norms at the city level could allow them to be translated to fit local needs and

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Republican Platform 2016 (2016), [https://prod-cdn-static.gop.com/media/documents/DRAFT\\_12\\_FINAL\[1\]-ben\\_1468872234.pdf](https://prod-cdn-static.gop.com/media/documents/DRAFT_12_FINAL[1]-ben_1468872234.pdf) (last visited Mar. 4, 2017).

20. See ERIC A. POSNER, *THE TWILIGHT OF HUMAN RIGHTS LAW* 7 (2014); Kennedy, *supra* note 18, at 116–18.

21. Douglas Donoho, *Human Rights Enforcement in the Twenty-First Century*, 35 GA. J. OF INT'L & COMP. L. 1, 3–6 (2006).

22. See Jennifer Moore, *From Nation State to Failed State: International Protection from Human Rights Abuses by Non-State Agents*, 31 COLUM. HUM. RTS. L. REV. 81, 85–86, 96–97 (1991) (describing the challenges of enforcing human rights norms in and against failed states).

23. *Id.* at 96–97 (explaining that the international human rights regime requires that states secure the rights of refugees fleeing persecution by non-state actors); see also Francis Gabor & John B. Rosenquest IV, *The Unsettled Status of Economic Refugees From the American and International Legal Perspectives—A Proposal for Recognition Under Existing International Law*, 41 TEX. INT'L L.J. 275, 281–85 (2006) (describing existing international legal protections for economic refugees and proposing more expansive guarantees).

24. See, e.g., A. Claire Cutler, *Transformations in Statehood, the Investor-State Regime, and the New Constitutionalism*, 23 IND. J. OF GLOBAL LEGAL STUD. 95, 107–20 (2016) (describing the limits that bilateral investment treaties place on state protections of domestic human rights); Dinah Shelton, *Protecting Human Rights in a Globalized World*, 25 B.C. INT'L & COMP. L. REV. 273, 294–96 (2002) (listing the ways in which international institutions and a globalized economy can undermine domestic rights enforcement).

25. See *infra* Part III.

culture and could cure any democratic deficit.<sup>26</sup> Furthermore, as service providers, cities are well-positioned to deliver on the promise of improving economic, cultural, and social rights, and to do so through more participatory and democratic processes.<sup>27</sup> Simply put, city governance shapes the conditions in which an increasing number of people live, so the local embrace of human rights offers the possibility of making their promise real, in a way responding to the system's most persistent challenges.

The localization of human rights is still a relatively new phenomenon. Now, however, as we approach the twentieth anniversary of the first human rights city,<sup>28</sup> the time is ripe to take stock of the progress and potential. This volume of essays, edited by Barbara Oomen, Martha F. Davis, and Michele Grigolo, brings together an international and interdisciplinary collection of authors to assess the state of human rights vis-à-vis the city. Through a mix of case studies and thematic essays on the localization of human rights on several continents, this volume provides a window into how human rights are playing out on the ground in local communities. In this Review, I draw on these case studies to consider whether cities are effective sites to enhance the relevance of human rights. In

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26. Catherine Powell, *Dialogic Federalism: Constitutional Possibilities for Incorporation of Human Rights Law in the United States*, 150 U. PA. L. REV. 245, 265 (2001) (“[E]nabling state and local governments to partner with the federal government in incorporation of human rights law may convert weakly-legitimated norms developed at the international level into norms that are more strongly legitimated at the local level.”); Gaylynn Burroughs, *More Than an Incidental Effect on Foreign Affairs: Implementation of Human Rights by State and Local Governments*, 30 N.Y.U. REV. L. & SOC. CHANGE 411, 420 (2006) (local implementation of human rights can help to allay concerns about its legitimacy “because this legislation would be the product of state and local legislatures . . . [so] the people would have accepted these norms through localized processes of democratic deliberation.”).

27. See Gillian MacNaughton & Mariah McGill, *Economic and Social Rights in the United States: Implementation Without Ratification*, 4 NE. U. L.J. 365, 399–405 (2012) (describing the process through which Eugene, Oregon became a human rights city, focused on implementing the full range of human rights). In addition to proximity, cities may have other structural advantages that allow them to more effectively implement rights. See Lesley Wexler, *The Promise and Limits of Local Human Rights Internationalism*, 37 FORDHAM URB. L.J. 599, 621–28 (2010) (arguing that the scale, political homogeneity, and governance structures of cities may allow them to be more successful in implementing human rights).

28. Rosario became the first PDHRE human rights city in 1997. Esther van den Berg, *Making Human Rights the Talk of the Town*, in GLOBAL URBAN JUSTICE, *supra* note 3, at 44, 47.

particular, I examine whether efforts to name, claim, and implement rights at the city level can enhance accountability, make human rights relevant and real, and fill the gap left as the power of nation-states wanes. In so doing, I offer a preliminary assessment not only of the state of city level engagement with human rights, but also of broader efforts to make human rights a reality more generally.

## I. ACCOUNTABILITY

A persistent question for human rights advocates relates to the enforcement of rights. The United States faces particular difficulties in this area; courts have a limited role due to a condition of ratification rendering all of the human rights treaties non-self-executing.<sup>29</sup> Nonetheless, even in states that have more fully accepted their international treaty obligations, questions abound as to how these rights should be realized domestically, and selective implementation is more the rule than the exception.

Cities offer a compelling laboratory for bringing human rights home, and their experiences, documented in this volume and elsewhere,<sup>30</sup> highlight the transformative potential of local

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29. The United States attaches a package of reservations, understandings, and declarations (RUDs) to the human rights treaties it ratifies in an effort to limit their scope and impact. See Louis Henkin, *U.S. Ratification of Human Rights Conventions: The Ghost of Senator Bricker*, 89 AM. J. INT'L L. 341, 341–48 (1995). The United States is not alone in this. Other dualist states, particularly those with a federalist structure, also have difficulty incorporating treaty obligations into domestic law. See Benoit Frate, *Human Rights at a Local Level: The Montréal Experience*, in GLOBAL URBAN JUSTICE, *supra* note 3, at 64, 67–68 (describing the limits on Canadian internalization of international human rights law).

30. See Martha F. Davis, *Thinking Globally, Acting Locally: States, Municipalities, and International Human Rights*, in BRINGING HUMAN RIGHTS HOME: FROM CIVIL RIGHTS TO HUMAN RIGHTS 127, 134–40 (Cynthia Soohoo et al. eds., 2007) (describing San Francisco's effort to implement CEDAW); Michele Grigolo, *Human Rights and Cities: The Barcelona Office for Non-Discrimination and its Work for Migrants*, 14 INT'L J. FOR HUM. RTS. 896, 904–10 (2010) (evaluating the city of Barcelona's human rights approach to migration); Sally Engle Merry et al., *Law From Below: Women's Human Rights and Social Movements in New York City*, 44 L. & SOC. REV. 101, 109–24 (2010) (studying the efforts to implement CEDAW and CERD in New York City); Risa E. Kaufman, *State and Local Commissions as Sites for Domestic Human Rights Implementation*, in HUMAN RIGHTS IN THE UNITED STATES: BEYOND EXCEPTIONALISM 89, 92–97 (Shareen Hertel & Kathryn Libal eds., 2011) (describing the work that several state and city human rights commissions have done to implement human rights standards locally); Johanna Kalb, *The*



implementation of human rights. Adopting human rights guarantees can alter the way a city understands its obligations to its residents, requiring changes in the way it operates and provides services to advance equity and opportunity. In San Francisco, for example, a city ordinance adopts the language of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), defining discrimination against women as any

distinction, exclusion or restriction made on the basis of sex that has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights or fundamental freedoms in the political, economic, social, cultural, civil or any other field.<sup>31</sup>

The ordinance requires that select city departments undertake “gender analysis to identify areas of gender discrimination in their internal practices and service delivery.”<sup>32</sup> These departmental analyses have allowed the city to identify policies and practices with a disparate negative impact on women, even if facially neutral, resulting in the modification of various city programs to increase access and outcomes.<sup>33</sup> They have also led to changes in city law and policy in the areas of paid leave and flex time, among others.<sup>34</sup> Los Angeles has a similar ordinance, which is currently being implemented through a 2015 executive directive,<sup>35</sup> and, in 2015, Miami-Dade County adopted a CEDAW ordinance as well.<sup>36</sup>

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*Persistence of Dualism in Human Rights Treaty Implementation*, 30 YALE L. & POLY REV. 71, 78–80 (2011) (cataloging the efforts that cities have made to enforce the CRC).

31. S.F., CAL. ADMIN. CODE § 12K.2(d) (2000).

32. Davis, *supra* note 30, at 136.

33. WOMEN’S INST. FOR LEADERSHIP DEV. FOR HUMAN RIGHTS, RESPECT, PROTECT, FULFILL: RAISING THE BAR ON WOMEN’S RIGHTS IN SAN FRANCISCO 7–10 (2008), <https://www.drew.edu/wp-content/uploads/sites/109/Final-CEDAW-SF-Report.pdf>.

34. *Id.*

35. L.A., Cal., Executive Directive No. 11 (Aug. 26, 2015), [http://www.lamayor.org/sites/g/files/wph446/f/page/file/ED\\_11.pdf?1440645063](http://www.lamayor.org/sites/g/files/wph446/f/page/file/ED_11.pdf?1440645063).

36. Miami-Dade County, Fla., Ordinance No. 15-87 (Sept. 1, 2015), <http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2015/151069min.pdf>. In addition, several U.S. cities have CEDAW resolutions, but it is unclear what, if any, impact they will have. See COLUMBIA LAW SCHOOL, HUMAN RIGHTS

Similarly, as Esther van den Berg explains, focusing on the Convention on the Rights of the Child (CRC) has resulted in changes to a number of city programs in The Hague. The city includes children's rights, as codified in the CRC, in "the pedagogical principles of [its] centres for youth care, established to provide advice and assistance for youth and their families."<sup>37</sup> In addition, The Hague "introduced a methodology to develop child-friendly neighborhoods," and relied upon the CRC to develop goals for children in the city, including "securing rights to services, participation rights, protective rights, and rights to specific care."<sup>38</sup>

Human rights can also recalibrate how cities navigate the competing concerns of different constituencies in the urban community. Klaus Starl's case study of Salzburg offers a vivid illustration of how the city's human rights commitment structured its reaction to a decision by the Austrian Constitutional Court striking down a local ban on begging.<sup>39</sup> In 2011, in response to an influx of Roma people from Slovakia, Bulgaria, and Romania, the regional government passed a law prohibiting the practice of begging in public spaces.<sup>40</sup> The law was challenged as a violation of the right to private life and freedom of expression.<sup>41</sup> The Court concluded that "silent' (non-aggressive) begging is an expression of being poor and dependent on support by others," and therefore a constitutionally protected form of communication.<sup>42</sup> In response, the city held a series of roundtables and proposed twelve initiatives related to the provision of shelter, healthcare, income access, and education, which were designed to "fight poverty instead of fighting the poor."<sup>43</sup>

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INST., STATE AND LOCAL HUMAN RIGHTS AGENCIES: RECOMMENDATIONS FOR ADVANCING OPPORTUNITY AND EQUALITY THROUGH AN INTERNATIONAL HUMAN RIGHTS FRAMEWORK 25 (2009), [http://www.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/45408\\_HRI-Text%20%5Bonline%5D%20-%202nd%20printing%20%28updated%2010.1.09%29.pdf](http://www.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/45408_HRI-Text%20%5Bonline%5D%20-%202nd%20printing%20%28updated%2010.1.09%29.pdf) (last visited Mar. 4, 2017).

37. Van den Berg, *supra* note 28, at 53.

38. *Id.*

39. Klaus Starl, *Human Rights and the City: Obligations, Commitments and Opportunities: Do Human Rights Cities Make a Difference for Cities and Authorities? Two Case Studies on the Freedom of Expression*, in GLOBAL URBAN JUSTICE, *supra* note 3, at 199, 210.

40. *Id.* at 210.

41. *Id.* at 211.

42. *Id.* at 212.

43. *Id.* at 213.

Other cases in the volume offer a view into how the consideration of human rights can reshape a city's deliberative processes to create a more participatory and responsive governance structure, in line with fundamental human rights norms. The city of York in the United Kingdom has developed a project through which the city residents identified a set of priority human rights and then developed a work plan targeted toward achieving a specific set of indicators related to those rights.<sup>44</sup> Similarly, Eugene, Oregon distributed a document to all city departments called *Public Participation Guidelines: A Framework for Culturally Competent Outreach* to help guide their interactions with the city's residents.<sup>45</sup> The guidelines were then used in outreach, particularly to underrepresented communities, to inform revisions to the city's existing human rights protections.<sup>46</sup>

While the contributing authors are generally enthusiastic about the possible impact of human rights at the city level, they are also clear that local implementation is in no way a substitute for state responsibility,<sup>47</sup> and they acknowledge that accountability challenges may be magnified by diffuse and decentralized implementation.<sup>48</sup> The U.N. treaty monitoring bodies, which conduct periodic reviews of states' compliance with their treaty obligations, simply do not have the capacity to review the activities of subnational actors.<sup>49</sup> City

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44. See Emily Graham et al., *Human Rights Practice and the City: A Case Study of York (UK)*, in GLOBAL URBAN JUSTICE, *supra* note 3, at 179, 193.

45. Kenneth J. Neubeck, *In the State of Becoming a Human Rights City: The Case of Eugene, Oregon*, in GLOBAL URBAN JUSTICE, *supra* note 3, at 237, 247.

46. *Id.* at 248.

47. See, e.g., *id.* at 254 (noting Eugene's efforts to meet "human rights obligations that the federal government has turned its back on."); JoAnn Kamuf Ward, *From Principles to Practice*, in GLOBAL URBAN JUSTICE, *supra* note 3, at 81, 99 (describing the continued obligation of the federal government in ensuring human rights compliance).

48. See, e.g., Soohoo, *supra* note 6, at 258 (acknowledging that "when cities are left to create their own accountability measures, the measures are often weak or non-existent."); Martha F. Davis, *Cities, Human Rights and Accountability: The United States Experience*, in GLOBAL URBAN JUSTICE, *supra* note 3, at 23, 43 (explaining that "by consistently locating responsibility [for human rights] with federal governments, [current international] processes may even provide a ready excuse for local failures."); Frate, *supra* note 29, at 79 (noting that local implementation may result in problematic "dilution of standards or a *la carte* selection of rights") (italics in original).

49. See Davis, *supra* note 48, at 32 ("UN committees may gain valuable information from local governments, but it is a practical impossibility for experts sitting in Geneva to adequately assess all of the information that might flow to

participation in these international processes, when it does occur, is mostly helpful in highlighting failures in implementation at the national level, and by demonstrating local interest in and support for human rights.<sup>50</sup> For example, the San Francisco Department on the Status of Women submitted a report to the Human Rights Committee, in conjunction with its 2014 review of U.S. compliance with the International Covenant on Civil and Political Rights (ICCPR).<sup>51</sup> The report highlighted the national problem of gender discrimination in the workplace.<sup>52</sup>

This is not to say that local participation in these processes is fruitless. To the contrary, increased state and local engagement with the federal reporting processes helps build awareness and paint a more accurate and nuanced picture of the state of human rights in the country. Over the last several years, the U.S. Department of State has regularly solicited information from state and city officials in advance of its treaty reports,<sup>53</sup> and in some instances, local officials have participated in the treaty monitoring hearings to tout their accomplishments.<sup>54</sup> Nonetheless, the focus of the treaty bodies' inquiries is still on the federal government's performance; "[a]ny measure of local human rights accountability arising from . . . the treaty monitoring process is, at best, a by-product."<sup>55</sup>

In recent years, the United Nations has increasingly employed special procedures to examine human rights violations at

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them from local governments in the United States, much less around the world . . .").

50. In fact, in the United States, most human rights activity at the city level comes in the form of resolutions that endorse or adopt treaty principles that the United States has failed to ratify. These resolutions may be helpful in signaling the existence of support for ratification, but most do nothing to encourage local compliance. *See* Kalb, *supra* note 30, at 76.

51. Davis, *supra* note 48, at 32.

52. *Id.*

53. *See, e.g.*, Letter from Harold Hongju Koh, Legal Advisor, U.S. Dep't of State, to Governors of U.S. States and Territories (May 3, 2010) (on file with the Columbia Human Rights Law Review); Letter from Harold Hongju Koh, Legal Advisor, U.S. Dep't of State, to State and Local Human Rights Commissions (Dec. 21, 2010) (on file with the Columbia Human Rights Law Review); Letter from Mary E. McLeod, Principal Deputy Legal Advisor, U.S. Dep't of State, to Tribal Leaders (Feb. 18, 2014) (on file with the Columbia Human Rights Law Review).

54. For example, in 2014, Mayor Ralph Becker of Salt Lake City, Utah participated as a federal delegate in the Human Rights Committee hearing of U.S. compliance with the ICCPR to discuss his city's successful efforts to reduce homelessness. *See* Davis, *supra* note 48, at 35.

55. *Id.* at 36.

the local level and to issue recommendations directed specifically toward subnational actors.<sup>56</sup> For example, the 2011 trip of the Special Rapporteur on the Right to Safe Drinking Water and Sanitation to the United States led her to report to the United Nations specifically about the lack of sanitation services for an encampment of homeless people in Sacramento, California.<sup>57</sup> When a year later no progress had been made, the Rapporteur wrote directly to the Sacramento City Council highlighting the urgent need for a remedy.<sup>58</sup> While these ad hoc efforts have been very helpful in highlighting the roles local government can play in human rights enforcement, new structures, outside the remote and overtaxed U.N. system, will need to be developed if cities are to become a more significant piece of the compliance puzzle.

Several of the authors in this volume are focused on these challenges and possible solutions. Martha Davis' essay highlights some options. Some localities' human rights resolutions include mechanisms for ensuring accountability and enforcement. For example, in Dane County, Wisconsin, which includes the city of Madison, a resolution recognizing housing as a human right specified that the County Human Services Board should, within a year, develop a housing plan that would reduce the number of homeless children, increase the city's stock of single room occupancy and affordable housing units, and expand daytime shelter space in Madison.<sup>59</sup> The resolution also created an annual reporting requirement to track the county's affordable housing.<sup>60</sup> The Montréal Charter of Rights and Responsibilities, the city's municipal human rights bylaw,<sup>61</sup> "cannot be invoked in a court of law, but the City's Ombudsman supervises its implementation, investigates complaints, and makes recommendations."<sup>62</sup>

Some cities have created local institutional structures responsible for human rights implementation. Human rights commissions have been integral to successful work in some places,

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56. *Id.* at 33.

57. *Id.* at 34.

58. *Id.*

59. *Id.* at 37.

60. *Id.* at 37.

61. For a more detailed description of the Charter and its origins, see Frate, *supra* note 29, at 70–75.

62. *Id.* at 64.

including Eugene, Oregon.<sup>63</sup> Davis credits these commissions with providing the institutional stability to help their communities work toward long term goals.<sup>64</sup> PDHRE developed a model that requires “a city-wide, democratically-functioning steering committee that represents all segments of the municipal population,” which is tasked with developing a plan of action, implementing human rights educational programs, and tracking and evaluating progress.<sup>65</sup> The city of Seoul, which launched its human rights program in 2012, has developed a multi-part system for human rights consideration and monitoring.<sup>66</sup> Its human rights infrastructure includes a well-staffed and well-funded human rights division; a committee of experts from academia, government, and civil society that reviews government activity and makes recommendations regarding its human rights impacts; an ombudsperson, who remedies public sector rights violations; and a Citizen Jury, which advises the ombudsperson.<sup>67</sup>

Translocal organizations may offer the institutional structure for another form of accountability, allowing cities to make commitments and measure and publicize their progress. JoAnn Kamuf Ward’s essay describes the regional and national networks within the United States through which mayors can express and share their commitment to human rights. The U.S. Conference of Mayors (USCM), a non-partisan organization that represents cities with greater than thirty-thousand residents, has expressed support for a number of international agreements, and has emphasized the relevance of core human rights standards to local decision-making.<sup>68</sup> The USCM has committed to human rights principles, “emphasizing [that] ‘mayors are on the front lines of ensuing equality, combating discrimination, and enabling access to affordable housing, healthcare and education, among other human rights issues.’”<sup>69</sup> It creates a platform for individual mayors to share innovative strategies and to amplify human rights successes with local and global implications, for example, in the areas of climate change and women’s rights. Similar developments are occurring internationally. In 2011, the UCLG

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63. See also Kaufman, *supra* note 30, at 95 (describing the human rights implementation activities of city and state human rights commissions in the United States).

64. Davis, *supra* note 48, at 39.

65. Kenneth J. Neuback, *In the State of Becoming a Human Rights City*, in GLOBAL URBAN JUSTICE, *supra* note 3, at 237, 240.

66. Chueca, *supra* note 11, at 110–11.

67. *Id.* at 112.

68. Ward, *supra* note 47, at 84.

69. *Id.*

adopted the Global Charter-Agenda for Human Rights in the City, which sets out each human right along with an action plan of concrete steps necessary for achieving it. Individual cities are invited to adopt a local action plan, together with a timetable for assessing progress in realizing these rights.

This collection demonstrates that local rights implementation can lead to meaningful rights improvements for individuals and communities. It also suggests that decentralization can be a significant component in a viable and productive human rights regime, particularly in federalist countries like the United States, Canada, and Mexico, where power is distributed at multiple levels of government. The case studies make clear, however, that translating local experimentation into national compliance will require new ways of tracking, assessing, and sharing progress. National governments are noticeably missing in these narratives. Cities are working independently and through translocal networks, but often without support or resources from the state, which remains the primary duty bearer in the international arena.<sup>70</sup> Building upon isolated successes in local human rights implementation will require more national attention and infrastructure. The hope implicit in these case studies is that tangible successes at the local level will create the energy and the constituency for broader reform efforts.

## II. TRANSLATION & TAILORING

Much debate about human rights has focused on the claim that classic human rights apply universally to all persons. Cities are lauded as places where universal norms can be localized and translated to fit with “local practices, culture and beliefs,” making rights both relevant and real.<sup>71</sup> This volume offers detailed accounts of how several cities engage with human rights, illustrating the ways in which these norms can be successfully adapted to suit specific local contexts.

One form of “translation” identified in these chapters is a move away from human rights legal standards to more familiar terminology, such as equality, fairness, and opportunity. For human rights activists, this is “a strategic question linked to the issues of

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70. *2011 Treaty Event, Towards Universal Participation and Implementation: Fact Sheet*, UNITED NATIONS, [https://treaties.un.org/doc/source/events/2011/Press\\_kit/fact\\_sheet\\_1\\_english.pdf](https://treaties.un.org/doc/source/events/2011/Press_kit/fact_sheet_1_english.pdf) (last visited Mar. 4, 2017).

71. Oomen, *supra* note 3, at 3.

framing.”<sup>72</sup> As Oomen explains in her introduction to the volume, “[t]he ‘translators’ who play a key role in introducing international human rights at the local level often end up concluding that it is wiser to couch rights in other terms.”<sup>73</sup> She cites as examples the York advisory body’s decision to change its name from the Human Rights Commission to the Fairness Commission,<sup>74</sup> and the practice in Denmark of advocating for “equal treatment” instead of “human rights.”<sup>75</sup> Esther van den Berg identifies a similar phenomenon in the Netherlands, where “human rights are traditionally viewed as mainly relevant for external affairs, not for domestic issues” and where the “infrastructure of local anti-discrimination offices” have not “adopted the title ‘human rights office.’”<sup>76</sup>

In addition to making human rights concepts more accessible, translation may be necessary to realize the transformative potential of human rights. As Jonathan Darling explains, rights talk may, in some instances, be used by governments to “maintain the status quo.”<sup>77</sup> In his case study, “[t]he ‘civic stratification’ of immigration and asylum rights,” which accords access to rights according to citizenship status, offers an illustration of the way in which the rights system can entrench existing inequalities.<sup>78</sup> Thus, he concludes that “demands for rights must be negotiated on the grounds of communication between groups, individuals and institutions, and cannot be assumed to reflect only pre-existing frames of human rights law.”<sup>79</sup> In other words, moving away from classic human rights language may be necessary to empower communities that are marginalized by existing legal structures.

Another form of “translation” described in some of the chapters is the reframing of the means of redress for human rights violations to include broader and less legalistic concepts of remedies.<sup>80</sup>

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72. Van den Berg, *supra* note 28, at 46.

73. Oomen, *supra* note 3, at 12.

74. *Id.*

75. *Id.* at 13.

76. Van den Berg, *supra* note 28, at 47.

77. Jonathan Darling, *Defying the Demand to ‘Go Home’: From Human Rights Cities to the Urbanization of Human Rights*, in GLOBAL URBAN JUSTICE, *supra* note 3, at 121, 135.

78. *Id.* (quoting Lydia Morris, *A Foundation for Rights or Theories of Practice?*, in RIGHTS: SOCIOLOGICAL PERSPECTIVES 42 (Lydia Morris ed., 2006)).

79. *Id.* at 136.

80. See, e.g., Frate, *supra* note 29, at 72 (explaining that the Montreal Charter is not enforceable in courts of law, but instead had an ombudsman who



As Cynthia Soohoo notes, none of the cities described in this volume “created legal remedies that allow individuals or groups who have suffered human rights violations to sue for damages or other relief.”<sup>81</sup> Rather, those cities that have created complaint processes have “favored less adversarial methods of conflict resolution and broader public consultations.”<sup>82</sup> Soohoo attributes this choice both to a natural desire to avoid creating new sources of litigation, and to cultural preferences favoring dispute resolution instead of conflict.<sup>83</sup>

More common than translation, however, is evidence of “tailoring.” The chapters show numerous cities focusing on particular rights or treaty obligations. At times, the city’s endorsement of a right extends only to encouraging the national government to accept or enforce it.<sup>84</sup> More ambitious efforts help identify particular rights for local implementation. York’s participatory process, described above, helped to identify a set of priority rights—education, non-discrimination and equality, health, an adequate standard of living, and housing—which then formed the basis of a plan for implementation.<sup>85</sup> In the Netherlands, the powerful activism of the disability rights movement around the Convention on the Rights of Persons with Disabilities helped to shape the human rights priorities in Dutch cities.<sup>86</sup>

While reshaping the ways that human rights are described and understood may be entirely necessary to make them effective, these forms of tailoring and translation also carry risks. A question that emerges when reading the essays is whether these communities understand themselves as engaged in the project of promoting human rights when the language of human rights has been removed from the descriptions, both of the rights themselves and from the institutions that are charged with their implementation.

Moreover, tailoring the rights agenda necessarily means that some rights are prioritized and others ignored. Oomen acknowledges that tailoring may mean “that the more radical and transformative rights do not make it. . . .”<sup>87</sup> The privileging of some rights over others

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addresses citizens’ complaints); Chueca, *supra* note 11, at 111 (describing Seoul’s ombudsman system).

81. Soohoo, *supra* note 6, at 266.

82. *Id.* at 267.

83. *Id.*

84. *See* Davis, *supra* note 48, at 25.

85. Graham et al., *supra* note 44, at 194.

86. Van den Berg, *supra* note 28, at 50–51.

87. Oomen, *supra* note 3, at 13.

should raise some concerns, particularly over how, and by whom, these decisions are made. While a city's deliberative process could be more open and inclusive than a meeting in Geneva, it could also conceivably bring a more limited set of voices to the table. As a result, the communities whose rights are most threatened might find themselves unrepresented. Oomen cites the example of Graz, Europe's first human rights city, which implemented a number of human rights-based policies but failed to address the status of undocumented immigrants in the city.<sup>88</sup> York has a traveler community, which would be an "obvious" constituency for human rights engagement.<sup>89</sup> However, the city's human rights steering committee was advised, in its early stages, not to start its work on "such a divisive issue."<sup>90</sup>

Finally, the extent to which local human rights initiatives are captured in aspirational resolutions and do not have legally enforceable duties of the state or local government may undercut their power, particularly when budgetary or other resource constraints require choices between human rights realization and other community needs. Several of the authors describe initiatives that were stymied by limited budgets and competing agendas. For example, Ana María Sánchez Rodríguez describes how the Mexico City Charter for the Right to the City was invoked by the Human Rights Commission of Mexico City to persuade the government to block a highway project that was displacing many families from their homes.<sup>91</sup> The Charter requires that "megaprojects" must consult with affected populations and work out consensus solutions.<sup>92</sup> Nonetheless, over two hundred people were evicted without consultation as the project was carried out.<sup>93</sup>

By contrast, Natalya Pestova's case study of right-to-water litigation demonstrates the power of human rights-based claims.<sup>94</sup>

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88. *Id.*

89. Graham et al., *supra* note 44, at 196.

90. *Id.*

91. Ana María Sánchez Rodríguez, *The Right to the City in Mexico City*, in GLOBAL URBAN JUSTICE, *supra* note 3, at 220, 233.

92. *Id.*

93. *Id.*

94. Natalya Pestova, *The Human Right to Water in the City Context: Insights from Domestic Litigation*, in GLOBAL URBAN JUSTICE, *supra* note 3, at 157, 167–74. Of course, the success of these claims is highly dependent on context. Although the lead-contaminated water in Flint, Michigan was identified as a human rights violation by the special rapporteurs on extreme poverty, safe drinking water and sanitation, and adequate housing, there is no legal

Courts in India have ordered municipalities to provide water and sanitation services.<sup>95</sup> Argentinian courts have acted to protect water supplies from environmental contaminants, citing the Universal Declaration of Human Rights, the CRC, and the International Covenant on Economic, Social, and Cultural Rights.<sup>96</sup> South African courts have prevented municipalities from disconnecting consumer water supplies based on the consumers' inability to pay.<sup>97</sup> Human rights jurisprudence includes mechanisms, such as the margin of appreciation and progressive realization, that allow for diversity in the understanding and implementation of rights without conceding the value of human rights as law.<sup>98</sup>

This is not to say that incorporating human rights norms in ways that are not legally enforceable eliminates their power. As several of the authors note, human rights norms gain acceptance and power through mechanisms other than courts. Constructivist accounts of human rights compliance, now well-documented,<sup>99</sup> show that ideas diffuse through "formal and informal networks of activists and government officials."<sup>100</sup> Cynthia Soohoo's essay describes a number of the mechanisms through which these ideas move between cities, nations, and continents.<sup>101</sup> Human rights education, a key

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mechanism in the United States for raising these claims. *See* United Nations, Office of the United Nations High Comm'n for Human Rights, *Flint: "Not just about water, but human rights" — UN experts remind ahead of President Obama's visit* (May 2, 2016), <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19917&LangID=E>.

95. *See* Pestova, *supra* note 94, at 168 (discussing *Rampal v. State of Rajasthan*, 1981 AIR 121 (Raj.) (ordering provision of sewer and water services) and *Mun. Council Ratlam v. Vardhichand*, AIR 1980 SC 1622 (ordering the municipality to construct latrines and provide a water supply)).

96. *Id.* at 169–70.

97. *Id.* at 171–72 (discussing *Residents of Bon Vista Mansions v. Southern Metro Local Council* 2002 (6) BCLR 625 (W) and *Highveldridge Residents v. Highveldridge Transitional Local Council* 2003 (1) BCLR 72 (T)).

98. Graham et al., *supra* note 44, at 185.

99. *See generally* THE POWER OF HUMAN RIGHTS: INTERNATIONAL NORMS AND DOMESTIC CHANGE (Thomas Risse et al. eds., 1999) (describing the spiral model of human rights compliance and collecting case studies highlighting its application); *see also* THE PERSISTENT POWER OF HUMAN RIGHTS: FROM COMMITMENT TO COMPLIANCE 26, 41 (Thomas Risse et al. eds., 2013) (collecting both qualitative and quantitative studies of the spiral model).

100. Soohoo, *supra* note 6, at 262.

101. *Id.* at 262–64; *see also* Judith Resnik, *Law's Migration: American Exceptionalism, Silent Dialogues, and Federalism's Multiple Ports of Entry*, 115 YALE L.J. 1564 (2006) (challenging the presumed exclusivity of the federal

component of local implementation in many places,<sup>102</sup> can help these norms diffuse “down,” reshaping community expectations about government performance.

In sum, the case studies suggest that cities are, in fact, engaged in translating and tailoring human rights norms in ways that give them local relevance and impact, even in the countries of the global South that have been critical of the Western orientation of the human rights system.<sup>103</sup> These efforts represent the promise of truly realizing universal human rights, but also the risk of their fragmentation. As local implementation efforts grow and proliferate, a concerted effort will be required to capture effective practices, translate these experiences back into the language and structure of the human rights system, and ensure that these initiatives occur, not in isolation, but rather as part of the broader efforts to scale up human rights protections nationally and globally.

### III. DE-STATIZATION

A final challenge facing the human rights project is de-statization. The term “de-statization” has been used to describe the diminishment of state power resulting from the “marketization” of key state activities.<sup>104</sup>

The experience of cities reflects, on a smaller scale, the ways in which the forces of privatization, outsourcing, and subcontracting constrain efforts to implement human rights. As Darling explains, the

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government over foreign affairs by describing how state and local actors in the United States help to internalize international law and norms).

102. See, e.g., Neubeck, *supra* note 45, at 250–53 (describing human rights education in Eugene).

103. See, e.g., Van den Berg, *supra* note 28, at 51 (describing the impact of targeted human rights advocacy on disability access in Utrecht and Middelburg); Rodríguez, *supra* note 91, at 230 (cataloguing the Mexico City Charter’s focus on protection of the rights of urban dwellers); Graham et al., *supra* note 44, at 193–94 (explaining York’s decision to identify five priority rights as a way of making human rights more accessible and meaningful).

104. See IVAN MANOKHA, THE POLITICAL ECONOMY OF HUMAN RIGHTS ENFORCEMENT 137 (2008) (“The result is a ‘privatization of the public sphere’, not just in the sense of the selling of state agencies and functions, but in the deeper sense of transforming policy functions that had previously been thought of and accepted as intrinsically belonging to the public sphere into essentially private phenomena in the broader global context.” (citing Philip G. Cerny, *Structuring the Political Arena: Public Goods, States and Governments in a Globalizing World*, in GLOBAL POLITICAL ECONOMY: CONTEMPORARY THEORIES 21, 24 (Ronen Palan ed., 2000))).

growing prominence of cities is also a result the “hollowing out” of state welfare services, through which “responsibility for social reproduction and survival” is devolved to the level of the individual.<sup>105</sup> As a result, modern cities tend to represent “fragmented landscapes of provision and privilege.”<sup>106</sup> This means that even in committed human rights cities, the realization of rights may naturally track existing power structures.

At the local level, the response to these constraints on government power has been to challenge its monopoly over human rights. Several essays in the volume highlight the ways in which marginalized communities have successfully expanded the boundaries of recognized rights by claiming their “right to the city.”<sup>107</sup> Right to the city movements challenge traditional notions of citizenship and thus are less constrained by the limits of government capacity and authority. These movements are based on presence and participation in the life of the city, creating a larger space for the voices of marginalized members of the community and non-citizens. Rights formed through this process are shaped not from the top down, by their formal acceptance in the treaty commitments of the nation state, but rather in the dialogue between and among city residents and their governing institutions.<sup>108</sup> The rights that emerge from this process are interdependent and communitarian, forming a language that can challenge “the current urban development model which very often results in the commodification of urban land, the privatisation of public spaces, gentrification processes and an urban planning model favouring economic interests.”<sup>109</sup> More concretely, right to the city claims provide the basis for “advocating for public spaces, proximity-based municipal services, mixed districts, decentralised opportunities for decent jobs, [and] spaces that stimulate sociability and cultural expressions . . . .”<sup>110</sup>

As Eva García Chueca explains in her essay, claims of right to the city have “become a powerful political flag and legal tool” of social movements in the global South, resulting in formal legal recognition in several places.<sup>111</sup> Both Brazil and Colombia have federal

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105. Darling, *supra* note 77, at 125.

106. *Id.*

107. See, e.g., Chueca, *supra* note 11, at 112–19 (discussing the origin of the right to the city movement and the movement in the global south).

108. *Id.* at 116–17.

109. *Id.* at 120.

110. *Id.*

111. *Id.* at 114.

constitutional provisions that acknowledge the social function of private property.<sup>112</sup> The 2008 Ecuadorian Constitution goes further, recognizing that “[p]ersons have the right to fully enjoy the city and its public spaces, on the basis of principles of sustainability, social justice, respect for different urban cultures, and a balance between the urban and rural sectors.”<sup>113</sup> These provisions can help to reframe the conversations about governance, service provision, and development in ways that are less tethered to individual property rights and therefore less likely to replicate existing power structures.

However, as the case studies also illustrate, moving the responsibility for defining rights out of the government institutions is by no means a panacea; right to the city movements also face challenges in translating principles into meaningful policy outcomes. Catherine Buerger’s case study of Ghanaian activists in Nima and Maamobi shows that activists working “without institutional support” face barriers when challenging “pre-existing power structures, political priorities, and funding practices.”<sup>114</sup> Moreover, engaging with government to access needed resources presents its own challenges.<sup>115</sup> In Ghana, resources are often delivered through political patronage networks. Activists seeking government support must decide how closely they can work with and within these networks without undermining the legitimacy of their claims.<sup>116</sup>

The cases in this volume suggest that engaging government in the human rights project is, at some level, a universal challenge.<sup>117</sup> Michele Grigolo confronts this dilemma squarely in his closing chapter, highlighting the “paradox whereby public powers are at the

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112. *Id.* at 115.

113. *Id.* at 117.

114. Catherine Buerger, *Contested Advocacy: Negotiating Between Rights and Reciprocity in Nima and Maamobi, Ghana*, in GLOBAL URBAN JUSTICE, *supra* note 3, at 139, 145.

115. *Id.* at 150–52.

116. As Buerger explains, this requires confrontation of the fundamental conflict between “the procedures associated with human rights that . . . place a focus on universalism and impersonal legality” and “claims made on the basis of political loyalty and obligation [which] are grounded in notions of relationships and reciprocity.” *Id.* at 155.

117. As Esther Van den Berg explains, “[i]f the partnership between local government and civil society threatens civil society’s independence, it runs the risk of becoming an instrument of local policy.” Van den Berg, *supra* note 28, at 45. As a result, “a critical advocacy group on privacy matters in Utrecht . . . [has] stay[ed] aloof from local efforts to establish a human rights coalition spearheaded by the government.” *Id.* at 59.

same time guarantors and violators of human rights.”<sup>118</sup> Institutionalizing the human rights project brings essential resources and structure, but also limits the ways in which these ideas can operate to challenge the power dynamics that shape and constrain government power. Grigolo argues that efforts to strengthen human rights are most successful when government actors and their constituents are simultaneously engaged in the continuous tension of “co-production between civil society and local government,” through which the demands of justice and the limitations of bureaucracy are balanced and worked out in particular contexts.<sup>119</sup> Again, this lesson applies to the global, as well as to the local. Challenging the traditional, state-centered view of human rights creates the space for developing a more radical and expansive vision of its guarantees.

### CONCLUSION

*Global Urban Justice* provides a timely window into the theory and practice of human rights in the city. Although the volume helpfully collects many examples of success, its authors are careful not to generalize or romanticize the experience of local implementation. As a result, the collection offers a new lens through which to understand the issues that arise when efforts are made to take the broad set of rights articulated in the UDHR and U.N. treaties and turn them into real policies and programs that shape how people live. This is useful insight, and somewhat rare. Before the rise of human rights cities, this kind of detailed analysis of the mechanics of rights implementation appeared only regularly in the context of litigation. And even there, the focus was not on defining, contextualizing, and realizing rights, but on ending violations.

The city experience also offers a valuable response to longstanding and increasingly pointed criticisms of human rights and the human rights movement. This volume’s authors offer concrete examples of how rights claims are reshaping government behavior in meaningful and tangible ways in cities around the globe. Its cases belie the arguments that human rights are unenforceable or are innately constructed in ways that exclude the most vulnerable from their reach. They also controvert the notion that human rights are necessarily constrained by the power dynamics defining the state; to

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118. Michele Grigolo, *Towards a Sociology of the Human Rights: Focusing on Practice*, in GLOBAL URBAN JUSTICE, *supra* note 3, at 276, 279.

119. *Id.* at 284.

the contrary, they suggest that human rights may offer a meaningful language for identifying and challenging those limits.

In sum, the volume demonstrates that when decentralized, localized, and grounded, human rights implementation can lead to more just and equitable communities. A challenge, as the cases illustrate, is in capturing and communicating the lessons of the city to ensure that the local and the international are in dialogue, reinforcing each other, and raising the bar to enhance sustainability on a global scale. The authors highlight a number of different promising mechanisms, from new local institutions, to translocal civil society organizations. To the extent that the cases point to a gap, it appears to be in the absence of national leadership, which could move these rights experiences from the experimental to the expected.

Relatedly, the volume cautions against reading this handful of cases to justify complacency. Several of the authors note that there is a danger in romanticizing the urban, ignoring the real and practical limits on city authority.<sup>120</sup> There is a risk that city experiences will be used to celebrate, rather than challenge the status quo. This would be a mistake. *Global Urban Justice* should be understood as a clear-eyed call to action, highlighting the potential of human rights, not its inevitability.

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120. See, e.g., Darling, *supra* note 77, at 134–35 (arguing that rights talk may, in some instances, be used by governments to “maintain the status quo”).