

Rights of Cities and Citizens

A Working Paper by Dr. Benjamin R. Barber

In preparation for the Inaugural Convening in September 2016, Dr. Benjamin Barber has offered a working paper on the Rights of Cities and Citizens.

Preface

The Importance of Rights Claims and the Argument for a Right of the City to Self-Government Rights language has been and remains crucial to establishing the legitimacy of political authority. In an interdependent world in which cities govern locally, but—through intercity cooperation—are also demonstrating the capacity to govern globally, and where urban public goods often define global public goods, rights language captures in a powerful way the emerging global governance role of cities. It is because the authority and legitimacy of city governance is founded not just on capacity but on rights claims that a Global Parliament of Mayors is a unique form of intercity association — marking a true governance revolution by establishing a novel form of political authority rooted in universal rights claims.

The key right of the city, the first listed below, is the right of the city to self-governance, a right that has been historically recognized in documents as old as Magna Carta (whose 800th anniversary is being celebrated this year); in the U.S. Bill of Rights (the Ninth Amendment, citing the people as the ultimate repository of rights, and the Tenth, reserving those powers not explicitly delegated to the Federal Government to the States and the people locally); and in the European Charter and its doctrine of subsidiarity that empowers cities with key rights to governance not dependent on the central government. The right of the city to self-governance is also legitimated by the principle of democracy (government by the majority), since the global majority today is urban; the principles of federalism and confederalism that share power vertically and treat local and municipal government as coequal civic domains; and the principle of effective sovereignty, which acknowledges that when a body claiming sovereignty cannot legislate the conditions of freedom and security, those bodies that can do so have a claim to be sovereign surrogates. Finally, the common etymology of the words city and citizen (cite and citoyen), as well as of polis and politics, evince the intimate links between the city and the right to civic self-governance. Individually each of these arguments are controversial and subject to contestation. But together they offer powerful support for the claim that cities have a right to self-governance, especially in our 21st century era of interdependence where independent states are failing to solve global problems that threaten not only sustainability and justice, but existence itself.

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The Rights Of Cities And Citizens Include:

1. The rights of cities to self-government both alone and in common, above all when “superior” political institutions prove incapable of protecting the rights of citizens to liberty, equality and security, or responding effectively to the challenges they face.
2. The right of the city to self-government entails the right of citizens to transparent, accountable government and to engagement and participation in the business of the city; in other words, recognition that the rights of the city are the rights of citizens, and include the right to participation

as well as representation, and that the rights of cities to self-government merely reflects the rights of citizens to self-government.

3. The right to hold jurisdictional and taxation authority over all peoples served by the city—through transportation, jobs, culture, sports, recreation and other social services—regardless of whether those served reside within or beyond the formal boundaries of the city. In practice, this right constitutes a rightful demand to be able to adjust traditional city limits to correspond with the areas defined by the communities cities actually serve: metro-regions.

4. The right to clean air and water and to a greenhouse environment with minimal (eventually zero) carbon emissions, which translates into the right to take action to assure a safe and sustainable environment, regardless of the action or inaction of other levels of government.

5. The right to residential dignity: that is to say, the right to identity papers (visas, identity cards) conferring access to schools, hospitals, transportation and jobs on the condition of law-abiding behavior, for all residents, regardless of their regional or national immigration status or the manner in which they entered the country in which their city finds itself. In practice, this entails a right to a "city visa" or "urban ID," which while it cannot by itself convey residential or civil rights at the national level, can normalize a de facto local status; and in time perhaps constitute a 'road to citizenship' at the national level.

6. The right to fiscal and legal autonomy for the city appropriate to its responsibilities and obligations; hence, the right to a degree of shared sovereignty with other 'higher' levels of administration (such as provinces, cantons and national government) in making decisions pertinent to urban public goods. This right is a concomitant of the core right to self-government enunciated in the first paragraph.

7. The right to public space, which defines the free democratic city in its essential public character as a civic community. The right to public space is a condition for free political and civic activity, for civil society, and for play, art and self-expression. It is a key source of civic imagination, cultural creativity and egalitarianism.

8. The right to culture understood as the right to creativity, imagination and play as defining features of urbanity and cosmopolitanism. Because culture is synonymous with urbanity itself, the right to culture can be understood as synonymous with the "rights of the city."

9. The right to cultural particularism and expression in the context of urban multiculturalism; that is to say, the right on contributing cultures in a heterogeneous city to the practice and expression of their own norms to the degree those norms do not conflict with the safety and security of the city. Concretely, this means that diversity enjoins not only tolerance and the right of the majority to protect its values and norms, but also means respect for others and a willingness to curb free expression by the majority when it impinges on the dignity and convictions of minorities.

10. The right to take action and enact laws wherever and whenever "higher" levels of administration fails to act in domains where the rights and interests of urban citizens are impinged on or imperiled; this includes the right of cities to meet and cooperate across national borders with or without the support of their 'mother nations.'

11. The rights of cities and citizens enumerated here cannot and do not override the rights of higher jurisdictions, sovereign national states or international bodies, or of peoples residing in exurban and

rural regions, any more than the rights of 'higher' jurisdictions override these rights. The rights of the city and citizens claim parity with other parallel rights claims.

12. The specific rights of the city and citizens enumerated here in no way foreclose or delegitimize others rights of the city and citizens not enumerated here.