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## 17. Local authorities, poverty and the implementation of human rights norms

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Cities, towns and their local authorities are often on the frontline when it comes to the fight against poverty. Their pivotal role becomes especially visible in crisis situations, as demonstrated by the recent outbreak of the coronavirus (COVID-19). When national governments had to take urgent measures to contain the spread of the pandemic and to keep economies afloat, many municipal authorities stepped in to ensure that socio-economically disadvantaged persons could survive the crisis. The German City of Düsseldorf, for instance, provided additional food packages and shelter for homeless persons.<sup>1</sup> The City of London booked 300 hotel rooms to make sure that homeless persons would be able to self-isolate.<sup>2</sup> In Spain's capital, Madrid, the City Council arranged continuous food delivery for 500 children from vulnerable families.<sup>3</sup> Finally, in what is probably one of the starkest cases of local action at a massive scale, the municipal government of New Delhi provided food to over 10,000 people per day in 234 shelter homes across the city.<sup>4</sup> There are many examples of localities, large and small, responding to the health-care and economic challenges that the outbreak of the virus posed to the poorest in society. Often helped by local civil-society organisations, municipal authorities immediately—and seemingly out of what has been described as ‘a sense of direct responsibility’<sup>5</sup>—recognized that it was important for them to step in and mitigate the often desperate situations that their residents faced.

Admittedly, not all local authorities were exemplary actors, such as hotel-rich Las Vegas, which faced widespread criticism for ‘sheltering’ homeless persons in parking lots.<sup>6</sup> Yet,

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<sup>1</sup> Michael Buch (ed), ‘Hilfen für wohnungslose Menschen in der Corona-Krise’ (*Landeshauptstadt Düsseldorf*, 20 March 2020) <[www.duesseldorf.de/index.php?id=700021325&tx\\_pld\\_frontend%5Bnews%5D=32092](http://www.duesseldorf.de/index.php?id=700021325&tx_pld_frontend%5Bnews%5D=32092)> accessed 26 March 2020.

<sup>2</sup> Anton Stoyanov, ‘London Provides the Homeless with Hotel Rooms for Self-Isolation’ (*The Mayor*, 22 March 2020) <[www.themayor.eu/el/london-provides-the-homeless-with-hotel-rooms-for-self-isolation](http://www.themayor.eu/el/london-provides-the-homeless-with-hotel-rooms-for-self-isolation)> accessed 26 March 2020.

<sup>3</sup> ‘El Ayuntamiento Ofrecerá un Servicio de Comida Saludable a Domicilio para 500 Niños de Escuelas Infantiles de Cero a Tres Años’ (*Ayuntamiento de Madrid*, 24 March 2020) <[diario.madrid.es/blog/notas-de-prensa/el-ayuntamiento-ofrecera-un-servicio-de-comida-saludable-a-domicilio-para-500-ninos-de-escuelas-infantiles-de-cero-a-tres-anos](http://diario.madrid.es/blog/notas-de-prensa/el-ayuntamiento-ofrecera-un-servicio-de-comida-saludable-a-domicilio-para-500-ninos-de-escuelas-infantiles-de-cero-a-tres-anos)> accessed 26 March 2020.

<sup>4</sup> Barkha Mathur, ‘Coronavirus Outbreak: Delhi Providing Food To Over 15,000 Homeless People Through Its Shelters Amid Lockdown’ (*Benga Swasth India*, 15 April 2020) <[swachhindia.ndtv.com/coronavirus-outbreak-delhi-providing-food-to-over-15000-homeless-people-through-its-shelters-amid-lockdown-42757](http://swachhindia.ndtv.com/coronavirus-outbreak-delhi-providing-food-to-over-15000-homeless-people-through-its-shelters-amid-lockdown-42757)> accessed 15 June 2020.

<sup>5</sup> Janne E Nijman, ‘Renaissance of the City as Global Actor: The Role of Foreign Policy and International Law Practices in the Construction of Cities as Global Actors’ in Andreas Fahrmeir, Gunther Hellmann and Miloš Vec (eds), *The Transformation of Foreign Policy: Drawing and Managing Boundaries from Antiquity to the Present* (OUP 2016) 221.

<sup>6</sup> Alicia Lee, ‘Las Vegas Homeless People are Sleeping in a Parking Lot – Six Feet Apart’ (*CNN*, 31 March 2020) <[edition.cnn.com/2020/03/30/us/coronavirus-las-vegas-homeless-cashman-center-trnd/index.html](http://edition.cnn.com/2020/03/30/us/coronavirus-las-vegas-homeless-cashman-center-trnd/index.html)> accessed 17 April 2020.

local governments' generally prominent, and in many cases forceful, involvement during the coronavirus crisis is no coincidence. Over the last two decades, cities have been on the rise as actors concerned with, as well as capable of addressing, global challenges.<sup>7</sup> This clout extends to the domain of international law, where localities emerged first as objects to be governed but have gradually transformed into enforcers and increasingly embrace a role as duty bearers.<sup>8</sup> Especially in the area of human rights law, the actions of cities and towns are seen to offer promising solutions to the perceived lack of effectiveness and legitimacy of the existing legal framework.<sup>9</sup> This proposition is based at least partly on an observed rise of 'human rights cities', where local authorities adopt the norms and language of human rights to inform and shape their own municipal policies.<sup>10</sup>

Building on these insights, this chapter discusses what role local administrations (can) play when it comes to implementing, and possibly even influencing, human rights norms that address questions of poverty. Consideration is also given to the related question: to what extent does human rights, as law and discourse, provide necessary or even useful frameworks for municipalities active in this domain? The focused attention in this contribution on local authorities as the lowest tier of government in no way intends to capture the full picture of what poverty alleviation entails; local decision-making is often 'fuzzy, fragmented, sprawling and reterritorialized'.<sup>11</sup> The point is rather that local governments deserve separate consideration due to the public and frontline qualities of their authority, which make them particularly relevant from the point of human rights law.<sup>12</sup>

This chapter is divided into four parts. The first section presents a brief overview of the responsibilities that local authorities generally hold in terms of international human rights law. Even in the absence of formal duties, important questions arise concerning their indirect responsibilities and accountability under emerging transnational standards. The second section moves to questions of poverty reduction and presents some of the most prominent examples of international organisations harnessing the capacities of local authorities to achieve this goal. However, as already mentioned, cities and their local authorities are also increasingly acting as subjects autonomous from national governments, both by taking individual measures and by teaming up through city networks. Seeking to offer a nuanced account of these developments, this chapter contrasts approaches that differ in their reliance on international human rights law and discourse. The third section discusses three specific examples of municipal efforts that do not have an explicit connection to human rights. The focus shifts then to human rights cities as entities whose approach to poverty reduction is specifically guided by human rights considera-

<sup>7</sup> Michele Acuto, *Global Cities, Governance and Diplomacy: The Urban Link* (Routledge 2013); Benjamin R Barber, *If Mayors Ruled the World: Dysfunctional Nations, Rising Cities* (Yale UP 2013).

<sup>8</sup> Yishai Blank, 'Localism in the New Global Legal Order' (2006) 47 *Harvard Intl LJ* 263.

<sup>9</sup> Barbara Oomen and Moritz Baumgärtel, 'Frontier Cities: The Rise of Local Authorities as an Opportunity for International Human Rights Law' (2018) 29 *EJIL* 607.

<sup>10</sup> Barbara Oomen, Martha F Davis and Michele Grigolo (eds), *Global Urban Justice: The Rise of Human Rights Cities* (CUP 2016).

<sup>11</sup> Natalia Ángel-Cabo and Louisa Sotomayor in this volume. The same can be said for human rights as argued in Jonathan Darling, 'Defying the Demand to "Go Home": From Human Rights Cities to the Urbanisation of Human Rights' in Barbara Oomen, Martha F Davis and Michele Grigolo (eds), *Global Urban Justice: The Rise of Human Rights Cities* (CUP 2016).

<sup>12</sup> Michael Goodhart, 'Human Rights Cities: Making the Global Local' in Alison Brysk and Michael Stohl (eds), *Contesting Human Rights: Norms, Institutions and Practice* (Edward Elgar 2019).

tions. The concluding section highlights questions for future research, ranging from addressing the significant gaps in our empirical understanding of when and how local authorities become involved to their relevance for processes of international norm creation.

## I. THE HUMAN RIGHTS RESPONSIBILITIES OF LOCAL AUTHORITIES

The rise of cities, and especially ‘global cities’<sup>13</sup> such as New York and London, can no longer be described as a new phenomenon. The many reasons, which have been linked to the transformation of global political and economic orders,<sup>14</sup> are beyond the scope of this chapter. Importantly, however, the increased international visibility and clout of cities has brought up questions also for international lawyers.<sup>15</sup> One important aspect is whether and when local authorities hold responsibility under international law generally and human rights law specifically. Straightforward only at first glance, scholarship has recently shown that there is more to this question than has long been presumed. This section serves as a short introduction to this burgeoning literature, which will also help contextualize the subsequent parts of this chapter.

Historically, international law has dealt with the legal aspects arising from the interactions between nation states. One corollary of the core principles of state consent and *pacta sunt servanda* is that states, as the primary legal subjects, have a prerogative for holding rights and responsibilities under international law. Two additional points derive from this orthodox and formalist approach to international law,<sup>16</sup> which is reflected, amongst others, in the 2001 Articles on the Responsibility of States for Internationally Wrongful Acts.<sup>17</sup> First, states are considered to be unitary legal subjects. Second, they may not invoke provisions of their internal law to justify a failure to perform an international obligation.<sup>18</sup> The consequence is that, as for other subnational authorities, the responsibility of local administrations is subsumed under their state. According to Frug and Barron, ‘under international law, virtually all the actions of cities will be treated as if they are the actions of the state’.<sup>19</sup>

A strictly positivist inquiry into the human rights responsibilities of local authorities ends here. However, there is much more to the story. First, questions concerning the legal responsibility of local authorities do not actually disappear but are reframed in terms of an ‘indirect responsibility’ where their actions are attributed to the state.<sup>20</sup> Though unproblematic from a formalist standpoint, such a conception has significant practical implications in many areas of international law and particularly for human rights law, where the implementation of

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<sup>13</sup> Saskia Sassen, *The Global City: New York, London, Tokyo* (2nd edn, Princeton UP 2001).

<sup>14</sup> Simon Curtis, *Global Cities and Global Order* (OUP 2017).

<sup>15</sup> Helmut Aust, ‘Shining Cities on the Hill? The Global City, Climate Change, and International Law’ (2015) 26 EJIL 255.

<sup>16</sup> Katja Creutz, ‘Responsibility’ in Helmut Aust, Janne Nijman and Miha Marcenko (eds), *Research Handbook on International Law and Cities* (Edward Elgar forthcoming).

<sup>17</sup> UNGA ‘Responsibility of States for Internationally Wrongful Acts’ (8 January 2008) UN Doc A/Res/62/61.

<sup>18</sup> *ibid* arts 4 and 32.

<sup>19</sup> Gerald E Frug and David J Barron, ‘International Local Government Law’ (2006) 38 Urb L 1, 19.

<sup>20</sup> Creutz (n 16).

norms has always been a key concern.<sup>21</sup> One may consider, for example, that certain human rights treaties such as the Convention on the Rights of the Child explicitly confirm that legal obligations (in this case the consideration of the best interest of the child) are applicable to ‘all actions ... undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies’,<sup>22</sup> and hence also to the actions of local authorities. Such provisions, which are found also in other conventions,<sup>23</sup> can have important implications. They can, for example, encourage central governments to curb the competencies of sub-state actors to avoid international legal responsibility.<sup>24</sup> At the same time, they may lead to unintended but attributable breaches where cities and towns are unable to perform, or perhaps even unaware of, their ‘indirect duties’.

The growing influence of local authorities is a concern not only for national governments but also for international organisations. This is reflected most prominently in the ambitious urban agendas of the European Union (EU), which was established with the Pact of Amsterdam in May 2016, and of UN Habitat III, which was adopted in Quito a few months later. The outlook of these organisations is largely optimistic as the growing involvement of cities and processes of urbanisation are presented as ‘an engine of sustained and inclusive economic growth, social and cultural development, and environmental protection’.<sup>25</sup> The emergence of frameworks of ‘good urban governance’ brings about standards that probably do not yet qualify as binding international norms but that could, over time and with the persistent involvement of international bodies, develop into ‘international local government law’.<sup>26</sup> In the context of human rights, the role of local authorities has recently been addressed in a separate report by the UN High Commissioner for Human Rights.<sup>27</sup> Treaty bodies such as the Committee on Economic, Social and Cultural Rights have also dealt with the implications of devolution, for example, in drawing attention to the ‘limited awareness of local authorities as to their obligations in regard to the realization of Covenant rights’ in their review of the country report of Sweden.<sup>28</sup> The rise to prominence of cities and towns has arguably been accelerated by the formation of transnational city networks: the climate network C40, for example, works in tandem with the World Bank to create requirements that cities need to meet to be eligible for funding.<sup>29</sup> The

<sup>21</sup> UNGA ‘Role of Local Government in the Promotion and Protection of Human Rights – Final Report of the Human Rights Council Advisory Committee’ (7 August 2015) UN Doc A/HRC/30/49 [26].

<sup>22</sup> Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990), 1577 UNTS 3, art 3.

<sup>23</sup> For example, International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR) art 10; International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976), 993 UNTS 3 (ICESCR) art. 28; International Convention on the Elimination of All Forms of Racial Discrimination (adopted 7 March 1966, entered into force 4 January 1969), 660 UNTS 195, art 2.

<sup>24</sup> Frug and Barron (n 19) 20.

<sup>25</sup> UNGA ‘New Urban Agenda: Quito Declaration on Sustainable Cities and Human Settlements for All’ (adopted 23 December 2016) UN Doc A/Res/71/256 4.

<sup>26</sup> Frug and Barron (n 19). See also Helmut Aust and Anél du Plessis (eds), *The Globalisation of Urban Governance* (Routledge 2018).

<sup>27</sup> UNGA ‘Local Government and Human Rights: Report of the United Nations High Commissioner for Human Rights’ (1 July 2019) UN Doc A/HRC/42/22.

<sup>28</sup> UN Economic and Social Council ‘Committee on Economic, Social and Cultural Rights: Concluding Observations on the Sixth Periodic Report of Sweden’ (14 July 2016) UN Doc E/C.12/SWE/CO/6 [7–8].

<sup>29</sup> Aust (n 15) 263.

normative impact of these transnational standards is often as high (and sometimes higher) as the impact of ‘hard’ rules of international law, underscoring the importance of adopting a broad conception of the responsibility of local authorities that also considers informal duties. Such considerations apply also to the domain of human rights.

Lastly, the growing influence and activities of cities, which themselves may exert a discernible ‘normative pull’,<sup>30</sup> challenges the state-centrism that underlies international law both as a profession and an academic discipline.<sup>31</sup> In the area of human rights, this tension is reflected in a visible schism within the regime where local authorities regularly adopt human rights as a discourse and a praxis of government—dimensions not defined by a strong state-centrism—even as they do not hold any formal responsibilities under international law.<sup>32</sup> In some cases, cities have even passed local ordinances based on human rights treaties, which inevitably brings to the fore questions of ‘local accountability’.<sup>33</sup> It is therefore plausible to suggest that the engagement of local authorities with human rights will over time come to ‘infiltrate’ the instruments of positive law in a way that formalist approaches fail to appreciate.<sup>34</sup> Human rights cities (as discussed in the penultimate section of this chapter) play a particularly important role in this context, though one should keep in mind that the ‘urbanisation’ of human rights often involves grassroots practices of campaigning, activism and pragmatic negotiations that are discursive rather than formal in nature.<sup>35</sup>

In short, unless these are construed narrowly and formalistically, the question of the human rights responsibilities of local administrations has many facets. The fact that there are indirect responsibilities under the classical framework of international law, as well as novel local and transnational standards of normative significance has elevated local authorities to a place of visibility when it comes to the protection of human rights. This position is one that they have arguably enjoyed for an even longer time in international relations and the global economy.

## II. THE ROLE OF LOCAL AUTHORITIES IN POVERTY REDUCTION FROM AN INTERNATIONAL PERSPECTIVE

As is well-known, more people live in cities than rural areas, with projections indicating that this figure could increase to more than two-thirds of individuals living in cities by 2050.<sup>36</sup> Questions of poverty and inequality have likewise become more ‘urban’, with both economic ordering and its political contestation taking place in cities.<sup>37</sup> International and regional organi-

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<sup>30</sup> *ibid* 276.

<sup>31</sup> Nijman (n 5).

<sup>32</sup> Oomen and Baumgärtel (n 9).

<sup>33</sup> Martha F Davis, ‘Cities, Human Rights and Accountability: The United States Experience’ in Barbara Oomen, Martha F Davis and Michele Grigolo (eds), *Global Urban Justice: The Rise of Human Rights Cities* (CUP 2016).

<sup>34</sup> Elif Durmus, ‘A Typology of Local Governments’ Engagement with Human Rights: Legal Pluralist Contributions to International Law and Human Rights’ (2020) 38 *Netherlands Q Human Rights* 30.

<sup>35</sup> Darling (n 11).

<sup>36</sup> ‘68% of the World Population Projected to Live in Urban Areas by 2050, says UN’ (*United Nations*, 16 May 2018) <[www.un.org/development/desa/en/news/population/2018-revision-of-world-urbanization-prospects.html](http://www.un.org/development/desa/en/news/population/2018-revision-of-world-urbanization-prospects.html)> accessed 22 March 2020.

<sup>37</sup> See chapter by Natalia Ángel-Cabo and Louisa Sotomayor in this volume.

sations have consequently been paying closer attention to urban poverty and the possible ways of addressing it, usually seeking to collaborate with local authorities. Some of their initiatives, which draw to a varying extent on the human rights framework, will be outlined in this section.

Perhaps the most visible expression of an ‘emerging international consensus that good urban governance has become a matter of global concern’<sup>38</sup> is Sustainable Development Goal (SDG) 11, a part of the UN’s 2030 Agenda for Sustainable Development, which aims to ‘make cities and human settlements inclusive, safe, resilient and sustainable’.<sup>39</sup> It is ‘closely linked’<sup>40</sup> to other SDGs, and most notably SDG 1, which expresses the ambition to end poverty in all its forms. SDG 11 is further sub-divided into ten specific targets, some of which are clearly informed by the international human rights framework, such as the need to ensure access for all to adequate, safe and affordable housing (target 1).<sup>41</sup> Both the SDGs in general and SDG 11 specifically are a clear reflection of a belief among members of the UN Sustainable Development Group that ‘[m]uch of the 2030 Agenda will be “fought and won” in urban centres’.<sup>42</sup> Initial progress assessments have consequently paid considerable attention to the tasks and capacities of local authorities.<sup>43</sup> However, the question of whether human rights are being integrated into the practical realisation of the SDGs is still a relatively open one.<sup>44</sup> In formulating policies, local authorities seem at times to get caught up in the long-standing (though arguably false) choice between prioritising sustainable development or human rights.<sup>45</sup>

Closely related to the question of sustainable development is the New Urban Agenda,<sup>46</sup> which was adopted by UN Habitat III in Quito in 2016. The Agenda recognizes local authorities as important stakeholders in tackling the questions of urban poverty, as it seeks to ‘readdress[] the way cities and human settlements are planned, designed, financed, developed, governed and managed’.<sup>47</sup> The New Urban Agenda references both international human rights treaties and the ‘right to the city’ to highlight a commitment to equal access and participation.<sup>48</sup> It also alludes to human rights in setting out how ‘sustainable urban development’ aims to

<sup>38</sup> Helmut Aust and Anél du Plessis, ‘The Globalisation of Urban Governance – Legal Perspectives on Sustainable Development Goal 11’ in Helmut Philipp Aust and Anél Du Plessis (eds), *The Globalisation of Urban Governance* (Routledge 2018).

<sup>39</sup> UNGA, ‘Transforming Our World: The 2030 Agenda for Sustainable Development’ (21 October 2015) UN Doc A/Res/70/1.

<sup>40</sup> UN Habitat, *Tracking Progress Towards Inclusive, Safe, Resilient and Sustainable Cities and Human Settlements: SDG 11 Synthesis Report* (2018) 10-11 <<http://uis.unesco.org/sites/default/files/documents/sdg11-synthesis-report-2018-en.pdf>> accessed 26 February 2020.

<sup>41</sup> *ibid* 38.

<sup>42</sup> ‘Cities are Engines for Achieving the Sustainable Development Goals’ (*UN Habitat*, 17 July 2018) <[unhabitat.org/cities-are-engines-for-achieving-the-sustainable-development-goals](http://unhabitat.org/cities-are-engines-for-achieving-the-sustainable-development-goals)> accessed 26 February 2020.

<sup>43</sup> UN Habitat (n 40).

<sup>44</sup> Karina Gomes Da Silva, ‘The New Urban Agenda and Human Rights Cities: Interconnections between the Global and the Local’ (2018) 36 *Netherlands Q Human Rights* 290.

<sup>45</sup> Morten Kjaerum and others, ‘Human Rights and the SDGs’ (*Raoul Wallenberg Institute* 2018) <[portal.research.lu.se/portal/files/53375782/HR\\_Cities\\_and\\_SDGs\\_print\\_updated.pdf](http://portal.research.lu.se/portal/files/53375782/HR_Cities_and_SDGs_print_updated.pdf)>.

<sup>46</sup> See UN Habitat (n 40) 109. See also Sandra C Valencia and others, ‘Adapting the Sustainable Development Goals and the New Urban Agenda to the City Level: Initial Reflections from a Comparative Research Project’ (2019) 11 *Intl J Urban Sustainable Development* 4; Da Silva (n 44).

<sup>47</sup> *New Urban Agenda* (n 25) 4.

<sup>48</sup> *ibid* 11–13, 155.

‘eradicate[] poverty in all its forms and dimensions, including extreme poverty’.<sup>49</sup> And while the Agenda likewise acknowledges the need to install ‘multilevel consultation mechanisms’ to promote cooperation between national, subnational and local administrations, which would include a follow-up mechanism,<sup>50</sup> there was scepticism early on whether local authorities would be implicated sufficiently given that states had already failed to involve them during the preparatory process.<sup>51</sup> At the time of writing, it still is too soon to tell whether the overall level of involvement of local authorities has substantially increased, not least because the New Urban Agenda lacks a formal implementation mechanism.<sup>52</sup>

Looking at past experience, and more specifically at negotiations regarding security of tenure, an important component of the international right to housing, one can be cautiously optimistic. In these negotiations, UN Habitat facilitated complex and highly interactive processes of norm negotiation where central state and local authorities, alongside other actors including civil society organisations, academics and international organisations, succeeded in modifying the meaning to be more responsive to local socio-political conditions.<sup>53</sup> However, the implementation of such norms remains an issue, with local authorities often facing constraints in terms of their competencies and capacities.<sup>54</sup>

At the regional level, the EU’s 2016 Urban Agenda defines ‘urban poverty’ as one of its priority themes.<sup>55</sup> While the Urban Agenda does not create any specific competence for the EU regarding urban policy, it has been influential in facilitating the sharing of knowledge and coordinated action across Member States whilst also channelling EU funding to local authorities to achieve these goals.<sup>56</sup> Encompassing many aspects related to sustainable urban development, the issue of poverty reduction is taken up by the Urban Poverty Partnership (UPP), whose stated ambition is to ‘reduce poverty and improve the inclusion of people in poverty or at risk of poverty in deprived neighbourhoods’.<sup>57</sup> The Partnership, coordinated by the French and Belgian governments and consisting of several Member States, cities, regions, NGOs and the EU Commission,<sup>58</sup> addresses questions of child poverty, urban deprived areas

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<sup>49</sup> *ibid* 25–26.

<sup>50</sup> *ibid* 87, 169.

<sup>51</sup> Ulrich Graute, ‘Local Authorities Acting Globally for Sustainable Development’ (2016) 50 *Reg Studies* 1931, 1940.

<sup>52</sup> Valencia and others (n 46).

<sup>53</sup> Miha Marcenko, ‘International Assemblage of the Security of Tenure and the Interaction of City Politics with the International Normative Discourse’ (2019) 51 *J L Pluralism* 151.

<sup>54</sup> Ivan Turok and Andreas Scheba, ‘“Right to the City” and the New Urban Agenda: Learning from the Right to Housing’ (2019) 7 *Territory, Politics, Governance* 494; Da Silva (n 44).

<sup>55</sup> ‘Urban Agenda for the EU: Pact of Amsterdam’ (*European Commission*, 30 May 2016) 10 <[ec.europa.eu/regional\\_policy/sources/policy/themes/urban-development/agenda/pact-of-amsterdam.pdf](http://ec.europa.eu/regional_policy/sources/policy/themes/urban-development/agenda/pact-of-amsterdam.pdf)> accessed 22 February 2020.

<sup>56</sup> Interview with Martin Grisel, Director, European Urban Knowledge Network, The Hague, 24 February 2020.

<sup>57</sup> Urban Poverty Partnership, ‘Final Action Plan 2018’ (*European Commission*, 2 February 2018) <[ec.europa.eu/futurium/en/urban-poverty/final-action-plan-urban-poverty-partnership](http://ec.europa.eu/futurium/en/urban-poverty/final-action-plan-urban-poverty-partnership)> accessed 25 February 2020.

<sup>58</sup> The specific members include Belgium, France, Germany, Greece and Spain as states; Birmingham (UK), Daugavpils (LV), Kortrijk (BE), Keratsini-Drapetsona (EL), Lille (FR), Łódź (PL) and Timișoara (RO) as cities; the Brussels Capital Region and Ile de France Region; DG for Regional and Urban Policy and DG Employment, Social Affairs and Inclusion from the EU Commission; as well as EAPN, Eurochild, FEANTSA, UN Habitat, Eurocities, EUKN and URBACT as non-governmental stakeholders.

and neighbourhoods, homelessness and the vulnerability of Roma people in an approach seeking to ‘strengthen human rights’.<sup>59</sup> The development of data to identify, measure, monitor and evaluate urban poverty is another stated objective. In opting for an inclusive and coordinative approach that seeks to integrate the efforts of a variety of stakeholders across levels, the UPP is a good example of a ‘joined-up governance’ approach that the EU has also taken in the past.<sup>60</sup> Importantly, whilst not creating any direct responsibilities, the conditionality of funding creates genuine incentives for local authorities to align themselves with the standards that are proposed.

Finally, in a context more specifically focused on human rights protection, the crucial role of local authorities has been pointed out repeatedly by the former UN Special Rapporteur on Extreme Poverty and Human Rights, Philip Alston. One recurrent thread in his reports is the lack of financial support given by central governments, even as competencies continue to devolve. Thus, reflecting on the situation in Romania in 2015, he emphasised that local authorities, which had been given ‘considerable responsibilit[ies]’ in terms of the provision of social services and benefits, were ‘often not equipped with adequate financial and human resources to perform the job in a satisfactory manner’.<sup>61</sup> This impacted various issues, including the training and employment of social workers, with further adverse effects for the welfare of children and disabled persons. In the case of the UK, the Special Rapporteur charged that local governments had been one of the primary targets of recent national austerity measures. In a separate section dedicated to ‘shrinking local government funding’, his report described how an overall funding cut of 49 per cent forced from 2010–11 to 2017–18 has resulted in the deterioration of basic services such as child protection, emergency welfare funds and public facilities such as public libraries, which are often particularly salient for people living in poverty.<sup>62</sup> Finally, looking at the United States, Alston is critical of states denying cities and counties autonomy for action, which has detrimental consequences for policy innovation.<sup>63</sup> This conclusion resonates with the findings of the UN Human Rights Committee, which (in their earlier concluding observations on the periodic report of the US) highlighted the central role of local authorities in addressing homelessness through decriminalization and the implementation of effective solutions.<sup>64</sup> The UN Special Rapporteur on Adequate Housing

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<sup>59</sup> Urban Poverty Partnership (n 57) 13.

<sup>60</sup> Barbara Oomen and Moritz Baumgärtel, ‘Human Rights Cities’ in Mark Gibney and Anja Mihr (eds), *The SAGE Handbook of Human Rights* (Sage Publishing 2014) 719.

<sup>61</sup> ‘End-of-mission Statement on Romania, by Professor Philip Alston, United Nations Human Rights Council Special Rapporteur on Extreme Poverty and Human Rights’ (*Office of the United Nations High Commissioner for Human Rights*, 11 November 2015) <[www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16737&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16737&LangID=E)> accessed 3 March 2020.

<sup>62</sup> UN Human Rights Council ‘Visit to the United Kingdom of Great Britain and Northern Ireland: Report of the Special Rapporteur on Extreme Poverty and Human Rights’ (23 April 2019) UN Doc A/HRC/41/39/Add.1, [39–43].

<sup>63</sup> ‘Statement on Visit to the USA, by Professor Philip Alston, United Nations Special Rapporteur on Extreme Poverty and Human Rights’ (Office of the United Nations High Commissioner for Human Rights, 15 December 2017) <[www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22533](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22533)> accessed 3 March 2020.

<sup>64</sup> UN Human Rights Committee, ‘Concluding Observations on the Fourth Periodic Report of the United States of America’ (23 April 2014) UN Doc CCPR/C/USA/CO/4, [19].

has likewise raised this point in a report dedicated specifically to the role of local and other subnational governments.<sup>65</sup>

Other examples exist of international organisations referring to local governments in their strategies to reduce poverty.<sup>66</sup> While it is beyond the scope of this section to provide a full overview, one can safely conclude that the involvement of local administration is perceived as critical in many different areas ranging from securing adequate housing to the revitalisation of deprived neighbourhoods and the alleviation of child poverty. They also play a crucial role when it comes to setting up and maintaining data collection and monitoring mechanisms.<sup>67</sup> At the same time, serious concerns exist as to whether there are always sufficient local capacities to address these challenges, both in terms of competencies and resources. Linkages to human rights, finally, are frequent but also unsystematic, which has led some authors to conclude that cities and towns themselves must take a lead in bridging the gap to bring human rights home.<sup>68</sup>

### III. LOCAL AUTHORITIES FIGHTING URBAN POVERTY WITHOUT USING HUMAN RIGHTS

While international organisations create comprehensive frameworks to address questions of poverty, solutions are also found in concrete local actions. Whether or not these rely on human rights as law and discourse merits being treated as an open empirical question that does not assume the relevance of the framework from the outset. In contrast to the next section dealing with human rights cities, the following paragraphs provide a general overview of the kinds of approaches and actions that local authorities take when considerations regarding human rights are subordinate or altogether absent. The three instances discussed here offer only snapshots of such practices that exist around the world, which each arise and are grounded in very different legal, political and economic contexts.<sup>69</sup> A crucial distinction is between rural and urban communities, which translates into specific challenges and contexts of vulnerability.<sup>70</sup> Against this background, the goal of this section is to discuss some examples that can be found in reports and other grey literature on the topic, whilst reflecting on their connection to human rights, even if it is not explicit.

A much-acclaimed example of a local government combatting poverty is Colombia's second largest city, Medellín. Routinely mentioned as a 'model of urban transformation',<sup>71</sup> the city began efforts to improve the conditions in slums and other poverty- and violence-stricken

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<sup>65</sup> UNGA, 'Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in this Context, Leilani Farha' (2014) UN Doc A/HRC/28/62, [24].

<sup>66</sup> See World Bank, *Systems of Cities: Harnessing Urbanization for Growth and Poverty Alleviation* (The World Bank 2009).

<sup>67</sup> UN Habitat (n 40) 111.

<sup>68</sup> Da Silva (n 44) 292.

<sup>69</sup> Diana Mitlin and David Satterthwaite, *Urban Poverty in the Global South: Scale and Nature* (Routledge 2013) 149.

<sup>70</sup> David Satterthwaite and Cecilia Tacoli, 'Seeking an Understanding of Poverty that Recognizes Rural–Urban Differences and Rural–Urban Linkages' in Tony Lloyd-Jones and Carole Rakodi (eds), *Urban Livelihoods: A People-Centred Approach to Reducing Poverty* (Earthscan Publications 2002).

<sup>71</sup> Ede Ijjasz-Vasquez and Pamela Sofia Duran Vinueza, 'How is Medellín a Model of Urban Transformation and Social Resilience?' (*World Bank Blogs*, 2 June 2017) <[blogs.worldbank.org/](http://blogs.worldbank.org/)

areas in the early 1990s and then systematised the efforts into ‘Integrated Urban Projects’ (*Proyectos Urbanos Integrales*) in the early 2000s.<sup>72</sup> The approach was finally upgraded to a comprehensive strategy based on the realization of large-scale urban-development projects, which Medellín’s former Mayor Sergio Fajardo dubbed ‘social urbanism’.<sup>73</sup> The flagship policy, though described as mostly symbolic by some, is *Metrocables*, a public aerial cable-car system connecting the poorer parts of the city.<sup>74</sup> The overall results of the efforts seem impressive, with the percentage of people living in poverty falling from over 36 per cent in 2002 to about 14 per cent in 2015.<sup>75</sup> Significant challenges remain,<sup>76</sup> however, with one major point of critique being that the local authorities do not respect the ‘right to the city’, as they do not sufficiently involve local residents in the planning and realization of their large-scale projects.<sup>77</sup> Interestingly, this shortcoming has not prevented Medellín from being highly integrated and even taking a leadership role in the international scene, for example, by hosting the World Urban Forum of UN-Habitat in 2014. The resulting Medellín Declaration refers to ‘multidimensional poverty’ and stresses the importance of equity as a foundation of sustainable urban development.<sup>78</sup> In 2017, Medellín organized a living laboratory where 35 cities, the World Bank and the 100 Resilient Cities network (funded by the Rockefeller Foundation) shared methodologies and experiences on the topics of security, coexistence and resilience.<sup>79</sup>

One of the most important human rights relating to poverty alleviation, and also to SDG 11 (and specifically target 1), is the right to housing, as guaranteed in various human rights instruments such as Article 25 of the Universal Declaration of Human Rights.<sup>80</sup> Practice shows that the implementation of the right and the target is often not straightforward but requires several systematic steps, including mapping and data collection. The Know Your City (KYC) campaign operating in 30 countries in the global South provides a good example of such efforts. KYC, by its own description, ‘unites organized slum dwellers and local governments in partnerships anchored by community-led slum profiling, enumeration, and mapping’.<sup>81</sup>

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sustainablecities/how-medellin-model-urban-transformation-and-social-resilience> accessed 4 April 2020.

<sup>72</sup> Jason Corburn and others, ‘The Transformation of Medellín into a “City for Life”: Insights for Healthy Cities’ (2020) 4 *Cities & Health* 13.

<sup>73</sup> Luisa Sotomayor, ‘Equitable Planning Through Territories of Exception: The Contours of Medellín’s Urban Development Projects’ (2015) 37 *Intl Development Planning R.* 373.

<sup>74</sup> Caren Levy and Julio D Dávila, ‘Planning for Mobility and Socio-Environmental Justice: The Case of Medellín, Colombia’ in Adriana Allen, Liza Griffin and Cassidy Johnson (eds), *Environmental Justice and Urban Resilience in the Global South* (Palgrave 2017).

<sup>75</sup> Corburn and others (n 72).

<sup>76</sup> See Sotomayor (n 73) as well as Levy and Dávila (n 74).

<sup>77</sup> Colleen Hammelman and Alexis Saenz-Montoya, ‘Territorializing the Urban-Rural Border in Medellín, Colombia: Socio-Ecological Assemblages and Disruptions’ (2020) 19 *J Latin American Geography* 36. On the right to the city, see Eva García Chueca, ‘Human Rights in the City and the Right to the City’ in Barbara Oomen, Martha F Davis and Michele Grigolo (eds), *Global Urban Justice: The Rise of Human Rights Cities* (CUP 2016).

<sup>78</sup> ‘7th World Urban Forum Medellín Declaration: Equity as a Foundation of Sustainable Urban Development’ (*UN Habitat*) <[unhabitat.org/7th-world-urban-forum-medellin-declaration](http://unhabitat.org/7th-world-urban-forum-medellin-declaration)> accessed 3 April 2020.

<sup>79</sup> See n 71.

<sup>80</sup> UN Habitat (n 40) 38. See also ICESCR, art 11.

<sup>81</sup> Janet Byrne (ed), ‘Know Your City: Slum Dwellers Count’ (*Slum Dwellers International*, 2018) 4 <[http://knowyourcity.info/wp-content/uploads/2018/02/SDI\\_StateofSlums\\_LOW\\_FINAL.pdf](http://knowyourcity.info/wp-content/uploads/2018/02/SDI_StateofSlums_LOW_FINAL.pdf)>.

The pilot, and first successful instance of creating such a profile, came from Zambia's capital Lusaka, where the City Council provided resources for the project and engaged with local communities to map and enumerate the households that exist in informal settlement.<sup>82</sup> After its successful completion, local authorities extended their commitment to city-wide slum upgrading, amongst others, by providing land for further development to the Zambian Slum Dwellers Federation.<sup>83</sup> KYC has now been enlarged to many other localities in Africa, Asia and Latin America with the support of United Cities and Local Governments, and local authorities are considered the key stakeholders together with the organised informal settlement communities.<sup>84</sup> The fact that KYC managed to profile as many as 7,712 slums in 224 cities by 2018 has been highlighted as a best practice with regard to SDG 11.<sup>85</sup>

In Europe, one of the most ambitious local programmes fighting poverty can be found in Kortrijk, a city of about 75,000 inhabitants in the Flemish region of Belgium. In 2013, local government presented a detailed and comprehensive poverty plan that included 185 local initiatives related, amongst others, to housing, health care and literacy.<sup>86</sup> One of many concrete outcomes is the opening of a people's restaurant (*volksrestaurant*) in 2018, which provides affordable and subsidised meals as well as courses aimed at fostering employment in the hospitality sector.<sup>87</sup> The city's poverty plan was assessed and revised in 2019, with the local authorities deciding to start rolling out local social benefits on the basis of income and specific questionnaires and to create as many as 750 social housings units.<sup>88</sup> In addition, a supplementary income was introduced for people whose wage does not provide for a decent living.<sup>89</sup> It is interesting to note the complete absence of any considerations of human rights law as well as the rare allusion to international and European initiatives.<sup>90</sup> To be sure, Kortrijk has been a member of the EU Urban Poverty Partnership, where it has been eager to share its experience and provide recommendations to its partners.<sup>91</sup> Nonetheless, its example demonstrates above all the autonomy of local authorities, which can develop ambitious programmes based on local motivations and needs, deciding in this case to address the stark contradiction of a prosperous city being the home to a relatively large number of persons living in poverty.<sup>92</sup>

Medellín, Lusaka and Kortrijk provide very different examples of local authorities strongly committed to fight poverty. Common to all three efforts is the fact that human rights do not

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<sup>82</sup> 'Lusaka 2030 – A City Without Slums' (*Metropolis Urban Sustainability Exchange*) <use.metropolis.org/case-studies/know-your-city-a-city-2030-city-without-slums> accessed 29 March 2020.

<sup>83</sup> 'Annual Report 2016' (*Slum Dwellers International*, 2016) 36 <[https://knowyourcity.info/wp-content/uploads/2016/11/Annual-Report\\_WEB\\_300916\\_singles.pdf](https://knowyourcity.info/wp-content/uploads/2016/11/Annual-Report_WEB_300916_singles.pdf)> accessed 1 April 2020.

<sup>84</sup> Byrne (n 81) 10–11.

<sup>85</sup> UN Habitat (n 40) 43.

<sup>86</sup> 'Een Nieuw Plan voor Sociale Vooruitgang en Tegen Armoede' (*Stad Kortrijk*) 4 <[www.kortrijk.be/sites/kortrijk/files/2019-10/Armoedeplan-2019\\_1.pdf](http://www.kortrijk.be/sites/kortrijk/files/2019-10/Armoedeplan-2019_1.pdf)> accessed 2 April 2020.

<sup>87</sup> *ibid* 15.

<sup>88</sup> Alexander Haezebrouck, 'Nieuw Plan Tegen Armoede: Kortrijk Bouwt 750 Nieuwe Sociale Woningen' (*Het Laatste Nieuws*, 16 October 2019) <[www.hln.be/in-de-buurt/kortrijk/nieuw-plan-tegen-armoede-kortrijk-bouwt-750-nieuwe-sociale-woningen-a98c44aa/](http://www.hln.be/in-de-buurt/kortrijk/nieuw-plan-tegen-armoede-kortrijk-bouwt-750-nieuwe-sociale-woningen-a98c44aa/)> accessed 2 April 2020.

<sup>89</sup> *ibid*.

<sup>90</sup> See n 86.

<sup>91</sup> 'Urban Agenda Partnership on Urban Poverty: Report of the Seminar on 27 September 2016 in Athens, Greece' (*European Urban Knowledge Network* December 2016) 5-6 <[www.eukn.eu/fileadmin/Files/Policy\\_Labs/2016\\_September\\_27/Policy\\_Lab\\_Report\\_EUKN.pdf](http://www.eukn.eu/fileadmin/Files/Policy_Labs/2016_September_27/Policy_Lab_Report_EUKN.pdf)>.

<sup>92</sup> *ibid* 5.

play a central role, which is an important observation given that human rights cities have recently received much attention in scholarship, quite possibly to the detriment of cities and towns such as the ones discussed here. However, it should be kept in mind that the issue of poverty has been identified as an international and local priority also in other governance frameworks. Municipal action can bring about significant improvements in the enjoyment of human rights even where the latter is not a driving factor. We now turn to localities that, by contrast, consciously opt for a human rights-based approach, some of which have even taken on the label of human rights city.

#### IV. HUMAN RIGHTS CITIES ADDRESSING CHALLENGES RELATED TO POVERTY

This final section focuses on the practices of human rights cities, which can be defined as ‘an urban entity or local government that explicitly bases its policies, or some of them, on human rights as laid down in international treaties, thus distinguishing itself from other local authorities’.<sup>93</sup> Much has been written in recent years about their rise,<sup>94</sup> which suggests that the phenomenon continues to grow. Originally launched by the People’s Movement for Human Rights Learning in 1993, local authorities around the world have declared their localities to be human rights cities, in some cases even adopting international treaties into their municipal law.<sup>95</sup> As could be expected, some human rights cities tackle the question of poverty reduction with a specific reference to the international legal framework. The following paragraphs provide a few examples to represent some of the typical observations that can be made in these contexts, again in the awareness that ‘local human rights praxis’ finds very different expressions in various urban, suburban and rural settings.<sup>96</sup> While all cases mentioned here hail from Europe, this does not imply any sort of regional monopoly. In fact, Rosario, Argentina was the world’s first human rights city.<sup>97</sup>

One example of a human rights city taking on questions of poverty can be found in Utrecht, the Netherlands. Many typical features characterise this case, which therefore merits closer examination. In Utrecht, the human rights approach was introduced by an initial report published by the local authorities in 2011 to self-assess their human rights performance.<sup>98</sup> Poverty reduction was addressed explicitly, with the local government highlighting its municipal U-Pass as a measure to stimulate the participation of low-income households and individuals by enabling them to take part in courses, sports and recreation activities.<sup>99</sup> Particular attention was paid to children and whether they were able to participate in activities such as school

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<sup>93</sup> Oomen and Baumgärtel (n 60) 710.

<sup>94</sup> See most notably Oomen and Baumgärtel (n 9); Oomen, Davis and Grigolo (n 10); Martha F Davis, ‘Design Challenges for Human Rights Cities’ (2017) 49 *Columbia Human Rights L Rev* 27; Michele Grigolo, *The Human Rights City: New York, San Francisco, Barcelona* (Routledge 2019).

<sup>95</sup> Davis (n 94).

<sup>96</sup> Goodhart (n 12) 154.

<sup>97</sup> Oomen and Baumgärtel (n 60) 714.

<sup>98</sup> Gemeente Utrecht, ‘Human Rights in Utrecht: How Does Utrecht Give Effect to International Human Rights Treaties?’ (*Municipality of Utrecht* 2011) <[www.utrecht.nl/fileadmin/uploads/documenten/bestuur-en-organisatie/internationale-zaken/2015-10-Human-Rights-Utrecht.pdf](http://www.utrecht.nl/fileadmin/uploads/documenten/bestuur-en-organisatie/internationale-zaken/2015-10-Human-Rights-Utrecht.pdf)>.

<sup>99</sup> *ibid* 13. I thank Sara Miellet for drawing my attention to this example.

trips.<sup>100</sup> While the policy arguably pre-dates the city's turn to human rights, the report reflects a human rights perspective in that the municipality actively reaches out to schools, community centres, elderly homes and events to ensure that information about the U-Pass reaches its target audience.<sup>101</sup> Participation and equal access seem to be their key concerns. While the initiative is still in place, the range of activities has widened through time and under the guidance of a human rights partnership consisting of both the local authorities and civil-society organisations, including the Poverty Coalition (*Armoedecoalitie*), which was founded in 2009.<sup>102</sup>

The incorporation of a full range of local actors plays a key role not only in Utrecht but also in other human rights cities.<sup>103</sup> The example of Utrecht underlines the potential interconnection between a commitment to human rights and other international strategies aimed at poverty reduction: Utrecht is now not only a human rights city but has also highlighted its strong association with the SDGs by declaring itself a 'Global Goals City'.<sup>104</sup>

Another feature of human rights cities is that they can use human rights law and discourse to challenge policies adopted at the state or national levels.<sup>105</sup> Such defiance arises concerning issues relating to poverty, with one example pointing (perhaps surprisingly) to the relevance of civil and political rights. In 2001, the same year that the City of Graz in Austria declared itself a human rights city, it began rallying local civil society organisations and academics against a law that established a general ban on begging in the State of Styria.<sup>106</sup> This struggle transformed into domestic litigation, which, actively supported by Graz,<sup>107</sup> reached the Austrian Constitutional Court in 2012. The Court held in its ruling that the undifferentiated ban was unconstitutional because 'silent begging' is an expression of poverty protected by free speech.<sup>108</sup> However, the decision did not end discussions in Graz. Instead, the Mayor followed the advice of the local human rights advisory council to form an inter-institutional expert group charged with finding a generally acceptable policy solution to begging.<sup>109</sup> The group recommended the establishment of a service centre that would serve as a meeting and information point for both the beggars and other local residents.<sup>110</sup> In a national context where discussions flare up regularly, Graz is now cited as a best practice by opponents of bans on

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<sup>100</sup> *ibid* 14.

<sup>101</sup> *ibid*.

<sup>102</sup> 'Over Ons' (*Armoedecoalitie Utrecht*) <[www.armoedecoalitie-utrecht.nl/over-ons](http://www.armoedecoalitie-utrecht.nl/over-ons)> accessed 3 April 2020.

<sup>103</sup> Barbara Oomen, 'Human Rights Cities: The Politics of Bringing Human Rights Home to the Local Level' in Jeff Handmaker and Karin Arts (eds), *Mobilising International Law for 'Global Justice'* (CUP 2018) 231.

<sup>104</sup> Deppy Keranidou and others, 'Utrecht: A Global Goals City – Utrecht's Approach to Localising the UN Sustainable Development Goals' (*City of Utrecht*, 2018) <[www.local2030.org/library/447/Localising-the-SDGs-in-Utrecht-pdf](http://www.local2030.org/library/447/Localising-the-SDGs-in-Utrecht-pdf)>.

<sup>105</sup> Oomen (n 103) 230.

<sup>106</sup> Da Silva (n 44) 302.

<sup>107</sup> Oomen (n 103) 216.

<sup>108</sup> Klaus Starl, 'Human Rights and the City: Obligations, Commitments and Opportunities' in Barbara Oomen, Martha F Davis and Michele Grigolo (eds), *Global Urban Justice: The Rise of Human Rights Cities* (CUP 2016) 212.

<sup>109</sup> 'Annual Report 2015' (*European Training and Research Centre for Human Rights and Democracy*, 2016) <[www.etc-graz.at/typo3/fileadmin/user\\_upload/ETC-Hauptseite/publikationen/Jahresbericht/ETC-AnnualReport15-web.pdf](http://www.etc-graz.at/typo3/fileadmin/user_upload/ETC-Hauptseite/publikationen/Jahresbericht/ETC-AnnualReport15-web.pdf)> accessed 18 March 2020.

<sup>110</sup> Wolfgang Benedek, 'Sozialarbeit als Menschenrechtsprofession' (*soziales kapital*, 2016) 16 <[soziales-kapital.at/index.php/sozialeskapital/article/view/467/859](http://soziales-kapital.at/index.php/sozialeskapital/article/view/467/859)> accessed 1 April 2020.

begging whereas other localities such as Salzburg, notably itself a human rights city, continue to struggle to formulate viable policy solutions.<sup>111</sup>

Declaring the status of a human rights city does not guarantee success in the fight against poverty, but it is usually the starting point for more meaningful action. The City of York, which officially declared itself the first human rights city in the UK in 2017,<sup>112</sup> is an example. Following the report by the UN Special Rapporteur on Extreme Poverty and Human Rights, the York Human Rights City Network dedicated its 2019 report to the issue of poverty, using the international human rights obligations concerning an adequate standard of living as a benchmark for its appraisal.<sup>113</sup> The report highlighted that child poverty was increasing, with almost a quarter of children living in poverty.<sup>114</sup> It also became clear that food security was an issue.<sup>115</sup> In its conclusion, the report recommended that the ‘City of York Council and statutory agencies should review all relevant policies and interventions ... to place the alleviation of poverty and the right to a decent standard of living at their core’ in an effort to avoid York’s commitment to human rights becoming a tale of two cities.<sup>116</sup> Time will tell whether the city has the determination and the resources to improve the difficult conditions confronting its poor. It is clear, however, that improvement will be difficult given the budgetary hit that local authorities in the UK have taken in times of austerity.<sup>117</sup>

Finally, an interesting initiative related to the creation of norms relevant to poverty reduction—although only ‘soft’ transnational laws for the time being—is the Homeless Bill of Rights that targets local governments specifically. On the website of one of its initiating organisations, FEANTSA, the Bill is described as ‘a compilation of basic rights drawn from European and international human rights instruments specific to the situation of homeless people’.<sup>118</sup> It includes a range of rights including a right to decent emergency accommodation, equal treatment by municipal staff and services, the right to emergency services, the right to vote, and the right to privacy and data protection, as well as specific innovative rights such as a right to exit homelessness and a right to carry out practices necessary to survival.<sup>119</sup> Further, the Homeless Bill of Rights calls upon local authorities to ‘to maximize their contribution to improving the living conditions of people who are homeless, and to lessen the negative effects of homelessness’.<sup>120</sup> Launched in 2017 at the EU Cities Forum and relaunched in 2019, the Bill

<sup>111</sup> Stefanie Ruep, ‘Verfassungsgericht: Salzburger Bettelverbot Gesetzeswidrig’ (*Der Standard*, 4 July 2017) <[www.derstandard.at/story/2000060746233/salzbuerger-bettelverbot-laut-verfassungserichtshof-gesetzeswidrig](http://www.derstandard.at/story/2000060746233/salzbuerger-bettelverbot-laut-verfassungserichtshof-gesetzeswidrig)> accessed 1 April 2020.

<sup>112</sup> Kjaerum and others (n 45) 13.

<sup>113</sup> ‘York Human Rights Indicator Report – Human Rights: Reclaiming the Positive’ (*York: Human Rights City*, 2019) 18–19 <[www.yorkhumanrights.org/wp-content/uploads/2020/03/48546\\_Applied-Human-Rights-Booklet\\_v3.pdf](http://www.yorkhumanrights.org/wp-content/uploads/2020/03/48546_Applied-Human-Rights-Booklet_v3.pdf)> accessed 2 April 2020.

<sup>114</sup> *ibid* 20.

<sup>115</sup> *ibid* 24–25.

<sup>116</sup> *ibid* 27.

<sup>117</sup> See n 62.

<sup>118</sup> ‘Homeless Bill of Rights’ (*FEANTSA*, 17 November 2017) <[www.feantsa.org/en/campaign/2017/11/21/homeless-bill-of-rights?bcParent=419](http://www.feantsa.org/en/campaign/2017/11/21/homeless-bill-of-rights?bcParent=419)> accessed 26 March 2020. The NGO Housing Rights Watch is the other initiator.

<sup>119</sup> ‘Homeless Bill of Rights’ (*Housing Rights Watch*) <[www.housingrightswatch.org/sites/default/files/Template%20Homeless%20Bill%20of%20Rights%20EN\\_0.pdf](http://www.housingrightswatch.org/sites/default/files/Template%20Homeless%20Bill%20of%20Rights%20EN_0.pdf)> accessed 26 March 2020.

<sup>120</sup> *ibid*.

currently counts eight European cities as signatories,<sup>121</sup> including Barcelona, one of Europe's most proactive human rights cities.<sup>122</sup> At the beginning of 2020, a French version of the Bill was initiated by the Abbé Pierre Foundation with the support of a large number of other French NGOs.<sup>123</sup> If the initiative garners further support, it could come to influence the international human rights framework, for example in (and through) the reports of UN treaty bodies or the work of UN special rapporteurs.<sup>124</sup>

## V. CONCLUSION AND RECOMMENDATIONS FOR FUTURE RESEARCH

This chapter offered a general analysis into the question of whether and how local authorities are involved in combatting poverty and what role international human rights guarantees may play in this context. Looking at both the strategic frameworks formulated by international organisations and examples from specific cities, we can safely conclude that municipal governments are significant stakeholders in tackling the challenges that confront individuals living in poverty. In fact, it is striking that they are directly involved in the whole range of issues, including housing, facilitating mobility for socio-economically disadvantaged people, ensuring availability of nutritious foods, protecting the homeless and beggars from discrimination, and mapping and gathering information on informal settlements. Each of those aspects has been mentioned in at least one of the examples discussed in this chapter.

Looking at future research, one can point to several questions and challenges that will need to be addressed. First and foremost, more empirical research is needed since our understanding of the strategies taken by local authorities remains partial at best. For example, this chapter is the first to put the academic spotlight on the ambitious poverty plan of the Belgian city of Kortrijk, which has been in place for more than seven years and has received significant attention in the national media. This is perhaps not surprising considering that 'so much of the innovation in places where there are functioning local democracies is never documented because it is seen as the normal functioning of an effective local government'.<sup>125</sup> However, knowing more about when and how municipal authorities become active in this domain is a prerequisite for theorizing how human rights law and discourse feature in their efforts. Without further research, all that can be said is that some cities rely on human rights while others do not—somewhat of a truism.

A related empirical question that single-case and comparative empirical studies will have to tackle is how human rights fare in terms of their usefulness when compared to other international frameworks such as sustainable development. The approaches are not contradictory and perhaps even complementary, but they do come with their own international institutional arrangements, which different local authorities may find more or less attractive. Localities

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<sup>121</sup> The other cities are Móstoles and Santiago de Compostela in Spain, Villeurbanne in France, Thessaloniki in Greece, and Murska Sobota, Slovenj Gradec and Kranj in Slovenia.

<sup>122</sup> See Grigolo (n 94).

<sup>123</sup> 'La Déclaration Réaffirme les Droits Fondamentaux des Personnes Sans Abri' (*Fondation Abbé Pierre*, 13 January 2020) <[www.fondation-abe-pierre.fr/droitsdespersonnessansabri](http://www.fondation-abe-pierre.fr/droitsdespersonnessansabri)> accessed 26 March 2020.

<sup>124</sup> See text accompanying n 65.

<sup>125</sup> David Satterthwaite, 'A New Urban Agenda?' (2016) 28 *Environment & Urbanization* 3, 9.

such as Medellín, Lusaka and Kortrijk that do not rely on human rights law and discourse to any significant extent, but are nonetheless active in the fight against poverty, deserve more scholarly attention in this regard. Moreover, the example of Utrecht shows that the different frameworks may also come to co-exist and interact, possibly setting in motion yet another set of institutional and discursive dynamics within a city.

One specific hypothesis that merits further investigation is that the actions of local governments are often driven by local civil society. Indeed, it may be one of the determining factors not only for the degree to which cities are engaged in the fight against poverty but also for the presence or absence of a human rights approach to questions of poverty reduction.<sup>126</sup> The empirical puzzle arising from this proposition has a normative counterpart in the advocacy of a ‘right to the city’, which suggest that the urban questions should be approached in a participatory, bottom-up manner as has often been the case in the global South.<sup>127</sup> Looking at the example of Medellín, we can see how such a perspective has the potential of revealing the blind spots of even the most ambitious anti-poverty policies taken by city authorities. In short, the question of the participation of local stakeholders, particularly from civil society, is a crucial one for both legal empiricists and critical scholars alike.

In addition, it will be important to understand whether the growing involvement of cities and towns, in their totality, influences the creation of human rights norms. Much like the question of their legal responsibilities, the contributions of local authorities have so far been relegated to the area of informality. However, a look at SDG 11 and the New Urban Agenda of UN-Habitat proves the extent to which their agency is by now recognized internationally. Rather than waiting until the ‘precise tipping point’ when the authority of local governments will become formal, legal scholars should keep a watchful eye on the gradual evolution of norms.<sup>128</sup> One interesting example is the Homeless Bill of Rights, which may well come to shape international policies in the future.

Lastly, we should be mindful of—but also appropriately sceptical towards—the emergence of human rights cities. While they can certainly contribute to popularising a rights-based approach to poverty reduction that is cognisant of the importance of participation and the multidimensionality of poverty, local authorities (such as York in this chapter) have not done their homework simply by declaring themselves a human rights city. Future research would be well-advised to adopt long-term perspectives that can offer empirical insights into whether any commitments made have been followed up in practice.

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<sup>126</sup> Cf Darling (n 11).

<sup>127</sup> Chueca (n 77).

<sup>128</sup> Aust (n 15) 273.