



**Global Platform for the Right to the City**  
Plataforma Global por el Derecho a la Ciudad  
Plataforma Global pelo Direito à Cidade

## Understanding and implementing the *right to the city*. Building just, democratic and sustainable cities

*The key challenge for developing policies, planning and urban development is to promote social justice and inclusion in the cities.*

*The lessons in this training manual include experiences and initiatives that are being analyzed in an international study organized by Habitat International Coalition, the Forum Nacional de Reforma Urbana (Brazil) and Instituto Polis (Brazil), with the goal of bringing the right to the city into practice.*

### What is the *right to the city*?

#### I. Concept

*The right to the city* was first written about by Henry Lefebvre<sup>1</sup> during the 1960s. Since then networks, civil society organizations, multilateral organizations and United Nations agencies have returned to the concept to generate different initiatives together, with a highlight being the creation and dissemination of the **World Charter for the Right to the City**. This document defines *the right to the city* as the equitable use of cities according to the principles of **sustainability, democracy, equity and social justice**. It is a **collective right of the inhabitants of the cities**, especially for vulnerable and disadvantaged groups, who gain legitimacy of action and organization based on their use and customs with the objective of achieving, in practice, the right to free self-determination and an adequate level of life.

**The right to the city is interdependent on all human rights that are internationally recognized** and conceived in an integral manner and include all of the civil, political, economic, social, cultural and environmental rights that are regulated in the international human right treaties. This assumes the guarantee of the right to work in equitable and satisfactory conditions, to create and affiliate with labor unions; social security; public health; potable water; electricity; public transportation and other social services; food; adequate clothing and housing; quality public education and culture; information; political participation; living in peace with access to justice; and the right to organize, meet and protest. It also includes respect for minorities and ethnic, racial, sexual and cultural pluralism with respect for migrants and gender equity.

Cities and their surrounding areas are territories to exercise and fulfill collective rights as a form of guaranteeing the distribution and use of the resources, wealth, services goods and opportunities that exist in the cities in a universal, just, democratic and sustainable manner. For this reason *the right to the city* also includes the right to development, to a clean environment, to enjoy the preservation of natural resources and to participate in urban planning and management and in the city's historical and cultural legacy.

#### II. Principles and tools

There are three principles that guide the concept of *the right to the city* that are included in the **World Charter for the Right to the City**:

- 1) **Full exercise of citizenship:** realization of all of the human rights and fundamental freedoms assuring the dignity and well-being of all people, in conditions of equality, equity and justice, as well as full respect for the social production of habitat.
- 2) **Democratic Management:** the city is a collective construction with multiple actors and processes. It is necessary to guarantee the right to participation through direct and representative forms in the creation, definition and oversight of public policy implementation in the cities, prioritizing the strengthening, transparency, efficiency and

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<sup>1</sup> LEFEBVRE, HENRY. *Le Droit à la ville*. Paris: Anthropos (2<sup>e</sup> ed.) Paris: Ed. du Seuil, Collection *Points*. 1968.

autonomy of local public administrations and peoples' organizations.

- 3) **The social function of urban property and the city:** common interests for socially just and environmentally balanced use of urban space must be prioritized over the individual right to property. All citizens have the right to participate in urban property within democratic parameters of social justice and environmentally sustainable conditions. Socially just and equitable use should be promoted while forming and implementing urban policies.
- 4) **The democratic production of the city and in the city:** a city which rescues and strengthens the productive capacity of its inhabitants, particularly in popular sectors, encouraging and supporting the social production of habitat and the development of supportive economic activities, including urban agriculture that supports food sovereignty
- 5) **The sustainable and responsible management of common natural, patrimonial and energy goods in the city and its surrounding areas:** a city where inhabitants and authorities implement public policies which ensure a responsible relation of common goods like water and the environment – without privatization –, so as to ensure a life with dignity for people, from communities and towns, in equal living conditions and without affecting natural ecological reserves, for present and future generations.

To protect the right to the city and make it effective principles, rules and instruments must be included to recognize and institutionalize the rights for all people who live in the cities. First, government, especially local government, must be designated with the power to apply instruments that achieve urban property's social function, and to promote public policies destined towards this goal. Secondly, public policies must be promoted to make this right effective, along with the other connected and interrelated rights needed to guarantee *the right to the city*.

*The right to the city* describes the defense of building an urban ethic on social justice and citizenship. It affirms urban rights and requires precepts, instruments and procedures to enable the transformations that are needed so that the city can exercise its social function. .

The city should not oppress and exclude. *The right to the city* needs to guide urban policies with solidarity and citizenship towards the construction of an inclusive, shared, dignified, equitable, just, and peaceful city.

### III. Legal references to the World Charter for the Right to the City

- Article 34 and 45f of the OAS Charter ;
- General observation n° 4, 7 and 15 of the UN Committee on Economic, Social and Cultural Rights
- European Charter for the Safeguard of Human Rights in the City (Saint Denis, 2000);
- Statute of the City (Brazil, 2001);
- Chartre Montréalaise des Droits et Responsabilités (Montreal, 2004);
- Some articles of the Autonomous City of Buenos Aires' Constitution (Argentina, 1996);
- Art. 65 of the Constitution of Portugal (1976);
- Art. 47 of the Constitution of Spain (1978);
- Art. 182 and 183 of the Constitution of Brazil (1988);
- Action plan of the XVII Ibero-American Summit of the heads of state and governments, Declaration XVII, point 29 (2007);
- Art. 31 and 376 of the Constitution of Ecuador (2008).
- European Urban Charter (1992)

### How to implement the right to the city

#### Public policy instruments to advance *the right to the city*

*The right to the city* should be incorporated in the different activities and policies that the government develops, directly and indirectly.

The following aspects should be especially worked on to guarantee that the *right to the city* becomes a reality:

- 1) **Legal norms:** The principles of *the right to the city* should be used to build a legal and institutional framework that promotes social and territorial inclusion in the city. This framework should prioritize the social function of urban land over real estate speculation.
- 2) **Instances of institutional participation:** the right to direct, equitable and deliberative participation in the political process as well as in government norms and programs is essential to guarantee the city's social function. In order for this to happen, mechanisms of social control, moments of direct and deliberative citizen participation and democratic management tools should be institutionalized. This can be done through creating councils and committees and holding meetings and public hearings, among other things.

**3) Planning tools:** It is necessary to legalize and regulate the spaces that are established for protecting housing and the commons. Likewise, budget for implementing the urban planning policies and programs needed to consolidate the *right to the city* has to be guaranteed.

It is fundamentally important to raise consciousness, persuading public officials and the population on the need to incorporate and guarantee the *right to the city* within public policies.

There is no special formula for implementing the right to the city. Each social, cultural and political context should be looked at to find specific mechanisms that will consolidate *the right to the city*.

The public powers have to coordinate the use of specific tools for territorial intervention in order to achieve the goals of *the right to the city* and urban reform, and this can be a struggle.

Some of the tools that are used in Latin America:

<b>Participation</b>	<b>Participatory budgeting (PB):</b> is a democratic participation tool that connects the people to the authorities, enabling citizens to influence and make decisions related to public budgets, with the goal of establishing investment priorities in their region. Originally starting in Brazil, it is now used throughout Latin America and, then, other continents. One notable experience with participatory budgeting is the case of Porto Alegre, in Brazil. Today several big cities (as Reykjavik, Paris, Milan, Turin, Lisbon, Bratislava, Dakar, Antananarivo, Yaoundé, Toronto, New York, Chicago or Boston) have experiences of participatory budgeting going on.
	<b>Neighborhood-impact evaluation:</b> is implemented mainly to control environmental impacts of large projects through participation of the population in the affected area. However, this evaluation tool could be used for urban projects to measure their effects on communities, not only on environmental terms, but from the standpoint of social and economic effects, issues of mobility and displacement of low income populations, etc.

<b>Planning</b>	<b>Master Plan, Territorial Organization Plan, Participatory Plan, Urban Mobility Plans, Urban Development Plans e etc:</b> many cities have instruments for planning urban territory, especially in relation to land use. This planning process has to be participatory in order to guarantee inclusion not only in the current, existing city but in the planned city. Most importantly, planning should guarantee that the projections for land use and construction projects prioritize low income populations.
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<b>Tax</b>	<b>Property Tax:</b> Property taxes exist nearly everywhere. In order that they become an adequate tool to achieve the right to the city, they should sanction uses that are not socially just such as buildings and lots that are underutilized or vacant through charging a higher, tax that progressively increases with time, based on up to date lists of land values and use.
	<b>Contributions from construction projects, improvements and inversions:</b> Public works tend to increase land values, transferring public income to the owners in the form of real estate valuation. Since this income is public, the government should charge a percentage of the increase in value of private property, applying it to other public works. In this manner, the contributions of those who have benefited from increased wealth improves the means of financing public works.
	<b>Participation in surplus value:</b> is a tributary requirement for property owners who benefit from increased land values due to urban interventions that changed land use or increased its approval..

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<b>Land Provision and Recognition of Social Housing</b>	<b>ZEIS (Special social interest zones) and Cultural Zones:</b> These instruments are applied mainly in Brazil, where the government can designate certain land areas for social housing for low income populations through defining boundaries for these areas in the city plan. They can be applied in free zones (empty lots and land in areas of expansion) or in areas that are already occupied. This instrument is used to guarantee land reserves for social housing and to guarantee that the low-income population can stay in informal areas that have already been inhabited. These instruments can also be used to guarantee that determined ethnic groups such as maroon communities (former villages founded by escaped slaves) and indigenous groups can remain in specific areas of the city.
	<b>Concession of special use for social housing purposes:</b> When the occupied areas are on public land it is very difficult to guarantee legal tenure to the inhabitants through granting of deeds. However, the state can implement processes in which it freely concedes this land to the occupants to guarantee their security, for the purpose of social housing.
	<b>Land regularization:</b> designates the different processes that are implemented in city zones that rise up outside of the formal planning process. It includes the legalization of land titles in favor of the occupants to guarantee legal security of tenancy and urban recognition of existing buildings as well as their incorporation in official plans. In addition, it can include processes of urban improvement and economic and physical inclusion in the city, road building, provision of public services, etc.

## Advances toward the implementation of the right to the city Some Latin American Experiences<sup>2</sup>

### BRASIL - Statute of the City – Law No. 10.257/01

<b>Planning</b>	In first place, the law uses spatial criteria to determine the reach of action of each type of planning. Section 1 refers to the competency of the Union and the States to create “national, regional and state plans for territorial organization and economic and social development.” The second section deals with the State’s obligation to establish “planning for metropolitan regions, urban conglomerations and micro regions.”
<b>Tax and Finance Organizations</b>	a) tax on buildings and urban territory (IPTU); b) contribution of the majority; c) incentives and fiscal and financial benefits.
<b>Legal and Political Instruments</b>	a) expropriation; b) administrative servitude; c) administrative limitations; d) preservation of buildings and urban real estate; e) creation of conservation units; f) creation of special social interest zones; g) concession of usage rights; h) concession of special use for housing purposes; i) mandatory parceling, building and usage; j) special usucapion of urban property ( <i>i.e.</i> squatter’s rights); l) surface rights; m) right of precedence; n) onerous concession of the right to build and modification of use; o) transference of the right to build; p) urban consortium operations; q) land tenure regularizations; r) free technical and legal assistance for disadvantaged communities and social groups; s) popular referendum; t) urban demarcation for regularization of land tenure; u) legitimization of ownership.
<b>EIA</b>	The Environmental Impact Assessment orients the municipal governments’ decision over license concession for projects that will have a significant effect on the urban space. The EIS is a tool for democratic management, since it is formulated for all of society to be heard and participate in decisions. Furthermore, all documents and environmental impact studies have to be made available to any interested party.
<b>Democratic Management</b>	I – democratic, council systems for urban policy at the municipal, state and national levels; II – debates, hearings and public consultation; III – conferences on subjects of urban interest at national, state and municipal levels; IV – peoples’ initiatives for laws, plans, programs and urban development projects.

<sup>2</sup> These experiences were analyzed in the international research “Moving towards the Implementation of the Right to the City in Latin America and Internationally”.

<p><b>Municipal Law No. 15.234, of 2010</b></p>	<p>The Statute of the City stipulates a tool for mandatory subdivision, building and usage. The objective of this instrument is give municipal governments the power to induce usage of underused or vacant lots that are not built on that are important for city development. The statute determines that the cities create specific legislation for the areas designated for applying this tool in their master plans.</p> <p>In São Paulo, the law that regulates this tool is 15.234, of 2010. The law regulates the use of vacant lots in social interest zones (ZEIS 2 and ZEIS 3) and on the perimeter of the urban center.</p> <p>The law stipulates that in case of non-compliance with the conditions and deadlines established for subdivision, building and mandatory use, the urban territory and building tax (<i>Imposto Predial e Territorial Urbano</i>, in Portuguese, or IPTU) will be applied according to an increasing rate increasing over a period of 5 years to 15 with no exceptions or amnesty allowed.</p> <p>When the 5- year period of progressive IPTU has passed, without compliance with the obligations stipulated for the compulsory subdivision, building and usage standards the municipality can expropriate the property, paying a settlement in public debt bonds.</p>
<p><b>Exclusive Bus Corridors and bike lanes</b></p>	<p>The São Paulo Mayor's Office presented a bill for the creation of exclusive bus lanes and the widening of 34 avenues and 25 streets with the goal of implementing 228km of additional bus corridors to the city's urban mobility plan.</p> <p>The City plans to interconnect bicycle, road, rail and subway corridors. The structuring of the bus corridors is a prerequisite for the organizational changes in the city that are predicted in the next Master Plan, which will also represent an economic intervention in the public space.</p> <p>The bill was approved in the first vote of the City Council on a second vote will be needed to turn it into a law, but the date hasn't been set yet.</p> <p>The São Paulo Mayor's Office presented a bill for the creation of 400 km of bike lanes.</p>
<p><b>Participatory Councils</b></p>	<p>The participatory council, created by Municipal Decree nº 54.156 of 2013, has an eminently public character. It is an autonomous civil society organization recognized by the municipal public power as an instance of people's representation in each region of the city. Its role is to exercise the right to social control by monitoring of public spending and actions as well as representing the needs of diverse areas of the municipality.</p> <p>The councils have between 19 and 51 members per neighborhood, in accordance with the population size, with the average having 10.000 inhabitants, in all 32 districts of São Paulo. A total of 1,113 councilors were elected. The mandates last for 2 years.</p> <p>There is also a council for immigrants. 20 councilors were elected to represent the foreigners who live in 19 districts in São Paulo.</p>
<p><b>Urbanization Plans and ZEIS Management Councils</b></p>	<p>In the Strategic Master Plan of 2002, the urban land use policies were consolidated with the demarcation of ZEIS and the implementation of regularization programs such as the current programs<sup>3</sup>: favela urbanization; regularization of public areas; and urbanization and subdivision in private areas.</p> <p>As soon as ZEIS areas are designated the procedure is to establish an urbanization plan for the area, with the goal of promoting adequate development in the territory. The Urbanization Plan establishes specific conditions and parameters for the physical recuperation and regularization of the land that is occupied in an irregular manner, as well as solutions for disaster risk areas occupied by housing.</p> <p>A further objective of the Urbanization Plan is to promote participation of the residents in the involved areas in all of the processes from planning to execution. Participation primarily takes place in the management councils, which includes members of government, residents and owners of property in the ZEIS areas.</p> <p>In this manner, the management councils work for the democratic management of the urban space, especially for the low-income population.</p>

<sup>3</sup> <http://www.prefeitura.sp.gov.br/cidade/secretarias/habitacao/programas/index.php?p=141>

**BOGOTÁ, Colombia - Land-use Plan (2012–2016)**

<p><b>Axis</b></p>	<p>1. A city that reduces segregation and discrimination: <b>the human being in the center of the development process</b>;</p> <p>2. A territory that confronts climate change and orders itself around the issue of water;</p> <p>3. Bogotá defending and strengthening the public interest;</p>
<p><b>Mechanisms</b></p>	<p>☐ <b>Qualification and localization of land plots and mandatory percentages for prioritizing public interest housing construction</b> – any new land should earmark at least 20% for social housing. The municipalities should increase this minimum amount in their territorial plans or set it in urban renewal strategies. According to art. 66 of the Plan: “priority interest housing will be located throughout the city and the following mandatory percentages are established for it: 1. During the first year from when the regulations enter in effect, the district administration is required to dedicate 20% of the usable land in any project to building priority use housing.. 2. Starting from the second year the mandate is for 30% of the usable land. <b>Inclusive City</b>.</p> <p>☐ <b>Social, economic and environmental plan every 4 years</b>, embedded in the government’s plan. In this way, the social, economic and environmental planning is linked to municipal investment programming.</p>
<p><b>Compact City Model</b></p>	<p>“Stimulate re-densification processes (understood as the increase in population living in a specific area) enabling greater heights and square meters of construction in the city’s central areas and in zones with a higher presence of economic activities that rely on good conditions of accessibility and promote better use of these areas, for localizing a larger quantity of the population there.”</p> <p>“Search for urban equilibrium, namely, where there is more population there should be more parks and recreational equipment. Thus, the areas that can be re-densified should undergo a process of re-urbanization (public service provision, parks, equipment and roads) in accordance with the needs of the new population. And for this, all of the urban projects should comply with the urban regulations and public interest housing prioritization requirements (housing costing a maximum of 70 times the minimum wage)”;</p> <p>“Promote the construction of public interest housing (<i>Viviendas de Interés Prioritario</i>, in Spanish, or VIP) in adequate locations with the objective of facilitating access of low income citizens to centers of employment and urban services.”<sup>4</sup></p>

**Some African Experiences<sup>5</sup>**

**SOUTH AFRICA  
Constitution 1996**

<p><b>Property</b></p>	<p>(4) For the purpose of this section:</p> <p>(a) the public interest includes the nation’s commitment to land reform, and to reforms to bring about equitable access to all South Africa’s natural resources; and</p> <p>(b) property is not limited to land.</p> <p>(6) A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress.</p> <p>(7) A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress.</p>
<p><b>Housing</b></p>	<p>(1) Everyone has the right to have access to adequate housing.</p> <p>(2) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive legislation of this right.</p> <p>(3) No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.</p>

<sup>4</sup> Cartilla “ABC del Plan”, p. 8 e 9.

<sup>5</sup>These experiences were analyzed in the international research “Moving towards the Implementation of the Right to the City in Latin America and Internationally”.

## Housing Rights and Democratic Participation

<b>National Housing Code</b>	Encouraged the uptake of informal settlement upgrading as a strategy for creating adequate living environments in the country. This strategy relies heavily on community participation. Participatory upgrading therefore draws communities into those processes through which the city is made, and as such allows residents to claim their rights as urban citizens.
<b>Plan Nacional de Desarrollo</b>	Created as a strategic policy measure that would guide the country's development endeavors. The document suggests that poverty and inequality can be significantly reduced by 2030, and sets out a number of key areas of intervention to which the state intends to give emphasis (National Planning Commission 2011).
<b>Agreement between the Minister of Human Settlements and the President of the Republic</b>	Ratified in 2010, promulgated participatory development interventions. The document suggests that an 'effective improvement process is built on close community participation and cooperation aiming to strengthen livelihoods strategies of the poor'. Defined informal settlements using seven key characteristics. These include illegality and informality, inappropriate locations, restricted public and private sector investment, poverty and vulnerability, and social stress.

## El Derecho a la Ciudad como un Derecho Legal

There are two particular cases in South Africa's recent history that illustrates the potential of the country's Bill of Rights to advance aspects of the Right to the City. While the Constitution makes provision for the right to access to adequate housing under Section 26, the cases of both Grootboom in 2001 and Olivia Road in 2008 were instrumental in giving shape and substance to the law and setting precedents for future action.

<b>Grootboom, 2001</b>	The Grootboom case first came in front of the Cape High Court in 1999 after 900 residents were evicted from privately owned land they had occupied. The residents 'came to court to challenge the failure by the state to take any action to assist them while it continued to implement a housing programme that effectively ignored the housing plight of the most vulnerable sections of society. While the Cape High Court was less inclined to intervene in the interpretation the Constitution and in determining the state's role in realising the rights set out Section 26, the Constitutional Court took serious issue with the needs of the desperate and vulnerable. When the municipal government appealed the ruling of the Cape High Court, the Grootboom case came in front of the Constitutional Court in 2001. It also held that the state was responsible for the fulfillment of a set of minimum core obligations. The ruling on the Constitutional Court therefore demanded the extension of the housing programme so that it would also offer relief to those living in crisis.
<b>Olivia Road, 2008</b>	During the Olivia Road case, over 300 residents in Johannesburg's inner city faced eviction as the City targeted six properties as part of a broader regeneration programme (apud Ray, 2008). Residents opposed the City's application to evict them from their homes, and claimed that they state had failed to provide for their rights under Section 26 of the Constitution. While the ruling of the Johannesburg High Court, and later that of the Supreme Court of Appeals, was concerned with the nature of the eviction and with issues related to Section 26, the Constitutional Court issued an order that compelled parties to participate in a process of what it termed 'engagement'. Through engagement the City would have to negotiate with residents to reach mutually beneficial terms of agreement. While the substantive aspects of this process were to be determined by the state, they were compelled by law to report on their engagements and the outcome thereof. The city and occupants of Olivia Road presented their settlement to the Constitutional Court. This settlement stipulated that the City would refurbish buildings in the inner city prior to eviction to ensure that residents would have access to both housing and basic services once removed from their original dwellings.

## The Right to the City as a Rallying Cry

<b>Abahlali baseMjondolo</b>	Is a shack dweller's movement that actively struggles for recognition and inclusion in the post-apartheid city. The Right to the City is used as a means to advocate for an acknowledgement of the need for meaningful and substantive participatory democracy that heeds the voices of the urban poor. In 2010, during South Africa's preparations for the Fifa World Cup, Abahlali baseMjondolo's Western Cape contingent launched its 'the Right to the City Campaign'. This campaign aimed to highlight the disparities experienced in South African cities, in particular the unequal distribution of land. For Abahlali baseMjondolo then, the Right to the City gives life to urban struggles as its core principles reflect the needs of the urban communities.
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## KENYA

### Constitución de 2010

<p><b>Participation</b></p>	<p>Participation is a constitutional principle, which is expected in governance and management of the Country, County and urban areas. It is entrenched in various sections of the Constitution, such as: Chapter Six on ‘Representation of the people’; Chapter Eight on Operations of the Legislature; Chapter Eleven on the Devolved System of Government, especially section 176 on County Governments, and Section 184 on Governance and Management of Urban Areas; Chapter Twelve on Public Finance, specifically Section Five, on budgeting which mandates participation in County budgets without which the process will be unconstitutional.</p>
<p><b>County Governments Act 2012</b></p>	<p>Citizenship in the Kenyan Constitution is national; therefore, there is no basis for citizenship of a county, nor an urban area. This implies that although there are bundles of socio-economic rights, these are realized nationally, and counties and urban areas, are merely vehicles for providing services to the national citizen. There is no claim, apart from through ownership.</p>

### Inclusive Urban Development in Kenyan Law

<p><b>County Governments Act 2012</b></p>	<p>Covers how the counties are to be governed (urban areas are parts of counties in Kenya). Gives significant spaces to control production of regional spaces through participation in governance and management of counties.</p> <p>A county government is required by this Act to ensure efficiency, effectiveness, inclusivity, and participation of the people in performing its functions (Republic of Kenya, County Government Act (CGA), Article 6). Further, the Act spells out the principles upon which citizen participation in county governments shall be founded (CGA, Article 87) as follows: Timely access to information; Reasonable access to the process of formulating and implementing policies, laws, and regulations; Protection and promotion of the interest and rights of minorities and marginalized groups; Reasonable balance in the roles and obligations of county governments and nonstate actors in decision-making processes; Promotion of public-private partnerships; and Recognition and promotion of the reciprocal roles of nonstate actors’ participation and governmental facilitation and oversight, etc.</p> <p>Requires the county government to facilitate the establishment of structures for citizen participation (see Republic of Kenya, County Government Act, Article 91).</p>
<p><b>The Public Finance Act 2012</b></p>	<p>Requires participation in preparation of county budgets, which includes urban budgets; also creates equalization fund, which is meant to address the needs of vulnerable and marginalized groups.</p> <p>The Kenyan budget process has undergone major reforms, with a view of making it more participatory, accountable, and transparent to the public. Citizens have the opportunity to make direct input into the budgeting process, a development that was nonexistent in the past. The Constitution and various laws that touch on public finances (Public Finance Management Act, County Government Act and Urban Areas and Cities Act) make it a requirement for this input to be taken into account when national and county governments are preparing their final budget estimates (see Republic of Kenya, County Government Act, Article 25).</p>

### Negotiating Legal Terrains

<p><b>línea férrea en Kibra</b></p>	<p>The case of railway informal settlers in Nairobi, Kenya, is amongst the few cases where a major development by the Government has taken into consideration the rights of squatters. The need to modernize the railway was going to result in mass displacement of squatters around the railway reserve. Studies were undertaken by various civil society organizations, e.g. Pamoja Trust, Muungano ya Wanavijiji, Haki Jamii, Eco-Build Africa, etc. to support the rights of the dwellers.</p> <p>In 2005, the high court ruled that the proposed eviction would be a violation of the economic, social and other human rights of the railway encroachers, and directed Kenya Railways to provide alternative settlement to the squatters before evicting them. The World Bank that funded the Kenya Railways urged the corporation to negotiate with the affected communities on a resettlement plan that would follow set World Bank guidelines on resettling Project Affected Persons (PAPs).</p>
<p><b>Garissa</b></p>	<p>Garissa became one of the first urban areas to bear the brunt of the new constitution when forceful evictions there, were not only declared unconstitutional, but the displaced persons claimed and received damages in line with the constitution, in addition to an order for government to resettle them</p>

	<p>on account of violation of a whole lot of their socio-economic rights, and also destroying their homes without providing appropriate alternative accommodation as required by law.</p> <p>The Court issued a permanent injunction compelling the State to return petitioners (residents) to their land and to reconstruct their homes and/or provide alternative housing and awarded each of the petitioners Kshs. 200,000 (approx. \$2,000) in damages. It also ordered that the residents be provided with emergency alternative housing, shelter/accommodation, food, clean and safe drinking water, sanitary facilities and health care services; relevant information on the status of adjudication, demarcation, registration and ownership of the land in question; and written information on the decisions and reasons for demolition of homes and structures.</p>
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## EGYPT

### Constitution 2014

<b>Housing rights</b>	Guaranteed several specific rights, most notably “citizens’ right to adequate, safe and healthy housing in a manner that preserves human dignity and achieves social justice” (Art. 78). The same article improves on previous practice of state, requiring a comprehensive national housing plan that upholds the environmental particularity and ensures the contribution of personal and collaborative initiatives in its implementation.
<b>Use of land and urban planning</b>	The Art. 78 requires the state to regulate the use of state lands and provide them with basic utilities within the framework of comprehensive urban planning serving cities and villages, as well as a population-distribution strategy. The Constitution stipulates that these plans and their implementation “serve the public interest, improving the quality of life for citizens and safeguards the rights of future generations.
<b>Water and sanitation</b>	The Art. 79 also guarantees the right of each “citizen” to healthy and sufficient food and clean water. The Constitution does not specifically mention sanitation.
<b>Social function of property</b>	Significantly, the social function of property (SFP) had remained a constant principle enshrined in the Egyptian Constitution since 1952. SFP remained a tenet of the Constitution of 1971... This principle also survived the purge of socialistic principles in the constitutional amendments of 2007 (Art. 30), as well as the new Constitution of 2012. However, the drafters of the current (2014) Constitution inexplicably dropped this guiding principle from the final draft. Despite its long standing in the fundamental law of the land for nearly 60 years, Egyptian law and jurisprudence around the social function of property has never developed its meaning and application.
<b>Criminalizing forced eviction</b>	Article 35, which protects property rights, does not define cases of expropriation for public interest, and does not ensure that the expropriation decision shall be issued by final judicial ruling

### El Derecho a la Ciudad en el Cairo

<b>Comités del Pueblo para la Defensa de la Revolución</b>	<p>One of the earliest of these committees to emerge dates back to 2008, in the form of the People’s Committee for the Defense of Imbaba Airport Land. This popular committee formed against the backdrop of the government plans seeking to evict the population on the pretext of economic development at the expense of the land- poor and underhoused community in the Cairo neighborhood of Imbaba. This social formation, most prominently comprised of political activists and jurists, has influenced later experiences of the spontaneous people’s committees that have grown from the local base in the context of the 25 January “revolution.”</p> <p>Some of these popular committees have taken part in training proffered by human rights organizations of civil society with which they have found common cause. The purpose of these partnership has been to structure the articulation of urban- development ambitions in the language and methodology of human rights, in particular the criteria of state obligations under human rights treaties that the State of Egypt has ratified.</p>
<b>Organizaciones de la sociedad civil</b>	The emergence of the Egyptian Center for Housing Rights, the Land Center for Human Rights in Cairo, and the partnership of those and numerous other organizations with the Habitat International Coalition – Housing and Land Rights Network have seen the development of concepts developed globally and applied locally. This programmatic development has involved the application of concepts including and constituent to the right to the city. The social production of habitat, social function of property and the right to the city have gained considerable traction in the discourse of Cairo-based human rights CSOs since 2000.

## Some European Experiences<sup>6</sup>

### BARCELONA, SPAIN

The government of the province of Barcelona, has played a key role in terms of publicizing and consulting to the European Charter for the Safeguarding of Human Rights in the City for the 311 municipalities that form the province territory.

<b>Towns and Cities Network for Human Rights</b>	Provide support to the municipalities of the province in order to make the main right of the European Charter for the Safeguarding of Human Rights in the City and the one that synthesizes it fully: the right to the city a reality. In 2011 United Cities and Local Governments signed and endorsed the Global Charter Agenda of Human Rights in the which includes suggestions of concrete measures to implement rights at local level with the support of local self-governments.
<b>Consulting Work to the Municipalities</b>	<p>One of the challenges of the above-mentioned human rights charter is that signatory towns are actually using it as framework to the human rights mainstreaming and institutionalization.</p> <p>Development of materials for operationalizing human rights in local public policies:</p> <ul style="list-style-type: none"> <li>- Guide for adapting municipal regulations to the European Charter for the Safeguarding of Human Rights in the City: aims at facilitating the work of signatory towns and cities regarding the implementation of the second item of the Charter's Final Provision, by which "The signatory cities will incorporate into their local ordinances the principles, regulations and guarantee mechanisms laid down in this Charter." Thus, the guide comprises a set of orientations for application and development of the content of the charter in the municipal legal framework.</li> <li>- Guide to the creation of local ombudsmen: Responds to what article 27.1 of the European Charter for the Safeguarding of Human Rights in the City regarding to implementation of mechanisms to guarantee human rights in the city. Its mission is to promote awareness and development of the institution, to facilitate its implementation in municipalities and to provide information, support, exchange and consultation to the local ombudsman.</li> </ul>

### SPAIN

<b>Platform for People Affected by Mortgages</b>	<p>This social mobilization started in the city of Barcelona, but soon expanded to the rest of the Spanish state, nowadays, is a movement of national scope. It is structured as a pluralistic and nonpartisan group, functioning in an assembly style, developing its work from the neighborhoods or municipalities (200 local platforms) and is represented at the national level. Its work logic transforms people affected by foreclosures and evictions into militants defending their housing rights and overcoming the guilt that they internalize as consequence of the social stigma the endure as debtors.</p> <p>Besides providing direct support and legal advice to the "victims" of evictions, the Platform has positioned itself in the Spanish political panorama as a new force that fights to reform legislation to protect the human right to housing.</p>
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### NAPLES, ITALY

<b>Councillor To Commons and Participatory Democracy</b>	This department articulated the city political action regarding the management of the territory, public services and participatory democracy, essential issues to the right to the city. The main conductor for the dialogue processes with the population is the "Naples Laboratory", centered around six macro-areas, corresponding to the realization of popular consultations: (1) Common goods, territory, urban planning, housing policy, affordable and popular housing, the role and services of the public administration, mobility and infrastructure; (2) Participatory budgeting; (3) Right to education, right to
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<sup>6</sup> These experiences were analyzed in the international research "Moving toward the Implementation of the Right to the City in Latin America and Internationally".

	<p>sport, youth policies and equality in opportunities; (4) Labor and development, promotion of peace, international cooperation, goods removed from the mafias and transparency; (5) Environment, solid wastes and protection of health; and (6) Social policy, immigration, culture, forum for cultures, tourism and entertainment, mega-events. Among these areas, the one presenting a bigger convergence with the right to the city is the first one. Other cities followed on this line as Feltre, Messina and – recently – a wave of Rules for Managing Commons in a Participatory Way developed in dozens of Italian cities (led by Bologna Town Hall and the LABSUS Laboratory).</p>
<b>Citizen Observatory of Commons</b>	<p>Duties to study, analyse and make control proposals on the protection and management of common goods. Eleven people – individuals with recognized experience in legal, economic, social and environmental areas – compose this body. The mayor appoints all of them except four, who are selected by the population through an electronic consultation.</p>

<b>The struggle for water</b>	<p>En Italia, la lucha por los bienes comunes se ha librado de forma especial en torno al agua. El inicio de este proceso, que ha estado protagonizada por el “Foro italiano de los movimientos por el agua” (<i>Forum italiano dei movimenti per l’acqua</i>), se dio a nivel regional a partir de la demanda de desprivatización del acueducto de Puglia (2009-2010). Poco después, la presión se articuló a nivel nacional para combatir el proceso de recentralización del Estado italiano, que ponía en peligro la capacidad de los entes locales y regionales de gestionar de forma pública sus servicios hídricos.</p> <p>El debate finalizó en 2011 con la celebración dos referéndums (12 y 13 de junio de 2011), en el que 27 millones de los italianos que votaron optaron por mantener la gestión pública del agua. El gobierno Berlusconi respondió a este resultado con una maniobra política: la aprobación de un decreto con el que se creaba un resquicio legal para esquivar la decisión popular.<sup>54</sup> Varios sectores de la sociedad civil italiana reaccionaron invocando la inconstitucionalidad del decreto y consiguieron doblegar la voluntad del gobierno.</p>
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## ENGLAND

<b>Community Land Trusts (CLT)</b>	<p>The CLT are generally formed by local residents and civil society representatives to guarantee democratic property and administration of local land and real estate. Removing land from the market means it can be managed in the long term for the benefit of the local community, instead of benefitting external agents motivated by maximizing their own gains. In the privatization and neoliberal commodification framework, the CLT model implies rescuing the idea of collective land and housing rights. The model is not always recognized by national laws as a new property arrangement. In these cases, they are subsumed in the private property regime, even if internally, they develop innovative community relations of cooperation and collective decision making.</p> <p>The CLT provides alternatives to private property, favoring collective management based on a “high intensity democracy” model. These experiences can constitute an important source of inspiration to other movements that fight against the hegemonic neoliberal globalization model, within and outside the United Kingdom. However, the impact of the CLT can be reduced if, in parallel, it is not achieved a redefinition of the normative framework in force, that recognizes the peculiarities of the collective ownership regime, which differs very much from the private and public property.</p>
<b>National Community Land Trust Network</b>	<p>This network combines all of the over 170 CLT experiences in England and Wales, located mostly in rural areas, from Cornwall to the remote Lindisfarne Holy Island. Its mission is to make the CLT concept and practice known (also in urban areas), provide technical consultation and support to its implementation. Other networks of CLT now exist in Canada and the United States of America.</p>

## ISTANBUL, Turkey

<b>Taksim Platform (#OccupyGezi)</b>	<p>The Turkish central government intended to convert Taksim Square into a sort of museum space and to transform the Gezi Park, rebuilding an old military barracks from the 1930s that would be converted into a shopping mall.</p> <p>The platform of civil society organizations which criticized this top-down project managed to collect 50,000 signatures against it. This was not enough to paralyze it. However, the high point would not come until 2013, when a small group of fewer than 50 activists tried to avoid the removal of trees in Gezi Park by forming a human shield against the machines. Police violence quickly led to more protests and, in less than five days, half a million people were protesting in Gezi Park and Taksim Square. Quickly, the mobilizations propagated in the whole country.</p> <p>The strong activism through social media played a significant role in the proliferation of protests and in the strengthening the resistance movement, which by now was already known in the social networks as #OccupyGezi</p> <p>Regarding the movement's main values, although it started to protect a public space and a green space, principles such as freedom of expression, protection of the livelihood of all, the right to not be subject to violence by the State, and the claim for spaces of participation were at the center of the struggle. Other values that characterized the movement were: diversity; appropriation of the public space; self-government; democracy consolidation and anticapitalist logic.</p> <p>The protests had a positive outcome because, after two years mobilizing, finally the Turkish Constitutional Court invalidated the urban renovation project for Taksim Square, invoking its legal incompatibility with the city urban plans.</p> <p>However, as a result of the uprising, the government has increased police measures and exercised a greater pressure over public spaces to avoid more mobilizations. Nevertheless, the social process initiated in the Taksim Square and the Gezi Park has had continuity beyond the geographical limits of these spaces. In this regard, local popular assemblies have proliferated in 40 parks of the city (as well as in the entire country); a wave of occupied spaces has emerged, which generated community cultural centers, urban orchards or solidary shops. Platforms have been formed in Istanbul's neighborhoods threatened by urban renovation projects. Today the city's social and political movements pay more attention to the spatial dimension of the issues they work with; and the awareness among the public regarding the city's ecological problems has increased. In Europe this has been the first time that the "Right to the City" was used as a mainstream and pivotal slogan in counterhegemonic struggles.</p>
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## Discussion points

- I. Based on the urban reality of your country, how do you think that the adoption of the right to the city (as a diffuse and collective right) can contribute to social and territorial inclusion within our cities?
- II. What are the principles and themes emerging from your country experience that should be considered as components of the right to the city?
- III. What is the development stage of the right to the city in your city and in your country?
  - a) Legal and institutional recognition of this right,
  - b) Use of planning tools and of mechanisms for managing and social controlling the use and occupation of urban space for social and democratic management purposes
  - c) Existence of forums, networks and social movements on the right to the city
  - d) Initiatives and experiences of social groups or governments that promote the right to the city
- IV. How the right to the city can contribute to an integrated approach of planning and management of urban and rural areas of a municipality?
- V. What are the tools and instruments to ensure citizens direct participation at local and national level? What are the key challenges for popular participation?

## Bibliography

*Carta Mundial por el Derecho a la Ciudad* (2005).

Available at: <http://www.hic-al.org/derecho.cfm?base=2&pag=derechociudad2>

*World Charter for the Right to the City*, at

[http://portal.unesco.org/shs/en/ev.php-url\\_id=8218&url\\_dp=do\\_topic&url\\_section=201.html](http://portal.unesco.org/shs/en/ev.php-url_id=8218&url_dp=do_topic&url_section=201.html).

*Carta de la Ciudad de México por el Derecho a la Ciudad*

(2010), at: <http://www.hic-al.org/derecho.cfm?base=2&pag=derechociudad2>  
(English version available).

Lefebvre, Henri (1991). *O Direito a Cidade* (São Paulo: Editora Moraes).

[Ortiz, Enrique, Nadia Nehls and María Lorena Zárate.coords. \(2008\). \*El Derecho a la Ciudad en el Mundo, Mexico City: HIC-AL\*](#), at: <http://www.hic-al.org/publicaciones.cfm?pag=publicderviv>

Saule Júnior, Nelson (2007). "A Relevância do Direito à Cidade na Construção de Cidades Justas Democráticas e Sustentáveis," in Nelson Saule Júnior, ( Porto Alegre: Sergio Antônio Fabris Editor) , , p. 27

Saule Júnior, Nelson, Renato Cymbalista, Kazuo Nakano and Paula Freire Santoro (2008). *The challenges of the democratic management in Brasil - the right to the city* (São Paulo: Instituto PÓLIS),, at <http://www.polis.org.br/uploads/956/956.pdf>

Sugranyes, Ana And Charlotte Mahivet, eds. (2001). *Cities for All: Proposals and Experiences towards the Right to the City* (Santiago de Chile: Habitat International Coalition). Fernandes, Edésio (2007). "Constructing the Right to the City in Brazil," 16 *Social Legal Studies* 2 (London).

Brown, Alison and Annali Kristiansen (2009). *Urban Policies and the Right to the City: Rights, Responsibilities and Citizenship*, MOST-2 Policy Papers Series, (Paris: UNESCO and UN-HABITAT).

Osorio, Leticia (2005). "The World Charter on the Right to the City," *Urban Policies and the Right to the City*, International Public Debates (Paris: UNESCO), at: <http://unesdoc.unesco.org/images/0014/001461/146179m.pdf>

Outcome documents of UN World Conference on Development and Environment (Rio de Janeiro, 1992), Rio+20 (Rio de Janeiro, 2012), the World Summit on Human Settlements - Habitat II (Istanbul, 1996) and World Urban Forum 2010 and 2012.

Right to the City Platform. "Avanzando en la Implementación del Derecho a la Ciudad en América Latina y a Nivel Internacional", (2014). (São Paulo, PÓLIS Institute, Habitat International Coalition and Fórum Nacional da Reforma Urbana), at:

<http://www.rigthtothecityplatform.org.br/publicacoes/>

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