



Discussion Paper

Urban Policies and the Right to the City

**Public Debate
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I. Introduction

This paper aims to explore the notion of the “Right to the City,” a concept first developed by Henri Lefebvre in 1968 in *Le droit à la ville*.¹ While not exhaustive in its examination of the subject, the present discussion paper is intended to examine the notion as it has evolved conceptually and as it has manifested, either explicitly or implicitly, in urban policies and practices in cities and regions worldwide over the past few decades. It will also provide the reader with an inventory of recent developments in research and policy practice and, finally, with the potential theoretical and practical limitations to the “Right to the City” concept.

II. History of the Concept: Henri Lefebvre’s “Right to the City”

French philosopher Henri Lefebvre dedicated seven years of intellectual inquiry to the study of the urban environment (1967-1974), resulting in seven different books relating to the city.² Among his innovations was the conception of a “right to the city” for all urban dwellers, a concept developed most fully in *Le droit à la ville* (1968). According to Lefebvre’s theory, the “Right to the City” would restructure the power relations which underlie urban space, transferring control from capital and the state over to urban inhabitants.³ Lefebvre argued that the “Right to the City” is the right to “urban life, to renewed centrality, to places of encounter and exchange, to life rhythms and time uses, enabling the full and complete *usage* of ... moments and places.”⁴ Decades later, David Harvey would point out that Lefebvre’s concept is “not merely a right to access what already exists [in the city], but a right to change it after our heart’s desire.”⁵

The city has indeed changed since Lefebvre wrote *Le droit à la ville*. The year 1968 marked a moment when students across the globe, in cities such as Paris, Berkeley, New York, Prague, Berlin, London, Rome and Warsaw, demanded profound transformations in the conception of social relations and transformed the city into a theater of social and political upheaval. Lefebvre was undoubtedly influenced by the revolutionary socio-political movements of his time, and particularly by the student movement in Paris, known as *Mai 68*. Lefebvre’s original conception of *Le droit à la ville* should be understood in its particular historical context.

Without assuming that the current urban environment is identical to the one Lefebvre wrote about several decades ago, his concept can still be applied to today’s city, taking into account recent urban trends and social transformations. An increasing urban population, new information and communication technologies and the dynamics of globalization represent recent complications in the urban fabric which were not necessarily as pertinent in Lefebvre’s time. What *is* still relevant for today’s cities is Lefebvre’s belief that the decision-making processes in cities should be reframed so that ALL urban dwellers have a right to participate in urban politics and to be included in the decisions which shape their environment.

This fundamental basis of Lefebvre’s theory can be developed further to encompass more recent globalization and urban development trends and to substantiate and articulate specific approaches to the urban environment, such as governance and democratic management. In this sense, parallels can be drawn between world charters, municipal statutes and urban development campaigns as diverse as the City Statute of Brazil, the “right to housing” pioneered by HIC during Habitat II (Istanbul, 1996), and the proposed *World Charter on the Right to the City*: though not necessarily representative of separate moments of a direct evolutionary progression, they each seek to give power and authority back to urban inhabitants and are grounded with a common respect for the rights of urban dwellers. Most recent theoretical and practical implementations of Lefebvre’s “Right to the City” depart from this simplified interpretation of his theory, even though the details of Lefebvre’s original concept are considered by some researchers⁶ to be far more radical than most “Right to the City” advocates suggest.

III. Theoretical Work since Lefebvre

¹ Lefebvre, Henri, “The Right to the City” in *Writings on Cities*, Oxford, Blackwell, 1996. Originally published as *Le droit à la ville*, Paris, Anthropos, 1968.

² Hess, Remi, preface to Lefebvre’s *Espace et politique : le droit à la ville II*, Paris, Anthropos, 2nd edition, 2000.

³ Purcell, Mark, “Globalization, urban enfranchisement, and the right to the city: towards an urban politics of the inhabitant,” p. 10.

⁴ Lefebvre, H. “The Right to the City.”

⁵ Harvey, David, “The Right to the City,” *International Journal of Urban and Regional Research*, vol. 27.4, December 2003, pp. 939-41.

⁶ Notably, Mark Purcell.

As globalization tendencies continue to spur concerns over the growing inequality and disenfranchisement among urban inhabitants, geographers and other social scientists have developed an important body of theoretical and empirical work examining the relationships between global restructuring and urban governance. Drawing from the ideals proposed by Lefebvre decades earlier, researchers have employed the concept of the “Right to the City” to describe some of the social movements manifesting in cities. These movements have been based on specific identities of difference (such as ethnicity, class, sexuality, gender, age, disability, homelessness, among other characteristics) and have sought claims to economic, environmental, social and spatial justice. In many cases, this research has influenced the implementation of the “Right to the City” tenants into urban policies, resulting in world charters, global coalitions of cities and municipal statutes, as well as in the development of numerous projects, programmes, conferences and seminars. *[Please consult the bibliography at the end of this paper for complete bibliographical references relating to “The Right to the City,” as well as important French and Italian theoretical texts examining the relationships between the social sciences and the urban environment.]*

To date, researchers have explored the concept of the “Right to the City,” notably as it relates to the struggle for access to public space and citizenship in the following cities and regions worldwide: Rome, Vatican City, Turin, Naples (Italy); Saint-Denis, Paris (France); New York City, Syracuse, East Harlem (U.S.A.); various Swiss and Latin American cities;⁷ Sao Paulo (Brazil); Toronto (Canada); and Sydney (Australia).⁸ In specific relation to the notion of citizenship, researchers have addressed, among others, Turks in Germany; women migrants in Istanbul (Turkey); and “Islamic yuppies” in Tehran (Iran).⁹

Theoretical and empirical research has touched on the following themes (a partial listing): public space; public transportation (creating accessible cities insofar as schools, jobs and leisure activities are made available to children and youth, women, the elderly and the disabled); water rights; immigration and urban regeneration; the “masculinization” of cities; community garden preservation; “moneyspace” and financial exclusion; urban citizenship; globalization and urban enfranchisement; justice; the spatial imagination; immigrants and political organizing; homelessness; and women’s right to the city.

IV. Inventory of Documents relating to the Concept

The various theoretical works, declarative initiatives and national laws described here correspond to different logics, methods and objectives and are thus not to be understood as a “package” of programmes stemming directly from Lefebvre’s theory. They each, however, represent different manifestations of an urban politics of the inhabitant, which on the most fundamental level corresponds to Lefebvre’s original “Right to the City”:

- **European Charter for Human Rights in the City** (formalized charter approved in Saint-Denis, May 18, 2000; text drafted under the joint declaration of cities issued in Barcelona, October 1998, entitled “Commitment of Cities for Human Rights,” and unanimously agreed upon by 41 cities)
- Proposed **World Charter on the Right to the City** (collaboration of HIC, COHRE, FNUR, ActionAid)
- **City Statute** (Brazil)
- **The European Charter for Women in the City** (Commission of the European Union, Equal Opportunities Unit: Brussels)

V. Who Is Included in the “Right to the City”?

The concept aims to protect all urban dwellers, and, as often specified in related charters and statutes, especially members of the following particularly threatened groups: *poor or low-income groups, the homeless, women, victims of violence, senior citizens, persons with disabilities, youth, children, ethnic minorities, displaced persons, immigrant workers and refugees*. It should be noted that though Lefebvre rooted his analysis in the inequalities among the classes, more recent researchers have expanded Lefebvre’s terms of “difference” to apply the “Right to the City” to a more contemporary conception of diversity in cities. A thus more comprehensive vision of the “Right to the City” includes the protection of

⁷ See, in particular, a special issue of *GeoJournal*, vol. 58, issue 2, 2002, “Social Transformation, Citizenship, and the Right to the City,” eds. Lynn A. Staeheli, Lorraine Dowler, and Doris Wastl-Walter.

⁸ See the papers presented at the Home of Geography’s conference in Rome, Italy: “Rights to the City,” May 29-June 1, 2002.

⁹ See a special issue of *Urban Geography*, 1 Feb 2003, vol. 24, issue 2, “Cities and Citizenship”

individuals and groups who are diverse on the grounds of ethnicity, religion, race, gender, age, physical mobility, resident/citizen status and sexual orientation, in addition to class.

Lefebvre was also careful to distinguish between *citoyens* (“citizens”) and *citadins* (“urban inhabitants”), explaining that those who inhabit the city have a right to the city, regardless of their legal, national status as citizens. Along with the proposed *World Charter*, other urban experts, such as the European Council of Town Planners, identify not only residents but *users* of the city (including commuters and visitors) as urban citizens and advocate the participation of these mobile and temporary urban residents in the planning, management and decision-making processes of the city.¹⁰

VI. What Rights Are Encompassed?

The proposed *World Charter on the Right to the City* defines the “core element” of the right to the city as: “*the equitable usufruct of the cities considering the principles of sustainability and social justice.*” Broadly speaking, the “Right to the City” seeks to (1) promote equal access to the potential benefits of the city for all urban dwellers, (2) encourage the democratic participation of all urban dwellers in decision-making processes, notably on the municipal level, so that (3) urban inhabitants may fully realize their fundamental rights and liberties.

More particularly, its principles are susceptible to include the commitment to work toward:

- the collective well-being and security of urban dwellers and the environment
- the full exercise of citizenship for ALL urban dwellers
- democratic management and community participation
- sustainable and equitable urban development, as well as environmentally and socially balanced urban planning
- an assurance of access to public information
- collaboration between the government and the private sector
- balanced maintenance and control of the land use
- protection of the environment
- regularization of land which is occupied by lower-income populations
- an assurance of democratic political participation
- an assurance of the right to association, assembly, expression and the democratic use of public space
- the right to water and to the supply of resources
- an assurance of the right to urban land, health, transport, habitat, education, public services, public space, work, culture, leisure and a long life¹¹

VII. How Might Governments and Civic Groups Practically Approach the Concept?

In “Practical Approaches to Urban Governance,” Edgar Pieterse and Jyri Juslén identify four ways in which municipalities can deliver effective, efficient, relevant services to urban dwellers by: (1) developing city-wide decision-making frameworks so that different city stakeholders can “express their interests and vision for the city”; (2) mobilizing programmes based on previously determined “flagship priorities”; (3) engaging in institutional reform, which entails a shift to a more demand-based orientation for municipal administration; and (4) monitoring projects and maintaining momentum, continually seeking to ameliorate existing programmes and innovate new projects.¹²

UN-HABITAT’s Global Campaign on Urban Governance offers a conceptual framework of principles of good urban governance. The Campaign demonstrates how these principles can be translated into practical measures, through national policy reform activities making use of toolkits focusing on issues such as participatory decision-making, transparency in local governance, and participatory budgeting.¹³

¹⁰ *The New Charter of Athens (2003)*, European Council of Town Planners.

¹¹ A portion of these tenants are drawn from the “City Statute” in Brazil, “The New General Law of the Urbanism of Cities” (“*La nouvelle loi générale de l’urbanisme des villes*”), approved by the Senate in 2001, as well as the proposed *World Charter on the Right to the City*.

¹² UN-HABITAT’s “Practical Approaches to Urban Governance,” Edgar Pieterse and Jyri Juslén. paper published by UN-HABITAT, <http://www.unhabitat.org/HD/hdv5n4/index.htm>

¹³ UN-HABITAT, Global Campaign on Urban Governance. <http://www.unhabitat.org/campaigns>

VIII. How This Concept Has Been Integrated into Urban Policies

The following is a partial catalog of programmes which reflect, in the opinion of UNESCO, urban policies which have been realized, either explicitly or implicitly, in accordance with the “Right to the City” tenants. **Porto Alegre (Brazil)** was the forerunner of a “participatory municipal budget programme,” initiated in the 1980s and now implemented in over 70 cities. Citizens examine the previous year’s expenditures, set collective priorities and allot funds for future projects. **Bologna (Italy)** sponsored a “digital democracy” in 1999: free e-mail and internet access was granted to citizens via a local public network, *Iperbole*. **The European Science Foundation (ESF)** has established the programme Toward Electronic Democracy (TED), with the aim of improving participative democracy through e-governance. In **Colombo (Sri Lanka)**, the Colombo City Consultation was founded in order to improve urban governance through developing revenue mobilization, increasing community participation, and decentralizing municipal services.

Other projects have targeted specific populations of particularly threatened groups, such as the following programmes which are geared toward:

Women: In Montréal (Canada), the Women’s Urban Safety Action Committee (*Comité d’Action Femmes et Sécurité Urbaine (CAFSU)*) initiated a project in the 1990s that, nearly a decade later, completely revamped public services in order to ensure the safety of inhabitants, and notably women. A guide for auditing women’s safety in cities was published and translated into numerous languages for use in Europe and Africa.¹⁴

Children and youth: Youth Governments have been implemented in the Latin American and Caribbean Region, with the help of UN-HABITAT.¹⁵

Senior citizens: In Manila (Philippines), Coalition of Services to the Elderly (COSE) empowers the elderly poor by training representatives from a squatter’s area to become health workers for the elderly in their region; they are trained by doctors, dentists and nurses and supplied with health kits for prevention and hygiene.¹⁶

Refugees and displaced persons: The Centre on Housing Rights and Evictions (COHRE) has worked to support housing rights to refugees in Eastern Nepal and has done research on displaced persons in Bhutan, East Timor, Georgia and Kosovo.

The poor: Nongovernmental groups have sponsored workshops in which residents of low-income settlements work with trained professionals to identify key housing problems, brainstorm possible solutions, and formulate action plans.¹⁷

IX. Potential Limitations of the “Right to The City”

One of the most important potential limitations of the “Right to the City” concept, both in theory and in practice, is its singular focus on the *local* scale—a caveat that Mark Purcell has coined the “local trap.” Purcell argues: “As we discover, narrate and invent new ideas about democracy and citizenship in cities, it is critical to avoid...the local trap, in which the local scale is assumed to be inherently more democratic, just or sustainable than larger scales.”¹⁸ According to Purcell, simply localizing government or decision-making doesn’t necessarily democratize it, so why prioritize the local population, the local environment, the local economy over larger scales?¹⁹ With the understanding that all scales are *socially produced*, the local scale is no more *naturally* just or sustainable than a regional, national or international scale. Purcell continues: “With respect to the right to the city, avoiding the local trap means we must move beyond a right to the city and think more in terms of a right to inhabit space.”²⁰ These potential

¹⁴ Cases identified in “Claiming the Night,” by Helen Drusine; paper published by UN-HABITAT, <http://www.unhabitat.org/hd/hdv8n4/forum6.asp>.

¹⁵ “Towards Child-Friendly Cities,” André Dzikus.

¹⁶ Example cited as one of UN-HABITAT’s “Best Practices” : www.bestpractices.org

¹⁷ Adapted from UNCHS, Habitat’s “An Urbanizing World: Global Report on Human Settlements,” Oxford, Oxford University Press, 1996, p. 325.

¹⁸ Purcell, Mark, “Urban Democracy and the Local Trap,” p. 1. Paper presented at the conference, “Towards a Political Economy of Scale,” February 3-5, 2004, York University.

¹⁹ Ibid, p. 6.

²⁰ Ibid, p. 2.

limitations should be further contemplated as collective efforts to pursue the “Right to the City” concept and its practical implementation evolve.

X. Conclusion

Since the publication of *Le droit à la ville*, geographers, urban planners, social scientists, social action groups, NGOs and municipal and national governments who have drawn from Lefebvre’s work have reformulated the original theory of the “Right to the City,” not only with respect to its conception of the heterogeneity of urban dwellers, but also in regards to the specificity of the types of rights that urban policies should endeavor to protect. It is hoped that these various individuals and groups will continue to work in collaboration with UN-HABITAT and UNESCO to expand upon Lefebvre’s ideals and the existing research, city charters and policy practices through advocating and implementing rights-based policies and practices in cities worldwide. The public debate launched by UN-HABITAT and UNESCO on March 18, 2005, and drawing on the expertise of numerous researchers, municipal representatives and NGOs, should highlight the interest of this kind of inter-agency, interdisciplinary cooperation insofar as to promote social cohesion, urban cultural diversity, solidarity and education to urban citizenship, democratic urban governance and sustainable urban development for all dwellers.

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For more information on the Coalition of Services to the Elderly (COSE) programme:
<http://www.sgi.org/english/Features/quarterly/0107/feature.htm>

AITEC Plate form for Brazil France experiences <http://www.reseau-ipam.org>

World Charter on the Right to the City

Social Forum of the Americas – Quito – July 2004

World Urban Forum – Barcelona – September 2004

World Social Forum

Preamble

As we enter this new millennium, half the world population lives in cities and predictions are that by 2005 the degree of urbanization will have reached 65%. Potentially, the cities are areas of great riches and economic, environmental, political and cultural diversity. The urban lifestyle influences the manner by which we establish ties with our fellow human beings and with the territory.

However, contrary to this potential, in the development models currently implemented in the majority of third world cities we find only concentration of income and power and accelerated urbanization processes which contribute to the deprecation of the environment and the privatisation of public spaces generating social and physical segregation.

Most cities are far from offering equitable conditions and opportunities to their inhabitants. A considerable portion of the urban populations is deprived or limited in the satisfaction of their basic necessities because of their economic, social, cultural, or ethnic characteristic or because of gender or age. This favours the emergence of representative social movements that struggle for urban rights although usually fragmented and incapable of producing significant change in the current development models.

Faced with this reality, the civil society entities that have maintained contact since the First World Social Forum in 2001, having analysed and debated the problem, took up the challenge to propose a sustainable model for urban society and lifestyle, based on first principles of solidarity, liberty, equality, dignity and social justice. A fundamental aspect of this model shall be the respect for different urban cultures and the balance between the urban and rural environments.

Ever since the First World Social Forum (held in the city of Porto Alegre, Brazil in 2001), a group of social movements, non-governmental organisations, professional associations, forums and country and international networks concerned with the social struggle for cities to be more democratic, just, human and sustainable, have been drafting a World Charter in which are depicted the responsibilities and measures to be undertaken by civil society, local authorities and national governments and international organizations to guarantee that all people live with dignity in the cities.

The Charter on the Right to the City is an instrument intended as a contribution to the urban struggle and as an aid in the process of recognition of the right to the city in the international human rights system. The core element of this right is the equitable usufruct of the cities considering the principles of sustainability and social justice. This right shall be understood as a collective right of all city inhabitants, especially those vulnerable and disfavoured, conferring legitimacy of action and organisation in accordance with their usages and customs in the search for full exercise of the right to an adequate standard of living. Therefore, the specific focus on the Rights of the City is justified by the following observations:

- the acceleration of the rate of urbanization – the processes is already practically finished in Latin America and is so far advanced in Asia that whole cities have been “urbanized” to the point that the possibility of any compliance with human rights in the city is extremely remote.
- the tendency for both urban expansion and poverty to increase;
- the increasing use of vulnerable or dangerous city areas for the construction of popular settlements and the resulting disasters;
- the proliferation of massive evictions, of public policies designed to prevent the occupation of the city by the poorer segments of the population, and the growing social segregation which is doing violence to city life and ignoring the contribution made by the popular segments to the construction of the cities and citizenship;

- the necessity for the existence of a very clear, international document or instrument on which the social action movements may base opposition to these negative tendencies
- The fact that, in predominantly rural countries such as India, the tendency for urbanization and the concentration under precarious conditions of rural immigrants to the great cities is accelerating. These and other similar considerations more than justify giving special attention to the cities.

The traditional approach to improvement of the quality of city life centred on housing and suburban living, has to be extended to focus on the quality of living in the city as means of benefiting the entire population of a city (or an entire region in accelerated urbanization).

This means emphasising new means for the promotion, protection and defence of the economic, social, cultural, civil and political human rights guaranteed in the respective international human rights instruments, by utilizing distinct forms of democratic participation and the fulfilment of the social function of the city and property. The right to a democratic, just, equitable and sustainable city presupposes the full and universal exercise by all the inhabitants of the entire spectrum of economic, social, cultural, civil and political rights enshrined in International Human Rights Covenants and Conventions: the right to work under favourable work conditions; to form Labour Unions; to a family life; to effective social security; to an adequate standard of living; to food and clothing; to a suitable home, health, water, education; the right to maintain their culture; to political participation; free association; assembly; manifestation of opinion; public security and the right to a pacific existence.

Furthermore, in addition to guaranteeing the human rights of the people, the city territory, urban or rural, is the space and place where collective rights are to be practiced and assured, as a means of achieving the equitable distribution and enjoyment of the resources, riches, services, property and opportunity of the cities. In this respect, it should be borne in mind that the Charter of Collective Rights enumerates the collective rights of all city inhabitants: the right to a proper environment, to participate in the public planning and management, to collective transport and mobility, to legal rights and justice.

In the city, the co-relation between these rights and the necessary counterpart of duties is required in accordance with different responsibilities and economic situation of the inhabitants as a means of promoting the fair distribution of the benefits and expenses resulting from the urbanization process, the urban income, the democratisation access to land access and the public services by the poorer segment of the population.

We invite each and every person, organisations of civil society, local and national governments and international organisations to participate in this project at the local, national, regional and global level, to contribute to the constitution, diffusion and implementation of the World Charter on the Right to the City as one of the paradigms of this millennium demonstrating that a better world is possible.

Part I – General Dispositions

ARTICLE I. THE RIGHT TO THE CITY

1. Everyone has a right to the city without discrimination of gender, age, race, ethnicity, political and religious orientation and preserving cultural memory and identity, in accordance with the principles and norms established herein.
2. The Right to the City is defined as the equitable enjoyment of the cities while respecting the principles of sustainability, democracy and social justice, and is a collective right of all city inhabitants especially the vulnerable and disfavoured on whom is further conferred legality for such actions and organisation as their culture and custom suggests as a means of achieving the complete enjoyment of the right to an adequate standard of living. The Right to the City is interdependent to all recognised international human rights; and its conception is based on an integral view, which includes civil, political, economic, social, cultural and environmental rights enshrined in the international Human Rights Treaties. It includes also the right to liberty of association and organisation; the respect for minorities and racial, ethnic, sexual and cultural plurality; respect for immigrants; and the guarantee of preservation of historical and cultural heritages.
3. The city is a rich and diversified cultural space that belongs to all the inhabitants.

4. The cities in co-responsibility with the National States, commit themselves to adopt measures to maximum extent possible with the resources available, and take all appropriate steps, in particularly by legislative measures, to progressively make more fully effective the enjoyment of universal economic, social, cultural and environmental rights, without in any way altering the essential minimum content of these rights.

5. For the purpose of this Charter, the denomination of City is given to any town, village, city, capital, locality, suburb, settlement or similar which is institutionally organised as a local unit of Municipal or Metropolitan Government, and includes the urban, rural and semi-rural portions of its territory.

6. For the purpose of the Charter, *citizens* are all persons who live in the city either permanently or in transit.

ARTICLE II. PRINCIPLES AND STRATEGIC FOUNDATIONS OF THE RIGHT TO THE CITY

The following are the principals of the Right to the City:

1. FULL EXERCISE OF CITIZENSHIP AND PARTICIPATION IN THE DEMOCRATIC MANAGEMENT OF THE CITY:

1.1 Cities should be places where all human rights and fundamental liberties are realized and where the dignity and collective well being of all persons is assured under conditions of equality, equitability and justice with full fulfilment of the social responsibility of the habitat. Everyone has the right to find in the cities the conditions necessary for his or her political, economic, cultural, social, and ecological realization while assuming the associated duties of solidarity.

1.2 All persons have the right to participate in a direct and representative manner in the elaboration, definition, control and implementation of the public policy and the Municipal budget in the cities in order to improve the transparency, efficiency and autonomous nature of the local public administrations and the popular organisations.

2. THE SOCIAL FUNCTION OF THE CITY AND OF THE PROPERTY:

2.1. The cities attend its social function if to guarantee to all persons the full usufruct of its economy, culture and resources, as well if urban projects and invested capital are implemented for the benefit of the citizen, by observing the criteria of equitable distribution, respect for the culture and ecological sustainability; the well being of all citizens in state of harmony with nature, for today and for future generations.

2.2. The public and private spaces and properties belonging to the city and to the citizens should be used in such a way as to prioritise the social, cultural and environmental interest. All citizens have a right to participate in the ownership of urban territory based on democratic parameters, on ideals of social justice and under sustainable environmental conditions. In the formulation and implementation of public policies, the socially fair use of both urban space and land must be promoted, with gender and environmental equity and with safety.

2.3. In the formulation and implementation of urban policies the social and cultural interest must take priority over the individual right of property.

2.4. All citizens have the right to participate on the process of generating land value increments by public investments on urban areas, which has been entirely captured by the private owners without any counterpart or activity undertaken in their properties.

4. EQUALITY AND NON-DISCRIMINATION:

The rights set out in this Charter shall be guaranteed to all persons who live permanently or part-time in the cities without any form of discrimination based on age, gender, sexual orientation, language, religion, opinion, racial or ethnic origin, income level, citizenship or migratory situation. The Cities commit themselves to implement public policies to provide equality of opportunities to women in the cities according to the CEDAW and to the Summits on Environment (Rio 92), Women (Beijing 95), and Habitat II (Istanbul 96). The Cities commit themselves to apply resources of the government budget to implement these policies and to establish instruments and indicators to monitoring the accomplishment of these objectives.

5. SPECIAL PROTECTION FOR VULNERABLE PERSONS AND GROUPS:

The more vulnerable groups and individuals have a right to special measures for protection and integration, to have provided the basic services and to combat the discriminations.

For the purposes of this Charter vulnerable people are the following: persons and groups in situation of poverty, in health and environmental risk, victims of violence, the disabled people, migrants, refugees and all other groups which, in the reality of each city, are in a situation of disadvantage with respect to the rest of the inhabitants. Within these groups, attention must be primarily paid to the elder, women and to the children.

The cities, through affirmative action policies on behalf of the vulnerable groups, shall remove economic and social obstacles that in fact restrict the liberty and equality of the citizens, impede people's full development and effective political, economic, cultural and social participation in the city.

6. THE PRIVATE SECTOR'S SOCIAL UNDERTAKING:

Cities should encourage economic agents of the private sectors to participate in social programs and economic undertakings in order to develop solidarity and equality of all the inhabitants in accordance with the guiding principles of this Charter.

7. ENHANCING ECONOMIC SOLIDARITY AND IMPOSING PROGRESSIVE POLICIES:

The Cities shall to promote and guarantee solidarity economic policy and programs.

Part II – Rights relative to the Exercise of Citizenship and of Participation in Planning, Production and Management of the City

ARTICLE III. PLANNING AND MANAGEMENT OF THE CITY

Cities undertake to create institutional spaces and opportunities for all citizens to participate fully and directly and in an equitable and democratic manner in the planning, elaboration, approval, management and democratic evaluation of results of public policies and budgets, of actions by collegiate organs, in audiences, conferences, public consultations and debates, popular initiatives for drafting laws and urban development plans.

ARTICLE IV – SOCIAL HOUSING PRODUCTION

Cities undertake to establish the institutional and development mechanisms and to develop the legal, financial, administrative, planning, fiscal and capacitating instruments necessary to support the various methods available for the socially-responsible production of an adequate habitat and housing. Special attention should be given to individual, family and collective self-management housing production processes.

ARTICLE V. SUSTAINABLE AND EQUITABLE URBAN DEVELOPMENT

1. The cities commit themselves to develop with the participation of all the citizens urban-environmental planning, regulation and management capable of guaranteeing the balance between urban development and the protection of the environment and the cultural, historical, architectural and artistic heritage, as well as preventing segregation and territorial exclusion. The cities shall to prioritise the social production of habitat and the observance of the social function of the city and of the private property. To this end, the cities shall undertake to adapt measures of urban development, in especially the recuperation of precarious or marginalized settlements in order to create an integrated and equitable city.

2. The planning, and the sector programs and projects in the cities shall take in account the urban security.

3. The cities shall undertake to guarantee that the public services will be assured and executed by the administrative level nearest to the population and that the citizens shall participate in the management and control over them. To the public services must be recognised the legal status of a public asset and be protected against privatisation.

4. The cities shall establish social control systems related to the urban services provide by public or private enterprises in especially with regard the quality of the services and the charges of the rates.

ARTICLE VI. RIGHT TO PUBLIC INFORMATION

1. Everyone has the right to request and to receive complete, correct, adequate and timely information, from any department of the city administration, or from the Legislative or Judicial authorities, in respect of their own administrative or financial activities or those of the companies and private or mixed-economy societies contracted to provide public service.

2. The employees of the City Government or the private sector receiving a request for information from a citizen has an obligation to create and produce such information as refers to his or her area of competence and which is available at the time. The only limit for access to public information is that imposed by the right to intimacy of the persons involved.

3. The cities undertake to guarantee to make available procedures or mechanisms so that everyone may have access to effective and transparent public information. For this purpose they shall provide access for all sectors of the population and facilitate instruction in the use of information technology and how to access the data with periodic updates.

4. All individuals and organised groups have the right to obtain information about the availability and utilization of suitable land, as well as in respect of the habitation programs in progress or planned in the city with particular emphasis on those sectors that produce their own housing and other elements of habitation.

ARTICLE VII. LIBERTY AND INTEGRITY

Everyone has the right to liberty and physical and spiritual integrity. The cities guarantee to provide protection so that individuals or institutions of any nature do not violate these rights.

ARTICLE VIII. POLITICAL PARTICIPATION

1. In conformity with the laws that regulate the exercise of citizenship, all citizens have the right to participate in the local political life by means of democratic elections of the local representatives and in all decisions which affect the local policies regarding the city, including urban designing, development, management, renovation and improvement of neighbourhoods.

2. Cities shall guarantee the right to free and democratic elections of the local representatives, the realisation of plebiscites and popular legislative initiatives and the free and equal access to debates and public audiences.

3. Cities shall implement affirmative action policies of quotas for the representation and political participation of women and minorities in all local elective instances and in the definition of their public policies.

ARTICLE IX. RIGHT OF ASSOCIATION, ASSEMBLY, EXPRESSION AND THE DEMOCRATIC USE OF URBAN PUBLIC SPACE

Everyone has the right to association, assembly and expression. Cities undertake to make public areas available for open meetings and informal gatherings.

ARTICLE X. RIGHT TO JUSTICE

1. Signatory cities undertake to take steps to improve the access of all persons to the right to justice.

2. Signatory cities support the resolution of civil, criminal, administrative, and labour conflicts by implementing procedures of public conciliation, mediation and adjustment.

3. The cities undertake to guarantee access to justice by establishing special policies of favourable treatment for poorer population groups and by strengthening the systems of free public legal defence and assistance.

ARTICLE XI. THE RIGHT TO THE PUBLIC SECURITY AND TO COEXISTENCE BASED ON PEACE, SOLIDARITY AND MULTICULTURALISM

1. The cities commit themselves to create conditions for the public security, peaceful coexistence, collective development and the practice of solidarity. To this end, full usufruct of the city is guaranteed while respecting the diversity, and preserving the memory and the cultural identity of all citizens without discrimination.

2. The principles of the mission of the security forces shall primarily include the respect and protection of the rights of the citizens. The Cities guarantee that the security forces under their command shall use force strictly in accordance with the legal provisions and democratic control.

3. Cities guarantee the participation of all citizens in the control and evaluation of the security forces.

Part III – Rights relating to Economic, Social, Cultural and Environmental development of the city

ARTICLE XII – RIGHTS TO WATER, AND ACCESS TO THE SUPPLY OF URBAN AND DOMESTIC PUBLIC SERVICES

1. The Cities shall guarantee to all citizens the right to have permanent access to public services of drinking water, sanitation, waste removal, medical services, schools, power and telecommunication supplies in joint responsibility with other public or private sectors in accordance with international human rights legislation and the legal requirements of each country.
2. The cities shall undertake to guarantee that the public services, even if privatised before the signature of this Charter, are charged at rates socially accessible to the low-income families and unemployed persons, and are adequately implemented.

ARTICLE XIII. RIGHT TO TRANSPORT AND PUBLIC MOBILITY

1. The cities guarantee the right of city mobility and movement by means of public transportation systems adequate and affordable to the citizens. The cities shall promote the establishment of a public transportation system accessible to everyone in accordance with a suitable urban and interurban traffic plan and with the diversity of environmental and social needs (gender, age and incapacities). They shall also stimulate the use of non-polluting vehicles and provide permanent or occasional pedestrian only areas for certain times during the day.
2. Cities shall promote the removal of structural barriers and the installation of equipments necessary to facilitate displacement, movement and traffic as well as the adaptation of all public buildings (or those used by the public), workplaces and evacuation areas for easier use by disabled persons.

ARTICLE XIV. THE RIGHT TO HOUSING

1. In so far as they are competent to do so, the cities shall undertake to ensure that all citizens are guaranteed the right that the cost of adequate housing is compatible with their incomes; that the housing is habitable; that it is constructed in accessible and suitable locations and that it is adapted to the cultural characteristics of the residents.
2. The cities undertake to facilitate adequate offers of housing and the associated equipments and services for all citizens, and to guarantee to the poorer families home acquisition financing plans as well as service structures for the assistance of infants and elder people.
3. Cities shall guarantee to the vulnerable and homeless groups priority to benefit from housing laws and programmes. They shall also establish subsidies and loan programs for the purchase of urban land or houses, to regularise land ownership and to the improvement of precarious neighbourhoods and informal housing settlements.
4. Cities shall undertake to include in their own names, independently of their civil status, all women beneficiaries in documents of possession or ownership of land or goods regularised or registered within public programmes of land or housing distribution or titling.
5. All homeless citizens whether individually, in partnership, or in family groups are entitled to the right of immediate provision by the city public authorities of an adequate, sufficient and independent living space. Hostels, refuges and bed-and-breakfast lodgings may be used as temporary expedients but do not absolve the authority of the obligation to provide a permanent solution.
6. Everyone has the right to security of tenure of his or her home by means of legal instruments that guarantee the right of protection against evictions, expropriations and forced or arbitrary displacement.
7. The cities shall impede real estate speculation by creating urban norms and regulations for the equitable distribution of the expenses and benefits generated by the urbanization process in addition to the adjustment of economic, tributary and financial public instruments to the purposes and objectives of urban development.
8. Cities shall promote adequate legislation and establish mechanisms and sanctions designed to take full advantage of the use of public land and of public and private buildings which are unused, under-used or unoccupied, in order to ensure the fulfilment of the social function of the property.
9. The cities shall protect the occupants from arbitrary evictions and the tenants from usury by regulating the rental of living accommodation in accordance with General Comment No. 7 of the United Nations Committee on Economic, Social and Cultural Rights.
10. This present Article shall be applicable to all persons, including but not limited to, families, tenants without ownership titles, the homeless, and those whose living conditions vary, such as nomads, travellers and the Roma.
11. The cities shall provide shelter and housing to women victims of the domestic violence.

ARTICLE XV. THE RIGHT TO WORK

1. The cities and the National States are responsible to contribute as far as possible for the maintenance of full employment in the city. To this end they shall promote the upgrading and qualification of the workers by permanent education and training.
2. The cities shall promote conditions for children to enjoy their infancy by combating child labour.
3. In collaboration with other public administrations and the companies, the cities shall develop mechanisms to ensure equal opportunity for everyone in access to work without discrimination.
4. Cities shall promote equal access for women to work by creating day care centres and other facilities, and for disabled persons by the installation of adequate and suitable urban facilities. To improve work conditions the cities shall establish programs for the improvement of urban housing used by women and vulnerable persons as work places.
5. The cities shall undertake to promote the progressive integration of the informal business run by low-income or unemployed persons, avoiding its elimination and providing adequate areas and policies for the workers until such time as it can be incorporated into the formal urban economy.

ARTICLE XVI. THE RIGHT TO THE ENVIRONMENT

1. The Cities commit themselves to adopt measures against the disordered occupation of the territory and/or the protected areas and against contamination, including energy saving, the management and re-utilization of waste, recycling and the recuperation of watersheds to amplify and protect the green areas.
2. The cities commit themselves to respect their natural, architectonic, cultural and artistic heritages and to promote the recuperation and revitalization of degraded urban areas and equipment.

Part IV. Final Dispositions

ARTICLE XVII. OBLIGATIONS AND RESPONSABILITIES OF THE STATE IN THE PROMOTION, PROTECTION AND IMPLEMENTATION OF THE RIGHT TO THE CITY

1. International organisations and national, regional, metropolitan, municipal and local governments are all responsible for the effective application of the rights laid down in this Charter, (in addition to the civil, political, economic, social and cultural human rights) for all citizens, based on international standards of human rights and the competent management system of each country.
2. Failure to implement the rights laid down in this Charter, or faulty or incomplete implementation in violation of the guiding principles of the international agreements or the respective national legislation, will be considered a breach of the Rights of the City which can only be rectified by the full implementation of whatever measures are necessary to correct/revert the violations. Such rectification measures must also guarantee that any collateral negative effects or damages are removed or compensated so that the citizens may enjoy the effective promotion, protection and guarantee of all human rights defined in this Charter.

ARTICLE XVIII. MEASURES FOR THE IMPLEMENTATION OF THE RIGHT TO THE CITY

1. The cities must adequately and immediately take all necessary steps and measures to ensure the Right to the City for everyone as laid out in this document. The cities guarantee the participation of all citizens and of the civil society organisations in the process of legislative revision. The Cities are obliged to use their maximum resources available to fulfil the legal obligations enshrined in this Charter.
2. The cities shall provide human right education to all the employees involved in the implantation of the Right to the City and the corresponding obligations. The training shall be given in special to those public employees of public organisations whose policies influence in any way the full realization of the Right to the City.
3. The cities shall promote the teaching of the principles of the Right to the City in schools and universities and in the popular means of media communications.
4. The citizens shall regularly supervise and evaluate the degree to which these rights are being observed overall.
5. The cities shall establish systems to monitor and supervise the execution of the policies of urban development and social inclusion. An efficient system of indicators to monitor and evaluate the right to the city shall be established and applicable to all cities so as to verify the fulfilment of the contents of this Chapter.

ARTICLE XIX. THE VIOLATION OF THE RIGHT TO THE CITY

1. The violation of the Right to the City is constituted by all acts of commission and omission undertaken by legislative, administrative and judicial institutions and/or social practices which result in obstruction or refusal, or which introduce difficulties or make impossible:

- The realization of the rights including in this Charter;
- The participation of inhabitants, social groups and citizens in urban management, or the participation in the implementation of decisions and priorities defined in the participative processes that make up the life of the city;
- The fulfilment of the decisions undertaken and the priorities defined within the participatory process of urban management;
- The maintenance of cultural identities, methods of peaceful coexistence, social production of habitat, as well as forms of manifestation, organisation and action of social or citizens groups, especially the vulnerable and disfavoured, based on their usage or customs.

2. The actions of commission and/or omission can be carried out by administrative sectors during the process of implementing projects, programs or plans; in the legislative sphere by the introduction of laws, by the control of public funds or by public policies; or, in the judicial arena by judgements or sentences handed down in collective conflicts referring to themes of urban interest.

ARTICLE XX. EXEGIBILITY OF THE RIGHT TO THE CITY

Everyone has a right to effective and full administrative and judicial recourse and remedy with respect to the rights enumerated in this document, including the right not to take advantage of such rights.

ARTICLE XXI. COMMITMENTS WITH THE CHAPTER OF THE RIGHT TO THE CITY

I - The Networks and Social Organizations commit to:

1. Widely disseminate this chapter and strengthen the international articulations through the Right to the City in the context of the World Social Forum, in conferences and in international forums with the objective to the strengthen of social movements and NGOs networks and for the building of a dignified life in the cities.
2. To build platforms of the exegibility of the Right to the City, to document and disseminate local and national experiences, which aim at the construction of this right.
3. Present this Charter on the Right to the City to the different organizations and agencies of the United Nations System and to the Regional Human Rights System, to initiate a process to recognize the Right to the City as an international human right.

II – The Local and National Governments commit themselves to:

1. Produce and promote institutional framework to recognize and protect the Right to the City, such as formulating urgent plans of actions for the sustainable development of the cities, in accordance with the principles enshrined in this Charter;
2. Build associative platforms with the full participation of civil society aiming to promote sustainable development in the cities;
3. Promote the ratification and applications of human rights covenants and other international instruments that will contribute to the construction of the Right to the City.

III – International Organizations commit themselves to:

1. Embark on a mission to stimulate, sensitive, and support the government through the promotion of campaigns, seminars and conferences, and facilitate technical publications that highlight the adherence to the principles of this Charter;
2. Monitor and to promote the applications of human rights covenants and other international instruments that will contribute to the construction of the Right to the City;
3. Open participatory spaces for the consultative and decision-making bodies of the United Nations that facilitate the discussion with respect this initiative.



UN-HABITAT



United Nations Human Settlements Programme

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Global Campaign on Urban Governance

Background

UN-HABITAT launched the Global Campaign on Urban Governance in 1999 to support the implementation of the Habitat Agenda goal of “sustainable human settlements development in an urbanizing world.” The campaign’s goal is to contribute to the eradication of poverty through improved urban governance. It aims to increase the capacity of local governments and other stakeholders to practice good urban governance and to raise awareness of and advocate for good urban governance around the world. The campaign focuses attention on the needs of the excluded urban poor. It promotes the involvement of women in decision-making at all levels, recognizing that women are one of the biggest levers for positive change in society.

The Campaign Theme: The Inclusive City

The theme of inclusiveness reflects both the campaign’s vision and its strategy. An Inclusive City *promotes growth with equity*. It is a place where everyone, regardless of their economic means, gender, race, ethnicity or religion, is enabled and empowered to fully participate in the social, economic and political opportunities that cities have to offer. Participatory planning and decision-making are the strategic means for realizing this vision.

How the Campaign Works

The Campaign is implemented through a combination of strategies and “flagship products.” Through *normative debate*, the campaign seeks to develop and promote the fundamental principles of good urban governance. The campaign’s *advocacy* strategy involves raising awareness of cities where principles of good urban governance are being practiced. *Capacity-building* occurs via the operational activities of regional offices, global programmes and partners relying on training and tools for good urban governance. Finally, the Campaign promotes *knowledge management* through the documentation of lessons of experience, the production of tools and the promotion of research.

Habitat is implementing the Campaign through a combination of global and regional partners. Global partners provide overall strategic and substantive guidance to the campaign, while regional partners adapt the campaign messages and products for local contexts.

The Campaign’s Flagship Products

- National and Local Campaigns: To respond to specific local conditions, national campaigns are underway or are planned in Nigeria, Tanzania, Burkina Faso, Senegal, Uganda,

Morocco, India, The Philippines, Fiji, Indonesia, Nicaragua, Jamaica, Brazil, Cuba, Peru and the Balkans.

- Declaration on the Norms of Good Urban Governance: Promotes debate and seeks international consensus on the principles of good urban governance.
- Revised National Legislation: Support to countries seeking to ground their legislation in the principles of good urban governance.
- Policy Papers: Policy support on such subjects as gender, and the role of youth in urban governance.
- Good Urban Governance Index: A tool for cities to monitor their progress in achieving their urban governance objectives.
- Good Urban Governance Toolkits: A series of tools developed by UN-HABITAT and its partners to promote good urban governance. Individual toolkits have been developed to support participatory urban decision-making, transparency in local governance, dialogue with grassroots' women's organisations, and participatory budgeting.

For more information:

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A View from Brazil

By *Edésio Fernandes*

here are many myths in the debate on rapid urban growth, especially in developing and transition countries. Two of these remain largely unquestioned.

First, that the growing process of socio-spatial segregation in cities is due to a lack of spatial development planning, and second, that spatial planning is ineffective, as most master plans, zoning schemes and urban planning laws are not properly implemented and often abandoned.

Apparently contradictory, such arguments express the frustration felt by urban managers, policy-makers, and above all by city dwellers who feel increasingly powerless in the face of the speculative, socially unjust, and environmentally unfriendly market forces and political interests that govern land use and development.

In many countries, the scope for State intervention through urban planning legislation is substantially limited by the prevalence of longstanding traditions of individual rights. Most cities in the developing world do not have comprehensive urban legislation expressing clearly defined urban planning values and spatial development policy directives. Indeed, many countries do not have national legal guidelines on land use and development.

More recently, another argument has gathered momentum: that where urban planning laws do exist, they have been socially ineffective or detrimental to the urban economy, and thus should be made more flexible or abandoned.

However, a more critical analysis of urban legislation justifies the argument that, far from being ineffective, urban laws have been a powerful factor in determining the process of socio-spatial segregation. Failure to enforce such legislation has resulted in range of problems. These include conflicting judicial interpretations, institutional inaction, social unrest over legal ambiguities, economic inefficiency and high urban management costs, mistrust of legal-political institutions, endemic corruption, and the development of informal justice mechanisms. Needless to say, all have contributed to maintaining the status quo.

Urban laws - from simple perimeter laws to complex zoning laws - have, however, worked well for economic interests that regard the city solely as place to make money. Master plans and spatial development laws may not work for the majority of the people in urban areas, particularly the most vulnerable, and they may not address other social, environmental, and cultural needs adequately. But, they have been instrumental in determining land values and housing prices in the formal market. In most cases, as for example in large cities such as São Paulo or Rio de Janeiro, urban laws have promoted a generous distribution of present and future economic land values to private landowners, without being accompanied by compensating value capture mechanisms and proper land taxation. Colombia is one of the few developing countries in which there is a consistent attempt at recapturing surplus value generated by urban legislation.

Urban laws have therefore also determined the place - and the space - for the urban poor who find themselves in areas no-one else wants or to which they do not have formal access.

In recent years, many cities such as Porto Alegre, Horizonte and Recife have approved increasingly sophisticated urban planning laws, but these have frequently contributed to the establishment of lengthy, bureaucratic, and costly procedures. They have also often failed to take into account the capacity of local government for action and urban management, monitoring and repression. As a result, they have been disrespected by rich and poor alike.

Reversing this situation will require significant changes in the rationale, content, and conditions of drafting urban legislation. A tradition of comprehensive regulatory spatial planning does not mean giving up on the idea of a regulatory framework altogether: the challenge is getting the regulatory framework right. The necessary balance would consist of regulating less or more in some areas or some processes, as well as regulating better in others.

There is also a need for significant change in the political-institutional process of urban planning and law making, so that there is a truly participatory and inclusive decision-making process at all levels. The simplification of criteria, standards, requirements, language and procedures is a must. An interesting example here is that of the successful Popular Urban Planning School started in Fortaleza, Brazil, by the NGO Cearah Periferia.

The Brazilian experience of urban law reform that has already produced the 2001 City Statute has given some indications of how this can be achieved. However, one of the main lessons to be drawn is that urban law and urban management have to be conceived together, under a comprehensive urban and land governance framework.

Above all, the enormous challenge before Brazilian cities, as well as other countries and cities that are promoting urban law reform, is to guarantee the enforcement of the newly approved laws. Urban planning is a very powerful process. If urban laws have long been capitalised upon by certain economic groups and have thus directly contributed to the process of socio-spatial segregation, the promotion of urban law reform may substantially contribute towards creating the conditions for more inclusive and fairer cities.

To put it succinctly, urban reform cannot be promoted without legal reform.

Reform of urban planning legislation and practice in Brazil

The 1988 Constitution recognised five inter-related rights - collective rights to city and spatial planning, environmental preservation, the democratic management of cities, social housing, and the regularisation of informal settlements.

Both the 1988 Constitution and the 2001 City Statute attributed to the master plan legislation the power to recognise the contents and reach of individual property rights. The urban law drafting process was both decentralised and democratised, and all municipalities with more than 20,000 inhabitants have to approve their master plans by 2006.

A particularly successful aspect of the Brazilian urban regulatory framework has been the creation of "Special Zones of Social Interest", corresponding to both urban areas occupied by consolidated informal settlements and vacant private land reserved for social housing programmes. Such zones have specific urban regulation and their own participatory management processes.

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