

The City as a Common Good:

A Pillar of the Right to the City



Global Platform
for the Right to
the City

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Barcelona, 2021

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A. Introduction



Introduction

The notion of the *common*¹ has gained momentum recently in several different contexts, and it has often been used to mean different things and express different aspirations. In fact, the word common has been used interchangeably to refer to common good², common interest, common spirit, urban commons, public order, public spaces, community power, public and/or communal ownership, and even a new socioeconomic, sociopolitical and socio-territorial regimen.

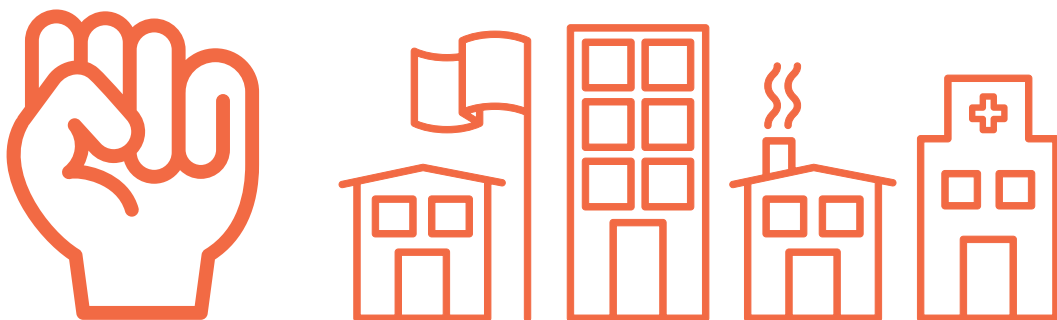
This paper explores the notion of ***the city as a common good***³, as one pillar of the Right to the City, based on the assumption that a more precise legal use of some concepts is necessary in order for the Right to the City to gain more meaning, depth, and power. Although this notion could certainly be approached from several different angles, especially those of an economic and a cultural nature, the paper aims to tentatively explore the notion of the city as a common good – still a largely abstract, underdeveloped, and difficult concept – from a socio-legal perspective, identifying some of its possible dimensions, as well as discussing some of the conditions for its materialisation and enforcement.

It should be stressed that this is an interdisciplinary approach, by no means a legalistic one, but one that,

while being critical of the roles historically played by law in sociopolitical processes, is committed to exploring and affirming the possibilities a redefined legal order could create for social change.

As a general argument, the paper proposes that, while the nature of the Right to the City has been increasingly discussed – with several of its components gaining more consistent meaning over the years – it fundamentally remains a sociopolitical notion. In legal terms, however, it is still problematic: although it has been gradually, nominally recognised by some important international documents, including national laws, as well as applied by a number of groundbreaking initiatives, they do not fully define the Right to the City per se. In particular, some degree of enforceability and responsabilisation – a basic requirement of the legal order – remains a challenge for the Right to the City to be fully recognised and established.

The paper argues that the discussion on the Right to the City would greatly benefit from a more solid socio-legal treatment of the notion: the city as a common good – an increasingly popular component of the Right to the City – and thus become more enforceable. It proposes that, while there is already significant scope for an updated



1. See Glossary for further information.
 2. See Glossary for further information.
 3. See Glossary for further information.

and broader discussion on the more traditional notion of common goods in the city, any contemporary discussion on the Right to the City also needs to refer to, and engage with, the more contemporary notion of *common/commons*⁴ that has been embraced by a growing sociopolitical mobilisation taking place internationally, as it allows for a broader socio-legal take on the notion of the city as a common good that is closer to the original, transformational meaning of the Right to the City.

Combined, all such dimensions would form the initial basis of a broad understanding of the ideal of the city as a commons in which the original transformational nature of the Right to the City could eventually be materialised.

The paper then argues that this approach has three intertwined requirements, namely:

- The need to expand the human rights tradition within which the Right to the City lies in order to view it as a collective right;
- The crucial importance of the formulation of an inclusive and articulated land governance framework for the full materialisation of the notion of the city as a common good;
- The adoption of a new, comprehensive sociopolitical citizenship contract for the city.



These requirements and their main dimensions are discussed in some detail, with brief references being made throughout the paper to a number of situations in which they have been partly attempted or materialised.

Finally, and thinking also of the challenges increasingly posed by the current expansion of COVID-19, widely expected future pandemics, and ongoing climate change processes, the paper suggests that – **if they are supposed to be more than mere declarations of intentions – social inclusion, socioeconomic sustainability and resilience claims and aspirations need to be urgently territorialised**; that is, fully translated to the territory of cities so that they can be legally claimed and enforced.

As a conclusion, the paper argues that the Right to the City would greatly benefit from stressing the notion of **territorial responsibility**, at the same time a state obligation and a collective right, as a fundamental means of providing a concrete socio-legal nature to the notion of the city as a common good.



4. See Glossary for further information.

Box 1. Discourse on the Common Good

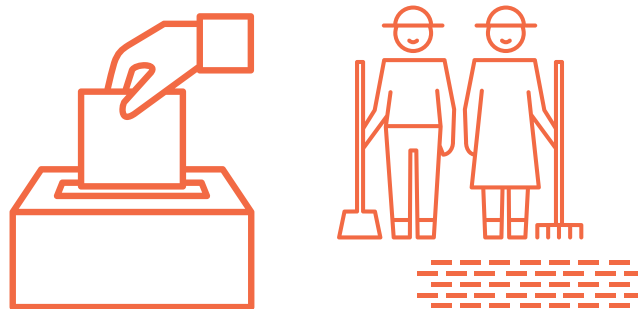
The notion of the common good has long been a fundamental dimension of religious, moral and ethical narratives and discourses; it has also been an element of traditional political philosophy, expressing the relational obligations all social actors have in order to care for their common interests.

Recently, Pope Francis declared in a lengthy religious text that “[...] the fragility of world systems in the face of the pandemic has demonstrated that not everything can be resolved by market freedom [...] and to care for the world in which we live means to care for ourselves. Yet we need to think of ourselves more and more as a single-family dwelling in a common home. Such care does not interest those economic powers that demand quick profits.”

“In today’s world, many forms of injustice persist, fed by [...] a profit-based economic model that does not hesitate to exploit, discard and even kill human beings” – the Pope decried the free-market “dogma of neo-liberal faith” that views “the magic theories of ‘spillover’ or ‘trickle’ [...] as the only solution to societal problems.” He went on to write that “market freedom cannot supersede the rights of peoples and the dignity of the poor.”

Francis reiterated his belief that “if one person lacks what is necessary to live with dignity, it is because another person is detaining it.” He concluded that “the right to private property can only be considered a secondary natural right, derived from the principle of the universal destination of created goods.”⁵

Along these lines, the notion of the city as a common good has gained a new momentum recently, this time expressing new political and legal meanings going far beyond the above-mentioned traditional approach. Widely, but as yet loosely, proposed as an integral component of the long-claimed Right to the City, this is the component that, if properly updated and developed, could give a greatly needed, consistent, focused, and therefore enforceable socio-legal nature to that right.



5. Polumbo, Brad, “The Pope just called private property a ‘secondary right.’ He couldn’t be more wrong”, Institute of Economic Affairs, 7 October 2020. Available at: <https://iea.org.uk/the-pope-just-called-private-property-a-secondary-right-he-couldnt-be-more-wrong/>

Box 2. Recent Books on the Commons



There has been a growing social mobilisation internationally around the notions of the common/commons. These are examples of recent books about this topic.

Box 3. Reclaim the city

Reclaim the City has become a powerful call for social and community action in cities across the globe. Deliberately or not, the slogan suggests that there was a previous, better state of things that should be recovered, and rescued, mainly through community action; a state of things in which the notion of the common good prevailed over unqualified individual interests.





B. The human rights legal tradition and the Right to the City



As argued, the full socio-legal **materialisation of the Right to the City** requires that the dominant legal understanding of human rights – still fundamentally embedded in the private/public law legal tradition, which in turn is deeply associated with the dominant representative democracy sociopolitical tradition – is widened to accommodate a whole range of new **collective rights**, dealing with all sorts of aspects of life in the 21st century. These are essentially political rights, expressions of the nature and possibilities of political citizenship in contemporary society, and as such, they belong within a redefined set of Rights of Citizens.

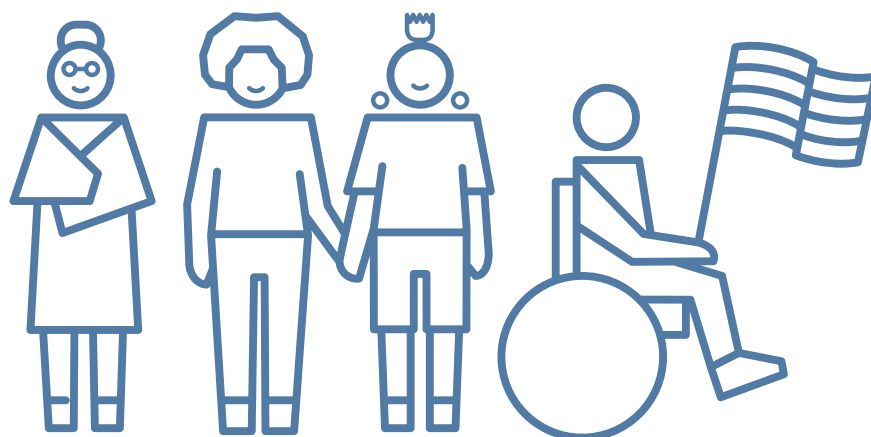
The fact is that, while the original set of recognised Human Rights has been updated and widened over the centuries so as to encompass new social, economic and cultural rights, the Rights of Citizens part of the original Declaration of Human Rights and Rights of Citizens has not yet been updated – and as a result, the structural sociopolitical organisation of state and society prevailing in most countries is fundamentally inadequate.

As such, this anachronistic legal-political paradigm has favoured the maintenance of an **exclusionary status quo**, both in general terms and also in so far as the governance of cities is concerned.

To make it clear, once again: as mentioned above, we certainly need to discuss how to promote **human rights in the city** and support strategies for **human rights cities**, but we must also go beyond this traditional approach to **embrace the legal notion of human rights to the city**. A concentrated effort certainly needs to be urgently promoted at all governmental and social levels to guarantee the materialisation of the set of existing human rights affecting urban living: treaties, conventions, constitutions, laws and decisions recognising social and individual rights to housing, water, work, etc.

We need to fully defend this set of individual and social rights in the city, which are expected to be delivered by the state apparatus through laws, social policies, administrative actions, and judicial decisions.

At the same time, it is important to understand that the human rights legal tradition is still constrained by its original historical context, strongly influenced by the **classic legal tradition of individual rights**, although, as mentioned, gradually widened to encompass a set of social, economic and cultural rights to be recognised by the state, according to the principles of representative democracy.



Box 4. The European Charter for the Safeguarding of Human Rights in the City



The European Charter for the Safeguarding of Human Rights in the City (ECSHRC) strives to make municipal administration more accessible and effective to city dwellers. It aims to improve the collective use of public space and to guarantee human rights for all.

The Charter was the result of a preparatory process initiated in Barcelona back in 1998 after the Conference 'Cities for Human Rights', organised to commemorate the 50th anniversary of the Universal Declaration of Human Rights. Hundreds of mayors participated in the event and united their voices to call for a stronger political acknowledgement as key actors in safeguarding human rights.

Participating cities adopted the 'Barcelona Commitment', which defined a roadmap aimed at drafting a political document that fostered the respect, protection and fulfilment of human rights at the local level in Europe.

Over the next two years, the European Charter for the Safeguarding of Human Rights in the City was drafted as the result of a dialogue among European cities, civil society and human rights experts. The draft was discussed and finally adopted in Saint-Denis in 2000.⁶

Since then, several municipalities have stressed the importance of promoting Human Rights in the City.

The fact is that we speak more and more frequently about **human rights**, but we still rarely speak about **citizenship rights**, or when we do, we still focus exclusively on the traditional set of citizenship rights: to vote, freedom of expression, and free movement. However, the prevailing set of human rights still does not reflect the **complexity of sociopolitical life** – and the conditions of **sociopolitical citizenship** – in an urbanised, post-industrial, globalised world in crisis. Traditional legal and political systems have been found wanting.

We need to evolve towards a culture of **human rights**

to the city by approving, and enforcing, a new set of **collective rights** expressing the true nature of contemporary phenomena and processes, which are essentially citizenship rights: **the rights of community groups, and not only individuals, to effectively and directly participate in the definition of all the terms of the prevailing sociopolitical contract.** Collective rights that do not fully depend on state action through social policies to be recognised, so that urban communities are no longer permanently at the mercy of discretionary state policies. Subjective rights that can be affirmed even against the will of the state authorities.

6. European Charter for the Safeguarding of Human Rights in the City; 2000, available at: <https://www.uclg-cisdp.org/en/european-charter-safeguarding-human-rights-city-0>

As stressed, the Right to the City should be one of such fundamental collective rights, to be recognised within the scope of a new social citizenship contract for cities.

Box 5. Henri Lefebvre: the lost spirit of the city as common good

The city is a feast, Henri Lefebvre told us in the late-1960s. The city is an open and disputed oeuvre, but it is essentially a collective creation, a living being collectively produced. It is intrinsically a place of aspirations, possibilities, and encounters. In particular, in his groundbreaking work – which has ever since been expanded by many other urban scholars and commentators – Lefebvre described how the social production of urban space is not merely the result of the action by individuals and private actors, nor merely of state action: the opportunities, benefits, and wealth created by urban development result from its inevitably intricate fabric, being the outcome of a collective enterprise.

Produced by all, the city as a living being should immediately be viewed in traditional sociopolitical terms as a common good: it is the dynamic, concrete expression of the relational obligations all urban actors have to care for their common interests. Besides the specific material facilities existing in cities – roads, parks, schools, museums, etc.; the institutional services – the police, courts and the judicial system, public transportation, etc.; the cultural codes – the property system, civil liberties, political freedoms, etc. – and the environmental resources – clean air and water, etc. – that serve common interests in cities, all urban actors also have in common the very life and soul of the city itself, pulsating with its endless possibilities.

From this traditional perspective, as a common good the city – in all its intertwined material, socioeconomic, politico-institutional, cultural, and environmental dimensions – is at once a place, an asset, and a manifold resource that

should be shared fairly and equitably by all individuals, social groups, and urban communities.

It was also Lefebvre who famously firstly advocated for the Right to the City, that is, the right of all individuals, social groups, and urban communities to use, occupy, produce, inhabit, govern, and enjoy the city. Furthermore, he argued that this right should also be exercised so as to profoundly transform the city, so that common resources and commonwealth would be distributed in a sustainable, fair, and equitable way, according to the terms of a new social citizenship contract to be collectively constructed, recognising and realising common possibilities, as well as preventing common threats.

We are very far from Lefebvre's imagined scenario, perhaps farther than ever, as the impact of combined economic and financial globalisation, on the one hand, and, on the other hand, its ever-expanding, supporting neoliberal legal-political-ideological system, has drastically reduced the scope of the many possibilities intrinsic to the ideal of the feast of the city.

However, we have all been recently made painfully aware of how much the broad course of human life, and of life in cities, has been surprisingly and significantly altered by unforeseen developments. For almost a year now, we are all living in a time of profound challenges, with no historical parallels – but, it is also fair to say that more than ever before we have concrete possibilities to promote immediate and hopefully even more structural changes in the way we live.

Box 6. The World Charter for the Right to the City

Collectively constructed by social organisations and movements since 2000, the [*World Charter for the Right to the City*](#) has been a fundamental document/platform providing support to renewed sociopolitical mobilisation on matters of urban reform, as well as providing consistency to claims for the recognition of this new human right by the UN, governments and (inter)national bodies.⁷

Box 7. Human Rights City Initiatives

A Human Rights City is a municipality that refers explicitly to the Universal Declaration of Human Rights and other international human rights standards and/or law in their policies, statements and programmes.

Analysts have observed growing numbers of such cities since 2000. The Human Rights City initiative emerged from the global human rights movement, and it reflects the efforts of activist groups to improve respect for human rights principles by governments and other powerful actors who operate at the local or community level. Because of their focus on local contexts, Human Rights Cities tend to emphasise economic, social and cultural rights as they affect the lives of residents of cities and other communities, and their ability to enjoy civil and political human rights.

Human rights advocates describe a Human Rights City as ‘One whose residents and

local authorities, through learning about the relevance of human rights to their daily lives (guided by a steering committee), join in ongoing learning, discussions, systematic analysis and critical thinking at the community level, to pursue a creative exchange of ideas and the joint planning of actions to realise their economic, social, political, civil and cultural human rights.’ Human rights cities were defined at the 2011 World Human Rights Cities Forum of Gwangju (South Korea) as ‘both a local community and a sociopolitical process in a local context where human rights play a key role as fundamental values and guiding principles.’

This framework has generated various practices in different cities.⁸

“The Human Rights Cities Network promotes the development of human rights in Europe and beyond. This online platform

7. Global Charter-Agenda for Human Rights in the City; 2011, available at: https://www.uclg-cisdp.org/sites/default/files/UCLG_Global_Charter_Agenda_HR_City_0.pdf & World Charter for the Right to the City; 2005, available at: https://www.right2city.org/wp-content/uploads/2019/09/A1.2_World-Charter-for-the-Right-to-the-City.pdf

8. Gwangju Declaration on Human Right City, available at: <https://www.uclg-cisdp.org/sites/default/files/Gwangju%20Declaration%20on%20Human%20Rights%20Cities%20%282011%29.pdf>

creates an interactive community of human rights cities practitioners. We are a team of like-minded people committed to acknowledging the vital role cities play in protecting, promoting and fulfilling human rights. Guest member cities and associate members are key actors, sharing new ideas and taking current concepts to their own

cities. Our mission is to create an information hub and support people to connect and scale up the successful expansion of human rights cities. Our vision is to help make human rights a reality for every citizen, in every city; and in doing so to foster participatory democracy and social justice.”⁹

In short, to view the Right to the City from the perspective of the city as a common good urgently requires the widening of the sociopolitical framework governing cities, their communities, and their resources, so that collective rights – and not only individual and even social rights – can be fully recognised and enforced.

This entails the construction of a **true public sphere** broader than the traditional **state sphere**, thus giving a legal meaning to the political notion of the common: all that is statal is public, but not all that is public is statal. Public interests cannot be automatically reduced to the interests promoted and defended by the state, and even less so by specific governments. Matters of vital importance for urban communities should not exclusively depend on well-intentioned discretionary state action. There is – or there could be – a **community sphere** in-between the individual and the state spheres, and there are collective

rights between private interests/individual rights, and state rights and obligations/social interests and rights (see figure 1).

From this perspective, it is not only through social policies promoted by the state and other forms of state action that the public interest is realised: there should also be a scope within a redefined legal-political order for **direct community action** through community plans and projects, as well as other community strategies and decisions. Indeed, there is an enormous scope for the promotion of urban reform through direct action by organised communities. By the same token, it is not only by electing representatives – and not even only through popular participation in state-led decision-making processes – that people’s interests are taken into account: there should also be scope for direct action by urban communities.



9. For more information see: *Human Rights Cities Network*

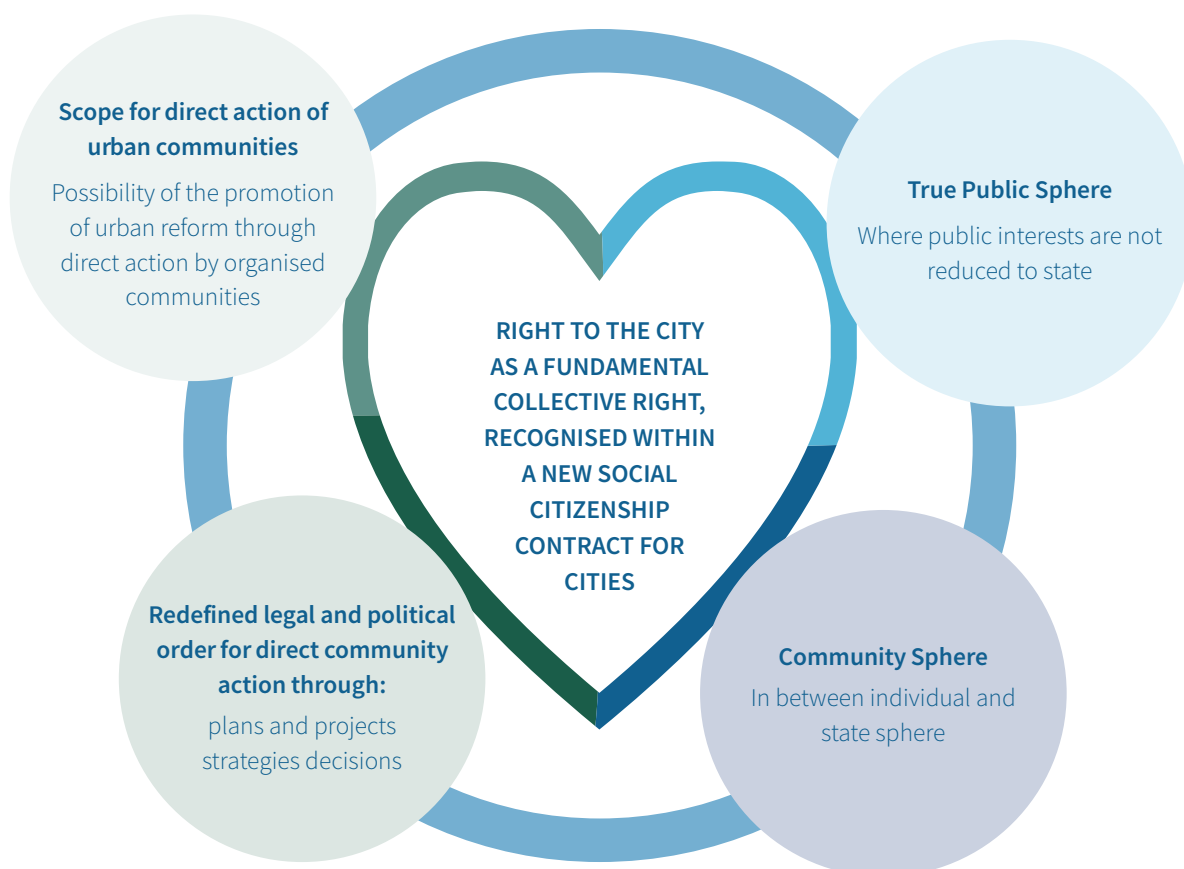


Figure 1: The dimensions of the Right to the City as a collective right

Moreover, it is only through the recognition of such a set of collective rights that the growing **crisis of the human rights legal tradition** can be confronted: the current human rights culture and corresponding legal-institutional system have often been questioned and criticised as insufficient and inefficient, rhetorical and outdated; essentially out of touch with the socioeconomic nature and sociopolitical dynamics of contemporary life. In particular, the proposed widening of the human rights culture through the recognition of a set of collective rights would make possible the much-needed connection between (nominal) socioeconomic rights and (effective) distributive justice.

The nature, limits, and constraints of **representative democracy**, which is deeply associated with the dominant human rights tradition, have long been discussed in the international literature, as has the fact that the so-called **public sphere has been traditionally reduced to the state sphere**, and worse, to a state sphere that has

been increasingly appropriated – if not kidnapped – by the interests of dominant socioeconomic and political groups. In particular, never before in history have so many community assets – land, construction, development and building rights, incentives, credits, subsidies, exemptions, amnesties, etc. – been transferred by the state to the private sector in the name of the “public interest”, especially through so-called urban renewal/ rehabilitation / revitalisation / requalification / regeneration programmes; more often than not through obscure, selective, unaccountable, and manipulated political processes.

By the same token, the traditional **private/public law divide** has also been increasingly questioned as inadequate, as it assumes that the state always necessarily acts in the public interest, and also because it guarantees a very narrow scope for direct community action and for the recognition of collective rights.

In this context, **providing concrete legal content to the**

Right to the City is certainly of utmost importance. It is unquestionably true that the sociopolitical construction of the Right to the City over the years, combined with the search for a more precise, tangible, and enforceable legal definition of the Right to the City, have already resulted in the fact that many of the Right to the City components have been increasingly more developed and accepted, as well as materialised to different extents, in all sorts of narratives, discourses, practices, social policies and, to a lesser extent, even laws and judicial decisions.

This is certainly the case of the Right to the City components promoting anti-discrimination, political participa-

tion, inclusiveness, equality gender, inclusive economy, cultural diversity, public spaces, urban-rural linkages, food security, environmental protection, etc. These remain, however, specific aspects of the broader Right to the City notion, which do not give a precise legal nature to that right per se, and which in many cases overlap with other more consolidated legal notions.

We still need to construct a more precise, and enforceable, legal concept of the Right to the City.



C. The Right to the City and the city as a common good: New political and legal meanings



1. Global agendas & legal-political developments of the Right to the City

As a result of growing sociopolitical mobilisation internationally, there are already several important international treaties, conventions, charters and agendas in force that have recognised such specific urban-related human rights – housing, water, work, healthy environment, among others. Moreover, the international community in several regions has also adopted innovative strategies aiming to recognise **human rights in the cities**, as well as inspirational charters to be followed by human rights cities. For the last two decades, the collective platform proposing the World Charter on the Right to the City has vigorously sustained an international campaign for the recognition of the Right to the City by international agencies, governments and civil society organisations.

These are extremely important and encouraging legal-political developments that deserve the full support of all those committed to the urban reform movement, and to the materialisation of the Right to the City.

Since it has been so difficult to guarantee the full legal enforcement of the existing international treaties and other legal documents that already recognise the more specific social right to adequate housing, for example, **guaranteeing the legal enforcement of the rather more generic Right to the City** would seem to be even more complex. The same has happened in comparable contexts in which, given the lack of specific legal support, progressive politi-

cal agendas have not led to the aspired changes, or, even worse, have contributed to worsening existing situations: one revealing example could be the appropriation of the notion of “popular participation” by many state administrations, albeit in a limited and manipulated way, to justify and legitimise the approval of laws and the promotion of public policies that are ultimately detrimental to the interests of the urban poor and several urban communities.

For that reason, more recently, a more consistent effort has been made to explore and develop the Right to the City notion in legal terms as well, so that it can also become a solid and enforceable socio-legal construction – enforceability being one of the fundamental requirements of an effective legal system. It is also necessary to consider as a fundamental source of urban law the vision of the right to the city to build the legal concept of the city as a common good.

In several cases, dynamic sociopolitical actors have already succeeded in incorporating the recognition of the Right to the City into national and regional constitutions, as well as national and regional laws: for example, the Right to the City has been formally recognised in the Constitutions of Ecuador and Mexico City, as well as in Brazil’s City Statute federal law. Recently, the Brazilian Supreme Court made the first ever generic reference to the Right to the City in a groundbreaking judicial decision.



Box 8. Human rights in cities and the Right to the City in international and national legal documents

Human rights in cities and the Right to the City are recognised in:

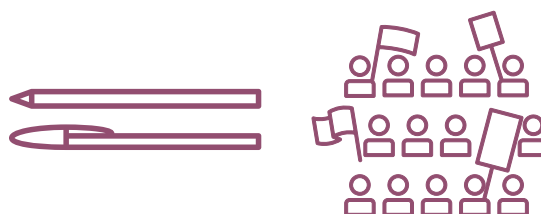
CIVIL SOCIETY DOCUMENTS:

Treaty Towards Just Democratic and Sustainable Cities, Towns and Villages
(1992)

European Charter for Women in the City
(1994)

Latin American Charter for Women's Right to the City
(2004)

World Charter for the Right to the City
(2005)



OFFICIAL DOCUMENTS:

European Charter for Human Rights in the City
(2000)

The City Statute,
Brazil (2001)

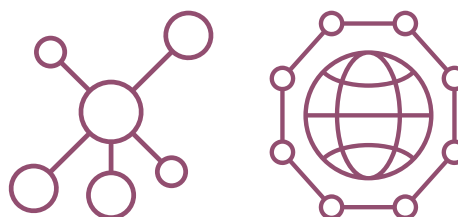
Montreal Charter of Rights and Responsibilities
(2006)

Ecuador's National Constitution
(2008)

Global Charter-Agenda for Human Rights in the City
(2011)

Gwangju Human Rights Charter
(2012)

Vienna Charter
(2012)



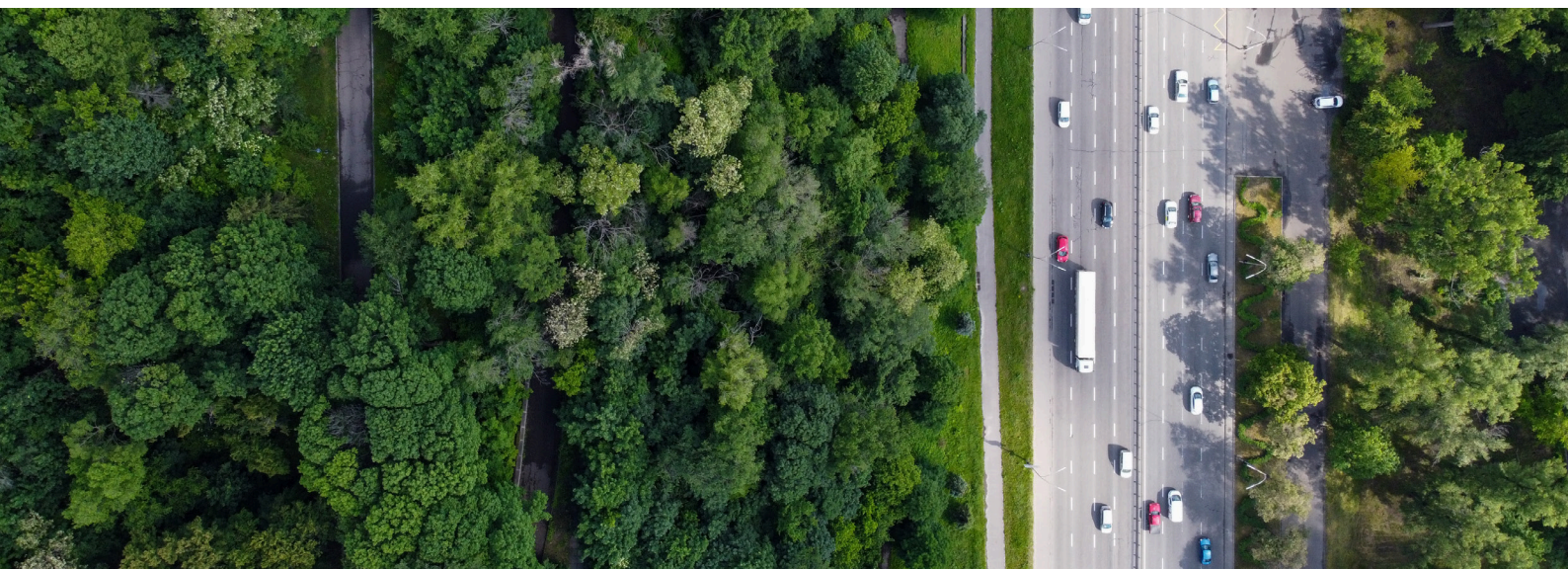
Box 9. Examples of Constitutions from Ecuador and Mexico City



Ecuador's Constitution articulates the socio-environmental function of property and the Right to the City, with special emphasis being placed on the importance of **territorial organisation**.¹⁰



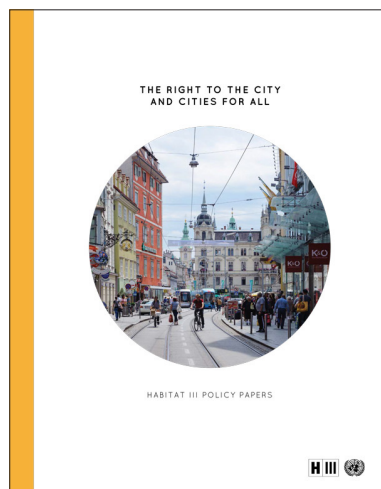
The Constitution of Mexico City¹¹ is an excellent example of both a bottom-up, **participatory sociopolitical process and a well-conceived legal treatment of the Right to the City**.



10. Superintendencia de Ordenamiento Territorial, Uso y Gestión del Suelo (SOT) de Ecuador, [Superintendencia of Land Planning, Use and Management of Ecuador], 'El rol de los ciudadanos sobre el derecho a la ciudad y al territorio' ['The Role of Citizens on the Right to the City and the Territory']; 2020, available at: https://issuu.com/sot_ecuador/docs/rol_de_los_ciudadanos.

11. Mexico City Charter for the Right to the City; 2011, available at: <https://www.right2city.org/document/mexico-city-charter-for-the-right-to-the-city>.

Box 10. The New Urban Agenda



Resulting from Habitat III, in an extraordinary development, the **2016 New Urban Agenda** makes an explicit, albeit oblique, mention of the Right to the City.¹²

Nevertheless, for all the importance of these developments, the full enforcement of this legal notion remains difficult given its **imprecise nature** – and many of the questions raised above about the Right to the City remain unanswered.

Further critical discussion is needed, and socio-legal questions abound:

- How and to what extent have the many problems affecting the urban poor and other excluded urban communities resulted from the legal order in force?
- How has the legal system enabled an exclusionary pattern of urban development and prevented so many people from having legal access to land and adequate housing in cities; as well as to public services, equipment, and collective facilities, and to some of the many benefits and opportunities of urban living?
- How has the legal system made it possible for powerful socioeconomic groups, even in basically democratic contexts, to capture state apparatus and control decision-making processes?

· Conversely, how can the legal order become a factor of inclusion and integration?

· What fundamental changes are necessary so that the Right to the City can actually lead towards urban reform, and further, to the promotion of structural changes in the process of urban development locally and globally?

A more solid understanding of the Right to the City as a legal right, as well as the fight for its actual enforcement within and outside of the legal order, are, or should be, fundamental dimensions of this sociopolitical process.

To confer a legal meaning to the notion of the city as a common good is an essential part of this struggle.

12. United Nations, Habitat III Policy Paper 'Right to the City and Cities for all'; 2016, available at: <https://uploads.habitat3.org/hb3/Habitat%20III%20Policy%20Paper%201.pdf>.

2. The city as a common good: a topical issue

The ongoing, devastating **health pandemic**; the widespread, serious manifestations of rapidly developing **global warming and climate change**; and the increasingly more frequent and more extreme **natural and man-made disasters** have already fully revealed all the dimensions of the escalating global crisis.

This is essentially an urban crisis, given the fact that the majority of people already live in urban areas globally – and also because such phenomena have resulted, to a significant extent, from the dominant pattern of urban development prevailing across the globe.

It has become blatantly evident over the last year how, mainly led by the interests of land and property owners, as well of financial investors and other private sector stakeholders, urban development across the globe has brought about a perverse combination of, among other factors:

- Precarious housing conditions;
- An unequal distribution of public services and collective equipment;
- Limited access to public spaces and green areas;
- A serious lack of financial public resources, especially at the local governmental level;
- The saturation of traditional energy sources;
- The depletion of environmental resources.

Never before has risk – social, political, financial and environmental – been such a huge, intrinsic, defining factor of urban development and urban living.

As a result of the ongoing health pandemic, long-standing **socioeconomic and socio-territorial inequalities** have come to the fore with unquestionable force, especially in cities. In most countries, data from several sources has repeatedly indicated that there are clear, undeniable socioeconomic, racial, ethnicity, gender, and age dimensions in the escalating urban crisis. Among other effects, the health pandemic has further worsened the way most people live and work in cities.

There is an urgent need for governments and society at all levels to profoundly **rethink the dominant urban development model** and the nature of the cities it has engendered in order to redress the impact of the current pandemic, prevent future pandemics, and at least minimise the implications of the process of global warming and climate change.

In this challenging context, once disputed notions and marginal arguments have now become increasingly incontestable, and some have even become mainstream; one of them being the notion of our common fate on the planet:

- Much like different social groups have certainly experienced the current health and urban crisis in differing ways;
- Much like the urban poor and other minority social groups have unquestionably been more brutally exposed to its impacts;
- Much like where people live and how they work are fundamental factors that have directly determined whether they have been infected or not, have had full or restricted access to health services, as well as being more or less likely to die.



The fact is that, given the manifold implications and consequences of the pandemic, never before in history has the whole of the international community, and indeed of humankind, been so directly threatened by this powerful combination of global processes.

If our **common future** is at stake, it is about time that some fundamental notions were fully understood, and embraced, once and for all.

These drastic times call for drastic measures, and above all, they call for solidarity among human beings, social groups, and governments.

In this context, the materialisation of the ideal of the common good has become even more urgent, and has gained new meanings. However, the more traditional moral, ethical, and religious approaches to that notion need to be reconciled with more critical, contemporary sociopolitical, and socio-legal, approaches.

One of such notions that has gained momentum recently is that of the city as a common good, this time expressing new political and legal meanings going way beyond the above-mentioned traditional approach. Widely, but as yet loosely, proposed as an integral component of the long-claimed Right to the City. **The city as a common good, if properly updated and developed, could give a greatly needed, consistent, focused, and therefore enforceable, socio-legal nature to that right.**

Indeed, besides being a broad **philosophical and sociopolitical platform** that guides and boosts the actions of all stakeholders involved in the urban development process, the Right to the City should also be a fully-recognised, fundamental collective right, one of a set of new, contemporary citizenship rights.

As such, it should provide a binding socio-legal framework for governmental policies, laws, state action and judicial decisions, as well as for the gamut of processes of direct action of organised urban society, so as to enable

the immediate promotion of a set of urban reform policies and strategies – thus leading towards further structural changes to the dominant urban development paradigm.

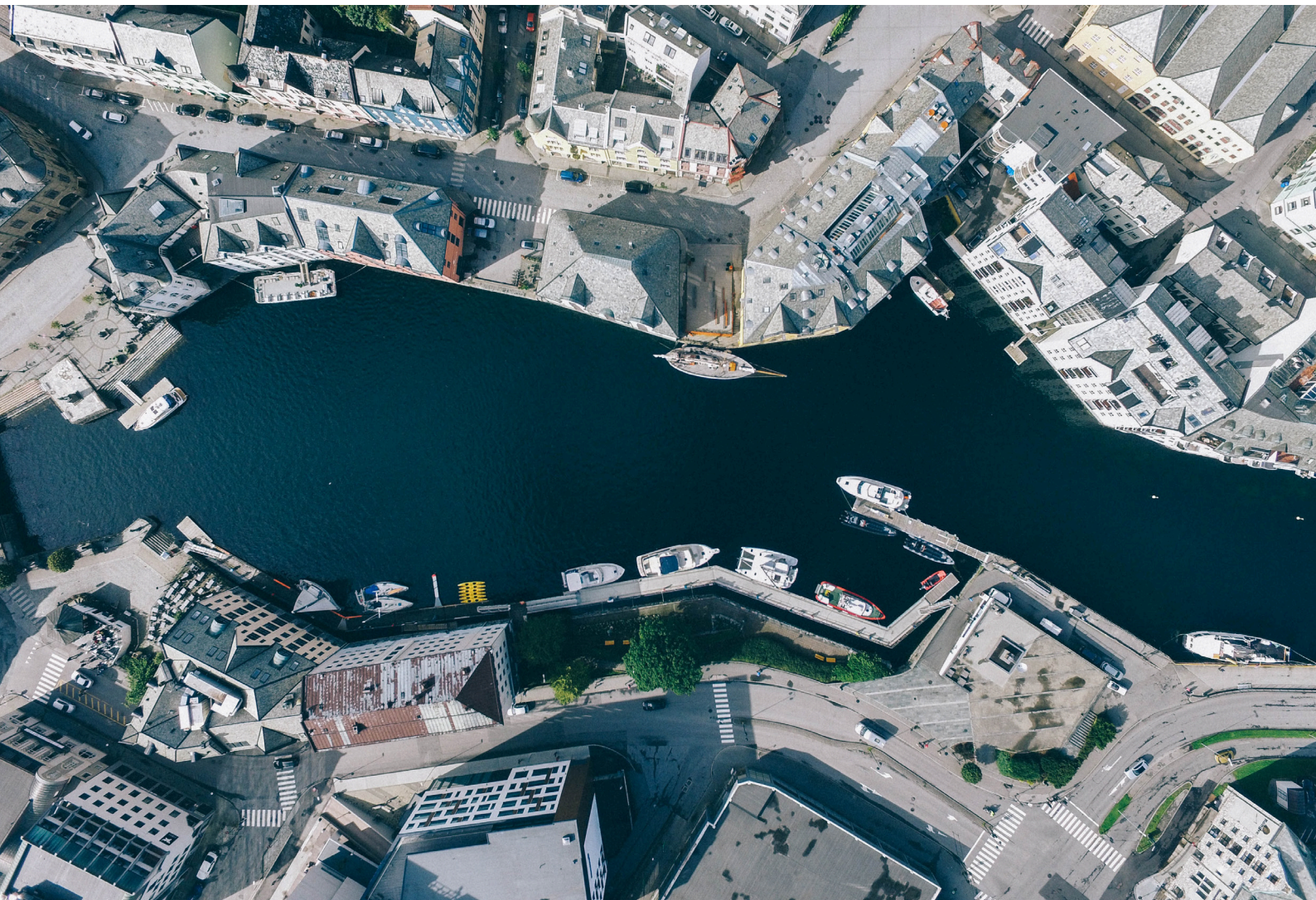
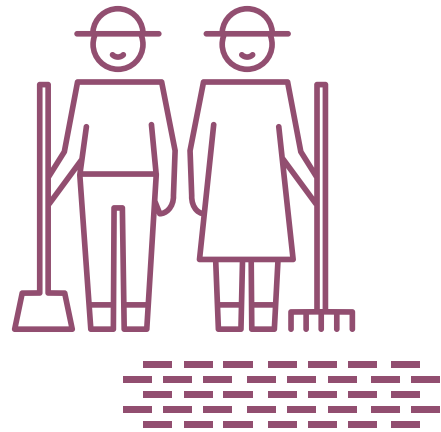
However, a more precise and concrete meaning still needs to be given to the Right to the City as a collective right. While principally considered, as it has been, as essentially an inspiring philosophical banner and a sociopolitical agenda, the Right to the City has already allowed for the definition of an important set of recommendations for the action of governments and society. By doing so, it has particularly provided encouraging support for the sociopolitical mobilisation of urban communities and social groups internationally that aim to promote urban reform. Indeed, the Right to the City has already provided fundamental elements to guide policy making by governments at all levels, as well as empowering sociopolitical movements so that their claims and demands are met by governments through social policies and related state-led plans, projects, and actions.

Many are the socio-legal questions that still need to be raised, and properly answered:

- What does the Right to the City mean – or what can it mean – in terms of the actual legal rights, obligations and responsibilities it begets?
- Who has the Right to the City, who can claim it, how can it be enforced, who has the obligation to recognise it, and what happens if this right is not enforced?
- Is the Right to the City necessarily dependent on the discretionary action of state authorities – well-intentioned and progressive as they can be?
- Is the Right to the City a subjective right that can be directly claimed by the interested parties before the courts, or is it to be realised merely through social policies promoted by the state?
- Are urban communities always at the mercy of state action, or can they have their Right to the City recognised even against the will of the state?

It should be stressed that such a socio-legal recognition of the Right to the City requires **significant changes** in the dominant way it has been interpreted so far; the promotion of fundamental changes in the human rights legal tradition within which it is inserted; as well as the widening of the broader sociopolitical sphere governing urban development and urban living.

Among other implications, within this redefined sociopolitical and legal-institutional context, the materialisation of the notion of the city as a common good – as the very essence of the Right to the City – would also require that strong emphasis is placed on the nature and **conditions of land governance and territorial organisation in cities, and more generally.**



D. From the notion of common goods in the city to the ideal of the city as a commons



If the city is indeed a collective creation, how can urban dwellers guarantee that the wealth produced by all is appropriated and distributed fairly and equitably?

This is one of the most pressing questions of the current times.

Over the last two decades, more and more sociopolitical movements internationally have embraced the notion of the common, or commons, as well as including the dimension of common goods in the city. The discussion on the city as a common good should take place within this same conceptual context, paving the way for a growing discussion on the city as a commons – an innovative, appealing notion that strongly requires the constitution of a new legal-political governance framework in cities.

This is a notion that would be closer to the original, transformational nature of the Right to the City.

This conceptual change towards the notion the commons has happened as a strong collective reaction in several countries, against two combined phenomena:

- On the one hand, the widespread dominance of a legal-political culture that, by supporting and promoting

virtually **absolute individual property rights**, has led to an extreme commodification and privatisation of land, housing, services, and natural resources.

- On the other hand, the widespread dominance of a legal-political culture that has supported and promoted a fundamentally rigged **system of political representation** that has long-favoured the interests of land and property owners and other private sector stakeholders, to the detriment of the needs, claims, and indeed, rights, of the vast majority of the (urban) population.

The precise definition of the notion of the commons is still the subject of renewed sociopolitical struggles internationally, and it has referred to all interconnected aspects of the socioeconomic, political, cultural and environmental processes of the appropriation, production, distribution of resources, and recognition of rights. But, in the last analysis, in socio-legal terms, this is fundamentally a struggle for the full recognition of the notion of **use**, as opposed to the notion of **ownership**, as well as being a struggle for the promotion of a profound change in the process of political decision-making through the creation of a **true public sphere**, which is broader than the **traditional state sphere**. The experiences and customs of indigenous and traditional populations must be incorporated into the notion of use in the socio legal terms of the city as a common good.



1. Common goods in the city

As argued, an immediate dimension of the discussion on the notion of the city as a common good concerns **the need for governments at all levels to update, and widen, the traditional notion of common goods/goods of common use of the people, by recognising the importance of, and providing specific legal protection to, a range of land-related assets of collective interest** which could be generally described as common goods:

Public spaces in general;
Streets and pavements;
Public land and properties;
Public equipment and collective facilities of all sorts;
Beaches and riverfronts;
Parks, green areas and areas with natural resources;
Environmental systems;
Special landscapes;
Buildings, monuments and sites of cultural and historic heritage;
Building, air, and development rights.

All such assets should be viewed, and properly legally treated, as common goods in the city.



Box 11. Quality public spaces

Many cities globally have gradually invested in the creation and/or expansion of their public spaces/squares/parks/collective facilities.

There has been a growing demand by urban communities that governments should guarantee open and free access to beaches and riverfronts, as well as investing in the regeneration of waterways and green areas.

Moreover, the COVID-19 Pandemic revealed the importance of public spaces and green areas.

D. From the notion of common goods in the city to the ideal of the city as a commons



These are essential goods for a more balanced dynamics of urban development – allowing for overall better health and socio-environmental conditions in the city, as well as affording leisure and cultural opportunities to urban dwellers.

However, aggressive neoliberal, gentrification and privatisation policies over the last decades have seriously affected the availability, and in some cases the very existence, of this category of goods, thus determining a profoundly elitist, deeply exclusionary pattern of urban living. In a growing number of cities, public assets of all sorts have been transferred to the private sector through a number of questionable arrangements.

One specific dimension of this discussion that deserves a deeper understanding has to do with the growing practice of the **sale of air, building and development rights**, especially by local administrations, often through public auctions: in legal terms, these should be viewed as communal assets – and not merely as state assets – and the resources generated through their sale should necessarily be spent on actions that effectively promote socio-spatial inclusion. However, more often than not, the sale of such assets has reconfirmed the processes of commodification of the city and of housing, thus worsening the conditions of exclusion and segregation.

In any case, it has been encouraging to see how many processes of social conflict internationally have aspired to reclaim such goods for the community, as they embody the soul of civic life.

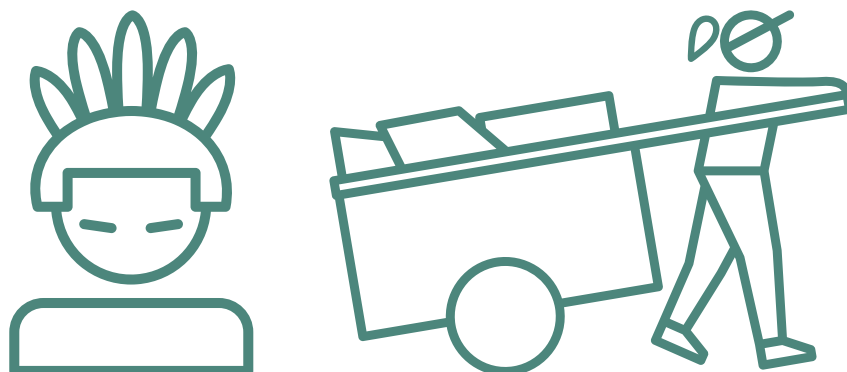
More than ever before, the ongoing pandemic has shed light on the vital importance of all such assets, especially given that the existence – or not – of public spaces and green areas has directly determined the different ways that different social groups have experienced the global health crisis.

It has been encouraging to see how many new strategies have been formulated and implemented in so many contexts globally at all governmental levels to defend and expand such common goods in the city.

Moreover, another significant development to be considered – and explored further elsewhere – is that there has also been a growing discussion in several contexts proposing the legal recognition by governments at all levels of a significant range of **immaterial assets of collective interest that equally deserve solid legal protection, as they convey the history, memory, fabric and soul of the city:**

- Significant cultural traditions;
- Historic expressions of the process of social production of housing;
- Varied manifestations of everyday life dynamics;
- Sites reminiscent of processes of social conflict and several emblems of social change, among others.

These are also fundamental common goods in the city.



Box 12. Cultural protection

Several local, regional and international programmes and strategies have increasingly provided some degree of legal protection to constructions, monuments and sites, as well as physical landscapes that are deemed to represent natural and cultural values of common interest in cities.



The preservation of the memory of the city, its history and its communities has taken many forms: the celebration of sites where sociopolitical conflicts have taken place, the existence of buried rivers and waterways, the indication of the houses where influential people have lived, and the commemoration of those urban dwellers killed in wars and other violent conflicts.



In many cities, groundbreaking policies and programmes have proposed the legal protection of material sites, monuments and constructions, as well as of immaterial processes that convey the history, culture and traditions of urban communities.



Several new, fascinating initiatives have promoted the notion of the city as a multicultural, but at the same time vibrant and conflicted, living being, often proposing to offer another, more inclusive and critical, narrative to replace the official history.

It has been encouraging to see how this notion has become increasingly accepted. However, it should also be noted that, while the legal protection of **immaterial** cultural goods has certainly gained momentum, the effective protection of many, **very material buildings and sites that expressed cultural values** has become

increasingly more threatened: in many cities, while more and more official policies promote the memory of places, more and more constructions that were the material expression of this collective memory have been systematically demolished.



2. The city as a commons

The traditional notion of **goods of common use (of the people)** has long existed in some way or another in most legal systems, but it has been significantly updated and widened over the last two or three decades or so, especially within the political-legal context of the urban reform movement. Internationally, there has been a growing discussion on the need for governments at all levels to **recognise a range of land-related assets of collective interest that require specific protection** by the legal order, and which could be described as **common goods in the city**.

Besides recognising the importance of a growing set of common goods in the city – which in itself is no small feat – from the more radical viewpoint of the Right to the City, considered as a means of effectively transforming the nature of the process of urban development, the bigger challenge is to guarantee **equitable conditions of participation and action to all groups and interests**, within the socio-legal framework for the political governance of the city, so that common resources and common wealth can be (re)distributed in a sustainable and fair way.

As a collective right, **the Right to the City means that all stakeholders should have and share the legal power to use, occupy, produce, inhabit, govern, and enjoy the city, according to the terms of the social contract to be collectively constructed**.

For that purpose, the dominant tradition of “socialisation of costs and privatisation of benefits” that has profoundly marked urban development globally should be replaced with a **fairer distribution of the costs and benefits of urban development**, through the promotion of a new, inclusive socioeconomic and sociocultural urban development paradigm. In solidarity with present and future generations, we need to discuss, define, and enforce the long-claimed, intertwined notions of the social function of private and public property, the social value of land, the social functions of the city, as well as the social function of habitat, especially by constructing a socially inclusive and politically democratic **land governance framework** – the basis of which will be discussed later on.

Besides the set of protected common goods in the city, this framework should also include the **recognition of common land and/or urban commons** in the city’s land and governance structure. This corresponds to land that is not privately owned nor exclusively controlled by the state, being instead **controlled by the organised community**: land for communal agricultural production, environmental and civic education, leisure and recreation, land for the construction of social housing through community-led processes, among others.

Box 13. ZAD -Zones à Défendre

A more radical take on the discussion of the commons has marked the movement **ZAD-Zones à Défendre** [Zones to Defend] in France, aiming to prevent the implementation of governmental projects, limit economic development, and promote the environmental preservation of a number of areas deemed of special importance – the control of which should be given to the organised community.



It should also be connected to a legal-political-institutional system that recognises **common, shared legal power** – including legal responsibilities, obligations, and rights – as well as all city dwellers; private sector stakeholders; social, community, voluntary, and academic sectors; and the state authorities, regarding all forms of decision-making involving the constitution and functioning of the city, especially, but not only, through the constitution of a new, comprehensive **sociopolitical citizenship contract** for the city.

These combined dimensions would make it possible to gradually view the city as a commons.

It should be briefly mentioned that, to some extent, the notion of the common has long existed, and in some cases still exists albeit in a loosely defined way, in the legal systems of many countries. Many Anglo-Saxon countries still have **urban commons** in their land systems, as a remnant of the more communal nature of economic systems prevailing in previous historical eras. In Iberian and Latin

American countries, however, the original notion of the baldio – a legal institution referring to community land, as opposed to both individual and state land – has lost its historical legal meaning: to many people, this term refers to vacant, idle, or under-utilised plots of land. Perhaps this can be explained by the way different countries have been organised politically, particularly in so far as the notion of the “public sphere” is concerned: in most countries, “public” automatically means “state”, in a clear expression of the fact that historically a solid community sphere has not been created between the individual and the state orders. By the same token, in the Anglo-Saxon tradition “public schools”, “public houses”, and other such terms refer not to the state, but to contexts determined by the action of the community, in another nod to the fact that, despite all the aggressive changes promoted by industrial and financial capitalism, as well as by political neoliberalism, in these countries, the state and the individual orders still do not subsume the whole of the sociopolitical experience.

Box 14. Baldio

The **baldio** in the Iberian legal tradition historically corresponded to the Anglo-Saxon common, but in most places, the remaining tracts of land have been abandoned.



The attempt by so many sociopolitical movements to reclaim the notion of the common and affirm the notion of the city as a common good should perhaps be interpreted as an effort to rescue this long-standing, and largely lost, sociopolitical dimension **of community self-management of land and common resources**. Although in some circumstances this has led to unsustainable,

self-defeating situations – as the notion of the “tragedy of the commons” reveals – there are also positive cases in which, given the set of agreed existing conventions – that is, the terms of the community contract – organised communities have been able to deal with their common resources and needs much better than state regulations or privatisation schemes would ever make possible.

Box 15. The gender perspective in city making



One fundamental dimension of the discussion on the land governance framework refers to the gender implications of the urban development model, especially in order for women to have equitable and safe access to urban spaces, equipment, and facilities.



E. The city as a common good



The pillar of the Right to the City that could fulfil this ambition and better articulate all the other above-mentioned components is that of the city as a common good. It is arguably the most elusive of Right to the City-related topics, and certainly the least developed one, but, as stressed, if properly developed this could become the notion that brings all other components together.

The following figure synthesises the legal implications of the notion of the city as a common good.

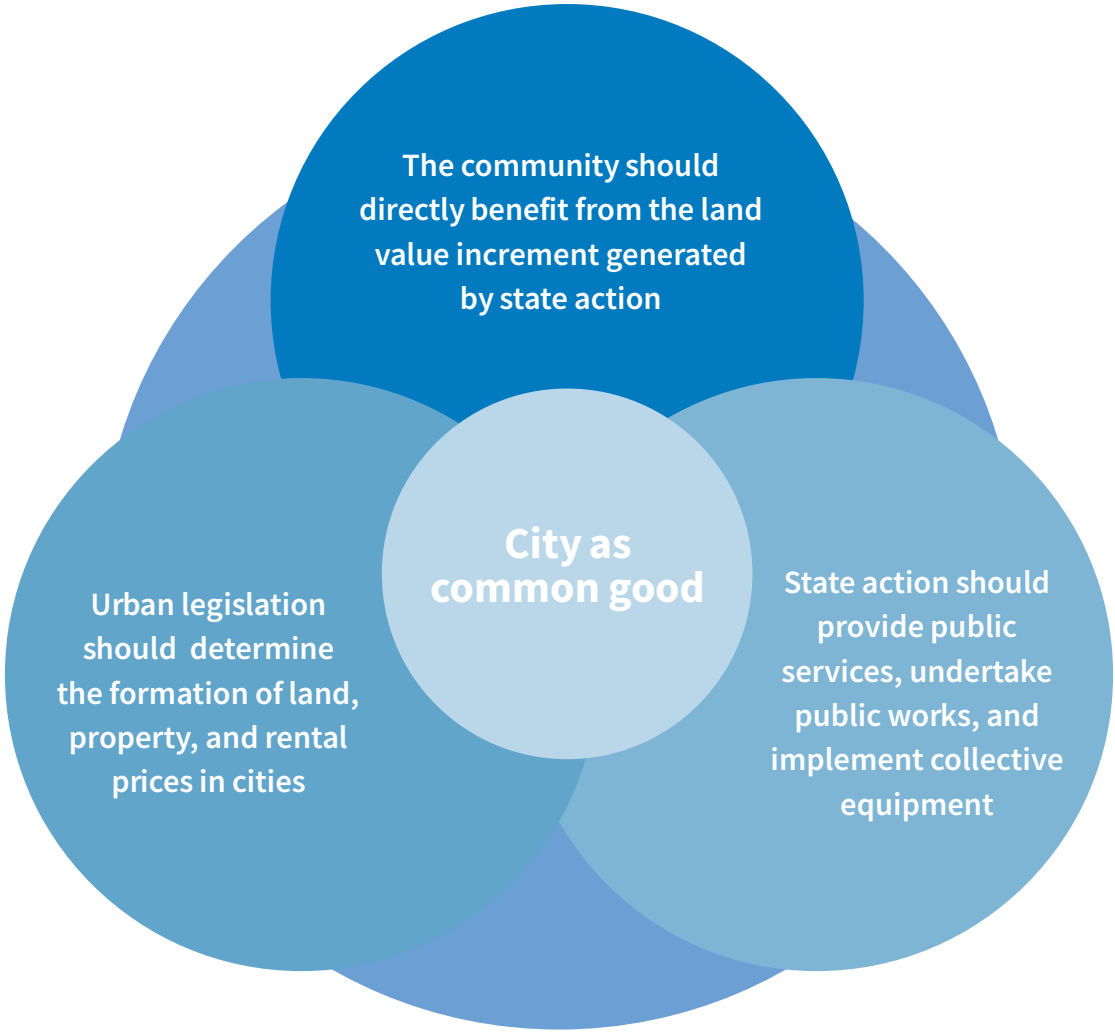


Figure 2: Legal implications of the city as a common

The notion of the city as a common good refers to all aspects of the socioeconomic and socio-environmental processes of resource appropriation, production, distribution, and recognition of rights in cities. This is fundamentally a struggle that should **also take place within the legal order**, towards the recognition of the notion of **use** as opposed to the notion of **ownership**: use values and not only exchange values, possession rights and not only property rights, collective rights and not only individual rights, common land and not only private or even state land.

It is also a struggle for a profound **change in the process of political decision-making**, not only to improve the

conditions of democratic representation by enabling a broader scope for popular participation, but also to create a true public sphere, broader than the state sphere, in which the organised communities have direct power to decide and act on matters of public interest.

In this context, a contemporary take on the legal notion of **the city as a common good** should involve several intertwined dimensions, some of which are more tangible than others, and therefore can be more directly legally enforced. There are four main intertwined dimensions that should be explored to define the ideal of the city as a commons.



Figure 3: Dimensions to define the city as a commons

Combined, all such dimensions would form the initial basis of a broad understanding of the ideal of the city as a commons in which the transformational nature of the Right to the City could finally be materialised.

F. A new sociopolitical citizenship contract for cities



The Right to the City as a collective right has a set of sine qua non sociopolitical requirements. This vision requires rethinking the overall **framework for political decision-making in cities**, as it goes beyond the tradition of representative democracy by enabling a broader sociopolitical space for community participation and direct action: beyond widening the scope for popular participation in state-led decision-making processes, the notion of **the city as a common good requires shared legal power**, which means making room in a redefined legal-political order, also for the action of the organised community through all sorts of associations, movements, civics, institutes, foundations, trusts, etc.

This certainly means expanding the scope for participatory democracy: popular participation needs to be viewed as a **collective right**, the very condition of legal validity of plans, policies, and laws – and not as a mere condition of the **sociopolitical legitimacy** of such documents and decisions. But, above all, it entails creating the basis of a scenario of direct democracy – and its expression on the territory of cities.

This is a topic that deserves further development, but, for the purposes of this paper, it suffices to say that there are many possible, complementary ways to do so, some of which have been increasingly attempted in several contexts:

COMMUNITY INVOLVEMENT	In committees and commissions on all aspects of urban planning and management, especially those with deliberative power.
PARTICIPATORY BUDGETING PROCESSES	Especially when involving financial resources and revenue resulting from land value capture mechanisms.
SORTITION	As a means of determining who takes part in decision-making processes, and not only traditional electoral processes.
CITIZENS' ASSEMBLIES	To decide on specific matters of local or even national interest, especially when combining people from different backgrounds and representatives from a broad range of urban communities.
PUBLIC INITIATIVES	For the proposal of laws, and not only by elected representatives.
COLLECTIVE JUDICIAL ACTION	Including new procedures to defend collective rights.
POPULAR COURTS	To decide on specific urban and environmental conflicts, etc.



These are all political strategies that, when conceived not in isolation but within the context of an articulated framework – referred to here as a **new social citizenship contract** – may materialise the notion of the **city as a common good** and contribute towards the full realisation of the Right to the City. Who decides who is included? Who promotes equity and how? These are some of the fundamental legal questions that need to be urgently addressed in the discussion of a social citizenship contract for cities. As mentioned, community plans and direct action strategies need to be considered in this broader sociopolitical framework, gradually and incrementally leading towards the aspiration of collective self-management as the most radical expression of urban democracy.

Such a new sociopolitical citizenship contract for the city may be viewed primarily as a reference

document to be constructed collectively, with the identification of the main principles to guide the action of the state authorities and other stakeholders.

Yet it may also take the shape of an actual contract constructed collectively, a kind of **city constitution**, a legally binding document. In this case, as a legal document in which the rights, obligations and responsibilities of all stakeholders are identified and distributed, it may be more conducive to supporting legal claims by the various stakeholders – as well as its enforcement.

There are some interesting processes internationally that deserve to be studied further.

Box 16. Citizens' Assemblies

The installation of citizens' assemblies has been viewed in many contexts as a means of breaking with the limits of traditional representative democracy.



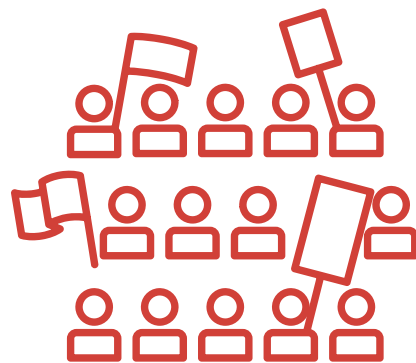
Box 17. Montréal Charter of Right and Responsibilities

In Canada, in 2006, Montreal launched the innovative ***Montréal Charter of Rights and Responsibilities***, following a collective process involving urban communities, to define and distribute rights, obligations and responsibilities regarding “the main sectors of municipal activity: democratic, economic, social and cultural life, recreation, physical activities and sports, environment and sustainable development, security and municipal services.” The Charter also established a “right of initiative”, allowing citizens to obtain public consultations on matters under City or borough jurisdiction”, and it has been subsequently revised and updated. The Charter by no means proposes a radical transformation of the nature of urban development within Montreal, but it seems to have been an important step towards the consolidation of an urban culture of citizen awareness and participation. There are certainly important elements in this experience that could be adopted and adapted in other local contexts so as to create a new sociopolitical basis for the governance of cities – hopefully, making room for direct community action and thus pointing towards a more transformative urban development model.¹³

Box 18. Mexico City’s Constitution

The bottom-up process leading to the approval of Mexico City’s Constitution has been viewed by many as exemplary. Yet, as in many other cases, the challenges of implementation and enforcement remain serious ones.

In any case, the political nature of resulting products and documents – plans, policies, projects, laws, etc. – depend on the **political nature of sociopolitical processes** effectively existing in the city. A restrictive legal order can certainly render the materialisation of progressive policies more difficult, but progressive laws do not guarantee that significant social change will be promoted per se.



13. Montreal Charter: local and collective construction of sociopolitical citizenship contract.

“The Montréal Charter of Rights and Responsibilities, in force since January 1, 2006, covers the main sectors of municipal activity: democratic, economic, social and cultural life, recreation, physical activities and sports, environment and sustainable development, security and municipal services.”, available at: <https://montreal.ca/en/topics/montreal-charter-rights-and-responsibilities>

HUMAN RIGHTS

- Save our children
- Invest in our children
- Make our voice strong

FREEDOM

- knowledge
- teach Morals, Morals.

BE Kind → BE HUMAN

Verbs: to help, to care, to share
we are one

Integrity

• Strive for PEACE.

G. Recommendations



In order to give a solid socio-legal meaning to the notion of the city as a common good, international agencies, national governments at all levels, social institutions, urban movements, and urban dwellers should take into account these intertwined factors:

Considering and treating the **Right to the City as a collective right**, thus recognising a broader public sphere in which there is a significant scope for the direct action of organised communities in the processes of city planning and management.

Creating the conditions for the **effective legal enforceability of the Right to the City** so that communities and groups can claim this right, denounce its violations and seek justice and compensation at local, national and international levels.

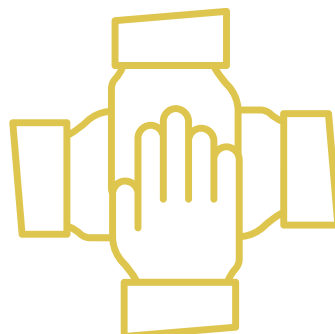
Updating and expanding the traditional legal notion of common goods in the city so as to allow for the legal protection (against commodification, privatization and exploitation) and broader access to a set of material, land-related assets of common interest, as well as for the legal protection of a set of immaterial, culture-related goods of common interest.

Fostering **public-community partnerships and the (re)municipalization** of essential goods in cities and territories as concrete and permanent mechanisms for the materialization of collective management and care of the commons.

Proposing the approval of **an articulated land governance framework** to give full sociolegal meaning to the notions of the social function of property, social value of land, social functions of the city as well as social production of habitat, especially by emphasising the legal notion of value over that of individual ownership, as well as by encouraging the action of a range of collective agents.

Formulating the basis of a new sociopolitical citizenship contract in the city in order to both broaden the conditions of participation in decision-making processes and to create direct spaces and processes for community action.

Affirming the fundamental importance of territorial organisation and view territorial organisation as both a state obligation and a collective right.



H. Conclusions



The ongoing pandemic has already shown that the resources we require to live, in cities and more generally, are limited, and that land and natural resources in particular need to be better used and shared. It has also shown that the cities where most of us live and work have become increasingly inefficient, unsustainable, irrational, unfair, and dangerous environments.

Changing this model is imperative. More than ever, and urgently, this is a time for solidarity, as the very future of humankind is at stake.

A largely absent socio-environmental dimension still needs to be urgently incorporated by the Right to the City movement, and closer and **improved links** need to be promoted between the New Urban Agenda (NUA) and

the 2030 Agenda for Sustainable Development – always associated with a broad set of proposals and policies on life projects, universal income, inclusive and green socioeconomic programmes, education and information, cultural strategies, job creation and wealth distribution, among others. Yet, a special emphasis on the nature and conditions of city, land, and territorial governance would be greatly welcomed, especially by means of the affirmation of all the dimensions of the notion of the city as a common good. The latter would be a good way to give a solid socio-legal meaning to the Right to the City.

It would also be a means by which to rescue the original meaning of the word **economy: oikonomia; the management of our common home**. We can no longer deny that the planet is our common, neglected home, as are the cities in which more and more of us live and work. This planet of cities is our common good, our collective creation, and we have to fight to use it in the best possible ways.



Figures and Boxes



Figures and boxes

Figure 1. The dimensions of the Right to the City as a collective right.

Figure 2. Legal implications of the city as a common good.

Figure 3. Dimensions to define the city as a commons.

Box 1. Discourse on the Common Good.

Box 2. Recent Books on the Commons.

Box 3. Reclaim the city.

Box 4. The European Charter for the Safeguarding of Human Rights in the City.

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Box 9. Examples of Constitutions from Ecuador and Mexico City.

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Box 18. Mexico City's constitution.

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Glossary

Introduction

In addition to the definitions provided by the author in the document, we propose this glossary to clarify specific terms. Some terms contain multiple definitions, which are indicative of the diversity and plurality of the ongoing discussion around the commons. The sources are referenced and the original documents can be consulted for further terminology.



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- C.** DBpedia, available at: <https://www.dbpedia.org/about>.
- D.** The Digital Library of the Commons (DLC), available at: <http://dlc.dlib.indiana.edu/dlc/contentguidelines>.
- E.** Les Cahiers d'Architecture la Cambre - Horta N° 9, 'The City as a Common Good: Urban Planning and the Right to the City', available at: https://www.researchgate.net/publication/304911962_The_city_as_a_common_good.

Definitions

Commons (A)

The commons is the cultural and natural resources accessible to all members of a society, including natural materials such as air, water, and a habitable earth. These resources are held in common, not owned privately. Commons can also be understood as natural resources that groups of people (communities, user groups) manage for individual and collective benefit. Characteristically, this involves a variety of informal norms and values (social practice) employed for a governance mechanism. Commons can be also defined as a social practice of governing a resource not by a state or market but by a community of users that self-governs the resource through institutions that it creates.

Commons (or common) (B)

In old English law, was a tract of ground shared by residents of a village, but owned by no one. A common, or commons, could be grazing grounds, or the village square, but it was property held in common for the benefit of all. More recently, a wide variety of resources have become identified as commons. These include the Internet, healthcare, urban space, the atmosphere, the open sea and Antarctica, etc. That usage expands the meaning to include those new kinds of shared resources and innovations that meet certain criteria. Such criteria are not absolute, but represent a continuum between opposite poles. Certain commons may meet some of the criteria, and not others. A new commons is a resource that meets a preponderance of the following criteria, with the criterion at the left of the arrow being more commons-like, and those to the right being less indicative of commons:

RECOGNITION

Resource is recognized as a commons.	↔	Resource is not recognized as a commons.
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IDENTIFIABLE STAKEHOLDERS

Users with a stake in the resource are identifiable.	↔	Stakeholders are identified or identifiable
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INTERDEPENDENCE

Users recognize their interdependence.	↔	Users think of their use as independent.
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CONFLICTS BETWEEN INDIVIDUAL AND GROUP INTERESTS

Conflicts prevail between individual and group interests (i.e., social dilemmas related to the commons).	↔	No conflicts between individual and group interests.
--	---	--

VULNERABILITY

It is vulnerable to failure (e.g., depletion, degradation, privatization, etc.) in the future.	↔	The resource is stable and not threatened.
--	---	--

PARTICIPATORY MANAGEMENT

The resource requires participatory management.	↔	The resource is self-sustaining.
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RULES

Appropriate rules are necessary to govern the resource.	↔	Rules are not needed.
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SELF-GOVERNANCE

The rules are created from within.	↔	The rules are created by outsiders or from the top down.
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Commons (D)

The commons is a general term for shared resources in which each stakeholder has an equal interest. Studies on the commons include the information commons with issues about public knowledge, the public domain, open science, and the free exchange of ideas – all issues at the core of a direct democracy.

Common good (C)

In philosophy, economics, and political science, the common good (also commonwealth, common weal, general welfare, or public benefit) refers to either what is shared and beneficial for all or most members of a given community, or alternatively, what is achieved by citizenship, collective action, and active participation in the realm of politics and public service. The concept of the common good differs significantly among philosophical doctrines. Early conceptions of the common good were set out by Ancient Greek philosophers, including Aristotle and Plato. One understanding of the common good rooted in Aristotle's philosophy remains in common usage today, referring to what one contemporary scholar calls the "good proper to, and attainable only by, the community, yet individually shared by its members." The concept of common good developed through the work of political theorists, moral philosophers, and public economists, including Thomas Aquinas, Niccolò Machiavelli, John Locke, Jean-Jacques Rousseau, James Madison, Adam Smith, Karl Marx, John Stuart Mill, John Maynard Keynes, John Rawls, and many other thinkers. In contemporary economic theory, a common good is any good which is rivalrous yet non-excludable, while the common good, by contrast, arises in the subfield of welfare economics and refers to the outcome of a social welfare function. Such a social welfare function, in turn, would be rooted in a moral theory of the good (such as utilitarianism). Social choice theory aims to understand processes by which the common good may or may not be realised in societies through the study of collective decision rules. And public choice theory applies microeconomic methodology to the study of political science in order to explain how private interests affect political activities and outcomes.

Common goods (A)

The term "common goods" is used whenever a community of people is united by the same desire to care for or create a collective resource and self-organise in a participatory and democratic way to put it at the service of

the general interest. Water, air, forests as well as oceans and other natural resources; a language, a landscape, a computer source code, a work of art or a building that has passed into the public domain, can all be treated as common goods; the list is not exhaustive.

In economics, a common-pool resource (CPR) is a type of good consisting of a natural or human-made resource system (e.g. an irrigation system or fishing grounds), whose size or characteristics make it costly, but not impossible, to exclude potential beneficiaries from obtaining benefits from its use. Unlike pure public goods, common pool resources face problems of congestion or overuse, because they are subtractable. A common-pool resource typically consists of a core resource (e.g. water or fish), which defines the stock variable, while providing a limited quantity of extractable fringe units, which defines the flow variable. While the core resource is to be protected or nurtured in order to allow for its continuous exploitation, the fringe units can be harvested or consumed.

Global Commons (B)

Is that which no one person or state may own or control and which is central to life. A Global Common contains an infinite potential with regard to the understanding and advancement of the biology and society of all life – e.g. forests, oceans, land mass and cultural identity – and hence requires absolute protection.

The city as a common good (E)

To better comprehend the meaning of the expression "city as a common good", it may be useful to reflect upon the three words that compose it. Within the European experience (but probably in the historical experience of all civilizations), the city is a system where in the household, the places of life and common activities (schools and churches, squares and parks, hospitals and markets, etc.) along with other places of work activities (factories, offices) are tightly integrated and served by a network of infrastructure that connects the different parts and provides them with water, energy and gas. The city is not just a cluster of homes. It is the physical expression and spatial organisation of a society, that is, of an ensemble of individuals and families that are joined to one another by the ties of shared identity, solidarity and common rules. Saying that the city is a good means to say that it is not a commodity. **Good and commodity are two different ways of seeing and living the same objects.** A **commodity** is something that has value only when it can be exchanged for money. A **commodity is something that**

does not have value in and of itself, but only for what it can add to material wealth, and to power over others. A commodity is something that can be destroyed to build another that has a greater economic value: a beautiful landscape can be destroyed to dig a mine, as a man can be degraded to the status of slavery. Each and every commodity is equal to any other, because all commodities are measured by the money with which they can be exchanged. A good, instead, is something that has value in and of itself, for the use that is made, or that can be made, by the persons who benefit from it. A good is something that helps in satisfying basic needs (nutrition, shelter, health), knowledge (education, information, communication and the possibility to inform others), feelings and pleasure (friendship, solidarity, love, aesthetic enjoyment). A good has a distinct identity. And every good is unlike any other. A good is something that is used without destroying it.

Common does not mean public, even though it would be useful, for all intents and purposes to become so.

Common means belonging to a group of persons that are united by ties of identity and solidarity. It means that it satisfies a need that individuals cannot satisfy alone, without joining together and sharing the management of a community. The term common, at the same time, presents some negative connotations. A community is a social figure that includes the members of that specific organism, but concurrently excludes the others. It is perhaps possible to avoid such a limitation with a clarification. In the experience of contemporary life, every person belongs to a number of communities. They belong to a local community, which is where they were born and raised, where they live and work, where their relatives live along with the people they see every day, and where they can find daily services. They belong to the communities of their villages, their towns, and their neighbourhoods. But every person also belongs to a wider community, which shares their history, their language, their customs and traditions, and human destiny.



Notes

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Notes

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This Thematic Paper is part of a series of seven documents produced by the **Global Platform for the Right to the City (GPR2C)**.

These documents are the result of a **process of collective learning** on the Right to the City. Each author was supported by a reference group formed by different organisations members of the Platform. These groups closely followed the drafting of the documents and provided assistance to the experts.

Additionally, a series of webinars were held for each topic in order to broaden discussions and collect suggestions and proposals from a wider range of organizations (including grassroots and social movements, NGOs, professionals, academics and local governments' representatives from different countries and regions).

The **Global Platform for the Right to the City (GPR2C)** is an action-oriented advocacy network committed to social change and with the promotion of the Right to the City as a core value for policies, commitments, projects and actions at the local, national and international levels. We gather organizations, networks and individuals from a wide range of backgrounds: local-based and international social movements, NGOs, forums, academics, representatives from local governments, and other institutions committed to create more just, democratic and sustainable cities and territories.

For more information

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