

GOLD VI

**Case-Based Contribution
to Chapter 9: Democratizing**
*GOLD VI Report on Pathways
to urban and territorial equality*

Localizing Participatory

Democracy and Human Rights

in the Middle East

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Localizing Participatory Democracy and Human Rights in the Middle East

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CITIES/COUNTRIES IT COVERS

Egypt and Beirut (Lebanon)

CHAPTER

9: Democratizing

SUMMARY

This chapter presents two CSO initiatives to address growing inequalities and develop human rights-based approaches to constitutional reforms, and localize human rights to support participatory development and management of the city.

During Egypt's post-uprising constitutional-reform process in 2013, Habitat International Coalition's Housing and Land Rights Network (HIC-HLRN) engaged with an Egyptian CSO consortium to initiate the [Urban Constitution Campaign](#). That effort sought to familiarize citizens with a set of human rights-based governance principles to demand the inclusion of citizens. The Campaign defined certain criteria to ensure these rights would be formally adopted and applied in the new constitution according to international norms and standards and the state's corresponding obligation to respect, protect and fulfill human rights.

In 2017, HLRN collaborated with local Lebanese CSOs to carry out the "[Sanctuary in the City](#)" project to explore how established norms and principles of good local governance, as well as the experience of other global cities, could serve as tools and techniques to meet Greater Beirut's current challenges amid the ongoing refugee and displacement crisis. It [assessed](#) the city's combined sectarian and neoliberal governance as hampering implementation of human rights principles and proffered Beirut's first draft [right-to-the-city charter](#).



For millennia, cities in the Middle East/North Africa (MENA) have endured humanitarian crises, including refugee, displaced person, and migrant influxes resulting from conflicts, natural hazards, and population transfers.¹ More recently, displacement has created enormous pressure on the available urban infrastructure and scarce natural resources, leading to greater social exclusion and inequality, as well as disparities in land and housing tenure, basic services, and access to public spaces.

Two dozen MENA countries now face protracted crises without institutional capacity, effective policies and governmental structures to respond to the accompanying challenges. These hazards are compounded by strict centralized administration that has rendered municipalities unable to manage consequent rapid urbanization dynamics sustainably.

In this context, HIC-HLRN has collaborated with local CSOs in two important initiatives **to address growing inequalities and develop human rights-based approaches to constitutional reform**, and localize human rights in the city as rational methods to support participatory development and management of the city.

Generally, the MENA countries maintain a double standard when it comes to principles of democracy and local participation in urban development. The region's states have adopted Habitat II, the New Urban Agenda and other international policy processes, and at least half of them have ratified the Human Rights Covenants. However, in the region's multilateral declarations on such occasions as Habitat III² and the 2015 Arab Ministerial Forum for Housing and Urban Development,³ these principles are not recognized and are even omitted. That marked a retreat from two decades earlier, when Arab ministers had committed to "popular and collective participation" as fundamental to human settlement development.⁴

Line of refugees in front of the UNHCR registration center in Tripoli, Lebanon. Source: Mohamed Azakir / World Bank, available from Flickr

1. See, for example, Bustenay Oded, *Mass Deportations and Deportees in the Neo-Assyrian Empire* (Wiesbaden: Reichert, 1979); Ilan Pappé, *The Ethnic Cleansing of Palestine* (Oxford: Oneworld Publications, 2007)

2. "The Arab Quito Declaration on Housing and Sustainable Urban Development", League of Arab States, Habitat III, Quito, October 2016, at: http://uploads.habitat3.org/hb3/press_files/dKdKN602E8v1rK0Jvi.pdf

3. *The Cairo Declaration on Housing, and Sustainable Urban Development in the Arab region*, UN Habitat (23 December 2015), at: https://www.hlrn.org/img/documents/Cairo%20declaration_EN.pdf.

4. "Arab Declaration on Sustainable Development for Human Settlements, Rabat Declaration", League of Arab States, Council of Arab Ministers of Housing and Reconstruction, December 1995, on the occasion of the UN Conference on Human Settlements (Habitat III), General Principles and Goals 10, at: <http://www.hlrn.org/img/documents/rabat%20declaration%20en.pdf>.

An Urban Constitution for Egypt

In Egypt, local administration is a principal vector of inequality, as it does not permit local participation in local government policy processes. The result has been haphazard, unregulated, and sometimes-abusive urban development and land administration. This governance model was a core motive of the 2011 uprisings and popular initiatives defending human rights to land, tenure security, adequate housing, the social function of property, and participatory development as the bedrock of citizenship.

While Egypt deliberated over its new Constitution in 2013, HIC-HLRN engaged with Egyptian CSOs consortium to initiate the **Urban Constitution Campaign**⁵ to familiarize citizens with a set of human rights-based governance principles, enabling them to demand inclusion of citizens' "right to the built environment" (*al-haqq fi-il-`umrān*) and as many of the corresponding norms as possible. The Campaign defined certain criteria⁶ to ensure these constitutional rights would be formally adopted and applied according to international standards and the state's corresponding obligation to respect, protect and fulfill human rights. An agreed-upon submission to the Constituent Assembly⁷ emphasized 11 basic rights to:

- The city and all human settlements.
- Participation in urban management, planning processes and equitable and sustainable urban development
- Adequate housing,
- Social production of habitat,
- Security of housing tenure and private and cooperative property,
- Public space,
- Public services,



Slum dwellings in Cairo.
Source: holgs, available from iStock

- Reliable public information,
- Cultural heritage,
- Sustainable environment, and
- Public transportation

Ultimately, the new Constitution, adopted in January 2014, and the new National Strategy for Housing adopted in 2020, recognized only adequate housing and sustainable environment as rights of citizens, but not as *human* rights. It prohibits "All forms and types of arbitrary forced displacement of citizens... [as] a crime not subject to statute of limitations."⁸ The constitution also recognizes the Nubians as underprivileged, but not their indigenous-people status. While the articles establishing the administration system remained highly centralized and do not provide for participatory local administration,⁹ local citizen initiatives still struggle to promote a new urban paradigm for inclusive and sustainable cities. These advocate **collective urban- and environment-related rights**, promoting the common well-being of all citizens, and encourage meaningful participation in planning and

5. Statement of the Entities Supporting the Urban Constitution on the Proposed 2014 Constitution – The Articles on Urbanism, Housing, and Land Rights, Cairo, Tadamun, 2014, at: <http://www.tadamun.co/statement-of-the-entities-supporting-the-urban-constitution-on-the-proposed-2014-constitution-the-articles-on-urbanism-housing-and-land-rights/?lang=en#YqCQCBNBw-R>.

6. See "Write Your Constitution, Change Your Neighborhood," Tadamun, 2013, at: <http://www.tadamun.co/urban-constitution-write-your-constitution-change-your-neighborhood/?lang=en#YHeFFegzbFA>.

7. "A Constitutional Approach to Urban Egypt," Tadamun, 2013, at: <http://www.tadamun.co/a-constitutional-approach-to-urban-egypt/?lang=en#YHbx6egzbFA>.

8. *Constitution of the Arab Republic of Egypt*, January 2014, Art.63, at: <https://www.sis.gov.eg/Newwr/Dustor-en001.pdf>.

9. For more details and examples, see "Cairo 2050 Revisited: What about Participatory Planning?", Tadamun, 2014, at: <http://www.tadamun.co/cairos-strategic-development-what-about-participatory-planning/?lang=en#YNuj8egzbFA>.

decision-making processes. (HLRN later elaborated these approaches into a typology, training curriculum and comparative content analysis for civic education purposes, as discussed in *Civic Engagement* below.)

However, these ambitions have been frustrated through the incremental realignment of the military-dominated government and economy. Regional governors serve by executive appointment only and the New Urban Communities fall

under direct Ministry of Housing authority, maintaining a practice begun with plans to develop the desert fringe in 1958. No election of local councils has taken place since 2008, despite anticipation that a new Law of Local Administration would usher in local elections in February 2020. As the debate over decentralization and local governance has sputtered along in parliament for a decade, the system remains highly centralized.

Sanctuary in the City—Beirut and a Right to the City Charter

For Lebanon, the conflict in neighboring Syria since 2011 produced a humanitarian crisis, with 9 million displaced persons seeking refuge. An estimated 1.85 million displaced Syrians living in Lebanon by end 2015 meant that almost every third person in Lebanon is a Syrian refugee.

Although the refugee and displacement crisis in the world is a global responsibility, Lebanon and its municipalities have found themselves bearing local burdens beyond their capacities, facilities and resources. That has made Lebanon's municipalities **exemplary crisis managers** amid this global phenomenon, integrating refugees into urban centers, often for the long term.

With the pressure that municipalities faced with refugees and displaced persons moving into urban areas instead of camps, poorly resourced local spheres of government suffer vulnerability along with the urban poor, especially female-headed households and those with precarious residency status, lacking adequate water and sanitation, among other deficits in basic goods and services, and without any voice in urban planning, governance and problem solving.

Syria's crisis and the spillover of violence have affected everyone's human rights. In fact, the most-significant human rights abuses in Lebanon during 2016 were torture and other abuses by security forces, harsh prison and detention conditions, and limitations on freedom of movement for Palestinian and Syrian refugees.¹⁰

The influx of Syrian displaced persons also has severely impacted the already-crisis-ridden Lebanese rentier economy, constraining public services to all depend on Lebanon's public education, health, and all other municipal service sectors, while exacerbating already notable inequalities within the citizenry. Moreover, the quality of public services, institutions and governance has deteriorated visibly amid calls for fundamental reforms even before the Syria crisis, the 2019 uprising, the COVID-19 pandemic and destruction of Beirut's port in 2020.

10. Human Rights Council, *Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 – Lebanon, 23rd Session, A/HRC/WG.6/23/LBN/2, November 2015, at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/195/97/PDF/G1519597.pdf?OpenElement>.*

Civic Engagement

In response to the cross-border displacement crisis, HIC-HLRN led an initiative¹¹ in cooperation with Cities Alliance and local partners in Lebanon to facilitate refugee communities' interaction with civil society and local authorities to improve social inclusion and assess local needs for services and protection, especially for refugees. The voices of refugees and displaced persons were the basis for rights claims and recommendations reflected in the project outputs.

The project provided **cross-sector workshops** to establish the applicable international human rights and humanitarian standards and corresponding central and local government duties to protect and assist refugees. These also explored the various **good-governance approaches** as developed, including "urban rights," "human rights cities," "human rights habitat," "human rights in the city," "rights of cities," and "right to the city," drawing on practical examples of São Paulo (Brazil), Gwangju (South Korea), and Vienna (Austria), each with its particular measures to respect, protect and fulfill human rights of migrants and refugees. From this menu, local partners chose the **"right to the city" slogan** to express their needs and priorities, but with additional grounding in actual codified human rights as the legal basis and universal principles to be localized in Greater Beirut's popular and governance cultures.

International civil society's "World Charter for the Right to the City"¹² and the UCLG's "Charter-Agenda for Human Rights in the City"¹³ inspired a draft "Greater Beirut Right to the City Charter."¹⁴ The learning and consultative processes toward the Charter involved an inquiry focusing on a particularly vulnerable and disadvantaged group—in this



Change, Freedom, Social Justice - Egypt Uprising protest Melbourne 4 Feb 2011
Source: John Englart, available from Flickr

case, Syrian refugees and displaced persons—that expanded to identify and consult with other marginalized groups in the same jurisdiction. In the Greater Beirut context, these included Lebanese continuously displaced from previous wars, women, children, persons with disability, prisoners, domestic workers and other migrants, Palestinian refugees, Iraqi refugees, sexual minorities and persons subject to eviction under new landlord-tenant legislation.

An originally limited inquiry led participants to reconsider the entire social contract. Thus, the Beirut Charter also celebrates the diversity found in most cities, not least, Greater Beirut, and gives practical and local meaning to the overriding principles of human rights implementation¹⁵ as indispensable to good urban governance and everyone's enjoyment of their human rights in the city.

The project's other concrete output was a context assessment that provided evidence-informed analysis corresponding with each article of the Charter. While the right-to-the-city assessment exercise goes far to identify and prioritize the strategic objectives of the ongoing civic

11. "Sanctuary in the City? Beirut, Project info", *Habitat International Coalition, Housing and Land Rights Network*, at: http://hlrn.org/img/documents/Sanctuary_fiche.pdf

12. "World Charter for the Right to the City," Revision in preparation for Barcelona, *Habitat International Coalition, Housing and Land Rights Network*, – September 2005, <http://www.hlrn.org/img/documents/World+Charter+Right+to+City+May+05.pdf>.

13. United Cities and Local Governments, Committee on Social Inclusion, Participatory Democratic and Human Rights, "Global Charter-Agenda for Human Rights in the City", 2011, at: https://www.uclg-cisdg.org/sites/default/files/UCLG_Global_Charter_Agenda_HR_City_0.pdf.

14. See the Charter in annex to "Right to the City in Greater Beirut: Context Assessment in Light of the Refugee and Displacement Crisis", Cairo and Beirut: HIC-HLRN, Amel Association International, 2018, at: http://www.hlrn.org/img/documents/Assessment_FINAL_EN.pdf.

15. Namely, self-determination, nondiscrimination, gender equality, rule of law, progressive realization, maximum of available resources, and international cooperation, as enshrined in Articles 1–3 of the International Covenant on Economic, Social and Cultural Rights (1966), at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>.

movement in today's Lebanon, its specific recommendations emerged from consultations in 2016–17 with multiple actors, including municipalities, national government and public institutions, private sector, and civil society, indeed a cross section of concerned parties to the displacement crisis: hosts, migrants and refugees, as well as the international community.

Although the **Sanctuary in the City: Beirut** project, focused mainly on the context of the refugee and displacement crisis, its findings led to the conclusion that the combined sectarian and neoliberal features

of governance have hampered implementation of human rights and principles enshrined in any local expression of local governance. Notably also, the project did introduce the concept of the human rights obligations of municipalities as treaty-bound organs of the state. Both the resulting Charter and accompanying context assessment suggest actions for improving governance and meeting human needs and obligations that have been expressed in the popular response since October 2019 to dysfunctional governance that has long plagued Lebanon as a whole.

Conclusion

The project generated much useful debate, but did not deliver a fairy-tale ending. The project provided a framework for that debate in time for municipal elections in 2016, and the *Madinati* (My City) movement then adopted many of the same principles. The local project evaluation bore this out, but also questioned the utility of the “right to the city” slogan as alien and imposing an extra layer of effort at “branding” before it could be localized in ongoing civic-education. In the ensuing months and, by now, years, Lebanon has undergone serial political crises, with long absences of central government, culminating in the multiple crises of the COVID-19 pandemic and the Port of Beirut explosion of August 2020. Beirutis have found themselves, once again, in the all-too-familiar modes of self-reliance and reconstruction.

Nonetheless, democracy, participation and human rights still form cardinal pillars of good urban governance. Those, buttressed by such civic initiatives as recounted above, can play catalytic roles in devising and articulating indigenous solutions when most needed by harnessing local knowledge and the applicable normative framework toward social justice, as the alternative to top-down policies. Supporting these pillars through institutionalized monitoring, service provision, further civic education and development processes still promise to enrich deliberative democracy with norm-based options to give indispensable voice to previously marginalized and vulnerable communities, even in protracted crises.

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In particular, the present paper has contributed to Chapter 9 on “Democratizing”, which focuses on the challenges and opportunities for local and regional governments in implementing meaningful participatory processes, and democratizing decision-making, unpacking asymmetries of power and the underpinning trends affecting processes of democratization. The chapter explores how local and regional governments can promote more egalitarian, participatory and democratic processes, giving voice to marginalized groups of society, minorities and other groups, and thus contribute to urban and territorial equality.

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