

« CITIES CALL FOR A HUMAN RIGHTS-BASED GLOBAL GOVERNANCE OF MIGRATION »

Report of UCLG-CSIPDHR events in the
“Cities and Migration” Conference (2017)



UCLG
Committee

Social Inclusion
Participatory Democracy
and Human Rights

FOREWORD

In September 2016, the UN General Assembly adopted the New York Declaration for Refugees and Migrants, requesting an international conference on migration to be held in 2018 in order to adopt a Global Compact for a Safe, Orderly and Regular Migration. One month later, the New Urban Agenda was adopted at the Habitat III conference (Quito, October 2016). This document addresses migration as a structural phenomenon within cities, and invites states to allow the full exercise of all inhabitants' rights, regardless of their administrative status.

The **Global Conference on Cities and Migration** (2017), convened by the International Organisation for Migration, UCLG and the Mechelen City Hall aimed at fostering local governments' contributions to the Global Compact. The conference strengthened the narrative on migration as an opportunity for cities and urban territories. Indeed, the declaration adopted calls for taking into account local governments' perspective in the drafting process of the Global Compact, and to guarantee the respect for migrants' human rights by ensuring access to basic services, as an essential step towards a sustainable management of migration flows.

Participants to the Mechelen Conference called for strengthening partnerships between local governments, civil society and academia in order to contribute developing a global policy framework on migration that respects, guarantees and promotes universal human rights. The Conference was inaugurated on November 16 by Mr Bart Somers, Mayor of Mechelen; Mr William Swing, Director General of the International Organization for Migration, and Ms Emilia Sáiz, Secretary General of United Cities and Local Governments.

Mechelen's Mayor Somers welcomed all participants to the conference by highlighting the fact that, over the recent years, Mechelen has managed to successfully "turn diversity and migration into the new normal". Swing emphasised the need for conceptualising migrants "as holders of rights, not as statistics, phenomena or waves". Finally, Sáiz referred to the Right to the City as a guiding principle for the governance of migrations in cities and territories.

As part of the Global Conference on Cities and Migrations held in Mechelen, the **UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights** organised the side event "*Human Mobility and the Right to the City*" and coordinated the session "*Human Rights of migrants*" included in the official programme of the Conference.



SIDE EVENT ON “HUMAN MOBILITY AND THE RIGHT TO THE CITY”

The UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights (UCLG-CSIPDHR), alongside EMMAUS International - Organisation for a Universal Citizenship (OPCU) and the Global Platform for the Right to the City, organised a side event – “Human Mobility and the Right to the City”. The session counted with the participation of Abdoulaye Thimbo, Mayor of Pikine (Senegal); Amélie Canonne, from EMMAUS International (OPCU); Amina El Oualid, Vice-president of Nador Regional Council (Morocco); Berta Cao, responsible for migrations and refugees at Madrid’s City Hall; Joseph Schechla, from Habitat International Coalition (HIC-HLRN), and Lola López, Commissioner for Migrations and Inte-culturality at the Barcelona City Hall. A large number of participants from all over the world attended the session.

The roundtable’s main goals were:

- ***To shed light on practices carried out by local governments*** to make access to universal rights of migrants “sanctuary” in the local environment, based on a dialogue between local officials, researchers, civil society and the UN system of Human Rights protection.
- ***To contribute to the emergence of a united voice of local governments*** for a global governance of migrations that respects universal rights and counts on local governments.
- ***To strengthen the network of local governments and civil society organizations*** committed to work together for the implementation of human rights and the right to the city

Magali Fricaudet, UCLG-CSIPDHR coordinator and the side event’s facilitator, gave an introduction to the session recalling how migration was closely linked to the urbanisation process currently taking place worldwide, which is transforming cities, territories and regions into living spaces characterised by diversity and mobility levels that are increasingly higher.

Even though some migrants are well educated and able to quickly integrate in hosting societies by entering the labour market, for most of them migration is an imposed reality. Indeed, the city is seen by many as an opportunity for survival, escaping from increasingly adverse conditions in rural areas – due to climate change, abandonment of rural development policies, land grabbing and unfair trade conditions resulting from international free trade agreements.

Therefore, migrants settle in cities hoping to achieve access to urban services and opportunities and to access a full right to the city. However, given the existing complexity of economic conditions, many of them only manage to settle in the socio-spatial margins of the city.

This is why access to rights and to the right to the city should be at the heart of migration policies. Local governments, both at departure and hosting countries, have a key role to play to render migrants’ social inclusion effective, by facilitating their access to rights.

What are the main human rights violations forcing people to migrate? What practices can guarantee the universal rights of migrants and their participation in the local context, beyond states’ prevailing “security-based” policies?

Abdoulaye Thimbo, Mayor of Pikine (Dakar metropolitan area, Senegal) highlighted the difficulties posed to urbanisation when there's a lack of accompaniment by national governments, which doesn't provide support to welcome population growth. In Pikine, many are left behind, unable to access to Dakar's city centre - one of Senegal's most dynamic places. In this regard, mayor Thimbo called for starting to work on rural migrants' rights from their very arrival at the city, by promoting their integration into the urban setting. With this goal, the city of Pikine, in partnership with an organisation of Senegalese female lawyers, set up a "tent of rights" where anyone aware of rights abuses can resort to. This facility allows for working on the rights of women victims of rape and sexual violence.



Amélie Cannone, from the French NGO EMMAUS International – Organisation for a Universal Citizenship, mentioned some of the threats posed to the governance of migrations by the lack of effective decentralisation in cities. *"Obtaining resources constitutes the first challenge to guarantee the rights of migrant people: local governments have the competences on services aimed at guaranteeing fundamental rights, yet too often they cannot rely on the financial resources they need"*. On the other hand, Ms. Cannone underlined the ill-effects of the lack of local government consultation by national governments in migration policy development. Yet some cities are still making big efforts to welcome migrants and raise awareness among local citizens. Therefore, it is necessary to highlight the work done by civil society networks in this regard. As local governments are those responsible of translate rights into action, it is easier for civil society to have a working relationship and permanent dialogue with the local level.

A second challenge is to guarantee access to human rights and to services regardless of each resident administrative status. In this regard, it is also needed to combat increasing xenophobic discourses and to reaffirm that human rights are universal.

Ms. Canonne also focused on the linkage between migrations and sustainable development: *"In Italy, urban municipalities have coordinated with rural municipalities to enhance access to housing according to land needs and migrants' skills"*. Approaching migrations through the lens of the right to the city allows for considering people's needs and rights in a comprehensive manner – including aspects like housing, citizenship, access to services, etc.

Finally, Ms. Canonne concluded by highlighting that human rights' indivisibility needs to be

Migration, Ms. Canonne stressed the need to keep building alliances rallying civil society, local governments and academia as a way to enable better knowledge sharing among different territorial realities, and to promote an alternative policy developments aimed at guaranteeing human rights access on the basis of practices that are already taking place locally.

According to **Joseph Schechla**, from Habitat International Coalition – Housing and Land Rights Network (HIC-HLRN), *“current legal models approach migrants and refugees as people in transit, not as permanent holders of rights”*. Mr. Schechla addressed the international legal framework of migrations, highlighting that legal models currently framing the governance of migrations *“are not adequate anymore, since they were not set up in the context of current dynamics and dimensions of the phenomenon”*.

Mr. Schechla presented the priorities, challenges and lessons learnt from the work carried out by HLRN in the MENA region and, particularly, from the “Sanctuary in the City: Beirut” project. This project aimed at establishing a human rights guarantee charter for migrants in hosting cities, based on thematic priorities such as the right to work, to healthcare, to education and to gender equality.

Special attention was paid to the *“great prevalence of forced early marriage among poorest strata of society and, particularly, among refugees and displaced girls”*. The lack of effective legislation protecting girls in some host countries in the region pervades an effective fight against this phenomenon despite existing international obligations.

Lola López, Commissioner for Inter-culturality and Migration at the Barcelona City Hall, shared with the audience how Barcelona’s strategy on the social inclusion of migrants relies on the *“cooperation with local civil society to ‘sanctuarise’ migrants’ rights”*. She presented the City Hall’s policy on that matter, emphasising two particular aspects.

First, the need for rethinking the concept of citizenship, linking it to that of residence instead to nationality. Ms. López argued how *“for Barcelona, the residence register (*padró municipal*) is particularly important, since it is an accessible means for migrant residents to enjoy access to most public services. The city must therefore become a sanctuary city that will not allow its inhabitants to be expelled. This is why Barcelona has issued a residence card that certifies all neighbours’ residence in the city. The Barcelona City Hall has set up an integrated service to provide support to migrants and refugees, including legal and linguistic support.*

Second, the Commissioner also argued that the city’s inter-culturality policy is aimed at *“building citizenship out of diversity, so anyone can be part of the community without giving up on their identity”*. To this end, the City Hall has recently adopted an Inter-culturality Plan that is based on three main principles: equality of access to rights and equal opportunities; recognition of the city’s cultural and religious diversity, and the promotion of dialogue between the various people and communities living in Barcelona.

Finally, Ms. López explained that, in Spain, the nationwide Law on Foreigners notably reduces local governments’ action range and their capacity to set up welcoming policies for migrants.

Berta Cao, in charge of the migration agenda at the City of Madrid, picked up on the same topic, arguing that *“cities do not hold the competences required to change structural conditions of migrations”* and that *“on many occasions we cannot directly intervene in regards to these situations; instead, we need to rely on our cooperation with local organisations”*.

Ms. Cao also recalled how the Madrid City Hall shifted its former policies on the subject, previously based on a security-based approach. This required important *“awareness raising efforts among citizens in order for newcomers to be seen as neighbours and as holders of the same rights as them”*. In this context, *“we are strengthening the city’s relationships with municipal networks both at the Spanish and international levels in order to find common ground and to share experiences and good practices”*.

How to establish mutual help and solidarity networks to achieve a universal guarantee of human rights and the Right to the City? What role for networks of cities? How to establish mutual help and solidarity networks between departure and hosting cities to allow for a better protection of migrants and their families, as well as a shared development between those territories?

Abdoulaye Thimbo highlighted the role of peripheral territories regarding migration, since they host larger figures of migrants. On this field, the work carried out by the network of peripheral cities FALP is remarkable. The mayor underlined the importance of decentralised cooperation to foster sustainable territorial development while guaranteeing migrants’ rights. The mayor emphasised the need for cooperation to involve not only an exchange of knowledge, but also an inter-cultural exploration and mutual learning, linked to personal experiences.

The cooperation between Pikine and Nanterre – both of them being FALP members – for instance, enabled setting up projects for accompanying city women initiatives that create locale incomes. Investing in local economy is a priority for Pikine, since the city has a 30% unemployment rate. Decentralised cooperation may be a relevant trigger in this regard. The mayor also explained how the partnership with an Italian NGO allowed for obtaining funding for a raising-awareness project on the risks linked to irregular migrations.

These experiences show how cultural exchange allows for opening up spaces to solidify a working and emotional relationship between departure and hosting territories, based on which it is possible to contribute to communities’ territorial development.

Amina El Oualid, the vice-president of the Nador Regional Council (Morocco), argued how *“working with civil society in raising awareness among inhabitants is crucial for migrants to be seen as rights-holders”*. In this regard, the local government of Nador, despite its limited resources, has set up an action plan for the city that includes multicultural, social and sport-related actions for the inclusion of migrants. The plan is particularly rooted in working with local civil society on migrants’ access to rights – especially, healthcare – and raising awareness among the local population against discriminations. For that reason, the Local Council of Nador can rely on national initiative IDH’s support.

The city of Nador, a border town with Melilla (a Spanish enclave in Northern Africa), is split in two by the border from where migrants transit to Europe. Ms. El Oualid compared this border to an open wound on African land, and denounced the situation in which Morocco has become European borders’ watchdog. She also explained that the city government is seeking to implement policies to foster youth opportunities in Nador – already difficult – and to improve access to social rights. In this context, Ms. El Oualid stressed the work carried out alongside civil society and local associations to raise awareness among local population about migrants: *“in Morocco, most families have some emigrated member, but the Moroccan society is still averse to foreigners. This is why it is so important to raise awareness among the population”*.

What is the Global Compact for a Safe, Orderly and Regular Migration about? How to advocate for human rights-based approach from the alliance between civil society and local governments?

According **Solène Bedaux**, in charge of migration issues at the Political Advocacy area of Caritas-France, argued that the main concern regarding the Global Compact is the chance it may end up introducing more border controls and strengthening international cooperation for migrants' return and readmission between departure and arrival States.

Negotiation towards the final agreement are organised around six thematic sessions. The Zero Draft will be issued in December, in Puerto Vallarta (Jalisco, Mexico). States have left few or no space for the formal participation of subnational government and civil society representatives. Caritas is trying to bring migrants' voice in this process.

A meeting of civil society organisations will take place in February to get a joint set of demands to bring to the Global Compact's process, by articulating an alternative narrative to current policies, whose violent consequences have resulting in 6.000 refugee children gone missing in 2015 in Germany. Civil society wants to take part in this process and to defend a vision which is respectful towards human rights.



Other interventions

Issoufou Ganou, Executive Secretary of the Land Observatory of Burkina Faso, argued that we need to approach rights from a bottom-up perspective, building on linkages between territories within a single region or metropolitan area, and between urban and rural territories. In this context, and since cities are facing scarcity of housing and land, it is important to re-valorise land with new facilities in some territories, thus creating employment and revitalising local public services. It is also important to work on land distribution with a view to guaranteeing the Right to the City. Indeed, African cities people tend to occupy land spots in an irregular manner. In the continent's cities, 30% of urban land is not built, which gives place to great speculative activities on land and results in expelling newcomers to further places. Therefore, implementing the Right to the City involves actual housing policies, rather than parcelling the land out, noting how *"people need to be accompanied to see their right to housing realised based on the knowledge about their own rights"*. On the other side, Mr. Ganou argued that *"decentralised cooperation has driven enthusiasm and improved support to migrants"*. He recalled the experience on decentralised cooperation between Ouagadougou and Oudel (France), which brought together a local association and a community of peasants.

Aligi Molina, Deputy Mayor of Palma (Spain), emphasised the need for sharing local practices that may be useful for cities of all sizes. For instance, he identified the *“involvement of civil society – particularly, neighbours and migrants’ associations – to develop an integrated strategy against xenophobia and racism”*. In this regard, he explained that Palma has set up reporting mechanisms that provide specific support to people who has denounced a violation of his or her rights. This services involves migrants and local organisations.

Emilia Sáiz, the UCLG Secretary General concluded the session by stressing the need for coming up with concrete ideas. *“Some of the issues mentioned here need to find their way to be part of global declarations. To this end, we need a strong leadership by local and regional governments willing to advocate for a vision of migrants and refugees approached through the lens of right rather than a humanitarian perspective. At UCLG, as organisation representing local governments at the world stage, we also need to be able to define common messages”*.

THEMATIC SESSION ON “THE HUMAN RIGHTS OF MIGRANTS”

Magali Fricaudet, as the UCLG-CSIPDHR’s coordinator, co-facilitated the session “Human Rights of Migrants”, alongside Ms Eloísa Arruda, Secretary for Human Rights of São Paulo. The discussion was aimed at analysing the vulnerabilities faced by migrants and the resulting human rights violations in the migratory process. It also identified practices in human rights guarantee driven by in cities and territories from all over the world.

The panel saw the participation of the following speakers: Juan Acevedo, Mayor of **Upala** (Costa Rica); Abdoulaye Thimbo, Mayor of **Pikine** (Senegal); Kalgso Clavin Thutlwe, Mayor of **Gaborone** (Botswana); Gustavo Baroja, Governor of the **Pichincha** Region (Ecuador); Glenda Ovalle, from the Association of Municipalities of **Los Altos** Metropolis (Guatemala); Amina El Oualid, Vice-president of the **Nador** Regional Council (Morocco); Berta Cao, responsible for migrants and refugees at the **Madrid** City Hall (Spain), and Eleftherios Papagiannakis, **Athens’** Deputy Mayor for Migrants, Refugees and Municipal Decentralisation.

One of the session’s main messages was identifying the recognition of migrants as rights-holders as essential for their social inclusion. To this end, some local governments have issued local identity cards that guarantee access to public services to all neighbours, regardless of their administrative status. Some others – as in Sao Paulo – are setting up municipal councils of migrants, with a view to foster participatory democracy as a spearhead for social inclusion.

Eloísa Arruda, Sao Paulo’s Secretary for Human Rights argued that *“Sao Paulo is a city of 12 million inhabitants built by migrants. Recognising migrant people as holders of rights is key for inclusion, and that involves getting them to participate in the city governance”*. The Secretary also pointed the need for setting up a multilateral system for homologating academic diplomas at the international level, aiming at making access to qualified employment easier in receiving countries.

For its part, **Juan Acevedo**, mayor of Upala (Costa Rica), argued that *“newcomers are before anything else inhabitants deserving access to all services”*. Upala is a province bordering with Nicaragua, and a large part of its population either lives or work in opposite sides of the border. The government has relied on the IOM’s support to advocate

for a more adequate migration policy at the national level, which has resulted in issuing local identity cards for cross-border neighbours. This document allows this group not to be identified as migrants anymore and to become neighbours with full access to local services.

Labour integration was identified as another driver for migrants' social inclusion. In this regard, Mr. Acevedo explained that the city succeeded in getting national labour laws applied to both regular and irregular migrants. In Upala, a micro-entrepreneurship programme is being implemented to facilitate access to the labour market to young migrants. Furthermore, the city government is putting in practice policies to protect most vulnerable groups within migrants – for instance, the “House of rights for migrant women” providing support to young and adult migrant women. Another relevant point of agreement of the roundtable was the importance to promote a change of approach – from a nationality-based to a residence-based citizenship.

In this regard, **Berta Cao**, representing Madrid City, underlined that the city has recently adopted a human rights plan and is elaborating the strategy “Madrid, Hosting City” to allow and facilitate every neighbour's access to municipal services through a local identity card. The city also offers public shelters for transiting people and, in order to fight discrimination, it has set up a diversity management unit within the local police to raise awareness among policemen.



Mayor **Kalgso Clavin Thulwe** of Gaborone (Botswana) shared his thoughts on the issue of discrimination: *“Equality and equity are our main priorities when welcoming migrants, and we apply affirmative action policies to this end”*. Gaborone holds a long-standing commitment for migrants' rights and against discrimination: back in apartheid times in South-Africa, the city hosted Mandela's and ANC's resistance. At the national level, affirmative action is implemented regarding migrant people, based on the belief that migrants have a positive impact on cities. Furthermore, the city is also engaged in ensuring children and women access to education.

Another broadly discussed topic was the idea that very often cities are not only departure or arrival points, but, or even transiting areas. Therefore, we need an integrated approach to migrations and to migrants as a global political subject. Gustavo Baroja, President of the Regional Government of Pichincha (Ecuador) illustrated that by referring to his country's history: from the 50s until recent times, Ecuador was a country of emigration, exporting labour force to

other nations. Now Ecuador is also a destination and transit country for migrants. The government, within the framework of the national Good Living Plan (Plan nacional del Buen Vivir), regularized 100,000 people, providing them with universal citizenship and respecting the principle of free mobility and non-return in this context – a principle guaranteed by the Universal Declaration of Human Rights. In this regard, Baroja stressed the importance of partnering with universities for carrying out research on migrants as subjects of global rights.

On a different note, he also noted how the social inclusion of former migrants returned at the Pichincha province is being assumed by the regional government, even though it does not hold the competences required to work on their inclusion in the Ecuadorian society. Mr. Baroja also referred to the need for re-thinking international mobility from a global perspective, but also taking into account the social work that needs to be done in this area.

In this regard, **Glenda Ovalle**, from the Association of Municipalities of the Metropolis of Los Altos (Guatemala), emphasized the ill-effects and consequences of those policies that end by splitting-up families. In this regard, she asked for resources and competences for emotional and personal accompaniment, especially for children and women who are left alone either in the receiving or departure country. Mr. Ovalle highlighted the relevance of providing special protection to these groups, the most vulnerable ones in migratory processes.

Amina El Oualid, vice-president of the Municipal Council of Nador, followed this topic by providing the example of the strategy on migration and migrants' rights adopted by the Council of Nador with the support of the National Council for Human Rights. She emphasized the urgency for a human and global approach to migration policies, which needs to be translated into multilateral cooperation based on the shared responsibilities between departure and host cities, respecting human rights and in compliance with international law, with special attention to the vulnerabilities of migrant women. Ms. El Oualid explained that Nador is generating common spaces at the city level to foster cultural exchange, and it is working to insert the city council into international networks that facilitate learning experiences through exchanging knowledge and good practices.

Following this, the mayor of Pikine, **Abdoulaye Thimbo**, highlighted the decentralized cooperation relationship with Nanterre, which is based on strong and personal ties, not only on the exchange of experiences and practices. He eventually highlighted the linkages and shared responsibilities between the departure and receiving cities enshrined through international solidarity.

A final noteworthy topic was the – sometimes complicated – relationship between local and national governments, especially regarding the mismatch between objectives of migration policies at each level. The lack of sufficient resources to finance human rights policies was also repeatedly mentioned, particularly by representatives of local governments suffering austerity measures applied by their national governments. In this regard, **Eleftherios Papagiannakis**, Deputy Mayor of Athens for Migrants, Refugees and Municipal Decentralization, argued that *"in times of crisis, human rights are the first to fall: austerity measures make it very difficult to preserve social cohesion"*.

CONCLUSIONS

Overall, speakers highlighted the importance of taking the macro-economic global context into account when approaching migrations, since it turns cities into the only alternative for peasants affected by climate change, land grabbing and free trade agreements. In this framework, it was emphasised that the Right to the City is not the obligation to the city, but it is rather based on a sustainable, balanced relationship between the city and its rural hinterland. Speakers also recalled that local governments have a key role to play in building relationships between home and host territories of migrants. In that way, decentralised cooperation allow for contributing to the communities' territorial development.



The need for approaching global migrations through the lens of the Right to the City was also reaffirmed, as a necessary tool for building an effective local citizenship for migrants. In this regard, speakers highlighted the importance of providing to the more marginalised groups – such as women and the Youth–a special protection. Both local governments and civil society representatives taking part in the event underlined their will to keep working for welcoming migrants, and for overcoming the many challenges they are facing in this regard –from insufficient financial resources to xenophobic political discourses. They reaffirmed their positions being aware that, nowadays, the sustainable management of territories needs to be based on actions aimed at recognising diversities and restoring equality, fighting discriminations and hatred discourses.