

## WHOSE RIGHTS ARE RIGHTS TO THE CITY: AN OVERVIEW

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### ABSTRACT

*Whose Right and what Rights are Rights to the city remain a contested area in an attempt to create a democratic urban space. Urban areas remain structured in ways that disenfranchise other groups of the urban society. The structures in place and the processes they produce again remain the instruments that perpetuate marginalisation of certain groups of the urban society thereby denying them their rights to the city. The nature of urban composition in the new era is so varied and diverse in that a variety of people with different needs and aspirations are now found in urban areas. Their demands are so varied that the normal urban planning practices cannot afford to provide for them because of their taxonomic approach to urban planning. This paper tries to identify the various groups of people that are found in urban areas and identify the areas they need to be uplifted so that they can fully enjoy their rights to the city. The study was purely a desk study that utilised various studies that had been done in the field of rights to the city. The study will trace the developments that had been taken in the area since the development of the theory of rights to the city by the prominent French sociologist Henry Lefebvre in 1968. Development in the field showed that there are various form of discrimination and disenfranchisement that happen in urban areas and this affected various people in various way. The most notable groups of people that had been highlighted in the developments in the theory of rights to the city include, people of the colour, migrant labourers, the poor neighbourhoods, and squatter settlements. In recent periods the neo-liberal economic regimes that had been sweeping the world over had been the new form of disenfranchisement among the urban poor.*

**Key words: rights to the city, inclusive city, marginalisation, disenfranchisement**

### What are Rights to the City?

The theory of rights to the city was promulgated by a French sociologist Henry Lefebvre in 1968 after realising the political and economic systems that were present in that time. These political systems were responsible for disenfranchisement of some sections of the urban communities.

The right to the city according to Lefebvre (1968) is the right for urban inhabitants to appropriate urban space and participate in the affairs of their urban areas. In appropriating urban space Lefebvre meant that urban inhabitants have the right to take control of the urban space and make use of it in a way they feel is the best way. The urban inhabitants have therefore the right to claim the use rights of urban space. In his observation Lefebvre (1968) had seen some form of discrimination targeted especially on the urban poor, where the state and capitalist machinery was being used to deprive urban poor of their rights to the city. He argued that right to the city is for every inhabitant of the city and they have unfettered rights to claim their presence in the city. The presence of marginalised groups in the urban areas was therefore according to Lefebvre (1968) a contravening of rights to the city. The marginalised groups of the urban society were marginalised in the decision making processes, where the decision of government elites and the capitalist were used to define urban space. Rights to the city according to Lefebvre (1968) is an *oeuvre*, which an expression of the totality of urban inhabitants' social life. The plurality of urban society should be allowed to express their ways of life in the urban space. Lefebvre (1968) was opposed to the domination of few groups of the urban society in the defining of urban space. He observed that the capitalist and state elite were having unfettered domination all spheres of urban life and they were the ones that define urban space according to their life styles, thereby disenfranchising other groups of the urban society. He further argued that the domination of capitalist and state elites was giving exchange values to urban space and disregarding the use values that are important for the urban poor to use have use rights of urban space. In his opinion rights to the city can only be gained through revolutionary urban politics, which should be radical in order to wrestle these rights from the dominant systems of the city.

Rights to the city should give all urban inhabitants access to the city centre. These areas were seen to be a privilege of only a few urban elites who were enjoying access to the inner city. These areas are very important according to Lefebvre (1968, 1996) because these are the areas of encounter and the epicentre for social interaction. The city centre is the place all urban activities are happening but these activities are only enjoyed by a privileged few. These are the areas that conducive for business, social interaction and are the epicentre of human activity hence such privileges should be enjoyed by every city inhabitants. The few that are enjoying the rights to the city centre are the ones that are building the city according to their ways of life. The city is

therefore defined in a very narrow way where the life styles of a few elites are used to define city space. Rights to the city according to Lefebvre (1996) should give city inhabitants the right to appropriate city space. Appropriation of city space should give then unalienated right to access, occupies and use the urban space. He further argued that the poor should be allowed to produce urban space so as to meet their needs. In this way the city will express the variety of city inhabitants and therefore become an *oeuvre*. A city should be a collective artwork of all city inhabitants who should have their contribution included in shaping the urban future and defining the urban space, (Lefebvre 1996, Boer and de Vries 2009). In this way the right to the city is seen as a way of democratising urban space and is move away from a singular way of defining urban space to a more diverse way that expresses the diversity of urban communities.

Leitte and Mustafa (2008) also believe that a city is a collective artwork of all the city inhabitants and in this case they said a city is a polis that shows political collectivity and is a place where the public interests are expressed and realised. It is a place where citizenship rights are practiced on equal basis. Rights to the city are therefore the ability to express the urban life in an unlimited way. When citizens are enjoying their rights to the city according to Leitte and Mustafa, (2008), are not limited to territorial affiliation but have the right to every part of the city. He emphasised that people have access even in the city centre. He also added that people have the right to produce and reproduce social relationships and participate in them. He also observed that there are some sections of urban communities that are not afforded their required respect as citizens of the city. These people do not participate in the development of the city but are only allowed to consume what have been given to them by some sections of the urban society. In their view Leitte and Mustafa (2008), argued that rights to the city should allow its citizens the right to as citizens and be respected as ones. They also realised that a city has a variety of people and as such there are different rights that should be reflected in the city. These different rights according to Leitte and Mustafa (2008) should be allowed to be expressed and enjoyed by these different people. They added that these people have the right to demand resources that will see their basic needs and interests being met, (Mustafa and Leitte 2002). The provision of such services should not reflect discrimination and segregation but should show social cohesion and assure diverse social categories, (Mustafa and Leitte (2002). Mustafa and Leitte (2002) also agrees with Lefebvre 1996 that rights to the city should not be regarded just as mere membership to a certain

community but should be regarded as a practice of articulation, claiming and renewal of group interests through appropriation and creation of urban space.

Mustafa and Leitte (2002) had observed that there were injustices perpetrated upon the people of colour, who were struggling to exercise their rights to vote and access important information. They therefore argued that these people of the colour since they are citizens of cities should be allowed to exercise such right. They further argued that these rights should be afforded to them and in addition to that they should be allowed to express their culture, ideas, identity and allowed to access the city centre and its services. They also observed that these people are denied their rights to the city because of the operating systems such as the use market systems to produce urban space and these structures are used to marginalise the people of the colour.

Rights to city to all city inhabitants had been a difficult thing to achieve mainly because of the capitalist nature of urban governance, where the needs of capital accumulation had been the driving force behind urban development. This had given urban space economic values and these economic values had been used as instruments of segregation to exclude other sectors of urban community to access urban space. Lefebvre (1968, 1996) is of the view that all people have the rights to the city centre but these rights are never enjoyed by some section of the urban community because of continued insistence on economic values of urban space. They rather proposed the need to give use values to urban land so that full usage of urban space is given to all members of the urban community. Space in urban areas had been used as a means of denying city inhabitants their rights to the city because the different uses that the urban space is put to, is defined by just a privileged few. The urban poor are never given the chance to make decisions that shape the cities in which they stay. This denial is a total disenfranchisement of the poor in the decision making process of the city. The poor are therefore denied their right to create a city that is according to the desires of their hearts.

Harvey (2008) recognised that rights to the city should give city inhabitants the right to have full command over the use and distribution of urban surplus. This control had remained located in the hands of the private sector. The interests of the private sector had been used to define urban space as their interests are the ones that city authorities were trying to fulfil. The private sector according to Harvey (2008) constitute just a minority of the urban community but they are

allowed to dominate all spheres of urban sector against the needs of the majority. In his view Harvey (2008), there is wide spread injustices in the urban governance system where the minority are allowed to dominate the majority. Hence there is need for democratisation of urban space by allowing the marginalised groups of the urban society to have a say in the running and management of city affairs. The democratisation process should result in reconstruction of urban systems by shifting the centre of power from the minority to the majority, (Lefebvre 1996, Harvey 2008). This should also result in extending the limits of urban politics and expanding the decision making processes to all city inhabitants, (Purcell 2003, Harvey 2008). Harvey (2003) observed that the city elites in form of state planners and the private sector are the ones that have the prerogative right to define the city space while the urban poor are only allowed to consume what these urban elite are producing. He further argued that these urban poor have the right to not only to consume what these urban elite are producing for them but they gave the right to reproduce city space according to the desires of their hearts. The rights to the city allow the urban poor to demand expression of the city according to the desires of their hearts. This therefore means that the urban poor have unalienated rights to express their lives in the urban areas. In addition to this they are also allowed to re-make themselves in order to suit the obtaining situation in the city. These changes are very difficult to achieve because of the capitalist mode of governance that are dominant in urban areas.

Bhan (2009) also believes that the poor are not given their rightful space in the running of city affairs. These people are often denied their democratic rights to participate in the affairs of their cities and this is a reflection poor electoral accountability. He argued that the urban poor are often viewed with misconceptions and altered understanding. As a result they are regarded as outsiders in the running of city affairs which are normally dominated by open markets systems.

The rights of the poor are therefore often disregarded and their existences continuously face the risk of extinctions. Urban authorities in tireless attempt to get reed of the urban in their drive to create world class cities. Cities are in continuous aestheticisation of urban poverty and city space in an attempt to change the perception of urban poverty within cities. Urban poverty therefore has no space in contemporary cities. Environments for the poor are often regarded as filthy and fragile, hence unwanted. According to Bhan (2009), the environments of the poor are regarded as

flat, without history, structure and emptied of those living in it. The poor are therefore denied their rights of representation because they are regarded as economically unviable and environmentally harmful. Bhan (2009) further argued that the poor have the right to live in the city and furthermore they have the right to the legal systems that support the needs of the poor. They have the right to claim judicial access to assure public performance and seek enforcement of such rights through promotion of public interest litigation.

Purcell (2003) is also of the opinion that the capitalist tendencies that most urban authorities had adopted had been responsible for the disenfranchisement of the majority of urban inhabitants. These urbanisation policies had been the chief instruments for disenfranchisement of urban democratic citizens and had been responsible for the decreased control of urban residents over the decision making processes. As a result the urban majority had been denied their rightful right to shape the future of the city. Therefore Purcell (2003) realised that the role to make decision on how the city should be does not rest on a few privileged capitalist but is also the responsibility of the rest of the city inhabitants. Cities had been centralising the decision making powers in the capitalist and they had been allowed to follow their neo-liberal urbanisation policies that had resulted in exclusion of the masses of urban inhabitants in decision making processes. These masses that had been looked down upon by the neo-liberal policies have the right to participate in the shaping of the city, (Lefebvre 1996, Purcell 2003). Rights to the city according to Purcell (2003) is therefore giving these masses their space in the decision making process. Purcell (2003) further argued that cities are dominated by state elite and the capitalist who had adopted the policy of transferring state function to non-state agencies and quasi-government agencies further moving the running of the city away from the city inhabitants. This had reoriented urban policies towards competition, which are instruments of disenfranchising the urban masses.

The need to involve other non-state agencies is driven by the need to build a world class city that is able to attract international finances. This had created cities that are outward oriented driven by capital accumulation imperative with very little attention to their inhabitants. Ideas to develop the city are therefore made outside the local state and these decisions rarely reflect the needs and aspirations of the local people and this further marginalises the urban inhabitants and deprive them of their right to shape the city to the desires of their hearts (Purcell 2006, 2003, Harvey

2008 Marcuse 2009). However Purcell (2006) is of the opinion that to centre everything on the masses of the city might lead to local trap where only the interests of the local residents are prioritised at the expense of the wider public. This is not good for democracy and social justice. In this way Purcell (2006) is of the view that right to the city should be viewed from a broader perspective, which should include the needs of other city stakeholders and even notational development objectives. He however agrees to the fact that the right to the city should give city inhabitants the right to participate in decision making processes of the city. The city inhabitants should be given their rights to access the privileged spaces rather than being dispersed and relegated into ghettos and other marginalised places. He also emphasised the need for the urban poor to be afforded their rights in the face of gentrification processes that are taking place in neighbourhoods, which had resulted in squeezing out of the low income residents from such places. These people are often sacrificed on altar of neighbourhood competitiveness. Rather than attracting investment that only pursue the interests of the capitalist and their economic growth ideals, Purcell (2006) is of the opinion that public investments should also flow into areas where the inhabitants' use values are greatest. In this way the interest of the low-income people will be addressed and in that way giving them their rights to the city. This will again result in cities that encourage urban policies which promote justice, inclusivity and sustainability, (Purcell 2013a). Purcell (2013a) is of the opinion that the masses of the urban inhabitants are exploited by propertied people, who have reserved the right to define the city and the city space the way they want. The rest of the city inhabitants are in every day contestation and struggle to have a say in the affairs of the city but they are kept at bay by the dominant property owners. These property owners emphasises the definition of urban space on economic basis rather than the social basis that will allow the majority of the city inhabitants access to the city and definition of the city space according to the desires of their hearts. Rights to the city therefore according to Purcell (2013a) are rights to appropriate urban space from the property owners by the urban inhabitants. It is the reorientation of the city form from its capital accumulation tendencies towards a more redistributive role with emphasis on the use values rather than the exchange values that eliminate the majority of urban users in defining the city. In this way the rights the city should see an establishment of social relationship between and among the city inhabitants and this will result in

a city with inhabitants that are engaging in each other, playing, learning and connecting to each other.

Coggin and Peiterson (2012), views urban space as a contested terrain where two major groups of the urban society are always in conflict. On one group are the propertied and privileged few and on the other hand are the property-less people and the under-privileged who are always powerless to claim their rights to the city. This other group therefore always live at the mercy of the propertied and privileged groups who always dominate the city scape both in ownerships of urban space and in making decisions that shape the city. The urban community had developed systems that had become permanent structures that are used to exclude the disadvantaged sectors of the city. This had effectively dismantled the city features as a melting pot and a site of encounter where difference is celebrated and encouraged. Cities had been developing public spaces that are exclusively for the privileged sectors of the urban society. These places are notorious for excluding the marginalised people of the urban society. They are disenfranchised of their rights to the city because they are denied their physical presence in such public spaces. Van Deusen (2002) is of the similar opinion as he observed that public spaces are places developed by city authorities to create exclusive spaces that only allow a few privileged. In this way public spaces are no longer public because they deny other public to access it. As result this degrades the rights to the city of the less privileged. Public spaces are now given exchange values, which are used to squeeze out the use values of other sectors of the urban community. According to Van Deusen (2002) public spaces are now associated with gentrification process, where designs are made so exclusive that it is only for just a privileged few. The standards of designs are made so high with an intention of generating maximum profits and this is used as justification to flush out sections that do not share the same vision. In this way people such as the homeless are often driven out of such public space. Van Deusen (2002) gave an example of the Clinton Square as a good example of places that have been developed to exclude the less privileged. The designs were so expensive that they only allow a privileged few. The name of the square was not chosen by mistake but was chosen to elevate the place to the scale of American President and in such a way the place would accede to a system of consumption that is commensurate to presidential levels hence exclude all other people but the few privileged. Public spaces are therefore increasingly losing its public-ness and becoming increasingly closed. Their production is making



them assume high economic values that exclude than use values to allow other people to access them. Van Deusen (2002) further argued the public spaces are no longer nodes of encounter but nodes for capital accumulation. They are frontiers for capital production and entrancements of capital interest of urban elites. Urban spaces are now a reflection of the global political and economic relationships rather than the local relationships that shows the composition of our urban areas. Denial of rights to the public places is an attack on the civil liberty and social justice of the people affected, (Mitchell 2003). He further argued that giving the less advantaged people their rights to access public spaces is answering their struggles for just and democratic polity. It is a run away from the effects of gentrification and homogenisation of urban societies that had been responsible for excluding urban poor and the working in public space thereby effectively denying their rights to the city. Urban space had been increasingly commoditised and rationalised in a way that exclude the livelihoods of the poor to give way to the competitive and more efficient use of urban space, (Gross, 1998). He further argued that urban spaces had been fragmented into discrete parcels where activities are directly determined by private property rights living out other important urban inhabitants such as the squatters and vendors, who frequently face eviction in the name of order, progress and safety.

Cities are increasingly being driven by policies and development interventions based on exchange values and the needs of the property owners. As a result the needs of capitalist are taking precedence over the social well-being of people and the provision services, (Purcell 2013b). The need to create world class cities and the out-sourcing of services by cities had effectively relocated the running of cities to outsiders and this had excluded the citizens from decision making. This had relocated the right to the city to people and organisation that are outside the city and the citizens are deprived of their rights to participate in shaping their city by placing them in the horizons of democracy. Purcell (2013a, b) further argued that when citizens are given their rights to the city, urban societies will undergo deepening democracy by freeing them from state and capitalist apparatus that continue to disenfranchise them. Citizens therefore according to Purcell (2013b) have the right to democratically participate in the running of the city rather than the propertied people. This pushes cities towards urban societies that are ruled by city inhabitants rather than the exchange values.

Neo-liberal urbanisation had been the form of urbanisation world over as cities are trying to grapple with the need to attract global financial services. Such moves had been chiefly responsible for disenfranchisement of urban poor of their rights to the city. Cities had been increasingly restructured to reflect the interest of a few dominant groups of the urban society to the detriment of the interests of the majority of the urban inhabitants, whose rights to the city had been continuously eroded. The rights of the city inhabitants to shape their cities according to the desires of their heart had been denied by neo-liberal urbanisation policies whose imperatives are gentrification, privatisation and foreclosure. The normative of the neo-liberal urbanisation had been responsible for crippling urban areas as collective polity, (Connor, 2015). Also associated with the principles of neo-liberal urbanisation is the suburbanisation of neighbourhoods, which is also associated with wide-spread failures especially in the provision of services such as education, housing, health and employment to the vulnerable groups of the urban society. The suburbanisation of neighbourhoods only serves the interest of a privileged few because of their insistence on the market system and protection of interests of financial institutions and the suppression of public freedom. Rights to the city are the fight against these foreclosures, collapsing social services and gentrification of neighbourhoods so that the marginalised groups of the city are allowed to enjoy the services of the city. Rights to the city according to Connor (2015), is striving to create a city that promotes politics, which expresses and amplifies the will of the urban inhabitants not just a few elites. It is the call against displacement and gentrification of urban spaces, (Fisher et.al 2013, Coggin and Peiterse 2012). Huchzermeyer (2011) also agrees to the impacts of neo-liberal urbanisation policies in disenfranchising the marginalised people of their rights to the city. She argued that the rights of the squatter settlers had been under threat of being removed. They are always facing threat of eviction to give way to interests of a few elites. She further argued that urban management systems had been prioritising the need to create attractive cities that fit well as a world class city. The attempt to achieve this world class city is only disturbed by the existence of poor in urban areas. Cities are therefore in much hurry to drive the poor out of the city in the name of modernisation. There had been massive clampdown on the squatter settler all-over Africa (Zimbabwe, South Africa, Nigeria and Cameroon) in an attempt to rid cities of such people. Neo-liberal urbanisation according to Huchzermeyer (2011) is an urbanisation logic that does not promote urban diversity because it calls for leaner and meaner

urban geography. Its insistence on destructive place-making policies severely undermines the citizens' power to influence policies that shape their cities. Cities are now being designed to match world standards and in this way they are no longer oeuvre as described by Lefebvre (1968). Cities are now being produced by outsiders and in this case they are no longer cities for the citizens but international investors. These international investors according to Huchzermeyer (2011) had been responsible for dismantling and degrading city inhabitants' rights to the city. Neo-liberalism is therefore a norm against rights to the city as it had been the sole instrument that had been used to produce exclusionary cities. Huchzermeyer further avers that cities of today are being built to exclude other sections of the urban community because they are built and branded with global brands so that they reflect very high standards, which will then be used to drive non-conforming members. Informal settlements are therefore sites that do not conform to the demands of world class cities and hence most cities especially in developing countries are trying by all means to rip-up and plaster over any form of informality in their quest for world class city, (Huchzermeyer 2011, Boer and de Vries 2009). Huchzermeyer (2011) added that these neo-liberal urbanisation policies had created urban communities that are bifurcated along complexity and encounter on one hand and tension, opportunity and freedom on the other hand. Cities had therefore developed militaristic and technocratic management systems that had failed to deliver pro-poor development interventions that are inclusive. Pro-poor development initiatives is the development imperative for developing countries but this is often overshadowed by the neo-liberal development initiative and its insistence on growth oriented development initiatives . This does not cover the distributional issues efficiently because only a few people benefit from it, (Houghton 2010, Harvey 2012, Mayer 2009). As a result the urban poor do not enjoy their rights to the city. Harvey (2012) further argued that the neo-liberal urbanisation process is a creative destruction aimed to dispossess the urban masses of their rights to the city because it is dominated by capital accumulation tendencies that have very little use for the urban poor. Urban land continues to be privatised by these neo-liberal urbanisation policies and the bourgeoisie had been given control of the city at the expense of the urban masses. Informal settlement had been experiencing unprecedented displacements in order to give way to the interests of these capital seeking groups. For example there had been massive displacement of people in the favelas in Brazil towards the run to host World cup and the Olympic Games.

Cities are therefore built in a way that makes it a centre of attraction to foreign investments and tourist resulting in gentrification of cities, (Boer and de Vries 2009). The gentrification process will deprive the homeless, squatter settlements and other non-conforming uses away from such places. These people will have been deprived their right to participate in decision that influence the cities they stay. Rights to the city therefore according to Harvey (2012) is a fight against exchange values that urban spaces are given and a call for promotion of use values that will allow all urban inhabitants access privatised cities and spaces. Peoples' rights to the city had been sold under the guise of environmental catastrophes', racism and health problems.

Simone (2005) brings in another dimension of rights to the city that had been overlooked by many scholars. He argued that rights to the city for the youths had remained nightmares in many cities especially in the global south. Youths continue to face limited prospects in employment, politics, development and viable social reproduction. He further argued that youths in urban areas resemble people in refugee camps with no political participation, no employment and are not allowed to participate in defining institutions and ways of life they want. Youths are just contained and serviced in urban areas and have no chance to express their aspiration. Cities according Simone (2005) are centres for social cohesion and arenas natural belonging and rights to the city should therefore allow youths to express their aspiration in varying degrees of realisation. Rights to the city should allow freedom, individualisation and socialisation, (Mitchel and Heynem 2009).

However Simone (2005) observed that cities are not able to express the diversity of its inhabitants because citizens are often smoothed in statistical models that hide the varied aspirations of urban inhabitants. The use of blue print approaches in managing urban spaces had been accused for restricting individuals from pursuing their individual rights. These approaches fix people and other resources to a particular type of urban life and this can do very little to change individual city inhabitant's aspirations. Rights to the city according to Simone (2005) does not mean rights to be merely maintained in the city or to be housed and serviced, it should rather allow citizens to realise specific changing aspiration. It is a call against being recomposed into aspirations of others in the city. Rights to the city should allow its citizens to pursue their aspirations at a particular time and way of living. He further argued that city space should be

used as a conduit for realising certain aspirations in a divergent way. Harvey (2003) added that rights to the city should not merely accept what had been given by the city authorities, but should allow citizens to demand what they want. The city should allow citizens to make cities according to the desires of their hearts. Cities are therefore viewed as arenas for realising multiple aspirations by its citizens. They should allow interaction of multiple differences rather than the domination of a few, (McCann 2002).

In most developed countries there had been serious outcry by the people of colour to have their concerns addressed in cities they stay. They are often marginalised in terms of the environmental conditions they experience in their day to day lives. They are often relegated to waste lands often in life threatening environmental conditions. Such kinds of environments are a clear violation of peoples' rights to the city. Rights to the city calls for every citizen to enjoy environmental justice and access to services. People of colour in many United States cities are crying for services such as housing, employment, transport, education, access to city centre and expression of their culture, (Fisher et. al. 2013, Passidomo 2014, Marcuse 2009). They are at risk of being displaced in the face of gentrification of their communities and this is a violation of peoples' rights to the city. They deserve like any other city inhabitant the right to be free from police and state harassment, indigenous justice and economic justice, (Fisher et.al 2013, Attoh 2011). Attoh added that rights to the city should also give the poor and the marginalised groups of the urban community the right to participate in the political systems of the city. All these disadvantages are caused by adoption of neo-liberal urbanisation policies, which had resulted in wide spread unemployment among migrant and the undocumented migrant labourers, (Lem 2001). Blacks are often located in areas characteristically isolated from major advantages, (Hunter 2010).

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