

# Cities of refuge

## Rights, culture and the creation of cosmopolitan citizenship

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The names of the cities vary: Sanctuary Cities, Solidarity Cities, Cities of Refuge, Integrating Cities, Fearless Cities. The common denominator, however, is that of an ever-increasing number of cities that seek to take a more welcoming stance towards, for instance, refugees than the state. As the vice-mayor of Athens put it: “Where nation-states fail to take responsibility, we must act”.<sup>1</sup>

Such cities are of interest to anyone seeking to understand the interplay between law and culture in the creation of citizenship in Europe today. They have also increasingly received the attention of those frustrated with the inability of states to adequately address global challenges like climate change, who herald local governments as sites of pragmatic politics and hotbeds of inclusion (Gordon; Hoornweg et al.). Many mayors and municipal councils have actively stepped up to this challenge, increasingly developing local policies to tackle global challenges and actively promoting their own role in international fora. When President Trump, for instance, pulled out of the Climate Agreement stating that he “was elected to represent the citizens of Pittsburgh, not of Paris” (Aust 57), the mayor of Pittsburgh tweeted that he was fully committed to following Paris, “for our people, our economy and future” (Aust).

One global challenge that cities have taken on is that of migration. Whether it concerns refugees or forced migrants more generally, cities have increasingly developed an independent stance, acting where nation-states remained undecided or downright hostile, arguing for inclusion in times when the national current was that of exclusion. In going further than the national standard in welcoming and integrating refugees, such “Cities of Refuge” increasingly claim a *de facto* sovereignty over what was once a clear national competence. Cities, in the context of networks like the ones mentioned earlier, contribute to the international development of refugee law and policy, at times even openly defying their national governments in doing so. At the Marrakesh meeting on the Global Compacts for Refugees and for Migration, for instance, a number of mayors were present from countries that were not, like Italy.

Such cities, it seems, go much further than the role of state agents classically associated with local authorities (UN). They are actively involved in the involved in the definition and renegotiation of refugee rights and of human rights in general

(Oomen et al. *Global Urban Justice*). In the process, they engage in practices of bordering, either creating new borders or breaking down existing ones. In doing so, they also actively negotiate and establish sovereignty, a term with many meanings. In legal and political thought the term is used, amongst others, to designate the inviolability of a state and its presence in international relations. From a more internal perspective, the term is also used to designate ultimate state authority, the constitution maker. In a more fundamental sense sovereignty designates the philosophical and theoretical foundation of the powers concerned. In all these senses sovereignty is about power and this is what is at stake in these local-level negotiations of rights (Heringa and Kiiver 23–24). Against this theoretical background, this chapter discusses the interplay between law, culture and human rights in these Cities of Refuge, arguing that it amounts to the creation of “citizenship” and with it sovereignty, in a process in which a local culture of welcome is coupled to the realization of cosmopolitan, human rights.

Before developing this argument, it is necessary to provide a number of definitions and methodological caveats. The term Cities of Refuge will be used as shorthand for a wide range of local authorities that all explicitly seek to go beyond the national standard in refugee reception and integration, even if they diverge in size, formal competencies and actual activities. Pointing towards the prominence of such cities does not mean that there are not, simultaneously, “Cities that Refuse”, local authorities that put in extra effort to stop migration and its consequences, like the “Anti-Sanctuary” cities in the United States.<sup>2</sup> Another important caveat is that the discussion will be mostly based on European examples, with the occasional reference to the United States. This is due to the empirical research done in the context of the Cities of Refuge research project, which is limited to Europe, even if the majority of refugees in the world live in cities elsewhere.<sup>3</sup>

The following sections first provide some general background on Cities of Refuge, their activities and what motivates them. Subsequently, I argue that, if unpacked, practices of welcome and integration in these cities can be considered to strengthen local sovereignty and create what, following Vrasti and Dayal, will be called “citizenship” (Vrasti and Dayal). Here, culture in its broadest sense plays a key role in discursively supporting such practices and connecting them to local imaginaries and identities. At the same time, the “citizenship” thus shaped is cosmopolitan in nature, and all about the further development and realization of human rights in a given context. This, in the conclusion, is related to the wider theme of this chapter: the interplay between law and culture in shaping citizenship in Europe today.

## Cities of refuge

Perhaps paradoxically, the forces that come with globalization have also led to a real rise of the local. Neoliberalism has, for one, created global cities that have economies larger than some nations, intimately connected via financial, communication and transport networks (Sassen). Global transport and the travel of ideas

have also facilitated migration to an extent that, for the first time in world history, more people live in cities than on the countryside. This globalization, and the fear of “McDonaldization” and the alienation that it evokes, has also translated into a “return to the roots”, a search for belonging that translates into an increased emphasis on urban identity (Scholte). Such a focus on a specific urban identity and the unique features of a given city is not only important to connect an increasingly heterogeneous population and make it feel at home but also to attract foreign investment, workers and tourists. From a more institutional vantage-point, the global emphasis on good governance, devolution and decentralization of the past decades has left cities worldwide with a much wider set of competences than ever before. National politics of closure, finally, have often solicited local responses of openness, with cities emphasizing the importance of pragmatic and inclusive policies (Barber).

The way in which local authorities worldwide have come to respond to people on the move as a result of global conflicts and inequalities is a case in point. Historically, of course, many cities formed safe harbors for people on the move long before the formation of nation states (Prak). The term “Cities of Refuge”, for instance, has a biblical origin, pointing at the six towns in which those who had committed manslaughter could claim asylum (Numbers 35:1–34, Deuteronomy 4:41–43). All throughout the Middle Ages cities were shaped by, and often thrived because of, their ability to welcome and integrate those forced to flee elsewhere. The formation of the nation state from the 17th century onwards, however, went hand in hand with the creation of *international* law as a system of legal agreements between sovereign nations. It was thus nation states that stood at the cradle of international refugee law, agreeing, by means of the 1951 Refugee Convention that persons outside of their borders with a “wellfounded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion”, had a right to international protection.<sup>4</sup> States would be responsible for both international protection and for safeguarding the rights of refugees within their borders, with local authorities invisible from an international legal point of view (Nicola).

Much of this has changed in recent years, with local authorities all over the globe stepping forward to explicitly take responsibility for the reception and integration of refugees. The mayor of Ghent and President of the Eurocities network, for instance, stated in 2018 how “while member states talk, cities act”, stating how cities provide essential services and put values of solidarity, humanity and dignity into practice, and calling upon the EU to do the same.<sup>5</sup> Such urban engagement can, amongst others, be traced back to the Sanctuary Cities and the human rights cities movements in the 1980s (Oomen et al. *Global Urban Justice*). Intellectually, however, the idea that cities had a key role to play in tackling global issues like migration gained traction with the virtual manifesto *If Mayors ruled the world* by political scientist Benjamin Barber in 2013 (Barber). It was Barber who formed the Global Parliament of Mayors (GPM), seeking to empower local authorities in a world in which nation states increasingly did not manage to rise to

the challenges of the day. The way in which many national leaders – in response to populism and xenophobia – increasingly sought to close borders in the following years would only add to the popularity of the work and its institutionalization in the GPM and other networks. Local authorities, increasingly and in many different ways, claimed de facto and at times even de jure sovereignty over refugee reception and integration.

This interplay between local authorities and national governments, dubbed “decoupling” by Scholten, played out differently in different parts of the world (Scholten). As a general trend, mayors and municipalities are increasingly making migration policies all over the world, also in those parts of the globe where most forced migrants live, like Africa and Asia. This contribution, however, will focus mostly on Europe and occasionally on the United States, where the dynamics of decoupling already differ substantially per country. The United States, for instance, has seen the rise of Sanctuary Cities, cities in which the local enforcement agencies refuse to cooperate with the federal government in locating and detaining undocumented migrants (Critchley and Tremblay 33; Lee et al.). Whereas the term has roots that go back to the 1980s San Francisco Sanctuary City movement and cities identified as such for years, the number of Sanctuary Cities and the clamp-down against them increased drastically with the 2016 election of Donald Trump (Lasch et al.). Much of this took place via legal means: in a wide range of generally unsuccessful court cases the Trump administration sought to keep eight states and dozens of cities and counties from sheltering irregular migrants.<sup>6</sup>

In Europe the “decoupling” of local migration policies from those developed nationally increased substantially with the influx of over a million forced migrants in 2015. Part of the way in which European cities jumped to the task was simply the absence of coordinated national policies: in the summer of 2015 cities like Milan, Athens and Vienna saw hundreds of thousands of migrants pass through and simply had to develop local-level policies. Here, the main reason for urban decoupling of refugee policies was that the states that formally had sovereignty simply failed to take responsibility. In other cases, however, cities explicitly welcomed refugees out of a more principled moral stance. The mayor of the city of Palermo, for instance, explicitly welcomed refugees arriving via the Mediterranean and stimulated the adoption of the “Charter of Palermo”, depicting mobility as an inalienable human right (Città di Palermo).<sup>7</sup> On the eve of a UN summit on refugees and migrants the mayors of Paris, London and New York wrote an op-ed in the *New York Times* titled “Our immigrants, our strength”.<sup>8</sup> This type of discursive commitment continued after 2015. In 2018, for instance, the mayor of Barcelona, Ada Colau, offered that her city would take in the refugees from the vessel *Aquarius* that had been refused entry by Italy.<sup>9</sup>

The words of welcome were accompanied by deeds in a manner that scholars have labelled the “local turn” in migration management (Schiller and Çağlar; Peninx et al.). Whereas we will consider in the next section the way in which many municipalities throughout Europe went further than the standard in welcoming and integrating forced migrants, it is important to set out the multi-level character

of these efforts from the outset (Filomeno; Scholten and Penninx). The EU, for instance, put refugee reception and integration squarely in the center of the EU Urban Agenda, with city networks like Eurocities calling for more and more financial and legal empowerment of cities in this field (Eurocities; Bendel et al.). The Council of Europe has also sought to reinforce the role and responsibilities of local authorities with respect to refugees, for instance by emphasizing how local authorities are responsible for the realization of human rights (Congress of Local and Regional Authorities). At the international level, the United Nations granted local authorities a place at the negotiating table of the Global Compacts on Refugees and Migrants adopted in 2018, and the over 150 mayors present endorsed the Compacts by means of a Mayors Declaration during the Marrakech meeting on the topic (Mayoral Forum).

The fact that these 150 mayors were united in a Mayors Migration Council with the involvement of the Global Parliament of Mayors and the UCLG Cities4Migration also points at another aspect of “Cities of Refuge”, that is, the degree to which they develop their policies in the context of city networks. Worldwide, there are dozens of such transnational city networks which do not only exchange best practices in the field of refugee reception and integration but also obtain additional funding, set and monitor standards and seek to influence national and international standard-setting and policy-making (Caponio “City Networks”; Oomen et al. *Transnational Networks*). In this manner, participation in networks with names like Arrival Cities, Integrating Cities, Solidarity Cities, Cities of Refuge, Fearless Cities or Integrating Cities strengthens the ability of cities to “decouple” local migration policies from those developed nationally and to underscore their sovereignty in these domains. This renegotiation of sovereignty can have far-fetching results. In the City Initiative on Migrants with an Irregular Status in Europe, for instance, cities work together to strengthen services to irregular migrants, such as offering legal advice, education, health care, shelter and support for victims of crime (Spencer).

As stated before, this is a select group of cities, with other cities being less forthcoming or downright hostile in relation to migration. In trying to understand why certain cities become Cities of Refuge whilst others do not, it is important to take a comprehensive approach.<sup>10</sup> The demographic composition can, for instance, play a role, as can the active presence of immigrant organizations (Caponio, “Grass-roots Multiculturalism”). In addition, the political color of the city concerned can play a role, even if this is not always the case.<sup>11</sup> The financial position of a local authority and competition for resources are also explanatory factors. In addition, the Cities of Refuge research shows the relevance of tradition and history in stimulating and supporting welcoming policies. It also points at the singular role of individuals – mayors, politicians, civil servants, civil society leaders – in shaping local policies of welcome, particularly in smaller places (Oomen and Leenders). What is it, then, that these cities do in relation to the reception and integration of forced migrants? The following section unpacks some of the urban activities, arguing that they amount to the creation of “cityzenship”.

## Creating citizenship

A closer look at the actual activities of Cities of Refuge and what these mean for migrants reveals the degree to which local authorities are involved in all the key elements of citizenship: shaping legal status and political membership, setting out rights and obligations, stimulating civic virtues and practices of engagement as well as strengthening discourses of inclusion and participation (Shachar et al. 5). Citizenship has been understood by Isin et al. as the main institution mediating rights between the subjects of politics and the polities to which these subjects belong (Isin et al. 1). Whereas the origin of the word “city” is that of “town-dweller”, the formation of the state has, for centuries, led to a situation in which the key polity in the formation of citizenship was the state.<sup>12</sup> The post-World War II multi-level legal order changed this, creating more and more of a multilevel citizenship (Maas). The political relevance of Europe and the global legal order in this process has often been recognized, but the degree to which cities have a key role to play in shaping citizenship, and fulfill this role, has received less scholarly attention.

Let us first unpack the ways in which Cities of Refuge increasingly shape key elements of the citizenship of newcomers in Europe. This obviously differs between cities, countries and policy domains, so the following list is far from exhaustive.

The only European country in which local authorities formally decide on naturalization decisions is Switzerland where, for instance, two Muslim girls who refused to take swimming lessons together with boys were refused citizenship.<sup>13</sup> In practice, however, local authorities all throughout Europe insert themselves in the asylum application process, for instance by indicating that they prefer to receive “deserving” and “promising” asylum seekers within local asylum

*Table 7.1* Domains of divergence in local migration policies

<i>Domains</i>	<i>Reception</i>	<i>Integration</i>
<i>Legal status</i>	E.g. Status determination	E.g. Participation declaration
<i>Movement</i>	Restrictions upon movement?	Support for travel
<i>Housing</i>	Asylum center or not? Whom placed? Types of housing ((de)central)	Spread out or in “ghettos” Possibilities for contact with neighbors
<i>Education</i>	Type of education for minors? Education whilst in procedure?	Type of education
<i>Work</i>	Allowed to work? Type of work?	Activities to access work?
<i>Health care</i>	Provided? For different groups?	Type of (psychological) support?
<i>Participation</i>	Activities?	Activities? Formal structures?
<i>Integration</i>	Start with formal integration?	Setting conditions?

centers.<sup>14</sup> In addition, local authorities frequently take a specific stance in relation to migrants whose asylum application has been turned down. In the Netherlands, for instance, a number of municipalities passed local council resolutions in 2018 calling against expulsions to Afghanistan in contrast to national policies, calling upon the municipal duty of care for everyone within their local borders, including people in asylum centers and those out in the streets after rejection of their asylum application.<sup>15</sup> Another way in which Dutch municipalities influence the legal status of newcomers is via their role in shaping and giving out the Participation Declaration. As of 2017, specific groups of newcomers in the Netherlands have to sign a Declaration stating that they will respect Dutch values like freedom, equal dignity and solidarity, and that they will participate actively in society. Not signing the Declaration, for which the municipalities provide very different trainings, leads to a fine but also to an inability to pass the integration exam and subsequently to stay in the Netherlands (Oomen and Leenders).<sup>16</sup>

Another means by which local authorities increasingly absorb roles classically related to the nation state is via politics of bordering. Where states in Europe increasingly close borders, there are instances of local authorities seeking to open them. In Italy, for instance, cities such as Florence, Naples and Parma openly defy Salvini's strict border policies, with the mayor of Naples stating that "the city would continue to grant residency to asylum seekers".<sup>17</sup> In Florence, the mayor won a legal battle with the national government over the registration of asylum seekers, a necessary step towards gaining access to social services.<sup>18</sup> Another instance of city bordering relates to dispersal policies: in the wake of the 2015 refugee influx, European countries like Germany, the Netherlands, Ireland, Norway and the UK adopted dispersal policies in which refugees and asylum seekers were "dispersed" over specific towns and often kept from moving onwards for a specific amount of time (DGIP EU). Asylum seekers are also often confronted with borders thrown up by local authorities within the municipal confines, for instance by means of local ordinances restricting their movement, as was the case in the Dutch municipality of Weert.<sup>19</sup> In granting, or refusing, refugees support for travel, municipalities also exercise a *de facto* control over their freedom of movement.

Cities also have a key role in the definition and realization of a wide range of other rights, such as political and socio-economic rights. Where it comes to political rights, for instance in relation to participation in public life, some cities set up advisory councils of refugees and migrants. The Australian town of Dandenong, to cite just one example, is not only proudly "the most culturally diverse community in Australia" but also has an Asylum Seeker and Refugee Advisory Committee tasked with, amongst other things, to "celebrate and raise awareness of the achievements of asylum seekers and refugees".<sup>20</sup> Similar councils can be found throughout Europe. In some cases, local authorities also grant refugees, and other non-western migrants, the right to vote or to be voted for in municipal elections. The city of Vienna, as a human rights city, passed an ordinance seeking to grant third-country migrants such a right but was barred from doing so by

the Constitutional Court.<sup>21</sup> Some Belgian cities, however, do give refugees the right to vote in some municipalities as long as they are registered there (Ziegler; Wallis).

It is in the field of granting social and economic rights that the largest degree of divergence between cities can be noted. This is partially due to the large exercises of decentralization and devolution of powers that took place in Europe, as in the rest of the world, over the past decades. As a result, local authorities, in many cases, obtained competences over domains like housing, social policies, access to work and even education. Whereas the exact competences, financial arrangements and space for autonomous decision-making differ substantially per country, it is clear that cities make use of this space, at times even explicitly seeking to expand it. In Utrecht, to quote one example, the city provides asylum-seekers with “future-free” education and support in finding access to work. Together with the university the city has also set up a program, InclUUsion, that enables asylum-seekers waiting for a decision on their status to follow all sorts of courses and trainings for free. In other Dutch municipalities, in contrast, no such support is available.

These practices of local inclusion and giving meaning to social and economic rights are best understood as acts of “cityzenship”. The term is used by Vrasti and Dayal in a normative sense, as a way of imagining an alternative legality, an “entitlement extended to all residents, regardless of origin, identity, or legality, based on the principle of ‘rightful presence’” (Vrasti and Dayal 995; Squire and Darling). More empirically, I would argue, the term captures the efforts of Cities of Refuge to shape legal status and political membership and to define rights and obligations in an inclusive manner, with the idea that all present in a city should be treated equally as a point of departure. In shaping a “cityzenship” that differs from national understandings the local authorities concerned also claim the sovereignty which is so closely related to the concept of citizenship. As will be discussed later, these efforts are not only located in the realm of law and politics but also, crucially, in the cultural domain.

## **A culture of welcome**

Under the title “Libero”, Ai Weiwei set up an installation in the center of Florence in 2017 that led to widespread discussions. The “artist” covered the windows of the historic Palazzo Strozzi with orange lifeboats in an attempt to draw attention to the plight of refugees in the Mediterranean.<sup>22</sup> In a comparable move Ada Colau, the mayor of the “Solidarity City” of Barcelona, unveiled a digital “shame counter” in 2016 to track the numbers of refugees dying on the Mediterranean. In Dresden, racist attacks on refugees in 2015 were countered by a graffiti artist spraying “welcome”, in giant Arabic letters, on a train.<sup>23</sup> In Mechelen, a 20-foot-high inflatable refugee was perched atop the Cultural Center.<sup>24</sup> The Cities of Sanctuary movement in the United Kingdom has a separate arts stream, which shows the role of music, theatre, film and other arts in creating inclusive communities.<sup>25</sup>



If there is one common thread in all these examples it is that they illustrate the role of arts and culture in creating cities of refuge and shaping a cosmopolitan citizenship.

Culture, here, should be understood in its broadest sense, as a historically transmitted pattern of meaning, embodied in symbols, a system of inherited conceptions expressed in the symbolic forms by means of which people communicate, perpetuate and develop their knowledge about and attitudes toward life (Geertz 89). In spite of its connection to history, culture is malleable, permanently negotiated and subject to contestation (Scott). This also applies to the urban context. Possibly paradoxically, underlining a distinctive urban culture has generally become an ever more important corollary to globalization. Partially, neo-liberal policies have led to a need for “city marketing” as a means to underline the distinctive features of a city and its attraction to tourists, companies and future employees (Hilber and Ergez). In addition, the need for grounding in times of globalization, for a return to the roots, has stimulated a revival, or even a reinvention, of urban history and distinct characteristics and traditions. In the city of Utrecht, for instance, the tradition of St Martin is celebrated more extensively each and every year, with international support and explicit attention to “the values of St. Martin, such as compassion, sharing, peace and justice”.<sup>26</sup>

This example shows the degree to which a distinctive urban culture can simultaneously be cosmopolitan and emphasize diversity as a key distinctive feature. The campaign *IAmsterdam*, for instance, started as a project to unite Amsterdam citizens of all colors and creeds and to underline common urban belonging.<sup>27</sup> The fact that, over the years, it came to be criticized as a symbol of mass tourism, individualism and neo-liberalism also shows the perils in coupling identity politics with city marketing. Still, Amsterdam forms but one example of a city explicitly underlining its openness as a key characteristic, drawing on history, and making use of arts and culture, in order to actively shape a cosmopolitan citizenship. On its website, for instance, the city refers to “Amsterdam DNA” in stating how “the reputation of Amsterdam as a liberal and tolerant city is due to the ability of the town to absorb new groups into one Amsterdam, in which everyone is an Amsterdammer”. Such an approach also comes to the fore in the city’s policies for irregular migrants and for refugees, which are much more inclusive than in other parts of the Netherlands.

For cities actively shaping a culture of welcome, both communal and personal histories are important. City history feeds into cities of refuge in two ways. On the one hand, an urban history interlaced with migration that has left its demographic and spatial traces in town can help understand why some cities are more welcoming than others. On the other, key actors intent on creating a culture of welcome will leaf through the pages of urban history – both positive and negative – in order to find support for current policies. Take Mechelen, a city in which mayor Bart Somers (of the relatively right-wing VLD party) took the lead in welcoming more refugees than expected of Belgian cities, and putting considerably more effort into their integration. He indicated that the fact that Mechelen, with its Great Council,

had an international court avant-la-lettre from the 15th century onwards also put responsibility on the town for upholding the rule of law in the 21st century.<sup>28</sup> At the same time, the fact that Jews were deported from this town during the Second World War created an additional reason to actively shape a culture of welcome. The Mechelen mayor also provides an illustration of the key role played by individual histories in how, where and why a culture of welcome is created. Bart Somers, for instance, connects his commitment to building such a culture to his family history, in which his uncle joined the Nazis to fight against the Soviets, while another uncle was killed by the Germans (Somers).<sup>29</sup>

Shaping a culture of welcome is also very much a discursive act. The degree to which in- and exclusion is about the discursive drawing of boundaries has often been established (Schrover and Schinkel). In addition, it is clear to what extent actors that seek to shape a culture of welcome struggle with dilemmas on what particular language of inclusion to use.<sup>30</sup> Should Mechelen be a city of justice or a human rights city? Should Barcelona be a solidarity city or a city of refuge? The mayor of Middelburg, in the Netherlands, also openly wondered whether to call the city a city of freedoms or a human rights city, stating how “the first simply sounds much better”.<sup>31</sup> Each label, however, comes with particular (political) connotations and can speak differently to different constituencies. In another context Paul Gready reports on how the York Human Rights Council was renamed the Fairness Commission because it sounded more homegrown (Graham et al.; Hoff et al.). Such a choice does, however, also serve to exclude certain groups of people and prioritize certain policy choices, for instance where it concerns irregular migrants. The local formation of an inclusive citizenship thus draws from culture, tradition and the arts and, in doing so, also contributes to further shaping such a culture.

## **The right to the city: citizenship and cosmopolitan values**

The practices and discourses of welcome and integration are thus deeply bound to the localities concerned, initiated by people who live there, geared towards people arriving there and building on local social, economic and cultural capital. At the same time, the creation of citizenship, in practice and the cultural imagination, also strengthens cosmopolitanism in the classic Greek sense of citizenship of the world and the recognition of a global citizenship built on universal, inalienable and indivisible human rights. Cities of Refuge, and those who inhabit them, do this by mobilizing such rights and giving them meaning in local settings but also by promoting them internationally, teaming up with local and regional organizations in doing so. In these processes, they establish and renegotiate sovereignty.

A key concept here is that of the “right to the city”. The concept can be dated back to 1968, to Henry Lefebvre’s radical *droit à la ville*, in which all citizens were to participate in urban planning, and which called for a “radical restructuring of social, political, and economic relations, both in the city and beyond” (Lefebvre; Purcell 101). By now, the right to the city platform defines it as “the right

of all inhabitants, present and future, to use, occupy and produce just, inclusive and sustainable cities, defined as a common good essential to a full and decent life”.<sup>32</sup> The right to the city has been codified in national and city constitutions, for instance in Mexico. Also, there are both a European and a Global Charter for the Safeguarding of Human Rights in the City which do not only define the right to the city but also include concrete steps for human rights implementation. As such, the Right to the City can not only be considered a campaign for equal access to public space (Vrasti and Dayal 1997) but also a soft law mechanism geared towards arriving there and to granting all urban dwellers the same rights.

One consequence of the support for the Right to City in many Cities of Refuge relates to irregular migrants. Whereas national politicians in Europe have, over the past years, moved towards an ever more exclusionary stance in relation to the rights of such people, Cities of Refuge have taken a much more inclusive and pragmatic approach. Barcelona, for instance, the driving force behind the European Right to the City movement, registers irregular migrants in the local *Padron* (registry) thus granting them symbolic municipal citizenship but also very tangible access to services (Wood 2018). The same applies to the Parisian *carte citoyenne* and the IDNYC in New York (Ambrosini and Van der Leun 2015). There is also a European city network of eleven cities seeking to strengthen the position of migrants with an irregular status by explaining why cities would want to do this and offering specific advice in fields like accommodation, housing, access to justice, healthcare and education (Delvino and Spencer).

Such policies often put the municipalities at loggerheads with national governments, as is the case with network members Utrecht and Barcelona. In response to this, local authorities increasingly invoke international human rights law to defend their position. One example relates to the provision of shelter for undocumented migrants. In the Netherlands, the national government has, since 2012, refused to grant such shelter to irregular migrants who do not cooperate with their own expulsion. This policy has been criticized as violating human rights by, amongst others, the European Committee of Social Rights and various UN Special Rapporteurs.<sup>33</sup> These rulings, in turn, were invoked by cities like Utrecht and Amsterdam to justify their policies of shelter (named “Bed, Bath, Bread” in the Netherlands) vis-à-vis the national government (Oomen and Baumgartel, “Frontier Cities”). Similarly, the Spanish Constitutional Court has deemed Barcelona’s policies pertaining to the socio-economic rights of irregular migrants to be unconstitutional, whereas international human rights bodies have indicated that these policies fulfill Spain’s treaty obligations.<sup>34</sup>

The emphasis that Utrecht, Barcelona and Amsterdam place on human rights for all those who live within the urban confines fits within their identity as a human rights city, a local authority that bases its policies on international human rights law (Oomen and Baumgartel, “Human Rights Cities”). Over the past decades, more and more cities have self-identified as such, joining the World Forum on Human Rights Cities or signing the European Charter for the Safeguarding of Human Rights for the City (Oomen et al. *Global Urban Justice*). Whereas the

practices of these cities differ substantially, a common denominator lies in the efforts made to “localize” human rights (De Feyter et al.). The activities of human rights cities and their networks, however, also contribute to the global spread of human rights, their legitimacy and their effectiveness. In the words of the chair of the commission that drew up the Universal Declaration of Human Rights, Eleanor Roosevelt: human rights needed to acquire meaning in “small places”, and without meaning there they lack meaning anywhere (Roosevelt).

## **Conclusion**

What is the interplay between law, culture and human rights in those local authorities that can be designated as Cities of Refuge? Such cities increasingly take an independent stance on many dimensions of refugee reception and integration, like status determination; political, social and economic rights and civic integration. In doing so, they create a de facto and inclusive “citizenship”, where everyone living within an area has access to rights by virtue of their local presence. Expressions of culture play a key role in these processes. Practices of refuge are grounded in historical narratives, connected to “urban identity”, illustrated and shaped by means of theatre, arts, music and the like. This connection to urban identity often takes place in the context of transnational networks – like “Fearless Cities” but is also explicitly related to local tradition, culture and practices. The words of welcome, the speech acts of mayors, politicians and key civil society actors play an important role in weaving an inclusive urban culture and legitimating welcoming practices.

At the same time, and perhaps paradoxically, this shaping of “citizenship” strengthens cosmopolitan values, like human rights. Cities which endeavor to ensure that all present enjoy equal rights are thus at the vanguard of the human rights movement, whether the banner under which they operate is that of a human rights city or otherwise. This also explains why international organizations increasingly join forces with progressive local authorities, by-passing the state and supporting and stimulating Cities of Refuge and their transnational networks.

This, in turn, has implications for sovereignty, the central topic of this section. By now it is clear how “Cities of Refuge”, in creating citizenship and shaping a culture of welcome increasingly exercise a form of de facto sovereignty. As is the case with citizenship, sovereignty has many understandings, but is always about power and the final authority over public affairs. With this in mind, one clearly sees the degree to which cities, as polities, have and claim a certain type of sovereignty, in the sense of defining and shaping the rights of those present within the urban confines. In not only doing this locally, but also in stepping out into the international arena to advocate for and to seek to strengthen the rights of their citizens, they also challenge the classic Westphalian order of nation states. In all, those seeking to understand the future of global citizenship and of the nation state are advised to turn an eye to what happens locally, to practices like the formation of “citizenship” and the cultural processes accompanying them.

## Notes

- 1 Interview, Dec. 9, 2018.
- 2 [www.citylab.com/equity/2018/09/the-rapid-rise-of-the-anti-sanctuary-city/571309/](http://www.citylab.com/equity/2018/09/the-rapid-rise-of-the-anti-sanctuary-city/571309/)
- 3 See [www.citiesofrefuge.eu](http://www.citiesofrefuge.eu) for more information on the project.
- 4 Art. 1A(2) 1951 Convention Relating to the Status of Refugees and 1967 Protocol Relating to the Status of Refugees, adopted by the UNGA Resolution 2198 (XXI)
- 5 See: [www.eurocities.eu/eurocities/news/While-member-states-talk-cities-act-WSPO-B25MX5](http://www.eurocities.eu/eurocities/news/While-member-states-talk-cities-act-WSPO-B25MX5)
- 6 See <https://cis.org/Map-Sanctuary-Cities-Counties-and-States> for the number of states and counties, and [www.nytimes.com/2018/12/12/nyregion/sanctuary-cities-state-courts.html](http://www.nytimes.com/2018/12/12/nyregion/sanctuary-cities-state-courts.html)
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- 8 [www.nytimes.com/2016/09/20/opinion/our-immigrants-our-strength.html](http://www.nytimes.com/2016/09/20/opinion/our-immigrants-our-strength.html)
- 9 See [www.catalannews.com/politics/item/catalan-president-and-barcelona-mayor-reaffirm-offer-to-take-in-refugees](http://www.catalannews.com/politics/item/catalan-president-and-barcelona-mayor-reaffirm-offer-to-take-in-refugees)
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- 13 <https://eu.usatoday.com/story/news/world/2016/06/28/swiss-deny-citizenship-muslim-girls-who-balked-swimming-boys/86469658/>
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- 18 See [https://corrierefiorentino.corriere.it/firenze/notizie/cronaca/19\\_marzo\\_20/migrante-sconfigge-decreto-salvini-giudice-puo-iscriversi-all-anagrafe-e6eadbc4-4ae9-11e9-9566-856852234d16.shtml](https://corrierefiorentino.corriere.it/firenze/notizie/cronaca/19_marzo_20/migrante-sconfigge-decreto-salvini-giudice-puo-iscriversi-all-anagrafe-e6eadbc4-4ae9-11e9-9566-856852234d16.shtml)
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