



United Nations
Educational, Scientific and
Cultural Organization

ZENTRUM ZUR FÖRDERUNG DER PROMOTION OF
MENSCHENRECHTE HUMAN RIGHTS
IN GEMEINDEN AT THE LOCAL AND
UND REGIONEN REGIONAL LEVELS

Under the auspices of UNESCO

Human Rights and Local Government

Klaus Starl

7 December 2020

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- Legal relevance
- Pragmatic relevance
- Conceptual relevance
- Protective relevance
- Conflict resolution instrument



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Relevance of Human Rights

A local government evicts people from their living area for gentrification reasons without adequate compensation, however, courts do not consider the interests of the evicted. UN CESCR decides in favour of the people concerned and holds accountable the national state party.



Local governments are part of a legal Multi-level-governance system

Relevance of Human Rights

The national government introduces a de-segregation program for primary schools and orders local governments to implement the program within their local competence, as the local government best knows the needs and the context of the local population.

Pragmatic



Local governments are closest to their residents

Relevance of Human Rights

The municipality does not reveal information on development plans serving mainly particular profit interests. Thus, the local government prevents public participation and an open discussion.



A 'Res Publica' requires participation for the best interest of the people – instead of prioritizing other interests

Relevance of Human Rights

A local government denies basic health services to deprived areas, arguing for budgetary reasons, while other areas are well-served.

Protective non-discriminatory



Human rights provide for a standardized framework equally protecting rights holders and ensure accountability of duty bearers

Relevance of Human Rights

The living together of people causes conflicts of interests and rights, for instance in the pandemic rights to health and education get in conflict. Religion and gender might get in conflict, but also the prohibition of torture and proper prosecution. Local governments must resolve these conflicts.

Conflict resolution tool



Human rights are a preventive and reactive conflict resolution tool, providing the principle of proportionality

Conclusion

Human rights must not be ignored for formal legal reasons
they fulfill a pragmatic function based on the knowledge of
the local contexts,
call for the best interest of rights-holders,
ensure equality and
provide a tool for conflict resolution.



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Human Rights and Local Government's Functions

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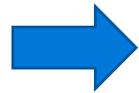
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- Local Government and Urban Society: Coordination
- Systemic Functions of Local Government
- Interrelation with Human Rights
- What does it mean to Local Governments?



Coordinating the City

Core tasks: municipalities care for the functioning of political, social and economic urban cooperation.



Local Government is a coordinator, developer and provider of:

- technical and social infrastructure
- public order, public space and (human) security
- local economy, business and workplaces
- services, as health, education,
- ...

Coordinating the City



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The coordinating
function of cities is
in the interest of
all:

- the ruling government;
- private actors;
- stakeholders and interest groups; as well as
- the individual people living and working in the city.

These interests,
however, may
conflict:

- Local government has to harmonize conflicting interests



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Systemic Functions

The city is a...

democratic
institution

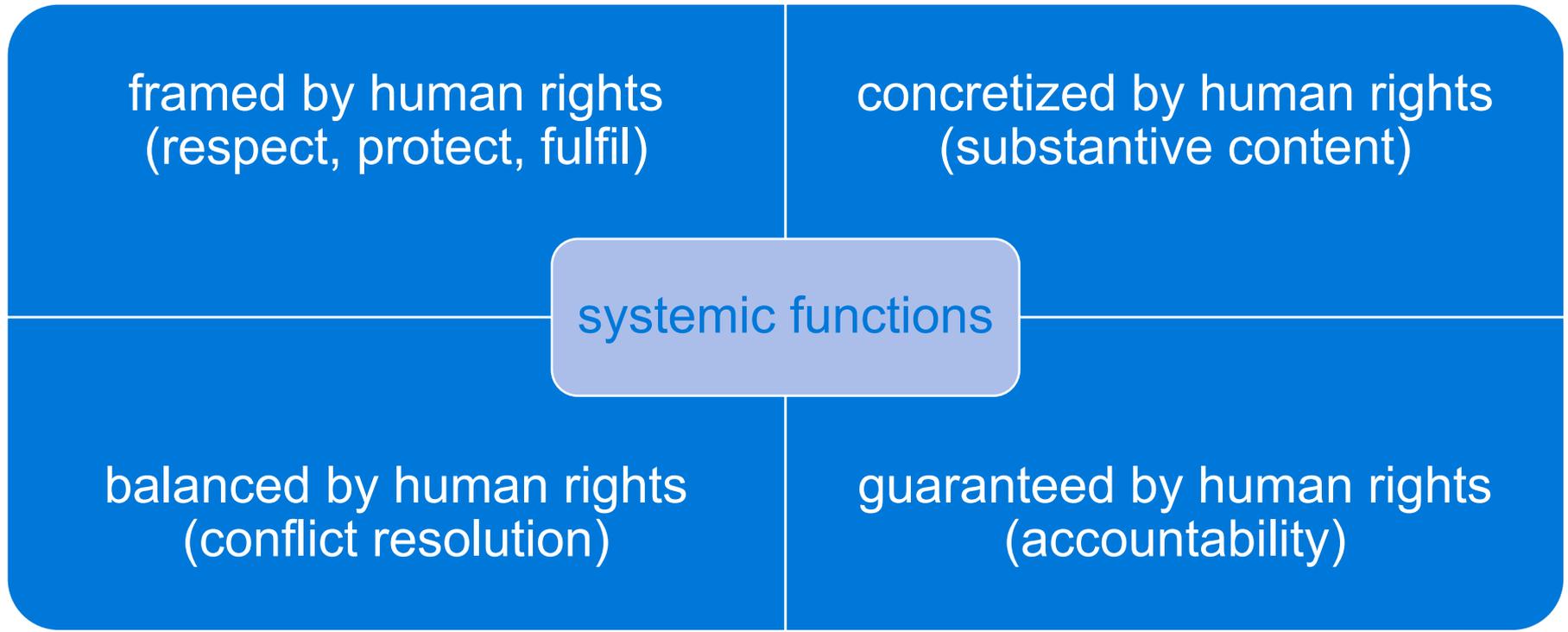
rule-maker

employer

service
provider

contractor

Interrelation with Human Rights



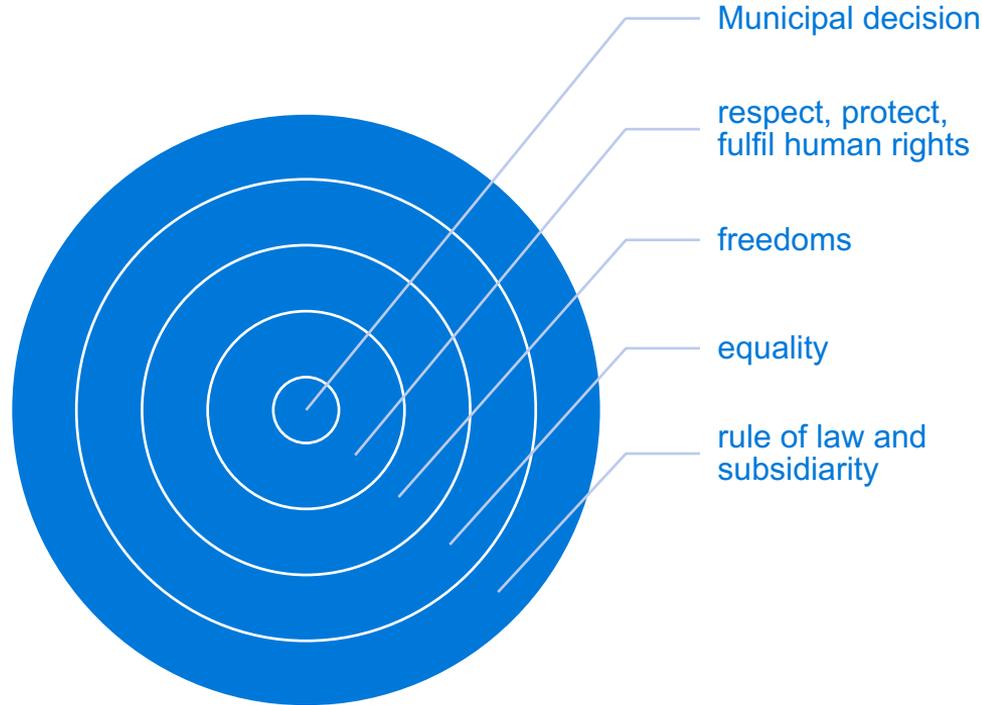
WHY - rationale



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WHAT - content

Human rights concretize the substantive content:

civic and political rights

social, economic and cultural rights

protection against torture

rights of children, women, minorities, elderly, disabled, ...

HOW – Human Rights as a tool

A Human rights based approach balances interests:

- human rights focused decision-making (human rights mainstreaming)
- Participation
- Transparency
- Proportionality

WHO - actors

Governments are accountable for respecting, protecting and fulfilling human rights:

- Local, national, regional and international monitoring bodies and courts review government actions.

Why should Local Governments care?



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Good governance pays:

- establishes credibility,
- gives authority,
- honours with reputation,
- facilitates city diplomacy,
- leverages equality,
- promotes quality of life and wealth,
- avoids trouble!



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