

“City governments should be the agent of local communities”

Interview with Professor Anél du Plessis on the foundations of the global urban governance narrative

Professor du Plessis, would you say international and regional law increasingly affects cities’ scope to shape their own policies?

Yes, international and regional law increasingly add direction to cities’ own policies and bylaws. In terms of hard law it is mostly climate change law having a visible influence on municipal law and policy reform at the moment. In terms of policy and municipal strategic planning it is the Sustainable Development Goals (SDGs) and to some extent the New Urban Agenda that are having a compliance pull factor. Except for Europe, regional law and policy seem to have less of an influence for now. It is important also to distinguish between high level pledges at regional and international meetings and the real transformation of

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municipal laws, policies and plans back home. We should be very critical about what is or may be symbolic and what is material and how much is identity politics – the forming of alliances away from traditional broad-based party politics.

What I am concerned about, though, is the limitations imposed on city governments by national constitutions. Constitutional law has the potential to become a barrier for local government innovation and reform in the future – at least in those countries where local government is being constitutionally acknowledged and regulated. South Africa is one such example.

Can city governments become intermediaries between the global and the local level?

I would like to start out by saying that I agree with the statement of Luis E. Guarnizo made now exactly 20 years ago that “the local sites of global processes do

matter.” I am a bit cautious though to immediately say yes to the word intermediary in this instance. I may be a bit formalistic in my understanding but I think it is necessary at least to say that an intermediary is an institution that acts as a link or helps to make an agreement between two or more others.

Being from a country where democracy was non-existent for very long, I treasure the essence of democracy and for me this means that city governments should be the agent and the front-person of local communities. And this is not implying that city governments must form a bigoted group of local governance activists not also extracting from the global arena what is relevant and important for local governance. City governments must soldier on and help bridge barriers of understanding in the name of, and to the benefit of local communities – a task certainly easier said than done in a world where global flows of infrastructure, capital and people, global markets and globalisation itself increasingly make it hard to even define and confine a local community. I fear that sometimes – especially as scholars who do not necessarily conduct deep empirical research – we work with ‘imagined communities’.

We imagine how things are which can be quite distinct from how things work in diverse localities in different parts of the world. The really critical ingredients of the agency I refer to, are responsive and accountable municipal leadership, political will and sustained financial, human and other resources.

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From a legal perspective, how do you judge the growing engagement of (some) cities in shaping global policies? And are they mandated by their citizens to do so?

Most international lawyers stand stunned by the way in which city governments have slowly but surely entered the international law arena over the past few decades. For them, the real actors in international law and governance are states, and state parties alone. Many international law scholars therefore remain rather sceptical about this notion of cities joining the international law party, let alone, influencing the outcome of international negotiations, entering agreements with bodies such as the World Bank etc. But for me as a local government law scholar, I must say that it has always made sense that the international law agenda be informed by the constituents of states – people – people represented as much by their state governments as their local authorities, their municipalities. But, as indicated earlier,

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my view, there is, at this point, still an incomplete feedback loop between what cities do in the streets passing citizens’ houses and the deliberations in bars and meeting rooms on the streets passing the UN headquarters in New York, for example. Part of this challenge is also the internal distinction we have in city governments between elected, mostly politically driven ‘councils’ and the administration – the officials.

What we need is a sense of scale – and some common indicators – to determine weight and prevalence as well as frequency, density and intensity of transnational relations involving city governments and the depth and mode of meaningful involvement of societies and communities.

I am slightly worried about the potential of constitutional law in domestic countries to be used by executives and judiciaries to put a halt to innovation and cities showing muscle – especially where cities differ in their view from the prevailing national or federal policy approaches – like the situation we currently see unfolding in the USA.

As for cities speaking on behalf of their people and for citizens mandating their cities to the extent that we can talk about a legitimate ‘foreign’ mandate, I cannot confidently say yes. In

Working with South African cities, do you see a general readiness by local leaders to interact with global policy processes? How is this engagement valued by the citizens?

I must admit that I do not at present see what one may call “a general readiness” by local leaders in South Africa to interact with global policy processes. In fact, the past 15 years we have rather witnessed a transgression with really only our bigger metropolitan municipalities embracing global policy processes and being actively involved in such. And where our city governments do participate we see amazing work being done but this is in the far minority of instances. It is not a secret at this point: the number of failing municipalities in South Africa is growing by the week. In the present political climate, local leaders seem to be focused exclusively on their own political agendas – often at the expense of the most basic of community needs, let alone higher order aspirations such as those we have in SDG 11. Where I do see willingness is among municipal administrators but their hands are tied. Planners, financial officers, engineers, technology experts etc. seem to be eager to learn about global policy processes and to see how these can work for them in executing their core municipal functions.

As for citizens being appreciative of cities engaging in global policy processes – in South Africa, we are at most “on our way” to such a position. The majority of citizens find themselves in structural poverty traps and protesting (South Africa is the country at present with the highest percentage of municipal service delivery protests). For these communities, access to basic amenities and better services are of the essence and they quite frankly cannot care less at this point in time about international profile or global impact.

Yet, to end on a more optimistic note: as urban development, planning, law and geography etc. scholars from South Africa, we realise that it is for this very reason imperative for us to ensure that all sides of the global urban governance narrative be told in realistic terms and in a fair, non-politicised fashion.

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