

Globalizing

Tommy Trenchard, from the *Kumasi Market City* series, Kumasi, Ashanti Region, Ghana, 2019. Corrugated metal roofs at Kejetia market (Kumasi Central Market). The market is thought to be among the largest in Africa, with over 10,000 individual stores.



Carolyn Drake, from the *Two Rivers* series, Shege, Karakalpakstan, Uzbekistan, 2008. A cotton farmer in his Moskvich.



Carolyn Drake, from the *Two Rivers* series, Fergana Valley, Kokand, Uzbekistan, 2007. Food stalls in front of Khudayar Khan's palace in celebration of Nowruz, the holiday of renewal on the spring equinox.



Carolyn Drake, from the *Two Rivers* series, Turkestan, Kazakhstan, 2010. A child's body print on the shore of the Syr Darya river.



Globalizing urban governance is celebrated as a transformative process that is moving decision-making at a worldwide scale in what is presumed to be the “right” direction. As with many an emerging concept and term in the development and governance discourse, it is unclear what exactly “globalizing urban governance” means. Is it even possible to describe it in words that ring universally true and relevant?

From where I stand—as an urban law scholar living and working in the medium-sized university town of Potchefstroom in South Africa’s North West Province—globalizing urban governance means three interrelated things. First, we need to recognize that the historical fixation on states as “the” actors in international law and governance has changed over time as national leadership has largely

disappointed in trying to effect lasting transnational, transversal, and intergenerational change on political, religious, and environmental fronts. At the same time, cities (sub-national authorities) have steadily risen as likely game changers in the international arena.¹ They have done so most noticeably through joining forces in organized global and regional city networks.²

Then, we acknowledge that “urban” denotes people in built-up space—often (too) many people in limited liveable space. As the carrying capacity of the Earth is increasingly being questioned in the context of climate change, urban governance issues became global. Towns and cities everywhere share different degrees of socioecological and socioeconomic threats, pressures, and risks. Globalizing urban governance thus also means that the

demands on those governing in the urban space (and age)—be they formally elected governments, private sector drivers of local economies, or legitimate or clandestine community groups—are shared beyond the national territory.³ In 2022, few towns and cities of the world will manage to escape waves of housing crises fueled by urban poverty or the escalation of public health risks, to name but two examples.

Finally, we need to understand that today’s global is very much urban. Cities of different sizes serve as the conduit for the unstoppable transnational movement of people, things, ideas, and danger. They are blamed for many of the calamities around the Anthropocene.⁴ City and urban processes are said to cause much of global climate change and it is the

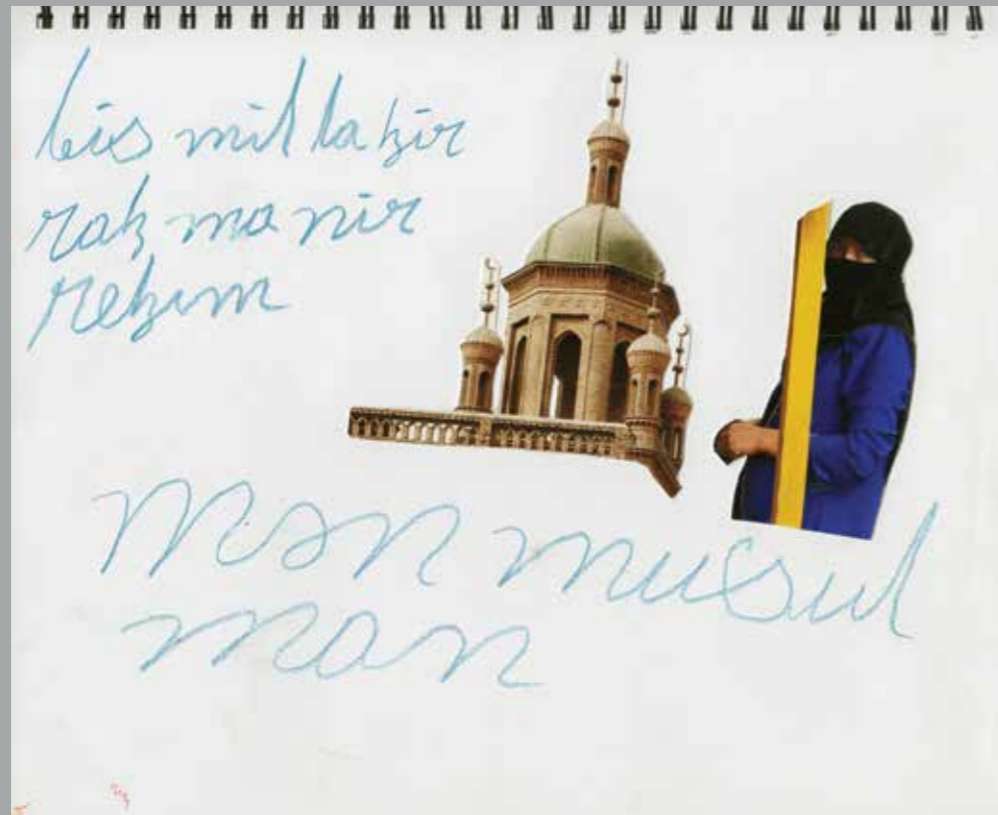
Urban Governance

Anél du Plessis

Adam Dean, from the *Ordos City—City of Broken Dreams* series, Ordos, China, 2010. Coal miners are driven out of a mine shaft at the end of their shift at the Yitai Coal Mine near Ordos.



Carolyn Drake, from the *Two Rivers* series, Naryn, Kyrgyzstan, 2007. *Spring Rain*.



Carolyn Drake, from the *Wild Pigeon* series, Xinjiang Uyghur Autonomous Region, Hotan, China, 2013. "As soon as you read it, you will technically be Muslim. If you throw it away, Allah will punish you."

city that should fast adapt to it. The success and failure of urban governance—the creation and use of space, the erection and maintenance of infrastructures, the deliberate yet diplomatic regulation of people, human (and non-human) conduct and processes, as well as the close involvement of local peoples—will help determine the future success or failure of global governance.

CONSTRUCTIVE EXCLUSION:
SOME CITIES AND THEIR
(URBAN GOVERNANCE) ISSUES
BEING LEFT BEHIND

Anyone in tune with the basics of modern-day geography, world politics, and history as well as cultural anthropology would appreciate that a universal depiction of urban governance is impossible. Those governing in urban space are driven by diverse ideologies. Governing authorities operate in different legally designed spaces of power and authority—spaces that hinge on ancient and more recent legal histories as well as on decades of politically inspired law reform and judicial experimentation.⁵ The authorities in charge of Hanoi, Zagazig, Wuhan, Kazan, Puebla, Edmonton, Heidelberg, Lima, Durban, Porto, Gothenburg, Windhoek, and Turin, to name only a few, battle to meet different kinds of service delivery demands, to see municipal budgets work in a consistent and sustainable way, and to create local environments where nature, people, culture, local economies, and belief systems coexist peacefully. The issues are similar; the real-life dynamics are often galaxies apart.⁶

Unless the globalization of urban governance discourse deliberately contextualizes and admits to real and very relevant nuances, there is the risk of constructive exclusion and a skewed picture being painted of the extent to which cities can help shape global change. This is not to say that the celebration of cities as global governance actors and as the designated United Nations' Sustainable Development Goal is unwarranted. It is definitely not. Cities in countries such as the United States, Germany, and Australia and city networks such as C40,⁷ ICLEI,⁸ and UCLG⁹ continue to make a significant contribution to the international law

and policy paradigm around climate change, migration, and biodiversity protection, for example. Many cities commit to very ambitious CO2 reduction targets, improved mobility, and energy transitions. They reconsider their spatial planning functions and enter into partnerships with investors and other stakeholders to minimize waste and pollution and to use technology and data to advance communication and decision-making, and to better project what the urban future holds.

But when the discourse that permeates scholarship and policy research fails to acknowledge the reality that many other cities are experiencing, then we face constructive exclusion in our understanding of the globalization of urban governance. We must acknowledge the city that battles to provide its people with clean water or safe roads; the town that is running empty of people because of opportunities lost; the abuse of economic power to the detriment of a local economy; and the inability of an innovative city to materialize well-being and prosperity for the local community due to its being hamstrung by nationalistic sentiments. Not all cities and city governments are on board the train that is aiming to reach inclusivity, sustainability, safety, and resilience in the near future. My fear is that in some parts of the world, the majority of cities may not be.

THE SOUTH AFRICAN
CITY OF 2022

The subtext here is that assumptions are dangerous. It would be presumptuous of me to speak to urban contexts with which I am not familiar. But I am familiar with the South African city: its history of colonialism, Apartheid, its poverty traps, its exposure to the rise and fall of mining and other industrial failures and successes, and with the rickety transition into local democratic governance in the early 1990s. I also understand the ramifications of a constitutionally designed government system (put in place in 1994) that would hold in terms of developmental outcomes only if all three spheres of national organization (national, provincial, and local) and all three branches of government (the legislature, executive, and judiciary) fully cooperate and collaborate.

South Africa has eight metropolitan cities and scores of medium-sized and smaller towns. Cities like Cape Town and Johannesburg boast clusters of housing and retail spaces that are world-class in their feel and appeal. They are also, however, home to millions of people trying to survive in absolute poverty, trapped in relatively low-income households, and exposed to climatic, environmental, health, and safety risks. Medium-sized towns such as Vanderbijlpark (Emfuleni), Secunda, and Mahikeng are unsafe because of water and air pollution, frequent and prolonged electricity cuts, and badly maintained road infrastructure and waste management facilities. The municipalities in charge of these and other South African metropolitan and medium-sized cities have become notorious in recent decades for deteriorating local governance, widespread corruption and poor financial performance, unresponsive local government, and political turmoil in local councils.¹⁰ The people who have ended up in brutal urban poverty traps and a systemically unsafe living and working environment as a result of Apartheid cannot seem to break free of these conditions. Today we blame cruelty of a different kind: a hunger for power and wealth on the part of others. It was only in the local government elections of 2021 for the first time that it appeared as if many local communities across South Africa finally gathered the courage to vote in favor of change and a reimagined future.

As it stands, the majority of South African cities and towns battle with basic service delivery and to provide the elementary support, infrastructures, and safe spaces necessary to help implement the vision of global instruments such as the United Nations' Sustainable Development Goals (in particular, the urban goal), the United Nations' New Urban Agenda, the Sendai Framework for Disaster Risk Reduction, and the Paris Climate Agreement. Local governments in South Africa are also faced with the slow or even subtle reversal of devolution and decentralization in critical sectors,¹¹ with many institutions and people pushing for more centralized control and execution of power. For a number of historical and contemporary reasons, South African cities (and possibly others too) are moving further away from

the future envisioned at a global level: a future of ecological integrity, peace and bodily security, planetary stewardship, political and economic stability, just energy transitions, the smart use of technology, and a fair opportunity for the present and future generations to enjoy well-being and good health.

SOME CITIES LOSING CONTROL IN A GLOBAL SYSTEM OF LOOSENING BOUNDARIES

In principle, globalization is both the result and the cause of loosening fences, blurry boundaries, and relative margins. It is constantly creating new epistemological and functional systems, pathways, and critical linkages between geographies, people, and transnational processes, many of which create not only opportunities but also problems, fears, and uncertainty. As part of an emerging backlash, critical thinkers are asking what a less globalized world may look like. This backlash manifests in different ways, such as individual support for protectionism and the electoral success of nationalist political parties and anti-globalization protests, and extends to unilateral withdrawals from international institutions and agreements. As Stefanie Walter explains, "... backlashes against one dimension of globalization can go hand in hand with support for more globalization in other areas. The climate youth movement, for example, is often skeptical about economic globalization and the environmental costs associated with international trade, but it is also pushing for more political globalization to facilitate a more effective and coordinated global fight against climate change. Others, such as market-liberal Brexiteers, oppose the constraints that political globalization places on national sovereignty but wholeheartedly embrace free trade and hence economic globalization."¹²

It would seem, however, that if anything, cities continue to ride the wave of a global system of loosening boundaries—one where multilevel governance approaches thrive and cities are celebrated as agents serving local communities as well as the agenda of international institutions. The membership numbers of global city networks are on the rise and with every new international meeting of minds and leaders, some form of a collective mayoral

statement is issued. Cities are globally active. Cities are globally relevant. Or are they?

If one considers the South African context and the disillusionment of millions of people with how urban spaces are governed, it would be a mistake to label cities from this country as transformative agents or as champions in the global quest for sustainability, inclusivity, resilience, and safety. The sheer number of service delivery protests in the past couple of years,¹³ the damning official annual audit reports on local government, and the turbulent political situation in many municipalities all point to a critical disconnect between the global vision for urban governance and the most local of realities.

South African cities seem to have lost effective control over their mandates, infrastructures, constituencies, and territories. Desperate community organizations and other spheres of government are moving in; they are taking control over basic services and maintenance tasks. People generally show very little interest in official public participation opportunities. Nongovernmental organizations and individuals take municipalities to court for failing municipal services and the breach of people's human rights.¹⁴ Communities are left without electricity, sometimes for days, because of municipalities failing to pay what they owe to Eskom, South Africa's electricity public utility. The list of let-downs continues.

QUO VADIS?

I am joining the chorus on recognizing globalizing urban governance as a phenomenon and trend with huge transformative potential. We need city-level cross-pollination and new forms of diplomacy, solidarity, and sovereignty. Cities could be the much-needed brokers of information in a global space that often runs on assumptions. In its desperate quest for a better future, the world today recognizes that subnational authorities who operate closer to ordinary people and the things these people value are, in principle, well suited for multilevel decision-making, policy-making, law-making, and the co-design of lasting solutions. But "in principle" is the operative phrase here. It is not true that cities everywhere have the legal power, the technical

know-how, the political commitment, the financial and human resource capacity, or the political charisma to help devise global change. Some cities may very well be falling behind. Some cities may actually be losing control. These cities should be recognized, and the impact of their existence should be estimated. A failure to do so would mean that we are conceptually designing half a truth about the urban turn in global governance.

- 1 See the collection of scholarship on this topic in Helmut Philipp Aust and Janne E. Nijman, eds., *Research Handbook on International Law and Cities* (Cheltenham, UK: Edward Elgar, 2021).
- 2 See Sheila R. Foster and Chrystie Swiney, "City Networks and the Globalization of Urban Governance," in *Research Handbook on International Law and Cities*, eds. Helmut Philipp Aust and Janne E. Nijman (Cheltenham, UK: Edward Elgar, 2021), 368-80.
- 3 See Helmut Philipp Aust and Janne E. Nijman, "Planetary Boundaries *intra muros*: cities and the Anthropocene," in *Research Handbook on Law, Governance and Planetary Boundaries*, eds. Duncan French and Louis J. Kotzé (Cheltenham, UK: Edward Elgar, 2021) 103-23.
- 4 See Louis J. Kotzé, "Cities, the Anthropocene and Earth System Law," in *Research Handbook on International Law and Cities*, eds. Helmut Philipp Aust and Janne E. Nijman (Cheltenham, UK: Edward Elgar, 2021) 354-67.
- 5 See the enlightening discussions on different institutions, legal systems, and cities in Helmut Philipp Aust and Anél du Plessis, eds., *The Globalisation of Urban Governance: Legal Perspectives on Sustainable Development Goal 11* (Abingdon, UK: Routledge, 2019).
- 6 Compare, for instance, the US position described in Richard Schragger, *City Power: Urban Governance in a Global Age* (New York: Oxford University Press, 2016) with the position in Brazil and Ghana as elaborated on in Martin Larbi, Jon Kellett, and Elisa Palazzo, "Urban Sustainability Transitions in the Global South: A Case Study of Curitiba and Accra," *Urban Forum* (2021): 1-22.
- 7 C40 is a global network of city mayors from nearly 100 cities. See: <https://www.c40.org/about-c40/>.
- 8 ICLEI is the acronym for "Local Governments for Sustainability," a global network of more than 2,500 local and regional governments committed to sustainable urban development. See: <https://www.iclei.org/>.
- 9 UCLG is the acronym for "United Cities and Local Governments," a global network of cities and local, regional, and metropolitan governments and their associations. See: <https://www.uclg.org/en/organisation/about>.
- 10 See, for example, Marius Pieterse, "Anatomy of a Crisis: Structural Factors Contributing to the Collapse of Urban Municipal Governance in Emfuleni, South Africa," *Urban Forum* 32, no. 1 (2020): 1-15.
- 11 See, for example, Marius Pieterse, "Shifting Paradigms From Between the Lines? Legal Internationalizations of the Right to Adequate Housing in South Africa" in *Law and the New Urban Agenda*, eds. Nestor M. Davidson and Geeta Tewari (Abingdon, UK: Routledge, 2020), 131-44.
- 12 Stefanie Walter, "The Backlash Against Globalization," *Annual Review of Political Science* 24 (2021): 423.
- 13 See Myrone Stoffels and Anél du Plessis, "Piloting a Legal Perspective on Community Protests and the Pursuit of Safe(r) Cities in South Africa," *Southern African Public Law* 34, no. 2 (2019): 1-26.
- 14 The example of Makana is extensively covered in Lisa Chamberlain and Thato Masiangoako, "Third Time Lucky? Provincial Intervention in the Makana Local Municipality," *South African Law Journal* 138, no. 2 (2021): 425-61.

Nyani Quarmyne, from the *Three Miles from the Sea* series, Ada Foah (Totope), Ghana, 2011. Numour Pupilampo stands in the doorway of his house that encroaching sand has half buried, forcing him to abandon the property.



Carolyn Drake, from the *Wild Pigeon* series, White Jade River, Xinjiang Uyghur Autonomous Region, Hotan, China, 2013. A message about the soul of jade written by a Chinese jade carver.



Tommy Trenchard, from the *Kumasi Market City* series, Kumasi, Ashanti Region, Ghana, 2019. A woman examines wedding dresses for sale in a stall in Kejetia market (Kumasi Central Market).

