

INTERNATIONAL LAW ASSOCIATION
URBANISATION AND INTERNATIONAL LAW - POTENTIAL & PITFALLS

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INTERIM REPORT

March 2026

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Much of the substantive content of this Interim Report (IR 2026) is based on the following contributions (background papers) prepared by Committee members during 2025:

Ahlhorn C ‘Cities as International Legal Persons’

Aust HP & A Rodiles ‘The Influence of International Investment Law on Urbanisation in Light of the Case Próspera Inc. vs Honduras (ZEDE Case)’

Binder C ‘Potential and Pitfalls of International Law: The Example of the European Urban Charter III (2023) of the Congress of Local and Regional Authorities’

Botticelli C ‘Sustainable Cities, (Over)Tourism, and the Right to Adequate Housing: Confronting a New Trilemma in International (Human Rights) Law and Urban Governance’

Caceres-Solari A ‘Mariupol, a City as a Center of Genocide’

Caceres-Solari A ‘The Concept of Dual-use-Cities’

Clough G ‘Urbanisation and International Law: the Significance of the Domestic Setting’

Hafetz J ‘Cities as Actors and Sites of Resistance in International Law: Contesting Mass Deportations in the United States’

Ikpia S & Nijman J ‘City Report: Amsterdam’

Liu N & Fu Q ‘Singapore and International Law’

Marcenko M ‘The Urbanisation of International Human Rights Discourse’

Martinez K ‘Urban Revitalization and the Human Right to Adequate Housing’

Pain N ‘Focus on International Climate Change Law’

Pain N ‘Urbanisation and International Law: potentials and pitfalls’

Pieterse M ‘Urban Infrastructure, Urban Fabric and International Law’

Sossai M ‘Cities and Environmental Sustainability: An International Law Perspective’

ACRONYMS AND ABBREVIATIONS

ACHPR	African Charter of Human and People's Rights
C40	C40 Cities Climate Leadership Group
Charter	European Urban Charter III (2023)
Committee	ILA Committee on Urbanisation and International Law
ECtHR	European Court of Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
ICLEI	Local Governments for Sustainability
ICRC	International Committee of the Red Cross
ICSID	International Centre for Settlement of Investment Disputes
ICT	Information and Communication Technology
ILA	International Law Association
IR 2026	Interim Report, ILA Committee on Urbanisation and International Law
ITU	International Telecommunication Union
LGMA	Local Governments and Municipal Authorities
NDCs	Nationally Determined Contributions
OHCHR	Office of the United Nations High Commissioner for Human Rights
SDG(s)	Sustainable Development Goal(s)
SG	ILA Study Group on the Role of Cities in International Law
U4SSC	United for Smart Sustainable Cities
UN	United Nations
UNCESCR	UN Committee on Economic, Social and Cultural Rights
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
WUF 13	World Urban Forum 13

INTERIM REPORT

March 2026

I. INTRODUCTION: COMMITTEE MANDATE AND COMPOSITION, THEMATIC FOCUS

1. The Committee on ‘Urbanisation and International Law - Potential & Pitfalls’ was established in November 2023. It studies and seeks to clarify how existing international law applies, develops and is developed in urban contexts and in turn why and how cities participate at the level of international law and governance.

2. The Committee’s mandate includes:

- taking stock of the existing legal framework;
- studying the normative processes in which cities and other urban actors engage in and with international law;
- evaluating how the urban condition alongside cities and other urban actors’ involvement in institutional practices shape international law, policy and their implementation; and
- assessing what patterns of argumentation or discourse constitute the ‘urban turn’ in international law and governance and critically engaging the politics of this discourse.

3. The work of the Committee centres around the understanding that the relationship between the urban and the international holds both potential and pitfalls: a potential that pressing questions of urban governance are addressed through the means of international law, but also pitfalls that follow from unmediated contact between the global and the local and the power dynamics that might work to the detriment of local governments and urban residents alike.

4. This Committee builds on the work of the ILA Study Group on the role of cities in international law, which examined the legal ramifications of the rise of the city as an actor on the international stage. In the period between 2019 and 2022, the Study Group (SG) has contributed significantly to the establishment of a new research field in public international law.

5. The Committee’s leadership consists of the Co-Chairs Helmut Philipp Aust and Janne E. Nijman and the Co-Rapporteurs Anél du Plessis and Mirko Sossai. Its membership now consists of 27 members, and its work is supported by a group of post-doctoral and doctoral scholars, i.e. Bryony Fox, Timo Gaudszun and Pietro Salvatici whose help in the running of the Committee is acknowledged with deep gratitude.

II. COMMITTEE ACTIVITIES AND INITIATIVES: 2024-2026

6. Since its inception in late 2023, the Committee’s work has focused on the build-up towards this Interim Report. The following activities have taken place in this regard:

- The Committee met for its first in-person sessions at the Biennial Conference in Athens in June 2024. The closed meeting served to discuss a concretisation of the Committee’s mandate and to allow for a mutual introduction of Committee members. In an open meeting, several aspects relating to the work of the Committee were presented, especially

relating to the European Urban Charter as developed in the context of the Council of Europe, the work of UN-Habitat and the challenges of contemporary urban warfare.

- Co-Rapporteur Anél du Plessis organised a hybrid information event on the work of the Committee at Stellenbosch University in August 2024 in which also Co-Chair Helmut Philipp Aust participated.
- The Committee co-sponsored an academic event held at Singapore Management University on 10 and 11 July 2025. Co-organised by Committee member Nengye Liu and Congyan Cai, the workshop gathered a group of around 20 scholars under the theme of ‘Asian Cities and the International Legal Order’. In addition to Nengye Liu, further Committee members participated in the event (i.e. Co-Chair Helmut Philipp Aust as well as Committee members Kaara Martinez and Wim Muller). Papers from this workshop will be published in an edited volume later in 2026 (currently undergoing peer review).
- The Singapore workshop was also used to hold a hybrid information event on the work of the Committee with a view to making the Committee’s work more well-known in the Asian context.
- The Co-Chairs and Co-Rapporteurs met for an in-person planning meeting at the margins of the 20th Annual Conference of the European Society of International Law at Freie Universität Berlin in September 2025.
- The Committee held an online working meeting on 3 November 2025, primarily to discuss planning for 2026 and the Interim Report, including (organisational aspects around) members’ background papers and city reports.
- The Committee held another online working meeting in the run-up to the presentation of the Interim Report on 23 February 2026. In order to accommodate different time zones, the meeting was held twice on that day.

7. In addition, considerable work went into establishing social media presence and the construction of a dedicated web presence of the Committee under the stewardship of Co-Rapporteur Mirko Sossai which is available under www.urbanintl.com. As part of this effort, the call for city reports (see Addendum A to this Interim Report) was relaunched and the already existing city reports from the Study Group on the Role of Cities in International Law were integrated into the web presence. Work on new city reports is continuing. A first new report of the second generation of city reports, focusing on Amsterdam has been published by Sophia Ikpia together with Co-Chair Janne E. Nijman in November 2025. A further city report on Milan (Italy), prepared by Veronica Botticelli, is scheduled for publication in the first months of 2026.

III. KEY THEMES, QUESTIONS AND NARRATIVES EMERGING FROM THE INTERSECTION OF URBANISATION AND INTERNATIONAL LAW

8. The relationship between international law and ongoing processes of urbanisation is intricate and multifaceted. Cities are both actors of increasing significance in international law and sites in which international law operates and is implemented, experienced and influenced. While some cities and local governments have begun proactively to shape international law and global governance – for example, through the formation of global city networks and various forms of participation in processes surrounding international organisations – the local level is also profoundly affected by international norms and decisions. The urbanisation of international law may therefore also be approached as a phenomenon in which international law encounters the

local level in the form of normative requirements that impact local autonomy and other local decision-making powers.

9. In this report, the ILA Committee on Urbanisation and International Law ('the Committee') seeks to emphasise both research trajectories, drawing on existing scholarship in the field and on specific contributions from the Committee's members. The first subchapter examines the institutional dimension, focusing on cities as actors and governance entities engaging with international law and institutions. The second explores the ways in which international law structures, operates in and influences urban spaces. In doing so, this chapter and the entire report identify key overlapping themes based on a number of use cases and fields of international law, such as international climate protection law, migration, international investment law and international human rights law. This selection is based on the Committee's mandate and members' background papers, although it – of course – cannot be exhaustive and the overlapping themes highlighted can only be generalised to a certain extent.

A. Cities as governance actors engaging with international law

10. International law's 'urban turn' engages cities across several overlapping dimensions. The most studied – and, for many international lawyers, arguably the most relevant – remains the institutional dimension, which concerns cities as actors, agents, and governance entities in relation to their influence over the domestication and implementation of international law, and increasingly also over its normative content.

11. Sustainable Development Goal (SDG) 11 has been regarded as a particularly significant marker of cities' exposure to and engagement with international law, insofar as it articulates the necessity of ensuring sustainable urban governance.¹ The broader idea of the internationalisation of cities and the localisation of sustainable development continues to gain traction in academic scholarship. This trend has been described as a dual movement, whereby cities operate simultaneously as conduits of top-down and bottom-up governance: they translate international norms into locally grounded policies while leveraging local innovation and experience to influence and help inform international agendas and standards.²

12. There is growing recognition that cities, by virtue of their governance and policymaking competences, can function as 'policy incubators' or 'living laboratories'. In this capacity, city administrations can experiment with innovative regulatory approaches, monitor and evaluate their impacts, disseminate best practices, and articulate alternative policy pathways, including in the field of climate change. As a result, city authorities are particularly well positioned to develop flexible and context-sensitive legal and policy instruments, informed by international norms, that respond to local conditions and priorities while addressing the needs and concerns of local communities, including vulnerable or marginalised groups.³

¹ UNGA, Transforming our world: the 2030 Agenda for Sustainable Development, UN Doc. A/RES/70/1, 21 October 2015; see also Hannah Birkenkötter, 'SDG 11 'Make Cities and Human Settlements Inclusive, Safe, Resilient, and Sustainable'', *The UN Sustainable Development Goals: A Commentary*, Oxford Commentaries on International Law (2023; online edn, Oxford Law Pro).

² See Helmut Philipp Aust and Anél du Plessis, 'Introduction: The Globalisation of Urban Governance – Legal Perspectives on Sustainable Development Goal 11' in Helmut Philipp Aust and Anél du Plessis (eds), *The Globalisation of Urban Governance* (Routledge 2019) p. 1.

³ Anél du Plessis, 'Climate Change Law and Sustainable Development' in Helmut Philipp Aust and Janne Nijman (eds), *Research Handbook on International Law and Cities* (Edward Elgar 2021) p. 194–195; J Evans, A Karvonen and R Raven (eds), *The Experimental City* (Routledge 2016).

13. For example, cities today provide important spaces for framing, mobilising around, contesting and applying international law on the matter of migration.⁴ Amid increasing cross-border movement of people – and ubiquitous if overblown, claims of a migration crisis – cities have sought to fill a void left by the inaction and overreaction of nation states in responding to an array of complex challenges. In this context, so-called sanctuary cities across different regions have drawn, explicitly or implicitly, on international human rights law in resisting or mitigating restrictive migration measures adopted by national authorities. In the United States, sanctuary cities date back to the 1980s, when they emerged to assist asylum seekers and refugees fleeing armed conflicts in Central America.⁵ A defining characteristic of sanctuary policies – a term first employed in San Francisco in 1985 – has been the limitation or prohibition of the use of municipal funds and resources to support federal immigration enforcement activities.⁶ In the United States, sanctuary cities are anchored in principles of federalism⁷ and Supreme Court decisions articulating the anti-commandeering doctrine, which prohibits the national government from compelling a state executive or legislative body or state or local officials from taking certain actions to enforce federal law.⁸

14. Moreover, the European Urban Charter III, adopted by the Congress of Local and Regional Authorities of the Council of Europe in 2023, devotes an entire section to ‘Sustainable Development, Protection of the Environment and Climate Change’. The Charter provides important guidance for environmental sustainability policies at the urban level, calling on local authorities to ‘adopt multi-dimensional policies and streamline environmental protection and the fight against climate change into urban policies’,⁹ as well as to mitigate and reduce the impacts of climate change.

1. *International legal status*

15. The question of whether cities possess international legal status depends on one’s conception of international legal personality and the content of the legal capacity it entails.¹⁰ Existing conceptions of international legal personality are also closely linked to different views regarding the relationship between the international legal order and domestic law – whether

⁴ See Jonathan Hafetz, ‘Cities as Actors and Sites of Resistance in International Law: Contesting Mass Deportations in the United States’, background paper; see also Barbara Oomen and Moritz Baumgärtel, ‘Frontier Cities: The Rise of Local Authorities as an Opportunity for International Human Rights Law’ (2018) 29 2 *European Journal of International Law* 607-630; Barbara Oomen, ‘Cities, refugees and migration’ in Helmut Philipp Aust and Janne Nijman (eds), *Research Handbook on International Law and Cities* (Edward Elgar 2021) p. 240-250.

⁵ Dakota Smith et al., ‘California hits back as Trump threatens to ‘dump’ immigrants in ‘sanctuary cities’ *Los Angeles Times* (16 Apr. 2019), <https://www.latimes.com/local/lanow/la-me-ln-california-sanctuary-city-trump-democrats-20190416-story.html>.

⁶ Peter Mancina, ‘The birth of a sanctuary-city: a history of governmental sanctuary in San Francisco’ in K. Lippert and S. Rehaag (eds), *Sanctuary Practices in International Perspectives: Migration, Citizenship and Social Movements* (Routledge 2012) p. 205.

⁷ US Constitution, amend X.

⁸ *NCAA v. Murphy*, 584 US 453 (2019); *Prinz v. United States*, 521 US 898 (1997); *New York v. United States*, 505 US 144 (1992).

⁹ CoE Congress of Local and Regional Authorities, European Urban Charter III (2023): Urban Living in the Era of Transformations, CG(2023) 45-20, 25 October 2023. See Christina Binder, ‘Human Rights in the Face of the Climate Crisis: What Role for the Local Level? The Example of the European Urban Charter III (2023)’ (2024) 18 *Zeitschrift für Menschenrechte* 66.

¹⁰ The discussion of the different conceptions of legal personality is based on Astrid Kjeldgaard-Pedersen, *The International Legal Personality of the Individual* (Oxford University Press 2018) Ch. 2.

monist, dualist, or mixed. Scholarly debate has produced a spectrum of positions.¹¹ For example, some commentators have argued that cities may possess a form of ‘soft international legal personality’,¹² while others ascribe to them a liminal status within the international legal system – one that affords selective visibility and instrumental agency – captured in the notion of ‘borderline international legal personality’.¹³

16. One suggestion is to distinguish between cities as actors with passive legal capacity and those with active legal capacity.¹⁴ Passive legal capacity refers to the ability to hold rights and obligations, whereas active capacity is ‘the capacity to have and to exercise active rights, and to have them declared as such when appropriate,’¹⁵ i.e. asserting rights on the international plane and consequently also being held responsible for violating international obligations.¹⁶ The contribution of cities has been acknowledged in the Paris Agreement,¹⁷ alongside soft-law frameworks such as the Sendai Framework for Disaster Risk Reduction.¹⁸ These references indicate that cities are increasingly recognised both as addressees of international norms and as actors capable of contributing to the resolution of global challenges.

17. The inquiry into a city’s active legal capacity would mean that a city appears on its own behalf on the international plane, taking ‘normatively independent stances from the national governments in areas typically affected by globalization in which there is little national consensus’.¹⁹ Over the past decades, cities have increasingly represented their own interests alongside taking stances on a variety of issue areas. This is particularly evident in the climate change context through initiatives such as C40, which is now an established ‘global network of mayors driving the future of city climate action’.²⁰ The increasing legal and practical agency of cities also results in some cities taking more progressive positions vis-à-vis the respective national government, being more willing to engage with international law – not only in the field of climate protection – but can also result in the implementation of more regressive local policies, as demonstrated for instance by the (now abolished) ‘LGBT Free’ zones in some Polish cities.²¹

2. Transnational city networks

18. Transnational networks provide cities with platforms for various forms of informal cooperation through which they can amplify their collective voices. For example, in 2016 C40 has compiled approximately seventy categories of good practices for climate action in areas

¹¹ See also Yishai Blank, ‘International legal personality/subjectivity of cities’ in Helmut Philipp Aust and Janne Nijman (eds), *Research Handbook on International Law and Cities* (Edward Elgar 2021) p. 103-120.

¹² Janne Nijman, ‘The future of the city and the international law of the future’ in Sam Muller et al (eds.), *The Law of the Future and the Future of Law* (Torkel Opsahl Academic EPublisher 2011) p. 213.

¹³ Luis Eslava and George Hill, ‘Global South cities: borderline international legal personality, financialised local governance and urban resistance’ (2026) 22 *International Journal of Law in Context* 1.

¹⁴ See Christiane Ahlborn ‘Cities as International Legal Persons’, background paper.

¹⁵ Neil MacCormick, ‘Institutions of Law: An Essay in Legal Theory’ (Oxford University Press 2007) 126.

¹⁶ Christiane Ahlborn, ‘Cities as International Legal Persons’ 4, 6, background paper.

¹⁷ Paris Agreement under the United Nations Framework Convention on Climate Change (opened for signature 22 April 2016, entered into force 4 November 2016) 3156 UNTS 79 (Paris Agreement), Preamble.

¹⁸ Sendai Framework for Disaster Risk Reduction 2015–2030, UN Doc A/CONF.224/ CRP.1, 18 March 2015. Endorsed by the UN General Assembly in Res 69/283, 23 June 2015.

¹⁹ Yukiko Takashiba, ‘Sources and law-making’ in Helmut Philipp Aust and Janne Nijman (eds) *Research Handbook on International Law and Cities* (Edward Elgar 2021) p. 121, 122.

²⁰ C40, ‘About C40’ www.c40.org/about-c40/.

²¹ See further Adam Ploszka, ‘From human rights to human wrongs. How local government can negatively influence the situation of an individual. The case of Polish LGBT ideology-free zones’ (2023) 27 *The International Journal of Human Rights* 359.

including energy, transport, solid waste management, urban planning, adaptation, and finance, with the aim of providing subnational authorities with roadmaps to address climate change more cost-effectively and with greater impact.²²

19. In addition, a growing body of policy declarations has been adopted within transnational networks to articulate shared objectives: some of them are addressed to outside cities to join the coalition, others are addressed to governments to influence their policies, others demand recognition of their cause from inter-governmental institutions. The concept of inter-city agreements has been used to identify some of these documents, including the Global Green New Deal adopted by C40 in 2019 and the Chicago Climate Charter (2017),²³ as an expression of the emergence of cities as ‘creators of international law’,²⁴ to the extent that they propose new regulations.

20. Undoubtedly, best practices documents and policy declarations raise a common question concerning their function as mechanisms of international standard-setting. Their relevance and potential impact cannot be assessed solely through the prism of legal bindingness, a quality they manifestly lack. The articulation and dissemination of best practices may nevertheless approximate informal standard-setting where particular practices are endowed with credentials or associated benefits, thereby creating incentives for their adoption. Policy declarations, for their part, may be understood as embodying ‘norms of aspiration’:²⁵ programmatic statements that articulate shared goals and rationales, and that may serve both as justificatory frameworks and as experimental sites for the gradual development of future legal norms.

3. *Interaction with international organisations*

21. In recent years, cities and international organisations have increased their collaboration. As many global issues involve cities, international organisations have both increasingly relied on and directly involved cities to implement their policies more effectively.²⁶ In turn, cities have turned to international organisations to solve issues that transcend their boundaries, particularly where local interests were perceived to be insufficiently articulated or represented by their national governments. In his 2021 report *Our Common Agenda*, UN Secretary-General António Guterres emphasised the need for a stronger, more networked and inclusive multilateral system and called for enhanced collaboration with subnational authorities, including through the creation of an Advisory Group on Local and Regional Governments.²⁷ C40 have also established partnerships with international organisations such as the World Bank regarding the fight against climate change.²⁸ That said, in the outcome documents of the UN Summit for the

²² The text of the C40 Good Practices Guide is available at <https://www.c40.org/good-practice-guides/>.

²³ The Charter emerged from the North American Climate Summit, hosted by the City of Chicago in partnership with C40 and the Global Covenant of Mayors for Climate and Energy. This was the first time a US climate summit convened following President Donald Trump’s decision to withdraw the United States from the Paris Agreement. In its first year, more than 80 cities signed the Chicago Climate Charter, affirming their commitment to addressing climate change at the municipal level.

²⁴ Agnieszka Szpak, *Global City Diplomacy and International Law* (Edward Elgar 2025) Ch. 1.

²⁵ Yukiko Takashiba, ‘Sources and law-making’, 126.

²⁶ See Jacob Katz Cogan, ‘International organisations and cities’ in Helmut Philipp Aust and Janne Nijman (eds), *Research Handbook on International Law and Cities* (Edward Elgar 2021) p. 158, 159-161.

²⁷ *Our Common Agenda: Report of the UN Secretary General* (New York, United Nations 2021) 75.

²⁸ See on the relationship between cities and international institutions such as the World Bank, and development cooperation Michael Riegner, ‘International Institutions and the City: Towards a Comparative Law of Global Governance’, in Helmut Philipp Aust and Anél du Plessis (eds), *The Globalisation of Urban Governance* (Routledge 2018) p. 38-64; Michael Riegner, ‘Development cooperation and the city’ in Helmut Philipp Aust and Janne Nijman (eds), *Research Handbook on International Law and Cities* (Edward Elgar 2021) p. 251-264.

Future local authorities are no longer really present.²⁹ States had pushed back against the envisaged increased collaboration between cities and the UN.

22. International organisations are increasingly pursuing a bottom-up approach to (informal) law and policy making, gathering feedback from cities on issues such as health regulations and certain International Telecommunication Union (ITU) standards, and involve cities into knowledge production practices.³⁰ This is reflected in initiatives such as the United for Smart Sustainable Cities (U4SSC), coordinated by the ITU, the United Nations Economic Commission for Europe (UNECE) and UN-Habitat, with the support of fourteen other UN agencies and programmes.³¹ How member States will respond when such ostensibly technical or operational engagements become more overtly politicised remains an open question. After all, even if international organisations and cities may wish to collaborate, they are not ‘natural partners’:³² cities are not members of international organisations, states are.

4. *The role of cities in domestic and international litigation*

23. Finally, growing attention has been directed in recent years to the city as an urban collective actor, flowing from the realisation that environmental harm, climate-related disasters, and structural inequalities in urban spaces generate forms of suffering that cannot be adequately captured through an exclusively individualistic conception of rights. It has been argued that, while collective interests may in some instances be adequately advanced through the aggregation of individual rights claims, there are contexts in which such interests can be meaningfully asserted only on behalf of the collective itself.³³ This is particularly the case in relation to structural, collective, and cumulative human rights violations, where harm is produced and experienced at the level of the urban population as a whole. In this regard, city networks have increasingly emphasised the role of local governments as instigators of or parties in strategic climate litigation – arguing, for instance, for the removal of barriers to the city’s climate ambitions and abilities to bring about transformational change – insofar as they are well positioned to act as representatives of urban collectives in such proceedings.³⁴

24. There is certainly a promising trend towards an increase in domestic climate litigation involving cities. In this context, it is useful to distinguish between two broad categories of cases.³⁵ First, cases in which local governments act as respondents, either in actions brought by private corporations challenging climate mitigation or adaptation measures adopted by cities

²⁹ See UN, *Summit of the Future outcome documents: Pact for the Future, Global Digital Compact and Declaration on Future Generations*, EOSG/2024/1 (New York, United Nations 2024).

³⁰ Helmut Philipp Aust and Janne Nijman, ‘The Urbanisation of International Law – A Post-Cold War History’ in Eyal Benvenisti and Dino Kritsiotis (eds), *The Cambridge History of International Law*, vol XII (Cambridge University Press, forthcoming).

³¹ Interestingly, UNECE and ITU developed jointly a definition of a smart sustainable city, as ‘an innovative city that uses ICTs and other means to improve quality of life, efficiency of urban operation and services, and competitiveness, while ensuring that it meets the needs of present and future generations with respect to economic, social, environmental as well as cultural aspects’. See <https://unece.org/housing/smart-sustainable-cities>; moreover, *U4SSC – Connecting communities, empowering people*, October 2024, available at <https://u4ssc.itu.int/publications/>.

³² Jacob Katz Cogan, ‘Cities in the Shadows of International Institutional Law’ (2021) 18 *International Organisations Law Review* 133.

³³ Marius Pieterse, ‘Urban Collectives as Victims of International Human Rights Violations’ (2025) 36 *European Journal of International Law* 53, 537.

³⁴ C40, *Legal Interventions: How Cities Can Drive Climate Action*, July 2021.

³⁵ See Nicola Pain, ‘Focus on international climate change law’, background paper; Sabin Center for Climate Change Law, ‘The Climate Litigation Database’, <https://www.climatecasechart.com>.

themselves,³⁶ or in proceedings initiated by civil society organisations alleging a failure by cities to act adequately.³⁷ Second, city-led litigation, in which cities have taken court action against corporations as well as other levels of government. For instance, the United Nations Environment Programme (UNEP) has recently reported that, in the United States, state, local, and Tribal governments have filed more than thirty cases seeking damages, abatement, and other forms of relief from fossil fuel industry defendants for harms allegedly sustained because of climate change.³⁸

25. Yet, international and regional human rights systems remain poorly equipped to accommodate the representative role of cities as democratically constituted guardians of their residents' collective interests, particularly in the context of climate-related litigation. The principal obstacle to an active role for cities before international courts and tribunals is, of course, the question of standing. For instance, the European Court of Human Rights (ECtHR) has consistently declared inadmissible applications submitted by local government bodies, on the ground that they are organs of the state rather than non-governmental organisations or representatives of groups of individuals.³⁹

B. Cities as sites for international law

26. Focusing exclusively on cities as governance entities (actors) risks obscuring the broader consequences of the interaction between urbanisation and international law. Not only is international law increasingly developed, interpreted, and operationalised in urban settings, but cities themselves are shaped and constituted through international legal norms and practices. This reciprocal dynamic – sometimes described as ‘the everyday impact of international law on urban life’,⁴⁰ or even as the ‘urbanisation of international law’⁴¹ – has significant normative implications. On the one hand, international law may furnish legal and institutional resources capable of addressing pressing challenges of urban governance. On the other, the direct projection of global legal regimes onto urban sites and contexts risks reproducing structural asymmetries of power, potentially marginalising local authorities and urban populations alike.

1. International Investment Law

³⁶ See, for example, the case of *California Restaurant Association v City of Berkeley*, 65 F.4th 1045 (9th Cir. 2023) available at https://www.climatecasechart.com/collections/california-restaurant-association-v-city-of-berkeley_cfec1d.

³⁷ See, for example, a 2020 case involving the City of Cape Town, South Africa: *Philippi Horticultural Area Food & Farming Campaign and Another v MEC for Local Government, Environmental Affairs and Development Planning: Western Cape and Others* 2020 (3) SA 486 (WCC) (17 February 2020), available at <https://www.saflii.org/za/cases/ZAWCHC/2020/8.html>.

³⁸ United Nations Environment Programme, *Climate Change in the Courtroom: Trends, impacts and emerging lessons* (Nairobi, UNEP 2025), <https://wedocs.unep.org/20.500.11822/48518>; on the US practice, see Sarah L Swan, ‘Plaintiff Cities’ (2018) 71 *Vanderbilt Law Review* 1227.

³⁹ ECtHR (GC), *Carême v France*, App No 7189/21, 9 April 2024, para. 85.

⁴⁰ Luis Eslava, *Local Space, Global Life: The Everyday Operation of International Law and Development* (Cambridge University Press 2015).

⁴¹ See Chrystie Swiney, ‘The Urbanization of International Law and International Relations: The Rising Soft Power of Cities in Global Governance’ (2020) 41 *Michigan Journal of International Law* 227; Janne E. Nijman, ‘Renaissance of the City as Global Actor. The role of foreign policy and international law practices in the construction of cities as global actors’, in Andreas Fahrmeir, Gunther Hellmann and Miloš Vec (eds), *The Transformation of Foreign Policy: Drawing and Managing Boundaries* (Oxford University Press 2016) p. 209-41, at p. 216-21.

27. A particularly illustrative example of the interaction between international law and urbanisation is the impact of international investment law on urban governance.⁴² This is not new: numerous ICSID cases had involved investors suing states under bilateral or multilateral investment treaties for conduct originating at the municipal level. This relationship takes a novel turn in the pending ICSID arbitration between US investors and Honduras,⁴³ arising from plans to establish the ‘charter city’ of Próspera.⁴⁴ The concept, popularised around 2010 by former World Bank chief economist Paul Romer, envisioned investor-driven urban developments built from scratch. Rather than relying on reform of dysfunctional national governance systems, international investment would be directed toward new urban zones operating under distinct legal and regulatory frameworks. States would cede elements of sovereignty, relax the application of domestic law, and partner with foreign states and private investors to create well-governed ‘new’ cities capable of attracting capital and voluntary residents.

28. The ongoing arbitration offers an unusual perspective on the nexus between cities, urbanisation, and international law. Unlike earlier cases such as *Metalclad*,⁴⁵ investors are not challenging discrete municipal acts but are suing the state as developers and purported representatives of the supposedly new city of Próspera, a city which they ‘own’ or at least claim to own by virtue of their investment. Claimants invested under Honduras’s ZEDE (Zonas de Empleo y Desarrollo Económico) legal framework, which created special economic zones with far-reaching governance autonomy, including bespoke administrative systems and large-scale real estate development. Following a 2022 change in government, Honduras repealed the ZEDE regime through congressional decree. Rather than pursuing domestic legal challenges, investors initiated ICSID arbitration, alleging violations of most-favoured-nation treatment, minimum standard of treatment, and expropriation protections.

29. The case of Próspera continues to unfold. For now, it remains only partially realised and its future uncertain, but the dispute represents a situation in which a privately owned city project challenges the authority of the state in which it is located. Próspera may be a quite unique experiment in creating a charter city from scratch which would be considerably isolated from the legal framework of the nation state of Honduras. Yet, it is not an isolated occurrence but part of a broader global trend of an attempted reordering of urban spaces, in different regions of the world, driven by libertarian thinkers and tech entrepreneurs. This trend builds on earlier practices of establishing special economic zones (SEZs), both outside of, but also within existing cities.⁴⁶ While the prospect of the realisation of these projects is open to further debate,

⁴² Helmut Philipp Aust & Alejandro Rodiles ‘The influence of international investment law on urbanisation in light of the case Próspera Inc. vs. Honduras (ZEDE Case)’, background paper.

⁴³ *Honduras Próspera Inc., St. John’s Bay Development Company LLC, and Próspera Arbitration Center LLC v. Republic of Honduras*, ICSID Case No. ARB/23/2; for an overview of the procedural steps see <https://www.italaw.com/cases/9971>.

⁴⁴ For discussions of this case see, for instance, Armin Rothemann, *Charter Cities – Eine Untersuchung von innerstaatlicher Umsetzungspraxis und völkerrechtlicher Beteiligungsmodalitäten anhand der Regionen Especiales de Desarrollo in der Republik Honduras* (Duncker & Humblot 2022); Helmut Philipp Aust and Alejandro Rodiles, ‘Cities and Local Governments: International Development from Below?’ in Ruth Buchanan, Luis Eslava and Sundhya Pahuja (eds), *The Oxford Handbook of International Law and Development* (Oxford University Press 2023) p. 207-225, at p. 207-209; Malebakeng Agnes Forere, ‘Towards Foreign Direct Investment for Development in the Host State? Revisiting Charter Cities’ (2024) 25 *The Journal of World Investment and Trade* 58-92, at 63 et seq.

⁴⁵ *Metalclad Corporation v. The United Mexican States*, Award of 30 August 2000, ICSID Case No. ARB(AF)/97/1; reprinted in (2001) 36 *International Legal Materials* 40.

⁴⁶ See further Helmut Philipp Aust and Alejandro Rodiles, ‘Carving out the City from the State: Charter Cities and the Quest for New Urban Futures’ (2026) 76 *University of Toronto Law Journal* (forthcoming); on the political and ideological underpinnings see Quinn Slobodian, *Crack-Up Capitalism – Market Radicals and the Dream of a World Without Democracy* (London: Penguin Books, 2024).

cases like *Prospéra* not only stand for attempts to structure (urban) space, but also to define different legal territorial regimes.⁴⁷

2. International Human Rights Law

30. International law impacts significantly on urban life and governance. Many individual and communal needs and freedoms protected under international human rights law are closely connected to the urban socio-spatial context. This is not only because the majority of humanity now resides in cities, but also because the city, through its socio-spatial form, facilitates a wide range of political, economic, social, and cultural interactions, possibilities, and demands, thereby enabling the performance, enjoyment and realisation of as well as transformational approaches to human rights, while at the same time increasing both the likelihood and intensity of human rights violations.

31. To illustrate more concretely how urban issues intersect with human rights, the focus here is on two key rights: the right to peaceful assembly and the right to adequate housing. The relevance is twofold: not only do UN institutions regularly engage with the urban socio-political space, but these rights are also inherently conceptualised in relation to urban life.

32. The right to peaceful assembly is enshrined in Article 21 of the International Covenant on Civil and Political Rights (ICCPR)⁴⁸ and was authoritatively elaborated upon in 2020 by the Human Rights Committee in its General Comment 37 as ‘an individual right that is exercised collectively’, protecting ‘non-violent gatherings by persons for specific purposes, principally expressive ones’.⁴⁹ Together with freedom of expression, association, access to information, and the right to hold the government accountable, the right to peaceful assembly represents the symbolic civic space, understood as the cornerstone of democratic life.

33. Besides this democratic dimension of the right, peaceful assembly has a spatial dimension; exercising it means occupying and using public space. For the realisation of this right, the urban space is crucial because it is in cities and towns, in the streets and squares that the symbolic civic space is most often actualised through the critical mass of minds and bodies who address the seats of state or economic power. Or in other words, it is cities that are the primary theatre of democratic contention, where assembly is a way of inhabiting and reshaping public space.⁵⁰

34. The right to adequate housing, as recognised in Article 11 of the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR),⁵¹ has the potential not only to inform and guide local policymaking but also to shape the very structuring of urban space. In this regard, since 2000, successive UN Special Rapporteurs on adequate housing have made a significant contribution to the normative development of the right to adequate housing, both by elucidating its scope and content and by drawing attention to persistent implementation gaps that reveal the consequences of failures to realise this right in practice.

⁴⁷ Helmut Philipp Aust and Alejandro Rodiles ‘The influence of international investment law on urbanisation in light of the case *Próspera Inc. vs. Honduras (ZEDE Case)*’, background paper.

⁴⁸ UN General Assembly, International Covenant on Civil and Political Rights, United Nations, Treaty Series, vol. 999, p. 171, 16 December 1966.

⁴⁹ UN Human Rights Committee, General comment No. 37 (2020) on the right of peaceful assembly (article 21), CCPR/C/GC/37, 17 September 2020, para. 4.

⁵⁰ Miha Marcenko, ‘The Urbanisation of the International Human Rights Law Discourse – Uses of the urban in relation to the right to peaceful assembly and the right to adequate housing’, background paper.

⁵¹ UN General Assembly, International Covenant on Economic, Social and Cultural Rights, United Nations, Treaty Series, vol. 993, p. 3, 16 December 1966.

35. Urban revitalisation⁵² – because it so directly reshapes lived space – offers a critical lens through which to understand how the spatial dimension of the right to adequate housing operates in practice. Processes of revitalisation inevitably entail interventions in housing: the construction of new dwellings, the demolition of existing ones, the upgrading of neighbourhoods, and the reconfiguration of urban space more broadly. Applying international human rights law to these processes allows for a practical account of how the right to adequate housing can and should function domestically. Within this framework, three urban phenomena illuminate the relationship between housing rights and the urban: homelessness, the protection of cultural heritage sites,⁵³ and (over)tourism.⁵⁴ All are deeply embedded in revitalisation agendas, yet they are treated in markedly different ways. These contrasting occupiers of urban space – the first often viewed as a negative presence to be removed, and the second increasingly regarded as a positive asset to be preserved, displayed, and commodified – frequently arise in the context of urban revitalisation and vividly manifest the potential–pitfall dynamic at the intersection of urbanisation and international law. It is within the constantly evolving fabric of city life that the promise of the right to adequate housing is most acutely tested and most meaningfully advanced.

3. International Law and Physical Urban Infrastructures

36. Underlying the above discussion of cities as physical sites for international investment law and international human rights law is a core commonality of cities: urban infrastructure as a component of the urban fabric. ‘Urban infrastructure’, of course, is itself a multilayered and ever-expanding concept.⁵⁵ It refers to everything from engineering works underlying the operation of the built environment (‘built infrastructure’) and the buildings and administrative systems associated with, for instance, health and education provision (‘social infrastructure’), to the role fulfilled by water sources and green spaces in the city (‘blue’ or ‘green’ infrastructure) and the importance of social networks for urban functioning (‘people as infrastructure’).⁵⁶ The urban fabric (indeed, the ‘city’) is constituted through the intricate interlacing of (and the dynamics between) all of these.

37. Infrastructure is a double-edged sword. While it is essential for urban development, the betterment of urban public/civic life and the enjoyment of social and economic rights in cities, large-scale urban infrastructure can (and often does) simultaneously displace and dispossess communities and destroy the pre-existing urban fabric, while undermining urban environmental sustainability.

38. There is growing recognition in international law that urban infrastructure may be deliberately designed to limit or deny rights. An early and emblematic illustration within the

⁵² The term refers to strategic and deliberate plans and processes to rebuild urban areas through reinvestment with the intention of revitalising the city in terms of physical redevelopment, economic growth, and social improvements.

⁵³ Kaara Martinez, ‘Urban Revitalization and the Human Right to Adequate Housing’, background paper.

⁵⁴ Veronica Botticelli, ‘Sustainable Cities, (Over)Tourism, and the Right to Adequate Housing: Confronting a New Trilemma in International (Human Rights) Law and Urban Governance’, background paper. Overtourism has been described as ‘the impact of tourism on a destination, or parts thereof, that excessively influences the perceived quality of life of citizens and/or the quality of visitor experiences in a negative way’. See World Tourism Organization (UNWTO) et al, *Overtourism?? – Understanding and Managing Urban Tourism Growth beyond Perceptions* (UNWTO 2018).

⁵⁵ Marius Pieterse, ‘Urban Infrastructure, Urban Fabric and International Law’, background paper.

⁵⁶ Matti Siemiatycki and Kevin Ward, ‘Infrastructure that Connects / Infrastructure that Divides’ (2023) 24 *Planning Theory & Practice* 99, 100. See further Abdou Maliq Simone, ‘People as Infrastructure: Intersecting Fragments in Johannesburg’ (2004) 16 *Public Culture* 407.

international human rights system was the Berlin Wall (1961-1989). A significant turning point emerged with the ICJ's 2004 Advisory Opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, in which the wall's impact on everyday life in urban areas substantively informed the Court's findings.⁵⁷ That reasoning is further developed in the more recent Advisory Opinion on the *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem*.⁵⁸ There, the Court underscores that infrastructural practices lie at the core of violations of international humanitarian law and international human rights law: for instance, it is noted that 'Israel's construction of settlements is accompanied by specially designed civilian infrastructure in the West Bank and East Jerusalem ... to encourage the expansion of settlements, including road, water and sewerage systems, communications and power systems, security systems and educational and health-care facilities'.⁵⁹ Access to this infrastructure is restricted and tightly controlled for Palestinians. These spatial and infrastructural arrangements operate alongside housing and planning policies that severely limit Palestinian construction and development, often resulting in punitive or administrative demolitions, while Israeli housing development is regularised, supported, and incentivised.

39. On the other hand, adequate urban infrastructure is widely regarded as an essential prerequisite for the enjoyment of most socio-economic rights. For instance, the UN Committee on Economic, Social and Cultural Rights (UNCESCR)'s General Comment on the right to adequate housing views 'availability of services, materials, facilities and infrastructure' as being inherent to the 'adequacy' of housing for purposes of the right to an adequate standard of living under the ICESCR.⁶⁰ Furthermore, its General Comment on the Right to Water understands the right as including 'the right to a system of water supply and management that provides equality of opportunity for people to enjoy the right to water'⁶¹ and emphasises that 'deprived urban areas, including informal human settlements, and homeless persons, should have access to properly maintained water facilities'.⁶² Accordingly, while the UNCESCR's jurisprudence under the Optional Protocol to the ICESCR is yet to elaborate on the issue, it may well be that lacking or inadequate essential urban infrastructure may sometimes contribute to a finding that one or more socio-economic rights have been infringed.

40. Finally, infrastructure underpins and sustains urban life, and its destruction can radically reshape, diminish, or annihilate it. When such destruction is deliberate, it violates a range of obligations under international human rights law and international humanitarian law. It also triggers questions of deliberately retrogressive measures as opposed to the progressive realisation of economic, social and cultural rights.

41. Urban warfare has caused in recent years unprecedented rates of destruction of critical infrastructure providing essential services, civilian homes, and cultural heritage sites, such as houses of worship, museums and archives. During the Balkan wars in the 1990s, the term 'urbicide' emerged to convey the widespread and deliberate destruction of urban buildings as a

⁵⁷ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion of 9 July 2004, [2004] ICJ Rep 136.

⁵⁸ *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, [2024] ICJ No 186.

⁵⁹ *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, [2024] ICJ No 186, para. 117.

⁶⁰ UN Committee on Economic, Social and Cultural Rights *General Comment No. 4: The Right to Adequate Housing (Art. 11(1) of the Covenant)* (1991), para. 8(b).

⁶¹ UN Committee on Economic, Social and Cultural Rights *General Comment No. 15: The Right to Water (Arts. 11 and 12 of the Covenant)* (2003), para. 10.

⁶² *Ibid*, para. 16(c).

specific form of violence. A major humanitarian challenge is the damage caused by the use of means and methods of warfare that were designed for use in open battlefields: in the last fifteen years, the International Committee of the Red Cross (ICRC) has warned against the use of explosive weapons with a wide impact area in populated areas as one of the main causes of civilian harm in armed conflicts, because of their widespread and reverberating effects.⁶³ The severe impact on civilian populations prompted the UN Secretary-General and the President of the ICRC to issue a joint appeal urging ‘States and all parties to armed conflict to avoid the use of explosive weapons with a wide impact area in populated areas’⁶⁴. Subsequent diplomatic efforts, led by a coalition of like-minded states, resulted in the drafting of a political declaration reaffirming the prohibitions against indiscriminate and disproportionate attacks and reiterating the obligation to take all feasible precautions during military operations.⁶⁵ In a 2021 resolution, the UN Security Council expressed concern over the increasing use and targeting of ‘civilian infrastructure that is critical to the delivery of essential services to the civilian population’ and ‘objects indispensable to the survival of civilian population’ in the course of armed conflict, emphasising that damage to either ‘can reduce or deprive civilians of access to essential services in situations of armed conflicts, and can be drivers of or aggravate forced displacement, compound the spread of infectious diseases in these contexts and hamper an effective public health response’.⁶⁶

42. Customary international humanitarian law Rules 7 through 9, as identified by the ICRC,⁶⁷ provide that civilians and civilian objects must be protected from attack, that only military objectives may be targeted, and that clear standards must be applied to distinguish between civilian and military objects. This distinction has been challenged and eroded by the rise of dual-use objects, as civilians and militaries rely on the same infrastructure to carry out their activities. The dynamics of global urbanisation and contemporary city design have led to a growing proliferation of dual-use facilities.⁶⁸ This increase, coupled with higher population concentrations in their vicinity, complicates the balance between the military advantage anticipated from targeting such objects and the obligation incumbent on both attackers and defenders to minimise civilian harm, potentially tipping that balance against the pursuit of military advantage. It has been argued that the presence of sporadic dual-use objects over time has evolved into the existence of dual-use cities, in which not merely individual facilities or entire city blocks, but the city as a whole, is used for military purposes, rendering its destruction, under international humanitarian law, potentially lawful.⁶⁹

⁶³ ICRC, ‘International Humanitarian Law and the Challenges of Contemporary Armed Conflicts: Report prepared for the 31st International Conference of the Red Cross and Red Crescent, 28 November-1 December 2011’ (ICRC 2011) 40. Recent studies have highlighted the reverberating effects of explosive weapons beyond the immediate point of detonation, particularly their devastating impact on essential infrastructure and services, including water, electricity, and sanitation systems. The resulting disruption endangers civilian life and health, increases the risk of disease outbreaks, and, together with the destruction of housing and contamination from explosive remnants of war, hampers the return of displaced persons and post-conflict recovery.

⁶⁴ Joint Appeal by the UN Secretary-General and the President of the International Committee of the Red Cross on the Use of Explosive Weapons in Cities, New York (18 September 2019).

⁶⁵ Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas (17 June 2022).

⁶⁶ SC Res. 2573 (27 April 2021); see Mirko Sossai, ‘The Place of Cities in the Evolution of International Humanitarian Law’ (2021) 31 *Italian Yearbook of International Law* 227.

⁶⁷ Jean-Marie Henckaerts, Louise Doswald-Beck, *Customary International Humanitarian Law, Volume 1: Rules* (Cambridge University Press 2005) Ch. 2.

⁶⁸ Oona A Hathaway, Azmat Khan, and Mara Redlich Revkin, ‘The Dangerous Rise of Dual-Use Objects in War’ (2025) 134 *Yale Law Journal* 2645.

⁶⁹ Andrés H Cáceres-Solari, ‘The Concept of Dual-use Cities’, background paper.

IV. PITFALLS AND NOVEL CHALLENGES EMERGING FROM THE INTERSECTION OF URBANISATION AND INTERNATIONAL LAW

43. In the absence of a consistent in-depth study covering all world regions with their local contexts and developments it is not viable to generalise on the presumed pitfalls emerging from the research on the intersection of urbanisation and international law. Based on the background papers prepared by members of the Committee, it is nonetheless possible to identify and categorise some of the challenges:

A. New forms of legal pluralism and unique local spaces of autonomy

44. The field of legal geography attests to the co-constitutive relationship between law and space, generally. It focuses on how legal processes produce space and how ‘places’ may influence the development of law. The understanding is that legal rules and norms and spatial contexts are mutually produced, affecting property, power and justice, for example. The creation of special ‘spatial’ legal regimes can advance and hamper different areas of international law. By way of an analogy not directly related to urbanisation, one may imagine that national and transnational ‘special environmental protection areas’ could advance the objectives of international environmental and climate law, but could simultaneously affect the rights and interests of indigenous communities as protected by the UN Declaration on the Rights of Indigenous Peoples,⁷⁰ for example.

45. It follows that international law may contribute to, and/or be affected by the delineation of different urban spaces and layered legal regimes within a single geographical area. In other words, international law does not stand unaffected by new forms of spatial legal regimes/legal pluralism in the urban space.

46. In one concrete example already referred to, international investment law has an impact on local government and urban development. In several ICSID proceedings, respondent states were sued by investors under applicable bilateral and multilateral investment agreements for conduct which emanated from local governments.⁷¹ A case in point is the famous *Metalclad* dispute, brought against the state of Mexico, for the violation of NAFTA standards pertaining to the minimum standard of treatment and expropriation. Against the background of this interplay between international investment law and local governments, the relevance for international law of the emergence of so-called ‘charter cities’ requires further consideration, especially with respect to the ongoing case of *Próspera Inc. vs Honduras (ZEDE-case)*.

47. As alluded to earlier, charter cities are understood to be newly built urban areas intended to operate under their own legal system and rules, distinct from the legal system of the host country. These cities are often conceptualised by tech entrepreneurs and aim to attract and foster investment (people and business) through improved, specialised and often more liberalised legal and economic frameworks. Usually built on greenfield sites, charter cities create an urban ‘start-up’ environment for investment accompanied by new forms of governance, innovation and well-functioning infrastructure. Importantly, such cities operate under a ‘special charter’ that outlines unique rules for investment, labour, governance etc. The most prominent example

⁷⁰ United Nations Declaration on the Rights of Indigenous Peoples, UNGA Res 61/295 (13 September 2007).

⁷¹ Helmut Philipp Aust & Alejandro Rodiles, ‘The influence of international investment law on urbanisation in light of the case *Próspera Inc. vs. Honduras (ZEDE Case)*’, background paper.

for a charter city is the aforementioned Próspera in Honduras,⁷² with Shenzhen in China⁷³ being a classic example of a special economic zone as a related (but not identical) concept. The ongoing legal battle in the *ZEDE*-case is particularly relevant for present purposes as it points at international investors' push for guaranteed functional and administrative autonomy of uniquely structured urban spaces amidst the ebb and flow of domestic law reform and political regime changes.

48. Like special economic zones before them, charter cities evoke urban autonomy not only within but also, problematically, as an exception from the operation of international law. One of the possible pitfalls of developments such as charter cities or special economic zones is the potentially all-encompassing impact of restricted public spaces, the potential for exploitation of space, people, resources and law, as well as threats to democratic accountability and stratified adherence to, or zones of exclusion from, domestic and international human rights. Democratic accountability within the nation state is at risk, as well as accountability lines in terms of international law. By extension, the question arises as to whether new and hitherto unknown forms/types of sub-national institutions could be included in the fast-expanding range of non-state actors in global governance and what this means for international law.

B. Fragmentation of international law

49. Tendencies towards a fragmentation of international law can have various deleterious consequences at international, regional, domestic and sub-national levels. Cities and those inhabiting them do not escape these effects. The intricate interdependencies between different branches of international law such as international investment law, international human rights law and international humanitarian law affect cities in direct, and often concrete, ways.

50. Pointing at one manifestation of fragmentation, the question has been raised what the rise of transnational environmental law that develops in parallel to the multilaterally negotiated international climate change law regime implies for cities.⁷⁴ Development-related displacement in cities (urban areas) 'highlight(s) the adverse consequences of international law's fragmentation by showing the disconnects between investment law's focus on the protection of investors' interests, states' ability to regulate projects in the public interest in conformance with their international human rights obligations, and residents' protection under the international human rights system.'⁷⁵

51. At the same time, more and more cases of 'urbicide' seem to be emerging, which serves to confirm that international turmoil, conflict and unsettled international relations can lead to the loss of an experience specific to the city through the disruption, destruction or remodelling of familiar material infrastructure. The emphasis falls on the destruction (intentional or not) of the everyday urban fabric – the environment that keeps a city functioning and intact. Instances of urbicide point at another manifestation of a fragmented international law system in terms of *what* it protects and *how*.

52. In a report published shortly after its construction, the International Commission of Jurists depicted the Berlin Wall as an unjustified violation of freedom of movement and also bemoaned restrictions of freedom of expression and freedom of information on its eastern side.⁷⁶ These

⁷² See the webpage dedicated to what Próspera offers investors at <https://pzgps.hn>.

⁷³ See the Charter Cities Institute at <https://chartercitiesinstitute.org/blog-posts/why-was-shenzhen-chinas-most-successful-sez/>.

⁷⁴ Nicola Pain, 'Urbanisation and International Law: potentials and pitfalls', background paper.

⁷⁵ Marius Pieterse, 'Urban Infrastructure, Urban Fabric and International Law', background paper.

⁷⁶ International Commission of Jurists, *The Berlin Wall: A Defiance of Human Rights* (International Commission

violations amounted to collective human rights violations with widespread structural effects caused by the destruction and disruption of the urban/city fabric at the time – through the hostile imposition of infrastructure. There is a disturbing number of more recent examples of such imposition as a violation of international law (e.g. newly erected walls restricting people's movement and impacting on their access to water resources, education- and health care facilities as well the right to an adequate standard of living). Further examples of urban areas being paralysed with immediate effects on international human rights include the extensive shelling in December 1991 of the Croatian city of Dubrovnik, the 2020 Beirut blast, and the disturbing accounts of urbicide in Syria, Ukraine and Gaza.

53. Intentional deprivation or neglect of urban infrastructure (e.g. denial of basic infrastructure and services) can also constitute a human rights violation as illustrated by the decision of the African Commission on Human and People's Rights in *Gunme v Cameroon*,⁷⁷ which concerned a collective claim brought on behalf of the anglophone people of Southern Cameroon, alleging that government policy deliberately marginalised them and thereby violated several of their collective rights under the African Charter of Human and People's Rights (ACHPR). Their allegations concerned the denial of basic infrastructure, and the relocation of economically viable enterprises and projects (e.g. the Chad-Cameroon Oil Pipeline, the deep seaport etc.) The *Gunme*-case showed that depriving urban communities of essential infrastructure can constitute violations of collective rights such as equality, development and security. Against this background, it has been argued that when focusing on the building blocks of cities *as places* rather than *as actors* the need for conceptual developments to the content of human rights and humanitarian law emerges. International law adjudication is only just beginning to articulate and remedy harm suffered by urban populations through and to urban infrastructure.⁷⁸

C. A spectrum of actors impact international law's application in urban contexts

54. Urban space does not necessarily have clearly delineated geographic boundaries that allow it to be assimilated to a specific local or municipal government. At the same time, cities as places are not acted upon solely by cities' governance entities as actors – the conduct of a variety of actors might be relevant. As will already be clear, private entities can play a role in the governance of urban spaces and/or the provision of public services in those spaces. Moreover, cities function as hubs for most of the world's corporate and financial activity and processes of urbanisation are often associated with the accumulation of these activities in a single place. The actors responsible, particularly large multinational corporations, can be of considerable consequence from the perspective of international law – for example, from the perspective of environmental regulation or human rights law.⁷⁹ The challenge lies in international law currently being mostly silent on how such actors should be treated or regulated.

55. International law's development and engagement with urbanity may thus have to extend to a bigger range of state and non-state actors that impact on cities in various, continuously shifting, governance constructs.⁸⁰ For example, as places cities provide an excellent vantage point for the long overdue development of an international regime of corporate accountability for human rights, given that they are where corporate capital physically lands, not least through the infrastructure that it finances and constructs. Increasing focus on international climate

of Jurists, Geneva, 1962) 11-12, 26-27, 37-45.

⁷⁷ (2009) AHRLR 9 (ACHPR 2009).

⁷⁸ Marius Pieterse, 'Urban Infrastructure, Urban Fabric and International Law', background paper.

⁷⁹ Nicola Pain, 'Urbanisation and International Law: potentials and pitfalls', background paper.

⁸⁰ Nicola Pain, 'Urbanisation and International Law: potentials and pitfalls', background paper.

finance for critical urban infrastructure expansion and maintenance (e.g. clean energy, low-carbon transport, water services and flood protection) in emerging and developing economies similarly involves a range of actors to be involved in what essentially boils down to the implementation of international climate law.

D. International law can flourish in, as well as fail people inhabiting, urban spaces

56. Cities, urbanisation, and local authorities are increasingly visible in the core institutional discourse shaping international human rights law. The OHCHR, and in particular the UN Special Rapporteurs, increasingly conceptualise these rights in relation to the urban condition. The urban socio-political space is recognised both as a crucial setting of contemporary human rights struggles and as a governance problem that should be shaped through human rights norms. Further, ‘(f)rom the black box of the nation-state, an urban geography of human rights has risen’ – a geography of local authorities as key human rights actors and of cities as spaces with distinct political dynamics asking for a nuanced interpretation of human rights. This is illustrated by the foregoing analyses of how international institutions interpret violations of the right to adequate housing intersecting with urbanisation, slums and informal settlements; as well as spatial manifestations of the right to peaceful assembly.⁸¹

57. International law, including in the sense of global normative commitments such as the SDGs and the New Urban Agenda, can further be used to obscure if not encourage problematic government policy which negatively impacts urban residents through e.g. displacement and exclusion.⁸² In a country like South Africa many towns and cities (e.g the City of Johannesburg) are at the time of writing crippling under serious municipal water services failures due to delapidating infrastructure, absent long-term planning and poor local governance.⁸³ The accessibility and quality of drinking water is constantly under serious strain which brings into the fold the South African government’s duties in terms of international human rights law and the obligation to provide access to sufficient water *inter alia* to those inhabiting cities.⁸⁴ Further, South Africa has an entrenched constitutional right to access to sufficient water and an extensive body of water law that must be interpreted and arguably also implemented in a manner consistent with international law.⁸⁵ Many of the SDGs are also dependent on the accessibility and quality of water and sanitation. Yet, in other examples, such as that of Amsterdam, one sees how sustainability and commitment to the SDGs can be deeply embedded in the city’s identity and stated political commitments.⁸⁶

E. International conflict impacts cities in significant ways

⁸¹ Miha Marcenko, ‘The Urbanisation of International Human Rights Discourse’, background paper.

⁸² Kaara Martinez, ‘Urban Revitalization and the Human Right to Adequate Housing’, background paper.

⁸³ See Naledi Mashishi ‘Minister approves emergency measures to curb Joburg’s water crisis’ (Daily Maverick, 19 February 2026) available at <https://www.dailymaverick.co.za/article/2026-02-19-minister-approves-emergency-measures-to-curb-joburgs-water-crisis/>.

⁸⁴ See Helen Suzman Foundation ‘Water Governance II: A Broad Outline of South Africa’s International Obligations’ available at <https://hsf.org.za/publications/hsf-briefs/water-governance-ii-a-broad-outline-of-south-africa2019s-international-obligations>.

⁸⁵ Section 27(1)(b) of the Constitution of the Republic of South Africa, 1996 read with sections 7(2) and 233. Section 233 determines that ‘When interpreting any legislation, every court must prefer any reasonable interpretation of the legislation that is consistent with international law over any alternative interpretation that is inconsistent with international law.’

⁸⁶ Sophia Ikpia & Janne Nijman, ‘City Report: Amsterdam’, available at <https://www.urbanintlaw.com/post/new-city-report-amsterdam>.

58. There is a direct correlation between increasing international conflict, security measures and urbanisation. One manifestation of this is the dual use of urban infrastructure (e.g. bridges, ports, water towers and transportation in cities) where the latter is permanently or sporadically used for civilian and military purposes, as explained earlier. Research on ‘dual-use cities’ explains the dire consequences of a growing number of such cities.⁸⁷ In times of international conflict, cities are widely destroyed for their ‘urban targets’ with increasing collateral damage because of increasing urban population densities. In the current legal framework, dual use objects have essentially created cities where very few civilian objects are protected. International humanitarian law protects civilians and their objects during armed hostilities in urban environments, but the challenge lies in the definitions and interpretations afforded to dual use objects – today, these objects are no longer limited to isolated structures like bridges and TV towers as traditionally understood.⁸⁸

59. We further know that urban residents rely on complex, interconnected systems that are highly vulnerable to disruption of the kind caused by international conflict and war. Damage to a single power station can immediately shut down water pumps, hospitals, special care facilities and sewage treatment plants, leading to disease outbreaks, for example. Attacks on industrial or electrical sites in cities can release toxic substances (persistent pollutants) like parylene into local water sources, poisoning a city’s environment for generations. During times of war, as state control weakens, non-state armed groups or criminal ‘mafias’ often step in to provide basic urban services (like water or security), creating predatory governance systems that may have transnational implications. Cities can for this reason also turn into internationally relevant geographies of fear, distress and trepidation.

F. International law cannot be divorced from highly diverse domestic contexts

60. It is trite that the actual conditions of urban governance vary significantly across and within domestic contexts. In some cases, they might provide particularly effective and productive means of engaging with international law, that are consistent with or enhance democratic ideals. In others, they might undermine the same.

61. From the perspective of international legal doctrine, there is just a handful of international legal rules or regimes that speak specifically to subnational governmental actors. These generally define the manner in which international law engages with and regulates the conduct of local government actors, but only (and deliberately) in a superficial manner. International law does not deal with the specifics and the actual operation of these rules and therefore depends to a considerable extent on the domestic legal framework of the relevant state – the authority, roles and responsibilities it gives to local governments and how it structures intergovernmental relations within the state. This brings to the fore the, often uncomfortable, tensions between international law’s ‘one-size-fits-all’ ambitions and the inevitable pluralism of its application.

62. International rules speaking to local actors depend on the state as a whole and/or the national government to give them content.⁸⁹ It follows that national authorities in domestic legal systems are in many instances important agents in a) making international law serve the rights and interests of those inhabiting cities, and b) creating room (authority, capacity and opportunity)

⁸⁷ Andrés H Cáceres-Solari, ‘The Concept of Dual-use Cities’, background paper.

⁸⁸ For this more traditional interpretation, see *Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia* (13 June 2000) <https://www.icty.org/en/press/final-report-prosecutor-committee-established-review-nato-bombing-campaign-against-federal>.

⁸⁹ Nicola Pain, ‘Urbanisation and International Law: potentials and pitfalls’, background paper.

for urban actors to meaningfully contribute to the development of international law on the international plane. In this regard we are reminded again that, typically, the rules of treaty law do not recognise an independent treaty-making capacity for subnational authorities and that informal means of international lawmaking where cities may have been involved so far, are not yet fully understood or established. Further, the international law framework that is designed to hold governments to account where they act contrary to international law is ill adapted to local governance. This pitfall deepens when one considers the consequences of varying degrees of autonomy that local governments enjoy within specific kinds of state designs (e.g. federal) in different domestic constitutional systems.

63. Still, all government entities within the state, including city authorities, are bound by the state's international obligations following articles 27 and 29 of the Vienna Convention on the Law of Treaties. This is relevant for the nexus between the actions or inactions of urban actors and international law to the extent that, because the state's legal obligations apply to the state as a whole (including all organs of state within it), all governments can play a part in implementing or giving effect to the state's international legal obligations. It follows that the nature of a state's compliance with international law must take account of each of the various governments or organs of state within the state.⁹⁰

64. What this will mean in the context of any particular state and with reference to international law applicable to life, development and work in cities, currently depends to a large degree on the internal law of the state in question, underlining that the implementation of international law always takes place via the intermediaries of plural instances of domestic constitutional law. The inverse is however also true: the rules of state responsibility make clear that the conduct of local governments is to be attributed to the state for the purposes of its international responsibility. This suggests that the nexus between urbanisation and international law may require a review of the international legal architecture of responsibility and necessitates that ways to facilitate more direct modes of engagement between international legal regimes, national institutions and local governments themselves be explored.

65. From the perspective of the United States, it can be added that cities face a series of constraints that restrict their ability to resist the violation of international law by central authorities, including concern over retaliation in the form of lost funding and other consequences such as harassment and even threats that local officials will be criminally prosecuted.⁹¹ This underlines the highly contextual nature of local government attempts to protect international human rights, coloured by domestic legal and political frameworks as well as context-specific social and cultural factors.

⁹⁰ Nicola Pain, 'Urbanisation and International Law: potentials and pitfalls', background paper.

⁹¹ Jonathan Hafetz, 'Cities as Actors and Sites of Resistance in International Law: Contesting Mass Deportations in the United States', background paper.

V. POTENTIAL IN THE INTERSECTION OF URBANISATION AND INTERNATIONAL LAW

66. The research by members of the Committee is enlightening in relation to the potential and new possibilities of the convergence of urbanisation and international law, both as a field of inquiry and as a site of the transformation of the global order. In the absence of an in-depth and consistent study of international law fields across all world regions, it is again not possible to generalise or to confidently state that what is being portrayed here would play out favourably in all circumstances and contexts.

A. International law fuels local autonomy in unsettled domestic (intra-governmental) relations

67. At the international level, the state has, for the longest period, represented cities and other sub-national entities. This translated into cities mostly participating as part of a state's delegation in international negotiations or in dispute settlement procedures.⁹² However, this Interim Report has shown that the inquiry into a city's active legal capacity would mean that a city appears on its own behalf on the international plane, adopting independent approaches or stances from national or federal authorities in contested matters of global concern. As indicated in different places in this Report, and perhaps best exemplified by the case of Amsterdam,⁹³ cities have over the past decades increasingly represented their own interests by taking stances in a variety of issue areas such as climate change and migration.

68. Cities are pushing the boundaries of their governing powers through taking a stance on matters of global concern. This is evident in cases such as municipal flag raising (e.g. Toronto's decision to fly the Palestinian flag at City Hall in November 2025, an action (unsuccessfully) challenged before the Ontario Superior Court), worldwide municipal declarations on the climate emergency explicitly based on the Paris Agreement in the face of backsliding climate action by higher orders of government, as well as city diplomacy to combat a rise in trade protectionism.

69. Cities have also become sites of resistance to democratic backsliding and retreat from human rights, as evidenced by local officials, civil society groups, and ordinary citizens and non-citizens alike pushing back through legal challenges, political opposition, and protest action.⁹⁴ In the United States for example, cities play a visible role in responding to the anti-immigration backlash of the second Trump administration.

70. Cities are understood to have moved beyond symbolic actions like ratifying treaties. For example, they increasingly work to enforce them by positioning themselves as human rights cities and invoking international human rights law locally.⁹⁵ Sanctuary cities in many countries (especially in the United States and Europe) have also utilised international human rights law

⁹² Christiane Ahlhorn, 'Cities as International Legal Persons', background paper.

⁹³ Sophia Ikpi & Janne Nijman, 'City Report: Amsterdam', available at <https://www.urbanintl.com/post/new-city-report-amsterdam>.

⁹⁴ Jonathan Hafetz, 'Cities as Actors and Sites of Resistance in International Law: Contesting Mass Deportations in the United States', background paper.

⁹⁵ On human rights cities, see Barbara Oomen, Martha F. Davis, and Michele Grigolo (eds) *Global Urban Justice: The Rise of Human Rights Cities*, (Cambridge University Press 2016); Martha F. Davis, 'Finding international law close to home: the case of human rights cities' in Helmut Philipp Aust and Janne Nijman (eds), *Research Handbook on International Law and Cities* (Edward Elgar 2021) p. 227-239; see also Human Rights Council Advisory Committee, *Role of local government in the promotion and protection of human rights*, UN Doc A/HRC/30/49 (7 August 2015).

in opposing federal restrictions on migration. We acknowledge though that, currently, the city-state relationship is in flux and that future research may point at new developments in this regard.

B. Fertile ground for a ‘right to the city’ as a remedy and more in international law

71. International human rights law’s treatment of urban infrastructure and access to housing seems to provide concrete foundation for the further development of a nascent ‘right to the city’ in international law. This is despite the vexing question of what is deemed a city. International tribunals’ current treatment of urbicide and infrastructure imposition cases seems to provide fertile ground for viewing ‘a right to the city not as a set of entitlements to a particular kind of city but instead as a right to share in and benefit from relationships enabled by key urban infrastructure.’⁹⁶ There is potential for a right to the city in international law to provide, at a minimum, a logical and critical remedy in cases of urbicide and infrastructural imposition. Such a right could typically focus on the protection, improvement, maintenance, construction or, indeed prevention of particular forms of concrete infrastructure to prevent or correct infringements within cities.

72. In the context of the human right to adequate housing, it can be argued that the collective nature of the right to the city expands the horizons of the right to adequate housing to better meet urbanisation’s realities and challenges, and asserts preclusions of access to the city and dispossessions of belonging as matters of concern. With reference to urbanisation and urban revitalisation, the content of the human right to housing is best understood and implemented as including a spatial dimension which recognises the city as an important economic, cultural, and social *space*.⁹⁷ These sentiments resonate when the Special Rapporteur for the Right to Adequate Housing writes that the right to adequate housing has the capacity to empower rights holders to become active participants in decision-making, to challenge stigmatisation and exclusion and to provide access to justice and effective remedies.⁹⁸ The right to the city serves to conceptually connect the dots in this regard.

C. Urban life invites an encompassing understanding of collective rights in international human rights law

73. Urban questions have become integral to the institutional framework of international human rights law, but this very framework also serves as an arena for struggles over urban justice, equality and dignity.

74. Based on *inter alia* developments before the African Commission (e.g. the *Gunme*-case⁹⁹) peoples’ shared dependence on urban infrastructure may be an entry point for developing a more encompassing, interest-based understanding of collective rights in international human rights law. Such an understanding would complement and may build on the ECtHRs current view of communal property interest damaged through the destruction of common village space in the course of armed conflict.¹⁰⁰ In a similar vein, urban collectives residing in cities may also be victims of human rights violations and may bring claims against national governments in instances where domestic public law afford them standing. When domestic justice is not

⁹⁶ Marius Pieterse, ‘Urban Infrastructure, Urban Fabric and International Law’, background paper.

⁹⁷ Kaara Martinez, ‘Urban Revitalization and the Human Right to Adequate Housing’, background paper.

⁹⁸ See Miha Marcenko, ‘The Urbanisation of International Human Rights Discourse’, background paper.

⁹⁹ African Commission on Human and People’s Rights (n 78).

¹⁰⁰ Marius Pieterse, ‘Urban Infrastructure, Urban Fabric and International Law’, background paper.

forthcoming, the possibilities of elevating such claims to the international level remain limited, but international or regional tribunals have occasionally entertained such cases where groups of claimants are bound together primarily by their common urban residence.

D. Implementation of international law lies with different urban actors

75. On the back of the principles of subsidiarity and participation, local governments play an increasingly important role in the implementation of *inter alia* international human rights and climate law. International climate change law is one of the branches of international law that is evidently dependent on focused city-level commitment and mitigative and adaptive action, a reality which increasingly corresponds to the organisation of local governments on the international plane. Local government/city level engagement in transnational city networks and alliances such as ICLEI, C40, the Resilient Cities Network and the Global Covenant of Mayors for Climate and Energy has proven effective to help shape the direction of mitigation and adaptation in international climate law. For example, the Local Governments and Municipal Authorities (the LGMA) Constituency under the auspices of ICLEI, has gathered local and subnational governments accredited to the UNFCCC as observers and has remained the main advocacy channel for input into the UNFCCC negotiations since 1995. Despite its indeterminate position in international law, the LGMA has successfully advocated for reference to multilevel governance and action in negotiated outcomes. This spiralled down to the content of some Nationally Determined Contributions (NDCs) (e.g. that of Brazil) which may be seen as a critical tool in international climate mitigation law.¹⁰¹ Further, as climate change litigation is proliferating worldwide, it is anticipated that court challenges involving cities will help shape the future of accountability and responsibility for the local actualisation of international climate mitigation and adaptation law.

76. An instrument such as the European Urban Charter III (2023) (the Charter) adopted by the Congress of Local and Regional Authorities of the Council of Europe amounts to the development and concretisation of international law in urban contexts. Numerous dimensions of relevance in the fight against climate change are taken up in the Charter. Accordingly, local authorities are requested to comprehensively respond to the challenges of the climate crisis. The Charter is meaningful in directing this response through actionable principles and an extensive explanatory memorandum aimed at operationalisation.¹⁰²

77. It has also been argued that much of the success of the UN Sustainable Development Goals (not only the urban goal in SDG 11) depends on city-level action. With more than 55% of the global population residing in urban areas – projected to reach nearly 70% by 2050 – urban policies and action at the local level impact the vast majority of humanity.

78. The above said, it is important to remember that evaluating the claim that some sectors of international law draw upon cities rather than relying on national governments alone, requires some regard to the specifics of local settings. It is necessary in the context of the Committee's work to establish whether local actors – either governmental or non-governmental – actually bear responsibility for issues critical to international law in each domestic setting. The responsibility may be *de jure* or it might be *de facto*, particularly where non-governmental actors are concerned.

¹⁰¹ See Nicola Pain, 'Focus on international climate change law', background paper.

¹⁰² Christina Binder, 'Potential and Pitfalls of International Law: The Example of the European Urban Charter III (2023) of the Congress of Local and Regional Authorities', background paper.

79. Second, it is necessary to understand *which* subject-matter areas are implicated – for example, are local governments or other urban actors particularly involved in matters relating to environmental law, or the protection of human rights, or some other area altogether. The work on this subject is currently based predominantly on generalisations about which areas of international law are implicated by the conduct of local governments.¹⁰³ There is certainly room for more consistent and evidence-based work in this area to the extent that a) more accurate or specific identification of the areas of international law at issue can better allow relevant international regimes to respond; b) generalisations might mean privileging the positions of larger or more politically prominent nations whose particular experience is sometimes used as a substitute for the global experience, and c) to speak of ‘urbanisation’ means to include within its scope the conduct of a range of other actors without specific governmental or public functions. One is reminded that the range of legal subjects/actors to which international law might be relevant is wide and may not be adequately captured by research projects only devoted to questions of the ‘city’ and international law.¹⁰⁴

E. International law can intentionally/unintentionally direct local governments in their development of urban space and *vice versa*

80. The thorny question remains how to conceptualise the status of cities in international law where the classic view remains that only states and international organisations are international legal persons.¹⁰⁵ It is however evident from a range of sources that cities are increasingly recognised as norm addressees in international law, and as actors that can help solve global problems.

81. Urban spaces are sometimes identified as hubs for innovation and experimentation, which might facilitate the development of novel solutions to tricky international issues. For example, when we understand cities to be not just physical spaces but spaces of social, political and legal process as well, it gives important content to the international human right to adequate housing. In fact, the right to adequate housing as established in international human rights law has an important role to play in how governments through domestic legal systems address homelessness, e.g. through criminalisation/decriminalisation. At the same time, the international development agenda and specific areas of international law (e.g. international heritage protection law) may meaningfully help inform urban revitalisation in cities and towns as illustrated by the case of Bridgetown, the capital city of Barbados, a 166 square mile Caribbean Small Island Developing State.¹⁰⁶

82. Also, when cities do not participate in the sidelines of negotiations between states (as mentioned earlier in this Report), they might voluntarily adopt normative agendas based on international law. Examples include Graz’ Human Rights City Declaration (2001) and Amsterdam’s Voluntary Local Review of its Implementation of the SDGs to the UN (2022).¹⁰⁷ Elsewhere, Singapore was the first and only ASEAN country (city state) that enacted a domestic transboundary haze regulation following the 2003 ASEAN Agreement on Transboundary Haze Pollution, much as that has unfortunately not yet succeeded in eliminating the problem of haze

¹⁰³ Nicola Pain, ‘Urbanisation and International Law: potentials and pitfalls - Focus on international climate change law’, background paper.

¹⁰⁴ Nicola Pain, ‘Urbanisation and International Law: potentials and pitfalls - Focus on international climate change law’, background paper.

¹⁰⁵ Christiane Ahlhorn, ‘Cities as International Legal Persons’, background paper.

¹⁰⁶ The Bridgetown example is unpacked in Kaara Martinez, ‘Urban Revitalization and the Human Right to Adequate Housing’, background paper.

¹⁰⁷ Christiane Ahlhorn, ‘Cities as International Legal Persons’, background paper.

pollution in the region.¹⁰⁸ In a similar case concerning international drug policy, Amsterdam's emphasis on collaboration across municipalities and with the UN highlights how it sees itself as a global actor capable of shaping drug policy reforms from the ground up.¹⁰⁹

83. Further, while cities participate in international organisations, some of these have used cities to implement their policies more effectively.¹¹⁰ Scope exists to explore if and how 'urbanisation' serves the strategic agendas and work of international organisations devoted to urban development matters as well as other international organisations of which the mandate and work (directly or indirectly) affect urbanisation and people in cities.

84. Cities can serve as catalysts for messaging on international relations and matters of international law. The authorities of Amsterdam, for example, in recent times adopted an approach of seeking dialogue with and between diverse communities (specifically Amsterdam's Jewish and Muslim community) and in one example, publicly called on all parties involved in the conflict between Israel and Palestine to respect international humanitarian law.¹¹¹ Amsterdam is also pressuring the national Dutch government to act by scaling up diplomatic pressure on Israel, thereby displaying bottom-up commitment to respect for international law. Further, as alluded to above, Amsterdam projects itself as a leading actor both locally and globally in the development of innovative drug policy and international regulation through the strategic use of human rights language and international legal frameworks. Amsterdam has been aptly described as 'a law-broker' - while it cannot (yet) formally influence the (re-) creation of international drug-related law, it translates international human rights norms into its local drug policies and global policy proposals. It also organises transnational collaboration and leads in the campaign for the revision of relevant treaties.¹¹²

85. Finally, it is possible to add to the above a few general unfolding developments that bode well from the perspective of international law, urban law and international public relations scholarship. These include: international collaboration and cooperation among cities outside of the realm of city networks, e.g. Singapore that has helped many other cities to deliberate solutions on urban water, coastal and flood management;¹¹³ the idea of using cities as laboratories in the development of context sensitive international law such as disaster risk, climate adaptation and climate finance law; and the role of cities in strategic litigation such as climate and human rights litigation.

¹⁰⁸ Nengye Liu and Qiyuan Fu, 'Singapore and International Law', background paper. The authors explain that Singapore's domestic Transboundary Haze Pollution Act was used at some point as the legal basis for the environmental authorities to conduct investigations into some foreign companies after determining their involvement in the fires. Interestingly, the Indonesian authority declared that it would respect Singapore's investigations if Singapore does not violate the sovereignty of Indonesia. However, Indonesia since committed to punish wrongdoers pursuant to its own laws. See Nengye Liu and Qiyuan Fu, 'Singapore and International Law', background paper.

¹⁰⁹ Sophia Ikpia & Janne Nijman, 'City Report: Amsterdam', available at <https://www.urbanintl.com/post/new-city-report-amsterdam>.

¹¹⁰ Christiane Ahlhorn, 'Cities as International Legal Persons', background paper.

¹¹¹ Sophia Ikpia & Janne Nijman, 'City Report: Amsterdam', available at <https://www.urbanintl.com/post/new-city-report-amsterdam>.

¹¹² Sophia Ikpia & Janne Nijman, 'City Report: Amsterdam', available at <https://www.urbanintl.com/post/new-city-report-amsterdam>.

¹¹³ Nengye Liu and Qiyuan Fu, 'Singapore and International Law', background paper.

VI. POINTERS FOR A CONTINUING RESEARCH AGENDA FOR ACADEMICS, PRACTITIONERS AND DECISION MAKER

86. In the next two years, the Committee's research and mapping of key issues will continue, and it is not yet possible to offer a definitive list of findings and recommendations. Where possible and feasible, empirical research will be conducted to feed into findings and recommendations on specific areas and directed at specific audiences, such as municipalities. For now, first and foremost, the Committee should capitalise on the richness and valuable fact-based insights from specific cities in their engagement with international law. To contribute to the knowledge base on the tangible ways in which international law and urbanisation intersect, more case studies on cities from all world regions are urgently needed. One of the most recent of the Committee's city reports on the historic and contemporary developments in the city of Amsterdam is exemplary of the richness of in-depth and context specific analyses on the multiple ways in which local and international law and policy (as well as the actors involved in it), intersect.¹¹⁴

87. For its future work, the ILA Committee could further focus on how international law contributes to, or is affected by, the delineation of distinct legal spaces and regimes within a given physical space. This could draw from and recast existing research on legal pluralism and would not need to be limited to questions of international economic law. Rather, parallel questions can be identified with respect to various substantive parts of international law. Along these lines, international environmental law might require the creation of special protective zones for species or the preservation of floral environments in cities. World heritage law creates special layers of normativity around world heritage sites. States might try to undo levels of protection in the fields of human rights and migration law for the processing of asylum requests. The realities of urban warfare contribute to turning parts of cities in which heavy fighting occurs into death zones. Border cities also present distinct urban spaces. These examples illustrate that the creation of special legal regimes in urban settings can offer both promise and peril.

88. Cities, however, are not only shaped by their municipal authorities. International law's engagement with urbanity must consider the full spectrum of state and non-state actors that influence cities' concrete and abstract life in continuously shifting governance conglomerations. Cities provide a crucial vantage point for developing an international regime of corporate accountability for human rights, since they are where corporate capital materialises – often through infrastructure it finances and constructs. Future research on the place of cities (as spaces) in international law could thus examine cities as institutional actors not solely in terms of governance structures or population size, but also in relation to the physical and social fabric they contain and sustain. Two further specific areas that remain under-researched is international health and security law and its implication for local governance and the regulation of public health emergencies within and between cities; and the role of coastal cities in international maritime security and illegal marine resource harvesting.

89. The above discussion also attests to the need for the continued pursuit of work pertaining to a) the right to the city as a frame for normative developments concerning, for instance, the right to housing, as well as work pertaining to its usefulness as a starting point for attempts at realising participatory urban governance and as a frame and balancing plane for the (sometimes

¹¹⁴ Sophia Ikpi & Janne Nijman 'City Report: Amsterdam', available at <https://www.urbanintl.com/post/new-city-report-amsterdam>.

competing) interests of urban collectives in international law; and b) the development of an analytical framework that explores the state city relationship that is increasingly in flux.

VII.FUTURE COMMITTEE INITIATIVES: MARCH 2026+

90. The following events are planned in the run-up to the Biennial Conference in Vienna and will be co-sponsored by the Committee:

- A roundtable organised in co-operation with Geneva Global Cities Hub is scheduled to take place on 5 May 2026 in Geneva. It is organised under the stewardship of Co-Chair of Janne E. Nijman and in cooperation with the Geneva Graduate Institute.
- On Monday, 11 May 2026, a public event will be held in Berlin on the upcoming special IPCC Report on cities and climate change. Co-organised by Freie Universität Berlin, Humboldt University of Berlin and the Max-Planck Institute of Comparative Public and International Law, the event will include the participation of human geographer Matthias Garschagen, one of the lead authors of the IPCC report.
- Co-Rapporteur, Anél du Plessis is one of the lead applicants with Committee member, Cathrin Zengerling and UN-Habitat for a book launch event at the WUF 13 (World Urban Forum 13) taking place in Baku from 17-22 May. The proposed event will launch the Edward Elgar Research Handbook on Cities and Climate Change Law, a comprehensive volume examining the critical role of law and (legal) mechanisms for accountability in guiding urban responses to climate change.

91. In Vienna, the Committee will meet for a closed working session to prepare the ground for the Final Report of the Committee to be presented at the 2028 Biennial Conference. In addition, an open session will be held which will engage further with the upcoming IPCC Special Report on Climate Change and Cities.

92. In November 2026, a follow-up to the highly successful ‘Asian Cities and the International Legal Order’ workshop will take place at Singapore Management University and will again be co-hosted by the Committee. More information on this event will follow in due course.

93. For 2027, it is anticipated to hold an intersessional in-person meeting which aims to bring as many of the Committee members together as possible. More information on this planned event will be shared at the Vienna conference.

94. In addition, the Committee welcomes suggestions for additional activities to be organised by individual members and is open to partnering in the advertisement and distribution of such events.

Addendum A

International Law Association Committee | Urbanisation and International Law – Potential and Pitfalls

→ Call for “City Reports”

The **ILA Committee on Urbanisation and International Law: Potential and Pitfalls**, invites proposals for a 4500-7000 word City Report.

A City Report should engage with the legally relevant linkages between a) urbanisation, public and private governance, and political dynamics in urban areas (cities and towns) and, b) the processes, institutions and normative direction (or not) of any sector of international law.

The Report could focus on city-led governance initiatives or practices that bring international law (e.g. human rights law, migration law, climate change law or trade law) into play, or it could put the spotlight on initiatives or developments in the international law terrain that involve or affect the city. The Report should focus on the *legally relevant nexus* between the city (as a space, a local regulator (governor) or a legal actor, and the institutions (including judicial bodies), processes and norms of international law. The Report should ideally be a mix of descriptive and analytical research. It should aim to inform and deepen understanding of the potential and pitfalls of the increasingly evident impact that urbanisation and multi-level urban governance has on the development of international law in all world regions.

The Committee invites proposals for “City Reports” from researchers active in this field.



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Proposals to follow a specified format available here:

CITY REPORTS

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