

CALL FOR PAPERS

EUROPEAN YEARBOOK OF CONSTITUTIONAL LAW (EYCL), VOLUME 2 (2020)

THE CITY IN CONSTITUTIONAL LAW

The *European Yearbook of Constitutional Law* is pleased to announce a call for submissions for its second volume (2020) on the theme of 'The City in Constitutional Law'.

Today, more than half of the world's population lives in urban areas. There is a growing list of cities whose population exceeds – often by a substantial margin – that of the 60 or so small states, defined as sovereign countries with a population of 1.5 million people or fewer. Cities are places where State power is operationalized and concretized; where laws and government policies transform from parchment objectives to practical realities. In a similar vein, cities are also places for the realization of the constitutional rights and liberties enjoyed by individuals. Cities, then, matter. This volume aims to explore the constitutional dimensions attendant on the real-life significance of cities, focusing on their positioning within the wider organization of the State as well as their role as prime sites where individuals encounter or otherwise engage with State power.

The EYCL invites scholars to approach the theme of 'The City in Constitutional Law' in a holistic fashion, and welcomes contributions devoted, but not limited to:

- the relationship with other echelons of government in federal, decentralized and unitary States;
- the type and scope of autonomous powers for cities, including the role of the principle of subsidiarity;
- the designation and special position of capitals, mega-cities and large metropolitan areas;
- cities as coterminous with the State;
- avenues and opportunities for participatory governance;
- multilevel protection of fundamental rights within the State;
- novel city-specific rights (e.g. 'right to the city', 'right through the city');
- the international authority of cities, including their responsibility to implement international obligations undertaken by the State.

While the EYCL is devoted to the study of aspects of constitutional law and constitutionalism, interdisciplinary contributions and submissions from scholars researching the topic from a (social-) geographical, historical, anthropological or political-science perspective are also welcomed. The EYCL is interested in submissions that examine the theme with reference to the European experience, but also explicitly invites submissions that focus on other countries and regions, including those located in the Global South.

DEADLINE FOR PROPOSALS: 30 April 2019, although earlier submissions are encouraged.

PROPOSAL SUBMISSION: Proposals of 350 to 500 words should be submitted to eycl@uvt.nl. Please put "Proposed paper, volume 2" in the subject line of your email. Successful applicants will be notified by 1 June 2019. Complete papers must be submitted by 1 November 2019. Manuscripts should be no longer than 10,000 words, including footnotes. In preparing their manuscript, authors should follow the EYCL Style Guide, which will be sent to them when notified about their successful application. Decisions to publish a submission are based on editorial and double-blind peer review.

ABOUT THE EYCL: The *European Yearbook of Constitutional Law* is an annual publication devoted to the study of constitutional law. The yearbook provides a forum for in-depth analysis and discussion of new developments in constitutional law in Europe and beyond. Each issue is dedicated to a specific theme. The inaugural volume of the yearbook, on the theme of 'Judicial Power: Safeguards and Limits in a Democratic Society', will be published in 2019. The yearbook is published by T.M.C. Asser Press in cooperation with Springer Publishers. The Editorial Board consists of Prof. dr. Ernst M.H. Hirsch Ballin, Tilburg Law School and Amsterdam Law School (Co-Coordinating Editor), Dr. Gerhard van der Schyff, Tilburg Law School (Co-Coordinating Editor), Dr. Maartje de Visser, Singapore Management University School of Law (Editor) and Maarten Stremmer LL.M., Tilburg Law School (Managing Editor).

BACKGROUND TO THE THEME

From an institutional perspective, this volume is interested in contributions that interrogate the position of cities within the vertical separation of powers. In part, this involves an examination of what the constitution has to say – or should say – about the relationship between cities and the central level as well as, in federations, the subnational tier of government. Cities may be granted a limited right of self-government and certain autonomous competences, including in the fiscal realm, which focuses attention on how to the risks of centripetal and centrifugal encroachments can be avoided and whether such is best done in the judicial or in the political arena. In States that constitutionally conceive of cities as agents of the higher echelons pure and simple, the latter do not necessarily subscribe to that view at all times. There have been examples of cities defying the central government and refusing to enforce national rules, due to resource constraints or for reasons of principle. This invites reflection on how city-resistance should be conceptualized and the conditions, if any, under which such behaviour could be tolerated.

In a related vein, while cities are not (yet) recognized as subjects of international law in their own right, they are stepping up to undertake the implementation of international obligations entered into by the State in areas such as environmental protection, migration or human rights. This includes situations in which the national government has shown less appetite to do so. A clear example is offered by US cities rallying around the objectives encapsulated in the Paris Agreement on Climate Change in the wake of the Trump administration announcing the intention to withdraw from that pact. From the perspective of boosting the effectiveness of international commitments, the assertiveness of cities to ensure compliance is undoubtedly a welcome development. The picture is arguably more mixed when viewed through a domestic constitutional perspective frame: cities acquiring international authority by stealth may upset the conventional arrangements pertaining to the allocation of State powers and responsibilities.

A further area of interest from an institutional perspective concerns the treatment of cities inter se. There may be vast differences among the cities in a given national territory in terms of size, socio-economic clout as well as political significance. This begs the question whether asymmetrical (constitutional) regulation of cities is warranted or whether, conversely, a territorially pluralist approach undermines the solidarity and equality in treatment that may be defended as a matter of constitutional principle across constituent units at the same level of government.

This volume also aims to explore cities as a special type of human settlement, and the challenges and opportunities this creates for the realization of a full suite of fundamental rights. In 2018, the world's urban population stood at 4.2 billion and the United Nations has predicted that the number of city dwellers will increase by another 2.5 billion people by 2050. This means, amongst others, that cities are literally at the vanguard in confronting the challenges attendant on migration and environment protection. As urbanization continues, there have been concerted efforts by international organizations, including the EU, to push towards more decentralization and subsidiarity, amongst others in the belief that lower-level State units are particularly well-suited to induce participatory governance. The implementation thereof may entail accepting a form of 'city citizenship' to give expression to and operationalize the democratic quality attributed to city governance. To the extent that this concept would be understood as not only normatively, but also legally significant, the relationship with national citizenship will need to be worked out.

Cities further provide the typical venue for the physical exercise of the rights to speech and assembly in the form of demonstrations and other modes of protest, in what is beginning to be referred to as a presumptive 'right through the city'. The socio-economic counterpart is the 'right to the city', an umbrella term coined by UN Habitat. Its European incarnation can be found in the European Charter for the Safeguarding of Human Rights in the City (2000) that, amongst others, seeks to ensure that citizens have free access to municipal services, education, culture, a proper, safe and healthy home and a healthy environment. A pertinent question is how the right to the city can be made effective: leaving aside the obvious factor of resource constraints, we must contend with the considerable heterogeneity of inhabitants in terms of wealth, language, religion, ethnicity and culture. This all makes cities fascinating laboratories where we may see innovative approaches to direct and representative democracy as well as how conflicting interests are balanced in giving effect to socio-economic rights, possibly with a view to emulation at the central level.