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Published online: 03 May 2019.

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Urban approaches to human rights: tracking networks of engagement in Amsterdam's debate on irregular migration

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ABSTRACT

This paper discusses local engagements with human rights norms in Amsterdam, in the context of responses to irregular migration. Specifically, the article studies the local government's development of a human rights agenda and reflects how this aligns with or contradicts (1) the local government's program for irregular migrants and (2) NGO initiatives in the realm of human rights and irregular migrants. In 2016 the municipality of Amsterdam launched an "Amsterdam Human Rights Agenda" and (irregular) migration is not mentioned, while the local government does have a progressive program for irregular migrants. Simultaneously, several NGOs contest the municipality for their approach towards irregular migrants, at times using human rights language. Analysis of stakeholder interviews, city council meetings and policy documents reveal the conflicting approaches that urban actors have towards human rights. The language of rights gives weight to claims of NGOs, precisely because of its legal dimension. Contrastingly, in the human rights agenda the municipality mainly refers to rights in their moral sense and refrains from legal language. Concrete issues that are already on the political agenda become labelled as human rights problems. Therefore, this article deliberates whether this undermines the possible strength of human rights as an urban governance framework.

1. Introduction

There exists a trend whereby cities explicitly engage with human rights norms in their local affairs. One example is the municipality of Amsterdam, who is striving to be able to call itself a human rights city[1]. It is providing its public servants with a human rights training and has developed an 'Amsterdam Agenda of Human Rights'. While this Amsterdam Human Rights Agenda does not speak about irregular migrants, the local government is in charge of a 'Bed Bath Bread' facility[2] that offers a night shelter to this group. The facility originated out of ideas about transnational solidarity and minimum

humanitarian standards that must be safeguarded. Simultaneously, Amsterdam's civil society, that work on irregular migration, use the language of human rights in several ways: Amnesty Netherlands has been hosting several 'human rights dialogue sessions'[3], several urban organizations provide legal assistance to irregular migrants or promote a discourse of urban solidarity and equal rights. In an urban context, human rights norms can be used for different interests and these interests can conflict.

A question of wider theoretical relevance is why Amsterdam would strive to become a human rights city if it is already bound to international and European human rights law by being part of the Dutch state? Why does it strive to go beyond this and develop local approaches to human rights? This article aims to better understand the different interpretations of human rights that are put forward in the process of engaging with human rights. The article maps out how the municipality and several non-governmental actors in Amsterdam explain their engagement with human rights language and hereby aims to contribute to an understanding of how global legal ideas operate at local level.

There is a growing belief that localized approaches of human rights implementation work (De Feyter 2006; Merry 2006b). Socio-legal scholars, amongst others, have been studying the ways in which human rights are understood and implemented locally[4], while urban scholars have been exploring the concept of 'urban justice' and what a just city would look like in terms of urban development and governance[5]. Uniting both developments, scholars are starting to look at the ways in which cities have been approaching rights. The book Global Urban Justice (Oomen et al. 2016) shows examples ranging from how the human rights city label is implemented, to how the human right to water is put into an urban context and what roles civil society has to play in these processes. On its website the Netherlands Institute for Human Rights has made one of its' focal points to "support municipalities to make sure that they protect and realise human rights in the execution of their objectives". Often, a certain pragmatism is assigned to the city. A quote by Mike Bloomberg, former mayor of New York, from his speech at the launch of the C40 Cities Climate Leadership Group in 2012 illustrates this: "We're the level of government closest to the majority of the world's people. We're directly responsible for their well-being and their futures. So, while nations talk, but too often drag their heels, cities act". Cities are considered to be thinking more pragmatically about global problems and thus in a position to act more swiftly (See Barber 2013).

This article starts to explain the different understandings of human rights and their relevance in cities, followed by a brief exploration of why urban actors come to use human rights language. Thereafter it introduces the relevance of seeing a city as a network. Next, it focuses on the case of Amsterdam as a human rights city, by discussing how and why the local government and a group of NGOs engages with human rights norms. Finally, the dialectic process between both groups of actors, spaces of collaborations and clashes, will be discussed building on the different dimensions of human rights. In the conclusion this article argues that through the Human Rights Agenda the local government only addresses a small set of human rights, while mainly focusing on the moral side of the concept and less on their legal dimension. This is in contrast with the positions that NGOs take on human rights. This shows that the local implementation of human rights is a complex and lengthy process,

something which can be 'hidden' by labels such as Human Rights City, or in the case of Amsterdam a Human Rights Agenda.

The article is written on the basis of ongoing fieldwork in Amsterdam as of November 2017. The fieldwork included in this article consists of six semi-structured interviews with stakeholders from the municipality and four interviews with civil society organizations. The interviews were guided by a topic list, and have been recorded and entirely transcribed. The interviews are complemented by observation at the municipalities' human rights training and of the general development of the discussion as reflected in the media. In addition, the article relies on written sources such as the records of city council meetings, municipal policy documents and websites of the involved NGOs and Amsterdam's municipality. The collected material is, and continues to be, analysed using several phases of coding to discover patterns and parallels.

2. Different understandings of human rights

2.1. Introduction

This section aims to provide an insight into different understandings of human rights, by presenting a general conceptualization of human rights before setting out the different roles of human rights locally. A useful point of departure is Niezen's take on human rights (Niezen 2014, 2): "human rights have introduced to the world not just a body of universal norms to which states, in widely varying degrees, have committed themselves; they have also produced their own distinct legal anthropology". This points to what Sezgin (2010, 2) refers to as "an engagement with normative orderings beyond the state's reach". The legal anthropology of human rights is produced by a combination of local and global, state and non-state actors, in this article explored in the space of the city. This article builds on a pluralist understanding that different normative orders can co-exist within a socio-political space (Oomen 2014b), and that there is the potential for clashes between, and within, those normative orders (Tamanaha 2008). This is understood as clashes between human rights norms and other normative orders, as well as clashes between different understandings of human rights.

Human rights can be considered to be a set of ideas that "produces and enforces behavioural expectations, a subset distinguished by their legal form" (Grigolo 2010, 897). Yet, while human rights are distinguished by their legal form, not all actors in the city always refer to human rights in their legal form. In many cases human rights are only mobilized discursively, without a specific reference to law, but just to the larger idea. Because cities are part of the state, they have an obligation to the state to protect and implement the international law the state is a party to (Nijman, 2016). One could find this translated into local legislation and it would indicate that the local government should respect human rights norms in their own actions. A more recent development is that cities now explicitly and actively develop policy and projects, and become part of city networks, on the basis of human rights norms. Moreover, Oomen et al. (2016) and Nijman (2011) argue that human rights can be tools for local governments to legitimize more progressive views than the national government subscribes to, or even to pressure the national government to take more steps. Merry et al. (2010) published an article on women's human rights in New York

which helps to make sense of this variance in understandings of human rights. While studying two social movements Merry et al. (2010) distinguish three different ideas about human rights that can be found in the city. These three understandings of human rights all build on different sets of expertise and do not always go together. As Merry et al (2010, 125) put it: "The law, value and governance sides of human rights are uneasy bedfellows, not always companionable but unable to act alone". Since this article focuses on the question of how to understand the local interest in human rights, these dimensions are used to distinguish different types of interest in human rights and will be discussed separately.

2.2. Human rights as law

Approaching human rights as law means that there exists a distinct emphasis on human rights as codified in international and regional conventions and treaties (Merry et al. 2010). Seeing human rights in their legal form can call for a range of actions at local level. Urban actors, both the local government and civil society, can be involved in the process of reporting to international treaty bodies on the human rights situation in their cities[6]. Another way to comply with treaty obligations would be by installing an instrument at urban level for complaint procedures. For example, the city of Barcelona has an Office for Non-Discrimination. This office, which was already established in 1998, is based on international, EU and national human rights norms and processes individual complaints (Grigolo 2010). Additionally, NGOs are frequently involved in strategic litigation and help residents in translating their claims and concerns into legal language. The Cities for CEDAW campaign also offers a good example. The campaign encourages cities in the United States to adopt CEDAW ordinances in order to include CEDAW principles in municipal law (Och 2018). This example, which is mentioned often in literature on cities and international law, clearly shows how local governments take on obligations that do not apply to the state, since the United States are not a party to CEDAW.

With regard to their legal understanding, it is often questioned whether the scope of human rights is too limited, since in many cases human rights are not legally binding and narrowed in application through state reservations, derogations and denunciations (Ando 2013). Scholars question whether this takes the bite out of the human rights project. One could argue that cities, when they uphold a legal understanding of human rights, might work around these limitations when they depart from the standards set by their national counterparts.

2.3. Human rights as moral values

One could reason that all engagement with human rights must be built on some moral commitment, despite the economic and marketing advantages that might go along with such initiatives. Merry et al. (2010) understand the moral values of human rights as core ideas about human dignity, equality, non-discrimination and protection from violence that should be inherent to being human; as a system of values that is characterized by a consensus of the international community. Merry et al. (2010)

assert that the moral and legal dimensions of human rights often go together. The legal side depends on people, social movements, to morally condemn a practice in order for it to be brought to the legal dimension. Nijman (2011) argues that city governments, even when they are not bound to do so, will apply the norms of international law by way of 'persuasive authority', which would inevitably be built on a moral understanding of human rights. Goodale (2016) argues that it is indeed the moral function of human rights that is persuasive. On the other hand, he notes that most of the human rights subjectivity around the globe is only loosely related to the formal human rights regime of implementation and enforcement. However, when the moral understanding stands alone it could be questioned whether human rights have any tangible impact. Goodale (2016) refers to this as the 'noble vagueness of its aspirations'. Many NGOs have a distinct moral interest and use the language of human rights to authorize their claims (Merry et al. 2010). Thus, the moral dimension receives part of its credibility from the legal human rights system. Although the latter can lead to conflicts as the technicalities and bureaucracy of the legal system can also prohibit reaching these moral values.

When looking at the role of human rights as moral values in cities, one could think of the Cities of Sanctuary movement. The movement consists of cities that promote a culture of hospitality by welcoming refugees and asylum seekers (Darling 2013). The type of language this movement uses is close to the moral values that lie at the basis of human rights[7], and in cases they directly refer to human rights[8]. Darling (2013) describes how this 'moral urbanism' is also part of the identity-construction of a city, linking the city to a cosmopolitan value such as hospitality. Furthermore, others note that engaging with human rights is a way for a city to 'morally' position itself, which is especially important in today's popularity of city marketing (Oomen et al. 2016). Using the language of human rights also opens doors to international networks, sources, funding and knowledge (Oomen et al. 2016). The moral take on human rights often functions as a bonding factor in such coalitions and networks (Merry et al. 2010). Thus, the self-identification as a human rights city has economic and political advantages. This is not necessarily bad or negative, it is understandable, yet it could be questioned when this would be the only or dominant interest.

However, Darling (2013) asserts that there is more at stake since a profound moral identity also has a political effect. It raises certain expectations on actions and positions and moral urbanism can thus be seen as a political tool. This is in line with Oomen and Baumgärtel's (2014, 5) observation that residents and governments actively seek for a discourse that "unites urban residents and forms a common frame of reference in setting out the mutual expectations of the city and its inhabitants". For local governments this moral take on human rights is less politically challenging since it puts less demands on the government, in contrast with legal understandings that can lead to obligations.

2.4. Human rights as good governance

With human rights as good governance Merry et al (2010) refer to the more recent development whereby human rights are translated in 'buzzwords' as participatory

decision-making, transparency and accountability. The latter are key terms in the governance realm and seen as important markers of good governance practices, within the democratic model. The merger between the governance and human rights realm is the result of development and human rights projects that became to intertwine (Buchanan and Zumbansen 2014). Furthermore, Goodale (2014) asserts that post-Cold War human rights have been the language used in almost every democratic transition. As a result, this take on human rights represents a particular political view as it promotes the institutionalization of democratic principles (Merry et al. 2010)[9]. The Korean city of Gwangju is a good example of explicit entanglement of democratic and human rights values. In a document discussing Gwangju's human rights city approach, democracy and human rights are repeatedly paired together. In addition, one of the results of Gwangju's human rights city campaign is the establishment of a human rights ombudsman[10].

Merry's et al. (2010) article reveals little about whether the governance dimension is regularly paired with a law or moral dimension. When translating human rights into governance terminology there might be a bigger risk for the legal dimension to get lost, whereas the moral values might function as a frequently used explanation for a turn towards these good governance principles. An argument could be made that human rights could function as an 'easy' label for good governance practices, yet have little to do with human rights in their legal understanding. On the other hand, human rights have been used in several transitions from 'bad governance practices', of which urban struggles about segregation and unequal access to services. Local governments often search for ways to present or frame their objectives. Building on this, Grigolo (2010) argues that local governments sometimes misuse human rights. Some use it only for the benefit of their own power, as a way to enhance their capacity to govern the city. Thus, in this way human rights projects can also lead to 'empty' frameworks that maintain the status quo.

3. Understanding the city as a network

The previous section spoke about different ways of understanding and evoking human rights. This section aims to move beyond the city as a unitary actor and unpack the relation between global norms and urban networks.

Sassen (1991) was among the first scholars that concerned themselves with the place of the 'global city' in global networks. Sassen (2002) describes how cities have become the centre of cross-border flows of capital, goods, raw material, labour and people. Before, the inter-state system was the central scale for such flows. Because of privatization, deregulation, the opening up of national economies to foreign firms and the growing participation of national economic actors in global markets the order has changed. Cities have developed to provide a compressed mixture of functions and resources and have become the key sites for global economic flows (Sassen 2002). This is what Nijman (2011, 2016) understands as understands as the global economic city. In addition, Nijman (2011) introduces a second type of 'global city': the global public city, who is concerned with good governance and urban welfare beyond the economy and engaged with transnational values such as justice, equality and

inclusiveness. Both types of global cities can co-exist in one place; where the global economy is the explanatory structure for the global private city, the ideational structure of the global society functions as such for the global public city (Nijman 2011). Nijman (2011, 2016) observes that cities are more frequently turning towards international law to facilitate this road to good governance, particularly visible in the realm of human rights and environmental law (Philippopoulos-Mihalopoulos 2007). This idea of the global public city helps to comprehend that the city is part of global networks through which ideas and concepts spread.

However, the city is not only networked in the sense of being a 'node' in a global web of relations. The internal relations in the city have the characteristics of a network too. The circumstances on the ground are never clear cut, there is no such thing as 'a local context' that everyone agrees on. This means that also on the ground, within cities, there is a debate and there are frictions on how and why human rights should be integrated. Seeing a city itself as a network, without it being bounded by the geographical borders of the city, helps to understand how ideas or actions are produced (Latour 2005, 2011). In this case it helps to understand how ideas on human rights or human rights projects are produced in the city of Amsterdam. A network approach helps to oversee where actions take place, and allow to trace its beginnings. A norm is reproduced in the setting of existing government structures, laws, value systems, courts and police systems and political institutions (Merry 2006b). Bureaucratic routines and the specifics of material contexts define much of what is possible, and a network view helps to unravel these routines and contexts (Latour 2005, 2011). Much literature (especially in the discipline of international relations) has been trying to grasp how norms influence human actions, processes that were conceptualized by internalization, socialization and norm diffusion (Huelss 2017)[11]. However, these studies reveal little about what is happening within the local scale, or as Huelss (2017) argues: they overlook how norms are implemented and operationalized. This is especially relevant in instances where the decisions about which norms to follow and their operationalization take place in separated spaces[12]. As a consequence, the approach or translation of a norm might change in the process.

Touching upon processes of norm operationalization or contextualization, Benhabib (2006, 2009) writes about the jurisgenerativity of law: the laws capacity to create meaning that can escape formal law-making and through which human rights are adapted and fitted to the circumstances on the ground. She describes these practices as "complex processes of public argument, deliberation, and exchange through which universalist rights claims are contested and contextualized, invoked and revoked, posited and positioned" (Benhabib 2006, 45). Merry (2006b) describes a similar process, which she calls vernacularization: the forms of alteration and resistance that occur during the now-expansive actualization of human rights law and governance within ongoing processes of legal implementation, political change and social mobilization. She considers the 'people in the middle', the social movements' activists, community leaders and NGO employees, as crucial knowledge brokers that translate human rights to local arenas.

Hence, these jurisgenerative or vernacularization processes in cities lead to certain urban-specific understandings of human rights – may they be understood as law,

moral values, good governance or something else. I assert that these processes involve a wide range of (urban) public actors, but are particularly subject to dynamics between NGOs and the municipality, the municipality and the national government, and internal dynamics within the municipality. There is a big difference in how the different employees of a local government engage with human rights. For instance, where the local politician is more aware of a cities' image and identity-politics, the municipal lawyer thinks about the legal implications of human rights language and the policy officer is looking for ways to translate human rights into tangible language and concrete targets. In addition, civil society actors might see relevance in human rights for the purpose of strategic litigation. Merry et al (2010) argue that the non-law dimensions of human rights are easier to access by for instance the poor, and that this is different for instance a local government or an NGO with legal expertise. Then, the NGO might be able to assist those without legal expertise to vocalize their ideas in such way. These examples are oversimplifying, yet they do illustrate the need to be aware of differences in the location in the network, expertise and interests, since that will determine what understanding of human rights is opted for.

4. Amsterdam as a human rights city

4.1. Introduction

This section describes that path that different actors in Amsterdam have taken in engaging with human rights. It first discusses the steps the local government has undertaken to develop the Amsterdam Human Rights Agenda. Then this section discusses the perspective of the local government with a focus on the developments surrounding the Bed Bath Bread shelter for irregular migrants. Since irregular migrants are offered less protection than those with a residency status, human rights offer a crucial language through which this group seeks protection. This makes the case of irregular migrants a useful debate through which to study local human rights approaches. Subsequently, the perspective of the NGOs that have been working with human rights and irregular migrants is presented. This article limits itself to three sections of the local government and four NGOs. As for the local government, the International Office, the Program Diversity and the Bed Bath Bread facility, which is part of the Irregular Migrants Program, are the main stakeholders involved in this study. I opted to include NGOs that have direct involvement with these local government departments, in order to seek for a group of stakeholders that have regular interaction. While for instance corporations and universities can be considered stakeholders as well, they are not included in this study.

4.2. The local government approach – the Amsterdam human rights agenda

I will discuss the argumentation of the local government to engage with human rights norms in Amsterdam. In the Netherlands local governments are part of the Dutch state and thus bound by the International and European Human Rights treaties the Netherlands is a party to. Politically, the explicit engagement with human rights is relatively new in Amsterdam. Before 2014, several local politicians would refer to

Amsterdam and human rights and especially in the domain of LGBT rights Amsterdam was seen as a frontrunner. In this domain the influence of rights, as translated in the 'Pink Agenda', has been significant[13]. Yet there was never an urge to explicitly develop an Amsterdam specific human rights-based approach. This is not to say that the city 'ignored' all international treaties and the Dutch constitution. In more than a few policy domains the local government has competences, human rights are part of the legislation and they are for example integrated in the domain of children and youth[14]. Before the development of the Amsterdam Human Rights Agenda, the city of Amsterdam was already using human rights in its foreign policy under the wing of "Amsterdam responsible capital" and Shelter City, a program which allowed 78 foreign human rights defenders to spent a few months of 'refuge' in Amsterdam (Gemeente Amsterdam 2014, 2016b)[15].

The shift to develop an explicit local human rights programme was made in 2014. During one the of city council meetings a council member of centre-left political party D66 made her plea to "do something with human rights". This idea was supported by the former mayor, who – as a lawyer - was very involved and often referred to human rights during council meetings, manifestations, international affairs and in the press[16]. After a consensus was reached relatively easily, the program manager for Diversity was given the task to develop this idea (Interview program Diversity). Clearly the idea and operationalization of the Human Rights Agenda took place is two separate spaces. Implicit here was an assumption that human rights fit well in the domain of diversity, a program that is dealing with themes such as LGBT rights, anti-discrimination, emancipation of women and Amsterdam's histories of colonialism, migration and the Second World War.

The Human Rights Agenda had a "banal" start, there was not put in much thinking on what it should entail, and thus on how human rights should be understood (Interview program Diversity). The idea was that human rights should not be seen as a separate policy area, but as a lens through which to see all policy areas[17]. Interestingly, it was a process with limited involvement of human rights 'experts'. The idea was that the agenda would foremost be based on what inhabitants ("Amsterdammers") prefer. It was argued that experts or stakeholders would emphasize their own agendas to such an extent that the Amsterdammers voice would be less heard. This is why during the about 30 participatory human rights sessions with inhabitants, which were organized by external organization "Tertium", stakeholders such as local NGOs were not invited.

In June 2016 the Human Rights Agenda was presented to the city council in a six-page letter (Gemeente Amsterdam 2016)[18]. The letter states that a human rights city is a city that explicitly refers to the Universal Declaration of Human Rights and the European Charter in their local social policies. Thereafter the letter presents four focus areas: privacy, human rights education, children's rights and physical accessibility. While the letter explains the importance of each of the focus areas, it does not explain why other topics (such as migration or women's rights) were not chosen. Earlier, on 14 September 2016 the proposed focus areas were presented more extensively in the city council (Gemeente Amsterdam 2016b). The following arguments were made. Accessibility should be a focus area because on April that year the

Convention on the Rights of Persons with Disabilities has been ratified and on March that year the council already agreed on a project called 'Amsterdam works on accessibility'. Children's rights should be considered because there is already a lot happening with children's rights because of a new law that is based on the International Convention on the Rights of the Child. Privacy should be included because there is a lot happening on this terrain and there exists a need for more attention. Lastly, human rights education is chosen as a focus area because this fits well with several initiatives, amongst which an initiative for human rights education which was initiated in 2014. Additionally, more clarity was given about the financial implications. The Human Rights Agenda would not have additional financial consequences, "all expenses are covered by the budgets of the departments responsible".

The interviewees from the Diversity program add that you need to specify focal points, or else people would not get the importance of human rights, it has to be made tangible and concrete. Thus, they took the broader moral task from the political level and translated this into concrete urban issues that are acceptable for the political level. The reason to opt for these four themes is pragmatic: other issues such as women's rights, refugee rights or LGBT rights are already dealt with in other projects or programs. Thus, the focus areas of the Human Rights Agenda are chosen by the Diversity Program, and agreed on by the city council, as an incentive to give more attention to topics that receive relatively little attention. However, when looking at the above motivations one cannot ignore that, with the exception of privacy, most focus areas already received attention.

The program manager for Diversity was asked to develop the Human Rights Agenda, because "he has experience in developing new projects". He received quite a lot of liberty in the development of this human rights project (Interview program Diversity). He set the goal for Amsterdam to become a human rights city, to be part of the worldwide group of human rights cities. Even if this was not stated explicitly, it could be well that there is a certain 'marketing' or identity construction connected to this idea as well. Amsterdam has been very active in the area of city branding (Kavaratzis and Ashworth 2007)[19] and human rights are a central part of the municipality's international work. In a PowerPoint presentation that is used in international visits to introduce the city of Amsterdam human rights form one of the focus points[20]. An interviewee of Amsterdam's International Office stated that Amsterdam has been calling itself a human rights city in international visits for several years already, which she explained by the fact that Amsterdam is part of several networks, such as shelter city and solidarity city initiative, that deal with human rights. "When we [the International Office] give presentations, we state that we are a human rights city and that we strive for equality and equal opportunities. Then, you move on to more concrete projects" (Interview International Office). She acknowledges that the Diversity Program is the space where human rights are actually operationalized, for the International Office they remain relatively abstract, yet useful in international contexts.

According to the employees from the Diversity Program the main reason to introduce 'a human rights perspective or approach' is to amplify the knowledge on human rights, as many inhabitants and municipality employees are unaware what human rights actually stand for and what rights they have themselves (Interview program

Diversity). Hence, there seem to be two lines of reasoning. On the one hand the civil servants in charge of the Human Rights Agenda perceive it as necessary for all employees of the municipality to have knowledge on human rights and have human rights in the back of their minds when carrying out their tasks. According to them, human rights offer a different way of thinking and reasoning, they change the relation between the government and the inhabitant: the inhabitant has rights and the government is there to facilitate these rights. This results in a change of perspective as the municipality now often has a 'teaching' role whereby it is telling the inhabitant how to live (Interview program Diversity). The civil servants reason that a human rights perspective offers an approach whereby the inhabitant already has rights and the municipality functions as the facilitator.

The second line of reasoning is directed at fostering dialogue among inhabitants, "for social cohesion". The civil servants argue that when Amsterdammers enter into a conversation, using a human rights perspective, some sense of social cohesion is strengthened. Thus, for inhabitants' human rights provides an 'umbrella' for understanding each other; that despite differences everyone has human rights. It is a way to cultivate an understanding for the different sides of a conflict or discussion, as many conflicts can be understood as 'clashes of rights'. To sum up, the Human Rights Agenda also uses human rights to foster dialogue among inhabitants of the city, which can be seen as a way to cultivate an urban ethos.

When looking at the letter introducing the Human Rights Agenda some other motives become visible. In the letter it is argued that because of decentralization and urbanization, human rights have become more important locally. Hence, attention is put on the responsibility of the local government. Another line of reasoning in the letter refers to the history of Amsterdam. To cite: "Amsterdam has a history as place of refuge and as a free and tolerant city, but it also has a dark history related to slavery and the persecution of Jews during the Second World War. In Amsterdam 180 different nationalities are living together. Human rights and democracy are essential pillars in our city and we are proud of that. Freedom and equality are core values that come along with that. Freedom of speech speaks for itself. But do all these different Amsterdammers share these core values?" (Gemeente Amsterdam 2016). Following this line of reasoning, as a city Amsterdam needs human rights to come to terms with its dark history, while at the same time it needs human rights to maintain the city's traditional values. This language has strong resemblances with one of the Diversity Program's other projects called 'Shared Past' that deals with these histories[21].

4.3. The local government approach – the bed bath bread shelter

Quite often, cities create their own narratives about migration and diversity, sometimes not in line with thinking at the national level (Hoekstra 2018) and because of the worldwide trends of decentralization, many municipalities have become end responsible for many policy objectives (Nijman 2016; Dias and Eslava 2013). In cases, cities are using international norms as a way to stretch the boundaries of national views (Nijman 2016). Amsterdam has always been regarded as 'free-spirited' and politically more left wing relative to the national government. Though, after the recent

local elections that were held in March 2018 the contrast between the national government and Amsterdam's local politicians has become starker. Where the national government is positioned on the right wing of the political spectrum, Amsterdam's new local government has been described as 'tremendously left' by several media. Shortly after newspapers were predicting the policy areas where the two governmental levels could potentially clash, of which one the treatment of irregular migrants[22]. This dynamic or tension between both governmental levels is crucial in understanding the steps Amsterdam is taking on human rights and irregular migration.

According to the national government, asylum seekers that have been rejected in their procedure should leave the country or will be detained. However, in practice, a number of asylum seekers do not leave the country for a variety of reasons. Some cannot to return to their country of origin, while others do not want to return. As a result, this group of irregular migrants is spread out over places in the Netherlands, including Amsterdam. The municipality of Amsterdam, and several other municipalities in the Netherlands, still offer extensive assistance to this group as part of their "irregular migration policy domain'. Part of this policy domain is the Bed Bath Bread facility: a night shelter that provides both breakfast and dinner to irregular migrants (Oomen and Baumgärtel 2018). The Bed Bath Bread facility has been criticized both at the national as on the local level for several conflicting reasons: it is thought to be not inclusive enough and to an extent even violating human rights since not everyone is allowed in the facility[23]. On the other hand, it is still argued that the municipality of Amsterdam is offering too much assistance to an irregular migrant group and thus is not acting in line with national policies[24].

The national government prohibited the Bed Bath Bread shelter in 2012, but in 2014 the European Committee of Social Rights ruled that refusal of emergency assistance to irregular migrants and homeless people is inconsistent with the obligations under the European Social Charter (Oomen and Baumgärtel 2018). The local government of Amsterdam used the decision, and human rights standards, as a basis for their policies on irregular migration (Oomen and Baumgärtel 2018). However, up to today, the local government makes explicit that the irregular migrant policy domain should be understood as "favourable policy", lacking a legal responsibility or obligation ("buitenwettelijk begunstigend beleid", see Gemeente Amsterdam 2018).

Amsterdam's shelter opens every day from 17.00 PM to 09.00 AM and originates out of the idea to provide a basic humanitarian minimum. As of December 2018, the municipality offers Bed Bath Bread shelter to 345 people, spread out over three locations. In addition, the municipality runs a 24-hour shelter for 50 people who have been assessed as medically or mentally vulnerable. A total of 80 irregular migrants receive a living allowance, but have managed to find shelter via their own network or one of the organized migrant groups such as We Are Here (Gemeente Amsterdam 2018). In addition to the shelter, the municipality is assisting the irregular migrants in working towards a "sustainable solution", which could mean asylum or return to the country of origin, by providing a variety of legal and social support (Gemeente Amsterdam 2017). The newly elected city government promised in the spring of 2018 to turn the Bed Bath Bread into a 24 hour-shelter for humanitarian reasons by 2019 (Gemeente Amsterdam 2018). Though, on the 29th of November 2018, the national

government and municipalities came to a long-negotiated agreement to realize a number of central shelters throughout the Netherlands (Gemeente Amsterdam 2018). Amsterdam is likely to host one of the pilot shelters, as of Mid-2019, that would be open 24 hours, offer a maximum stay of 1,5 years, allow place for 500 people and obligate the irregular migrants to cooperate in searching for a 'structural solution'.

4.4. The NGO approach

How do four non-governmental organizations relate to human rights norms and how do they explain this choice? I will focus on four organizations that work with irregu-lar migrants and human rights in the city of Amsterdam, which by no means pro-vides an all-encompassing picture of everything that is happening within Amsterdam. I chose to focus on organizations that work with irregular migrants because this 'theme' exposes the complex position the municipality is in when developing a human rights approach.

The sample of NGOs exists of two larger organizations: Amnesty Netherlands and a refugee organization that works throughout the Netherlands. On paper, the latter NGO does not work with irregular migrants after their asylum has been denied. They provide information and legal assistance on the asylum procedure, and a wide range of activities related to the integration of '(residency) status holders'. However, in prac-tice the refugee organization did start assisting irregular migrants in Amsterdam and other locations in the Netherlands because of the urgency of the issue. Since some funders might not support this type of work, the refugee organization is not vocal about it and limits public advocacy on the topic. Additionally, this article includes two smaller local NGOs that stand for helping anyone who knocks on their doors, regardless or residence status. AKSV Refugee Support is an Amsterdam based organ-ization who provides 'legal assistance and social support to undocumented refugees' since 1988. The Worldhouse is affiliated with the protestant church and runs a day-centre where migrants can sit down and have a lunch between 09.00 AM and 17.00 PM, the hours that the Bed Bath Bread facility is closed. All NGOs provide a combination of skills-training and legal assistance. In addition, most NGOs focus on a variety of advocacy work, generally to promote a discourse of openness towards migrants. The four NGOs in this sample all have strong ties with the local govern-ment. A representative from the Irregular Migration Program of the municipality and NGOs meet each other on a two-weekly basis to discuss the functioning of the Bed Bath Bread, as well as individual cases of migrants in need. As a result, there exists an exchange of ideas among all of these actors. This article focuses on organizations that already work with migrants, so the question whether their human rights work has a migrant focus is obvious. Furthermore, it can be expected that their associations with human rights language have to do with migration and diversity. Thus, the emphasis is on the ways they use human rights language and the reasoning behind it.

When looking at the reasoning of the NGOs in their engagements with human rights, three main arguments can be distinguished. The first is that human rights offer a 'just' perspective on migration. All NGOs that directly work with migrants strive to assist migrants in starting legal procedures for a residency permit. In some

cases, for the first attempt, in other cases for the second or third try. They aim to look at cases again, to see if the person in question might have a chance in a second try. The project leader of the Refugee Organization explains their motivation: "we check the argument of the immigration service and see what the problem is .... maybe it can be solved and someone can get a status. That of course is worth the effort!" She argues that there is too much of an emphasis on return to the home country: "they start by thinking 'okay that person has to leave', and afterwards they would check if that is even possible, that is a certain perspective". Through these statements she explains the rationale behind her work. By taking a different perspective, a human rights perspective, you do not necessarily focus on the return. Instead she reasons from the idea what rights a person has and how she can help this person attain those rights.

This perspective focuses on the value of human rights as law, and thus the value of human rights in procedures to obtain residency status or address mistreatment of migrants in society. All NGOs have lawyers working or volunteering at their organization. Using human rights in cases related to irregular migration is upcoming in the Netherlands, and explored and promoted by, for instance, a Dutch prominent lawyer called Pim Fischer[25] (Oomen 2014a). Not surprisingly his take on human rights has a distinct legal dimension and puts much effort into challenging urban policies in the area of migration and diversity (Interview program Irregular Migrants)[26]. Two interviewees from the larger NGOs automatically linked human rights to this type of judicial support and all NGOs referred to rights in other senses of opposing the government. In their interactions with the local government a request for action or change is perceived to be legitimized by referring to human rights. Relying on legal language gives a certain weight to their message. This interaction for instance takes place at a two-weekly round table on irregular migrants where civil servants and NGOs are present. Some NGOs directly address local politicians. The latter strategy is seen as a last option. A civil servant of the irregular migrants program describes that in her first years she would be surprised when NGOs would direct the discussion to the political level when they were dissatisfied with her approach. As she mentioned: "this was something I had to get used to". Most issues are tried to be revolved among NGO staff and civil servants. It is a small circle of people that all know each other, so ties are quite informal[27].

Two other NGO interviewees mention the notion of equality. That they see everyone as equal, no matter where they are from. In this way her focus is on the moral side of human rights. However, in cases she would legitimize these values through law, in arguments such as 'it are basic human needs we all agreed to". This reasoning seems to be shared among all NGOs. For all NGO human rights functioned also as something 'in the background', some guiding morality, for their own framework. As one interviewee stated: "you can have human rights as your own frame of reference, but that does not make them that binding that you can achieve something with it". As a result, some of the NGOs try to create support, spread knowledge and educate others about human rights. Amnesty Netherlands has developed a 'Human rights Dialogue' toolkit that can be ordered online. It includes an information package and the possibility to arrange a group session with an Amnesty trainer. The sessions are

directed at strengthening knowledge on why human rights are important locally. Amnesty started it from the perspective that human rights are increasingly under pressure in the Netherlands. The Human Rights toolkit has focus points as well, which are: refugees & discrimination, privacy and counter-terrorism & security. Based on texts on their websites and interviews, NGOs aim to present an underexposed story: that 'we' assume that we are doing fine in terms of human rights in the Netherlands, but that is not really the case[28]. They argue that it is often forgotten or overlooked that certain migrant groups have rights. This shows a certain battle of interpretations between the (local) government and the NGO sector, something which is further discussed in the following section.

5. Clashes and collaborations

Now some comparisons are drawn between the interests and interpretations of the local governments and those of the NGOs to see to what extent they align. It seems that the municipality and NGOs share a similar vision on human rights as a moral frame of reference, as moral values. This aligns with the idea that today's cities need their own moral identity or urban ethos in order for different groups to be able to live together. Hereby human rights can function as a framework to give shape to this urban morality. Both the municipality and NGOs strive for more knowledge on human rights and reason that this would foster a sense of understanding among people. While the municipality and NGOs use similar language in terms of human rights' morality, they both strive to move beyond abstract values and towards making human rights more concrete. Most NGOs translate human rights into rights for a specific group such as irregular migrants, Amnesty's human rights dialogue toolkit and the Human Rights Agenda have focus areas and the international office of the municipality prefers to speak about concrete human rights problems and solutions. All share a view that human rights need operationalization and specification.

However, differences lie in the ways in which human rights are operationalized and interpreted. There also exists disparity among NGOs, as some are partly funded by the (local) government and others are more radical, but the difference with the municipality is more striking. NGOs perceive human rights more as 'real' law, while the municipality sticks to human rights as a moral reference. The latter can be understood by the fact that NGOs include litigation in their activities and human rights law is one of the tools to reach their goals. In addition, the local government is still part of the national government. Which means that they do have some space of manoeuvre, it is not unlimited. The local NGO interviewees mentioned that before the 2018 local elections they noticed that the local government started to push more and more for irregular migrants to return to their home country. Which was a message that was also pushed by the national level. The manager of the Bed Bath Bread facility acknowledges this shift. He was hired as an external consultant to "improve the processes of the facility". This improvement was mainly translated into stimulating the flux of migrants (to prevent long-term stay) and run the facility in a more "corporate style" (Interview Bed Bath Bread Facility).

However, now that the new local government promised to provide more extensive assistance for irregular migrants and a 24-hour shelter, the gap between the NGOs and the local government might decline. Additionally, the agreement of November 2018 between the national government and municipalities shows that the political climate towards irregular migrant shelters has changed. It was beneficial for the local government to place irregular migration and human rights into two separated policy realms. Entangling them might not have been politically acceptable when the Human Rights Agenda was developed between 2014 and 2016. During that period, the Bed Bath Bread facility was (still) under debate and several parties in the city council were asking questions about its functioning (how long people should be allowed to stay and who should be allowed entrance) and necessity (whether this should be a task for the local government) (City council meeting 18-06-2015). The former mayor had to convince some city governors of the facility's necessity: "We are striving to provide minimum humanitarian standards and to get rid of the problems on our streets. I therefore believe that this [Bed Bath Bread] is the best option. No letter from any government will change my mind" (City council Meeting 01-04-2015).

While in the Human Rights Agenda migration is not a point of focus, it is full of language about Amsterdam's diversity. Employees from the Diversity Program argue that the municipality already has an abundant policy focus on migration in its widest sense, translated in the irregular migrant program (the Bed Bath Bread facility) and the program on integration for Status Holders. And, these programs are both based on human rights principles (Interview program Diversity; City Council Meeting 14-06-2016). While the NGOs and local government share a moral commitment, the Human Rights Agenda shows less of a legal take than most of the NGO work does. The agenda does state that local policies are "explicitly framed by the Universal Declaration of Human Rights". Yet, in the Human Rights Agenda, it seems that the moral dimension of human rights plays the most dominant role. The Human Rights Agenda does not ask for the development of legal tools. Through the human rights training for civil servants, there is a certain tendency towards good governance, for municipal employees to execute their work in a just and accountable way; to use human rights as guiding principles in decision-making in all segments of the local government.

The focus areas of the Human Rights Agenda do not have a direct connection with the themes and issues surrounding migration and diversity. However, I would argue that the municipality does link human rights to diversity in its argumentation about the necessity of a Human Rights Agenda, by for instance emphasizing that Amsterdam has 180 nationalities. Yet for the more delicate topic of irregular migrants, making explicit references to human rights could be too politically sensitive. On the one hand because of the often-heard opinion that these migrants should not stay in Amsterdam anyway, which is the official national governmental vision as well; on the other hand because it could lead to responsibilities, thinking about for instance the right to adequate housing, which the municipality cannot live up to (See Oomen and Baumgärtel 2018). This is something most NGOs oppose as it are the rights of irregular migrants that they fight for. It is understandable that a government is more careful with rights language than NGOs as for them it leads to obligations.

6. Conclusions

The case of Amsterdam shows that a decision to opt for an engagement with human rights is entangled with multiple interests, who can deviate. Furthermore, interpretation of human rights is complex and subject to these interests. The municipality, through the Human Rights Agenda, the Bed Bath Bread program and the International Office, and the four NGOs in this article demonstrate divergent understandings of human rights. The focus areas of the Human Rights Agenda show how the municipality is making selective use of human rights norms combined with an attractive narrative. This narrative about Amsterdam's history of openness and diversity is something NGOs seem to have less interest in. Goodale and Clarke (2010) argue that human rights language is often mobilized as a means to articulate grievances, to construct a collective memory and to construe and contest moral identities. I would agree, but add that most actors only focus on some of these points. The municipality is foremost focusing on constructing a collective memory and moral identity. The sentiment that Amsterdam has a dark but also diverse and multicultural history is used to explain why human rights are important now. To hold on to their past values of openness and tolerance, human rights should be anchored in the practices of the municipality. This way of framing the importance of human rights is noticeably built on a narrative, an image of what the city of Amsterdam should be. NGOs on the other hand put more emphasis on the articulation of grievances and the contesting of moral identities. This is not to say that NGOs do not think about their image and self-branding, as this is an important aspect for especially the bigger NGOs. It is to illustrate that they use different narratives that are more focused on their history of helping people, justice, equality, international networks of solidarity and less on Amsterdam as a city with a certain history.

The Human Rights Agenda is a product of local politics and agendas. It seems to be beneficial for local governments to label certain concrete issues that are already on the political agenda, not controversial, with little financial consequences as human rights problems. The added value of the Human Rights Agenda depends on its development through time: will it mainly exist on paper or will it actually influence municipal decision-making and form an urban ethos? It could be that this take on urban human rights might be one of the many urban governance frameworks such as sustainable cities, smart cities, and liveable cities. This could undermine the strength of human rights being an all-encompassing set of rights, with a distinct legal form. Because the Human Rights Agenda is careful with taking a legal approach, it remains a soft instrument that provides little assurance or accountability to Amsterdam's inhabitants. On the other hand, as Merry et al. (2010) note the different dimensions of human rights work best together, but do not always go together. Where Amsterdam's Human Rights Agenda might have a moral approach, the legal approach also exists elsewhere: internal and external to the local government. Should the municipality approach human rights through all dimensions or can certain dimensions be dominantly 'owned' by urban civil society? Nonetheless in human rights law the local government is also seen as a duty-bearer, because it holds much of the tools to for the realization of human rights, so it is important that all departments of the local government are aware of this.

Notes

1. A human rights city is a city (local government, municipality) that explicitly refers to international or regional human rights treaties and uses human rights in their local policies, programmes and projects. There are several networks of human rights cities, yet the term is often self-declared.
2. The bed, bath, bread program is often referred to as the BBB. It is a program by the municipality of Amsterdam that provides irregular migrants with two meals, a bed and a bath between 18.00 p.m. and 09.00 a.m. every day. However, the newly formed city government is planning to reform the BBB into a 24-hour shelter in mid-2019. The current policy framework on the Bed Bath Bread can be found here: https://assets.amsterdam.nl/publish/pages/865388/uitgewerkt_uitvoeringsplan_programma_vreemdelingen_2_0.pdf
3. The sessions are aimed to incite a dialogue or debate on how human rights are of relevance in the context of the Netherlands. Discrimination, racism, migrants and refugees are among the main themes of the sessions. See: https://www.amnesty.nl/mensenrechten-in-nederland/de-mensenrechtendialoog
4. See for example Goodale, M. & Merry, S.E. (Eds.)(2011) The practice of Human Rights. Tracking Law between the Local and the Global. Cambridge: Cambridge University Press, an edited book that presents different localized approaches to rights, without focusing on cities.
5. However, much of urban studies literature does not have an explicit focus on human rights, it foremost discusses rights as a broad category and notions such as justice and equality. See for example Fainstein, S. 2010. *The Just City*. Cornell University Press; Marcuse, P., Connoly, J., Nocy, J., Olivo, I., Potter, C. and J. Steil. Eds. 2009. *Searching for the Just City. Debates in urban theory and practice*. Routledge Questioning Cities Series; Pierce and Martin J. 2017. The law is not enough: Seeking the theoretical 'frontier of urban justice' via legal tools. *Urban Studies* 54(2): 456-465.
6. For instance, in Hong Kong many NGOs are asked to produce written and oral submissions to the governmental body that is responsible for the reporting to the several human rights treaty bodies that apply to Hong Kong. In addition, even the NGOs who are not invited do still produce written submissions which they publish on their websites and send to the authorities nevertheless. See for instance submissions by Pathfinders, a NGO that supports migrant women and children: http://www.pathfinders.org.hk/public/policy-submissions/
7. This is not to say that all Sanctuary Cities are founded out of an explicit human rights concern. Many have religious origins and not surprisingly many of the values overlap. In addition it must be noted that the movements in the US and the UK have distinct differences. While the movement in the UK displays a strong focus on these moral values, the movement in the US combines this with a more profound legal dimension whereby cities are critical or refuse to execute national immigration law. For the UK movement charter see: https://cityofsanctuary.org/2017/05/16/city-of-sanctuary-conference-and-agm-2017/
8. For instance in his work on the moral value systems of cities, Ignatieff (2014) discusses the potential of human rights as a moral framework for urban settings.
9. An example of this dimension is one of United Cities and Local Governments committees: the committee on Social Inclusion, Participatory Democracy and Human Rights. The committee's mission is to "articulate a joint voice that puts the right to the city, human rights and local democracy at the heart of the global municipalist movement". See: https://www.uclg-cisdp.org/
10. A document on the achievements and challenges of human rights city Gwangju can be downloaded on the OHCHR website: https://www.ohchr.org/Documents/HRBodies/HRCouncil/AdvisoryCom/LocalGvt/Gwangju%20Metropolitan%20City,%20Republic%20of%20Korea.pdf
11. Such as Risse, T. & Sikkink, K. 1999. *The socialization of human rights norms into domestic practices: introduction,* In: T. Risse, S.C. Ropp and K. Sikkink eds., The Power of Human Rights. Cambridge: Cambridge University Press.

12. Of course, as Huelss (2017) states as well, this kind of separation between decision-making and operationalization is common in many, or most, (larger) organizations.
13. More information on the municipality of Amsterdam's policies on LGBT rights and the Pink Agenda can be found here: https://www.amsterdam.nl/bestuur-organisatie/volg-beleid/diversiteit/lhbti-roze-agenda/
14. "In the policy domain 'Youth' human rights are already integrated, especially because of new 'youth law' that is pillared on the International Convention on the Rights of the Child". [Translated from Dutch] City Council meeting on the Human Rights Agenda 14 September 2016.
15. For Amsterdam responsible capital see: https://assets.amsterdam.nl/publish/pages/739435/herijking_internationaal_beleid_2014-2018.pdf; for shelter city see: https://sheltercity.nl/city/amsterdam/
16. See the following instances: 'Van der Laan calls for state complaint because of human rights abuses Russia" https://www.volkskrant.nl/nieuws-achtergrond/van-der-laan-roept-op-tot-staatsklacht-tegen-rusland~b39c85cd/; in an interview with Amnesty: "I am proud of the way Amsterdam is defending human rights" https://www.amnesty.nl/wordt-vervolgd/ik-ben-getergd.
17. This idea is in line with the literature that discusses the mainstreaming of human rights.
18. The letter "Mensenrechten in Amsterdam" was available for download at the website of the municipality of Amsterdam but has been removed recently. I assume that they are working on some changes as a result of the new city government. The coalition agreement that was presented in May 2018 seemed to indicate more attention for human rights in Amsterdam, as well as a much more welcoming approach towards migrants, which could explain this.
19. See https://www.iamsterdam.com/en
20. The PowerPoint presentation of the International Office of Amsterdam can be downloaded here: https://www.amsterdam.nl/bestuur-organisatie/volg-beleid/internationale/presentation/. It is used in several international contexts as a way to introduce the city.
21. The project "Shared Past" or "Gedeelde Geschiedenis" aims to contribute to an exchange of stories about the past by Amsterdam's diverse population (focusing on histories of migration, slavery and the Second World War) to foster social cohesion. See: https://www.amsterdam.nl/bestuur-organisatie/organisatie/sociaal/onderwijs-jeugd-zorg/diversiteit/gedeelde/
22. "Conflicts between free-spirited Amsterdam and the national government are as old as Dutch democracy" (Volkskrant 18-05-2018) See https://www.volkskrant.nl/nieuws-achtergrond/amsterdams-gemeentebestuur-zet-zich-af-tegen-het-kabinet~b66fe20c/.; https://www.nrc.nl/nieuws/2018/05/22/wrikken-voor-een-knetterlinks-amsterdam-a1603858
23. An organised group of irregular migrants called We Are Here, of which some are not hosted in the Bed Bath Brood program, often use slogans such as: "We need basic rights and protection" or "No one chooses to be a refugee", see: http://wijzijnhier.org/2018/
24. The national coalition agreement from 2017 states: "Individual emergency shelter for several days on the basis of public order is acceptable, bed bath bread shelters are not", this incited debates in the city council.; "They [Amsterdam] seem to act outside of our intended scope" [Translated from Dutch] (State Secretary for Asylum and Migration Affairs Mark Harbers 2018). See: https://www.parool.nl/amsterdam/den-haag-bezorgd-over-plannen-24-uursopvang amsterdam~a4599880/
25. See: http://www.fischergroep.nl/
26. In an interview with a local government program manager I was told that there is a lawyer at the municipality working full-time on cases incited by Pim Fischer's office.
27. I noticed that through my interviews I ended up hearing the same names repeatedly, and people would refer me to the same persons.
28. A similar process is described by Oomen in her article on the home-coming of rights, see Oomen B. 2014. *Rights for others: the slow home-coming of human rights in the Netherlands,* In: Arup C, Chanock M and O'Malley P (Eds.) Cambridge University Press.

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