

SMART CITIES - AN EMERGING LEGAL CHALLENGE



Background

The Institute of Advanced Legal Studies and the United Nations Human Settlement Programme (UN-Habitat) have signed a memorandum of understanding to promote innovative research activities in the niche area of urban law. The main pillars of this research partnership include: a) the organisation of an Urban Law Day every year; b) the generation of knowledge in urban law through PhD studentships; c) the provision of technical assistance and capacity building through studies, seminars, workshops; and d) joint publications and networking. The Urban Law Day is a specialised forum aiming to bring together a multidisciplinary circle of academics and practitioners interested in urban legislation, including planners, architects, policy makers, economists, urbanists, and lawyers. The purpose of the Urban Law Day is to facilitate discussion, the exchange of views, networking, and the presentation of new research findings or emerging issues. The

sixth Urban Law Day was held on 12 July 2019 at the Institute of Advanced Legal Studies (University of London), addressing emerging challenges related to smart cities and practical solutions for overcoming them.

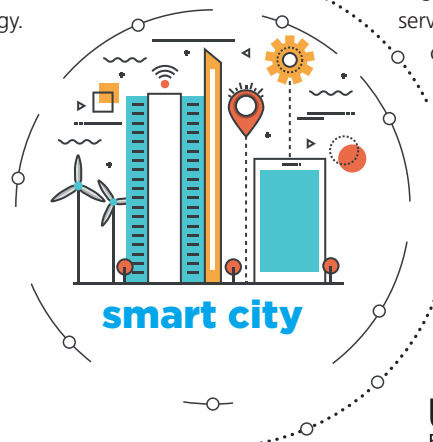
The New Urban Agenda and Smart Cities,

Robert Lewis-Lettington, Chief, Urban Legislation Unit, UN-Habitat

There are multiple definitions of 'smart' cities, but these generally include the concept of innovative cities whose functions are 'transformed' with the use of technology. Information and communication technologies (ICTs) and other means are used to improve quality of life, efficiency of

urban operation and services, competitiveness, the environment, mobility, governance and wellbeing. The New Urban Agenda, adopted by the United Nations Conference on Housing and Sustainable Urban Development (Habitat III) on the 20th October 2016, commits to 'adopting a smart-city approach that makes use of opportunities from digitalization, clean energy and technologies, as well as innovative transport technologies, thus providing options for inhabitants to make more environmentally friendly choices and boost sustainable economic growth and enabling cities to improve their

service delivery.' However, the concept of smart cities raises several legal challenges, including in terms of criminality, privacy and protection of fundamental rights.



Smart city management and regulation occurs within the governance context developed at the national level and has three fundamental elements. The first is the management of standards, which includes the identification of corresponding implementation mechanisms appropriate to the local context. The second is the management of monitoring and auditing, which primarily consists of assessing the outcomes produced by the various strategies and their implementation and the development of proposals for reform or adaptation where these are appropriate. The third is day to day management of the implementation of smart city projects, including associated income and expenditure and data issues. There is a natural tendency for smart city management and regulation to fragment along sectoral lines but, if this can be overcome, there are significant potential benefits, both to citizens and to city managers, from integrated approaches.

Empowering citizens and the techno-politics of 'smart cities',
Jaideep Gupte, Principal Investigator on Smart Data for Inclusive Cities, Fellow of the Institute of Development Studies University of Sussex, UK and Challenge Leader, Cities and Sustainable Infrastructure Portfolio, Global Challenges Research Fund (GCRF), UKRI

Definitions of "smartness" vary greatly, and not simply by country- or city- contexts. A diverse set of formal, informal, public, and private stakeholders compete and collaborate in complex ways. These interactions produce and sustain, but also dismantle or destroy the urban form, and they involve technological innovation to varying degrees. Where technological innovation has successfully responded to the intractable urban challenges that affect the lives of marginalised, least-resourced, or at-risk people and spaces, they have

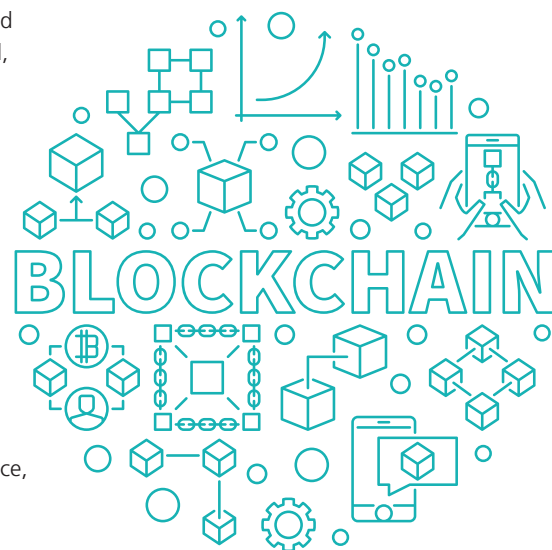
necessarily required institutional (legal and procedural) transformation. In this regard, where smart cities have become more technical than they are democratic, the structural problems persist, and adverse long-term impacts are evident. Active smart-city data processes in cities in the global south can be just as empowering as they are damaging to the actualisation of peoples' right to the city. It therefore becomes imperative to incorporate ways to explicitly integrate bottom-up perspectives in setting metrics of inclusivity, accessibility, safety and resilience, as well as in the broader transformation towards smartness.

Block Chain as a Land Administration Solution,
Professor Robert Home, Anglia Ruskin University, UK

Blockchain is being promoted as a new technology offering applications in areas such as international money transfer, traceability of products, copyright management, monitoring of public procurement - and real property transactions. It is a decentralized network or distributed ledger system, keeping an on-line archive of decisions and proven provenance with security and authenticity of transactions.

Land titling blockchain supporters believe this tool could alleviate global poverty. The World Bank is giving cautious support, suggesting that blockchain technology could increase land titling coverage, and with effective regulation can allow more effective and transparent property transactions, restricting fraudulent or corrupt title registration.

The new technology is being piloted in Africa (Ghana and Zambia) and elsewhere by subsidiary companies of American



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crypto-currency providers. The aim is to not only improve transparent and efficient land registration and revenue collection, but also make data accessible on an open-source mobile platform to land owners, government agencies, local authorities, and private sector interests.

This new and much-hyped technology should be utilized carefully given the many technical issues such as scalability, inter-operability of ledgers, transition costs, network security, computation energy consumption, irreversibility of records, coexistence of both traditional and digital players, algorithms generating automatic transactions and skills development. Given that existing land registry systems are already vulnerable to fraud and multiple sales, failing in their role as guarantor of title, protection will need to be built into any new on-line system.



For privacy and data protection law, smart cities are simply, but not simple, environments in which personal information is processed on a vast scale

Smart cities and the end of privacy, Perry Keller, Reader in Media and Information Law, Dickson Poon School of Law, King's College London

Smart cities do not exist in law. They are simply environments that implicate multiple fields of law, often in novel and challenging ways. For privacy and data protection law, smart cities are simply, but not simple, environments in which personal information is processed on a vast scale. The immediate legal question is therefore whether that data processing is 'lawful, fair and transparent' for the millions of individuals affected. Yet, the increasing transparency of contemporary urban life shows that privacy and data protection law has not been working well. Individually and collectively, we have lawfully traded away the historic

obscurity and anonymity of urban life for more convenience, connection and security. Indeed, as this short presentation has described, we can only pause the ongoing shift towards radical urban transparency by re-thinking the qualities of life we wish to preserve and requiring that the law sets those into standards of urban design and performance. We will also need to be prepared to pay the costs of that pause in the information revolution.



IALS INSTITUTE OF ADVANCED LEGAL STUDIES

The Institute of Advanced Legal Studies is part of the School of Advanced Study of the University of London with the mandate to promote research facilitation, advance innovation, and bridge research between academy and the professions. The Institute produces its own high impact research and contributes to the generation and development of high impact research by others. The Institute brings together academic researchers, students, judges and legal practitioners from diverse backgrounds, enabling important opportunities for cross-fertilisation and has leadership involvement in strong networks both discipline-based and spanning geographical and jurisdictional differences. Through its research projects and programmes the IALS leads and shapes research agendas, facilitates the identification of new research horizons and facilitates debate by providing opportunities and resources for cutting-edge research.

UN HABITAT FOR A BETTER URBAN FUTURE

The United Nations Human Settlements Programme (UN-Habitat) was established by the General Assembly of the United Nations by its resolution 32/162 of 19 December 1977 and transformed into a Programme by its resolution 56/206 of 21 December 2001, having its Headquarters in Nairobi, Kenya. UN-Habitat is the coordinating agency within the United Nations System for human settlement activities and in collaboration with governments is responsible for promoting and consolidating collaboration with all partners, including local authorities, private and non-governmental organizations in the implementation of the Sustainable Development Goals (SDGs), in particular, Goal 11 of "Making cities and human settlements inclusive, safe resilient and sustainable", as well as the task manager of the human settlement chapter of Agenda 21 and focal point for the monitoring, evaluation and implementation of the New Urban Agenda adopted during the United Nations Conference on Housing and Sustainable Urban Development (Habitat III), in Quito, Ecuador 2016.

Programme

09:00-09:30	Registration
09:30-09:45	Introduction & Welcome address, Director Overview of the Urban Law Initiative, Dr. Maria Mousmouti, IALS
09:45-10:15	Smart Cities and the New Urban Agenda , Robert Lewis-Lettington, Chief, Urban Legislation Unit, UN-Habitat; Chair of the ITU Working Group on Security, Privacy and Trust, including Governance, for Smart Cities and Communities
10:15-10:45	Empowering citizens through data , Jaideep Gupte, Principal Investigator on Smart Data for Inclusive Cities
10:45-11:15	Q & A – Discussion
11:15 - 11:45	Coffee break
11:45-12:15	Block Chain and Land Administration , Robert Home, Emeritus Professor of Land Management, Anglia Ruskin University
12:15-12:45	Private is Public: personal data in public spaces , Perry Keller, Reader in Media and Information Law Dickson Poon School of Law King's College London
12:45-13:15	Q & A – Discussion
13:15-13:30	Award of certificates
13:30-15:00	Lunch

Dr. Jaideep Gupte is the Principal Investigator on Smart Data for Inclusive Cities funded by the European Commission. He is a Fellow of the Institute of Development Studies, at the University of Sussex, where his research interrogates urban violence and wellbeing. Jaideep is also interested in using GIS/GPS-aided local data to understand material, temporal and political aspects of urban informality.

Professor Robert Home, Emeritus Professor of Land Management, Faculty of Arts, Humanities and Social Sciences, Economics, Finance and

预览已结束，完整报告链接和二维码如下：

https://www.yunbaogao.cn/report/index/云报告?reportId=5_18115

