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Renaissance of the City as Global Actor

The role of foreign policy and international law practices in the construction of cities as global actors

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February 2016

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Janne Nijman

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Abstract:

This paper examines the renaissance of the city as a global actor within the context of 'the relationship between international law, international actorhood, and the political practice of foreign policy'. First, it discusses briefly the city as a global actor from a historical sociological perspective. It goes on to consider three contemporary developments - globalisation, urbanisation, and decentralisation - that impact the position of the city within the international society today. Subsequently, the focus is on how cities are (re)constituted as global actors by making use of the language, norms and practices of foreign policy and international law. In turn, as global actors, cities reconstitute the global society and its ideational, normative structure. A social constructivist approach is used here to explain both constitutive processes. The current urban renaissance challenges traditional state-centrism of the IR/IL theories describing the world. The editors of this volume have posed the research question as to whether we face 'a moment of foreign policy transformation'; this chapter suggests we do. The renaissance of the city as an independent global actor attests to a more general shift from an international to a global society. Meanwhile, the (re-)constitution of the city as new foreign policy actor shows the persuasive power and constructive role of international legal norms and ideas today.

Keywords:

Global city, international law, international relations, social constructivism, historical sociology, globalisation, urbanisation, decentralisation, foreign policy, implementation of international law.

Renaissance of the City as Global Actor

*The role of foreign policy and international law practices
in the construction of cities as global actors*

Janne E. Nijman*

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1. Introduction

On January 30th, 2013, *The Huffington Post* and other media reported that the City Council of Venice was about to break off its relations with the City of St Petersburg.¹ A response to the approval of a bill by the latter's legislature that imposes fines up to \$16,700 for so-called 'public activities promoting homosexuality', as this bill violates global human rights standards.² The Venice City Council decided to halt the 2006 Cultural cooperation Agreement and to discontinue cultural exchanges as long as anti-gay legislation would be in place. The news was covered globally, as if it concerned a case of breaking off relations between states. The Dutch media, for example, reported in foreign affairs idiom about the 'unilateral denunciation' of a 'treaty' for cultural exchange between the Italian and Russian city.³ Rather than the Italian *state* reacting to a human rights violation within the territory of its Council of Europe co-member-state, Russia, on the basis of the European Convention of Human Rights, it was an Italian *city* to respond directly to St. Petersburg's legislation referring to global norms. Late August 2013, Amsterdam Mayor Van der Laan intervened in the global

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¹ G Morgan, Venice To Cut Ties With St. Petersburg Over Anti-Gay Law, *The Huffington Post*, 30 January 2013.

² See eg 'St. Petersburg Approves 'Gay Promotion' Fines: Russian City's LGBT Bill Draws Protests', *The Huffington Post*, 8 February, 2012.

³ NOS website 29 January 2013.

discussion. While he did not break off cultural relations, he did address the anti-gay legislation protesters gathered in Amsterdam and called upon the Dutch Government to investigate the possibility of an inter-state complaint against Russia by The Netherlands at the European Court of Human Rights.

On March 12th of the same year New York City Mayor Michael Bloomberg, Chair of the C40 Cities Climate Leadership Group (C40), had tweeted: “While nations talk, cities act.”⁴ This was an abbreviated version of his statement in a C40 Press Release on the occasion of the announcement that Johannesburg, South Africa, would host the fifth biennial C40 Cities Mayors Summit in February 2014 aimed at highlighting the crucial role of cities in tackling climate change and reducing climate risks. He stated: “[w]hile nations and international bodies meet to talk about these issues, the C40 Cities Mayors Summit is focused on the concrete actions we can take to protect the planet and grow our cities.”⁵ Already on May 8th, 2012, Bloomberg had pointed at the (political) problems of states and international organisations with trying to solve the world’s most urgent problems, arguing that city government was an important level of global governance: “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.”⁶ Since January 2014, Mike Bloomberg is the UN Secretary-General’s first Special Envoy for Cities and Climate Change; an institutional confirmation of the role that is attributed to the world’s cities and mayors in tackling the global problem of climate change.

This chapter examines the renaissance⁷ of the city as a global actor within the context of the book’s general objective to analyse ‘the relationship between international law, international actorhood, and the political practice of foreign policy’. The two recent examples mentioned above show how cities engage in foreign policy practices and step up as actors in the global arena. While in the early 1990s, for example, in The Netherlands the Government explicitly denied the possibility of so-called

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⁴ <http://new.tweettunnel.com/reverse3.php?b=y&tz=-18000&pgn=32&id=16581604&pn=8>

⁵ Press release C40Cities, March 12, 2013.

⁶ Michael Bloomberg at the Economic Cooperation and Development Conference organized by the C40 Cities Climate Leadership Group, Chicago, Illinois, 8 May 2012, see <http://www.mikebloomberg.com/index.cfm?objectid=F37AF6A5-C29C-7CA2-FAD4026728D73EB8>

⁷ In view of earlier – loosely comparable – instances in history of cities as foreign policy actors; cf section 2.

‘Local Government Foreign Policy’,⁸ today’s trend seems to go in the opposite direction, not only in The Netherlands, but around the world.⁹

I build here on earlier work more in the nature of stock-taking and aimed at describing the new phenomenon of cities carving out a new position and role for themselves as independent IR/FP actors across the globe.¹⁰ The current chapter seeks to explain the renaissance of the city’s global actorhood from a social constructivist perspective. It argues that cities are constituted and are constituting themselves as actors of the global society. Specific focus is on the role of international norms and ideas in this constitutive process. Subsequently the question is addressed whether the rise of the global public city amounts to a transformation of the international society and the international system. Do we face ‘a *moment of foreign policy transformation*’?,¹¹ the editors ask. I will argue we do indeed. The renaissance of the city as global actor attests to a more general shift from an international to a *global* society. Moreover, the (re-)production of the city as new foreign policy actor shows the persuasive power and constitutive role of international law today.

Structure

Section 2 discusses briefly the city as a global actor from an historical sociological perspective and goes on to consider three contemporary developments - globalisation, urbanisation, and decentralisation - that impact the position of the city within the international society today. Section 3 then focuses on how cities are (re)constituted as global actors by making use of the language, norms and practices of foreign policy and international law. In turn, as global actors, cities reconstitute the global society and its ideational, normative structure. This urban renaissance challenges traditional state-centrism of the International Relations and International Law theories describing today’s world.

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⁸ Letter of the Minister of Foreign Affairs to the Second Chamber of Parliament, Tweede kamer, 26 January 1990, Vergaderjaar 1989-1990, 21 300 VII, nr. 20. During the 1980s, cities around the world formulated anti-Apartheid policies and tested the boundaries of local government competences on foreign policy. See, on the limits of urban foreign policy in The Netherlands, M Hardon, Gemeente en buitenlandse politiek – kent de gemeente haar grenzen?, *Internationale Spectator* (xxxvii-10, 1983), 642-644.

⁹ See also, Y Blank, The City and the World, 44 *Columbia Journal of Transnational Law* (2006) 868-931; G Frug and D Barron, International Local Government Law, 38 *Urban Lawyer* (2006), 1-62.

¹⁰ JE Nijman, The Future of the City and the International Law of the Future, in *Law of the Future and the Future of Law*, Sam Muller et al. (eds), (2011), at 213-229; JE Nijman, The Rising influence of Urban Actors, in *The Broker* (December 2009), Special Report "Cities of the world unite", see also online: www.thebrokeronline.eu ; and a series: JE Nijman, Internationalisering van de stad (part 1,2, and 3), in 18-19 *Openbaar Bestuur, Tijdschrift voor Beleid, organisatie en politiek* (Issues 11 and 12, 2008, and Issue 1, 2009).

¹¹ See supra Chapter 1, at 8.

Hence Section 4 proposes to further develop neo-medievalism to account for the constitutive role of international legal norms and ideas in the global society and concludes this chapter.

Terminology

For the purpose of this chapter, 'foreign policy' is defined by the editors as political practices that draw boundaries between the inside and the outside, the domestic and the foreign. 'Foreign relations policy' refers to political practices concerning transnational interaction between political communities beyond these boundaries. 'Foreign policy actorhood' is not by definition limited to states. This would amount to a-historical essentialism. Rather, foreign policy or international actorhood applies to political communities which interact as such; purposive actors which distinguish between the inside and outside and develop actions and relations beyond the inside with the outside of the global arena.¹² Here, rather than to use the editors' term 'international actor' I will use the term 'global actor'. Both notions refer to the context of transnational relations; yet, while the former clearly has a state-centric connotation, the latter ties in with the substantive critique of state-centrism.¹³ To be sure, I do not mean to argue that in IR/IL the state should no longer be a (major) unit of analysis. Rather I would emphasise that the city is redrawing the boundaries of urban politics and urban policy-making to the extent that it rises as a so-called global actor. In both IR/IL, the boundary between the domestic and the foreign is traditionally drawn at the state level. The construct of sovereignty is used to shield the internal from the external, the national from the international legal order. This divide is, however, being reshaped.¹⁴ Domestic actors – such as judges – use international law because of its persuasive or 'influential' authority even when they are not bound to do so,¹⁵ therewith drawing new inside/outside boundaries. Here focus is on the city, traditionally a state agent located behind the shield of state sovereignty, yet today developing initiatives – such as the direct engagement with global norms and the independent development of foreign policy and transnational relations –, which redraw the inside/outside boundaries and create

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¹² Ibidem.

¹³ Eg DA Lake, The State and International Relations, in C Reus-Smit and D Snidal (eds.), *The Oxford Handbook of International Relations* (Oxford: OUP, 2008), 46-51; also *infra* note 17.

¹⁴ JE Nijman and PA Nollkaemper (Eds), *New Perspectives on the Divide between National and International Law* (Oxford: OUP, 2007).

¹⁵ Ibid., chapter by M Moran, Shifting Boundaries: The Authority of International Law, 163-190.

global reach. The changing position of cities contributes to a transformation of the inter-state system into what may be called a multi-level global government system.¹⁶ It fits what Barnett and Sikkink call the shift 'from international relations to global society'.¹⁷ 'Global' actorhood and 'global' society are terms which allow us to express that the statist foreign policy system is contingent, change is possible, and that we indeed experience a transformative moment in IR/FP.

2. Renaissance of the city as global actor

2.1. An historical sociological outlook

A conventional state-centric outlook on international relations and international law blinds us to the important contemporary development of the rise of the city as a global actor. A historical perspective shows however that the international society has not been always statal, nor always anarchical.

The English School has disputed that 'international relations' by definition amount to relations among independent and territorially sovereign states. Martin Wight and later for example Adam Watson set the course to conceptualise international system differently. That is, to look historically and recognise that the modern international system of sovereign territorial states, the so-called "Westphalian" model, is not an historical given. Wight argued to leave the 'intellectual prejudice imposed by the sovereign state' behind.¹⁸ Following this call, Watson indeed widens his frame of reference in *The Evolution of International Society* (1992). He includes suzerain and imperial systems (systems of more or less independent states) as possible ways to organise international society and therewith Watson includes cities as international actors – be it mostly as proto-states – into his study.¹⁹ When we look at the history of international society without the pre-set idea of the sovereign state as sole unit of analysis, a rich history of foreign relations between urban political communities within an empire context comes into sight. History invites us to adopt an approach that can account for international systems, such as the pre-Westphalian order, in which cities, empires, sovereign territorial states, in other words, 'unlike' units,²⁰ 'all had legitimacy in their elaborate and

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¹⁶ Eg M Goldsmith, Cities in Intergovernmental systems, *The Oxford Handbook of Urban Politics* (OUP 2012).

¹⁷ M Barnett and K Sikkink, From International Relations to Global Society, in C Reus-Smit and D Snidal (Eds.), *The Oxford Handbook of International Relations* (Oxford: OUP, 2008), 62-83.

¹⁸ M Wight, Why is there no International Theory?, in H Butterfield and M Wight (eds.), *Diplomatic Investigations* (1966), at 16.

¹⁹ The book starts eg with the Sumerian cities or 'city-temple states,' which refers to how their temple-networks served as 'an inter-city diplomatic service,' conducted their inter-city relations within a cosmic order in which kings mediated in water, land or trade disputes between cities. A Watson, *The Evolution of International Society* (1992), at 25.

²⁰ Lake, *supra* note 13.

overlapping governance, and engaged in co-operation and conflict within the same cultural matrix, with recognized rules, institutions, codes of conduct and values'.²¹

Historical sociology helps us move beyond Realism and state-centrism more generally.²² It offers the two disciplines, IR/IL, a reconception of the international and subsequently a reconfiguration of their dominant analytical outlook.²³ Historical sociological analysis of international society moreover shows that the mainstream – (neo-)realist, neoliberal, and neoliberal institutionalist – outlook on the international as static, fixed, absolute, eternal and autonomous, and naturally and inherently determined, is ahistorically biased. John Hobson has clustered these biases as two sets: 'chronofetishism' and 'tempocentrism'.²⁴ I will leave this discussion aside here and sum it up as: let us not reify and naturalise the interstate system of today and project it onto the past, nor for that matter onto the future.²⁵ Historical processes, in which power, identity, social practices, and norms play a role, have contributed to the constitution of today's international society and in turn today's processes contribute to the constitution of international society into the future.²⁶ Historical sociology offers a 'temporally relativist' or 'constitutive' reading of the history of international relations and helps 'to *rethink* theories and *problematise* the analysis of the present, and thereby to *reconfigure* the international relations research agenda'.²⁷ It supports the problematisation of the state as sole international actor and of sovereignty as fully determinate of 'spatial relations' between political units.²⁸ Historical sociology of international relations shows that actors and systems are not isomorphic or homologous throughout time, it shows that transformation is possible, that the domestic and the international are mutually constitutive, and that anarchy 'almost always exists in conjunction with various cross-cutting subsystem hierarchies' (think of the Holy Roman Empire system and the Italian cities system).²⁹ The following discussion of the late medieval Hanseatic cities and their global interaction supports this problematisation of mainstream a-historic state-centrism;

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²¹ Watson, *supra* note 19, at 151.

²² Eg the discussion of Kenneth Waltz in JM. Hobson, What's at stake in 'bringing historical sociology *back* into international relations'? Transcending 'chronofetishism' and 'tempo centrism' in international relations, in S Hobden and JM Hobson (Eds), *Historical Sociology of International Relations* (CUP 2002), 3-41.

²³ *Ibid.*, for extensive literature references, at 3.

²⁴ *Ibid.*, at 3.

²⁵ *Ibid.*, at 9: 'If chronofetishism leads to a 'sealing off' of the present such that it appears as an autonomous, natural, spontaneous and immutable entity, tempocentrism extrapolates this 'chronofetishised' present backwards through time such that *discontinuous* ruptures and *differences* between historical epochs and states systems are smoothed over and consequently obscured.' See also, for definitions, at 12.

²⁶ *Ibid.*, at 7-8.

²⁷ *Ibid.*, at 5.

²⁸ *Ibid.*, at 17.

²⁹ *Ibid.*, at 18.

and it shows that *change* at the systemic level is possible.³⁰ I do not mean to argue that the contemporary rise of the city as global actor is equivalent to the global actorhood of cities in Northern Europe during late Middle Ages - Early Modernity.³¹ Our urban future will not resemble our urban past. For one, the 'normative environment' is very different.³² Be that as it may, the constitutive relationship between city and global normative order of the Middle Ages – which consisted of *ius gentium* and *ius commune* – does have strong parallels with contemporary processes that constitute the city as a global actor.

A historical case of urban global actorhood

In 12-14th century Northern Europe, important trade cities around the Baltic and North Sea formed Hanseatic league³³ through which they conducted global relations rather autonomously from the Holy Roman Emperor or the Electors or princes to which they were formally obliged within the feudal system.³⁴ The Hanseatic cities organised themselves in city leagues 'to coordinate military, economic, and diplomatic pressure' and therewith to protect their autonomy and self-government against the imperial nobles.³⁵ Building on private trade relations, urban public authorities established regional organisations to cooperate in trade (notably protect sea routes and market conditions), to assist each other (collectively) for example vis-à-vis an unjust feudal lord, and to act as one single political actor if necessary. Early on Lübeck had taken the lead and many Hanseatic cities included elements of Lübeck's law into their own local law. The central organ of the German Hanseatic League – the *Hansetag* – consisted of all member cities. Here, collective foreign policy was discussed and regulations, the so-called *Hanse-rezesse*, were developed. Decisions were made by majority vote. The adopted rules on trade and safe navigation routes then bound all member-cities; these rules influenced the development of the maritime law of nations.³⁶ The Hanseatic cities concluded treaties, developed consular relations with and special privileges in foreign trade centres, they operated collectively as one global political actor and if necessary waged war eg against the Baltic pirates or

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³⁰ Ibid., at 12.

³¹ Following sociologist Riccardo Petrella, Knox compares the urban nature of today's global economy with the Hanseatic League, when trade was 'organised and controlled by autonomous cities.' PL Knox, in P Taylor, at 6; Sassen refers to Max Weber's analysis of the economy of the medieval transnational Hanse city-league and points to the difference, ie today's global cities lack the self-sufficiency of the medieval cities, which traded surplus. Sassen, *infra* note 45, at 4.

³² Hobson, at 10-11.

³³ From the Old High German *Hansa*, meaning group or cooperative society.

³⁴ The so-called "free cities" of the Holy Roman Empire owed their allegiance only directly to the Emperor.

³⁵ R Lachmann, *Capitalists in spite of themselves* (OUP 2000), at 55.

³⁶ WG. Grewe, *The Epochs of International Law* (Berlin, New York De Gruyter 2000) at 58.

the Danish King with whom they then concluded a peace treaty (1370).³⁷ They developed foreign relations at a time in which the 'Westphalian state order' did not yet exist. In the late Middle Ages, 'there were autonomous communities capable of engaging in legal relations with one another,' and among these autonomous communities were cities.³⁸ The autonomy Hanseatic cities were able to claim *vis-à-vis* the increasingly loosely organised Holy Roman Empire was based on their economic power, their global (trade) relations, and their transnational urban organisation. These medieval cities had "transnational" or "global" actorhood while being embedded in hierarchical, imperial structures. The 'unlike' or 'functionally differentiated' political units of the late medieval "international" society were guided and constrained by a complex, moral and legal order, within which they exercised legitimate yet 'overlapping' government authority and sought autonomy from the imperial ruler.³⁹ It is generally agreed that these cities were independent subjects of what may be called a medieval law of nations.⁴⁰

At the fourteenth century transformative moment in global political life, at least three institutional forms of political and economic organisation existed and structured foreign relations: territorially sovereign states, city-leagues and city-states.⁴¹ Hendrik Spruyt has explained that the sovereign territorial state triumphed as the constitutive unit of the international system because it provided the best answer to the 'dramatic economic change'⁴²: the shift from a local to an international economy. Long-distant 'translocal trade' developed and monetary exchange to facilitate this first phase of economic globalisation financially was vital. Sovereign states proved most successful in providing business security and legal certainty and in rationalising their economies. Sovereign rulers managed to centralise jurisdiction, to define it territorially, and to establish their authority as supreme and therewith their capacity to enforce the law. Consequently, sovereign states became the regulators most effective in the international economy and cities lost their position among the units structuring international society in Europe. Today, we witness another dramatic

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³⁷ Ibid.

³⁸ Ibid., at 12.

³⁹ JM Hobson, *supra* note 22, at 16-17; Lake, *supra* note 13, at 53; Watson *supra* note 21.

⁴⁰ Grewe, at 12 and 59.

⁴¹ C Tilly, *Coercion, Capital, and European States, AD 990-1990* (1990); H Spruyt, Institutional Selection in International Relations: State Anarchy as Order, *International Organization*, Vol. 48, No. 4 (Autumn, 1994), pp. 527-557.

⁴² Ibid., Spruyt, at 527.

economic change: the shift from an international to a *global* economy, a globally integrated economy and market controlled from 'global cities'.⁴³

2.2. Contemporary interdependent developments conducive to a renaissance of the city: globalisation, urbanisation, and decentralisation

Globalisation and urbanisation are highly interrelated developments shaping humanity's future.⁴⁴ Globalisation as a largely financial-economic phenomenon takes place in the world's cities. Today's global economy is commanded by multinational corporate headquarters from cities connected in a global network. These so-called 'global cities' are the production sites of the new global economy.⁴⁵ Within the system of global cities, the global economic, financial, cultural, information and technology flows reside, function, and impact.⁴⁶ As such, these cities attract businesses and unprecedented numbers of people. Already more than 50% of the world's population lives in cities. By 2030 this number will have increased to nearly 60% and by 2050 to 75%. By 2030, 2 billion people will however live in slums across the globe. Growing so rapidly, cities themselves contribute to the world's problems. Already, cities are responsible for 80% of the global CO₂ emissions. In Asia and Africa in particular, mega-cities with over 10 million people develop rapidly. Mega- and hyper-cities (over 20 million people) may well become the city-states of the 21st century. Inevitably, globalisation and urbanisation reconfigure power relations within and outside the state. These developments will impact how we govern our world.

In all future scenarios of global society, cities play a crucial role.⁴⁷ Grand old lady of Urban Studies Jane Jacobs considered replacement of the old world order of sovereign states with a global system

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⁴³ See eg on shift from an international to a more global economy, PL Knox, World Cities in a world-system, in PL Knox and PJ Taylor (Eds.) *World Cities in a world-system* (1995), at 3: 'In the international economy goods and services are traded across national boundaries by individuals and firms from different countries, and the trade is closely regulated by sovereign nation-states. In the global economy goods and services are produced and marketed by an oligopolistic web of global corporate networks whose operations span national boundaries but are only loosely regulated by nation-states.'

⁴⁴ Globalisation and urbanisation are 'associated patters', *ibid*, at 3. See also Castells, *infra* note 46, at 224-231.

⁴⁵ The literature on the impact of globalisation is vast. S Sassen has written extensively on 'the global city', eg *The Global City: New York, London, Tokyo* (1991) and *Globalization and its Discontents. Essays on the new mobility of people and money* (1998). See also Feagin and many others in urban sociology.

⁴⁶ Manuel Castells emphasises that economic activity today is predominantly the production of services and good, eg financial products, on the basis of information. M Castells, *End of Millennium: The Information Age, Volume III*, p. 8.

⁴⁷ See eg US NIC 2012 report *Alternative Worlds*, with a focus on cities and issue of global security; also NIC sponsored website on Global Trends 2030 www.GT2030.com ; see also, the Shell scenarios 2013 with focus on cities and energy scarcity.

of cities or city-states as something positive. In 1984, this scenario might have seemed a 'utopian fantasy', to use her own words.⁴⁸ Today, however, the idea that the city rather than the state would be the basic unit of economic and political organisation already seems less farfetched. Anthony Giddens has expressed concern about the world's fragmentation in 'a thousand city-states,' for '[it] would be unstable and dangerous'.⁴⁹ Similarly, in *The Coming Anarchy*, Robert Kaplan warns against chaos and instability scattering the globe coming from the dysfunctional (mega-)cities in developing countries.⁵⁰ Mike Davis pictures a *Planet of Slums*, ie an unequal and unstable urban world wherein states and international organisations fail to deal adequately with the transfer of poverty that comes with urban migration and 'the poor assert[ing] their "right to the city"'.⁵¹ The 'global city' would go hand in hand with 'a world of cities without jobs.' Global inequality is already to a large extent urban inequality. The mega-slums will moreover 'become the weakest link in the new world order.'⁵² Nowhere do the challenges of globalisation – poverty and social inequality, migration, human trafficking, unemployment, crime and terrorism, cultural diversity and exclusion, and environmental pollution to name a few – converge so strongly and may thus be felt so urgently as on the urban streets. Jeb Brugmann recognises the challenges that come with globalisation and urbanisation, however, he also discerns the potential for social change and is determinant 'we learn how to transform our cities into centers of the world's solutions.'⁵³ When slums make poverty so visible, the poor will have to be included and inequality will have to be addressed. In his view, 'there is an inevitable democracy in the Urban Revolution that continues to revolutionize world politics.'⁵⁴ Transnational immigration and urbanisation will transform cities, they require an urban politics of multiculturalism, social inclusion, and urban citizenship.⁵⁵ *Welcome to the Urban Revolution: how cities are changing the world* (2009) deals with urban strategy at the individual city level, as well as with questions about how to develop the global city system as a whole. An economically, politically, socially, and ecologically stable global city system 'can increase equity, inclusiveness, sustainability,

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⁴⁸ Jane Jacobs, *Cities and the Wealth of the World* (1984).

⁴⁹ A Giddens, *The Third Way: The Renewal of Social Democracy*, Polity Press, 1998, p. 129.

⁵⁰ RD Kaplan, *The Coming Anarchy*, *The Atlantic Monthly*, February 1994.

⁵¹ M Davis, *Planet of Slums*, Verso, New York, 2006, at 55, 50-69.

⁵² *Ibid.*, at 202 and 204.

⁵³ Jeb Brugmann, *Welcome to the Urban Revolution: how cities are changing the world* (2009, 2010), at 201.

⁵⁴ *Ibid.*, at 56.

⁵⁵ *Ibid.* See also for a future of cosmopolitan cities in which multiculturalism works, L Sandercock, *Towards Cosmopolis: planning for multicultural cities* (1998 London: John Wiley).

and resilience in the world.⁵⁶ Bruggmann discerns the evolution of a global city system that constitutes, and is constituted by, decentralisation and urbanisation of international relations.⁵⁷

Two possible directions for the urbanised globe come into view. Riccardo Petrella foresees, on the one hand, a world of wealthy 'gated city-regions,' which are 'run by an alliance between global merchant class and metropolitan governments whose chief function is supporting the competitiveness of the global firms to which they are host,' and which are surrounded by 'an impoverished *Lumpenplanet*.'⁵⁸ On the other hand, he does not exclude the emergence of a 'plural, global agora'. Close to Bruggmann's understanding of the emerging global city network, Petrella envisions a 'global civil society that has emerged with the information age in all the major city-regions links together across fading national boundaries to balance the myopic commercialism of the merchant class with a global social contract.'⁵⁹ The corporate economic and political interest on the one hand and the reciprocal push back of the public interest in a global social and environmental agenda and a concern for global common goods on the other impacts foreign relations.

I would argue that the struggle between these two directions for global society and order – the 'private' and the 'public' if you will – is in full swing. Cities are *loci* of both the global corporate and financial sector and the urban public interest. Their governments have to confront a variety of challenges and conflicts of interest to maintain corporate competitiveness and a healthy job market as well as urban cohesion, urban health and ecology, and (social) justice.⁶⁰ Without a doubt, the world is changing and 'the central challenge of the twenty-first century,' the UN has observed, is 'to make globalisation and urbanisation work for all the world's people, instead of benefitting only a few.'⁶¹ This is a challenge most urgently felt by city governments. Many problems may have global causes but they need urban solutions. Urban governance becomes a crucial level of global

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⁵⁶ Ibid., Bruggmann, at 201.

⁵⁷ Ibid., p. 5 and 56.

⁵⁸ R Petrella, 'A Global Agora vs. Gated City-regions', *New Perspectives Quarterly* (Winter 1995), pp.21-22. Also on the dark side of the global city phenomenon visible in mega-cities : the 'decosmopolitanization' due to the harsh consequences of the intrusion of global finance capital, A Appadurai, *Spectral Housing and Urban Cleansing: Notes on Millennial Mumbai*, *Public Culture* 12 (3), 2000, pp 627-651, at 627: 'these cities are the loci of the practices of predatory global capital—here Mumbai belongs with Bangkok, Hong Kong, São Paulo, Los Angeles, Mexico City, London, and Singapore.'

⁵⁹ Ibid., Petrella 1995, at 21-22.

⁶⁰ R Petrella, The future of regions: why the competitiveness imperative should not prevail over solidarity, sustainability, and democracy, *Geografiska Annaler. Series B, Human Geography*, Vol. 82, No. 2, Development of Settlements (2000), pp. 67-72.

⁶¹ UN-Habitat, *Cities in a Globalizing World*, 2001, online available.

governance, reinforced by - next to globalisation and urbanisation - a third global trend: decentralisation.

Decentralisation – the transfer of authority and responsibility from a higher (more central) to a lower level of government – is a world-wide trend since the 1980s.⁶² Today, it is promoted as an answer to the world's most urgent crises. Firstly, decentralisation is understood to be an 'important factor [in] enhancing urban prosperity' and [in] decreasing urban inequality of wealth around the globe.⁶³ The 2012/13 *State of the World's Cities Report*, 'Prosperity of Cities,' deals with how the current financial, economic, environmental, social and political crises impact the world's cities. It presents cities however as 'a remedy to the regional and global crises', because they are 'flexible and creative platforms to address these crises in a pragmatic and efficient manner.' The report presents an approach for cities to fulfil this potential and develop into 'the engine-rooms of human development as a whole'.⁶⁴ Cities as frontrunners, which have to steer their nations out of the crises: 'With dominant roles in economic, political and social life cities remain critical to setting our nations on a more inclusive, productive, creative and sustainable course.'⁶⁵ Secondly, decentralisation is also promoted because of the political effects of globalisation, the inequality of power between the global corporate elite and the world's slum-dwellers or even regular urbanites. This inequality has fostered a crisis of democracy at the already weakening level of political authority of the state.⁶⁶ Local governments, being closest to the people, are understood to be best positioned to remedy this crisis, to reconnect with the people, to engage citizens politically, and to strengthen democratic participation and therewith democratic trust and legitimacy. Moreover, decentralisation of public

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⁶² See eg European Charter of local self-government, Strasbourg, 15 October 1985. Art 3, Part I, stipulates: 'Local self-government denotes the right and the ability of local authorities, within the limits of the law, to regulate and manage *a substantial share of public affairs under their own responsibility and in the interests of the local population.*'

⁶³ UN-Habitat, *State of the World's Cities Report*, 'Prosperity of Cities' (2012/2013), at xv-xvi.

⁶⁴ Ibid., at x-xi; see also, World Bank Report, *Entering the twenty-first century* (OUP, 2010), in which the world-wide promotion of local autonomy and self-government through decentralisation, in this report labelled 'localisation', is clear. The EU promotes decentralisation on the basis of the principle of subsidiarity, EU Treaty (1992), Title 1, Article A. art. 1.

⁶⁵ Ibid., at v.

⁶⁶ The renaissance of the city as global actor in the context of globalisation, urbanisation and decentralisation fits Anne Marie Slaughter's 'disaggregated state' paradigm, i.e. 'the rising need for and capacity of different domestic government institutions to engage in activities beyond their borders, often with their foreign counterparts.' AM Slaughter, *A New World Order* (2009), at 12. City government networks are not mentioned, as Frug also observes, but they fit this framework perfectly. *Infra* note 9, at 23.

services is often rationalised with a view to making the delivery of these services most (cost) adequate and efficient, as well as better accessible for, and accountable to, all.⁶⁷

Cities themselves have been active advocates of decentralisation too. Associated in *United Cities and Local Governments* (UCLG), they are committed to decentralisation and to empower local authorities to good urban government and policies of poverty reduction. UCLG represents the world's cities at the UN and collaborates with many other global institutions, such as the World Bank, on these issues. It has argued consistently that local self-government, based on the principle of subsidiarity, is an element of good governance. Within the UN, the Habitat agenda gives strong support to decentralisation as a way to attain sustainable human settlements and MDGs more generally. In short, cities lobby and arrange for their self-empowerment through the global level. UN-Habitat has facilitated years of consultations between the cities, experts, the United Nations and its member-states which has ultimately resulted in the *International Guidelines on Decentralization and the Strengthening of Local Authorities* (2007).⁶⁸ Cities have thus been actively involved in the making of global local government norms or, what Frug and Barron called, 'international local government law':⁶⁹ they interacted with the global institutional level, engaged global values such as good governance, citizenship, and participatory democracy,) to empower themselves and enhance their autonomy. The *Guidelines*' aim to 'serve as a catalyst for policy and institutional reform at the national level'. The Advisory Group of Experts on Decentralization (AGRED) was established to 'advise on the international dialogue on decentralization and to contribute substantively to developing recommendations and documenting best practices on decentralization and strengthening of local authorities.' In other words, decentralisation is changing the relationship between the city and the state,⁷⁰ and between the city and the global level. It empowers the city, locally as well as globally. Cities start to instruct states on how to act on global issues. Bruce Katz and Jennifer Bradley, confirm the changing of tables that comes with the reconstruction of state structure: '[t]he metropolitan

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⁶⁷ Assuming of course decentralisation comes with enough resources (from local taxing or from the central government) to fulfil these tasks and responsibilities.

⁶⁸ The *Guidelines* were approved by the Governing Council of UNHABITAT on 20 April 2007. It built on the European Charter of Local Self-government (1985), which is binding on Council of Europe member-states, hence their cities, since 1993. *Supra* note 62. Section 3.2 will deal briefly with this example of interaction between cities and International organisation resulting in (soft) international law norms.

⁶⁹ See *infra* note 9.

⁷⁰ See eg UN Secretary-General Kofi Annan: 'To meet such expectations, local authorities need real power. Cities must no longer be run as administrative extensions of central government, or starved of responsibility and resources.' Address to *Urban 21: Global Conference on the Urban Future*, Press Release SG/SM/7479 5 July 2000.

revolution is exploding this tired construct. Cities and metropolitan areas are becoming the leaders in the nation: experimenting, taking risks, making hard choices.’ These Brookings Institution scholars discern ‘the inversion of the hierarchy of power in the United States’⁷¹ as well in other parts of the world.⁷² Increasingly, cities lead and act autonomously at the local as well as the global level. There are indeed many examples of global city networks that issue a joint statement in which they urge national governments to act on an issue, for example, ‘to commit, to take and implement all required actions now to limit any further increase in global warming, to approve a climate regime at the UN Climate Conference in Paris 2015 that will ensure the implementation of this goal.’⁷³

Globalisation, urbanisation, and decentralisation can thus be said to reshape the state’s power structure and to reconfigure its structure of authority and responsibility. Specifically, they empower the city to confront urban issues more independently at a global level. In the words of Marc Morial, mayor of New Orleans, ‘in the 21st century perhaps all politics will be global.’ ‘You can’t be a mayor today without having almost your own foreign policy.’⁷⁴ At a time of global interdependency, while global policies need local localisation, urban issues and interests increasingly have a global dimension. This causes proactive city governments and mayors to act in the “interest of the city,” if necessary, beyond the borders of their city territory. Territory is, according to constitutional law the default legal basis for local government competences. The globalisation of the city’s public interest works to expand the interpretation of the city governments’ competences.⁷⁵ Bloomberg’s statement shows as much: ‘We’re directly responsible for [the majority of the world’s people’s] well-being and their futures. So while nations talk, but too often drag their heels – cities act.’⁷⁶ A sense of direct responsibility seems to push mayors and city governments to act locally as well as globally. While this section has shed some light on the changing global society and on the global forces behind the renaissance of the city as global actor, the next section turns to how this renaissance is taking shape.

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⁷¹ B Katz and J Bradley, *The Metropolitan Revolution: How Cities and Metros Are Fixing Our Broken Politics and Fragile Economy*, at 2 and 5. In the same vein, B Barber, *If Mayors Ruled the World: Dysfunctional Nations, Rising Cities* (2013); also TL Friedman, I want to be a Mayor, *New York Times*, 27 July 2013. These fit a larger body of literature about the disaggregating state, see *supra* AM Slaughter note 66.

⁷² See Bruce Katz in E Green, *Can Mayors save the World?*, *The Atlantic Cities*, 23 September 2013.

⁷³ Art 3 of the Nantes Declaration.

⁷⁴ Barry James, Mayors Not Stopping at City Limits New Economy Gives Urban Centers a Global Role, They Agree, *International Herald Tribune*, 8 April 2000.

⁷⁵ See eg on the autonomy of Dutch local governments art. 124 of the Dutch Constitution, stipulating that local governments can create new competences when the local or urban ‘household’ so requires. The Council’s general responsibility or ‘competence’ to make local acts on the basis of the public interest of the city is stipulated in art. 149 of the *Gemeentewet*.

⁷⁶ See *supra* note 6.

3. From *locus* to actorhood: a constructivist perspective on the global public city

3.1. A social constructivist approach to actorhood⁷⁷

This section will first briefly address what I call a social constructivist approach to actorhood.

Subsequently, in 3.2, I rely on this approach to explain how the city actually constitutes itself as a global actor by developing foreign policy practices and specifically by connecting to international law and international institutions. Social constructivism helps to make this constitution visible and accessible. This section briefly addresses three elements of constructivism that are particularly relevant in the context of this chapter: i) constructivism's basic understanding that international society, the actors and relations of which it consists, are not given but socially constructed; ii) its perspective on the agent-structure relationship and the relevance of both internal and external structure for the constitution of the city's global actorhood; and iii) building on these two elements, the possibility of transformation that follows from actors relating to an ideational structure such as international law and international institutions and therewith (re)producing *global* society (rather than being pre-set to an anarchical life).⁷⁸ Hence Alexander Wendt's famous adage: 'anarchy is what states make of it'.⁷⁹

First, without going into detail about the constructivist critique on Realist materialism, it should be noted that constructivist theory understands the international system to exist inter-subjectively through the shared ideas of human consciousness. Wendt explains as fundamental aspects of this ideational focus: '(1) that the structures of human association are determined primarily by shared ideas rather than material forces, and (2) that the identities and interests of purposive actors are constructed by these shared ideas rather than given by nature.'⁸⁰ The actors of international relations are not by definition states - we made that point already from a historical sociological perspective. International actors, what they are and what they want, are socially and relationally constructed.⁸¹ Social behaviour is determined by the *meaning* which (material) objects and other actors carry for a particular actor.⁸² This meaning is also defined by the meaning an actor attributes to itself – its identity. Identities are 'relatively stable, role-specific understandings and expectations about self.'⁸³

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⁷⁷ Hurd, Reus-Smit, Wendt.

⁷⁸ See also *supra*, Chapter 1, at 3-4.

⁷⁹ A Wendt, *Anarchy is what States Make of it: The Social Construction of Power Politics*, 46 *International Organization* (1992), 391-425.

⁸⁰ Wendt 1999, at 1.

⁸¹ Ian Hurd, Constructivism, in: Reus-Smit & Snidal (Eds.), *The Oxford Handbook of International Relations* (Oxford OUP, 2008), at 299. See also, Reus-Smit, *Constructivism*, 2005.

⁸² Wendt 1992, at 396-7. Footnote omitted. Italics added.

⁸³ Wendt 1992, at 397.

Actors acquire identities 'by participating in ... collective meanings. Identities are inherently relational'.⁸⁴ Actors thus constitute and reconstitute their identity and interests through social interaction. The interest an actor takes in something, that is, the meaning something has to the actor, thus is socially constructed: it emerges from an actor's self-understanding (identity) on the basis of inter-subjectively held ideas ('interests are at *base* ideas about needs',⁸⁵ and, in Wendt's own words, '[i]dentities are the basis of interests'⁸⁶). For example, cities understand their needs – the needs of both the urban public sector and the urban corporate sector – increasingly in terms of global processes and developments (a.o. globalisation and urbanisation) and understand themselves as responsible for the fulfilments of these needs, which in turn impacts cities' self-perception. The city will develop a global reach, will seek to be attractive and well-connected to the flows of capital, information, business, and labour, and to enter the competitive game of being a city ranked high in the Global Cities Index.

To be concrete, shared - that is inter-subjectively held – ideas determine the meaning which objects (port, rivers, oil, an Olympic stadium, but also another actor) have to an actor. To illustrate the close relationship between identity and interests: for The Hague, the International City of Peace and Justice, the presence of international organisations - and thus their continued satisfaction with this city as their *locus* - is a key interest. Increasing, cities understand and identify themselves as global cities, as having potential for global city-ness. The formation of a 'global city' identity and global actorhood is highly relational, it can only exist if other actors – cities, multinational corporations, international governmental organisations, NGOs, states, citizens, etc – are included in this self-understanding and if they recognise this identity through interaction with the cities concerned. Cities then are indeed socialised into global actorhood. The (aspired or perceived) identity of the city defines the understanding of its interests, it informs the city's concrete actions that seek to make the claim to global actorhood viable and to find recognition by other global actors of the new identity. Actors are inherently social, their actions are defined by social relations and shared ideas by which they give meaning to themselves, to material objects, including other actors, to their relationships and actions. (Lack of) global actorhood identity is not a given, it is a social construction and can emerge through social interaction.

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⁸⁴ Wendt 1992, at 397. Footnote omitted.

⁸⁵ Hurd, at 302-3.

⁸⁶ Wendt 1992, at 398.

Secondly, the constructivist understanding of the agent-structure relationship is crucial to explain further the rise of the city as global actor. Wendt's perspective on social life is particularly helpful. Wendt considers neither agent nor structure to be the 'ontologically primitive unit' but argues that properties of 'both [are] relevant to explanations of social behaviour.'⁸⁷ The relationship between agent and structure is best conceived of as a relationship of co-creation by 'mutually implicating' units of an 'equal ontological status', one irreducible to the other.⁸⁸ Actors and structures depend on, and are constituted by, each other.⁸⁹ To put it in Wendt's words: 'social structures have an inherently *discursive* dimension in the sense that they are inseparable from the reasons and self-understandings that agents bring to their actions.'⁹⁰ In fact, agents are constituted by two distinct structures: 'external, or social, structures; and internal, or organizational, structures.'⁹¹ The two come together "within" the agent, which, on the basis of social structures, reflects on, conceives of, and chooses for a specific action. To come to an action involves processes or practices, which are defined by the internal, organisational structure that is interacting with the ideas and meanings of external, social structures. To be concrete, international law ideas and institutions qualify as such a social structure, ideational in nature. As such, it impacts relations among the actors of the global society (traditionally states), their social practices and individual actions. The next section focuses on how exactly this ideational structure of the global society constitutes the global actorhood identity of the city.

Before we get to that point, the constructivist view on the purposeful actor-social structure relationship allows me to introduce the distinction between the global *private* city and the global *public* city.⁹² Global city literature focuses generally on the global economy as the structure that underlies and constitutes the so-called 'global city'.⁹³ In this context, the rise of the global city is,

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⁸⁷ Wendt 1987, at 337-8. 'The agent-structure problem has its origins in two truisms about social life which underlie most social scientific inquiry: 1) human beings and their organizations are purposeful actors whose actions help reproduce or transform the society in which they live; and 2) society is made up of social relationships, which structure the interactions between these purposeful actors. Taken together these truisms suggest that human agents and social structures are, in one way or another, theoretically interdependent or mutually implicating entities.' Ibid.

⁸⁸ Ibid., at 338.

⁸⁹ Ibid., at 359: 'Just as social structures are ontologically dependent upon and therefore constituted by the practices and self-understanding of agents, the causal powers and interests of those agents, in their own turn, are constituted and therefore explained by structures.'

⁹⁰ Ibid., at 359.

⁹¹ Ibid., at 359.

⁹² I introduced this distinction already in 2011, but develop it further here. See *supra* note 10.

⁹³ See for the definition of global city used most regularly, Sassen, *supra* note 45, at 3-4.

I would argue, first and foremost, the rise of the global *private* city.⁹⁴ That is, the global city as a space from which the corporate or *private* sector seeks global business opportunities, develops global commercial relations, and thus from which it controls and commands global capitalism. In fact, the corporate agents and the global economy constitute each other and the 'global city' that thus emerges, is a *locus* from which these global corporate actors interact. It contributes however to what I have called elsewhere the rise of the global *public* city.⁹⁵ By this I mean the general phenomenon of city governments developing global reach. Increasingly, city governments give a transboundary dimension to their policies and actions to fulfil their public-administrative functions and responsibilities. A city's internal 'organizational apparatus of governance' gives it the capacity to understand itself and reflect on its actions, and to make choices and decisions in the interest of, and with accountability towards, the urban public.⁹⁶ Being (self-)reflective 'goal-directed units of action', cities obviously qualify as (organizational) agents or actors.⁹⁷ To say that cities are actors implies attributing to them such properties as rationality, intentionality, identity, interests, beliefs, (self-)perceptions, (self-)reflectivity, consciousness, and so on.⁹⁸ Having these properties, the *global public* city interacts socially while rationalising its behaviour in view of international norms and institutions and global policy ideals and values. The City's global actorhood is constituted through its participation in the practices within which the ideational structure of global society exists. While for the global private city, the global economy is the explanatory structure - be it that it explains the city as a *locus* from which global private actors operate -, for the *public* city as global actor the ideational structures of global society are the explanatory – constitutive – structures. In turn, these structures are reproduced and reshaped by the practices in which this emerging global actor participates. Provided, of course, the participation of this new actor meets recognition by the actors of the global society. Once foreign policy practices, international (legal) norms and institutions, and global policy

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⁹⁴ Frug and Barron make a similar point about the emphasis on the 'private' identity of the city in global city literature, *infra* note 9, at 10.

⁹⁵ *Supra* note 10, at 219: 'The global *public* city in a broad sense refers to both city government and the urban public sphere. ... I use it in a slightly stricter sense, to refer to the legal notion of 'city government', which is not just part of the state structure but also a democratic representative of the urban *public* sphere and may thus operate to some extent autonomously from the state and develop external relations on a global scale to defend and promote urban values and urban public interests. The city government stands at a crucial junction between the global level of governance and the political and governmental questions of (urban) justice and (urban) public goods.'

⁹⁶ Assuming local democracy.

⁹⁷ As is often done, I take agency and actorhood to be interchangeably here.

⁹⁸ A Wendt, *The State as Person in International Theory*, 30 *Review of International Studies* 2004, at 289-316

ideals and values inform and shape (self-)understandings, beliefs, identity, reasons, interests, and actions of cities, we may conclude the existence of a mutual constitutive agent-structure relationship between the city and the ideational structures of global society which exists in the foreign policy and international law practices in which the city participates.

Thirdly and finally, rather than understanding the international system to be static, statist and anarchical by nature, the ideational focus of the constructivist perspective allows for societal change.⁹⁹ As the mutual constitution of structures and actors is a dynamic and continuous process, the possibility of transformation of structures is inherent in the system and entrance of new actors is possible.¹⁰⁰ When shared knowledge and ideas guiding social interaction change, also (self-)understandings, identities and interests may change. For example, when cities start to regard international norms and ideas as meaningful to them, it changes the cities' self-understanding. Based on this perception, they take up a new role and identity, their interests and actions change and when they find recognition thereof through social interaction, in turn, the system transforms. In other words, shared ideas - perceptions, beliefs, expectations, norms etc – shape global society through the social interaction of global actors on the basis of these ideas.

The global society today does not lack a structure of authority as the realist term “anarchy” suggests. In fact, ‘[i]nternational authority can be found in international organizations ... and in practices such as international law.’¹⁰¹ International rules and institutions have authority when they are believed ‘to be legitimate – that is, they deserve to be observed’.¹⁰² The next section further illustrates that today cities by their actions demonstrate they consider international law norms deserve to be observed. International law and the normative structure of global society at large – ie shared moral and legal concepts and meanings, formulated in international law or by global institutions and their policies – contribute to the production of global ‘sociality’ and ‘legitimate action’.¹⁰³ By engaging with this structure, actors – in this case, cities - confirm and enhance the “legitimate authority” of norms and institutions.¹⁰⁴

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⁹⁹ Hurd, Wendt, also earlier English School scholars who preferred society rather than anarchy. As Hurd rightly points out, see *supra* note 81, at 309.

¹⁰⁰ *Ibid.*, at 304: Applied to the global level: actors ‘contribute to making the institutions and norms of international life, and these institutions and norms contribute to defining, socializing, and influencing states [or rather actors generally]. Both the institutions and the actors can be redefined in the process.’

¹⁰¹ *Ibid.*, at 309.

¹⁰² Barnett & Sikkink, at 68.

¹⁰³ *Ibid.*

¹⁰⁴ *Ibid.*

To sum up: the social-constructivist lens - focussed on actors, their identity and behaviour - helps us to trace the renaissance of the city as global actor: it directs our view to the ideas and meanings that determine actor's identity and interests. It allows for an insight in the self-perception of the city as an actor that in the context of globalisation, urbanisation and decentralisation has to act at the global level in order to meet the needs of the city and its citizens, and the requirements of good urban governance more generally. The social constructivist view of the workings of the agent-structure relationship helps to dissect the social construction of the city as global actor. The relationship between the city government, with its internal apparatus, and the ideational structure of the global society determines the actions of the former on which the latter is again dependent. It shapes and reshapes through both social practices and processes. Cities start to understand international law and global policies as meaningful to their behaviour. Next to the city as *locus* of economic globalisation, as global private city, rises a global public city, that is the city as city government agent interacting with the ideational structure of global society through foreign policy and international law practices. The constitution of the city's global actorhood is fully established when it finds recognition in foreign policy and international law practices. In turn, the city as a new global actor brings about change in the global system. Its participation in foreign policy and international law practices transforms the meaning of these practices and of the ideas, beliefs, expectations, and identities on which it is dependent.

3.2. *The constitution of the city as global actor*

As the previous section concluded, the constitution of the city as a global actor takes place in the social practices and processes wherein the global ideational structure exists. Here, we deal with the foreign policy and international law practices and processes through which the city is socialised as global actor *in concreto*. Firstly, we explore how cities are identifying themselves as a global actor by *imitating* foreign policy and international law practices of the state, that is: the standard international actor.¹⁰⁵ Apart from bilateral relations, cities imitate the multilateral settings of intergovernmental conferences or organisations (A.). Second, constitution of the city as a global actor takes place through participation in existing intergovernmental organisations processes and international law practices - cities adopt and *internalize* international law and global policy objectives and act on the basis thereof as a global actor (B.).¹⁰⁶ An important part of the city's socialisation as a

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¹⁰⁵ Wendt 1999, at 325.

¹⁰⁶ Wendt 1999.

global actor is the recognition and respect with which the city's new role as an independent global actor is met by the global community.

A. City to city foreign policy: mimicry of international relations practices

The State as role model. Around the world, cities have established Foreign Affairs or International Relations Offices do develop their foreign policy initiatives and transnational relations with cities, NGOs, States, and Intergovernmental Organisations and Agencies.¹⁰⁷ These Offices often revitalise and/or revise the old sister-city programs,¹⁰⁸ initiate new transnational trade and economic inter-city relations, organise transnational trade missions and visits of delegations from other cities or even States, work to strengthen a city's pull of foreign investment, and maintain international cultural relations. Depending on the needs on the city, the transnational inter-city cooperation deals with urban mobility, smart energy,¹⁰⁹ transnational crime,¹¹⁰ health (eg HIV-Aids), peace,¹¹¹ security, good urban governance,¹¹² and sustainability.¹¹³ Such inter-city cooperation consists of exchange of knowledge and best practices on these policy issues.

The rhetoric and symbolism of inter-city meetings resemble traditional inter-state practices. Mayors lead business and/or cultural missions abroad. They are the new diplomats, 'markers' of the changing practices and shifting inside/outside boundaries.¹¹⁴ In press meetings, they are sided by their city's flag, speak about the ties of friendship and the mutual advantages of cooperation, and sign an economic or cultural cooperation agreement or exchange a just signed agreement with

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¹⁰⁷ For example: Amsterdam, Beijing, Guangzhou, Johannesburg, Kyoto, Mumbai, New York City, São Paulo, Seattle, Shanghai, and Zürich. There are many more.

¹⁰⁸ The "Chicago – Mexico City Global Cities Economic Partnership" builds upon the sister city relationship that exists between the cities since 1991, see MoU Chicago – Mexico City note 115; See for a recent sister-city agreement eg Addis Ababa – Washington D.C., December 2013 Sometimes, sister-city relations agreed on decades ago exist only 'on paper' eg in the case of Chennai, see *The Times of India*, 9 May 2013, or come to an end eg Amsterdam – Accra, January 2014.

¹⁰⁹ See eg MoU between Barcelona and Yokohama for Smart City cooperation (March 2013).

¹¹⁰ Eg MoU between the Philippine National Police and New York City Police Department on Cooperation in Preventing and Combating Transnational Crimes, 14 December 2012.

¹¹¹ Eg Mayors for Peace, an NGO with almost 6000 member cities 158 countries and consultative status with ECOSOC since 1991. It is a collective foreign policy tool, eg to abolish nuclear weapons by 2020. See Cities' appeal in support of Hiroshima-Nagasaki Protocol.

¹¹² Eg Amsterdam Office of International Relations focuses on exchange of administrative and governmental expertise to promote good urban governance and on strengthening of Amsterdam's international cultural and economic position. Also, Amsterdam hosted 2007 mission of Riga to inform them on homo-emancipation policy and the organisation of Gay Prides. With Latvian policy there has been an exchange of knowledge on "hate crime" and "hate speech". *Evaluatie Internationale samenwerking Amsterdam* (2002-2009), at 32.

¹¹³ Eg the MoU between Beijing and Copenhagen.

¹¹⁴ *Supra*, Chapter 1, at 16.

appropriate protocol.¹¹⁵ Rather than bilateral treaties, cities conclude Memoranda of Understanding (MoU) (incidentally, a type of non-legally binding agreement that is often used in inter-state relations by countries such as the Netherlands and the UK as well) to arrange for a trade deal or to ‘formalize’ strategic cooperation.¹¹⁶ The growing practice of inter-city agreements seems to fit a broader practice of sub-state actors concluding transnational agreements, for example, cross-border cooperation agreements within EU legal framework. In the latter situation, there may be an authorisation of sub-state treaty making.¹¹⁷ Such legal capacity is however generally lacking with global inter-city agreements, hence, the MoU option. Using a Memorandum of Understanding is a well-established practice in international relations. Being a non-binding agreement,¹¹⁸ it is a popular foreign policy tool of every global actor, including the city. The city does not only develop bilateral relations with other cities, also increasingly so with States. In *Foreign Policy Goes Local-How Globalization Made São Paulo into a Diplomatic Power*, Rodrigo Tavares also argues diplomacy is changing due to globalisation and urbanisation and adapting its practices to include cities. He points out that both the United Kingdom and the United States recently concluded ‘formal bilateral relations’ with São Paulo, the Brazilian city and state.¹¹⁹

The transnational normative nature of MoUs aside, cities may use a MoU for example to cooperate on the implementation of international law. For example, the innovative ‘Global Cities Economic Partnership between Chicago and Mexico City’ of November 2013 stipulates that ‘The Parties are committed to pursuing joint initiatives’, which means *inter alia* according to art 2.1 that they will ‘[f]oster trade in goods and services in key sectors, as included in Annex A, compliant with

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¹¹⁵ Eg ‘Memorandum of Understanding to establish the Global Cities Economic Partnership between Chicago and Mexico City’ signed on November 14, 2013. Its objective: ‘to formalize a bilateral relationship to expand job growth and economic opportunities in both cities, especially in advanced industries, through joint initiatives in trade, investment, and innovation.’ See for agreement:

http://www.brookings.edu/~media/Programs/metro/gci%20mexico/GCEP%20CHI%20MEX%20MOU_FINAL.pdf See eg the MoU on Strategic Cooperation between City of Vancouver and Chaoyang District; also MoUs signed between Chinese and European cities in *ICLEI-Local Governments for Sustainability* context;

¹¹⁶ Eg Washington D.C. Mayor, Vincent Gray, signs Sister City Agreement with Kgosietsi, mayor of Tshwane in South Africa. See also, mayors of Copenhagen and Beijing signing Sister Agreement with specific focus on urban sustainable development or eg MoU between Amsterdam and Seoul on educational and cultural cooperation.

¹¹⁷ Hollis 2005, at 146

¹¹⁸ The name is not decisive for the status of the instrument (definition in VCLT 1969, art 2(1)(a), but in state practice “MoU” is generally used to designate non-legally binding agreements. Meanwhile, in the practice of international organisations such as the UN, a “MoU” usually does refer to a *legal* agreement.

¹¹⁹ Rodrigo Tavares, *Foreign Affairs*, posted on website October 9th, 2013. Tavares also argues that cities are developing foreign policies to fulfil their responsibilities and represent their interests abroad.

the rules of NAFTA.¹²⁰ The objective of ‘job growth’ is not only sought through mutual foreign investment but also through cooperation on education.¹²¹

Intergovernmental conferences and organisations as role model for city to city relations. Cities around the globe develop multilateral transnational inter-city relations. Local governments gather in summits or conferences on all kinds of policy issues, work together in regional and global city networks or unite in even tighter association. In 2008, city governments gathered in The Hague for the *First World Conference on City Diplomacy*, which focused on their role in Conflict Prevention, Peace Building and Post-Conflict Reconstruction. As true global actors, the local governments adopted a closing statement ‘The Hague Agenda on City Diplomacy’¹²² in true resolution style. They pledged to work together with the national and international levels on matters of peace and security, and to promote human rights in their cities as a basis for stability and peace. The 2008 *World Conference* has been given follow-up by the creation of a UCLG Committee on Development Cooperation and City Diplomacy. The environmental policy initiative of former NYC Mayor Bloomberg, *C40 Cities on Climate Change*, is one of those global networks in which cities cooperate and commit to implement shared international norms or common policy objectives (*in casu*, the greenhouse gas emission reduction targets).¹²³ Other examples are the *Asian Network of Major Cities 21* (ANMC21),¹²⁴ EUROCITES,¹²⁵ and the *Global Network on Safer Cities*. The latter two work together with IGOs. *ICLEI-Local Governments for Sustainability* is another global city organisation, with regional branches, in which cities cooperate on implementing global sustainability agreements – such

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¹²⁰ See *supra* note 115.

¹²¹ See for San Francisco partnership with Beijing, Shanghai, <http://www.chinasf.org>

¹²² *First World Conference on City Diplomacy*, 11-13 June 2008, Den Haag, <http://www.citydiplomacy.org/home.html>. See also, A. Musch et al. (Eds), *City Diplomacy* (VNG International, Den Haag, 2008). See for city diplomacy broader defined, R Van der Pluijm and J Melissen, *City diplomacy: the expanding of cities in international politics* (Clingendael 2008), at 6.

¹²³ A global network sponsored by UN-Habitat, which aims to develop ‘a common guideline and program on safety or how to make safer cities in the next months and years,’ according to its Chair, Mayor Ebrard. It adopts a ‘social inclusiveness approach in safety policies,’ and in the words of Parks Tau, Mayor of Johannesburg, SA, has a broad understanding of its responsibility ‘We believe collectively we will have the responsibility to share experiences, to network amongst ourselves, our cities to insure on the basis of best practices we are able to export and import best practices to our respective cities and have a responsibility to not just our citizens but to citizens of cities throughout the world.’

¹²⁴ Article 3 of their Charter stipulates as an objective: ‘To enable fellow major Asian cities to mutually share their knowledge and experience of common problems, and, through participation in joint projects, to make it possible for the positive outcomes of these projects to be fed back to regions, citizens, companies, and so forth, which will in turn contribute to social and economic development in Asia.’

¹²⁵ EUROCITES is a network of major European cities that lobbies and cooperates with EU institutions on climate, inclusion, and recovery.

as, Agenda 21, the Rio Conventions, the Habitat Agenda, and the Millennium Development Goals - at the local level.

United Nations as a role model for UCLG. UCLG,¹²⁶ already briefly discussed above, is the world organisation of local governments that aims to represent the world's cities at the global institutional level, to promote inter-city cooperation, and to partner with the international community.¹²⁷ It mimics language, imagery and even structure of the United Nations and like the UN it is involved in a wide range of issues. Its Statutes are called 'The Constitution of the World Organisation of United Cities and Local Government,' they were adopted by a 'Constitutive General Assembly' in 2004 (Paris) and most recently amended by the General Assembly in 2013 (Rabat). The Preamble starts by '[r]ecalling the Universal Declaration of Human Rights, and particularly the principle recognised in Article 21, that the will of the people is the basis of the authority of government.'¹²⁸ Linking up with this international law principle, UCLG seeks to forge its own authority and legitimacy. The UCLG constitution explicitly connects to the changing relationship between the city and the State

'[c]onsidering: that the world is being reshaped by changing economic, technological, demographic, environmental and social forces; that the traditional role of the State is profoundly affected by the above trends and that States cannot centrally manage and control the complex integrated cities and towns of today and tomorrow' and that therefore local governments have indeed a 'responsibility to take an active role in responding to the challenges facing humanity; to fight strongly against poverty, ignorance, intolerance, discrimination, exclusion, insecurity, environmental degradation and cultural levelling'. As possible tools, the constitution mentions inter alia 'Municipal International Cooperation' and 'international local government diplomacy.'¹²⁹

UCLG documents stipulating common policy objectives often start with "We, representatives of local governments the world over, ..." and continue in a UN General Assembly resolution style. UCLG's World Council is the 'principle policy-making body of the World Organisation' and also 'ensures that general policies decided by the General Assembly are implemented.'¹³⁰ It is active on many urban issues within the global arena. It has observer status with the UN and is now claiming advisory

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¹²⁶ UCLG is an association established under Spanish Law.

¹²⁷ Art. 2 of the Constitution: 'The mission of the World Organisation is: To be the united voice and world advocate of democratic local self-government, promoting its values, objectives and interests, through cooperation between local governments, and within the wider international community.' See also Art. 3 and 4 on objectives and tasks. Available online:

http://www.uclg.org/sites/default/files/ENG_Constitution_2013_0.pdf

¹²⁸ Ibid., the Preamble.

¹²⁹ Ibid., the Preamble.

¹³⁰ Ibid., art 39.

status.¹³¹ As an actor representing cities, it is recognised for its '[ever-]growing role in both United Nations policy debates and achieving global goals.'¹³² Regarding its role as global actor, it is worth noting that UCLG and UN Agency UN-Habitat have concluded an 'Agreement of Cooperation' to implement a number of global policy initiatives in the areas of decentralisation, good urban governance, and localising MDGs. For UN-Habitat, UCLG is indeed 'a global voice of cities and an important local government partner of the United Nations.'¹³³

B. Global participation of cities in international law practices and intergovernmental organisations processes

While the previous examples show what inter-city foreign policy practices might look like, this section focuses on examples in which cities make use of the symbols and language, norms and ideas of international law, and demonstrate they accept these to guide their actions. The direct and independent relationship between the global normative structure, on the one hand, and the city, on the other, (re)constitutes the latter's global actorhood and (re)constitutes the former. In particular I look at three ways in which the city and the global normative structure constitute each other through the legal and institutional processes in which the city participates: i) cities concluded transnational agreements that ground on international law; ii) cities implement international law independently from the state of which they are an agent; and iii) cities interact with intergovernmental organisations.

Constituting the city as a global actor through agreements grounded on international law. Cities incorporate international law ideas, norms and principles in their bilateral and multilateral agreements. Already, we saw NAFTA features in a MoU and the UDHR in UCLG constitution. Here, I'd like to mention two other examples. One, the *Global Cities Covenant on Climate* (2010),¹³⁴ the concluding document of the 'World Mayors Summit on Climate'¹³⁵ - also called Mexico City Pact - which is signed to date by over 140 city governments.¹³⁶ They commit to the reduction of GHG

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¹³¹ Cardoso report 2003, para 18.

¹³² Ibid., para 117.

¹³³ Available online: http://ww2.unhabitat.org/unacala/documents/uclg_cooperation.pdf

¹³⁴ Available online: <http://www.wmsc2010.org/wp-content/uploads/2010/09/The-Pact-Final-181110.pdf>

¹³⁵ The summit was hosted by the Government of Mexico City, the World Mayors Council on Climate Change (WMCCC), UCLG and ICLEI-Local Governments for Sustainability.

¹³⁶ For treaty-making language, see article 10: 'In the case that signing Mayors require their decision to be processed through other instances of their governments; their signature will be subject to ratification in an 8 months term.'

emissions in a 'measurable, reportable and verifiable manner'¹³⁷ by registration of their action in the *Carbourn Cities Climate Registry*.¹³⁸ The Preamble links up explicitly with the global normative framework on climate change prevention, such as the UNFCCC and its Kyoto Protocol, the UN Climate Roadmap, and the COPs, and shows that the norms and principles of these international instruments have meaning for these cities and guide their action whether or not their states have consented to them. It moreover declares to seek synergies with regional initiatives such as the EU launched and supported *Covenant of Mayors – Committed to local sustainable energy*, which aims to meet and exceed the European Union 20% CO2 reduction objective by 2020,¹³⁹ and the *The U.S. Mayors Climate Protection Agreement*.¹⁴⁰

Another example is that in the area of human rights much global inter-city cooperation functions on the basis of international human rights instruments. The *Global Charter-Agenda for Human Rights in the City* (2011) starts with a Preamble that refers to the Universal Declaration and the various international human rights treaties building upon it and confirms the importance of city governments as guarantors of political as well as social, economic and cultural rights around the world. The Global Charter was developed by UCLG's Committee on Social Inclusion, Participatory Democracy and Human Rights and adopted by the UCLG on December 11, 2011.¹⁴¹ Its provisions stipulate rights of all city inhabitants as well as their duty to respect human rights of other city inhabitants and suggest action plans to realize these rights. Specifically the Charter promotes a new and emerging human right, that is: the Right to the City. This emerging right is, on the one hand, 'a framework and summary of all rights' provided for in the Charter-Agenda; on the other hand, it adds an extra dimension by its emphasis on inclusiveness: the right of city inhabitants to be part of an inclusive, democratic and solidarity-based political community. The Charter incites signatory cities to develop an agenda for their jurisdiction to implement actively human rights within their territories. These cities have however also 'committed to' promoting human rights beyond their border: signatories commit to 'transnational local cooperation' in order to promote respect for human rights and 'to actively collaborate, within its powers, in the implementation of international mechanisms

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¹³⁷ Ibid. art 4.

¹³⁸ Ibid. art 4 and Annex 1.

¹³⁹ See for another European initiative the Aalborg Charter: *Charter of European Cities and Towns Towards Sustainability*, adopted by European Conference on Sustainable Cities and Towns on 27 May 1994, Aalborg, Denmark. It operates within the global Agenda 21 Framework and the EU's Fifth Environmental Action Programme "Towards Sustainability".

¹⁴⁰ See below.

¹⁴¹ It builds on regional charters, eg, the European Charter for Safeguarding of human Rights in the City (2000), the Charter of Rights and responsibilities of Montreal (2006), the Mexico City Charter for the Right to the City (2010), and converges with the Gwangju Human Rights Charter (2012).

for the protection of human rights.’¹⁴² Obviously, the Global Charter - being an inter-city agreement – does not constitute binding international law. But it does show how cities take international law as relevant for their domestic and foreign policy development, how they link up with international law, implement it and comply with it – in other words: how cities attribute normative force to it. The incorporation of international law in transnational agreements and the subsequent development of local legislation and policies effectuate moreover the internalization of these norms and principles by the signatories. The transnational agreements shape their identity and interests, and the direct relationship between global normative structure and city government constitutes the latter as a global actor.

Constituting the city as a global actor through its independent implementation of international law.

Above we have looked at transnational agreements between cities in which these agree to implement international legal norms and develop local policies. Another form of interaction between the city and the ideational, normative structure of global society is the direct implementation by the city of international norms by which they are not legally bound in their capacity of a state organ, since the state as such is not a party to the treaty in question. The example of the internalisation of the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW) may serve as an illustrative case.

While the US has (to date) refused to ratify CEDAW, Los Angeles and San Francisco have chosen *direct* implementation within their urban jurisdiction. In 1998, the city of San Francisco included the text of CEDAW in full in its local law by the adoption of Ordinance No. 128-98 on the “Local Implementation of the UN CEDAW”. A CEDAW Task force leads the city’s implementation and compliance is monitored by the city’s Commission on the Status of Women (COSW). In 2003, Los Angeles unanimously adopted a policy to implement the principles underlying CEDAW. Today, over 45 cities have adopted CEDAW-based city resolutions.¹⁴³ The City of Cape Town’s ‘Women and Gender Policy Framework’ is an African example of urban implementation of CEDAW.¹⁴⁴

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¹⁴² Global Charter-Agenda for Human Rights in the City (Italy, 2011) at 14.

¹⁴³ NYC is working on a reform of the current New York City Human Rights Law that is based on IVESCR, CEDAW, and CEDR (International Convention on the Elimination of Racial Discrimination). While the first two are not ratified by the US. The latter is. See <http://www.nychri.org>.

¹⁴⁴ Section 6 of the ‘Women and Gender Policy Framework’ of the City of Cape Town. South Africa has ratified CEDAW in 1996. Arguable, the internalisation of international law seems to go hand in hand with a certain assertiveness as foreign policy actor, see ‘Championing the City on the global stage’ in Cape Town’s *Strategic External Relations Policy* (2013). The city seeks ‘business improvement partnerships’, ‘Governance improvement partnerships’ and ‘Social development partnerships.’ An Annex to the document deals with the

Earlier we mentioned the *The U.S. Mayors Climate Protection Agreement*. To date, this agreement has been signed by 1060 city governments. The Agreement goes back to an initiative of the Mayor of Seattle, who famously announced in February 2005, on the day of entry into force of the Kyoto Protocol without his federal state being one of the signatories, that he would implement the - for the Seattle government non-binding - Protocol requirement to reduce greenhouse gas emissions to levels 7 percent below those of 1990, by 2012. Rapidly, an alliance of like-minded US Mayors formed, who all adopted *The U.S. Mayors Climate Protection Agreement* and thus promised 'to meet or exceed Kyoto Protocol targets' within their own cities.¹⁴⁵ These cities develop local legislation and policies to carry out international law not because they are formally bound to do so, but because they are *persuaded* to do so. They take responsibility, make their own judgement, and go ahead independently.

These cases of urban implementation of CEDAW and the Kyoto Protocol in the US exceed the national implementation of international law by the city as state agent, it concern rather autonomous implementation of international law on the basis of its persuasive authority. Arguably, it attests to a bigger trend of cities identifying themselves as actors for whom the global normative structure is meaningful in shaping their legislation and policies and in guiding their actions. Cities socialise as actors of the global society. Internalisation of international law into the city's 'internal value set' defines its identity and interests and thus contributes to the constitution of the city's global actorhood. Socialisation is a mechanism by which the structure of international norms constitutes identity.¹⁴⁶ Through social interaction on the basis of the ideas of international law, the identity of the city as global actor is reinforced by 'significant Others' – *in casu*, other global actors.¹⁴⁷

Constituting the city as a global actor through its participation in international intergovernmental organisations. In Rio 1992, local governments were included in UNCED's Agenda 21 because 'the participation and cooperation of local authorities will be a determining factor in fulfilling its objectives.'¹⁴⁸ Since then, the city has developed from a mere 'delivery mechanism'¹⁴⁹ of international norms and principles to a proactive partner of international organisations – that vibrant

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type of agreements (Partnership agreement, membership agreement, MoU) that may be concluded and the procedural framework that applies.

¹⁴⁵ <http://www.usmayors.org/climateprotection/documents/mcpAgreement.pdf> Also, on another foreign policy issue, in 2011, the U.S. Conference of Mayors called to end US interventions in Iraq and Afghanistan.

¹⁴⁶ Wendt 1999, chapter 7.

¹⁴⁷ Ibid., at 327.

¹⁴⁸ Agenda 21, Chapter 28.

¹⁴⁹ Agenda 21, section 3.4.

(originally intergovernmental) layer of governance divided along functional lines, that has come into being next to and beyond states - on many issues. For example, UNEP, UN-HABITAT, World Bank, EU and inter-city organisations UCLG and Metropolis work together in *Cities Alliance* on urban poverty reduction, but also to establish an *International Standard for Determining Greenhouse Gas Emissions*, a common standard for inventorying urban GHG Emissions on the basis of IPCC guidelines.¹⁵⁰ There are many examples of international organisations that cooperate with cities in global networks to implement international norms or global policy objectives of their concern: UNESCO's European Coalition of Cities against Racism (ECCAR), WHO's Healthy Cities Networks in the various regions of the world (eg Africa, South-East Asia, Europe, and Western Pacific), UNICEF's Child Friendly Cities Initiative¹⁵¹ to implement the UN Convention on the Rights of the Child, and UNEP's Global Partnership on Cities and Biodiversity.¹⁵²

Over the past 20 years, the relation between cities and international organisations has intensified. Today, cities actively participate in decision-making and law-making within international organisations, and are thus directly involved in shaping international norms and global policies.¹⁵³ This new role at the global level is recognised by international organisations, the UN in particular. In 2000, former UN Secretary-General Kofi Annan stated 'the United Nations welcomes the move towards decentralization, and it would also welcome a greater role for local authorities at the international level.'¹⁵⁴ In 2003, the Cardoso report 'recognise[d] the special contribution' of city governments to global governance.¹⁵⁵ In 2005, the Secretary General welcomed city governors at the UN HQ and stated

Where once many problems were the sole domain of national governments, today they can be tackled only by partnerships that involve central governments, the private sector, civil society and local authorities – and often international institutions, too. So we will need you to do your part both as local managers and as some of your country's most influential politicians. ... UN agencies and programmes are determined to continue strengthening their engagement with you. Forums such as the UN Advisory Committee of Local Authorities are also proving valuable in raising the international profile of local authorities. And new rules offer you an opportunity to take part in the biennial sessions of UN-HABITAT's Governing Council.'¹⁵⁶

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¹⁵⁰ See for the agreement: http://www.unep.org/urban_environment/PDFs/InternationalStd-GHG.pdf

¹⁵¹ Together with UNESCO's Growing Up in Cities and UN Habitat's Safer Cities.

¹⁵² Eg the Sustainable Cities Programme (SCP).

¹⁵³ Eg, the ICLEI at the COPs of the UN Climate Change Conferences.

¹⁵⁴ Address *Urban 21: Global Conference on the Urban Future*

¹⁵⁵ *Supra* note ..., at 51: 'Local authorities have been playing a growing role in both United Nations policy debates and in achieving global goals; they are a key constituency for the United Nations, but they are not non-governmental.'

¹⁵⁶ <http://www.un.org/sg/statements/?nid=1660>

Since then, local – global partnerships further developed, in particular within UN processes. UN Secretary-General Ban Ki-moon's appointment of former New York City Mayor Michael Bloomberg as Special Envoy for Cities and Climate Change on January 31, 2014, recognises the 'essential role [cities] play an essential role in developing and implementing actions and driving ambition, translating to significant impacts on climate change.'¹⁵⁷

Thus, the relation between the global ideational and normative structure and the city existing in foreign policy and international law practices and processes constitutes the city as an independent global actor. This supports the editors' overall contention that the inside/outside or domestic/foreign boundaries shift, multiply and sometimes overlap. The city's new role is met with recognition and respect by the global community, that is by other global actors such as intergovernmental organisations, states, and cities claiming the same global role. The identity and interests of the city are redefined by its global social interaction and direct relation with global norms, policies, and institutions; the internalization of the latter also reshapes the self-understanding of the city all the way down to the level of urban politics. News reports on local public debates in relation to recent mayoral elections in eg Seattle,¹⁵⁸ New York City¹⁵⁹ and São Paulo¹⁶⁰ recognise the global dimension to urban government and policies and testify to a self-understanding of mayors and city governments as global actors.

4. Conclusion: Renaissance of the city as global actor and what it tells us about international law

Traditionally, domestic local government law is the legal framework within which cities exercise their power and by which their governing capacity is defined. In a world that is changing due to globalisation, urbanisation, and decentralisation, the nature and scope of the city government's (own) responsibility and of the city's urban public interests (the basis of city government capacity and

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¹⁵⁷ SG/A/1453 BIO/4561 ENV/DEV/1409.

¹⁵⁸ *The Seattle Times* headline: 'Mayoral race highlights a job that goes far beyond city limits.' The article states: 'the mayoral race ... is an opportunity to connect local politics with global issues and recognize how international the job of being Seattle's mayor has become.'

¹⁵⁹ A headline of NYCELECTS 2013 on the NYC mayoral elections: 'When Foreign Policy Drives The Debate On The Road To City Hall.' (October 17th, 2013). See also op-ed in *NY Daily News* August 26, 2013, by Katz and Bradley entitled 'Wanted: A modern, global mayor'.

¹⁶⁰ 'On October 3rd, São Paulo will elect a global leader: the mayor of São Paulo. The man who will represent us on the planet in the era of cities – who will speak with Michael Bloomberg and the mayor of London – ... The manager of this mega-building of eleven million people (equivalent to Portugal). There is nothing municipal in this municipal debate. It is global.' Nizan Guanaes' column at <http://brazilcham.com/articles/the-municipal-debate-global>

authority) is changing. As such, it forces us to think about local government law in a 'novel way' and, arguably, it invites us to think about international local government law.¹⁶¹

Cities redefine their governmental reach and seek a more active and independent role at the global stage. This chapter has examined how the relationship between the city and the global normative structure is mutually constitutive: while the city becomes a global actor, its recognised participation in global social practices and processes in turn contributes to the reshaping of international society into a truly 'global society'.¹⁶²

Moreover, the fact that the *local* government level is recognised as an important factor for good *global* governance, reinforces local government in its role and responsibility within the global society. Today's cities claim an active role within the global governance system. This claim is recognised by the global society as a community of ideas and understandings. Whether or not the city will become more important than the state, as some argue, is a question for another paper.¹⁶³ As is the normative question whether we think this is how the world's political organization should develop.

The renaissance of the city as a global actor shows us that the actors of international relations and foreign policy may change. The persuasive authority of international law norms and ideas plays a constitutive role in this renaissance. This tells us also something about international law: it underscores its persuasive or what Moran calls 'influential' authority beyond strict bindingness on the basis of its substance.¹⁶⁴ While our discipline is familiar with thinking about alternative futures - among which the transformation of the so-called Westphalian international society into a neo-medievalist global society -¹⁶⁵ this normative dimension is currently underexposed. The renaissance of the city invites us also to rethink, in this case, 'the [international] legal framework in a novel way'.¹⁶⁶ The active engagement of cities with international law, in a broad sense, not only constitutes

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¹⁶¹ *Supra*, note 9; also, Chapter 1, at 5.

¹⁶² Barnett & Sikkink, at 70; See for constructivist view on state-centrism eg Hurd, at 306; Wendt 1999, at 7.

¹⁶³ See *supra* text to note 5 and 6; ; also eg Mr Juppe, Mayor of Bordeaux, 'governments are too small to deal with the big problems and too big to deal with the small problems' (IHT) Mayors and city governments present themselves as the reasonable alternative for national government and national democracy when it comes to offering solutions to global challenges. Global problems are really urban problems, the argument goes, and where states fail to solve them cities may. Eg C40 Cities start their latest report with reference to failing inter-state system: 'In the continuing absence of tangible outcomes from inter-governmental efforts to reduce greenhouse gas (GHG) emissions, it is increasingly significant that mayors of the world's greatest cities are taking concrete actions that demonstrate that preventing catastrophic climate change is possible.' *Climate Action in Megacities C40 Cities Baseline and Opportunities*, Volume 2.0, February 2014.

¹⁶⁴ *Supra*, note 15.

¹⁶⁵ H Bull, *The Anarchical Society: A Study of Order in World Politics* (1977), at 254-255, 272 *et seq.*; Friedrichs, *The Meaning of New Medievalism*, *EJIR* (2001) at 475.

¹⁶⁶ *Supra*, Chapter 1, at 5.

the city as a global actor, it also transforms foreign policy and international law, and in turn reconstitutes global society. What the editors call a true moment of fundamental mutual transformation of foreign policy and global order.