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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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10.1. INTRODUCTION

On January 30, 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 (Morgan 2013). This was the response to the approval of a bill by the latter's legislature that imposed fines of up to $16,700 for so-called "public activities promoting homosexuality" and thus to a bill violating global human rights standards.[1] The Venice City Council decided to halt the 2006 Cultural Cooperation Agreement and to discontinue cultural exchanges as long as anti-gay legislation was 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 cities.[2] Rather than the Italian *state* reacting to a human rights violation on the basis of the European Convention of Human Rights within the territory of its Council of Europe co-member state, Russia, it was an Italian *city* that responded directly to St. Petersburg's legislation referring to global norms. In late August 2013, Amsterdam Mayor Van der Laan intervened in the global 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 interstate complaint against Russia by the Netherlands at the European Court of Human Rights.

[1] See, e.g., *Huffington Post* 2012.   [2] NOS online, January 29, 2013.

On March 12 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."[3] 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."[4] Already on May 8, 2012, Bloomberg had pointed at the (political) problems of states and international organizations at 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."[5] 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 renaissance[6] of the city as a global actor within the context of the book's general objective to analyze "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, the government explicitly denied the possibility of so-called "Local Government Foreign Policy" in the Netherlands,[7] today's trend seems to go in the opposite direction; not only in the Netherlands but all over the world (see Blank 2006; Frug and Barron 2006).

I build here on earlier work taking stock of and describing the new phenomenon of cities carving out a new position and role for themselves as

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[3] <http://new.tweettunnel.com/reverse3.php?b=y&tz=-18000&pgn=32&id=16581604&pn=8> accessed November 2015.

[4] Press release C40 Cities, March 12, 2013.

[5] Michael Bloomberg at the Economic Cooperation and Development Conference organized by the C40 Cities Climate Leadership Group, Chicago, Illinois, May 8, 2012, <http://www.mikebloomberg.com/index.cfm?objectid=F37AF6A5-C29C-7CA2-FAD4026728D73EB8> accessed November 2015.

[6] In view of earlier—loosely comparable—instances of the history of cities as foreign policy actors; cf. Section 10.2.

[7] Letter of the Minister of Foreign Affairs to the Second Chamber of Parliament, Tweede kamer, January 26, 1990, Vergaderjaar 1989–90, 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. On the limits of urban foreign policy in the Netherlands, see Hardon 1983: 642–4.

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independent international relations/foreign policy actors across the globe (see Nijman 2008, 2009, 2011: 213–29). This 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. A specific focus is put on the role of international norms and ideas in this constitutive process. Subsequently, the question whether the rise of the global public city amounts to a transformation of international society and the international system is addressed. "Do we face a *moment of foreign policy transformation*?"[8] the editors ask. I will argue that we do indeed. The renaissance of the city as a 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.

10.1.1. Structure

Section 10.2 briefly discusses the city as a global actor from a historical sociological perspective, and goes on to consider three contemporary developments—globalization, urbanization, and decentralization—that influence the position of the city within the international society today. Section 10.3 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 the traditional state-centrism of international relations and international law theories describing today's world. Hence, Section 10.4 proposes to further develop neo-medievalism to account for the constitutive role of international legal norms and ideas in global society, and thus concludes this chapter.

10.1.2. Terminology

For the purpose of this chapter, the editors define "foreign policy" 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. By definition, "foreign policy actorhood" is not limited to states. This would amount to a-historical essentialism. Rather, foreign policy or international actorhood applies to political communities which interact as

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[8] See Chapter 1.

such; purposive actors which distinguish between the inside and outside and develop actions and relations with regard to an outside of the global arena.[9] Here, rather than using 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 (Lake 2008: 46–51). To be sure, I do not mean to argue that in international relations/international law the state should no longer be a (major) unit of analysis. Rather, I would like to emphasize that the city is redrawing the boundaries of urban politics and urban policymaking to the extent that it rises as a so-called global actor. In international relations/international law, 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 (Nijman and Nollkaemper 2007). Domestic actors—such as judges—use international law because of its persuasive or "influential" authority even when they are not bound to do so (Moran 2007), thereby drawing new inside/outside boundaries. Here, focus is put 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 inside/outside boundaries and create global reach. The changing position of cities contributes to a transformation of the interstate system into what may be called a multi-level global government system (e.g. Goldsmith 2012). It fits what Barnett and Sikkink call the shift "from international relations to global society" (2008: 62–83). "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 international relations/foreign policy.

10.2. RENAISSANCE OF THE CITY AS GLOBAL ACTOR

10.2.1. A 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 international society has neither always consisted of states nor always been anarchical.

[9] See Chapter 1.

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 conceptualize the international system differently. That is, to look at the entire system historically and recognize that the modern international system of sovereign territorial states, the so-called "Westphalian" model, has never been a historical given. Wight argued to leave the "intellectual prejudice imposed by the sovereign state" behind (Wight 1966: 16). 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 organize international society, and therewith Watson includes cities as international actors—although mostly as proto-states—into his study.[10] When we look at the history of international society without the pre-set idea of the sovereign state as the sole unit of analysis, a rich history of foreign relations between urban political communities within a context of empire 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 (Lake 2008)—"all had legitimacy in their elaborate and overlapping governance, and engaged in co-operation and conflict within the same cultural matrix, with recognized rules, institutions, codes of conduct and values" (Watson 1992: 151).

Historical sociology helps us move beyond realism and state-centrism more generally (e.g. Hobson 2002).[11] It offers the two disciplines, international relations and international law, a reconception of the international and subsequently a reconfiguration of their dominant analytical outlook (Hobson 2002: 3). A 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 a-historically biased. John Hobson has clustered these biases according to two sets: "chronofetishism" and "tempocentrism" (2002: 3). I will leave this discussion aside here and sum it up as follows: let us not reify and naturalize the interstate system of today and project it on to the past, nor for that matter on to the future (Hobson 2002).[12] Historical processes in which power, identity, social

[10] The book starts, for example, with the Sumerian cities or "city-temple states" and the way their temple networks served as "an inter-city diplomatic service." They conducted their intercity relations within a cosmic order in which kings mediated in water, land or trade disputes between cities (Watson 1992: 25).

[11] Hobson challenges among other things the state-focused theories of Waltz.

[12] Hobson 2002: 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

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 in the future (Hobson 2002: 7–8). 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" (Hobson 2002: 5). It supports the problematization of the state as sole international actor and of sovereignty as fully determinate of "spatial relations" between political units (Hobson 2002: 17). Historical sociology of international relations shows that actors and systems have not been 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) (Hobson 2002: 18). The following discussion of the late medieval Hanseatic cities and their system of global interaction supports this problematization of mainstream a-historic state-centrism; and it shows that *change* at the systemic level is possible (Hobson 2002: 12). 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 the late Middle Ages and Early Modernity.[13] Our urban future will not resemble our urban past. For one, the "normative environment" is very different (Hobson 2002: 10–11). Be that as it may, the constitutive relationship between the city and the 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.

10.2.2. A Historical Case of Urban Global Actorhood

In twelfth- to fourteenth-century Northern Europe, important trade cities around the Baltic and North Sea formed the Hanseatic league[14] through which they conducted global relations rather autonomously from the Holy Roman Emperor or the electors or princes to which they were formally obliged

and *differences* between historical epochs and states systems are smoothed over and consequently obscured." For definitions, see also Hobson 2002: 12.

[13] 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" (Knox 1995: 6). Sassen refers to Max Weber's analysis of the economy of the medieval transnational Hanse city-league trading surplus and points to their difference with regard to today's global cities and their lack of self-sufficiency (Sassen 1991: 4).

[14] From the Old High German *Hansa*, meaning group or cooperative society.

within the feudal system.[15] The Hanseatic cities organized themselves in city leagues "to coordinate military, economic, and diplomatic pressure" and to thereby protect their autonomy and self-government against the imperial nobles (Lachmann 2000: 55). Building on private trade relations, urban public authorities established regional organizations 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 a single political actor if necessary. Early on, Lübeck had taken the lead, and many Hanseatic cities incorporated 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 (Grewe 2000: 58). The Hanseatic cities concluded treaties and developed consular relations with and special privileges in foreign trade centres, they operated collectively as one global political actor and if necessary waged war, e.g. against the Baltic pirates or the Danish king with whom they than concluded a peace treaty in 1370 (Grewe 2000: 58). 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 cities were included (Grewe 2000: 12). The autonomy Hanseatic cities were able to claim vis-à-vis the increasingly loosely organized Holy Roman Empire was based on their economic power, their global (trade) relations, and their transnational urban organization. These medieval cities obtained "transnational" or "global" actorhood while being embedded in hierarchical, imperial structures at the same time. 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 (Watson 1992: 151; Hobson 2002: 16–17; Lake 2008: 53). It is generally agreed upon that these cities were independent subjects of what may be called a medieval law of nations (Grewe 2000: 12, 59).

During the fourteenth-century transformative moment in global political life, at least three institutional forms of political and economic organization existed and structured foreign relations: territorially sovereign states, city-leagues, and city-states (Tilly 1990; Spruyt 1994). Hendrik Spruyt has explained that the sovereign territorial state triumphed as the constitutive unit of

[15] The so-called "free cities" of the Holy Roman Empire owed their allegiance directly to the emperor.

the international system because it provided the best answer to the "dramatic economic change" (1994: 527): the shift from a local to an international economy. Long-distance, "translocal" trade developed, and monetary exchange to facilitate this first phase of economic globalization financially was vital. Sovereign states proved most successful in providing business security and legal certainty and in rationalizing their economies. Sovereign rulers managed to centralize 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 most effective regulators in the international economy, and cities lost their position among the units structuring international society in Europe. Today, we witness another dramatic economic change: the shift from an international to a *global* economy, a globally integrated economy and the market being controlled by "global cities."[16]

10.2.3. Contemporary Interdependent Developments Conducive to a Renaissance of the City: Globalization, Urbanization, and Decentralization

Globalization and urbanization are highly interrelated developments shaping humanity's future.[17] Globalization 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.[18] Within the system of global cities, the global economic, financial, and cultural information and technology flows reside, function, and influence the cities themselves.[19] As such, these cities attract businesses and unprecedented numbers of people. More than 50 percent of the world's population are already living in cities. By 2030, this number will have increased to nearly 60 percent and by 2050 to 75 percent. By 2030, two billion

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[16] See, e.g., on the shift from an international to a more global economy: "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" (Knox 1995: 3).

[17] Globalization and urbanization are "associated patters," according to Knox 1995: 3. See also Castells 1998: 224–31.

[18] The literature on the impact of globalization is vast. Sassen has written extensively on "the global city" (e.g. Sassen 1991, 1998). See also Feagin and many others in urban sociology.

[19] Manuel Castells emphasizes that economic activity today is predominantly the production of services and goods, e.g. financial products, on the basis of information (Castells 1998: 8).

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people will live in slums across the globe, however. Growing so rapidly, cities themselves contribute to the world's problems. Already, cities are responsible for 80 percent of the global CO_2 emissions. In Asia and Africa in particular, mega-cities with over ten million people develop rapidly. Mega- and hyper-cities (over twenty million people) may well become the city-states of the twenty-first century. Inevitably, globalization and urbanization 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.[20] The grand old lady of urban studies, Jane Jacobs, considered the replacement of the old world order of sovereign states with a global system of cities or city-states as something positive. In 1984, this scenario might have seemed like a "utopian fantasy," to use her own words (Jacobs 1984: 214). Today, however, the idea that the city rather than the state would serve as the basic unit of economic and political organization seems less far-fetched. Anthony Giddens has expressed concerns about the world's fragmentation in "a thousand city-states," for "[it] would be unstable and dangerous" (Giddens 1998: 129). Similarly, in "The Coming Anarchy," Robert Kaplan warns against chaos and instability scattering the globe and coming from the dysfunctional (mega-)cities in developing countries (Kaplan 1994). Mike Davis pictures a *Planet of Slums*, i.e. an unequal and unstable urban world wherein states and international organizations fail to deal adequately with the transfer of poverty that comes with urban migration and "the poor assert[ing] their 'right to the city'"(Davis 2006: 55, 50–69). 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" (Davis 2006: 202, 204). Nowhere do the challenges of globalization—poverty and social inequality, migration, human trafficking, unemployment, crime and terrorism, cultural diversity and exclusion, and environmental pollution, to name but a few—converge so strongly and may thus be felt so urgently as on the urban streets. Jeb Brugmann also recognizes the challenges that come with globalization and urbanization, while still discerning the potential for social change and encouraging that "we learn how to transform our cities into centers of the world's solutions" (2009: 201). 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" (Brugmann 2009: 56). Transnational immigration and urbanization will transform cities, since they now require an urban politics of multiculturalism, social inclusion, and

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[20] See, e.g., US NIC 2012 report about alternative worlds, with a focus on cities and issues of global security; also the NIC-sponsored website on Global Trends 2030 <http://www.GT2030. com>; see also the Shell scenarios 2013 with their focus on cities and energy scarcity.

urban citizenship (Brugmann 2009).[21] *Welcome to the Urban Revolution: How Cities Are Changing the World* (2009) deals with an 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, and resilience in the world" (Brugmann 2009: 201). Brugmann discerns the evolution of a global city system that constitutes, and is constituted by, decentralization and urbanization of international relations (Brugmann 2009: 5, 56).

Two possible directions for the urbanized globe come into view. On the one hand, Riccardo Petrella foresees 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*" (1995: 21–2).[22] On the other hand, he does not rule out the emergence of a "plural, global agora." Close to Brugmann'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" (1995: 21–2). 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 hand, 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 (Petrella 2000). 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" (UN-Habitat 2001). 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 governance, reinforced by a third global trend—next to globalization and urbanization: decentralization.

Decentralization—the transfer of authority and responsibility from a higher (more central) to a lower level of government—has been a world-wide trend

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[21] For a future of cosmopolitan cities in which multiculturalism works see Sandercock 1998.

[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, "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" (Appadurai 2000: 627).

since the 1980s.[23] Today, it is promoted as an answer to the world's most urgent crises. First, decentralization is understood to be an "important factor [in] enhancing urban prosperity" and "[in] decreasing urban inequality of wealth around the globe" (UN-Habitat 2012/13: xv–xvi). 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 fulfill this potential and develop into "the engine-rooms of human development as a whole" (UN-Habitat 2012/13: x–xi).[24] Cities as front runners which have to steer their nations out of major 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" (UN-Habitat 2012/13: v). Second, decentralization is also promoted because of the political effects of globalization, 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.[25] Local governments, being closest to the people, are understood to be positioned best 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, decentralization of public services is often rationalized 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.[26]

Cities themselves have been active advocates of decentralization too. Associated in United Cities and Local Governments (UCLG), they are committed to decentralization and to empowering local authorities for 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

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[23] See, e.g., the European Charter of local self-government, Strasburg, October 15, 1985. Article 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.*"

[24] See also the *World Development Report 2010* (World Bank 2010), in which the world-wide promotion of local autonomy and self-government through decentralization, in this report labeled as "localization," becomes clear. The EU promotes decentralization on the basis of the principle of subsidiarity; EU Treaty (1992), Title 1, Article A, art. 1.

[25] The renaissance of the city as global actor in the context of globalization, urbanization, and decentralization 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" (2009: 12). City government networks are not mentioned, as Frug and Barron also observe, but they fit this framework perfectly (2006: 23).

[26] Assuming, of course, that decentralization comes with enough resources (from local taxing or from the central government) to fulfill these tasks and responsibilities.

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 UN-Habitat agenda gives strong support to decentralization as a way to attaining sustainable human settlements and Millennium Development Goals more generally. In short, cities lobby and arrange for their self-empowerment through the global level. UN-Habitat has facilitated years of consultation 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).[27] Cities have thus been actively involved in the making of global local government norms or, as Frug and Barron (2006) call it, "international local government law": they interacted with the global institutional level, engaged on 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 give "advice 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, decentralization is changing the relationship between the city and the state,[28] 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 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" (Katz and Bradley 2014: 2, 5)[29] as well in other parts of the world (see Katz 2013). 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."[30]

Globalization, urbanization, and decentralization 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 on 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" (James 2000). At a time of global interdependency, when global policies require localization, urban issues and interests increasingly show a global dimension. This causes proactive city governments and mayors to act in the "interest of the city" and, if necessary, beyond the borders of their city territory. Territory is, according to constitutional law, the default legal basis for local government competences. The globalization of the city's public interest works to expand the interpretation of the city governments' competences.[31] 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."[32] 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, Section 10.3 turns to how this renaissance is taking shape.

10.3. FROM LOCUS TO ACTORHOOD: A CONSTRUCTIVIST PERSPECTIVE ON THE GLOBAL PUBLIC CITY

10.3.1. A Social Constructivist Approach to Actorhood

This section will first briefly address what I call a social constructivist approach to actorhood.[33] Subsequently, in 10.3.2, I rely on this approach to explain how

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[27] The *Guidelines* were approved by the Governing Council of UN-Habitat on April 20, 2007. It built on the European Charter of Local Self-government (1985), which is binding for Council of Europe member-states, and hence their cities, since 1993. Section 10.3.2 will deal briefly with this example of interaction between cities and international organizations resulting in (soft) international law norms.

[28] See, e.g., 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.

[29] In the same vein, see Barber 2013; also Friedman 2013. These fit a larger body of literature about the disaggregating state (Slaughter 2009).

[30] Article 3 of the Nantes Declaration.

[31] See, e.g., on the autonomy of Dutch local governments Article 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 create local acts on the basis of the public interest of the city is stipulated in Article 149 of the *Gemeentewet*.

[32] Michael Bloomberg at the Economic Cooperation and Development Conference organized by the C40 Cities Climate Leadership Group, Chicago, Illinois, May 8, 2012, see <http://www.mikebloomberg.com/index.cfm?objectid=F37AF6A5-C29C-7CA2-FAD4026728D73EB8> accessed November 2015.

[33] See Wendt 1992; Reus-Smit 2005; Hurd 2008.

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: (1) constructivism's basic understanding that international society as well as the actors and relations of which it consists, are not given but socially constructed; (2) its perspective on the agent–structure relationship and the relevance of both internal and external structures for the constitution of the city's global actorhood; and (3) 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).[34] Hence Alexander Wendt's famous adage comes into play: "anarchy is what states make of it" (1992: 391–425).

First, without going into detail about the constructivist critique on realist materialism, it should be noted that constructivist theory understands the international system as existing intersubjectively through the shared ideas of human consciousness. Wendt points out 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" (1999: 1). 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 (Reus-Smit 2005; Hurd 2008: 299). Social behavior is determined by the *meaning* which (material) objects and other actors carry for a particular actor (Wendt 1992: 396–7). 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" (Wendt 1992: 397). Actors acquire identities "by participating in…collective meanings. Identities are inherently relational" (Wendt 1992: 397). 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, is thus socially constructed: it emerges from an actor's self-understanding (identity) on the basis of intersubjectively held ideas ("interests are at *base* ideas about needs" (Hurd 2008: 302–3) and, in Wendt's own words, "[i]dentities are the basis of interests" (Wendt 1992: 398)). 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 (e.g. globalization

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and urbanization), and understand themselves as responsible for the fulfillment of these needs, which in turn impacts the cities' self-perception. The city will develop a global reach, will seek to be attractive and well-connected to flows of capital, information, business, and labor, and to enter the competitive game of being a city ranked high in the Global Cities Index.

To be concrete, shared—that is intersubjectively held—ideas determine the meaning which objects (port, rivers, oil, an Olympic stadium, but also another actor) have for 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 organizations—and thus their continued satisfaction with this city as their *locus*—is a key interest. Increasingly, 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 organizations, NGOs, states, citizens, etc.—are included in this self-understanding and if they recognize this identity through interaction with the cities concerned. Cities then are indeed socialized 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 get recognition of this new identity by other global actors. 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.

Second, the constructivist understanding of the agent–structure relationship is crucial in order to explain the rise of the city as global actor. Wendt's perspective on social life is particularly helpful. He considers neither agent nor structure to be the "ontologically primitive unit" but argues that properties of "*both* [are] relevant to explanations of social behaviour" (Wendt 1987: 337–8).[35] 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 (Wendt 1987: 338). Actors and structures depend on, and are constituted by, each other (Wendt 1987: 359).[36]

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[35] "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" (Wendt 1987: 337–8).

[36] "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" (Wendt 1987: 359).

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" (1987: 359). In fact, agents are constituted by two distinct structures: "external, or social, structures; and internal, or organizational, structures" (Wendt 1987: 359). The two come together "within" the agent, which, on the basis of social structures, reflects on, conceives of, and chooses a specific action. To decide on an action involves processes or practices which are defined by the internal, organizational structure that is interacting with the ideas and meanings of external, social structures. To be concrete, international law ideas and institutions as such qualify as social structures, ideational in nature. As such, they impact relations among the actors of the global society (traditionally states), their social practices and individual actions. Section 10.3.2 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, however, 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.[37] Global city literature generally focuses on the global economy as the structure that underlies and constitutes the so-called "global city."[38] In this context, the rise of the global city is, I would argue, first and foremost the rise of the global *private* city (see also Frug and Barron 2006: 10). 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 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 (Nijman 2011: 217).[39] 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 fulfill 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

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[37] I already introduced this distinction in 2011 but develop it further here.

[38] For the definition of global city used most regularly, see Sassen 1991: 3–4.

[39] "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" (Nijman 2011: 217).

make choices and decisions in the interest of, and with accountability toward, the urban public.[40] Being (self-)reflective "goal-directed units of action," cities obviously qualify as (organizational) agents or actors.[41] 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 (Wendt 2004). Having these properties, the global *public* city interacts socially while rationalizing its behavior 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 the global economy is the explanatory structure for the global private city—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. This, however, can only happen provided that the participation of this new actor is recognized by the other actors in global society. Once foreign policy practices, international (legal) norms, and institutions, as well as global policy ideals and values, inform and shape the (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.

Third 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.[42] Since the mutual constitution of structures and actors is a dynamic and continuous process, the possibility of transformation of structures is inherent within the system and the entrance of new actors is possible (Hurd 2008: 304).[43] When shared knowledge and ideas guiding social interaction change, (self-)understandings, identities, and interests may also 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

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[40] Assuming local democracy.

[41] As is often done, I take agency and actorhood to be interchangeable here.

[42] Pointed out by Hurd, Wendt, and some earlier English-school scholars who preferred society rather than anarchy, as Hurd (2008: 309) rightly points out.

[43] 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" (Hurd 2008: 304).

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" (Hurd 2008: 309). International rules and institutions have authority when they are believed "to be legitimate—that is, they deserve to be observed" (Barnett and Sikkink 2008: 68). Section 10.3.2 further illustrates that today cities consider that international law norms deserve to be observed through their actions. International law and the normative structure of global society at large—i.e. 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" (Barnett and Sikkink 2008: 68). By engaging with this structure, actors—in this case, cities—confirm and enhance the "legitimate authority" of norms and institutions (Barnett and Sikkink 2008: 68).

To sum up, the social-constructivist lens—focused on actors, their identity and behavior—helps us to trace the renaissance of the city as a global actor: it directs our view to the ideas and meanings that determine an actor's identity and interests. It allows for an insight into the self-perception of the city as an actor that has to act at the global level in the context of globalization, urbanization, and decentralization 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 a 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 behavior. Next to the city as a *locus* of economic globalization 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.

10.3.2. The Constitution of the City as Global Actor

As Section 10.3.1 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 socialized as a global actor *in concreto*. First, 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 (Wendt 1999: 325). Apart from bilateral relations, cities imitate the multilateral settings of intergovernmental conferences or organizations. Second, the constitution of the city as a global actor takes place through participation in existing intergovernmental organizations' 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 (Wendt 1999). An important part of the city's socialization as a 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.

10.3.2.1. 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 organizations and agencies.[44] These Offices often revitalize and/or revise the old sister-city programs,[45] initiate new transnational trade and economic intercity relations, organize 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 of the city, the transnational intercity cooperation deals with urban mobility, smart energy,[46] transnational crime,[47] health (e.g. HIV/

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

[45] The Chicago–Mexico City Global Cities Economic Partnership builds upon the sister city relationship that has existed between the cities since 1991, see MoU Chicago–Mexico City note 52. For a recent sister-city agreement see, e.g., Addis Ababa–Washington, DC, December 2013. Sometimes, sister-city relations agreed on decades ago exist only "on paper" (e.g. in the case of Chennai, see *The Times of India*, May 9, 2013), or come to an end (e.g. Amsterdam–Accra, January 2014).

[46] See, e.g., the MoU between Barcelona and Yokohama for smart city cooperation (March 2013).

[47] E.g. the MoU between the Philippine National Police and New York City Police Department on Cooperation in Preventing and Combating Transnational Crimes, December 14, 2012.

Aids), peace,[48] security, good urban governance,[49] and sustainability.[50] Such intercity cooperation consists of an exchange of knowledge and the best practices on these policy issues.

The rhetoric and symbolism of intercity meetings resemble traditional interstate practices. Mayors lead business and/or cultural missions abroad. They are the new diplomats, "markers" of the changing practices and shifting inside/outside boundaries.[51] 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 economic or cultural cooperation agreements or exchange a just-signed agreement with appropriate protocol.[52] Rather than bilateral treaties, cities conclude Memoranda of Understanding (MoU) (incidentally, a type of non-legally binding agreement that is often used in interstate relations by countries such as the Netherlands and the UK as well) to arrange a trade deal or to "formalize" strategic cooperation.[53] The growing practice of intercity agreements seems to fit a broader practice of sub-state actors concluding transnational agreements as, for example, cross-border cooperation agreements within the EU's legal framework. In the latter situation, there may be an authorization of sub-state treaty making (Hollis 2005: 146). Such legal capacity is, however, generally lacking global intercity agreements; hence, the MoU option was created. Using am MoU is a well-established practice in international relations. Being a non-binding agreement,[54] 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 (2013) also argues that diplomacy is changing due to globalization and urbanization 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 the state.[55]

The transnational normative nature of MoUs aside, cities may use an MoU to cooperate on the implementation of international law. The innovative "Global Cities Economic Partnership between Chicago and Mexico City" of November 2013 stipulates, for example, that "[t]he Parties are committed to pursuing joint initiatives," which means *inter alia* according to Article 2.1 that they will "[f]oster trade in goods and services in key sectors, as included in Annex A, compliant with the rules of NAFTA."[56] The objective of "job growth" is not only sought after through mutual foreign investment but also through cooperation on education.[57]

Intergovernmental Conferences and Organizations as Role Model for City to City Relations

Cities around the globe develop multilateral transnational intercity 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 associations. 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"[58]—in true resolution style. They pledged to work together at 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 found a follow-up in the creation of a UCLG Committee on Development Cooperation and City Diplomacy. The environmental policy initiative of former New York City Mayor Bloomberg,

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[48] E.g. Mayors for Peace, an NGO with almost 6,000 member cities in 158 countries and consultative status with The Economic and Social Council (ECOSOC) since 1991. It is a collective foreign policy tool, e.g. to abolish nuclear weapons by 2020. See cities' appeal in support of Hiroshima-Nagasaki Protocol.

[49] E.g. the Amsterdam Office of International Relations focuses on the exchange of administrative and governmental expertise to promote good urban governance and on strengthening Amsterdam's international cultural and economic position. Also, Amsterdam hosted a 2007 mission of Riga to inform them on homoemancipation policy and the organization of Gay Prides. There has also been an exchange of knowledge on "hate crime" and "hate speech" with Latvian policy makers (*Evaluatie Internationale samenwerking Amsterdam* (2002–9: 32).

[50] E.g. the MoU between Beijing and Copenhagen.

[51] Chapter 1.

[52] E.g. the "Memorandum of Understanding to establish the Global Cities Economic Partnership between Chicago and Mexico City," signed on November 14, 2013. Its objective is "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> accessed November 2015. See, e.g., the MoU on Strategic Cooperation between the City of Vancouver and the Chaoyang District; also MoUs signed between Chinese and European cities in *ICLEI—Local Governments for Sustainability* context.

[53] E.g. Washington, DC, Mayor, Vincent Gray, signing a sister city agreement with Kgosientso, mayor of Tshwane in South Africa. See also the mayors of Copenhagen and Beijing signing a sister city agreement with specific focus on urban sustainability development, or the MoU between Amsterdam and Seoul on educational and cultural cooperation.

[54] The name is not decisive for the status of the instrument (definition in Vienna Convention on the Law of Treaties 1969, Article 2.1(a)), but in state practice "MoU" is generally used to

designate non-legally binding agreements. Meanwhile, in the practice of international organizations such as the UN, an "MoU" usually refers to a *legal* agreement.

[55] Tavares also argues that cities are developing foreign policies to fulfill their responsibilities and represent their interests abroad.

[56] See the "Memorandum of Understanding to establish the Global Cities Economic Partnership between Chicago and Mexico City," and note 53.

[57] See <http://www.chinasf.org> for the San Francisco partnership with Beijing and Shanghai.

[58] First World Conference on City Diplomacy, June 11–13, 2008, Den Haag. <http://www.citydiplomacy.org/home.html> accessed November 2015. See also Musch et al. 2008. For city diplomacy defined in a broader sense, see van der Pluijm and Melissen 2008: 6.

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).[59] Other examples include the Asian Network of Major Cities 21 (ANMC21),[60] EUROCITES,[61] and the Global Network on Safer Cities. The last two work together with intergovernmental organizations. ICLEI—Local Governments for Sustainability is another global city organization with regional branches, in which cities cooperate on implementing global sustainability agreements—such as the 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,[62] already briefly discussed, is the world organization of local governments that aims to represent the world's cities at the global institutional level, to promote intercity cooperation, and to partner with the international community.[63] It mimics the language, imagery, and even the structure of the United Nations and like the UN, it is involved in a wide range of issues. Its Statutes are called the "The Constitution of the World Organisation of United Cities and Local Government," they were adopted by a "Constitutive General Assembly" in Paris in 2004, and most recently amended by the General Assembly that took place in Rabat in 2013. 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."[64] Linking up with this international law principle, UCLG

[59] 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, South Africa, 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."

[60] 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."

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

[62] UCLG is an association established under Spanish law.

[63] Article 2 of the UCLG 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 Article 3 and 4 on objectives and tasks. Available online: <http://www.uclg.org/sites/default/files/eng_constitution_2013_.pdf> accessed February 2016.

[64] Ibid., Preamble.

seeks to forge its own authority and legitimacy. The UCLG constitution explicitly refers 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.[65]

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. The 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."[66] It is active on many urban issues within the global arena. It has observer status with the UN and is now claiming advisory status (Cardoso Report 2004: para. 18). As an actor representing cities, it is recognized for its "[ever-]growing role in both United Nations policy debates and achieving global goals" (Cardoso Report 2004: para. 117). Regarding its role as global actor, it is worth noting that UCLG and UN-Habitat have concluded an "Agreement of Cooperation" to implement a number of global policy initiatives in the areas of decentralization, good urban governance, and localizing Millennium Development Goals. For UN-Habitat, UCLG is indeed "a global voice of cities and an important local government partner of the United Nations."[67]

10.3.2.2. Global Participation of Cities in International Law Practices and Intergovernmental Organizations Processes

While the previous examples show what intercity 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 that 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

[65] Ibid., Preamble.   [66] Ibid., Article 39.

[67] Available online: <http://mirror.unhabitat.org/downloads/docs/783_31116_uclg_cooperation.pdf> accessed February 2016.

institutional processes in which the city participates: (1) cities conclude transnational agreements grounded on international law; (2) cities implement international law independently from the state of which they are an agent; and (3) cities interact with intergovernmental organizations.

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. We have already seen NAFTA features in an MoU and the UDHR in UCLG constitution. Here, I would like to mention two other examples. First, the Global Cities Covenant on Climate (2010),[68] the concluding document of the World Mayors Summit on Climate[69]—also called the Mexico City Pact—which has been signed by over 340 city governments to date.[70] They commit to the reduction of greenhouse gas emissions in a "measurable, reportable and verifiable manner"[71] by registration of their action in the Carbonn Climate Registry.[72] The preamble links up explicitly with the global normative framework on climate change prevention, such as the United Nations Framework Convention on Climate Change (UNFCCC) and its Kyoto Protocol, the UN Climate Roadmap as well as the Conference of the Parties (COPs), and shows that the norms and principles of these international instruments have meaning for these cities and guide their actions whether or not their states have consented to them. Moreover, it declares to seek synergies with regional initiatives such as the Covenant of Mayors—Committed to Local Sustainable Energy, launched and supported by the EU, which aims at meeting and exceeding the European Union 20 percent CO_2 reduction objective by 2020,[73] as well as the US Mayors Climate Protection Agreement.[74]

Another example shows that in the area of human rights much global intercity 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.[75] Its provisions stipulate the rights of all city inhabitants as well as their duty to respect the human rights of other city inhabitants and suggest action plans to realize these rights. Specifically, the charter promotes a new and emerging human right: 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 through 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 actively to implement 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 for the protection of human rights."[76] Obviously, the Global Charter—being an intercity agreement—does not constitute binding international law. But it does show that cities regard 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 moreover effectuate 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 structures and city governments constitutes the latter as a global actor.

Constituting the City as a Global Actor through its Independent Implementation of International Law

We have looked at transnational agreements between cities, in which they 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 of international norms by the city by which they are not legally bound in their capacity as a state

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[68] Available online: <http://www.wmsc2010.org/wp-content/uploads/2010/09/The-Pact-Final-181110.pdf> accessed November 2015.

[69] 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.

[70] For treaty-making language, see Global Cities Covenant on Climate (2010) 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."

[71] Ibid., Article 4.   [72] Ibid., Article 4 and Annex 1.

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

[74] See next sub-section.

[75] It builds on regional charters, e.g. 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).

[76] Global Charter-Agenda for Human Rights in the City, Italy, 2011: 14.

organ, since the state as such is not a party to the treaty in question. The example of the internalization 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 its local law in full 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 forty-five cities have adopted CEDAW-based city resolutions.[77] Cape Town's "Women and Gender Policy Framework" is an African example of urban implementation of CEDAW.[78]

Earlier, we mentioned the US Mayors Climate Protection Agreement. To date, this agreement has been signed by 1,060 city governments. The agreement goes back to an initiative of the mayor of Seattle, who famously announced on the day of entry into force of the Kyoto Protocol in February 2005—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 US Mayors Climate Protection Agreement and thus promised "to meet or exceed Kyoto Protocol targets" within their own cities.[79] These cities developed 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 judgment, 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 concerns a 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 socialize as actors of global society. The internalization 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. Socialization is a mechanism by which the structure of international norms constitutes identity (Wendt 1999: chapter 7). Through social interaction on the basis of the ideas of international law, the identity of the city as a global actor is reinforced by "significant Others"—*in casu*, other global actors (Wendt 1999: 327).

Constituting the City as a Global Actor through its Participation in International Intergovernmental Organizations

In Rio in 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."[80] Since then, the city has developed from a mere "delivery mechanism"[81] of international norms and principles to a proactive partner of international organizations—a vibrant (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, the World Bank, the EU and intercity organizations like UCLG and Metropolis work together as part of Cities Alliance on urban poverty reduction, but also to establish an International Standard for Determining Greenhouse Gas Emissions, a common standard for inventorying urban greenhouse gas emissions on the basis of Intergovernmental Panel on Climate Change (IPCC) guidelines.[82] There are many examples of international organizations 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 (e.g. Africa, South-East Asia, Europe, and the Western Pacific), UNICEF's Child Friendly Cities Initiative[83] to implement the UN Convention on the Rights of the Child, and UNEP's Global Partnership on Cities and Biodiversity.[84]

Over the past twenty years, the relation between cities and international organizations has intensified. Today, cities actively participate in decision-

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[77] 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>.

[78] Section 6 of the "Women and Gender Policy Framework" of the City of Cape Town. South Africa has ratified CEDAW in 1996. Arguably, the internalization of international law seems to go hand in hand with a certain assertiveness as foreign policy actors, 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 type of agreements (Partnership Agreement, membership agreement, MoU) that may be concluded and the procedural framework that implies.

[79] <http://www.usmayors.org/climateprotection/documents/mcpAgreement.pdf> accessed November 2015. Also, on another foreign policy issue, the US Conference of Mayors called to end US interventions in Iraq and Afghanistan in 2011.

[80] Agenda 21, chapter 28.   [81] Agenda 21, section 3.4.

[82] For the agreement, see: <http://www.unep.org/urban_environment/PDFs/InternationalStd-GHG.pdf> accessed November 2015.

[83] Together with UNESCO's Growing Up in Cities and UN-Habitat's Safer Cities.

[84] E.g. the Sustainable Cities Programme (SCP).

making and law-making within international organizations, and are thus directly involved in shaping international norms and global policies.[85] This new role at the global level is recognized by international organizations, the UN in particular. In 2000, former UN Secretary-General Kofi Annan stated that "the United Nations welcomes the move towards decentralization, and it would also welcome a greater role for local authorities at the international level."[86] In 2004, the Cardoso report "recognise[d] the special contribution" of city governments to global governance.[87] 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.[88]

Since then, local–global partnerships have 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, recognizes the "essential role [cities play] in developing and implementing actions and driving ambition, translating to significant impacts on climate change."[89]

Thus, the relation between the global ideational and normative structure and the city existing in foreign policy as well as international law practices and processes constitutes the city as an independent global actor. This supports the editors' overall contention in this volume 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 organizations, 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-

85 E.g. the ICLEI at the COPs of the UN Climate Change Conferences.
86 Address to Urban 21: Global Conference on the Urban Future.
87 "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" Cardoso Report 2004: 51.
88 <http://www.un.org/sg/statements/?nid=1660> accessed November 2015.
89 SG/A/1453 BIO/4561 ENV/DEV/1409.

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 e.g. Seattle,[90] New York City,[91] and São Paulo[92] recognize the global dimension to urban government and policies, and testify to a self-understanding of mayors and city governments as global actors.

10.4. CONCLUSION: THE 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 globalization, urbanization, and decentralization, 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 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.

Cities redefine their governmental reach and seek a more active and independent role on 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 recognized participation in global social practices and processes in turn contributes to the reshaping of international society into a truly "global society" (Barnett and Sikkink 2008: 70).[93]

Moreover, the fact that the local government level is recognized 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

90 The Seattle Times (October 17, 2013) 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."
91 A headline of NYCELECTS 2013 on the NYC mayoral elections: "When Foreign Policy Drives the Debate on the Road to City Hall" (October 17, 2013). See also op-ed in NY Daily News, August 26, 2013, by Katz and Bradley entitled "Wanted: A Modern, Global Mayor."
92 "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." See Nizan Guanaes' column at <http://brazilcham.com/articles/the-municipal-debate-global> accessed November 2015.
93 For a constructivist view on state-centrism, see e.g. Wendt 1999: 7.; Hurd 2008: 306.

active role within the global governance system. This claim is recognized 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[94]—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 also tells us something about international law: it underscores its persuasive or what Moran calls "influential" authority beyond strict bindingness on the basis of its substance (2007). While our discipline is familiar with thinking about alternative futures—like the transformation of the so-called Westphalian international society into a neo-medieval global society (Bull 1977: 254–5, 272; Friedrichs 2001: 475)—this normative dimension is currently underexposed. Neo-medievalism may be a ready candidate to take this dimension on board and to account for the authority of international legal norms and ideas in the interplay between the local and the global, between the urban government and the global normative structure. The renaissance of the city thus also invites us to rethink, in this case, "the [international] legal framework in a novel way."[95] The active engagement of cities with international law, in a broad sense, not only constitutes the city as a global actor, it also transforms foreign policy and international law, and in turn reconstitutes global society—in fact creating what the editors of this volume call a true moment of fundamental mutual transformation of foreign policy and global order.

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See notes 5 and 6; also e.g. Mr. Juppe, Mayor of Bordeaux, stating that "governments are too small to deal with the big problems and too big to deal with the small problems" (*International Herald Tribune* 2000). Mayors and city governments present themselves as the reasonable alternative to 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. E.g. 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.

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