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**Master's degree in
Human Rights and Multi-level Governance**



**COSMOPOLITAN DEMOCRACY BUILT ON LOCAL
GOVERNMENTS**

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ABSTRACT

For several decades the world has entered an era of unstoppable globalization. A globalized world means a world characterized by various phenomena. Single nation states have very limited powers compared to today's big issues which have a global character. Despite attempts to form regional or global governance bodies, these issues are being addressed personally by individual nation states. Given that these issues cannot be addressed on such determined geographical scales as those of the nation states, their institutions are forced to deal with such pressure and urgency as to favor a decisionist turn: we are daily witnesses of a generalized tendency to decrease the control capacity of legislative assemblies in favor of a strengthening of the executives. This trend makes the active and conscious participation of citizens more complicated. Public trust in the political institutions is decreasing, many people even decide to not exercise their right to vote. Democracy as a system cannot work efficiently without people participation and the above-mentioned negative trend is proving to be self-destructive for democracy as we know it. Indeed, the last decade was characterized by an unprecedented rise of illiberal and populist movements almost everywhere, representing the discontent stemmed by globalization together with the inability of governments to properly deal with it. The aim of this research is to investigate a possible solution to these phenomena.

Keywords: globalization, democracy, cosmopolitanism, local governments, human rights, global governance, glocalization, decisionism, city diplomacy.

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INTRODUCTION

“As it was our origin, the city now appears to be our destiny”¹

-Benjamin Barber

This research started few months before the Russian invasion of Ukraine, in a general environment of tension at the international level and at a moment in which the Covid-19 pandemic was still heavily conditioning everyone's daily life.

The research was meant to be focused on how the international system would look like if local governments were given the central role that today nation states possess. What happened internationally during the whole drafting process of this thesis did nothing but confirm the realist assumption that the world is far from ready for such a project. For this reason, the research was structured in such a way as to reflect its initial idealistic nature as well as today's reality and the main reasons why it is so.

Let us start with the theory of democratic peace, which holds that democracies do not wage war against each other. From this theory two false consequences have been derived. The first is that the spread of democracy in every state would in itself be sufficient to achieve universal peace. The second is that the spread of democracy should then be among the foreign policy priorities of all democratic states. These conceptions do not consider the historical conditions that may promote or hinder the success of democracy and its stabilization. Moreover, it does not explain not only the erosion of freedom after 9/11, but also the collapse of democratic institutions in Italy, Germany and Spain between the two world wars, and more generally the authoritarian degeneration of political regimes caused by the political and military pressure they suffer on their borders. The lesson we can draw from historical experiences is that peace is the main prerequisite for democracy.

¹ Barber, Benjamin, *If Mayors Ruled the World* (London: Yale University Press, 2013), 32.

A more recent lesson can be drawn from the failure of the US doctrine of exporting democracy to the Middle East and the experience of failed states, such as IRAQ, Afghanistan and Lebanon. Efforts to entrench democracy in this region are frustrated because of the climate of insecurity, violence and corruption that prevails in these countries and that has further worsened since the US military interventions. This experience shows that, in order to pave the way for democracy, an additional precondition is needed, which consists of a stable government, which ensures the rule of law. Moreover, as unpleasant as this may be from an idealistic perspective, material conditions, such as the eradication of poverty, disease and illiteracy, are required to function a democratic society. These conditions would enable peoples to become rational and intellectually conscious actors in the processes of political decision-making.

Yet, despite these obstacles on the road to full democracy, the past decades have seen a remarkable advance in democracy in the world since the Portuguese Revolution of 1974. It has spread to Southern and Eastern Europe, the former Soviet Union, Asia and Latin America. For the first time in the history of the UN, a majority of member state governments are elected through democratic procedures. This extraordinary progress of democracy depends to a large extent on two parallel processes: the effect of globalization and the end of the Cold War.

Nevertheless, it has to be recognized that democracy has never shown such worrying signs of weakness as it does today. Globally, there is a growing gap between the market and civil society, which have taken on global dimensions, and politics, which remains largely within national borders. As a result, decisions on which the fate of peoples depends, such as security, the governance of the global economy, international justice or the protection of the environment, tend to escape the control of representative institutions.

There is a widely shared feeling among citizens that the most important decisions have moved from the institutions under their control to international centers of power free from any form of democratic oversight. Thus, globalization determines the crisis of democracy. In reality, from a global point of view, decisions taken at the national level, where democratic powers exist, are relatively irrelevant. On the other hand, at the

international level, where the most important decisions are made, institutions lack democratic procedures.

The danger is the decline of democracy. More precisely, the question that has to be asked is how long can democracy last in a world where citizens are excluded from participating in the decisions that determine their destiny. Globalization must be democratized before it completely destroys democracy.

Reasons behind the research

What this research does is to investigate a possible solution to the negative trend that has just been mentioned. Indeed, the main reason behind this thesis is a coming together of different but interrelated things: on one side there is the phenomenon of urbanization which is increasing and reaching levels that have never been witnessed in human history; on the other, there are human rights, whose safeguard continues to be a global challenge. To these trends it can be added what has been argued just before, that is, the inadequacy of current global governance to successfully address globalization, its effects, the preservation and promotion of democracy. This leads to the claim that a new structure of global governance is necessary and new possible solutions have to be studied and taken into consideration. The combination of this pressing need, a growing urbanization and challenges on the human rights front inspire and justify a research embracing all these issues with the aim of adding a useful perspective.

State of research on the topic

The study of cities and their growing significance at the international level is a topic that emerged relatively recently. Starting from the second half of the last century, more literature concerning local governments appeared, supporting both the emergence of city diplomacy studies and a more significant involvement of cities at the international level.

Works concerning the positive effects of relationships between cities and other actors such as international governmental or non-governmental organizations and other cities have been increasing, covering a wide range of perspectives. Indeed, city diplomacy has been addressed mainly from a political and governance point of view, but also in relation to its relevance in fields such as the environment, conflict situations

and economic development. The side of city diplomacy that until now has been left almost unexplored is its significance in a human rights perspective.

A close concept that has existed for a long time, though still considered a new one, is that of Human Rights Cities. These are local governments that are devoted to guarantee a proper application of international human rights standards within their territory. The concept of Human Rights Cities is strictly linked and can be considered a very similar subject to what is going to be addressed in the course of this research, but it actually represents just one aspect of the relationship between human rights and city diplomacy². Because of this and the fact that it is an already developed topic, this research is not going to address Human Rights Cities.

Another topic that appeared relatively recently is that of 'glocalization'. The word is a neologism, built by combining 'globalization' and 'local', which became popular in the course of the 1990s when it was originally used within the field of cross-cultural economic marketing.

However, it was soon applied to a wide range of different disciplines such as sociology and political science. Being not just a new term, but also a new concept, 'glocalization' can be defined in different ways depending on the context in which it is employed. For instance, in the course of this research the general meaning that is going to be attributed to the term is 'the addressment of global issues at the local level'. In this perspective, the thesis is also going to discuss 'glocalization' with an approach that has barely been considered, that of human rights.

Research question

The general purpose of this research is to contribute towards a better understanding of the possibilities available as far as the relationship between democracy and global governance are concerned and to lay a foundation for further academic research and debates on this subject. With the objective of creating this framework, the research makes use of an interdisciplinary approach ranging from political science and political philosophy to democratic theory.

² For more content concerning Human Rights Cities, see Barbara Oomen, "Human Rights and the City: An Introduction." In *Human Rights Cities: Motivations, Mechanisms, Implications. A case study of European HRCs*, ed. by B. Oomen. Utrecht: University College Roosevelt, 2013.

In this thesis I analyse the reasons and the extent to which local governments can take the place of nation states in an alternative model of cosmopolitan democracy. Therefore, the main research question in this research is:

“Can cosmopolitan democracy be built on local governments?”

In order to deal with this question, the reasons why the classic model of cosmopolitan democracy cannot be implemented must be addressed. These include the inadequacy of nation states to deal with transnational matters, the democratic deficit of international bodies such as the UN General Assembly and Security Council and the lack of will on the part of national governments to renounce sovereignty on issues of global significance such as climate change for example. In addition, the main reason why all these issues have emerged, that is the phenomenon of globalization, has to be taken into account together with the ways in which national administrations tend to deal with its related challenges.

Once all these matters have been considered, the main research question can be justified and properly addressed. In sum, the research question stems from the crisis that democracy is currently undergoing. Rule of law and the safeguard of human rights, as crucial pillars on which the current concept of democracy is founded, are put into question as well. Since the question involves a change of subject, this research supports the fact that a new perspective has to be taken, new lenses have to be applied.

For this reason, the international legal recognition of the fundamental rights of the person must be considered the starting point to this change of subject and human rights have to be regarded at the same time as the lenses as well as the means and the end of this new alternative model. In this way, it can be argued that there is an unquestionable coherence between the reasons and the end of this thesis.

Methodology

“Human rights research has evolved through distinct phases, with new disciplines having gradually entered the field over time”³.

³ Bård Anders Andreassen, Hans-Otto Sano and Siobhan McInerney-Lankford, ‘Human Rights Research Method’ in *Research Methods in Human Rights: A Handbook* ed. by B.A. Andreassen, H. Sano and S. McInerney-Lankford (Edward Elgar Publishing Limited, 2017), p. 3.

Having been born as a mainly legal discipline, in the last three decades or so it has developed into a subject that can be addressed by different fields of study. This research aims to be another example of this interdisciplinary trend.

Taking political science and democratic theory as starting points, this study makes use of international human rights law and international legal provisions more in general. This methodological approach has been chosen for the interdisciplinary nature of the topic.

Although it would have been interesting to conduct interviews to collect different perspectives on the subject, the choice to keep the thesis objective as much as possible prevailed. Within the scope of this master's thesis, a relatively new and innovative section of human rights has been analysed, enriching the range of disciplinary research overall.

Limits to research

Since an approach of this kind has hardly been taken, the amount of literature covering the topic is very limited. In addition, the nature of one of the research questions made it difficult to give a conclusive answer. To assess whether a cosmopolitan democracy built on local governments would provide a better safeguard of human rights some practical examples of such governance have to exist, which is not the case. These kinds of shortcomings inevitably lead to hypothesis or suppositions rather than conclusions in any context.

Thesis structure

The first chapter concerns the phenomenon of globalization and the consequent crisis of the nation state. It starts by dealing with the very concept of globalization and its main dimensions. It then continues by addressing the so-called Westphalian constitution, introducing the concept of global politics and some of the main challenges that has to be faced.

The second chapter mainly deals with the United Nations, analysing its contradictions in the context of the developments and challenges which have been addressed in the course of the first chapter. This serves the purpose of showing how an effective global governance is still missing and how this absence eventually translates itself into an increasing centralization of power within national governments. Indeed, in the

subsequent section the focus shifts towards the tendency to turn to executives in times of crisis, what are the theoretical grounds behind such a phenomenon and how it developed throughout history. The final section analyses how democratic principles and democracy as a whole are affected by these processes, what are the concrete consequences in terms of governance and safeguard of human rights.

The third and final chapter of the thesis deals with the cosmopolitan model of democracy, offering an alternative version and application to the original model. Cosmopolitan democracy is analysed starting from its assumptions, then its structure and objectives and finally its critics and concrete limitations. The subsequent section introduces local governments and the phenomenon of city diplomacy, its origins and current practice, in order to better justify a change of subject in the context of the cosmopolitan model and theorize an alternative version. The last section serves as an additional basis for the new model and takes the international legal recognition of the fundamental rights of the person as the primary tool through which such a model can be built.

CHAPTER I

Introduction

The first chapter concerns the phenomenon of globalization and the consequent crisis of the nation state. Following this perspective, globalization and its main consequences will be analysed in order to show how a global politics is emerging in the face of an increasing number of borderless challenges. It will be shown how globalization involves very important and contemporary matters such as economics and the environment, but also terrorism and ethics. The chapter starts by dealing with the very concept of globalization and its main dimensions. It then continues by addressing the so-called Westphalian constitution and introducing the concept of global politics.

There will be space to discuss how globalization also requires a reflection on the concept of international ethics and, finally, some of the main challenges that the world is facing and that are not – or were never – restricted to national borders. This chapter is going to deal with three of them, namely the environment, terrorism and economics. The choice of these particular three areas sparks from the events that characterize recent decades, but does not mean to underestimate or downplay other very significant areas such as migration, novel pandemics, the proliferation of weapons of mass destruction, technology, culture and others. To deal with them all would simply go beyond the scope of this thesis.

1. Globalization

Globalization is a word which depicts the increasing intensity of worldwide interconnectedness: in brief, a 'shrinking world'. It is, however, a highly imbalanced process: although it generates a more cooperative world, at the same time it is also a basis for global tension, insecurity, inequality and conflict. While it has important effects for the power and autonomy of national administrations, it by no means prefigures the demise of the nation state nor of geopolitics as we know it.

Rather, globalization is linked with considerable changes or transformations in world politics. A change in our thinking is necessary to fully grasp the nature of these changes. This conceptual change means embracing the idea of global politics: the politics of a developing global society in which domestic and world politics, even if conceptually separate, are practically indivisible. In a globalized world, power and politics are no longer merely organized following a territorial or national logic.

Globalization continues to be a controversial issue in the study of world politics. The hyperglobalists argue that it is generating the demise of the sovereign nation state as global forces undermine the ability of governments to control or manage their own economies and societies⁴. By contrast, sceptics discard the idea of globalization as so much 'globaloney'. They claim that states and geopolitics remain the primary means and forces shaping world politics today⁵. This research supports the idea that both the hyperglobalists and sceptics alike exaggerate their claims.

Although forecasts of the downfall of the sovereign state are hyperbolic, nevertheless globalization is strongly linked with the rise of a new global politics in which the traditional distinction between domestic and international matters is no longer very meaningful. Under these circumstances, 'politics everywhere, it would seem, are related to politics everywhere else', such that the orthodox approaches to international relations - which are built upon this very division - offer just a part of the forces determining the contemporary world⁶.

Before analysing more in depth the concept of global politics it is necessary to first deal with all the different areas which characterize a wide and encompassing phenomenon such as that of globalization. Therefore, the economic, social, political and territorial realms of globalization are going to be the focus of the next pages. In addition, the concept of inequality which is present and characterizes globalization will be addressed as well.

⁴ See Ohmae, Kenichi, *The End of the Nation State* (New York: Free Press, 1995) and Scholte, Jan Aart, *Globalization: A Critical Introduction* (London: Macmillan, 2000).

⁵ see Krasner, Stephen, *Sovereignty: Organized Hypocrisy* (Princeton, NJ: Princeton University Press, 1999) and Gilpin, Robert, *Global Political Economy* (Princeton, NJ: Princeton University Press, 2001).

⁶ Rosenau, James, in *The Web of World Politics: Nonstate Actors in the Global System*, ed. Mansbach, Ferguson, and Lampert (New York: Prentice Hall, 1976), 22.

1.1 Economic globalization

In the last decades the scale and scope of global interconnection has become more and more evident in every sphere, from the economic to the cultural. Worldwide economic integration has increased as the growth of global commerce, finance and production constrains together the economic riches of nations, communities and households across the world's major trading regions and beyond within an evolving global market economy. The integration of the world economy is such that no national economy - as events during the recent financial crisis have shown - is able to isolate itself completely from the contagion effect of instability in global markets.

Economic turmoil in one region has the power to take its toll on jobs, production, savings and investment many thousands of miles away. No administration, even the most powerful, has the power to avoid sustained speculation against its currency and thereby the reliability of its economic policies. Moreover, governments have to borrow important sums in world bond markets. Their wealth affects the availability and cost of such borrowing. In the aftermath of the 2008 Great Recession, many administrations face real cutbacks in public spending in order to protect their creditworthiness in world bond markets.

1.2 Social globalization

New methods and infrastructures for global communication have made it possible to shape and activate like-minded people across the globe in virtual real time and thousands of international non-governmental organizations, not to mention the activities of transnational terrorist and criminal networks. With a global communications infrastructure has also come the transnational spread of ideas, information and ethnic cultures, both among like-minded peoples and between different cultural groups, strengthening concurrent tendencies towards both a greater sense of global solidarity among the like-minded and difference, if not hostility, between diverse nations, societies and ethnic groups.

People and their cultures are also moving in their tens of millions - whether legally or illegally - with global migration on a scale of the great 19th century movements, but now transcending all continents, from East to West and South to North, while every year hundreds of millions of tourists cross the globe.

1.3 Political globalization

As the phenomenon of globalization has stepped up, so has the acknowledgement of transnational matters necessitating global regulation, from climate change to the proliferation of weapons of mass destruction. Addressing these transnational problems has led to a significant growth in global and transnational types of decision-making and regulations. This is clear in both the increasing jurisdiction of formal international organizations and the thousands of informal networks of cooperation between parallel government agencies in different countries.

With the acknowledgement of global challenges and global interdependence has also come a growing awareness of the various circumstances in which the security and prosperity of communities in different parts of the world are interconnected. This is a world in which the most distant events can quickly, if not almost immediately, come to have great effects for individual and collective prosperity and security anywhere. For the doubters, however, this is far from a new condition, but is a symptom of increasing international interdependence.

It is possible to describe globalization as a process characterized by:

- the stretching of political, economic and social activities across national frontiers so that events, decisions and actions in one region of the globe come to have implications for individuals and communities in distant regions of the world; civil wars and conflict in poorest regions, for instance, increase the flow of asylum seekers and illegal migrants into the world's affluent countries;
- the growing magnitude of interconnectedness in almost every sphere of social existence, from the ecological to the economic, from the intensification of world trade to the spread of weapons of mass destruction;
- the accelerating pace of global relations and processes as the development of worldwide systems of transportation and communication increases the velocity with which ideas, information, capital, goods and technology move around the globe;
- the growing extensity, intensity, and velocity of global exchanges, which is associated with an expanding enmeshment of the global and local in so far as local events may come to have global effects and global events can have serious local consequences,

producing an increasing collective awareness or consciousness of the world as a shared social space, that is globalism or globality.

As this short analysis implies, there is much more to the idea of globalization than simply internationalization or international interconnectedness. It suggests that the cumulative scope, scale, depth and velocity of contemporary interdependence is softening the significance of the borders and boundaries that separate the world into its many constituent states or national economic and political spaces⁷. Rather than increasing interdependence between bounded nation states, the concept of globalization captures the dramatic shift that is underway in the structure of human affairs: from a world of discrete but interdependent nation states to the world as a shared social space.

1.4 Territorial globalization

Globalization carries with it the implication of an unfolding process of structural shift for humanity as a whole. Rather than political, economic and social activities being organized merely on a local or national territorial scale nowadays, they are also more and more organized on a global or transnational scale. Thus, globalization implies a substantial turn in the scale of social organization, in every sphere from security to economics, transcending the world's continents and major regions.

Even though distances and geography have still significance, it is nevertheless the case that globalization is synonymous with a process of compression of time and space in which the causes of even very local developments, from ethnic conflict to unemployment, could be traced to distant decisions or conditions. In this respect globalization represents a process of deterritorialization: as political, economic and social activities are more and more stretched across the world, they become in a significant sense no longer organized merely according to a rigorously territorial logic.

Criminal and terrorist networks, for instance, work both globally and locally. National economic space, under conditions of globalization, is no longer coterminous with national territorial space. This is not to claim that borders and territory are now irrelevant, but rather to recognize that under conditions of globalization their relative

⁷ see Rosenau, James, *Along the Domestic-Foreign Frontier* (Cambridge: Cambridge University Press, 1997).

significance, as limitations on social action and the exercise of power, is decreasing. In an era of instantaneous real-time organization and global communication, the difference between the international and the domestic, outside and inside the state, appears thinner. Territorial borders no longer demarcate the boundaries of national economic or political space⁸. This means that sites of power and the subjects of power might be potentially continents apart.

As such, the concept of globalization describes the relative denationalization of power in so far as, in an increasingly interconnected global system, power is organized and exercised on a transcontinental, transnational or transregional basis, while other agents, from international organizations to criminal networks, exercise power within, across and against nation states. These no longer have a monopoly of power resources, whether political, economic or coercive. Globalization as a phenomenon has to be distinguished from more spatially defined processes such as regionalization and internationalization.

Whereas internationalization refers to increasing interdependence between states, the very idea of internationalization presumes that they remain discrete national units with clearly demarcated borders. Instead, globalization is a process in which the very distinction between the domestic and the external breaks down. Distance and time collapse, so that events many thousands of miles far can cause almost immediate local effects, while the consequences of even more localized events may be diffused rapidly around the globe.

If globalization refers to transcontinental or transregional networks, flows or interconnectedness, then regionalization can be conceived of as the intensification of patterns of interconnectedness and integration among states that have common borders or are geographically proximate⁹.

1.5 Uneven globalization

Patterns of contemporary globalization are extremely intricate, but also very uneven. Indeed, globalization as a phenomenon does not necessarily imply universality and

⁸ McGrew, Anthony, "Globalization and global politics", in *The Globalization of World Politics: An Introduction to international relations*, ed. Baylis, Smith, and Owens (Oxford: Oxford University Press, 2014), 19.

⁹ *Ibidem*, 20.

the 'global' in globalization does not imply that all parts of the globe must be uniformly entangled in worldwide developments. As a matter of fact, the rich OECD countries are much more globalized than most of the poorest sub-Saharan African states. Globalization is not equally experienced across all regions because it is inevitably a highly differentiated process. This is true also among the communities inside countries: as a matter of fact, elites are in the vanguard of globalization while the poorest find themselves largely excluded. Globalization displays a distinctive geography of inclusion and exclusion, resulting in clear winners and losers not just between countries but within and across them¹⁰.

Inequality is profoundly marked in the very processes of modern-day globalization such that it is more precisely described as uneven globalization. Given such unevenness, it should not be surprising to realize that globalization does not portend the emergence of a balanced global community or an ethic of global cooperation. On the contrary, the more the globe develops into a shared social space, possibly the greater the sense of division, difference and antagonism it may stimulate.

2. A Westphalian world

Let us consider a political atlas of today's world: its most evident feature is the division of the entire surface into over two hundred defined territorial units - namely sovereign nation states. Borders are a relatively recent development, as is the notion that states are sovereign, self-governing and territorially delimited political polities or communities. As a matter of fact, to a student of politics in the Middle Ages, a map of the world dominated by boundaries would make little sense.

Even though today it might be a useful fiction, this presumption continues to be as central to orthodox state-centric conceptions of world politics as the pursuit of power and interests between sovereign nation states. Globalization, however, calls this state-centric view of world politics into question. Taking globalization seriously therefore involves a change in the way one thinks about world politics.

¹⁰ Ibidem, 22.

2.1 The Peace of Westphalia

In 1648 the Peace Treaties of Westphalia and Osnabruck established the legal basis of modern statehood, and, as a result, the fundamental rules or constitution of modern world politics. Even though Pope Innocent referred to the Westphalian settlement at the time as 'null, reprobate and devoid of meaning for all time'¹¹, in the course of the following four centuries it has shaped the constitution or normative structure of contemporary world order. The heart of the Westphalian settlement was the agreement among Europe's leaders to acknowledge each other's right to control their own territories, free from outside intrusion.

But it was only in the last century, as global empires collapsed, that national self-determination and sovereign statehood finally gained the status of universal organizing principles of world order. Contrary to Pope Innocent's prediction¹², the Westphalian Constitution was destined to colonize the whole planet.

2.2 Westphalian legacy

Constitutions have significance because they establish the *locus* of legitimate political authority within a community and the regulations that inform the exercise and limits of political control. In organizing and legitimating the principle of sovereign statehood, it is fair to say that the Westphalian Constitution started modern states system. It bonded the idea of territoriality with the notion of genuine sovereign control.

Westphalian sovereignty placed supreme legal and political power within territorially defined states. Sovereignty meant the legitimate claim to exclusive, supreme and unqualified control within a defined territory: it was exclusive in so far as no ruler had the right to intervene in the sovereign affairs of other nations; supreme in that there was no legal or political authority above the state; and unqualified in that within their territories rulers assumed complete authority over their subjects¹³.

For many states, especially weak ones, sovereignty not always translated into effective control within their territories. As Krasner recognizes, the Westphalian system

¹¹ Ibidem, 23.

¹² Ibidem.

¹³ Ibidem, 24.

has for many states been little more than a form of 'organized hypocrisy'¹⁴, that is the presence of longstanding norms that are frequently violated.

Nevertheless, this hypocrisy never profoundly compromised the system's influence on the evolving trajectory of world politics. Although the UN Charter and the Universal Declaration of Human Rights altered aspects of the Westphalian Constitution, in qualifying aspects of state sovereignty, it persists being the founding covenant of world politics. Still, many¹⁵ argue that contemporary globalization poses a major challenge to the Westphalian ideal of sovereign statehood and in so doing is altering the world order.

2.3 Global politics

As globalization has strengthened over the last decades, it has become more and more problematic to sustain the popular fiction of the 'great divide': dealing with political life as having two separate spheres of action, the international and the domestic, which operate with different rules, agendas, actors and according to different logics. As a result, the Westphalian Constitution appears increasingly anachronistic as a different form of global politics is evolving.

To talk of global politics is to acknowledge that politics itself is being globalized, with the consequence that there is much more to the analysis of world politics than merely conflict and cooperation between states (international or interstate politics), even if this keeps being significant. Said differently, globalization challenges the one-dimensionality of orthodox accounts of world politics which prioritize geopolitics and the fight for power between states.

Indeed, global politics focuses our attention on global structures and processes of decision-making, problem-solving and the maintenance of security and order in the world system¹⁶. It recognizes the ongoing centrality of states and geopolitics, but does not privilege either of them in understanding or justifying contemporary world affairs a priori. Global politics directs our attention to the emergence of a fragile global polity

¹⁴ See Krasner, Stephen, *Sovereignty: Organized Hypocrisy* (Princeton, NJ: Princeton University Press, 1999).

¹⁵ See note 4.

¹⁶ See Brown, Seyom, *International Relations in a Changing Global System* (Boulder, CO: Westview, 1992).

within which 'interests are articulated and aggregated, decisions are made, values allocated and policies conducted through inter- national or transnational political processes' - in other words, to how the global order is, or fails to be, governed¹⁷.

Since the UN's creation in 1945, a vast nexus of global and regional institutions has evolved, progressively more associated with a proliferation of non-governmental agencies and networks seeking to influence global governance. While world government remains an imaginary idea, a developing global governance complex exists. Over the last decades, its scope and impact have grown significantly, with the effect that its activities have become considerably politicized.

This developing global governance complex encompasses a multitude of formal and informal structures of political coordination among governments, inter-governmental and transnational agencies intended to realize common purposes or collectively agreed goals by making or implementing global or transnational rules and addressing transborder challenges. Indeed, if global politics implies a diversity of actors and institutions, it is also characterized by a diversity of political concerns.

The program of global politics is anchored not simply in conventional geopolitical matters but also in a proliferation of economic, social, cultural and ecological issues. Pollution, human rights and terrorism are just some of many transnational policy concerns that, because of globalization, transcend territorial borders and existing political jurisdictions and thus necessitate international cooperation for their effective resolution. This is not to claim that the sovereign nation state is declining.

The sovereign power and authority of national government is being altered but by no means eroded by globalization. The Westphalian conception of sovereignty as an inseparable, territorially exclusive type of power is being replaced by a new sovereignty regime in which sovereignty is conceived as the shared exercise of power and authority.

The Westphalian image of the uniform, unitary state is being replaced by the image of the disaggregated state, in which its components interact more and more with their

¹⁷ Morten Ougaard, *Political Globalization: State, Power and Social Forces* (Basingstoke: Palgrave, 2004), 5.

counterparts abroad, international agencies and NGOs in the administration of global and common concerns¹⁸.

Global politics is a notion which recognizes that the scale of political life has profoundly changed: politics conceived as that set of activities concerned mainly with the realisation of order and justice is not restricted within territorial boundaries. As such it questions the utility of the division between the national and the international, the domestic and the foreign, inside and outside the territorial state, since decisions and actions taken in one place affect the welfare of people in distant parts of the world, with the consequence that domestic politics is internationalized and global politics becomes domesticated. Power in the global system is no longer the sole preserve of states, but is allocated among a varied array of public and private actors, with important consequences for who gets what, when and where.

Political authority as well has been dispersed not only upwards to supra-state entities, but also downwards to substate bodies such as local assemblies and beyond the state to private entities. However, as with globalization, inequality and exclusion are endemic features of contemporary global politics. Indeed, global politics has few democratic qualities and, paradoxically, this lies in significant tension with a world in which democratic values are highly appraised. Whether a more democratic or just global politics is conceivable, and what it would look like, is the concern of normative theorists.

3. Ethical globalization

Globalization increases not only the scope and intensity of human political and economic relationships, but also of our ethical obligations¹⁹. It makes it more difficult to draw clear ethical distinctions between outsiders and insiders and, consequently, boosts the idea of a cosmopolitan community of mankind.

International ethics focuses on the nature of obligations across community boundaries and how elements of political communities ought to treat outsiders, and whether it is fair to make this distinction.

¹⁸ See Slaughter, Anne-Marie, *A New World Order* (Princeton, NJ: Princeton University Press, 2004).

¹⁹ Richard Shapcott, "International Ethics", in *The Globalization of World Politics: An Introduction to international relations*, ed. Baylis, Smith, and Owens (Oxford: Oxford University Press, 2014), 198.

3.1 Realism, pluralism and cosmopolitanism

The advent of globalization causes an investigation of these challenges and stimulates us to wonder whether people ought to be thought, first, as one single moral community (cosmopolitanism); second, as a group of distinct communities (realism); or, third, as a group of distinct communities with some basic shared standards (pluralism).

Realists and pluralists argue that cosmopolitanism is both unrealistic and undesirable because of the international state of nature and because profound cultural pluralism implies that there is a lack of agreement about whose ethics should be valid universally. All three are echoed in current procedures of states and other actors. For instance, since 1945 various international actors have employed the universalist vocabulary of human rights²⁰ to argue that there are cosmopolitan principles that all states recognize. By contrast, it is also claimed that since there is no true agreement on widespread standards, it is unjustifiable to impose them on those who do not agree on the cultural assumptions supporting these laws²¹.

Globalization has the potential to provide the greatest reason for applying cosmopolitan standards. Since it improves interconnections between different realities, it also increases the range of ways in which different realities can harm each other, either intentionally or not. Therefore, it can be argued that globalization exacerbates ethical dilemmas by intensifying the impacts that individuals and different communities have on each other.

Under these circumstances, the ethical framework related to Westphalian sovereignty appears less adequate. In a globalized world, communities are confronted with new principles or challenged to refine old ones to govern these connections. However, the fact that there is no single standard of justice and fairness between states makes what is already a challenge even more difficult, because it raises the question of whose principles should apply.

²⁰ See UN General Assembly 'Universal Declaration of Human Rights' (10 December 1948) A/RES/217(III)[A].

²¹ See Raymond John Vincent, *Nonintervention and International Order* (Princeton, NJ: Princeton University Press, 1974); Michael Walzer, *Thick and Thin: Moral Argument at Home and Abroad* (Notre Dame, IN: University of Notre Dame Press, 1994); Robert H. Jackson, *The Global Covenant: Human Conduct in a World of States* (Oxford: Oxford University Press, 2000) and David Miller, "Caney's International Distributive Justice: A Response," *Political Studies* 50 (2002): 974-977.

Even though the world may be marked by high levels of interconnectedness, people still tend to live 'ethically constrained' lives, meaning that national borders have an important ethical status. Cosmopolitans would argue that despite this division of humanity into distinct historically constituted communities, it remains viable to have a moral concern for, and identify with, humanity.

Cosmopolitanism refers to the sense that humanity is to be considered as a single moral community that has ethical priority over our national (or subnational) realities. One of the common arguments of liberal cosmopolitanism is that treating everyone as equal requires 'impartial consideration of the claims of each person'²². Cosmopolitans insist that fundamental moral claims derive from the human beings status and thus national loyalties have at best only a derivative moral status.

3.2 Universality and equality

Long before the presence of modern states and networks, the Stoic philosopher Diogenes argued he was a 'citizen of the world'. However, nowadays, the fullest defence of cosmopolitanism was provided by Immanuel Kant. For him, the most significant philosophical and political problem was the extinction of war and the creation of a universal community governed by a rational cosmopolitan law. The principal concept of Kant's contribution and the cornerstone of his project for a *perpetual peace* between states is the principle of the categorical imperative that humans should be treated as ends in themselves.

The result of this claim is the recognition that every individual possesses equal moral standing. The basic argument is that treating people as ends in themselves requires people to think universally²³. Constraining ethical concern to members of one's own nation makes any belief in equality lacking.

The globalizing of the world economy, especially since 1945, has certainly increased large global inequalities and the number and proportion of the human population suffering from absolute poverty and starvation²⁴. Cosmopolitans like Pogge draw attention to the fact that globalization also implies that there is now the potential to end

²² Charles Beitz, "Cosmopolitanism and Sovereignty," *Ethics* 103 (1992): 125.

²³ Shapcott, "International Ethics", 201.

²⁴ *Ibidem*, 207.

global poverty relatively rapidly and cheaply. The existence of both significant inequality, of massive hunger and starvation raises the question of whose responsibility it is to either reduce inequality or to end absolute starvation, especially in the presence of great wealth. Consequently global poverty provides support for the cosmopolitan argument for an account of global distributive justice.

According to Peter Singer, 'globalization means that we should value equality...at the global level, as much as we value political equality within one society'²⁵. Singer argues that an impartial and universalist (and utilitarian) conception of morality requires that those who can help, ought to, regardless of any causal relationship with poverty. He argues for a comprehensive mutual aid principle where 'if it is in our power to prevent something bad from happening, without thereby sacrificing anything of comparable moral importance we ought, morally, to do it'²⁶.

Liberal institutional cosmopolitans like Beitz, Moellendorf and Pogge claim that global interconnectedness creates an obligation to come up with a globally just institutional scheme. Pogge claims that our negative duties not to harm others generate positive duties to build a just international order in such a way that the most disadvantaged can benefit. This structure should ensure that, despite an uneven allocation of material resources worldwide, no one should be incapable of meeting basic requirements, nor should they suffer excessively from the shortage of material resources.

4. Borderless challenges

International Relations as a discipline was originally focused on the relations between states. Anything else was given secondary status and labelled as non-state actor. Globalization and its effects has challenged this two-tier approach.

For instance, nation states are losing sovereignty when they face the economic activities of transnational companies. Events in any area of global governance have to be understood in terms of complex systems encompassing governments, companies and NGOs interacting in a range of international organizations.

²⁵ Peter Singer, *One World: The Ethics of Globalisation* (Melbourne: Text Publishing, 2002), 190.

²⁶ Peter Singer, "Famine Affluence, Morality", in *International Ethics*, ed. Beitz (Princeton, NJ: Princeton University Press, 1985), 231.

Nobody can deny the proliferation of these organizations and the range of their activities. The question is whether the non-state entities have significance in their own right and whether it makes any difference to the study of interstate relations. The already mentioned two-tier approach is known as the state-centric approach (or realism). As a result, it is a tautology to say that, following this approach, non-state entities are secondary. A more open-ended approach, known as pluralism, is built on the assumption that all sorts of actor can influence political outcomes. Instead of non-state actors, another term has been coined to establish that international relations are not limited to states and that other actors operate across country boundaries: this notion is transnational actors.

The big advantage of the realist approach is that the complexity of world politics is reduced to the relative ease of the relations of less than 200 theoretically comparable units. However, the benefits of this oversimplification have been achieved at the cost of the picture becoming altered and blurry. The effects of the massive transnationalization of big companies are profound.

4.1 Economies without borders

It is not possible to regard each state as having its own single economy anymore. Two key features of sovereignty (control over the currency and control over foreign trade) have been reduced considerably, meaning that countries have lost a significant amount of control over financial flows. When products move across borders, it is trade between countries, but it may also be intra-firm trade. In this situation, governments cannot have clear expectations of the effects of their financial and fiscal policies on TNCs²⁷.

States find it difficult to regulate international transactions. The prevention of the direct import or export of goods might be possible, but there is no way to prevent indirect trade from one state to another. It is called triangulation.

It is difficult for states to regulate the commercial activities of companies within their country because companies may choose to employ regulatory arbitrage: if a firm

²⁷ Peter Willetts, "Transnational actors and international organizations in global politics", in *The Globalization of World Politics: An Introduction to international relations*, ed. Baylis, Smith, and Owens (Oxford: Oxford University Press, 2014), 323.

objects to one state's policy, it may threaten to diminish or close its production there and intensify production in another country. Transnational firms produce clashes of sovereignty between different states. However, for most firms, more often than not, their interests will be in accord with the government's plan to increase occupation and to promote economic progress. Disputes will take place over the regulation of markets to prevent the risks of market failures or externalisation of social and environmental expenses of production. National deregulation and globalization of economic activities imply that regulation is currently taking place at the global level rather than within single states.

The birth of a multifaceted global economy has consequences way beyond the international trade in goods and services. Most firms, in their respective area of activity, have built networks to ease communication, to balance standards and to handle adaptation to complex change. Likewise, employees have noticed that they face similar challenges in different states and so professional bodies and trades unions have developed their own transnational networks.

NGOs have also made their own impact on globalization by developing access to the world wide web, perhaps the communication system that underlies all globalization practices. NGOs made the world wide web a public system, by creating the first Internet service providers. Until April 1995, it was illegal in the USA for the new communications technology to be used by universities and government offices for anything but official academic or government business²⁸. NGOs were the pioneering force connecting the different networks to each other. They created servers and softwares to generate gateways between networks, so that the world wide web turned into a complete network of networks.

In the 1980s human rights and environmental activists created libraries of documents, electronic forums and e-mails available to NGOs and individuals all over the globe. Their technological lead was such that both the UN and the World Bank first went on the Internet by using NGO servers²⁹. After the web became available in 1993, NGOs were also innovators in the improvement of websites. These shifts in communications represented a major transformation in the structure of global politics. States have lost

²⁸ Ibidem, 329.

²⁹ See Peter Willetts, *Non-Governmental Organizations in World Politics. The Construction of Global Governance* (London: Routledge, 2010).

sovereignty over the transnational relations of their people. They might try to monitor transnational networks, but closing the borders is not technologically possible anymore.

4.2 Environment without borders

Globalization has encouraged the relocation of business, peoples movement away from the land and increasing levels of consumption, along with related emissions of waste gases. Though causing greater wealth for poorer states exporting basic goods to markets of advanced countries more often than not, free trade has also harmful environmental impacts, by upsetting local ecologies and livelihoods. The assets on which people rely for survival, such as potable water, a clean environment and a stable climate, are now under threat.

Global challenges might require global solutions and cause an essential necessity for global environmental policies. Yet, local or regional action keeps being a key part of responses to many challenges. One of the main features of environmental politics is the recognition of global interconnections and of the necessity to act locally.

Regardless of the global size of environmental change, an effective response still has to rely on a fragmented international political system of almost 200 sovereign nation states. As a result, global environmental governance requires bringing to bear interstate interactions, international law and international organizations in addressing common environmental challenges. Employing the word 'governance' instead of 'government' means that regulations and power are exercised without a central government, providing the sort of service that a world government would deliver if it existed.

Before globalization there used to be two main environmental concerns: the preservation of natural resources and the harm caused by pollution. Neither one of these respect international borders and action to mitigate or preserve more than once had to involve more than one government.

International cooperation set up governance structures to manage transnational environmental matters and support the global commons. When animals, fish, water or pollution cross national frontiers, the need for international cooperation arises; the regulation of transnational environmental problems is among the longest established

functions of international cooperation, echoed in hundreds of regional, multilateral and bilateral agreements delivering joint efforts to control resources and deal with pollution.

Coming back to the global commons, these are usually conceived as areas and resources which are not owned by single states. Antarctica, the high seas, the deep ocean floor, outer space and the global atmosphere all fall under this category.

They all share an environmental dimension as resources and they have been increasingly degraded over time. The animal stocks of the high seas have been persistently overexploited to the point where a number of species has disappeared and long-term protein supplies for the human species are at risk. The environment of the oceans has been polluted by land-based waste, oil and other leaks from ships. It has been a great effort to preserve the unique wilderness of the Antarctic faced by growing pressure from the human species. The same applies to outer space which is currently facing an environmental problem in the shape of increasing amounts of orbital waste left by years and years of satellite missions.

Likewise, the global atmosphere has been degraded through a variety of highly dangerous practices, as a result of damage to the stratospheric ozone layer and by the greater greenhouse effect now firmly linked to changes to the planet's climate. This has often been labelled as the 'tragedy of the commons': when there is unlimited access to a resource that has no owner, there will be an incentive for everyone to take as much as one can and, if the resource is scarce, it will be eventually ruined by overexploitation since the short-term interests of users overcome the long-run collective advantage in maintaining the resource. Thus, one function of international cooperation is providing a replacement for world government to avoid the so-called tragedy of the commons.

Implementation poses tough challenges because of the incentives for users to free ride getting more than a fair share or rejecting to be bound by the collective agreements. Many authors, including Garrett Hardin³⁰, the one who coined the notion 'tragedy of the commons', have noted an intrinsic conflict between collective and individual interest and rationality when using a property that is supposed to be shared. He argued that individual actions in using an open access resource will often bring

³⁰ See Garrett Hardin, "The Tragedy of the Commons," *Science* 162 (1968): 1243-1248.

collective disaster as the resources concerned suffer ecological ruin through overexploitation. Naturally, there would not be a problem if the common was sufficient for everyone to take as much as one needs, but this is rarely the case because of the intensity of contemporary exploitation and production procedures.

As far as climate change is concerned, it has long been discussed among scientists, but just since the late 1980s there was enough international consensus emerging to encourage action. In the first decade of the twenty-first century, unusual weather patterns, storm events, and the melting of polar ice sheets have added a dimension of public concern to the fears expressed by the scientific community. According to international consensus, the avoidance of dangerous climate change requires that global mean temperatures should not increase beyond 2°C³¹.

Climate change is really not a 'normal' international environmental matter since it represents a threat to the living conditions everyone is used to and challenges current patterns of energy usage and security. There is nearly no aspect of international relations that climate change does not essentially or potentially impact and it has already become the focus of 'high politics', debated at international summits and in important meetings between political authorities.

One simplification that can be made is that it is the less developed countries, due to their limited infrastructure and numerous inhabitants situated at sea level, that are most vulnerable. As an acknowledgement of this and on the perception that a certain level of warming is inevitable, international focus has shifted towards the adaptation to the inevitable consequences of climate change as well as the mitigation of what caused it.

The dilemma to solve is how to achieve an efficient global governance in a fragmented system of sovereign nation states. As it is clear from what has been said so far, the state system is part of the problem rather than the solution, the inability of states to do anything other than support these developments. Within any time frame that is relevant to dealing with a crisis of the immediacy and magnitude of climate change, it looks like states and international cooperation are the only plausible mechanisms for providing

³¹ John Vogler, "Environmental issues", in *The Globalization of World Politics: An Introduction to international relations*, ed. Baylis, Smith, and Owens (Oxford: Oxford University Press, 2014), 349.

the necessary global governance and that we shall simply have to do the best we can with existing state and international organizational structures³².

4.3 Terrorism without borders

Globalization has contributed to the increase of terrorism from a regional phenomenon into a global one. Technology linked to the phenomenon of globalization has made it possible for terrorist groups to perform operations that are more deadly, distributed and difficult to fight than in previous times. It is hard to accurately describe the relationship between globalization and terrorism. However, it is not accurate to suggest that globalization is responsible for terrorism, but it is true that technologies linked to globalization have been exploited by terrorists. In particular, they have improved the ability of terrorists to work together, share knowledge and reach audiences which previously were simply impossible to reach out.

It is not correct to claim that the global community is powerless confronting such a threat. In order to succeed, it is forced to employ the resources at its disposal in a collaborative way, consistently with human rights and international law. Since terrorism became a transnational phenomenon in the 1960s, its relationship with globalization is best recognized as the next step in the evolution of political violence.

Traditionally, terrorists have employed readily available means to allow small amounts of people to spread fear as widely as possible. In the late 19th and early 20th centuries, anarchists relied on revolvers and dynamite. Yet terrorists and their activities were rarely followed by consequences beyond national borders. During the 1960s the availability of broadcasted news coverage, the growth of commercial air travel and broad ideological interests connecting extremists led to the birth of transnational terrorist networks. As a result, terrorists developed from a local to a transnational threat. Air travel in particular gave terrorist groups unprecedented mobility.

Airport security was almost non-existent when terrorism started involving the hijacking of airplanes. The success of these tactics encouraged more terrorists to do the same. As a result, practices of this kind skyrocketed from five in 1966 to ninety-four in 1969³³.

³² See John Vogler, "In Defence of International Environmental Cooperation", in *The State and the Global Ecological Crisis*, ed. Barry and Eckersley (Cambridge, MA: MIT Press, 2005).

³³ James Kiras, "Terrorism and globalization", in *The Globalization of World Politics: An Introduction to international relations*, ed. Baylis, Smith, and Owens (Oxford: Oxford University Press, 2014), 360.

Shared political ideals boosted cooperation and exchanges between groups as different as the Irish Republican Army (IRA) and the Basque separatist Euzkadi Ta Askatasuna (ETA). Groups demanded the release of imprisoned fellow revolutionaries in different countries, giving the impression of a coordinated global terrorist network, but the reality was that groups formed relationships of convenience, based around weapons, capabilities and money to advance local political purposes³⁴.

Broadcasted news coverage also supported the expansion of the audience who was now able to witness the atrocities of terrorism. To maintain viewer interest and compete for exposure, terrorist groups undertook increasingly impressive attacks. They understood that horrific, mass casualty attacks may cross a threshold of violence. This might explain why some terrorist groups have tried to acquire or employ weapons of mass destruction, including nuclear, chemical and biological weapons.

The Iranian Islamic Revolution of 1979 was a defining moment in transnational terrorism. Even though Israeli interests remained principal targets for attack, due to continued sympathy for the Palestinian cause, some factions started to target citizens and symbols of the United States. The decade of terrorism (1980-90) involved incidents such as hijackings (TWA Flight 847, 1985) and suicide bombings (Lebanon, 1983). Even though Marxist-Leninist transnational terrorism was diminishing in scale and strength, militant Islamic terrorists, symbolized by the group Al Qaeda and facilitated by globalization, were growing into a global phenomenon.

The non-stop expansion of the number of Internet service providers combined with efficient and cheap mobile devices, laptops, tablets and wireless technologies encouraged terrorists with the power to send messages or post tracts on throughout the Internet.

Another thing that improved thanks to globalization and empowered terrorists is the quantity, range and sophistication of their propaganda. Once they limited themselves to mimeographed manifestos and typed memos. Sympathizers nowadays are able to create their own website. Today any kind of material or content can be transmitted instantaneously to almost anywhere in the world via the Internet or text messages.

³⁴ Ibidem.

In the era of transnational terrorism, terrorist cells plan and conduct single attacks or mount multiple attacks from one base. The technology linked to globalization has enabled terrorists to set up coordinated attacks in different places. For instance, synchronized bombings of the US embassies in Tanzania and Kenya in 1998, simultaneous detonation of ten bombs on packed commuter trains in Madrid in 2004 and three bombings in London Underground in 2005.

In societies which possess well-developed infrastructures, terrorist cells have been capable of moving quickly within and between borders. As a matter of fact, this makes it even more difficult to track them. Especially the globalization of commerce has enhanced terrorist ability to move easily. The volume of air travel and products which move through ports has increased substantially thanks to globalization. Measures have been taken to ease the flow of goods and services between countries in a less limiting manner in order to improve efficiency and decrease costs. The European Schengen Agreement is a perfect example.

Certainly globalization had and still has a worrying influence on terrorism, but one thing which concerns experts the most is future attacks using weapons of mass destruction. In the transnational era, terrorist cells can acquire sophisticated weapons to operate more lethal attacks, but they did not until now. The exact reason why they did not acquire and make use of such weapons during this era is unclear. Experts speculated, however, that terrorist leaders understood that the more lethal their attacks were, the greater the likelihood that a state or the international community would focus their entire efforts on hunting them down and eradicating them³⁵.

In the absence of weapons of mass destruction, globalization has enabled access to weapons, resources and the expertise needed to perform smaller, but more lethal strikes. Countries afflicted by transnational terrorism reacted individually and collectively to fight the phenomenon in cold war times. These reactions ranged in scope and effectiveness and included passing laws, taking preventative measures at airports and creating ad-hoc counter-terrorism operations.

A normative approach to address the issue, based on the principles of international law and collective action, was less successful. Attempts to define and proscribe

³⁵ Ibidem, 368.

transnational terrorism in the United Nations bogged down in the General Assembly over semantics, but other cooperative initiatives were successfully implemented: most initiatives and responses throughout this decade were largely unilateral, regional, or ad hoc in nature³⁶.

Leaders do not agree on how best to address the current form of global terrorism. A great deal of the disagreement has to do with the nature of the threat and the ideal way to tackle it. For instance, some leaders consider the form of militant Islam as an intractable thing in which it is impossible to negotiate. Other leaders find less common ground about the concept of war against terrorism because military actions might result in terrorist reprisals or the use of terror by the state in order to control its own people. Some support the idea that terrorism is a crime which is best dealt with through law enforcement practices.

By addressing terrorism as a police problem, governments defend the rule of law, preserve the moral high ground and democratic principles preventing the setting up of martial law. The military shall only be used under extreme conditions and even then its employment might have negative effects. According to this view, terrorism is best addressed inside state borders and through cooperative international law enforcement efforts to detain suspects and provide them with due process.

Although there are still controversies over how best to address terrorism conceptually, pragmatically the biggest challenges reside in finding terrorists and isolating them from their means of support. Terrorism continues to be a complex phenomenon in which the use of violence serves the purpose of obtaining political power to restore grievances that might have become more intense also through globalization. The challenge for the global community will be in making use of its advantages to win the war of ideas which inspires and supports those responsible for the current wave of terrorist brutality.

Conclusion

In recent decades, fragmentation and globalization have weakened or destroyed centralized nation states as different as the USSR, Yugoslavia, Sudan and Czechoslovakia. A crucial question is whether new kinds of political community which

³⁶ Ibidem, 369.

are more respectful of cultural differences and more cosmopolitan than their predecessors are going to emerge in the future phase of globalization.

Post-national entities are indispensable if the problem of climate change is to be solved, if global poverty is to be reduced and if the democratic control of global processes and institutions is to be promoted. The relationship between the state and globalization has to be placed in a long-term perspective. European states were the pioneers of globalization in the sense of constructing interconnections between societies that had been isolated from each other before. Thus, it is inaccurate to believe that globalization is a recent phenomenon which intrudes from the outside on nation states and the states-system.

It is a matter of fact that greater levels of interdependence expose communities to forces that they are simply not able to control on their own, even though great powers are better equipped than small countries to secure the outcomes they wish for. The phenomenon of globalization generates incentives for countries to adjust their interests to each other and to think about how to manage the patterns of interdependence affecting them. However, it does not certify that they will ever reach the point in which global interests are as important as national ones.

Cosmopolitans have been criticized for misjudging the complexities in realizing such a transition. Attempts to boost the sense of being a citizen of the world are going to fail most of the times because citizenship is linked with the rights and duties one has within specific countries³⁷. By contrast, one consequence of globalization is that people are linked to each other all over the world as never before in the history of mankind. As a result, difficult questions about the principles that should bind them together cannot be avoided.

It is hard to say whether globalization is going to eventually lead to a solid sense of identification with the species or to a greater commitment to cooperate with other peoples in developing a cosmopolitan community. Nevertheless, it is almost certainly not wise to assume that one single trend is going to take over. However, it is certain

³⁷ See Micheal Walzer, "Spheres of Affection", in *In Defence of Country*, ed. Martha Nussbaum (Boston, MA: Beacon Press, 2002).

that how communities and people should react to the challenges of global interdependence is the most crucial moral and political challenge of the current age.

CHAPTER II

Introduction

In the previous chapter it has been anticipated how governments have lost, in some important ways, control over their own economies as a result of the processes of globalization. Because of interdependence, globalization of economies, the diffusion of ideas, the introduction of worldwide norms and various other transboundary dynamics, it is assumed that states and their governments are less and less capable of achieving their objectives than they used to in the past³⁸. Put more concisely, the trendline portraying the competence of states entails a downward slope.

However, it is still appropriate to identify the state as a central entity in international relations today. The very concept of acting and thinking politically presumes the individual's citizenship in a specific state. Consequently, there is no politics without a *polis*. Despite the fact that states may be imperfect institutions of the human communities, since they might lack religious, ethnic and cultural homogeneity, they will still constitute the first and chief point of reference for individuals.

The task of states is not only that of allowing individuals the right to participate in the running of the *polis*, but also, essentially, that of representing their own citizens at the international level³⁹. Individuals do not have a role to play inside the international community, except as citizens of their state.

The relatively recent collapse of some nation states – most notably the Soviet Union and Yugoslavia – has shown among other things how challenging it is for people devoid of a state to have a voice in today's international arena. Also these circumstances make it meaningful to investigate other and more progressive models of organization of the international society.

³⁸ James N. Rosenau, "The Adaptation of the United Nations to a Turbulent World," in *Past Imperfect, Future Uncertain: The United Nations at Fifty*, ed. Ramesh Thakur (London, Macmillan Press Ltd: 1998), p.181.

³⁹ Daniele Archibugi, "The Reform of the UN and Cosmopolitan Democracy: A Critical Review," *Journal of Peace Research* 30, no. 3 (August 1993): 304.

This second chapter is going to deal mainly with the United Nations, analysing its contradictions in the context of the developments and challenges which have been addressed in the course of the previous chapter. This will serve the purpose of showing how an effective global governance is still missing and how this absence eventually translates itself into an increasing centralization of power within national governments. Indeed, in the subsequent section the focus is going to shift towards the tendency to turn to executives in times of crisis, what are the theoretical grounds behind such a phenomenon and how it developed throughout history. The final section of this chapter will analyse how democratic principles and democracy as a whole are affected by these processes, what are the concrete consequences in terms of governance and safeguard of human rights.

1. IOs and the United Nations

The serious identity crisis which several nation states are currently facing shall not automatically imply the ending of a form of political organization which has endured, in one way or another, for centuries. The undisputable crisis of the nation state must be differentiated between that which has to be attributed to internal ambiguities and that which is linked to the difficulty of dealing with international integration.

The first reason for the existence of the state is security: the *Leviathan* releases individuals from the terrors of the state of nature and provides sufficient conditions for their acceptance of the role of subject. Building on this Hobbesian observation, an organic theory of the power of the state follows, suggesting the impossibility of extending the social contract beyond the state's frontiers and leaving international relations in a condition of anarchy⁴⁰.

The persistence of the role of modern states, as well as their struggle in fully realizing their promise of democracy, depends largely on their failure to integrate themselves internationally with other states⁴¹. This suggests that democratic states are imperfect as political entities as long as there are no institutions capable of democratically linking their citizens to other states' citizens.

⁴⁰ See Hedley Bull, *The Anarchical Society* (London: Macmillan, 1977).

⁴¹ See Mary Kaldor, *The Imaginary War* (Oxford: Blackwell, 1990).

1.1 International Organizations

Nowadays, international organisations (IOs) are considered to be very important in contemporary international relations given the economic, political and technical roles that they play in the interest of their membership and in accordance with the set out goals contained in their constituent instruments.

To keep being pertinent at this, IOs have to make timely and needed changes to their structural organs, aims and nomenclature in order to deal with new challenges and to adapt to ever-changing times in the present dynamic and complex international system.

In the course of history, just some intergovernmental organisations were successful at this. For instance, the European Union in 1951 was the European Coal and Steel Community. After that, in 1957, it became the European Economic Community and later turned into the European Union in 1993. The Organisation of African Unity (OAU) is another good example. It was created at the peak of the Cold War in 1963. Upon the decolonisation of the African territories, in 2002 the OAU became the African Union in order to address the economic, political and security problems concerning African countries in the 21st century.

1.2 United Nations

As it has been shown in the previous chapter, the world is undergoing enormous transformations. These have encouraged the international community to turn more and more to the United Nations in many ways. As a matter of fact, the United Nations, widely recognized as the world's universal international organisation, has failed to carry out a comprehensive reform of the organisation in the 21st century⁴².

The credibility of the organization has been questioned more frequently in the last decades, especially in the 1990s during events such as the siege of Sarajevo, the genocide in Rwanda, NATO's intervention over Kosovo, the Anglo-American invasion of Iraq and after each terrorist attack around the globe.

⁴² Adeleke Olumide Ogunnoiki, "Reforming the United Nations in the 21st Century: A Discourse on the Enlargement, Democratisation and the Working Methods of the Security Council," *International Journal of Advanced Academic Research* 4, Issue 6 (June 2018), p. 41.

The United Nations is losing its legitimacy and reliability in terms of its primary responsibility of maintaining international peace and security. Some even maintain that the role of international organizations alike has been most significant when least needed, and irrelevant when most needed⁴³.

Such statements are perhaps rooted in the common belief that the United Nations would become a much more efficient centre of power, especially in the post-cold war geopolitical stage. For four decades after 1945, it was somehow paralysed by the veto power, formal and substantial, of the two superpowers, the United States and the Soviet Union.

Some have claimed that for this reason the organization perfectly embodies the tragic paradox of our age in institutional form, that is having become indispensable before it has become effective⁴⁴.

However, after the era of bipolar duelling was gone after the fall of the Berlin wall in 1989 and the collapse of the Soviet Union in 1991, many hoped that a realist worldview would give way to a wider project of global controlled cooperation and to see the Cold War's victorious side – the liberal West dominated by the United States – experience a critical political transformation.

The outcome of these aspirations resulted in an ambitious project: to make the United Nations the main institution on the international stage, and in so doing to fill the institutional gap between the United Nation's official duties and its real power. At the centre of the project was the principle of democracy, but with a global character⁴⁵.

What turned out to be the big illusion of the late 1980s and early 1990s was that the conclusion of the Cold War would automatically imply an effective United Nations⁴⁶ and it rested on the hope that the Security Council, after decades of paralysis, would finally assume its primary duty, that is the maintenance of international peace and security, more effectively.

⁴³ Daniele Archibugi, "The Reform of the UN and Cosmopolitan Democracy: A Critical Review," *Journal of Peace Research* 30, no. 3 (August 1993): 303.

⁴⁴ Herbert Nicholas, "United Nations?," *Encounter* 18, no. 2 (February 1962), p. 3.

⁴⁵ Daniele Archibugi, Raffaele Marchetti, "What to do with the United Nations?," *OpenDemocracy* (08 September 2005), p. 1.

⁴⁶ Mats Berdal, "The UN security council: ineffective but indispensable," *Survival*, 45, no. 2 (Summer 2003), p. 9.

Regardless of the failures of the different reform processes since the birth of the United Nations, suggestions for revision of the organization's structure still animate the debates of foreign ministries and civil society organisations all over the globe.

Reform of the organization has been under discussion for decades. Even though some reforms in the workings of the United Nations have been accepted during the post-war period, real radical proposals, involving an extensive transformation of its functioning, have remained a dead letter⁴⁷.

The main obstacle every time was the contention between the two superpowers, which incapacitated any attempt to provide international organizations with enhanced powers. It was not thus surprising that one effect of the end of the Cold War was a relaunching of the discussion on the reform of the international organizations, including the United Nations.

Anyway, the enthusiasm with which such proposals had been advanced was almost instantly sidelined because of the Gulf War. It was clear that law could lend itself to ambiguous interpretations, and that international organizations, including the United Nations, could start actions at odds with those intended by the proposed reforms.

For nearly five decades the actions of the organization have been disregarded or circumvented by member states over and over again. In all the disputes both big and small, both explicit and hidden, the *raison d'état* has taken precedence over legal principles. In fact, the activities of the international institutions have proven efficacious only in those instances where an agreement, implicit or explicit, already was in place between the most powerful states.

Daniele Archibugi argued that the United Nations can play a proper role in those cases in which there is not a significant gap between the will of those holding effective power (in the last decades, the United States) and what international legal norms dictate⁴⁸. From this follows the suggestion that any transformation in the organisation has to cut

⁴⁷ For a review of the 'realistic' proposals, see Joachim W. Müller, ed., 1992. *The Reform of the United Nations* (New York: Oceania Publications, 1992). More radical proposals were made as early as in the 1960s: see Grenville Clark, Louis Sohn, *World Peace through World Law* (Cambridge, MA: Harvard University Press, 1966) and Richard Falk, C. E. Black, *The Future of the International Legal Order* (Princeton, CA: Princeton University Press, 1969).

⁴⁸ Daniele Archibugi, Raffaele Marchetti, "What to do with the United Nations?," *Open Democracy* (08 September 2005) https://www.opendemocracy.net/en/un_2816jisp/ (Accessed August 11, 2022), p. 2.

down the distance, and make the politics of the United Nations closer to that of Washington D.C.

In Archibugi's perspective this is the core of the issue at stake in the discussion over reforms of the organization: any effective change in the United Nations is unconceivable without the consent of the United States⁴⁹. Any institutional transformation has to take into consideration the agenda of the world's superpower, the country that hosts the organization's headquarters and is supposed to pay about a very important share of its ordinary budget. Even though this reasoning may be easily depicted as anachronistic in the present multipolar world, it is still useful to face the reality in which certain decisions cannot be made without the direct or indirect consent of the world most influential powers.

Also for this reason IOs, such as the United Nations, have often been depicted as suffering from a "democratic deficit"⁵⁰. As a matter of fact, nowadays, the charge of being "undemocratic" is no longer levelled at states only. Democracy has increasingly become a standard for the legitimacy of all kinds of political association.

1.2.1 General Assembly

In the main institution of the international community, the United Nations General Assembly, the electoral criterion of 'one state, one vote', is scarcely 'democratic'⁵¹: the vote of a tiny state has the same importance of that of huge states such as China, India or the United States, meaning that governments that represent less than one tenth of the world's population, or less than 5% of the planet gross product, have the potential to cast the majority of votes in the General Assembly.

If the real power of the United Nations is to be improved, the problem of the different sizes of states has to be confronted one way or another. One easy solution could be giving weighted votes, according to population and/or other criteria, to the governments of each country in the General Assembly. For instance, to increase the political role of the General Assembly, Stassen has proposed the weighting of states'

⁴⁹ Ibidem.

⁵⁰ Andrew Nicol, "The 'Democratisation' of the United Nations: A Critique of the UN Reform Agenda," *FJHP* 23 (2006), pp. 1-15.

⁵¹ Daniele Archibugi, "The Reform of the UN and Cosmopolitan Democracy: A Critical Review," *Journal of Peace Research* 30, no. 3 (August 1993): 307.

votes according to a composite index which includes population, national income and productivity growth⁵².

Another way of dealing with the issue could be more radical, creating a parallel body to act as the expression of individuals and not of their governments⁵³. On a reduced scale, something similar to this has already been realized within the European Union. This is built on, first, a body with real power, the Council of Ministers, with the 'one country, one vote' principle; and second, on an entity with limited powers, the European Parliament, elected by universal suffrage and with the number of members in proportion to the populations of the member states.

1.2.2 Security Council

According to the existing Charter, the entity responsible for taking executive decisions is the Security Council. This is composed of 15 Member States. These countries fall into two categories of seats in the Council. The first tier is the permanent seat, occupied by five nuclear powers – United States, Russia, United Kingdom, China and France. The second tier, the non-permanent seat is for 10 elected Member States belonging to different areas of the world - Africa (3), Asia (2), Latin America (2), Western Europe and others (2) and Eastern Europe (1). In accordance with Article 18(2) of the UN Charter⁵⁴, the election of the 10 non-permanent members is decided by a two-thirds majority vote in the General Assembly. According to Article 23(1)(2)⁵⁵, these non-permanent members are elected for a two years term, upon due consideration of their contribution to global peace and security and also equitable geographical distribution. Moreover, a retiring non-permanent member shall not be eligible for re-election immediately afterwards.

Decisions on non-procedural matters are taken on a vote of 9 out of 15, but must include a favourable vote by all five permanent members, therefore they hold a right to veto all the decisions of the Council. The veto privilege was included in the UN

⁵² Harold Stassen, "We the Peoples of the World," in *Building a More Democratic United Nations*, ed. Frank Barnaby (London: Cass, 1991), 36-45.

⁵³ The most radical proposal from the CAMDUN Conferences (1990) concerned the institution of a UN Second Assembly, which, in accordance with the preamble of the UN Charter ('We, the Peoples of the United Nations'), would represent the peoples rather than their governments. For an analysis of such proposals see Newcombe Hanna, "Proposals for a Peoples' Assembly at the United Nations," in *Building a More Democratic United Nations* ed. Barnaby (London, Cass: 1991), pp. 83-92.

⁵⁴ United Nations 'Charter of the United Nations' (26 June 1945) DPI/511, art. 18, para. 2. [hereinafter UN Charter].

⁵⁵ UN Charter, art. 23, para 1 and 2.

Charter based on the belief that to solve global crises the cooperation of the world's most powerful countries was required.

However, over the decades, the unanimity of the permanent members has been rare due to the right to veto a resolution. This has been frequently employed to protect states that have close cultural, economic or political ties with those five countries⁵⁶. As a result, the Council as the veritable United Nations body for the maintenance of peace and security at the international level was paralysed more often than not.

At the end of the Second World War the veto power could be understood as a legal codification of the agreed status quo, with the triumphant powers not willing to go up against each other's freedom of action. Indeed, when the organization was formed, the five permanent members justified their permanent seat based on the 20th century balance of power. However, more than seven decades after the end of the Second World War, the geopolitics of the world has changed significantly.

As a matter of fact, it is often claimed that the Security Council has become anachronistic, as it is still a reflection of the post-World War II international system⁵⁷. This problem is reflected in the Council's composition. For instance, at the moment, there are no representatives of the decolonised African continent, Latin America and the Middle East in the permanent seat tier. Instead of the permanent seats to be occupied by the established and rising powers of the present century, they have been kept as a kind of compensation for the victorious Allies of the Second World War, some of which are fading economic and military powers which are no longer able to contribute significantly to the preservation of global peace and security⁵⁸.

However, even in the case in which the power of veto is to be judged on grounds of its practicality rather than its rationality, today it can be considered as an inheritance of the past rather than an element of international stability. Again, the global picture

⁵⁶ See Yolanda K. Spies, "The Multilateral Maze and (South) Africa's Quest for Permanent United Nations Security Council Representation" *University of Pretoria* <https://repository.up.ac.za/handle/2263/6308> (Accessed August 11, 2022) and Wouters & Ruys, "Security Council Reform: A New Veto for a New Century," *Institute for International Law*, Working Paper No. 78 (2005), 1-35.

⁵⁷ Adeleke Olumide Ogunnoiki, "Reforming the United Nations in the 21st Century: A Discourse on the Enlargement, Democratisation and the Working Methods of the Security Council," *International Journal of Advanced Academic Research* 4, Issue 6 (June 2018), p. 43.

⁵⁸ Sonia Rothwell, "Security Council Reform: Why it Matters and why it's not Happening," *Open Democracy* (07 September 2013) <https://www.opendemocracy.net/en/opensecurity/security-council-reform-why-it-matters-and-why-its-not-happening/> (Accessed August 11, 2022)

has changed a lot since the end of the Second World War. The decline of some states has seen the rise of others.

Moreover, in no other constitution or organization based on democratic principles is it accepted that few members have the power to invalidate what the majority decide. The victorious powers of World War II have arrogated to themselves crucial power over this body⁵⁹. What would happen if the power of veto existed within a national political system? It would not be easy to imagine a national government where the ministers of some regions could exercise veto power.

The existence of such power also goes against one of the principles of the UN Charter, which stipulates the equal sovereignty of states⁶⁰. Thus, it is not surprising that ever since 1945 both smaller countries and jurists have been against it⁶¹.

Due to the five permanent members abuse of the veto power the Council has not been at its best in preserving global peace and security. Indeed, on various occasions such power has been used to protect their interests and that of their allies, de facto harming the well-being of the international community⁶². As a result, the Council has not only been losing its credibility internationally as the safeguard of global peace and security, but has been risking becoming an irrelevant body in the nearest future⁶³. In this regard, Helen Leigh-Phippard asserted that “the history of the Security Council has shown that its permanent members act, not in pursuit of the ideals and aspirations set out in the UN Charter, but in pursuit of their respective national interests”⁶⁴.

The 1945 Charter itself, as the constituent instrument of the United Nations, makes any reform of the Security Council very challenging. As it is, the Charter does not contain provisions for the replacement of its permanent members let alone the addition of new ones. Any attempt at adjusting the UN Charter in a direction that goes against

⁵⁹ See Hans Köchler, *The Voting Procedure in the United Nations Security Council* (Vienna: International Progress Organization, 1991).

⁶⁰ UN Charter, art. 2, para. 1.

⁶¹ See Hans Kelsen, “Organization and Procedure of the Security Council of the United Nations,” *Harvard Law Review* 59, no. 6 (1946), 1087-1121.

⁶² Adeleke Olumide Ogunnoiki, “Reforming the United Nations in the 21st Century: A Discourse on the Enlargement, Democratisation and the Working Methods of the Security Council,” *International Journal of Advanced Academic Research* 4, Issue 6 (June 2018), p. 53.

⁶³ Berdal Aral, “Time to Reform the United Nations,” *Politics Today* (25 September 2017) <https://politicstoday.org/time-to-reform-the-united-nations/> (Accessed August 11, 2022).

⁶⁴ Helen Leigh-Phippard, “Remaking the Security Council: The Options,” *The World Today* 50, nos. 8-9 (1994), 168.

the interests of the permanent members would be unrealistic because of Article 108 of the Charter which states that for any amendment of the Charter to take place, there must be a two-thirds majority vote in the General Assembly that must also be ratified by two-thirds of the Member States including the permanent members before the constitutional review of the Charter can take effect⁶⁵. Therefore, it is clear that it is very likely that any attempt of this kind would be vetoed⁶⁶.

In the course of the post-Cold War period, the general assumption that concerns of international peace and security ought to be referred to the Security Council has proved strong. Particularly, all five permanent members, though for different reasons, have retained a strong interest in making sure that the Council does not become weakened, despite its malfunctions. The Council is the only forum of its kind and the five permanent members have their own compelling reasons for ensuring that its role, status and authority in international affairs is not marginalised.

As far as the United Kingdom and France are concerned, their permanent position reflects the reality of a distant era and gives them a standing out of proportion to their actual ability to contribute to the maintenance of international peace and security. Both are aware that permanent membership of the Council is for them a unique privilege that guarantees them influence, authority and prestige⁶⁷.

Like Britain and France, the Russian Federation is aware that holding a permanent seat at the Security Council represents a key element in its claim to be recognized as a great power. The fall of the Soviet Union was deeply upsetting for the Russian foreign-policy elite and induced within it a deep concern about its international standing alongside other Security Council members⁶⁸.

China is far more comfortable about its status: it has never doubted that it is a superpower. Nevertheless, it has always been aware of the fact that its permanent seat at the Council represents an essential instrument through which it can spell out what it is against: basically, anything that can be interpreted as challenging the

⁶⁵ UN Charter, art. 108.

⁶⁶ *Ibidem*.

⁶⁷ Mats Berdal, "The UN security council: ineffective but indispensable," *Survival*, 45, no. 2 (Summer 2003), p. 12.

⁶⁸ *Ibidem*, p. 13.

principle of non-intervention in the internal affairs of member states and anything that can be seen as supporting Taiwan's claim to full independence⁶⁹.

On the face of it, the value and the utility of the Security Council is much less obvious to the United States than to its colleagues on the Council. Nevertheless, the United States has repeatedly been drawn back to the United Nations, realizing that the legitimacy it confers on its activities, if not necessary to taking action, is hugely costly to overlook⁷⁰.

In this international political situation, the current structure of the Security Council embodies the main obstacle to the smooth functioning of the organization. There is no escaping the fact that when the success or failure of the United Nations is to be measured, the measuring stick applied is the ability of the organization to restore or maintain peace.

The question that many scholars have asked is how long it will remain acceptable to preserve the political balance of power resulting from the end of the Second World War, and whether it is not now time to make the abolition of the veto a principal political objective⁷¹.

1.2.3 Other shortcomings

Apart from the democratic deficit of both the General Assembly and the Security Council, another field in which the United Nations has not met its expectations is that of disarmament. In this regard it is required to keep in mind that the UN Charter is a pre-nuclear treaty. Disarmament is not included in the purposes and principles set out in Articles 1 and 2, and is not mentioned until Article 11⁷², which states that the General Assembly may make recommendations to members and to the Security Council about the principles governing disarmament.

Another question mark within the United Nations is its reputation for bureaucratic inefficiency and its admitted near-bankruptcy⁷³. Having taken into account all of this

⁶⁹ Ibidem.

⁷⁰ Ibidem, p. 14.

⁷¹ Daniele Archibugi, "The Reform of the UN and Cosmopolitan Democracy: A Critical Review," *Journal of Peace Research* 30, no. 3 (August 1993): 312.

⁷² UN Charter, art. 11.

⁷³ Malcolm Templeton, "The Achievements and Shortcomings of the United Nations," in *Past Imperfect, Future Uncertain: The United Nations at Fifty*, ed. Ramesh Thakur (London, Macmillan Press Ltd: 1998), p. 28.

and the fact that the project to place the United Nations at the centre of democratic global governance basically failed, yet this did not imply that the organisation has been sidelined.

Indeed, to rethink the United Nations supports the idea that the democratisation of international institutions is as important as domestic democratisation, and that the former might have a vital role in the latter. It shows an alternative political approach to the “export” of democracy: rather than compelling poor nations to embrace the democratic creed through military occupation, it aims to demonstrate that free peoples are ready and willing to include other peoples who aim at self-government and tolerance within their wider community⁷⁴.

Still, a universal organization capable of effectively addressing all the mentioned challenges does not exist. As a result, states have to find solutions on their own even though, as it has been seen, they are obsolete entities to cope with such a task. The outcome is more pressure on their shoulders and the next part is about what this pressure actually implies.

2. The rise of executives power

As Friedrich⁷⁵ put it, the doctrine of a separation of executive and legislative powers has represented one of the main tenets of Western constitutionalism, related as it is to concepts of democratic rights and popular sovereignty. Advocated by Locke⁷⁶ and later on by Montesquieu⁷⁷, the separation of powers was most vividly institutionalized in the United States Constitution, in the French Charte Constitutionnelle adopted in 1814 by Louis XVII, in the constitutions of many Länder before the German unification and in several of the modern states constitutions.

While the basic concept of separation of powers is that the executive, the assembly and the judicial powers are given separate roles and functions, in fact they overlap to some extent so that they share power and check and balance each other. This is the

⁷⁴ Daniele Archibugi, Raffaele Marchetti, “What to do with the United Nations?,” *Open Democracy* (08 September 2005) https://www.opendemocracy.net/en/un_2816jsp/ (Accessed August 11, 2022), p. 2.

⁷⁵ Carl Friedrich, “The development of executive power in Germany,” *American Political Science Review* 27 (1933), 185–203.

⁷⁶ See John Locke, *Second treatise of government* (Indianapolis: Hackett, 1980).

⁷⁷ See Charles-Louis Montesquieu, *The spirit of the laws* (Cambridge: Cambridge University Press, [1748] 1989).

case nowhere more so than in the United States, where Congress's legislative power is influenced by the president's ability to suggest and veto congressional legislation.

In a similar way, Article 39 of the Fifth French Republic's Constitution assigns the legislative power to the parliament and to the prime minister, who both have the right to start legislation, as well as to the president (Article 10), who has the power to ask the assembly to revive a debate on a law. In Italy, the 1948 Constitution provides both the executive and the parliament (any member thereof) with the power to present bills, but it involves the president promulgating them after they are approved in both chambers of the parliament, which he may refuse to do (Article 74)⁷⁸.

Then, constitutional provisions in several states institutionalize various balances of power between the executive and legislative branches. Therefore, in some systems, the executive has the power to set the agenda for legislative committees, whereas in others, assemblies can supervise government initiatives and decisions, thereby offering greater advantages to the executive to push its agenda through the legislative branch and avoid scrutiny and supervision⁷⁹.

However, what happens in times of crisis is a different story. Indeed, there is a documented tendency to turn increasingly to the executive when it comes to emergencies and this has always been the case.

2.1 The phenomenon in the past

The Republic of Rome used to appoint dictators in order to deal with an emergency, but only for six months. In the Middle Ages, Italian city-states used to appoint *condottieri* (warriors) or noblemen as *podestà* or *capitani del popolo* in order to cope with internal disorders or dangers coming from the outside — rescuers who frequently would become the sovereigns (*Signori*) of the cities that they were asked to protect⁸⁰. In the Third French Republic (1870–1940) the Constitution included special executive

⁷⁸ John E. Owens, Riccardo Pelizzo, "Rethinking Crises and the Accretion of Executive Power: The 'War on Terror' and Conditionality Evidence From Seven Political Systems," *Asian Politics & Policy* 5, no. 3 (2013), p. 323.

⁷⁹ See Riccardo Pelizzo & Frederick Stapanhurst, *Parliamentary oversight tools* (London: Routledge, 2012).

⁸⁰ John E. Owens, Riccardo Pelizzo, "Rethinking Crises and the Accretion of Executive Power: The 'War on Terror' and Conditionality Evidence From Seven Political Systems," *Asian Politics & Policy* 5, no. 3 (2013), p. 326.

powers (*pouvoirs pleins*) and functions in times of emergency. In Germany under Article 48 of the Weimar Constitution (1919–1933), it was written:

“if in the German Reich the public security and order are significantly disturbed or endangered, the President [may] utilize the necessary measures to restore public security and order, if necessary with the aid of armed force. For this purpose, he may provisionally suspend, in whole or in part, the basic rights established in Articles 114, 115, 117, 118, 123, 124, 153”.⁸¹

Overall, from the Roman Republic to the Italian city-states during the Renaissance, from the French Third Republic to Weimar, history provides lots of examples in which in the event of an emergency institutional provisions include the concentration of power. This is why academics have suggested the presence of a causal relationship between crises and the growth of executive power.

More recent democratic constitutions have also provided more powers to the executive in times of crisis, but only for as long as that was in place. Therefore, United States President Abraham Lincoln and later Franklin Roosevelt claimed and exercised exceptional powers during the Civil War and World War II respectively, legitimated by what Dicey calls “acts of indemnity” to legitimise action - including illegal action - already taken by the executive, withdrawn or left unchallenged⁸².

2.2 The war on terror

What occurred in New York and Washington on 11 September 2001 and the subsequent so-called *war on terror* professed by George W. Bush undoubtedly represented a crisis, not only in the United States but also in other political realities, partly because of the US’s hegemonic position in shaping and influencing many other countries’ foreign and domestic policies. External shocks to democratic systems often endanger the balance of relations between the executive and the representative

⁸¹ See Hans J. Morgenthau, “Review of Clinton L. Rossiter,” *Constitutional Dictatorship. American Journal of Sociology* 54 (1949), 566–567.

⁸² See Albert Venn Dicey, *Introduction to the study of the law of the Constitution* (London: Macmillan, 1908) and Oren Gross, “Stability and flexibility: A dicey business,” in *Global anti-terrorism law and policy* ed. Victor Ramraj, Michael Hor, & Kent Roach (Cambridge: Cambridge University Press 2005), 90–106.

assembly. Moreover, they can disrupt and threaten constitutional politics, and damage democratic institutions.

Several scholars have argued that critical events (war, civil wars, terrorist attacks, and other crises) may contribute to a strengthening of the executive⁸³. Since emergencies require immediate responses and executives are thought to be more capable than parliaments and legislatures of taking such actions, more power is concentrated in their hands. In addition, by effectively managing emergencies, executives gain greater legitimacy in the eyes of the people. When this occurs, executives may institutionalize their enhanced powers.

To provide a recent example, various studies have examined the impact of the *war on terror* on executive-legislative relations in different countries and found that it generally resulted in increasing executives' power at the expense of national assemblies.. For instance, in three cases (Britain, Russia and the United States), terrorist attacks or threats brought about an increase of executive power and to a weakening of the legislative. Another case is Australia, in which the "war on terror" provided the justification for the expansion of executive power, but did not cause a deterioration of the legislative.

Analysing the British case, Shephard has investigated how (a) the British executive generated new powers for itself following the 7/7 attacks, increasing its power vis-à-vis the parliament; (b) the government has tried to circumvent scrutiny and supervision; (c) Parliament was an inactive and ineffective supervisor of Prime Minister Tony Blair and his board on matters concerning the *war on terror*; and (d) these new powers weakened the government's legitimacy, reduced Blair's stay in Downing Street and had Brown's government to recalibrate parliamentary relations.⁸⁴

⁸³ See Joseph Cooper, "From congressional to presidential preeminence: Power and politics in late nineteenth century America and today," in *Congress reconsidered* ed. Lawrence C. Dodd & Bruce I. Oppenheimer (Washington, DC: CQ Press, 2005), 363–393; Dicey, *Introduction to the study of the law of the Constitution*; David R. Mayhew, "Wars and American politics," *Perspectives on Politics* 3 (2005), 475–493; Clinton L. Rossiter, *Constitutional dictatorship* (Princeton, NJ: Princeton University Press, 1948); Carl Schmitt, *Political theology: Four chapters on the concept of sovereignty* (Chicago: Chicago University Press [1922] 2005).

⁸⁴ Mark Shephard, "Parliamentary scrutiny and oversight of the British 'war on terror'," in *The "war on terror" and the growth of executive power? A comparative analysis* ed. John E. Owens & Riccardo Pelizzo (New York: Routledge, 2010) 87–116.

The Russian case also shows a solid causal relationship between terrorist attacks and a growth in executive power, with Russian President Vladimir Putin using the attacks as an excuse to centralize power “at the expense of the autonomy of parliament and of regional governments”⁸⁵.

The case of the United States reveals an analogous outcome, even though the details are different from both Britain and Russia⁸⁶. The long-term tendency in the past century to increase executive power at the expense of the Congress was speeded up by the 9/11 attacks and by George W. Bush’s “presidentialist” theory of government, which downgraded Congress’s supposed coequal role in the U.S.’s separated system and considered the assembly as an impediment to decisive government. However, the tendency to more executive reinforcement was deepened by Congress’s reluctance to take on effective supervision of the Bush administration, generally complying to the president and not opposing executive misinformation. In all three cases, then, the executive exploited terrorist attacks to expand its power, avoid assembly scrutiny, and tilt the balance of executive-assembly relationships toward the executive.

2.3 Carl Schmitt and decisionism

Schmitt and Rossiter regarded the causal link between emergencies and the strengthening of executive power as necessary and unavoidable. In order to face an “exception”—or critical event—Schmitt claims that political order cannot be retained by constitutional provisions alone, but by a “sovereign”, an extra-constitutional authority who enjoys a

monopoly to decide . . . whether there is an extreme emergency as well as what must be done to eliminate it. Although he stands outside the normally valid legal system, he nevertheless belongs to it, for it is he who must decide whether the constitution needs to be suspended in its entirety.⁸⁷

⁸⁵ Thomas Remington, “Putin, Russia and presidential exploitation of the terrorist threat,” in *The “war on terror” and the growth of executive power? A comparative analysis* ed. John E. Owens & Riccardo Pelizzo (New York: Routledge, 2010), p. 118.

⁸⁶ John E. Owens, “Congressional acquiescence to presidentialism in the US ‘war on terror’: From Bush to Obama,” in *The “war on terror” and the growth of executive power? A comparative analysis* ed. John E. Owens & Riccardo Pelizzo (New York: Routledge, 2010), 33-86.

⁸⁷ Carl Schmitt, *Political theology: Four chapters on the concept of sovereignty* (Chicago: Chicago University Press [1922] 2005), p. 7.

Some years later Rossiter argued something similar:

In time of crisis constitutional government must be temporarily altered to whatever degree is necessary to overcome the peril and restore normal conditions. This alteration invariably involves government of a stronger character; that is, the government will have more power and the people fewer rights—a 'constitutional dictatorship.'⁸⁸

Nevertheless, while Rossiter claimed that emergencies caused a momentary expansion of executive power, other scholars consider such events responsible for the acceleration of a long-term secular tendency towards executive strengthening⁸⁹. What is occurring in the present suggests that crises of different types are increasing and getting more frequent as well, almost as if there is always a new (or old) emergency to deal with. Schmitt argued that a constant state of emergency translates into what he would call the state of exception. To better understand the concept a brief analysis of the German thinker is required.

Carl Schmitt was an author who used to criticize liberalism and his critique could be summarized by one single concept: decisionism. In his view, decisionism meant the opposite of normative thinking and a conception of politics based on the ideal of rational discussion. As a legal doctrine, decisionism holds that in critical circumstances the realization of the right depends on a political decision devoid of normative content.

From an ethical-political perspective, however, the essence of decisionism does not imply the absence of values and norms in political life but the conviction that these cannot be selected through a process of rational deliberation between alternative worldviews. Values and norms must be interpreted and decided by those in power. In its philosophical dimension, Schmitt's decisionism is a reaction against the principles of criticism inherited from the Enlightenment.

⁸⁸ Clinton L. Rossiter, *Constitutional dictatorship* (Princeton, NJ: Princeton University Press, 1948), p. 5.

⁸⁹ See Joseph Cooper, "From congressional to presidential preeminence: Power and politics in late nineteenth century America and today," in *Congress reconsidered* ed. Lawrence C. Dodd & Bruce I. Oppenheimer (Washington, DC: CQ Press, 2005), 363–393.

Schmitt shared with Max Weber the disappointing conclusion that the process of rationalization of the Western world culminated in the creation of a mechanized and predictable civilization in which humanity is trapped as if it were an iron cage⁹⁰. The decisionist theory was presented as the original answer that would allow people to escape from that prison.

Decisionism lacks autonomy as a political and legal doctrine. It has been founded more on a systematic denial of the values held by liberalism than on a coherent set of scientific propositions about right and the state. Once all forms of liberal politics have been destroyed, decisionism leaves us with a political world that too closely resembles the inhuman machine that was supposed to fight.

Carl Schmitt introduced the term "decisionism" in the preface to the 1928 edition of *Die Diktatur*, in reference to the legal foundations of dictatorship and the theory of the state of emergency in constitutional law.

Schmitt rightly understands that the possibility of a government based on law depends on a certain conception of the political in which only discussion and rational argumentation are accepted as a method of conflict resolution. This is why he resorts to the notion of exception both in the legal sense of "state of exception" (*Ausnahmezustand*) and in the empirical-existential sense of "case-limit" (*Ernstfall*). The state of emergency – typically the case of civil war or revolution – fulfills both functions at the same time: it is the real limit case in which a government by law is impossible.

The concept of decisionism in Carl Schmitt can be more clearly defined by what it is not rather than by what it pretends to be. Whether in its legal, political or ethical dimension, decisionism appears as a relentless denial of all the values held by liberalism. From various points of view, decisionism could be described as the symmetrical inversion of liberal doctrine. It is the negation of constitutionalism and the opposite of a conception of politics founded on the ideal of rational discussion.

Schmitt deplored the image of an increasingly predictable and mechanized world, a world in which the prevailing technical-economic thinking made it resemble a gigantic

⁹⁰ See Max Weber, *The Protestant Ethic and The Spirit of Capitalism* (New York: Routledge, 1992), p. 181.

industrial plant. The political, the ever-present possibility of war, was for him the last line of defense of human beings in the name of real life. While in a world of alienated individuals crucial moral decisions dissipate into economic or technical-organizational discussions, decisionism attempted to rescue the political as a refuge from an authentic human existence. However, this doctrine marginalizes real individuals from every moral choice in the public sphere. Instead of allowing individuals to escape from the "iron cage" into which modern society has been transformed, decisionism culminated in legitimizing a world of fearful and mechanical individuals only capable of obeying the command of the one in charge.

Schmitt's refusal of liberalism is rooted in the belief that neutrality ultimately undermines the goal that it sets out to achieve, that is, to maintain peace among countries. This was exemplified by the Kellogg Briand Act in 1928 (the League of Nations' prohibition of war and aggression). In Schmitt's view the rule of law is another way of expressing the empty, formalistic nature of a liberal positivist law, which fails to ensure that a political decision can be made under extenuating circumstances.

In times of crisis, bargaining and discussing tends to challenge decisive action. It does so by putting the rules of war and individual rights before the absolute need to preserve the unity of the people. For Schmitt, constitutionalism brings about laws that limit, and even go against, the political unity (sovereignty) of the people⁹¹.

To preserve the democratic will of the people during emergencies requires the ruler to be outside the law, that is, to act as the absolute intermediary between the particular conditions and the preservation of the democratic will of the people. Such radical action continued to be vital in Schmitt's concept of political theology: that absolute state power is needed during emergencies to maintain the political unity of the state and the practicability of the constitution⁹².

Some scholars have investigated the possibility of making an analogy between Schmitt's state centric decisionism and a new form of decisionism, in which the international community devises a framework for a binding political decision to deal

⁹¹ See Heiner Bielefeldt, "Carl Schmitt's Critique of Liberalism: Systematic Reconstruction and Countercriticism," in *Law as Politics* ed. David Dyzenhaus (Durham, N.C.: Duke University Press, 1998), 23-36.

⁹² Carl Schmitt, *Political theology: Four chapters on the concept of sovereignty* (Chicago: Chicago University Press [1922] 2005), p. 50.

with crises⁹³. In the context of the United Nations such exceptionalism can be found in Articles 24 and 25 of the Charter, which allow, inter alia, the Security Council to surpass state sovereignty (under Chapter VII)⁹⁴. However, the first part of the present chapter has explained how the Security Council is structured, how it works and how easily global interests can be surpassed by national ones.

Though widely supported, history shows that the claim that an emergency automatically leads to a strengthening of the executive and to a bending of the constitutional balance of power towards the executive—more often than not together with allegations that a more powerful executive is a manifestation of Schmitt's concept of sovereign—is incorrect. Both the Roman dictators and the Renaissance *podestà* diverged from Schmitt's sovereign in one simple aspect, that is, they were not sovereign. Schmitt's sovereign is able to suspend and remove the constitution⁹⁵, whereas Roman dictators and *podestà* did not have such powers.

Therefore, even though the government is stronger in absolute and possibly in relative terms during emergencies, its power is nevertheless subject to some oversight and its expansion is not lasting, differently from Schmitt's concept of sovereign.

Analysing the work by Carl Schmitt is useful to better grasp what are the most extreme consequences of the tendencies addressed so far. It highlights even more the urgency to investigate the causes and possible solutions to contemporary challenges.

3. The crisis of democracy

There are scholars who support the idea that the rise of executives power today is different in nature compared to the one which would take place one century ago. According to Saskia Sassen, the increasing power of the executive today is a deeper

⁹³ Steven C. Roach, "Decisionism and Humanitarian Intervention: Reinterpreting Carl Schmitt and the Global Political Order," *Alternatives* 30 (2005), p. 451.

⁹⁴ UN Charter, art. 24 and 25.

⁹⁵ See William Scheuerman, "International Law as Historical Myth," *Constellations: An International Journal of Critical and Democratic Theory* 11, no. 4: 537-550; Chantal Mouffe, "Carl Schmitt and the Paradox of Liberal Democracy," in *The Challenge of Carl Schmitt* ed. Mouffe (London: Verso, 1999), pp. 38-53.

problem. It is a process that started in the 1980s and is part of the structural evolution of the liberal state⁹⁶.

3.1 The link with globalization

The birth of a global corporate economy has further bolstered the executive branch and weakened the legislative one. It began in the 1980s, when the current globalization phase started, and has grown ever since, no matter which country is taken in consideration or which parties were in power. Therefore, globalization has had its own autonomous effect in sharpening executive power and in weakening the legislature.

Sassen identified four trends in the global economy that encourage executive power:

- Some bodies of the administration (the treasury and the central bank for instance) have played a crucial role in developing a global corporate economy. They have become more powerful in the last decades thanks to the phenomenon of globalization, thereby strengthening the power of the administration. This model has repeated itself across the globe as countries get absorbed in the global economy.
- Intergovernmental organizations largely focused on the executive branch have developed well beyond issues of global security and criminality. The involvement by the state in the implementation of a global economic system has stimulated a whole range of new kinds of trans-border relationships among specialized government agencies centred on the globalization of capital markets, international standards and the new trade order.
- The principal global bodies, namely the International Monetary Fund and the World Trade Organization, together with lesser-known ones, bargain only with the executive branch. As a result, as the global corporate economy and the supranational system grow, executive power does as well.

⁹⁶ Saskia Sassen, "Beyond Party Politics: The New President and the Growth of Executive Power," *Dissent* 56, no. 1 (Winter 2009), 5-6.

- The privatization of once public functions has diminished the supervising role of the assembly, but increased the executive's role through specialized commissions.

The moral of Sassen's analysis is that, today, the liberal state is responsible for its own democratic deficit. Emergencies and crises become just a part of a greater issue that Sassen considers as intrinsic in liberalism. Even this analysis underlines the need to study alternatives to the current procedures. As executives are strengthened, the balance between executives and assemblies is not the only one affected. To some extent, democracy as a whole is affected as well.

Tendencies such as those which have been analysed so far increase the distance that already exists between the citizenry and the places of power. When assemblies are downgraded, the people are as well. In this way participation is discouraged and it results in either participating less or general discontent, both bad symptoms within any system which aspires to be called democratic.

3.2 Discontent, populism and human rights

Democracy seems to be in trouble, with populist and illiberal movements on the rise worldwide: for more than a decade, authoritarian populists all over the world have managed to reach power. It occurred in the Philippines and in India, in Brazil and the United States, in Poland and Hungary, and even though Rodrigo Duterte and Jair Bolsonaro were at first scorned as unskilled leaders who would soon be out of office, they proved themselves successful in keeping their popularity intact.

For a decade or more, examples of populist leaders being defeated on election day have not been many. Even though municipal initiatives going against this populist trend were not missing⁹⁷, looking at the past year, with the exception of Donald Trump, dictators and their followers have had a relatively good time: Vladimir Putin and Xi Jinping are more self-confident than ever; Alexander Lukashenko and Nicolás

⁹⁷ Lili Bayer, Siegfried Morkowitz, "Central Europe mayors pitch for EU cash to fight populism," *Politico*, February 11, 2020. <https://www.politico.eu/article/central-europe-mayors-pitch-for-eu-cash-to-fight-populism>.

Maduro, in Belarus and in Venezuela respectively, look as they have come through strong challenges to their rule⁹⁸.

Already in 2008 Larry Diamond, an important thinker in democratic theory, argued that a “democratic recession” was occurring⁹⁹. Indeed, every year, more states are becoming less democratic and, according to Freedom House’s last report, the aforementioned recession entered its 15th consecutive year, with 73 states becoming less democratic in the course of 2020¹⁰⁰.

It can be argued that the main reason of this democratic recession stems from a general discontent towards politics and how the phenomenon of globalization developed. Indeed, these rising movements often go against migration, international institutions and favour conservative policies which seem to reject what globalization implies. Rejecting globalization and what comes with it cannot be a long-term sustainable solution since globalization is unavoidable, but this resentment highlights that something has to be changed.

Today it is very easy for this discontent to translate into resentment towards the establishment. This happens because the widespread assumption is that politics is the entity which has the power to satisfy people's desires. But, as people find that many of their desires are not fulfilled, then the disappointment towards politics turns into resentment and even hatred.

Politically speaking, this resentment and discontent has brought, among other things, what nowadays is called the phenomenon of populism. There is no real definition of populism and the theories and arguments in this regard are numerous and constantly evolving¹⁰¹. The more the phenomenon grows in weight, the more it involves old and new parties, the more confusion - terminological and ideological - in public discourse.

⁹⁸ Yascha Mounk, “Trump Is Gone, but Democracy Is in Trouble,” *The Atlantic*, March 3, 2021. <https://www.theatlantic.com/ideas/archive/2021/03/freedom-houses-report-shows-democracy-introuble/618173>.

⁹⁹ Larry Diamond, *The Spirit of Democracy: The Struggle to Build Free Societies Throughout the World* (New York: Times Books, 2008), 56-87.

¹⁰⁰ Freedom House, ‘Freedom in the World 2021,’ (Washington: Freedom House, 2021), https://freedomhouse.org/sites/default/files/2021-02/FIW2021_World_02252021_FINAL-web-upload.pdf, 2.

¹⁰¹ For more insights on the debate about populism see Mudde Cas, Kaltwasser Cristobal Rovira, *Populism: A Very Short Introduction* (New York: Oxford University Press, 2017) and Taggart, Paul, “Populism and unpolitics,” in *Populism and the Crisis of Democracy* (London: Routledge, 2018).

Federico Finchelstein examined recent history to comprehend the relationship between populisms and fascisms. These according to the author are part of the same story, one derives from the other. In short, the defeat of fascism did nothing but inspire its supporters to re-propose its principles under a more democratic key, thus depriving it of its violent elements such as war and dictatorship.

Instead, what has remained unchanged is the figure of the leader, the figure through which the people and the nation recognize themselves and participate. “In fact, without a conception of the charismatic and messianic leader, populism is an incomplete historical form”¹⁰². The very concept of representation in populism is replaced by the transfer of authority in the figure of the leader, who, in the context of this chapter, might be called the executive.

Jan-Werner Müller perceives the populist phenomenon as a totally negative one, with the only positive aspect being the fact that it should make the defenders and leaders of liberal democracy consider and reflect more what they might have done wrong in their representative action. According to Müller, populism is not only a threat to liberalism, but to democracy in general. It is a sort of evolution of the demagoguery of the ancient Greece, a permanent danger that always existed and will always be present in every representative system along with its claim of being the only legitimate representative of the *real people*.

Populists have their own solution to fill the ever-growing distance between the citizenry and decision-making places: they often ask more referenda. However, they do so with the only intent of ratifying “what the populist leader has already discerned to be the genuine popular interest as a matter of identity”¹⁰³. Populism invokes the ideal of mobilization and participation, in order to give the people a political presence¹⁰⁴. However, it does not seek more popular participation and, in fact, “populism without participation is an entirely coherent proposition”¹⁰⁵.

Such phenomena cannot be considered a viable solution in line with democratic principles and the respect of human rights. As a matter of fact, when democracy is

¹⁰² Federico Finchelstein, *From Fascism to Populism in History* (Oakland: University of California Press, 2017), Prologue.

¹⁰³ Jan-Werner Müller, *What is Populism* (Philadelphia: University of Pennsylvania, 2016), p. 29.

¹⁰⁴ Nadia Urbinati, *Democracy disfigured: Opinion, Truth, and the People* (Cambridge (MA): Harvard University Press, 2014), p. 172.

¹⁰⁵ Jan-Werner Müller, *What is Populism* (Philadelphia: University of Pennsylvania, 2016), p. 29.

threatened, as a consequence, also human rights are. The interdependency and mutual compatibility of democracy and human rights have been generally unquestioned and rest upon many familiar claims and trends. These comprise the interdependency of many civil and political rights and any democratic system.

It is also a commonplace to assert that, more often than not, liberal democracies, as such, feature an affirmed support for human rights. Moreover, there is a significant amount of legally binding and non-binding proclamations, UN declarations¹⁰⁶ and Treaty Body general comments¹⁰⁷ which affirm the interdependency of democracy and human rights.

Conclusion

This chapter has addressed the context of the United Nations and its major contradictions which keep it from playing a key role in terms of global governance. It has been shown how, while the realization of the latter appears difficult to achieve, the challenges analysed in the course of the first chapter still exist and need to be tackled.

As a result, the focus has shifted towards the national dimension and how states tend to behave when faced with emergencies and crises. History makes it evident that there is a generalized tendency among countries to centralize power and increase executives power. This was true centuries ago and is still a reality today, also thanks to studies and theories developed by authors such as Schmitt and Rossiter, who also have been analysed in the chapter.

The closing section went on to question how this decisionist trend affects democracy, its institutions and processes. As a matter of fact, evidence shows that phenomena of this kind have negative effects on the safeguard of human rights and democracy as a whole.

To establish democracy at the international level it is not enough to merely put together individual democratic states, nor to attain democratic communities of states without

¹⁰⁶ See UN General Assembly, 'Vienna Declaration and Programme of Action' (12 July 1993) A/CONF.157/23.

¹⁰⁷ See Human Rights Committee, 'General comment no. 34, Article 19, Freedoms of opinion and expression' (12 September 2011) CCPR/C/GC/34.

inquiring about their internal constitution. This justifies the proposal of an alternative model of international organization¹⁰⁸.

In this regard, the next chapter is going to deal with, among other things, the cosmopolitan model of democracy. Advancing towards the realization of such a model means that states will have to allow inevitably, on a consensual basis, the global community to intervene in their domestic affairs to a certain extent. In the long run, this practice cannot but challenge the nature of the modern state, built as it is on control over a given territory and population.

It is increasingly clear that decision-making is not the exclusive jurisdiction of the *polis* anymore. Any attempt to accomplish a model of political democracy within a single state must take into account the development of a global community: what the cosmopolitan model suggests is ultimately the formation of the appropriate institutions where citizens of the world can discuss the matters and take the decisions that influence their destiny¹⁰⁹.

This does not necessarily indicate that there has to be a substantial transfer of power from countries to such new institutions. Not only would it be unrealistic to assume this, it would not be advantageous either. The task of the cosmopolitan model is not that of replacing one power with another, but in decreasing the role of power in the political process while improving the influence of procedures.

Shifts between centralization, decentralization and recentralization, meaning moving the power and responsibility over policies towards the national and local level respectively and back again, appear to be unending cycles in which trends and taking sides in the debate follow one another endlessly¹¹⁰. What the third and final chapter of this research is going to deal with is an alternative realization of the cosmopolitan model which abandons nation states as main actors on the international stage and proposes local governments as efficient substitutes.

¹⁰⁸ Daniele Archibugi, "The Reform of the UN and Cosmopolitan Democracy: A Critical Review," *Journal of Peace Research* 30, no. 3 (August 1993): 313.

¹⁰⁹ *Ibidem*, p. 314.

¹¹⁰ Michiel S. De Vries, "The rise and fall of decentralization: A comparative analysis of arguments and practises in European countries," *European Journal of Political Research* 38 (2000), p. 194.

CHAPTER III

Introduction

In the course of history, the West has increasingly been able to impose itself as a leading influence worldwide, first through European powers and colonialism, later through the United States of America. If Western domination has been almost a constant, the same cannot be said of the values it has aimed to spread. The Roman Empire wanted to impose its law¹¹¹, nation states and their predecessors claimed they were on an evangelical mission¹¹² (both in the Crusades and in the so-called age of discoveries) and every Western military intervention in the last decades was justified by the spread of peace and democracy¹¹³.

Indeed, the twentieth century saw liberal democracy establishing itself as the best political paradigm on the planet, with an increasing number of states embracing it with the passing of the years. In many of its basics, democracy has been extensively accepted in principle beyond the West as a fitting model of government.

All over the globe there has been an unprecedented consolidation of democratic procedures and processes. Not only did the percentage of authoritarian states dramatically decrease, but the triumph of the West, with its economic and political liberalism, has been such that Francis Fukuyama in 1989 hypothesized “the end of history” in a renowned article¹¹⁴, claiming that perhaps humanity was witnessing “the end point of mankind's ideological evolution and the universalization of Western liberal democracy as the final form of human government”¹¹⁵.

Even though democracy became the major standard of political legitimacy, today, more than thirty years later, it is more difficult to agree with Fukuyama. Despite the

¹¹¹ Anthony Pagden, *Lords of All the World* (New Haven: Yale University Press, 1995), 11-29.

¹¹² *Ibidem*, 29-63.

¹¹³ Kevin Reilly, *The Human Journey. A Concise Introduction to World History* (New York: Rowman & Littlefield Publishers, Inc., 2012), chapter 11.

¹¹⁴ Francis Fukuyama, “The End of History?,” *The National Interest*, No. 16 (Summer 1989): 3-18.

¹¹⁵ *Ibidem*, 4.

success of this democratic wave, many significant questions of democratic practice and theory have been left unresolved and new ones emerged.

Democracy, as principle and as practice, is still contested and its evolution is characterized by contrasting interpretations of key notions such as participation, representation and membership¹¹⁶. Nowadays democratic theory has to deal with more questions which go beyond democracy's classic internal features and have more to do with its 'external', 'non-domestic' character.

The main challenge nowadays is the structure of global governance. This is so because the twenty-first century is characterized by matters which go beyond national frontiers: environmental problems, globalization and the protection of the rights of minorities are issues which affect the international community in its entirety. Although global issues are not new and have, indeed, existed for decades (if not centuries), it is clear that their significance and immediacy has grown substantially.

Regional and global issues like pandemics, drugs trade, terrorism, financial crimes and climate change all belong to the international political agenda and much uncertainty characterizes the debate on how and according to which criteria measures about these challenges have to be taken.

One thing that is certain is that the limits and the nature of nation states have to be reconsidered in relation to such challenges, even though the centrality of the nation state within democratic thought has hardly been questioned at all. The interrelation between democracy and the global system has never been seriously explored until recently. The idea of a sovereign democratic state in which a community rules itself and decides for its own destiny is constantly challenged by the global interconnections characterizing today's world¹¹⁷.

As it has already been anticipated at the end of the previous chapter, this last one is going to deal with the cosmopolitan model of democracy, offering an alternative version and application to the original model. Cosmopolitan democracy will be analysed starting from its assumptions, then addressing its structure and objectives and finally getting to its critics and concrete limitations. This research supports the

¹¹⁶ David Held, *Models of Democracy* (Cambridge: Polity, 2007), X.

¹¹⁷ *Ibidem*, 304.

argument that cosmopolitan democracy as it has been theorized until now – with nation states as its primary actors – will never see the light.

For this reason the second section of the chapter introduces local governments and the phenomenon of city diplomacy, its origins and current practice, in order to better justify a change of subject in the context of the cosmopolitan model and theorize an alternative version. The third and final section will serve as an additional basis for the new model. Indeed it is going to take the international legal recognition of the fundamental rights of the person as the primary tool through which such a model can be built. It can be argued that human rights and their safeguard are the key as well as the end of this alternative cosmopolitan model of democracy.

1. Cosmopolitan democracy

The notion of 'global governance' has been increasingly used recently, implicitly acknowledging the existence of a *res publica* which needs to be managed by different means than those used until now¹¹⁸. While some scholars suggest leaving the governance of the global sphere to multinational corporations¹¹⁹, others argue that a powerful hegemonic leader is the best answer to global questions¹²⁰.

Some scholars of democratic theory have been rethinking democracy for a more global age, ending up theorizing the cosmopolitan model of democracy. The latter is a democratic model which theorizes the extension and application of democracy at the global sphere.

From the creation of the United Nations system to the European Union, from amendments to the laws of war to the intrenchment of human rights, from the rise of international environmental regimes to the establishment of the International Criminal Court, human activity has been reframed and embed in law, rights and responsibilities. Most of these developments started in opposition to unprecedented threats to humankind such as Nazism, fascism and Stalinism. The importance of universal

¹¹⁸ Daniele Archibugi, *The Global Commonwealth of Citizens: Towards Cosmopolitan Democracy* (Princeton: Princeton University Press, 2008), 85.

¹¹⁹ Kenichi Ohmae, *The Next Global Stage: The Challenges and Opportunities in Our Borderless World* (Upper Saddle River, NJ: Wharton School Publishing, 2005), chapters 8-10.

¹²⁰ Charles Krauthammer, *Democratic Realism: An American Foreign Policy for a Unipolar World* (Washington, DC: American Enterprise Institute, 2004), 2.

principles, human rights and the rule of law was affirmed in contrast to the defence of some countries' interests.

The focus of such thinking is the cosmopolitan principle that human wellbeing shall not be defined by the location, that boundaries of any kind shall not limit rights or responsibilities for the enjoyment of basic human needs, and that all human beings require equal moral respect and concern. These principles are not for some remote utopia; they are at the heart of the post-Second World War legal and political developments.

The cosmopolitan model is characterized by a coalition of states that is halfway between the federalist model and the confederal one, thus, more centralized than the confederal model, but less than the federalist one. However, nothing like the first two models, no historically meaningful practice of cosmopolitan democracy has yet occurred.

Inherent to the cosmopolitan model is the principle that it is desirable not to advance beyond a certain degree of centralization of power and, especially, of means of coercion, on such a vast scale as that of the whole globe. When applied to the entire planet, the cosmopolitan democracy model is not meant to be a momentary move toward a federal system, but, on the contrary, a lasting form of organization.

The cosmopolitan model implies on the one hand the integration and on the other the limitation of the functions of nation states by means of new institutions based on the citizens of the world. Such institutions would be competent to deal with issues of global relevance.

1.1 Assumptions

The logic underlying cosmopolitan democracy is grounded on some specific assumptions:

- Democracy is not to be understood in static terms. Rights-holders in the most developed democracies have been increasing — minorities, immigrants and future generations. The process of democracy is unfinished and far from having

reached its conclusion¹²¹. Building on this argument, democracy should be seen as an endless process.

- Even though to achieve democracy within more states is likely to improve the international rule of law, as well as reduce the likelihood of conflicts, it is not to be considered as a sufficient condition upon which to ground a democratic reform of international relations. A growing number of democratic states will surely help the struggle for global democracy, but is not going to provide it automatically. Global democracy, which is not to be identified merely with the absence of war, involves the extension of democracy on a global scale. In this regard, it is crucial to find the legitimate instruments that democracies could employ to develop democracy in autocracies. To use undemocratic tools would be clearly in contradiction with a democratic end.
- Globalization has eroded states' political autonomy and limits the efficacy of state-based democracy. As it has been seen in the previous chapters, the areas in which a state can take decisions autonomously are decreasing. The philosopher Immanuel Kant¹²² has noted that 'in reference to the association of the world's populations one has progressively come to such an indication, that the violation of a right in any one point of the Earth, is adverted in all of its points'. Together with the breach of international agreements, concern about natural catastrophes, conditions of extreme poverty and environmental crises also increasingly bond different populations all over the globe. This sense of belonging to the world articulates itself also through the creation of a growing number of NGOs and global movements. Globalization improves the need for the management of interstate politics, but it should be recalled that even in those cases in which the autonomous conditions of each state are re-established, the empathy of individuals for global matters would not cease.

¹²¹ See John Dunn, *Democracy: The Unfinished Journey* (Oxford: Oxford University Press, 1992).

¹²² See Immanuel Kant, "Towards Perpetual Peace. A Philosophical Project," in Hans Reiss (ed.) *Kant. Political Writings* (Cambridge: Cambridge University Press, 1991), 107.

1.2 Areas of intervention and sovereignty

Cosmopolitan democracy involves sharing a minimal set of substantial goals, the competence for which is to be entrusted to global institutions. These areas of intervention are the following:

- Control over the use of force, that is to attempt to hold political violence to a minimum both within and outside national borders, until force is employed exclusively as a last resort and controlled by previously instituted rules and procedures. This means an extension of the principle of non-violence.
- Acceptance of cultural diversity, meaning that the global system structure has to allow existing differences to be protected and promoted. The successful achievement of a convergence of governance procedures and also lifestyles does not have to be imposed by one actor on the others, but attained endogenously and freely.
- Improving of the self-determination of peoples: the fact that every people is actually in a position to govern itself has to be ensured. This form of self-governance requires both the citizens' effective participation in the decisions concerning their political community, and the absence of domination.
- Supervising internal matters, meaning that self-determination has also to be exposed to restrictions to avoid single political communities being ruled in an authoritarian manner to the harming their subjects or communities imposing their own rule over subcommunities.
- Participatory administration of global challenges: cosmopolitan democracy seeks to extend political equality as far as the management of the global commons is concerned.

Throughout its history democracy has held on to a set of principles - the majority principle, the need for majorities to be transitory and not perpetual, the juridical equality of citizens, the idea that decision-making must be the outcome of a public confrontation between divergent positions, government's duty to act in the interest of everyone. The new dilemma for the global age has become how could democracy preserve its these principles and still adapt to new conditions and matters.

As both the institutions and levels of governance are increasing in number, what should be addressed is how could the competencies among these different entities be shared. The main concept here is that of sovereignty, the basis of the international law system since Restoration¹²³. This notion defines the competences of the state and its borders.

In some way, cosmopolitan democracy is part of that school of thought that, starting from Kelsen¹²⁴, has always considered sovereignty as a dogma to overcome, a concept which ought to be removed. Clashes regarding the matter of competence emerging as a result of the different levels of governance, should be dealt with within the realm of a global constitutionalism and brought to jurisdictional bodies.

To argue that such clashes ought to be solved on a global level by means of constitutional and juridical procedures, and not by means of force, can be regarded as visionary. However, such thinking is supported by the assumption that norms can be implemented also without a coercive power of last resort. Therefore, cosmopolitan democracy is identified with a broader ambition, that is, that of ultimately transforming international politics, from a logic of antagonism to one of agonism¹²⁵.

This process has been gradually affirming itself within democratic states and it is normal that different bodies dispute over their competencies. To reach the same point at the global stage would be a decisive step towards a more progressive level of civilization.

1.3 Critics and limitations

Visionary and utopian are the most spread adjectives when it comes to critics to the cosmopolitan model. Indeed, realists tend to point out that the world's mechanisms work differently from how cosmopolitan democracy's theorists imagine them to be. They say that the main elements driving international relations are power and interest.

¹²³ Chris Brown, *Sovereignty, Rights and Justice* (Cambridge: Polity Press, 2002), 4.

¹²⁴ See Hans Kelsen, *Das Problem der Souveränität und die Theorie des Völkerrechts. Beitrag zu einer reinen Rechtslehre* (Tübingen: Mohr, 1920).

¹²⁵ See Chantal Mouffe, *The Democratic Paradox* (London: Verso, 2000).

Therefore, every attempt to pacify international politics by means of global institutions and public participation is pure utopia¹²⁶.

However, some realists discard not just the practicability of the cosmopolitan project, but even its desirability, because a global concentration of coercive power can be used in other directions.

However, cosmopolitan democracy does not have to be identified with the mission of a global government which would have to rely upon the concentration of power in one institution. Indeed, cosmopolitan democracy is a project involving voluntary and revocable alliances between governmental and meta-governmental bodies, where the availability of coercive power, as a last resort, is shared between actors and exposed to juridical control.

Another critique is that a cosmopolitan democracy would not be democratic because of the absence of a global *demos*¹²⁷. Even though there is no shared set of criteria as how to declare what renders a number of people a *demos*, the latter is not antecedent and independent from institutions. In some institutional settings, sharing common institutions has shaped a *demos*. For instance, the American *demos* is what it is today because of the colonists who fought for the United States of America despite the different religious beliefs and background over two hundred years ago.

The German philosopher Immanuel Kant in 1795 called for a 'universal community' and a 'federation of free states' in a very influential philosophical essay called "Perpetual Peace"¹²⁸ - he also talked about 'universal hospitality' and 'cosmopolitan right'¹²⁹. Two hundred years later, another German philosopher, Jürgen Habermas, developed on Kant's arguments, calling for a 'world citizenship'¹³⁰.

¹²⁶ See Danilo Zolo, *Cosmopolis: Prospects for World Government* (Cambridge: Polity Press, 1997), Geoffrey Hawthorn, "Running the World through Windows," *New Left Review*, second series (5): 101–10 and David Chandler, "New Rights for Old? Cosmopolitan Citizenship and the Critique of State Sovereignty," *Political Studies* 51(2): 332–49.

¹²⁷ See Nadia Urbinati, "Can Cosmopolitical Democracy Be Democratic?", in Archibugi (ed.) *Debating Cosmopolitics* (London: Verso, 2003).

¹²⁸ Immanuel Kant, "Perpetual Peace: A Philosophical Sketch," in *Kant's Political Writings*, ed. H. Reiss (Cambridge: Cambridge University Press, 1991), 93-130.

¹²⁹ *Ibidem*, 105.

¹³⁰ See Jürgen Habermas, *The Inclusion of the Other: Studies in Political Theory* (Cambridge: MIT Press, 1998).

Both thinkers, though belonging to different historical contexts, echoed the cosmopolitan assumption that “national or ethnic or gendered boundaries should not determine the limits of rights or responsibilities for the satisfaction of basic human needs, and that all human beings require equal moral respect and concern”¹³¹. The cosmopolitan model of democracy is supposed to act as the means to realize this ideal.

To extend political governance bodies beyond nation states would imply not only internationalization, but also a participation process finally involving all citizens on an equal basis. What makes the realization of this concept of cosmopolitan democracy particularly hard is the combination of two realities: national sovereignty and the different regional understanding of universality of human rights.

Starting from the latter, because of cultural divergences, like customs and traditions, the notion of ‘rights’ and the scope of protection might differ among people from different backgrounds. Since authority and its legitimacy generate from the consent of the people¹³², it is evident that a cosmopolitan democratic law could not even be theorized without the universal consent among people, and therefore it would not be an effective safeguard of human rights.

Moreover, as far as the problem of national sovereignty is concerned, it is clear that, for cosmopolitan democracy to be fully realized, it should be capable of transcending national sovereignty of states for the common wellbeing. But such an assumption sounds far from achievable. As Kant used to say: “states are not likely to agree a complete surrender of their sovereignty”¹³³.

However, one of the arguments underlying this thesis is that the model of cosmopolitan democracy should not be ignored or rejected because of this barrier. Indeed, this research aims to highlight how ‘sovereignty-bound’ actors are outdated to deal with global ‘sovereignty-free’ challenges. The American political scientist James Rosenau spoke about ‘conceptual jail’, arguing that a system which is centred around states

¹³¹ David Held, “Restructuring Global Governance: Cosmopolitanism, Democracy and the Global Order,” *Millennium: Journal of International Studies* 37, no. 3 (2009): 537.

¹³² Jean Jacques Rousseau, *The Social Contract* (New York: Hafner Publishing Company, 1947), 26.

¹³³ Immanuel Kant, “Introduction,” in *Kant’s Political Writings*, ed. H. Reiss (Cambridge: Cambridge University Press, 1991), 34.

fails to comprehend the new rhythms of the world¹³⁴: because a new system of varied and relatively autonomous non-state actors has materialized, a state-centric system can no longer be predominant.

What the world is witnessing at the moment is precisely the coexistence of these two systems, which is doing nothing but making global challenges more difficult than what they already are. In order to go beyond sovereignty, to achieve cosmopolitan democracy, it is necessary to move away from the 'conceptual jail' and to turn to sovereignty-free actors, the cities.

2. Local governments and city diplomacy

There is no internationally standardized definition of 'city'. Actually, to speak of cities in general does not make much sense. It makes more sense to argue that there are different forms of urban life. It is no coincidence that the understanding of "city" is different according to the context in which it is used. There is, indeed, an intrinsic diversity in the term "city", mainly caused by a spatial connotation of an urban area and a political one of local government.

Across the globe, city administrations are the public, subnational entity responsible for the governance of an urban area¹³⁵. Their internal structure differs very much depending on their context, but it is often characterized by an executive department headed by the mayor, an assembly and a permanent staff.

Because of the ongoing global trend of decentralization, most mayors and city representatives are now elected by citizens and no more selected by their respective national administrations. Most local governments all over the world are responsible for the provision of a set of public services to their residents, such as the management of public spaces, public housing, transportation, waste management and lighting.

¹³⁴ James Rosenau, *Along the Domestic-Foreign Frontier: Exploring Governance in a Turbulent World* (Cambridge: Cambridge University Press, 1997), 15-17.

¹³⁵ Lorenzo Grandi, *City Diplomacy. Cities and the Global Politics of the Environment* (London, Palgrave Macmillan, 2020), 4.

2.1 A change of subject

The first appearance of democracy dates back to 500 B.C. and it was an attempt by the Greek city-state of Athens to involve every citizen in its decision-making processes. It almost disappeared for centuries and once it reappeared it developed within the dimension of the nation state until the present day. Today democracy needs to adapt to a new reality, that is, a globalized and interdependent world. The political thinkers who theorized a global democratic governance beyond borders are still virtually trapped in Rosenau's 'conceptual jail' and this remains one of the main reasons why cosmopolitan democracy is not taking off.

One way to overcome the 'conceptual jail' would be to change the subject, to stop talking about sovereignty-bound nation states and to start focusing on sovereignty-free cities; to stop dreaming about a world government and start working on an already established city diplomacy. The latter can be described as "the institutions and processes by which cities...engage in relations with actors on an international political state with the aim of representing themselves and their interests to one another"¹³⁶.

The notion of city diplomacy emerged very recently, but its practice dates back to ancient Greece - when city-states exchanged delegates to negotiate on specific matters such as peace and trade – and it can, indeed, be considered the root of modern diplomatic relations. Already in the 1970s Keohane and Nye employed the notion 'transgovernmental' to address relations among 'subunits of governments' to answer "greater governance complexities"¹³⁷.

To be clear, city diplomacy does not mean the replacement of nation states with cities. It simply supports the assumption that cities have greater abilities in linking their citizens to matters of global relevance. Even Robert Dahl, one of the most influential modern democratic thinkers, has maintained that states have not been able to do so¹³⁸.

¹³⁶ Rogier van der Pluijm, Jan Melissen, *City Diplomacy: The Expanding Role of Cities in International Politics* (The Hague: Netherlands Institute of International Relations, 2007), 6.

¹³⁷ Robert Keohane, Joseph Nye, "Transgovernmental Relations and International Organizations," *World Politics* 27, no. 1 (1974): 41-43.

¹³⁸ Robert Dahl, "Can International Organizations be Democratic? A Skeptic's View," In *Democracy's Edges*, ed. by I. Shapiro and C. Hacker-Cordón (Cambridge: Cambridge University Press, 1999): 19-36.

To analyse local answers to global questions, Roland Robertson has been the first to use the term 'glocalization'¹³⁹. The underlying assumption is that of understanding the global and local dimensions as "not being opposites but rather as being different sides of the same coin"¹⁴⁰. Therefore, in this perspective, global governance is possible even without a global government because global policies can be implemented through local practices, turning global governance into 'glocal' governance.

In modern times it is getting increasingly harder to distinguish what is local from what is not. Rosenau once claimed that "what is domestic is also foreign and what is foreign is also domestic"¹⁴¹. For instance, climate change is an issue of global relevance but a local one as well for urban spaces are responsible for more than 70% of greenhouse gas emissions¹⁴² and the consequent rise of the sea level is a threat for all those cities and villages located on the coast. In this way, local governments act as intermediate layers between global issues and local citizens by realizing global agendas locally.

2.2 Dimensions

City diplomacy is active in many dimensions: its practice started to expand in the aftermath of the Second World War, when post-conflict reconciliation and conflict prevention were international political priorities. Therefore, one of the first manifestations of modern city diplomacy was peace support and this can be proved also by the fact that in some contexts city diplomacy is still described as "the tool of local governments and their associations for promoting social cohesion, conflict prevention, conflict resolution and post-conflict reconstruction with the aim of creating a stable environment, in which the citizens can live together in peace, democracy and prosperity"¹⁴³.

¹³⁹ Roland Robertson, "Glocalization: Time-Space and Homogeneity-Homogeneity," in *Global Modernities*, ed. by M. Featherstone, S. Lash, and R. Robertson (London: Sage, 1995): 35.

¹⁴⁰ Roland Robertson, Kathleen White, "What is Globalization?" in *The Blackwell Companion to Globalization*, ed. by G. Ritzer (Oxford: Basil Blackwell, 2007): 62.

¹⁴¹ James Rosenau, *Distant Proximities: Dynamics Beyond Globalization* (Princeton, NJ: Princeton University Press, 2003), 410.

¹⁴² UN-Habitat. "Cities and Climate Change: Global Report on Human Settlements 2011." (London: Earthscan, 2011): 92.

¹⁴³ UCLG. "The Hague Agenda on City Diplomacy." Accessed September 5, 2022.

https://www.uclg.org/sites/default/files/EN_474_fin_eng_the_hague_agenda_on_city_diplomacy_0.pdf, 1.

2.2.1 Peace

Cities in conflict zones are prominent as mediators in peace discussions. City mayors were facilitators, for instance, during the South African conflict after the end of apartheid, or during the Tuareg rebellions in Mali¹⁴⁴. In addition, in the case of territories undergoing guerrillas, local governments sometimes are able to facilitate demilitarization and fighters reintegration in society. It was the case of the Municipality of Kauswagan, in the Philippines (province of Lanao del Norte), with a program called “From Arms to Farms”¹⁴⁵. Cities located outside the conflict areas can represent a safe place and, at the same time, host discussions to reduce tensions and contribute to a resolution. For instance, in the 1990s, the city of Mohács in Hungary hosted a number of meetings between youngsters and civil society organizations from Serbia, Croatia, and the Republic of Serbian Krajina, facilitating regional reconciliation¹⁴⁶.

2.2.2 Environment

The most popular dimension in which city diplomacy is active is that of environmental protection. Indeed, the latter has been and is the number one concern of many local governments and their international engagement, as shown by the rising significance of city networks like the C40 and the rise of multilateral programs, agreements and events municipalities arrange on this matter. This interest is broadly caused by local actors’ acknowledgment that climate change is affected mainly by cities.

Even though cities cover not even 2% of the surface of the planet, they are responsible for 60 to 80% of energy use and produce 70% of the (human-induced) greenhouse gas emissions¹⁴⁷. Multilevel programs including both national governments and cities are the most effective tools to achieve more significant results in environmental protection. However, they have not always been possible, because of the opposition of a restricted amount of states with modest or no devotion to global climate action. As a consequence, local governments in these situations are increasingly choosing to

¹⁴⁴ Georg Frerks, “How Local Governments Contribute to Peace-Building,” in *City Diplomacy*, ed. by Arne Musch, Chris van der Valk, Alexandra Sizoo, and Kian Tajbakhsh (The Hague: VNG International, 2008): 47–73.

¹⁴⁵ UCLG. “The UCLG Peace Prize 2016.” Accessed September 10, 2022. <https://peaceprize.uclg.org/wpcontent/uploads/2019/02/UCLG-Peace-Prize-2016-Local-Government-Initiatives-for-Peace-1.pdf>, 6.

¹⁴⁶ Martijn Klem, “Local Governments Building Peace in Eastern Croatia,” in *City Diplomacy* ed. by A. Musch, A. Sizoo, Chris van der Valk, and Kian Tajbakhsh (The Hague: VNG International, 2008): 141–163.

¹⁴⁷ UN-Habitat ‘World Cities Report 2016. Urbanization and development: emerging futures’ (2016) HS/038/16E, 16.

work together, to increase their commitment in the international stage and engage in city networks dedicated to the cause of environmental protection.

2.2.3 Development

Economic development is the dimension in which cities generally receive the greatest amount of support from their national governments. Economic city diplomacy involves cooperation, sharing knowledge, joint projects, but also provides tools for cities to become or remain competitive actors. Cities connected by twinning, cooperation agreements, networks or programs, often work together sharing best practices concerning economic development.

Since three decades ago, the relatively quick growth of this diplomatic practice is connected with the growing desire of local governments to direct their international efforts towards those actions guaranteeing quicker and easier return on investment. Precisely as national economic diplomacy, this element of local action usually is characterized by the double objective of encouraging economic growth, creating jobs and is employed both to bolster an already positive trend or to reverse a negative one.

2.2.4 Culture

Strictly linked to the economic dimension of city diplomacy stands the cultural one. Indeed, culture is often included in the economic strategies supposed to boost local economies and job creation. The international cultural activities of cities are among the most well-known expressions of city diplomacy. They embody an ancient tradition in which they are tools for affirming a city's reputation inside and outside the country's borders.

Throughout history, flourishing cities like Athens in the 5th century, Florence in the 14th, Paris in the 19th, up until Abu Dhabi in the 21st have always reinforced their political posture and attractiveness through the arts and by enriching their locality with monuments, museums and cultural events¹⁴⁸. The cultural dimension of city diplomacy is relatively less debatable than the other ones and perhaps that is the reason why it is frequently used to supplement them: for instance, cultural cooperation is less debatable and, therefore, it is in a way a skeleton key cities use in order to establish stronger cooperation.

¹⁴⁸ Grandi, 54.

As a matter of fact, local governments employ culture city diplomacy to supplement and improve political and economic relationships at bilateral and multilateral levels, as well as in the cooperation with the national government and international organizations¹⁴⁹. Many city networks such as UNESCO Creative Cities Network and the Organization of World Heritage Cities were born for these reasons¹⁵⁰.

2.2.5 Migration

The last dimension that is going to be presented is the one which links city diplomacy and migration. A lot of local governments all over the world are facing increased migration flows. These often have cities as main destinations, both in the developed and developing states. While international migration presents a great potential for both migrants and who welcomes them, it also implies a number of challenges, whose responsibility is largely a local authorities' burden.

Indeed, although migrants and refugees' could represent an overall improvement for the locality - as also Richard Florida's theory on the geography of creativity shows¹⁵¹ - migrants seldom have the possibility to fully enjoy urbanization. Actually, more often than not, coming to a foreign city implies a number of further challenges and leads to a growth of urban inequalities¹⁵².

Local governments are the most appropriate bodies to address these inequalities and do something about them since they are the closest institution to people and their main services providers. Above and beyond guaranteeing the respect of fundamental human rights, cities all over the world have been taking a number of measures in order to make migrants' quality of life better by focusing on the challenges they experience because of their status¹⁵³. The International Coalition of Inclusive and Sustainable Cities (ICCAR) and the Intercultural Cities Programme (ICC) of the Council of Europe are good examples of what local governments can provide in this regard.

¹⁴⁹ Ibidem, 126.

¹⁵⁰ Ibidem.

¹⁵¹ Richard Florida, "Cities and the Creative Class," *City & Community* 2, no. 1 (2003): 3–19.

¹⁵² See UN-Habitat. "Inclusive Cities." *Habitat III Issue Papers*. Accessed September 1, 2022.

https://uploads.habitat3.org/hb3/Habitat-III-Issue-Paper-1_Inclusive-Cities-2.0.pdf.

¹⁵³ Grandj, 138.

2.3 City networks

When faced with an increasing phenomenon such as globalization, local governments tend to tackle its pressure considering both the risks and opportunities coming with it. The main way in which cities take up challenges stirred by globalization is by networking among themselves.

Nowadays, local administrations are subject to enormous stress with regards to the management of urban structures as well as service supply to its inhabitants. The significance of cities networking among themselves arises from the belief that it will provide them a chance to learn from one another's observations and to be directly exposed to other states, societies and urban systems, bypassing the constraints and regulations of nationally coordinated events and projects. Cities also represent the starting point for global environmental action, as well as an efficient degree of subsidiarity for environmental decision-making.

The main goal of a city-to-city networking programs is to improve cities' ability to supply urban services to their inhabitants and to establish effective urban governance and administration systems by bringing together various urban actors. Aided by information obtained by networking with other local governments, a refined managerial and working system can be employed to activate local institutional measures to support the rising and complicated demands of cities.

Expanded urban alliances are justified by greater prospects for local enterprises and companies, better local autonomy and decision-making for internationalization and networking activities. Nevertheless, the motivation for such expertise transfers transcends financial reasons and includes the establishment of solid and effective urban governments and democracies, which would benefit local and national economic systems as a whole.

Different local realities may learn a lot from one other, as well as from a variety of non-governmental experts and urban actors who assist in the development of cities. As a result, local governments, as well as other urban players like non-governmental and community-based organizations, would benefit much more from interacting among themselves in order to share useful information. A great amount of city networks have been created in the course of the last decades. Through accurate research and

analysis it is possible to assess how they differ in field of competence, structure and goals, and, as a consequence, to provide the following categorization:

- networks focused on a specific topic
- national networks established by ministries
- membership networks
- sister cities
- networks conducted by the United Nations or different transnational agencies

Networks among local governments have facilitated activities such as exchange programs, the arrangement of events related to urban management, research on urban matters and interchange visits by different actors. Some of the most significant city networks are 'United Cities and Local Governments, 'ICLEI', 'Global Mayoral Forum', 'Eurocities' and 'Cities Alliance'. Since the description and analysis of all of these networks would go beyond the scope of this research, only the most relevant ones will be given a particular focus.

2.3.1 UCLG

The United Cities and Local Governments (UCLG) network is the largest of its kind. It is a global web of local and regional governments which was born in 2004 as a successor of the International Municipal Movement, a century-old similar network. All what this network points at is to enhance the impact and function of local governments and their respective organizations in international cooperation, to be the main platform of democratic, efficient, creative local government close to people and to guarantee a worldwide organization that is both successful and egalitarian. It can be argued that this network represents the amplified voice of local governments before the international community. It operates in more than two thirds of current United Nations Member States, virtually representing 70% of the world's population. This, along with the other networks that have been mentioned previously, is the most important one.

The network is a World Organization, but can be seen as - and is indeed represented through - 7 regional sections¹⁵⁴: UCLG Africa; UCLG Asia Pacific (ASPAC); UCLG Eurasia, the Council of European Municipalities and Regions (CEMR); the Latin

¹⁵⁴ UCLG. "Welcome to the Centenary Movement of Local and Regional Governments." Accessed September 10, 2022. https://www.uclg.org/sites/default/files/eng-guia_statutory-web-ok.pdf, 22.

American Coordination of Local Authorities for Unity in Diversity (CORDIAL); UCLG Middle East and West Asia (MEWA); UCLG North America. In addition, there is also one metropolitan section – Metropolis - and one section focused on regional governments - the Forum of Regions (UCLG Regions). Sections have their own constitutions and governing entities, but are part of the World Organization’s operating structure. They facilitate and manage membership and support the World Organization institutionally in order to pursue its goals within their region.

The network’s internal governance is characterized principally by three governing bodies: the General Assembly, the World Council and the Executive Bureau¹⁵⁵. The first counts approximately three thousands participants, meets just once every three years and is responsible for the direction, overall policies and the oversight of the network. The second is the main governing body, meets once a year, counts approximately five hundreds participants and decides the network’s policies, also making sure these are properly implemented. The last carries out the decisions of the World Council and also has the responsibility to manage the World Organization’s finances and administration.

Moreover, beyond the bodies in charge of the internal governance of the network¹⁵⁶, there are:

- Policy Councils in which policy recommendations in relation to strategic themes are developed by a number of representatives with a political mandate. At each Executive Bureau, Policy Councils provide reports;
- Committees which are consultation mechanisms focused on specific thematic areas. In the last year, all Committees have stressed how the COVID-19 pandemic has forced alterations in the development of their Work Plans. For instance, the Committee on Social Inclusion, Participative Democracy and Human Rights concentrated its efforts to address the effects of the pandemic on key thematic matters for local governments¹⁵⁷;
- Working Groups engaging with the implementation of certain parts of the Organization’s core project. The crisis provoked by the COVID-19 pandemic

¹⁵⁵ Ibidem, 16.

¹⁵⁶ Ibidem, 11-14.

¹⁵⁷ UCLG. “Annual Report 2020.” Accessed August 20, 2022.

https://www.uclgcisdg.org/sites/default/files/EN_Annual%20Report%202020.pdf.

had a strong impact on the Permanent Working Group on Capacity and Institution Building, which was forced to completely revise its annual Work Plan¹⁵⁸;

- Communities of Practice suggesting programs or studies and updating on particular themes.

2.3.2 Environmental networks

Global warming is affecting urban areas of all types all over the world and without adequate actions its impact is going to get worse. A big number of mayors of important cities such as London, New York, Paris, Buenos Aires, Tokyo, Montreal and others have decided to place themselves as examples and turned into test sites of innovation and action on the front of climate change. How? Through practices that have already been discussed previously such as sharing knowledge, joint advocacy and co-creation of initiatives.

These are so marked that are often the most clear examples of how city diplomacy works and why it is so efficient. Indeed, the amount of city networks whose primary concern is linked to environmental protection has been increasing and represents more or less a third of all city networks¹⁵⁹. These networks tend to spread solutions to fight climate change, share the best practices, support research on the subject, collaborate with NGOs, but also address national governments and international institutions. Two of the most important city networks focused on environmental protection are C40 and the Global Covenant of Mayors for Climate and Energy.

C40 is a city network which started its activity in 2005 when former London's Mayor Ken Livingstone assembled many other local governments with a marked environmentalist commitment believing that their combined weight within the international arena would bring more influence than their separate actions. The network's ongoing attention lies in providing its participants with advice on how to act

¹⁵⁸ UCLG. "Work plan 2020." Accessed September 3, 2022. http://www.cibuclg.org/sites/default/files/cib_work_plan_2020_version_may_2020_-_after_covid-19_0.pdf.

¹⁵⁹ Michele Acuto, "City Networks: New Frontiers for City Leaders", in *UCL City Leadership Lab Report* (London: University College London, 2017).

on the environmental front, publishing reports and organizing events in which political leaders find a place to meet and share expertise.

C40's aim could be summarized as the empowerment of local governments in order to carry out fast and effective actions. Among other things, in its online platform, the network provides an impressive number of interesting tools and studies aimed to show how its commitments are translated into practice. For instance one study shows how different cities managed to respect their collective pledge to significantly reduce their gas emissions¹⁶⁰.

The Global Covenant of Mayors for Climate and Energy (GCoM), which is the world's biggest city network tackling climate change and speaks for ten thousands cities across more than one hundred countries, thus virtually representing almost one billion people. GCoM was established in the summer of 2016 and since then has made activities such as supporting local governments, partnering with other city networks and reducing emissions its own mission. Through this network thousands of cities make climate commitments and work together sharing best practices and lessons learned. Also the GCoM provides its online platform's visitors with very interesting graphical tools to acknowledge how it works and how member cities to the network are implementing global agendas and the network commitments. For instance, its 2019 Aggregation Report shows, among other things, how cities are generating huge benefits in terms of climate impact¹⁶¹.

As a whole, it can be argued that city networks focused on climate change or environmental protection more in general have showed that local governments working together are able to tackle global challenges faster and at larger scale than states or some intergovernmental systems¹⁶².

¹⁶⁰ C40. "27 C40 Cities have peaked their greenhouse gas emissions", Accessed 1 September, 2022. https://www.c40knowledgehub.org/s/article/27-C40-Cities-have-peaked-their-greenhouse-gasemissions?language=en_US#:~:text=The%20cities%20identified%20in%20this,%2C%20Sydney%2C%20Toronto%2C%20Vancouver%2C.

¹⁶¹ Global Covenant of Mayors. "Climate Emergency: Unlocking the urban opportunity together." Accessed 15 August, 2022. <https://www.globalcovenantofmayors.org/wp-content/uploads/2019/12/2019-GCoMAggregation-Report.pdf>.

¹⁶² Simon Curtis, "Introduction: Empowering Cities," in *The Power of Cities in International Relations*, ed. S. Curtis (New York: Routledge, 2014), 19.

3. A new cosmopolitan model

In order to theorize a cosmopolitan model of democracy, which envisions local governments as new main actors instead of states, a first step is needed. Such model needs to be justified in a democratic perspective. Robert Dahl, among other things, has provided two principles on which any kind of global governance should be based in order to be democratic: popular control and equal participation¹⁶³. The latter implies an inclusive attitude in which all actors enjoy the same formal participation conditions and have the same influence on matters affecting their lives.

Popular control implies that citizens have the formal ability to limit the authority of political institutions and to influence them¹⁶⁴. In his reasoning, Dahl was unconvinced by the idea of global governance because he feared it could not be fully democratic¹⁶⁵, but the reality is that he did not consider a global governance in which cities are the main actors. Indeed, glocal governance and city diplomacy could embody the missing link between the project of a global governance and its aspirations to be founded on democratic ideals.

The international system that was created after the Second World War endured also because the existing inequality among states was partly institutionalized: in the United Nations, within the Security Council, five permanent members were given veto power on decisions which could go against their interests, proving a significant presence of ideological differences among states. City diplomacy works differently.

Cities work with each other transcending power and just for their common wellbeing, facilitating equal participation. On the other hand, as far as popular control is concerned, local governments are closer to people and are faced with a more direct public scrutiny. Local governments act as links between citizens' local reality and global matters. They are local enough to achieve popular control with actual results and global enough to generate networked cooperation through transmunicipal webs.

¹⁶³ Dahl, 20.

¹⁶⁴ Ibidem, 22.

¹⁶⁵ Ibidem, 23-24.

Glocal governance gives cities the possibility to go beyond the democratic limit of national borders to link local citizens to global policies. At least theoretically, it can be argued that glocal governance is coherent to Dahl's principle of popular control.

3.1 Starting from human rights

The crisis that democracy is experiencing is strongly connected to the structural alterations of national statehood. Vital choices are increasingly being made within extra-national frameworks. States are no longer capable of properly guaranteeing the correct functioning of democracy because what must be managed is frequently no longer a national activity. The application of democracy is extending and developing in the global dimension. The new objective of any meaningful peaceful evolution of governance is to democratize international organizations and politics in general.

The search for instruments to govern the articulation of globalization processes, in particular through the development of the multilevel governance site, underlies the widespread awareness that the current crisis of governability is not of a conjunctural but structural nature and that it is accompanied by the crisis of the practice of democracy¹⁶⁶.

It is a crisis that is only partly provoked by the inability of this or that political regime within this or that State. It directly affects the state as it has been experienced in recent centuries. It is accompanied by another crisis which invests the practice of democracy and whose causes are to be found especially in the fact that the operational articulations of democracy – elective representation and participation – continue to be confined within the space of the nation state, in the face of a political reality, economic and technological, in which many relevant decisions are made, more or less transparently, outside and above that space. The embrace of the nation state is proving to be harmful for the survival of decent democratic practice.

In the present phase of international relations, in which human rights and democratic principles are suffering even in those countries that have the oldest experience of them, it is urgent to adapt the content of the political agenda to what the international legal recognition of the fundamental rights of the person entails, in particular the

¹⁶⁶ See Antonio Papisca, "Dallo stato confinario allo stato sostenibile," *Democrazia e diritto* 34, no. 2-3 (1994): 273-307.

introduction of the principle *humana dignitas servanda est* into the universal *jus positum* in a primatial position with respect to any other principle of interstate law, including the traditional *pacta sunt servanda* and *consuetudo servanda est*. The lesson that follows is teleological in nature, in the sense that the competences, functions and powers of "derived systems" – States, local government bodies, multilateral institutions – are predetermined to the realization and guarantee of the fundamental rights of the person.

The impact of globalization processes affects directly daily life in the "city" especially in terms of reducing social spending and claiming citizenship rights by immigrants. There is no need to point out that human rights violations as well as their guarantees occur where people and groups live their daily lives: in the city, in the neighborhoods.

The cities are the places, indeed the womb in which administrative and social services of vital importance are produced, economic, health, educational, environmental, monumental, artistic infrastructures. Local governments, as institutions in more direct contact with the vital needs of citizens, are condemned, so to speak, to stand at the forefront of the demand and realization of rights. Among the public institutions, they are, even apart from an explicit formal imputation, immediately called to action by Article 25 of the Universal Declaration of Human Rights:

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. 2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.¹⁶⁷

This "manifesto" of welfare, to be interpreted in the light of the principle of interdependence and indivisibility of all human rights (economic, social, civil, political, social, to peace, development, to the environment) – among the cardinal principles of current international law – obviously also applies to States, in the sense of binding them, as well as to legislate and govern according to the commitments undertaken at

¹⁶⁷ UN General Assembly 'Universal Declaration of Human Rights' (10 December 1948) A/RES/217(III)[A], Art. 25.

international level, also to put their local governments in a position to be able to respond to their natural vocation as providers of social services, original poles of subsidiarity and containers of democracy.

The 'United Nations Declaration on the right and responsibility of individuals, groups and organs of society to promote and protect human rights and universally recognized fundamental freedoms', adopted by the General Assembly on 9 December 1998 (50th anniversary of the Universal Declaration), broadens the scope of legitimacy for those who work, individually or in association with others, for the purpose of human promotion. Article 1 is explicit in this regard:

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.¹⁶⁸

Actors other than States are therefore legitimized, also from the juridical-formal point of view, to act inside and outside their respective States in pursuing objectives related to the promotion and protection of human rights: the only condition, iterated in various articles of the Declaration, is that they act peacefully. Article 7 is even more specific in raising the profile of the role of human rights defenders:

Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.¹⁶⁹

3.2 Local governments as main actors

This is a radically innovative perspective if one considers that the matter of human rights is, by its essence, constitutional and that therefore those who work in its field fulfill roles that have an importance not only ethical-humanitarian and political, but also legal - constitutional precisely.

¹⁶⁸ UN General Assembly 'Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms' (9 December 1998) A/RES/53/144, Article 1.

¹⁶⁹ Ibidem, Article 7.

Local governments, as organs of society, legitimized as such also by the aforementioned Declaration, share with States the responsibility to protect, that is, to defend life and ensure the well-being of all those who live in their territories with the means and methods that are connatural to them and according to the criteria of subsidiarity.

Given this universally recognized responsibility, local governments are legitimized to actively participate in the building of the social and international order which Article 28 of the Universal Declaration of Human Rights proclaims as human right:

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.¹⁷⁰

When it is said that the strategic objective of local self-government and interterritorial cooperation is social cohesion, the reference is precisely to the content of this article, that is, to the inseparable binomial of social and international peace. In their position and action in line with the aforementioned article, local governments act as essential actors for the effectiveness of international law.

The legitimacy, even formal, of the transnational activity of local authorities is a direct function of their conformity, concretely, with the dictates of the universal code of human rights, with those same principles to which States are obviously also bound and from which the imperative derives, for the various levels of governance to share the responsibility to protect.

In this regard, Antonio Papisca has argued that “a useful way of addressing this situation is to reconceptualize citizenship starting from below...from the roots of the political community up to the institutions of governance”¹⁷¹. Such institutions should then be considered in view of their democratic legitimacy and purpose before thinking about them as sources of authority and competence.

¹⁷⁰ UN General Assembly ‘Universal Declaration of Human Rights’ (10 December 1948) A/RES/217(III)[A], Art. 28.

¹⁷¹ Antonio Papisca, “International law and human rights as a legal basis for the international involvement of local governments,” in *City Diplomacy* ed. by A. Musch, A. Sizoo, Chris van der Valk, and Kian Tajbakhsh (The Hague: VNG International, 2008): 30.

International legal recognition of human rights has brought a radical change in the legal field, changing the rationale of international law from 'state-centric' to 'human-centric'. This shift can be seen as the result of a protracted historical effort, characterized by common and intellectual battles, mass mobilizations and political devotion, which resulted in the incorporation of democratic practices inside nation states. Thanks to the UN Charter and the Universal Declaration of Human Rights, this has been extended to the global level, overdoing states' boundaries.

For the first time in the history of humanity, individuals can be recognized as subjects - and not as mere objects - of international law¹⁷². A human-centric perspective implies that nation states and international entities are basically derived, only instrumental to the realization and respect of fundamental freedoms and human rights. This means that an additional shift is taking place: a global stage that is no longer characterized by Westphalian international relations, no longer founded on nation based sovereignty.

With human beings no longer being considered as mere objects of international law, one important implication follows: the places in which they live and are granted their fundamental rights stop being just relevant and acquire a specific significance within the international legal system. That is to say, human beings, if they are recognized as original legal subjects universally, "confer to their respective local governments the seal of legal entitlement at the same world level"¹⁷³.

Evolution at the legal and political level goes in a different direction than the one that sees states as the dominant actors in the name of national interest and territorial integrity. Indeed, international law itself is an organism which develops constantly and progressively. This feature was already acknowledged in 1949 by the International Court of Justice in an Advisory Opinion:

The subjects of law in any legal system are not necessarily identical in their nature or the extent of their rights, and their nature depends upon the needs of the community. Throughout its history, the development of international law has been influenced by the requirements of international life, and the progressive increase in the collective activities of states has already given rise to instances of action

¹⁷² Ibidem, 31.

¹⁷³ Ibidem, 32.

upon the international plane by certain entities which are not states. This development culminated in the establishment in June 1945 of an international organization whose purposes and principles are specified in the Charter of the UN.¹⁷⁴

The important lesson to take out for the purpose of this research is that international law can be considered as a developing reality.

3.3 Overcoming sovereignty

Cities and states have the common responsibility to protect all those who inhabit their territory¹⁷⁵. States are legally compelled to account to the international community for the safeguard of fundamental rights, a duty which in the past was entrenched in the national jurisdiction of every state. However, as stated, international recognition and protection of human rights is separating territory from the boundary states' sovereignty and this new course is occurring together with the de-territorialization of politics¹⁷⁶.

The responsibility of local administrations to protect emphasizes their rights and duties to actively take part in the activities and institutions of global governance. However, precisely the responsibility to protect, as offered by the 'Report of the International Commission on Intervention and State Sovereignty'¹⁷⁷, is thought to lie with the states' sovereignty. The report features these basic principles:

- "State sovereignty implies responsibility, and the primary responsibility for protection of its people lies with the state itself"
- "Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect"¹⁷⁸

¹⁷⁴ International Court of Justice 'Reparation for injuries suffered in the service of the United Nations' (11 April 1949): 8.

¹⁷⁵ UN General Assembly '2005 World Summit Outcome' (24 October 2005) A/RES/60/1, para. 138.

¹⁷⁶ Papisca, 39.

¹⁷⁷ International Commission on Intervention and State Sovereignty (ICISS), 'The Responsibility to Protect. Report of the International Commission on Intervention and State Sovereignty' (Ottawa: International Development Research Centre, 2001).

¹⁷⁸ Ibidem, XI.

Moreover, the report emphasizes that “what has been gradually emerging is a parallel transition from a culture of sovereign impunity to a culture of national and international accountability. International organizations, civil society activists and NGOs use the international human rights norms and instruments as concrete point of reference against which to judge state conduct”¹⁷⁹.

The present official doctrine of the responsibility to protect was developed after the failure of the international community to properly address the atrocities that occurred in former Yugoslavia and Rwanda in the 1990s. Analysing its three pillars¹⁸⁰ would go far beyond the scope of this research. What is relevant is that this doctrine stresses the role of states, prioritizes them and their sovereignty¹⁸¹, urging the international community to interfere in domestic affairs by means of force only as last resort¹⁸².

To prevent the misuse of exceptions which tolerate the use of force, it should be emphasized once more that the matrix of the responsibility to protect is a right and duty inherent to local governments since it concerns more the concept of human security rather than the sovereignty of the states. This last argument makes sovereignty instrumental rather than foundational¹⁸³.

Also the International Commission on Intervention and State Sovereignty stressed this point arguing that “emphasis in the security debate is shifting from territorial security, primarily through armaments, to all-encompassing security through human development with access to food and employment, and environmental security” and “the traditional narrow perception of security leaves out the most elementary and legitimate concerns of ordinary people regarding security in their daily lives”¹⁸⁴.

Given that the modern understanding of international law is based on the human rights paradigm, the responsibility to protect people’s lives notwithstanding their location belongs not only to national authorities, but also to local ones. The latter have the potential to be natural partners of international bodies committed to the safeguard of human rights and have the potential to play a huge part helping them to work with

¹⁷⁹ Ibidem, 14.

¹⁸⁰ See UN Secretary-General, ‘Implementing the responsibility to protect: report of the Secretary-General’ (12 January 2009) A/63/677.

¹⁸¹ Papisca, 40.

¹⁸² UN General Assembly ‘2005 World Summit Outcome’ (24 October 2005) A/RES/60/1, para. 139.

¹⁸³ Papisca, 40.

¹⁸⁴ ICISS, 15.

superior legitimacy and efficacy. For them to be more effective in safeguarding human security, they should be given more access to decision-making activities at the international level. They could rightfully demand to be formally considered as human security public stakeholders¹⁸⁵.

The glocalization of human rights occurs by means of local governments which localize international human rights law implementing it locally. Cities translate local methods in universal human rights discourses creating soft law based on international norms, cooperating through networks and pushing for a place at international decision-making tables because of a too-often slow intergovernmental context. Both localization and glocalization of human rights is vital to the promotion of their effectiveness¹⁸⁶: for instance, local governments tend to safeguard human rights offering access to housing, health facilities and education. As Benjamin Barber claimed, “cities are naturally inclined to soft power and soft governance”¹⁸⁷.

Conclusion

Cities do not really possess a universal legal personality. However, modern international law provides proper basis and a great range of possibilities to legitimize the international role of cities. As it has already been pointed out, in the current age of globalization, it is always harder to discern what is national from what is not. The political challenge coming from local realities, cities, civil society entities and addressed to international bodies is to disregard state boundaries.

The current (urban) age has political, economic and social interconnections and dynamics which are enormously different from those that characterized the time in which the study of International Relations as a discipline started. Indeed, city diplomacy in recent times is continuing to attract a growing amount of interest within this discipline. One reason is that local governments no longer see their role as one of mere implementation of norms which are agreed and adopted at the international level.

¹⁸⁵ Papisca, 40.

¹⁸⁶ Barbara Oomen, “Human Rights and the City: An Introduction,” in *Human Rights Cities: Motivations, Mechanisms, Implications. A case study of European HRCs*, ed. B. Oomen (Utrecht: University College Roosevelt, 2013), 11.

¹⁸⁷ Benjamin Barber, *If Mayors Ruled the World* (London: Yale University Press, 2013), 152.

Not seeing themselves as mere state subunits with limited power, cities acknowledge their potential in contributing to multilevel governance linking the global to the local and maximising the impact at the same time. Local administrations have turned into significant players who promote awareness for right-based governance and challenge both national as well as international players under the umbrella of internationally agreed principles. Indeed, there is evidence of a growing trend of cities creating networks and using human rights as tools to challenge policies and practises of national and international institutions¹⁸⁸.

This last chapter served to channel the phenomena and challenges analysed in the first two chapters into a potential solution for both. The already existing theory of cosmopolitan democracy was first addressed to better understand how its assumptions, structure and objectives could still be useful to a new way of thinking the same model. Since the original model continues to be “trapped” in matters of state sovereignty, what this research advocated basically was a change of subject.

Such change involved considering local governments, instead of nation states, as primary actors and promoters of the cosmopolitan model of democracy. For this reason the rest of the chapter dealt with the emerging practice of city diplomacy, its origins, its areas of competence and some practical examples of its activities. The final section of the chapter was dedicated to the logic that is supposed to guide this new cosmopolitan model. Indeed, the international legal recognition of the fundamental rights of the person must be considered the starting point to this project and human rights have to be regarded at the same time as the lenses as well as the means and the end of this model.

¹⁸⁸ Curtis, *Introduction: Empowering Cities*, p. 2 & Barbara Oomen, “Human Rights and the City: An Introduction,” in *Human Rights Cities: Motivations, Mechanisms, Implications. A case study of European HRCs*, ed. B. Oomen (Utrecht: University College Roosevelt, 2013), 21.

CONCLUSION

This research started from theoretical and practical considerations concerning the phenomenon of globalization and the crisis of the nation state. It went on to investigate the present institutions which are supposed to act as global governance players and provide solutions in this regard. The thesis came to life by discussing the tendency of national administrations to increase executives power in times of emergencies such as those posed by globalization – ultimately decreasing the control capacity of legislative assemblies. Then it dealt with its main question, introducing the practice of city diplomacy and discussing the international legal recognition of the fundamental rights of the person as the main justification for an alternative model of cosmopolitan democracy.

Final remarks

Despite the intrinsic limits of this research - which have already been outlined in the introduction –, the latter has been able to provide a number of arguments in favour of a cosmopolitan democracy built on local governments as a promising channel for the safeguard of human rights and democracy as a whole.

The interdisciplinary nature of this work made it challenging and, at the same time, interesting to write. When disciplines such as international law, history, political science, philosophy, democratic theory and international human rights law are mixed, a lot of attention has to be given to contexts, different schools of thought and often contrasting interpretations in order to provide an unbiased and balanced argument.

An interdisciplinary approach was necessary given that the very essence of the topic encompasses many disciplines. To focus just on one discipline would have meant not only to limit the research, but to limit the quality of the research answers as well. Therefore, giving space to different aspects in different perspectives made it possible to understand and analyse all the concepts more fully.

Research answers

As it has been argued in the introduction, the general purpose of this thesis was to contribute towards a better understanding of the possibilities available as far as the relationship between democracy and global governance are concerned and to lay a foundation for further academic research and debates on this subject.

With the aim of developing this basis, the analysis focused on the reasons and the extent to which local governments can take the place of nation states in an alternative model of cosmopolitan democracy. For this reasons, the main question that this thesis posed was “can cosmopolitan democracy be built on local governments?”. To answer this question many arguments have been provided and other sub-questions had to be addressed for the research to be more exhaustive.

First and foremost, the phenomenon of globalization and its various dimensions have been analysed in order to offer a framework for what would have been dealt with in subsequent sections. What came out of the analysis is that globalization generates incentives for countries to adjust their interests to each other and to think about how to manage the patterns of interdependence affecting them. However, it does not certify that they will ever reach the point in which global interests are as important as national ones.

It is hard to say whether globalization is going to eventually lead to a solid sense of identification with the species or to a greater commitment to cooperate with other peoples in developing a cosmopolitan community. Nevertheless, it is almost certainly not wise to assume that one single trend is going to take over. However, it is certain that how communities and people should react to the challenges of global interdependence is the most crucial moral and political challenge of the current age.

The following point that had to be covered was the context of the United Nations and its major contradictions which keep it from playing a key role in terms of global governance. It has been shown how, while the realization of the latter appears difficult to achieve, the challenges analysed in the course of the first chapter still exist and need to be tackled. As a result, the focus has shifted towards the national dimension and how states tend to behave when faced with emergencies and crises.

History makes it evident that there is a generalized tendency among countries to centralize power and increase executives power. This was true centuries ago and is still a reality today, also thanks to studies and theories developed by authors such as Schmitt and Rossiter, who also have been analysed in the course of the chapter. The closing section went on to question how this decisionist trend affects democracy, its institutions and processes. As a matter of fact, evidence shows that phenomena of this kind have negative effects on the safeguard of human rights and democracy as a whole.

Finally, after having covered all these points, the main research question could be addressed. The already existing theory of cosmopolitan democracy was first addressed to better understand how its assumptions, structure and objectives could still be useful to a new way of thinking the same model. Since the original model continues to be “trapped” in matters of state sovereignty, what this research advocated basically was a change of subject. Such change involved considering local governments, instead of nation states, as primary actors and promoters of the cosmopolitan model of democracy.

For this reason the rest of the chapter dealt with the emerging practice of city diplomacy, its origins, its areas of competence and some practical examples of its activities. The final section was dedicated to the logic that is supposed to guide this new cosmopolitan model. Indeed, the international legal recognition of the fundamental rights of the person must be considered the starting point to this project and human rights have to be regarded at the same time as the lenses as well as the means and the end of this model.

Avenues for further research

Regardless of the limits of this research - both in terms of what has not been discussed for reasons of space and what could not be concluded for the lack of data -, it was also meant to lay as a foundation for further academic research and debates on this subject.

From a legal perspective what could be developed more is a comparative approach concerning different regional and national legal frameworks on local governments.

From a human rights perspective, the right to the city is an interesting topic which could not be discussed in the course of the thesis, but offers a great amount of potential in terms of discussion on its nature, the lack of an international treaty at the United Nations level and comparative studies on its application and understanding in different regions of the world.

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