

GLOBAL CITIZENSHIP

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This essay is compiled in honour of Roger Clark: law teacher without peer, raconteur par excellence, mentor, colleague and friend – leading member of the emerging cadre of global citizens.

The idea of global citizenship is as old as political thought. It rests on five millennia of unrealised universalism, qualified by four centuries of dominant nationalism. The contemporary age is witness to the articulation of universalism in human rights within the context of national political thought. How the tension between universalism and individualism will play out through this century is the focus of enquiry here.

A study of ‘global citizenship’ requires, first, definitional and conceptual clarification. This facilitates an exploration of the philosophical foundations of the concept, including the values underpinning it. As the world changes, so does the socio-psychological dimension of an individual’s modern sense of identity and loyalty. Those evolving values and the social psychology of modern life lay the foundation for strengthened juridical concepts relevant to global citizenship which in turn, ultimately, will bestow it a constitutional status with institutional expression.

The structure of this essay reflects the above reasoning, with conclusions derived at the end.

I. DEFINITIONAL AND CONCEPTUAL MEANING

The distinction between ‘global’ and ‘international’ is at the core of contemporary political thought. Whereas ‘international’ involves the relations between nation-states on issues of common concern, ‘global’ involves recognition of a unified human interest in, and responsibility for, issues of universal concern. With international issues there is always a ‘we / them’ dimension in analytical discourse; with global issues there is always, and only, ‘we’. There is also a difference in scale: an international issue may be sub-global; a global issue, by definition, cannot.

‘Citizenship’ has two meanings:

- the state of being vested with the rights, privileges and duties of a citizen;
- the character of an individual viewed as a member of society, behaviour in terms of the duties, obligations and functions of a citizen¹

The distinction is important; a person may exhibit behavioural characteristics independent of whether s/he is of that particular state of being. This is critical because it raises the question whether a person can acquire and exhibit behavioural characteristics pertaining to a state of being which does not actually exist, or at least which is not fully developed.

¹ See <<http://dictionary.reference.com/browse/citizenship>> [accessed 4 August 2014].

If, in the second definition, there are two components that are mutually independent, namely, character viewed as a member of society on the one hand and citizen-like behaviour on the other, then a person could indeed exhibit characteristics that are evocative of, but not formally tied to, a state of being.

The issue therefore becomes empirical, rather than theoretical, whether citizenship is confined to the national level or can be seen as applying to the regional or global level – and whether it rests on a community or a society, with or without a polity.

Citizenship at the regional level

In the contemporary age, is there such a thing as ‘regional citizenship’? Clearly the Africans, Americans and Europeans reside in a specific (regional) locality. All three regional peoples have a common cultural or historical heritage. Asia is so large and heterogeneous that it may not meet any of the necessary characteristics.²

Over the past half-century, Europeans have broken from the definitional constraint of a ‘citizen’ being confined to the nation-state. Through socio-political engineering, they have lifted citizenship to the supra-national level. Serving the European Union (‘EU’) today is a European Council (the executive branch of ministers from the member states); a European Commission (the bureaucratic body serving the Council); and a European Parliament (the representatives of the peoples of each member nation-state elected on the basis of political philosophy and party affiliation rather than national identity).

Other regional organizations are less developed. The African Union (‘AU’), however, is strong and visionary. It has the concept of an ‘AU Government’ for a ‘United States of Africa’ actively under consideration.³ And it leads the world in one critical dimension: it can decide by majority without veto, at head-of-government level, to intervene militarily in a member state if ‘grave circumstances’ have occurred (genocide, war crimes, or crimes against humanity).⁴ This is not to be found in any other organization – including the United Nations (‘UN’) at the global level.

It seems clear that peoples within the EU can credibly be seen as European citizens – verified by possession of a passport, payment of taxes, and direct electoral representation. It could be said that the Europeans ‘share in government’, and that the Africans aspire to do that, while the peoples of the Americas and of Asia do not.

Citizenship at the global level

² See Kennedy Graham & Tania Felicio, *Regional Security and Global Governance* (VUB Press 2006), pp. 85-88, 178-189.

³ Since its 2007 Summit, the African Union (‘AU’) has had an audit of the idea at head-of-government level, with annual reports.

⁴ Constitutive Act of the African Union, OAU Doc. CAB/LEG/23.15 (adopted 11 July 2000, entered into force 26 May 2001), art 4h.

Does the emergence of ‘regional citizenship’ have implications for ‘global citizenship’? In a theoretical sense it does, but the difference in scale is enormous. Is there a global community or a global society; if so does it have political reflection in a global polity?

A ‘community’ is a social group ‘of any size’ with three characteristics: its inhabitants reside in a specific locality, they share in government, and they have a common cultural and historical heritage.⁵ A ‘society’ is a community that has evolved certain stronger governmental characteristics.⁶

Humanity has not developed a global polity, notwithstanding the international organizational network that has been built during the 20th century. But it may be said that a ‘global community of peoples’ exists, though not yet a ‘global society’. In this schema, a community is a precondition of a society which is a precondition of a polity.

If a ‘citizen’ is defined as a member of a polity who owes allegiance to its government and is entitled to its protection, then no global citizen exists because no global polity exists. Indeed, by the standard definition no global polity can exist since the definition is constrained to a state or nation that, by its nature is sub-global (sub-universal).

A person could, however, be a member of a society without being a citizen of that society’s non-existent polity. Thus, a person could be a member of an existing ‘global society’ without necessarily being a citizen of a ‘global polity’. So the contemporary definition of a citizen needs to be relaxed if the concept ‘global citizenship’ is to have meaning.

II. PHILOSOPHICAL FOUNDATIONS

The philosophical idea of universalism derives from classical notions of natural law – Plato’s original conception of the ideal community that was a ‘city established on principles of

⁵ Community: 1. A social group of any size whose members reside in a specific locality, share government, and often have a common cultural and historical heritage; 2. A locality inhabited by such a group; 3. A social, religious, occupational, or other group sharing common characteristics or interests and perceived or perceiving itself as distinct in some respect from the larger society within which it exists (usually preceded by the): the business community; the community of scholars; 4. A group of associated nations sharing common interests or a common heritage; 5. Ecclesiastical: a group of men or women leading a common life according to a rule.

⁶ Society: 1. An organized group of persons associated together for religious, benevolent, cultural, scientific, political, patriotic, or other purposes; 2. A body of individuals living as members of a community; 3. The body of human beings generally, associated or viewed as members of a community: the evolution of human society; 4. A highly structured system of human organization for large-scale community living that normally furnishes protection, continuity, security, and a national identity for its members: American society; 5. Such a system characterized by its dominant economic class or form: middle-class society; industrial society.

nature'.⁷ Greek philosophy drew the distinction between nature, which was immutable and immanent, and law which was changeable and anthropocentric. Socratic and Aristotelian thought viewed natural justice as in accordance with 'right', which laid the basis for natural law that was in accordance with 'nature'.

Stoicism developed an alternative concept of natural law – one that derived from an eternal rational and purposeful order to the universe. The means by which rational beings lived in accordance with this order, through 'virtue', was natural law—reflecting the 'divine spark' within each human.

Roman thought took this a stage further; Cicero taught that law was based on what Nature has given to humanity and which serves to unite it. Whereas positive law was established by government for the stability and safety of society, natural law determined whether such positive law was true and just.⁸

Classical Christianity, culminating in Thomist thought, adopted natural law,⁹ thus influencing both English common law and American constitutional jurisprudence, and also Islamic theory.

In the European Enlightenment, liberal natural law derived from a merger of medieval theory and its Hobbesian revision. Grotius based international law on natural law precepts, while Jefferson's inalienable rights underpinned Euro-American thought and, two centuries later, the universal declaration of human rights. Kant's 'perpetual peace' is based on two conditions: a world-wide set of constitutional republics and international organization.

More recently, Habermas explored the notion of a political constitution for a pluralist world society.¹⁰ In contemporary thought, 'new natural law' theory as developed by Finnis focuses on 'basic human goods' such as human life, knowledge and aesthetic experience, all of which are self-evidently and intrinsically worthwhile.¹¹

These tensions between natural law and positive law continue to play a key role in the development of international law.

Global values

⁷ Plato, *The Republic* I, Bk. IV 428E, in P Shorey trans. (William Heinemann; London, 1953) 351

⁸ "...Nature has implanted in the human race so great a need of virtue and so great a desire to defend the common safety, that the strength thereof has conquered all the allurements of pleasure and ease" in Cicero, *De Republica* Bk. 1, sec 1; and *De Legibus* Bk. 1, sec. 16-17, in C. W. Keyes trans. (William Heinemann; London, 1928) 7, 315-333

⁹ See Thomas Aquinas, *Summa Theologica*, Bks. I-II, questions 90-106 (Benziger Bros; 1947)

¹⁰ Jürgen Habermas, 'A Political Constitution for a Pluralist World Society' (2007) 34(3) *Journal of Chinese Philosophy* 331.

¹¹ John Finnis, *Natural Law and Natural Rights* (Clarendon Law Series 2nd ed. 2011)

Natural law rests on the notion of what is eternally good for humanity, comprising intrinsic truths discoverable through divine revelation or secular reasoning. This presupposes a set of eternal values which philosophy and political theory seek to identify.

In classical theory, from Greco-Roman to Islamic and Christian doctrine, these have reflected an appreciation of the civic ‘virtues’—honesty, humility, piety, charity, courage. Eastern theory, from Taoism, Confucianism and Hinduism to Buddhism, has developed complementary values of sincerity, courtesy, and harmony.

These traditional values have never been repudiated. They have, however, become supplemented in the modern age by an aspirational set of secular values designed to unite societies and underwrite the obligations and rights of their citizens. The bifurcation of universal rights through Cold War ideology into separate political and economic contexts slowed progress in modernising the concept of global citizenship.

With the end of the Cold War, the ‘end of history’ was announced through the proclaimed triumph of Western liberalism.¹² An alternative prognosis was advanced in the ‘clash of civilizations’ thesis.¹³ The UN itself explored these issues in the post-Cold War period with an Iranian-inspired project on a ‘dialogue among civilizations’ followed by a regional project led by Spain and Turkey on an ‘alliance of civilizations’.

The first formal statement of a set of global values was made by the UN General Assembly in the Millennium Declaration.¹⁴ The updated version of 2005 remains the current version, with seven values identified: freedom, equality, solidarity, tolerance, respect for all human rights, respect for nature, and shared responsibility.¹⁵

These values are rudimentary, scarcely sufficient to inspire any real global patriotism. But they are the first formal articulation of global human values. And they thus provide the prototype set of values that can underpin the development of global citizenship.

III. THE SOCIO-PSYCHOLOGICAL DIMENSION

The individual commitment to global citizenship is sourced not in philosophical thought but rather the practical aspects of daily life. Indeed, it is the socio-psychological dimension of human life that can only sustain the more abstract levels of thought. These consist of a sense of belonging and affection, a rallying cry for action. This requires a number of things: a founding narrative; a set of symbols; an oath of loyalty; an educational curriculum; and political leadership as an embodiment of the concept.

Narratives

¹² Francis Fukuyama, ‘The End of History?’ (1989) National Interest 3; Francis Fukuyama, *The End of History and the Last Man* (Free Press 1992).

¹³ Samuel Huntington, *The Clash of Civilizations* (Simon Schuster 1996).

¹⁴ ‘Millennium Declaration’, UNGA Res 55/2, 8 September 2000.

¹⁵ ‘2005 World Summit Outcome’ (24 October 2005) UNGA Res A/RES/60/1, para 4.

There is no global narrative as yet; at least one that is depicted as such.

Notions of identity and thus loyalty are intimately related to narratives with deep historical roots. The ancient epics or spiritual sources – the Vedas, the Tao and I-Ching, Gilgamesh and Shahnameh, Ramayana and Mahabharata, the Iliad and Odyssey, the Torah and the Edda – all give rise to a binding cultural affiliation, with active political loyalty as the derivative.

Is there anything comparable for humanity as a whole? It is possible that a global narrative is emerging. It takes the form of space-borne imagery of planet Earth, together with modern insights into the place of human life in the Cosmos. The Apollo 8 photographs of the 1960s instantaneously became iconic images for the first generation of fledging global citizens. The newly-acquired self-image of our planet and the developing saga of human stewardship in the Anthropocene, are fertilising something new. The weaving of a single fabric of human thought – with a coherent relationship between early mythology, traditional religion and modern science – is perhaps the key to forming such a narrative.

The global narrative may take a different twist as well. The interaction between science, modern technology and the ecological crisis may see humans undertaking action in ways difficult to perceive even today. Issues of cloning, species self-determination through the genome project, and the unpredictability of artificial intelligence may prompt humans to act in a transnational manner that challenges traditional precepts of international law. Such actions may be accompanied, for self-justification, by claims of global citizenship – not necessarily reflective of the global public good.

Symbols

If the notion of ‘global citizenship’ cannot yet be expressed in legal manner, it nonetheless can be used as a symbol of identity and of loyalty, such as flags, passports and anthems.

The concept of ‘global citizenship’ evokes sentiments of identity and loyalty. Identity is critical. The central square of Bruges in Belgium, lined with exquisite 17th-century architecture, exhibits a 21st-century notion of identity. Above the municipal building fly five flags together: the Bruges flag for the town; the West Flanders flag for the province; the Flanders flag for the Belgian region, the Belgium flag for the nation-state; and the EU flag for Europe. It is significant, and evocative of our stage of progression, that a sixth, the UN flag, is missing.

Passport ownership is of similar significance. The passport is a symbol of citizen identity. The Europeans now carry a European passport, with the name of the member state below the governing title.

Most people recognise the national anthems of most major countries as well as one’s own. Anthems have a powerful effect on the human psyche – reinforcing the tug of nationalism. On its 25th anniversary, a ‘Hymn to the UN’ was produced on the request of the Secretary-General. Unofficial and uninspiring, it remains virtually unknown. In 2013, India proposed to

UNESCO that it undertake a project to develop an Earth Anthem, but the agency declined on grounds of cost constraint. An Indian poet-diplomat wrote one but it too remains unknown.

Oaths

Buttressed with flags and passports, we take oaths of loyalty as citizens. New citizens swear an oath to the head of state in a ceremony rich with symbolism, recognising the national 'sovereign' and being prepared, at least theoretically, to die for their new country. Native-born citizens are assumed to carry that commitment from birth; unlike some religious institutions which thoughtfully require an elective confirmation upon a certain age.

If the same individual becomes an international civil servant at the United Nations, s/he effectively repudiates a certain level of that loyalty. A UN official swears not to take instructions from any country, including one's own. The UN official has effectively withheld national loyalty from one's own country.¹⁶

The notion of loyalty can be taken a step further. Under the notion of global citizenship, an individual whose self-perception is that of a 'global citizen' may adopt the same position as a UN official – as if s/he had sworn the same UN oath of loyalty. If s/he believes the government's policy and actions threaten broader interests, s/he may take a stance of civil disobedience. The individual may end up charged under domestic law, but the prescriptive stance is politically authentic.

These considerations are not new. Conscientious objection against military conscription caused particular angst in World War I. Today many activists risk legal action in protest against a number of 'global issues' – nuclear weapons, environmental destruction, intrusive espionage. But the legal defence is changing – no longer moral-religious exemption from secular military authority, but secular legal argumentation in the name of a higher political authority.

The associated test of loyalty is a readiness to sacrifice one's life for a cause or an entity. In the 20th-century, the dominant question in this respect for the national citizen was: 'Will I die for my country?' In the course of the 21st century, the question may well become: 'Will I die for humanity?'

UN peacekeepers already risk their lives for humanity. But the fact that they are soldiers from the armed forces of a UN member state raised ambiguities. They are prepared, by virtue of their role, to risk their lives, but for whom? They accept the orders of their immediate commanding officer who will usually be from the same country.

Their national contingents, however, operate under the overall command of a senior military officer from another country. They have sworn an oath of loyalty – to the UN. But who decided when Belgian troops would withdraw to barracks in Rwanda in the face of genocide? Was it the UN commander? That is unlikely – he was striving to protect the vulnerable

¹⁶ Kennedy Graham, 'National Loyalty and the Global Interest', blogpost 21 December 2011. <https://home.greens.org.nz/node/27675> accessed 8 August 2014.

people. Essentially the Belgian troop leader took orders direct from Brussels, not from the UN Secretariat or UN commander. If and when the day comes that UN soldiers are recruited as UN soldiers, with no attachment to their nation-state (just as with UN officials), problems of divided loyalty will diminish.

Curricula

Global citizenship education is a vibrant part of the curriculum today. Some see it as difficult to operationalize; unclear whether the very notion of ‘global citizenship’ is a metaphor or an oxymoron.¹⁷

The notion of ‘global citizenship’ has recently gained prominence in development discourse with the UN’s Global Education First Initiative (2012).¹⁸ Among the three priority areas outlined in the Initiative, the third aims to foster ‘global citizenship’.

The civil society is the most advanced in terms of global citizenship than perhaps any other dimension of societal life.

- Cosmopolitan identity: Individuals identify with one another in a manner that transcends their national loyalties.
- Political movement: The World Federalist Movement proposed the idea of world government since the time of the League of Nations in the early 20th century. Its international counterpart is the World Federation of UN Associations, whose national branches are devoted to strengthening rather than replacing the UN.
- Religious movements: The spiritual and religious underpinning of global citizenship remains strong. Indeed the first global gathering – the ‘Parliament of the World’s Religions’ – was convened in 1893. Baha’ai is a faith-based religious movement that puts global unity as its first defining tenet. Humanity’s Team is an international spiritual movement whose purpose is to communicate the ‘timeless truth that we are all One, with God and life’.
- Research institutes: Many of the modern research institutes are based on the idea of a unified world.¹⁹ At the national level, think-tanks are designed to encourage national establishments to have regard for the higher global interest.²⁰

Leadership

¹⁷ Lynn Davies, ‘Global Citizenship: Abstraction or Framework for Action? (2006) 58(1) Educational Review 5-25.

¹⁸ Sobhi Tawil, Education for ‘Global Citizenship (August 2013) UNESCO Working Paper 07.

¹⁹ The Earth Policy Institute produces regular analyses of global challenges and offers prescriptive solutions. The Ecological Footprint Network produces penetrating analyses of the global economy’s ecological overshoot. The Stockholm Resilience Centre has developed the concept of the planetary boundaries and a ‘safe operating space for humanity’. The Global Institute for the Prevention of Aggression works to ensure that aggression becomes a leadership crime in international law.

²⁰ An example is the NZ Centre for Global Studies (www.nzcgs.org).

National political leaders are not global citizens in a formal sense. The charismatic figures of recent times always remained national leaders. They may have attained world-wide stature and influence but that is not to be mistaken for global leadership, for they are not formally speaking on behalf of all the world's peoples.

The UN Secretary-General is the closest official embodiment of a global leader.²¹ Yet, with the exceptions of Dag Hammarskjöld and Kofi Annan, no UN leader has exhibited the charisma and courage to be effective in that capacity. The selection process is fashioned by the major powers to prevent this.²² The Secretary-General is seen as an international civil 'servant' – the 'world's top diplomat', but without political rank. This is far removed from Roosevelt's notion of a 'World Moderator' with political powers heading the UN.

IV. JURIDICAL CONCEPTS

Juridical thought of the 20th century has laid down a basis for global citizenship. This takes three forms: declaratory treaty pronouncements pertaining to human proprietorship and custodianship; individual human rights and responsibilities; and individual criminal liability.

Human proprietorship

Universalism was embraced in juridical thought through the 20th century in assertive ways.²³ Even more progressive are the concepts spawned by the independent commissions that are often called for by, and which report to, the UN Secretary-General.²⁴ These provide the fertile field of conceptual change from which UN member states may develop declaratory pronouncements that, in turn, become binding obligations in due course. 'Global citizens'

²¹ See *To Speak for the World: Speeches & Statements* by Dag Hammarskjöld (Atlantis 2005).

²² Brian Urquhart, *A World in Need of Leadership: Tomorrow's United Nations* (Ford Foundation 1990).

²³ The Antarctic Treaty (1959) recognised that 'it is in the interest of all mankind that Antarctica shall continue for ever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord; the continent a demilitarized zone in the interests of mankind'. The NPT (1968) considered 'the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples'. The UN Outer Space Treaty (1967), recognizing the common interest of all mankind in the progress of the exploration and use of outer space for peaceful purposes, declared that the exploration and use of outer space, including the moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind. The UN Framework Convention on Climate Change (1992) acknowledged that 'change in the Earth's climate and its adverse effects are a common concern of humankind'.

²⁴ The principal examples are the reports on 'common security' (Palme, 1982); sustainable development (Brundtland, 1987); 'responsibility to protect' civilians (Evans-Sahnoun, 2001); and 'global governance' (Carlsson-Ramphal, 2005).

tend to be the first to embrace such conceptual change and give it political oxygen, through academic scrutiny and civil activism.

Individual human rights

Probably the most potent expression of ‘global citizenship’ is found in the development of universal human rights over the past century.

- The self-determination of peoples, first captured in the League’s Covenant of 1919 and fleshed out in the UN Charter;
- The possession of universal human rights by the individual in the Universal Declaration (with binding force in the two covenants), given an unexpected sharp edge through the empowerment to lodge a complaint against one’s own national government for breaches;
- The right of the citizen of a nation-state to protection by the international community (through the UN Security Council) if one’s own government has proved unable or unwilling to meet its primary responsibility in that regard. The ‘Responsibility to Protect’ doctrine, adopted by the UN General Assembly in resolution 60/1 of 2005.²⁵

These rights give unprecedented strength to self-identity and civic action by a ‘global citizen’. Many individuals avail themselves of it.

Individual criminal liability

The progression towards global citizenship took a giant step in the form of the International Criminal Court (‘ICC’) whose jurisdiction commenced in July 2002.

The ICC is the culmination of a century of effort since World War I and the charges against Kaiser Wilhelm as an individual of crimes against peace (in fact never pursued), the Nuremberg/Tokyo war crimes trials of the 1940s, and specific war crimes tribunals for Rwanda and former Yugoslavia of the 1990s.

The Rome Statute of the ICC deals with individuals under criminal charges. Three crimes are justiciable –genocide, war crimes and crimes against humanity. Proceedings against nine individuals have been completed; one has been convicted, four charges have been dismissed and one withdrawn, while three have died before trial. A fourth crime, also in the Rome

²⁵ The R2P concept has been described by a leading international lawyer as ‘. . . the most important shift in our conception of sovereignty since the Treaty of Westphalia in 1648. It is the foundation of an international order that recognizes the rights and responsibilities of individuals as well as states’, Anne-Marie Slaughter, Comments on Richard H Cooper & Juliette Voinov Kohler (eds), *Responsibility To Protect: The Global Moral Compact for the 21st Century* (Macmillan-Palgrave 2009) at <http://www.palgrave.com/page/detail/Responsibility-to-Protect/?K=9780230618404> accessed 4 August 2014.

Statute, is of a different order. The crime of aggression applies to political and military leaders, and is likely to become justiciable within the decade.

The critical difference between the International Court of Justice ('ICJ'), which adjudicates between disputant states, and the ICC which judges individuals under international criminal law, will lend strength to 'global citizens' to hold their compatriots to account. Indeed, the assertion of universal jurisdiction over certain crimes towards all independent of state ratification of treaties takes that empowerment beyond a national to a global reach. As the Rome Statute puts it: "Individual criminal responsibility: 1. The Court shall have jurisdiction over natural persons pursuant to this Statute; 2. A person who commits a crime within the jurisdiction of the Court shall be individually responsible and liable for punishment in accordance with this Statute."²⁶

With a touch of irony, individuals charged under the ICC are the first real global citizens.

V. GLOBAL CONSTITUTIONALISM

These juridical concepts have laid the basis for the idea of global constitutionalism – the most profound expression of global citizenship. The distinction between a world of citizens belonging to nations that cooperate under a charter and a world of global citizens who have united under a global constitution is profound. The progression, if there is to be one, can be evolutionary or revolutionary. The evolutionary approach has been described in similar terms by two of the 20th century's two most insightful thinkers on the subject – Dag Hammarskjöld and Phillip Allott.

Hammarskjöld identified stages of human thought in what he saw as a natural progression from the national to the global. He identified three aspects of that progression.

First, the UN Organization is to be seen as a dynamic organization, with the inherent capacity to adapt and transform in response to the continuous process of global societal transition.

"[I]nternational constitutional law is still in an embryonic stage; we are still in the transition between institutional systems of international coexistence and constitutional systems of international co-operation. It is natural that, at such a stage of transition, theory is still vague . . . Those who advocate world government, and this or that special form of world federalism, often present challenging theories and ideas, but we, like our ancestors, can only press against the receding wall which hides the future."²⁷

²⁶ Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 90, art 25.

²⁷ Dag Hammarskjöld, 'The development of a Constitutional Framework for International Cooperation': address at University of Chicago, 1 May 1960, in 'To Speak for the World: Speeches and Statements of Dag Hammarskjöld', Ed. Kai Falkman (Atlantis; Stockholm, 2005) 160, 164. See also Manuel Fröhlich, 'The Quest for a Political Philosophy of World Organization', in Sten Ask & Anna Mark-Jungkvist, *The Adventure of Peace: Dag Hammarskjöld and the Future of the United Nations* (Palgrave Macmillan 2006) 130-145.

Secondly, the Charter should be treated as a teleological instrument, containing implied powers to facilitate and legitimise a constitutional framework.

“... the United Nations is an experimental operation on one of the lines along which men at present push forward in the direction of higher forms of an international society. It is obvious that we cannot regard the line of approach represented by the United Nations as intrinsically more valuable than other lines, in spite of the fact that, through its universality, it lies closer to, or points more directly towards, the ideal of a true constitutional framework for world-wide international co-operation [...] the United Nations is an effort just as necessary as other experiments, and nothing short of the pursuit of this specific experiment with all our ability, all our energy and all our dedication, can be defended. In fact, the effort seems already to have been carried so far that we have conquered essential new ground for our work for the future. This would remain true in all circumstances and even if political complications were one day to force us to a wholly new start.”²⁸

Thirdly, there was need to place this in the context of humanity’s ‘evolving self-consciousness’ as a species, in which the UN was the lead agent.

“The United Nations is an organic creation of the political situation facing our generation. At the same time, however, the international community has, so to say, come to political self-consciousness in the Organization and, therefore, can use it in a meaningful way in order to influence those very circumstances of which the Organization is a creation.”²⁹

And:

“The United Nations is a positive response by the world community to the fundamental needs of our time. ... Its efforts are significant insofar as they show the growing maturity of the Organization as an instrument by means of which the nations can solve conflicts threatening the natural evolution of the world community.”³⁰

Taking this thought further three decades after Hammarskjöld, Allott speaks of the ‘self-constituting of ‘international society’—an international community into a global community.

“It may be that the hallowed diplomatic concept of ‘international security’ is changing into something much more like the ancient and hallowed constitutional concept of the ‘public order’, so that a collapse of internal constitutional order or a massive abuse of constitutional power within a state may come to be seen as a threat to international public order, which international society, and hence international law, cannot ignore.

²⁸ <http://www.un.org/depts/dhl/dag/docs/chicagospeech.pdf>

²⁹ Secretary-General’s Introduction to the Annual Report of the United Nations, 1960, in Manuel Fröhlich, *Political Ethics and the United Nations: Dag Hammarskjöld as Secretary-General* (Routledge 2008) 37.

³⁰ Secretary-General’s Introduction to the Annual Report of the United Nations, 1953, in Manuel Fröhlich, *Political Ethics and the United Nations: Dag Hammarskjöld as Secretary-General* (Routledge 2008) 27.

... Central to this challenge is the question whether we can see signs of an emerging public mind of international society, since it is in the public mind of society that a society stores its ideas about itself and its high values, and in which a permanent struggle about its ideas and values is enacted. The hypothesis proposed in *Eunomia* suggests that a society constitutes itself, not only on the form of law and legal institutions and not only in the real world struggles, political and economic and personal in everyday life, but also in society's struggle about ideas. The self-constituting of the international society of the 21st century will be no different."³¹

The constitutional dimension of global thinking is even more recently reflected in the 2005 work of Macdonald and Johnston:

“[I]t now appears that the purposes and principles of the UN Charter are no longer being served sufficiently in light of new concerns. ... [I]t seems timely to reconsider the case for strengthening the constitutional framework of norms and institutions that seemed to offer the promise of fulfilment in the second half of the 20th century [. . .] The depiction of the organized world community as a ‘constitutional order’ goes far beyond the present reality of the UN and its Charter. Yet certain specialized areas of international law have been developed systematically to the point of having permanent global mechanisms with rule-making, executive, administrative and judicial roles.”³²

This school of thought, derived from Wilsonian doctrine of the early-20th century, lays the constitutional basis for ‘global citizenship’, not only enjoying full rights and responsibilities but their juridical and institutional expression.

VI. INSTITUTIONAL STRUCTURES

With the constitutional basis thus contested between national legal sovereignty and global normative aspiration, contemporary international institutions struggle for identity and efficacy.

The UN Charter is seen as a ‘quasi-constitution’ for governing relations among sovereign and equal nation-states towards ‘common ends’. The Organization, as the institutional dimension, has 193 member states.

Whereas the League of Nations Covenant opened with ‘we the High Representatives’ of each government, the UN Charter opens with the phrase ‘We the peoples of the United Nations’. The difference is critical. In the Charter, the peoples of each nation-state delegate the powers and responsibilities in the Charter to their respective governments. So in a philosophical sense, the peoples of the world control the United Nations.

It follows that, were they disposed to do so, they could amend it. Does this make them ‘global citizens’? In seeking to amend the United Nations, they would need to act through the

³¹ Philip Allot, *Eunomia: New Order for a New World* (OUP 2001) xvi, xx.

³² Ronald St John Macdonald & Douglas Johnston, *Towards World Constitutionalism: Issues in the Legal Ordering of the World Community* (Martinus Nijhof 2005) xiii–xviii.

governments to which they gave delegated authority to act in their names. Governments will not act unless they have a clear and compelling mandate.

It is in this cauldron of contested opinion that governments search for insightful policy at the international organizations – both the UN and Bretton Woods systems.

One largely unnoticed opportunity exists for progress in ‘individualising’ formal international relations. The UN Charter, at article 28(b), provides that member states can be represented at the Security Council by official representatives “or by other individuals”.

Electoral representation

The European Parliament is the second largest parliament in the world, with almost 800 members representing about 400 million voters. Based on direct universal suffrage since 1979, it shares equal legislative and budgetary powers with the Council which is composed of the ministers of the member states.

The distinctive feature of the European Parliament is that MEPs sit according to political party and not according to nation-state. This contrasts with the Inter-Parliamentary Union at the global level. There, members of national parliaments sit behind national name-plates, irrespective of political party persuasion. The difference depicts the vast distinction between ‘citizenship’ at the regional and the global levels.

Political expression

So long as the nation-state remains the central institutional expression of citizenship, global citizens search for ways of facilitating the progression to the global level. One new concept serves usefully for the purpose. The ‘planetary interest’ has been defined as “The interests of the planet, comprising: (1) the survival and viability of humanity, contingent on maintenance of the physical integrity of Earth and the protection of its ecological systems and biosphere from major anthropogenic change; and (2) the universal improvement in the human condition in terms of basic human needs and fundamental human rights”.³³

From this definition, three propositions are advanced:

1. That the ‘planetary interest’ is the valid criterion for official policy on any issue that is genuinely a global problem.
2. That, once the planetary interest is identified, the ‘legitimate national interest’ of all countries fit harmoniously within the global solution to the problem.
3. That ‘legitimate global power’ can be developed and applied on behalf of all peoples of the world, in cases where a global problem requires a global solution.

The concepts of ‘legitimate global power’ and the ‘legitimate national interest’, developed for the 21st century, compare with the traditional notion of a competitive national interest that marked 20th-century diplomacy in trade and military relations. Through the use of these

³³ Kennedy Graham (ed), *The Planetary Interest* (UCL Press 1999) 7

concepts the way is free for a ‘global citizen’ to judge whether a government is pursuing a ‘legitimate national interest’ on a particular issue.

VII. CONCLUSIONS

Global citizenship is, in essence, the philosophical-political foundation of future global governance of an indeterminate kind. It will not fashion the nature of that governance system, nor will it manage it. It will be, in the first instance, a precondition of the emergence of the system. It will then act as the continuing legitimation of that system.

Global citizenship in the early-21st century is a state of being. It can exist prior to the system of global governance that reflects it; indeed it must precede it to act as a precondition. It is the individual expression of the evolution of human thought, sourced in the notion of universalism embraced by the ancients, strengthened over the centuries through religious and secular enquiry, gathering pace in the globalising world of modern technology and telecommunication. What is unknown is whether the process of globalisation succumbs to ideological tension—between a corporate-dominated or a political-dominated world.

An individual today, in the early 21st century, can genuinely claim to be a global citizen, in the sense that s/he perceives oneself to carry values and convictions—principles of conduct—that have primary claim to the planet and humanity. This is an informal psychological state of being. It can coexist with the formal, political, national citizenship. In the abstract they are not incompatible.

The dilemma for today’s prototype ‘global citizen’ arises when the actions of one’s government on the world stage conflicts with one’s individual convictions as a global citizen. In such instances, the dilemma concerns one’s loyalty in terms of publicly-articulated political prescription. Does a ‘global citizen’ condemn, and dissociate oneself from, the government’s actions and refuse to obey them, if the issue is sufficiently critical? If so, then one’s loyalty to informal global citizenship overrides one’s formal loyalty to national citizenship.

The following propositions are advanced, by way of conclusion:

1. Global citizenship is politically necessary; otherwise, nation-states will forever remain divided, competitive and antagonistic in an age of globally-destructive technology.
2. A global community exists, comprised of a mosaic of nation-states, ethnic peoples, private sector and civil society.
3. A global society is emerging from that community, associated with a strengthening of the notion of ‘global citizenship’.
4. A ‘global polity’ does not yet exist, in the form of global government; but today’s ‘global citizenship’ provides the foundation for global governance to strengthen towards that, as yet indefinable, end-state.