GLOBAL CITIZENSHIP IN SIGHT?

Mirielle Delmas-Marty
Emeritus Professor at Collège de France – Chair of Comparative Legal Studies and Internationalisation of Law (2003 – 2011)
Member of the Academy of Moral and Political Sciences
Mireille.delmas-marty@college-de-franc.fr
contact@observatoirepharos.com

1. What are your views on the RESOLIS1 approach?

One of the paradoxes of globalisation is that the supposedly weakest actors, the public actors, are the only ones that genuinely want to achieve it and have the power to reinstate global order that is designed by the states for the states. This is why RESOLIS - an association aiming to unite field workers, inspire scientific communities and contribute to their increased recognition and impact – seems such a promising initiative. Because public actors are unpredictable. They subscribe to a short-term logic based on what they know, whereas successful, enduring political action requires motivation, research and a plan, in addition to knowledge. Observatories such as RESOLIS, which publishes peer-evaluated, objective information, encourage knowledge sharing and the development of knowledge. They contribute to the democratisation that is necessary in order to establish a political order that recognises the interests of the entire world.

Access to knowledge is the focus of the new global governance and the re-establishment of powers linked to knowledge brokering. In an ideal world, motivation would be inspired by knowledge, by encouraging the rationalisation of choice. Motivation would, in turn, inspire those in power by legitimising them, instead of the self-legitimisation that is often all too visible. Fundamentally, RESOLIS is a driving force behind efforts to rationalise the role of public actors and to better articulate the triptych knowledge/motivation/power.

2. What are the origins of the citizens’ initiatives?

The citizens’ initiatives are far from recent, but they are becoming increasingly necessary as the state loses its influence. The state, as the founder of international law, will clearly always be a fundamental actor and will always contribute to shaping norms. However, it no longer operates in a normative space. In the current global context of change, crime, environmental risks, health and economic risks, the state is becoming increasingly marginalised and its power is waning. The reference model, the separatist model, has proved to be poorly adapted to globalisation. The measures in place are not purely national, nor purely international, but ‘internationalised’ – i.e. simultaneously national, inter and supra-national. Regulating them requires an approach that can function at each of these levels and includes all actors.

The universalist model, substituting (or adding to) the world state to the nation state, is neither feasible – due to resistance from those in power – nor desirable, if it leads to imperialism on a global scale. As for the ultra-liberal (the self-regulated market), it

---

1 The French version of the CIVICUS FACTS Report on local democratic innovations has been published through the RESOLIS Journal. The interview was conducted by RESOLIS in French and translated by a UN Volunteer.
prioritised private economic interests and failed to take the ‘common good’ into consideration. Neither universalism nor ultra liberalism allows for the other paradox of globalisation, which claims to be universalist, but recognises the diversity of cultures like 'common patrimony of humanity' (UNESCO Convention Declaration 2001, 2005).

An alternative model is therefore required, one which is simultaneously universal and plural, regulated and self-regulated, which would mean a truly democratic innovation. If the crises appear to lead to a dead end or a vacuum, in that they reflect the absence of a theoretical model which could be used to structure global powers, they also provide a way out. By exposing the displacement of those in power at a national level and their fragmented re-assembling in supranational institutions, they suggest an increase in unofficial powers who participate in the rebalancing and re-establishment of official powers by contributing to ‘ordering pluralism’ (in a model which could be referred to as ‘prescribed pluralism’).

Teaching how to govern without a government requires inventing new legal tools which enable the reappraisal of traditional functions. Combined with increasing legislative regulation, public actors can succeed in wresting themselves from the monopoly held by legislation and to implement processes that promote co-ordination, in order to offset their dispersion at different levels. Their surge, which often enables the knowledge-provider/knowledge-seeker hierarchy to be reversed, could foreshadow the possibility of a rebalancing of power.

3. How do you define public actors?

The terminology used to relation to global governmental actors implies differentiating between public actors (states and international organisations) and private actors. Sometimes referred to as ‘civil society’ in modern lexicon, the latter group brings together a wide variety of actors, both individuals and communities, whose interests are often very diverse. They can be divided into three key categories:

- Economic actors, who are multinational companies, wield considerable power due to their budget and organisation. They compete with the states and develop their own self-regulated norms.

- Scientific actors, climate and health experts, economists and lawyers all play a significant role in global governance, following the example of World Bank economists and climatologists at GIEC (Group of Intergovernmental Experts on Climate Evolution) who collaborate with climate-change politicians.

- Public actors, who reject the idea of the citizen and can be interpreted in a political context as actors who assume the role of a ‘counter-force’ or of better-organised bodies. Their power has been gained after fighting a hard battle as institutions were reluctant to recognise their role.

4. How would you define participative democracy?

Participative democracy can be defined as the election of citizen representatives, which does, however, mean that citizens are excluded from participation during the interim between elections. It is therefore important to plan the process, as a ‘conference of consensuses’, which connects citizens to important decisions. The environmental sector allows for particular creativity in terms of citizenship participation. It recognises ecocide as a crime against the environment and the first citizenship initiative was launched in Europe through the Lisbon Treaty in 2007.
Previously, the European Union did not grant European citizens the right to petition. By establishing a true popular legislative initiative, the treaty didn’t establish a direct legislative power, but allows a group of citizens to submit a legal proposal to the European Commission. The use of a popular legal initiative by European nationals will help to imagine an equivalent system on a global scale. Of course, such a method cannot be transposed directly as it is, not only because democracy is far from being a concrete concept in every state, but also because the global space is fragmented and incomplete. Nevertheless, a popular legislative initiative could be developed, in sectors where it would be especially necessary such as health or environment, by international organisations such as the World Health Organisation or the World Environment Organisation.

5. How have the citizens’ initiatives had an impact on public powers?

Citizens’ initiatives are often associated with action led by militants or activists. We must be careful to avoid this view, which can influence public opinion. Overall, their actions have several functions:

- A legal function: before the courts, public actors (both individual and collective) can defend the rights of citizens, as well as contribute to improving the rule of law more generally. The defence of rights is facilitated in France, for example, by the constitution of civil parties of associations or by class action in the United States. As for improving the rule of law, this is facilitated in the United States by reports filed in relation to *amicus curiae*, a formula which has recently been accepted before the French Council of State. Similarly, the World Trade Organisation Dispute Settlement Body now accepts *amici curiae* communications presented by NGOs, which are not recognised as parties to the proceedings.

- A legislative function: equally, public actors can sometimes propose reforms of texts. Although this participation in legislative power is indirect, it nevertheless contributes to the development of new agreements and the implementation of judicial and jurisdictional structures. In many instances, public actors are the driving force behind major innovations. Amongst the multiple initiatives created by NGOs, one that stands out is the campaign symbolised by the pyramid of shoes in several towns which has, particularly in France, undeniably contributed to the development of the convention prohibiting anti-personnel mines. Other NGOs have guided the creation of the International Criminal Court; others have influenced the signing of the Kyoto protocol with regards to greenhouse gas emissions. More often than not, it is thanks to the alliance of several citizen associations that such innovations are made possible. These groups act as a stimulus, becoming as effective as economic or scientific actors. They compensate for the waning power of the state and strengthen the authority of experts. Their presence presages a global legislative power, but raises the issue of their authority. Hence the research on the criteria for a democracy. Three different criteria must be combined, which are: representation, independence and legitimacy.

6. What is your idea of global citizenship?

To see oneself as a citizen of the world is a thing of the past. Kant and Kang Youwei had this dream in the 18th and 19th centuries and in fundamentally different places (Germany and China), which paved the way for a City of Rights. They had, in their own way,
imagined a citizen of the world. However, both were aware of how different their image was from reality. Current globalisation has resurrected the debate led by visionary philosophers. Yet, supranational citizenship has yet to be consolidated on a global scale.

With regards to Europe, it was Jean Monnet who, in his Washington speech (30 April 1952) first drew attention to this aim: “our task is to unite people, not states”. The European Union paved the way for multi-citizenship, by combining European citizenship and national citizenship (EU Charter, Chapter V).

On a global scale, where the image of democracy as “an empty, yet active space” applies perfectly because public actors tend to work without any real official status and in a heterogeneous manner, Michel Foucault had no hesitation in saying that, in reality if not law, “a global citizen exists, who has rights and responsibilities and who is committed to fighting against abuses of power, regardless of who the perpetrator or victims are. After all, we all live under the rule of government and in this way we are all united.” In 1990, the United Nations’ International Convention on protecting the rights of migrant workers and members of their family went even further. The impact of the Convention was clearly limited because it was ratified only by emigration states, but by recognising certain rights – even for illegal immigrants – the convention was a step towards legally recognising every citizen in the world.

In summary, the development of European citizenship is still underway and global citizenship will remain an elusive concept while limitations placed on crossing borders between countries remain in place, undermining the idea of free movement of goods and capital. However, concrete initiatives that have been started by the idea of global citizenship have shown that it could be possible to develop a multi-levelled citizenship whereby rights at national, regional and global level are united. This would link citizens to the decisions that affect them, be it in their country, region or planet turned ‘global city’.

7. What can we learn from this edition of the RESOLIS journal?

It outlines the conditions for a future global citizenship which, beyond what philosophers envisaged, is developed from local experiences that enable true democratic innovations to be tried and tested.

Precisely in terms of innovation, this edition is paradigmatic because it summarises realities in various contexts and with a local focus (ch. 4) and their long-term enrolment (ch. 5). As for the aim of democratisation, this translates as field work consisting of providing citizens with the power to participate in global governance (scope of expertise, ch. 1, access to technological innovations, ch. 2) and to co-ordinate with other actors to create partnerships between them.

If the aim is indeed to shed light on global governance, this approach allows us to consider the establishment of public actors in their domain which, far from being a handicap, would be an asset in comparison to actors who are caught up in an exclusively national logic (states) or exclusively global logic (economic and scientific actors).

The poet Edouard Glissant’s striking motto “act independently, think with the world” may become the global citizen’s maxim.