NOTES ON A PERRY WORLD HOUSE WORKSHOP

Cities, Geopolitics, and the International Legal Order

Kristian Taketomo

PERRY WORLD HOUSE
University of Pennsylvania

ABOUT PERRY WORLD HOUSE

Perry World House is a center for scholarly inquiry, teaching, research, international exchange, policy engagement, and public outreach on pressing global issues.

Perry World House's mission is to bring the academic knowledge of the University of Pennsylvania to bear on some of the world's most pressing global policy challenges, and to foster international policy engagement within and beyond the Penn community.

Located in the heart of campus at 38th Street and Locust Walk, it draws on the expertise of Penn's 12 schools and numerous globally-oriented research centers to educate the Penn community and prepare students to be well-informed, contributing global citizens. At the same time, Perry World House connects Penn with leading policy experts from around the world to develop and advance innovative policy proposals.

Through its rich programming, Perry World House facilitates critical conversations about global policy challenges and fosters interdisciplinary research on these topics. It presents workshops and colloquia, welcomes distinguished visitors, and produces content for global audiences and policy leaders, so that the knowledge developed at Penn can make an immediate impact around the world.

Perry World House—its programs and the building itself—builds on Penn's strengths in teaching, interdisciplinary scholarship, and policy-relevant research. By doing so, it cultivates the broad worldview, critical thinking, and leadership required to address the most urgent issues of global affairs.

This publication was made possible (in part) by a grant from Carnegie Corporation of New York. The statements made and views expressed are solely the responsibility of the author(s).

WORKSHOP SUMMARY

On September 5 and 6, 2019, academics and policy practitioners assembled at the University of Pennsylvania's Perry World House to consider the legal and geopolitical implications of emergent city networks and global municipal activism. "Cities, Geopolitics, and the International Legal Order" served as the initial meeting of the Great Powers and Urbanization Project (GPUP), a collaboration among several global leaders in international and urban affairs: the University of Pennsylvania's Perry World House, the University of Melbourne's Connected Cities Lab, the Chicago Council on Global Affairs, the Argentine Council for International Relations (*Consejo Argentino para las Relaciones Internacionales*), and the Barcelona Centre for International Affairs.

GPUP proceeds from the premise that neither the city, nor the nation-state, nor geopolitical rivalry are in retreat at the start of the twenty-first century. It asks how foreign policies could be constructed, global governance reformed, and stakeholders represented in an era of competition and urbanization. Finally, it serves as a platform for scholars and practitioners engaging with the intersection of urbanization and geopolitics and provides policy analysis and guidance for policymakers at the local, national, and international levels.

In and apart from GPUP, urbanists and international relations scholars have responded to this shift from state-led diplomacy to "paradiplomacy"—the foreign policy capacity of and enactment by sub-state actors—with conferences and research initiatives, including many with an eye toward issues such as climate change, migration, and human rights. This workshop, however, merged two sets of concerns yet to be considered together: sub-state actors' capacity to enforce or shape diplomatic conventions and states' ability to leverage urban spaces in global competitive rivalry. The issue at the center of "Cities, Geopolitics, and the International Legal Order" was the relationship between the sovereign, territorial nation-state and the city as a space and a political actor.

Today, cities forge issue-based alliances, build technical networks, and make economic commitments. Among the workshop's many concerns was the impact of these horizontal relationships on vertical power relations. While urbanists have hailed cities as leaders, innovators, and strategic partners in climate activism and social integration, do cities have more autonomy than before? And, as city officials continue to gain access—either by invitation or by force—to intergovernmental organizations and international forums, are they altering norms, structural arrangements, or policy frameworks?

CITIES IN A NEW ERA

The workshop opened with a public conversation on "Cities in a New Era: Shifting Geopolitical Realities and Diplomatic Strategies," with Mauricio Rodas, a former mayor of Quito, Ecuador; Henri-Paul Normandin, the director of international relations for Montreal, Canada; and Penny Abeywardena, the commissioner for international affairs in New York City. Moderator Ian Klaus, a senior fellow on global cities at the Chicago Council on Global Affairs and a workshop collaborator, began by reflecting on the event's title, questioning what was new about cities' present engagement with nation-states and other urban areas. Though cities have been global actors for millennia, Klaus explained, the recent spate of urban activism has motivated scholars to think about cities in novel ways. In the current literature, scholars such as Saskia Sassen and Gregory Clark argue that cities today are qualitatively different from their predecessors.[1] Others, including Michele Acuto, Eugenie Birch, and Simon Curtis, argue that cities' behavior has changed—that cities are engaging differently on the global stage.[2]

While the discussion touched on several issues, a few overarching themes emerged. The first was the question of the location of power in urban diplomacy. Though cities have a "seat at the table," does this translate into political power at either the national or international scale? How has the global engagement of cities altered, for better or worse, the relationship between city governments and their constituents? The second theme explored the accumulation, distribution, and assessment of urban best practices by multilateral institutions and city networks. The third looked at the question of how city diplomacy differs from traditional diplomacy. Panelists also alleged the absence of political ideology from the paradiplomatic context.

A subject at the center of the conversation was the notion of "the urban revolution," or the total urbanization of society articulated by French intellectual Henri Lefebvre in *La Révolution Urbaine*. Lefebvre also initially expressed the idea of the "right to the city" (*le droit à la ville*). In the lead-up to the third meeting of the United Nations Human Settlements Programme (UN-Habitat), this concept became a source of contention when a bloc of Latin American countries pressed for its inclusion in the vision and language of the New Urban Agenda, eventually expressed in UN Sustainable Development Goal 11 as the more innocuous tagline "cities for all."[3] While no consensus exists on what the "right to the city" means in international legal discourse, it has been enshrined in federal law in both Ecuador and Brazil.[4]

Beyond Ecuador, Rodas expressed that cities, through international engagement, are devising "more effective mechanisms" to democratize urban spaces than ever before. Though grassroots urban social movements were the first to organize around the "right to the city," local, national, and now international authorities have assimilated the idea of urban social transformation. While Lefebvre designates the working class as the sole revolutionary agent for realizing the "right to the city," [5] many urbanists see mayors as the prime movers of urban social transformation. The revolutionary new space, in the view of these panelists, is one carved out and occupied by mayors and other urban representatives. As Abeywardena explained, shifts at the national and international level in the last few years have provided cities and city networks with "space to influence." According to Normandin, it was urban representatives who created these openings, muscling their way in if necessary. "We are taking a seat at the global table," he said, "invited or not."

URBANIZATION AND GREAT POWERS: PAST AND PRESENT

Following the keynote, the workshop's panel on "Urbanization and Great Powers, Past & Present" sought to situate the role of cities in foreign affairs in a historical perspective and to explore the implications of the return of geopolitical rivalry for cities, networks, platforms, and global issues. In a conversation moderated by Lynn Hollen Lees (University of Pennsylvania), panelists Michael Cohen (The New School), Nancy Kwak (University of California, San Diego), Charles Maier (Harvard University), Luis Renta (United States Conference of Mayors), and Weiping Wu (Columbia University) all offered insights into this issue.

1 Saskia Sassen, *The Global City: New York, London, Tokyo* (Princeton, N.J.: Princeton University Press, 1991); Gregory Clark, Global Cities: A Short History (Washington, D.C.: Brookings, 2017).

2 Michele Acuto, *Global Cities, Governance and Diplomacy: The Urban Link* (New York: Routledge, 2013); Eugenie Birch, "Inclusion and Innovation: The Many Forms of Stakeholder Engagement in Habitat III," *Cityscape, The Journal of Policy Development and Research* 19, No. 2 (2017): 45-51; Simon Curtis, *Global Cities and Global Order* (Oxford: Oxford University Press, 2016).

3 Gregory Scruggs, "Historic Consensus Reached on 'Right to the City' in New Urban Agenda," *Citiscope*, September 9, 2016, http://archive.citiscope.org/habitatIII/news/2016/09/historic-consensus-reached-right-city-new-urban-agenda; Brendan Barrett, "Phew! New Urban Agenda Clears Last Hurdle Before Habitat III," The Conversation, September 11, 2016, https://theconversation.com/phew-new-urban-agenda-clears-last-hurdle-before-habitat-iii-65217; UN-Habitat, *New Urban Agenda* (Habitat III Secretariat, 2017).

4 On Brazil, see Edésio Fernandes, "Constructing the 'Right to the City' in Brazil," *Social and Legal Studies* 16, No. 2 (2007): 201-219.

5 Henri Lefebvre, *The Right to the City* (Paris: Anthropos, 1968), 158.

Cities' global engagement is as old as the city itself, and yet there is something novel about cities' prominence in current affairs. For one, urbanization has become an issue of international concern. The global population is more urban than ever before. In 2018, 55 percent of the world population lived in urban areas. By the UN's estimate, the global urban population will comprise 68 percent of the total population by 2050.[6] These development trends, along with the recent profusion of global city networks and civic officials' dramatic incursion into international spaces, has sent urbanists and foreign policy wonks into a tailspin. To contextualize cities' political behavior, analysts have plumbed the depths of history for examples of urban authority and now are, in a sense, writing their own urban histories—works that span centuries and continents, connecting cities today to ancient Athens, Imperial Rome, the Hansa cities and the Italian maritime republics of the Middle Ages, and others.[7] While international relations scholars have been quick to historicize the rise of global cities,[8] historians have been largely and conspicuously absent from the larger conversation.[9] This convening provided panelists the opportunity to think historically about cities, considering change and continuity in cities' external affairs over time.

Historical perspective is critical in developing intellectual frameworks for urban transformation, and in particular, the reemergence of cities in international society. Lees prompted discussants: "How has [the role of cities] changed over time, and how do we conceptualize that?" Renta, who works on the front lines of urban diplomacy for the U.S. Conference of Mayors (USCM), agreed that practitioners lack the theoretical tool kit to fully conceptualize these shifts: "There is a change in the volume of these engagements. In the last year, Qatar, Saudi Arabia, Morocco, Bahrain, Australia, Mexico, Canada, Brazil, Colombia, the United Kingdom, France, India, and the Netherlands have sent political counselors to meet with USCM. And there's a change in the way these national governments are looking at the subnational." The impulse and the effects of this shift, he explained, are not yet clear.

Scholars have described the empowerment of urban actors as the latest transformation in global governance.[10] But what does that mean for the nation-state and for the international system?[11] As Curtis asks, does the rise of global urban governance indicate state failure or the emergence of a new global order?[12] Maier suggested that it is still too soon to tell: "Cities are not going to surge into diplomatic effectiveness by ultimately defeating states. The state itself, of course, is in an era of transition. How the city will evolve will depend on how the states evolve." At present, however, Wu argued that cities remain constrained by the national political and policy model. This is likely equally as true for U.S. cities as it is for the Chinese cities she studies. Moreover, as Renta noted, not all mayors have the same capacities to engage in the global arena. Some cities, like New York,

6 United Nations, "68% of the World Population Projected to Live in Urban Areas by 2050, says UN," *UN Department of Economic and Social Affairs*, May 16, 2018, https://www.un.org/development/desa/en/news/population/2018-revision-of-world-urbanization-prospects.html

7 For instance, Greg Clark, a non-resident fellow at the Brookings Metropolitan Policy Program and an expert on cities, urbanization, and metropolitan futures, has described the history of cities in waves. See Greg Clark, *Global Cities: A Short History* (Washington, D.C.: Brookings Institution, 2017); or Greg Clark, "How Cities Took Over the World: A History of Globalization Spanning 4,000 Years," *The Guardian*, December 1, 2016, https://www.theguardian.com/cities/2016/dec/01/how-cities-took-over-the-world-a-history-of-globalisation-spanning-4000-years. International relations scholar Simon Curtis has discussed the value of historicity. As he writes in blog post for the Chicago Council on Global Affairs: "By applying a historic lens to their emergence, we realize that cities in the future do not have to be limited by today's parameters. Taking this long-term perspective should be a critical part of the strategic thinking of politicians both at City Hall and at the state level, as they devise unprecedented policies for cities that will shape the twenty-first century." See Simon Curtis, "Global Cities in the International System: A New Era of Governance," Chicago Council for Global Affairs, November 28, 2018, https://www.thechicagocouncil.org/blog/global-insight/global-cities-international-system-new-era-governance.

8 That's not to say that historians are the only ones late to the party. In the early 2010s, Simon Curtis and Michele Acuto chided international relations scholars for being slow to connect global cities to the restructuring or fracturing of the modern international system. See Simon Curtis, "Global Cities and the Transformation of the International System," *Review of International Studies* 37, No. 4 (2011): 1923-1947; and Michele Acuto, "City Leadership in Global Governance," *Global Governance* 19, No. 3 (July-Sept. 2013): 481-498.

9 As A.K. Sandoval-Strausz and Nancy Kwak explain in *Making Cities Global*, while there is an established literature from planning historians and urban historians working at the nexus of urbanism and imperialism, U.S. urban historians have only recently embraced the transnational approach. See A. K. Sandoval-Strausz and Nancy Kwak, eds., *Making Cities Global: The Transnational Turn in Urban History* (Philadelphia: University of Pennsylvania Press: 2018), 3-4. Examples of the latter include: Christopher Klemek, *The Transatlantic Collapse of Urban Renewal: Postwar Urbanism from New York to Berlin* (Chicago, University of Chicago Press, 2011); and Carl H. Nightingale, *Segregation: A Global History of Divided Cities* (Chicago, University of Chicago Press, 2012). For more on transnational urban history, see Shane Ewen, *What is Urban History?* (Cambridge, U.K.: Polity Press, 2016), 114-128.

10 In 1995, Lawrence S. Finkelstein commented on the fuzzy definition of governance. "Global governance appears to be virtually anything," he wrote. The term was useful, he conceded, to "penetrate and understand the government-like events that occur in the world of states even in the absence of government." See Lawrence S. Finkelstein, "What Is Global Governance," *Global Governance* 1, No. 3 (Sept.-Dec. 1995), 368. The United Nations has defined global governance as "the sum of laws, norms, policies, and institutions that define, constitute, and mediate trans-border relations between states, cultures, citizens, intergovernmental and nongovernmental organizations, and the market. It embraces the totality of institutions, policies, rules, practices, norms, procedures, and initiatives by which states and their citizens (indeed, humanity as a whole) try to bring more predictability, stability, and order to their responses to transnational challenges—such as climate change and environmental degradation, nuclear proliferation, and terrorism—which go beyond the capacity of a single state to solve." See United Nations, "The UN's Role in Global Governance," *UN Intellectual History Project*, No. 15 (August 2009), http://www.unhistory.org/briefing/.

11 While this did not come up during this panel, one of the field's other questions concerns the relationship between the nation-state and nationalism/populism. See Rana Dasgupta, "The Demise of the Nation-State," *The Guardian*, April 5, 2018, https://www.theguardian.com/news/2018/apr/05/demise-of-the-nation-state-rana-dasgupta.

12 Simon Curtis, "Cities and Global Governance: State Failure or a New Global Order," *Millennium: Journal of International Studies* 44, No. 3 (2016).

Chicago, and Los Angeles, have offices set up for external affairs; others do not. "Mayors have more access, they have platform," he explained. "Whether they choose to use it or not, that's a different discussion. Whether they're prepared to use it or not, that's a different discussion."

"Today, after centuries of state-centric international relations," writes legal scholar Janne Nijman, "cities are again developing a global consciousness: they identify themselves as entities with foreign offices and international relations, with global friends and global competitors."[13] Though cities remain "creatures of the state" without status in domestic and international law—a point at the heart of Nijman's piece—in discussing city leadership in global governance and the rise of urban networks, there is a great temptation to personify cities, to write cities as the players, and to use "city" as a placeholder for "municipal government."[14]

Alternatively, some panelists argued that cities are not actors and that such rhetorical shorthand obscures the real agents of change. Moreover, they scrutinized the popular perception of mayors being in the driver's seat. While mayors and urban bureaucracies have certainly achieved greater political influence, carving out progressive agendas both at home and abroad, Kwak modeled change as moving from the bottom-up. Urban executives are more responsive and more democratic, she argued, due to pressure from and groundwork laid by community organizations, urban social movements, and grassroots activists: "There's an engagement between global powers and cities, but the process begins always, and ends always, in urban neighborhoods."

NATIONAL URBAN POLICIES / NATIONAL SECURITY STRATEGIES

Eugenie Birch (University of Pennsylvania) moderated the discussion, seeking to bridge the gap between two strategic frameworks: national security strategies and national urban policies. Seth Center (Center for Strategic and International Studies), Robert Cowden (National Intelligence Council), Poon King Wang (Singapore University of Technology and Design), and Harvey Molotch (New York University) weighed in with expertise from both urban and security studies.

As the global population urbanizes, cities grow increasingly vulnerable to terrorism, cyberattacks, armed conflict, violent crime, pandemic disease, and more. In the United States, as Center and others noted, domestic security frameworks have not been developed with urban policy in mind. Indeed, Center characterized this political moment as "an era of diverging concerns between urbanists and geopoliticians." He noted

13 Janne Nijman, "The Future of the City and the International Law of the Future," in: *Law of the Future and the Future of Law*, Sam Muller et al. (eds.) (Torkel Opsahl EPublisher, 2011), 214.

14 On the cities' legal status, see Gerald E. Frug, "The City as a Legal Concept," *Harvard Law Review* 93, No. 6 (April 1980): 1057-1154; and Gerald E. Frug and David J. Barron, "International Local Government Law," *Urban Lawyer* 38, No. 1 (Winter 2006): 1-62.

the absence of any discussion about urban policy during the drafting of the 2017 National Security Strategy. In broader discussions of national security policies, cities were barely mentioned, with the exception of the challenges related to clearing the urban environment of terrorist networks, including the Islamic State in Mosul, Iraq, and in Raqqa, Syria.[15] If strategists are to start thinking about cities, they must establish which urban challenges matter for security policy. One participant outlined three items of potential concern: (1) cities' vulnerability to catastrophic events, including climate change, natural disaster, disease, military and terrorist attacks, and political instability; (2) urban warfare; and (3) the ethical and infrastructural challenges of smart cities, including surveillance by state and non-state actors as well as cyberattacks.

The conceptual ambiguity of "national urban policy," stemming from the nonexistence of an international urban definition, hampers greater strategic synergy. UN-Habitat characterizes national urban policy as "a coherent set of decisions derived through a deliberate government-led process of coordinating and rallying various actors for a common vision and goal that will promote more transformative, productive, inclusive and resilient urban development for the long term."[16] This manifests in very different ways; there is no one-size-fits-all national urban policy. UN-Habitat explains: "There is no single model [for national urban policy] with a standard outcome and a universal approach that can be replicated in different places."[17] Because of wide variation in the characteristics of urban and rural populations worldwide, the UN Statistics Division defers to national definitions of "urban."[18] National urban criteria, however, vary wildly. In the United States, the lower population limit for urban classification is 2,500 inhabitants. In Iceland, it is 200 inhabitants.[19] Of course, this precludes the standardization of national urban policy and complicates comparison across countries. Still, within the UN system, the quest for an operational urban standard persists. UN-Habitat is making continued efforts to refine the meaning, participating, for example, in the thematic session "Defining a City" at the Second International Conference on National Urban Policy in May 2017.

15 On the other hand, the 2015 National Security Strategy, out of the Obama White House, *did* mention drawing attention to the increasing role of sub-state and non-state actors. However, there was no critical engagement with what this shift means: "[P]ower is shifting below and beyond the nation-state. Governments once able to operate with few checks and balances are increasingly expected to be more accountable to sub-state and non-state actors—from mayors of mega-cities and leaders in private industry to a more empowered civil society." The White House, *National Security Strategy 2015* (Washington, D.C.: February 2015), https://obamawhitehouse.archives.gov/sites/default/files/docs/2015_national_security_strategy_2.pdf.

16 UN-Habitat, *New Generation of National Urban Policies* (Nairobi: UN-Habitat, 2014).

17 UN-Habitat, *The Evolution of National Urban Policies* (Nairobi: UN-Habitat, 2014).

18 "Because of national differences in the characteristics that distinguish urban from rural areas, the distinction between the urban and the rural population is not yet amenable to a single definition that would be applicable to all countries or, for the most part, even to the countries within a region. Where there are no regional recommendations on the matter, countries must establish their own definitions in accordance with their own needs." See United Nations, "Population Density and Urbanization," *United Nations Statistics Division*, 2017, https://unstats.un.org/unsd/demographic/sconcerns/densurb/densurbmethods.htm#B.

19 United Nations, "Definition of Urban," in: *Demographic Yearbook* (New York: United Nations Statistics Division, 2005), https://unstats.un.org/unsd/demographic/products/dyb/dyb2005/notestab06.pdf.

Moving toward standard definitions, however, might be detrimental to urban-minded security strategy. Strategists might study urban variability to conceptualize and plan for different urban futures. Summarizing ideas from his book *The New Arab Urban* for workshop attendees, Molotch characterized the fast-growing cities of the Gulf (Abu Dhabi, Doha, and Dubai) as "extreme but not exceptional." These cities have served as "laboratories" of urban design, he explained, with American and European architects blueprinting "models for export." Going forward, Molotch envisions the re-creation of the Gulf's urban architecture conceived in other national contexts. The Gulf cities represent "opportunities for learning." Nodding to Robert Venturi, Denise Scott Brown, and Steven Izenour's *Learning from Las Vegas*, Molotch explained: "We can learn from Las Vegas, and we can learn from Abu Dhabi."[20]

The panel also considered the ideological alignment between cities and states, asking: Do cities and states have shared objectives? If states employ cities and city diplomacy as geopolitical tools, will cities fall into line? The Gulf cities, Molotch explained, often act as a "localistic force" in service of national development. In other places, however, cities and states are frequently at odds. As participants noted, however, it remains to be seen if nation-states will retaliate against cities for diverging from national policy directives and how that might play out. One speaker asked: "In the world of cities acting against national governments' interests, when do we actually reach a point of strife? When does the actual conflict come, and what does it look like? And is it meaningful, or is it just bureaucratic quibbling?" King Wang sketched out some hypothetical scenarios. While discussing states' potential "weaponization" of smart cities' networked information and infrastructure systems, for example, he warned that state-backed hackers might surveille, constrain, and target urban residents, even specific individuals, by mobilizing cities' urban sensors or breaching the cyber infrastructure of health care or municipal services. Technology, he argued, is one of the five "battlefronts" between cities and states.

Cyberattacks—including ransomware attacks, assaults on election infrastructure, and more—imminently threaten municipalities.[21] Alan Shark, the executive director of the Public Technology Institute, cautions that the world has entered an "epidemic stage" of municipal cybercrime.[22] *The New York Times* named summer 2019, "the summer of crippling ransomware attacks."[23] In the United States, the federal government has remained relatively disengaged from urban cybersecurity. Though the U.S. Department of Homeland Security and the FBI track these attacks and intervene, on occasion, to provide technical assistance or investigate specific incidents,[24] municipal governments must largely mitigate risk and coordinate responses in the wake of attacks on their own. Cities bear the brunt of this expensive problem, drawing from municipal coffers to replace vulnerable hardware, purchase cybersecurity insurance, hire technical consultants, educate employees, and develop contingency plans. When attackers strike, communities must choose between meeting hackers' demands or rebuilding servers, often engaging legal counsel, negotiators, and other private-sector security experts to navigate this decision. Self-sufficiency has brought cities closer together. Indeed, cybersecurity has become another networking arena, with municipal IT departments exchanging best practices and neighboring towns collectively contracting for training and support.

When attackers strike, communities must choose between meeting hackers' demands or rebuilding servers, often engaging legal counsel, negotiators, and other private-sector security experts to navigate this decision.

20 Robert Venturi, Denise Scott Brown, and Steven Izenour, *Learning from Las Vegas* (Cambridge, MA: The MIT Press, 1972).

21 While the 2017 National Security Strategy makes no mention of smart cities or urban analytics, it does highlight the role of "information statecraft" in protecting national security, warning of the weaponization of "information derived from personal and commercial sources with intelligence collection and data analytic capabilities based on Artificial Intelligence (AI) and machine learning" by adversaries like China and Russia. The White House, *National Security Strategy 2015* (Washington, D.C.: December 2017), https://www.whitehouse.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905.pdf.

22 Kathleen Foody, "Cyberattacks on Texas Cities Put Other Governments on Guard," *AP,* August 22, 2019, https://www.apnews.com/c91919efcc964b748c5239c636be0a6e.

23 Manny Fernandez, David E. Sanger, and Marina Trahan Martinez, "Ransomware Attacks Are Testing Resolve of Cities Across America," *The New York Times*, August 22, 2019, https://www.nytimes.com/2019/08/22/us/ransomware-attacks-hacking.html.

24 U.S. Department of Homeland Security, *Cybersecurity Strategy* (Washington, D.C.: May 15, 2018), https://www.dhs.gov/sites/default/files/publications/DHS-Cybersecurity-Strategy_1.pdf. It's worth noting that the words "city," "municipal," and "urban" are absent from the 2018 Cybersecurity Strategy. While DHS.gov has shared a series of reports detailing states use of laws, policies, structures, and processes to "help better govern cybersecurity as an enterprise-wide strategic issue," there is no reporting on cities.

INSTITUTIONAL ARCHITECTURE AND CITY NETWORKS

The workshop's next conversation explored how the traditional institutional architecture, defined as the structural arrangements of treaty-based intergovernmental organizations, has engaged cities and how newly emergent city networks are reshaping that institutional architecture. It also considered the general efficacy of networked governance and these institutional frameworks on issues of urban concern. Seth Schultz (Urban Breakthroughs; Global Covenant of Mayors), moderated the discussion with Rhonda Binda (Venture Smarter; Smart Regions Initiative), Barbara Koremenos (University of Michigan), Henri-Paul Normandin (City of Montreal), Daniel Pejic (University of Melbourne), and Mauricio Rodas (University of Pennsylvania; former mayor of Quito). Panelists addressed the proliferationof city networks, the city-state relationship in networked and intergovernmental spaces, and the concept of best practices.

In the 1990s, urban sociologists identified the "global city" as a new urban form, theorizing the economic integration of the world's metropolitan spaces by means of a new spatial architecture comprising multilayered networks.[25] Since then, international relations scholars have explored the political dimensions of global cities, considering the influence and agency of cities and network spaces within the modern international system.[26] While there are city-to-city diplomatic networks, such as the International City Management Association and the U.S. Conference of Mayors, with roots in the early twentieth century, the number, membership, and influence of city networks has exploded over the last thirty years.[27] Today, there are over 200 city networks bringing an "urban perspective" to a growing list of global concerns.

Panelists drew on data and personal experience to discuss the challenges and opportunities of paradiplomacy and networked governance in the twenty-first century. Normandin helped make sense of the "network ecosystem," describing city networks' two orientations: (1) *generic networks*, the umbrella organizations like United Cities and Local Governments (UCLG) and Metropolis that work on a range of urban concerns; and (2) *issue-based networks*, the groups activating around a single theme such as climate change, migration, urban security, resilience, or social integration. The Connected Cities Lab's work is useful here. As Pejic explained, in the Connected Cities Lab's dataset of over 200 city networks, 30 percent focused on environmental issues, 20 percent on inequality, 11.5 percent on culture, 8.5 percent on peace-building initiatives, and 7.5 percent on gender. The "network ecosystem" can be broken down in other ways. According to Boston University's Initiative on Cities, researchers tend to sort networks by spatial scope, thematic focus, membership, founder/leaders, or mode of engagement.[28]

While not all city networks achieve their objectives, according to Normandin, the pace and intensity of contemporary network proliferation helps winnow out nonperformers. Cities have options, and networks that "don't thrive, don't survive." Cities join networks voluntarily, and while the global market of networks might self-regulate, forging ties is not without risk or expense. "If we think of networks as opportunities to advance concrete goals, you can get a lot out of them," posited Rodas. "But, of course, you have to pick the networks wisely." Cities with limited resources might struggle to navigate the glut of options. Despite their horizontal orientation, external hierarchies can inform city networks' willingness to court, elevate, or assist members with less political clout or less economic power relative to other cities.[29]As Manuel Castells argues in *The Rise of Network Society*: "The global architecture of global networks connects places selectively, according to their relative value for the networks."[30]

What compels cities to join global networks—and Koremenos asked, "What makes cities distinct from other non-state actors like universities or NGOs?" She had initially wondered if cities had a more coherent or homogenous point of view, especially on issues like climate change, but questioned this assumption after hearing other panelists discuss cities' diverse and often conflicting concerns within networked spaces.

In his book *If Mayors Ruled the World,* Benjamin Barber argues that networking is an innate quality of cities:

25 See Saskia Sassen, *The Global City* (Princeton, NJ: Princeton University Press, 2nd ed. 2001); and Paul Knox and Peter Taylor, eds., *World Cities in a World-System* (Cambridge, U.K.: Cambridge University Press, 1995).

26 See Michele Acuto, *Global Cities, Governance and Diplomacy* (London and New York: Routledge, 2013).

27 For figures on the rise of city networks, see Michele Acuto and Steve Rayner, "City Networks: Breaking Gridlocks or Forging (New) Lock-Ins?" *International Affairs* 92, No. 5 (2016), 1155-1157.

28 Katharine Lusk and Nicolas Gunkel, *Cities Joining Ranks — Policy Networks on the Rise* (Boston: Boston University, Initiative on Cities, 2018), 15, https://open.bu.edu/handle/2144/28865.

29 A variety of outlets often rank cities. See, for instance, Richard Dobbs, Sven Smit, Jaana Remes, et al., *Urban World: Mapping the Economic Power of Cities* (New York: McKinsey Global Institute, March 2011), https://www.mckinsey.com/~/media/mckinsey/featured%20insights/urbanization/urban%20world/mgi_urban_world_mapping_economic_power_of_cities_full_report.ashx

30 Manuel Castells, *The Rise of the Network Society* (West Sussex: 2nd ed. Wiley-Blackwell, 2010), xxxv.

"Cities once favored walls, but even when under siege never allowed themselves to be defined by borders. Their natural tendency is to connect, interact, and network. This interdependence is crucial to what makes an urban community a city."[31] Normandin, however, grounded city networking in self-interest: Cities are motivated to build and join networks by three perceived incentives. First, cities join networks to exchange best practices and attract investment. Second, through networks, civic officials build clout and connections to influence the issues that affect the lives of their city's residents. Third, cities choose to participate in networks to heighten their domestic and international profiles. Mayors and other municipal representatives can use the platform to define or reinvent their municipal "brand."

Branding extends to the specific issues these networks target. Indeed, Pejic noted the tremendous "marketing success" of these emergent networks in "defining twenty-first [century] challenges as urban challenges." Global city networks have sprung up around issues perceived as transnational and urban—and cities and city networks are, in part, responsible for that perception. The ideological underpinning of this "marketing success" is the "urban age" thesis, the pervasive argument that because over half of the global population now lives in cities (or places classified as "urban"), humankind has entered an urban age. In their article "The 'Urban Age' in Question," geographers Neil Brenner and Christian Schmid critique this idea, writing, "The urban age appears, in short, to have become a *de rigueur* framing device or reference point for nearly anyone concerned to justify the importance of cities as sites of research, policy intervention, planning/design practice, investment or community activism."[32] With that in mind, whose interests are being served (and whose are not) by cities' articulation of climate change, migration, social integration, and other issues as urban crises requiring urban solutions? If cities define and spearhead climate change action, for instance, where does that leave rural populations? Does the leadership of the world's largest cities inhibit smaller municipalities from devising their own agendas?

At times, the networking of cities puts them at odds with states.[33] Among international relations scholars, the relationship between the rise of cities in global governance and the fracturing of the modern international system is still an open question. Yet Pejic cautioned against equating cities' international posturing with the decline of the nation-state. Based on his work with Michele Acuto and Anna Kosovac of the Connected Cities Lab, Pejic argued

31 Benjamin Barber, *If Mayors Ruled the World: Dysfunctional Nations, Rising Cities* (New Haven, CT: Yale University Press, 2013), 106.

32 Neil Brenner and Christian Schmid, "The 'Urban Age' in Question," *International Journal of Urban and Regional Research* 38, No. 3 (May 2014), 734.

33 Barber, 106-07.

that the majority of city networks have a national orientation.[34] Moreover, city-state conflict should not blind scholars to urban rivalry. As Gerald Frug and David Barron write: "Cities might appear to be a unified group with a common interest in gaining power. But they are as likely to be competitors as allies."[35]

The Connected Cities Lab's research also attests to waning internationalism. The resurgence of nationalism and populism has slashed the budgets of regional networks like EuroCities and CityNet. National governments, however, are not filling that resource gap. Despite their national orientation, city networks depend on the financial assistance of multilateral institutions and philanthropic organizations. "The international architecture as it currently exists remains absolutely critical to the existence and operations of these city-networks at this stage," Pejic explained.

The private sector has mediated the relationship between cities, city-networks, and national governments. The technology consulting company Venture Smarter (at which Rhonda Binda is the vice president for policy and the director of the Regional Smart Cities Initiatives) worked with a bipartisan group of legislators led by U.S. Representative Darrell Issa, a Republican from California, and U.S. Representative Yvette Clarke, a Democrat from New York, to establish the Congressional Smart Cities Caucus. "The learnings are going both ways," Binda said, emphasizing that multidirectional knowledge transfers occur between stakeholders operating at different scales. Cities' direct line with state and federal agencies—such as the U.S. Department of Defense, U.S. State Department, U.S. Department of Homeland Security, and U.S. Department of Transportation—has accelerated the pace of urban innovation. Going forward, however, what might result from the federal government moving into these networked spaces?

CITIES' LEGAL AUTHORITY AND CHANGING NORMS

The workshop's final session examined cities' authority in international and domestic law, and how cities' expanded role in global governance challenges the traditional allocations of legal foreign affairs authority. Alyssa Ayres (Council on Foreign Relations), Nadia Banteka (Villanova University), Jean Galbraith (University of Pennsylvania), and Paul Stephan (University of Virginia) provided commentary moderated by Andrew Moravcsik (Princeton University).

Cities occupy a unique position in the international legal order, not only influencing international legal norms but also assuming international duties, and—to the extent

34 Daniel Pejic, Michele Acuto, and Anna Kosovac, "Tracking the Trends in City Networking: A Passing Phase or Genuine International Reform?" (working paper, 2019).

35 Frug and Barron, 4.

their leaders are democratically elected—claiming legitimacy as actors in international spaces. William Burke-White, the inaugural director of Perry World House and workshop collaborator, writes: "While cities do not have sovereignty in the traditional international legal sense, they are distinct from other actors at the margins of international law—such as individuals, NGOs, and corporations—because they do hold sovereignty and governmental authority on *certain issues* [emphasis original]."[36]

Panelists also illuminated what distinguishes cities from other non-state actors, with Banteka highlighting cities' simultaneous "non-status" and "hybrid status" within the realm of international law. On the one hand, the international legal system regards cities as "creatures of the state," rendering them both "legally invisible" and "formally powerless" under traditional international law. On the other hand, the international legal system acknowledges cities as "law-makers, norm-shapers, and law-implementers," with local authorities adapting, legitimating, and enforcing (or not) international agreements within their domestic context.

If cities do not easily slot into existing categories, perhaps legal scholars' classification schemes, and even their approach to classification, needs retooling. "The defining characteristic of cities, either individually but particularly through their network activity," Banteka remarked, "is that they do not fit easily within either scalar or political taxonomies." Arguing that cities confound existing intellectual frameworks in international relations, Banteka echoed scholars like Harriet Bulkeley and Heike Schroeder, who describe cities "straddl[ing] the boundaries between state/non-state, public/private authority," and suggest these dividing lines as more "dynamic, porous, fragile, and malleable" than assumed.[37]

Legal and international relations scholars' fixation on cities' relationship to other non-state actors has impeded alternative comparisons, obscuring unexpected parallels with state actors. Galbraith suggested that cities have been forming networks and drawing up treaty-like agreements simply because international law does not explicitly prohibit it. In that regard, local authorities' strategic use of "soft law" instruments mimics that of national actors, including the U.S. president and other heads of state, when their formal legal access to enter into binding international agreements is constrained.

Panelists identified the question of cities' self-image in global governance as a matter of critical importance. Banteka asked: "What kind of international and global actor do cities want to be? Is there a shared identity that cities carry in their global engagement? Is there any common ground in the goals that cities have when they engage each other or other actors internationally?"

In order to discern cities' self-image, legal scholars must recognize cities' diverse concerns and disparate power. As Gerald Frug and David Barron discuss in their article "International Local Government Law,"[38] international legal scholars, international institutions, and cities themselves actively conceal and deliberately gloss over global urban heterogeneity:

> *Although the world's cities have divergent interests, a central project of international local government law currently seems to be a papering-over of these differences. Again and again, international institutions, including institutions that purport to represent cities themselves, present cities as uniformly striving for uncontroversial but important goals—often summed up in such phrases a "best practices," local autonomy," "good urban governance," "local self-government," and "united cities."* [39]

In the short-term, participants encouraged legal and international relations scholars to jettison assumptions about cities' common identity or shared goals. In order to better understand how cities and city networks interact with the international legal system, scholars must resist oversimplifying or generalizing urban interests.

Stephan wondered what kind of foreign relations law global cities want, reflecting on the potential "dark side" of an international legal system that serves the interests of the global economy's metropolitan nodes. He predicted that "knowledge cities" will advocate for greater freedom of movement and the elimination of restrictive barriers to international trade and the recruitment of foreign-born

36 William Burke-White, "Cities as International Law Makers? Formalism vs. Functionalism in the International Legal System" (working paper, 2019).

37 Harriet Bulkeley and Heike Schroeder, "Beyond State/Non-State Divides: Global Cities and the Governing of Climate Change," *European Journal of International Relations* 18, No. 4 (2011): 743-766.

38 Frug and Barron define international local government law as the emerging "set of international legal rules and regulations for cities" as they increasingly "use international institutions to redefine the scope of their domestic legal powers." Frug and Barron, 2.

39 Ibid, 3-4.

"talent." Greater mobility, he posited, would allow cities to tap into cheaper sources of labor, which might sharpen social and economic divisions in the world's most crowded places. To be successful, Stephan argued, urban networks must be attuned to global cities' potential to sharpen social divisions and create a permanent "cosmopolitan underclass."

As a result of most city networks' Western articulation and continued leadership, many overlook the global diversity of urban administrative frameworks. In India, Ayres noted, some cities may have an elected mayor, but this individual lacks the financial decision-making autonomy of their American or European peers. With the exception of some states, urban executive power in India is vested in municipal commissioners, and, unlike mayors, municipal commissioners are national civil servants appointed by the Indian Administrative Service. Therefore, they are less accountable to city residents than their elected counterparts in other countries. As Ayres explained: "The involvement of Indian cities in some of these very effective city networks [such as C40] presupposes a level of autonomy and decision-making ability that Indian cities simply don't possess."

India is the global leader in urbanization, estimated to add 416 million urban residents by 2050.[40] Yet, because of India's unique balance of federal-local power, city networks do not fully represent the needs and ideas of India's urban residents. Panelists urged international lawyers, along with policy analysts and researchers, to be cognizant of these differences as they study the work, objectives, and conduct of cities and city networks on a global scale.

40 United Nations, "2018 Revision of World Urbanization Prospects," *United Nations Department of Economic and Social Affairs*, May 16, 2018, https://www.un.org/development/desa/publications/2018-revision-of-world-urbanization-prospects.html.

CONCLUSION

Over the course of two days, this workshop brought together academics and policy practitioners to explore the multidimensional effects of networked urban governance. Participants shared key insights to guide scholars and practitioners toward a better understanding of the legal and geopolitical ramifications of cities' global leadership:

1. The presence of cities in international affairs is not new and neither is global city networking. Increasingly, however, cities are using international platforms to share experiences and data, cultivate best practices, attract investment, heighten their political profiles, and refine their municipal brands. There is also an unprecedented degree of interest on the part of national governments to interface with local authorities, especially mayors, in a foreign relations capacity.

2. Cities are increasingly susceptible to pandemic disease, catastrophic events, cyberwarfare, armed conflict, terrorist attacks, and political violence. Cyberattacks, in particular, are a pervasive and immediate threat for municipalities. Most national governments, however, have yet to integrate urban vulnerabilities into their national security strategies. Moreover, cities might also resist attempts at synergy. In the United States, for instance, cities and the current administration are often at odds; whether tensions between local and federal government will reach a breaking point and what the ensuing conflict might look like remain to be seen.

3. In networked spaces, cities are defining issues such as climate change, migration, gender equality, and peacebuilding as *urban* concerns with *urban* solutions. Still, city networks struggle to reflect the diverse concerns, capacities, and autonomy of cities worldwide, opting instead to unify around shared goals and cohesive messaging. Going forward, participants recommended both academics and practitioners consider whose interests are being served by these networks, and whose are being overlooked or repudiated.

4. In the eyes of the international legal system, cities have both a "non-status" and "hybrid status." Rather than trying to wedge cities into existing conceptual frameworks for international relations, scholars might embrace cities' ambiguity and use this opportunity to rethink categories and binaries challenged by cities' international activism. Without glossing over urban heterogeneity, the participants recommended that legal scholars identify and explore cities' global aspirations and ask what city-driven international law might look like.

UNIVERSITY OF PENNSYLVANIA | PERRY WORLD HOUSE
3803 LOCUST WALK, PHILADELPHIA, PA 19104

215.573.5730

@PERRYWORLDHOUSE
FACEBOOK.COM/PERRYWORLDHOUSE

GLOBAL.UPENN.EDU/PERRYWORLDHOUSE