

THE CHANGING FACE OF CITIZENSHIP: FORCING A CENTER INTO A DECENTRALIZING WORLD

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I am a citizen not of Athens or of Greece, but of the world.
- Socrates

I. INTRODUCTION

The advent of globalization and the proliferation of crossing cultures have gradually beclouded boundaries among states and cultures. The number of people bearing “kinship” to more than one state is rapidly increasing. Interest in the affairs of foreign states has significantly heightened. In the midst of this activity, however, rises an adamant reassertion of the exclusivity of membership — the face that citizenship has taken on since the invention of the state. Citizenship has always been an important issue for the state. In governmental affairs, it never fails to resurface during battles for prestigious positions. A person may be held ineligible for a position on the basis solely of his citizenship. The averred reason for this is the principle that the state is for its members alone and an intruder has no right therein; citizenship was the defining mark of a member. Thus, the face of citizenship had watchful eyes always on the lookout for any disloyal member or intruder.

Yet, at a time when states are being lost to political and economic integration, can or should anybody still be regarded as an intruder? Can citizenship weather the storm of globalization?

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This Article examines the changing face of citizenship by studying the effects of globalization on the state, on the theory that citizenship is a function of the state and the existence of citizenship is therefore dependent upon the survival of the state.

II. CITIZENSHIP AS A FUNCTION OF THE STATE: ENSURING EXCLUSIVITY OF MEMBERSHIP

There are many theories regarding the origin of the state but the common thread that runs through these theories is the characterization of the state as an organization of social individuals formed because of necessity. Plato theorizes that the state was conceived out of economic needs and wants of mankind, coupled man's inability to be self-sufficient.

A state comes into existence because no individual is self-sufficing; we all have many needs.

We call on one another's help to satisfy our various requirements; and when we have collected a number of helpers and associates to live together in one place, we call that settlement a state.

If one man gives another what he has to give in exchange for what he can get, it is because each finds that to do so is for his own advantage.¹

The state exists, therefore, so that man can be self-sufficient. Plato further says that the state "will owe its existence to our needs, the first and greatest need being the provision of food to keep us alive. Next we shall want a house; and thirdly, such things as clothing."² The state, or the *polis*, as defined by Aristotle, "is the body of such persons adequate in number for achieving a self-sufficient existence."³ For Aristotle, the *raison d'être* of the state is achieving self-sufficiency.

The final and perfect association, formed from a number of villages, is the polis — an association which may be said to have reached the height of

¹ PLATO, THE REPUBLIC, in THE GREAT POLITICAL THEORIES 134 (Michael Curtis ed., 1981).

² *Id.*

³ ARISTOTLE, THE POLITICS, in THE GREAT POLITICAL THEORIES 74 (Michael Curtis ed., 1981).

full self-sufficiency; or rather we may say that while it grows for the sake of mere life, it exists for the sake of a good life.⁴

In other words, "[t]he notion of the nation-state basically revolves on the primacy of enhancing the security and survival of the identifiable political community."⁵ To achieve this, Plato theorizes that there must be at least four or five members, or as he later refers to them, citizens: one builder, one weaver, one shoemaker, and one or two to provide for personal wants.⁶ These theories portray the state as an entity the existence of which depends upon its members.⁷ Without members, the state cannot prosper. Thus, the concept of "citizenship" was invented as a means of determining the membership of a particular state.

A polis or state belong to the order of "compounds," in the same way as all other things which form a single "whole," but a "whole" composed, none the less, of a number of different parts . . . A state is a compound made up of citizens; and this compels us to consider who should properly be called a citizen and what a citizen really is.⁸

The term "citizen" is derived from the Latin root *cives* which connotes connection or identification with the state or government and participation in its function. Citizenship is thus defined as membership in a political community, which entitles the individual to full civil and political rights but likewise demands of him allegiance to the political community.⁹ Its essence, therefore, is belonging to a group, called the State.

Citizenship, in the sense of belonging to a particular group, thus shows by origin a tendency to coincide with participation in the legal order. The legal order of each State is characterized by its desire to retain sovereign regulation of every legal relationship wherever and however

⁴ *Id.* at 65.

⁵ See Chee Meow, *The Political Implications of Economic Co-operation and Non-cooperation in the ASEAN Region*, in 1980 ASEAN Economic COOPERATION: PROCEEDINGS OF THE ASEAN ECONOMIC RESEARCH UNIT WORKSHOP 24, 25 (Chia Siow Yue ed., 1980).

⁶ PLATO, *supra* note 1.

⁷ Justice Isagani Cruz explains that while there is no legal requirement as to the number of people a state must have, there is a consensus that they must be numerous enough to be self-sufficing and to defend themselves and small enough to be easily administered and sustained. See ISAGANI CRUZ, *PHILIPPINE POLITICAL LAW* 15 (1989).

⁸ ARISTOTLE, *supra* note 3, at 73.

⁹ RAMON VELAYO, *PHILIPPINE CITIZENSHIP AND NATURALIZATION* 1 (1955).

arising and this desire is rudely shocked whenever it is met with the same wish in other sovereign systems of law. *Thus the member of a foreign group is originally looked upon as a disturbing element. He is the outsider — and yet somehow an equal — whose arrival is unprovided for by the legal community.* (emphasis supplied)¹⁰

Citizenship is therefore the relationship of the individual to the state.¹¹ It is a "specific relationship between individual and state conferring mutual rights and duties *as distinct from the relationship of the alien to the State of sojourn.*"¹² Thus, this relationship is characterized by reciprocal obligations: The state has the duty to protect its citizens and the citizen, in turn, has the duty of allegiance to the state.¹³ This symbiosis sustains the life of the state with its members, as well as the individual lives of the members of the state. To maintain the symbiotic relationship between the state and its members, the state is given the right and authority to define its members.

The state may use various parameters in defining who its citizens are: birth, residence, and naturalization. This it may do so on the principle of sovereignty, wherein the state exercises supreme and independent authority regarding all matters within its territory. Membership in a state is the product of the same criteria and principles justifying such authority.¹⁴

It is but a natural necessity for collective entities composed of human beings to distinguish their members from each other.¹⁵ Each state, therefore, has the inherent right in its sovereignty to determine who shall be its citizens and who shall not.¹⁶ It has the authority to promulgate laws on citizenship thereby giving legal definition to an otherwise amorphous relationship between an individual and a state. However, although the individual is subjected to the

¹⁰ H.F. VAN PANHUYS, *THE ROLE OF NATIONALITY IN INTERNATIONAL LAW* 41 (1959).

¹¹ David A. Wishart, *Allegiance and Citizenship as Concepts in Constitutional Law*, 15 MELB. U. L. REV. 662, 667 (1986).

¹² PAUL WEIS, *NATIONALITY AND STATELESSNESS IN INTERNATIONAL LAW* 31 (1956), citing Paul Weis, *The Undermining of the Nationality Concept by German Law* 3 (1943) (mimeographed).

¹³ VELAYO, *supra* note 9.

¹⁴ Wishart, *supra* note 11, at 669.

¹⁵ PANHUYS, *supra* note 10, at 31.

¹⁶ Convention on Certain Questions Relating to the Conflict of Nationality Laws 179 LNTS 89. Article 1 provides that, "it is for each state to determine under its own laws who are its nationals" and that this shall be recognized by other states.

authority of the state,¹⁷ this right is limited by the rights of other states to do the same, and it is a well-recognized principle that states must respect the rights of other states. Hence, a state may only define its own citizens; it cannot define another state's citizens. As early as 1929, this principle had already been recognized, as manifested in article 2 of the Draft Convention on the Law of Nationality:

Except as otherwise provided in this Convention each State may determine by its law who are nationals, subject to the provisions of any special treaty to which the State may be a party; but under international law the power of a State to confer its nationality is not unlimited.¹⁸

Indeed, citizenship is so vital to the existence of the state that it is necessary to adopt a method to determine the citizens of a state. The concern is not so much to have the *best* method but to have *a* method, for after all, no state can rightfully claim that their procedure is better than another's. In fact, definitions of the value of citizenship may have varied due to the conceptions about man and about the state.¹⁹ Thus, there are as many definitions as there are states.²⁰

A. International law on the treatment of aliens

Like other binary opposites and correlatives, the importance of the concept of citizenship lies in its counterpart — alienage. Its value lies in being not its opposite. Citizenship would not mean anything if the concept of alienage did not exist. In practical terms, if everyone were treated in the same manner, then there would be no basis for group definition or distinction. The existence, however, of these concepts demonstrates that they entail consequences involving fundamental differences; thus, citizens are treated differently from aliens. As earlier discussed, citizenship is a pre-requisite for the grant of certain rights so that an alien, or anyone who does not possess this requirement, may be denied said rights.

¹⁷ Patricia McGarvey-Rosendahl, *A New Approach to Dual Nationality*, 8 HOUST. J. INT'L. L. 305, 306, 310 (1986).

¹⁸ NATIONALITY AND STATELESSNESS IN INTERNATIONAL LAW, *supra* note 12, at 88.

¹⁹ PANHUY, *supra* note 10.

²⁰ NATIONALITY AND STATELESSNESS IN INTERNATIONAL LAW, *supra* note 12, at 31.

Thus, states adopt a protective stance over their citizens, such that the grant of rights is not only in recognition of their entitlements but more importantly, is a means of protecting their citizens against aliens. For instance, the 1987 Constitution provides that only Filipino citizens can own real property in the Philippines,²¹ operate public utilities²² or use natural resources.²³ Although these provisions may be found under "National Economy and Patrimony," which implies that they are meant to protect primarily the state, nonetheless, these give security to citizens against aliens. A citizen operating a public utility is secure that no foreign entity from a more technologically advanced country can apply for the same public utility to the detriment of the citizen's business and means of livelihood. While its citizens expect such kind of protection from the state, aliens may entertain no such expectations. Thus the need to distinguish.

International law, however, provides for minimum standards for treatment of aliens and recognizes rights which citizens also enjoy. States do not have unlimited freedom in dealing with aliens in their territory. Non-conformity with the minimum standards in fact constitutes international delinquency.²⁴ The test for this is whether aliens are treated in accordance with ordinary standards of civilization.²⁵ Thus, aliens are protected from arbitrary

²¹ CONST. art. XII, sec. 7. Save in cases of hereditary succession, no private lands shall be transferred or conveyed except to individuals, corporations, or associations qualified to acquire or hold lands of public domain. Also, CONST. art. XII, sec. 3 provides for who are qualified to hold lands of public domain.

²² CONST. art. XII, sec. 11. No franchise, certificate, or any other form of authorization for the operation of a public utility shall be granted except to citizens of the Philippine or to corporations or associations organized under the laws of the Philippines at least sixty per centum of whose capital is owned by such citizens, nor shall such franchise, certificate, or authorization be exclusive in character or for a longer period than fifty years. Neither shall any such franchise or right be granted except under the condition that it shall be subject to annulment, alteration, or repeal by the Congress when the common good so requires. The State shall encourage equity participation in public utilities by the general public. The participation of foreign investors in the governing body of any public utility enterprise shall be limited to their proportionate share in its capital, and all the exclusive and managing officers of such corporation or association must be citizens of the Philippines.

²³ CONST. art. XII, sec. 2 par. (3). The Congress may, by law, allow small-scale utilization of natural resources by Filipino citizens, as well as cooperative fish farming, with priority to subsistence fishermen and fishworkers in rivers, lakes, bays and lagoons.

²⁴ ANDREAS H. ROTH, *THE MINIMUM STANDARD OF INTERNATIONAL LAW APPLIED TO ALIENS* 24 (1949).

²⁵ *Roberts v. Mexico, General Claims, Opinions of Commissioners* 100 (1927), cited by WILLIAM MARION GIBSON, *ALIENS AND THE LAW: SOME LEGAL ASPECTS OF THE NATIONAL TREATMENT OF ALIENS IN THE UNITED STATES* 5 (1940).

and unfair arrest; excessive delay in bringing an alien prisoner to trial; excessive delay in capturing a national who has injured an alien; failure to impose appropriate penalty for such national; illegal search and seizure; and impairment of property rights, as recognized by international customary law.²⁶ International law further provides that the municipal law of the state is not the final determiner of the alien's rights.²⁷ It is interesting to note at this point that the rights recognized by international law to be possessed by aliens are the rights found in the Bill of Rights of the 1987 Philippine Constitution. This shows that as to civil rights, citizens and aliens are equal.²⁸ In international law, aliens are assimilated in principle to citizens in matters concerning administrative and judicial procedure.²⁹ It can also happen that "[t]he citizens of a nation may enjoy many rights which are withheld from aliens, and, conversely, under international law, aliens may enjoy rights and remedies which the nation does not accord to its own nationals."³⁰

At this moment, there are at least two points deserving of emphasis. First, while it is true that states have the authority to define who its citizens are and promulgate laws in connection therewith, the law applied to aliens, against whom citizenship laws are directed, is not municipal law but international law. This means that laws promulgated by states pertaining to rights of citizens and aliens may either be overridden by international law or tied to the standards set by international law. In other words, a state cannot distinguish and discriminate on the basis of citizenship as much as it or its citizens might wish. This being the case, the authority of states to define their citizens to the exclusion of others is in effect defeated.

Second, the rights granted to aliens by international law are substantially the same as those granted to citizens. Although aliens do not have the same political rights as citizens, suffice it to say that they enjoy certain valuable rights. The treatment of aliens under international law sparks a doubt as to whether aliens are indeed seen as aliens. While they are referred to as

²⁶WILLIAM MARION GIBSON, *ALIENS AND THE LAW: SOME LEGAL ASPECTS OF THE NATIONAL TREATMENT OF ALIENS IN THE UNITED STATES* 5-9 (1940).

²⁷*Id.* at 9.

²⁸JOAQUIN BERNAS, *THE 1987 CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES: A COMMENTARY* 128 (1996).

²⁹*THEORIE DES VÖLKERRECHTS* 250 (2d ed., 1928) cited by GIBSON, *supra* note 26, at 5-9.

³⁰*Hopkins v. Mexico, General Claims, Opinions of Commissioners* 42 (1927) cited by GIBSON, *supra* note 26, at 17.

"aliens," they enjoy the same rights as citizens, which blurs any distinction between them. If the concept of citizenship subsists only so long as alienage does, then equal treatment of citizens and aliens alike destroys the binary opposition. Considering that all other rights are accorded to aliens, deprivation of political rights comes out as an act of stubbornness and elitism, an attempt at forcing a center into a decentralizing world. The persistence of the term "alien" is then but a symbol of pretense.

B. The reality of globalization

The world is now experiencing the advanced stages of globalization. The three-fold division of the world is slowly but steadily disappearing as states form closer ties with each other, resulting in regional collaborations such as the Association of South East Asian Nations (ASEAN), Canada-U.S. Free Trade Agreement, the North American Free Trade Agreement between Canada, Mexico and the U.S.A., the Australia-New Zealand Free Trade Agreement, the European Economic Community, and international conferences like the Asia-Pacific Economic Conference (APEC). The General Agreement on Tariff Trade Act is a concrete symbol of the intense and serious desire of states to work together towards a progressive global village — the world.

Globalization has been defined as a "process of gradual elimination of economic borders and concomitant increase in international exchange and transnational interaction."³¹ Various terms have already been used to refer to this process: international interdependence, transnationalization, and the changing international division of labor,³² with the vision of a global transformation dating back to 1989.³³ Globalization has also been referred to as an "old twist to a new reality."

Plato's picture of the state may actually be viewed as a foreshadowing of what is happening in the present. Plato begins his state with four citizens to

³¹Michael Dolan, *Global Economic Transformation and Less Developed Countries*, in *GLOBAL TRANSFORMATION AND THE THIRD WORLD* 259 (Robert Slater et. al. eds., 1993).

³²*Id.*

³³Thomas Callaghy, *Vision and Politics in the Transformation of the Global Political Economy: Lessons from the Second and Third Worlds*, in *GLOBAL TRANSFORMATION AND THE THIRD WORLD*, (Robert Slater et. al eds., 1993).

provide the needs and wants of the state, and then realizes that the state will need more than four citizens to supply other necessities.

[I]f the farmer is to have a good plough and spade and other tools, he will not make them himself. No more will the builder and weaver and shoemaker make all the many implements they need. So quite a number of carpenters and smiths and other crafts men must be enlisted. Our miniature state is beginning to grow.³⁴

Inter-state business is unmistakably the harbinger of globalization. States need a market for their surplus products as well as a supplier for necessities they cannot produce. This paved the way for the exchange of products between states and gave birth to the merchant population who later became responsible for international trade. Plato also foretold these developments. After showing that the state will inevitably grow bigger because of the various needs of the citizens, he goes on to explain that the state will find itself still in want of other things which may no longer be within its capability to supply. Thus, this state will need another. "And yet, again, it will be next to impossible to plant our city in a territory where it will need no imports. So there will have to be still another set of people, *to fetch what it needs from other countries*" (emphasis supplied).³⁵ By then, Plato already saw that states will be counting on each other for their respective needs and that it was impossible for any state to survive on its own. Wondering what other kinds of citizens the state might need, Plato's Socrates said:

Again, in the city itself how are the various sets of producers to exchange their products? That was our object, you will remember, in forming a community and so laying the foundation of our state.

Obviously, they must buy and sell.³⁶

Apparently, however, the buying and selling of products between and among states was not to be *the end*. International business gave birth to multinational enterprises (MNEs) which began the internationalization of the economy. Looking for ways and means to lower labor costs without decreasing production, MNEs came up with the theory of "new international

³⁴PLATO, *supra* note 1, at 34.

³⁵*Id.* at 35.

³⁶*Id.* at 36.

division of labor³⁷ as a prelude to globalization. The international division of labor resulted in unemployment in some countries, driving immigrants to those nations that offered employment although with lower labor standards. They were, however, freely granted citizenship.³⁸ Direct foreign investment (DFI) increased, and this, together with multinational and transnational corporations and technology, resulted in borderless economies.³⁹ Industrialization is also a potent factor in globalization as it induced interest in developing production techniques and technologies, specialized division of labor, and novel use of natural resources, all of which involved a cumulative and interdependent process.⁴⁰ Because of the increasing trade linkages, concerns multiplied to which management capability was inversely proportional. This widened the path to international economic integration.

The debt crisis in 1982 and the collapse of communism in Eastern Europe and the Soviet Union in the late eighties had Western leaders dreaming of a New World order and by early 1990s, their dream came true.⁴¹ With this began liberal, neoclassical economic reform centered on markets, competition, strong linkages to a world capitalist economy, and a minimal role for the state.⁴² Democratization became more intense and widespread.⁴³ In response to these changes, states commenced the restructuring of their national economies. Third World Countries like the Philippines had to follow economic policies and restructuring plans of the IMF and the World Bank. National economy and politics became "entangled"⁴⁴ with world economy and politics. The 1980s witnessed the growing interest in the management of the world economy. Major industrial democracies searched for cooperative measures to monitor the changing world order,⁴⁵ which involved systemic interdependence of international production across national borders, thus

³⁷Werner Sengenberger and Frank Wilkinson, *Globalization and Labour Standards*, in *MANAGING THE GLOBAL ECONOMY III*, 112 (Jonathan Michie and John Grieve Smith eds., 1995).

³⁸Richard Kozul-Wright, *Transnational Corporations and the Nation State*, in *MANAGING THE GLOBAL ECONOMY*, at 135, 137 (Jonathan Michie and John Grieve Smith eds., 1995).

³⁹Linda Low, *Challenge and Response to Globalisation and Regionalism: Asian Pacific Perspectives*, in *DEVELOPMENT TRADE AND THE ASIA-PACIFIC* 242 (Basant K. Kapur et. al. eds., 1996).

⁴⁰Kozul-Wright, *supra* note 38, at 137.

⁴¹Callaghy, *supra* note 33.

⁴²*Id.*

⁴³*Id.*

⁴⁴This term is borrowed from Callaghy, who uses it in explaining "embedded liberalism."

⁴⁵Callaghy, *supra* note 33, at 176.

urging conformity in economic policy measures which have traditionally been under the sole control of the individual states.⁴⁶

These facts show that globalization is a product both of will and necessity, which is almost an assurance that this process shall persist until its completion. Today, the progress continues towards greater interdependencies among states in various aspects: the political, economic, and social.⁴⁷ As proof, formation of regional blocks, which is referred to as "regionalism," has been taking place among states, which according to some, provides basis for an integrated global system.⁴⁸ This economic and political co-operation, however, has spawned many debates with respect to the role of the state:

On the one hand, the supremacy of the nation-state as a factor in international politics remains unquestioned. The notion of sovereignty of these distinct political communities (whatever their political, military or population strength) is still an acceptable myth that is cherished in the field of international relations. On the other hand, the persuasive force of economic rationality has increasingly revealed the inadequacy of the nation-state concept and its aspect of absolute sovereignty. The presence of the transnational corporations which are responsible for the largest slice of international trade, for example, illustrates the importance of a production and distribution system which transcends traditional political boundaries. Countries, too, have increasingly become more interdependent for mutual survival and prosperity.⁴⁹

It is therefore reasonable for many to ask: Is the concept of the state still relevant in the globalization process, considering that the rigid lines enclosing the state have been rubberized to allow more flexibility to accommodate things previously foreign? Although this question is complex enough, this paper would like to add a practical question — can *citizenship* survive the state's death?

⁴⁶ Kozul-Wright, *supra* note 38, at 159.

⁴⁷ Robert O. Slater, Barry M. Schultz and Steven R. Dorr, *Toward a Better Understanding of Global Transformation and the Third World*, in GLOBAL TRANSFORMATION AND THE THIRD WORLD (Robert Slater et. al. eds., 1993).

⁴⁸ IYANATUL ISLAM AND ANIS CHOWDHURY, ASIA-PACIFIC-ECONOMIES 14 (1997). But see Low, *supra* note at 39, at 242, 252-53.

⁴⁹ Chee Meow, *supra* note 5, at 24.

III. THE DECLINE OF THE STATE: CHANGING THE FACE OF CITIZENSHIP

A major consequence of globalization that is responsible for the "devaluation" of the citizenship is the decline of the state. Citizenship is important only as long as the state is; without members, the state will collapse. What happens, however, if the state disappears? What if the defining marks of states become blurred such that states are liquefied and dissolved into each other? *In such a situation, what will become of the members of these states? What happens to dual citizens? In fact, will questions of citizenship be work asking at all?*

Previously, theorists of international relations have focused on the state as an actor⁵⁰ and the situation above must seem unthinkable. They still think that the state shall not become obsolete or impotent, but that it shall continue to pursue its own interests either in competition or in collaboration with other states.⁵¹ Others postulate that this phenomenon is a temporary irregularity in the state system which must be tolerated in the meantime.⁵² Slater suggests a redefinition of the state in terms with which it has never been defined before.⁵³

Many choose to reexamine the concept of the state which has suddenly become a stumbling block of sorts to meaningful and realistic analyses of real political issues.⁵⁴ It is argued that the "state" is rather trivial "because it obscures the equally important fact that humanity is divided in many other ways as well."⁵⁵ In other words, the state is nothing but a temporarily convenient way of grouping human beings, which can always be dissolved in favor of some wiser grouping when it ceases to be convenient. As globalization progresses, it seems that the state is becoming inconvenient and less significant as what used to be state-based politics and economics shift to a global one. The growing interdependence among states has "narrowed its

⁵⁰ Robert O. Slater, *Conflict and Change in the International System*, in GLOBAL TRANSFORMATION AND THE THIRD WORLD (Robert Slater et. al., eds).

⁵¹ FRANCIS HARRY HINSLEY, NATIONALISM AND THE INTERNATIONAL SYSTEM 145, 146 (1973).

⁵² Kenneth Jowitt, *A World Without Leninism*, in GLOBAL TRANSFORMATION AND THE THIRD WORLD (Robert Slater et. al., eds).

⁵³ See Slater, *supra* note 50, at 316.

⁵⁴ Ferguson and Mansbach, *Between Celebration and Despair: Constructive Suggestions For Future International Theory*, 35 INT'L STUDIES Q. 382-383 (1991).

⁵⁵ *Id.* at 381.

scope, lessened its autonomy, and constricted its capacity to adapt"⁵⁶ especially with the burgeoning international component in domestic affairs.

Whether we like it or not, the institution of the state, as the fundamental unit of political organization, is being threatened simultaneously from above and below. Powerful economic forces of globalization are weakening the ability of the state to regulate its own economy, and we may live to see the day when the traditional state has as much influence in global economic affairs as a single province has in national economic affairs. Working alongside global economic forces, but independent of them, sub-nationalist forces are undermining the state from below and challenging its legitimacy.⁵⁷

The growing needs of an ever-increasing population makes it harder for any state to be self-sufficient. Chee Meow observes that the nation-state is not comprehensive enough to secure "all the necessary needs of the people nor can it really pursue a policy of economic autarky if it is truly sincere in improving the welfare of its people" thus concluding that "even the notion of the nation-state would have to accept economic interdependence or co-operation if the political community is even to survive."⁵⁸

It has been discussed above that the state was formed because man was not self-sufficient. Now if the state is also not self-sufficient, then the natural consequence is for it to form a larger entity that can be self-sufficient. In effect, the state is reduced to the status of a single man who must band with other men to achieve self-sufficiency. If this entity proves to be inadequate, then an even larger entity is most likely to be formed, until self-sufficiency is attained. This explains regionalism and sub-regional economic cooperation, which serve as supplements to the inadequate state. That regional cooperations will expand further as to include the entire world is more than a mere possibility. When these larger entities are formed, the original states are dissolved for there would be no more sense in maintaining the boundaries which may cause discrimination, conflict, and eventually, chaos. Plato asserts that "the state should be allowed to grow only so far as it can increase in size without loss of

⁵⁶ James N. Rosenau, *The State in an Era of Cascading Politics: Wavering Concepts, Widening Competence, Withering Colossus, or Weathering Change?*, in *THE ELUSIVE STATE* 17, 23 (James A. Caporaso ed., 1989).

⁵⁷ KEITH GRIFFIN, *STUDIES IN GLOBALIZATION AND ECONOMIC TRANSITIONS* 23 (1996).

⁵⁸ Chee Meow, *supra* note 5, at 25.

unity.”⁵⁹ He thus gives a warning to the state’s rulers “to take all possible care that the state shall neither be too small nor yet one that seems great but has no unity.”⁶⁰ Does this immediately discount a “world-state” then? The immediate answer seems to be in the affirmative because of its “greatness.” However, upon more careful inquiry, it will be realized that Plato’s warning is not directed against size but at preservation of unity. Furthermore, the process of globalization, although explainable by Plato’s theory of the state, is neither a process whereby one state expands by itself, nor of one state eating up another in the process of expanding; rather, it is a process whereby states dissolve into each other because of mutual necessity. States lose their previous form — they can no longer exercise sovereignty nor maintain their respective governments nor restrict their territory nor differentiate their people. This view is supported by the adaptive approach which considers the state as an adaptive entity subject to the dynamics of human society.⁶¹

Whatever might be the legal definition of states, empirically they cease to exist when the fluctuations in their essential structures persistently exceed acceptable limits. Under these circumstances, the norms, habits, and practices of compliance are no longer evident and the state can be said to have disappeared and collapsed into its environment as those who were its members are observed directing their legitimacy sentiments toward new entities.⁶²

Upon dissolution of the state, citizenship loses its value, it being merely a function of the state. Citizens of the previous states will all be members of a larger entity, working not for their old states but for the larger entity. In such a world order, there can be no intruders, strangers or two-faced opportunists. This means that the previous states are in equal position, which in turn implies that their citizens are also to be treated equally. Individuals will have to given substantially the same rights, regardless of citizenship, but without prejudice to group-differentiated rights.⁶³ These are rights enjoyed by a distinct group and withheld from other groups, not because of an artificial albeit accidental difference like citizenship but because of the inescapable

⁵⁹ PLATO, *supra* note 1, at 41.

⁶⁰ *Id.* at 42.

⁶¹ Rosenau, *supra* note 56, at 37.

⁶² *Id.* at 40.

⁶³ WILL KYMLICKA, *MULTICULTURAL CITIZENSHIP: A LIBERAL THEORY OF MINORITY RIGHTS* 34 (1995).

imprints of religion and culture. While a great deal of jurisprudence shows that cultural and religious orientation are valid classifications, a classification based on citizenship, which is acquired by being born to certain parents, or by being born in a certain place, will not only be violative of equal protection but absurd as well.

State dissolution carries with it a host of other consequences, the most important of which is perhaps the political change it will spark. As already mentioned, the elements of the previous states will necessarily be displaced to give way to the new order. Even conceding that globalization is not yet at the stage where states have already been dissolved, economic integration can hardly be expected to be purely economic; economics and politics are so intertwined that it is impossible to touch one without also touching the other. Says Chee Meow:

[I]t is perhaps a truism to state that there is always a constant interaction between the political and economic variables in regional and international relations. Economic co-operation or non-cooperation does yield political ramifications in as much as political co-operation or non-cooperation could have consequential implications.⁶⁴

For economic cooperation to succeed, corresponding changes have to be implemented in other aspects, especially politics. Parochial policies and protectionist tendencies will have to be discarded in favor of policies promoting unity and further cooperation. Commonalities such as goals, visions, and humanity, must be highlighted; trivial differences like citizenship set aside, or if possible eradicated. Efforts at global consensus regarding this matter must be intensified.⁶⁵

As the world integrates, so too must its inhabitants be considered as one people. Like Socrates, we all will be citizens not of our respective nations, but of the world. A perfect archetype of the future world is already in existence — the European Community; a model of the citizen of the world is emerging — the European citizen.

⁶⁴ Chee Meow, *supra* note 5.

⁶⁵ Courtney B. Smith, *The Politics of Global Consensus Building: A Comparative Analysis*, 5 GLOBAL GOVERNANCE: A REVIEW OF MULTILATERALISM AND INTERNATIONAL ORGANIZATIONS 173 (1999). Smith takes note of the pressure towards consensus in global problem solving, or in other words, global policymaking through the United Nations General Assembly.

1. The European example

European integration was a gradual and rational process, a conscious progress from the particular and the simplest to the most complex.⁶⁶ The political fragmentation after the Cold War was wrought with disadvantages, prompting the creation of a new situation. International organizations began to be conceived pursuant to a common political and defensive interest shared by the European nations. The Western-oriented Organization for Economic Co-operation and Development (OECD), which included non-European nations as the United States, Canada, and Japan, was formed. The other associations were the North Atlantic Treaty Organization (NATO), the Warsaw Pact, the European Free Trade Association (EFTA), the European Economic Community (EEC) and the Council for Mutual Economic Assistance (CMEA). In 1947, the Economic Commission for Europe (ECE) was established, shaped after the framework of the United Nations. It was composed of the United States and the European members of the United Nations. It collapsed, however, when the Soviet Union rejected the aid offered by the US to restore the European Economy.⁶⁷ Undaunted, Western Europe formed another organization with substantially the same objectives. Thus, in April of 1948, the Organization for European Economic Cooperation (OEEC) was born to promote economic growth of its members.⁶⁸ This resulted in quantitative reduction of restrictions on most of their trade, and eventually, in abolishment thereof.⁶⁹ Two years later, the European Coal and Steel Community (ECSC) was organized by the French Minister of Foreign Affairs, Robert Schuman, to pool coal and steel production and create an integral coal and steel industry.⁷⁰ A nine-member High Authority served as the central institution thereof.⁷¹ The establishment of the coal and steel community seems to have served as the catalyst for extensive European integration. Expanding its economic opportunities, the European community also founded the Euratom and the European Economic Community (EEC) which was aimed at

⁶⁶ LYNN H. MILLER, *GLOBAL ORDER* 95 (2d ed., 1990).

⁶⁷ MICHAEL FLORINSKY, *INTEGRATED EUROPE* 50 (1955).

⁶⁸ This organization had 16 members: Austria, Belgium, Denmark, France, Great Britain, Greece, Iceland, Ireland, Italy, Luxemburg, the Netherlands, Norway, Portugal, Sweden, Switzerland, and Turkey.

⁶⁹ FLORINSKY, *supra* note 67.

⁷⁰ MILLER, *supra* note 66.

⁷¹ FLORINSKY, *supra* note 67, at 59.

facilitating the establishment of the nuclear energy industry on a European rather than the national scale.

During its first four years (1958-1962), the EEC attained steady progress and by 1968, the custom union was completed eighteen months ahead of schedule. A five-year economic program was subsequently mapped out for further economic integration in the hope of establishing a single market for all of Europe. Economic integration inevitably resulted in political integration and later, military integration as well. The Congress of Europe held at The Hague in 1948 came up with three resolutions recommending the formation of a "Council of European Governments" and a "European Consultative Assembly," the grant of a common citizenship, the creation of a single European defense force, and the development of a unified economic system.⁷² The ultimate goal was European unification so that the governments were encouraged to proclaim, their aim — nothing less than the full and permanent unity of Europe, which was seen as an essential step towards the creation of a United World. Thus, the European Movement was formed and the Council and the Commission of the European Communities were established.⁷³

At present, the integration of Europe, though not yet complete, is in advanced stages. Restrictions and limitations are being eliminated and the

⁷² FLORINKSY, *supra* note 67, at 112.

⁷³ Treaty Establishing a Single Council and a Single Commission of the European Communities and Annexed Documents (8 April 1965), in DOCUMENTS FOR LAW AND INSTITUTIONS IN THE ATLANTIC AREA 195.

Article 1. A Council of the European Communities, hereinafter referred to as, "the Council," is hereby established. This Council shall take the place of the Special Council of Ministers of the European Coal and Steel Community, of the Council of the European Economic Community and of the Council of the European Atomic Energy Community.

The Council shall exercise the powers and competences devolving upon these institutions under the conditions laid down in the Treaties establishing respectively the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community, as also in the present Treaty.

Article 9. A Commission of the European Communities, hereinafter referred to as "the Commission," is hereby established. This Commission shall take place of the High Authority of the European Coal and Steel Community, of the Commission of the European Economic Community and of the Commission of the European Atomic Energy Community.

The Commission shall exercise the powers and competences devolving upon these institutions under the conditions laid down in the Treaties establishing respectively the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community, as also in the present Treaty.

mechanisms for full liberalization have been set, supplemented by the European Parliament, the Council of Europe, and the European Court of Justice.⁷⁴ The EC 1992 program proposed by the European Commission and approved by the European Council in 1985 is a set of legislative proposals to eliminate the remaining barriers to the free movements of goods, services, capital and people.⁷⁵ Transposition of EU legislation have since been implemented by the members and by late 1995 members have completed ninety-three percent of the necessary transpositions.⁷⁶ This increasing uniformity in policies and standards in economics, politics and other areas such as human rights protection, among the member-states permeates the "individuality" of the states, hastening the decline of nation-state sovereignty and facilitating the birth of a post-national Europe.⁷⁷

Why these states have joined together is no puzzle. The seeds of Europe's integration can be found in the amphictyonies, or the associations of the ancient Greek communities⁷⁸ while the nation of a post-national Europe may be traced to ideas of the early supporters of an integrated Europe among whom are Voltaire, George Washington, Lamartine, Victor Hugo, Guiseppe Garibaldi, Richard Cobden, Ernest Renan, Leroy-Beaulieu, Eduoard Herriot, Napoleon I and Napoleon III.⁷⁹ Fear of marginalization also explains why the rest of Europe is bound to join the EC.⁸⁰ It is for this reason that Poland was integrated into the EC.⁸¹

The decline of the state can only result in the abandonment of the concept of citizenship as well, the latter being a mere offspring of the concept of the state. With the state no longer in existence, there will be no further

⁷⁴ John Keane, *Nations, Nationalism and European Citizens*, in 1995 NOTIONS OF NATIONALISM 182, 199 (Sukumar Periwal ed., 1995).

⁷⁵ MICHAEL CALINGEART, EUROPEAN INTEGRATION REVISITED 19 (1996).

⁷⁶ CALINGEART, *supra* note 75, at 21, citing European Commission, "Commissioner Monti to Outline Single Market Priorities to 23 November Council," Memo (1995) 154, 22 November 1995.

⁷⁷ Pursuant to the Universal Declaration of Human Rights, the EC signed the European Convention for the protection of Human Rights and Fundamental Freedoms which created a European Commission of Human Rights and a European Court of Human Rights.

⁷⁸ CALINGEART, *supra* note 75.

⁷⁹ FLORINSKY, *supra* note 67, at 2. It is believed that the foundation of the amphictyonies was due to the recognition of the cultural, ethnic and linguistic unity of Greece.

⁸⁰ *Id.* at 4.

⁸¹ Elzbieta Skotnicka-Illasiewicz and Włodzimierz Wesolowski, *The Significance of Preconceptions: Europe of Civil Societies and Europe of Nationalities*, in 1995 NOTIONS OF NATIONALISM (Sukumar Periwal, ed., 1995).

need for identifying members who shall be accorded rights and privileges. Thus, the European Community tends to grant all the citizens of its members stated the same economic and social rights and the implementation of the Maastricht Treaty of Union strengthens this trend.⁸² This entitles a citizen of any of the member states to vote and stand for office at the levels of local government and the European parliament, enjoy rights to information across frontiers, petition the European parliament, make use of a parliamentary ombudsman, and full diplomatic protection by any other EU member state.⁸³ Because the member-states implement a uniform set of policies in numerous aspects, it is to be expected that everyone will be accorded the same rights. A citizen of any of the member-countries of the European Community will have the same rights as a citizen of the other member-countries. In such a case, citizenship will lose its importance as a prerequisite right which give rise to other rights. For all intents and purposes, the European Community may be regarded as a multi-nation state where the French, German, Spanish, and Italian consider themselves as a single people. Thus, in place of the French, German, Spanish, or Italian citizens will be the European citizen.

These projected entitlements provide further evidence that Europe — at least the Europe of the European Union — is witnessing the *slow, unplanned, blind and painful birth of anew species of political animal, the European citizen . . . The habitat of the new European citizen is emerging international civil society of personal contacts, networks, conferences, political parties, social initiatives, trade union, small businesses and large firms, friendships, and local and regional forums . . . The new European citizens intermingle across frontiers for various purposes without making a cult of national origins, national identity and "foreigners" . . . These new citizens maintain that in the contemporary world identity is more a matter of politics and choice than fate. They have an allergic reaction to nationalism and deep empathy for people suffering discrimination or enforced exile from their cherished nations or territories. They are humble about their national identity, interested in others, concerned for their well-being, and consequently unwilling to indulge the feelings of revenge and narcissistic satisfaction characteristics of nationalist. European citizens are late modern cosmopolitans. (emphasis supplied)*⁸⁴

⁸² *Id.*

⁸³ Keane, *supra* note 74, at 204.

⁸⁴ *Id.*

This description of the European citizen neatly fits into the globalizing world and an apt description of the new citizen of the world. The new citizen shall be searching for his identity in the midst of the deorganization of the state and reorganization of the world and shall find himself detached from any particular territory or group.

The rise of sub-nationalism, the search for identities, the rediscovery or invention of old identities, the forging of reconfigured relationships among group of people . . . the signs are everywhere that people are moving away from a state-based identity.⁸⁵

He shall have a new identity — one that is not defined by and in terms of the group to which he belongs, but one that shall introduce him as himself. It is this new identity that will enable him to co-exist peacefully with others.

2. Developments in Asia

In Asia, the stage of integration is not as advanced as that in the European Committee. There is yet to be an Asian Parliament or a Council of Asia. Nevertheless, the same oneness in Europe is increasingly being recognized in Asia. The world talks about Asian economy, Asian politics, Asian culture and Asian society. Like Europe, Asian organizations have been formed by states for economic development and mutual assistance.

Prior to the ASEAN, there were already other associations promoting regional or sub-regional economic co-operation in Asia. There was the Economic and Social Commission for Asia and the Pacific (ESCAP) which encompassed almost all of Asia-Pacific; the Southeast Asia Treaty Organization (SEATO) initiated by the United States in 1954 to stop the spread of communism; the Southeast Asia Friendship and Economic Treaty (SEAFET) which was essentially political in nature; and the Association of Southeast Asia (ASA) which was formed in 1961 to promote social, cultural and economic co-operation.⁸⁶ Indonesia, Malaysia, the Philippines, Singapore, and Thailand formed the ASEAN in 1967, and Brunei

⁸⁵ Keane, *supra* note 74, at 205.

⁸⁶ GRIFFIN, *supra* note 57.

Darussalam joined in 1984. At present, the group includes Vietnam, Myanmar and Laos.

Patterned after the ECC, ASEAN was formed "to promote industrialization within a protected regional market and to improve bargaining positions in trade and investment relation with more advanced countries."⁸⁷ It is worth emphasizing at this juncture that ASEAN countries were not inclined towards regional economic cooperation.⁸⁸ In fact, ASEAN countries were more economically oriented towards industrialized countries than toward each other⁸⁹ and had a poor record in promoting economic regionalism which had been attributed to the lack of incentive for economic regionalism and of motivation for political integration.⁹⁰ ASEAN co-operation was hastened by international economic crises, and subsequently, the heads of the member-states held regular Summit Meetings to set clearer objectives for ASEAN. Member-states were united by a commonality of interests in their relationship with the rest of the world, with the realization that "[e]xtraregional co-operation through the common joint approach is not a zero sum game, in which nobody can gain without inflicting a loss on another" and "an inordinate sacrifice of nationalism for regionalism" will sometimes be required.⁹¹

Professor Mohammed Ariff of the University of Malaya argues that the primary purpose of ASEAN was political, it being a historical accident brought about by the exigencies of the Cold War so that economic co-operation is but a means and not an end in itself.⁹² His argument is based on two premises: the regional grouping was only sub-optimal because the economic interests of each nation required the world to remain a single trading bloc; and the regional groupings were formed primarily for geopolitical and security reasons, with economic co-operation functioning as

⁸⁷ Chee Meow, *supra* note 5, at 28-30.

⁸⁸ Chia Siow Yue, *Survey of ASEAN Economic Co-operation: Developments and Issues*, in 1980 ASEAN Economic COOPERATION: PROCEEDINGS OF THE ASEAN ECONOMIC RESEARCH UNIT WORKSHOP 5 (Chia Siow Yue ed., 1980).

⁸⁹ *Id.* at 3.

⁹⁰ INSTITUTE OF SOUTHEAST ASIAN STUDIES (ISEAS), SOUTHEAST ASIA: CHALLENGES OF THE 21ST CENTURY 16 (Janadan Devan comp., 1994).

⁹¹ Yue, *supra* note 88, at 18.

⁹² ISEAS, *supra* note 90, at 65.

a means rather than an end.⁹³ True enough, ASEAN has progressed from inter-regional economic relations to extra-regional relations where it is considered a single trading block as ASEAN countries adopt a common stand in economic and political matters.⁹⁴ To the world, Asia is a single entity and whatever happens to any part of Asia is crucial to the rest of Asia, and ultimately, to the rest of the world. Asia has been referred to as the "yen bloc," and the increasing rate integration of Asian "Newly Industrialized Economies" with the other Asian economies may lead to an integrated Pacific Asia.⁹⁵ Interdependence has increased among the ASEAN partners, as illustrated by the present economic crisis in the whole region, which has also affected the whole world.

Aside from the ASEAN, the Asia-Pacific Economic Conference (APEC) was also organized to provide a forum for discussion of trade liberalization and expansion, and harmonize regional economic policy objectives and multilateral international economic policy goals to prevent closed regionalism.⁹⁶ Dr. Wendy Dobson of the University of Toronto is convinced that the creation of the APEC was bound to happen in view of the "increasingly fluid situation in the region" as a result of "spillovers from one country to another as governments lose autonomy over their own economies."⁹⁷ APEC is expected to play a unifying political and economic role for the Asia-Pacific.

These developments in Asia are very similar to those that led to the formation of the European Community and while the conception of the Asian citizen is yet to happen, possibility is great that the wait will not be long.

IV. CONCLUSION

The dynamic process of globalization renders citizenship useless and regressive. People have established multiple ties to various states and to

⁹³ *Id.*

⁹⁴ Yue, *supra* note 88, at 19.

⁹⁵ ISLAM AND CHOWDHURY, *supra* note 48.

⁹⁶ ISEAS, *supra* note 90, at 5.

⁹⁷ *Id.* at 55.

require them to be members of only one state is rather reasonable. The concept of citizenship as a criterion for membership to a state was used for the allocation of people for purposes of international law. Most statutes on citizenship are the result of international allocation rather than the political obligation. Yet, if this is its function, citizenship performs it with an "extraordinary lack of substance."⁹⁸ If citizenship is to be operative, it must adopt a new face — with eyes wide open to reality and which can grapple with global changes. Otherwise, it will remain a delusive attempt at forcing a center in a world where the center has been so displaced that it is nowhere to be found. After all, in the end, the standards for granting rights to individuals will be based not on citizenship but on humanity.⁹⁹

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⁹⁸ Wishart, *supra* note 11, at 684.

⁹⁹ It can therefore be said that it is not incidental that the United States, the world's only universal membership and general purpose international organization (Smith, *supra* note 64) by virtue of which it is expected to guide the world towards globalization, has been the force behind the Universal Declaration of Human Rights.