

# Global Citizenship Commission Summary of Private Meeting

Edinburgh, Scotland

18 October 2013



The Global Citizenship Commission held its inaugural meetings on 18-19 October 2013 in Edinburgh, Scotland, with the generous support of New York University, Carnegie UK Trust and the University of Edinburgh.



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## Foreword

I am delighted to present the report of the inaugural meeting of the Global Citizenship Commission.

The Global Citizenship Commission brings together international leaders from politics, business, religious institutions and philanthropy to assess what needs to be done in the 21st century to fulfill and augment the Universal Declaration of Human Rights (UDHR). The Commission will focus on four broad areas: the issue of so-called “missing rights” (including the rights of members of certain groups such as women, children and disabled people); social and economic rights; responsibility for upholding the rights set out in the UDHR; and the place of human rights in a global ethic. The findings of the Commission will be presented to UN Secretary General Ban Ki-moon at



the final meeting of the Commission in late 2015.

I am indebted to my fellow Commissioners for their expertise and insight which enables us to reaffirm the UDHR and to demonstrate its continuing significance.

I and my fellow Commissioners are indebted to the Carnegie UK Trust for its support of the inaugural meeting of the Commission in Edinburgh. It was fitting that Carnegie, which has done so much to advance educational

opportunity in a hundred years of grant giving to young people, did so as part of the celebrations of its centenary year. We are grateful for the direct engagement of Martyn Evans and Angus Hogg, upholding the Carnegie Trust’s long established interest in advancing global cooperation across borders. The support of the Trust and its commitment to democratic participation made it possible for the Commission to hold a highly successful and productive public meeting in Edinburgh attended by more than one thousand people and thus to engage the general public with its work.

For hosting the inaugural meeting I would like to thank the University of Edinburgh, whose students are among the global leaders of the future. And I would like to thank New York University for providing the secretariat

of the Commission and for demonstrating leadership in international affairs and global education.

With the support of our partners, the Commission seeks to ensure that the human rights enshrined in the UDHR enable us to address global problems with global solutions.

**Gordon Brown**  
**Chair, Global Citizenship**  
**Commission**

## Members of the Commission in attendance

### **K. Anthony Appiah**

Laurance S. Rockefeller  
University Professor of  
Philosophy, Princeton University

### **Zainab Hawa Bangura**

United Nations Special  
Representative on Sexual  
Violence in Conflict

### **Laurel Bellows**

Principal, The Bellows Group,  
P.C. and Immediate Past  
President, American Bar  
Association

### **Nicolas Berggruen**

Chairman, Berggruen Holdings

### **Paul Boghossian**

Silver Professor of Philosophy,  
New York University

### **Derek Bok**

300th Anniversary University  
Professor; Professor of Law;  
President Emeritus, Harvard  
University

### **Sissela Bok**

Senior Visiting Fellow, Harvard  
Centre for Population and  
Development Studies, Harvard  
University

### **Gordon Brown (Chair)**

New York University's Global  
Leader in Residence; United  
Nations Special Envoy for  
Global Education

### **Mohammed ElBaradei**

Director General Emeritus,  
International Atomic Energy  
Agency

### **Andrew Forrest**

Philanthropist; Non-Executive  
Chairman, Fortescue Metals  
Group

### **Ronald George**

Retired 27th Chief Justice of  
California

### **His Excellency John Kufuor**

Former President of Ghana

### **Kate O'Regan**

Former Justice, South African  
Constitutional Court (1994-  
2009)

### **Ricken Patel**

Founding President and  
Executive Director of Avaaz

### **Emma Rothschild**

Jeremy and Jane Knowles  
Professor of History; Director,  
Center for History and  
Economics, Harvard University

### **Robert Rubin**

Co-Chairman, Council on  
Foreign Relations; Former  
United States Secretary of the  
Treasury

### **John Sexton**

President, New York University

### **Robert Shrum**

Senior Fellow, Robert F. Wagner  
Graduate School of Public  
Service, New York University

### **Jeremy Waldron**

Professor, New York University  
School of Law; Chichele  
Professor of Social and Political  
Theory, All Souls College,  
Oxford University

### **Joseph Weiler**

President, European University  
Institute

### **Diane Yu**

Executive Director, Global  
Citizenship Commission

## Introduction to the Commission

Gordon Brown, Chair of the Commission, began the proceedings by welcoming the participants and acknowledging those who could not be present. He noted that he “*talked to the Secretary General of the United Nations, who is incredibly interested in this work*” and indicated that Mr. Ban would like to receive the Commission’s report by the end of his term as Secretary General. Mr. Brown also emphasized that the Commission’s end product should be something with appeal to a wide audience and that provides focused recommendations that those in positions of government and policy can consider.

## Work of the Philosophers’ Committee

Mr. Brown proposed that the Commission focus its work on four proposed segments:

- **So-called missing rights:** rights that were

not acknowledged in the Universal Declaration in 1948 but that we have subsequently come to accept as a society (e.g., women, children, the disabled, LGBT individuals, refugees, migrants, etc.)

- **Mechanism for implementing and upholding rights in 1948 Declaration:** consideration of the responsibility of certain duty holders, including national governments, to protect those individuals under their charge
- **Role of global institutions:** the authority given to institutions to act with executive powers to allow global problems to be solved with global solutions, and the need for global action to hold accountable those actors that fail to honor and uphold rights in the Universal Declaration

- **The potential for the Universal Declaration to coalesce a global ethic:** the idea that the Declaration, and corollaries to it, might, in practice, reflect a set of global moral values that reflect a proper balance between rights and responsibilities.

Jeremy Waldron, Chair of the Philosophers’ Committee provided background on the Universal Declaration itself, as well as summarized some of the key areas of common criticism:

The Universal Declaration on Human Rights, which was adopted in 1948, is a long and complicated document, which challenges the reader to think about some philosophical issues of human dignity. The operative articles range over familiar civil and political rights, rights to due process, rights to free speech, rights to freedom of association, as well as social, economic, and cultural rights. It also includes rights

to education, health care, and social security. The document is focused on the rights of all human beings and draws up on the philosophical tradition of natural rights thinking - the notion that there are certain rights inherent in humans, which place immense demands on the political institutions by which they are governed.

In addition to the history of the Declaration itself, there is another “historical lineage,” which includes the tradition of “bills of rights” in emerging countries in the 18th and 19th centuries and ideas like Roosevelt’s Four Freedoms circulating during World War II. The atrocities committed during that war, in particular, provided a crystallizing moment for the movement to develop a common consciousness on human rights.

The Declaration is now complemented by the International Covenant of Civil and Political Rights and the International Covenant



A member of the audience asks the Commission a question about human rights in the twenty-first century



Zainab Hawa Bangura, United Nations Special Representative on Sexual Violence in Conflict

of Economic, Social, and Cultural Rights. These documents are understood as the basis of international law and, sometimes, the three documents together (i.e. the Declaration and the two covenants) are referred to as the “International Bill of Rights.” It is important to also note that much of the Declaration is operationalized in the constitutions of particular countries, and upheld through the routine, ordinary work of constitutional and administrative courts.

The task of the Philosophers’ Committee, which is a group of scholars from around the world, has been to examine the Declaration with an eye to its philosophical coherence and to some of the criticisms that have emerged since its passage. The Committee’s mission is to provide the academic underpinning and legal analysis of the key issues identified as appropriate for our revisiting the Declaration.

Many groups and bodies have evaluated the Declaration in the time since its passage.

Some criticisms recommend a new version of the document because of the lack of consideration for the rights of women, indigenous people, homosexuals, children, the elderly, the disabled, and other groups. In addition, at the moment, there is something of a political crisis in political support for human rights, including controversies over the detention and treatment of terrorism suspects, disenfranchisement of those convicted of crimes, and other elements. When confronted by philosophers and legal theorists, another set of common criticisms present themselves, including foundational values and problems of universality.

Professor Waldron went on to delineate the five main areas of interest to the Philosophers’ Committee:

- 1. Universalism:** The notion of universal rights inherently includes all members of the human race, including early members of our species.

There are various questions about the relativity and interpretation of values as they relate to different groups and sub-groups, including the disabled. The Philosophers’ Committee has yet to come to terms with the idea of rectifying a one-size-fits-all approach to rights given the multitude of ways life is led. One way the group is approaching this question is through the study of the cosmopolitan dimensions that all societies have in common, including common aspirations and bases for reproach. The Committee hopes to reach further resolution on this idea at its next meeting in Bonn in December.

- 2. Foundations:** The Declaration neither clearly indicates the reasons for enumerating the particular rights that it mentions, nor the philosophical ideas upon which these rights are predicated. While the Declaration responds

to atrocities that hardly need underpinning, the Committee thinks that a deeper discussion is warranted on this topic. In particular, there is a body of work on human dignity that is important in an effort to avoid a theoretical or dogmatic approach to examining the foundations of the document.

### 3. Duties and Responsibilities:

There are three key areas of interest when considering duties and responsibilities in relation to the Declaration:

- 1) Who are the potential violators? 2) Who has the

responsibility to uphold these rights? 3) What is the role of non-state actors in maintaining and supporting human rights?

In some cases, the answer to the first two questions might be the same - e.g. states might have the primary responsibility to uphold rights but are also the ones violating them. And, it is important to distinguish between the responsibility bearers - those who do the work of upholding rights - and the duty bearers - those who are stopped from doing

things that might violate rights. The Philosophers' Committee undertook an effort to clearly distinguish the responsibilities in relation to rights and encourages the Commission to engage in a similar effort.

### 4. Social and Economic

**Rights:** Such rights were not always familiar in historic documents (e.g., the American Constitution) but some thinking arose out of the labor rights movement at the end of the 19th Century and the beginning of the 20th Century. Despite that some rights (e.g. the inclusion of holidays with pay) are particularly specific and culturally-rigid, the Committee expressed a belief that these rights warrant discussion and have not discredited the human rights enterprise, as some have asserted.

### 5. Limitations, Derogations, and Emergencies:

There

is boiler plate language that is included in many documents related to human rights, which leaves room for flexibility in enforcement without compromising the essential core of the right or the essential value commitment that the right represents. The Philosophers' Committee noted that some rights listed in the Declaration seem to specify a core of rights that may not be withdrawn, even as punishment, but that there is some broader philosophical question about whether certain rights can be forfeited by those who are guilty of major crimes. The Committee believes that such rights are not forfeitable.

*A full discussion of the Philosophers' Committee's proceedings as they relate to these key themes is available in the Committee's reports from its New York and London meetings, respectively.*



Lauren Bellows, Principal, The Bellows Law Group, P.C. and Immediate Past President, American Bar Association

Professor Waldron encouraged the Commission to move beyond turning attention only to violations and abuses, but rather to understand the circumstances under which opinion can be mobilized and people can nurture “the consciousness of right” in a broader context.

## Discussion

The Commission began the discussion of Professor Waldron’s presentation with the notion of missing rights. Professor Anthony Appiah emphasized that the Declaration focuses on individual rights and that there may have been a forgone opportunity to think more about collectivity. He raised the following groups for consideration: children, prisoners, migrants, the disabled, lesbians, gay people, and transgender people. In addition, he codified major sources of threat to human rights, including racism, sexism, homophobia, and religious bigotry.

Zainab Bangura called upon the Commission to consider the

myriad documents on rights (including those pertaining to children and individuals with disabilities, in particular) that have been codified and adopted by the UN General Assembly. Andrew Forrest noted that in cases of slavery, including inherited slavery in the case of debt bondage, that many cases of abuse occur because of pre-determined social or hierarchical circumstances. Mr. Forrest also raised issues of child labor and child marriage. Robert Rubin raised a series of questions about the characterization of migrants rights and the ability to divine meaning from the language in the Declaration. Professor Waldron encouraged the group to consider more broadly the predicament of those who become suddenly vulnerable in various ways. Kate O’Regan encouraged the Commission to not dismiss the connections between missing rights, social and economic rights, and power. Sissela Bok expressed support for a discussion of the notion of



K. Anthony Appiah, Laurance S. Rockefeller University Professor of Philosophy at Princeton University

core rights, as described by Professor Waldron, and thought that the Commission should reaffirm a subset of rights in the Declaration as such.

Professor Paul Boghossian attempted to solidify the discussion by offering that the Commission might be better served by resolving larger questions of approach prior to opining on strategic policy issues. Calling upon the Commission to maintain and celebrate the Declaration, President John Sexton called for a normative approach that would account for the Declaration, the historical

developments since its passage, and the potential reach of the Commission beyond these two existing areas. He also advocated for a high level of generality in the final report. Professor Joseph Weiler commented that a statement on responsibility might be a powerful contribution to the human rights discourse if the Commission came to consensus.

Mr. Brown summarized the session as follows: *“The Commission shouldn’t be constrained by the Declaration and should acknowledge the 65 years of practice since*

*its passage, including the Covenants, globalization, domestic lawmaking, and the role of the international community. In addition, the group should explore issues of implementation and how they are overcome.”*

Following the discussion of missing rights, members engaged in a conversation regarding the role of international institutions, including state and non-state actors, in formulating and enforcing rights. President Kufuor offered comments on the role and effectiveness of states to enact and enforce regulations, as well as the role

of the international community to respond and intervene when necessary. Commissioners also offered commentary on the perceived transfer of sovereignty from states to large NGOs or corporations, among other topics. Issues of new technology and sustainability as it relates to the environment were also raised.

The Commission also engaged in a lengthy discussion on a wide range of topics and questions related to and provoked by the work of the Philosophers’ Committee:

- The Balance between affirmation and strong belief in the Universal

Declaration and offering criticisms; desire to ensure that the document is not damaged with any recommendations

- The relationship between a potential set of universal values and an effective Universal Declaration
- Ensuring compliance with various statutes that are built upon or informed by the Universal Declaration; the role and definition of law in the context of ensuring compliance
- The historical context in which the Declaration, as well as the Commission itself, are situated
- Cultural sensitivity, the appropriate balance of Commission membership to reflect a “panoply”, and the engagement of states and individuals from a wide range of cultures, backgrounds, and traditions

- Accounting for the political reality versus intellectual and philosophical purity when drafting a final report/ recommendations
- The ability of the Commission to capture the tangible effects and markers of global citizenship, which have emerged in a way that is distinct from 1948, when the Declaration was ratified.

It was agreed that the Philosophers’ Committee would aim to distill the major questions with which it continues to engage to a set of four or five essential questions for the Commission to discuss at a subsequent meeting. Mr. Brown noted that consultation from a wider group of people, including non-Commissioners and relevant NGOs would be warranted in the future.

Following the plenary session, Professor Alan Miller, Head of the Scottish Human Rights Commission, addressed the Commissioners.



Jeremy Waldron, University Professor, New York University School of Law; Chichele Professor of Social & Political Theory, All Souls College, Oxford University

For questions related to the Commission, please contact [global.commission@nyu.edu](mailto:global.commission@nyu.edu)

All photographs are courtesy of the University of Edinburgh.

The Edinburgh meeting of the Commission was supported by Carnegie UK Trust. Carnegie UK Trust works to improve the lives of people throughout the UK and Ireland, by changing minds through influencing policy, and by changing lives through innovative practice and partnership work. The Carnegie UK Trust was established by Scots-American philanthropist Andrew Carnegie in 1913.

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