

ACUNS PANEL:

Climate Change, Pandemic and International Order: Must We Rethink the Concept of Sovereignty?

27th June, 16:20-17:20

Moderator:

Franz Baumann, Professor, New York University, ACUNS Board Member

Panellists:

UN and Climate Governance

> Joyce Mendez, Board member, CUNCR & Blanca Trepas, Associate Program Manager, CUNCR: Our proposal comes from the Epirus Declaration, which is a Plan of action elaborated by our community of youth climate ambassadors (YCA) to which we belong as well. This Declaration was an outcome from the last July 2019 Climate Justice & Democracy Summit, in Greece. That Summit brought together youth activists from all over the world and wrote down concrete measures to implement an effective climate governance. These ones include: the creation of a UN Parliament that represents citizens within the UN, the creation of a right to a healthy environment, the creation of an international environmental court that follows up accountability and a UN Charter review under article 109.3 of the UN Charter. The goal is this declaration to reach high representatives in power and advocate for the demands in it.

Rethinking Climate Policy: World Civic Politics, Hybrid Multilateralism and Growth

> Temitope Onifade, Vanier Scholar and Research Associate, Allard Law School, UBC and CCLI, Oxford University: **Problem:** Climate policy obstacles (economic, political, legal), **Question:** How should we address fundamental climate policy obstacles, especially economic growth? **Contribution:** Integrating world civic politics, hybrid multilateralism and agrowth to create a new framework. **Thesis:** Through new governance, ENGOs should promote agrowth in the emerging hybrid multilateral climate policy frameworks. **Methods:** *Qualitative Data:* Primary law and policies, secondary empirical information. *Qualitative Analysis:* Literature, documentary analysis, framework analysis

Agrowth activities: Negotiating agendas and norms, Framing issues and debates, Policy research and advice, Activism, Lobbying, Implementation?

Legitimacy in the International Order: The continuing relevance of sovereign states

> Brad Roth, Professor of Political Science & Law, Wayne State University: International institutions are broadly experiencing, if not a legitimacy crisis, at least a legitimacy malaise. The present backlash, though lacking any coherent common program, reflects a common yearning for a palpable sense of membership in a political community, the responsible agents of which can exert control over the material conditions that undergird the pursuit of a favored way of life.

The state is the only entity within which individuals' interests and attitudes may (when aggregated with those of others similarly situated) have palpable weight in decisions affecting the economic, social, and cultural conditions within which they pursue their life plans. Whatever "democracy" might be taken to mean, the properties unique to the state constitute the essence of what one can plausibly be democratic **about**. State sovereignty thus plays a role within international law. Should exertions of doctrinal ingenuity encroach too boldly on state prerogatives, international law's reach may come to exceed its grasp: domestic authority, denied its place **within** international law, can be expected to reassert itself **against** international law, and to draw substantial popular support for so doing. The paper identifies some of the recent doctrinal innovations that undermine the previously established legal prerogatives of states, and will consider whether these pose a risk of compromising the legitimacy of international legal obligations in the eyes of crucial constituencies.

Governing Coronaviruses, Climate Change, and global challenges: Can the UN be transformed into a world government light?

> S.M. Sharei, Executive Director, Center for UN Constitutional Research: Who governs pandemics and covid-19? Is it WHO and the UN? Who governs climate change? Is it UNFCCC and the UN? Is it the Paris Accords or other environmental MEAs? For effective governance do we need more multilateralism, or democracy? If national governments and their institutions are indispensable to tackle domestic challenges, then don't we need a government at the world level to deal effectively with global challenges? Can the UN be transformed into a federation of states, with "we the peoples" being directly represented?

In the context of global challenges, such as coronaviruses and pandemics, nuclear wars, and climate change, and human rights, I will argue that, by transforming the UN Charter into a constitution, with the recognition and empowerment of a right-based world citizen, is the only way out of the dysfunctional global governance. That the founding founders, in fact, by provisioning Article 109 of the Charter, and the San Francisco Promise of Paragraph 3, in letter and spirit showed us the way.



MULTILATERALISM VS. CONSTITUTIONALISM
UNIVERSALISM → UN LAW WITH CHARTER REVIEW & UPDATE

FRAGMENTED GLOBAL GOVERNANCE	UNITED NATIONS CHARTER LAW
<ul style="list-style-type: none"> Fillen Absolute Sovereignty of States Pockets of international law, with overlapping or conflicting jurisdiction and competences: <i>fragmentation</i> Not universal No Hierarchy No Legislative (or people representation) No enforcement No Executive No Judiciary No accountability (can abandon at anytime) 	<ul style="list-style-type: none"> Universal Supra-national Sovereignty-sharing under Chapter VII decisions Limited Power Executive Limited Power Judiciary No legislative (except Chapter VII) No Enforcement (except Ch. VII) Apartheid: 5 states above others Charter is binding—No withdrawal clause