

Review of the first meeting in France on the creation of a United Nations Parliamentary Assembly, on September 21st in Paris.

Organised with the Union of European Federalists and Democracy Without Borders, the conference "Democratising Globalisation with the creation of a United Nations Parliamentary Assembly?" took place in Paris on 21 September at the Charles-Léopold Mayer Foundation (11th arrondissement).

Bringing together some thirty participants and specialists from different fields, the conference was held around three workshops focusing on conflict resolution, human rights and, of course, the environment, on this International Day of Peace devoted to climate change.

The participants were welcomed by Chloé Fabre, President of the UEF Île-de-France, and François Leray, representative in France of the campaign for a United Nations Parliamentary Assembly.

In the introduction, Maja Groff, an international lawyer based in The Hague, presented her project, winner of the New Shape Prize awarded by the Global Challenges Foundation, for a new architecture of global governance based on the three democratic pillars of executive, legislative and judicial powers.

While nothing has really changed in this area in the past 70 years, it is essential, according to Ms Groff, to revive the inspiration and vision for global democracy. In particular, it stressed the need to give the International Criminal Court general jurisdiction for all UN Member States. However, according to Maja Groff, this very ambitious objective implies a gradual approach, initially through the creation of a United Nations Provisional Parliamentary Assembly under Article 22 of the Charter.

At the first workshop on the global environmental challenge, Anne-Laure Baldacchino, Climate Ambassador for the United Nations Constitutional Research Centre, highlighted the limitations of the intergovernmental approach.

Despite the global climate emergency, it is now very easy for a state to question its environmental commitments and, for example, withdraw from the Paris Agreement. Without a minimum binding framework, it is thus the national approach that prevails over the general interest. A United Nations parliament would legitimize a specialized court responsible for enforcing, for example, the right to a safe climate and environment.

During the discussions, the question of the majoritarian democracy was raised. There is indeed a risk that such fundamental values as respect for the environment can too easily be overthrown in a world parliament.

Two types of safeguards were suggested by participants: giving certain fundamental policies a constitutional value that requires commitment, for example, to the $\frac{2}{3}$ of parliament to radically change them, and creating a reliable and accessible information system that allows citizens to make informed choices about their representatives.

The workshop on human rights gave Marie-Christine Vergiat, Member of the European Parliament from 2009 to 2019, Vice-President of the League for Human Rights, the opportunity to trace recent developments that may legitimately be worrying, because "we are moving from conquest to the defence of rights". Nevertheless, while the international system has evolved little, the International Criminal Court or the European Convention on Human Rights are major advances.

For her, the rule of law, democracy and human rights necessarily go hand in hand. She also points out that "global", "international", "interstate" and "multilateral" are not synonymous. Revolutions and crises are a response to the corruption and contempt suffered by peoples who naturally turn away from multilateralism.

For Monique Chemillier-Gendreau, Emeritus Professor of Public Law and Political Science at the Paris VII - Diderot University, there is no mechanism to ensure the effectiveness of citizens' rights with regard to the sovereignty of States. An International Constitutional Court would, for example, make it possible to verify the conformity of national constitutions with the international commitments of these same States.

At the third workshop on peace and conflict resolution, Marion Larché, Senior Lecturer in Public International Law, highlighted the UN Security Council's (UNSC) monopoly in this field. The Security Council has the responsibility to characterize the conflict by indicating whether it is "a threat to the peace, a breach of the peace or an act of aggression". It may then sanction the State or States concerned. To that end, 9 out of 15 Council members must vote in favour of a sanction without veto by the 5 permanent members.

The Syrian question was blocked as early as 2011 by China and Russia, while the Council was able to reach a consensus for Libya, which illustrates the fact that the veto right is applied mainly in accordance with the geopolitical interests of the permanent members.

The role of the United Nations General Assembly in addressing conflicts is very limited. If a second chamber is created, particular attention should be paid to the procedures governing their relationship, and ways should be identified to bring the matter before a court competent to resolve disputes. This would of course require a substantial amendment to the United Nations Charter.

Ms Larché concluded by indicating that, as the law stands at present, the democratization of the international system, which is essentially reliant on the UNSC under the United Nations Charter in the area of conflict management, is unlikely to happen.

One of the participants then mentioned the need to change the balance of power, with the support of NGOs, so that geopolitical interests no longer take priority over the interests of peoples and victims of conflicts. On this occasion, it is recalled the "San Francisco promise" that led to the approval of the United Nations Charter. In the aftermath of the Second World War, the "small" member states of the time granted the five "great" winners of the conflict exorbitant powers through their veto power within the UNSC in exchange for a "review clause".

Adopted by amendment, article 109, paragraph 3, thus specifies that a general conference devoted to the revision of the Charter shall be convened before the tenth annual session of the General Assembly following the entry into force of the Charter, if so decided by a majority vote of the General Assembly and by a vote of any seven members of the Security Council. However, this clause has never been used.

Monique Chemillier-Gendreau then outlined her analysis of the symposium's main topic: "Democratizing globalization with a United Nations Parliamentary Assembly?". As a preamble, she points out that democracy is not only about techniques and procedures, but also the result of the school's work, of culture, which must face in her view a worrying shift from the media. Democracy is the opposite of consensus. It is the debate, the dissensus, the conflict that are expressed at different levels, under the dual prism of regulation and liberalism. Today, however, the polarization around the rise of nationalism is jeopardizing this democratic debate.

Democracy is also about belonging to a political community of free beings, in diversity. However, the global system is going through a real global political crisis, exacerbated by a financial capitalism that makes profit the first imperative.

Moreover, democracy is now advocated in the world by an international organization that can be described as aristocratic in view of its composition and the responsibilities entrusted to some States to the detriment of others.

The concept of sovereignty was born in the Middle Ages with the break-up of the Holy Roman Empire, which led to the idea that "every prince should be emperor in his kingdom". This evolution has inevitably led to conflicts resulting in the creation of borders, and therefore to identity retrenchments.

To this identity-based conception of the relationship between States, Monique Chemillier-Gendreau opposes the principle of popular sovereignty, which can be found, for example, in the functioning of the International Labour Organisation (ILO) with a tripartite representation (government representatives, employee representatives and employer representatives).

It is appropriate to be guided, for example, by the principles that inspired the drafting and adoption of Article 26 of the Charter on arms control. In particular, it states that the establishment and maintenance of international peace and security should be promoted with the minimum diversion of the world's human and economic resources to armaments.

In this spirit, a United Nations counter-proposal could be considered. For Mrs Chemillier-Gendreau, it would be based on a 2nd democratically elected parliamentary assembly, making international law indisputable, and on a 3rd chamber from civil society. The veto should then be removed and international judicial decisions made binding and mandatory.

This new democratic framework would thus make it possible to move from a logic of contracts between States, which are by nature limited and random, to a genuine international law based on democratic foundations.

In conclusion, Tahar Houhou, an associative activist, pointed out in particular that democracy is far from being a shared value all over the world today. It is being attacked and challenged in many countries and on all continents. The world is thus accommodating dictators, deadly conflicts and waves of refugees that we no longer thought we should know. Tahar Houhou concluded his intervention by questioning the fact that if "democratizing globalization" is necessary, its essential corollary would be to "globalize democracy".

Chloé Fabre thanked all the participants and organisers of the conference and presented the next UEF Île-de-France events. François Leray closed the symposium by presenting the origin, evolution and challenges of the international campaign for a United Nations Parliamentary Assembly.

At a time when the 2019 UN General Assembly has just taken place, it is now necessary to mobilise civil society in preparation for the 2020 Assembly, which will have reform of the UN system on its agenda. Amazonia, climate change, conflicts, fundamental rights... necessary and courageous decisions are impossible in the current international system. We need a world parliament now.

Speakers :

- **Anne-Laure Baldacchino.** Ambassador for climate, Center for United Nations Constitutional Research (CUNCR).
- **Monique Chemillier-Gendreau.** Lawyer, Professor Emeritus of Public Law and Political Science at the University of Paris VII - Diderot, Associate of Public Law and Political Science.
- **Maja Groff.** International lawyer based in The Hague, winner of the New Shape Prize awarded by the Global Challenges Foundation (Sweden).
- **Tahar Houhou.** "World Citizen" since 1989, involved in the associative movement, has participated in four sessions of the Institute of Mundialist Studies.
- **Marion Larché.** Doctor in public law. Author of a thesis on the functions of international law in the jurisprudence of the European Court of Human Rights.
- **Marie-Christine Vergiat.** Associative activist and French politician, Member of the European Parliament from 2009 to 2019. Vice-President of the League of Human Rights.