# MONDIAL

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**CANADIAN EDITION** 

# BUILDING A WORLD COMMUNITY

FEATURED ARTICLES

FOR OPPENHEIMER, WORLD GOVERNMENT WAS THE ONLY WAY TO SAVE US FROM OURSELVES

INTERNATIONAL POLL:
PUBLIC SUPPORTS A WORLD
PARLIAMENT AND WORLD LAW

UN REFORM: THREE PATHS FORWARD

IN DEFENSE OF AN IDEALIST APPROACH TO UN REFORM





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WORLD FEDERALIST CONFERENCE

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Mondial is published by the World Federalist Movement — Canada and Citizens for Global Solutions, non-governmental organizations that advocates just and effective global governance through the application of the principles of democratic federalism to world affairs. The views expressed by our contributing authors do not necessarily reflect the official position of the World Federalist Movement — Canada.



# LETTER FROM THE EDITORIAL BOARD

Dear Reader,

Welcome to Mondial! Whether this is your first time or a familiar return to our publication, Mondial offers a forum for discourse and dialogue on principled and practical pathways to achieve a democratic world federation for people and the planet.

Some elements of this issue may look new, as may some of the names and faces behind it. We address you for the first time as the Editorial Board to situate Mondial both in the context of our movement and the global moment we meet today.

Mondial is a publication of the World Federalist Movement — Canada (WFM-Canada) and Citizens for Global Solutions (CGS), both Member Organizations of the World Federalist Movement-Institute for Global Policy (WFM-IGP). This journal provides a forum for collaborative exploration and deliberation on solutions for a better future within the framework of democratic world federation, striving to build a shared global governance system predicated on peace, justice, democracy, rule of law and the common dignity and rights of humanity and the Earth itself.

The current issue's publication coincides with two powerful milestones: the 75<sup>th</sup> anniversaries of the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide. The significance of both resonates deeply not only as rhetorical proclamations but as hopeful accountability mechanisms to achieve their creators' vision of a world free from the gravest crimes that shock the conscience of humanity. At a harrowing time for a global community gripped with compounded crises, constructive discourse can easily yield way to polemic or diatribe. Mondial seeks to offer an alternative space to address the most critical issues of the day and means to envision a better tomorrow.

We hope you engage actively with the concepts and opinions put forth in this issue. Beyond these pages, our organizations seek to animate the ideas and solutions proposed through concrete action in our advocacy campaigns, and educational programs. We invite you to learn more about how you can join and support these initiatives by visiting our website www.wfmcanada.org.

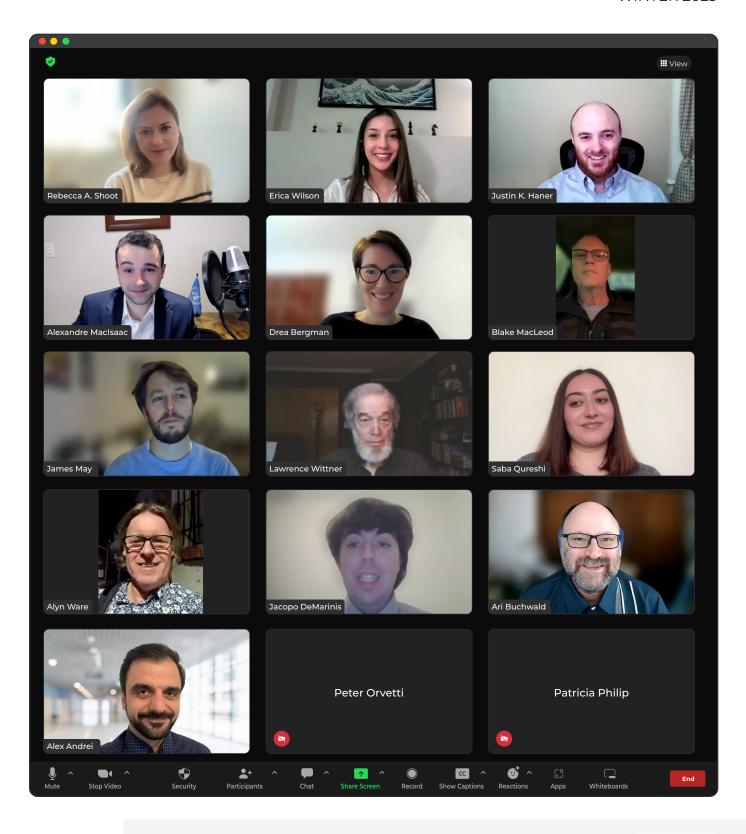
As we embark on a new chapter for Mondial, we recollect the Declaration of Purpose that catalyzed our movement more than 75 years ago:

WE BELIEVE that PEACE is not merely the absence of war, but the presence of justice, of law, of order – in short, of government and the institutions of government; world peace can be created and maintained only under a world federal government, universal and strong enough to prevent armed conflict between nations, and having direct jurisdiction over the individual in those matters within its authority.

Thank you for joining us.

In solidarity,

The Editorial Board



To learn more about the World Federalist Movement — Canada and contact the Editorial Board to offer feedback or contribute to future issues, please email comms@wfmcanada.org. Information on how to support our work is available in the back of this issue.



# WHAT I DO IN THE WAR



# Amir Peter O'Loughlin

Mayne Island, B.C. | October 14, 2023

Because I cannot carry your dead child,
I sweep the deck of my friend
and fling the dry pine needles
to the messenger breeze, and the strike
of my broom down the steps to the sea
is the shovel for digging the grave
and the birdsong is the keening
of your family and clinging companions

Instead of joining you to claw the rubble in search of your buried mother,

I will bring bread to my neighbour who will serve it to her children, and I chant your name in rhythm to the shouts and earth movers with the warm loaf in my hand and the autumn air gripping my chest

I will serve tea to this welcome company and offer a fragrant, poignant impotent wish for peace, an as-salaam aleikum with each touch of the cup to silent lips, while you grip your phone for news and prepare to sleep on dark roads, upon carpets that once had homes Nothing in me can help you know if your daughter is alive or dead, or which of those is worse, so I will whisper b'shalom b'shalom with each step up this mountain from where my strength comes and where my cries are left and where the eagles loft and lift

You cannot bear witness to my sorrow for those I love whom I do not know so I will ring the Japanese garden bell to reach all those unjustly taken away I will listen to its resounding song which ears hear for ten slow breaths but which trees hear forever and I pledge to each of you who suffers now a place in its vibrating prayer



# FOR OPPENHEIMER, A WORLD GOVERNMENT WAS THE ONLY WAY TO SAVE US FROM OURSELVES



Jane Shevtsov

Ecologist and board member of the Citizens for Global Solutions. She teaches math for life sciences at the University of California, Los Angeles.



**Tad Daley** 

Served as a coauthor, speechwriter, or advisor to five members of the United States Congress, including the late U.S. Senator Alan Cranston and the late U.S. Senator Harris Wofford. He also served for several years as a member of the International Policy Department at the RAND Corporation.

Blink and you'll miss it.

In a scene in the new *Oppenheimer* film set right after the successful 1949 atomic bomb test by the USSR, there is a brief exchange between the film's two main antagonists. Lewis Strauss, chair of the Atomic Energy Commission, asks J. Robert Oppenheimer what he thinks should be done now. "International control," Oppenheimer immediately replies.

"You mean world government?" Strauss fires back.

It sounds like a throwaway line, or one of those accusations routinely hurled at those trying to make global institutions marginally more effective. But in this case, Chairman Strauss' epithet was spot on.

The tremendous destruction of World War II, even before Hiroshima and Nagasaki, prompted a radical rethinking of the world political order. In particular, the idea of world government as the solution to the problem of war was placed front and center in this country's foreign policy debate, and argued about passionately in diners, dorm rooms, and dinner parties all across the land. Unfortunately, however, the legions of moviegoers who buy tickets to Christopher Nolan's otherwise excellent film this summer will have no idea that one of the leading proponents of that singular idea was J. Robert Oppenheimer.

After the bomb was dropped on Hiroshima, Oppenheimer threw himself into working to control nuclear weapons. Like other atomic scientists, he was fully aware that the Soviet Union would likely develop its own atom bombs in just a few years, and that time was short to prevent an unrestrained nuclear arms race. The movie refers to his activities as working for "international cooperation." But his actual ideas were much deeper and more radical than those anodyne words imply.

In 1946, Oppenheimer participated in the development of a report for the Secretary of State's Committee on Atomic Energy about what might be done to control nuclear weapons. The report, which became known as the Acheson-Lilienthal report but which was authored chiefly by Oppenheimer himself, proposed an international Atomic Development Agency that would have the sole right to mine and process uranium and to run reactors of any kind. This was a radical proposal, but, as its authors explained, they could see no alternative.

In June 1946, Oppenheimer published an article in The New York Times Magazine explaining the proposal to the public. The article discussed the relationship between peaceful and military uses of atomic energy, evaluated a couple of other ideas for controlling atomic weapons, and then discussed the proposed Atomic Development Agency.

It is here, in a section entitled "Sovereignty," that we come across a striking passage:

"Many have said that without world government there could be no permanent peace, and without peace there would be atomic warfare. I think one must agree with this. Many have said that there could be no outlawry of weapons and no prevention of war unless international law could apply to the citizens of nations, as federal law does to citizens of states, or we have made manifest the fact that international control is not compatible with absolute national sovereignty. I think one must agree with this."

Similarly, in a January 1948 article for *Foreign Affairs* magazine, Oppenheimer wrote:

"It is quite clear that in this field we would like to see patterns established which, if they were more generally extended, would constitute some of the most vital elements of a new international law: patterns not unrelated to the ideals which more generally and eloquently are expressed by the advocates of world government."

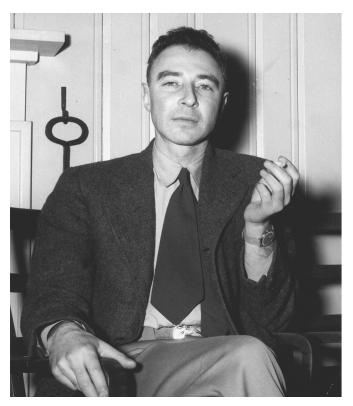
From the vantage point of 2023, the remarkable thing about these passages is the apparent assumption that the reader is familiar with the idea of world government, and arguments for and against it, to the point where they can just be mentioned without explanation or elaboration. And for much of the public for much of the 1940s, this was probably true — as remarkable as it might seem to us today, when this notion is entirely absent from the international affairs debate.

Even before the end of the war, world government advocacy had become a prominent feature of the political conversation in America. In 1943, the businessman and Republican presidential candidate Wendell Willkie published a book called *One World*. The book sold 1.5 million copies in the four months following its release and played a key role in a blossoming of world federation advocacy — long before virtually anyone had heard of anything like an atomic bomb. To choose but one example, an organization known as the Student Federalists, founded in 1942 by a charismatic 16-year-old boy named Harris Wofford, over the next several years

formed 367 chapters on high school and college campuses around the country. Mr. Wofford went on to become a U.S. senator and a key civil rights aide in the White House of President John F. Kennedy.

Then in 1945, just a few months before the Trinity test, came Emery Reves' *The Anatomy of Peace*. While Willkie's book was a travelogue describing his voyage around the world, Reves' was an extended logical argument that only law could create peace and only a world federation — a union of nations with a government taking care of issues that could not be handled at the national level — could create meaningful law that applied to individuals rather than governments. Indeed, Oppenheimer's passage above could have easily been a summary of Reves' book.

It wasn't just books. Beloved children's book author and New Yorker editor E. B. White devoted a great many of his editorials to the problem of global anarchy. These were later collected and published in a book called *The Wild Flag: Editorials From The New Yorker on Federal World Government and Other Matters*. Saturday Review editor Norman Cousins, upon reading about Hiroshima, wrote a lengthy editorial for his magazine titled "Modern Man is Obsolete," that passionately argued for immediate democratic world federation. "There is no need to talk of the difficulties in the way of world government," wrote Cousins. "There is need only to ask if we can afford to do without it."



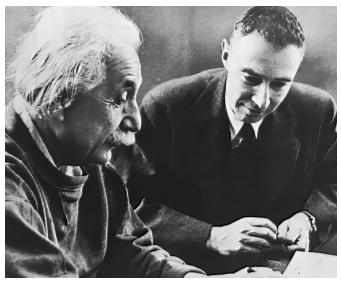
J. Robert Oppenheimer at the Guest Lodge, Oak Ridge, in 1946. Ed Westcott (U.S. Government photographer), Public domain, via Wikimedia Commons.

In a similar vein Walter Lippmann, a founder of both *The New Republic* magazine and the Council on Foreign Relations, and a key player later in the Cuban Missile Crisis, wrote in 1946: "There are few in any country who now believe that war can be regulated or outlawed by the ordinary treaties among sovereign states... no one can prove what will be the legislative, executive, and judicial organs of the world state... but there are ideas that shake the world, such as the ideal of the union of mankind under universal law."

Even General Hap Arnold, the only U.S. Air Force officer ever to hold the rank of five stars and founder of the RAND Corporation, said in 1946: "The greatest need facing the world today is for international control of the human forces that make for war." The atom bomb, he declared, presents "a tremendous argument for a world organization that will eliminate conflict... We must make an end to all wars for good."

And before the end of the decade, more than 50,000 Americans had joined the United World Federalists (UWF) — led for three years by a bright young man named Alan Cranston, who went on to serve as a four-term U.S. Senator from California. UWF has continued its operations to this very day and is now known as Citizens for Global Solutions (CGS).

A number of physicists also came to support world federation. "Conflicts in interest between great powers can be expected to arise in the future... and there is no world authority in existence that can adjudicate the case and enforce the decision," said Leo Szilard, who first conceived the nuclear chain reaction. But humanity had at its disposal, he insisted, "the solution of the problem of permanent peace... the issue



Albert Einstein, founding member of the World Federalist Association, with Robert Oppenheimer at the Institute for Advanced Study.

Image courtesy of US Govt. Defense Threat Reduction Agency, Public domain, via Wikimedia Commons.

that we have to face is not whether we can create a world government... [but] whether we can have such a world government without going through a third world war."

Even Edward Teller, accurately portrayed in the *Oppenheimer* film as pushing for the development of the immensely more destructive hydrogen bombs and eventually undercutting his colleague at the security hearings, appeared to embrace the idea! In 1948, he discussed the "Preliminary Draft of a World Constitution," written by a committee of eminent scholars chaired by the chancellor of the University of Chicago, Robert Maynard Hutchins, and aimed at establishing a "Federal Republic of the World." And Teller said about this enterprise: "[America's] present necessary task of opposing Russia should not cause us to forget that in the long run we cannot win by working against something. Instead we must work for something. We must work for World Government."

But the most prominent and most active proponent of world government among scientists was Albert Einstein himself. He had always opposed nationalism, and supporting world federation was a natural extension. Einstein wrote articles, gave interviews, and helped found the Emergency Committee of Atomic Scientists. The Student Federalists of Princeton, New Jersey, held meetings in his living room. And he served as the founding advisory board chair of the UWF.

The type of world government that Einstein promoted would exclusively have power over security issues and a few internal circumstances that could lead to war. But this kind of limited world government was a must. "A new kind of thinking is essential if mankind is to survive and move to higher levels," he said. "Often in evolutionary processes a species must adapt to new conditions in order to survive... In light of new knowledge... an eventual world state is not just desirable in the name of brotherhood; it is necessary for survival."

Oppenheimer's focus in the post-war years was more nearterm. He worked for international control of nuclear matters — both weapons and civilian reactors that could be used to make weapons. But that international control was to take the form of an agency with a strict monopoly on such activities. His 1946 New York Times Magazine piece says about the plan: "It proposes that in the field of atomic energy there be set up a world government. That in this field there be renunciation of national sovereignty. That in this field there be no legal veto power. That in this field there be international law."

Why would this be significant? In a lengthier article published in 1946 in the *Bulletin of the Atomic Scientists*, Oppenheimer wrote, "the problem that we are dealing with," in seeking to prevent atomic war, "is the problem of the elimination of war." Proposals for addressing nuclear issues were to be judged on whether they also advanced this goal. The article was titled "The Atom Bomb as a Great Force for Peace" — not because of the simplistic and banal argument



J. Robert Oppenheimer (in light colored hat with foot on tower rubble), General Leslie Groves (large man in military dress to Oppenheimer's left), and others at the ground zero site of the Trinity test after the bombing of Hiroshima and Nagasaki (some time after the actual test).

United States Army Signal Corps, Public domain, via Wikimedia Commons.

that the bomb would make war too horrible to contemplate, but because its control would lay the foundation for a world government that truly could abolish war.

And in his 1948 Foreign Affairs article, again, Oppenheimer maintained: "If the atomic bomb was to have meaning in the contemporary world, it would have to be in showing that not modern man, not navies, not ground forces, but war itself was obsolete."

At the end of this essay, Oppenheimer returned to the noble aspirations that so many held in the shattering initial weeks after Trinity, Hiroshima, and Nagasaki:

"The aim of those who would work for the establishment of peace," he insisted, "must be to maintain what was sound in the early hopes, and by all means in their power to look to their eventual realization. It is necessarily denied to us in these days to see at what time, to what immediate ends, in what context, and in what manner of world, we may return again to the great issues touched on by the international control of atomic energy... [But] this is seed we take with us, traveling to a land we cannot see, to plant in new soil."

Should we consider all this just a mere historical curiosity? Is anything about these conversations eight long decades ago relevant to the challenges of the 21st century? As politically unlikely as it might now appear, might something like a genuine world republic provide humanity with the kinds of tools it will require to get a grip on existential perils like the climate emergency, runaway artificial intelligence, and who knows what kinds of new weapons of mass extermination that Oppenheimer's heirs will almost surely invent in the decades and centuries to come?

The best possible answer to that is the same one purportedly given by China's Premier Zhou Enlai in 1971, when asked by Henry Kissinger what he thought about the consequences of the French Revolution.

Mr. Zhou, the story goes, considered the question for a moment, and then replied: "I think it is too soon to tell."

This article was originally published in the Common Dreams newsletter, www.commondreams.org.

# HOW STRENGTHENED GLOBAL GOVERNANCE COULD PRODUCE A NUCLEAR-FREE WORLD



Dr. Lawrence S. Wittner

Professor of History Emeritus at SUNY/Albany, the author of Confronting the Bomb (Stanford University Press), and a board member of the Citizens for Global Solutions Education Fund.

It should come as no surprise that the world is currently facing an existential nuclear danger. In fact, it has been caught up in that danger since 1945, when atomic bombs were used to annihilate the populations of Hiroshima and Nagasaki.

### THE SITUATION TODAY

Today, the danger of a nuclear holocaust is probably greater than in the past. There are now nine nuclear powers — the United States, Russia, Britain, France, China, Israel, India, Pakistan, and North Korea — engaged in a new nuclear arms race, building ever more efficient weapons of mass destruction. The most recent entry in their nuclear scramble, the hypersonic missile, travels at more than five times the speed of sound and is considered adept at evading missile defense systems.

These nuclear-armed powers are engaged in military confrontations with one another — Russia with the United States, Britain, and France over the fate of Ukraine, India with Pakistan over territorial disputes, and China with the United States over control of Taiwan and the South China Sea — and have on occasion issued public threats of nuclear war against other nuclear nations. In recent years, Vladimir Putin, Donald Trump, and Kim Jong-Un have all also publicly threatened non-nuclear nations with nuclear destruction.

Little wonder that, in January 2023, the editors of the *Bulletin of the Atomic Scientists* set the hands of their famous "Doomsday Clock" at 90 seconds before midnight, the most dangerous setting since its creation in 1946.

# A REPRIEVE, BUT ONLY A TEMPORARY ONE

Until fairly recently, this march to Armageddon was disrupted, for people around the world found nuclear war a very unappealing prospect. Massive nuclear disarmament campaigns developed in many countries and, gradually, began to force governments to temper their nuclear ambitions. The result was banning nuclear testing, curbing nuclear proliferation, limiting development of some kinds of nuclear weapons, and fostering substantial nuclear disarmament. From the 1980s to today, the number of nuclear weapons in the world sharply decreased, from 70,000 to roughly 13,000. And with nuclear weapons stigmatized, nuclear war was averted.

But successes in rolling back the nuclear menace have undermined the popular struggle against it, while proponents of nuclear weapons have seized upon the opportunity to reassert their priorities. Consequently, a new nuclear arms race has gradually gotten underway.

# AND WHAT OF THE FUTURE?

Even so, creating a nuclear-free world remains possible. Although inflamed nationalism and the excessive power of military contractors are likely to continue bolstering the drive to acquire, brandish, and use nuclear weapons, there is a route out of the world's nuclear nightmare.

We can begin uncovering this route to a safer, saner world when we recognize that a great many people and governments cling to nuclear weapons because of their desire for national security. After all, it has been and remains a dangerous world, and for thousands of years nations (and before the existence of nations, rival regions and groups) have protected themselves from aggression by wielding military might.

The United Nations, of course, was created in the aftermath of the vast devastation of World War II in the hope of providing international security. But, as history has demonstrated, it is not strong enough to do the job — largely because the "great powers," fearing that placing significant power in the hands of the international organization would diminish their own influence in world affairs, have deliberately kept the organization weak. Thus, for example, the UN Security Council, which is officially in charge of maintaining international security, is frequently blocked from taking action by a veto cast by one its five powerful, permanent members.

But what if global governance were strengthened to the extent that it could provide national security? What if the United Nations were transformed from a loose confederation of nations into a genuine federation of nations, enabled thereby to create binding international law, prevent international aggression, and guarantee treaty commitments, including commitments for nuclear disarmament?

# HOW A FEDERATION OF NATIONS COULD END THE NUCLEAR MENACE

Nuclear weapons, like other weapons of mass destruction, have emerged in the context of unrestrained international conflict. But with national security guaranteed, many policymakers and most people around the world would conclude that nuclear weapons, which they already know are immensely dangerous, have also become unnecessary.

Aside from undermining the national security rationale for building and maintaining nuclear weapons, a stronger United Nations would have the legitimacy and power to ensure their abolition. No longer would nations be able to disregard international agreements, including agreements for nuclear disarmament, that they didn't like. Instead, such legislation, once adopted by the federation's legislature, would be enforced by the federation. Under its provisions, the federation would have the authority to inspect nuclear facilities, block the development of new nuclear weapons, and reduce and eliminate nuclear stockpiles.

The relative weakness of the current United Nations in enforcing nuclear disarmament is illustrated by the status of the UN Treaty on the Prohibition of Nuclear Weapons. Voted for by 122 nations at a UN conference in 2017, the treaty bans producing, testing, acquiring, possessing, stockpiling, transferring, and using or threatening the use of nuclear weapons. Although the treaty officially went into force in 2021, it is only binding on nations that have decided to become parties to it. Thus far, that does not include any of the nuclear armed nations. As a result, the treaty currently

has a more moral than practical effect in securing nuclear disarmament.

If comparable legislation were adopted by a world federation, however, participating in a disarmament process would no longer be voluntary, for the legislation would be binding on all nations. Furthermore, the law's universal applicability would not only lead to worldwide disarmament, but offset fears that nations complying with its provisions would one day be attacked by nations that refused to abide by it.

In this fashion, enhanced global governance could finally end the menace of worldwide nuclear annihilation that has haunted humanity since 1945. What remains to be determined is: Are nations ready to unite in the interest of human survival?



NoFirstUse Global advocates to achieve a safer world and support disarmament by encouraging no first use by nuclear powers. U.S. Embassy, Prague, Czech Republic. Photo Courtesy of Alyn Ware.

Guidance on how to stage a demonstration like that depicted in the photograph may be found on: bit.ly/NFU-Action



# INTERNATIONAL POLL: PUBLIC SUPPORTS A WORLD PARLIAMENT AND WORLD LAW



**Andreas Bummel** 

Co-founder and Executive Director of Democracy Without Borders and of the international campaign for a United Nations Parliamentary Assembly.

An international survey carried out by the market research firm YouGov on behalf of the German Friedrich Ebert Foundation in 2023 indicates that a majority of the public in 13 of 15 countries covered by the study approves of the creation of a world parliament. With the exception of two countries, respondents in the other countries surveyed "strongly" or "somewhat" approved of the notion, significantly outweighing those who oppose it.

It is often claimed that nationalism is on the rise again. But many people, often clear majorities, would support institutional moves towards building a global society. This poll confirms that they would endorse a global democracy that is empowered to deal with global challenges. Governments should no longer ignore this desire and potential.

On average, 60% of respondents leaned towards supporting "the creation of a new global parliament that represents every country in the world, where every country would be represented based on how many citizens it has, rather than its own national government representation to the UN".

The survey question further elaborated that:

"[T]he Parliament would meet to handle global issues like global peace, climate change, and emergency situations like pandemics. The Parliament would be part of a global legislative system that under certain circumstances would pass legally binding laws to govern the world as a whole. Would you support or oppose the founding of a World Parliament?"

Only 22% on average leaned towards disapproval. The most support was recorded in Kenya, where an overwhelming

majority (81%) approved of a world parliament, with 52% strongly approving and 29% somewhat approving of a global parliament. Only 17% disapproved and 2% said they did not know, the lowest proportion of uncertain respondents recorded in the entire poll.

Next on the list, are India (78% in favor and 10% opposed), South Africa (73% and 21%), Tunisia (71% and 13%), Indonesia (68% and 13%), South Korea (65% and 18%), Japan (63% and 13%), Turkey (59% and 17%), Argentina (58% and 20%), Germany (56% and 26%), France (53% and 27%), Brazil (50% and 24%) and Poland (49% and 25%). At the bottom of the 15 country poll are the United Kingdom (41% and 37%) and the United States (38% and 42%), which were also the only cases where more respondents "strongly disapproved" than "strongly approved" the notion.

A previous extensive study on sentiments on global democracy, by Farsan Ghassim, a fellow at Oxford University, found majority support in the United Kingdom and the United States. The recent YouGov survey, as well as an earlier study conducted in 2020 by the Global Challenges Foundation, show consistently broad public support for binding global decision-making over voluntary international agreements only.

Democracy Without Borders, which has been running a campaign for a UN Parliamentary Assembly for over 15 years, proposes a world parliament with a two chamber system. One chamber would continue representing the governments of member states, while the other would be composed of elected parliamentarians. The parliamentary body would thus not replace but complement national government representation.

Kenya
India
South Africa
Tunisia
Indonesia
South Korea
Japan
Turkey
Argentina
Germany
France
Brazil
Poland
The United Kingdom

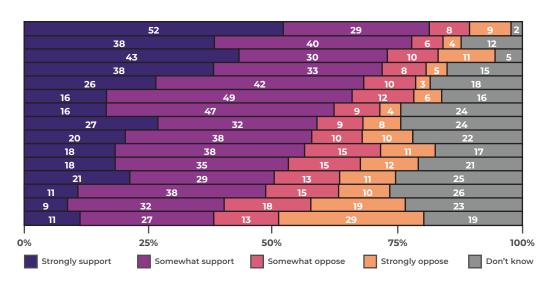


Figure: Support for a World Parliament

A previous survey by Farsan Ghassim, Mathias Koenig-Archibugi, and Luis Cabrera indicated that people prefer such a two chamber system over the status quo of exclusive government representation at the UN. This idea was recently endorsed by former officials and representatives of civil society and government, as part of proposals for the revision of the 1945 UN Charter, with a view to the UN's Summit of the Future, which is scheduled for September 2024.

The public also endorses pragmatic first steps towards establishing a world parliament. A 12-country-poll by the Stimson Center, released in June 2023, found that on average 62% supported the proposal of setting up a UN Parliamentary Network "to inform parliamentarians of the UN's agenda and obtain their feedback on it". At the time, the researchers concluded that the barrier to reforming global governance "is not popular opposition", but rather the reluctance of governments.

Reflecting this consistent global support, the Prime Minister of Barbados, Mia Mottley, recently noted in the introduction to the new Global Solidarity Report, which also draws on international survey data, that "people worldwide share more solidarity than governments have hitherto harnessed."

According to a UN General Assembly resolution adopted on Sept. 1 2023, the UN Summit of the Future will approve of an "outcome document" that includes a chapter on "transforming global governance".

As we at Democracy Without Borders noted in 2021, to date the question of enhancing democratic representation and participation at the UN through a UN parliamentary body has been ignored in the official run-up to the summit, despite strong popular support and thoroughly thought through proposals. In particular, the establishment of a UN Parliamentary Assembly, which Maja Brauer and I set out

the case for in our book A United Nations Parliamentary Assembly: A Policy Review of Democracy Without Borders, is a proposal that lies between the muted low-threshold UN Parliamentary Network and the high-ambition world parliament ideas. This proposition has attracted broad support from civil society, among experts, and from parliamentarians. In September 2022, it was endorsed by then Foreign Minister of Malaysia, Saifuddin bin Abdullah.

A statement released by the Climate Governance Commission in September 2023 notes, among other things, that diplomatic deliberation on "deeper reforms" of the international architecture "should commence immediately", including on establishing "a parliamentary body or bodies at the United Nations and other international organizations to advise and better represent the world's peoples". The Commission will present a detailed report in November 2023.

The Governments of countries covered in the recent YouGov poll could leverage relevant diplomatic moves on strong popular support. Kenyan President William Ruto in particular has been promoting ambitious proposals for a global financial transaction tax or a global carbon emission taxation regime, both of which were included in the Nairobi declaration of African heads of government adopted in September 2023. Following the logic of "no taxation without representation", it would be a rational next step to embrace the notion of a global parliament.

The data collected by YouGov on public support of a world parliament was part of the fourth annual FES Global Census, which examines public opinion on key matters of multilateralism and international cooperation. The data was shared with Democracy Without Borders, which first published this article.

# UN REFORM: THREE PATHS FORWARD



**Dr. Augusto Lopez-Claros** 

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It seems each day provides us a fresh reason for pessimism. A new demonstration of the fraying social contract, especially at the international level. The pillars upon which the international order was built seem to be rapidly deteriorating — from territorial integrity to the laws of war to the breaking of promises — and we find ourselves asking: what is to be done? There is no need to provide a comprehensive summary here of the risks we face; compelling diagnoses exist of what ails the world and there is no shortage of sensible prescriptions. The 2021 UN Secretary General's Our Common Agenda is a good recent example as are many other reports and analyses with a narrower focus, touching upon issues of climate and the environment, security, poverty and inequality, financial sector vulnerabilities, and other such risk factors.

There is also growing acceptance of the view that these problems are generally global in nature. Solutions to them can best be framed in a context of much stronger international cooperation. It is for this reason that the debate about actions to confront them often ends up with a focus on the system of multilateral institutions that emerged out of the ashes of World War II.

# **UN REFORM A NONSTARTER?**

One aspect of this debate is whether, against the current

geopolitical background, it would even be prudent to talk about reforms to our global governance architecture. With the "abysmal political climate for international cooperation, with deep rifts and mistrust" such as the argument in Pass Blue by Thomas G. Weiss, that "reform is a nonstarter," that it is Alice in Wonderland to "discuss reforming the UN while ignoring the brutal contemporary political realities."

Implicit in this position is the notion that time is on our side, that we can afford to wait for the "right" geopolitical moment. And, until the stars align again, our task lies in making minor adjustments. Secretary-General Kofi Annan told the General Assembly in 2003 "we have reached a fork in the road." This thought has been repeated countless times by other Secretaries-General, by well-meaning heads of state and, it is assumed, will continue to be repeated through 2045, the 100th anniversary of the adoption of the UN Charter.

But insights coming from systems science about the breaching of planetary boundaries — to take just one example — demonstrate that time is *not* on our side, that we have a rapidly narrowing window of opportunity to address and hopefully mitigate the worst effects of the coming environmental calamities. Or, likewise, to reduce the likelihood of the use of nuclear weapons in one of the many unresolved conflicts bubbling around the world. What, then, is to be done?

### THREE VIABLE PATHS

There seem to be three viable paths, which can be pursued concurrently. The first path is to recommit ourselves to the system we have. There are tremendous benefits to this — most notably that it would be a return to consensus. At this moment of great crisis, there is a legitimate case to be made that the safest route is the surest route — at least in the short term. However, that is also a limiting prospect and runs the risk of determining that the best we can do is to continue doing what we have already done. Perhaps more importantly, if we are conscious that the system as it stands is increasingly insufficient, by choosing *only* this path we are in a way admitting defeat at the outset.

The second course of action is to take the model we have and innovate. This is the course of action offered through the upcoming Summit of the Future and its attendant proposals including a New Agenda for Peace, proposals for financial architecture reform, and even Article 109. There is significant merit in this course of action, as well: it offers an opportunity for questioning the structures we have without undoing the progress they have made. In other words, it allows for organic growth. Yet, there are risks here, too — in that we could end up investing significant time and energy to perpetuate a system ill-suited to our interconnected reality; or that we achieve only marginal progress, or, worse still, the process results in greater political fragmentation and mistrust.

The third course of action is a deeper exploration into the persistent challenges underlying our current systems and a search for new solutions. Essentially, questioning underlying assumptions and finding new answers. This course of action excites us most — in large part because we do not believe that the current frameworks are sufficient for the world of today, let alone tomorrow. When we imagine a century ahead, we just can't picture a global governance system where Member States are expected, even required, to prioritize their domestic concerns when discussing international matters. We can't imagine that a successful governance system would continue to prioritize a profit motive, a power motive, over the wellbeing of citizens and nature. Yet the system we have (even modified per option two) does just this. We will be the first to admit that this may not be the most politically realistic course for today, but it will one day be the path we must choose. Why not begin now given its far-reaching implications?

We do not need to choose merely one of these three options. We are at a moment where many opportunities open before us. The international order is struggling under the weight of the crises we face — both new and old. Let us use this consensus as a starting point to commit to what we have, to see what meaningful change can come from the processes in progress, and to rethink the current order from our starting assumptions. In essence, a little bit of each viable path is the ultimate expression of the precautionary principle for global governance.

### **OVERCOMING PARALYSIS**

One problem with concluding that the current political impasses make UN reform a nonstarter is that it leads to paralysis. It results in proposals that are the intellectual equivalent of rearranging the deckchairs as the ship is sinking. We are not suggesting ignoring the political realities of this moment but trying to see what the future holds. One day, we will need to move beyond traditional paradigms, beyond "reinforcing the crumbling foundations" of the current system. Humanity will need to articulate a new architecture, better suited to the needs of a rapidly changing humanity.

Importantly, it is not only governments who can advance this conversation — in fact this might be a key to overcoming some of the seemingly intractable obstacles to reform. As was noted in the 2023 report, A Second Charter: Imagining a Renewed United Nations, from the Global Governance Forum, numerous global governance innovations over the past quarter century were not initiated by governments. They started with civil society organizations: the Land Mines Treaty, the creation of the International Criminal Court, and the adoption of the Treaty on the Elimination of Nuclear Weapons, to cite some recent examples. At a later stage, many governments adopted them. This is the "new diplomacy" in action.

At the end of World War II, and because of the destruction created by that conflagration, humanity had an opportunity to imagine something better suited to the needs of, in particular, the European continent. If in 1945 one had ventured to suggest that within a generation Europe would be advancing a project of economic and political integration, that by the late 1970s there would be direct elections for members of an increasingly influential European Parliament, and that by end of the century the broad parameters of monetary policy would be set by a European Central Bank based in Germany managing a single currency, one might have been accused of "Wonderland thinking". And yet, it was the very political turmoil of that moment which allowed for this evolution to take place.

Today, we cannot afford to wait for what is called a "San Francisco" moment. Recall how that gathering came only after a global catastrophe prompted humanity to dare to think differently and engage in a reform process. Yet, today's generation is carrying the legacy of the imperfections bequeathed to it. Let us not wait for another catastrophe before we engage in meaningful reform processes. In addition to recommitting to promises made, in addition to technical modifications, let us take that leap of imagination necessary to prevent future global catastrophes. Who knows, perhaps in a few decades, like the European case, future generations will be amazed at what we were able to achieve.

# IN DEFENSE OF AN IDEALIST APPROACH TO UN REFORM



# Alexandre MacIsaac

Executive Director of the World Federalist Movement — Canada. Involved in world federalist projects since 2017, his background in global public policy and experience in administering federal elections were critical in solidifying his commitment to reform.

As World Federalists with aspirations for a more democratic and peaceful world, we are no strangers to criticisms that our proposals are "overly ambitious" or "unachievable." Although most tend to agree with some of our more idealistic proposals, they often don't view them as practical – especially in a gridlocked UN system that prevents substantive changes to the most undemocratic and inefficient aspects of its structure.

Any amendment to the UN Charter must obtain the approval of the Permanent 5 (P5) members of the Security Council, which itself is rife with democratic representation and inefficiency problems. More specifically, the Security Council places five states at the helm with exclusive veto powers and offers ten rotating seats to come together and make decisions that are filtered through the P5 members' interests. The power and influence of the veto cannot be measured simply by looking at the number of resolutions vetoed by the P5. Security Council members are aware that any initiative that runs counter to the interests of one or more members of the P5 could be fruitless. The tragedy for our shared world governance lies in the bank of unspent solutions to global problems. Countless common-sense resolutions, many of which might easily receive majority support (not only among the 15 Security Council members but also the General Assembly) are never put forward at the UN Security Council, the General Assembly or other contributing bodies that put forward recommendations to it.

To make matters worse, the Security Council is the only body of the UN that can pass binding resolutions. The founders of the UN placed the most undemocratic and unrepresentative body as a gatekeeper, preventing effective and transformative world policy from coming to fruition. With this interest filter placed at the top of the decision-making chain, it is little wonder that efforts to establish binding resolutions that

shake the status quo system are stymied. All five members of the Security Council possess nuclear weapon arsenals. Their exclusive use of a veto on resolutions guarantees their continued access to those weapons, a microcosm of a larger problem at hand in nearly every aspect of global governance failures. The veto grants these powers a myriad direct and indirect interests allowing them to determine global standards and regulations regarding the world environment, economy and geopolitical landscape to their advantage and at the detriment of the global public good.

Unsurprisingly, given the institutional inertia built into the UN Charter at the outset by granting the five victors of the Second World War permanent seats and veto powers, nearly all reforms to the UN structure since its beginnings have avoided the Security Council. One minor exception is the 1965 expansion of the number of non-permanent seats from six to ten. While this type of reform does provide more democratic representation for the world population and increases pressure on P5 members exercising their veto powers, it fails to address the gridlocking power of the veto - circumventing the issue like a vine tendril growing along a brick wall in its search for light, able only to grow along the path allowed by the dominant world powers. The expansion of the Security Council has been discussed again in recent years, including the possibility of increasing the number of permanent seats, although there has been little-to-no progress on efforts towards the abolition or weakening of the veto.

As World Federalists, we have challenged the supremacy of the Security Council at every turn. When we were involved in the Coalition for the International Criminal Court (CICC), former World Federalist Movement Executive Director Bill Pace emphasized three principles for its formation, all of which revolved around its independence from the Security



Council. Even the most optimistic among coalition members of the CICC did not expect to see its objectives achieved in their lifetimes! Security Council efforts to influence outcomes did reach the ICC in the final days of the 1998 Rome Diplomatic Conference, but could not overtake the separate structure that we had fought for, and so the Council was only permitted discretionary authority over ICC proceedings.

Some World Federalists have recently turned our focus to promote the establishment of a UN Parliamentary Assembly (UNPA), with world citizen elections to gain the democratic legitimacy needed to pass binding resolutions on the world stage. Whether the UNPA would do so in a fashion complementary to the activities of a UN General Assembly, or act as its ultimate replacement, the goal is to fulfill or replace the need(s) for the unalterable system at the height of the intergovernmental organization - the Security Council. The UNPA project will take many years to promote, install, and ultimately develop while taking into account the myriad of possibilities for its structure as efforts respond to future events and evolving international norms. However, it is one of the most promising ways we, as humans sharing this world, can find hope for building a sustainable and equitable future.

The objective with the UNPA is to create a democratically representative body that over time could fulfill (and replace the need for) the binding roles of the Security Council. As the UNPA develops, it will become comparatively more

legitimate as a body reflecting world citizens' interests. The bright side for advocates of a UNPA is that they would be rivalling an immobile or unchanging opponent – offering all the time to develop and align with current world affairs while the Security Council becomes increasingly redundant, sitting still over the years like an ancient ruin overtaken by its own vines

Perhaps I am wrong, and the Security Council will be propelled to act decisively in reforming its core issues in ways we currently think are impossible in light of the legitimacy challenge posed by a developing UNPA. I see this as a victory for World Federalists (and the world) in either scenario, offering the possibility for a UNPA to exist alongside (and perhaps even complement) a reformed Security Council.

The genie is out of the bottle – the second wave of globalization has reached new heights since its first wave in the early 20th century. The transition is owing to advancements in all sorts of production, communication, and transportation technologies. As greener technologies develop alongside their counterparts, they are often at a disadvantage (profitwise) in relation to less sustainable practices. Transnational and multinational corporations operate in an unregulated world, reaping profits with little regard for the global public good. They have effectively divided and conquered the world into an international system that competes to drive a race-tothe-bottom on environmental and labour standards. It seems like madness to believe that we can prevent a war involving a world power (e.g. the Russian invasion of Ukraine or the US invasion of Iraq), or meet our climate change targets by continuing to approach global governance the same way we have over the last decades. Although it is a myth that this was Einstein's definition of insanity, he surely agreed that it would be insane to believe that we can achieve nuclear nonproliferation and disarmament without a supranational body - especially if he had lived to see the continuous failed efforts over the decades that ensued. To believe that we can achieve UN targets and prevent wars without addressing the issues at the core of the international system does not appear to me to be a realistic approach.

In this way, ironically, we can believe that the most pragmatic approach to reforming the UN is an idealistic World Federalist approach! I leave you to reflect on what your world utopia would look like, and with my favourite quote from Don Quixote which I believe highlights the importance of idealism in our development as a unified world community:

"When life itself seems lunatic, who knows where madness lies? Perhaps to be too practical is madness. To surrender dreams — this may be madness. Too much sanity may be madness — and maddest of all: to see life as it is, and not as it should be!"

# CLIMATE CHANGE LAWSUITS AROUND THE WORLD



Bill Pearce

Called to the bar in 1968 and has had a varied career as a barrister. He is currently retired and living in Victoria while continuing to serve as President of the World Federalist Movement — Canada Victoria branch.

This article will examine the explosion of climate change litigation around the world and its role in reducing the output of greenhouse gases (GHGs) which is endangering the survival of our species. In 2017 there were 884 climate change lawsuits brought in 24 countries. By July 2020 this number increased to at least 1,550 cases in 38 countries (Stefer 2023).

Some of these lawsuits seek compensation for damage inflicted by fossil fuel-associated global warming and related extreme weather events. The most recent example is the case where the state of California is suing the major oil producers for billions of dollars associated with their deceptive practice of spreading misinformation as to the role of burning fossil fuel in the warming of the planet (akin to the denial tactics of the tobacco industry of the connection between smoking and cancer). In their attempt to hold the oil giants accountable they are looking for substantial compensation with regard to the industry's 2022 profits which exceeded 200 billion dollars, double their profits in 2021.

In Peru, an indigenous Peruvian farmer, Saul Luciano Lliuya, who lives below a melting glacier, seeks payment for damages to his property associated with excessive GHG warming of the planet proportionate to German energy giant RWE's overall contribution to global climate change of 0.47%.

The great majority of climate change litigation is not for the recovery of money but is associated with attempts by state actors, non-governmental organizations (NGOs) or individuals to seek court orders to force fossil fuel-producing companies to reduce emissions or to force nation-states to set lower emission targets or take more stringent measures to achieve emission targets. Most of these lawsuits rely on human rights legislation which protects the right to life and security of the person. In addition, the right to a healthy

environment is often invoked. Sadly, Canada is among one of the few remaining United Nations Member States that does not constitutionally protect the right to a healthy environment.

Section 7 of the Canadian Charter of Rights enshrines the right to life, liberty and security of the person and the right to not be deprived thereof except in accordance with the principles of fundamental justice. This section may provide a mechanism to constrain the government's ability to engage in activities that potentially may cause environmental harm which endangers Section 7 rights; this makes the Charter the closest thing Canadians have to a constitutional right to a healthy environment.

Before reviewing some of the recent leading cases of climate change litigation, I wish to note that, for the most part, there is agreement amongst all the judges around the world that have tackled the subject that global warming is caused in large part by human-caused burning of fossil fuels and is the cause of the extreme events we are witnessing almost every day. From these cases, I am driven to the conclusion that the reason for the outburst of judicial activism in this field in recent years is the fear that state actors and human beings are not acting fast enough to reduce our use of fossil fuels.

When judges come to the conclusion that state actors can't be trusted to do what is necessary they often step up to the plate to make things happen. An example of that can be found in *Leghari v. Federation of Pakistan*. Leghari, a Pakistani farmer, convinced a judge that the "delay and lethargy of the State in implementing the Framework" offended the "fundamental rights of the citizens" with the unusual result of the Court stepping into the shoes of the State to oversee the execution of the policy, with directions for certain Ministries to take specified action, and with the appointment of a Climate

Change Commission. Following years of monitoring the assigned tasks, the Court dissolved the Commission on being satisfied that the desired actions had been taken.

On May 26, 2021, the District Court of the Hague handed down a historic judgment that represents a new understanding of corporate responsibility in regard to the harm caused by corporate burning of fossil fuels and the resultant contribution to climate change. The case was brought by a number of NGOs and 17,000 citizens against Royal Dutch Shell. The Court concluded that Shell has an obligation to achieve in their operations a net 45% emissions reduction by 2030 compared to 2019 levels, in line with the Paris Climate Agreement. The Court acknowledged "RDS cannot solve this global problem on its own. However, this does not absolve RDS from its individual responsibility to do its part regarding the emissions of the Shell group, which it can control and influence." This case stands for the proposition that state responsibility to reduce emissions is shared by individual major emitters of GHGs. It is presently under appeal.

Duty of care in the Shell case is based on the foreseeability test; tortfeasors will be held liable for damages they should have foreseen and could have mitigated. The Court found that Shell knew enough to foresee the damage its emissions were likely to cause, the certainty of which became clearer as time went on. In addition, it found that the Shell Group's current share of global emissions to be approximately 1%.

The Court acknowledged that human rights law does not define human rights obligations on companies but that there is universal agreement that companies are bound to respect human rights. The Court also relied heavily on the UN Guiding Principles on Business and Human Rights, which obliges businesses to "prevent or mitigate any adverse impacts related to their operations, products or services" amongst other things, including "the obligation to institute a policy commitment to meet the responsibility to respect human rights due diligence to identify, prevent, mitigate and account for their human impacts." It is noteworthy in this regard that Canada's Bill C-262, respecting corporate responsibility abroad, which had its first reading on March 29th, 2022, states in para 6(1) that every corporation has a duty to avoid causing any adverse impacts on human rights from occurring outside Canada". The definition of human rights in the Bill includes "the right to a healthy environment."

To exercise due care in fixing its corporate policy, Shell was required to take into account the best available science and the broad international consensus of the destructive character of climate change based upon the right to life and undisturbed family life (embodied in the European Human Rights Code) enjoyed by the citizens of the Netherlands. Had it done so it would have decreased its emissions which contributed to climate change. The Court found that Shell had a direct obligation to amend its corporate strategy accordingly and

went further to state that it has a best-efforts obligation to bring down the carbon footprint of its customers.

The case built upon an earlier decision in the *Urgenda* case where a Dutch NGO and 886 citizens sought a mandatory order that the state had failed to take greater steps to reduce emissions than what was required. The Court ordered the government to cut its emissions by at least 25% by the end of 2020 compared to 1990 levels and in so doing became the first court in the world to do so. It concluded that the Court had the jurisdiction to assess whether the measures taken by the State are too little in view of what is clearly the lower limit of its share of the measures that need to be taken worldwide to address a dangerous change in climate. On Apr. 24, 2020, the Dutch government announced its plan to comply with the historic ruling of the Supreme Court which resulted in a complete transformation of climate change policies in the Netherlands, underlying the impact court decisions can have in global efforts to mitigate climate change.

The *Urgenda* case was relied upon in part in the Ontario case *Mahur v. Ontario* released on Apr. 14, 2023. The case concerned the alleged inadequacy of the Ontario emission targets. The Paris Agreement which Canada signed contemplates a 45% reduction of emissions below 2010 levels by 2030. This resulted in the passage of the *Canadian Net Zero Emissions Accountability Act* echoing the same commitment with the provinces passing their own equivalent legislation.

Mahur sought a court declaration that the Ontario target was inadequate based on the scientific consensus and the court found that "Ontario's decision to limit its efforts to an objective that falls severely short of the scientific consensus as to what is required is sufficiently connected to the prejudice that will be suffered by the Applicants and Ontarians should global warming exceed 1.5 degrees C. by not taking steps to reduce GHG in the province further." The court found that the Charter issues raised were generally justiciable, meaning that there was a sufficient legal component to warrant intervention of the judicial branch.

However, the Canadian Charter of Rights is not openended like the European Human Rights Code which gives state protection for citizens' rights to life and security of the person. In Canada, every person enjoys the right not to be deprived of those rights by the state. Positive rights are only inferred in special circumstances. In the Mahur case the Court declined to make a ruling on the central issue as to whether Mahur had been deprived of his charter rights having decided that he failed to demonstrate the deprivation of his s 7 right was 'contrary to the principles of fundamental justice', another requirement in our Charter which is different than the European code.

While the Mahur case was unsuccessful at the first level, it nevertheless recognizes the catastrophic effects of climate

change and made important findings that might be built upon in future cases which have more compelling facts. That should not be difficult if we take a close look at Canada's 2030 Emissions Reduction Plan and the section on oil and gas. The reason we look here is that in 2019 the oil and gas sector accounted for 26% of the nation's emissions and the oil sands were by far the largest emitter. The Reduction Plan lays out all the projected production levels for each component of the oil and gas sector. For the oil sands component, they forecast a 2020 production level of close to 2 million barrels per day (bbl/d) and for 2030 it is over 4 million bbl/d which works out to a 69% increase in production.

The Plan also contemplates an increase in conventional oil for the same period of 33% and a lesser increase in natural gas. But when you go to the table which shows the emission projections for the entire oil and gas sector the emissions are projected to increase by just 4.5% when comparing 2020 emission projections to 2030. How does the Canadian government think it is possible to permit production levels of the dirtiest oil on the planet to go up 69% and permit other parts of the sector to go up appreciably but hold the rise in emissions to a mere 4.5%? The only meaningful reduction measure the Reduction Plan talks about is "advancing" carbon capture usage and storage (CCUS). This is the sole 'magic bullet' the Plan touts, which the increased use of will allow the oil and gas sector to meet its 2030 target. But an S&P Global Commodity Insight report last fall warned the Canadian government that the oil sands sector may have to throttle back production by up to 1.3million bbl/d to reach emissions targets and that even with abatement measures, including CCUS, a reduction of 800,000 bbl/d will be necessary, which represents a reduction from 2020 levels of 37.3%, as compared to the projected 69.3% projected increase. There is a disconnect. Something more has to be done to make it happen.

Furthermore, Canada has heavily subsidized the CCUS project which former Minister Catherine McKeena said recently that "incredibly...the oil sand companies demand that Canadian taxpayers spend even more to subsidize their carbon capture projects", to which I would note the Canadian

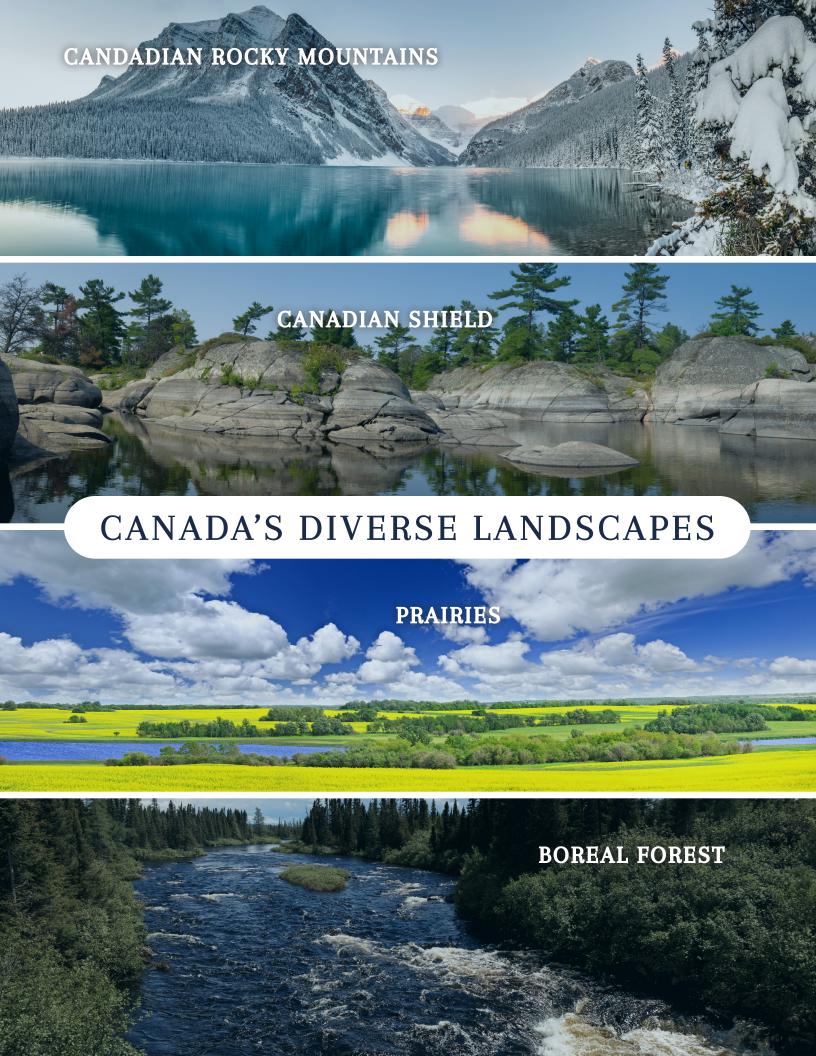
government made a commitment in the Reduction Plan to eliminate fossil fuel subsidies altogether. A good starting point, if the government wants to be serious about meeting its targets, would be to declare an end to oil and gas subsidies altogether, and place a cap on oil sand production levels to be 37.3% below present levels.

Catherine McKenna points out the obvious that "time is running out". She tells us UN Secretary-General Antonio Guterres put it best when he said "investing in new fossil fuels infrastructure is moral and economic madness" and "Real action-and a hard cap on oil and gas emissions is needed now". It is also time to regulate the industry to green up its products. A good start would be to mandate the use of green sources of energy to separate the oil from the sand. John Vaillant calculates that a full one-third of Canada's natural gas production is used for that very purpose. Such action would not only take the industry a long way to meet its targets but would make its oil sand much more saleable in world markets as having a GHG equivalent to conventional sourced oil. As it stands, if operations do not change and the oil sands expand as projected the amount of natural gas used to separate the oil from the sand will exceed 50% of present production levels. That is simply immoral.

Thus far, the oil industry has been treated like a sacred cow and most of the major companies have jettisoned their projects to transition to renewables and have doubled down on increasing production. I think most people on this planet are of a different view — that the oil and gas industry has to curtail its quest for profit and be part of the solution to what the Canadian Supreme Court considers to be an "existential challenge". Every person, including every corporation and every government body, has to pull together if we want this planet to be liveable for future generations. Fortunately, court decisions around the world have shown us that there will be consequences for perceived inaction. I have no doubt that the judicial systems around the world will play an important role in keeping all actors focused on what has to be done to meet 2030 and 2050 targets. The recent burst of judicial activism couldn't have come at a better time.



From left to right, the Inter-American Court on Human Rights (IACtHR), European Court of Human Rights (ECHR), International Court of Justice (ICJ), and the International Criminal Court (ICC). Images sourced from the IACtHR website and Wikimedia Common.



# KASHMIR'S FIGHT FOR SELF-DETERMINATION AND AZADI CONTINUES



# Saba Qureshi

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Contrary to popular belief, Kashmir's unqualified struggle for *azadi* (freedom) and self-determination did not start in 1947, and will most definitely not end today (see history section). The region's civil unrest, socioeconomic turmoil and climate apartheid can be attributed to pre-partition era tribal invasions, colonial interference and nearly 7 decades of post-partition demoralizing, state-sanctioned violence and exploitation from both India and Pakistan - India arguably to disproportionate effects. India's abrogation of Article 370 from the Indian Constitution in August 2019, and its ongoing settler colonial operations are another regrettable chapter in the oppressive imperial legacy of Kashmir that continues into the 21st century.

Over the years, Kashmir's fight for independence has resulted in multiple wars and military skirmishes between India and Pakistan, as well as human rights abuses, including torture, mass blinding, mass graves, rape as a weapon war, extrajudicial killings, and enforced disappearances. The colonization of Kashmir has also had a profound impact on the daily lives of the Kashmiri people, including restrictions on freedom of expression and movement, internet shutdowns, and a heavy military presence.

Instances of human rights abuses have been well documented and recognized by international human rights organizations such as the United Nations (UN), Human Rights Watch and Amnesty International. Yet, Kashmir rarely receives mainstream media coverage and remains vastly excluded from international conversations and circles about human rights and neo-colonialism.

The lack of saliency of the Kashmiri people's fight for self-determination and *azadi* (freedom) in common and international discourses raises ethical concerns surrounding the question of whether or not Kashmiri people, and people

from the "global south" at large, are considered newsworthy victims.

This year's G-20 Summit in New Dehli, India is a timely example of how the global democratic community and international leaders are complacent in the continual exclusion of Kashmir and its struggle for self-determination from international democratic circles. Earlier this year India hosted a series of vtourism working group meetings in Srinagar (May 22 -25) which were attended by delegates from 27 countries including Canada. By hosting the tourism meetings in Srinagar, India aimed to signal that "Indianadministered" Kashmir is stable and ready to engage with the world after their 2019 decision to revoke its partial autonomy. India's projection of a false image of "normalcy" from Kashmir not only contributes to the erasure and suppression of the Kashmiri people but also aims to solidify India's international reputation of being the world's "largest democracy."

### HISTORICAL BACKGROUND

Kashmir has never been ruled by Kashmiris themselves since the Mughal invasion of 1589 AD. After the Mughals, the region was ruled by the Afghans (1753-1819), Sikhs (1819-46), and the Dogras (1846-1947) until the Indian and Pakistani states took over.

The rule of the Dogra Empire, (comprised of the Kashmir Valley, Jamu, Ladakh, Gilgit Baltistan, and current Azad Kashmir) was arguably the worst because of the economic extortion in Kashmir. For instance, Kashmiris were banned from owning land, from having control over their produce and from speaking Indigenous Kashmiri languages.

Under Hari Singh, a Dogra Ruler, Kashmir was supposed

to be an independent state. However, the Pakistani-backed tribal invasion of 1947 forced him to sign an instrument to accede the state to the Indian dominion under Article 370, which guaranteed partial autonomy to Kashmir (consisting of the valley, Ladakh and Jammu) in the Indian Constitution. While the remainder, Gilgit-Baltistan (GB) and Azad Kashmir fell under the control of Pakistan. In 1949, via the Karachi Agreement, Pakistan, without any representation from the region, was able to take control of GB. Additionally, since then, the people of GB have been repeatedly ignored and deprived of their fundamental rights such as the right to vote and representation in the National Assembly and Senate.

Since the partition, the region has been embroiled in multiple wars between India and Pakistan, both claiming to have the best interests of the local population in mind while equally silencing Kashmiri voices that criticized both countries or demanded independence.

The United Nations (UN) Resolution 47 (1948), adopted by the Security Council, called for a plebiscite to determine the region's future. This was proposed through a three-step process that would require both nations to remove their military presence and hold an impartial plebiscite under the UN's guidelines. However, the plebiscite was never held, and the conflict has continued for over seven decades. Efforts to resolve the conflict have been unsuccessful, and the dispute remains one of the most intractable issues in South Asia.

Undeterred by the best efforts of the imperialist forces to suppress and vanquish them, since the beginning of the Mughal rule till date, the Kashmiri fight for self-determination continues.

### GEO-POLITICAL BREAKDOWN OF THE REGION

To begin, Kashmir is a region located in the northernmost part of the Indian subcontinent. It is situated in the Himalayan mountains bordered by India, Pakistan, and China. The region of Jammu and Kashmir, which is a border area between the two countries, has been a point of contention between India and Pakistan for multiple decades. Since the partition of India and the creation of Pakistan in 1947, the two nuclear powers have fought two wars over the Muslim majority Kashmir and yet through all of the political turmoil Indigenous Kashmiri voices have consistently been excluded. The "status" of Kashmir remains unresolved.

India and Pakistan claim the region in its entirety, but they currently occupy and administer separate portions of it. India controls about two-thirds of the region (*i.e.* Jammu and Kashmir and Ladhak) including the populous Kashmir Valley, while Pakistan controls about one-third, which it calls Azad Jammu and Kashmir (some may view this as ironic, because though "azad" means free in Urdu the region is yet administered by Pakistan). The region of Aksai Chin is occupied by China and north-eastern regions including the

Siachen Glacier were "ceded" to China by Pakistan (though, the land was never "theirs" to cede, to begin with - see history section).

Home to over 14.5 million people, with the deployment of over 700,000 security forces, Kashmir remains one of the most heavily militarized zones in the world today.



Map of occupied Kashmir

# ABROGATION OF ARTICLE 370, WHAT EXACTLY HAPPENED?

Although Indian Prime Minister Narendra Modi promised a form of federalism that was "cooperative, not coercive", back in 2014 when he was elected, Modi's Bharatiya Janata Party (BJP) decided to restrict the autonomy of Jammu and Kashmir, limiting its ability to address regional issues.

On August 5th, 2019 the abrogation of Article 370 stripped Kashmir of its special status from the Indian Constitution and split the region into two federal territories; Ladakh and Jammu and Kashmir, bringing it under India's direct control. Though limited, this special status gave India's only Muslimmajority state some semblance of autonomy to pass its laws.

According to a 2022 briefing review from Amnesty International, the Indian government has drastically intensified the repression of rights in Jammu & Kashmir in the three years since the change in status of the region (notably including the mass communication ban and crack down on over 60 journalists and activists).

"[C]ivil society at large and journalists, lawyers, human rights defenders in particular have faced relentless interrogations, arbitrary travel bans, revolving door detentions and repressive media policies while blocking access to appeals or justice in courts and human rights bodies...civil society and media in Jammu and Kashmir have been subjected to a vicious crackdown by the Indian government,

which is determined to stifle dissent using draconian laws, policies and unlawful practices in their arsenal "

- Aakar Patel, chair of the board of Amnesty International India

### INDIA AND PAKISTAN: A BLAME GAME

Many Indian and Pakistani intellectuals have attempted to provide a platform for the story of the Kashmiri people and their independence movement, but it is still a story that remains forgotten. The proxy war between these two nations has played a pivotal role in presenting the Kashmiri struggle as a territorial dispute rather than an issue of self-determination on the global stage. As put by researchers Zaib Aziz and Kamil Ahsan, "...an intifada that, unlike in Palestine, has failed to incite global outrage. As India's neoliberal prestige has taken shape over the last decade, its crimes in Kashmir have been struck from the record."

Political essayist Pankaj Mishra notes that the Kashmiri struggle provides India with the opportunity to position itself as a Western ally against Islamic radicalism,

"Kashmir has turned out to be a 'great suppression story'... Intellectuals, preoccupied by transcendent, nearly mystical, battles between civilization and barbarism tend to assume that 'democratic' India, a natural ally of the 'liberal' West, must be doing the right thing in Kashmir, that is, fighting Islamofascism."

While there is a history of Pakistani-funded militancy in Kashmir, specifically across the Line of Control in Pakistan-occupied Kashmir (POK), it is important to note that the significance of Pakistani involvement in the Kashmiri plight tends to get overlooked due to India's disproportionate abuse of human rights. Criticisms of Pakistani military intervention in local POK politics are often dismissed as "India's attempts at false equivalency" of the matter. Conversations around Kashmiri self-determination require a high degree of nuance in order to ensure that Kashmiri perspectives from both sides are validated rather than ignored. Safe spaces for dialogue must be encouraged.

According to Zaib Aziz and Kamil Ahsan, the veracity of Pakistani involvement is often deemed unimportant to the Kashmiri struggle.

"While the Indian state has occupied the valley, the Pakistani military establishment has functioned largely through militant proxies. In 1947, 1965, and throughout the 1990s (culminating in the Kargil War), the modus operandi of the Pakistani establishment has been to organize and support armed militias in Kashmir (Lashkar-e-Taiba, Hizbul Mujahadeen, and Harkat-ul-Ansar), with the aim of fomenting rebellion within Kashmir. This would, in theory,

create the conditions for a renegotiation of borders, while freeing Pakistan of all involvement."

Therefore both India and Pakistan get to maintain their status quo over Kashmir by negating culpability, essentially by playing "the blame game", using the crimes and actions of the other state as a deflection. Where India gets to fight "Islamofacism" by continuing the occupation of Kashmir and stripping it of its autonomy, Pakistan gets to pose a supporter of the "Kashmiri freedom fighters" through its backing of extremist Islamic militant groups. In the midst of this, both countries not only hijack the Kashmiri struggle but ultimately take control of the narrative.

# CALLS TO ACTION, WHAT CAN YOU DO?

The occupation of Kashmir and the struggle for the Kashmiri people's right to self-determination and *azadi* is an intersectional issue that converges with issues of democracy and human rights. There is a need for a renewed acknowledgment of the matter. International democratic and human rights institutions have a social responsibility to include Kashmir in their advocacy efforts and campaigns for international accountability.

More importantly, tangible action needs to take place. 75 years ago the UN called for a plebiscite to allow Kashmiris to decide their own fate (i.e. deciding to become an independent state, join India or join Pakistan). However, India has consistently refused to hold such a referendum. On the other hand, though Pakistan has called for a referendum it continues to reject the possibility of an independent Kashmiri state. In essence, the right to self-determination of the Kashmiri people has been held hostage by the rivalry between India and Pakistan.

It is therefore the responsibility of the international community, to ensure that the UN-recommended plebiscite takes place without the interference of India and Pakistan (and other political stakeholders including China) to uphold the Kashmiri people's inherent right to self-determination. One way in which this can be made possible is through the International Court of Justice (ICJ). The ICJ is one of the six principal organs of the UN. It settles disputes between states in accordance with international law and gives advisory opinions on international legal issues. Article 36 of the Statute of the ICJ states that,

"the jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force."

The case of Kashmir needs to be brought forth to the ICJ on behalf of the international community so the ICJ can obtain the necessary jurisdiction to oversee the implementation of a plebiscite. By upholding the inherent right to selfdetermination for the Kashmiri people, the international community would effectively demonstrate its commitment to justice and the protection of fundamental human rights.

Finally, grass-roots level change starts with the individual. You can start supporting Kashmiri people through education, non-performative activism, partaking in awareness campaigns and supporting frontline activists or advocacy groups. Ultimately, the bottom line is: show up and do the work.

# WHY SHOULD WORLD FEDERALISTS CARE?

The World Federalist Movement — Canada, aims to spotlight human rights violations and ongoing issues of systemic discrimination against racialized and equity-deserving identity groups, both in Canada and at a global level. As world federalists, we strive to advocate for anti-discrimination frameworks to advance both the human and democratic rights of minority individuals globally, Kashmiris are not an exception, hold your leaders accountable.

Additionally, the Kashmiri plight for self-determination and sovereignty serves as an example matter that could be addressed at an international level through the implementation of a UN Parliamentary Assembly (UNPA). A UNPA is intended to make global governance in general more democratic, more transparent and more responsive to the needs of the world's citizens. Historically marginalized populations, such as Kashmir, currently lack access to a platform to actively participate in shaping international policies. An institution like the UNPA would offer a structured forum for dialogue and negotiation among representatives from different countries and regions, including those with vested interests in the Kashmir struggle for self-determination and sovereignty. This would also counterbalance the influence of larger and more powerful nations and ensure that the interests of smaller or less politically influential regions are taken into account. Through inclusivity, transparency, advocacy, and constructive dialogue, a UNPA could contribute to promoting international norms and principles including those related to human rights, self-determination, and conflict resolution.

# KASHMIRI PEOPLE, CAUSES AND ORGANIZATIONS TO SUPPORT

Causes, Organizations and Guides:

- Line of Control
- Free Press Kashmir
- Stand With Kashmir
- World Kashmir Awareness Forum
- Muslim Climate Watch
- Amnesty International's Briefings of Jammu and Kashmir
- Stand With Kashmir Report May 2023
- Kashmir & International Law, An Activist's Guide
- United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

# Essays, Articles, and Reports:

- UN Human Rights Report on Kashmir 2018
- The Right to Self-Determination of the Kashmiri People
- Settler Colonial Ambitions in Kashmir
- Extreme Weather Events in Kashmir
- From Domicile to Dominion: India's Settler Colonial Agenda in Kashmir (Harvard Law Review)

### Scholars and Activists to Follow:

- Ather Zia, Kashmiri Activist and Political Anthropologist
- Tanveer Ahmed, Kashmiri Activist and Political Researcher
- Hilal Mir, Srinagar based Journalist

For more details about organizations to support please visit our website at:





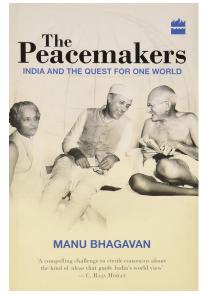
# **ACKNOWLEDGEMENTS**

I'd like to formally thank Wajeeha Saman for providing context through her lived experiences in the region and for her guidance in reference to the historical background portion of the article. I'd also like to formally give thanks and express my gratitude to my elders and other family members who have shared their lived, intergenerational experiences from the region.

This article aims to present a contextual overview of the instability in the Kashmiri region while honouring the truth and lived experiences of Kashmiris from both sides of the occupied territory. This article does not aim to present issues as "competing struggles" but rather to act as a stepping stone for nuanced cross-cultural dialogue.

# THE PEACEMAKERS: INDIA'S QUEST FOR ONE WORLD

BY MANU BHAGAVAN



The Peacemakers: India's Quest for One World. By Manu Bhagavan. India: HarperCollins, 2012.

The World Citizen Virtual Book Club, the longest-running program of Citizens for Global Solutions (CGS), gives participants an opportunity to take a deep dive into issues related to World Federation and engage with authors and guest experts monthly. Through December, the Book Club is examining *The Peacemakers: India and the Quest for One World.* Historian Manu Bhagavan delves deep into the heart of India's foreign policy and diplomacy leading up to its struggle for independence and spans an additional ten years.

The early chapters are an important reminder of the brutality and violence unleashed by Britain's colonial rule as India's leaders asserted their demands for independence, giving further context to the critical Quit India movement that reached a global audience. Bhagavan weaves together key figures like Mahatma Gandhi, Jawaharlal Nehru, and Vijaya Lakshmi Pandit, showing how their visions for peace shaped India's independence and international relations. Pandit, Nehru's sister, an influential orator and diplomat, successfully argued support for India's independence while giving human rights center stage. Bhagavan's scholarship also challenges assumptions that the modern-day human rights framework (the Universal Declaration of Human Rights, the International Convention on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights) is drawn exclusively from the Cold War and American influence. Instead, he argues that "[i]t was India that steered the effort to create two separate covenants of rights, using its own new Constitution as justification and foundation."

At the close of World War II, Gandhi and Nehru "called for fundamental change" in the New World Order and envisioned India as leading the world towards decolonization predicated upon a democratic world government. "Nehru called his solution One World, after a famous book by the American Wendell Willkie[,]" where human rights and anti-imperialism became the framework for peace. Bhagavan skillfully navigates through India's tumultuous journey, from its colonial past to its emergence as a prominent global player in the 20th century. The narrative is informative and engaging, providing readers with a thorough understanding of India's multifaceted role in the formation of the UN as well as setting forth the principles of non-violence.

Furthermore, *The Peacemakers* offers insightful commentary on India's early foreign policy dynamics leading up to its independence in 1947 and the preceding decade. Bhagavan brings to light Nehru's efforts to forge strategic partnerships with major powers while preserving its non-aligned principles. Dissecting India's evolving administrations' relationships with countries like the United States, Russia, and China, he provides readers with a comprehensive view of India's role in shaping post-World War II international affairs.

The Peacemakers is a remarkable and comprehensive exploration of India's enduring commitment to human rights and the framework of One World. Bhagavan's masterfully crafted narrative makes it a must-read for anyone interested in the history of international relations and India's place in the world.

Drea Bergman

Director of Programs, CGS



# **ABOUT THE AUTHOR**

Manu Bhagavan is Professor of History, Human Rights, and Public Policy at Hunter College and the Graduate Center-The City University of New York, where he is also Senior Fellow at the Ralph Bunche Institute for International Studies. He is author or editor of seven books, including the critically-acclaimed The Peacemakers (HarperCollins India 2012, Palgrave Macmillan 2013) and India and the Cold War (Penguin India and UNC Press, 2019). His newest book, forthcoming in December 2023 from Penguin/Viking India, is a biography of Madame Vijaya Lakshmi Pandit, one of the most important and celebrated women of the twentieth century. Manu is the recipient of a 2006 fellowship from the American Council of Learned Societies and more recently has received Hunter's 2023 Presidential Award for Excellence in Scholarship.

# MOTIVATION BEHIND THE BOOK

"I am a professional historian of India and I had finished my first book and then I went back to India to do some work. I was despondent because the state of affairs in the country at the time was not good. There was such a large gap between some of the ideals at the founding moment and where the country was at that time. And I grew really interested in constitutional questions and I wanted to understand the debates about what the country was supposed to be, how it was envisioned, how they framed ideals. A constitution is a guiding, visionary document and I wanted to learn more about those things. The idea was to investigate the making of modern India through its constitution. That initial idea was what grew into this book. The project shifted away from the constitution-making project to being interested in the 'One World' concept and uncovering what its goals were."

The Peacemakers: India and the Quest for One World was the most recent title explored by World Citizen Virtual Book Club, the longest-running program of Citizens for Global Solutions (CGS), which gives participants an opportunity to take a deep dive into issues related to World Federation and engage with authors and guest experts monthly. Visit the CGS YouTube playlist for all sessions related to this book.



# REMEMBERING CANADIAN WORLD FEDERALISTS



Mary June Pettyfer

1933 - 2023

As the years go by, our global political community is faced with more and more reasons to come to terms with the reality that the international governance institutions created after the Second World War are inadequate for addressing the needs of the 21st century. From the risks of nuclear weapons use, to the injustices of growing financial and economic inequalities, to ecological breakdown, often referred to as the "triple planetary crisis" (biodiversity loss, pollution and climate change), the requirement to find an improved framework for global decision-making becomes increasingly obvious.

For Mary June Pettyfer, who passed away July 5 in Victoria B.C., world federalism simply made good sense. A caring, empathetic, good-humoured person with strong religious convictions and a sense of fundamental human decency, she recognized that social and political change doesn't simply come about on its own. As her three sons grew older and family demands diminished, she rolled up her sleeves and got to work as a practising world federalist. She recognized the importance of making connections, keeping in touch and building a movement. World federalism was the right thing to do, and there was plenty that needed to be done. She led a very strong and sometimes boisterous Victoria B.C. chapter of WFM-Canada for over 15 years in the 1990s and early 2000s, and was also actively engaged in the work of the governing Councils of the national and international sections of the Movement.

During the Second World War, she was held captive for three years at a Japanese internment camp in The Philippines. The hunger and deprivation she experienced then as a young girl reinforced her belief in the need to strengthen legal frameworks that upheld peace and human dignity.

Successes for the World Federalist organization, such as when Canada (finally!) ratified the Law of the Sea Convention, or when the WFM International Secretariat led a global civil society coalition that was instrumental in the creation of the International Criminal Court were celebrated, but not for long.

Mary June was often frustrated with the entrenched political mindsets and machinations that animated politics in Ottawa and at UN HQ in New York; As she saw it, there was *soooo* much more that we needed to do.

In her will, Mary June contributed funds dedicated to enabling participation in the work of the World Federalist Movement by activists from her native Victoria and from Africa. She was selfless, caring and committed to the cause that she both strengthened and enjoyed.

Fergus Watt Former Executive Director of WFM-Canada In this solemn yet reverent section of the WFM-Canada publication, we pay homage to the remarkable individuals who fervently advocated for global unity and dedicated their lives to the cause of world federalism. With heavy hearts, we bid farewell to these Canadian champions who tirelessly worked towards a future built on peace, cooperation, and solidarity among nations and people around the world. In this section, we honour their memory and celebrate the profound impact they have had on shaping the narrative of a more interconnected and peaceful world.



May Kersten 1932 - 2021

May Kersten, long-time member and supporter of World Federalist Movement – Canada (WFM-Canada), passed away peacefully on August 29, 2021 at the age of 88.

May had a strong and independent spirit forged by the challenges of the Second World War. She had powerful memories of the Canadian soldiers who liberated Holland when she was a girl, and perhaps that is when the first kernels of commitments to global democracy, peace and the rule of law took root in her spirit.

In keeping with these beliefs, May made a very generous bequest to the WFM-Canada, a donation that will enable our movement to continue its work on our platforms pertaining to global governance, peacebuilding, and the rule of law. The members of the WFM-Canada Board of Directors hereby take this opportunity to express to May's family our profound thanks and appreciation.

As a member of the WFM-Canada's Montreal branch, May participated actively in events and contributed regularly to branch and national fund-raising campaigns. She cared deeply about social justice and, to that end, also contributed to causes at the Unitarian Church of Montreal, her spiritual community, including taking responsibility for a year's rent for one of two families sponsored by the church's Syrian Refugee Programme in 2016 – 2017.

May was born in Holland, the second youngest of ten children, and immigrated to Montreal in 1965 where she became a successful financial advisor. Among May's many interests were her love of the outdoors, tennis, photography and travel. She loved reading about mythology and Indigenous cultures, which fueled her passion for traveling, and was fortunate enough to have traveled all over the world. In 2018, May suffered a debilitating stroke that severely curtailed her freedom. She spent her last years receiving gentle and loving care at the Sunrise nursing home in Dollard-des-Ormeaux.

May is survived by sisters, Yvonne and Anne Marie, and a brother, Ferdinand. She also leaves behind her nephew, Robert, and his wife, Anita, who provided loving and attentive care from the U.S. due to Covid restrictions during that time.

We extend our sincere condolences to May's family in their time of sorrow. May lived her life according to her values and demonstrated her deep conviction of making a difference in the world. She did so with aplomb.

Patricia Philip Montreal branch



# World Federalist Conference 2024



# **Key Highlights:**



# **Guest Speakers**

Gain insights from experts and thought leaders in the field of global governance, as they share their perspectives on mitigating the impact of devastating weapons on international peace and security.







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# ST Ventotene International Seminar

# **About the Seminar**

The "Altiero Spinelli" Institute of Federalist Studies has been organizing an international seminar on the island of Ventotene for 41 years. Every year, young federalists gather here to discuss federalist ideas on European and global issues with the leading experts of the European and World Federalist Movement. The seminar is a unique and intense experience on federalist studies entotene, Italy!

# **History**

This island off the Italian coast is the place where Altiero Spinelli, author of the Federalist Manifesto of Ventotene, was imprisoned during the Second World War.

Ventotene Manifesto laid the groundwork for the post-war European integration process. Spinelli's vision of European unity and cooperation eventually became a cornerstone of the European project, influencing the formation of the European Union and inspiring generations of European federalists and proponents of a united Europe.





THE WORLD FEDERALIST CONFERENCE CELEBRATES THE SPIRIT OF THE VENTOTENE INTERNATIONAL SEMINAR BY CONTRIBUTING TO THE DISCOURSE ON GLOBAL GOVERNANCE AND COOPERATION.

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# **NOTES**



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# **MONDIAL**

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