The three-generational world: Resilience and sustainable development norm formation
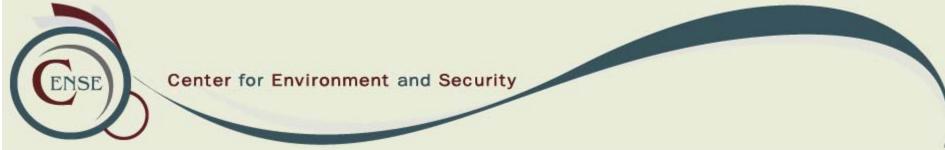
"Law for social-ecological resilience"
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Overview

- 1. Aims of the research
- 2. Formulation of questions
- 3. Preliminary findings and hypotheses
- 4. The "Three-Generational World"

Relationship to resilience

- Persistence
- Adaptability
- Transformability
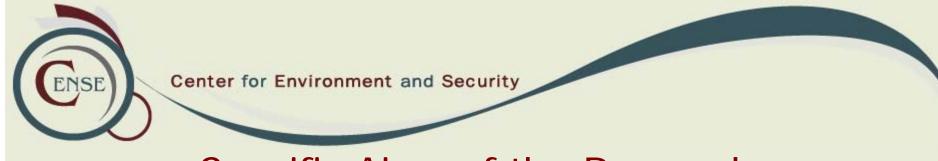
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General Aims of the Research

- Draw conclusions about the resiliency of Westphalian order in the face of global environmental change

- Analyzing shifts in spheres of power and authority in law, sovereignty and society

- Through application of a multi-disciplinary, partially reconstructed and unified analytical framework

Specific Aims of the Research

- Characterize and signify the growth of humanitarian law to identify a space of challenge and failure of sovereignty

- Assess attitudes towards authority and legitimacy under Westphalian order through discourse analysis

- Develop a temporal framework to illuminate the problem (3-generational world map)

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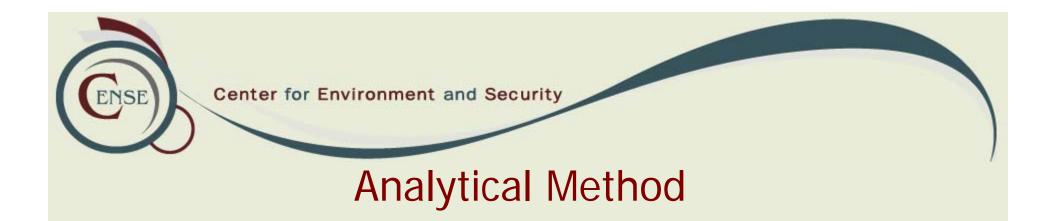
Questions to be addressed

- 1. Are there parallels between the contradictions prior to Westphalia and today, where common environmental concern plays a role similar to that of freedom of conscience?

- 2. Whether the Westphalian order is reaching temporal and spatial limits to address problems of common environmental concern or whether it has the resiliency to address these concerns through legal mechanisms such as *jus cogens.*

- 3. Whether there is evidence of the development of cosmopolitan norms arising from global environmental change.

Sub-questions

- 1. What is the relationship between the law of sustainable development and humanitarian law?
- 2. Whether there are fundamental differences between the problems presented by acute industrial pollution and those presented by global environmental change.
- 3. Whether the resilience demonstrated by certain societies in achieving real results with respect to the problems of acute industrial pollution is transferable to a global level to address new challenges of the present development paradigm.
- 4. Alternatively, whether a shift in scale from local/regional to global problems carries with it a fundamental re-thinking of "sovereignty plus" norms
- 5. What are the alternative scenarios for reconstructing sovereignty.

Data sets

- Primary legal and political texts (evolution of concepts regarding sovereignty, humanitarian law, common concern)
- Archival and published materials (discourses and analytical frameworks relevant to the questions)
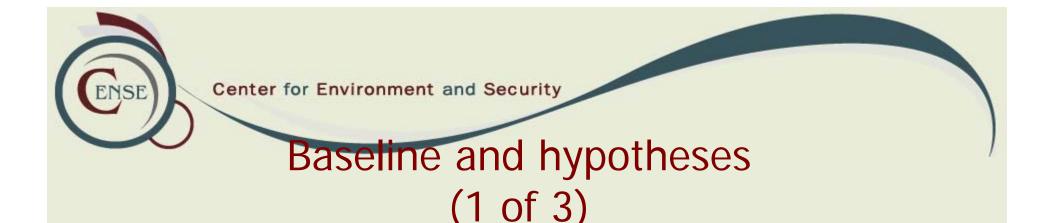- Mapping exercise

Analytical Method

- Rediscovery of half-forgotten truths (400+ years since Westphalia)
- Deconstruction and reconstruction (15)
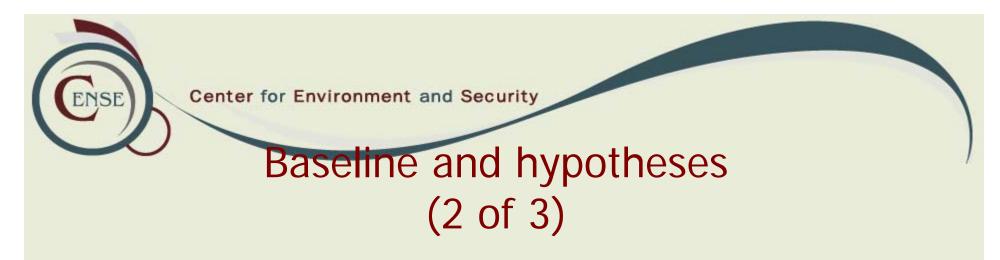- Scale (temporal and spatial)

Sample discourses

- Radical geography
- International law
- IR
- Resiliency Studies (new twist)
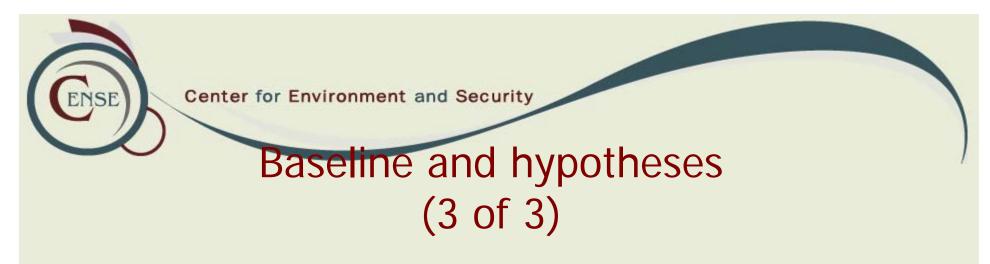- Deconstruction (meta discourse)
- Post-Deconstruction/reconstitution

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Baseline and hypotheses
(1 of 3)

- 1. Current discourse criticizing sovereignty still is flavored by a 19th C pendulum swing ("hyper-sovereignty" – Bramwell), but deconstruction is well under way.

- 2. Empirical developments in international law point to the evolution of a non-state space, with two main drivers – the dignity of the individual and common concern (UN Charter, *Nuclear Weapons*).

- 3. Common environmental concern poses temporal and spatial challenges beyond the scale of traditional sovereignty.

Baseline and hypotheses
(2 of 3)

- 1. Rio Principles based on "new environmental policy responses" improved some aspects of environmental performance and exposed shortcomings of some developmental paradigms (closed societies).

- 2. The applicability of these norms to climate change and other current problems is just starting to be studied in detail, but there are several important differences (justice concerns).

Baseline and hypotheses
(3 of 3)

- 1. Various models for norm formation have been proposed: "sovereignty plus" (sovereign inequality); global governance institutions; space for accountability (w/ transnational publics) (Mason); dual authority.

- 2. Question is not necessarily about law or non-law (see dual authority).

- 3. Justice considerations are determinative.

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Governance Challenge: Overcoming limited policy horizons

Solution: Grasping patterns of change

Examination: Role of "inter-temporal" societies

Temporal Dimension

- The "Three-Generation World" tests the relationship of political or social stability over time to environmental norm formation
- Tool for scoping a possible "reconstituted public space"
- It involves mapping and showing distinctions based on a temporal frame that spans three generations
- Somewhat arbitrary designation as 65 years

Relative stability and stasis

- Can be represented in different ways
- Stable polities and borders, constitutional and legal orders, communities with relatively stable populations, little migration
- Persistence of traditional livelihoods, urbanization, housing, internal migration, changes in family patterns, and transportation and communication infrastructure

Matrices

- Stable national political boundaries (not counting minor border disputes in unpopulated areas)
- Continuous form of government
- Continuous constitutional order
- Continuous national identity
- Stagnant economic development or limited mobility
- Sub-national levels

3G in History

- May also map a 3G world as of a certain date. E.g., 1989, the USSR would qualify as a 3G polity under a certain matrix.

- There is no 4G world (since it is not the number of generations that live under particular conditions, but the ability to bridge the temporal gap at any given time).

- But a longer period of "3G experience" may deepen the effects of 3G temporaneity on the particular society.

The mapping of the three generational world does not in itself say anything about whether the resources, norms and values thus engendered has the effect of maintaining a status quo beyond its relevancy, or rather of providing important tools and mechanisms for modification and adaptation leading to cosmopolitan norms. That would depend on other cultural factors, such as authority structures, religious beliefs and other values, and the nature of the challenges faced.

Final thought

- Pascal's sphere of knowledge:

The more we know, the bigger our sphere of knowledge is, the larger is the area of contact we have with the unknown ("unknown unknowns": thank you, Rumsfeld!).

HOWEVER: The history of thought is full of perturbations and the notion of "transformation" includes the idea that the sphere of knowledge can "pop" and be reordered on a simpler level.

Thank you!

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