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INTERNATIONAL LEGAL THEORY

International law: A discipline of ambition

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Abstract

The term ‘ambition’ appears to have infiltrated international legal discourses: it is used to, for instance, lament the lack of state action to tackle major global challenges, praise progress towards difficult goals, or evaluate the outcomes of international law-making processes. Often mobilized, the concept of ambition in international law remains, however, poorly understood. And yet, each narrative offers a specific analytical frame that influences our understanding of the world and sets distinct policy prescriptions. What argumentative functions do ambition narratives play and what implications do they carry for international law, in both its practice and study? To respond to this question, the article explores the occurrence of the term in a field where the rationale of ambition has recently taken centre stage – international climate law – and uses the crisis narrative as a means of comparison to highlight the specificity of ambition discourses. The argumentative implications of ambition are identified in terms of vision, means and temporality: this article suggests that an ambition discourse fulfils objectives that a crisis narrative is unable to accommodate by calling for structural transformations, motivating states to commit to far-reaching objectives and adopting a long-term perspective focused on incremental change. The shortcomings of an ambition narrative are also highlighted, in relation to its determination and evaluation. The study contributes to shedding light on a new international law discourse to offer a different analytical frame for the discipline.

Keywords: aspiration; backsliding; conduct; crisis; progression

1. Introduction

‘International lawyers revel in a good crisis’ wrote Hilary Charlesworth in a ground-breaking article from which the title of this piece is drawn:¹ as the world is faced with health, security, socio-economic, and environmental crises, international lawyers still have plenty of opportunities to shine. Not only is international law responding to multiple crises, it is also itself ‘perpetually in crisis’.² Twenty years after Charlesworth’s publication, the crisis narrative remains influential in international legal scholarship.³

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¹H. Charlesworth, ‘International Law: A Discipline of Crisis’, (2002) 65 *Modern Law Review* 377, at 377.

²A. Oxford, ‘The Destiny of International Law’, (2004) 17 *Leiden Journal of International Law* 441, at 443.

³See, e.g., R. Domingo, ‘The Crisis of International Law’, (2009) 42 *Vanderbilt Journal of Transnational Law* 1543; W. van Genugten and M. Bulterman, ‘Crises: Concern and Fuel for International Law and International Lawyers’, (2013) 44 *Netherlands Yearbook of International Law* 3; B. Stark (ed.), *International Law and its Discontents: Confronting Crises* (2015); M. Mbengue and J. d’Aspremont (eds.), *Crisis Narratives in International Law* (2021).

However, the crisis rhetoric is not the only discourse that pervades the field of international law: in particular, the concept of ‘ambition’ has recently gained prominence in international texts and discourses. In 2020, at the seventy-fifth anniversary of the UN, the Secretary-General claimed that ‘we need more – and more effective – multilateralism, with vision, ambition and impact’.⁴ The UN, on its Twitter account, contended that multilateral institutions need to show ambition in order to remain viable: ‘A rapidly changing world cannot afford a slowly reforming UN. Ambition isn’t a choice – it’s our only option.’⁵ The 2015 Paris Climate Agreement is built on a five-year cycle of national climate plans reflecting a country’s ‘highest possible ambition’.⁶ Adopted the same year, United Nations General Assembly Resolution 70/1 insisted on the ‘ambition’ of the new sustainable development agenda.⁷ International law-makers have described the newly adopted Treaty on the Prohibition of Nuclear Weapons as ‘ambitious and robust’,⁸ and have insisted on the ‘need for ambition in addressing the current challenges facing biodiversity’ as part of the post-2020 global biodiversity framework talks.⁹ Domestically, members of the legislature describe their country’s involvement in international negotiations in terms of ambition, praising their country’s ‘high level of ambition’,¹⁰ or, on the opposite, lamenting its lack thereof.¹¹ Moreover, the legal commentary uses the term to assess the effectiveness of international law: some lament international law’s lack of ambition to respond to global, including environmental, challenges,¹² while others criticize its over-ambition, for instance arguing that unenforceable human rights treaties explain the international community’s inability to address human rights violations.¹³

Ambition certainly appears to have integrated the lexicon used to describe international relations. Often mobilized, the concept, however, remains poorly understood. International law might be a ‘discipline of crisis’,¹⁴ but what can be seen when considered as a ‘discipline of ambition’?

⁴United Nations Secretary-General, ‘Secretary-General’s Remarks at General Assembly Ceremony Marking the 75th Anniversary of the United Nations’, *United Nations*, 21 September 2020, available at www.un.org/sg/en/content/sg/statement/2020-09-21/secretary-generals-remarks-general-assembly-ceremony-marking-the-75th-anniversary-of-the-united-nations-bilingual-delivered-scroll-down-for-all-english-and-all-french.

⁵United Nations [@UN], ‘A rapidly changing world cannot afford a slowly reforming UN. Ambition isn’t a choice - it’s our only option’, *Twitter*, 28 November 2018, available at www.twitter.com/UN/status/1067704907568865280.

⁶United Framework Convention on Climate Change Secretariat, ‘2015 Paris Agreement’, UN Doc. FCCC/CP/2015/10/Add.1 (2015), Arts. 3, 4(3).

⁷United Nations General Assembly, ‘Transforming our World: the 2030 Agenda for Sustainable Development’, UN Doc. A/RES/70/1 (2015), Preamble, para. 39.

⁸United Nations Meetings Coverage and Press Releases, ‘Conference on Nuclear Weapons, 28th and 29th meetings’, *United Nations*, DC/3723, 7 July 2017, available at www.un.org/press/en/2017/dc3723.doc.htm (representative of Ireland).

⁹United Nations Environment Programme, Report of the Open-Ended Working Group on the Post-2020 Global Biodiversity Framework on its First Meeting, UN Doc. CBD/WG2020/1/5 (2019), at Sec. II(A). See also United Nations Environment Programme, Post-2020 Global Biodiversity Framework: Discussion Paper. Note by the Executive Secretary, UN Doc. CBD/POST2020/PREP/1/1 (2019), at Sec. IV (B); United Nations Environment Programme, First Draft of the Post-2020 Global Biodiversity Framework. Note by the Co-Chairs, UN Doc. CBD/WG2020/3/3 (2021), at 7 (target 19: on aligning resources with the ‘ambition of the goals and targets’).

¹⁰UK Parliament, *Lord Hansard Bound Volume: The Parliamentary Debates, House of Lords Official Report* (2018), Vol. 793, at 1429 (Baroness Goldie: ‘The UK has a high level of ambition for the trade and investment partnership with China, as we want to work with China to increase trade and investment flows, improve market access and set mutual ambition for a future relationship.’).

¹¹UK Parliament, *Lord Hansard Bound Volume: The Parliamentary Debates, House of Lords Official Report* (2018), Vol. 793, at GC 87 (Baroness Jones of Moulsecoomb: ‘However, my excitement gave way to disappointment when I read the Government’s Explanatory Memorandum to the treaty, written by the Secretary of State for International Development. Those notes celebrate the UK’s involvement in the alliance but then nakedly expose the true lack of ambition behind our involvement.’).

¹²L. Kotzé, ‘International Environmental Law’s Lack of Normative Ambition: An Opportunity for the Global Pact for the Environment?’, (2019) 16 *Journal for European Environmental & Planning Law* 213; C. Foster, ‘Diminished Ambitions? Public International Legal Authority in the Transnational Economic Era’, (2014) 17 *Journal of International Economic Law* 355.

¹³E. Posner, ‘Human Rights Law Is Too Ambitious and Ambiguous’, *New York Times*, 28 December 2014.

¹⁴See Charlesworth, *supra* note 1.

Each narrative offers a specific analytical frame that influences our understanding of the world and sets distinct policy prescriptions.¹⁵ What argumentative functions does an ambition narrative play and what implications does it carry for international law, in both its practice and study? Beyond reflecting on an unexplored narrative, a study of ambition encourages us to stop looking continuously at crisis as a frame for the discipline, a frame that has been shown to be unable to adequately represent the state of the field.¹⁶ Indeed, Charlesworth identified two main limitations to the ‘obsession’ of international lawyers for crises:¹⁷ technical flaws because a crisis narrative assumes that facts are uncontroversial, lacks a long term view and often misses the larger picture; and ethical shortcomings because it narrows the scope of international law and diverts attention from structural issues of global justice. Charlesworth thus argued that, whilst dominating the imagination of international lawyers, the crisis narrative restricts the types of questions we ask and research.¹⁸

Studying a different narrative, one emphasizing ambition, hence represents an opportunity to extend our analytical lenses. Ambition articulates motivations, structures action and adopts a future-oriented vision, elements that are all important to understand the workings of international law. It also contributes to explaining the optimistic, quasi-utopian, objectives which continue to guide the field¹⁹ despite being constantly in a state of apparent crisis. In addition, understanding the functions and usages of ambition in legal life can help identify important theoretical and practical questions, such as why do states commit to fulfil goals they know they are unlikely to reach? Or, can calls for increased ambition result in agreements that are more than minimalist accords representing the lowest common denominator?

To identify the implications of the ambition rhetoric for international law and its study, the article evaluates the occurrence of the term in a field where the rationale of ambition has recently taken centre stage – international climate law – and uses the crisis narrative as a means of comparison to highlight the specificity of ambition discourses. Section 2 sets the scene by exploring the use of the term ambition in the field of international climate law. Section 3 explains how the meaning of ambition in international discourses has recently evolved to include a positive, and desirable, connotation. Section 4 then compares the crisis narrative with the ambition discourse to identify the argumentative implications of ambition in terms of vision, means and temporality. This article suggests that an ambition discourse fulfils objectives that a crisis narrative is unable to accommodate by calling for structural transformations, motivating states to commit to far-reaching objectives and adopting a long-term perspective focused on incremental change. Section 5 identifies the shortcomings of the ambition discourse, related to the determination and evaluation of ambition. Section 6 concludes.

2. Setting the scene: Ambition in international climate law

This section sets the scene for the rise of the ambition discourse by exploring how the term has been used in international climate law. Indeed, ambition has been described as one of the ‘building blocks’ of the Paris Agreement (alongside differentiation).²⁰ Former Secretary of the UN Framework Convention on Climate Change (UNFCCC)²¹ Christiana Figueres declared that

¹⁵A. Roberts and N. Lamp, *Six Faces of Globalization: Who Wins, Who Loses, and Why It Matters* (2021), 27–8.

¹⁶See Charlesworth, *supra* note 1.

¹⁷*Ibid.*, at 384.

¹⁸*Ibid.*, at 377.

¹⁹See T. Altwicker and O. Diggelmann, ‘How is Progress Constructed in International Legal Scholarship?’, (2014) 25 *European Journal of International Law* 425, at 425.

²⁰L. Rajamani, ‘Ambition and Differentiation in the 2015 Paris Agreement: Interpretative Possibilities and Underlying Politics’, (2016) 65 *International and Comparative Law Quarterly* 493, at 494.

²¹1992 United Nations Framework Convention on Climate Change, 1771 UNTS 107 (2000).

the Paris Agreement represented ‘almost the maximum amount of ambition imaginable’,²² and the UN website on climate action has a specific section on ‘raising climate ambition’.²³ By starting with this case study, the analysis illustrates the importance of the term for international law and identifies its different functions.

Not present initially in the text of the UNFCCC, the logic of ambition has supported the international climate regime since the 2009 Conference of the Parties (COP) in Copenhagen to call on states to act more aggressively against climate change by adopting more stringent greenhouse gas emission reduction targets. The main narrative guiding international climate negotiations evolved significantly after the Copenhagen COP, evaluated as a ‘failure’²⁴ because no legally binding agreement was found to succeed the Kyoto Protocol²⁵ after its first commitment period, that was due to expire in 2012. The breakdown of international talks could have led to the adoption of a discourse emphasizing the catastrophic and existential risk related to the absence of agreement on how to reduce global greenhouse gas emissions. Instead, the term ‘ambition’ entered the lexicon of international climate law.

In 2010, the Cancún COP decision ‘urged developed states to increase the ambition of their economy-wide emission reduction targets’²⁶ and requested the secretariat to organize workshops to clarify ‘options and ways to increase [the] level of ambition’ of the targets.²⁷ The following year, the Durban COP institutionalized ambition as one of the objectives of the regime by establishing the Durban Platform on Enhanced Action with the aim to ‘raise the level of ambition’.²⁸ In Decision 1/17, the COP decided to ‘launch a workplan on enhancing mitigation ambition to identify and to explore options for a range of actions that can close the ambition gap with a view to ensuring the highest possible mitigation efforts by all Parties’.²⁹ Subsequent COPs built on this call to enhance ambition: in Doha, the COP extended it to adaptation measures,³⁰ and the following year, in Warsaw, concentrated on what were seen to be enablers of ambition in the form of ‘technology, finance and capacity-building support’.³¹ In Lima, the call for ambition was operationalized by a duty of progression, according to which the intended nationally determined contribution towards achieving the objective of the UNFCCC that each party was asked to communicate needed to ‘represent a progression beyond the current undertaking of that Party’.³² The emergence of ambition in the lexicology of international climate law emphasizes two important choices made post-Copenhagen: first, that the design of international climate law needed to be rethought to mobilize states better, and second, that despite challenges, states still had the

²²J. Murray, ‘Christiana Figueres: “Together we Have Opened the Door to a Sustainable and Climate-Safe Future for All”’, *BusinessGreen*, 5 July 2016, available at www.businessgreen.com/news/2463891/christiana-figueres-together-we-have-opened-the-door-to-a-sustainable-and-climate-safe-future-for-all.

²³See United Nations Climate Action, ‘Science, Solution, Solidarity for a Livable Planet’, *United Nations*, available at www.un.org/en/climatechange.

²⁴See, e.g., BBC Editorial Staff, ‘Why did Copenhagen Fail to Deliver a Climate Deal?’, *BBC News*, 22 December 2009, available at news.bbc.co.uk/1/hi/8426835.stm.

²⁵1997 Protocol to the United Nations Framework Convention on Climate Change, 37 ILM 22 (1998).

²⁶United Nations Climate Change, Report of the Conference of the Parties on its Sixteenth Session, held in Cancun from 29 November to 10 December 2010 (Decision 1/CP.16), UN Doc. FCCC/CP/2010/7/Add.1 (2011), at 8, para. 37.

²⁷*Ibid.*, para. 38.

²⁸United Nations Climate Change, Report of the Conference of the Parties on its Seventeenth Session, held in Durban from 28 November to 11 December 2011 (Decision 1/CP.17), UN Doc. FCCC/CP/2011/9/Add.1 (2012), at 3, para. 6.

²⁹*Ibid.*, para. 7.

³⁰United Nations Climate Change, Report of the Conference of the Parties on its Eighteenth Session, held in Doha from 26 November to 8 December 2012 (Decision 1/CP.18), UN Doc. FCCC/CP/2012/8/Add.1 (2013), at 11, para. 57.

³¹United Nations Climate Change, Report of the Conference of the Parties on its Nineteenth Session, held in Warsaw from 11 to 23 November 2013 (Decision 1/CP.19), UN Doc. FCCC/CP/2013/10/Add.1 (2014), at 5, para. 4(e).

³²United Nations Climate Change, Report of the Conference of the Parties on its Twentieth Session, held in Lima from 1 to 14 December 2014 (Decision 1/CP.20), UN Doc. FCCC/CP/2014/10/Add.1 (2015), at 2, para. 10.

motivation to continue multilateral co-operation during the ‘grim days’³³ of international climate law.

Ambition then played an important role in the negotiations of the 2015 Paris Agreement. It was invoked to raise the bar for international law-making and to gather support for what was seen to be a progressive, lofty, agreement. The Republic of the Marshall Islands set up a ‘High Ambition Coalition’ (HAC) to bring together like-minded states around core demands considered necessary to design a successful climate treaty, including on ratchet-up cycles of nationally determined contributions (NDCs), the 1.5°C global temperature goal, long-term strategies to reach net-zero emissions, and loss and damage.³⁴

Ambition is perceived to be a positive attribute in international law-making. The term has been used to encourage buy-in from states, playing on their readiness to join an initiative perceived to be ‘ambitious’ that could strengthen their reputation both internationally and domestically. States are willing to be part of something ‘ambitious’, and, perhaps more importantly, *be seen* to be part of it. When describing the origins of the HAC, Farhana Yamin recalls how the coalition suddenly became popular at COP 21 – it was ‘the cool club that everyone wanted to join’.³⁵ She explains that ‘no one would want to be in a low ambition coalition’³⁶ and mentions how state officials requested HAC badges that would help them display their country’s commitment to adopting an ambitious text while at COP.³⁷ This anecdote is telling of the perceived desirability of being (seen to be) a member of an ambitious negotiation group.

The notion of ambition also directly influenced the design of the Paris Agreement: it was not only a discourse presenting desirable negotiation outcomes, but it also manifested in specific legal obligations in the Agreement. At the heart of the Paris Agreement is the ‘ambition’ – also known as ‘ratchet’ – mechanism according to which ‘all parties are to undertake and communicate ambitious efforts’.³⁸ Uniquely designed to stimulate collective action, the mechanism requires that NDCs ‘represent a progression over time’,³⁹ with parties having the possibility of adjusting their NDC ‘with a view to enhancing its level of ambition’.⁴⁰ Ambition in this context takes the form of a duty of conduct that means exercising best efforts to reduce emissions as much as feasible in a manner proportionate with the risk and adequate to current capabilities.⁴¹ Collective progress, and its adequacy with the Agreement’s objectives, is evaluated by the global stocktake, conceived as a mechanism that aims to enhance ambition by further mobilizing states.⁴² Support for developing countries⁴³ and voluntary co-operation in implementing NDCs⁴⁴ are further presented as means of facilitating ‘higher ambition’.

However, the legal manifestation of ambition is weakened by the fact that states tend to self-proclaim their NDCs to be ‘ambitious’.⁴⁵ By doing so, they aim to project a positive image of

³³B. Mayer, ‘Climate Change and International Law in the Grim Days’, (2013) 24 *European Journal of International Law* 947.

³⁴A. Brun, ‘Conference Diplomacy: The Making of the Paris Agreement’, (2016) 4 *Politics and Governance* 115, at 120–1. For the story of how it came about see F. Yamin, ‘The High Ambition Coalition’, in H. Jepsen et al. (eds.), *Negotiating the Paris Agreement* (2021), 216.

³⁵*Ibid.*, at 237.

³⁶*Ibid.*, at 235.

³⁷*Ibid.*, at 238.

³⁸See Paris Agreement, *supra* note 6, Art. 3.

³⁹*Ibid.*, Art. 4(3).

⁴⁰*Ibid.*, Art. 4(11).

⁴¹See C. Voigt, ‘The Paris Agreement: What is the Standard of Conduct for Parties?’, (2016) 26 *QIL, Zoom-in* 17.

⁴²See M. Milkoreit and K. Haapala, ‘The Global Stocktake: Design Lessons for a New Review and Ambition Mechanism in the International Climate Regime’, (2019) 19 *International Environmental Agreements* 89.

⁴³See Paris Agreement, *supra* note 6, Art. 4(5).

⁴⁴*Ibid.*, Art. 6(1).

⁴⁵See, for instance, the high-level segment statements made on 1 November 2021 at COP 26: by Bangladesh, (‘Recently we submitted an ambitious and updated NDC’); Nepal (‘We have submitted an ambitious NDC that plans to decarbonize our economy in all sectors’); Austria (‘Domestically, in Austria, we are aiming at reaching Net Zero by 2040. With this ambitious

themselves that emphasizes both their compliance with the Agreement and their actions for the global common good. Ambition, in this context, is more promised than enacted. Indeed, when ambition is measured and evaluated, gaps appear between individual actions and collective goals.⁴⁶ As a result, talking about the ‘ambition gap’⁴⁷ has become common in the context of the Paris Agreement to describe the action still needed to meet the temperature objectives of the Paris Agreement when accounting for submitted NDCs and long-term strategies. Calls for increasing climate ambition by state⁴⁸ and international⁴⁹ officials have therefore become a regular occurrence in the international discourse, and responses in the form of holding a ‘Climate Ambition Summit’⁵⁰ or naming a ‘Special Envoy on Climate Ambition and Solutions’⁵¹ for instance, have multiplied to offer opportunities for reducing the so-called ‘ambition gap’.

This overview of the emergence of the term ambition in international climate law illustrates the multiplicity and diversity of the functions that it can play in an international legal regime. These vary depending on whether it manifests as a discourse to call states to mobilize against climate change, as a positive concept to gather support for a progressive agreement, as a duty of conduct to work towards the objectives of the Paris Agreement or as a criterion to evaluate gaps between

aim in mind, we strongly focus on the use of renewables’) or North Macedonia (‘Despite the fact that we are a small European country, we have great climate ambitions’). See United Nations Climate Change, ‘COP 26 Speeches and Statements’, *United Nations*, available at www.unfccc.int/cop-26/speeches-and-statements#eq-2.

⁴⁶See, e.g., the high-level segment statement by Luxembourg at COP 26 (‘Il importe en effet que l’ensemble des plus grandes économies prennent des décisions ambitieuses qui s’imposent . . . Nous faisons face à un moment de vérité. La société civile, les acteurs économiques, les marchés financiers, tous sont confrontés à un diagnostic sans appel: notre action climatique collective manque d’ambition, et sa mise en œuvre est trop hésitante’). See United Nations Climate Change, ‘COP 26 Speeches and Statements’, *ibid*.

⁴⁷See, e.g., United Nations Climate Change, Report of the Conference of the Parties on its Seventeenth Session, held in Durban from 28 November to 11 December 2011 (Decision 1/CP.17), UN Doc. FCCC/CP/2011/9/Add.1 (2012), at 3, para. 7; United Nations Climate Change, Report of the Conference of the Parties Serving as the Meeting of the Parties to the Paris Agreement on its Second Session, held in Madrid from 2 to 15 December 2019 (Decision 1/CMA.2), UN Doc. FCCC/PA/CMA/2019/6/Add.1 (2020), at 2, paras. 5, 7.

⁴⁸See, e.g., the high-level segment statements made on 1 November 2021 at COP 26 by Papua New Guinea (‘The COP26 Goals are explicit and I join colleague Leaders in collectively calling for a ramp up and an acceleration of ambitions’); Seychelles (‘It is now up to us leaders to fill these vessels with increased ambition on climate action to close the substantial gap between the commitments countries have put forward to reduce their emissions and the much higher level of ambition needed to meet the temperature limitation goals established in the Paris Agreement’); or Samoa (‘We will persist to call on everyone especially the major emitters, to commit to higher emissions cuts by 2030’). See United Nations Climate Change, ‘COP 26 Speeches and Statements’, *supra* note 45.

⁴⁹See, e.g., United Nations Secretary-General, ‘Secretary-General’s Remarks at the Commemoration of the 75th Anniversary of the First Meeting of the United Nations General Assembly’, *United Nations*, 10 January 2021, available at www.un.org/sg/en/content/sg/statement/2021-01-10/secretary-generals-remarks-the-commemoration-of-the-75th-anniversary-of-the-first-meeting-of-the-united-nations-general-assembly-delivered (‘We now need increased ambition and action to deliver – beginning with the climate emergency’); United Nations Secretary-General, ‘Secretary-General’s Press Conference on his Priorities for 2021’, *United Nations*, 28 January 2021, available at www.un.org/sg/en/content/sg/press-encounter/2021-01-28/secretary-generals-press-conference-his-priorities-for-2021 (‘Countries must review their Nationally Determined Contributions before COP26 in Glasgow to cut global greenhouse gas emissions by 45 percent by 2030 compared with 2010 levels. We need to raise ambition across the board: in mitigation, but also in adaptation and finance.’).

⁵⁰Website of the Climate Ambition Summit describing its aims in the following terms: ‘At the Climate Ambition Summit 2020, countries will set out new and ambitious commitments under the three pillars of the Paris Agreement: mitigation, adaptation and finance commitments. There will be no space for general statements. These ambitious commitments will take the shape of new Nationally Determined Contributions, Long-Term Strategies setting out a pathway to net zero emissions; climate finance commitments to support the most vulnerable; and ambitious adaptation plans and underlying policies.’ See Climate Ambition Summit 2020, ‘The Ambition’, *Climate Ambition Summit 2020*, 2020, available at www.climateambitions Summit2020.org/index.php#home.

⁵¹United Nations Secretary-General, ‘Mr. Michael R. Bloomberg of the United States - Special Envoy on Climate Ambition and Solutions’, *United Nations*, 5 February 2021, available at www.un.org/sg/en/content/sg/personnel-appointments/2021-02-05/mr-michael-r-bloomberg-of-the-united-states%2%A0-special-envoy-climate-ambition-and-solutions%2%A0-%2%A0%2%A0%2%A0.

aspirations and the reality. The next section builds on this case study to reflect on the meanings given to the term ‘ambition’ in international law.

3. The two meanings of ambition

Ambition is commonly defined as a ‘desire to achieve a particular end’ with a specific objective in mind, such as success, fame or power.⁵² As such, ambition is not necessarily positive or desirable. In the ordinary English language, it is a polyvalent concept that can suggest either ‘a praiseworthy or a base desire’.⁵³ In other words, ambition might be a quality that needs to be nurtured to enable progress to the maximum of one’s capacities, but should also be kept in check to avoid it becoming a problem.⁵⁴ In a political context, philosophers have taken widely diverging positions on the desirability of ambition, defining it as an attribute of great statesmanship and a descriptor of the greatness of the soul⁵⁵ or, on the opposite, a reason for societal disorder and, potentially, war.⁵⁶

Historically, ambition has been seen as a menacing attribute that could destabilize the international legal order: ‘nuclear ambitions’ endanger international peace and security⁵⁷ while the rise of ‘territorial and extremist groups with territorial ambition’⁵⁸ or ‘secessionist ambitions’⁵⁹ are perceived to threaten the foundations of the state. Ambition, thus, cannot be left unchecked; it can be a menace to the foundational principles of international law, including territorial integrity, co-operation and good faith. State ambitions are driven by individualism and competitiveness, characteristics that can be difficult to combine with the co-operative ideals of international

⁵²The Collins English Dictionary defines ambition as ‘i. strong desire for success, achievement, or distinction; ii. something so desired; goal; aim’ (see Collins COBUILD Advanced Learner’s Dictionary, ‘Ambition’, HarperCollins, 2022, available at www.collinsdictionary.com/dictionary/english/ambition); the Oxford Learners’ Dictionary as ‘i. something that you want to do or achieve very Much; ii. the desire or strength of mind to be successful, rich, powerful, etc.’ (see Oxford Learner’s Dictionaries, ‘Ambition’, Oxford University Press, 2022, available at www.oxfordlearnersdictionaries.com/definition/english/ambition_1?q=ambition); the Cambridge Dictionary as ‘a strong wish to achieve something; a strong wish to be successful, powerful, rich’ (see Cambridge Advanced Learner’s Dictionary & Thesaurus, ‘Ambition’, Cambridge University Press, 2022, available at www.dictionary.cambridge.org/dictionary/english/ambition); and the Merriam Webster Dictionary as ‘i. an ardent desire for rank, fame, or power; ii. desire to achieve a particular end’ (see Merriam-Webster.com Dictionary, ‘Ambition’, Merriam-Webster, 2022, available at www.merriam-webster.com/dictionary/ambition).

⁵³G. Brim, *Ambition: How we Manage Success and Failure throughout our Lives* (1992), at 16.

⁵⁴J. Marques, ‘Leadership and Ambition’, in J. Marques and S. Dhiman (eds.), *Leadership Today* (2017), 353.

⁵⁵See, e.g., Aristotle, *Nicomachean Ethics*, in R. Crisp (ed.), *Cambridge Texts in the History of Philosophy* (2014). For an analysis of Aristotle’s vision of ambition see R. Faulkner, *The Case for Greatness: Honorable Ambition and Its Critics* (2008), 16–53.

⁵⁶See, e.g., J. J. Rousseau, ‘On the Social Contract’, in *The Basic Political Writings: Discourse on the Sciences and the Arts, Discourse on the Origin of Inequality, Discourse on Political Economy, On the Social Contract, The State of War* (translated by D. A. Cress, 2012), Book I, Ch. 4, at 160 (despots’ ambition drags them into wars); Book IV, Ch. 8, at 248 (ambition disrupts the peace and harmony of society). See also A. Smith, *The Theory of Moral Sentiments* (2002), 173.

⁵⁷United Nations General Assembly, ‘Establishment of a Nuclear-Weapon-Free Zone in the Region of the Middle East: Report of the Secretary-General: Addendum (Replies Received from Governments: Canada)’, UN Doc. A/60/126(Part1)/Add.1(2005), at 2–3 (‘the Foreign Minister of Canada reaffirmed that the extensive past undeclared nuclear activities of the Islamic Republic of Iran, together with its efforts to acquire the full nuclear fuel cycle, have resulted in strong suspicions that it has nuclear weapons ambitions’); United Nations General Assembly, Establishment of a Nuclear-Weapon-Free Zone in the Region of the Middle East: Report of the Secretary-General, UN Doc. A/44/430/Add.1 (1989), at 2–3 (‘The Syrian Arab Republic believes that, if the Secretariat-General is to ensure that the resolution is implemented, then it is entirely clear that he must persuade Israel to comply with the wishes of the international community, to implement the community’s resolutions and to forsake its nuclear ambitions.’).

⁵⁸United Nations Secretary-General, ‘Deputy Secretary-General’s Remarks to UNDP Seoul Policy Centre and Korea University “The New Global Landscape: Challenges for the United Nations and its Member States”’, *United Nations*, 13 April 2015, available at www.un.org/sg/en/content/dsg/statement/2015-04-13/deputy-secretary-generals-remarks-undp-seoul-policy-centre-and.

⁵⁹United Nations General Assembly, ‘Statement by H.E. Mr. Tomislav Nikolić, President of the Republic of Serbia, at the 69th session of the UNGA’, *United Nations*, 26 September 2014, at 4, available at www.un.org/en/ga/69/meetings/gadebate/pdf/RS_en.pdf.

law. Ambition can manifest in expansionism and belligerence – for instance, the call of the UN Secretary-General ‘to leaders of nations in war to set aside their own ambitions: resist temptation to seek glory’⁶⁰ assumes that leaders with hegemonic dreams of territorial expansion are driven by ambition.

The study of the rise of ambition in international climate law shows, however, that ambition can, under certain circumstances, be seen as a positive attribute that is called for. In the same way as some political philosophers, including Bacon, considered individual ambition as a factor indispensable to societal progress,⁶¹ ambition in international climate law is seen to foster evolutions in desirable directions. States rhetorically support ambition in an attempt to claim that they are aligned with the rule-based international order. The ambitious content of NDCs is regularly praised⁶² and the commitment to negotiate an ambitious text is frequently made.⁶³ As Yamin put it, Paris negotiators in the HAC perceived themselves as ‘delivering the highest possible ambition rather than just representing their own blocs or countries’.⁶⁴ Compared to its common meaning that generally characterizes an individual character trait, the term in an international context tends to be associated with collaboration and emphasizes the importance of collective work.

An ambition-centred international legal system presents the world through two stories, one that relies on international law to constrain the selfish ambitions of states that can threaten its very ideals; another that portrays the international legal landscape to be reliant on a process of constant betterment, whereby ambition motivates states to tackle complex global challenges.

The dual meaning of ambition is particularly visible in the context of nuclear disarmament. On the one hand, the international community understands ambition as a destructive desire for power when it aims to restrain the political ambitions of states that wish to possess nuclear weapons. The function of the international legal framework on nuclear disarmament is, therefore, to ensure that states renounce their ‘nuclear ambitions’.⁶⁵ On the other hand, the international community is also interested in legal ambition, in the form of treaties designed to offer a response to nuclear proliferation. When the Treaty on the Prohibition of Nuclear Weapons (TPNW)⁶⁶ entered into force in January 2021, the UN Secretary General explained that the elimination of nuclear weapons is the ‘highest disarmament priority of the United Nations’ and called on ‘all States to work together to realize this ambition to advance common security and collective safety’.⁶⁷

⁶⁰United Nations Secretary-General, ‘Secretary-General Appeals to Leaders of Nations in War to set Aside their Own Ambitions: Resist Temptation to Seek Glory Through Conquest, he Says in International Peace Day message’, *United Nations Department of Public Information*, 4 September 1998, [ST/DPI/PRESS/]OBV/56 [ST/DPI/PRESS/]SG/SM/6692, available at www.digitallibrary.un.org/record/259447?ln=en.

⁶¹See Faulkner, *supra* note 55, at 177–97.

⁶²See United Nations Climate Change, *supra* note 45.

⁶³See UK Parliament, *supra* note 10.

⁶⁴See Yamin, *supra* note 34, at 228.

⁶⁵See, by way of example, in United Nations, 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons: Final Document. Part 3, Summary records, List of participants, UN Doc. NPT/CONF.2005/57(Part III) (2005): ‘For the past 35 years, the Treaty had been a cornerstone of global security and had confounded the predictions of its critics. Nuclear weapons had not spread to dozens of States; indeed, more States had given up their ambitions for such weapons than had acquired them’ (Secretary-General of the UN, para. 15, at 5); ‘If such States were allowed to withdraw with impunity from the Treaty after acquiring all the necessary materials and technologies to manufacture nuclear weapons, the Treaty would end by serving their nuclear ambitions’ (Republic of Korea, para. 39, at 32); ‘The Democratic People’s Republic of Korea must relinquish its nuclear ambitions’ (Ukraine, para. 8, at 68); ‘Libya had made the strategic decision to give up its weapons ambitions in 2003’ (United States of America, para. 47, at 137); ‘It attached particular importance to the implementation of article VI of the Treaty as well as to respect for the commitments that had led to the signing of the Treaty by States that had agreed to renounce their own nuclear ambitions in return for commitments by nuclear-weapon States to pursue negotiations in good faith towards nuclear disarmament’ (Switzerland, para. 70, at 165); ‘A State which failed to comply forfeited confidence in the exclusively peaceful nature of its nuclear ambitions’ (United Kingdom, para. 29, at 246).

⁶⁶2017 Treaty on the Prohibition of Nuclear Weapons, UN Doc. A/CONF.229/2017/8.

⁶⁷United Nations Secretary-General, ‘Statement Attributable to the Spokesperson for the Secretary-General - on the Occasion of the Entry into force of the Treaty on the Prohibition of Nuclear Weapon’, *United Nations*, 22 January 2021,

The representative of Ireland labelled the treaty as ‘robust and ambitious’, built on a ‘powerful vision of a world free from nuclear weapons’⁶⁸ while the New Zealand representative described the TPNW as ‘the most ambitious legal pathway currently available to advance legal disarmament’.⁶⁹ There, the meaning of ambition takes a positive connotation and offers an image of an international legal landscape always in construction and striving for improvements.

Depending on the meaning given to ambition, the relationship between the state and the international community is imagined differently: ambition becomes either a synonym for national interests and is hence considered a security threat that can destabilize the international community, or, alternatively, is defined as an element of progress and signals the motivation of a state to act decisively to solve a common good problem. The article now moves to discuss the argumentative implications of relying on this second, more positive, meaning of ambition, which is becoming increasingly common in international discourses. It uses the crisis narrative as a means of comparison to highlight the specificity of the ambition discourse.

4. Ambition as a counterweight to the crisis discourse

Crises have been described as defining elements in the discipline of international law, to the extent that international law is sometimes seen to exist ‘because crises occur’.⁷⁰ Such a focus has been criticized for ‘impoverishing’ the discipline⁷¹ and reducing international law to a ‘static and unproductive rhetoric’.⁷² The crisis narrative suffers from three main shortcomings in terms of vision, means and temporality: first, it emphasizes the imperfections of the system by focusing on breaches of international law; second, it conceptualizes international law as a combination of international duties setting a ‘non-negotiable minimum’⁷³; and third, it concentrates on imminent, yet short-term, change. Conversely, the ambition discourse offers a complementary, richer, conceptualization of the field on these three inter-related aspects: first, it describes an objective of structural transformations; second, it motivates states to commit to far-reaching objectives; and third, it adopts a long-term perspective focused on incremental change.

4.1 An objective of structural transformations

Understanding international law through a crisis or an ambition lens paints two different pictures of the priorities driving the work of the international community. A crisis discourse narrows down analytical lenses: by concentrating on instances when international law is breached, it over-emphasizes its failures. These become the main motivation for studying the field and the daily successes of international law are overlooked.⁷⁴ As a consequence, the effectiveness of international law is evaluated in a dichotomic manner, based on a distinction between the lawful and unlawful.⁷⁵ The emphasis on incidents leaves limited space for reflecting on deeper, structural problems, such as poverty, human rights, or environmental degradation.⁷⁶

available at www.un.org/sg/en/content/sg/statement/2021-01-22/statement-attributable-the-spokesperson-for-the-secretary-general-the-occasion-of-the-entry-force-of-the-treaty-the-prohibition-of-nuclear-weapon.

⁶⁸United Nations Meetings Coverage and Press Releases, ‘Conference to Negotiate Legally Binding Instrument Banning Nuclear Weapons Adopts Treaty by 122 Votes in Favour, 1 against, 1 Abstention’, *United Nations*, 7 July 2017, available at www.un.org/press/en/2017/dc3723.doc.htm.

⁶⁹*Ibid.*

⁷⁰J. Crawford, ‘Reflections on Crises and International Law’, in G. Ulrich and I. Ziemele (eds.), *How International Law Works in Times of Crisis* (2019), 10, at 14.

⁷¹See Charlesworth, *supra* note 1, at 390.

⁷²*Ibid.*, at 377.

⁷³Term from E. Brems, ‘Human Rights: Minimum and Maximum Perspectives’, (2009) 9 *Human Rights Law Review* 349, at 365.

⁷⁴A. A. Yusuf, ‘Engaging with International Law’, (2020) 69 *International and Comparative Law Quarterly* 505, at 509.

⁷⁵See Brems, *supra* note 73, at 353–4.

⁷⁶See Charlesworth, *supra* note 1, at 391.

Conversely, an ambition narrative expands the substance of international law by moving the focus of the field away from norm compliance to emphasize commitments to difficult, yet essential, structural transformations. Ambition as an individual trait is driven by the fact that, in the words of social psychologist Brim, ‘we are not content with what we already know and can do; we want action and growth – opportunities to explore our competence and mastery’.⁷⁷ Transposed to the international level, invocations of ambition highlight that the international community is not ready to accept the imperfect state of the world – with its ‘rising inequality and unemployment . . . rising temperatures and intolerance’.⁷⁸ Unlike the crisis narrative that stresses the inadequacies of the system without disturbing the status quo, ambition is a forward-looking concept: it is not interested in the shortcomings of the past or the imperfections of the present, but rather in how to design a better future.

In doing so, ambition does not only extend analytical lenses but also moulds international law in certain ways. An ambition narrative implies a different way of governing to achieve the transformation(s) hoped for and thus favours the use of specific legal tools. In particular, it relies on duties of non-regression (generally from environmental, social and labour protections)⁷⁹ and progressive realization (most prominently in the field of economic, social and cultural rights)⁸⁰ to limit risks of stagnation and backsliding. In addition, it relies on goal-setting mechanisms that concentrate on programmatic measures instead of constraining rules and on voluntary commitments instead of obligations – as best exemplified by the 2030 Development Agenda that self-defines as ‘ambitious’⁸¹ and offers a non-legally binding roadmap for ‘people, planet and prosperity’.⁸² Finally, an international system underpinned by an ambition rationale encourages the adoption of obligations of conduct because they support best efforts whilst acknowledging that reaching the desired outcome might be difficult. In this sense, the Paris principle of ‘highest possible ambition’ sets a standard of care requiring governments to take appropriate measures to respond to climate risks, and also acknowledges that meeting the objectives of the treaty requires a complete structural transformation.⁸³ The focus of ambition is more about the journey than the destination itself: the end goal, while desirable, might eventually be unattainable. In other words, the international community values and celebrates the conduct of states striving for progress instead of evaluating specific accomplishments.

4.2 A commitment to far-reaching objectives

The transformational vision of the ambition discourse carries expectations regarding state conduct. A crisis narrative sees international duties as a non-negotiable minimum and does not incentivize states to fulfil the objectives of international law to their highest ability. Conversely, an ambition discourse motivates states to commit to taking action to meet objectives that are far-reaching, even if this means that not every state will do so at the same time or speed. Goals can be individualized and differentiated, as in the case of NDCs, but they all commit the international community to work towards building a better world.

An ambition discourse is not satisfied by an international consensus representing the lowest common denominator but rather aims to motivate states to commit to far more difficult goals.

⁷⁷See Brim, *supra* note 53, at 10.

⁷⁸Office of the Spokesperson for the UN Secretary-General, ‘Press Conference by Secretary-General Ban Ki-Moon, Opening Remarks by Secretary-General’, *United Nations*, 19 September 2012, available at www.un.org/sg/en/content/highlight/2012-09-19.html.

⁷⁹See, for instance, The International Group of Experts for the Pact, ‘Draft Global Pact for the Environment’, *Global Pact For The Environment*, Art. 17, available at www.globalpactenvironment.org/uploads/EN.pdf.

⁸⁰1966 International Covenant on Economic Social and Cultural Rights, 993 UNTS 3 (1976), Art. 2(1).

⁸¹See UNGA Resolution 70/1, *supra* note 7, Preamble.

⁸²*Ibid.*

⁸³See Voigt, *supra* note 41, at 21.

This logic is illustrated by the creation of several ‘high ambition coalitions’ inspired by the climate HAC model to partake in talks on global biodiversity⁸⁴ or plastics⁸⁵ governance. They add an innovative feature to the historical pattern of negotiating groups in international environmental fora to gather like-minded states willing to show their support for an ambitious agreement promising to result in positive environmental outcomes.

Instead of accepting minimal results, an ambition discourse builds motivation to strive harder and achieve more. Ambition as an individual characteristic involves the ‘motivation and determination to strive for its accomplishment even in the face of failure and adversity’.⁸⁶ An ambition-centred narrative thus maintains motivation amongst the members of the international community despite the seemingly intractable nature of global problems. As illustrated by the UN Secretary-General’s call to ‘show strengthened ambition to defeat climate change’,⁸⁷ ambition is generally presented as a solution to major global problems. An ambition narrative acknowledges the difficulties arising when attempting to move in a particular direction. It flags that the objectives are not naïve but recognizes that setbacks are normal and accepted, and that achievement gaps are part of a typical process of continuous improvement. It therefore combines optimism with a necessary realism, setting an aspirational objective while emphasizing obstacles. For instance, as mentioned above, after the setback of the Copenhagen COP, the international community continued its work to find solutions to the global climate crisis, finding support in the ‘ambition’ narrative that highlighted the continued motivation of its members despite the difficulty of the task. This approach eventually resulted in the ratchet mechanism of the Paris Agreement that is slowly reducing the gap between state pledges and temperature goals.⁸⁸

An ambition discourse is used to emphasize substantial action, distinguished from what can sometimes be considered to be empty commitments to the international rule of law. When mobilizing the term ‘ambition’, which is often associated with leaders and entrepreneurs, the international community portrays itself as acting decisively. This is exemplified by diplomatic summits that include the term ambition in their title: while international meetings are generally places where ‘presentation triumphs over substance’,⁸⁹ the UN Climate Ambition Summit organized in 2020 was described as the opportunity to offer clear and strong ‘commitments’, presented to be the opposite of ‘diplomatic statements’.⁹⁰ In the same vein, the Biodiversity Summit held the same year was depicted as an opportunity to ‘demonstrate ambitious actions to address the causes of biodiversity loss’.⁹¹ This practice illustrates how the ambition discourse portrays

⁸⁴A High Ambition Coalition for Nature and People brings together more than 100 states that support ambitions targets for the post-2020 biodiversity global framework: see www.hacfornatureandpeople.org/. In addition, a High Ambition Coalition on Biodiversity beyond National Jurisdiction was launched in February 2022 to gather parties ‘which are committed, at the highest political level, to achieve an ambitious outcome of the ongoing negotiations on a Treaty of the High Seas’. See www.oceans-and-fisheries.ec.europa.eu/ocean/international-ocean-governance/protecting-ocean-time-action_en.

⁸⁵A High Ambition Coalition to End Plastic Pollution was created in 2022 to ‘develop an ambitious international legally binding instrument based on a comprehensive and circular approach that ensures urgent action and effective interventions along the full lifecycle of plastics’. See www.hactoendplasticpollution.org/.

⁸⁶N. Burton, ‘The Psychology and Philosophy of Ambition’, 16 November 2014, available at www.neelburton.com/2014/11/16/the-psychology-and-philosophy-of-ambition/. See also G. Pettigrove, ‘Ambitions’, (2007) 10(1) *Ethical Theory and Moral Practice* 53, at 55.

⁸⁷António Guterres [@antonioguterres], ‘The approval of the #ParisAgreement Work Programme at #COP24 in Katowice is the foundation for a new process in #ClimateAction. Ambition will be at the centre of the Climate Summit I am convening in September. It’s time to show strengthened ambition to defeat climate change’, *Twitter*, 15 December 2018, available at www.twitter.com/antonioguterres/status/1074048137113821184.

⁸⁸UNFCCC, *Emissions Gap Report 2021: The Heat Is On* (2021), 7.

⁸⁹J. Melissen, ‘Summit Diplomacy Coming of Age’, (2003) Netherlands Institute of International Relations Clingendael, *Discussion Papers in Diplomacy*, 18.

⁹⁰Website of the ‘Climate Ambition Summit’: www.climateambitions summit2020.org/index.php#home.

⁹¹President of the General Assembly, ‘Biodiversity Concept Note’ (24 July 2020), at 5, available at www.un.org/pga/74/wp-content/uploads/sites/99/2020/07/Biodiversity-Concept-note.pdf.

the international law project as work in progress and presents its imperfections as an opportunity for political action. In doing so, it offers a new sense of purpose to counteract the apparent situation of hopelessness emphasized by a crisis narrative.

4.3 An acknowledgement of incremental change

A final trait of the ambition discourse pertains to its relationship to temporality. A crisis requires immediate action and often quick fixes. On the opposite, an ambition narrative engages the participants to value the future while encouraging present action. It is not based on ‘ruptures from normality’;⁹² instead, it adopts a long-term perspective favouring incremental change.

The logic of ambition rests on the idea that difficult objectives can become more achievable when setting interval goals.⁹³ It relies on the pragmatic realization that not all the problems can be solved immediately, but maintains a certain optimism for the future – ‘what is ambitious today might prove feasible tomorrow’.⁹⁴ While acknowledging that the ultimate objective is temporally distant, ambition offers a plan to achieve set objectives, building an incremental system structured around intermediate steps that enable change over time. For instance, an NDC represents a state’s ambition vis-à-vis climate change at a certain moment in time, but its level of ambition can be enhanced by adjusting it in the course of the five-year cycle.⁹⁵ The mechanism acknowledges that the conditions for meeting the global temperature target might not be met yet; but the Paris Agreement sets a ‘direction of travel’⁹⁶ by asking parties to continuously increase their efforts in order to ‘reach global peaking of greenhouse gas emissions as soon as possible’.⁹⁷ In addition, the principle of progression sets a floor by requiring that each NDC goes beyond the previous one⁹⁸ in order to ensure that ambition does not decrease over time.⁹⁹ The same rationale applies in the context of the obligation of progressive realization under human rights law: the International Covenant on Economic Social and Cultural Rights recognizes that certain rights cannot necessarily be fully realized in a short amount of time, but that specific elements of these rights are of immediate effect while others will be met more progressively.¹⁰⁰ While acknowledging that change might be distant, an ambition narrative nevertheless assumes that organized and planned action is possible – state action can be designed to meet objectives and is not seen as chaotic or improvised, but rather as logical and rational.

To conclude, the three elements of the ambition narrative are closely interconnected, and it is not argued that their delimitation is clear-cut. What matters here is that they show how the ambition discourse offers a drastically different portrait of international law compared to the crisis narrative: one that emphasizes transformation efforts instead of lamenting imperfections, that concentrates on working towards far-reaching goals instead of accepting the lowest common denominator, and that adopts a long-term perspective instead of concentrating on imminent change.

⁹²J. d’Aspremont, ‘International Law as Crisis Discourse: The Peril of Wordlessness’, in Mbengue and d’Aspremont, *supra* note 3, at 75.

⁹³D. Kooij et al., ‘Future Time Perspective: A Systematic Review and Meta-analysis’, (2018) 103 *Journal of Applied Psychology* 867; J. Simons et al., ‘Placing Motivation and Future Time Perspective Theory in a Temporal Perspective’, (2004) 16 *Educational Psychology Review* 121.

⁹⁴D. Held, *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance* (1995), at 285.

⁹⁵See Paris Agreement, *supra* note 6, Art. 4(11).

⁹⁶See Rajamani, *supra* note 20, at 496.

⁹⁷See Paris Agreement, *supra* note 6, Art. 4(3).

⁹⁸See Voigt, *supra* note 41, at 25.

⁹⁹See Paris Agreement, *supra* note 6, Art. 4(3).

¹⁰⁰International Covenant on Economic Social and Cultural Rights, Art. 2(1); also CESCR General Comment No.3 (14 December 1990), para. 2.

5. Shortcomings of an ambition-centred international legal system

Despite its ability to respond to some of the shortcomings of the crisis narrative, the ambition discourse nevertheless carries its own limitations, related in particular to (i) its self-determination, and (ii) uncertain evaluation.

5.1 Determination of ambition

References to ambition aim to create a unifying political project for the international community, leaving aside national interests and political divergences. They assume a synergetic relationship between the collective and the individual: the multilateral environment is perceived to enable state ambitions; and, conversely, the actions of states feed into collective ambition. The story presented by the collective notion of ambition is that goals agreed internationally to be fair and equitable trickle down to the national level, while individual ambition drives implementation. For instance, the 2030 Development Agenda for Sustainable Development sets global targets representing ‘collective ambitions’¹⁰¹ and anticipates that each government, ‘guided by the global level of ambition’, will set ‘its own national targets’;¹⁰² similarly, the Paris Agreement introduces a global average temperature objective¹⁰³ that will be attained thanks to domestic climate plans – NDCs – designed to be ‘fair and ambitious’.¹⁰⁴ The different entities of the international community are presumed to be moving together, even if sometimes at a different speed, towards a shared objective.

However, in reality, ambition is often self-determined: the state decides on the level of its ambition – regarding what it is ready to accept in an international negotiation, or in terms of how it will implement its international commitments domestically – and then retrospectively declares its commitments to be ‘ambitious’. As mentioned above, the obligation for an NDC to represent the ‘highest possible ambition’ of the Paris Agreement¹⁰⁵ only relates to ‘whichever ambition a state decides for itself is its highest possible ambition’.¹⁰⁶ Defining a policy as ambitious is assumed to be rewarding in terms of image and credibility. At best, declarations of ambition offer a proof of good will and a commitment to co-operate,¹⁰⁷ but they can also often be self-interested statements that make little contributions to global fairness and equity.¹⁰⁸ The self-determined nature of ambition carries three main implications.

First, ambition is primarily seen as a political decision rather than a legally constraining measure. Ambition gives states the flexibility needed to work towards difficult goals. As a result, however, the determination of the level of ambition tends to be seen as a purely political question, even when it has become an element of a due diligence duty, as in the case of the Paris Agreement. The UN Special Rapporteur on human rights and the environment warned that the chosen level of climate ambition should not be considered to be a political matter when he indicated, in a tweet, that ‘ambitious, rights-based climate action is a legal obligation, not a policy option’.¹⁰⁹ In other

¹⁰¹See UNGA Resolution 70/1, *supra* note 7, para. 61.

¹⁰²*Ibid.*, para. 55.

¹⁰³See Paris Agreement, *supra* note 6, Art. 2.

¹⁰⁴United Nations Climate Change, Report of the Conference of the Parties on its Twenty-first Session, held in Paris from 30 November to 13 December 2015 (Decision 1/CP.21), UN Doc. FCCC/CP/2015/10/Add.1 (2016), at 5, para. 27.

¹⁰⁵See Paris Agreement, *supra* note 6, Art. 4(3).

¹⁰⁶A. Zahar, ‘Collective Obligation and Individual Ambition in the Paris Agreement’, (2020) 9 *Transnational Environmental Law* 165, at 169.

¹⁰⁷See, for instance, European Union, Political Declaration setting out the Framework for the Future Relationship Between the European Union and the United Kingdom, 2019/C 384I/02 (2019), at 1, para. 3 (‘this declaration establishes the parameters of an ambitious, broad, deep and flexible partnership ...’).

¹⁰⁸See Zahar, *supra* note 106, at 187.

¹⁰⁹David R. Boyd [@SREnvironment], ‘Climate emergency: As States prepare for the 26th Conference of the Parties to the UN Climate Convention in November in Glasgow, they must understand that ambitious, rights-based climate action is a legal obligation, not a policy option’, *Twitter*, 25 July 2021, available at www.twitter.com/SREnvironment/status/1419366978834157568.

words, he reminded states that taking measures aligned with the objectives of the Paris Agreement found in its Article 2 is a legal commitment.

Second, ambition is not necessarily associated with action or success. A commitment to ambition does not mean that the outcomes of a certain behaviour striking for success will be enough to meet the result hoped for. One example of an ambitious goal is the temperature objective of the Paris Agreement to ‘hold . . . the increase in the global average temperature to well below 2°C above pre-industrial levels and [pursue] efforts to limit the temperature increase to 1.5°C above pre-industrial levels’,¹¹⁰ an objective which science tells us is unlikely to be met, but one towards which the international community remains committed.¹¹¹ Another example would be the 2030 Sustainable Development Agenda that uses the conditional tense to describe the lack of certitude about whether the goals it sets will be successfully achieved: ‘*If we realize our ambitions across the full extent of the Agenda, the lives of all will be profoundly improved and our world will be transformed for the better*’.¹¹² In reality, assumptions regarding the likelihood that ambition will result in a successful outcome vary significantly. An ambitious person aims to reach beyond what is perceived to be possible, but, unlike a dreamer, has the mindset or the resources to act towards the desired results. Some scholars understand ambition to aim towards ‘just manageable difficulty’¹¹³ while others consider that success is unlikely.¹¹⁴ Transposed to the international level, success at creating a better world might be improbable,¹¹⁵ but the international community can nevertheless work towards this goal. In the international legal discourse, ambition can be linked to, but also contrasted with, reality, as exemplified by expressions such as ‘this Agreement provides an ambitious but realistic framework’,¹¹⁶ or ‘this pledge will remain a mere ambition if not backed up by bold action and strong political will’.¹¹⁷

Finally, ambition in itself is not necessarily seen as positive, what matters rather is its level: distinctions between different levels of ambition are often made to distinguish between rhetorical commitments and actions with the potential to make a difference. As a result, ‘low ambition’ needs to be avoided,¹¹⁸ and states are called to enact the ‘most ambitious dimensions’ of their plans.¹¹⁹ The regular calls to adopt ‘high levels’ of ambition, as found in the new negotiating coalitions mentioned above, show an awareness that the self-determination of ambition can result in limited progress and thus are appeals for a more ambitious approach to the concept of ambition itself.

¹¹⁰See Paris Agreement, *supra* note 6, Art. 2(1)(a).

¹¹¹UNEP, *Emissions Gap Report 2020*, at 36; see Decision 1/CP.21, *supra* note 104, para. 17; A. E. Raftery et al., ‘Less than 2 C Warming by 2100 Unlikely’, (2017) 7 *Nature Climate Change* 637, at 637.

¹¹²See UNGA Resolution 70/1, *supra* note 7 (emphasis added).

¹¹³N. Hobbs, ‘The Psychologist as Administrator’, (1959) 15 *Clinical Psychology* 237, at 240.

¹¹⁴See Pettigrove, *supra* note 86, at 56 (‘Ambition’s success must be improbable either relative to the individual or more generally’).

¹¹⁵See *ibid.*, at 56.

¹¹⁶1977 Agreement on Trade and Economic Co-operation between the Government of Spain and the Government of the Argentine Republic, 1047 UNTS 11 (1977), Preamble.

¹¹⁷Permanent Mission of Mongolia to the United Nations, ‘Statement by His Excellency Tsakhia Elbegdorj, President of Mongolia at the General Debate of the 69th Session of the United Nations General Assembly. Delivering on and Implementing a Transformative Post-2016 Development Agenda’, *United Nations Permanent Mission*, 24 September 2014, available at www.un.int/mongolia/statements_speeches/statement-his-excellency-tsakhia-elbegdorj-president-mongolia-general-debate-69th.

¹¹⁸See, e.g., ‘Kenya’s Statement at the Opening Plenary of COP26, CMP16, CMA3, SBSTA 52-55 AND SBI 52-55’, available at www.unfccc.int/sites/default/files/resource/KENYA_cop26cmp16cma3_HLS_EN.pdf.

¹¹⁹Élysée (site de la Présidence de la République française et du Palais de l’Élysée), ‘2019 Niulakita High Ambition Declaration on Shipping’, *Élysée*, 9 August 2019, available at www.elysee.fr/admin/upload/default/0001/06/4b39ecc31afbb721391675c1316c03e0de739300.pdf.

5.2 Evaluation

Another shortcoming of an ambition-centred narrative is that evaluating ambition is complex due to a lack of defined criteria. As ambition helps structure diplomatic relations, it also acts as a criterion to evaluate their outcomes. International agreements thus become assessed in terms of ambition: for instance, when UN member states adopted the Sustainable Development Goals in 2015, the delegate from India described them as ‘an agenda of breath-taking ambition and scope’,¹²⁰ while civil society and the media have called for more ambition in the implementation of the Paris Agreement.¹²¹ At the same time, ambition is used as a gap indicator: distinctions are made between different levels of ambition to emphasize the gap between the stated ambitions of the international community and the realities of governmental action. This is visible, for example, when the UN Secretary-General laments the lack of ambition of states and contrasts it with popular expectations:

Most of all, we need greater ambition on the part of the world’s leaders. I intend to be frank with them about where we are falling short, why people around the world have a right to be impatient, and how we can do better.¹²²

However, evaluating whether a state action can, indeed, qualify as ambitious is arduous for three reasons. First, there is no agreed benchmark on how to assess progress. The term ambition is particularly elusive because it is often used to refer to different objects and actors and says little about how progression needs to be determined, and by whom. As a result, ambition is evaluated differently depending on the assessor. This dichotomy is most visible in relation to climate action, where states assert the ambitious character of their NDC when civil society laments its lack thereof.¹²³ The absence of criteria for evaluating ambition therefore facilitates unsubstantiated claims of ambition.

Second, evaluations of ambition generally assume that ambition, understood in its positive meaning, is necessary. Seen as a response to global challenges, ambition is wanted and needed: COP decisions call for ‘stronger and more ambitious climate action’¹²⁴ while the Millennium Development Goals are evaluated positively for having ‘generated new and innovative partnerships, galvanized public opinion and showed the immense value of setting ambitious goals’.¹²⁵ And yet, the scholarship on international co-operation and treaty participation does not necessarily corroborate this argument. The more ambitious a norm is, the more potential it has to contribute to problem solving but the less effective it can be in practice.¹²⁶ Indeed, a trade-off between

¹²⁰P. S. Chasek et al., ‘Getting to 2030: Negotiating the Post-2015 Sustainable Development Agenda’, (2016) 25 *RECIEL* 5, at 5.

¹²¹K. Mathiesen, ‘How COP25 Talks Failed on Global Climate ‘Ambition’, *Euroactiv*, 16 December 2019, available at www.euractiv.com/section/climate-environment/news/how-cop25-talks-failed-on-global-climate-ambition/; C. Stam, ‘Nations Agree on Paris Agreement Rulebook, Fail on Climate Ambition’, *Euractiv*, 16 December 2018, available at www.euractiv.com/section/climate-environment/news/nations-agree-on-paris-agreement-rulebook-fail-on-climate-ambition/.

¹²²United Nations Office of the Spokesperson for the UN Secretary-General, ‘Press Conference by Secretary-General Ban Ki-Moon’, *United Nations*, 19 September 2012, available at www.un.org/sg/en/content/highlight/2012-09-19.html.

¹²³By way of example, compare Australia’s description of its first NDC as ‘ambitious’ with its assessment by Climate Action Tracker as ‘highly insufficient’: Australian Government, Department of Industry, Science, Energy and Resources, ‘International Climate Change Commitments’, *Australian Government*, November 2021, available at www.industry.gov.au/policies-and-initiatives/australias-climate-change-strategies/international-climate-change-commitments vs. Climate Action Tracker, ‘Australia’, *Climate Action Tracker*, September 2021, available at www.climateactiontracker.org/countries/australia.

¹²⁴See Decision 1/CP.21, *supra* note 104, Preamble.

¹²⁵Ban Ki Moon, ‘Foreword’, in United Nations, ‘The Millennium Development Goals Report’, *United Nations*, 15 September 2015, at 3, available at [www.un.org/millenniumgoals/2015_MDG_Report/pdf/MDG%202015%20rev%20\(July%2015\).pdf](http://www.un.org/millenniumgoals/2015_MDG_Report/pdf/MDG%202015%20rev%20(July%2015).pdf).

¹²⁶S. Maljean-Dubois, ‘La quête d’effectivité du droit international de l’environnement’, in *Actes du Colloque en l’honneur de François Ost, A quoi sert le droit de l’environnement?* (2018).

the depth of co-operation and participation often needs to be found, as overambitious agreements can result in low participation despite high effectiveness.¹²⁷ It also comes with risks that states disengage with the multilateral sphere if efforts to agree on an ambitious treaty, or to implement it, keep failing: a promise of ambition can therefore negatively affect motivation if not backed by progress. In sum, while ambition is often evaluated in international discourses, the lack of agreed criteria and the positive connotation of the term tend to taint such assessments.

Third, an ambition discourse encourages continuous progress and leaves little space for questioning this logic. By focusing on progress as positive and necessary, the international legal community assumes that regression should be avoided at all costs and the ambition narrative hides the fact that progress remains difficult, and that backsliding is a common phenomenon in international law. It does not consider important questions regarding the conditions under which backsliding might be lawful – in case of force majeure or lack of adequate international support, for instance. As a result, much legal uncertainty remains regarding the conditions under which disruptions of the scale of the 2007/2008 financial crisis¹²⁸ or the COVID-19 pandemic¹²⁹ might justify a decrease in ambition. The ambition narrative thus overlooks important legal and political realities that ought to be taken into account to better accommodate obstacles to the betterment of the international legal system. It therefore runs the risk of rendering the weaknesses of the international legal system invisible: an invocation of ambition offers a solution without having necessarily identified the origins of the problem, including the reasons for the apparent lack of ambition internationally.

6. Concluding remarks

This article started with the realization that the ambition narrative has so far been hidden by the apparently much more powerful crisis discourse. And yet, in certain situations, ambition is becoming more common in the vocabulary of international law. The objective of this study has been to understand how an emphasis on ambition instead of crisis can offer a different vision of international law. It has been submitted that an ambition narrative can propose a refreshing lens and partially respond to the shortcomings of the disciplinary focus on crisis that Charlesworth had so lucidly described in her article for the *Modern Law Review*.

Invocations of ambition in an international context might be considered an empty buzzword or naively optimistic, especially at a time when the international legal system is facing strong destabilizing pressures. Nonetheless, compared to the crisis narrative, an emphasis on ambition organizes the world differently, offers opportunities to enlarge our inquiries and to reflect on the ultimate objectives of international law in a more serene manner.

This article has shown argumentative purposes of references to ambition to be several: they design an international legal project driven by structural transformations, motivate states to commit to far-reaching objectives, and adopt a long-term perspective focused on incremental change. As a result, references to ambition have the potential to structure international law much more positively than crisis narratives: they appear as a powerful motor for change to maintain trust in the international legal system and to avoid backsliding. They can mobilize social action to create change and drive the legal efforts of the international community.

¹²⁷G. Downs, D. Rocke and P. Barsoom, 'Is the Good News About Compliance Good News About Cooperation?', (1996) 50 *International Organization* 379, at 396.

¹²⁸See, e.g., B. Warwick, 'Socio-Economic Rights during Economic Crises: A Changed Approach to Non-Retrogression', (2016) 65 *International and Comparative Law Quarterly* 249; B. Warwick, 'Unwinding Retrogression: Examining the Practice of the Committee on Economic, Social and Cultural Rights', (2019) 19 *Human Rights Law Review* 467; A. Nolan, N. Lusiani and C. Courtis, 'Two Steps Forward, No Steps Back? Evolving Criteria on the Prohibition of Retrogression in Economic and Social Rights', in A. Nolan (ed.), *Economic and Social Rights after the Global Financial Crisis* (2014), 121.

¹²⁹See, e.g., United Nations Economic and Social Council, Statement on the Coronavirus Disease (COVID-19) Pandemic and Economic, Social and Cultural Rights, UN Doc. E/C.12/2020/1 (2020), available at www.undocs.org/E/C.12/2020/1.

What does the move to the logics of ambition law mean for international law, its study and practice? Not every international legal question is, or can be, underpinned by an ambition rationale. Yet, by looking at international law as a series of ambitious projects, it is possible to change the type of questions that international lawmakers and scholars ask around how to encourage transformational change instead of accepting the status quo, how to keep state motivated by and involved in a destabilized multilateral system, or how to judge state behaviours based on conduct instead of result.

The article has shown that ambition has become a positive feature of international law that insists on a collective desire to enhance multilateral co-operation to solve global challenges. At the same time, an ambition-centred international legal system is not devoid of shortcomings related to its malleability that does not offer guidance regarding its determination and evaluation. Discourses of ambition are thus prone to be manipulated to postpone action, and the long-term goals that the international community has set for itself are likely to remain unattainable. Whether the ambition narrative can mould international law to transform it from a utopian project to a transformative one remains an open question.