

“ Environmental Wrongs & Environmental Rights”

Keynote Address

Panel Session: International Institutions and Human Rights

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Let me tell you about Tuvalu.

As some of you may know, Tuvalu is one of the tiniest nations on the Planet Earth, a mere 9 small coral atolls situated in the Pacific Ocean midway between Australia and Hawaii.

And when I say small, I mean *really* small: Tuvalu’s total land mass is just 26 square kilometers – equal to less than one-tenth of one per cent of the size of Washington, DC.

At last count (in July 2000) there were only 10,991 Tuvaluans but these mainly Polynesians are a resourceful and enterprising people. Last year, they leased their country Internet domain name, “tv”, for a reputed \$50 million, and they have done similar deals with the country’s telephone area code, leasing the 900 number to various phone companies.

More recently, the Tuvaluans have had to show enterprise and resourcefulness in order to secure their very survival.

Yesterday, President Bill Clinton told us that if global warming continues at its current pace, within 50 years the Everglades in Florida will disappear and Manhattan will lose 50 feet of its shoreline. Tuvalu, whose highest point is just 5 metres above sea level, does not have 50 years left. In 1997 three tropical cyclones left the nation almost underwater and when it happens again what is left of their fresh water aquifers will be inundated with salt water.

So the people of Tuvalu have decided they must move. They want to relocate their entire population - in order to save their lives. A few months ago, their government applied to the government of Australia, seeking permission to migrate.

I am ashamed to have to tell you that my government turned them down flat. Despite the fact that Australia has one of the highest per capita greenhouse emissions in the world, and thus must bear some direct responsibility for what is happening to Tuvalu, the Australian government has given this tiny nation the cold shoulder.

If I am ashamed to say I am an Australian when it comes to the fate of the Tuvaluans, I **am** proud to be able to say that I head an international organization that has decided its number one priority is to fight climate change and thus do everything in its power to save nations threatened by global warming.

This brings me to the subject of this morning's panel: International Organizations and Human Rights.

Perhaps when you think "international organization" you think, the United Nations, the World Trade Organization or the International Monetary Fund.

I hope I can be forgiven for saying that when I think "international organization" I think of international non-government organizations such as Greenpeace that have played such a pivotal role in protecting the environment and, as I shall argue, the basic human rights of people around the world.

Greenpeace has a thirty-year history of bearing witness to environmental scandals and atrocities, and to taking non-violent direct action to try to prevent some of these environmental crimes. We also do important, effective if often behind-the-scenes political and convention work which I will refer to later in my remarks.

In all those thirty years, we have taken no government money and no corporate money.

Everything we do is financed by our 2.6 million supporters around the world. It is they who give Greenpeace its moral authority; it can never be said that we are agents for anyone but our members.

We were in fact due to celebrate our thirty years of bearing witness and non-violent direct action on September 15 this year. We had planned an event in New York Harbour where our flagship, the *Rainbow Warrior*, would be berthed for people to come on board. Within an hour of the attacks on the World Trade Centre we had not only cancelled this event but as a mark of respect for the victims and their families we decided to abandon all of the planned world-wide activities that would have marked our birthday.

Although we do not take sides in political matters, we too are aghast at what happened in the US on September 11 this year.

TODAY I WANT TO put three propositions.

The **first** is that clean air, water, food and a healthy environment are fundamental human rights. In fact, failure to respect these rights is undermining other, better recognized, human rights.

The **second** is that just as "business as usual" isn't working as far as ecological sustainability is concerned, neither is "government as usual" delivering the goods. "Government as usual" is broken, and needs to be fixed, with respect for human rights at the core of reforms.

The **third** is that – in spite of all the bad news - the sustainable development and globalisation debates are a rich source of ideas for how governance – both state and corporate – might be made to work for, and not against, sustainability.

THERE CAN be no doubting the scale of the ecological disaster facing us. We are now past the stage where talk of melting ice caps, rising sea levels, changing rainfall patterns, and the loss of the last ancient forests can be dismissed as "irrational emotionalism" on the part of environmentalists or an "interpretative error" by scientists.

The evidence of a serious environmental decline is so overwhelming that it has been officially recognized by a series of recent Head of State and ministerial level meetings including :

- the September 2000 UN Millennium Assembly (which spoke of the "threat [to our children and grandchildren] of living on a planet irredeemably

spoilt by human activities, and whose resources would no longer be sufficient for their needs”); and

- the September 2001 UN Regional Ministerial Meeting for the World Summit on Sustainable Development – representing ministers from Europe and North America, which noted: “The environment and natural resource base that support life on earth continue to deteriorate at an alarming rate”.

Even the CIA, in its *View of the World in 2015*, paints a bleak picture of stresses on cropland, water, forests, and widening gaps in technology and income, all exacerbating political instability and chronic poverty.

Greenpeace has been saying this for more than 10 years but now that governments and intelligence agencies are finally agreeing with us it is time to do something about it. As Bill Clinton said yesterday, “This is a serious business”. I want to put to you today that it is time for the world to get very serious about stopping our assault on the planet.

Before addressing the human rights and governance issues in more detail, let me note the important role of activism in alerting the world to danger and injustice, and note also the right free speech and assembly play in advancing human rights.

Just as activists were among the first to signal many of the current ecological problems, they have been among the first to point to some of the solutions. Their role in developing a legal framework for environmental protection remains a key, if little recognized, contribution.

History confirms that when governance systems – even democratic ones – fail to reflect popular concerns, activist groups play a crucial role in directing focus to these issues.

Often, many Greenpeace campaigns were initially portrayed by government and industry critics as “emotional” or “unscientific” and our direct actions as “illegal”. But it is in the nature of organizations like Greenpeace to challenge existing laws if these are judged to be inadequate to their task.

In Greenpeace’s experience, the record shows that while campaigns against ozone-depleting CFCs, greenhouse gas emissions, over-fishing, toxic discharges into rivers and oceans, and nuclear power sometimes resulted in the breaking of (usually national) laws, our protests sparked media and public concern about policy failures. These have in turn been translated by the political process into changes to the relevant laws. In short, the “law-breakers” become – in effect – “law-makers”.

Let me give you some very concrete examples:

- . the protection of Antarctica from all but peaceful scientific research;
- . the ban on commercial whaling;
- . the UN Climate Change Convention and Kyoto Protocol commitments to reduce greenhouse gas emissions;
- . the Stockholm Convention on Persistent Organic Pollutants;
- . the Cartagena Bio- safety Protocol;
- . the EU bans on drift-netting and establishment of fish catch quotas

These are all examples of where Greenpeace was pivotal in pointing to problems and demanding protection of the rights of humans and the wider eco-system – and in most cases where we also sat at the table to assist in finding legal frameworks to provide these protections.

Fundamental human rights enshrined in the Universal Declaration of Human Rights (UDHR) have direct and indirect implications for environmental rights. Degradation of the environment, through climate change, forest loss, pollution of the air and water, to take a few examples, is already undermining rights to property, health, social order, and culture.

Warmer seas are killing off coral reefs and related ecosystems. As in the case of Tuvalu, some nation states will ultimately be forced to abandon their homelands. In Central America, cyclones are now routinely killing tens of thousands and making many more homeless.

It is clear that a progressively unsustainable planet offers ever-diminishing human rights.

As the case of climate change illustrates, non-sustainable behaviour – such as the continued use and promotion of fossil fuels, and the failure to give priority attention to the full exploitation of energy efficiency and renewable energy technologies – is and will continue to affect the rights of everyone on earth.

This leads me to assert two principles based on sustainability and human rights.

The first is that ecological sustainability must be recognized as a basis of existing and evolving human rights. In an integrated, borderless ecosystem, there is no “half” sustainability, where one country is sustainable and its neighbour is not. There is no point traveling first class if you’re on the ‘Titanic’. Without an enforceable right to a clean and healthy, and sustainable environment, all our other rights are at risk.

Second, ecological responsibility means that no country or company should be allowed to release polluting chemicals in one part of the world that can harm people in other parts of the world. If they do, they should be held accountable.

I could also suggest a third right, that every human being has an equal share in, and responsibility to preserve, the global commons. On this principle, countries such as the US and Australia would be required to dramatically decrease use of fossil fuels, while at the same time helping countries like China and India in developing their own renewable energy sources rather than have them go the dirty way of the West.

The existing 'polluter pays' and 'precautionary' principles – to the extent they are observed – reflect a recognition that pollution and degradation of the environment must be constrained. If sustainability is recognized as a human right, it becomes easier to develop principles and policies which fully integrate environmental externalities into our economic and political systems.

Which brings me, finally, to the issue of global governance and the question whether national governments can ever hope to govern the global commons in an effective manner.

In spite of the many new environmental laws and policies over the last decades, the state of the planet continues to deteriorate, often at a faster rate than ever. Clearly "government as usual" and "business as usual" are inadequate to meeting the challenge. Indeed, they may BE the problem. Nor are our current international institutions necessarily up to the challenges.

Let me give some examples.

We can point to a 'democracy gap' whereby international bodies such as the World Bank and WTO are responsible to representatives of states, who are pursuing national interests. In the absence of a global body with responsibility for safeguarding the global commons and interests, the global, regional and even local risk being traded off against the national.

While the national representatives at the UN Millennium Assembly in September 2000 agreed that globalisation "offers great opportunities" and should become "a positive force for all the world's people", no electorate has been directly invited to vote on what form of globalisation it wants. We are being given globalisation without representation. (This concern has led to several recent proposals for a world parliament. The more promising of these suggest greater use of national parliamentarians, linked by the internet or as a special UN Assembly).

I should also take this opportunity to state that it would not be plausible for Greenpeace, as a global organization, to be anti-globalisation – and we are not. We are **not** part of the violent protests that, prior to September 11, had become a routine accompaniment of meetings of global organizations.

This does not mean, however, that we are not critical of the short-comings of some of the international bodies meant to protect people's interests against governments and corporations.

For instance, we can point to an 'institutional gap' whereby at the global level, for global issues, no one is in charge. The fact that the UN General Assembly, the WTO and the World Bank are not institutionally-linked by a common governing body exacerbates "right hand/left hand" tensions and inconsistencies.

All too frequently, governments pledge to protect the environment in one forum, only to trade it away in another. Such inconsistencies as this enable the WTO's 3- man Disputes Settlement Panel to overrule national legislation, but no such similar authority exists, for example, for the UN Environment Programme (UNEP).

There is also an "implementation gap" : the long list of incompletely implemented laws (e.g. Kyoto), or pressing problems where effective policies are not in place (e.g. climate change) only fuel suspicions about a democratic breakdown and/or excessive corporate influence over governments.

Can we point to a "finance failure"? Can it really be the case that "it costs too much" to save the planet? This is the impression we get from declines in net ODA, and reductions in budgets for key UN agencies. For instance, UNEP receives less in core funding from governments than Greenpeace receives from the public.

Nations or companies cannot expect to continue privatizing the benefits and profits that result from increased access to resources and markets, such as lower transaction costs, while passing on the costs - in the form of increased pollution, reduced local powers, restricted human rights - to the public.

So far, nation states have shown limited inclination to engage in much more than the vocabulary of consultation and reform. As yet, there is no formal process to reform the architecture of the United Nations, the Bretton Woods agreements and the WTO, much less to convene an open public debate about how these institutions might evolve to address the challenges of sustainability and human rights in the 21st century.

There is no national-led debate about a global parliament or integrated discussion about how the global commons might be protected.

We still do not have a World Environment Organisation which can monitor and link climate, oceans, forest and other ecological critical issues.

In the run-up to the World Summit on Sustainable Development (WSSD) in Johannesburg next September there are still few signs that the developed world will either increase the long-promised "new and additional" financial assistance to the developing world, or implement commitments to move towards sustainability. The USA, the world's number one greenhouse gas emitting nation, remains opposed to the internationally-agreed mechanism to respond to climate change (the Kyoto Protocol) and has produced no alternative proposals for action. OECD governments continue to subsidise and purchase from polluting industries.

Yet these issues must form part of a holistic approach to tackling the sustainability and human rights issues effectively.

We must also include poverty alleviation and other development issues in the sustainability debate. Greenpeace is actively engaged in this debate at present, spurred by our decision to open offices in India, South-East Asia and China. This will change us, not in who in essence we are, but in how we do some of the things we do. But just as we are calling on governments and corporations to adapt and change, we recognize that we too must be able to respond to the demands of the planet and its people. We cannot remain a Euro-centric organization and we will not.

There are fears in some quarters that talk of greater role for "civil society" at the international level is code for less legislation and more authority to corporations. This would be wrong and dangerous.

A major part of the 'anti-globalisation' protest is directly about corporate power, and what is perceived as its undue influence on government and its lack of responsibility and accountability. Everywhere we look, human rights seem to come second to corporate rights. Corporations enjoy tax and subsidy privileges not open to individuals. Shareholders' rights are placed above the rights of local citizens and stakeholders in countries where companies operate.

These are among the many reasons why NGOs are now calling for a new international convention on corporate control.

This leads me to conclude with the proposition that human rights must never be inferior to corporate rights. Corporations, like humans, have a responsibility to respect ecological sustainability along side other human rights, and should be held fully accountable if they do not.

It might be too late for us to save Tuvalu but it is not too late to avert the catastrophe that awaits the world if we fail to address the climate change crisis.

Yesterday, in his speech President Clinton twice identified the environmental crisis as needing our urgent attention. Interestingly, for those of who have been frustrated by the refusal of the United States to sign and ratify the Kyoto Protocol, Mr Clinton said, "America has to do its part".

Just two weeks ago, in a remarkable speech delivered to the Labour Party conference in Brighton, the British Prime Minister Tony Blair said – in the middle of a speech about how we ought to respond to the terrorist attacks of September 11 – "We could defeat climate change if we chose to".

He went on to say, "Kyoto is right. We will implement it and call upon all other nations to do so."

The world can only hope that, with pressure of this kind, the Bush administration will abandon its solo course on energy policy and join with the rest of the world in seeking to reduce greenhouse emissions – and so begin to address the climate crisis that is upon us.

Ratifying Kyoto would not completely solve the problem but it would be a start, it would be, if I may paraphrase from another context, a great leap for mankind.

Thank you.