Introduction to the Symposium: Linking the Environment and Human Rights: A Global Perspective

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Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations.¹

Statistics reflecting the impact of environmental degradation on humanity are frightening. Over 850 million people currently live in areas subjected to desertification.² Since 1970, one-fifth of all the land on Earth dedicated to agricultural production has turned into desert.³ Close to half a billion people, largely women and children, live in highly polluted rural areas that are extensively impoverished, and a staggering 500 million premature deaths each year are caused by high pollution levels in cities.⁴

¹Declaration of the United Nations Conference on the Human Environment (Stockholm, 1972), Principle 1, available at http://www.unep.org/Documents/?DocumentID=97&ArticleID=1503 (last visited Nov. 12, 2004). The Conference on the Human Environment ("Stockholm Conference") was held in Stockholm from June 5 through June 16, 1972. Louis B. Sohn, The Stockholm Declaration on the Human Environment, 14 HARV. INT'L L.J. 423 (1973). The stated objectives of the Conference were to "create a basis for comprehensive consideration within the United Nations of the problems of human environment and to focus the attention of Governments and public opinion in various countries on the importance of the problem." Id. at 424-25 (citation omitted). It adopted, in addition to the Declaration, a "detailed resolution on institutional and financial arrangements" along with "an ambitious action plan." Id. at 423.


³Id.

⁴Id.
Environmental degradation leads to human rights crises, such as the current plight of the Sudanese in that nation’s Darfur region, where drought and poor land management has pushed northern Arab nomads into southern farmlands.\(^5\) While government forces and militias are directly to blame for violence against innocent civilians, the underlying cause of the conflict is the desertification of northern Darfur over the past twenty years.\(^6\)

Violent conflicts arising from environmental degradation, however, are not limited to the African continent alone. Deforestation and soil erosion in the Philippines, Mexico, and Pakistan has also led to widespread poverty, violence, and rebellion.\(^7\) In fact, numerous studies suggest that “ecological stress is often a cause of conflict within nations (and even, occasionally, between nation-states).”\(^8\) Though horrifying, such conflicts typically escape the attention of both mass media and national agendas across the globe.

Scholars are still discussing the connections between human rights and the environment more than thirty years after the Stockholm Conference. The issue’s profound importance to the future of humanity prompted the William and Mary Environmental Law and Policy Review (the “Review”) to invite a variety of renowned scholars to Williamsburg for a discussion of global environmental human rights issues. Academics, policymakers, attorneys, faculty, and students, acknowledging the symposium’s potential to address, and ultimately answer, broad questions with implications for all of mankind, assembled for Linking the Environment and Human Rights: A Global Perspective, on March 26 and 27, 2004. The symposium focused on the role of international law and legal institutions in furthering environmental conservation and the protection of human rights.

The symposium’s first panel, Issues of Global Concern, was moderated by Mr. Pep Fuller, former Counselor of International Affairs for the United States Environmental Protection Agency.

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\(^6\) Id.
\(^7\) Id.
\(^8\) Id.
Marshall-Wythe Foundation Professor of Law at William and Mary School of Law, Linda A. Malone, and Mr. Scott Pasternack, Assistant Corporation Counsel of the Environmental Law Division, New York City Law Department, discussed various strategies that civil societies employ in order to enforce international environment law. The University of Denver's Thompson G. Marsh Professor of Law, Ved Nanda, presented on international tribunals' recognition of the right to a healthy environment.

Christie Warren, Adjunct Professor of Law and Deputy Director for International Programs and the Courtroom 21 Project at William and Mary School of Law, moderated the second panel, entitled Legal and Cultural Issues Facing Native American Populations. Mr. Russel Barsh, Director of the Center for the Study of Coast Salish Environments, gave a Coast Salish reflection on environmental regulatory failure. Ms. Susan Harjo, President and Executive Director of the Morning Star Institute, addressed the ongoing threat to Native American sacred places and religious freedom.

The third and final panel, Select Issues in South America and Beyond, moderated by Professor Linda A. Malone, included the Eberhard Deutsch Professor of Public International Law at Tulane Law School, Gunther Handl, who discussed the aftermath of Flores v. Southern Peruvian Copper Company,9 and the potential for ACTA-based environmental human rights litigation. Associate Professor of Law at Stetson College of Law, Luz Nagle, offered insight into the environmental impact of Colombia’s guerilla conflict and its war on drugs; her Article on the same subject can be found on page 1 of this Issue.10 Finally, Mr. David Bookbinder, Washington Legal Director of the Sierra Club, addressed the effects of illegal logging around the globe.

9 343 F.3d 140 (2d Cir. 2003) (affirming district court’s decision that Peruvian plaintiffs, who had brought personal injury claims against Southern Peruvian Copper, an American company, alleging that their severe lung disease had been caused by the company’s smelting and refining operations in Peru, did not have actionable claims under the Alien Tort Claims Act).