

**REMARKS BY
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Thank you very much for that generous introduction. I would like also to express my sincere gratitude to the Standing Committee on Environmental Law, the Section of Environment, Energy and Resources, and the American Bar Association for bestowing this award on me.

I am deeply honored by this award, especially because it is given by the American Bar Association (ABA). The ABA, which is the largest voluntary professional organization in the world, has been a strong force for environmental protection in the United States and around the world. The Standing Committee on Environmental Law, the Section of Environment, Energy and Resources, the International Law Section, other parts of the ABA, and the ABA as a whole have been very active on issues such as environmental justice, environmental law enforcement, sustainable development, toxic chemicals, oceans, climate change, and the environmental and health aspects of trade and investment agreements.

I also accept this award with a profound sense of humility. The struggle for a healthy planet is enormously tough and has many theaters, with many warriors. I am keenly aware that there are many others who are deserving of this award, some of whom are even in this room. In addition, it is humbling to be added to the distinguished list of previous winners. In fact, this is the second time I am accepting this award; when Louis Sohn won the award he was prevented from attending by poor health, and he asked me to accept it for him. I must admit that it is nicer to accept it in my own name; but it nevertheless gives me pause to realize that I have joined the ranks of Professor Sohn and the other distinguished recipients of this award.

Each of us has our own reasons for our passion to protect the environment. Mine stems from several sources. One is the combination of the breathtaking beauty, awesome power and spiritual inspiration of nature - - something I was reminded of last week as I kayaked with my family off Vancouver Island, with bald eagles soaring overhead, orcas breaching in front of us, and snow-capped peaks of the Olympic Peninsula in the distance. Another source is the experience and knowledge of the outdoors that I owe to the passion and insights of my parents. I want to pause here and thank each of them for their love, examples and counsel.

A third is the perspective I gained from my experience as a Peace Corps Volunteer in southern India from 1969-1972. I had applied to the Peace Corps for reasons of poverty alleviation and social justice, but I found that I learned much about the environment, human health and safety in the process.

I lived on a 2 ½-acre farm that supported five people in a place that once was verdant jungle but which, because of over-cutting and over-grazing, had become eroded and barren of trees, with decreasing rainfall and an ever-sinking water table. This resulted in women needing to walk further and further to find firewood and in children being kept out of school to help their mothers. The connection between poverty, quality of life, justice, and the environment could not have been clearer. This, of course, is the essence of sustainable development, although we did not then use that terminology. I reacted by offering local farmers free trees, some of which still survive

though the area has become quite industrialized. But obviously this was but a small step that did not remedy the overall situation, which was systemic.

Another insight came from the food packaging activities of the large cooperative I helped run. I found appalling working conditions, with workers forced to breathe particle-laden air. Improving air circulation proved fairly easy, but the situation demonstrated to me the relationship between environmental conditions and worker health, the fact that simple solutions can often be very effective, and the fact that good people and institutions often inadvertently act in ways severely detrimental to protecting human health and the environment.

A different type of insight arose from the occasional work I did translating for a Danish volunteer collaborating with a local Oxfam affiliate to drill bore wells in poor villages. On arriving in one such village, which was comprised completely of untouchables, I asked what the village was called. I was informed it had no name, but instead was referred to by reference to the nearby higher-caste village, from which the untouchables begged or purchased water (for example, with manure that the untouchables had collected). After we successfully drilled for water, however, pandemonium ensued: The villagers rushed together and chose a name for their village. Access to water had changed their self-image and empowered them, even within their tight cultural system.

What lessons can we draw today from these examples? I will mention four.

The first lesson is that environmental problems are interrelated with other issues and cannot be considered in isolation. This was true of the situations I encountered in India; and it applies to specific accomplishments listed in the letter nominating me for this award, i.e., germinal work in: developing the concept of differential norms and common but differentiated responsibilities; establishing that sustainable development requires integrating economic, social and environmental policies and maintaining its recognition as the overarching development paradigm; exploring the proper balance between trade and investment liberalization and environmental protection; and elaborating the relationship between human rights and environmental protection, including climate change.

The second lesson is that environmental problems persist. Deforestation, species loss, environmental justice, workplace and other exposure to toxic chemicals, and shortage of freshwater are all still problems, not only locally but on a global scale. Moreover, we now know that the oceans are severely threatened, with the probable disappearance of all commercial wild fisheries by 2050, that is, within the lifetimes of the young people at this ceremony; and we have learned about the extraordinary dangers posed by depletion of the ozone layer and climate change.

Third, however, we have learned that there is hope. The international community is well on its way to solving the problem of ozone-layer depletion, for example, and some progress is occurring in other areas.

At CIEL, we are working on these and other issues, using a sustainable development approach that emphasizes the importance of transparency, accountability and public participation. We are doing cutting-edge work on issues such as:

- Holding international financial institutions accountable for their activities, such as a sugar cane/biofuels project in Nicaragua that is harming workers and local communities that was funded by the International Financial Corporation;
- Ensuring the right and implementation of prior informed consent (PIC) by resource-dependent communities to actions that affect those resources;
- Properly including environmental, health and safety in trade, investment and intellectual property agreements;

- Strengthening the regulation of chemicals, nanotechnology and biotechnology, here and internationally;
- Providing indigenous peoples and forest communities a voice in the climate change negotiations; and
- Adding transparency and opportunities for public participation to the entire gamut of international dispute settlement institutions and processes.

It is illuminating to look in more detail at one aspect of this work – that is, CIEL’s efforts to achieve recognition of, and elaborate the relationship between, climate change and human rights, because this work demonstrates a fourth lesson that was also evident in my experience in India: the critical importance of teamwork.

CIEL first became involved in establishing the relationship between human rights and climate change because of a series of workshops among NGOs to consider climate change litigation possibilities, and then more specifically when we were approached by Sheila Watt-Cloutier, the leader of the Inuit Circumpolar Conference, with a request that we help the Inuit People.

The Inuit live in the Arctic areas of Canada and the United States and in Greenland. It is beyond cavil that the Arctic is warming; even the United States government has officially recognized this. There has been an alarming decrease in summer sea ice, with a 23% decrease just in the last couple of years; and the permafrost is no longer permanent and in some areas is not even frost. This situation has resulted in many specific impacts that implicate well recognized human rights. For example:

- Buildings, roads and airstrips are sinking or collapsing as their foundations melt; and houses and other buildings are falling into the sea as the coastline erodes due to the absence of shore ice. These violate the right of Inuit property owners’ to use property.
- Hunting is central to the Inuit diet and culture. Sea ice melts from the bottom, making it difficult or impossible for a hunter to tell that a stretch of ice has become unsafe, with the result that hunters are falling through the ice, losing either their legs or their lives. This violates Inuit individuals’ right to life.
- The Inuit travel long distances over ice for hunting and other purposes, building igloos to protect themselves at night or from storms. The composition of the snow has changed from the warmer conditions such that the snow is no longer suitable for building igloos. Besides the added danger and corresponding implication for the right to life, this violates the Inuit’s right to enjoy culture.

Working with another NGO (Earthjustice) and the Inuit’s lawyers, CIEL filed a petition on behalf of Sheila Watt-Cloutier and other named Inuits against the United States in the Inter-American Commission on Human Rights. This petition was greeted by laughter in many quarters, including in a conference on mineral law attended by my wife. The Commission, after many months, decided not to allow the petition “at present”. Through discussions with Commission staff, however, we learned that the Commission might agree to hold a thematic hearing on human rights and climate change, which we then requested. The Commission agreed; we testified along with Sheila and other attorneys from our team in March 2007; and the Commission web cast the hearing around the world. Before the hearing, the Chair of the Commission expressly thanked Sheila for “putting this important human rights issue on our agenda. By this point, nobody was laughing.

As a result of this work, CIEL was asked by an official of the Republic of the Maldives to work with it on the human rights and other human impacts aspects of how climate change affects small island and other low-lying States. The Republic of the Maldives consists of approximately 1200 islands, none of which is more than 2 meters above sea level, off the southwest coast of India. Sea level rise and more violent storms and waves caused by climate change endanger not only lives and property in the Maldives, but the very existence of the country itself. The President of the Maldives, recognizing these dangers, began warning of climate change and demanding action as early as 1987. The Maldives government has already begun building barriers around several islands, including

the island that constitutes the capitol city of Male; and it has begun moving populations from the most vulnerable islands to safer ones.

Together with the Maldivian and Swiss governments and another NGO, CIEL co-sponsored a conference of small island States to consider the human impacts of climate change. At that November 2007 conference, States adopted the Male Declaration on the Human Dimension of Climate Change, which called upon the Alliance of Small Island States (AOSIS), the Office of the High Commissioner on Human Rights (OHCHR), the UN Human Rights Council, and the UN Framework Convention on Climate Change to take various actions with respect to the effects of climate change on the full enjoyment of human rights. As a result of further work by the Maldivian government and others, the UN Human Rights Council adopted by consensus a resolution based on the Male Declaration, calling on the OHCHR to conduct a study into the effects of climate change on the full enjoyment of human rights, especially economic, social and cultural rights, and putting the topic on the Council's March 2009 agenda. CIEL is now working with the Maldives and others to prepare submissions to the OHCHR in connection with this study. We are also involved in related work with respect to the Organization of American States and the UN Security Council.

A final factor in this story relates to the fact that NGOs such as CIEL require funding, including to do work on climate change and human rights. Two foundations in particular have supported our work with respect to climate change and human rights, even after the Inter-American Commission decided not to proceed with the Inuit's petition. Principal among these are the V. Kann Rasmussen Foundation and the Westwind Foundation; this work simply would not have been possible without them. Other foundations that have specifically supported this work include the C.S. Fund and the Oak Foundation; and general support from the Wallace Global Fund and others has also been essential. Each understood that adding the human rights dimension into the climate change dialogue and negotiations would not, by itself, solve this immensely complex and extraordinarily difficult problem; but they also recognized that ignoring or excluding the human dimension of climate change would result in an inadequate process and unsuccessful outcome.

This story thus illustrates the fourth lesson and brings us to the conclusion of my remarks. The lesson is that progress in protecting the environment and health requires teamwork, often among a very diverse set of actors: this is not a solo effort. Successfully planting trees and drilling wells in poor villages in India required teamwork among many individuals and sometimes also among several organizations, just as dealing with climate change or protecting human rights does. Indeed, it strikes me that "teamwork" may be too weak a term. What I saw in India, and what is involved in successful environmental protection efforts everywhere, can more accurately be described as "proactive cooperation and interdependence".

In closing: I want to thank everyone who is part of the global environmental protection and rule-of-law efforts, particularly those in the American Bar Association, many of whom are here today – you know who you are, and I thank you. In addition, I would like to thank several sets of individuals for their support and guidance: members and staff of indigenous peoples' groups such as Sheila Watt-Cloutier and the Inuit Circumpolar Conference; other NGOs; the officials and staff of inter-governmental organizations and governments, exemplified here today by Dinah Bear; CIEL staff, Board of Trustees and Advisers, represented here today by Trustee Rich Tompkins, former interns Blaike Hannay and Natalia Jimenez, and Adviser Dinah Shelton; CIEL's funders who have made our work possible; and friends who have provided essential counsel and support throughout my career, exemplified here today by the Brazier/Williamson family, who among other things have gently reminded me that there are many cultural values and viewpoints within the United States. And finally, I would like to thank my family. I already spoke of my parents. My sister and her family are here, as is my brother Dean's son, who like my grandparents, uncles and aunts, and other family members have been consistently supportive. I owe a special debt of gratitude to my children -- two of whom are here -- and my wife, Lucinda Low – my helpmate, close friend and professional colleague – because they have not only provided unstinting encouragement and support but also have

borne many sacrifices as I was away from home on travel or stressed out while I was at home. I thank you all from the bottom of my heart.

The price of a healthy planet, like the price of freedom, is eternal vigilance. I look forward to working with all of you in seeking a better future for ourselves and our children.

Thank you.