

VERMONT LAW REVIEW

VOLUME 16 NUMBER 2

WINTER 1992

SPEECHES

HUMAN RIGHTS AND THE ENVIRONMENT: FACING A NEW WORLD ORDER

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VERMONT LAW SCHOOL COMMENCEMENT, MAY 18, 1991

Thank you very much Doug [Costle] for that very kind introduction. Your Dean and I have known each other for almost twenty years now. We served together in the Carter Administration and it doesn't surprise me at all that, after his years here at Vermont Law School, this school is now recognized as possibly the best law school in America in the field of environmental law and in a lot of other fields as well. I congratulate you for a magnificent period of leadership.

And, of course, the graduates—I want to congratulate you. It was thirty-five years ago (ouch) that I sat where you are, graduating from the University of Minnesota Law School. I have some idea about what is going through your minds.

And parents, I want you to know that last year the Mondale family saw the younger of our two sons graduate from law school. I know what's going through your minds—just think, a life without having to pay more tuition. It was the most noble and exciting period of the Mondale life and I think you'll find it the same way.

I said that I think I know a little bit about what's going through the students' minds. But there is a big difference between the life that we looked at thirty-five years ago as new lawyers, and the one which you're looking at now. You are graduating at a time when there is a new opportunity and a new hope for the world.

When I graduated, everything that we looked at was dominated by the world struggle between the United States and the Soviet Union, between democracy and communism. Everything that we did at home and abroad was shaped by this struggle. Our relationship with the Soviet Union was frozen in hostility. There didn't seem to be any hope—we'd keep trying this and trying that, weeks and months and years would go by, but the bottom line was things just kept getting worse. The nuclear arsenals would build, threatening the entire world, and psychiatrists were reporting that American youths were beginning to doubt that they would live out a full life. Now the exciting and astonishing fact of your life is that the events of the past few years now make possible what we only dreamed about during most of my public career. The dramatic end of the cold war, in fact, offers a very special opportunity to build new levels of peace.

In our new world of instant information and communications, the forces of technology and commerce are shrinking distances and bringing us all closer together. The dramatic increase in our global interdependence now requires us to craft global responses. We must be willing to rethink some of our most basic assumptions, and we must be prepared to reshape our institutions to fit these new realities.

In particular, we must reassess our unquestioned respect for national sovereignty and our faith in the capacity of the nation-state to respond fully to the challenges we face. There are two areas that I want to talk about where I think this reality strikes hardest. One is human rights and the second is the protection of our environment. Each of these requires us to look beyond our own nation—these problems cannot be solved just at home—and to understand what we have in common with our fellow human beings on planet earth. Just as we have breached the corporate shield to make ours a more civilized nation, now we must breach the veil of national sovereignty to make ours a more civilized world.

Recently, the human rights challenge has been brought home to us again by the horrible tragedy which has taken place among the Kurdish people of Iraq. What has happened there must prompt us to question our traditional reverence for the nation-state and its claim to all immunity from outside intervention. The enormity of the Kurds' suffering at the hands of their own government suggests that the principle of national sovereignty enjoys a sanctity which is no longer justified when balanced against such

abuses and atrocities. The old axiom of international law and diplomacy—"no intervention in the internal affairs of another country"—too often has ended up as a shield protecting the brutality of tyrants. With the blessings of this principle, dictators have been free to do anything so long as they keep it within their own borders. In the name of international law and *realpolitik*, we have been all too willing to draw lines that exempt large sections of the world and millions of our fellow human beings from our concern for basic human rights and freedom.

Thankfully, this is beginning to change. We are beginning to recognize that national sovereignty does have limits. In Western Europe, for example, we see nations ceding some of their sovereignty to a common European community. We also have seen signs of recognition that national sovereignty has to give way where human rights are involved. These signs are found in the United Nations Charter, in the Universal Declaration of Human Rights, and in the Helsinki Accords.

However, considerable debate remains about how to enforce these standards. The central principle that needs to be reviewed is found at the heart of the preamble to the United Nations Charter, adopted in 1945, which states: "Nothing contained in the present charter shall authorize the United Nations to intervene in matters which are essentially the domestic jurisdiction of any state or shall require the members to submit such matters to settlement under the present charter." In other words, what is within a state's boundaries is its own business. Not surprisingly, countries, and particularly tyrants running those countries, are very quick to raise this defense. Thus, Iraq's protests so far have inhibited the United Nations from taking the lead to protect the refugees inside Iraq. And also not surprisingly, China and the Soviet Union are resisting a United Nations' response to the Iraqi tragedy for fear that it might set a precedent later to be used by the citizens of Tibet or of the Baltic Republics in appealing for help from the world community within the national boundaries of those nations. Our conscience can no longer be detained at a nation's border crossing. With our response to the Kurdish tragedy, I hope we are seeing the further development of a global conscience.

Television now brings us close to the faces and voices behind the suffering of fellow human beings who used to be beyond our view. Being a witness to even a stranger's suffering establishes a moral relationship. In a world of mass death and systematic mur-

der, the moral boundary markers of nationality, race and class must fade away. A century of genocide and of total war has forced a recognition of our common humanity. The way stations on this road to a global conscience are many. They are found in the genocide of the Armenians, Stalin's Russia, Hitler's Auschwitz, Pol Pot's Cambodia, the Vietnamese boat people, the ruin of Lebanon, China's brutal repression of Tibet and its more recent massacre in Tiananmen Square, and, now, the dreadful mistreatment of the Kurdish refugees in Iraq. In the future, the claims of national sovereignty will continue—must continue—to lose their immunity from the claims of our common humanity.

Similarly and increasingly, the claims of our physical and natural environment are also challenging the prerogatives of the nation-state. The reality is that pollution and environmental ills have no respect for national boundaries. They cross them with impunity. At a time when the ozone layer is deteriorating and the greenhouse effect threatens massive climate changes, the very notion of "purely domestic and internal matters" seems little more than a quaint anachronism. We were first alerted to the nuclear disaster at Chernobyl when radioactive fallout in the atmosphere was detected by Scandinavian testing equipment outside the boundaries of the Soviet Union. The forests and lakes of Scandinavia are being poisoned by industrial pollution from central and eastern Europe. The government of Canada cannot protect its own water and forest resources from acid rain without cooperation from the United States. Eighteen nations share the polluted waters of the Mediterranean. The actions of one nation inevitably affect the well-being of others. In places like Indonesia, Sub-Saharan Africa and Central America, there is a migration of so-called "environmental refugees," victims of environmental degradation which has made their land incapable of supporting human beings. Global environmental threats give new reality to traditional concepts of collective security.

Your generation must assign a far greater prominence to the practice of multilateral diplomacy. Unfortunately, most governments remain far more experienced in conflict than in cooperation. Our present modes of international cooperation are unequal to the tasks ahead. Responding to environmental degradation presents challenges to all of us. It will require innovation in science and technology, in politics and government, in diplomacy, business and industry, in education, and of course, in the law. We need to de-

velop a new sense of international and national urgency to deal with this growing problem of international environmental damage.

Part of this problem, a fundamental part of it, is that so much of the world is without democracy and freedom. If you look at what we have now learned about Eastern Europe, one of the most dramatic things is that the environmental damage—the environmental holocaust that has been visited upon the people of Eastern Europe—suggests that where you don't have liberty and freedom, the possibilities for environmental devastation are extreme. In the Silesia region of Poland the average level of lead in children's blood would be reason for immediate hospitalization in our own country. In some areas, families are actually living in caves and in underground mines to try to escape polluted air. The communist system apparently can treat the environment as ruthlessly as it did its own human beings.

We are now beginning to recognize that the claims of our global ecosystem, like human rights, must override those of any particular state or community. But, establishing this principle for the long-term depends on expanding the community of democratic nations. In Latin America, in Eastern Europe, and across Asia we have learned two things in recent years: first, that people of all cultures yearn for justice and freedom; and, second, that cultivating a free democratic order is an enormous task, especially in adverse economic circumstances. But without a commitment to human rights and democracy, there will not be much that is "new" in the "new world order." We should recall some of our own fundamental beliefs about international relations: (1) democracies do not make war against each other; (2) democratic societies are more tolerant and peaceful than others, and certainly more productive; and (3) democratic nations are more likely to cooperate with one another and work together in responding to common challenges. Thus, international peace and security are nourished by enlarging and strengthening the democratic community of nations. Now, given the crisis in our ecosystem, the very survival of humanity may depend on it.

What I mean here by democracy is not just something in a political science textbook. At a fundamental level democracy is about making the human spirit grow and thrive. Tyranny, its opposite, is about violence to this spirit—it is a daily, minute to minute, insult to the human potential. Our world is a lesser place when human talents are wasted by oppression and suffering. Many of

you have heard about the Chinese scientist, Fang Lizhi, who is now living in exile in Princeton, New Jersey. In the midst of the debate over whether China would become a democracy, he stated the case for a free society. Democracy, he said, means genuine pluralism rather than personalized attacks on the opposition. It means controlling corruption through public accountability. It means upholding the right to complain about injustice of all kinds. It means supporting the fundamental idea of shared human rights. It means governmental responsibility to its citizens. It means not relying on informers and not taking punitive action on the basis of casual suspicion. And, it means refusing to quote as wisdom the observations of political leaders who know nothing. This is a powerful vision which cannot be checked by any national border, for it is the universal idea that inspires and unites all humanity. We must support it wherever we can in the world.

As new lawyers you have the awesome stamina, the clear eyes, the honesty, and the trained gifts of leadership that we need. Upon you will rest the burden of developing this much needed new world. Don't let us down.