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# CONFERENCE ON HUMAN RIGHTS, PUBLIC FINANCE, AND THE DEVELOPMENT PROCESS

## RESPONSE TO KATARINA TOMAŠEVSKI

Barbara Bramble\*

I would like to conclude the Development Conference metaphorically, by placing some environmental spokes into the developmental wheel. My organization, the National Wildlife Federation (NWF), was founded more than fifty years ago<sup>1</sup> and specializes in natural resource preservation, wildlife and habitat management, and pollution control.<sup>2</sup> Although the work of the NWF has profoundly changed the approach organizations take toward a number of issues, and has influenced the views that these groups espouse regarding the relationship between the environment, development and human rights, human rights work is conducted through law, and through universally accepted norms, definitions and concepts. Development, on the other hand, remains essentially the opposite, lacking rules, accountability and laws. In the United States, however, the environmental movement has managed to develop within the legal system. Organizations advocating environmental protection began to form at the end of the last century. The Sierra Club,<sup>3</sup> for example, will celebrate its one hundredth anniversary in 1992. For a time, these organizations concentrated on the preservation of certain

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\* Director for International Programs, The National Wildlife Federation.

1. See THOMAS B. ALLEN, *GUARDIAN OF THE WILD; THE STORY OF THE NATIONAL WILDLIFE FEDERATION, 1936-1986* 18-40 (1987) (describing the formation of the National Wildlife Federation in 1936). The NWF estimates that four million Americans are members, subscribers, or supporters of the organization, making it the largest environmental organization in the United States. *Id.* at 4.

2. See *generally id.* at 1-17 (providing a detailed description of the activities, goals and methods of the National Wildlife Federation).

3. See MICHAEL P. COHEN, *THE HISTORY OF THE SIERRA CLUB 1892-1970* at 9 (1988) (describing the founding of the Sierra Club, and providing extensive information on the Sierra Club's activities since). John Muir and Robert Underwood Johnson organized the club to promote the founding of Yosemite National Park. *Id.* The first meeting of 27 individuals was held on June 4, 1892. *Id.*

places that were of national, aesthetic, or emotional importance. At the same time, there were professional scientists, who were interested in understanding biology, ecosystem science, and a number of other very specific disciplines. However, there was little coordination between the environmental advocacy groups and the scientists. The scientists were unskilled advocates, and the true advocates were not interested in science.

Neither group made significant progress in affecting the direction of development and in identifying the long term global impact of almost 250 years of industrialization. We see now that the stability of the climate, atmosphere, and oceans are all at risk when uncontrolled industrialization and development occurs. From the late 1960s to the 1970s, environmental laws based on human rights began to develop. These human rights are grounded in the relationship of people to their government and in the self-determination of people to utilize natural resources. The location of developmental projects is just such a resource utilization issue. The Freedom of Information Act<sup>4</sup> has been a phenomenal tool for every kind of consumer, civil rights and environmental organization in taking an active role in these cases. The National Environmental Policy Act of 1969<sup>5</sup> established the rule that government must allow the public to comment on most kinds of development projects and laws prior to implementation, and introduced the concept that the government must explain its actions in response to the comments. At the time, the National Environmental Policy Act did not seem to contain any extraordinarily significant provisions. Indeed, today, most people view it as merely requiring the government to provide environmental impact assessments for certain projects. But it has profoundly and fundamentally changed the relationship between decision makers and the potential victims of those decisions.

In addition, over the last twenty years, remarkable steps have been taken pursuant to the National Environmental Protection Act. Most people in the United States, including environmental organizations, paid little attention to this revolutionary provision giving affected people the right to comment on these issues. Most groups that I have rep-

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4. 5 U.S.C. § 552 (1988).

5. 42 U.S.C. §§ 4321-4347 (1988). The National Environmental Policy Act's stated purpose is to:

declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation . . . .

*Id.* § 4321.

resented would not consider it a human rights statute and, in fact, were slow to see that it could have similar profound impacts in other parts of the world. Most of the organizations were embarking on international programs in the slowest possible way. For example, ten years ago, many organizations assigned only one person to follow international wildlife trade issues, or ocean pollution issues. When I joined the National Wildlife Federation and joined the campaign to reform the World Bank and the other multi-lateral development banks, few, if any, in my organization understood that we were challenging the concept of development as it was practiced at that time by large institutions. It was also not clear to some that the focus of the entire process for promoting environmental issues was going to be on human rights; especially in the specialized context of the rights of people to determine the disposition of their resources and their families. As time passed, more observers and practitioners recognized that the promotion of environmental issues is really a human rights issue, especially since we became involved in the support of indigenous groups in Brazil, Kenya and elsewhere.

A growing network of people stands together, united by the concept that environment is not separate from people, and not separate from decisions about development and the future of people. Our human rights efforts consist of two basic methods. First, we lobby for reforms of institutions that affect human rights. One of our tools in this process is called "funding ecological and social destruction" which emerged from a lobbying document prepared in 1989, which was among a series of documents prepared by environmental and development organizations for use at the annual meetings of the World Bank and the International Monetary Fund. This type of document shows the melding of social and environmental development issues. The original series of documents consists of case studies from countries where victims alleged that projects were harmful to them. The evidence presented by those victims is what made our case.

Our partnership with other groups and victims has always been good. Our efforts could not succeed if it were not. Personal evidence and testimony are necessary in order to credibly make cases linking environmental issues to human rights before the United States Congress, other donor country governments, and the Banks themselves. This method of presenting evidence has given victims a forum to bring their own cases, and to speak for themselves on a subject that is less political and less risky than direct opposition to a government in power. Because of this process, many groups that would never call themselves environmental organizations have joined enormous networks in order to lobby these

financial institutions. They now specifically focus on the United Nations Conference on Environment and Development which has been negotiated over the last couple of years. The final conference of the heads of State took place in June, 1992, in Rio de Janeiro. For that conference, a much larger quantity, and broader representation of non-governmental groups assembled to address the same issues that we have been discussing in the multi-lateral bank reform campaigns. In preparation for this larger conference, a couple of items emerged from a conference of NGOs in Paris that was held in December 1991. The most fascinating aspect of the final document of the Paris Conference is that the first demand asks all governments to enhance and promote participatory democracy. The second demand asks that governments ensure that citizens and citizens' groups will have unrestricted access to any information that comes out about products, processes and projects that are likely to affect the environment or human health. The third demand is "to further develop international law and systems to monitor and ensure the observance of human rights" and to democratize the decision-making structure of international lending institutions and for all governments to make their operations more accountable to the people at large, particularly through more access to information and through the involvement of citizens' groups. The document also describes problems with the operation of the trade system, as well as the hideous moral outrage of the external debt of so many countries in the developing world. The final document goes on to demand commitments for the reduction of green house gases and for the development of a code of conduct for biotechnology, including prohibitions on the international trade of hazardous wastes. These developments demonstrate the origins of the environmental movement and provide an indication of the direction that it will follow.

I would like to close by discussing how international development affects the environmental movement in the United States. One of the concepts emphasized in Paris, and here among our own members and groups, is the fact that there is a huge amount of the "South," in the North, and, of course, there are outposts of the "North" all over the South. Therefore, we are on shaky ground when we view North-South problems as distinct. The central issues are the disenfranchisement and discrimination of people, and how international experiences affect the United States "environmental justice movement."<sup>6</sup> This movement in-

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6. See generally PETER S. WENZ, ENVIRONMENTAL JUSTICE xi-xii (1988) (providing a comprehensive discussion of environmental justice). Wenz states that environmental justice involves:

cludes groups from minorities in this country who are finally demanding a place in the discussion of NGO democracy. These groups want the movement to be as free flowing and as mutually re-enforcing as it is with groups in other countries. They are asking for the same human rights assistance here in our own country. Groups which had thought that such issues were outside of the scope of their work are beginning to see their broader roles. In the future, we can look forward to the same work that was done internationally, to find a role in the neighborhoods closer to home, in the industrialized nations.

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theories of distributive justice, theories concerning the manner in which benefits and burdens should be allocated when there is a scarcity of benefits (relative to peoples wants or needs) and a surfeit of burdens.

*Id.*