An International Humanitarian Organisation

An International Humanitarian Organisation:

A United Nations of the People

By

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ISBN (10): 1-4438-5197-3 ISBN (13): 978-1-4438-5197-8 To Jennie, Mother, Father and Siblings

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Prologue

CLIMATE CHANGE: GLOBAL TITANIC

There were many factors that led to the sinking of the Titanic and the death of so many; most of them were caused by human ignorance. The first was the rush to get the ship to its destination in order to gain reputation and financial success. Secondly, the numbers of life boats were reduced to increase the aesthetic appeal of the ship. Thirdly, the belief that the ship was unsinkable created a false sense of security, which led to an imprudent attitude about how robust the ship was, matched against the power of the ocean. Finally, the passengers on the ship were so absorbed by their personal affairs that they had little idea the Titanic was sinking, until it was too late.

Why do I bring up these factors? Firstly, there is a striking resemblance between the human ignorance that led to the sinking of the Titanic, and the sinking of our whole existence owing to the climate crisis. The themes of economic advantage and arrogance that contributed to the sinking of the Titanic remain all powerful, with Governments and corporations putting economic motives above the very thing that sustains us - the environment. As a consequence, we are hurtling towards a metaphorical iceberg (if there are any left), with our eyes closed. Secondly, we are placing more value on aestheticism and consumerism than safety (in this parallel, the safety of our planet); and putting aesthetics over safety will always lead to failure.

Thirdly, the belief that humanity is indestructible and that all the things we have created and accumulated are enduring, has given rise to a false sense of security. Consider the danger inherent within the fixed assumption that the Titanic was 'unsinkable', versus the modern day story that ruminates on how 'the planet will be OK' or that 'nothing will happen in our lifetime'. Sound familiar?

This was laid bare for all to see on that fateful night when the socalled mighty Titanic sank. The idea that the climate crisis will radically affect the so-called mighty humanity within the first half of this century is inconceivable to most of us. We cling to a personal and collective delusion that, somehow, everything will be OK; but unless we take intelligent action, we will be complicit in the sinking of humanity's ship.

The final parallel comes from those passengers on the Titanic, so absorbed with their own personal affairs that they didn't open their eyes to see the reality until the very last moments. The climate crisis is clearly the biggest threat to human existence, and yet it still isn't taken seriously or prioritised within our world order. It seems that we are ignoring its existence, placing our partisan political, religious, social, economic and personal desires above the sinking ship that contains us all.

I wonder if the same human ignorance will take place in the advent of the climate crisis, as it progressively gets worse, or have we learnt from our mistakes? Are we acting with greater intelligence?

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twenty-first century is seeing increasingly The severe environmental crises that are having a devastating impact on the communities they affect around the world. At the same time the global financial crisis saw international banks become insolvent, forced, along with the Neo Conservative government in America, to rely on nationalisation to save them; a previously unthinkable event, even for a progressive government in Europe. In a post 9/11 world, where the 'war on terror' remained a popular rhetoric, President Barack "Hussein" Obama was elected into the White House. We are therefore seeing societal change, and global change, with nations becoming increasingly integrated and mutually dependent, facing the shared issues of global warming, migration, urban chaos, disease, poverty and shortages of crucial resources. This sense of inter-connectedness has been aided by a technological revolution, with exponential levels of information sharing across borders and cultures

The creation of the European Union after the Cold War between 1946 and 1991 led to the decentralisation of regions; this in turn developed a dichotomy with the emergence of global communication and globalisation. The international treaties, customs and legal principles that are in place presently have often been violated, despite the fact that there is a formal organization, called the United Nations (UN), which aims to implement these laws, together with the International Criminal Court (ICC).

However, the UN does have a universal membership and a number of influential humanitarian programs that can also deploy peacekeeping forces. There are now a significant number of international institutions; the international police force, Interpol; The World Bank; International Monetary Fund (IMF); The World Trade Organisation (WTO); and the Organisation for the Economic

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Co-operation and Development (OECD). Alongside these organisations are the, G7 and G20 countries, who meet annually to review global issues like climate change.

However, these are all limited in their effectiveness as any initiatives they propose must first be filtered through the perspective of nation centrism. This perspective has developed over thousands of years of human evolution. A truly holistic, humanitarian approach to international governance is further limited by international organizations and laws that are based on international trade and the global economy. These economic factors have an enormous influence over humanity as a whole, even beyond that wielded by states. Although this is now creating interdependence between nation states, the globalisation of corporate power is simultaneously overriding the power of national governments.

The functioning of governance at a global level is now operating in response to human activities that communicate, coordinate and cooperate as a whole, and not as nation states. The increase in global communications in the media, and in particular the internet, has allowed information and different worldviews to spread virally across the world beyond any political authority. This whole networking process has now significantly transcended the nation state. It has also led to a level of international cooperation, coordination and communication never before seen in human history. This means that influencers and lobby groups are coming from a multitude of sources, which are now outside of the control of governments, international organizations and international laws.

This international perspective must now become a definite and organized political cooperative framework with a transformative and practical plan. This plan can begin to create a force that is agreed upon with clear and sensible reasoning. The precise reason for taking such action comes from the current collective, creative and cultural energy at an international level. The general power of this creativity gives authentic purpose to the individual. Progressive politics must now also face these urgent global and geo-political realities. Change is happening at an incredible speed, which is rapidly altering our understanding and behaviour. As a result, ethics, transparency, sharing, sustainability and creativity are increasingly driving mainstream agendas. It seems we are moving beyond the era where self-seeking individualism and neo-liberalism are seen as the accepted norms.

A political battle between left and right within neo-liberalism seems to strengthen the so-called powerful one percent, and this political activity allows greater power to be wielded over the population. These economic instruments of power win over existing institutions due to fragmentation. It is now obvious that a movement is needed to achieve a huge amount of solutions, but this must be driven from an international perspective. The environment cannot be seen as just another 'issue'. The environment is the source of all economic activity and, if it is destroyed, then the economic system, and the people that are supported by it, will suffer. The Sioux Indians summarised it best when they said: "When all the trees are gone and there is no more food, you cannot eat money".

Climate change is now part of national and international policymaking, with a focus on developing a low carbon energy future. Current policies aim to prevent dangerous climate change levels, setting a target that average global temperature increases that do exceed two degrees Celsius above preindustrial levels. Most mainstream scientists are now in agreement, however, that this target is not realistic, and that the situation is far more severe than previously thought. If this is the case, how can we reverse the destruction that we are causing to the planet and its many life forms?

During the past thirty years, through the process of international cooperation, the International Climate Change Regime (ICCR) has come into existence, attempting to tackle climate change through developing a multilateral framework that controls greenhouse gas (GHG) emissions, principally from developed nations. I believe this approach is ineffective, however, since it ignores the root cause of

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climate change; essentially, it is economic growth and deforestation causing the constant accumulation of GHGs in the atmosphere. It is because of these factors that the ICCR mechanisms have not had any significant effect on GHG output.

This book will go on to argue that, under the current regime, emission reductions are a myth. Trying to reduce emissions, when GHGs are constantly being released into the atmosphere (by transportation, production and domestic activity), and the number of sinks are decreasing, is like trying to empty a container which is constantly being filled with water; it cannot be done. Only by turning off the tap will the water stop flowing.

In the same way, if we stop releasing GHGs into the atmosphere and cutting down the rainforest, then the accumulation will stop. It is futile to attempt to reduce emissions while the tap is full on. Many now claim that emission targets cannot be met¹ and CO2 emissions are the highest they have been for 800,000 years.² As Professor Chris Green stated in the McGill Reporter's 'Why Kyoto's a no go':

"Climate change policy is an energy problem, because energy is required for human well-being. Despite improvements in efficiency every year, demand for energy will continue to rise."³

We need to slow down and turn off the tap (cause) rather than try to empty the container (effect) whilst the tap is still on full. This seems very logical, but many within the ICCR ignore this obvious fact and have built an unworkable and overly complex regime around this flawed thinking, like building a fragile and complex structure on quicksand. Even if we could hypothetically or miraculously turn off the tap overnight, the container would still be full. In the same way, even if we began to stop the accumulation of GHGs, then there would still be an excessive concentration of GHGs within the atmosphere, which would continue the greenhouse effect.

This book argues that the ICCR, and the overall procedure of environmental law, are ineffective and completely out of line with the reality of the climate crisis situation. The nation states which form the international community are putting economic factors above the environment, allowing corporations to drive an agenda of comparative advantage between nation states. This approach is based on false premises that include the perception that "humans are separate from natural systems, that we are superior to all other species, and that we, together with legal persons such as corporations, are the only subjects in a world of objects".⁴ The fact that thousands of climate scientists now agree that anthropogenic (human-induced) activity is the cause of global warming, makes it clear that it is time to think anew, as Dr James Baker claimed:

"There is better scientific consensus on this issue than any other".⁵

The effects of global warming are well documented, from the melting of the polar ice caps, to desertification, extreme weather patterns and the extinction of many species.⁶ In combination with human induced deforestation, which further prevents the growth of sinks, and undermines ICCR sink mechanisms, the situation is increasingly severe.

Thousands of scientists claim that this crisis has already reached, or will reach within the next decade, a tipping point⁷ that could lead to a variety of catastrophic scenarios. These scenarios could occur within the next 50 years, or possibly earlier, and range between the collapse of the ocean conveyor belt, the collapse of the Amazon rainforest, methane release from the sea floor, the collapse of the ice shelves in Greenland and Antarctica, and the rise of sea levels engulfing low lying land⁸ all accumulating in a radical shift in our planet's activity and formation.

This would cause a domino effect of events such as unprecedented mass migration, the collapse of the global economy as clearly outlined in the Stern Review, mass food and water shortages, the creation of uninhabitable areas and the destruction of whole communities. At the same time, the ICCR seems to be aiming at a 60% cut in emission by 2050 only as a best case scenario.⁹ These targets fails to take into account the circumstances and environmental changes that could occur in the future.

These targets project the idea that we will be playing by the same rules up to 2050. We cannot expect the global climate situation to stay the same while the domestic, industrial and transportation situation is adding to emissions at an alarming rate, thus escalating the greenhouse effect. The Intergovernmental Panel on Climate Change¹⁰ (IPCC) has given scientific legitimacy to the ICCR by publishing its Second Assessment Report (SAR) back in 1995, which concluded that "the balance of evidence suggests that there is discernible human influence on global climate" and that the overall impact of this influence will be negative.

There is clearly a massive disparity between the level of multilateral cooperation within the ICCR, governed by nation states, and the obvious changes in the ecosystem, together with the evidence and warnings from climate scientists. The urgency of action is clearly immediate and it is time that we stop dithering and act now.

CHAPTER ONE

THE DEVELOPMENT OF AN INEFFECTIVE INTERNATIONAL CLIMATE CHANGE REGIME

In 1994, the United Nations Framework Convention on Climate Change (FCCC) was signed by over 165 countries and ratified by 100, including the United States and all the developed nations (Annex 1, developed countries and countries undergoing the transition to a market economy). By the end of 1994, the convention had entered into force making the FCCC legally binding on the parties (Conference of the Parties (COP)). The first COP was in Berlin in 1995 and it rhetorically focused on the success of the Montreal Protocol. COP agreed that they should: "Protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their differentiated responsibilities common but and respective capabilities."

Accordingly, it is agreed that the parties from the developed countries "should take the lead in combating climate change and the adverse threats thereof."¹¹ This was developed from the ultimate objective of the FCCC of "stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system."¹² The Conference of Parties (COPs) discusses and negotiates the implementation of the Convention and in 1997, during COP 3, which was held in Kyoto, a protocol to the Convention was adapted. The Kyoto Protocol further evolved the ICCR by embracing the Montreal Protocol principle of "science driven" responses to "new information as the threat emerged".¹³ The Protocol evolved the ICCR by introducing quantified GHG

emission limitations and reduction commitments (found in Article 3).

The objective of this protocol was to continue the implementation towards cutting emissions of GHGs. The Protocol was opened for signature in March 1998 and entered into force in February 2005, with more than "30 industrialized countries bound by specific and legally binding emission reduction targets for the period 2008-2012."¹⁴

The Protocol established the principle that developed countries should take the first steps and set definitive targets. In order to ensure fairness between developed countries and developing countries, the two groups were treated differently, by calling on developed nations to take the lead to cut quantified emissions in Article 3(1). Clean development mechanisms aim to help developing countries, whilst recognising the industrialised countries' contributions. The 'theory' was that if states met their differentiated emission commitments, it would prevent the predicted results (of the IPCC) of extreme global warming.

However, since then we have had numerous international meetings, COPs and international conventions, led by the wealthiest nations within the United Nations (UN). But the fundamental error of the Kyoto Protocol is that, while the Montreal Protocol made developed countries reduce their 'manufacturing' and 'utilisation' of ozone depleting substances by 50%, it only aims at 'emission reductions' on top of the continuous 'manufacturing' and 'utilisation' of GHGs.

Therefore, the commitment doesn't reverse the accumulative trends in GHGs within 'manufacturing' and 'utilisation' (like the Montreal Protocol) but only attempts to skim off some of the GHG accumulation, without disrupting the 'manufacturing' and 'utilisation' process, thus it has proved ineffective. In 'The International Climate Change Regime: A Guide to Rules, Institutions and Procedures' it states: "Climate change falls into the second category because the threshold that it establishes – dangerous anthropogenic interferences with the climate system – allow activities causing such interferences to continue up to a point. The stabilisation of concentrations to avoid this point being reached provides the common long-term objective of the climate regime."¹⁵

In the FCCC, countries that are listed in Annex 1 are obliged to limit and reduce their GHG emission levels, with a view to reducing their overall emissions by at least 5% below 1990 levels in the first "commitment period" of 2008-2012.¹⁶ However, most scientists now agree that a) this was unfeasible and failed, and b) even if it had been feasible, it would still have fallen far short of the reductions needed to reverse the destructive trends.¹⁷ As pointed out by Kal Raustiala in 'Compliance and Effectiveness in International Regulatory Cooperation':

"The pursuit of compliance can sometimes be counterproductive to the achievement of effectiveness."¹⁸

The first commitment period was created with the vision that it would make room for "economic growth and at the same time prevent a build-up of anthropogenic GHGs before it becomes dangerous".¹⁹ This is backed up by Principle 15 of the Rio Declaration, and Article 3 in the FCCC, that postulates the "Precautionary principle" in order to protect the environment, by not delaying until overwhelming scientific proof of harm is available. Evidence shows that unsustainable economic growth has caused the build-up of GHG emissions and this has already become dangerous. Dr Eric Wolff from the British Antarctic Survey (BAS) told the BBC on 4th September 2006 that:

"There's nothing that suggests that the Earth will take care of the increase in carbon dioxide. The ice core suggests that the increase in carbon dioxide will definitely give us a climate change that will be dangerous."²¹

This was also expressed by the Intergovernmental Panel on Climate Change (IPCC) Third Assessment Report, 2001. In this report it claimed that climate change was now real and that there was a 90-99% confidence level that it will strengthen,²² and that about three quarters of the anthropogenic CO2 emissions in the atmosphere, during the past 20 years, are due to fossil fuel burning.²³ They also stated that "'Business-as-usual' scenarios predict an increase in global mean temperatures greater than that seen over the past 10,000 years".²⁴ At the same time, for example, the European Union (EU) had only adopted an emission reduction target of 8%, and Canada of 6%, to reduce levels back to those seen in 1990, and all to be achieved between 2008-2012 (in the "the first commitment period"), but this failed. This commitment is clearly ineffective and unfeasible; it therefore needs to be revised. This is also clearly defined in the 'The International Climate Change Regime: A Guide to Rules, Institutions and Procedures':

"Some have made identical declarations when ratifying the Kyoto Protocol, plus a statement that the Protocol's emission targets are inadequate to prevent dangerous anthropogenic interference with the climate system."²⁵

The ICCR mitigation process, which aims to reduce emissions within developed countries, must go further and begin to focus on devising effective mechanisms that phase out GHGs emissions altogether, in both developed and developing countries (giving special treatment to help developing countries). This approach is similar to the International Ozone Laver Regime (IOLR) that did successfully phase out ozone depleting substances within a twentyyear period. The Montreal Protocol is an important agreement because it worked; it was considered the "most effective international environmental treaty".²⁶ However, current science now claims GHGs are also depleting the ozone layer.²⁷ At the same time, the IOLR only focuses on gases like Chlorofluorocarbons gases (CFC - nontoxic, non-flammable chemicals containing atoms of carbon, chlorine, and fluorine) and therefore the ozone regime has also become ineffective in actually preventing ozone depletion; furthermore, such substances are being successfully phased out, thus decreasing concentration in the ozone layer. For both the prevention of 'ozone depletion' and 'climate change' we need an ICCR that phases out GHGs. Economics professor Chris Green, while at the British Antarctic Survey, pointed out:

"Debating emission targets really obscures the real issue. - The only way to actually control global warming is to make massive investments in research and development to develop alternative energy sources. It would take an 85 per cent reduction in emissions world-wide to actually stop global warming. Those kinds of sacrifices would be overturned politically. What we really need are alternatives to fossil fuels."²⁸

In 1994 the FCCC aimed to get Annex 1 parties to return their emissions to 1990 levels by 2000.²⁹ However, this failed, and the commitment period of the Protocol for 2008-2012 also failed. The evidence clearly shows that due to economic growth and mass deforestation, emissions (deforestation also contributes to 30% of CO2 emissions, together with reductions in CO2s sink absorption)³⁰ GHGs are actually increasing despite the ICCR attempts to reduce them.³¹ Even though there are improvements, energy will continue to rise. This was outlined by Professor Chris Green: "Climate change policy is an energy problem, because energy is required for human well-being. Despite improvements in efficiency every year, demand for energy will continue to rise."³²

At the same time, the current global economy is vulnerable to the impact of climate change in both developed and developing countries, but particularly in the latter, making this whole approach very imprudent. GHG emissions from developing countries (especially 'economies in transition' like China and India) are rising rapidly; however, they still remain far lower than developed countries. COP 17 to 20 set down the foundations to prevent an increase of 2 °C (3.6 °F) above pre-industrial levels, which led to the agreements at the 2015 United Nations Climate Change Conference, COP 21, held in Paris, France. It was the 11th session of the Meeting of the Parties to the 1997 Kyoto Protocol and led to the negotiating of the Paris Agreement with a consensus of all 196 parties. The agreement reached a goal for limiting global warming to less than 2 degrees Celsius (°C) compared to pre-industrial levels

(with a zero net anthropogenic greenhouse gas emissions), which is to be reached during the second half of the 21st century.

The agreement also established a 'global stocktake' that reopened the national goals of aiming to 'update and enhance' emissions every five years, which starts in 2023. There was no comprehensive timetable nor any country-specific goals on emissions reductions that could be combined with the Paris Agreement. The Convention goals were to reduce greenhouse gas emissions at a level that would limit global temperature increases.

However, the Agreement will not be a binding target until the 55 parties that create over 55% of the world's greenhouse gas have ratified it. They will then set a target for emission reduction called a nationally determined contribution (NDC). However, this is still voluntary concerning the size of the reduction, and at the same time will not be a mechanism that forces the nation to introduce targets with specific dates for enforcement measures. It will only have a "name and shame" system.

Total emissions from developing countries are projected to surpass those of developed countries within ten years.³³ Therefore, we must consider whether it is in anyone's interests to continue with a carbon-based economy. Most climate scientists now agree that there will be an escalation of serious climate-induced damage within the next twenty years.³⁴ The central question remains: what can international environmental law (IEL) do about it?

CHAPTER TWO

THE LIMITS OF INTERNATIONAL ENVIRONMENTAL LAW WITHIN A HUMAN-CENTRIC PARADIGM

The main development of international environmental law (IEL) happened from 1972. Similar UN international meetings happened consequently, with increasing focus in mainstream media and politics, but which continued to repeat the same limitations. This period of international environmental consciousness did start with the U.N. Conference on the Human Environment in Stockholm in 1972, which developed the United Nations Environment Programme (UNEP). It set the foundations to progress towards the 1992 U.N. Conference on Environment and Development (UNCED) in Rio de Janeiro.

The Rio Conference focused on sustainable development including economic, market-based instruments to achieve environmental compliance. Unfortunately, the rapid creation of International Environmental Law (IEL) has not prevented or significantly decreased worldwide ecological degradation.³⁵ A significant number of stakeholders within IEL have a myopic perspective under which they imagine that IEL is succeeding while nature is dying. Documents do not represent achievements when extreme environmental degeneration is increasing. As the Executive Director of the UNEP, Klaus Töpfer stated:

"It is the state of the environment that tells us whether our policies and programmes are effective."³⁶

The current positive law paradigm in IEL has failed to address the environmental crises engulfing us. Therefore, we need legal principles in IELs that are effective at preventing the exploitation and devastation of the natural world. This change must happen by moving away from 'human-centric' laws (how laws affect human interests) to 'Earth-centric' laws (how laws affect the whole planet and thus humans),³⁷ rather than just creating new human-centric laws within an increasingly bureaucratic and complex regime.

These questions were first raised in the early 1970s by Professor Christopher Stone in his article published in 1971 'Should Trees Have Standing – towards Legal Rights for Natural Objects'.³⁸ The article was dismissed by many lawyers at the time because it didn't fit into their worldview. During the 1960s and 70s there was a similar reaction to 'Gaia hypotheses' by James Lovelock within the scientific community. As Environmental Lawyer Cormac Cullinan pointed out so clearly:

"Trying to think in a way that not only transcends our socially constructed compartmentalisation of knowledge, but also to a large extent, our cultures themselves, is difficult."³⁹

However, both these ideas are now becoming widely accepted within the mainstream consciousness. In the 1970s, Stone's idea was assumed to advocate that trees' rights are exclusively the same as human rights, rather than recognising the trees' natural rights simply because they are part of the universe, just like the right of our planet's 'atmosphere'.

"Although the majority of areas beyond national jurisdiction have specific regimes (such as Antarctica, outer space and the sea), there is no comparable 'law of the atmosphere.""⁴⁰

Thomas Berry, one of the leading thinkers on human relationships with the natural world, wrote:

"We need legal structures and political establishments that will know that our way into the future is not through relentless industrial development but through the living forces that brought us into being and are the only forces that can sustain us in the coming centuries."⁴¹

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These observations became the foundation of Cormac Cullinan's approach to environmental law expressed in his book Wild Law, A Manifesto for Earth Justice. Cormac Cullinan, a practising environmental lawyer, advocated radical changes in our current systems (for regulating the environment) which he claimed merely "endorse the wholesale destruction of the Earth and its life-support systems".⁴² He argues that governance systems should become Earth-centric and promote the interests of all other species with whom we share the Earth. He stated:

"Wild Law places great emphasis on the importance of making a shift from an anthropocentric to an Earth or eco-centric approach. By this I mean that it is important to recognize that the universe does not revolve around us and that we must regulate ourselves with due regard to the fact that we are part of a bigger system with which we must conform in order to flourish."⁴³

The human-centric approach in IEL can be seen in the Rio Declaration, Principle 1 and Principle 12: "Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature";⁴⁴ and "States should cooperate to promote a supportive and open international economic system that would lead to economic growth and sustainable development in all countries, to better address the problems of environmental degradation".⁴⁵

Like the Rio Declaration, the FCCC also promotes sustainable development in that economic growth will enable countries to "better address climate change"⁴⁶ However, it is clear that this (human-centric) approach allows emissions to increase in both developed and developing countries and, therefore, the mitigation effort of the ICCR to reduce GHGs under the economic growth paradigm is ineffective. Long term economic growth under the current system (i.e. excessive utilisation of natural resources) cannot continue in the same way for much longer. Paul Hawken expressed this clearly in 'The Ecology of Commerce':

"The dirty secret in environmentalism is that there is no such thing as sustainability. Habitats can endure over millennia, but it's practically impossible to calculate the sustainability of specific fisheries, tracts of land, and actual forests. We have also probably already passed the point where present planetary resources can be relied on to support the population of the next forty years. Any viable economic program must turn back the resource clock and devote itself actively to restoring damaged and deteriorating systems — restoration is far more compelling than the algebra of sustainability."⁴⁷

Human-centric approaches in IEL are expressed within the multilateral relationships between sovereign states, who all claim equality, and thus no state legally recognises another as a superior authority.⁴⁸ Therefore, the idea that a sovereign state would constrain its own economic growth appears to be an unrealistic concept under the current international legal paradigm. Many argue that the only politically viable approach to climate mitigation is to devise mechanisms that solve the climate crisis within economic growth.⁴⁹

"Integration of the environment, economic development and social justice components, across the international system, lies at the heart of sustainable development. The achievement of this goal, however, sits uneasily with an international legal order traditionally defined as a system of sovereign states cooperating to regulate their conduct so that each can pursue its self-interest more efficiently."⁵⁰

This paradigm is reflected in the FCCC in which it contains principles and general obligations, for example, "such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner" (Article 2: second sentence).⁵¹ Customary international law also affirms the sovereign right of states to manage their own natural resources (Principle 2 of the Rio Declaration).

Customary IEL comes as close to Earth-centrism by prohibiting a state from allowing activities on its territory to inflict serious damage on the environment of other states (or on parts of the environment that do not belong to any state, such as the global commons). $^{\rm 52}$

However, this is still human-centric because to what extent can GHGs released in one state not affect another state or areas of the global commons? How much forest may a state cut down before it affects other states? For example, in Brazil the rainforest is being cut down to accommodate farming and loggers in order to export products for economic security. The loss of the forest should clearly be sanctioned and unlawful since it affects the whole planet; however, because IEL is human-centric it therefore allows those who profit from this to be strongly motivated to fight for this activity within IEL due to their sovereign rights.

At the same time, international trade laws (within the World Trade Organisation) also back this sovereign right to unrestricted trade.⁵³ Article 20 in the General Agreement on Tariffs and Trade (GATT) states that: "Measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail or are disguised restriction on international trade" Cormac Cullinan clearly states:

"Even concepts such as sustainability tend to be focused on determining the maximum level of exploitation that can be sustained, rather than maintaining a healthy balance."⁵⁴

The human-centrism of the Rio Declaration in Principle 2 also promotes the exploitation of resources: "States have, in accordance with the Charter of the United Nations and the principle of international law, the sovereign right to exploit their resources pursuant to their own environmental and development policies and the responsibility to ensure the activities within their jurisdiction or control do not cause damage to the environment of other states".⁵⁵ The sovereignty of a state and not the ecosystem, conservation of nature, and the sensible balance of the whole earth are given priority. The inability of states to achieve consensus on IEL is created by states preserving their unrestricted sovereign rights and in doing so there are no real sanctions for non-compliance.

"In other words, even in the area of environmental law, the main factor in deciding whether or not to permit land to be used in an environmentally destructive fashion is the utility of the proposed activity of humans."⁵⁶

Human-centrism within IEL is expressed in its approach to multilateral agreements between governments and international organisations, but an Earth-centric approach would sanction the legal persons who own, use, or damage ecological resources. The current paradigm is restricted because when the sovereignty's economic interests conflict with environmental protection, then sovereign supremacy prevails within treaty obligation. The objectives of the status quo are based on ignoring the importance of our relationship (and reliance) on nature, being that which sustains us all and who we are, the Earth.

This encourages the exploitation of the Earth's environment due to the unrestrained consumption of natural resources for economic gain. This is sustained by a false premise that there is a separation between humans and the environment, what Cullinan calls the homosphere:

"For centuries now we humans have been enthusiastically engaged in constructing a delusory 'human world' that is separate from the real universe. We have rejected the biosphere into which we were born and have erected in our minds a vast, hermetically sealed 'human only' world."⁵⁷

However, if the environmental effects are not heeded, it is almost certain that the expanding world economy will become incompatible and unsustainable with the ecosystem that supports our lives. It is therefore important to consider whether economic liberalisation is in the common interests of humanity. As Peter Brown, Director of the McGill School of Environment states:

"The objective of economic growth is incoherent and actually opposed to human well-being... It has become obvious that the