

Conference Report
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The following report is an attempt to identify major issues raised by presenters at the 2011 Prague GEIG conference. These points are impressions of the highlights of the rapporteur, Donald A. Brown, and do not necessarily represent the highlights of individual speakers that they would identify.

Laura Westra Opening.

- Welcomed People and Stressed the Importance Of Connections Between Human Health and Ecological Integrity.

1. Sheila Abed, Director of Environmental Law Program at IUCN
Environmental Rights and Indigenous Rights: Opposed or Complementary.

- NGOs creating conflicts among indigenous people about sustainable use;
- The REDD under the UNFCCC is creating conflicts between indigenous issues and climate change;
- Many domestic laws exempt indigenous people;
- Most indigenous people are exempt from environmental laws and as a result people who traffic in wildlife use the indigenous people;
- We need to help indigenous people with economic prosperity while protecting the environment.

2. Brad Morse: Treaty Protection of Indigenous Traditional Knowledge.

- Traditional knowledge is created by group and never published;
- It is therefore difficult to get intellectual property (IP) rights protection;
- To get IP you must disclose knowledge but this is difficult for indigenous people;
- If you get IP recognition you need to do take care of how to use it which makes it difficult for indigenous people;
- Indigenous people have conflicts between collective and individual knowledge which creates difficulties for IP protection;
- IP does not give community rights;
- The Declaration of Indigenous Rights Provisions deal with some of these issues but it is non-binding;

- Examples of these issues were given from several cases.

3. Grober Ulrich: A Short History Of The Long History Of Sustainability.

- Explained the historical development of the idea of sustainability and stressed it actually went back several hundred years in Germany;
- Environmental protection problems in Germany could be traced to a silver boom in the 1400s;
- Sustainability has a rich history, starts long before Earth Summit and IUCN in the 1980s;
- Sustainability raises the question of whether humans have an innate ability to live with nature;
- Sustainable forestry started in Germany in the 1700s;
- In Germany, the regenerative capacity of the forest became the rules for use not the market. Consideration;
- The Germans knew to protect Mother Earth, we would not have to murder nature with a trace of love. We would have to preserve and conserve nature;
- The Germans understood to understanding sustainability we must look to nature to determine limits on the market;
- We must consider the needs of the present generation versus the future generation.

4. Klaus Bosselmann: Institutional Reform of the UN and the Challenge of Earth Democracy.

- We must develop World Environment Organizations;
- We must look to Earth Charter as articulation of the Sacred Trust in the Earth;
- Discussed a Law Suit in Micronesia versus Czech Republic;
- Two key themes for Rio +20 that should be supported are Green Economy and Green Trusteeship;
- The World needs to identify common goods that are part of the trusteeship that include not only shared social resources such as libraries, schools, knowledge, civil infrastructure, but also natural resources such as water, air, land;
- At the present state of the world, there is not trustee duties for nature;
- At present states are viewed to have no responsibility for global trustee resources.

5. Louis Kotze: Between Theoretical Possibilities and Practical Realities Can Sustainability Deliver In Addressing the North-South Divide.

- The North/South Divide is the key sustainability problem and is the fundamental challenge in implementing sustainability;
- We should not bring the South into law but reconceptualize the law that takes North/South into account;

- Common But Differentiated Responsibilities is not good enough, the law must go further;
- Solving the North/South issues is key to moving the world to a sustainable future.

6. Jack Manno: Less Energy, More health.

- Less energy will bring better health;
- Decreasing energy will increase marginal benefits;
- After certain amounts of energy, quality of life does not improve;
- It is possible to live with a lot less energy and live happily;
- If the world economy deflates it might not be that bad for some people.

7. Paul Carrick: Aldo Leopold's s Concept Of Land Health, Implications for Sound Public Health.

- To understand Leopold's position of human health and its relationship to public health one must examine several of Leopold's documents, not only the Sand County Almanac, but earlier and later writings including his 7 principles;
- Earlier and later writings show that the land ethic is supportive of all human flourishing interests including human health;
- One can compare three principles of adequate human health with Leopold's philosophy and conclude that the Land Ethic is supportive of robust human health;
- There is no conflict between the Land Ethic and Human Health protection.

8. Alex Lautensach: Outgrowing Anthropocentrism: New Directions In Health Care Ethics In An Ecologically Unstable World.

- Assumptions Informing Current Health Care;
- Health care must accommodate growth in national economies and populations;
- Public funding of health care is based upon user pays principle;
- Most maladies are medicalized and rely upon technical fixes;
- More traditional lines of medicine are marginalized;
- The existing medical system is: Reactive not proactive, contains dilemmas among principles, is based upon anthropocentrism, contains internal inconsistencies, achieves undesirable outcomes, takes care of only humans not other species;
- Yet our world is experiencing a decrease in biocapacity, huge projected world population and increased demands on biological systems, which will lead to increases in malnutrition and increasing inequity, rise of corporation power, increasing inequity between countries, increasing resentment and unrest, vast political changes, all of which creates health care challenges.

9. J. Sejeck: Valuation of Ecosystem Services and European Landscape Convention.

- Within the utilitarian tradition of industrial societies, the natural landscape started to be viewed by economic agents as valuable only very lately;
- Utilitarians did not understand that humans rely on natural vegetation;
- There are problems with how cost-based methods value landscapes;
- A new way of putting a value on ecosystem services has been developed which increases the valuation of ecosystem services and landscapes;
- This valuation technique relies upon replacement value and increases greatly the value of ecosystem services;
- When one follows this method ecosystem services = 50 times Global GDP.

**10. Brunetto Chiarelli: Human Impact on Ecosystems, Past, Present and Future
International Institute Of Humankind Studies.**

- There is a relationship between environmental degradation and human population;
- Population is increasing rapidly;
- Helping developing countries' economics might increase population despite the opposite view held by many;
- Impossible to survive and collect 2000 kilocalories for the population at the rate of population growth.

11. Kathleen Mahoney: The Challenge of Creating New Human Rights.

- New Human Rights are being created all the time;
- How are rights are created
 - Must identify key actors
 - Gatekeepers in various institutions
 - Include powerful NGOs such as Human Rights Watch
 - Others in transnational networks;
- Global campaigns have been organized to prevent or create rights;
- The steps include framing, convincing, and getting on the ground acceptance;
- Questions should be asked including:
 - Is rights protection necessary?
 - What are positions of national governments?
- To get rights to be real, one needs to get all key players to support enforcement of rights.

12. Laura Westra: The Commons and Collective Rights.

- Collective rights in addition to individual rights should be acknowledged;
- Collective rights should be based upon the right to a safe and healthy environment among other things;
- Rights should be recognized because of the right to be protected from violence;
- We should also recognize the rights of unborn and future generations;
- Rights of indigenous people need to be strengthened;

- Global governance is needed to protect human rights;
- We should also recognize child protection and development rights of children;
- There is a need for entire communities as a whole to be granted to compensation from harms;
- Important questions exist about the rights of ecological refugees;
- Onora O'Neil and Kant identified the duty to not doing harm, harm to others could be direct or indirect;
- We need to work to obtain international recognition of collective human rights.

13. William Onzivu: Re-examining the effectiveness of Health Protection in Global Environmental Regulation.

- Health is marginalized under climate change;
- Focus of climate change should be health;
- The basis of water regulation should be health;
- Water regimes do not always protect health.

14. Michael Schroter: Basic Ideas of Earth Democracy.

- To strengthen democracy at all level we need to increase transparency, accountability, participation, and justice;
- We should be exploring Earth Democracy;
- There is empirical evidence of governance as causal to the ecological crises;
- Normative individualism, deeply entangled with capitalism appears as the real obstacle;
- There are questions about when political decisions are legitimate decisions in governments;
- Consensual decisions can only exist when all possibility affected people had a fair chance to participate in the process of decision-making and the result is in ideal, rationality persuading to everyone that can be affected;
- Peaceful revolutions in Eastern Europe and the Middle East have shown the possibility of changes within the system;
- There is a democratic deficit at the international level;
- Current problems exist at:
 - The international level that is too far away from affected people
 - The Horizontal: No equality between economical powerful and less economical successful states;
- We need to interject ecological realism, the conviction of the urgent need of global ethical framework to respond to the threats of the ecological crisis, in a democratic manner;
- The global public should somehow represent the community of life. Ecological movements should;
- We need new institutions that have procedural processes to represent non-human entities.

15. Valentina Vadi: When Cultures Collide: The Protection of Cultural Landscapes and Indigenous Heritage in International Investment Law.

- There are conflicts between International Investment Law and indigenous cultural heritage;
- This is a clash of cultures;
- There is recent case law that demonstrates this;
- Foreign investors are given diplomatic protection, national courts, regional courts, rights of arbitration;
- Indigenous heritage fights have no similar protections;
- Several conflicts have arisen in regard to Indian Sacred sights. There have been several victories for indigenous rights using arguments about indigenous heritage, the cultural integrity approach, and an environmental approach;
- Appeals can be made to the UN Declaration of Indigenous Rights but this is non-binding;
- Arguments can also be made from inter national bill of rights and customary international law;
- Investors have made arguments based upon indirect appropriation of investor interests;
- Investors-state arbitration presents an uneven playing field;
- No direct access to investment arbitration by indigenous peoples;
- Policy options: Negotiation. Exceptions. Treaty interpretation.

16. Prue Taylor: Democratizing International Law: The Common Heritage Principle And Earth Democracy.

- The Common Heritage of Mankind is an underdeveloped principal that has hope for being more widely used in international law to protect common resources;
- Championed by a representative from Malta and initially appeared in the Law of the Sea Treaty;
- The Common Heritage of Mankind requires the government to create a management plan of the resources covered that is to take an active role in managing the resource for the benefit of all people;
- The principle could become a legal responsibility that could become the basis of an enhanced Earth Democracy;
- The principle requires an ecological management regime of the commons for the collective or common goods;
- The original scope of the Principle was watered down under the Law of the Sea Treaty due to the US involvement;
- There is some hope of using the principle to support global protection of global resources.

17. Donald Brown: Sub-national Government, Business, Organizational, and Individual Responsibility for Climate Change.

- Most of the international debate about climate change has focused on the duties of nations;
- There are important ethical questions about national responsibility that have been at the center of international climate change debate;
- There is a growing urgency about the enormous seriousness of the need to reduce global emissions immediately;
- A strong case can be made that the focus on national responsibility may have been a distraction from thinking about sub-national, business, organizational, and individual responsibility;
- This has been a distraction in part because there are now wealthy people in developing countries as well as individuals in rich countries far exceeding their fair share of safe global emissions;
- All ethical systems would see individual responsibility for harm to others no matter where they are located;
- If one tries to calculate the individual responsibility of individuals in rich countries, huge reductions from global per capita emissions levels would be the most conservative judgment of what individual responsibility would be. In 2020, at the highest level they would be 25 to 40 percent reduction below per capita emissions by 2020 and 80% reductions beyond that. This does not take into account responsibility for historical emissions or responsibilities for consumption of products manufactured in other countries;
- As a result most people from wealthy countries are far exceeding their fair share of safe global emissions, including people actively engaged in climate change work;
- When flying we probably should off-set our emissions.

18. Christian Baatz for Konrad Ott: 10 Domains of Climate Ethics.

The domains of climate ethics include:

- Ethics, Justice, and Sustainability-climate change is an ethical issue;
- Climate Ethics in IPCC;
- Economics and Ethics;
- Concerns About Impacts;
- Stabilization Level and GHG-Concentrations;
- Distribution of Emission Entitlements;
- Historical Responsibility;
- Adaptation;
- Climate Engineering;
- Conceptualizing Climate Ethics.

19. Christina Rautenbach: South African Legal Framework for Traditional Healing Victory for Cultural Diversity or Legal Confusing in the Making.

- There is a need to establish ways of integrating traditional health practitioners into South African approaches to health;
- Movie shows traditional health practitioners teaching condom use to solve HIV/Aids;
- Potential benefits of incorporating traditional healers into health care system outweighs harms;
- There are open questions about how to incorporate traditional health practitioners into the South African health system but progress is being made that would continue some aspects of traditional health.

20. Colin Soskolne: Canada’s “Rogue” Nation Position on Asbestos

- Canada’s approach to the toxicity of asbestos is scandalous;
- Manufacturing Doubt, Need For Solidarity;
- Canadian manufactures of asbestos have used ethically problematic tactics to allow continued international trade in asbestos including public relations techniques to manufacture doubt, ignore the overwhelming scientific evidence about health problems, and confuse the public about the relationship between asbestos and public health;
- The scientific evidence about diseases of various types caused by exposure to asbestos is very strong;
- Among other tactics used by the asbestos industry are: denial, delay, divide, and discredit the science of asbestos toxicity;
- Canada successfully prevented classifying asbestos as a toxic substance under international law;
- For this reason, Canada is a “rogue nation” in regard to the duties to prevent exposure of people to substances that will damage human health;
- Disease prevention by preventing exposure to asbestos is a classic example of the ability of those with large financial power to prevent meaningful regulation of dangerous substances;
- There is a need for a solidarity global ethic in regard to exposure to substances that cause disease;

21. John Quinn: Public Health and Primary Prevention, Past and Present.

- This presentation reviewed public health attempts to prevent disease through vaccination and other easily available techniques to prevent disease;
- Vaccination can prevent avoidable diseases;
- Minimum sanitation and cleanliness techniques can also prevent some diseases;
- Although there has been success in preventing avoidable diseases in some parts of the world, although much more could be done with increased resources;
- With modest increases in funding, avoidable diseases could be prevented in many poor countries.

22. Megan Mitchell: Environmental Rights and Duties, People, Planet and State.

- The right of everyone to the enjoyment of the highest right attainable standard of physical and mental health should be recognized;
- There is no reason why the international community can't build on human rights to get public health rights to expand the rights to health;
- The right to health is a corollary of the human rights already agreed to in international rights regimes;
- Rights to health includes the right to adequate nutrition;
- There are some cases that have expanded the right to health to include the right to a healthy environment;
- The cases in support of these rights have been litigated under constitutional theories in some countries;
- The right to health includes: right to food, right to water, right to housing, right to cultural life, right to religion, rights of minorities.

23. Jan Payne: Definition of Health: An Alternative Notion.

- An understanding of what health is can be built on Aristotle's notion of Eudaimonia. Eudaimonia is beyond utility but could be understood as well being;
- Health should be understood as fitness or the ability to adapt to various stresses.
- Many theories about health confuse ends and goals;
- Health should be understood as adaptability, general resilience, and general fitness;
- One of the fitness needs is the ability to live ethically, an thinking activity that takes place in the frontal law, the organ of free-will;
- The ultimate definition of health is the "adaptability of the somatic, psychic, and ethical level".

24. Helena Hnilicova: Access to Healthcare of Migrants to Public Care in The Czech Republic.

- At the present time migrants have very limited ability to obtain access to health care in the Czech Republic;
- There have been a growing number of immigrants since the 1990s in the Czech Republic from the Ukraine, Slovakia, Vietnam and Russia among other countries;
- Health care is guaranteed by Czech constitution to citizens but not to migrants;
- Health care is provided on the basis of mandatory public health insurance;
- The availability of public health insurance to migrants depends on the type of stay in the country but many immigrants have no rights. About ¼ of migrants that are on their own and are therefore referred to commercial health insurance is estimated to be 100,000 -120,000;
- Legislation is now pending that would provide expanded rights of access to health care for migrant workers.

25. Yuliya Lyamzina: Gender, Violation of Human Rights And Mental Health Problems.

- Women's health needs are an urgent priority and rights to health are currently being violated;
- Women have less access to health care than men;
- There is some hope of providing adequate access to health care in light of certain recent developments;
- Women's health is an urgent priority particularly in light of the current situation in many parts of the world;
- For a variety of reasons, the health care needs of women are not being met.

26. Patricia Quillack: The Action Plan on Climate Change in The Alps: A Flawed Instrument.

- 8 alpine states adopted a climate change action plan in 1991;
- Among many other issues it deals with eco-sensitive transport;
- Among other issues are housing and landscapes, energy, tourism, farming in mountains, awareness raising, and other issues;
- The plan has 24 objectives in 9 strategic areas;
- It also deals with the need to take adaptation steps in water and other issues;
- The plan says it is soft-law and non-binding;
- At the present there are no legal methods for enforcement and implementation.

27. Joe Dellapena: International Groundwater Law.

- There are emerging set of rules that deal at the international level with groundwater issues;
- These include the Helsinki Rules and Berlin rules among others;
- There are also a small number of treaties and cases that are relevant;
- Some of these rules support a precautionary approach to groundwater;
- More frequently internationally agreed rules about groundwater are emerging;
- Groundwater and surface water same rules are similar under the Berlin Rules.

28. Owen McIntyre: Environmental Protection and the Human Right to Water.

- Right to water is being recognized in a variety of legal means around the world;
- The rights are sometimes triggered when pollution and diminution affect human health;
- Interesting cases can be found in Flanders Region, Belgium, South Africa, Uruguay;
- Growing relevant case law and treaty experience and rights have been sometimes when the complement other rights.

29. Anel du Plessis: Evaluating Water Supply, Sanitation, And Public Health in South Africa through the Lens of Constitutional Environmental Rights.

- There are a growing number of cases in which South African courts have found environmental rights to water under the South African Constitution;
- South African law assumes that people are entitled to 25 liters per day is a right;
- Rights to basic human services have been recognized;
- These judicially recognized rights are emerging;
- There are public and private systems in South Africa but the government pays for 25 liters per day through taxation;
- There are many interesting cases emerging about these issues in South Africa.

30. John Quinn: Post-Traumatic Stress Disorder in War and Conflict: Human Protection and Mental Health.

- War and conflict creates severe mental disorders not only for combatants but for civilians who have no place to hide;
- A right to human health should extend to people affected by war, yet most health care systems fail to help people who need help.

31. Ottavio Quirico: Overlapping Spheres of Regulation: Climate Change and Biodiversity.

- This presentation reviewed the degree to which climate change and biodiversity protection goals have been integrated within the EU;
- In the EU there are directives on climate change and loss of biodiversity;
- The EU habitat directive is relevant to biodiversity protection;
- The goal of the EU directive is to halt the loss of biodiversity by 2010;
- Climate change will make meeting this goal impossible;
- No specific commitments that link biodiversity and climate exist in the EU;
- Greater policy measures are needed in the EU to link climate and biodiversity.

32. Mimi Lam: Fish Wanted: Alive or Dead.

- Global fisheries are hugely and dangerously overstressed;
- New methods of managing global fisheries are greatly needed;
- A new method of managing global fisheries should be developed that takes into account the latest science of fisheries management;
- This method was explained.

33. Thomas Zeleny: The Efficiency of Cost Control Policies in Health Care.

- Attempts to control cost of health care have been tried in many countries;

- Tensions between managing health care costs exist between accessibility, quality of health care delivered, and other issues;
- Health care costs ranking among countries are useful to find the most efficient ways to deliver high quality health care;
- The United States has the highest health care costs in the World;
- Nations can learn by examining different approaches to health care around the world;
- There are no magic bullets, health care management ultimately requires choices between sometimes competing goals.

34. Don Spady: The Role of Infrastructure in Maintaining Public Health and the Need for Simplicity.

- When we usually plan for infrastructure we normally plan for a normal future that is based upon projections from the past;
- Yet the global environmental crisis will require new ways of thinking about infrastructure needs including water resources and food in particular;
- There are great benefits from planning infrastructure by paying attention to scale questions and doing things at local scale to the maximum extent possible;
- So in thinking about infrastructure needs that will arise in the changing world we are entering, it is best to create systems that are simple and have a local scale focus;
- If we focus on local needs, many benefits follow.

35. Antonio D' Aloia: Law and Climate Change: A Constitutional Perspective.

- Existing international law on climate change is inadequate;
- A new international “legal cathedral” is needed, in older times those who constituted cathedral did so for the good of all future generations;
- This new international regime should have the character of constitutional law.

36. Katy Kintzele: Keeping Nature Alive: Environment and Human Health in State Statutes.

- Much can be learned from national statutes on environmental law from around the world;
- There are remarkable examples on such things as landscape law and protection of quite areas;
- Most law misses such important things as truth, democracy, justice and equity, respect and love;
- Remarkable examples include improved valuation (Australia), definition of “environment,” common heritage of nations (France). Sweden, special ethical concerns to GMOs, , smoking bans, , community well being, local laws referring to international responsibilities, protection of quite areas, laws expressly stating

the most important problem is global warming, sustainable landscape management, innovative protections for water;

- Leadership examples abound on environmental law by looking at national statutes.

37. Ruth Irwin: Does a Failure of Global Leadership on Climate Change Mean it is All Over?

- Many national approaches to climate change are embedded in corruption and beliefs in technological progress;
- There is much to learn about the implications of climate change from Heidegger including how humans frame nature and human conflicts;
- Yet climate change has the potential to wake us up to a new understanding of human-nature interactions because current technical ways of framing our relationship have allowed us to not notice how nature is responding to human activities. Climate change may force us to become more aware of nature and may wake us up to the being of nature. This is so because technology allows us to ignore the equipment that we use in human endeavors and we only notice it when the equipment is broken;
- Climate change may also force us to wake up to our interactions with others around the world in new ways;
- For this reason, climate change could be transformative;
- Population declines also may force us to frame global issues in new ways.

38. Carijin Beumer: Perspectives on Biodiversity Protection in a Changing World.

- Existing legal regimes on biodiversity protection are insufficient;
- The world needs to integrate ecological limits into legal frameworks.

39. Sheila Collins: A Tale of Two Crises: The Economic and Environmental Lessons of the Great Depression.

- Most people don't know that the Great Depression of the 1930s had a strong environmental dimension;
- Farmers were particularly desperate because of environmental conditions such as the great dust bowl which was a man-made disaster;
- The environmental problems were exacerbated by the Homestead Acts, buffalo killing and other human actions;
- Farmers in the United States were devastatingly affected;
- Roosevelt saw the connections between environment and the economic crises;
- He mobilized the federal response to the depression in a way that linked job creation to environmental protection, something which Roosevelt called "the heritage of mankind;"

- There are huge positive lessons to be learned about how Roosevelt linked environmental and poverty issues in the 1930s that are extremely relevant to where we are now;
- Yet there is no national leadership discussing these linkages.

40. Franz-Theo Gottwald: Global Warming: A Danger to Agriculture.

- The way the international community approaches climate change and agricultural policies need to be improved;
- For instance cows are usually believed to problems for climate change because they release methane;
- Yet there are important lessons can be learned about measurement of cow impacts are made when one looks at such issues as locally and organically grown meat. Organic production cows have much less climate impact;
- There is a need to give voice to animals in climate change issues;
- Cows don not necessarily destroy forests;
- Cows turn grass into milk and meat;
- Cows are not political killers.

41. Rastislav Mad'ar: Challenges, Themes and Possibilities for Public Health Control of Infections Disease through Vaccination.

- There are many preventable diseases that can be eliminated through vaccination;
- This could be done at very low cost;
- This would be extraordinarily cost-effective.

42. Geoff Garver: The Role of Ecological Law: A Transformative Legal and Institutional Framework.

- This presentation included a rigorous review and critique of existing environmental law;
- There is a great need to integrate environmental protection limitations into the existing international legal structure;
- Many very specific recommendations were recommended.