

# Timely Annual Conference Addresses Big Issue

2007 The Year in Review: Human Rights and the Environment

By Bronwyn Polson

Just days after a new Government was elected partly on a platform of addressing climate change, the Castan Centre's annual Year in Review conference focused on the emerging intersection of international environmental law and human rights law. During a lively and informative event, human rights and environmental law experts shared their perspectives on the most pressing issues of 2007 from around the globe.

Holding Redlich Distinguished Visiting Fellow Mr Martin Wagner opened the day by using the example of the Arctic to pose the question: is there a right to be cold? Mr Wagner discussed how the Inuit people have been adversely affected by global warming as their traditional culture is damaged by rising seas and melting ice. He proposed that human rights could help address their environmental issues by "giving voice to otherwise voiceless people". Mr Wagner pointed out that "governments will do things in the name of human rights that they wouldn't do otherwise".

Continuing the exploration of global warming, Mr Cam Walker from Friends of the Earth spoke about the human face of climate change. Stating that "we live in a time of profound change but the human rights implications of this have been hidden", Mr Walker explained that the grave impact of climate change is felt mostly by the poor, as rising food, transport and health costs cannot be met. Mr Walker made the case that Australia needs to immediately take responsibility for its role as the world's largest per capita greenhouse gas emitter. Australia needs to "stop harming and start helping", by reducing emissions, providing funds to help communities adapt and accepting a fair share of climate refugees.

Ms Rowena Cantley-Smith from Monash University echoed the morning's sentiments about the intersection of environmental law and human rights by discussing how energy markets and supply impact upon both the environment and hu-

man rights at "all points along the energy cycle". As climate change "threatens basic rights everywhere", Ms Cantley-Smith proposed a "drastic change in energy markets" to cut emissions. She ended by stating: "Just because we can consume in a non-sustainable way, doesn't mean we have to. It's time for the developed world to take responsibility and change the way we do things".

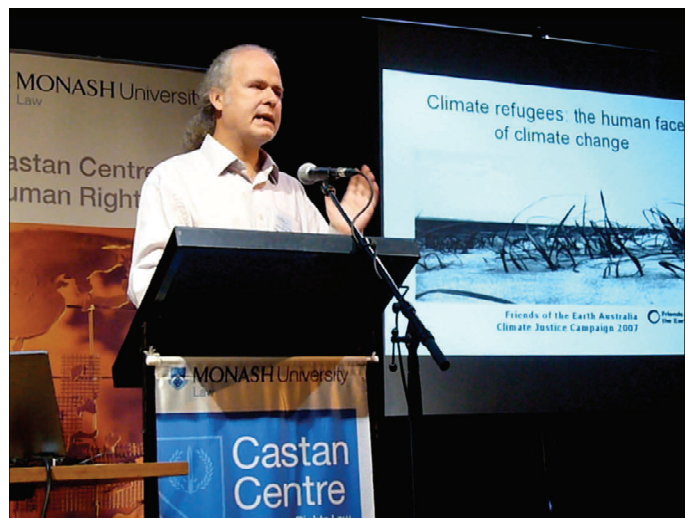
Professor Tony McMichael from the National Centre for Epidemiology and Population Health at ANU spoke about the community's right to a healthy environment. Professor McMichael highlighted the tensions between the concept of environmental rights at an individual level and at a community level. He explained that public health rights range from the local, such as food, to the global, such as a stable climate. Although we value these rights, he said, "in practice there are many aspects of inequality in relation to health-endangering environmental concerns". Professor McMichael proposed that to balance rights and accountability, we need to have fundamental rights, sustainable development and bioethics to ensure we can meet the challenges of climate change appropriately.

Mr Kwame Mfodwo and Professor John Langmore moved the discussion to specific international examples in New Zealand and Africa. From Monash University, Mr Mfodwo discussed Maori land rights developments in New Zealand, with a focus on the Treaty of Waitangi Claims by Iwi and Tangata Whenua. He explained that land rights claims are far advanced in New Zealand, with recognition and implementation changing the dynamics of the country. Interestingly, he noted that the main opposition to land rights claims comes from conservationists, as they compete with Maori for the "conservation estate". This results in increasing tension as more Maori choose to make a living by selling their assets rather than conserving them, which means "the environment could be the loser".

Professor Langmore from the University of Melbourne dis-



Professor Tony McMichael and Rowena Cantley-Smith



Cam Walker



*Kwame Mfodwo makes his point*

cussed the impact of economic and environmental factors on the situation in Darfur. He explained how the Sudanese Government's support for the Janjaweed militias has intensified the pre-existing competition for scarce environmental resources. The resulting conflict has caused five million people to be displaced internally, along with deaths, rapes and the destruction of property, infrastructure and the environment. Despite the international community suggesting solutions such as a UN peacekeeping force, Professor Langmore noted that the Sudanese government continues to resist non-African intervention. He recommended that the international community provide finance, and encourage the Sudanese government to plan for peacekeeping and peacebuilding.

The afternoon sessions moved away from the environment to focus on other current issues in human rights. In a moving presentation, Professor Judy Atkinson from Southern Cross University discussed the so-called 'national emergency' in Indigenous towns. She shared her experiences working in the Western Australian community of Kalumburu with men, women and children affected by a shocking cycle of violence and poverty. Judy proposed that assistance should involve crisis intervention in the short term, community healing workshops in the short to medium term, empowering change agents in the medium term and sustainable change in



*Keynote speaker Martin Wagner*

the long term. Ultimately, she believes that the answer lies in education, rather than law or health interventions. Judy stressed that it is vital that the rights of the child be centrally located in any solution. She shared: "When I sit with men in their prison cells and take all my judgement out, all I see is a small child that has been profoundly hurt".

Mr Phil Lynch from the Human Rights Law Resource Centre concluded by moving the spotlight from remote Indigenous communities to an urban aboriginal prisoner, Vickie Roach. In 2006, Ms Roach challenged the constitutional validity of the Howard Government's decision to ban all prisoners from voting. The Commonwealth argued, among other things, that the integrity of the electoral process was at stake, while Ms Roach argued that the system of representative government described in the Constitution amounted to a constitutional entrenchment of the right to vote. The High Court agreed with her 4:2. Consequently, the right to vote was returned to prisoners serving terms of less than three years - over 8000 Australian citizens.

*Conference papers are available on the Castan Centre website and the refereed conference publication will be available for sale from the Castan Centre in May 2008.*



*Phil Lynch and Professor Judy Atkinson.*



*Professor John Langmore*