

Human rights perspective adds value to climate change discussion



Leading scholars and practitioners in the fields of international human rights, climate change and philosophy came to Athens this spring to address the further incorporation of a human rights perspective

into talks about climate change.

The goal of the International Human Rights and Climate Change Conference was to advance this discussion and provide policymakers with the necessary tools to make more informed decisions.

The three fundamental issues identified by Associate Dean and Woodruff Chair in International Law Daniel M. Bodansky, a conference moderator, were: “How would we analyze climate change from a human rights perspective?” “What does a human rights perspective add?” and “What are the limits or problems – the costs to analyzing climate change from a human rights perspective?”

During one of the panel sessions, Wake Forest University Professor of Law John H. Knox noted that the United Nations found that climate change has serious implications for human rights, but that it does not necessarily violate human rights.

Nonetheless, according to Knox, there are obligations on the part of states to respond to these implications to human rights. This is particularly important when “climate change is expected to cause

millions of people to leave their homes in coming decades,” Knox added.

The Environmental Protection Agency’s Elizabeth O’Sullivan later expanded on this saying that environmental degradation will have a disproportionately large impact on poor and vulnerable populations through drought, heat, flooding and other environmental catastrophes.

“No people should bear a disproportionate share of negative environmental consequences,” O’Sullivan said.

Also weighing in on the debate was Yale University Leitner Professor of Philosophy and International Affairs Thomas Pogge. His keynote address focused on the interrelation between poverty, overpopulation and climate change.

Pogge said that, unfortunately, inequality has been on the rise, even in developed countries.

A solution he proposed was structural reform of the reward system for innovation, i.e., patents that “offer [inventors] an alternative reward that is conditioned on the ecological impact – the ecological benefit – of the invention.”

Despite having elicited a number of novel ideas during the day-long conference, the question of whether a human rights perspective will be incorporated into the climate change discussion remains uncertain.

Several panelists noted that while a human rights perspective may not be the perfect answer to an approach to climate change, it offers several benefits that other approaches lack.

- CHRISTOPHER BLAKE McDANIEL, THIRD-YEAR LAW STUDENT AND GJICL EXECUTIVE CONFERENCE EDITOR

Gaps in nuclear security addressed

International experts convened in Vienna, Austria, in January to discuss ways to reduce the risk of nuclear terrorism and to ensure the security of nuclear materials and facilities worldwide.

Co-sponsored by the Dean Rusk Center and UGA’s Center for International Trade and Security, the workshop was designed to address current gaps and inconsistencies in nuclear security and to yield specific recommendations for improvement. More than 100 international experts in the fields of nuclear law, antiterrorism and nuclear security participated.

The proposed changes from the symposium focused on critical areas in the existing international legal framework designed

to strengthen nuclear security and combat nuclear terrorism. For instance, there was agreement on the need for the accelerated ratification of the 2005 Amendment to the Convention on Physical Protection of Nuclear Material, which would create a legally binding international standard for securing and transporting nuclear materials and safeguarding nuclear facilities.

This and other recommendations were submitted at a three-day meeting held in The Hague in preparation for April’s Nuclear Security Summit in Washington, D.C.

“Although elimination of nuclear weapons and materials for their development remains a long-term goal, ensuring the security of nuclear materials and facilities remains

the only means we have for now to prevent a possible nuclear catastrophe,” CITS Interim Director Igor Khripunov said.

The workshop also spurred a follow-up event held on the UGA campus during March titled April 2010 Nuclear Security Summit: Expectations and Realities. This latter symposium focused on the role of the United Nations Security Council Resolution 1540 in providing an umbrella mechanism for further developing a legal framework designed to reduce the risk of nuclear terrorism and strengthen overall nuclear security. The current role of the International Atomic Energy Agency, as well as proposals to expand and further support the organization’s mandate and resources, was also discussed.



As a guest lecturer for the Dean Rusk Center, Dr. Han S. Park, director of the UGA Center for the Study of Global Issues, discussed the importance of conflict mediation and the role he played in the highly publicized release of two U.S. journalists from North Korea last August.

Park kicks off year of notable speakers

Each year, the Dean Rusk Center hosts distinguished guest lecturers that offer new insights on a plethora of international issues.

Among this year's speakers was Dr. Han S. Park, director of the UGA Center for the Study of Global Issues, who shared his experience as a key negotiator during a showdown with the North Korean government last year over the detainment of two U.S. journalists.

"The management of conflict is what politics is all about," Park explained.

However, according to Park, today's global conflicts are unprecedented in the sense that "if we fail, we may be doomed." He said this seriousness is due to the proliferation of weapons of mass destruction and the dehumanization of killing as well as a lack of world order.

"Today's world is a world where there is no hierarchy of nations," Park said. "Small nations are not accepting their secondary

status anymore. They are not submitting themselves to larger military or economic powers."

As a result, he feels that mediation has become imperative.

Park elaborated that North Korea is a prime example of what he considers to be "an environment requiring the intervention of mediation." That is why he got involved when American journalists Laura Ling and Euna Lee were captured and charged with crossing the North Korean border illegally and committing "hostile" acts such as interviewing and filming North Korean defectors.

As a mediator, Park advised the North Korean government and helped discover what it would take for them to release the journalists – an apology from the United States for referring to the charges as "baseless" and a request for amnesty. The reporters were eventually allowed to return to America last August, after 140 days of captivity.

The Rusk Center also hosted former Solicitor General of Hong Kong Daniel R. Fung, University of Utah Professor of Law Amos N. Guiora, Assistant Surgeon General and Acting Deputy Director of the National Center for Emerging and Zoonotic Infectious Diseases at the Centers for Disease Control and Prevention Ali S. Khan, and Bournemouth University Professor of Information Jurisprudence and Director of the Centre for Intellectual Property Policy & Management Martin Kretschmer.

An expert on U.S.-China relations, Fung discussed how the global financial crisis has

affected the two countries' political and economic partnership in his lecture titled "The Post-Financial Crisis World Order: *Sino-American Relations in an Age of Economic Turmoil*."

"Morality in Armed Conflict: *Dilemma of the Decision Maker in Operational Counterterrorism*" was presented by Guiora. In addressing the dilemmas of a military commander in operational decisions, he explored the ethical, legal and political aspects of counterterrorism and international law issues.

The intersection between global public health and international law was the focus of Dr. Khan's discussion titled "A One Health Strategy for Global Health Security." Khan explained how public health law plays a critical role in confronting infectious disease threats through quarantine laws, the declaration of public health emergencies and International Health Regulations.

Renowned intellectual property law expert Kretschmer gave two lectures during his visit to the Rusk Center. One focused on his groundbreaking work in artist compensation in the European Union as well as the contractual structures that drive creative industries. The second explored his research on the international franchising of television formats such as "American Idol."

To learn more about these speakers or to listen to their presentations online, please visit www.law.uga.edu/lectures

IJTP expands to the Middle East

The Dean Rusk Center's International Judicial Training Program has partnered with the Dubai Judicial Institute to train judges, lawyers and court officials from the Middle East.

Co-sponsored by the Institute for Continuing Judicial Education in Georgia, this is the first time the IJTP has traveled outside of the United States to conduct on-site instruction. According to Rusk Center Director C. Donald Johnson (J.D.'73), the timing could not be better.

"Despite the current recession, Dubai remains the center of international finance in the Middle East," Johnson said. "The judges there use a unique blend of Sharia and civil law and are trying to mold it to better fit Dubai's expanding international trade and

financial industries. They are also trying to acquire a variety of best practices from the common law system, which is where we come in."

The IJTP held three days of training in November for 30 members of the United Arab Emirates and the Bahrain judiciary. The main focus was case management.

Session leaders included then-Chief Judge Doris L. Downs (J.D.'81) of the Atlanta Judicial Circuit and Judge David T. Emerson (J.D.'76) of the Douglas Judicial Circuit.

"The IJTP is planning on returning to Dubai this fall with an expanded program," Johnson said. "Our hope is that eventually judicial members from the entire Middle East will participate."