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Inaugural Presentation of the Elizabeth Haub Prize for Environmental Diplomacy: Acceptance Address

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Acceptance Address by Ambassador Bo Kjellén, Ministry of the Environment of Sweden,¹ at the conferring of The Elizabeth Haub Prize for Environmental Diplomacy,² New York, New York, May 11, 1999

Madame Chairman, Madame President, members of the faculty of Pace University School of Law,³ excellencies, ladies and gentlemen, let me first of all express my warm gratitude to the Elizabeth Haub Foundation,⁴ the ICEL⁵ and Pace University for granting me the first Elizabeth Haub Prize in Environmental Diplomacy in memory of that great philanthropist Elizabeth Haub,⁶ who during her lifetime saw so far and deep into our environmental future. It is a great honor for me and for my country, and I am indeed very happy to be here with you this afternoon. As you will well understand, I accept the prize with pride, but also with a strong sense of modesty. Let me also tell you that I do regret that my wife could not be with me here tonight; without her continuous support and understanding I could not have been a candidate for this prize.

The institution of the prize is, of course, also a recognition of the efforts undertaken by hundreds and hundreds of colleagues

1. Bo Kjellén is the former Ambassador of the Environment of Sweden. He has served on many committees for the UN and acted as chairman of the International Convention to Combat Desertification. See *United Nations Environmental Programme* (visited Nov. 5, 1999) <<http://www.unep.org>>.

2. The Elizabeth Haub Prize is awarded for exceptional accomplishments in the field of international law. See *Pace University School of Law* (visited Nov. 5, 1999) <<http://www.law.pace.edu/env/icelsite/ice/awards.html>>.

3. Pace University School of Law, founded in 1976 in White Plains, New York, is a world leader in the field of environmental legal education. See *Pace University School of Law* (visited Nov. 5, 1999) <<http://www.law.pace.edu/pacelaw/environment>>.

4. See *supra* note 2.

5. The International Council of Environmental Law (ICEL) was founded in 1969 in New Delhi, India, as a public interest organization. It contributes regularly to the UN General Assembly. See *supra* note 2.

6. Elizabeth Haub was a groundbreaking environmentalist who established the Karl-Schnitz-Scholl Fund in Germany in honor of her father. Her daughter later established the Elizabeth Haub Foundation for Environmental Law in the United States. Both foundations support national and international laws for the preservation of the environment. See *supra* note 2.

and friends in the various negotiations, and I feel that I also speak for them in this acceptance address.

As Maurice Strong⁷ remarked at the end of the Rio Conference,⁸ this process is indeed an extraordinary human experience. A negotiation is always a result of teamwork and its success a result of common efforts. Furthermore, the Rio process and all of us continue to owe a debt of gratitude to the truly extraordinary contributions of Tommy Koh⁹ and Maurice Strong. Speaking of Ambassador Koh, I wish to recall that he is a laureate of the ICCEL Prize for Environmental Law,¹⁰ as is another of my colleagues in the Rio negotiations, the remarkable lawyer Patrick Szell¹¹ of the United Kingdom. What could be more appropriate at this point than to underline the essential role played by Dr. Wolfgang Burhenne,¹² who has seen more clearly than anyone the fundamental links between environmental law and the conduct of negotiations, thereby opening new avenues for thinking and action?

I am also sure that I speak for my good friend, Ambassador Razali Ismail,¹³ who unfortunately cannot be with us here today. I feel particularly honored to share the prize with a person who has played such an outstanding and distinguished role in the Rio process. His contribution, first in leading the negotiations on the institutional chapter in Agenda 21,¹⁴ and then in setting the stage

7. Maurice Strong was Secretary General of the 1992 UN Conference on Environment and Development, and is now the Executive Coordinator for Reform in the Office of the UN Secretary General. See *Canadian Internationalism in the 21st Century: A Conversation with Maurice Strong* (visited Nov. 5, 1999) <<http://www.idrc.ca/books/reports/1997>>.

8. In 1992, the UN Conference on Environment and Development was held in Rio de Janeiro. "Agenda 21" was the environmental agenda produced there. See *The People's Decade of Human Rights Education: The Environment* (visited Nov. 5, 1999) <<http://www.pdhre.org/rights/environment.html>>.

9. Tommy Koh, from Singapore, is an Ambassador-At-Large at the Ministry of Foreign Affairs, Director of the Institute of Policy Studies, and Chairman of the National Arts Council. He has served on several UN Committees for the Environment. See *Maritime and Port Authority of Singapore* (visited Nov. 5, 1999) <<http://www.mpa.gov.sg/homepage/pressreleases/980828.html>>.

10. See *supra* note 2.

11. See *supra* note 1.

12. Dr. Wolfgang Burhenne has been involved in many major international conventions dealing with conservation. His efforts led to the development of the World Conservation Union (IUCN) Environmental Law Center in Bonne. See *supra* note 1.

13. Razali Ismail is the Permanent Representative of Malaysia to the United Nations. See *supra* note 1.

14. See *supra* note 8.

for the Commission on Sustainable Development (CSD)¹⁵ through the chairmanship of its first session, was of a decisive nature. In chairing the Special Session of the General Assembly in 1997, he also carried the process further into the next millenium, setting the stage for sustainable development.

Let me go straight to the main theme of my speech tonight. What is new? What is the rationale behind the concept of environmental diplomacy as a new branch on a tree which is several millenia old, stretching from the dawn of history, when warring tribes needed to talk instead of fight, and sent an emissary to negotiate? Perhaps the real novelty is that people have reached a point of dominating the planet in such a total and global way that our generation has a special responsibility toward all future generations. Perhaps we feel, though still vaguely, that for the first time in history all human beings are involved in a struggle for survival, a struggle where we are all ultimately on the same side.

But we also know that the realization of such a fundamental shift of emphasis is not universal. We know that many traditional conflicts exist and that they continue to claim the main attention of governments and media. Progress is slow as political and economic considerations with roots in the past prevail too often. More recently, we have seen how a new brand of traditional dictatorship is suppressing human rights and upsetting peace and stability in Europe. We also know that the combat of poverty and hunger must continue to be given priority, and that hundreds of millions of people struggle for survival, not for the next century but for the next day. Indeed, sustainable development must encompass economic, social and ecological considerations; and the Rio Conference was a conference on environment *and* development.¹⁶

We, who are the practitioners of multilateral diplomacy, know that something new is happening. That is why our ceremony this evening and the message it conveys are so important. We need to analyze seriously this new branch of diplomacy in order to refine it and improve it.

Let me offer a few comments and some suggestions for research priorities. I am deeply convinced that we as practitioners

15. The Commission on Sustainable Development was created in 1992 after the Rio Conference to monitor the implementation of the Conference's objectives. See *United Nations Home Page* (visited Nov. 9, 1999) <<http://www.un.org>>.

16. See *Institute for Global Communications* (visited Nov. 5, 1999) <[http://www.igc.apc.org/habitat/agenda 21/rio-dec.html](http://www.igc.apc.org/habitat/agenda%20rio-dec.html)>.

need the help of scientists. C.P. Snow¹⁷ once said that officials need scientists to help them think in the long term because the administrators—and I include the negotiators—have a tendency to concentrate on short-term problems.

Since environmental diplomacy cannot be separated from the concept of sustainable development, I begin with that notion. The Brundtland Commission¹⁸ gave us the term and the Rio process has permitted us to understand better what it means. The three pillars of sustainability—economic, social and environmental—have existed for a long time, certainly also in multilateral diplomacy; but it is their integration into a common policy framework with global significance that creates a new situation. It goes without saying that when you project this network of linkages on a multilateral negotiating structure, the result will be quite complicated. It takes a considerable effort to cut through a web of influences and crosscurrents, in particular, since very real and very strong interests of different kinds are challenged.

This complexity is enhanced by the second major element of change, which is highlighted by the Rio process: the growing role of civil society. Multilateral negotiation is no longer the domain of a small group of insiders. The active participation of Non Governmental Organizations (NGOs)¹⁹ has changed the atmosphere of multilateral diplomacy. It is true that NGOs are not—and should not be—negotiating parties, in the formal sense. This was clearly recognized in two important decisions taken by the Rio preparatory committee at its first two sessions. But the influence of NGOs is nevertheless felt in many different ways; looking at the national level, they have a strong impact on the formulation of negotiating positions.

17. C.P. Snow, a former scientist turned novelist, gave a controversial lecture entitled "Two Cultures and the Scientific Revolution." He claimed that there were two cultures — the literary intellectuals and the scientists — who didn't understand or trust each other. See *Radio National – The Science Show: C.P. Snow: Two Cultures* (visited March 17, 2000) <<http://www.abc.net.au/m/science/ss/stories/s23481.htm>>.

18. Gro Brundtland was Prime Minister of Norway, who from 1983-87 headed the World Commission on Environment and Development. See *Introducing Norway* (visited Nov. 5, 1999) <<http://www.odin.dep.no/ud/publ/96/norway/index.html>>.

19. Non Governmental Organizations are typically non-profit, voluntary citizens group organized on a local, national or international level, which perform various services and humanitarian functions. See *U.N. Charter art. 71* (visited Oct. 27, 1999) <<http://www.un.org>>.

The third point I wanted to underline is the new attention given at the local level. Chapter 28 of Agenda 21²⁰ has had a tremendous impact in many countries. In my own country, Sweden, all municipalities have worked out their local Agenda 21. This will have a profound effect on international negotiations. We need to be aware of the broad popular commitment that exists; it gives us a new responsibility in linking better than before the global concerns with action at the local level where people live and work. In fact, all our efforts, all our decisions, and all our resolutions are meaningless if they do not lead to real action on this ground.

Finally, I have no doubt that the direct impact of science on international negotiations has grown very significantly through the Rio process. The precautionary approach adopted in the Rio Declaration has been instrumental (e.g., to both the Montreal Protocol²¹ and the Climate Convention), but that approach requires sound and credible scientific work and a new understanding of scientific methods and results among the negotiators. It is not only a question of natural science; the social sciences have a major role to play as well.

Against this general background I wish to express some ideas on areas where further research linked to the process of multilateral environmental negotiations seems to be particularly desirable. Let me begin with the caveat that I am not referring to the necessary scientific backstopping in terms of natural science aimed at identifying new environmental threats of the kind I have just mentioned. Rather, I am concentrating on the social sciences and on issues more directly linked to the negotiating process itself.

1. A general institutional framework. The question of United Nations institutional reform in the field of sustainable development is very much on the agenda and I do not need to elaborate any details. It is quite clear that there is need for more research by political scientists on the pros and cons of different solutions: What is to be done? How do we organize? What can we use? Such research could help the political process.

20. Chapter 28 of Agenda 21 deals with local authorities and their support of the Agenda. See *United Nations Home Page* (visited Oct. 11, 1999) <<http://www.igc.ap.org/habitat/agenda21/index>>.

21. The Montreal Protocol was adopted in 1987 as an agreement to institute control measures to eliminate production and consumption of ozone-depleting chemicals by 1996. See *The Ozone Secretariat* (visited Nov. 6, 1999) <<http://www.unep.org/ozone/montreal.htm>>.

2. North-South relations. We are all aware of the fact that this is a key issue, and that every single conference confirms that the role of the Group of 77²² is of central importance. We also know that decision-making in this body of more than 130 countries is very difficult and that an efficient management of negotiations at the global level is sometimes made very complicated indeed. What can be done to improve the efficiency of negotiations in this respect? Are there methods to increase confidence between the groups and avoid excessive polarization?

3. The legal framework. We are dealing here not only with a new branch of diplomacy, but with new concepts for international law as well. How do we make new international instruments—very often more of a process than action-oriented—enforceable and efficient? What about compliance rules? No doubt Pace University and the ICCEL are well placed to play a leading role in this field.

4. Global economic issues. In this particular area, the distance between Washington and New York, or between the Bretton Woods institutions²³ and the East River, seems very long indeed. I have a feeling that different perceptions of reality are clashing and that certainly does not help negotiations on sustainable development. How can we help a much-wanted integration of ideas and expertise between these poles? How do we ultimately involve the actors in the private sector, in particular the big multinational corporations? Their impact on the global economy is often greater than that of many single countries, but they are not involved in any significant way in the intergovernmental effort to tackle global environmental threats.

5. Environmental problems and security concerns. This problem links classical diplomacy and negotiations for sustainable development. Global threats, such as the greenhouse effect, or regional problems, such as those linked to shared water resources, may carry new seeds of conflict, but they might also open possibilities for cooperation around common problems, thereby opening new avenues for understanding. We all feel the potential impor-

22. The Group of 77 (G-77) was established by the Joint Declaration of the Seventy-Seven Countries. G-77 is the largest third-world coalition in the United Nations. Its goal is to "promote the economic interests of the member countries." *Group of 77 home page* (visited Oct. 27, 1999) <<http://www.g77.org>>.

23. The Bretton Woods Institutions are made up of the World Bank and the International Monetary Fund (IMF) which were created at Bretton Woods, New Hampshire, in 1944. See *Sierra Club home page* (visited Oct. 27, 1999) <<http://www.sierraclub.ca/national/halifax/brettonwoods.html>>.

tance for the future, but we still have a limited perception of the nature of these new linkages. One particularly dramatic example is provided by the situation around the shrinking Aral Sea in central Asia,²⁴ a regional problem that requires the attention of the world.

Ladies and gentlemen, I have touched upon a number of aspects of multilateral environmental diplomacy which seem to warrant serious intensified academic study. There is much more to be said on this subject, but I simply wanted to carry very briefly the experience of the practitioner to this forum on an occasion which offers so much promise for intensified contacts between diplomacy, science, academia, and the corporate sector.

We are all privileged to be part of the adventure of the Rio process and to have an opportunity to participate in the fascinating effort to create a sustainable future, but the overwhelming sense is modesty and humility in the face of the dimensions of the problems. This is certainly also a reasonable attitude to take in accepting the award granted to me.

Let me now, on the threshold of a new millenium, share with you some personal reflections on the problems we are facing as environmental negotiators. My point of departure is a world in extraordinary transformation, with new opportunities and new risks, with a totally new world political situation, with incredible technological promises—but with human beings who are not more intelligent, and who possess no better judgment, than our ancestors 500 years ago or 3000 years ago. How do we manage this extraordinary situation?

The world today seems to be characterized by a number of contradictions, which have to be recognized as we struggle to meet the challenges of the future. Let me just briefly enumerate a few of them:

1. *Globalization* itself is perhaps the single most pervasive phenomenon of our time, but it is challenged by increasing *regionalization*, and stronger attention to local communities. In this process, the nation-state is changing.

24. Once a prosperous commercial fishing area and the fourth largest inland sea in the world, the Aral Sea has shrunk to less than half its original size. The sea lies in a desert region of central Asia, and is bordered by the former Soviet Union. Rivers that once fed into the Aral Sea have been diverted to supply water to farmers and, as a result, other environmental concerns, such as pesticides and salt dust storms, are plaguing the area. See *United Nations home page* (visited Oct. 27, 1999) <<http://www.unops.org/5proin/5pi2001.html>>.

2. *Affluence* is certainly a characteristic of many countries today, and never before have so many people had the opportunity to live a comfortable life. Yet, never before have so many people lived in unacceptable *poverty*.

3. *Projections of population growth* have been constantly revised downward in recent decades, but the dynamics of population are such that we know the world population by the middle of the next century will approach ten billion people. They all have the right to a decent life.

4. New attitudes to *gender issues* are changing our societies, but there still remains, in all countries, traditional discrimination against women.

5. *Urbanization* creates new ways of life for millions and millions of people, but cities cannot live without the surrounding countryside. *Rural development* must remain a priority issue.

6. *Rapid change*—too rapid for some of us—driven by pervasive new technologies, is changing the face of the world. Never before has it been more important to think in the long term.

Ladies and gentlemen, this is the world, the basis for the challenges facing environmental negotiators in the decisive decades to come. What are the central clusters of problems? Any effort to structure this complicated, interdependent world may of course seem futile, but let me make a try.

I see five main clusters, the first related to the atmosphere. This involves a number of problems of different kinds, but perhaps the key issue for human survival is climate and the greenhouse effect. Negotiations are underway, but it is not surprising that they are difficult; mitigation efforts go straight to the heart of our civilization: energy production and transportation systems.

The second cluster relates to the oceans and freshwater systems. There are many different global links as we follow the water from the oceans through the rain to the rivers and the ground. There are the fragile coastal zones where most of the world population lives. There are tremendous interests involved as we look at the role of fisheries and other economic activities in these zones. There are all the risks of pollution, which will be key issues for negotiation in the years to come.

Third, there is the cluster of food security for the growing world population. Here, the issue of fresh water and the particular problems of the drylands need special attention. The Conven-

tion to Combat Desertification²⁵ is a start, but it needs to be consolidated. The Convention on Biodiversity has a central role in this respect.

I have already mentioned urbanization as a characteristic of the epoch. The Habitat Conference in Istanbul in 1996²⁶ focused on the multitude of problems arising from the fact that in a few years the majority of people on the planet will live in urban areas. Land use, water and sewage, waste management, control of disease and crime will be part of the necessary major effort to make cities livable and manageable.

A final cluster of negotiating issues is linked to financial flows and to world trade. No one can doubt the importance of these aspects of globalization, which will have a decisive impact on all efforts to create global sustainability in economic, social and ecological terms.

These are the tasks to be faced by environmental negotiators in the years to come. They will be part of a major effort to support and control the globalized world economy through a refined multi-lateral system of cooperation between governments. They will all continue in that uncertain no-man's-land between two realities: the negotiator's instructions and the achievable result.

Beyond all the techniques and the theories of negotiation there are still the fundamentals. It is the decisive importance of education to create among young people a spirit of international understanding. My own experience is an example of how this could be done. Almost fifty years ago, I came to New York for the first time, together with twenty-two other young Europeans, for an international friendship tour called Hands Across the Sea, organized by local business people in Nashville, Tennessee. That experience opened new perspectives for me, and for many others. Without it, I would certainly not have had the privilege of speaking here tonight. It is also the feeling of working together on issues that have a bearing on the real long term—on the long chain of future generations. These are wide horizons, personal commitments to the people who are yet unborn.

25. See *supra* note 1.

26. The United Nations Conference on Human Settlements was held in Istanbul, Turkey, from June 3-14, 1996. Its objectives were to "arrest the deterioration of global human settlements . . . and ultimately create the conditions for achieving improvements in the living environment of all people on a sustainable basis, with special attention to the needs of women and vulnerable social groups . . ." *Whither the Spirit of Rio? United Nations Conference on Human Settlements*, (visited March 17, 2000) <<http://www.ecouncil.ac.cr/about/contrib/spirtrio/spilD.htm>>.

There are also the unseen. The concern for the unseen is part of the sense of globalization, because the unseen are billions of poor people who live on this planet: the women, the men, the children, most of them—but not all—in developing countries. They live far away from the international meeting rooms; and many live far away from the fast-moving modern world. For them, the fundamentals of surviving have not changed very much. As negotiators, we all have, of course, constituencies in our capitals; but we also have a common constituency—the unseen.

In the face of these global and long-term perspectives, only one attitude is really possible: to be modest. It is a modesty that has to be combined with courage and realism. I speak of the courage that the French writer Romain Rolland has expressed better than anyone else: “The real heroism is to see the world as it is, and to love it.”

Ladies and gentlemen, one could look at our situation in different ways. One could try to see it in the light of humor, like the story about the assembly of dinosaurs, when the speaker concludes, “the situation looks fairly bleak, distinguished colleagues: the climate is changing, the mammals are taking over, and we all have brains the size of a walnut.” Or, we could accept uncertainty in the style of the Swedish poet Erik Lindegren, “because we have no other nest than our wings.” We could lay emphasis on our responsibility, like the French writer Saint-Exupéry: “We have to know that when we lay down our stone, we are building the world.” Finally, we could throw wide open the door to new ideas, like Senator William Fulbright: “We must learn to think unthinkable thoughts”; or the poet who wrote, “you speak of things that are and ask why? . . . but I speak of things that never were, and ask why not?”

In concluding on these notes, it is clear that we have to accept that negotiators can only do so much. They cannot, by themselves, change policies. It is obvious to me that as attitudes will have to change in order to achieve “smart growth” and sustainability, the world will also need a new kind of humanism. Governments cannot solve all problems; the markets cannot solve all problems. As human beings, we need the capacity to go outside ourselves, hopefully to consume less physical resources and to consume more cultural goods. One cannot force people to change lifestyles, but we who are among the affluent can at least offer the music of Bach or Mozart as the bridge between the past, the pres-

ent and the future; or reflect on our place in the world as we see the Vermeer paintings in the Frick Collection.²⁷

Modern science seems to open new avenues of thinking which may establish linkages so far unknown to us, while modern life seems to limit the time we have to reflect and to feel. "Real time" may not always be the best time. We the negotiators—the middlemen between the desirable and the achievable—between the point of departure and the final results—we must have the courage to keep the visions alive. The great American poet Carl Sandburg once wrote, "the Republic is a dream. Nothing happens unless first a dream."²⁸

Whenever I come to New York, I recall the lines that Walt Whitman wrote 150 years ago, upon crossing the river on the Brooklyn Ferry:

Others will enter the gates of the ferry and cross from shore
to shore,
Others will watch the run of the flood tide,
Others will see the shipping of Manhattan north and west,
and the heights of
Brooklyn to the south and east,
Others will see the islands large and small,
Fifty years hence, others will see them as they cross, the sun
half an hour high,
A hundred years hence or ever so many hundred years hence,
Others will see them,
Will enjoy the sunset, the pouring-in of the floodtide, the
falling back to the sea
Of the ebb tide.²⁹

Whitman concludes: "It avails not, time nor place—distance avails not. I am with you, you men and women of a generation, or ever so many generations hence . . ." ³⁰ The *Leaves of Grass*³¹ of

27. The Frick Collection is housed in the New York mansion built by Henry Clay Frick. See *The Frick Collection: Introduction* (visited Nov. 2, 1999) <<http://www.frick.org/htmlko/mnf.htm>>.

28. CARL SANDBURG, WASHINGTON MONUMENT BY NIGHT, in *THE COMPLETE POEMS OF CARL SANDBURG* 282 (1970).

29. *The New Bartleby Library, 86 Crossing Brooklyn Ferry. Whitman, Walt. 1900. Leaves of Grass* (visited Nov. 2, 1999) <<http://www.bartleby.com/142/86.html>>.

30. *Id.*

31. First published in 1900. On-line edition first published in 1994. *The New Bartleby Library, Whitman, Walt. 1900. Leaves of Grass: Bibliography Record* (visited Nov. 2, 1999) <<http://www.bartleby.com/br/142.html>>.

that great New York poet lingers in my mind as I humbly accept the Elizabeth Haub Prize for Environmental Diplomacy.

Thank you for your attention.