

What change is needed to provide for human rights, global security and environmental sustainability?

It would be difficult to overstate the dire conditions which face humankind on a global scale today. The complexity and interrelated facet of the problems assailing our planet are, to be sure, so great in number and scope that no one country, or even a handful countries, can tackle and resolve them. The situation is demanding, nay requiring, that virtually the entire legion of political, legal and social forces on the globe collaborate since all countries, to greater and lesser degrees, are directly contributing to the causes, or minimally, are receiving the most deleterious impact of the troubles.

The Problems

Prioritization is difficult as well since any one problem tackled automatically translates into the need to provide parallel focus on another issue. As of 2000, 36.1 million people were living with HIV/AIDS, with 90% of the aggregate numbers living in developing countries and 75% living in sub-Saharan Africa (Annan, K. United Nations, 2006). Over the past several years, heterosexual contact has now become the most common mode of AIDS transmission globally with young females 1.6 times more likely to contract AIDS than young males (UNIFEM, 2004). As Simmons, Farmer and Schoepf (1996) tell us, “increasingly, then, the face of AIDS is a woman’s face” (p. 39). Sub-Saharan Africa has the most devastated region for AIDS with 77% of the entire world’s female AIDS victims living there. Within sub-Saharan Africa, 57% of females are now seropositive. Young women ages 15 to 24 years are three times more likely that they will become infected than males in the same age group (UNIFEM, 2004). In India, women are increasingly being infected with AIDS by their spouses.

The most vulnerable, and largest growing segment of the population, are women and children. Increasingly women are being infected as they are disproportionately affected by economic insecurity, poverty, lack of education, social exclusion, illiteracy, discrimination, lack of information for self-protection, and all types of sexual exploitation. Growing numbers of orphaned children are left when their mother dies of the disease. Even as we consider the enormity of this pandemic, it immediately surfaces issues of gender inequality and discrimination, education access, illiteracy and the list goes on and on. Certainly, this is a healthcare issue, but at the macro level, it is really a human rights issue.

There exist no records that could tell the story of how many millions of people have died, since the beginning of time, as a result of wars, genocide and mass violence. It takes no great intellect to assume the numbers have been significant. We know that throughout history wars have been waged in which thousands and tens of thousands of people were slain, and revolutions were instigated by people who were rejecting years of severe oppression and egregious abuse by the ruling elite. Brezinski (cited in Walther, 1998) estimates that no less than 167,000,000 people died during the 20th century alone because of political conflicts. With no definitively numbers, he states the aggregate could be 100 million more. In Rwanda in the spring of 1994 over the course of just 100 days, the government sponsored a genocidal campaign which resulted in the heinous slaughter of 850,000 Rwandans, or 10% of the entire population of Rwandans, with most deaths occurring in the Tutsi clan (Smith, 1998). Using machetes to hack to death many of the victims, this genocide has been noted for its particularly horrific methodology of death. Milosevic's ethnic cleansings of non-Serbian civilians in the 1990s is another

recent example of savage and brutal genocidal slaughters of innocent lives (Jones, 2006). Refugees were taken to execution sites where they were blindfolded and executed with automatic rifles. Some were buried alive. At the United Nations international court for crimes against humanity, a French policeman at the tribunal court stated that corpses littered the street and blood ran like rivers (Jones, 2006). He testified that many people opted to commit suicide rather than have their noses, lips or ears cut off by the militia.

Rape has become a common tool of war that males use against females of all ages (Mydans, 2001). Ross Mountain, United Nation's humanitarian coordinator for the Congo states, "It has been used as a weapon of war for so long it's become almost a habit" (Nordland, 2006). Perhaps today's most gruesome example of male violence against women is in the Congo where an epidemic of fistulas from violent rape is being reported. Fistulas result in a tear in the walls that separate the vagina and bladder or rectum and are a major health risk in many parts of Africa (Nordland, 2006). Male militias are sexually assaulting females by raping them violently, in many cases through gang rape and, in some situations, in front of the female's children. Afterwards, one of the rapists will stick an object such as a stick or pipe in her vagina. Immediately following the rape act, some male perpetrators put a gun in the woman's vagina and shoot her at point blank range, thus creating a permanent fistula. As many as 250,000 females have reported violent sexual assault in the Congo (Nordland, 2006). Medical doctors state that up to two thirds of fistula cases are the result of sexual violence (Nordland, 2006) where women walk into hospitals soaked in their own feces and urine, rendered incontinent. Many will never bear children and will live the remainder of their lives with a colostomy bag (Nordland, 2006).

Other horrific violent acts committed by males against females are 'honour' killings, acid violence, female infanticide and bride burning which occur in larger numbers in India, Bangladesh and Pakistan . 'Honour killing' refers to an ancient practice in which men kill female relatives in the name of family 'honour' for forced or suspected sexual activity outside marriage, even rape victims. An acid attack where the male throws acid on a woman to disfigure her might occur from something as simple as a delayed meal or rejection of a marriage proposal. Female infanticide occurs when the male kills a female child within weeks of her birth. Bride burning happens when husbands instigates an 'accident' when their perception of the obligatory marriage dower (gifts from in-laws) is insufficient. In India, approximately 5,000 of these occur each year in which the young bride is doused with kerosene and set on fire for failing to satisfy the demands of gold, cash and consumer goods that constitute the dowry in arranged marriages (Dugger, 2000). These are all examples of males killing or seriously injuring a female family member, or other community female, without punishment.

Confronted by an overpopulation crisis with 6 billion people on the earth and an expected 8 billion by the year 2050 (Associated Press, 2007), overconsumption and global warming appear to be amongst the frontrunners of world problems, competing aggressively with the need to address poverty and AIDS. As emphasized earlier, they are inextricably related. Sadly, the developed countries are, by far, the perpetrators of the causes while the developing, poor countries will be the hardest hit by its negative outcomes (Union of Concerned Scientists, 1994 (a), (b), (c)). Additionally, although interest is growing, there is currently an insufficient global interest and collaborative effort to address this crisis (Union of Concerned Scientists, 1994 (a)).

The Solutions

On a macro level, it should be apparent that with the ever developing and visible global economy, there must also be parallel legal, political and economic structures on a global scale to address the issues that are surfacing, and will continue to manifest, as a result of interconnected business transactions across nations. International intellectual property law, contract law, along with human rights and criminal law, are essential to curbing corruption and criminal activity on a global scale, holding those persons in positions of power accountable for their actions, and, ultimately, in maintaining order and ensuring justice. There already exist several structures which, if given sufficient support by world governments, can serve as the mainstay for international justice on all levels. The United Nations' (UN) Human Rights Council and International Criminal Court are two bodies which can act as overseers of serious human rights abuses and egregious criminal activity, respectively. The Human Rights Council has recently replaced the prior UN Human Rights Commission because the latter had developed a pervasive perception by the world community that, due to political scapegoating, certain member countries with a record of human rights abuses were not being held accountable. The Human Rights Commission had been widely viewed as ineffective as certain member countries such as Sudan, Libya and Zimbabwe escaped scrutiny of their own serious human rights abuses (Hoge, 2007). Since the formation of the Human Rights Council a year ago by a UN General Assembly vote of 170 to 4, the past year a large bloc of the member countries, specifically Africa and the Organization of the Islamic Conferences, an association of 57 states which promote Muslim solidarity, have declined to acknowledge, and hold hearings on, the crises in Sudan, Zimbabwe, North Korea or Iran

(Hoge, 2007) and instead have repeatedly focused on, and passed resolutions against, human rights abuses by Israel. Sudan is currently recognized by the UN and all human rights watch organizations as the country with the most egregious violations against humanity and in most need of interventions, however, the leaders of the country last week took to the floor of the Human Rights Council and vehemently rejected interference of any UN mission. Unfortunately, a proposal is being circulated in the Council which would eliminate the 41 rapporteurs, the experts who write reports on the human rights abuses of countries which end up being published and then exposed to other organizations such as Amnesty International and Human Rights Watch. Of note, the U.S. has rejected membership in the Council citing that the new council lacks any improvement over the prior commission. While the principle of having a Council which can address global crimes against humanity is sound and just, it is imperative that the member states allow for transparency into their own countries in order to prevent the politicization of the process to fetter justice. Otherwise, the Council, like the Commission which preceded it, will be discredited and lose effectiveness.

The International Criminal Court (ICC) which was ratified by the Rome Statute in November 1998 (Walther, 1998) continues to evolve and is currently in the process of developing a legal definition for crimes of aggression (ICC, n.d.). As of January 1, 2007, there are 104 countries who are states parties of the Rome Statute and, thus, are agreeing in principle to abide by the statute which considers crimes against humanity, war crimes, genocide and crimes of aggression to be unlawful. Of particular note, the U.S. and China have refused to sign the statute and are, therefore, not held accountable to the principles of the Rome Statute. The ICC provides for both retributive and restorative justice, and

includes a Trust Fund for Victims, an unprecedented allocation of money that is channeled to victims of war crimes and crimes against humanity. This is a favorable addendum to the Truth and Reconciliation committees that were established in 1995 following the Rwanda genocidal crimes which gives victims a voice in articulating their experience.

Since the passage of GATT and NAFTA, multinational corporations have garnered substantial power over governments and people. With this rise in corporate power, there has been a corresponding loosening of federal and state regulations which protect the environment and, ultimately, the public good. Already moving toward a one world economy, the world is in need of a world governing body which can oversee, regulate and legislate for the common good. Several situations will highlight this.

In 1980, the U.S. Supreme Court ruled in the landmark case of *Diamond v. Chakrabarty*, where the courts ruled in favor of corporations by declaring that a living organism, a bacteria that was able to digest oil, could be patented. This set legal precedent for, prior to this case, it was understood that discoveries could not be patented, rather only man-made products or ideas. The proponents of the landmark case argued that it sets the stage for a plethora of innovations, whereas, the opponents saw a far more nefarious agenda on the horizon. If companies can hold patents on living organisms, then they can also withhold the use of that patent even if its utilization were to save lives or prevent large scale harm. Under today's legal definition of corporations, companies can be sued by the stockholders if put other things such as the environment ahead of their interests. The interest, of course, is maximization of profit. If there arises a conflict between the public good and shareholder interest, business executives are bound to act on

behalf of the latter. Today, with global warming, overharvesting, deforestation, invasive species and host of other environmental issues which are increasingly inconsistent with the outcomes of capitalism, there must exist a world governing body which can balance these two tensions. Otherwise, there will not be a habitable world for a stockholder to litigate in. When the world body joins this governing political, legal and economic institution, the issue of patenting life could be offset with legislation that narrows the field of exploitation, and grants the public good its own rights for life, liberty, good health and happiness, free from the toxic decisions of business.

The militarization of space is a second global concern that has potential consequences of immense proportions if allowed to be controlled by economic interests. Should businesses or private individuals own airspace, control over that would not only disallow certain entities the right to enter into that space, but would also allow for the legal owner to pollute that airspace or to clean it. By purposely polluting it, the owner would be poisoning the people who live underneath it, and potentially everyone else. By keeping a portion clean, this would initiate a war over access. Already, there exists the technology to use sulphur dioxide to make it rain (Liu, 2006). Chemicals are emitted into the air to create rain and the Chinese are preparing for the 2008 Olympics by utilizing this technology. On September 30, 1999, Chinese leaders were preparing for Beijing's National Day Celebration the next day which would mark the 50th anniversary of the People's Republic of China founding. Worried that a storm system would rain on the event, Chinese authorities debated whether to manufacture a strong downpour the day before the gala which would increase the chances of blue skies. Mother Nature solved the problem and the rain stopped making the decision moot, but it does highlight the

usefulness of the technology. The Chinese government has a Five Year Plan which calls for the creation of 48 billion to 60 billion cubic meters of annual artificial rain. That's between 12 and 16 trillion gallons of water. Parched or drought conditions in sections of China make this an attractive business. Russia manufactured rain just prior to the 2000 celebration marking the 55th anniversary of the end of World War II (Liu, 2006). The silver iodide that is used to seed the clouds is touted by meteorologists as safe because of the purported tiny quantities, however, who can say what the long term physiological and psychological effects of messing with Mother Nature would be, particularly when using man-made chemicals and toxins? Furthermore, if global warming trends prove accurate and the earth becomes dangerously hot with droughts in many areas making water and food scarce, would this technology be used to purposely decrease an already extremely overpopulated earth? Surely, a world body such as the United Nations is necessary to prevent these types of heinous crimes against humanity, whether they be crimes of commission or of omission.

These are examples of the necessity of an international body of law as it pertains to intellectual property, crimes against humanity, war crimes and crimes of aggression. The United Nations has been working toward establishing these legal statutes, but countries must join the league if the public good is to be secured. Ever larger numbers of people all across this planet are becoming more educated and informed about what has been going on and hidden from the public by a media willing to do the bidding of the corporations who own them. It is anticipated that when a large enough body of people does become sufficiently informed and act in concert to compel or force those in power to join the United Nations, then we can expect corporate power to be in check and the

legal mechanisms can be established to prohibit wide scale abuses, or minimally, to bring them to an international court of justice.

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