The United Nations' Big Green Machine

In July 1999, I traveled to Paris to speak in defense of American property rights and against the growing eco-imperialism of the United Nations. As a member of the House Resources Committee, my immediate concern was a meeting of UNESCO's World Heritage Committee (WHC), which was about to make a decision on whether or not Kakadu National Park in Australia should be listed as "in danger."

In 1998 the World Heritage Committee of UNESCO (United Nations Educational, Scientific and Cultural Organization) voted to condemn the Australian government for allowing a uranium mine to operate near the park. An inspection team from the WHC had determined that the multi-billion dollar Jabiluka Mine had placed the park's scenic and cultural values "under both ascertained and potential danger." As a signatory of the World Heritage Convention of the United Nations, Australia has bound itself to protect UN-listed "World Heritage" sites and conform to UN Committee rulings on protecting those sites.

This case was particularly noteworthy in that it marked the first time that UNESCO had moved to put a site on the "in danger" list without being requested to do so by the signatory country involved. In fact, in this instance, it was doing so in spite of the vigorous opposition of Australia's government.

The Committee gave the Australian government six months to mount a defense against the findings of the inspection team. In the end, the Committee voted in favor of the Australian government. It was not willing, apparently, to force an "in danger" designation on an unwilling government. However, this "victory" does not vindicate the claims of WHC champions who assure us that we have nothing to fear from "World Heritage" listings.

It is true that even if the WHC had voted against the mining operation, Australia could have simply ignored the ruling. The WHC has no authority or means to levy fines or impose sanctions. But the political reality is that few governments are willing to be tagged by the militant Green lobby and its powerful media allies as vicious enemies of Mother Earth. That can mean being subjected to a non-stop campaign of harassment and vilification, and possible defeat in the next election.

And what if the government is not averse to the "in danger" listing, but actually welcomes it? That is what happened here in 1995, when the Clinton administration brought in the UNESCO-WHC bureaucrats to close down a proposed gold mine on private property several miles from Yellowstone National Park, which is also listed as a World Heritage Site. The Clinton-Gore eco-extremists were worried that the Crown Butte Mining Company's long-delayed and costly permit process was near completion. The company had complied with the myriad and convoluted state and federal environmental impact analyses and presented no threat to the park. It was poised to begin business and bring badly needed jobs to the region.

The Clinton-Gore radicals could not allow that to happen. Thus, Clinton's Interior Secretary, Bruce Babbitt, was tasked with inviting a UNESCO inspection team to visit Yellowstone for the purpose of declaring it to be "in danger." Mr. Babbitt, former head of the radical League of Conservation Voters, wasted no time in carrying out this directive. And the WHC people at UNESCO were only too happy to oblige, especially since the cost of the excursion was paid for by the U.S. taxpayers. As expected, the UN "scientists" had no difficulty in seeing great danger from the mine to the Site. Using the UNESCO pronouncement for cover, President Clinton issued an executive order stopping all new mining permits within a 19,000-acre area of federal land near Yellowstone.

But the UNESCO bureaucrats wanted to go even further, seeking to review all policies involving mining,

timber, wildlife, and tourism within an area of nearly 18 million acres surrounding the park. They call that area the "Greater Yellowstone Ecosystem." A quarter of that land area is privately owned. If the UNESCOcrats and federal ecocrats have their way, private property rights within that area will be eradicated, as it becomes a "biodiversity reserve."

"Re-Wilding" the U.S.

The World Heritage Site program is one of the key elements of the global Wildlands Project, aimed at "re-wilding" half of the U.S. land area. That means pushing humans off the land and turning it "back to nature." Dave Foreman, founder of the extremist Earth First! organization, enthusiastically describes the Wildlands Project as an attempt to "tie the North American continent into a single Biodiversity Preserve." This is being done by first securing sites, such as those designated by UNESCO's WHC as "core areas," in which human activity is increasingly limited. Then these "fragile" ecosystems must be augmented with surrounding "buffer zones." These continuously expanding areas are then to be connected with networks of "wildlife corridors."

UNESCO's World Heritage Convention and its similar Man and the Biosphere Program are centerpieces of the UN's anti-human "Wilding" effort. Over 40 Biosphere Reserves and 20 World Heritage Sites have been declared in the U.S., covering more than 50 million acres. They include some of America's most famous historical treasures and natural wonders. In addition to Yellowstone National Park, we're supposed to consider ourselves *honored* to have other national parks, such as the Everglades, the Grand Canyon, and Yosemite all registered as World Heritage Sites. Not to mention Monticello and Independence Hall. Yes, Independence Hall! — a symbol of our national independence — is being converted into a token of globalist *interdependence* under the UN.

As *Environment* magazine explained in 1992, ratification of the World Heritage Convention "constitutes a unique precedent," in that it "implies what might be called a voluntary limitation of sovereignty." Moreover, the magazine noted, it implies a recognition that "other countries have, through the convention, an obligation — and therefore a right — toward these sites." Yes, other countries, and the socialists running the UN, claim a "right" to these American (now "World Heritage") sites.

This doesn't mean, as some opponents of the WHC have erroneously concluded, that UNESCO now "owns and controls" these sites. The danger is more subtle than that. Working in collaboration with "green" government officials and eco-extremist groups, the UNESCO folks are helping effect policies that are gradually transforming these sites in ways that are detrimental to U.S. interests, to the environment, and to the U.S. citizens most directly affected. Much of the area covered by these programs is situated in the western states, where the federal government already owns and/or controls a very large percentage of the land base and has tremendous impact on the jobs and livelihood of the people who live there. However, the rights of all Americans are threatened by these programs and policies.

As important as the World Heritage Sites and Wildlands Project are, they are not the only threats to property rights emanating from the United Nations. Some people, undoubtedly, would take issue with my statement above characterizing the folks running the UN as socialists. However, no one familiar with the sorry record of the world body should find any difficulty with that description. When it comes to the issue of property rights, the UN is certainly socialist.

This fact is made evident in one of the UN's primary documents concerning real property, the report of its 1976 Conference on Human Settlements (Habitat I), held in Vancouver. In typical Marxist prose, it

declares: “Land, because of its unique nature and the crucial role it plays in human settlements, cannot be treated as an ordinary asset, controlled by individuals and subject to the pressures and inefficiencies of the market.”

Eroding Liberty’s Foundation

Most of the socialist proposals pouring out of the UN today do not call for the outright abolition of all private property. The collectivists who craft them are more clever than that. Nevertheless, that is where they are leading. They are using “green” fascism, actually, which relies on taxation and regulation, rather than overt expropriation, to destroy property rights. They are not so much directly challenging the right to own property per se, as they are making it increasingly difficult and onerous to do so. Holding title to the land is only one of the essential components of private property rights. Control of its use and disposition are equally important components. If a property becomes so heavily taxed and regulated that the burdens of ownership outweigh the benefits, then the owner “voluntarily” abandons it, or becomes a “willing seller” — usually selling to the government, of course, or to one of its eco-pirate collaborator groups.

A major problem with the dangers to property rights emanating from the United Nations is that the UN hand, if not entirely hidden, is not always evident. That is the main reason why the World Heritage/Man and the Biosphere programs have provoked such opposition, I believe; signs and plaques suddenly appeared at parks and monuments announcing that these are now UNESCO sites. If American farmers, ranchers, loggers, miners, hunters, fishermen, hikers, campers, recreationists, property owners, automobile owners, and energy users could see the hidden UN tags on all of the costly and onerous regulations and restrictions they must contend with, they would be astounded — and outraged.

Today we are facing a plethora of assaults with potentially great costs and devastating impacts. Ostensibly devised to deal with such global crises as “global warming,” “deforestation,” “endangered species,” and “loss of biodiversity,” UN treaties and agreements are forming the basis for policies and legislation that are ravaging our economy and assaulting our liberty. However, because these assaults are structured so as to be implemented piecemeal, their effects are only gradually felt, and the source of the offense only dimly perceived, if at all. The green subversives call this deceptive strategy their “soft law” approach.

Hilary French, a leading eco-strategist for the Worldwatch Institute, candidly explained this process in the Worldwatch study *After the Earth Summit: The Future of Environmental Governance*. Said French:

> Paradoxically, one way to make environmental agreements more effective is in some cases to make them less enforceable — and therefore more palatable to the negotiators who may initially feel threatened by any loss of sovereignty. So-called “soft law” — declarations, resolutions, and action plans that nations do not need to formally ratify and are not legally binding — can help to create an international consensus, mobilize aid, and lay the groundwork for the negotiation of binding treaties later.

This process is what the Commission on Global Governance, a group of anointed one-world socialists (including the late Willy Brandt and Gro Harlem Brundtland), has referred to as “the hardening of so-called soft law.” Or, as *New York Times* writer William K. Stevens put it, the UN’s environmental agreements are often portrayed “as pitiful gutless creatures with no bite. But they have hidden teeth that will develop in the right circumstances.”

Yes, these instruments have teeth (or are rapidly developing them), and they are hungrily devouring our

national sovereignty. President Clinton, Secretary of State Madeleine Albright, UN Secretary-General Kofi Annan, and others insist on using weasel-word definitions to conceal the fact that their environmental agenda represents a full-fledged attack on sovereignty. Hilary French is more forthright. "Nations," French admits, "are in effect ceding portions of their sovereignty to the international community, and beginning to create a new system of international environmental governance as a means of solving otherwise-unmanageable problems."

Other experts on both sides of the sovereignty debate agree with Ms. French. One who not only agrees with her on the fact that the transfer of sovereignty is taking place, but, like her, approves of and is assisting this transfer, is Louis Henkin, chief reporter for the *Restatement of the Foreign Relations Law of the United States*. In his influential *Foreign Affairs and the Constitution* (1996), Henkin approvingly compares the process underway to the unconstitutional delegation/usurpation process of the past several decades that has brought about the vast expansion of the federal government. "Early in the twentieth century," Henkin writes, "Congress concluded that it can exercise its powers effectively only through administrative agencies and U.S. constitutional jurisprudence accommodated to that 'fourth branch' of government. At the end of the twentieth century, the political branches have found that they can achieve effective governance only through international agencies. Is there any reason why the Constitution cannot accommodate to that development?"

Is there any reason why Heaven cannot accommodate Lucifer, or why liberty cannot accommodate tyranny? Mr. Henkin's statement and question are astounding, and the implications they raise even more so. The expansion of the federal regulatory-police state has been a tragic and dangerous development, vitiating many of the most vital constitutional checks and balances. The "fourth branch" of the federal government — combining legislative, executive, and judicial powers — fits precisely what James Madison condemned as "the very definition of tyranny."

Like Louis Henkin, Karl Raustalia, writing in the *Harvard Environmental Law Review*, draws a parallel between the accretion of power in Washington and the international powergrab underway at the UN. "As international environmental law has expanded its substantive ambit in significant ways, it has concurrently expanded access and participation of private actors…," says Raustalia. "In so doing, the international community has traveled a path taken by American administrative law many years earlier."

Treaty Trap

The accumulation of power into the hands of world bodies, and especially into the hands of the UN, has been greatly abetted by vast new authority supposedly created through a profusion of international treaties and agreements. "In the first hundred years after the adoption of the Constitution, the United States ratified 277 treaties, and presidents made 265 executive agreements," writes Cornell University Professor of Government Jeremy Rabkin in his timely study, *Why Sovereignty Matters* (1998). "Over the next century, the number of treaties had tripled, while the number of executive agreements multiplied more than twenty-five-fold. Between 1980 and 1992, another 4,510 executive agreements were concluded and only 218 further treaties." Since 1992 a flood of additional treaties and agreements have ensued, many of them dealing with environmental matters.

This is frightening enough, but there are still worse things happening in the steadily evolving realm of what is called today "customary international law." Many judges, academics, and political figures are claiming that this new form of law trumps all constitutional limitations on government power.

"Once 'customary international law' is seen as binding international law, a series of consequences

plausibly follows," warns Professor Rabkin. "Of course, that law will take precedence over contrary enactments of American state or local governments, just as any federal law would. Distinguished commentators also argue that since customary law has the same status as a treaty, it must take precedence over earlier federal statutes — just as a later treaty would supersede an earlier statute."

Well, say these "experts," we are merely following the American Founding Fathers, who, after all, expressed their reverence for the "law of nations." It says so right there in the Constitution. As usual, we're dealing with semantic subterfuge here.

Professor Rabkin exposes the deception. He writes: "First, where the traditional view saw the law of nations as resting on *long-established* custom (related, in turn, to basic laws of nature), the modern view sees international law as highly malleable, so that new doctrines of 'law' can be coaxed into existence in a very brief time. Second, the traditional law of nations was built on respect for sovereignty."

Today's revolutionary jurists even propose what they call "instant customary international law." Instant custom? Yes, it's an oxymoron, but that doesn't faze these activists; it is too convenient and useful a tool and it is being accepted by courts and law schools that share their radical legal perspectives. They can conjure "customary international law" out of thin air, rather than wait on the slower processes involved in procuring treaties, agreements, and legislation.

How does this work? Rabkin explains: "Words spoken by diplomats at conferences are given much weight, and then the reconfiguring of those words by commentators is supposed to give more weight, and the repetition of the words by yet other commentators is thought to lend still more weight to contentions about the law. Soon there is a towering edifice of words, which is then treated as a secure marker of 'customary international law.'"

Each new international treaty and agreement offers these "experts" new opportunities for conjuring still more fraudulent "law." One of the eco-trophies to come out of the UN's Earth Summit in Rio de Janeiro, Agenda 21, offers a veritable gold mine to these global social engineers. Agenda 21 is a massive blueprint for regimenting all life on Planet Earth — in the name of protecting the environment. *Agenda 21: The Earth Summit Strategy to Save the Planet* (EarthPress, 1993), one of the UN-approved editions of the program, makes this bold assertion:

> Effective execution of Agenda 21 will require a profound reorientation of all human society, unlike anything the world has ever experienced — a major shift in the priorities of both governments and individuals and an unprecedented redeployment of human and financial resources. This shift will demand that a concern for the environmental consequences of every human action be integrated into individual and collective decision-making at every level.

With breathtaking hubris, the document continues:

> There are specific actions which are intended to be undertaken by multinational corporations and entrepreneurs, by financial institutions and individual investors, by high-tech companies and indigenous people, by workers and labor unions, by farmers and consumers, by students and schools, by governments and legislators, by scientists, by women, by children — in short, by every person on Earth.

Agenda 21 continues with the same socialist ideology that imbued Habitat I. According to Agenda 21, "Land must be regarded primarily as a set of essential terrestrial ecosystems and only secondly as a source of resources." New social systems must arise, it says, because "traditional systems have not

been able to cope with the sheer scale of modern activities." What's more, "There must be new systems developed which have as their goal both the effective management of land resources and their socially-equitable use. An integrated and coherent approach to the planning and management of land resources is essential." Yes, global central planning — by experts, of course.

Still another global UN attack on property rights and freedom is the so-called "Global Warming Treaty." One of the newest proposals for implementing this monstrosity can be found in an article in the March/April 1998 issue of *Foreign Affairs* by Professor Richard N. Cooper of Harvard University. Entitled "Toward a Real Global Warming Treaty," it argues that "a successful attack on global warming will only happen through mutually agreed-upon *actions*, such as a nationally collected tax on greenhouse gas emissions."

Dr. Cooper notes that "the pervasive sources of greenhouse gas emissions — notably burning fossil fuels, cultivating wetlands, and raising cattle — imply that restraint will involve changes in behavior by hundreds of millions if not billions of people." And taxation is the best way to accomplish this, he states.

He advocates starting with a tax on fossil fuels, but then says: "In principle, it would be possible to extend the idea of a common carbon tax to methane as well, covering wetland rice production, decomposable refuse, gas pipeline losses, and cattle raising. That more difficult step could be phased in later."

"The revenue these taxes would raise is substantial," says Cooper. How substantial? "An OECD [Organization for Economic Cooperation and Development] model suggests," he says, "that a worldwide tax on 5.2 billion tons of global carbon emissions in 2020 would yield $750 billion in annual revenue." That's not exactly chump change. How does he expect to get such a tax passed? Cooper suggests that "passage of such a tax might be politically easier if coupled with the reduction of other taxes."

Who would be the recipient of this new revenue windfall? Cooper suggests that it should go to "the international community," as represented by, naturally, the United Nations.

"Caring for refugees and peacekeeping are only the most apparent" of the UN's "collective obligations" that are growing increasingly expensive, Cooper declares. Then, he points out, there are our financial obligations to the developing countries to assist them in reducing emissions under the Rio convention.

Interestingly, Cooper acknowledges that there is no scientific consensus that the alleged threat of global warming even exists. Nevertheless, he is bullish on this idea of a massive, radical, global "greenhouse" tax. Obviously, these initiatives are about power, not concern for the environment. In fact, the closer one looks at the multitude of environmental initiatives promoted under the auspices of the UN, the more striking it is that they are, more than anything else, bald power grabs disguised as attempts to save the environment. That is a major reason why I have supported, and continue to support, efforts to withdraw U.S. participation in UN environmental programs and to terminate our membership in the United Nations.

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