



Dear Mr Rachman,

I write in response to your blog entry entitled *Israel and the Human Rights Council*.

You eloquently discuss the polemic idea of an impartial approach to international law; putting forward the notion that, due to the biased nature of our current international legislative instruments, we place Power and Wealth above that which is fundamentally right or wrong. You provide examples of the injustice inherent in the litigation of numerous less powerful states and expose the stark reality that no major world power is yet to face such scrutiny.

Nevertheless, by referring to primarily human rights legislation and enforcement you fail to highlight the very same quandary which exists in the development, implementation and enforcement of international environmental legislation. Existing instruments include the Permanent Court of Arbitration whose decisions are not available for public inspection, the International Court for Justice which only accepts cases between two nation states and whose jurisdiction depends on the states consenting to its proceedings from the outset and the Kyoto protocol which has been noted as having an almost laughable enforcement mechanism.

The common repost to all of the above points and those which you highlight in your blog might be:

*“Something, is better than nothing at all”* or that *“The mechanisms we have in place are at least a step in the right direction”*.

However, what if there was an alternative? I would like to draw your attention to a relatively old idea which has recently garnered new support and interest, the proposal to establish an International Court for the Environment, an ICE. Ideally, such a Court would be compulsory and would include:

- An international convention on the right to a healthy environment
- Direct access by NGO's and private parties as well as states
- Transparency in proceedings
- A scientific body to assess technical issues
- A mechanism (perhaps to be developed by the Court itself) to avoid forum shopping.

Such a court might provide a report listing its activities and naming and shaming wrongdoers (be they those who have breached the law or Signatory States which permit failures to enforce judgments).



I would encourage you to discuss this proposal and others which improve access to international environmental justice and attempt to act to mitigate the increasing threat of climate change.

I invite you to join the ICE Coalition at [www.environmentcourt.com](http://www.environmentcourt.com)

We all need to act now. At stake is our very survival.

Yours sincerely

Sam Hockman

*From the blogs*  
**Israel and  
the UN Human  
Rights Council**  
*By Gideon Rachman*



There's been lots of talk about the Goldstone report on Israel's assault on Gaza. It's a serious bit of work, and people trying to discredit it by calling Richard Goldstone a "self-hating Jew" are fairly desperate. The bigger problem lies with the UN Human Rights Council, which is clearly unreasonably obsessed by Israel, given all the other worthy targets it could select.

And lying behind that is a still bigger problem with the very idea of impartial international law. I once had an opportunity to discuss this with Goldstone himself, at a seminar on the International Criminal Court in London. Did international law deserve the same status as domestic law? In a nation-state, anybody who commits a murder should be arrested and prosecuted, no matter how powerful they are. But almost all the people hauled before the ICC have been African leaders; and the UN special tribunal on the former Yugoslavia (where Goldstone was chief prosecutor) only got to prosecute the Bosnian Serbs because Serbia was defeated.

There are those who argue that Rwanda has been guilty of war crimes in Chechnya; that the US committed war crimes in Iraq; and that China is in violation of international law in Tibet. But we will never see these accusations tested in court, because the countries involved are too powerful to prosecute.

The system we currently have is as much about power as about human rights or the law. And so the fate of the Goldstone report will ultimately hang not on whether Israel has committed war crimes, but on whether Israel is powerful enough to shrug off the criticism.

*Gideon Rachman is the FT's chief foreign affairs columnist.  
[www.ft.com/rochmanblog](http://www.ft.com/rochmanblog)*