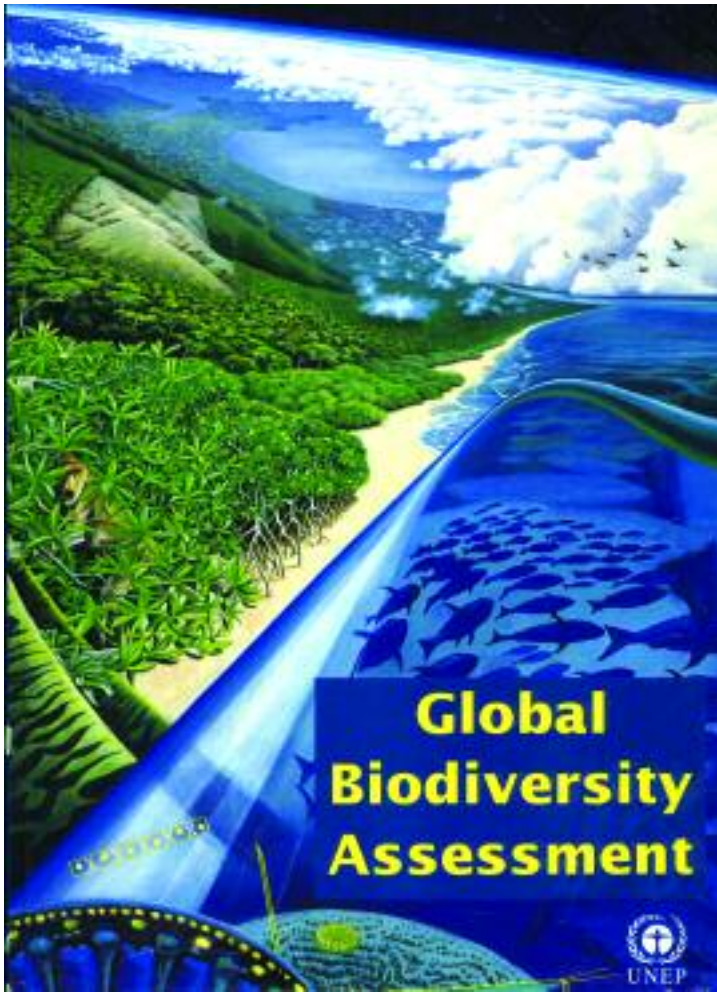


THE GREENING OF AMERICA PT. III

The real danger: loss of property rights. *By Michael S. Coffman, Ph.D.*

The real-world danger behind the Earth Charter and the United Nations/IUCN/United States' vision of sustainable development is the absolute need for government to control property rights and free markets. Control of private property rights and the free market is at the core of nearly every United Nations' environmental treaty.



In the last two issues of *RANGE* we discussed how the International Union for the Conservation of Nature (IUCN) is promoting a new earth religion through a series of international environmental treaties and a pantheistic global doctrine called the Earth Charter. These interlocking treaties commit signatory nations to a pantheistic (all things of nature are god) legal basis of governance, while the Earth Charter commits the world to an ethic/religious system based on a pantheistic worldview. Fortunately, the attempt to get

the United Nations to accept the Earth Charter failed at the United Nations' 2002 World Summit on Sustainable Development in Johannesburg, South Africa.

If the United Nations had accepted the Earth Charter, the IUCN would have advanced a previously written treaty called the Covenant on the Environment and Development. This treaty would have forced every person, company and nation to reorganize their culture around the emerging earth religion.

GUIDING PRINCIPLE FOR THE U.N. AND U.S. FEDERAL GOVERNMENT

That international environmental treaties and agreements center on the denial of property rights should not be surprising. Government control of private property has been at the heart of the United Nations since the May-June 1976 Habitat I Conference. The Preamble of the consensus document states:

“Land...cannot be treated as an ordinary asset, controlled by individuals and subject to the pressures and inefficiencies of the market. Private land ownership is also a principal instrument of accumulation and concentration of wealth and therefore contributes to social injustice; if unchecked, it may become a major obstacle in the planning and implementation of development schemes. The provision of decent dwellings and healthy conditions for the people can only be achieved if land is used in the interests of society as a whole. Public control of land use is therefore indispensable.”

Throughout this U.N. document, denial of private property rights is set forth as the basis for future U.N. policy:

“Public ownership or effective control of land in the public interest is the single most important means of...achieving a more equitable distribution of the benefits of development.... Governments must maintain full jurisdiction and exercise complete sovereignty over such land.... Change in the use of land...should be subject to public control and regulation...of the common good.”

The theme of state-managed property rights occurs repeatedly in United Nations and environmental literature. The U.N.-funded Global Biodiversity Assessment (GBA) serves as the base document for writing the implementing language for the Convention on Biological Diversity. It states:

■ *“Biodiversity’s benefits are in large part ‘public goods’ that no single owner can claim.”*

■ *“Property rights are not absolute and unchanging, but rather a complex, dynamic and shifting relationship between two or more parties, over space or time.*

■ *“The point here is that the reallocation of property rights implies the redistribution of assets.*

■ *"In reality, access to every public good involves a political process, in the course of which users cede rights to some decision-making regulatory authority.* (boldface added)

■ *"A common characteristic of many ecosystems is that resources are nonexclusive in their use: they are in the nature of local public goods. Property rights can still be allocated to the environmental*

public good, but in this case they should be restricted to usufructual or user rights. Harvesting quotas, emissions permits and the development rights are examples of such rights." (boldface added)

Usufructual rights are as old as the Roman Empire. That government issued rights and privileges to build, farm and use the Caesar's land because the Caesar owned everything. The GBA calls for organizing our society into self-sustaining "bioregions" of similar ecosystems in which the usufructual permitting process will be administered by a nonelected council or commission of people representing "central or local government, private, community and community tenurial rights." In other words, the proposed governance essentially denies property rights to individuals and usurps the power of local elected government and all accountability of the government to the people.

Former Vice President Gore's "reinventing government" efforts created this exact system of nonelected governance for the American Heritage River's Program, the Clean Water Initiative and Ecosystem Management programs in the 1990s. The Columbia River Gorge National Scenic Area Act of 1986, the Interior Columbia Basin Ecosystem Management Project initiated in 1993, and the 1990 Northern Forest Lands Study follow the same model. Gov. Nelson Rockefeller first used this model in creating the Adirondack Park Agency Act (APA) in 1971 in upstate New York. Likewise, Congress enacted the New Jersey Pinelands National Reserve Act of 1978 patterned after the APA act. Reviewing all these efforts makes it glaringly apparent that the APA act seems to provide the template for the IUCN's model of sustainable development for the entire world.

Not surprisingly, those affected by this legislation or executive actions strongly resisted these efforts. They may not have understood why, but they knew these actions were fundamentally wrong and would have huge nega-

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tive effects on them. In many cases, the strength of their resistance forced the federal and state governments to let the effort die on the vine without formally killing the programs.

THE IMPORTANCE OF PROPERTY RIGHTS

The Earth Charter and sustainable development approach to governance is diametrically opposed to the concept of individual private

property rights envisioned by America's founding fathers. Laying out the historical evidence from the Magna Carta to the writings of John Locke, James Madison wrote in the *National Gazette* in 1792:

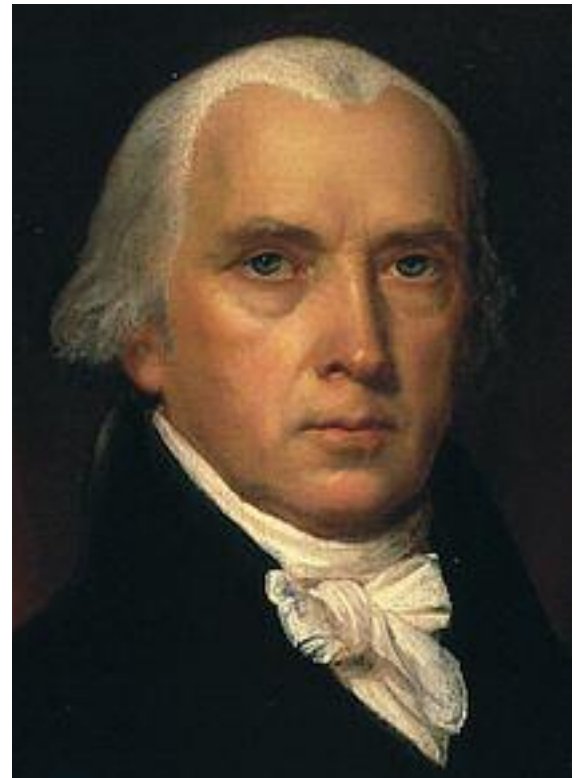
"Government is instituted to protect property of every sort; as well as that which lies in the various rights of individuals...this being the end of government, that alone is a just government, which impartially secures, to every man, whatever is his own. That [which] is not [a] just government, nor is property secure under it, [is one] where arbitrary restrictions, exemptions, and monopolies deny to part of its citizens that free use of their faculties, and free choice of their occupations, which not only constitutes their property in the general sense of the word; but are the means of acquiring property strictly so called." (boldface added)

The importance of private property rights is easy to understand; whoever owns the land (or water), owns the people. If the people themselves own the land, they are protected from abuse by government or their neighbors and are free to create a life for themselves—as long as those actions do not harm their neighbors. If the government owns the land or has the right to regulate it as it deems fit, the people are at the mercy of politicians and bureaucrats. The former Soviet Union is an obvious example.

Since property rights are so fundamental to liberty, the founders realized they had to protect them from the fad of the day—even

from endangered species or the religion of sustainable development. Therefore, private property is not a thing or place, but an inalienable right established by the rule of law and therefore not subject to the whims of the day. It is a right to use what a person owns in any way he or she desires—as long as that activity does not harm others. If the government limits the right to use that property for a public use or public good, the government must pay just compensation. The only regulations exempt from just compensation are those needed to protect property owners from each other, or for health reasons.

International institutions like the United



It may surprise many that President James Madison and other founders recognized that the greatest threat to liberty and property rights was a pure democracy. Writing in the Federalist Papers, Madison states: "In all cases where a majority are united by a common interest or passion, the rights of the minority are in danger." Madison continues: "[A] pure democracy...can admit of no cure for the mischiefs of [the majority]...and there is nothing to check the inducements to sacrifice the weaker party. Hence it is that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal securities or the right of property; and have in general been as short in their lives as they have been violent in their deaths."

Nations and IUCN base their concept of sustainable development on the premise that property rights create self-interest in the individual and cause inequity in the social structure and abuse of the environment. Therefore, they must deny property rights. Conversely, John Locke and our founders rec-

ognized and used the human trait of self-interest to improve the economy, and as a byproduct, protect the environment. Unencumbered private property stimulates individuals to be creative and take risk in finding a better way, product, or service to meet a human need.

Private property rights actually encourage protection of the property's asset value due to pride of ownership and the need to maintain environmental health for continued produc-

stated that private property rights are essential for freedom, wealth creation and the economic ability to protect the environment, several recent international studies and analyses have made this point nearly indisputable. In his compelling book, "The Mystery of Capital," Peruvian Hernando de Soto accurately identifies private property rights as the key to reducing poverty and producing wealth. His book is the result of a three-year global study funded by the World Bank. He finds that

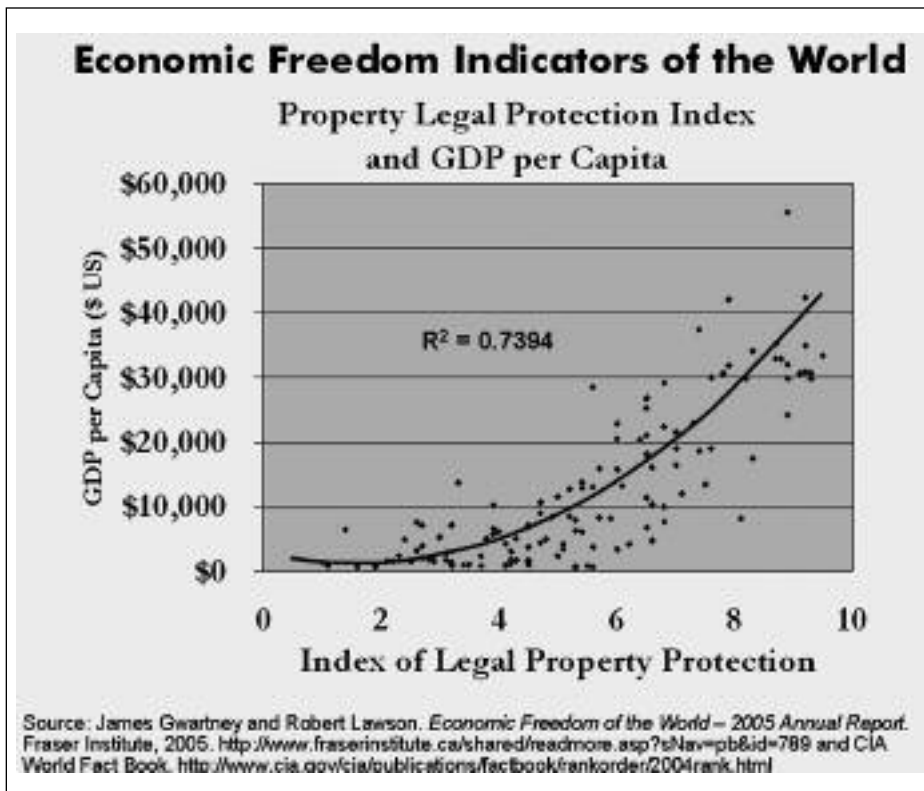
need for developmental assistance to these nations if these poverty-stricken people could have access to the asset value of their property that is presently dead capital.

De Soto provides multiple examples showing that excessive government regulation breeds corruption, economic stagnation—and if sufficiently severe—poverty. Yet, the United Nations, IUCN and the international community are implementing sustainable development and the green religion. In turn, sustainable development and the green religion systematically prevent citizens in the Third World nations from ever attaining the formal property rights that will give them wealth and liberty. Instead of freeing these nations, the United Nations is condemning them to eternal poverty.

Research done at the Fraser Institute of Canada also supports De Soto's economic findings. Its research shows that property rights play the single greatest role in per capita gross domestic product. Impoverished Third World nations having limited property rights have less than \$8,000 per capita income; those having little to no property rights fall below \$1,000. Western nations having legal property rights have incomes of greater than \$12,000, usually greater than \$20,000. The more regulations imposed by government, the lower the property rights index and the lower the per capita gross national product.

The contrast between the United States, Europe and the Third World is striking. The United States has some of the best-defined property rights in the world. The CIA World Factbook reports U.S. citizens had a per capita gross domestic product of \$42,000 in 2005. In contrast, the average for socialist Europeans is only \$28,100, and that for Third World nations is less than \$8,000.

Joseph E. Stiglitz, winner of the Nobel Prize in economics and former senior vice president of the World Bank, identifies the desperate need for the poor in Third World nations to have property rights. Stiglitz understands that a free market system "requires clearly established property rights and the courts to enforce them." He blames international institutions such as the International Monetary Fund (IMF) and World Bank for making the plight of the poor even worse. Only the transnational corporations or the wealthiest 10 percent in the nation's population who invest in factories and businesses are blessed with property rights. The poor and middle class must have legally protected private property rights to benefit



tion, use, or investment returns. While not perfect, this system of governance has created the rich diversity of opportunities that has led to the free market system. It has produced the greatest nation with the best environmental record in human history. In Locke's approach, the only laws and regulations needed are those that keep people from activities that clearly cause harm to their neighbors or their property. If government takes property through regulation for the public good, the good public pays just compensation.

Sustainable development and the emerging green religion deny this critical freedom and wealth-building tool. If their implementation continues, the consequences will be devastating.

THE DIRECT CORRELATION WITH POVERTY

Although property rights advocates have long

unencumbered legal title to use property represents equity and power to build wealth.

The developing nations of the world perhaps provide the most striking example of how excessive government regulation destroys the wealth-building capability of property. In these nations, the simple act of legally transferring the title to property is extremely costly. It can take years, even decades, to wade through the sea of bureaucratic regulations. Few people have the time or resources to own property legally. This "extralegal" property therefore has no legal asset value.

De Soto shows that the total value of this kind of extralegal property within developing nations and former communist countries is at least \$9.3 trillion! This is 93 times as much as all developmental assistance to the developing nations from all advanced countries during the past 30 years. There would be no

The way I see it...

CHINESE DOGS

YOU GOTTA BE KIDDING.

BY BAXTER BLACK

from a market economy. Globalism victimizes the poor because the IMF merely creates the perception of property rights without requiring the legal structure that protects them equitably.

Land use regulations encumber property rights, thereby reducing or eliminating equity, so there is little to no capital with which to create wealth. Without wealth, a nation cannot protect the environment. A family whose primary focus is to put food on the table is not going to be interested in protecting the environment. Tragically, the very policies of international organizations like the United Nations and IUCN to control property rights by imposing green environmental regulations in the name of sustainable development, will keep impoverished Third World nations impoverished; they will never have the economic ability to protect the environment. Paul Driessen calls this eco-imperialism in his book of the same name.

Property rights, liberty and a healthy economy cannot long exist under the earth ethic/religious system advanced by the IUCN, the United Nations, most international/national environmental NGOs and now the U.S. federal government. Sustainable development, however, does not have to be based on naturalism or pantheism. The concept of stewardship—the managing and use of resources while prudently caring for them—provides a valid ethic for conserving the environment. An alternative to the Earth Charter's pantheistic philosophy and sustainable development is currently under development by groups including the Interfaith Stewardship Alliance <www.interfaithstewardship.org> and Freedom21 <www.freedom21.org>.

We are at a pivotal point in this nation's history. The U.N./U.S. version of sustainable development and its accompanying green religion leads to bankruptcy and poverty. Eventually, it will lead to environmental deterioration. The Constitution's protection of property rights leads to prosperity and wealth creation. In turn, this leads to a healthy environment. This nation must choose which path it will take. So far, it is choosing the path to bankruptcy and poverty. ■

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The Chinese communist government instituted a one child per family policy several years ago to control overpopulation of their countries. Now the capital city of Beijing has decreed a one dog per household policy. "Violators will be punished."

In this city of 12 million there are an estimated one million dogs. Rabies is their nation's top infectious disease killer of Chinese, ahead of tuberculosis and AIDS. Rules are strict: one dog per household; walking or pooping in parks and public areas are forbidden; and any animal with a shoulder height above 14 inches is banned. House to house searches have begun, informants are being rewarded by police hotlines.

My gosh, it sounds like an apartment building in Manhattan or a gated community in Scottsdale! This dog control policy reminds us how much of our freedoms we Americans and Canadians take for granted. China is still a Third-World country.

For all the publicity we hear and read about the booming of the Chinese economy, it is still a communist dictatorship like North Korea and Cuba.

But their dogs? We dog lovers know the strength of the bond that can exist. It transcends age, gender, race, political parties, wealth, social status and even whether or not you deserve a dog! What should we do? We who have 65 million dogs. Such an overabundance that the dog pounds euthanize thousands and thousands of unwanted dogs a

year. Do we, who can't take care of all our own dogs, have a right to join the protest? Should animal rights' groups raise money to adopt Chinese puppies, should Hollywood stars take up the cause, should "Vets Without

Borders" go on a mission to Beijing and offer free spay clinics? Or should we mind our own business, turn our heads like we did when they instituted the one child per family policy, stomped out democracy in Tiananmen Square and stole our government technology secrets in the '90s?

Some of the smartest graduate students in our universities are Chinese. Freedom cannot help but rub off on them. Someday they will go back home and be part of the 21st Century China. Maybe in 50 years the benefits of having big dogs and lots of them will be carried back to their homeland.

Or maybe, in 50 years America will have similar strict pet ownership restrictions to go along with our laws against smoking, getting fat, eating horses, driving SUVs, selling hot coffee, high

salaries for C.E.O.s, farm-raised salmon, feedlots, cutting timber, drilling for oil and praying in public.

Whoa! I'm getting ahead of myself—that could never happen in America—we love our dogs too much, don't we? ■

Baxter Black, DVM, cowboy poet and humorist, lives with his family in Arizona. He has been called "Will Rogers' weird grandson." Check out his books and tapes at <www.baxterblack.com>.

**RULES ARE STRICT:
ONE DOG PER
HOUSEHOLD; WALK-
ING OR POOPING
IN PARKS AND
PUBLIC AREAS ARE
FORBIDDEN; AND
ANY ANIMAL WITH
A SHOULDER
HEIGHT ABOVE 14
INCHES IS BANNED.
HOUSE TO HOUSE
SEARCHES HAVE
BEGUN, INFOR-
MANTS ARE BEING
REWARDED BY
POLICE
HOTLINES.**