

DEMOCRATIC PROCEDURES AS A VALUE SYSTEM FOR THE PROTECTION OF THE ENVIRONMENT

[Dr. Harilaos Harakas](#)

Attorney at Law

*Legal Counsel for the Federation
of Greek Industries*

I would like to extend my thanks to the Biopolitics International Organisation for inviting me to participate in today's meeting on the subject of "Resolving the Environmental Crisis – The Need for an International Court of the Environment," and begin by expressing my positive view of the issue as a whole. I understand from the comments about the International Court of the Environment accompanying my invitation that efforts are being made to bring this Court under the aegis of the Permanent Court of Arbitration in The Hague, and that its objective shall not be to bar activities that may be harmful to the environment nor to impose penalties, but "to advance new values for saving the environment and life on our planet."

The idea is admirable and useful and I wish it every success, despite the obvious difficulties that an international body like the Permanent Court of Arbitration has to face when embracing and adopting a Court belonging to the international civil society. However, and irrespective of whether the International Court of the Environment is brought under the aegis of the Permanent Court of Arbitration, my suggestion is that it be inspired by the institutions and functions of the judicial system and by the values governing the operation of justice in general. In other words, the International Court of the Environment must make use of the value system of the judicial procedure in order to address the important issue of the environmental crisis.

This means that The Bios Theory must add to the chapters on biopolitics and bio-legislation a chapter on "bio-procedure," inspired by the values represented in the procedures applied by the judicial system via the courts. The judicial procedure has considerable merits. It allows the participation of all parties involved in the case it is considering, and tries to hear the views of all parties and to discover the truth and the real events by every means at its disposal, without any preconceived notions. It even allows the parties to reverse the result of the procedure, i.e. the verdict, when new facts that overturn the basis on which such a verdict was reached happen to emerge. Thus, the courts and the procedure they observe constitute the bulwark of the due process of law and guarantee the value of the legal system. The International Court of the Environment must embrace and apply a procedure that can involve the international civil society, the market and the state in addressing the environmental crisis.

In our time, an era of transition to a new age when the multi-faceted and complex procedure of globalisation is accelerating at an extremely rapid rate as a result of the rapid progress made by technology – in particular, information technology – we can observe irrational developments in all systems and imbalances between the economy, politics, culture and values. This rapid and unstable course of globalisation leads to nightmarish risks for the whole biosystem and for life in general. Therefore, the idea of an International Court of the Environment inevitably leads to the suggestion that the value system of the judicial procedure must be selected and applied appropriately, in order to enhance older and new values in the most judicious and democratic manner.

In the context of this view, the International Court of the Environment must serve a preventive justice system, of which the immediate objective shall be the governance of economic, political, cultural and life systems, and the ultimate objective to balance and safeguard the value of life. The efforts to protect the environment by technological and political means have had no result. In any case, the principles of profound ecology assume that the overall context of our lives and actions must be overturned, at an immeasurable "total cost." However, the idea of a systematic vigilance on the part of the international civil society in the framework of a participatory procedure that is able to stimulate our conscience and to elevate what is true and dismiss what is false, has the merit of democratic legitimacy and provides an opportunity for the collective planetary commodity of life to be heard and understood – a concept that is, unfortunately, under attack by "progress," which, using the process of globalisation as a vehicle, is currently constituting a serious threat against the values of universality.

It is not unrealistic to believe that the Biopolitics International Organisation can encourage the genuinely and globally represented international civil society to enter a serious and intensive participatory procedure, and that it can bring about and maintain an international sense of vigilance by all means, including digital communication technology. However, the language to serve the international dialogue for reversing the environmental crisis must not be side-tracked or distorted by the language used by the media, which may be serving particular interests. This language must be maintained and applied by the Biopolitics International Organisation and by the International Court of the Environment under establishment, in direct and constant collaboration with the international civil society and its genuine representatives. We must use the vehicle of the value system applied by the judicial procedure to attain a governance with high objectives, so that the society of dominant virtue that we invoke can balance the problems accrued by the global cycle of profit.

Dr. Harilaos Harakas, Attorney at Law, is a Legal Counsel for the Federation of Greek Industries. He received degrees in law, and political and economic sciences from the University of Athens, and pursued graduate studies at the University of Paris, Sorbonne, where he received his Master's and Ph.D. degrees. Admitted to the Bar in 1965, he assisted a number of specialists in corporate, insurance, labour, and public law, in co-operation with private practices in Brussels, Geneva and Paris. Dr. Harakas is President of the Institute of Economic and Industrial Research, Legal Counsel for the House of Greek Industry, Member of the International Conference of Labour since 1967, Member of the Executive Committee of the International Employers Organisation and of the Company Affairs Committee of the Union of Industrial and Employers Confederation of Europe (UNICE). He has also been Delegate of the Federation of Greek Industries to different national tripartite committees of the economic and social sector, and Delegate to the EEC Economic and Social Committee and the EEC Social Fund.