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# International Environmental Policy: Emergence and Dimensions, by Lynton Keith Caldwell

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## INTERNATIONAL ENVIRONMENTAL REGULATION

**INTERNATIONAL ENVIRONMENTAL POLICY: EMERGENCE AND DIMENSIONS.** By Lynton Keith Caldwell. Durham, N.C.: Duke University Press (Duke Press Policy Studies), 1984, 367 pp., $37.50 (cloth), $14.75 (paper).

Less than a year before the Great War would render their efforts barren, delegates to a historic International Conservation Conference gathered in Berne. Somberly the eminent Swiss conservationist Paul Sarasin greeted them with the grim observation made almost fifty years earlier by the zoologist Karl Ludwig Rütimeyer:

> Everywhere the Caucasian race has entered the struggle for existence, we may—if we listen closely to the history of the living world—pick out the wan ritornel: 'Ave Caesar, morituri te salutant [sic].'[1]

Although today we boast a heightened ecological consciousness and point with pride to a bewildering glut of international, multinational, binational, national and nongovernmental environmental agencies, organizations, treaties, conventions, codicils, conferences, symposia and working groups, in the last analysis, sad to say, the insatiable legions of Caesar are still on the move.

In tactful and unstrident tones, Professor Lynton K. Caldwell of Indiana University has given us grounds for only the most limited encouragement in his encyclopedic survey *International Environmental Policy*. The most hopeful message Caldwell has for us is that in the past half-century we have undergone a fundamental perceptual change—a "Second Copernican Revolution"—this one removing man from the center of the biosphere just as the first removed the earth from the center of the universe. In the international environmental movement that emerged from this rethinking of the relationship between humans and nonhuman nature Caldwell discerns the ability of "humanity, or some part of it, . . . to learn from experience," thereby enhancing the prospects of our Promethean species. Yet, the author admits, his book was written in a mood "more of hope than of optimism;" barriers to a "creative reconciliation of modern man with earth" are, in-

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1. Sarasin, *O zadachakh mirovoi okhrany prirody* (*On problems of world protection of nature*), in Imperatorskoe russkoe geograficheskoe obshchestvo, *Postoiannaia prirodookhranitel'naia komissiia*, vyp. 2, MIROVAIA OKHRANA PRIRODA (V.A. Dubianskii, ed.) (Imperial Russian Geographical Society, Permanent Commission on Nature Protection, ——— 2, WORLD NATURE PROTECTION 14) (E. Eremina trans. 1914).

deed, "formidable."

The most salient problem is also a paradox: "a political world deeply divided on a planet that is a complex ecological unity." Exploring how twentieth century societies have coped with this contradiction forms the central theme of this study.

The first of the book's nine chapters sets out issues and problems of international environmental concern. They truly constitute a daunting litany: genetic loss; ecosystem disruption or destruction; toxic contamination; depletion of fresh water; overpopulation; erosion of topsoil; changing the chemistry of our environment; energy problems; and the maintenance of the human built environment. What has elevated all of these seemingly disparate issues to international concern is the novel notion that environmental changes anywhere on earth have impacts everywhere; we are all dependent on the seamless web of life that envelops our planet—the biosphere. Properly drawing our attention to the truism that an issue "is a phenomenon of political psychology and is not necessarily derived from scientific findings," the author acquaints us with the history of the "biosphere" concept—from its effective inception in the writings of the Soviet biogeochemist V. I. Vernadskii in 1926 to its institutional acceptance at the UNESCO Intergovernmental Conference of Experts on the Scientific Basis for Rational Use and Conservation of the Resources of the Biosphere, which met in Paris in 1968.

In the first two historical chapters, Professor Caldwell provides a useful record of the little-known international agreements and conferences that ultimately led to the convocation of the United Nations Conference on the Human Environment (UNCHE) which met in Stockholm in 1972. In a detailed and interesting discussion, the author demonstrates the central place which UNCHE must occupy in any account of international conservation. Aside from its symbolic importance, which was colossal, UNCHE parented a new framework for environmental policy—"ecodevelopment"—as well as a new, permanent agency, the United Nations Environmental Program (UNEP), to facilitate that policy.

"Ecodevelopment"—the term owes itself to Maurice Strong, chairman of UNCHE—is basically shorthand for the new integration of environmental concerns with the goals of economic development, particularly within the context of Third World demands for a new, international economic order. Accordingly, the Stockholm conference endorsed two key principles as cornerstones of ecodevelopment: "additionality" and "compensation." As Caldwell explains, "additionality" represents the view that existing foreign aid should not be diverted to environmental quality purposes, but that assistance for the latter should be granted additionally. "Compensation" holds that poorer nations should be compensated for declines in their export earnings that are brought about by stricter environmental standards having an

impact on trade. Third World countries, however, are victims of an invidious quandary, notes Caldwell, which UN resolutions have thus far been unable to rectify. Because they are desperate for income, poor countries are not in a strong position to turn down environmentally deleterious neocolonialist investment, whether in resource extraction or in manufacturing. The point has been brought home most recently in the hideous Bhopal tragedy. A related paradox is that Third World nations deeply resent the disproportionate consumption of scarce natural resources by the developed nations, yet fear the loss of income should Western consumption patterns become less wasteful. Paradoxes, indeed, abound, such as in the Third World's insistence on a common "World Heritage" that includes technology but excludes an individual nation's natural resources. Problems of consistency aside, Caldwell has incisively identified a deeper problem with the way in which poorer nations have approached the intertwined problems of ecology and development. They "generally have adopted the economistic thinking of the developed countries," he notes. "Thus, the New International Economic Order is more concerned with equity and relative advantage than with proposing a socio-ecological basis for world economic affairs that would be truly new." And that, it would seem, is what is needed if the human race is to save itself.

The middle chapters include one devoted to the structure of UNEP, one treating a wide variety of international agreements and organizations, one concerned with regional arrangements, and one that speaks to problems of resources, energy and development.

If there is anything that strikes us as we read about the multifarious environmental agencies, treaties, programs and conferences associated with the United Nations, NATO, COMECON, the European Community, the Council of Europe, the Organization of American States, the Organization for African Unity, the International Council of Scientific Unions—to name, literally, but a few superordinate bodies—it is the stupendous redundancy and impotence of these efforts thus far. In "The Overall Achievement," a section from UNEP's ten-year retrospective report *The Environment in 1982*, appeared a surprisingly candid assessment: "In brief, the prognosis appeared to be that the state of the environment will worsen, but UNEP will be able to monitor the where and why of its decline." An even better example of the ineffectuality associated with UN conservation efforts was the adoption in 1982 by the General Assembly of a World Charter for Nature. The mandatory wording was in sharp contrast to a total absence of enforcement mechanisms. Despite the Charter's strictly declamatory value, Caldwell suggests, it received near-unanimous support as a "politically inexpensive way of pleasing President Mobutu Sese Seka of Zaire." Even where the impulse for "ecodevelopment" would be expected to be the strongest, in the UN's own International Bank for Reconstruction and De-

velopment [World Bank], we are told that the agency is "unable to overcome the resistance of its own economists and national governments to allowing environmental considerations a determining weight in investment decisions."

Contrasting with the one bright spot in international environmental enforcement—the 1935 Trail Smelter decision based on the 1909 U.S.-Canada Boundary Water Treaty—is the total absence of adjudication since then. Emblematic of the pusillanimity of the contemporary organs of international law was the failure of the International Court of Justice to rule—at all!—on the 1973 complaint brought by Australia and New Zealand against French nuclear testing in the South Pacific (which arguably violated a fistful of international agreements).[2] As for redundancy, I was able to count at least eight separate conventions ratified between 1969 and 1977 dealing with marine pollution in the North and Baltic seas.

Perhaps the strongest suit in international environmental efforts is information gathering. Apart from the UN's numerous scientific programs including UNESCO's Man and the Biosphere (MAB), whose Biosphere Reserves Program harkens back to Soviet conservation efforts of the 1920s, and the World Meterological Organization's Global Environmental Monitoring System (GEMS) and Global Atmospheric Research Program (GARP) Caldwell describes other important actors on the scene: the International Union for the Conservation of Nature (IUCN) and the rather unmilitant International Council of Scientific Unions.

International commons, such as the atmosphere, the oceans, outer space and Antarctica merit a chapter to themselves. Regrettably, again, the picture here may be described as far from sanguine. Despite an assortment of agreements, all of these *milieux* continue to suffer what Garrett Hardin termed "the tragedy of the commons." The fate of Antarctica will be a litmus test of the viability of what Caldwell calls "merged sovereignty" as a means of suppressing rapacious behavior in the interests of all. The treaty signed in 1959, according to which the seven states asserting claims to Antarctic territory agreed to suspend (but not relinquish) those claims and to treat Antarctica as an international nature reserve, will run out in 1990. Even now, ominous news that the Antarctic consortium is developing guidelines for mineral exploitation, make credible the horrendous prospect of

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2. Nuclear Tests (Australia v. France) 1974 I.C.J. 253 (Judgment of Dec. 20, 1974); Nuclear Tests (New Zealand v. France) 1974 I.C.J. 457 (Judgment of Dec. 20, 1974). The basis for the Court's dismissals was that, as France had conveyed in public statements its intention to terminate these above-ground nuclear tests, Australia's and New Zealand's requests for protection were in essence met, and the cases moot. 1974 I.C.J. at 269-70, 1974 I.C.J. at 472-75. The political sensitivity of the issue is apparent.

once pristine snows crackling under gigantic temperature-controlled earth-moving combines or blackened by expanding oil slicks. Even now, Japanese and Soviet trawlers are harvesting the phenomenal reserves of krill[3] offshore Antarctica, depletion of which will finish the job the International Whaling Commission had for so long done so much to promote, *i.e.*, the extermination of the world's largest mammals. The international commons represent an opportunity, notes Caldwell, "where nations have greater latitude to discover ways of working together, to identify common interests, and to shape institutions of mutual convenience than is possible where their own territorial jurisdictions are involved." Yet, he sadly concludes, "we have seen that in these instances success is uncertain owing to the unwillingness of some nations to forego immediate advantage for long-term universal benefit."

In his final chapter, "A Defense of Earth," Caldwell nonetheless eschews what he believes to be the unrealistic hopes for a unitary world government. "The biosphere is too large, too diverse, and too complex to be 'managed' by any centralized coordinating authority. Decentralization of responsibility and action is a practical necessity . . . ."

Yet, let us look at where our contemporary nation-state system has brought us. One of the greatest international environmental disasters has occurred at Bhopal, yet the Indian government had no recourse but to plead its case in a U.S. court. Both the U.S. and Canada are signatories to the International Treaty on Long-Range Transboundary Air Pollution, yet Canada can get no relief from U.S.-based acid rain. All of this points to a pathetic international culture of bureaucratic futilitarianism.

This leads me to some heretical thoughts. In surveying this panorama of international conservation activity, with its duplicative committees and agencies, incessant conferences and junkets and countless feasibility studies, I cannot help but suspect that there is a hidden agenda lurking. Just as Ivan Szelenyi and György Sandor have argued that Marxism represents the ideology of the intellectuals "on the road to class power," it seems highly plausible that an entire cadre of international civil servants—lawyers, scientists, and planners—have propelled themselves into public admiration and the good life under the unsoiled banner of environmentalism. Have we entrusted the "defense of the earth" to just another public relations scam? From a different angle of vision conservation biologist Norman Myers asks, in *The Sinking Ark* (Oxford: Pergamon Press, 1979), whether an effective mobilization of macroeconomic forces—the transfer of appropriate technology, the end of restrictive industrial tariffs in the developed nations, the enhancement of poor nations' industrial capacity, a 0.1 percent *ad valorem*

3. Krill are planktonic crustaceans and larvae that constitute the principal food of whalebone whales.

tax on all traded goods to be invested in the poorest nations, and a transfer of the money we waste on uneaten food, etc. to preserving the international cultural and natural heritage—might do vastly more good than a multitude of animal-rescue projects, the Convention on the Trade in Endangered Species, conferences or anti-poaching equipment.

As must be apparent, *International Environmental Policy* is a jumping-off point for an examination of some very important questions concerning our collective future. The book's greatest strength is its value as an authoritative resource in the field. Enhancing this are the helpful, annotated references which, while largely restricted to English-language sources, nonetheless constitute an invaluable guide for readers seeking in-depth information on international conservation. The scholarly apparatus also includes two useful appendices, which provide, respectively, a listing of major international organizations and agencies concerned with environmental issues, and a chronology of important events—mostly conferences, treaties and conventions, but also including the 1969 American lunar landing (curiously, the 1954 *Lucky Dragon* disaster and the 1967 Torrey Canyon and 1977 Ekofisk Bravo oil spills are omitted, although these had similarly profound effects on public environmental consciousness).

It is not surprising that lurking in such a cornucopia of information should be some small individual inaccuracies. I have spotted three. The first is a misprinting (p. 165) of the date when the Antarctic Treaty was signed (it should be 1959, not 1961). The second error is a spelling variant I have never come across for the Soviet *ostrov Vrangelia* (I have seen it spelled Wrangel, Wrangell, or Even Vrangel' [the Library of Congress transliteration] Island, but never Wrangle) (p. 191). The third error, occurring on page 293 in note 2 to Chapter 2, gives the Russian biogeochemist's name as Volodymyr Vernad'ski, which would make him a son of the Ukraine. I'm sure that Vladimir Ivanovich Vernadskii, who, while having worked in the Ukraine was actually born in St. Petersburg to Russian parents, would have been very much surprised. However, within the context of an admirable survey work such as this, these errors are nothing to wrangle over. I recommend this survey of international environmental policy to practitioners in the field—and to their critics—so that together, in the words of Lewis Mumford, we might "get on top of a technological system that is destroying both organic variety and human choice."[4]

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4. Mumford, *Closing Statement*, in FUTURE ENVIRONMENTS OF NORTH AMERICA 728 (F.F. Darling & J.P. Milton, eds. 1966).

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