

Spring 1998

International Environmental Policy: From the Twentieth to the Twenty-First Century, by Lynton Keith Caldwell

Stacy D. VanDeveer
Harvard University

Follow this and additional works at: <http://www.repository.law.indiana.edu/ijgls>

 Part of the [Environmental Law Commons](#), and the [International Law Commons](#)

Recommended Citation

VanDeveer, Stacy D. (1998) "International Environmental Policy: From the Twentieth to the Twenty-First Century, by Lynton Keith Caldwell," *Indiana Journal of Global Legal Studies*: Vol. 5: Iss. 2, Article 17.
Available at: <http://www.repository.law.indiana.edu/ijgls/vol5/iss2/17>

This Book Review is brought to you for free and open access by the Law School Journals at Digital Repository @ Maurer Law. It has been accepted for inclusion in *Indiana Journal of Global Legal Studies* by an authorized administrator of Digital Repository @ Maurer Law. For more information, please contact wattn@indiana.edu.



JEROME HALL LAW LIBRARY

INDIANA UNIVERSITY
Maurer School of Law
Bloomington

Book Review

International Environmental Policy: From the Twentieth to the Twenty-First Century **By Lynton Keith Caldwell** **Duke University Press, 1996, pp. 484**

REVIEWED BY STACY D. VANDEVEER*

Lynton Keith Caldwell's third edition of *International Environmental Policy* updates a classic text by a distinguished practitioner and analyst of the subject. As a subfield, international environmental politics, law, and policy covers a large and rapidly expanding area of the practical and intellectual terrain of international relations. In fact, the area is now so large, admits Caldwell, that a single "comprehensive survey of the worldwide movement for the protection of the human environment, with an emphasis on intergovernmental agreements and institutional arrangements" is fast becoming too large an endeavor for one book.¹ *International Environmental Policy* contains a vast amount of information regarding the history of the internationalization indeed, the globalization, of international environmental debates. Nevertheless, there is a price to be paid in reduced precision for the text's attempt to be all inclusive.

This book makes a valiant attempt to achieve its stated objective of comprehensiveness. Its almost 500 pages include an introduction and thirteen chapters: (1) "Comprehending the Environment"; (2) "Growth of International Concern"; (3) "The Road to Stockholm"; (4) "The Stockholm Conference"; (5) "Post-Stockholm Assessment"; (6) "Rio de Janeiro and Agenda 21"; (7) "International Structures for Environmental Policy"; (8) "Transnational Regimes and Regional Arrangements"; (9) "International Commons: Air, Sea, Outer Space"; (10) "Sustainability: Population, Resources, Development"; (11) "Enhancing the Quality of Life"; (12) "Strategies for Global Environmental Protection"; and (13) "A Changing World Order: Into the Twenty-First Century." Also included are extensive endnotes, references, and indices. Five

* Post-Doctoral Research Fellow with the Global Environmental Assessment Project, Harvard University, John F. Kennedy School of Government.

1. LYNTON KEITH CALDWELL, *INTERNATIONAL ENVIRONMENTAL POLICY: FROM THE TWENTIETH TO THE TWENTY-FIRST CENTURY* 1, 2 (3d ed. 1996).

appendices cover abbreviations, lists of international organizations and programs, selected events and treaties of international environmental importance from 1945-1990, and a number of “soft law” resolutions, declarations, recommendations, and principles.

As illustrated by the book’s references, *International Environmental Policy* suffers from a small limitation common in updated classics. The book relies heavily on older literature and the updating of the text appears a bit *ad hoc*. Caldwell rightly notes that literature is not made bad or good—or more or less useful—by virtue of its age. He cites and discusses, particularly in chapters one through five, many of the classic works on environmental politics and policy and the human-environment relationship. This discussion will be particularly useful for those new to this area of inquiry. Yet, international environmental politics (and policy) change quite rapidly by the standards of international law. In a field where factors such as social and legal norms, principles, public values and awareness, and domestic law and policy have changed dramatically in the last two decades, much of the older literature remains of primarily historic value. Those interested in the details of contemporary international policy requirements will need to consult other texts.

The history of environmental politics and policy remains important for understanding current practices and views, however. As Caldwell demonstrates in chapter two, policy ideas and approaches are frequently borrowed from existing law and regimes for application in other areas of concern. This is certainly true of the host of treaties concerning the protection of migratory species and living resources. Caldwell might have been more specific regarding the contemporary effect of such borrowing, but he demonstrates the frequent inadequacy of older approaches in addressing contemporary issues of greater complexity. For example, the seemingly tractable—yet unsolved—problem of overexploitation of species and living resources becomes greatly more difficult to address as diverse and complex concerns over the effects of habitat destruction are added to the mix.²

Today, many works in the field of international environmental politics confine themselves to one issue area, regime, or agreement. Even here, those seeking to be comprehensive in their treatment of large topics such as the Law of the Sea, atmospheric or species protection, or the impact of the 1992 U.N. Conference on the Environment and Development are forced to leave out an

2. See *id.* at 42 (explaining how oceanic pollutants such as mercury and D.D.T undermined the value of international agreements to protect fur seals).

immense number of details. A recent survey of the host of international instruments and politics associated with the protection of the atmosphere was forced to generalize, perhaps even oversimplify, a great number of technical, theoretical, and political discussions.³ The level of abstraction, together with the need to include numerous historical facts and (simplified) substantive descriptions of various international regimes, results in a product of limited utility for specialists in the field of international environmental policy. This is the price of the attempt at a comprehensive survey, as Caldwell acknowledges. However, as a resource for information on the historical development of current policy, *International Environmental Policy* succeeds.

The historical value of this book suggests that the work might be more properly entitled "International Environmental *Politics and Policy*." The book is not a guide to policy in either a public policy or legal sense. In fact, Caldwell devotes much of the text to descriptions of the numerous aspects of international politics that produced or allowed for multilateral agreement on international policy. He remains (almost) exclusively focused on the international level, rightly noting the impossibility of including comprehensive discussions of the many influences of domestic politics in driving international politics and influencing the formation of international policies. Nevertheless, from both descriptive and theoretical standpoints, this is a significant omission. Students of international environmental politics should not be left with the impression that all of the "action" takes place at the international level—or that state's negotiating positions at this level can be understood without examination of domestic factors.

Caldwell claims that an issue must first be national before it becomes international. This is no doubt generally true, but in an era of globalized environmental discourse, many countries respond to the international agenda before specific issues emerge on their domestic agenda. The recent campaign to ban land mines illustrates that some issues can outstrip their national-level support when taken up at the international level. One also detects in the book too great an emphasis on the role of the United States in driving the international environmental agenda and policy outcomes. However, Caldwell's coverage of the historically prominent leadership role of the United States stands in stark contrast to the country's now common intransigence on major international environmental issues.

3. See generally MARVIN SORROS, *THE ENDANGERED ATMOSPHERE* (1997).

In general, the book's treatment of the important role of science and technology in environmental protection is somewhat one-sided. Caldwell rightly points out that scientific and technological research raise awareness and produce knowledge. At times, science and technology encourage greater efforts to protect ecological quality. Nevertheless, scientific and technological development has vastly increased anthropogenic environmental damage as well. Historically speaking, human induced ecological harm was limited to local environments. Scientific and technological development has now put the global environment in peril.

Among the book's strongest discussions are those pertaining to the importance of U.N. conferences, affiliated organizations, fora, and programs. Certainly, the United Nations has been central in globalizing the debate over environmental issues. In particular, the normative influences of the 1972 U.N. Conference on the Human Environment in Stockholm and the 1992 U.N. Conference on the Environment and Development are well-covered in the text in chapters three through six. Caldwell describes the linguistic and rhetorical changes in international environmental policy, demonstrating their discernible effects on the language and obligations within international environmental law. Furthermore, the awareness raising impacts of these conferences—for policymakers, journalists, and the public—is well covered as Caldwell traces the globalization of international environmental policy debates. This globalization of debate is certainly not to be confused with a globalization of consensus, the latter of which has not occurred. However, one notes that the discussions of U.N. conferences are not specifically or exclusively about international policy *per se*, but rather about broader descriptions of political and social dynamics at the international level.

Caldwell calls attention to the expanding role of environmental non-governmental organizations in these processes and to the growing importance of the notion that a country may not engage in activities deemed harmful to other countries' territory. He states: "The principle of international law that a nation should not use its territory to harm its neighbors has increased in relevance as science has documented the migration of pollutants throughout the biosphere"⁴ Caldwell rightly calls attention to one of the most important normative changes in the discourse surrounding the U.N. conferences; namely the attempts, not yet fulfilled, to combine contemporary notions of environmental protection and economic and social development.

4. CALDWELL, *supra* note 1, at 117.

The author offers a provocative suggestion that international law may be heading in the direction of “a law *for* nations as contrasted with a law *of* nations.”⁵ He points out that many of the principles articulated in the 1972 Conference concern “what governments should do in relation to their own people rather than, as in traditional international law, what a nation-state should or should not do in relation to other nation-states.”⁶ Yet, this line of argument remains underdeveloped, especially given the non-binding nature of such resolutions and declarations. One wonders if the author is not a bit too optimistic regarding the development of international environmental law and policy. As the 1997 Kyoto Conference on global climate change and the massive fires in Southeast Asia illustrate, transnational environmental awareness and concern are by no means universal. All roads do not lead to more and better environmental policy, certainly not without addressing more of the needs of those in the lesser developed countries. Furthermore, some spectacular failures of international environmental policy warrant more attention. The ongoing destruction of fisheries, rain forest habitats, and endangered species might shed more light on the circumstances under which relatively effective international agreements are achieved.

Another important absence in this book involves serious discussion of the role and interests of private actors. Like many texts on international environmental affairs, Caldwell’s description gives too much credit to environmental and scientific actors and concerns in driving environmental policy development.⁷ Of course, these actors are present and important at the international and domestic levels. Yet, international environmental policy development often corresponds to the interests of many in private industry, as well. When faced with growing environmental sentiment and resulting disparate regulatory standards, such actors frequently prefer international regulatory standardization. Private actors often push states to reach international agreements, as well, and they should not be left out of the story.

Surveys of governmental and non-governmental organizations (chapter seven) and regional environmental protection arrangements (chapter eight), will be quite useful for classroom use. The many brief descriptions contained in these chapters serve as an introductory guide to the structure and diversity of

5. *Id.* at 72.

6. *Id.* at 73.

7. Virginia Haufler, *Dancing with the Devil: International Business and Environmental Regimes*, in *SAVING THE SEAS: VALUES, SCIENCE AND INTERNATIONAL GOVERNANCE* 309 (L. Anathe Brooks & Stacy D. VanDeveer eds., 1996).

such actors and arrangements. However, beyond description, the explanatory value of these chapters remains somewhat low. In addition, the sections on regional environmental protection in Europe and on UNEP's Regional Seas Programme illustrate the difficulties—for all such work, not only Caldwell's—of staying up-to-date in publication regarding this dynamic area of international relations. For example, both the European Union and the U.N. Economic Commission for Europe (UNECE) have added impressive multilateral environmental accords to their lists of accomplishments in the last two years. Like the two chapters preceding them, chapters nine and ten offer quite useful introductory surveys. They cover global commons issues and concerns associated with “sustainability.” Here again, experts on any of these particular issues are likely to learn little, but those just entering these debates may find in many of these straightforward descriptions much to consider.

In sum, cognizant of the book's limitations, *International Environmental Policy* provides students with a large and well presented description of the history of multilateral environmental politics and brief introductory descriptions of many of the organizational actors that participate in making this history. The book's first two editions were widely used as primary and supplementary texts in undergraduate and graduate courses. No doubt this third edition will be widely assigned as well—and rightly so.