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The Growing International Dimension to Environmental Issues

A. James Barnes*

Last spring the World Commission on Environment and Development produced a landmark study entitled *Our Common Future*. The report begins very simply: "The Earth is one but the world is not." I believe that one simple sentence captures the essence of the environmental challenge we face as we head into the twenty-first century. Because the world is now irrevocably linked by economics as well as by ecology, we must bridge the divisions among nations if we are to solve our common, interrelated, economic/environmental problems.

Those interested in environmental policy have long understood the interdependent nature of the natural environment. From an ecological perspective, everything is connected to everything else. Indeed, in the United States these interrelationships were a critical motivating factor in the establishment of the Environmental Protection Agency in 1970. In explaining to the Congress why he wanted to create the new Federal agency, President Richard Nixon wrote: "Despite its complexity, for pollution control purposes the environment must be perceived as a single, interrelated system."

Even though ecological interdependence is a global phenomenon, most of our past actions to protect the environment have focussed on "local" problems. In the United States we have worked to protect particular water bodies and airsheds, and to clean up particular hazardous waste sites. We have passed Federal laws to restrict the use of specific chemicals in this country.

As our environmental consciousness awakened, the international dimension was not ignored. For example, in 1972, only two years after the establishment of EPA, an historic United Nations conference in Stockholm brought the nations of the world together to discuss environmental problems common in many parts of the globe. But at that conference the representatives

* Deputy Administrator of the Environmental Protection Agency. Remarks before the ALI/ABA course of study on environmental law, February 12, 1988.

from developed countries spent most of their time discussing the importance of taking environmental issues seriously, while many representatives from developing countries argued that environmental concerns were merely a pretext for restraining their much-needed economic development.

During the 1970s some bilateral efforts were made to exchange scientific or technical information or to solve problems along a common border. For example, the United States and Canada signed the Great Lakes Agreement in 1972, and multilateral efforts were made to confront the CFC/ozone depletion issue. But, in terms of either scientific understanding or political cooperation, international environmental issues were in a very embryonic stage.

Now, in the late 1980s, all that has changed. For a number of reasons, international environmental issues are now headline news. National governments are meeting in various international fora to find cooperative ways of protecting shared natural resources. I believe that the emergence of an international environmental consciousness is going to continue to grow through the rest of this century. And it has ramifications for all of us, whether we are lawyers, environmentalists, government policy makers, or simply individuals concerned about the overall quality of life shared on a pebble spinning through space.

Probably the single biggest force shaping this new international consciousness is the now almost commonplace belief that people today are living and working in a globally interdependent economy. This perception has been fostered by recent wide swings in foreign trade balances, and by the effect of those fluctuations on national economies. It has been boosted into the mainstream of international thought by the October stock market crash, when investors everywhere suddenly realized that when a stockbroker in Tokyo or Hong Kong sneezed, a stockbroker in London or New York caught a cold. In an essay printed in the January 3 Washington Post, Harvard social sciences professor Daniel Bell wrote: "We have today an international economy, heavily interdependent and almost integrated, tied together in 'real time'."

This new economic reality is having a profound effect on environmental policy, because—at root—many environmental questions are economic questions. Commonly, environmental laws are mechanisms by which the environmental costs of economic activity are internalized in "real time." Environmental laws re-

quire society to change its economic calculus and explicitly recognize that the dispersion of wastes into the air and water is not a free good, the disposal of solid wastes is not a free good, and the long-term health effects of exposures to toxic substances is not a free good. They must be paid for—by someone, at some time. Environmental laws simply require that some of those costs are paid up front and not by our children years or decades from now.

Thus the emergence of a global economy has transformed the concept of a global ecology from environmental mysticism to economic fact-of-life. The economic activities of the different nations, viewed both singly and in the aggregate, have real world, real-time effects on everyone living on earth. We do not do our business in a vacuum; we all touch everyone else in ways that have sometimes become painfully apparent. The nuclear accident at Chernobyl, Russia, and the chemical fire and spill at Basel, Switzerland, imposed substantial environmental and thus economic costs on neighboring countries. These accidental disasters generated an enormous amount of press coverage worldwide, and that publicity emphasized for the moment a truth that pertained before the accidents, and a truth that pertains today: we all have a large stake in the way that other countries manage their environmental and public health affairs.

The linkages between the interdependent global economy and the interdependent global ecology are apparent at three different levels. First, they are apparent in the kinds of environmental degradation that are “global;” that is, they have the potential to affect the lives of literally everyone on earth. Second, they are apparent in those “regional” environmental problems that are caused by one country, but impose environmental and economic costs on its neighbors. And third, as the global economy becomes more and more tightly interwoven, an international dimension is becoming apparent even in those kinds of environmental problems that in the past, and still today, are considered “local.”

Over the last several years, a new class of environmental problems has evolved. These problems are global, because they touch the lives of everyone who lives on this earth. The depletion of the stratospheric ozone layer, global warming trends, loss of species, and ocean pollution are good examples. In each case, the problem is being caused largely by activities in a limited number of countries, and the economic benefits are being enjoyed in a

limited number of countries. Yet the environmental costs of those activities will be born by all human beings in all countries.

Resolving this kind of global issue will be extraordinarily complex. Global environmental problems tend to be caused by total loadings of different kinds of pollutants, most of which are emitted by the economically developed nations. As the global economy and global population expand, those total loadings will tend to increase. The economically developed nations may be willing to reduce their per capita pollutant loadings in the interests of the global environment, but at the same time the developing nations will be working very hard to expand their economies in order to "catch up." Thus existing economic inequities may make it very difficult for different nations with widely differing cultural, political, and economic systems to see that it is in their best national interests to work for the common, global interest in a kind of global partnership.

Fortunately, we recently have witnessed the negotiation of a global compromise that subjugated national interests to the more global common good. Last September, 24 nations signed the Montreal Protocol to curtail the production and use of chlorofluorocarbons and halons worldwide. That treaty, which now needs to be ratified by the U.S. Senate,¹ is an exemplary model on a number of counts. It shows that two dozen different national governments are capable of agreeing on an environmental protection program in anticipation of major health or environmental problems. It shows the importance of developing a scientific consensus before attempting to reach a political consensus. Most important, it shows that nations as diverse as Denmark and Egypt and New Zealand and Japan can grapple successfully with globally interrelated economic and environmental issues.

The nations who negotiated in Montreal had to cut through a thicket of thorny questions. How much control is necessary? How quickly should controls be imposed? How long will it take to develop acceptable substitutes for chlorofluorocarbons and halons? How can the different consumption patterns of developed and developing nations be accommodated? How can nations act together to limit the international trade of controlled substances?

1. Montreal Protocol on Substances that Deplete the Ozone Layer Ratified March 14, 1988, 100-10, Treaty Doc. No. 12/21/87.

The Montreal Protocol is truly remarkable for the innovative ways it addressed such complicated questions. For example, developing countries that now use very small amounts of CFCs are allowed to increase consumption for 10 years before they are required to abide by the agreement. International trade in products containing CFCs is banned or restricted with nations not party to the agreement. The Montreal Protocol also prohibits any new agreements to provide financial assistance to nonparties that want to produce CFCs or halons. Clearly, the Montreal Protocol is a watershed in the evolution of international environmental policy.

In the years ahead we will have ample opportunity to apply the lessons learned in Montreal. Another global environmental issue—the “greenhouse effect”—is looming. Because of total loadings of carbon dioxide and trace gases in the atmosphere, global temperatures and the sea level may rise. If we want to limit global loadings of carbon dioxide in the future, developed countries must be willing to limit their emissions of industrial pollutants. Yet developing countries will be trying to industrialize at the same time. It will not be easy to balance those competing economic and environmental goals.

A quick look at energy consumption and population data shows why. If global per capita energy use is to remain the same in 2025 as it is today, total global energy use would have to increase by 40 percent to match expected population increases. That kind of increase would have grave implications for a global warming trend. Even worse, if everyone in 2025 were to consume energy like industrialized countries do today—that is, if developing countries were to “catch up” to us—total global energy use would have to increase by 500 percent. Thus any global partnership that we attempt to negotiate in the years ahead will have to factor in the needs of developing countries, much like the Montreal Protocol did. However, to the extent that energy use is more important to economic growth than CFC production, the negotiations are likely to be that much more complicated and contentious.

The difficulty in balancing national economic growth with global environmental protection is already evident in many parts of the world. How can the economically developed nations convince the less fortunate countries that they should not cut down their forests, if timber harvesting or clearing land for crop production on a national level is seen to be a key element of economic survival? Massive deforestation worldwide clearly poses a

global environmental problem, but impoverished timber cutters are much more likely to worry about their next meal than about global environmental quality in the next century.

Clearly, people living in economically developed countries can more easily afford to worry about their grandchildren's quality of life. Yet, if we don't convince the developing countries to think about it, and think about it soon, we face more deforestation, more species loss, and—ultimately—less of a future for everyone on earth. This necessary balancing of global economic growth today with global environmental protection tomorrow is one of the most challenging international issues we face as we head toward the twenty-first century.

But it's not the only one. We also face a host of what I call "regional" environmental problems; that is, problems whose causes are rooted in the economic activities of one country, but whose costs are borne by its neighbors. Accidents with transboundary environmental effects are one example; I have already alluded to the international economic consequences of the Chernobyl and Basel incidents. The movement of hazardous and solid wastes between nations is another. The transboundary air pollution that is causing ongoing political debate in North America and Europe is yet another. In each case one nation, or group of nations, is concerned because it does not share in the benefits, but pays part of the cost, of economic activities on the other side of an international border.

Even so-called "local" environmental issues are taking on an international dimension, in large part because of the ease with which businesses can locate or relocate to countries with the lowest production costs. One of the reasons the United States passed environmental legislation in the 1970s was to "level the playing field" among the 50 states; we did not want one state to gain an economic advantage by disregarding public health and environmental quality.

We face the same problem globally in the 1980s and beyond. Uneven environmental laws from nation to nation are affecting the global competitiveness of older industries like steel makers and refiners. Because pollution control laws in the United States are relatively strict, the ability of U.S. companies to compete in a global economy is diminished. Thus those companies argue strenuously against any proposals that would strengthen domestic environmental laws.

Environmental controls also affect the siting of new industries. For example, American scientists are now leaders of the new biotechnology industry, and all Americans look forward to the economic and societal benefits that biotechnology is likely to bring. But even if they were reasonable from a public health perspective, restrictive regulations in this country could drive the fledgling industry elsewhere. In short, the globe is in much the same predicament that the United States was in during the 1960s. How do we provide a level playing field, in this case globally, so that human health and environmental quality are not sacrificed for the sake of economic competitiveness?

Answers to all these questions are being formulated, and, based on what I have seen over the last year or two, I have great hope for the future. In international meetings like a recently completed OECD conference on accidental chemical releases, groups of nations are defining their shared environmental goals, developing mutual codes of conduct, and differentiating among the expected roles of industry, labor, and government entities. Scientists in different nations are sharing the kind of information needed to build an international political consensus. Government officials are beginning to discuss the kinds of consistent environmental regulations needed to "level the playing field" globally. Bilateral and multilateral agreements are being negotiated. The United States, for example, has negotiated bilateral agreements with Mexico regarding hazardous wastes and transboundary air pollution, and we have negotiated more than two dozen bilateral agreements with other nations.

I predict that these kinds of international negotiations are going to become much more common in decades ahead. Indeed, the report of the World Commission on Environment and Development sees the world balancing on the edge of a very bleak future if we do not develop the sense of international partnership needed to address international environmental problems that are manifested globally, regionally, and locally.

The emergence of international dimensions to environmental issues and the need to develop an international partnership will affect the way lawyers like you advise clients, it will affect the way government officials like me respond to local and national environmental issues, and it will affect the way all of us live our private and public lives. If we are indeed linked to everyone else on earth, in both an economic and an environmental sense, then we

have to think of everyone else on earth when we make our economic and environmental choices.

The fragile and holistic nature of the shared human experience has been most clearly depicted in that stunning photograph of the earth, taken from space, where we see a small multicolored sphere set against the blackness of space. From that perspective, we appear to live a very tenuous existence.

But the interdependence of the global ecology is both its weakness and its strength. Whatever we do here, for better or worse, touches everyone else. So we have to make sure that what we do, as individuals and as a nation, is for the better. We need to keep in mind the old Indian saying: "The Earth is not inherited from our fathers, but borrowed from our sons." If we act accordingly, we will be able to return to future generations all the interrelated bounty that we have enjoyed so much ourselves.