

# Review of European Community & International Environmental Law

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## Focus on: Trade and Environment

Trade and Environment: The Post-Singapore WTO Agenda

*Sabrina Shaw*

Reconciling the GATT and Multilateral Environmental Agreements with Trade Provisions: The Latest Debate

*Duncan Brack*

The Nature and Function of the Necessity and Proportionality Principles in the Trade and Environment Context

*Massimiliano Montini*

GATT Article XX's Chapeau: A Disguised 'Necessary' Test?: The WTO Appellate Body's Ruling in *United States - Standards for Reformulated and Conventional Gasoline*

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Trade and Environment Issues in Voluntary Eco-labelling and Life Cycle Analysis

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The Relationship between the TRIPs Agreement and the Convention on Biological Diversity: Towards a Pragmatic Approach

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Participation and Priorities: An Assessment of Developing Countries Concerns in the Trade/Environment Interface

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Trade and Environment in the WTO: the EC's Participation

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A Primer on the Shrimp-Sea Turtle Controversy

*David E. Kaczka*

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tainable development, and for others who wish to see the evaluation of the principles' progress since UNCED.

Throughout each of the remaining chapters, Holdgate measures the successes and failures of the movement towards sustainability, using the sub-headings provided in Caring for the Earth. Chapter 4 examines the paradox of a global community that has over 120 international environmental treaties or conventions, and many more regional agreements, but has shown such uneven progress towards sustainability. The need for action has been accepted, as illustrated by the support to the environment and development principles adopted in Agenda 21. However, financial resources have not yet been provided to achieve this goal, as the only new money granted by nations after Rio was to the Global Environment Facility. This organization was set up to fund developing countries to protect the global environment through research and the transfer of technology.

In addition to the lack of funds, another barrier to success for the attainment of sustainable development is the lack of an environmental ethic. The implementation of an environmental ethic was also discussed in Caring for the Earth and its need is expanded upon in this book. Ideally, this ethic would be '... universal, but diverse. It should draw on various faiths, principles and forms of expression in a mutually creative way' (p.124). There is a recognition that we are a long way from the acceptance and adoption of an environmental ethic based on a responsibility towards our fellow humans, animals and the environment.

Holdgate frames his book in an anthropogenic view of sustainable development. For example, the problems of maintaining biodiversity is weighed against the burgeoning growth of the earth's population. The author explains that some conservationists believe that any loss of diversity would be seen as unsustainable. However, while sustainability does mean controlling our own population, the loss of some biological diversity seems inevitable to Holdgate, and that any loss of diversity does not equate unsustainable development.

The final chapters of *From Care to Action* provide examples of successful sustainable development through

case studies of local populations who have embraced sustainable ways. The author believes in local action as a way of empowering the community, to the end result of fostering a positive change. Problems arise with the fact that sustainable communities do exist at local, rural levels, but there is no model for a complete sustainable industrial centre. As human society increasingly migrates towards the urban environment, much work and thought must be focused on the problem of how to make our cities sustainable. Other problems include sustainable development's potentially negative effect on employment, industry, trade and finance. There are obviously no simple answers for these issues, and only a few suggestions are provided for in this work. There is a need for NGOs and corporations to work together, something that has already been recognized at international conferences, but that must be expanded and improved beyond international and national discussions. The key may be in the development of sustainable economics, with an ethical component, that values the environment. The main emphasis in Chapter 10 is the need for partnership and links between environmentalists, lawyers, economists and industry.

Holdgate concludes his text with practical suggestions for individual and collective actions towards sustainable living. Partnership is again stressed, as well as the increasing importance of the UN and other international organizations. However, he calls for a reorganization of the United Nations system, as its weaknesses are apparent and include dependence on its members for votes as well as for finances. Enforcement problems for each of the environmental commitments are also an essential concern.

In conclusion, *From Care to Action* is well researched, extremely readable and highlights the challenges we face on our road to sustainability. Important questions and issues are raised by the author and from references to other environmental academics and theorists concerning what the next steps should be, after Agenda 21. As this book surmises, without 'international vision and inspiration' the steps forward towards a sustainable future will still be interspersed with steps back.

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**Slow Reckoning: The Ecology of a Divided Planet**, Tom Athanasiou, published by Secker & Warburg, London, UK, 1997, 385 pp., \$12.99.

Tom Athanasiou's tour de force of international environmental policy after the Cold War is jarring and sometimes depressing. Early on, he states that 'The old environmentalism has hit its limits'. But Athanasiou has little time for reflecting on lost opportunities. The book, that in North America is entitled *Divided Planet: The Ecology of Rich and Poor*, describes intensifying global environmental crises, that are being made even worse by widening economic gaps both between the South and the North and between western Europe and the former Soviet Block. The major reckoning in this sometimes frustrating ramble emerges half way through the book. There has been a marked decline in aid to the South since the 1992 Rio conference, 'the dark comedy that was the Earth Summit', (UN Conference on Environment and Development - UNCED, as in 'unsaid') along with an increase in the flow of capital to the former Soviet Block. The central argument of the book is that the further coalescence of the few large trading blocks is constraining and often neutralizing more established forms of environmental protection and activism. Paradoxically, environmentalism, today, has come to embody echoes of the Cold War and the longer-term struggles to improve the lot of the poor and marginalized. Athanasiou skilfully argues that the global and regional trade agreements, notably GATT, have permanently undermined the international environmental instruments, from CITES to the Montréal Protocol on ozone-depleting substance, that were so long fought for just decades ago. Athanasiou's examples from western and eastern Europe and North America are the most researched while his examinations of the dynamics of the Pacific Rim economies are thin. He argues that new and profoundly different (environmental and social activist) strategies, policies, and tactics are now needed.

How are the glaring contradictions in the new economic environmental order being obfuscated in order to minimize the galvanizing of new activism? Athanasiou's most important chapter is on the media and its 'greenwashing' - 'professionally organized systems of appear-

ance management' – of facts on the actual policies of transnational corporations and their environmental impacts. The author shows how much of the information on environmental conditions now being conveyed in the media, often under the guise of 'sustainable development', has become another vehicle for marketing. Athanasiou savages transnational corporations including California utility companies, The Body Shop, Du Pont, and 3M and then scrutinizes some Orwellian concepts of manipulation for social docility. The book then delves much deeper into the collusion of media than most current analyses. His discussion of 'technology as denial' where he shows how industries such as recycling are used to cover more damaging operations is particularly important. His careful examination of the inversion of many ecological canons to market even more destructive technologies is chilling. Unfortunately, his privileging of 'natural ecology' has come at a time when the various biases and reductions embodied in past and present research and analytical frameworks are being explored in

terms of how they limit environmental problem-solving. In 1997 his smugness about 'natural ecology' is nostalgic when not verging on the naive. In contrast, the thumb-nail analyses of institutions such as The World Bank and the Global Environmental Facility provide valuable, and badly needed, overviews.

Slow Reckoning ends quoting Gregory Bateson in hoping to identify new environmentalist initiatives with 'a difference that makes a difference'. This book is more about today's environmental(ist) conundrum, and recognition of numerous unexplored alternatives, than solutions. But Athanasiou leaves the readers with some clues most notably his exhortation that: 'To win, greens, workers movements, and human-rights activists must go global, just as the corporations have done' (pp. 224-225). Curiously, there is little analysis of the chronic problems of biases in environmentalism derived from affluent, English-speaking countries even in references to terms such as 'eco-imperialism' (p. 218), the related legacies of colonialism, and the new site-specificity

that has emerged with postcolonial activism. The author skirts an in-depth discussion of alternative theories of the state and governmental regulation just as they are most needed in this time of globalization of capital.

Slow Reckoning is the environmental reality sandwich for the fin-de-millénaire. When Athanasiou's fact do not disturb, his hyperbole and contortions of Californian English playfully push the reader out of her or his comfort zone. Attempts to coin words, such as his 'doomster' fall flat. The language is sufficiently journalistic and the vulgarities regular, to make the book attractive for university courses. Slow Reckoning is perfect summer reading for the beach – as sea levels continue to rise and the ozone layer further deteriorates.

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