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TOWARD A WORLD ORDER RESPECTFUL OF THE GLOBAL ECOSYSTEM

Richard A. Falk*

THE NEED FOR A NEW WORLD ORDER

The Peace of Westphalia in 1648 brought an end to the Thirty Years’ War and marked the beginning of the modern system of world order which accepts, as its basis, the autonomy of sovereign states. To this day, the quality of world order reflects the interactions between national governments. Threats and warfare have been the most salient of these interactions, constituting both the principal energy of change and the main instrument of order in world affairs.

World Wars I and II brought about a determined effort to mitigate the effects of global politics based on war by building up central international institutions of peace and security. The League of Nations and the United Nations were the main products of these efforts, but these organizations have acted primarily as instruments of sovereign cooperation rather than as substitutes for the dominance of sovereign states. The military power of states continues to reside at national levels, and the driving forces in world affairs continue to be associated with intense competition for disputed territory, economic control and political influence. From 1914 to 1970 is not a long period of time in which to transform governing structures, public attitudes, and the political consciousness of elite groups. The great historical question, accentuated by the persisting danger of large-scale nuclear war, is whether the political life of mankind can be reorganized before rather than after some kind of catastrophic breakdown.

National governments are no longer able to solve the most serious problems facing the welfare and security of their own populations.

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We have grown accustomed to this basic reality in relation to nuclear weaponry. We now know that immense budgetary expenditures on military hardware by the United States have led, not to greater security, but to offsetting measures by principal adversary governments, and that the two strongest states in the world would be likely to lose at least 100 million people as well as their major cities in the first 24 hours of an all-out attack by either side. There is no defense system that either of these states can now construct that is likely to work if the other state makes an all-out effort to penetrate it. Therefore, peace and security depend on the will and wisdom of the elite of a foreign government, and not upon the military prowess and preparedness of a defensive state. Such a reality makes us aware of the thin line, precariously maintained by fallible human beings and complex electronic equipment, which separates security from catastrophe in our world.

In the last few years this fundamental international condition has been further complicated by a new set of dangers associated with mounting pressures on the global environment. These pressures stem from the cumulative interplay of population growth and technological development. At this state we do not yet have the facts and figures to enable a full appreciation of the scale of danger, nor do we know enough about the tolerance limits of oceans, river systems, and the atmosphere to identify with any precision the danger points and, especially, to specify thresholds of irreversibility. As ecologists have started to warn us, many environmental systems do not deteriorate gradually but, rather, are able to maintain the basic integrity of their character virtually until the point of collapse. It is this deception of man by nature that has contributed, for instance, to the ecological collapse of large inland water systems such as Lake Erie; warnings about deterioration were discounted for years because of fairly favorable quality reports until the time of abrupt collapse, at which point the processes of decay could no longer be feasibly arrested. The point is that we do not know the extent to which the increased pollution of the oceans and atmosphere is generating a process of decay that will soon cross thresholds of irreversibility, nor do we even have effective means at present to collect such information. We do know that there has been an immense buildup of harmful pollutants in the oceans, most especially of oil, lead, mercury, and DDT, and that major disruptive impacts on marine ecosystems are likely to occur at some point in the future. Similarly, we know that these pressures are likely to continue and to grow worse as more and more people organize to live at higher
standards of living, and as industrial societies develop more and more sophisticated technologies to facilitate their further mastery over nature.

The frequency and the severity of environmental crises having international implications is clearly increasing. The Torrey Canyon breakup is an example of the inevitable outcome of a rapidly expanding volume of oceanic transport of oil by tankers. The record shows that the increasing number of tanker accidents each year corresponds roughly to the increasing volume of activity. The increasing rate at which man exploits the planet is leading to other problems and challenges which may be less specific but are potentially even more disastrous. The possibility that radioactive and other highly toxic wastes may have serious impact on life in the oceans, the fear of global weather modification arising inadvertently from the buildup of CO₂ and particulate matter in the atmosphere, and the chances of earthquakes resulting from underground nuclear explosions are but a few examples. At this stage we have not yet even drawn up a complete or accurate agenda of issues, but it is evident that the political fragmentation of mankind into separately administered states handicaps the efforts to solve any of them. The basic ecological premise posits the wholeness and interconnectedness of things.¹ It already seems clear that the basis of life on earth is imperiled by the absence of any central mechanisms of effective guidance and control on an international level.

**THE PRESENT SYSTEM OF SOVEREIGN STATES: PERMISSIVE EXPLOITATION**

Unlike domestic society, the activities of men and nations in the international realm are virtually free from consistent patterns of regulation. In the present system, land on the continents and the airspace above it are viewed as the private property of individuals or nations, while the oceans and the airspace over oceans are viewed as belonging to everyone, to be shared and used for mutual benefit. People are not revising their attitudes toward property, in spite of developments in modern technology which render obsolete the premises underlying the present system. It is helpful to isolate three basic premises to which these remarks apply.

1. The Premise of Excess Capacity. In earlier decades, the volume of human demands being made on the environment was small in relation to the capacity of the environment to sustain life. Although local shortages of food, water, and land have long existed, and rivalries among social groups have generated wars, the dynamics of conflict have seemed to be fully consistent with the indefinite continuation of life on earth. Even the forecasts about the end of the world which are found in several major religious traditions do not reveal any awareness of the finiteness of the earth as an island in space sustaining a limited quantity of life and vulnerable to ecological disaster.

The situation today has been greatly moderated by the development of modern public health and by dramatic advances in agriculture. As a result, the world can accommodate a far larger number of people in the sense of keeping them alive, but in the course of so doing, especially in industrialized societies, great pressures on the environment have built up. The limited capacity of our air and water to disperse our wastes, the limited yields of minerals which can be extracted from rocks close to the surface of the earth, and the vanishing of species are among the factors which have recently made us aware of global scarcity and have undermined our earlier confidence in global abundance. International society, however, continues to be almost completely unregulated, in spite of the fact that a laissez-faire system of organization is only effective in the absence of scarcity.

Regulation is currently limited to special situations where overuse creates "conservation" issues, as with whale hunting. The experience with whale hunting is a dismal one, but is worth recounting because it illustrates the limited prospects for effective enforcement when sovereign states are not held accountable for failure to comply.

In 1946 those nations involved in whaling negotiated and signed a convention which established the principle of quotas for annual whale catches. Whale catches were to be limited in such a way that whaling interests could sustain profitable yields over long periods of time, a typical management goal whenever a renewable resource (timber is another example) is involved. However, the International Whaling Commission, which was to administer the convention, possessed neither the power nor the independence from the national whaling industries that was necessary to carry out the conservation program. At first, the quotas were set at levels beyond what could be caught, and hence were meaningless. Then, when in spite of reduced catches whaling companies still said that there was no scientific evidence
that whales were endangered, the International Whaling Commission asked authorities in population dynamics to study the problem in detail. In 1963 they filed a report to the International Whaling Commission substantiating the dangers, but the Commission refused to act on it. A report filed in 1964 with additional information met a similar fate. At this point the International Whaling Commission almost broke up, since by the convention it was obliged to act in accordance with any scientific evidence presented to it. Finally, in 1965 a special meeting was called, and quotas which began to take account of the scientific recommendations were agreed upon. Since then, the quotas have slowly come more into line with the recommendations, although with no enforcement machinery and no international observers it is difficult to judge to what extent even these limits have been heeded. Meanwhile, the blue whale, the largest animal that has ever lived on earth, is headed for extinction. Probably fewer than 300 blue whales remain at this time.

At present Russia and Japan, the only major whaling nations, are responsible for about 85 percent of the activity. The United States annually has bought about 20 percent of all whale products, mostly from Japan. Recently the United States decided to act unilaterally. On December 5, 1969, President Nixon signed into law the Endangered Species Act; on June 2, 1970 the Department of the Interior published a list of the species which were to be protected; all species of giant whales were included. Because of this new law, no whale or whale products in any form can be brought into the United States. But enlightened though belated actions by single governments cannot disguise the fact that this experiment in international cooperation has so far been a failure.

2. The Premise of Local Impact. A system of sovereign and independent states is appropriate only for an era when the consequences of a nation's actions are confined within its own territories. Even today most events continue to be of local significance in this sense, and can be regulated by local governing bodies. Special situations sometimes arise, as when state A allows its industrial corporations to dispose of raw wastes upstream and the downstream users in state B become victims of pollution; if causation is clear, the states generally deal with one another directly. Measures to curb water pollution and to provide for navigation on the Danube and Rhine rivers illustrate the capacity of the present system to evolve generally satisfactory cooperative procedures. The treaty method has acted as a flexible instrument of adjustment where the actions in one state have been causing damage to another.
But when the effects are more diffuse and represent the cumulative outcome of numerous, separate, small instances, each of which may seem trivial, even benign, as with industrial processes underlying ocean and air pollution, then the present system shows almost no capacity for successful response. Nuclear testing in the atmosphere is a spectacular example of the widening scope and lengthening duration of events located specifically in space and time (that is, at the test site at the time of the test). Similarly, the balance of gases in the global atmosphere can be altered, with implications for the global climate, by the combustion of fossil fuels in a single country, or even, perhaps, by the operation of a single nation's fleet of supersonic aircraft.

3. The Premise of Compatible Use. In the past, when resources were plentiful and actions were localized, the use of one geographical arena rarely restricted the use of any other, nor did different uses of the same area often overlap in dangerous ways. Exploitation of the land and the rivers did not have serious repercussions upon the use of the oceans, and vice versa. In addition, the principal uses of the oceans for navigation, fishing, and naval operations were generally mutually compatible. Certain specific conflicts might occur—for instance, by overfishing in a particular area—but these could usually be either resolved by specific agreement or allowed to result in the temporary deterioration of a particular resource. The international law of the oceans accommodated basic needs by finding compromises between national sovereignty and community control. Coastal nations, for example, were granted a belt of special authority over offshore waters in recognition of special security, economic, and health interests—a procedure that worked well so long as the territorial needs of these nations were limited to within a few miles of the shore. On the "high seas" nations have agreed not to interfere with each other's activities, and these agreements have worked largely because the separate activities were mutually compatible.

In recent years, however, these arrangements have come under increasing pressure, and territorial sovereignty has been expanded at the expense of the areas to which a community concept once applied. This has happened for several reasons. First, the technology of war has increased the distance from the shore at which a country can be threatened militarily. Second, the technology of fishing and mining has made it possible for the most advanced countries to operate at great distances from their homeland and more successfully than coastal states relying on more primitive techniques. As a result poorer states have claimed protective custody over vast stretches of
ocean water; Chile, Ecuador and Peru, for instance, have claimed exclusive sovereign control over waters 200 miles from their shores. Third, the value of mineral resources on the continental shelf has led states to claim this wealth for their own nationals.

Beyond this, evidence is emerging that there are incompatibilities of use even in the areas of the ocean not claimed by any state. Reliance on persistent pesticides for agricultural development on land causes damage to marine ecology in the middle of the ocean in a variety of ways, still not fully understood. Similarly, attempts to mine the oceans’ mineral resources may endanger fishing industries. And finally the use of the ocean for the disposal of lethal nerve gas may cause harm to the entire community of ocean users and to the ocean itself.

In summary, current methods of regulating activity on land and in the oceans are geared to lower levels of demand for goods and to less sophisticated technologies of exploitation than now exist. The existing system of competition among sovereign states is not only obsolete, however; it is also counterproductive.

The logic of competition induces maximum self-assertion, contrary to the collective good. Countries agree to cooperate today only when the issue is trivial or merely facilitative (for example, fixing the conditions of international postal service or governing the exchange of diplomats). But countries cannot be compelled to cooperate, and the objective of a majority of the nations of the world is often thwarted when cooperation is not universal. Thus China and France can continue to contaminate the globe with radioactive fallout, in disregard of the Limited Test Ban Treaty, and Japanese whalers can ignore the international regime set up to assure whale conservation. South Africa can continue with racial oppression, Brazil can encourage population growth, and the United States can dump as much nerve gas into the ocean as it wishes.

The sale of arms provides a good example of how competition between nations impedes the development of international controls. Most national governments are eager to build up a favorable balance of trade and regard it as highly desirable to earn large quantities of foreign exchange. Arms sales to foreign countries are very tempting, especially when the decision to forego the sale is likely merely to shift the transaction to another less scrupulous country, with the

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2 This phenomenon has been called "The Tragedy of the Commons." For an analysis of this issue see Garrett Hardin, The Tragedy of the Commons, 162 SCIENCE 1243-48 (1968); cf. Beryl Crowe, The Tragedy of the Commons Revisited, 166 SCIENCE 1103-07 (1969).
result that the earnings and, quite possibly, political leverage are lost. Sales can be restricted only if all principal suppliers curb their activities effectively and simultaneously. Given the degree of divisiveness in international society, it should not be surprising that it is difficult to make such a cooperative system work reliably. In fact, the realization of difficulty induces a sense of futility. Why try if trying is likely to penalize the more civic-minded national governments? The experience with international sanctions also illustrates the limits of cooperation in much the same way. The high degree of verbal consensus in support of economic sanctions against the Smith regime in Rhodesia has not achieved its goals, principally because South Africa and a few other countries do not want these sanctions to work.

The competition between nations which is partially responsible for the environmental crisis is also responsible for distracting attention from it. Can one imagine a discussion of environmental quality between an Arab and an Israeli leader? These and other nations are preoccupied by international rivalries, and devote their resources and energies mainly to promoting national security.

Habits of competition also impel the poor nations to pursue what the rich nations possess. Rich and poor alike specify self-interest in terms of more wealth, more power, more growth, and sometimes even more people. The possibility of a global environmental crisis is on the verge of providing the rich nations with new excuses to neglect the demands of the poor nations, however. There is serious reason to question whether the globe could remain habitable if the entire world population were to live the way Americans live at the present time, with all the inefficiency and waste now present in American society. The rich nations may perceive this as a valid reason for trying to persuade the poor nations to modify their plans for industrialization. But the poor nations are likely to repudiate this advice and urge the rich nations to control their consumption. Moreover, the poor countries are sure to point out that the gap between the standards of living in the rich and poor countries is still widening.

The present inequalities and rivalries among nations thus complicate any attempt to replace competitive patterns of behavior by cooperative ones. The current negotiations over the terms of international inspection of nuclear power installations in countries not possessing nuclear weapons is a case in point. In accordance with the Nuclear Non-Proliferation Treaty, national nuclear programs are to be inspected by the International Atomic Energy Agency (IAEA), after a state voluntarily offers to have its program subject to exter-
nal control. When IAEA inspection finally begins in 1972, inspectors are likely to find their role limited to that of auditors. Italy, Japan, and West Germany want inspection confined to the input and output of the nuclear plants, for fear that inspectors who obtained knowledge of techniques used inside the plants might give useful information to competitors. 3

About the only way in which present inequalities could have beneficial implications for the global environment is by opening up opportunities for ecological trade-offs. For example, industrial countries might establish preferential trade relations with those poorer countries that agree to use safe substitutes for DDT. In the great majority of instances, however, the habits of competition among nations will retard the search for methods of global environmental control.

There are some significant exceptions to this bleak picture that illustrate the potentiality for international cooperation within the present system of sovereign states. A treaty signed on December 1, 1959, has so far effectively ruled out a competitive struggle for sovereign control over the Antarctic and has allowed the 12 interested nations to pursue their separate courses of scientific investigation and discovery in a spirit of harmony and cooperation. The World Health Organization (WHO) works on problems common to all countries, including control and eradication of diseases, and the protection of health through public health services. Its concern with environmental health problems, research, and education is the concern of countries, and thus WHO can work harmoniously, effectively, and without fanfare. On a binational level, joint commissions that have been in existence for a long time are suddenly being reinvigorated in response to the recent upsurge of interest in environmental regulation. For instance, representatives of the governments of the United States and Canada held a meeting in June 1970 to discuss common problems of pollution and eutrophication in the Great Lakes. They agreed to adopt and enforce certain common measures, including regulations requiring removal of at least 80 percent, of phosphates from sewage and industrial waste disposal. Also, the Soviet Union and the United States have had some success in reaching agreements that prevent the arms race from being fully carried over to outer space or the ocean floor and have stimulated wider agree-

3 See the N.Y. TIMES, July 27, 1970, at 5. For a detailed analysis of the IAEA’s functions and problems, see Lawrence Scheinman, Nuclear Safeguards, the Peaceful Atom, and the IAEA, INTERNATIONAL CONCILIATION 5–64 (No. 572, Mar. 1969).
ments to halt the further spread of nuclear weapons, such as the Limited Test Ban Treaty and the Non-Proliferation Treaty. The current proposals before the United Nations which would prohibit weapons from being stationed on the ocean floor are further encouraging signs.

PROSPECTS FOR AN ADEQUATE WORLD ORDER SYSTEM

At the present stage of international development, there is no general or common appreciation of the threats of the environment or what to do about them. The United Nations is scheduling an initial world conference in 1972, but it is unlikely to provide more than an exchange of views and suspicions, and possibility the formulation of highly abstract declaratory standards. There is not as yet any appropriate sense of the magnitude of the task and of its urgency, and there is no understanding of the extent to which the protection of the environment will require an organizational and attitudinal revolution on a global level. Such a lack of awareness persists in government circles, even in a country such as the United States which has grown alarmed about environmental issues in recent years.

Yet, eventually, change must come. Separate, unequal, competing sovereign states will have to be replaced as prime centers of international decisionmaking in the environmental field, and world political institutions to which responsibility will pass must be given the authority to monitor the environmental condition of the planet, to react quickly to disasters, to ration scarce resources, to zone international waters according to permissible uses, to set pollution standards, and to enforce its rules and regulations. It is likely that global institutions will be expected to resolve conflicts, apportion resources, and secure human justice in a wider range of situations than would be suggested by a narrow interpretation of conservation and environmental management.

Suppose a limited form of world government were to come into existence, with power to regulate all uses of the ocean. How should it use this power? It certainly would change the present system of registering ships, whereby a small country like Liberia can establish exceptionally permissive licensing procedures because it is more concerned with revenues from tanker registries than with the protection of the oceans against unseaworthy vessels. The Torrey Canyon, a substandard oil tanker registered in Liberia, might not have been permitted to operate in a more ecologically conscious world. But what about the extraction of natural resources from the ocean?
Should our hypothetical world organization forbid all mining by the enterprises of individual nations and do the mining itself? Should it instead issue licenses? Should it collect royalties or taxes, and if so, how should the revenues be used? Most important, should it regulate the distribution of the minerals extracted from the oceans, and if so, according to what principle? There are a host of alternative economic and political models of operation that could be incorporated into such a world organization.

The distinct ecological consequences of various modes of operation may be difficult to discern. For example, an ocean resource policy that puts a heavy penalty on ocean extraction may drive individual nations to exploit their domestic reserves beyond wise limits. A country might decide not to extract oil from shale by underground nuclear explosions if deep ocean oil were readily available. It might decide to station fewer power plants on its rivers and lakes if deep ocean sites were permitted. Should a world organization encourage or discourage exploitation of the ocean resources? If it discourages their exploitation, is there any way in which it can simultaneously affect resource use within the territorial limits of the sovereign states?

The last question suggests that we reexamine our hypothetical world organization. Does it make sense to separate the problem of ocean management from land management? Politically, this separation could be a practical way to gain experience with the kinds of jurisdictional problems that arise from the interplay of modern technology and ecology. A more extensive form of world order could emerge from success in undertaking such a modest first step. Ecological realities, however, could make such a scheme unworkable. Improper land use practices can lead to the deterioration of coastal estuaries, which in turn can disrupt the life cycles of much ocean life. Thus it may make better ecological sense for a world organization to acquire authority over land use and ocean use in a coordinated fashion. To maintain political equilibrium during the coming period of transition will tax the skills of the world’s diplomats and international lawyers to an unprecedented degree.

It is clear that the establishment of a world government in and of itself does not guarantee a saner approach to the environment than what we now have. Indeed, we can speculate that if we had had an obtuse world government for the last few decades, things could be a lot worse. Suppose that twenty years ago, before the environmental crisis was widely recognized, world-wide pressures to remove the threat of nuclear war had brought about the replacement of the
present political system with a world government. That government would probably have sought to overcome some of the inequalities among nations by stimulating capital transfers and by building huge power and agroindustrial projects to take advantage of the aggregate capacities of river basin systems and other large natural networks. Several projects of this kind have been retarded, thus far, by national boundaries and sovereign competition (even among friendly neighbors such as the United States and Canada or Mexico). Such political obstacles to man’s intrusion upon nature would almost certainly have been cast aside, if world government had been instituted in a period prior to the emergency of some sensitivity about environmental quality.

Even the present period may be too soon from this point of view, for every potent world ideology today continues to maintain a strong commitment to achieving a maximum economic growth through the rapid expansion of the industrial sector and this commitment accelerates environmental decay. However the decay, in turn, is producing a shock of recognition in the richest and most industrialized countries; a greater awareness of the tolerances of the planet is beginning to emerge. Therefore it is fortuitous that environmental awareness, which strengthens the antiwar pressures for a more cooperatively conceived organization of life on earth, may at the same time reduce some of the hazards of concentration of authority. The sequence of pressures may lead to a more rational eventual solution. Yet it remains questionable whether there is enough time available to make adjustments in the world-order system. These adjustments can not take place until after significant movements for world-order reform emerge in the main cultural, ethical, political, and economic centers of world activity.

The future of human society depends on making the case persuasive that the present pattern of relations governing man-in-society and man in nature endangers the whole species and the entire planet, and that positive alternatives exist and can be brought into being. The mere depiction of a disaster is likely to discourage action unless it is coupled with a program for positive action. Fear in isolation induces immobility, not conversion and passionate action. We need to develop plausible alternatives to global disaster, and to establish a humane set of substitutes for the automatic checks of war, disease, and famine—which never were compatible with the dignity of man and society. The need is for new visions of world order based on the conditions of dynamic equilibrium between man and nature.
In the meantime stopgap measures and educational activities are useful kinds of initiatives. It will be desirable to take action to avoid specific disasters, for instance, radioactive leakage from nuclear power plants or the further pollution of international rivers and lakes. It may also be possible to engage in joint ventures to ensure that only beneficial appropriation of minerals from the oceans takes place. Institutions through which nations cooperate are rapidly expanding in number, variety, and role to meet the needs of an increasingly interdependent world, and they should provide considerable experience and a cadre of experts with careers and values built around a more cooperative approach to international relations. Only a shared sense of the problems facing mankind will make it possible to work toward a shared solution. We possess the technology of communication, information-dispersal, and transportation that will facilitate centralized management. Indeed the efficiency of these new technologies poses a new set of threats to human welfare that will need to be taken into account.

Minor adjustments within the existing international order can do no more than gain time for the initiation of drastic changes in the world-order system. The need for drastic change suggests the likelihood of struggle between those who operate and benefit from the present political system and those who support the creation of an increasingly powerful world government. Good education, as always, should pursue a strategy of subversion, weakening confidence in existing arrangements, and even converting the old elite to the new vision; but it seems likely that the defenders of the status quo will condemn and suppress those who work visibly and effectively toward a new world system based on an ecological vision of wholeness. Prospects for change may not be at all serious until a countermovement emerges, perhaps one that identified environmentalists as what they are, or should be: subverters of the existing order, apostles of a new order, aiming to do away with the war system, repudiators of the ideology of national sovereignty and of the mindless exploitation of the natural resources of the earth.

The shape of this new order cannot now be blueprinted. It must be an expression of a collaborative process among the people of the world. It is certainly not a matter merely of extrapolating existing tendencies and designing a world state that drew inspiration from the nation-state form. At most we can make the case for the inadequacy of the present system of world order, combine it with a demonstration that the technological means exist to support a new equi-
librium, and advance an argument for the realization of certain dominant values. The exact structures of order, processes of transition, and shifts in wealth-producing capabilities will depend on the way in which world-order reeducation and interregional bargaining proceed in various parts of the world. How the new world order evolves will depend as well on how ecological deterioration manifests itself in the years ahead. The search for new solutions will surely grow more intense as the evidence mounts that we are faced with a crisis of survival.