

EECPerspectives

The Newsletter of the University of Georgia Environmental Ethics Certificate Program

June 1999

Dr. Louis Sohn and the Law of the Sea

by Rob Johnson

March 22nd was a sort of homecoming for Dr. Louis Sohn. The eminent international law scholar, who participated in—among other noteworthy feats—the creation of the United Nations, is a former professor of international law at the University of Georgia. He is currently Distinguished Professor of Law with the International Rule of Law Center at George Washington University. With such an impressive resume, it is no surprise that he was welcomed back to UGA with open arms to present a lecture on the development of maritime law.

The concept of a codified “Law of the Sea” dates back to *Mare Liberum*, a 1609 work by philosopher and scholar Hugo Grotius. As the title of his work would indicate, Grotius felt that the sea should be free and open to all, with no one having property rights to it. Starting from this point, Dr. Sohn’s lecture traced the evolution of the Law of the Sea through the ages. One trend he pointed out was the continual growth of territorial waters, which originally extended only three miles from a country’s coastline, because that was as far as cannon fire could reach. From this simplistic beginning, nations developed ever more complicated rules for distinguishing between territorial waters and the open sea, often leading to conflicting claims over territory.

It was in this spirit that the United Nations undertook to clarify the Law of the Sea in 1958. The United Nations



Dr. Louis Sohn speaks with Dorinda Dallmeyer and Doug Haines. Photo by Rob Johnson.

Convention on the Law of the Sea, which Dr. Sohn worked on, still remains the basis of international maritime law. Of course, it didn’t resolve all conflicts concerning the sea. Additional documents such as the London Dumping Convention have modified

the original UNCLOS rules and regulations over the years. Countries are constantly haggling over issues of sovereignty and resources, and Dr. Sohn is still called in to help negotiate such matters. His quick mind and years of experience are

The Georgia Coast: A Region in Transition

by Rob Johnson

When he gave his lecture on the transformation of the Georgia coast, University of Georgia anthropology professor and EECP faculty member Ben Blount was introduced as a “one-man interdisciplinary program,” and he lived up to his billing. By combining demographic data, historical research, and in-depth interviews of coastal residents, Dr. Blount was able to present a fascinating vision of coastal Georgia’s past, present, and possible future.

The story of Georgia’s coast is a fascinating tale of a region that, in the words of a coastal fisherman, has “always been a hell of a place to make a



Ben Blount talks with fellow EECP faculty member Al Ike. Photo by Rob Johnson.

living.” For most of recorded history that has been the case, and Georgia’s coastal counties have always been among its poorest. As Dr. Blount pointed out, even the Guale tribe, who lived in the area prior to European settlement, had to struggle to earn a living on the sandy soil of what is now coastal Georgia. The plantation system made a handful of wealthy landowners rich, but free land and free labor had much to do with that. After the Civil War, with the plantation system gone, the region reverted to small-scale subsistence farming. Then, in the 1920’s and 30’s, the timber industry moved in. The timber companies did offer jobs, but most of them were low-paying, and the coastal plain remained mired in poverty. However, that is all changing, according to Dr. Blount.

The tourist economy that has turned St. Simon’s into a boomtown is likely to make the whole coastal region more prosperous and less dependent on fishing and heavy industry, says Dr. Blount. The same pristine marshland that enticed wealthy Northern families to buy up many of Georgia’s barrier islands a century ago is even more rare—and therefore more in demand by so-called “eco-tourists”—than ever before. If resources such as Cumberland Island are managed properly, they can power the entire coastal economy and reduce dependency on polluting industries such as pulp and paper mills, according to Dr. Blount.

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The Carrot or the Stick? A Look at Incentive-Based and Command-and-Control Environmental Laws Implementing RCRA Subtitle D

by Joe Vancura

Note: Joe Vancura, a law student, completed his graduate Certificate in Environmental Ethics in October 1998. This is an abstract of his EECF paper.

This paper provides an examination of two general types of environmental laws and possible methods of implementation, while addressing the ethical issues which invariably arise when tackling environmental crises. The paper begins with an explanation of the two most common types of environmental law schemes, command-and-control and incentive-based implementation. The National Ambient Air Quality Standards promulgated under the Clean Air Act serve to demonstrate implementation of the command-and-control type of system. Supporting this analysis is a brief synopsis of the clean air and transportation crisis currently existing in the metropolitan Atlanta area. The Clean Air Act then serves to offer examples of incentive-based systems, through the threat of loss of federal funds and changes in living standards. The discussion concludes with a brief look at how rationality and self-interest affect individual decision-making.

In order to better understand the ethical concerns surrounding choices in environmental law schemes, Part II delves into the history of Subchapter D of the Resource Conservation and Recovery Act (RCRA), including the reasons for its passage and the benefits expected to arise, taken directly from the statutory language. This is followed by a complete explanation of the statutory compliance requirements, which address such issues as open dumps and solid waste management plans; additionally, a distinction is drawn from Subchapter C, which addresses waste disposal.

The heart of the paper begins with a discussion and



Joe Vancura. Photo by Peter Hartel.

explanation of the two types of schemes as applied in different communities in Georgia: the pay-as-you-throw (PAYT) incentive-based plan implemented in Athens-Clarke County (ACC) and the command-and-control mandatory recycling program used in Union City. The PAYT system, a form of variable rate pricing, charges a fee to the consumer based on the amount of refuse generated, calculated either as a function of the weight of the waste or of the volume of waste. The ACC system, in place since Fall of 1995, uses a hybrid of four methods in conjunction with a facility to process recyclable materials and sell the end-product. The Union City program is a simple mandatory recycling law with financial penalties for non-compliance. Both these systems are examined in detail.

In Part III, I have attempted to take this information and draw conclusions regarding the appropriateness of each scheme for reaching stated objectives. The results of each program are outlined, in terms of volume of waste reduction, economics, and consumer participation. Both communities saw a significant drop in volume of waste landfilled with a correlating increase in level of recycled materials. Similar advances were made in terms of economic savings and community participation in the programs. Based on these results, ethical concerns are addressed in three areas: paternalism and the need to address the issue of self-serving actions with broad-reaching consequences; majoritarianism and the concept of unrepresented minority viewpoints; and teleology, or the ends justifying the means. Practical concerns are also addressed, such as the costs of monitoring compliance, creation of perverse incentives, enforcement, community size, public buy-in, and community values.

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Spring Philosopher's Walk



Dr. Wilbur Duncan describes for the group his stress-management tools: a plate glass window with a comfortable chair on one side and a Georgia forest on the other.

For the Spring Philosopher's Walk, renowned taxonomist Wilbur Duncan led a group of 30 EECF students, friends, and faculty around Transplantation, the 30-acre forest and gardens that he and his wife, Marion, have managed since they bought the property in the 1940's. Dr. Duncan shared with the group his methods for eradicating aggressive plants such as Japanese honeysuckle, bamboo, and the ubiquitous privet, and the management plan he's followed to reclaim this tranquil Georgia forest. The overriding theme of his plan: patience.

After a hike around the property, the group settled on the rocks edging the stream that runs through the property and enjoyed a picnic dinner catered by The Chocolate Shoppe. Many thanks to the Duncans for hosting such a pleasant evening and preserving such a valuable landscape.

The Surface of a Mystery: Tracing the Modern Nature Writer's Communication with Environment

by Jennifer Johnston

Note: Jennifer Johnston, an English major, completed her undergraduate Certificate in Environmental Ethics in December 1998. This is an abstract of her EECP paper.

The emergence of a distinct genre of literature, Nature writing, reflects a larger social, political and ethical awareness of the non-human world. Three modern writers, Annie Dillard, Barry Lopez and Terry Tempest Williams, question the role of humans in environment in order to come to terms with their own unique relationships with a landscape. Each writer discovers a particular method through which they communicate with environment, and from which they glean a code for interaction, or an ethic. This code becomes the primary tool through which each writer grapples with the landscape's history and changes, and with



Jennifer Johnston. Photo by Peter Hartel.

the place of humans in the changing landscape.

The notion that a place creates and maintains an identity apart from the identity humans assign it pushes the writers toward an investigation into what, exactly, the land means to itself, and to the "others" who inhabit it—how landscape defines itself, how it escapes the conventional definitions we confer.

Although the methods of communication differ from writer to writer—whether the methods are seeing, as in Dillard's *Pilgrim at Tinker Creek*, or conversing, as in Lopez's *Arctic Dreams*, or simply being, as in Williams' *Refuge*—the conclusions they infer parallel. As the writers bring their conversations to the forum of environmental ethics, they create a new and deeply personal way of speaking to and about the world around us.

Patagonia: A Company Pioneering in Environmental Leadership

by Kate Suggs

Note: Kate Suggs, an English major, completed her undergraduate Certificate in Environmental Ethics in March 1999. These are some thoughts on her EECP paper.

As I was beginning my paper for the completion of the Environmental Ethics program, I asked myself many questions. How would I approach this paper, what aspects of the program influenced me most, and how has the program changed my perspectives all factored in my decision of what to write about. However, instead of regurgitating what I learned in the past, my focus shifted towards the future, and how this program influenced my career decision; specifically, which company I will work for. That company is Patagonia.

After learning of the values of corporate responsibility, pre-consumer waste reduction, and ethical practices that



Kate Suggs. Photo by Peter Hartel.

respect the environment as well as people, I decided I could not work for a company that did not represent my interests and ethics. Patagonia, an outdoor clothing company, is one of the leading corporations in environmental concerns. For example, in their Enviroact program, employees can take a paid leave of absence—with full benefits—for two months to volunteer for an organization of their choice. Patagonia also donates annually a percentage of their

pretax profits to grassroots organizations around the world such as the Upper Chattahoochee Riverkeeper in Atlanta. They were also the first organization to introduce an entire sportswear line made from organic cotton. Whatever the issue, Patagonia is dedicated to finding a better solution to the environmental crisis, never resting or accepting the status quo.

New Executive Committee Members Elected

The faculty of the Environmental Ethics Certificate Program recently elected **Dorinda Dallmeyer** and **Kathryn Hatcher** to the Executive Committee of the program. Dorinda is the Research Director for the Dean Rusk Center for International and Comparative Law and holds degrees in geology and law. She will serve as one of two Humanities and Social Sciences representatives. Kathryn is a Public Service Assistant in the Institute of Ecology with degrees in civil engineering. She will serve as one of two Natural Sciences representatives.

The newly elected members will fill the seats vacated by **Victoria Davion** (Humanities and Social Sciences) and **Peter Hartel** (Natural Sciences), both of whom completed two-year terms on the committee.

Dorinda and Kathryn will join **Frank Golley** (Natural Sciences Representative) and **Theresa Perenich** (Humanities and Social Sciences Representative) to form the 1999-2000 Executive Committee. The committee will meet in August 1999 to elect a chair of the EECP and map out plans for the program for the 1999-2000 year.

CONGRATULATIONS!

EECP faculty members **Merryl Alber** and **Ben Blount**, along with former EECP faculty member **J. Owens Smith**, recently received some very favorable press from the Athens Banner-Herald for a course they developed Spring Semester: "Topics in Coastal Marine Policy." Merryl and Owens are faculty members in the School of Marine Programs, and Ben is a faculty member in the Anthropology Department.

EECP faculty member **Victoria Davion** was recently honored with the Richard B. Russell Undergraduate Teaching Award. Vicki, one of three UGA professors to receive the award in 1998-99, is an associate professor of philosophy.

Good luck to EECP student **Molly Neely**, who is taking the remainder of 1999 to hike the Appalachian Trail. Molly is an undergraduate majoring in Ecology.

EECP faculty member **Mary Alice Smith** was recently promoted from Assistant Professor to Associate Professor of Environmental Health Science.

Congratulations and best wishes to EECP student **Mitch Zuckerman**: Mitch and his fiancée **Barnet Pavao** will tie the knot this summer. Mitch is pursuing a master's degree in ecology; Barnet a master's degree in anthropology.

A University radio series produced by EECP faculty member **Dorinda Dallmeyer** was recently honored by journalists and lawyers. "The Individual in a Global Society" won a Green Eyeshade Award from the Society of Professional Journalists and a Silver Gavel Award from the State Bar Association. The series has a companion website at <<http://www.lawsch.uga.edu/~radio>>.

EECP faculty member **Fausto Sarmiento** received the Outstanding Faculty of the Year Award from the Honor Society for International Scholars (Phi Beta Delta) of the University of Georgia. Fausto is the associate director of the Center for Latin American and Caribbean Studies (CLACS) and an adjunct faculty member of the Institute of Ecology.

We'd love to share your good news!

Please let us know of any professional or major personal events in your life that we could feature in the "Congratulations" section. Use the "Please Help Us Stay Current!" form on the back page to send us news.

The Georgia Coast: Region in Transition

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Of course, whether these resources will be managed well is still an open question. However, Dr. Blount was optimistic about the future development of the area, citing strong community and environmental organizations as examples of the growing ecological consciousness of the region. We can only hope that his vision of a prosperous and environmentally sound coastline comes to pass.

News From the Rest of the World . . .

Children in the Philippines are now able to sue for environmental protection for their generation and on behalf of future generations. In a decision that may change how environmental issues are viewed, the Supreme Court of the Philippines has ruled that 44 children have standing to sue to cancel all existing timber license agreements between timber interests and the Philippine Department of Environment and Natural Resources. The court stated that ". . . every generation has a responsibility to the next to preserve [the] rhythm and harmony [of nature] for the full enjoyment of a balanced and healthful ecology." The Environmental Law Alliance Worldwide (E-LAW) assisted in the case; three of the children who brought the suit are the children of E-LAW Philippines Board Member Antonio Oposa. (See *Castings Our 'Net*, page 7, for more information on E-LAW.)

"Deep Ecology for the 21st Century," a 13-part radio series produced by New Dimensions Radio Broadcasting System, recently won an Award of Merit from the National Federation of Community Broadcasters. The series was aired across the U.S., and the producers are working to bring it to even more listeners. The series is free to public radio stations, and listeners can contact their local station to request it. Individuals and entities other than public radio stations can purchase the series—single programs are \$9.95 each, or the entire set can be purchased for \$99.95. New Dimensions is a membership organization that explores social, environmental, scientific, and spiritual frontiers through radio and television interviews with many of today's foremost social innovators, thinkers, scientists, and creative artists. The program can be heard in Athens, Georgia, on WUGA 91.7 FM on Sunday mornings from 7:00 to 8:00 AM. See the New Dimensions website at <<http://www.newdimensions.org>> or call 707-647-1100 or 707-468-5215 for more information.

The Carrot or the Stick?

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All these factors are considered in developing an answer to the question of implementation plans. In brief, the command-and-control policy appears most appropriate on a national or relatively large scale, with the incentive-based system becoming more preferable as specific factors change, such as the size of the community, probability of buy-in, and the environmental values of the population.

Dr. Louis Sohn and the Law of the Sea

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helpful, and as Dr. Sohn humorously recalled in his lecture, most men half his age are intimidated by the daunting task of settling such thorny matters. Dr. Sohn is not, however, and continues to rise to the challenge.



Environmental Law Alliance Worldwide
<http://www.igc.apc.org/elaw/americas/usaelawus.html>

The Environmental Law Alliance Worldwide (E-LAW) is an international network of public interest attorneys, scientists, and other advocates sharing expertise and legal and scientific information across borders in defense of the environment. E-LAW U.S. is one of the 20 offices in the network, and there are E-LAW attorneys in more than 40 countries. The website includes a quarterly electronic newsletter summarizing the successes, adventures, and activities of members of the E-LAW network.

Ocean Futures
<http://www.OceanFutures.com>

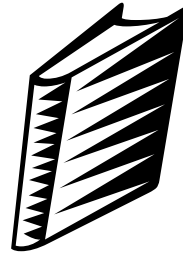
The Jean-Michel Cousteau Institute and the Free Willy Keiko Foundation have merged to create the Ocean Futures Society. The purpose of the new non-profit organization is to serve as a "voice for the oceans," and, to that end, the group is employing the worldwide concern for Keiko, the killer whale that was the star of the movie "Free Willy." "With killer whales at the top of the ocean food chain, it is only appropriate that Keiko serve as the symbol of how we are taking care of the oceans," said Craig O. McCaw, chairman of the Free Willy Keiko Foundation. Keiko now resides in a floating pen off the coast of Iceland, his native waters. The Society hopes to return Keiko to the wild someday, but the group's goals stretch beyond that event. Cousteau, president of the new Society, says the group has "a responsibility to help humankind understand the effects we have on marine mammals and all species that inhabit the earth's oceans." Membership in the Society is free, but the Society accepts donations to support Keiko's care and to further marine mammal research and education programs.

The European Society for Agricultural and Food Ethics (EUR-SAFE)

<http://www.theo.uu.nl/eursafe>

The European Society for Agricultural and Food Ethics (EUR-SAFE) was formed recently following the First Euro-

Environmental Titles from the University Press



The University of Georgia Press regularly publishes titles on topics related to the environment in some way. Some new titles in the UGA Press catalog may be of interest to EECP friends. The Press announces the availability of the following books:

Spring/Summer 1999

Ethnoecology: Knowledge, Resources, and Rights, by Ted L. Gragson and Ben G. Blount, eds.

The Inward Morning: A Philosophical Exploration in Journal Form, by Henry Bugbee

Wilderness and the Heart: Henry Bugbee's Philosophy of Place, Presence, and Memory, by Edward F. Mooney, ed.

Taming the Great South Land: A History of the Conquest of Nature in Australia, by William J. Lines

The Woods Stretched for Miles: New Nature Writing from the South, by John Lane and Gerald Thurmond, eds.

Fall/Winter 1999

Nature's Management: Writings on Landscape and Reform 1822-1852, by Edmund Ruffin and Jack Temple Kirby, eds.

River of Lakes: A Journey on Florida's St. Johns River, by Bill Belleville

Scratching the Woodchuck: Nature on an Amish Farm, by David Kline

The Suburban Wild, by Peter Friederici

Where There are Mountains: An Environmental History of the Southern Appalachians, by Donald Edward Davis

For more information or to order books, visit the UGA Press website at <www.uga.edu/ugapress/> or call the Press at 706-369-6135.

pean Congress on Agricultural and Food Ethics in March. A second conference is planned to take place August 24-26, 2000, in Copenhagen. The EUR-SAFE website includes information on the need for agricultural and food ethics, and the role, aims, and personnel of the society. There is also information on becoming a member of the society and contributing to their electronic newsletter.

Please Help Us Stay Current!

The EECP mailing list needs your help—please send us any updates to your mailing address, phone number, or e-mail address. Complete this form and mail it to the EECP office at 132 Marine Sciences, UGA, Athens, GA 30602-3636, or feel free to call (706-542-0935) or e-mail (eeep@arches.uga.edu) your updates.

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