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A RESPONSE TO ELLIOT RICHARDSON

BY GEORGE S. SPINDLER*

I am vice president and general counsel of Amoco Corporation. I have worked for Amoco for almost 30 years. Amoco is a private corporation that operates on six continents around the world. We see many of the problems discussed at this symposium from the front lines. The history of development is the history of energy utilization. Most countries that are trying to develop their natural resources are looking to utilize more and more energy. Amoco is in the energy business. Energy is what we look for, what we produce, and what we hope gets consumed. We believe that, in bringing energy to the market at affordable prices, we provide a valuable service to the world community.

There is no question that we all live on a very small planet. There is no question that environmental concerns are vital to us all. However, I am a little confused. If a martian walked through the door and asked someone to explain to him, in simple terms, what it is we are talking about when we discuss international environmental problems, he would be terribly perplexed. He would be perplexed because we would tell him that we are trying to solve global environmental problems, when we can not even solve those same problems in the Los Angeles Basin. We want to solve problems on a worldwide scale when we have a very difficult time solving them on a small scale, even where we control all of the resources and have at our disposal all of the laws necessary to do so. These are not simple problems and there are no easy answers available. No calculator or computer exists to grind out a simple solution.

I suspect that the martian might also ask whether or not "environmentalism" is somehow the province of the rich. Is it that, once your belly is full, you are fully clothed, and you live in an air conditioned home, you begin to worry about. The purity of the air and the purity of the water? As we discuss these problems, it becomes clear that the confrontation brewing is the confrontation between environmentalism and the developing countries. If those countries are going to move economically, they must use more resources.

Ambassador Richardson said, and appropriately so, that he is

* Vice president and general counsel of Amoco Corporation. These comments are the opinions of the author and not of Amoco or its management.

not sure he knows what the "new world order" is.¹ I am certainly unaware of what it is, if he does not know. But I strongly suspect the new world order is *not* the right of the rich to tell the poor how they are going to feed their population. I strongly believe that we do not have that right. We can readily determine the extent to which events which happen in one part of the world impact upon other parts of the world in terms of the biosphere and the ecology. But we cannot translate that concern into the right to tell developing countries how they should develop.

We have heard, and appropriately so, "do not worry just about this generation but about the future generations, as well."² That sounds easy. However, it is difficult to be concerned about future generations if it is your responsibility to feed starving masses. If a country cannot figure out how to feed its people today, they will not have another generation to worry about. Frankly, those who have the responsibility for developing resources, those who have the responsibility for growing crops, those who have the responsibility for feeding their masses, are not much concerned about the ecological well-being of the next generation in Chicago. They are extremely concerned about their current needs to assure that their country and their population has a continuing future.

We have all been schooled to believe in the "rule of law." However, we can not make the necessary accommodations and the necessary translations to cause the rule of law, the right of self-determination, and the right of people to rule themselves, to evolve into a universal, global, environmental ethic. I do not know how we are going to do that. It appears that in order to solve the global environmental problems, some people who know better, or think they do, will have to tell some other people, who perhaps do not have the same backgrounds, perspectives, or values, how they must conduct themselves. What has been said about the United Nations directing how other countries must conduct themselves is nothing more than a disguise for the rich nations telling the poor nations how to develop. I do not know how we are going to direct poor nations' development, or whether it is moral for us to insist on the right to do so. I know we need to address the question. Hopefully, the conference in Brazil in 1992 will begin to move us along that path.

What would have happened to the United States if the pilgrims had been greeted at Plymouth Rock by Greenpeace? Would we

1. See Elliot L. Richardson, *Prospects for the 1992 Conference on Environment and Development: A New World Order*, 25 J. MARSHALL L. REV. 1, 11 (1991).

2. M.P.A. Kindall, "UNCED and the Evolution of Principles of International Environmental Law," 25 J. MARSHALL L. REV. 19, 26-27 (1991).

have developed our coal mines, developed our steel industry, built our highways, or laid our railroads? Would we have cut down our forests in order to grow crops to feed ourselves and the rest of the world? I asked one of my daughters that question and she said, "Dad, the Pilgrims were met, not by Greenpeace, but by the American Indians." And what did we do to them? We pushed them right into the sea because the imperative to develop, the imperative to feed, and the imperative to prosper overcame concerns over clean air and clean water. The Indians were telling us that we did not own the earth, that the earth owned us, just as we want to tell the people in the developing countries that they do not own the environment. Somehow the entire global community owns that environment. Certainly, I do not know the answers to these questions. I only know they are perplexing questions. I know that we are not going to get the answers to them here today. I know the best we can do is to begin thinking about them, to be concerned about them, to try to work out the answers to the questions.

I work for a corporation that operates around the world. We try to utilize the same environmental standards in those countries that we use at home. Certainly, we use the same health and safety standards around the world that we utilize here. There are occasions, quite frankly, when utilizing the same environmental standards is quite difficult, especially when one is involved in joint ventures with foreign governments who are unwilling to make investments and who view the imperative somewhat differently. It is difficult to utilize the same environmental standards, also, when one inherits someone else's environmental mess.

One of Amoco's subsidiaries is Solarex, which is the only United States company still producing solar cells, a technology that is economically unfeasible almost anywhere in the world. It is not economically feasible because no one has yet figured out how to put an economic value on clean air and clean water. Maybe some day that will happen. Maybe then solar energy will become a viable possibility. However, we are not quite there yet in most parts of the world.

This is but one example where a partial solution to environmental problems is now available, but economically unfeasible. Imagine how much more difficult it will be to confront the issues where the solutions are unknown or where the choices between unacceptable alternatives must be made.

