Chapter 17

Sustainable Agriculture: The United States versus the European Union—Issues and Attitudes

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ABSTRACT

This paper examines developing issues and attitudes that unite and divide the United States and the European Union as the discussion and regulation of agriculture evolves. While some terms, such as “organic,” are defined in law in both the United States and European Union, the increasingly used “sustainability” is an evolving concept. The main sustainability issue is how to provide food and fiber for a rapidly growing world population. In this context, the role of biotechnology is questioned. Americans tend to favor what are sometimes called genetically modified crops, while Europeans remain cautious. Europeans lean more toward organic farming, while Americans assert that much of the world will starve if organic methods are required. This paper reviews the directions that the discussion of these issues is taking and will show areas of agreement and where the two sides diverge.

INTRODUCTION

The sustainability movement is, in our view, the third phase in the development of the modern attitude toward the relationship of humans to our planet. The first phase one might term the Conservation Phase, beginning in the second half of the 19th century. One thinks, for instance, of Teddy Roosevelt and the National Parks. The second is the Environmental Phase, beginning in the late 1960s. Two seminal events of this phase were the Cuyahoga River catching fire in 1966 and the earthrise over the moon as seen from Apollo VIII in December of 1968. Upon seeing the earthrise,
there was a profound sense that the Earth was our home and if human beings despoiled our big, blue marble, there was no moving on to somewhere else. Sustainability as a concept begins in the 1990s and seeks to articulate goals that incorporate the aims of the last two phases, but through a more comprehensive action plan for the survival of life on the planet and our human race.

The study of sustainability can be a career and this article focuses on a very small aspect of that field. The authors are attorneys and both teach business law at Illinois State University. They also are actively engaged in a family farming operation, which began in 1853. One of us is a dual national (German and American) and both visit Europe frequently. This paper will combine analysis of the literature with the authors’ observations as both lawyers and farmers.

The European Union and the United States are, for now, the two largest economic entities in the world. The official website of the EU says that its 27 member nations have a total population of just fewer than 500 million with a per capita GDP of $23,000 totaling just under $12 trillion. By contrast, the US has a population of about 300 million with a per capita income of $35,500, totaling just over $10 trillion. From those statistics, one sees that the EU has a substantially larger population and a slightly larger GDP. But per capita, the US is markedly richer. Currently about 5% of the EU population is engaged in agriculture, versus about 2% in the US.

**SUSTAINABILITY IN THE EUROPEAN UNION**

The seeds of European unity came out of the results of World War II. Some motives for greater unification were to help prevent another world war beginning on European soil, to have the strength to resist communism, and to compete successfully with the United States.

**Legal Background of the European Union**

Several treaties were made in the early 1950s, but the Treaty of Rome in 1957 is seen as the beginning of the modern EU. It was a Europe of six countries, including Belgium, France, Italy, Luxembourg, the Netherlands, and West Germany. The UK, with its special relationship to the US, was notably absent in this initial union. Today, the EU has expanded in all directions and is composed of 27 nations. Norway, keeping all their fish for themselves (not to mention their oil!), and Switzerland, with all of that money in secret accounts, are the notable holdouts.

Despite some similarities, the European Union is not the United States of Europe. The US has a constitution to create “a more perfect union.” The Europeans, however, recently voted against a proposed constitution. The EU is, more like NAFTA, an international treaty. It is, however, more far-reaching and comprehensive than NAFTA, which just creates a free trade area. Free movement of labor and services, a common currency in much of the territory, and a far greater harmonization of law and regulation make the EU treaty the most successful in history. Yet each nation could, as the English have from time to time threatened, assert their sovereignty and leave the union.

Under the treaty, institutions are created that are analogous to national institutions. There is the Council, the Commission, the Assembly, the Court, and now a Central Bank. The first three are the most important in understanding sustainability. The name “Council” is a bit deceptive, but it is the legislature, which is made up of representatives of the constituent governments. Any change in law they vote on is actually a change in the international treaty, which in turn must be ratified by the 27 nations individually. The Commission is the executive, which drafts regulations under the treaty, makes recommendations, and makes initial decisions in individual cases. Then the Court is the final arbiter of the treaty, and thus of EU law.