

Mason, Michael. 2005. *The New Accountability: Environmental Responsibility across Borders*. London and Stirling, VA: Earthscan.

Reviewed by Susan Park
Deakin University

Global trade, production, and investment patterns exemplify the liberalization of economic activity promoted by industrialized, and increasingly, developing states. *The New Accountability* follows the liberal philosophical tradition in evaluating the degree to which individuals' rights and responsibilities are transformed, or undermined, by globalization.

Mason makes two arguments. First, he advocates holding producers of transnational environmental harm responsible, regardless of state boundaries. He argues that environmental rights should be included within the international human rights regime. Second, he suggests that broader norms of accountability are already emerging within international environmental agreements. These twin arguments form the basis for new norms of accountability for environmental responsibility.

Environmental harm from currently accepted economic practices impedes recognized human rights, including the right to life and property. Indeed, environmental degradation may cause serious health effects ranging from cumulative but discernible afflictions (such as respiratory ailments), to disability and death, from the transmission of specific or diffuse environmental "bads."

The argument for including environmental rights in the human rights regime underpins the real thrust of the book, which explores the potential for producers of transnational environmental harm to be held accountable for their actions. Linking the promotion of environmental human rights to transnational environmental harm is the argument for the latter's accountability to the "public." Mason's argument draws on liberal conceptions of democratic accountability. This feeds into current debates on accountability within the literature, which question how, and to whom, various actors, including states, international organizations, transnational corporations, and even nongovernment organizations, should be accountable. Notions of transnational accountability have, thus far, been drawn from state based conceptions of democratic accountability. This debate is largely overlooked within the book, presumably because Mason articulates a vision beyond state-centric notions of accountability, while current debates merely transfer national processes to the international realm.

Mason's conception of democratic accountability lies in the American Pragmatic tradition of John Dewey, who wants to expand the role of the "public" in environmental decision making. Mason advocates a delinking of the conception of the "public" from territorially-based state sovereignty (where accountability is rooted in the citizenship of a particular state). Doing so enables democratic conceptions of harm prevention, inclusion, and impartiality to be applied to the international context, thus constituting a new framework of transnational accountability for transnational environmental harm.

The argument for a global form of accountability is that global production, investment and trade patterns necessarily extend beyond the state. So too do the impacts on the natural environment. Yet the options for redress remain state-based. The current forms of environmental accountability benefit those in industrialized Western publics who often have the means and access to institutions of redress such as mature national judicial systems. International fora for accountability for transnational environmental harm remain limited, although Mason builds the case for the emergence of new accountability norms within the international system.

The idea that producers of transnational environmental harm be held accountable for their actions is appealing. Yet it is limited by two factors. First is the burden of proof in demonstrating transnational environmental harm. The public would need to be able to sustain a case proving harm from specific producers. This incurs the usual scientific problems of access to, and specificity of, scientific knowledge. The second major impediment is the access to decision-making and redress. The normative argument that those adversely affected by the production of transnational environmental harm should be able to hold those producing transnational harm to account is strong. Less strong is the ability of the public to do so.

How nonstate actors attempt to bring those responsible for transnational environmental harm to account is the nuts and bolts of the book. Mason's argument for a normative conception of a new accountability underpins the examination of three areas: international law (particularly through multilateral environmental agreements); international organizations (the World Trade Organization as the locus of the international trade regime); and civil procedures to ensure accountability (through private liability and civil regulations at the international and national levels).

The book does not flow well (both in terms of style and the logical order of chapters). While the account of current international environmental agreements is comprehensive, more tables on the specific treaties, agreements and conventions would have made the information easier to absorb. Perhaps the argument could have been better presented: in other words, Mason could have made the case that a new norm of accountability is emerging, rather than presenting us with a normative argument for accountability based on a conception of the "public" (with uneven evidence from international law and various advocacy strategies). Nevertheless, the book is an important contribution to the debate on the environmental impacts of globalization. On a theoretical level it brings transnational production processes back to societal concerns (broadly conceived). Its strength lies in furthering debates on how to achieve "new accountability for environmental responsibility" through the legal instruments and strategies it articulates.