

parties and three members from each of the States concerned. If a Commission has been appointed the case may not be decided until its report has been received.

Each state is to remunerate the members it has appointed. Fees or other reimbursement to the Chairman together with other costs of the activities of the Commission not manifestly the responsibility of one or other State are to be paid in equal parts by the States concerned.

Article 13

The Convention also applies to the continental shelf areas of the Contracting States.

Article 14

This Convention enters into force six months from the day when all the Contracting States have informed the Swedish Ministry for Foreign Affairs that the constitutional measures necessary for the entry into force of the Convention have been implemented. The Swedish Ministry for Foreign Affairs shall inform the other Contracting States that such communications have been received.

Article 15

Actions or cases relevant to this Convention, which are pending at a Court or administrative authority when this Convention enters into force, are to be dealt with and judged according to previously applicable provisions.

Article 16

Any Contracting State wishing to denounce this Convention shall give notice of its intention in writing to the Swedish Government, which shall forthwith inform the other Contracting States of the denunciation and of the date on which notice was received.

The denunciation shall take effect twelve months after the date when the Swedish Government received such notification or at a later date indicated on the notice of denunciation.

The Convention shall be deposited with the Swedish Ministry for Foreign Affairs, and certified copies shall be supplied to each of the Governments of the Contracting States by the Swedish Ministry for Foreign Affairs.

In witness whereof the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Stockholm, this 19th day of February 1974 in a single copy in the Danish, Finnish, Norwegian and Swedish languages, all texts being equally authoritative.

Protocol

At the signing this day of the Nordic Environmental Protection Convention the duly authorized signatories have agreed that

the following comments on its applications shall be appended to the Convention.

When applying Article 1 the discharge into watercourses, lakes or the sea of solid or liquid waste, gas or other substances from soil, buildings or installations shall be regarded as environmentally harmful activity only if the discharge entails or may entail a nuisance to the surroundings.

The right established in Article 3 for anyone who suffers injury as result of environmentally harmful activity in a neighbouring country to institute proceedings for compensation at a Court or administrative authority in that country shall, in principle, be regarded as including the right to demand the compulsory purchase of property.

Article 5 shall also be regarded as applying to cases of permits where such cases are referred to certain authorities and organizations for their opinion but not in conjunction with the proclamation or publication procedure.

The Contracting States shall require officials of the supervisory authority to observe professional secrecy as regards trade secrets, operational devices or business conditions of which they have become cognizant in dealing with cases concerning environmentally harmful activity in another country.

Stockholm on the 19th day of February 1974.

BOOK NOTES

The Titanic Effect: Planning for the Unthinkable.

By Kenneth E. F. Watt. Sinauer Associated, Inc: Stamford, Connecticut. 1974. Pp. xiv, 268. \$ 3.95 (paper).

The Titanic Effect covers such a vast range of factors in its examination of the interrelationship of environment and economy that it is difficult to reflect the author's synthesis without writing a review half as long as the book itself. Such difficulty, however, is outweighed by the importance of exposing this excellent book to the public.

Professor Watt is an ecologist, one who believes that "everything is related to everything else." In his efforts to show the interrelationships between environment and economy, he is assisted by his expertise in computer-based analyses of biological and social systems. Despite the vastness of his topic and the sophistication of his analysis, this book is as readable by the common man as it is by the most knowledgeable environmentalist or economist.

Professor Watt has conveniently divided his work into chapters. Some of his chapter topics are the energy crisis, the rising price of food, pollution, inflation and overpopulation. In a context of computer analysis, the author presents a vast range of information on each of these and other

topics. With the possibly unavoidable exception of some of his statistical arguments, he examines each of his topics in a remarkably straightforward and simple manner, thereby exposing some of the basic interrelationships of our civilization which normally elude us. Despite the fact that he paints a broad picture of our society, he does so with the detail of a master.

Professor Watt is not an alarmist, but he reacts strongly against Western culture's continuing trust in economic expansion, with its implicit assumption that resources are inexhaustible. Basing his analysis upon statistics through the year 1973, he has been able to predict many of our current woes, sometimes providing remarkably specific prognostication of what would be, has been and is happening.

Throughout the book runs a fine but strong thread suggesting that Western civilization has an expansionist complex, which will be its ruin and which it is actively promoting in the rest of the world. The author connects such factors as birth rates, planned obsolescence, unemployment, advertisements of oil companies during the energy crisis, inflation and pollution to an argument that our hope for a future lies in the wise use and conservation of our resources. He believes, for example,

that we must devote more of our industry to leisure and services. Products should be designed to last longer, conserving resources, while relieving the boredom of the assembly line.

Towards the end of the book, the author offers what he sees as necessary solutions. He suggests that we must devote more of our industry to research (better medicine and products), alternative energy, education, and services. He sees shorter work weeks and more attention being paid the arts as another help. Basically, he wants our industry to emphasize quality and not quantity, saving resources for their most important applications. Professor Watt has recognized factors of problems facing our civilization which often go unnoticed as relevant to a solution. This alone should make the book worth reading. If analyses such as Professor Watt's are ignored, more of his unpleasant expectations for the unguided future may come true. At the end of the book, the author even provides you with games to test your ability and his to anticipate events based upon the alternatives that face us.

Read this book if only to know what to watch for in the future.

United States Experience with the Preparation and Analysis of Environmental Impact Statements: The National Environmental Policy Act. By Orlando E. Delogu, International Union for Conservation of Nature and Natural Resources: Morges, Switzerland.

Environmental Policy and Law, 1 (1975)

1974. Pp. 163. This seventh number in the IUCN Environmental Policy and Law Paper series is an analysis of experience with environmental impact statements in the United States federal government. The study seeks to evaluate the applicability of this concept to other nations. Professor Delogu briefly relates the history of the National Environmental Policy Act (NEPA) and describes the essential aspects of an impact statement requirement. Then, at somewhat greater length, he treats the major problems which have arisen in the course of four years' interpretation of NEPA's provisions, such as the threshold decision as to whether to prepare an impact statement, questions concerning projects under way at the time of enactment and issues of timing, secondary environmental effects, and public participation.

Professor Delogu concludes that the environmental impact statement is not an institution peculiarly suited to the United States, but is capable of use by other nations. Development of legislation like NEPA for balancing environmental and non-environmental factors is seen as "immediately possible" elsewhere. The author cautions, however, that this basically procedural requirement is no substitute for specific environmental controls over pollution, land-use, and so on.

The text of this book is only 60 pages long, supplemented by lengthy notes and appendices. As such, it is well suited to introduce an international audience to American experience with the environmental impact statement, and provides a succinct and timely treatment of its subject.

A Scientific and Policy Review of the Final Environmental Statement for the Initial Stage, Garrison Diversion Unit, Vol. 1: United States Impacts. By the Environmental Impact Assessment Project. Institute of Ecology: Washington, D.C. 1975. Pp. xi, 97. \$ 2.00 (paper). The Environmental Impact Assessment Project (EIAP) is a non-governmental, foundation-funded effort to monitor implementation of the U.S. National Environmental Policy Act (NEPA). This review is one in a series of assessments of specific environmental impact statements prepared by agencies of the federal government as required by NEPA.

The Garrison Diversion Unit is a 1,007,000-acre irrigation project planned by the Bureau of Reclamation of the U.S. Department of Interior to divert water from the Missouri River to

relatively arid sections of North Dakota. The Initial Stage of the project is a 250,000 acre segment, for which a Final Environmental Statement (FES) was submitted in January 1974. The EIAP concludes that the environmental statement "does not represent a comprehensive and objective examination of the complete impacts of the Garrison Diversion Unit." The statement is variously described as "inaccurate", "misleading", "very general and frequently tentative." Major adverse impacts are said to be ignored, and alternatives not considered. The project's economic costs are found to outweigh its benefits; and its possible effects upon a watershed shared by the United States and Canada are estimated to include a loss of up to 50,000 waterfowl per year, as well as a violation of American commitments under the 1909 Boundary Waters Treaty and the 1916 Migratory Bird Treaty.

The EIAP review, sharply worded though its conclusions may be, is a carefully documented study of various aspects of the Garrison Project. Its chapters analyze the impact of the project in terms of economics, energy and water resources, water quality, wildlife, fisheries, recreation, and other subjects. Its recommendation is an immediate moratorium on further construction of the project pending completion of a new environmental statement, complying with NEPA. The recommendation appears sound, as does the activity of the Environmental Impact Assessment Project in its efforts to give an unwelcome assist to U.S. government agencies in their compliance with NEPA.

Legal Protection of Natural Environment in Poland. By Waclaw Brzeziński. Polish Academy of Sciences: Warsaw. 1974. Pp. 156. ZŁ50.00 (paper). This book is a study, well translated into English, of the legal rules relevant to environmental protection in Poland, such rules being drawn from widely dispersed sources. The author describes his subject as "a thematic cross-section of many branches of our legislation and administration." Viewing environmental deterioration as uniquely a product of man's economic activity, the author sees great potential for the integration of legal measures for environmental protection into the operation of a planned economy.

A chapter on "organizing the space" of the urban environment refers to a variety of laws relevant to urban life, but concentrates upon Poland's town

and country planning legislation and its administrative system, down to the local level. The chapter on landscape protection concerns not only "primeval landscapes," but also those transformed by human activities yet still valuable for recreation and vacation purposes. Again, land-use planning legislation is seen as the primary legal means of landscape protection.

Other chapters deal with legal protection from noise, water, air and soil pollution. Protection from noise depends upon a few provisions of the penal code, but even more upon the administrative practice of local authorities. Water resources, on the other hand, are regulated on a more centralized basis as part of the planned economy, with severe penalties for acts of pollution and other violations. Legal measures for air pollution control and soil conservation are recent developments in Poland, now being governed by acts brought into force in 1965 and 1971, respectively.

The legal instruments for environmental protection operate mostly through traditional sorts of prohibitions and penalties. The author sees that these instruments are ineffective where, for example, a state-owned factory is responsible for pollution. He argues that efforts to protect the environment must be incorporated into the incentive system of the planned economy, requiring changes in the content of economic plans and in administrative structures. In this, as in other aspects of this study, the author's attitude toward his subject is critical and constructive, while yet offering the foreign reader a clear picture of the current state of environmental protection law in Poland.

The Management of Urban Change in Britain and Germany. Edited by Richard Rose. Sage Publications: London. 1974. Pp. xii, 267. This work states as its purpose the consideration of the circumstances under which and the extent to which the problems of urban change in Britain and Germany have led to the same or different results. The book is a series of studies in public administration and planning and its contributors include not only scholars but also politicians and public servants. Emphasis is placed upon the problems of decisionmaking and planning in the face of changing conditions and conflicting urban interests. Most attention is devoted to problems of land-use planning and housing — the traditional domain of planners. Public participation at early stages in the

decisionmaking processes is seen as creating complications, but as a necessity for the management of urban change in a democratic system.

One of the more interesting articles is "Administration and Urban Change in Germany," by Klaus Müller-Ibold, which relates the experience of authorities in Hamburg responsible for transportation planning. The article's main lesson is that the success of such sectoral planning depends upon its being conducted in a context of comprehensive, purposeful planning of urban development at all levels.

Another interesting piece is Nicholas Deakin's article on "Some Aspects of Social Planning in London," which confronts the awesome task of social planning on a metropolitan scale. Deakin discusses the changes in planning approach required as a great city ceases to grow and begins to decline in population and employment, and the problems of practical administration in the case of London. He suggests a partial solution at the "micro-political" level by involving local residents in the planning process.

The concluding article, by David Eversley, notes the similarities between Britain and Germany, but emphasizes the differences for purposes of evaluating their planning processes. He gives particular attention to the contrast between centralized British administration and the greater vitality of German local government.

Although it does not explicitly deal with environmental or pollution problems, this work illuminates the administrative context within which efforts to protect the urban environment of two industrial countries must proceed.

Environmental Laws and Regulations in Japan. By the Environmental Agency of the Japanese government. Tokyo. 1974. Pp. 317. This is a compilation in English translation of major environmental laws and cabinet orders currently in force in Japan. Included are statutes concerned

with air, inland and marine water, noise and odor pollution, with agricultural chemicals regulation and soil protection, with waste disposal, nature conservation and wildlife protection. Also included are more general laws respecting cost allocation for pollution control facilities, compensation for pollution-related damage to health, punishment for pollution-related crimes, and a "Basic Law for Environmental Pollution Control" which establishes fundamental policies and institutions in the environmental field.

The Control of the Sea-bed: A New International Issue. By Evan Luard. Heinemann: London. 1974. Pp. x, 309. £ 4.75. Author of several books on aspects of international law, Evan Luard comes well-prepared to consider what he describes as arguably "the most important dispute that has ever arisen in dealings among states." The control of the sea-bed is so important because of the enormous resources involved, the consequent dangers of international conflicts and inequalities and the alternative possibility of international control and sharing of these resources for the general benefit of present and future generations.

The author vividly describes the awesome wealth at stake and then briefly outlines the existing international law relevant to the question: To whom do these resources belong? Several varieties of national claims are discussed, from the complete sovereignty over a territorial sea, variously defined, to more specialized claims of exclusive rights for fishing or sea-bed exploitation. Attention is also given to the threat of militarization of the sea-bed and the problems of conserving the oceans' living resources and the marine environment generally. The responsibilities of international organizations in the area of marine conservation are described.

The author sees a turning point in the 1967 Maltese initiative bringing

before the UN the issue of uses of the sea-bed. The prolonged bargaining and negotiations which resulted in formation in 1968 of a permanent UN sea-bed committee are described in detail, as are the processes which have led to some but insufficient progress with respect to disarmament, pollution control and technical research. A step forward is seen in the General Assembly's adoption in 1970 of a "Declaration of Principles Governing the Sea-bed and the Ocean Floor," important most of all for establishing the UN's responsibility for defining the rules for sea-bed exploitation.

In anticipation of the 1974 Caracas Law of the Sea Conference, the author discusses the issues involved in setting limits to national jurisdictions and in creating an effective international régime of the seas. He describes the various proposals which have been offered and analyzes them with considerable care, demonstrating a full awareness of the complexity of the problems and processes involved. The author foresees need for a series of Law of the Sea Conferences to resolve the many specific issues on a piecemeal basis. He sees two fundamental conflicts of interest: that between landlocked and coastal states, and that between developed and developing countries. In a situation where success depends upon consensus, these contradictions may make an effective international régime impossible.

After imagining several more or less catastrophic scenarios of future events, the author suggests that sea-bed resources *could* be used "to put into practice a form of world socialism." The means would be royalties derived from exploitation of resources beyond the territorial sea, such royalties to be shared between the coastal state and the international community, "with the latter getting a progressively larger proportion as distance increases from the coast." So well-reasoned a book as Mr. Luard's may bring nearer the day when such a compromise is possible.

Information for Contributors

The Editors welcome responses to articles published in *Environmental Policy and Law*, whether in the form of letters to the editor, brief critical comments, or full-fledged articles presenting contrasting points of view. Likewise, comments or analyses on other subjects within the range of environmental law, policy and administration are most welcome. Particularly of interest are comments or analyses of recent environmental developments, whether at international, national or local levels and whether concerning governmental or nongovernmental organizations. Articles are selected for publication on the basis of the importance of their subject matter and the competence of its presentation.

Lengthy manuscripts may be split for publication in two or more successive issues. Footnotes should be kept to a minimum and placed at the end of the text. Articles are published in English or French. Publication of manuscripts in other languages depends upon availability of translation services.