

# EDITORIAL

At last year's Governing Council of the UN Environment Programme, following the report of Sessional Committee I, Mostafa Tolba made a strong statement criticizing its work (see EPL 4, page 67). At the recent 7th Session, the Executive-Director expressed his pleasure in the progress made in the discussions, a contrast to last year, resulting in shorter, more precise decisions and including several points which he would like to have considered in the next informal consultations.

Some delegations noted with distress the increasing tendency to politicize the Governing Council. While no-one expects that politics can be divorced entirely from environmental matters, UNEP was created to deal with the latter, in the clear understanding that the UN General Assembly could deal adequately with the former. The proposal to include the topic the "Environmental Effects of Military Activities", in the State of the Environment Report for the 8th Session, was the subject of much dissent. France, speaking on behalf of several other countries, opposed. The USSR, in favour, asked for a roll call vote and the decision to include was passed 22 to 14, with 6 abstentions. The same topic and subject area is also in the project plan for the State of Environment Report "10 Years After Stockholm". This report is required to deal with nuclear weapons, missiles, armoured vehicles, the arms race in space, etc., and many delegations are doubtful of UNEP's ability to deal constructively with the environmental impacts of this secret technology. Could this not mean that UNEP's Fund and manpower might be devoted to what could materialize into a disarmament conference, conflict-creating and to the detriment of UNEP's other work? Will the GC in future deal with all areas of war and military conflict?

Another event which illustrated the new trend was the request by the Arab countries for "an assessment of the environmental conditions of the Palestinian People..." and to "report on the implementation of the present decision to the Governing Council at its eighth session". This topic had not been on the Agenda, nor had any proper documentation been submitted to delegates as stipulated for all agenda points. The USA asked if, indeed, the Governing Council was competent under rule 44 of the Rules of Procedure to deal with this subject and requested a roll call vote. By a vote of 27 to 12, with 3 abstentions, the Council decided that the draft decision was within its competence. The draft decision was then adopted by 29 to 1 (USA) with 11 abstentions.

Although one may have thought that the principle of Shared Natural Resources had been finally agreed upon (for UNEP Guidelines see EPL 4/1 page 48, and for a commentary on UN/GA resolutions last issue at page 66), it unfortunately is still not yet clear if this topic will be concluded successfully. During the 7th UNEP/GC, in conjunction with the

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decision regarding Environmental Law, the Governing Council expressed the hope that "the G.A. at its thirty-fourth session will take note of the report and adopt the fifteen principles in their inter-state relations". Irrespective of the fact that this was only mentioned in the non-operative part of the resolution Brazil, Columbia, India and Mexico expressed reservations. Recently, during negotiations leading up to the Migratory Species Convention, the topic was dropped like a hot potato and all reference to Shared Natural Resources was left out of the Treaty, with the result that Argentina felt that it had no choice but to oppose (see page 139).

The negotiations also give an interesting insight into the positions taken by several countries during discussions (see page 138) and the laudable environment oriented positions of African and Asian delegations.

In order to reach agreement, some delegations had compromised on several points. However, even after this degree of concession some countries were still not prepared to move an inch from their original positions (against marine mammals, fish, crustaceans and molluscs). The conciliatory countries had to recognize, therefore, that their concessions had achieved nothing but had only succeeded in weakening a treaty which could have been a stronger one.

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During the General Assembly of the International Union for the Conservation of Nature and Natural Resources (IUCN) in Kinshasa in 1975, President Mobutu asked for a draft Charter for Nature. To ensure action, IUCN's Council requested the Chairman of its Commission on Environmental Policy, Law and Administration (CEPLA) to establish a task force to assist in this. The draft Charter, which is not to be construed as a binding legal document but rather as a declaration of principles, i.e., a "soft law" document to complement the World Conservation Strategy, will be ready to be published in the next issue.

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On the 19th June the EEC Council approved, unexpectedly, the Directives on the Protection of Ground Water, Surface Water for Drinking Purposes, the Quality of Mussel Water, and the Sixth Amendment to the 1967 Directive on Dangerous Substances.

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The recent case of the illegal whaling ships supplying whale meat to Japan and South Africa, obviously with the knowledge of the respective authorities, admirably illustrates the dilemma when not all signatory countries are prepared to ensure full implementation of a treaty. The International Whaling Commission is meeting at present and we shall report on further developments.