

# EDITORIAL

## LETTER TO THE EDITOR

The leading French newspaper, *Le Monde*, in a front page editorial stated that "this is the second time in 18 months that the United Nations Environment Programme has undertaken a far-reaching, concrete action to force the international community to better protect the natural environment". It was referring to the entering into force of the Montreal Protocol and to the approval of the Basel Convention on 22 March (see page 68).

The Convention has, certainly, several shortcomings, and there is room for improvement. But which compromise does not have this flaw? The Montreal Protocol had a similar start to life and was negatively judged by many people. It was also regarded as being too weak to achieve anything valuable and a "sell-out" of the developing countries. But today, States that were dragging their feet a year ago are now urging UNEP to speed up its activities and to do more to phase out CFCs. The Basel Convention will be the subject of similar calls for action — when another catastrophe happens! —

Subsequent to its successful conclusion of the Basel Convention, UNEP is following-up its work on the Montreal Protocol, and has called two major meetings in Helsinki, Finland, in late April and early May: The first meeting of the Parties of the 1985 framework Vienna Convention for the Protection of the Ozone Layer, and the first meeting of the Parties of the 1987 Montreal Protocol. More than 65 countries are expected to attend both conferences, a number of them represented by Ministers. As usual, we shall report on any developments there and also at the upcoming Governing Council of UNEP which will, *inter alia*, discuss if UNEP's catalytic role is still appropriate.

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We are glad to be able to publish the letter-to-the-editor from Mr. Moore. We have several times in the past expressed a certain disappointment with the general performance of FAO, since we consider this specialized UN agency to be very important with regard to environmental activities.

Our remarks regarding the Organization were based on documentation seen by us and made because of our concern over certain developments. We once had a verbal comment from friends in FAO as a result of criticism contained in an earlier editorial, and we said then that we would be happy to publish any comment received in a written form. What surprised us — and we believe what Mr. Moore says — is that the documents shown to us were obviously not correct. In future, when we again have access to such material, we shall send it to FAO for comment. One thing we would like to state clearly: Anyone who has read our comments on FAO must have understood that we have never criticized or underestimated the legal work carried out by FAO. But one can not consider only certain aspects. Our job is to look at the whole picture. And if such an organization is under fire, then the good parts are also in danger of being hit.

The editors would like to add that they take it as a compliment to receive such a reaction from FAO — it makes them feel much more influential than they are!

— Wolfgang R. Steiner —

27 April 1989

Dear Sir,

As long-time readers of your journal, and present or former members of ICEL, my colleagues and I were surprised and shocked to read your editorial in the December 1988 edition of *Environmental Policy and Law*. Surprised, because we had come to expect a well-balanced, informed and informative presentation in your journal. Shocked, because we found your attack on the good name of FAO and its management totally out of place in the editorial pages of a publication devoted to environmental law.

It was grossly incorrect and misleading to state, as you did, that the reforms agreed by governments for the Organization last year are being implemented very slowly. In the first place, no reforms were agreed upon by the Member nations of FAO last year. The FAO Conference agreed that the FAO Programme and Finance Committee should initiate a review of the role, priorities, objectives and strategies of the Organization. A group of prominent experts was selected by these Committees, in consultation with the Director-General, to undertake this review. On the basis of the work of the experts, the Programme and Finance Committee will report to the FAO Council and Conference later this year.

As to the losses in staff, particularly due to early retirement and the forced freezing of posts, this is certainly not a problem that any of our Member Nations has ever attributed to "mismanagement" or "inefficiency" on FAO's part. It is rather a common ailment throughout the United Nations system, caused by the serious decline in employment conditions and by the failure of a number of contributors, including the major contributor, to pay their assessed share of the budget on time.

Despite this problem, FAO remains a close-knit and highly effective force in the fight against hunger and rural poverty, and in the specific area of natural resources and environment law. As the editor-in-chief himself well knows, FAO boasts a team of development lawyers who are second to none.

In the same way as a previous editorial of a blatantly political nature which was published a few years ago in *EPL*, this recent editorial makes unsubstantial comments which have no place in a publication devoted to environmental policy and law. Should *EPL* wish to report on FAO's work on environmental law, on the other hand, I and my staff would be happy to provide contributions on our many activities and accomplishments in this area. Indeed several of my colleagues, as members of ICEL, already provide you with copies of our reports and publications on natural resources law on a regular basis.

Yours faithfully,  
Gerald Moore, Legal Counsel,  
Food and Agriculture  
Organization of the United Nations  
(15 March 1989)