

EDITORIAL

LETTERS TO THE EDITOR

There are many people in various countries who do not believe that international environmental cooperation is important. Others feel that international environmental policy has not developed sufficiently to be taken seriously at this point. While we recognize that deficiencies currently exist, we nevertheless believe that international cooperation is vitally important and that it should receive increased emphasis in the future. We have therefore made the 6th Governing Council of the United Nations Environment Programme the major subject of this issue.

Our report is based primarily on materials received during Council sessions in Nairobi. We hope that there are no omissions, but since this issue was prepared prior to our receipt of the Governing Council final report (UNEP/GC.6/19), there may have been changes of an editorial nature which are not reflected in our coverage. Consistent with our basic emphasis, only those subjects having a bearing on environmental policy and law have been selected for our report. The narrative accounts and selected documents included in this issue do not reveal the atmosphere which prevailed during the meetings. There was, of course, much lobbying, "corridor" politics, and the pursuit of personal interests, but this did not greatly affect the friendly, cooperative spirit generally encountered. Although for many delegates it was a renewal of personal contacts, which perhaps led to a greater willingness to reach a compromise, it was obvious that others were subject to conference stress. In one case a member of the Secretariat told a delegate that he was no longer on speaking terms with him, and in another, a Secretariat member threatened to lodge a complaint regarding the behaviour of an entire delegation. Since such discord occurred after a tiring night session, it was fortunately not taken too seriously and was for most involved parties, a subject for laughter the following morning.

Another interesting anecdote involved an attempt by a member of the Secretariat in the face of overwhelming support for a compromise, to insert language which provided that funds could be utilized for one purpose, but for "no subsequent" actions. The Greek delegate immediately objected that the proposed language would prejudice future Governing Council decisions and a similar objection was raised by the Russian delegation the following day. While the proposed language was retained, primarily to avoid confrontation, most delegates were aware that the language could not have a future binding effect.

Another point not mentioned in our report is the reoccurrence of political disharmony - today, practically a standing point on the agenda of every international meeting. For example, the delegation of the Peoples' Republic of China made their (expected) statement pointing to the immense damage being done to the environment by the various conflicts in the world, with reference to the influence of one of the super powers and its satellite in several African states.

(Re.: "The natural resources and their relationships with Environmental and International Law", EPL 3:3/4, p. 132)

Dear Editor:

My much admired friend Mateo Magariños de Mello writes on the reference subject and you request the opinion of readers. My own is as follows:

I. *Concept of "Natural Resource"*: On this subject, the question is a purely semantic one. In my opinion, as translated in the Colombian Environmental Code (1974), the human environment consists of the following categories, generically designated in said Code as "environmental elements": A) *natural environment* (formed, in turn, by: 1: natural resources; 2: natural elements); B) *cultivated environment* (products of agriculture, forestry, fish-culture and cattle-breeding); C) *created environment* (buildings, railroads, highways, airports, manufactured foods and clothing, agrochemicals, pharmaceuticals, noise, garbage, human settlements, etc.). Thus then, in my view, the "environmental elements" are the gender, "natural environment" a species, and the "natural resources", a subspecies among many others.

"Natural resources" — as defined by Zimmermann¹ — consist only of the elements of Nature that are *useful* to man, implying a purely economic connotation. But we should not forget that the human environment is also formed or influenced by components of Nature other than natural resources, since there are elements of Nature of environmental interest which are harmful or detrimental (typhoons, earthquakes, spontaneous fires, floods, draughts, etc.). Lastly, there also are environmental elements that are alien to natural resources (noise, waste and garbage, human settlements, etc.). All the elements mentioned so far must be dealt with by Environmental Law.

It is likewise incorrect to restrict the concept of human environment to the biosphere, whereas the atmosphere, hydrosphere and lithosphere (mineral and oil deposits) are also a part of it.

(Continued on page 143)