

EDITORIAL

LETTERS TO THE EDITOR

A major step towards strengthening international cooperation was taken in Geneva in November by the signing of the Convention on Long-range Transboundary Air Pollution (see pages 2 and 37). This success in the East–West dialogue had already shown evidence of willingness on the part of those who had signed the Convention to undertake concrete action – for example, in the case of the United States and Canada – where both countries are, alternately, the source and victim of pollution.

As a result of the situation in Afghanistan, the agreed cooperation between the US and the USSR in the environmental field has stopped abruptly, and everyday East–West collaboration would appear to be momentarily suspended. An interview with Douglas Costle, Administrator of the US Environmental Protection Agency (EPA) scheduled for the next issue of the journal, discusses this development in greater detail. There are even rumours that as a sequel to the new international situation, negotiations for the Southern Oceans Convention will be under more strain.

It is hoped that the next round of the Law of the Sea Conference will not be a victim of the present international state of affairs. Some delegations are optimistic that a Law of the Sea Treaty could be concluded this year, but others are doubtful in the light of the tough problems still to be resolved by the negotiations. Apart from the most difficult set of problems concerning deep sea mining, other stumbling blocks would appear to be the principles applicable to defining the boundaries in the economic zone and the continental shelf between countries that are side by side or opposite each other; the system for binding dispute settlement of boundary issues; and the aspect of coastal state jurisdiction over the continental shelf. The Summer issue of the journal will report on the next round of negotiations.

Difficulties still exist between Member States of the European Community regarding membership of the International Whaling Convention. The Community as a whole was ready to join, but the United Kingdom opposed, on the grounds that it was not prepared to give still further competence on fishing to the Community.

The UNEP Group of Experts on Environmental Law has been meeting in Geneva on the subject of offshore mining and drilling, with special emphasis on safety and contingency measures. The slow progress of the Group's work has been criticized on many occasions. This tempo is not only the result of the normal difficulties between different juridical systems but is due rather to difficulties in the organizational preparations. Papers which have been commissioned to form a basis for discussion, while perhaps compiled by good lawyers, do not bear the hallmark of jurists repeatedly involved with the subject matter. As a result, the group itself has to re-draft. Some basic rethinking on the preparation and organization of such meetings will have to be undertaken, if satisfactory results are to be obtained within a reasonable period of time. The Group also discussed which subjects should be the object of its future work. From a long list of possible topics four were selected and from these four one proposal was adopted on the "improvement of remedies available on a national and international basis to the victims of pollution, taking into account the concept of non-discrimination", to be submitted to the next UNEP Governing Council for its approval. Although there was no opposition to this proposal, no-one in the group was really satisfied with the programme.

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In the past, information has reached us just before going to press, which we would have liked to include but could not without holding back the publication date of the journal. Starting with this volume, we have decided to overcome this problem by leaving free four "Post Deadline" pages up until the time of going to press to include such last minute items. □

Dear Editors,

I recently read the 1978 December issue of your journal with great interest, and hope it is not too late to make some comments on the 1978 Report of the Council of Experts on Environmental Protection Problems to the Federal Parliament.

My own research with international aspects of pollution control suggest that the German Experts have seriously simplified the problems associated with defining similar or common norms for water pollution control internationally. By doing this, they have not made their challenge to the assumptions underlying the European Environment Programme strong enough.

The norms or limits which have so far been defined by the Commission – and rarely accepted by the Council – have been quality standards, i.e. values which limit concentrations and not total amounts of pollutants which may enter the receiving media, or which may be contained in total wastes. Such standards, particularly if used for the control of persistent pollutants, raise serious questions of international equity, which could only be resolved through an European Environment Fund. I am not aware that the Federal Republic supports the setting up of such a fund. Yet as the situation is now, common norms favour West Germany commercially, at the expense of its environment. Common norms are nevertheless defended by the Report because, it is claimed they "could" give rise to competitive distortions and trade barriers. This is a most unsatisfactory argument. Not only is it difficult to substantiate the claim empirically, it is also easily counterbalanced by a similarly vague generalization about the need for unequal standards in order to adapt to different natural advantages. Is an environmental protection policy really justifiable in terms of trade relationships?

Most significantly perhaps, a policy of common or even similar international norms can have quite unreasonable political effects domestically, i.e. inside certain states. Common norms may lend political support to domestic control agencies which are already centralized,

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