

EDITORIAL

With the signing of the Convention on the Protection of the Ozone Layer on 22 March, UNEP finally achieved its first global Convention, and the Montevideo Programme its first international legal instrument (see page 71). However, readers will see from the report that there are still problems regarding its implementation, and in the next issue we shall report on the relevant decision taken following intensive discussions during the thirteenth session of the UNEP Governing Council.

We start this time to report on the papers to be presented to the Governing Council, but in preparing the UNEP report for the next issue we can already say that the environmental law section is playing increasingly a more important role in Council deliberations. Within the framework of the Montevideo Programme, more developments have occurred — for example, the Montreal Guidelines on the Protection of the Marine Environment against Pollution from Land-based Sources, printed on page 77. However, when these were presented to the Governing Council, they created difficulties for some delegations with regard to the requirements — i.e., the water quality standards versus the emissions standards approach. Progress on another item from the Programme — the adoption of further rules concerning the information exchange in the export of potentially harmful chemicals, in addition to the provisional Agreement — does not look too promising at the moment, although discussions are continuing.

It is, perhaps, now time to consider in UNEP what should best be initiated next. Suggestions have been made (we reported on the IUCN General Assembly Resolution) that one of the areas which UNEP should follow up in its catalytic role is the fulfilling of the environmental requirements of the Law of the Sea Convention. In this context, delegates to the Governing Council appreciated a copy of a chart on the Conservation and Management of the Marine Environment concerning "Responsibilities and Required Initiatives" in accordance with the LOS Convention.*

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For the first time the Declaration issued at the end of the Summit Meeting of Heads of State or Government of Seven Industrialized Nations (see page 70) contained a section on environmental policy. This section also refers to the decisions resulting from the meeting of environment ministers of the Summit countries in December 1984 (see last issue page 37). Now that the decisions have been formally recognized, they are no longer confidential, and we plan to report on them in the coming issue.



* Chart prepared by Dalhousie Ocean Studies Programme in co-operation with the Commission for Environmental Policy Law and Administration (CEPLA/IUCN).

LETTERS TO THE EDITOR

RE: World Charter for Nature

Following, with their permission, is the correspondence between the President of the International Court of Justice, Dr. Nagendra Singh, and Prof. A. Kiss, President of the European Council of Environmental Law, concerning the World Charter for Nature.

Conseil Européen du Droit de l'Environnement

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Honourable Judge
Dr. Nagendra Singh
International Court of Justice
Peace Palace
The Hague
Pays-Bas

Dear Dr. Singh:

As you may have heard, the European Council for Environmental Law is preparing a commentary on the World Charter for Nature. During our discussions participants have mentioned some observations made by Mr. Caldwell in "International Environmental Policy — Emergence and Dimensions".

Mr. Caldwell refers to the language of the Charter as "unrealistic" and is critical of the "imperative and mandatory language of "shall", implying that it would have been better for the "shall" to have been "should".

I would be very pleased to know your opinion on this subject since you were, like me, on the task force which prepared the first drafts of the World Charter. It seems to me that Mr. Caldwell forgets that the World Charter is a solemn declaration of principles which uses normally "shall". In this it is entirely in conformity with the constant practice of the UN General Assembly. While ordinary resolutions may use a different language, those which have been adopted in special circumstances and which are intended to proclaim general principles to be observed by every State could not have a different formulation. I refer to the Universal Declaration of Human Rights (Res. 217 A/III/, 10 Dec. 1948); to the Resolution relating to Permanent Sovereignty on Natural Resources (1803/XVII, 14 Dec. 1962); to the Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space (Res. 1962/XVIII); to the

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