

LA PROTECTION DE L'ENVIRONNEMENT ET LE DROIT INTERNATIONAL; THE PROTECTION OF THE ENVIRONMENT AND INTERNATIONAL LAW

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The metaphor of Bertrand Russell sums up the truth of the environmental problems of the modern world: "Unless something rather drastic is done under the leadership or through the inspiration of some part of the scientific world, the human race, like the Gadarene swine, will rush down a steep place to destruction in blind ignorance of their fate which scientific skills has prepared for it".

Under the pressure of the power politics and economic coercion of nations, the world's first technological civilization has had an ever-growing impact on the natural environment. As a result, the destruction not merely of amenities, but also of essential life-giving and life-preserving attributes of the biosphere itself is a vital problem. Unfortunately, limitations of thought and understanding constantly hinder our aspirations to protect the environment.

This colloquium presents the situation of the problems of environmental pollution and suggestions for solving the technological and judicial weaknesses of existing international environmental laws. The book is divided into two parts, the first part written reports and the second oral discussions. Professor L.F.E. Goldie of Syracuse University presents a survey of the drafting of international environmental laws, current legal limitations and the emerging trends. A. Ch.

Kiss, director of research at the Centre National de la Recherche Scientifique, Strasbourg, reports on the problems associated with private and public international laws dealing with the prevention of air pollution, and suggests the uniformization of existing national law as well as national obligations and responsibilities by way of international cooperation.

Professor J. Y. Morin of the University of Montreal presents a survey of the sources of marine pollution, the laws and cognizance of marine pollution materials of riparian nations, and the obligation of each nation for the liability of damages. Professor F. Gaja of the Università di Camerino, Italy reports on river pollution and international law. He studies the creation of water quality standards by treaty and by decisions of international commissions and suggests that one of the fundamental purposes of international agreements on river pollution is to organize international cooperation to prevent and fight pollution both in national water resources and in water resources which are interdependent with those pertaining to co-riparian nations. Some significant forms of cooperation among riparian nations have been prompted by the United Nations and by specialized agencies. Financial aid has been granted for projects in river basins on the condition that policies for the independent water resources be integrated.

In the section of oral interventions, under the directorship of these four major reporters, 49 other participants discuss, first of all, the major elements of the environment, sea, rivers and lakes, air and outer spaces. Secondly they discuss the responsibilities of nations for the protection of the environment under general international law. Thirdly, they discuss the progressive development, elaboration and modification, characteristics, functions and control of international operations to protect the environment. Fourthly, they discuss the framework and goals of international cooperation, universalism, regionalism, and bilateralism.

In conclusion, "a happy end does not come as easy as a marriage in the films of roses", however, the problems of environmental pollution can be solved by studying the specific characteristics and weaknesses of existing international environmental law in order to create the equal law for all mankind such as a conscientious law of Jean-Jacques Rousseau which is eminent and dialectical law. It can neither be affected by international politics nor the economic pressures of nations. It is also necessary to organize international cooperation and formulate directives so that the application of this law will not be onesided. Alexander Pope once gave a didactic **Essay on Man** in the 18th century:

Remember, Man, the Universal Cause
Acts not by partial, but by general laws;
And makes what Happiness we justly call,
Subsist not in the good of one, but all.

Proper and sound decision-making based on this human doctrine and on an empirical search for proper protection of environment will mature international environmental law.

These reports, either written or oral, amount to a collection of ideological hypotheses rather than a compilation of practical data. This book, however, with its expertise from various continents is an indispensable addition to every law library.

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