

Foreword

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The broadest reference of 'environment,' in common usage, is to 'all the conditions, circumstances, and influences surrounding and affecting the development of an organism or group of organisms.*' The contemporary concern of the peoples of the world about the quality of their environment appropriately extends, in comparable reach, to the whole complex of resources - atmospheres, waters, and landmasses - which both envelops and forms the material base for all their activities in the shaping and sharing of values. The new international law of the environment, as Jan Schneider's book makes clear, is but our inherited international law about the management of resources (potential values) writ large, with emphasis upon emerging contemporary problems.

It is commonplace among the knowledgeable, requiring only brief allusion by Dr Schneider, that all the resources of the earth-space community are knit together in a maze of intimate ecological interdependences - embracing all such features of the material environment: as air, climate, topography, soil, geologic structure, minerals, water resources and access to waters, natural vegetation, and animal life - which condition, and in turn are conditioned by, the institutions and practices by which the individual human being seeks to satisfy social, psychological, and bodily needs and demands. Because of inescapable physical, technological, and utilization unities, the resources of the globe, taken as a whole, are today of necessity as sharable, and as requiring of shared management, as are the resources of a single river valley.

It is scarcely less commonplace, as concerned activists continuously remind us, that highly destructive, and sometimes irreversible, damage is being done to all the resources of our global environment at an accelerating rate. Easy to

* *Webster's New World Dictionary* (2d college ed. 1975) s.v. 'environment'

observe, or to anticipate, are the exhaustion of some vital resources, the pollution of all resources, the shrinkage of open spaces, the spoliation of agricultural lands and spread of deserts, the congestion and deterioration of urban areas, the increasingly rapid extinction of many forms of non-human life, and the destruction of natural beauty. Continuing technological advances multiply the potentialities of destructive impact, and a burgeoning population makes cumulative demands upon increasingly strained resources. The Club of Rome needs to be accurate only in minimal degree for us to know that the quality of life for all is intensely threatened.

It is the principal purpose of Dr. Schneider in *World Public Order of the Environment* to create, and briefly to illustrate the application of, a comprehensive conceptual framework which will facilitate clarifying and implementing the common interest of humankind in an appropriate and effective international law of the environment. For her, as the book repeatedly emphasizes, there is an ecological dimension, just as there is a human rights dimension, in every human interaction and in every authoritative decision about such interactions. The standpoint she assumes is that of the observer or decision-maker who identifies, not merely with some single parochial community, but with all individual human beings in all their multiple, concentric, and interpenetrating political communities. From this perspective, she finds it necessary to specify in detail the recurrent, factual problems with which authoritative decision-makers must cope in the global management of resources, to postulate certain overriding general community policies for the guidance of such decision-makers, and to engage in a variety of particular intellectual tasks in the detailed specification of such policies.

The public order problems with which Dr. Schneider works include those in relation to the allocation of resources, the regulation of use (including both injurious and productive or harmonious uses), the planning and development of resource potentials, and the control of the access of individuals to resources. The authoritative decision problems she categorizes cover the whole of the making and application of general community policy, including the intelligence, promoting, prescribing, invoking, applying, terminating, and appraising functions. She realistically observes that effective power maintains on the global level a comprehensive constitutive process of authoritative decision entirely comparable to that maintained within national communities.

The overriding policy Dr. Schneider recommends for postulation by authoritative decision-makers in coping with particular problems about the environment is not that of some simplistic physical conservation of resources in a pristine, untouched state of nature, but rather that of an appropriately con-

...serving, economic, and constructive employment of resources in the greater production and wider distribution of all values of human dignity. 'The right of all people in present and future generations,' she writes (page 67), 'to "freedom, equality, and adequate conditions of life in an environment that permits a life of dignity and well-being" is, after all, what our concern with the human environment is about.'

The intellectual tasks Dr Schneider recommends for the clarification and implementation of policies about particular environmental problems are several-fold, including:

- 1/ the specification in detail, from the perspective of an observer identifying with the whole of mankind, of basic general community policies in terms of costs and benefits in relation to all values;
- 2/ the survey of past experience, including prior trends in decision, at all levels of community, from local to global, in terms of approximation to clarified policies;
- 3/ inquiry into the factors that have affected past experience and decisions on particular comparable problems;
- 4/ the projection of developmental constructs about probable future decisions and conditioning factors in relation to particular problems; and
- 5/ the invention and evaluation of new alternatives in rules, institutions, and decision for the better securing of clarified policies.

It could scarcely be expected that Dr Schneider would be able to bring the framework of inquiry and intellectual procedures she recommends to bear upon a comprehensive review of, and assessment of recent developments about, all problems in international environmental law. The framework of inquiry created in this book, certainly the first of its reach, will, however, be of extraordinary usefulness in the guidance of future studies, and she makes an illustrative and creative application of that framework to a variety of important contemporary problems, offering specific suggestions about desirable future directions in decision. To her work as a whole* she brings a unique 'insider's' experience in inter-state, inter-institutional, and intra-institutional environmental diplomacy, a broad understanding of the relevant social and physical sciences, an urbane and cosmopolitan wisdom, and a deep sense of commitment. The book she has produced could serve as a basis for communication for concerned individuals of very different backgrounds and skills, including lawyers, scientists, economists, businessmen, bureaucrats, diplomats, and politicians, and will greatly benefit the common interests of both professionals and laymen.

* Dr Schneider has participated in both the United Nations Human Environment and Law of the Sea Conferences. She is a practicing lawyer and also has a doctorate in political science.

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One of Dr Schneider's most important contributions is in her insistence upon the need, beyond specifically designed programs for the amelioration of particular problems, of a comprehensive and continuous intelligence function about the environmental dimensions of decision. Over one hundred and fifty states get together and try to draft a Law of the Sea 'umbrella treaty,' or an Outer Space agreement, or a New Economic Order - and there are critical environmental implications that must be faced. The Scandinavian countries reach a new Environmental Protection Agreement, coastal states agree on an action plan to protect the Mediterranean Sea and its resources. African states and other concerned countries try to combat desertification problems in the Sahel region - and international environmental implications are both obvious and highly important. Even bilateral problems and efforts to deal with such problems may have far-reaching consequences and precedential value - thus, the United States and Canada make a Boundary Waters or Weather Modification agreement or jointly search the Canadian north for radioactive debris from a fallen Soviet satellite. And so on. Only comprehensive and continuous intelligence can illuminate such problems in common interest.

All who are concerned for the quality and productivity of the global environment, and its constituent resources, must be indebted to Dr Schneider for an invaluable comprehensive map of what hitherto has been wilderness, uncharted waters, and dense fog.

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