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## International protection of the environment

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## Social Policy

# International Protection of the Environment

by Hans-Dietrich Genscher, Federal Minister of the Interior, Bonn

**Environment policy is a crucial part of social policy. The problems involved can be solved only if all act in unison and in close international coordination. A progressive environment policy must comprise all the planning and defensive measures required to safeguard the environment.**

One of the most important constitutional concerns in future will be that of giving the citizen a legal claim on Government for action against those who cause harm by pollution. In its Government statement of October 1969 the Federal Government assigned priority in its programme of domestic reforms to the conservation of the environment, and it immediately set about creating the instruments for an effective environment policy. The adoption of an instant action programme in September last was the first step. This programme dealt with the most urgent problems and fixed a time-table for immediate measures by the Federal Government. It established a sequence of priorities for steps to be taken urgently and, above all, provided for an improvement of the legal basis for action against impairment of the environment.

### **Long-term Strategy**

Work is now in progress on the instruments of an environment policy designed for the long term. A comprehensive environment programme has been completed in draft. It is the aim of this policy to reduce from the outset the injurious effects of technical progress and growing prosperity to a minimum. The current programme is the first formulation of an environment policy by a Federal Government. The experts from the Federal and Länder authorities, from the economy and science, who in ten projection groups prepared the material for this programme, agreed that the developments over the past hundred years which have given rise to the present state of the environment cannot be reversed from one day to the next. The environment programme however creates prerequisites to

environmental planning based on a systematic compilation of all causes of detriment to the environment and an assessment of their cost.

The consequences of protection of the environment are not confined to domestic policy. Many causes of injury to the environment can be removed only by international cooperation, simply because they do not stop at the frontiers. Steps must be taken, besides, to avoid that different demands made in the various countries in the interest of the conservation of the environment result in new obstacles to trade and distortions of the competitive position. The consequences for the whole of mankind of changes caused by human interference in the biosphere are still quite unpredictable.

### **International Cooperation**

The Federal Government is playing an active part in the increasing international cooperation in the field of environment control and protection. Its aim is that environmental problems which owing to their nature or implications for economic policy and competition cannot be solved on a national level, in particular, should be dealt with in an international framework; amongst them are, i.a., the pollution of the oceans and the atmosphere. Its aim is, further, that the states should help each other to cope with environmental problems and that consideration should be given to the special interests of the developing countries in conservation of the environment. Such international cooperation can extend from exchange of experience and critical juxtaposition of different points of view to coordinated and joint research and development projects,

harmonisation of political aims and elaboration of criteria and standards by international agreements.

Although it is primarily for the Governments of the individual countries to introduce the necessary legislation and provide the resources needed to protect the environment, there cannot be the slightest doubt that, in the longer view, an even greater measure of international cooperation will be required which will involve the partial surrender of national interests. More coordination will be needed between the activities of the various international organisations in the field of conservation so as to deal as quickly as possible with the numerous tasks created by environmental problems. Moreover, the efficiency of the individual international organisations is to be maintained or improved.

It seems that mention should be made here of a working method applied to the solution of these problems by the CCMS Committee of NATO. The pilot system used by the CCMS Committee has the advantage that the pilot country can draw not only on experts from industry but on its own subordinate authorities which are acquainted at first hand with the problems and practicable solutions for them because they are the authorities which have to intervene "at the front". The fact that other countries may, as copilot countries, participate in the solution of a particular problem mitigates against an one-sided approach to the problem, while the allocation of responsibility for work on a certain problem avoids duplication of effort and ensures speedy progress. Through the working method applied the CCMS has evolved practical solutions for environmental problems which are attuned to the present state of technology and can therefore be put into effect at once.

### Change in Ideas

To combat the environmental hazards effectively, we must change our ideas in all countries to some degree. We must discard the favourite view that, on purely economic grounds, the market value of the goods and services provided by man should always and invariably set the standard. We must realise that a product, however profitable it may be for the producer and however desirable from the consumer's point of view, is not the only object which matters. The secondary effects and by-products created in its production and application are quite as important. We must be able to put the two equivalent components side by side and balance them against each other. We must be willing to pay for the expenditure necessary to protect our health and environment so as to cover its cost, and from this result new difficult economic, social and communal problems and tasks for national, Euro-

pean and international policy. Environment policy is thus—and I wish to lay special stress on it—an integral and active component of our economic, social and political future, not only within an enlarged Common Market, but on a global scale.

The Treaties of Rome, which in a manner of speaking are the constitution of the European Community, do not envisage general Community competence for the conservation of the environment. Owing to their geographical situation and the existence of the Common Market, however, all member states of the European Community are directly affected by occurrences anywhere else in the Community. Above all, regulations to protect the environment in one country have an impact on competition because of the possibility of technical obstacles to trade. The provisions of the EEC Treaty of 1963 concerning the harmonisation of legal regulations and eliminations of competitive distortions

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are of the greatest significance in this context for the protection of the environment.

### EEC-Concept

When regulations on the conservation of the environment are tightened in the individual member states, as is bound to happen, the Commission of the European Communities will have the task of establishing an overall concept of environment protection problems for the European Communities which avoids both technical obstacles to trade and delays in the solution of urgent environmental problems. The Commission therefore intends to draw up a scheme for conservation of the environment in the Communities which, according to a speech by Robert Toulemon, the Commission's Director-General for Industry, at the international conference of the Atlantic Council of the United States in Washington from January 15 to 17, 1971, will be based, i.e., on the following considerations:

- ☐ Research on the conservation of the environment must be coordinated on Community level and carried out jointly.
- ☐ Joint organs must be instructed to execute the jointly determined policy.
- ☐ In harmonising tax legislation use must be made of the possibility of subjecting pollution to taxation.
- ☐ The member states, regions or provinces, and local authorities are to keep or obtain far-reaching powers in regard to conservation of the environment.

The Community can play only a secondary part in this field. It has set up a group of experts on "Infringements of the Environment" with two sub-groups on "Air Pollution" and "Water Pollution" to carry out joint research projects on the protection of the environment.

In the long term our future will be decisively influenced also by our relationship with the developing countries. In conjunction with the document on International Development Strategy for the Second Development Decade which the United Nations adopted on October 24, 1970, the Federal Government outlined its own concept for development policy in the next ten years in a paper which was approved by the Cabinet at its meeting on February 11, 1971. The conservation of the environment is referred to in the following passage: "In connection with corresponding efforts on the international level the Federal Government, in planning and executing its aid measures, will pay regard to their consequences for environmental conditions in the developing countries." Accordingly, it is the task of the German Government departments and other authorities entrusted with the implemen-

tation of development aid to pay attention to environmental considerations when carrying out measures of development aid in the new development decade.

### High Seas and Coastal Waters

Another wide field for international cooperation exists on the high seas and in coastal waters. During recent years waste materials have been dumped on the high seas increasingly by industrial concerns in many countries because this did not infringe either national regulations or international agreements. There is a danger that the efforts to keep inland waters clean will be at the expense of the coastal waters and high seas so long as domestic and industrial effluents may be drained into them without adequate purification, although the coastal waters—at least those of the Federal Republic of Germany—are subject to the same legal regulations as inland waters. The Federal Republic of Germany will take national and international action against such developments in order to safeguard that the natural biological balance in the seas is preserved, that food can be secured from the seas, that the coastal waters and beaches continue to be suitable places of relaxation for the population, and the natural wealth of the sea-water and sea-bed can be utilised to the greatest possible extent.

Our knowledge of the physical, chemical and biological facts which determine the continued existence or dilution, reduction or concentration of pollutants in the sea is still very defective. It is, in particular, insufficient to determine whether there is a redress or not for the damage that has been done or is being done. If more pollutants penetrate into the food chain of the sea, it would probably take decades to remove or redress the ensuring injury to the environment. The sea areas off the German coasts, the North Sea and the Baltic, are exposed to a special pollution threat because they are shallow sandy seas. The Rhine, for instance, now carries 100 tons of phosphorus a day into the sea, according to the Netherlands Commission for Nature and Landscape Conservation. Immense quantities of phytoplankton can come into being as a result of this concentration in the sea, and its death would bring about a tremendous oxygen deficit capable of breaking the marine food chain. Owing to the effects of the currents of the sea and the international character of the high seas measures designed to keep them clean must be internationally coordinated to become fully effective.

### International Agreement on Oil

International agreements for the protection of the seas so far exist only for mineral oil. These regula-

tions however are inadequate in view of the increasing pollution of the waters of the sea by oil. The Federal Government is therefore taking an intensive part in the preparations for a world-wide agreement on the prevention of pollution on the high seas. It has submitted proposals for a convention to impose a general ban under international agreement on the discharge of mineral oil and other hydrocarbons into the sea for preliminary consideration by the IMCO Working Group for Marine Pollution in London. Furthermore, it supports the initiative of the Council of Europe which wants to set up a working group to deal with the legal aspects of oceanic pollution. The states contiguous to the North Sea have concluded an agreement on cooperation in combatting oil pollution in the North Sea. The Scandinavian states, however, regard limitation of the negotiations to the North Sea as inadequate and therefore invited all members of the North-east Atlantic Fishing Convention to attend a meeting in Oslo on October 19 this year. An agreement on surveillance of the Baltic Sea, especially in respect of dumped chemical weapons from World War II, would be useful. A draft has been prepared for an appropriate agreement, but ob-

jections on grounds of international law are impeding its adoption.

### **Conclusions**

Special importance attaches to the United Conference on the Human Environment to be held in Stockholm in June 1972. It will be recalled that the UN General Assembly decided on December 6, 1968, to convene a conference on the human environment in order to provide general information on the present work on the national, regional and international level so as to obtain a complete inventory of the present state of knowledge. A "General Declaration on Human Environment" is to be adopted at this conference. The Federal Republic is attaching special value to this declaration and therefore, in response to a request from the Secretary-General of the Conference, Maurice S. Strong, made a contribution of its own to this declaration. The USA, the USSR and the United Kingdom have advocated that the Conference should confine itself to environmental problems requiring a global approach. Otherwise it may bear out the British apprehension that it will "drown in a sea of words and paper".

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by Hans-Eckart Scharrer

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