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Possibly the single most powerful influence for change in law among nations is the rapid and pervasive growth of the technologies of human communication. This accelerating worldwide flow of information is giving the world the characteristics of a "global village." And Marshall McLuhan has identified the principal agent of change as the electronic telecommunications media which has "extended our central nervous system in a global embrace," approaching "the final phase in the extensions of man—the technological simulation of consciousness, when the creative process of knowing will be collectively and corporately extended to the whole of human society."[1]

The exponential growth of efforts to formulate a new body of law for the international environment is a direct consequence of this techno-psychological revolution in the communication of information. It would therefore be erroneous to evaluate recent developments in international environmental law by the criteria of a nation-centered pre-electronic past. The effect of worldwide information flow upon popular beliefs, concerns, behaviors, and institutions has profoundly altered relationships among peoples and all forms of human organization, including governments and international organizations.[2] Communications technology (and especially radio and television) has brought knowledge of reported events occurring anywhere to unprecedented numbers of people everywhere, including illiterates and persons living in the most isolated places on the Earth. The Earth as an environment is beginning to assume in the minds of people a presence that it has never had before. Similarly, technological developments in the extraction and uses of energy have altered worldwide relationships, creating new dependencies and constraints among nations.[3] Atomic weapons have had a restraining effect upon the political and military behavior of the great powers, while the international transport of energy resources (notably of oil) has not only increased the vulnerability of major industrial states but added to the probability of marine pollution, and the political and economic leverage of their suppliers as well.

The uneven distribution and consumption of energy resources is paralleled with respect to a broad spectrum of minerals and metals. Impending shortages

enhance the bargaining position of the supplying states, and the General Assembly of the United Nations in which these states now hold a balance of power devoted its Sixth Special Session to a consideration of the equities and economics of world resource distribution.[4]

These changes, and all that they imply, support the contention that recent and continuing efforts to expand and elaborate international law relating to the environment represent significant conceptual and political developments. Although environmental issues appeared at the very beginnings of international law, many of the current trends and doctrines depart so radically from customary expectations and practices that it may not be an exaggeration to speak of the emergence of a new international environmental law.[5]

I. How Stockholm Was Different

The United Nations Conference on the Human Environment meeting in Stockholm, June 5-16, 1972, witnessed the culmination and convergence of trends and efforts of at least the preceding decade.[6] The Conference had been carefully planned over a period of four years following its proposal by the Ambassador of Sweden to the United Nations on May 20, 1968. During this interval a 27-nation Preparatory Committee and 7 Intergovernmental Working Groups, coordinated by a small secretariat, put together the basic documentation of the Conference: an agenda, a declaration, draft recommendations, and an action plan.[7]

These four years were also marked by a number of important international gatherings, notably the Biosphere Conference at Paris in 1968 sponsored by UNESCO,[8] the Environmental Symposium in Prague in 1971 sponsored by the Economic Commission for Europe,[9] and a number of regional and technical meetings directly sponsored by or closely related to the Stockholm Conference. Supplementing these meetings were numbers of articles, books, and colloquia dealing with the need for international action to protect the biosphere and its natural species and systems. The Secretary-General of the Preparatory Committee, who became Secretary-General of the United Nations Conference, commissioned an unofficial report on the state of the planetary environment prepared by Barbara Ward and Rene Dubos with the assistance of an international committee of 152 correspondents.[10]

Prior concern with environmental relations among nations had been evident in four major areas. The first was clarification of the responsibilities and rights of nations regarding the exploitation and contamination of the common domain of mankind—notably the open ocean and deep sea bed, the atmosphere, the Antarctic continent, and outer space. The second was protection of plants, animals, and ecosystems under national jurisdiction and endangered by human action. The third was the structuring of an international system of information, communication, and cooperation especially for monitoring changes and interactions in the global environment. The fourth, which became the dominating issue at Stockholm, was the relationship between environmental quality and economic development. It is characteristic of these areas of concern that none is operationally separable from two or all of the others. To understand the issues raised by action in any of these areas, attention must be given to the others.

The direction of these efforts, trends, and concerns has been toward a more positive international law and a more extensive and coherent network of international institutional relationships. Neither the Stockholm Conference nor its

antecedents necessarily reflected a growth of altruism or a willing spirit of cooperation among nations. The new environmental policies of nations declared at Stockholm were based more on collective apprehension than on universal goodwill.

Stockholm was the outgrowth of a still growing trend toward a universal sense of the threat to human welfare implicit in a deteriorating world environment. Far from utopian, Stockholm and its associated intergovernmental conferences were moved by common knowledge concerning a threat that was commonly perceived. Imperfect as it may have been, the knowledge base of the Stockholm Conference has probably never been equaled in a conference of nations with so broad an agenda. More than any other major international political event occurring thus far, the Stockholm Conference was a direct consequence of the power of universalized science catalyzing a common global awareness and concern through its technological spin-offs in transportation, communication, and electronics.

Although Stockholm was a political and not a scientific gathering, the Conference would never have occurred but for the universalization of scientific information and method. At the forefront of the Conference were the political representatives of nations, but science was present in the background. As one observer quipped, behind every national delegate was a scientist telling him what to do, and a foreign office representative telling him not to do it. The biospheric, ecological assumptions of the world scientific community were seldom consistent with the national self-interest views of traditional international politics, and the legacy of Stockholm was a compromise between these attitudes.

Decisions would have gone more often against science at Stockholm had it not been for the influence of public opinion which scientific information had helped to form, and which the electronic media had helped to dramatize and disseminate. Surely the most dramatic influence upon popular consciousness around the world was the photograph of the planet Earth as seen from outer space by the astronauts of the Apollo program. On Christmas Eve of 1968 electronic technology for the first time permitted humanity to see its global habitat suspended in the cold blackness of the universe. The motto of Stockholm, "Only One Earth," thus had an emotional impact that could not have been so strong prior to the moon flights. This simple powerful symbol of the Earth reinforced scientific fact with an emotional response that transcended conventional barriers of language, culture, and ideology.

A variety of nongovernmental, unofficial, and ideological gatherings took place at Stockholm coterminous with the United Nations Conference.[11] Although these meetings may have had little direct influence upon the deliberations of the Conference, they reflected many of the political movements and pressures that had brought the official delegates to Stockholm. Their presence at Stockholm was a well-advertised reminder of the hopes and expectations of peoples in many parts of the world for a positive and constructive outcome of the Conference. The electronic media—especially photographic film and television, cheap printing, and low international air fares—made possible a degree of common belief, of communication, shared purpose, and a visible presence that had never previously characterized high-level international conferences. The unofficial assembly of the ecologically concerned—youth, radicals, scientists, and conservationists from around the world—was more than facetiously described as "Woodstockholm," a ritual celebration of an emotional commitment to a new orientation toward life and the world.[12]

But the most distinctive aspect of the United Nations Conference was its action orientation. The leadership of Secretary-General Maurice Strong was consistently directed toward operational outcomes. The exceptionally thorough preparatory work on draft documents greatly simplified and, more importantly, focused the deliberation of the Conference. The Declaration on the Human Environment, the Action Plan, and the institutional machinery to activate the Declaration and the Plan were the principal future-directed products of Stockholm.[13]

Most importantly, through new institutional machinery—the Governing Council for Environmental Programmes, a Secretariate headed by an Executive Director elected by the General Assembly, the Environmental Coordinating Board of United Nations agency representatives, and the Environment Fund—a way was provided to obtain realization of the Action Plan. Thus, to an extent that has been exceptional among international conferences, the Stockholm Conference proposed the means to carry its recommendations into effect. These means made the Declaration and Action Plan operational, and to this extent may be viewed as mechanisms for change in international law.

II. The Legacy of Stockholm

Stockholm opened the way to operationalizing in the international milieu a concern for the state of the environment heretofore largely limited by the jurisdiction of sovereign national states. In effect, national states are merging their sovereignty and jurisdiction to enable them to act collectively on a global basis toward the realization of purposes that were previously definable only within the limits of particular national jurisdictions.

How "new" this development may be is debatable. The internationalizing of legal matters that were once exclusively national has been paralleled in relation to human rights. One may argue that whenever multinational treaties are ratified in new areas of human concern, a shift in jurisdiction from the exclusively national to the inclusively international has occurred. And yet the scope and character of the Stockholm Declaration and Action Plan, and the creation of machinery for implementation, point toward changes in law among nations that are not only "new" in the emphasis accorded to older principles, but also strongly indicate the emergence of legal concepts and arrangements nonexistent or relatively obscure in traditional international law. The nations at Stockholm did not create a new international law, but they marked out and broadened a route toward a new body of substantive law—a process which subsequent events at Nairobi and Caracas have continued.

Putting aside the question of the extent to which, or the way in which, the Stockholm actions may eventually lead to juridical novelty, one may identify four ways in which novelty was at least implicit in the Stockholm view of international relations. There were significant elements of novelty in: (1) the definition of international issues, (2) the rationale for cooperation, (3) the approach to the definition of international responsibility, and (4) the conceptualization of international organizational relationships.

Definition of Issues

The Conference agenda at Stockholm was divided into six main subject areas:[14]

(1) Planning and Management of Human Settlements for Environmental Quality,[15]

(2) Environmental Aspects of Natural Resources Management,[16]

(3) Identification and Control of Pollutants and Nuisances of Broad International Significance,[17]

(4) Educational, Informational, Social and Cultural Aspects of Environmental Issues,[18]

(5) Development and Environment,[19] and

(6) International Organizational Implications of Action Proposals.[20]

From these agenda items, 109 recommendations (or rather sets of recommendations) were generated. Most of the numbered recommendations consisted of several parts so that the total number of actions recommended greatly exceeded the number of formal resolutions. For example, Recommendation 20, concerned with strengthening machinery for the international acquisition of knowledge and transfer of experience on soil capabilities, degradation, conservation, and restoration, consisted of at least ten specific lines of action. Recommendation 86 to national governments regarding marine pollution included six separate provisions. Recommendation 51 on international river basins comprised at least thirteen subdivisions. One apparent reason for the extended character of these and other recommendations of the Conference was the complex nature of the problems or issues. Few of the issues in the Conference agenda could be defined or dealt with in exclusive disciplinary or sectoral concepts and methodologies. Literally by nature, the problems of the human environment being multidisciplinary had to be approached with more complex strategies than those characteristically employed historically in delineating the mutual obligations of nations in treaties or by customary law.

The interlocking relationships among the Conference recommendations would become even more apparent as implementation was attempted. It is a phenomenon of environmental problems that when penetrated by inquiry they appear to expand and complexify, revealing interconnections and interactions not apparent to superficial examination. It is this dynamic complexity that calls for administrative action in national affairs. National law is primarily administered and only exceptionally adjudicated, and then with respect to delimitated questions and issues appropriate to judicial action. But historical international law has been primarily adjudicated; its administration, insofar as it can be said to be "administered," being the almost exclusive responsibility of national governments. If, however, nations collectively undertake efforts which in effect require administration beyond mere voluntary concurrent action by national bureaucracies, they will have created international legal responsibilities that the existing machinery for international law cannot, nor was ever intended to, assume. Thus, to the extent that international issues are defined in operational-administrative rather than obligatory-adjudicative terms, they imply a kind of international law that resembles national law in that it sets goals and prescribes action as well as determining obligations and rights.

The Rationale for Cooperation

The conflict between science advisers and foreign policy advisers at Stockholm reflected differing assumptions regarding the bases of international cooperation. Many of the scientists and more of the non-governmental participants in the Environment Forum called for the institutionalization of new supranational loyalties

to the planet and to all mankind. The logic of this viewpoint implied a positive international law enforceable directly upon individuals and especially on international business enterprise.

The foreign office view of environmental policy tended, with exceptions, to guard national interests, as traditionally perceived, from sacrifice to an idealistic cause. For example, France was unwilling to stop the atmospheric testing of nuclear weapons; Japan to observe Recommendation 33 calling for a ten-year moratorium on commercial whaling; the United States to accept the principle of "additionality," which would have required an increase in its foreign aid budget to cover the "additional" costs imposed by environmental protection measures on development projects. Nevertheless, there was widespread recognition that all nations had a common interest in the preservation of the biosphere, and that for a wide range of environment-related issues unilateral national action could not be made effectual. Thus, as with the rationale behind the International Treaty on the Peaceful Use of Outer Space (1966), the impetus for cooperation at Stockholm was a common threat commonly perceived.

As with public anxiety over the threat of nuclear coercion and disaster (a special kind of environmental hazard), something approximating a worldwide public opinion had developed during the decade of the sixties. In several of the major industrial countries, and on certain issues, national positions at Stockholm were influenced by ecological politics at home. Several leading states had only recently enacted new and significant environmental legislation, had reorganized ministries and departments for environmental protection purposes, or both. Environment had become a major public issue in Canada, Japan, Sweden, the United Kingdom, and the United States, and in these countries (among others) the issue was both domestic and international. For example, Section 102 (E) of the United States National Environmental Policy Act of 1969 declared that the Congress authorizes and directs that all agencies of the Federal Government shall:

> . . . recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment.

Similarly, Section 2, the preamble to the Act, extended the scope of national concern beyond national boundaries ". . . to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man . . ." In many developed countries, national and international, official and unofficial seminars and conferences preceded the Conference. For example, in April and May of 1972, the Canadian Preparatory Committee for the Conference sponsored public regional consultations in eleven Canadian cities. Similar efforts were mounted by the United Nations Associations of the Nordic Countries. Among very numerous preconference meetings in the United States were a series of public hearings by the Secretary of State's Citizen Advisory Committee.

Obviously in every nation there were issues on which government spokesmen were not prepared to subordinate their perception of national interest to the protection of the biosphere. But the remarkable outcome of Stockholm was the extent of international consensus on the very broad and detailed provisions of the Action Plan. National objections or abstentions with respect to particular recommendations of the Conference were exceptional.

The so-called "developing nations" differed from the industrial states with respect to priorities and, in nearly all instances, with respect to the influence of public opinion. In most developing countries public opinion, in a general sense, was inchoate and inarticulate. No organized and influential citizens groups and no independent, admonishing press were pushing their governments toward environmental protection measures at home or at Stockholm. Even so, in many developing countries a small but disproportionately influential elite in government and the universities was aware of world trends and of a national stake in international environmental protection measures. The existence of this opinion was attested in 1971 by a letter of inquiry sent by Francesco di Castri (then a professor in Chile) to more than one hundred scientists in developing countries.[21] Responses indicated that concern over environmental deterioration did exist in many Asian, African, and Latin American countries and that commitment to economic growth and industrialization regardless of ecological or social cost was not as general among their elites as many skeptics in the industrialized countries had believed. Nevertheless, there were differences among nations in both the substance of and perception of environmental problems, and these differences could easily have defeated cooperative efforts at Stockholm.

In the main, the predicted confrontation at Stockholm between developed and developing nations over the impact of environmental protection on development was effectively contained, owing in large measure to the political skill of Secretary-General Maurice F. Strong who had formerly headed the international development program of the government of Canada, and to the thorough preparatory exercises in which conflicting perspectives on environment and development were clarified and largely (although not wholly) reconciled. The task of harmonizing environmental and developmental objectives was considered by a series of pre-Stockholm meetings convened by regional United Nations Economic Commissions.[22] A meeting of scientists from developing countries was convened by the International Council of Scientific Unions' Scientific Committee on Problems of the Environment (SCOPE) on the occasion of the XII (1971) Pacific Science Congress in Canberra; and a working group of experts on environment and development met at Founex, Switzerland at the invitation of Secretary-General Strong.[23]

These and other preconference actions provided elements of a common foundation in knowledge for the representatives of the 113 nations participating in the Stockholm Conference. The establishment of a foundation did not mean that a new edifice of international law would be immediately erected upon it. But without this common base, action toward this new international environmental law could never be commenced.

Approach to the Definition of International Responsibility

Although the Stockholm conference was conducted according to the traditional protocol of international conferences, the importance of the nongovernmental input to the Conference at national and international levels and the presence of the unofficial gatherings at Stockholm made inevitable a broader than customary scope for international deliberations. This broadening pertained not only to the substance of international law but more particularly to its subjects. Classic international law was the law of nations, not of individuals or of nongovernmental organizations. But the Stockholm resolutions were directed not only to national governments, but also to "peoples," to international agencies, and to governments

collectively with respect to issues requiring their collective action. Illustrations of this latter class of issues may be drawn from Recommendations 86 to 94 dealing with Marine Pollution. And reference in the Conference Declaration to the "common international realm" must include the high seas and the seabed and ocean floor, already subject to action by the General Assembly of the United Nations and a major concern of the Third United Nations Conference on The Law of the Sea.[24]

The preamble to the Declaration of the Conference was addressed in effect to "the peoples of the world" for the preservation and guidance of the human environment. Paragraph 7 of the preamble specifies the locus of responsibility for achieving the objectives of the Conference:

> 7. To achieve this environmental goal will demand the acceptance of responsibility by citizens and communities and by enterprises and institutions at every level, all sharing equitably in common efforts. Individuals in all walks of life as well as organizations in many fields, by their values and the sum of their actions, will shape the world environment of the future. Local and national governments will bear the greatest burden for large-scale environmental policy and action within their jurisdictions. International co-operation is also needed in order to raise resources to support the developing countries in carrying out their responsibilities in this field. A growing class of environmental problems, because they are regional or global in extent or because they affect the common international realm, will require extensive co-operation among nations and action by international organizations in the common interest. The Conference calls upon Governments and peoples to exert common efforts for the preservation and improvement of the human environment, for the benefit of all the people and for their posterity.

Obviously this provision in no way changes the subjects of international law, but to the extent that individuals and the variety of organizations included in paragraph 7 interact in carrying out new efforts and programs transcending national boundaries, the ultimate extension of international law to these activities and relationships seems unavoidable.[25]

Principle 1 of the Declaration was addressed to the rights and responsibilities of individuals, with the implication (elsewhere made explicit in Conference Recommendations 95, 96, and 97 pertaining to educational, informational, social, and cultural aspects of environmental problems) that national governments with the assistance of international agencies should enable their people to become informed on environmental issues. The substance of numerous recommendations was what governments should do in relation to their own people rather than, as in traditional international law, what a national state should or should not do in relation to other national states.

An issue with more solid implications for possible changes in international law was the extent of the responsibility of the so-called developed or rich nations to assist the less developed or poor nations in reconciling their development efforts with environmental quality objectives.[26] Two aspects of this issue took shape at Stockholm and have remained points of controversy in the post-Stockholm period. These aspects were expressed in Conference Recommendations 103, regarding "compensation,"[27] and 107, regarding "additionality."[28]

Paragraph b) of Recommendation 103 stated the compensation issue in essence:

> That where environmental concerns lead to restrictions on trade, or to stricter environmental standards with negative effects on exports, particularly from developing countries, appropriate measures for compensation should be worked out within the framework of existing contractual and institutional arrangements and any new such arrangements that can be worked out in the future . . . .

The principle of additionality was formalized in several of the pre-Stockholm meetings of the regional Economic Commissions and in the Preparatory Committee, and subsequent to Stockholm by Resolution 3002 (XXVII) of the General Assembly (December 15, 1972). Its clearest expression at Stockholm was in Recommendation 107 which declared that: "Environmental problems should not affect the flow of assistance to developing countries, and that this flow should be adequate to meet the additional environmental requirements of such countries."

More specifically the impact of this concept was that existing development funds should not be diverted to environmental quality purposes, and that funds to carry out the recommendations of the Stockholm Conference should be in addition to those now allocated to developmental purposes. Both the compensation and additionality principles represent efforts to establish a new relationship of rights and obligations between nations—in this instance, between developed and developing nations. The great majority of nations and members of the United Nations belong to the latter group where they often form a bloc known as the 77 in the General Assembly. The prevalence of liberal and social democratic attitudes in most of the developed countries provides a political climate generally propitious for the acceptance of these principles as standards of international political behavior, even though not yet embodied in positive international law.

With respect to an established principle of international law, that a state must compensate for injury to another state caused by activities originating on its own territory, the Conference through Principles 21 and 22 of the Declaration took a reinforcing position. Principle 22, however, moved ahead of traditional practice, stipulating that "States shall co-operate to develop further the international law regarding the liability and compensation for the victims of pollution and other environmental damage caused by activities within the jurisdiction or control of such states to areas beyond the limits of national jurisdiction."

In summation, a legacy of Stockholm was a greatly enlarged or reinforced conceptualization of national responsibility that had direct bearing upon the future of international organizational relationships.

Conceptualization of International Organizational Relationships

In a review of the first year following Stockholm, Maurice Strong emphasized the organizational logic of the Stockholm recommendations which in his words called for ". . . a drastically new concept of management . . ."[29] Conceding that for many purposes the hierarchical bureaucratic structure of governments and international organizations had worked well in the past, he observed that this form of organization ". . . has made it difficult to perceive—and even more difficult to deal with—complex environmental cause-and-effect relationships that transcend traditional disciplinary and institutional boundaries." Continuing, he declared that ". . . the environment cannot be sectoralized. It is a system of interacting relationships that extends through all sectors of activity, and to manage these

relationships requires an integrative approach for which present structures were not designed." This means, he said, "that lines of communication and decision-making must be given much greater horizontal and trans-sectoral dimensions than are provided for in existing structures." Thus ". . . the new patterns of organization in an era of societal management must be based on a multitude of centers of information and of energy and of power, linked together within a system in which they can interact with each other."

These views of Maurice Strong reflect not only the logic of Stockholm and the organizational strategy for the United Nations Environmental Programme; they also indicate the almost certain direction of international organization in the future, and hold far-reaching implications for the structure, the subject matter, the subjects, and the processes of international law.

The concept of sovereignty is central to the organizational issue. Although the Declaration speaks of sovereign right and the sovereignty and interests of states, the total effect of the document is to modify the exercise of sovereignty. The traditional view of sovereignty is obviously inconsistent with Maurice Strong's view of the organizational requirements of planetary environmental protection, except as Strong himself has interpreted the use of sovereignty. Nations may merge their sovereignty. He writes:

> But the development of new international machinery to deal with the complex problems of an increasingly interdependent technological civilization will not come about through the surrender of sovereignty by national governments but only by the purposeful exercise of that sovereignty. It is only when nations find themselves incapable of exercising their sovereignty effectively or advantageously on a unilateral basis that they will agree—reluctantly—to exercise it collectively by agreement with other nations. It is seldom that nations enter into arrangements which restrict their ability to exercise their sovereignty until circumstances compel them to do so.

The salient characteristics of this new organizational structure are flexibility and informality. In contrast to traditional international relations, substantive purpose and the means to achieve it gain attention, whereas procedural matters and protocol become relatively less important. Of course this strengthens trends already initiated through the United Nations Specialized Agencies and the United Nations Development Programme, but it carries further the idea of a coherent network of organizations of diverse status—governmental and nongovernmental, international, regional, national, and local. The United Nations Environment Programme (UNEP) also carries further the type of mission orientation previously specified by the General Assembly for UNDP and the United Nations Conference on Trade and Development (UNCTAD).[30] Its agenda having largely been prescribed, its focus must almost unavoidably be upon the means to action.

To assist the formation of this network and its constructive interaction is a principal task of the United Nations Environment Programme. The difficulties and hazards are all too apparent. As Maurice Strong has said, the effort will require ". . . a degree of enlightened political will on the part of the peoples and nations of the world that is without precedent in human history."

III. From Stockholm to Nairobi: Establishing the Environment Programme

The two years following the Stockholm Conference have been characterized by trends and influences apparent at the Conference, but changes have occurred in their relative strength and momentum. As hitherto noted, these changes accentuate an evolution in international relations that had been underway before Stockholm and were visible in other United Nations affairs. Possibly the most significant and certainly the most puzzling was the paradox of power exercised in the General Assembly and in those parts of the United Nations system concerned with trade, development, natural resources, and social affairs.

The paradox lies in the discrepancy between the economic, technical, scientific, and industrial power of the major developed states and the relative weakness in all of these respects by the so-called Group of 77 developing nations that dominate the General Assembly and, to some extent also, the Secretariate. To the extent that the developing states present a common front, they enjoy a political advantage that could be significant for the future of international law. This advantage follows from two weaknesses among the developed nations: *first* is the ideological division between the Soviet and Western blocs of states; *second* is their growing vulnerability to materials shortages and to disruption of their economic systems.[31]

This vulnerability of the developed nations is most acute in Western Europe, North America, and Japan. It was dramatized by the crisis of the Arab oil embargo of 1973-74 and was articulated in the debates at the Sixth Special Session of the General Assembly of the United Nations on "the problems of raw materials and development."[32] The tone of representatives from the developing countries was hostile and strident, and generally supportive of a United Nations charter for the economic rights and duties of nations which would have as its objective a massive equalization of wealth between the developed and developing nations.

This consolidating of the political interests of developing countries never fully materialized at Stockholm, but became effective in the Twenty-Seventh (regular) Session of the General Assembly in the establishment of UNEP. The General Assembly accepted the Stockholm recommendations, modified only by an enlargement of the membership of the Governing Council from 54 to 58 to accomodate more representation from Asian countries. The developing countries controlled the Council, a fact symbolized by locating the headquarters of UNEP in Nairobi.[33] In addition to establishing the machinery of UNEP, the General Assembly referred the Action Plan to the Governing Council, called its attention to the principles stated in the Declaration on the Human Environment, and instructed the Council to give special consideration in the formulation of programs and priorities to environmental measures which might assist in accelerating the economic development of developing countries.[34] The argument of the less developed countries was that their major environmental problem was underdevelopment.

The First Session of the Governing Council was held at Geneva, 12 to 22 of June, 1973.[35] The first order of business was the adoption of General Procedures to Govern the Administration of the Environment Fund. Debate proved contentious with a determined, but in the end not wholly successful, effort to restrict the initiative of the Executive Director and vest all significant policy decisions in the Council. The second major consideration was to determine the provisions of the Action Plan that would receive UNEP's initial attention. In this determination

the development priorities of the Council majority were evident. The subject of human settlements headed the priorities list, the Council noting that the "quality of human life must constitute the central concern of the Programme," and therefore that "the study of problems having an immediate impact on man should be given the highest priority."[36] In the end the Council was content to adopt 44 topics for action, leaving their ordering as to action largely up to the Secretariate.

The Second Session of the Governing Council met in Nairobi, 10 to 23 March of 1974.[37] Action taken included approval of a United Nations Conference on Habitat and Human Settlements to be held in Vancouver in June, 1976; establishment of Earthwatch (global environmental assessment); further support for a global environmental monitoring system (GEMS); and a system of information referral services.

Preceding the Second Session, a number of international meetings took place in Nairobi for the purpose of providing input to the Session. Two in particular deserve attention. The first was a meeting sponsored by ICSU's SCOPE of scientists from the developing countries—a sequel to the 1971 meeting in Canberra.

The second was a four-day meeting of representatives of nongovernmental organizations. The NGO group reviewed the Council agenda, adopted resolutions, and agreed to create a permanent NGO Environment Center in Nairobi. In its own way as symbolic of the time-space milieu of UNEP in locating its headquarters in Nairobi, was a demonstration on March 15 of transoceanic communication utilizing computerized information. The purpose of this exercise was to demonstrate that the sophisticated technology of electronics and computerized information services can now be made universally available. This linkage of information sources and users was doubly symbolic because, as the UNEP press release noted, the "NGOs represent networks of communication vital for citizen participation in environment programs."[38]

This joining of organizational and telecommunications networks is a phenomenon that makes plausible Maurice Strong's concept of effective action through decentralized relationships totally unlike the bureaucratic hierarchies of traditional government. The precise significance of this development for the future of international law is not clear, but the conclusion cannot easily be escaped that at least three influencing factors will gain significance.

The *first* factor is knowledge, which, with respect to environmental problems, ultimately implies scientific knowledge. *Second* are the sources of knowledge. These sources include not only the repositories of information, *e.g.* libraries and data banks; they also include delivery systems, and the holders and creators of knowledge (both organizations and individuals) and the managers of the information systems. Both of these factors significantly increase the role of nongovernmental organizations and individuals, and especially those dealing with science and technology, that, like ICSU, can generate multiple networks of information and expertise.

The *third* factor is time. The process of information exchange and communication can now take place within unprecedentedly short intervals of time. But rapid air travel brings NGO representatives to Nairobi, and the softening of barriers between official and unofficial status—implicit in observer and consultative arrangements between the United Nations system and NGOs—permits influence

to enter the process of international negotiation and decision-making. This could never have been as fully developed in the pre-aerospace electronic age.

At the end of the Second Session of the Governing Council, observers generally agreed that UNEP had survived the critical stage of birth and that the prospects for significant accomplishment could be viewed with modest optimism. Yet Maurice Strong's assessment one year after Stockholm was still valid:

> For environmental actions taken to date are still of fairly marginal significance compared with those yet to be confronted. The difficult choices—about the imbalance created by man's activities, about equity in the use of common resources, about the sharing of power both within national societies and internationally, about the fundamental purposes of growth and the sharing of its benefits as well as its costs—remain to be made.[39]

The nations at Nairobi demonstrated the practicality of limited action within defined areas of agreement; for example, the feasibility of the global environmental monitoring system within the Earthwatch program. But the Nairobi commitments had largely to do with arrangements for information and assistance. Few of the priority topics implied possible interference with or reorientation of national priorities. Yet even this latter possibility did not prevent passage by the Council of a resolution asking the Executive Director to prepare proposals for "cooperation in the field of the environment concerning natural resources shared by two or more states."[40]

National governments, however, ultimately would determine how and when the Stockholm recommendations would be implemented. Post-Stockholm efforts to extend international law by conventional methods proved disappointingly slow. The NGOs at Nairobi urged the Governing Council to push the ratification of the four major conventions negotiated during and after the Stockholm Conference. These were:

> Convention on the Prevention of Marine Pollution by Dumping Wastes and Other Matter, London, Mexico City, Moscow, and Washington, 29 December, 1972.
>
> Convention for the Prevention of Pollution of the Sea from Ships, London, 2 November, 1973.
>
> Convention on International Trade in Endangered Species of Wild Fauna and Flora, Washington, 3 March, 1973.
>
> Convention on the Protection of the World Cultural and Natural Heritage, Paris, 23 November, 1972.

These treaties had been negotiated with considerable difficulty, but also with substantial international support. But once open for ratification, the nations were not in a hurry to act, with low priority rather than domestic opposition the principal retarding factor.

IV. From Nairobi to Caracas: How Far? How Fast?

But a critical test of how far and how fast the events leading to and following from Stockholm mark the route to a new international law could be the outcome

of the Third United Nations Conference on the Law of the Sea which held its principal working session in Caracas from 20 June to 29 August of 1974. The declared purpose of the Conference was to adopt a comprehensive convention on all matters relating to the law of the sea. The meeting at Caracas was the largest international conference in history comprising more than 5,000 official delegates and observers from 148 nations. Confronting the Conference were at least 100 identifiable issues including the establishment of uniform territorial limits and costal zones in relation to fisheries, minerals, and other resources; international laws regarding the deep seabed; provisions governing navigation in territorial waters; and regulations controlling marine pollution.[41]

Twice before, in 1958 and 1960, the United Nations sponsored conferences on the law of the sea. These efforts failed to achieve any substantial agreement. Unlike Stockholm where shaping the future of international law was a by-product but not a direct objective of the Conference, Caracas was convened for the express purpose of clarifying, codifying, and extending a massive sector of the corpus of international law.[42]

In this objective the nations at Caracas failed—at least for the time. The adjournment of the inconclusive Caracas meeting was to be followed in 1975 by a resumption of efforts to reach agreement on the terms of a treaty. But the political cleavages evident at Caracas augured ill for early agreement and indicated the growing fragility of the structure of international cooperation.[43] The critical division was less between the littoral and landlocked states than between the so-called Third World countries and the developed nations. Militant ideological and nationalistic postures perturb the political atmosphere in which international law for the global environment must develop. The content of an adequate law for the world's oceans and for its more-inclusive biosphere is more evident than the route by which that law may become effective. The principal obstacle to the establishment of this law is today the growing hostility of the Third World countries to the developed nations in general and the United States in particular. This animus may be summarized in the expression "the Algiers syndrome."

V. Can Stockholm Survive Algiers? The Hazard of Divisive Forces

The Charter of Algiers adopted in October 1967 at the Ministerial Meeting of the Group of 77 non-aligned states is symbolic of the single most apparent threat to implementation of the Stockholm doctrines and to the prospect for universal international law: The so-called North-South conflict between developed and developing nations.[44] The Charter reaffirmed demands of the developing nations expressed in a number of previous declarations (*e.g.* Belgrade, 1961 and Cairo, 1962) and embodied in the Final Act of the 1964 United Nations Conference on Trade and Development [UNCTAD].[45] Among the detailed provisions of the Charter was the proposition that one percent of the national income of developed countries be made available to developing countries. Although moderate in tone, the Charter emphasized the determination of the developing countries to maintain a united front on behalf of economic concessions from the developed world. With the exception of the issue of the natural products of developing countries vs. new synthetics in the developed countries, the Charter of Algiers was not concerned with environmental issues. But the Charter expressed Third World priorities as they stood in 1967 and were again affirmed at Stockholm. Beneath the formality of the international declaration was the smoldering resentment of the poorer

nations, becoming progressively more explosive as the developed world failed to satisfy their demands.

Whether the provisions and underlying sentiments of the Charter of Algiers can be reconciled with the Action Plan of Stockholm in a world in which economic and environmental problems are mounting rapidly is highly uncertain. Where, in a world of limited resources, will the means be found to achieve both economic and environmental objectives? Will economic antagonisms among blocs of states offset their sense of common environmental danger? Or will nations manage, for the environment, the kind of antagonistic cooperation that historically has sometimes occurred between rival states?

Although the Second Session of the Governing Council of UNEP was generally harmonious, the Sixth Special Assembly of the United Nations during 1974 did not offer an encouraging prospect for a cooperative future. Efforts among the developing nations to redistribute the world's wealth have come at a time when the more affluent nations are discovering that they are not as rich as had been thought. Pressures for material consumption through the raising of lower incomes in the West, increased production of consumer goods in the Soviet bloc, and general inflationary trends, have been reducing the ability of and political expediency in the developed nations to accede to Third World demands.

While this conflict, of uncertain dimensions, is the most apparent threat to the development of a universal international environmental law, it is only one of several concurrent forces which interact with it, creating a complexity that makes difficult any assessment of the relative influence of related trends.

The developing nations would be in a better position to use their natural resources to bargain for higher prices and more aid were they not restrained by several limiting circumstances. Their common bond in opposition to the developed nations is largely psychological: they share a feeling of political inferiority, a resentment born of impatience and frustration. They differ among themselves in almost every respect, with extremes ranging from China and India to Mauritius and Barbados. They differ greatly in the extent of their wealth or poverty and in their human and material resources. Many of them face ominous hazards from uncontrolled population growth and precariousness of food supply. Few have, or could support, a science-technology infrastructure comparable to those of the leading industrial states. In addition, adverse reactive strategies in developed countries could greatly weaken the effectiveness of the message from Algiers. On December 6, 1974, the chief United States delegate to the United Nations warned the General Assembly of the risks to the future of the United Nations in efforts by the Third World coalition to coerce the developed nations through "one-sided, unrealistic resolutions that cannot be implemented." Similar apprehensions were voiced by representatives from France, the German Federal Republic, and the United Kingdom.[46]

Apart from whatever dependence they may have on the developing countries, the industrial states are moving toward more conserving policies in the uses of materials and energy. Environmental quality considerations have, in part, induced this trend, but the energy problem, the anticipation of future shortages, and sensitivity to Third World threats have given it impetus. The developed nations have heretofore made relatively little use of their research and development capabilities to reduce consumption of raw materials. Now, however, economic as

well as environmental considerations are forcing attention to materials substitutes, recycling, and miniaturization, among other techniques, to reduce the amount of materials processed through the industrial systems and to reduce dependence on supply sources of increasing unreliability.

How far this trend toward national self-sufficiency can be carried is uncertain. But only the United States and the Soviet Union would appear able to approximate autarchy, were they willing to make the costly attempt to do so. As a consequence. a politics of accomodation may offer the least unattractive course for all nations, once the counterproductive consequences of political blackmail and threatening rhetoric have become evident. International goodwill may not be a necessary condition for Stockholm to survive Algiers.

In summation, the route toward a new international environmental law will probably be torturous and uncertain. It will be marked by periods of tension and antagonism, but the adversities of nations may as often advance the development of international law as retard it. The interrelating character of environmental problems induces chain reaction effects, as efforts to modify or extend the law in one area of international environmental affairs impinge upon a sequence of relating issues. Thus an optimistic view of possibilities is that nations may be compelled by the hard facts of life to transcend their antagonisms to an extent essential to their survival.

In the future, as in the past, one function of international law will be to formalize and clarify procedures to deal with emergent problems. The international environmental developments noted in this paper, *e.g.* global monitoring, supervision of the seabed, protection of endangered species, resource allocation, and many others, will require institutional arrangements differing from those with which nations have had experience. Innovation in legal principles and procedures is an almost certain consequence of such developments. Innovations in principle have been among the more obvious outputs of the international environmental conferences and programs since 1968. As these principles are translated, often reluctantly, into operations and regulations, procedural questions are sure to arise, and these will probably necessitate the invention of fact-finding, rule-making, and adjudicative machinery that does not now exist. In an electronic age, the deliberative procedures of traditional international law may prove unadaptable to the needs of nations trying to cope under constraints of time with highly complex and often technical problems involving conflict with other nations. Thus the emergence of a new international law for the environment is as safely predictable as any other probable social development. But its outlines, beyond the very general configurations identified in this paper, cannot now clearly be foreseen.

FOOTNOTES AND CITATIONS

[1]*Understanding Media: The Extensions of Man.* New York and Toronto: McGraw-Hill, 1964, 3-4. Some implications of this revolutionary change in the state of knowledge are discussed by Aaron Katz in "Toward High Information-Level Culture," 7 *Cybernetica* (1964), 203-245. Unfortunately the author does not adequately develop the inferences of communications technology.

[2]For interpretations of various effects of communications technology on international policies and relationships see:
Pelton, Joseph N. *Global Communications Satellite Policy: Intelsat, Politics and Functionalism.* Mt. Airy, Maryland: Lomond Systems, 1974; Eugene B. Skolnikoff. *Science, Technology and American Foreign Policy.* Cambridge, Massachusetts: M.I.T. Press, 1967 and Zbigniew K. Brzezinski. *Between Two Ages: America's Role in the Technetronic Era.* New York: Viking Press, 1970.

[3]*E.g.* Kroeger, Carroll V. "Change and Exchange in International Energy Supply," 90 *Public Utilities Fortnightly* (September 14, 1972), 32-41. Reprinted in 118 *Congressional Record* (October 13, 1972), S18137-S18140.

[4]UN Monthly Chronicle. "General Debate: Sixth Special Session," 11 *UN Monthly Chronicle* (May, 1974), 98-104.

[5]Note, for example, comment of Louis B. Sohn on the cumulative effect of the Stockholm Declaration and associated actions by the United Nations: "In the new ambiance of international relations thus established, this first step toward the establishment of international environmental law on a firm foundation might prove to be more decisive than originally anticipated." ("The Stockholm Declaration on the Human Environment," 14 *Harvard International Law Review* (Summer, 1973), 515). Similarly Maurice F. Strong, Secretary-General of the Conference, writes: "The Declaration on the Human Environment was the first acknowledgment by the community of nations of new principles of behavior and responsibility; it now provides an indispensable basis for the establishment and elaboration of new codes of international law and conduct." ("One Year After Stockholm," 51 *Foreign Affairs* (July, 1973), 691). Finally, Ludwik A. Teclaff observes that "The impact of environmental concern on the international community and on international law has already been considerable and . . the immediate, but far reaching, consequence of this impact is the emergence of a nucleus of environmental international law." ("The Impact of Environmental Concern on the Development of International Law," 13 *Natural Resources Journal* (April, 1973), 389. See other articles in this issue, constituting a symposium on international environmental law).

[6]Developments leading to the Conference are described in historical depth in my *In Defense of Earth: International Protection of the Biosphere.* Bloomington: Indiana University Press, 1972, 295. For the state of international law at the time of the Conference see Samuel A. Bleicher. "An Overview of International Environmental Regulation," 2 *Ecology Law Quarterly* (Winter, 1972), 1-90.

[7]United Nations General Assembly. Reports and other documents of the Preparatory Committee for the United Nations Conference on the Human Environment: UN Documents A/CONF. 48/PC/1-17. These are mimeographed and unbound, the official reports of the Committee sessions being: First Session, New York, 10-20 March 1970 A/CONF. 48/PC/6; Second Session, Geneva, 8-19 February 1971 A/CONF. 48/PC/9; Third Session, New York, 13-24 September 1971 A/CONF. 48/PC/13; Fourth Session, New York, 6-10 March 1972 A/CONF. 48/PC/17.

[8]*Use and Conservation of the Biosphere: Proceedings of the Intergovernmental Conference of Experts in the Scientific Basis for Rational Use and Conservation of the Resources of the Biosphere, UNESCO House Paris, 4-13 September, 1968: Final Report.* Paris: UNESCO (9 January, 1969) SC/MD19, 35, plus annexes; and "International Conference on the Biosphere," 14 *UNESCO Chronicle* (November, 1968), 414-418.

[9]United Nations. Economic Commission for Europe. *ECE Symposium on Problems Relating to Environment: Proceedings and Documents of a Symposium Organized by the Economic Commission for Europe (With a Study Tour of Ostrava, Czechoslovakia and Katowice, Poland, held at Prague, Czechoslovakia, May 2-15, 1971).* New York: United Nations Economic

Commission for Europe (ECE), 1971, 386. See also Jon McLin, "European Organizations and the Environment," [American University] *Fieldstaff Reports: West Europe Series* 7 (Number 2, 1972), 1-11.

[10]*Only One Earth: The Care and Maintenance of a Small Planet.* New York: W.W. Norton, 1972, 225. The 152 member Committee of Corresponding Consultants from 58 countries and the preparation of the report were organized by the private non-profit International Institute for Environmental Affairs, now the International Institute for Environment and Development, with offices in London and Washington.

[11]*E.g.* the semiofficial Environment Forum and more specifically focused groups such as Dai Dong, the Folkets (Peoples) Forum, Pow Wow, International Institute for Environmental Action, and informal gatherings of the representatives of nongovernmental organizations having observer status at the Conference.

[12]*Time* (June 19, 1972), 55, comparing the miscellaneous groups, individuals, and causes represented at Stockholm to the huge rock music festival occurring at Woodstock, New York, August 15-17, 1969.

[13]For accounts of the Conference and its outputs see:

Berry, R. Stephen, *et al.* "What Happened at Stockholm: A Special Report," 28 *Science and Public Affairs: Bulletin of the Atomic Scientists* (September, 1972), 16-56.

Gillette, Robert. "Human Environment Conference: Citizen Advisers Muddle Through," 174 *Science* (29 October, 1971), 479-481.

Hawkes, Nigel. "Human Environment Conference: Search for a Modus Vivendi," 175 *Science* (18 February, 1972), 736-738.

———. "Stockholm: Politicking, Confusion, but Some Agreements Reached," 176 *Science* (23 June, 1972), 1308-1310.

Johnson, Brian. "The Settlement of Stockholm," 3 *Ecologist* (March, 1973), 87-88.

McLin, Jon. "Stockholm: The Politics of Only One Earth," [American University] *Fieldstaff Reports: West Europe Series* 7 (Number 4, 1972), 1-12.

———. "The United Nations System and the Stockholm Conference," [American University] *Fieldstaff Reports: West Europe Series* 7 (Number 3, 1972), 1-7.

Sohn, Louis B. "The Stockholm Declaration on the Human Environment," 14 *Harvard International Law Review* (Summer, 1973), 423-515.

Sullivan, E. Thomas. "The Stockholm Conference: A Step Toward Global Environmental Cooperation and Involvement," 6 *Indiana Law Review* (Number 2, 1972), 267-282.

United Nations. Report of the United Nations Conference on the Human Environment—Stockholm, 5-16 June, 1972. New York: United Nations, 1973, (A/CONF. 48/14/REV.1), 77.

———. Centre for Economic and Social Information. *Environment Stockholm: Declaration, Plan of Action, Recommendations, Resolutions. Papers Relating to the United Nations Conference on the Human Environment, held at Stockholm, Sweden, June 5-16,* 1972. Geneva, Switzerland: Centre for Economic and Social Information, United Nations, 1972, 24.

[14]The Conference documents (A/CONF. 48/1-12) were issued individually. A collected set was issued in three volumes by the U.S. Department of State and reproduced by the National Technical Information Service, Springfield, Virginia (PB-206 618-1, 2 and 3) March 1972, variously paged.

[15]A/CONF 48/6, 33 pp. + annex.

[16]A/CONF 48/7, 101 pp.

[17]A/CONF 48/8 and 8/Add.1, 101 pp. and 16 pp.

[18]A/CONF 48/9, 36 pp.

[19]A/CONF./10, 14 pp. + Annex I *Development and Environment: Report of a Panel of Experts Convened by the Secretary-General of the United Nations Conference on the Human Environment—Founex, Switzerland, 4-12 June 1971,* 34 pp.; Annex II *Environmental Problems in the Developing Countries: Basic Issues—Summary of the Report Prepared by SCOPE in*

Co-operation with the Secretariat of the Conference—Canberra, Australia, 24 August–3 September, 1971, 14 pp.; and Annex III *Regional Seminars on Development and Environment,* 9 pp.

[20]A/CONF. 48/11 and 11/Add.1, 31 pp. + annex and 8 pp.

[21]Reported by Professor di Castri at a Joint Senate-House Colloquium on International Environmental Science, The Old Supreme Court Chamber, Washington, D.C., May 25-26, 1971. See *International Environmental Science Proceedings of the Joint Colloquium before the Committee on Commerce, US Senate, and the Committee on Science and Astronautics, House of Representatives,* 92nd Congress, First Session. Serial no. 92-13, pp. 31-43.

[22]See the following reports of United Nations regional meetings:

United Nations General Assembly, Preparatory Committee for the United Nations Conference on the Human Environment, Third Session 13-24 September, 1971. *Regional Seminars on Development and Environment: Note by the Secretary-General. Addendum.* (A/CONF. 48/PC. 11/Add. 2).

Economic Commission for Europe. *Op. cit. supra.* n.9.

Economic Commission for Africa. *Report of the First All-African Seminar on the Human Environment,* Addis Ababa, August 23-28, 1971 (UN Doc. E/CN 14/532).

Economic Commission for Asia and the Far East. *Report on the Seminar on Development and Environment:* Bangkok, August 17-23, 1971 (UN Doc. E/CN.11/999).

———. *Report of the Regional Seminar on the Ecological Implications of Rural and Urban Population Growth.* Bangkok, August 25–September 3, 1971 (UN Doc. E/CN.11/L.312).

Economic Commission for Latin America. *The Human Environment in Latin America: Proceedings of the 14th Session of the United Nations Economic Commission for Latin America, held at Santiago, Chile, April 27–May 8, 1971 (With a Note by the United Nations Secretariate).* Santiago, Chile: United Nations Economic Commission for Latin America (ECLA), 1971.

Economic Commission for Latin America. *Latin American Regional Seminar on Problems of the Human Environment and Development, held at Mexico City, Mexico, September 6-11, 1971—Under the Co-Sponsorship of the Economic Commission for Latin America and the Government of Latin America.* Santiago, Chile: United Nations Economic Commission for Latin America, 1971. (UN Doc. ST/ECLA/Conf.40/L5)

United Nations Economic and Social Office at Beirut. *Report of Regional Seminar on Development and Environment held at Beirut, Lebanon, 27 September–1 October, 1971 in Cooperation with the Secretariate of the United Nations Conference on the Human Environment.* (UNESOB Doc. ESOB/DE/1.)

For an analysis of the significance of these meetings see Amasa S. Bishop and Robert D. Munro, "The UN Regional Economic Commissions and Environmental Problems," 26 *International Organization* (Spring, 1972), 348-371.

[23]See reports listed as Annexes I and II to UN Document (A/CONF. 48/10), *supra* n.19. See also *Development and Environment: Report and Working Papers of a Panel of Experts Convened by the Secretary-General of the United Nations Conference on the Human Environment, held at Founex, Switzerland, June 4-12, 1971.* Paris, France: Mouton, 1972, 225.

[24]E.g. Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction. Resolution 2749 (December 17, 1970) 25 GAOR, Supp. 28 (Doc. A/8028), pp. 24-25. See also Robert M. Hallman, "Towards an Environmentally Sound Law of the Sea," London and Washington: International Institute for Environment and Development, 1974, 83.

[25]Cf. Sohn, *op. cit.,* 434 ff.

[26]See Yvonne I. Nicholls, comp. *Source Book: Emergence of Proposals for Recompensing Developing Countries for Maintaining Environmental Quality.* IUCN Environmental Policy and Law Paper No. 5. Morges, Switzerland: International Union for Conservation of Nature and Natural Resources, 1973, 142.

[27]See Shadia Schneider-Sawiris. *The Concept of Compensation in the Field of Trade and Environment.* IUCN Environmental Policy and Law Paper No. 4. Morges, Switzerland: International Union for Conservation of Nature and Natural Resources, 1973, 37.

[28]See Scott MacLeod. *Financing Environmental Measures in Developing Countries: The Principle of Additionality*. IUCN Environmental Policy and Law Paper No. 6. Morges, Switzerland: International Union for Conservation of Nature and Natural Resources, 1974, 54.

[29]*Op. cit. supra.*, n.5, p. 703 ff. for this and the following quoted passages.

[30]Cf. Michael Hardy. "The United Nations Environment Programme," 13 *Natural Resources Journal* (April, 1973), 238.

[31]Cf. Harold and Margaret Sprout. *Multiple Vulnerabilities: The Control of Environmental Repair and Protection*. Research Monograph No. 40, Center for International Studies, Woodrow Wilson School of Public and Environmental Affairs, Princeton University, April, 1974, 66.

[32]*Op. cit. supra.*, n.4.

[33]General Assembly Resolution 3004 (XXVII) December 15, 1972.

[34]General Assembly Resolution 3002 (XXVII).

[35]*UN Monthly Chronicle* 10 (July, 1973), 83-84.

[36]Priority topics included: human settlements; land, water, and desertification; education, training, assistance, and information; trade and transfer of technology; oceans; conservation of nature, wildlife, and genetic resources.

[37]*UN Monthly Chronicle* 11 (April, 1974), 19-20.

[38]United Nations Environment Programme, Division of Communication, Nairobi, Kenya. Press Release UNEP/41. 18 March, 1974.

[39]*Op. cit. supra.*, n.5.

[40]Philip W. Quigg. "Nations Show Marked Unity at UNEP Meeting," *Saturday Review/World* (May 18, 1974), 35.

[41]*UN Monthly Chronicle* 11 (January, 1974), 84. The Caracas session was preceded by an organizing session in New York from 3 to 15 December, 1973. See also 6 *UNITAR News* (Number 1, 1974) entirely devoted to the U.N. and the Sea; *The New York Times*, June 21, 1974, 12C; and Barbara Ward, "The Oceans," 251 *The Economist* (29 June–5 July, 1974), 41-49.

[42]For United Nations background documentation dealing with preservation of the marine environment and its resources see A/CONF. 62/C. 3/L 1 and 2, 4 to 7, 10, 14 and Add. I, 18, 20, and 21. For a summary of main trends among the issues see A/CONF. 62/C. 2/WP 1 (15 October, 1974). Complete documentation for the conference will be published by the United Nations sometime during 1975.

[43]For analyses of the failure of the Conference see *New York Times* August 30, 1974, 3 and Tom Alexander, "Dead Ahead Toward a Bounded Main," *Fortune* XC (October, 1974), 129-131 and 204-210.

[44]Full text is given in Leo Mates, *Nonalignment: Theory and Current Practice*. New York: Oceana Publications, 1972, 455-475. See also C. Fred Bergsten, "The Threat from the Third World," *Foreign Policy* No. 11 (Summer, 1973), 102-124.

[45]Text is reproduced in Mates, *op. cit.*, 407-413. On December 20, 1971 the UN General Assembly by Resolution 2849 (XXVI) on *Development and Environment*, in effect, instructed the Preparatory Committee for the United Nations Conference on the Human Environment to take fully into account the interests of the developing countries. Reaffirming the principles embodied in the Charter of Algiers and the United Nations Conference on Trade and Development, the General Assembly specifically endorsed the pertinent provisions of the more timely Declaration and Principles of the Action Programme adopted at Lima in November, 1971 by the Second Ministerial Meeting of the Group of 77 Developing Countries. The tension between development and environment was thus built into the Stockholm Conference.

[46]Paul Hofmann, New York Times News Service, in the Louisville *Courier-Journal*, December 7, 1974, B14.