Boston College Environmental Affairs Law Review

Volume 1 | Issue 1 Article 9

4-1-1971

# To Prevent a World Wasteland

George F. Kennan

# TO PREVENT A WORLD WASTELAND

## A Proposal

*By George F. Kennan*

Not even the most casual reader of the public prints of recent months and years could be unaware of the growing chorus of warnings from qualified scientists as to what industrial man is now doing—by overpopulation, by plundering of the earth's resources, and by a precipitate mechanization of many of life's processes—to the intactness of the natural environment on which his survival depends. "For the first time in the history of mankind," U.N. Secretary-General U Thant wrote, "there is arising a crisis of worldwide proportions involving developed and developing countries alike—the crisis of human environment. . . . It is becoming apparent that if current trends continue, the future of life on earth could be endangered."

Study and debate of these problems, and sometimes even governmental action, have been developing with cumulative intensity. This response has naturally concentrated largely on environmental deterioration as a national problem. It is normally within national boundaries that the first painful effects of deterioration are felt. It is at the national level that the main burden of legislation and administrative effort will admittedly have to be borne, if certain kinds of pollution and destruction are to be halted.

But it is also clear that the national perspective is not the only one from which this problem needs to be approached. Polluted air does not hang forever over the country in which the pollution occurs. The contamination of coastal waters does not long remain solely the problem of the nation in whose waters it has its origin. Wildlife—fish, fowl and animal—is no respecter of national boundaries, either in its movements or in the sources from which it draws its being. Indeed, the entire ecology of the

planet is not arranged in national compartments; and whoever interferes seriously with it anywhere is doing something that is almost invariably of serious concern to the international community at large.

## II

There is today in existence a considerably body of international arrangements, including several of great value, dealing with or affecting in one way or another the environmental problem. A formidable number of international organizations, some intergovernmental, some privately organized, some connected with the United Nations, some independently based, conduct programs in this field. As a rule, these programs are of a research nature. In most instances the relevance to problems of environmental conservation is incidental rather than central. While most of them are universal in focus, there are a few that approach the problem—and in some instances very usefully—at the regional level. Underlying a portion of these activities, and providing in some instances the legal basis for it, are a number of multilateral agreements that have environmental objectives or implications.

All this is useful and encouraging. But whether these activities are all that is needed is another question. Only a body fortified by extensive scientific expertise could accurately measure their adequacy to the needs at hand; and there is today, so far as the writer of these lines is aware, no body really charged with this purpose. In any case, it is evident that present activities have not halted or reversed environmental deterioration.

There is no reason to suppose, for example, that they will stop, or even reduce significantly at any early date, the massive spillage of oil into the high seas, now estimated at a million tons per annum and presumably steadily increasing. They will not assure the placing of reasonable limitations on the size of tankers or the enforcement of proper rules for the operation of these and other great vessels on the oceans. They will not, as they now stand, give humanity in general any protection against the misuse and plundering of the seabed for selfish national purposes. They will not put a stop to the proliferation of oil rigs in coastal and international waters, with all the dangers this presents for navigation and for the purity and ecological balance of the sea. They will not, except in a degree already recognized as quite unsatisfactory, protect the fish resources of the high seas from progressive de-

struction or depletion. They will not seriously reduce the volume of noxious effluence emerging from the River Rhine and being carried by the North Sea currents to other regions. They will not prevent the automobile gases and the sulphuric fumes from Central European industries from continuing to affect the fish life of both fresh and salt waters in the Baltic region. They will not stop the transoceanic jets from consuming—each of them—its reputed 35 tons of oxygen as it moves between Europe and America, and replacing them with its own particular brand of poisons. They will not ensure the observance of proper standards to govern radiological contamination, including disposal of radioactive wastes, in international media. They will not assure that all uses of outer space, as well as of the polar extremities of the planet, are properly controlled in the interests of humanity as a whole.

They may halt or alleviate one or another of these processes of deterioration in the course of time; but there is nothing today to give us the assurance that such efforts will be made promptly enough, or on a sufficient scale, to prevent a further general deterioration in man's environment, a deterioration of such seriousness as to be in many respects irreparable. Even to the nonscientific layman, the conclusion seems inescapable that if this objective is to be achieved, there will have to be an international effort much more urgent in its timing, bolder and more comprehensive in its conception and more vigorous in its execution than anything created or planned to date.

The General Assembly of the United Nations has not been indifferent to the gravity of this problem. Responding to the timely initiative and offer of hospitality of the Swedish government, it has authorized the Secretary-General to proceed at once with the preparation of a "United Nations Conference on the Human Environment," to be held at Stockholm in 1972. There is no question but that this undertaking, the initiation and pursuit of which does much credit to its authors, will be of major significance. But the conference will not be of an organizational nature; nor would it be suited to such a purpose. The critical study of existing vehicles for treating environmental questions internationally, as well as the creation of new organizational devices in this field, is a task that will have to be performed elsewhere. There is no reason why it should not be vigorously pursued even in advance of the Conference—indeed, it is desirable

for a number of reasons that it should. As was stated in the Secretary-General's report, "the decision to convene the Conference, and the preparations for it, should in no way be used to postpone or to cancel already initiated or planned programs of research or cooperation, be they at the national, regional or international level. On the contrary, the problems involved are so numerous and so complicated that all efforts to deal with them immediately should be continued and intensified." It will be useful to attempt to picture the functions that need to be performed if this purpose is to be achieved.

III

The first of these would be to provide adequate facilities for the collection, storage, retrieval and dissemination of information on all aspects of the problem. This would involve not just assembling the results of scientific investigation but also keeping something in the nature of a register of all conservational activities at international, national, regional and even local levels across the globe. The task here is not one of conducting original research but rather of collecting and collating the results of research done elsewhere, and disposing of that information in a manner to make it readily available to people everywhere.

A second function would be to promote the coordination of research and operational activities which now deal with environmental problems at the international level. The number of these is already formidable. To take a parallel from the American experience, it was calculated, when the President's Cabinet Committee on Environmental Quality was recently established in the White House, that there were already over 80 programs related to environmental questions being pursued just within the executive branch of the Federal Government. If a similar census were to be taken in the international field, the number would scarcely be less. A recent listing of just those bodies concerned with the peaceful uses of outer space noted 17 entities.

These activities have grown up, for the most part, without central structure or concept. There is not today even any assurance, or any means of assuring, that they cover all the necessary fields. The disadvantages of such a situation—possibilities for confusion, duplication and omission—are obvious.

A third function would be to establish international standards in environmental matters and to extend advice and help to indi-

vidual governments and to regional organizations in their efforts to meet these standards. It is not a question here of giving orders, exerting authority or telling governments what to do. The function is in part an advisory one and in part, no doubt, hortatory: a matter of establishing and explaining requirements, of pressing governments to accept and enforce standards, of helping them to overcome domestic opposition. The uses of an international authority, when it comes to supporting and stiffening the efforts of governments to prevail against commercial, industrial and military interests within their respective jurisdictions, have already been demonstrated in other instances, as, for example, in the European Iron and Steel Community. They should not be underestimated here.

The fourth function that cries out for performance is from the standpoint of the possibilities in international (as opposed to national or regional) action, the most important of all. In contrast to all the others, it relates only to what might be called the great international media of human activity: the high seas, the stratosphere, outer space, perhaps also the Arctic and Antarctic —media which are subject to the sovereign authority of no national government. It consists simply of the establishment and enforcement of suitable rules for all human activities conducted in these media. It is a question not just of conservational considerations in the narrow sense but also of providing protection against the unfair exploitation of these media, above all the plundering or fouling or damaging of them, by individual governments or their nationals for selfish parochial purposes. Someone, after all, must decide at some point what is tolerable and permissible here and what is not; and since this is an area in which no sovereign government can make these determinations, some international authority must ultimately do so.

No one should be under any illusions about the far-reaching nature, and the gravity, of the problems that will have to be faced if this fourth function is to be effectively performed. There will have to be a determined attack on the problem of the "flags of convenience" for merchant shipping, and possibly their replacement by a single international regime and set of insignia for vessels plying the high seas. One will have to tackle on a hitherto unprecedented scale the thorny task of regulating industralized fishing in international waters. There may have to be international patrol vessels charged with powers of enforce-

ment in each of these fields. Systems of registration and licensing will have to be set up for uses made of the seabed as well as outer space; and one will have to confront, undaunted, the formidable array of interests already vested in the planting of oil rigs across the ocean floor.

For all of these purposes, the first step must be, of course, the achievement of adequate international consensus and authorization in the form of a multilateral treaty or convention. But for this there will have to be some suitable center of initiation, not to mention the instrument of enforcement which at a later point will have to come into the picture.

## IV

What sort of authority holds out the greatest promise of assuring the effective performance of these functions?

It must first be noted that most of them are now being performed in some respects and to some degree by international organizations of one sort or another. The United Nations Secretariat does register (albeit ex post facto and apparently only for routine purposes) such launchings of objects into outer space as the great powers see fit to bring to its attention. The International Maritime Consultative Organization is concerned with the construction and equipping of ships carrying oil or other hazardous or noxious cargos. The United Nations Scientific Committee on the Effects of Atomic Radiation does assemble data on radiation and radioactivity in the environment and give advice to individual governments concerning standards and tolerances in this field. The Organization for Economic Development and Cooperation has recently announced its intention to work out international tolerance levels for pollutants and to tax those of its members which exceed these limits.

This list could go on for pages. Dozens of organizations collect information. Several make recommendations to governments. Some even exercise a limited coordinating role in individual fields. They cover a significant portion of needs; and they obviously cannot be ignored when it comes to the examination of the best organizational response to the problem in question. On the contrary, any approach that failed to take advantage of the work they are already accomplishing, any approach in particular that attempted to duplicate their present activity or to centralize it completely, would assuredly fail. But even in

their entirety, they do not cover the whole spectrum of the functions that need to be performed, as listed above; and those that they do perform they perform, for the most part, inadequately.

The question therefore poses itself: How should these organizations be reinforced or expanded? Do they provide in themselves an adequate basis for the necessary expansion of function and activity? Or do they need to be supplemented by new organizational forms, and, if so, of what nature? Is there need for a central organization to bring all these activities under a single hat? Should there be several centers? Or none at all?

There is a view—and it is based on impressive experience and authority—which holds that there is no need for any unifying effort in these various forms of activity, at least not beyond such limited coordinating influence as United Nations bodies are able to exercise today; that any effort in this direction might only further confuse an already confused pattern; and that the most promising line of attack is for governments to intensify their support of activities already in progress, letting them develop separately according to function, letting one set of organizations continue to occupy itself with radiology, another with other forms of air pollution, another with the ecology of fresh water lakes and rivers, another with wildlife, another with oil pollution on the high seas, another with the ocean bed, etc. This is, of course, in many ways the easiest course. Existing efforts, under this procedure, are not disturbed. Existing arrangements for international control and support are not placed in question. Established competencies, sometimes conquered and defended in past years with much effort, are not jeopardized.

But there are weighty considerations that argue against such a course. A number of the existing organizations, including particularly ones connected with the United Nations, have primarily a developmental focus; yet developmental considerations are frequently in conflict with the needs of environmental conservation. Others are staffed, at least in considerable part, by persons whose professional enthusiasm runs to the exploitation of the very natural media or resources whose protection is here at stake. Others are closely connected with commercial interests engaged in just this sort of exploitation.

There is a considerable body of opinion, particularly in U.N. circles, to the effect that it is a mistake to separate the function of conservation and protection of natural resources from that

of the development and exploitation of these resources for productive purposes. According to this view, there should not be separate organizations concerned with conservation. Considerations of an environmental nature should rather be built from the outset into all those activities that are concerned with the productive exploitation of natural resources, so that environmental needs would be met, so to speak, at the source.

This writer must respectfully disagree. This is an area in which exploitative motives cannot usefully be mingled with conservational ones. What is needed here is a watchdog; and the conscience and sense of duty of the watchdog must not be confused by contrary duties and undertakings. It may be boldly asserted that of the two purposes in question, conservation should come first. The principle should be that one exploits what a careful regard for the needs of conservation leaves to be exploited, not that one conserves what a liberal indulgence of the impulse to development leaves to be conserved.

## V

What is lacking in the present pattern of approaches would seem to be precisely an organizational personality—part conscience, part voice—which has at heart the interests of no nation, no group of nations, no armed force, no political movement and no commercial concern, but simply those of mankind generally, together—and this is important—with man's animal and vegetable companions, who have no other advocate. If determinations are to be made of what is desirable from the standpoint of environmental conservation and protection, then they are going to have to proceed from a source which, in addition to including scientific competence and having qualified access to all necessary scientific data, sees things from a perspective which no national body—and no international one whose function is to reconcile conflicting national interests—can provide.

The process of compromise of national interests will of course have to take place at some point in every struggle against environmental deterioration at the international level. But it should not occur in the initial determination of what is and is not desirable from the conservational standpoint. This determination should at first be made, so to speak, in its pure form, or as near as one can get to it. It should serve as the point of departure

for the long, wearisome, often thorny and frustrating, road of accommodation that will have to be traversed before it can be transformed into reality. But it should not itself be compromised at the outset.

Nor is this the only reason why one cannot make do with just the reinforcement of what now exists. If the present process of deterioration is to be halted, things are going to have to be done which will encounter formidable resistance from individual governments and powerful interests within individual countries. Only an entity that has great prestige, great authority and active support from centers of influence within the world's most powerful industrial and maritime nations will be able to make headway against such recalcitrance. One can conceive of a single organization's possessing such prestige and authority. It is harder to conceive of the purpose being served by some fifty to a hundred organizations, each active in a different field, all of them together presenting a pattern too complicated even to be understood or borne in mind by the world public.

All of this would seem to speak for the establishment of a single entity which, while not duplicating the work of existing organizations, could review this work from the standpoint of man's environmental needs as a whole, could make it its task to spot the inadequacies and identify the unfilled needs, could help to keep governments and leaders of opinion informed as to what ought to be done to meet minimum needs, could endeavor to assure that proper rules and standards are established wherever they are needed, and could, where desired, take a hand, vigorously and impartially, in the work of enforcement of rules and standards. It would not have to perform all these various functions itself—except perhaps where there was no one else to do so. Its responsibility should be rather to define their desirable dimensions and to exert itself, and use its influence with governments, to the end that all of them were performed by *someone*, and in an adequate way.

This entity, while naturally requiring the initiative of governments for its inception and their continued interest for its support, would have to be one in which the substantive decisions would be taken not on the basis of compromise among governmental representatives but on the basis of collaboration among scholars, scientists, experts, and perhaps also something in the

nature of environmental statesmen and diplomats—but true international servants, bound by no national or political mandate, by nothing, in fact, other than dedication to the work at hand.

## VI

It is impossible to picture an entity of this nature without considering, in the first instance, the possible source of its initiation and sponsorship in the international community. Who would take the lead in establishing it? From whom would it draw its financial resources? Who would constitute the ultimate sanction for its existence and its authority?

Obviously no single government could stand as the patron for such an agency. To seek, on the other hand, the sanction of the entire international community for its inception and activity would scarcely be a promising undertaking. Aside from the fact that this would then necessitate procedures practically indistinguishable from those of the United Nations itself, it would mean involving in the control and operation of the entity to be established a host of smaller and less developed countries which could contribute very little to the solution of the problems at hand. It would also involve formidable delays and heavy problems of decision-taking. Were this to be the course selected, one would do better to content one's self, throughout, with the existing facilities of the United Nations, which represent just about the limit of what can be accomplished on the basis of a universal or, near-universal, governmental consensus.

One is driven to the conclusion that if anything very constructive is going to be accomplished along this line, the interest and initiative will have to proceed from a relatively small group of governments; and logic suggests that these should be those of the leading industrial and maritime nations. It is they whose economies produce, in the main, the problem of pollution. It is they, again, who have the means to correct it. It is they, finally, who have the scientific and other resources to analyze the problem and to identify the most promising lines of solution. The devastation of the environment is primarily, though not exclusively, a function of advanced industrial and urban society. The correction of it is primarily a problem for the advanced nations.

One can conceive, then, by an act of the imagination, of a small group of advanced nations, consisting of roughly the ten leading industrial nations of the world, including communist and non-

communist ones alike, together (mainly for reasons of their maritime interests) with the Scandinavians and perhaps with the Benelux countries as a bloc, constituting themselves something in the nature of a club for the preservation of natural environment, and resolving, then, in that capacity, to bring into being an entity—let us call it initially an International Environmental Agency—charged with the performance, at least on their behalf, of the functions outlined above. It would not, however, be advisable that this agency should be staffed at the operating level with governmental representatives or that it should take its decisions on the basis of intergovernmental compromise. Its operating personnel should rather have to consist primarily of people of scientific or technical competence, and the less these were bound by disciplinary relationships to individual governments, the better. One can imagine, therefore, that instead of staffing and controlling this agency themselves, the governments in question might well insert an intermediate layer of control by designating in each case a major scientific institution from within their jurisdiction—an Academy of Science or its equivalent—to act as a participating organization. These scientific bodies would then take over the responsibility for staffing the agency and supervising its operations.

It may be argued that under such an arrangement the participating institutions from communist countries would not be free agents, would enjoy no real independence, and would act only as stooges for their governments. As one who has had occasion both to see something of Russia and to disagree in public on a number of occasions with Soviet policies, the writer of this article is perhaps in a particularly favorable position to express his conviction that the Soviet Academy of Sciences, if called upon by its government to play a part in such an undertaking, would do so with an integrity and a seriousness of purpose worthy of its great scientific tradition, and would prove a rock of strength for the accomplishment of the objectives in question.

The agency would require, of course, financial support from the sponsoring governments. There would be no point in its establishment if one were not willing to support it generously and regularly; and one should not underestimate the amount of money that would be required. It might even run eventually to as much as the one-hundredth part of the military budgets of the respective governments for the same period of time, which

would of course be a very substantial sum. Considering that the threat the agency would be designed to confront would be one by no means less menacing or less urgent than those to which the military appropriations are ostensibly devoted, this could hardly be called exorbitant.

The first task of such an agency should be to establish the outstanding needs of environmental conservation in the several fields, to review critically the work and the prospects of organizations now in existence, in relation to those needs, to identify the main lacunae, and to make recommendations as to how they should be filled. Such recommendations might envisage the concentration of one or another sort of activity in a single organization. They might envisage the strengthening of certain organizations, the merging of others. They might suggest the substance of new multilateral treaty provisions necessary to supply the foundation for this or that function of regulation and control. They might involve the re-allotment of existing responsibility for the development of standards, or the creation of new responsibilities of this nature. In short, a primary function of the Agency would be to advise governments, regional organizations and public opinion generally on what is needed to meet the environmental problem internationally, and to make recommendations as to how these needs can best be met. It would then of course be up to governments, the sponsoring ones and others as well, to implement these recommendations in whatever ways they might decide or agree on.

This, as will be seen, would be initially a process of study and advice. It would never be entirely completed; for situations would be constantly changing, new needs would be arising as old ones were met, the millennium would never be attained. But one could hope that eventually, as powers were accumulated and authority delegated under multilateral treaty arrangements, the Agency could gradually take over many of the functions of enforcement for such international arrangements as might require enforcement in the international media, and in this way expand its function and designation from that of an advisory agency to that of the single commanding International Environmental Authority which the international community is bound, at some point, to require.

All this, however, belongs to a later phase of development which it is idle to attempt to envisage in an enquiry so prelim-

inary as this. In problems of international organizations, as in war, one does well to follow the Napoleonic principle: "*On s'engage et puis on voit.*" To engage oneself means, in this instance, to bring into being the personality. The rest will follow.

## VII

The above is intended only as a suggestion of certain lines along which international action in this field might usefully and hopefully proceed. In the mind of the writer, these considerations would have validity even if founded only on the strictest and narrowest view of the environmental factors alone. They need no extraneous arguments for their justification.

It would be wrong, however, to close this discussion without noting that no such undertaking could be without its political and psychological by-products. The energies and resources men have to devote to international activities are not unlimited. To the extent that a place can be found in their hopes and enthusiasms for constructive and hopeful efforts, these must proceed at least to some extent at the expense of the sterile, morbid and immensely dangerous preoccupations that are now pursued under the heading of national defense.

Not only the international scientific community but the world public at large has great need, at this dark hour, of a new and more promising focus of attention. The great communist and Western powers, particularly, have need to replace the waning fixations of the cold war with interests which they can pursue in common and to everyone's benefit. For young people the world over, some new opening of hope and creativity is becoming an urgent spiritual necessity. Could there, one wonders, be any undertaking better designed to meet these needs, to relieve the great convulsions of anxiety and ingrained hostility that now rack international society, than a major international effort to restore the hope, the beauty and the salubriousness of the natural environment in which man has his being?

(Reprinted by permission from *Foreign Affairs*, April 1970. Copyright by the Council on Foreign Relations, Inc., New York.)