



*Prime Minister*

Foreign and Commonwealth Office

London SW1A 2AH

*Agree to sign*

*to attached reply  
to M. Rocard?*

29 November 1988

*I think it  
is the right line.*

*CAF 29/xi*

*MS*

Environment Initiative by President Mitterrand and M Rocard

In your letter of 20 November, you asked for advice on and a draft reply to M Rocard's latest approach via the Ambassador in Paris. I enclose a draft, cleared with the Department of the Environment.

Closer examination has confirmed our initial negative reaction. The documents forwarded by M Rocard make the following main points:-

- The proposed institution would deal only with environmental problems 'related to the biosphere on a worldwide scale'.
- It would be a supranational institution, with four components: a Council of States, a Scientific High Council, a High Authority, and a Court. The first would be composed of representatives of member states, taking 'basic decisions' and with some powers of veto over the High Authority; the second would consist of prestigious figures appointed by the Council, with mostly advisory powers; the third would be the 'keystone' of the organisation, made up of appointed members representing a cross section of member states but acting independently of their home states, and possessing regulatory, budgetary and punitive powers; while the Court would consist of 11 appointed environmental law specialists members and have its own jurisdiction. (These arrangements bear some similarity to those in the EC, but if this is a conscious move it seems to underestimate the difficulties of applying such a system on a global as opposed to a regional basis).
- Funding would be made up of contributions from member states, supplemented by voluntary contributions, a tax on firms which were a 'strain on the environment' and proceeds from fines. There would be compensation for developing countries for their proportionately greater 'sacrifice' in conducting environmentally respectable policies.

/- 'Limitations





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- 'Limitations of sovereignty' would not be of a general nature (this statement is not satisfactorily explained). At a later state it is suggested that 'wounds to national sovereignty may be soothed by the prospect of financial or economic aid'.

The papers propose a declaration to set up the organisation, possibly as the prelude to a treaty. States would be invited to accede to the declaration as a 'Charter for the Preservation of Life'. Or a more modest start could be made by creating only the 'Scientific High Council', which it is claimed would not have powers infringing on national sovereignty. The last sentence of the second of the two papers says that the sponsors of the initiative envisage the creation of their organisation 'in the framework' of the UN.

As the Prime Minister said in her initial reaction on the telephone to M Rocard (your letter of 1 November to Lyn Parker) the proposal appears to take no account of work in existing international institutions on environmental problems, of of the corpus of existing international law in this field, and to ignore (except for the throwaway last statement) the role of the UN.

The Foreign Secretary thinks that we should resist the creation of a new institutional framework of this sort, allegedly designed to remedy shortcomings in existing international arrangements, but not based on analysis of such shortcomings. Indeed, the examples of global problems given - the ozone layer and the greenhouse effect - are just those where international cooperation through existing mechanisms has borne fruit. The Montreal Protocol, which enters into force next year, was negotiated with great speed, and the process of reviewing its measures has already begun. Ironically, the French are one of only two EC member states still questioning the need to go significantly beyond the Protocol. The UNEP/WMO Intergovernmental Panel on Climate Change set up to analyse, assess and recommend solutions for this problem, has just held its first meeting. The UK is playing an active part, and will be chairing the very important scientific working group. At best the Rocard proposal seems likely to provide a distraction from these efforts; at worst, it could seriously undermine them.

The question is how we should play this tactically. We have no wish to arouse French opposition to our own initiative for an international conference on the ozone layer. Sir Ewen Fergusson briefed Rocard before our announcement, and the French seemed to take the news reasonably well at the Environment Council on 24 November. But they may well choose to make difficulties over our initiative, if we react totally dismissively to theirs.

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In any case, there is no reason why we should stand out alone in opposing the Rocard proposals. We doubt that Rocard has the degree of support that he claims from the countries he has approached: we have good reason to believe, for instance, that the Brazilians are less than enthusiastic. The US have said explicitly that they would resolutely oppose any proposal for new international institutions on the environment.

The Foreign Secretary thinks that the best approach would be to give a polite, non-committal reply to the French proposal and to suggest that they submit it for full scrutiny by the international community, all of whom stand to be affected by their ideas. This would best be done in the UN. It would soon reveal considerable scepticism, and in some quarters outright opposition, and it should serve our interest in postponing sine die if not actually killing off, the French proposal.

The draft reply takes this line, and we suggest the Prime Minister might use it if President Mitterrand or M Rocard raise the matter with her in Paris on 30 November.

I am copying this letter to Roger Bright in the Department of the Environment.

Yours ever  
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