

## EDITOR'S NOTE

JUDITH PRESTON\*

It has been a challenge to finalise production of this double issue of the *Macquarie Journal of International and Comparative Environmental Law* following the sudden mid-year departure of the Editor-In-Chief Michael Jeffery QC and the Associate Editor Donna Craig. I wish to thank the following persons for their dedication and hard work in bringing this issue to fruition; Louise Whitton, Elise Trask and Matthew Preston (student editors), Faye Brinsmead, Karyn Henner, Fran Chandler and Brian Preston SC (Chief Judge of the Land and Environment Court of NSW). I would also like thank those who provided peer review of the articles submitted for publication, namely: Mr Roy Baker, Dr Gerry Bates, Professor Ben Boer, Professor Dr Klaus Bosselmann, Associate Professor Alex Gardner, Professor Douglas Fisher, Professor Zada Lipman, Professor Dr Wang Xi, Mr Justice Brian Preston SC and Dr Erika Techera.

The articles have been written on a variety of topics and perspectives but there are a few underlying themes. The issue of protecting water resources consistent with upholding the principle of ecologically sustainable development through the courts and by international instruments is explored in the article of Mr Justice Preston SC. In his article, disputes concerning the sustainability of use of scarce water resources are discussed. The disputes centre on construction of water structures, the reciprocal impacts of water resources and development and the sustainable use of water resources. Similarly, Assistant Professor Farantouris seeks to profile international and European Union regulation of wetlands, particularly in the Mediterranean Basin. Dr Matthew Rimmer analyses a marine biodiscovery project, the *Sorcerer II* Expedition established to survey land and sea microbial populations. The project has the possibility of great genetic research but some critics have accused the venture of bio-piracy. Dr Rimmer has highlighted the need for improvements in access to genetic resources.

---

\* BA LLB (Macq), MEL (USYD); Lecturer, Macquarie Law School.

Miss Shobha Yadav and Professor Dr Lian Koh Kheng as well as Mr Md Saiful Karim explore the issues of pollution prevention and control for terrestrial and marine resources in Nepal and Bangladesh respectively. Miss Yadav and Professor Dr Lian consider the reforms needed for the regulations relating to the production, importation, distribution and safe use of pesticides in Nepal. The problem has been compounded by the transboundary movement of the pesticides, a theme similarly raised by Mr Karim, which is exacerbated by the difficulties encountered due to the 'unfettered operation' of marine vessels in Bangladesh. This lack of control has led to serious marine and land pollution due to the spillage of oil from oil tankers in Bangladeshi ports.

Associate Professor Paul A Barresi explores the possibility of achieving 'environmental sustainability of human societies worldwide' through the protection of the right to an ecologically unimpaired environment through remedies under constitutional law, civil codes and common law jurisdictions. The concept of duty of care familiar in negligence gets a makeover by extending it to define standards of care for those involved in agriculture in the article by Mr Mark Shephard and Professor Paul Martin. The article considers the parameters of the duty of care exercised by farmers in relation to their agrarian enterprises and the way in which the discharge of that duty impacts on natural resource management. Also explored is the issue of the way in which this duty of care may be incorporated into policy and statute in common law. Mr Shephard and Professor Martin highlight some challenges for the practical implementation of this concept into sustainable natural resource management which may be a springboard for reform in this area.

Ms Johanna Lindqvist explores the vexed question of protecting indigenous animal husbandry of the Sámi people in Sweden within the context of non-Indigenous natural resources management. Ms Lindqvist focuses on the way in which reindeer herding which is of critical importance for Sámi culture, achieves improved protection by increased involvement and participation in environmental decision-making by Indigenous people.