ciple of equitable utilization also recognizes the rights and duties of riparian States as against the classical concept of the “absolute sovereignty of States”. The author in his conclusion clarifies that there are two schools of thought regarding the applicability of the principle of equitable utilization: some argue that “a separate and distinct legal principle is ambiguous”, while the others argue “that the principles of equity have long been treated as a part of international law”. Today, the 1997 UN Convention has defined the principle of “equitable utilization as a process and equity confined to compensation for damages” in line with the no-harm rule.

The author has drawn remarkable conclusions regarding the future of international law regime in this field, which confesses that riparian States always try to protect their vested interests. As a result, it is ultimately a political process – rather than legal principles – that brings negotiated settlement among the riparian countries and communities. Malla also mentions the need for a collectivist approach to participatory water rights in which human beings also have a duty to conserve their water resources while utilizing them for development. The author clearly recognizes the gap within existing legal regimes in dealing with varieties of environmental, technical and political needs. He therefore recommends integrated management and co-operation together with a consolidated legal regime as an ultimate framework for the equitable utilization of international watercourses for development, peace and prosperity.

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After reading Mushkat’s book on international law and Asian values, an obvious message made clear to the reader is that many developing regions of the world – for instance, Asia and Africa – have an identical attitude in respect to prioritizing trade matters vis-à-vis environmental matters. This is in contrast to the values held by the Western world which, although a promoter of free trade, equally has in place environmental laws and treaties for the protection of the environment. Mushkat pinpoints some of the ways in which the environment is neglected in the Asian region: one is under the guise of cultural influence and values, while another is as a result of integration into the world trading system via the promotion of free trade. This makes one ask whether the cultural and economic values of people from the Asian region in particular and developing countries in general hinder them from making adequate provision for the protection of their respective environments.

This is a book not short of academic commentary. Indeed, it is a well researched and inspiring one, which does not claim to present a broad picture of international environmental law and practice in Asia. However, it modestly undertakes to analyze some of the effects of Asian culture on International Law, with emphasis on International Environmental Law and International Human Rights, on the one hand, and the impact of globalization and trade on the environment as these affect Asia, on the other. This book showcases the author’s wide knowledge of international environmental matters and of the Asian region.

The areas covered are limited and seem less comprehensive in respect to Asian values than the title suggests. Nevertheless, it is written in a well co-ordinated style as it discusses legal norms and Asian cultural influences on international environmental law and human rights. The perceived tension between the Western normative influences and Eastern economic interests are not just restricted to the issues of human rights but also to issues of environment issues that have now attained universal recognition.

These 241 pages of interesting work, divided into eight chapters, is well structured, informative, clearly and well written, although the initial style of the first two chapters was more technical. The length of the chapters varies, yet as well as being independent they are also interrelated. The eight chapters fall into two parts. Chapters 1 to 3 focus on the Asian cultural values with a mention of human rights, while Chapters 4 to 8 focus on international environmental law, and the impact of globalization and free trade on Asian culture.
The first chapter analyzes the challenges to a universal conception of international law, based on the theory of cultural relativism, and concludes by accepting that this theory is not diminished as long as claims for differentiation are genuine. In the following chapter the author illustrates that there are strong and weak versions which contend that universal human rights standards are alien to Asian values and tradition. Three types of responses are used to illustrate this, namely, the conceptual repudiation, the no clash of civilization, and the bridgeability approach.

Interestingly, Chapter 3, given its closeness to the title of the book, should be one of the core chapters of the work yet in actual fact is one of the shortest ones. It looks at Asian values and the protection of the environment, and analyzes this from different perspectives. Two schools of thought postulate different views: one is of the opinion that environmental protection should be considered a problem of human survival and that the obligation of creating the relevant legal and managerial regime be placed on the international community as a whole; on the other hand, it is contended that environmental right law is associated with Western liberal values incompatible with the Asian prioritization of economic growth and development. This second view is one which, sadly, is shared by many developing countries. Comprehensive discussion on the impact of the diverse religious backgrounds in Asia as they affect the cultural values could reasonably have been expected, yet unfortunately this is not discussed in any appreciable depth.

Due to the highly diversified types of nature of the region, one appreciates after reading this book the difficulties encountered here in making and implementing international environmental laws; furthermore, the region consists of developed, newly industrialized, and developing countries. A message that comes across in Chapter 5 is that factors such as a lack of policy coordination and political will, combined with a host of other bureaucratic actions of the governments in this region, affects the domestic implementation of international environmental law rather than the cultural values.

Chapter 6 and onwards to the last chapter will be of great interest to scholars of international trade and environmental law. The author illustrates that since trade promotes economic growth, it invariably undermines environmental sustainability since trade liberalization weakens environmental regulations. Mushkat surmises that in the case of Asia, maximizing trade may be deemed to be more important at the moment than is protecting the environment: an assertion which I believe to be true of many developing countries that have failed to ban environmentally unsound imports. This the author has backed with the arguments of some environmentalists that the occurrence of diversity in the international environmental standards of the region is equivalent to the lack of a level playing field and amounts to unfair conditions of trade, which in turn affect competitiveness.

This book is informative to a reader with little or no knowledge of Asian history as to the success and failure of globalization or integration into the world trading system. In Chapter 7 the failure of globalization is illustrated by the Bhopal gas disaster. Although it occurred over twenty years ago, its side effects continue to harm the continent. Mushkat acknowledges in respect to globalization that the problem within the Asian region lies not entirely with globalization per se, but with how globalization is managed (p.117). The conclusion is that even though regionalization has its positive aspects, it is not the overall answer to many of the environmental problems afflicting the Asian Pacific region. Rather, a selective approach should be adopted, where problems addressed by regional policy are those that can be handled at regional level more successfully than by either national or global programmes.

It must be noted that this book attempts to inform readers of the different roles of the private sector in Asia in comparison to those roles in developed countries where the Government, with public assistance, is responsible for environmental cleaning up; this is in contrast to the Asia Pacific region, where the private sector often agitates for reform.

This book makes an interesting read for students with some knowledge of international economic and environmental law, as well as academics of public international law, international economic law, international relations, environmental policy, comparative culture, economic development, and social change. It is recommended that readers who are interested in a broader and more detailed picture of inter-
national environmental law and practice in Asia may have to look elsewhere for additional information.

Well written, Mushkat’s book offers a philosophical approach to the relationship between Asian culture and international law. The book also addresses Asian cultural values and their impact on international environmental law, and vice versa. This is a smooth read, educating the reader who has no prior knowledge of the history of Asia with sufficient information to grasp the general gist without necessarily delving into the history of Asia.

In brief: the book informs on the impact of free trade and globalization in the region, but has not fully succeeded in depicting how Asian values have hindered the implementation of adequate environmental laws. I would suggest that the major hindrances to the protection of the Asian environment are free trade and globalization, and Mushkat confirms existing knowledge within the international community.

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The book China and the World Trading System arose from a research project funded by the Australian Research Council and the Australian Department of Foreign Affairs and Trade (DFAT). The 25 contributors to this book are from different parts of the world: the USA, Europe, China, Australia, and Japan. All of their arguments have focused on the topic of the membership of China, the world’s sixth-largest trading economy, of the WTO rules-based international trading system. The implications of the accession of China to the world trading system are addressed; the authors argue that effects will be mutual. As well as the WTO’s effect on many aspects of the domestic sphere of China, China’s membership will affect many parts of the WTO, for example, the WTO’s rules, decision-making, dispute resolution procedures, etc. The collection of 22 essays in this book are divided into seven parts, each of which discusses a different aspect of China’s accession to the WTO: Part I, the world trading system generally; Part II, the accession of China; Part III, China’s domestic economy, and in Parts IV to VII the goods, services, TRIPS, and dispute settlement system, respectively.

The first part, “The world trading system”, contains three essays which examine the impact China’s accession will have upon the overall architecture. It argues that China’s accession to the WTO has the potential to have a significant impact upon the world trading system precisely because it occurs at the time when many of the old verities of geopolitics and law, and law and diplomacy, are being questioned. The contraction of absolute state sovereignty, the pluralization of the centres of legal and state authority, and the growth of a transnational system, the Word Trade Organization, would be a key part in these changes. Deborah Cass examines the constitutionalization of the international trade system and argues that China’s entry into the WTO has the potential to influence the phenomenon, whether constitutionalization is conceived of as expanding the trade ‘right’ recognized by international trade, thus strengthening its institutions, or as creating a new demon or community to legitimize the system, in the essay “China and the ‘constitutionalization’ of international trade law”. Sylvia Ostry portrays the scene China confronts entering the world trading system in her essay “WTO membership for China: to be and not to be – is that the answer?” She argues that the old-fashioned notions of market access have expanded since Uruguay, from requiring States simply to remove border barriers to a focus on domestic regulatory policy. States are now more frequently obliged to shift from an emphasis on negative regulation to positive regulation. Also, Ostry claims that China could play a critical role in relation to issues such as the creation of a policy forum to discuss the intersection between international trade rules and legitimate domestic policy intervention, and the role of non-State actors in international trade. Quite similarly, John H. Jackson’s essay “The impact of China’s accession on the WTO” also argues that China may begin to exercise a role as a diplomatic leader on the WTO stage, especially if it participates in the resolution of a number of key policy questions currently facing the organization. In a word, the landscape of the world trading system and China’s role within it were