Editorial

1  Stockholm+50 Conference

In 1972 the United Nations Conference on the Human Environment took place in Stockholm, Sweden, as the first global gathering of governmental representatives and others on environmental matters. It marked the beginning of 50 years of environmental action around the world. Among other things, the Conference issued the crucial, although non-binding, Stockholm Declaration on the Human Environment. It was also the beginning of the modern era of international environmental law. Thus, from the early 1970s, we have seen a continuing stream of new multilateral environmental agreements (MEAs), beginning with the Ramsar Convention on Wetlands, the World Heritage Convention, and the Convention on International Trade in Endangered Species, through to the 1990s with the Climate Change Convention, the Biodiversity Convention, the Desertification Convention, and the Basel, Rotterdam and Stockholm Conventions, to name some of the most prominent instruments. These MEAs stimulated the generation of a vast number of national and sub-national (provincial or state) laws covering almost every aspect of the environment. In early June this year, the Stockholm+50 conference will be held, dealing with a much more complex array of environmental issues than confronted the world in 1972. The 2022 conference theme is ‘a healthy planet for the prosperity of all – our responsibility, our opportunity’. As noted on the conference website:

By recognizing the importance of multilateralism in tackling the Earth’s triple planetary crisis – climate, nature, and pollution – the event aims to act as a springboard to accelerate the implementation of the UN Decade of Action to deliver the Sustainable Development Goals, including the 2030 Agenda, Paris Agreement on climate change, the post-2020 global Biodiversity Framework, and encourage the adoption of green post-COVID-19 recovery plans.¹

¹ ‘Stockholm+50: a healthy planet for the prosperity of all – our responsibility, our opportunity’ <https://www.stockholm50.global/>.
This ambitious programme will hopefully stimulate more effective international environmental law and policy initiatives, about which our Journal will endeavour to publish research and comment over the coming years.

2 Global Pact for the Environment Update

We have been tracking the development of the Global Pact for the Environment in these pages’ beginning with our second issue in 2017.2 The initiation of debate on this proposed instrument by the French Club des Juristes was followed by a range of other high level initiatives’ led in particular by the IUCN World Commission on Environmental Law.3 After a series of negotiations on its status and scope, and a United Nations resolution,4 the Pact has become part of the building blocks5 for the drafting of a political declaration that was finalised in March 2022, prior to its expected adoption at the Stockholm+50 conference.6 We note that the objective of the proposed declaration ‘is to strengthen the implementation of international environmental law and governance’ and will now also likely include the human right to a clean, healthy and sustainable environment, in line with the UN Human Rights Council resolution of October 2021,7 which the Note on Recent Developments explores in this issue (see also below). We express the hope that the declaration will reflect the very highest ambitions of the jurists and other experts who have contributed to the debates concerning the development of the Global Pact and that it goes substantially beyond the substance of the Stockholm Declaration and the Rio Declaration.

The linkages between climate and energy were at the forefront of discussions in several international fora in late 2021. In September 2021, the United Nations Secretary General António Guterres presided over the UN High-level Dialogue on Energy (UN HLDE), which was aimed at highlighting the role of a decarbonised energy sector in achieving the Sustainable Development Goals. In addition to focusing on the need to ‘raise ambition and accelerate action towards the achievement of the SDG 7 energy targets’, the important role of renewable energy and just transitions also formed part of these international discussions on the global transition to net zero by 2050. Two key outcomes of this High Level Dialogue are a Global Roadmap and a growing number of Energy Compacts. The Global Roadmap to ‘secure clean energy access for all by 2030 and net zero emissions by 2050’ was issued by the Secretary General on 3 November 2021. More specifically, in setting out a pathway for the ‘radical transformation of energy access and transition by 2030, while also contributing to net zero emissions by 2050’, the Global Roadmap ‘sets an aggressive timeline’ for: (a) Closing the energy access gap; (b) Rapidly transitioning to decarbonized energy systems; (c) Mobilizing adequate and predictable finance; (d) Leaving no one behind on the path to a net zero future; and (e) Harnessing innovation, technology and data.’ The Energy Compacts’ practical responses to meeting these and related objectives are a critical part of the transition. The Energy Compacts comprise ‘voluntary commitments of action, with specific targets and timelines to drive the progress on the achievement of

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9 ibid.
SDG 7, to accelerate action for clean, affordable energy for all' and to assist with the implementation of the Paris Agreement. For example, a State’s voluntary actions, taken as part of its Energy Compact commitment, may now also be part of its Nationally Determined Contribution under the Paris Agreement. To date, a large body of State and non-state stakeholders – international organisations, corporations, sub-national governments, NGOs, and other entities – have entered into Energy Compacts. Further action implementing the UN HLDE’s outcomes is expected throughout 2022 and beyond.

A month after the High-level Dialogue on Energy, the annual international climate change conference – the Framework Convention on Climate Change Conference of the Parties, COP26, in Glasgow, Scotland – finally delivered on the outstanding parts of the Paris Rulebook, most notably the nature and scope of market mechanisms and non-market approaches under Article 6 of the Paris Agreement. Three so-called ‘Article 6’ instruments – and the rules supporting their implementation – have been agreed to. In summary, they are:

(i) Cooperative approaches that support the bilaterally agreed transfer of emissions mitigation outcomes between States, and if required, the linking of States’ national emissions trading systems;

(ii) A new UNFCCC Mechanism to incentivise private sector emissions mitigation activities that contribute to achieving net zero; for example, companies will be able to receive cross-jurisdictional, tradable credits; and

(iii) Non-market approaches, that facilitate the cooperative engagement of States in mitigation and adaptation activities.

These and other key outcomes of COP26 are set out in the Glasgow Climate Pact. Other notable developments include an agreed work programme on the global goal on adaptation and new financial commitments to support the achievement of this goal, and finalisation of the rules operationalising the Paris Agreement’s enhanced transparency framework. While not as ambitious a set of outcomes as hoped for by many around the world, the Glasgow Climate Pact nevertheless does provide for significant advancements over and above finalising the Paris Agreement Rulebook itself. Relevantly, building upon the outcomes of the UN HLDE, the COP26 recognised the importance
of including energy in the international climate law dialogue, not just in terms of being the major contributor to the global climate crisis, but also in respect of offering practical pathways for achieving net zero. Specifically, in the Glasgow Climate Pact, States are called to ‘accelerate the development, deployment and dissemination of technologies, and the adoption of policies, to transition towards low-emission energy systems’.\textsuperscript{17} This includes taking action to rapidly scale up the deployment of renewable energies and energy efficiency measures, accelerate the ‘phasedown of unabated coal power’ and ‘phase-out of inefficient fossil fuel subsidies’, provide ‘targeted support to the poorest and most vulnerable in line with national circumstances and recognizing the need for support towards a just transition’\textsuperscript{18} The 2022 COP27 meeting will provide the international community with an opportunity to review the first year of the Paris Rulebook’s full operationalisation, as well as assess the progress on global energy decarbonisation.

4 Climate Litigation and Real-Life Consequences

Academic lawyers usually limit their research to commenting critically on the content of court rulings immediately after they have been issued, and on providing a legal analysis thereof. This is our task. We seldom look at the consequences these judgments have on real life. So, it might be interesting to break away from these traditional limitations and say a few words about what happened after the \textit{Urgenda}\textsuperscript{19} and \textit{Shell}\textsuperscript{20} rulings were issued by the Dutch courts.

As mentioned in a previous Note on Recent Developments, one of the most notable immediate consequences of the \textit{Shell}-ruling was that Shell relocated its headquarters from the Netherlands to the United Kingdom.\textsuperscript{21} Whether there really was a causal link between these two events has been hotly disputed. On 15 November 2021, Mr Ben VAN BEURDEN, the CEO of Shell, was asked to what extent the lawsuit his company had lost to Milieudefensie played a role in Milieudefensie played a role in the decisionmaking relating to the relocation of the company’s headquarters.

\textsuperscript{17} ibid, para 20.
\textsuperscript{18} ibid.
Was Shell thereby trying to avoid the consequences of that judgment? The CEO replied as follows: ‘Absolutely not. We have an implementation obligation. It does not matter where we locate our headquarters. That verdict sticks with us and we accept that. Even if we wanted to, we cannot escape from it’.22

On the same day, the Netherlands Minister of Economic Affairs was asked about the relocation of Shell headquarters. ‘We are unpleasantly surprised by this’, said the Minister, and noted that the Ministry had already contacted the Shell top management about the consequences of the move for Dutch jobs, ‘critical investment decisions’, and the sustainability aspects of Shell’s corporate policies – the article does not mention Shell’s replies.23

In March of 2022, Ms Micky ADRIAANSENS, the newly installed Minister of Economic Affairs and Climate Policy, was asked a series of questions by parliamentarians:

**Question:** How do you explain the relocation of Shell’s headquarters from the Netherlands to the United Kingdom?

**Answer:** It is primarily up to Shell itself to communicate the reasons why it has chosen to move its headquarters to the United Kingdom. Shell has indicated that this move stems from the company’s desire to simplify its structure.

**Question:** Do you believe that the Milieudefensie ruling had any effect on Shell’s decision to move its headquarters to the United Kingdom?

**Answer:** It is not for me to speculate on this. Shell’s CEO VAN BEURDEN has indicated, shortly after the announcement that Shell intended to move its head office, that this decision was not affected by the judgment, and that Shell still had an obligation to implement the judgment.

**Question:** Do you believe that the Milieudefensie ruling has improved or worsened the Dutch business climate?

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23 Editorial, ‘Shell Verplaatst Hoofdkantoor Naar Londen, Kabinet Voelt Zich Overvallen’ ['Shell moves Head Office to London; Cabinet feels robbed'] Financieele Dagblad 2022, 15 November 2021 (translated from Dutch).
Answer: The court ruling formally only applies to the Shell company, and does not therefore directly affect other companies. However, I do receive signals from other companies wondering whether this judgment might be followed up by more Dutch companies taking similar decisions in the future. There are various climate cases against companies worldwide. But the Shell judgment is unique because, as far as I know, this is the first judgment in which a company has been subjected to a specific CO₂ reduction obligation by a court.24

The Shell case is now on appeal, and so it is too early to assess the longer-term consequences of this litigation.

What happened after the Urgenda ruling was issued? The real-life consequences of the Urgenda ruling seem much more hopeful than those of the ruling in Shell. In Urgenda, the Netherlands Supreme Court had ruled that, by 2020, emissions from the Netherlands of CO₂ and other gases that contribute to global warming had to be reduced by at least 25 percent compared with 1990 levels. In fact, greenhouse gas emissions in 2020 were 25.5 percent lower than in 1990, according to the final statistics published on 9 February 2022 by the Netherlands National Institute for Public Health and the Environment (in Dutch ‘Rijksinstituut voor Volksgezondheid en Milieu, or simply RIVM), and Statistics Netherlands (in Dutch ‘Centraal Bureau voor de Statistiek, or CBS’).25

This means that the greenhouse gas emission target set by the court in the Urgenda case had been reached for 2020.

That sounds like good news. But there are reasons not to be overly optimistic. This is because, in fact, the main reasons why the Netherlands achieved the necessary greenhouse gas reductions in 2020 were that (1) people travelled less in the first year of the corona virus epidemic due to the travel restrictions imposed on the population to avoid further spreading of the virus, and thus a lesser volume of gases was emitted by aircraft and cars (also, cars are significantly cleaner today than in 1990); (2) it was a warm winter, which meant less gas was used for heating; and (3) the natural gas price was extremely low, so that power plants were fuelled by gas instead of coal, which also had a positive effect on emissions reductions. Due to these fortuitous circumstances, in 2020 the Netherlands achieved the reduction target required by the Urgenda judgment. A cynical observer may thus point out that it had little to do with

24 Minister for Economic Affairs and Climate ADRIAANSENS, ‘Answer to Parliamentary Questions’ AH 2062 2022Z01219, 14 March 2022 (translated from Dutch original).

25 See website dedicated to reporting such data: <emissieregistratie.nl> and especially <emissieregistratie.nl/erpublic/erpub/international/broeikasgassen.en.aspx>.
new Urgenda-friendly policies of the Netherlands government. In any case, it must be kept in mind that the 25 percent reduction in emissions established by the court was the absolute minimum that industrial countries such as the Netherlands had to achieve to keep global warming well below two degrees. Keeping global temperature rise below two degrees was the goal when the Urgenda lawsuit was initiated in 2012. Ten years later, in 2022, we know that a temperature rise of around two degrees will already have disastrous effects on our natural environment. And thus, in the meantime, all countries have decided, first in Paris (2015) and then in Glasgow (2021), that we should keep global warming below 1.5 degrees. The Urgenda-ruling was thus not stringent enough, in the light of these subsequent developments.

According to the most recent calculations by the Intergovernmental Panel on Climate Change (IPCC), global emissions will need to be halved by 2030 to maintain a 50 percent chance of keeping global warming below 1.5 degrees. Halving current emissions compared to the present levels means that the Netherlands and the European Union must reduce their emissions by at least 65 percent by 2030 compared to 1990 levels. However, it seems reasonable to demand that the richest and most polluting countries, such as the Netherlands, must do much more than simply meet this global average.

In conclusion, for 2020 the Netherlands complied with the Urgenda judgment, one of the first and most celebrated climate litigation judgments in the world. This is great news, and we should celebrate it. On the other hand, there are good reasons not to be overly enthusiastic. This is because for 2021, the Netherlands did not comply with the Urgenda ruling:

In 2021, greenhouse gas (GHG) emissions showed a year-on-year increase of 2.1 percent. This means that the sharp reduction of emissions in 2020 did not continue. That year saw a decline of 8.8 percent. Due to the higher emissions in 2021, the reduction compared to 1990 amounted to 23.9 percent. That is below the Urgenda target of at least 25 percent reduction, which was narrowly met in 2020. The increase in 2021 is mainly due to higher natural gas consumption in the built environment. In the first half of 2021 it was colder than a year earlier. This is evident from the first estimate according to IPCC guidelines on greenhouse gas emissions for 2021, conducted by Statistics Netherlands (CBS) and the National Institute for Public Health and the Environment (RIVM)/Emissions Register.26

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Bushfire Survivors Case, New South Wales, Australia

A case in late 2021 in the New South Wales Land and Environment Court in Australia has attracted a good deal of attention around the world with respect to the duty of public authorities to put into place policies and plans to combat climate change. Bushfire Survivors for Climate Action Incorporated (BSCA) brought an action against the New South Wales Environment Protection Authority (EPA) seeking a mandamus order from the Court compelling the EPA to perform its statutory duty under section 9(1)(a) of the Protection of the Environment Administration Act 1991 (NSW). That provision requires the EPA to 'develop quality environmental objectives, guidelines and policies to protect the environment'. BSCA argued that the purpose of environmental protection includes protection of the environment from significant threats. One of the most significant threats, it urged, was the 'existential' and 'grave' threat of climate change. BSCA contended for a specific content of the duty, which not only requires developing instruments to ensure protection of the environment from climate change as a general proposition, but more particularly to do so in ways that are 'consistent with limiting global temperature rise to 1.5 degrees Celsius above pre-industrial levels'. The duty imposed on the EPA to develop such instruments, it was argued, remained unperformed. The EPA countered this argument by contending that its duty under section 9(1)(a) is to develop environmental quality objectives, guidelines, and policies to ensure environment protection generally and not any particular aspect of environment protection, such as the protection of the environment from climate change. Therefore, the EPA is not under a duty to develop instruments of the kind described in section 9(1)(a) to ensure the protection of the environment from climate change. Among other arguments, the EPA further contended that even if the duty did require it to develop such instruments, it had done so by developing a range of instruments which incidentally regulated greenhouse gets emissions, such as one on methane from landfill, and that such instruments were sufficient in fulfilling the duty.

With respect to the primary argument by BSCA, the Court found that the duty to develop environmental quality objectives, guidelines and policies to

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27 Bushfire Survivors for Climate Action Incorporated v Environment Protection Authority [2021] NSWLEC 92 <https://www.caselaw.nsw.gov.au/decision/17b7569b9b3625a8b5fd99>. The following is summarised from the explanation provided by the Court at the beginning of its judgment.

28 A writ of mandamus (‘we command’, in Latin) under common law is a judicial remedy which acts as a command from a court ordering a person or legal entity to perform a specified public or statutory duty.
ensure environment protection, in the current circumstances, includes a duty to develop instruments of the kind described to ensure the protection of the environment in New South Wales from climate change, although this does not demand that such instruments contain the level of specificity contended for by BSCA, such as regulating sources of greenhouse gas emissions in a way consistent with limiting global temperature rise to 1.5°C above pre-industrial levels. The Court further found that the EPA has a discretion as to the specific content of the instruments it develops under s 9(1)(a) to ensure the protection of the environment from climate change.

However, the Court held that the EPA ‘has not fulfilled the duty to develop instruments of the kind described to ensure the protection of the environment from climate change. None of the documents on which the EPA sought to rely is an instrument for the purposes of s 9(1)(a) to ensure the protection of the environment from climate change’. The Court thus made an order of mandamus to compel the EPA to perform its duty. The terms of the order should reflect the content of the duty as found by the Court, ‘so that the EPA should be ordered to develop environmental quality objectives, guidelines and policies to ensure environment protection from climate change’. The New South Wales Minister for the Environment announced shortly after the judgment was delivered that the government would not appeal the decision and, indeed, that in accepting the decision, it would do ‘everything to give it full effect’. As noted by the Environmental Defenders Office, which represented the Bushfire Survivors group:

This case has changed the rulebook in NSW. Our laws set what community expectations are, and this ruling clarifies that our EPA has a duty to protect us all. Our clients took action because we’re not responding fast enough to this issue, and now through climate litigation, they’ve achieved a fundamental change in the NSW system. This is a strong response by the Minister and an influential decision for other states and territories, as well as federally. NSW is the most populous state with one of the largest domestic emissions profiles. Lawyers around the country will now be scrutinizing the frameworks of their EPA.

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This ground-breaking decision, which is to be applauded, will have ramifications in jurisdictions beyond Australia.\(^{31}\) It adds to the growing list of climate change-related litigation that our Journal has been observing in recent years.\(^{32}\)

6 Minister for the Environment v Sharma Federal Court of Australia: Appeal Decision

In 2021, our editorial outlined another climate change-related case,\(^ {33}\) *Sharma v Minister for the Environment*.\(^ {34}\) This was a class action brought in the Federal Court of Australia by a group of teenagers concerning the question of approval of expansion of a coal mine. The Court found, drawing on the law of negligence, that the federal Minister for the Environment had a 'novel duty of care' in tort to protect Australian children from the harms of climate change when exercising her powers under the Environment Protection and Biodiversity Conservation Act 1999 (Cth). The Minister appealed the decision, and the Full Court of the Federal Court delivered its judgment on the appeal in March 2022.\(^ {35}\) From the point of view of international climate law and policy, the introduction to the judgment is worth noting. The Chief Justice stated:

The threat of climate change and global warming was and is not in dispute between the parties in this litigation. The seriousness of the threat is demonstrated by the attention given to it by many countries around the world, and the attempts made by them to reach agreement and to cooperate to reduce the emission of carbon dioxide and other greenhouse

\(^{31}\) The case has been documented by environmental law bodies and research groups across the globe; see for example ‘Climate Change Laws around the World’ Grantham Institute on Climate Change and the Environment, <https://climate-laws.org/geographies/australia/litigation_cases/bushfire-survivors-for-climate-action-incorporated-v-environment-protection-authority/>; ‘Bushfire victims sought to compel greenhouse gas regulation’ Global Climate Change Litigation Database, Sabin Center for Climate Change Law <http://climatecasechart.com/climate-change-litigation/non-us-case/bushfire-survivors-for-climate-action-incorporated-v-environment-protection-authority/>.


gases in order to reduce the rate of increase of the Earth’s surface temperature. Those steps of international diplomacy and international co-operation in scientific matters, including research, have had the consequence that many countries and constituent political parts of countries have adjusted national and regional policy to meet the recognised threat. The debate over the appropriate steps to take at a national and international level has not been without its international and national political controversy. By and large, the nature of the risks and the dangers from global warming, including the possible catastrophe that may engulf the world and humanity was not in dispute.36

Notwithstanding acceptance of the validity of the scientific questions regarding the threat of climate change, the Full Court unanimously found that the relevant duty of care should not be imposed on the Minister, for three main reasons: first, the court regarded the duty of care argued for by the plaintiff raises ‘core policy questions unsuitable in their nature and character for judicial determination’. Secondly, the posited duty was ‘inconsistent and incoherent with’ Australia’s Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), in effect rejecting the proposition that the claimed duty of care concerning human safety was an implied mandatory statutory consideration under the EPBC Act. Thirdly, there were ‘considerations of indeterminacy, lack of special vulnerability and of control’, factors that the court took into consideration in deciding that it was inappropriate to impose the duty of care.’

The result of the Sharma appeal judgment that there was no duty of care to mitigate the threat of climate change stands in some contrast to the findings of the Netherlands Supreme Court in Urgenda, discussed above, where such a duty was indeed found. There is some speculation that the Sharma plaintiffs will take an appeal to the High Court of Australia.37

Two legal scholars commented after Sharma judgment was delivered: ‘The federal court’s 282-page judgment offers myriad reasons for why no duty should be imposed on the Minister. But what emerges most clearly is the court’s view

36 ibid.
that it’s not their place to set policies on climate change. Instead, they say, it’s
the job of our elected representatives in the federal government.\textsuperscript{38}

Clearly, governments do have the fundamental role to set appropriate poli-
cies in place, as well as to robustly implement them. Just as clearly, courts also
have a role, as demonstrated by the myriad cases on climate change that we
have seen around the world in the past few years.\textsuperscript{39}

As argued by Justice BENJAMIN of the National High Court of Justice of
Brazil:

\begin{quote}
We should include courts in the climate change picture because we have
no other option. No substitute exists for the court system. If judges are
in charge of deciding all sorts of conflicts about life, death, love, human
rights, and national security, it makes no sense to leave climate change
outside the courtroom.\textsuperscript{40}
\end{quote}

7 Research Articles in This Issue

The first article by Huishihan WANG is entitled ‘China’s Public Interest
Environmental Litigation and the U.S. Citizen Suit Model’. The article is drawn
from the author’s SJD dissertation, defended in 2021. She begins by pointing
out that China’s economy has boomed as various industries have continued
to develop, but that environmental quality and public health have been fac-
ing severe problems for decades. She suggests that one way to address these
issues is the further development of an innovative environmental public inter-
est litigation (EPIL) mechanism in China through the amended Environment
Protection Law of 2014. That law authorized environmental NGOs to file law-
suits to complement and improve environmental law enforcement. However,
she argues that the demanding procedural and other requirements have
proved to constitute significant hurdles hindering the effective functioning of

\textsuperscript{38} Jaqueline PEEL and Rebekkah MARKEY-TOWLER, ‘Today’s disappointing federal court
decision undoes 20 years of climate litigation progress in Australia’ The Conversation,
March 15, 2022 <https://theconversation.com/todays-disappointing-federal-court-decision-

\textsuperscript{39} The Sabin Centre for Climate change has been documenting such cases both in the
United States and elsewhere; see ‘Climate Change Litigation’ <https://climate.law.colum-
bia.edu/content/climate-change-litigation>.

\textsuperscript{40} Justice Antonio Herman BENJAMIN, Foreword Climate Change, Coming Soon to a Court
this mechanism. The author seeks to find constructive suggestions for ways to remedy these problems, by comparing the Chinese system with that of the United States of America. The author submits that her suggestions can contribute to systematically regulating environmental actions in service of the public interest to realize and promote the concept of Chinese ecological civilization.

The second article, entitled ‘WTO Law and Jurisprudence on Invasive Alien Species in the Global South,’ is authored by Goemeone MOGOMOTSI and Patricia MOGOMOTSI, together with Onthatile MOETI. They discuss the potential of the law relating to the World Trade Organization (WTO), and international trade law more generally, to function as a legal tool to combat the spread of invasive alien species in countries with weak domestic environmental regulation regimes, such as Botswana, which is used as a case study in the paper. The article examines the possibility of invoking provisions of WTO agreements by member states to combat the introduction and spread of alien invasive species. They conclude that the creative use of WTO agreements by developing countries may be an immediate solution to address and combat biodiversity loss in the global south. The authors therefore recommend the enhancement of technical and scientific capacity of developing countries to effectively use international trade law for environmental protection. Botswana, they argue, can provide valuable lessons from which countries facing similar problems may benefit.

8 Note on Recent Developments

The issue continues with a Note on Recent Developments, in which Ke TANG and Otto SPIJKERS analyse the adoption by the Human Rights Council of a resolution on the human right to a clean, healthy, and sustainable environment. They begin by pointing out that there is a wide consensus that a clean, healthy, and sustainable environment is important for the enjoyment of human rights. Despite this international consensus about the close link between human rights and a clean, healthy, and sustainable environment, there is still no global agreement about the precise legal place of the environment in the international human rights discourse. The most pressing, contentious, and controversial question is whether there is a distinct individual human right to enjoy a clean, healthy, and sustainable environment. Many countries, including the Russian Federation, China, and the USA, have reservations about this approach. The authors thus wonder whether or not the recent adoption by the United Nations Human Rights Council of a resolution on the human right to a clean, healthy, and sustainable environment can be regarded as a ‘game
changer’. They believe that it all depends on what happens next: how will the international community react to this resolution; and will the UN General Assembly follow suit? Like the authors, we look forward to the next steps in this important journey.

9 Book Review

Finally, a book by David DEVLAEMINCK, *Reciprocity and China’s Transboundary Waters: The Law of International Watercourses*, is reviewed by Md. Monjur HASAN. This review, we are very pleased to announce, presages a Special Issue of our Journal (CJEL 6.2) later this year in the area of water law.

*Ben BOER, Rowena CANTLEY-SMITH, Otto SPIJKERS and QIN Tianbao*