
International environmental law is founded on certain fundamental principles, some of which carry greater normative value than others. In general these principles provide normative understanding. The more normative a principle is the less concrete its application becomes. In this book, the author has addressed the problems arising from the lack of concreteness of selected fundamental principles commonly used in the field of international environmental law. Despite the strong normative character underlying each of these principles, the author’s careful observation suggests that they lack clear contents, and thus, their practical implications have become questionable. The book analyzes the following questions: What are the implications of these fundamental principles in the development of international environmental law? Do these principles contain identifiable elements that can be applied in practice? What role do these principles play in the adjudication of international environmental legal cases? To what extent can these principles be invoked in international environmental law in general if they lack concrete understanding as force of law? These questions are substantial and require in-depth investigation; this is indeed a challenging task. The author has taken up these challenges and successfully presents interesting findings and offers a valuable contribution to the existing knowledge pertinent to international environmental law.

The author has chosen to discuss the following principles in the context of international environmental law: precaution, sustainable development, and inter-generational equity. In the concluding chapter, she deals with a somewhat different but connected issue related to environmental concerns, namely the European Convention on Human Rights and the right to a clean environment. The author addresses each topic as a separate essay. However, each essay deals with common environmental concerns. Although the principles addressed are not new concepts, the author’s analysis presents contemporary questions, and amply justifies the book’s title – *Contemporary Issues in International Environmental Law*. As the study is rooted in international law, the author has discussed the issues from the viewpoint of the general concept of international law focussing on the work of the International Law Commission and the jurisprudence of international courts and tribunals.

The first chapter deals with the precautionary principle, a founding principle of modern international environmental law. The principle dates from the United Nations Conference on Environment and Development (UNCED) in 1992 and is embodied in Principle 15 of the Rio Declaration. The basis of the principle is to be cautious in advance in the event of possible threats or risks of irreversible damage to the environment. The precautionary principle stresses that scientific uncertainty should not preclude preventative measures to protect the
environment. The author captures this idea in her discussion of this principle as the “most environmentally oriented model” while simultaneously admitting that in the field of environmental protection, “the only certainty is uncertainty” (pp. 3–4). She asserts that “international environmental law is notoriously uncertain in relation to the normative content of its norms” (the statement of Nicholas de Sadeleer in *Environmental Principles: From Political Slogans to Legal Rules*). The author’s analyses include views from other prominent scholars as well. The essential question she addresses, however, is whether the principle formulates a customary law in international environmental law. In answering this question the author offers a balanced discussion and, in the end, concludes that it is a “fruitless exercise” to identify a customary character of law underlying this principle. Her reasoning is that the legal character of the precautionary principle is an endless analysis with no conformity as to its binding character as law.

The author draws her conclusions on the basis of her investigation of the implication of the precautionary principle in the jurisprudence of international courts and tribunals (pp. 10–27). Two of the most important cases analyzed here are the *Southern Bluefin Tuna* case and the *Mox Plant* case, both of which were conducted under the auspices of the International Tribunal for the Law of the Sea (ITLOS). The author holds that although there was concern for precaution, the Tribunal did not deal directly with the nature of the precautionary principle and instead merely used the term “caution”. In the second case, ITLOS held that the precautionary principle was not applicable. According to the author, this means that there is no general rule of application of the precautionary principle and recourse to it appears to be discretionary, depending on the case. For example, in the *Gabčíkovo-Nagymaros Project* case, the International Court of Justice (ICJ) encouraged the parties to renegotiate the case in the context of the precautionary principle rather than to persist with a restrictive legal framework concerning access to information. However, in the *Hormones in Beef* case of 1998, the WTO Appellate Body adopted the arguments of the United States and Canada, which invoked the idea as the “precautionary approach” rather than “principle”. Overall, the author concludes that the precautionary principle presents an unclear and ill-defined function. Further, she looks at the application of the principle by the International Maritime Organization (IMO) and in international conventions such as MARPOL 73/78, the 1972 London Convention and its 1996 protocol, and the 1992 Helsinki Convention (pp. 31–61). She finds only one example of the application of the precautionary principle, and that is within the Helsinki Convention regime in relation to protection of seals.

The second chapter deals with sustainable development. Much of the discussion focuses on the normative content of the principle since its adoption at UNCED in 1992. Doubts have surfaced as to whether it is possible to balance developmental and environmental issues on an equal footing. The author rightly identifies the substantive and the procedural elements of the principle.