Book review


The editors’ purposes in producing this substantial volume are three-fold – “to provide a new, current and comprehensive text on international environmental law”, “to demonstrate the myriad of relationships between international and domestic environmental law and between domestic systems in different lands” and “to see what common themes could be discovered in this vast array of material”. The book is divided into five parts, namely International Law and Environmental Law (Part I), International Environmental Law (Part II), Regional Environmental Law in Europe and North America (Part III), National Environmental Law in Germany and the United States (Part IV) and Common Themes of Environment and Law (Part V). The thirty-three chapters are written by fifteen authors, all of whom work in the field of environmental law in Germany and the United States.

The four chapters in Part I “address the fundamental concerns of international law and of environmental law” in order to provide a foundation for “an examination of the rules and concepts protecting various aspects of the environment”. The chapters deal with the purposes, principles, institutions of, and the means of ensuring compliance with, international environmental law; the relationship between international, regional and national environmental law; and the relationship between international economic law and international environmental law. This part illustrates the usefulness of this volume as a textbook. Many students, even at postgraduate level, study international environmental law without having studied public international law previously. The book provides a good general introduction to the main issues, especially the nature of the international legal system. The chapters are lucid and comprehensive, although it is to be noted that there is no dedicated treatment of some familiar topics, such as the question of the existence of a (human) right to a clean environment and the charge of anthropocentrism often levelled at international environment law, as well as the mechanisms for the settlement of disputes in international (environmental) law and their effectiveness.
The chapters in Part II deal with specific areas of environmental protection, namely the atmosphere, the marine environment and international freshwaters, Antarctica and the Arctic, wildlife, biodiversity, the soil and hazardous wastes, substances and technologies. This Part begins with a useful chapter that focuses exclusively on the fundamental problem of transboundary pollution, which includes an analysis of the important role played by private law remedies. The authors did not feel able to include a satisfactory chapter on the control of atomic energy, because of the magnitude and complexity of the subject. One other noteworthy omission is the extent of environmental protection during armed conflict, a subject that is become increasingly important in the wake of recent armed conflicts, such as the Gulf War (1990–1991) and the conflict in east Timor. Nevertheless, the chapters are again thorough and lucid.

Parts III and IV deal with the law in the European Union and North America, and more specifically, in the United States and Germany. Together these two Parts provide a useful insight into the way in which legal rules on environmental protection operate and are enforced in more concrete settings than that of public international law, and illustrates how public international law informs and is complimented by regional and national environmental law (both civil and criminal) in the regions and countries under consideration. Part V is dedicated to an examination of the common themes that emerge from the issues considered in the previous chapters. Chapter 27 provides an overview of developments in environmental law over the last fifty years, with very useful analyses of issues such as the increase in both the breadth and the extent of regulation, as well as the move away from liability and enforcement to standard-setting and compliance respectively. The rest of the Part focuses on the role of civil liability as a compliment or alternative to state responsibility, as well as other issues at the cutting edge of the subject, namely the use of information to combat environmental degradation, and the use of market and financial mechanisms to encourage compliance. There is an interesting discussion on “debt-for-nature swaps”, pursuant to which developing countries protect valuable natural resources in exchange for reductions in debt.

The authors are to be congratulated for producing such a comprehensive and readable volume on the state of international environmental protection at the end of the twentieth century. The focus on the relationship between international, regional and national environmental law presents the issues in a practical light, which is the main strength of the book. As noted above, there are some omissions, but these do not detract significantly from the value of the volume, given the consistently good quality of the various chapters. In such a rapidly-developing field, it cannot be expected that a book such as this