concerns – the passing on of experience and reflections on practice and process of international legal negotiation. These chapters mean that this book is of interest to practitioners working with international organizations or advising delegations. This aspect also ensures that the book will be of wider interest beyond law of the sea scholars.

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VERONICA FRANK


Veronica Frank has written a masterly analysis of the evolution and effectiveness of European Community policies and programmes on the marine environment, particularly as these respond to the principles and provisions of the international law of the sea. These are complex policy areas. They are marked by considerable fragmentation of legal and political authority both at the European and the broader international levels. The focus of the study is on EU responses to the framework of the UN Convention on the Law of the Sea, particularly in relation to the rights and duties of States on marine pollution contained in Part XII. More particularly, she examines the important set of regional agreements affecting European countries: the Barcelona Convention (BARCON) on the Mediterranean Sea (1976), the Helsinki Convention on the Protection of the Baltic Sea (1992), and the OSPAR Convention (the Convention for the Protection of the North-East Atlantic) of 1992.

An important continuing theme of the book relates to the lack of a comprehensive global or European law of the sea relating to the marine environment. She pays special attention to the consequences of the divisions of political authority within the complex institutional framework of the European Union. (This post-Maastricht term will be used interchangeably with the more legally accurate term European Community, which Frank prefers, in the present review.) In addition, the legal and political dynamics...
within many States associated with the strengthening of environmental law have tended to focus more on terrestrial than marine measures. Planning for and the implementation of agreements on the creation of networks of marine reserves have been notably lacking. Yet the EU region continues to face significant marine environmental threats from dumping, oil and gas extraction, pollution from land-based activities, environmentally destructive fishing practices, and other sources (p. 78). It was only in 2008, for example, after this book was published, that the United Kingdom government announced its own long-awaited plans for a comprehensive set of marine protected areas, partly in response to the EC’s goal of establishing a Europe-wide network of marine protected areas in coastal areas and the high seas by 2012.

The complexities of the legal and political situation in the European Union are set out clearly in Chapter 2. The analytical problems derive from a number of features of the fundamental EU question of shared competence (that is, the sharing of authority in diverse policy areas between the Member States and the EU itself). Marine law is influenced by the recognized EU legal principles of subsidiarity (or decision-making at the most appropriate level, a principle that is itself a source of ambiguity and reinterpretation) and proportionality, and by the working out of the ideas contained within the precautionary principle and the recognition of regional differentiation in EC environmental law. Frank skillfully addresses the multiple sources of EC environmental law in the succession of treaties (which she discusses from the 1957 Treaty of Rome to the 2001 Treaty of Nice), case law, international agreements entered into by the EC, and the various legislative and regulatory measures of Community institutions. The Council of Ministers (or Council of the European Union), representing Member States, has important responsibilities for making and interpreting international agreements. The European Parliament and the European Court of Justice are significant institutional partners, the Parliament having gained enhanced powers through the increasingly important co-decision procedures of the EU. On implementation and enforcement, however, the position is relatively simpler, and it is here that the authority of Member States comes more clearly into prominence (p. 54).

The specifics and the significance of the institutional framework of the EC relating to the marine environment are described in Chapters 3 and 4. The complex organization of marine matters takes in several Directorates-General of the European Commission and their subordinate parts, several “configurations” of the Council (the various institutional formats that bring together fisheries, transport, environment, and other national government ministers in qualified-majority-voting [QMV] settings), the European Parliament and its key environmental, fisheries and other committees, and national policy-making inside the Member States. Behind the institutions lie the interests of these Member States. The countries vary from those of the