Book Review of Principles of International Environmental Law

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This treatise is an extraordinarily comprehensive, post-UNCED overview of the principles of international environmental law and conservation of natural resources. Volume I sets out these principles in three separate parts. Part I of the first volume provides an overview of the legal and institutional framework within which such principles are formulated, including the historical development of international environmental law and fundamentals of compliance. Part II deals with “principles and rules establishing standards of behavior,” in the words of the author. In his introduction, Philippe Sands says that these principles and rules can be divided into two types: “those which are of general application, transcending sectors and activities,” and “principles and rules which are specifically applicable to the protection of a particular environmental media, activity, or region.” This part thus addresses the standards of general application in the protection of the atmosphere, oceans, fresh water resources, biological diversity, and control of pollution and waste. It also includes the standards that apply in the Antarctic and Arctic regions as well as the European Community.

Part III focuses on implementation of these standards, through such methodologies as environmental impact assessment, dissemination of environmental information, enforcement of liability, and provision of compensation. Part III also collects a variety of legal principles that do not specifically address environmental preservation but that, nevertheless, have had a growing impact on international environmental law, including rules governing trade, competition, finance, technology, and intellectual property.

The remaining three volumes of the set contain documents relevant to international environmental law. Two of these volumes collect sources setting forth general or regional environmental standards. The third volume specifically addresses documents from the European Community. Volume I is complemented by a useful table of treatises and other international acts as well as a table of cases. Each chapter is supplemented by a selected bibliography.

This summary of the format of the multi-volume treatise conveys the scope of the author's project. The book aspires to be a basic academic text as well as a practical text for lawyers and non-lawyers alike. According to the author, the project had three objectives: “to identify and describe the basic principles and rule of international environmental law”; “to provide a basis for ascertaining the contribution this subject has made to the development of international law”; and “to consider the adequacy of the international legal system to address national, regional and global environmental challenges.”
The sheer magnitude of this treatise and its accompanying documents is a testament to the rapidly growing field of international environmental law. The expansiveness of the author’s endeavor to collect all the relevant documents and summarize all of those developments into a theoretical framework is an ambitious one, but one at which the author succeeds. As Sir Robert Jennings suggests in his foreword to the work, an important purpose of academic writing is simply to perceive and formulate general principles and trends in decision-making in a nascent area of the law, particularly while the subject is experiencing a rapid proliferation of sources and coverage.

The author’s treatment of the current state of the law benefits from the book’s initial inclusion of a historical perspective on international environmental law, as well as a basic overview of relevant public international law concepts and sources. Placing the more specific field in its overall context further highlights how pervasive international environmental law has become in all realms of public international law, as well as in many areas of private international law.

It is inevitable with a work of this nature that a specialist in a given area would need more elaboration than can be provided in an overview of the entire field. For example, the relatively brief treatment of radioactive substances is particularly frustrating given Philippe Sands’ depth of expertise in this area. This limitation, however, is intrinsic to the nature of any such project. Whatever the reader might lose in terms of depth in any particular area is counterbalanced by an overall framework within which the area of specialty can be examined, so that often-overlooked interrelationships emerge between a specific media, activity, or region, and other areas or principles of general application. In short, there is no question that Principles of International Environmental Law is a foundational element in any collection of international environmental law and soon to become one of the basic reference sources in the field.

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