

Book Reviews

James Crawford (ed.), *The Rights of Peoples*, Oxford, Clarendon Press (1988) (reprinted as paperback in 1992) pp. X-236

This is a collection of papers given originally at two symposia held in Australia in March and June 1985 and sponsored by the Australian National Commission for UNESCO. The venue of the symposia and their context account for the fact that emphasis is laid in the book on indigenous peoples (see in particular the papers by R. Falk and E. Kamenka), on cultural rights (see in particular the paper by L.V. Prott) and on the question whether the right to development is a right of peoples (see the paper by R. Rich). The papers are preceded by a general essay by I. Brownlie ('The rights of peoples in modern international law'), while J. Crawford gathers up the threads of the discussion in the various papers in a final essay ('The rights of peoples: some conclusions'). The book includes two extremely interesting and useful appendices: one covers selected treaties, resolutions and other documents on the rights of peoples (some of these documents are also reproduced in full), and the other includes an extensive select bibliography.

Of special interest for international lawyers are the papers by Brownlie, Falk and Crawford.

Antonio Cassese
European University Institute, Florence

Andrew Hurrell and Benedict Kingsbury (eds), *The International Politics of the Environment*, Oxford, Clarendon Press (1992) 492p. + Index + Bibliography

At the moment, major environmental issues of a global scale – namely global warming, ozone depletion, deforestation, loss of biodiversity – represent a pressing challenge for international relations. Isolated unilateral or regional initiatives can no longer give adequate response to these challenges which can be only tackled through international cooperation. Progressive awareness has grown among politicians, economists, scientists and public opinion as to the necessity of establishing international regimes to adequately manage global environmental pollution.

There is a generally recognized necessity to establish international regimes to manage global warming and deforestation. However, the question remains how far can existing forms of international cooperation serve this purpose. This book addresses fundamental questions as to whether available techniques and forms of international negotiations may lead to successful outcomes in this field, and how international environmental regimes should be set up and effectively implemented. A number of experts with backgrounds in law, political sciences, international relations or economics, from institutes of research and Academies – such as Patricia Birnie, Nigel Haigh, Larry Susskind – or from the environmental boards of international bodies like the World Bank (for example, Kenneth Piddington), describe the advantages and disadvantages of the existing formation of international environmental treaty law.

Some general contributions analyze the law-making process – particularly the 'Convention-protocol' approach – and examine difficulties of implementation and enforcement of some existing international regimes – e.g. under maritime, fisheries or whaling Conventions. On the basis of past successful negotiations on the ozone layer, which led to the adoption of progressively the Vienna Convention, the Montreal and London Protocols, the model of a framework Convention followed by further and stricter obligations agreed upon at later stages is analyzed. Moreover, the political and technical features which render it difficult to apply such a model to

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the negotiations of a framework concerning global warming regime or the management of tropical forests are highlighted. In particular, most disagreements on global warming stem from 'uncertainty' about both future physical consequences and the complexity of causes which lie at the origin of the phenomenon – e.g. greenhouse gases, the combustion of fossil fuels, the release of CO₂ into the atmosphere, deforestation, etc. Countries strongly disagree as to whether it is necessary to impose draconian reductions of greenhouse gases or rather to establish a step-by-step integrated strategy. Nevertheless, some optimism stems from improvements in the attitude of traditional environmentally-hostile governments like Japan and Brazil, as a result of both internal lobbying by NGOs and external pressure by international trade systems and banking bodies.

The past, present and future role of NGOs as key actors in the overall development of both domestic and international environmental policy is illustrated through case-studies in the US, Japan and Brazil. These show a shift from mainly domestic lobbying through institutional channels and consumer boycotts, to international coordinated pressure to influence decisions taken by foreign governments and international bodies such as the World Bank. In this context, experts and practitioners examine present contributions to international environmental law-making of the UN, the World Bank and the European Communities and point out the limits and possibilities of strengthening the role of these organizations in the future.

Finally, the issue of balancing environmental concern with economic and social priorities in Developing Countries is widely recognized as a key point for agreement at the international level. Questions of 'justice' and equity cannot be neglected in the negotiations. Radical changes in the attitude of governments towards global environmental issues in some Developing Countries are explained through the example of Brazil, which has shifted from 'environmental nationalism' to the awareness of environmental concern as a source of leverage power in international bargaining. Considerations of economic stability and financial aids are deemed essential elements of any effective regime.

This study is of theoretical and practical interest for international lawyers. Written before the Rio Summit (but perhaps published too late), the book not only clearly and critically analyzes the negotiation process of international environmental regimes, but it also suggests some relevant solutions to overcome the impasse which has so far delayed the adoption of such regimes. In particular, with the aim of encouraging participation by the States, advice is given that targets should not be set too strictly from the beginning, and rather agreement should be secured on framework texts, while leaving the possibility open for further commitments. The technical, financial and administrative capacity of Developing Countries to implement international obligations should always be carefully considered. With its broad informative content, this book gives contemporary indication as to how to interpret the instruments agreed upon at Rio and some helpful guidelines for improving international environmental law-making in the future.

*Francesca Pestellini
European University Institute, Florence*