

Book Reviews

Finally, the major texts adopted in 1991 by the international community are reproduced in Part IV which includes, among others, the *Madrid Protocol on Environmental Protection to the Antarctic Treaty*, the *Bamako Convention on the Ban of the Imports into Africa and the Control of Transboundary Movement and Management of Hazardous Waste Within Africa*, and the *ESPOO Convention on Environmental Impact Assessment in a Transboundary Context*.

An additional number of relevant acts and resolutions of international organizations are available on diskette and can be ordered from the publisher.

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Eric Suy (ed.), *Corpus Iuris Gentium – A Collection of Basic Texts on Modern Interstate Relations*, Leuven/Amersfoort: Acco (1992) 568 pages.

The declared aim of this collection of international law texts is to reflect the broad spectrum of sources of international law. This is why it does not only include the most important multilateral treaties, but also attempts to document the ongoing codification of customary law by reprinting Declarations of Principles adopted by the United Nations General Assembly or Draft Articles adopted by the International Law Commission, as well as important resolutions of the Institut de Droit International.

R.D.

Rüdiger Wolfrum, *The Convention on the Regulation of Antarctic Mineral Resource Activities*, Heidelberg, Springer-Verlag (1991)

The 1988 Convention on the Regulation of Antarctic Mineral Resources Activities (CRAMRA) is one of the most recent agreements concluded within the framework of the Antarctic Treaty system. Activities of states in Antarctica have been regulated since the conclusion of the Antarctic Treaty (Washington, 1 December 1959) which establishes a regime for international cooperation in Antarctica. The book under review is devoted to the examination of various aspects of CRAMRA, including its negotiation and future prospects.

Unfortunately, the book was published before the adoption of the Protocol on Environmental Protection to the Antarctic Treaty (PEPAT) (Madrid, 4 October 1991). CRAMRA and PEPAT concern different aspects of the activities to be conducted in Antarctica. Nevertheless they are strictly connected. The relationship between the regime provided for in CRAMRA and the mineral resource regime to be embodied in PEPAT was in fact one of the most delicate problems raised during the negotiations of the latter. The question has been temporarily resolved by Article 7 of PEPAT which prohibits any activity relating to mineral resources other than scientific research. This means that PEPAT, when in force, shall constitute a hindrance to the enforcement of CRAMRA. According to Article 25.2 of PEPAT the operation of the Protocol can be reviewed 'after the expiration of 50 years from the date of entry into force' of PEPAT. Thus, the future of CRAMRA after this period of 50 years is uncertain. Obviously, the author of the book under review could not consider PEPAT. However, he takes full account of

Book Reviews

the draft protocol, adopted in Madrid on 21 June 1991. Thereby the author takes into consideration the fact that CRAMRA probably will never enter into force.

The book is divided into two parts. The first part consists of a commentary of CRAMRA, in the light of its negotiations and its relationship with the draft protocol. The second part consists of a series of documents which both preceded and followed from CRAMRA. The documents include the text of CRAMRA itself. The book is completed by a bibliography.

The author is a distinguished scholar who is well known by lawyers dealing with Antarctica, and is also the editor of the volumes 'Antarctic Challenge'. He has divided his commentary into five sections. After a brief Introduction (I), the negotiating history of CRAMRA (II) and illustration of the interests of the Antarctic Treaty Consultative Parties (III), Section IV deals more specifically with CRAMRA. Finally, Section V addresses the draft of PEPAT.

In Section IV CRAMRA is not examined article by article. The author points out some questions which concern the activities relating to mineral resources. In this respect and from a comprehensive point of view he examines CRAMRA in its connection with other treaties and the relevant rules of customary law. However, the author also makes frequent precise references to specific provisions of CRAMRA.

The book has a wealth of references to and comparisons with the relevant provisions of the instruments of the Antarctic Treaty system. Due to these frequent references, the book is easier to read and more valuable for those who are already familiar with the Antarctic Treaty system. Several references are also made to international and national case-law. Moreover, when dealing with specific matters regulated by CRAMRA, the author makes interesting comparisons with similar regulations contained in other treaties.

The examination of the *travaux préparatoires* is also useful and interesting, especially when, as in the case of CRAMRA, the final provisions are the result of a compromise between different positions.

Obviously, the most interesting and topical remarks concern the relationship between CRAMRA and the draft protocol. The different scope of these two instruments is evident. In the case of CRAMRA, despite the provision of a series of environmental guarantees, the interest of the parties is mostly the exploitation of economic resources. Through PEPAT, on the contrary, parties have tried to ensure that activities to be conducted in Antarctica meet environmental requirements. This result is pursued through the designation of Antarctica as a natural reserve devoted to peace and science, the use of environmental impact assessment procedures, and the respect for the so-called precautionary principle. The precautionary principle was also present in CRAMRA, but in PEPAT it is applied more stringently. This change of attitude, which occurred in a very short time, is surprising. However, it is not true that, from the environmental point of view, PEPAT is always more satisfactory than CRAMRA. As regards, for instance, the liability of the 'operators' conducting activities in Antarctica, the provisions of CRAMRA are quite detailed and effective. By contrast, this problem is still pending with regard to PEPAT. The comparison between the two treaties helps to point out the flaws and the merits of both instruments in a clearer way.

A valuable support for the reader is represented by the documents reproduced in the Appendices. Other relevant provisions of the instruments of the Antarctic Treaty system are reproduced in footnotes.

Whatever the fate of CRAMRA, the book is a very useful instrument for those who want to investigate the evolving attitude of States and to understand the most recent developments, not only as regards activities to be conducted in Antarctica but also with reference to more general environmental questions.

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