

Using the 1972 Stockholm Conference on Human Environment as the starting point, international environmental law is generally considered as the newest branch of international law. It is also one of the fastest growing areas of law. States have been relatively quick to react to environmental problems by adopting a great number of international agreements during the last three decades. These agreements are, of course, very different with respect to the intention of the drafters, the contents of the instruments and the obligations of the parties. Nevertheless, there is something common among almost all of them, namely, deficient implementation.

There are many reasons why, despite urgent environmental problems, states fail to take measures to fulfil their assumed obligations to solve those problems. The fact that protection of the environment has never been at the top of the priorities of any state is, of course, the main explanation. But what has also been mentioned as a major problem is the lack of proper institutions. Protection of the environment, like the protection of human rights, hinges very much upon the existence of appropriate institutions.

International organizations, both those specifically dealing with environmental issues and those only touching upon such issues as a peripheral matter, have a significant role in the development of international environmental law and its effective implementation. The two volumes under review are timely studies on the topical issues of implementation of environmental commitments and the work of international organizations in the field of the protection of the environment.

In the middle of the 1990s, the issue of efficiency of international organizations with respect to the protection of the environment was discussed at several international fora. The theme of all these discussions was to assess the role of such organizations, and to find ways to improve their performance in the field of environmental protection. International Organizations and Environmental Policy is one in a series of books with that aim in mind. It consists of 14 separate chapters, each dealing with a separate issue. Some of the articles included in the book, such as the one by Linton Caldwell on the necessity for organizational change, or the one by Madhu Malik on the need for a new theory of international organizations, have a general character. Other contributions relate to more specific areas such as environmental policy of the European Union or the environmental activities of World Bank and World Meteorological Organization (WMO).

As is the case with most of the books of this type, the contributions are of shifting quality. The article by Leann Brown on the policy-making of the EU with respect to ozone protection is an excellent study. It not only provides a comprehensive picture of the EU policy-making in this area,
but also contains a wealth of information that is not easily available elsewhere. Another outstanding contribution is Caldwell’s above-mentioned article. He warns us that unless rapid changes take place to address the requirements of the world’s new attitude towards environmental problems, there is a risk that all that has so far been achieved will be destroyed.

Among the more interesting chapters of the book, mention should also be made of the ones on the role of UNEP, WMO and particularly the one on the impact of news media on environmental policy of the US Congress and the World Bank. They contain good analyses and an impressive quantity of detailed information. Compared to these chapters, some of the remaining articles are either elementary in content and style or incomprehensive, or simply unfitted for the collection.

The declared goal of the book is to “address the pressing need to reconceptualize the agenda for international environmental policy theory and practice by bridging the gap between normative and empirical research” (p. 3). Although several chapters have succeeded in achieving this goal in a limited field, it can hardly be the case with the majority of the contributions. Still the book can be recommended for the quality and excellence of some of its chapters.

The Implementation and Effectiveness of International Environmental Commitments is a well-structured study on how such commitments are implemented at the international and national levels. It consists of 14 case studies written by established researchers, mainly with a political science background. The study is divided into two parts. The first part deals with systems for implementation review in several international or regional environmental agreements, for example, those concerning fauna and flora, the ozone layer, the Baltic Sea and European air pollution. In the second part of the book, national implementation records are studied. Of particular interest in this part are Steiner Andersen’s study of whaling policies of Norway and Iceland, and Olav Schram Stokke’s article on implementation of the London Dumping Convention with respect to Russian nuclear dumping in Arctic Seas.

Although the chapters are uneven as regards the depth of analysis and the breadth of information, they together provide a solid ground for a set of important conclusions. Among the most important findings of this project, mention can be made of the following: lack of implementation of commitments very often is unintentional and can be cured through dialogue and financial assistance; an effective implementation is dependent on the availability of data; and non-binding instruments in areas where states are very sensitive to rigid binding regulations can make the governance more effective.

One conclusion of the book that this reviewer finds a bit misleading is that public interest groups are active during the negotiations of a new agreement, but are rather passive when it comes to the implementation of the agreed undertakings. This finding shows only part of the truth. The fact is that the “passivity” of the interest groups in this regard is not always a self-assumed position. Laws of most countries of the world today still do not provide for the active participation of the interest groups in the process of implementation. Lack of access to justice is a problem that at least at the European Union level has been largely debated. Once necessary legal steps are taken to give access to interest groups, one may expect that they would become as active in implementation as they are in the making of agreements.

This well-edited book sheds light on some basic reasons for the deficiencies in effective implementation of international environmental commitments. It also provides several useful proposals for changing the course. As such, it is definitely a valuable addition to any library of environmental law and policy.

Said Mahmoudi
Faculty of Law, Stockholm University,
10691 Stockholm, Sweden

PII: S0921-8009(00)00254-8