

5-1-1993

International Law & The Environment and Biodiversity and International Law: The Effectiveness of International Environmental Law

Sudhir K. Chopra

Follow this and additional works at: <https://elibrary.law.psu.edu/pselr>



Part of the [Environmental Law Commons](#)

Recommended Citation

Sudhir K. Chopra, *International Law & The Environment and Biodiversity and International Law: The Effectiveness of International Environmental Law*, 2 Penn St. Envtl. L. Rev. 255 (1993).

This Review is brought to you for free and open access by the Law Reviews and Journals at Penn State Law eLibrary. It has been accepted for inclusion in Penn State Environmental Law Review by an authorized editor of Penn State Law eLibrary. For more information, please contact ram6023@psu.edu.

BOOK REVIEWS

INTERNATIONAL LAW & THE ENVIRONMENT. By Patricia W. Birnie & Alan E. Boyle. Oxford: Clarendon Press, 1992. Pp. xxvii, 563. \$45.00.

BIODIVERSITY AND INTERNATIONAL LAW: THE EFFECTIVENESS OF INTERNATIONAL ENVIRONMENTAL LAW. Edited by Simone Bilderbeek. Amsterdam, Oxford, Washington, D.C., Tokyo: IOS Press, 1992. Pp. ix, 213. \$55.00.

Reviewed by Sudhir K. Chopra*

I. International Law & the Environment

International Law & the Environment is a very welcome addition to the growing list of books on international environmental law. This is perhaps the best single book thus far in this rapidly evolving area of global concern. Written in a very accessible style, the book covers the entire landscape of issues, related treaties, and other material concerning ecological quandary in sufficient detail while maintaining the economy of expression. It is an impressive presentation of complex issues and not so easily accessible material. It is an excellent text book for use in college and law schools; the material covered can be effectively utilized in several specialty courses such as: international studies, environmental affairs, and environmental law. The book is a comprehensive introduction to the principles of international environmental law. However, as the authors indicate, this book does not explore the policy side of environmental issues in detail. Yet, considering the sheer breadth and scope of the literature covered, it is an excellent starting point for advance research.

The book begins with an introductory chapter which introduces the reader to sources of international environmental law. The second chapter provides a good account of United Nations agencies that are responsible for shaping the structure, content, and process of international law. Also discussed is the role of intergovernmental organizations outside of the United Nations, as well as the role of non-governmental organizations. Although it is not exhaustive, the description of the role of non-governmental organizations and non-United Nations agencies in the development of international environmental law introduces the reader to a new dimension which had remained largely unexplored until this book.

The third, fourth, and fifth chapters deal with the structure of international law. The third chapter concentrates on rights and obligations of States. Throughout this chapter the reader is introduced to fundamental principles of customary international law for transboundary pollution and environmental harm; conservation and utilization of natural resources in common spaces; military activities and the environment; and trade and the environment. The fourth chapter deals with enforcement, compliance, and dispute settlement. This chapter is particularly useful from the lawyers perspective. The book comprehensively treats the elements of state responsibility that are required to establish liability. A detailed discussion of the methods of

*Chair, Antarctica and Wildlife Law Groups, American Society of International Law.

dispute settlement later in the chapter will be of much practical utility to practicing lawyers. The fifth chapter concentrates on the role of national law and the right to life and decent environment. By referring to cases decided by the Indian Supreme Court in the aftermath of Bhopal — wherein courts effectively overruled the landmark British ruling on strict liability: *Rylands v. Fletcher*¹ — the book demonstrates that new thinking has begun to challenge the old legal concepts of pre- or earlier industrial era. Indeed, with the advent of new hazardous technology that continues to evolve with ever increasing speed, the law must keep pace or it will not be able to safeguard the interests of humanity. Notwithstanding many good and recent citations, the book failed to take note of Paul Gormley's *Human Right and Environment*² and *The Right to a Safe and Decent Environment*.³ Such an omission is inexcusable, especially when an entire section of the book is devoted to exactly the same topic on which previously published scholarly writings have been well received.⁴ In a sub-section of the section that deals with the right to decent environment the authors discuss procedural rights for protection of the environment.⁵ Once again, they fail to take note of Paul Gormley's pioneering work *The Procedural Status of the Individual Before International and Supranational Tribunals*.⁶ The relevance of this twenty eight year old work has only increased in the wake of European integration. The discussion of other issues, such as: human rights, criminal responsibility, governmental rights, and animal and eco rights illustrates the expanding arena of human and non human rights. While the book refers to recent trends in the recognition of new rights, it once again fails to take note of the evolving rights of nature⁷ and fails to provide the rationale behind these evolving rights.⁸

The sixth chapter deals with the problems related to international watercourses. Since most countries share rivers, lakes, and ground water, they are concerned about natural resources that are necessary for the well-being of their citizens. This issue has gained more importance since the accident at Basal, Switzerland. Lately, rivers, lakes, and ground water in many parts of the world have begun to show signs of damage caused to them by irresponsible human behavior. There are certain obligations to protect the environment of international watercourses. These obligations vary from limits on pollution, equitable utilization, customary obligations to prevent harm to other states, obligations to protect environment, and transboundary environmental cooperation. This chapter provides a good introduction to the law of international watercourses

1. L.R. 3 H.L. 330 (1868).

2. PAUL GORMLEY, HUMAN RIGHT TO ENVIRONMENT (1976).

3. Paul Gormley, *The Right to a Safe and Decent Environment*, 28 INDIAN J. INT'L L. 1 (1988).

4. PATRICIA W. BIRNIE & ALAN E. BOYLE, INTERNATIONAL LAW & THE ENVIRONMENT 190-91 (1992).

5. *Id.* at 194.

6. PAUL GORMLEY, THE PROCEDURAL STATUS OF THE INDIVIDUAL BEFORE INTERNATIONAL AND SUPRANATIONAL TRIBUNALS (1966).

7. RODERICK NASH, THE RIGHTS OF NATURE (1989).

8. CHRISTOPHER STONE, EARTH AND OTHER ETHICS (1988); PAUL TAYLOR, RESPECT FOR NATURE (1986); JAMES RACHELS, CREATED FROM ANIMALS (1991).

by referring to important regional arrangements that have emerged in Europe, North America, and Africa. Surprisingly, there is no reference to Asian agreements.

Chapter Seven is devoted to the regulation of marine pollution. Despite the fact that this topic covers a very large, diverse body of laws, the authors have managed to provide a balanced treatment of all important issues. The areas dealt with in this chapter are: customary international law with reference to the 1982 Law of the Sea Convention; regional arrangements to protect the environment; pollution from ships; pollution incidents and emergencies at sea, and; responsibility and liability for damage. Chapter Eight deals with international control of hazardous waste. This indeed is an area that has attracted a significant amount of public attention in recent years. The chapter discusses the nature and scope of the problem, and current international policy that encourages cooperation in risk avoidance. Further discussed are the land based sources of marine pollution, dumping at sea, and international trade in hazardous substances. Next, Chapter Nine addresses the problems associated with nuclear energy. This area has gained significant attention after the Chernobyl accident and is likely to become more and more important as nuclear reactors age in various parts of the world and become an additional source of environmental concern. Therefore, discussion of the issues related to nuclear power is timely. Both International Atomic Energy Agency (IAEA) and Organization for Economic Cooperation and Development (OECD) rules pertaining to nuclear energy are discussed in some detail.

Chapter Ten covers atmospheric and outer-space pollution. These areas, like many others, have become very prominent since the discovery of an ozone hole over Antarctica and our knowledge about the dangers associated with a disintegrating ozone layer. The chapter discusses transboundary air pollution, the Convention for the Protection of Ozone, and the Outer Space Treaty. Chapter Eleven expands on principles and problems of conservation and sustainable use of living resources. After describing the role of the United Nations in developing an international regime for the protection of living resources, the authors briefly deal with new developing rights for animals and the common heritage concept. This particular section, although complex, should have been dealt with in more detail to provide an account of evolving ideologies that are often conflicting both in terms of moral philosophy and economy of the earth. Many writers consider that the conflict is moot because it interferes with human activity. Others argue that man is part of nature; therefore man must learn to live as part of nature rather than as a species that prides in bending nature to suit its requirements. Reference to Christopher Stone's famous *Should Trees Have Standing?*⁹ is a little stale, especially since his book *Earth and Other Ethics*¹⁰ appeared in 1988. This chapter also discusses the relevant provisions of the 1972 Stockholm Declaration and UNEP Principles for Shared Utilization of Natural Resources. Among the conservation strategies, the World Conservation Strategy, World Charter for Nature, and the Report of the World Commission on Environment and Development are explored. An important omission is inadequate treatment of the population problem. No study on environment and development can be complete without seriously taking note of population factor in sustainable development, especially, at a time when Malthusian prophecy appears to be inevitable. British authors are generally

9. CHRISTOPHER STONE, *SHOULD TREES HAVE STANDING? TOWARDS LEGAL RIGHTS FOR NATURAL OBJECTS* (1974).

10. CHRISTOPHER STONE, *EARTH AND OTHER ETHICS* (1988).

inclined to continue with John Stuart Mills' theory that Malthusian concerns can be easily moderated by advances in technology.¹¹ At the end of the twentieth century we find that technology itself has begun to cause more problems rather than it solves.

An emerging regime for the conservation of migratory and endangered land based species is dealt with in Chapter Twelve. This chapter is particularly useful for the discussion of bilateral and regional agreements that protect endangered species. Although the authors present a broad picture of the overall scenario, they inadequately treat the issues related to international trade in endangered species. The conventions referred to in this chapter are: the Ramsar Convention on Wetlands of International Importance, 1971; the World Heritage Convention, 1972; the Convention for the Conservation of Migratory Species of Wild Animals, 1979; and the Convention for International Trade in Endangered Species, 1973. Chapter Thirteen is devoted to the conservation of marine resources. This chapter comprehensively deals with various phases of the development of international law regulating marine living resources. Besides theoretical questions, this chapter covers regional arrangements for fisheries conservation, First United Nations Conference on the Law of the Sea (UNCLOS-I), Stockholm Declaration of 1972, and Third United Nations Conference on the Law of the Sea (UNCLOS-III). Also covered are other relevant conventions that impact on marine living resources.

The lucid style and ease of reference make this book not only a good textbook for classroom use, but also a good reference book for researchers who are looking for initial guidance to further examine and explore various issues in greater depth. The amount of literature surveyed is quite exhaustive, making it an extremely useful research tool. A list of cases, relevant conventions, and an index further increases its utility. However, to some extent the usefulness of this book to a serious researcher is reduced due to abbreviated footnotes that do not provide titles for referenced articles. Such an approach, along with the absence of a bibliography, makes it very difficult for a reviewer or researcher to evaluate the correctness or relevance of each article. This is an old tradition that should be abandoned, for it reduces the effectiveness of a fine work. The book is a little heavy in discussing pollution oriented problems and the law of the sea related issues. With increased awareness of the overall impact of human activity on nature, we are beginning to appreciate that pollution is only a by-product of population pressure on natural resources. The very reason for convening the Rio conference in 1992 was to address the latter issues. A discussion of the latter issues would have kept the work in line with contemporary concerns and thinking. Yet, the authors must be congratulated for producing a fine book. Most certainly the book has established itself as the first comprehensive textbook on international environmental law.

II. Biodiversity and International Law: The Effectiveness of International Environmental Law

Biodiversity and International Law: The Effectiveness of International Environmental Law is a product of global consultations, held between 1990-1991 on the development and enforcement of international environmental law, with the primary objective of preserving biodiversity. The process was initiated by the Netherlands National Committee for the

11. Robert Kurfurst, *Beyond Malthusianism Demography and Technology in J.S. Mill's Stationary State* 3 UTILITAS 53 (1991).

International Union for the Conservation of Nature and Natural Resources. It was followed by a conference at which a collective strategy, in the form of Hague Recommendations on International Environmental Law for the 1992 Earth Summit, was adopted on August 16, 1991.¹² Over 250 experts from all over the world participated and contributed in some form. However, principal contributors appear to be fourteen, in addition to the editor.¹³ A glance at the list of experts involved suggests a majestic assembly of who's who in international environmental law.¹⁴ Yet, the final product is far from impressive. It is difficult to develop coherence and effective continuity in an edited volume that is a product of such diverse consultations.

The editor of the volume with assistance from two co-editors, has attempted to arrange papers, short speeches, comments, and other documents in a presentable form. The editorial comments try to establish a continuity among major themes, papers, and speeches. Some of the editorial comments summarize the positions expressed by conference participants. Other comments appear to take the form of articles or commentary. There are no references for topics or titles that apparently have been borrowed from other published authors.¹⁵ The editorial task must have been difficult, requiring sifting through hundreds of disconnected statements and then tying them together in the form of editorial restatements. However, despite the wide variety of issues and conflicting opinions, the product appears to present a sense of unity in overall arrangement. One aspect that sticks out clearly throughout the book is that the views expressed are not very different than what we normally witness in emotionally charged international political gatherings, where everyone — people of all races, colors, and nationalities — wants to be heard. Estimation of public sentiments through democratic process is important; but then what happened to the competence factor? Everyone has a role to play: activists, non-governmental organizations (NGO's), lawyers, bureaucrats, academics, politicians, and economists. But, in the end, if an exercise of this magnitude produces work of this quality, then one must feel sorry for the participants and the organizers.

Readers of the book looking for a systematic treatise on international law of biodiversity will be disappointed. The book has failed to provide a direction, a sense of unity, coherence to this evolving branch of international law. Yet, the researchers will find much of interest, for the volume presents a wide variety of diverse opinions. The reader is inundated with rhetorical statements about economic and social injustice. Present inequality in world order that is the basis of North-South discord is visible throughout the book. In many ways, the speeches contained in this volume remind the reader of the cold war years when opposing parties found satisfaction in breathing dissatisfaction between the North and the South over the state of the global environment. How to find ways to protect the invaluable biodiversity of this planet remains as good a question at the end of the book as it was at the beginning. Although disagreements remain rooted in the basic perception of man--nature relationship--this issue was

12. BIODIVERSITY AND INTERNATIONAL LAW 194 (Simone Bilderbeek ed., 1992) (hereinafter BIODIVERSITY).

13. *Id.* at 210. A list of contributors is provided at the end of the book.

14. BIODIVERSITY, *supra* note 12, at 202-09.

15. For example, the title *Human Right to a Clean Environment* makes no mention of Paul Gormley's *Human Right and Environment*, a book published from Netherlands, or Paul Gormley's *Right to Clean Environment*. See *supra* notes 2-3.

not addressed.

In chapter one, the editor differentiates between the intrinsic value of biodiversity and value for human beings. By defining intrinsic values in terms of "sustainable use" and "well-being of present and future generations," Hague Recommendations defeat the very purpose for which biodiversity was described to have an intrinsic value. An intrinsic value is the most fundamental of all values, a value that is inherent, germane, natural to the causation, without which there will be no creation. It seems that participants and consultants both failed to get away from the "human centric" conception of biodiversity. Edith Brown-Weiss' now famous rights of future generations¹⁶ found their way into human-centered thinking. If we are serious about protecting biodiversity then we must get away from a human-centered conception to a conception that treats humans as part of nature's whole.¹⁷ A move to recognize the rights of nature is what we need if we are serious about protecting the biodiversity of this planet.¹⁸

The book is divided into five parts, or as the editor describes, chapters: International Environmental Law and the Preservation of Biological Diversity; The Effectiveness of International Environmental Law; Institutional Change and the Effectiveness of International Law; The Role of NGO's in the Effectiveness of International Law; and The Hague Recommendations on International Environmental Law.

The first chapter lists ten issues with one to four page long discussion of each. The last one of these, "the most important elements of biodiversity convention," incorporates eleven speeches. The specific issues dealt with are: cultural diversity; elements and strategies for the preservation of biodiversity; problems of developing countries; economic factors; legal framework; and structure, and objectives of convention. The speeches range from indigenous people, women and the environment, the relation between culture and biodiversity, conceptual discussion of ecodiversity and biodiversity, and economic insecurities, to elements, recent developments, and suggestions to strengthen international environmental law. Unfortunately, the impressive list of speakers has failed to provide answers to the current dilemma. There is no discussion of the theoretical foundations, environmental morality, or ethics that are necessary for an eco-conscious society. It is very important to understand that unless we adopt an ecocentric approach correcting our lifestyle, consumption patterns, and economic institutions, we are not likely to go too far. Perhaps discussion of holistic approach or moral pluralism would have educated the attendees of this international gathering.¹⁹

The second chapter deals with effectiveness of international law. The section begins with a speech by Mr. P. Hassan of Pakistan, who is also the Chairman of the International Council of Environmental Law of the International Union for Conservation of Nature and Natural Resources (IUCN). It is an impressive speech suggesting the need for a just world order

16. Edith Brown-Weiss, *The Planetary Trust: Conservation and Intergenerational Equity*, 11 *ECOLOGY L. Q.* 495, 540-44 (1984).

17. Anthony D'Amato, *Agora: What Obligation Does Our Generation Owe to the Next? An Approach to Global Environmental Responsibility: Do We Owe a Duty to Future Generation to Preserve the Global Environment?*, 84 *AM. J. INT'L L.* 190 (1990).

18. NASH, *supra* note 7.

19. SVEN-OLOF RYDING, *ENVIRONMENTAL MANAGEMENT HANDBOOK* (1992). This book, published by the same publisher, should be given to all participants of this conference to educate them in fundamentals of environmental quandary.

instead of new world order.²⁰ Mr. Hassan complains about inequality in current international order and the need to fix it.²¹ The issues raised by Mr. Hassan in his speech should have been addressed in more detail by questioning the foundations of global justice²² and global political economy. For example, the Western romance with Adam Smith and his descendants, without fully appreciating Adam Smith,²³ and by distorting Jeremy Bentham and John Stuart Mill's utilitarianism,²⁴ should have been presented before the gathering. It was time to deplore Ronald Coase (the Nobel Prize Winner for Economics of 1991)²⁵ and his followers for exporting environmentally damaging ideas to international community.²⁶ This was the place to confront the contagious disease of economic approach to international environmental law that is spreading like a new popular faith. But nothing of the sort is to be found in this book. The political economy is no longer confined to nation states;²⁷ it is a global political economy of interdependence built on the foundations of colonial economy so perceptively discussed by Adam Smith and John Stewart Mill.²⁸ Malthusian prophecy, predicting that the increase in population will ultimately lead to human tragedy, can no longer be moderated by John Stewart Mill's technological factor.²⁹ And yet, the book fails to take note of such fundamental issues. Failure to recognize such important aspects in a conference/book of this nature reflects that much progress remains to be made before we will even begin to appreciate the nature of the problem. The process that determines the contents and the boundaries of international justice

20. Hassan, Moving Towards a Just International Law, in *BIODIVERSITY*, *supra* note 12, at 72.

21. See generally Amartya Sen, Equality of What, in *LIBERTY, EQUALITY, AND LAW* 137 (S. McMurrin ed., 1987). Sen's discussion of the issue of inequality will help readers appreciate the nature of the problem between developing and developed countries.

22. Douglas Johnston, Foundations of Justice in International Law, in *INTERNATIONAL LAW AND POLICY OF HUMAN WELFARE*, 111 (Ronald Macdonald et al. eds., 1978); Frank Hawkins, *Justice in International System*, 10 *MICH. J. INT'L L.* 127 (1989).

23. PATRICIA WERHANE, *ADAM SMITH AND HIS LEGACY FOR MODERN CAPITALISM* viii (1991). Werhane writes that justice, not benevolence, is the basic virtue in three major writings of Adam Smith. The invisible hand is not the force that drives Smith's political economy.

24. PETER WENZ, *ENVIRONMENTAL JUSTICE* 155-253 (1988). Wenz discusses the limits of utilitarianism and cost benefit analysis in this book.

25. RONALD COASE, *THE FIRM, THE MARKET AND THE LAW* 95-185 (1988). The chapter referred to as Problem of Social Cost was originally published in the *Journal of Law and Economics*, at 3 (1960).

26. Richard Stewart, REMARKS: NEW DEVELOPMENTS IN INTERNATIONAL ENVIRONMENTAL LAW, 85 *PRO. OF THE AM. SOC. OF INT'L LAW*, 402, 407 (1991). Stewart thinks he is doing a service to environmental law by advancing Coase's theorem to international environmental law — "sort of Adam Smith in favor of Environment."

27. See generally ROBERT GILPIN, *THE POLITICAL ECONOMY OF INTERNATIONAL RELATIONS* (1987).

28. ADAM SMITH, *AN INQUIRY INTO THE NATURE AND CAUSES OF THE WEALTH OF NATIONS*, Vol. II 66-158 (E. Cannan ed., 1976); JOHN STUART MILL, *PRINCIPLES OF POLITICAL ECONOMY* 574-82 (W. Ashley ed., 1848, reprint 1987).

29. Robert Kurfirst, Beyond Malthusianism: Demography and Technology in *John Stuart Mill's Stationary State*, 3 *UTILITAS* 53 (1991).

is far more complex than a rhetorical speech can explain. Nevertheless, this section does succeed in highlighting basic principles of international law that can be evoked to strengthen the body of international law of biodiversity. Some of the themes discussed under nine headings are: national sovereignty, customary international law, common heritage and world heritage concepts; human rights to a clean environment; international crimes against environment; in the later speeches, sovereignty issue is once again discussed as well as a mechanism for the implementation of biodiversity convention. Perhaps the most interesting contribution is that of a general theory of environmental law,³⁰ wherein the author discusses the trends of development in international environmental law.³¹ Other speeches on national sovereignty and international law raise very valid issues and must be considered seriously if international law of biodiversity is ever to succeed.

The third chapter, institutional change and effectiveness of international law, begins with a speech by Mr. Wilson. In his address, Mr. Wilson raises some very valid issues. He chastised both the North and the South for pursuing unsustainable developmental policies.³² This was followed by a discussion of the present and possible future role of various United Nations agencies: United Nations Environment Program (UNEP), United Nations Development Program (UNDP), Food and Agriculture Organization (FAO), The Economic and Social Council, Bretton Woods Institutions and United Nations Conference on Trade and Development (UNCTAD), International Court of Justice, and the Security Council. For the protection of biodiversity, creation of new institutions is recommended. The suggested organizations are: Environmental Security Council, a World Authority for the Environment, Environmental Tribunal, and Environmental Ombudsman. Also discussed is the role of regional organizations including the European Community. An important segment of this section is the speech by Judge Lachs of the International Court of Justice (ICJ).³³ He referred to his earlier proposal to establish a chamber for environmental dispute settlement at the ICJ. Judge Lachs further suggested that to ensure the effectiveness of international environmental law, it is necessary that new conventions have specific provisions providing for the jurisdiction of the ICJ. This is the single most important practical advice that must be followed. Mr. Pace, while emphasizing the need for institutional change, refers to a few significant problems. First, that developing countries should not oppose progressive ideas of NGO's for more stringent environmental standards. Second, that more stringent measures should first be implemented in the North itself, and treaties should allow developing countries to slowly adopt to new

30. BIODIVERSITY, *supra* note 12, at 115. The author refers to the international law of coexistence from the time of the Roman Empire. Cf. Charles Alexandrowicz, *Treaty and Diplomatic Relations between European and South Asian Powers In The Seventeenth and Eighteenth Century*, 100 RECUEIL DES COURS 203 (1960). The tradition of interstate cooperation established by Chanaky's Arthashastra goes back to 327 B.C.; even the British adopted this old practice in India.

31. For a better understanding of the trends of development in international law, see generally Manfred Lachs, *The Development and General Trends of International Law in Our Time: General Course*, 169 RECUEIL DES COURS (1980-IV); Manfred Lachs, *Views from the Bench: Thoughts on Science, Technology, and World Law* 86 AM. J. INT'L L. 673 (1992); Sudhir K. Chopra, *The Teacher: Lachs at the Hague Academy*, 3 AM. J. INT'L L. (forthcoming 1993).

32. BIODIVERSITY, *supra* note 12, at 126.

33. BIODIVERSITY, *supra* note 12, at 148.

standards.³⁴ Later, Mr. Pace quotes Mahatma Gandhi in reference to lifestyle; this quote in the present form neither connects with the substance of the particular paragraph nor with the ideas being discussed. Gandhi's philosophy about lifestyle was quite different than what is being discussed. Gandhi believed in a simple living, a lifestyle that goes with nature without exploiting it: living in harmony with nature. He was against becoming dependant on the modern machine.³⁵

The fourth chapter deals with the role of NGO's in the effectiveness of international environmental law. Although discussion of the role of national courts is included in this chapter, it is clearly out of its scope. Other themes discussed are: the role of NGO's in the development of international environmental law and international procedures for the enforcement of international law. Also discussed is the current state of legal standing of NGO's in different countries — a very brief superficial survey. In the speech part popular action in Colombia and institutional roles in environmental priorities are discussed. Finally, the fifth chapter provides the text of recommendations adopted at the Hague conference.³⁶ These recommendations are split into four parts covering the first four chapters of the book. They are presented under the followings headings: I. The effectiveness of International Environmental Law; II. Development of the Law of Biodiversity; III. The Institutional Change; IV. NGO's.

In general, the book must be read not for its scholarly merit or accuracy, but to see how thoroughly disjointed and confused are the perceptions of people who must decide the fate of this planet and human race. A chaotic picture, full of contradictions and confusions emerges after reading the positions of very respectable experts; a nightmare for the editor who must have gone through many convulsions after sifting through the material. It is indeed a remarkable job to present such a massive diversity of ideas in a near palatable form. The book is clearly mistitled and offers very little, if anything, of international law of biodiversity. The quality of presentations is uneven; sometimes one has to make an educated guess as to what the person is trying to say.

If a reader is looking for a thorough treatment of the issues of international law it is not to be found here. There are many errors of legal knowledge as well as understanding about the scope of the subject matter. Many views indicate the limitations of perception. All serious scholars and libraries must acquire the book to at least learn about the disorder of the environmental law of biodiversity. In the beginning, the editor justified the reason for holding such a conference at the Hague. She very rightly refers to Grotius--the father of international law — a Dutch lawyer to whom international community is indebted for his farsightedness. Sadly, the material covered in the book is presented in a most un-Grotius like manner.

34. BIODIVERSITY, *supra* note 12, at 155.

35. MAHATMA GANDHI, SERMON ON THE SEA 113 (1924). See generally his views about the machinery.

36. BIODIVERSITY, *supra* note 12, at 193.

