

by the ICRC and the United Nations. Quite convincingly, Moir shows that despite the absence of a clear regulation in Article 3 or Additional Protocol II, present-day international law prohibits the use of belligerent reprisals against civilians during internal armed conflict as a means of law enforcement. The section dealing with enforcement measures taken by third States is more problematic. Moir subscribes to the widely-held view that Article 3 gives rise to obligations *erga omnes*, but leaves open which legal consequences flow from that assessment (p. 244 *et seq.*). The much-debated issue of whether third States are entitled, under Article 1, to resort to peaceful reprisals in response to violations of humanitarian rules, is dealt with rather briefly. More importantly, there is no mention at all of the possibility of instituting ICJ proceedings against States responsible for breaches of *erga omnes* obligations. Given the major relevance of ICJ jurisprudence for the development of the *erga omnes* concept, this is indeed a very surprising omission. The remaining section on the enforcement of human rights is concise and clear; but again, one would have hoped for more information on the interrelation between the two sets of rules. All in all, the chapter on enforcement is, therefore, less comprehensive than those parts dealing with the content of the rules.

As noted above, despite these criticisms, the book provides a well-written assessment of the current rules governing internal armed conflict. To have addressed such a heterogeneous field in a comprehensive way is in itself a significant achievement. It may be hoped that Moir's clear exposition will assist in the crystallisation of customary norms, and in this sense, contribute to the further clarification of a hitherto very unsatisfactory area of international law.

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*International Law and the Environment (second edition)*. By PATRICIA BIRNIE and ALAN BOYLE. [Oxford: Oxford University Press. 2002. xxx, 798, (Bibliography) 21 and (Index) 20 pp. Price £29.99 paperback. ISBN 0-19-876553-3.]

BIRNIE and Boyle's ground-breaking first edition was published in 1992, shortly before the outcomes of the UN Conference on Environment and Development were known. Hence, although the first edition contained references to the Rio Declaration, the Framework Convention on Climate Change, and the Convention on Biological Diversity, it could only do so in a somewhat speculative manner. The much anticipated second edition remedies this problem admirably. Whereas some might draw a parallel in the second edition being published only several months before the Johannesburg Summit on Sustainable Development, the absence of any binding instruments arising out of that summit is unlikely to detract from the second edition's currency.

The new volume is considerably longer than the first edition; it now fills almost 800 pages, compared to the first edition's 563. The increase in coverage and detail is not unjustified, as this dynamic and rapidly evolving field has seen many developments since 1992. The basic structure of the first edition is preserved. In the three central chapters on "the structure of international environmental law", the main argument is that "rules and principles of international law concerning protection of the environment do

exist and can be identified” (p. 79). The authors stress that international environmental law is “not a separate or self-contained field”. This explains their reluctance to entitle the book “International Environmental Law”—the authors note that there are those who would reject the view that there is such a body of law—and for the same reason, the authors later reject the proposal for an international environmental court. (p. 224).

The second edition contains many points of interest, and in this note it is only possible to draw attention to a few. One highlight is the informed discussion of the concept of “sustainable development”, which appears to have subsumed the notion of “environmental protection”. The concept came to the fore in “Agenda 21”, one of the outcomes of the Rio Summit, and a Commission on Sustainable Development has been established to “keep under review” the Agenda’s implementation. (p. 51). The authors explore the relationship between international law relating to the environment, and international law relating to sustainable development, and argue that the distinction is difficult; “although much of international environmental law could be regarded as law ‘in the field of’ or ‘aiming at’ sustainable development ... [it] encompasses both more and less than the law of sustainable development” (p. 2). One simple answer is that sustainable development involves taking account of economic considerations, whereas environmental protection does not. However, the distinction is in reality far more nuanced, and the inherent complexity in the concepts is demonstrated. For instance, environmental considerations can sometimes trump development issues, even if they are sustainable; and developmental priorities might simultaneously override environmental concerns, “without thereby ceasing to be ‘sustainable development’” (pp. 2–3). Later, the authors go into more detail: the concept “implies not merely limits on economic activity in the interests of preserving or protecting the environment, but an approach to development which emphasises the fundamental importance of equity within the economic system”. Birnie and Boyle further explain that sustainable development also entails the acknowledgment of non-financial components in economic welfare, such as “the quality of the environment, health, and the preservation of culture and community” (p. 45). The importance of the concept is underscored by the International Court of Justice’s reference to it in the *Case Concerning the Gabčíkovo-Nagymaros Dam*, although the Court has not given the concept any clear content. It is suggested that the conduct of an environmental impact assessment may be a requirement for projects potentially harming the environment; however, the Court has not yet expressly adopted this view.

The chapter on regulation, compliance, enforcement and dispute settlement describes the difficulty of applying the traditional bilateral model of dispute settlement to disputes over the enforcement of norms of international environmental law. The first problem is that of proving state responsibility for an environmental problem such as global warming. Second, finding an adequate remedy for breaches of international environmental law is also problematic: if *restitutio in integrum* is the primary remedy in international law, how can this be awarded when the harm caused is Ozone depletion? (pp. 181–185). Another difficulty is that of standing: is there an “injured state” when a state does not comply with its obligations under, for example, the *Convention on Biological Diversity*? The ILC Articles on State Responsibility seek to address these problems;

their implementation remains to be seen. Birnie and Boyle rightly argue that reliance on state responsibility has “serious deficiencies” (p. 199), and suggest that a more sophisticated approach is needed for the enforcement of international environmental law. These include obligations to submit reports, monitor implementation, permit inspections to take place, and establish non-compliance procedures, as are employed to supervise states’ obligations under the Montreal Protocol (pp. 200–209).

Several specialised chapters follow, covering issues such as the sustainable use of international watercourses, the law of the sea and the protection of the marine environment, protection of the atmosphere and outer space, and conservation of biodiversity. A new inclusion is a chapter on international trade and environmental protection, which was written by Thomas Schoenbaum. It conveniently fills a gap in the first edition, and describes, *inter alia*, the jurisprudence of GATT and WTO panels concerning the exceptions in Article XX of the GATT, the role of the WTO’s Committee on Trade and Environment, and notes the persisting uncertainty concerning the GATT-compatibility of some multilateral environmental agreements which employ trade restrictions.

The breadth of coverage and the depth of detail in the second edition is remarkable. If there is a criticism to be made, it is that the increase in coverage and detail has perhaps made it somewhat less approachable; however, this is an inevitable consequence of making the book as comprehensive as it is. One regret is that endnotes instead of footnotes have been used: being able to check references on the same page as its text (as one was able to do in the first edition) might enhance its user-friendliness. However, this point is minor, and this second edition will undoubtedly prove to be an excellent resource for international law students and practitioners alike.

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*The Political Economy of International Trade Law: Essays in Honor of Robert E. Hudec.* Edited by DANIEL L. M. KENNEDY and JAMES D. SOUTHWICK. [Cambridge: Cambridge University Press. 2002. xiii, 666, (Bibliography) 5 and (Index) 24 pp. Hardback £80.00 net. ISBN 0–521–81319–0.]

How is one to review a volume of more than 600 pages encompassing 38 authoritative voices on international trade in 1000 words? To begin with, this is not a compilation of previously published articles. The volume is “a tribute to the contributions of Robert E. Hudec” (p. xi), “one of the foremost authorities in the world on international trade” (p. xiii). The essays in this volume were originally prepared for a conference held in September 2000 to honour Professor Hudec’s retirement from the University of Minnesota Law School after 28 years (p. xi). Together, they compose an interdisciplinary study of current problems affecting the law and institutions of the World Trade Organization (p. 1).

The contributors to the volume are described as “[i]nternational experts in law, economics, and political science”. Indeed, the list of contributors comprises a striking collection of leaders in the field of international trade. Among the international trade law specialists are Kenneth Abbott, Steve