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Publications

Nico Schrijver, *Sovereignty Over Natural Resources, Balancing Rights and Duties.* Cambridge University Press ISBN 0 521 56269 4 £60.00 (US$95.00) hardback

Cairo A.R. Robb, *International Environmental Law Reports, Volume 1, Early Decisions.* Cambridge University Press 0521 64397X £40

R.R. Churchill and A.V. Lowe, *The Law of the Sea*, 3rd edition, Juris Publishing, Manchester University Press ISBN 0 7190 4382 4 £55.00 hard back

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What would happen if we were to live in a society where only the rational wills of individuals accounted for our behaviour? A society where science and reason rule and we are free from the oppression of government. Where the hidden hand of collective decision making would determine the social optimum, where the aggregated probability of variation in human nature is, in Laplace's phrase, 'good sense reduced to a calculus'. A glimpse of the dreadful Arcadia that would result is graphically portrayed in a series of allegories by an author writing in the Enlightenment, at a time when Rousseau was waxing romantically about the natural state. The Marquis de Sade pointed out that if released from the shackles of cultural

constraints and allowed free-reign of our instincts, we would descend into a morass of amorality. This is why we have law.

One of the central tenets of law is the concept of ownership, and much of international law is given over to the concepts of Sovereignty and the rights of the State. In *Sovereignty Over Natural Resources: Balancing Rights and Duties* Nico Schrijver explores two contrasting aspects of sovereignty. One is that states have rights over their natural resources that are enshrined in many international conventions, the second is that these rights are not without obligations. The book is divided into three parts: The birth and development of the principle: the UN General Assembly as midwife; Natural-resource law in practice: from creeping national jurisdiction towards international co-operation; and balancing rights and duties in an increasingly independent world. The text is well written and accessible with excellent cross-referencing to the relevant conventions and treaties, together with case studies and a series of summaries in appendices. The book points out that, despite a number of UN General Assembly resolutions on environmental matters, the sound management of the environment still rests with the state. However, states do have obligations both spatially and temporally to neighbours and future generations. The importance of good neighbourliness can be traced back to early decisions in international environmental law, summaries of which are provided in the edited volume by Cairo Robb in the new Cambridge International Law Reports series. Each summary has a clear introduction including key words and a precis of the main points, followed by extracts from the original documents of the case. Of particular interest in this context are the Trail Smelter and Lac Lanoux decisions, the first concerning air pollution affecting the USA from a Canadian smelter and the second concerning diversion of water by France of a river that flowed into Spain. These, and other cases in the book, are examples of bargaining over rights, in the true sense of Coase's original meaning. Future generations, as represented by the common heritage of mankind, are discussed in the Bering Fur-Seals case, by which the USA sought to prevent pelagic sealing in international waters of fur-seals which provided an industry on United States territory when they came to land. The USA wished there to be a sound policy 'for the common interest of mankind, and in the exercise of the humanity which all civilized nations accord to wild creatures, harmless and valuable', which is quite interesting coming from a nation which refused to sign the 1992 Convention on Biological Diversity. Exploitation of the open sea is often thought of as an example of the problems associated with an open access resource, but in fact there are conventions dealing with activities in international waters. In the 3rd edition of the *Law of the Sea*, R.R. Churchill and A.V. Lowe provide an excellent introduction to international public maritime law that is suitable for undergraduate courses and as general reading on the subject. Topics covered include coastal baselines, mining on the international seabed, fishing, marine pollution, and military uses. In addition, there are a series of appendices with tables of claims to maritime zones and ratification of UN conventions.

Without law we would self-destruct—and perhaps this is what has

happened historically to societies that have blossomed and then become extinguished even when their light seemed to be burning so brightly. Individual wills need to be socially co-ordinated and international agreements made. Is destruction of the Amazon rain forest due to some economic calculus, or is it because certain agents are ignoring the existing property and human rights of indigenous inhabitants? Does over-fishing of the seas result from a pricing and property rights failure or a lack of respect for the common heritage of mankind? These are issues of great concern to environment and development economics and these three books provide a varied and interesting introduction.

Anup Shah, *Ecology and the Crisis of Overpopulation: Future Prospects for Global Sustainability*. Edward Elgar Publishing, Ltd, Cheltenham, 1998.

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Ecology and the Crisis of Overpopulation purports to explain recent and current trends in human population growth and the ecological consequences of that growth through the lenses of analytical economics and behavioral ecology. After beginning with an overview of the history of the human population, the author proceeds to discuss the accelerating growth curve of the past 10,000 years in a context of Malthusian economics contrasted with modern micro-economics and family-size decision making. He discusses the prospects of further growth in a setting of environmental deterioration, contrasting the views of 'optimists' and 'pessimists': those who think continuing population growth is good because more people will be available to overcome problems versus others who are concerned about the risks of overpopulation. He comes down on the side of the pessimists, accepting the concerns of ecologists that too large a population would undermine the ability of the world's ecosystems to sustain it. The question then becomes one of finding a way to prevent overpopulation and destruction of that life-support system.

The central portion of the book consists of 'normative analysis', in which the collective consequences of the decisions of millions of individual

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couples are shown to be at odds with maximum social welfare because they lead to overpopulation. This is ascribed to externalities such as 'incorrect pricing, especially of environmental goods' (p. 5). Much of Shah's analysis is presented as game theory, and he discusses potential interventions to solve the dilemma almost entirely in an economic context. A favored approach is one that raises the costs to parents of child rearing, such as requiring children to attend school rather than contribute to family survival by working. Shah considers industrialization and increasing general prosperity to be the best solutions. But, contrary to most experience, he seems to view the reduction of infant and child mortalities by providing basic health and sanitation more as a spur to population growth than as a key to lowering birth rates.

Although favoring the prospect of reducing population growth through industrialization, urbanization, and increased prosperity, Shah recognizes the dilemma posed by the lag in fertility reduction and environmental constraints on population size. His conclusion that the population market failure leads to couples having more than the optimum number of children prompts an examination of some existing and potential stringent social policies, including China's one-child family policy and India's failed attempts at coercive control in the 1970s. Among the possible policies he brings up is Kenneth Boulding's long-forgotten idea of issuing tradeable licenses for child bearing. Only near the end of the book is there much discussion of the factors now widely recognized as especially important in motivating and facilitating family size limitation, particularly educating girls, giving women opportunities to participate in economic activities outside the home, and making basic health services (including reproductive health and family planning services) widely available.

While Anup Shah is certainly to be commended for his effort to approach the complex topic of overpopulation from an interdisciplinary viewpoint, the result is not wholly successful. In his discussion, the author frequently contrasts what he thinks are the views of 'neo-Malthusians' with those of 'modern micro-economic theory'. He appears to think that all observers who have concerns about overpopulation share identical views and attributes to them beliefs that are far beyond oversimplifications. For instance, he contends that neo-Malthusians consider it 'more important to get the population growth rate right and if abortion and euthanasia are necessary to accomplish that goal then it is a price worth paying' (p. 6). Earlier he states that 'neo-Malthusians think that population causes poverty whereas mainstream economists think the other way round'. Most absurdly, he asserts that 'neo-Malthusians claim that the use of contraceptives increases family sizes' (p. 4).

Of course, neo-Malthusians are by no means in agreement about the acceptability of abortion, although few would support it as an involuntary procedure (as China has done). Still less has euthanasia been considered as a population policy! And by now, most observers have concluded that the relationship between poverty and population growth is much more complicated than one causing the other. Rapid population growth makes it more difficult for societies to expand basic services for their citizens and for families to escape poverty. Yet poverty enhances the economic value of

children to their parents, who depend upon the children's labor to help support the family enterprise. At the same time, the growing numbers of people intensify the pressure on environmental resources, leading to environmental deterioration and deepening poverty in a downward spiral that becomes increasingly difficult to break.

Shah's statement about contraceptives presumably is based on an article by demographer Kingsley Davis in the late 1960s, when family planning programs were first being introduced in developing nations, suggesting that contraceptives would just allow parents to 'plan' and carefully space their large families. At that time, establishing family planning programs seemed to be little more than a hopeful social experiment, based on the idea that if people in less-developed nations were given the means to control their fertility, they might have fewer children, like their contemporaries in industrialized nations. Kingsley Davis was simply making the point that just providing contraceptives in itself would not have much effect on people's motivation toward smaller families. Thirty years of experience have shown the idea to be largely right, in that in the absence of supporting social programs, the mere provision of a limited array of contraceptives is insufficient to reduce birthrates significantly. Yet, when appropriate social supports are present, family planning services clearly can facilitate fertility declines.

Shah exhibits similar misconceptions about ecological ideas and beliefs. This is especially clear in his assertion that human beings are territorial, supposedly derived from ecological studies, which leads to the idea that 'overcrowding' might be a strong motivating factor in fertility reduction. He discusses it as a cause of suburbanization in industrialized societies and as a disadvantage of city life that might be balanced by other cultural advantages. But most ecologists would agree that any territorial tendencies in human beings are far overshadowed by our nature as social animals. There is little evidence that overcrowding, short of a total lack of parental privacy, has any effect on childbearing decisions in modern societies.

It also is curious that Shah, in writing a book on population, seems to have overlooked the findings by the United Nations demographers in the mid 1990s that fertility, almost worldwide, was falling dramatically beginning in the late 1980s and continued through the 1990s. The United Nations demographic projections in 1996 for global population growth after 2000 were lowered by about a half billion people in 2050 than had been calculated in 1992. In 1998 the medium projection dropped even further and indicated a world population in 2050 of less than 9 billion (still a nearly 50 per cent increase over the 2000 population), with diminishing growth thereafter. In 2001, the projections were raised again slightly (the medium one rose to 9.3 billion in 2050), but they nonetheless remain substantially lower than those of a decade earlier. Yet Shah continues to assume a doubling of population size during the twenty-first century.

Nonetheless, Shah comes down firmly on the 'ecologists' side in urging a preventive approach to the population resource dilemma, recognizing that the potential irreversibility of environmental damage might make economic compensation impossible, especially given the persistent

inequity in human societies. He concludes that 'The most telling of the … problems is the environmental constraint. This reduces our set of choices. Prosperity for all then must mean a smaller world population.… It is the most humane option that we have.'

In sum, Anup Shah has made a brave attempt to meld the findings and views of scholars from various disciplines and focus them on the world population dilemma, unfortunately with mixed success. In bringing economics (his own discipline) to bear, he is most successful. But readers would be well advised to take a skeptical view of his demographics, population history, and ecological assertions, and consult other sources on these topics.