

places the most significant pieces in one handy volume. For those who have not, it is essential reading for those who wish to understand how the current position has been reached.

PETER ROWE

*Intergenerational Trusts and Environmental Protection.* By CATHERINE REDGWELL. [Mel-land Schill Studies in International Law, Juris Publishing, Manchester University Press. 1999. xiv + 200 pp.]

THE book under review is a unique and original study of the use of trust mechanisms for environmental protection. The possibility of an intergenerational character in the concept of trust makes it particularly attractive as a means of environmental protection, with the interests of future generations in mind. The author of the book analyses the following matters: private and charitable trusts, including the development of such institutions as the National Trust for Scotland (Chapter 2); the public trust doctrine in the United States (Chapter 3); the concept of intergenerational equity (Chapter 4); the legal status of intergenerational equity under international law (Chapter 5); and finally the author having analysed the domestic law concepts of private, charitable and public trusts and of intergenerational trust, examines whether the trust concept is a general principle of international law.

The author of the book has given a fascinating insight into municipal and international law issued concerning the law of trusts. Of particular interest is the concept of public trust in the United States which was resurrected in the 1960s and 1970s with the advent of environmental concerns in the United States. Although its precise nature and scope is not well defined, according to C. Redgwell "... the public trust serves as an important additional tool for environmental protection particularly where administration discretion has been abused" (p.179). In relation to the concept of trust in international law, the author presents an in-depth study of the doctrine of Professor E. Brown-Weiss, who is the main exponent of the theory of intergenerational equity. A valuable aspect of the analysis is that C. Redgwell assesses this theory in the context of Rawl's *Theory of Justice* on which, to some extent, E. Brown-Weiss founded her own concept. One of the elements of this theory is the establishment of a planetary trust. The doctrine of intergenerational equity was, however, a subject of much criticism, *inter alia*, for being based on a human right, anthropocentric approach. Although it may be said that the concept of sustainable development is the conceptual summation of this theory, its value for practical purposes of environmental protection is limited. Notwithstanding support for this doctrine by the Supreme Court of the Philippines in the famous *Minor Oposa v. Secretary of the Department of the Environment and Natural Resources* case, due to inherent flaws in this theory coupled with the requirements of procedural law of the Philippines, this did not lead to any tangible result in the end. The Supreme Court as a matter of due process, ordered that all holders of timber licensing agreements be impleaded as indispensable parties. "[I]n the meantime, Philippine forests continue to be denuded ... at an annual deforestation rate of 100,000 hectares per annum, 300,000 hectares were lost while the case was pending from 1990 to 1993 (A. La Vifa, "The Right to a Sound Environment in the Philippines: The Significance of the *Minors Oposa* case, *RECIEL*, vol.3, no.1, 1994, p.250). Thus the reviewer finds it somewhat difficult in the end to agree with C. Redgwell that this case demonstrates "... the continued vitality of this concept, and of concerns for future generations, in motivating challenge to administrative and executive action" (p.182).

The author presents an admirable analysis of jurisprudence of the International Court of Justice in relation to legal character of international trust, in particular as to the problem whether trust concept is a general principle of international law—to which the answer is affirmative.

C. Redgwell concludes that due to the legal characteristics of trust (such as an intertemporal approach; acknowledgement of the need for the standing and/or representation of the interests of future generations in the present; a legal mechanism for operationalising intergenerational concerns through trust institutions and trust funds), this concept is an attractive solution to suit "the contemporary challenge of global environmental problems requiring a community response" (p.184).

The book under review is an ultimate work on trusts as a tool of environmental protection. It is a faultlessly researched study with innovative ideas. Unlike other works on the subject, it takes a general approach to the concept of trust, both in national and international legal systems. The book is written in a clear and accessible manner thus making it possible for non-common law lawyers to understand the complicated subject of trust in national law.

MALGOSIA FITZMAURICE

*The Treatment of Prisoners under International Law.* By NIGEL S. RODLEY. [Oxford: Clarendon Press. 1999. (2nd Ed.)]

THE first edition of this seminal work appeared in 1987. Around that time a whole string of initiatives concerning torture and the ill treatment of detainees were coming to fruition. Notably, the UN Convention against Torture had been concluded and had just entered into force, the mandate of the UN Special Rapporteur on Torture was newly created and work on what was to become the 1988 Body of Principles for the Protection of All Persons under any form of Detention or Imprisonment' was well advanced. Numerous other developments were taking place in the jurisprudence of the human rights bodies, under international humanitarian law and in the work of various intergovernmental organizations. These and other disparate strands were woven together to create a vision of an emergent normative and institutional network ready to meet the challenges that faced it. Twelve years later, it is clearly appropriate to revisit this material, to see what has been achieved and to contemplate what the next moves may be.

The second edition follows the same structure as the first. The opening chapter surveys the response of the United Nations General Assembly to the challenge of torture whilst the second provides an overview of the prohibitions under international law. The following three chapters then consider the definition of torture and ill-treatment, its legal consequences and the range of remedies and mechanisms which exist for responding to it. The next group of chapters consider a series of specific issues: extra-legal execution, the death penalty, "disappearances", conditions of detention and corporal punishment. The final chapters examine a range of guarantees against abuses of the human person and the various codes of professional ethics which bear on the manner in which detainees are to be treated. The material has been thoroughly updated and section on the European Convention for the Prevention of Torture has been added. The focus is on the general pattern of emergent themes and by concentrating on the truly significant developments the narrative thrust of the work is maintained.

It says much for the original work that, in most instances, the inclusion of the new material has, in most instances, the effect of confirming the conclusions or fulfilling the predictions that it had made. The developments relating to extra-legal executions and disappearances are particularly significant and less widely known than those stemming from the ECHR jurisprudence. Indeed, it is one of the great merits of this work that it draws extremely diverse bodies of practice, much of which is comparatively difficult to access, and this makes its conclusions all the more compelling. As with the first edition, it is written in a measured tone and avoids the pitfalls of sensationalism to which it would be so easy to succumb. This doubtless adds to the authority which the text rightly commands. The author is, of course, the current UN Special Rapporteur on Torture and this gives the work an extra dimension but it is not allowed to distort the presentation: so on p.294 he cautions against comparing