

period analysed. Although each chapter conclusion was linked together effectively and the primary objectives of the text were clearly met by the author, some of the innovative and original final arguments could have been discussed in more detail. However, this may merely be a matter of personal taste regarding the nature of a conclusion chapter and is in no way intended to detract from the quality of legal analysis present throughout this text.

The Changing Legal Regulation of Cohabitation makes an important contribution to the academic discourse in this area. This scholarly contribution is insightful, detailed and rigorously argued by the author. Furthermore, the book's contribution is also timely in light of the current debate surrounding the granting of statutory rights and remedies to cohabitants upon relationship breakdown. Therefore, within the specific field of the legal regulation of cohabitation, this book will undoubtedly have both considerable impact and also a wide readership. However, it is arguable that the value of this book is not limited solely to those interested in a historical perspective on the legal treatment of non-formalised relationships. Drawing upon a wide array of sources, Probert's meticulous and incisive analysis of this area tells us far more. It provides insight into the evolving notion of "family" and the significance of relationship status. It stimulates debate as to the relationship between law and social change which naturally touches upon how social trends influence law-makers and the courts. More importantly, the central thesis of the book tells us of the importance of interrogating assumptions about law and social practice. It is only once this is done that a better foundation can be generated for the purposes of debating how the law should develop in the future. These broader issues are of appeal not only to family lawyers but also to all that are interested in how law incrementally develops in response to dynamic social change.

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The Law of Nature Conservation – Property, Environment, and the Limits of Law. By CHRISTOPHER RODGERS. [Oxford: Oxford University Press, 2013. xxix, 337 pp. Hardback £70. ISBN 978-0-19-954313-7.]

THE right to property is the cornerstone of the modern economic system. It plays a key role in the design of regulatory solutions to the problem of environmental damage associated with industrialisation and economic development. Environmental law commentators have shown how the traditional concept of property – which focuses on the rights of landowners rather than on a duty of responsibility towards what lies in the public interest – can be at odds with environmental policies (See e.g. David Grinlinton and Prue Taylor (eds.), *Property Rights and Sustainability – The Evolution of Property Rights to Meet Ecological Challenges* (Leiden/Boston 2011)). The difficult interrelation between the right to property and environmental protection is particularly acute where it concerns nature conservation – i.e. the protection of wildlife habitats, biodiversity. An unconstrained use of land (e.g. intense farming) can significantly impact on wildlife habitats and more broadly on interconnected wildlife and neighbouring natural resources. Moreover, landowners could make use of the guarantees of protection associated with the right to property to try to block the implementation of environmental regulations aiming at improving

environmental quality. The right to property could, for instance, be invoked to oppose the creation of nature reserves on private land or prevent restrictions being imposed on the use of land and the exploitation of its natural resources.

The Law of Nature Conservation – Property, Environment, and the Limits of Law contributes to the debate on the interaction between environmental protection and landowners' rights by examining UK habitat and wildlife law through the prism of the right to property. Rodgers conceptualises nature conservation law by looking at the impact that this field of law has on the rights of landowners. He also examines the limits that property imposes on nature conservation policies. Based on this conceptual approach, Rodgers analyses in detail the main regulatory instruments that the UK has developed to protect its natural environment. Chapter one defines the scope of nature conservation law and introduces its interaction with property paradigms. Rodgers' work on the theoretical delimitation of nature conservation law and the conceptualisation of this field of law on the basis of property paradigms is original and presented in a clear and convincing way. It provides an interesting contribution to the development of nature conservation law as a well-defined and specific part of the broader field of environmental law, with its own challenges and legal concepts. Importantly for the conceptual analysis that follows, Rodgers distinguishes the entitlements-based model of property – focusing on the right to use and exploit land – from the resource allocation model of property. Rodgers argues that, by focusing on the different resources to which the right to property gives access, the latter model provides a better reflection of the interrelation between property and the conservation of natural resources. Based on this resource allocation model of property, the subsequent chapters discuss how nature conservation law reallocates property rights in land.

Chapter two examines the governance of nature conservation. Its focus is on the different governmental and non-governmental bodies, as well as partnership schemes, which have been created to regulate land resources and protect wildlife habitats. Chapters three and four discuss natural habitats and, in particular, the designation of land as sites of special scientific interest, nature reserves or national parks. Rodgers describes the implication for the management of land following its characterisation as an area of particular environmental importance, focusing on the reassignment of property rights. Designation of land as a site of special scientific interest, for instance, confers on the state the power to make decisions regarding the implementation of certain environmentally sensitive practices or "operations likely to damage the special interest". The owner of the land is required to surrender certain legal rights for the benefit of nature conservation. Rodgers comes to his conceptual conclusions in a logical and persuasive way. However, the narrative suffers from too much description and too heavy a focus on the details of wildlife habitat governance and management. This level of detail and descriptive approach distract the reader from the core of the conceptual analysis.

Chapter five discusses the protection of wild animals, birds and plants – a logical continuation of the preceding analysis, given the close link between the safeguard of natural habitats and the species that occupy this habitat. Chapter six continues the previous analyses on habitat and wildlife protection in the UK by looking at the impact that EU environmental law has had in this field. EU law has played an important role in shaping UK wildlife habitat law, including through infringement procedures launched by the EU Commission against the UK. It is interesting to understand the influence that EU law has had on UK nature conservation law and to grasp how regulatory approaches in the

UK have sometimes failed to meet the standards of protection set by EU law. EU law has required the UK to impose certain restrictions on land use and has therefore had an indirect impact on the rights of landowners. This analysis is relevant for the general conceptualisation of nature conservation law in relation to property rights in the UK. Given the impact of EU law on UK wildlife law, it is not surprising that the book discusses some of the same regulatory and economic instruments in both this and the previous sections on UK law. However, this repetition makes it more challenging for the reader to remain focused on the main arguments in the book. Moreover, in the absence of an analysis of the implementation of EU law in other member states, the reader is left with questions as to whether there are alternative regulatory approaches with different impacts on property rights.

Chapter seven addresses the specific topic of marine conservation. The protection of the marine environment is particularly interesting because it raises very different issues with regard to the rights over land. In contrast to the protection of wildlife habitats, the main challenge is not related to owners' use – or abuse – of the right to property over their land. Many stakeholders are involved in relation to a large, interlinked and continuously changing environment. Interestingly, the creation of new rights to property, e.g. in the form of quotas and licensing regimes, are part of the regulatory answer to the environmental challenges that characterise marine areas.

Chapter eight brings together the conceptual analysis of the relationship between property rights and nature conservation. Building upon the conceptual framework of chapter one, Rodgers offers a critique of the fundamental principles which underpin the modern approach to property rights by highlighting the limitations that this approach imposes on nature conservation law. The extensive rights landowners have over their property limit the scope for the state to promote nature conservation. Rodgers argues in favour of a fundamental reform of the law governing land ownership. He argues the primacy of property rights should give way to a concept of property rights which includes a duty of environmental responsibility and stewardship.

This conclusion – built on the solid analysis of the previous chapters – provides a much needed contribution to the debate on the development of new regulatory approaches to move our contemporary society towards more sustainable patterns. Reformulating the right to property – as pillar of our economic system – is needed to reconcile economic rights with environmental objectives, particularly when these economic rights touch upon the use of land and endangered natural resources. However, such reformulation will inevitably come into conflict with the vested interests of private landowners who could try to oppose any such reform by invoking the guarantees of protection associated with the right to property. In this book, Rodgers argues that property, as social construct, is shaped by a system of legal rules that can be amended where these rules are not longer able to achieve the desired social objectives. The rules governing property could therefore easily be amended to integrate a duty of environmental responsibility. Rodgers raises the issue of the protection of property rights, particularly the protection afforded by the First Additional Protocol to the European Convention for Human Rights. Although he refers to some of the relevant property law-related judgments of the European Court for Human Rights, and of national courts, Rodgers does not provide a thorough and convincing analysis of the limits that the ECHR imposes on contracting parties regarding interference with the right to property. An assessment of allegations of violations of the right to property necessarily

requires a delicate balancing exercise of the private interests protected by the right to property and the broader public interests at stake. This balancing exercise aims to determine whether an excessive burden is being forced upon private landowners in the pursuit of environmental protection objectives. *The Law of Nature Conservation* makes an important conceptual contribution to this dichotomy by arguing in favour of incorporating an environmental duty as a qualification to the right to property: protecting our natural environment is not an excessive burden imposed on private owners. However, given the scale of the reform proposed and the conceptual implications, it remains unclear from the analysis if this conclusion is in line with international approaches to the concept of property to which the UK is bound to comply.

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Climate Change and The Law. By ERKKI HOLLO and KATI KULOVESI and MICHAEL MEHLING (eds). [Dordrecht; London: Springer, 2013. 693 pp. Hardback £153. ISBN 978-94-007-5439-3.]

SINCE the adoption of the UNFCCC and the Kyoto Protocol, in 1992 and 1997 respectively, the law and policy of climate change over the past two decades have rapidly evolved and expanded enormously in both the scope and intensity of the regulatory activity. Because of the global dimension of the problem, the legal responses to climate change have been highly diversified and entailed action at different regulatory levels, rendering climate law one of the fields where the relationship and interplay between the international, regional and local level are at the same time more significant and challenging. In addition to such vertical expansion across multiple governance levels, climate-related legislation is also increasingly characterised by its pervasive and cross-cutting dimension. Its scope of application often extends beyond the realm of environmental law and intersects with the regulation of other sectors of the economy and social life. It is therefore not surprising that a vast and growing amount of legal literature has developed to address the various legal aspects and multiple regulatory challenges arising in relation with climate change. Against this background, *Climate Change and the Law* offers a very valuable and positive contribution to the ongoing scholarly debate in this evolving field of law. The volume is a sound collection of academic pieces that aim at exploring the various aspects of the relationship between climate change and the law. It comprises of 30 chapters articulated into five Parts and providing different perspectives into the study of climate law.

Part I seeks to define the legal and doctrinal boundaries of climate law and justify its understanding as an emergent discipline. Michael Mehling offers an interesting overview of the different regulatory strategies and innovative governance approaches available to address climate change at both domestic and international level, and identifies common principles and objectives capable of bringing coherence in a still highly fragmented regulatory framework. Kati Kulovesi's chapter illustrates the multi-layered nature of climate change law, characterised by the interplay between different sources of legal authority, and the growing role of non-state actors and soft law mechanisms in international climate governance. Her contribution thus provides a comprehensive