

**Robert V. Percival, Jolene Lin and William Piermattei, EDS:  
Global Environmental Law at a Crossroads**

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The compilation of papers presented at the 2012 IUCN Academy of Environmental colloquium in Baltimore, MD, USA has now been published in this important new book. The book, as did the colloquium, illustrate the wholeness of contemporary environmental law. Diverse fields like water law, climate change law and agricultural and food law are taken under the umbrella of environmental law. Thus the book—reasonably so—enhances the perception of environmental law as having a broad scope. Environmental impacts are the decisive factors, instead of doctrinal divides.

The compilation is divided into three main sections, proceeding from the general level to more detailed analysis. The first section on environmental governance frameworks is followed by a ‘world tour’ from the Middle East via Ethiopia and Nigeria to Singapore and Australia, to name but a few. The articles in the last section take the impossible task of looking at the future—an indispensable undertaking when dealing with environmental law that is nearly wholly oriented to the future. A brief review of a few articles from different sections of the book reveals the deep issues of governance that modern environmental law and sustainable development must address.

The book’s first section, Environmental Governance Frameworks, opens with Fulton and Wolfson’s chapter on the rule of law, sustainability and effectiveness of environmental governance, *Strengthening National Environmental Governance to Promote Sustainable Development*. The chapter analyses the core features of effective environmental governance, with the intention of thus gaining a better understanding of the whole. The aim is appropriate in that astute analysis of regulation is one of the main services legal

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scholarship can provide to society. In their analysis, Fulton and Wolfson discuss aspects—like public engagement, accountability and integrity, and dispute resolution procedures—of the Rule of Law and effective environmental governance. To address the pre-existing problems and to elucidate the increased emphasis within international environmental law on implementation, the authors present some of the latest initiatives in the field. A whole new initiative is also suggested—a collaborative agreement or partnership that could knit the existing approaches together by addressing all the elements of environmental governance. The authors suggest a holistic, strategic planning that would draw together the myriad of parties in the field, thus enhancing the effectiveness of their actions. They also concretize their suggestion by listing the possible non- or intergovernmental entities that might be up to the task—a hoped-for step for an ambitious new initiative like this.

In the book's section on Environmental Governance Networks, Zhao's article, *Environmental NGOs and Sustainable Development in China*, continues the sustainability theme, this time focusing on the development of public participation rights in China. Ecological sustainability is strongly positioned in the Chinese Five-Year Plans, and the role of green civil society and the NGOs is the centerpiece of Zhao's enthralling piece. The chapter emphasizes the various ways participation rights are bounded by the state's social system—and how the social system determines the efficiency of the alternatives chosen. For instance, Zhao considers "a government organized NGO," a concept that seems like an oxymoron. Yet, an adjustment in thinking is required because they are quite influential *in concreto* and efficient in their task. The paper, using China's highly centralized state as its model, reveals the potential that centralization might have for efficient implementation of sustainability goals. Zhao conceptualizes the theme of the environmental NGOs as a problem of efficiency of decision-making.

The chapter raises also more fundamental questions such as the relationship between State and society. The chapter, focused on China, has an almost tangible undercurrent: the limitations of environmental principles as they are generally comprehended. Including the far-reaching objectives into legislation seems not to be adequate. What appears to be a lack of implementation of environmental regulation in China might instead be a lack of ability to make decisions at the political level—it might be that as long as the choice between fundamental objectives of economic growth and ecological sustainability remains unresolved, improving efficiency of environmental regulation does not bring the desired level of ecological sustainability. In resolving this dilemma, green NGO's might play a significant role in public participation and information sharing, as Zhao also concludes.

This atmosphere of not making the fundamental choices remains in Williams, Kennedy and Craig's *Lost in Translation: Threatened Species Protection in Australia*, an analysis of the interface between threatened species protection and mining regulation in Australia. The chapter fits well in the section of the book, Environmental Challenges – a World Tour. The more rudimentary issue the authors explore is how legal intention, that is to say the very aim the legislator wishes to pursue, may face extinction in the legislative practice. In other words, the problem that a piece of regulation should resolve remains unsolved because of the way that piece of regulation is implemented. As the authors see it, a choice between a nature-centered and development-centric approach ought to be made in order to have an efficient regulative system so that the aims of the regulation could be fulfilled. Besides this, in Australia federalism imposes challenges of its own, since the state and federal governments are so mismatched that the current state of affairs is even said to be “inoperative.” The challenges experienced in an established federal-state system provide a useful illustration for others, such as, for example, those interested in the development of efficacy and effectiveness within the European Union (EU), not to mention the general discussions on federalism in Europe.

In the last part of the book, Governance Models—Looking to the Future, themes like climate change and sustainable development are strongly present. Lugaresi's chapter, *The Unbearable Tiredness of Sustainable Development (at Different Levels, Lately)*, takes a critical view on the concept of sustainable development. The different levels attended to are national, with Italy as an example, and regional, considering development in the EU. The author also discusses the theme at the international level after the Rio+20 Conference. According to the author, in Italy one root problem is the pronounced emphasis on economic growth—again illustrating the tension between growth and sustainability that is present also in other articles in this review. The author gives the EU a modest absolution: comparing with international and national levels, the approach to sustainable development the EU has chosen is practical and straightforward, focusing on concrete solutions instead of abstract declarations. The chapter concludes constructively by guiding the way to the future by introducing regional governance levels as the most effective means to implement sustainable development.

All in all, the compilation of articles in *Global Environmental Law at a Crossroads* is well worth a read—it paints a thoughtful, multi-faceted picture of the current tides of

environmental law in the various levels of it. Examples from nearly every corner of the globe give food for thought for the locally positioned work conducted on an everyday basis as well.