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Protecting the Human Environment: Procedures and Principles for Preventing and Resolving International Controversies, by A. Levin

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PROTECTING THE HUMAN ENVIRONMENT: PROCEDURES AND PRINCIPLES FOR PREVENTING AND RESOLVING INTERNATIONAL CONTROVERSIES

By A. LEVIN

New York: United Nations Institute for Training and Research (1977).

xiii and 131 pp.

International environmental law is a new discipline and as yet somewhat ill-defined, perhaps because of its rather amorphous character. In spite, and perhaps because, of this it attracts scholarly attention and the literature is growing to such an extent as to warrant specialization and compartmentalization. *Protecting the Human Environment* is a highly specialized work dealing with the prevention and resolution of international environmental disputes. In this respect it follows in the footsteps of Professor Bilder's pioneering work,¹ but is more comprehensive and more current.

The book is divided into two parts: (1) procedures for the avoidance and settlement of disputes and (2) substantive rules applicable to settlement. In the first part Dr. Levin discusses such procedures as prior notification, negotiation, intermediary procedures, third-party determination, and national means of settlement. All these procedures have been analyzed, though not exhaustively, by others—for example, by Professor Bourne in the context of water resources problems and by this reviewer in the context of both water law and general environmental law.² But Dr. Levin's discussion of them is more systematic and more up-to-date because they form one of the major themes of her study. Particularly valuable is her review of the latest thinking on the subject in the U.N. Environment Programme which, since its inception after the 1972 Stockholm Conference, has assumed coordination of the work of U.N. organizations on environmental protection, and in international organizations outside the United Nations family such as EEC and OECD. The output of information emanating from these bodies is so voluminous that any systematization and summary presentation is of great help.

In the second part of the book, on substantive principles, Dr. Levin begins by discussing general rules of liability, such as those which

1. R. Bilder, *The Settlement of International Environmental Disputes* (1976) (University of Wisconsin Sea Grant College Program, Technical Report No. 231).

2. Bourne, *Procedure in the Development of International Drainage Basins: The Duty to Negotiate*, 10 CAN. Y.B. INT'L L. 212 (1974); Teclaff, *Harmonizing Water Resources Development and Use with Environmental Protection in Municipal and International Law*, 16 NAT. RES. J. 807 (1976).

evolved from the Stockholm Conference and, earlier, from the Trail Smelter arbitration. Then she devotes attention to more specific rules under the following topics: use and conservation of fresh water resources; use and protection of the airspace; and climate and weather modification. She brings the development of these rules up to date through analysis of the work of international organizations, noting both the difficulty of getting compensation for transfrontier pollution damage and the remedies suggested by the Nordic Convention of 1974³ and by the recommendations of the OECD Council for non-discriminatory access to foreign courts.⁴

In this analysis of specific areas, weather modification is the one most fully developed, whereas the use and conservation of fresh water resources are more sketchily treated, perhaps because of the vagueness of customary international law. The inadequacy of the Helsinki Rules for coping with water pollution, which first was noted by Professor Utton in his chapter on international streams in Vol. 1 of Clark's *Water and Water Rights* and further elaborated by this reviewer in *The Impact of Environmental Concern on the Development of International Law*⁵ underscores the need for further work on rules concerning water pollution in general and groundwater pollution in particular.

This slender work (92 pages, not counting bibliography, index, and notes) is remarkable for its comprehensiveness. The selected bibliography and voluminous notes at the end add greatly to its breadth and scope and it is especially valuable for quick reference and review of recent developments in international environmental law.

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3. Convention on the Protection of the Environment between Denmark, Finland, Norway and Sweden, 13 INT'L LEGAL MATERIALS 591 (1974).

4. Organization for Economic Co-operation and Development: Council Recommendation on Principles Concerning Transfrontier Pollution, Annex, Title B(1)(b), 14 INT'L LEGAL MATERIALS 242 (1975).

5. 13 NAT. RES. J. 357 (1973).

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