

- the protection of this marine environment and with the application of all legislation relating to this environment, including legislation dealing with navigation, research and fisheries;
3. That an effective articulation be achieved between all legislation concerned with the above-defined marine environment and that such coordination be entrusted to the proposed authority which should be given adequate powers and an appropriate structure for this purpose;
  4. That the jurisdiction of the tribunal of the proposed authority be extended to all litigation relating to the above-defined marine environment;
  5. That the powers of the proposed authority include the following:
    - (a) The authority's inspectors shall have access to all ships and installations in the above-defined marine environment and shall have adequate control powers to enforce all international rules to protect the marine environment, and
    - (b) whenever an inspector reports an infraction against these rules, the secretary-general of the authority shall have the power to oblige the State with authority over the next port of call of the ship or installation involved to put it under arrest (the opportunity being provided for the parties concerned to make appropriate representations before the authority's tribunal);
  6. That in establishing new rules the Conference on the Law of the Sea should wherever possible abandon flag state jurisdiction in favour of port state jurisdiction; and
  7. That the authority be available on request to act for any State in relation to implementation of its obligations under any Conventions relating to the prevention of marine pollution within its own jurisdiction;
 

**FURTHER RECOMMENDS** that all States claiming to be aware of the importance of protecting the marine environment take action to sign and ratify all relevant international conventions, especially:

    - Convention on the Arrest of Ships of 10 May, 1952;
    - International Convention on Civil Liability for Oil Pollution Damage of 29 November, 1969;
    - International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage of 18 December, 1971;
    - Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter of 29 December, 1972;
    - Convention for Prevention of Pollution from Ships relating to Intervention on High Sea in Cases of Marine Pollution by Substances other than Oil of 2 November, 1973; and

**INVITES** the United Nations to consider imposing sanctions against those States which have not ratified these Conventions by the end of 1978.

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## BOOK NOTES

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**International Protection of the Environment. Treaties and Related Documents.** Compiled and edited by Bernd Ruster and Bruno Simma. Oceana Publications Inc.: Dobbs Ferry, NY, 1975. Two volumes. Pp. 980. \$40.00/volume. These are the first two installments in a lengthier series on the international protection of the environment. The authors aim at giving a fairly complete picture of international efforts for environmental protection. They have collected and published the English version of a large number of treaties which either directly protect the environment or, although concluded for other, mainly economic reasons, produce such protective effects, e.g. 19th century treaties on whaling. The collection also includes treaties which regulate consequential damage to the environment, e.g. liability for pollution of the sea. Where treaties dealing generally with other subject matter also touch environmental problems the relevant passages are reproduced. The authors carefully indicate the sources of the treaties published by them as they do not want to judge the sometimes delicate question whether the treaties concerned are already in force or not. The authors furthermore publish a vast amount of "soft law", i.e. resolutions of international organizations relating to the environment. Finally, the authors have included also national legislation regulating transfrontier pollution and/or pollution of the maritime environment. The two volumes hitherto published contain general provisions, guidelines and programs figuring in treaties and in resolutions of international organizations and conferences as well as matters

of marine pollution. The collection will be an extremely important working tool for those concerned with matters of environment.

Ignaz Seidl-Hohenveldern

**Individualrecht oder Verpflichtung des Staates? An individual right or an obligation of the State? Un droit de l'individu ou une obligation de l'Etat?** Volume A 41 in the series, *Beiträge zur Umweltgestaltung*. Erich Schmidt Verlag: West Berlin, 1976, Pp. 245. DM 51.00. This is a trilingual edition, in German, French and English, of a report on the International Colloquium on the right to a humane environment which was held in Bonn, 23–25 June, 1975. The German text is published verbatim in this volume with a comprehensive summary in French and English also included.

The four basic topics discussed at the seminar were the following: "The Right of Individuals to a Humane Environment as a Basic Constitutional Right; The Duty of the State to Provide Individuals with a Humane Environment and the Legal Embodiment of this Duty; The Right of Individuals to a Humane Environment as Expressed Through Statutory Law; The Right of Individuals to a Humane Environment as Expressed Through International Law.

No concrete proposals for legislation were made at this seminar because of the very great differences in legal systems and factual conditions in the different lands. The goal of the seminar was to give suggestions, arguments and ideas to legislators of the thirteen

participating countries and to lawmakers at the international level to enrich the legislative work being done to protect the individual in relation to his environment. This is the reason why the European Council of Environmental Law decided to publish the reports and discussions.

**Private property and the public interest: the Brandywine experience.** By Ann L. Strong. The Johns Hopkins University Press: Baltimore. 1975. Pp. xiii, 206. £ 7.80. This book is an account of the evolution of a plan to develop a politically acceptable way of protecting the water resources of Brandywine's urban area while still providing for a normal amount of growth. In the first four chapters the author introduces the plan, the reasons for choosing Brandywine and the work that had to be done towards the adequacy of the law to permit such a plan. Chapter IV entitled "The planners' honeymoon" is a strong contrast with the remaining five chapters which deal with the opposition and problems that appeared after the initial work on the plan was carried out. Strong, as a principal member of the planning team, writes that the "Acceptance of them (the proposals of the plan) demanded a new view of the roles of the private landowner and the government". She explains that the easements were perceived as radical measures which threatened constitutional rights and ran counter to the American land ethic. In sum, this book could be useful not only to practising American lawyers but to anyone concerned with the future protection of natural areas and with current development plans. □