

IUCN PROPOSAL

1. International reserves shall be established to protect areas of the high seas that are of special importance as the breeding or feeding areas of important or rare marine species, including fish, or as containing unique or especially fragile ecosystems, or that are otherwise of particular biological or ecological significance.
2. No exploitation of resources nor any activity harmful to the marine environment and its living resources shall take place within an international reserve.
3. Subject to the provisions of this Article, ships of all States enjoy the right of innocent passage through an international reserve.
4. A proposal for establishing an international reserve may be made by a State or group of States party to the present Convention. After examination of the proposal by the appropriate international organizations the proposal shall be brought to the General Assembly of the United Nations for decision.
5. The administration of an international reserve may be vested by the General Assembly of the United Nations in any agency of the United Nations or any other appropriate international organization including a regional fisheries organization.
6. All States party to the present Convention shall cooperate to the fullest extent possible to give effect to the provisions of paragraph 2 of this Article.

BOOK NOTES

Human Rights and Environment: The Need for International Co-operation. By W. Paul Gormley. Sijthoff: Leyden. 1976. Pp. xviii, 274. Dfl. 58. Starting with the axiom that individuals and non-governmental entities have the right to be guaranteed a pure, healthful, and decent environment, pursuant to national and international law, the author attempts to thread together an analysis tending to prove or at least demonstrate how the stated proposition is, in fact, evolving.

The study's approach is first to focus on some of the principal factual and legal problems facing the international community in the environmental field and second to examine the emerging legal philosophy and accompanying jurisprudence pointing to the future course of environmental law. Receiving intensive examination is the Council of Europe, insofar as it has perfected multinational machinery to protect human rights. Also reviewed are the contributions of the EEC, NATO/CCMS, OECD, ILO, WHO and the UN.

As far as the compilation of factual data is concerned, the book is certainly competent. On the other hand, its rather bemused interpretations of the data, leading to an evolving individual right to a good environment, are off the mark. The author simply sees too much in the way of an evolving individual right, and too soon.

As for style, the book leaves much to be desired. The writing is cumbersome. The footnote/text ratio is probably unnecessarily high and the footnotes themselves are somewhat rambling. The text sports a dizzying array of proof-reading errors and punctuation tends to be slipshod.

Nevertheless, the book is worth reading as it does a reasonable job in outlining important developments in implementing efforts by international institutions in the environmental field.

Economics of Transfrontier Pollution. By the Organisation for Economic Co-operation and Development. OECD Publications: Paris. 1976. Pp. 218. \$ 10.00. This book is a report containing the main papers studied by the OECD Environment Committee's Subcommittee of Economic Experts. Part one of this report deals with general principles for the solution of pollution problems, part two discusses the various economic instruments available and part three is entitled "are new institutions necessary?". This publication will serve as a useful "box of tools" for understanding and solving transfrontier pollution problems. At first glance the contributions have a somewhat theoretical character. However this certainly does not imply that these inputs are less than relevant for the decisionmaking process. An interesting procedural rule is suggested: "don't do to others what you don't do to yourself", thus inviting the states to act as "good neighbours".

A National Policy for the Environment — NEPA and its Aftermath. By Richard A. Liroff. Indiana University Press: Bloomington & London. 1976. Pp. xi, 273. \$ 10.00.

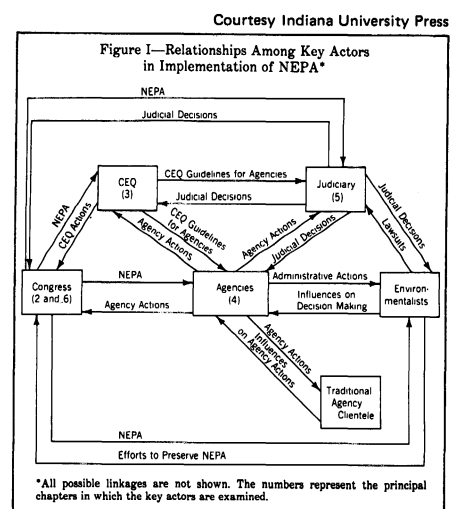
The sweeping National Environmental Policy Act of 1969, controversial from the beginning, has been characterized by its detractors as a "paper monster" and by its supporters as nothing short of a godsend. It has also generated its fair share of literature. But Liroff's book will not crowd the shelves — it is a competent analysis of the legislative history and subsequent results of the enactment, generously documented and soundly arranged. The author's main proposition is that the legislators did not structure a national environmental *policy* but merely something more like a *declaration of intent*. The de facto policy which evolved after the Act's passage was the sum total of all federal agency actions of environmental importance.

Liroff goes on to address the following questions: What were Congress's expectations at the time NEPA was passed? How was the law implemented (or evaded) by administrative units and interpreted in the courts, and how did the initial conflict patterns square with Congressional expectations? Finally, what was the legislative response to the unforeseen consequences of NEPA?

The author first weaves through NEPA's legislative history, and puts into perspective the activities of the Council on Environmental Quality, set up by the statute. Following segments focus on judicial interpretation of NEPA, administrative responses to the Act, and the Congressional counter-response.

The book is designed to appeal more to students of public law, policy and administration than to those in such vocations. It is, in other words, academic stuff, interspersed with the usual spate of diagrammatic sketches, flow charts and tables, sometimes as beguiling as informative. One such "modest graphic model", in the author's words, is reproduced below.

Graphic playthings aside, this is a fine work and a solid contribution to the understanding of the workings of American environmental legislation and administration. □



Liroff's Flow Chart

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