

global health goals the international community should aim at attaining and sketches solutions. The first goal should be the realization of the conditions necessary for people to be healthy. For Gostin, these conditions are: '(1) public health services on a population level; (2) health care services to all individuals; and (3) the socioeconomic determinants that undergird healthy and productive lives' (at 415). The second goal, which should be understood as intimately bound to the first one, is global health with justice. Gostin pleads for a renewed understanding of equity in health that emphasizes the benefits for the whole population. As he puts it, 'there is no reason to fear that the promotion of health equity will drive down aggregate health outcomes, as the evidence is quite to the contrary: justice, it turns out, is "good for your health"' (at 424). At the very least, transparent and participative procedures should be developed in order to strengthen the effectiveness of equitable policy-making in health.

Having highlighted the benefits of normative activities in the global health field, Gostin concludes with proposals designed to 'achieve global health with justice' (at 428) that concern the improvement of the institutional structures in global health through the positioning of the WHO as a global health leader (i.e., 'an effective convener, mediator and negotiator', at 430) but also the assurance of sustainable financing for health issues. Gostin recalls proposals that have already been formulated for the adoption of a global health treaty to improve Research and Development (R&D) and the creation of a 'health impact fund' (at 500, citing Hollis and Pogge) to finance access to innovative and most needed medical technologies for the poor. He recalls as well his prior proposal for a framework convention on global health to realize global health with justice that has been encouraged by many international actors (at 437). Such a convention might also give an answer to one important and central question that remains to be answered: what are the responsibilities of states for the health of their own populations as well as for the health of the world population?

*Global Health Law* is an impressive achievement and should be read by anyone interested in global health.

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Timo Koivurova, ***Introduction to International Environmental Law***. London: Routledge, 2014. Pp. xxi + 213. £34.99 (pbk). ISBN: 9780415815741.

Already back in 1987 the Brundtland report by the World Commission on Environment and Development stressed that '[n]ational and international law is being rapidly outdistanced by the accelerating pace and expanding scale of impacts on the ecological basis of development'.<sup>1</sup> Since then international environmental law regimes have multiplied and an up-to-date introduction to the constantly evolving field of international environmental law is very welcome, not least due to the lack of equally concise alternatives in the introductory literature. Aimed at filling this gap, Timo Koivurova with his *Introduction to International Environmental Law* chooses an approach well suited to the student readers he primarily intends to address. The book dispenses with footnotes, tables of treaties, and a comprehensive bibliography. Instead, a manageable number of endnotes accompany each chapter, preceded by a set of questions and research tasks, and followed by suggestions for further reading and websites addressing the respective topics. Thereby, the subject matter is presented in the most general fashion possible without making concessions to the scientific nature of the book, allowing '[i]nternational environmental law

<sup>1</sup> Report of the World Commission on Environment and Development, UN Doc. A/42/427, Annex, 1987.

and politics [to] speak for themselves' (at xix). Moreover, in order to make the information provided easily accessible and comprehensible by a broad range of readers the book includes several boxes going into more detail on, e.g., specific cases, conventions, institutions, or environmental disasters. It illustrates topics and sometimes presents them from a different angle by adding photographs and figures, clarifying essentials as well as sparking the readers' imagination.

The structure of this book is unlike the structure of a 'classical' textbook, i.e., prior to addressing the historical foundations of international environmental law, Koivurova, after a brief introduction outlining the structure of the book, first introduces the reader to the basic issues in international law (Chapter 1). This chapter includes an examination of the character of international environmental law, explaining its links to both general international law and national law. Furthermore, it provides a brief analysis of factors affecting the development of international environmental law and, vice versa, the influence international environmental law has at the national and the global levels. Yet, in drawing on the example of the climate change regime Koivurova quite rightly points to the caveat that 'the more the obligations demand from states, the less we should expect them to abide by the provisions' (at 21). The following chapter (Chapter 2) presents the fundamentals of the history of international environmental law. However, instead of solely focusing on the environment, Koivurova offers the reader a much broader insight into the evolution of international law in general, e.g., by linking the environmental developments to the evolution of human rights (at 31–32), and sustainable development politics (at 45). Subsequently, he examines the process of lawmaking in international environmental law, including a presentation of the various actors involved and an overview of the sources of international law (Chapter 3). In this chapter, beyond explaining how law is being made and developed, the author again strives to give a broader picture of the subject matter, namely by explicating the 'particularly significant role' (at 55) of science in international environmental law, and by describing in detail the phases an environmental agreement has to go through before it becomes binding upon its parties, comprising a set of very practical, exemplary questions to be taken into account at the various stages (at 74–75). The centrepiece of this textbook constitutes the following chapter, elaborating on the principles of international environmental protection (Chapter 4). In accordance with the author's argument that the sovereignty of states over their own territories constitutes the primary principle of general international law (at 87), the chapter begins with an assessment of the 'ownership of land, sea and space' (at 89–104), followed by the discussion of the principles of international law as 'the starting point for the development of international environmental law' (at 105). After providing the reader with a thorough understanding of principles of general international law, Koivurova delves into the core issue of this chapter and provides a current description of the major principles of international environmental law, including a paragraph addressing new concepts for the protection of the environment, namely the ideas of 'ecosystem-based management' and 'ecosystem services' (at 131–132). He continues by shedding light on some specific branches of international environmental law, namely the protection of the marine environment and international watercourses, and the conservation of biological diversity and the atmosphere (Chapter 5). Other key issues usually discussed at this point such as waste and hazardous substances are mostly dealt with elsewhere in the book, except for a box raising the question of the regulation of waste management (at 148–149), while a section treating the protection of flora and fauna seems to be missing. Yet, this chapter also includes illustrative connections to other fields of international law as well as international law in general by comparing the 'incoherent body of international regulation related to the protection and usage of the environment' (at 147) with the free trade regulatory system under the World Trade Organization (at 144–146), and by addressing the overarching problem of the increasing fragmentation and complexity of both general international law and international environmental law (at 146–148). The next chapter takes a closer look at the issue of legal responsibility for environmental damage (Chapter 6), concluding that

although general rules on state responsibility based on negligence do exist in the field of international environmental law, ‘such rules have scarcely been applied in real world disputes’ (at 181). The final chapter (Chapter 7) puts the previously discussed matters into the broader perspective of the status quo of international environmental law, current developments aimed at improving international environmental governance, as well as present challenges calling for new legal approaches and models, and the overall question of the future of international law, as exemplified by climate change, which, according to Koivurova, constitutes ‘the most urgent environmental problem’ (at 200).

Altogether, Koivurova to a great extent accomplishes his aim to provide an introduction to international environmental law by presenting ‘matters as generally as possible’ (at xviii). Based on the view that ‘[t]he future of international environmental law seems to be determined by the development of the international political and economic system’ (at 187), he rightly takes a highly interdisciplinary approach to the subject matter, drawing attention to the many links between international law, politics, and economics. For instance, in addition to the aforementioned examples, the case of the so-called Equator Principles (at 26) clearly reveals the nexus between law and economics, in particular, the international financial sector. Unfortunately, however, Koivurova’s explanation for the motivation of the many financial institutions of the private sector to create their own rules for environmental protection fails to link this development to the one key actor who initiated the whole process – the International Finance Corporation (IFC). His example thus misses the fact that the Principles’ roots lie in the public sector – the IFC is a United Nations (UN) specialized agency and forms part of the World Bank Group – and omits to pay due respect to the important role of the IFC in further disseminating and mainstreaming the Principles. For instance, by now, not only has another institution of the World Bank Group, the Multilateral Investment Guarantee Agency, adopted a set of standards modelled on the so-called IFC Performance Standards, but the same applies to the OECD countries’ Export Credit Agencies and other multilateral development banks. In particular, the Asian Development Bank and the European Bank for Reconstruction and Development replicated the IFC standards.<sup>2</sup>

Another example the author gives for the interface between the subjects of international law and international relations can be found in his box elaborating on the definition of ‘regimes’ (at 66–67). As this notion is frequently used by legal scholars without explaining that the term originates in the political science field of international relations, Koivurova’s clarification is most welcome, including his conclusion that ‘[t]he regime theory helped scholars of international environmental law understand and sustain the image of environmental treaties as constantly changing bodies of rules’ (at 67).

Koivurova at the very outset of his work clarifies that ‘[t]he book reflects its author’ (at xx), and indeed the references throughout the course of the textbook relate to two of his main research interests – the Arctic and indigenous peoples. Many paragraphs reveal Koivurova’s expertise in both fields, namely his precise analysis of the planting of the Russian flag on the seabed below the North Pole (at xvii), his detailed assessment of what may be considered the birth of cooperation in the Arctic, including the impact of indigenous groups (at 14, 16–17), the definition of the term ‘traditional ecological knowledge’ of indigenous peoples (at 58), the case of the Svalbard Islands as an example of the limits of territorial sovereignty (at 95–96) and of its global seed vault (at 159), and the case of the Arctic indigenous peoples, the Inuit, filing a petition against the USA with respect to the violation of many of their human rights (at 182), to give but a few examples. Although Koivurova’s approach certainly leaves the book with a bias on Arctic and indigenous issues, his timely and practical examples are likely to outweigh any distortions, rather enhancing the in-depth understanding of the subject matter presented.

<sup>2</sup> B. Lode, ‘Die Internationale Finanz-Corporation – Nachhaltige Entwicklung im Rahmen der Förderung privater Unternehmen’, 19 *Schriften zum Transnationalen Wirtschaftsrecht* (2012), at 307.

Apart from the above remarks, until this point Koivurova's work leaves little to be desired. Less innovative, however, and somewhat questionable are the following points: first, regarding the chapter elaborating on the history of international law, a timeline is a great way of concretely illustrating the development to the present day (at 46–47). However, instead of presenting his own reading of the history of international law he almost entirely replicates a colleague's classification of the different stages in the development of international environmental law without acknowledging his debt (at 35–42).<sup>3</sup> Moreover, the structure of this section is less stringent than others. For instance, the author at various points refers to the Intergovernmental Panel on Climate Change (at 37, 38), to the 1992 UN Conference on Environment and Development, held in Rio de Janeiro, Brazil (at 36, 38), as well as to the 2002 World Summit on Sustainable Development, which took place in Johannesburg, South Africa (at 39, 41), instead of presenting the main milestones in chronological order. Especially for the target audience of this textbook, i.e., primarily law students who with this book will most likely encounter the subject for the first time, Koivurova's approach may be less straightforward and could generate more confusion than clarity. Thirdly, the author's succinct reasoning for dismissing the principle of sustainable development (at 189) does not come across as very convincing. To begin with, he in one sentence speaks of sustainable development as a 'principle', while in the following referring to it as a 'concept', hence leaving the reader in the dark, if not puzzled as to the legal qualification of the idea. Moreover, and even though other legal scholars support Koivurova<sup>4</sup> in his conclusion about the reduced importance of sustainable development, the argument put forward by him is not very plausible. On the one hand the author on several occasions refers to the concept of the green economy (at 43, 48, 187, 189), while on the other hand he reduces sustainable development to its environmental pillar (at 189). In particular, his conclusion that '[t]his is what makes the 'ecosystem services' idea so important' (*ibid.*), falls short of the reader's expectations. Not only because the concept underlying this idea, i.e., the categorization of the services provided by nature according to their provisioning, supporting, regulating, and cultural characteristics, may very well form part of the overarching 'umbrella' principle of sustainable development, but also because sustainable development encompasses much more than 'just taking the environment into account in all social decisions' (*ibid.*), a fact which was already recognized by the Brundtland Commission back in 1987.<sup>5</sup> Moreover, the ongoing process of the UN's Open Working Group on Sustainable Development underlines the significance of sustainable development for contemporary international environmental law, and further provides a good example of the wide variety of issues and topics discussed in connection with it.

Despite this criticism, Koivurova's work constitutes a valuable contribution to literature on international environmental law and is particularly well suited for students. Its main assets are the clear, largely non-technical language, the author's concise way of addressing this increasingly diversified area of law, and his many timely and illustrative examples, which greatly improve the accessibility and improve the understanding of the subject matter. They make this textbook an informative and stimulating read, certainly not just for those who are encountering the field for the first time.

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<sup>3</sup> Cf. D. Bodansky, *The Art and Craft of International Environmental Law* (2010), at 21–35.

<sup>4</sup> See, e.g., Viñuales, 'The Rise and Fall of Sustainable Development', 22 *RECIEL* (2013) 1, at 3–13.

<sup>5</sup> See Report of the World Commission on Environment and Development, *supra* note 1.