

BOOKS RECEIVED

LAND USE LAW FOR SUSTAINABLE DEVELOPMENT

Edited by Nathalie J. Chalifour, Patricia Kameri-Mbote, Lin Heng Lye, and John R. Nolon. 32 Avenue of the Americas, New York, NY 10013: Cambridge University Press, November 2006. (212) 924-3900. www.cambridge.org. ISBN 0-521-86216-7. 652 pp. \$140.00 Hardback.

This book surveys the global experience to date in implementing land-use policies that move us further along the sustainable development continuum. The international community has long recognized the need to ensure that ongoing and future development is conducted sustainably. While high level commitments towards sustainable development such as those included in the Rio and Johannesburg Declarations are politically important, they are irrelevant if they are not translated into reality on the ground. This book includes chapters that discuss the challenges of implementing sustainable land-use policies in different regions of the world, revealing problems that are common to all jurisdictions and highlighting others that are unique to particular regions. It also includes chapters documenting new approaches to sustainable land use, such as reforms to property rights regimes and environmental laws. Other chapters offer comparisons of approaches in different jurisdictions that can present insights which might not be apparent from a single-jurisdiction analysis.

Nathalie J. Chalifour is a specialist in environmental and international law and an assistant professor at the University of Ottawa.

Patricia Kameri-Mbote is an associate professor of law at the Faculty of Law at the University of Nairobi and an advocate of the High Court of Kenya.

Lin Heng Lye is an associate professor of law at the National University of Singapore.

John R. Nolon is a professor of law at Pace Law School.

INTERNATIONAL ENVIRONMENTAL LAW: FAIRNESS, EFFECTIVENESS, AND WORLD ORDER

Elli Louka. 32 Avenue of the Americas, New York, NY 10013-2473: Cambridge University Press, October 2006. (212) 924-3900. www.cambridge.org. ISBN 0-521-68759-4. 534 pp. \$49.00 Paperback.

This book analyzes the law and policy for the management of global common resources. As competing demands on the global commons are increasing, the protection of environment and the pursuit of growth give rise to all sorts of conflicts. It also analyzes issues in the protection of the global commons from a fairness, effectiveness, and world order perspective. The author examines whether the current policymaking and future trends point to a fair allocation of global common resources that is effective in protecting the environment and the pursuit of sustainable development. The author looks at the cost-effectiveness of international environmental law and applies theories of national environmental law to international environmental problems. Chapters include analysis on areas such as marine pollution, air pollution, fisheries management, transboundary water resources, biodiversity, hazardous and radioactive waste management, and state responsibility and liability.

Elli Louka is the founder of Alphabetics Development & Investment (ADI), a company devoted to environment and development.

SAVING PUGET SOUND: A CONSERVATION STRATEGY FOR THE 21ST CENTURY

John Lombard. P.O. Box 50096, Seattle, WA 98145-5096: University of Washington Press, February 2007. (206) 543-4050. www.washington.edu/uwpress. ISBN 0-295-98674-3. 320 pp. \$35.00 Paperback.

No other developed area in the world matches the Puget Sound region's combination of beauty, wealth, natural resiliency, and history of environmental concern. *Saving Puget Sound* develops a practical proposal to conserve the Puget Sound region's most important ecosystems in the face of long-term population growth, drawing lessons that are relevant across the Northwest and in other parts of the country. The book provides both a vision for conservation and a detailed review of the political and legal issues that must be at the core of any practical strategy.

Published by the American Fisheries Society and the University of Washington Press, *Saving Puget Sound* is intended for a broad audience, including general readers interested in the future of the Puget Sound region, professionals working on related issues (e.g., land use, water rights, endangered species conservation, environmental law, tribal treaty rights, habitat restoration), and professors and students of environmental policy around the country, for whom the book will serve as an important case study.

John Lombard is a senior policy analyst at Steward and Associates, an environmental consulting firm, and at the Sustainable Fisheries Foundation, a

nonprofit organization dedicated to the protection, enhancement, and wise use of fisheries resources in the Pacific Northwest.

FAIRNESS IN ADAPTATION TO CLIMATE CHANGE

Edited by W. Neil Adger, Jouni Paavola, Saleemul Huq, and M.J. Mace. 55 Hayward Street, Cambridge, MA 02142: The MIT Press, November 2006. (800) 405-1619. mitpress.mit.edu. ISBN 0-262-51193-2. 312 pp. \$25.00 Paperback.

As a global society, we need to take action not only to prevent the potentially catastrophic effects of climate change but also to adapt to the unavoidable effects of climate change already imposed on the world. *Fairness in Adaptation to Climate Change* looks at the challenges of ensuring that policy responses to climate change do not place undue and unfair burdens on already vulnerable populations. All countries will be endangered by climate change risks from floods, drought, and other extreme weather events, but developing countries are more dependent on climate-sensitive livelihoods such as farming and fishing and hence are more vulnerable. Despite this, the concerns of developing countries are marginalized in climate policy decisions that exacerbate current vulnerabilities.

Fairness in Adaptation to Climate Change brings together scholars from political science, economics, law, human geography, and climate science to offer the first assessment of the social justice issues in adaptation to climate change. The book outlines the philosophical underpinnings of different types of justice in relation to climate change, present inequities, and future burdens, and it applies these to real-world examples of climate change adaptation in Bangladesh, Tanzania, Botswana, Namibia, and Hungary. It argues that the key to adapting to climate change lies in recognizing the equity and justice issues inherent in its causes and in human responses to it.

W. Neil Adger leads the research effort on adaptation at the Tyndall Centre for Climate Change Research at the University of East Anglia.

Jouni Paavola is a senior research fellow at the Centre for Social and Economic Research on the Global Environment at the University of East Anglia.

Saleemul Huq is director of the Climate Change Programme at the International Institute for Environment and Development in London.

M. J. Mace is a staff lawyer at the Foundation for International Environmental Law and Development's Climate Change and Energy Programme.

TRIBAL WATER RIGHTS: ESSAYS IN CONTEMPORARY LAW, POLITICS, AND ECONOMICS

Edited by John E. Thorson, Sarah Britton, and Bonnie G. Colby. 355 S. Euclid Avenue, Suite 103, Tucson, AZ 85719: The University of Arizona

Press, May 2006. (800) 426-3797. www.uapress.arizona.edu. ISBN 0-8165-2482-3. 304 pp. \$50.00 Hardback.

The settlement of Indian water rights cases remains one of the thorniest legal issues in this country, particularly in the West. In a previous book, *Negotiating Tribal Water Rights*, Colby, Thorson, and Britton presented a general overview of the processes involved in settling such cases; this volume provides more in-depth treatment of the many complex issues that arise in negotiating and implementing Indian water rights settlements.

Tribal Water Rights brings together practicing attorneys and leading scholars in the fields of law, economics, public policy, and conflict resolution to examine issues that continue to confront the settlement of tribal claims. With coverage ranging from the differences between surface water and groundwater disputes to the distinctive nature of Pueblo claims, and from allotment-related problems to the effects of the Endangered Species Act on water conflicts, the book presents the legal aspects of tribal water rights and negotiations along with historical perspectives on their evolution.

The contributors examine the results of tribal water settlements to date with an eye toward advancing the process for the benefit of Native Americans. They also offer practical advice grounded in actual settlements, such as the Klamath Basin disputes and the Montana headwaters cases. This coverage makes the book a key resource for professionals who work in water management and interjurisdictional conflict resolution. It also makes it indispensable for Indian nations confronting complicated legal and political terrains while trying to regain some control over their resources and future, explaining what they need to do and offering practical models of how to do it. In addition to reviewing legal precedents, the book explores factors that make negotiations proceed more productively and make water settlements successful. It also examines practical water management challenges that arise during settlement negotiations and during the implementation of agreements.

Continued progress has been made since the first tribal water settlement in 1978, and this book points the way toward more efficient measures that can enable Indian nations to establish and effectively control rights to water in the American West. By cutting through the complexity of Indian water issues, *Tribal Water Rights* brings together in one volume the knowledge and concepts needed to understand what is happening as Indian nations and other governments search for nonlitigious solutions to today's and tomorrow's water problems.

John E. Thorson formerly served as special master for Arizona's water adjudications and is co-founder of Dividing the Waters, a project for judges involved in western water adjudications.

Sarah Britton is an attorney with the Public Defender in Sacramento, California.

Bonnie G. Colby is professor of agricultural and resource economics at the University of Arizona.

COMPENDIUM OF LAND USE LAWS FOR SUSTAINABLE DEVELOPMENT

Edited by John R. Nolon. 32 Avenue of the Americas, New York, NY 10013: Cambridge University Press, April 2006. (212) 924-3900. www.cambridge.org. ISBN 0-521-86217-5. 482 pp. \$125.00 Hardback.

This book collects land use laws from countries on each continent that attempt to achieve sustainable development. Due to the startling evidence of global deterioration and the long-term trends in land use, the Johannesburg Declaration on Sustainable Development was signed in 2002. In the laws collected in this volume, the reader can witness the evolution of national legal systems as they respond to the challenge of sustainable development. This volume illuminates the great flexibility and power of the law as a vehicle for change. Laws contained in this compendium are mechanisms competent to address society's problems; they provide strategies that are appropriate to the culture and place of their origin. This book provides evidence that laws and law reform are being used to create strategies that address a worldwide priority: the clear need to effectively use and preserve the land and its natural resources.

John R. Nolon is a professor of law at Pace Law School.

MULTILEVEL GOVERNANCE OF GLOBAL ENVIRONMENTAL CHANGE: PERSPECTIVES
FROM SCIENCE, SOCIOLOGY AND THE LAW

Edited by Gerd Winter. 32 Avenue of the Americas, New York, NY 10013: Cambridge University Press, April 2006. (212) 924-3900. www.cambridge.org. ISBN 0-521-85261-7. 652 pp. \$130.00 Hardback.

This collection is the outcome of an interdisciplinary research project involving scholars in the fields of international and comparative environmental law, the sociology and politics of global governance, and the scientific study of global climate change. Earth system analysis as developed by the natural sciences is transferred to the analysis of institutions of global environmental change. Rather than one overarching supranational organization, a system of multilevel institutions is advocated. The book examines the proper role of industrial self-regulation, of horizontal transfer of national policies, of regional integration, and of improved coordination between international environmental organizations, as well as basic principles for sustainable use of resources. Addressing both academics and politicians, this book will stimulate the debate about the means of improving global governance.

Gerd Winter is professor of public law and sociology of law at the University of Bremen.

WARS IN THE WOODS: THE RISE OF ECOLOGICAL FORESTRY IN AMERICA

Samuel P. Hays. 3400 Forbes Avenue, Pittsburgh, PA 15260: University of Pittsburgh Press, December 2006. (412) 383-2456.

upress.pitt.edu/upressindex.aspx. ISBN 0-8229-5940-2. 296 pp. \$27.95 Paperback.

Wars in the Woods examines the conflicts that have developed over the preservation of forests in America, and how government agencies and advocacy groups have influenced the management of forests and their resources for more than a century. Samuel Hays provides an astute analysis of manipulations of conservation law that have touched off a battle between what he terms "ecological forestry" and "commodity forestry." Hays also reveals the pervading influence of the wood products industry and the training of U.S. Forest Service to value tree species marketable as wood products as the primary forces behind forestry policy since the Forest Management Act of 1897. *Wars in the Woods* gives a comprehensive account of the many grassroots and scientific organizations that have emerged since then to combat the lumber industry and other special interest groups and work to promote legislation to protect forests, parks, and wildlife habitats. It also offers a review of current forestry practices, citing the recent federal easing of protections as a challenge to the progress made in the last third of the twentieth century. Hays describes an increased focus on ecological forestry in areas such as biodiversity, wildlife habitat, structural diversity, soil conservation, watershed management, native forests, and old growth. He provides a valuable framework for the critical assessment of forest management policies and the future study and protection of forest resources.

Samuel P. Hays is university professor emeritus of history at the University of Pittsburgh.

STRATEGIC PLANNING IN ENVIRONMENTAL REGULATION: A POLICY APPROACH THAT WORKS

Steven Cohen, Sheldon Kamieniecki, and Matthew A. Cahn. 55 Hayward Street, Cambridge, MA, 02142: The MIT Press, May 2006. (800) 405-1619. mitpress.mit.edu. ISBN 0-262-53275-1. 304 pp. \$24.00 Paperback.

Strategic Planning in Environmental Regulation introduces an approach to environmental regulatory planning founded on a creative, interactive relationship between business and government. The authors argue that regulation—often too narrowly defined as direct, command-and-control standard setting and enforcement—should include the full range of activities intended to influence private behavior to conform to public goals. The concept of strategic regulatory planning that the book introduces provides a model for designing more effective environmental regulation. Strategic planning requires careful consideration of the regulatory objectives, the target audiences for regulation, and the characteristics of the regulatory agency.

The two important case studies in the book—one on the use of the gasoline additive MTBE and the other on the cleanup of underground

storage tanks (USTs)—apply the model, compare the approaches and results, and illustrate the advantages of a strategic approach.

The case of MTBE—in which an additive intended to produce cleaner-burning gasoline was found to contribute to both air and groundwater pollution—shows the drawbacks of top-down regulation by fragmented regulatory agencies. The success of the UST cleanup, in contrast, highlights a unique, strategic, and results-oriented approach to policy implementation. These two cases demonstrate why regulation works better in some cases than others, and the alternative approaches to regulation described in the book promise to promote the achievement of environmental quality goals.

Steven Cohen is director of the Master of Public Administration Program in Environmental Policy at the School of International and Public Affairs and director of the Office of Educational Programs at the Earth Institute at Columbia University.

Sheldon Kamieniecki is professor of political science at the University of Southern California.

Matthew A. Cahn is professor of public policy in the department of political science at California State University, Northridge.

PREVENTION AND COMPENSATION OF MARINE POLLUTION DAMAGE: RECENT
DEVELOPMENTS IN EUROPE, CHINA AND THE US

Edited by Michael G. Faure and James Hu. 7201 McKinney Circle, Frederick, MD 21705: Kluwer Law International, May 2006. (800) 447-1717. www.kluwerlaw.com. ISBN 90-411-2338-5. 396 pp. \$115.00 Hardback.

Marine oil pollution is one of the most damaging environmental liabilities of our time, and is taken very seriously by governments. Although international conventions take the lead in the legal regime underpinning prevention and compensation of marine oil pollution damage, national legal systems differ considerably in how they interpret and apply their monitoring and enforcement responsibilities.

This is the first book to present a comparative analysis of the law with respect to marine oil pollution, with expert contributions emphasizing particular solutions in Europe, the United States, and China. The authors draw on the full range of legal sources, from theory and legislation to procedure and actual case studies. Written by both academics and practitioners, senior academics with a wide experience in the field, and practitioners who have extensively dealt with marine pollution issues the work is not confined to a mere legal analysis, but offers a more inclusive law and economics perspective, solidly built on a substantial analysis (in English) of the law in the European, United States, Chinese, and international contexts. Individual contributors focus on countries with which they have particular expertise or experience.

This book will be of interest to corporate counsel, international lawyers, academics, and policy makers, as well as to students of (international) environmental and maritime law. In addition, the book is

especially valuable to non-Chinese lawyers for its clear insight into the complex Chinese environmental legal system.

Michael G. Faure is professor of comparative and international environmental law at Maastricht University in the Netherlands and academic director of the Maastricht Institute for Transnational Legal Research.

James Hu is a professor of law and the director of the Institute of Maritime Law at Shanghai Maritime University.

2006 SUPPLEMENT TO THE AMERICAN INDIAN LAW DESKBOOK, THIRD EDITION

Conference of Western Attorneys General. 5589 Arapahoe Ave., Suite 206C, Boulder, CO 80303: University Press of Colorado, January 2007. (800) 627-7377. www.upcolorado.com. ISBN 0-87081-863-5. 188 pp. \$29.95 Paperback.

The *American Indian Law Deskbook*, originally published in 1993 and most recently revised in 2004, is a comprehensive treatise providing readers with the necessary historical, factual, and legal framework to understand the complexities that states, Indian tribes, and the federal government face when dealing with Indian lands. The annual supplement, an integral, distinguishing feature of the *Deskbook*, ensures that the *Deskbook* remains the most current and useful reference work in American Indian law.

The *2006 Supplement* reviews all decisions issued prior to July 2006, updates federal statutes and administrative regulations through July 2006, and updates law review articles through spring 2006.

The Conference of Western Attorneys General provides a forum for western attorneys general to cultivate knowledge, cooperate on concerns and coordinate actions which improve legal services available to members, consumers, industry, and government agencies. The Conference addresses emerging legal topics along with focusing on common areas of interest to the West: water, fish and wildlife, public lands, minerals, environmental protection, and Indian law.