Review of European Community & International Environmental Law

International Nuclear Law

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Ocean Governance and the United Nations, Elizabeth Mann Borgese (Antonio Rengifo)
Environmental Liability and Privatization in Central and Eastern Europe, Greta Gedenmanna et al (James Fitzgerald)
A Conspiracy of Optimism: Management of the National Forests Since World War Two, Paul W. Hirt (Gordon Brent Ingram)
Ecosystem Classification for Environmental Management, Frans Klijn (Gordon Brent Ingram)
Environmental Law, Simon Ball and Stuart Bell (David Abbott)
A Practical Approach to Planning Law, Victor Moore (Elizabeth Gowing)

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Resistance to the reduction of social demand to commodification, and the liquidation that it rationalised, was established soon after WWII (pp. 62-63). The large-scale 'clearcutting', previously referred to as 'even-aged management' (p. 296) that became the dominant mode of forest harvesting in this period was as much the product of intensifying ideological conflicts and the perceived need to take as much timber as swiftly as possible while these corporate interests remained in command. The construction of the spectre of the leftist 'environmentalist', foresters and all, was, in no small part, associated with a corporate strategy, in the anticomunist hysteria, to isolate resistance to rapid increases in cutting levels (pp. 72-73).

And it was in this period that the pattern of government subsidized liquidation of ancient forests, dangerous levels of grazing, and reduction of 'recreational' and other landscape values to short-term market indicators, were all engrained. Legislation defining 'multiple use' was first enacted in 1955 but there was never any consensus for increased levels of conservation. This contradiction paved the way for an oppositional break and an independent environmental movement in the following decade. At the inception of this debate, corporate interests were able to dominate through their emphasis on short-term jobs created by the expanded cutting but did not generate sufficient revenues to go back to the agency and reforestation was always neglected (pp. 293-297).

For me, Hilt's understated illumination of today's land management by the USDA FS as largely a creature of the Cold War was perhaps the most upsetting revelation in this well-crafted history. For example, Hilt described how the administrative structure of the offices of the Tongass National Forest of southeastern Alaska, long notorious for subsidizing the liquidation of slow-growing temperate rainforest - in recent years for Japanese corporate interests, became established with post-WW II logging and 'scientific' management. Hilt's accounts are direct and understated, his notion of 'conspiracy' is supplied but the wealth of his facts could easily be incorporated with a paranoia strain to that of Grade B television series such as the X-Files. The Democratic Congress and President's of 1960-68 created a climate in the west of corporatisation and clearcutting but the few gains in conservation were soon eroded in the Nixon years. The Carter administration was not able to reverse the trends. By the Reagan years, the agency was out of control prompting a flood of reform initiatives by a Democratic-controlled Congress in the Bush years. Hilt's chronicle is especially important in portraying the yet-to-be-resolved 'internal revolt' within the agency against the emphasis on short-term cutting and overgrazing that has emerged over the past decade. This book ends with Clinton's 'timber summit' where he intimidated environmentalists into supporting compromises that have allowed the USDA FS to continue to facilitate over-cutting and largely commercial forest rehabilitation. The current rhetoric to manage and conserve entire 'ecosystem' functions to mock the harmless types of policies. Perhaps the most disturbing aspect of The Conspiracy of Optimism is not the inevitability of the loss of diverse, multi-aged forest ecosystems but rather how serious science and vested interests came to be so deeply entrenched even when large portions of staff never really believed the rhetoric.

Gordon Brent Ingram, Ph.D.
Professor
University of British Columbia, Canada


Science, and ecology in particular, is taking an increasingly central role in legal concepts such as 'environmentally sensitive areas' and 'critical habitat'. How areas are defined and lines are drawn can become subjects of legal actions. This landscape ecology anthology highlights growing importance of ecological classification in environmental planning. Ecosystem Classification for Environmental Management makes contemporary interpretations of the ecosystem concept. However, the anthology is rooted in a somewhat dated ecological determinism that in these times of deconstruction an unmasking of the biases in sciences is perhaps overconformist. The book's central argument is that 'to sustain biodiversity, we must preserve eco-diversity: a varied pattern of ecosystems at the earth's surface composed by the interaction of organic, biotic, and anthropic forces'. Problematically, the compilation suffers from modernist ecocentrism in overgeneralisation and emphasis on predictable and homogeneous spaces that can stymie efforts to identify unique and vulnerable sites.

The essays in Ecosystem Classification for Environmental Management focus on northwestern Europe. Wolfgang Haber links landscape ecology to environmental planning with its intrinsic policy dimensions. Michiel Godron, the current patriarch of landscape ecology, explores the various natural and social factors that determine the basis for delineating different ecological zones and management areas. Frans Klijn presents hierarchies to more clearly delineate ecosystems. Han Runhaar and Helius Ude de Hues explore more site-specific approaches that allow for recognition of greater uniqueness and finer precision in decision making. Robert Bunce reviews the implications of ecological survey methods to protection of sensitive areas in Britain.

Gordon Brent Ingram, Ph.D.
Professor
University of British Columbia, Canada


Ball and Bell on Environmental Law continue, within stated boundaries, the UK law relating to the Environment with an additional chapter on EC Law.

The appearance of the third edition of this student text is certainly a welcome event. The book's structure, like its predecessors, is divided into two parts. Part I covers 'General Principles of Environmental Law including Sources, Agencies, The EC, Regulation, and Enforcement, Environmental Information and The Role of the Common Law. Part II entitled 'Sectoral Coverage of Environmental Law deals with specific areas such as Integrated Pollution Control and Waste Management. This tried and tested structure works well. It is not always obvious, however, why the section on common law should be discussed in Part II as it contains some highly specific case law. That being said, in a field as diverse and problematic as environmental law it is the consistent importance to the newcomer to establish the basic principles and structure.