

had recourse to the principles as an aid to interpretation (e.g. C-9/00 *Palin Granit*) and given a direct legal status to them as judicial review standards (C-284/95 *Safety Hi-Tech*, C-293/97 *Standley*). These distinctive and important developments in the Court's environmental jurisprudence are barely mentioned even in the commentaries.

The book is stated, by the publisher at least, to be a useful tool for non-lawyers because of its comprehensible style. Whilst Kramer writes with clarity, he does not avoid technical legalistic issues, and the writing implies familiarity with a range of European legal concepts. This gives the text rigor, but the accessibility of many commentaries for a first time reader of legal texts is doubtful.

Krämer is keen to point out that whilst the bulk of his commentary might appear critical of the Court, he does not underestimate its achievements in environmental protection and that he seeks a critical discussion to contribute to European legal debate rather than to follow a line of 'base flattery'. In the same way, the bulk of this review has concentrated on minor reservations about the objectives and content selection of the book, but it should conclude with the observation that this is a further valuable contribution by Krämer to his already hugely influential corpus of work on EU environmental law.

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Toxics and Transnational Law: International and European Regulation of Toxic Substances as Legal Symbolism. By MARC PALLEMAERTS [Oxford, Hart Publishing, 2003, 790 pp, ISBN 1 8411 3129 6, £75]

In legal academic discussion, it is an accepted premise that the law is an effective instrument of promoting environmental protection at the international level. Based on this premise, the discussion often focuses on the finer points of the legal framework, its advantages and drawbacks, and possible means to improve and strengthen it. In this book, Marc Pallemerts questions the paradigm that the further development of international law will solve environmental problems. As a case in point, he analyses two regimes addressing toxic substances in a transboundary context at the international and European Community levels—collectively referred to as 'transnational' law—namely the release of toxic substances into the aquatic environment, and the international trade in toxic substances. Toxic substances are a part of the 'first generation' of environmental issues that have been recognised and addressed by national and international policy and law since the 1960s. Although partly focusing on the same substances, the relevant regimes have evolved independently of each other within different institutional frameworks over the past four decades.

Part I of the book describes the increase in awareness and public concern over the dangers inherent in the use of certain toxic substances and their release into the environment since the 1960s, which was triggered by widely-read publications as well as by a number of dramatic incidents that demonstrated the noxious effects of certain substances to the public. The author recalls high-level expressions of support for transnational law, and poses the central question underlying the book: 'Does the actual performance of international environmental law as a policy instrument bear out such unreserved confidence in its capacities? Is it effective in shaping the behaviour of states, and, through them, non-state actors, or is it in the end merely another form of rhetoric?' (p 21). Parts II and III are devoted to a detailed analysis of the constituent instruments of transnational regulation of toxics emissions in the aquatic

environment and international trade in pesticides, respectively. Part II focuses on international instruments with particular relevance for the European Community and its members, and on the legal regime of the Community itself, whereas the point of departure of the instruments discussed in Part III is concern over the effects of pesticides in Third World countries. The interplay between law and policy at the European Community and international levels is discussed as part of this analysis. In addition to a detailed and comprehensive overview of the instruments themselves, the discussion includes practical aspects of their development and implementation, such as the positions of key negotiators and events that triggered the development of a particular legal instrument. In Part IV, the author summarises the findings of Parts II and III, appraising the normative force of the regimes in the fields that they address in terms of whether the regimes have ultimately contributed to eliminating or reducing the negative effects of toxic substances. He concludes that this has not been the case. Indeed, he characterises the normative processes in both areas analysed as a means of 'transforming substance into process' through the establishment of procedural obligations for states and other actors rather than substantive standards (p 701). He submits that the international and European Community regimes in both fields establish emissions standards rather than addressing the polluting activity itself, for example through regulating the production processes or prohibiting certain practices. This fairly pessimistic assessment applies not only to the international regulation, but also to that of the European Community, which is often viewed as an example of particularly effective transnational regulation. This conclusion leads Pallemmaerts to the characterisation of transnational regulation of toxic substances as 'legal symbolism', which essentially fails to entail a change of behaviour through national norms. Nevertheless, he acknowledges the existence of effects he denotes as 'symbolic', which are often neglected by a purely instrumentalist approach. Accordingly, Pallemmaerts expressly states that his critical assessment should not be understood to advocate a dismissal of international normative efforts.

The question Pallemmaerts addresses in this book is one that most persons involved in international environmental law and policy negotiations will have asked themselves from time to time: 'Does what I spend my time doing have real value? Should we seek alternative ways of addressing the dangers that threaten the environment of our planet today, or should we at least find ways to readjust the parameters of our actions?' Although this question is, in my view, one of utmost importance, it is hardly ever publicly addressed in international negotiations or in legal academic discussion. Pallemmaerts' book is therefore a valuable and refreshing contribution on an aspect of the problem that has thus far been neglected. Negotiating practitioners and academics alike may recognise aspects they have pondered in private but have never had the time or opportunity to develop in a public discussion. For this reason alone, the book is a welcome addition to the legal literature. In addition, given his experience both as a negotiator in various capacities and as an academic, Pallemmaerts is especially well placed to take this discussion to the public level. His familiarity with both the legal and international regime theories adds value to his analysis, as does the element of personal experience and the meticulous and comprehensive analysis of the issues, which shows that the author's questioning of the ability of the regimes to fulfil their intended function is based on a sound and intimate knowledge of the issues. However, the question of alternative ways of fulfilling the function intended for transnational legal regimes remains to be addressed. It will not be an easy one to tackle.

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