

ENVIRONMENTAL LAW DIMENSIONS OF HUMAN RIGHTS edited by Ben Boer

Human rights law is increasingly being viewed as an alternative means of ensuring environmental protection for both the individual and society. In this regard it has been added to the range of legal fields which are considered as making up the corpus of environmental law. The breadth of both the concept of an 'environment' and 'human rights law' make this convergence equally broad. With this in mind, in *Environmental Law Dimensions of Human Rights*, Ben Boer collects seven chapters which outline specific interactions between human rights and environmental protection. These are taken primarily from a series of lectures which have been expanded and updated as contributions to the book. This approach is apparent in the variance between the chapters, which reflects diversity in the field itself, and the major challenges and questions it faces as well.

The book provides insights into differing subjects and objects of human rights law pertaining to the environment, specific issues and the application of this growing field of inquiry to them, and a range of jurisdictional settings for this. Whilst such a diverse range of subjects might reduce the cohesion of a relatively short text, the summary provided by the concluding chapter written by Alan Boyle identifies the range of issues facing the development of the field, echoing points raised in the more focused chapters which precede it. Boer himself offers four themes to the chapters of the book in his Introduction, these being the private sector context, the European, Inter-American and Asia-Pacific context, and the future of the field represented by the aforementioned chapter contributed by Boyle.

Chapters 1 and 2 concern the implications of environmental rights to the private sector. The first attempts to address the polarization of views of the corporation in this field as either enemy or ally. The structure of the chapter considers how scholarly literature and practical approaches in relation to human rights and markets can be aligned to produce a fruitful and realistic means of framing the intersection between them. Chapter 2 considers whether corporate responsibility in relation to human rights might be better aligned with obligations and accountability in relation to the environment. The focus is on the benefit-sharing mechanisms under the auspices of the Convention on Biological Diversity as a framework for the potential 'cross-fertilization' of legal obligations and corporate accountability standards with corporate responsibility in relation to human rights. The chapters together highlight effectively the immense difficulty and significant hurdles faced in combining what are *prima facie* conflicting

interests. At the same time, both offer concise and reasoned suggestions for progress in this regard. Such pragmatic and well-considered insights are a valuable addition to the field.

Chapters 3 and 4 focus on the European and Inter-American jurisdictions, with consideration given to both the European Union (EU) and the Council of Europe institutions. Chapter 3 sets out to discover whether the jurisprudence of the European Court of Human Rights (ECtHR) and the Inter-American Court on Human Rights converge in relation to the environment. A thorough analysis of the commonalities and differences in the case law and procedures of both systems in relation to hearings focused on the environment is provided, focusing particularly on participatory rights. Despite identifying areas of convergence, however, the conclusion identifies both procedural and substantive limitations. Chapter 4 similarly discusses issues of access to justice but in the context of the Court of Justice of the EU. The chapter explores the possibility of hearing cases of general interest in relation to the environment, which would otherwise be excluded under Article 263 of the Treaty on the Functioning of the European Union. In particular, the chapter highlights the conflict this creates with the principles espoused by the Aarhus Convention as demanding reform in this regard then considers a potential means of providing standing to nongovernmental organizations. The chapter takes the growing consideration of human rights in EU law generally, and applies it to the specific context of protecting the environment. Both chapters contribute to the field by raising procedural issues which must be overcome to allow the application of human rights in environmental law to advance. The assessment of the capacity of both the EU and the ECtHR is also reflective of the increasing realization of the role both courts could play in this advancement. Environmental protection through human rights is not exclusively reserved to the jurisdiction of either regional body and as such the presentation of potential advancements in both is welcome in a book in this area.

Chapters 5 and 6 centre on environmental law and human rights in the Asia-Pacific region and the human rights implications of environmental impacts on its communities. In Chapter 5, Boer outlines the regional human rights mechanisms, the influence of international mechanisms and the measures which exist in national jurisdictions in the region. In this respect, he highlights both the strengths and weaknesses of the approaches taken to applying human rights in environmental law in the region, as well as how its current position might improve. The conclusion to the chapter is admirably honest about the clear difficulties with the development of the integration of human rights into environmental law, and realistic in the suggestions made as to how they might be addressed. Chapter 6 considers the regional perspective on the globally recognized issue

of people displaced as a result of climate change. After outlining the numerous and varied implications of climate change for the people of the Asia-Pacific region, the chapter goes on to consider potential international responses and suggests the reasons as to why these have not yet been utilized. This chapter is highly effective in emphasizing the definitional issue that arises in relation to displaced persons as well as the perpetual nature of the problem which causes them to be displaced. As such, it elucidates the major challenges in this regard which are acutely felt in, but not exclusive to, the Asia-Pacific region. These chapters add considerable insight to this field, since this region is often omitted by authors owing to a lack of binding institutions for implementation and enforcement in the region. As Boer himself notes, this is reflected in the differing pace of development in relation to the application of human rights to environmental law in this region, which is somewhat behind that of Europe, the Americas and Africa, but it is this very fact that makes the research forming the basis of these chapters so important.

The final chapter of the book is a revision of an article published in 2012 by Boyle. The chapter is an apt conclusion to a book that highlights a number of issues in specific geographical regions and contexts with the application of human rights to environmental law. Adopting

a broader approach, Boyle considers the next steps in furthering this convergence of legal fields, and in doing so raises the necessity to address issues highlighted in more specific contexts in the foregoing chapters. In relation to the field as a whole, he reiterates the challenges of accounting for corporate and economic interests, the non-territorial nature of and variance in climate change impacts, and procedural difficulties to be overcome. By doing so, he maps the future of the field and what must be done to ensure it continues to develop in a fitting end to the book.

In a field with a plethora of potential avenues for discussion, *Environmental Law Dimensions of Human Rights* collates a series of viewpoints on its future which reflect its complex range of both jurisdictions and stakeholders. Boer was evidently aware of the potential for this to be a collection of unrelated pieces on a broad theme and has arranged a collection which avoids this pitfall whilst maintaining sufficient depth of insight. The inclusion of the often-omitted Asia-Pacific region and its connection to broader debates in the field is reason alone for those interested in it to procure a copy, but its contribution stretches far beyond this.

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