

Book Reviews

Environmental Enforcement Networks: Concepts, Implementation and Effectiveness

Edited by Michael Faure, Peter de Smedt and An Stas

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In order to ensure international environmental treaties and domestic environmental laws effectively achieve their stated objectives, compliance and enforcement mechanisms are necessary. Texts in this area of environmental law typically address compliance and enforcement mechanisms more generally, analysing inter alia, the role of the international and domestic courts, local government efforts, and economic instruments.¹ Environmental enforcement networks, which are coordinated environmental enforcement efforts between states and regional blocs, are fundamental to increasing the effectiveness of environmental law. Despite this, there remains a paucity of literature specifically addressing the implementation and effectiveness of these networks as compliance mechanisms in international and domestic environmental law.²

Environmental Enforcement Networks: Concepts, Implementation and Effectiveness, a compilation of papers presented at the 2013 International Conference on Environmental Enforcement Networks, addresses this gap in the academic literature. Such an endeavour is particularly appropriate given the current state of global environmental governance.

Firstly, global environmental governance lacks a legally binding international instrument consolidating existing environmental law. Current efforts at an international level are inadequate: *Agenda 21* is a non-binding voluntarily implemented action plan,³ and the *Draft International Covenant on Environment and Development*, which converts *Agenda 21*'s recommendations into binding international law, is

¹ See, eg, LeRoy Paddock et al, *Compliance and Enforcement in Environmental Law: Toward More Effective Implementation* (Edward Elgar, 2012); Robert Percival, Jolene Lin and William Piermattei, *Global Environmental Law at a Crossroads* (Edward Elgar, 2014); Benjamin Richardson, *Local Climate Change Law: Environmental Regulation in Cities and Other Localities* (Edward Elgar, 2012).

² There is increasing academic interest specifically in environmental enforcement networks: see generally the works of Grant Pink, especially: Grant Pink, 'Environmental Enforcement Networks: A Qualitative Analysis' (PhD Thesis, Charles Sturt University, 2010) <<http://ssrn.com/abstract=1803179>>.

³ *Report of the United Nations Conference on Environment and Development*, UN GAOR 46th sess, Agenda Item 21, UN Doc A/Conf.151/26 (14 June 1992) annex II ('*Agenda 21*').

still not yet open for signature despite having been proposed 20 years ago due to a lack of consensus between drafting parties.⁴

Secondly, while various trans-governmental partnership networks already operate to facilitate compliance with environmental law,⁵ there is little discussion of the effectiveness of the individual methods used to ensure compliance, giving little guidance as to the ideal principles and mechanisms to adopt for nascent enforcement networks.

This text introduces structure into the discussion of environmental enforcement networks by:

1. Consolidating information on the types, and forms, of environmental enforcement networks that have emerged on a regional and global level;
2. Categorising these networks in accordance with a theoretically consistent approach, and identify and apply criteria assessing why particular models have been successful and their attendant benefits; and
3. Providing guidelines as to 'best practices' which nascent environmental enforcement networks can draw upon in developing their networks.

The text divides its discussion of environmental enforcement networks with papers delineated along five discrete thematic lines: general theory, benefits of networks, thematic networks, horizontal networks, and vertical networks. This thematic division is useful as the text first discusses the role, theory and practice of environmental enforcement networks prior to addressing their attendant benefits and individual case studies. This allows for a more nuanced understanding of the subject matter.

Critically, part one of the text introduces a model for assessing the goals and quality of the contributions of each network, facilitating consistent and principled comparison between otherwise divergent models. The incorporation of this model, devised earlier by Pink and Lehane, assists in categorising enforcement networks into a scale, ranking networks – from absent to well-established – across five functional categories:

⁴ Ibid; International Union for Conservation of Nature and Natural Resources Environmental Law Programme, 'Draft International Covenant on Environment and Development' (Environmental Policy and Law Paper No 31, Rev 3, 4th edn, International Union for Conservation of Nature and Natural Resources, 2010) <<https://portals.iucn.org/library/efiles/documents/EPLP-031-rev3.pdf>>.

⁵ See eg, the International Network for Environmental Compliance and Enforcement ('INECE'); Environmental Compliance and Enforcement Network for Accession ('ECENA').

membership, finances, governance, support and deliverables.⁶ A small exploratory study confirmed its utility in assessing enforcement networks and in identifying areas of improvement for enforcement networks. These networks are able to progress in maturity by working on categories identified as weak using Pink and Lehane's metric.⁷

Further, having a basis for assessing an enforcement network's functional maturity level enables a more cogent evaluation of their beneficial value especially in current times of economic austerity and crisis. Part Two of the text identifies the efficiencies of knowledge exchange and transfer in this context to establish not only the continued relevance, in this respect, of environmental enforcement networks, but also the need for more effective coordination between state actors and networks.

The last three sections relate to thematic, horizontal and vertical networks respectively and are populated by case studies of particular networks falling into these respective categories. While some individual chapters do not necessarily elucidate their place in the general oeuvre of environmental enforcement networks, the editors' concluding and comparative remarks tie the threads of discourse together into a satisfying whole.⁸

The most critical insight from the editors' comparative discourse lies in the identification of 'best practices' in areas of commonality running through the varied case studies of enforcement networks on local, regional and global levels.⁹ As a seminal compendium in the area of environmental enforcement networks, *Environmental Enforcement Networks: Concepts, Implementation and Effectiveness* goes a long way in introducing structure into the analysis of enforcement networks.

This text provides a principled basis for future academic comparative discussion and differing strategies that nascent and developed enforcement networks alike may employ to further achieve their goals.

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⁶ Grant Pink and James Lehane, 'Environmental Enforcement Networks: Development of a Network Evaluation Matrix' (Paper presented at the INECE 9th International Conference on Environmental Compliance and Enforcement, Whistler, Canada, 20-24 June 2011).

⁷ Grant Pink and James Lehane, 'Evaluating and Assessing Environmental Enforcement Networks: Through Use of the Network Evaluation Matrix' in Michael Faure, An Stas and Peter De Smedt (eds), *Environmental Enforcement Networks: Concepts, Implementation and Effectiveness* (Edward Elgar, 2015) 105, 117.

⁸ Michael Faure, An Stas and Peter De Smedt, 'Concluding and Comparative Remarks' in Michael Faure, An Stas and Peter De Smedt (eds), *Environmental Enforcement Networks: Concepts, Implementation and Effectiveness* (Edward Elgar, 2015) 510.

⁹ Ibid 520-2.

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