

Book Reviews

ENVIRONMENTAL LAW: A GUIDE TO CONCEPTS, by Bruce Pardy, Butterworths Canada, Toronto, 1996, xv and 293 pp.

This guide to environmental law concepts addresses the growing number of terms, standards and management concepts found in legislation, the common law and government policy. Whilst it is an aid for explaining environmental law concepts, it certainly cannot be used as a text.

What is unusual about this publication is its specific focus on practice in Canada and New Zealand. The reason for this orientation is unstated, but probably reflects the author's background. Mr Bruce Pardy is a Canadian, lecturing at the Faculty of Law, Victoria University of Wellington. Given the well developed environmental legal systems in Canada and New Zealand, this bias does not appear to appreciably diminish the book's utility for those studying or working in other common law jurisdictions.

Pardy describes the guide as "intended to provide the first word, but not the last word, on the most important concepts in environmental law in Canada and New Zealand". In fact, there are already a number of similar publications available, including *The Dictionary of Environmental Law and Science*¹ and the *Environmental Law Dictionary*.² The Pardy guide, however, tends to have a superior presentation to these examples.

The guide canvasses 86 concepts in environmental law, and covers most of the important concepts in this field, including those related to sustainable development, pollution control, property rights, environmental planning and assessment. Each concept is presented in a relatively easily understood format; each entry contains a definition, a separate commentary,

1 Tilleman, W.A., (ed) (1994).

2 Stoloff, N., (ed) (1993).

references to further relevant legislation and case law, and any further reading. Furthermore, each entry is accompanied by a chart to allow the reader to place each concept into its proper context within the field of environmental law. This is also facilitated by a system of cross-referencing to other related terms discussed in the guide.

The discussion of the concepts is generally accurate and informative. One exception concerns the “tragedy of the commons” concept, a reference to resource depletion scenarios in the absence of proper definition of property rights. Mr Pardy does not acknowledge the limitations to Hardin’s thesis identified by Bromley and other property rights theorists; Hardin confused common property with an open access situation, and his work was based on a misunderstanding of the historical forces (the enclosure movement) that caused the destruction of the “village commons” in 18th century England. Hardin himself later acknowledged some limitations in his thesis.³

The discussion of “environmental assessment” is also not particularly compelling given the lack of discussion to broader forms of assessment of government policies and plans, and the assessment of the social and economic sequelae of such initiatives and other projects. A more useful exposition of these concepts is found in the chapter on environmental assessment in *Environment and Resource Management Law*.⁴

With the exception of the “cross-cultural analysis” entry, the guide omits to refer to any concepts that relate to the role of indigenous peoples in environmental management. This is an unfortunate omission given the growing prominence of indigenous peoples’ resource use claims in Canada and New Zealand over the past twenty years. It would have been useful to have entries for such concepts as “native title rights” and “kaitiakitanga”, the latter item being listed as one of the principles governing decisions

3 Bromley, D.W., *Environment and Economy: Property Rights and Public Policy* (1991).

4 Williams, D.A.R., (ed) (1997) 503-504 (Chapter 12: “Environmental Assessment”, by D. Grinlinton).

under the Resource Management Act 1991.

More general environmental law concepts that might have been included in the guide include “integrated resource management” and “environmental inquiry” which have been important features of environmental decision-making.⁵

On the other hand, the guide’s treatment of sustainable development and related terms is comprehensive and well done. So too are the entry’s for common law concepts such as “private nuisance” and “the rule in *Rylands v Fletcher*”.

On the whole, this guide should prove most useful to academics, government officials, legal practitioners and law students wanting a convenient, yet reasonably informative, research tool concerning the proliferating concepts found in the environmental law lexicon.

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