

# Making Law Work: Environmental Compliance & Sustainable Development by Durwood Zaelke, Donald Kaniaru, and Eva Kružíková Cameron May Ltd., 2005

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# BOOK REVIEWS

## MAKING LAW WORK: ENVIRONMENTAL COMPLIANCE & SUSTAINABLE DEVELOPMENT (VOLUMES I & II)

by Durwood Zaelke, Donald Kaniaru, and Eva Kružíková

Cameron May Ltd., 2005

Reviewed by Cari Shiffman\*

As populations grow and environmental problems become more pervasive at both a regional and global level, nations must increasingly examine environmental practices and their enforcement. *Making Law Work: Environmental Compliance & Sustainable Development*<sup>1</sup> seeks to address this need through its discussion of sustainable development theory and the legal frameworks necessary to promote environmental goodwill. The book also considers the practical efficacy of such laws.

The compilation, produced by the Secretariat of the International Network for Environmental Compliance and Enforcement (“INECE”), along with the Institute for Governance and Sustainable Development and the Program on Governance for Sustainable Development at the Bren School of Environmental Science and Management, at the University of California in Santa Barbara, is a two volume collection of literature by both academics and practitioners that details the strengths and weaknesses of environmental compliance within legal systems. Editors Durwood Zaelke, Director of the INECE Secretariat, Donald Kaniaru, Managing Partner of Kaniaru & Kaniaru Advocates in Nairobi, Kenya, and Eva Kružíková, co-founder and Director of the Institute for Environmental Policy in the Czech Republic, offer valuable, introductory overviews to each of the topics and articles included in the book, in addition to the included literature. These introductions are a helpful synthesis of the included articles as they incorporate background information on each category and outline the articles. Furthermore, by having editors from both developed and developing countries, as well as from a country with a transitioning economy, the book is able to effectively broach topics important to both the developing and developed world. As such, the book successfully strives to confront concerns in both the global North and South.

The compilation first introduces the theory behind compliance and then presents compliance strategies that build on theoretical understanding. The book further incorporates empirical data on tactics that induce compliance, in addition to discussion of ineffective approaches. *Making Law Work* is unique in its

comprehensive overview of compliance issues relevant to both scholars and practitioners. By including articles from experts and cutting edge sources, this book combines textbook and treatise, incorporating a hybrid legal and policy approach to environmental compliance concerns. *Making Law Work* is arguably the only book that covers the whole arena of environmental compliance and enforcement issues. It is an essential read for practitioners, policy makers, businesses, lawyers, and researchers who are involved with the enforcement and compliance fields, as it includes insights on how to better design effective laws, regulations, and remedies.

The first volume explores everything from good governance and compliance theories to multilateral environmental agreements (“MEAs”) and domestic enforcement strategies to courts, tribunals, and non-governmental organizations (“NGOs”). This first section raises questions on how to strengthen laws regarding the environment and what must be done in order to induce compliance with these laws. The book discusses pressing environmental and humanitarian concerns, and then considers what laws and institutions will be most effective in dealing with these threats.

In order to effectively address non-compliance, the included articles examine why different actors choose to comply with or ignore various environmental laws. The first chapter sets the stage for the rest of the book. This chapter is essential to understanding what solutions can be developed to assist in compliance with laws. The inclusion of compliance theories in the second chapter strengthens the book, by providing a theoretical background to all of the subsequent topics covered. The editors also consider whether MEAs have begun to solve any of the emerging environmental crises, through specific case studies and articles that dissect the efficacy of MEAs. The book includes not only international approaches to environmental

**BOOK REVIEW:** *Making Law Work* Continued on page 70

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