The three authors are experienced legal professionals in the area of arbitration. They combine their joint expertise and their research as well as their personal experience on international arbitration bodies (Simon Greenberg has served for a couple of years as the Deputy Secretary General of the ICC International Court of Arbitration) to bring to the readers insights and updates on international arbitration. The discussion on issues of the impartiality and independence of arbitrators, confidentiality and privacy in arbitration, and the request to produce are, among others, impressive with their persuasive analyses and conclusions.

A recent trend tends to sever investment treaty arbitration from traditional international commercial arbitration; this type of arbitration, though hard to classify as non-commercial, bears special features in terms of the parties to the arbitral proceedings, the substantive law applicable to the merits, the confidentiality of the proceedings, and the award. The book, while pointing out the distinctive features of the former, warrants the inclusion of a last chapter on investment treaty arbitration on the grounds that it supplies a wealth of comparable material for the latter. This approach is practical and shared by many other books on international arbitration, since the two of them overlap in their proceedings, and many international arbitrators and counsels actively practise in both fields.

The book, by systematically introducing each issue of arbitration and explaining the prevailing rules thereof, makes it in the first place a practical guide for practitioners in the field of international arbitration. It also serves as a good reference book, as it has cited statutes and court decisions on various issues of international arbitration in many Asia-Pacific countries and legal districts including, without limitation, Australia, Bangladesh, Brunei, China and its Hong Kong Special Administrative Region, India, Indonesia, Japan, Korea, Malaysia, New Zealand, Pakistan, the Philippines, Singapore, Sri Lanka, Thailand, and Vietnam, as well as the European and North American states. Cases from the International Centre for the Settlement of Investment Disputes, the International Court of Justice, the European Court of Justice, the Permanent Court of Arbitration, and the ICC International Court of Arbitration have also been supplied, in addition to numerous academic works and statistics of institutional practice. The book is a product of comprehensive research combined with the authors' practical experience, rare in the field, which provides a valuable source for further study of the subject. Limited by the availability of translated materials, more court decisions are referred to in the book from countries in which English is at least one of the official languages.

Using a format of summarizing the black-letter law and prevailing practice upfront on each issue of international arbitration, followed by vigorous comparison and discussion of the laws and practices in the Asia-Pacific, which reinforces the prevailing practice either from a positive or a negative perspective, it can also be used as a textbook for law students, because it describes the rules correctly and with precision, covers the topics of international arbitration systematically, and few major issues in this field escape its scrutiny.

To conclude, the effort made by the book to explore Asia-Pacific practice in international arbitration definitely renders it one of the authorities on the subject.

reviewed by LU Song

Environmental Law

Adjudicating Climate Change: State, National, and International Approaches
edited by William C.G. BURNS and Hari M. OSOFSKY.
Cambridge/New York: Cambridge University Press, 2009. ix + 399 pp. Softcover: £60.
doi:10.1017/S2044251313000088

Climate change is without doubt the most contemporary issue in international environmental law. However, its implications in a domestic legal regime seem to be increasingly significant because of the emergence of much climate change litigation in domestic tribunals. The editors of *Adjudicating Climate Change* clearly provide a synthesis of subnational, national, and international perspectives and cases to help us better understand the trends in climate change litigation.

The book comprises three parts: subnational, national, and supranational case-studies. In the first part, a case-study of the Minnesota Environmental Cost Valuation Regulation by Stephanie Stern is provided to demonstrate a "basis for a richer account of the indirect benefits" when "an expressed dissatisfaction with federal and international climate change policy" (p. 47) is shown in the US. Consequently, an Australian case-study made by Lesley K. McAllister attracts us to the possible positive effects of reducing the emission of greenhouse gases when environmental impact litigation is raised by environmentalists before the approval of a coal mining project. In addition, in the chapter by Katherine Trisolini and Jonathan Zasloff, the New Zealand Environment Court argued for the responsibility of local governments to protect the Earth from climate change. Nevertheless, the authors proposed a bottom-up approach from localities against the top-down assumption that their Court preferred. Last in this part, based on public trust law, Mary C. Wood inspires us by proclaiming a new potential "atmosphere trust litigation" in which "all governments hold natural resources in trust" and "bear the fiduciary obligation to protect" them (p. 99).

In the part on national cases, Hari. M. Osofsky tries to illuminate the significance of mutual understanding between science and law. Taking the example of the famous *Massachusetts v. EPA* case, he argues that without such an intersection, improvement over the *status quo* would not be so easy. Furthermore, Brendan R. Cummings and Kassie R. Siegel underline the importance of protecting biodiversity affected by climate change and urge the effective implementation of the US Endangered Species Act as grounds for reducing greenhouse gas emissions. Surprisingly, the Nigerian court also confirmed some human rights to security by targeting gas flaring by oil companies, and Amy Sinden develops relevant arguments for civil and political human rights in establishing the bases of environmental rights. Moreover, David A. Grossman proposes a model of tort liability for the companies emitting greenhouse gases, within the realm of public nuisance and product liability. He also analyzes questions of justiciability, causation, proposition of merits, and possible injunctive relief in applying a tort regime to climate change liability. In the realm of insurance and climate change, Jeffery W. Stempel illustrates that besides first-party insurance which could cover property losses caused by climate change, liability insurance would also be included to bring insurers involved in climate change litigation by the "duty to defend" clauses in the insurance contract.

In the final part of supranational examples, Erica J. Thorson proposes the possibility of mitigating the negative effects of climate change under the regime of the World Heritage Convention. She also urges that all the States Parties should bear common responsibility to take adequate mitigation actions for World Heritages sites. In the following article, Hari M. Osofsky continues to use an indigenous peoples' rights approach for the linkage of human rights and climate change, taking the example of the Inuit Petition to the Inter-American Commission on Human Rights. In contrast, Jennifer Gleason and David B. Hunter bring a different perspective for the international finance mechanism to the discussion forum on climate change, suggesting that the potential use of accountability mechanisms for environmental policies in international financial institutions would help to alleviate the impacts of climate change; although these mechanisms do not have the power to order compensation, their ability to shine a public spotlight on non-compliance would promote global awareness of climate change. Furthermore, William C.G. Burns chooses another international forum, the UN Fish Stocks Agreements, as a possible means for addressing climate change, especially for the possibility to engage the US, the EU, and China on climate issues. Moving forward, Andrew Strauss examines the possibility of using the platform of the International Court of Justice for responding to climate challenges. However, jurisdictional and substantive arguments are still hurdles for possible cases and the author suggests that the role of the ICJ "needs to be seen as complementary to a broader political strategy" (p. 356). Further, David B. Hunter analyzes the possible impacts of domestic and international litigation strategies for pushing the development of climate law and policy in new directions, for the sake of both governments and the private sector. In the concluding chapter, Osofsky points to the multiscalar nature of climate adjudication and urges multilevel litigation-oriented governance in climate change—individuals, localities, states, nations, regional and supranational bodies, international entities, and other actors (for example NGOs) all included.

This brilliant collective work provides us with a comprehensive account of each perspective on climate litigation. Nevertheless, the governance side of climate change is somewhat left behind because of the confined topics. Moving to a once and for all resolution, multilevel governance at the beginning of programming and policy-making would from the start form our best reaction to climate change, even though litigation strategies and arguments are still needed for concerned individuals and entities. In the epoch of the post-Kyoto regime, how international society should react to the challenges provoked by climate change, and how they should ensure effective implementation in domestic, regional, and international arenas, should be our mission without any excuse.

reviewed by HSU Yao-Ming

International Law in the Era of Climate Change
edited by Rosemary RAYFUSE and Shirley V. SCOTT.
Cheltenham, UK/Northampton, MA, US: Edward Elgar, 2012. xxiv + 378 pp. Hardcover: £97.
doi:10.1017/S204425131300009X

Rayfuse and Scott's volume opens with a clear disclaimer: "this is not a book about international climate change legal regime" (p. xi). On the contrary, the goal is to reveal the impact that climate change has on international law. In the words of the editors, "it is the contention of this book that the direct and indirect consequences for international law of climate change may well be of such an order that a future historian of international law may be able to identify an era before and after international law began to respond to the issue" (p. 8). The first part of the book considers the impact of climate change on several specific regimes of international law: human rights law, refugee law, trade and investment law, environmental law, the law of the sea, space law, humanitarian law, and the law on the use of force. The second part discusses the impact that climate change may have on international legal principles and processes, in particular on statehood, participation, compliance and enforcement, state responsibility, and dispute resolution processes.

One obstacle to the editors' project is that, as they acknowledge, "international law is only in the early stages of its interaction with climate change and this book can provide only a preliminary enquiry" (p. xi). Nevertheless, some contributions do reveal the actual impact that climate change—and, to a larger extent, the responses to it—has already had on certain substantive regimes of international law. The best example is certainly Gehring, Cordonier Segger, and Hepburn's contribution, which discusses recent and ongoing trade disputes involving efforts to curb greenhouse gas emissions and their possible conflict with international trade or investment law. Most of the contributions, however, focus on possible future developments rather than actual ones. Thus, for instance, several authors dissert upon possible legal developments ensuing from the development of geo-engineering; Rayfuse addresses the consequences of a rise in sea levels and the melting of sea ice on the delimitation of exclusive economic zones; and Crawford and Rayfuse deal with the future of low-lying island states if the totality of their territory becomes uninhabitable in the context of climate change. Yet, one may regret that the book contains little of the expected theoretical reflection on the structural changes that international law could undergo because of climate change, or on the possible evolution of the very concept of international law. Could, for instance, the experience of greater co-operation in climate-related matters trigger more co-operation in other domains? Will transnational forms of governance, or other institutional innovations of the climate regime, be transplanted elsewhere? In a word, how will *international law* (as a whole—as opposed to *specific rules of international law*) be impacted?

Of course, none of these questions can be easily answered, and one is inclined to show clemency. After all, prediction is a slippery slope. On the one hand, the questions raised by the book are pressing. One is indeed inclined to believe that global warming, changes in weather patterns, and the intensification of climate-related hazards, concentrating their effects on those who are already the most vulnerable in the world, cannot be without tangible consequences on the structure of global