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BOOK REVIEW

JOHN R. NOLON ED, COMPENDIUM OF LAND USE LAWS FOR SUSTAINABLE
DEVELOPMENT, (CAMBRIDGE: CAMBRIDGE UNIVERSITY PRESS, 2006)

Reviewed by : Roopa Madhav, LEAD Journal



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“We have assembled pieces of a complex puzzle and present to the reader and researcher a floating opera like those performed on riverboats navigating up and down short stretches of the Mississippi River during frontier days in the United States.”

Sustainable management and development of natural resources constitutes a primary challenge of this era. Sustainable development through an integrated approach to the planning and management of land resources, a finite resource, is essential given the pressures on land due to increasing population, expanding human activity and expectations of higher economic growth. The 2002 Johannesburg Declaration on Sustainable Development is a response to the long felt need to effectively use and preserve the land and its natural resources. However it is in Agenda 21, a global plan of action adopted by the UN Conference on Environment and Development in 1992, that the relevance of land use law to achieving sustainable development is set forth.

“Agenda 21 is analogous to a comprehensive plan for the planet of the type adopted by nations, states, and local governments: a plan that defines where the community has come from, where it wishes to go, its demographic trends, how and where new populations will be settled and how they will be housed, new infrastructure and services needed (such as schools, parks, roads, water and sewer systems, and public buildings), and valuable natural and cultural resources that must be preserved.” Thus, Agenda 21 establishes and emphasizes land use goals that encourage sustainable human settlements and seek to integrate environmental considerations into development decisions. Current land use patterns across the globe are largely unsustainable requiring extensive law reform. “The *sine qua non* of land use regulation is to determine where development should go, how much of it – and what type of it – is needed, what interests should be served by land use agencies to review development proposals and to approve them if they meet established standards such as energy conservation and site planning that ameliorate environmental damage on site, next door, down river, and to the landscape.”

This compendium consists of land use laws from countries on each continent that attempt to achieve sustainable development. It accompanies the publication of “*Comparative Land Use Laws: Achieving Sustainable*

Development”, a compilation of papers delivered at the Second Annual Colloquium of the Academy of International Environmental Law, sponsored by the International Union for the Conservation of Nature and Natural Resources (IUCN), held in Nairobi, Kenya.

Noting the increased participation of municipal governments and their citizens in decision making regarding sustainable land use patterns, the editors note: “Because local governments operate at ground level, they are both aware of and often, motivated to rectify land use crises; their citizens are there to urge them into action. Their lack of capacity to deal effectively with such serious matters calls on provincial and national governments to help by providing technical assistance, data, financial resources, infrastructure, and development and conservation guidelines. Many of the laws in this compendium empower local governments to either act or show an awareness of their critical role in achieving sustainable development problem-solving has increased dramatically in recent years.”

In the laws collected in this volume, the editor hopes that the reader can witness the evolution of national legal systems as they respond to the challenge of sustainable development. These laws cover a wide spectrum – some are consensus building strategy or policy documents; some are aspirational in nature and there are many others which are framework laws; some laws seek to provide economic incentives or establish market-based mechanisms to improve land use practices; and a final group of laws set land use standards and insist on compliance, employing penalties and other disincentives to achieve their goals. An effort at assembling the various laws into these identified categories as opposed to linear country-wise presentation would have been useful. Additionally, a comparative law perspective in future editions will certainly enrich the volume.

Apart from country specific legislations, the compendium is enhanced in content with a collection of international documents. The documents contained in the book include United Nations Convention on the Law of the Sea (1982), African Convention on the Conservation of Nature and Natural resources (1969), European Landscape Convention (2000), European Landscape Convention Explanatory Report (2000), Agenda 21 – United Nations Conference on Environment and Development (1992), Rio Declaration on Environment and Development – United Nations Conference on Environment and Development (1992), Istanbul Declaration on Human Settlements – United Nations Conference on Human Settlements (Habitat II) (1996), The Johannesburg

Declaration on Sustainable Development – World Summit on Sustainable Development (2002). Select laws from across all continents display the wide range of approaches being adopted in Land Use laws for sustainable development. Brief summaries introducing and contextualising the legislation, at the beginning of each bare text, add value to the entire presentation. The book contains only the relevant sections of the enactments, with a web link to the entire text appended at the end of each summary.

Evidently, this book illustrates that development at the national level is simultaneously being influenced by international developments and also the demands for legal reform from the decentralised units of local governance. “The principal conclusion one draws from reviewing the laws in this compendium is that a connected framework of legal strategies is slowly and serendipitously being created, either in response to the Rio accords or simply because of the sheer pressure of population growth and, its stress on the world resources.” Not surprisingly, the book also notes the eroding nature of the commons at the local level. “In general, land ownership regimes are becoming more national in scope, localized property rights systems are eroding, and property rights that were communal in nature are being transformed into individual rights system.” Law and policy that seek to promote sustainable land use needs to foreground the colossal impact these trends have on basic issues of shelter, food security and livelihood issues for the poor.

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