the “core of good sense” that lies behind the principle, even if in practice it is no “quick fix”) but stops it from blanketing the field. That blanketing effect is all too common and is, by and large, deadening in its impact.

I thought, too, that it worked well to open with the challenge of regulatory prudence, moving next to the challenge of regulatory legitimacy, in particular the questions of morality that lie at its core. I say more about the latter below. Thereafter there are sections discussing, respectively, the challenges of regulatory effectiveness and connection. The challenge of regulatory legitimacy gets a revisit in the book’s concluding chapter. This time, though, the question is not how technology regulation presents challenges for procedural legitimacy, or how it irritates existing moral concepts such as dignity. Instead, picking up on the idea of technology as a regulatory tool, the conclusion asks: is a transition to “techno-management” likely to corrupt our capacity for moral development and action? Making the latter secure, it argues, must be a prime concern for “legal forms of ordering in the twenty-first century”.

I also thought that devoting a chapter to procedural legitimacy, and in turn devoting much of that chapter to public participation in technology regulation, were excellent ideas. Astonishingly little has been written by lawyers on the vogue for participation in technology regulation. My own interests lie in human rights so I was delighted to find a dedicated chapter on that topic too. I also liked the way in which the section on regulatory legitimacy was framed around the idea of “boundary-marking concepts” or limits to legitimacy. Legitimacy, perhaps because it is such an important challenge, is often hard to engage with: “regulatory legitimacy” seems, well, overwhelming. Just too big an ask. Approaching it from the angle of limits to legitimacy, as Brownsword and Goodwin do, could ease that problem. It also encourages us to pinpoint limits: extant ones and emerging ones, and also those that seem to be shrinking or in retreat. The particular limits to legitimacy examined by Brownsword and Goodwin are human rights, which gets a chapter to itself, as well as dignity, harm, nature, privacy, property and equal concern. It is interesting to ask: Would we agree with that list? And how do we think it might shift over coming years? We will, I hope, have more from Brownsword and Goodwin to guide us on these and other key technology-regulation questions.

International Disaster Response Law
by Andrea de Guttry, Marco Gestri and Gabriella Venturini (Eds.)
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The complexity of today’s society has increased the possibilities of being exposed to events different in nature, but characterised by a disastrous impact on the ordinary life of nations. Broadly speaking, the increase of today’s vulnerability to these events depends on the extreme interconnection between needs and resources on the one hand, and national economies and policies on the other. Natural disasters (such as floods, earthquakes, tsunami..), pandemics, industrial accidents, terrorist attacks and economic shocks are examples of national emergencies which prejudice the ordinary functioning of legal orders – and, as a consequence, the expected living standards of populations – and can also entail a global impact.

Traditionally, public law has met disasters by introducing emergency regimes and regulations aimed at managing these unpredictable situations with flexibility, by setting extraordinary measures to respond and recover from disasters. Civil protection has delivered governmental action and humanitarian assistance has provided international and private actions. However, the necessity of preventing or, at least, mitigating the disastrous impact of such events has increased the interest of different disciplines in the arrangement of new tools for prevention and preparedness. The goal is to provide means for the management of the whole disaster cycle, from the assessment of its likelihood to the recovery from its occurrence. The underlying philosophy is to learn from experience and prevent further disasters from occurring. This way, disaster management is more and more becoming a special (as it concerns the assessment of the risk at stake, which has to deal with uncertainty) and specific (as the subject matter is concerned) issue of risk regulation, which concerns many different branches of law.

Embracing an international law perspective, the book edited by A. de Guttry, M. Gestri, and G. Venturini aims to shed light on the current trends in

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disaster regulation and to identify the main gaps in addressing the numerous issues involved in disaster prevention, response and recovery. International Disaster Response Law (IDRL) appears to be a corpus of conventional law and soft law norms that is devoted to addressing disasters in a comprehensive way, with reference to both subject matters and parties involved.

As far as the subject matter is concerned, IDRL embraces disaster law by covering different kinds of scenarios: natural disasters on the one hand and man-made disasters on the other. In turn, man-made disasters can be related to both safety issues and security issues: in the first case, disasters have technological origins and are strictly connected to development (like accidents at nuclear powerplants or at offshore oil and gas industry locations), whereas in the second case, they have criminal origins and consist of the use of armed force, such as in the case of armed conflicts or in the resort to violence common to terrorism.

As the parties involved in IDRL are concerned, States as traditional actors of international law continue to play a central role, since they have the primary responsibility to protect their own population in their sovereign territory. However, other actors play a key role in the international humanitarian arena, like international organisations (including the UN and international financial institutions) and NGOs.

The book “International Disaster Response Law” explores both these aspects, by bringing IDRL back to the general principles and rules embedded in the domain of public international law, and then proceeding by recognising how its specificities can concretely implement “the fine words” provided by public international law (and especially by human rights law, international humanitarian law, refugee law, global health law, international environmental law, international criminal law, and the law of international development).

This concrete approach helps the authors to find the gaps in current IDRL, that basically originates from its ad hoc legal developments, and start to imagine new general developments for it. The main novelty of this book is therefore the comprehensive approach to disaster issues, as an autonomous developing branch of public international law.

A further strength to be recognised in this book is that its focus does not prevent the search for an interdisciplinary approach to disasters. In order to address more effectively the many-sided aspects of the problems at stake, the editors bring together scholars from different disciplines, so that the book extensively covers not only a number of legal issues in the domain of international law, European law, and domestic laws, but also both socio-political and economic issues that have a significant impact on disaster management. The result is a collection of a huge number of different contributions, which can provide readers from different backgrounds with interesting materials. However, this variety could be perceived as a weakness, since it can sometimes be difficult to identify the underlying common reasoning among the different perspectives.

The book is divided into five parts – plus the introduction by the editors and the conclusion by N. Ronzitti – which aim to address the different issues of disaster law through a series of case-studies and data. By setting the scene, the first part positions IDRL in the broader framework of international law and defines its sources. Starting from different standpoints, the authors of this part (A. de Guttry, G. Venturini, F. Zorzi Giustiniani and A. Gioia) point out the alluvial nature of IDRL, which has developed based on the occurrence of disasters without a rational coordination between the different conventional and soft law sources. A clear example of this is provided by the implementation of international law on nuclear accidents, at first in the aftermath of the Chernobyl nuclear accident in 1986 (see the convention on early notification of a nuclear accident and the convention on assistance in case of a nuclear accident or radiological emergency) and then further developments on nuclear safety took place after the Fukushima accident in 2011 (see the IAEA ministerial declaration on nuclear safety).

The commonality of all the different sources of IDRL is that these are seeking to make States – who have the primary responsibility to protect – cooperate loyally with the aim of preventing and responding to disasters.

The second part focuses on EU disaster law, paying specific attention to the European constitutional framework and its implications both inside and outside the Union. As for the internal dimension, the relationships between the EU and its Member States are addressed (by M. Gestri), whereas the external dimension concerns both the external actions of the EU aimed at responding to overseas natural and man-made disasters (F. Casolari) and the consular protection of EU citizens during emergencies in third countries (F. Forni).
This part underlines the growing competence of EU law on disaster law, but at the same time it shows the difficulties that the EU is facing in expanding its competence, and the gaps that still remain in EU disaster law. Basically, inconsistencies stem from the still problematic coordination of the EU and its Member States in the areas of safety and security that are under the primary responsibility of each State. However, the EU’s special nature requires further cooperative steps in order to enhance the protection of EU citizens, not only in Europe, but also beyond. From this point of view, many initiatives are on-going: the establishment of a European Emergency Response Capacity based on the potential of the solidarity principle (art. 222 TFEU) and the new competences in civil protection (art. 196 TFEU) inside the Union, the implementation of the external disaster response’s instruments as part of the Union’s new external action, and the establishment of an explicit legal basis for humanitarian assistance (art. 214 TFEU) on the one hand and increasing cooperation in consular protection in third countries (art. 23 TFEU) on the other.

The third part of the book goes back to the dimension of international law and it addresses the rights and duties of States in IDRL. More specifically, this part aims to analyse the responsibilities of States having regard to both disaster prevention and recovery.

Prevention is addressed (by B. Nicoletti) as a principle of international law which has particularly been developed in international environmental law, but which needs to be implemented as a general principle against natural and man-made disasters. By identifying a specific duty for States to prevent disasters, prevention can become a fundamental principle of IDRL. On these grounds, policies aimed at mitigating disaster risks become essential in order to reduce vulnerability and improve the capability of legal orders to cope with these risks. A further contribution (by A. La Vaccara) analyses the international legal binding and non-binding tools which can force States to prevent disasters.

Looking at the recovery stage, the challenges of balancing the principle of State consent with the necessity of facilitating humanitarian assistance and the feasible improvement that humanitarian assistance and relief can receive under IDRL. In this regard, various national legal frameworks of a number of countries are analysed (by M. Mancini) and significant discrepancies emerge under a common “reactive approach” in international relief operations. Furthermore, the work of the International Law Commission on the possibility of introducing the State duty to accept humanitarian assistance and not to arbitrarily withhold consent in disaster situation is the starting point of a broader reflection on how states can be “coerced” to accept international relief (M. Costas Trascasas). Moreover, IDRL is found (by G. Venturini) to be complementary to international humanitarian law in case of armed conflicts and this could improve the effectiveness of providing humanitarian assistance in disaster situations.

A further aspect that is considered in this part is liability. Since the allocation of liability allows redistributing ex post the risk that cannot be prevented, it represents a further means to address recovery functions. The contribution by T. Scovazzi focuses on the emblematic case of the explosion which occurred in the Deepwater Horizon oil platform in the Gulf of Mexico in 2010, trying to point out how both international and domestic regulation are still too weak to provide effective relief (rectius, compensation) to the victims and hence require further implementation.

The fourth part focuses on the protection of human rights amid disasters. This part explores in depth the critical aspects of human rights protection in disaster situations, with the aim of outlining what is missing and what should be introduced in order to achieve effective protection. In this line, E. Sommario analyses the circumstances under which human rights can be limited in situations of natural and man-made disasters; M. Bizzarri addresses the inconsistencies in the protection of vulnerable groups; A. Creta explores the necessity of recognising a right to humanitarian assistance in disaster situations in peacetime; and the disaster victims’ rights to effective remedy and reparation, both under international human right law and international criminal law, are respectively addressed by I. Nifosi-Sutton and F. Russo.

The book’s fifth part discusses the more practical issues of emergency actions, by focusing on more specific topics related to disaster management: the effective deployment of disaster response missions (by S. Silingardi); the proliferation of new actors in the international humanitarian arena and the necessity of establishing new coordination settings (by G. De Siervo); the changes and the challenges of humanitarian action (by A. Donini); customs obstacles to relief consignments (G. Adinolfi); the status of emergency workers (by S. Silingardi); the use of civil and military defense assets in emergency situations (by P. Calvi Parisetti); the funding issues (by I. Palandri) and the role of financial institutions (by G. Adinolfi);
the role of corruption in disasters (by E. Calossi, S. Sberna and A. Vannucci), and insurance instruments against disasters (by G. Turchetti, S. Cannizzo and L. Trieste).

Overall, “International Disaster Response Law” sets the stage for the rationalisation and the implementation of the legal instruments of IDRL. It is not by chance that the European Commissioner for International Cooperation, K. Georgieva, has written the foreword of the book welcoming the interest of academia in developing critical analysis on disaster law, with the aim of reflecting on what has been done and inspiring new policy initiatives in this field. Hence, this book is a welcome contribution for scholars interested in international law pertaining to disasters, and it can provide useful insights also for practitioners particularly interested in humanitarian assistance and disaster recovery.