literature which deals in great detail with much of the law outlined by Lucas and Franson.[15]

The remaining five volumes of the service consist of a collection of leading environmental statutes and their attendant regulations. These will be of great value to anyone wishing to undertake research into environmental law problems because, although they are all available elsewhere, their retrieval is very time consuming. Many leading environmental statutes are frequently amended and are unmanageable except in some form of consolidation such as that offered in this service. Similarly, the detailed regulations which are of great importance in day to day activities are often inaccessible to those lacking the time or facilities for a patient library search. In this major part of the service, Franson and Lucas have provided an invaluable research tool. Perhaps in future supplements it would be possible to include a notation of cases decided under particular statutory sections and to include in the Alberta segment of the service the Land Surface Conservation and Reclamation Act, which is of the utmost importance in the environmentally sensitive coal mining industry.

In conclusion, although it may seem churlish in the face of the immense effort expended by the authors, it is necessary to be critical of some of the editorial aspects of the book. Errors, apparently of typesetting, make nonsense of sections in the discussion of the federal criminal law power at page 257 and of the treaty making power at page 265 and misspellings often mar the text. Nevertheless, Franson and Lucas have undoubtedly produced a service of considerable value to the legal profession. Its limitations spring only from the size of the task they have undertaken and do not alter the fact that its publication represents a significant accomplishment.

—DAVID R. PERCY*

15. *See* in particular the comprehensive article by Kenniff and Giroux, *Le Droit Québécois de la Protection et de la Qualité de l'Environnement* (1974), 15 C. de D. 5 and Hétu and Duplessis, *La Pollution de l'Air et les Cours Municipales du Territoire de la Communauté Urbaine de Montréal* (1975), Revue Juridique Thémis 323.

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THE REGULATION OF STATELESSNESS UNDER INTERNATIONAL AND NATIONAL LAW. By A. Peter Mutharika. Dobbs Ferry: Oceana. 1977. Looseleaf. $60.00.

EUROPEAN LAW AND THE INDIVIDUAL. Ed. by F. G. Jacobs. Amsterdam: North Holland Publishing Co. 1976. xi and 211 pp. $19.25.

DISCRIMINATION ON GROUNDS OF NATIONALITY. By Brita Sundberg-Weitman. Amsterdam: North Holland Publishing Co. 1976. vii and 248 pp. $29.95.

At a time when the Canadian Government—as are so many others in the western world—is considering new immigration regulations, it is interesting to find three new works devoted to specific aspects of this problem. From the point of view of comprehensiveness, Professor Mutharika's is the most significant. The larger part of his work is devoted to collecting the tests of resolutions and recommendations of private and intergovernmental organizations; selected draft conventions, going back

to David Dudley Field's Outlines of an International Code of 1876, and it is surprising to find how up-to-date this was from the point of view of individual rights in so far as nationality, expatriation, naturalization and the like; global conventions from the Peace Treaties of 1919 to the 1974 General Assembly debate on the question of the establishment of a body to which persons claiming to be entitled to the protection of the Convention on Statelessness could apply; regional and bilateral conventions extending from the 1906 inter-American agreement on the status of naturalized citizens returning to their country of origin to the 1967 European Convention on the Adoption of Children; and, finally, national constitutional and statutory provisions—interestingly enough, there is nothing from Canadian law.

In addition to this very valuable collection of documents, Professor Mutharika has provided a lengthy introductory essay on the causes and consequences of statelessness, together with a detailed account of attempts to regulate this problem on an international level. In this essay, he also discusses claims relating to nationality, protection, access to territory and rights within the state of sojourn—here he points out that those who refer to "the so-called rights of mankind" . . . have failed to distinguish between the possession of a right and the ability to enforce it. Stateless persons do have some rights; but they usually lack the procedural ability to enforce them. Since they lack the presence of a national state to come to their aid in the way other aliens are protected, international conventions become important as the means of securing their rights. As to future attempts to deal with stateless or expelled persons, the learned author is aware of practical problems and the fear of "flooding". On this account he suggests the adoption of regional approaches—"If a given region participated in a collective realization of these rights, no one country would be forced to bear an uneven share of the problem".

The region which has probably been most successful in dealing with the question of individual rights whether in one's own country or abroad is the Europe of the Community. The collection of essays edited by Professor Jacobs touches upon a variety of issues concerning the position of the individual under European law. Among those of fairly general interest is Mr. Plender's discussion of whether there is developing a form of European citizenship, which seems to be presaged by some of the regulations concerning equal rights of workers, of establishment, social security entitlement and the like. The proposals for non-discrimination and a possible European Passport may well help the transition from a common economic status to a more real political citizenship. Dr. Wagenbaur, one of the legal advisers with the Commission, examines the problems inherent in the mutual recognition of qualifications, which he regards as a "good example of how the Community can benefit its 250 million inhabitants—far beyond any business consideration". A colleague in the Legal Adviser's office deals more generally with the whole problem of the protection of fundamental rights—"all those legal rights and situations which must not be violated by any action of the public authorities, whether by the legislature, the executive or the judiciary; one may also include those rights which are mainly limited to setting out programmes for the legislature, like certain social and economic rights. Thirdly, if one speaks of the 'protection' of these rights one has to think in terms of substance as well as in terms of procedure." This problem of

protection he feels is most "relevant in the process of framing a new constitution such as that of the proposed European Union: to safeguard the basic liberties, rights and interests of the individual in such a Union is clearly essential", and the Court, the Commission and the Parliament of the European Community have all gone on record in favour of such a Union and such protection.

One of the most important rights of the inhabitants of the Community countries is that of free movement and of establishment and Mr. Hartley examines the Community provisions with particular reference to the law of the United Kingdom while Dr. Leleux, a third member of the Commission's legal division, looks at some recent decisions of the Community Court from this point of view, commenting upon the decision in *Van Duyn* v. *Home Office*, upholding the right of the United Kingdom to exclude a Community national denying her the right to work, since as a member of a "pseudo philosophical cult", the Church of Scientology, her activities were considered "socially harmful". He also mentions that the Court in the same case pointed out that by international law a state is precluded from excluding its own nationals. It remains to be seen whether the European Court of Human Rights will agree when deciding on the claim put forward by British non-patrials excluded from entry to the United Kingdom.

Dr. Sundberg-Weitman's book deals solely with the problem of free movement of workers within the Community, and she too writes of the *Van Duyn* decision which may well prove to be one of the most important decisions by an international tribunal in the whole field of human rights, for it leaves a great deal of discretion to the state in the name of public policy, public security and public health. This is particularly important, for, as she points out in her introduction, Article 7 of the Treaty of Rome expressly states that "within the scope of the application of this Treaty . . . any discrimination on grounds of nationality shall be prohibited." The *Van Duyn* case gets round this by asserting that there is no discrimination in excluding aliens from pursuing tasks that may be performed by nationals, since, as just mentioned, nationals cannot be excluded!

For anyone interested in the rights of the individual, and particularly freedom of movement and of establishment, as well as the development and application of European law in these fields, the three works here mentioned will prove of inestimable worth. Moreover, the two European books indicate how a most complex treaty arrangement may be analyzed and rendered intelligible.

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