

Environmental Damage In International And Comparative Law Problems Of Definition And Valuation

This book is the first comprehensive assessment of the legal duties of states with regard to human induced climate change damage. By discussing the current state of climate science in the context of binding international law, it convincingly argues that compensation for such damage could indeed be recoverable. The author analyses legal duties requiring states to prevent climate change damage and discusses to what extent a breach of these duties will give rise to state responsibility (international liability). The analysis includes the UN Framework Convention on Climate Change and the Kyoto Protocol, but also various nature/ biodiversity protection and law of the sea instruments, as well as the no-harm-rule as a key provision of customary international law. The challenge in applying the different aspects of the law on state responsibility, including causation and standard of proof, are discussed in three case studies, and the questions raised by multiple polluters explored in depth. Against this background, the author advocates an internationally negotiated solution to the issue of climate change damage. Many of the frontiers of environmental economics research are at the interface of large-scale and long-term environmental change with national and global economic systems. This is also where some of the most of challenging environmental policy issues occur. Volume 3 of the Handbook of Environmental Economics provides a synthesis of the latest theory on economywide and international environmental issues and a critical review of models for analyzing those issues. It begins with chapters on the fundamental relationships that connect environmental resources to economic growth and long-run social welfare. The following chapters consider how environmental policy differs in a general-equilibrium setting from a partial-equilibrium setting and in a distorted economy from a perfect economy. The volume closes with chapters on environmental issues that cross or transcend national borders, such as trade and the environment, biodiversity conservation, acid rain, ozone depletion, and global climate change. The volume provides a useful reference for not only natural resource and environmental economists but also international economists, development economists, and macroeconomists.

The volume examines legal matters regarding the prevention and fighting of historical pollution caused by industrial emissions. "Historical pollution" refers to the long-term or delayed onset effects of environmental crimes such as groundwater or soil pollution. Historical Pollution presents and compares national legal approaches, including the most interesting and effective mechanisms for managing environmental problems in relation with historical pollution. It features interdisciplinary and international comparisons of traditional and alternative justice mechanisms. This book will be of interest to researchers in criminology and criminal justice and related areas, such as politics, law, and economics, those in the public and private sectors dealing with environmental protection, including international institutions, corporations, specialized national agencies, those involved in the criminal justice system, and policymakers.

Prevention is recognized as a cornerstone of international environmental law, but this principle remains abstract and elusive in terms of exactly what is required of states to prevent environmental harm. In this illuminating work, Leslie-Anne Duvic-Paoli addresses this issue by offering a systematic, comprehensive assessment in which she clarifies the rationale, content, and scope of the prevention principle while also placing it in a wider legal context. The book offers a detailed analysis of treaty law, custom codification works, and case law before culminating in a conceptualization of prevention based on three definitional traits: 1. Its anticipatory rationale; 2. Its due diligence content; and 3. Its wide spatial scope to protect the environment as a whole. This book should be read by anyone

seeking to understand the evolving principle of prevention in international environmental law, and how it increasingly shares common ground with reparation in the arena of compliance control.

International Environmental Disputes
Liability and Compensation for Environmental Damage
Handbook of Environmental Economics
Research Handbook on International Environmental Law
The Law of Environmental Damage

Prospects for Environmental Change

Compensation for Environmental Damages Under International Law

Few countries are likely to have a more important global environmental role in coming years than the People's Republic of China. Professors Faure and Song have prepared a remarkable collection of essays that provide valuable insight on one key aspect: China's engagement with issues of liability for environmental damage at the domestic and international levels. There is much to be learnt from the pages of this commendable, rich and accessible work. Philippe Sands OC, University College London and Matrix Chambers, UK This book considers the ways in which transboundary environmental pollution can be remedied through a variety of legal instruments. Particular attention is paid to the pollution of the Songhua river in China, but legal remedies to transboundary pollution are also discussed in a broader context. The focus of the book is on international environmental law and international conventions as well as the application of national environmental law in a transboundary legal context. Thus contributions also concentrate on voluntary approaches, the importance of transboundary environmental impact assessment and the application of national criminal law to transboundary pollution. Not only is transboundary pollution discussed from the perspective of international law, but also from that of the application of national law to transboundary pollution, thus centering on private law, administrative law and criminal law. As such, this book will be of great interest to academics, practitioners and students.

The three volumes of the *Law on State Responsibility* include causation and standard of proof, are discussed in three case studies, and the questions raised by multiple polluters explored in depth. Against this background, the author advocates an internationally negotiated solution to the issue of climate change damage. Master's Thesis from the year 2020 in the subject Law - Public Law / Miscellaneous, grade: 3.5, Ethiopian Civil Service University (Law and Federalism), course: International Environmental Law, language: English, abstract: The main research question of this thesis is: Does the Ethiopian legal system put in place a civil liability regime for damage on environment? What does this civil liability regime look like? Industrial and other activities by private entities have the capacity to damage the environment thereby causing environmental damage invariably. To tackle this problem, governments around the world has developed laws and policies having the aim of reducing the impacts that human activities are causing on the environment and preventing damage. The ne plus ultra of these laws is achieving a clean, healthy and sustained environment. Civil liability is a type of liability regime adopted by countries to make private entities accountable for harm they create on the environment knowingly or negligently. Environmental liability, in one or another way is subjected to the civil liability regime. Numerous countries put environmental liability so that it would be governed by principles and rules of tort liability, which deals with all types of damages indifferently. However, the natures inherent with in environmental liability becomes problematic whenever we try to apply the existing tort rules and procedures. These problems include the difficulty in proving the cause of damage (causal-effect relationship) by already instilled tort rules. Besides, environmental liability demands remedy beyond compensation in order to protect the environment proactively. This thesis therefore addresses these issues giving particular emphasis on the Ethiopian civil liability regimes. In an attempt to elucidate the problems and give possible recommendations, a thorough analysis on liability regimes adopted by Ethiopian laws dealing with environmental issues are assessed. Furthermore, institutions mandated to protect the environment

and enforce these liability rules or EPO's are scrutinized based on fulfillment of their mandated roles. This remarkable book – the first in-depth examination of the civil liability regime for marine oil pollution damage from a law and economics perspective – examines the efficiency and effectiveness of the regime, with particular attention to whether it is in fact designed in the public interest or merely a distribution of risks and costs among interested parties. The question is asked: does the liability system give the potential polluter incentives to take precautionary measures to avoid pollution or to reduce the possibility of pollution? The international regime on civil liability for marine oil pollution rests on the International Convention on Civil Liability for Oil Pollution Damage (CLC) and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (Fund Convention). However, the world's biggest oil consumer and importer – the United States – has ratified neither, preferring its own Oil Pollution Act of 1990 (OPA), and China – currently the world's second oil-consuming country – has not ratified the Fund Convention. Thus it is reasonable to compare the three regimes – international, US, and China – as such a comparative study may reveal some advantages or disadvantages among the three systems. Among the issues raised and tackled head-on by the author are the following: whether the contents of international conventions can be considered as the result of the influence of the various interest groups involved; overview of the regulations of marine pollution; technical standards, rules for operation, professional criteria; to what extent a state may take action against trans-boundary polluting activities; what liability a state may incur for non-action or non-effective action; significance for liability of the charter-party, generally considered the evidence of the hire of a ship, and the bill of lading, considered the evidence of the contract of carriage of goods by sea; the crucial role of the so-called 'International Group' of 13 Protection and Indemnity (P and I) Clubs, non-profit organizations specializing in liability insurance; the main international players – the International Maritime Organization (IMO), the Comité Maritime International (CMI), and industry organizations such as INTERANKO and the Oil Companies International Marine Forum (OCIMF); the particular regime on offshore facility pollution liability in the United States; port state control; criminal liability; and EU and other regional initiatives. In addition, a detailed study of the Erika case reveals some of the rationale for many of the persistent features of marine pollution liability regimes. The well-thought-out legal and economic analysis provided in this book, along with its clearly stated policy recommendations and constructive perspectives for future development of the liability system, will be immeasurably valuable to lawyers and

policy-makers active in this highly visible area of international law.

Environmental Damage In International and Comparative LawProblems of Definition and ValuationOxford University Press on Demand

Environmental Damage In Private International Law (Volume 268)

Problems of Definition and Valuation

A Reference Handbook

Liability for Environmental Damage

The Environment, Risk and Liability in International Law

A Survey of the Issues

Historical Pollution

This important new book provides a comprehensive overview of the international legal principles governing transboundary pollution. In doing so, the experts writing in this book examine the practical applications of the State responsibility doctrine in

From its starting point within international law, throughout its progression from regional national law, The Law of Environmental Damage combines the disciplines of environmental law, liability law and insurance in its analysis of the development of reparative environmental law. In the model adopted, three generations of reparative schemes are identified based on civil liability or administrative liability or self-taken measures from the area of insurance. The results of the study are evaluated within the framework of a theory of environmental efficiency, among other factors, the reparative effect of liability rules is discussed.

This book examines the environmental issues that currently under debate in the international arena. The text approaches the topic at a conceptual level, and from an interdisciplinary viewpoint. It analyses the roles of key players in environmental policy, the nation state, non-governmental organizations and the business community. It continues with an examination of the importance of international relations (trade, investment, west, north, south), and goes on to consider the prospects for sustainable development and social changes required for sustainable development to become a reality.

This work addresses international concern about the harm which may result from environmentally hazardous activities. It embraces traditional transboundary harm originating in one country and affecting the territory of another country and includes global transboundary harm occurring when the sources of pollution and the potential damages are so widespread that it is impossible to point out either a single responsible State or a single injured State. Rules relating to environmental harm may be found at the level of international responsibility for wrongful conduct, the level of international liability for injurious consequences arising out of acts not prohibited by international law and the level of domestic or uniform rules on civil liability for hazardous activities. While there is a need for a more appropriate legal framework this book does not purport to give definite solutions to open questions. It describes legal tools presently available for dealing with the consequences of international environmental harm, and tries to focus on some specific risks or accidents, as well on some aspects of international cooperation.

Issues and Trends

A Review of the International and USA's Oil Pollution Compensation Schemes

The International Rule of Law

Liability for Damage to Public Natural Resources:Standing, Damage and Damage Assessment

Civil Liability for Marine Oil Pollution Damage

Contemporary Issues in Environmental Law

Responsibility and Liability for Environmental Damage Under International Law

This study considers the problems of defining and valuing environmental damage from the perspective of international and comparative law. The need for a broad and systematic evaluation of this issue is illustrated by the number of topics presently on the international law-making agenda to which it is relevant, including the UN Compensation Commission's decisions on compensation for environmental losses suffered by Kuwait in the Gulf War, nuclear and oil pollution liability regimes, the development of an environmental liability protocol to the Antarctic Treaty and other agreements on bio-safety and genetically modified organisms. It is thus an important element in contemporary efforts to strengthen legal remedies for environmental harm which does not necessarily come within traditional categories of legally protected personal or property rights.

Armed conflict and military activities have serious adverse impacts on the environment. Modern weaponry, troop movements, landmines, hazardous military waste, and the destruction of forests for military use are a few sources of harm to the environment both during armed conflict and peacetime military activities. Ecological assaults in combat areas are often kept a secret by the government, resulting in even greater humanitarian and environmental harm. Environmental degradation is increasingly being recognized as one of the most significant challenges of the 21st century and its effects are being felt worldwide. Both domestic and international legislations have been inadequate in mitigating the impact of military activities. This book provides details of the environmental destruction wreaked during international and non-international armed conflicts and argues that the existing legal regime for the protection of the environment during armed conflict requires substantial modification. It puts forward the view that though it is inconceivable to impose an absolute ban on environmental damage during military operations, strengthening and clarifying the existing laws protecting the environment in times of conflict, and enforcing environment-friendly practices among military forces could go a long way in protecting natural assets of our earth.

Inspired by recent litigation, this book identifies and critically appraises the manifold and varied approaches to calculating compensation for damage caused to the environment. It examines a wide range of practice on compensation – in general and specifically for environmental damage – from that of international courts and tribunals, as well as international commissions and regimes, to municipal approaches and other disciplines such as economics and philosophy. Compensation for Environmental Damage Under International Law synthesises these approaches with a view to identifying their blind spots, bringing clarity to an area where there exists broad discrepancy, and charting best practices that appropriately balance the manifold interests at stake. In particular, it is argued that best practice methodologies should ensure compensation serves to fully repair the environment, reflect the emerging ecosystems approach and any implications environmental damage may have for climate change, as well as take into account relevant equitable considerations. This book is essential reading for academics, practitioners and students working in the field of environmental law.

Finally, International Trade, Factor Movements, and the Environment addresses institutional issues on both national and international levels.

Environmental Responsibility Across Borders

The Prevention Principle in International Environmental Law

IOUUNEP Guidance Manual on the Assessment and Restoration of Environmental Damage Following Marine Oil Spills

Private and Public Law Aspects of Civil Liability for Environmental Harm Inan International Context

Maritime Pollution Liability and Policy

Trading with the Environment

Civil Liability for Environmental Damage in Ethiopia. Legal and Institutional Analysis

... an impressive volume and the editors have put together a high quality collection. Research Handbook on International Environmental Law ought to be an invaluable reference source for both teachers and students of international environmental law in the years to come. Web Journal of Current Legal Issues This wide-ranging and comprehensive Handbook examines recent developments in international environmental law (IEL) and the crossover effects of this expansion on other areas of international law, such as trade law and the law of the sea. The expert contributors offer analyses of foundational issues in IEL, such as responsibility for environmental damage, sustainable development and the precautionary principle, alongside studies in topical subject areas including marine protection and the law of international watercourses. This Research Handbook offers an in-depth analysis of IEL, both as a field of law in its own right, and as part of the wider system of international law. It gives a comprehensive view of IEL in all its forms and complexity. With thorough examination of specific environmental regimes and compliance mechanisms, this Handbook will be an indispensable resource for legal scholars, students and practitioners alike.

Should there be firmer restrictions on trade, with more policies aimed at protecting its environmental impacts, or would the environment benefit most from unrestricted free trade? Do importing countries have a responsibility only to their local ecosystems, or are they also responsible for environmental degradation caused by the production of traded goods in exporting countries? Trading the Environment examines both the dependence and the effects of international trade on the earth's life support systems and looks at ways in which trading regulations could be adapted to promote ecologically sustainable economic development. It addresses the issues from a fully integrated approach, focusing on the interrelations between ecosystems, economic development and trade. The authors provide a carefully constructed ecological and economic analysis of trade and the environment, examine the existing legal and institutional frameworks and set out 16 recommendations to achieve environment beneficial trade at both national and international levels. Trading with the environment was originally commissioned by the Swedish government and is already regarded as the standard reference work on the subject. It is a valuable analysis, both for students and for policy-makers and professional economists and other scientists working on the issues. Published in 1995

The main focus of this important book is on civil liability regimes to compensate for ecological/environmental damage, the impact of EC decision-making on the international regime for oil pollution damage, the use of environmental funds in this respect, the economic valuation of damage to the environment from a theoretical perspective and the application of the Contingent Valuation Method in Belgium for ecological damage at sea.

The Environment, Risk and Liability in International Law explains the important role liability plays in risk management and environmental protection in the realm of International Law.

The EU and Japan

International Environmental Law

Marine Resource Damage Assessment

Liability and Environment

Environmental Damage and Liability Problems in a Multilevel Context

Liability for Environmental Harm

The growth of pollution that crosses national borders represents a significant threat to human health and ecological sustainability. Various international agreements exist between countries to reduce risks to their populations, however there is often a mismatch between national territories of state responsibility and transboundary hazards. All too often, state priorities do not correspond to the priorities of the people affected by pollution, who often have little recourse against major polluters, particularly transnational corporations operating across national boundaries. Drawing on case studies, The New Accountability provides a fresh understanding of democratic accountability for transboundary and global harm and argues that environmental responsibility should be established in open public discussions about harm and risk. Most critically it makes the case that, regardless of nationality, affected parties should be able to demand that polluters and harm producers be held accountable for their actions and if necessary provide reparations.

On 27 July 2003, the oil tanker Tasman Spirit ran aground spilling a portion of its 67,000-tonne cargo of Iranian Light Crude Oil into Karachi Harbour, in Karachi, Pakistan. The loss of product resulted in environmental damage with heavy oiling of the shoreline in Karachi Harbour and surrounding areas. Recognizing the need for international guidance to assist nations in assessing damage to natural resources following major oil spills in the aftermath of this incident, the United Nations Environment Programme (UNEP), soon thereafter, initiated the development of a manual on natural resource damage assessment and restoration following major oil spills. Given IMO's specialised expertise on preparedness for and response to accidental marine pollution issues and the long history of collaboration between IMO and UNEP, the two organisations agreed to the development of the Manual as a joint publication. With a view to providing operational guidance, the IMO/UNEP Guidance manual on the assessment and restoration of environmental damage following marine oil spills has been developed through the OPRC-HNS Technical Group of the Marine Environment Protection Committee of IMO, in full collaboration and partnership with the United Nations Environment Programme. The objective of the Manual is to provide guidance on strategies that may be used to assess the damage and subsequent recovery of the environment resulting from marine pollution incidents. Available techniques are considered together with criteria to help judge the feasibility of such measures to bring about successful recovery of those environments. The Manual emphasizes the importance of pre-spill planning and provides an overview of assessment techniques and restoration measures in various ecosystems. It also provides guidance on opportunities for compensation through the international oil compensation schemes.

Practical examples of natural resource assessment and restoration are provided through a series of case studies.

"This book provides an analysis of civil liability for environmental harm in an inter- and transnational context. It covers both liability of private parties and state liability under international and EC law, and discusses national law developments in this area. It explores in particular the relationship between public environmental law and private liability law. Applying an instrumental approach to legal instruments, it aims to redefine the role of liability in this heavily regulated area." -- from the Preface.

This volume provides an up-to-the-minute review of the open economy approach to analysing environmental problems and policies, which has produced a wealth of research over the past decade. It contains non-technical, issue-oriented, and comprehensive surveys written by specialists in international and environmental economics. The volume will appeal to scholars and students of economics and political science.

Ecology, economics, institutions and policy

Survey of Existing International Agreements and Instruments

International Responsibility for Environmental Harm

Climate Change Damage And International Law

International Trade, Factor Movements, and the Environment

Transboundary Pollution

Armed Conflict and Environmental Damage

This book offers a thorough investigation of past and present achievements and failures in international environmental law. * A chronology of milestone events, such as the Tisza cyanide spill and the death of the last passenger pigeon * Excerpts from key documents, including treaties such as the Convention on Biological Diversity and documents relating to the Corfu Channel dispute and other key cases, as well as UN and nongovernmental documents.

Derived from the renowned multi-volume International Encyclopaedia of Laws, this book provides ready access to treaties, conventions, legislation and practice concerning the International Environmental Law. A general introduction covers geographic considerations, political, social and cultural aspects of environmental study, the history, sources and principles of environmental law, environmental legislation, carbon credits and the role of public authorities. The main body of the book deals first with laws aimed directly at protecting the environment from pollution in specific areas such as air, water, waste, soil, noise, and radiation. Then, a section on nature and conservation management covers protection of natural and cultural resources such as monuments, landscapes, parks and reserves, wildlife, agriculture, forests, fish, subsoil, and minerals. Further treatment includes the application of zoning and land-use planning, rules on liability, and administrative and judicial remedies to environmental issues and disputes. There is also an analysis of the impact of international and regional legislation and treaties on environmental regulation. Its succinct yet scholarly nature, as well as the practical quality of the information it provides, make this book a valuable resource for lawyers handling cases dealing with and affecting international environment. Academics and researchers, as well as business investors, corporate houses and international organizations in the field, will welcome this very useful guide, and will appreciate its value in the study of comparative international environmental law and policy.

The approach throughout is both legal multi-disciplinary and comparative. The relevant international conventions are examined (particularly the 'Bunker Convention' of 2008), with particular attention to their implementation in China and Europe, as well as the independent US regime. In addition, detailed empirical data from well-known case studies provide important insights into the working of international and national prevention and compensation mechanisms.

At present there is no clear model under international law with which to determine compensation for environmental damage. After showing that no existing standard of compensation defined by the theory and practice of international law is adequate to cover all cases involving environmental damages - and that such a broad standard or set of standards may in fact be ultimately unachievable - the author of this important book develops a 'fair compensation' regime from an analysis of existing international dispute adjudication mechanisms, and presents this model as the best possible current approach to the conciliation of international responsibility and environmental interests.

Environmental Policy in an International Context

Prevention Duties And State Responsibility

Emerging Principles of International Environmental Law

International Environmental Economics

Compensation for Environmental Damage Under International Law

Liability for Transboundary Pollution at the Intersection of Public and Private International Law

The New Accountability

This edited volume examines the role of international law in a changing global order. Can we, under the current significantly changing conditions, still observe an increasing juridification of international relations based on a universal understanding of values? Or are we, to the contrary, facing a tendency towards an informalization or a reformalization of international law, or even an erosion of international legal norms? Would it be appropriate to revisit classical elements of international law in order to react to structural changes, which may give rise to a more polycentric or non-polar world order? Or are we simply observing a slump in the development towards an international rule of law based on a universal understanding of values? In eleven chapters, distinguished scholars reflect on how to approach these questions from historical, system-oriented and actor-centered perspectives. The contributions engage with the rise of European international law since the 17th century, the decay of the international rule of law, compliance as an indicator for the state of international law, international law and informal law-making in times of populism, the rule of law in complex problems, human rights in Europe in a hostile environment, the influence of the BRICS states on international law, the impact of non-state actors on international law, international law's contribution to global justice, the contestation of value-based norms and the international rule of law in light of legitimacy claims.

This book focuses on liability for damages to those natural resources that are of interest to the public and are protected by national, European or international law. It provides an overview of the law in the United States and of certain EU Member States on the recovery of damages for injury to natural resources. The international civil liability conventions that cover environmental harm and the recently published European Commission's White Paper on environmental liability are also discussed. The on-going development in various international forums of treaties or protocols dealing with liability for environmental damage are analyzed, as are the principles developed by the UNEP Working Group established in response to the 1990 Gulf War to advise the UNCTAD on claims for damage to natural resources. The book addresses assessment and valuation issues, the issue of standing in cases of injury to (unowned) natural resources, and the determination of ways to repair, restore and compensate for natural resource injuries and the associated loss of ecological and human services. It also explains why such a difference exists between the US and most European jurisdictions and inter-national liability conventions as to the recovery of damages for injury to natural resources.

Emerging Principles of International Environmental Law is ideally suited for any law or environmental studies student, practitioner or law academic who is interested in the legal status of emerging principles in the field of international environmental law. Among its highlights, the text examines the interaction of principles/concepts such as sustainable development, the precautionary principle etc., with one another and how the present international environmental law regime has taken the vast disparity between developed and developing countries into account in designing innovative methods to accommodate this disparity.

"Guide to International Environmental Law" addresses why and how the international system elaborates environmental obligations and monitors compliance with them. The book discusses the relationship between international obligations and national and local law, with particular reference to federal systems. It points out the influence national law has on the emergence of international law and the growing role international norms play in the development and enforcement of national and local environmental policies. It also examines the extent to which environmental protection should be and is taken into account in other regulatory frameworks, from trade law and human rights to disarmament and refugee policy.

China, Europe, and the US

Towards the Mutual Sustainability of International Law and European Union Law

The Role of the International Judge

Considerations for Compensating Environmental Damage by Oil Spills in Korea

A Comparative and Economic Study of the International, US and the Chinese Compensation Regime

Legal Remedies for Transboundary Pollution

The Case of the Environmental Liability Directive