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ENVIRONMENTAL PRINCIPLES

FROM POLITICAL SLOGANS TO LEGAL RULES

Nicolas de Sadeleer

Environmental Principles From Political Slogans To Legal Rules

Sharon Beder



Environmental Principles From Political Slogans To Legal Rules:

Environmental Principles Nicolas de Sadeleer, 2002 This title shows how three of the most important principles of modern environmental law grew out of an age of ecological risk the polluter pays principle the preventive principle and the precautionary principle **Implementing the Precautionary Principle** Nicolas de Sadeleer, 2012-05-04 From fisheries to persistent organic pollutants to climate change itself no other environmental principle in environmental law has produced as much controversy as the precautionary principle Unlike a preventive approach in which action is taken provided that the threats to the environment are tangible with a precautionary approach authorities are prepared to tackle risks for which there is no definitive proof that the damage will materialize The ramifications of this increasingly apparent approach are profound and cut across all areas of risk assessment and management environmental law policy and regulation in every major sector However to date little thought has been dedicated to the implementation of the precautionary principle in a wide array of environmental circumstances This authoritative handbook addresses the legal aspects of how the precautionary principle is implemented in different sectors and examines its successes failures strengths and weaknesses Sectors and subjects covered include chemicals GMOs marine pollution fisheries and nature conservation and the book draws on cases in the EU in the USA and Nordic countries where the use of precaution has been gathering momentum Ultimately the book provides an indispensable appraisal of the question increasingly important in the era of human induced climate change of whether the precautionary principle is relevant indeed essential to avert major environmental and health risks and how and when it can be used successfully Published with MARIE CURIE ACTIONS **Review** Sonia E. Rolland, 2010

Environmental Principles Nicolas de Sadeleer, 2002 This has been due in part to a fundamental change in the type and scale of risk posed by industry **Environmental Principles and the Evolution of Environmental Law** Eloise Scotford, 2017-02-09 Environmental principles from the polluter pays and precautionary principles to the principles of integration and sustainability proliferate in domestic and international legal and policy discourse reflecting key goals of environmental protection and sustainable development on which there is apparent political consensus Environmental principles also have a high profile in environmental law beyond their popularity as policy and political concepts as ideas that might unify the subject and provide it with conceptual foundations or boost its delivery of environmental outcomes However environmental principles are elusive legal concepts This book deepens the legal understanding of environmental principles in light of recent legal developments It analyses the increasing legal effects of environmental principles in different jurisdictions and demonstrates how they are shaping and revealing innovative and evolving bodies of environmental law This analysis is a step forward in understanding a key feature of modern environmental law and presents a robust methodology for dealing with novel legal concepts in the subject It also makes a contribution to environmental policy debates and discussions internationally that rely heavily on environmental principles including their supposed legal effects **Prior Informed**

Consent and Hazardous Trade David Langlet, 2009-01-01 This ground breaking study is the first book to take a comprehensive approach to the subject of transboundary shipments of hazardous substances and the instruments employed for regulating such shipments It fully explains which types of trade regulating instruments are employed by which agreements and then goes on to evaluate the pros and cons of these instruments with respect to their compatibility with international legal norms especially WTO law Taken in conjunction with other trade regulating measures this analysis assesses the PIC concept procedure from three perspectives its effect on state sovereignty its potential for enhancing environmental and health protection in importing states and its relationship with the free trade regime represented primarily by the GATT and the SPS and TBT Agreements of the WTO The analysis also includes coverage of the pertinent export laws of the EU and the United States and of the export and import laws of India pertaining to potentially hazardous substances and products

The Oxford Handbook of Comparative Environmental Law Emma Lees, Jorge E. Viñuales, 2019 This Handbook brings together the foremost authorities from around the world to provide the first comprehensive account of comparative environmental law It examines in detail the methodological foundations of the discipline as well as the substance of environmental law across countries

Environmental Principles and Policies Sharon Beder, 2013-11-05 Environmental Principles and Policies uses environmental and social principles to analyse the latest wave of economic based and market orientated environmental policies currently being adopted around the world This book provides an in depth examination of six key principles that have been incorporated into international treaties and the national laws of many countries ecological sustainability the polluter pays principle the precautionary principle equity human rights public participation These principles are then used to evaluate a range of policies including pollution charges emissions trading water markets biodiversity banks and tradable fishing rights Environmental Principles and Policies is easily accessible using non technical language throughout and in what sets it apart from other books on environmental policy making it takes a critical and interdisciplinary approach It does not set out policies in a descriptive or prescriptive way but analyses and evaluates policy options from a variety of perspectives This enables readers to gain a thorough grasp of important principles and current policies as well as demonstrating how principles can be used to critically assess environmental policies

The Oxford Handbook of Environmental and Natural Resources Law in India Philippe Cullet, Lovleen Bhullar, Sujith Koonan, 2024-07-12 Environmental law is a broad discipline covering issues such as nature conservation the prevention or abatement of pollution and waste management It also encompasses concerns related to natural resources such as forests minerals and fisheries and the balance between their use and conservation India has been at the forefront of jurisprudential developments among countries with similar environmental geographical socio economic and cultural conditions Concurrently the country has been receptive to ideas and principles arising from other parts of the world or from international law The growth of environmental and natural resources law in India has been sustained in equal measure by growing environmental awareness and the

increasingly dire nature of the problems associated with the environment and natural resources ranging from local issues to the global climate crisis At the same time the continuous push for development has not abated leading to recurrent pressure to weaken existing standards for environmental protection and the management and use of natural resources The Oxford Handbook of Environmental and Natural Resources Law in India offers the most comprehensive coverage of the diverse and complex discipline of environmental and natural resources law in India over the past fifty years With forty two contributions from law and non law scholars the Handbook presents diverse perspectives on several areas including biodiversity climate change water forests agriculture health resource extraction and industrial development By departing from the existing approach that examines natural resources law and environmental law separately The Oxford Handbook of Environmental and Natural Resources Law in India offers a much needed integrated analysis of the development of domestic jurisprudence vis vis the environment and natural resources

International Environmental Law and the Global South Shawkat

Alam, Sumudu Atapattu, Carmen G. Gonzalez, Jona Razzaque, 2015-09-17 Situating the global poverty divide as an outgrowth of European imperialism this book investigates current global divisions on environmental policy

Research Handbook on International Environmental Law Malgosia Fitzmaurice, David M. Ong, Panos Merkouris, 2010 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

Courts and the Environment Christina Voigt, Zen Makuch, This discerning book examines the challenges opportunities and solutions for courts adjudicating on environmental cases It offers a critical analysis of the practice and judgments of courts from various representative and influential jurisdictions

The Precautionary Principle in Practice Jacqueline Peel, 2005 The precautionary principle puts forward the commonsense notion that decision makers should be cautious when assessing potential health or environmental harms in the absence of the full scientific facts It is now a well established tenet of environmental law The debate has turned to its legal implementation especially its application in practice The Precautionary Principle in Practice Environmental decision making and scientific uncertainty focuses on these issues It considers how

decision makers can assess threats to health or the environment when the available scientific evidence is sparse and discusses the types of uncertainties that bring the precautionary principle into play Peel uses detailed case studies which examine the implementation of the precautionary principle in actual decision making scenarios fisheries management risk assessment for genetically modified organisms and environmental impact assessment for development applications She demonstrates an approach that takes account of variable uncertainty issues and can be adapted to different circumstances to ensure a comprehensive assessment of the potential threats to health or the environment Jackie Peel has a background in both science and law She took a BSC LLB with 1st class honours at the University of Queensland and holds an LLM from New York University where she studied in 1999 2000 as a Fulbright Scholar She is now is a Senior Lecturer in the Faculty of Law University of Melbourne

Sustainable Development and Environmental Management Corrado Clini, Ignazio Musu, Maria Lodovica Gullino, 2010-06-29 This book stems from a four year experience of a Training Programme addressing members of several Chinese governmental Institutions which given the moment of extremely intense and fast development of their country consider the issues of environment and sustainable growth among the foremost priorities In particular they expressed the need and will to develop policy and management tools that could lead to a strategy of sustainable growth from an economic social and environmental point of view The Programme turned out to be a success it involved up to June 2007 more than 2000 trainees from almost all the Provinces of China precisely because the forces that answered those needs are extremely diverse as to include the academia national and local governments public institutions private companies and international agencies Following this feature the book's contributors have been selected among more than 300 professors researchers policy makers and entrepreneurs involved in the Training activities thus offering different approaches to the key questions of environmental management

Environmental Law Elizabeth Fisher, Bettina Lange, Eloise Scotford, 2019 Environmental Law Text Cases and Materials offers a comprehensive critical and case focused approach to the subject combining insightful author commentary with carefully selected extracts to fully support students

The Impact of War (in Ukraine) on the EU Inge Govaere, Sacha Garben, Eleanor Spaventa, 2025-06-12 This timely book astutely charts the transformative effect of the war in Ukraine on the EU from both a legal and policy perspective The EU itself a unique peace project born out of two world wars consistently evolves from one security crisis to the next Departing from the usual broad sweep of deepening and widening this book focuses on the constitutional and substantive impact on the EU of the recent war in Ukraine More so than ever before this particular war proves to be a truly pivotal moment for the EU Drawing on expert contributions from both academia and the EU institutions this book offers a masterful exploration of how the EU is being challenged to the core

The Precautionary Principle in Marine Environmental Law Bénédicte Sage-Fuller, 2013-07-18 The book examines whether the jurisdiction of coastal States under international law can be extended to include powers of intervention towards vessels posing a significant risk to their coastal and marine environment but which have not yet been

involved in any incident or accident The books sets out how it is that coastal State jurisdiction can indeed be seen as including powers of intervention towards High Risks Vessels before an incident or accident happens on the basis of the precautionary principle The precautionary principle requires taking action when a risk of damage to the environment is suspected but cannot be confirmed scientifically The book thus considers the potential opportunities for the coastal state under international law to regulate international shipping where they consider vessels to an unacceptable risk to the environment in order to prevent or minimise the risk of occurrence of the accident or incident leading to damage The book acknowledges that this puts into question some very old and established principles of the law of the sea most importantly the principle of freedom of navigation But B n dicte Sage Fuller contends that this change would itself be a consequence of the evolution since the end of WWII of on the one hand international law of the sea itself and of international environmental law on the other hand

Research Methods in Environmental Law Andreas Philippopoulos-Mihalopoulos,Victoria Brooks,2017-11-24 This timely Handbook brings innovative free thinking and radical approaches to research methods in environmental law With a comprehensive approach it brings together key concepts such as sustainability climate change activism education and Actor Network Theory It considers how the Anthropocene subjects environmental law to critique and to the needs of the variety of bodies human and non human that require its protection This much needed book provides a theoretically informed analysis of methodological approaches in the discipline such as constitutional analysis rights based approaches spatial geographical analysis immersive methodologies and autoethnography which will aid in the practical critique and re imagining of Environmental Law

Distributional Choices in EU Climate Change Law and Policy Javier De Cendra de Larragán,2011-01-01 Climate change policy inevitably has two core components the goals and the means chosen to pursue those goals Decisions on goals and means necessarily have distributional consequences Any policy choice generates winners and losers While this outcome cannot be avoided even doing nothing leads to distributional consequences policymakers can through the choice design and implementation of policies shape to some extent the distribution of the burdens of mitigation and adaptation to climate change In greater depth than any previous legal study in the field this book deals with the way in which the European Union EU has dealt with climate change and with the distribution of the benefits and costs of climate change mitigation policies among affected parties With extraordinary thoroughness the author assesses the legality of choices made particularly concerning mitigation targets and timelines and examines the role that legal principles can play in the adoption interpretation and judicial testing of distributional choices His analysis of the tension between such choices and EU law is bolstered by an exploration of emerging legal principles which could provide additional guidance in this challenging and controversial area Among the core issues dealt with are the following relationship among mitigation adaptation and sustainable development regulations as means to make distributional choices distributional choices between generations and the principle of intergenerational justice distributional choices concerning firms and individuals the

participation of affected parties in distributional choices access to justice in EU courts to challenge violations of procedural environmental rights the role of legal principles in making evaluating and testing distributional choices the principle of proportionality with its tests of appropriateness and necessity the principle of equality the precautionary principle the principle of prevention the polluter pays principle A concluding chapter offers deeply informed recommendations regarding the design of EU climate change law including a preliminary assessment of EU wide personal carbon trading In its insightful illumination of how the inevitable trade offs weaknesses inconsistencies and ambiguities in the way law deals with distributional choices renders them vulnerable to external pressures this book will be of enormous value to regulators and policymakers concerned with effective efficient and fair climate change measures As a critical assessment of existing EU climate change laws and policies and as a systematic analysis of the problem of burden sharing this book will also prove highly valuable to academics in environmental fields of study *International Environmental Law* Fitzmaurice, Malgosia, Wong, Meagan S., Crampin, Joseph, 2022-04-22 This textbook provides a compelling and structured introduction to international environmental law in the Text Cases and Materials genre

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