

# **Environmental Law and Ecological Responsibility**

*The Concept and Practice of  
Ecological Self-Organization*

*Edited by*  
**Gunther Teubner**  
**Lindsay Farmer**  
**Declan Murphy**



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# Environmental Law And Ecological Responsibility The Concept And Practice Of Ecological Self Organization

**Andreas Philippopoulos-Mihalopoulos**



## **Environmental Law And Ecological Responsibility The Concept And Practice Of Ecological Self Organization:**

**Environmental Law and Ecological Responsibility** Gunther Teubner, Soziologische Jurisprudenz Galf-Peter Calliess, 2009 Die Festschrift Soziologische Jurisprudenz stellt sich sowohl im Inhalt als auch in der Form in die Tradition der Arbeiten von Gunther Teubner Die Beitr ge lassen sich auf seine Leitperspektive ein indem sie die Grenzbeziehungen von Recht und Gesellschaft mit je eigenst ndigen Akzentuierungen reflektieren 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

**Environmental Law** Peter S. Menell, 2019-01-15 This title was first published in 2002 Since the importance of environmental governance was realised in the late 1960s and early 1970s this vibrant area of law has witnessed much change Assembling insightful essays from a number of key contributors Environmental Law takes stock of developments to date and outlines the challenges for the future *Sourcebook on Environmental Law* Maurice Sunkin, 2001-11-30 Chapter 1 SOURCES AND PRINCIPLES OF ENVIRONMENTAL LAW chapter THE SOURCES OF ENVIRONMENTAL LAW Environmental law the international perspective chapter The sources of international environmental law chapter Customary international law General principles of international law chapter Judicial decisions and the writings of eminent publicists United Nations General Assembly Resolutions chapter Environmental law European Community perspective chapter The institutions of the EC chapter Law making by Community institutions chapter Voluntary agreements chapter Application of direct effect chapter Environmental directives with direct effect chapter The duty to interpret national law in the light of a directive indirect effect chapter The subsidiarity principle chapter The EC s Environmental Action Programmes chapter Statutes Delegated legislation Codes of Practice chapter Ministerial guidance Government White Papers Reports of the Royal Commission on Environmental Pollution chapter Select Committee reports The Environment Agency chapter PRINCIPLES OF ENVIRONMENTAL LAW The relationship between principles Sustainable development chapter Preventive and precautionary principles chapter The principle of citizen participation and the right to a healthy environment chapter The principle of integration chapter Integrated pollution control chapter ENVIRONMENTAL PRINCIPLES THE KEY INSTRUMENTS Defining the environment and pollution of the environment Stockholm Declaration on the Human Environment 1972 chapter Rio Declaration on Environment and Development 1992 chapter LIABILITY FOR ENVIRONMENTAL DAMAGE International liability for environmental damage chapter European Community law chapter REFERENCES AND FURTHER READING chapter USEFUL WEBSITES chapter AIR AND ATMOSPHERIC POLLUTION chapter Structure of the chapter AIR AND ATMOSPHERIC POLLUTION THE INTERNATIONAL CONTEXT Customary international law chapter Framework Convention on Climate Change 1992 chapter Kyoto Protocol 1997 chapter Monitoring and Evaluation Protocol 1984 Sulphur Protocols 1985 and 1994 Nitrogen Oxides Protocol 1988 chapter Volatile Organic Compounds Protocol 1991 chapter Vienna

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**Law in Environmental Decision-making** Tim Jewell, Jenny Steele, 1998 This collection of essays adopts a distinctive approach to environmental legal issues representing a variety of specializations ranging from public law to international law

Global Environmental Governance Louis J. Kotzé, 2012-01-01 This book is a novel sophisticated broad ranging and insightful study of the idea of global environmental governance but from a legal dimension and perspective While recognising that concepts and ideas used to describe governance are generally abstract vague and slippery this project brings clarity to the field by being theoretically informed contextually sensitive and pragmatically circumscribed Its conclusions and arguments open up a field of inquiry that has to be genuinely interdisciplinary and in that sense has great potential to contribute to a better understanding of environmental themes and issues This book is destined to become a landmark for legal academics who will write about environmental governance in that its concern is with the global governance of nature rather than a text that uses the environment as a pretext for understanding governance It is well

written easy and enjoyable to read and while it traverses through diverse bodies of literature it manages to effectively communicate with a variety of scholarly communities Afshin Akhtarkhavari Griffith Law School Australia Fourth generation global environmental regulation attempts to address the complex realities of an interconnected environment global environmental problems and collective regulatory responses It merits conceptual clarity Louis Kotz reveals the legal contours and content of global environmental governance by chipping away such parts of the conceptual marble block as are not needed For the environmental lawyer it is a welcome and much needed process of elimination This book provides a toolkit for lawyers to engage critically with the extra legal concept of environmental governance Its scrutiny and careful analysis contribute meaningfully to the environmental discourse Christine Voigt University of Oslo Norway Global Environmental Governance is a truly important book Drawing on a multitude of disciplines award winning environmental law Professor Louis Kotz masterfully explains the emerging concept of global environmental governance and its elements of globalism environmental law regulation and governance theory He makes a compelling case that the world has outgrown the sustainability model and moved toward this more all encompassing approach to environmental regulation This admirable book makes global environmental governance theory understandable and pertinent so environmental leaders lawyers and regulators can engage comfortably with this new vision for an ecologically and economically healthy world George Rock Pring University of Denver Sturm College of Law US This book in examining the relationship between global environmental governance and environmental law provides an important and timely contribution to the quest to fashion a more viable approach to regulating the relationship between humanity and the environment While the term governance is much employed in international environmental law scholarship its conceptual underpinnings have not on the whole been adequately addressed in the legal sphere and understanding of the symbiotic relationship between the two areas has suffered as a result This book makes a welcome start to tackling these issues and it is to be hoped will trigger renewed vigour in this socially and legally vital area of inquiry Karen Morrow University of Swansea Wales UK For years scholars of international law and international relations have developed parallel literatures In Global Environmental Governance Louis Kotz offers a common conceptual theoretical and normative ground in the global environmental field As a skillful lawyer he dissects terminology explains core assumptions and constructs causal chains But he does not stop there His shrewd analysis of power and authority individual incentives and collective action management and regulation builds a bridge between law and politics as disciplines concerned about what global environmental governance is and how it can be improved Maria Ivanova University of Massachusetts US In search of shelter from the buffeting blasts of climate change biodiversity loss resource depletion famine and disease states and public agencies community representatives resource users advocacy networks and citizens huddle together under the vast and varied institutional umbrellas of environmental governance Louis Kotz s innovative study systematically describes the role of environmental law as the springs stretchers ribs and handles of the

decision making umbrellas we so desperately hope will hold firm when they are opened up in times of need Jamie Benidickson University of Ottawa Canada The concept of global environmental governance has been part of the lexicon in accounts of global environmental politics for some time Yet to date it has escaped comprehensive assessment from a legal perspective This groundbreaking work fills this gap in the literature It offers a masterful analysis of the theoretical underpinnings of the environmental governance and highlights the critical importance of environmental regulation in ensuring that environmental governance lives up to its promise as a means for achieving truly ecologically sustainable development Tim Stephens University of Sydney Australia This timely book brings much needed clarity to the concept of environmental governance as manifested in the global regulatory domain The author argues that despite being used as a fashionable term by many including economists political scientists environmentalists and increasingly lawyers its theoretical contours and conceptual content remain unclear incoherent and inconsistent In addressing this problem the book begins by describing globalization as a general context of governance It comprehensively interrogates and clarifies both the governance and global governance concepts and then explains aspects and components of global environmental governance Finally it investigates the role of law in global environmental governance Providing a much needed definition of environmental governance and global environmental governance this comprehensive study will appeal to academics and researchers post graduate and under graduate students intergovernmental organizations such as UNEP WTO IUCN as well as governments and governmental agencies involved with environmental regulation

**Niklas Luhmann: Law, Justice, Society** Andreas Philippopoulos-Mihalopoulos, 2009-09-10 This is the first book to consider German sociologist Niklas Luhmann's social theory in a critical legal context His theory is introduced here both in terms of society at large and the legal system specifically and the book reveals the aporetic structure of autopoiesis aligning it with postmodern approaches to law Readers will find it operates both as an introduction to the relevance of Luhmann's social theory for law as well as a critical response to autopoiesis

*International Environmental Law and Policy in Africa* B. Chaytor, K.R. Gray, 2003-06-30 C O OKID11 I welcome the opportunity to prepare a Foreword to the book on Environmental Policy and Law in Africa edited by Kevin R Gray and Beatrice Chaytor It is a pleasure to do that because the book is a contribution to the cause of capacity building for development and implementation of environmental law in Africa a goal towards which I have had an undivided focus over the last two decades There is still some belief in and outside Africa that for developing countries in general and Africa in particular development and implementation of environmental law is not a priority This belief prevails strongly in many quarters of the industrialised countries In fact the view is held either out of blatant ignorance or by some renegade industrialists who fail to appreciate Michael Royston's 1979 thesis that Pollution Prevention Pays 2 That group for obvious reasons must have their correspondent counterparts in Africa to provide hope that industries rejected as derelict in the West or inoperable due to rigorous environmental regulation can find homes to which they can escape and dump their polluting

industries     *The Embedded Firm* Cynthia A. Williams,Peer Zumbansen,2011-08-11 The globalization of capital markets since the 1980s has been accompanied by a vigorous debate over the convergence of corporate governance standards around the world towards the shareholder model But even before the financial and economic crisis of 2008 2009 the dominance of the shareholder model was challenged with regard to persisting divergences and national differences in corporate law labor law and industrial relations This collection explores this debate at an important crossroads echoing Karl Polanyi s famous observation in 1944 of the disembeddedness of the market from society Drawing on pertinent insights from scholars practitioners and regulators in corporate and labor law securities regulation as well as economic sociology and management theory the contributions shed important light on the empirical effects on the economy of the shift to shareholder primacy in light of a comprehensive reconsideration of the global context policy goals and regulatory forms which characterize market governance today     Research Handbook on Soft Law Mariolina Eliantonio,Emilia Korkea-aho,Ulrika Mörtz,2023-11-03 This pioneering Research Handbook provides an in depth scholarly overview of the field of soft law exploring the scope of current thinking in the field as well as proposing future pathways for soft law research Through theoretical and empirical analyses by established voices in the field the Research Handbook offers important insights and much needed clarity into the dynamic and complex nature of soft law This title contains one or more Open Access chapters     Harnessing Foreign Investment to Promote Environmental Protection Pierre-Marie Dupuy,Jorge E. Viñuales,2013-03-14 This volume provides cutting edge interdisciplinary analysis of the synergies between foreign investment and environmental protection by leading scholars and practitioners     Company Law and Sustainability Beate Sjøfjell,Benjamin J. Richardson,2015-05-21 This book advances an innovative multi jurisdictional argument for the necessity of company law reform to reorient companies towards environmental sustainability     Law and Ecology Andreas Philippopoulos-Mihalopoulos,2011-03-03 Law and Ecology New Environmental Foundations contains a series of theoretical and applied perspectives on the connection between law and ecology which together offer a radical and socially responsive foundation for environmental law While its legal corpus grows daily environmental law has not enjoyed the kind of jurisprudential underpinning generally found in other branches of law This book forges a new ecological jurisprudential foundation for environmental law where ecological is understood both in the narrow sense of a more ecosystemic perspective on law and in the broad sense of critical self reflection of the mechanisms of environmental law as they operate in a context where boundaries between the human and the non human are collapsing and where the traditional distinction between ecocentrism and anthropocentrism is recast Addressing current debates including the intellectual property of bioresources the protection of biodiversity in view of tribal land demands the ethics of genetically modified organisms the redefinition of the human through feminist and technological research the spatial geographical boundaries of environmental jurisdiction and the postcolonial geographies of pollution Law and Ecology redefines the way environmental law is perceived theorised and applied It also constitutes a radical challenge to the

traditionally human centred frameworks and concerns of legal theory

### **Moralizing the Corporation** Boris

Holzer, 2010-01-01 Each chapter in this book by itself is a worthy contribution to the existing research on the TNC in a globalised world. In *Spire Journal of Law, Politics and Societies*. The argument of this book is so powerful and convincing because it focuses on global subpolitics: the corporate responsibility, the power of its critics and the consuming citizen. This shift of perspectives and its sophistication makes *Moralizing the Corporation* a must read for anyone interested in the dynamics of globalization. Ulrich Beck, University of Munich, Germany. *Moralizing the Corporation* offers a multi-disciplinary analysis of the conflicts between transnational corporations and transnational advocacy groups. The book is theoretically sophisticated and full of interesting and nuanced empirical findings that generate new knowledge about the relationship between politics and markets. It views transnational corporations as quasi-public institutions and explains their vulnerability to the non-state authority of political consumers and protest groups. Holzer develops theory on transnational subpolitics and corporate reflexivity and should be read by scholars and activists alike. Michele Micheletti, University of Stockholm, Sweden. This insightful book examines how transnational corporations respond to the challenges of anti-corporate activism and political consumerism. In prominent cases involving major corporations such as Nestlé, Nike and Royal Dutch Shell, transnational activists have successfully mobilized public opinion and consumers against alleged corporate misdemeanours. Campaigns and boycott calls can harm a corporation's image, but as this book points out, public scrutiny also gives corporations the opportunity to present themselves as responsible and accountable corporate citizens who subscribe to the very norms and values propagated by the activists. Academics, scholars and postgraduate students in international business management, organization studies, social movement studies and political sociology will find this book invaluable. **Law and**

**Corporate Behaviour** Christopher Hodges, 2015-10-22 This book examines the theories and practice of how to control corporate behaviour through legal techniques. The principal theories examined are deterrence, economic rational acting, responsive regulation and the findings of behavioural psychology. Leading examples of the various approaches are given in order to illustrate the models: private enforcement of law through litigation in the USA, public enforcement of competition law by the European Commission and the recent reform of policies on public enforcement of regulatory law in the United Kingdom. Noting that behavioural psychology has as yet had only limited application in legal and regulatory theory, the book then analyses various European regulatory structures where behavioural techniques can be seen or could be applied. Sectors examined include financial services, civil aviation, pharmaceuticals and workplace health safety. Key findings are that enforcement has to focus on identifying the causes of non-compliance so as to be able to support improved performance rather than be based on fear-motivating complete compliance. Systems in which reporting is essential for safety only function with a no-blame culture. The book concludes by proposing an holistic model for maximising compliance within large organisations combining public regulatory and criminal controls with internal corporate systems and external influences by



stakeholders held together by a unified core of ethical principles Hence the book proposes a new theory of ethical regulation This title is included in Bloomsbury Professional's International Arbitration online service

**The Political Economy of the Company** John Parkinson, Gavin Kelly, Andrew Gamble, 2001-03-30 Theoretical writing on the company and company law has been dominated in recent years by economics This collection of essays by a distinguished team of authors drawn from a variety of disciplines seeks to build on the insights of this economic analysis and broaden understanding by examining the company in a wider historical legal political and sociological context Issues discussed include the attitudes of political parties in the UK to the company the rise of the non executive director institutional activism and stakeholder protection and the evolution of the nexus of contracts theory of the company There is also a strong comparative theme with discussions of the political and sociological context of corporate governance in France Germany and Japan together with developments at the European level

**Climate Law and Developing Countries** Benjamin J. Richardson, Yves Le Bouthillier, Heather McLeod-Kilmurray, Stepan Wood, 2009 The phenomenon of anthropogenic climate change has become of critical importance to all countries However while the majority of developing countries contribute the least to global greenhouse gas emissions they will generally bear the major burden of the social environmental and economic impacts of climate change imposed upon them by developed countries This cutting edge book contains outstanding contributions by scholars from around the world on the need to expand the range of legal and policy mechanisms and strategies required to bridge the gaps between the north and the south to achieve global climate justice Ben Boer University of Sydney and former Co director of the IUCN Academy of Environmental Law This timely book examines the legal and policy challenges in international regional and national settings faced by developing countries in mitigating and adapting to climate change With contributions from over twenty international scholars from developing and developed countries the book tackles both long standing concerns and current controversies It considers the positions of developing countries in the negotiation of a new international legal regime to replace the Kyoto Protocol and canvasses various domestic issues including implementation of CDM projects governance of adaptation measures and regulation of the biofuels industry Through a unique focus on the developing world this book makes a significant contribution to understanding current challenges and future directions of climate law

*Reshaping Markets* Bertram Lomfeld, Alessandro Somma, Peer Zumbansen, 2016-04-15 Using an interdisciplinary approach this book explains the role of private law in governing markets

**Leaders and Laggards** Neil Gunningham, Darren Sinclair, 2017-09-08 Consensus is growing internationally that traditional command and control approaches to environmental regulation have borne much of their low hanging fruit Yet it is far from clear what should complement or replace them Regulatory agencies and policy makers are struggling with a lack of information about regulatory reform about what works and what doesn't and about how best to harness the resources of both government and non government stakeholders Progress is being impeded unnecessarily by a lack of shared knowledge of how similar agencies elsewhere are meeting similar challenges and by a lack

of data on the success or otherwise of existing initiatives Despite recent and valuable attempts to deal with such problems in the European Union and North America these remain islands of wisdom in a sea of ignorance For example when it comes to dealing with small and medium sized enterprises very little is known and what is known is not effectively distilled and disseminated Much the same could be said about the roles of third parties commercial and non commercial as surrogate regulators and more broadly of many current initiatives to reconfigure the regulatory state Based on the authors work for the OECD Victorian Environmental Protection Authority and the Western Australian Department of Environment Protection Leaders and Laggards addresses these problems by identifying innovative regulatory best practice internationally in a number of specific contexts evaluating empirically the effectiveness of regulatory reform and providing policy prescriptions that would better enable agencies to fulfil their regulatory missions Focusing primarily on the differing requirements for both corporations and small and medium sized enterprises in North America and Europe the book aims to complement existing initiatives and to expand knowledge of regulatory reform by showing how existing experience can best be put to practical use on the ground by drawing lessons from experiments in innovative regulation internationally by reporting and extrapolating on original case studies and by advancing understanding on which instruments and strategies are likely to be of most value and why The authors argue that the development of theory has outstripped its application In essence Leaders and Laggards aims to ground a myriad of theory on the reinvention of environmental regulation into practice The book will be essential reading for environmental policy makers regulatory and other government officials responsible for policy design and implementation academics and postgraduate students in environmental management environmental law and environmental policy and a more general readership within environmental policy and management studies It will also be of interest to those in industry such as environmental managers and corporate strategists who are considering the use of more innovative environmental and regulatory strategies and to environmental NGOs

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**Introduction**

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