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ENVIRONMENTAL
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PROBLEMS OF DEFINITION AND VALUATION

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Michael Bowman and Alan Boyle

Environmental Damage In International And Comparative Law

**Neil Craik, Tara Davenport, Ruth
Mackenzie**



Environmental Damage In International And Comparative Law:

Environmental Damage in International and Comparative Law Michael Bowman, Alan E. Boyle, 2002 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

Environmental Liability and the Interplay between EU Law and International Law Emanuela Orlando, 2023-07-24 The role of law in responding to global environmental problems and the interplay between different levels of regulation and governance is becoming increasingly relevant in the field of liability and reparation for environmental damage This book examines the relationship and reciprocal influences between the EU and the international legal order in a multilevel and comparative perspective in relation to the ongoing efforts to elaborate effective regimes of liability and reparation for environmental damage It offers a comparative analysis of legal developments in the field of environmental liability within the EU and at the international law level and addresses questions concerning the impact of such interaction on the development implementation and enforcement of appropriate responses to environmental damage within the respective legal orders and on a global level Given the book's focus and the transnational legal dimension of the issues covered this volume will be of great interest to legal academics and researchers working in the environmental law field from an EU law and international law perspective as well as more generally to scholars interested in the study of the relationship between EU and international law Outside academia the book will also be of great interest to practitioners wishing to get insights into the application of the law of environmental liability in the EU and at the international law level

Responsibility for Environmental Damage Jason Rudall, 2024-04-12 Engaging with one of the most consequential issues of our time this book offers a comprehensive analysis of responsibility for environmental damage under international law In doing so it considers the responsibility liability and accountability of state and non state actors for harm caused to the environment and non compliance with environmental norms across a wide range of multilateral regulatory frameworks

Compensation for Environmental Damages Under International Law Tarcísio Hardman Reis, 2011-01-01 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

Strategic Environmental Assessment in International and European Law Simon Marsden, 2012-05-16 Strategic environmental assessment SEA is a regulatory requirement for development across Europe North America Australasia and elsewhere yet understanding the legal aspects is challenging This comprehensive guide provides that understanding in a clear and straightforward way The introduction considers SEA and the law explaining what SEA is why it is needed how it works and why it is required as well as examining the role of the law Part One provides an overview of international law environmental impact assessment EIA and international law including treaties customary international law and soft law relevant to SEA It analyses the Kiev SEA Protocol and related UNECE conventions the Espoo Convention on EIA in a Transboundary Context and the Aarhus Convention on Access to Information Public Participation and Access to Justice in Environmental Matters It also analyses the role of SEA in conservation conventions Part Two considers how the European legal system works including an overview of the current status of European law It examines the EIA Directive and SEA Directive together with other relevant directives and regulations such as the Habitats and Wild Birds Directives the Water Framework Directive the Public Participation for Plans and Programmes Directive and the Structural Funds Regulations Finally the volume draws conclusions about the relationship and comparisons between international and European law generally and in regulating SEA

Principles of International Environmental Law Philippe Sands, Jacqueline Peel, Adriana Fabra, Ruth MacKenzie, 2018-03 The new edition of this essential text offers a comprehensive critical and future thinking commentary on international environmental law

International Documents on Environmental Liability Hannes Descamps, Robin Slabbinck, Hubert Bocken, 2008-05-26 International Documents on Environmental Liability brings together 30 official full text documents in the field of international environmental liability into an easily accessible practical handbook details the work of the International Law Commission on this topic and provides the latest versions of international liability conventions and their statuses including the latest on 1 2003 UNECE Kyiv Liability Protocol 2 2004 EC Directive on Environmental Liability 3 2005 Antarctica Liability Annex The authors combined capacity as an academic policy advisor and practitioner have helped bring forth a publication that reflects their experience of being involved in the development negotiations and implementation of environmental liability regimes at both an international and European level

Liability for Environmental Harm to the Global Commons Neil Craik, Tara Davenport, Ruth Mackenzie, 2023-09-07 This book examines liability for environmental harm in Antarctic deep seabed and high seas commons areas highlighting a unique set of legal questions Who has standing to claim environmental harms in global commons ecosystems How should questions of causation and liability be addressed where harm arises from a variety of activities by state and non state actors What kinds of harm should be compensable in global commons ecosystems which are remote and characterized by high levels of scientific

uncertainty How can practical concerns such as ensuring adequate funds for compensation be resolved This book provides the first in depth examination and evaluation of current rules and possible avenues for future legal developments in this area of increasing importance for states international organizations commercial actors and legal and governance scholars This title is part of the Flip it Open Programme and may also be available Open Access Check our website Cambridge Core for details

International Environmental Law Pierre-Marie Dupuy,Jorge E. Viñuales,2015-04-23 An accessible up to date and legally rigorous introduction to contemporary international environmental law Detailed references combined with numerous figures and tables provide a conceptually clear understanding of the law in this area

Environmental Damage Caused by Marine Litter Ho Jeong Dan,2024-12-09 This book provides a timely analysis of the limitations of existing international legal frameworks for solving the problem of marine litter Ho Jeong Dan expertly examines international law principles related to allocating responsibility for marine litter and proposes a plan to combat the issue effectively

Corporate Liability for Transboundary Environmental Harm Peter Gailhofer,David Krebs,Alexander Proelss,Kirsten Schmalenbach,Roda Verheyen,2022-11-14 This open access book aims to elaborate on the legal prerequisites to establish the liability of corporations for transboundary environmental harm not only by identifying existing liability rules principles and standards but also by analysing their potential for further legal development The authors consider international and transboundary liability law to currently be an underutilised tool for international environmental protection The book seeks to address this by exploring what is needed in terms of legislative action and identifying options for judicial liability thereby providing an important legal contribution in furthering the development of an effective international and transnational environmental liability law regime

International Law and the Environment Patricia W. Birnie,Alan E. Boyle,Catherine Redgwell,2009 Assessing the basic principles structure and effectiveness of the international legal system concerning the protection of the world s natural environment this text has been updated to take account of developments in genetically modified organisms and biotechnology

International Environmental Obligations and Liabilities in Deep Seabed Mining Linlin Sun,2023-11-23 Clarifies legal requirements for environmental protection in deep seabed mining and the legal consequences when environmental damage occurs

Birnie, Boyle, and Redgwell's International Law and the Environment Alan E. Boyle,Catherine Redgwell,2021 As conservation of the environment plays an increasingly important role within society Birnie Boyle and Redgwell s International Law and the Environment continues to be an essential read for students and practitioners alike Whilst remaining rooted within the substantive law the book places legislation on the protection of the environment firmly at the core of the text Written by experts in the field the authors employ sharp and thorough analysis of the laws allowing them to share their extensive knowledge and experience with the reader The authors provide a unique perspective on the implications of international regulation promoting a wider understanding of the pertinent issues impacting upon the law

Economics and Engineering of Unpredictable Events Caterina De Lucia,Dino Borri,Atif Kubursi,Abdul

Khakee,2022-03-07 In recent decades the intensification of unpredictable events including the Covid 19 outbreak Brexit trade warfare religion inspired terrorism and civil wars and climate change has resulted in serious loss of human lives and property a decrease in biodiversity and natural hazards with long term negative impacts on environment and impeded social and economic development Economics and Engineering of Unpredictable Events Modelling Planning and Policies provides an integrated view of the management of unpredictable events incorporating three major perspectives economic management environmental planning and engineering models Contributors from economics planning regional science and engineering address key questions including How resilient are human societies and their habitats What should societies do to shift from being vulnerable to being more resilient And what role should planning and policies play to protect communities and the natural environment The chapters cover academic debates conceptual reflections case studies methods and strategy development with particular reference to mitigation and adaptation in face of unpredictable events This book is of particular interest to readers of economic policy urban and regional planning and engineering

The Rio Declaration on Environment and Development Jorge E. Viñuales,2015-02-05 The international community has long grappled with the issue of safeguarding the environment and encouraging sustainable development often with little result The 1992 Rio Declaration on Environment and Development was an emphatic attempt to address this issue setting down 27 key principles for the international community to follow These principles define the rights of people to sustainable development and the responsibilities of states to safeguard the common environment The Rio Declaration established that long term economic progress required a connection to environmental protection It was designed as an authoritative and comprehensive statement of the principles of sustainable development law an instrument to take stock of the past international and domestic practice a guide for the design of new multilateral environmental regimes and as a reference for litigation This commentary provides an authoritative and comprehensive overview of the principles of the Declaration written by over thirty interdisciplinary contributors including both leading practitioners and academics Each principle is analysed in light of its origins and rationale The book investigates each principle s travaux pr paratoires setting out the main points of controversy and the position of different countries or groups It analyses the scope and dimensions of each principle providing an in depth understanding of its legal effects including whether it can be relied before a domestic or international court It also assesses the impact of the principles on subsequent soft law and treaty development as well as domestic and international jurisprudence The authors demonstrate the ways in which the principles interact with each other and finally provide a detailed analysis of the shortcomings and future potential of each principle This book will be of vital importance to practitioners scholars and students of international environmental law and sustainable development

International Courts and Environmental Protection Tim Stephens,2009-02-12 A comprehensive examination of international environmental litigation which addresses the major environmental challenges of the twenty first century

Climate Change Liability and

Beyond Jiunn-rong Yeh□Sandrine Maljean-Dubois□Yann Kerbrat□ □,2017-01-18 Climate change and its adverse impacts on nature and human society are clearly felt Who should bear the responsibility Should anyone be held liable for grave losses and damages related to climate change In what way and to what extent can these issues be addressed in legal mechanisms both globally and locally Will an international liability regime an ultimate solution Are courts ready for and capable of resolving these disputes that find intricacy of law policy and science To shed light on these issues this book is structured with four main themes on the discussions of climate change liability and related mechanisms They are 1 state liability and responsibility 2 climate change litigation 3 climate change liability and alternatives and 4 dispute resolution and remedies Reflections on the concepts of liability responsibly accountability have provided for nuanced understandings of their functional dynamics in climate change governance Our findings also suggest that International and domestic courts have become a vital player in attribution or distribution of climate change liability In addition to formalistic rights discourse and rigid liability regime a few alternatives such as carbon market insurance mediation or soft law are also finding their ways to ensuring sustainability of climate change governance

Liability for Transboundary Pollution at the Intersection of Public and Private International Law Guillaume Laganière,2022-02-24 This book focuses on how public and private international law address civil liability for transboundary pollution In public international law civil liability treaties promote the implementation of minimum procedural standards in domestic tort law This approach implicitly relies on private international law to facilitate civil litigation against transboundary polluters Yet this connection remains poorly understood Filling the gap this book engages in a meaningful dialogue between the two areas and explores how domestic private international law can reflect the policies developed in international environmental law It begins with an investigation of civil liability in international environmental law It then identifies preferable rules of civil jurisdiction foreign judgments and choice of law for environmental damage using Canadian private international law as a case study and making extensive references to European law Liability for transboundary pollution is a contentious issue of the law both in scholarship and practice international lawyers both private and public as well as environmental lawyers will welcome this important work

State Accountability for Environmental Damage in International Armed Conflict Aïda Tamer Chammas,2025-04-22 The book comprehensively analyses whether a State may be held responsible for environmental damage resulting from its wrongful conduct in international armed conflict Focusing on elements of State responsibility s main elements obligations damage and standard of conduct under the law of armed conflict and international environmental law the book covers war and occupation and other relevant applicable laws This extends to international water and human rights law It presents techniques to resolve conflicts of norms from different law branches when simultaneously applied and incorporates latest legal developments and potential impact on the subject Engaging with detailed analysis of legal rules the book highlights weaknesses within the law alongside proposing new interpretations of outdated notions Practical application of the rules is

illustrated by two cases of damage to land Mediterranean Sea and air pollution in the Israel Hezbollah war in Lebanon 2006 and to the Occupied Palestinian Territory's natural resources mainly land water and quarries It concludes by examining mechanisms to enforce State responsibility The book will be of interest to graduate law students researchers and practitioners in the field of international law the law of armed conflict international environmental and water law and human rights law

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