

INTERNATIONAL RESPONSIBILITY FOR ENVIRONMENTAL HARM

Edited by

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International Responsibility For Environmental Har

**James Crawford, Alain Pellet, Simon
Olleson, Dr Kate Parlett**



International Responsibility For Environmental Har:

International Responsibility for Environmental Harm Francesco Francioni, Tullio Scovazzi, 1991-11-25 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

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

Liability for Environmental Harm to the Global Commons Neil Craik, Tara Davenport, Ruth Mackenzie, 2023-09-07 A full examination of global legal rules governing liability for environmental harm in areas beyond the national jurisdiction of states

Prosecuting Environmental Harm before the International Criminal Court Matthew Gillett, 2022-05-19 A novel and ground breaking analysis of the prosecution of environmental harm before the International Criminal Court addressing both the substance and procedure

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

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

The Environment, Risk and Liability in International Law Julio Barboza, 2010-12-17 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

Theory and Practice of Transboundary Environmental Impact Assessment Kees Bastmeijer, Timo Koivurova, 2008 Environmental Impact Assessment EIA is a well established instrument of Environmental Law and policy that aims to ensure that potential adverse environmental effects of human activities are assessed before decisions on such activities are made The instrument is increasingly being applied in respect of activities that may cause environmental effects across the borders of a state In this book thirteen systems of Transboundary Environmental Impact Assessment TEIA are assessed that exist or are in development in different parts of the world Although TEIA is generally associated with EIA between territorial states this book takes a broader approach and is divided into three sub parts Transboundary EIA between states EIA for activities in international and shared areas and EIA required by international financial institutions Knowledgeable experts scholars and practitioners provide an overview of the history content and practice of the individual systems and based on these discussions the state of the art concerning TEIA and possible future developments are discussed

Responsibility for Environmental Damage JASON. RUDALL, 2024-04-28 Engaging with one of the most consequential issues of our time this book provides a thoughtful analysis of responsibility for environmental damage under international law It conceives of responsibility in a comprehensive way tackling the legal responsibility liability and accountability of state and non state actors for harm they cause to the environment Responsibility for Environmental Damage traverses the primary and secondary rules of international law the responsibility liability and accountability of states international organizations corporations and individuals as well as existing new and emerging regulatory frameworks It engages with the consequences of environmental harm appraising both orthodox legal doctrines and cutting edge questions like shared responsibility equitable considerations full reparation response measures under liability regimes corporate responsibility ecocide and responsibility for climate change amongst many others In doing so the book evaluates whether the law is equipped to deal with the novel challenges that environmental damage presents and argues that new legal tools are needed to effectively tackle some of the most significant threats to our planet This book is an essential resource for undergraduate and postgraduate students as well as scholars who conduct research on responsibility liability or accountability for environmental damage in the areas of public international law international environmental law human rights international criminal law and

international economic law International law practitioners judges arbitrators policymakers and those working for think tanks and NGOs will similarly benefit from this valuable work

Principles of International Environmental Law Philippe Sands, 2003-10-09 This second edition of Philippe Sand s leading textbook on international environmental law provides a clear and authoritative introduction to the subject revised to December 2002 It considers relevant new topics including the Kyoto Protocol genetically modified organisms oil pollution chemicals etc and will remain the most comprehensive account of the principles and rules relating to environmental protection and the conservation of natural resources In addition to the key material from the 1992 Rio Declaration and subsequent developments Sands also covers topics including the legal and institutional framework the field s historic development and standards for general application This will continue to be an invaluable resource for both students and practitioners alike

Climate Change Damage And International Law Roda Verheyen, 2005-01-01 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

Forms of International Responsibility for Environmental Harm Riccardo Pisillo Mazzeschi, 1991

Liability and Environment Lucas Bergkamp, 2021-12-06 Liability and Environment analyzes the role of law in particular civil liability in controlling environmental pollution and risk In modern environmental policy liability has become a popular instrument In this book Prof Bergkamp takes a fresh look at civil liability for environmental harm in an inter and transnational context Over the last decade industry s liability exposure for environmental harm has expanded significantly At the international EC and national level proposals for onerous strict environmental liability regimes are pending The polluter pays principle which is an articulation of the cost internalization theory in the environmental area is believed to justify such liability regimes Applying an instrumental approach to legal instruments Prof Bergkamp aims to redefine the role of liability in the heavily regulated environmental area He shows that liability for environmental harm is not justified by the polluter pays principle is an uncertain and unreliable instrument for achieving prevention results in an inefficient insurance scheme and plays a dubious role in adjusting activity levels Based on an analysis of the basic characteristics of alternative legal instruments Prof Bergkamp concludes that civil liability should play a more modest limited role in an environmental law

system dominated by public law Where deterrence is not the objective first party insurance compensation funds or other public law regimes should be preferred over liability rules In addition to civil liability of private parties Liability and Environment discusses State liability under international EC and national law Under international law breach of a primary obligation triggers a State's liability Prof Bergkamp argues that this rule should be applied also to liability of private parties In the environmental area a business primary obligations are spelled out in detailed permit conditions regulations and statutes According to Prof Bergkamp only if a primary obligation is breached a private person should be liable for environmental harm The system that Bergkamp advocates is an objective fault liability regime in which public environmental law defines the standard of care for both government and industry In rebuilding our civil liability system we should keep in mind that what is good for industry should be good for everyone or it is not good for anyone we should keep in mind that what is good for private parties should be good for the state or it is not good for either In rebuilding our civil liability system the international law of State responsibility which is unpolluted by risk spreading and activity level considerations will guide us a long way This book is aimed at advanced law students academic scholars and practitioners In addition it will be of interest to policy and legislative analysts legislators and government officials Professor Bergkamp's book cannot be described as solving the problems of legal and regulatory control of environmental harm whether within a nation or internationally As suggested before however the very idea of a solution is illusory All legal and regulatory regimes around the world are today and will remain for the future in a state of perpetually continuing development The virtue of this fine book is that it moves the process of that development forward by a very substantial measure from the Foreword by George L Priest

The Law of International Responsibility James Crawford, Alain Pellet, Simon Olleson, Dr Kate Parlett, 2010-05-20 The law of international responsibility is one of international law's core foundational topics Written by international experts this book provides an overview of the modern law of international responsibility both as it applies to states and to international organizations with a focus on the ILC's work

Liability and Environment Lucas Bergkamp, 2001-01-01 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

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 pliability thereby providing an important legal contribution in furthering the development of an effective international and transnational environmental liability law regime

The International Law on Foreign Investment M. Sornarajah, 2010-05-06 This book is a thought provoking and authoritative text on this fast moving field of international law

The Prevention Principle in International Environmental Law Leslie-Anne Duvic-Paoli, 2018-05-31 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

Environmental Protection of International Watercourses under International Law Dr Owen McIntyre, 2013-01-28 McIntyre s work explains the legal means by which requirements of environmental protection influence the determination of a reasonable and equitable regime for allocating rights to riparian states to utilize shared freshwater resources

Environmental Protection of International Watercourses under International Law Owen McIntyre, 2016-05-13 McIntyre s work explains the legal means by which requirements of environmental protection influence the determination of a reasonable and equitable regime for allocating rights to riparian states to utilize shared freshwater resources The work examines the means and processes by which environmental considerations can act upon the operation of the principle of equitable utilization The volume provides a comprehensive analysis of the subject outlining the development scope and operation in general and customary international law of key rules of environmental protection

Enjoying the Tune of Term: An Mental Symphony within **International Responsibility For Environmental Har**

In some sort of taken by displays and the ceaseless chatter of instant transmission, the melodic splendor and mental symphony created by the prepared term frequently diminish into the back ground, eclipsed by the relentless noise and interruptions that permeate our lives. However, nestled within the pages of **International Responsibility For Environmental Har** a wonderful literary treasure filled with fresh feelings, lies an immersive symphony waiting to be embraced. Constructed by a wonderful musician of language, that fascinating masterpiece conducts readers on a psychological journey, well unraveling the hidden songs and profound affect resonating within each carefully crafted phrase. Within the depths of the moving assessment, we shall explore the book is central harmonies, analyze their enthralling writing type, and submit ourselves to the profound resonance that echoes in the depths of readers souls.

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