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ENVIRONMENTAL PRINCIPLES

FROM POLITICAL SLOGANS TO LEGAL RULES

Nicolas de Sadeleer

Environmental Principles From Political Slogans To Legal Rules

Douglas Fisher



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 **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 Review Sonia E. Rolland, 2010 *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.

Interpreting Environmental Offences Emma Lees, 2015-07-30 This book analyses the interpretation of environmental offences contained in the waste contaminated land and habitats protection regimes. It concludes that the current purposive approach to interpretation has produced an unacceptable degree of uncertainty. Such uncertainty threatens compliance with rule of law values, inhibits predictability and therefore produces a scenario which is unacceptable to the wider legal and business community. The author proposes that a primarily linguistic approach to interpretation of the relevant rules should be adopted. In so doing the book analyses the appropriate judicial role in an area of high levels of scientific and administrative complexity. The book provides a framework for interpretation of these offences. The key elements that ought to be included in this

framework the language of the provision the harm tackled as drafted regulatory context explanatory notes and preamble and finally purpose in a broader sense are considered in this book Through this framework a solution to the certainty problem is provided Contemporary Issues in International Environmental Law M. Fitzmaurice, 2009-01-01 Highly recommended as a key contribution to the literature It fulfils its title in being contemporaneous but more than that it also provides a subtle critique of how many international environmental lawyers have approached their subject this book will be an essential read for anyone interested in the subject British Yearbook of International Law This book presents an interesting scholarly read an invaluable reference asset to law students researchers policy makers and non state actors with interest in environmental regulation and governance Priscilla Schwartz Journal of Environmental Law This is a thoughtful and well researched study of current issues in international environmental law Malgosia Fitzmaurice's collection of essays is a welcome addition to the literature in this rapidly developing area of the law it provides perspective on the environmental law issues discussed but always against the background of the broader concepts and principles of general international law James Crawford University of Cambridge UK The central aim of this insightful book is to illuminate how many concepts in international environmental law such as the precautionary principle and sustainable development are taken for granted These problematic issues are very much still evolving and subject to heated debate between scholars as well as between states The author explores these controversies viewing them as a positive development within a field that is in a constant state of flux Areas discussed include the convergence of human rights with environmental issues and the quest for the human right to a clean environment The book also clearly demonstrates that international environmental law cannot be analysed in isolation since it greatly influences the development of general international law Taking full account of the most recent decisions of international courts and tribunals as well as the most up to date scholarly analysis Contemporary Issues in International Environmental Law is a timely and important resource for legal scholars under and post graduates and practitioners alike

Research Handbook on Fundamental Concepts of Environmental Law Douglas Fisher, 2022-11-25 This expanded and updated Research Handbook delivers an authoritative and in depth guide to the conceptual foundations of environmental law It offers a nuanced reflection on the underlying principles by exploring issues such as human rights constitutional rights sustainable development and environmental impact assessment within the context of environmental law **Principles of**

International Environmental Law Philippe Sands, Jacqueline Peel, 2018-03-01 This new and fully updated edition of Principles of International Environmental Law offers a comprehensive and critical account of one of the fastest growing areas of international law the principles and rules relating to environmental protection Introducing the reader to the key foundational principles governance structures and regulatory techniques Principles of International Environmental Law explores each of the major areas of international environmental regulation through substantive chapters including climate change atmospheric protection oceans and freshwater biodiversity chemicals and waste regulation The ever increasing

overlap with other areas of international law is also explored through examination of the inter linkages between international environmental law and other areas of international regulation such as trade human rights humanitarian law and investment law Incorporating the latest developments in treaty and case law for key areas of environmental regulation this text is an essential reference and textbook for advanced undergraduate and postgraduate students academics and practitioners of international environmental law

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

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

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

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
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