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Corporate Liability for Transboundary Environmental Harm

An International and Transnational
Perspective

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Liability For Environmental Harm

Michael Bowman, Alan E. Boyle



Liability For Environmental Harm:

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

Environmental Damage and Liability Problems in a Multilevel Context Sandra Cassotta, 2012-03-23 There is a growing interest at different decision making levels EU international and national in using liability as an element in solving the legal problems of environmental harm The interest is founded on the necessity to take into account of complex inter dependencies and interrelationships between the environmental media at global regional and national levels In an effort to implement the aims of sustainable development new views of the traditional liability instrument have to be applied The book focuses on the Environmental Liability Directive 2004 35 EC the so called ELD on the prevention and remedying of environmental damage and evaluates as to whether the ELD has achieved its goals and maintained its ambitions in terms of environmental protection and what the optimal level of harmonization in terms of environmental protection is In order to address the question of research of this book an interdisciplinary framework of analysis and methodology combining political science and law are developed Since environmental damage is a multidimensional and multidisciplinary problem par excellence a multidisciplinary approach is required Consequently the use of a multidisciplinary method combining together in a systematic and rigorous fashion law political science technical elements of economy insurance law and natural science is in the research design of this study necessary in a view of tackling the topic in a scientific problem solving oriented approach The book draws the overall conclusions by suggesting proposals for amendments and recommendations to be utilized for possible redrafting of the ELD s provisions for the time when the ELD will be object of a procedure of revision This book will be of interest to practitioners in EU law and EU Environmental law international environmental law legal experts on the law of environmental liability specialists within international organizations but also by political scientists economists insurance law specialists and natural scientists

Liability for Environmental Harm John H. Bates, William Birtles (Barrister), Charles Pugh, 2007-02 **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 **Liability for Environmental Harm** Emanuela Orlando, European University Institute. Law Department, 2010

The Law of Environmental Damage Marie-Louise Larsson, 2023-09-20 From its starting point within international law throughout its progression from regional to national law The Law of Environmental Damage combines the disciplines of environmental law liability law and insurance in its analysis of the development of reparative environmental law In the model adopted three generations of reparative schemes are identified based on civil liability or administrative liability or self taken measures from the area of insurance The analysis applied is based on factors of standard and designation of liability as well as the definition and assessment of environmental damage Issues such as environmental lender liability and damage to public natural resources are highlighted The results of the study are evaluated within the framework of a theory of environmental efficiency among other factors the reparative effect of liability rules is discussed **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 **Civil Liability for Environmental**

Damage in Ethiopia. Legal and Institutional Analysis Kibru Debebe, 2021-12-23 Master's Thesis from the year 2020 in the subject Law Public Law Miscellaneous grade 3-5 Ethiopian Civil Service University Law and Federalism course International Environmental Law language English abstract The main research question of this thesis is Does the Ethiopian legal system put in place a civil liability regime for damage on environment What does this civil liability regime look like Industrial and other activities by private entities have the capacity to damage the environment thereby causing environmental damage invariably To tackle this problem governments around the world have developed laws and policies having the aim of reducing the impacts that human activities are causing on the environment and preventing damage The ne plus ultra of these laws is achieving a clean healthy and sustained environment Civil liability is a type of liability regime adopted by countries to make private entities accountable for harm they create on the environment knowingly or negligently Environmental liability in one or another way is subjected to the civil liability regime Numerous countries put

environmental liability so that it would be governed by principles and rules of tort liability which deals with all types of damages indifferently. However, the nature inherent with environmental liability becomes problematic whenever we try to apply the existing tort rules and procedures. These problems include the difficulty in proving the cause of damage causal effect relationship by already instilled tort rules. Besides, environmental liability demands remedy beyond compensation in order to protect the environment proactively. This thesis therefore addresses these issues giving particular emphasis on the Ethiopian civil liability regimes. In an attempt to elucidate the problems and give possible recommendations, a thorough analysis on liability regimes adopted by Ethiopian laws dealing with environmental issues are assessed. Furthermore, institutions mandated to protect the environment and enforce these liability rules or EPOs are scrutinized based on fulfillment of their mandated roles.

China and International Environmental Liability Michael G. Faure, Song Ying, 2008-01-01. Few countries are likely to have a more important global environmental role in coming years than the People's Republic of China. Professors Faure and Song have prepared a remarkable collection of essays that provide valuable insight on one key aspect: China's engagement with issues of liability for environmental damage at the domestic and international levels. There is much to be learnt from the pages of this commendable, rich and accessible work. Philippe Sands, QC, University College London and Matrix Chambers, UK. This book considers the ways in which transboundary environmental pollution can be remedied through a variety of legal instruments. Particular attention is paid to the pollution of the Songhua river in China, but legal remedies to transboundary pollution are also discussed in a broader context. The focus of the book is on international environmental law and international conventions as well as the application of national environmental law in a transboundary legal context. Thus, contributions also concentrate on voluntary approaches, the importance of transboundary environmental impact assessment and the application of national criminal law to transboundary pollution. Not only is transboundary pollution discussed from the perspective of international law but also from that of the application of national law to transboundary pollution, thus centering on private law, administrative law and criminal law. As such, this book will be of great interest to academics, practitioners and students.

Legal Liability for Environmental Harm, 2018. Papers in the Tara Davenport Research Fellow series cover the following topics: the current legal architecture for liability responsibility under the United Nations Convention on the Law of the Sea; Elie Jarmache, Special Adviser on the scope of activities covered under a liability regime; the Law of the Sea Member Legal regime; the authorship of the individual papers in this series is indicated and the 1 States are responsible for the views expressed should not be taken as being fulfillment of their international the views or position of the LWG members or obligations concerning the protection the convening institutions. Article 22 of Annex III which speaks to the responsibility and the protection and conservation of the liability of contractors and the ISA in connection natural resources of the Area and the with deep seabed mining activities explicitly prevention of damage to the flora and addresses this point noting Liability in

every fauna of the marine environment Article conduct of its operations under this contract 22 of Annex III specifically mentions that liability If such an approach were to be adopted in the ought to account for the contributory acts and exploitation phase it may be useful to consider omissions of the ISA and the contractor in relation whether this wording captures the full scope of to the liability of the other and the Exploratio As a compliance 81 The question of the standard of state result the LOSC contemplates the possibility liability was addressed directly in the advisory of the development of new rules on liability opinion where the ITLOS was firmly of the view whether they arise from general developments that liability arises only from a sponsoring state s in public international law or specifically in the fa 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 *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 **Civil Liability for Environmental Damage:A Comparative Analysis of Law and Policy in Europe and the United States** Mark Wilde,2002-08-14 By adopting a theoretical and comparative approach this text asks whether through increased protection of private interests tort has the ability to provide a useful additional means of environmental protection to regulatory controls **Liability for Damage to Public Natural Resources:Standing, Damage and Damage Assessment** Edward Brans,2001-10-17 This book focuses on liability for damage to those natural resources that are of interest to the public and are protected by national European or international law It provides an overview of the law of the United States and of certain EU Member States on the recovery of damages for injury to natural resources The international civil liability conventions that cover environmental harm and the recently published European Commission s White Paper on environmental liability are also discussed The on going development in various international forums of treaties or protocols dealing with liability for

environmental damage are analyzed as are the principles developed by the UNEP Working Group established in response to the 1990 Gulf War to advise the UNCC on claims for damage to natural resources The book addresses assessment and valuation issues the issue of standing in cases of injury to un owned natural resources and the determination of ways to repair restore and compensate for natural resource injuries and the associated loss of ecological and human services It also explains why such a difference exists between the US and most European jurisdictions and inter national liability conventions as to the recovery of damages for injury to natural resources

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

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

Liability & Compensation Regimes Relating to Environmental Damage United Nations Environment Programme. Division of Environmental Policy Implementation, 2003 *Civil Liability for Environmental Damage* Mark Wilde, 2013 By adopting a theoretical and comparative approach this text asks whether through increased protection of private interests tort has the ability to provide a useful additional means of environmental protection to regulatory controls *Environmental Liability* Patricia Thomas, 1991-06-26 There is little dispute that over the last ten years far greater recognition has been accorded to global responsibility for the environment and as a consequence a wider acceptance in the developed world of the US model of strict liability in respect of environmental harm This volume presents the widespread and informed debate on the subject undertaken by the Environmental Law Committee of the IBA's Section on Business Law The philosophical and economic concept of sustainable development is addressed as is the response required from financial and political institutions The role of international agencies is examined Regional perspectives on such liability are given Europe North America Asia Africa and Australasia and insurance indemnities non fault liability and environmental impact assessment are evaluated as means of securing responsibility The effectiveness of enforcement an area of potentially far reaching legislation across a range of jurisdictions is closely examined and clear developments and trends are identified The implications of liability continue to involve corporate and banking lawyers and insurance litigators surely placing upon the environmental lawyer an educative and pivotal place in the promotion of sustainable development and growth The volume reproduces the edited and revised papers of the Committee's Seventh Residential Seminar held in Montreux June 1990 and faithfully reflects the wide range of expertise brought to bear on the subject

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