

## **Environmental Damage In International And Comparative Law Problems Of Definition And Valuation**

The book addresses the question of whether the currently available instruments of international environmental and international humanitarian law are applicable to climate conflicts. It clarifies the different pathways leading from climate change to conflict and offers an analysis of international environmental law embedded within the international doctrine of state responsibility. It goes on to discuss whether climate change amounts to an issue covered by Art. 2.4 UN Charter – the prohibition of the use of force. It then considers the possible application of international humanitarian law to climate conflicts. The book also offers a definition of the term “climate conflict”, drawing on legal as well as peace and conflict studies. 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

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shares common ground with reparation in the arena of compliance control.

Marine oil pollution is one of the most damaging environmental liabilities of our time, and is taken very seriously by governments. Although international conventions take the lead in the legal regime underpinning prevention and compensation of marine oil pollution damage, national legal systems differ considerably in how they interpret and apply their monitoring and enforcement responsibilities. This is the first book to present a comparative analysis of the law with respect to marine oil pollution, with expert contributions emphasising particular solutions in Europe, the US, and China. The authors draw on the full range of legal sources, from theory and legislation to procedure and actual case studies. Written by both academics and practitioners?senior academics with a wide experience in the field, and practitioners who have extensively dealt with marine pollution issues?the work is not confined to a mere legal analysis, but offers a more inclusive law and economics perspective, solidly built on a substantial analysis (in English) of the law in the European, US, Chinese, and international contexts. Individual contributors focus on countries with which they have particular expertise or experience. This book will be of interest to corporate counsel, international lawyers, academics, and policy makers, as well as to students of (international) environmental and maritime law. In addition, the book is especially valuable to non-Chinese lawyers for its clear insight into the complex Chinese environmental legal system.

Economic development and environmental issues in China are attracting more and more attention internationally as the country's large population and vast demands for food, energy, water, minerals, and other resources play an increasingly important role in deciding the fate of the world. There is great interest in learning more about environmental issues in China, but it is

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not easy to obtain accurate, relevant information because the issues are diverse and are complex phenomena resulting from the interconnections among natural resource constraints and political, social, and institutional systems. This book originally was published in Japanese with the aim of providing Japanese readers with a holistic picture of what was taking place in China with respect to its air, water, energy, and land. The author then prepared an English edition of the same material to use as a book of readings for the Global Environmental Leaders Program at Nagoya University, where he taught many students from Asia and Europe. The book covers the most important environmental issues in China—climatic change, water, air, energy, and resources—together with ongoing policy responses, based on the author's active involvement in a number of study projects and international cooperation projects in that country. This volume will help readers to understand the causes and results of environmental problems in China and will encourage them to think more deeply about the environmental implications of the country's rapid economic growth.

Inspired by recent litigation, this book identifies and critically appraises the manifold and varied approaches to calculating compensation for damage caused to the environment. It examines a wide range of practice on compensation – in general and specifically for environmental damage – from that of international courts and tribunals, as well as international commissions and regimes, to municipal approaches and other disciplines such as economics and philosophy. *Compensation for Environmental Damage Under International Law* synthesises these approaches with a view to identifying their blind spots, bringing clarity to an area where there exists broad discrepancy, and charting best practices that appropriately balance the manifold interests at stake. In particular, it is argued that best practice methodologies should

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ensure compensation serves to fully repair the environment, reflect the emerging ecosystems approach and any implications environmental damage may have for climate change, as well as take into account relevant equitable considerations. This book is essential reading for academics, practitioners and students working in the field of environmental law.

This volume examines the environmental issues currently under debate in the international arena. The text approaches the topic at a conceptual level, and from an interdisciplinary viewpoint. It analyses the roles of key players in environmental policy, the nation state, non-governmental organizations and the business community. It continues with an examination of the importance of international relations (trade, east, west, north, south), and goes on to consider the prospects for sustainable development and social changes required for sustainable development to become a reality.

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.

For centuries, denuded landscapes, fouled streams, and dirty air were accepted by society as part of the price that had to be paid for mineral production. Even initial environmental

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legislation devised by industrialized countries in the 1960s and 1970s was largely designed without mining in mind. And developing countries had little in the way of environmental policy. With the advent of sustainability in the 1990s, times have changed. Today's economic development, many now feel, must not come at the expense of an environmentally degraded future. Current policies toward mining are under rigorous review, and mineral-rich developing countries are designing environmental policies where none existed before. In *Mining and the Environment*, noted analysts offer viewpoints from Australia, Chile, the United Kingdom, the United States, and the European community on issues and challenges of metal mining. How to tackle environmental damage from the throwaway society is one of the defining questions of the twenty-first century. By establishing a circular economy, we can encourage and support sustainable production and consumption. These essays by an international group of leading scholars from a range of disciplines analyse policies and legal instruments and challenge mainstream assumptions, from the choice of a policy mix to the actual effect of imposing standards on the market, and from corporate objectives and priorities to the use of precaution in assessing particularly harmful substances. Each chapter contributes to a better understanding of the current policy and regulatory framework in Europe and identifies the challenges and opportunities ahead. The book breaks new ground by examining how product policies can contribute to important objectives and visions, such as the aims of the circular economy. It is a must-read for researchers as well as for policymakers and practitioners.

Responsibility and Liability for Environmental Damage Under International Law  
Issues and Trends  
The Law of Environmental Damage  
Liability and Reparation  
Almqvist & Wiksell  
International

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"Guide to International Environmental Law" addresses why and how the international system elaborates environmental obligations and monitors compliance with them. The book discusses the relationship between international obligations and national and local law, with particular reference to federal systems. It points out the influence national law has on the emergence of international law and the growing role international norms play in the development and enforcement of national and local environmental policies. It also examines the extent to which environmental protection should be and is taken into account in other regulatory frameworks, from trade law and human rights to disarmament and refugee policy.

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.

'Environmental Impact Assessment (EIA) in the Arctic' presents a probing examination of the norms of international law that apply to the planning stage of large-scale activities such as hydro-carbon exploitation, mineral extraction and forestry. These stationary activities, i.e. those that are intended to remain at a single location for a period of time, pose grave threats to the Arctic environment, since the development of technology has made it profitable to exploit natural resources even in such harsh regions. While the norms that regulate the situation as it applies to environmentally harmful stationary activities can be categorized as, in the main,

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belonging to international environmental law, international human rights law and international minority rights law are also relevant. As well as outlining the establishment of the Arctic Council, involving Norway, Sweden, Finland, Denmark, Iceland, the USA, Canada and the Russian Federation, which established a strategy for the protection of the Arctic environment and examining how the cooperation process is working, the book also takes a detailed look at the influential Espoo Convention.

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 inter-disciplinary 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 préparatoires 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

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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.

This book provides a sophisticated overview of the theories, concepts and methods central to the complex and contentious field of International Environmental Politics (IEP). Ronald B Mitchell carefully introduces students to the political processes involved in both causing and resolving international environmental problems. Each fully integrated chapter: Links environmental policy to politics, bringing in a wide range of practical real-life examples Deepens students' theoretical understanding, helping them to identify and explain international environmental problems and their solutions Goes beyond description and develops students' ability to evaluate claims about outcomes in international environmental politics through empirical testing. A rounded, in-depth examination of IEP, this book has been specifically written for graduate and advanced undergraduate courses in global environmental politics and modules of broader international relations programs. SAGE Series on the Foundations of

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International Relations Series Editors: Walter Carlsnaes Uppsala University, Sweden Jeffrey T. Checkel Simon Fraser University, Canada International Advisory Board: Peter J. Katzenstein Cornell University, USA Emanuel Adler University of Toronto, Canada Martha Finnemore George Washington University, USA Andrew Hurrell Oxford University, UK G. John Ikenberry Princeton University, USA Beth Simmons Harvard University, USA Steve Smith University of Exeter, UK Michael Zuern Hertie School of Governance, Berlin, Germany The SAGE Foundations series fills the gap between narrowly-focused research monographs and broad introductory texts, providing graduate students with state-of-the-art, critical overviews of the key sub-fields within International Relations: International Political Economy, International Security, Foreign Policy Analysis, International Organization, Normative IR Theory, International Environmental Politics, Globalization, and IR Theory. Explicitly designed to further the transatlantic dialogue fostered by publications such as the SAGE Handbook of International Relations, the series is written by renowned scholars drawn from North America, continental Europe and the UK. The books are intended as core texts on advanced courses in IR, taking students beyond the basics and into the heart of the debates within each field, encouraging an independent, critical approach and signposting further avenues of research.

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This book analyzes the law and policy for the management of global common resources. As competing demands on the global commons are increasing, the protection of environment and the pursuit of growth give rise to all sorts of conflicts. It also analyzes issues in the protection of the global commons from a fairness, effectiveness and world order perspective. The author examines whether policymaking and trends point to a fair allocation of global common resources that is effective in protecting the environment and the pursuit of sustainable development. The author looks at the cost-effectiveness of international environmental law and applies theories of national environmental law to international environmental problems. Chapters include analysis on areas such as marine pollution, air pollution, fisheries management, transboundary water resources, biodiversity, hazardous and radioactive waste management, state responsibility and liability.

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.

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Explores normative and institutional innovation in international law as a response to the challenges to global order posed by rapid environmental change.

From its starting point within international law, throughout its progression from regional 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 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.

This title was first published in 2002: The interrelationship between international trade and the environment has become the subject of much heated debate.

These complex and strong concerns are given voice in this comprehensive and accessible text that brings together the leading journal articles dealing with the fundamental questions about this most important international problem.

*International Trade and the Environment* offers an invaluable source of contemporary international research for all those researching, studying or practicing across the fields of international trade, environmental economics,

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applied microeconomics and other related areas.

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 Impact Assessment for Developing Countries is based on selected papers presented at the 1991 International Conference on Environment Impact Assessment, held at New Delhi, India. This work is organized into four parts encompassing 18 chapters. Part I provides an overview and general considerations of balance environmental impact assessment (EIA), with particular emphasis in the developing countries in Asia. Part II highlights various EIA performed in different industry, including chemical plants, coal mining, thermal

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and power plant, and solid waste disposal. This part also describes the simulation modeling in EIA. Part III discusses the national experiences in EIA. This part elaborates on EIA of development projects in Netherlands, Sweden, Philippines, Tanzania, Canada, India, and United Kingdom. Part IV provides a summary and recommendations. This book will prove useful to environmental and research scientists.

This collaborative volume, the culmination of years of research, addresses the issue of why some attempts at solving or alleviating international environmental problems succeed while others fail. The volume combines analytical work on regime theories with case studies covering several topical issues: whaling, air pollution, the ozone layer, and land based sea pollution.

This is an open access title available under the terms of a CC BY-NC-ND 4.0 International licence. It is free to read at Oxford Scholarship Online and offered as a free PDF download from OUP and selected open access locations.

Environmental protection is fundamental for the establishment of sustainable peace. Applying traditional legal approaches to protection raises particular challenges during the transition from conflict to peace. In the jus post bellum context, protection of the environment and natural resources needs to be considered in tandem with a broad range of simultaneously applicable normative

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frameworks, such as human rights, transitional justice, arms control/disarmament, UN law and practice, development, and domestic law. While certain multilateral environment agreements, such as the Convention Concerning the Protection of the World Cultural and Natural Heritage protect the environment; international humanitarian law and international criminal law continue to treat environmental protection largely from an anthropocentric perspective. This book is the first targeted work in the legal literature that investigates environmental challenges in the aftermath of conflict. Addressing these challenges, it brings together academics, policy-makers, and practitioners from different disciplines to clarify policies and practices of environmental protection and key normative frameworks. It draws on experiences and practices in post-conflict settings to specify substantive principles and techniques to remedy and prevent harm.

As the dazzling economic and social changes in China have imposed substantial impact upon the quality of environmental governance, it is time to review the problems and progress in the politics of China's environmental protection. This book analyzes the factors in China's governance and political process that affect and restrain its capacity to handle the mounting environmental problems. It argues that solutions to China's ecological woes to a larger extent lie in the

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political and institutional changes rather than in engineering, technological and investment input. The book talks about new policies and reform measures in the green area taken by the government since 2007, arguing that some of them may be quite effective in the long run, as long as they alter institutional factors and the OC growth-firstOCO mindset that obstruct the green effort. The book also includes discussion of China's climate change policy not only because global warming has come under the limelight of the international community in recent years, but also because it offers a unique dimension to analyze the country's environmental diplomacy and domestic bureaucratic structure on emissions cutting and related energy issues. China is currently at the crossroads of further political and economic reform, and the intensified public attention to environmental pollution may help the Chinese Communist Party to decisively push forward the long-sluggish political reforms.

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

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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.

This book examines 'The Espoo Convention on Environmental Impact Assessment in a Transboundary Context', which celebrates the twentieth anniversary of its adoption in 2011, and its 'Kiev Protocol on Strategic Environmental Assessment' which came into force in July 2010. In addition to contributing to international environmental law, the Convention has prompted significant changes to European environmental law. The chapters in this collection explain the role of transboundary environmental impact assessment in international and European law, and explore the relationship between international and European law in the context of potential application of the Convention. They also examine examples of the Convention in practice, and consider the potential application of the Protocol. While the focus of the book is on the situation in the European Union, reference is made to the relationship between EU and non-EU member states, notably in connection with important cases in the Arctic, the Danube Delta and the Baltic Sea.

This book is designed to facilitate the introduction of international and comparative legal issues into the basic environmental law course, but could also

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be used in a seminar on the subject. It covers constitutional protection of the environment; the precautionary principle; intergenerational equity; international and comparative approaches to the regulation of air, water, and toxic substance pollution; global climate change; wildlife and biodiversity preservation; the law of the sea; and management of oceans and coastal areas. Once introduced to the challenges of effectively addressing environmental problems, students can easily appreciate the value of concerted international efforts to address those challenges.

Every year, billions of dollars of environmental aid flow from the rich governments of the North to the poor governments of the South. Why do donors provide this aid? What do they seek to achieve? How effective is the aid given? And does it always go to the places of greatest environmental need? From the first Earth Summit in Stockholm in 1972 to the G8 Gleneagles meeting in 2005, the issue of the impact of aid on the global environment has been the subject of vigorous protest and debate. How much progress has there been in improving environmental protection and clean-up in the developing world? What explains the patterns of environmental aid spending and distribution - is it designed to address real problems, achieve geopolitical or commercial gains abroad, or buy political mileage at home? And what are the consequences for the estimated 4

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million people that die each year from air pollution, unsafe drinking water, and lack of sanitation? All of these questions and many more are addressed in this groundbreaking text, which is based on the authors' work compiling the most comprehensive dataset of foreign aid ever assembled. By evaluating the likely environment impact of over 400,000 development projects by more than 50 donors to over 170 recipient nations between 1970 and 2001, Greening Aid represents a unique, state of the art picture of what is happening in foreign assistance, and its impact on the environment. Greening Aid explains major trends and shifts over the last three decades, ranks donors according to their performance, and offers case studies which compare and contrast donors and types of environmental aid.

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.

Papers delivered at the program presented by the International Bar Association's Environmental Law Committee at the IBA's August, 1976 Conference in Stockholm.

The main focus of this important book is on civil liability regimes to compensate for ecological/environmental damage, the impact of EC decision-making on the

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international regime for oil pollution damage, the use of environmental funds in this respect, the economic valuation of damage to the environment from a theoretical perspective and the application of the Contingent Valuation Method in Belgium for ecological damage at sea.

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