

International Environmental Law In A Nutshell

The companion volume to the second edition of Philippe Sands' Principles of International Environmental Law.

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.

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This compilation of key materials in international environmental law takes

account of the most significant developments in the field that have occurred during the past decade, including in the areas of climate change, chemicals and pesticides, biosafety, and nuclear safety, as well as good governance, compliance and liability. Not only does multilateral environmental law making have wide-ranging repercussions on the way national development policies are drafted and business is conducted, but also environmental issues increasingly interweave with those relating to human rights, trade, agriculture and intellectual property, making familiarity with the key instruments in international law essential for all working in these areas. The book comprises a representative selection of the most important studies in international environmental law, with an editorial introduction to each topic. Its focus on recent trends and cross-sectoral aspects makes it an indispensable tool for students, researchers, practitioners and policy makers in international environmental law and related fields.

This volume is an important contribution to both theoretical and practical approaches to solving contradictions and conflicts between the approaches, principles, objectives and regulations of international environmental agreements. The issue of the coordination and streamlining of environmental agreements is of growing importance regarding the increasing number of international regulations on the one hand and the urgency for effective instruments in the light of

continuing environmental degradation on the other. This study will become an essential reference for scholars as well as practitioners working in the field of international environmental law.

International environmental law is now a standard course for both undergraduate and postgraduate law students all over the world. This collection follows the essential structure of environmental regulation in an attempt to provide a clear picture of the mechanics of the system. It is comprised of a 'General Part' (general principles, procedural obligations and civil liability and non-compliance procedures); selected 'Sectoral Regimes' (the fundamental elements of the natural environment: habitat, sea, atmosphere, freshwater resources, polar regions, and the primary regimes of man-made intervention: nuclear power, chemicals, waste); and 'Interface Regimes' (trade and environment, human rights and environment, armed conflict and environment). The multitude of often interconnected international environmental documents is categorized in a way that the interactions between the international and the regional as well as the general and the sectoral become immediately obvious. An advantage of this collection is the comprehensive index that will provide a quick starting point for research in cross-cutting themes. This collection will appeal to students and lecturers alike as it covers all aspects of a course on the topic. It is also a useful

desk reference for research students and scholars as well as environmental and international law practitioners.

Measures for regulating the behaviour of nation states in relation to the global environment have increasingly taken the form of international treaties and conventions. Many have argued that this has proved to be an ineffective way of halting unsustainable development, for the provisions of these agreements are either too weak or are flouted regularly by the parties concerned. This volume seeks to address the crucial question of how compliance with these agreements could be encouraged effectively without damaging the fragile political consensus that is emerging on environmental issues. With extensive use of case studies, *Improving Compliance* will make stimulating reading for all students and researchers working in this area, as well as for anyone concerned about the effectiveness of international environmental measures.

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 unprecedented degradation of the planet's vital ecosystems is among the most pressing issues confronting the international community. Despite the proliferation of legal instruments to combat environmental problems, conflicts between rich and poor nations (the North-South divide) have compromised international environmental law, leading to deadlocks in environmental treaty negotiations and noncompliance with existing agreements. This volume examines both the historical origins of the North-South divide in European colonialism as well as its contemporary manifestations in a range of issues including food justice, energy justice, indigenous rights, trade, investment, extractive industries, human rights, land grabs, hazardous waste, and climate change. Born out of the recognition that global inequality and profligate consumerism present threats to a sustainable planet, this book makes a unique contribution to international environmental law by emphasizing the priorities and perspectives of the global South.

EU Environmental Law, International Environmental Law, and Human Rights Law: The Case of Environmental Responsibility offers a critical appraisal of EU environmental responsibility law and the input of a rights-based approach and international environmental law.

Explores normative and institutional innovation in international law as a response to the

challenges to global order posed by rapid environmental change.

This textbook provides a compelling and structured introduction to international environmental law in the Text, Cases and Materials genre. The book uses extracts from a judiciously selected range of legal instruments and case law relevant to the protection and regulation of the environment in international law, alongside commentary from the author team and questions for class discussion, to facilitate student understanding and encourage engagement in the topic. Divided into four main parts, it examines the main principles of international environmental law, the key areas of substantive environmental regulation, the implementation of environmental law and the relations between environmental law and other areas of international law. Key Features: Provides concise introductions to each topic of environmental law Discussion questions and further reading sections guide students in applying their understanding Familiarises students with the key legal materials, treaties and case law relating to international environmental law Covers a wide variety of topics, including sustainable development, protection of the marine environment, atmospheric protection and responsibility and liability for environmental damage By introducing and highlighting the most important instruments and cases of international environmental law, this textbook seeks to provide environmental law students and non-specialists with a rich and full understanding of the topic. While both the 'environmental' and 'international' dimensions of law school inquiry continue to flourish, a distinct offering in 'international environmental law' is becoming prevalent. This coursebook begins with a relatively detailed exploration of the key doctrines, principles, and rules of 'international law,' without which it is impossible to understand or apply 'international environmental law.' It summarizes the applicability of state responsibility to environmental

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wrongs and presents a series of hypothetical problems bearing fact patterns that mirror the 'real world.' Coursebook presents a simulated negotiation of a fictional draft protocol to the UN Framework Convention on Climate Change.

Taking stock of all the major developments in the field of international environmental law, this text explores core assumptions and concepts, basic analytical tools and key challenges. Established in 1990 and published by Oxford since 1994, the Yearbook of International Environmental Law has quickly established itself as a vital source of information and analysis in the fast-growing field of international law and the environment. With contributors drawn from throughout the world and an expert team of editors, the Yearbook is the best source of reliable reportage of events worldwide.

'... an impressive volume, 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

The purpose of this book is to assess the development of international environmental law in the Asia Pacific. Consideration is given to the impact upon the region of global, regional and subregional environmental law. An assessment is also undertaken of how certain states, and groups of states, have responded domestically and within their own subregions to these developments. For the purposes of this book the Asia Pacific is defined as essentially the states which comprise East and Southeast Asia, Australia, New Zealand and the island states of the Southwest Pacific. Occasional consideration is also given to the states of South Asia. This publication present in-depth study of the very topical subject-matter of legal powers of

Conferences of the Parties established on the basis of Multilateral Environmental Agreements. The book deals with the legitimacy and efficiency of the decisions of such bodies.

A unique compilation of major international environmental law resolutions, decisions, declarations, agreements and treaties that have changed the way the world looks at the environment. This book is divided into 5 easy to follow sections: International Organizations: Fifteen resolutions and decisions that provide legal materials that represent the breadth of leading environmental issues as well as the range of different organizations currently considering them. Inter-governmental Declarations: Nine non-binding declarations expressing the common interest of many states in specific issues of international scope. Bilateral Agreements: Five major agreements between two nations Regional Agreements: Thirteen regional environmental treaties, a majority of them European, dealing with important environmental issues on a regional basis. Global Agreements: Agreements which were originally open for signature by a large number of states not confined to any specific geographic region and that address environmental issues of worldwide dimensions.

Built in to every multilateral environmental agreement is a dilemma: how to incorporate justice and fairness on the one hand and effectiveness on the other. Our immense difficulty in meeting this two-edged imperative highlights the fact that we are, at best, at an early stage in the development of international environmental ethics, and that no coherent and effective ethical system yet exists in this context. This remarkable book starts from a conviction that the principle of common but differentiated responsibility (CBDR) offers the best way forward toward the much-desired goal of sustainable development. Presenting a full-scale, multidisciplinary assessment of the feasibility of the principle of CBDR in multilateral

environmental agreements, encompassing legal and policy status perspectives as well as historical developments and future prospects, this study identifies issues and aspects in the theoretical and practical application of the CBDR principle. The author responds with in-depth knowledge and awareness to such specific questions as the following: What does the principle of common but differentiated responsibility entail in international environmental law, with special reference to international environmental treaties? How is the principle reflected in the burden-sharing design of current agreements? What problems and challenges does the practical application of the CBDR principle present to the international community and individual countries as well as to the international environmental regimes themselves? What factors should be taken into account when assessing the success or failure of the principle? What is the status of the principle in international environmental law (currently and possibly in the future), and what are its implications in the broader international context? The author examines methods for differentiation from both theoretical and actual treaty-level viewpoints. She offers examples from the negotiation history of international environmental treaties to shed light on the importance of information-sharing and wide participation during the negotiations. Recognizing that, in the international environmental field, problems of economic development and the geopolitics of global wealth distribution soon come to the fore, and that each stateand's right to development should not be too heavily restricted under international environmental regimes, she demonstrates that the CBDR principle has a strong potential to formally integrate the environment and development at the international level. The study will be of immeasurable value in promoting understanding of how CBDR actually works. It will help lawyers and policymakers perceive how different parties want to use the principle, and to

discern clearly what options could be chosen by the parties, which aspects are crucial, and what factors influence the effectiveness of the arrangements.

This volume covers a variety of topics in the fields of the law of the sea and the protection of the environment. The particular focus of the volume is on the role and function of judicial, quasi-judicial and administrative institutions in the prevention and settlement of disputes in both of these areas. This includes an overview and insightful analysis of the cases of the International Tribunal for the Law of the Sea during its first decade. Further substantive issues range from the allocation of shared marine resources, maritime boundary delimitation and issues of maritime security to the prevention of marine pollution as well as a coverage of the compliance and enforcement mechanisms of international environmental law. The views from both scholars' and practitioners' perspectives presented in this volume will offer readers a number of outstanding intellectual synergies to reflect on the development of international law. It can provide both scholars and policy-makers alike with new insights on how to address pressing problems in international law, including ideas for improved institutional design. The work has been compiled in honour of Thomas A. Mensah and comprises 59 essays from leading scholars and practitioners in international law.

Presents the document "International Environmental Law and the 'Bottom-Up' Approach: A Review of the Desertification Convention," written by Kyle W. Danish and published by the Indiana University School of Law.

ÔThis book is a novel, sophisticated, broad ranging and insightful study of the idea of global environmental governance but from a legal dimension and

perspective. While recognising that concepts and ideas used to describe governance are generally abstract, vague and slippery, this project brings clarity to the field by being theoretically informed, contextually sensitive and pragmatically circumscribed. Its conclusions and arguments open up a field of inquiry that has to be genuinely interdisciplinary and in that sense has great potential to contribute to a better understanding of environmental themes and issues. This book is destined to become a landmark for legal academics who will write about environmental governance in that its concern is with the global governance of nature rather than a text that uses the environment as a pretext for understanding governance. It is well written, easy and enjoyable to read and while it traverses through diverse bodies of literature it manages to effectively communicate with a variety of scholarly communities. Æ Afshin Akhtarkhvari, Griffith Law School, Australia ÔFourth generation global environmental regulation attempts to address the complex realities of an interconnected environment, global environmental problems and collective regulatory responses. It merits conceptual clarity. Louis KotzŽ reveals the legal contours and content of global environmental governance by chipping away such parts of the conceptual marble block as are not needed. For the environmental lawyer, it is a welcome Æ and much needed Æ process of elimination. This book provides a toolkit for lawyers to

engage critically with the extra-legal concept of environmental governance. Its scrutiny and careful analysis contribute meaningfully to the environmental discourse. Ñ Ð Christine Voigt, University of Oslo, Norway ÔGlobal Environmental Governance is a truly important book. Drawing on a multitude of disciplines, award-winning environmental law Professor Louis KotzŽ masterfully explains the emerging concept of Ôglobal environmental governanceÓ and its elements of globalism, environmental law, regulation, and governance theory. He makes a compelling case that the world has outgrown the ÔsustainabilityÓ model and moved toward this more all-encompassing approach to environmental regulation. This admirable book makes global environmental governance theory understandable and pertinent so environmental leaders, lawyers, and regulators can engage comfortably with this new vision for an ecologically and economically healthy world. Ñ Ð George (Rock) Pring, University of Denver Sturm College of Law, US ÔThis book, in examining the relationship between global environmental governance and environmental law, provides an important and timely contribution to the quest to fashion a more viable approach to regulating the relationship between humanity and the environment. While the term ÔgovernanceÓ is much employed in international environmental law scholarship, its conceptual underpinnings have not, on the whole, been adequately addressed in the legal

sphere and understanding of the symbiotic relationship between the two areas has suffered as a result. This book makes a welcome start to tackling these issues and, it is to be hoped, will trigger renewed vigour in this socially and legally vital area of inquiry. Ò Ì Karen Morrow, University of Swansea, Wales, UK

ÔFor years, scholars of international law and international relations have developed parallel literatures. In *Global Environmental Governance*, Louis KotzŹ offers a common conceptual, theoretical, and normative ground in the global environmental field. As a skillful lawyer, he dissects terminology, explains core assumptions, and constructs causal chains. But he does not stop there. His shrewd analysis of power and authority, individual incentives and collective action, management and regulation builds a bridge between law and politics as disciplines concerned about what global environmental governance is and how it can be improved. Ò Ì Maria Ivanova, University of Massachusetts, US

ÔIn search of shelter from the buffeting blasts of climate change, biodiversity loss, resource depletion, famine and disease, states and public agencies, community representatives, resource users, advocacy networks and citizens huddle together under the vast and varied institutional umbrellas of environmental governance. Louis KotzŹÔs innovative study systematically describes the role of environmental law as the springs, stretchers, ribs and handles of the decision-

making umbrellas we so desperately hope will hold firm when they are opened up in times of need. Æ Jamie Benidickson, University of Ottawa, Canada ÔThe concept of Òglobal environmental governanceÓ has been part of the lexicon in accounts of global environmental politics for some time. Yet to date it has escaped comprehensive assessment from a legal perspective. This groundbreaking work fills this gap in the literature. It offers a masterful analysis of the theoretical underpinnings of the environmental governance, and highlights the critical importance of environmental regulation in ensuring that environmental governance lives up to its promise as a means for achieving truly ecologically sustainable development. Æ Tim Stephens, University of Sydney, Australia This timely book brings much-needed clarity to the concept of Ôenvironmental governanceÕ as manifested in the global regulatory domain. The author argues that despite being used as a fashionable term by many Æ including economists, political scientists, environmentalists and, increasingly, lawyers Æ its theoretical contours and conceptual content remain unclear, incoherent, and inconsistent. In addressing this problem, the book begins by describing globalization as a general context of governance. It comprehensively interrogates and clarifies both the governance and global governance concepts, and then explains aspects and components of global environmental governance. Finally it investigates the role

of law in global environmental governance. Providing a much-needed definition of environmental governance and global environmental governance, this comprehensive study will appeal to academics and researchers, post-graduate and under-graduate students, intergovernmental organizations such as UNEP, WTO, IUCN, as well as governments and governmental agencies involved with environmental regulation.

C.O.OKIDI¹ I welcome the opportunity to prepare a Foreword to the book on Environmental Policy and Law in Africa, edited by Kevin R. Gray and Beatrice Chaytor. It is a pleasure to do that because the book is a contribution to the cause of capacity building for development and implementation of environmental law in Africa, a goal towards which I have had an undivided focus over the last two decades. There is still some belief in and outside Africa that for developing countries in general, and Africa in particular, development and implementation of environmental law is not a priority. This belief prevails strongly in many quarters of the industrialised countries. In fact, the view is held either out of blatant ignorance or by some renegade industrialists who fail to appreciate Michael Royston's 1979 thesis that Pollution Prevention Pays.² That group, for obvious reasons, must have their correspondent counterparts in Africa to provide hope that industries rejected as derelict in the West or inoperable due to rigorous

environmental regulation, can find homes to which they can escape and dump their polluting industries.

International Environmental Law offers a concise, conceptually clear, and legally rigorous introduction to contemporary international environmental law and practice. The book covers all major environmental agreements, paying particular attention to their underlying structure, main legal provisions, and practical operation. It blends legal and policy analysis, making extensive reference to the jurisprudence and scholarship, and addressing the interconnections with other areas of international law, including human rights, humanitarian law, trade and foreign investment. The material is structured into four sections - foundations, substantive regulation, implementation, and influence on other areas of international law - which help the reader to navigate the different areas of international environmental law. Each chapter includes charts summarising the main components of the relevant legal frameworks and provides a detailed bibliography. Suitable for practicing and academic international lawyers who want an accessible, up-to-date introduction to contemporary international environmental law, as well as non-lawyers seeking a concise and clear understanding of the subject.

The quality and the strength of an environmental legal system is a reflection of

the conceptual foundations upon which it is constructed. The Research Handbook on Fundamental Concepts of Environmental Law illuminates key aspects of environmental governance through the lens of their underlying dimensions: for example, the form, structure and language of international, regional and national instruments; the function of norms, objectives and standards; and the relevance of economic analysis and of integrated policy formulation.

A significant contribution to the field, and a welcome addition to the growing literature on international environmental law and an important reference for every scholar, lawyer, and layperson interested in the field.

The yearbook provides an authoritative and comprehensive review of internationally significant environmental legal developments. A 'Year-In-Review' section summarizes year-by-year trends organized by subject-matter, key countries or regions, and international governmental as well as non-governmental organizations. Each volume also features an international environmental legal bibliography, as well as topical articles and book reviews. International law governing the settlement of disputes through law-based forums, such as courts, tribunals and arbitral tribunals, is fraught with limitations that are becoming especially apparent with respect to disputes that involve the protection

of the environment. However despite the deficiencies of the law, international courts and tribunals have issued judgements in disputes involving the protection of the environment. At the global level the International Court of Justice (ICJ), the Appellate Body of the World Trade Organization (WTO) and the Tribunal for the Law of the Sea (ITLOS) have handed down decisions in relevant cases. In addition other legal forums can also be called upon to decide cases involving international environmental law. Such forums include the Environmental Chamber of the ICJ and the Permanent Court of Arbitration (PCA) under its general facilities and under the Environmental Facility that it is planning to establish. Similarly, special bodies, such as the United Nations Compensation Commission (UNCC), may decide on cases. Moreover, regional forums such as the European Court of Human Rights (ECHR), the Inter-American Court of Human Rights and the Court of Justice of the European Community (ECJ) have ruled on cases involving international environmental law. Despite these developments, calls for the establishment of an international environmental court at the global level persist. Several arguments have been advanced to justify the establishment of an international environmental court, for example the very many pressing environmental problems that exist today and the need for a bench consisting of experts in international environmental law to consider

these problems, the need for individuals and groups to have access to environmental justice at the international level, the need to enable international organizations to be parties to disputes related to the protection of the environment and the need for dispute settlement procedures that enable the common interest in the environment to be addressed. Arguments against the establishment of an international environmental court have been advanced as well. These arguments include the following: the proliferation of international courts and tribunals would result in the fragmentation of international law, existing courts and tribunals are, or can be, well equipped to consider cases involving environmental issues and disputes involving international environmental law also involve other aspects of international law. This publication explores the arguments for and against the establishment of an international environmental court, examining topics such as the definition of an international environmental dispute and the concomitant expertise required on the bench, fragmentation and its root causes, access to justice and the representation of community interests. The author argues that the establishment of an international environmental court is not the most desirable option and she suggests that it might be more fruitful if we consider developments in environmental law, as well as in other relevant areas of international law, from a different perspective, namely, that of

administrative law and reassess the relationship between international and national law. Such an approach, she argues is warranted if, "inter alia," viable means for resolving environmental disputes that may arise are to be identified. Revised and updated for its Second Edition, INTERNATIONAL ENVIRONMENTAL LAW AND POLICY uses cases, materials, problems, and questions to introduce important issues to students with little or no background in either international law or environmental law.

This 'Advanced Introduction' provides both an overview and a critical assessment of international environmental law (IEL) written by one of the leading authorities in this field. An invaluable entry point to this complex area of the law, the book pinpoints essential principles and institutions and distils the vast and often technical corpus of legal doctrine whilst also offering insights that stimulate critical thinking.

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.

This post-UNCED account of the frameworks, standards and implementation of the international environmental law is intended for undergraduates and academics in the fields of international law, politics, geography, economics and environmental studies. It can be used on its own as a reference or course text or in conjunction with its companion collections of documents.

Adopting an interdisciplinary framework, the book succinctly, yet accurately, traverses the full gamut of issues challenging the world today. This new edition deals more fully than the third edition with climate change, energy, and sustainable development. It also traverses a host of new challenges, such as drafting a new Kyoto Protocol, the Deepwater Horizon explosion and oil spill in the Gulf of Mexico, and the nuclear meltdown in Fukushima, Japan. It then clearly analyzes the legal responses, whether in the form of treaties, customary law, or soft law instruments.

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