

CONTENTS

| | |
|---|-------|
| <i>Abbreviations: Journals and Reports</i> | xi |
| <i>Table of Cases</i> | xix |
| <i>Table of Major Treaties and Other Instruments</i> | xxvii |
| | |
| 1 INTERNATIONAL LAW AND THE ENVIRONMENT | 1 |
| 1 Introduction | 1 |
| 2 Lawmaking Processes and Sources of Law | 12 |
| 3 Overview | 37 |
| | |
| 2 INTERNATIONAL GOVERNANCE AND THE FORMULATION OF ENVIRONMENTAL LAW AND POLICY | 43 |
| 1 Introduction | 43 |
| 2 The Development of International Environmental Policy | 48 |
| 3 The UN and Environmental Governance | 58 |
| 4 Other International Organizations | 71 |
| 5 International Regulatory Regimes | 84 |
| 6 Scientific Organizations | 99 |
| 7 Non-Governmental Organizations | 100 |
| 8 Conclusions | 103 |
| | |
| 3 RIGHTS AND OBLIGATIONS OF STATES CONCERNING PROTECTION OF THE ENVIRONMENT | 106 |
| 1 Introduction | 106 |
| 2 Sustainable Development: Legal Implications | 115 |
| 3 Principles of Global Environmental Responsibility | 128 |
| 4 Prevention of Pollution and Environmental Harm | 137 |
| 5 Conservation and Sustainable Use of Natural Resources | 190 |
| 6 Military Activities and the Environment | 205 |
| 7 Conclusions | 208 |
| | |
| 4 INTERSTATE ENFORCEMENT: STATE RESPONSIBILITY, TREATY COMPLIANCE, AND DISPUTE SETTLEMENT | 211 |
| 1 Introduction | 211 |

| | | |
|---|--|-----|
| 2 | State Responsibility for Environmental Damage | 214 |
| 3 | Treaty Compliance | 237 |
| 4 | Settlement of International Environmental Disputes | 250 |
| 5 | Conclusions | 266 |
| 5 | NON-STATE ACTORS: ENVIRONMENTAL RIGHTS, LIABILITY, AND CRIMES | 268 |
| 1 | Introduction | 268 |
| 2 | Human Rights and the Environment | 271 |
| 3 | Transboundary Environmental Rights | 303 |
| 4 | Harmonization of Environmental Liability | 316 |
| 5 | Corporate Environmental Accountability | 326 |
| 6 | Environmental Crimes | 329 |
| 7 | Conclusions | 334 |
| 6 | CLIMATE CHANGE AND ATMOSPHERIC POLLUTION | 335 |
| 1 | Introduction | 335 |
| 2 | Transboundary Air Pollution | 342 |
| 3 | Protecting the Ozone Layer | 349 |
| 4 | The Climate Change Regime | 356 |
| 5 | Conclusions | 377 |
| 7 | THE LAW OF THE SEA AND PROTECTION OF THE MARINE ENVIRONMENT | 379 |
| 1 | Introduction | 379 |
| 2 | Customary Law and the 1982 UNCLOS | 386 |
| 3 | Regional Protection of the Marine Environment | 390 |
| 4 | Marine Pollution from Ships | 398 |
| 5 | Pollution Incidents and Emergencies at Sea | 423 |
| 6 | Responsibility and Liability for Marine Pollution Damage | 430 |
| 7 | Conclusions | 441 |
| 8 | INTERNATIONAL REGULATION OF TOXIC SUBSTANCES | 443 |
| 1 | Introduction | 443 |
| 2 | International Regulation of Toxic Chemicals | 445 |
| 3 | Protection of the Marine Environment from Toxic Substances | 451 |

| | | |
|----|---|-----|
| 4 | International Trade in Hazardous Substances | 473 |
| 5 | Conclusions | 486 |
| 9 | NUCLEAR ENERGY AND THE ENVIRONMENT | 488 |
| 1 | Introduction | 488 |
| 2 | The International Regulation of Nuclear Energy | 492 |
| 3 | Control of Transboundary Nuclear Risks | 508 |
| 4 | State Responsibility for Nuclear Damage | 516 |
| 5 | Civil Liability for Nuclear Damage | 520 |
| 6 | Conclusions | 533 |
| 10 | INTERNATIONAL WATERCOURSES: ENVIRONMENTAL PROTECTION AND SUSTAINABLE USE | 535 |
| 1 | Introduction | 535 |
| 2 | Protection of Watercourse Environments | 547 |
| 3 | Regional Cooperation and Environmental Regulation | 572 |
| 4 | Conclusions | 580 |
| 11 | CONSERVATION OF NATURE, ECOSYSTEMS, AND BIODIVERSITY | 583 |
| 1 | Introduction | 583 |
| 2 | Concepts of Nature Conservation and Natural Resources | 585 |
| 3 | The Role of Law in the Protection of Nature | 593 |
| 4 | Codification and Development of International Law on Nature Protection | 602 |
| 5 | The Convention on Biological Diversity | 612 |
| 6 | Conclusions | 648 |
| 12 | CONSERVATION OF MIGRATORY AND LAND-BASED SPECIES AND BIODIVERSITY | 650 |
| 1 | Introduction | 650 |
| 2 | Implementation of Principles and Strategies through Conservation Treaties | 651 |
| 3 | Significance and Effectiveness of the Major Global Wildlife Conventions | 671 |
| 4 | Post-UNCED Instruments for Conservation of Nature and Biodiversity | 692 |
| 5 | The Regional Approach | 696 |

| | | |
|----|---|-----|
| 6 | Coordination of Conventions and Organs | 697 |
| 7 | Conclusions | 698 |
| 13 | CONSERVATION OF MARINE LIVING RESOURCES AND BIODIVERSITY | 702 |
| 1 | Introduction | 702 |
| 2 | Jurisdiction over Fisheries and Marine Mammals | 706 |
| 3 | The Development of International Fisheries Regimes | 711 |
| 4 | The 1982 UN Convention on the Law of the Sea | 714 |
| 5 | Post-UNCLOS Developments | 730 |
| 6 | Conservation of Marine Biodiversity | 744 |
| 7 | Conclusions | 751 |
| 14 | INTERNATIONAL TRADE AND ENVIRONMENTAL PROTECTION | 753 |
| 1 | Introduction | 753 |
| 2 | The Multilateral Trading System | 756 |
| 3 | Multilateral Environmental Agreements and Trade Restrictions | 766 |
| 4 | Trade Restrictions to Protect Resources beyond National Jurisdiction | 769 |
| 5 | Trade Restrictions to Protect the Domestic Environment | 778 |
| 6 | Pollution Havens: Trade Restrictions to Improve the Environment of Other Countries | 788 |
| 7 | The Export of Hazardous Substances and Wastes | 793 |
| 8 | Environmental Taxes | 796 |
| 9 | The TRIPS Agreement and the Biodiversity Convention | 801 |
| 10 | Conclusions | 809 |
| | <i>Bibliography</i> | 811 |
| | <i>Index</i> | 833 |