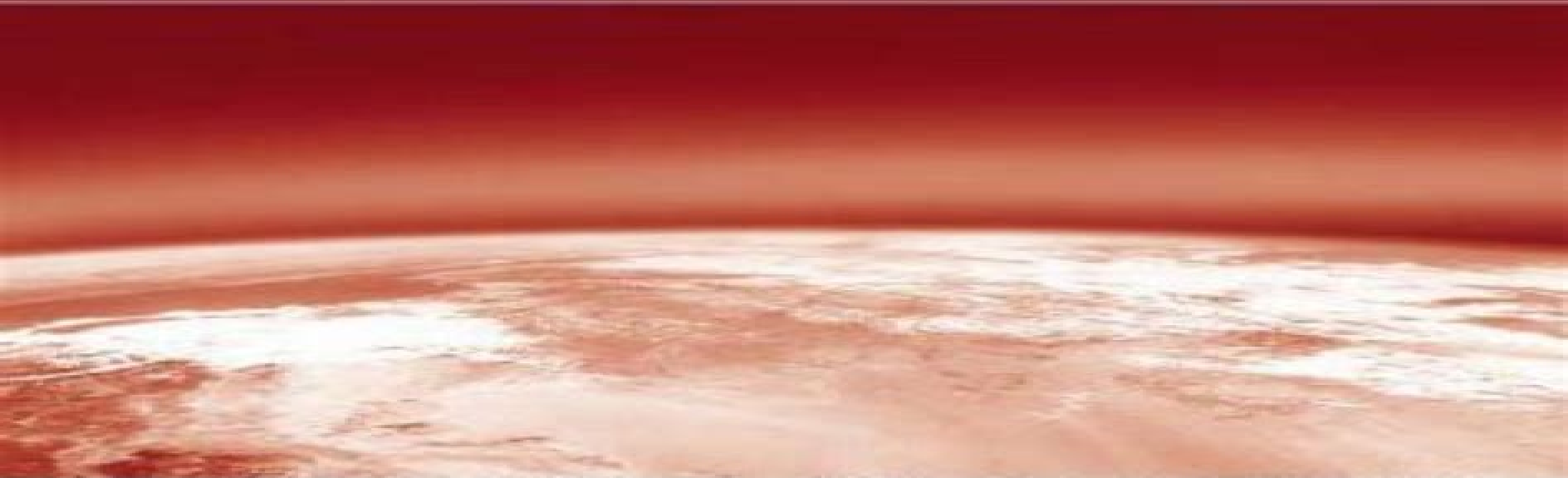




CLIMATE CHANGE LIABILITY



Edited by Michael Faure and Marjan Peeters



NEW HORIZONS IN ENVIRONMENTAL AND ENERGY LAW

Climate Change Liability Climate Change Liability

Miriam Haritz



Climate Change Liability Climate Change Liability:

Climate Change Liability Richard Lord, Silke Goldberg, Lavanya Rajamani, Jutta Brunnée, 2011-12-01 As frustration mounts in some quarters at the perceived inadequacy or speed of international action on climate change and as the likelihood of significant impacts grows the focus is increasingly turning to liability for climate change damage Actual or potential climate change liability implicates a growing range of actors including governments industry businesses non governmental organisations individuals and legal practitioners Climate Change Liability provides an objective rigorous and accessible overview of the existing law and the direction it might take in seventeen developed and developing countries and the European Union In some jurisdictions the applicable law is less developed and less the subject of current debate In others actions for various kinds of climate change liability have already been brought including high profile cases such as Massachusetts v EPA in the United States Each chapter explores the potential for and barriers to climate change liability in private and public law

Climate Change Liability Michael Faure, Marjan Peeters, 2011-01-01 This book sheds new light on the growing issue of using liability as a tool for both preventing and compensating for the damage caused by climate change Michael Faure and Marjan Peeters have brought together a selection of expert contributors who explore a variety of both national and European perspectives on the topic Climate change liability is no longer only a theoretical idea since climate changelitigation has become so hotly debated and this book examines to what extent it can be used for mitigation and adaptation issues Chapters discuss the potential role of liability within various legal systems like the national systems of the USA and The Netherlands but also EU and ECHR law Liability is outlined in a broad perspective since not only compensation for damage suffered by plaintiffs is discussed but also the need for prevention in order to obtain a reduction of greenhouse gases

Climate Change Liability and Beyond Jiunn-rong Yeh, Sandrine Maljean-Dubois, Yann Kerbrat, 2017-01-18 Climate change and its adverse impacts on nature and human society are clearly felt Who should bear the responsibility Should anyone be held liable for grave losses and damages related to climate change In what way and to what extent can these issues be addressed in legal mechanisms both globally and locally Will an international liability regime an ultimate solution Are courts ready for and capable of resolving these disputes that find intricacy of law policy and science To shed light on these issues this book is structured with four main themes on the discussions of climate change liability and related mechanisms They are 1 state liability and responsibility 2 climate change litigation 3 climate change liability and alternatives and 4 dispute resolution and remedies Reflections on the concepts of liability responsibility accountability have provided for nuanced understandings of their functional dynamics in climate change governance Our findings also suggest that International and domestic courts have become a vital player in attribution or distribution of climate change liability In addition to formalistic rights discourse and rigid liability regime a few alternatives such as carbon market insurance mediation or soft law are also finding their ways to ensuring sustainability of climate change governance *An Inconvenient*

Deliberation Miriam Haritz, 2011-05-27 There is increasing evidence to suggest that adaptation to the inevitable is as relevant to climate change policymaking as mitigation efforts Both mitigation and adaptation as well as the unavoidable damage occurring both now and that is predicted to occur all involve costs at the expense of diverse climate change victims The allocation of responsibilities implicit in terms of the burden sharing mechanisms that currently exist in public and private governance demands recourse under liability law especially as it has become clear that most companies will only start reducing emissions if verifiable costs of the economic consequences of climate change including the likelihood of liability outweigh the costs of taking precautionary measures This vitally important book asks Can the precautionary principle make uncertainty judiciable in the context of liability for the consequences of climate change and if so to what extent Drawing on the full range of pertinent existing literature and case law the author examines the precautionary principle both in terms of its content and application and in the context of liability law She analyses the indirect means offered by existing legislation being used by environmental groups and affected individuals before the courts to challenge both companies and regulators as responsible agents of climate change damage In the process of responding to its fundamental question the analysis explores such further questions as the following What is the role of the precautionary principle in resolving uncertainty in scientific risk assessment when faced with inconclusive evidence and how does it affect decision making particularly in the regulatory choices concerning climate change To this end what is the concrete content of the precautionary principle How does liability law generally handle scientific uncertainty What different types of liability exist and how are they equipped to handle a climate change liability claim What type of liability is best suited for precautionary measures or a lack thereof Can the application of the precautionary principle make a difference to the outcomes of climate change liability claims In order to draw conclusions concerning the legal uncertainties posed by climate change the author draws examples from national legislations representative of the various legal systems as well as from existing treaties General rules and obligations relevant to climate change liability are examined and a selection of actual legal cases from around the world concerning climate change be it actual liability claims or litigation indirectly relevant to a claim is also presented As an overview of the different legal challenges created by climate change liability this book is without peer The practical meaning and impact of these findings for lawyers whether corporate or activist for regulators and policymakers and for decision makers in governmental bodies and private companies is immeasurable

Constructing a Private Climate Change Lawsuit Under English Law Giedr? Kaminskait?-Salters, 2010-01-01 The issue of tortious liability for harm caused by climate change has risen to some prominence in recent legal literature However except for a few U S cases litigation in this area remains dormant in most jurisdictions Now in anticipation of the likelihood and desirability of such litigation this ground breaking study examines the extent to which a claim brought by a private public or quasi public claimant against a private defendant such as a producer of fossil fuels or major emitter of greenhouse gases alleging climate change related damage and based on

one or more causes of action under the English law of torts can be pursued in the English Courts **Corporate**

Accountability and Liability for Climate Change Elbert de Jong, 2024-11-08 As litigation rises against corporations and their climate change policies this timely book examines their accountability and liability It illustrates the potential and limitations of legal doctrines across human rights law soft law contract law consumer law and non contractual liability law for holding corporations responsible for climate change *Climate Change Liability and the Allocation of Risk*, 2007

Symposium, Climate Change Liability and the Allocation of Risk, 2007 Research Handbook on Climate Change Adaptation Law Verschuuren, Jonathan, 2022-06-14 This thoroughly revised Research Handbook on Climate Change Adaptation Law brings together leading scholars in the field to summarise and assess key topics including tort and insurance law disaster law water law and marine law as well as biodiversity law and pollution control The Social and Behavioural Aspects of Climate Change Pim Martens, Chiung Ting Chang, 2017-09-08 Over the past few years and certainly since the publication of the Stern Report there has been increasing recognition that climate change is not only an environmental crisis but one with important social and economic dimensions There is now a growing need for multi disciplinary research and for the science of climate change to be usefully translated for policy makers Until very recently scientific and policy emphasis on climate change has focused almost exclusively on mitigation efforts mechanisms and regulations to reduce greenhouse gas emissions The success of such efforts to date is debatable In fact the impact of ever more stringent emission control programmes could potentially have enormous social consequences Little effort has been expended on the exploration of a systematic evaluation of climate stabilization benefits or the costs of adapting to a changed climate let alone attempting to integrate different approaches There is an increasing recognition that the key actors in the climate crisis also need to be preparing for change that is unavoidable This has resulted in a greater consideration of vulnerability and adaptation The book based on the research programme Vulnerability Adaptation and Mitigation VAM which ran from 2004 to 2010 funded by the Netherlands Organisation for Scientific Research NWO presents a cluster of case studies of industries communities and institutions which each show how vulnerability adaptation and mitigation analyses can be integrated using social behavioural sciences Each chapter makes specific recommendations for the studied industry sector community or institution analyses the latest research developments of the field and identifies priorities for future research The book argues that the inherent complexity of climate change will ultimately require a much more integrated response both scientifically to better understand multiple causes and impacts as well as at the scientific policy interface where new forms of engagement between scientists policy makers and wider stakeholder groups can make a valuable contribution to more informed climate policy and practice The book is particularly timely as the scientific research and policy debate is shifting from one of problem framing to new agendas that are much more concerned with implementation the improvement of assessment methodologies from a multi disciplinary perspective and the reframing of current scientific understanding towards mitigation adaptation and

vulnerability A critical element in responding to the climate change challenge will be to ensure the translation of these new scientific insights into innovative policy and practice on the ground This book provides some fundamental elements to answer this need The Social and Behavioural Aspects of Climate Change Linking Vulnerability Adaptation and Mitigation will be essential reading for social science researchers and policy managers in the area of climate change as well as for those who want to know what the social and behavioural sciences can contribute toward coping with climate hazards NGOs law firms and businesses in the energy sector or other climate related fields will also find the book of great value

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