



# Non-Compliance Procedures and Mechanisms and the Effectiveness of International Environmental Agreements

Tullio Treves | Laura Pineschi | Attila Tanzi | Cesare Pitea  
Chiara Ragni | Francesca Romanin Jacur — Editors

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# Non Compliance Procedures And Mechanisms And The Effectiveness Of International Environmental Agreements

**Judith Schäli**



## **Non Compliance Procedures And Mechanisms And The Effectiveness Of International Environmental Agreements:**

**Non-Compliance Procedures and Mechanisms and the Effectiveness of International Environmental Agreements** Tullio Treves, Attila Tanzi, Cesare Pitea, Chiara Ragni, Laura Pineschi, 2009 Traditional means of international dispute settlement have proved to be largely ineffective in ensuring the effectiveness of international environmental law. Thus states are increasingly creating regime specific systems to control facilitate and assist the implementation of and compliance with each multilateral environmental agreement. By bringing together the perspectives of scholars negotiators and practitioners this book provides a comprehensive and in depth analysis of the most advanced of these systems the so called non compliance mechanisms in which a specialized treaty body is entrusted with the task of examining cases of non compliance by State parties. Included are descriptions of each mechanism and an analysis of cross cutting issues. It also explains how these systems relate to relevant concepts and mechanisms of general international law and for the first time of European Union law. The book is a valuable source of information and recommended reading for academics practitioners civil servants NGOs and all those interested in public international law EC law and environmental law. Tullio Treves is a Judge at the International Tribunal for the Law of the Sea and Professor of International Law at the University of Milan. Laura Pineschi is Professor of International Law at the University of Parma. Attila Tanzi is Professor of International Law at the University of Bologna and Chairperson of the Compliance Committee of the Protocol on Water and Health. Cesare Pitea is Aggregate Professor of International and European Law at the University of Parma. Chiara Ragni is a Senior Researcher in International Law at the University of Milan and Francesca Romanin Jacur is a Post doc Researcher in International Law at the University of Milan and Legal Adviser to the Italian Ministry of the Environment Land and Sea in a project of the University of Siena.

**Multilateral Compliance Mechanisms in EU Environmental Law** Birgit Hollaus, 2023-07-01 Prompted by recent events in the EU's international environmental cooperation this thought provoking book explores the establishment and use of multilateral environmental compliance mechanisms as part of the EU's external environmental action. Expanding upon current discussions in external relations law this timely book uses a doctrinal approach to analyse EU engagement with this key instrument of treaty based international environmental governance. *Greening International Jurisprudence* Cathrin Zengerling, 2013-08-22 *Greening International Jurisprudence* Environmental NGOs before International Courts Tribunals and Compliance Committees examines how international judicial and quasi judicial bodies enforce international environmental law with particular consideration to the role of environmental NGOs. The analytical structure of the study is based on four aspects of discussion and research the enforcement deficit in environmental law global environmental governance and sustainable development the proliferation of international judicial and quasi judicial bodies and deliberation and democratic global governance. Author Cathrin Zengerling analyses the institutional structure as well as the environmental case law from a total of fourteen international courts arbitral tribunals and compliance committees with special focus on accessibility.

comprehensiveness and transparency Underlying this analysis is the fundamental question of whether the respective body appropriately contributes to the realization of democratic governance for sustainable development After presenting her core findings the author provides concrete recommendations for future best practices and discusses the need for a new World Environment Court Researchers practitioners and students of international environmental law will find an important thought provoking and timely new text in Greening International Jurisprudence Environmental NGOs before International Courts Tribunals and Compliance Committees Research Handbook on International Marine Environmental Law Rosemary Rayfuse,Aline Jaeckel,Natalie Klein,2023-01-20 This wholly new edition of the Handbook provides an authoritative examination of international law relating to the protection of the marine environment Chapters critically engage with current legal issues surrounding activities that harm the marine environment including marine pollution seabed activities exploitation of marine biodiversity and climate change and with the different legal tools and mechanisms including environmental impact assessments and compliance and dispute settlement mechanisms used to protect the marine environment New chapters also address legal issues relating to the role of technology and marine scientific research as well as the application of principles such as public participation This title contains one or more Open Access chapters

**International Environmental Law Compliance in Context** Belen Olmos Giupponi,2021-04-22 This book explores how compliance with international environmental law has changed over time offering a critical analysis of its current shifting patterns Beginning with an overview of compliance with international environmental law the book goes on to explore in detail compliance in the different legal regimes instituted by Multilateral Environmental Agreements MEAs the addition of new subjects of international law the legal relations between developed and developing countries and the emergence of new compliance mechanisms in global environmental law The analysis takes two key developments into consideration the evolution in forms of compliance and non state involvement in compliance with international environmental law In the final section three case studies are provided to demonstrate how these changes have occurred in selected areas climate change biodiversity and water resources Throughout the book topics are illustrated with extracts from specific international environmental law jurisprudence and relevant international environmental law instruments In doing so the book offers a comprehensive analysis of compliance with international environmental law providing original insights and following a clear and systematic structure supported by reference to the sources This book will be of interest to professionals academics and students working in the field of compliance with international environmental law *The Functions of International Adjudication and International Environmental Litigation* Joshua Paine,2024-05-31 This book uses environmental disputes as a focus to develop a novel comparative analysis of the functions of international adjudication Paine focuses on three challenges confronting international tribunals managing change in applicable legal norms or relevant facts determining the appropriate standard and method of review when scrutinising State conduct for compliance with international obligations and

contributing to wider processes of dispute settlement The book compares how tribunals manage these challenges across four key sites of international adjudication adjudication in the World Trade Organization and under the United Nations Convention on the Law of the Sea International Court of Justice litigation and investment treaty arbitration It shows that while international tribunals perform several key functions in the contemporary international legal order they are subject to significant constraints Paine makes a genuine addition to literature on the role of international adjudication in international law which will benefit academics practitioners and policymakers

**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

**The Environment Through the Lens of International Courts and Tribunals** Edgardo Sobenes, Sarah Mead, Benjamin Samson, 2022-06-01 This book brings together leading and emerging scholars and practitioners to present an overview of how regional international and transnational courts and tribunals are engaging with the environment With the natural world under unprecedented pressure the book highlights the challenges and opportunities presented by international dispute resolution for the protection of the environment and the further development of international environmental law Presented in three parts it addresses how individual courts and tribunals engage with environmental matters Part I how courts and tribunals are resolving key issues common to environmental litigation Part II and future opportunities and

developments in the field Part III The book is an essential one stop shop for students practitioners and academics alike interested in international litigation and the protection of our global environment Edgardo Sobenes is an international lawyer and consultant in international law ESILA Sarah Mead is a lawyer specialising in international environmental and human rights law and Benjamin Samson is a researcher at the Universit Paris Nanterre and consultant in international law The Practice of Shared Responsibility in International Law André Nollkaemper,Ilias Plakokefalos,Jessica Schechinger,Jann K. Kleffner,2017-02-02 This book reviews the practice of shared responsibility in multiple issue areas of international law to assess its application and development Implementing International Environmental Law and Policy Joanna Miller Smallwood,2024-01-24 This book introduces a novel discourse based on socio legal theory of compliance with international environmental law which addresses the overarching question When can international environmental law and policy achieve implementation compliance and be effective Offering an important contribution to academic and practical understandings of implementation and compliance with international environmental obligations the book firstly critiques existing multidisciplinary theories of law and then brings together international and domestic legal theories to highlight their symbiotic relationship It also stresses the importance of interactions between domestic and international legal and policy processes This pioneering discourse is argued to be transformative to international environmental regimes and offers a way for them to be truly normative and to achieve compliance The book will be of interest to students and scholars in the field of socio legal studies and international environmental law and policy The Open Access version of this book available at <http://www.taylorfrancis.com> has been made available under a Creative Commons Attribution Non Commercial No Derivatives CC BY NC ND 4 0 license *The Oxford Handbook of International Environmental Law* Lavanya Rajamani,Jacqueline Peel,2021-08-06 The second edition of this leading reference work provides a comprehensive discussion of the dynamic and important field of international law concerned with environmental protection It is edited by globally recognised international environmental law scholars Professor Lavanya Rajamani and Professor Jacqueline Peel and features 67 chapters authored by 76 renowned experts in their fields The Handbook discusses the key principles underpinning international environmental law its relevant actors and tools and rules applying in its substantive sub fields such as climate law oceans law wildlife and biodiversity law and hazardous substances regulation It also explores the intersection of international environmental law with other areas of international law such as those concerned with trade investment disaster migration armed conflict intellectual property energy and human rights The Handbook sets its discussion of international environmental law in the broader interdisciplinary context of developments in science ethics politics and economics which inform the way in which environmental rules are made implemented and enforced It provides an introduction to the foundations of international environmental law while also engaging with questions at the frontiers of research teaching and practice in the field including the role of Global South perspectives the contribution made by Earth jurisprudence and the growing role of a diverse range

of actors from indigenous peoples to business and industry Like the first edition this second edition of the Handbook is an essential reference text for all engaged with environmental issues at the international level and the applicable governance and regulatory structures

*International Courts and the Development of International Law* Nerina Boschiero, Tullio Scovazzi, Cesare Pitea, Chiara Ragni, 2013-03-15 This book contains a collection of essays by leading experts linked to the outstanding characteristics of the scholar in honour of whom it is published Tullio Treves who combines his academic background with his practical experiences of a negotiator of international treaties and a judge of an international tribunal It covers international public and private law related to international courts and the development of international law Under Article 38 of its Statute the International Court of Justice can apply judicial decisions only as a subsidiary means for the determination of rules of law However there are many reasons to believe that international courts and tribunals do play quite an important role in the progressive development of international law There are a number of decisions which are inevitably recalled as the first step or a decisive step in the process of the formation of a new rule of customary international law In these cases can the judge be considered as a subsidiary of others Are these cases compatible with the common belief that a judge cannot create law Is this a peculiarity of international law which is characterized by the existence of several courts but the lack of a legislator Do decisions by different courts lead to the consequence of a fragmented international law This volume provides the reader with an elaboration of various questions linked to the legislative role of courts In their choices of subjects some contributors have taken into account the general aspects of the development of international rules through court decisions or specific sectors of international law such as human rights international crimes international economic law environmental law and the law of the sea Others have chosen the subject of the rules on jurisdiction and procedure of international courts The question of the courts role in the development of areas of law different from public international law namely private international law and European Union law has also been considered The information and views contained in this book will be of great value to academics students judges practitioners and all others interested in the public and private international law aspects of the link between international courts and the development of international law

*The External Environmental Policy of the European Union* Elisa Morgera, 2012-10-11 This collection of essays comprehensively and systematically analyzes the various instruments and innovative approaches through which the EU is forging its external environmental policy the legal implications of its multifaceted practice and interactions with international environmental law It explains the legal and institutional framework for EU external action on environmental protection and sustainable development identifying the changes introduced and challenges posed by the Lisbon Treaty It explores key tools and trends in defining and implementing EU external policy across a broad range of environmental issues as well as linkages with trade and human rights It also assesses the reciprocal influences between the development and implementation of EU environmental law and of international environmental law

When Environmental Protection and Human Rights Collide

Marie-Catherine Petersmann,2022-10-27 Conflicts between environmental protection laws and human rights present delicate trade offs when concerns for social and ecological justice are increasingly intertwined This book retraces how the legal ordering of environmental protection evolved over time and progressively merged with human rights concerns thereby leading to a synergistic framing of their relation It explores the world making effects this framing performed by establishing how humans ought to relate to nature and examines the role played by legislators experts and adjudicators in re producing it While it questions contextualises and problematises how and why this dominant framing was construed it also reveals how the conflicts that underpin this relationship and the victims they affect mainly remained unseen The analysis critically evaluates the argumentative tropes and adjudicative strategies used in the environmental case law of regional courts to understand how these conflicts are judicially mediated thereby opening space for new modes of politics legal imagination and representation *The Mitigation of Marine Plastic Pollution in International Law* Judith Schäli,2022-04-19 The open access publication of this book has been published with the support of the Swiss National Science Foundation The massive

accumulation of plastics in marine environments is one of the most pressing environmental concerns of our time This book examines the relevant international legal framework applying to land based sources of plastic pollution Against the backdrop of the dynamics of recent policy formulation in this field it outlines the main developments and provides a snapshot inventory of state obligations related to plastic pollution mitigation The Mitigation of Marine Plastic Pollution in International Law identifies the main barriers and opportunities and points out the possible building blocks of an enhanced regime

**Foreign Investment and the Environment in International Law** Jorge E. Viñuales,2012-09-13 Conflicts between foreign investment law and environmental law are becoming increasingly frequent On the one hand the rise of environmental regulation poses significant challenges to foreign investors in several industries On the other the surge in investment arbitration proceedings is making States aware of the important litigation risks that may result from the adoption of environmental regulation This study of the relationship between these two areas of law adopts both a policy and a practical perspective It identifies the major challenges facing States foreign investors and their legal advisers as a result of the potential friction between investment law and environmental law and provides a detailed analysis of all the major legal issues on the basis of a comprehensive study of the jurisprudence from investment tribunals human rights courts and bodies the ICJ the WTO the ITLOS the CJEU and other adjudication mechanisms *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 **Lyster's International Wildlife Law** Michael

Bowman,Peter Davies,Catherine Redgwell,2010-12-23 The development of international wildlife law has been one of the most



significant exercises in international law making during the last fifty years This second edition of Lyster's *International Wildlife Law* coincides with both the UN Year of Biological Diversity and the twenty fifth anniversary of Simon Lyster's first edition The risk of wildlife depletion and species extinction has become even greater since the 1980s This new edition provides a clear and authoritative analysis of the key treaties which regulate the conservation of wildlife and habitat protection and of the mechanisms available to make them work The original text has also been significantly expanded to include analysis of the philosophical and welfare considerations underpinning wildlife protection the cross cutting themes of wildlife and trade and the impact of climate change and other anthropogenic interferences with species and habitat Lyster's *International Wildlife Law* is an indispensable reference work for scholars practitioners and policy makers alike

*International Environmental Law* Pierre-Marie Dupuy, Jorge E. Viñuales, 2018-06-07 *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

*Cassese's International Law* Antonio Cassese, Paola Gaeta, Jorge E. Viñuales, Salvatore Zappalà, 2020 Cassese's *International Law* is a new edition of an established classic The authors have refreshed Cassese's original approach ensuring the book continues to compare the traditional legal position with the developing and evolving law Advancing areas such as the law of the sea territorial matters and international environmental law have been expanded to give proper place to their evolving development while brand new chapters on international trade and foreign investment have been written to reflect the advancements of these areas

# **Non Compliance Procedures And Mechanisms And The Effectiveness Of International Environmental Agreements**

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