

the making of environmental law

the making of environmental law is a complex process shaped by history, science, societal values, and legal frameworks. This article provides an in-depth look at how environmental law develops, examining its origins, evolution, and the factors that drive change. Readers will discover the roles of governments, international organizations, activists, and businesses in shaping regulations that protect our planet. Key topics include the history of environmental legislation, major milestones, the impact of scientific research, principles guiding the creation of laws, challenges faced in enforcement, and future trends. Whether you are a student, professional, or simply interested in sustainability, this comprehensive guide will enhance your understanding of the making of environmental law and its significance for global environmental protection.

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Historical Foundations of Environmental Law

The making of environmental law has deep historical roots, evolving from early local regulations to comprehensive national and international frameworks. Initial efforts often focused on public health, such as sanitation measures and water quality standards in urban areas. As industrialization grew, so did concerns about air pollution, waste management, and the impact of human activity on nature.

By the mid-20th century, landmark events such as the publication of "Silent Spring" and environmental disasters like oil spills and chemical accidents raised public awareness. Governments responded with legislation targeting pollution and resource conservation. The development of environmental law accelerated, integrating ecological principles and expanding to address global issues such as climate change and biodiversity loss.

- Early local and national regulations focused on public health and sanitation.

- Industrialization led to broader pollution control laws.
- Major environmental disasters and scientific findings drove legislative change.
- International cooperation began to address cross-border environmental issues.

Key Principles in the Making of Environmental Law

Environmental law is guided by a set of underlying principles that inform its creation and application. These principles help lawmakers balance economic development with environmental protection, ensuring long-term sustainability and justice.

Precautionary Principle

The precautionary principle urges lawmakers to act when there is a risk of serious or irreversible environmental harm, even if scientific certainty is lacking. This approach prioritizes prevention and shifts the burden of proof to those proposing potentially harmful activities.

Polluter Pays Principle

This principle holds that those responsible for pollution should bear the costs of managing and mitigating its impact. It incentivizes businesses and individuals to minimize environmental harm and supports funding for remediation efforts.

Sustainable Development

Sustainable development is a central concept in environmental lawmaking, emphasizing the need to meet current needs without compromising future generations. Laws are designed to balance economic, social, and environmental interests.

Public Participation and Access to Justice

Environmental law increasingly recognizes the importance of public input. Mechanisms for public participation, transparency, and access to justice empower communities to influence decisions and hold authorities accountable.

Major Milestones and Influences

The making of environmental law has been shaped by key events, influential treaties, and landmark legislation. These milestones reflect shifts in societal values and scientific understanding, setting precedents for future legal development.

Landmark Legislation

- The Clean Air Act (USA) set early standards for air pollution control.
- The National Environmental Policy Act (NEPA) introduced environmental impact assessments.
- The Endangered Species Act protected threatened wildlife and habitats.
- The European Union's environmental directives harmonized standards across member states.

International Treaties

Global cooperation led to significant treaties such as the Stockholm Declaration, the Montreal Protocol for ozone protection, and the Paris Agreement on climate change. These agreements set frameworks for international action and fostered collaborative solutions.

Influential Court Decisions

Judicial rulings have clarified the scope and enforcement of environmental laws, often expanding protection for ecosystems and public health. Courts play a critical role in interpreting legislation and resolving disputes.

The Role of Science and Technology

Scientific research and technological innovation are essential in the making of environmental law. Advances in monitoring, data analysis, and risk assessment inspire new regulations and refine existing ones.

Environmental laws increasingly rely on scientific evidence to identify risks, set standards, and evaluate compliance. Technology also helps monitor pollution, manage resources, and develop sustainable alternatives, influencing both policy and enforcement.

Stakeholders in Shaping Environmental Legislation

The development of environmental law involves diverse stakeholders, each contributing unique perspectives and expertise. Collaboration and conflict among these groups shape the content and effectiveness of regulations.

Government Agencies

National, regional, and local governments draft, implement, and enforce environmental laws. Their responsibilities range from setting standards to conducting inspections and imposing penalties for violations.

Non-Governmental Organizations (NGOs)

Environmental NGOs advocate for stronger protections, raise public awareness, and often participate in policy development. Their research and campaigns can influence legislative agendas and public opinion.

Industry and Business

Businesses are both regulated entities and innovators in environmental management. Their practices affect the environment, and their input helps design practical, economically viable regulations.

The Public and Indigenous Communities

- Citizens participate through consultations, activism, and litigation.
- Indigenous communities offer traditional knowledge and advocate for culturally relevant protections.

Challenges in the Development and Enforcement of Environmental Laws

Despite progress, the making of environmental law faces significant challenges. Conflicting interests, resource constraints, and evolving threats require constant adaptation and innovation.

Conflicting Economic and Environmental Goals

Balancing growth with environmental protection is a lasting challenge. Economic pressures can undermine enforcement or lead to weakened regulations, especially in resource-dependent regions.

Complexity and Implementation

Environmental laws often involve technical complexity and require coordination across jurisdictions. Effective implementation depends on clear rules, adequate funding, and skilled personnel.

Globalization and Transboundary Issues

- Pollution and environmental impacts cross borders, complicating enforcement.
- International cooperation is needed for issues like climate change and biodiversity loss.
- Differing legal systems and priorities create obstacles to harmonization.

Future Directions in Environmental Lawmaking

Environmental law continues to evolve in response to emerging challenges and opportunities. Future trends include the integration of climate change adaptation, circular economy principles, and recognition of ecological rights.

Advances in digital technology, such as remote sensing and artificial intelligence, support more efficient monitoring and enforcement. Greater emphasis on equity, resilience, and participation will shape the next generation of environmental laws.

Conclusion

The making of environmental law is a dynamic, ongoing process that reflects scientific insights, societal priorities, and global collaboration. By understanding its history, principles, stakeholders, and challenges, we can better appreciate its crucial role in safeguarding the environment and promoting sustainable development.

Trending Questions & Answers about the Making of Environmental Law

Q: What is environmental law and why is it important?

A: Environmental law consists of legal frameworks designed to protect the environment, regulate pollution, and promote sustainable development. It is important because it helps prevent environmental degradation, safeguard public health, and ensure responsible use of natural resources.

Q: How did environmental law originate?

A: Environmental law originated from early public health and pollution control measures, evolving in response to industrialization, scientific discoveries, and public concern about environmental crises.

Q: Who are the main stakeholders involved in the making of environmental law?

A: Key stakeholders include government agencies, NGOs, businesses, the public, and indigenous communities, each contributing perspectives and expertise to shape legislation.

Q: What are the major principles guiding environmental law?

A: The main principles include the precautionary principle, polluter pays principle, sustainable development, and public participation in decision-making.

Q: What challenges does environmental law face today?

A: Challenges include balancing economic and environmental goals, technical complexity, resource limitations, and addressing transboundary or global issues like climate change.

Q: How does science influence environmental lawmaking?

A: Science provides the evidence needed to identify risks, set regulatory standards, and monitor compliance, helping lawmakers create effective and adaptive environmental regulations.

Q: What are some landmark environmental laws or treaties?

A: Notable examples include the Clean Air Act, National Environmental Policy Act, Endangered Species Act, Montreal Protocol, and Paris Agreement.

Q: How is public participation ensured in environmental law?

A: Public participation is ensured through consultations, transparency measures, access to information, and opportunities for legal action against violations.

Q: What trends are shaping the future of environmental law?

A: Emerging trends include greater emphasis on climate resilience, ecological rights, circular economy, and the use of digital technologies for monitoring and enforcement.

Q: Why is international cooperation necessary in environmental law?

A: International cooperation is essential because many environmental issues, such as climate change and pollution, cross borders and require coordinated global solutions.

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The Making of Environmental Law: A Journey Through Legislation and Activism

The air we breathe, the water we drink, the land we inhabit – these are not just resources; they're the foundation of our existence. Protecting them requires a robust legal framework, a framework forged in the fires of scientific discovery, public outcry, and tireless advocacy. This post delves into the fascinating history of environmental law, exploring its key milestones, driving forces, and ongoing evolution. We'll unpack the complexities of its creation, highlighting pivotal moments and the individuals who shaped its course. Get ready for a journey through the making of environmental law.

Early Influences: A Foundation of Conservation

Before the formalization of environmental law as a distinct field, the seeds of its development were sown in conservation efforts. Early examples, often rooted in resource management rather than

holistic environmental protection, include:

The Forest Reserve Act of 1891 (USA): This act empowered the President to set aside forest lands as national reserves, marking an early step towards land preservation. While primarily focused on timber resources, it laid groundwork for future, broader conservation initiatives.

The Antiquities Act of 1906 (USA): This legislation gave the President the authority to declare national monuments, protecting significant cultural and natural resources. This marked a shift towards a more proactive approach to preservation, recognizing inherent value beyond mere economic utility.

These early laws, although limited in scope compared to modern environmental legislation, reveal a growing awareness of the need to manage and protect natural resources. They established crucial precedents for future, more comprehensive environmental regulations.

The Rise of Modern Environmental Law: A Response to Crisis

The mid-20th century witnessed a surge in environmental awareness, fueled by alarming incidents like the Cuyahoga River fire in 1969 (USA), which dramatically highlighted the consequences of industrial pollution. This era marked a paradigm shift, transitioning from resource management to a broader understanding of environmental protection as a public health and ecological necessity.

Key Legislative Milestones:

The National Environmental Policy Act (NEPA) of 1969 (USA): A cornerstone of modern environmental law, NEPA requires federal agencies to assess the environmental impact of their actions, ushering in the era of Environmental Impact Assessments (EIAs).

The Clean Air Act of 1970 (USA): This landmark legislation set national air quality standards and established regulations to control air pollution from various sources. It represents a significant step towards addressing the pervasive problem of air pollution.

The Clean Water Act of 1972 (USA): Similarly impactful, the Clean Water Act established standards for water quality and regulated the discharge of pollutants into waterways. Its success in improving water quality across the nation is widely acknowledged.

The Endangered Species Act of 1973 (USA): This act provides a legal framework for the conservation of endangered and threatened species, showcasing a focus on biodiversity preservation. It's become a model for similar legislation globally.

These acts, alongside numerous other national and international agreements, dramatically reshaped the legal landscape, establishing a foundation for environmental protection that continues to evolve.

International Cooperation and Global Environmental Law

Environmental problems transcend national boundaries. Acid rain, climate change, and depletion of the ozone layer necessitate international collaboration. This led to the creation of a complex web of international treaties and agreements, including:

The Montreal Protocol (1987): Successfully phased out ozone-depleting substances, demonstrating the power of international cooperation in addressing global environmental challenges.

The United Nations Framework Convention on Climate Change (UNFCCC) (1992): A foundational agreement aiming to stabilize greenhouse gas concentrations to prevent dangerous anthropogenic interference with the climate system. The Kyoto Protocol and the Paris Agreement are subsequent agreements under the UNFCCC.

These international agreements highlight the growing recognition of shared environmental responsibility and the need for collaborative solutions to global environmental issues.

The Ongoing Evolution: Challenges and Adaptations

Environmental law is not static; it continuously evolves to address emerging challenges. New technologies, scientific discoveries, and shifting societal priorities necessitate ongoing adaptation and refinement. Current challenges include:

Climate change litigation: An increasing number of lawsuits are targeting governments and corporations for their contributions to climate change, pushing the boundaries of existing legal frameworks.

Technological advancements: New technologies, like genetically modified organisms (GMOs) and nanomaterials, require new regulations to address potential environmental risks.

Balancing economic development and environmental protection: Finding sustainable ways to balance economic growth with environmental protection remains a central challenge.

Conclusion

The making of environmental law has been a dynamic process, shaped by scientific discoveries, public activism, and political will. From early conservation efforts to the complex international agreements of today, the journey reflects a growing understanding of our interconnectedness with the natural world. The ongoing evolution of environmental law underscores the need for continuous adaptation and innovation in our efforts to protect our planet for future generations. The future of environmental law will undoubtedly be shaped by continued scientific advancement, technological

innovation, and a growing global awareness of environmental justice.

FAQs

1. What is the role of citizen activism in shaping environmental law? Citizen activism has been instrumental, raising awareness, influencing public opinion, and pushing for stronger legislation. Grassroots movements and environmental NGOs have played a vital role throughout the history of environmental law.
2. How does environmental law differ across countries? Environmental law varies significantly across countries depending on their political systems, economic priorities, and environmental challenges. However, there's increasing harmonization through international agreements.
3. What are some of the limitations of current environmental law? Enforcement challenges, loopholes in existing regulations, and the difficulties of balancing economic development with environmental protection remain significant limitations.
4. How is environmental law addressing climate change? Climate change litigation, carbon pricing mechanisms, and regulations promoting renewable energy are some of the approaches being employed.
5. What is the future of environmental law? The future likely involves increased focus on climate change adaptation and mitigation, technological innovation for environmental solutions, and a stronger emphasis on environmental justice and equity.

the making of environmental law: *The Making of Environmental Law* Richard J. Lazarus, 2008-09-15 The unprecedented expansion in environmental regulation over the past thirty years—at all levels of government—signifies a transformation of our nation's laws that is both palpable and encouraging. Environmental laws now affect almost everything we do, from the cars we drive and the places we live to the air we breathe and the water we drink. But while enormous strides have been made since the 1970s, gaps in the coverage, implementation, and enforcement of the existing laws still leave much work to be done. In *The Making of Environmental Law*, Richard J. Lazarus offers a new interpretation of the past three decades of this area of the law, examining the legal, political, cultural, and scientific factors that have shaped—and sometimes hindered—the creation of pollution controls and natural resource management laws. He argues that in the future, environmental law must forge a more nuanced understanding of the uncertainties and trade-offs, as well as the better-organized political opposition that currently dominates the federal government. Lazarus is especially well equipped to tell this story, given his active involvement in many of the most significant moments in the history of environmental law as a litigator for the Justice Department's Environment and Natural Resources Division, an assistant to the Solicitor General, and a member of advisory boards of the U.S. Environmental Protection Agency, the World Wildlife Fund, and the Environmental Defense Fund. Ranging widely in his analysis, Lazarus not only explains why modern environmental law emerged when it did and how it has evolved, but also points to the ambiguities in our current situation. As the field of environmental law grays with middle age, Lazarus's discussions of its history, the lessons learned from past legal reforms, and the challenges facing future lawmakers are both timely and invigorating.

the making of environmental law: The Rule of Five Richard J. Lazarus, 2020-03-10 Winner of the Julia Ward Howe Prize “The gripping story of the most important environmental law case ever decided by the Supreme Court.” —Scott Turow “In the tradition of *A Civil Action*, this book makes a compelling story of the court fight that paved the way for regulating the emissions now overheating the planet. It offers a poignant reminder of how far we’ve come—and how far we still must go.” —Bill McKibben, author of *The End of Nature* On an unseasonably warm October morning, an idealistic young lawyer working on a shoestring budget for an environmental organization no one had heard of hand-delivered a petition to the Environmental Protection Agency, asking it to restrict greenhouse gas emissions from new cars. The Clean Air Act authorized the EPA to regulate “any air pollutant” thought to endanger public health. But could carbon dioxide really be considered a harmful pollutant? And even if the EPA had the authority to regulate emissions, could it be forced to do so? *The Rule of Five* tells the dramatic story of how Joe Mendelson and the band of lawyers who joined him carried his case all the way to the Supreme Court. It reveals how accident, infighting, luck, superb lawyering, politics, and the arcane practices of the Supreme Court collided to produce a legal miracle. The final ruling in *Massachusetts v. EPA*, by a razor-thin 5-4 margin brilliantly crafted by Justice John Paul Stevens, paved the way to important environmental safeguards which the Trump administration fought hard to unravel and many now seek to expand. “There’s no better book if you want to understand the past, present, and future of environmental litigation.” —Elizabeth Kolbert, author of *The Sixth Extinction* “A riveting story, beautifully told.” —Foreign Affairs “Wonderful...A master class in how the Supreme Court works and, more broadly, how major cases navigate through the legal system.” —Science

the making of environmental law: Client Earth James Thornton, Martin Goodman, 2017-05-11 Environmentally, our planet lacks the laws to keep it safe and those laws we do have are feebly enforced. Every new year is the hottest in human history, while forest, reef, ice, tundra, and species are disappearing forever. It is easy to lose all hope. Who will stop the planet from committing ecological suicide? The UN? Governments? Activists? Corporations? Engineers? Scientists? Whoever, environmental laws need to be enforceable and enforced. Step forward a fresh breed of passionately purposeful environmental lawyers. They provide new rules to legislatures, see that they are enforced, and keep us informed. They tackle big business to ensure money flows into cultural change, because money is the grammar of business just as science is the grammar of nature. At the head of this new legal army stands James Thornton, who takes governments to court, and wins. And his client is the Earth. With *Client Earth*, we travel from Poland to Ghana, from Alaska to China, to see how citizens can use public interest law to protect their planet. Foundations and philanthropists support the law group ClientEarth because they see, plainly and brightly, that the law is a force all parties recognize. Lawyers who take the Earth as their client are exceptional and inspirational. They give us back our hope. PRAISE FOR JAMES THORNTON AND MARTIN GOODMAN ‘Humanity’s grace and dignity are restored each time a case is successfully brought and won ... by these exceptional environmental lawyers.’ Sculpture

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uncertain. Forming a key part of the Elgar Encyclopedia of Environmental Law, this book examines the facets of environmental principles in international, national and regional law, as applied in different parts of the world and by a variety of courts. It assembles more than fifty contributions from all continents which clarify that, as the environment itself has no voice and cannot express its concerns, there is an overriding importance of scholars' active discussion of environmental principles. The book demonstrates that the necessity to preserve this planet requires a continuous, democratic discussion of values, objectives and concepts which are expressed in the numerous and continuously evolving environmental principles.

the making of environmental law: The Making of Environmental Law Richard J. Lazarus, 2023-02-15 An updated and passionate second edition of a foundational book. How did environmental law first emerge in the United States? Why has it evolved in the ways that it has? And what are the unique challenges inherent to environmental lawmaking in general and in the United States in particular? Since its first edition, *The Making of Environmental Law* has been foundational to our understanding of these questions. For the second edition, Richard J. Lazarus returns to his landmark book and takes stock of developments over the last two decades. Drawing on many years of experience on the frontlines of legal and policy battles, Lazarus provides a theoretical overview of the challenges that environmental protection poses for lawmaking, related to both the distinctive features of US lawmaking institutions and the spatial and temporal dimensions of ecological change. The book explains why environmental law emerged in the manner and form that it did in the 1970s and traces how it developed over sequent decades through key laws and controversies. New chapters, composing more than half of the second edition, examine a host of recent developments. These include how Congress dropped out of environmental lawmaking in the early twenty-first century; the shifting role of the judiciary; long-overdue efforts to provide environmental justice to disadvantaged communities; and the destabilization of environmental law that has resulted from the election of Presidents with dramatically clashing environmental policies. As the nation's partisan divide has grown deeper and the challenge of climate change has dramatically raised the perceived stakes for opposing interests, environmental law is facing its greatest challenges yet. This book is essential reading for understanding where we have been and what challenges and opportunities lie ahead.

the making of environmental law: Before Environmental Law Benjamin J Richardson, This landmark book unveils the history of defending Australia's natural environment and examines the subject's legal and political contexts from the birth of the nation in 1901 until the advent of the so-called modern era of environmental regulation in the late 1960s. It rejects the mythology that Australia lacked environmental law before the late 1960s in revealing how many of today's environmental laws, from pollution control to nature conservation, emerged from precedents or events much earlier in the 20th century. This history however reveals a discrepancy between lawmakers' greater efficacy to exploit rather than protect the environment, a discrepancy that grew as nature's backlash intensified in a rapidly degrading continent colonised to build the Australian nation. In exploring these dynamics, the book offers a rich tapestry of case studies illustrated with historic photographs that show the origins of Australia's environmental laws and how they borrowed from international precedents or furnished lessons for other nations. Through its multi-disciplinary enquiry, the book offers scholars and students of environmental law, legal history and the environmental humanities a unique story about the failures and successes in the making of environmental law.

the making of environmental law: Law in Environmental Decision-making Tim Jewell, Jenny Steele, 1998 This collection of essays adopts a distinctive approach to environmental legal issues. The contributors represent a variety of specialisations, ranging from public law to international law and international relations. Some essays are written from within a UK domestic law perspective, but others adopt a broadly comparative, supra-national or international approach. The contributors do not assume that problems and solutions in 'environmental law' should be perceived as wholly distinct from the preoccupations of existing legal specialisms. New and proposed legal responses inevitably

build on or employ established legal techniques, rather than starting completely afresh. The contributors do however, regard environmental problems as posing or at least illuminating significant challenges to received patterns of legal thought. In the light of this, the contributors therefore investigate aspects of law's influence in environmental decision-making, and consider whether legal institutions and forms of thought can respond adequately to the challenge of environmental change.

the making of environmental law: 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.

the making of environmental law: Environmental Law Practice Jerry Linn Anderson, Dennis Daniel Hirsch, Noah Sachs, Edmund J. Tormey, 2018 Adopted at dozens of law schools, this book is a valuable resource for imparting practical skills. Authors Anderson, Hirsch, Sachs, and Tormey have drawn on their wide experience as environmental law professors and practitioners to develop realistic exercises that teach the craft of environmental lawyering. Readers will learn how to bring a federal enforcement action against a polluter; negotiate a Superfund settlement; prepare documents and strategy for a citizen's suit; counsel a corporation on environmental compliance; navigate the issues that arise in government agency litigation (e.g., limits on discovery, standards of review); comment on EPA rule making; and handle environmental issues that arise in permitting a complex real estate development, as well as many other relevant skills. Updated and expanded, the fourth edition of Environmental Law Practice is comprehensive in scope. It contains problems and exercises under each of the major environmental statutes. In addition, it places readers in the three key roles played by environmental lawyers--government attorney, corporate counsel, and public interest advocate--and provides practice pointers for each of these types of work. The book makes extensive use of original documents such as statutes, the Code of Federal Regulations (CFR), regulatory preambles, and agency guidance, exposing students to the materials that environmental lawyers use most. This book covers the most significant areas of environmental practice: compliance, enforcement, litigation, permitting, and policy. It gives in-depth treatment of substantive environmental law areas such as the Clean Air Act, Clean Water Act, CERCLA, RCRA, EPCRA, NEPA, and citizen suits. It incorporates current developments in environmental law, such as recent Supreme Court and circuit court cases. Of the many books on environmental law, Environmental Law Practice is the one to use to develop the skills to become a practice-ready environmental attorney.

the making of environmental law: The Art of Environmental Law Benjamin J Richardson, 2019-12-12 Environmental law has aesthetic dimensions. Aesthetic values have shaped the making

of environmental law, and in turn such law governs many of our nature-based sensory experiences. Aesthetics is also integral to understanding the very fabric of environmental law, in its institutions, procedures and discourses. *The Art of Environmental Law*, the first book of its kind, brings new insights into the importance of aesthetic issues in a variety of domains of environmental governance around the world, from climate change to biodiversity conservation. It also argues for aesthetics, and relatedly the arts, to be taken more seriously in the practice of environmental law so as to improve our emotional and ethical capacities to address the upheavals of the Anthropocene.

the making of environmental law: *Environmental Law: A Very Short Introduction* Elizabeth Fisher, 2017-10-19 Environmental law is the law concerned with environmental problems. It is a vast area of law that operates from the local to the global, involving a range of different legal and regulatory techniques. In theory, environmental protection is a no brainer. Few people would actively argue for pollution or environmental destruction. Ensuring a clean environment is ethically desirable, and also sensible from a purely self-interested perspective. Yet, in practice, environmental law is a messy and complex business fraught with conflict. Whilst environmental law is often characterized in overly simplistic terms, with a law being seen as be a magic wand that solves an environmental problem, the reality is that creating and maintaining a body of laws to address and avoid problems is not easy, and involves legislators, courts, regulators and communities. This Very Short Introduction provides an overview of the main features of environmental law, and discusses how environmental law deals with multiple interests, socio-political conflicts, and the limits of knowledge about the environment. Showing how interdependent societies across the world have developed robust and legitimate bodies of law to address environmental problems, Elizabeth Fisher discusses some of the major issues involved in environmental law's: nation statehood, power, the reframing role of law, the need to ensure real environmental improvements, and environmental justice. As Fisher explains, environmental law is, and will always be, necessary but inherently controversial. ABOUT THE SERIES: The Very Short Introductions series from Oxford University Press contains hundreds of titles in almost every subject area. These pocket-sized books are the perfect way to get ahead in a new subject quickly. Our expert authors combine facts, analysis, perspective, new ideas, and enthusiasm to make interesting and challenging topics highly readable.

the making of environmental law: The Effectiveness of Environmental Law Sandrine Maljean-Dubois (juriste)), 2017 This book is the third volume in the European Environmental Law Forum (EELF) book series. The EELF is a non-profit initiative of environmental law scholars and practitioners from across Europe aiming to support intellectual exchange on the development and implementation of international, European and national environmental law in Europe. One of the activities of the EELF is an annual conference. This book is comprised of fifteen contributions presented at the Third EELF Conference in Aix-en-Provence, hosted by the Central European Research Infrastructure Consortium, at Aix-Marseille University, September 2015. The central topic of the book is the effectiveness of environmental law. The impressive development in environmental law has not always been matched by corresponding improvements in environmental quality. The threats to our environment and, by extension, to our health have never been so numerous or serious. But paradoxically, the effectiveness of environmental law has been a long-neglected issue. This book offers a fruitful and stimulating dialogue between practitioners and academics, from varied countries and varied fields, combining empirical and theoretical approaches. The contributions go from classical-but still necessary-tools (control, criminal, administrative, civil sanctions, liability rules, strengthening of the regulatory structure, and the role of judges), to more innovative ones (public participation, effectiveness of instrument mixes, collaborative governance, hybrid governance, and private environmental enforcement). (Series: European Environmental Law Forum, Vol. 3) Subject: Environmental Law, European Law]

the making of environmental law: *International Environmental Law-making and Diplomacy* Tuomas Kuokkanen, Ed Couzens, Tuula Honkonen, Melissa Lewis, 2016-01-29 Bringing together contributions from diplomats, UN agency officials, lawyers and academics, this book provides insight into the evolution of international environmental law, diplomacy and negotiating techniques. Based

on first-hand experiences and extensive research, the chapters offer a blend of practice and theory, history and analysis, presenting a range of historical episodes and nuances and drawing lessons for future improvements to the processes of law-making and diplomacy. The book represents a synthesis of the most important messages to emerge from the annual course on Multilateral Environmental Agreements, delivered to diplomats and negotiators from around the world for the last decade by the University of Eastern Finland and the United Nations Environment Programme. The book will be of interest as a guide for negotiators and as a supplementary textbook and a reference volume for a wide range of students of law and environmental issues.

the making of environmental law: *Environmental Law and American Business* Joseph F. DiMento, 2013-06-29 We are in the second decade of modern environmental law. By some indicators this body of regulation has matured greatly. We can point to statutes and codes at the federal, state, and local levels which address almost every conceivable form of pollution and environmental insult. Yet, despite the existence of this large body of law, despite considerable expenditures on enforcement, and despite the energetic efforts of people sympathetic to environmental objectives, violations are numerous. Serious pollution problems are commonplace. Love Canal, the Valley of the Drums, Times Beach, and Stringfellow Acid Pits epitomize the national environmental quality challenge. Daily, a major illegal disposal of hazardous waste is recorded; a new mismanaged dump site is discovered; a toxic substance is found in our drinking water; or a failure to meet a water or air quality standard is identified. Many of these violations involve American business. Failures to comply are of several types. A small businessman in Pennsylvania mistakenly allows a spillover of a pollutant into a protected stream. An industrialist in the Midwest adds to his fortune by illegally dumping dangerous chemicals. A series of errors by several firms, some of which no longer exist, combine to create a health threatening conflagration on the West Coast. An automobile company interprets one of the almost innumerable air pollution rules differently from government: It produces a car which the government says fails to comply with the Clean Air Act.

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the making of environmental law: *Principles of International Environmental Law* Philippe Sands, 2003-10-09 This second edition of Philippe Sand's leading textbook on international environmental law provides a clear and authoritative introduction to the subject, revised to December 2002. It considers relevant new topics, including the Kyoto Protocol, genetically modified organisms, oil pollution, chemicals etc. and will remain the most comprehensive account of the principles and rules relating to environmental protection and the conservation of natural resources. In addition to the key material from the 1992 Rio Declaration and subsequent developments, Sands also covers topics including the legal and institutional framework, the field's historic development and standards for general application. This will continue to be an invaluable resource for both students and practitioners alike.

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the making of environmental law: *Key Materials in International Environmental Law* Alix Gowlan-Gualtieri, 2017-09-08 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.

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environmental regulation is becoming more complex and interrelated, making it an emerging field of study for European law graduates, and an area of increasing exposure to the legal profession. This book gives readers a thorough overview of core European environmental law, with a section on the basic framework and principles, as well as on substantive law issues giving insight into the legislation in the different sectors and the most topical developments.

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Environmental Law and Asian Values concludes that, although some gaps can be identified between international imperatives and regional responses, Asian values have not proved to be an insurmountable barrier to the spread of international environmental legal ideas. On the whole, the region is responding to impulses emanating from the global arena rather than resisting them consciously. The analysis and conclusions of this comprehensive and original work will be of considerable interest to scholars of international law and relations, environmental policy, comparative culture, economic development, and social change.

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law in this area. Dorothy Gillies is a lawyer and lecturer in law at the University of Glasgow. She has worked in the European Parliament and in the European Commission's Directorate-General XI for Environment, Nuclear Safety and Civil Protection. Originally published in 1998

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The international community should develop new law-making procedures that include expert opinion. Current scientific uncertainties can be resolved either by policy choices or by referring to the so-called „sound science.“ In formulating a new framework for environmental lawmaking processes, it is essential to re-shape the rules of procedure, so that experts have greater participation in those, in order to improve the quality of International Environmental Law faster than the traditional processes that mainly embrace political priorities generated by the States. Science serves as one of the main tools that will create the next generation of International Environmental Law and help the world transition to a smart, inclusive, sustainable future.

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