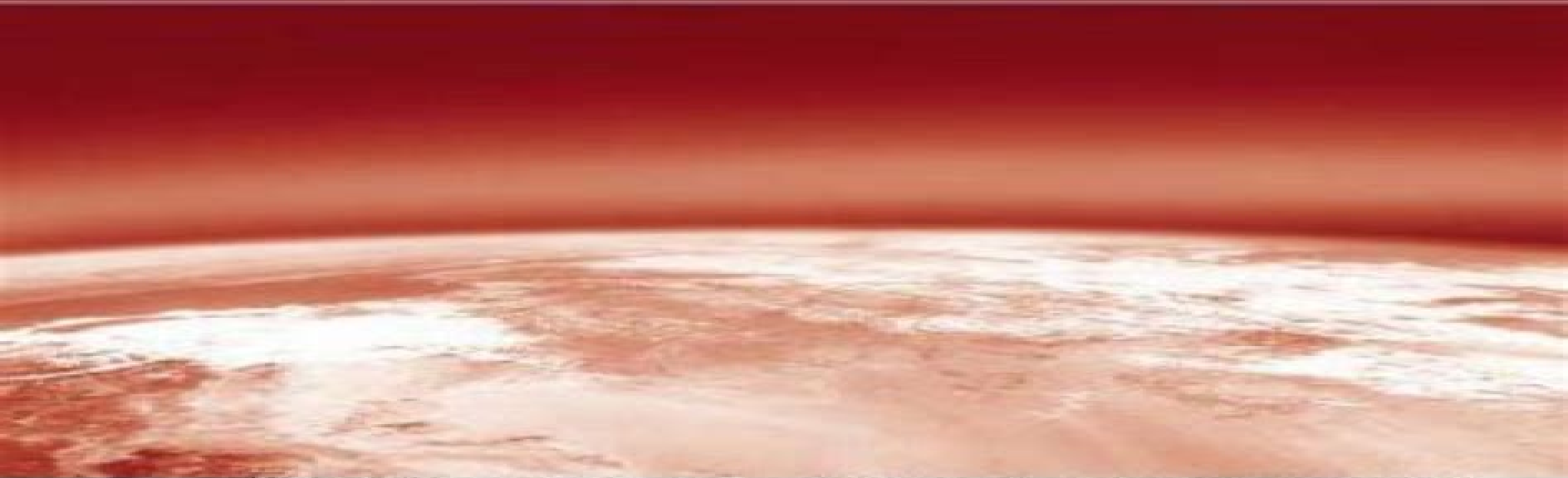




CLIMATE CHANGE LIABILITY



Edited by Michael Faure and Marjan Peeters



NEW HORIZONS IN ENVIRONMENTAL AND ENERGY LAW

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Peipei Pang



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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,2011-01-01 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 Page 4 of cover Symposium, Climate Change Liability and the Allocation of Risk ,2007

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 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 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 **Climate Change Liability and the Allocation of Risk** ,2007 **Climate Change Litigation** Jacqueline Peel,Hari M.

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will focus on injunctive relief *Climate Justice and Historical Emissions* Lukas H. Meyer,Pranay Sanklecha,2017-02-16 This book provides a systematic introduction to the debate on historical emissions and climate change for students researchers and policymakers **The Global Insurance Market and Change** Anthony A Tarr,Julie-Anne Tarr,Maurice Thompson,Dino Wilkinson,2023-10-17 This book focuses on the global landscape in which insurance is transacted and where it is evolving driven from within by transformative technologies and externally by the necessity to address risks like climate change and health crises such as the COVID 19 pandemic It discusses the dynamic challenges and opportunities that lie ahead for the industry in areas such as on demand insurance embedded insurance parametric insurance autonomous vehicles the rise of fintech the cyber risk landscape and through initiatives driven by distributed ledger technology or blockchain solutions Moreover it covers the major external challenges confronting the global insurance market such as the growing insurance protection gap in relation to the affordability and insurability of natural catastrophes and climate change and pandemics like COVID 19 This book examines innovations in insurance driven by the industry as well as externally imposed changes and dynamics impacting the industry It describes these changes the industry s responses and the legal framework in which they occur It canvasses additional regulatory and law reform initiatives that may be necessary to achieve an effective balance between the various competing interests The book is the first to address these matters holistically with a particular focus upon insurance law it will describe these changes and industry responses and the legal framework in which they occur The Global Insurance Market will be directly relevant to legal professionals insurers insurtechs fintechs brokers CEOs of insurance companies risk managers legal counsel academics researchers the judiciary and policy makers It will also serve as a valuable resource for students of all levels **Climate Change Liability - Concluding Remarks** Michael G. Faure,Marjan Peeters,2013 This are the concluding remarks to an edited volume on climate change liability The introduction sketches the reasons for writing a book on climate change liability as well as the problem definition methodology and structure of the book The concluding remarks show that from the contributions in the book it is clear that climate change liability may have potential but that still substantial hurdles exist The most important hurdle is probably the causation requirement But in addition in legal systems that already have legal rules with respect to emissions reduction such as the European Emission Trading Scheme the argument will also be heard that the obligations to reduce emissions are limited to what is included in the emission trading scheme Moreover the concluding remarks also show that questions arise concerning the appropriate remedy in climate change actions Compensation may be too costly as a result of which most climate change liability actions will focus on injunctive relief Citing Climate Change 'death and Destruction,' Philadelphia Group Sues U.S. Government Climate Liability News,2017 **Supreme Court Ruling May Affect the Fate of Climate Change Liability Suits** Linda Tsang,2021 Landmark Climate Change Lawsuit Down to Its Essence Climate Liability News,2017 Climate Change, Responsibility and Liability Monika Hinteregger,Eva Schulev-Steindl,Gottfried Kirchengast,Lukas H.

Meyer, Oliver C. Ruppel, Gerhard Schnedl, Karl W. Steininger, 2022 The recent past has seen a rise in litigation seeking to hold specific private and public actors liable for their contribution to and impacts of climate change with a relatively low success rate This highlights the need for further research into the reasonable and just distribution of responsibility for mitigation and adaptation This book unites renowned researchers from various disciplines to explore the challenges and opportunities of assigning responsibility and liability for climate change to specific actors Thereby the importance of interdisciplinary scientific dialogue on climate change is strengthened and a new generation of jurists is to be provided with novel arguments for protecting our climate system **Symposium: Climate Change Liability and the Allocation of Risk** ,2007

Journal of Land, Resources & Environmental Law ,2009

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