

THE ROLE OF INTERNATIONAL ENVIRONMENTAL LAW IN DISASTER RISK REDUCTION

Edited by
**Jacqueline Peel
and David Fisher**

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The Role of International Environmental Law in Disaster Risk Reduction

Environmental Law in Disaster Risk Reduction

Edited by

Jacqueline Peel and David Farver



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Acknowledgments

The genesis for this book was a workshop on “How Can International Environmental Law Reduce Disaster Risk?” held at Stanford Law School on May 21–22, 2015. The workshop brought together a group of experts and disaster risk practitioners from the United States, Europe, Australia and Africa to consider options and concrete proposals for integrating preventative environmental law approaches into disaster risk reduction. The workshop—the first of its kind to consider the growing intersection between international environmental law and disaster law—was sponsored by the Stanford Environmental and Natural Resources Law and Policy Program, with co-sponsorship provided by the American Society of International Law (International Environmental Law and Disaster Law Interest Groups), the International Federation of Red Cross and Red Crescent Societies, the United Nations Environment Programme (UNEP), the Stanford Journal of International Law, and the Stanford Program in International and Comparative Law.

This book could not have come together without the willing and enthusiastic assistance of workshop participants who contributed chapters for the collection. We are most grateful to them. The book also draws on and incorporates the contributions of other participants at the workshop. We would particularly like to acknowledge the “real world” insights on disaster risk reduction in practice contributed by former Rear Admiral, U.S. Navy, David Titley; Chief of Disaster Risk Reduction at UNEP, Muralee Thummarukudy; and Chief of the Liaison Office of the United Nations Convention to Combat Desertification, Melchiade Bukuru.

We would also like to thank Marie Sheldon and John Bennett at Brill Publishers for their strong interest in this project and their commitment to working with us to get the collection expeditiously into print.

This collection comes at a key moment in the history of disaster risk reduction efforts as the topic gains increasing profile in the climate change regime and as part of the United Nation’s 2030 sustainable development agenda. The chapters in this volume consider the implications of this growing intersection, as well as tools and institutional approaches for forging better linkages between environmental law and disaster risk reduction. We believe that the volume will make a significant contribution to the literature and practice concerning disaster risk reduction, with utility for practitioners, lawyers, students

and academics working across the fields of disaster risk management, climate change adaptation and sustainable development.

Jacqueline Peel and David Fisher, editors

November 2015

Notes on Contributors

Carl Bruch

is a Senior Attorney and Co-Director of International Programs at the Environmental Law Institute (ELI). He has helped countries and organizations throughout Africa, the Americas, Asia, and Europe develop and strengthen their environmental laws, improve institutions, and build capacity. He has worked on a range of issues related to natural resources, conflict, and post-conflict peace building, including in East Timor, Ethiopia, the Ivory Coast, Lebanon, Liberia, Montenegro, Myanmar, Sierra Leone, and South Sudan, among other countries. He is coordinating a global initiative with UNEP, the University of Tokyo, and McGill University to examine experiences in managing natural resources to support post-conflict peace building. Bruch has also conducted significant research to improve the response to environmental emergencies and has authored numerous publications on this topic.

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LL.M. studied law at the University of Antwerp (1982) and criminology at the University of Gent (1983). He obtained a Masters of Law from the University of Chicago Law School (1984) and a doctor juris from the Albert Ludwigs Universität Freiburg im Breisgau. He was first a lecturer and then a senior lecturer at the department of criminal law of the law faculty of Leiden University (1988–1999) and became academic director of the Maastricht European Institution for Transnational Legal Research and Professor of Comparative and International Environmental Law at the law faculty of Maastricht University in 1991. He still holds both positions today. In addition, he is academic director of the Ius Commune Research School and member of the board of directors of Ectil. Since February 2008, he is half time professor of comparative private law and economics at the Rotterdam Institute for Law and Economics of the Erasmus University and academic director of the European Doctorate in law and Economics program. Since 1982 he is equally an attorney at the Antwerp Bar. He publishes in the areas of environmental (criminal) law, tort and insurance, and economic analysis of (accident) law.

He has written widely in the field including co-editing the seminal text, *Disaster Law*, with Daniel Farber (Elgar, 2010).

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David Fisher

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Rene Nijenhuis

has over 15 years of international experience in disaster risk management and coordination of humanitarian and environmental emergencies. Since 2011, he has been a Humanitarian Affairs Officer in the UN Office for the Coordination of Humanitarian Affairs in Geneva, Switzerland. After an initial start as a private sector consultant, Rene joined the UN Economic Commission for Europe in 2000 to work with transition countries in Central Asia, Caucasus, and Eastern Europe and support environmental mainstreaming in economic

policies. He then moved to the UN Environment Programme in Nairobi, Kenya to promote multi-stakeholder dialogues on large hydropower dams. In 2004, Rene started working on integrating environmental considerations in sudden-onset and protracted humanitarian crises as part of a partnership between UNEP and the UN OCHA. In this capacity, he participated in more than 15 humanitarian and environmental rapid response missions and supported humanitarian coordination following super typhoon Yolanda/Haiyan and the 2015 Nepal earthquake. Rene holds the equivalent of an Honors degree in Corporate Environmental Management from Rijkshogeschool IJsseland in the Netherlands and a Masters of Philosophy degree in Environmental Science from the University of Cape Town in South Africa. He is a member of Chatham House and a Fellow of the Asia Pacific Center for Security Studies.

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Jacqueline Peel

is a Professor of Law at the Melbourne Law School, University of Melbourne in Australia where she has taught for the past 13 years. Jackie's expertise lies in the areas of environmental law, climate change law and risk regulation. She has published widely on these topics including six books on *The*

Precautionary Principle in Practice, Environmental Law: Scientific, Policy and Regulatory Dimensions (with L. Godden); *Science and Risk Regulation in International Law*; *Principles of International Environmental Law* (3rd ed, with P. Sands); *Australian Climate Law in Global Context* (with A. Zahar and L. Godden) and *Climate Change Litigation: Regulatory Pathways to a Cleaner Energy Future* (with H. Osofsky). During 2015, Jacqueline was a Visiting Scholar with the Stanford Water in the West program working on topics related to climate change adaptation governance and law reform. She is also one of the current elected co-chairs of the International Environmental Law Interest Group of the American Society of International Law. Prior to taking up an academic position at the Melbourne Law School, Jacqueline served as an intern to Special Rapporteur James Crawford on the UN International Law Commission and practiced as an environmental and natural resources lawyer in Australia. She has a Bachelor of Science and Bachelor of Laws (Hon 1) from the University of Queensland, a Master of Laws from NYU and a PhD in Law from the University of Melbourne.

Mary Picard

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She has taught courses on environmental law, administrative law, behavioral law and economics, risk and the environment, law and sustainable economic development, and valuation, and has had visiting positions at Harvard Law School, Oxford University, and the Environmental Protection Agency. Along with co-author Lesley Wexler, she has written several pieces on foreign valuation, seeking to improve decision making relating to “foreign” risks.

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