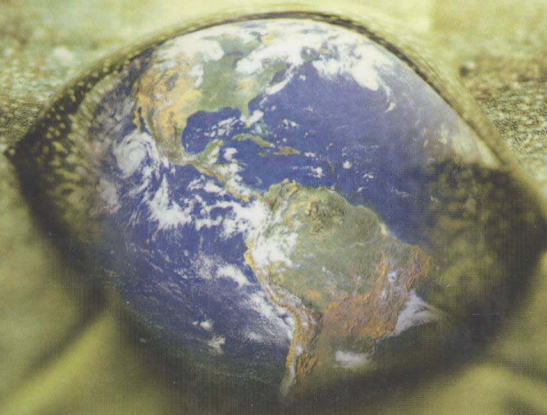




CONTEMPORARY ISSUES IN INTERNATIONAL ENVIRONMENTAL LAW

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Contemporary Issues in International Environmental Law

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Contemporary Issues in International Environmental Law

Abbreviations

<i>AJIL</i>	<i>American Journal of International Law</i>
ALARP	As Low as Reasonably Practicable
Art.	Article
BA	British Airways
BASREC	Baltic Sea Region Energy Co-operation
BATBEP	Best Available Technology/Best Environmental Practice
BLA21F	Baltic Local Agenda 21 Forum
BPO	Baltic Ports Organization
BSPC	Baltic Sea Parliamentary Conference
BSSSC	Baltic Sea States Sub-regional Cooperation
CAS	Condition Assessment Scheme
CBA	Cost-Benefit Analysis
CBDR	Common but Differentiated Responsibilities
CBSS	Council of the Baltic Sea States
CCB	Coalition Clean Baltic
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CO ₂	Carbon Dioxide
<i>Colo. J. Int'l. Entvt'l L. & Pol'y</i>	<i>Colorado Journal of International Environmental Law and Policy</i>
CSD	UN Commission on Sustainable Development
CZM	Baltic Sea Region Coastal Integrated Management Zone
DDT	Dichloro-Diphenyl-Trichloroethane
<i>Den. J. Int'l L. & Pol'y</i>	<i>Denver Journal of International Law and Policy</i>
DENR	Department of Environment and Natural Resources
<i>Duke J. Comp. & Int'l L.</i>	<i>Duke Journal of Comparative and International Law</i>
DWT	Dead Weight Tonnes
EBRD	European Bank for Reconstruction and Development

EC	European Community
ECHR	European Convention on Human Rights
ECOSOC	Economic and Social Council
ECtHR	European Court of Human Rights
EEOICPA	Energy Employees Occupational Illness Compensation Programme
EFP	Experimental Fishing Programme
EIA	Environmental Impact Assessment
EIB	European Investment Bank
<i>EJIL</i>	<i>European Journal of International Law</i>
ENGOS	Environmental non-Governmental Organizations
<i>Envtl. L. Rev.</i>	<i>Environmental Law Review</i>
Envtl. Liability	Environmental Liability
EU	European Union
EHRR	European Human Rights Reports
FAO	Food and Agriculture Organization
FFMP	Fiscal and Financial Management Programme
GA	General Assembly
GAOR	General Assembly Official Records
GATT	General Agreement on Tariffs and Trade
GEF	Global Environmental Facility
<i>Geo. Int'l Envtl. L. Rev.</i>	<i>Georgetown International Environmental Law Review</i>
GMOs	Genetically Modified Organisms
HACAN	Heathrow Association for the Control of Aircraft Noise
HELCOM	Helsinki Commission
HGO	Heavy Grade Oil
HRA	Human Rights Act
HRC	Human Rights Commission
<i>HRLJ</i>	<i>Human Rights Law Journal</i>
HQ	Headquarters
IAEA	International Atomic Energy Agency
IBSFC	International Baltic Sea Fishery Commission
ICJ	International Court of Justice
<i>ICLR</i>	<i>International Community Law Review</i>
<i>ICLQ</i>	<i>International and Comparative Law Quarterly</i>
IFIs	International Financial Institutions

<i>IJGLS</i>	<i>Indiana Journal of Global Legal Studies</i>
<i>IJMGR</i>	<i>International Journal on Minority and Group Rights</i>
ILA	International Law Association
ILC	International Law Commission
ILM	International Legal Materials
IMO	International Maritime Organization
IOPP	International Oil Pollution Prevention
IOSC	International Oil Spill Conference
ISM Code	International Safety Management Code
ITLOS	International Tribunal for the Law of the Sea
<i>JEL</i>	<i>Journal of Environmental Law</i>
<i>JIBL</i>	<i>Journal of International Biotechnology Law</i>
LDAs	Local Distribution Authorities
<i>LJIL</i>	<i>Leiden Journal of International Law</i>
LOS	Law of the Sea
LOSC	Law of the Sea Convention
MARPOL 73/78	1973/78 Convention on the Prevention of Pollution from Ships
<i>Max Planck Y.B. UN. L</i>	<i>Max Planck Yearbook of United Nations Law</i>
MEPC	Marine Environment Protection Committee
MIITF	The Marshall Islands Intergenerational Trust Fund
MONAS	Monitoring and Assessment Group
MOX	Mixed Oxide
<i>N. Y. U. J. Int'l Law & Pol.</i>	<i>New York University Journal of International Law and Policy</i>
NCT	Nuclear Claims Tribunal
NCTA	Nuclear Claims Tribunal Act
ND	Northern Dimension
NEFCO	Nordic Environment Finance Corporation
NGOs	Non-governmental Organizations
NIB	Nordic Investment Bank
<i>NILR</i>	<i>Netherlands International Law Review</i>
ONA Project	Oceans in the Nuclear Age Project
OPA	Oil Pollution Act
OPRC Convention	International Convention on Oil Pollution Preparedness, Response and Cooperation
OSPAR Convention	Convention for the Protection of the Marine Environment of the North-East Atlantic
<i>OJLS</i>	<i>Oxford Journal of Legal Studies</i>

P&I	Protection and Indemnity
PCB	Polychlorinated Biphenyls
PIC	Prior Informed Consent
PoI	Plan of Implementation
POPs	Persistent Organic Pollutants
PPP	Polluter-Pays Principle
<i>RECIEL</i>	<i>Review of European Community and International Environmental Law</i>
RMI	Republic of the Marshall Islands
<i>Rutgers L. Rev.</i>	<i>Rutgers Law Review</i>
SC	Security Council
SCOPIC	Special Compensation Protection and Indemnity Clause
Sess.	Session
SOG	Senior Officials Group
SPS Agreement	Sanitary & Phytosanitary Agreement
SSS	Short Sea Shipping
<i>Stanford J. Int'l L.</i>	<i>Stanford Journal of International Law</i>
STCW	Standards of Training, Certification and Watchkeeping
TFSA	Task Force Sustainable Agriculture
TLAs	Timber Licensing Agreements
UBC	Union of Baltic Cities
UNCLOS	United Nations Convention on the Law of the Sea
UNEP	United Nations Environment Programme
UNTS	United Nations Treaty Series
VASAB	Vision and Strategies around the Baltic Sea
VISA	Virtual Institute for Sustainable Agriculture
WCED	World Commission on Environment and Development
WFD	Water Framework Directive
WG	Working Group
WSSD	World Summit on Sustainable Development
WTO	World Trade Organization
WWF	World Wide Fund for Nature
<i>YBIEL</i>	<i>Yearbook of International Environmental Law</i>
<i>ZaöRV</i>	<i>Zeitschrift für ausländisches und öffentliches Recht und Völkerrecht</i>

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Introduction

The present book deals with current issues of international environmental law. The aim of this book is to present the problems which, although well-known and widely written about, have not been entirely solved or remain controversial or, regrettably, have become useful clichés. The present book is not meant as a textbook or a comprehensive study of international environmental law; it is a collection of essays which analyse certain concepts, such as the precautionary principle and sustainable development, the legal character, normative content and practical application of which are questionable.

The study is firmly rooted in international law. It will assess certain concepts and principles of international environmental law from the point of view of the general concepts of international law. Therefore the issues of international environmental law are viewed in this study with international law as the background and in close link with all its underlying principles. The book relies on the work of the International Law Commission and takes into account the relevant jurisprudence of international courts and tribunals. Such an approach enables full understanding of the problems involved. The book, when necessary, also presents the views of philosophers. This is so, for instance, in relation to intergenerational equity, where the philosophical background of the theory of John Rawls is necessary for us to understand the whole concept of intergenerational equity.

Several areas of international environmental law will be examined, such as the legal content of the precautionary principle and its applicability in practice; the human right to a clean environment, whether it already exists and is it in fact really a necessary right in order to address and redress environmental problems of an individual (this question will be analysed in particular within the context of the jurisprudence of the European Court of Human Rights); the concept of intergenerational equity or intergenerational rights, which is closely connected to the right to a clean environment will be looked at from the point of view of its usefulness in practice; the concept of sustainable development will be examined from the point of view of its legal content (if any). The practice of States will be scrutinized, for example, in relation to the national application of the precautionary principle, and the author will rely on documents in languages other than English, such as Polish or Russian.

In conclusion it may be said that the present book will deal with somewhat controversial and unclear issues of international environmental law. The author does not purport to give the answers to problems dealt with, but rather to identify the issues and their inconsistencies.

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