

1: Environmental protection - Wikipedia

International Protection of the Environment provides a collection of important documents from the UN, EU, European Parliament, and the OAS, which form the framework of "soft-law" administrative instruments for the implementation of international environmental treaties including Agenda

States have the obligation to protect and preserve the marine environment. Article Sovereign right of States to exploit their natural resources States have the sovereign right to exploit their natural resources pursuant to their environmental policies and in accordance with their duty to protect and preserve the marine environment. Article Measures to prevent, reduce and control pollution of the marine environment 1. States shall take, individually or jointly as appropriate, all measures consistent with this Convention that are necessary to prevent, reduce and control pollution of the marine environment from any source, using for this purpose the best practicable means at their disposal and in accordance with their capabilities, and they shall endeavour to harmonize their policies in this connection. States shall take all measures necessary to ensure that activities under their jurisdiction or control are so conducted as not to cause damage by pollution to other States and their environment, and that pollution arising from incidents or activities under their jurisdiction or control does not spread beyond the areas where they exercise sovereign rights in accordance with this Convention. The measures taken pursuant to this Part shall deal with all sources of pollution of the marine environment. In taking measures to prevent, reduce or control pollution of the marine environment, States shall refrain from unjustifiable interference with activities carried out by other States in the exercise of their rights and in pursuance of their duties in conformity with this Convention. The measures taken in accordance with this Part shall include those necessary to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life. Article Duty not to transfer damage or hazards or transform one type of pollution into another In taking measures to prevent, reduce and control pollution of the marine environment, States shall act so as not to transfer, directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another. Article Use of technologies or introduction of alien or new species 1. States shall take all measures necessary to prevent, reduce and control pollution of the marine environment resulting from the use of technologies under their jurisdiction or control, or the intentional or accidental introduction of species, alien or new, to a particular part of the marine environment, which may cause significant and harmful changes thereto. This article does not affect the application of this Convention regarding the prevention, reduction and control of pollution of the marine environment. Article Notification of imminent or actual damage When a State becomes aware of cases in which the marine environment is in imminent danger of being damaged or has been damaged by pollution, it shall immediately notify other States it deems likely to be affected by such damage, as well as the competent international organizations. To this end, States shall jointly develop and promote contingency plans for responding to pollution incidents in the marine environment. Article Studies, research programmes and exchange of information and data States shall cooperate, directly or through competent international organizations, for the purpose of promoting studies, undertaking programmes of scientific research and encouraging the exchange of information and data acquired about pollution of the marine environment. They shall endeavour to participate actively in regional and global programmes to acquire knowledge for the assessment of the nature and extent of pollution, exposure to it, and its pathways, risks and remedies. Article Preferential treatment for developing States Developing States shall, for the purposes of prevention, reduction and control of pollution of the marine environment or minimization of its effects, be granted preference by international organizations in: States shall, consistent with the rights of other States, endeavour, as far as practicable, directly or through the competent international organizations, to observe, measure, evaluate and analyse, by recognized scientific methods, the risks or effects of pollution of the marine environment. In particular, States shall keep under surveillance the effects of any activities which they permit or in which they engage in order to determine whether these activities are likely to pollute the marine environment. States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment from

land-based sources, including rivers, estuaries, pipelines and outfall structures, taking into account internationally agreed rules, standards and recommended practices and procedures. States shall take other measures as may be necessary to prevent, reduce and control such pollution. States shall endeavour to harmonize their policies in this connection at the appropriate regional level. States, acting especially through competent international organizations or diplomatic conference, shall endeavour to establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control pollution of the marine environment from land-based sources, taking into account characteristic regional features, the economic capacity of developing States and their need for economic development. Such rules, standards and recommended practices and procedures shall be re-examined from time to time as necessary. Such laws, regulations and measures shall be no less effective than international rules, standards and recommended practices and procedures. Article Pollution from activities in the Area 1. Such rules, regulations and procedures shall be re-examined from time to time as necessary. Subject to the relevant provisions of this section, States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment from activities in the Area undertaken by vessels, installations, structures and other devices flying their flag or of their registry or operating under their authority, as the case may be. Article Pollution by dumping 1. States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment by dumping. Such laws, regulations and measures shall ensure that dumping is not carried out without the permission of the competent authorities of States. States, acting especially through competent international organizations or diplomatic conference, shall endeavour to establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control such pollution. Dumping within the territorial sea and the exclusive economic zone or onto the continental shelf shall not be carried out without the express prior approval of the coastal State, which has the right to permit, regulate and control such dumping after due consideration of the matter with other States which by reason of their geographical situation may be adversely affected thereby. National laws, regulations and measures shall be no less effective in preventing, reducing and controlling such pollution than the global rules and standards. Article Pollution from vessels 1. States, acting through the competent international organization or general diplomatic conference, shall establish international rules and standards to prevent, reduce and control pollution of the marine environment from vessels and promote the adoption, in the same manner, wherever appropriate, of routing systems designed to minimize the threat of accidents which might cause pollution of the marine environment, including the coastline, and pollution damage to the related interests of coastal States. Such rules and standards shall, in the same manner, be re-examined from time to time as necessary. States shall adopt laws and regulations for the prevention, reduction and control of pollution of the marine environment from vessels flying their flag or of their registry. Such laws and regulations shall at least have the same effect as that of generally accepted international rules and standards established through the competent international organization or general diplomatic conference. States which establish particular requirements for the prevention, reduction and control of pollution of the marine environment as a condition for the entry of foreign vessels into their ports or internal waters or for a call at their off-shore terminals shall give due publicity to such requirements and shall communicate them to the competent international organization. Whenever such requirements are established in identical form by two or more coastal States in an endeavour to harmonize policy, the communication shall indicate which States are participating in such cooperative arrangements. Every State shall require the master of a vessel flying its flag or of its registry, when navigating within the territorial sea of a State participating in such cooperative arrangements, to furnish, upon the request of that State, information as to whether it is proceeding to a State of the same region participating in such cooperative arrangements and, if so, to indicate whether it complies with the port entry requirements of that State. Coastal States may, in the exercise of their sovereignty within their territorial sea, adopt laws and regulations for the prevention, reduction and control of marine pollution from foreign vessels, including vessels exercising the right of innocent passage. If the organization so determines, the coastal States may, for that area, adopt laws and regulations for the prevention, reduction and control of pollution from vessels implementing such international rules and standards or navigational practices as are made applicable, through the organization, for

special areas. Article Pollution from or through the atmosphere 1. States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment from or through the atmosphere, applicable to the air space under their sovereignty and to vessels flying their flag or vessels or aircraft of their registry, taking into account internationally agreed rules, standards and recommended practices and procedures and the safety of air navigation. Article Enforcement with respect to pollution by dumping 1. Laws and regulations adopted in accordance with this Convention and applicable international rules and standards established through competent international organizations or diplomatic conference for the prevention, reduction and control of pollution of the marine environment by dumping shall be enforced: No State shall be obliged by virtue of this article to institute proceedings when another State has already instituted proceedings in accordance with this article. Article Enforcement by flag States 1. States shall ensure compliance by vessels flying their flag or of their registry with applicable international rules and standards, established through the competent international organization or general diplomatic conference, and with their laws and regulations adopted in accordance with this Convention for the prevention, reduction and control of pollution of the marine environment from vessels and shall accordingly adopt laws and regulations and take other measures necessary for their implementation. Flag States shall provide for the effective enforcement of such rules, standards, laws and regulations, irrespective of where a violation occurs. States shall ensure that vessels flying their flag are periodically inspected in order to verify that such certificates are in conformity with the actual condition of the vessels. These certificates shall be accepted by other States as evidence of the condition of the vessels and shall be regarded as having the same force as certificates issued by them, unless there are clear grounds for believing that the condition of the vessel does not correspond substantially with the particulars of the certificates. Flag States conducting an investigation of the violation may request the assistance of any other State whose cooperation could be useful in clarifying the circumstances of the case. States shall endeavour to meet appropriate requests of flag States. States shall, at the written request of any State, investigate any violation alleged to have been committed by vessels flying their flag. If satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, flag States shall without delay institute such proceedings in accordance with their laws. Flag States shall promptly inform the requesting State and the competent international organization of the action taken and its outcome. Such information shall be available to all States. Penalties provided for by the laws and regulations of States for vessels flying their flag shall be adequate in severity to discourage violations wherever they occur. Article Enforcement by port States 1. When a vessel is voluntarily within a port or at an off-shore terminal of a State, that State may undertake investigations and, where the evidence so warrants, institute proceedings in respect of any discharge from that vessel outside the internal waters, territorial sea or exclusive economic zone of that State in violation of applicable international rules and standards established through the competent international organization or general diplomatic conference. It shall likewise, as far as practicable, comply with requests from the flag State for investigation of such a violation, irrespective of where the violation occurred. The records of the investigation carried out by a port State pursuant to this article shall be transmitted upon request to the flag State or to the coastal State. The evidence and records of the case, together with any bond or other financial security posted with the authorities of the port State, shall in that event be transmitted to the coastal State. Such transmittal shall preclude the continuation of proceedings in the port State. Such States may permit the vessel to proceed only to the nearest appropriate repair yard and, upon removal of the causes of the violation, shall permit the vessel to continue immediately. Article Enforcement by coastal States 1. Where there are clear grounds for believing that a vessel navigating in the exclusive economic zone or the territorial sea of a State has, in the exclusive economic zone, committed a violation of applicable international rules and standards for the prevention, reduction and control of pollution from vessels or laws and regulations of that State conforming and giving effect to such rules and standards, that State may require the vessel to give information regarding its identity and port of registry, its last and its next port of call and other relevant information required to establish whether a violation has occurred. Article Measures to avoid pollution arising from maritime casualties 1. Nothing in this Part shall prejudice the right of States, pursuant to international law, both customary and conventional, to take and enforce measures beyond the territorial sea proportionate to the

actual or threatened damage to protect their coastline or related interests, including fishing, from pollution or threat of pollution following upon a maritime casualty or acts relating to such a casualty, which may reasonably be expected to result in major harmful consequences. For the purposes of this article, "maritime casualty" means a collision of vessels, stranding or other incident of navigation, or other occurrence on board a vessel or external to it resulting in material damage or imminent threat of material damage to a vessel or cargo.

SAFEGUARDS Article Measures to facilitate proceedings In proceedings instituted pursuant to this Part, States shall take measures to facilitate the hearing of witnesses and the admission of evidence submitted by authorities of another State, or by the competent international organization, and shall facilitate the attendance at such proceedings of official representatives of the competent international organization, the flag State and any State affected by pollution arising out of any violation. The official representatives attending such proceedings shall have such rights and duties as may be provided under national laws and regulations or international law.

Article Exercise of powers of enforcement The powers of enforcement against foreign vessels under this Part may only be exercised by officials or by warships, military aircraft, or other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect.

Article Duty to avoid adverse consequences in the exercise of the powers of enforcement In the exercise under this Convention of their powers of enforcement against foreign vessels, States shall not endanger the safety of navigation or otherwise create any hazard to a vessel, or bring it to an unsafe port or anchorage, or expose the marine environment to an unreasonable risk.

Article Investigation of foreign vessels 1. Any physical inspection of a foreign vessel shall be limited to an examination of such certificates, records or other documents as the vessel is required to carry by generally accepted international rules and standards or of any similar documents which it is carrying; further physical inspection of the vessel may be undertaken only after such an examination and only when: States shall cooperate to develop procedures for the avoidance of unnecessary physical inspection of vessels at sea.

Article Non-discrimination with respect to foreign vessels In exercising their rights and performing their duties under this Part, States shall not discriminate in form or in fact against vessels of any other State.

Article Suspension and restrictions on institution of proceedings 1. Proceedings to impose penalties in respect of any violation of applicable laws and regulations or international rules and standards relating to the prevention, reduction and control of pollution from vessels committed by a foreign vessel beyond the territorial sea of the State instituting proceedings shall be suspended upon the taking of proceedings to impose penalties in respect of corresponding charges by the flag State within six months of the date on which proceedings were first instituted, unless those proceedings relate to a case of major damage to the coastal State or the flag State in question has repeatedly disregarded its obligation to enforce effectively the applicable international rules and standards in respect of violations committed by its vessels. The flag State shall in due course make available to the State previously instituting proceedings a full dossier of the case and the records of the proceedings, whenever the flag State has requested the suspension of proceedings in accordance with this article. When proceedings instituted by the flag State have been brought to a conclusion, the suspended proceedings shall be terminated. Upon payment of costs incurred in respect of such proceedings, any bond posted or other financial security provided in connection with the suspended proceedings shall be released by the coastal State. The provisions of this article are without prejudice to the right of the flag State to take any measures, including proceedings to impose penalties, according to its laws irrespective of prior proceedings by another State.

Article Institution of civil proceedings Nothing in this Convention affects the institution of civil proceedings in respect of any claim for loss or damage resulting from pollution of the marine environment.

Article Monetary penalties and the observance of recognized rights of the accused 1. Monetary penalties only may be imposed with respect to violations of national laws and regulations or applicable international rules and standards for the prevention, reduction and control of pollution of the marine environment, committed by foreign vessels beyond the territorial sea. Monetary penalties only may be imposed with respect to violations of national laws and regulations or applicable international rules and standards for the prevention, reduction and control of pollution of the marine environment, committed by foreign vessels in the territorial sea, except in the case of a wilful and serious act of pollution in the territorial sea. In the conduct of proceedings in respect of such violations committed by a

foreign vessel which may result in the imposition of penalties, recognized rights of the accused shall be observed. However, with respect to violations committed in the territorial sea, the foregoing obligations of the coastal State apply only to such measures as are taken in proceedings. States shall provide for recourse in their courts for actions in respect of such damage or loss. ICE-COVERED AREAS Article Ice-covered areas Coastal States have the right to adopt and enforce non-discriminatory laws and regulations for the prevention, reduction and control of marine pollution from vessels in ice-covered areas within the limits of the exclusive economic zone, where particularly severe climatic conditions and the presence of ice covering such areas for most of the year create obstructions or exceptional hazards to navigation, and pollution of the marine environment could cause major harm to or irreversible disturbance of the ecological balance. Such laws and regulations shall have due regard to navigation and the protection and preservation of the marine environment based on the best available scientific evidence. States are responsible for the fulfilment of their international obligations concerning the protection and preservation of the marine environment. They shall be liable in accordance with international law. States shall ensure that recourse is available in accordance with their legal systems for prompt and adequate compensation or other relief in respect of damage caused by pollution of the marine environment by natural or juridical persons under their jurisdiction.

2: Laws & Regulations | US EPA

More progressive environmental protection had its start in the 1970s and 1980s with major international programs such as the United Nations Conference on the Human Environment in 1972, the Environment Committee of the OECD in 1974, and the United Nations Environment Programme of 1972.

Subsidies for energy saving products Two compliance policy Regulation on refuse credit to high-polluting firms Environmental compensation fee Pollution control instruments in China Environmental pollution and ecological degradation has resulted in economic losses for China. In 2004, economic losses mainly from air pollution were calculated at 7. This grew to 12.5 billion dollars in 2005. In China was ranked 114th out of 132 countries on the Environmental Performance Index. China has taken initiatives to increase its protection of the environment and combat environmental degradation: In 2005 there were only 34 compared with 2, in 2006. The protected nature reserve system now occupies 1.2 million hectares. For China to develop sustainably, environmental protection should be treated as an integral part of its economic policies. The EU is already very active in the field of environmental policy with important directives like those on environmental impact assessment and on the access to environmental information for citizens in the Member States. Russia[edit] In Russia , environmental protection is considered an integral part of national safety. However, there are a lot of environmental problems. The list includes six Latin American countries: Mexico and Brazil stand out among the rest because they have the largest area, population and number of species. These countries represent a major concern for environmental protection because they have high rates of deforestation, ecosystems loss, pollution, and population growth. The Ministry is responsible for addressing the following issues: A national policy for the environment and for water resources; A policy for the preservation, conservation and sustainable use of ecosystems, biodiversity and forests; Proposing strategies, mechanisms, economic and social instruments for improving environmental quality, and sustainable use of natural resources; Policies for integrating production and the environment; Environmental policies and programs for the Legal Amazon; Ecological and economic territorial zoning. In 2004, protected areas of the Amazon covered 2,000,000 km² an area larger than Greenland , with conservation units, like national parks, accounting for just over half. In 2004 was the first direct response from the federal government to address eminent health effects from environmental issues. Promote the protection, restoration and conservation of ecosystems, natural resources, goods and environmental services, and to facilitate their use and sustainable development. Develop and implement a national policy on natural resources Promote environmental management within the national territory, in coordination with all levels of government and the private sector. Evaluate and provide determination to the environmental impact statements for development projects and prevention of ecological damage Implement national policies on climate change and protection of the ozone layer. Direct work and studies on national meteorological, climatological, hydrological, and geohydrological systems, and participate in international conventions on these subjects. Regulate and monitor the conservation of waterways In November there were 10 protected areas ; currently there are 15, covering an area of 25,000 hectares, increasing federally protected areas from 8. State environmental legislation was irregular and deficient until the Australian Environment Council AEC and Council of Nature Conservation Ministers CONCOM were established in 1974 and 1975, creating a forum to assist in coordinating environmental and conservation policies between states and neighbouring countries. It concerns matters of national and international environmental significance regarding flora, fauna, ecological communities and cultural heritage.

3: International Environmental Law - Public International Law - LibGuides at University of Melbourne

Dinstein, Protection of the Environment in International Armed Conflict mind that an attack against a military objective is liable to produce le-

4: International Protection of the Environ | Legal Solutions

INTERNATIONAL PROTECTION OF THE ENVIRONMENT pdf

The secretariat of the GATT prepared a study on the impact on international trade of various measures proposed to deal with pollution, but the study did not address the larger issue of the balance between economic development and environmental protection (GATT,).

5: Are International Trade and Protection of the Environment Enemies? | Globalization

Cite this page Fitzmaurice, Malgosia A., "International protection of the environment (Volume)", in: Collected Courses of the Hague Academy of International Law, The Hague Academy of International Law.

6: International protection of the environment (Volume) - Brill Reference

"International Trade and the Protection of the Environment provides a comprehensive and detailed legal analysis, both at national and international level, of what looks set to become the new legal order of the twenty-first century.

7: PREAMBLE TO THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

C. Carraro and D. Siniscalco, International protection of the environment (iii) The benefit function should account for the interaction between environmental variables and the policy instruments designed to carry on transfers.

8: List of international environmental agreements - Wikipedia

Report of the International Law Commission on the work of its sixty-fifth session, 6 May to 7 June and 8 July to 9 August At its st meeting, on 28 May , the Commission decided to include the topic "Protection of the environment in relation to armed conflicts" in its programme of work and decided to appoint Ms. Marie G.

9: International Cooperation | US EPA

We will explore the limitations that the Court faces in its fulfilment of these functions as well as its potential as an institution, particularly in the context of disputes involving the protection of the environment.

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