

LES ARMES DE GUERRE ET L'ENVIRONNEMENT NATUREL

Essai d'étude juridique

Avant-propos d'Alexandre Kiss

Préface de Raymond Goy

LOGIQUES
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L'Harmattan

Les Armes De Guerre Et L'environnement Naturel Essai Deacutetude Juridique

David Guillard



Les Armes De Guerre Et L'environnement Naturel Essai Deacutetude Juridique:

Les armes de guerre et l'environnement naturel David Guillard, 2006-03-01 Obus uranium appauvri mines bombes fragmentation armes biologiques chimiques ou nucléaires peuvent porter durablement atteinte l'environnement naturel Les atteintes écologiques consécutives la Guerre du Golfe de 1991 ont placé l'environnement au centre de la science juridique internationale Une règle coutumière s'est dégagée prohibant les atteintes tendues durables et graves l'environnement naturel Faisant de l'environnement un bien de l'humanité la réalisation effective du contentieux international demeure une entreprise délicate au regard de la souveraineté des États

La protection de l'environnement en temps de conflit armé Karine Mollard-Bannelier, 2001 Manipulation par l'homme des fins militaires ou victime des effets collatéraux de la guerre l'environnement sort toujours blessé des conflits armés Les conséquences environnementales graves de certains conflits internes ou internationaux passés ou actuels posent avec acuité la question de la protection de l'environnement durant ces conflits Adoptant une démarche positiviste cette étude examine dans un premier temps comment le droit de la guerre protège aujourd'hui l'environnement Elle se penche ensuite sur le droit de la paix pour examiner dans quelle mesure les règles toujours plus nombreuses du droit international de l'environnement continuent s'appliquer en temps de conflit armé L'analyse est complétée par un examen de la mise en œuvre de la responsabilité internationale dans ce domaine de la responsabilité internationale tout d'abord et des différents problèmes que pose la réparation du préjudice écologique de la responsabilité individuelle aussi car certaines évolutions récentes ouvrent des perspectives tout fait nouvelles sur la répression des auteurs des crimes écologiques Deux questions essentielles se posent de façon récurrente tout au long de cette réflexion La première concerne la difficile conciliation entre les impératifs militaires et la recherche d'une protection efficace de l'environnement La seconde a trait aux finalités mêmes de cette protection Les tensions entre l'approche anthropocentrique et l'approche intrinsèque de la protection de l'environnement sont en effet encore plus vives en temps de guerre L'étude essaye alors d'apprécier si ces deux approches sont vouées demeurer conflictuelles ou si elles peuvent au contraire se compléter utilement

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