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Le dommage écologique pur en droit international

Anouchka Didier

Le Dommage Eacuteecologique Pur En Droit International

Jean Chrysostome Atafo Lema



Le Dommage Écotoxicologique Pur En Droit International:

Le dommage écologique pur en droit international Anouchka Didier, 2013-04-25 La marée noire causée par les installations pétrolières Deepwater Horizon dans le golfe du Mexique en 2010 a rappelé le préjudice écologique incontestable provoqué par les déversements d'hydrocarbures. Cependant, combien vaut un oiseau mort ? Le droit vient-il encadrer la réparation d'un tel préjudice ? Plus généralement, le droit international parvient-il à appréhender les spécificités du dommage environnemental pur ? Ce travail s'attaque à la question centrale, bien que peu étudiée, de l'évaluation de l'atteinte environnementale considérée comme une atteinte aux intérêts collectifs. Faisant état de la fragmentation extrême dont souffre la réparation du dommage écologique pur et de ce malgré sa reconnaissance tacite par le droit international, l'auteur en appelle à la création d'un régime de responsabilité pour les États et les exploitants. Ce faisant, elle recommande des révisions de conventions pour une reconnaissance expresse du dommage écologique pur et pour des mesures de restauration qui iraient au-delà des estimations monétaires et utilitaristes de l'environnement pour prendre en compte les valeurs de non-usage et d'existence. Prix Mariano Garcia Rubio 2012 en droit international. La Pollution en droit international Jacques Ballenegger, 1975

La réparation des dommages environnementaux en droit international Carina Costa de Oliveira, 2012 La réparation des dommages environnementaux en droit international concerne le droit international public et le droit international privé. Considérant qu'une réparation efficiente des dommages environnementaux est difficilement réalisable par le seul biais du droit international public, la méthode du droit international privé contribue à une meilleure réparation des dommages. La limite du droit international public est liée à la difficulté d'harmoniser les règles matérielles environnementales dans les cadres nationaux, régionaux et internationaux. Une autre raison est le faible contrôle du déplacement des entreprises, ainsi que la difficulté de les rendre responsables pour les dommages environnementaux commis. Le droit international de l'environnement nécessite un ensemble d'outils juridiques publics et privés ayant comme objectif la protection de l'environnement. Les outils publics, comme les traités et les mécanismes de surveillance institutionnalisés, doivent opérer en complémentarité avec les outils privés, comme la responsabilité civile et l'arbitrage privé. L'utilisation du droit international privé permet d'organiser un ensemble de normes appartenant à différents espaces juridiques. Cette méthode permet l'utilisation, dans un État, de mesures juridiques prévues dans le système juridique d'un autre État, sans qu'une uniformité ne soit exigée. Le droit international privé, par le biais d'une fonction environnementale, accorde aux règles de conflit de lois et de juridictions, conduit une meilleure interaction entre les espaces normatifs et entre les différentes branches du droit, ce qui favorise une coopération plus efficace pour la protection de l'environnement. *La responsabilité internationale des États pour les dommages d'origine technologique et industrielle* Pierre-Marie Dupuy, 1976

La pollution en droit international Jacques Ballenegger, 1975 Thèse Droit Sciences criminelles Administration publique 1975 **Compensation for Environmental Damages Under International Law** Tarcísio Hardman Reis, 2011-01-01 At present there is no clear model under international law with which to determine compensation for environmental damage.

After showing that no existing standard of compensation defined by the theory and practice of international law is adequate to cover all cases involving environmental damages and that such a broad standard or set of standards may in fact be ultimately unachievable the author of this important book develops a fair compensation regime from an analysis of existing international dispute adjudication mechanisms and presents this model as the best possible current approach to the conciliation of international responsibility and environmental interests

Les obligations de prévention dans le droit international de l'environnement Leonardo Estrela Borges, 2016-09-01 Dans cet ouvrage l'auteur montre que l'obligation de prévention peut être envisagée comme une obligation de comportement ou comme une obligation de résultat soit le droit exige de l'état l'adoption de mesures de contrôle des activités sous sa juridiction soit il tablit une obligation de ne pas causer un dommage transfrontière On constate l'importance de cette distinction dans la responsabilité internationale de l'état parce que dans un cas il faut comparer le comportement adopté par l'état celui requis par le droit dans l'autre il suffit de constater qu'un dommage écologique est survenu

Les défis de la protection de l'environnement en droit international Jean Chrysostome Atafo Lema, 2019 Malgré l'existence des conventions internationales de protection de l'environnement force est de constater le changement climatique la pollution de l'air et aux autres phénomènes climatiques anormaux Des défis économique sociopolitique et juridique entravent la protection de l'environnement sur le plan international Pour juguler ces défis cet ouvrage propose des pistes réviser le système classique de responsabilité dans la convention internationale sur la responsabilité de l'état pour fait internationalement illicite renforcer l'application du droit international de l'environnement l'échelon national et international

Droit international de l'environnement J.-Maurice Arbour, Sophie Lavallée, 2006

LE DOMMAGE ECOLOGIQUE TRANS-FRONTIERE VALERIE.. GAILLOT MERCIER ECOLAN, 1992 LE DOMMAGE ECOLOGIQUE EST LE DOMMAGE SUBI EXCLUSIVEMENT PAR LA NATURE IL POURRAIT ETRE L'UN DES FONDEMENTS D'UN DROIT MATERIEL APPLICABLE A TOUTE ATTEINTE A L'ENVIRONNEMENT LA LEX NATURAE EN L'ABSENCE D'UN TEL DROIT IL FAUT APPLIQUER LES REGLES EN VIGUEUR DANS CHAQUE ORDRE JURIDIQUE NATIONAL L'OBJECTIF DE L'APPROCHE CONCEPTUELLE DU DOMMAGE ECOLOGIQUE EST DOUBLE D'UNE PART ON PROUVRE QUE LA DEFINITION RETENUE EST JURIDIQUEMENT ADMISSIBLE MEME SI LES TRIBUNAUX SONT PEU ENCLINS A L'ADMETTRE EN DROIT POSITIF D'AUTRE PART ON DEMONTRE LES CARACTERISTIQUES DU DOMMAGE ECOLOGIQUE TRANS FRONTIERE OBJET DE DROIT INTERNATIONAL PRIVE LA TRANS FRONTIERITE DU DOMMAGE S'APPRECIE LARGEMENT LA PLUPART DES DOMMAGES DE POLLUTION SONT TRANS FRONTIERES ET DONC OBJET DE DROIT INTERNATIONAL PRIVE CE QUI PERMET A TERME L'EFFICIENCE SUR LE PLAN JURIDIQUE INTERNATIONAL DE LA MISE EN CAUSE DES POLLUEURS LA PROTECTION DE L'ENVIRONNEMENT A TOUT A GAGNER DE VERITABLES PROCES PRIVATISTES S'AGISSANT DU RATTACHEMENT A UN ORDRE JUDICIAIRE LA SPECIFICITE DU DOMMAGE CONDUIT A L'AFFIRMATION DE LA NECESSITE DES COMPETENCES JURIDICTIONNELLE

ET LEGISLATIVE DU LIEU DE SURVENANCE DU DOMMAGE L ON PROPOSE UNE DEPENDANCE DES COMPETENCES SANS POUR AUTANT QUE LA VICTIME AIT LE CHOIX DU TRIBUNAL CE QUI IMPLIQUE QUE CHAQUE ETAT OPTIMISE SON DROIT DE L ENVIRONNEMENT CETTE PROPOSITION A POUR COROLLAIRE LE DROIT D INGERENCE ECOLOGIQUE DANS LE CAS OU UN ETAT SERAIT DEFICIENT DANS LA PROTECTION ENVIRONNEMENTALE DE SON PROPRE TERRITOIRE APPLIQUEE AU DROIT FRANCAIS L OPTIMISATION DES LEGISLATIONS PASSE PAR TROIS IDEES LES ASSOCIATIONS SONT LES PLUS A MEME D INTENTER UNE ACTION JUDICIAIRE EN REPARATION DU DOMMAGE ECOLO

La Réparation du dommage écologique en droit international public Laure Queme,1994

Le Dommage Eacuteecologique Pur En Droit International: Bestsellers in 2023 The year 2023 has witnessed a remarkable surge in literary brilliance, with numerous captivating novels captivating the hearts of readers worldwide. Lets delve into the realm of bestselling books, exploring the engaging narratives that have charmed audiences this year. The Must-Read : Colleen Hoover "It Ends with Us" This poignant tale of love, loss, and resilience has gripped readers with its raw and emotional exploration of domestic abuse. Hoover skillfully weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can prevail. Le Dommage Eacuteecologique Pur En Droit International : Taylor Jenkins Reids "The Seven Husbands of Evelyn Hugo" This captivating historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reids compelling storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Le Dommage Eacuteecologique Pur En Droit International : Delia Owens "Where the Crawdads Sing" This captivating coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens crafts a tale of resilience, survival, and the transformative power of nature, captivating readers with its evocative prose and mesmerizing setting. These top-selling novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of captivating stories waiting to be discovered. The novel begins with Richard Papen, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a masterful and suspenseful novel that will keep you wondering until the very end. The novel is a warning tale about the dangers of obsession and the power of evil.

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