



Beyond Environmental Law

Policy Proposals for a Better Environmental Future



**Edited by Alyson C. Flournoy
and David M. Driesen**

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Beyond Environmental Law Alyson C. Flournoy, David M. Driesen, 2010-02-26 This book offers a vision for the third generation of environmental law designed to enhance its ability to protect our environment. The book presents two core proposals: an Environmental Legacy Act to preserve a defined environmental legacy for future generations and an Environmental Competition Statute to spark movement to new clean technologies. The first proposal would require for the first time that the federal government define an environmental legacy that it must preserve for future generations. The second would establish a market competition to maximize environmental protection. The balance of the book provides complementary proposals and analysis. The first generation of environmental law sought broad protection of health and the environment in a fairly fragmented way. The second sought to enhance environmental law's efficiency through cost-benefit analysis and market mechanisms. These proposals seek to create a broader, more creative approach to solving environmental problems.

Rethinking Environmental Law Laitos, Jan G., 2021-08-27 Challenging historic assumptions about human relationships with nature, Jan G. Laitos examines how environmental laws have addressed environmental problems in the past and the reasons for the laws' inability to successfully prevent environmental contamination and alterations of critical environmental systems. This forward-thinking book offers a creative and organic alternative to traditional but ultimately unsuccessful environmental rules. It explains the need for a new generation of environmental laws grounded in the universal laws of nature, which might succeed where past and current approaches have largely failed.

Green Governance Burns H. Weston, David Bollier, 2013-01-21 The vast majority of the world's scientists agree we have reached a point in history where we are in grave danger of destroying Earth's life-sustaining capacity. But our attempts to protect natural ecosystems are increasingly ineffective because our very conception of the problem is limited: we treat the environment as its own separate realm, taking for granted prevailing but outmoded conceptions of economics, national sovereignty, and international law. *Green Governance* is a direct response to the mounting calls for a paradigm shift in the way humans relate to the natural environment. It opens the door to a new set of solutions by proposing a compelling new synthesis of environmental protection based on broader notions of economics and human rights and on commons-based governance. Going beyond speculative abstractions, the book proposes a new architecture of environmental law and public policy that is as practical as it is theoretically sound.

Environmental Principles and the Evolution of Environmental Law Eloise Scotford, 2017-02-09 Environmental principles, from the polluter pays and precautionary principles to the principles of integration and sustainability, proliferate in domestic and international legal and policy discourse, reflecting key goals of environmental protection and sustainable development on which there is apparent political consensus. Environmental principles also have a high profile in environmental law beyond their popularity as policy and political concepts: as ideas that might unify the subject and provide it with conceptual foundations or boost its delivery of environmental outcomes. However, environmental

principles are elusive legal concepts This book deepens the legal understanding of environmental principles in light of recent legal developments It analyses the increasing legal effects of environmental principles in different jurisdictions and demonstrates how they are shaping and revealing innovative and evolving bodies of environmental law This analysis is a step forward in understanding a key feature of modern environmental law and presents a robust methodology for dealing with novel legal concepts in the subject It also makes a contribution to environmental policy debates and discussions

internationally that rely heavily on environmental principles including their supposed legal effects Anticipating Future Environments Shana Lee Hirsch, 2020-07-16 Drought Wildfire Extreme flooding How does climate change affect the daily work of scientists Ecological restoration is often premised on the idea of returning a region to an earlier healthier state Yet the effects of climate change undercut that premise and challenge the ways scientists can work destabilizing the idea of normalcy and revealing the politics that shape what scientists can do How can the practice of ecological restoration shift to anticipate an increasingly dynamic future And how does a scientific field itself adapt to climate change Restoration efforts in the Columbia River Basin a vast and diverse landscape experiencing warming waters less snowpack and greater fluctuations in precipitation may offer answers to some of these questions Shana Hirsch tells the story of restoration science in the basin surveying its past and detailing the work of today s salmon habitat restoration efforts Her analysis offers critical insight into scientific practices emerging approaches and ways of thinking the incorporation of future climate change scenarios into planning and the ultimate transformation or adaptation of the science of ecological restoration For scientists and environmental managers around the globe Anticipating Future Environments will shed light on how to more effectively cope with climate change **The ^ARight of Nonuse** Jan G. Laitos, 2013-05-21 BThe Right of Nonuse provides a fresh and remarkably different perspective on the real causes of the ills plaguing the world s resources and environment It re examines the very nature of nature and from this new perspective argues that what is needed is for humans to grant to natural resources a legal right to be left alone a right of nonuse

Reconstructing Environmental Governance Rick Reibstein, 2022-08-23 Environmental law can be made preventive and efficient and it can enlist willing compliance before using the punishing hand creating a constructive relationship between the governing and the governed The adversarial relationship for which environmental regulation is famous is appropriate for those unwilling to comply but not appropriate for the many well meaning regulated entities This book explains how these and other principles of reformed environmental law have been demonstrated successfully but the lessons of success have not been learned The approach of the book is to collate examples of environmental governance policy making and ethics and demonstrate paths towards a more progressive environmental and climate agenda **Why Environmental Policies Fail** Jan Laitos, Juliana Okulski, 2017-07-25 The real

question examined by this book is not the extent of the failure of environmental policy but exactly why did the policy fail

Social-Ecological Resilience and Law Ahjond S. Garmestani, Craig R. Allen, 2014-02-25 Environmental law envisions

ecological systems as existing in an equilibrium state or a balance of nature reinforcing a rigid legal framework unable to absorb rapid environmental changes and innovations in sustainability For the past three decades resilience theory which embraces uncertainty and nonlinear dynamics in complex adaptive systems has shown itself to be a robust and invaluable basis for sound environmental management Reforming American law to account for this knowledge is key to transitioning to sustainability This volume features top legal and resilience scholars speaking on resilience theory and its legal applications to climate change biodiversity national parks and water law

Time and Environmental Law Benjamin J.

Richardson, 2017-08-03 Disciplined by industrial clock time modern life distances people from nature's biorhythms such as its ecological evolutionary and climatic processes The law is complicit in numerous ways It compresses time through fast track legislation and accelerated resource exploitation It suffers from temporal inertia such as grandfathering existing activities that limits the law's responsiveness to changing circumstances Insouciance about past ecological damage and neglect of its restoration are equally serious temporal flaws we cannot live sustainably while Earth remains degraded and unrepaired Applying international and interdisciplinary perspectives on these issues Time and Environmental Law explores how to align law with the ecological timescape and enable humankind to tell nature's time Lending insight into environmental behaviour and impacts this book pioneers a new understanding of environmental law for all societies and makes recommendations for its reform Minding nature not the clock requires regenerating Earth adapting to its changes and living more slowly

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