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International environmental obligations and liabilities in deep seabed mining

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International Environmental Obligations and Liabilities in Deep Seabed Mining

International Environmental Obligations and Liabilities in Deep Seabed Mining

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List of Abbreviations

AJIL	American Journal of International Law
ARIO	Articles on the Responsibility of International Organizations
ASR	Articles on State Responsibility
ATCM	Antarctic Treaty Consultative Meeting
AustYBIL	Australian Yearbook of International Law
B.C. Env'tl. Aff. L. Rev.	Boston College Environmental Affairs Law Review
B.C. Int'l & Comp.	Boston College International and Comparative Law
BATs	Best Available Technologies
BEPs	Best Environmental Practices
BYIL	British Yearbook of International Law
CBD	Convention on Biological Diversity
CCZ	Clarion-Clipperton Fracture Zone of the Area
CEE	Comprehensive Environment Evaluation
CHM	Common Heritage of Mankind
CIL	Customary international law
CJIL	Chinese Journal of International Law
Cornell Int'l. J.	Cornell International Law Journal
CRAMRA	Convention on the Regulation of Antarctic Mineral Resource Activities
CUP	Cambridge University Press
DSM	Deep Seabed Mining – exploration for and exploitation of the mineral resources on the seabed area beyond national jurisdiction (the Area)
ECJ	European Court of Justice
EIA	Environmental Impact Assessment
EISs	Environmental Impact Statements
EJIL	European Journal of International Law
EU	European Union
FinnishYBIL	Finnish Yearbook of International Law
Geo. Env'tl. L. Rev.	Georgetown International Environmental Law Review
GRIR	The Geneva Papers on Risk and Insurance Review
HarvInt'lJ	Harvard International Law Journal
HNS	Hazardous and Noxious Substances
ICJ	International Court of Justice

ICLQ	International and Comparative Law Quarterly
IDI	International Law Institute (Institut de Droit International)
IEE	Initial Environment Evaluation
IEL	International Environmental Law
IJMCL	International Journal of Marine and Coastal Law
ILA	International Law Association
ILC	International Law Commission
ILM	International Legal Materials
IMO	International Maritime Organization
Ind. J. Global Legal Stud.	Indiana Journal of Global Legal Studies
INEA	International Environmental Agreements: Politics, Law and Economics
IOLR	International Organizations Law Review
IOPC	International Oil Pollution Compensation
ISA	International Seabed Authority
ITLOS	International Tribunal for the Law of the Sea
JMLC	Journal of Maritime Law and Commerce
JYIL	Japanese Yearbook of International Law
La. L. Rev.	Louisiana Law Review
LJIL	Leiden Journal of International Law
LTC	Legal and Technical Commission (of the ISA)
MaxPlanckUNYB	Max Planck Yearbook of United Nations Law
Mich. J. Int'l L.	Michigan Journal of International Law
Mich. L. Rev.	Michigan Law Review
MJECL	Maastricht Journal of European and Comparative Law
MJIL	Melbourne Journal of International Law
MPEPIL	Max Planck Encyclopedia of Public International Law
MPIL	Max Plank International Law
MSR	Marine Scientific Research
N.I.L. Rev.	Netherlands International Law Review
N.Y.U. Env'tl. L. J.	New York University Environmental Law Journal
NEPA	the US National Environmental Policy Act of 1969
Nordisk Tidsskrift Int'l Ret	Nordisk Tidsskrift for International Ret (Nordic Journal of International Law)
NYIL	Netherlands Yearbook of International Law
NZYIL	New Zealand Yearbook of International Law
Ocean Coast Manag.	Ocean & Coastal Management
OceanDev&Int'lL	Ocean Development and International Law
OUP	Oxford University Press
PCA	Permanent Court of Arbitration

PCIJ	Permanent Court of International Justice
RdC	Hague Academy (of International Law)
	Collected Courses (Recueil des cours de l'Académie de la Haye)
RECIEL	Review of European Community & International Environmental Law
RIAA	Reports of International Arbitral Awards
SDC	Seabed Disputes Chamber of the ITLOS
SEA	Strategy Environmental Assessment
SIMPLY	The Scandinavian Institute's Maritime and Petroleum Law Yearbook
SJILC	Syracuse Journal of International Law and Commerce
Stan. Env'tl. L. J.	Stanford Environmental Law Journal
TexInt'lJ	Texas International Law Journal
UN	United Nations
UNCC	United Nations Compensation Commission
UNCLOS	United Nations Convention on the Law of the Sea
UNEP	United Nations Environment Programme
US	The United States
Utrecht L. Rev.	Utrecht Law Review
VaJInt'lL	Virginia Journal of International Law
Vand. L. Rev.	Vanderbilt Law Review
WULQ	Washington University Law Quarterly
YILC	Yearbook of International Law Commission
YInt'lEnvL	Yearbook of International Environmental Law

List of treaties

- United Nations Convention on the Law of the Sea, adopted on 10 December 1982 (Montego Bay, Jamaica), entered into force on 16 November 1994.
- Implementation Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, adopted on 28 July 1994, entered into force 28 July 1996.
- Convention on Civil Liability for Oil Pollution Damage Resulting from Exploration for and Exploitation of Seabed Mineral Resources, adopted on 1 May 1977 (London, UK), not in force (being obsolete).
- Annex VI to Protocol on Environmental Protection to the Antarctic Treaty – Liability Arising From Environmental Emergencies, adopted on 17 June 2005 (Stockholm, Sweden), not yet into force.
- Protocol on Liability and Compensation for damage resulting from transboundary movements of hazardous wastes and their disposal, adoption on 10 December 1999 (Basel, Switzerland), not in force (It is not expected that this Protocol will ever enter into force).
- Convention on Environmental Impact Assessment in a Transboundary Context, adopted on 25 February 1991 (Espoo, Finland), entered into force on 10 September 1997.
- Council of Europe, Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment, adopted on 8 March 1993 (Lugano, Switzerland), not in force.
- Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety, adopted on 15 October 2010, not yet into force.
- Convention on the Law of the Non-Navigational Uses of International Watercourses, adopted on 21 May 1997 (New York, the United States), not in force.
- Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary waters, adopted on 21 May 2003 (Kiev, Ukraine), not in force.
- The 1969 International Convention on Civil Liability for Oil Pollution damage, as superseded by the Protocol of 1992, entered into force on 30 May 1996.
- International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, 1992, 2003.
- International Convention on Civil Liability for Bunker Oil Pollution Damage (BUNKER), adopted on 23 March 2001, entered into force on 21 November 2008.

International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS), adopted on 3 May 1996, not in force, superseded by 2010 Protocol, adopted on 30 April 2010, not yet in force.

OECD, Paris Convention on Third Party Liability in the Field of Nuclear Energy, adopted on 29 July 1960, entered into force on 1 April 1968, as amended by the 1964 Protocol (entered into force on 1 April 1968), the 1982 Protocol (entered into force on 7 October 1988), and the 2004 Protocol (adopted on 12 February 2004, not yet entered into force).

Convention on the Liability of Operators of Nuclear Ships, adopted on 25 May 1962, not yet in force.

IAEA, Vienna Convention on Civil Liability for Nuclear Damage, adopted on 21 May 1963, entered into force on 12 November 1977, as amended by the 1997 Protocol (entered into force on 4 October 2003).

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Iron Rhine Railway (Belgium v. the Netherlands), Award of 24 May 2005.

ICJ

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The Barcelona Traction, Light and Power Co., Ltd (second phase) (Belgium v. Spain), Judgment of 5 February 1970.

Request for an Examination of the Situation in Accordance with Paragraph 63 of the Court's Judgment of 20 December 1974 in the Nuclear Tests (New Zealand v. France), Order of 22 September 1995.

Legality of the Threat and Use of Nuclear Weapons, Advisory Opinion of 8 July 1996.

Gabčíkovo-Nagymaros Project (Hungary/Slovakia), Judgment of 25 September 1997.

Pulp Mills on the River Uruguay (Argentina v. Uruguay), Judgment of 20 April 2010.

Whaling in the Antarctic (Australia v. Japan: New Zealand intervening), Judgment of 31 March 2014.

Certain Activities Carried out by Nicaragua In the Border Area (Compensation Owed by The Republic of Nicaragua to The Republic of Costa Rica) (Costa Rica v. Nicaragua), Judgment of 2 February 2018.

ITLOS

Southern Bluefin Tuna Cases (New Zealand v. Japan; Australia v. Japan), Provisional Measures (case No. 3&4), Order of 27 August 1999.

The MOX Plant (Ireland v. United Kingdom), Provisional Measures (case No. 10), Order of 3 December 2001.

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Seabed Disputes Chamber of the ITLOS, Responsibilities and Obligations of State Sponsoring Persons and Entities with respect to Activities in the Area (case No. 17), Advisory Opinion of 1 February 2011.

PCIJ

Factory at Chorzow case (merits)(Germany/Poland), Judgment of 26 July 1927, Series A, No. 13, 1928.

ECJ

The ERG and others, Case C-378/08, Judgment of 9 March 2010.

U.S.

Ohio v. United States Department of the Interior, U.S. District Columbia Circuit Court of Appeals, 880 F. 2d 432 (D. C. Cir. 1989)

Commonwealth of Puerto Rico et al., v. the Ss Zoe Colocotroni, U.S. Court of Appeals for the First Circuit – 628 F.2d 652 (1st Cir. 198)