

Responsibility to Protect the Environment: Approaches from International Law, Constitutional Law and Civil Law

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► Problem

- ✓ Failure to incorporate the notion of “human right to the environment” in constitutional law
- ✓ No liability mechanism for not taking preventive measures against future environmental damage
- ✓ No legal remedies for damage caused to the environment per se

► Objectives

- ✓ Finding links between public and private interests in the protection of the environment
- ✓ Establishing a theory which obliges individuals and corporations to take preventive measures against environmental damage in the absence of legislation
- ✓ Establishing a theory which allows individuals and groups to seek legal remedies for damage caused to the environment per se

► Methodology


- ✓ Comparative law perspective (e.g., Japanese Law, U.S. Law, German Law)
- ✓ International and transnational law perspectives (the environment as public goods for international, regional, national, and local communities as well as individuals and corporations)

Expected Outcome - Linking the Responsibility to Protect the Environment and the Civil Liability Regime

INTERNATIONAL LAW - Responsibility of a State to protect the environment towards the international community



CONSTITUTIONAL LAW - Responsibility of a State and local governments to protect the environment towards citizens



CIVIL LAW - Civil remedy for future environmental damage and damage caused to the environment per se