

## Bibliography

- Adshead J, 'The Application and Development of the Polluter-Pays Principle across Jurisdictions in Liability for Marine Oil Pollution: The Tales of the "Erika" and the "Prestige"' (2018) 30 JEL 425
- Aguon J and Hunter J, 'Second Wave Due Diligence: The Case for Incorporating Free, Prior and Informed Consent into the Deep Seabed Mining Regulatory Regime' (2019) 38 Stan Envtl L J 3
- Albers J, *Responsibility and Liability in the Context of Transboundary Movements of Hazardous Wastes by Sea* (Springer-Verlag 2015)
- Allen J, 'Points of Law' in Cymie Payne and Peter Sand (eds), *Gulf War Reparations and the UN Compensation Commission: Environmental Claims* (OUP 2011) 141
- Ameye EM, 'United States and India: Two Nuclear States with Legislation that Truly Holds Responsible Parties Liable in Case of a Nuclear Accident' (2015) 18(8) Journal of Risk Research 1070
- Anderson C and de la Rue C, 'The Role of the P&I Clubs in Maritime Pollution Incidents' (2011) 85 Tul L Rev 1257
- Anton D, 'The Principle of Residual Liability in the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea: The Advisory Opinion on Responsibility and Liability for International Seabed Mining (ITLOS Case No. 17)' (2012) 7(2) JSDLP-RDPDD 241
- Badia A, *Piercing the Veil of State Enterprises in International Arbitration* (Wolters Kluwer 2014)
- Bailey SH and Bowman MJ, 'The Policy/Operational Dichotomy – A Cuckoo in the Nest' (1986) 45(3) CLJ 430
- Barboza J, *The Environment, Risk and Liability in International Law* (Brill 2011)
- Barrett J, 'The Antarctic Treaty System' in Karen N Scott and David L VanderZwaag (eds), *Research Handbook on Polar Law* (Edward Elgar 2020) 40
- Baslar K, *The Concept of the Common Heritage of Mankind in International Law* (Martinus Nijhoff 1998)
- Bentata P and Faure M, 'The Role of ENGOs in Environmental Litigation: A French Case Study' (2015) 25 EPG 459
- Bergkamp L, *Liability and Environment: Private and Public Law Aspects of Civil Liability for Environmental Harm in an International Context* (Kluwer Law International 2001)

- Berry DS, 'Unity or Fragmentation in the Deep Blue: Choices in Institutional Design for Marine Biological Diversity in Areas beyond National Jurisdiction' (2021) 8 *Front Mar Sci* 1
- Birnie P, Boyle A and Redgwell C, *International Law and the Environment* (4th edn, OUP 2021)
- Blokker N, 'International Organizations: The Untouchables?' (2013) 10 *Int Organ Law Rev* 259
- 'International Organizations or Institutions, Implied Powers' (last updated December 2021) in Anne Peters and Rüdiger Wolfrum (eds), *Max Planck Encyclopedia of Public International Law* (OUP 2008)
- Blum J, *The End of the Old Order in Rural Europe* (Princeton University Press 1978)
- Blumm M and Guthrie R, 'Internationalizing the Public Trust Doctrine: Natural Law and Constitutional and Statutory Approaches to Fulfilling the Saxion Vision' (2012) 45 *UC Davis L Rev* 741
- Boon KE, 'Are Control Tests Fit for the Future? The Spillage Problem in Attribution Doctrines' (2014) 15 *MJIL* 1
- Bosselmann K, *Earth Governance: Trusteeship of the Global Commons* (Edward Elgar 2015)
- Bourrel M, Thiele T and Currie D, 'The Common Heritage of Mankind as a Means to Assess and Advance Equity in Deep Sea Mining' (2018) 95 *Mar Pol'y* 311
- Bowman M and Boyle A (eds), *Environmental Damage in International and Comparative Law: Problems of Definition and Valuation* (OUP 2002)
- Boyle A, 'State Responsibility and Liability for Injurious Consequences of Acts Not Prohibited by International Law: A Necessary Distinction?' (1990) 39 *ICLQ* 1
- 'Dispute Settlement and the Law of the Sea Convention: Problems of Fragmentation and Jurisdiction' (1997) 46(1) *ICLQ* 37
- 'Remedying Harm to International Common Spaces and Resources: Compensation and Other Approaches' in Peter Wetterstein (ed), *Harm to the Environment: The Right to Compensation and Assessment of Damages* (OUP 1997) 83
- 'Reparation for Environmental Damage in International Law: Some Preliminary Problems' in Michael Bowman and Alan Boyle (eds), *Environmental Damage in International and Comparative Law: Problems of Definition and Valuation* (OUP 2002) 17
- 'Globalising Environmental Liability: The Interplay of National and International Law' (2005) 17 *JEL* 3
- Brans E, *Liability for Damage to Public Natural Resources: Standing, Damage and Damage Assessment* (Kluwer Law International 2001)
- Brent K, 'Solar Radiation Management Geoengineering and Strict Liability for Ultrahazardous Activities' in Neil Craik, Cameron SG Jefferies, Sara L Seck and Tim Stephens (eds), *Global Environmental Change and Innovation in International Law* (CUP 2018) 161
- Brondizio ES, Settele J, Díaz S and Ngo HT (eds), *Global Assessment Report on Biodiversity and Ecosystem Services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services* (IPBES Secretariat 2019)
- Brown ED, *The Area beyond the Limits of National Jurisdiction: Sea-Bed Energy and Mineral Resources and Law of the Sea* (Martinus Nijhoff 1986) vol II
- Brunnée J, 'Of Sense and Sensibility: Reflections on Environmental Liability Regimes as Tools for Environmental Protection' (2004) 53 *ICLQ* 351
- Buck S, *The Global Commons: An Introduction* (Island Press 2012)
- Burdon P and Williams C, 'Rights of Nature: A Constructive Analysis' in Douglas Fisher (ed), *Research Handbook on Fundamental Concepts of Environmental Law* (Edward Elgar 2016) 196
- Burmester HC, 'Liability for Damage from Antarctic Mineral Resource Activities' (1989) 29 *Va J Int'l L* 621

- Buxbaum H, 'Foreign Governments as Plaintiffs in U.S. Courts and the Case against "Judicial Imperialism"' (2016) 73 Wash Lee L Rev 653
- Calabresi G and Melamed AD, 'Property Rules, Liability Rules, and Inalienability: One View of the Cathedral' (1972) 85 Harv L Rev 1089
- Chao W, *Pollution from the Carriage of Oil by Sea: Liability and Compensation* (Kluwer Law International 1996)
- Charme J, 'Transnational Injury and Ultra-hazardous Activity: An Emerging Norm of International Strict Liability' (1989) 4 J L & Tech 75
- Chinkin C and Mackenzie R, 'Intergovernmental Organizations as "Friends of Courts"' in Laurence Boisson de Chazournes, Cesare PR Romano and Ruth Mackenzie (eds), *International Organisations and International Dispute Settlement: Trends and Prospects* (Brill 2002) 135
- Chow PY, 'On Obligations Erga Omnes Partes' (2021) 52 Geo J Int'l L 469
- Churchill R, 'Facilitating (Transnational) Civil Liability Litigation for Environmental Damage by Means of Treaties: Progress, Problems, and Prospects' (2001) 12 Yrbk Int'l Env Law 3
- Churchill R and Ulfstein G, 'Autonomous Institutional Arrangements in Multilateral Environmental Agreements: A Little-Noticed Phenomenon in International Law' (2000) 94(4) AJIL 623
- Collins R and French D, 'A Guardian of Universal Interest or Increasingly Out of Its Depth? The International Seabed Authority Turns 25' (2019) 17(3) Int Org Law Rev 1
- Convey P and Peck LS, 'Antarctic Environmental Change and Biological Responses' (2019) 5 Science Advances 11
- Craik N, 'Recalcitrant Reality and Chosen Ideals: The Public Function of Dispute Settlement in International Environmental Law' (1997) 10 Geo Int'l Envtl L Rev 551
- Crawford J, *The International Law Commission's Articles on State Responsibility: Introduction, Text and Commentaries* (CUP 2002)
- 'State Responsibility' in Rüdiger Wolfrum (ed), *Max Planck Encyclopedia of Public International Law Online* (OUP September 2006)
- State Responsibility* (CUP 2013)
- Brownlie's Principles of Public International Law* (9th edn, OUP 2019)
- Creutz K, *State Responsibility in the International Legal Order: A Critical Appraisal* (CUP 2020)
- Daugirdas K, 'How and Why International Law Binds International Organizations' (2016) 57 Harv Intl L J 325
- Davenport T, 'Responsibility and Liability for Damage Arising Out of Activities in the Area: Potential Claimants and Possible Fora' (Legal Working Group on Liability for Environmental Harm from Activities in the Area, Liability Issues for Deep Seabed Mining Series, Paper No 5, February 2019)
- de La Fayette L, 'The Concept of Environmental Damage in International Liability Regimes' in Michael Bowman and Alan Boyle (eds), *Environmental Damage in International and Comparative Law: Problems of Definition and Valuation* (OUP 2002) 149
- 'International Liability for Damage to the Environment' in Malgosia Fitzmaurice, David M Ong and Panos Merkouris (eds), *Research Handbook on International Environmental Law* (Edward Elgar 2010) 320
- de Smedt K, Wang H and Faure M, 'Towards Optimal Liability and Compensation for Offshore Oil and Gas Activities' in Michael Faure (ed), *Civil Liability and Financial Security for Offshore Oil and Gas Activities* (CUP 2016)
- Doeker G and Gehring T, 'Private or International Liability for Transnational Environmental Damage – The Precedent of Conventional Liability Regimes' (1990) 2(1) JEL 1

- Doelle M and Seck S, 'Introducing Loss and Damage' in Meinhard Doelle and Sara Seck (eds), *Research Handbook on Climate Change Loss and Damage* (Edward Elgar 2021) 1
- Dubois SM and Mayer B, 'Liability and Compensation for Marine Plastic Pollution: Conceptual Issues and Possible Ways Forward' (2020) 114 AJIL Unbound 206
- Duvic-Paoli L, *The Prevention Principle in International Environmental Law* (CUP 2018)
- Elliot L, *International Environmental Politics: Protecting the Antarctic* (Palgrave MacMillan 1994)
- Ellis J, 'Extraterritorial Excuse of Jurisdiction for Environmental Protection: Addressing Fairness Concerns' (2012) 25 LJIL 397
- Evans M, 'Parens Patriae and Public Trust: Litigating Environmental Harm *Per Se*' (2016) 12 (1) MJSDL 1
- Fasia E, 'No Provision Left Behind – Law of the Sea Convention's Dispute Settlement System and Obligations *Erga Omnes*' (2021) 20 LPICT 519
- Fasoli E, 'The Possibilities for Nongovernmental Organizations Promoting Environmental Protection to Claim Damages in Relation to the Environment in France, Italy, the Netherlands and Portugal' (2017) 26(1) RECIEL 30
- Faure M, 'Attribution of Liability: An Economic Analysis of Various Cases' (2016) 91(2) Chikent L Rev 603
- (ed), *Civil Liability and Financial Security for Offshore Oil and Gas Activities* (CUP 2016)
- Faure M and Vanden Borre T, 'Compensating Nuclear Damage: A Comparative Economic Analysis of the US and International Liability Schemes' (2008) 33 Wm & Mary Envtl L & Pol'y Rev 219
- Faure M, Jing L and Wang H, 'Analysis of Existing Regimes' in Michael Faure (ed), *Civil Liability and Financial Security for Offshore Oil and Gas Activities* (CUP 2016) 68
- Feichtner I, 'Community Interests' in Rüdiger Wolfrum (ed), *Max Planck Encyclopedia of Public International Law* (OUP 2007)
- Feldthusen B, 'Public Authority Immunity from Negligence Liability: Uncertain, Unnecessary, and Unjustified' (2014) 92(2) Can Bar Rev 211
- Ferreira PG, 'Arrested Development: The Late and Inequitable Integration of Loss and Damage Finance into the UNFCCC' in Meinhard Doelle and Sara Seck (eds), *Research Handbook on Climate Law and Loss and Damage* (Edward Elgar 2021) 127
- Fitzmaurice M, 'Liability for Environmental Damage Caused to the Global Commons' (1996) 5 RECIEL 305
- Fleming JG, 'Probabilistic Causation in Tort Law' (1989) 68(4) Can Bar Rev 661
- Foster C, 'The ILC Draft Principles on the Allocation of Loss in the Case of Transboundary Harm Arising Out of Hazardous Activities: Privatizing Risk?' (2005) 14 RECIEL 265
- Science and the Precautionary Principle in International Courts and Tribunals: Expert Evidence, Burden of Proof and Finality* (CUP 2011)
- 'New Clothes for the Emperor? Consultation of Experts by the International Court of Justice' (2014) 5 JIDS 139
- Fox H and Webb P, *The Law of State Immunity* (3rd edn, OUP 2015)
- Freestone D, 'International Governance, Responsibility and Management of Areas Beyond National Jurisdiction' (2012) 27 IJMCL 191
- Fry J, 'Attribution of Responsibility' in André Nollkaemper and Ilias Plakokefalos (eds), *Principles of Shared Responsibility in International Law* (CUP 2014)
- Gahlen S, *Civil Liability for Accidents at Sea* (Springer-Verlag 2015)
- Gaskell N, 'Compensation for Offshore Pollution: Ships and Platforms' in Malcolm Clarke (ed), *Maritime Law Evolving* (Hart Publishing 2013) 63

- 'Liability and Compensation Regimes: Pollution of the High Seas' in Robert Beckman, Millicent McCreath, J Ashley Roach and Zhen Sun (eds), *High Seas Governance: Gaps and Challenges* (Brill 2019) 229
- Glasby GP, 'Deep Seabed Mining: Past Failures and Future Prospects' (2002) 20(2) *Marine Georesources & Geotechnology* 161
- Goldie LFE, 'Liability for Damage and the Progressive Development of International Law' (1965) 14(4) *ICLQ* 1189
- 'Concepts of Strict and Absolute Liability and the Ranking of Liability in Terms of Relative Exposure to Risk' (1985) 16 *NYIL* 175
- Handl G, 'Liability as an Obligation Established by a Primary Rule of International Law: Some Basic Reflections on the International Law Commission's Work' (1985) 16 *NYIL* 49
- 'Marine Environmental Damage: The Compensability of Ecosystem Service Loss in International Law' (2019) 34 *IJMCL* 602
- Hanley N, 'The Economic Valuation of Environmental Damage' in Michael Bowman and Alan Boyle (eds), *Environmental Damage in International and Comparative Law: Problems of Definition and Valuation* (OUP 2002) 27
- Harden-Davies H and others, 'Rights of Nature: Perspectives for Global Ocean Stewardship' (2020) 122 *Mar Pol'y* 104059
- Harwood VH, *Modern Tort Law* (7th edn, Routledge-Cavendish 2008)
- Harrison J, 'The Law of the Sea Convention Institutions' in Donald R Rothwell, Alex G Oude Elferink, Karen N Scott and Tim Stephens (eds), *Oxford Handbook on the Law of the Sea* (OUP 2014) 373
- 'Key Challenges Relating to the Governance of Regional Fisheries' in Richard Caddell and Erik J Molenaar (eds), *Strengthening International Fisheries Law in an Era of Changing Oceans* (Hart Publishing 2019) 79
- 'Checks and Balances on the Regulatory Powers of the International Seabed Authority' in A Ascencio Herrera and MH Nordquist (eds), *The United Nations Convention on the Law of the Sea Part XI Regime and the International Seabed Authority: A Twenty-Five Year Journey* (Brill 2022) 151
- Heller K, 'Specially-Affected States and the Formation of Custom' (2018) 112(2) *AJIL* 191
- Hemmings A, 'Liability Postponed: The Failure to Bring Annex VI of the Madrid Protocol into Force' (2018) 8(2) *Polar J* 315
- Hinteregger M, 'Environmental Liability' in Emma Lees and Jorge E Viñuales (eds), *Oxford Handbook of Comparative Environmental Law* (OUP 2019) 1025
- Hoyt S, Van Dover C, Smith S and Pendleton L, 'Closing the Liability Gap: A Review of Liability Alternatives for the Emerging Seafloor Mineral Extraction Industry' (2016) <[https://dukespace.lib.duke.edu/dspace/bitstream/handle/10161/11881/MP\\_FINAL.pdf?sequence=1](https://dukespace.lib.duke.edu/dspace/bitstream/handle/10161/11881/MP_FINAL.pdf?sequence=1)>
- Huguenin M, Donlan M, van Geel A and Paterson R, 'Assessment and Valuation of Damage to the Environment' in Cymie Payne and Peter Sand (eds), *Gulf War Reparations and the UN Compensation Commission: Environmental Claims* (OUP 2011) 67
- Hylton K, *Tort Law: A Modern Perspective* (CUP 2016)
- Intergovernmental Panel on Climate Change, *Special Report on the Ocean and Cryosphere in a Changing Climate* (CUP 2019)
- Special Report on the Ocean and Cryosphere in a Changing Climate* (CUP 2022)
- Jaeckel A, Ardron J and Gjerde K, 'Sharing Benefits of the Common Heritage of Mankind – Is the Deep Seabed Mining Regime Ready?' (2016) 70 *Mar Pol'y* 198

- Jaeckel A, *The International Seabed Authority and the Precautionary Principle: Balancing Deep Seabed Mineral Mining and Marine Environmental Protection* (Brill 2017)
- Jaeckel A, Gjerde K and Ardron J, 'Conserving the Common Heritage of Humankind – Options for the Deep Seabed Mining Regime' (2017) 78 Mar Pol'y 150
- Jarrett M, *Contributory Fault and Investor Misconduct in Investment Arbitration* (CUP 2019)
- Jenks CW, 'The Scope and Nature of Ultra-Hazardous Liability in International Law' (1968) 117 Recueil de Cours 99
- Johnson M, 'Liability for Environmental Damage in Antarctica: The Adoption of Annex VI to the Antarctic Environmental Protocol' (2006) 19(1) Geo Int'l Envtl L Rev 33
- Joyner C C, 'Legal Implications of the Concept of the Common Heritage of Mankind' (1986) 35(1) ICLQ 190
- 'The Antarctic Legal Regime: An Introduction' in Christopher C Joyner and Sudhir K Chopra (eds), *The Antarctic Legal Regime* (Martinus Nijhoff 1988) 2
- Governing the Frozen Commons: The Antarctic Regime and Environmental Protection* (University of South Carolina Press 1998)
- Kees A, 'Responsibility of States for Private Actors' in Rüdiger Wolfrum (ed), *Max Planck Encyclopedia of Public International Law Online* (OUP 2011)
- Kindje K and Faure M, 'Assessing Reparation of Environmental Damage by the ICJ: A Lost Opportunity?' (2019) 57 QILJ 5
- Klabbers J, 'Formal Intergovernmental Organizations' in Jacob Katz Cogan, Ian Hurd and Ian Johnstone (eds), *The Oxford Handbook on International Organizations* (OUP 2016) 133
- Klein P, 'Responsibility' in Jacob Katz Cogan, Ian Hurd and Ian Johnstone (eds), *The Oxford Handbook on International Organizations* (OUP 2016) 1026
- Laidlaw AK and Kang S, 'The Dispute Settlement Mechanisms in Major Multilateral Treaties' NUS Centre for International Law Working Paper 18/02 (2018) <<https://cil.nus.edu.sg/wp-content/uploads/2018/10/NUS-CIL-Working-Paper-1802-The-Dispute-Settlement-Mechanisms-in-Major-Multilateral-Treaties.pdf>>
- Lanovoy V, 'Causation in the Law of State Responsibility' (2022) British Yearbook Intl L 1
- Lefeber R, *Transboundary Environmental Interference and the Origin of State Liability* (Kluwer Law International 1996)
- 'The Liability Provisions of Regional Seas Conventions: Dead Letters in the Sea?' in Davor Vidas and Willy Østreg (eds), *Order for the Ocean at the Turn of the Century* (Kluwer Law International 1999) 507
- Leigh K, 'Liability for Damage to the Global Commons' (1992) 14 Aust YBIL 129
- Levin L and others, 'Defining "Serious Harm" to the Marine Environment in the Context of Deep-Seabed Mining' (2016) 74 Mar Pol'y 245
- Levin L, Amon D and Lily H, 'Challenges to the Sustainability of Deep Seabed Mining' (2020) 3 Nature Sustainability 784
- Lijnzaad L, 'Dispute Settlement for Marine Biodiversity beyond National Jurisdiction: Not an Afterthought' in Helene Ruiz Fabri, Erik Franckx, Marco Benatar and Tamar Meshel (eds), *A Bridge over Troubled Waters: Dispute Resolution in the Law of International Watercourses and the Law of the Sea* (Brill 2020)
- Loan J, 'The Common Heritage of Mankind in Antarctica: An Analysis in Light of the Threats Posed by Climate Change' (2004) 1 NZ Yearbook Intl L 149
- Lodge M, 'The Common Heritage of Mankind' (2012) 27 IJMCL 733
- Lohan D and Johnston S, *Bioprospecting in Antarctica* (UNU-IAS 2005) <[www.cbd.int/financial/bensharing/g-absantarctic.pdf](http://www.cbd.int/financial/bensharing/g-absantarctic.pdf)>
- Long R, 'Restoring Marine Environmental Damage: Can the *Costa Rica v Nicaragua* Compensation Case Influence the BBNJ Negotiations?' (2019) 28 RECIEL 244

- Long R and Sun Z (eds), *Workshop Report: Biodiversity beyond National Jurisdiction: Towards the Development of a Balanced, Effective and Universal International Agreement* (World Maritime University 2020)
- Mace MJ and Verheyen R, 'Loss, Damage and Responsibility after COP21: All Options Open for the Paris Agreement' (2016) 25 RECIEL 197
- Mackenzie R, Romano C, Shany Y and Sands P, *The Manual on International Courts and Tribunals* (2nd edn, OUP 2010)
- Malintoppi L, 'Methods of Dispute Resolution in Inter-state Litigation – When States Go to Arbitration Rather than Adjudication' (2006) 5 LPICT 133
- 'Fact-Finding and Evidence before the International Court of Justice (Notably in Scientific-Related Disputes)' (2016) 7 JIDS 421
- Marjanac S and Patton L, 'Extreme Weather Event Attribution Science and Climate Change Litigation: An Essential Step in the Causal Change' (2018) 36 (3) J Energy Nat Resources Law 265
- McCamus J, 'Necessitous Intervention: The Altruistic Intermeddler and the Law of Restitution' (1979) 11 Ottawa L Rev 297
- Messineo F, 'The Invocation of Member State Responsibility before National and International Courts' (2015) 12 Int Org Law Rev 484
- Mickelson K, 'Rereading Trail Smelter' (1994) 31 Canadian YBIL 219
- Minnerop P and Friederike O, 'Climate Change and Causation: Joining Law and Climate Science on the Basis of Formal Logic' (2019) 27 Buff Env L J 49
- Mitchell C and Swadling W (eds), *Restatement (Third) of Restitution and Unjust Enrichment* (Bloomsbury Publishing 2013)
- Mollengarden Z and Zamir N, 'The Monetary Gold Principle: Back to Basics' (2021) 115(1) AJIL 41
- Morrison J, 'Global Approval Not Enough, Businesses Need Social License' (2014) YaleGlobal Online <<https://archive-yaleglobal.yale.edu/content/government-approval-not-enough-businesses-need-social-license>>
- Musiker D, France T and Hallenbeck L, 'The Public Trust and *Parens Patriae* Doctrines: Protecting Wildlife in Uncertain Political Times' (1995) 16 Pub Land L Rev 87
- Nandan S, Lodge MW and Rosenne S (eds), *United Nations Convention on the Law of the Sea 1982: A Commentary*, vol VI (Brill 2002)
- Nigar M, 'Environmental Liability and Global Commons: A Critical Study' (2018) 60(2) IJLMA 435
- Niner H. and others, 'Deep-sea mining with no net loss of biodiversity—an impossible aim' (2018) 5 Front Mar Sci 53
- Nollkaemper A, 'Internationally Wrongful Acts in Domestic Courts' (2007) 101(4) AJIL 760
- Nollkaemper A and Jacobs D, 'Shared Responsibility in International Law: A Conceptual Framework' (2013) 34 Mich J Intl L 359
- Nollkaemper A and others, 'Guiding Principles on Shared Responsibility in International Law' (2020) 31 EJIL 15
- Nordquist MH, Rosenne S and Sohn L, *United Nations Convention on the Law of the Sea 1982: A Commentary*, vol V (Martinus Nijhoff 1989)
- Okowa P, *State Responsibility for Transboundary Air Pollution in International Law* (OUP 2000)
- 'Responsibility for Environmental Damage' in Malgosia Fitzmaurice, David M Ong and Panos Merkouris (eds), *Research Handbook on International Environmental Law* (Edward Elgar 2010) 303
- Oral N, 'The South China Sea Arbitral Award, Part XII of UNCLOS and the Protection and Preservation of the Marine Environment' in S Jayakumar, Tommy Koh, Robert



- Beckman, Tara Davenport and Hao Duy Phan (eds), *The South China Sea Arbitration: The Legal Dimension* (Edward Elgar 2018) 223
- Ostrom E, *Governing the Commons: The Evolution of Institutions for Collective Action* (CUP 1990)
- 'From Domestic to Global? Recent Trends in Environmental Liability from a Multilevel and Comparative Law Perspective' (2015) 24(3) RECIEL 289
- Owens J, 'Comparative Law and Standing to Sue: A Petition for Redress for the Environment' (2001) 7 *Env'tl Law* 321
- Pala C, 'Can Mining the Seabed Help save the Planet?' *Foreign Policy*, 7 November 2021 <<https://foreignpolicy.com/2021/11/07/seabed-mining-marine-life-climate-change-electric-cars-pacific-nauru/>>
- Pardo A, 'Law of the Sea Conference – What Went Wrong' in Robert L Friedheim (ed), *Managing Ocean Resources: A Primer* (Westview Press 1979) 137
- Parsons C, 'Moral Hazard in Liability Insurance' (2003) 29 *Geneva Papers on Risk and Insurance: Issues and Practice* 448
- Pasquet L, 'Litigating the Immunities of International Organizations in Europe: The "Alternative Remedy" Approach and Its Humanizing Function' (2021) 36(2) *Utrecht J Int Eur Law* 192
- Payne C, 'Mastering the Evidence: Improving Fact Finding by International Courts' (2011) 41 *Env'tl L* 1191
- 'Negotiation and Dispute Prevention in Global Cooperative Institutions: International Community Interests, IUU Fishing and the Biodiversity Beyond National Jurisdiction Negotiation' (2020) 22 *Int C L Rev* 428
- Pedersen O, 'An International Environmental Court and International Legalism' (2012) 24 (3) *JEL* 547
- Pekkarinen V, Toussaint P and van Asselt H, 'Loss and Damage after Paris: Moving beyond Rhetoric' (2019) 13 *CCLR* 31
- Perry-Kessaris A, 'Corporate Liability for Environmental Harm' in Malgosia Fitzmaurice, David M Ong and Panos Merkouris (eds), *Research Handbook on International Environmental Law* (Edward Elgar 2010)
- Pfennigstorf W, 'Policy Considerations for Insurers Engaging in Environmental Liability Insurance' in H Bocken and D Ryckbost (eds), *Insurance of Environmental Damage* (Story-Scientia 1991) 269
- Plakokefalos I, 'Causation in the Law of State Responsibility and the Problem of Overdetermination: In Search of Clarity' (2015) 26(2) *EJIL* 471
- 'Environmental Protection of the Deep Seabed' in André Nollkaemper and Ilias Plakokefalos (eds), *The Practice of Shared Responsibility in International Law* (CUP 2017) 380
- Plakokefalos I and Schechinger J, 'Liability for Transboundary Harm' in André Nollkaemper and Ilias Plakokefalos (eds), *The Practice of Shared Responsibility in International Law* (CUP 2017) 1051
- Peel J, 'New State Responsibility Rules and Compliance with Multilateral Environmental Obligations: Some Case Studies of How the New Rules Might Apply in the International Environmental Context' (2001) 10(1) RECIEL 82
- Peel J and Lin J, 'Transnational Climate Litigation: The Contribution of the Global South' (2019) 113(4) *AJIL* 679
- Ragazzi M, *The Concept of International Obligations Erga Omnes* (Clarendon Press 1997)
- Rao C and Gautier P, *The International Tribunal for the Law of the Sea: Law, Practice and Procedure* (Edward Elgar 2018)



- Ratliff D, 'The PCA Optional Rules for Arbitration of Disputes Relating to Natural Resources and/or the Environment' (2001) 14 LJIL 887
- Redgwell C, *Intergenerational Trusts and Environmental Protection* (Manchester UP 1999)
- 'The Wrong Trousers: State Responsibility and International Environmental Law' in Malcolm Evans and Panos Koutrakos (eds), *The International Responsibility of the European Union: European and International Perspectives* (Hart Publishing 2013) 257
- Regalia J, 'The Public Trust Doctrine and the Climate Crisis: Panacea or Platitude?' (2021) 11(1) MJEAL 1
- Reid E, 'Liability for Dangerous Activities: A Comparative Analysis' (1999) 48 ICLQ 731
- Reinisch A, 'Privileges and Immunities' in Jacob Katz Cogan, Ian Hurd and Ian Johnstone (eds), *The Oxford Handbook on International Organizations* (OUP 2016) 1048
- Reis TH, *Compensation for Environmental Damages under International Law: The Role of the International Judge* (Wolters Kluwer 2011)
- Richardson B, *Environmental Regulation through Financial Organizations* (Kluwer Law International 2002)
- Robles Jr A, 'The 1994 Agreement on Deep Seabed Mining: Universality vs. the Common Heritage of Humanity' (1996) 12 World Bulletin 20
- Rojas AS and Philips FK, 'Effective Control and Deep Seabed Mining: Toward a Definition' Centre for International Governance Innovation, Liability Issues for Deep Seabed Mining Series, Paper No 7, February 2019
- Rosas A, 'Issues of State Liability for Transboundary Environmental Damage' (1991) 60 Nord J Intl L 29
- Rudall R, *Compensation for Environmental Damage under International Law* (Routledge 2020)
- Sachariew K, 'The Definition of Thresholds of Tolerance for Transboundary Environmental Injury under International Law: Development and Present Status' (1990) XXXVII NILR 193
- Sand PH, 'The Rise of Public Trusteeship in International Environmental Law' (2014) 44(1) EPL 210
- Sands P and Peel J, *Principles of International Environmental Law* (4th edn, CUP 2018)
- Sax J, 'The Public Trust Doctrine in Natural Resource Law: Effective Judicial Intervention' (1969) 68 Mich L Rev 571
- Schisel-Meslin J, 'Out of the Club? Out of Luck: Complexities Facing Injured Third Parties Seeking Recovery from P&I Clubs' (2019) 43 Tul Mar L J 319
- Schuda R, 'The International Maritime Organization and the Draft Convention on Liability and Compensation in Connection with the Carriage of Hazardous and Noxious Substances by Sea: An Update on Recent Activity' (1992) 46 U Miami L Rev 1009
- Schwartz P, 'The Polluter-Pays Principle' in Ludwig Krämer and Emanuela Orlando (eds), *Principles of Environmental Law* (Edward Elgar 2018) 264
- Scott K, 'Geoengineering and the Marine Environment' in Rosemary Rayfuse (ed), *Research Handbook on International Marine Environmental Law* (Edward Elgar 2015) 451
- Scott K and VanderZwaag D, 'Polar Oceans and Law of the Sea' in Donald Rothwell, Alex Oude Elferink, Karen Scott and Tim Stephens (eds), *The Oxford Handbook of the Law of the Sea* (OUP 2015) 724
- 'Ocean Acidification: A Due Diligence Obligation under the LOSC' (2020) 35 IJMCL 382
- Scott S, 'Australia's Decision to Initiate Whaling in the Antarctic: Winning the Case versus Resolving the Dispute' (2014) 68(1) Aust J Int'l Aff 1
- Scovazzi T, 'The Mediterranean Guidelines for Determination of Environmental Liability and Compensation: The Negotiations of the Instrument and the Question of Damage that Can Be Compensated' (2009) 13 Max Planck UNYB 183

- Shavell S, 'Strict Liability versus Negligence' (1980) 9 *JLS* 1
- Shibata A (ed), *International Liability Regime for Biodiversity Damage: The Nagoya-Kuala Lumpur Supplementary Protocol* (Routledge 2014)
- Siegele L, 'Loss and Damage (Article 8)' in Daniel Klein, María Pía Carazo, Meinhard Doelle, Jane Bulmer and Andrew Higham (eds), *The Paris Agreement on Climate Change: Analysis and Commentary* (OUP 2017) 224
- Soares G and Vargas E, 'The Basel Liability Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and Their Disposal' (2001) 12(1) *Yearbook Int Environ Law* 69
- Sohn L, 'The Stockholm Declaration on the Human Environment' (1973) 14 *Harv Int'l L J* 423
- Solntsev AM, 'The International Environmental Court – A Necessary Institution for Sustainable Planetary Governance in the Anthropocene' in Michelle Lim (ed), *Charting Environmental Law Futures in the Anthropocene* (Springer 2019)
- Steffen W, Richardson K, Rockström J and Cornell SE, 'Planetary Boundaries: Guiding Human Development on a Changing Planet' (2015) 347 (6223) *Science* 736
- Stephens T, *International Courts and Environmental Protection* (CUP 2009)
- 'Environmental Litigation by Asia Pacific States at the International Court of Justice' (2021) 21 *MJIL* 653
- 'The Development of International Environmental Law by the International Court of Justice' in Douglas Fisher (ed), *Research Handbook on Fundamental Concepts of Environmental Law* (2nd edn, Edward Elgar 2022) 184
- Stiglitz J, 'Risk Incentives and Insurance: The Pure Theory of Moral Hazard' (1983) 8 *GRIR* 4
- Stone C, 'Should Trees Have Standing – Toward Legal Rights for Natural Objects' (1972) 45 *S Cal L Rev* 450
- Tams C, *Enforcing Obligations Erga Omnes in International Law* (CUP 2005)
- Tanaka Y, 'Reflections on *Locus Standi* in Response to a Breach of Obligations *Erga Omnes Partes*: A Comparative Analysis of the *Whaling in the Antarctic* and *South China Sea Cases*' (2018) 17 *LPICT* 527
- 'The Legal Consequences of Obligations *Erga Omnes* in International Law' (2021) 68(1) *NILR* 1
- 'Temporal Elements in the Valuation of Environmental Damage: Reflections on the *Costa Rica v Nicaragua* Case before the International Court of Justice' (2021) 90 *Nord J Intl L* 257
- Tarver D, '"Hunnuh Mus Tek Cyare da Root fa Heal da Tree": Saving the South Carolina Lowcountry from Overdevelopment through Judicial Application of a Modern Public Trust' (2017) 68 *S C L Rev* 1047
- Taylor P, 'The Concept of the Common Heritage of Mankind' in Douglas Fisher, (ed), *Research Handbook on Fundamental Concepts of Environmental Law* (Edward Elgar 2016) 306
- Taylor P and Stroud L, *Common Heritage of Mankind: A Bibliography of Legal Writing* (Fondation de Malte 2013)
- Telesetsky A, 'The 2010 Nagoya-Kuala Lumpur Supplementary Protocol: A New Treaty Assigning Transboundary Liability and Redress for Biodiversity Damage Caused by Genetically Modified Organisms' (2011) 14 *ASIL Insight* 2
- Telicki K, 'Developing a Communications and Engagement Strategy for the International Seabed Authority to Ensure Active Stakeholder Participation in the Development of a Minerals Exploitation Code' (2016) *ISA Discussion Paper No 3*
- Toussaint P, 'Loss and Damage and Climate Litigation: The Case for Greater Interlinkage' (2022) 30(1) *RECIEL* 16

- Trindade AAC, *International Law for Humankind: Toward a New Jus Gentium* (Martinus Nijhoff 2005)
- Turnipseed M and others, 'Reinvigorating the Public Trust Doctrine: Expert Opinion on the Potential of Public Trust Mandate in US and International Environmental Law' (2010) 52(5) *Environment: Science and Policy for Sustainable Development* 7
- UNEP-WCMC, 'Governance of Areas beyond National Jurisdiction for Biodiversity Conservation and Sustainable use: Institutional Arrangements and Cross-sectoral Cooperation in the Western Indian Ocean and the Southeast Pacific' (UN Environment World Conservation Monitoring Centre 2017)
- Urs P, 'Obligations *Erga Omnes* and the Question of Standing before the International Court of Justice' (2021) 34(2) *LJIL* 505
- Vanden Borre T, 'Shifts in Governance in Compensation for Nuclear Damage 20 Years after Chernobyl' in Michael Faure and Albert Verheij (eds), *Compensation for Environmental Damage* (Springer 2007) 262
- Van Dover CL and others, 'Biodiversity Loss from Deep Sea Mining' (2017) 10 *Nat Geosci* 464
- Vierucci L, 'NGOs before International Courts and Tribunals' in Pierre-Marie Dupuy and Luisa Vierucci (eds), *NGOs in International Law: Efficiency in Flexibility?* (Edward Elgar 2008)
- Vigni P, 'The Interaction between the Antarctic Treaty System and the Other Relevant Conventions Applicable to the Antarctic Area: A Practical Approach versus Theoretical Doctrines' in JA Frowein and Rüdiger Wolfrum (eds), *Max Planck Yearbook of United Nations Law* (Kluwer 2000) 481
- Vogler J, *The Global Commons: A Regime Analysis* (Wiley & Sons 1995)
- The Global Commons: Environmental and Technological Governance* (2nd edn, Wiley 2000)
- Vönecky S, 'The Liability Annex to the Protocol on Environmental Protection to the Antarctic Treaty' in Doris König, Peter-Tobias Stoll, Volker Röben and Nele Matz-Lück (eds), *International Law Today: New Challenges and the Need for Reform?* (Springer 2007) 186
- Voyer M and van Leeuwen J, '"Social License to Operate" in the Blue Economy' (2019) 62 *Resour Pol'y* 102
- Weinrib EJ, 'Corrective Justice in a Nutshell' (2002) 52 *UTLJ* 349
- The Idea of Private Law* (rev edn, OUP 2012)
- Wetterstein P (ed), *Harm to the Environment: the Right to Compensation and Assessment of Damages* (OUP 1997)
- 'Pure Environmental Damage' in Günther Handl and Kristoffer Svendsen (eds), *Managing the Risk of Offshore Oil and Gas Accidents* (Edward Elgar 2019) 305
- Wewerinke-Singh M and others, 'Bringing Climate Change before the International Court of Justice: Prospects for Contentious Cases and Advisory Opinion' in Ivano Alogna, Christine Bakker and Jean-Pierre Gauci (eds), *Climate Change Litigation: Global Perspectives* (Brill 2021) 393
- Wijk A, *Amicus Curiae before International Courts and Tribunals* (Nomos/Hart 2018)
- Wilde M, *Civil Liability for Environmental Damage: A Comparative Analysis of Law and Policy in Europe and the United States* (Kluwer Law International 2004)
- Wilder M, 'The Settlement of Disputes under the Protocol on Environmental Protection to the Antarctic Treaty' (1995) 31(179) *Polar Rec* 399
- Williams S, Woolaver H and Palmer E, *The Amicus Curiae in International Criminal Justice* (Hart Publishing 2020)
- Wolfrum R, 'Purposes and Principles of International Environmental Law' (1990) 33 *GYIL* 308

- 'Liability for Environmental Damage in Antarctica: Supplement to the Rules on State Responsibility or a Lost Opportunity?' in Isabelle Buffard (ed), *International Law between Universalism and Fragmentation: Festschrift in Honour of Gerhard Hafner* (Martinus Nijhoff 2008) 817
- Wood MC and Woodward IV CW, 'Atmospheric Trust Litigation and the Constitutional Right to a Healthy Climate System: Judicial Recognition at Last' (2016) 6 Wash J Envtl L & Pol'y 634
- Wouters J and Odermatt J, 'Assessing the Legality of Decisions' in Jacob Katz Cogan, Ian Hurd and Ian Johnstone (eds), *The Oxford Handbook on International Organizations* (OUP 2016) 1006
- Wright RW, 'Causation, Responsibility, Risk, Probability, Naked Statistics and Proof: Pruning the Bramble Bush by Clarifying the Concepts' 73 Iowa L Rev (1987–1988) 1001
- Wright G, Rochette J, Gjerde K and Seeder I, 'The Long and Winding Road: Negotiating a Treaty for the Conservation and Sustainable Use of Marine Biodiversity in Areas beyond National Jurisdiction' IDDRI Study No 18, August 2018 <[www.iddri.org/sites/default/files/PDF/Publications/Catalogue%20Iddri/Etude/201808-Study\\_HauteMer-long%20and%20winding%20road.pdf](http://www.iddri.org/sites/default/files/PDF/Publications/Catalogue%20Iddri/Etude/201808-Study_HauteMer-long%20and%20winding%20road.pdf)>
- Xue H, *Transboundary Damage in International Law* (CUP 2003)
- Yang X, *State Immunity in International Law* (CUP 2012)
- Young M and Friedman A, 'Biodiversity beyond National Jurisdiction: Regimes and Their Interaction' (2018) 112 AJIL Unbound 123
- Zhang H, 'The Obligation of Due Diligence in Regulating the Marine Genetic Resources in Areas beyond National Jurisdiction' in Keyuan Zou (ed), *Global Commons and the Law of the Sea* (Brill Nijhoff 2018) 286