

CHAPTER 1 INTRODUCTION TO ENVIRONMENTAL LAW What is International Environmental Law?

international environmental law is nothing more, or less, than the application of international law to environmental problems.

The next issue is verifying whether currently there is a body of law more specifically aimed at protecting the environment or not?

A study of contemporary international environmental law thus requires us to consider both this new body of specifically environmental law and the application of general international law to environmental problems. Moreover, international environmental law also includes not only public international law, but also relevant aspects of private international law, and in some instances has borrowed heavily from national law.

International Environmental law is thus used simply as a convenient way to encompass the entire corpus of international law, public and private, relevant to environmental issues or problems, in the same way as the use of the terms law of the sea, Human Right law, and International Economic Law is widely accepted.

It is not intended thereby to indicate the existence of some new discipline based exclusively on environmental perspectives and strategies, though these have played an important role in stimulating legal developments in this field, as we shall observe. It has become common practice to refer to international environmental law in this way.

Factors that Gave Rise to Environmental Law:

First is the existence of an extensive range of environmental problems.

(Such problems have an international dimension in two obvious respects; its transboundary nature & these environmental problems cannot be resolved by states acting individually)

Second, **the question of** the relationship between the protection of the environment and the need for economic development

The correct balance between development and environmental protection is now one of the main challenges facing the international community

In other words, many of the damages done to the environment may have long term effects or they may involve important synergism in the environment or may not be effectively reversible

environmental danger could possibly jeopardize the very existence of the present generation as well as the future.

In order to achieve sustainable development environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.

To have a full picture of environmental problems, it is also noteworthy to take notice of environmental problems arising apart from development activities, which are **deliberate actions aimed at destroying the human being and the environment.** it is tantamount to a crime against humanity, perhaps to a greater extent than genocide

Today, environmental problems are serious and imminent threats, which suggest a need for drastic or emergency action. To this effect, therefore, human beings are now being called upon to save the future.

There is thus no single sense in which an environmental issue can be described as international, regional or national; rather it could be global, regional, trans-boundary, domestic, or a combination of all or any of these. What must be appreciated, however, is that the law governing these rather different contexts is likely itself to differ, both in the content of any applicable rules, and in the form they take.

Nature of Environmental Damages

From the legal provision(Art.2(12)prc.300/2002), we can infer the fact that damage to the environment does not only cover damage to the environment per se, but it also covers damage to private property and consequential losses that arise there from or in connection with. In other words, damage to the environment has two facets, that is, **private nuisance and public nuisance**.

Private nuisance is defined as unlawful and continuing interference with a person's use or enjoyment of land and possibly, physical damage to that property. whereas, public nuisance is a crime as well as a tort, and for any action to lie it must interfere with the use and enjoyment of property by the public in general or by a sufficiently large number of public.

Accordingly, a proper classification of damage to the environment is imperative because there is a fundamental difference between the environment-related type of damages [private nuisance], on the one hand, and damage to the environment per se [public nuisance] on the other hand in relation to the scope of the traditional tort law.

So much so that the scope of the traditional tort law covers only the environment related type of damages which could result in personal injury or pure economic loss.

For the above reason, when damage is done to the environment per se, it does not fit properly in the traditional legal concept of tort law.

To achieve a more comprehensives environmental protection a new category of damage should be introduced in addition to and separate from property damage, personal injury and pure economic loss. This category extends traditional tort law to cover damages to the environment per se, that is, it would extend its scope to encompass natural resources that have direct or indirect interest to the public at large.

Other specific reasons for the liberalization of standing to include certain publicly owned but privately possessed natural resources are the following:

- The first reason is the plaintiffs' reluctance to take care about the pollution.
- Second, the merit of the case is decided only to the interest of some one who is competent and willing to establish legal standing. In this case, the system protects only the rights of the property owning human without giving due consideration to public interest, and intrinsic natural values.
- Third, under traditional tort law, even if a plaintiff wins a pollution suit for damages, no money goes to the benefit of the environment itself to repair its damages.
- Forth, the measure of damage is another reason for including certain publicly owned but privately possessed natural resources that have ecological value, and publicly owned natural resources. Application of the traditional measure of damages rule may prevent full restoration of the damaged natural resources. As a general rule, under the traditional tort law the costs of such measures are not to exceed the lost market value of the property. This may have the effect that the natural resources which lack a direct market value are not fully restored.

a new and additional category of damage to the environment per se in the tort law is a corollary to the liberalization of standing.

CHAPTER 2 BASIC PRINCIPLES OF ENVIRONMENTAL LAW

The key environmental principles developed over the past several decades are

- 1) **Prevention:** prevention must be the **Golden Rule** for the environment, for both *ecological* and *economic* reasons. In some instances, it can be impossible to remedy environmental injury once it has occurred: the extinction of a species of fauna or flora, erosion, and the dumping of persistent pollutants into the sea create intractable, even **irreversible situations**. Even when harm is remediable, **the cost of rehabilitation is often very high.it** includes; *prior assessment of environmental harm*, and *licensing*, *Emission limits* and *other product or process standards*, *the use of best available techniques (BAT)*, and *other similar techniques* can all be seen as applications of prevention.

2) **Precaution:**

"Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost effective measures to prevent environmental degradation."

Precaution has variously been associated with the ideas that: 1) scientific uncertainty should not be used as a reason not to take action with respect to a particular environmental concern; 2) action should affirmatively be taken with respect to a particular environmental concern; 3) those engaging in a potentially damaging activity should have the burden of establishing the absence of environmental harm; and 4) a State may restrict imports based on a standard involving less than full scientific certainty of environmental harm.

3) **Polluter Pays**

- Historically, pollution control costs have been borne by the community at large, rather than by those who pollute. However as per **Polluter Pays** principle enterprises should internalize the environmental externalities by bearing the costs of controlling their pollution to the extent required by law.
- In most cases the enterprise will in fact **incorporate the costs in the price of the products to some degree and pass them on to the consumer.**
- Internalization requires that **all the environmental costs be borne by the producer/consumer instead of the community as a whole.** The principle can be applied most easily in a geographic region subject to uniform environmental law, such as a state or a regional economic integration organization.
- Generally, polluters should pay for the cost of pollution control measures, such as the construction and operation of anti-pollution installations, investment in anti-pollution equipment and new processes, so that a necessary environmental quality objective is achieved. *Other means of ensuring the polluter pays principle are through taxes and charges.*
- Application of the principle may be **difficult in practice** where *identifying the polluter proves impracticable* because the pollution arises from several simultaneous causes or from several consecutive causes, or where **the polluter has become financially insolvent.**

4) **Environmental Justice and Equity**

- **Environmental Justice Generally;** In general, environmental justice seeks to ensure that authorities fairly allocate and regulate scarce resources to ensure that the benefits of environmental resources, the costs associated with protecting them, and any degradation that occurs (i.e. all the benefits and burdens) are equitably shared by all members of society.
- **Public Trust;** The concept of public trust expresses the idea that the present generation holds the natural resources of the earth in trust for future generations.

5) **The Integration Principle;** integrated environmental considerations into decision-making processes

6) **The Public-Participation Principle;** Generally, government decisions to set environmental standards for specific types of pollution, to permit significant environmentally damaging activities, or to preserve significant resources are made only after the impending decision has been formally and publicly announced and the public has been given the opportunity to influence the decision through written comments or hearings.

7) **The Obligation of States Not to Cause Damage to the Environment beyond Their Jurisdiction;** a duty to prevent, reduce and control trans-frontier environmental harm. However, this obligation is neither absolute nor very precise.

8) **States' Obligations to Cooperate, to Inform and to Consult With Other States** (principles of cooperation and information); these principles are reflections of the principles of good neighborliness, and diligence. They have found their way into soft law as well as treaties. States also have a duty to inform and consult with other States, if activities within their territory may have effects across the borders. More recently, this duty of information has developed into rules on environmental impact assessment, in a trans-boundary context. 9)

The Principle of Sustainable Development;

Firstly; sustainable development is not to be confused with zero growth. Economists readily accept that in some cases even zero growth may be unsustainable; zero growth in the output of CFCs will not save the ozone layer,

sustainable development need not imply a policy of no growth. sustainable development implies not merely limits on economic activity in the interests of preserving or protecting the environment, but an approach to development which emphasizes the fundamental importance of equity within the economic system. Sustainable development is thus not exclusively concerned with narrow economic needs, but encompasses a broader environmental perspective.

sustainable development is as much about processes as about outcomes, and for lawyers this may be the key point to grasp.

Sustainable development offers us a unifying concept for the **exploitation of natural resources and the integration of environment and development.**

The Elements of Sustainable Development

Sustainable development contains both **substantive and procedural elements.**

- The substantive elements include
 - the *sustainable utilization of natural resources*;
 - the *integration of environmental protection and economic development*;
 - the right to development; the pursuit of equitable allocation of resources both within the present generation and between present and future generations (intra-and inter- generational equity), and
 - the internalization of environmental costs through application of the 'polluter pays' principle.
- The principal **procedural elements** are dealing **with *public participation in decision- making and environmental impact assessment.***

CHAPTER 3 ENVIRONMENTAL RIGHTS

The ff environmental rights are recognized under both national & international laws

1. The Right to Information:

- > Access to environmental information is a prerequisite to effective public participation in decision-making and to monitoring governmental and private sector activities.
- ^ It also can assist enterprises in planning for and utilizing the best available techniques and technology.
- > the right of individuals, groups, and organizations to obtain, publish and distribute information on environmental issues.
- > the right of individuals and non-governmental organizations to be informed of environmental problems relevant to them, to have the necessary access to information, and to participate in the formulation and implementation of decisions likely to affect their environment.

2. Public Participation

- > Public participation is emphasized throughout international and national environmental law. Public participation is based on the right of **those who may be affected** to have a say in the determination of their environmental future.
- > Non-governmental organizations (NGOs) and groups such as trade unions or manufacturers' associations are an organized means of public participation in environmental decision-making.
- > Depending on the jurisdiction, this may include foreign citizens and residents. In the EIA context, the public typically incorporates all stakeholders

3. Access to Justice

- > The right to a remedy is not necessarily limited to nationals of a state.
- > The right to an effective remedy, meaning access to justice and redress, can be found in both human rights law and in environmental law. ICCPR calls for states to provide a remedy whenever rights protected under national or international law have been violated.

4. Environmental Quality

- > Almost every constitution adopted
- > State practice is divided over the issue of the **justiciability** of the right to a safe and healthy environment. Some courts have allowed lawsuits to enforce the right, while others have not.
- > **International Law;** At present, no global human rights treaty proclaims a right to environmental quality, although UDHR and other human rights instruments contain a right to an adequate quality of life and a right to health. *African Charter on Human and Peoples Rights* was **the first international human rights instrument to contain an explicit guarantee of environmental quality**. Subsequently, the *Protocol on ESCR to the American Convention on Human Rights* included the right of everyone to live in a healthy environment.

Chapter 4

COMMON LEGAL MECHANISMS OF ENVIRONMENTAL PROTECTION

Two primary, common regulatory systems aim to prevent environmental harm by anticipatory action. The first is a system that attempts to establish individualized pollution controls and mitigation measures through environmental impact assessment based on the character of the activity and environment surrounding the facility. The second system relies on a permit or licensing regime that requires adherence to pre-established norms (quotas, bans on the use of certain substances).

COMMON LEGAL MECHANISMS OF ENVIRONMENTAL PROTECTION

1. **Prohibiting and Restricting Activities and Substances;** Environmental laws often call for restricting or banning (complete prohibition) hazardous products, processes or activities.
2. **Product and Process Standards;** Nowadays national and international laws establish standards for products and processes that impact the environment. Generally, standards are prescriptive norms that govern products or processes or set limits on the amount of pollutants or emissions produced. Standards may be set for production processes, emission levels, product characteristics and ambient quality standards for a given environmental milieu.

> **Process Standards:**

Sometimes, a particular production process or techniques is imposed on operations, such as the installation of purification or filtration systems in production facilities. Process standards specify design requirements or operating procedures applicable to fixed installations such as factories or may designate permissible means and methods of activities like hunting or fishing.

> **Product Standards:**

Product standards are used for items that are created or manufactured for sale or distribution. Such standards may regulate:

- The physical or chemical **composition** of items
- The technical **performance** of products, such as maximum levels of pollutant or noise emissions from motor vehicles
- The handling, presentation and packaging of products
- **Labeling requirements** are used to ensure that consumers are aware of the contents and the

permissible uses of products. To ensure fair economic competition, product standards usually are adopted for an entire industry.

> **Emission Standards :**

Emission standards specify the quantity or concentration of pollutants that can be emitted in discharges from a specific source.

Emission standards thus most often reflect a political decision about the amount of pollution that is deemed acceptable.

> **Ambient Quality Standards:**

Ambient quality standards fix the maximum allowable level of pollution in an environmental sector during normal periods. A quality standard may set the level of mercury permissible in rivers, the level of sulfur dioxide in the air or noise level of airplanes in the proximity of residential areas. Quality standards often vary according to the particular use made of the environmental resource. For example, different water quality standards may be set for drinking water and waters used for bathing and fishing.

3. Prior Licensing and Permits:

- Most licensing controls are not designed to eliminate all pollution or risk of resource depletion, but rather to control serious pollution and to conserve resources as much as possible.
- Pollution-control licenses represent a middle ground between unregulated industrial practices and absolute prohibition.
- In many cases, an environmental impact assessment will form part of the application procedure.
- When we closely scrutinize the Ethiopian Legal System, Article 3 of the Environmental Assessment Proclamation No 299/2002 clearly stipulates that:*Without authorization from the Authority or from the relevant regional environmental agency, no person shall commence implementation of any project that requires environmental impact assessment.*
- Numerous international treaties oblige their states parties to license potentially harmful activities

4. Prior Informed Consent:

- Prior informed consent (PIC), it is a procedural mechanism utilized in advance of activities in order to avoid potential conflict and reduce the risks of environmental or social harm. Internationally, prior informed consent requires obtaining and disseminating the decisions of importing countries on whether they wish to receive shipments of restricted or banned products after they have been fully informed about the hazards posed by the products.
- Some national laws require the prior informed consent of indigenous and local communities before their resources can be accessed.

5. Environmental Impact Assessment and Monitoring:

- Environmental impact assessment (EIA) is 'a procedure for evaluating the likely impact of a proposed activity on the environment.'
- The **object** of an EIA is to provide decision-makers with information about possible environmental effects when deciding whether to authorize the activity to proceed.
- According to the Environmental Impact Assessment Proclamation; *Environmental Impact Assessment means the methodology of identifying and evaluating in advance any effect, be it positive or negative, which results from the implementation of a proposed project or public instrument*
 - Not every proposed activity is subject to assessment, only those that may be or are likely to cause a stated level of harm to the environment.

6. Land Use Regulation:

- Land use controls play a major role in environmental law for both urban and rural areas, through zoning physical planning and the creating of protected areas.

- Zoning helps distribute activities harmful to the environment in order to limit potential damage and allows application of different legal rules from zone to zone for more effective protection.
- Zoning can also help implement the concept of environmental justice by ensuring that the benefits and burdens of resource use are shared throughout society.

CHAPTER 5

LEGAL FRAMEWORK OF ENVIRONMENTAL PROCEEDING Legal

Personality and Standing; the Environment as a Legal Entity in Itself

In case of legal personality in relation to environmental proceeding, one of the fundamental distinctions that can be made in the world view that people have is, whether they **focus on human beings, anthropocentrism, or on other entities, ecocentrism**. The world view someone has can have a major influence on how he deals with bioethical dilemmas. That is, whether legal personality should be bestowed to the environment as a separate legal entity or not depends on the type of theory which orient the legal system of a country, so much so that, before we embark on the concept of legal standing in relation to environmental proceeding in Ethiopia, at this juncture, it is important to have a clear picture on the environmental theories that could shape or orient a legal system in favor of one or the other.

To start with the **Anthropocentric Theory**, it refers the relationship between human beings and the environment, as a relationship in which environment is valuable only to the extent to which they can be used and exploited by human beings. This view considers nature as an instrument [as merely a means] instead of having any intrinsic values in its own self [an end in itself]. This essentially shows that, environmental concern according to this theory is, addressing the interest of human beings by pointing out the direct link between harm done to the environment and harm done to the human community.

From the above points, we can inter the fact that **anthropocentric view considers humans and nature as separate, and human beings placed in the center**; such that, the environment being instrumental to the interest of man, **legal personality can be bestowed only to human beings where and when their interest is at stake**. In other words, they **deny legal personality to the environment** because they consider it as **contingent/ accessory to the human element**.

Environment is a thing for the use of us, that is, those of us who are holding then the legal personality

In contradistinction to the anthropocentric view, **ecocentric** is justified by the deontological argument. It has been held that **morality cannot be a matter of self-interest** or prudential calculation but is rather a deontological obligation that we owe to others even at the possibility of a net cost to ourselves. According to this theory **the well-being and flourishing of all life forms on earth have value in themselves**. Man has no right to reduce the diversity and richness of nature which has an intrinsic value. **This theory fundamentally rejects separation of human beings from nature**. It considers man as intimately connected and as such part of the natural environment. Thus, proponents of the ecocentric view seek a **fundamental shift in consciousness from human domination of nature to a perception of human and non-human life as of having equal intrinsic value**. For the above very reasons, this theory acknowledges the **conferring of legal personality to each distinct part of the environment to exercise their own right at their own behest**.

Concerning legal personality in relation to environmental proceeding, the extension for good and sufficient reasons, of the conception of personality beyond the class of human beings is one of the most noteworthy features of legal imagination. In this respect, a movement to confer rights on to some new entity is bound to sound odd. This is partly because until a non-legal entity is bestowed with legal personality and receives its rights, we cannot appreciate it as having its own interest as anything but as a thing for the use of us, that is, those of us who are holding then the legal personality.

In line with the above argument, in some legal systems animals have been regarded as having legal personality. A typical example in this respect is the case entertained in Germany, during the Middle Ages, in which a cock was tried for contumacious crowing.

When we come back to **the legal orientation of the Ethiopian environmental law**, it sounds haphazard and thus ambiguous; while the right to live in a clean and healthy environment under **Art.44** of the constitution is entrenched under chapter three, part two of the constitution which provides for group rights as a fundamental rights and freedoms, thereby bringing into the forefront the **anthropocentric approach**, the environmental policy recognizes that the species and their variants have the right to continue existing, and are, or may be, useful now and/or for generations to come. In this respect even in the policy stipulation there is confusion in that, the first line clearly shows that the approach is ecocentric; whereas the second refers to anthropocentric approach for it refers to utility aspect of the environment. Furthermore, the Biological Diversity Convention of 1992, which Ethiopia has ratified and which recognizes the intrinsic value of the environment, including ecosystem and species or its components which in turn led to the issue of awarding rights to subjects other than man, **shifts the position of the law once more to the ecocentric approach**. To uphold the right of the environment, the Draft Bio-safety proclamation may also show the trend of the law in that it entitles any person, group of persons, or any private or state organization to bring a claim in the name or on behalf of the environment. Thus, the Ethiopian environmental law to a degree falls in line with the above declared international norm whereas part of the same law holds the contrary position, that is, that of anthropocentric approach. As a result, it is creating confusion between the law and the policy, and also in the policy itself which furthermore brings the question. Shouldn't laws be reflective of policies or vice-versa?

In spite of the above wavering in the law, with the increasing awareness of the interconnectedness of human beings with the environment, and of the intrinsic value that has to be attached to the latter through international instruments like the BioDiversity convention to which Ethiopia is a party, and the environmental policy which Ethiopia has enacted, it is unlikely that the recognition of a right to a clean and healthy environment for human being under the constitution will have as its corollary the denial of rights to the environment as a legal entity in itself. Here, **the recognition of the right to a clean and healthy environment to human beings does not necessarily imply the exclusion of recognition of right to the environment per se as a legal entity in itself**. In fact, it should be taken as a corollary position which would have a paramount importance.

On the basis of the above logic, the writers favor striking the balance between the interests of human beings on the one hand, and that of the environment on the other. To this effect, the researcher favors bestowing legal personality to the environment so long as it does not go against the rights of human beings whose interests are maintained by the exercise of personal and citizen standing.

Legal Personality and Standing vis-a-vis the Future Generations:

intergenerational equity. Intergenerational equity exists only when there is sustainable development, that is, when the development in any form meets the needs of the present generation without compromising the ability of the future generations to meet their own needs.

to protect the interest of future generations a number of international instruments recognize international equity. One of these instruments is the Rio Declaration which states that **the right to development must be fulfilled so as to equitably meet development and environmental needs of present and future generations**. Furthermore, ICJ in

the legality of nuclear weapons case stated that the use of nuclear weapons would be serious danger to future generations.

the principle of intergenerational equity is potentially the most useful concept with respect to the question of standing.

When we come to the Ethiopian situation, intergenerational equity is clearly stipulated in different legal instruments. In the FDRE constitution, Art.43(1) it is implicitly provided under the principle of sustainable development. Under the Environmental policy, it is explicitly provided

intergenerational equity is recognized under the Ethiopian legal system, so much so that, it is possible to argue that there is a lee-way to entertain the interest of future generations by bestowing them legal personality to have standing before a court of law.

Art.44 Of z cons; *All persons have the right to a clean and healthy environment*^ the third generation human right)

the right to a clean and healthy environment is a right which the government has the obligation to respect as per article 10 (2) of the constitution.

Where a concerned citizen [or voluntary organization] sues, not as a representative of others but in his or her own right as a member of the citizenry to whom a public duty is owed, it is termed as **citizen standing**

Standing Before International Courts and Tribunals

The doctrine of exhaustion of local remedies; the injured citizen should have exhausted all the domestic administrative and judicial remedies available within the state that is alleged to have injured him. Otherwise a claim will not be admissible on the international plane

The principle of exhaustion of local remedies is a method which gives states the first opportunity to resolve their own internal problems in accordance with their domestic legal procedures before they proceed to accept international standards.

At the international level, the formal opportunity for individuals and non-governmental organizations to play an enforcement role is extremely limited

Judicial Activism: the concept is defined as the practice in the judiciary of protecting or expanding individual rights through **decisions that depart from established precedent or are independent of or in opposition to supposed constitutional or legislative intent**. Alternatively the concept is also defined as **a philosophy of judicial decision making whereby judges allow their personal views about public policy**, among other factors, to guide their decisions, usually with the suggestion that adherents of this philosophy tend to find the constitutional violations and are willing to ignore precedent.

Summary

HPR has recently enacted Environmental pollution control proclamation with a liberalized standing. According to this proclamation, any person can bring legal action without the need to show any vested interest when actual or potential damage is done to the environment.

When we analyze the legal personality to the environment as a separate legal entity, different positions emanate from the fundamental distinctions that can be made in the world view. That is, if the legal system follows **anthropocentric view**, it would consider **human and nature as separate**, and human beings placed in the center. This means it considers the environment instrumental to the interest of man **denies legal personality to the environment per se as a legal entity**. In contradistinction to the anthropocentric view, a legal system that follows **ecocentric view** seeks a fundamental shift in consciousness from human domination of nature to a perception of

human and non-human life as having equal intrinsic values. For this reason, it acknowledges the conferring of legal personality to each distinct part of the environment to exercise their own right on their own behalf.

When we come to the legal orientation of the Ethiopian legal system, however, it sounds haphazard in that it recognizes both anthropocentric and ecocentric views in different legal instruments.

In case of legal personality to the future generations in relation to environmental proceeding, it becomes fairly easy if we have a clear picture on what is intergenerational equity. Accordingly, we can safely say that intergenerational equity could exist only when there is sustainable development, that is, when the development in any form meets the needs of the present generation without compromising the ability of the future generation to meet their own needs. The implementation of this principle, therefore, lies in our capacity to form a collective bond of identity with the future generation, and bestowing them legal personality to exercise their own legal rights their own behalf.

In respect to the Ethiopia legal system, since the FDRE constitution, international legal instruments ratified by Ethiopian, and the Ethiopian environmental policy and environmental laws give cognizance to intergenerational equity, it is tenable to argue that there is a leeway to entertain the interest of future generations by bestowing them legal personality to have standing before a court of law on their own behalf.

Under the Ethiopian legal system, personal right to clean and healthy environment is recognized in the FDRE constitution, and environmental policy and laws, so that, in Ethiopia, public interest action by alert citizens could certainly be manipulated in case when damage is done to the environment per se.

Nuisance

nuisance is of two kinds;

- 1, Public, general or common and
- 2, Private

Public or Common Nuisance

Public nuisance is an act affecting the public at large or considerable portion of it; and it must interfere with the rights which members of the community might otherwise enjoy.

we can safely say that in case of public nuisance the damage to the environment could be manifested by affecting both private interests and diffused public interests. In such a case, the private parties would enforce their rights to the extent that they are especially and differently aggrieved, and the public interest groups could enforce the remedy as to the diffused interests that could affect the interest of the public at large, the interest of the future generation, and the intrinsic value of the environment.

Private Nuisance

Private nuisance is using or authorizing the use of one's property or of anything under one's control so as to injuriously affect an owner or occupier of property by physically injuring his property or by interfering materially with his health, comfort or convenience. Winfield has defined Private Nuisance as unlawful interference with a person's use or enjoyment of land or some right over or in connection with it

CHAPTER 6

REMEDIES IN ENVIRONMENTAL PROCEEDING

Remedies for Nuisance in Environmental Proceeding

The remedies for nuisance are:

1, abatement,

2, damages; *The damage due by the person legally declared to be liable shall be equal to the damage caused to the victim by the act giving rise to the liability.*and

3, injunction

REMARK; Read more about the chapter from z faking paper.

