

## SDC 2019 Annual Meeting Abstracts

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**Title: Sustainability through environmental liability**



Preventing and mitigating environmental harm is central to achieving the Sustainable Development Goals, and often involves improving environmental management to meet multiple objectives. However, there is growing recognition that we must also pursue measures that respond to environmental harm. This includes not only adaptive measures, but also actions that further environmental justice aims. Liability for environmental harm involves a set of legal approaches that require responsible parties to remedy the environmental harm they cause. Based on the "polluter pays" principle, these suits can order perpetrators to take actions such as restoration, additional conservation actions, issue apologies, compensate victims, and invest into education. Although not a new concept, liability for environmental harm remains underexplored globally, including in the context of harm from commercial illegal wildlife trade, deforestation, fishing and mining. We conducted comparative legal analysis across 6 topical developing countries that have existing legislation on liability for environmental harm. We developed a generalised conceptual model describing the pathways through which liability suits might support sustainable development. Our results highlighted that related legislation is expansive in many countries, in terms of who it allows to bring liability suits, and the types of environmental harm recognised via these suits. These suggest clear opportunities for the broadened use of these provisions to achieve sustainability objectives. Moreover, it pointed to a number of reinforcing pathways that demonstrate how these suits can simultaneously provide corrective justice and deterrence functions. Yet, the results also highlighted key technical and political questions about how to operationalize these suits, including how to conceptualise environmental harm and reflect plural values via environmental suits. It reflects potential fertile ground for a legal political ecology that explores value articulation via formal legal spaces such as courtrooms. This would provide new avenues for academics from outside the legal field to support conservation and environmental justice aims via legal remedies. We suggest ways in which social and natural scientists might inform environmental litigation, as an increasingly important part of daily life and environmental management in the Anthropocene.