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978-0-521-18406-9 - The International Law of Environmental Impact Assessment: Process, Substance and Integration

Neil Craik

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The International Law of Environmental Impact Assessment

The central idea animating environmental impact assessment (EIA) is that decisions affecting the environment should be made through a comprehensive evaluation of predicted impacts. Notwithstanding their evaluative mandate, EIA processes do not impose specific environmental standards, but rely on the creation of open, participatory and information-rich decision-making settings to bring about environmentally benign outcomes.

In light of this tension between process and substance, Neil Craik assesses whether EIA, as a method of implementing international environmental law, is a sound policy strategy, and how international EIA commitments structure transnational interactions in order to influence decisions affecting the international environment.

Through a comprehensive description of international EIA commitments and their implementation within domestic and transnational governance structures, and drawing on specific examples of transnational EIA processes, the author examines how international EIA commitments can facilitate interest coordination, and provide opportunities for persuasion and for the internalization of international environmental norms.

NEIL CRAIK is an associate professor at the Faculty of Law, University of New Brunswick, where he teaches and researches in the fields of international environmental law and domestic (Canadian) environmental law. Prior to his academic appointment, Professor Craik practised environmental and land use law with a major Canadian law firm.

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- World Charter for Nature, GA Res. 37/7, UN GAOR, 37th Sess., UN Doc. A/Res/37/7 (1982), reprinted in 22 ILM 455 (1983) 92

European Community documents

- EC, Council Directive 85/337 on the Assessment of the Effects of Certain Public and Private Projects on the Environment, OJ 1985 L175/40, amended by EC, Council Directive 97/11, OJ 1997 L73/5, and by EC, Council Directive 03/35 7, 8, 27, 29, 48, 50, 93, 116, 129

Cambridge University Press

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EC, Council Directive 90/313 on the Freedom of Access to Information
on the Environment, OJ 1990 L158/56 127

EC, Council Directive 01/42 on the Assessment of the Effects of Certain
Plans and Programmes on the Environment, OJ 2001 L197/30 155

Euratom, Directive 96/27/Euratom Laying Down Basic Safety Standards
for the Protection of the Health of Workers and the General Public
Against the Dangers Arising from Ionizing Radiation, OJ 1996 L159/1
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