

## LIABILITY FOR ENVIRONMENTAL HARM TO THE GLOBAL COMMONS

This book examines liability for environmental harm in Antarctic, deep seabed and high seas commons areas to highlight a unique set of legal questions: Who has standing to claim for environmental harm in global commons ecosystems? How should questions of causation and allocation of liability be addressed where harm arises from a wide range of activities engaging diverse state and non-state actors? What kinds of harm should be compensable in global commons ecosystems, which are remote and characterized by high levels of scientific uncertainty? How can practical concerns such as ensuring adequate funds for compensation and access to dispute settlement forums be resolved? *Liability for Environmental Harm to the Global Commons* provides the first in-depth examination and evaluation of current rules and possible avenues for future legal developments in this area of increasing importance for states, international organizations and commercial actors, as well as legal and governance scholars. This title is also available as Open Access on Cambridge Core.

Neil Craik is Professor of Law at the Balsillie School of International Affairs, University of Waterloo, Canada. He has published widely in the fields of international and Canadian environmental law and the law of the sea, and is co-editor of *Global Environmental Change and Innovation in International Law* (Cambridge University Press, 2018).

Tara Davenport is an assistant professor at National University of Singapore (NUS), where she teaches principles of property law, law of the sea and international regulation of shipping. Her research interests are in law of the sea, the global commons and maritime disputes. She is also co-head of the oceans law and policy team at the Centre for International Law and Deputy Director of the Asia-Pacific Centre for Environmental Law at NUS.

Ruth Mackenzie is Reader in International Law at the University of Westminster, where she teaches and researches in the fields of international environmental law, law of the sea and international courts and tribunals. Ruth is a member of the IUCN World Commission on Environmental Law.



**CAMBRIDGE STUDIES ON ENVIRONMENT, ENERGY  
AND NATURAL RESOURCES GOVERNANCE**

Cambridge Studies on Environment, Energy and Natural Resources Governance publishes foundational monographs of general interest to scholars and practitioners within the broadly defined fields of sustainable development policy, including studies on law, economics, politics, history and policy. These fields currently attract unprecedented interest due both to the urgency of developing policies to address climate change, the energy transition, food security and water availability and, more generally, to the progressive realization of the impact of humans as a geological driver of the state of the Earth, now called the “Anthropocene.”

The general editor of the series is Professor Jorge E. Viñuales, the Harold Samuel Chair of Law and Environmental Policy at the University of Cambridge and the Founder and First Director of the Cambridge Centre for Environment, Energy and Natural Resource Governance (C-EENRG).



# Liability for Environmental Harm to the Global Commons

**NEIL CRAIK**

University of Waterloo

**TARA DAVENPORT**

National University of Singapore

**RUTH MACKENZIE**

University of Westminster



**CAMBRIDGE**  
UNIVERSITY PRESS



CAMBRIDGE  
UNIVERSITY PRESS

Shaftesbury Road, Cambridge CB2 8EA, United Kingdom

One Liberty Plaza, 20th Floor, New York, NY 10006, USA

477 Williamstown Road, Port Melbourne, VIC 3207, Australia

314-321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi – 110025, India

103 Penang Road, #05-06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of Cambridge University Press & Assessment,  
a department of the University of Cambridge.

We share the University's mission to contribute to society through the pursuit of  
education, learning and research at the highest international levels of excellence.

[www.cambridge.org](http://www.cambridge.org)

Information on this title: [www.cambridge.org/9781108866477](http://www.cambridge.org/9781108866477)

DOI: 10.1017/9781108866477

© Neil Craik, Tara Davenport and Ruth Mackenzie 2023

This work is in copyright. It is subject to statutory exceptions and to the provisions of relevant  
licensing agreements; with the exception of the Creative Commons version the link for which is provided  
below, no reproduction of any part of this work may take place without the written permission of  
Cambridge University Press.

An online version of this work is published at [doi.org/10.1017/9781108866477](https://doi.org/10.1017/9781108866477) under a  
Creative Commons Open Access license CC-BY-NC 4.0 which permits re-use, distribution and  
reproduction in any medium for non-commercial purposes providing appropriate credit to the  
original work is given. You may not distribute derivative works without permission. To view a copy of this  
license, visit <https://creativecommons.org/licenses/by-nc/4.0/>

All versions of this work may contain content reproduced under license from third parties. Permission to  
reproduce this third-party content must be obtained from these third-parties directly.

When citing this work, please include a reference to the DOI 10.1017/9781108866477

First published 2023

*A catalogue record for this publication is available from the British Library.*

*A Cataloging-in-Publication data record for this book is available from the Library of Congress*

ISBN 978-1-108-49622-3 Hardback

ISBN 978-1-108-79169-4 Paperback

Cambridge University Press & Assessment has no responsibility for the persistence  
or accuracy of URLs for external or third-party internet websites referred to in this  
publication and does not guarantee that any content on such websites is, or will  
remain, accurate or appropriate.