

Distinguishing between civil liability and environmental damage liability

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ABSTRACT:

The increase of community awareness about effective and favorite role of the environment in humans' social life and the threats resulting from unsustainable development, endangering the domain of human life has necessitated environment protection as one of the main concerns of the human society in the last decades. This fact requires a new and real approach to the environment, in particular, its legal regime focuses on the protection of environment. The civil liability, being one of the main instruments of legal regime, is not capable of protecting environment and outcome of operation of civil liability instruments in scope of the environment does not have effective result in relation to the environmental law, It is essential to analyze environmental damage liability according to the identification of environment, with a short analysis of basic elements of the civil liability and current problems, and recognizing weak points of civil liability in global scale and universal expectations confronting with environmental challenges.

This research tries to identify autonomy of the environment by drawing environmental liability principles and discerning its intrinsic nature and dividing it into general and specific liability considering its aim which is different from civil liability. Obviously, in order to distinguish between civil and environmental liability, it is necessary to briefly examine the philosophical foundations of the responsibility.

Keywords:

Environment, Liability, Civil, Damage, Responsibility, Intrinsic responsibility.