

Compensating ecological damage: comparative and economic observations

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Stellingen behorende bij het proefschrift

Propositions to the dissertation

Compensating Ecological Damage: Comparative and Economic Observations

1. The difficulties in quantifying ecological damage and in establishing liability make a separate compensation system for ecological damage necessary.
2. Three compensation models, with different interaction of regulation, liability rules and compensation instruments can be used in different scenarios, mainly based on the desirability and feasibility of a mandatory financial security system.
3. Theoretical models and indicators are not always followed in practice, neither in the US nor in Europe. Private interest theory can serve as one explanation for those deviations from the theoretical models.
4. Environmental liability and the corresponding insurance market are still in full evolution in China and there are still many legislative gaps and enforcement problems. The compensation system for marine oil pollution provides a more promising example. In spite of the problems in China's compensation system for ecological damage, the existing efforts of environmental agencies, limited innovations made by the courts and the development of insurance market provide the direction to move forwards.
5. Broadening the scope of compensable damage under environmental law is a progressive process.
6. Liability can play a positive role in compensating the victims. However, from the law and economics perspective, its primary goal is to minimize the total of social costs of accidents.
7. International environmental agreements sometimes do not only serve the goal of environmental protection, but also reflect the compromise of different interests.
8. Enforcement problems and informal institutions need to be considered when transplanting US and European law into China.
9. Taking into account the vast number of paper and ink that disappear into nothingness, a question I can not answer is whether writing a doctoral thesis is the environment friendly and economic efficient way to prevent damage to the environment.