
张梓太 沈 灏

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一、国际气候司法实践

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2005

American Commission on Human Rights

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American Declaration of the Rights and Duties of Man

Inter-

[1]William C. G. Burns Hari M. Osofsky Adjudicating Climate Change State National and International approaches. Cambridge University Press 2009 p.25.

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2004 2006

World Heritage Committee Petition

List of World Heritage in

Danger

assist State Parties to Implement Appropriate Management Responses

Strategy to As-
[1]

International Court of Justice

[2]

二、国内气候诉讼

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Emission Trading System [3]
Border Carbon Adjustment

Environmental Protection Agency, EPA
2007 Massachusetts v. EPA
EPA

EPA EPA 2009 12
Endangerment Finding

National Highway Traffic Safety Administration
Corporate Average Fuel Economy, CAFÉ
Cars/light trucks Rule EPA EPA

250 /

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EPA

Tailoring Rule 100,000 /

[1][2]William C. G. Burns Hari M. Osofsky Adjudicating Climate Change State National and International approaches. Cambridge University Press 2009 p.25, at 334-356.

[3] Regional Greenhouse Gas Initiative
Midwestern Regional Greenhouse Gas Reduction Accord
2012 " " Western Climate Initiative " " Federal Cap and Trade

2006 2007 2009 2010

EPA 24%

[1]

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a.

Administrative Procedure Act

EPA

Steel Institute U.S. Chamber of Commerce U.S. Iron and
can Chemistry Council National Association of Manufacturers The Ameri-
Coalition for Responsible Regulation

EPA EPA " " EPA
EPA

American Farm Bureau Association v. EPA (D.C. Cir., filed Feb. 2010)
Alabama v. EPA (D.C. Cir., filed Feb. 2010) American Iron & Steel Institute v. EPA (D.C. Cir., filed Feb.
2010) Chamber of Commerce v. EPA (D.C. Cir., filed Feb. 2010) EPA
American Chemistry Council v. EPA (D.C. Cir., filed Dec. 2009) EPA
American Chemistry Council v. EPA (D.C.
Cir, Index No. 10-1167, filed July 6, 2010) Chamber of Commerce v. EPA (D.C. Cir., Index No.10-1199,
filed July 29, 2010) EPA American Gas Association v. EPA (D.C.
Cir., filed Jan. 2011) EPA
American Iron & Steel Institute v. EPA (D.C. Cir., filed June 29, 2010) EPA
Arcadia First v. City of Arcadia (L.A. Co. Sup. Ct. May 2008)

[1]See Growth of U.S. Climate Change Litigation Trends & Consequences https://www.dbadvisors.com/content/_media/US_CC_Litigation.pdf.

2009

Comer v. Murphy Oil USA

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" Political Question Doctrine

2012 3

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2012 4

Connecticut v. AEP

8 [2]

3

Land Trust

Tennessee Valley Authority

6.5

25%

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Interstate nuisance

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" " Cases " " Controversies

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[1]Shawn M. LaTourette Global Climate Change a Political Question In 40 Rutgers L.J. 219.

[2]MacMahon v. Presidential Airways Inc 502 F. 3d 1331 1364 11th Cir2007 .

[3]MacKay v. United States 703 F.2d 464 470 1983 .

[4]Connecticut v. AEP 406 F.Supp.2d 265 S.D.N.Y. 2005 Comer v. Murphy Oil U.S.A 585 F.3d 855 5th Circuit 2009 .

[5] Connecticut v. AEP

[1]

4.

Walker v. Minister for Planning
 Massachusetts v. Environmental Protection Agency 2007 127 S.Ct.1438
 People of the State of California v. General Motors Corporation and Ors 2007 WL
 2726871 Dimmock v. Secretary of State for Education and
 Skills 2007 EWHC 2288^[2]

5.

Massachusetts v. Environmental Protection Agency
 EPA
 EPA
 2006 A.B. 32

[3]

6.

Border Power Plant Working Group v. Department of Energy 260 F.Supp.2d 997 S.D. Cal.2003
 Mid States Coalition for Progress v. Surface Transportation Board 345 F.3d 520 8th Cir 2003
 Center for Biological Diversity v. National Highway Traffic Safety Administration

"

" [4]

2012 Habitat and Watershed Caretakers v. City of Santa Cruz Cal. Ct. App. Nov.27 2012 Merced Alliance for Responsible Growth v. City of Merced Cal. Ct. App. Nov.29 2012 Sierra Club v. County of Tehama Cal. Ct. App. Nov. 30 2012 Cleveland

[1]

[2]Walker v. Minister for Planning 2007 NSWLEC 741 <http://www.lawlink.nsw.gov.au/lecjudgments/2007nswlec.nsf/c45212a2bef99be4ca256736001f37bd/03dbc0a7b81845efca2573a60020290d> OpenDocument 2013-5-1

[3] " " 2007 6

[4]Center for Biological Diversity v. National Highway Traffic Safety Administration Nos.06-71891 06-72317 slip op. at 14909 9th Cir. Nov. 15 2007

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v. Minister for Planning

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