

INTERNATIONAL ENVIRONMENTAL LAW¹

(ELECTIVE COURSE)

INTRODUCTION

When attempting to determine the boundaries of international environmental law, one finds that no clear definition can be applied. Like many other branches of international law, international environmental law is interdisciplinary, intersecting and overlapping with numerous other areas of research, including economics, political science, ecology, human rights and navigation/admiralty.

Until the late 1960s, most international agreements aimed at protecting the environment served narrowly defined utilitarian purposes.

In 1974 international environmental law was a fledgling field with less than three dozen multilateral agreements. Today international environmental law is arguably setting the pace for cooperation in the international community in the development of international law. There are nearly nine hundred international legal instruments that are either primarily directed to international environmental issues or contain important provisions on them. This proliferation of legal instruments is likely to continue. Therefore, it is important to assess what we have done and explore where we are headed.

OBJECTIVES

- i.) To understand the General Principles of International Environmental Law,
- ii.) To examine the Emerging International Environmental Regimes and India's National Policy,
- iii.) To study the link between Environment and Sustainable Development,
- iv.) Enforcement of International and National Environmental Law.

MODULE-I INTRODUCTION TO INTERNATIONAL ENVIRONMENTAL LAW WEEK 1-2 4 CLASSES

Historical Evolution

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Developed and Developing Countries Perspectives

Stockholm, Rio and Johannesburg

**MODULE-II SOURCES AND PRINCIPLES OF INTERNATIONAL ENVIRONMENTAL LAW
WEEK 3-7 CLASSES: 10**

Sources:

Treaties

Custom

General Principles of Law

Other Sources

Principles:

Sovereignty over Natural Resources

Obligation Not to Cause Damage

Principles of Preventive Action and Precaution

Polluter Pays Principle and Equitable Sharing of Cost

Sustainable Development

Equitable Utilization

Common but Differentiated Responsibilities

The Link Between Environment and Development

**MODULE-III TRANSBOUNDARY/TRANSNATIONAL POLLUTION: STATE LIABILITY AND
STATE RESPONSIBILITY WEEK 8-12 CLASSES: 10**

Desertification as a Transnational Problem; Tropical Deforestation; The 1994 Desertification Convention

Transboundary River Pollution; Transboundary Groundwater Pollution

Transboundary Shipments of Hazardous Wastes; The Basel Convention Regime

Transfrontier Air Pollution and Convention on Transboundary Air Pollution

Environmental Warfare

State Liability: Theoretical Issues

Victim State Sovereignty Threshold Of Cognizable Injury

The Legacy of the Trail Smelter Arbitration

Standard of Liability

Strict Liability and Ultra-Hazardous Activities

Viability of a Liability Regime

MODULE-IV GLOBAL COMMONS WEEK 13-15 CLASSES: 6

OCEANS: Oceans as a Commons; Marine Pollution; Fishery Conservation.

Atmosphere: Ozone Layer Depletion; The Ozone Protection Regime; The Climate Change Convention.
Antarctic Treaty Regime

MODULE-V PROTECTION OF SPECIES AND ECOSYSTEMS WEEK 16-17 CLASSES: 4

Protection: Species; Migratory Species; Whales and Seals

Protection of Genetic Variety; Causes of Biodiversity Loss; Ecosystem Protection

MODULE-VI COMPLIANCE AND GOVERNANCE MECHANISMS WEEK 18-20 CLASSES: 6

State Obligations and the role of judiciary; policy and legislative measures in India for environmental protection

International Environmental Institutions including UNEP and other specialized agencies and their Reforms

Expanding The Role of Non-governmental Organizations

READING LIST

Donald K. Anton, Jonathan I. Charney, Philippe Sands, Thomas Schoenbaum and Michael J. Young, International Environmental Law: Cases, Materials, Problems (LexisNexis 2007).

Elli Louka, International environmental law: fairness, effectiveness, and world order, Cambridge University Press, 2006

Pilippe Sands, Principles of international environmental law, Cambridge University Press, 2003

S Bhatt, International Environmental Law, APH Publishing, 2007 -

Edith Brown Weiss, Daniel Barstow Magraw, Paul C. Szasz, International environmental law: basic instruments and references, 1992-1999, Volume 2, Transnational Publishers, 1999.

Documents in International Environmental Law, Philippe Sands, Eds, Cambridge University Press, 2004.

Alexandre Charles Kiss, Dinah Shelton, International environmental law, Transnational Publishers, 2004.

P.K. Rao, International environmental law and economics, ley-Blackwell, 2002.

Michael I. Jeffery, Biodiversity Conservation, Law and Livelihoods: Bridging the North-South Divide, Cambridge University Press, 2008.

Neil Craik, The International Law of Environmental Impact Assessment Process, Substance and Integration, Cambridge University Press, 2008.

Environmental Law, the Economy and Sustainable Development, Eds by Richard L. Revesz , Philippe Sands , Richard B. Stewart, Cambridge University Press, 2008.

LIST OF INTERNATIONAL LEGAL INSTRUMENTS

1. Convention on Long Range Transboundary Air Pollution
2. Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on the Reduction of Sulphur Emissions or their Transboundary Fluxes by at least 30 per cent
3. SOFIA Protocol to the 1979 Convention on Long Range Transboundary Air Pollution Concerning the Control of Emissions of Nitrogen Oxides or their Transboundary Fluxes
4. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal
5. Second Meeting of Conference Parties to Basel Treaty on Control of Hazardous Wastes and their Disposal
6. Organization of African Unity: Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa
7. Convention on the Prohibition of Military or any other Hostile use of Environmental Modification Techniques (ENMOD)
8. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
9. World Charter for Nature
10. Convention on Biological Diversity
11. United Nations Convention to Combat Desertification in those Countries Experiencing

Serious Drought and/or Desertification, Particularly in Africa

12. Convention on Fishing and Conservation of the Living Resources of the High Seas
13. United Nations Convention on the Law of the Sea
14. United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks
15. Vienna Convention for the Protection of the Ozone Layer
16. Montreal Protocol on Substances that Deplete the Ozone Layer
17. Montreal Protocol Parties: Adjustments and Amendments to the Montreal Protocol on Substances that Deplete the Ozone Layer
18. United Nations: Montreal Protocol on Substances that Deplete the Ozone Layer - Adjustments and Amendment
19. United Nations Framework Convention on Climate Change
20. The Antarctic Treaty
21. Wellington Convention on the Regulation of Antarctic Mineral Resource Activities (CRAMRA)