

**Name of the Proposed Elective Course: International Environmental Law**

**Course Duration: One Semester (14 Weeks)**

**Credit Type: Law**

**No. of Credit Units: \_4\_ Credits**

**Level: UG or PG or Both - Both**

**Medium of Instruction: English**

**Pre-requisites (if applicable): None**

**Cross Listed – Yes**

## **1. Course Description and Vision**

Planet Earth faces a series of unprecedented environmental challenges. On land, to meet the needs of a rapidly growing population projected to exceed 10 billion by 2050, the Earth's limited resources are being exploited greedily, often disregarding carrying capacities. Additionally, unplanned urban growth and reckless industrialization exacerbate environmental issues, including air, noise, and water pollution, deforestation, and biodiversity loss, all of which threaten planetary health. Marine environments are also severely impacted, with oceans already contaminated by various pollutants and marine life disappearing at alarming rates. These challenges, however, are overshadowed by climate change and its effects, which not only stand alone as a critical issue but also worsen existing problems. Consequently, environmental issues can no longer be seen as purely domestic concerns. There is widespread recognition that they cross national borders, and solutions and regulatory measures must be addressed based on a broader legal foundation. This involves applying norms and principles found in multilateral environmental law treaties and engaging multiple stakeholders at the global level, which often restricts national sovereignty. This course aims to provide an overview of environmental issues that transcend territorial boundaries and explore possible legal and policy-based solutions based on international law and policy. It stands out from other interactions on this subject offered elsewhere due to its epistemological focus on global south perspectives in understanding the nature, scope and workings of International Environmental Law (IEL).

## **2. Outcomes**

In this Course, students can expect to –

- examine the historic development of IEL and to identify and describe basic principles and rules from a Global South perspective
- understand the concept of sustainable development from a Global South perspective and examine its impact in terms of the attempt to integrate developmental and environmental protection objectives.

- recognize the complexities surrounding environmental principles with regard to their content and application
- analyze and consider the adequacy of subject-specific IEL regimes in addressing substantive environmental concerns and critically assess their effectiveness in resolving the environmental problems of the global South.

### 3. Pedagogical focus

Class sessions will feature a mixture of lectures delivered by the instructor, discussion and student presentations. Audio-visual aids will be utilized to provide a wholesome experience. Hypothetical scenarios will be provided to students, enabling them to gain hands-on experience with the topic at hand.

### **Keywords**

Sustainability, TWAIL, Global South, Environmental Justice, Climate Change, The Arctic, The Antarctic, Water Law, Equity, Biodiversity, Nuclear Energy.

### **Course Design and Overview (Weekly Plan)**

| <b>Week</b> | <b>Topics, Module Description and Essential Readings</b>   |
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| 1.          | <p><b>Introduction to IEL:</b></p> <p>What is IEL? Relevance and Scope; Historical Evolution; Contemporary Relevance and Critical Debates.</p> <p><i>Readings</i></p> <ul style="list-style-type: none"> <li>i. The Stockholm Declaration of 1972</li> <li>ii. The Rio Declaration on Environment and Development of 1992</li> <li>iii. The United Nations Millennium Declaration of 2000</li> <li>iv. The Sustainable Development Goals (SDGs)</li> </ul> |
| 2.          | <p><b>Introduction to IEL:</b></p> <p>A View of the Larger Canvass from the Global South: What is the Global South? Understanding and Situating TWAIL in an IEL frame; Hard v. Soft Law; Influence on Domestic legal systems; Norms to Deliverables.</p>   |
| 3.          | <p><b>A Principled Approach to IEL:</b></p> <p>Meaning and import of SD; SD &amp; Alternative Visions from the Third World; Integration; Polluter pays; Inter &amp; Intra equity; Stewardship &amp; Public Trust, The Precautionary Principle</p>  |

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| 4. | <p><b>Biodiversity Conservation:</b></p> <p>CBD &amp; Ramsar</p> <p><i>Readings</i><br/>IUCN, A Guide to the Convention on Biological Diversity</p>   |
| 5. | <p><b>Legal Issues Relating to the Oceans:</b></p> <p>Concept of Ocean Governance, Evolution of the regime, A Constitution for the Oceans, Protecting Third World Interests, India and UNCLOS, New Uses of the Oceans &amp; Related Challenges</p> <p><i>Readings</i><br/>Endalew Lijalem Enyew, Sailing with TWAIL: A Historical Inquiry into Third World Perspectives on the Law of the Sea, <i>Chinese Journal of International Law</i>, Volume 21, Issue 3, September 2022, Pages 439–497</p> |
| 6. | <p><b>International Control of Transboundary Movements of Hazardous Wastes and Toxic Chemicals:</b></p> <p>Garbage Imperialism; Toxic Trade; Environmental Justice; Basel, Rotterdam and Stockholm Conventions &amp; Minamata Convention</p>  |
| 7. | <p><b>Law Relating to Climate Change</b></p> <p><i>Readings</i><br/>The UN Framework Convention on Climate Change, 1992<br/>The Kyoto Protocol, 1997<br/>The Paris Agreement, 2015</p>  |
| 8. | <p><b>Obligations of the State to Redress Climate Change</b></p> <p><i>Readings</i><br/>ICJ, Obligations of States in respect of Climate Change, Advisory Opinion 2025</p>  |
| 9. | <p><b>Climate Change Litigation</b></p> <p><i>Readings</i><br/>Urgenda Foundation v. State of the Netherlands [2015] HAZA C/09/00456689<br/>Juliana v United States, 947 F.3d 1159 (9th Cir 2020)<br/>Milieudefensie v Royal Dutch Shell (2021) The Hague District Court, C/09/571932 / HA ZA 19-379</p>  |

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| 10. | <p><b>The International Nuclear Law Regime:</b></p> <p>Nuclear Energy, Fundamentals of Nuclear Power, Safety Conventions, Nuclear Accidents, India's Nuclear Regime</p> <p><u>Readings</u></p> <p>Tony George Puthucherril, Harnessing the Atom: Strengthening the Regulatory Board for Nuclear Safety in India Based on the Canadian Experience, Volume 26 Journal of Energy &amp; Natural Resources Law, Pages 553-599 (Online: 2015).</p>   |
| 11. | <p><b>International Environmental Law &amp; International Trade Law</b></p> <p><u>Readings</u></p> <p>Harro van Asselt, Chapter 43, Trade, The Oxford Handbook of International Environmental Law (2nd edn), Lavanya Rajamani &amp; Jacqueline Peel (eds.).</p>  |
| 12. | <p><b>The Human Right Basis to a Clean Environment</b></p> <p><u>Readings</u></p> <p>Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, A/HRC/37/59, 2018</p> <p>The ocean and human rights - Report of the Special Rapporteur on the human right to a clean, healthy and sustainable environment, Astrid Puentes Riaño, A/HRC/58/59</p>   |
| 13. | <p><b>Ecocide &amp; Rights of Nature</b></p> <p>Understanding recent trends in IEL</p> <p><u>Readings</u></p> <p>Polly Higgins, Damien Short &amp; Nigel South, Protecting the planet: a proposal for a law of ecocide, 59 CRIME L. &amp; SOC. CHANGE 251 (April 2013).</p> <p>Rawnak Miraj Ul Azam, Syeda Afroza Zerin &amp; Fahim Faisal Khan Alabi, The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in Implementing Eco-Centric Laws, 5 J. ENVTL. L. &amp; POL'y 87 (April 2025).</p> |
| 14. | <p style="text-align: center;"><b>REVISION WEEK</b></p> <p>[<b>NOTE:</b> There shall be teaching classes scheduled during the fourteenth week, subject to the JGU Academic Calendar circulated by the Office of the Registrar, JGU and any official declaration of non-working days by the JGU Registrar.]</p>   |

#### **Reading Material –**

**For the modules where Reading materials are unassigned, Students are to read the relevant chapters in Techera, E., Lindley, J., Scott, K.N., & Telesetsky, A. (Eds.), Routledge Handbook of International Environmental Law (2nd ed.). Routledge. (2020)**

## **Recommended Additional Readings**

- 1) Bodansky, Daniel, *The Art and Craft of International Environmental Law*, Harvard University Press, 2009.
- 2) L Rajamani and J Peel (eds), *The Oxford Handbook of International Environmental Law* (2nd edition Oxford University Press, UK 2021)
- 3) Sumudu A. Atapattu, Carmen G. Gonzalez, Sara L. Seck (Eds), *The Cambridge Handbook of Environmental Justice and Sustainable Development* (Cambridge Law Handbooks) (2021).
- 4) Edith Brown Weiss, Stephen C. McCaffrey, Daniel Barstow Magraw, A. Dan Tarlock, *International Environmental Law and Policy*, 2nd ed. (2007).
- 5) Shawkat Alam, Sumudu Atapattu, Carmen G. Gonzalez, Jona Razzaque, *International Environmental Law and the Global South* (2016).
- 6) Malgosia Fitzmaurice, David M. Ong, Panos Merkouris. *Research Handbook on International Environmental Law*, Edward Elgar, (2010).
- 7) Elli Louka, *International Environmental Law: Fairness, Effectiveness, and World Order*, Cambridge (2006).
- 8) Philippe Sands, *Principles of International Environmental Law*, Cambridge, 4 Ed. (2018).
- 9) Klaus Bossmann, Ron Engel, Prue Taylor, *Governance for Sustainability: Issues, Challenges, Successes*, IUCN Environmental Law and Policy Paper No. 70 (2008).
- 10) Alexandre Charles Kiss, Dinah Shelton, *A Guide to International Environmental Law*, Martinus Nijhoff, (2007).
- 11) UNEP Training Manual on International Environmental Law, online (2006).
- 12) John C. Dernbach *Stumbling Toward Sustainability*, Environmental Law Institute, Washington DC (2002).