Course title: International Environmental Law			
Course code MPL 152	**No. of credits:** 3	**L-T-P distribution:** 34-11-0	**Learning hours:** 45
Pre-requisite course code and title (if any):			
Department: Centre for Postgraduate Legal Studies			
Course coordinator (s): Dr. Manini Syali		**Course instructor (s):** Dr. Manini Syali	
Contact details: manini.syali@terisas.ac.in			
Course type	Core		
Course offered in	Semester 2		

Course Description

With the environmental issues moving to the centre-stage of international relations, International Environmental Law (IEL) has emerged as a well-established branch of International Law. The development of IEL has huge implications for countries like India that is in the process of development. In this context, this course is an attempt to study the development, actors and coverage of IEL. An attempt is also made to map the linkages of IEL with other areas of law. The foundational course on *Environmental Law and Policy* offered in the first semester would help in making the linkages between IEL and national environmental laws. The critical understanding of International Law gained in the *Law and Justice in a Globalizing World* course would help in appreciating the concerns of the developing world.

Course objectives

1. To analyse the historical foundations of IEL and the general principles around which it is built.
2. To understand the international legal regime on protection of environment and its linkages with other branches of International Law.
3. To critically analyse the compliance and dispute settlement mechanisms adopted and their effectiveness.

Course content	**L**	**T**	**P**
Module 1: Introduction	**8**	**3**	**0**
Emergence of global environmental consciousness – Environmental protection in oriental civilisations Influence of other disciplines: Science and Economics History of IEL: From early fisheries conventions to Rio Conference and beyond. *Bering Sea* and *Trail Smelter Arbitrations* Actors: States, International and Regional Organizations, Non-state actors (NGOs, Scientific Community, Corporates, Media etc.) General Principles: Sovereign Rights over Natural Resources, Preventive action, Precautionary Principle, Polluter Pays Principle, Sustainable Development, Common but Differentiated Responsibility. Developing Countries and IEL			
Module 2: Substantive regulation	**12**	**4**	**0**

Protection of environmental media: Atmosphere, Land Resources, Forests, Biological Diversity, Freshwater resources, Oceans, seas and marine resources. Regulation of processes and activities: Biotechnology, Toxic chemicals, agricultural products, Waste,			
Module 3: State Responsibility, Compliance and Liability	**8**	**2**	**0**
State Responsibility, ILC Draft Articles, Implementation, Enforcement, Conflict Resolution. Role of Treaty Secretariats Liability			
Module 4: Linkages with other areas of International Law	**6**	**2**	**0**
Trade Law: WTO, RTAs, Investment Law: BITs, Human Rights and Environmental protection			
Total	**34**	**11**	**0**

Evaluation criteria

- Class participation : 10
- Term Paper : 25
- Presentations : 25
- Major Test : 40

Learning outcomes

By the end of the course, it is expected that the students will be able to:

1. Appreciate the relevance and importance of international legal instruments in addressing global environmental concerns.
2. Critique IEL from a developing country perspective.
3. Be familiar with the dispute settlement mechanisms used to settle international environmental disputes.

Pedagogical approach

Predominantly based on classroom teaching. In addition, role play and moot courts will be used. A lot of emphasis will be given on self-study. For this, study materials for each module will be circulated in advance.

Materials

Suggested Readings

Books:

1. Sands, Philippe *et.al.* (2012), *Principles of International Environmental Law*, Third Edition, Cambridge: Cambridge University Press.
2. Birnie, Patricia and Boyle, Alan (2004), *International Law and the Environment*, Oxford: Oxford University Press.
3. Fitzmaurice, M. A. (2001), "International Protection of the Environment", *Recueil Des Cours Collected Courses*, Vol 293.The Hague: Hague Academy of International Law.
4. Bowman , Michael , Davies, Peter and Redgwell, Catherine (2010), *Lyster's International Wildlife Law*, Second Edition, Cambridge: Cambridge University Press.
5. Desai, Bharat (2003), *Institutionalizing International Environmental Law*, New York: Transnational Publishers.
6. Bilder, Richard B. (1975), "The Settlement of Disputes in the Field of the International Law of the Environment", *Recueil Des Cours Collected Courses*, Vol 139, The Hague: Hague Academy of International Law.

7. Schrijver, Nico (2003), "The Evolution of Sustainable Development in International Law: Inception, Meaning and Status", *Recueil Des Cours Collected Courses,* Vol 309, The Hague: Hague Academy of International Law.
8. P. W. Birnie, and A. Boyle(eds*)* (1995), *Basic Documents on International Law and the Environment*, Oxford: Oxford University Press.

Articles:

1. Sohn, Louis B. (1973), "The Stockholm Declaration on the Human Environment", *Harvard International Law Journal*, 14: 423-515.
2. Bodansky, Daniel (1993), "The United Nations Framework Convention on Climate Change: A Commentary", *The Yale Journal of International Law,* 18 (2): 451-558.
3. Sands, Philippe (1993), "International Law on Sustainable Development", *British Yearbook of International Law.*
4. Schacter, Oscar (1991), "Development of International Environmental Law*", Journal of International Affairs*, 44 (2): 457-493.
5. Henne, Gudrun and Fakir, Saliem (1999), "The Regime Building of the Convention on Biological Diversity on the Road to Nairobi", *Max Planck UNYB* 3: 315-361.
6. Sadat, Anwar (2009), "Strengths and Limitations of the Kyoto Protocol: Compliance Mechanisms", *Indian Journal of International Law,* 49 (2): 510-533.

Additional information (if any)

Student responsibilities