

COURSE WORK FORMAT

School of International Studies ***CENTRE FOR INTERNATIONAL LEGAL STUDIES***

Course: **Ph.D. (Monsoon Semester)**

Course Title: **INTERNATIONAL ENVIRONMENTAL LAW (DI 628)**

Course Type (Core/Optional): Core

Course Teacher: PROF. DR. BHARAT H. DESAI

Credits: Two

Contact Hours: Two per week

Course Objectives: The body of rules of International Law that has evolved especially in the aftermath of the 1972 Stockholm Conference has come to be known as International Environmental Law. It comprises a global framework of principles, rules and institutional structures for the protection of environment. The course seeks to place under scanner the international environmental law-making process, global conferencing technique, sector-specific multilateral environmental agreements (MEAs) and the architecture of international environmental governance (IEG). It holds more significance at the juncture of Stockholm+50 Conference wherein the assembled UN member states expressed concern for the global environmental challenges of planetary dimensions even as the very survival of life on earth has been endangered. Further, the SDGs Summit, 2023 has acknowledged the slow progress and in some cases regression vis-à-vis the achievement of the SDGs and at the same time emphasised the need for immediate measures to scale up efforts to achieve the 2030 Agenda. In this context, IEL provides an instrumentality for decisive course correction for a better common environmental future.

Learning Outcomes: To comprehend seriousness of the global environmental crisis in the Anthropocene epoch and the role of International Environmental Law as a regulatory tool to bring about changes for a healthy planetary future.

Evaluation Method: Mid-sem. Exam, Term papers and End-sem. Exam.

Course Content: see detailed course outline (attached)

Readings: see detailed course outline (attached)

JAWAHARLAL NEHRU UNIVERSITY
School of International Studies, New Delhi 110067
CENTRE FOR INTERNATIONAL LEGAL STUDIES

Ph.D. Course: Monsoon Semester 2023 (DI 628)

INTERNATIONAL ENVIRONMENTAL LAW

Course Teacher: Professor Dr. Bharat H. Desai

[DONE: 13 October 2023]

A. GLOBAL ENVIRONMENTAL PROBLEMS: AN OVERVIEW

- (i) Nature of Problems: pollution of water, land & air; resource degradation; deforestation; desertification etc; Predicament of Mankind – *Limits to Growth*.
- (ii) Trans-boundary Environmental Harm: *Train Smelter Arbitration*
- (iii) Global Environmental Issues: loss of biological diversity and disappearance of species; depletion of the ozone layer; climate change, hazardous wastes etc.
- (iv) Multilateral Environmental Agreements (MEAs); Global Conferencing Technique.
- (v) Stockholm+50 (2022): Pathways to Our Common Environmental Future

B. EFFORTS TO MEET THE CHALLENGE

I. Global Approach

(a) UN Conferences on the Environment

- (i) United Nations Conference on Human Environment, Stockholm, 1972: *Stockholm Declaration*; birth of UNEP
- (ii) World commission on Environment and Development (*Brundtland Commission*) 1984-87; *Our Common Future*
- (iii) United Nations Conference on Environment & Development, Rio de Janeiro, 1992; Rio Declaration, Agenda 21, Forest Principles, UNFCCC and CBD; birth of CSD
- (iv) World Summit on Sustainable Development, Johannesburg, 2002; Johannesburg Declaration and Plan of Action.
- (v) World Conference on Environment & Development, Rio de Janeiro, 2012; *The Future We Want*
- (vi) SDGs Summit (18-19 September 2023); Stockholm+50 (3-4 March 2022); UNEP@50 (2-3 June 2022)

(b) Emergence of IEL: Nature and Sources

- (i) Permanent sovereignty over natural resources
- (ii) Growing centralization of law making
- (iii) Framework convention-protocol approach
- (iv) Multilateral Environmental Agreements: In-built law-making processes
- (v) Hard Law and Soft Law
- (vi) Inter-governmental Negotiating Committees and the Forums

(c) Institutions

- (i) UN Environment Program and other UN *specialized agencies*.
- (ii) Conferences of Parties.
- (iii) Secretariats of various MEAs.
- (iv) Subsidiary Bodies: Scientific and Technical Committee; Implementation Committees
- (v) Funding mechanisms: Global Environmental Facility, MEA Trust Funds.
- (vi) High-level Political Forum
- (vii) Role of International NGOs (e.g., IUCN)

(d) Enforcement

- (i) Legal regimes for various environmental issues
- (ii) Issue of efficacy of international regulatory mechanisms – reporting & monitoring
- (iii) Ensuring implementation and compliance with international obligations
- (iv) Dispute Settlement Mechanisms; Compliance Committees

II. Regional Approach: South Asian Region

Regional Problems: SAARC Charter; Declarations and Action Plan on the Environment

III. National Approach: India

- (i) Relevant national policies, legislations, institutional framework
- (ii) Role of the judiciary; liberalized *locus standi*; PIL-driven jurisprudence.

C. SELECT GLOBAL CONVENTIONS

- (i) Ramsar Convention on Wetlands of International Importance (1971)
- (ii) Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973)
- (iii) Convention on Migratory Species of Wild Animals (1979) – Agreements & MoUs
- (iv) Convention on the Protection of the Ozone Layer (1985)
- (v) Montreal Protocol (1987); Amendments & Adjustments
- (vi) Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal (1989); The Basel Ban (1994)
- (vii) UN Framework Convention on Climate Change (1992); Kyoto Protocol (1997); Paris Agreement (2015)
- (viii) Convention on Biological Diversity (1992); Cartagena Protocol on Biosafety (2000); Nagoya Protocol on Access to Genetic Resources (2010); Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress (2010)
- (ix) Rotterdam Convention on the PIC for Certain Hazardous Chemicals & Pesticides in International Trade (1999)
- (x) Stockholm Convention on Persistent Organic Pollutants (2000)
- (xi) Minamata Convention on Mercury (2013)

Selected Reading List

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