

BA.LL.B (HONS.) – IX-SEMESTER

INTERNATIONAL ENVIRONMENTAL LAW

COURSE CODE:

Course Objectives- 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.

Course Outcomes:

1. To understand the General Principles of International Environmental Law,
2. To examine the Emerging International Environmental Regimes and India's National Policy,
3. To study the link between Environment and Sustainable Development,
4. Enforcement of International and National Environmental Law.

UNIT-I: Introduction to Environmental Law, Historical Evolution, Developed and Developing Countries Perspectives, Stockholm, Rio and Johannesburg, Sources of International Law, 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

UNIT-II: Transboundary Pollution: Liability of State, 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, Trans-frontier Air Pollution and Convention on Transboundary Air Pollution, Environmental Warfare, State Liability: Theoretical Issues

UNIT-III: 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

UNIT-IV: Global Oceans: Oceans as a Commons, Marine Pollution, Fishery Conservation, Atmosphere, Ozone Layer Depletion, The Ozone Protection Regime, The Climate Change Convention, Antarctic Treaty Regime, Protection of Species and Ecosystems, Migratory Species, Whales and Seals, Protection of Genetic Variety, Causes of Biodiversity Loss, Ecosystem Protection

UNIT-V: Compliance and Governance Mechanisms, 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

Text Books:

1. Donald K. Anton, Jonathan I. Charney, Philippe Sands, Thomas Schoenbaum and Michael J. Young, International Environmental Law: Cases, Materials, Problems (LexisNexis 2007).
2. Elli Louka, International environmental law: fairness, effectiveness, and world order, Cambridge University Press, 2006
3. Pilippe Sands, Principles of international environmental law, Cambridge University Press, 2003
4. S Bhatt, International Environmental Law, APH Publishing, 2007 -
5. Edith Brown Weiss, Daniel Barstow Magraw, Paul C. Szasz, International environmental law: basic instruments and references, 1992 - 1999, Volume 2, Transnational Publishers, 1999.

Reference Books:

1. Documents in International Environmental Law, Philippe Sands, Eds, Cambridge University Press, 2004.
2. Alexandre Charles Kiss, Dinah Shelton, International environmental law, Transnational Publishers, 2004.
3. P.K. Rao, International environmental law and economics, ley - Blackwell, 2002.
4. Michael I. Jeffery, Biodiversity Conservation, Law and Livelihoods: Bridging the North-South Divide, Cambridge University Press, 2008.
5. Neil Craik, The International Law of Environmental Impact Assessment Process, Substance and Integration, Cambridge University Press, 2008
6. Environmental Law, the Economy and Sustainable Development, Eds by Richard L. Revesz , Philippe
7. Sands , Richard B. Stewart, Cambridge University Press, 2008