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| **SCHOOL OF LAW 2024-2025: LLM MODULE SYLLABUS**Teaching in A22 and B22 is in two 5 week blocks with study week between them. 30 credits are taught within a single semester (10 weeks) 15 credits: Semester A22– Blocks A **or** B (5 weeks) / Semester B22 - Blocks C **or** D (5 weeks) Study Week falls within the two blocks (limited teaching/events/tutorials etc.) Semester C22 – 5 week block only (15 credits only)  |

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| **Module Code:** | SOLM134 |
| **Module Title:** | International Environmental Law |
| **Number of Credits** | 30 |
| **Semester and Block Taught:** | ***Semester: 1******Block:*** NA |
| **Module Convenor:** | Malgosia Fitzmauricem.fitzmaurice@qmul.ac.ukRoom 120A, Law Building (Mile End)Office hours by appointment only: online or In person |
| **Assessment:** | 5000 word essay |
| **Assessment period:**  | See Module Description Book |
| **Time and/or venue of taught classes:** | Timing 09:00 – 12:00 (3h)Location iQ East Court (Scape): 1.04 |
| **Additional Module Information:****Textbooks**  | **The main textbook:**• International Environmental Law, Dupuy /Vinuales 2nd ed. (Cambridge University Press, 2018)**You can also consult:** • Principles of International Environmental Law Sands/Peel/McKenzie (4th. ed. Cambridge University Press, 2018); • Birnie, Boyle, and Redgwell's International Law and the Environment. (4th ed. 2021, Oxford University Press); • Malgosia Fitzmaurice, Marcel Brus, Panos Merkouris, Research Handbook on International Environmental Law (2nd ed., Edward Elgar 2021) • Fitzmaurice, Crampin, Wong, International Environmental Law, Text, Cases and Materials (Edward Elgar, 2022) *It is also very important to consult websites of Multilateral Environmental Agreements for the latest developments.* • Multilateral Environmental Treaties (Fitzmaurice/Tanzi/Papantoniou eds Edward Elgar, 2017)• Principles of Environmental Law (Kramer/Orlando eds, Edward Elgar 2018)• The Max Planck Encyclopaedia of Public International Law • Oxford Scholarly Authorities on International Law ['OSAIL']• Oxford Scholarship Online ['OSOL']• Oxford Bibliographies• UN Audiovisual Library  |

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| **Teaching Team and Contact Details** |

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| Teaching assistant: Ms Yoana Ivanova | j*oana.ivanova99@gmail.com* |

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| **Module Overview** |

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| This course explores some of the most salient aspects of the expanding area of international environmental law. It examines, in particular, global environmental issues that have risen to the top of the international law and policy agenda in the wake of the 1992 United Nations Conference on Environment and Development (Rio Conference) and the 2002 Johannesburg World Summit on Sustainable Development and 2015 UN Goals. It deals with the fundamental questions of IEL: the precautionary principles; polluter pays principle, environmental impact assessment. The notion of sustainable development occupies an important place in this course. It provides an acknowledgment that environmental law needs to be considered at the same time as social and economic dimensions of development. The module is linked with human rights law and economic law (WTO). |

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| **Module Expectations** |

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| We will be communicating with you by email and announcements on QMplus. Please check your Queen Mary email and the module’s page regularly. Before class we expect the following:* Read the syllabus for each class in full
* Do the compulsory readings, marked with \*
* Prepare the “**Issues**” questions for each week

**Student presentation**: You can deliver a 10-minute presentation on your chosen topic in the seminars during which there is no class activity. You can use a PowerPoint presentation if you want, but it is not compulsory.  |

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| **Module Assessment** |

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| The assessment for this module is **5000 words** essay on one of the following topics, to be submitted online. You need to submit your desired essay topic by TBC (Assessment deadlines are determined by the LLM Administration Office)**.** Email: pglaw-assessments@qmul.ac.uk**ESSAY TOPICS**Choose **ONE** of the following topics:

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| 1.       Critically discuss the following statement: ‘global biodiversity is fully protected in relation to wild animals’. Substantiate your essay with reference to the Convention on Biological Diversity (CBD).  2.       Critically discuss the content of procedural environmental rights. Substantiate your answer, taking into account the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention), the Kiev Protocol on Strategic Environmental Assessment, and the Arhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, as well as relevant case-law.  3.       Critically assess the provisions and practice of the Convention Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) provisions and practices, considering the protection of wild animals and plants.  4.       How would you design a global treaty to combat land-based pollution, taking into account basic principles of International Environmental Law (environmental impact assessment, the principle of prevention, the precautionary principle the and polluter-pays -principle)  |

The above essay topics can be modified. Any modification to the proposed following topics must be discussed and approved.**ESSAY OUTLINES**If you wish, you can also submit a preliminary outline of your essay by the **1 April 2024.** This is not mandatory but is a good opportunity to receive feedback. The outline itself is **not** marked, but the clearer and more focused it is, the better guidance and feedback you will receive. There is **no prescribed format** and there is **no need to write an abstract** (as the ones you will find in Journal Articles). Additionally, there is **no** need to include any citations or a proposed bibliography for the Outline. There is also no specified word count for the essay outline.**SUGGESTED STRUCTURE FOR THE ESSAY (OUTLINE)**1. Introduction
	1. In introduction you should specify what you are going to write about, your research question, methodology (e.g., desk research and/or field research), structure of the essay (i.e., chapters and sections).
	2. Essay should be divided in chapters and sections, and you may consider finishing them by short conclusions.
2. Chapter I
	1. Findings
	2. Mini conclusion
3. Chapter II
	1. Etc…
4. Conclusion
	1. Restating the research question.
	2. Summary of the conclusion for each chapter or section.
	3. Provide a general conclusion to the research question.

Essays require independent research, not only reading the material included in the syllabus, which is well documented (referenced). The style of referencing should be in accordance with the Oxford University Standard for the Citation of Legal Authorities (OSCOLA). The referencing guide can be found at: <https://www.law.ox.ac.uk/sites/files/oxlaw/oscola_4th_edn_hart_2012.pdf> Additionally, please get acquainted with **plagiarism rules.**Bibliography, divided into the following sections (books, chapters in books, articles, case law) is **recommended**. The word count of the bibliography is **not** included in the 5000 words for the Essay itself. |

***Useful websites***

<http://www.un.org/law>

<http://www.unfccc.de>

<http://www.unep.org>

<http://www.itlos.org>

<http://www.imo.org>

http://www.un.org/law/ilc/

***Abbreviations***

AJIL American Journal of International Law

ARIEL Austrian Review of International and European Law

BYIL British Yearbook of International Law

Colo. J. Int’l Envtl. L. & Pol’y Colorado Journal if International Environmental Law and Policy

Colum. J. Envtl. L. Columbia Journal of Environmental Law

Colum.J.Transnat’l L Columbia Journal of Transnational Law

EHRR European Human Rights Reports

EJIL European Journal of International Law

Eur. Envtl. L. Rev. European Environmental Law Review

HNS Protocol 2000 Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous Substances

ICJ International Court of Justice

ICLQ International and Comparative Law Quarterly

ICLR International Community Law Review

ILM International Legal Materials

ILR International Law Reports

ndian J. Int’l L. Indian Journal of International Law

LJIL Leiden Journal of International Law

Mich. J. Int’l L. Michigan Journal of International Law

Modern L. Rev. Modern Law Review

NYIL Netherlands Yearbook of International Law

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| **Module Weekly Syllabus** |

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| **Week 1: 30 September 2024**  | * **Introduction, administration of the Module**
* Information on course assessment
* Learning outcomes, learning expectations, student participation
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| **Week 2: 7 October 2024**  | * **Development of international environmental law and sources**

**Compulsory readings*** \*Dupuy/Vinuales, Chapters 1&2

**Additional materials*** [\*1972 Stockholm Declaration](http://www.un-documents.net/unchedec.htm)
* [\*1992 Rio Declaration](https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.151_26_Vol.I_Declaration.pdf)
* [\*2002 Johannesburg World Summit on Sustainable Development – Political Declaration](http://www.un-documents.net/johannesburg-declaration.pdf)
* [\*and Plan of Implementation](http://www.un.org/esa/sustdev/documents/WSSD_POI_PD/English/WSSD_PlanImpl.pdf)
* [\*RIO+20 The Future We Want](https://sustainabledevelopment.un.org/futurewewant.html)
* [Transforming our World: The 2030 Agenda for Sustainable Development United Nations, 2015](https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf)

 Article 38 of the Statue of the International Court of Justice **Further reading*** Sands/Peel, Chapters 2-4
* Birnie, Boyle and Redgwell’s International Law and the Environment (4th edn, OUP 2021) chapters 1-2

**Please prepare to discuss the following issues in class:** * *Is international environmental law a mature area of international law and does it provide adequate protection for the environment?*
* *Explain the development of IEL through its landmark summits.*
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| **Week 3: 14 October 2024** | * **General Principles of International Environmental Law**
* **Compulsory readings**
* \*Dupuy/Vinuales, Chapter 3
* [Fitzmaurice ‘Legitimacy of International Environmental Law. The Sovereign States overwhelmed by Obligations: Responsibility to React to Problems beyond National Jurisdiction?’. Heidelberg Journal of International law vol. 77, (2) 339-370.](https://qmro.qmul.ac.uk/xmlui/handle/123456789/25610)
* [https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1603?prd=EPIL](https://opil.ouplaw.com/display/10.1093/law%3Aepil/9780199231690/law-9780199231690-e1603?prd=EPIL)

**Additional materials*** \*1941 *Trail Smelter Arbitration*
* [\*2001 International Law Commission Articles on Prevention of Transboundary Harm from Hazardous Activities](https://legal.un.org/ilc/texts/instruments/english/commentaries/9_7_2001.pdf)
* *\*WTO-*EC Measures Concerning Meat and Meat Products (Hormones), Appellate Body-
* \*Convention on Environmental Impact Assessment in a Transboundary Context, Espoo, 25 Feb. 1991.
* \*Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention)
* \*Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context, Kiev, 21 May 2003.
* \*2010 *Pulp Mills on the River Uruguay (Argentina Uruguay),* Judgment, I.C.J. Reports 2010,p.14;
* \*2011 Advisory Opinion, ITLOS, Responsibilities and Obligations of States Sponsoring Persons and Entities with Respect to Activities in the Area
* \*2015 *Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua) and Construction of a Road in Costa Rica along the San Juan River* (Nicaragua v. Costa Rica), Judgment, I.C.J. Reports 2015, p. 665

 o *Southern Blue Fin Tuna Cases (New Zealand v. Japan; Australia v. Japan),* Request For Provisional Measures (2000), The International Tribunal for the Law of the Sea, and Opinion of Judges: Laing, Treves, Shearer (ITLOS website)o *Dispute Concerning the MOX Plant, International Movements of Radioactive Materials, and The Protection of the Marine Environment of the Irish Sea*, (Ireland v United Kingdom) (p.44) and the Order of the Tribunal, paras. 71, 75, 84. See also: Separate Opinion of Judges Wolfrum, Treves, and ad hoc Judge Székely (ITLOS website). o *Case concerning Land Reclamation by Singapore in and around the Straits of Johor (Malaysia v. Singapore), Provisional Measures* (ITLOS website).**Further reading*** Sands/Peel, Chapter 6 (pp. 211-242)
* [2006 International Law Commission Draft principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities](https://legal.un.org/ilc/texts/instruments/english/commentaries/9_10_2006.pdf)
* Rumiana Yotova, ‘The Principles of Due Diligence and Prevention in International Environmental Law’, The Cambridge Law Journal, vol.75, No.3 (November 2016), pp. 445-448

**Activity** * Does the precautionary principle advance international environmental law, or is it a stumbling block in its development? Team 1, please argue in favour. Team 2, please argue against the statement.
* Is it possible to apply the polluter pays principle in the same way to developing countries as to developed countries? Team 1, please argue in favour. Team 2, please argue against the statement.
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| **Week 4: 21 October 2024** | * **Sustainable Development and Intergenerational Equity**

**Compulsory readings*** \*Dupuy/ Vinulaes, Chapter 3, pp. 91-94
* \*[Intergenerational Equity, Edith Brown Weiss, Max Planck Encyclopedia](https://opil.ouplaw.com/view/10.1093/law%3Aepil/9780199231690/law-9780199231690-e1421?rskey=Mia9pt&result=1&prd=MPIL), [https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1421?prd=MPIL](https://opil.ouplaw.com/display/10.1093/law%3Aepil/9780199231690/law-9780199231690-e1421?prd=MPIL)

o **\***Maastricht Principles on The Human Rights of Future Generations https://www.ohchr.org/sites/default/files/documents/new-york/events/hr75-future-generations/Maastricht-Principles-on-The-Human-Rights-of-Future-Generations.pdf **Additional materials*** \*The 1972 Stockholm Declaration on Human Environment
* \*The 1992 Rio Declaration on Environment and Development
* \*The 2002 Johannesburg World Summit on Sustainable Development: Political Declaration and Plan of Implementation
* 2002 International Law Association New Delhi Declaration of Principles of International Law Relating to Sustainable Development
* RIO+20 The Future We Want
* Transforming Our World: the 2030 Agenda For Sustainable Development, 2015
* \*Minors Oposa v Sec. of Dept. of the Environment and Natural Resources 33 ILM 173 (1994),
* *\*Gabcikovo-Nagymaros Project* case, paragraph 140, including Dissenting Opinion of Judge Weeramantry in the 1997 International Court of Justice Gabcikovo-Nagymaros Project case
* *\*Advisory Opinion on the Legality of the Use by a State of Nuclear Weapons in Armed Conflicts,* ICJ Reports 1996 (para.29) and Dissenting Opinion Judge Weeramantry
* 2005 *Iron Rhine Arbitration (Belgium/Netherlands, )* paras 58-60; may be found at the Permanent Court of Arbitration website: <http://www.pca-cpa.org>.

**Further reading*** Sands/Peel pp. 217-229
* 26 RECIEL Special Issue 2016**:** The SDGs and International Environmental Law.
* See in particular: Chasek, P et al, ‘Getting to 2030: Negotiating the Post-2015 Sustainable Development Agenda**;** Rakhyun, K, ‘[The Nexus between International Law and the Sustainable Development Goals](http://onlinelibrary.wiley.com/doi/10.1111/reel.12148/full)’;

**Issues:*** *What do you understand by the phrase `sustainable development’ as used in the context of international environmental law? What is its legal status? What are the legal implications of the term?*
* *What is the status of the concept of intergenerational equity? What is its relationship to the concept of sustainable development?*

**Activity:** Mokadia is a State with an abundance of wildlife, especially elephants. It started giving licences for rich hunters to kill 50 elephants a year, claiming that the revenue is necessary for the survival of the present generation and the economic development of the country. The decision of the Mokadian government was challenged by an NGO, ‘Freedom for Animals’, as violating the principle of intergenerational equity and sustainable development. The Constitution of Mokadia has a vaguely formulated right to sustainable development and the protection of future generations.Team One: write a legal brief for the NGO. Present your arguments in class. Team Two: write a legal brief for the Government. Present your arguments in class.  |
| **Week 5: 28 October 2024** | * **Marine Pollution and Biodiversity**

**Compulsory readings*** Fitzmaurice M (2022). The International Convention for the Prevention of Pollution from Ships (MARPOL). Research Handbook on Ocean Governance Law , Edward Elgar Publishing
* Yoshifumi Tanaka (2023). The International Law of the Sea (4d edn), Cambridge University Press, Chapter 8: Protection of Marine Environment, pp. 351-438

**Additional materials** **Marine Pollution** * UNCLOS Part XII
* MARPOL, International Convention for the Prevention of Pollution from Ships
* 1972 London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter and 1906 Protocol
* 2023 The Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ)

**Further reading*** AJIL Unbound, Volume 114 ‘Symposium on Global Plastic Pollution’, can be found at the AJIL website: <https://www.cambridge.org/core/journals/american-journal-of-international-law>

Biodiversity Convention on Biological Diversity <https://www.cbd.int/> Cartagena Protocol <https://bch.cbd.int/protocol/text> The Nagoya Protocol on Access and Benefit-sharing <https://www.cbd.int/abs/doc/protocol/nagoya-protocol-en.pdf> The Kunming-Montreal Global Biodiversity Frameworkhttps://www.cbd.int/gbf/vision |
| **WEEK 6 - STUDY WEEK** |
| **Week 7: 11 November** | * **Environmental Impact Assessment**

**Professor Olufemi Elias, visiting professor, Queen Mary University of London (online)****Compulsory readings*** Sands /Peel, Chapter 14, pp. 657-681
* \*Generally, RECIEL Vol. 20, Issue 3 2011 is devoted to EIA and Strategic Impact Assessment
* Astrid Epiney. ‘Environmental Impact Assessment’, Oxford Public International Law,

<https://opil>.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1581?prd=EPIL**Additional materials*** \*Convention on Environmental Impact Assessment in a Transboundary Context, Espoo, 25 Feb. 1991.
* \*Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context, Kiev, 21 May 2003.
* \*2010 Pulp Mills on the River Uruguay (Argentina Uruguay), Judgment, I.C.J. Reports 2010, p.14,
* \*2011 Advisory Opinion, ITLOS, Responsibilities and Obligations of States Sponsoring Persons and Entities with Respect to Activities in the Area,
* Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua) Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica)

**Further reading*** Payne, C., “Pulp Mills on the River Uruguay: The International Court of Justice Recognizes Environmental Impact Assessment as a Duty under International Law”, ASIL Insights website: <http://www.asil.org/insights100422.cfm>

**Issues:*** *Does the right to have access to information and to participate in environmental decision-making hamper the realisation of sustainable development?*
* *Are procedural environmental rights a more effective avenue to ensure the realisation of a human right to a clean environment than a substantive right?*
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| **Week 8: 18 November 2024** | * **Human Right to a Clean Environment and the Rights of Nature**

**Compulsory readings*** \*Dupuy/Vinulaes, Chapter 10

**Additional materials*** [\*UNGA, Resolution A/76/L.75, The human right to a clean, healthy and sustainable environment, 26 July 2022](https://digitallibrary.un.org/record/3982508?ln=en) [file:///C:/Users/ugtl033/Downloads/A\_RES\_76\_300-EN%20(2).pdf](file:///C%3A/Users/ugtl033/Downloads/A_RES_76_300-EN%20%282%29.pdf)
* *Lopez-Ostra v Spain,* ECHR Series A, no. 303-C (1995) 20 EHRR 277
* *Guerra and Others v Italy* (1998) 26 EHRR 357
* *Hatton and Others,* ECHR: Chamber Judgement of 2 October 2001; Grand Chamber Judgment of 8 June 2003 (2002) 34 EHRR 1
* *Fadeyeva v Russia*, Chamber Judgment of 30 November 2005 (Former First Section) ECHR 2005-IV
* **\*Inter-American Court of Human Rights:** On 7 February 2018, the Inter-American Court of Human Rights (the Court, IACtHR) issued a very important if not fundamental Advisory opinion concerning the obligations of States Parties to the American Convention on Human Rights (American Convention, ACHR) in respect of infrastructural works creating a risk of significant environmental damage to the marine environment of the Wider Caribbean Region.
* ‘Supreme Court of García Márquez’ attributed legal personality to the Colombian Amazon region (not just the river). In judgment STC4360-2018of 5 April 2018, the Court addressed a claim against State authorities by 25 young people (between 7 and 25 years old), living in cities in the Amazon that would allegedly be worst affected by climate change through deforestation
* the Decision of the Conference of the Parties of the Convention on Biological Diversity (CBD) adopted on the 19th December 2022, so-called the ‘Kunming –Montreal Global Biodiversity Framework for the CBD’ granting the rights to nature and the Mother Earth <https://prod.drupal.www.infra.cbd.int/sites/default/files/2022-12/221222-CBD-PressRelease-COP15-Final.pdf>

**Further reading*** **Sands and Peel, Chapter 17, pp. 811-838.**
* [Giovanny Vega-Barbosa and Lorraine Aboagye, ‘Human Rights and the Protection of the Environment: The Advisory Opinion of the Inter-American Court of Human Rights’, EJIL Talk!](https://www.ejiltalk.org/human-rights-and-the-protection-of-the-environment-the-advisory-opinion-of-the-inter-american-court-of-human-rights/)
* [Monica Feria-Tinta and Simon Milnes, ‘The Rise of Environmental Law in International Dispute Resolution: Inter-American Court of Human Rights issues Landmark Advisory Opinion on Environment and Human Rights’, EJIL Talk!](https://www.ejiltalk.org/the-rise-of-environmental-law-in-international-dispute-resolution-inter-american-court-of-human-rights-issues-landmark-advisory-opinion-on-environment-and-human-rights/)

**Issues:*** *Is there a human right to a clean environment?*
* *Is there a (human) right to environmental information?*
* *Do general formulations in constitutions of various states constitute a sufficient basis for human rights litigation in environmental matters?*

**Activity:** Please argue the following: Team One: ‘Human rights are ill-defined and adding one more right to a clean environment will not enhance the protection of an individual from environmental degradation’. Team Two: ’Linking environment protection of an individual with human rights is the only way forward’. Both teams should rely on literature and the existing case-law. |
| **Week 9: 25 November 2024** | * **CITES Presentation, Guest Lecturer Professor Richard Caddell**

Reading: Charlotte E Blattner, ‘Compliance Procedure: Convention on International Trade in Endangered Species’:, Oxford Public International Law, <https://opil.ouplaw.com/display/10.1093/law-mpeipro/e2463.013.2463/law-mpeipro-e2463>  |
| **Week 10: 2 December 2024** | * **Marine Engineering**

**Guest Lecturer Dr Robert Steenkamp, International Tribunal for the Law of the Sea (ITLOS)**  |
| **Week 11: 9 December 2024** | * **Module revision, presentation by students of essay outlines and discussion.**

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