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## **COURSE MANUAL**

# **Sustainable Development, International Environmental Law and the Global South**

**Course Instructor:  
Dr. Tony George Puthucherril**

**Spring 2020  
(AY2019-20)**

**Elective**

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This document is prepared by the course instructor and contains basic information relevant to the execution of the Course. It is the official record for all intents and purposes as far as the elective Course, **Sustainable Development, International Environmental Law and the Global South**, is concerned.

This course manual can be used as a general guide to the subject. However, the instructor can modify, extend or supplement the Course (without tampering its basic framework and objectives) for the effective and efficient delivery of the Course. Albeit, the instructor will provide students with reasons for such changes.

## **Part I**

Course Title: **Sustainable Development, International Environmental Law and the Global South**

Course Code: **L-EL-0290**

Course Duration: **One Semester (15 Weeks)**

Time: **Wednesdays and Thursdays, 11:40 am to 1:40 pm**

Venue: **T1 – F15**

No. of Credit Units: **4 Credits**

Level: **intermediate**

Medium of Instruction: **English**

Pre-requisites: no

Equivalent Courses: no

Cross-Listed Course: yes

## Part II

### 1. Course Description

Planet Earth is beset with a series of unprecedented environmental challenges. On the terrestrial side, to cater to the requirements of an ever-growing population that is expected to cross the 10 billion mark by 2050, the earth's scarce resources are being subject to rapacious exploitation where carrying capacities are rarely respected. Unplanned urbanization and crass industrialization and its attendant environmental problems like air, noise and water pollution, depletion of forests, and biodiversity loss are posing severe threats to planetary well-being. On the marine side, the oceans are already supersaturated with all sorts of contaminants, and marine life continues to vanish at alarming rates. However, all these challenges are dwarfed by climate change and its impacts, which, apart from being a standalone issue, exacerbates the above-noted challenges. The consequence is that environmental problems can no longer be viewed as a purely domestic matter. There is now universal recognition that environmental problems transcend national boundaries. Therefore, possible solutions and related environmental regulation must be approached from a more expanded juridical basis that involves applying norms and principles embedded in multilateral environmental law treaties and the involvement of multiple stakeholders at the global levels, which entails further restrictions on state sovereignty. This Course is designed to provide an overview of environmental issues that do not respect territorial confines and the possible solutions to such issues based on international law and policy. This Course differs 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. Course Aims

#### **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
- To understand the concept of sustainable development from a Global South perspective and examine its impact in terms of attempt to integrate developmental and environmental protection objectives.
- To recognize the complexities surrounding environmental principles with regard to their content and application
- To analyse 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.
- To analyse the currents and crosscurrents that underlie the relationship between IEL and domestic Environmental law.

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- To understand the fundamentals of regime building in relation to International Environmental Law from a Global South perspective.

### 3. Teaching Methodology

Class sessions will feature a mixture of lectures delivered by the instructor, discussion and student presentations. Audio-visual aids will be utilised to provide a wholesome experience. For each topic, hypotheticals will be provided to the students to enable them to have a hands-on experience of the topic at hand.

Students must register a minimum of 75% attendance for classes failing which be allowed to the student will not take the end-semester exam and will not be given a passing grade.

### 4. Intended Learning Outcomes

Course Intended Learning Outcomes	Weightage in %	Teaching and Learning Activities	Assessment Tasks/ Activities
Understand core concepts and methods in relation to regime formation and regime dynamics	10%	Readings, class discussions, solving hypotheticals and Note preparation	Class participation, based on readings & Note preparation
Reflect critically about the role of the Global South in relation to these IEL regimes	20%	class discussions, & Note preparation	Class discussions& Note preparation
Understand the transnational character of environmental problems and ways of addressing them through the medium of IEL	20%	Conducting group research on an international environmental law case, and class presentation	Group research presentation & brief preparation
Understand specific environmental regimes and their regulatory, conservation related tools	50%	Lectures, Readings, individual research & feedback.	final research paper

## 5. Grading of Student Achievement

To pass this Course, students must obtain a minimum of 50% in the cumulative aspects of coursework, e.g. internal assessments and final examination. **End of semester examination (in the form of research paper) will carry 50 marks out of which students have to obtain a minimum of 30% to fulfil the requirement of passing the Course.**

### Grade Sheet

Percentage of Marks	Grade	Grade Value	Grade Description
80 and above	O	8	<b>Outstanding</b> – Exceptional knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and extraordinary critical and analytical ability
75 – 79	A+	7.5	<b>Excellent</b> - Sound knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and critical and analytical ability
70 – 74	A	7	<b>Very Good</b> - Sound knowledge of the subject matter, excellent organizational capacity, ability to synthesize ideas, rules and principles, critically analyse existing materials and originality in thinking and presentation
65 – 69	A-	6	<b>Good</b> - Good understanding of the subject matter, ability to identify issues and provide balanced solutions to problems and good critical and analytical skills
60 – 64	B+	5	<b>Fair</b> – Average understanding of the subject matter, limited ability to identify issues and provide solutions to problems and reasonable critical and analytical skills
55 – 59	B	4	<b>Acceptable</b> - Adequate knowledge of the subject matter to go to the next level of study and reasonable critical and analytical skills.
50 – 54	B-	3	<b>Marginal</b> - Limited knowledge of the subject matter and irrelevant use of materials and, poor critical and analytical skills

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Percentage of Marks	Grade	Grade Value	Grade Description
Below 50	F	0	<b>Fail</b> - Poor comprehension of the subject matter; poor critical and analytical skills and marginal use of the relevant materials. Will require repeating the Course

## 6. Criteria for Student Assessments

Internal assessment of the participants will be based on a case presentation subject to the following criteria. Alternative internal assessments will **NOT** be conducted.

Assessment	Weightage	Remarks
Class presentation - Case	Marks 20%	Students will make a class presentation on an international environmental law case on the legal issues assigned. As well, they should provide a brief on the legal issues.
Class presentation - Convention	Marks 30%	Students will have to make a class presentation on an international environmental treaty and prepare a Note identifying TWAIL concerns. They will have to explain the process of treaty formation and treaty implementation utilizing a TWAIL perspective.
Final individual research paper	Marks 50%	They will be an end-semester research paper for all participants of the Course who have successfully completed the course work.

## Part IV

### Course/Class Policies

#### Academic Integrity and Plagiarism

Learning and knowledge production of any kind is a collaborative process. Collaboration demands an ethical responsibility to acknowledge who we have learnt from, what we have learned, and how reading and learning from others have helped us shape our own ideas. Even our own ideas demand an acknowledgement of the sources and processes through which those ideas have emerged. Thus, all ideas must be supported by citations. All ideas borrowed from articles, books, journals, magazines, case laws, statutes, photographs,

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films, paintings, etc., in print or online, must be credited with the original source. If the source or inspiration of your idea is a friend, a casual chat, something that you overheard, or heard being discussed at a conference or in class, even they must be duly credited. If you paraphrase or directly quote from a web source in the examination, presentation or essays, the source must be acknowledged. The university has a framework to deal with cases of plagiarism. All form of plagiarism will be taken seriously by the University and prescribed sanctions will be imposed on those who commit plagiarism.

### **Disability Support and Accommodation Requirements**

JGU endeavors to make all its courses accessible to students. All students with any known disability needing academic accommodation are required to register with the Disability Support Committee [dsc@jgu.edu.in](mailto:dsc@jgu.edu.in). The Committee has so far identified the following conditions that could possibly hinder student's overall well-being. These include physical and mobility related difficulties; visual impairment; hearing impairment; medical conditions; specific learning difficulties e.g. dyslexia; mental health.

The Disability Support Committee maintains strict confidentiality of its discussions. Students should preferably register with the Committee during the month of June/January as disability accommodation requires early planning. DSC will approve of and coordinate all disability related services such as appointment of academic mentors, arranging infrastructural facilities, and course related requirements such as special lectures, tutorials and examinations.

All faculty members are requested to refer students with any of the above-mentioned conditions to the Disability Support Committee for addressing disability-related accommodation requirements.

### **Safe Space Pledge**

This Course may discuss a range of issues and events that might result in distress for some students. Discussions in the Course might also provoke strong emotional responses. To make sure that all students collectively benefit from the Course, and do not feel disturbed due to either the content of the Course or the conduct of the discussions. Therefore, it is incumbent upon all within the classroom to pledge to maintain respect towards our peers. This does not mean that you need to feel restrained about what you feel and what you want to say. Conversely, this is about creating a safe space where everyone can speak and learn without inhibitions and fear. This responsibility lies not only with students, but also with the instructor.

P.S. The course instructor, as part of introducing the course manual, will discuss the scope of the Safe Space Pledge with the class.

### **Cell Phones, Laptops and Similar Gadgets**

*Cell phones are not allowed during the class. Laptops may be used only when required for the course work.*

## **Part V**

### **Keywords Syllabus**

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

### Course Design and Overview (Weekly Plan)

Class	Week	Date	Topic and Description	Reading/Course Materials
1.	1	5 <sup>th</sup> February 2020	<b>Introduction to IEL: A View of the Larger Canvass from the Global South</b> What is IEL? Relevance and Scope; Historical Evolution; Contemporary Relevance and Critical debates.	
2.	1	6 <sup>th</sup> February 2020	<b>Introduction to IEL: A View of the Larger Canvass from the Global South</b> 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.  <b>Discussion on Student Research Topics and Class Presentations</b>	
3.	2	12 <sup>th</sup> February 2020	<b>Global South Perspectives to the Principled Approach to IEL</b> Meaning and import of SD; SD & Alternative Visions from the Third World; Integration; Polluter pays; Inter & Intra equity; Stewardship & Public Trust	
4.	2	13 <sup>th</sup> February 2020	<b>Global South Perspectives to the Principled Approach to IEL</b> The Precautionary Principle	
5.	3	19 <sup>th</sup> February 2020	<b>IEL &amp; Protection of the Marine Environment</b>	



			Definitions; Land Based Sources of Marine Pollution; Shipping & Marine Pollution; Regional Seas Programs; Ship Recycling	
6.	3	<b>20<sup>th</sup> February 2020</b>	<b>IEL &amp; Protection of the Marine Environment</b>	
7.	4	<b>26<sup>th</sup> February 2020</b>	<b>Legal Issues Relating to the Oceans – Concept of Ocean Governance</b> Evolution of the regime; A Constitution for the Oceans; Protecting Third World Interests; India and UNCLOS; New Uses of the Oceans & Related Challenges	
8.	4	<b>27<sup>th</sup> February 2020</b>	<b>Legal Issues Relating to the Oceans</b>	
9.	5	<b>4<sup>th</sup> March 2020</b>	<b>International Control of Trans-boundary Movements of Hazardous Wastes and Toxic Chemicals</b> Garbage imperialism; Toxic Trade; Environmental Justice; Basel, Rotterdam and Stockholm Conventions; Minamata Convention	
10.	5	<b>5<sup>th</sup> March 2020</b>	<b>International Control of Trans-boundary Movements of Hazardous Wastes and Toxic Chemicals</b>	
11.	6	<b>11<sup>th</sup> March 2020</b>	<b>Student Presentation</b> <ul style="list-style-type: none"> <li>• MOX Plant Case (Ireland v. United Kingdom)</li> <li>• United Nations Convention on the Law of the Sea</li> </ul>	
12.	6	<b>12<sup>th</sup> March 2020</b>	<b>Student Presentation</b> <ul style="list-style-type: none"> <li>• Aerial Herbicide Spraying (Ecuador v. Colombia)</li> <li>• Basel Convention on the Control of Transboundary Movements of</li> </ul>	

			Hazardous Wastes and their Disposal	
13.	7	<b>18<sup>th</sup> March 2020</b>	<b>Student Presentation</b> <ul style="list-style-type: none"> <li>The South China Sea Arbitration (The Republic of Philippines v. The People's Republic of China)</li> </ul>	
14.	7	<b>19<sup>th</sup> March 2020</b>	<b>Student Presentation</b> <ul style="list-style-type: none"> <li>Chagos Marine Protected Area Arbitration (Mauritius v. United Kingdom)</li> </ul>	
15.	<b>8</b>	<b>25<sup>th</sup> March 2020</b>	<b>Law Relating to International Watercourses and Trans-boundary Water Disputes</b> Water Scarce Planet; Understanding Water Dynamics, Influence of Domestic Jurisprudence in the Development of IWL; Doctrine of riparian rights; Harmon Doctrine; Prior Appropriation; Equitable Utilization	
16.	<b>8</b>	<b>26<sup>th</sup> March 2020</b>	<b>Law Relating to International Watercourses and Trans-boundary Water Disputes</b> The Helsinki Rules; UN Watercourses Convention; Other IWL instruments; Water Sharing arrangements in Mekong, The Nile & in South Asia	
17.	<b>9</b>	<b>1<sup>st</sup> April 2020</b>	<b>Student Presentation</b> <ul style="list-style-type: none"> <li>Gabčíkovo-Nagymaros Project (Hungary/Slovakia)</li> <li>Convention on the Protection and Use of Transboundary Watercourses and International Lakes (UN Water Convention)</li> </ul>	
18.	<b>9</b>	<b>2<sup>nd</sup> April 2020</b>	<b>Student Presentation</b> <ul style="list-style-type: none"> <li>Pulp Mills on the River Uruguay (Argentina v. Uruguay)</li> </ul>	
19.	<b>10</b>	<b>8<sup>th</sup> April 2020</b>	<b>Evolving International Law on Climate Change</b> Understanding CC; The UNFCCC; Kyoto Protocol, The Paris Agreement: Mitigation; Common but Differentiated Responsibilities;	

			Geoengineering and Carbon Sequestration	
20.	10	9 <sup>th</sup> April 2020	<b>Evolving International Law on Climate Change</b> Sea Level Rise & the Concept of Adaptation	
21.	11	15 <sup>th</sup> April 2020	<b>Law Relating to Polar Regions</b> Understanding the Arctic & the Antarctic; The Arctic Council; A Melting Arctic and Economic Possibilities	
22.	11	16 <sup>th</sup> April 2020	<b>Law Relating to Polar Regions</b> Protecting the Antarctic; The Legal Regime and Challenges	
23.	12	22 <sup>nd</sup> April 2020	<b>Student Presentation</b> <ul style="list-style-type: none"> <li>• Whaling in the Antarctic (Australia v. Japan)</li> <li>• United Nations Framework Convention on Climate Change</li> </ul>	
24.	12	23 <sup>rd</sup> April 2020	<b>The International Law of Biodiversity, Species and Habitat Protection</b> The CBD; Terrestrial and Marine Biodiversity protection; The Ramsar Convention and Wetlands; CITES & Animal Trade; The Polar Bear	
25.	13	29 <sup>th</sup> April 2020	<b>The International Nuclear Law Regime</b> Nuclear Energy; Fundamentals of Nuclear Power; Safety Conventions; Nuclear Accidents; India's Nuclear Regime	
26.	13	30 <sup>th</sup> April 2020	<b>Student Presentation</b> <ul style="list-style-type: none"> <li>• Nuclear Tests (Australia v. France)</li> <li>• Convention on Biological Diversity</li> </ul>	
27.	14	6 <sup>th</sup> May 2020	<b>International Environmental Law and International Trade Law</b>	

28.	14	7 <sup>th</sup> May 2020	<b>India and International Environmental Law</b> Water Convention; Cauvery water case	
29.	15	13 <sup>th</sup> May 2020	<b>India and International Environmental Law</b>	
30.	15	14 <sup>th</sup> May 2020	<b>Wrap up; Re-visiting the Role of the Global South in IEL and Responses by the students</b>	

### Reading Material –

Students are advised to read related chapters in - ***Routledge Handbook of International Environmental Law.***

#### Part VI Relevant Readings

- 1) Edith Brown Weiss, Stephen C. McCaffrey, Daniel Barstow Magraw, A. Dan Tarlock, International Environmental Law and Policy, 2nd ed. (2007).
- 2) Shawkat Alam, Sumudu Atapattu, Carmen G. Gonzalez, Jona Razzaque, International Environmental Law and the Global South (2016).
- 3) Malgosia Fitzmaurice, David M. Ong, Panos Merkouris. Research Handbook on International Environmental Law, Edward Elgar, (2010).
- 4) Elli Louka, International Environmental Law: Fairness, Effectiveness, and World Order, Cambridge, (2006).
- 5) Philippe Sands, Principles of International Environmental Law, Cambridge, 4 Ed. (2018).
- 6) Klaus Bosselmann, Ron Engel, Prue Taylor, Governance for Sustainability: Issues, Challenges, Successes, IUCN Environmental Law and Policy Paper No. 70 (2008).
- 7) Alexandre Charles Kiss, Dinah Shelton, A Guide to International Environmental Law, Martinus Nijhoff, (2007).
- 8) UNEP Training Manual on International Environmental Law, online (2006).
- 9) John C. Dernbach Stumbling Toward Sustainability, Environmental Law Institute, Washigton DC (2002).