



## **COURSE MANUAL**

**Climate Change, Migration and International Law  
(BBA, LL.B 5<sup>th</sup> Year)**

**Course Instructor**

**Ms. Shruti Kakkar**

## Part I

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<b>Course Title</b>	Climate Change, Migration and International Law
<b>Course Code</b>	
<b>Course Duration</b>	One semester
<b>Level</b>	Final year of B.A, LL.B
<b>Medium of Instruction</b>	English
<b>Pre-requisites</b>	Understanding of Environment Law
<b>Pre-cursors</b>	Nil
<b>Equivalent courses</b>	Nil
<b>Exclusive courses</b>	Nil

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## **Course Goals and Objective:**

Climate Change is the biggest challenge of the 21st century. The massive impact of climate change can already be seen on our social, political and economic environment. The main objective of this course is to focus on evolution and development of climate change law and policy including United Nations Framework Convention on Climate Change in 1992, Paris Agreement and other bilateral treaties along with the impact of it on human migration and law related to it.

At the end of this course, students will be able

- to identify the consequences and challenges of climate change and migration
- to understand the policy, law and development of Climate change and Migration law at International level.
- to analyse the laws/policies related to climate change at national and international level.

This course is divided into two parts first part of the course will deal with the Basic introduction, development of the legal regime internationally in the field of Climate change and the second part of the course will cover Climate Change Migration, Human Rights, Refugees Law and International Law including a week reserved for the climate change litigation and assessment of environment damages.

## **Assessment**

Continuous Evaluation 100 Marks (Instruction by the faculty member)

Continuous assessment will include article writing, case analysis, presentation on given topic, book chapter analyses or any other assessment designed by the faculty member.

# Detailed Syllabus

The following lecture schedule is tentative and may be revised by the instructor(s).

## Week 1

1. Overview of Climate Change Science Basics
2. The Climate Change Policy Framework

## Week 2 & 4

1. Provisions of the United Nations Framework Convention on Climate Change (UNFCCC)
  - I. The Legal and Policy Framework of The United Nations Climate Change
2. The Kyoto Protocol
  - I. Main Issues and Negotiation

## Week 3

1. Foundation of Paris Agreement
2. Negotiating History of Paris Agreement

## Week 4 & 5

1. Legal Forms of The Paris Agreement and Nature of Its Obligations
  - a) Introduction: Instruments, Institutions, Actors
  - b) Process and Procedure: Agenda-Setting, Negotiations (Mandates, Bodies, Texts, Fora), Decision-Making
  - c) Legal Obligations: Nature, Type, Spread, Functions, And Interplay
  - d) Differentiation: Principled Basis, Forms, Extent, Evolution and Prospects
  - e) Implementation: Incentives, Tools, Mechanisms, And Actors

## Week 6

1. Strength and Weaknesses of Paris Agreement
2. Towards a Post-2020 Regime
3. Impact on India and its Role

## **Essential readings for part-I**

Bodansky-The-Art-and-Craft-of-International-Environmental-Law-Chapter-8

Article-Rajamani-Bodansky-Brunnée-International-Climate-Change-Law-Chapters-1-and-7-  
Oxford-University-Press-2017

25(2) Review of International, European and Comparative Environmental Law, Special  
Issue: 'The Paris Agreement' (2016)

Lavanya-Rajamani-The-2015-Paris-Agreement-Interplay-Between-Hard-Soft-and-Non-  
obligations-JOURNAL-OF-ENVIRONMENTAL-LAW-2016

Susan-Biniarz-Comma-but-Differentiated-Responsibilities-Michigan-Journal-of-  
Environmental-and-Administrative-Law-20

## **Week 7**

### **Mid-term Exam**

## **Part-II Climate Change Forced Migration, Human Rights and International Law**

## **Week 8**

1. Introduction
2. Nature of Displacement
3. Climate Change Related Movement
4. The relevance of International Refugee Law

## **Week 9**

1. Climate Change Related Movement and International Human Rights Law
  - I. Right to Life
  - II. Cruel, Inhuman or Degrading treatment
  - III. State Practices on Protection from Disasters and Related Harm
2. Law Related to Internally Displaced People (IDPs)

## **Week 10**

1. Legal Protection for Environmental Migrants
2. Obligation of States Towards the Environment Migrants

## **Week 11**

1. Climate Change Litigation
2. International Dispute Settlement
  - I. Article 14 of UNFCCC
  - II. Permanent Court of Arbitration
  - III. OECD Guidelines for Multinational Enterprises
  - IV. International Court of Justice
  - V. WTO Dispute Settlement

## **Week 12**

1. Climate Change and Damages
  - I. Damages in International Law
  - II. Environmental Harm or Damages under UNFCCC
  - III. Damage Assessment

## **Week 13**

1. Climate Change Law and Policy in India
  - I. India and Climate Change Threats and Vulnerabilities
  - II. Climate Change Treaties and India's National Response
  - III. Issues and Challenges in India's Climate Change Measures
  - IV. Future of India's Climate Change Action

## **Week 14**

Revision

### **Essential Readings for Part-II**

Mostafa Mahmud Naser, Climate Change, Environmental Degradation, and Migration: A Complex Nexus, 36 Wm. & Mary Env'tl. L. & Pol'y Rev. 713 (2012)

Jaya Ramji-Nogales, Under the Canopy: Migration Governance in Southeast Asia, 21 UCLA J. Int'l L. Foreign Aff. 10 (2017)

Maryellen Fullerton, Refugees and the Primacy of European Human Rights Law, 21 UCLA J. Int'l L. Foreign Aff. 45 (2017)

Reena Arora, Female Migration and Labor in Thailand: When Law and Society Continue to Exclude You, 21 UCLA J. Int'l L. Foreign Aff. 70 (2017)

Giulia Jacovella, International Law and the (De)Politicisation of Climate Change and Migration: Lessons from the Pacific, 2 SOAS L.J. 76 (2015)

Note- More reading will be shared during the course.