

Climate Change Law

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Course Description

- Climate change is the defining problem of the century and poses enormous challenges to the environment, economy, and society. IPCC reports indicate India to be one among the worst affected countries as a result of climate change. Being the leader of developing nations voice, India's engagement with the international community to tackle climate change and the legal Initiatives is significant.
- This course explores the role of international law in devising ways to mitigate further climate change, and to adapt to those impacts that are already inevitable. The course includes an examination of the current international legal framework on climate change, with particular emphasis on the Paris Agreement, the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol. This course examines the incorporation of International Climate Change Law into Indian domestic legal systems through legislations and judicial decisions. The course will also consider the broader policy and normative debates on climate change from a north- south perspective.

Learning Objectives

- The objectives of the course:
- To provide an understanding of the impact of climate change
- To analyze the North-South perspective specially with a focus on Common But Differentiated Responsibility and Respective Capabilities
- To introduce the students to the climate change law operating at the International law and Indian domestic legal system
- To provide the students, the academic knowledge to pursue research in areas of climate law.

Course Content--- Reading Materials

- There will be 11 weeks (44 hours) of academic classes and 2 seminars across the 12 weeks of the course.

Basic Reading materials

- Legal Texts of the Conventions and Protocols
- Daniel Bodansky, Jutta Brunnée & Lavanya Rajamani, 'Introduction' in Daniel Bodansky, Jutta Brunnée & Lavanya Rajamani (eds) International Climate Change Law. Oxford University Press, 2017.
- Kevin R. Gray, Richard Tarasofsky & Cinnamon Carlarne, The Oxford Handbook of International Climate Change Law. Oxford University Press, 2017.
- Navroz K. Dubash, India in a Warming World Integrating Climate Change and Development .Oxford University Press, 2019

Course Content

- Week 1 : Introduction: The module will provide an introduction to the topics and start with nature of climate change and anticipated Impacts.
- **Reading List (compulsory and Optional)**
- 1.Intergovernmental Panel on Climate Change Fifth Assessment Report, Working Group II Report "Climate Change 2014: Impacts, Adaptation, and Vulnerability,2014.
- 2. IPCC Assessment Report 5, Summary for Policymakers by the Working Group I, Working Group II and Working Group III.
- **3.**Anil Agarwal, Sunita Narain, Global Warming in an Unequal World: A Case of Environmental Colonialism' in Navroz K.Dubash, India in a Warming World Integrating Climate Change and Development . Oxford University Press, 2019.

Course Content

- **Week 2 & 3:** The module will focus on the core international legal regimes dealing with climate change in the form of The United Nations Framework on Climate Change and Kyoto Protocol. Emphasis will be given to India's negotiating positions and the varied perspectives around the debate.
- Reading material
- Legal Texts
- Sandeep Sengupta, India's Engagement in Global Climate Negotiations from Rio to Paris in Navroz K.Dubash, India in a Warming World Integrating Climate Change and Development.Oxford University Press, 2019

Course Content

- **Week 4 Paris Agreement:** The module would deal with the bottom up approach adopted by the Paris Agreement and its key features including NDCs.
- Reading Material: Lavanya Rajamani, The Legality of Downgrading Nationally Determined Contributions under the Paris Agreement: Lessons from the US Disengagement *Journal of Environmental Law*, Vol 29(3), 2017, 537–551.
- **Methodology: Debates and Discussion**

Course Content

- **Week 5** : Climate Law Principles : This module will focus on the principles adorning climate change. Emphasis will be the concept of 'common but differentiated responsibility'– its dilution, contours and legal status.
- Reading Material
- Lavanya Rajmani: The Changing Fortunes of Differential Treatment in the Evolution of International Environmental Law, *International Affairs*, Vol 88 (3) 2012, 605-623
- Bharat Desai “Climate Change as a Common Concern of Humankind: Reflections on International Law-making Process” in Jordi Jaria-Manzano & Susana Borràs (ed.) *Global Climate* (London: Edward Elgar, 2018).
- **Methodology** : Class debate : The equity and justice should be central in informing climate laws and policies.

Course Content

- **Week 6 Flexibility mechanisms** including Clean Development Mechanism with a focus on North – South dynamics
- Reading Material: Philippe Cullet, Equity and Flexibility Mechanisms in the Climate Change Regime: Conceptual and Practical Issues, IELRC 1998
- **Methodology:** Case analysis

Course Content

- **Week 7** Adaptation- Loss and Damage: The module would focus on the concept and challenges of adaptation and evolution of the Loss and Damage
- **Methodology** : Position paper

Course Content

- **Week 8 Climate Change and Forests:** Module would focus on forest regulation under climate change including issues of Sinks and REDD plus mechanism from an equity perspective
- Reading Material: Christina Voigit, Research Handbook on REDD+ and International Law, Edward Elgar 2016 (Selected Chapters)
- **Methodology** : Position paper

Course Content

- **Week 9 India's Legal responses to Climate Change**
- This module discusses incorporation of international climate law and the domestic legal initiatives in India. The emphasis will be on the existing legal provisions in the form of constitutional and environmental statutes, which have an application in tackling climate change. Module will focus on the central climate initiative in the form of the National Action Plan on Climate Change (NAPCC).
- **Reading List**
- Navroz K.Dubash, *India in a Warming World Integrating Climate Change and Development*. Oxford University Press, 2019(selected Chapters)
- Deepa Badrinarayana, *Climate Change Law and Policy in India* in *The Oxford Handbook of International Climate Change Law* in Kevin R. Gray, Richard Tarasofsky, and Cinnamon Carlarne(eds) 2016

Course Content

- **Week 10 Climate Change Litigation: International Developments and Prospects domestically**
- **Reading List**
- 1. Lavanya Rajamani, Shibani Ghosh, Avenues for Climate Change Litigation in Indian *Climate Change Liability: Transnational Law and Practice* Richard Lord, Silke Goldberg, etc all (eds) Cambridge University Press, 2011
- 3.Lin Jolene, 'Litigating Climate Change in Asia' 4 Climate L. 140 (2014)
- **Cases**
- *Asghar Leghari v. Federation of Pakistan* *Asghar Leghari v, Federation of Pakistan*
- Inuit Petition to the Inter-American Court of Human Rights,
- Urgenda Foundation v. Kingdom of the Netherlands.
- **Methodology : Mock cases**

Course Content

- **Week 11 Going Forward** : The module would deal with the challenges associated with implementation and enforcement of Climate change laws

Course Content

- **Week 12 Seminar 1;** The seminar will look at climate change and migration, and the links with international law
- Reading Material: Jane McAdam, 'Climate Change-related Displacement of Persons' in Kevin R. Gray, Richard Tarasofsky & Cinnamon Carlarne (eds) The Oxford Handbook of International Climate Change Law. Oxford University Press, 2017: 520-536.
- Stellina Jolly & Nafees Ahmad : Climate Refugees in South Asia Protection Under International Legal Standards and State Practices in South Asia, Springer 2019
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Course Content

- **Week 12 Seminar 2;** The seminar will look at issue of State responsibility for Climate Change and legal challenges
- Reading material: Margaretha Wewerinke-Singh, State Responsibility, Climate Change and Human Rights under International Law, Oxford, UK: Hart Publishing, 2019.

Teaching Methodology

- Lectures will form the primary method of teaching.
- This will be supplemented equally through a participatory Method Including
- Stimulation Model: (Week 3 Kyoto Protocol)
- Class Debates (Week 5 Climate Principles
- Mock Case (Week 11 Climate Litigation)
- Discussion through position papers & presentation (week 7 & 8)

Evaluation

- Examination
- Research and/or analytical paper(s), 10 pages
- Reflective Writing
- Class participation

Thanks

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