

International Environmental Law WS 2023/2024

Professor Anne Peters

Syllabus

Semester:	16 October 2023 - 10 February 2024
Holidays:	22 December 2023 - 7 January 2024
Date:	Tuesday, starting on 24 October 2023, 4:15 - 6:30 pm
Frequency:	Once a month: 24 Oct.; 14 Nov.; 28 Nov.; 12 Dec. 2023; 9 Jan. 2024, 6 Feb. 2024
Exam:	Oral exam shortly after the last class for students who need credit points .

The class will take place in **classroom HS04a of the Neue Uni, Grabengasse 3-5**.

For participation in class, you need to have before your eyes the essential international treaties, either online or printed, e.g.: *Essential Texts in International Law* (Stefan Talmon ed., Elgar 2016). Additional material (**reading**) will be distributed one week before each class. For textbooks: See the separate file.

1st class on 24 October 2023: Basics on international environmental law

Learning goals

I. Overview

- Historical development
- Actors: states, international organisations, business, NGOs
- The most relevant regimes

II. General principles

- Sovereignty and self-determination over natural resources. The no harm principle (“neminem laedere”). Equitable use/due regard. Due diligence. Polluter pays. The precautionary principle. The principle of prevention. Obligations to cooperate. Environmental Impact Assessment (EIA). Other procedural obligations. Sustainable development. Common but differentiated responsibility. One Health. Common heritage of humankind.

2nd class on 14 November 2023: Lawmaking. Environment and trade

Learning goals

I. Lawmaking and regulatory processes

Technique of framework conventions with subsequent protocols.

Case Studies:

Lawmaking in the whaling regime; Negotiations on biological diversity beyond national jurisdiction (BBNJ); Combatting marine pollution and plastics

II. Environmental law and law of trade

- Environmental responsibilities or even obligations of business actors under international law?

3rd class on 28 November 2023: Environment and human rights; investment and development. The Commons

Learning goals

I. Environmental law and human rights

- Harnessing human rights: life, family life, freedom of the media; right to health
- A human right to a clean and healthy environment

II. Business actors (investment and development)

- Environmental responsibilities and even obligations of business actors

III. The Commons

- Common heritage of humankind
- Common concern
- The High Seas and The Area (Part VII, Art. 86-120 UNCLOS)

4th class on 12 December 2023: Ecologic Responsibility

Learning goals

- State responsibility for ecologic damage
- Compliance monitoring
- Environmental litigation in domestic courts
- Transparency and participation
- Armed conflict
- Rights of nature

5th class on 9 January 2023: Climate Change

Learning goals

I. Legal framework

The UNFCCC (1992). The Kyoto Protocol (1997). The Paris Agreement (2015).

II. Climate change and human rights

III. International courts' advisory opinions

6th class on 6 February 2023: Animals in International Environmental Law

Learning goals

I. Species conservation and biodiversity

- CITES
- The ICJ Whaling case 2014
- The Nagorny Karabach arbitration (Azerbaijan v. Armenia)
- The animal welfare gap

III. Institutions

- The World Organisation for Animal Health (WOAH)
- The United Nations Environmental Assembly (UNEA)

IV. Principles

- One Health
- Animal welfare – environmental nexus
- Animal rights as part of the rights of nature