

EXAM

JUS5520 – International Environmental Law Autumn 2018

Date: 19 November 2018

Time: 09:00 – 13:00

Please note that you should spend approximately 2/3 of your time on Part I and 1/3 on Part IIs Agreement.

PART I

A species of frogs that had never before been observed was identified during the preparations of a major hydropower development project in Minoria, a small least developed country. The planning of the project was complete and some initial construction had already taken place. It soon became clear that it would be impossible to complete the project without destroying the frog's only known habitat. Minoria is party to the Convention on Biological Diversity (CBD).

Environmental non-governmental organizations argued that allowing the project to proceed would be in violation of Minoria's obligations under the CBD to conserve the species. They also argued that those funding the project should withdraw their funding. The project funders, which included a regional development bank and a group of multinational enterprises, argued that they were unable to withdraw from the project at this late stage without suffering very significant loss, and that it would be up to Minoria to cancel the project and cover at least a reasonable part of the expenses that had they had incurred.

You work as legal advisor to the Ministry of the Environment in Minoria. Your superior asks you to prepare a memorandum where you discuss which legal obligations Minoria has under the CBD to conserve the frog species against extinction. In particular, the authorities want to know whether and under what conditions the frog can be removed from its current habitat. The authorities also want you to consider whether, according to the CBD, the funders of the project have obligations not to fund projects that will lead to extinction of the frog species.

PART II

Discuss the extent to which countries are obliged to reduce domestic emissions of greenhouse gases in order to achieve their nationally determined contributions under the Paris Agreement.

