

## EKSAMEN I JURIDISKE VALGEMNER

HØST 2014

Dato: Torsdag 4. desember 2014

Tid: Kl. 10:00 – 14:00

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### **JUS5520 – International Environmental Law**

The language of examination for this course is English: students may answer in English ONLY, answers in any other language than English will be given a F (F for fail).

1. “Throughout the ages, mankind has, for economic and other reasons, constantly interfered with nature. In the past, this was often done without consideration of the effects upon the environment. Owing to new scientific insights and to a growing awareness of the risks for mankind - for present and future generations - of pursuit of such interventions at an unconsidered and unabated pace, new norms and standards have been developed, set forth in a great number of instruments during the last two decades. Such new norms have to be taken into consideration, and such new standards given proper weight, not only when States contemplate new activities but also when continuing with activities begun in the past. This need to reconcile economic development with protection of the environment is aptly expressed in the concept of sustainable development.” (ICJ, *Gabcikovo-Nagymaros*, 1997, para 140)

“The Court must hold the balance even between the environmental considerations and the developmental considerations raised by the respective Parties. The principle that enables the Court to do so is the principle of sustainable development.” (Separate opinion of Vice-President Weeramantry in *Gabcikovo-Nagymaros*, page 85)

Analyse these statements and discuss the legal relevance of sustainable development in International Environmental Law.

2. Principle 2 of the 1992 «Rio Declaration» states:

“States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.”



Identify and explain the content of the legal principles contained in this paragraph as well as their relationship to each other. In doing so, please refer also to the jurisprudence of international courts and tribunals.

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Sensuren faller tirsdag 23. desember klokken 15.00. Kontroller på StudWeb eller ta kontakt med Infosenteret på 22 85 95 00.

Kandidatene har rett til en redegjørelse for sensurvedtaket ved henvendelse til sensorene innen en uke etter sensur. Kontaktinformasjon for sensorer finnes på Fakultetets nettsider. Du kan også ta kontakt med infosenteret. Klagefristen er tre uker etter sensur.

*The result of the exams will be announced on Tuesday 23 December, at 15.00 hours. You can check the results in the StudWeb, or by contacting the Information Centre, phone 22 85 95 00.*

*After the exam results are announced, candidates have the right to be informed of the grounds for the result as long as a request is made within one week of the announcement. The names and contact information of the examiners can be found on the Faculty's website, or by contacting the Information Centre. The deadline for appeal is three weeks after the announcement of the results.*

Oslo, 4.12.2014