

Content and objective

- Textbook – a bit outdated
- The treaty database
- Detailed course outline
- The importance of studying case law
- Podcasts
- Objectives
 - Broad but advanced understanding of international environmental law
 - Train your ability to carry out legal reasoning within this field of international law

Why international environmental law?

- Jurisdictional boundaries and the environment
 - Shared resources
 - Cross-border pollution
 - Global commons
- Differences in levels of environmental protection
 - Competitive advantages
 - Race to the bottom
 - Tragedy of the commons
 - Externalities
- The state of the planet
 - Global Environment Outlook (GEO-5)
 - Planetary boundaries

Where to draw the boundaries of IEL?

- The purpose of the norms?
 - What about situations of mixed purposes?
- The effects of the norms?
- The objects to which the norms apply?
- The institutional affiliation of the norms?
- Is UNCLOS part of IEL? What about regional fisheries management?

Institutional foundations of IEL

- The role of the UN
 - The life of a treaty: From “birth” via “adolescence” to “retirement”?
 - The split between UNEP and CSD, continued by the split between the UN Environment Assembly and the High-Level Political Forum on Sustainable Development
 - UN Environment – the “secretariat”
 - Regionalisation of IEL
- Getting proper facts
 - IPCC, IPBES and IUCN
- To which degree is IEL fragmented?
 - Current status and trends

Normative foundations of IEL

- Based on the Statute of the ICJ
 - Distinction between "sources" and "interpretative arguments"
- Basic rules and principles
 - Stockholm, World Charter for Nature, UNCED and beyond
 - Common provisions in treaties
- Customary international law
 - Territorial sovereignty and transboundary harm
 - Responsibility and liability
- Treaty law
 - Step-by-step
 - Problem - need for international cooperation - common objectives - common obligations - common measures
 - The use of framework conventions and protocols
 - The role of the International Law Commission
 - Global or regional? Europe vs. rest of the world

Treaties

- Examples of treaties
- The general status of treaties
 - Current coverage
 - Extent of deference to states
 - Institutional back-up
 - Implementation
 - Dispute resolution and enforcement
- Various groups of measures
 - Reciprocity-based treaties
 - Facilitating treaties
 - Minimum standards of protection
 - Cost efficiency and economic instruments

Treaties – interpretation

- “Context” of treaties, VCLT art. 31.2
- Subsequent “agreement” or “practice” under treaties, VCLT art. 31.3
 - The importance of “soft law”
- Interaction between treaties, VCLT art. 31.3
- “Supplementary means of interpretation”
 - Preparatory works, case law, legal doctrine, state practice, practice of IGOs
 - Customary law, general principles of law
 - Reasonableness

Customary law

- Substantive issues
 - Cross border harm
 - Harm to common resources
 - Extension to domestic management of natural resources?
 - Procedural and cooperative issues – Draft Articles on Prevention
- Elements of customary international law
 - State practice – amount, time, consistency
 - The great variety of potential State practice
 - YIEL and IUCN as sources of information about State practice
 - Opinio juris – which practice is relevant?

General principles of law

- ICJ Statutes art. 38: Principles derived from domestic law
 - The distinction between principles and customary international law
- What is the origin of principles of environmental law?
- Which are the main functions of principles of environmental law?
- Potential general principles of law
 - Good neighbourliness
 - Liability for environmental harm from lawful activities