

Course Outline

Course number	RME110
Course title	International Environmental Law
Credit points	3 ECTS (2 CP)
Total hours	24
Lecture hours	16
Seminar hours	8
Course level	Masters
Prerequisites	None

COURSE TEACHER

<i>Name</i>	<i>Academic degree</i>	<i>Academic position</i>
Jason Rudall	PhD	Assistant Professor of Public International Law

Contact details:

- **Email:** j.t.p.rudall@law.leidenuniv.nl
- **Office hours:** *by appointment via email*

COURSE ABSTRACT

Welcome to the course! We enter the world of international environmental governance by first telling the story of its birth and evolution over the past century. We will then introduce some of the core principles of international environmental law today, placing a particular focus on the notions of prevention, precaution and those dimensions of international environmental governance that seek to promote equity between developed and developing countries. In this context we will, amongst other things, explore the emergence of sustainable development as a central concept, question its legal nature and critically appraise the different functions it is said to perform. The course similarly interrogates the institutional framework designed to help developing countries meet their environmental commitments through financial and technical assistance.

We then turn to consider how international law has responded to specific environmental challenges, beginning with one of the greatest challenges of our time: climate change. We deep dive into the regulatory framework that has come to govern this seemingly intractable problem. Subsequently, we will assess how the destruction of the environment and loss of biodiversity catalyses the emergence of zoonotic diseases and ask whether the failure of international environmental law to prevent pandemics can be remedied. The course then turns to consider international criminal responsibility for environmental damage, and a special emphasis is placed on the genesis and newly crafted definition of ecocide, as well as its blind spots, critique and prospects going forward.

We also engage with the set of secondary norms that are triggered when a state causes significant environmental damage, we consider the various challenges and obstacles in applying the Articles on the Responsibility of States for Internationally Wrongful Acts to situations of environmental harm, as well as issues that arise with the reparation and valuation of compensation in this context. The course then turns to the obligations incumbent on other actors, such as corporations, for environmental harm as we examine the international regimes of civil liability for environmental damage.

Finally, we evaluate how certain specialized regimes like international investment and trade law engage with non-economic concerns such as the environment, asking whether these bodies of law ultimately help or hinder the cause of environmental protection under international law.

LEARNING OUTCOMES

- **Knowledge**

Students will be expected to have a good knowledge of the genesis and foundations of international environmental law and its basic principles, values and objectives as well as its multi-level governance structures. Knowledge of

the sources of the international environmental law and how these have been interpreted by international courts and tribunals will also be acquired. Students will similarly gain an awareness of the functioning of international environmental law institutions.

- **Competencies**

Students will understand the opportunities, limits and function of customary international law, treaties, and soft law connected with environmental protection. They will be able to critically assess the principles and rules of international environmental law. Students will acquire the ability to identify blind spots in international environmental governance as well as construct persuasive legal arguments for its reform.

- **Skills**

Students will develop a range of practical and transferable skills during the course, not least through the various lectures, seminars, coursework and didactic tools used throughout. These include self-study skills, critical thinking skills, argumentation skills, communication skills and presentation skills. They will also acquire the ability to monitor and keep up with changes in the law.

EVALUATION

Criteria	Weighting
<p><i>Paper</i></p> <p>The paper should be a maximum of 2'500 words including footnotes but excluding the bibliography. Students have a free choice as to the topic within the parameters of the course, but students should arrange to discuss their topic with Dr Rudall by Session 10 of the course. Papers will be graded on the basis of six criteria: (i) originality; (ii) accuracy; (iii) strength of legal analysis; (iv) compelling nature of argument(s) made; (v) depth and breadth of research; and (vi) spelling, punctuation, grammar and concision. The deadline for submission of the final paper is 7 days after the final class.</p>	80%
<p><i>Presentation</i></p> <p>Students will be randomly allocated a topic area before Session 2 of the course. Within this broad topic area, students should choose a specific issue on which to present. The presentation will be live, should last approximately 5 minutes and will be followed by a 5-minute Q&A session with the class.</p>	20%

<i>Session</i>	<i>Topic, objectives and readings</i>	<i>Lecture/seminar</i>
1	<p>The Birth and Evolution of International Environmental Law</p> <p><i>Overview:</i> This session introduces the regime of international environmental governance by telling the story of its birth and evolution. To do this, we must take ourselves back in time to the late 19th Century when we begin to see a few international conventions dealing with the problem of shared natural resources that were being depleted. However, these initiatives were largely driven by economic interests. The birth of international environmental law as we know it today really occurs in 1972 with the Stockholm Declaration on the Human Environment. At this time, the tension between environmental protection and development needs also began to come into sharper focus. This issue was tackled most notably by the Brundtland Commission in 1987, at which time the concept of sustainable development emerged as a way of balancing these competing objectives. Building on this breakthrough, the Rio Declaration on Environment and Development of 1992 represents another major milestone in the story of international environmental law, and arguably represents the moment at which the system of global environmental governance was universalized, bringing developing countries into the fold. The Stockholm and Rio Declarations contain most of the principles of international environmental law as we know them today. Most recently, the UN's flagship policy agenda known as the Sustainable Development Goals was launched in 2015. These have broadened and deepened multilateral efforts to protect the environment, as well as further reconciling these efforts with development ambitions.</p> <p><i>Objectives:</i></p> <ul style="list-style-type: none"> ➤ Recall the major milestones in the history of international environmental law ➤ Describe the significance and contribution of the Stockholm and Rio Declarations. ➤ Explain the tension between the need for environmental protection and development objectives, as well as attempts to reconcile this through the concept of sustainable development. ➤ Explain and analyze the approach taken by the Sustainable Development Goals. <p><i>Reading:</i></p> <ul style="list-style-type: none"> ➤ Pierre-Marie Dupuy and Jorge E. Viñuales, <i>International Environmental Law</i> (2nd ed., Cambridge University Press, 2018), chapter 1. ➤ Declaration of the United Nations Conference on the Human Environment, Stockholm, 16 June 1972, UN Doc. A/CONF.48/144. ➤ Declaration on Environment and Development, Rio de Janeiro, 12 August 1992, UN Doc. A/CONF.151/26. ➤ 2030 Agenda for Sustainable Development: The Sustainable Development Goals, 21 October 2015, UN Doc. A/Res/70/1. 	2 / Lecture (JR)

2	<p>Core Principles of International Environmental Law</p> <p><i>Overview:</i> This session introduces some of the core principles of international environmental law. One of the most central precepts is that states have a basic duty to act in a way that does not injure the rights of another state. This fundamental principle of international environmental law was in fact laid down by an arbitral tribunal in the first half of the twentieth century. But the no-harm rule has since evolved into a broader duty to prevent environmental damage as such, including to areas beyond national jurisdiction. Another—albeit less well-established—principle of environmental governance is the precautionary principle or approach, which is premised on the notion of risk. If there is a risk that a product, action or policy might cause harm to the environment, the precautionary principle demands that measures to protect the environment should be taken until there is scientific certainty of the impact. In addition to these cornerstone principles, the module also considers the various ways in which the system has attempted to conceive of various tools that protect environmental entities and spaces.</p> <p><i>Objectives:</i></p> <ul style="list-style-type: none"> ➤ Recall the core principles of international environmental law. ➤ Describe the content of the prevention and precautionary principles, as well as the difference between them. ➤ Explain the function of the duty to cooperate in practice. ➤ Evaluate how international environmental law protects certain entities and spaces. ➤ Appraise whether the various principles and concepts designed to achieve balance in international environmental governance have actually done so. <p><i>Reading:</i></p> <ul style="list-style-type: none"> ➤ Pierre-Marie Dupuy and Jorge E. Viñuales, <i>International Environmental Law</i> (2nd ed., Cambridge University Press, 2018), chapter 3. ➤ Report of the UN Secretary General, ‘Gaps in International Environmental Law and Environment-related Instruments: Towards a Global Pact for the Environment’, 30 November 2018, UN Doc. A/73/419. ➤ <i>Trail Smelter Arbitration (USA v. Canada)</i>, Award of 16 April 1938. 	2 / Lecture (JR)
3	<p>Equity and Environmental Governance</p> <p><i>Overview:</i> This session considers the various ways in which the system of international environmental governance has attempted to achieve a balance between environmental governance and other, often competing, interests. We zoom in on those dimensions of international environmental law that seek to promote equity between developed and developing countries, such as the principle of common but differentiated responsibilities, as well as those that seek to promote equity between present and future generations, such as the principle of inter-generational equity. We will ask whether these principles and concepts are fit for purpose and if they have so far been effective at what they intend to achieve. What is more, the module examines concrete examples of these principles in practice, in customary international law, treaty law and the jurisprudence of international courts and tribunals.</p> <p><i>Objectives:</i></p> <ul style="list-style-type: none"> ➤ Describe and provide examples of the principle of common but differentiated responsibilities. 	2 / Seminar (JR)

	<ul style="list-style-type: none"> ➤ Explain what obligations the principle of common but differentiated responsibilities imposes on developed and developing countries respectively. ➤ Explain and give examples of the principle of inter-generational equity. ➤ Appraise whether the various principles and concepts designed to achieve balance in international environmental governance have actually done so. <p><i>Reading:</i></p> <ul style="list-style-type: none"> ➤ Philippe Cullet, 'Differential Treatment in Environmental Law: Addressing Critiques and Conceptualizing the Next Steps' 5(2) (2016) <i>Transnational Environmental Law</i> 305. ➤ Werner Scholtz, 'Equity' in Lavanya Rajamani and Jacqueline Peel (eds.), <i>Oxford Handbook of International Environmental Law</i> (2nd ed., Oxford University Press, 2021). ➤ Stephen Humphreys, 'Against Future Generations' 33(4) (2022) <i>European Journal of International Law</i> 1061-1092. 	
4	<p>Financial and Technical Assistance</p> <p><i>Overview:</i> Building on the ideas of equity explored in the previous session, this class will assess the institutional framework that has evolved in various manifestations over time and is designed to help developing countries meet their environmental commitments through financial and technical assistance. A wide range of mechanisms, funds, programmes and principles will be surveyed and our task will be to appraise whether they have been successful. In this context, we consider the obligations that both developed and developing countries have, but also ask how these obligations and their implementation can be strengthened.</p> <p><i>Objectives:</i></p> <ul style="list-style-type: none"> ➤ Explain what obligations developed countries are under to provide developing countries with financial and technical assistance. ➤ Describe what mechanisms there are to ensure the transfer of technology. ➤ Assess whether intellectual property rights incentivise new technology and its transfer or inhibit access to new technology for developing countries. ➤ Explain which funds are available to help developing countries meet their responsibilities under international environmental law. ➤ Appraise whether the current framework for financial and technical assistance is fit for purpose. <p><i>Reading:</i></p> <ul style="list-style-type: none"> ➤ Laurence Boisson de Chazournes, 'Financial Assistance' in Lavanya Rajamani and Jacqueline Peel (eds.), <i>Oxford Handbook on International Environmental Law</i> (2nd ed., Oxford University Press, 2021). ➤ Philippe Sands and Jacqueline Peel, <i>Principles of International Environmental Law</i> (4th ed., Cambridge University Press, 2018), chapter 15. ➤ Michael Waibel and William Alford, 'Technology Transfer' (2014) Max Planck Encyclopedia of International Law (available here). 	2 / Lecture (JR)
5	<p>Sustainable Development</p>	2 / Lecture (JR)

	<p><i>Overview:</i> The tension between environmental protection and development needs has persisted for at least a century. Despite numerous multilateral efforts to reconcile these seemingly intractable objectives, some of the gravest challenges of our time remain environmental degradation and poverty. The issue was tackled most notably by the Brundtland Commission in 1987, at which time the concept of sustainable development emerged as a way of balancing these competing objectives. Since then, sustainable development has become a key concept in international law. But views differ on its real meaning, utility and value, with some referring to it as a mere ‘diplomatic trick’ while others believe it has become a cornerstone principle of international law. Whatever we may think of it, sustainable development has become a prominent ideal in the 21st Century and has been endorsed in a number of multilateral instruments as well as by international courts and tribunals.</p> <p><i>Objectives:</i></p> <ul style="list-style-type: none"> ➤ Describe the content and evolution of sustainable development as a concept. ➤ What does sustainable development mean? Is the concept fit for purpose or a ‘diplomatic trick’? ➤ Explain how sustainable development has evolved over time. What is its legal nature today? ➤ Which functions does the concept of sustainable development perform? ➤ Appraise whether the concept of sustainable development achieved an appropriate balance of the competing tensions that it seeks to resolve. <p><i>Reading:</i></p> <ul style="list-style-type: none"> ➤ Jorge E. Viñuales, ‘Sustainable Development in International Law’ in Lavanya Rajamani and Jacqueline Peel (eds.), <i>The Oxford Handbook of International Environmental Law</i> (2nd ed., Oxford University Press, 2021). ➤ Virginie Barral, ‘Sustainable Development in International Law: Nature and Operation of an Evolutive Legal Norm’ (2012) 23(2) <i>European Journal of International Law</i> 377. ➤ The World Commission on Environment and Development, <i>Our Common Future</i> (Oxford University Press, 1987), chapter 2. ➤ <i>Gabčíkovo-Nagymaros (Hungary/Slovakia)</i>, ICJ Judgment of 25 September 1997, especially but not exclusively para 140. 	
6	<p>Climate Change and International Law</p> <p><i>Overview:</i> This session engages with one of the greatest challenges of our time: climate change. We deep dive into the regulatory framework that has come to govern this seemingly intractable problem. What is more, we take a close look at domestic and regional climate litigation, which signals that new actors are seeking new ways to hold states responsible for their lack of action and ambition with respect to climate change policy and regulation. In this context, the turn to human rights is particularly notable. While there has been a notable absence of inter-state litigation on climate change, the recent requests for advisory opinions from the International Court of Justice (ICJ), International Tribunal for the Law of the Sea (ITLOS) and Inter-American Court of Human Rights (IACtHR) are likely to be of great consequence, including for questions of responsibility, liability and accountability. Significantly, however, they may also represent a lifeline for those most threatened by the effects of climate change.</p> <p><i>Objectives:</i></p>	2 / Seminar (JR)

	<ul style="list-style-type: none"> ➤ Describe the principal components of the major legal frameworks governing climate change, such as the UN Framework Convention on Climate Change, the Kyoto Protocol, and the Paris Agreement; ➤ Identify the most frequently invoked legal bases of domestic and regional climate litigation. ➤ Assess how human rights are being used as a tool to fight climate change. ➤ Explain the significance of the recently requested advisory opinions that will be handed down by the ICJ, ITLOS and IACtHRs in the coming years. <p><i>Reading:</i></p> <ul style="list-style-type: none"> ➤ Laurence Boisson de Chazournes, ‘One Swallow Does Not a Summer Make, but Might the Paris Agreement on Climate Change a Better Future Create?’ <i>EJIL: Talk!</i>, 25 July 2016 (available here). ➤ Jacqueline Peel and Hari M. Osofsky, ‘A Rights Turn in Climate Litigation?’ 7(1) (2018) <i>Transnational Environmental Law</i> 37. ➤ Malgosia Fitzmaurice and Agnes Viktoria Rydberg, ‘Using International Law to Address the Effects of Climate Change: A Matter for the International Court of Justice?’ 4(1) (2023) <i>Yearbook of International Disaster Law</i> 281. ➤ Andreas Hösli, ‘Milieudéfense et al v. Shell: A Tipping Point in Climate Change Litigation against Corporations?’ 11(2) (2021) <i>Climate Law</i> 195. 	
7	<p>Pandemics and International Environmental Governance</p> <p><i>Overview:</i> Zoonotic diseases threaten human life, health, and freedoms. The failure to prevent environmental harm and wildlife exploitation has greatly increased the risk of such diseases emerging from the natural world. This session considers how the destruction of the environment and loss of biodiversity catalyzes the emergence of zoonotic diseases. We will see how international environmental law can be based on short-sighted instrumental premises and, as a result, has failed to sufficiently prevent environmental destruction and biodiversity loss. Subsequently, we appraise how a more enlightened approach to environmental regulation might be achieved, which would mitigate the risks associated with zoonotic disease spillovers. In particular, we ask whether a more ecocentric approach to environmental regulation should/could be sought, and whether this might be better not only for the environment but also, ultimately, for human beings.</p> <p><i>Objectives:</i></p> <ul style="list-style-type: none"> ➤ Describe the link between the loss of biodiversity and the increasing likelihood of zoonotic spillover; ➤ Identify the ways in which international environmental governance has fallen short with respect to the prevention of pandemics; ➤ Suggest how international environmental law might be reformed to prevent a future pandemic; ➤ Evaluate the recently proposed ‘Zero Draft’ Pandemic Instrument. <p><i>Reading:</i></p> <ul style="list-style-type: none"> ➤ Ileana Porras, ‘Appropriating Nature: Commerce, Property, and the Commodification of Nature in the Law of Nations’ (2014) 27(3) <i>Leiden Journal of International Law</i> 641. ➤ Jason Rudall, ‘The Natural Remedy for Zoonotic Diseases’ (2020) 31(1) <i>Yearbook of International Environmental Law</i> 3. ➤ Jorge E. Viñuales, Suerie Moon, Ginevra Le Moli, and Gian Luca Burci, ‘A Global Pandemic Treaty Should Aim for Deep Prevention’ (2021) 397 <i>The Lancet</i> 1791–2. 	2 / Seminar (JR)

	<ul style="list-style-type: none"> ➤ Jason Rudall, 'Rights-based Approaches to Environmental Protection and Pandemic Prevention' (2023) 12(4) <i>Laws</i> 1. 	
8	<p>Ecocide</p> <p><i>Overview:</i> This session turns to consider international criminal responsibility for environmental damage. Given that proposals for the criminal responsibility of states have fallen off the international agenda, a particular focus is placed on the criminal responsibility of individuals, both with respect to existing law—usually arising from breaches of the laws of war and international criminal law—as well as emerging legal notions. Indeed, with respect to the latter, in-depth consideration is given to the genesis and newly crafted definition of ecocide, as well as its blind spots, critique and prospects going forward.</p> <p><i>Objectives:</i></p> <ul style="list-style-type: none"> ➤ Describe why state crimes were abandoned in the International Law Commission's work on the responsibility of states and what criminal responsibility was originally envisaged with respect to environmental damage; ➤ Explain how individuals can be criminally responsible for causing significant environmental harm; ➤ Identify the principal ways in which international criminal law fails to hold those who commit environmental harm accountable; ➤ Critically appraise the recent definition of ecocide. <p><i>Reading:</i></p> <ul style="list-style-type: none"> ➤ Tim Lindgren, 'Ecocide, Genocide and the Disregard of Alternative Life-Systems' (2018) 22(4) <i>International Journal of Human Rights</i> 525. ➤ Liana Georgieva Minkova, 'The Fifth International Crime: Reflections on the Definition of "Ecocide"' (2023) 25(1) <i>Journal of Genocide Research</i> 62. ➤ Darryl Robinson, 'Ecocide – Puzzles and Possibilities' (2022) 20(2) <i>Journal of International Criminal Justice</i> 313. ➤ Kevin Jon Heller, 'Skeptical Thoughts on the Crime of Ecocide — That Isn't' <i>Opinio Juris</i>, 23 June 2021 (available here). 	2 / Seminar (JR)
9	<p>State Responsibility and Compensation for Environmental Damage</p> <p><i>Overview:</i> This session deals with the set of secondary norms that are triggered when a state causes significant environmental damage. Drawing mainly from the Articles on the Responsibility of States for Internationally Wrongful Acts of 2001, the particular challenges associated with the assessment of environmental damage as well as the hidden costs and irreversible nature of this type of damage are explored, along with the difficulties of establishing a causal link between the action and the harm caused. Attribution issues and the applicability of circumstances precluding wrongfulness are similarly discovered. We will also appraise the consequences of establishing responsibility for environmental damage, such as the obligation to cease the wrongful act(s) and repair the harm or compensate the victim(s). We moreover consider the emerging need for shared responsibility and collective reparation that arises from new forms of environmental damage like climate change, harm to the global commons, as well as the role of equitable considerations in reparation for environmental damage.</p> <p><i>Objectives:</i></p> <ul style="list-style-type: none"> ➤ Describe the role of secondary rules in international law; 	2 / Lecture (JR)

	<ul style="list-style-type: none"> ➤ Explain the core principles of state responsibility and the basic structure of the Articles on the Responsibility of States for Internationally Wrongful Acts; ➤ Assess the strengths and weakness of the classical doctrines of state responsibility with respect to environmental damage; ➤ Evaluate the difficulties of new challenges like climate change, harm caused to the global commons, and the role that equity should play in reparation for environmental damage. <p><i>Reading:</i></p> <ul style="list-style-type: none"> ➤ Christina Voigt, ‘International Responsibility and Liability’ in Lavanya Rajamani and Jacqueline Peel (eds), <i>The Oxford Handbook of International Environmental Law</i> (Oxford University Press, 2021). ➤ Jason Rudall, <i>Compensation for Environmental Damage</i> (Routledge, 2020), chapters 1 and 2. ➤ Ginevra Le Moli, ‘State Responsibility and the Global Environmental Crisis’ <i>EJIL: Talk!</i>, 8 August 2021 (available here). ➤ <i>Certain Activities Carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)</i>, Compensation Owed by the Republic of Nicaragua to the Republic of Costa Rica, ICJ Judgment of 2 February 2018. ➤ Eritrea Ethiopia Claims Commission, Final Award – Eritrea/Ethiopia Damages Claims, paras 18-27. 	
10	<p>Civil Liability</p> <p><i>Overview:</i></p> <p>This session homes in on the regimes of civil liability for environmental damage. Consideration is given to the International Law Commission’s (ILC) previous work on liability for the injurious consequences of acts not prohibited by international law. This work was fraught with difficulty and ultimately resulted in the ILC’s Draft Articles on Prevention of Transboundary Harm from Hazardous Activities of 2001 and its Draft Principles on the Allocation of Loss in the Case of Transboundary Harm Arising out of Hazardous Activities of 2006. Moreover, a detailed appraisal of specific international liability regimes, such as those relating to nuclear or oil extraction activities, amongst others, is made. In doing so, we identify common features across these regimes, such as the doctrine of strict liability, but also progressive features in certain regimes, such as the obligation to take response measures after environmental harm has occurred.</p> <p><i>Objectives:</i></p> <ul style="list-style-type: none"> ➤ Describe the evolution of the ILC’s work on liability; ➤ Identify the key challenges that have been faced in developing an international regime of liability; ➤ Explain the most common features that can be found across international liability regimes; ➤ Identify and appraise progressive features that can be found in new and emerging international liability regimes. <p><i>Reading:</i></p> <ul style="list-style-type: none"> ➤ Jason Rudall, <i>Compensation for Environmental Damage Under International Law</i> (Routledge, 2020), chapter 3. ➤ Robert Percival, ‘International Responsibility and Liability’ in Malgosia Fitzmaurice (ed.), <i>Research Handbook on International Environmental Law</i> (Edward Elgar, 2023). ➤ Emanuela Orlando, ‘Liability’ in Ludwig Kramer and Emanuela Orlando (eds.), <i>Principles of Environmental Law: Elgar Encyclopedia of Environmental Law Series</i> (Edward Elgar, 2018). 	2 / Lecture (JR)

	<ul style="list-style-type: none"> ➤ Michael G. Faure and André Nollkaemper, ‘International Liability as an Instrument to Prevent and Compensate for Climate Change’ (2017) 43A <i>Stanford Environmental Law Journal</i> 123. 	
11	<p>Environmental Protection and International Investment Law</p> <p><i>Overview:</i> This class surveys the legal framework that seeks to govern foreign direct investment, mapping its fundamental principles, understanding the content of key rules, and placing an emphasis on how this field intersects with non-investment concerns like the environment and human rights. We will evaluate some of the criticism that has been levelled at investor-state dispute settlement (ISDS) but also appraise how non-investment concerns are being addressed by new generation investment treaties and the recent awards of ISDS tribunals, as well as reform that is currently underway in this field.</p> <p><i>Objectives:</i></p> <ul style="list-style-type: none"> ➤ Identify the underlying rationale and describe the core principles of international investment law; ➤ Explain how international investment law might pose a ‘regulatory chill’ for states wanting to legislate to protect the environment; ➤ Identify what tools are used in so-called ‘new generation’ international investment agreements to safeguard environmental interests; ➤ Evaluate whether and how the reasoning of ISDS tribunals has evolved with respect to environmental concerns; ➤ Appraise whether investment tribunals equipped for matters of environmental governance. <p><i>Reading:</i></p> <ul style="list-style-type: none"> ➤ Tomoko Ishikawa, <i>Corporate Environmental Responsibility in Investor-State Dispute Settlement</i> (Cambridge University Press, 2023), chapter 1. ➤ Pierre-Marie Dupuy and Jorge E. Viñuales, <i>International Environmental Law</i> (2nd ed., Cambridge University Press, 2018), pp. 452-471. ➤ Jason Rudall, Green Shoots in a Barren World: Recent Developments in International Investment Law, 67 (2020) <i>Netherlands International Law Review</i> 453 ➤ Jason Rudall, ‘Greening International Investment Agreements’ in Daniëlla Dam-de Jong and Fabien Amtenbrink (eds), <i>Netherlands Yearbook of International Law</i> (Springer, 2021) 	2 / Lecture (JR)
12	<p>Environmental Protection and International Trade Law</p> <p><i>Overview:</i> This session maps the legal framework that governs international trade and the World Trade Organization (WTO). A particular emphasis will be placed on the theory that liberalizing international trade can promote development and we seek to understand how international trade rules pursue this aim. But increased economic activity is often associated with increased pollution and environmental degradation. We explore how international trade law has evolved over time to help resolve this tension and ask whether it is doing so adequately.</p> <p><i>Objectives:</i></p> <ul style="list-style-type: none"> ➤ Identify the underlying rationale and describe the core principles of international trade law; ➤ Explain how environmental concerns are addressed under the GATT, not least GATT Article XX. 	2 / Lecture (JR)

	<ul style="list-style-type: none"> ➤ Analyze to what extent international trade rules allow Members to regulate non-trade concerns,; ➤ Considering the mandate of the WTO, does this institution promote sustainable development? <p><i>Reading:</i></p> <ul style="list-style-type: none"> ➤ Peter van den Bossche and Werner Zdouc, <i>The Law and Policy of the World Trade Organization</i> (5th ed., Cambridge University Press, 2022), chapters 1 and 8 (only pp 591-656). ➤ General Agreement on Tariffs and Trade (GATT) 1947 / 1994, particularly Articles I-III, XI and XX-XXI. ➤ General Agreement on Trade in Services (GATS) 1994, particularly Articles II, XIV-XIV bis and XVII. ➤ DS58, <i>US – Import Prohibition of Certain Shrimp and Shrimp Products (Shrimp Turtle)</i>, Appellate Body Report of 12 October 1998. 	
--	--	--

COURSE RESULTS

By completing the study course and successfully passing examination, the student will be able to:

<i>Study results</i>	<i>Evaluation criteria</i>		
	<i>(40-69%)</i>	<i>(70-89%)</i>	<i>(90-100%)</i>
<i>Knowledge</i>	The student has acquired only basic knowledge of the course subject. The student lacks understanding of some of the core issues of the course subject.	Overall, the student's knowledge complies with expectations. However, there are issues that the student does not fully understand.	The student has demonstrated in-depth knowledge and understanding of the issues related to the course subject.
<i>Skills</i>	The student has demonstrated only a basic level of skills.	The student has demonstrated good skills.	The student has demonstrated excellent skills.
<i>Competencies</i>	The student can apply the knowledge they have acquired only at a basic level. The student struggles with the analysis of legal issues. The student can identify the relevant legal norms. However, the student has experienced problems in correctly applying them.	The student can apply their knowledge at a reasonably good level. However, the student does not have the necessary level to be able to fully apply their acquired knowledge independently. The student has experienced problems in correctly applying legal norms.	The student is able to apply the knowledge they have acquired independently and correctly. The student can assess and critically analyse legal issues, as well as propose reform of the law.

SIGNATURES

Programme director	/signature/	/date/
Field expert	/signature/	/date/

Jason Rudall	<i>J. Rudall</i>	<i>14 August 2023</i>
Course instructor	/signature/	/date/