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Course title: Climate Change and Law			
Course Code: MPL 123	**No. of credits : 3**	**L-T-P Distribution** : 30-15-0	**Learning Hours** : 45
Pre-requisite course code and title (if any): Infrastructure Law and Policy (MPL 157)			
Department: Centre for Postgraduate Legal Studies			
Course coordinator : Dr. Kavita **Course Instructor**: Dr. Moumita Mandal			
Contact Details:			
Course type: Elective **Course offered in: Semester 2**			
Course Description Climate change is one of the main challenges facing humanity today. It has severe implications for the social, economic, and political life of people around the world. An attempt is made in this course to look at the legal responses both at the national and international level to this grave crisis. In addition, the course also looks at the impact of this phenomenon on other branches of law like the law of the sea and human rights.			
Course objectives 1. To create a new idea for bringing a new legal regime relating to climate change. 2. To evaluate the existing law and policy relating to climate change. 3. To analyze the role of the different national and international institutions that are dealing with climate change globally and nationally. 4. To practically apply the existing legislation and policies. 5. To understand the development of climate change law both nationally and internationally. 6. To remember the laws, judgments, and so on relating to climate change			
Course Content	**L**	**T**	**P**
Module 1: Introduction	6	3	0
-Climate Change: meaning, causes and effects, science & international politics. -Triple planetary crisis: Triple Planetary Crisis: Climate Change, Pollution and Biodiversity Loss. -Basic terminologies: Adaptation, Mitigation, Loss and Damage, Climate Finance. -Planning for Climate Change - Early Warning System, Impact Assessment.			
Module 2: International Legal Regime on Climate Change:	9	3	
-Sources of General International Law -Relationship between international law and municipal law -Sources of International Climate Change Law -UN Framework Convention on Climate Change -Kyoto Protocol - Doha Amendment - Paris Agreement- New Collective Quantified Goal on Climate Finance (NCQGCF) -Top-Down and Bottom-Up approach, Nationally Determined Contributions (NDCs) – Enforcement -Montreal Protocol and the Kigali -Amendment - Conference of the Parties (COPs) -International Organizations and Institutions: World Meteorological Organization (WMO), Intergovernmental Panel on Climate Change (IPCC), United Nations Environment Programme (UNEP).			
Module 3: National Scenario	6	3	

-India's obligations under International law -National Action Plan for Climate Change (NAPCC) & State Action Plan for Climate Change -NDCs under the Paris Agreement. -Energy Policies-Marine and Mountain Development Policies and Projects. - COPs and India's Participation			

- Just Transition: Transitioning away from fossil fuels in energy systems -Supreme Court of India & National Green Tribunal (NGT)			
Module 4: Impact on other areas of law and litigation	3	3	
-Climate Change and the Law of the Sea: Implications for Sovereignty, Marine Biodiversity. -Climate Change, Global Health, Agriculture and Food Security. -Trade issues-Technology Transfer-IPRs -The International Tribunal for the Law of the Sea			
Module 5: Climate Justice	6	3	
- Equity Concerns to Climate Change, Environmental Justice, and Climate Justice. - Use of Environmentally Sound Technologies (ESTs) and Climate Change - Clean Development Mechanism and REDD+CDM-Past and Future -Climate change as a human rights issue: Indigenous people, gender. -Climate Change and Third World Approach - Role of the International Court of Justice -Decisions of Regional Human Rights Courts (EU, USA)			
Total	30	15	0

Evaluation criteria

- Class participation: 10
- Minor test: 20 [Unit 1]
- Term Papers: 10 [Unit 1-5]
- Presentations: 10 [Unit 1-5]
- Major Test: 50 [Unit 2-5]

Learning outcomes

By the end of the course, it is expected that the students will:

1. To create a new idea for bringing a new legal regime relating to climate change [Research paper and presentation]
2. To evaluate the existing law and policy relating to climate change [Minor and major tests].
3. To analyze the role of the different national and international institutions that are dealing with climate change globally and nationally. [Class participation and minor and major tests]
4. To practically apply the existing legislation and policies [Research paper writing].
5. To understand the development of climate change law both nationally and internationally [minor and major tests].
6. To remember the laws, judgments, and so on relating to climate change [minor and major tests]

Pedagogical approach

A mixture of lecture and discussion methods will be adopted. The topics under each module will be introduced through an introductory lecture, followed by discussions by students. Students are expected to come prepared and initiate discussions on topics that have been assigned beforehand.

Materials

Suggested Readings

Books:

1. Carlarne,Cinnamon P., Gray,Kevin R., and Tarasofsky,Richard (eds) (2016), *The Oxford Handbook of International Climate Change Law*, Oxford: Oxford University Press.
2. French, Duncan and Rajamani, Lavanya(2013), "Climate Change and International Environmental Law: Musings on a Journey to Somewhere", *Journal of Environmental Law* 25 (3): 437-461.
3. Carlarne, Cinnamon (2014), "Delinking International Environmental Law and Climate Change", *MichiganJournal of Environmental and Administrative Law*,4: 1.
4. Bodansky,Daniel (2016),"The Legal Character of the Paris Agreement", *Review of European, Comparative and International Environmental Law*, 25 (2): 142-150.
5. DeSombre, Elizabeth R. (2000), "The Experience of the Montreal Protocol: Particularly Remarkable, and Remarkably Particular", *UCLA Journal of Environmental Law & Policy* 19(1): 49.
6. Bhullar ,Lovleen (2013), "CDM and REDD+: A Comparative Perspective", *International Journal of Rural Law and Policy*, 3 (1): Article 3.
7. Savaresi, Annalisa (2016), "A Glimpse into the Future of the Climate Regime: Lessons from the REDD+ Architecture", *Review of European, Comparative and International Environmental Law*, 25 (2): 186–196.
8. David D.Caron (2013),"Climate Change and the Oceans", in Harry N. Scheiber and Jin-Hyun Paik, eds,*Regions, Institutions, and the Law of the Sea: Studies in Ocean Governance*, Leiden: Brill Press.
9. McInerney-Lankford, Siobh´an (2009). "Climate Change and Human Rights: An Introduction to Legal Issues", *Harvard Environmental Law Review*, 33: 431 – 437.
10. Kavita Kapoor,(2011). "Climate Change, Intellectual Property and the Scope of Human Rights Obligations," Sustainable Development Law and Policy, 11 (2): 58-68.
11. Usha Tandon and Amrendra Kumar, (2022). "Cliamte Adaptation Finance as Legal Obligation and Insiutional Facilitation: Botched Commitments for Developing Nations," South Asian Journal of Enviornmental Law and Policy, 1 (1): 11-28.
12. Patrick Toussaint (2023). "Loss and Damage, Climate Victims and International Climate Law: Looking Back, Looking Forward", Transnational Enviornmental Law, 1: 1-16.

List of cases

-Obligations of States in respect of Climate Change, ICJ, 2023; https://www.icj-cij.org/case/187

- Request for an Advisory Opinion Submitted by the Commission of Small Island States on Climate Change and International Law, ITLOS, 2024 ; https://www.itlos.org/fileadmin/itlos/documents/cases/31/Advisory_Opinion/C31_Adv_Op_21.05.2024_orig.pdf

- MK Ranjitsinh and Ors Vs Union of India-WPC No.838 of 2019

Additional information (if any)

Student responsibilities

Reviewers comments:

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