

Master Academic Studies
Course Title: RESPONSIBILITY FOR ENVIRONMENTAL HARM IN LIGHT OF RULES OF INTERNATIONAL LAW RELATING TO THE PROTECTION OF THE ENVIRONMENT
Professors: Prof. Dr. Milenko Kreća, Assistant Professor Dr. Bojana Čučković
Status of the course: optional – Public-Law module, Environmental Law sub-module
Number of ECTS: 10
Requirements: /
<p>Aim of the course: The aim of the course is to introduce students with a rather complex issue of responsibility for harm caused to the environment. During the course, primary and secondary rules of International Environmental Law will be analyzed, as well as different regimes of international responsibility which may be applied to cases of environmental harm. Secondary rules of International Law will be presented through an analysis of their constitutive elements and, in particular, by focusing on specificities that arise when they find application in cases when primary rules of International Environmental Law are violated. Inadequateness of the rules on State responsibility for internationally wrongful acts imposes by itself an analysis of liability for harmful consequences of acts not prohibited by International Law. These rules shall be analyzed not only as a category of positive law in the sense of particular solutions contained in multilateral international treaties, but also as a category of <i>de lege ferenda</i> character. The course also aims at introducing students with relevant case-law of international courts in this field, i.e. at analyzing application of rules on State responsibility in practice, through studying particular cases decided before various international fora. Finally, the aim of the course would also be to explore certain principles and rules typical for the area of environmental protection, and the manner in which they reflect at positive rules on State responsibility. Therefore, the subject of the analysis during the course would be not only cases of transboundary environmental harm for which rules on State responsibility provide an acceptable and satisfactory solution, but also contemporary and complex challenges that require novel mechanisms and regimes of liability, such as is the issue with consequences of climate change.</p>
<p>Course results: Candidates should acquire a level of competence and skills that would enable them to independently and critically consider the problem of responsibility for harm caused to the environment in accordance with International Law rules relating to State responsibility and liability, as well as relevant international jurisprudence.</p>
<p>Contents of the course:</p> <ol style="list-style-type: none"> 1. Sources and evolution of International Environmental Law 2. Primary rules on the protection of the environment – preservation of nature and cultural heritage 3. Primary rules on the protection of the environment – protection of atmosphere, ozon layer and climate 4. Primary rules on the protection of the environment – protection of seas and rivers 5. Primary rules on the protection of the environment – dangerous wastes and radioactive substances 6. Concept of State responsibility, evolution of rules on State responsibility and regimes of international liability that are applicable to the protection of the environment 7. Rules on State responsibility for internationally wrongful act and their applicability in the area of international protection of the environment 8. Environmental harm – concept and position within rules on responsibility 9. Liability for harm caused by acts not prohibited by International Law

10. International treaty practice and liability for environmental harm
11. Liability for environmental harm in the case-law of international and national courts
12. Sustainable development principle and principle of common but differentiated responsibilities
13. Precautionary principle and liability for environmental harm
14. Polluter pays principle and liability for environmental harm
15. Assessment of International Environmental Law from the perspective of the issue of responsibility

Literature:

Kreća, M., *Public International Law*, Faculty of Law, Belgrade, 2017 (selected parts).

Etinski, R., *Public International Law*, Official Gazette, Belgrade, 2010 (selected parts).

Etinski, R., „Protection of the Environment in International Law“, in Stojanović, Z., Salma, J. and Đurđev, D., *Legal protection of the environment*, Scientific book, Belgrade, 1991, pp. 91-121.

Etinski, R., *International wrongful act as a source of international responsibility of the State*, doctoral dissertation, 1981.

Radojević, D., „New Directive of the EU on liability in the area of environmental protection“, *International Affairs*, 2005, No. 1-2, pp. 177-198.

Literature in foreign languages:

Bodansky, D., Brunnée, J., Hey, E. (eds), *The Oxford Handbook of International Environmental Law*, Oxford University Press, 2007.

Birnie, P.W., Boyle, A., *International Law and the Environment*, Oxford University Press, 2002.

Fitzmaurice, M.A., *International Protection of the Environment*, Martinus Nijhoff Publishers, 2002.

Hanqin, X., *Transboundary Damage in International Law*, Cambridge University Press, 2009.

Kiss, A., Beurier, J-P., *Droit international de l'environnement*, Paris, 2004.

Sands, P., *Principles of International Environmental Law*, Cambridge University Press, Cambridge, 2007.

Number of classes

Lectures:15	Practical work:	Other methods of teaching:	Student research paper:	Other classes

Teaching methods: lectures, consultations

Grade (maximum number of points 100)

Pre-exam obligations	points	Final exam	points
activities during lectures	20	written exam	
practical classes		oral exam	60
tests		
seminar papers	20		