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Assignment 1

Online Diploma in Environmental Law – 18th Batch I Assignment Submission Date: 25 December 2009

Based on Module – I, 100 Marks

Answer any 8 questions in not more than 2000 words each:-

1. Environmental Law evolved in piecemeal fashion, addressing separate problems as they rose by adding another law for each category of problems, such as water, air, waste and toxics and by adding another branch of administration, can this approach to environmental law be transformed into a more holistic approach? If so...how? What are some of the obstacles to changing this system of law now that it seems to be at the end of its usefulness?

2. States are no more the only actors in international relations, there are many others..." In the light of this assessment, write an essay on the role of international organizations, environmental institutions and other agencies in environmental protection.

3. The developing countries insisted that in the Rio Conference the key principles must include the 'right to development', 'poverty alleviation' and the recognition of 'common but differentiated responsibilities'. How have these principles been incorporated and implemented post Rio for the benefit of the developing countries? Specifically comment on how India have adopted to the principles.

Or

There are numerous criticisms to the actual functioning and execution of global environmental conferences. However, the environmental conferences like the Stockholm Conference, 1972; Rio Conference 1992 and Johannesburg Conference, 2000 have made a significant impact on the environmental movement across the globe by placing it in an economic and social context. Comment.

4. Is it correct to say that, 'Contemporary humanitarian law rules have a serious lacuna when it comes to the protection of environment as the rules basically target specific prohibitions as opposed to the widespread, long-term, and severe damage to the natural environment'? Comment.

5. Environmental crime is a serious and growing international problem. Trace the efforts of the international community to tackle with the problem of environmental crimes? Do you think the laws and policies in place to address environmental crimes in India are adequate enough to deal with this mounting issue?

6. There is nothing wrong with the law, but the problem is lack of political will to implement international obligations". Why do states hesitate to implement obligations undertaken in a treaty? Are multilateral environmental agreements (MEAs) really effective? Attempt an answer in the light of the existing climate change scenario?

7. Both right to environment and right to development are included in human rights as well as are implicit in the fundamental rights. However, Environment and Development seem to be two paradoxical phenomena. Is it possible to protect the environment without compromising development? If not, then why are both recognized as a part of the integral rights?

8. In approaching contamination discharges under provincial or federal statutes, decisions must be based on standards established by regulation or by non-binding guidelines? How are these standards or guidelines established? What is their scientific or technical basis? Do they relate to substances discharged or to the ambient environment into which the substances are discharged?

9. Multiple Choice Questions: ((i) to (iv) includes question no. 9), choice of answer should be accompanied by an explanation.

(i) Why is there an ideological clash between international environmental lawyers and international economic lawyers?

- (a) Because there is conflict of terminology between the two
- (b) Because international environmental law is seen as something more modern and less established, whereas international economic law as something more traditional and firm
- (c) Because environmental lawyers and trade lawyers are using different techniques in their methodology
- (d) Because environmental lawyers and trade lawyers have different agendas

(ii) What is the 'race to the bottom' approach?

- (a) An approach which results in the degradation of environmental standards so that a State gains competitive advantage in the world economic arena
- (b) An approach which asks for the introduction of new environmental standards
- (c) An approach which asks for the increase of funds towards new environmental standards
- (d) An approach which suggests that States around the world should co-ordinate in improving their domestic environmental laws



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(iii) Sometimes legal sanctions may be imposed against a State that fails to fulfil the minimum of environmental protection. Who imposes these sanctions normally?

- (a) The United Nations
- (b) The League of Nations
- (c) The International Environmental Protection Agency
- (d) The States themselves

(iv) Could an international organization impose environmental sanctions such as the US did to Asian countries?

- (a) In theory yes, but in practice this rarely happens
- (b) In practice this happens all the time
- (c) In theory yes, but in practice only weaker States can impose sanctions of the kind
- (d) In theory yes, but in practice it is normally States as a whole that can impose sanctions

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