

Seminar on «Environmental Damage»

List of Topics

1. Challenges in seeking remedies for environmental damage: Attribution science, evidentiary difficulties, and the law
2. Assessing the risk of damage: the international obligation to conduct environmental impact assessments
3. Analysing the development of international treaty law on climate change ‘loss and damage,’ its effectiveness and its relative merits in comparison to the law on state responsibility for ensuring *compensation* for loss and damage.
4. Climate change ‘loss and damage’: linkages with human rights law, global climate justice, and the question of resource redistribution
5. Assessing the international legal status, operational relevance and application of the precautionary principle.
6. Comparing and contrasting the harm prevention principle and the precautionary principle, with references to international judicial pronouncements and judicial opinions.
7. Shared state responsibility for environmental problems affecting the global commons under international law.
8. Distinction and relationship between the substantive and procedural obligations arising from the harm prevention principle in international environmental law.
9. Assessing the contribution of the International Tribunal Law of the Seas (ITLOS) in regards to prevention of and compensation for environmental damage.
10. A critical analysis of the resolution of claims concerning environmental damage by the United Nations Compensation Commission.
11. Critical case analyses of the Human Rights Committees’ views adopted in *Ioane Teitiota v New Zealand* (2020) and *Billy et al v Australia* (2022).
12. A critical case analysis of the ICJ’s 2018 decision in *Costa Rica v. Nicaragua* on compensation owed by Nicaragua to Costa Rica.
13. Compensation for environment-related rights violations before the ECtHR: practice and problems.
14. Compensation for environment-related rights violations before the IACtHR: practice and problems.
15. Alternatives to compensatory damages awards for environmental damage under international and human rights law
16. Prospects and challenges of climate litigation against multinational corporations (e.g. *Lliuya v RWE; Milieudefensie et al. v RDS*).

Topics reserved for Masters Theses

1. Law and economics approaches to environmental damage
2. Critical legal perspectives on environmental damage (including TWAIL/decolonial approaches)
3. Role of the ITLOS in contrast to the ICJ in adjudicating on climate change related loss and damage.
4. The feasibility of 'Non-Compliance Procedures' as alternatives to recourse to judicial procedures for addressing environmental damage.
5. The advantages and disadvantages of creating specialized courts for environmental cases or matters concerning environmental human rights.
6. Alternatives to compensatory damages awards for environmental damage under international and human rights law.
7. Comparing notions of compensation for environmental degradation in species and habitats conservation versus traditional understandings of monetary compensation.
8. The polluter pays principle in European Union Law: operationalisation in legislation, and application by the ECJ