



THE ULAP INTERNATIONAL ENVIRONMENTAL
LAW CLINICAL LEGAL EDUCATION PROGRAM
SEMINAR (COURSE) SYLLABUS



TABLE OF CONTENTS

| | |
|--|----|
| PART ONE | |
| PURPOSE | 3 |
| OUTLINE | 5 |
| I. Caraga: Resources and Challenges | 5 |
| A. Caraga's Natural Resources | |
| B. Caraga's Environmental Challenges | |
| II. Introduction to International Law | 5 |
| A. What is International Law? | |
| B. Why is International Law obeyed? | |
| C. What are the International Lawmaking Processes? | |
| D. What are the Sources of International Law? | |
| III. Modalities For the Internalization of International Law into Philippine Law | 7 |
| IV. International Environmental Law | 7 |
| A. What is International Environmental Law? | |
| B. How did International Environmental Law Develop? | |
| C. What are the International Environmental Lawmaking Processes? | |
| D. What are the Sources of International Environmental Law? | |
| V. Caraga's FAmE Goal through the lenses of the Principles of International Environmental Law | 11 |
| A. What is Caraga's Walk to FAmE 2022? | |
| B. What are the Functions of the Principles and Concepts | |

in International Environmental Law?

- C. What are the Principles in the 1992 Rio Declaration on Environment and Development?
- D. Is Caraga's FAmE 2022 an expression of State Sovereignty over the Natural Resources of the Caraga Region?
- E. Is Sustainable Development upheld in Caraga FAmE 2022?
- F. Is the Global Climate a Common Property, Common Heritage of Mankind or Common Concern?
- G. Is Caraga's FAmE 2022 Climate Change Compliant?
- H. What are Caraga's Commitments under International Environmental Law as it pursues FAmE 2022?

VI. The Relevance of International Environmental Law on CARAGA's Emerging Environmental Issues

18

- A. The Convention on Biological Diversity and the threats to Biological Diversity brought about by the goal of Caraga to be the mineral center of the country by 2022
- B. The Global Wildlife Conventions and the Deteriorating Status of the Agusan Marsh – Habitat of 17 Globally Threatened Species
- C. The UNCLOS and other Laws of the Sea and Mining, Destructive Fishing, and Marine Pollution in Caraga's Marine Ecosystems

PART TWO

BIBLIOGRAPHY

23

PART ONE

I. PURPOSE:

In 2017, the Caraga Regional Development Council (RDC) together with other stakeholders of the Caraga Region crafted and adopted the Caraga Regional Development Plan (RDP) to pursue Caraga's vision to become the *Fishery, Agro-forestry, Mineral and Ecotourism (FAME)* Center of the Philippines by 2022¹. Part of the vision of Caraga is to become the mineral center of the country or the mining capital of the country. The Caraga experience shows that mining has damaged the environment of Caraga. The negative impact of mining in Caraga started a decade before the RDC issued the RDP². Mining has not delivered the promised economic benefits. Caraga is still one of the poorest regions in the country³. The RDC, inspite of the unfavorable experience with mining, has approved the RDP's vision to make the region the mining capital of the country. The approval of *FAME* by the RDC displays a lack of understanding of the importance of protecting and conserving the environment.

As early as 2007, court cases have been filed against mining companies like the San Roque Metals, Inc. (SRMI)⁴. The Father Saturnino Urios University College of Law (FSUU), in 2009, was requested by the late Bishop Juan De Dios Pueblos of the Diocese of Butuan⁵ to provide legal assistance for the fisherpersons and farmers of Tubay, Agusan del Norte whose livelihood was severely affected by the mining operations of SRMI. FSUU, through the Dean's Office, assisted the fisherpersons and farmers of Tubay. A closure order of SRMI was issued by the DENR. But despite the closure order, environmental issues continue to plague Tubay and other localities of Caraga. As a result, the FSUU was constantly asked to render legal assistance. Thus, in 2015, the URIAN Legal Assistance Program (ULAP) was born. ULAP was the law school's response to the need for legal guidance and assistance in relation to environmental issues in the region. The Urian Legal Assistance Program (ULAP) is the clinical legal education program of FSUU. ULAP has handled environmental cases and has assisted government and non-governmental organizations in crafting and implementing environmental policies and laws for the protection and rehabilitation of the natural resources and environment of Caraga.

¹ Caraga Regional Development Plan 2017-2022, ix-xi, available at <https://www.neda.gov.ph/wp-content/uploads/2018/02/13-Caraga-RDP-2017-2022.pdf>.

² National Economic and Development Authority, *Caraga to Heighten Mining Regulations Provide Alternative Jobs*, (2017), available at <https://www.neda.gov.ph/caraga-to-heighten-mining-regulations-provide-alternative-jobs/>.

³ Caraga Region's Poverty Incidence Declines in 2018, available at <http://nro13.neda.gov.ph/caraga-regions-poverty-incidence-declines-in-2018/>.

⁴ Environmental Justice Atlas, *San Roque Metals Inc. Nickel mining, Tubay, Agusan del Norte, Philippines*, (May 6, 2015), available at <https://ejatlas.org/conflict/san-roque-metals-inc-nickel-mining-in-tubay-agusan-del-norte-philippines#:~:text=SRMI%20was%20accused%20of%20violently%20forced%20evictions%20and,a%20filed%20case%20for%20plunder%20and%20theft%20%5B7%3B8%5D..>

⁵ The Diocese of Butuan covers Butuan City, the cities and municipalities of the provinces of Agusan del Sur and Agusan del Norte.

ULAP has two components: the seminar and the clinic. The seminar is where the law students are taught environmental law. The clinic is where the law students apply the environmental law they learned in the seminar through real life cases involving environmental law issues.

The seminar is integrated in the Natural Resources and Environmental Law subject of the law students. The laws taught in NATRES are all domestic laws of the Philippines. The law students used these domestic laws in resolving environmental issues.

ULAP needs to expand its perspective in handling environmental cases and concerns. It has to consider the international law perspective. ULAP has to educate its law students that the degradation of the environment of Caraga does not just pose a threat to the lives of the people of Caraga and the biodiversity of Caraga but it also poses a threat to the lives of the people and the biodiversity of the country and the world. The environmental challenges of Caraga has an international dimension, hence, this syllabus.

This syllabus will be used in the ULAP seminar that every law student of FSUU will go through. The syllabus aims to:

1. educate law students on the principles of international environmental law;
2. educate law students that international environmental law can be used as a basis for evaluating development plans and policies of the region, and resolving environmental issues;
3. enable the law students to evaluate the RDP and other development plans based on international environmental law;
4. train law students on how to apply international environmental law in resolving environmental issues in Caraga; and
5. encourage law students to participate in shaping international environmental law and policy in order to include the Caraga environmental concerns in the international environmental law narrative.

Upon completion of this course, the students are able to:

1. Discuss the value of the natural resources and the environment of Caraga region to the people of Caraga, the country and the world;
2. Discuss the major environmental challenges facing the Caraga region;
3. Demonstrate an understanding of the principles of international environmental law;
4. Evaluate the RDP using international environmental law; and
5. Apply international environmental law to the existing environmental challenges in the Caraga region;
6. Recommend policies for the protection of the environment to the appropriate government agencies using the international environmental law lens.

II. OUTLINE: Topics, Knowledge Resources, and Assessment

| TOPIC | KNOWLEDGE RESOURCES and ASSESSMENT |
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| <p><u>SESSION 1</u></p> <p>I. Caraga: Resources and Challenges</p> <p>A. What are the Natural Resources of Caraga?</p> <p style="padding-left: 20px;">a) Agriculture b) Fishery and Aquaculture c) Forestry d) Minerals e) Ecotourism</p> <p>B. What are the Environmental Challenges of Caraga?</p> <p style="padding-left: 20px;">a) Climate Related Hazards b) Geological Hazards c) Adverse effects of mining on the Environment</p> | <p>Reading Assignment: Caraga Regional Development Plan (RDP) 2017-2022, pp. 28, 44-47, 56. Available at https://www.neda.gov.ph/wp-content/uploads/2018/02/13-Caraga-RDP-2017-2022.pdf.</p> <p>Video Showing: It's More Fun in the Philippines- Adventure Caraga available at https://www.youtube.com/watch?v=WlvTOFKa98w Video Showing of Caraga available at https://www.youtube.com/watch?v=cFlan1qM5-o</p> <p>Reading Assignment: Caraga Regional Development Plan (RDP) pp. 19-20, 42-43</p> <p>Video Showing: Failon Ngayon on the Adverse effects of mining in Caraga available at https://www.youtube.com/watch?v=IVfCtahRUIA</p> <p><u>ASSESSMENT:</u> Reflection Paper Instructions: Select one Natural Resource in Caraga and write about its relevance to the region, the country and the world. Word limit – 500.</p> |
| <p><u>SESSION 2</u></p> <p>II. Introduction to International Law</p> <p>A. What is International Law?</p> | <p>Discussion: Definition of International Law through the Stream of Google Classroom. Students will be asked to give their definition and make one comment in any of the definition of a classmate.</p> |

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| <p>B. Why is International Law obeyed?</p> <p>C. What are the International Lawmaking Processes?</p> | <p>Reading Assignment:</p> <p>Von Glahn, Gerhard, and James Larry Taulbee. <i>Law among nations: an introduction to public international law</i>. Routledge, 2015, pp. 3-5. Available at https://books.google.com.ph/books?hl=en&lr=&id=GvgoCgAAQBAJ&oi=fnd&pg=PP1&dq=what+is+international+law&ots=DywwvdF_Tp&sig=qSe3r0HCoG3XBvZY7XKatliuAL8&redir_esc=y#v=onepage&q=what%20is%20international%20law&f=false.</p> <p>Higgins, Rosalyn. <i>Problems and process: international law and how we use it</i>. Oxford University Press, 1995, pp. 2-17. Available at https://books.google.com.ph/books?id=QEVPAx9gkScC&printsec=frontcover&dq=Higgins,+Rosalyn.+Problems+and+process:+international+law+and+how+we+use+it.&hl=en&sa=X&ved=2ahUKewjfqoXKn8LrAhUizlsBHf-CC0oQ6AEwAHoECAEQAg#v=onepage&q=Higgins%2C%20Rosalyn.%20Problems%20and%20process%3A%20international%20law%20and%20how%20we%20use%20it.&f=false.</p> <p>Koh, Harold Hongju. "Why Do Nations Obey International Law." <i>Yale Law Journal</i>, vol. 106, no. 8, June 1997, p. 2599-2660. <i>HeinOnline</i>, https://heinonline.org/HOL/P?h=hein.journals/ylr106&i=2647.</p> <p>Besson, Samantha. "The Authority of International Law - Lifting the State Veil." <i>Sydney Law Review</i>, vol. 31, no. 3, September 2009, p. 343-380. <i>HeinOnline</i>, https://heinonline.org/HOL/P?h=hein.journals/sydney31&i=380.</p> <p>Arsanjani, Mahnoush H., "The United Nations and International Law Making", 362 <i>Recueil des cours</i> 9 (2012), p. 24-26. Available at https://heinonline.org/HOL/Page?public=true&handle=hein.hague/recueil0362&div=4&start_page=9&</p> |
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| <p>D. What are the Sources of International Law?</p> <p>III. Modalities For the Internalization of International Law into Philippine Law</p> <p>A. Incorporation Clause B. Treaty Clause</p> | <p>collection=hague&set as cursor=18&men tab=src hresults.</p> <p>Helfer, Laurence R. "Nonconsensual International Lawmaking." <i>University of Illinois Law Review</i>, vol. 2008, no. 1, 2008, p. 71-126. <i>HeinOnline</i>, https://heinonline.org/HOL/P?h=hein.journals/unillr2008&i=73.</p> <p>Video showing of Sources of International Law available at https://www.youtube.com/watch?v=0ViSYjt-wGw</p> <p>Reading Assignment: Magallona, Merlin M. <i>The Philippine Constitution and International Law</i>. U.P. Law Center, 2013, pp. 19-34, 35-41.</p> <p>ASSESSMENT:</p> <p>A. Multiple Choice Quiz on Introduction to International Law through Google Classroom – 10 items</p> <p>B. Creation of a Mind Map on the two modalities of internalization of International Law into Philippine Law</p> |
| <p><u>SESSION 3</u></p> <p>IV. International Environmental Law</p> | <p>Mentimeter Voting:</p> <p>Students will be asked to vote online through mentimeter on the following choices:</p> <p>a) There is no distinct body of international environmental law. b) There is a distinct body of international environmental law.</p> <p>Reading Assignment:</p> |

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| <p>A. What is International Environmental Law?</p> <ol style="list-style-type: none"> 1. Definition 2. Distinctive Features of International Environmental Problems <ol style="list-style-type: none"> a. Caused primarily by private conduct b. Have physical and technological basis c. Involve significant scientific uncertainties d. Extremely dynamic e. Need to be addressed holistically <p>B. How did International Environmental Law Develop?</p> <p>C. What are the International Environmental Lawmaking Processes?</p> <ol style="list-style-type: none"> a) Processes before international institutions b) Consensus negotiating procedures and “package deal” diplomacy c) “Framework Treaties” d) political-lawmaking primarily by diplomatic means e) Affirmation by the International Law Commission and judicial decisions of the status of customary rules and general principles | <p>Birnie, Patricia W., Alan Boyle, and Catherine Redgwell. <i>International Law and the Environment</i>. Third Edition. Oxford: Oxford University Press, 2009, pp. 1-6</p> <p>Bodansky, Daniel, Jutta Brunnée, and Ellen Hey. <i>The Oxford Handbook of International Environmental Law</i>. Oxford, New York: Oxford University Press, 2007, pp. 6-8.</p> <p>Sorokin, Leonid V., and Gérard Mondello. <i>Sea Level Rise, Radical Uncertainties and Decision-Maker’s Liability: the European Coastal Airports Case</i>. Fondazione Eni Enrico Mattei (FEEM), 2016, www.jstor.org/stable/resrep01231. Accessed 10 Sept. 2020.</p> <p>Birnie pp. 48-53</p> <p>Bodansky, pp. 1-6, 29-42</p> <p>Birnie pp. 12-14</p> |
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| <p>c) General Principles of Law, elements and origins</p> | <p>https://www.icj-cij.org/files/case-related/51/051-19690220-JUD-01-00-EN.pdf.</p> <p>Birnie pp. 26-28</p> <p>First Report on General Principles of Law, International Law Commission, (2019) available at https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/100/93/PDF/N1910093.pdf?OpenElement.</p> |
| <p>d) Judicial decisions and their formative influence on international environmental law</p> | <p>Birnie pp. 28-29</p> <p>The Gabčíkovo-Nagymaros Project Case (<i>Hungary v. Slovakia</i>), (ICJ 1997), available at https://www.icj-cij.org/files/case-related/92/092-19970925-JUD-01-00-EN.pdf</p> |
| <p>e) Writings of most highly qualified publicists</p> <p>-publicists empowered by the States</p> <p>-ordinary publicists</p> | <p>Birnie, p. 29</p> <p>Sivakumaran, Sandesh. "The Influence of Teachings of Publicists on the Development of International Law." <i>International and Comparative Law Quarterly</i>, vol. 66, no. 1, January 2017, p. 1-38. <i>HeinOnline</i>, https://heinonline.org/HOL/P?h=hein.journals/incolq66&i=3.</p> |
| <p>f) UN GA Resolutions, Declarations and Soft Law and its influence on International Environmental Law</p> | <p>Birnie pp. 31-37</p> <p>Boon, Foo Kim. "The Rio Declaration and Its Influence on International Environmental Law." <i>Singapore Journal of Legal Studies</i>, vol. 1992, no. 2, 1992, p. 347-364. <i>HeinOnline</i>, https://heinonline.org/HOL/P?h=hein.journals/sjls1992&i=357.</p> |
| <p>g) Jus cogens norms and erga omnes obligations and their relationship</p> | <p>Birnie pp. 131-132</p> <p>De Wit, Erika, <i>Jus Cogens and Obligations Erga Omnes</i>, Oxford Handbook on Human Rights (2013), available at https://case.edu/law/sites/case.edu.law/files/2020-02/CLE%20materials%203-2.pdf.</p> |

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| | <p>Danilenko, Gennady M. "International Jus Cogens: Issues of Law-Making." <i>European Journal of International Law</i>, vol. 2, no. 1, 1991, p. 42-65. <i>HeinOnline</i>, https://heinonline.org/HOL/P?h=hein.journals/euri nt2&i=60.</p> <p>ASSESSMENT: Watch the Video "Reporter's Notebook: Ang epekto ng pagmimina sa Surigao del Sur" available at https://www.youtube.com/watch?v=ffghyExTE68 and answer the following questions (Limit your answers per question to 300 words):</p> <p>1.Are the distinctive features of international environmental problems similar to the features of Caraga's environmental problems brought by mining in Surigao del Sur? Explain your answer.</p> <p>2.Identify one source of international environmental law (treaty, custom, general principles of law, judicial decisions, writings of publicists, UN GA Resolutions, Declarations and soft law or jus cogens norms and erga omnes obligations) that may be used as a basis for filing a complaint against Caraga based mining companies and/or the government for the environmental damages the mining operations have caused. Explain your answer.</p> |
| <p><u>SESSION 5</u></p> <p>V. Caraga's FAmE 2022 Goal through the Lenses of the Principles of International Environmental Law</p> <p>A. What is Caraga's Walk to FAmE 2022?</p> <p><i>"becoming the Fishery, Agro-Forestry, mineral and Ecotourism Center of the country by 2022"</i></p> | <p>Reading Assignment: RDP, pp. 10-11</p> |

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| <p>B. What are the Functions of the Principles and Concepts in International Environmental Law?</p> <p>C. What are the Principles in the 1992 Rio Declaration on Environment and Development?</p> | <p>Hunter, David 1961-, James Salzman, and Durwood Zaelke. <i>International Environmental Law and Policy</i>. 3rd ed. New York: Foundation Press, 2007, pp. 469-471</p> <p>Birnie pp. 112-114</p> <p>Rio Declaration on Environment and Development (1992), available at https://www.cbd.int/doc/ref/rio-declaration.shtml.</p> <p>ASSESSMENT: Submission of a 300 word Essay. The essay will answer the question: Can the principles of international environmental law and/or the 1992 Rio Declaration be used as a framework in assessing the FAmE goal of Caraga? Explain your answer.</p> |
| <p>D. Is Caraga’s FAmE 2022 an expression of State Sovereignty over the Natural Resources of the Caraga Region?</p> <p>a) State Sovereignty</p> | <p>Rio Principle 2</p> <p>Principle 21, Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration)(1972), available at http://www.un-documents.net/unchedec.htm.</p> <p>UN General Assembly Resolution 1803 (XVII),(1962), available at https://www.ohchr.org/Documents/ProfessionalInterest/resources.pdf.</p> <p>Art. 4, Articles on Responsibility of States For Internationally Wrongful Acts (ARSIWA), available at https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_6_2001.pdf.</p> <p>Birnie, pp. 190-192</p> |

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| <p>b) Right to Development</p> <ul style="list-style-type: none"> - of the country - of the peoples - of the individual <p>c) The State Documents for the Bases of FAmE</p> <p>a) The Planning Process of FAmE</p> <p>E. Is Sustainable Development upheld in Caraga FAmE 2022?</p> | <p>Hunter, pp. 472-475</p> <p>Rio Principle 3</p> <p>Hunter, pp. 476-480</p> <p>RDP, pp. 5-7</p> <p>RDP, pp. 7-11</p> <p>Mentimeter Voting:</p> <p>Students will be asked to vote online through mentimeter on the following choices:</p> <ul style="list-style-type: none"> a) The Principle of Sustainable Development is upheld in Caraga FAmE 2022. b) The Principle of Sustainable Development is NOT upheld in Caraga FAmE 2022. <p>Reading Assignments:</p> <p>Rio Principle 1, 4</p> <p>Birnie, pp. 115-127</p> <p>Bodansky, pp. 613-638</p> <p>The Gabcikovo-Nagymaros Project Case (<i>Hungary v. Slovakia</i>), (1997)</p> <p>Case Concerning Pulp Mills on the River Uruguay (<i>Argentina v. Uruguay</i>) (ICJ 2010), available at https://www.icj-cij.org/files/case-related/135/135-20100420-JUD-01-00-EN.pdf.</p> <p>Paragraph 59 of the Award in the Arbitration regarding the Iron Rhine Railway Between the Kingdom of Belgium and the Kingdom of the Netherlands (2005), available at</p> |
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| | <p>https://legal.un.org/riaa/cases/vol_XXVII/35-125.pdf.</p> <p>ASSESSMENT:</p> <p>Group Work: Prepare a letter address to the Caraga Regional Development Council on the group's recommendation on measures for Caraga's FAmE 2022 to achieve Sustainable Development within the parameters of International Environmental Law.</p> |
| <p><u>SESSION 6</u></p> <p>F. Is the Global Climate a Common Property, Common Heritage of Mankind or Common Concern?</p> <p>a) Common Property</p> <p>b) Common Heritage of Mankind</p> <p>c) Common Concern</p> <p>G. Is Caraga's FAmE 2022 Climate Change Compliant?</p> | <p>Video Showing: Climate Issues in Caraga, available at https://www.youtube.com/watch?v=ROpDRwj7l-k</p> <p>Birnie, pp. 194-197</p> <p>Birnie, pp. 197-198</p> <p>Hunter, pp. 482-489</p> <p>Arts. 136-137 United Nations Convention on the Law of the Sea (UNCLOS), available at https://www.un.org/Depts/los/convention_agreements/texts/unclos/unclos_e.pdf.</p> <p>Birnie, pp. 128-130</p> <p>Hunter, pp. 489-490</p> <p>Preamble, United Nations Framework Convention on Climate Change (UNFCCC), available at https://unfccc.int/sites/default/files/convention_text_with_annexes_english_for_posting.pdf;</p> <p>Preamble, Convention on Biological Diversity (CBD) (1992), available at https://www.cbd.int/doc/legal/cbd-en.pdf.</p> |

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| <p>a) International Instruments on Climate Change</p> | <p>Preamble, Articles 1-4, 7, 11, 14, 17, 24 UNFCCC</p> <p>Preamble, Article 1-3, Kyoto Protocol to the UNFCCC, available at https://unfccc.int/sites/default/files/resource/docs/cop3/107a01.pdf.</p> <p>Preamble, Articles 1-5.1, Paris Agreement, available at https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement.</p> <p>Birnie, pp. 335-342, 356-378</p> |
| <p>b) Common but Differentiated Responsibilities</p> | <p>Birnie, pp. 132-136</p> <p>Hunter, p. 495</p> <p>Rio Principle 7</p> |
| <p>c) Climatological Hazards of Caraga</p> | <p>RDP, pp. 19-20, 42-43</p> |
| <p>d) Vulnerable Individuals in Caraga's Danger Areas and Smart Cities</p> | <p>RDP, pp. 227-236</p> |
| <p>e) Caraga's Disaster Risk Reduction and Climate Change Adaptation</p> | <p>RDP, pp. 343-349, 357-368</p> <p>ASSESSMENT: Group Work (Six Groups): Each Group will be assigned a local government unit within Caraga (Butuan City (the regional center), Agusan del Norte, Agusan del Sur, Surigao del Norte, Surigao del Sur and Dinagat Island Province). The group shall make an Evaluation Report of the Disaster Risk Reduction and Climate Adaptation Plan of the local government unit assigned to the group. The evaluation shall be based on Articles 3, 4, and 6 of the UNFCCC. Assume that each local government unit is a State Party to the UNFCCC. Take special consideration of the principle of Common but Differentiated Responsibilities in the assessment of the Plan. The</p> |

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| | Evaluation Report shall be sent to the local government units for their appropriate response. |
| <p><u>SESSION 7</u></p> <p>H. What are Caraga's Commitments under International Environmental Law as it pursues FAmE 2022?</p> <p>a) Commitment to Assess Environmental Impact</p> <p>b) Commitment to the Precautionary Principle</p> <p>c) Commitment to the Duty not to cause transboundary harm</p> | <p>Reading Assignment:</p> <p>Birnie, pp. 164-175</p> <p>Hunter, pp. 531-533</p> <p>Rio Principle 17</p> <p>Art. 7, Articles on Prevention of Transboundary Harm from Hazardous Activities (APTH) (2001), available at https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_7_2001.pdf.</p> <p>Case Concerning Pulp Mills on the River Uruguay (Argentina v. Uruguay) (2010)</p> <p>Birnie, pp. 136-137, 152-164</p> <p>Hunter, pp. 510-511</p> <p>Bodansky , pp. 597-612</p> <p>Rio Principle 15</p> <p>Case Concerning Pulp Mills on the River Uruguay (Argentina v. Uruguay) (2010)</p> <p>Birnie, pp. 137-138, 143-152</p> <p>Hunter pp. 502-504</p> <p>Rio Principle 2</p> <p>Stockholm Declaration Principle 21</p> <p>UNCLOS Art. 194 (2)</p> |

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| <p>d) Commitment to the Polluter Pays Principle</p> <p>e) Commitment to the Duty to cooperate, notify and consult</p> | <p>Trail Smelter case (United States v. Canada) (1941), available at https://legal.un.org/riaa/cases/vol_III/1905-1982.pdf.</p> <p>Arts. 1-3, APTH</p> <p>Rio Principle 16</p> <p>Birnie, pp. 322-326</p> <p>Hunter, pp. 516-518</p> <p>Birnie, pp. 175-180</p> <p>Arts. 4, 8 APTH</p> <p>Rio Principles 14, 18, 19</p> <p>The Corfu Channel Case, (United Kingdom v. Albania) (ICJ 1949), available at https://www.icj-cij.org/files/case-related/1/001-19490409-JUD-01-00-EN.pdf.</p> <p>Southern Bluefin Tuna Cases, (New Zealand v Japan; Australia v. Japan) (ITLOS Aug 27, 1999), available at https://www.itlos.org/fileadmin/itlos/documents/cases/case_no_3_4/published/C34-O-27_aug_99.pdf https://www.itlos.org/fileadmin/itlos/documents/cases/case_no_3_4/published/C34-O-27_aug_99.pdf.</p> <p>The Mox Plant Case, (Ireland v. United Kingdom) (ITLOS Dec 3, 2001), available at https://www.itlos.org/fileadmin/itlos/documents/cases/case_no_10/published/C10-O-3_dec_01.pdf.</p> <p>ASSESSMENT: Group Work (5 Groups):</p> <p>Watch the Trail Smelter Case Video available at, https://ph.video.search.yahoo.com/search/video?fr=yfp-</p> |
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| | <p>t&p=trail+smelter+arbitration+case#id=2&vid=6b7306ab6d2b1b072fbf30ebaa7eb456&action=click.</p> <p>Each Group will be assigned one (1) commitment of Caraga (being part of the Philippines) under International Environmental Law as it pursues FAmE 2022. The group will make a video on the commitment assign to the group. The video must be made taking into consideration FAmE 2022. The video shall be like the Trail Smelter Case Video so that it can be easily understood by laymen. The video must also be a short video like the Trail Smelter Case Video. This video will be used as an information campaign material of the Urian Legal Assistance Program to be shared to schools, government and non-government agencies.</p> |
| <p><u>SESSION 8</u></p> <p>VI. The Relevance of International Environmental Law on CARAGA’S Emerging Environmental Issues</p> <p>A. The Convention on Biological Diversity and the threats to Biological Diversity brought about by the goal of Caraga to be the mineral center of the country by 2022</p> <p>a) Nature Conservation and Natural Resources</p> <p>b) The Role of Law in the Protection of Nature</p> <p>c) The Convention on Biological Diversity</p> | <p>Reading Assignment:</p> <p>Birnie, pp. 583-593</p> <p>Birnie, pp. 593-596</p> <p>Birnie, pp. 612-626, 628-639</p> <p>Preamble, Articles 1-6, 8-10, 14 (1) and 22 Convention on Biological Diversity (CBD) (1992), available at https://www.cbd.int/doc/legal/cbd-en.pdf.</p> |

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| <p>- The Role of Indigenous Peoples Right in Relation to Biodiversity</p> <p>d) Caraga 2022 Goal: Mineral Center of the country</p> <p>e) Caraga: The Home to Six out of nine Key Biodiversity Areas of the Eastern Mindanao Biodiversity Corridor</p> <p>f) Mining: The threat to the Six Key Biodiversity Areas</p> <p>g) Caraga’s Plans to enhance resiliency of Natural Ecosystems</p> | <p>Birnie, pp. 626-628</p> <p>Preamble, Art. 8(j) CBD</p> <p>RDP, pp. 56-58, 372</p> <p>RDP, p. 372</p> <p>RDP, pp. 373-375, 381</p> <p>RDP, pp. 380, 387-388, 391</p> <p>ASSESSMENT: Groupwork (2 groups):</p> <p>Article 8(a) of the CBD on In-situ Conservation states that “each contracting party shall, as far as possible and as appropriate establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity.” Page 372 of the RDP states that a great portion of the Key Biodiversity Areas in Caraga has an open access status and part of it is located within a declared Mineral Reservation Area as in the case of Mt. Kambinliw-Redondo in Dinagat Islands and a portion of Mt. Hilong Hilong located in Surigao del Norte and Surigao del Sur. According to the RDP, based on GIS analysis about 48 percent of the Key Biodiversity Areas are already covered by approved mining permits and applications. One of the Legislative Agenda to ensure ecological integrity under the RDP (page 391) is the passage of a law declaring Key Biodiversity Areas as protected areas.</p> <p>Each Group shall prepare a draft bill for the declaration of Mt. Kambinliw-Redondo in Dinagat Islands and Mt. Hilong Hilong located in Surigao del</p> |
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| | <p>Norte and Surigao del Sur as protected areas under the NIPAS Law (RA 7586). Incorporate in the draft bill the provisions of the CBD and other relevant international environmental laws. Write letters to the members of Congress of Caraga Region requesting them to author the draft bill.</p> |
| <p><u>SESSION 9</u></p> <p>B. The Global Wildlife Conventions and the Deteriorating Status of the Agusan Marsh – Habitat of 17 Globally Threatened Species</p> <p>a) The Significance and Effectiveness of the Major Global Convention on the Preservation of Migratory and Land-Based Species</p> <ul style="list-style-type: none"> -Ramsar Convention on Wetlands of International Importance especially Waterfowl Habitat -Convention Concerning the Protection of the World Cultural and Natural Heritage -Convention on Migratory Species -Convention on International Trade in Endangered Species of Wild Fauna and Flora <p>b) The Agusan Marsh home to 17 Globally Threatened Species</p> | <p>Video Showing: Danao Agusan Marsh Awareness Project, available at https://ph.video.search.yahoo.com/search/video?fr=yfp-t-s&p=Agusan+Marsh#id=5&vid=0ad96dbc340642719333686c47ee5af6&action=view.</p> <p>Birnie, pp. 650-692</p> <p>Preamble, Articles 1-2, 4 Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar) (1994), available at https://www.ramsar.org/sites/default/files/documents/library/current_convention_text_e.pdf.</p> <p>Preamble, Articles 1-3, 5-6, Convention Concerning the Protection of the World Cultural and Natural Heritage (WHC) (1972), available at https://whc.unesco.org/archive/convention-en.pdf.</p> <p>Preamble, Articles 1-6, 12 Convention on Migratory Species (CMS), (1979), available at https://www.cms.int/en/convention-text.</p> <p>Preamble, Articles 1-2, 8, 14 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (1983), available at https://cites.org/eng/disc/text.php#texttop.</p> <p>Agusan Marsh: A biodiversity hot spot (September 6, 2015), available at</p> |

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| <p>c) The deteriorating status of the Agusan Marsh</p> | <p>https://www.bworldonline.com/agusan-marsh-a-biodiversity-hot-spot/.</p> <p>RDP, p. 373 The Agusan Marsh, available at http://datazone.birdlife.org/site/factsheet/agusan-marsh-iba-philippines/text.</p> <p>Groups Tackle Threats to Agusan Sur Marshland (October 7, 2019), available at https://mindanaogoldstardaily.com/groups-tackle-threats-to-agusan-sur-marshland/.</p> <p>Human intervention, climate change pose threats to Agusan Marsh, (November 11, 2019) available at https://www.pna.gov.ph/articles/1085662.</p> <p>Agusan Marsh UNESCO World Heritage, available at https://www.endangeredspeciesinternational.org/agusanmarsh_gallery.html.</p> <p>ASSESSMENT: Essay. Which of the four global conventions is most effective for the conservation of the Agusan Marsh and its migratory and land-based species? Limit your essay to 1000 words.</p> |
| <p><u>SESSION 10</u></p> <p>C. The UNCLOS and other Laws of the Sea and Mining, Destructive Fishing, and Marine Pollution in Caraga’s Marine Ecosystems</p> <p>a) The UNCLOS and other Laws of the Sea</p> <p>b) Marine Pollution</p> <p>c) Mining of Corals and Blast Fishing in Siargao</p> | <p>Birnie, pp. 379-390</p> <p>Articles 192-196, 198-199, 203, 207, 210-212, 217-218, 235-237 UNCLOS</p> <p>Birnie, pp. 398-423</p> <p>RDP, p. 373</p> <p>RDP, p. 386</p> |

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| <p>d) Other threats: Heavy Siltation and Pollution in Caraga's Marine Ecosystem</p> | <p>ASSESSMENT: Under Article 235 of the UNCLOS, the State has the responsibility of protecting and preserving the marine environment. In connection with this, submit an action plan on how to enjoin the Philippine Government to:</p> <ul style="list-style-type: none">a) Take remedial measures to protect and preserve the degraded Caraga Marine Environment, andb) Make the people/entities responsible for the degradation of the Caraga Marine Environment pay compensation under Article 235 (2) of the UNCLOS. |
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PART TWO

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