

# Framework Model

## Curriculum on Continuing **Legal Education** In Environmental Law



Copyright © United Nations Environment Programme, 2019

This publication may be reproduced in whole or in part and in any form for educational or non-profit purposes without special permission from the copyright holder, provided acknowledgement of the source is made. The United Nations Environment Programme would appreciate receiving a copy of any publication that uses this publication as a source. No use of this publication may be made for resale or for any other commercial purpose whatsoever without prior permission in writing from the United Nations Environment Programme.

**Disclaimer**

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the United Nations Environment Programme concerning the legal status of any country, territory, city or area or of its authorities, or concerning delimitation of its frontiers or boundaries. Moreover, the views expressed do not necessarily represent the decision or the stated policy of the United Nations Environment Programme, nor does citing of trade names or commercial processes constitute endorsement.



UNEP promotes environmentally sound practices globally and in its own activities. This publication will be available as an electronic document. Our distribution policy aims to reduce UNEP's carbon footprint.



# Framework Model Curriculum on Continuing Legal Education In Environmental Law

---

# Acknowledgments

This Model Framework curriculum on continuing legal education on environmental law was developed by the United Nations Environment Programme in collaboration with the International Bar Association.

We gratefully acknowledge the valuable contributions by members of the working group established to develop the framework curriculum. We specifically wish to appreciate Mr. Peter Koves, chair of the Bar Issues Commission of the International Bar Association for his selfless stewardship of the working group. We also express our appreciation to members of the working group including Mr. Javier de Cendra de Larragan, Ms. Angeles Murgier, Mr. Roger Martella, Mr. Christopher Howard and Mr. Allan Meso for their exceptional contribution in developing this most impressive document.

# Foreword

The legal system plays a critical role in realizing the environmental dimension of sustainable development. As the field of environmental law expands rapidly, it is important that we guide the development of knowledge and skills of legal practitioners to be able to effectively support sustainable development, and the health of people and planet.

The United Nations Environment Programme and the International Bar Association are therefore pleased to have developed the Model Framework curriculum for continuing legal education on environmental law so that lawyers are able to effectively enforce environmental law, nationally and regionally, and are equipped to support the implementation of environmental rule of law. This framework responds to requests from the United Nations Environment Programme Member States seeking guidance on effective legislative, implementation and enforcement frameworks to advance justice, governance and law for environmental sustainability.

We expect that this curriculum will be complimented at the national level with relevant country-specific legal materials that will strengthen the ability of lawyers to interpret and support enforcement of domestic environmental law in their individual countries.

We also hope that this curriculum will contribute to meeting the training needs of legal practitioners and we look forward to working closely with national and regional bar associations as well as providers of continuing legal education, to build the capacities of lawyers to develop and apply environmental law.



A handwritten signature in black ink, appearing to read 'Inger Andersen'.

**Inger Andersen**  
Executive Director  
United Nations Environment Programme



A handwritten signature in black ink, appearing to read 'H. Bernardes Neto'.

**Horacio Bernardes Neto**  
President  
International Bar Association

# Contents

Acknowledgments	2
Foreword	3
I. About the Curriculum	5
ii. Significance of the Framework Curriculum	5
III. How to Implement the Curriculum	6
IV. The Curriculum Modules	7
Module 1: An Overview Of Environmental Law	7
Module 2: Negotiation And Drafting Of Natural Resource Agreements, and Study of Natural Resources Laws And Regulations	8
Module 3: Access to Environmental Information, Public Participation and Access to Justice (Including Alternative Dispute Resolution Mechanisms and Public Interest Litigation), Judicial Review and Constitutional Questions In Environmental Matters	8
Module 4: Administrative, Civil, And Criminal Enforcement Of Environmental Obligations	11
Module 5: Providing Preventive Continuing Legal Advice On Environmental Corporation Issues To Clients.	12
Module 6: Technical Training On Key Issues Of Physics, Chemistry, Biology and Geology.	13
References and Further Reading Material	14

# Framework Model Curriculum On Continuing Legal Education In Environmental Law

## I. About the Curriculum

---

This framework curriculum on continuing legal education in environmental law was developed through a consultative process led by a joint working group under the auspices of the International Bar Association and the United Nations Environment Programme. The close consultations between, and engagement of, the eminent members of the working group has helped to ensure that the content is responsive to the varied requirements of national bar associations and law societies, and of the different legal systems across the globe. The joint and consultative approach has also helped to ensure a high level of coherence and consistency in the programmes to be delivered by different national bar associations and law societies.

The model curriculum is borne out of the recognition by the United Nations Environment Programme and the International Bar Association of the critical role of lawyers in the realization of the environmental dimension of sustainable development. The curriculum therefore seeks to equip practicing lawyers with the knowledge and skills to enable them to litigate effectively and provide advisory services in environmental law matters. It also seeks to keep lawyers informed of developments and emerging issues in the field of environmental law. The content of the curriculum will be delivered through face to face seminars, online/distance learning methods, or both, depending on the particular circumstances of each national bar association. Implementation of the curriculum should, as much as practicably possible, be based on a training needs assessment conducted by the respective national bar association or law society. The programme should also have a mechanism for evaluation, and successful completion should lead to the certification or awarding of continuing professional development points.

## II. Significance of the Framework Curriculum

---

While lawyers have a critical role in the development, implementation, and enforcement of environmental law, there has been very little effort directed towards developing their knowledge and skills to enable them

litigate effectively and provide advisory services in relation to environmental protection. Previous United Nations Environment Programme initiatives to equip the justice sector with the relevant knowledge and skill sets have focused mainly on judges, prosecutors, and customs and environment enforcement officials, with little or no corresponding effort towards private legal practitioners. Consequently, the United Nations Environment Programme has partnered with the International Bar Association to develop a framework model curriculum to guide the training for lawyers on environmental law from a practical perspective. The overall objective of this curriculum is to therefore to :

- equip practicing lawyers with the knowledge and skills to allow them to litigate effectively and provide advisory services relating to environmental law; and
- to keep lawyers informed of developments and emerging issues in the field of environmental law.

The framework model curriculum will focus on developing the requisite skills and enhancing the knowledge of legal practitioners to enable them promote and implement effectively the environmental dimension of sustainable development.

The curriculum consists of six modules that can be delivered as a single programme, or as stand-alone modules:

*Module 1.* An overview of environmental and sustainability law, with particular attention given to the relationship between environmental law and UN sustainable development goals.

*Module 2.* Laws, regulations and agreements dealing with the protection and exploitation of natural resources, including the negotiation and drafting of natural resource exploitation agreements, in particular private agreements on minerals, energy and other natural resources.

*Module 3.* Access to information, public participation and access to justice (including alternative dispute resolution mechanisms and public interest litigation), judicial review, and constitutional questions in environmental matters.

*Module 4.* Environmental enforcement from prosecution and defence perspectives, including criminal ones.

*Module 5.* Provision of anticipatory continuing legal advice on corporate compliance issues to clients, covering issues such as: obligations relating to prior consultation, the importance of social licences to operate, protecting the traditional knowledge of indigenous communities and land acquisition, requests for permits and licences, carrying out EIAs, requests for authorizations, reporting and disclosure obligations, corporate social responsibility, green supply chains, and all other matters related to ensuring ongoing compliance with environmental law.

*Module 6.* Technical training on the key aspects of physics, chemistry, biology, and geology relevant to environmental law practitioners (e.g. terminology related to energy sources, energy technologies, sources of pollution, toxicity, exposure assessment, margins of safety, risk assessment, pollution modeling instruments and measures).

### III. How to Implement the Curriculum

While the United Nations Environment Programme and the International Bar Association agreed to produce a framework model curriculum on environmental law for practitioners that can be proposed to bar associations throughout the world as the basis from which to develop and execute programs adapted to national and local circumstances, it was agreed that it would be helpful if UNEP and the IBA were to conduct a few pilot projects, in collaboration with national bar associations, to learn useful lessons that may be incorporated more broadly.

To that end, the details of the pilot projects will need to be developed, and will include the following elements as a bare minimum:

- Course structure and content in detail.
- Course format (face to face, online, or a combination of the two).
- Timing of the pilot.
- Faculty composition.
- Teaching methodologies.
- Evaluation system.

In addition, the national bars will adapt the content of the framework model curriculum to each specific jurisdiction. They will need to develop the format of the program in detail, as well as its evaluation mechanism, estimate pricing, and establish a timeline to run the programs. In doing this, they may count on the full support of the IBA and UNEP, within the boundaries of their technical capacity. They may also reach out to universities for further content and technical support.

预览已结束，完整报告链接和

<https://www.yunbaogao.cn/report/index/report?r>