

Adopting the Comparative Lens to teaching and research on environmental law in Asia

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ENVIRONMENTAL LAW TEACHERS ONLINE TRAINING
PROGRAM

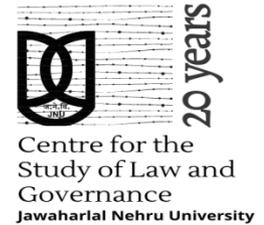
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Tenth Session (Opportunities for Comparative Law)

Presentation Contents

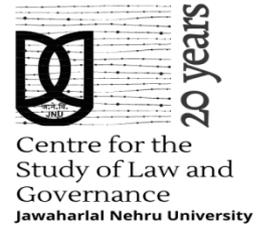
- What is the meaning of adopting the “comparative law lens”?
- What is the utility of adopting this approach in environmental law ?
 - Teaching
 - Research
- How do we go about doing it?
- Sharing of some personal Insights

Meaning of Comparative Law Lens



- Comparative Law Lens:
 - While approaching any legal issue – be attentive to the similarities and differences – on how different jurisdictions have approached the same issue
 - Law (legislation and case law)
 - Scholarship – writings of scholars

Utility of Comparative Law



- What is the utility of adopting this approach in environmental law ?
 - Environmental issues are not jurisdiction specific – they are often shared/similar learn from how problems have been addressed in other jurisdictions
 - Ecological imperative – we share one earth – anthropocene - urgency - so we need to find solutions to environmental problems together – by learning and discussing with each other (peer to peer learning)
 - Asian imperative – similar socio-economic conditions - challenges faced by countries are similar – so opportunity for learning is far more sustainable
 - Academics are particularly suited for this task - (unlike say policymakers) – their canvas is much wider than narrow national interest which may impede resolution of environmental issues
 - For instance Judges have taken cognizance of developments in other jurisdictions – by relying on writings of scholars and judicial decisions of peers
 - What you teach and how you research environmental law - substantive long term impact.
 - Teaching - Will influence the next generation of environmental lawyers
 - Research - necessary scholarship will impact environmental policymaking and judicial decisions across jurisdictions

How do we go about doing it?



- Teaching
 - Track environmental law developments in other jurisdictions and incorporate it in the syllabus
 - E.g. Rights of Nature (Legislations and case law from other jurisdictions); EIA; Indigenous People's Rights; Wildlife Protection; Climate Change and Courts
 - Track environmental law scholarship (writings of environmental law academics) on these issues in other jurisdictions and incorporate in syllabus
 - Invite such academics to give lectures in your class
- Research (teaching and research are linked – since what you teach is what you end up researching on)
 - Establish contact with other environmental law academics – sharing and discussing your work
 - Suggest possible collaborations – co-authorships; co-organization of conferences / seminars / panel discussions/ research projects

Insights



- Self Motivation is important - you have to believe in the utility of adopting a comparative lens - requires substantial investment in time
- Take advice from more senior academics who are already involved in such collaborations
- Tap into existing networks – e.g. ADB TTT network – to identify possible collaborators – read about their research before contacting them
- An academic usually will not give a negative response to a peer reaching out
- Follow peer academics on Academia/Research Gate (to get updated about new research)
- Sign up for alerts on specific journals – which publish research work of your interest – where the peers you wish to work with are publishing

Personal journey



- South Asian Research Colloquium on Environment and Climate Change
 - Mentorship program for younger environmental law academics to publish their research
 - Training on Research Methods
 - Writing workshop
 - Peer Reviewing of Research Articles
 - Journal Publication – open access
- Motivation:
 - Is to publish more diverse and substantive research from the region (Environmental law research by Asians)
 - Promote representation along with ensuring research quality