INTERNATIONAL ENVIRONMENTAL LAW

Prof. Sanford Gaines
Spring 2007

SYLLABUS

Objectives

This course has three principal objectives: 1) to introduce students to a variety of international environmental problems and the history of international environmental law; 2) to teach the basic legal rules and principles and organizational structures that international law applies when governments or individuals address these international environmental problems; and 3) through comparison of the different approaches taken to different environmental problems to provoke discussion and analysis of effective policy strategies and the roles of international organizations, governments, and non-state actors in advancing international environmental law.

Synopsis

The course will begin with more than two weeks of introduction to key international environmental problems, to some of the root causes of those problems, and to some theoretical and analytical approaches to framing and resolving those problems. This will be followed by an introduction to international law in general and to the historical evolution of international environmental law over the last 35 years in particular. With this background, the course will then delve into substantive discussion of several significant international environmental problems selected in part for their diversity and their linkages to other fields of law. The four substantive topics are:

- Protection of the stratospheric ozone layer
- Controls on international transfers of hazardous chemical products and hazardous wastes
- Protection of biodiversity, specifically management of wildlife resources, control of trade in wildlife and wildlife products, protection of forest habitat, and regulation of international transfers of genetically modified organisms.
- Climate change

In the context of climate change, the class will engage in a mock negotiation of a future international climate change regime. The final week will address, with considerable reference to the substantive topics, the important practical challenge of achieving compliance with international environmental law.

Grading

The grade will be based primarily on a written essay-style final examination (which may also include short answer questions). There may also be a short written problem answer that would account for no more than 10% of the final grade. Truly outstanding class participation or a substantial failure to participate in class discussion might be used to make a grade adjustment of one level (e.g., from B to B+) where exam and problem grades are close to the grading boundary.
READING ASSIGNMENTS


Documents: Students should have access, for reading and in class, to treaty texts and other documents referred to in the text. A Treaty Supplement to the main text is one convenient source. These materials are also available on line in various places.

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<tr>
<th>Date</th>
<th>Topic(s)</th>
<th>Assignment</th>
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<tr>
<td>Jan. 17</td>
<td>–Global Environmental Challenges: Climate Change; Ozone Depletion; Species Extinction; Toxic Chemicals and Hazardous Waste; Ecosystem Services. –Local and Regional Environmental Challenges: Fresh Water; Air Pollution; Food Security. –Poverty. –Synergies and Cliff.s.</td>
<td>1 – 32</td>
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<tr>
<td>Jan. 25</td>
<td>Cultural Values and Social Norms</td>
<td>101 – 122</td>
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INTERNATIONAL LAW, SUSTAINABLE DEVELOPMENT, AND THE STOCKHOLM–RIO–JOHANNESBURG HISTORY

Feb. 1   | –The Changing Nature of International Law. –Traditional Sources of International Law: Treaties | 272 – 313  |
| Feb. 7  | Traditional Sources: Custom; General Principles (especially Sustainable Development) | 313 – 350  |
Feb. 8  --Traditional Sources: Judicial Decisions and the Writing of Eminent Publicists; “Soft” Law.
–Building Consensus.
–Making International Environmental Law Work: Key Concepts; Implementation; Effectiveness.
350 – 360; 360 – 365; 366 – 379

Feb. 14  History: The Stockholm Conference on the Human Environment;
The U.N. Conference on Environment and Development (Rio).
162 – 197

Feb. 15  History: From Rio to Johannesburg; The World Summit on Sustainable Development
197 – 218

SUBSTANTIVE ISSUES

Stratospheric Ozone Depletion

Feb. 21  The Science of Ozone Depletion.
The Economics of Ozone Depleting Substances.
The Montreal Protocol Regime.
566 – 598

Feb. 22  Current Status and Cross-Cutting Themes.
Compliance Rates; Rationalist Compliance Theory
598 – 629; 385 – 393

Hazardous Chemicals and Wastes

–International Trade in Chemicals.
471-76, 497-502, 528-31; 922 - 929

495-97; 507-16;
–The Stockholm Convention on POPs; Future Directions.
929 – 946;
946 – 952;
952 – 962

Mar. 7  Basel Implementation Issues; Cross-cutting Themes.
Problem Exercise.
962 – 979; 979 – 982
Biodiversity and Wildlife Conservation

Mar. 8  Biodiversity, Its Value, and Its Use and Preservation.  1002 – 1021;
Principles of Common Concern of Mankind and Intergenerational Equity.  489 – 494

Mar. 21  Wildlife Conservation—Whales.  1074 – 1095;
Principle of the Common Heritage of Mankind.  482 – 489;
Normative Compliance Theory—Appropriateness; Unified Framework  393 - 401

Mar. 22  Convention on International Trade in Endangered Species (CITES)  1095 – 1122;
The Role of the Secretariat  250 - 253

Mar. 28  The Biodiversity Convention & Traditional Knowledge  1021 - 1050

Mar. 29  International Protection of Forests: Conditions; Principles;
Current Issues & Cross-Cutting Themes: Sustainable Management;
Financing; Enforcement; Indigenous Peoples  1177 – 1199;
1202 - 1214

April 4  Human Rights and Environmental Protection.  1365-69; 1373-80; 1383-93;
The Inter-American Human Rights System.  1402 – 1404;
Environmental Human Rights in National Constitutions  1407 - 1415

April 5  The Biosafety Protocol to the CBD.  1059 – 1074;
Experts and Committees  253 – 255

Climate Change

April 11  Introduction to Climate Change:
Greenhouse Gases, Emissions Sources, Sinks; Impacts
Responding to Climate Change—Mitigation; Adaptation  630 – 662

April 12  Global Politics of Climate Change.
The Climate Change Regime:
UN Framework Convention on Climate Change (UNFCCC)
The Kyoto Protocol  667 – 690;
Governance—Conferences of Parties  248 - 250

April 18  Implementing the Kyoto Protocol; The US Post-Kyoto Approach.
Cross-Cutting and Current Issues  690 – 705;
705 - 725

April 19  The Future of the Climate Regime.
Negotiation Exercise: Questions & Discussion # 3  725 – 732;
732 – 733
# COMPLIANCE WITH INTERNATIONAL ENVIRONMENTAL LAW

<table>
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<tr>
<th>Date</th>
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| April 25 | Compliance: Translating Theory into Practice  
Clarity and Precision; Legitimacy; Responding to Intentional Violations | 402 – 430 |
| April 26 | Responding to Unintentional Violations;  
Role of Non-State Actors | 430 – 462 |