

International Environmental Law

Human Ecology 11:374:462 (Undergraduate)

Tuesday, 3:55pm to 6:55pm

This course is also offered to law and other graduate students, with a law course number and somewhat different requirements. Please contact Professor Payne if you are interested in the graduate level course.

Meets in Conf Rm, 2nd fl, Cook Office Building, 55 Dudley Road, Cook Campus, New Brunswick

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Office Hours may be arranged by appointment in New Brunswick or Camden. Please schedule by email.

Purpose - “When states choose to cooperate, they have choices over whether to use a written instrument and, if so, over the form and legal nature of that instrument.” (Shaffer and Ginsburg, AJIL 2012).

This course explores the role of formal and informal law in the management of international environmental problems. The course will begin with a brief introduction to public international law as it relates to the environment and a discussion of what “international environmental law” means. Participants in the course will study a range of environmental issues, legal sources, and institutions. The course will include consideration of international environmental treaties, the role of the International Court of Justice in identifying and establishing international environmental law, international regulation of private conduct that affects the environment, trade and the environment, human rights and the environment, and the relationship between domestic and international law.

Learning objectives

- Mastery of law-based strategies to govern natural resources and pollution across international borders.
- Ability to compare US environmental governance with international standards and approaches of other nations and stakeholders.
- Presentation skills and different types of short-form writing.

Basis for Evaluation - Grades will be based on:

Three short papers (75%) and a class presentation (25%).

Grades may be revised upward for exceptional class participation and downward for failure to attend class on a regular basis.

Distance Learning - This course is taught in a traditional style – a combination of lecture, class discussion, assigned reading in the text and additional materials that are provided via the course webpage, and written assignments. It is characterized as “distance learning” because the class meets in Camden and New Brunswick classrooms that are linked by a videoconference system.

Syllabus – Subject to change

Required Course Book: Brown Weiss, McCaffrey, Magraw, Tarlock, INTERNATIONAL ENVIRONMENTAL LAW AND POLICY, 2D EDITION (2007).

Recommended but not required:

- Bodansky, Brunnée and Hey, Oxford Encyclopedia of International Environmental Law
- Bodansky, The Art and Craft of International Environmental Law

Students who have not taken a class in international law should refer to one of the following books for additional assistance with new concepts:

- Mark W. Janis, An Introduction to International Law
- Peter Malanczuk, Akehurst's Modern Introduction to International Law

Note: Assignments and topics are subject to change – Readings not in text are on Sakai

	Date	Topic	Assignment
TOPIC 1: BACKGROUND, HISTORY AND PRINCIPLES OF IEL			
1	Jan 22	Class Introduction The Scope of International Environmental Law	<i>Read:</i> 1. Brown Weiss, McCaffrey, Magraw, Tarlock, INTERNATIONAL ENVIRONMENTAL LAW AND POLICY, 2D EDITION (2007). Chapter 1, The nature of international environmental law issues 2. Tseming Yang, Insight (2012) [Sakai] 3. Rockström, J., W. Steffen, K. Noone, Å. Persson, F. S. Chapin, III, E. Lambin, T. M. Lenton, M. Scheffer, C. Folke, H. Schellnhuber, B. Nykvist, C. A. De Wit, T. Hughes, S. van der Leeuw, H. Rodhe, S. Sörlin, P. K. Snyder, R. Costanza, U. Svedin, M. Falkenmark, L. Karlberg, R. W. Corell, V. J. Fabry, J. Hansen, B. Walker, D. Liverman, K. Richardson, P. Crutzen, and J. Foley. 2009. Planetary boundaries: exploring the safe operating space for humanity. <i>Ecology and Society</i> 14(2): 32. [online] URL: http://www.ecologyandsociety.org/vol14/iss2/art32/
2	Jan 29	Dispute Settlement <i>Guest: Researching IEL</i>	<i>First assignment (treaty analysis)* explained (due Feb 19)</i> <i>Read:</i> 1. The following documents are available on the International Court of Justice website and course webpage: - The Court at a Glance - United Nations Charter: Articles 92-96 - Statute of the International Court of Justice 2. Brown Weiss, McCaffrey, Magraw, Tarlock, INTERNATIONAL ENVIRONMENTAL LAW AND POLICY, 2D EDITION (2007). Chapter 4 – pp. 160-191. <i>*First Writing Assignment: Treaty Analysis:</i> You will follow the directions provided in the handout to answer a series of questions that will help you analyze the purpose and function of the treaty that you have chosen.
3	Feb 5	Soft Law:	<i>First:</i> Read the abstracts for all the articles below, then choose at least one of the articles to read.

		Precaution, Sustainable Development, Future Generations	<p><i>Second:</i> Prepare an analysis of one article for class discussion.</p> <p><i>Readings:</i></p> <ol style="list-style-type: none"> 1. Brown Weiss, McCaffrey, Magraw, Tarlock, INTERNATIONAL ENVIRONMENTAL LAW AND POLICY, 2D EDITION (2007). pp. 257-81 2. Chinkin, C.M., The Challenge of Soft Law: Development and Change in International Law, 38 Intl Comp L Q 850 (1989) 3. Committee on International Law on Sustainable Development, Resolution No. 7/2012 (2012) 4. Cordon-Seggier, Marie-Claire, <i>The Role of International Forums in the Advancement of Sustainable Development</i>, 10 Sustainable Dev. L. & Pol'y 4 (2009-2010). 5. Rio+20 Outcome Document: The Future We Want (2012) 6. Wiener, Jonathan B., The Real Pattern of Precaution in The Reality of Precaution: Comparing Risk Regulation in the United States and Europe (RFF, 2011). 7. Soft Law, 82 Am. Soc'y Int'l L. Proc. 393 (1988) 8. Sustainable Prosperity website: http://www.sustainableprosperity.ca/Home+EN 9. International Court of Justice - Case concerning Gabčíkovo-Nagymaros Project (Hungary/Slovakia) Judgment, Separate Opinion of Vice-President Weeramantry http://www.icj-cij.org/docket/files/92/7383.pdf
TOPIC 2: EVOLVING LEGAL INSTITUTIONS AND PRINCIPLES			
4	Feb 12	Transboundary Watercourses and Groundwater	
5	Feb 19	Ozone Depletion: Montreal Protocol	<i>Treaty analysis due.</i>
6	Feb 26	Climate Change: UNFCCC and Alternatives	<i>Second writing assignment (reaction paper) explained (due March 12)</i>
7	March 5	Protection of the Marine Environment	
TOPIC 3: SOVEREIGN RESOURCES – GLOBAL INTERESTS			
8	March 12	Human Rights and Environment	<i>Second paper (reaction paper) due</i>
Spring Break			
9	March 26	Biodiversity	
10	April 2	Role of National Courts and Laws & Student Presentations	.
TOPIC 4: GLOBALIZATION, ECONOMIC INTERESTS			
11	April 9	Trade and Environment &	<i>Directions for the third writing assignment (Memo) handed out (due April 30)</i>

		Student Presentations	
12	April 16	Hazardous Materials & Student Presentations	
13	April 23	Making International Environmental Law Work: Compliance, Enforcement, Effectiveness	
14	April 30	State Responsibility, Law of War and the Environment	<i>Third Writing Assignment Due</i>