

INTERNATIONAL WATER LAW

Professor Rock Pring
Office 407H

M & W 10:30-11:45 am
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Spring Semester 2009
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Course scope: This seminar is both (1) a comprehensive substantive course on *International Water Law* and (2) a writing course meeting the Upper Level Writing Requirement (ULWR). You will learn about the international treaties, laws, cases, practices, and politics governing the Earth's international watercourses – the boundary-crossing rivers, streams, lakes, wetlands, underground aquifers, and other freshwater bodies that are shared by 2 or more countries. Hundreds of water basins are international, providing 60% of the world's water supply and covering 50% of the land on earth. Water is *the* essential of life, involved in everything we do. Its shortage is one of the most important resource and security problems the world will face in the 21st century. As world population and economic growth increase, water crises are predicted for close to 2/3 of the people on earth by 2025. This will drastically widen the gap between rich and poor, between the developed “North” and the developing “South,” between economies which are “sustainable” and those which are not, and between environments in natural balance and those which are headed for disaster.

This course will background you fully in both Water Law and International Law in the early weeks, so, while certainly useful, those courses are not required. This course can be taken by the specialist as a capstone after those courses or by the generalist as a substitute for them. We will cover the scientific basics of water, the facts of water quantity and quality globally, theories of all the legal systems for water, the major cases and controversies, and the fundamental international law rules and practice today. Law of the Sea and national Water Law (such as [US] Water Law, Iraq Water Law, etc.) are outside the scope of this course (meriting courses of their own), but will be referred to for comparative perspective.

ULWR: You will also prepare a law-review-quality paper on an international watercourse of your choice. The training will involve preparation of an outline and bibliography, first-round paper, and final paper – with multiple steps of feedback.

Learning method: This is a learner-friendly, interactive, no-exam, paper-based seminar. **DO NOT TAKE IT UNLESS YOU ARE COMMITTED TO (1) REGULAR ADVANCE CLASS PREPARATION AND PARTICIPATION AND (2) WORKING ON IMPROVING YOUR RESEARCH AND WRITING.** The first weeks of the course will be typical lecture-discussion, with individual class members being called on to discuss various cases and other readings. The final weeks will be devoted to your presentations of your papers to the class (see below).

Texts:

1. Stephen C. McCaffrey, The Law of International Watercourses – Second Edition (Oxford University Press 2007) (= "CB" below). Available at the DU Bookstore; be sure to get the 2d edition, not the old 2001 edition.
2. William Zinsser, On Writing Well (2006) – the 30th anniversary edition of arguably the best book ever written on how to write). Also at the DU Bookstore.

3. Xerox Readings (= “X” below). Available in the “International Water Law” basket outside the door to Room 407H. Automatically read with correspondingly numbered CB pages – for example, read X8.1, 8.2, etc. with CB page 8, or as otherwise indicated in the syllabus below.

Pre-requisites: None. Prior courses in International Law, Water Law, or Natural Resources Law are good background – but not essential – since we cover them “in a nutshell” in the early weeks.

TWEN + Internet: We will have a TWEN site for assignments and email, so sign up early and be sure to check your email regularly. The course also requires basic Internet ability (or willingness to learn).

Grading: In a writing course like this, the grading is necessarily non-anonymous. The course grade will be based:

- 75% on the paper. Only your final paper will be graded. You will submit a very polished first-round paper, but this is a learning step, and it will not be graded if it is of good quality, just reviewed and returned to you with constructive criticism. Exception: If I judge the first-round paper to be not your best effort, it will receive a justifiably low grade, and it and final paper’s grades will be averaged.
- 25% on class participation. Class participation (both throughout the classes and in your paper presentation) will be graded. (A = regular, well-prepared contributions of substance; C = some fairly prepared contributions of some substance; F = being consistently unprepared, frequent absences, and/or nil or poor contributions). The presumption is that everyone who makes the effort will achieve an A. Participation grades are a subjective judgment, but a professional one – evaluating your ability to prepare, think, and communicate professionally. They will not be computed until the end of the semester, so do not ask for interim evaluation, and they are not subject to debate any more than such peer judgments are in the real world.

The Paper: You will individually prepare a paper on a multi-nation water basin – researching and analyzing its physical aspects, history of use, current legal regime, and future prospects. This is to be a “law review quality” paper, 30 pages in length including footnotes (text double-spaced; footnotes single-spaced). Complete guidelines will be provided. The schedule is:

- Early February = select your topic
- Early March = complete research, outline, and bibliography
- Early April = complete first-round paper
- April = oral presentation of your paper to the class
- May 14 = complete final paper (last day of exam period).

Seating Chart: By the second class, select a seat and sign for it on the seating chart. Given the participation format, the seating chart is “jurisdictional” – a person not on the chart (or on it but repeatedly not in that exact seat) will receive a final course grade of F. If you wish to change your seat during the semester, feel free, but be sure to advise me to change the chart.

Office Hours: Set office hours are frequently overcrowded, at inconvenient times, or conflicted out for you. Just stop by – I’ll be honest if I can’t meet – or call or email me with good times. You are welcome, and I look forward to it.

Honor Code: The Honor Code applies to all aspects of this course – particularly the problem of plagiarism. Even a suspicion of a violation requires a report to the Honor Board, without notice.

CLASS ASSIGNMENTS

<u>Date</u>	<u>Topic</u>	<u>Read / Discuss</u>
M 1/12/09	Introduction: The Factual Basics of Water and How They Shape the Law	CB Ch. 1 X 1.1-1.11, 8.1-8.7, 21.1-.5
. . . and automatically read each week 2 chapters of Zinsser’s <u>On Writing Well</u> . They are short, fun, and really worthwhile – particularly Chapters 1-11, 15-16, 19-20, 22-23, 25. Skip the rest if you like.		
W 1/14	Introduction: The International Legal System	X of Weiss, et al., <i>International Environmental Law and Policy</i> , pp. 169-189
M 1/19	NO CLASS – MARTIN LUTHER KING HOLIDAY	
W 1/21	“The Water Engineer’s Perspective” - Guest Expert: Eric Harmon, P.E., Principal, HRS Water Consultants Inc., Denver	CB Ch. 2 X 22.1-9
M-F 1/26-30	<i>This week you will not have any substantial reading assignment – to give you time to do the all-important literature survey and select your paper topic.</i> <u>So this week read and follow the instructions on</u>	X 75.1-75.4
M 1/26	Training Session: “International and Foreign Water Law Research” with Joan Policastri, SCOL Foreign and International Legal Research Specialist	Materials to be distributed during the training session
W 1/28	Video: “Building Big – Dams” - Dams are the mega-issue in the management of river basins worldwide	For background, see http://www.dams.org/

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M 2/2	Introduction: The International Legal System (cont.)	X of Weiss, et al., pp.189-201, 219-225 X 54.1-.2
“ “	<u>SIGN UP for your paper topic (in class)</u> Theoretical Bases of International Watercourse Law	

W 2/4	- Introduction	CB Ch. 3 X 59.1
M 2/9	- The Harmon Doctrine	CB Ch. 4 X 76.1, 103.1, 104.1, 107.1
W 2/11	- The 4 Principal Theories of IWL	CB Ch. 5 X 115.1, 116.1, 117.1, 120.1, 130.1, 148.1, 170.1-4
M 2/16	- The Law of Navigation	CB Ch. 6 X 185.1
W 2/18	The Major Cases and Controversies	CB Ch. 7: 201-231 X 203.1-2, 206.1, 209.1, 210.1, 221.1, 227.1
M 2/23	“ “	CB Ch. 7: 231-255 X 235.1, 236.1, 241.1-2, 245.1
W 2/25	NO CLASS – Time free to work on your outline and bibliography	
M 3/2	DUE: Outlines (with maps) and Bibliography (turn in hardcopy at start of class)	
“ “	Fundamental Rights and Obligations:	
“ “	- The 1997 UN Convention	CB Ch. 9
W 3/4	- Equitable and Reasonable Utilization	CB Ch. 10 X 392.1
	&	
“ “	<u>Sign-up: For your paper-presentation date (end of class)</u>	
M 3/9	- Harm Prevention	CB Ch. 11
W 3/11	- Protection of Watercourse Ecosystems	CB Ch. 12
M 3/16 & W 3/18	NO CLASSES – SPRING BREAK	
M 3/23	- Procedural Obligations	CB Ch. 13

W 3/25	- Groundwater	CB Ch. 14 X 482.1
“ “ “	- READ: ON IWL TWEN UNDER COURSE MATERIALS: “UN Resolution 63/124 (2009) on Law of Transboundary Aquifers”	
M 3/30 & W 4/1	NO CLASSES – Time free to work on papers and presentations	
M 4/6	<u>DUE: First-round papers (turn in hardcopy at start of class)</u>	
“ “	<u>BEGIN: In-class presentations of papers (2 presenters per class)</u>	
W 4/8	“	“
M 4/13	“	“
W 4/15	“	“
M 4/20	“	“
W 4/22	“	“
M 4/27	To be announced	
Th 5/14 4:00 pm	<u>Due: Final papers (hardcopies to Assistants in 407)</u> (if Assistants not available – under Professor’s door – pencil date and time on	