INTERNATIONAL ENVIRONMENTAL LAW

Professor Rock Pring        Tu & Th 1:15-2:30 pm             Fall Semester 2008
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Walk-in office hours:  Tu & Th 3:00-4:00 pm

Course Coverage: This is an introduction to International Environmental Law – the growing field of multi-nation treaties, laws, judicial decisions, policies, practices, and politics governing the global environment. IEL backgrounds you on the 21st century’s hottest international law topics - sustainable development, climate change, transboundary air and water pollution, natural resources development, international trade, toxic waste and recycling, and protection of wildlife, ecosystems, human life, and human rights. (The national environmental laws of individual countries are covered in other courses, like Environmental Law, Comparative Environmental Law, and courses in the Graduate LLM/MRLS Program in Environmental and Natural Resources Law and Policy.)

Who Should Take This Course: Everyone of course! Today’s lawyers are finding even their domestic USA work has international law involvement, let alone their work abroad. IEL is rewriting the domestic law of the US and other countries and changing the rules for law, business, trade, and development here and overseas. In just the last 30 years, thousands of new IELs have been created that affect all our lives, clients, professional success, and world survival. This course is designed for the full range of future practices – from US general practitioners to international law specialists to government officials to corporate counsel to international aid and resource development managers. A great way to add to your credentials for international work.


3. Xerox Readings (“X below) (equally important – automatically read with correspondingly numbered CB pages (e.g., with CB page 10 read X 10.1 and 10.2) (available in the “International Environmental Law” basket outside Room 407H).

Pre-requisites: None. Prior courses in International Law, Environmental Law, or Natural Resources Law are good background – but not essential – since we cover them "in a nutshell" in the early weeks. Open to students in the JD, LLM, and MRLS Programs.

Learning method: This is a learner-friendly, interactive, problem-solving course. Regular class preparation and participation is essential. In-class participation is so important in this type of class that, in the unlikely event that a student’s preparation, attendance, or contribution during the course is seriously deficient, the professor reserves the right to take that into account in grading.
The class will have 3 progressive phases:

1. **Initial 5 weeks:** Lecture-discussion – backgrounding you on international law and environmental law and how they work together.
2. **The next 4 weeks:** Tackle real-world IEL problems – learning how to find and analyze IELs, apply them to real-world issues, draft IEL briefs, and personally argue cases before the International Court of Justice, UN agencies, US courts, etc.
3. **Final 5 weeks:** Simulated treaty negotiation – representing a real country in negotiating an IEL treaty.

**Reading:** While fun, the reading is substantial, and **must be read ahead of time, to enable you to participate in and understand what we do in class.** This course does require a commitment to doing the reading regularly, ahead of class.

**Email + Internet:** Important communications, class information, assignment and class changes, etc. will be by email, so check your official SCOL email account regularly. The course also requires basic Internet ability (or willingness to learn) for course readings.

**Grading:** Of necessity, grading will be non-anonymous. The final course grade will be based on three projects (each worth 1/3 of the grade), two due during the semester and one at the end of exam period, as follows:

1. **Advocate:** As an “Attorney,” you will argue a case for a country in an IEL dispute – grading based on the written outline-brief you prepare (maximum 10 single-spaced pages) and your oral presentation of it in class.
2. **Jurist:** As a “Judge,” you will hear and decide another IEL dispute – grading based on the written opinion you file the following week (maximum 10 double-spaced pages).
3. **Diplomat:** As a “Diplomat,” you will represent a real country and negotiate an IEL treaty to suit its interests – grading based on your “confidential” written report to your country’s President afterward, in which you analyze the resulting treaty and your negotiating success (maximum 10 double-spaced pages).

These projects are just logical analyses, applying relevant IEL authorities to given fact situations. Instructions and samples will be provided. These are take-home, open-book problems (using the assigned readings and websites only, not library research).

**Seating Chart:** By the second class, please select a seat and sign for it on the seating chart. Given the participation format, the professor’s copy of the seating chart is “jurisdictional” – persons not on it (or on it, but repeatedly not in that 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 my copy of the seating chart.

**Office Hours:** Professors’ office hours are always chancy – frequently overcrowded, at inconvenient times, or conflicted out for you. If so, just call or email me – or take a chance and stop by. You are welcome, and I look forward to it.
**Honor Code:** The Honor Code applies to all aspects of this course. Even a suspicion of a violation requires a report to the Honor Board, without notice.

**CLASS ASSIGNMENTS**

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<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Read / Discuss</th>
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<tr>
<td>Tu 8/19/2008</td>
<td>1. INTRODUCTION</td>
<td>CB vii-xiii</td>
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<td></td>
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<td>X 1.1-.19</td>
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<td>Th 8/21</td>
<td>CASE STUDY: “THE NUCLEAR NIGHTMARE”</td>
<td>CB 1-14</td>
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<td>X 10.1-.6</td>
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<td>X 29.1-.3, 66.1</td>
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<td>X 84.1-.2, 107.1</td>
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<td>Tu 9/2</td>
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<td>CB 118-120, 126-129, 132-134,137-145, 147-152, 155-156, 166-167</td>
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<td>X 139.1, 152.1-.4, 156.1-.2</td>
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<td>Th 9/4</td>
<td>4. APPLICATION (ENFORCEMENT) OF INTERNATIONAL LAW</td>
<td>CB 171-206</td>
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<td>X 201.1</td>
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<td>Tu 9/9</td>
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<td>CB 206-227</td>
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<td>X 213.1</td>
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<td>Th 9/11</td>
<td>5. INTERNATIONAL ENVIRONMENTAL WRONGS</td>
<td>CB 335-376</td>
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<td>X 339.1, 340.1-.2, 346.1</td>
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1 X pages are numbered sequentially to correspond to the CB page with which they should be read (e.g., with CB page 10, read X 10.1, 10.2, etc.).

2 **Important:** Automatically stop and read the “Basic Documents” in the paperback supplement just as soon as the CB mentions them in **boldface type**. Basic Documents = THE LAW and are **even more important to your success than the CB text**! Plan for them – they can add substantially to the reading time (just like “the law” in real-life practice). But you do not necessarily need to read every one in depth – judge by the level of detail the CB gives it. If the CB gives it simply a passing mention, then just skim it quickly to know what is in the law. If the CB discusses it in more depth than that, read it carefully.

Important:

- Also read the Stockholm and Rio Declarations – at Docs. 1.12, 1.29
- And study the side-by-side comparison of them – at X 327.1-.6

Th 9/18 “ “ CB 319-327 X 327.7-.8

- Go to the website of the UN Division on Sustainable Development - http://www.un.org/esa/sustdev/index.html - go to the right hand “Quick Links” column and click on “Sustainable Consumption and Production: The Marrakech Process” link, then click the link and read about “The 10-Year Framework”

PROBLEMS IN INTERNATIONAL ENVIRONMENTAL LAW AND WORLD ORDER

INTRODUCTION TO THE PROBLEMS CB 333-334 X 333.1-.13

SIGN-UP FOR PROBLEMS (AS ATTORNEY & AS JUDGE)
(sign-up sheet available at end of class; afterwards on professor’s office door – Room 407H)

F 9/19 - M 9/29 NO CLASS MEETINGS or reading assignments – Time off to prepare your Brief and Oral Argument

During this week – as real-world background to the first Problem (10-2) – view the famous National Geographic movie “Wildlife Warriors” (”The life and death struggle to save Africa’s endangered animals…”) (around 1 hour). Click on my website – www.law.du.edu/pring - and view under “On Line Course Materials.”

M 9/29 DUE: BRIEFS 3
4:00 pm

3 Due for grading: To receive a grade:

- Advocates’ Briefs are all due before 4:00 pm on M 9/29 – email as attachment to (1) Jessica Neumann (jneumann@law.du.edu) and (2) all the class members. She will acknowledge receipt, but you are responsible for actual receipt by her by the deadline.

- Judges’ Opinions are due before the start of the class (before 1:15 pm) one (1) week after the class in which the case is argued – email as above before that deadline.
Problem 10-2: Poaching Elephants in Usambara

Problem 7-1: Acid Rain in Savoy

Problem 8-1: Land-Based Pollution in the Indian Ocean

Problem 9-2: Toxic Pollution in Yoribo and Bamileko

Problem 6-A: Polar Petroleum Explores for Oil and Gas in Antarctica

Problem 11-1: The Environment and GATT Collide in Albion

Sign-up for Your Treaty Country
(sign-up sheet available at end of class; afterwards on professor’s office door – Room 407H)

Problem 10-3: A Rainforest and the Guaibo are Threatened in Amazonia and Caribia

Negotiating an International Treaty

This simulation will require you to meet, know your country’s views and defend them, negotiate, draft, circulate, agree on, and finalize treaty provisions with each other outside of class, as well as in the regular class meetings.

No Formal Class: Instead, you will meet during the class hour with your negotiating partner and “bracket” language in the draft treaty that is of concern to your state – in preparation for the First Meeting of the Conference of the Parties (COP) on 10/28

First meeting of the COP – bracketing the draft treaty

Additional negotiating meetings of the COP or smaller work groups, as needed

DUE: Your Treaty Analysis 4

Email as attachment to Ms. Neumann and rest of class (as in footnote 3 above).