Course Coverage: This is an introduction to **International Environmental Law** – the expanding 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, etc.)

**Who Should Take This Course:** Everyone of course! Today’s lawyers are finding even their domestic USA work can involve international law, 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 few decades, 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 in-house corporate counsels to international aid and resource development managers. **A great way to add to your credentials for international work.**

**Texts:**

1. Carlson, Palmer & Weston, *International Environmental Law and World Order: A Problem-Oriented Coursebook* (the new 3d ed., to be published in 2012) ("CB" below). *(We have the authors’ permission to use their page proofs for no charge, since the book will not be published until next year. This gives us a unique opportunity to be reading truly up-to-date, cutting-edge materials. The available new pages will be on our IEL TWEN site. Also on TWEN will be Xerox Readings to further bring things up-to-date. You may use the TWEN readings on-line, copy them entire, or just copy the pages assigned below, as you wish.)*


3. **Xerox Readings** ("X" below). These are equally important – automatically read the Xs with the correspondingly numbered CB pages (e.g., with CB Intro chapter page 1, read X I-1.1 and 1.2, with CB chapter 2 page 86, read X 2-86.1, etc. *(Will be available on our TWEN site.)*

See footnotes 1 and 2 on page 3 below for more instructions about the readings

**Pre-requisites:** None. Prior courses in International Law, Environmental Law, or Natural Resources Law are good background – but not essential – since we review 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 phases:

1. The first 6 weeks: Lecture-discussion sessions background you on international law and environmental law and how they work together.

2. The next 4 weeks: Tackle real-world IEL problems – learn how to find IELs, understand them, apply them to real-world issues, draft IEL briefs and court opinions, and argue cases before the International Court of Justice, UN agencies, US courts, etc.


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

TWEN: Sign up for the IEL TWEN site asap - for the coursebook, Xerox readings, class notices, and other course material.

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

Grading: Given the design of this course, grading will be non-anonymous. The final course grade will be based on three projects (each worth 1/3 of the grade and each 10 double-spaced pages max). Two are 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 brief you prepare. Your oral argument in class will not be graded.

2. Jurist: As a “Judge,” you will hear and decide another IEL dispute – grading based on the written opinion you file the following week.

3. Diplomat: As a “Diplomat,” you will represent a real country (or group of countries) and negotiate a realistic IEL treaty – grading based on your “confidential” written report to your country’s President afterward, in which you analyze the resulting treaty and your negotiating successes and failures.

These 3 projects are just logical analyses, applying relevant IEL authorities to given fact situations. Instructions 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. If you wish to change your seat during the semester, feel free, but be sure to have
me note the change on my copy of the seating chart. Persons not on the seating chart (or on it, but repeatedly not in that seat) will not receive a course grade.

**Makeup Classes:** Makeup classes, when necessary, will be scheduled on Monday or Wednesday from 12:00-1:00 pm. Makeups will be videotaped and put on our TWEN site, for those whose schedules do not permit attendance.

**Office Hours:** Professors’ office hours are always chancy – frequently overcrowded, or at inconvenient times, or conflicted out for you. If so, just email or phone me some days/times you are available – 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. Please know it and follow it. Even a suspicion of a violation requires a report to the Honor Board, without notice.

**Faculty:** By way of full disclosure, the professor has practiced as an environmental/natural resources lawyer in private practice, government, and local, national, and international environmental advocacy organizations, with primary emphasis on the latter. The course will examine IEL and practice from the perspectives of all 3 of these key sectors.

### CLASS ASSIGNMENTS

<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Read / Discuss</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>X I-1.1 to 1.12 ¹</td>
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<tr>
<td>W 8/17</td>
<td>CASE STUDY: “THE BOMBING OF THE GREENPEACE ‘RAINBOW WARRIOR’”</td>
<td>CB Introduction: pp. 2-11 ²</td>
</tr>
</tbody>
</table>

¹ Xerox pages (found in TWEN Course Materials) are numbered to correspond to the CB chapter-page with which they should be read (e.g., with CB Ch. 2 p. 6 read X 2-6.1, 2-6.2, and 2-6.3.).

² **Important:** Automatically read the “Basic Documents” in the paperback supplement when the CB mentions them in **boldface type** (see, for example, the 3 on Intro p. 9). These are THE LAW and 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’s in the law.” If the CB discusses it in more depth than that, read it carefully.

Alas, these new CB page proofs do not yet have the Basic Document page numbers inserted (just “???”). No worries. Simply find the document’s title in the paperback supplement’s Table of Contents.
<table>
<thead>
<tr>
<th>Date</th>
<th>Section</th>
<th>Reading Material</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mon 8/22</td>
<td>2. THE CONCEPT OF INTERNATIONAL LAW</td>
<td>CB Ch. 1: pp. 1-10, 19-34, 41-49, 52-59 X 1-23.1 to .3</td>
</tr>
<tr>
<td>Mon 8/29</td>
<td>3. THE SOURCES OF INTERNATIONAL LAW (cont.)</td>
<td>CB Ch. 2: pp. 75-78, 81-82, 84-88, 89, 93-100, 103-106, 112-113 X 2-86.1, 98.1, 104.1 to .2, 105.1 to .2</td>
</tr>
<tr>
<td>Wed 8/31</td>
<td>4. APPLICATION (ENFORCEMENT) OF INTERNATIONAL LAW</td>
<td>CB Ch. 3: pp. 1-37 X 3-1.1, 28.1</td>
</tr>
<tr>
<td>Mon 9/5</td>
<td>NO CLASS - LABOR DAY HOLIDAY</td>
<td></td>
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<tr>
<td>Wed 9/7</td>
<td>“ “ “</td>
<td>CB Ch. 3: pp. 42-59</td>
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<tr>
<td>Wed Makeup class 9/7</td>
<td>“ “ “</td>
<td>CB Ch. 3: pp. 59-87 X 3-64.1</td>
</tr>
<tr>
<td>Mon 9/12</td>
<td>5. THE GLOBAL ENVIRONMENTAL PROBLEMATIQUE (PREDICAMENT)</td>
<td>CB Ch. 4: pp. 1-24, 26-34, 49-55</td>
</tr>
<tr>
<td>Wed 9/14</td>
<td>“ “ “</td>
<td>CB Ch. 4: pp. 66-71, 88-97 X 4-94.1</td>
</tr>
</tbody>
</table>

Also for this class:

- Read the Stockholm and Rio Declarations – at Docs. 1.12 and 1.29
- Study the side-by-side comparison of them – at X 4-97.1-6
- Question: Which Declaration is more environmental - Stockholm or Rio?

**VOTE: YOU SELECT THE 5 PROBLEMS WE DO IN PART II (next page). This will require, before this class, skimming the 3+ problems in Chs. 8-12 to pick your favorite one for each chapter.**

| Mon 9/19 | 6. “PRINCIPLES OF INTERNATIONAL ENVIRONMENTAL LAW” | Read on TWEN Course Materials |
PART II: PROBLEMS IN INTERNATIONAL ENVIRONMENTAL LAW AND WORLD ORDER

W 9/21 INTRODUCTION TO THE PROBLEMS

→ Read – on TWEN Course Materials:

• INSTRUCTIONS FOR PROBLEMS
• SIGN-UP SHEET FOR THE PROBLEMS

““

SIGN-UP FOR 2 PROBLEMS (1 AS ATTORNEY and 1 AS JUDGE)
(Sign-up sheet available at end of class, and afterwards on professor’s office door – Room 407H. If you cannot attend this class, arrange for your “partner” to sign you up.)

TH 9/22 - SUN 10/2 NO CLASS MEETINGS or reading assignments
– Time off to prepare your Brief and Oral Argument.

SUNDAY 10/2 DUE: BRIEFS

by 5:00 pm

M 10/3 CH 8 - ATMOSPHERE - Oral argument for Problem 8-__
W 10/5 CH 9 - HYDROSPHERE - Oral argument for Problem 9-__
M 10/10 CH 10 - LITHOSPHERE - Oral argument for Problem 10-__
W 10/12 CH 11 - BIOSPHERE - Oral argument for Problem 11-__
M 10/17 CH 12 - HUMAN ENDEAVORS - Oral argument for Problem 12-__

3 To receive a grade:

(1) Advocates’ Briefs are all due no later than 5:00 pm on SUNDAY 10/2 – email as an attachment to rpring@law.du.edu. AFTER 5:00 pm Sunday 10/2, email to all the class members. I will acknowledge receipt, but you are responsible for actual receipt by me by the deadline.

(2) Judges’ Opinions are due before the start of the class (before 10:30 am) one (1) week after the class in which the case is argued – email to me by deadline and class after the deadline, as above.
PART III: NEGOTIATING AN INTERNATIONAL TREATY

This treaty simulation will require you to meet frequently, learn the views of the party you represent (a country or group of countries), learn the oppositions' views, and meet, negotiate, draft, circulate, agree on, and finalize treaty provisions with each other. Our introductory ("plenary") sessions will be in class, but most of your real work will be done outside of class (just as real treaty negotiations occur mostly outside the televised public meetings).

W 10/19 INTRODUCTION TO TREATY No assigned reading
NEGOTIATION

“ “ SIGN-UP FOR YOUR TREATY COUNTRY
(sign-up sheet available at end of class;
afterwards on professor's office door – Room 407H)

THUR 10/20-TUE 10/25 NO FORMAL CLASSES – Crucial you use this time to:

1. STUDY: Under TWEN Course Materials:
   (1) UN Climate Change Conference (COP 17) - Instructions
   (2) CB Ch. 7: Problems in Confronting Climate Change - pp. 1-45,
       48-64, 66-69, and Problem 7-1 pp. 11-19, 23-29.

2. RESEARCH: Research your party’s Climate Change positions on the Internet
   and – equally important – research the other parties’ positions so you are fully
   prepared to represent your party knowledgeably in the treaty negotiations.

3. “BRACKET”: Then meet with your negotiating partner (during the open class
   time slot or other times, as you prefer) and together "bracket" language in the
   Draft Protocol that is "of concern" to your party – in preparation for the First
   Plenary Meeting of the Conference of the Parties (COP) on W 10/26.

W 10/26 First Plenary Meeting of the COP – Bracketing the Draft Protocol
M 10/31 Second Plenary Meeting of the COP – Establishing Words Committees
TUE 11/1 NO CLASSES - Negotiating meetings (select or plenary), on the call of
- TUE 11/15 the parties

W 11/16 LAST CLASS - TREATY SIGNING CEREMONY
(and discussion of treaty terms)

THUR 12/15 (end of exam period) DUE: YOUR TREATY ANALYSIS
   by 5:00 pm

4 Email as attachment to rpring@law.du.edu only and not to rest of class.