Welcome to International Environmental Law! Please familiarize yourself with this syllabus, as it contains important information essential to your success in this course. 

*Your assignment for Week One is located at the top of page 8.*

**Course Objectives:**
The challenges facing our environment are daunting, and they are not limited by national boundaries. In the last forty years, international environmental law has blossomed in response to the challenges of international environmental problems, going from just a handful of treaties to hundreds on issues as varied as ozone depletion, climate change, trans-boundary air and water pollution, and whaling. This course is aimed at developing your knowledge of international environmental law’s history, actors, law-making processes, and contemporary debates. After covering the basics, we will discuss several illustrative case studies of environmental problems. The key questions we will explore include:

- What are the challenges and limitations of using law as a tool to solve international environmental problems?

- How effective is international environmental law at solving international environmental problems?

Just as important as acquiring knowledge about a fascinating and increasingly important area of international concern, this course aims to sharpen your skills, including critical reading, negotiation, analytical thinking, scholarly writing, and oral presentation. It is intended to provide you with opportunities to engage in self-directed learning – that is, to determine what you want to learn about and how to deepen your knowledge. You will choose a paper topic to explore in-depth, conduct research, and write a substantial research paper. You will also participate in class discussions and a negotiation exercise with a group of students at the University of Idaho, and you will lead a discussion about your paper in class. Successful completion of this course fulfills one of the upper level writing requirements for graduation from UB.
**Course Materials:**
HUNTER, SALZMAN & ZAELKE, *INTERNATIONAL ENVIRONMENTAL LAW AND POLICY*, 4th edition (Foundation Press, 2011). Additional readings will be available on the course’s website, drawn from on-line sources, or handed out in class.

**Course Website:**
This course has a TWEN website that includes the syllabus, announcements, assignments, and other class materials. I also send email through the TWEN site. Please register for it.

**Attendance:**
*You are expected to be on time and prepared for class. If you are late to class or unprepared, your participation grade will suffer.* UB’s attendance policy states that a student who misses more than two class sessions in a three-credit seminar that meets once per week may be compelled to withdraw from the course. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of WA (withdrawal due to excessive absences) or a grade of WF. The attendance policy is available for your reference at [http://law.ubalt.edu/template.cfm?page=267](http://law.ubalt.edu/template.cfm?page=267).

**Computers:**
You may use a laptop in class for the purposes of note-taking or to participate in course activities only.

**Class Cancellation:**
If the instructor must cancel a class, notices will be sent to students via email and posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web page or call the University's Snow Closing Line at (410) 837-4201. If the University is not closed, students should presume that classes are running on the normal schedule.

**Academic Integrity:**
Do not plagiarize! Make sure you read the Honor Code so you know what this means. Here’s the link: [http://issuu.com/ubaltlaw/docs/honor_code_2014](http://issuu.com/ubaltlaw/docs/honor_code_2014). If you have questions, please ask me.

**Disability Policy:**
If you are a student with a documented disability who requires an academic accommodation, please contact Karyn Schulz, Interim Director of Disability Support Services at 410-837-4141 or via email at kschulz@ubalt.edu.


**Assessment Tools:**
Course grades will be determined on the basis of class participation and written assignments.

**Participation:**
The level of participation required in this course is different from a “lecture” course. Not only are you expected to do the work assigned and reflect on it, but also you will be required to present your paper in class and participate in class discussions and simulations. Because participation is such an integral part of this course, it may raise or lower your grade by up to one full letter (e.g., B to C, or C to B). Your attendance and on-time arrival in class will be factored into your participation grade.

Participation will be graded by the quality of your contributions to class discussion and simulations, including the negotiation with the University of Idaho, and your paper presentation. High quality participation shows that you have done the work assigned and reflected on the issues therein. Low quality participation shows that you have either not done the assignment or spent insufficient time reflecting on it before coming to class.

For your paper presentation, you will be required to discuss your paper for 15 minutes, and your presentation must include some multimedia component (e.g., pictures, short video clip, etc.).

**Written Assignments and Deadlines:**
This course requires the satisfactory completion and timely submission of the assignments described below. **Assignments turned in late will not be accepted and no credit will be given.**

**Assignment 1: What Question Does Your Paper Seek to Answer?**
Due: Monday, September 8, 2014 at noon. TWEN Drop Box.
Description: First, state the question your paper seeks to answer. In formulating your question, remember that your paper can only be 25 to 30 pages long. Think about whether your question is too broad or too narrow. Next, explain in a paragraph why this question is relevant, timely and important, making sure to bring up both the factual background and basic legal framework. Then, explain in a sentence or two what your paper’s goal is. Finally, list 5 sources that will assist you in formulating an answer to your question. The sources must include at least one international environmental law treatise or book, one treaty, a law review article, and a Non-Governmental Organization or International Organization website. Below each source, provide a one to two-sentence description of the source and how you think it will be helpful to you. For books or treatises, include the page numbers where you found useful information. Your topic must be approved by Professor Grossman. [10 points]

**Topic selection:** We will spend time in class talking about topic selection. I am also happy to discuss topics with you in person. Some possibilities for you to consider include:
• Why isn’t a particular treaty regime (e.g., CITES, Hazardous Waste, Climate Change, Biodiversity) working and what can we do to fix it? How can we enhance compliance with a particular treaty regime?
• What law governs climate change refugees? How should it be changed?
• The International Centre for the Settlement of Investment Disputes and the environment. Is this an “environmental court”? Why or why not?
• How well does the World Trade Organization Dispute Settlement body handle cases involving the environment? What should be changed?
• Examine the caselaw of the Inter-American Court of Human Rights with respect to the environment. What challenges does the court face in tackling these disputes? To what extent is this the right place to adjudicate environmental issues?
• A topic involving human rights and the environment
• A topic involving trade and the environment
• What obligations do states have to the environment during war? How should these be altered?
• Electronic waste: what treaties govern this topic and are they effective? How can they be improved?
• Responses to loss of biodiversity, habitat, or endangered species
• Oceans issues: what is ocean acidification and how can international environmental law help?
• Should there be an international court for the environment? Why or why not?

Assignment 2: Preliminary Thesis and Outline
Due: Monday, September 29, 2014, at noon. TWEN Drop Box.
Description: State the question your paper seeks to answer and explain whether, how, and why you revised your initial question if you did so. Provide your thesis statement and a paragraph explaining why you believe your thesis is correct. Next, provide an annotated outline of your paper. For each section of your paper, indicate what you intend to do (argue/describe/explain/clarify) in that section of the paper and include sub-points that show how you will go about it. Include some sources you are likely to use. Think of this as half-way between an outline and a rough draft. You will receive feedback on this assignment by October 6, 2014. [15 points]

Assignment 3: First “Final Draft” of Paper
Due: Monday, October 27, 2014, at noon. TWEN Drop Box and Hard Copy to Ms. Gloria Joy.
Description: Your paper must be a minimum of 25 and a maximum of 30 pages (double-spaced, 12 point, Times New Roman font) research paper, in law review format, with footnotes (single-spaced), one inch margins. The paper will be graded on the basis of how well you argue your thesis (analysis, type and number of sources in support of your thesis, how well you address counterarguments), originality, organization, and writing (grammar, spelling, bluebooking). You will also be graded on how well you incorporated comments on your previous assignments into this draft. You must include and sign “First Final Draft Coversheet,” located on TWEN. You will receive feedback by Monday, November 5. [30 points]
Assignment 4: Final Draft with Revisions
Due: November 28, 2014 at 1 pm. TWEN Drop Box and Hard Copy to Ms. Gloria Joy.
Description: Your paper must be a minimum of 25 and a maximum of 30 pages (double-
spaced, 12 point, Times New Roman font) research paper, in law review format, with
footnotes (single-spaced). The paper will be graded on the basis of how well you argue
your thesis (analysis, type and number of sources in support of your thesis, how well you
address counterarguments), originality, organization, and writing (grammar, spelling,
bluebooking). You will also be graded on how well you incorporated comments on your
first “final draft” into this final paper. [45 points]
INTERNATIONAL ENVIRONMENTAL LAW- LIST OF COURSE TOPICS AND ASSIGNMENTS

The list of topics and assignments below are subject to change to maximize student learning.

**Unit One: The Creation and Development of International Environmental Law**

*Week 1 (August 20):* Introductions. Course Information. What is International Environmental Law? What is unique about international environmental problems?

*Week 2 (August 27):* A Brief History of IEL; Release of Problem on Land-Based Pollution

*Week 3 (September 3):* IEL Treaties; Enhancing Effectiveness and Compliance

**Monday, September 8:** Assignment #1 –Due at noon in TWEN Dropbox.

*Week 4 (September 10):* Customary International Environmental Law; General Principles; Judicial Decisions; Soft Law; Research; Preparing for the Negotiation

**Unit Two: International Environmental Protection**

*Subtopic: Protecting the Atmosphere*

*Week 5 (September 17):* Transboundary Air Pollution and Principles Shaping IEL

*September 18-19: 20th Anniversary CICL Symposium Celebration: You must attend two sessions. This takes the place of class on October 15th.*

**Monday, September 22:** Turn in Negotiation Position Paper

*Week 6 (September 24):* No Class: Work on Assignment #2

**Monday, September 29:** Assignment #2 -- Due at noon in TWEN Drop Box

*Week 7 (October 1):* Researching for the Paper; Ozone Depletion

*Week 8 (October 8):* Climate Change Part I: Causes and Impacts

*Week 9 (October 15):* No Class: Prepare for Live Negotiation and Assignment #3

**Week 10 (October 22): Live Negotiation**

- **From September 24 to October 22, your negotiating team must communicate with at least two other teams in an attempt to reach consensus on some issue in the negotiation.**
Monday, October 27: Assignment #3 – Due at noon in TWEN Dropbox and Hard Copy to Ms. Gloria Joy in Room 400.

Week 11 (October 29): Climate Change Part II: Possible Policy Responses and The International Response to Climate Change

Subtopic: Wildlife Conservation

Week 12 (November 5): Whaling; Revising the Draft

Week 13 (November 12): TBD; 3 presentations

Week 14 (November 19): 3 presentations and Wrap-Up; Effectiveness of IEL

Assignment #4: Due by November 28 at 1 pm in TWEN Dropbox and Hard Copy to Ms. Gloria Joy in Room 400.
INTERNATIONAL ENVIRONMENTAL LAW- ASSIGNMENTS

The casebook is referred to as “CB” on this syllabus. Assignments and the order of topics may be changed to enhance student learning.

Unit One: The Creation and Development of International Environmental Law

Week 1 (August 20): Introductions. Course Information. What is International Environmental Law? What is unique about international environmental problems?

- CB, 1-33
- On Course Website: Fill out document titled “Information and Goals Form” and bring to class the first day.
- Find a news article an international environmental law problem. Prepare to describe it in class. What is the problem? What did you find interesting about it?
- Read the syllabus and course policies.

Week 2 (August 27): A Brief History of IEL; Release of Problem on Land Boundary Pollution

- CB, 135-142
- CB, 154-68 (up to line)
- In June 2012, the Rio+20 conference took place. The document that came out of the conference is at http://www.unccd2012.org/content/documents/727The%20Future%20We%20Want%2019%20June%201230pm.pdf. Skim this document. What stands out to you about it? How is it different from the previous declarations?
Week 3 (September 3): IEL Treaties; Enhancing Effectiveness and Compliance

- CB, 285-292 (up to “Negotiation”), 299-307
- CB, 361-65
- Each of you will prepare one of the readings below to summarize in class:
  - Administering Treaties: CoPs, Secretariats and Subsidiary Bodies: (247-254)
  - Strategies for effectiveness – Treaty Design and Legitimacy (386-93)
  - Compliance monitoring and reporting (393-99)
  - Responding to Noncompliance (deterrence, liability and extraterritorial application) (399-406)
  - Compliance Facilitation (407-412)
  - Dispute Resolution (412-416)
  - Role of Non-state actors (422-29)
- Find an IEL treaty and bring it to class. Be prepared to talk about:
  - What’s the treaty’s purpose? What problem is it intended to address?
  - What kind of mechanisms or institutions does it establish to achieve its purpose?
  - What kinds of issues do you think may have come up during the negotiation of the treaty?
  - How is the treaty enforced?
  - What mechanisms does your treaty have built in to keep it up to date?

Monday, September 8: Assignment #1 – Due at noon in TWEN Dropbox.

Week 4 (September 10): Customary International Environmental Law; General Principles; Judicial Decisions; Soft Law; Research; Preparing for the Negotiation

- CB, 307-314 (up to first line); 342-45 (up to Dupuy excerpt); 351 (starting at Bodansky excerpt) – 355 (up to line)
- TWEN: Materials on Preparing for a Negotiation
Unit Two: International Environmental Protection
Subtopic: Protecting the Atmosphere

Week 5 (September 17): Transboundary Air Pollution and Principles Shaping IEL

- CB, 434-42 (up to line). Chapter 8 discusses a number of principles shaping international environmental law and policy, including those relating to transboundary disputes such as Trail Smelter. You will each choose one of the following principles during Week 4. Be prepared to explain the principle to the group.
  - State Sovereignty
  - Good Neighborliness and the Duty to Cooperate
  - Duties to Provide Prior Notification and to Consult in Good Faith
  - The Principle of Prior Informed Consent
  - Duty to Assess Environmental Impacts
  - Precautionary Principle
  - The Polluter and User Pays Principle
- CB, 504-521 (up to line); 525-28 (up to line)

- September 18-19: 20th Anniversary CICL Symposium Celebration: You must attend two sessions. This takes the place of class on October 15th.
  - Email Professor Grossman which two sessions you attended.

Monday, September 22: Turn in Negotiation Position Paper

Week 6 (September 24): No Class: Prepare Negotiation Position Paper and Work on Assignment #2

Monday, September 29: Assignment #2 -- Due at noon in TWEN Drop Box

Week 7 (October 1): Researching for the Paper; Ozone Depletion

- Skim on TWEN: Hoffman & Rumsey, “Getting Started”
- CB, 532-55
- You will each present for five minutes on one of the following:
  - 566-70 (implementation challenges)
  - 573-77 (non-compliance procedures)
  - 578-82 (Montreal Protocol Multilateral Fund)
  - 582-86 (Montreal Protocol and International Trade)
  - 586-589 (Role of Industry and ICOLP)
  - 589-95 (Montreal Protocol and Climate Protection)
  - 599-604 (The Future of the Montreal Protocol)
Week 8 (October 8): Climate Change Part I: Causes and Impacts
• CB, 611-32
• Views on Climate Change
  o On TWEN: Wall Street Journal, “Check with Climate Scientists for Views on Climate” (February 1, 2012)
  o “A Republican Case for Climate Action,” available at http://www.nytimes.com/2013/08/02/opinion/a-republican-case-for-climate-action.html?_r=0
• Be prepared to present for about five minutes to the class on one of the following:
  o What are the impacts of climate change on your home state, county or city? What can be done in response?
  o What is your carbon footprint? You can use an on-line carbon footprint calculator. What can you do in response?
  o Do some research into the relationship between climate change and national security. What are we doing about it?

Week 9 (October 15): No Class: Prepare for Live Negotiation and Assignment #3

Week 10 (October 22): Live Negotiation on Land Boundary Pollution
• Prepare for negotiation and work on assignment #3.

Monday, October 27: Assignment #3 – Due at noon in TWEN Dropbox and Hard Copy to Ms. Gloria Joy in Room 400.

Week 11 (October 29): Climate Change II: Possible Policy Responses and The International Response to Climate Change
• Prepare to present for five minutes on your assigned topic:
  o CB, 640-46: Stabilizing GHG Emissions (economy wide approaches)
  o CB, 646-53: Stabilizing GHG Emissions (sectoral approaches)
  o CB, 653-60: Fast Action on Non-CO2 Climate Forcing Agents and Going Carbon Negative
  o CB, 660-666: Technology Pathways for a Low Carbon Future
  o CB, 667-72: Adaptation
  o CB, 728-31: Private Initiatives
  o CB, 732-37: Climate Litigation
• CB, 673-99 (legal framework)
• On TWEN: UN Framework Convention on Climate Change
• On TWEN: Kyoto Protocol
Subtopic: Wildlife Conservation

Week 12 (November 5): Whaling; Revising the Draft

- CB, 1047-61
- Read Application of Australia in Whaling case (Australia v. Japan, NZ intervening), at http://www.icj-cij.org/docket/files/148/15951.pdf. Complaints are called “Applications” at the international level. This was a case filed by Australia against Japan in the International Court of Justice. Ignore the pages in French! 😊
- Please bring your bluebook to class.

Week 13 (November 12): 3 presentations

- Readings distributed by classmates.

Week 14 (November 19): 3 presentations and Wrap-Up: Effectiveness of IEL

- Readings distributed by classmates.
- CB, 86-101

Assignment #4: Due by November 28 at 1 pm in TWEN Dropbox and Hard Copy to Ms. Gloria Joy in Room 400.