

INTERNATIONAL ENVIRONMENTAL POLICY

Government 2615/ES 2308
Spring 2020
TR 10:05-11:30
Pickering Room (213 Hubbard Hall)

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INTRODUCTION

Government 2615/ES2308 offers an introduction to the field of international environmental policy with an emphasis on its legal and organizational dimensions. We begin by examining core concepts of international environmental law and some of the major organizational structures in which international environmental policy is developed and implemented. We then analyze, sector-by-sector, specific problems defined, at least by states, as of international concern. Among the topics to be addressed are state liability for transboundary air pollution, international efforts to control marine pollution, and protect biodiversity. Following this focus is on the global challenges posed by stratospheric ozone depletion and global climate change, and the ways in which the international community has attempted to respond. While the focus here is specifically on efforts to protect the environment, the course raises broader questions about the ability of the international community to develop institutions capable of responding effectively to contemporary regional and global challenges.

READINGS

The required text for the course is David Hunter, James Salzman and Durwood Zaelke, *International Environmental Law and Policy* (5th ed., New York: Foundation Press, 2015). Please note that this is the 5th edition of the text. Please plan to have access to this edition on a regular basis. Reading assignments are generally given on a daily basis, in some case with certain pages designated as particularly important (esp.). Unless I tell you otherwise, please do the assigned reading **before** the date listed in the syllabus.

REQUIREMENTS AND GRADES

Every student is required to take both in-class exams. (There is no final exam.) The first is scheduled for Thursday, March 5; the second for Tuesday, May 5. You have a choice to submit either 3 of the 5 assigned topic essays (2000-2500 words in length) by the due date given for each or 1 assigned topic essay and a research paper, which is due on by 5:00 p.m. on Friday, May 1. Regardless of which approach you choose, you **must submit at least one of the first two** assigned topic papers by the assigned due date!

The **approximate value** of the assigned work is:

- Exams- 25% each; 50% overall
- Papers- 45% overall
 - Assigned topic essays- 15% each
 - Research paper- 30%
- Class participation- 5%

I plan to communicate with the class (e.g. update you on class assignments, answer questions) via e-mail. You are responsible for being aware of all e-mail messages I send out, and you should read your e-mail on a daily basis. Messages will go out on the 'gov2615' distribution list. Personal messages (problems, requests for appointments, death threats, etc.) should be sent directly to "aspringe," not to the distribution list. I will use the list to let you know of any changes in class schedule, office hours, due dates, etc.. As we get closer to exams, I will also try to answer your questions, at least those that I consider reasonable and of general interest. This is not the place for me to reteach the course. Clearly stated, specific questions have a much greater chance of triggering a response than general pleas for help. I may also use the list to send along news stories, etc. that should be of interest. Course materials, including a copy of the syllabus, handouts, assigned paper topics, and past exams will be found on Blackboard.

CLASS ATTENDANCE POLICY

Students are encouraged to attend and to participate actively in all classes. Each student is entitled to **two** unexcused absences without penalty. It is your responsibility to sign in at the start of each class. Absences due to scheduled athletic competitions must be discussed with me **before** the event.

SHORT ESSAYS

There will be **6** short essays, of which you are expected to write either **3** or **1** (1 if you choose to write a research paper). While most of the materials needed to write the essays will be found in the course text, you may need to consult additional sources. You should feel free to discuss the assignments with others in the class, but the final product must be your own work. Topics will normally be handed out at least 2 weeks before they are due. For the essays involving hypothetical problems, I will also give you a date by which you can ask for any problem “clarifications.” I will compile a list of your questions and email my responses to the whole class. I will also attach the clarifications to the appropriate “short essay” on Blackboard.

Essays should be 2000-2500 words in length, double-spaced, and contain endnotes or footnotes and a bibliography in an acceptable form. You may use parenthetical references instead of footnotes or endnotes, but be sure to cite fully in a bibliography all the sources you use in preparing the paper. Please submit your paper via Blackboard as a Word document. Papers may be submitted after the due date, but please be aware that, for every day the paper is late, I will lower your grade by one step (e.g. B to B-).

RESEARCH PAPERS

You are encouraged to consider submitting a research paper, especially if you are considering doing honors in Government. Anyone considering doing a research project must submit a paper proposal (300-600 words), which describes clearly the question or issue you would like to explore and explains the approach you plan to take. It must also include a preliminary bibliography of at least 10 relevant sources. Paper proposals are due no later than 5:00 p.m. on Monday, February 17. Your proposal should be submitted to me as a Word document via Blackboard on the “Submitted Research Papers” page. After your proposal has been submitted, please arrange to meet with me before spring break to discuss your topic.

Papers should be 4500-6000 words in length and must be your own work done expressly for Government 2615. Your paper should include endnotes or footnotes and a bibliography in acceptable form. You may use parenthetical references instead of footnotes or endnotes, but be sure to cite fully in a bibliography all the sources you used in preparing the paper. Your paper should be submitted as a Word document via Blackboard on the “Submitted Research Papers” page. It is due by 5 p.m. on Friday, May 1. Papers may be submitted after that, but please be aware that, for every day the paper is late, I will lower your grade by one step (e.g. B to B-).

SYLLABUS

I. Introduction: International Law and the Environmental Challenge

A. Course Introduction- 1/21

B. “Wild Facts” – 1/23

TEXT- v-viii, 3-38

C. Root Causes and Economic Concerns- 1/28

TEXT- 39-84, 101-117

II. Legal and Organizational Framework

A. Historical Perspectives- From Stockholm to Johannesburg- 1/30

TEXT- 133-188

B. UNEP, the Structure of Environmental Regimes and the Role of Non-State Actors- 2/4

TEXT- 189-266 (esp. 189-220, 246-266)

C. International Environmental Law- 2/6

TEXT- 267-365 (esp. 267-270, 285-288, 292-324, 330-346, 349-365)

D. Enforcing the Rules- Improving Compliance and Resolving Disputes- 2/11

TEXT- 367-432 (esp. 367-376, 392-432)

E. Principles and Concepts- 2/13

TEXT- 433-501

**ASSIGNED TOPIC ESSAY #1- due Monday, February 17
(Institutional framework)**

III. International Environmental Protection: Sectoral Developments

A. Transboundary Pollution

1. Air Pollution: Applying the Trail Smelter Principles- 2/18

TEXT- 505-536

2. Freshwater Resources- “Equitable Utilization” from Lake Lanoux to the River Uruguay to the Indus Waters Treaty- 2/20

TEXT- 837-893

B. Oceans and Seas

1. The Developing Law of the Sea- South Africa v. Japan: Shipments of Plutonium- 2/25

TEXT- 739-760

2. Conservation of the World's Fisheries- Canada v. Spain: The Turbot War- 2/27

TEXT- 761-797

**ASSIGNED TOPIC ESSAY #2- due Monday, March 2
(Transboundary pollution hypothetical)**

3. Marine Pollution from Ships- U.S. Oil Pollution Act of 1990- 3/3

TEXT- 797-835

EXAM #1- Thursday, March 5

C. Hazardous Wastes and Materials

1. Nuclear Materials- 3/25

Readings- to be distributed

2. Transboundary Movement of Hazardous Wastes- The Basel Convention and Bamako Response- 3/26

TEXT- 953-991

D. Wildlife and Biodiversity

1. Trade in Endangered Species- CITES and the African Elephant- 3/31

TEXT- 993-1012, 1091-1123

2. Wildlife Conservation- Whaling and the International Whaling Commission- 4/2

TEXT- 1063-1091

**ASSIGNED TOPIC ESSAY #3- due Monday, April 6
(Marine pollution hypothetical)**

3. Biodiversity- Development of the Biodiversity Convention- 4/7

TEXT- 1012-1063

E. Habitat Protection

1. Polar Regions- Evolving Legal Regimes- 4/9

TEXT- 1125-1157

**ASSIGNED TOPIC ESSAY #4- due Monday, April 13
(Shipbreaking hypothetical)**

2. Cultural Heritage, Wetlands and Forests- International Protection of "Sovereign" Territory- 4/14

TEXT- 1158-1196

IV. Responding to Global Challenges

- A. Ozone Depletion- Evolution of the Montreal Protocol- 4/16

TEXT- 537-606

- B. Global Climate Change- The Climate Change Convention, Kyoto Protocol and the Paris Agreement- 4/21, 4/23

TEXT- 607-738

**ASSIGNED TOPIC ESSAY #5- due Monday, April 20
(Biodiversity hypothetical)**

IV. Human Rights and the Role of Domestic Law in Protecting the Environment

- A. Human Rights and the Role of Domestic Courts in Enforcing International Environmental Law- The United States and the Alien Tort Claims Act- 4/28

TEXT- 1323-1328, 1342-1364, 1380-1390

- B. Extraterritorial Application of Domestic Environmental Law- Bhopal and Beyond- 4/30

TEXT- 1455-1485

**ASSIGNED TOPIC ESSAY #6- due Friday, May 1
(Climate change)**

RESEARCH PAPERS- due Friday, May 1

EXAM #2- Tuesday, May 5