

Eckerd College
International Relations and Global Affairs
Spring 2017
PO 343S-001
Tues/Fri; 1:40-3:10
CSML 099

Prof. Bill Felice
Office: FO122
864-8994
felicewf@eckerd.edu

International Environmental Law

“To talk about the law is to talk about the eighth Wonder of the World. One would not normally accuse lawyers of excessive modesty. But it is a strange fact that lawyers take so little pride in the sheer wonder of the law. The extraordinary progress of the human species would not have been possible without law. We have created a vast law-world in which collective human effort is organized through law, a world of unlimited possibilities of complexity and sophistication.”¹

Course Description

Our global environment continues to be under siege. Our oceans, wildlife, and entire biosphere face severe threats from industrialization, modernization, and globalization. For example, the International Union for the Conservation of Nature and Natural Resources (IUCN) calculates that 12 percent of all birds, 21 percent of all mammals, and 30 percent of all amphibians are threatened with extinction. Fish populations are in the most extreme danger, with 37 percent of the world’s fish species already threatened with extinction. In areas like species preservation, biodiversity, and global warming, some scientists believe that it may already be too late. We may have set forces in motion that we cannot now control.²

To solve these multiple environmental problems, we need unprecedented cooperation between the world’s leaders and citizens. How do we obtain the cooperation of 193 sovereign states and the planet’s 7 billion people? How do we address competing goals, overwhelming human needs, mistrust between nations and peoples, and colossal economic gaps between the rich and poor?

International environmental law (IEL) has to be part of the answer. Despite international law lacking both a clear legislative body and a central judicial system with enforcement power, significant legal progress has been accomplished. It is estimated that there are well over 300 multilateral treaties and more than 900 bilateral treaties dealing with the protection and conservation of the biosphere. In addition, there are at least 10 global environmental agreements in force ratified by more than 150 countries as parties to each Convention.³

This course explores the evolution and development of this body of IEL. We will review basic environmental problems at the global, transboundary and local levels and

¹ Philip Allott, *The True Function of Law in the International Community*, 5 Ind. J. Global Legal Stud. 391, 393-394 (1998).

² William Felice, *The Global New Deal: Economic and Social Human Rights in World Politics*, 2nd edition (Lanham, Maryland: Rowman & Littlefield, 2010), 127-128.

³ Felice, *Global New Deal*, 125-126.

analyze the relevance of law for resolving these taxing quandaries. A particular focus for the class is the concept and formation of international law in the international system, including: international codification, sources and subjects, and problems of compliance. We will review the history of international environmental law negotiations from Stockholm (1972) to Rio (1992) to Johannesburg (2002) to Rio+20 (2012) to the Sustainable Development Goals (2016). The basic legal principles and rules of international environmental law will be examined in the following areas: atmospheric protection and climate change, freshwater resources, oceans and seas, hazardous substances and waste, biological diversity, wildlife conservation, and international trade. We will also explore measures designed to make international environmental law more effective in the struggle for ecological balance.

This is a law course. It is expected that you will master the relevant international laws and regulations in each of these critical areas of environmental concern (atmosphere, oceans, biodiversity, and so on).

Our goal is to clarify:

How IEL is developed and adopted;

What IEL actually requires of state and non-state actors;

How IEL is enforced;

How IEL can be improved.

Course Outcomes

As a result of taking this course, you should be able to:

- 1) Analyze the underlying causes of an array of international environmental problems;
- 2) Explain the sources of IEL, particularly treaties, customary international law, and general principles;
- 3) Analyze how hard law and soft law work together to facilitate and compel state and individual action (or inaction);
- 4) Apply IEL principles to particular environmental problems;
- 5) Explain the ways in which IEL both challenges yet hews to more traditional international law;
- 6) Discuss with depth a specific aspect of IEL that interests you.

By the end of the semester you should be able to succinctly summarize the promise and problems of IEL in the 21st century.

Course Requirements

*Class Participation – 20%

* “Think Papers” – 20%

*Research Paper & Oral Presentation – 20%

*Midterm Exam – 20%

*Final Exam – 20%

Students are required to attend all classes and to read the scheduled readings before each session. **NOTE: One grade is automatically deducted from any student who has TWO unexcused absence.**

Office Hours

Mondays: 1:00 – 5:00

Wednesdays: 3:00 – 5:00

Or by appointment.

Please stop by my office to discuss any questions or concerns about the class (or to chat).

Readings

Philippe Sands and Jacqueline Peel, *Principles of International Environmental Law*, 3rd Edition (Cambridge: Cambridge University Press, 2012). **Required.**

“Think Papers”

In-class “think papers” are designed to help you focus on some of the key issues raised in the readings. I will pose questions that will allow you to demonstrate to me that you have not only done the reading, but also intellectually grappled with the issues the authors discuss. Class discussion will often focus on the responses to these “think papers.” You should come to each class prepared for the possibility that you will be asked to comment in writing on the reading.

I will keep a log assessing and keeping track of your responses. Your answers will be graded on a 0 - 2 point scale:

2 = thoughtful response that clearly incorporates the reading;

1 = grappled with the question, but didn’t incorporate the reading;

0 = did not turn in an answer.

Honor Code

All students are expected to uphold the Eckerd College honor code:

“On my honor, as an Eckerd student, I pledge not to lie, cheat, or steal, nor to tolerate these behaviors in others.”

You are required to write “pledged” on every assignment to indicate your work is consistent with the Honor Code.

Classroom Technology Policy

All digital devices, including laptops, ipads, e-readers, and cell phones, should not be visible and should not be turned on during class. The classroom is a place where we gather to exchange ideas in person, and to give and receive respect for those ideas. For that reason cell phones and all electronic devices should be turned off and put away during class. They should not be visible to you or others.

Accessible Education Services

If you have a disability or believe that you qualify for accommodations under the Americans with Disabilities Act or other laws, please contact Accessible Education Services at extension 8248 or via email at aes@eckerd.edu as soon as possible. Appropriate accommodations can only be arranged through that office, and may not be made retroactively.

Eckerd College complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. Students with disabilities who need special accommodations must make their requests by contacting Accessible Education Services (located in Edmundson Hall) at extension 8248 or via email at aes@eckerd.edu.

Students with physical, cognitive, or psychological disabilities must contact Accessible Education Services, located in Edmundson Hall, at extension 8248 or via email at aes@eckerd.edu to discuss potential accommodations of other helpful services. All information will be kept confidential.

Title IX Reporting Policy

Eckerd College is committed to fostering a campus community based on respect and nonviolence. To this end, we recognize that all Eckerd community members are responsible for ensuring that our community is free from discrimination, gender bias, sexual harassment, and sexual assault. In accordance with Title IX, Eckerd is legally obligated to investigate incidents of sexual harassment and sexual assault that occur on our campus. Faculty who become aware of an incident of sexual violence, including harassment, rape, sexual assault, relationship violence, or stalking, are required by law to notify Eckerd's Title IX Coordinator. The purpose of this disclosure is to ensure that students are made aware of their reporting options and resources for support. For more information about your rights and reporting options at Eckerd, including confidential and anonymous reporting options, please visit <http://www.eckerd.edu/titleix/>.

Class Schedule and Reading Assignments

Jan 31 – Overview

Feb 3 – A Brief History From Stockholm to Johannesburg to Rio+20

Reading: Sands & Peel, Chs 1 & 2, pp 3-49

Feb 7 – Global Environmental Governance

Reading: Sands & Peel, Ch 3, pp 50-93

Feb 10 – International Law Making

Reading: Sands & Peel, Ch 4, pp 94-134

Feb 14 – Compliance and Enforcement

Reading: Sands & Peel, Ch 5, pp 135-183

Feb 17 – General Principles and Rules

Reading: Sands & Peel, Ch 6, pp 187-237

Feb 21 – Atmospheric Protection & Climate Change (I)

Reading: Sands & Peel, Ch 7, pp 238-274

Presentation: Convention on Long Range Transboundary Air Pollution—
Daira Brayley

Feb 24 – Atmospheric Protection & Climate Change (II)

Reading: Sands & Peel, Ch 7, pp 274-302

Presentation: Professor David Hastings

Feb 28 – Atmospheric Pollution & Climate Change (III)

Reading: The Paris Agreement (Text) at
http://unfccc.int/paris_agreement/items/9485.php
(Recommended)

Presentations:
Ozone Depletion – **Obi Kyei & Duncan LeBlon**
Climate Change – **Julia Streett, Katherine Thomas, & Jordan Wilson**

March 3 – Freshwater Resources

Reading: Sands & Peel, Ch 8, pp 303-341
Presentation: Watercourses Convention (1997) – **Stephanie Arsenault**

March 7 – Oceans and Seas (I)

Presentation: Professor Amy Siuda

March 10 – Oceans and Seas (II)

Reading: Sands & Peel, Ch 9, pp 342-395
Presentations: Pollution by Dumping – **Sarah Banks**
Pollution from Land-Based Sources – **Maddie Beck**
Pollution from Vessels – **Karim Bergsm**

March 14 – Oceans and Seas (III)

Reading: Sands & Peel, Ch 9, pp 396-448
Presentations: Pollution from Seabed Activities – **Connor Berry**
Environmental Emergencies – **Thomas Burnham**

March 17 – Oceans and Seas (IV)

Reading: UN Convention on the Law of the Seas (UNCLOS), in particular environmental regulation in Part XII: “Protection and Preservation of the Marine Environment” at
http://www.un.org/depts/los/convention_agreements/texts/unclos/UNCLOS-TOC.htm
(Recommended)

Presentations: Conservation of Marine Living Resources
Fish Stocks – **Sam Butler**
Marine Mammals – **Grant Clay**

March 21 – Review

March 24 – Midterm

Spring Break: March 25 – April 2

April 4 – Biological Diversity (I)

Reading: Sands & Peel, Ch 10, pp 449-478

Presentations: Convention on Biological Diversity - **Marina Belotserkovskaya**
Nagoya Protocol – **Jack Mahan**
CITES – **Devon Hero**
Ramsar (Wetlands) Convention – **Caitlyn Jensen**

April 7 – Biological Diversity (II)

Presentation: Professor Peter Meylan

April 11 – Biological Diversity (III)

Reading: Sands & Peel, Ch 10, pp 479-513

Presentations: Forests – **Sierra Knick**
Soil Degradation – **Zenya Ledermann**
Migratory Species – **Hannah Locke**
Birds – **Dane Hritz**

April 14 – Good Friday, No Classes

April 18 – Biological Diversity (IV)

Summary and Analysis

April 21 -- Hazardous Substances

Reading: Sands & Peel, Ch 11, pp 514-553

Presentations: Persistent Organic Pollutants (2001) – **Connor Masella**
Rotterdam Convention, Chemicals (1998) – **Tim McElduff**

April 25 – Waste

Reading: Sands & Peel, Ch 12, pp 554-576

Presentation: Basel Convention, Hazardous Wastes (1989) – **Sarah Meyers**

April 28 – The Polar Regions: Antarctica and the Arctic

Reading: Sands & Peel, Ch 13, pp 577-597
Presentations: The Antarctic Treaty Regime – **Lexi Nix**
The Arctic Regime – **Lilah Schaffer**

May 2 – International Trade (I)

Reading: Sands & Peel, Ch 19, pp 799-846
Presentation: World Trade Organization dispute settlement – **Ellen Emrich**

May 5 – International Trade (II)

Reading: Sands & Peel, Ch 19, pp 847-868
Presentation: North American Free Trade Agreement – **David Tranfield**

May 9 – Foreign Investment & Future Developments

Reading: Sands & Peel, Chs 20 & 21, pp 869-897
Presentation: NAFTA/Chapter 11 – **Kyla Isakson**

May 12 – Review

May 16 (Tuesday): Final Exam, 3:00-6:00pm