

International Environmental Law/ Emphasis: Climate Change (Seminar)
Professor Flatt: Monday and Weds., 2:30 – 3:45
Office Hours: M – 1-2, T 2-3, or by appointment/request

Required Text: Eugene Volokh, *Academic Legal Writing: Law Review Articles, Student Notes, and Seminar papers* (Foundation Press, 2nd ed.); Anton, Charney, Sands, Schoenbaum, and Young, *International Environmental Law: Cases, Materials, and Problems* (Lexis-Nexis – ISBN # 0-8205-4522-8)

This Class, International Environmental Law/ Emphasis: Climate Change will survey some basic principles of International Environmental Law, discuss some areas in which it has been important such as water resources, trans-boundary pollution, and resources in general. The class will then focus on the most pressing international environmental problem ever, and the one where there is a current struggle to cooperate internationally – climate change. We will not discuss in depth the issues of radioactive disposal, whaling, or the Antarctica treaties.

Importantly, however, this is also a seminar class, wherein you will write a paper that is publishable. Therefore, some of the class will focus on the rules and ways of writing a law review type article, and on your own choice of international environmental law and/or climate change law topics. Thus, the class is not an exhaustive examination of all international environmental law, but an introduction to it – an introduction that you will use to write your own paper on a selected topic. The class is a three hour class. As a seminar class, we are allowed to use some of the time on out of class conferences. However, we will use most of our scheduled classroom time, though we will not meet as a class on a couple of days when the professor will be out of town presenting at conferences.

Paper Requirements and Deadlines:

By **March 4**, final Outline complete and approved. This means that you have sent outline to and/or met (if necessary) with Professor to discuss outline BEFORE this date. THIS MAY SEEM LIKE A LONG TIME BEFORE YOUR OUTLINE IS DUE. . . BUT in writing papers, picking the topic takes a lot of effort and time and reading without much writing to show for it. However, just because there is no writing, does not mean that you haven't worked, and you must invest time at this stage in topic identification.

First Draft Due: **April 13 OR April 20** [date will be determined by lot] (Papers due by Monday, at 5 PM – they should be sent electronically to me at vflatt@central.uh.edu) Papers will be distributed to other participants for discussion in class.)

Presentations: **April 20 and 22** (for those whose paper is due April 13) and **April 27 and 29** (for those whose paper is due on April 20. May 4 remains a possible date for presentation or wrap-ups, so leave it open for now.

Those who do not present in a particular week, must prepare written comments (1-2 pages) on other papers that are presented that week. These comments for each paper being presented are due at the beginning of the class at which the presentation will be made. You should have 2 hard copies for each paper to be presented, one for me, and one for the presenter.

Final Draft Due: 5:00 P.M., Tuesday, May 12, 2009 (via e-mail to vflatt@central.uh.edu) ; *note if you happen to have an exam on that day, that is not a conflict. . .you must simply shift the time to prepare your paper.*

Grade:

Written Comments on Other Topics – 15%

General participation (including your presentation to the class) – 10%

Presentation of your paper topic idea – outline and shape of first draft– 10%

Paper – 65%

Student Presentations: During the last half of the semesters, students will present their papers to the class. On the Monday before the week you present, you must provide copies of your first draft to me, which I will forward to the other students. Before class on Monday and Wednesday, all students not presenting that week must prepare a one-page set of comments on the papers for that day. The non-presenting students must provide me and the respective writers a copy of the comments. If you are presenting during the week, you do not have to comment on the papers that are presented the same week.

Week 1 (January 21) – Intro to International Environmental Law- Climate Change

Assignment: handout will be given in class – no reading before first class

Week 2 (Jan. 26 and 28) – Intro to article writing, topic selection

Assignment: Volokh 9-62, 209-217;

Week 3 (Feb. 2 and 4) – What is International Environmental Law? Distinction from Comparative Law; International Law and Issues

Assignment: Anton, 1-2, 6-13, 229-234, 237-255, 27-30, 45-55, 367-377

FEB. 9 – no class, professor presenting out of town

Week 4- (Feb. 11) Historic International Environmental Problems – Trans-Boundary Pollution; Duty to Prepare Environmental Impact Assessment

Assignment: 641-650, 431-446, 658-670

Week 5 (Feb. 16 and 18) – Historic International Environmental Problems – Allocation of Fresh-water, Water as Defined by Use, Impact of Climate Change

Assignment: 745, 760-775, 815-824, Read, print out and bring to class: Victor B. Flatt, *Let Us Drink Our Fill . . .*, 18 Yale J. L & Hum. 122 (2006)

Week 6 (Feb. 23 and 25) – Historic International Environmental Problems – The Marine Environment, Law of the Sea, Degradation of the “high seas,”; living marine resources – straddling fish stocks

Assignment: 841-849, 881-891, 900-903, 905-912, 923-26; 941-956

Week 7 (March 2 and 4)– Multi-lateral Treaties – Example: Protecting the Ozone Layer

Assignment: 1186-1231

Week 8 (March 9 and 11) – Introduction to Climate Change – The Problem, Human Impacts, and First Steps

Assignment: Read the latest IPCC report (2007) on climate change (to be handed out); Classroom film on climate Change; 1254-1260, 1263-1280, 1298-1309

Week 9 SPRING BREAK

Week 10 (March 23) - Climate Change and Biological Effects – Background on Biological Resource Conservation;

Assignment – CITES, ESA, to be announced

Week 10 (March 25) – Professor speaking at conference – no class

Week 11 (March 30 and April 1) Climate Change and disappearing species, example - the Polar Bear

Assignment: 1340-1354, 1368-1376, 1386-1397; Petition for Listing of the Polar Bear as Endangered (to be handed out)

Week 12 –(April 6 and 8)– Climate Change and Effects Cont. – Non-treaty solutions (Human Rights Petition)

Assignment: <http://www.uaf.edu/accap/awch/index.htm>;
-(<http://www.earthjustice.org/news/press/005/inuit-human-rights-petition-filed-over-climate-change.html>) print out and bring to class for discussion

Week 13 (April 13 and April 15): The Future - The Kyoto Protocol, U.S Legislation, and Successor International Instruments (Beyond Bali); Which Policies are Best? – Trading? Offsets? Should Reductions be Domestic? R&D?

Assignment: 1309-1322, 1335-1337; Flatt, Northwestern Climate Change Article and commentaries (read, print and bring to class)
<http://www.law.northwestern.edu/lawreview/colloquy/prior-colloquies/climate-change.html>).

Weeks 14 and 15 (April 20, 22, 27, and 29) – Discussion and Presentations

MAY 4 – if needed