

## **COURSE REQUIREMENTS AND SYLLABUS**

**Course:** Climate Change Law, Spring 2008  
**Instructor:** John C. Dernbach  
**Text:** David Hunter and others, International Environmental Law and Policy (Foundation Press, 3rd ed. 2007)  
**Supplement:** David Hunter and others, Treaty Supplement: International Environmental Law and Policy (Foundation Press, 3rd ed. 2007); John C. Dernbach, Sustainable Development: As a Framework for National Governance (article to be distributed); John Dernbach, International Environmental Law Exercises and Role Plays (to be distributed).  
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**Office Hours:** 4:00 to 6:00 p.m. Tuesdays; 3:00 to 4:00 p.m. Wednesdays; 4:00 to 6:00 p.m. Thursdays, and by appointment.

### **COURSE REQUIREMENTS**

#### ATTENDANCE

The University and the American Bar Association permit you to miss up to 20% of the classes before I enter a failing grade for the course. Be aware that I will enforce this rule.

#### PAPER

1. Length--20-30 pages.
2. Subject—The subject must be an international environmental law topic of your choice. This paper must be based on your own research, and must go beyond a description of information from other sources to include your original ideas and analysis.
3. Attribution--All material taken verbatim from other sources must be put in quotation marks and cited in footnotes. All material paraphrased from other sources, or ideas taken from other sources, must be cited in footnotes. Deviations from these requirements, including deviations in drafts, will be treated as plagiarism, consistent with the plagiarism rules published in the student handbook.
4. Writing requirement--A paper receiving a grade of C or better will satisfy the upper level writing requirement. If you wish to submit your paper for that purpose, you should include a writing certificate form (available from the registrar) with your final draft.

## 5. Deadlines—

a) Topic selection. All paper topics must be selected and pre-approved by me no later than the end of Class 4. The topic should be in the form of a one page memo that identifies a particular problem or issue and explains how you plan to solve or resolve it.

b) Outline. A detailed outline of your paper is due no later than Class 7. The outline should contain the thesis or thesis question, major topic headings, minor topic headings, and subtopic headings where appropriate, and should also include a brief description of what each topic would establish. You should also include sources of law and other materials in appropriate places in the outline.

c) First draft deadline. First drafts are due Class 11. You can send me an electronic version of the draft, if you like.

I will comment on the substance and overall writing style of the draft but do not want to have to edit for grammar, punctuation, and the like. In other words, this draft should be as close to your final draft as possible.

d) Final draft deadline. Final drafts are due in my office by no later than 6 p.m. on Friday, April 27.

I will grade for your thoroughness in researching and describing the relevant law, the quality and depth of your analysis, your recognition and countering of opposing arguments, and your organization and clarity. I will also grade for grammar and style.

e) Unexcused failure to meet any deadline may result in a reduction of your grade. Unexcused failure to meet any deadline by more than a week may necessitate your withdrawal from the seminar.

6. Assistance in writing your paper. At least one copy of the following book is on reserve in the library: Elizabeth Fajans and Mary R. Falk, Scholarly Writing for Law Students (West Publishing Co., 3rd ed., 2005). Another helpful source is Eugene Volokh, Academic Legal Writing: Law Review Articles, Student Notes, and Seminar Papers (Foundation Press 2003). You should review key chapters in those books. I am also available to discuss any issues that come up in writing your paper.

7. Contribution to final grade--The paper is worth two-thirds of your final grade.

## CLASS PARTICIPATION:

Class participation is important. Apart from all the obvious reasons, the class will include role playing, small group discussion, and other kinds of direct student participation. I will take attendance beginning with the second week. For students writing a paper, class participation is worth one-third of your grade. For students taking an exam, I will “plus” or

“minus” you one-third of a grade based on your class participation. Class participation is of the following kinds:

1. Each student is expected to participate in class discussion.
2. Each student is expected to read and comment on half of the first drafts of the other student paper. Comments may not exceed one page per draft, and are due in my office or mailbox no later than noon on the Monday before the author of the draft is scheduled to present his or her paper.
3. Each student that writes a paper is expected to present his or her paper in class. The presentation should last about 10 minutes, with an additional 10 minutes for questions and answers. During your presentation, describe your thesis and how you demonstrated it. Do not read your paper, or even part of it.

## **SYLLABUS**

This is a course outline and a class-by-class schedule of what we will cover. This outline identifies the pages we will be covering in specific sections of the text. It separately identifies the treaties and other documents in each section. At a minimum, you should skim each document and read carefully its relevant provisions. The bold face numbers on the left indicate the particular class in which specific materials and subjects will be discussed.

This outline may be modified somewhat over the course of the class. You will be given advance notice of any changes. There will also be some handouts.

### **I. Creation and Development of International Environmental Law**

**1**--The Wild Environmental Facts. Hunter pp. 1-42.

**2**--International Environmental Lawmaking.

Changing Nature of International Law. Hunter pp. 272-90.

A. Treaties. Hunter pp. 290-313

Exercises & Role Plays pp. 1-2

**3**-- B. Custom. Hunter pp. 313-318, 543-52.

C. General Principles. Hunter pp. 318-328, 340-50.

D. Judicial Decisions and Writings of Eminent Publicists.

Hunter pp. 350-353.

Exercises & Role Plays p. 3

## **II. Specific Problems**

### Ozone Depletion

**4**--Science and Law. Hunter pp. 566-598. Exercises & Role Plays pp. 4-5

**5**—Current Status and Cross Cutting Issues. Hunter pp. 598-613, 616-629. Exercises & Role Plays pp. 6-7.

### Climate Change

**6**—Causes and Responses. Hunter pp. 630-662.

**7**—Global Politics of Climate Change. Hunter pp. 662-690. Exercises & Role Plays pp. 8-9.

**8**—Implementing the Kyoto Protocol. Hunter pp. 690-712, 721-733. Exercises & Role Plays pp. 10-14.

**9**—U.S. National and Subnational Actions. Hunter pp. 712-21; Dernbach and the Widener University Law School Seminar on Energy Efficiency, *Stabilizing and Then Reducing U.S. Energy Consumption: Legal and Policy Tools for Efficiency and Conservation*, 37 ENVTL. L. REP. (Envtl. L. Inst.) 10,003 (2007).

### Biodiversity and Wildlife Conservation

**10**—Trade in Endangered Species. Hunter pp. 1095-1122. Exercises and Role Plays pp. 15-16.

**11**--Biodiversity Protection. Rationale for Protection & Domestic Measures. Hunter pp. 1002-1032. Exercises & Role Plays pp. 17-18.

### Student Papers

**12**-- Presentations of student papers

**13**—Presentations of student papers

**14**—Presentations of student papers

Other books concerning international environmental law include:

Patricia W. Birnie and Alan E. Boyle, International Law and the Environment (2d ed. 2002)

Anthony D'Amato and Kirsten Engel (eds.), International Environmental Law Anthology (1996)

John C. Dernbach (ed.), Stumbling Toward Sustainability (2002)

Editors of the Harvard Law Review, Trends in International Environmental Law (1992)

Lakshman Guruswamy, International Environmental Law in a Nutshell (2d ed. 2003)

Alexandre Kiss and Dinah Shelton, International Environmental Law (2d ed. 2000)

Philippe Sands, Principles of International Environmental Law (2d ed. 2003)

Edith Brown Weiss et al., International Environmental Law and Policy (2d ed. 2007)

Edith Brown Weiss (ed.), Environmental Change and International Law (1992)

*Treatises on international law include the following:*

J.L. Brierly, The Law of Nations: An Introduction to the International Law of Peace (6th ed. 1963).

Ian Brownlie, Principles of Public International Law (4th ed. 1990).

Thomas Buergenthal and Harold G. Maier, Public International Law in a Nutshell (2d ed. 1990).

Gerhard Von Glahn, Law Among Nations: An Introduction to Public International Law (7th ed. 1996).

Mark W. Janis, An Introduction to International Law (2d ed. 1993). This text is particularly accessible, and is an extremely useful supplement to the first part of the course.

J.G. Starke, Introduction to International Law (10th ed. 1989).

Malcom N. Shaw, International Law (3rd ed. 1991).