

INTERNATIONAL ENVIRONMENTAL LAW

Fall Semester 2005

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International Environmental Law. LW 690. 3 semester credits, 4 quarter credits. Investigates the treaty and customary principles of international law regarding environmental protection. Problems of protecting the international environmental commons, transboundary pollution, and the international interest in national environmental resources are covered. Suitable for students with some background in international, environmental or natural resources law or policy. There are no course prerequisites required to enroll in this course, but enrollment is limited to 20 students.

For their course grade, students elect whether to write a comprehensive paper, take home exam, or 3-hour regularly scheduled essay exam. Papers or exam answers must be typed or word processed, not handwritten.

The required course text is Hunter et al. International Environmental Law and Policy (Foundation Press 2nd ed. 2002) without its supplement. (The law library has several copies of Guruswamy's Supplement of Basic Documents to International Environmental Law and World Order (West 1994), an excellent compilation of environmental treaties for which a 1999 second edition has also been published and is available at the bookstore. Purchase of either the 1st or 2nd edition definitely is optional, because many treaties are excerpted in the course text and are available in full text on Lexis or Westlaw (e.g. ILM citations), the World Wide Web, including the text's website (<http://www.wcl.american.edu/environmental/IEL>), and in other law library hard copy reference books.)

Course Organization:

Course enrollment is limited to 20 students.

At the student's option, the course grade will be based on a paper or an exam (possibly take home). Students electing to do a paper will have to meet each of the timetable and other paper requirements outlined below, otherwise they will have to take an exam as the basis for their grade.

Whether they take an exam or write a paper, all students must meet the class presentation and class attendance requirements described below to receive course credit.

For the first several classes, Professor Hildreth will introduce international environmental law and policy based on assigned readings in Part I of the text, “The Creation and Development of International Environmental Law.” During that time, in addition to preparing for, attending, and participating in class discussions of those readings, each student will be looking over Parts II and III of the text, “International Environmental Protection,” and “International Environmental Law and Other Legal Regimes” (and any other materials to which they wish to refer) for two potentially related purposes: (1) choosing a text chapter or subchapter for which she or he will be the lead classroom presenter (along with Hildreth) for a class session later in the semester; and (2) deciding upon a topic for a paper (or possibly a take home exam) upon which their course grade would be based assuming the foregoing class presentation and attendance (see below) requirements are met.

Students selecting a marine related paper topic definitely should contact Ocean and Coastal Law Center Librarian, Andrea Coffman, acoffman@law.uoregon.edu, for research assistance.

Attendance is Required.

Regular class attendance is required to receive any credit for the course. Specifically, any student with four or more unexcused absences will not receive course credit. Excused absences include illness, compelling family needs, and job interviews. Attending conferences, employment, work for other classes, and vacationing are not excused absences.

Timetable

Each student must have selected a text chapter or subchapter for presentation later in the semester by the end of class Friday, September 9 to continue in the course for credit.

Students electing to do a paper must submit a paper topic by the end of class on Friday, September 16, otherwise they must take an exam.

A detailed outline (4 pages minimum) of the approved paper topic must be submitted by the end of class on Friday, October 14, otherwise the student must take an exam.

The final paper must be delivered to Professor Hildreth’s 3d floor box by 5:00 p.m. on Monday, December 5.

Presentation Outlines

Outlines of your class presentation are not required, but if you prepare an outline and are willing to share it with the class, send it as an attachment to an e-mail message

addressed to all members of the class and me (Note: attachments cannot be sent via the course list serve intl-env@law).

Paper Guidelines

It is recommended, but not required, that a paper topic be related to the chapter or subchapter for which the student has lead classroom presentation responsibilities. One possible organization format for presentations and papers is outlined below. To receive course credit, papers must meet the school's requirements for the Comprehensive Writing Requirement (see your copy of "The Holding"), including a length of 20-40 double spaced typed or word-processed pages, excluding footnotes or endnotes. Course papers meeting those requirements also can be used by the student to satisfy either the Comprehensive or Basic law school writing requirement as well as the Environmental and Natural Resources Certificate Writing Requirement, and depending on topic, the Ocean and Coastal Law research assistant writing requirement.

One Possible Presentation/Paper Organizational Scheme

- I. Describe the Environmental Problem
- II. Summarize the Current IEL "Solution"
- III. Critique of I. and II., e.g., based on casebook pp. vii, 241-253, 349-370, 378, 439-496.

Some course themes, which class presentations, exam answers, and papers can address are listed on page vii of the required text and repeated here:

- the relation of our scientific understanding of the problem to the legal response;
- the relation of the problem to the global economy, e.g., fossil fuel emissions and oil;
- the evolution of the lawmaking process including the use of soft law, framework agreements, binding obligations, enforcement, and amendment procedures;
- the role of concepts and principles of international environmental law in the development of the field;
- the role of non-State actors, especially business and NGOs;
- the dynamic between the relatively rich and industrialized countries and the relatively poor and developing countries;
- the role of technology transfer, financial mechanisms and other steps for facilitating implementation of international environmental commitments;

- the domestic implementation and enforcement of international agreements.

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Professor Hildreth

SYLLABUS

CLASS NUMBER	TOPIC	TEXT PAGES
#1	Introduction to Course and Global Environmental Problems	v-xii, 1-42, 1517-1521
#2	International Responses to Date	166-216
#3	Mechanics of Traditional International Law Processes	272-335, 369-370
#4	IEL Principles Part I	371-404 (focus on the 5 questions pp. 376-377)
#5	IEL Principles Part II	404-438
#6	IEL Principles Part III: Sustainable Development and the Roles of Non-State Actors	151-165, 336-346, 254-271
#7	Making IEL Work I	241-253, 349-370, 439-447
#8	Making IEL Work II	448-496
Subsequent Classes	Student presentations--see separate topic sign up list and presentation schedule	

IMPORTANT COURSE DATES (details in syllabus attachments):

Friday 9/9/05: Deadline for class topics selection.

Friday 9/18/05 Deadline for paper topic submission.

Friday 10/14/05 Paper writers' deadline for submitting outlines.

Monday 12/5/05 - 5:00 P.M. Deadline for paper submission to Hildreth's 3rd floor box, or electronically submitted to rgildre@law.uoregon.edu.

A 3-hour essay exam for those not writing papers or take home exams will be given at the regularly scheduled exam time for the course. Again, the exam answer must be word processed or typed, not handwritten.

This form is due in hard copy or via e-mail by the end of class, Friday, September 16, 2005.

TO: Professor Hildreth, rghildre@law, 346-3866

FROM: Name: _____

Email: _____

Phone: _____

(1) My proposed paper topic is: _____

(2) Rather than submitting a paper for my course grade my preference is (a) take home exam* on one of the topics selected from the topic presentation chart; OR (b) the 3-hour essay exam given during the regularly scheduled exam time for the course on transboundary air pollution, climate change, and NAFTA issues.

Approved: _____

Next deadlines

(a) 4-page paper outlines are due by Friday, October 14.

(b) final papers due Monday, December 5, 5 p.m.

* **Take home exams** are scheduled for a block of time that suits the student's own schedule **but cannot be used as a basis for rescheduling another course's regularly scheduled exam**

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This form is due in hard copy or via e-mail by the end of class, Friday, September 9.

To: Professor Hildreth (rghildre@law):

From: Name: _____

Email: _____

Phone: _____

Based on the 2 page "Student Presentation Topics for Sign Up List" included in the syllabus packet, I would rank my first three choices for a topic to present as:

(1) _____

(2) _____

(3) _____

My preference would be to present my topic to the class:
(check one) ___ early, ___ in the middle, or ___ late in the semester, recognizing that another factor will be scheduling topics in a natural and timely sequence.

Next deadlines:

(a) Friday, Sept. 16, end of class, for paper topic submission.

(b) Friday, Oct. 14, 4 page paper outlines due.

(c) Monday, Dec. 5, final papers due 5:00 p.m.