

INTERNATIONAL ENVIRONMENTAL LAW

Summer in Spain document revised 3/17/2019

REQUIRED READING MATERIAL:

- Daniel Bodansky, *The Art and Craft of International Environmental Law* (Harvard University Press, 2011)
 - KWR: this is a readable book with concepts of environmental law. Approximately 350 pages, with a Kindle version on Amazon for less than \$20.
- Thomas Schoenbaum & Michael Young, *International Environmental Law and Policy: Cases, Materials & Problems Document Supplement* (Carolina Academic Press, 2018)
 - KWR: ***do not purchase the casebook***. Please obtain an electronic version of the ***document supplement***: ISBN-13: 978-1531006150. Yes, it is almost 800 pages. No, we will not read it all. (Not even close.) Be a smart shopper.



ABOUT OUR CLASS:

International Environmental Law: three weighty words, all in one interesting class.

1. *International*: How does the entire global community, sometimes bent on self-destruction, self-regulate?
2. *Environmental*: What does “the environment” really mean, and what of humanity? How do we “protect” it?
3. *Law*: Is a treaty law? A resolution? A scientific document? What if there is no one to enforce it?

Ultimately, *international environmental law* is class of concepts. Using readings, lectures and videos, applied in class discussions, role play exercises, and written essay questions, students explore the simple and complex. In addition to learning about the institutions and procedures of international law, students will discuss specific topics of how to manage the impacts to and protection of natural resources and ecosystems, with specific focus on air, oceans, water, wetlands, and wildlife. Ultimately, students grapple with the aspirational nature of international environmental law, and how to apply intersecting and competing notions of economics, philosophy, politics, science & values in our global struggle to prevent the tragedy of the commons.

GRADING & EXAMS: Student grades are curved pursuant to school policy, and calculated as follows:

30 percent: A combination of quizzes, homework, or class presentations.

70 percent: Take-home, open book essay final exam.

Note: chronic unpreparedness for in-class discussions may result in a 1/2-grade decrease (but only after a warning.)

ANONYMOUS GRADING: Students will complete a take home written examination, due at the beginning of the final class on June 20, 2019. Unless otherwise instructed, use your four digit AGN for all assignments. Brief quizzes on the reading assignments may be administered during the semester, and an extra credit project may be offered.

DISABILITY ACCOMMODATIONS: If you have a disability, and need to seek accommodation, please contact our summer program director, Alfred Light, alight@stu.edu as soon as possible.

ASSIGNMENTS: Our class will work through the textbook roughly in sequence. However, a portion of the class may use handouts. For the first day, read Bodansky, Chapters 1 and 2.

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PRINCIPLES OF STUDENT PROFESSIONALISM

Law professors generally aspire to teach students in a manner that achieves three goals, including: (A) thinking like a professional by recognizing relevant legal principles and competing arguments; (B) performing like a professional by using oral or written communication in a persuasive manner; (C) acting with integrity, by advocating positions within the boundaries of the facts and law. See, e.g. [Carnegie Report](#). To help professors reach these goals, students must be part of the process, before, during and after class.

Please do not waste class time with the "IS THIS ON THE EXAM?" question. Learning is about more than tests. If something is in the assigned readings, then it could be on the examination. If it is in the lecture, and relates to the assigned readings, then it could be on the examination. If you ask this question, then it could be on the examination. Let's be honest: if I tell you what is on the exam, then that will be the only thing you will study.

From my experience, I have noticed that the following behaviors often lead to academic success:

1. **Preparedness.** Students should read the syllabus (updated on <http://keithinking.com>) and required materials before each class – using the **current** textbook and materials. (“Hey judge, can I use the old case law?”) Recognizing life’s chaotic realities, you may take a pass (once) by letting me know, in person, right before class; otherwise, if you are unprepared, you may be marked absent.
2. **Participation.** Attendance will be taken in class, and all students should plan to participate. In fact, students sign a seating chart, and rows may be announced as “hot” for each class. Please try to attend all classes on a timely basis, and avoid leaving class; it is disruptive to others. (No, do not ask permission to use the rest room, but note that my classes often take a short break at the midpoint.)
3. **Focus.** Create your own notes and outlines to learn the subject. Take notes before, during and after class. Electronically-oriented students are encouraged to use a tablet with a stylus, not a keyboard. Scholarship suggests that typing often creates a “scribe” effect that reduces learning. See, e.g. <http://nymag.com/scienceofus/2016/05/heres-more-evidence-laptops-and-classrooms-are-a-bad-mix.html>
4. **Self-assessment.** After each class, self-assess. Try to identify the things you still do not know. Combine lecture notes with pre-prepared notes, and pursue long-term memory.

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LEARNING OUTCOMES:

Using readings, lectures and videos, applied in class discussions, role play exercises, and written essay questions, students explore the simple and complex, appreciating the aspirational nature of international environmental law, while applying intersecting and competing concepts of economics, philosophy, politics, science & values in our global struggle to prevent the tragedy of the commons.

LEARNING OUTCOMES RE: EXPLORATION OF CONCEPTS

ABA Standard 302(a): knowledge & understanding of substantive & procedural law

ABA Standard 302(b): Legal analysis & reasoning, legal research, problem-solving & written/oral communication in the legal context

- *STU Learning Outcome 1: Students will demonstrate knowledge and understanding of the law and the American legal system.*
- *STU Learning Outcome 2: Students will demonstrate competency in issue spotting, analytical & problem-solving skills*
- *STU Learning Outcome 3: Students will demonstrate competency in research.*
- *STU Learning Outcome 5: Students will demonstrate competency in legal practice skills.*

Students locate, read, summarize, categorize & compare sources of international environmental law, including actual international documents, and the codification of those international laws and concepts in the United States..

Students annotate major documents in international environmental law, identifying key decision makers, criteria for decisions, monitoring and enforcement of decisions, and the mechanisms available for dispute resolution.

LEARNING OUTCOMES RE: APPLICATION OF CONCEPTS

ABA Standard 302(b): Legal analysis & reasoning, legal research, problem-solving & written/oral communication in the legal context

ABA Standard 302(d) Other professional skills needed for competent & ethical participation as a member of the legal profession

- *STU Learning Outcome 2: Students will demonstrate competency in issue spotting, analytical & problem-solving skills*
- *STU Learning Outcome 4: Students will communicate effectively and with civility*

Students apply concepts of international environmental law in a role play negotiation between nations, using important principles of international law

Students respectfully debate the role of expertise in international environmental law, and the nuances of the precautionary principle.

LEARNING OUTCOMES RE: INTERNALIZATION OF CONCEPTS

ABA Standard 302(c): Exercise of proper professional & ethical responsibilities to clients and the legal system

- *STU Learning Outcome 6: Students will exercise proper professional & ethical responsibility to clients & legal system.*
- *STU Learning Outcome 7: Students will demonstrate knowledge and awareness of their larger moral and ethical responsibility to society.*

Students experience, through in class discussion and hypothetical problems, the difficulty of generating global consensus when advocating for national governments, consider the factors that enhance or prevent consensus, and ultimately, appreciate the role of international environmental law in global affairs.

CONTINUOUS COURSE IMPROVEMENT GOALS

Professor analyzes statistical reports for multiple choice tests, evaluates class performance, revises non-distractor answers & rewrites questions if needed.
Professor receives & categorizes comments via written course evaluations.
Professor amends syllabus in response to the evaluations & feedback above.

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DRAFT SCHEDULE			
	Bodansky Book	Schoenbaum & Young Supplement (specific excerpts TBD)	Other readings (TBD)
May 27	Chapters 1, 2 What is it? History...		
28		International Whaling Commission and the relevance of values	Japan withdraws
29	Chapters 3, 4 Causes & Cures	Agenda 21 Our Common Future	Stockholm Principles
30		Migratory Bird Treaty Act and domestic implementation	Audubon article
June 3	Chapters 5, 6 Norms & Players (Who)		
4		RAMSAR, MARPOL and aspiration v. regulation	RAMSAR sites
5	Chapter 7 Obstacles	Vienna Convention on the law of Treaties (1969)	Garrett Hardin, The Tragedy of the Commons
6		Paris COP 21 and the realities of compliance	The Precautionary Principle
June 10	Chapter 8 Negotiation		
11		West Bank Exercise	Human Right to Water
12	Chapters 9, 10 Custom/Norm, How/Why		
13		ICAAT, science & sustainability	PEW Trusts
June 17	Chapter 11 Carrots & Sticks		
18		GATT & Judiciability	GATT meets tuna
19	Chapter 12 Effectiveness?		
20	Rising Seas Refugees	TBD	
21		Convention on the Transboundary Effects of Industrial Accidents	Dr. Seuss, The Lorax