

**UNIVERSITY OF CALIFORNIA, IRVINE
DEPARTMENT OF POLITICAL SCIENCE**

Political Science 179
Summer, Session I, 2006

Day/Time: TH; 4-6:50p
Location: SSL 117

Course Website – www.astepback.com/IEL/index.htm

Instructor: P. Brian Fisher

Office: Social Science Tower, #664

Email: fisherp@uci.edu;
pbf@astepback.com

Office Hours: Tuesday, 3-4 or by appt.

INTERNATIONAL ENVIRONMENTAL LAW

This course introduces the student to the structure, substance and politics of international environmental law, with particular emphasis on global climate change. It will explore the evolving role of international law in addressing global environmental issues and problems.

The course will focus on the following questions: What are international environmental problems and why are they seemingly intractable? What are the sources of international environmental law? What is the relationship between international environmental law and intra-national environmental laws? How is international environmental law enforced? How treaties (and other international legal commitments) affect implementation of the law? How efficacious are these instruments in addressing environmental problems? Does IEL promote certain environmental outcomes?

More philosophically, this course will assess the primacy and effectiveness in using the tool of international environmental law to address environmental problems. Specifically, we will ask: what do we mean by ‘environment’? What do we expect from the ‘law’ (e.g. justice, accountability, constrains behavior, optimize and enforce policies)? What problems is IEL attempting to address, Does the use of IEL further entrench current patterns that inhibit building effective policies? What is the role of the ‘law’ in ‘good governance’? What is the role of the United States in the developing IEL and addressing global environmental problems?

The course will be thematically based on global climate change so that we can examine these questions from a variety of perspectives. In this regard, we will examine the primary legal treaties and “think pieces” on global climate change to determine the strengths and weakness of the treaty approach to environmental law. We will conclude the class with a paper that asks you to draft your own legal framework treaty to address climate change, followed by an analysis of the strengths and limitations of your instrument to effectively combat global climate change issues.

COURSE LOGISTICS

Class Format: Attendance at class sessions is expected for this course. Class sessions will be devoted to a mixture of lecture and discussion regarding assigned reading materials, with a strong emphasis on dialogue amongst the class.

Grading: The following weight will be given to coursework in the determination of final grades:

COURSEWORK	VALUE
Country/Group Environ Case Study	15%
Midterm	25%
Presentations + Papers	25%
Climate Change Accord & Analysis	35%
Participation	+

Course Materials: The following reading list is provided as a general guide to the assigned topics and readings for this course. *Consult the course website, “Schedule” section, on a regular basis for specific reading assignments.

The following *required texts* will be available in the UCI Bookstore:

- **IEL** = *International Environmental Law*, Lakshman D. Guruswamy & Brent Hendricks, West Publishing (2003). (abbreviated as ‘EL’ in the reading schedule)
- **GEIL** = *The Global Environment and International Law*, Joe DiMento, University of Texas Press (2003).
- **RS** = *Red Sky at Morning: America and the Crisis of the Global Environment*, James Gustave Speth, Yale University Press (2004).

Recommended Texts (on Reserve at Library):

- **GPB** = *Green Planet Blues: Environmental Politics From Stockholm to Johannesburg*, Ken Conca and Geoffrey Dabelko, Westview (2004).
- **ED** = *Environmental Diplomacy: Negotiating More Effective Global Agreements*, Lawrence E. Susskind, Oxford University Press (1996).
- **GEG** = *Global Environmental Governance*, James Gustave Speth & Peter M. Haas, Island Press (2006) (Just came out, book itself not on reserve—only pdf files).
- **GE** = *The Global Environment: Institutions, Law and Policy*, Regina Axelrod, David Downie, and Norman Vig, CQ Press (2005).

Course Website: All students are responsible for visiting the "schedule" section of the course website on a regular basis. The attached reading list provides a general guide to the course readings; however, the actual assignment list and regular updates will be posted on the course website.

Class Announcements: Check your UCI email account on a regular basis for any announcements concerning this class. If you have trouble accessing your UCI email account, an archive of class email announcements can be found on the course website (see top of page 1 for URL address).

WEEKLY SCHEDULE

PART I: INTRODUCTION TO GLOBAL ENVIRONMENTAL PROBLEMS & CC

Class 1 (June 27): Class Orientation

- * Class orientation/introductions
- * Discussion on definitions of 'International', 'Environment', and 'Law'
- * Selection of countries for written reports.

- * A Step Back Excerpts

Familiarize Yourself with these Articles/Cases:

- * Epoch Times, "[Inuit Culture, Frozen in Time, Now Melting Away](#)", Aug 18-25, 2005.
- * Nature Magazine (2005). [Hurricane Intensity and Global Warming](#)
- * "[The Sinking of Tuvalu](#)," Feb. 13, 2005 (with pictures)
- * "[Uncertainty Grips the Arctic: Climate Change Impacting Northern Ecosystems](#)", Aug 27, 2005.
- * "Supreme Court will hear case on climate change," June 26, 2006
- * Slate, "[How to Win a Global Warming Case](#)"
- * McKibben, "[The Big Picture: Climate Change too slow for Hollywood, too fast for the rest of us](#)," May 4, 2004

Class 2 (June 29): Orientation to Environmental Problems: Climate Change

- * Take [Ecological Footprint Quiz](#) (web)

- * *GEIL*, Chapter 1, "Worldwide Environmental Quality & the Role of Law," pp. 1-12.
- * *RS*, Prologue pp. 1-12; Chapter 1, pp. 13-22.
- * *RS*, Chapter 6, "Ten Drivers of Environmental Deterioration," pp. 119-139; and Chapter 7, "Globalization and the Environment," pp. 140-7.
- * *GEG*, Chapter 1, "Introduction: Toward Planetary Stewardship," pp. 1-11 and pp. 23-29 (reserve).
- * Flannery (2006), *The Weather Makers: How Man is Changing the Climate and What it Means for Life on Earth*, pp. 19-35 (reserve).
- * *GPB*, Conca and Dabelko, "Introduction," 1-12 (reserve).
- * *GPB*, Garrett Hardin (1968) "The Tragedy of the Commons." [Science](#) 162:3859, pp. 1243-48. Dec. 13; or in *GPB*, 37-44.
- * *GPB*, Susan Buck, "No Tragedy on the Commons," pp. 45-53 (reserve).
- * *GPB*, Meadows et al., "The Limits of Growth," pp. 24-28 (reserve).

PART II: FOUNDATIONS OF IEL AND TREATY SYSTEM

Class 3 (July 6): Introduction to International Environmental Law—its structure and sources

*** Analytical Paper Due: Sources of Utilities and Waste**

- * Review Environmental Law Timeline: http://www.iisd.org/pdf/2002/sd_timeline2002.pdf
- * *IEL*, Chapter 1, “Sources and Forms of International Environmental Law,” pp. 1-29.
- * *IEL*, Chapter 2, “The Historical Continuum,” pp. 30-47.
- * *GEIL*, Chapter 2, “Law Trying to Save Earth: Strategies, Institutions, and Organizations,” pp. 13-56.
- * *RS*, Chapter 4, “First Attempt at Global Environmental Governance,” 77-97.
- * Weiss, “Global Environmental Change and International Law: The Introductory Framework,” in *Environmental Change and International Law*, UN University Press, 1992, pp. 13-23 (web).

- * TREATY: Declaration of the UN Conference on the Human Environment, 1972 (“Stockholm Declaration”).

Class 4 (July 11): Strengths and Weaknesses of the Treaty System in Int’l Law

*** Country/Group Reports Due (Beginning of Class)**

- * *GEIL*, Chapter 4, “An Accounting: Successes and Failures in IEL,” pp. 82-140.
- * *RS*, Chapter 5, “Anatomy of a Failure,” pp. 98-116.
- * *ED*, Chapter 3, “Representation and Voting,” pp. 43-61.
- * *GPB*, “Laws, States and Super-states: International Law and the Environment,” pp. 79-90.
- * *GPB*, “Multilateral Environmental Agreements: A Summary,” pp. 147-155.
- * *GPB*, “Environment and Development: The Case of Developing Countries,” pp. 29-36.

- * TREATY: World Charter for Nature, 1982

PART III: PRINCIPLES AND ENFORCEMENT OF IEL

Class 5 (July 13): General Principles of IEL and the Earth Summit

- * Sands, “General Principles and Rules of IEL,” *Principles of International Environmental Law*, 2d, pp. 231-290 (reserve).
- * *GE*, Sands and Peel, “Environmental Protection in the Twenty-First Century: Sustainable Development and International Law,” (reserve).
- * *GEG*, Chapter 3, “From Stockholm to Jo’burg,” pp. 52-81 (reserve)
- * Weiss, “[Intergenerational Equity: A Legal Framework for Global Environmental Change](#),” in *Environmental Change and International Law*, UN University Press, 1992, pp. 385-412.
- * *GPB*, World Commission on Environment and Development, “Towards Sustainable Development,” pp. 234-245 (reserve)

- * TREATY: Declaration of the UN Conference on Environment and Development, 1992 (“Rio Declaration”)

Class 6 (July 18): Enforcement and Monitoring in IEL

- * *GEIL*, Beginning of Chapter 5, “IEL: Expectations and Recommendations,” pp. 141-154.
- * *EL*, Chapter 3, “Implementation,” pp. 48-104.
- * *GE*, Faure and Lefevre, “Compliance with Global Environmental Policy,” pp. 163-180 (reserve)
- * *GPB*, Speth, “Perspective on the Johannesburg Summit,” pp. 156-163 (reserve).
- * *GPB*, Memo, “Excerpt from the Jo’burg Memo,” pp. 171-178 (reserve).
- * *GPB*, Lele, “Sustainable Development: A Critical Review,” pp. 252-262 (reserve).

- * TREATY: Jo’burg Summit Memo

PART IV: USING IEL TO ADDRESS CLIMATE CHANGE

Class 7 (July 20): Introduction to Climate Change and Kyoto Protocol

*** MIDTERM EXAM**

- * *EL*, Chapter 7, “Ozone Depletion,” pp. 226-245.
- * *EL*, Chapter 6, “Global Climate Change,” pp. 174-225.
- * *RS*, Chapter 3, “Pollution and Climate Change in a Full World,” pp. 43-73.
- * Gelbspan, “[History at Risk: The Crisis of Climate Change](#),” Reprinted from *The Heat is On* (1999).
- * *GE*, Betsill, “Global Climate Change Policy: Making Progress or Spinning Wheels?,” pp. 103-121 (reserve).

- * TREATY: Kyoto Protocol

Class 8 (July 25): Law of Climate Change

- * Eileen Claussen, “Climate Change: Present and Future,” *Ecology Law Quarterly* 27(4) (February 2001), pp. 1373-82.
- * Najam, Huq, and Sokona, “Climate Negotiations Beyond Kyoto: Developing Countries Concerns and Interests,” *Climate Policy*, 3, 221-31 (2003) (reserve).
- * Figueres and Ivanova, “Climate Change: National Interests or a Global Regime?” *Global Environmental Governance*, pp 1-17.
- * UNFCCC, *Caring for Climate 2005: A Guide to the Climate Change Convention and Kyoto Protocol*, pp. 6-37 (http://unfccc.int/resource/docs/publications/caring2005_en.pdf).
- * Gardiner, Stephen, “The Global Warming Tragedy and the Dangerous Illusion of the Kyoto Protocol”, *Ethics & International Affairs*, 18:1, pp. 23-39.

- * TREATY: Intergovernmental Panel on Climate Change, “Climate Change 2001, Synthesis Report.”

PART V: FUTURE OF IEL AND THE PLANET

Class 9 (July 27): The Future of IEL: Moving Beyond Kyoto

*** Climate Change Presentations**

* UN Model Convention on Climate Change

* *EL*, Chapter 18, “The Future of IEL,” pp. 539-560.

* *GEIL*, Chapter 5, pp. 154-186.

* *RS*, Chapter 9, “Taking Good Governance Seriously,” pp. 172-190.

* Pew Center for Climate Change, “Beyond Kyoto: Advancing the International Effort against Climate Change”.

* Each group will read one of the following “Think Pieces” (plus the overview) to present to the class along with 1-2 page analysis paper.

All READ: Overview: Climate Crossroads

<http://www.pewclimate.org/docUploads/Beyond%20Kyoto%20contents%20and%20overview%2Epdf>

EACH GROUP IS RESPONSIBLE FOR ONE OF THE FOLLOWING:

1. A Long-Term Target: Framing the Climate Effort

<http://www.pewclimate.org/docUploads/Long%2DTerm%20Target%2Epdf>

2. Climate Commitments: Assessing the Options

<http://www.pewclimate.org/docUploads/Climate%20Commitments%2Epdf>

3. Equity and Climate: In Principle and Practice

<http://www.pewclimate.org/docUploads/Equity%20and%20Climate%2Epdf>

4. Addressing Cost: The Political Economy of Climate Change

<http://www.pewclimate.org/docUploads/Addressing%20Cost%2Epdf>

5. Development and Climate: Engaging Developing Countries

<http://www.pewclimate.org/docUploads/Development%20and%20Climate%2Epdf>

6. Trade and Climate: Potential Conflicts and Synergies

<http://www.pewclimate.org/docUploads/Trade%20and%20Climate%2Epdf>

Class 10 (Aug 1): IEL Mechanisms for Change

*** Inuit Presentations**

* Sands, "International Human Rights and Environment," in *Principles of IEL*, pp. 291-307 (reserve)

* Kiss, "An Introductory Note on a Human Right to Environment," in *Environmental Change and International Law*, 1992, pp. 199-204 (reserve).

* Shelton, "The Environmental Jurisprudence of Int'l Human Rights Tribunals," pp. 1-12; 18-23 (reserve).

* Taillant, "Environmental Advocacy and the IAHRs System," pp. 118-158 (reserve).

* Wiersema (2003), "Sharing Common Ground: A Cautionary Tale of the Rights of Indigenous Peoples and the Protection of Biological Diversity," pp. 162-77 (reserve).

* Fisher, "Bridging the Human Rights-Environment Divide: Manifesting Ecological Rights," pp. 1-26.

* Each group will read one of the sections of the Inuit Petition to the IACHR to present to the class along with 1-2 page analysis paper (on their section) using the readings above to clarify the legal arguments made on the Inuit's behalf.

1. **Part A**: Human Rights of Indigenous People Interpreted within their Context of Culture and History

2. **Part B, 1**: Effects of GW Violate Inuit's Right to Enjoy Culture

3. **Part B, 3&4**: Effects of GW Violate Inuit's Right to Property (Land and Personal Property)

4. **Part B, 4**: Effects of GW Violate Inuit's Right to Preservation of Health

5. **Part B, 5**: Effects of GW Violate Inuit's Right to Life, Physical Integrity and Security

6. **Part B, 6&7**: Effects of GW Violate Inuit's Right to their own Means of Subsistence & Rights to Residence and Movement and Inviolability of the Home

Class 11 (Aug 3): FINAL PAPER DUE BY 1:00PM IN CLASSROOM.

HINTS FOR ASSIGNMENTS

COUNTRY REPORT: Your report should include basic information about the history, geography, demographics, political and cultural context of the country. This report should be in narrative form and should focus on environmental conditions, primary actors, major challenges and strategies taken for addressing environmental problems. More specifically, your report should have a section on approaches to climate change, its perspective on climate change, what steps have been taken toward addressing these problems, etc.

Possible Questions to ask in Developing your Report:

1. Briefly describe the political, economic, and demographic history of your country within the past 50 years. Include the country's current population and rate of increase or decrease.
2. What are your country's most important economic assets at the present time? What are its most pressing environmental problems?
3. What portion of your country's gross national product is spent on its military? For debt service? For education? For environmental protection? Provide a pie chart showing all major expenditures.
4. Are any multi-national corporations engaged in economic activities within your country? Which? Doing what? Briefly describe one or more examples having major environmental impact(s).
5. Are any nongovernmental environmental organizations engaged in environmental protection activities within your country? Which? Doing what? Major example(s)?
6. What are the three most important international conventions or agreements pertaining to environmental issues to which your country is a party? Why?
7. Has your country declined to become a party to any major international conventions or agreements pertaining to environmental issues? Which? Why? Major example(s)?
8. Identify your sources for this assignment, using a standard citations format.

Websites with Country-Specific Environmental Profiles (to get you started):

Pop Planet: <http://popplanet.org/PopPlanet/countries.cfm>;

UNEP: <http://www.unep.net/> (pick from drop menu);

Tiempo Climate News: <http://www.tiempocyberclimate.org/newswatch/searchnation.htm>;

Earthtrends: http://earthtrends.wri.org/country_profiles/index.cfm?theme=3

CIA Factbook: <http://www.odci.gov/cia/publications/factbook/>

FINAL PAPER: In addition to your country report, the paper should contain two additional sections. First, write your own Legal Environmental Accord to address Climate Change from the perspective of your country used in the case study (2-3 pages). You can use any of the Accords we examined in class as an outline or template for your design. In the second part, analyze the strengths and deficiencies of your accord, and what structural/legal changes do you envision as necessary to adequately address climate change (3-4 pages) from your country's perspective. You should bring in readings from class with their proper citations. So, your final paper should be 8-12 pages, inclusive of the initial country report.