

## **International Law and the Environment**

PS454 / PS654 / NORS 654 Fall 2010

Revised September 6, 2010

<i>Meeting Time:</i>	Tuesdays 5:30pm- 8:30pm
<i>Location:</i>	Duckering 341
<i>Instructor:</i>	Dr. Pia M. Kohler
<i>Office:</i>	Gruening 603A
<i>Telephone:</i>	907-474-6503
<i>E-mail:</i>	pmkohler@alaska.edu
<i>Office Hours:</i>	Tuesday 2:30-4:30, Wednesday 4:30-5:15, Thursday 11:30-1:00 and by appointment

### **Course Scope and Objectives**

This course draws on the last three decades of international efforts to regulate the environmental commons. It will focus on the process of negotiating and implementing international environmental law (IEL) and introduces relevant principles and rules of international law. A variety of challenges faced in international environmental law (compliance, participation by civil society, incorporation of science, efficiency...) will be examined through the in-depth study of several international regimes, including on climate change, endangered species, biodiversity, biosafety and chemicals management. By the end of the semester, you will be familiar not only with a range of international environmental treaty texts, but also with the ways in which they have been developed. You will also be able to discuss a variety of factors that affect the successful implementation of international environmental law.

### **Course Organization**

This course will meet weekly for 3 hours on Tuesday evenings. There will be some lecturing, but the bulk of class time will be devoted to seminar discussions on assigned readings and topics. This course is also being offered via distance for some students enrolled in the course. The audio of each class meeting will be recorded and posted on Blackboard for future reference.

### **Course Materials**

There is one required text for the course: Bodansky's *Art and Craft of International Environmental Law* (Harvard University Press, 2010). Additional readings will be available on-line through the course Blackboard site. You can expect to read 100-150 pages a week. The schedule of assigned readings will be regularly updated on Blackboard.

### **Evaluation**

Your success in this course will require careful reading of assigned readings, punctual and regular attendance and engaged participation, and timely completion of assignments according to provided guidelines.

As the course is being offered through three different modes, the relative weight of each component of the course contributing to your final evaluation will vary – the differentiated grade breakdown is provided at the end of this section. All students will have the same reading load (100-150 pages per week).

1. Weekly reading response memos:

Brief memos outlining your reaction to the readings assigned for each class will be due (to be submitted via e-mail to pmkohler@alaska.edu) by 8am on the morning of class. Please note that there will be a strictly enforced policy regarding late work. Late media journals will only be accepted until 1pm on the day of class, and any media journals submitted between 8am and 1pm will be penalized by 50%.

By the end of the semester, you are expected to have submitted 10 memos, the lowest grade of your 10 submissions will be dropped in compiling your final grade. More detailed guidelines for these memos will be distributed on the first day of class. The first memo will be due Tuesday, September 14th by 8am.

2. Midterm Exam:

A take-home midterm emphasizing the fundamentals of international environmental law will be taken during the week of October 11<sup>th</sup>. Please note that there will be no class meeting on Tuesday October 12<sup>th</sup>.

3. Research Paper:

You will be submitting one research paper. The topic for this paper will require you to identify a problem or challenge currently faced in international environmental law and develop an original solution to the problem you have identified. The topic of this paper will be refined over the course of the semester, and you will need to submit a proposal and an outline before submitting the final paper (more extensive guidelines will be distributed in class and posted on Blackboard). You will be expected to regularly discuss your progress on the paper in class and formally present your findings to the class at the end of the semester.

For PS 454, this paper will be 18-20 pages in length (double spaced, not counting bibliography), while for graduate students, the paper will be 25-30 pages in length (double spaced, not counting bibliography). These papers will be due on Friday December 17<sup>th</sup> at the beginning of our scheduled final exam session.

4. Attendance and participation:

Punctual attendance by all students is essential to the success of this seminar. If you must miss class due to a conflicting UAF responsibility or an emergency, it is your responsibility to contact me (via e-mail, or see office hours above) to discuss the situation so that you may be granted an excused absence if appropriate (be prepared to show documentation). Any unexcused absence will affect your final grade. Your active and engaged participation in class will also include completion of class activities throughout the semester (for example, role play simulation). There are likely to be many viewpoints represented in the seminar, and active participation also includes respectful listening of others' perspectives.

5. Discussion Leading:

Those of you enrolled in a graduate section of the course will have several opportunities to lead discussion on some of the assigned articles. A discussion leading schedule will be developed at the beginning of the semester.

### **Grading Scale:**

You will receive a percentage score for each assignment above, that can be translated into a letter grade according to the scale below. Plusses and minuses will be used in assigning term grades for this class, which will be calculated according to the relative weight of the different components of the course (see below).

If you are taking this class to fulfill a major requirement, please note that a final grade of C or better will be necessary for you to count this course towards completion of your major. Be aware that a final grade of C- will not fulfill such a requirement.

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|----------------|-----------|------------|
| ➤ A+: 98-100%  | A: 93-97% | A-: 90-92% |
| ➤ B+: 87-89%   | B: 83-86% | B-: 80-82% |
| ➤ C+: 77-79%   | C: 73-76% | C-: 70-72% |
| ➤ D+: 67-69%   | D: 63-66% | D-: 60-62% |
| ➤ F: below 60% |           |            |

### **COURSE GRADING OVERVIEW**

	PS 454	PS/ NORS 654	PS/NORS 654 – Distance
Reading Response Memos	30%	20%	40%
Midterm	10%	10%	15%
Research Paper	(45%)	(50%)	(45%)
<i>Proposal</i>	5%	5%	5%
<i>Detailed outline</i>	5%	5%	10%
<i>Presentation</i>	10%	10%	N/A
<i>Final Submission</i>	25%	30%	30%
Attendance and Participation	15%	10%	N/A
Discussion leading	N/A	10%	N/A

### **Course Policies**

**1.** Extensions and make-ups: I understand that unforeseen events may arise that affect your ability to complete assignments, sit exams and/or take part in the class. In such a case, please let me know as soon as possible. If you think you have grounds for an extension on a writing assignment, it is your responsibility to contact me at the latest by noon the day before the assignment is due. Please note that if you do not arrange for an extension, late submission of any of the components of your research paper will be penalized by 50% for every 24hr period delay (starting 5 minutes after the start of class on the day it is due). See above for the late work policy regarding reading response memos.

There will be no opportunity to earn extra credit. However, I am committed to your success in this class – if you feel that you are not performing to your expectations, please come and see me!

**2.** This class falls under the provision of the Student Code of Conduct, UAF 2010-2011 Catalog, p. 49-50. **In particular, academic dishonesty will not be tolerated and will lead to an F for the course.** This includes plagiarism, cheating, collusion or fabrication. If you are unsure as to whether your approach for any given assignment may constitute academic dishonesty, please be sure to double check with the instructor prior to handing in your assignment!

3. I am available to answer any questions you may have about course assignments, requirements or content. I generally answer e-mails within 12 hrs on weekdays, and would be happy to schedule an appointment to meet with you if you are unavailable during my posted office hours.

4. You are strongly encouraged to take advantage of the many resources available at UAF to help you succeed in this and other classes. Where appropriate, I am available to work with these services to help you get the most out of this class.

These services include:

- a. the Writing Center  
8<sup>th</sup> floor Gruening, 474-5314.  
[www.alaska.edu/english/studentresources/writing/](http://www.alaska.edu/english/studentresources/writing/)
- b. the Speaking Center  
5<sup>th</sup> floor Gruening, 474-5470  
[www.uaf.edu/comm/](http://www.uaf.edu/comm/)
- c. the Office of Student Support Services  
5<sup>th</sup> floor Gruening, 474-6844  
[www.uaf.edu/sssp/](http://www.uaf.edu/sssp/)
- d. the Office of Disability Services  
612 N. Chandalar, 474-5655, TTY: 474-1827  
[www.uaf.edu/apache/disability/](http://www.uaf.edu/apache/disability/)

## Tentative Course Schedule

Please note that this is a tentative course schedule and it will be adjusted over the course of the semester. Reading assignments, as well as pdfs of readings where appropriate, will be posted on Blackboard.

<u>DATE</u>	<u>TOPIC</u>	<u>READINGS/DEADLINES</u>
9/7	Course Introduction	
9/14	International Environmental Law: Problems and Actors	<b><i>Memo #1 due 8am</i></b> 1. Bodansky, Chapters 1 through 7 (p.1-153)
9/21	Negotiation and Implementation	<b><i>Memo #2 due 8am</i></b> 1. Bodansky, Chapters 8 through Conclusion (p. 154-271) and review list of “treaties and other instruments” p.341-345 2. Text of World Heritage Convention
9/28	Strategies for Species Protection	<b><i>Memo #3 due 8am</i></b> 1. Epstein. “The Making of Global Environmental Norms: Endangered Species Protection” in <i>Global Environmental Politics</i> . May 2006, Vol. 6, No. 2, Pages 32-54 2. Iliff. 2008. “The International Whaling Regime post-2007” in <i>Marine Policy</i> Vol 32, pages 522-527 3. Gehring and Ruffing. “When Arguments Prevail over Power: The CITES Procedure for the Listing of Endangered Species” in <i>Global Environmental Politics</i> May 2008 Vol. 8 No. 2 Pages 123-148. 4. Fisher. 2009. “2010 and all that – looking forward to biodiversity conservation in 2011 and beyond” in <i>Oryx</i> 43 (4) pages 449-450 5. Text of the CITES Convention 6. Text of the ICRW
10/5	Chemicals and Waste	<b><i>Memo #4 due 8am</i></b> 1. Selin. 2010. “Chapter 3: Global Chemicals Use and Management in an Historical Perspective” in <i>Global Governance of Hazardous Chemicals</i> Cambridge, MA: MIT Press. Pages 39-62 2. Selin. 2010. “Chapter 7: Stockholm Convention and Global POPs Controls” in <i>Global</i>

		<p><i>Governance of Hazardous Chemicals</i> Cambridge, MA: MIT Press. Pages 135-162</p> <p>3. Selin. 2010. "Chapter 8: Multilevel Governance and Chemicals Management" in <i>Global Governance of Hazardous Chemicals</i> Cambridge, MA: MIT Press. Pages 163-195</p> <p>4. Schmidt. "Unfair Trade: e-Waste in Africa" in <i>Environ Health Perspect.</i> 2006 April; 114(4): A232–A235.</p> <p>5. Text of the Stockholm Convention on POPs</p> <p>6. Text of the ENB summary report of the 4<sup>th</sup> meeting of the COP of Stockholm Convention</p> <p>Additional readings TBA</p>
10/12	<b>TAKE HOME MIDTERM (no class session on 10/12)</b>	
10/19	Precaution	<p><b><i>Memo #5 due 8am</i></b></p> <p>Readings TBA</p>
10/26	Regulating the atmosphere: Ozone and Acid Rain	<p><b><i>Memo #6 due 8am</i></b></p> <p>Readings TBA</p>
11/2	The Kyoto Protocol: Targets, Mechanisms, Achievements?	<p><b><i>Memo #7 due 8am</i></b></p> <p>Readings TBA</p>
11/9	Copenhagen and the post-Kyoto framework	<p><b><i>Memo #8 due 8am</i></b></p> <p>Readings TBA</p>
11/16	Governance by disclosure: non-state actors and the power of information	<p><b><i>Memo #9 due 8am</i></b></p> <p>Readings TBA</p>
11/23	Treaty negotiation in practice	<p><b><i>Memo #10 due 8am</i></b></p> <p>Readings TBA</p>
11/30	Student Presentations	
12/7	Student Presentations	
12/17	<b>FINAL PAPER DUE 5:45pm</b>	