

**INTERNATIONAL ENVIRONMENTAL LAW/ Emphasis Climate Change
Spring 2020 (satisfies Writing requirement: WRS)**

COURSE number 7397; section number 24639

From academic handbook for students: Students in a WRS-designated course must complete a paper that is original and demonstrates the student's research and writing skills. Regardless of credit hours, the final version of the paper must be at least 10,000 words, including footnotes. Instructors may require longer papers.

(I will not require a longer paper; but the paper should be of length to cover the topic)

M: 4- 5:45; W: 4-5

(Note the longer time on Monday; this is because we will be using Wednesday as follow-up and discussion of papers; UNLESS otherwise noted please prepare weeks assignment fully for Monday's class)

NOTE EXCEPTION FOR 2nd WEEK (Jan. 20); that Wednesday class meet from 4-5:45 (no class on Monday due to Holiday)

Office Hours

- **I will hold office hours each week on Tuesdays from 4:30 to 5:30 and from 2:30-3:30 on Wednesdays, and I am happy to meet by appointment including the evenings if that works best for you.**
- **My office is located at TUII 122. My e-mail address is vflatt@central.uh.edu. My office phone number is 713-743-6437.**

Professor Victor Flatt, 713-743-6437, vflatt@central.uh.edu

Course Prerequisites: None

Textbook: Guruswamy and Leach; International Environmental Law in a Nutshell (5th Edition, West 2017) (ISBN – 978-1-68328-096-5) and additional readings on Blackboard;

While this is a nutshell it provides the important concepts and basics. It is also relative inexpensive. You can order online.

This class, “International Environmental Law/Emphasis Climate Change” will survey some basic principles of International Environmental Law, discuss some areas in which it has been important such as water resources, trans-boundary pollution and resources generally. The class will then focus on the most pressing international environmental problem – climate change. We will not discuss in depth the issues of radioactive and hazardous disposal, whaling, trade in endangered species or the Antarctic treaties.

Importantly this place is also a seminar class, wherein you will write a law review style paper and review and discuss other papers. Therefore we will begin with rules and ways of research and writing, and on your own choice of international environmental law and/or climate change topic. This is not an exhaustive review of International Environmental Law but an introduction to it. Part of the class time will be at least one mandatory meeting with me outside of class.

Your grade will be based on the following:

General Participation (including attendance) – 10%

In class discussion of your proposed topic, detailed outline, and shape of first draft – 15%

Written comments on other student topics – 15%

Final Paper – 60%

PAPER Requirements and Deadlines:

By **March 2**, your final detailed outline of your paper must be complete and approved, and submitted to me by email. This means that you have met with me to discuss the topic and general ideas and outline BEFORE this date.

THIS may seem like a lot of time just to get a detailed outline, BUT as we will discuss, in writing papers, picking the topic takes up a lot of time with research and reading. Just because there is no writing does not mean that you are not working, and you really need to invest time at this stage.

First draft due **April 8** by 6PM email to vflatt@central.uh.edu (these will be circulated to 2 of the other students for comment in presentations)

Final paper due **May 1**.

Per University of Houston policy, I want to inform you that Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is

necessary for the “Let's Talk” program, a drop-in consultation service at convenient locations and hours around campus. http://www.uh.edu/caps/outreach/lets_talk.html

Week 1 (Jan. 13, 15)

Introduction to Article Writing (WRS)

Assignment: reading from Blackboard on writing

Week 2 (Jan. 22 – Monday, Jan. 20 a holiday – note: **this class meets until 5:45)**

Introduction to International Environmental Law: discussion of possible paper topic selection

Assignment: Guruswamy, pp. 1-35; Bodansky, *Does One Need to Be an International Lawyer to be an International Environmental Lawyer?* (edit) (on Blackboard)

Week 3 (Jan. 27, 29)

(Part 1 – Jan. 27) Evolution of International Environmental Law?
“Development v Environment”, pollution and resources; Players and Actors

Assignment: Guruswamy: 37-52

(Part 2- Jan. 29) Sustainable Development

Assignment: Guruswamy: 69-85

Week 4 (Feb. 3, 5)

Historic International Environmental Problems – Trans-boundary pollution;
Duty to Prepare Environmental Impact Statement

Assignment: Guruswamy: 549-555; Yang, *The Emergence of the Environmental Impact Assessment Duty as a Global Legal Norm and General Principles of Law* (edit) (on blackboard)

Week 5 (Feb. 10 and 12)

Historic International Environmental Problems – WATER: Allocation of
Fresh Water; Water as Defined by Use; Pollution of the Marine Environment

Assignment: Flatt, *Let Us Drink our Fill . . .*, 18 Yale J. L. & Hum. 122 (2006) (available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=870326 and on Blackboard)

Week 6 (Feb. 17 and 19)

Introduction to Climate Change – The Problem; Human Impacts

Assignment: Guruswamy: 243-259; ALSO Review the latest Intergovernmental Panel on Climate Change (familiarize yourself with the IPCC website) and the United States National Climate Assessment

Week 7 (Feb. 24 and 26)

International Treaty Responses – UNFCCC, the Kyoto Protocol and Successor International Agreements to the Paris Accord

Assignment: Guruswamy: 259-273; 281-298

Week 8 (March 2 and 9)

Treaty Responses to Environmental Problems: Protecting the Ozone Layer

Assignment: Guruswamy: 299-322

TOPIC AND DETAILED OUTLINE DUE BY BEGINNING OF CLASS ON March 2 (send by email to vflatt@central.uh.edu)

SPRING BREAK

Week 9 (March 16 and 18)

Market Responses to Climate Change Issues to Watch (offsets, trading, International linkages); Negative Emissions Technologies and Geoengineering?

Assignment: Flatt, “The Legislative Temperature for Climate Change, 102 Northwestern University Law Review Colloquy 123 (2007) (excerpt) (on blackboard and at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1031191)

Week 10 (March 23 and 25)

Historic International Environmental Problems – Law of the Seas:
Straddling Fish Stocks

Assignment: Guruswamy: 505-538
-legal basis for market possibilities

Week 11 (March 30 and April 1)

Litigation as International Environmental Tool: Responses to Climate Change – Children’s petitions; species listings; human rights violations; Sufficiency of International Environmental Law to respond

Assignment: Re-read week 2’s assignment on Palau and European airlines; also Print and Read the Following Two Articles (and do follow-up if you have time):

<https://earthjustice.org/blog/2019-september/greta-thunberg-young-people-petition-UN-human-rights-climate-change>

<https://earthjustice.org/news/press/2005/inuit-human-rights-petition-filed-over-climate-change>

(polar bear issue will be handed out for in class discussion)

Weeks 12 (April 6 and 8)

IN-CLASS Roundtable discussion of all topics; be prepared to discuss your paper and formulate questions to assist you

APRIL 9 (THURSDAY) – First draft of paper due by 5:00 PM Central by email to Professor Flatt at vflatt@central.uh.edu.

BY noon on Friday (APRIL 10), Professor Flatt will have distributed to each person 2 articles for in-depth commentary (*MAKE SURE YOU HAVE SUFFICIENT TIME BETWEEN THIS TIME AND MONDAY CLASS TO read 2 other papers in-depth and prepare comments*)

Weeks 13 and 14 (April 13, 15, 20 and 22)

PRESENTATION OF TOPIC TO CLASS with commentary by 2 other students