

**UNIVERSITY OF FLORIDA/UNIVERSITY OF COSTA RICA
JOINT PROGRAM IN ENVIRONMENTAL LAW**

June 18 – July 30, 2007

**INTERNATIONAL AND COMPARATIVE ENVIRONMENTAL LAW
LAW 6930 § 7210
Professor Thomas T. Ankersen**

**SYLLABUS
Weeks 1 -2**

**WEEK ONE, JUNE 18TH – 22ND : INTRODUCTION TO THE PROGRAM AND
OVERVIEW OF INTERNATIONAL
ENVIRONMENTAL LAW**

Monday, June 18th:

Joint Program Orientation & Urban Jungle Trek

Readings:

Excerpt from Ecosystems and Human Well-Being: Synthesis – Summary1
for Decision makers, Millennium Ecosystem Assessment (1-24),
(Available at <http://www.millenniumassessment.org/en/products.aspx>)

Tuesday, June 19th:

**IEL Course Overview/Introduction to the Global
Environment and its Legal Regime**

Readings:

Dinah Shelton and Alexander Kiss, What is Environmental Law?34
Chapter 1, Judicial Handbook on Environmental Law, 3-12(United
Nations Environment Program, 2005) available at:
http://www.unep.org/dpdl/Law/PDF/Judicial_Hbook_Env_Law.pdf
Christopher D. Stone, Common But Differentiated Responsibilities in45
International Law, 98 Am. J. Int'l L. 276 (2004)

Wednesday, June 20th:

**A Short History of International Environmental Law;
An Introduction to the Principles and Concepts of
International Environmental Law**

Readings:

Rio Declaration on Environment and Development (Treaty Supp.)58
David Hunter, Julia Sommer and Scott Vaughan, CIEL/UNEP, Concepts
and Principles of International Environmental Law: An Introduction
(1993)(available at: <http://www.rrojasdatabank.org/xpaper10.htm>)

**WEEK TWO, JUNE 25TH – JUNE 29TH: THE PROGRESSIVE DEVELOPMENT
OF INTERNATIONAL AND
COMPARATIVE LAW**

Monday, June 25th :

**The Progressive Development of International and
Comparative Environmental Law**

Readings:

- Case Summary, Case Concerning the Gabcikovo-Nagymaros Project ...86
(Hungary v. Slovakia), 1997 I.C.J. 92 (available at http://www.icj-cij.org/icjwww/idocket/ihs/ihsjudgement/ihs_ijudgment_970925_frame.htm)
- Case Concerning the Gabcikovo-Nagymaros Project (Hungary v. ...99
Slovakia), 1997 I.C.J. 92 (Separate Opinion of Vice-President
Weeramantry)(available at: http://www.icj-cij.org/icjwww/idocket/ihs/ihsjudgement/ihs_ijudgment_970925_frame.htm)
- Oposa et al. v. Fulgencio S. Factoran, Jr. et al. (G.R. No. 101083)(Sup. ..115
Ct., Philippines)(July 30, 1993)(available at:
http://www.lawphil.net/judjuris/juri1993/jul1993/gr_101083_1993.html)

Tuesday, June 26th :

**The Globalization of Environmental Jurisprudence and the
Constitutionalization of Environmental Law**

Readings:

- Thomas T. Ankersen, "Learning to Speak Environmental Law Creole," ..129
16 Tulane Envtl. L.J. 807, 819 – 826 (2003)
- Carl Bruch, Wole Coker, Chris VanArsdale, Constitutional ..145
Environmental Law: Giving Force To Fundamental Principles In Africa,
26 Colum. J. Envtl. L. 131 (2001) (Excerpts)
- Costa Rica – Carlos Roberto Mejía Chacón Case, Voto No. 3705-93, ..165
July 30, 1993 (español only)

Wednesday, June 27th :

**All Roads Lead From Rome: The Great Legal
Traditions and Private Environmental Law**

Readings:

- Arthur T. Von Mehren, Some Reflections On Codification And Case ..174
Law In The Twenty-First Century 31 U.C. Davis L. Rev. 659
- Thomas T. Ankersen, Civil Responsibility for Environmental Harm, in
"Learning to Speak Environmental Law Creole," 16 Tulane Envtl. L.J.
807, 812 – 817 (2003) ..129
- UF/UCR Joint Program in Environmental Law, Comparative Private ..179
Actions for Environmental Harms (unpublished white paper,
2005)(English and Spanish mixed)

International Water Courses

Regional Case Study: Costa Rica v. Nicaragua

Richard Hamann, Thomas T. Ankersen, Justin Bloom & Marco Gonzalez, Binational Management of the San Juan River Basin: From War to Cooperation (Proceedings of the Interamerican Dialogue on Water Management; Hosted by South Florida Water Management District, October 27-30, 1993) available at:

<http://www.oas.org/dsd/publications/Unit/oea74e/ch12.htm>

Jose Luis Rocha, The Rio San Juan: Sources of Conflict and Nationalism, 292 Envio Digital (November 2005) available at:

<http://www.envio.org.ni/articulo/3112>, (English);

<http://www.envio.org.ni/articulo/3081>(Spanish).

Costa Rica v. Nicaragua, Selected documents from Application Instituting Proceedings, Dispute Concerning Navigational and Related Rights of Costa Rica on the Rio San Juan, International Court of Justice (September 29, 2005), available at: <http://www.icj-cij.org/icjwww/idocket/iconi/iconiframe.htm>

Costa Rica-Nicaragua, Treaty of Territorial Limits, San Jose, 15 April 1858 (Eng. & Esp.); Arbitral award issued by the President of the United State of America, Grover Cleveland, 22 March 1888 (Treaty Supp.)

Tuesday, July 10th :

The Law of the Sea Convention and Shared Marine Resources

Readings:

United Nations Convention on the Law of the Sea (UNCLOS) Map, Estimated Exclusive Economic Zones for Caribbean Sea Countries, Center for Marine Conservation

Callum M. Roberts, Connectivity and Management of Caribbean Coral Reefs, 278 Science 1454, November 21, 1997.

The Southern Bluefin Tuna Cases: Prescription of Provisional Measures by the International Tribunal for the Law of the Sea, 13 Tulane Env'tl. L. J. 361 (Summer, 2000)

Wednesday, July 11th :

The International Law of Sea Turtle Conservation

Readings:

Interamerican Convention for the Protection of Sea Turtles, available at: <http://www.seaturtle.org/iac/english.pdf>.

Chris Wold, The Status of Sea Turtles under International Environmental Law and International Environmental Agreements, CIEL (1996) (<http://www.lclark.edu/org/ielp/objects/turtlestatuspaper.pdf>)

Lisa M. Campbell, Reconciling Local Conservation Practice with Global Discourse: The Trouble with Sea Turtles (2004)(Unpublished paper available at http://dlc.dlib.indiana.edu/archive/00001354/00/Campbell_Reconciling_040521_Paper547a.pdf)

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SYLLABUS

THURSDAY, JULY 13TH - SUNDAY, JULY 15TH :
TALKING TURTLES - THE TORTUGUERO FIELD SESSIONS

Readings:

Archie Carr, Tortuguero, in <i>The Windward Road</i> , at p. 51.	1
Sebastian Troeng & Eddie Rankin, Long-term conservation efforts contribute to positive green turtle <i>Chelonia mydas</i> nesting trend at Tortuguero, Costa Rica, <i>Biological Conservation</i> 121 (2005) 111–116 (2004). Available at: www.elsevier.com/locate/biocon	14
Selected Articles from the <i>Velador</i> , Newsletter of the Caribbean Conservation Corporation, and the <i>Tico Times</i> :	
* What I Did On My Summer Vacation, Issue 3, 2005, Velador	20
Satellite Tracking of Leatherbacks Reveals Unexpected Foraging Ground, Issue 1, 2007, <i>Velador</i>	23
Reducing Sea Turtle Mortality & Bycatch in Fisheries, Issue 3, 2006, <i>Velador</i>	26
Native Panamanians Partner with CCC to Protect Sea Turtles at Chiriqui Beach, Issue 2, 2006, <i>Velador</i>	28
Conservation Groups Join Costa Rica in Condemning Illegal Shipment of Green Turtles, Issue 1, 2006, <i>Velador</i>	31
Tortuguero Season Report, Issue 1, 2006, <i>Velador</i>	32
Green Sea Turtles Massacred On Caribbean Coast, by Robert Goodier, August 26, 2005, <i>Tico Times</i>	33
Money Talks and Turtles Prosper, CCC's Tortuguero Efforts Have Global Impact, Issue 2, 2004, <i>Velador</i>	34
Tracking the Largest Turtles on Earth, Issue 2, 2003, <i>Velador</i>	36
CCC Launches Ambitious Hawksbill and Leatherback Conservation Project in Panama, Issue 2, 2003, <i>Velador</i>	38
CCC Playing Major Role in Protecting Caribbean Leatherbacks, Issue 1, 2003, <i>Velador</i>	40
Fall 2002 issue, <i>Velador</i> – Costa Rica Urges Florida Leaders to Protect Critical Nearshore Sea Turtle Habitats; Proposal to Allow Trade in Green Turtles Fails; Dead Sea Turtles	42

Wash Ashore in India; Green Turtle Season Report; Costa Rica Provides Example for Sea Turtle Protection	
Critically Endangered Leatherback from Costa Rica Makes Rare Visit to Florida, Winter 2001, Velador	48
CCC and Volvo sponsor teachers and students in Tortuguero, CR, Summer 2001, Velador	50
I regret to inform you, but a cat got your turtle, Summer 2001, Velador	51
Competition for the title of "Old Faithful", Summer 2001, Velador	52
Satellites Track Tortuguero Turtles for First Time, Summer 2000, Velador	54
Sea Turtle Victory at CITES, Spring 2000, Velador	58
Struggle to Strengthen Sea Turtle Protection in Costa Rica, Summer 1998, Velador	61
New York Sting Operation Nets Costa Rican Turtle Trafficker, Summer 1998, Velador	63
The Road to Tortuguero – A Two-Way Street, Summer 1998, Velador	64

Kyoto Protocol to the United Nations Framework Convention on Climate Change. Supp.

Intergovernmental Panel on Climate Change, Climate Change 2007: The Physical Science Basis – Summary for Policy Makers p.48

Levin K. & Pershing J, Climate Science 2005 Major New Discoveries in WRI Issues Brief, WRI March 2006 p. 456

WEEK 6: JULY 23 – JULY 27: GLOBAL CHANGE PHENOMENON: CLIMATE CHANGE AND FREE TRADE

Monday, July 23rd :

The Rio Treaties II: Climate Change and Climate Litigation

Readings:

Climate Cases:

Massachusetts v. Environmental Protection Agency, 127 S. Ct. 1438 (2007). p. 472

Press Release, Climate Justice: Canada Sued for Breaching Kyoto (05/29/07) p. 505

Excerpts from Legal Opinion of Dr. Roda Verheyen, LL.M. (London) on Whether Canada is violating the Climate Change Convention and Kyoto Protocol (30 October 2006) p. 507

Connecticut v. American Electric Power Company, 406 F. Supp. 265 (S.D. N.Y. 2005) p. 518

Environmental Defence Authority v. Auckland Regional Council, Decision No. A183 (2002)(New Zealand) p. 526

Tuesday, July 24th :

The Central American Free Trade Agreement; Foreign Direct Investment, Expropriation and the Environment

Readings:

Selected Excerpts, Chapter 10 (Investment), The Dominican Republic – Central America – United States Free Trade Agreement Supp.

Chapter 17 (Environment), The Dominican Republic – Central America – United States Free Trade Agreement Supp.

The U.S.-Central America Free Trade Agreement, Report of the Trade and Environment Policy Advisory Committee (TEPAC) (March 19, 2004) p. 552

Center for International Environmental Law, Separate Comments of TEPAC Members on the U.S.-Central America Free Trade Agreement (CAFTA)(March 18, 2004) p. 573

Wednesday, July 25th :

Afta' NAFTA - CAFTA

Special Guest:

Otton Solis, Former Presidential Candidate (2006) & President, Citizen's Action Party

Readings:

- Otton Solis, CAFTA: An Opportunity for Democratic Development in Danger (October, 2003). p. 581

WEEK SEVEN

Monday, July 30th:

FINAL EXAM; FIESTA FINAL