

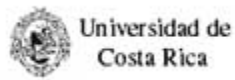


**INTERNATIONAL &
COMPARATIVE
ENVIRONMENTAL LAW
LAW 6930 § 8420**

Professor Thomas T. Ankersen

SYLLABUS
Weeks 1 - 6

June 15 – July 27, 2009
SAN JOSE, COSTA RICA



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

June 15 – July 27, 2009

**INTERNATIONAL AND COMPARATIVE ENVIRONMENTAL LAW
LAW 6930 § 8420
Professor Thomas T. Ankersen**

**SYLLABUS
Weeks 1, 2, & 3**

**WEEK ONE, JUNE 15TH – 19th: INTRODUCTION TO THE PROGRAM AND
OVERVIEW OF INTERNATIONAL
ENVIRONMENTAL LAW**

Monday, June 15th:

Joint Program Orientation & Urban Jungle Trek

Tuesday, June 16th:

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

Readings:

Excerpt from Ecosystems and Human Well-Being: Synthesis – Summary
for Decision makers, Millennium Ecosystem Assessment (1-24), at
<http://www.millenniumassessment.org/documents/document.356.aspx.pdf>

Pages:

1-33

Wednesday, June 17th:

**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.)
David Hunter, Julia Sommer and Scott Vaughan, Concepts and
Principles of International Environmental Law: An Introduction

Supp

34-53

**WEEK TWO, JUNE 22nd – JUNE 26th: THE PROGRESSIVE DEVELOPMENT
OF INTERNATIONAL AND
COMPARATIVE LAW**

Monday, June 22nd:

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

Readings:

Case Summary, Case Concerning the Gabcíkovo-Nagymaros Project
(Hungary v. Slovakia), 1997 I.C.J. 92

54- 66

Pages:
67-82

Case Concerning the Gabcikovo-Nagymaros Project (Hungary v. Slovakia), 1997 I.C.J. 92 (Separate Opinion of Vice-President Weeramantry)

Tuesday, June 23rd:

The Globalization of Environmental Jurisprudence and the Constitutionalization of Environmental Law

Readings:

Thomas T. Ankersen, "Learning to Speak Environmental Law Creole," 16 Tulane Env'tl. L.J. 807, 819 – 826 (2003) 83-98
Manuel A. Gonzalez, Class Actions, Group Litigation and Other Aggregative Procedures in Latin America: A General Overview (available at: <http://ssrn.com/abstract=1280940>) 99-111
Excerpts: John Bonine, Standing to Sue: The First Steps in Access to Justice (available at: <http://www.law.mercer.edu/elaw/standingtalk.html>) 112-125

Briefings:

Oposa et al. v. Fulgencio S. Factoran, Jr. et al. (G.R. No. 101083)(Sup. Ct., Philippines)(July 30, 1993)(available at: http://www.lawphil.net/judjuris/juri1993/jul1993/gr_101083_1993.html) 126-139
Costa Rica – Carlos Roberto Mejía Chacón Case, Voto No. 3705-93, July 30, 1993 (español only) 140-148
TRILIU, PODER JUDICIAL, Santiago, Chile, Diecinueve de Marzo de mil novecientos noventa y siete (español Only) 149-154
Advocates Coalition For Development And Environment, Applicants V. Attorney General Respondent, In The High Court Of Uganda At Kampala, Miscellaneous Cause No. 0100 Of 2004 155-163
U.S. -- Montana Environmental Information Center et al v. MDEC, 296 Mont. 207, 988 P.2d 1236 (MT 1999) 164-177
Subhash Kumar v.State of Bihar and others Writ Petn. (C) No. 381 of 1988, D/-9-1-91 (K. N. Singh, N. D. Ojha JJ)(INDIA) 178-182

In Class Constitutional Drafting Assignment (to be Provided)

Wednesday, June 24th :

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

Readings:

Caslav Pejovic, Civil Law And Common Law: Two Different Paths Leading To The Same Goal, 42 Victoria Univ. of WellingtonL. Rev (2001) available at: <http://search2.austlii.edu.au/nz/journals/VUWLR/2001/42.html> 183-191
Thomas T. Ankersen, Civil Responsibility for Environmental Harm, in "Learning to Speak Environmental Law Creole," 16 Tulane Env'tl. L.J. 807, 812 – 817 (2003) 83-98

Case Study:

Carolina Mauri, Environmental Law Enforcement and Compliance in Costa Rica: Water Pollution with Toxic Substances (available at: <http://www.inece.org/conf/proceedings1>) 192-204

**WEEK THREE, JUNE 29th – JULY 3rd : INTERNATIONAL HUMAN RIGHTS
AND THE ENVIRONMENT**

Monday, June 29th:

The Inter-American Human Rights System, Practice, Procedure and Environmental Rights

Guest Speaker: Gladys Martinez, Central America Director, Alianza Inter-Americana en la Defensa del Ambiente

Readings:

The Interamerican Convention on Human Rights

The American Declaration on the Rights and Duties of Man

Víctor Rodríguez Rescia, The Right To A Healthy Environment In The Inter-American System For The Protection Of Human Rights: In Search of the implementation of a regional litigation strategy

Pages:

Supp.

Supp.

205-223

Tuesday, June 30th:

Comparative Property Regimes and Rights to Land and Resources

Readings:

Thomas T. Ankersen & Thomas Ruppert, Defending The Polygon: The Emerging Human Right To Communal Property, 56 Okla L. Rev 681 (2006)(excerpts)

224-239

Inter-American Commission on Human Rights, Report N° 40/04 Case 12.053, Merits, Maya Indigenous Communities Of The Toledo District, Belize, October 12, 2004

240-274

Wednesday, July 1st

To Be Determined

Readings:

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

INTERNATIONAL AND COMPARATIVE ENVIRONMENTAL LAW
LAW 6930 § 8420
Professor Thomas T. Ankersen

SYLLABUS
Weeks 4-6 July 6th – July 27th, 2009

WEEK FOUR, JULY 6TH - JULY 10TH : TRADE, BIODIVERSITY &
ENVIRONMENTAL LEADERSHIP IN
THE AMERICAS

Monday, July 6th:

Trade and the Environment in Central America:

Pages:

Guest Speaker: Lic. Jose Pablo Sanchez

Readings:

Biography, JosePablo Sanchez 1-2
Chapter 17, Environment, The Central American Free Trade Agreement Supp.
Chapter 10, Investment The Central American Free Trade Agreement Supp.
Note: Vivian H. W. Wang, Investor Protection or Environmental 3-20
Protection? "Green" Development Under CAFTA, 32 Colum. J. Envtl. L. 251
(2007)

Tuesday, July 7th:

Green Gold: Biodiversity, Bioprospecting and Biopiracy

Guest Speaker: Dra. Ana Sittenfeld, Director

Readings:

Biography, Dra. Ana Sittenfeld 21
The United Nations Framework Convention on Biological Diversity Supp.
The Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Supp.
Benefit Sharing
Rachel Wynberg & Sarah Laird, Bioprospecting: Tracking the Policy Debate 22-35
49 Environment 20 (2007)
Srividhya Ragavan, New Paradigms for Protection of Biodiversity, 13 Journal 36-44
of Intellectual Property Rights 514 (2008)

Wednesday, July 8th:

Environment, Leadership, The United States, Florida and
The Americas: A Conversation

Guest Speaker: Senator Robert Graham (D. Fla. ret.)

Readings:

Biography, Senator Robert Graham 45-48
Second Reading TO BE DETERMINED

WEEK FIVE, JULY 13th –17th: SHARED MARINE AND FRESHWATER RESOURCES

Monday, July 13th :

The Law of the Sea Convention and Shared Marine Resources

Readings:

United Nations Convention on the Law of the Sea (UNCLOS) Supp.
Map, Estimated Exclusive Economic Zones for Caribbean Sea Countries, 49
Center for Marine Conservation

Callum M. Roberts, Connectivity and Management of Caribbean Coral Reefs, 50-52
278 Science 1454, November 21, 1997.

The Southern Bluefin Tuna Cases: Prescription of Provisional Measures by the 53-70
International Tribunal for the Law of the Sea, 13 Tulane Env'tl. L. J. 361
(Summer, 2000)

Tuesday, July 14th:

The International Law of Sea Turtle Conservation

Readings

Interamerican Convention for the Protection of Sea Turtles Supp.

Chris Wold, The Status of Sea Turtles under International Environmental Law 71-108
and International Environmental Agreements, 5 Journal of International
Wildlife Law and Policy 48 (2002)

Wednesday, July 15th:

The Law of Transboundary Waters and the Case of the Rio San Juan

United Nations Convention on the Law of the Non-navigational Uses of Supp.
International Water Courses

Regional Case Study: Costa Rica v. Nicaragua

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

Richard Hamann, Thomas T. Ankersen, Justin Bloom & Marco Gonzalez, 109-115
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)

Jose Luis Rocha, The Rio San Juan: Sources of Conflict and Nationalism, 292 116-131
Envio Digital (November 2005)

Press Release, Dispute regarding Navigational and Related Rights (Costa Rica 132-134
v. Nicaragua); Conclusion of the public hearings; Court begins its deliberation
(12 March 2009)

WEEK 6: JULY 20th – JULY 24th: THE RIO TREATIES: CLIMATE CHANGE

Monday, July 20th:

The Rio Treaties II: Climate Science, The Climate Change Convention, the Kyoto Protocol

Readings:	Pages:
United Nations Framework Convention on Climate Change	Supp.
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	135-152
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)	153-156

Tuesday, July 21st:

Climate Change and Climate Litigation

Readings:	
Joyeeta Gupta, Legal Steps Outside the Climate Convention: Litigation as a Tool to Address Climate Change, 16 Review of European Community & International Environmental Law 76 (2007)	157-167

Briefings:

Climate Cases:

Connecticut v. American Electric Power Company, 406 F. Supp. 265 (S.D. N.Y. 2005)	168-175
Massachusetts v. Environmental Protection Agency, 127 S. Ct. 1438 (2007).	176-208
Okeson v. City of Seattle, 150 Pacific 3 rd 557 (2007)	209-221

Wednesday, July 22nd:

Wrap Up

Readings: None

WEEK SEVEN

Monday, July 27th: FINAL EXAM; FIESTA FINAL