

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

June 20 – August 1, 2005

**INTERNATIONAL ENVIRONMENTAL LAW
LAW 6930 § 9019**

**Professor Thomas T. Ankersen
Visiting Professor Joan Flocks**

**SYLLABUS
Weeks 1 -6**

**WEEK ONE. JUNE 21TH – 24TH: INTRODUCTION TO THE PROGRAM AND
OVERVIEW OF INTERNATIONAL
ENVIRONMENTAL LAW**

Monday, June 20st Joint Program Orientation & Urban Jungle Trek

**Tuesday, June 21th IEL Course Overview/Introduction to the Global Environment and its
Legal Regime**

Readings:

Robert Prescott Allen, *The Wellbeing of Nations: A Country-by-Country Index of Quality of Life and Environment (A Synthesis Applicable to the Latin American and the Caribbean & Other Nations of Interest* by Saskia Roehm, UF Law LLM)

Living Beyond Our Means: Natural Assets and Human Well-Being, Millennium Ecosystem Assessment, Statement from the Board (Available at <http://www.millenniumassessment.org/en/products.aspx>)

Mark A. Drumbl, *Northern Economic Obligation, Southern Moral Entitlement and International Environmental Governance*, 27 *Columbia Journal of Environmental Law* 363-382 (2002).

**Wednesday, June 22nd A Short History of International Environmental Law;
An Introduction to the Principles and Concepts of
International Environmental Law**

Readings:

David Hunter, Julia Sommer and Scott Vaughan, *CIEL/UNEP, Concepts and Principles of International Environmental Law: An Introduction* (1993).

Stockholm Declaration of the United Nations Conference on the Human Environment, David Hunter et al, International Environmental Law and Policy Treaty Supplement at 22 (hereinafter Treaty Supp.)

Rio Declaration on Environment and Development (Treaty Supp. at 30)

WEEK TWO: JUNE 29TH – JULY 1ST: INTERNATIONAL ENVIRONMENTAL LAWMAKING

Monday, June 27th: The Progressive Development of International Environmental Law Readings:

Case Summary, Case Concerning the Gabcikovo-Nagymaros Project (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. 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)

The Vienna Convention on the Law of Treaties (Treaty Supp. at 1).

Tuesday, July 28th: The Rio Treaties I: The Biodiversity Convention and its Consequences Readings:

Framework Convention on Biological Diversity (Treaty Supp. at 345).

Genetic Resources, Traditional Knowledge and Intellectual Property Rights: Promoting Synergies for Sustainable Development, Center for International Environmental Law Issue Brief (August, 2002)(available at http://www.ciel.org/Tac/WSSD_Issue_Briefs.html).

Center for International Environmental Law, Comments on Improving Identification of Prior Art: Recommendations on Traditional Knowledge Relating to Biodiversity Submitted to the United States Patent & Trademark Office (1999) (available at <http://www.ciel.org/Publications/IdentificationofPriorArt.pdf>)

Wednesday, June 29th: The Protection of Important Natural Phenomena I: The Mesoamerican Biological Corridor

Readings:

Thomas T. Ankersen, "The Mesoamerican Biological Corridor: The Legal Framework for an Integrated Regional System of Protected Areas," 9

University of Oregon Journal of Environmental Law and Litigation 499
(1994).

**WEEK III. JULY 4TH – JULY 6TH INTERNATIONAL
ENVIRONMENTAL JUSTICE**

**Guest Professor: Joan Flocks, Director, Social Policy Division, University of Florida Levin
College of Law**

**Monday, July 4th: Introduction to Environmental Justice in U.S. and
International Communities**

Readings:

Excerpts from Clifford Rechtshaffen and Eileen Guana, Chapter I,
Overview of the Environmental Justice Movement, in Environmental
Justice: Law, Policy and Regulation (Carolina Academic Press, 2003).

Aaron Sachs, Eco Justice: Linking Human Rights and the Environment,
Worldwatch Institute Paper 127 (December 1995) pp. 5-33.

Tuesday, July 5th: Establishing the Link between Human Rights and the Environment.

Readings:

Aaron Sachs, Eco Justice: Linking Human Rights and the Environment,
Worldwatch Paper 127 (December 1995) pp. 34-55.

Hari M. Osofsky, Learning from Environmental Justice: A New Model for
International Environmental Rights. 24 Stanford Env'tl. L. J. 71-107
(2005).

Wednesday, July 6th: Case Studies in International Environmental Justice

Readings:

Hari M. Osofsky, Learning from Environmental Justice: A New Model for
International Environmental Rights. 24 Stanford Env'tl. L. J. 107-131
(2005).

Case Study role play (to be provided by instructor).

WEEK 4: July 11th - JULY 13th

**Monday, July 11th: The Inter-American System – Field Visit: The Inter-American Court
for Human Rights**

Guest speakers: To be announced

Readings

Victor Rodríguez Rescia & Marc David Seitles, The Development of the Inter-American Human Rights System: A Historical Perspective and a Modern Day Critique, N.Y. L. Sch. J. Hum. Rts 593 (2000)

Summary, Case of the Indigenous Mayagna Community of Awas Tingni (Nicaragua) Before the Inter-American Court of Human Rights (September 2001)(Available at http://www.indianlaw.org/awas_tingni_summary.htm)

Press Release, Indigenous Communities Sue President Bolanos (January 16, 2003)(available at http://www.indianlaw.org/PR_2003-01-16_AT_sue_President.pdf)

Thomas T. Ankersen & Grenville Barnes, Inside the Polygon: Emerging Community Tenure Systems and Forest Resource Extraction (in Working Forest in the Neotropics: Conservation through Sustainable Management, Zarin et al, eds. 2004).

Tuesday, July 12th: The Human Right to Communal Property and its implications for Conservation

Readings

Thomas T. Ankersen & Thomas Ruppert: Defending the Polygon: The Emerging Human Right to Communal Property (2005, unpublished draft manuscript)

Inter-American Human Rights Commission, Report N° 96/03, Case 12.053, Maya Indigenous Communities Of The Toledo District, Belize (October 24, 2003)

Excerpts from: Toledo Maya Cultural Council & Toledo Alcaldes Association, Maya Atlas: The Struggle to Preserve Maya Land in Southern Belize, North Atlantic Books, Inc., Berkeley, CA (1997).

Wednesday, July 13th, The International Law of Sea Turtle Conservation

Readings,

Chris Wold, The Status of Sea Turtles under International Environmental Law and International Environmental Agreements, CIEL (March 6th, 1996) (Available at: <http://www.lclark.edu/org/ielp/objects/turtlestatuspaper.pdf>)

Cynthia Jean Laguex, Marine Turtle Fishery of Caribbean Nicaragua: Human Use Patterns and Harvest Trends, Unpublished dissertation excerpt. (1998).

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

Convention to Regulate International Trade in Endangered Species of Flora and Fauna (Treaty Supplement at 329).

FRIDAY JULY 15TH - SUNDAY, JULY 17TH: TORTUGUERO FIELD SESSIONS

Readings:

Archie Carr, Tortuguero, in *The Windward Road*, at p. 51.

Excerpts from the Velador, Newsletter of the Caribbean Conservation Corporation.

Cooperative Agreement for the Conservation of Sea Turtles of the Caribbean Coast of Costa Rica, Nicaragua and Panama (Unofficial English Translation & Spanish)

WEEK 5. JULY 19TH –22ND

Monday, July 18th: The Law of the Sea Convention

Readings:

United Nations Convention on the Law of the Sea (UNCLOS), Treaty Supp. at 149.

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

Map, Estimated Exclusive Economic Zones for Caribbean Sea Countries, Center for Marine Conservation (undated)

International Court of Justice Press Release, Nicaragua Institutes Proceedings Against Colombia with regard to “legal issues subsisting” between the two States concerning title to territory and maritime delimitation in the western Caribbean (Press Release 2001/34)(available at: http://www.icj-cij.org/icjwww/ipresscom/ipress2001/ipresscom2001-34_nicol_20011206.htm)

United States Commission on Ocean Policy, Preliminary Report, Letter to the Reader; Chapter 29, Advancing International Ocean Science and Policy, (Available at <http://oceancommission.gov/documents/prelimreport/chapter29.pdf>)

Tuesday, July 19th: Protection of Important Natural Phenomena II: The Eastern Tropical Pacific Seascape

Anna Vinson, Deep Sea Bottom Trawling and the Eastern Tropical Pacific Seascape: A Test Case for Global Action (Unpublished student work prepared for 2004 CR Program, January 18th, 2005)

Wednesday, July 20th: The Law of Transboundary Waters

Readings:

United Nations Convention on the Law of the Non-navigational Uses of International Water Courses (Treaty Supp. at 246).

Terrence R. Lee, The Management of Shared Water Resources in Latin America, 35 Nat. Res. J. 541-553 (1995).

Regional Case Studies:

Richard Hamann et al., 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).

Oswaldo Jordan et al., The Talamanca-Sixoala Watershed: Tightening the Ties of Cooperation (1999)(Available at <http://conservtion.law.ufl.edu/pdf/talamanca.pdf>).

WEEK 6: JULY 26 – JULY 29:

Monday, July 25th: The Rio Treaties II: The Climate Change Convention and the Kyoto Protocol

Readings:

United Nations Framework Convention on Climate Change. Treaty Supp. at 119.

Kyoto Protocol to the United Nations Framework Convention on Climate Change. Treaty Supplement at 134.

Intergovernmental Panel on Climate Change, Climate Change 2001: Synthesis Report: Summary for Policymakers (September 2001)

Kerr, Richard. "Rising Global Temperature: Rising Uncertainty." Science Magazine. April 13, 2001.

Joel A. Mintz, Seeking Prudent Policy in the Face of Uncertainty: Observation on an AALS Discussion of Global Climate Change 32 ELR 10827 (July 2002).

Tuesday, July 27th : Trade And The Environment: the NAFTA

Readings:

Chris Wold, A Primer on the WTO and the Global Trading System (Nov. 2, 2000)
Available at <http://www.lclark.edu/org/ielp/wtoexplanation.html>)

North American Agreement on Cooperation Between the Governments of
Canada, Mexico and the United States (Treaty Supp. at 425).

Extract from Folsom, Gordon & Lopez, NAFTA: A Problem Oriented
Coursebook (West 2000), pages 672-82.

Metalclad Corp. v. The United Mexican States, ICSID, 40 I.L. M. 36 (2001)

Wednesday, July 28th: Afta' NAFTA CAFTA

Special Guest Speaker, Otton Solís, President, Citizen's Action Party, Former
Minister of Planning and Economics, Government of Costa Rica

Readings:

Letter from Otton Solís to Senator John Kerry regarding CAFTA (March 4th,
2004).

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

Joint Letter of U.S. Environmental Groups to Congress Opposing CAFTA (Feb.
17, 2004)(Available at http://www.ciel.org/Tae/CAFTA_18Feb04.html)

Office of the United States Trade Representative, Free Trade with Central
America: Summary of the U.S.-Central America Free Trade Agreement,
(December 17, 2003)(Available at <http://www.ustr.gov/new/fta/Cafta/2003-12-17-factsheet.pdf>).

