



**INTERNATIONAL
ENVIRONMENTAL LAW
LAW 6930 § 8776**

**Professors Thomas T. Ankersen,
Rafael Gonzalez Ballar & Michael Gordon
Licda. Maria Jimenez, Asistente**

Course Syllabus

**JUNE 18-JULY 31, 2001
SAN JOSE, COSTA RICA**



SYLLABUS AND COURSE MATERIALS

Week One: June 18th -22nd

I. Infrastructure, Dispute Resolution and the Environment

Monday, June 18th Orientation and Overview

Eric Dannenmaier, "Environmental Security and Governance in the Americas," (March 28, 2001) available at <http://www.focal.ca>

Thomas T. Ankersen, Addressing the Conservation Conundrum in Mesoamerica, in Michael Vincent McGinnis, Ed., Bioregionalism (Routledge Press, 1999).

Ankersen, Abordando el Enigma de la Conservacion en Mesoamerica: Un Estudio de caso Biorregional, in Armando J. Alfonzo and W. George Lovell, Eds., Mesoamerica (Plumsock Mesoamerican Studies, 1999).

Tuesday, June 19th ABA Conference

Wednesday, June 20th ABA Conference

Thursday, June 21st Infrastructure, Dispute Resolution and the Environment: A Review of the Conference

Week Two: June 25th - 29th

II. Introduction to International Environmental Law

Monday, June 25th The Modern History of International Environmental Policy

David Hunter et al., A Brief History from Stockholm to Rio Chapter 6 in International Environmental Law and Policy (Foundation Press, 1998).

Tuesday, June 26th Principles and Concepts

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

Wednesday, June 27th International Institutions and Non-State Actors

Hunter et al, International Institutions and Non-State Actors, Chapter 8 in International Environmental Law and Policy.

Thursday, June 28th International Environmental Law in a Nutshell

David Hunter et al, International Environmental Law Making, Chapter 5 in International Environmental Law and Policy

Edith Brown Weiss, Understanding Compliance with International Environmental Agreements: The Baker's Dozen Myths, 32 U. of Richmond L. Rev. 1555-1589 (January, 1999)

Week 3: July 2nd - 6th

III. International Water Law:

Monday, July 2nd Freshwater Resources

Recommendations Regarding Global Strategies in Freshwater, Discussion Draft, David Hunter, Center for International Environmental Law, Nuno Lacasta, EURONATURA , June, 2001 (unpublished)

“Water Resources and Coastal Areas,” Excerpted from The Plan of Action for the Sustainable Development of the Americas, Santa Cruz de la Sierra, December 8, 1996, Available at <http://www.oas.org/usde/publications/>

“Water Resources,” Excerpted from Report of the Secretary General on Bolivia Summit Implementation, General Secretariat, Organization of American States (March, 1998), available at <http://www.oas.org/usde/publications/>
The Inter-American Water Resources Network, Toward a Process of InterAmerican Dialog, available at <http://iwrn.net/dialog/>

Tuesday, July 3rd Regional Case Studies

Readings:

Integrated Water Resources Management in Mesoamerica, available at <http://www.oas.org/usde/publications/Unit/oea46s/begin.htm>

Guest Lecturer: Javier Bogantes, Central American Water Tribunal, San Jose Costa Rica. See: <http://www.tragua.com>

Wednesday, July 4th The International Law of Transboundary Waters

United Nations Convention on the Law of the Non-navigational Uses of International Water Courses; See David Hunter et al., International Environmental Law and Policy; Treaty Supplement (Foundation Press, 1998) at 245.

Joseph W. Dellapenna, The Customary International Law of Transboundary Fresh Waters (Professor of Law, Villanova University).

Thursday, July 5th Regional Case Studies: Transboundary Watershed Management

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

Regional Case Studies:

Map, Significant Boundary Waters in Mesoamerica, Mesoamerican Environmental Law Program, UF Geoplan Center.

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).

Osvaldo Jordan et al., The Talamanca-Sixoala Watershed: Tightening the Ties of Cooperation (1999)(Availble at <<http://www.lic.ufl.edu/conservation.html>>).

Richard Hamann & Thomas T. Ankersen, The Usumacinta River: Building a Framework for Cooperation between Mexico and Guatemala (September 1, 1996)(available at <http://www.law.ufl.edu/cgr/publications.shtml>)

Week IV: July 9th - 13th

IV. Trade and the Environment: Professor Michael Wallace Gordon

Monday, July 9th Introduction to the Environmental Side Agreement of the NAFTA

Extract from Folsom, Gordon & Lopez: A Problem Oriented Casebook (West 2000), pages 672 -682.

Problem 9.1 Canadian Enforcement: Sport Fishing, Fish Toxicants and First Nations, extract at pages 682-697.

Tuesday, July 10th Mexican Enforcement

Problem 9.2 Mounting Border Pollution Problems and Scarce Enforcement Resources, extract at pages 697-719.

Wednesday, July 11th U.S. Enforcement

Problem 9.3 Petrochemical Pollution and National Sovereignty, extract at 719-742.

Thursday, July 12th Use of NAFTA Chapter 11 (Investment) to Challenge Environmental Regulation

Problem 5.2 The settlement of Investment Disputes Under Chapter 11: U.S. Owned Madison Rod Company's Canadian Manufacturing Facilities Close

Weekend, July 13th -15th

V. Special Tortuguero Field Sessions

Chris Wold, The Status of Sea Turtles under International Environmental Law and International Environmental Agreements (1996)(on file with Center for International Environmental Law).

Chris Wold et al., Draft Agreement for the Conservation of Sea Turtles on the Caribbean Coast of Panama, Costa Rica and Nicaragua (1997).

Final Agreement: Cooperative Agreement for the Conservation of Sea Turtles of the Caribbean Coast of Costa Rica, Nicaragua and Panama (Spanish Version and English Translation)(1998).

Archie Carr, The Windward Road pp.50-72 (University Presses of Florida, 1979).

Cynthia J. Lageux, Marine Turtle Fishery of Caribbean Nicaragua: Human Use Patterns and Harvest Trends (1998) (unpublished Ph.D. dissertation, University of Florida) (on file with author).

Week V. July 16th - 18th

Monday, July 16th Marine Resources and the Law of the Sea Convention

United Nations Convention on the Law of the Sea (UNCLOS), See David Hunter, et al, Treaty Supplement at 147.

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

July 17th Forests and Climate Change

United Nations Framework Convention on Climate Change; See David Hunter et al., Treaty Supplement at 117.

Kyoto Protocol to the United Nations Framework Convention on Climate Change; See David Hunter et al, Treaty Supplement at 132

Donald M. Goldberg, Carbon Conservation: Climate Change, Forests and the Clean Development Mechanism

July 18th Intellectual Property and the Biodiversity Convention

Convention on Biological Diversity; See David Hunter et al., Treaty Supplement at 272.

Biodiversity and Intellectual Property Rights: Reviewing Intellectual Property Rights in Light of the Objectives of the Convention on Biological Diversity, WWF/CIEL Joint Discussion Paper (March, 2001)

July 19th No Classes: Extended Travel Opportunity

Week VI. July 23rd - 26th

Human Rights and the Environment

July 24th The Human Right to a Healthy Environment

John Lee, The Underlying Legal Theory to Support a Well-Defined Human Right to a Healthy Environment as a Principle of Customary International Law, 25 Colum. J. Env'tl. L 283 (2000).

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, "Protocol of San Salvador," O.A.S. Treaty Series No. 69 (1988), entered in force November 16, 1999.

Organization of American States, Inter-American Commission on Human Rights, "The Human Rights Situation of the Inhabitants of the Interior of Ecuador Affected by Development Activities," Excerpted from Report on the Situation of Human Rights in Ecuador, OEA/Ser.L/V/II.96, Doc. 10 rev 1, April 24, 1997.

July 25th Indigenous Peoples and Conservation: Overview of the Issues

Kent H. Redford, The Ecologically Noble Savage, CS Quarterly, 15(1) (1991).

Kent Redford & Allyn MacLean Stearman, Forest-Dwelling Native Amazonians and the Conservation of Biodiversity, Conservation Biology, 7(2) (June 1993).

Janis B. Alcorn, Indigenous Peoples and Conservation, Conservation Biology, 7(2) (June 1993).

Kent H.. Redford, On Common Ground? Response to Alcorn, Conservation Biology, 7(2) (June 1993).

Joe Kane, "With Spears from all Sides," the New Yorker, September 1993

July 26th The Interamerican Commission on Human Rights

David J. Padilla, The Inter-American Commission on Human Rights of the Organization of American States: A Case Study, 9 Am. U.J. International Law and Policy (1993).

The Awas Tingi Case in Nicaragua, Castillo Petition, Inter-Am. C.H.R. (October 2, 1995).

July 26th Simulation Exercise