*Preliminary Syllabus*

**Law 271.71**

**International Environmental Law:**

**Responding to Climate Change and Other Global Issues**

**Prof. Farber**

**Spring, 2014**

**Course Overview**

This course replaces two seminars that were offered in the past, one on international environmental law and one on climate change law. The course focuses on the role of law in the management of international environmental issues. Students will benefit from but need not have taken courses in international law and/or environmental law. The course will include a brief overview of public international law as it relates to the environment.

Throughout the course we will try to look at international environmental law "in context"--i.e., why (or whether) international environmental law matters in contemporary society. International environmental law is a work in progress, with some significant achievements but also many gaps in effectiveness. The emphasis will be on understanding how domestic and international legal systems can address global problems. Thus, the discussion will include not only international treaties, tribunals, and institutions, but also methods of regulation that are not part of the formal corpus of public international law. This is particularly important in the area of climate change, where much of the "action" is taking place at the national and sub-national problem. Indeed, some scholars now prefer to speak of “transnational law” rather than international law, because of the growing importance of actors other than nation states in addressing global issues.

Taking this class should provide students with:

1. A working knowledge of basic international law, as applied in the environmental context.

2. An understanding of key international environmental regimes such as the UNFCCC and the Montreal Agreement.

3. The ability to formulate legal arguments in international environmental disputes.

4. A grasp of the tools available for implementing international environmental policies, their utility, and their limitations.

The grade will be based on a take-home exam. Class participation will serve as a tie-breaker.

**Contract Information**

My office is 894 Simon. The phone is 2-0340, and the e-mail is dfarber@law.berkeley.edu. Outside of office hours, you are always welcome to come by and see if I’m in my office, or to email my administrative assistant, Leslie Stone, for an appointment. Her email is [lstone@law.berkeley.edu](mailto:lstone@law.berkeley.edu)

**Assignments**

Assignments are from bspace or from Weiss, McCaffrey, Magraw, and Tarlock, *International Environmental Law and Policy* (2nd ed. 2007).

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| --- | --- | --- | --- |
| 1 |  | **PART ONE**  **Chapter IV**  Introduction to International Law | 135-157 |
| 2 |  | Dispute settlement | 157-180 |
| 3 |  | International organizations | 180-204 |
| 4 |  | **PART TWO**  **Chapter V**  Principles of state responsibility | 204-226 |
| 5 |  | Compliance | 226-248 |
| 6 |  | Transboundary harm | 248-272 (through note 10) |
| 7 |  | **Chapter VI**  Precautionary principle | 272-295 |
| 8 |  | Sustainable development | 295-318 |
| 9 |  | Consultation duties | 318-344 |
| 10 |  | Environmental impact assessment | 344-365 |
| 11 |  | Cooperation  Developing countries | 365-386 |
| 12 |  | **Chapter VII**  Environmental disasters (1) | 386-409 |
| 13 |  | Environmental disasters (2) | 409-428 |
| 14 |  | **Chapter X**  Ozone (1) | 557-579 |
| 15 |  | Ozone (2)  Review | 579-589 |
| 16 |  | **Chapter XI**  Climate science | 589-605. bspace |
| 17 |  | Energy & GCC | bspace |
| 18 |  | Adaptation | 605-613, bspace |
| 19 |  | UNFCC, Kyoto | 613-638 |
| 20 |  | Post-Kyoto | 638-654 |
| 21 |  | U.S. Mitigation: Federal Government | bspace |
| 22 |  | U.S. Mitigation: State Government | bspace |
| 23 |  | **PART THREE**  **Chapter XV**  Water (I) | 757-776 |
| 24 |  | Water (2) | 776-803 |
| 25 |  | Water (3) | 803-816  523-536 |
| 26 |  | **PART FOUR**  **Chapter XVIII**  Trade (1) | 933-955 |
| 27 |  | Trade (2) | 955-975 |
| 28 |  | Trade(3) | 975-998 |