We will seek to understand the surface and essence of the international legal system and how it regulates the global environment. The seminar is divided into three parts: the first concerns the philosophical foundations of the law and the international legal system, the second deals with the fundamental structure of international law directed at the environment and the third focuses on an effort to use policy design to analyze a series of specific issues within the law and create arguments for your final term papers. Overall, we shall examine the basic international legal setting for the protection and legal management of the global environment. We shall do this upon a foundation of philosophical method applied to the various areas of international environmental law and learn the art of writing a logical, critical and concise policy-legal argument in the process.

Objectives of the Course:
- Facilitate Critical Thinking, Writing And Analysis.
- Learn To Read And Analyze Treaties, Cases, and The Conventions Of International Environmental Law.
- Develop The Ability To Identify And Analyze The Value Conflicts Underlying Environmental Law As Well As The Impact Of Legal Change On Both International Governance.

Skills To Be Acquired: Use of the law requires the following skills:
1. Sorting & Theoretical Analysis: One must be able to take more legal information (court cases, problems, treaties, legal arguments) than they can easily assimilate, and in a short time, segregate relevant data from information and then specific evidence from that data. One also needs to read the law not just for what it says on the surface but to expose the essential normative principles and positive models on which legal persuasiveness is based and which provide the foundation for the construction and justification of international legal arguments and the standards for all future evaluation of legal accountability, reasonableness, and success.
2. Argument Writing, Analysis and Synthesis: In order to effectively sort out a legal issue one must be able to critically analyze a status quo argument in law and decipher its core principle and assumptions. Then, understanding what ‘is’, one should be able to define their own position and synthesize a constructive thesis, entailments, and evidence of one's own, relating to what ought to be the law in the problem under consideration.
3. Presentation: One should be able to present well-thought-out arguments, amend these through reasoned discourse, and defend their constructive arguments convincingly to those who do not share them.

Course Requirements: This is a writing intensive seminar which means that a considerable part of the requirements for evaluation will be in terms of learning how to write a concise legal
argument and then producing a final term paper through a series of argument exercises dealing with the content of the course. Therefore, one’s grade will be function of four components: an argument presentation (20%), four graded arguments (30%), a final term paper (40%), and verbal class participation in the discussion of the cases, materials, and readings of the course (10%).

ARGUMENTS: All written argument in this course will conform to the format outlined in Gillroy et al. (pp. 333-346) and will be submitted by e-mail to the instructor. In order to learn this format, the first meeting will include a workshop on writing technique and the completion of an initial practice argument. Following this, approximately every two weeks, a graded one-page argument will be due. These will be read, and may have to be rewritten. The original and each subsequent draft will receive a grade that will be averaged for a single grade.

ISSUE SEMINARS & TERM PAPER: The term paper will be on one of two questions:

1. Given the international environmental law of ____________, where is the contemporary balance weighted in the dialectic between sovereignty\textsuperscript{1} intervention?

or

2. Given the international environmental law of ____________, where is the contemporary balance weighted in the dialectic between economy\textsuperscript{1} ecosystem integrity?

These questions will be developed in the third part of the course during the issue seminars where we will apply what has been learned about the international legal system to specific issues. For these meetings the seminar time will be divided roughly into three periods. The first period will be taken up with a PowerPoint lecture on the facts of the issue. This will be followed by two more periods where four students will present, as PowerPoint (these presentations should also follow the class argument format), their arguments on how the dialectics, in the questions above, apply to the issue. Two students will present in each period, one on each side of each dialectic and their fifteen minute presentations will be followed by fifteen minutes of discussion. This discussion is meant to inform the argument through reasoned discourse, both in terms of the facts in the first period, overlooked ideas and strong and weak components in the argument. This is an opportunity to fine-tune your final paper so it should be used to maximum effect. It is critical that all attend these sessions and be prepared to aid their colleagues in the refinement of their argument, through discourse. The final version of the term paper will be no more than eight single-spaced pages in 12pt. font with 1” margins all around.

PARTICIPATION:
It is critical to the success of the class for each person to prepare the required reading for each meeting. Please use the class as a forum to refine your understanding of the law, to prepare the content material for your presentation, and, be advised, that to be silent or unprepared will affect your final grade in the course, perhaps profoundly. If this presents a problem, talk to the instructor.

Required Books:

\begin{itemize}
\item Sands, Philippe and Jacqueline Peel. 2012 (3rd Ed.). Principles Of International
\end{itemize}

\footnote{Each argument file should have the student’s surname, course number and draft number. The subject line of the e-mail should contain identical information.}


Time Table: [1/20] Introduction & Writing Workshop: The Trail Smelter.

I. PHILOSOPHICAL FOUNDATION:

Argument#1: Does Social Convention Play A Significant Role In The Creation Of Legal Systems? [Due 2/8 by 4PM]

3. [2/10, 2/17, 2/24] Philosophical-Policy & Legal Design:
   Gillroy, Evolutionary Paradigm ( Intro, CH 1-3 [2/10]; CH 4-6 [2/17])
   Gillroy et al., Chapters 1, 3, 4. (2/24).

Argument#2: Is the Market Paradigm Adequate To Properly Regulate The Relationship Between Humanity And The Global Environment? [Due 3/1 by 4PM]

II. FUNDAMENTALS OF THE INTERNATIONAL LEGAL SYSTEM:
   Dispute Settlement [Alabama; Rainbow Warrior].
   PRINCIPLE: [Legality of Nuclear Weapons I.C.J. (1997); Paquete Habana 175 U.S. 677 (1900)].


   Principles of International Environmental Law.
   The Three Statements Of IEL—Stockholm; Charter For Nature; Rio.

Argument#4: Which Principle Has The Most Profound Expression In The Current
Instruments Of International Environmental Law? [Due 3/22 By 4PM]

6. [3/24] IEL, Forum Conflict & Sustainability In Transnational Law:
   - Stoll & Vdneky *The Swordfish Case: Law of the Sea v. Trade*.
   - Gillroy, *Adjudication Norms, Dispute Settlement Regimes & International
     Tribunals: The Status Of ‘Environmental Sustainability’ In International
     Jurisprudence*.
   - Sands, *International Courts and the Application of the Concept of
     “Sustainable Development”*.
   - Lowe, V. *Sustainable Development and Unsustainable Arguments*.

[3/31] INDIVIDUAL APPOINTMENTS FOR TERM PAPER & PRESENTATION QUESTIONS.

III. ISSUE SEMINARS: [Periods: 1\textsuperscript{st} = 4:10-5:00; 2\textsuperscript{nd} = 5:10-6:00; 3\textsuperscript{rd} = 6:10-7:00].

   [Term Paper Due April 30 by 4PM]