

International Environmental Law and Policy

International Environmental Law and Policy

Cases, Materials, and Problems

THIRD EDITION

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Dedication

TjS: To my grandchildren, Renno, Saya, Joseph, and Ansel, and the rights of future generations, wishing I could bequeath a better planet Earth to all.

MkY: For Marti, whose passion for the world in which we live inspires me every day.

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Preface to the Second Edition

We take pleasure to offer this Casebook on International Environmental Law as a classroom learning tool that can be covered in the confines of a three-hour course on the subject. We have assembled these materials with the idea that the book should not be a scholarly work that is encyclopedic in scope but rather should be as practical and compact as possible. To this end, we put a premium on brevity and have included only basic primary materials and notes in the book. We think it is very important for the students to be familiar with more extensive primary materials as well so we are publishing a **Document Supplement** as a separate volume. The documents in the **Document Supplement** are keyed to each of the 10 chapters in the Casebook so the student can read and refer to the documents necessary to understand each topic as he or she is covering the substantive book chapter.

We have carefully ordered the Chapters in the Casebook so the student will acquire the background necessary to understand each subsequent topic in turn. We also presume the student will have no background in either Public International Law or Environmental Law; thus, we include some materials on these topics as well. Of course, it would help understanding if the student has some background in one or both of those two important subjects.

We believe the problem method is a good teaching technique, so we include problems in each Chapter that are designed to stimulate class discussion and understanding. But the professor of course may want to skip some (or all) of the problems or substitute his or her own problems for ours. Thus, we offer the problems as optional tools to be covered or not as the professor who is in charge of the course decides is appropriate.

This work is obviously designed as a teaching tool. We have accordingly largely excluded secondary materials from the published work. Of course, there are many important and stimulating secondary works that we hope the students consult during the course of studying the subject. To this end at the beginning of the book we provide Suggestions for Further Reading which cite both general works on International Environmental Law and works that are keyed to each of the 10 Chapters of the book.

Although this work is dubbed “second edition,” it is in reality a wholly new start, differing greatly from the first edition. Although three of the co-authors of the first edition, Don Anton, Jon Charney, and Philippe Sands, for various reasons could not participate in doing this edition, the authors are grateful for their ideas and valuable prior contributions, and wish to express our deep thanks and admiration for their work in this field.

We always appreciate hearing from and having suggestions from colleagues.

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Preface to the Third Edition¹

This edition is motivated by three important factors. First and foremost, the past three years have witnessed many important new developments in the field. For example, the Paris Climate Change Agreement and the South China Sea Arbitration are events of singular importance. We wish to provide a casebook that fully takes these matters into account. Second, we respond to many teachers of the subject who have told us the need for a more compact, streamlined Casebook that they can cover in one academic semester. We have responded to this need by substantially shortening the book, we hope without diminishing the scope of coverage. Third, we welcome a new publisher of this book, Carolina Academic Press. We are heartened and encouraged by working with all the members of the CAP team.

Thus, we have included many important new developments in this new edition, while keeping the organizational and problem format. We enjoy hearing from users of our book and colleagues in the field.

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May 17, 2017

1. The authors would like to thank Jessica L. Montgomery and Craig Henson, JD, 2013, for their research help preparing these materials.

Suggestions for Further Reading in International Environmental Law

Although International Environmental Law is a relatively new field, many outstanding books and articles have appeared on every subject of the field. The scholarship in this area is outstanding but voluminous. In this memorandum, we are confined for practical reasons to listing selected books and articles that we think will be helpful to students seeking additional sources of information.

General Works

To begin with, we think highly of many of the books that cover the entire field of International Environmental Law. We recommend especially the following:

Birnie, Patricia, Alan Boyle, and Catherine Redgwell, *International Law and the Environment*, 3d ed. (Oxford: Oxford Univ. Press, 2009).

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