The Planet’s Last Frontiers

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Introduction
This course will examine the law, politics and environmental challenges surrounding three parts of the Earth that belong to no one (i.e. res nullius): Antarctica, the high seas (and a variety of associated environmental issues) and outer space. We ask several questions related to each of these areas:

1) What environmental threats do they face?
2) How have these threats been addressed – both through international environmental law, and other policy approaches?
3) Have these approaches been successful, and why or why not?

The course will consist of four parts. First, we review the history and mechanics of international environmental law to understand the tools available to manage these areas. Next, we investigate each of the three areas in detail, looking both at general issues of management as well as specific cases. Each geographic area will start with a discussion of the environmental aspects: what’s there, why we care about it and how it’s currently managed. We will then turn to the legal and political responses.

Course Requirements
Readings. You are expected to bring hard copies of the readings to class. Classes will be a mix of lecture and discussion, and we will refer to the texts frequently. As such, you should bring the readings to every class session. I will consider this as part of your participation grade (see below).

You are expected to participate in discussions, and this will be significant part of your final grade (see below). Simply sitting in the class sessions will not earn you full marks on participation; coming to class with questions and comments will.

Assignments and Grading. The primary evaluative tool will be short essays to make sure that you understand the basic concepts and issues, and can apply them to different issues. Please note that each short essay is due BEFORE CLASS. This is to get you thinking about the issues and questions that you have in order to stimulate discussion.

Short essays (4): 50%. Word count: 500-750 words

• Essay 1: Based on the readings, describe the concept of a “regime.” What do you understand an environmental regime to be? Please also include two questions about aspects that you don’t understand. DUE 1 Feb.
• **Essay 2:** Describe one environmental threat to the Antarctic region. What, if anything, is being done to address this threat?  **DUE 17 Feb.**
  o Note: You should use information beyond what is contained in the readings. I recommend two websites: [www.scar.org](http://www.scar.org) and [http://www.ats.aq/e/ats.htm](http://www.ats.aq/e/ats.htm). This should be sufficient.
• **Essay 3:** Does Japan have the right to hunt whales? Why or why not? What does the ICJ ruling say about states’ ability to enforce international law?  **Due 21 Mar**
• **Essay 4:** What is regulated in the Outer Space Regime? Do we even need laws to regulate outer space? Why or why not?  **DUE 18 Apr**

**Participation: 10%**
• Attendance: 5%. I will take attendance on an unannounced basis. You are allowed one “freebie” absence. After that, absences will negatively affect your participation grade. Since I will not take attendance regularly, there is no set formula for how much each absence will affect your grade. “A lot” of absences (i.e. five or more recorded by me) will cut your attendance grade by around half. “A couple” of absences (i.e. 2-3 recorded by me) will reduce it by about 10%.
• Discussion: 5%. I recognize that some people are, by nature, more extroverted than others. However, you _will_ be evaluated on whether or not you speak in class. In order not to penalize the less talkative among you, at a certain point, more contributions will not mean more participation points. The discussion grade also includes: **brining hard copies to class and contributing discussion questions via email.**
  o Each student will be responsible for contributing discussion questions for one class. I will discuss this further in class.

**Take home final: 40%**

All written assignments (i.e. short essays and take home final) will be evaluated according to four criteria:
- Promptness: I will deduct half a grade for each day your assignment is late.
- Writing mechanics: grammar, spelling, syntax and clarity. (i.e. is it well-written?)
- Focus: Does your essay answer the question posed?
- Argument: Is your argument logical and persuasive?

**Course Mechanics**
We will use one book for this class: Jacquet, Pierre, Rajendra K. Pachauri, and Laurence Tubiana. 2011. _Oceans: The New Frontier._ Delhi: The Energy and Resources Institute. It is available at the bookstore and is on reserve at the library. You are welcome to buy a used copy online.
Please submit all assignments to me electronically.

Legal

1. **All deadlines are final.** For each day an assignment is late, a half grade will be deducted. This means if an A- paper is one day late, it will be a B+. If a B paper is two days late, it will be a C. THE ONLY exception to this rule is if you have a note from the Dean. Unless you have a note from the Dean, no extensions will be granted.

2. **Please read the policy on academic honesty and plagiarism.** More detail can be found at [http://cas.nyu.edu/page/academicintegrity](http://cas.nyu.edu/page/academicintegrity). Plagiarism results in failure in the class and referral to your academic dean. It includes: copying sentences or fragments from any source without quotes and references; not citing a source used in your papers; citing internet information without proper citation; presenting someone else’s work as your own; or **inadvertently copying verbatim from any source.** NYU offers academic support and tutoring at the University Learning Center: [www.nyu.edu/cas/ulc](http://www.nyu.edu/cas/ulc), (212) 998-8085.

3. I reserve the right to consider extraordinary or unforeseen circumstances on a case-by-case basis.

4. Re-grade requests for exams will be honored only if accompanied by a comprehensive written explanation of why you deserve a higher grade. Note that if accepted, a request for re-grading may result in the raising *or lowering* of your grade.

Other Class Policies

1. **No laptops.** Please bring *hard copies* of the readings to class. The only exception is if you have permission from ESS. Here’s why:

   “Experimental tests of immediate retention of class material have also found that Internet browsing impairs performance. Moreover, recent research suggests that even when laptops are used solely to take notes, they may still be impairing learning because their use results in shallower processing.” Pam Mueller and Daniel Oppenheimer, “The Pen is Mightier than the Keyboard.” *Psychological Science*, Forthcoming. DOI: 10.1177/0956797614524581.

2. **No texting.** If I see you texting, you will be asked to leave class and will be marked absent for the day. **Please turn off your cell phones.**

3. During the semester I am prepared to meet by appointment with any and all students enrolled in this course. I would like especially to meet with students
with disabilities who are registered with the Moses Center who may need individual arrangements.

**Part 1: What is international environmental law?**

Jan 25: Why do we have international environmental law?

Jan 27: What does IEL look like? History and Structure

Feb 1: What does international environmental law *look* like? Treaties
- Browse: [http://iea.uoregon.edu/page.php?file=home.htm&query=static](http://iea.uoregon.edu/page.php?file=home.htm&query=static). Look at one of the treaties under “Commonly researched agreements”

**Short Essay #1 due 1 Feb BEFORE CLASS.**

Feb 3: What does international environmental law *look* like? Soft law
- Add one reading on Common Heritage of Mankind

Feb 8: How do we know when IEL is working? What's an “effective” treaty?

Part 2: Antarctica

Feb 17: Creating the Antarctic Treaty System

Short Essay #2 due 17 Feb BEFORE CLASS.

Feb 22: Failures
- Additional reading on CCAMLR negotiations TBA.

Feb 24: Challenges

Part 3: The High Seas

Feb 29: The UN Law of the Sea
- Oceans, Chapter 1
Mar 2: Straddling Stocks

Mar 7: Illegal, Unreported and Unregulated Fishing
- Desombre, Elizabeth in *Routledge Handbook on Global Environmental Politics*. Note this is mostly about fisheries management under UNCLOS, RFMOs and CCAMLR

Mar 9: Whaling

**SHORT ESSAY #3 due 9 Mar BEFORE CLASS**

Mar 21: Shipping and Maritime Pollution
- *Oceans*, Chapter 8.

Mar 23: The Pacific Garbage Patch
- We will screen: *Plastic paradise: the great Pacific garbage patch* by Angela Sun in class and discuss.

Mar 28: Oceans and Climate Change, Part 1: Acidification
- *Oceans*, Chap 14
Mar 30: Oceans and Climate Change, Part 2: Iron Fertilization
- Oceans, Chapter 12.

Part 4: The Deep Seabed

Apr 4: What’s down there?
- We will screen: One Ocean in class.

Apr 6: What’s down there?
- Oceans, Chapter 11.

Apr 11: How is it regulated?
- https://www.isa.org.jm/

Apr 13: How is it regulated?
- Re-read Sand and Peel on the Common Heritage of Mankind

Part 5: Outer Space

Apr 18: Do we really need to regulate this?

Short Essay #4 due 18 Apr BEFORE CLASS.

Apr 20: Laws in space

Apr 25 & 27: Telecommunications in space

May 2& 4: Review and Wrap Up