

International Environmental Law (Spring 2013)

Tentative Schedule #2

Professor Akiho SHIBATA

Revised Schedule (as of 27 May 2013)

Dates	Themes	Reading material	Reporters
2013			
	0. Introduction 1. ICJ Whaling in the Antarctic Case: International Legal Issues 2. Understanding the ICRW regime: its origin, development (moratorium and sanctuaries) and current problems 3. Scientific Permit under ICRW: Right or Abuse of Right?	(1) Application of Australia instituting the case before the International Court of Justice; (2) Mossop, "Australia v Japan: Whaling in the International Court of Justice," <i>New Zealand Yearbook of International Law</i> , Vol. 7 (2009), pp. 169-177. (3) Birnie, <i>International Regulation of Whaling, Vol. I and Vol. II</i> (1985), pp. 168-204 (and pp. 600-634). (4) Park, "Japanese Scientific Whaling in Antarctica: Is Australia Attempting the Impossible?" <i>New Zealand Journal of Public and International Law</i> , Vol. 9-2 (2011), pp. 193-221. (5) Kanehara, "Japanese Practice concerning the International Regulation of Whaling," <i>Japanese Annual of IL</i> , No.46 (2003), pp.127-148. (6) Triggs, "Japanese Scientific Whaling: An Abuse of Right or Optimum Utilization?" <i>Asia Pacific Journal of Environmental Law</i> , Vol.5-1 (2000), pp.33-59.	
5/27	3. Scientific Permit under ICRW: Right or Abuse of Right: Final discussion	<u>Additional material: Academic writings</u> (7) Paris Panel (International Panel of Independent Legal Experts) on Special Permits Whaling under International Law (2007) (8) Dan Goodman, "Japan's Research Whaling is Not Unlawful and Does Not Violate CITES Trade Rules," <i>Journal of International Wildlife Law and Policy</i> , Vol. 13 Issue 2 (2010), pp.176-182. (9) Sanada (2008): 真田康弘「科学的調査捕鯨の系譜--国際捕鯨取締条約第 8 条の起源と運用を巡って」『環境情報科学論文集』第 22 号 (2008) 363-368 頁。 <u>Additional material: IWC practice</u> 1979 Addition of Schedule para.30 1985 Discussion on scientific permits 1986 Res.1986-2 (consensus) 1987 Res. 1987-1 (majority) 1995 Res.1995-9 (majority): replaces 1986/87 2003 Res.2003-1 Berlin Mandate; Res.2003-2 2006 Res.2006-1 St. Kitts and Nevis Declaration (majority 33-32-1) 2007 Res. 2007-1 (JARPA)	
6/3	No class	Preparation for 6/10	
6/10	5. Standing before the ICJ: Jurisprudence	(1) Kawano, "Standing of a State in the Contentious Proceedings of the International Court of Justice," <i>Japanese Yearbook of International Law</i> , Vol.55 (2012), pp.208-236. (2) ICJ Precedent: <i>South West Africa cases</i> (1966) (3) ICJ Precedent: <i>Obligation to Prosecute or Extradite</i> (Belgium v Senegal), Judgment, July	

		20, 2012. (4) Separate opinion of Judge Concado Trindade, 2012	
6/17	6. Standing before the ICJ: The Australian case: Discussion.	* Reading two precedent consistently: conditions for standing for violation of multilateral treaties.	
6/24	7. General Discussion:	Australian perspective Japanese perspective	
6/26– 7/17	No class	Preparation for final presentation on 7/22 ad 29	
7/22 7/29	8. Final presentation	Papers submitted from both Australian team and Japanese team on: (1) Standing (2) Interpretation of Art. VIII, including Schedule 30: (3) Practice of IWC on scientific permits (4) Prohibition of commercial whaling under Schedule 7 (e) and 10 (e): Japanese activity as “commercial” whaling? (5) Facts on Japanese “scientific” whaling.	
	Papers:	2 pages of resume of main points, with substantiating evidence in footnotes	
	Oral presentation:	7/22: 7 minutes each on each points: 7/29: Rebuttal 3 minutes each on each points General discussion	