

SUMA K4301 International Environmental Law for Sustainability Managers

Spring 2014

Wednesdays 4:10pm to 6:00pm

Room: TBD

Instructor Information:

Richard A. Horsch

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Course Description

Public policy decisions made on the international level shape how sovereign governments and multinational corporations manage the man-made and natural environments. Sustainability practitioners must be able to understand global environmental issues and their effects on what they are charged to do. This course will provide students with an understanding of international environmental policy design and the resulting body of law in order to strengthen their ability to understand, interpret, and react to future developments in the sustainability management arena.

This is not a comprehensive survey of international environmental law. After grounding in the history and foundational concepts of international environmental law and governance, students will explore competing policy shapers and the relevant law in the areas of stratospheric ozone protection, climate change, chemicals and waste management, biodiversity and forest conservation. The course will finish with a discussion of corporate standards and extraterritorial application of US environmental law. The course satisfies the public policy course requirement for the M.S. in Sustainability Management program.

Course Objective

Students are not expected to have any previous experience with international environmental law or policy. *International Environmental Law for Sustainability Managers* is designed to provide the student with an overview of the development and present status of international environmental law as it relates to sustainability management. By the end of the course, the student should understand the evolution of international environmental law as a complex body of treaties, protocols, and governing principles that address global environmental stresses arising from overpopulation, resource consumption, land use practices, and industrialization. Students should be able to demonstrate a working knowledge of the processes through which sustainability rules and regulations are created by governments and implemented by organizations

Further, the student should be familiar with the relevant international institutions and actors, and their respective roles. Finally, the student should be knowledgeable about the substantive requirements of the legal regimes addressing stratospheric ozone protection, climate change, chemicals and waste management, biodiversity and forest conservation, and the evolving standards of behavior for corporations.

Course Materials

The required textbook for this course is:

Hunter D., Salzman J., Zaelke D. 2011. *International Environmental Law and Policy*. New York: Foundation Press 4th Ed.

We will also use a variety of materials in addition to the textbook mentioned above. These materials may be held on reserve in a designated library, made available directly in hard copy form, or made available on *Courseworks* through an Internet link or a posted item.

This syllabus may be revised during the course of the semester to reflect the inclusion of additional material or adjustments to the schedule. You are obliged to look for updates on *Courseworks*.

Recommended reading, while intended to give the student an opportunity to delve deeper into certain topics, is not required reading for class.

Method of Instruction

Pre-class reading and problem solving. Class time will combine lectures, student participation in class discussion of policy and relevant law, and possibly, presentations from guest speakers.

Method of Evaluation

Students are expected to be punctual, attend each class, prepare for classes conscientiously, and to contribute to the class discussion. This means providing thoughtful commentary, engaging analysis, and/or posing relevant questions. It also means summarizing and discussing legal principles and relevant law.

Students will write three individual memoranda of approximately 5 to 7 pages each and will have one group/team assignment where they will present a briefing to the class. The final grade for the course will be determined as follows:

- Individual Memos - 75%
- Class participation (including team/group presentation) - 25%

Communications

The best way to communicate with me is by email at the above email address. If you need to speak with me in person, we can set up an appointment either before class (office hours), after class, or at any other mutually convenient time.

Course Outline

Week 1: January 22, 2014

Topic: Global Environmental Challenges

Required reading:

Hunter. Chapter 1: The Wild Environmental Facts pp.1-37.

Class plan:

- Introduce students and instructor; review of course approach and objectives; explain syllabus
- Introduce the scope and complexity of global environmental problems
- Highlight the complexity and uncertainty that makes international policy making difficult

Week 2: January 29, 2014

Topic: Root Causes and Legal Options

Required reading:

Hunter. Chapter 2: The Root Causes pp.40-86. Chapter 3: Economics and Sustainable Development pp.102-117.

Class plan:

- Review of basic facts about consumption and population
- Understand the role of technology in mitigating or facilitating environmental stresses
- Introduce the role of economics in environmental protection
- High-level review of legal options to address global environmental problems

Week 3: February 5, 2014

Topic: A Brief History of International Environmental Law: From Stockholm to Johannesburg

Required reading:

Hunter. Chapter 4: Brief History from Stockholm to Johannesburg pp.135-189. Chapter 5: International Organizations and Non-State Actors pp.190-213, 247-268.

Class plan:

- Review history of international environmental law including the relevant multinational conferences and bodies
- Understand the rise of sustainable development and the recurring tension between the interests of industrialized, developed countries and developing countries
- Identify and understand the role of the relevant international institutions and non-State actors

Assigned: Memo #1 [TBD]

Week 4: February 12, 2014

Topic: Foundational Principles and Concepts Shaping International Environmental Law

Required reading:

Hunter. Chapter 6: International Environmental Lawmaking pp.285-307.

Chapter 8: Principles and Concepts in International Environmental Law pp.434-442; Intergenerational Equity pp.461-464; Common but Differentiated Responsibilities pp.464-467; The Precautionary Principle pp.477-484; The Polluter and User Pays Principle pp.484-488.

Class plan:

- Review of the treaty-making process
- Review of selected international environmental law principles (see above) and how they are used in treaties

Due: Memo #1

Week 5: February 19, 2014

Topic: Ozone Depletion

Required reading:

Hunter. Chapter 10: Ozone Depletion pp.532-605.

Recommended reading:

[Speth, James G. 2004. *Red Sky at Morning*. New Haven: Yale University Press. Chapter 4. First Attempt at Global Environmental Governance]

Class plan:

- Understand the importance of understanding science in connection with international environmental policy responses
- Understand the Montréal Protocol as a successful example of “framework-protocol” style of treaty-making
- Understand the substantive requirements of the regime
- Explore the nexus with climate change policy
- Review of Memo #1

Week 6: February 26, 2014

Topic: Climate Change: Climate Science Review and Update; Overview of the International Legal Regime
Required reading:

Hunter. Chapter 11: The Law of Climate Change pp 606-640.

Cohen. Chapter 6: Have We Made the Planet Warmer, and If We Have, How Can We Stop? pp 103-124.

Pew Center on Global Climate Change, *Key Scientific Developments Since IPCC 4th Assessment*

<http://www.pewclimate.org/brief/science-developments/June2009>

[Pew Center on Global Climate Change is now known as Center for Climate and Energy Solutions]

Copenhagen Accord (pp 4-9 of 2/CP.15)

<http://unfccc.int/home/items/5262.php>

Recommended reading:

Intergovernmental Panel on Climate Change Fourth Assessment Report Climate Change 2007: Synthesis Report Summary for Policy Makers (skim)

http://www.ipcc.ch/publications_and_data/publications_ipcc_fourth_assessment_report_synthesis_report.htm

Class plan:

- Review the basic mechanisms, causes, and impacts of climate change
- Understand the complexities and challenges for policymakers

Week 7: March 5, 2014

Topic: Climate Change: From Kyoto to Copenhagen and Beyond.

Required reading:

Hunter. Chapter 11: The Law of Climate Change pp.640-715.

Class plan:

- Understand policy approaches for mitigation
- Review the international response to climate change from the United Nations Framework Convention on Climate Change up to and post-Kyoto

Assigned: Group/team project (depending upon the number of students in the class) where students will be assigned a specific thematic area (e.g., climate change, oceans management, etc.). Group presentation due in Week #14.

Week 8: March 12, 2014

Topic: Climate Change: Crosscutting and Current Issues

Required reading:

Hunter. Chapter 11: The Law of Climate Change pp.715-740.

Class plan:

- Understand how the global carbon market functions

- Explore developments in climate litigation, liability, and compensation

Assigned: Memo #2 [TBD]

No Class: March 19, 2014

Week 9: March 26, 2014

Topic: Hazardous Chemicals, Waste and Materials

Required reading:

Hunter. Chapter 14: Hazardous Chemicals, Wastes and Materials pp.908-942.

Class plan:

- Understand the general scientific background and concepts of risk assessment and management critical to regulation of chemicals and waste
- Understand substantive requirements of the Stockholm Convention on Persistent Organic Pollutants and the Rotterdam Convention on Prior Informed Consent

Due: Memo #2

Week 10: April 2, 2014

Topic: Hazardous Chemicals, Waste and Materials

Required reading:

Hunter. Chapter 14: Hazardous Chemicals, Wastes and Materials pp.942-976.

Africa Digital Graveyard

<http://www.unmultimedia.org/tv/webcast/2011/06/africa-digital-graveyard.html>

A short documentary movie produced by the United Nations: Mobile phones and computers have transformed the lives of many – yet billions of discarded electronic devices are ending up in landfills in the world’s poorest countries, posing a potentially lethal toxic threat. But one African country is finding innovative ways to handle this so called “e-waste.”

Class plan:

- Introduce the scope of the hazardous waste trade and the capacity challenges of developing countries
- Understand the substantive requirements of the Basel Convention
- Discuss the economic and equity aspects of e-waste generation and disposal
- Review of Memo #2

Week 11: April 9, 2014

Topic: Biodiversity

Required reading:

Hunter. Chapter 15: Biodiversity and Wildlife Conservation pp.980-1046.

Class plan:

- Explore the challenges of using international law to conserve biodiversity
- Understand the existing regime to protect biodiversity
- Understand the Biosafety Protocol and how it regulates trans-border shipments of genetically modified organisms

Week 12: April 16, 2014

Topic: International Protection of Forests

Required reading:

Hunter. Chapter 17: International Protection of Forests pp. 1144-1170.

Class plan:

- Understand the state and ecological significance of the world's forests
- Review the status of sustainable forest management
- Evaluate the progress of the United Nations collaborative initiative on Reducing Emissions from Deforestation and forest Degradation (REDD) in developing countries

Assigned: Memo #3 [TBD]

Week 13: April 23, 2014

Topic: International Corporate Standards and Corporate Social Responsibility

Required reading:

Hunter. Chapter 19: International Corporate Standards pp.1379-1415.

Class plan:

- Explore the limits of international law in regulating corporate behavior and the role in non-binding commitments to fill the gap
- Review corporate codes of conduct (e.g., CERES Principles, The UN Global Compact, etc.) and the role of NGOs
- Understand environmental management systems
- Understand the role of CSR standards in project finance

Due: Memo #3

Week 14: April 30, 2014

Topic: **Due:** Presentation of group/team reports

Extra Class (if time permits)

Topic: Extraterritorial Application of US Environmental Law

Required reading:

Hunter. Chapter 20: Extraterritorial Application of US Environmental Law pp.1416-1453.

Class plan:

- Highlight the inherent limitations present international doctrines impose on the application of US environmental law
- Explore conflicting view points and misconceptions