

## **PS5301 International Environmental Law for Sustainability Managers**

Fall 2017

Wednesdays from 6:10pm to 8:00pm

Room: TBA

### **Instructor:**

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### **Curriculum Grading Assistant:**

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## **Course Description**

International Environmental Law is a fascinating field that allows students to consider some of the most important questions of the 21<sup>st</sup> century – questions that have profound ramifications for the quality of life for our generation as well as future generations. Global environmental problems are real and urgent. Their resolution requires creative and responsible thought and action from many different disciplines.

Sustainability practitioners must understand global environmental issues and their effects on what they are charged to do. At one level, this course will consider the massive challenge of the 21<sup>st</sup> century: how to alleviate poverty on a global scale and maintain a high quality of life while staying within the bounds of an ecologically limited and fragile biosphere -- the essence of sustainable development. From a more practical perspective, the 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.

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, and biodiversity. The course will finish with a discussion of international environmental corporate standards. 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. The student 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, by the end of the course the student should have become familiar with the relevant international institutions and actors, and their respective roles. Finally, the student should have become knowledgeable about the substantive requirements of the legal regimes addressing stratospheric ozone protection, climate change, chemicals and waste management, biodiversity and the evolving standards of behavior for corporations.

### **Course Materials**

The required textbook for this course is:

Hunter, D., Salzman, J., Zaelke, D. 2015. *International Law and Policy*. New York: Foundation Press 5<sup>th</sup> Ed.

We will also use materials in addition to the textbook. These materials will be made available directly in electronic or hard copy form, or made available on *Canvas* 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 *Canvas*.

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 classroom discussion. Class time will combine lectures and student participation in class discussion of policy and relevant law.

### **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 prepare three Take-Home Assignments of approximately 5 to 6 pages each and will have one group/team assignment where they will present a briefing to the class during final exam week on a selected topic of International Environmental Law. The final grade for the course will be determined as follows:

- Individual Take-Home Assignments - 75%
- Team/group presentation - 25%
- Class Participation (will also be taken into account)

## 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: Wednesday September 6, 2017**

Topic: Global Environmental Challenges

Required reading:

Hunter. Chapter 1: The Wild Environmental Facts pp. 1-38.

Class plan:

- 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 policymaking difficult

### **Week 2: Wednesday September 13, 2017**

Topic: Root Causes and Legal Options

Required reading:

Hunter. Chapter 2: The Root Causes pp. 39-84. Chapter 3: Economics and Sustainable Development pp. 101-117.

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: Wednesday September 20, 2017**

Topic: A Brief History of International Environmental Law: From Stockholm to Rio+20

Required reading:

Hunter. Chapter 4: Brief History from Stockholm to Johannesburg pp. 133-188. Chapter 5: International Organizations and Non-State Actors pp. 189-220, 246-266.

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:** Take Home Assignment #1 [TBD]

### **Week 4: Wednesday September 27, 2017**

Topics: International Environmental Lawmaking

Foundational Principles and Concepts Shaping International Environmental Law

Required reading:

Hunter. Chapter 6: International Environmental Lawmaking pp. 267-270; 285-314.

Chapter 8: Principles and Concepts in International Environmental Law pp. 433-440; Common Heritage of Humankind pp. 451-457; Common Concern of Humankind pp. 457-460; Intergenerational Equity pp. 460-463; Common but Differentiated Responsibilities pp. 463-466; The Precautionary Principle pp. 478-485; The Polluter and User Pays Principle pp. 485-489.

Class plan:

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

### **Weeks 5 and 6: Wednesday October 4 and Wednesday October 11, 2017**

Topic: Ozone Depletion

Required reading:

Hunter. Chapter 10: Ozone Depletion pp. 537-606.

Recommended reading:

Speth, James G. 2004. *Red Sky at Morning*. New Haven: Yale University Press. Chapter 4. First Attempt at Global Environmental Governance. (To be posted on Canvas).

Class plan:

- Understand the importance of understanding science in connection with international environmental policy responses
- Understand the Montreal 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

### **Week 7: Wednesday October 18, 2017**

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. 607-634.

Additional Climate Change Readings: Skim the following Document -- IPCC Fifth Assessment Report (Synthesis Report) Summary for Policymakers: [https://www.ipcc.ch/pdf/assessment-report/ar5/syr/AR5\\_SYR\\_FINAL\\_SPM.pdf](https://www.ipcc.ch/pdf/assessment-report/ar5/syr/AR5_SYR_FINAL_SPM.pdf)

Class plan:

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

### **Weeks 8 and 9: Wednesday October 25 and Wednesday November 1, 2017**

Topic: Climate Change: From Kyoto to Copenhagen to Paris.

Required reading:

Hunter. Chapter 11: The Law of Climate Change pp. 634-739.

Paris Agreement,

[http://unfccc.int/files/essential\\_background/convention/application/pdf/english\\_paris\\_agreement.pdf](http://unfccc.int/files/essential_background/convention/application/pdf/english_paris_agreement.pdf)

including COP Decision adopting the Agreement:

<http://unfccc.int/resource/docs/2015/cop21/eng/10a01.pdf>

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
- Review and understand the December 2015 Paris Climate Agreement

Assigned: Take-Home Assignment #2 [TBD]

**Week 10: Wednesday November 8, 2017**

Topic: Hazardous Chemicals, Waste and Materials

Required reading:

Hunter. Chapter 14: Hazardous Chemicals pp. 915-953.

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

**Assigned:** Group/team project where students will be assigned a specific thematic area (e.g., climate change, oceans management, etc.). Group presentation will be due on selected days during Final Exam Week.

**Week 11: Wednesday November 15, 2017**

Topic: Hazardous Chemicals, Waste and Materials

Required reading:

Hunter. Chapter 14: Hazardous Wastes pp. 953-990.

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

**Weeks 12 and 13: Wednesday November 22 and Wednesday November 29, 2017**

Topic: Biodiversity

Required reading:

Hunter. Chapter 15: Biodiversity and Wildlife Conservation pp. 993-1063.

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

**Assigned:** Take-Home Assignment #3 [TBD]

**Week 14: Wednesday December 6, 2017**

Topic: International Corporate Standards and Corporate Social Responsibility

Required reading:

Hunter. Chapter 19: International Corporate Standards pp. 1399-1454.

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

**SELECTED DAYS DURING FINAL EXAM WEEK:** Due: Group/team presentations