

Political Science 239/IR 239
Spring 2018

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INTERNATIONAL ENVIRONMENTAL LAW AND POLICY

COURSE OUTLINE AND READINGS: The class will include considerable class discussion as well as lectures. There will be some short assignments and papers, three tests, and a group project focused on a specific case study. Class attendance is expected; grades will reflect attendance and participation.

OFFICE HOURS: I will have office hours before class from 1:00-2:00 Mondays and Wednesdays in Harkness Room 316 or by appointment. The best way to contact me is by e-mail (tnoto@rochester.rr.com), but also please feel free to call me at 383-0358. As needed, I will e-mail you, so please check your e-mail.

TEXTS: Regina S. Axelrod, Stacy D. VanDeveer, eds., *The Global Environment – Institutions, Laws and Policy* (4th Edition, Sage 2015)

Philippe Sands and Jacqueline Peel, *Principles of International Environmental Law* (3rd Edition, Cambridge University Press 2014)

Oliver A. Houck, *Taking Back Eden – Eight Environmental Cases that Changed the World*, Island Press, 2010

James Gustave Speth, “*Red Sky at Morning*” (Yale University Press, 2005)

Additional readings will be available on electronic reserve. All readings are *required* and should be read before class to enhance the value of both the lectures and the discussion.

ASSIGNMENTS: Papers must be typed, double-spaced (1 inch margins and 12 pt font). *Pay careful attention to the directions in the handout for each assignment.* Late work may be accepted without penalty with advance written permission from me. I *may* accept late work without advance permission, but points will be deducted from your grade.

GRADING: Class attendance, participation & group projects 10%; Papers 20%; Test #1: 20%; Test #2: 25% Test #3: 25%

SCHEDULE OF CLASSES:

I. Introduction: What is international environmental law?

Jan. 17 Introduction and discussion – We will review the syllabus, expectations for this class, and class structure. Discussion: What is international environmental law and policy? What are some of the global/regional environmental challenges that give rise to international environmental law? What are some of the root causes of these issues?

What are some of the general principles animating international environmental law and policy? What is the role of international environmental law in a changing world?

Reading: *The Global Environment*, Ch. 1 pp. 1-10; Ch. 2 pp. 26-48

Jan. 22 Context, history and sources of IEL: Historic overview. Sources of International Environmental Law and continued discussion of IEL principles. Framework convention and protocol structure, COP, and Secretariat, etc.

Reading: *The Global Environment*, Ch. 3 pp. 53-78

IEL principles group discussion

II. The Hole in the Stratospheric Ozone Layer & the Montreal Protocol: Mobilizing an Effective International Response

Jan. 24 The Hole in the Stratospheric Ozone Layer: Overview, the Vienna Convention, the Montreal Protocol and the structure of the Ozone Regime. The precautionary principle, emerging science, shifting public opinion, industry innovation (CFC substitutes), trade measures, aid (the Multilateral Fund), and administration. Role of the U.S.

Reading: *The Global Environment*, Ch. 4 pp. 83-105

Jan. 29 The Success of Global Ozone Policy: Examining the scientific, economic, institutional and political factors that contributed to creation and administration of successful Ozone Regime. Traditional obstacles to effective global policy and how these were overcome by advancing scientific knowledge & discovery, changing economics, public perception and potential health impacts, existence and structure of relevant international institutions, and wise regime design choices.

Reading: *The Global Environment*, Ch. 5 pp. 110-127

Justin Gillis, “*The Montreal Protocol, A Little Treaty That Could*” New York Times (December 9, 2013)

Ozone regime design choices group discussion

Jan. 31 Will the Ozone Layer Recover by 2050?: Addressing challenges including exemptions, compliance, waste, funding and impact of climate change. Track record and procedures for monitoring, assessment, compliance, funding and change. Impact of exemptions, including issue of U.S. agriculture and methyl bromide. Issue of emissions from old equipment and waste. Short-lived ozone depleting compounds.

Reading: Keith Bradsher, “*Push to Fix Ozone Layer and Slow Global Warming*” New York Times (Mar. 15, 2007)

Joanna Foster, “*The Enduring Effects of Ozone Depletion*” New York Times Green Blog Post (Feb. 1, 2013)

“*Ozone Layer on Track to Recovery: Success Story Should Encourage Action on Climate*” UNEP News Centre (Sep. 1, 2014)

Brian Handwerk, “*Whatever Happened to the Ozone Hole?*” National Geographic News (May 7, 2010)

Fred Pearce, “*Thirty Years After the Montreal Pact, Solving the Ozone Problem Remains Elusive*” Yale Environment 360 (August 14, 2017)

Feb. 5 The Kigali Amendment: Addressing the hole in the stratospheric ozone layer and climate change. Discussion of the Kigali Amendment. Review for Test #1.

Coral Davenport, “*Nations, Fighting Powerful Refrigerant that Warms Planet, Reach Landmark Deal*” New York Times (Oct. 15, 2016)

Alexander Ovodenko, “*140 Countries Will Phase Out HFCs. What Are These and Why Do They Matter?*” Washington Post (November 3, 2016)

“*Reworking the Ozone Treaty to Work for Climate Change*” Living On Earth (PRI November 12, 2010)

Joan Chemnick “*Trump Quietly Accepts an Obama-Era Climate Deal*” Scientific American (Nov. 29, 2017)

Feb. 7 TEST #1: Ozone Regime and IEL Principles

III. Biological Diversity, Endangered Species and Regulating Trade in Wildlife

Feb. 12 Biological Diversity, 6th Wave of Extinction & Convention on Biological Diversity: What is biological diversity? “Hot spots” of biodiversity, ecosystem services, and biophilia. Threats to biodiversity (poverty, habitat conversion, overutilization, poaching, invasive species, etc). Tipping points, most threatened families of species, IUCN Red List. Is this a global or regional challenge? Is this a cumulative or systemic problem? The Biodiversity Convention and related conventions. *In class, group discussion of international biological diversity goals.*

Reading: *Principles of International Environmental Law*, Ch. 10 pp. 449-457
Red Sky at Morning, Ch.2 pp. 23-42

Short paper (due Feb 19): handout provided in class. Paper will focus on international environmental protection challenge regarding a particular species.

Feb. 14 Genetic diversity, biotechnology, intellectual property, traditional knowledge and use, and agriculture (crop diversity, GMOs, etc): Traditional knowledge, bioprospecting, and balancing conservation, access, equitable sharing of benefits in a sustainable way. Nagoya Protocol on Access and Benefit Sharing (ABS), Cartagena Protocol (biosafety), N/S issues, Trade-Related Aspects of Intellectual Property Rights (TRIPS).

Reading: *The Global Environment*, Ch. 12 pp. 283-301

Principles of International Environmental Law, Ch. 10 pp. 458-471

Feb. 19 Regulation of Trade (CITES), International Environmental Funding Mechanisms (GEF, ABS, etc), Enforcement issues: How does CITES work? How are species listed? Does it ban trade in all listed species (significance of Appendix I, II, and III)? How does the permitting system work and who implements CITES at the State level (Management & Scientific Authorities)? What is Global Environment Facility and what incentive mechanisms does it provide developing countries? Enforcement issues: tackling demand side and/or poaching?

Reading: *Principles of International Environmental Law*, Ch. 10 pp. 472-483

Zach Goldhammer, “*Can You Wage a War on Poaching?*” *The Atlantic Monthly* (Aug. 7, 2014)

I.S., “*The endangered species trade: On the Way Out*” *The Economist* (Mar. 16, 2013)

Caroline Davies, “*Prince Charles: world must ‘attack demand’ for illegal wildlife products*” *The Guardian* (Feb. 13, 2014)

Jeffrey Gettleman, “*‘Everyone Wants a Baby’: The Dark Market for Apes*” *The New York Times* (Nov. 5, 2017)

Short Paper Due: Hand in printed copy to me in class.

IV. Hazardous Waste, Transboundary Movement of Hazardous Waste, “Toxic Colonialism,” and The Basel Convention

Feb. 21 Hazardous Waste, Transboundary Shipment & Disposal, “Toxic Colonialism and the Strategy & Structure of the Basel Convention: What is waste? What is hazardous waste? What is “toxic colonialism?” Design of Basel Convention as a global notice and consent regime, not a ban. How does the Basel Convention work? Why didn’t the U.S. ratify and what role is the U.S. playing? Economics, politics and ethics of *exporting* hazardous waste. Recovery and recycling industry. Economic, political and ethical challenge.

Reading: *The Global Environment*, Ch. 11 pp. 259-279; Ch. 6 pp. 143-144.

Feb. 26 25-Years Later: How is Basel Convention Working?: Is Trade-Related Strategy Sufficient and Appropriate? What Should the Goals of International Hazardous Waste Regulation Be? How do N/S State Perspectives Impact this Analysis? What are the concerns re e-waste? Bamako Convention, etc. Liability. *Groups will be assigned in class and handout provided for Wednesday's group discussion.*

Reading: Laura Pratt, "Decreasing Dirty Dumping? A Reevaluation of Toxic Waste Colonialism and the Global Management of Transboundary Hazardous Waste," 35 *William & Mary Environmental Law & Policy Review* 581 (2011)

Feb. 28 International Shipment, Recycling, Disposal and Impacts of e-Waste: Size, source and impacts of e-Waste issue in Asia and Africa, role of NGOs, such as Basel Action Network (BAN), legal implications (Basel Convention, definition of hazardous waste, Basel Ban amendment, and PIC – prior informed consent), free trade and recycling, human rights and "toxic trespass," and voluntary initiatives: Solving the E-waste Problem (StEP) global initiative.

Reading: See handout.

E-Waste and N/S group discussion

Mar. 5 Review for TEST #2

Mar. 7 TEST #2: Biodiversity, Transboundary Movement of Hazardous Waste & N/S issues

Mar. 12-14 NO CLASS – SPRING BREAK

V. Forests: Significance, State of World's Forests, Absence of Global Forests Convention & Binding Protocol, EU's FLEGT Action Plan

Mar. 19 Importance of Forests, State of the World's Forests, Concepts of Sustainability and Sovereignty, International Forest Principles: Ecosystem services provided by forests. Global Forest Watch. Thorny issues of forest protection, logging, illegal logging, conversion of forests, agriculture, desertification and climate change. Why isn't there a global forest convention?

Listening: "The Rain Forest Was Here: Scientists Say the Amazon is Still Teaching Us New Lessons" (NPR Morning Edition: Nov. 12, 2015)

Reading: *Principles of International Environmental Law*, Ch. 10 pp. 495-501

Jeff Tietz, “*The Fate of Trees: How Climate Change May Alter Forests Worldwide*” (Rolling Stone Magazine, March 12, 2015)

Helen MacDonald, “*Dead Forests and Living Memories*” (New York Times Magazine, Sept. 17, 2015)

Jeremy Hance, “*Failing Our Forests: In Two Years We’ve Lost Enough Forests To Cover Spain*,” The Guardian (Dec. 22, 2017)

Gabriel Popkin, “*Cure Yourself of Tree Blindness*” New York Times (Aug. 27, 2017)

Mar. 21 Amazonas Lodge Case Study: Guest speaker – Professor Milena Novy-Marx.

Reading: Handout

Mar. 26 Forest Powerpoint Presentations and Discussion: Each group will present its 15 minute Powerpoint on its assigned forest ecosystem and participate in class discussion.

Reading: *Taking Back Eden* and other research for Powerpoint presentation.

Mar. 28 Forest Powerpoint Presentations and Discussion: Continued group powerpoint presentations and class discussion.

April 2 Implementation of EU’s Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan. What is FLEGT? How is sustainable forest management through trade and regulation working in the Absence of a Global Forest Protocol?

Reading: TBA

Final Paper (due April 11): Will provide handout in class final paper.

VI. Climate Change: Science, UNFCCC, Paris Agreement, Trump Administration and Future Directions

April 4 Root Drivers of International Environmental Problems. I = P x A x T. Ten drivers of environmental deterioration. Globalization, consumption and sustainability. In class, group discussion of consumption, sustainability, environmental justice, human rights, ethics and religion.

Reading: *Red Sky at Morning*

April 11 Climate Change Challenge: Science, greenhouse gases, timeline, tipping points, feedback loops. Intergovernmental Panel on Climate Change reports. Scientific

opinion v. public perception of scientific opinion. Sources of greenhouse gases (energy, agriculture, transportation, etc.).

Reading: Justin Gillis, “*Short Answers to Hard Questions About Climate Change*” (The New York Times, Nov. 28, 2015)

Charles C. Mann, “*How to Talk About Climate Change So People Will Listen*” (The Atlantic Monthly Magazine, Sept. 2014)

Eric Holthaus, “*The Point of No Return: Climate Change Nightmares Are Already Here*” (Rolling Stone Magazine, Aug. 5, 2015)

Joel Achenbach, “*Why Do Many Reasonable People Doubt Science?*” (National Geographic Magazine, Mar. 2015)

Viewing: “Climate Change 101 With Bill Nye the Science Guy” (smithsonianmag.com)

“John Oliver, Climate Change and the existence of Jesus” (Last Week Tonight with John Oliver, Feb. 9, 2015)

April 16 Conference Efforts Leading up to United Nations Climate Change Conference in Paris (COP 21): UNFCCC, Kyoto, Copenhagen, Obama Administration 2014 Agreement with China. Obama executive orders and Clean Power Plan. China’s changing views on climate and current air pollution crisis. India, development, coal and alternative energy.

Reading: *The Global Environment*, Ch. 6 pp. 138-142; Ch. 10 pp. 234-254.

Coral Davenport, “*A Climate Deal, 6 Fateful Years in the Making*” (New York Times, Dec. 13, 2015)

April 18 Paris Agreement (COP 21): How does the Paris Agreement work? Why is the Agreement structured the way it is? Significance of goal and “All in” strategy. How the major provisions reflect art of compromise. NDCs, “name and shame,” loss and damage, climate finance.

Reading: “Nations Approve Landmark Climate Agreement in Paris,” New York Times (December 12, 2015)

“What Does a Climate Deal Mean for the World?” New York Times (December 12, 2015)

“Inside the Paris Climate Deal,” New York Times (December 12, 2015)

“Climate Accord is a Healing Step if Not a Cure,” New York Times (December 12, 2015)

“Paris Climate Change Agreement: The Deal at a Glance,” The Telegraph (December 12, 2015)

Robinson Meyer, “A Reader’s Guide to the Paris Agreement” (The Atlantic Monthly Dec 16, 2015)

April 23 Trump Administration and Paris Agreement: What does Trump Administration policy mean for climate change and U.S. participation in the Paris Agreement? How is the rest of the world reacting?

Reading: “Donald Trump and the Triumph of Climate Change Denial” (The Atlantic Monthly, Dec. 25, 2016)

“The World’s Nations Vow to Move Forward with the Paris Agreement, With or Without Donald Trump” Living on Earth (PRI, Dec. 4, 2016)

Isabel Hilton, “China Emerges as Global Climate Leader in Wake of Trump’s Triumph” (The Guardian, Nov. 22, 2016)

Geeta Anand, “India, Once a Coal Goliath, Turns Green” (The New York Times, June 2, 2017)

Robinson Meyer, “The Problem with Abandoning the Paris Agreement” (The Atlantic Monthly, Nov. 18, 2016)

Lisa Friedman, “New Talks on Paris Climate Pact are Set, and That’s Awkward for U.S.” (The New York Times, Oct. 18, 2017)

April 25 Review for Test #3

April 30 TEST #3: Climate Change and Paris Agreement