

Political Science 239/IR 239/SUS 239  
Spring 2021

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## **INTERNATIONAL ENVIRONMENTAL LAW AND POLICY**

**COURSE DESCRIPTION:** An examination of international environmental law and policy with a special focus on efforts to address climate change, including the Paris Agreement under the UN Framework Convention on Climate Change. This course serves as a companion to PSC 246, but PSC 246 is not a prerequisite. The goal of this course is to provide a foundational understanding of this rapidly developing field. Topics include consideration of the scientific, political, and economic drivers of international environmental law; the principles of international environmental law; the variety of tools (e.g., treaties, agreements, “soft law,” voluntary incentive programs and market based approaches); and examples of how some international environmental issues have been addressed to date, including efforts on climate change. The course will be taught through lectures, discussion, a research paper or community engaged learning project, a group project and three tests.

**CREDIT HOURS:** 4 credit hours. This course follows the College credit hour policy for 4-credit courses. This course meets twice weekly via zoom for 150 minutes per week. The course also includes independent out of class assignments and group work for 1 hour per week, including using assigned readings and other class materials (as noted in the syllabus assignments). These activities include to preparation to lead or participate in group discussion, work on group discussion questions, worksheets (posted on Blackboard), reflections, and team-based group project. Students are expected to spend at least 8 hours per week on assigned reading and papers as discussed below. Length of reading assignments will vary given the complexity of the material assigned.

**CLASS DAYS/TIMES and LOCATION:** Tuesdays and Thursdays, 15:20-16:40 via zoom (recurrent link provided on Blackboard)

**COURSE OUTLINE AND READINGS:** The class will include considerable class discussion as well as lectures. There will be student led discussion, one group project, three tests and community engaged learning project. Class attendance is expected; grades will reflect attendance and participation.

**INTERNET/COMPUTING:** This class requires standard on-line access and computing (i.e., laptop and internet access). The University describes this as follows: “In general, for a ‘standard’ online course, students will need a laptop with a webcam, 8GB of memory and 256GB of local storage. Standard would be defined in this case as requiring the student to use Blackboard, library resources, and the web (to access journals, articles, etc.), to have the ability to watch Zoom lectures (synchronously and asynchronously), and potentially be available for use with Zoom proctoring.”

**OFFICE HOURS & COMMUNICATIONS:** I will have office hours before class from 2:00-3:00 Tuesdays or by appointment. The best way to contact me is by e-mail ([tnoto3@ur.rochester.edu](mailto:tnoto3@ur.rochester.edu)). Victoria Bela, [ybela@u.rochester.edu](mailto:ybela@u.rochester.edu), and En Li,

[eli18@u.rochester.edu](mailto:eli18@u.rochester.edu), are the teaching assistants this semester; their office hours will be announced the first day of class. *Any adjustments to the syllabus will be announced in class and on Blackboard.*

TEXT:

Regina S. Axelrod, Stacy D. VanDeveer, eds., *The Global Environment – Institutions, Laws and Policy* (5<sup>th</sup> Edition, Sage 2020).

*This is available as a hardcopy book, e-book, or even used copies of 4<sup>th</sup> Edition are acceptable. Unfortunately, the library is prohibited from providing this book as an e-book on reserve in the library.*

OPTIONAL TEXTS:

Philippe Sands and Jaqueline Peel, *Principles of International Environmental Law* (4<sup>th</sup> Edition, Cambridge University Press 2018)

James Gustave Speth, “*Red Sky at Morning*” (Yale University Press, 2005) – *available as an e-book or on reserve as an e-book in the library. **Do not confuse with the novel called Red Sky at Morning.***

Oliver Houck, “*Taking Back Eden: Eight Environmental Cases that Changed the World*” (Island Press 2010)

ASSIGNMENTS & DEADLINES: Be sure to comply with all instructions, including *minimum* page limits. ***Academic honesty is important; you must include citations, quotation marks, and works cited.*** *I understand that students have competing deadlines and increased stress with the pandemic; please feel free to ask for an extension. Points will be deducted for late work if you do not have an extension.*

GRADING: Attendance, participation, group work, worksheets, group project, and community engaged learning project (20%); Two highest test grades are 30% each of your semester grade and lowest test grade is 20%.

COURSE LEARNING/OUTCOMES: Students will be able to demonstrate a basic foundational understanding of international environmental law (IEL) and policy, from guiding principles (including sustainable development and common but differentiated responsibilities) to the treaty regimes studied this semester (including the Ozone regime and the UN Framework Convention on Climate Change and the Paris Agreement) as assessed by the three unit tests. Students will develop their skills in analyzing and discussing IEL issues through frequent classroom discussion, assigned readings, and out of class assignments. Students will further their research, collaboration, and presentation skills through working on a group project that will enhance student understanding of how forest biodiversity, conservation and timber resource issues and governance vary from State to State. Students will gain insight through writing a thoughtful, well-supported

research paper examining climate change law and policy through the lens of the challenges and policies of a particular developing or developed country.

ACADEMIC SUPPORT SERVICES: Students are encouraged to utilize academic support services: the Writing Speaking and Argument Program, <https://writing.rochester.edu> ; Center for Excellence in Teaching and Learning (CETL), [www.rochester.edu/college/cetl/](http://www.rochester.edu/college/cetl/)

ACADEMIC HONESTY: All assignments and activities associated with this course must be performed in accordance with the University of Rochester's Academic Honesty Policy. More information is available at: [www.rochester.edu/college/honesty](http://www.rochester.edu/college/honesty)

DISABILITY RESOURCES: The University of Rochester, this course, and I are committed to inclusion, and welcome students of all backgrounds and abilities. Services and reasonable accommodations are available to students with temporary and permanent disabilities, to students with DACA or undocumented status, to students facing mental health issues, other personal situations, and to students with other kinds of learning needs. Please feel free to let me know if there are circumstances affecting your ability to participate in class or your full participation in this course.

Some resources that might be of use include:

- Office of Disability Resources. (disability@rochester.edu; (585) 276-5075; Taylor Hall)
- Undocumented/DACA Student Support Contacts

<https://www.rochester.edu/college/ccas/undergraduate/daca/index.html>

- University of Rochester CARE Network <https://www.rochester.edu/care/>

SCHEDULE OF CLASSES:

### **I. Introduction: What is international environmental law?**

Feb. 2            Introduction and discussion

Reading: *The Global Environment*, Chapters 1 & 2

Feb. 4            The Historical Context, IEL Institutions & Principles: Historical context. Sources of IEL and IEL Principles. Centrality of treaty regimes.

Reading: *The Global Environment*, Ch. 3

***IEL principles worksheet and in-class group discussion***

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

Feb. 9            The Hole in the Stratospheric Ozone Layer: Overview of ODS issue, the Vienna Convention, the Montreal Protocol and structure of the Ozone Regime.

Reading: *The Global Environment*, Ch. 4

Feb. 11            The Success of Global Ozone Policy: Examining the scientific, economic, institutional and political factors that contributed to successful Ozone Regime.

Reading: *The Global Environment*, Ch. 5

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

### ***Ozone regime design choices worksheet and group discussion***

Feb. 16            Will the Ozone Layer Recover by 2050?: Addressing challenges including exemptions, compliance, waste, and funding. Tradewater case study.

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

“Ozone on track to heal completely in our lifetime” UN News (Sept. 16, 2019)

Brandon Pytel, “What can we learn from the Montreal Protocol?” Earth Day Network (Sept. 12, 2019)

Tradewater handout

### **Guest speaker: Milena Novy Marx (invited)**

Feb. 18            The Kigali Amendment: Addressing the hole in the stratospheric ozone layer *and* climate change.

Reading: 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)

“New Climate-Friendlier Coolant Has a Catch: It’s Flammable” New York Times (Oct. 23, 2016)

Justin Worland, “Big Business Wants to Stop Trump From Leaving This Other Climate Deal” Time (May 3, 2018)

**Guest speaker: May Wall (invited)**

*Kigali Amendment worksheet (on Blackboard) and group discussion*

**Feb. 23          Review for Test 1**

**TEST #1: Ozone Regime and IEL Principles: due March 1<sup>st</sup> midnight**

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

Feb. 25          Biological Diversity, 6<sup>th</sup> Wave of Extinction & Convention on Biological Diversity (CBD): Biological diversity, threats to biodiversity, and the Biodiversity Convention.

Reading: *Principles of International Environmental Law*, Ch. 10 (up to Access to Genetic Resources & Benefit Sharing)

*Red Sky at Morning*, Ch. 2 pp. 23-42

Mar. 2          Biological Diversity and Sustainable Development: Genetic diversity, biotechnology, intellectual property, traditional knowledge, bioprospecting, and balancing conservation, access, equitable sharing of benefits in a sustainable way. Nagoya and Cartagena Protocols.

Reading: *The Global Environment*, Ch. 12

*Principles of International Environmental Law*, Ch. 10 (from Access to Genetic Resources & Benefit Sharing to CITES)

*Biodiversity and SD worksheet (on Blackboard) and group discussion*

Mar. 4          Regulation of Trade in Wildlife - CITES: 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 how does it help developing countries?

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

Mar. 9            Supply and Demand Side Strategies, and Enforcement: Magnitude of the issue: 4<sup>th</sup> largest crime by value in the world. Supply and Demand side strategies. Enforcement issues and Operation Thunderstorm.

Reading: Rachel Nuwer, “The Key to Stopping The Illegal Wildlife Trade: China” The New York Times (Nov. 19, 2018)

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

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

Daniel Challender et al, “Poaching is more than an enforcement problem” Society for Conservation Biology (Jan 13, 2014)

*CITES & illegal wildlife trade worksheet (on Blackboard) and group discussion*

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

Mar. 11            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 (PIC), 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; Ch. 6 pp. 175-177.

Mar. 16            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? Role of NGOs, free trade, PIC, recycling; human rights and “toxic trespass;” Bamako Convention; liability concerns.

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)

Mar. 18            E-Waste Challenge and Test 2 review: The nature and magnitude of the E-waste challenge and government, NGO and corporate sustainability efforts.

Reading: *E-waste handout*

**Guest speaker: Trisa Thompson**

**TEST #2: Biodiversity, Transboundary Hazardous Waste & N/S issues due  
midnight March 22**

**V. Forests: Forest Group Projects, Absence of Global Forest Regime, EU's FLEGT  
& International Market Based Approaches**

Mar. 23        Importance of Forests, State of the World's Forests, Concept of  
Sustainability, International Forest Principles: Ecosystem services provided by forests.  
Thorny issues of forest protection, logging, illegal logging, conversion of forests,  
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. 25        Group Project presentations

April 1        Group Project presentations

April 6        Group Project Presentations

April 8        Forests, Sustainable Development and Changing Global Politics: Why is it  
so hard to reach a global consensus on forests? Issues of sovereignty and sustainable  
development. Forests and national identity, culture, and even spiritual and religious  
beliefs. Rise of nationalism. Oil Palm case study.

Reading: Oil Palm case study materials (on Blackboard)

April 13 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?

Video: "The Story of FLEGT"

Reading: See <http://www.euflegt.efi.int/flegt-action-plan>

FLEGT Briefing Notes #1: "What is FLEGT?"

EFI Policy Brief #2: "Forest Law Enforcement, Governance and Trade – the EU approach"

See, About FLEGT at <http://www.flegt.org/about-flegt>

## **VI. Climate Change:**

April 15 Climate Change Challenge: Science, greenhouse gases, timeline, tipping points, feedback loops. IPCC reports. Scientific opinion v. public perception of scientific opinion. Sources of GHGs.

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 20 Conference Efforts Leading up to United Nations Climate Change Conference in Paris (COP 21): 1992 Earth Summit in Rio de Janeiro & UNFCCC; 1997 Kyoto Protocol and binding targets on developed countries; 2009 Conference of the Parties in Copenhagen.

Reading: *The Global Environment*, Ch. 6 pp. 169-173; Ch. 10



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

Handout on policy statements by religious leaders

April 22        China, India and the U.S.: Obama Administration Agreement with China. Obama executive orders and Clean Power Plan. China’s and India’s climate and air pollution challenges and climate strategies.

Reading: *The Global Environment*, Ch. 8-9

Eduardo Porter, “India is Caught in a Climate Change Quandry” (New York Times, Nov. 10, 2015)

David Biello, “Everything You Need to Know About the U.S.-China Climate Agreement” (Scientific American, Nov. 12, 2014)

Ernest Kao, “Air pollution is killing 1 million people and costing Chinese economy 267 billion yuan a year...” (South China Morning Post, Oct 2, 2018)

Aayushi Awasthi, “Why India Needs to Worry About Climate Change” (BBC, Oct. 25, 2018)

April 27        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 29      Paris Agreement ~ Future Prospects? Test 3 Review: What did Trump Administration decision to withdraw from Paris Agreement mean in a global context? What about President Biden's decision to reenter the Paris Agreement?

Michael D. Shear, "Trump Will Withdraw U.S. From Paris Climate Agreement" (New York Times, June 1, 2017)

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

Noah Smith, "China is the Climate Change Battleground" (Bloomberg, Oct 14, 2018)

Somini Sengupta, "U.S. China Friction Threatens to Undercut the Fight Against Climate Change" (New York Times, Dec. 7, 2018)

Jean Chemnick, "How the World is Coping 1 Year After Trump Abandoned the Paris Climate Pact" (Scientific American, May 31, 2018)

Joseph Curtin, "The Paris Climate Agreement Versus the Trump Effect" (The Institute of International and European Affairs, March 12, 2018)

Dave Keating, "The Paris Climate Agreement Survived Trump. Can It Survive Brazil's Bolsonaro?" (Forbes, Oct 24, 2018)

**Climate Change Test due midnight, May 3**

**May 4            Community Engaged Learning Project TBA**

**May 6            Community Engaged Learning Project TBA**