

PS5301 International Environmental Law for Sustainability Managers

Spring 2023

Thursdays from 6:10pm to 8:00pm

Location: 825 Seeley Mudd Building

Instructor:

Name: Richard A. Horsch

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By appointment (for a Zoom call)

Teaching Assistant (TA):

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Office Hours: Mondays from 4pm to 5pm, Business & Economics Library Uris

Thursdays from 2pm to 3pm, Business & Economics Library Uris

By appointment (for a Zoom call)

SYLLABUS

COVID-19 Precautions

To the extent consistent with Columbia University guidelines, the Instructor plans to be present in the classroom for each scheduled class. Safety of students is a priority, and when present in the classroom, students must comply with all required safety precautions, including, if required, the wearing of a face mask and exercising appropriate social distancing.

Course Description

International Environmental Law is a fascinating field that allows students to consider some of the most important questions of the 21st 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 21st 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. 2022. *International Environmental Law and Policy*. New York: Foundation Press 6th Ed. (ISBN: 978-1-64020-878-0)

A copy of the textbook will be kept on reserve at Columbia's Science and Engineering Library and the Columbia Law School Library.

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

Meaningful class participation will also be a consideration in the final course grade.

Communications

The best way to communicate with me and the FSA is by email at the above email addresses. If you need to speak with either of us, we can set up an appointment to meet via phone or Zoom during virtual office hours, after class, or at any other mutually convenient time.

Course Outline

Day 1: Thursday January 19, 2023

Topic: Global Environmental Challenges

Required reading:

Hunter. Chapter 1: The Wild Environmental Facts pp. 3-40.

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

Day 2: Thursday January 26, 2023

Topic: Root Causes and Legal Options

Required reading:

Hunter. Chapter 2: The Root Causes pp. 41-81. Chapter 3: Economics and Sustainable Development pp. 97-112.

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

Days 3 and 4: Thursday February 2 and February 9, 2023

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. 131-180. Chapter 5: International Organizations and Non-State Actors pp. 181-212, 242-266.

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 developed countries and developing countries
- Identify and understand the role of the relevant international institutions and non-state actors

Assigned: Take Home Assignment #1 [Date TBD]

Day 5: Thursday February 16, 2023

Topics: International Environmental Lawmaking

Foundational Principles and Concepts Shaping International Environmental Law

Required reading:

Hunter. Chapter 6: International Environmental Lawmaking pp. 267-270; 285-315.

Chapter 8: Principles and Concepts in International Environmental Law pp. 413-421; Common Heritage of Humankind pp. 433-439; Common Concern of Humankind pp. 439-441; Intergenerational Equity pp. 441-445; Common but Differentiated Responsibilities pp. 445-448; the Precautionary Principle pp. 459-465; The Polluter and User Pays Principle pp. 465-469.

Class plan:

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

Days 6 and 7: Thursday February 23 and March 2, 2023

Topic: Ozone Depletion

Required reading:

Hunter. Chapter 10: Ozone Depletion pp. 521-590.

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 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, including the Kigali Amendment to the Montreal Protocol

Day 8: Thursday March 9, 2023

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. 591-639

[Additional Climate Change Readings: Skim the following Document -- IPCC Fifth Assessment Report (Synthesis Report) Summary for Policymakers:] <https://www.ipcc.ch/report/ar5/syr/>

Class plan:

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

SPRING BREAK: March 13 through March 17

Days 9, 10 and 11: Thursday March 23; March 30 and April 6, 2023

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

Required reading:

Hunter. Chapter 11: The Law of Climate Change, pp. 639-723.

Paris Agreement, 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 to the Kyoto Protocol to the Copenhagen Accord
- Review and understand the December 2015 Paris Climate Agreement
- Understand Climate Justice

Assigned: Take-Home Assignment #2 [Date TBD]

Assigned: Group/team project where students will select a specific thematic area (e.g., forests, oceans management, e-waste). Group presentations will take place on selected days during Final Exam Week.

Day 12: Thursday April 13, 2023

Topic: Hazardous Chemicals, Waste and Materials

Required reading:

Hunter. Chapter 14: Hazardous Chemicals pp. 899-932.

Class plan:

- Understand the general scientific background and concepts of risk assessment and management critical to regulation of chemicals and waste
- Understand environmental justice, human rights and toxins at the international level
- Understand substantive requirements of the Stockholm Convention on Persistent Organic Pollutants and the Rotterdam Convention on Prior Informed Consent

- Understand the Strategic Approach to International Chemicals Management (SAICM)

Day 13: Thursday April 20, 2023

Topic: Hazardous Chemicals, Waste and Materials

Required reading:

Hunter. Chapter 14: The Transboundary Movement of Hazardous Wastes pp. 942-970.

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

Day 14: Thursday April 27, 2023

Topic: Biodiversity

Required reading:

Hunter. Chapter 15: Biodiversity and Wildlife Conservation pp. 975-1047.

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

GROUP/TEAM PRESENTATIONS: Day or days during study period or final exam period, to be determined.

The third (and final) take-home exam to be posted on Canvas immediately following completion of group presentations.

SCHOOL POLICIES

Copyright Policy

Please note—Due to copyright restrictions, online access to this material is limited to instructors and students currently registered for this course. Please be advised that by clicking the link to the electronic materials in this course, you have read and accept the following:

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted materials. Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship, or research." If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use," that user may be liable for copyright infringement.

Academic Integrity

Columbia University expects its students to act with honesty and propriety at all times and to respect the rights of others. It is fundamental University policy that academic dishonesty in any guise or personal conduct of any sort that disrupts the life of the University or denigrates or endangers members of the University community is unacceptable and will be dealt with severely. It is essential to the academic integrity and vitality of this community that individuals do their own work and properly acknowledge the circumstances, ideas, sources, and assistance upon which that work is based. Academic honesty in class assignments and exams is expected of all students at all times.

SPS holds each member of its community responsible for understanding and abiding by the SPS Academic Integrity and Community Standards posted at <http://sps.columbia.edu/student-life-and-alumni-relations/academic-integrity-and-community-standards>. You are required to read these standards within the first few days of class. Ignorance of the School's policy concerning academic dishonesty shall not be a defense in any disciplinary proceedings.

Accessibility

Columbia is committed to providing equal access to qualified students with documented disabilities. A student's disability status and reasonable accommodations are individually determined based upon disability documentation and related information gathered through the intake process. For more information regarding this service, please visit the University's Health Services website: <http://health.columbia.edu/services/ods/support>.

Diversity Statement

It is our intent that students from all diverse backgrounds and perspectives be well-served by this course, that students' learning needs be addressed both in and out of class, and that the diversity that the students bring to this class be viewed as a resource, strength and benefit. It is our intent to present materials and activities that are respectful of diversity: gender identity, sexuality, disability, age, socioeconomic status, ethnicity, race, nationality, religion, and culture.

Duty to Report – You deserve a University community free from discrimination, harassment, and gender-based misconduct including sexual harassment, sexual assault, domestic and dating violence, stalking, and sexual exploitation. It is therefore University policy to require Columbia faculty and staff to report to EOAA any instance or allegation of prohibited conduct involving any undergraduate or any

graduate student that is disclosed to, observed by, or otherwise known to that employee. This requirement to report is in place to help ensure that students are provided appropriate resources and to allow the University to mitigate harm to our community.

Confidential Resources - There are confidential resources on campus who do not have a Duty to Report, including:

- Sexual Violence Response & Rape Crisis/Anti-Violence Support Center (SVR)
- Ombuds Office
- Medical Services
- University Counseling and Psychological Services
- University Pastoral Counseling
- Columbia Office of Disability Services

University employees working in a confidential capacity will not report information shared with them.