

# **INTERNATIONAL ENVIRONMENTAL LAW AND POLICY**

Political Science 239/IR 239/SUS 239

Room: Harkness 115

Professor Milena Novy-Marx  
Department of Political Science

Spring 2023

[mnovymarx@gmail.com](mailto:mnovymarx@gmail.com)

Office Hours:

Tuesdays 10:00-11:00 am, Harkness 307 or by appointment

## **SYLLABUS**

**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, 11:05-12:20  
In HARKNESS 115

**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.

**OFFICE HOURS & COMMUNICATIONS:** I will have office hours before class from 10:00-11:00am Tuesdays in Harkness 367 or by appointment. The best way to contact me

is by e-mail ([mnovymarx@gmail.com](mailto:mnovymarx@gmail.com)). Ariel Wang ([xwang178@u.rochester.edu](mailto:xwang178@u.rochester.edu)) and Belle Sherwood ([esherwo3@u.rochester.edu](mailto:esherwo3@u.rochester.edu)) are the teaching assistants this semester. Ariel's office hours are Mondays from 1:30-2:30 pm by Zoom or at other times by appointment. Belle's office hours Tuesdays 2:30-3:30 in iZone or by appointment (specific room TBA).

#### 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.*

#### 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 are under pressure at some times of the semester; please feel free to ask for an extension at critical periods. Points will be deducted for late work if you do not have an extension.***

#### GRADING

- Attendance, participation (10%)
- Group work, worksheets, and group project (20%)
- Exams 70% (two highest test grades are 30% each of the semester grade and lowest test grade is (10%))

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.

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](mailto: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?**

Jan. 12 (Thurs)      Introduction and discussion

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

Jan. 17 (Tues)      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 Reading Handout – on Blackboard under Learning Modules, Week 1

**Homework Due Tuesday Jan 17 before class: *IEL principles worksheet*. We will also discuss this in class in groups. Please submit Homework on Blackboard.**

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

Jan. 19 (Thurs)      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

**In class: *Ozone regime design choices worksheet and group discussion***

Jan. 24 (Tues) 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).

Jan. 26 (Thurs)      Will the Ozone Layer Recover by 2050?: Addressing challenges including exemptions, compliance, waste, and funding.

Reading: "[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).

Listen to: "[Sean Davis: What Can We Learn From the Global Effort to Save the Ozone Layer?](#)" NPR TED Radio Hour (June 7, 2019) 11 min.

Jan 31 (Tues)      The Kigali Amendment to the Montreal Protocol: 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).

Op Ed by Stephen Yurik and Bob Keefe, "[This Climate Deal is Good for the Economy](#)" *New York Times* (Jan. 6, 2021).

AHRI Handout posted on Blackboard

Listen to: "[Reworking the Ozone Treaty to Work for Climate Change](#)" *Living On Earth* (PRI November 12, 2010) 7 min.

## Feb. 2 (Thurs) **Review for Test 1**

Reading: Juli Berwald, "[One Overlooked Way To Fight Climate Change? Dispose of Old CFCs](#)" (*National Geographic Magazine*, April 29, 2019).

Read or Listen to: "[Sell me your climate bombs](#)" (NPR, Planet Money Sept. 25, 2020).

**Guest speaker TBC: Tim Brown, CEO and Founder of Tradewater, Chicago**

## Feb 7 (Tues) -- **TEST #1: Ozone Regime and IEL Principles**

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

Feb. 9 (Thurs)            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) (**optional**)

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

Feb. 14 (Tues)            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

Jamison Ervin and Midori Paxton, "[Nature for Life: Galvanizing Political Will](#)" Sept 24, 2020, IISD Sustainable Knowledge Hub.

Neil Burgess, "[We Can Bend the Curve on Terrestrial Biodiversity Loss](#)" Sept 22, 2020, IISD Sustainable Knowledge Hub.

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

Feb. 16 (Thurs)      Regulation of Trade in Wildlife – Convention on International Trade in Endangered Species (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 the Global Environment Facility and how does it help developing countries?

Reading: [CITES](#) (UNEP/CITES/2019/1),

[How CITES works](#) (CITES.org)

Wikipedia: [Convention on International Trade in Endangered Species](#),

Understanding CITES: CITES Appendix II Supports Sustainable Use, Watch 26 min [video](#) by CITES Secretary General Ivonne Higuero.

[CITES permits and certificates](#) (CITES.org)

*Principles of International Environmental Law*, Ch. 10 pp. 472-483 (**optional**)

Feb 21 (Tues)      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: [World Wildlife Crime Report](#) – *read only Summary and Overview, Policy Implications and Chapter 1.*

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

Katherine Lawson & Alex Vines, “[Global Impacts of the Illegal Wildlife Trade: The Costs of Crime, Insecurity and Institutional Erosion](#)” The Chatham House Royal Institute of International Affairs (Feb, 2014) – *read only Part I*

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

Feb 23 (Thurs)      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.

Feb 28 (Tues) E-Waste Challenge and Test 2 review: The nature and magnitude of the E-waste challenge and government, NGO and corporate sustainability efforts.

Reading: Brook Larmer, "[E-Waste Offers An Economic Opportunity As Well As Toxicity](#)" (*New York Times*, July 5, 2018)

[Cleaning Up Electronic Waste](#) (E-Waste), Environmental Protection Agency.

Neil Gladstone, "[The United States has a colossal e-waste problem. This is why](#)" (Digital Trends, Feb. 27, 2020).

Mar. 2 (Thurs) 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: [Sabaa Khan, "Basel Convention Parties Take Global Lead on Mitigating Plastics Pollution"](#) (*American Society of International Law*, Aug 26, 2019).

**Mar. 7 NO CLASS – SPRING BREAK**

**Mar. 9 NO CLASS - SPRING BREAK**

Mar. 14 (Tues) **TEST #2: Biodiversity, Transboundary Hazardous Waste & N/S issues**

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

Mar. 16 (Thurs) 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?

Reading: “The State of the World’s Forests 2020” (UNEP FAO Report) [Online executive summary](#).

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

Mar. 21 (Tues) 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](#)” 7 min.

Reading: “The State of the World’s Forests 2020” (UNEP FAO Report) [Ch. 4-7](#)

[About FLEGT](#) Online information (FLEGT.org)

**We will assign Group Presentation topics and times for audience participation – these presentations will be on March 28 (Tues) and March 30 (Thurs) – by Zoom**

Mar. 23 (Thurs) Amazonas case study: The Amazonas Lodge in Peru, a study of ecotourism and community-based conservation strategies.

Reading: Amazonas case study handout – (To be found on Blackboard in Learning Modules)

Prepare for role play in class. We will divide into three groups, representing the three main stakeholder groups in this case: the indigenous community, the Amazonas Lodge company, and the international foundations.

Mar 28 (Tues) – Presentations by Zoom if you are assigned for this day as presenter or audience

Mar 30 (Thurs) – Presentations by Zoom if you are assigned for this day as presenter or audience

**APRIL 4 – NO CLASS**

**APRIL 6 – NO CLASS**

**VI. Climate Change:**

Apr. 11 (Tues) Climate Change Challenge: Science, greenhouse gases, timeline, tipping points, feedback loops. IPCC reports. Scientific opinion v. public perception of scientific opinion. Sources of Green House Gases (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).

Viewing: "[John Oliver, Climate Change and the existence of Jesus](#)" (Last Week Tonight with John Oliver, Feb. 9, 2015).

Apr. 13 (Thurs)      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 18 (Tues)      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 20 (Thurs)      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: “[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)

“[Key Aspects of the Paris Agreement](#)” United Nations, Climate Change.

April 25 (Tues)      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?

Dave Keating, “[The Paris Climate Agreement Survived Trump. Can It Survive Brazil’s Bolsonaro?](#)” (*Forbes*, Oct 24, 2018).

Somini Sengupta, “[China, in Nudge to U.S., Makes a New Promise to Tackle Global Warming](#)” (*New York Times*, Dec. 12, 2020).

Vivienne Walt, “[Why It Matters that the U.S. Rejoined the Paris Agreement](#)” (*Fortune*, Feb. 16, 2021).

David Vetter, “[As U.S. Rejoins Paris Agreement, Here’s Why India Could Be Key to Global Climate Action](#)” (*Forbes*, Feb. 19, 2021).

Molly Bergen and Holly Mountford, “[Six Signs of Progress Since the Adoption of the Paris Agreement](#)” (*Eco-Business*, Dec. 10, 2020).

**Test #3 -- Climate Change during Finals Week**

