

International Environmental Policy and Law

Environ 365

University of Michigan, Winter 2009

SYLLABUS – DRAFT, December 8, 2008

Class Schedule: Monday Wednesday, 1:00 – 2:30 AM, Dana 1046

Professor Ted Parson, parson@umich.edu

Law School Office: (office hours Tuesday 9:00 – 10:30)

Hutchins Hall 432, 763-6133

SNRE Office: (office hours Monday 2:30 – 4:00)

Dana 3548, 647-2437

Course Outline and Objectives:

In this course, we will examine how societies manage (or fail to manage) environmental issues that fall beyond the authority or capability of a single national government.

Some classes will focus on specific international environmental issues. The issues considered will certainly include the following, and possibly one or two additional ones, depending on time availability and the group's interests:

- Global climate change
- Stratospheric ozone depletion
- Long-range air pollution
- Depletion of global fisheries
- Protection of biological diversity

We will examine each issue from three perspectives. We will *describe* the history and status of attempts to manage the issue, and of our knowledge about it (mostly scientific knowledge, but sometimes also including technological, economic, and other relevant knowledge). We will seek to *explain* the policy outcomes we see, asking why things are being done in this way and not some other. And we will seek to *assess* the effectiveness with which the issue is being managed, relative to its apparent severity and urgency.

In other classes, we will pursue more general and conceptual topics. We will examine the nature and historical development of global environmental stresses and the driving forces underlying them; systematic structural issues and other problems that obstruct effective management of environmental (or other) issues at global scale; and the elements or components of a responses to manage these issues – e.g., international negotiation of treaties or other instruments, international organizations, international legal principles, financial measures, implementation and compliance systems, and initiatives by NGOs as alternatives or supplements to government action.

Additional topics to be considered will include the use of science – scientific knowledge and uncertainty, consensus and controversy – in international policy-making; and the linkages of international environmental issues to other issues of trade, international economic policy, security, and development.

Overall, the perspective of the course will be synthetic: it will seek to apply insights from research and scholarship to help advance practical understanding of what is happening, why, and how things might be done better. The bridge between theory and practice will go both ways: we will both use theoretical concepts to help understand specific issues, and use evidence from these issues to help criticize and refine theoretical claims.

Format: a few lectures, lots of discussion, plus one or more simulation exercises.

Requirements and Evaluation: Your grade in the course will be based on the following:

15%: Class attendance, preparation, and participation.

You are expected to do the reading, think about it, and come to class prepared to make informed and thoughtful contributions to the discussion.

45%: 2 Short papers (5 pg max, 3-4 preferred) on assigned topics, plus in-class quiz:

One identification and analysis of a collective-action problem, based on your reflections following the climate-change simulation exercise (**due Wed, Jan 21**).

One briefing note on the state of knowledge and international management of an environmental issue not included in the cases we discuss in class (**due Wed Feb 18**)

One short in-class quiz on factual matters related to the issues we examine in cases.

40%: One Medium-length Paper (15 pages max, 12 preferred):

This may be a well founded argument for a course of action by a specific policy actor (e.g., an official with a government or international organization), or an explanatory argument for why a policy outcome occurred. I am happy to consider proposed topics that fall outside these categories. This paper is due **5:00 PM, Fri, Apr 24**. A one-page proposal is also required, **due on Wed March 4** (after break).

Page limits mean doubled-spaced, printed pages with normal fonts and margins.

More specific information on the requirements and expectations for these papers will be provided prior to each assignment.

The page-length of written work required for the course is relatively short. This does not mean that I intend these assignments to be undemanding. I expect you to work hard to produce clear, concise, correct writing, advancing coherent, well supported arguments, in a short format. These assignments –the short and the long – are intended to exercise your ability for independent, critical thinking, *not* provide an opportunity for extended narrative or reproduction of course readings or lectures.

Textbooks and Readings:

There are three required textbooks, all relatively inexpensive paperbacks and all available from the bookstores participating in the Textbook Reporting Service:

Regina S. Axelrod, David Leonard Downie, and Norman J. Vig eds., *The Global Environment: Institutions, Law, and Policy*. Washington DC: CQ Press, 2005.
(*hereafter TGE*)

Ken Conca and G. Dabelko, eds., *Green Planet Blues: Environmental Politics from Stockholm to Johannesburg* (3rd ed). Boulder: Westview, 2004. (**hereafter GPB**)

Lakshman Guruswamy and Kevin Doran, *International Environmental Law in a Nutshell* (3rd edition). St. Paul, MN: West/Thomson, 2007. (**hereafter Nutshell**)

All other readings, as well as course administrative announcements and additional resources will be posted on the course Ctools site.

Reference Books for Additional Reading: You may wish to consult these for course assignments, to explore additional issues, or for deeper treatment of issues we cover.

Birnie, Patricia W., and Alan E. Boyle. 2002. *International Law and the Environment*. Oxford: Clarendon Press. (2nd edition)

Caldwell, Lynton Keith. 1993. *Between Two Worlds: Science, the Environmental Movement, and Policy Choice*. New York, NY: Cambridge University Press.

Carroll, John E., ed., *International Environmental Diplomacy*

Dessler, Andrew E. and Edward A. Parson, *The Science and Politics of Global Climate Change: a guide to the debate* Cambridge University Press, 2006.

Fridtjof Nansen Institute, *Yearbook of International Cooperation on Environment and Development, 2005/2006*. London: Earthscan, 2005.

Haas, P.M., R.O. Keohane, and M.A. Levy, eds., *Institutions for the Earth: Sources of Effective International Environmental Protection*. MIT Press, 1993.

Hurrell, Andrew, and Benedict Kingsbury, eds., *The International Politics of the Environment*. New York: Oxford University Press, 1992

Keohane, Robert O. and Marc A. Levy, eds., *Institutions for Environmental Aid: Pitfalls and Promise*. Cambridge, MA: MIT Press, 1996.

Parson, Edward A., *Protecting the Ozone Layer: Science and Strategy* New York: Oxford University Press, 2003.

Sands, Philippe, ed. 1994. *Greening International Law*. New York: New Press.

Schneider, Stephen, Armin Rosencranz, and John Niles, eds., *Climate Change Policy: a Survey* Washington, DC: Island Press, 2002.

Stewart, Richard B. and Jonathan B. Wiener, *Reconstructing Climate Policy: Beyond Kyoto* Washington, DC: American Enterprise Institute, 2002.

David Victor, K. Raustiala, and E. Skolnikoff, eds., *Implementation and Effectiveness of International Environmental Commitments* Cambridge: MIT Press, 1998.

Young, Oran. 1989. *International Cooperation: Building Regimes for Natural Resources and the Environment*. Ithaca, NY: Cornell University Press.

Young, Oran. 1999. *The Effectiveness of International Environmental Regimes*. Cambridge, MA: MIT Press.

Environ 365: International Environmental Policy and Law

University of Michigan, Winter 2009

Summary Topic Schedule – DRAFT, November 25, 2008

Wed Jan 7: What's the problem? Global environmental stresses in historical context.

Mon Jan 12: Global climate change simulation

Wed Jan 14: Collective action, prisoners' dilemmas, and commons problems.

Mon Jan 19: MARTIN LUTHER KING DAY, NO CLASS

Wed Jan 21: Decomposing global environmental Problems: IPAT and its components:
(*Short paper 1 due, Wed Jan 21*)

Mon Jan 26: Global Modeling and Sustainable Development

Wed Jan 28: Theoretical Perspectives on International Environmental Politics

Mon Feb 2, Wed Feb 4: Principles of International Environmental Law

Mon Feb 9, Wed Feb 11: Elements of International Cooperation and Management 1:
Scientific Knowledge and Assessment

Mon Feb 16, Wed Feb 18: Case: Stratospheric Ozone Depletion
(*Short paper 2 due, Wed Feb 18*)

Mon Feb 23, Wed Feb 25: WINTER RECESS, NO CLASSES

Mon Mar 2: Elements of International Cooperation and Management 2: Negotiations

Wed Mar 4: Elements 3: International Organizations and Institutions (1)
(*1-pg proposal for final paper due, Wed Mar 4*)

Mon Mar 9: International Organizations and Institutions (2)

Wed Mar 11: Case: Long-range Air Pollution

Mon Mar 16: Elements 4: Implementation

Wed Mar 18: Elements 5: Role of non-state actors

Mon Mar 23: Case: Protecting endangered living resources (1) – CITES

Wed Mar 25: Protecting endangered living resources (2) Convention on Biodiversity

Mon Mar 30: Convention on Biodiversity 2

Wed April 1: Case: International Fisheries Management

Mon April 6: Environment and Trade

Wed April 8: Case: Global Climate Change (1)

Mon April 13: Global Climate Change (2)

Wed April 15: Case: Global Climate Change (3) (*in-class quiz*)

Mon April 20: Course Wrap-up

Friday April 24: Final paper due, 5:00 PM

Environ 365: International Environmental Policy

Detailed Schedule of Topics and Readings

Wed Jan 7: What's the problem? Global environmental stresses in historical context.

Follow-up: Read:

“Introduction: three decades of global environmental politics”, Conca and Dabelko, (GP, pp. 1-12)

(Ctools): Kates, Turner, and Clark, “The Great Transformation,” pp. 1 – 17 in *The Earth as Transformed by Human Action*, ed. B.L. Turner et al, Cambridge 1990.

(Ctools): P.M. Vitousek et al, “Human domination of earth’s ecosystems”. *Science* 277: 494-499 (July 25, 1997).

(Roles and reading for global climate change simulation distributed)

Mon Jan 12: Global climate change simulation

Preparation: Read, prepare role for global climate change simulation.

Wed Jan 14: Collective Action, Prisoners’ Dilemmas, and Commons Problems.

Preparation: Reflect on experience in climate change simulation, and Read:

“The Debate at Stockholm” (GPB, pp. 17-23)

Hardin, “Tragedy of the Commons” (GPB, pp. 37-44)

Buck, “No Tragedy on the Commons” (GPB, pp. 45-53)

(Ctools) D. Hofstadter, “The Prisoner’s Dilemma Computer Tournaments and Evolution of Cooperation”. *Metamagical Themas*. Bantam 1985, pp. 715-734

(Ctools) T.C. Schelling, “Hockey helmets, daylight savings, and Other Binary Choices”, *Micromotives and Macrobehavior*, Norton, 1978. pp. 213-243.

Mon Jan 19: MARTIN LUTHER KING DAY, NO CLASS

Wed Jan 21: Decomposing global environmental Problems: IPAT and its components: (Short paper 1 due)

Preparation: Read:

(Ctools) Ehrlich and Holdren, “Impacts of population growth.” *Science* 171: 1212-1217, March 26, 1971.

(Ctools) J. Cohen, “How Many People Can the Earth Support,” Norton 1996 (10-21).

(Ctools) Kempton and Payne, “Cultural and social evolutionary determinants of consumption,” pp. 116-121 in *Environmentally Significant Consumption* 1997.

Ophus, “The Scarcity Society” (excerpt, GPB, pp. 54-60)

Durning, “How much is enough” (GPB, pp. 275-289)

(Ctools) Maniates, "Individualization: plant a tree, buy a bike, save the world?" in Princen, Maniates, and Conka eds., *Confronting Consumption*, MIT Press, 2002.

(Ctools -- optional) United Nations, "World Population Prospects: the 2006 Revision." Executive summary, (Link at <http://www.un.org/esa/population/publications/wpp2006/English.pdf>)

(Ctools, Optional) Grubler, Conclusion, pp. 341-366, *Technology and Global Change*. Cambridge University Press, 1998.

Mon Jan 26: IPAT concluded; Global Modeling and Sustainable Development

Preparation: Read:

Meadows et al, excerpts from *Limits to Growth* (GPB, pp. 24-28)

(Ctools) W.D. Nordhaus, "Lethal Model II: The Limits to Growth Revisited," *Brookings Papers on Economic Activity* 1992, pp 1-8.

(Ctools) C.S. Holling, "An ecologist's view of the Malthusian Conflict", Ch. 4 in K. Lindahl-Kiessling & H. Landsberg, eds., *Population, Economic Development, and the Environment*. Oxford U Press, 1994

(Ctools) Robert M. Solow, "Sustainability: an Economist's Perspective" *National Geographic Research and Exploration* 8:1, pp. 3-9, 1992

Serageldin and Steer, "Expanding the Capital Stock" GPB, pp. 216-221.

World Commission on Environment and Development, excerpts (GPB, pp. 234-245)

Lohmann , "Whose Common Future" (GPB, pp. 246-251)

Lele, "Sustainable Development: a Critical Review" (GPB, pp. 252-264)

Wed Jan 28: Theoretical Perspectives on International Environmental Politics

Preparation: Read:

GPB, introductory text, pp. 63-69

Vig, "Introduction" (TGE), p. 1-17

Downie , "Global Environmental Policy: Governance through Regimes" (TGE)

Conca, "Rethinking the ecology-sovereignty debate", GPB, pp. 71-81

Mon Feb 2, Wed Feb 4: Principles of International Environmental Law

Preparation: Read

P. Sands and J. Peel, "Environmental protection in the twenty-first century: sustainable development and international law", Chapter 3 (pp. 43-63) in TGE

"Sources and Forms of International Law" (Nutshell, Chapter 1)

Montreal Protocol on Substances that Deplete the Ozone Layer, Sept. 1987

Complete current text at:

<http://www.unep.org/ozone/pdfs/Montreal-Protocol2000.pdf>

Original 1987 text with 1990 and 1992 adjustments and amendments at:

<http://sedac.ciesin.columbia.edu/entri/TextsToc.jsp>

Rio Declaration on Environment and Development

Complete text at:

www.unep.org/Documents.Multilingual/Default.asp?ArticleID=1163&DocumentID=78&l=en

Mon Feb 9, Wed Feb 11: Elements of International Cooperation and Management 1: Scientific Knowledge and Assessment

Preparation: Read:

(packet 1) Dahl, Robert, 1989. *Democracy and its Critics* Yale University Press. Ch. 4 and 5, pp. 52-79

(packet 1) Collingridge, David, and Colin Reeve, *Science Speaks to Power: The role of Experts in Policy-Making*. London: Frances Pinter. Chs 1 - 3, pp. 1 - 27.

(packet 1) Ruckelshaus, W., "Risk, Science, and Democracy", *Issues in Sci. and Technol'y*, 1985. 19-38.

Sheila Jasanoff, "Skinning scientific cats" (GPB, pp. 179-182)

(Something practical – from GEA project?)

Mon Feb 16, Wed Feb 18: Case: Stratospheric Ozone Depletion

Preparation: Read:

Review treaty text, at: www.unep.org/ozone/pdfs/Montreal-Protocol2000.pdf

Nutshell, Chapter 7, "Ozone Depletion"

(Ctools) Parson, Protecting the Ozone Layer: Science and Strategy. Pg. 1-11 of Chapter 1, Chapters 3, 5, and 6. (Chapter 9, optional)

(Ctools) Taubes, "The Ozone Backlash", *Science* Vol 260, 11 June 1993, pp. 1580-1583

(Short paper 2 due, Wednesday Feb 18)

Mon Feb 23, Wed Feb 25: WINTER RECESS, NO CLASSES

Mon Mar 2: Elements of International Cooperation and Management 2: Negotiations

Preparation: Read:

Speth, "Perspective on the Johannesburg Summit" (GPB, pp. 156-163)

(Ctools) Ikle, How Nations Negotiate, Ch. 2, 5, 11. New York: Harper and Row, 1964.

(Ctools) Kaufmann, Johan, *Conference Diplomacy.*, 2nd revised edition. Martinus Nijhoff 1988. Chapter 1 (pp. 1-11) and 10 (160-183)

(Ctools) Koh, Tommy, "The Earth Summit's Negotiation Process", 7th Singapore law Review Lecture, 15 December 1992.

Wed Mar 4, Mon Mar 9: Elements 3: International Organizations and Institutions

Preparation: Read:

Marvin Soroos, "Global Institutions and the Environment: an Evolutionary Perspective", Chapter 2 (pp. 21-42) in TGE

Nutshell, Chapter 2, "The Historical Continuum"

(Ctools) Frank Biermann, "The case for a world environment organization", *Environment* 42:9, November 2000.

(Ctools) Adil Najam, "The Case against a new International Environmental Organization", *Global Governance* 9 (2003), 367-384

UNEP, "Multilateral Environmental Agreements: a summary" (GP, pp. 147-155)

NOTE: 1-page proposal for final paper due: Wednesday, March 4

Wed Mar 11: Case: Long-range Air Pollution

Preparation: Read:

(Ctools) UNECE brochure summarizing LRTAP treaties

Review text of Convention and Protocols, at: www.unece.org/env/lrtap/welcome.html

Nutshell, Chapter 14, "Transboundary Air Pollution."

(Ctools) Jurgen Wettestad, "Clearing the Air: Europe Tackles Transboundary Pollution", *Environment* 44:2, March 2002

(Ctools) Noelle Eckley, "Traveling Toxics: the science, policy, and management of persistent organic pollutants", *Environment* 43:7, Summer 2001

Optional: Axelrod, Vig, and Schreuers, "the EU as an Environmental Governance System", TGE pp. 200-224.

(Ctools -- Optional) Greg Wetstone, "Acid rain in Europe and North America"

Mon Mar 16: Elements 4: Implementation

Preparation: Read:

M. Faure and J. Lefevre, "Compliance with Global Environmental Policy", Chapter 9 (pp., 163-180) in TGE

(Ctools) Ray Vernon, "Behind the Scenes: how policymaking in the EU, Japan, and the U.S. affects Global Negotiations" *Environment* 35:5, June 1993.

(Optional) Nutshell, Chapter 3, "Implementation and Compliance."

(De Sombre, "Understanding United States Unilateralism" TGE Chapter 10, pp. 181-199 (Could be here, or in Negotiations – think better here.)

Wed Mar 18: Elements 4: Role of non-state organizations

Preparation: Read:

McCormack, “The role of environmental NGOs in international regimes”, Ch. 5, TGE
Wapner “Politics beyond the state: environmental activism and world civic politics” GPB

Mon Mar 23: Protecting endangered living resources 1 – CITES

Preparation: Read:

Review text of CITES Convention and appendices, at www.cites.org

Nutshell, Chapter 5, Section E.2 and E.4, (pp. 171-180 and 187-195)

(Ctools) Laura Kosloff and Mark Trexler, “CITES: No Carrot, but where’s the Stick?”,
Envt Law Reporter 17 ELR 10222.

(Ctools) “The CITES Fort Lauderdale Criteria: the uses and limits of science in
international conservation decision-making”, Harvard Law Review, April 2001

(Ctools) “Can sustainable Mahogany stem from CITES science?,” Bioscience 53:7, July
2003.

Wed Mar 25, Mon Mar 30: Protecting endangered living resources – Convention on Biodiversity

Preparation: Read:

Review text of Biodiversity Convention, at www.biodiv.org/convention/articles.asp

Collection of short issue brochures at

www.biodiv.org/programmes/outreach/awareness/publications.asp?page=prom

(Ctools) Paul Steinberg, “Setting global conservation priorities: the political economy of
Noah’s ark”, draft paper, UC Santa Cruz, 1995.

Nutshell, remainder of Chapter 5, “Biodiversity”

(Ctools) Martin Jenkins, “Prospects for Biodiversity”, Science, 14 Nov 2003

(Ctools) Kal Raustiala and David Victor, “Biodiversity since Rio: the future of the
convention on biological diversity”. Environment 38:4, May 1996

(Ctools) Kerry ten Kate, “Science and the Convention on Biological Diversity”, Science
29 March, 2002.

Wed April 1: Case: International Fisheries Management

Preparation: Read:

Nutshell Chapter 13, “Conservation of Marine Living Resources”

Check/substitute sources recommended by Ray Hilborn??

- (Ctools) Pauly and Watson, "Counting the Last Fish", *Scientific American* July 2003.
- (Ctools) Pauly et al, "Towards Sustainability in World Fisheries", 418 *Nature* 689 (2002)
- (Ctools) David Ardia, "Does the Emperor Have No Clothes? Enforcement of International Laws Protecting the Marine Environment". 19. *Mich J. Int'l L.* 497 (1998).
- (Ctools – optional) Jackson et al, "Historical overfishing and the recent collapse of coastal ecosystems", 293 *Science* 629 (2001)

Mon April 6: Environment and Trade

Preparation: Read:

- Tony Juniper, "presentation to the WTO Symposium", GPB pp. 190-199
- Daniel C. Esty, "Environment and the Trading System: Picking up the post-Seattle pieces", GPB pp. 200-209
- World Bank's Environmental Reform Agenda, GPB pp. 210-215.
- Daniel C. Esty, "Economic integration and environmental protection", Chapter 8 in TGE, pp. 146-162.
- (Ctools) Robert Howse, "The Appellate Body Rulings in the Shrimp/Turtle Case: a new legal baseline for the trade and environment debate", *Columbia J. of Env't Law* 27:2, 489-519. Available at:
- http://faculty.law.umich.edu/rhowse/Drafts_and_Publications/Shrimp_Turtle.pdf

Wed April 8, Mon April 13, Wed April 15: Case: Global Climate Change

Preparation: Read:

- (Ctools) A. E. Dessler and E.A. Parson, *The Science and Politics of Climate Change: a guide to the Debate*. Cambridge University Press, 2005, Chapters 3, 4, 5.
- Michele Betsill, "Global Climate Change Policy: Making Progress or Spinning Wheels", Chapter 6 (pp. 103-124) in TGE.
- (Ctools) Marty Hoffert et al, "Advanced technology paths to global climate stability: energy for a greenhouse planet". *Science* 298 (1 November 2002), 981-987, plus attached exchange of letters, *Science*, 25 April 2003.
- (Ctools) S. Pacala and R. Socolow, "Stabilization Wedges: Solving the Climate Problem for the Next 50 Years with Current Technologies," *Science* 305 (13 August 2004), 968-972.

NOTE: 20-minute in-class Quiz, Wed April 15.

Mon April 20: Course Wrap-up

Friday April 24: Final paper due, 5:00 PM