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Diplomacy Syllabi

School of Diplomacy and International
Relations

Fall 2021

International Environmental Policy

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SETON HALL UNIVERSITY
SCHOOL OF DIPLOMACY AND INTERNATIONAL RELATIONS
INTERNATIONAL ENVIRONMENTAL POLICY

DIPL. 6031, FALL 2021 Stafford Hall Room 209, rev. 9-7-21

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Virtual Student Hours or In-Person before class by appointment only; request by email.

The course will be taught in live classes on Wednesdays from 5:00 – 7:00 pm (with the option of some online class meetings on Teams to be scheduled in advance as appropriate).

Course Description

This course will address the nature, content, and structure of international environmental law. The course will first familiarize students with international environmental problems and basic principles of international law and environmental regulation. The course will then take up various specific topics, such as climate change, global warming, loss of biodiversity, stratospheric ozone depletion, trade and environment, and United Nations efforts to stimulate and monitor sustainable development and environmental and social protection. Throughout, the course will apply interdisciplinary tools to help understand the international environmental regulatory system. The course will explore the roles of different actors in that system, as well as the difficulties of negotiating and implementing agreements that form the rules of the system.

Course Learning Objectives

In terms of the learning goals and student outcomes the School's Faculty have identified as key for students, students will:

- increase their knowledge and understanding of
 - key concepts, models, theories, and debates in international relations on environment and sustainable development and the policy agendas adopted
 - the institutional backdrop underpinning international politics, including international organizations and international law
 - the normative aspect of international relations as reflected in international law, including human rights and modalities of enhanced voluntary cooperation
 - the prevailing global issues, such as international conflict over non-renewable natural resources such as fresh water and extraction of fossil fuels and minerals on land or in the ocean; global health consequences of environmental pollution and global warming; and existential environmental challenges such as loss of biodiversity and climate change.
- develop skills to
 - collect, sort, and evaluate information
 - analyze complex situations and synthesize information
 - integrate different fields of study in analysis of a complex world
 - communicate effectively in oral and written form.
- develop a sense of global citizenship and to employ a global perspective to:
 - recognize and understand differences among a diversity of cultures and viewpoints

- employ a global perspective and self-awareness regarding their own culture and responsibility as world citizens
- demonstrate leadership qualities and other essential skills of diplomacy.

Course Materials

All students are expected to purchase the following book:

David Hunter, James Salzman, & Durwood Zaelke, INTERNATIONAL ENVIRONMENTAL LAW AND POLICY (5th ed., 2015). This book is available in the SHU Bookstore, for sale or rent through online sources (new, used, or e-book). Check with the SHU Library for access. Supplemental readings will be posted on the course Blackboard site or links provided to online materials.

Prerequisite Information

Students must be able to use Blackboard, a Seton Hall University email address, and the technology necessary for submitting all assignments described in the syllabus and on Blackboard for this course. Written assignments for journals and case briefs must be submitted as Word documents and the final presentation must be uploaded as a video or aural recording with powerpoint slides as described below.

Expectations Students are expected to:

- Use their Seton Hall email address when emailing the Instructor and fellow students
- Review the how to get started information located in the course content area
- Introduce yourself to the class during the first week
- Interact with professor and peers
- Review and follow the course schedule

Assignments

1. **Attendance and class participation.** Please read the assigned readings before class and be prepared to discuss them in class. Class participation is a required part of the course and will be considered in determining your grade. I will select several students to lead discussion in each class.
2. **Memos.** You will submit two 4-page typed, double-spaced memos using the template format posted on Blackboard on the content and your observations about the virtual UN meetings on two important treaties, the Convention on Biological Diversity and the Framework Convention on Climate Change with the Paris Agreement. **Please submit these memos through the assignment link in the appropriate week's tab on Blackboard. The deadline for Memo #1 is Oct. 25th and for Memo #2 is Nov. 14th. Late entries will be penalized ½ a mark; entries not submitted by the next class will not be graded.**
3. **Outline with Annotated Bibliography** for Final Research Paper. You will submit a one-two page paper proposal with introduction and outline, together with an annotated bibliography, through Blackboard on Nov. 2nd. Please make an appointment to **meet with me before Oct. 15th** to discuss your proposed paper topic

and provide me with a rough draft of your topic before our meeting by email attachment.

4. **Final Research Paper.** You will write a 15-page paper on an international environmental topic. **The paper will be due Monday, Dec. 6th, at 11 p.m. through our class Blackboard site using SafeAssign.** If you have trouble with Blackboard, you may submit your paper by e-mail to “beat the clock,” but you will still need to submit it through Blackboard ASAP. Submissions through Blackboard will go through SafeAssign, a plagiarism detection software.

[Late papers received within 7 days of Dec. 6th, but no later than Dec. 13th, will be penalized 1/3 of a grade but receive credit; papers received in Blackboard after 11 pm on Dec. 13th, will not receive credit and will fail that assignment, absent compliance with the Policy on Incompletes and professor’s approval.]

CITATIONS IN PAPERS. Papers should utilize one of the *Chicago Manual of Style* citation formats: Author-Date or Notes and Bibliography. The guidelines for these formats are on the course Blackboard page. You do not need to use formal citations in the two memos.

Grading Policies on Assignments:

- Attendance and participation in class discussions = 10% of final grade
- Memos (two) = total of 40% of final grade
- Final Research Paper = total of 50% of final grade
 - meeting with professor on topic; outline with annotated bibliography; and in-class presentation on subject of paper = 15%
 - final paper = 35%

Late policy:

1. On memos, full credit for timely submission by or before due date; credit may be received but with a reduced grade if the memo is submitted within 7 days of due date; no credit after that for the assignment.
2. On meeting with the professor for approval of topic for the final paper and on submission of the outline with annotated bibliography, there will be full credit up to the due date. If either the meeting or the outline is submitted up to one week late (absent medical or other emergency with appropriate proof acceptable to the professor), the final grade for the paper will be lowered accordingly. After that, no credit will be given for the meeting or the outline
3. On the final research paper, full credit for submission on or before due date of Monday, December 6, 2021; in case of medical or other emergency with appropriate proof acceptable to the professor, one extension may be granted to Monday, December 13, 2021. Otherwise no credit will be given for the final research paper at all unless a student has requested an incomplete and the professor has agreed to a new date pursuant to the Policy on Incompletes.
4. There is no “extra credit” for this course.

Policy on Incompletes. Incompletes will be given only in exceptional cases for emergencies. Students wishing to request a grade of Incomplete must provide documentation to support the request accompanied by a Course Adjustment Form (available from the Diplomacy Main Office) to the professor *before* the date of the final examination [paper]. If the incomplete request is approved, the professor reserves the right to specify the new submission date for all missing coursework. Students who fail to submit the missing course work within this time period will receive a failing grade for all missing coursework and a final grade based on all coursework assigned. Any Incomplete not resolved within one calendar year of receiving the Incomplete or by the time of graduation (whichever comes first) automatically becomes an "FI" (which is equivalent to an F). It is the responsibility of the student to make sure they have completed all course requirements within the timeframe allotted. Please be aware that Incompletes on your transcript will impact financial aid and academic standing.

Grade Scale:

Grade Ranges			
A	95% - 100%	C+	77% - 79%
A-	90% - 94%	C	73% - 76%
B+	87% - 89%	C-	70% - 72%
B	83% - 86%	D+	65% - 69%
B-	80% - 83%	D	60% - 64%
F		< 59%	

Table 1: Grade Scale

Technology Service Desk

The first point of contact for any technology related question or problem is Seton Hall University's Technology Service Desk. Contact the Technology Service Desk by phone by calling (973) 275-2222 or via e-mail at [servicedesk@shu.edu](mailto: servicedesk@shu.edu)

The Technology Service Desk is staffed by IT professionals Monday through Friday from 8 a.m. through 11 p.m. The Technology Service Desk provides phone support for most University applications, including the Blackboard Learning Management System, Microsoft Windows, and the Microsoft Office suite.

For more tips and technical information, go to [Seton Hall's Technology Blog](#).

Statement on Students with Disabilities

It is the policy and practice of Seton Hall University to promote inclusive learning environments. If you have a documented disability you may be eligible for reasonable accommodations in compliance with University policy, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and/or the New Jersey Law against Discrimination. Please note, students are not permitted to negotiate accommodations directly with professors. To request accommodations or assistance, please self-identify with the Office for Disability Support Services (DSS), Duffy Hall, Room 67 at the beginning of the semester.

For more information or to register for services, contact DSS at:

Email: dss@shu.edu

Phone: 973-313-6003
Fax: 973-761-9185
Duffy Hall room 67

Academic and Professional Integrity Policy

Students are expected to follow the Academic and Professional Integrity Policy outlined in the Student Handbook In addition to the specific Academic and Professional Integrity Policy of his/her major school or college:

1. **Dependability:** candidates are reliable, timely, and consistent in their presence and preparation for courses at the university as well as their field settings.
2. **Respect & Empathy:** candidates are respectful in their address, writing, language, and physical space toward faculty, university staff, school personnel, peers, and students in the field.
3. **Open-mindedness:** candidates respect the context and experience of others; developing the skills to use that information in classroom conversation, writing, and lesson planning.
4. **Integrity:** candidates submit original work, fully cite all sources associated with the development of their work (including information from the internet) and recognize that the university fully supports the use of anti-plagiarism software in support of academic integrity. (Original student work is expected. Any work containing plagiarized material will result in an automatic “0” for the assignment.)
5. **Passion for the profession:** candidates display in action, word, and commitment their passion for the profession of diplomacy and international relations, global citizenship and governance.
6. **PLAGIARISM AND OTHER SERIOUS ABUSES OF ACADEMIC INTEGRITY.** **All forms of dishonesty, whether by act or omission, including, but not limited to, cheating, plagiarism, and knowingly furnishing false information to the University, are prohibited.** Work submitted in courses must be the product of the efforts of the student presenting the work, and contributions of others to the finished work must be appropriately acknowledged. The presentation of another's work as one's own is a serious violation of the academic process. Plagiarism and other forms of academic dishonesty will be reported to the administration and may result in a lowered or failing grade for the course and up to possible dismissal from the School of Diplomacy. See University and School standards for academic conduct here: <<https://www.shu.edu/student-life/upload/Student-Code-of-Conduct.pdf>> and <<http://www.shu.edu/academics/diplomacy/academic-conduct.cfm>>. **More particularly:** In a paper, where you quote language word for word, you must place it in quotation marks or in a block quote and give the exact source for each quoted passage. Where you paraphrase something, you must cite the source. Where you refer to or use an author’s insight or idea, you must cite the source. Lifting language from a web site without indication and citation is plagiarism.

Coronavirus Safety In accordance with the Seton Hall pledge, students must wear a mask in class, maintain required social distancing, and not come to class if you are ill. No mask, no

class. The pledge can be found here: <https://www.shu.edu/health-intervention-communication/seton-hall-pledge.cfm>

CAPS As part of our commitment to the health and well-being of all students, Seton Hall University's Counseling and Psychological Services (CAPS) offers initial assessments, counseling, crisis intervention, consultation, and referral services to the SHU community. The CAPS office is located on the second floor of Mooney Hall, room 27. Appointments can be made in-person or by calling 973-761-9500 during regular business hours, Monday-Friday, 8:45 a.m. - 4:45 p.m. In case of a psychological emergency, call CAPS (973-761-9500) at any time to speak to a crisis counselor. For more information, please visit: <https://www.shu.edu/counseling-psychologicalservices/index.cfm>

COURSE SCHEDULE:

WEEK 1 Introduction to the history of International Environmental Law and Policy and sustainable development; Introduction to the course and syllabus

Discussion of the syllabus, course requirements, assignments, and introduction to classmates. *The Sea Around Us* and *Silent Spring* by Rachel Carson (1962) and the current post-colonialist critique; the Stockholm Conference on the Human Environment (1972); *Our Common Future*; UNCED (Rio Conference on Environment and Development, 1992), the Johannesburg Conference (2002), Rio +20 (2012), and the 2030 Agenda for Sustainable Development with the 17 SDGs (2015); Overview of multilateral environmental agreements and milestone cases in international courts.

-Text: Ch. 4, 133-137; 141-142 [Stockholm Decl.]; 143-150 [Our Common Future]; 151-166 [Rio Decl.]; 179-188 [Johannesburg; Rio +20 and the SDGs].

WEEK 2: Sustainable Consumption and Production, SDG 12

Population, Consumption, and Technology; Historical Overview, part I.

- Text: Ch. 1, 3-25 [skim, paying particular attention to climate change and loss of biodiversity]; pp. 25-38.
- Text: Ch. 2, 39-60, 84-99 [skim, paying particular attention to consumption].
- [Blackboard]: De Sombre, "Individual Behavior and Global Env't'l Problems," 18 *Global Env't'l Politics*, Feb, 2018.
- [Blackboard]: Tinker, "Ensuring Sustainable Consumption and Production Patterns through the UN Global Goals: The International Legal and Policy Perspective," in *Sociedade de Consumo*, vol. 2, *Pesquisas em Direito do Consumidor*, Diógenes Faria de Carvalho et al., coord., Ed. Espaço Acadêmico, Goiana, Brasil, 2016, at 193.

WEEK 3: Costs of Un-Sustainable Development, Risks & Uncertainty, Accountability for Harm

Sustainable Development and Economics; Historical Overview, part II

- Text: Ch. 3 [All—101-132].
- [Blackboard][articles on CESR, natural capital, alternatives to GDP for measuring growth and wealth; requirements for risk assessment and reporting]
- [Blackboard][list of selected cases on liability and compensation for environmental damage; oil spills, toxic chemicals and hazardous wastes, endangered species, etc.]
- See website of the Columbia University Sabin Center on Climate Change Law, Prof. Michael Gerrard, <https://climate.law.columbia.edu/>;
- Read article by Burger, et al, "The Law and Science of Climate Change Attribution," at https://climate.law.columbia.edu/sites/default/files/content/docs/The%20Law%20and%20Science%20of%20Climate%20Change%20Attribution_Burger-Wentz-Horton_ELRL.pdf

Watch video on climate risk assessment, link posted on Blackboard.

WEEK 4: Early Treaties: Success of the Montreal Protocol to the Ozone Treaty
International Environmental Law I: Treaties and the Ozone Regime.

-Text: Ch. 6, 285-309.

-Text: Ch. 10, 537-606.

-See NOAA and NASA websites with data on climate change, weather, atmosphere (US National Oceanic and Atmospheric Agency and National Aeronautical and Space Administration) at <https://www.climate.gov/> and <https://climate.nasa.gov/>

WEEK 5: Basic Principles of International/Global Law of the Environment

International Environmental Law II: Basic Principles.

-Text: Ch. 6, 309-359.

-Text: Ch. 8, 433-440 [Overview of IEL principles]: 441-444 [state sovereignty]; 451-460 [common heritage of humankind and common concern of humankind]; 466-471 [state responsibility]; 472-478 [obligation not to cause harm]; 478-484 [precautionary principle]; 485-489 [polluter pays]. Skim the rest of Ch. 8 so you can identify other principles and refer to these pages when those principles come up in class.

-[Blackboard] Tinker, "The Precautionary Principle," in International Law, Classic and Contemporary Readings, Charlotte Ku and Paul F. Diehl, eds., 3rd ed. 2009, at 415.

-[Blackboard] Read & O'Riordan, "The Precautionary Principle Under Fire," 59 *Environment*, Sept./Oct. 2017, at 4.

-[Blackboard] skim selected pages from Edith Brown Weiss, Daniel Magraw, Stephen McCaffrey, Stephanie Tai and Daniel Tarlock, International Law for the Environment (2016), on the rights of future generations, precautionary principle, human relationship with nature, common but differentiated responsibilities, procedural duties such as environmental impact assessments and public access to information.

WEEK 6: The Oceans as Carbon Sinks & Habitats, Fish and Mineral Resources, Protected Areas

-Text: Ch. 12, 739-751, 760-779 [oceans].

-[Blackboard][see articles on plastics, ocean acidification, melting sea ice, sea level rise]

-[Blackboard][skim draft articles on biodiversity beyond national jurisdiction (BBNJ), marine protected areas, benefit sharing of marine genetic resources, EIAs, capacity building and transfer of technology, and cross-cutting issues]

-[Blackboard][Selected articles from UN Convention on the Law of the Sea (UNCLOS)]

WEEK 7: NO CLASS, FALL BREAK

Arrange conference with professor for approval of paper topic no later than Oct. 15th; use this time to work on your research for the final paper. Outline with annotated bibliography due no later than Tuesday, Nov. 2nd; Final Paper due by Monday, Dec. 6th.

WEEK 8: Biodiversity, the UN CBD and the Nagoya Protocol with Aichi Targets

-Text: Ch. 15, 993-1049.

- Read "the Biosphere Report" by the second Special Rapporteur on Human Rights and the Environment, David Boyd, link posted on Blackboard.
 - Browse the website of the Secretariat of the UN CBD at www.cbd.org and links to the Nagoya Protocol, Aichi Targets, and draft Post-2020 Biodiversity Strategy (to be adopted at the COP in October 2021).
 - Read Preamble to the UN CBD, definitions in Article 2 and scope in Art. 3.
 - Read SDG 14 (oceans, marine biodiversity) and SDG 15 (land, forests, terrestrial biodiversity): goals, targets and indicators.
 - Skim the IUCN Red List of endangered species, link posted on Blackboard
- DISCUSSION OF ABOVE IN CLASS.
- WATCH UN CONVENTION ON BIOLOGICAL DIVERSITY. (CBD) COP-12 VIRTUAL MEETINGS Oct. 11-24, 2021 on your own schedule**
Watch virtual UN meetings: opening session and at least two **plenaries** of the UN Conference of the Parties to the UN Convention on Biological Diversity at UN Web TV Oct. 11-24, 2021 (live from China or on demand) plus at least one **side event** if accessible. Find COP-12 on the website of the CBD at www.cbd.org for the programme and documents. Pay attention to how the meetings are run, who speaks and when, how the substance of the issues are addressed and by whom, and what the outcome is at the **closing session**. Keep a list of the meetings/sessions/events you watch and identify the type, chair and sponsoring organization, and date. Add this list to your Memo [template posted in Blackboard].
- MEMO #1 DUE BY MONDAY, OCT. 25th AT 11:00 pm EST**

WEEK 9: Trade in Endangered Species; Ecosystems and Habitats; Fresh Water

CITES and Habitat Protection

- Text: Ch. 15, 1091-1123.
- Blackboard: [recent news on the Arctic and article in 60 *Environment*, Nov/Dec, 2018].

Ramsar Convention on Wetlands of International Importance

- Text: Ch. 16, 1166-1175.

UN Watercourses Convention

- Text: Ch. 13, 878-892.

UN Draft Articles on Transboundary Aquifers

- Text, Ch. 13, 901-913.
- [Blackboard] [skim UNdraft articles on transboundary aquifers and groundwater]

OUTLINE WITH ANNOTATED BIBLIOGRAPHY DUE TUESDAY, NOV. 2nd **FINAL PAPER DUE BY MONDAY, DEC. 6th.**

WEEK 10: Climate Change, the UNFCCC and the Kyoto Protocol

Climate Change I

- Text: Ch. 11, 607-685.
 - [Online] [skim for charts/graphs] National Academy of Sciences, Climate Stabilization Targets, In Brief, available at link posted on Blackboard.
 - **Skim** the following reports (links posted on Blackboard):
 - IPCC reports: (first reports 1990 through 2014); *Global Warming of 1.5 degrees Celsius*, Special Report (2018); and 6th Assessment Report, *Climate Change 2021: The Physical Science Basis, Summary for Policy Makers*, August 2021
 - UNEP *Global Methane Assessment*, May 2021
 - Recommended for comparison of views: [Blackboard] Tinker, "Environmental Security in the United Nations: Not a Matter for the Security Council," 59 *Tennessee Law Review* 787 (Summer 1992) and Ken Conca, "Is There a Role for the UN Security Council on Climate Change?" 61 *Environment*, Jan/Feb 2019, at 4.
- DISCUSSION OF ABOVE IN CLASS.

- WATCH UN FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC) COP-26 VIRTUAL MEETINGS Nov. 1-12, 2021 on your own schedule; no live class.** Watch virtual UN meetings: **Opening Session** and two or more **Plenaries** of UN Conference of the Parties to the UN Convention on Climate Change, COP-26, Nov. 1-12 (live from Glasgow, Scotland or on demand at **UN Web TV or NY Times Climate Hub or other website**) plus at least one **side event** (if accessible). Find the programme and documents at www.unfccc.org on the treaty and the Paris Agreement. Pay attention to how the meetings are run, who speaks and when, how the substance of the issues are addressed and by whom, and what the outcome is at the **closing session**. Keep a list of the meetings/sessions/events you watch and identify the type, chair and sponsoring organization, and date. Add this list to your Memo due Nov. 14th [template posted in Blackboard].

WEEK 11: Climate Change, UNFCCC and the Paris Agreement, and Climate Litigation

Climate Change II

- Text: Ch. 11, 723-738 [carbon markets, climate litigation and liability of states, corp.]
 - Text: Ch. 11, 693-722.
 - [Blackboard] Bodansky, "The Paris Climate Change Agreement: A New Hope?," 110 *Am. J. Int'l L.*, 288 (2016).
 - [Blackboard][recent cases: *Urgenda* and *Royal Dutch Shell*; German case; others].
- DISCUSSION OF ABOVE IN CLASS.
- Find one good analysis, news story, article or video in a reliable source, from a recognized NGO or international organization or professional association on the outcome of COP-26 and the issues, and share in class.
 - Continue watching COP-26 on UN Web TV, the NY Times Climate Hub or other site. Find the website of the UNFCCC at www.unfccc.org for the COP-26 programme and documents on the treaty and the Paris Agreement. Pay attention to how the meetings are run, who speaks and when, how the substance of the issues are addressed and by whom, and what the outcome is at the **closing session**. Keep a list of the

meetings/sessions/events you watch and identify the type, chair and sponsoring organization, and date. Add this list to your Memo [template posted in Blackboard].
-MEMO #2 DUE BY MONDAY, NOV. 14th AT 11:00 pm EST

WEEK 12: Trade, Environmental Protection, Subsidies and the WTO, CSER

Trade and Environment

- Text: Ch. 17, 1219-1308.
- Text: Ch. 10, 578-581 [Montreal Protocol and International Trade].
- Text: Ch. 19, 1407-1415, 1418-1419 [UN Global Compact]
- [Blackboard] [article on GATT and WTO Panel decisions on environmental protection, Business Council for Sustainable Development].

WEEK 13: NO CLASS, THANKSGIVING

WEEK 14: HUMAN RIGHTS AND THE ENVIRONMENT

- Text, Ch. 18, pp. 1323-1327 [linkages of human rights and environment], 1342-1349 [substantive rights], 1357-1363 [procedural rights], 1364-1379 [human rights and climate change, indigenous peoples' rights].
- Read the Report of the UN Special Rapporteur on the Environment and Human Rights posted on Blackboard.
- All students will be expected to give a 5-minute summary or abstract in class of their research for the final paper This is the last class of the semester.**

FINAL PAPER DUE BY MONDAY, DEC. 6th AT 11 PM EST on Blackboard

(Word document, 12-point Times New Roman font, double-spaced, 12-15 pp., as described above in syllabus, submitted on Blackboard through SafeAssign)