ENVIRONMENTAL GOVERNANCE IN THE DEVELOPING WORLD

Vermont Law School

Summer 2018
8 Week Friday Term

Instructors:
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Course Information: This class meets every Friday from June 8 to August 3 (no class July 6), 9AM-12PM in the Nina Thomas Classroom in Debevoise Hall. If you would like to schedule an appointment with either of us outside of class hours, please feel free to contact us via email or during class to do so.

Course Materials: All required course reading materials will be posted on TWEN. We will also post other supplementary materials that are not required reading but that may help you in your understanding and appreciation of the topics discussed during class. All required reading assignments will be indicated in this syllabus. As indicated in the Class Schedule section below, the syllabus will be updated with reading assignments as they become finalized. We will keep you informed of updates in addition to posting the updated syllabus on TWEN.

INTRODUCTION

While this course focuses on the development of environmental law and operates on the assumption that that is a desirable outcome, this is not a traditional environmental law course. This course is designed to introduce students to the unique challenges regarding the development, implementation, and enforcement of good environmental governance systems in the developing world. To that end, this course will generally eschew discussions of international environmental law and multilateral environmental agreements, and will instead focus on the domestic environmental law of developing countries, with a focus on China and South East Asia. Due to our work at the US-Asia Partnerships for Environmental Law, this course will draw from a variety of case studies from China and the lower Mekong region to illustrate key points. That said, students will be encouraged to research other areas of the world as part of the research they will conduct in this course.

Countries in Asia and other parts of the developing world represent some of the fastest growing economies in the world today, and they are also home to the large majority of the world’s human populations. They also represent a wide array of political, historical, social, ecological and cultural contexts. While some have managed to implement relatively successful environmental governance mechanisms, most still struggle to do so. The ‘perfect storm’ of incredibly rapid economic development
in developing countries with generally weak environmental governance systems creates enormous risks for the future of the environment and natural resources upon which human populations depend. This course will seek to give students an appreciation for these risks and challenges and will encourage them to think analytically and creatively to propose solutions going forward. To that end, we will begin the course by discussing the elements of strong environmental governance as proposed by scholars and practitioners in the field, which in turn will serve as an analytical framework as we explore the various domestic environmental governance systems later in the course. It is our hope that thinking through these issues will give students a frame of reference through which to consider the environmental governance structures and challenges facing the United States and other industrialized, development nations.

Finally, conducting research on the laws, policies, and regulations of developing countries with different contexts can often be a challenge – therefore, this course will begin by giving students a framework for research methodologies that will enable them to conduct thorough research during the course and afterwards. Due to the nature of the research topics, this section will encourage students to use both traditional and non-traditional resources to find information and data. The course will encourage students to develop a specific research plan to use for the purpose of drafting the final paper for this course.

GRADING

(1) Class participation (10%) – Students are expected to have read and familiarized themselves with the assigned reading materials and be prepared to engage in substantive discussions during class sessions.

(2) Class presentation (20%) – Students will be required to prepare and conduct a 10-15 minute presentation to the class on their chosen research topics on the final day of class.

(3) Research paper (70%) – Students will be required to conduct substantive research on a topic concerning environmental governance in the developing world, and produce a 15-20 page paper on that topic. Topics will be selected by the students in consultation with the course instructors.

CLASS SCHEDULE AND READING ASSIGNMENTS

June 8 – Course Introduction; Research Methodologies; Research Topics

Reading Assignments:

- Mr. Scott Fulton (General Counsel, USEPA) and Justice Antonio Herman Benjamin (High Court of Brazil), *Foundations of Sustainability*, UNEP Report: Advancing Justice, Governance and Law for Sustainability, pgs. 17-22
- Gunilla Olund Wingqvist, et al. (Swedish Environmental Protection Agency), “The Role of Governance for Improved Environmental Outcomes,” Report 6514 (September 2012)
- Explore WWF’s [Greater Mekong webpage](https://wwf.panda.org/regions/greatermekong/) – specifically the “About” and “Challenges” links
  - NOTE: just skim this for information purposes

Guest Presentation:
Chenfang Yang, VLS Library Reference Librarian – Introduction to Research Methods and Tools for Conducting Legal Research on Foreign Countries
**June 15 - Analytic Framework and Perspectives on Environmental Governance and the Role of Law**

**Reading Assignments:**

- Ugo Mattei, Laura Nader, Plunder: *When the Rule of Law is Illegal*, Blackwell Publishing, Page 10-28; 65-76 (TWEN) (Explore other contents, if you have time) (TWEN)

**Optional:**

*Watch:*
- Lecture - Norgaard talking about neoliberal economics theory as a religious gospel in US: https://www.youtube.com/watch?v=OEyoEqO5iPY

*Skim:*

**June 22 – Environmental Governance in China**

**Reading Assignments:**

- Environmental Law in China, Mitigating Risk and Ensuring Compliance, Oxford, 2011, Chapter 1, Page 3-11(In Reserve & Library )
- *Skim:* China’s New Environmental Protection Law, enacted in 2014, took effect in 2015 (TWEN)

**Optional:**


June 29 – The Belt and Road Initiative and Timber Trade

*Reading Assignments:*

- Policy Brief: Forests Beyond the Law: Scientific Insights into Illegal Logging and Related Timber Trade *(TWEN)*; *If you have more time, please read the report “Illegal Logging and Related Timber Trade - Dimensions, Drivers, Impacts and Responses. A Global Scientific Rapid Response Assessment Report.”* *(pay particular attention on the environmental crime section)* published as IUFRO World Series Volume 35. *(TWEN)*

Optional

July 6 – NO CLASS

*NOTE* - Classroom change: Class on July 13th will be held in Oakes 012.

July 13 – Environmental Impact Assessment and Environmental Regulation

*Reading Assignments:* Reading assignments will be posted to TWEN at least one week prior to class.

July 20 – Building Capacity for Environmental Governance; Regional Issues and Cooperation

*Reading Assignments:* Reading assignments will be posted to TWEN at least one week prior to class.

July 28 – The Role of Courts in Environmental Governance in Developing Countries

*Reading Assignments:*
- China’s Supreme People’s Court Report 2016: Environmental Adjudication White Paper *(TWEN)*
Optional:
  o Watch: Prings' Video Presentation at the 2017 Environmental Adjudication Symposium

Guest Presentation (TBD):
Professor Wang Canfa, Professor of Law at China University of Political Science and Law (CUPL),
Director of UNEP-CUPL Academy of Environmental Law, Director of Center for Legal Aid to Pollution Victims at CUPL

August 3 – Student Presentations and Wrap-up Discussions