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 13-15 page paper on that topic. Topics will be selected by the students in consultation with the course instructors.

**CLASS SCHEDULE AND READING ASSIGNMENTS**

**June 9 – 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
- Rio+20 Declaration on Justice, Governance and Law for Environmental Sustainability (3 pgs.)
- Michael Faure, Morag Goodwin, and Franziska Weber, Bucking the Kuznets Curve: Designing Effective Environmental Regulation in Developing Countries, 51 VA. J. INT’L L. 95 (Fall 2010) (30 pgs.)
- Explore WWF’s Greater Mekong webpage – specifically the “About” and “Challenges” links

*Guest Presentation:*
June 16 - 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)
- Peter J. Robertson, Taehyon Choi, Ecological Governance: Organizing Principles for an Emerging Era, Public Administration Review, Volume 70, Issue s1, December 2010, Pages s89–s99 (8 pages) Overview PPT is available at https://prezi.com/jik63rrsgs0b/ecological-governance/ (TWEN)
- Sustainable development and the tragedy of commons
- Optional (lecture): Norgaard talking about neoliberal economics theory as a religious gospel in US: https://www.youtube.com/watch?v=OEyoEqO5tPY

June 23 – Case Studies on China

Reading Assignments:

- Environmental Law in China, Mitigating Risk and Ensuring Compliance, Oxford, 2011, Chapter 1, Page 3-11 (In Reserve)
- China Water Risks: New ‘Water Ten Plan’ to Safeguard China’s Waters
- Yanmei Lin and Jack Tuholske Field Notes from the Far East: China’s New Public Interest Environmental Law in Action, 45 ELR 10855 (September 2015). Yanmei Lin and Jack Tuholske, Green NGOs Win China’s First Environmental Public Interest Litigation: The Nanping Case, 45 ELR 11102 (December 2015).

Watch: Chai Jing’s review: Under the Dome – Investigating China’s Smog https://www.youtube.com/watch?v=T6X2uw1QGQM

June 30 – Case Studies on Myanmar
Guest Lecture: Matthew Baird, VLS Distinguished Scholar of Environmental Law

Reading Assignments:

- Primary Source Documents (please browse these documents – you do not need to read them word-for-word in their entirety):
  - Environmental Conservation Law (2012)
  - Environmental Conservation Rules (2014)
- The Syllabus will be updated on TWEN with additional reading assignments for this class no later than June 23.

July 14 – Case Studies on Cambodia

Guest Lecture: Brian Rohan, Vishnu Law Group, Phnom Penh, Cambodia

Reading Assignments:

- Primary Source Documents (please browse these documents – you do not need to read them word-for-word in their entirety):
  - Law on Environmental Protection and Natural Resource Management (1996)
  - Sub-Decree No. 72 on Environmental Impact Assessment Process (1999)
  - Draft Natural Resources and Environment Code (2017)
- The Syllabus will be updated on TWEN with additional reading assignments for this class no later than July 7.

July 21 (Half of Class Period) – Case Studies on Vietnam

Reading Assignments:

- Primary Source Documents (please browse these documents – you do not need to read them word-for-word in their entirety):
  - Law on Environmental Protection (2014)
  - Decree No. 18 on Environmental Protection Planning, Strategic Environmental Assessment, Environmental Impact Assessment and Environmental Protection Plans (2015)
- The Syllabus will be updated on TWEN with additional reading assignments for this class no later than July 14.

July 21 (Half of Class Period) – Case Studies on China (Energy)

Guest Lecture: Professor Yu Wenxuan, China University of Politics and Law

- The Syllabus will be updated on TWEN with additional reading assignments for this class no later than July 14.

July 28 (Half of Class Period)- Regional Environmental Governance: China’s One Belt One Road Strategy

Guest Lecture: Professor Yu Wenxuan, China University of Politics and Law
The Syllabus will be updated on TWEN with additional reading assignments for this class no later than July 14.

July 28 (Half of Class Period) – Regional Environmental Governance in the Greater Mekong Sub-Region

Reading Assignments:

- The Syllabus will be updated on TWEN with additional reading assignments for this class no later than July 21.

August 4 – Student Presentations and Wrap-up Discussions