

COURSE OUTLINE		
TERM: Fall 2022	COURSE NO: LAW 468	
INSTRUCTOR:	COURSE TITLE: INTERNATIONAL CLIMATE CHANGE LAW	
OFFICE: LOCAL: E-MAIL:	SECTION NO:	CREDITS: 3.0
OFFICE HOURS:		
COURSE WEBSITE:		

Capilano University acknowledges with respect the Lil'wat, Musqueam, Squamish, Sechelt, and Tsleil-Waututh people on whose territories our campuses are located.

COURSE FORMAT

Three hours of class time, plus an additional hour delivered through online or other activities for a 15-week semester, which includes two weeks for final exams.

COURSE PREREQUISITES

45 credits of 100-level or higher coursework including LAW 101

CALENDAR DESCRIPTION

This course will focus on the major legal issues that face the international community in addressing the challenges of climate change and the role of the United Nations, international treaties, and national governments in seeking workable legal solutions. We will also examine ways to mitigate the effects of climate change on communities and peoples across the globe, including Indigenous people. Finally, we will analyze the legal effects of individual and corporate litigation in national courts in North America, South America, India and New Zealand.

COURSE NOTE

LAW 468 is an approved Self and Society course for Cap Core requirements.

REQUIRED TEXTS AND/OR RESOURCES

Daniel Bodansky, Jutta Brunnée, and Lavanya Rajamani, *International Climate Change Law, 1st ed.*, (Oxford: University Press, 2017)

Instructors' supplemental materials, international agreements, and case law posted to eLearn.

Referenced Texts

Douglas Nakashima, Igor Krupnik and Jennifer T. Rubis Melling, eds., *Indigenous Knowledge for Climate Change Assessment and Adaptation*, (Cambridge: University Press, 2018)

Erkki J. Hollo, Kati Kulovesi and Michael Melling, *Climate Change and the Law*, (Heidelberg: Springer, 2013)

COURSE STUDENT LEARNING OUTCOMES

On successful completion of this course, students will be able to do the following:

1. Effectively describe and explain the principles of international environmental law and the application to the challenges of climate change;
2. Understand the jurisdiction and actions of the United Nations and the place of international conventions and the Kyoto Protocols and Paris Agreement on Climate Change;
3. Analyze and discuss the challenges of international compliance and the effects of climate change of specific stakeholders, including Indigenous peoples;
4. Analyze and apply the contemporary statutory rules, legal principles and national case law used in resolving disputes involving individuals, corporations, and communities around the world, including:
 - (1) disputes in the Canadian North and the United States,
 - (2) disputes in India, Brazil, and New Zealand,
 - (3) issues involving the sovereignty of Indigenous peoples across the world,
 - (4) laws relating to the mitigation of damages and loss, and
 - (5) the means and legality of adaptation to climate change in international law.

Students who complete this Self and Society course will be able to do the following:

1. Identify potential root causes of local/global problems and how they affect local/global cultures, economies, politics, and policies;
2. Assess and evaluate individual and collective responsibilities within a diverse and interconnected global society;
3. Apply concepts of sustainable development to address sustainability challenges in a global context;
4. Analyze the impact of colonialism and racism on Indigenous peoples;
5. Synthesize a range of differing community perspectives on ethics and justice and explain how these perspectives can inform structural change;
6. Generate strategies for reconciling Indigenous and Canadian relations.

COURSE CONTENT

WEEKLY COURSE CONTENT	
WEEK	CONTENT
PART I – INTRODUCTION	
1	<p>INTRODUCTION TO CLIMATE CHANGE LAW</p> <p>In this introductory lecture, students will examine the “intractable challenge” of climate change; an issue that affects individuals, communities and nations and poses environmental, economic, and ethical problems across the world.</p>

WEEKLY COURSE CONTENT	
WEEK	CONTENT
2	<p>KEY PRINCIPLES OF INTERNATIONAL ENVIRONMENTAL LAW</p> <p>In this lecture, we examine and discuss the key principles of international environmental law: mitigation of damage and loss, adaptation to change, the finances of international regulation and the question of oversight and enforcement of international agreements.</p>
	PART II – THE INTERNATIONAL REGIME
3	<p>TREATIES: RULES, TOOLS AND TECHNIQUES</p> <p>This lecture focusses on the “treaty-based” approach to environmental protection, starting with treaty negotiation and the mandates of participants, then the content of the agreements and their adoption by national governments and international stakeholders, and finally treaty interpretation and oversight.</p>
4	<p>CLIMATE CHANGE LAW AT THE UNITED NATIONS</p> <p>After a brief history of the evolution of the United Nation’s approach to climate change, we will focus on the <u>United Nations Framework Convention on Climate Change</u> – its principles and objectives, its main commitments, timelines and targets and the Conventions implementation and compliance mechanisms.</p>
5	<p>THE KYOTO PROTOCOL</p> <p>The 1997 Kyoto Protocols supplement the Framework Convention explored in Week 4 and established internationally negotiated, legally binding emissions standards. In this Lecture we will look at the overarching issues and compliance mechanisms for this important set of international clean development standards.</p>
6	<p>THE PARIS AGREEMENT</p> <p>Negotiated in 2015, the Paris Agreement was the most ambitious climate response agreement to date and an undoubted achievement in international diplomacy. It sought to bind together “differentiated responsibilities” with ambitious goals on harm reduction, technology transfer and national commitments to reduce harmful emissions. In this class, we will discuss, assess and evaluate the successes of this agreement.</p>
7	MID-TERM EXMINATION

WEEKLY COURSE CONTENT	
WEEK	CONTENT
	PART III – WORKING TOWARDS LEGAL SOLUTIONS
8	<p>REGULATION & ENFORCEMENT IN INTERNATIONAL LAW</p> <p>In this lecture we look at the challenges posed in the enforcement of international agreements and climate change protocols, and the legal strategies implemented between neighbouring countries and within national economies to meet climate change objectives. The focus here will be on Canada's obligations in international law.</p>
9	<p>CLIMATE CHANGE AND ADAPTATION</p> <p>This lecture introduces the range of national and international climate adaptation strategies being put in place or considered across the developed economies of the West, including Australia, New Zealand and Canada.</p>
10	<p>CLIMATE CHANGE AND INDIGENOUS PEOPLE – PART 1</p> <p>Global climate change poses significant risks to Indigenous Peoples who rely on traditional economies and sustainable ecologies. These two lectures focus on the place of Indigenous knowledge-keepers in developing strategies in their assessment and adaptation to climate change. In this first lecture students will look at the effects of global warming in the Canadian Arctic and the consequences of severe drought in the American Southwest on Indigenous communities.</p>
11	<p>CLIMATE CHANGE AND INDIGENOUS PEOPLE – PART 2</p> <p>This lecture will examine the risks and adaptation strategies to climate change formulated by Indigenous Peoples in South America, the South Pacific and Northern Scandinavia.</p>
12	<p>CLIMATE CHANGE and HUMAN RIGHTS</p> <p>The intersection between climate change law and other areas of international law has resulted in what has become known as the "Human Rights Approach" to climate change – a focus on the recognition of an inter-generational right to a healthy and clean environment. This lecture will examine the legal regimes that have been instituted to protect these rights.</p>

WEEKLY COURSE CONTENT	
WEEK	CONTENT
13	<p>LITIGATION IN NATIONAL COURTS</p> <p>One of the tools for regulating private industry and enforcing public and private environmental duties is the use of national courts and litigation. This final lecture will look at the role and effectiveness of national courts as a mechanism for achieving shared environmental goals.</p>
14-15	FINAL EXAM PERIOD

EVALUATION PROFILE

ASSESSMENT	
Method	Percentage
Midterm Exam	30-35%
Final Exam	30-35%
Participation / Case Briefs	0-10%
Research Paper	30%
TOTAL	100%

Participation

If a participation grade is provided, then it is allocated to the consistency, quality, and frequency of contributions to class discussions and class presentations. Consistency means attending every class and actively contributing to discussions on a regular basis. Quality means demonstrating respect for peers and their contributions, listening attentively during lectures and when other students are speaking, and participating in all activities with an open and inquisitive mind.

GRADING PROFILE

A+ = 90-100	B+ = 77-79	C+ = 67-69	D = 50-59
A = 85-89	B = 73-76	C = 63-66	F = 0-49
A- = 80-84	B- = 70-72	C- = 60-62	

Incomplete Grades

Grades of Incomplete "I" are assigned only in exceptional circumstances when a student requests extra time to complete their coursework. Such agreements are made only at the request of the student, who is responsible to determine from the instructor the outstanding requirements of the course.

Late Assignments

Assignments are due at the beginning of class on the due date listed, or other date and time specified. If you anticipate handing in an assignment late, please consult with your instructor beforehand. Unless *prior* arrangements have been made, 20% of the assignment total will be deducted for each day following the due date and time until the assignment is handed in or until the available marks reach

zero, whichever comes first. Exceptions to the deduction amounts and timeline may be made at the discretion of the instructor, and generally only for verified medical emergencies or severe personal crises.

Missed Exams/Quizzes/Labs etc.

Missed exams and similar assessments will receive a zero grade, unless *prior* arrangements have been made with the instructor (whenever possible). Make-up exams, etc. are given at the discretion of the instructor, and generally only for verified medical emergencies or severe personal crises. Some missed labs or other activities may not be able to be accommodated. Please consult with your instructor.

Attendance

Students are expected to attend all classes and associated activities.

English Usage

Students are expected to proofread all written work for any grammatical, spelling and stylistic errors. Instructors may deduct marks for incorrect grammar and spelling in written assignments.

Electronic Devices

Students may use electronic devices during class for note-taking only.

On-line Communication

Outside of the classroom, instructors will (if necessary) communicate with students using either their official Capilano University email or e-Learn; please check both regularly. Official communication between Capilano University and students is delivered to students' Capilano University email addresses only.

UNIVERSITY OPERATIONAL DETAILS**Tools for Success**

Many services are available to support student success for Capilano University students. A central navigation point for all services can be found at: <https://www.capilanou.ca/student-life/>

Capilano University Security: download the [CapU Mobile Safety App](#)

Policy Statement (S2009-06)

Capilano University has policies on Academic Appeals (including appeal of final grade), Student Conduct, Academic Integrity, Academic Probation and other educational issues. These and other policies are available on the University website.

Academic Integrity (S2017-05)

Any instance of academic dishonesty or breach of the standards of academic integrity is serious and students will be held accountable for their actions, whether acting alone or in a group. See policy and procedures S2017-05 Academic Integrity for more information: <https://www.capilanou.ca/about-capu/governance/policies/>

Violations of academic integrity, including dishonesty in assignments, examinations, or other academic performances, are prohibited and will be handled in accordance with the Student Academic Integrity Procedures.

Academic dishonesty is any act that breaches one or more of the principles of academic integrity. Acts of academic dishonesty may include but are not limited to the following types:

Cheating: Using or providing unauthorized aids, assistance or materials while preparing or completing assessments, or when completing practical work (in clinical, practicum, or lab settings), including but not limited to the following:

- Copying or attempting to copy the work of another during an assessment;
- Communicating work to another student during an examination;
- Using unauthorized aids, notes, or electronic devices or means during an examination;
- Unauthorized possession of an assessment or answer key; and/or,
- Submitting of a substantially similar assessment by two or more students, except in the case where such submission is specifically authorized by the instructor.

Fraud: Creation or use of falsified documents.

Misuse or misrepresentation of sources: Presenting source material in such a way as to distort its original purpose or implication(s); misattributing words, ideas, etc. to someone other than the original source; misrepresenting or manipulating research findings or data; and/or suppressing aspects of findings or data in order to present conclusions in a light other than the research, taken as a whole, would support.

Plagiarism: Presenting or submitting, as one's own work, the research, words, ideas, artistic imagery, arguments, calculations, illustrations, or diagrams of another person or persons without explicit or accurate citation or credit.

Self-Plagiarism: Submitting one's own work for credit in more than one course without the permission of the instructors, or re-submitting work, in whole or in part, for which credit has already been granted without permission of the instructors.

Prohibited Conduct: The following are examples of other conduct specifically prohibited:

- Taking unauthorized possession of the work of another student (for example, intercepting and removing such work from a photocopier or printer, or collecting the graded work of another student from a stack of papers);
- Falsifying one's own and/or other students' attendance in a course;
- Impersonating or allowing the impersonation of an individual;
- Modifying a graded assessment then submitting it for re-grading; or,
- Assisting or attempting to assist another person to commit any breach of academic integrity.

Sexual Violence and Misconduct

All Members of the University Community have the right to work, teach and study in an environment that is free from all forms of sexual violence and misconduct. Policy B401 defines sexual assault as follows:

Sexual assault is any form of sexual contact that occurs without ongoing and freely given consent, including the threat of sexual contact without consent. Sexual assault can be committed by a stranger, someone known to the survivor or an intimate partner.

Safety and security at the University are a priority and any form of sexual violence and misconduct will not be tolerated or condoned. The University expects all Students and Members of the University Community to abide by all laws and University policies, including B.401 Sexual Violence and Misconduct Policy and B.401.1 Sexual Violence and Misconduct Procedure (found on Policy page <https://www.capilanou.ca/about-capu/governance/policies/>)

Emergencies: Students are expected to familiarise themselves with the emergency policies where appropriate and the emergency procedures posted on the wall of the classroom.