

Environmental Law II

Winter Term 2009

Environmental Law II / Law 2133.03

Wednesday 4:30–6:30pm

Classroom: 406 - Weldon Law Bldg.

Professor: Meinhard Doelle

Office: Room 408

Telephone: 494-1030

E-mail: mdoelle@dal.ca

Objective:

This course provides an opportunity to consider current issues in Environmental Law in more detail. The course pursues this objective in two ways. We will cover a current topic chosen by the instructor in depth, by considering international and domestic aspects of the issue, and considering the issue from a variety of perspectives. Secondly, there will be opportunities for students to present on and discuss their paper topics. The discussions will include a *short* introduction of the topic by the student in the form of a presentation on the status of their paper, to be followed by a class discussion of the topic lead by the instructor. Details, such as the amount of time allocated for each student topic will depend on the number of students in the course.

Evaluation:

Evaluation will be 70% major paper and 30% class participation (including in class presentations on the student's paper topic)

Please Note:

- You should come prepared each class to discuss the questions distributed as well as those included in the course outline below
- You may choose a paper topic that is related to one of the class topics in the course outline below. If so, please be prepared to present on your topic when the topic comes up in the course.
- Your paper topic has to be approved by the instructor, and a two page outline of your paper topic is due before the end of January.
- You should sign up for a time slot for class discussion on your topic as early as possible, no later than the end of January.
- You are required to prepare a three to four page overview of your presentation for the rest of the class a week before your presentation. Please keep in mind that the earlier you have your class discussion, the more time you will have to incorporate the results of the class discussion into your paper. You are not expected to have your research or the paper completed when you present, the point is to present a work in progress and get input from the class.
- Papers are due on the last day of classes.

Reading Material:

Handouts and material distributed in class, materials rooms, or on reserve.

Optional reading:

Bernstein et al, eds., *A Globally Integrated Climate Policy for Canada* (Toronto: University of Toronto Press, 2007)

M. Doelle, "From Hot Air to Action, Climate Change, Compliance and the Future of International Environmental Law", (Carswell, 2005).

Special Needs:

Professor Pothier is the faculty advisor to students with disabilities. Students with disabilities wishing to discuss in-class accommodation or study assistance needs should see Professor Pothier. Students wishing to request accommodation regarding exam writing or other aspects of evaluation must make the request in writing to the Studies Committee and should see Associate Dean Deturbide or Assistant Dean Hughes for more information. Material for the Studies Committee should be given to Tiffany Coolen-Jewers, administrative assistant to the Associate Dean.

Plagiarism:

All students in this course must read

- the University policies on plagiarism and academic honesty referenced in the Policies and Student Resources sections of the plagiarism.dal.ca website, and
- the Law School policy on plagiarism, as set out in
 - the law school regulations (available in hard copy from the Associate Dean's office and online at http://law.dal.ca/law_3104.html) or
 - the Orientation Handbook (provided to all first year students and available online at http://law.dal.ca/law_6945.html).

Any paper or assignment submitted by a student at Dalhousie Law School may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the law school, or even revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above.

Ignorance of the policies on plagiarism will not excuse any violation of those policies.

Course Outline:

1. **Introduction**
2. **The Science of Climate Change & the Role of the IPCC**
 - **What is the state of the science on climate change?**
 - **What level of action does the science justify?**
 - **Is the IPCC the answer to the science-policy interface?**
3. **The International Climate Change Regime**
 - **General Overview of the Regime**
 - **Allocation of Mitigation Obligations under Kyoto; Is it equitable, is it effective, is the right level of effort overall?**
 - **Reporting and Compliance under Kyoto; Will it ensure compliance?**
 - **Normative influences in international law; How will they influence compliance? How will they influence the future of the regime?**
 - **Potential for legal disputes over climate change mitigation; How will they influence compliance? How will they influence the future of the regime?**
4. **Domestic Implementation of Int'l CC Obligations**
 - **Law and Policy Options**
 - **Carbon Tax**
 - **Cap and Trade**
 - **Subsidies**
 - **Regulatory measures**
 - **Other tools**
 - **Current federal efforts**
 - **Climate Change Plan**
 - **Legislation**
 - **Court cases**
 - **Current provincial efforts**
 - **Alberta**
 - **BC**
 - **Ontario**
 - **Nova Scotia**
5. **Taking Stock**
 - **The post 2012 Climate Change Regime;**
 - **Proposals for the post 2012 regime**
 - **Current state of the negotiations**

- **What would be an equitable effective way forward that has some hope of being acceptable to key nations?**
- **Toward an integrated climate change policy in North America**