

ENVIRON 835K

Environmental Law, Governance and Regulation



Spring 2020

Dates / course meeting time: 150 minutes of contact time per week for 14 weeks

Academic credit: 3

Course format: Lecture & Separately Scheduled Discussion

Instructor's Information

Kathinka Fürst, Adjunct Assistant Professor of Environmental Policy, Duke Kunshan University. Dr. Fürst is an environmental law and regulation researcher with interest in environmental policy processes, law enforcement and compliance and the role of civil society actors in environmental governance processes.

Office hours: NA, but always available online

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What is this course about?

This is an introductory environmental law course, with emphasis on the practical use and application of legal concepts within the context of pollution control and resource management. This class will explore the role of law, regulation and governance in protecting, managing and restoring the environment and natural resources. Understanding these processes in China will be the main focus of the class. On occasions, cases from other jurisdictions will be included in the syllabus.

The first part will focus on a general introduction to the development of environmental law and regulation. This section will outline various problem issues environmental law and regulation seek to address and the overarching challenges inherent in these processes on a global, national and sub-national level. It will also include a general introduction to environmental governance structures in China, with some attention to China's role in the global environmental governance system.

The second part of the course will focus on the utilization of environmental laws and regulations, by various stakeholders, in protecting, managing and restoring the environment and natural resources through analysis of legal cases and relevant case studies. Through the analysis of case studies students will become familiar with the pro's and con's of different regulatory instruments in achieving, or failing to achieve,

the overarching goal of protecting, managing and restoring the environment and natural resources. Students will be exposed to different regulatory instruments such as environmental regulatory standards, the best available technology approach, emission licenses and pollution discharge fee system, environmental impact assessment and environmental information transparency. This section will also include case studies focusing on public and private non-state regulatory mechanisms including voluntary standards and civil regulatory mechanisms in the environmental field.

The third part focuses on compliance. This section will also focus on enforcement processes, including different enforcement styles and the effectiveness of different ways to enforce regulatory law. This section will also examine different approaches to facilitate deterrence effects in environmental law enforcement and insights from the field of law and behavior in environmental law enforcement. Case studies illuminating different national approaches, including China, will be included in this section.

The fourth part of the course focuses on environmental law and regulation on the international arena.

What background knowledge do I need before taking this course?

No prerequisite required.

What will I learn in this course?

Through participation in this course, you will obtain theoretical and practical skills that will enable you to:

- Understand the environmental law making and enforcement processes both internationally and in China.
- Analyze the attributes of different regulatory and enforcement methods and how they affect regulatory outcomes.
- Identify the role of state and non-state actor's in various environmental governance processes for preventing and mitigating environmental risk.
- Understand the inter-relationship of law, politics, economics and science in environmental law.
- Use and participate in case studies to apply theory to applied environmental problem solving.
- Utilize primary source materials such as the laws, regulations, and court opinions to analyze and apply environmental problem solving.
- Develop legal writing and analysis skills.
- Execute self-directed research and learning in applying legal analysis of environmental law, governance and regulation to current issues in the field.

How will I know if I have met the objectives of this course?

A number of different types of assignments will be used to evaluate student mastery of the learning objective in this class. First, students are required to actively engage in class discussion (for part of the course, this will be held online to due to changes in the teaching procedure pertaining to the Coronavirus outbreak). Through discussions, students are expected to demonstrate their understanding of the material and critical thinking about the subject matter. Second, students will write short blog entries throughout the course to analyze the assigned reading and prepare for in class discussion. In the part of the course which will be taught online, students will also write a blog entry after each class to reflect on the content and issues discussed in class. Third, students are required to prepare three legal analysis throughout the course. Fourth, students are required to prepare and present legal analysis and discussion in class. Fifth, throughout the semester students will work in group projects to conduct a comprehensive analysis of the Coronavirus outbreak. Inter-group discussions will be required to allow students to also learn from their peers.

How can I prepare for the class sessions to be successful?

In order to prepare for the classes, students need to read all assigned material. Students are also required to conduct independent research to identify relevant cases and examples in preparation for group discussion in class and throughout the group project discussion.

What required texts, materials, and equipment will I need?

Required readings will be posted on Sakai prior to classes. Readings will include current research papers, legal briefings, case studies, reports and relevant laws. Students are required to read all assigned material and be prepared for class discussion.

How will my grade be determined?

Legal analysis & in class presentation (15 %):

Throughout the semester students will be required to provide a legal analysis of a particular case. Each case will be analyzed by all students, but only two students will give a presentations on the particular case. For the time of the semester taught online, students will be required to upload a video and a written analysis on a designated Dukebox site. During the semester each student will only prepare one legal analysis for in class discussion. The legal analysis prepared for online/in class group discussion will present 10 % of the overall grade for the student. In addition, all the other students in the class are required to provide comments on the legal analysis presented by each student. The comments and feedback on other students legal analysis and presentation will account for 5 % of the overall grade in this course. The discussion following the video/in-class presentation will be facilitated on Sakai.

Pre and post class blog entries (10 %):

Students are required to write a short blog with an analysis of the assigned reading. The lecturer will post instructions on the blog assignments through the Sakai platform. The blog entries must be uploaded on Sakai prior to class and should not exceed 250 words per blog entry. After class students are also required to submit a blog entry to reflect on the particular content discussed during class. The lecturer will post class blog assignments on Sakai and the students are required to respond accordingly.

Legal analysis (30 %):

Each student will write three legal analysis through the course. In order to improve their writing skills students will be required to re-write their legal analysis. The original draft counts for 50% and the re-write for 50%.

Legal analysis group project (45 %):

Throughout the semester students will work in groups to conduct a legal and political analysis pertaining to various legal and bureaucratic aspects of the Coronavirus outbreak in 2020. A separate document detailing the requirements of this project will be provided by the instructor at the outset of the course. Students will be evaluated on their individual contribution to the completion of the group project through self assessment and anonymous peer evaluation procedures both mid-term and at the end of the term.

What are the course policies?

ACADEMIC INTEGRITY:

Each student is bound by the academic honesty standard of the Duke Kunshan University. Its Community Standard states: “ Duke Kunshan University is a community composed of individuals of diverse cultures and backgrounds. We are dedicated to scholarship, leadership, and service and to the principles of honesty, fairness, respect, and accountability. Members of this community commit to reflecting upon and upholding these principles in all academic and non-academic endeavors, and to protecting and promoting a culture of integrity and trust.”