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## **Law and Sustainable Society course.**

### **Introduction.**

I taught Comparative Constitutional Law at Emory University School of Law in 2015; European Human Rights Law and Law and Society courses in 2013 in Ukraine. Diverse groups of students provided valuable input into the development of my own opinions regarding the issues of public interest and sustainable society. Analysis of the legal provisions and policies that exist at the international and national levels and are applied by the government agencies and courts are interpreted in the case-law provides students with an opportunity to develop critical thinking and legal analysis skills.

Understanding of economics by those who study law, international relations, politics and vice versa is a challenge and is enhanced by course material. The classroom discussions usually result in deepening the understanding and appreciation of interdependence of law, society, business, good governance and the role of the mentioned in developing of sustainable society.

Participation in Piedmont Project helped me revise and update the previously used syllabus. Updated syllabus focusses on interconnections between economics and social justice issues and is built around the sustainability paradigm. The course might be useful for law students interested in international law and comparative studies, environmental and constitutional law. The course might be offered as well for interdisciplinary groups interested in issues on social justice, environment and good governance.

## **Overview:**

Law and Sustainable Society course provides students with an opportunity to examine the nature of both phenomenon (law and sustainable society) and to understand how legal systems pursue the goals of society, related to economics, environment and social studies. The course will also provide an overview of the major international instruments, statutes and constitutional laws that are relevant to environmental protection and development of the sustainable society.

Law will be examined from the point of view of its efficiency in developing sustainable societies where the needs of human beings are satisfied by application of optimal economical models, with minimum harm to nature in the present time and with the goal to preserve resources for future generations.

Students will be introduced to existing laws and explore how to make them more efficient and effective; they will examine the legal mechanisms that are in place to control and punish as well as new strategies aimed on prevention such as right to know, consumer and corporate responsibility.

By the end of the course students should be able to understand the origins and current state of affairs of the concept of sustainable society and how it is reflected in the law and can be implemented in social and business practices.

The course emphasizes class discussion and intensive work on developing analytical thinking about relevant issues. Assigned readings consist of legal material and secondary sources on the legal process and the role of law in society.

Assignments will include development and presentation of a Policy Position Paper based on an issue relevant to the class, examines existing legal provisions, practices and provides recommendations for improvement.

## **Classroom and grading policies**

Classroom work will be organized in the form of roundtable, where lecture is followed by discussion. For some classes students will be divided into the small groups. Active participation in discussion is essential. Students missing the classes are required to submit 2 pages essay discussing the subject of every class. If more than two classes are missed it will influence the final grade.

The goal of the classroom work for students is to develop and deliver strong arguments to support own position in regard to the discussed topic based on relevant materials.

Presentation of the **Policy Position Paper** is required based on the suggested reading materials. The paper is designed to ensure that students comprehend the ideas discussed at the class and are able to deliver them to the audience in efficient and assertive manner. The paper should be approx. 1500 words long (about 5 typed double-spaced pages with 1-inch margins).

*The paper is worth 35 % of the final grade. Final exam is worth 35% of the final grade. Classroom participation is worth 30% of the final grade. Final exam will be open book and must be completed independently and on time.*

## *Tentative Course Outline*

### **Part 1. Basic ideas (three classes).**

International and Constitutional principles relevant to the idea of sustainable society. Students will be introduced to international standards, provisions of constitutional and statutory laws (up to 7 states), will learn the difference between common and civil law approach towards issues, examine legislation, case-law and practice.

### **Part 2. Efficiency of Environmental Law and Policy (eight classes).**

Students will review and compare policies, legislation, cases and regulations from different states (up to 7 states) and evaluate their effectiveness. These include laws dealing with protection of endangered species, safe and clean energy, mining, oil and gas; use of land and agricultural resources; food safety, water, preservation and management of forests, parks and wildlife; urban, community and regional planning.

Students will examine the effectiveness of the policies and laws in achieving their goals, will apply cost-benefit analysis and discuss how the law should be further developed in order to avoid unnecessary impact, introduce new more effective practices and stimulate the development of the sustainable society.

### **Part 3. Good governance (four classes).**

Students will discuss existing legal provisions that constitute a framework for efficient government, including preventive emergency planning, environmental management systems, mechanisms of transparency, awareness and right-to-know. Students will also discuss non-regulatory methods, such as taxes and subsidies; business development assistance; professional continuing education; management of behavior and sociological influences; trade policies.

### **Part 4. Power and responsibility (four classes).**

Students will examine how basic principles of democracy, rule of law, ethics and fundamental human rights principles applied in different states are applied to accelerate the development of sustainable society; how government, society and business may affectively co-operate in order to protect public interest; what is the reaction of society and the national and international level regarding the actions of government and businesses that violate above mentioned principles and rules.

*Required reading:*

1. International Environmental Law in a Nutshell. 4<sup>th</sup> edition. Thomson Reuters. 2012;
2. Regulation, Enforcement and Governance in Environmental Law, 2014;
3. Practicing Law in the Sharing Economy: Helping People Build Cooperatives, Social Enterprise, and Local Sustainable Economies, by [Janelle Orsi](#).

*Suggested reading:*

1. Global Sustainable Communities Handbook, ed. Woodrow W. Clark II, 2014
2. John R. Nolon, Comparative Land Use Law: Patterns of Sustainability, 37 URB.LAW.807 (2005).
3. Joseph A. Siegel, Alternative Dispute Resolution in Environmental Enforcement Cases: A Call for Enhanced Assessment and Greater Use, 24 PACE ENVTL.L.REV. 187, 189 (2007)
4. John R. Nolon & Jessica A. Bacher, Climate Change, Zoning and Transportation Planning, 37 REAL EST.L.J. 211 (2007)
5. John R. Nolon & Jessica A. Bacher, Creating a Local Environmental Law Program: Building a National Framework of Laws, 36 REAL EST.L.J.351 (2007).
6. CHRIS WOLD, DAVID HUNTER & MELISSA POWERS, CLIMATE CHANGE AND THE LAW (2009)

*Legal documents and resources:*

1. Constitutions of Canada, Germany, India, China.
2. International Environmental Law: Document Supplement by [Donald K. Anton](#) (Author), [The late Jonathan I. Charney](#) (Author), [Philippe Sands](#) (Author), & 2 more. 2007.
3. [United Nations Environment Programme](#) (UNEP)
4. Documents in International Environmental Law,
5. European Environmental Law
6. Guide to International Environmental Law
7. International Courts and Environmental Protection
8. International Law & the Environment

9. Oxford Handbook of International Environmental Law
10. [Rio Declaration on Environment and Development](#)
11. [Forest Principles](#).
12. [Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal](#)
13. [Convention of Biological Diversity](#)
14. [Biosafety Protocol](#) (Cartagena Protocol)
15. [Convention on International Trade in Endangered Species](#) (CITES)
16. [Convention on the Law of the Non-Navigational Uses of International Watercourses](#)
17. [Framework Convention on Climate Change and Kyoto Protocol](#)
18. [International Convention for the Prevention of Pollution from Ships](#) (MARPOL 73/78)
19. [International Convention for the Regulation of Whaling](#)
20. [Kyoto Protocol to the United Nations Framework Convention on Climate Change](#)
21. [Law of the Sea](#) (LOS)
22. [Long-Range Transboundary Air Pollution](#)
23. [North American Agreement on Environmental Cooperation](#) (NAFTA side agreement)
24. [Ozone Treaties](#)
25. [Stockholm Convention on Persistent Organic Pollutants](#) (POPS)
26. [United Nations Treaty Collection](#)
27. Compendium of Environmental Laws of African Countries
28. [World Legal Information Institute](#) (WorldLII)
29. Canadian Environmental Law Reports
30. Environmental Law Reports
31. International Environmental Law Reports