

NYU SCHOOL OF CONTINUING AND PROFESSIONAL STUDIES
CENTER FOR GLOBAL AFFAIRS

HUMAN RIGHTS, ECONOMIC DEVELOPMENT AND THE ENVIRONMENT (GLOB1 – GC 2540)

Instructor: Stephen L. Kass
Thursday 3:30 p.m. – 6:10 p.m., Room _____, Professor’s Office Hours: By Appointment
Instructor NYU email address: slk6@nyu.edu

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Fall 2013

PRELIMINARY SYLLABUS

This course examines the complex relationship between the Earth’s rapidly changing environment and the protection of civil/political (C/P) and economic, social and cultural (ESC) human rights, particularly in the developing world. Existing environmental conditions are being exacerbated by climate change in ways that will adversely affect residents of developing countries that are already struggling with extreme poverty and highly stressed water, land, air and marine resources. Legal and policy options to confront these multiple challenges will be examined in terms of their implications for both C/P and ESC rights. Students will be asked to “represent” a developing country or an “emerging economy” country in discussing these issues and, in lieu of an exam, to submit a paper outlining a proposed program that integrates human rights, environmental and economic development strategies for that country.

Required Readings:

<u>Wk.</u>	<u>Date</u>	<u>Discussion</u>	<u>Reading Assignment</u>
1	Sept. 5 <u>Class to be rescheduled to [Friday, Sept. 13]</u>	(See Week 1 rescheduled date.)	<u>(All Week 2 and rescheduled Week 1 readings to be completed for Week 2 class.)</u>

Scope of Course:

- (a) Human Rights Challenges Presented by Changing Economic and Environmental Conditions
- (b) Climate Change as Exacerbating Factor
- (c) Implications for Economic, Social and Cultural (ESC) Rights and Civil/Political (C/P) Rights
- (d) The Search for Integrated Justice:
 - (i) International Standards;
 - (ii) National Implementation;
 - (iii) Corporate Conduct;
 - (iv) Citizen Action;
 - (v) Courts and Other Tribunals
- (e) Country Assignments

- *UNDP Human Development Report for 2012 (Overview)*
<http://hdr.undp.org/en/reports/global/hdr2012>

- *Integrated Justice: Human Rights, Climate Change and Poverty* (Transnational Law & Contemporary Problems, Mar. 2009)

(Week 1 Rescheduled) **[Friday, Sept. 13 at A.M.]**

Current/Future Environmental Conditions:

- (a) Air Quality
- (b) Potable Water
- (c) Waste Disposal
- (d) Oceans/Marine Resources
- (e) Soil/Desertification
- (f) Wildlife
- (g) Cultural Resources
- (h) Urban Environment
- (i) Refugees and IDPs

- *Plan B 4.0, Mobilizing to Save Civilization*, Lester Brown (Chapters 2 and 3) (www.earthpolicy.org)
- *Climate Change 2007: Synthesis Report*, Intergovernmental Panel on Climate Change
http://www.ipcc.ch/pdf/assessment-report/ar4/syr/ar4_syr.pdf
- *The Great Climate Experiment*, Ken Caldeira (Scientific American, Sept. 2012)

Mitigating/Adapting to Climate Change While Advancing C/P and ESC Rights

- (a) Climate Change Mitigation Initiatives
- (b) Adaption to Inevitable Environmental Impacts
- (c) Implications for Economic Development
- (d) Country Assignments:
 - (i) Developed Country (e.g. U.S., EU, Japan)
 - (ii) Emerging Economy (e.g. China, India, Brazil, South Africa, Mexico, Saudi Arabia, Israel)
 - (iii) Developing Country (e.g. Bangladesh, Vietnam, Senegal, Kenya, Ethiopia, Mozambique, Nicaragua, Haiti, Costa Rica, Egypt, Palestine)
 - (iv) Island State (Vanuatu, Tuvalu, Marshall Islands)

- *Energy's Future Beyond Carbon*, Robert Socolow and Stephen Pacela (Scientific American, Sept. 2006)
- *Target Atmospheric CO₂: Where Should Humanity Aim?* (James Hansen, et al., 2008)
- *A Path to Sustainability Energy by 2030* (Scientific American Nov. 2009)
- *Climate Proposal Puts Practicality Ahead of Sacrifice* (New York Times, January 17, 2012)
- *Geoengineering the Climate: Science, governance and uncertainty* (The Royal Society, Sept. 2009)
- *Adapting to Climate Change in Developing Countries* (NYLJ, Oct. 8, 2010)

Economic Development and Air Quality/Potable Water and Waste Disposal

- (a) Environmental Challenges to Development
- (b) C/P and ESC Implications

- *Common Wealth*, Jeffrey Sachs, Ch.5 (excerpts), Ch. 10
- *The Great Leap Backward*, Elizabeth Economy (Foreign Affairs, Sept./Oct. 2007)
- Woch Nan Soley: The Denial of the Right to Water in Haiti (N.Y. Univ. Sch. of Law Ctr. for Human Rights and Global Justice) (2008) <http://www.chrgj.org/projects/docs/wochmansoley.pdf>

- 5 Oct. 3 Forests, Agriculture, Land use and Cultural Resources
- (a) Environmental Challenges/Economic Implications
 - (b) C/P and ESC Implications
- *My Children Have Been Poisoned – A Public Health Crises in Four Chinese Provinces*’ Human Rights Watch - June 2011
 - *Chap. 10 of Plan B 4.0, The Great Mobilization*, Lester Brown (www.earthpolicy.org)
 - *Lush Land Dries Up, Withering Kenya’s Hopes* (NYT, Sept. 8, 2009)
 - *The Coming Mega Drought*, (Scientific American, January 2012)
 - *Options for Promoting Responsible Investment in Agriculture* (Report to the High-Level Development Working Group, G-20 – 3 June 2011)
 - *Africa’s Urban Harvest* (Oearth, Winter 2011/2012)
 - *Brazil Paying Farmers to Let the Trees Stand* (NYT, Aug. 22, 2009)
 - *Farmer in Chief*, Michael Pollan (NYT Magazine, Oct. 12, 2008)
 - *Growing a Better Future* (Oxfam International, June 2011)
 - *How to Save Indonesia’s Dwindling Rainforests* (The Economist, Sept. 10, 2009)
 - *The Financial Costs of REDD: Evidence from Brazil and Indonesia*, Nathalie Olsen and Joshua Bishop (IUCN)
 - REDD+ Social & Environmental Standards - Version 1, June 2010
- 6 Oct. 10 Urban Migration, Refugees and IDPs
- (a) Economic/Environmental Options
- *OCHA – Guiding Principles on Internal Displacement* – United Nations Publication, 2nd Edition Sept. 2004
 - *Protecting Forests and Displaced Populations in Colombia* (NYLJ, Dec. 22,

		(b) C/P and ESC Implications	2011) - <i>Climate Change and Displacement</i> , Walter Kälin
7	Oct. 17	<u>Addressing Economic and Environmental Conditions While Advancing C/P and ESC Rights:</u>	Submission (via Blackboard) and presentation in class of Preliminary Country Proposals (2-3 Pages for each Country)
8	Oct. 24	<u>Creating Enforceable International Obligations:</u> (a) International Environmental Regime (b) UNCLOS (c) Agenda 21 (d) UNFCCC and Kyoto Protocol	- <i>United Nations Framework Convention on Climate Change</i> , 3.21, (U.N.Doc. A/Conf. 151/26) - <i>Kyoto Protocol to the United Nations Framework Convention on Climate Change</i> , 3.25, (FCCC/CP/1997/7 Add.1) - <i>U.S. v. The Marrakesh Accords: Standing Alone on Climate Change</i> (NYLJ, Jan. 4, 2002) - <i>The Road Map From Bali: Parts 1 & 2</i> (NYLJ, Feb. 22 & 29, 2008) - <i>The Waxman-Markey Climate Change Bill</i> (NYLJ, June 15, 2009) - <i>As the World Burns</i> , Ryan Lizza (The New Yorker, Oct. 11, 2010) - <i>The Narrowing Range of U.S. Climate Change Options</i> (ABA SIL International Law News, Summer 2010)

9	Oct. 31	<u>Copenhagen (2009), Cancun (2010), South Africa (2011), Rio + 20 (2012) and Bangkok (2012)</u> (a) Environment (b) Human Rights	- <i>Copenhagen's Inconvenient Truth</i> , Michael Levi (Foreign Affairs, Sept./Oct. 2009) - <i>Examining the New Realities from the Copenhagen Accord</i> (NYLJ, Dec. 24, 2009) <i>[Report of the Secretary-General's High-level Advisory Group on Climate Change Financing (5 Nov. 2010)]</i> - <i>Beyond Durban</i> (New York Times, December 17, 2011)
10	Nov. 7	<u>Environmental, Social and C/P, ESC Impact Assessments</u>	- <i>The World Bank's Impact Assessments - Part I</i> (NYLJ June 27, 1997) - <i>The World Bank's Impact Assessments - Part II</i> (NYLJ June 27, 1997) - <i>Cleaning Up Coal</i> (Foreign Affairs, July-August 2012) - <i>Oil Industry Lobby Groups Sue U.S. SEC to Keep Payments Secret</i> (Oxfam Press Release 10-11-12) - <i>Impact of Electric Cars Rivals That of Conventional Vehicles</i> (International Environment Reporter 10-24-12) - <i>Environmental Alarmism, Then and Now</i> , (Foreign Affairs July-August 2012)

11	Nov. 14	<u>Corporate Conduct</u> <u>(Environmental Obligations and</u> <u>Duty to Respect C/P and ESC</u> <u>rights)</u>	<ul style="list-style-type: none"> - <i>The Revised Equator Principles</i> (NYLJ, Sept. 1, 2006) - <i>Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework</i> (March 2011) - <i>OECD Guidelines for Multinational Corporations</i> (2011) (pages 7-9, 31-34 and 42-46) - <i>International Standards for Corporate Conduct</i> (NYLJ, April 30, 2012)
12	Nov. 21	<u>Enforcement Options:</u> (a) International (b) National (c) Local (d) Corporate (e) Citizens	<ul style="list-style-type: none"> - <i>After Sosa: Claims Under the Alien Tort Claims Act-Part III</i> (NYLJ, Dec. 23, 2004) - <i>Kiobel et al. v Royal Dutch Petroleum Co, et al.</i> 621 F._3rd 111 (2nd Cir. 2010) - <i>Sarei v. Rio Tinto _ F._ 3rd_,</i> 2011 WL 5041927 (9th Cir. 2011) - <i>Lessons From Lago Agrio</i> (NYLJ, Sept. 15, 2011)
13	Dec. 5	<u>Proposed International</u> <u>Framework Convention for HR,</u> <u>Environment and Development</u>	Submission (via Blackboard) and presentation in class of Country Proposals for Draft Framework Convention (5-10 pages for each country)
14	Dec. 12	<u>Final International Framework</u> <u>Convention for HR, Environment</u> <u>and Development</u>	Negotiation and Adoption of Final Convention

December 16: Final Papers (10-15 pages) to be submitted via the Assignment Tool on Blackboard by 5:00 P.M.

Grades: Grades for this course will be based on Class Participation (20%), Preliminary Country Proposals (10%); Country Framework Convention Proposals (10%); and Final Term Papers (60%).

University Policies:

- **Attendance and Lateness policy:** All students must attend class regularly. Your contribution to classroom learning is essential to the success of the course. Any more than two (2) absences (other than for verifiable medical or similar reasons) during the Fall and Spring and one (1) absence during the summer will likely lead to a need to withdraw from the course or a failing grade.
- **Incomplete policy:** Incompletes are only granted in extreme cases such as illness or other family emergency and only where almost all work for the semester has been successfully completed and the basis for the Incomplete can be verified. A student's procrastination in completing his/her paper is not a basis for an Incomplete.
- **Submission of work:** All written work must be submitted via the Assignment Tool on NYU Classes; student work will be scanned by Turnitin plagiarism-detection software.
- **Statement on Academic Integrity and Plagiarism:**

*Plagiarism is presenting someone else's work as though it were one's own. More specifically, plagiarism is to present as one's own a sequence of words quoted without quotation marks from another writer; a paraphrased passage from another writer's work; creative images, artwork, or design; or facts or ideas gathered, organized, and reported by someone else, orally and/or in writing and not providing proper attribution. Since **plagiarism is a matter of fact, not of the student's intention**, it is crucial that acknowledgement of the sources be accurate and complete. Even where there is no conscious intention to deceive, the failure to make appropriate acknowledgment constitutes plagiarism. **Penalties for plagiarism range from automatic failure for a paper or course to dismissal from the University.***

- **Accommodations for Disabilities:** Any student who needs a reasonable accommodation based on a qualified disability is required to register with the Moses Center for Student Disabilities for assistance (www.nyu.edu/csd).
- **Student Resources:** <http://www.nyu.edu/life/resources-and-services.html>
- **Virtual Computer Lab:** <https://vcl.nyu.edu/vpn/index.html>