

15 December 2020

TRANSBOUNDARY ENVIRONMENTAL LAW

COURSE OUTLINE – SPRING TERM 2021

Welcome to *Transboundary Environmental Law* at the Department of Law, Stockholm University.

1 Purpose and Content of the Course

The course *Transboundary Environmental Law* aims at providing in-depth knowledge of environmental Law in transboundary contexts. The transboundary dimension involves international law, supranational law (mainly the EU) and transnational structures and practices (e.g. extraterritorial application of national laws) to manage, resolve and control environmental issues across state borders. Transboundary environmental law encompasses legal norms, processes and practices relating to, eg. climate change, air, water and soil pollution, the protection of nature and biodiversity, and legal control of waste and hazardous substances. Transboundary environmental law also covers development policies, changes in legal thinking across state borders, and comparative studies of environmental law concepts and approaches. In addition, the course examines various thematic legal issues, for instance dispute resolution, sanctions, implementation and the achievement of environmental objectives, international institutions, environmental protection in relation to globalisation, trade and human rights, and environmental liability of transnational corporations.

The course is not only intended to teach existing legal structures, principles and approaches to environmental matters in transboundary contexts. It also aims at encouraging critical legal reasoning among the students, i.e. at reviewing, assessing and questioning structures, principles, institutions and concepts. For instance, how are environmental concerns weighed against other societal interests? Is the legal system adequate to face the current environmental and health problems? What are

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the hurdles and potentials, if any, for international and EU law, to effectively promote environmental justice, resilience and sustainable development?

For information about *expected learning outcomes*, see the course syllabus, adopted by the Faculty of Law on 3 June 2020.

2 Course Content

This 10-weeks course is comprised of lectures where students are expected to actively participate, the writing of a memo, the writing of a short essay with an oral presentation of the essay, and a final examination in writing. All these elements are parts of the examination; some are graded Pass (G)/Fail (U), some are graded with credit points for the final grading. To pass the course, students will have to participate in and fulfil all these parts. See below for more details.

The entire course – i.e. all teaching and all discussions – is in English.

3 Teaching

Lectures: While labelled lectures, no teaching is a one-way street. For most lectures, at least a week in advance, *reading assignments* with questions will be posted on the course website on the *Athena* platform. To fulfil the requirements for active participation, students are expected to have prepared by reading the relevant literature and trying to answer the questions. Thus, the lectures will regularly have a seminar style. Active participation in at least 80 percent of the lectures is mandatory, and is graded Pass (U) or Fail (U).

The examination is not limited to what is found in the literature. *Anything* related to transboundary environmental law that has been discussed at *any lecture* may be subject to the final written examination. In addition to discussions on the specific topics, the lectures will provide occasions for explaining and expanding on other elements of the course, e.g. the written assignments.

Written assignments: As a part of the course and the examination, each student will complete two written assignments:

- A *memo* of 7-800 words (approximately two pages) on national approaches to complying with international environmental law, referring to a country or jurisdiction with which the student is acquainted. The memo will be the basis for the discussion on the lecture “National approaches to complying with international environmental law”. The memo is graded Pass (U) or Fail (U).
- A *short essay* of 3,500-4,000 words (approximately 8-10 pages), including references and footnotes. The topics for the essays will be presented at the lecture “Written assignments”, and decided each student either at the lecture or soon after. 3-5 students are expected to write about each topic. The essay will be graded 0-20 points (and in accordance with the grade criteria set out below). These points will be added to the points given in the final examination.

Oral presentation: The short essay will be the basis for a joint oral presentation with 2-4 other students by the end of the course.

4 Literature

Literature for this course:

- Kingston, Heyvaert & Čavoški, *European Environmental Law*, 1 ed., Cambridge University Press, 2017
- Dupuy & Viñuales, *International Environmental Law*, 2 ed., Cambridge University Press, 2018
- Literature, case-law references etc. as set out in instructions for lectures
- List of references to key legal acts and instruments.

5 Social Event

Unfortunately, the COVID-19 pandemic prevents us from organising an onsite social event, where we would have seen the documentary movie “Toxic Playground” (about Swedish export of hazardous waste). Now, we will see the movie online on 20 January instead, and in relation to that chat about what it means to work with environmental law in transboundary contexts. This event is *not mandatory*. However, the issues raised in the movie will be discussed at the lecture on corporate environmental liability in transboundary contexts.



6 Examination

As indicated, the examination consists of several parts, some graded Pass (G)/Fail (U), some with grading in points. The results of these parts are added for the final grading.

1. Active participation at 80 per cent or more of the lectures is mandatory, and will be graded Pass (G) or Fail (U). If a student fails to meet this limit, s/he will have to write a short memo for each lecture where s/he failed to participate.
2. The memo is mandatory and will be graded Pass (G) or Fail (U).
3. The short essay is mandatory and will be graded 0-20. If the essay is not submitted on time, it will be graded half the number of credit points which should have been given if submitted on time.
4. The written examination at the end of the course is mandatory and consists of two questions, based on the course literature and the issues raised during the lectures. Each answer is graded 0-10, i.e. up to 20 credit points together.

In order to pass the course, all these parts must be completed. The maximum total score is 40 points.

Note that in case of re-examination, the student will have to inform the course administrator in advance of his/her intention to do the exam.

7 Registration

All students must register. For exchange students, information regarding registration via the website/platform *Ladok* is available in the information email you have received from the Office of International Affairs (if no such information has been given to you, please contact the office). Other students than exchange students must register via email (tel-a@juridicum.su.se).



8 Grade Criteria

The following are the grade criteria for all forms of examination: (* refers to the 7-point ECTS grading scale)

AB (A)*

An excellently structured reasoning with a clear focus on the central aspects and with a high relevance in light of the questions posed; extensive reference to legal sources and the correct use of relevant facts; great ability to engage in abstract reasoning and to make an independent assessment of the problems, including critical reflection.

AB (B)*

A very well structured reasoning with a clear focus on the central aspects and with a high relevance in the light of the questions posed; reference to legal sources and the correct use of relevant facts; great ability to engage in abstract reasoning and to make an independent assessment of the problems, including critical reflection.

BA (C)*

A well-structured reasoning with a focus on the central aspects and with relevance in the light of the questions posed; reference to legal sources and the correct use of relevant facts; ability to engage in abstract reasoning and to make independent and balanced assessment of the problems.

BA (D)*

A structured and relevant reasoning, which covers some of the central aspects in light of the questions posed; reference to legal sources and the correct use of relevant facts; signs of an ability to engage in abstract reasoning and to make an independent assessment of the problems.

B (E)*

A transparent reasoning which observes some aspects that are central to the questions posed; some reference to legal sources and relevant facts; signs of an ability to make an independent assessment of the problems.

Fx

A reasoning which observes aspects that are central to the questions posed but insufficient reference to legal sources and the relevant facts and/or no signs of an ability to make an independent assessment of the problems.

F

A reproduction of disjointed facts with insufficient reasoning.



9 Special Pedagogical Support

Stockholm University provides special pedagogical support to students with documented long-term disabilities. For example, a student may be eligible for alternative forms of examination, such as extended time limits for examinations. If a student intends to apply for alternative forms of examination, s/he should inform the course administrator via email well in advance of the examination and specify what kind of alternative examination is requested. Should the application be submitted later than 3 (three) weeks prior to the examination, there is no guarantee that the alternative form of examination can be granted.

For further information, students should ask the course administrator at the beginning of the course.

10 Course Evaluation

All students are encouraged to fill in an electronic course evaluation at the end of the course. The course evaluation is an important feed-back from the students, and a means to assess the students' appreciation of the course. It is used for developing the course, teaching methods and for determining the quality of the course. The electronic form will be available via *Athena* in the last weeks of the course

11 Reception hours

Course director:

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On appointment and
 in relation to teaching

Course administrator:

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On appointment
 Tuesdays and Thursdays 10-14