

**ECOLOGICAL LAW AND GOVERNANCE  
2017  
Student-Led Seminar**

**Fall**

**WORKING SYLLABUS**

**Class meetings:** Thursdays 10:00 a.m. - 1:00 p.m., online (via Zoom)  
**Zoom Link:** <https://yorku.zoom.us/j/330839806>  
 First class: Thursday September 7<sup>th</sup>, 2017  
 Last class: Thursday, December 7<sup>th</sup>, 2017

**Students:**

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Alicia Richins (York)	<a href="mailto:amrich@my.yorku.ca">amrich@my.yorku.ca</a>

**Faculty Advisor:** Robert Godin (McGill) ([robert.godin@mcgill.ca](mailto:robert.godin@mcgill.ca))

**Mentors:** Stéphanie Roy (Laval) ([stephanie.roy.21@ulaval.ca](mailto:stephanie.roy.21@ulaval.ca))  
 Eric Zencey (University of Vermont) ([Eric.Zencey@uvm.edu](mailto:Eric.Zencey@uvm.edu))

**Student Communication Lead:** Molly Fremes (York)

**Advisor Communication Lead:** Stéphanie Roy (Laval)

**Seminar Rationale**

The Ecological Law and Governance Seminar sets out to review the effectiveness of environmental legal and governing structures across local and global scales. It takes on a justice lens that is inextricably tied to the question of *urgency* – are adequate laws, policies and frameworks being enforced well enough and fast enough to prevent further ecological disaster and system collapse? The course will examine foundational literature and theory on ecological law and governance, paired with a review of socio-ecological frameworks that will situate how ecological economics might develop its own relationship with law and governance.

As a group with divergent research backgrounds and interests, the second half of the seminar will integrate these learned theories and frameworks and apply them to a more purposefully (see Course Structure below).

**Guiding Questions**

1. Questions of Urgency: Are adequate laws, policies and frameworks being formulated and enforced well enough and fast enough to prevent further ecological disaster and system collapse?

2. Questions of Justice: Who are shaping these frameworks (which bodies of governance, which levels of governance, which communities are integral decision-makers, under which cultural value systems and political ideologies)? Who are these laws and policies designed to protect, and who actually feel represented and protected? Are interactions between humans and between humans and non-human beings exploitive and colonial, or are they symbiotic and reverent?
3. Questions of Application: How efficient have these structures been in combatting climate change, environmental degradation and social inequity? Upon what measures are they based, and according to what systems of checks-and-balances are they maintained?

## **Seminar Structure**

### Meetings

Students will meet every week for three hours. Each seminar meeting will be led by one student, who holds the responsibility of inviting guest speakers, organizing additional course material or activities, and moderating the class. The seminar will last for twelve weeks.

### Design

The first two weeks introduce students to the foundational concepts of ecological law and governance. The second class will introduce socio-economic frameworks such as CHANS (Coupled Human and Natural Systems) and VBN (Value-Belief Norm) theories. In examining these frameworks, the students will become equipped with an analytic toolbox that will strengthen their exploration of the remainder of the course material.

Weeks 3-6 will introduce how ecological law and governance is being developed in regards to more specific themes: Values, Scales, and Property/Land. The literature and analysis of each theme will be shaped by our guiding questions on urgency, justice, and applications.

Week 7, 8 & 9 represents the application portion of the course. As each student brings a specific expertise to the table, they are encouraged to apply the course material from Weeks 1-6 to a topic that compliments their independent work and research. Students have signed up to lead these classes in groups and will present their unique interpretation of the material and guide class debate and discussion.

Week 10-12 have been deliberately left unplanned until further into the semester. These weeks will be shaped by how the material and interests from the previous weeks, and will likely include one combined session with the other E4A Seminar Groups (“Finance” & “Ethics”).

### Final Assignment

Each student will be submitting a final assignment by the end of the term. Students are granted the flexibility to shape their deliverable according to what

would best strengthen their own independent research (e.g. an extensive annotated bibliography to contribute to their final thesis, a policy brief to be submitted to an office related to the student's work, etc.). The faculty advisor will approve all deliverables to ensure relevance and quality.

## **READING LIST**

### **Part I: Foundational Concepts, Analytical Frameworks & Key Themes**

#### **Week 1: Introduction to Ecological Law & Governance**

**September 7, 2017**

**Lead:** Molly

##### **Reading List:**

Clapp, J., & Dauvergne, P. (2011). "Chapter 8: Paths to a green world? Four visions for a healthy global environment." In *Paths to a green world: the political economy of the global environment*. (2nd edition). Cambridge, Mass: The MIT Press.

Lemos, Maria Carmen & Agrawal, Arun. 2006. "Environmental governance". *Annual Review Environmental Resources* 31: 297-325. Doi: 10.1146/annurev.energy.31.042605.135621

#### **Week 2: Socio-Ecological Frameworks**

**September 14, 2017**

**Lead:** Daniel

##### **Reading List:**

Liu, J., Dietz, T., Carpenter, S. R., Folke, C., Alberti, M., Redman, C. L., ... Provencher, W. (2007). Coupled Human and Natural Systems. *AMBIO: A Journal of the Human Environment*, 36(8), 639–649.

[https://doi.org/10.1579/0044-7447\(2007\)36\[639:CHANS\]2.0.CO;2](https://doi.org/10.1579/0044-7447(2007)36[639:CHANS]2.0.CO;2)

Ostrom, E. (2009). A General Framework for Analyzing Sustainability of Social-Ecological Systems. *Science*, 325(5939), 419–422.

<https://doi.org/10.1126/science.1172133>

Ostrom, E. (2011). Background on the Institutional Analysis and Development Framework. *Policy Studies Journal*, 39(1), 7.

Gsottbauer, E., & van den Bergh, J. C. J. M. (2011). Environmental Policy Theory Given Bounded Rationality and Other-regarding Preferences. *Environmental and Resource Economics*, 49(2), 263–304. <https://doi.org/10.1007/s10640-010-9433-y>

#### **Week 3: Determining Values in Law & Governance**

**September 21, 2017**

**Lead:** Alison

**Special Presentation:** Professor Godin on Property Basic Tenets (45 mins)

##### **Reading List:**

Manfredo, M. J., Bruskotter, J. T., Teel, T. L., Fulton, D., Schwartz, S. H., Arlinghaus, R., ... Sullivan, L. (2017). Why social values cannot be changed for the sake of conservation. *Conservation Biology*, 0, 1–9. <https://doi.org/10.1111/cobi.12855>

Vollmer, D., Prescott, M. F., Padawangi, R., Girot, C., & Grêt-Regamey, A. (2015). Understanding the value of urban riparian corridors: Considerations in planning for cultural services along an Indonesian river. *Landscape and Urban Planning*, 138, 144–154. <https://doi.org/10.1016/j.landurbplan.2015.02.011>

O'Higgins, T. G., & Gilbert, A. J. (2014). Embedding ecosystem services into the Marine Strategy Framework Directive: Illustrated by eutrophication in the North Sea. *Estuarine, Coastal and Shelf Science*, 140, 146–152. <https://doi.org/10.1016/j.ecss.2013.10.005>

Chan, K. M. A., Balvanera, P., Benessaiah, K., Chapman, M., Díaz, S., Gómez-Baggethun, E., ... Turner, N. (2016). Opinion: Why protect nature? Rethinking values and the environment. *Proceedings of the National Academy of Sciences*, 113(6), 1462–1465. <https://doi.org/10.1073/pnas.1525002113>

Vidal, J. (2011, April 10). Bolivia enshrines natural world's rights with equal status for Mother Earth. *The Guardian*. Retrieved from <https://www.theguardian.com/environment/2011/apr/10/bolivia-enshrines-natural-worlds-rights>

Maclean K (2015) Crossing cultural boundaries: Integrating Indigenous water knowledge into water governance through co-research in the Queensland Wet Tropics, Australia. *Geoforum* 59:142–152. doi: <https://doi.org/10.1016/j.geoforum.2014.12.008>

#### **Week 4: Global Scales of Law & Governance**

**September 28, 2017**

**Lead:** Natália & Alicia

**Presentation:** **Stephanie on legal** tools on climate etc.

#### **Reading List:**

Najam, A., Papa, M. and N. Taiyab, 2006, *Global Environmental Governance: a Reform Agenda*, International Institute for Sustainable Development, Manitoba, Canada. [www.iisd.org/pdf/2006/geg.pdf](http://www.iisd.org/pdf/2006/geg.pdf)

*\*Introduction & Chapter 3 (potential for Chapter 1 skim)*

Biermann, Frank, et al. "The fragmentation of global governance architectures: A framework for analysis." *Global Environmental Politics* 9.4 (2009): 14-40.

<https://pdfs.semanticscholar.org/5859/d915fdd9386d2f87e43e92fdbe5c15f93fa8.pdf>

Biermann, F., et al. "Navigating the Anthropocene: Improving Earth System Governance." *Science* 335.6074 (2012): 1306-1307.

<http://munkschool.utoronto.ca/egl/files/2015/01/Navigating-the-Antropocene.pdf>

### **Week 5: Property Law & Land Governance**

**October 5, 2017**

**Lead:** Caitlin

#### **Reading List:**

Ostrom, Elinor and Hess, Charlotte, *Private and Common Property Rights* (2007).

Available at SSRN: <https://ssrn.com/abstract=1304699> or

<http://dx.doi.org/10.2139/ssrn.1304699>

Hurley, J., Ginger C. & Capen, E. 2002. "Property Concepts, Ecological Thought, and Ecosystem Management: A Case of Conservation Policy making in Vermont." *Society & Natural Resources*, 15(4): 295-312. DOI:

<http://dx.doi.org/10.1080/089419202753570792>

Lerner, Josh and Jean Tirole. (2005). "The Economics of Technology Sharing: Open Source and Beyond." *Journal of Economic Perspectives*, 19(2): 99-120(22), Spring.

<https://doi.org/10.1257/0895330054048678>

Bosselmann, K. (2013). *The Rule of Law Grounded in the Earth. The Earth Charter, Ecological Integrity and Social Movements*, 3-11.

### **Week 6: Local Scale of Law & Governance**

**October 12, 2017**

**Lead:** Kelly

#### **Reading List:**

Agrawal, A., Gibson, C. (1999). "Enchantment and Disenchantment: The Role of Community in Natural Resource Conservation." *World Development* 27(4): 629-649

Harrison, K., & Antweiler, W. (2003). Incentives for pollution abatement: Regulation, regulatory threats, and non-governmental pressures. *Journal of Policy Analysis and Management*, 22(3), 361-382.

Heinrichs, H., Schuster, F. (2017). "Still Some Way to Go: Institutionalization of Sustainability in German Local Governments." *Local Environment* 22(5): 536-552.

<http://dx.doi.org/10.1080/13549839.2016.1233951>

**E4A Law & Governance Workshop / CANSEE Conference  
October 19, 2017**

\*No class

**Part II: Applying Law & Governance: Power, Climate Change & Alternative Strategies**

**Week 7: Power Dynamics in Law & Governance**

**October 26, 2017**

**Lead Team:** Alison, Natália & Alicia

**Guest speaker:** [Kaitlyn Mitchell](#), lawyer from EcoJustice

**Reading List:**

Betsill, Michele M., & Corell, Elisabeth. 2001. NGO influence in international environmental negotiations: A framework for analysis. *Global Environmental Politics*, 1(4): 65-85.

Buckland, Kevin. 2017. Organizing Cultures of Resilience: Activism in the Anthropocene. Transnational Institute: State of Power Report 2017.

<https://www.tni.org/files/publication-downloads/stateofpower2017-activism-in-the-anthropocene-web.pdf>

Beltrán, Elizabeth Peredo. 2017. Power and Patriarchy: reflections on social change from Bolivia. Transnational Institute: State of Power Report 2017.

<https://www.tni.org/files/publication-downloads/stateofpower2017-power-and-patriarchy.pdf>

Gleckman, Harris. 2016. Multi-stakeholder Governance: A Corporate Push for a New Form of Global Governance. Transnational Institute: State of Power Report 2016, Ch. 5.

<https://www.tni.org/files/publication-downloads/state-of-power-2016-chapter5.pdf>

**Week 8: Climate Change Law & Governance**

**November 2, 2017**

**Lead Team:** Caitlin, Daniel

**Guest Speaker(s): Meredith Niles and Karine Peloffy**

**Reading List:**

Peloffy, K., Kivalina v. Exxonmobil: A Comparative Case Comment (2013). *McGill International Journal of Sustainable Development Law & Policy*, Vol. 9, No. 1, 2013. Available at SSRN: <https://ssrn.com/abstract=2621768>

Hochstetler, Kathryn, & Milkoreit, Manjana. 2015. Responsibilities in transition: emerging powers in the climate change negotiations. *Global Governance*, 21(2): 205-226.

Krosnick, J. A., Holbrook, A. L., Lowe, L., & Visser, P. S. (2006). The Origins and Consequences of democratic citizens' Policy Agendas: A Study of Popular Concern about Global Warming. *Climatic Change*, 77(1-2), 7-43.  
<https://doi.org/10.1007/s10584-006-9068-8>

Niles, M. T., Lubell, M., & Haden, V. R. (2013). Perceptions and responses to climate policy risks among California farmers. *Global Environmental Change*, 23(6), 1752-1760. <https://doi.org/10.1016/j.gloenvcha.2013.08.005>

### **Week 9: Alternative Law & Governance Structures**

**November 9, 2017**

**Lead Team:** Molly, Alicia, Kelly

**Panel Discussion:** [Professor Dayna Scott](#), York University  
 Claire-Helene Heese-Boutin, York E4A & Parkdale Neighbourhood Land Trust Board Chair  
 David Brynn, Executive Director at Vermont Family Forest

#### **Reading List:**

Bollier, David. 2014. *Think Like a Commoner*. New Society Publishers: Vancouver. (Read Chapter 2: The Tyranny of the Tragedy Myth).

McGregor, Deborah. (2009). Honouring Our Relations: An Anishinabe Perspective on Environmental Justice. In: Agyeman, J., Haluza-Delay, R., Peter, C., and O'Riley, P. (eds.). *Speaking for Ourselves: Constructions of Environmental Justice in Canada*. University of British Columbia Press, Vancouver, BC. pp. 27-41  
<https://www.ubcpres.ca/asset/9507/1/9780774816182.pdf>

Scott, Dayna Nadine. (2015). "We are the monitors now". *Social & Legal Studies*: 25:3 p 261-287.  
[https://journals-scholarsportal-info.ezproxy.library.yorku.ca/pdf/09646639/v25i0003/261\\_atmn.xml](https://journals-scholarsportal-info.ezproxy.library.yorku.ca/pdf/09646639/v25i0003/261_atmn.xml)

Parkdale Neighbourhood Land Trust [Board Structure](#) & [Infographic](#)

### **Week 10: Direct democracy for effective and equitable ecological governance**

**November 16, 2017**

**Lead:** Daniel



**Guest Speaker(s):** Brian Tokar and Blair Taylor

**Objective:**

To explore theoretical frameworks for community-level, bottom-up governance and their applications, comparing and contrasting approaches in ecological economics, social ecology, and other strands of anarchism. We can also critique Eco-socialism and other state or institutional mechanisms/structures.

Focuses on how the city-“state” (or rural community) can become the political agent with most potential for accountability, rational (i.e. long-term, precautionary, etc.) and equitable decision-making, and flexibility to respond to dynamic nature of ecological crisis while preserving core values.

**Potential guiding questions:**

Is community-oriented governance the best way to cultivate citizenship through participation in decision-making, possibly at every level of governance? Can it be used to hold individuals accountable and protect society from tyranny of authoritarianism and special interests, whose goals are often directly at odds with the perpetuation of life? Or is this notion too boutique? Leaving us with the difficult decision between either centralizing authority and deferring all decision-making to a technical elite (e.g. technocracy, state socialism or “eco-socialism”) and risking yet again the degradation and eventual disintegration of rights and equity under the guise of “emergency management.”

This theme of constantly responding to crisis as a way of precluding fundamental changes to existing governance structures is pervasive in modern political discourse. For example, climate policy experts shrug when pressed on climate justice’s place in realpolitik/real-world policy, reacting commonly by saying “the task before us is insurmountable enough, how can you expect us to decarbonize our economy AND dismantle capitalism? There simply isn’t time for both, we must focus on technological solutions within the constraints of the existing economic paradigm.”

Is the existing paradigm, or state socialism with brutal impositions on individual freedoms, or other totalitarian/authoritarian governments, say eco-fascism, compatible? or are both the “market” (in reality the nexus of special interests dubbed corporatism by scholars like John Raulston Saul) and the centralized government institution bound to fail for fundamentally the same reasons? Must governance inculcate responsible (i.e. informed, sensitive/compassionate, etc.) citizenry, and is direct, participatory democracy the (only) way forward?

**Reading List:**

Daly and Cobb on communitarianism

Bookchin on communalism

**American Thanksgiving**

**November 23, 2017**

**\*No class**

**Week 11: TBD**

**November 30, 2017**

**Lead: Molly**

***\*No Reading list - student presentations on final assignments and class discussion/seminar feedback and wrap up***

**Week 12:**

**December 7, 2017**

**\*No class**

***\*Peer-to-peer editing on final assignments to be self-organized.***

**COURSE EVALUATION**

Evaluation Component	Due date	% of Grade:
<b>1. Class Participation</b> Students will be evaluated on the quality of their contributions to discussions during class time; Students will also be evaluated on the quality of their contributions and their preparation when leading class discussions.	Throughout term	30%
<b>1. Seminar Leadership</b> Students will be evaluated on their organization, structure, and moderation of the seminar classes that they lead and co-lead.	Throughout Term	30%
<b>1. Individual Assignment</b> Students will submit an individually completed assignment that ties seminar concepts with their own independent research focus. All assignments are to be approved by the faculty advisor Examples include a traditional research paper, reflection piece, annotated bibliography, a policy brief, etc.	<u>Outline</u> due October 26th (10%) <u>Final Draft</u> due December 8th (30%)	40%