

GGIS/ESE 466 Environmental Policy

University of Illinois at Urbana-Champaign: Spring 2015

Credits: undergraduates 3; graduate students 4

Tuesdays, Thursdays 2-3:20 pm

Davenport Hall 313

Professor

Warren Lavey Email: lavey@illinois.edu Office: 252 Computing Applications Building
Office Hours: I will do my best to respond to all emails within 24 hours. Any out-of-class time to meet with me must be scheduled via email. I will not hold weekly office hours.

Global Policies and Legal Frameworks for Protected Areas

Overview of Subject

This course challenges students to analyze policies and legal frameworks used in protecting a variety of areas. While the context differs with the location and type of area, many of the governance and management issues for protecting areas are common -- across wildlife and forest parks, geological formations, historical monuments, cultural sites, and other open spaces; terrestrial and marine areas; and local, national and transnational areas.

Actions to protect areas depend on laws, regulations, agreements, judiciaries and other enforcement mechanisms. Some legal literacy relevant to protected areas is a necessary companion to literacy in various natural and social sciences.

Ecosystem and environmental sciences, cultural anthropology, economics, political science, and other academic disciplines have contributed important perspectives and understandings to protected areas, such as in identifying threatened species and remedial actions as well as in valuing ecosystem services. Implementation must move from (a) evidence-based science, through (b) effective communications and political support, and into (c) legal frameworks.

Students should learn policies supporting parks and other protected areas, including mitigating climate changes; fundamental approaches to governing and managing terrestrial and marine areas; the processes of defining and developing support for environmental objectives related to protected areas; the range of legal tools available to promote area protection; steps in developing legal frameworks and monitoring mechanisms; procedures for evaluating the effectiveness of legal tools in protecting specific areas; and in-depth research on and analysis of case studies addressing particular areas.

Background

Various governments, foundations, community organizations and other entities seek to use a range of governance and management models and legal tools to protect areas. Stakeholders in protected areas seek to promote diverse environmental, economic, political and cultural policies. The dynamics of climate changes, globalization, population growth, pollution, macroeconomics, geopolitical relations, extraction and monitoring technologies, scientific understandings of ecosystems, and other factors affect the emergence, adoption, enforcement, and effectiveness of protected areas governance and management.

The United States, other nations, and multi-national organizations have implemented legal frameworks intended to support sustainable resource use and biodiversity conservation in terrestrial and marine areas. A wide variety of tools in legislation, regulations, treaties and public/private agreements – prohibitions on access, licensing standards, quantitative restrictions on use, monitoring systems, tax and other economic incentives, etc. -- are being applied to promote conservation within and between protected areas. There are on-going efforts to identify and address needs through innovative approaches to communities dependent on natural resources. Legal frameworks are adapting to management experiences and changing with evolving policies, conditions and political support.

How do governments and other organizations define the objectives encompassed in “protecting nature”? Can legal tools really protect nature in areas? How should the performance of such legal tools be evaluated and improved?

Overview of Assignments

All Students

Each student will submit **three two/three-page evaluations** of different course modules. (The readings and in-class materials for one class meeting are referred to as a “course module”.) Each paper will be due within 48 hours after the class meeting. Students’ evaluations will be used by an international group (International Union for Conservation of Nature (IUCN)) to improve the course modules.

A **ten/fifteen-page case study report** (described next) will be due at the end of the course.

Case Study with Group Presentation and Written Report:

By the third class meeting, students will be assigned to groups of about four for presentation of a case study in week 10 or 11. Each group will work together to present the case study in class (about 20 minutes followed by discussion). Following the presentation, each student will write his/her own paper (**ten/fifteen pages**) discussing the strengths and weaknesses of the case study, updating the information, and proposing supplemental analysis and materials. This

paper will be due at the end of the term. Again, students' reports will be used by IUCN to improve the case studies.

There will be an in-class midterm exam, but no final exam.

Additional Assignments for Graduate Students

In addition to the assignments for all students, each graduate student will lead the discussion of following one class exercise (30 minutes).

Also, each graduate student will write a **five page** outline of a new case study of the policies and legal framework for managing and governing a protected area. This paper will be due at the end of the term, and will be shared with IUCN.

Readings

You are encouraged to spend time each week looking for relevant articles in the news which can be shared with the class.

Readings will be available online. Among the publications from which readings will be assigned are:

- United Nations, "Climate Summit 2014: Forests – Action Statements and Action Plans" (2014).
 - http://www.un.org/climatechange/summit/wp-content/uploads/sites/2/2014/07/FORESTS-Action-Statement_revised.pdf
- B. Lausche & F. Burhenne, Guidelines for Protected Area Legislation (2011).
 - <https://portals.iucn.org/library/efiles/documents/eplp-081.pdf>
- G. Borrini-Feyerabend, et al., Governance of Protected Areas: From Understanding to Action (2013).
 - https://cmsdata.iucn.org/downloads/iucn_governance_1109_1.pdf
- A. Gillespie, Protected Areas and International Environmental Law (2007).
 - <http://tinyurl.com/ptwt829>
- E. Yeh, "The Politics of Conservation in Contemporary Rural China," 40 J. Peasant Studies 1165 (2013).
 - <http://ejournals.ebsco.com.proxy2.library.illinois.edu/Direct.asp?AccessToken=95IIXIM8XE149I44144MP1Q5J5RU8QDM4&Show=Object>
- Y. Epstein, "The Habitats Directive and Bern Convention: Synergy and Dysfunction in Public International and EU Law," 26 Georgetown Int. Env. L. Rev. 139 (2014).
 - <file:///C:/Users/Holly/Desktop/SSRN-id2254785.pdf>
- B. Lausche, et al., The Legal Aspects of Connectivity Conservation: A Legal Concept Paper (2013).
 - <https://portals.iucn.org/library/efiles/documents/EPLP-085-001.pdf>

- J. Loewen, Lies Across America: What Our Historic Sites Get Wrong (1999)
 - <http://sundown.afro.illinois.edu/content.php?file=liesacrossamerica-introduction.html>
- Great Barrier Reef Marine Park Authority, Great Barrier Reef Outlook Report 2014
 - http://elibrary.gbrmpa.gov.au/jspui/bitstream/11017/2856/5/InBrief_accessible_low%20res.pdf
- U.S. Agency for International Development, Tanzania Wildlife Management Areas Evaluation (2013)
 - http://pdf.usaid.gov/pdf_docs/pdacy083.pdf

To further students' understanding of the dynamics of protecting protected areas, documents reflecting current issues and developments in protected areas are assigned to supplement readings from textbooks and guidelines reports.

Case Studies

Case	Link
Indigenous and Community Area in Italy	http://cmsdata.iucn.org/downloads/india_3.pdf
Mountain Range in South Korea	http://cmsdata.iucn.org/downloads/south_korea.pdf
Transboundary Reserve in Benin, Burkina Faso and Niger	http://cmsdata.iucn.org/downloads/w_biosphere_en.pdf
Marine Canyon in Canada	http://cmsdata.iucn.org/downloads/the_gully.pdf
Private Forest in Chile	http://cmsdata.iucn.org/downloads/pumalin_en.pdf
Community Conserved Area in Italy	http://cmsdata.iucn.org/downloads/ampezzo.pdf
Indigenous-Government Co-Managed Area in Australia	http://cmsdata.iucn.org/downloads/booderee.pdf

Attendance Policy/Participation

Each student is expected to attend and participate in class. The course modules emphasize interactive learning; class meetings will emphasize class participation, class exercises and presentation of case studies. Additionally, the entire class is expected to comment on each presentation of a case study.

Class participation constitutes 10 percent of the grade (5% for graduate students). You will lose points for unexcused absences or failure to participate frequently with meaningful comments and questions. Excessive absences or tardiness will result in additional reductions of a student's grade.

NO PHONES, EMAIL, SOCIAL MEDIA or other non-class activity -- you will lose participation points

Outline of Class Meetings

Week	Topic	Readings Assigned (TO BE COMPLETED PRIOR TO ARRIVING AT CLASS)
1	Introduction to protecting areas and related legal tools; climate changes, globalization and other challenges to protected areas; overview of readings and assignments	<p>TUES: http://www.worldparkscongress.org/about/promise_of_sydney.html</p> <p>http://worldparkscongress.org/downloads/approaches/Stream6.pdf</p> <p>THURS: http://www.whitehouse.gov/the-press-office/2014/10/10/presidential-proclamation-san-gabriel-mountains-national-monument</p> <p>http://www.fs.fed.us/visit/san-gabriel-mountains-national-monument</p> <p>http://www.cr.nps.gov/local-law/anti1906.htm</p>
2	Governance principles and approaches for protected areas	<p>TUES: <u>Guidelines for PA 11-47</u></p> <p>THURS: http://www.un.org/climatechange/summit/wp-content/uploads/sites/2/2014/07/FORESTS-Action-Statement_revised.pdf</p> <p>http://www.nationaljournal.com/energy/next-time-you-visit-a-national-park-you-might-get-a-lecture-on-climate-change-20141212</p> <p>Case studies (links on page 4 above)</p>
3	Key generic elements for legislation to promote protected areas – definitions, scope, principles, objectives and institutions	<p>TUES: <u>Governance of PA 1-62</u></p> <p>THURS: http://www.nytimes.com/2014/12/05/world/indian-leader-favoring-growth-sweeps-away-environmental-rules.html?_r=0</p> <p>http://news.mongabay.com/2014/1029-gfrn-watsa-india-downgrades-protected-areas.html</p>

		Assignment of groups for case studies
4	Processes for developing protected areas legislation – planning, types of legal tools, establishing legal framework, monitoring and evaluation, revisions	TUES: <u>Guidelines for PA 107-29</u> <u>PA and Int. Env. Law 7-26</u> THURS: http://ejournals.ebsco.com.proxy2.library.illinois.edu/Direct.asp?AccessToken=95IIXIM8XE149I44144MP1Q5J5RU8QDM4&Show=Object
5	Management of protected areas through government agencies, courts, public/private partnerships, and other tools; principles of adaptive management	TUES: <u>Guidelines for PA 29-33, 129-34, 162-74</u> THURS: file:///C:/Users/Holly/Desktop/SSRN-id2254785.pdf
6	Regulation, compliance, enforcement and financing	TUES: <u>Guidelines for PA 174-206</u> THURS: https://www.youtube.com/watch?v=RR_ChWwHoAg http://www.fsa.usda.gov/FSA/printapp?fileName=nr_20130514_rel_0093.html&newsType=newsrel http://www.fsa.usda.gov/FSA/newsReleases?area=newsroom&subject=landing&topic=pfs&newstype=prfactsheet&type=detail&item=pf_20130219_consv_en_crpsn45.html MIDTERM EXAM
7	Principles, objectives and challenges in connectivity conservation	TUES: <u>Legal Aspects of Connectivity Conservation Concept Paper 9-52</u> THURS: http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprd3802290.pdf http://www.openlands.org/illiana
8	Legal issues and instruments for connectivity conservation	TUES: <u>Legal Aspects of Connectivity Conservation Concept Paper 53-104</u> THURS: http://www.nytimes.com/2014/12/04/us/where-2-rivers-meet-visions-for-grand-canyon-clash.html?_r=0
9	Marine protected areas – special features and international laws	TUES: <u>Guidelines for PA 209-42</u>

		THURS: http://elibrary.gbrmpa.gov.au/jspui/bitstream/11017/2856/5/InBrief_accessible_low%20res.pdf
10	Class presentation of first three case studies; discussion	http://sundown.afro.illinois.edu/content.php?file=liesacross-america-introduction.html
11	Class presentation of second three case studies; discussion	http://files.dnr.state.mn.us/input/environmentalreview/polyemet/sdeis/fact_sheets/exchange.pdf
12	Marine protected areas – case studies of legal tools and outcomes	TUES: Legal Aspects of Connectivity Conservation Concept Paper 143-64 THURS: http://www.watershedcouncil.org/protect/policy%20and%20advocacy/local-issues/bay-harbor-update/contamination-and-remediation-timeline/ http://www.cmsenergy.com/news.aspx?id=2067
13	International and regional legal frameworks for protected areas	TUES: Guidelines for PA 47-73 THURS: http://pdf.usaid.gov/pdf_docs/pdacy083.pdf pages iii-x
14	Transboundary protected areas	TUES: http://www.tbpa.net/page.php?ndx=65 http://www.conservation.org/stories/pacific-oceanscape/pages/overview.aspx THURS: Graduate students present their new case studies PAPERS DUE ON FIRST DAY OF EXAM PERIOD

Grading

Undergraduates

Three 2/3-page written evaluations of course modules	18%
Midterm exam	22%
Group presentation of case study (20 minutes)	15%
Individual written analysis of case study (10/15 pages)	35%
Class participation	10%

Each 2/3-page evaluation will be graded up to 6 points. Grades will be provided within a few days after the papers are submitted.

The midterm exam will be graded up to 22 points.

For the group presentation, students will be graded up to 5 points for the overall group's performance (same for each member of the group), and up to 10 points for the individual's portion of the presentation (possibly different across members of the group). Grades and written feedback on the presentation will be provided before the written analysis of the case study is due.

The written analysis of the case study will be graded up to 35 points.

Class participation will be graded up to 10 points.

Graduate Students

Three 2/3-page written evaluations of course modules	18%
Lead and report on discussion of one class exercise	5%
Midterm exam	12%
Group presentation of case study (20 minutes)	15%
Individual written analysis of case study (10/15 pages)	30%
Outline of a new case study (5 pages)	15%
Class participation	5%

Assistance for Students and Academic Integrity

Please notify me if I need to make any additional accommodations to best serve you. I am more than happy to do so and all shared information will be held in the strictest confidence.

- DRES- (217) 333-4603
- Emergency Dean- (217) 333-0050

University rules regarding academic integrity, examinations, and other official policies will be **strictly enforced**. You can find detailed information on the University's academic integrity policies at <http://www.admin.uiuc.edu/policy/code/index.html>