

Please prepare the following for our first class:

1. Read [Mahathir bin Mohamad, Greening of the World to a Better Living: Address by the Prime Minister of Malaysia at the Official Opening of the Second Ministerial Conference of Developing Countries on Environment and Development, on 27 April 1992](#) (Kuala Lumpur; Jabatan perkhidmatan Penerangan Malaysia, 1992)

versus

[Flood Woman vs. Climate Doom](#) (Part 1, courtesy of The Post and Courier)

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[In Charleston, floods are a 'constant & existential fear'](#) (Mellen & Dance, Washington Post 08/06/24)

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[The Five Coastal States That Face the Most Devastating Flood Risk](#) (Poon, CityLabEnvironment Bloomberg.com 08/05/24)

Was the assembled developing country leadership meeting immediately prior to the 1992 Rio Meeting on International Environmental Law and Development (Rio 1992 spawned among other things the UN Framework Convention on Climate Change and the Convention on Biological Diversity) even talking about the same problem as the Charlestonians? Do we have any Lowcountry students in the class, and is SC even in the most vulnerable position as compared to coastal jurisdictions in the Southeast, versus worldwide? Then google the Nov 30-Dec 12, 2023 UNFCCC COP 28 UAE meeting and ask yourself whether and how it looks like either of those extremes? Ultimately, how does all of this work under the common standard “think globally, act locally”?

2. To see the kind of interesting things going on in the private sector (and which transactional lawyers participate in too, reflecting most recently the Biden Administration's IRA legislation), watch or skim one or the other of

[Carbonomics: Updated cost curve shows diverging trends between power and transport](#) (Goldman Sachs Equity Research 11/27/23; an update, since the original GS Carbonomics report exploring the business and economics of the energy transition dates back to 2019); or

An hour-long 2021 Youtube nuts & bolts approach project finance video from the Irwin Institute & Dartmouth Energy Collaborative entitled:

[Renewable Energy Project Finance Basics with Josh Pearson '97](#)

What do you make of this private sector “deal” approach, particularly in the context of a global energy transition? How do you think the private sector understands or addresses the worldwide energy transition as infrastructure challenge, and, in purely practical terms, how to finance it? Problem,

necessity, goldmine, or all three at once (aka Goldman Sachs is not a charitable organization)? Could you make partner doing project finance work, the doing well by doing good approach?

3. Then for the broader technologist approach, looking to Bill Gates as representative figure, please read and consider [Climate Change and the 75% problem: The five areas where we need innovation](#) (Bill Gates Blog 10/17/18) and [A warmer world will hurt this group more than any other: We need to help the world's poorest people adapt to climate change](#) (Bill Gates Blog 03/16/21). You will note that Bill Gates used as his guide worldwide averages, but the share of specific sectors like transportation is significantly greater in the United States (compare [Energy and the environment explained: Where greenhouse gases come from](#), US Energy Information Administration 2023). Meanwhile, the relevant question may be whether technology displaces law, particularly when you face two questions. First, who pays for it all, and why? Second, beyond formal environmental concerns, if you need to restructure economies basically in terms like the mooted global energy transition, you very quickly recognize an overlap with concerns like international trade law, development and economic policies. So are those kinds of concerns at their core subject to purely technological solutions?

Beyond parsing the above, we shall spend much of the first class in lecture format explaining via PPT generally the international law system and public international law's sources of law doctrine as technical background for our course, with some references in passing to handy concepts like adaptation and mitigation approaches now shaping the specific climate change discussion. The issue is that, contrary to popular belief, there are some basic principles in international environmental law but nothing like the domestic environmental law regulatory system. The problem in a practical sense is that the existing law in the international environmental law context is inadequate to address the problems at hand, meanwhile the traditional treaty pathway to create new international environmental law immediately surfaces all the competing pressures and cross-currents that have been reasonably clear since the 1980s. So at the international law level, we need to work our way through a variety of approaches (politics, human rights, private litigation, various technical agreements, etc.) tried with still limited success since the 1990s, plus the current iterative approaches like multilateral diplomacy under the UN Framework Convention on Climate Change or UNFCCC, including its annual conferences of the parties (COPs, with the next one-- COP 29-- scheduled for Baku in November 2024 towards classes' end, and it is no accident that the most recent COPs have been hosted by major energy producing states). Bottomline, thirty years later current international environmental law, particularly in the climate change context, remains a work in progress.

We shall end with a short review of how and why we shall focus on some on-going climate change litigation involving Charleston as both the chief basis on which you will be evaluated, and a means to make you work/argue through some admittedly tough issues involving significant trade-offs. Should you have any paywall-type problems with the Washington Post or Bloomberg links, I believe law students can now get free online Washington Post subscriptions via the Law Library, and the Bloomberg.com stories should be accessible also via bloomberglaw, for which I believe you all received password access in your first-year LRAW course. So ask the Law Library reference librarians how to access and use them, should you require help.

We use online materials in the course rather than a traditional casebook, mostly because the law is evolving so fast that the casebooks tend to be more than behind.