

## Comparative Environmental Law

Spring 2014

Lecturer: Aaron Frank, J.D.  
3 academic weekly hours, 3 credits

### Syllabus

Grades:	Assignments.....	15%
	Mock-Trial.....	25%
	Final Exam.....	40%
	Participation .....	20%

Section 1:	<b>Introduction to Environmental Law</b>
Section 2:	<b>Legal Theories &amp; Systems</b>
Section 3:	<b>US Environmental Law</b>
Section 4:	<b>International Environmental Law</b>
Section 5:	<b>Water Law</b>
Section 6:	<b>Environmental Law Field Trip</b>
Section 7:	<b>Air Law (Ozone Depletion / Global Climate Change)</b>
Section 8:	<b>Risk Assessment</b>
Section 9:	<b>Endangered Species Law (Wildlife Protection / Biodiversity)</b>
Section 10:	<b>Desertification / Deforestation / Overpopulation</b>
Section 11:	<b>Compliance &amp; Enforcement (Citizen suits / Class actions)</b>
Section 12:	<b>Environmental Negotiations Workshop</b>
Section 13:	<b>Mock Trial – The 3 Gorges Dam</b>
	<b>Final Exam</b>

### Course Description:

Students in this course will learn how laws are used to help protect natural resources and the environment. The course will begin with a general survey of basic legal concepts, practical theories and judicial systems that are commonly used around the world today. After laying a strong legal foundation, we will explore specific environmental topics and discuss how domestic and international environmental laws are used to protect those particular resources. Wherever possible, actual court cases and real-life examples will be brought to illustrate how environmental laws are used as a practical tool of positive environmental change. Later in the semester, we will discuss various ways that lawyers and lawmakers around the world are working to encourage compliance with environmental laws and developing creative enforcement mechanisms to deter violators. Also, there will be a class field trip to Jerusalem. The course will conclude with a mock trial that will incorporate the entire semester's lectures and class discussions into a comprehensive group exercise.

### Section 1: Introduction to Environmental Law: Legal Theories & World Legal Systems

Syllabus / course overview	
Basic legal terms	*
Legal traditions of the world	*
Decoding legal citations	*
Briefing a case	*

## Section 2: Foundational Legal Theories & World Legal Systems

Assignment #1 due: case brief (Boomer v. Atlantic Cement)	*
Standing to Sue article: "The First Step In Access to Justice"	*
Standing: Sierra Club v. Morton (review assignment #1)	*
Tort claims: Introduction to tort law	
-Nuisance: Spur Industries v. Del Webb Development (1972)	
-Negligence: Bryne v. Boadle or Palsgraf v. Long Island Railroad Co	*
-Trespass: Boomer v. Atlantic Cement	*
Remedies	
Policy considerations: Strict liability	

## Section 3: US Environmental Law (Foundational Cases. Standing to sue)

Assignment #2 due: case brief (TVA v. Hill)	*
History of US EPA article	*
Scenic Hudson Preservation Conference v Federal Power	*
South Utah Wilderness Alliance v. Norton	*
National Environmental Protection Act (NEPA) – EIS/EIA	
Clean Air Act (CAA) and amendments	
Clean Water Act (CWA)	
Endangered Species Act (ESA)	
Snail Darter Case (review assignment #2)	
Comprehensive Env Response Compensation & Liability Act (CERCLA)	
Research Conservation and Recovery Act (RCRA)	

## Section 4: International Environmental Law (MEAs/Treaties)

Assignment #3: examples of transboundary environmental disputes	*
Treaty Overview	*
Trail Smelter Arbitration (US v Canada)	
Corfu Channel Case (UK v Albania)	
New Zealand v France (Nuclear test case)	*
Rio Declaration	*
The Barcelona Convention	*
"The Devil is in the Details: Increasing International Law's Influence ..."	*
Treaty of Peace Between Jordan and Israel, 1994 (environmental clauses)	*

## Section 5: Water Law

FILM: "A Civil Action"	Wed night
Civil Action or Civil Fiction	*
Water as a human right	*
U.S. Clean Water Act	
Friends of the Earth vs. Laidlaw, Rapanos v. United States	*
Israel Water Law, 1959	
EU Water Framework Directive	
The British Water Resources Act	
Waweru v Republic (Kenya water case)	*

### Section 6: Field Trip

Israel Supreme Court	
Ministry of Environmental Protection	
Knesset Environment Committee	
Case study: <i>on location</i>	

### Section 7: Air Law (Ozone Depletion / Global Climate Change)

FILM: "An Inconvenient Truth"	
Discuss mock trial topic and choose "sides"	
"An Agenda for Climate Action"	
California State Initiatives v. U.S Federal Law	
California complaint against auto manufacturers	*
Vienna Convention for the Protection of the Ozone Layer	
Clean air or TV article	*
Kyoto Protocol overview	*
Air pollution in Peru article	
Montreal Protocol on Substances that Deplete the Ozone Layer	*

### Section 8: Risk Assessment and Environmental Law

The Benzene Case	*
Corrosion Proof Fittings	
Ethyl Corporation v. EPA	
Precautionary Principle v. Risk Assessment	*
Montreal Protocol revisited	

### Section 9: Endangered Species Law (Wildlife / Biodiversity)

US Endangered Species Act (review), MMPA and MBTA	
Sea turtles and CITES	*
China and the TVA article	
"Biodiversity and the Law"	*
Israel: Selected Laws...Nature Reserves Law, Wild Animals Law, Forest Law	
Spotted Owl v. Hodel case	*
Cetacean v. Bush case	
GMO articles and laws	
Convention on International Trade of Endangered Species (CITES)	
Convention on Biological Diversity (CBD)	

### Section 10: Overpopulation / Deforestation / Desertification

Value of open space	*
Green wall of China	*
Amazonian deforestation	

Chile protecting endangered hardwoods	
India's forest law	*
In the Boreal Forest, A Developing Storm	
New Forestry Law sets Columbia back Half a Century	
NRDC article: Paper industry laying waste to N. American Forests	
"Malaria linked to Amazon Deforestation"	
Nigeria deforestation rate	
UNFPA overview	*
United Nations Convention to Combat Desertification	
United Nations Convention to Combat Desertification	

**Section 11: Compliance & Enforcement (Citizen Suits / Class Actions / NGOs)**

FILM: "Erin Brockovich"	Wed night
Assignment #3 due: 1 page essay: "Make Environmental Law Work"	*
Citizen Suits as a Tool for Environmental Enforcement	
Porter Hypothesis	
Self-reporting mechanisms	
"Assent to and Enforcement of International Environmental Agreements"	
Economic Incentives vs. Command and Control	*
Interpol - International Environmental crimes	
E-law: What started it all?	*
NGO's and International Environmental Law	
Corporate responsibility: Wal-Mart case study	

**Class 12: Mock-Trial**

Mock-Trial Rehearsal	Wed night
Controversy: Villagers vs. Dam Authority	2 hours
Debriefing and discussion about mock-trial	
Final overview of course	Last ½ hr.

**Class 13: Final Exam**

Final Exam...	
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\* Required Reading (others readings are suggested)