NYU Law School  
Fall 2015  

Environmental Law Seminar:  
Environmental Values, Policy, and the Law  
LAW-LW.10890.001  
FH 316  
T 2-3:50  

Professor: Dale Jamieson, VH 310  
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Description:  
Environmental law is the site of conflicting value perspectives. In addition to concerns about economic growth and quality of life for our contemporary compatriots, concerns about future generations, citizens of other countries and even non-human nature figure in our discussions and debates. This seminar will focus on the ways in which these value questions emerge in situations of conflict. We will focus on a range of domestic and international issues.  

Requirements:  
1. Class attendance and participation is an essential element in this course. Accordingly, all members of the seminar are required to read all the materials, attend class regularly, and contribute to class discussion. If you are unable to attend a given class, please e-mail me.  

2. For many classes, students will be required to present and submit short papers (750-1000 words) on a hypothetical exercises or problem that will be the focus of that class session. Papers must be posted by 9 am, on the day before the seminar meets and normally the authors will present them and lead the discussion.  

3. Everyone not writing a paper must post a suggestion for a discussion topic by 9 am on the day before the seminar meets.  

4. Also required is the submission of a research paper of approximately 6,000 words on issues broadly relevant to those addressed in the course. You are required to discuss the topic with me in advance. A short draft of the paper should be submitted in the class of 10.27. The final version is due on December 21st. If you are planning to do a substantial writing credit, the paper should be about 10,000 words (for further information visit
Grading:
One-third of the grade will be determined by seminar performance and two-thirds by the research paper.

Schedule (as of 10.5.2015)
9.1: Our Present Condition
Read: N. Oreskes & E. Conway, The Collapse of Western Civilization
Dale Jamieson & Bonnie Nadzam, Love in the Anthropocene.

9.8: Nature, Ethics, and Religion

9.15: Who is Responsible for Climate Change?

9.22 Climate Change Communication (Guest, Andrew Revkin, Pace University)

9.29 What To Expect From Paris

10.6 The Philosophy of Conservation

10.13 Elephant Conservation and the Ivory Trade (Guest, Elizabeth Bennett, Wildlife Conservation Society)


**NOTE:** This has comments at the end from a range of opinion. This was then followed by a compilation of comments: Irrelevant, illogical and illegal: 24 experts respond to arguments supporting legalization of the ivory trade. [http://newswatch.nationalgeographic.com/2014/10/02/opinion-irrelevant-illogical-and-illegal-24-experts-respond-to-arguments-supporting-legalization-of-the-ivory-trade/#comment-404691](http://newswatch.nationalgeographic.com/2014/10/02/opinion-irrelevant-illogical-and-illegal-24-experts-respond-to-arguments-supporting-legalization-of-the-ivory-trade/#comment-404691).

10.20: Rational Use in Antarctic Waters (Guest, Jennifer Jacquet, Environmental Studies)

The Convention for the Conservation of Antarctic Marine Living Resources (CAMLR Convention) is the legal doctrine presiding over the exploitation of marine life in the Southern Ocean. At recent Commission (CCAMLR) meetings, some member states have interpreted the term ‘rational use’ in the Convention text as ‘the unrestricted right to fish’ and, most recently, the term has been evoked in opposition to the establishment of marine protected areas. We will discuss tensions over interpretation of the term at CCAMLR and discuss the term’s meaning and original intent in the publicly available record of treaty negotiations. Like ‘scientific uncertainty,’ which has also been evoked in ways that reflect social values, ‘rational use’ should be seen as a value-laden term, rather than as an explicit mandate to fish.


**View (for general background):** The Last Ocean (on all the major web platforms): [http://www.thelastoceanfilm.com](http://www.thelastoceanfilm.com)


### 10.27 Cleaning Up the Ganges (Guest, Heidi Weiskel, Elaw)

This all-important issue has been going on for a long time. First, MC Mehta, who is an ELAW partner and Goldman prize-winner in 1996, tried:

http://www.goldmanprize.org/recipient/mc-mehta/

http://www.elaw.org/sacred-ganges-carries-toxic-pollution

More recently, our partners Rahul and Ritwick of the NGO LIFE have also tried:

https://elawspotlight.wordpress.com/2014/05/15/victory-for-the-ganges/

What is it about this second time around that has more promise of success, if in fact there is more promise of success? Is it the creation of the National Green Tribunal? A different sensibility among Indians about their country?


Or is it simply that Modi has finally made cleaning the river a priority, and so it may actually happen? This case spans a couple of decades and raises some interesting questions about the value of environmental litigation. If something takes 25 years, is it worth it? Can we protect our environment more effectively than through suing the government? What new information do we have this time around? Could the Ganges case be a model for elsewhere in the world?"

**Read:** Supreme Court judgment dated 29 October 2014 in the case of M.C. Mehta v. Union of India (writ petition 3727 of 1985) (Kanpur Tanneries Case) - passing the matter to the NGT; NGT order dated 30 October 2014 in the case of Krishan Kant Singh & Anr.Vs. National Ganga River Basin Authority & Ors - accepting the pass off from the SC; NGT order dated 17 November 2014 in the consolidated cases of M.C. Mehta v. Union of India f Krishan Kant Singh & Anr.Vs. National Ganga River Basin Authority & Ors establishing a system of multi-agency committees to finally accomplish the objective of reducing industrial pollution loads to the Ganges River

### 11.3 Chevron, Ecuador and Legal Ethics (Guest, Charles Herrick, ABT Consulting)


**View (for general background):** http://www.crudethemovie.com/
11.10  Climate Litigation (Guest, Wil Burns, Visiting Scholar, Environmental Studies)

11.17  Transparency in Scientific Research (Guest, Michael Oppenheimer, Princeton)

11.24 The attempt to control hydrofluorocarbons (HFCs) under the Montreal Protocol
(Guest, David Kanter, Environmental Studies)
HFCs are greenhouse gases and yet a majority of countries want to control it under the international ozone agreement - to me a great example of science bumping up against the law. Plus, it looks more likely than ever that the Parties to the MP will actually agree to take on HFCs at their next annual meeting in November, so it would be good timing. Their meeting is the first week of November,

12.1 TBA