**Topic HL.a Environmental Law**

**Guiding questions**

* How can environmental law help ensure the sustainable management of Earth systems?
* How do environmental laws balance economic development with environmental protection?
* What are the challenges and benefits of implementing international environmental laws in diverse political landscapes?
* How do environmental laws evolve in response to scientific advancements and changing public perceptions?
* What role do ethics play in the creation and enforcement of environmental laws?
* How can environmental laws be designed to more effectively address issues of environmental justice and equity?

| **Understandings** | Class | Home | Got it |
| --- | --- | --- | --- |
| HL.a.1 Laws are rules that govern human behaviour and are enforced by social or governmental authority. |  |  |  |
| HL.a.2 Environmental law refers specifically to the rules about how human beings use and impact natural resources, with the aim of improving social and ecological sustainability. |  |  |  |
| HL.a.3 Environmental laws can have an important role in addressing and supporting environmental justice, but they can be difficult to approve due to lobbying. |  |  |  |
| HL.a.4 Environmental law is built into existing legal frameworks, but its success can vary from country to country. |  |  |  |
| HL.a.5 Environmental constitutionalism refers to the introduction of environmental rights and obligations into the constitution. |  |  |  |
| HL.a.6 Environmental laws can be drafted at the local, national or international level. |  |  |  |
| HL.a.7 International law provides an essential framework for addressing transboundary issues of pollution and resource management. |  |  |  |
| HL.a.8 UN conferences produce international conventions (agreements) that are legally binding, and protocols that may become legally binding, to all signatories. |  |  |  |
| HL.a.9 International agreements can generate institutions or organizations to aid their implementation. |  |  |  |
| HL.a.10 The application of international environmental law has been examined within international courts and tribunals. |  |  |  |
| HL.a.11 There are an increasing number of laws granting legal personhood to natural entities in order to strengthen environmental protection. |  |  |  |
| HL.a.12 Both legal and economic strategies can play a role in maintaining sustainable use of the environment. |  |  |  |

**Understanding Laws**

1. **Define** the term laws *(Define: Give the precise meaning of the word, phrase or physical quality.)*
2. **Outline** the importance of governing human behavior and ensuring societal stability. *(Outline: Give a brief account or summary.)*
3. **Activity**: Laws change over time as societies develop. In the early 20th Century, industrialization led to widespread air pollution from factories and coal-fired power plants.
   1. **Outline** how laws changed overtime to address health impacts of air pollution. All rows may not necessary need to be used *(Outline: Give a brief account or summary.)*

| **Name of Law** | **Timeframe** | **Result** |
| --- | --- | --- |
| Alkali Act | 1863 | The first major legislation aimed at controlling industrial air pollution, specifically targeting the release of hydrochloric acid from the alkali industry. |
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**Environmental Law**

1. **Outline**  the key purposes and focus areas of environmental law in pollution reduction, resource management and biodiversity protection. List a named example associated with each primary focus *(Outline: Give a brief account or summary.)*

| **Key Purpose** | **Outline** | **Example** |
| --- | --- | --- |
| Environmental protection |  |  |
| Human health | help mitigate health risks associated with pollution and hazardous substances, ensuring public health and well-being |  |
| Sustainable development |  |  |
| Regulation of Construction and Development Projects |  |  |

1. Watch the video clip on What Are Environmental Laws? <https://www.youtube.com/watch?v=vcaRmdXTZ2M&t=3s> Answer the following questions
   1. **State** the primary purpose of environmental laws according to the video (*State: Give a specific name, value or other brief answer without explanation or calculation.)*
   2. **List** at least two specific examples of environmental laws mentioned in the video? State the issues these laws address *(List: Give sequence of names or other brief answers with no explanation.)*
   3. **Identify** the challenges in enforcing environmental laws are highlighted in the video. *(Identify Find an answer from a given number of possibilities.)*
2. Watch the video Environmental Laws Through the Decades in the United States <https://www.youtube.com/watch?v=OscCl8l9jLg> . Answer the following questions.
   1. **Identify** the first significant environmental law passed in the United States. What prompted its enactment? *(Identify Find an answer from a given number of possibilities.)*
   2. **State** the roles U.S. Presidents played in shaping environmental policy over the decades. *(State: Give a specific name, value or other brief answer without explanation or calculation.)*
   3. **State** how the establishment of the Environmental Protection Agency (EPA) change the enforcement of environmental laws. *(State: Give a specific name, value or other brief answer without explanation or calculation.)*
   4. **Identify** the 3 well know laws that were mentioned in the video. *(Identify Find an answer from a given number of possibilities.)*
3. Watch the video Who Should Govern Nature? <https://www.youtube.com/watch?v=vT99LqJaTeI&t=1s>. Answer the following questions
   1. **Identify** the different perspectives presented in the video regarding who should govern nature. *(Identify Find an answer from a given number of possibilities.)*
   2. **State** the ethical considerations the video suggest should influence decisions about governing nature. *(State: Give a specific name, value or other brief answer without explanation or calculation.)*
   3. Identify how the video addressed the role of local communities, particularly indigenous populations, in governing nature. *(Identify Find an answer from a given number of possibilities.)*
   4. **State** how international laws and agreements factor into the governance of nature as discussed in the video. *(State: Give a specific name, value or other brief answer without explanation or calculation.)*
4. **Activity:** Choose an environmental law related to water quality. Investigate a specific body of water in your region and **outline** how this law has impacted its conservation. **Evaluate** the success of the law *(Evaluate: Assess the implication and limitations)*

**Environmental Justice**

1. **Outline** ways in which environmental laws promote justice. Provide a named example for each *(Outline: Give a brief account or summary.):*

| **Environmental Justice** | **Outline** | **Example** |
| --- | --- | --- |
| Ensuring Equitable Access to Resources |  | Clean Water Act (CWA) in the United States |
| Protecting Vulnerable Communities: |  |  |
| Promoting Public Participation | transparency and community engagement during planning stages, allowing citizens to voice concerns and contribute to decisions |  |
| Facilitating Sustainable Development |  |  |

1. **Outline** the The European Union’s REACH regulation (Registration, Evaluation, Authorisation, and Restriction of Chemicals). <https://www.youtube.com/watch?v=7Ib60tp5hJQ> **State** how REACH enforces ethical behavior in businesses and industries where economic systems might otherwise incentivize practices that lead to environmental and social harm. *(Outline: Give a brief account or summary; State Give a specific name, value or other brief answer without explanation or calculation.):*
2. **Activity**: Research and compare how different countries have implemented laws and policies to combat plastic pollution. Consider factors that affect the success or challenges of these laws, such as economic development, government enforcement capacity, and public awareness. Click here to access the [Global Plastics Database](https://www.globalplasticlaws.org/) <https://www.globalplasticlaws.org/>
3. There are a number of important principles for making environmental laws. <https://www.youtube.com/watch?v=WPClK3qmSlE&t=1s>. Complete the table below

| **Principle** | **What It Means** |
| --- | --- |
| Sustainable Development |  |
| Precautionary Principle: |  |
| Polluter Pays Principle |  |
| Public Participation: |  |
| Integration and Interdisciplinarity |  |
| Intra- and Intergenerational Equity |  |

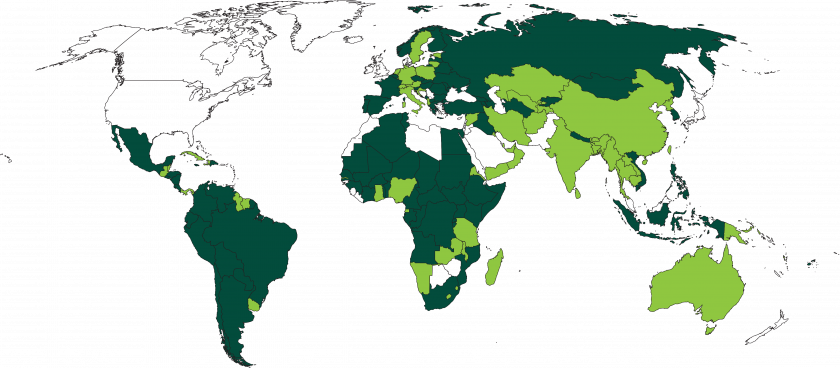
1. **Activity**: **Identify** a recent environmental justice case in your community. **Describe** the role of environmental laws in addressing the issues involved (*Describe:Give a detailed account.)*
2. **Describe** how lobbying by economically powerful stakeholders can influence environmental legislation. (*Describe:Give a detailed account.)*
3. **Activity:** Research and **explain** a case where lobbying impacted environmental policies in a negative or positive way. Focus on the outcomes of this lobbying effort. *(Explain: Give a detailed account of causes, reasons or mechanisms.)*
4. **List** the key points about the global implementation of environmental laws and the variability in their effectiveness. *(List: Give sequence of names or other brief answers with no explanation)*
5. **Activity:** Compare environmental law enforcement in a MEDC and a LEDC. **Discuss** how differences in administrative capacity and financial resources impact effectiveness. *(Discuss: Give an account including, where possible, a range of arguments for and against the relative importance of various factors or comparisons of alternative hypotheses.)*

**Constitutionalism**

1. **Outline** the key characteristics of a constitution *(Outline: Give a brief account or summary.)*

| **Characteristics** | **Description** |
| --- | --- |
| Supremacy |  |
| Rigidity: |  |
| Entrenchment: |  |
| Government Structure: |  |
| Protects Individual Rights: |  |
| Limit Government Power: |  |
| Framework for Governance: |  |
| Symbol of Unity: |  |

1. **Define** constitutionalism *(Define: Give the precise meaning of the word, phrase or physical quality)*
2. **Outline** the limitations of environmental constitutionalism. *(Outline: Give a brief account or summary.)*



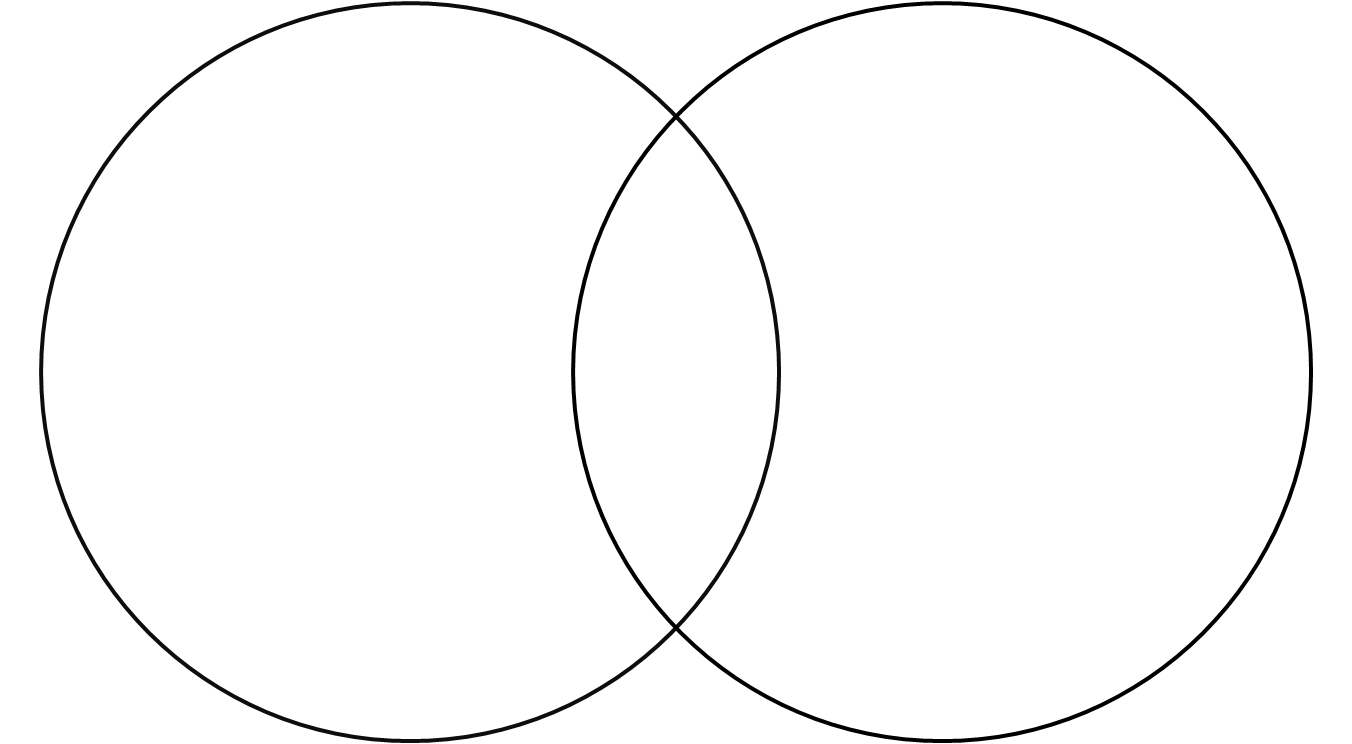
1. **Activity:** Your environmental rights are determined by the constitution, court decisions, environmental laws, as well as ratified human rights and environmental treaties in your country or locale. Click on the link. <https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/advancing-environmental-rights/what-0> . **Outline** the environmental rights in your country's and one in another country. Summarize these provisions and their real-world impact. *(Outline: Give a brief account or summary.)*

**Levels of Environmental Law**

1. **Activity**: **Outline** the different levels at which environmental laws operate, from local to international.
   1. I**dentify** a local environmental law in your community. **Outline** how it addresses a localized environmental issue *(Outline: Give a brief account or summary.)*
   2. **Identify** a national environmental law in your country. **Outline** how it addresses a national environmental issue *(Outline: Give a brief account or summary.)*
   3. **Identify** an international environmental law in your country. **Outline** how it addresses an international environmental issue. *(Outline: Give a brief account or summary.)*

**International Conventions and Agreements**

1. **Describe**  the following International Conventions *(Describe: Give a detailed account.)*
   1. The ASEAN Agreement on Transboundary Haze Pollution
   2. FAO International Plan of Action to Prevent, Deter, and Eliminate IUU Fishing
   3. The Ramsar Convention
2. Complete the Veen Diagram on Agreements and Protocols



1. The development of international agreements and protocols is often fraught with challenges and complexities, which can hinder progress and delay implementation. Complete the table below

| **Challenges** | **Explanation** |
| --- | --- |
| Complexity of Agreements |  |
| Evolving Scientific Knowledge: | climate change is constantly evolving, necessitating ongoing updates and revisions to accommodate new knowledge and findings. |
| Internal Stakeholder Pressures:. |  |
| Conflicts Over Responsibilities: |  |
| Financial Commitments: |  |
| Geopolitical Conflicts: |  |
| Potential Economic Impact | concerns about the potential economic impact of agreements, particularly on industries heavily reliant on fossil fuels, can create resistance and reluctance to commit to ambitious target |

1. **Activity**: **Identify** and **outline** one International agreement and one international protocol. **Evaluate** their success
   1. The Montreal Protocol
   2. Kyoto Protocol
   3. Paris Agreement
   4. Convention on the International Trade in Endangered Species of Wild Flora and Fauna
   5. Convention on Long-Range Transboundary Air Pollution
   6. Paris Agreement
   7. Convention on Fishing and Conservation of Living Resources of the High Seas
   8. United Nations Convention on the Law of the Sea
   9. Others to research
2. **Outline** the Benefits and limitations of UN international agreements. (*Outline: Give a brief account or summary.)*

| **Strengths** | **Limitations** |
| --- | --- |
|  |  |
|  | Scientific Uncertainty: Evolving scientific understanding of human impact on the environment creates uncertainty. Some nations exploit this uncertainty to delay action, neglecting the precautionary principle and stalling progress |
|  |  |
|  | Too little progress, too little funding: GHG emissions continue to grow; conflicting interests and diverse contexts make negotiations and action slow and complex; high-income countries have not met climate finance commitments |
|  | Other geopolitical conflicts: conflicts around other issues, like China-US economic competition and the Russia-Ukraine conflict, complicate environmental negotiations |

1. **Activity:** Watch this video clip on CITES <https://youtu.be/hLhMLAPL6-o>. **Identify** and **evaluate** two examples of international institutions or organizations tasked with implementing their provisions and monitoring compliance.
2. Watch the video on each of the international courts and tibunals. **Outline** each of their roles and limitations
   1. International Court of Justice <https://www.youtube.com/watch?v=DME-wfbt08c>

Role

Limitation

* 1. International Tribunal for the Law of the Sea <https://www.youtube.com/watch?v=V6JIOAlIfNg>

Role

Limitation

* 1. Court of Justice of the European Union <https://youtu.be/-xMzYkfVH4E>

Role

Limitation

1. **Activity:** Research a case study that has been arbitrated by an International court or Tribunal. **Analyze** the outcomes of the arbitration case and its implications for international law, environmental protection, and sustainable development
   1. The Whaling in the Antarctic Case (Australia v. Japan)
   2. Pulp Mills on the River Uruguay (Argentina v. Uruguay)
   3. South China Sea Arbitration (Philippines v. China)
   4. Bakassi Peninsula (Nigeria v. Cameroon)
   5. Arctic Sovereignty Disputes
   6. Grand Ethiopian Renaissance Dam (GERD):
   7. Indigenous Land Rights in the Amazon Rainforest
   8. Dakota Access Pipeline (DAPL)
   9. Belo Monte Dam (Brazil)
   10. Other

**Personhood of Natural Entities**

1. **Describe** the key concepts of legal personhood for natural entities. *(Describe: Give a detailed account.)*
   1. Legal Personhood:
   2. Environmental Protection:
   3. Indigenous Knowledge Systems:
   4. Environmental Value Systems:
   5. Rights-Based Ethics
2. Watch the videos Why Lakes and Rivers Should Have Rigghts <https://youtu.be/opdCfb8cCFw> and Does Nature Have Rights <https://youtu.be/ntdzbxTtv7A>
   1. From an environmental perspective, do you believe that assigning legal personhood to natural entities like rivers and lakes would enhance their protection and conservation? Consider ethical and practical implications. Justify your answer
   2. **Suggest**  how indigenous communities, environmental activists, policymakers, and industry representatives view the idea of granting legal rights to nature. *(Suggest: Propose a hypothesis or other possible answer.)*
3. **Activity:** Research a case study of a country that has created laws granting legal personhood to natural entities. Analyse the perspectives and interests of various stakeholders, including environmental activists, local residents, businesses, and government officials. What potential conflicts or challenges might arise from granting legal rights to nature within the county
   1. New Zealand: Te Urewera Act
   2. India: the Ganges and Yamuna rivers
   3. Ecuador: The Constitution of Ecuador
   4. Colombia: The Atrato River
   5. Bolivia: The Law of the Rights of Mother Earth
   6. Australia: The Yarra River Protection (Wilip-gin Birrarung Murron) Act
   7. New Zealand: The Whanganui River Claims Settlement Act
   8. Lake Erie Bill of Rights (LEBOR):
   9. Mendocino County, California: The Mendocino County Community Bill of Rights,
   10. Other

**Legal and Economic Strategies**

1. **Compare** legal and economic strategies used to promote environmental sustainability. *(Compare: Give an account of similarities and differences between two (or more) items, referring to both (all) of them throughout.)*
2. **Analyze** a policy in your country that uses economic incentives to encourage environmental sustainability. **Outline** its success and limitations. *(Analyze: Interpret data to reach conclusions.; Outline Give a brief account or summary)*
3. **Activity:** Design a sustainable city plan that focuses on balancing urban development with environmental sustainability. **Justify** why these laws are necessary and how they will benefit both the environment and the city’s inhabitants. The plan should include the following:
   1. Sustainable transportation systems (e.g., public transit options, bike lanes).
   2. Energy solutions (e.g., solar panels, wind turbines).
   3. Water conservation practices (e.g., rainwater harvesting, efficient sewage treatment).
   4. Waste management strategies (e.g., recycling programs, composting facilities).
   5. Development of green spaces (e.g., parks, community gardens).

**Reflection Journal:** Write down your thoughts, questions, and reflections on what they have learned.

ESS can be like learning a new language. So many words are not commonly used in everyday English. This can be challenging. To help you keep up with ESS Terms, you will need to create your own ESS DICTIONARY. You should add to this over the year and keep it in your notebook or on a page file THAT YOU CAN UPDATE AND ADD TO EASILY. Most of the vocabulary words can be found either on your STUDY GUIDE or at mrgscience.com.

You will be responsible for learning the words and their meaning. Periodic quizzes will be given on the words. So, make your dictionary creative and you will remember the words more easily.

**KEY TERMS**

sociocultural norms

Constitutionalism

​enforcement

Stakeholders

​transboundary pollution

​environmental justice

environmental law

impact assessment

​right of nature

Personhood

precautionary principle

environmental litigation