

Global Environmental Governance Vermont Law School Summer 2025

Professor Robert v. Percival

Email: RPercival@law.umaryland.edu

Course meets Monday through Thursday July 21-24

1pm-4pm

Classroom location: 210 Oakes Hall

Office location: 106A Waterman Hal

This course provides a overview of how legal systems throughout the world are addressing significant environmental problems. After an introduction to the concept of global environmental law, the course examines environmental problems countries confront and how law is being used to address them. As a case study the course will examine the long history of efforts to redress extraordinary oil pollution in Ecuador caused by a multinational oil company. This will provide a vehicle for considering how environmental law has evolved in the developing world and how the imbalance of resources between rich and poor countries influences the effectiveness of legal remedies. After considering the global threat of climate change, it will examine why air and water pollution still kill millions and efforts to use law to control these problems. The last class will focus on the role of civil society in protecting the environment and private environmental governance efforts.

Learning Objectives

Students in this course should (1) learn the basics of how legal systems operate through the lens of environmental law and the role of government agencies and NGOs in addressing environmental problems, (2) gain an understanding of comparative law and insights from application of it to environmental law, and (3) acquire important insights for how environmental law and policy can be improved by comparing lessons learned from experience with environmental law in various countries.

Course Materials & Blackboard Website

The materials this course will use include articles Professor Percival has written and excerpts from two books. The first book is *Shooting Stars and Dancing Fish* by Philippine environmentalist Tony Oposa. This book provides the perspective of one of the most creative advocates for environmental protection in the developing world. He has given us permission to use a digital copy of his book. The second is *Comparative and Global Environmental Law and Policy* (2020) co-authored by Professor Percival. The assigned readings from them are posted online at the course Blackboard website, along with the other assigned readings. We will not be using the VLS websites and all communications with Professor Percival should be directed to his Maryland email address: rpercival@law.umaryland.edu. Students will receive email instructions concerning how to access the course Blackboard website.

Class Sessions, Class Participation and the Discussion Board

Most of the material to be covered in this course is well-suited to the lecture and discussion method of teaching. Lectures generally will not be designed to repeat the material in the assigned readings, but rather to provide additional perspectives on it. Class discussion of the material is important.

To provide a focal point for class discussion, the professor will frame a question in advance for each class session. The question will be posted on the course website in the Discussion Board section. Students will be asked to post a response to it on the course website by 10:30AM on the day of class. This will enable the professor to get a better idea of how you are grasping the assigned reading and it will facilitate class discussion. The responses to these questions can be consolidated into your final paper, which should be submitted electronically to the professor by 1PM on Saturday July 26.

Grading Policy & Paper

Rather than having to take a final examination, students will be asked to submit a short paper summarizing their reactions to the questions discussed in the course. This paper may consolidate the responses that you make to the questions on the Discussion Board for each class. Thirty percent (30%) of your grade in this course will be based on the quality of your participation during the class sessions. Seventy percent (70%) of your grade will be based on this short paper that is due on Saturday July 26.

Blackboard Course Website

All the information you need for participating in this course is on the course Blackboard website. After you have completed the assigned reading for each class, you are asked to post a response to the question that will be posted on the Discussion Board section of this website.

COURSE OUTLINE AND LIST OF READING ASSIGNMENTS

Class #1: Monday July 21: Introduction to the Course and the Concept of Global Environmental Law, Problems of Environmental Governance and the Chevron/Ecuador Case Study. ASSIGNMENT: (1) Read pp. 15-46 in *Shooting Stars and Dancing Fish*, (2) Read pp. 24-38 in Chapter 1 and pp. 41-44, 83-91 in Chapter 2 of *Comparative and Global Environmental Law and Policy*, and (3) Percival, "Transnational litigation: What can we learn from Chevron-Ecuador?" in *Research Handbook of Transnational Environmental Law* 318 (Heyvaert & Duvic-Paoli, eds. Edward Elgar 2020) and (4) respond to the question on the Discussion Board.

Class #2: Monday July 22: Transnational Environmental Accountability and Climate Change ASSIGNMENT: Read (1) Read Robert Percival and Jingjing Zhang, *Transnational Environmental Accountability*, 35 *Natural Resources & Environment* (Fall 2020), (2) Percival, "Liability for Environmental Harm and Emerging Global Environmental Law," 25 *Maryland J. of International Law* 37 (2010), pp.101-114 and (3) pp. 213-223 in *Shooting Stars and Dancing Fish*, (4) Robert Percival, "The Climate Crisis and Constitutional Democracies," in

Constitutional Democracies in Crisis (M. Graber, S. Levinson & M. Tushnet, eds., Oxford Univ. Press 2018, and (5) Post a response to the question on the Discussion Board.

Class #3: Wednesday July 23: Air and Water Pollution Control ASSIGNMENT: (1) Read pp. 603-636 in Chapter 11 and pp. 663-688 in Chapter 12 of *Comparative and Global Environmental Law and Policy*, (2) Read Percival, *Against All Odds: How America's Century-Old Quest for Clean Air May Spur a New Era of Global Environmental Cooperation* and (3) Post a response to the question on the Discussion Board.

Class #4: Thursday July 24: \ The Role of Civil Society in Environmental Governance and Private Environmental Governance ASSIGNMENT: Read pp. 49-93 in *Shooting Stars and Dancing Fish*, (2) Read pp. 512-516 in Chapter 9 and pp. 236-239 in Chapter 5 of *Comparative and Global Environmental Law and Policy*, (3) Read "Private Governance Comes of Age: Vandenberg, Light & Salzman's *Private Environmental Governance*," *Vanderbilt Law En Banc*, Dec. 2024, <https://scholarship.law.vanderbilt.edu/vlreb/vol77/iss1/11/> and (4) respond to the question on the Discussion Board.

Saturday July 26 at 1pm: Papers, which may consolidate your Discussion Board responses, are due.