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Faculty Profiles

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Faculty Profiles

By David Newman*

David Newman posed a few questions to WCL's environmental law faculty.

Barry Breen:

1. What classes are you teaching this year?
 - I teach Environmental Law during the fall semester, and Advanced Environmental Law: Liability and Tort during the spring semester.
2. What do you expect to be the most pressing environmental issue(s) of the early 21st century?
 - It's the right question, but it's hard to say what the greatest challenge early in the 21st century will be. As a profession, we have had some notorious bad luck at making predictions like this. For that matter, it might be hard to get consensus even now as to what today's most pressing challenges are!

Still, it makes sense to ask, so I'd suggest several topics that ought to be near the top of the list. The inter-related issues of global warming and tropical deforestation should rank high. Water quality impacts from non-point sources rate high too. Widespread, low but persistent body burdens of carcinogens and other chemicals that can bio-accumulate seem serious as well.

One of the most serious challenges is finding legal tools adapted to problems like these. They don't lend themselves well to the "find a big polluter and sue him / her" model that we're used to. In the same way that environmental science still has plenty of questions unanswered, so does environmental law.

I expect AU students have a lot to contribute in this field.

William Cohen:

1. What projects are you currently working on?
 - I have just co-authored "Biotechnology Deskbook" for the Environmental Law Institute which was released for sale a few weeks ago. Last week I co-managed the American Law Institute-American Bar Association program on Environmental Impact Assessment/ National Environmental Policy Act. In February I will be speaking at the ALI-ABA program on environmental law. Also, I am drafting a syllabus for a prospective course on the quest for fresh water.
2. What classes are you teaching this year?
 - I'm teaching a course on biotechnology and environmental regulation, and a comparative law course on environmental impact assessment and the National Environmental Policy Act.

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3. What classes are you considering for next year or would you like to offer in the future?
 - Within the next year or so, I hope to teach a comparative law course on the quest of nations and cultures for fresh water, in addition to the courses I usually teach.
4. What compels you to work in the field?
 - The fundamental importance to society for us to focus on environmental quality.
5. What do you expect to be the most pressing environmental issue(s) of the early 21st century?
 - a. The quest for fresh water;
 - b. The regulation of biotechnology; and
 - c. Global climate change.
6. What factors do you see as most important to the success of an environmental campaign?
 - Making it clear to the public of the importance to humans and individuals in terms of public health, safety, and well being.

David Hunter:

1. What projects are you currently working on?
 - Jim Salzman, Durwood Zaelke and I just completed the second edition of our textbook, *International Environmental Law and Policy*. I am working on two other projects, including a case study of the BioBio dam controversy in Chile and the resulting reforms it triggered at the International Finance Corporation, as well as a *Handbook on Implementing the Montreal Protocol Regime for Developing Countries*.
2. What classes are you teaching this year?
 - *International Environmental Law and Comparative Environmental Law*.
3. What classes are you considering for next year or would you like to offer in the future?
 - *International Institutions and Environmental Protection*.
4. What do you expect to be the most pressing environmental issue(s) of the early 21st century?
 - Climate change.
5. What factors do you see as most important to the success of an environmental campaign? Please provide an example.
 - A combination of a clear and defensible policy goal and an effective civil society network to push the policy reform through media, grassroots organizing and legal actions, where appropriate.

James Salzman:

1. What projects are you currently working on?
 - An article on regulatory accretion called, "The Red Queen, Mozart, and the Administrative State;" an article on compliance and enforcement strategies called, "Regulatory Traffic Jams," a concepts & insights book for Foundation Press on environmental law with Buzz Thompson, and a piece on

environmental/energy trading markets. David Hunter, Durwood Zaelke and I also just completed the second edition of our casebook on international environmental law and policy.

2. What classes are you teaching this year?
 - Administrative Law, Contracts, Environmental Law, Natural Resources Law - Wildlife.
3. What classes are you considering for next year or would you like to offer in the future?
 - I'd like to expand my externship seminar on environmental lawyering so it more closely resembles a policy clinic.
4. What compels you to work in the field?
 - It's where the action is, fascinating subjects, great people, energized students.
5. What do you expect to be the most pressing environmental issue(s) of the early 21st century?
 - Access to safe drinking water, declining fisheries, climate change, and the growing divide between rich and poor countries.
6. What factors do you see as most important to the success of an environmental campaign? Please provide an example.
 - Catching the public's interest at the right time, catchy slogan or symbol, getting the facts right, constructive alternative suggestions to the status quo -- e.g., Greenpeace's "greenfreeze" CFC-free fridge.

Durwood Zaelke:

1. What projects are you currently working on?
 - I've recently been appointed to serve as the first Director of the International Environmental Compliance and Enforcement Network, INECE. INECE has 2,500 members who are enforcement parishioners, principally from governments, but also from academia and NGOs. We have a newsletter, a web page, INECE.org, and we organize a conference for 200 plus participants every two years. The next is in Costa Rica in April 2002. Working with Tom Higdon, who is about to finish his LLM at AU, I am starting a project to develop a set of enforcement and compliance indicators.
2. What classes are you teaching this year?
 - International Environmental Law; research seminar on same; Int'l Institutions for Sustainable Development, with Jim Salzman, in our Paris/Geneva program; and Human Rights and Environment, with Romina Picolotti, in the Academy for Humanitarian Law at AU.
3. What classes are you considering for next year or would you like to offer in the future?
 - I'd like to offer a course on public interest environmental law, including how to start and manage an NGO. Also a course on environmental enforcement and compliance.
4. What compels you to work in the field?
 - To get out of Washington. No. Seriously, I work in this field because it needs to change. I started the Center for International Environmental Law, CIEL, in 1989 to reform international law, and while we've made some important

progress, we have a very long way to go before international law is strong enough to ensure sustainable development.

5. What do you expect to be the most pressing environmental issue(s) of the early 21st century?
 - The big battle--essentially the battle for the global constitution--is between trade and global warming. And right now, the WTO and its legal regime is way ahead with its de-regulatory agenda. The WTO's rules are becoming the de facto global constitution. Global warming is still largely outside the reach of international law. The Kyoto Protocol is a start, but we are so far behind it is frightening. We may be headed for chaos and anarchy even while the U.S. and other nations dither.
6. What factors do you see as most important to the success of an environmental campaign?
 - Creativity, courage, and professionalism. And 80-hour work weeks.