

SIMULATION – ENVIRONMENTAL LITIGATION

IMPORTANT DATES

June 01:

- 1) Submission of the memorial.
- 2) All delegates will upload the document through moodle. If the country delegates deem necessary, audiovisual resources can be used in the simulation.

June 02:

IN-CLASS SIMULATION.

SIMULATION: GENERAL DESCRIPTION

We will simulate a hearing at a national court on a case involving climate litigation. The hearing will be chaired by the monitors, representing the judges, and the participants (students) will be state representatives or representatives of the victims.

INTRODUCTION

The city of Groningen located in Netherlands has a huge number of smelters. Several of them there, all being subordinated to a limited company known as FUNDINC, had a facility for the treatment of liquid and solid waste located close to the applicant's home. The facility operated without an environmental license and, due to an operational failure, there was the release of gas fumes, pestilential smells and contamination, which immediately provoked health problems and nuisance to many citizens and reached the soil as well as the river that crosses the city.

The city hall ordered the termination of the disposal of chemical and organic residues in water courses, but the nuisances continued, threatening the health of those living nearby and of the inhabitants who depended on the water of the aforementioned river to drink and to perform domestic activities as cooking and doing the laundry. A reaction to this situation was conducted by Environnementdéfense, an association which aims to settle environmental problems at the global, national and local levels and acts through the monitoring of developments in society which reach the environment.

As the effects of the smelter shutdown were dubious and the adverse effects on the citizens' health and on the city river persisted, Mr Manuel Cerini filed a petition with the state court seeking for redress to the damage caused. Environnementdéfense also

published a report denouncing the operation of the facility and a booklet explaining to the citizens how they could act together on the judicial level.

FUNDINC has business operations in at least ten other countries and is incorporated under foreign law.

RESEARCH AND WRITTEN ASSIGNMENT

1) Research

Excellent database sources are on the Hein Online, Jstor, Cullom-Davis library website, Academic Search Premier, EBSCOhost, Google Scholar, LexisNexis Academic, CarbonBrief, magazines, etc.

In preparing the submissions, students must consider at least the following legal instruments and issues:

- International environmental law principles
- Environmental law concepts and institutes

2) Preparation Paper

Each group will complete a 3-10 pages paper that includes the following components:

- a) A brief statement of the facts.
- b) The preliminary arguments.
- c) Merits.
- d) Requests for the Court.

Paper style/format and avoiding plagiarism:

All sources must be cited properly throughout the paper. You may use the citation style you prefer (e.g. ABNT, MLA, APA, Chicago Style, etc.), but you must choose a style and use it correctly and consistently. Consult style guides, available online. **Give preference to the footnote system.**

Failing to cite sources sufficiently constitutes plagiarism.

Content will be the primary focus of the paper grade. Writing errors will not be considered unless they make it impossible to understand. A paper will lose points, however, if it shows lack of time spent and care taken in its preparation. **Please remember to number your pages.**