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Seminar on the Law of Sustainable Development-- United States

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Seminar on the Law of Sustainable Development— United States

CONDUCTED AT PACE UNIVERSITY SCHOOL OF LAW
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Introduction - John R. Nolon,
Director, Land Use Law Center
Pace University School of Law

Welcome to a video seminar on the Law of Sustainable Development in Argentina and the United States. Our plan is to record these proceedings and show segments of them at a similar seminar to be held next month in Buenos Aires, Argentina.

Today, both countries face a similar challenge. There are three bills before our National Congress in the United States that would radically change the environmental law of this country.¹ Those bills rethink the legal system we have carefully designed over the past twenty-five years to protect and conserve our natural resources. They challenge this system and urge us to examine how our laws can better serve national economic and environmental interests.

In Argentina, the National Congress is facing a challenge that emerges from recent amendments to the Argentine Constitution. These amendments give the citizens a right to a healthy environment and propose to achieve that constitutional right by policies that further "sustainable development," a term that has emerged from the international

1. Omnibus Property Rights Act of 1995, S. 605, 104th Cong., 1st Sess. (1995); Comprehensive Regulatory Reform Act of 1995, S. 343, 104th Cong., 1st Sess. (1995); Job Creation and Wage Enhancement Act, H.R. 9, 104th Cong., 1st Sess. (1995).

community and is beginning to affect national policy. The new Constitution makes it clear that the national government in Argentina has the authority to adopt laws to establish and enforce minimum environmental standards for the entire country.

So, we are searching in both countries for a balance between economic development and environmental protection and trying to see how the law can achieve that balance. Today, our specific purpose is to look at the legal system in the United States and whether it has achieved that balance. We want to understand the context from which it arose; the political, economic, and intellectual basis for it; how it has evolved; and what other approaches were considered. We aspire to do all of this in a very limited time, so each of our speakers has been challenged to be brief and discuss only essential points.

To begin, I would like to introduce our Dean, Richard Ottinger, who has traveled extensively in Latin America and Argentina over the years. He graduated from Harvard Law School, was a Congressman during the 1970s and 1980s, is recognized as one of the principal architects of the Peace Corps and is a long-time advocate of international cooperation. He created our law school's nationally recognized Energy Law Center and is now our Dean.

To officially welcome us, and our friends in Argentina, I would like to introduce Richard Ottinger.