Syllabus of Record

Program: CET Taiwan
Course Code / Title: TP/PPOL 320 Law, Society, and the Natural World
Contact Hours: 45
Recommended Credits: 3
Primary Discipline / Suggested Cross Listings: Public Policy / Environmental Studies, Development Studies, East Asian Studies
Language of Instruction: English
Prerequisites / Requirements: None

Description

How ought law to govern the natural world and whose interests does it serve? This course examines environmental law in Taiwan through the intersections of indigenous sovereignty, legal institutions, economic development, and the natural environment. It explores the normative foundations of environmental protection, indigenous environmental governance, and the jurisprudential questions surrounding the legal regulation of nature. Students then examine Taiwan's institutional framework, legal history, and environmental impact assessment regime, contextualized by environmental disasters, social movements, and subsequent legal reforms. The course's core consists of case studies across environmental domains, framed by an overview of Taiwan's energy landscape and efforts to address the climate crisis. It concludes with comparative and international environmental law, UN environmental and climate initiatives, and the integration of environmental goals into global and regional enterprise management.

Content warning:
This course engages extensively with cases of industrial pollution and environmental injustice. Course materials and discussions address serious illness and death attributed to environmental and occupational exposure, the loss of livelihoods, harm to animals and ecosystems, and the unequal distribution of environmental harm across communities. Several of the cases examined remain the subject of ongoing legal proceedings or public controversy; their facts and outcomes are contested and may change during the term. Such cases are approached analytically and with respect for the persons and communities involved. Students who have concerns about engaging with this material are encouraged to speak with the instructor or CET staff.

Objectives

Through their participation in this course, students will:

- Understand the normative foundations of environmental protection, including indigenous centrality in policies, and the jurisprudential approaches to the governance of the natural world.

- Trace the historical development of Taiwan's legal system and of its environmental impact assessment regime.
- Critically analyze major environmental disputes in Taiwan concerning air, soil, water, wildlife, and the marine environment.
- Apply the knowledge gained to situate environmental governance within the framework of international law.

Requirements
Active participation is essential in this course. Students are expected to attend each class and field study course component as outlined in the CET Attendance Policy. Students are expected to read all assigned materials before the relevant class session and come prepared to participate thoughtfully in class discussions. Reading assignments are generally 30-40 pages per class session. All assignments must be submitted via Canvas unless otherwise noted.

Graded assignments include:

- **Participation:** Students are expected to contribute actively to class discussions, linking the concepts and terms from the readings, lectures, and presentations with their own comments and observations.

- **Discussion leadership:** Each student selects 2 assigned readings and leads a 20-minute discussion which includes summary, critique, and a discussion question.

- **Comparative case study:** For this 1,500-2,000 word case study, students choose a case inspired by topics covered in the course and provide a comparative analysis between Taiwan (or a specific locale in Taiwan) and their place of choice, comparing how the cases develop in the two locales in terms of social and legal perspective.

- **Action plan:** Students select an environmental topic of interest and a place they're connected to and devise an advocacy action plan that draws from the content of the course. Questions to be addressed include: What kind of resources would be needed? Who would you need to engage with, in what ways? What legal frameworks can be relied on
    - 30-minute case presentation
    - Final written (2,000-2,500 words) report, incorporating feedback received during the presentation

Grading
The final grade is determined as follows:

Participation *(see rubric below)*	20%
Discussion leadership (2 at 10%)	20%
Comparative case study	20%

Action plan 40%

- Oral presentation: 20%
- Written report: 20%

Class Participation Grading Rubric

	A – 90-100% Exemplary	B – 80-89% Proficient	C – 70-79% Developing	D – 60-69% Unacceptable	F – 0-59% Missing
Frequency of class participation	Actively contributes 2+ times per meeting	Actively contributes at least 1 time per meeting	Actively contributes at least half of the time during term	Actively contributes less than half of the time during term	Does not contribute
Quality of class participation*	Contribution is always thoughtful, accurate, and constructive, frequently interacting with peers	Contribution is mostly thoughtful, accurate, and constructive, usually interacting with peers	Contribution is somewhat thoughtful, accurate, and constructive, sometimes interacting with peers	Contribution is rarely thoughtful, accurate, and constructive, rarely interacting with peers	Does not contribute or interact with peers
Level of class preparation	Always fully prepared and on task	Mostly prepared and on task	Somewhat prepared and on task	Rarely prepared and on task	Consistently unprepared and not on task

Readings / Resources

Aldo Leopold Foundation. (n.d.). *The land ethic*. https://www.aldoleopold.org/about/the-land-ethic/

Chen, C.-F., Chio, C.-P., Yuan, T.-H., Yeh, Y.-P., & Chan, C.-C. (2018). Increased cancer incidence of Changhua residents living in Taisi Village north to the No. 6 Naphtha Cracking Complex. *Journal of the Formosan Medical Association*, 117(12), 1101–1107.

Chen, C.-L. (2014). Institutional roles of political processes, expert governance, and judicial review in environmental impact assessment: A theoretical framework and a case study of Taiwan. *Natural Resources Journal*, 54(1), 41–79.

Chen, H.-H. (2011). Field report: Professionals, students, and activists in Taiwan mobilize for an unprecedented collective-action lawsuit. *East Asian Science, Technology and Society: An International Journal*, 5(4), 555–567.

Chiu, H.-M. (2014). The movement against science park expansion and electronics hazards in Taiwan: A review from an environmental justice perspective. *China Perspectives*, 2014(3), 15–22.

Chou, K.-T., Liou, H. M., & Lin, M.-X. (2020). National energy transition framework toward SDG7 with legal reforms and policy bundles: The case of Taiwan and its comparison with Japan. *Energies*, 13(6), Article 1387.

Cullinan, C. (2011). *Wild law: A manifesto for earth justice* (2nd ed.). Green Books.

Doremus, H. (2004). The purposes, effects, and future of the Endangered Species Act's best available science mandate. *Environmental Law*, 34, 397–450.

Driesen, D. M. (2003). *The economic dynamics of environmental law*. MIT Press.

Enneking, L. F. H. (2009). Crossing the Atlantic? The political and legal feasibility of European foreign direct liability cases. *George Washington International Law Review*, 40(4), 903–941.

Fan, M.-F. (2006). Nuclear waste facilities on tribal land: The Yami's struggles for environmental justice. *Local Environment*, 11(4), 433–444.

Fan, M.-F. (2024). Energy justice and deliberative democratisation: Reflection on Indigenous territory governance in Taiwan. *Journal of Environmental Planning and Management*, 67(12), 2955–2971.

Fan, M.-F., Chiu, C.-M., & Mabon, L. (2022). Environmental justice and the politics of pollution: The case of the Formosa Ha Tinh Steel pollution incident in Vietnam. *Environment and Planning E: Nature and Space*, 5(1), 189–206.

Farber, D. A. (1999). *Eco-pragmatism: Making sensible environmental decisions in an uncertain world.* University of Chicago Press.

Huang, G. C.-L., Chen, R.-Y., & Park, B.-B. (2021). Injustices in phasing out nuclear power? Exploring limited public participation and transparency in Taiwan's transition away from nuclear energy. *Energy Research & Social Science*, 71, Article 101808.

Jobin, P. (2021). The economy of compensation and struggle for reparation: The case of Formosa Plastics in Taiwan. In *Rethinking post-disaster recovery: Socio-anthropological perspectives on repairing environments* (pp. 25–48). Routledge.

Jobin, P. (2023). The valuation of contaminated life: RCA in Taiwan and the compensation of toxic exposure. *East Asian Science, Technology and Society: An International Journal*, 17, 409–434.

Jou, J.-J., & Liaw, S.-L. (2006). A study on establishment of EIA system in the Taiwan region. *Journal of Environmental Assessment Policy and Management*, 8(4), 479–494.

Leopold, A. (1949). The land ethic. In *A Sand County almanac*. Oxford University Press.

Macpherson, E. (2019). *Indigenous water rights in law and regulation: Lessons from comparative experience*. Cambridge University Press.

McGregor, D. (2021). Indigenous environmental justice and sustainability. In S. A. Atapattu, C. G. Gonzalez, & S. L. Seck (Eds.), *The Cambridge handbook of environmental justice and sustainable development*. Cambridge University Press.

Po, C.-Y. (2022). Vietnam marine life disaster: A test case of a home state's jurisdiction in Taiwan. *Business and Human Rights Journal*, *7*(2), 303–310.

Rayfuse, R. (Ed.). (2023). *Research handbook on international marine environmental law* (2nd ed.). Edward Elgar Publishing.

Rothwell, D. R., & Stephens, T. (2010). *The international law of the sea. Hart* Publishing.

Stone, C. D. (1972). Should trees have standing? Toward legal rights for natural objects. *Southern California Law Review*, 45, 450–501.

Tang, D. T.-C. (1997). New developments in environmental law and policy in Taiwan. *Pacific Rim Law & Policy Journal*, 6(2), 245–304.

Ureta, S., Flores, P., & Soneryd, L. (2020). Victimization devices: Exploring challenges facing litigation-based transnational environmental justice. *Social & Legal Studies*, 29(2), 161–182.

van der Meer, E., Hsiao, S.-S., Lin, Y.-H., & Lai, Y.-C. (2023). Fine-scaled selection of resting and hunting habitat by leopard cats (Prionailurus bengalensis) in a rural human-dominated landscape in Taiwan. *Animals*, 13(2), Article 234.

Wang, T.-J. (2021). Indigenous peoples and the politics of the environment in Taiwan. In C.-Y. Huang, D. Davies, & D. Fell (Eds.), *Taiwan's contemporary Indigenous peoples*. Routledge.

Content

Topic 1 – Environmental Ethics and Indigenous Perspectives

- Why care about the environment?
- Indigenous tradition of living in the natural world

Topic 2 – Jurisprudence and Theory of Environmental Governance
- Environment as a legal subject
- Major actors in environmental governance: state, corporations, local entities, individuals

Topic 3 – Brief History of Taiwanese Legal Systems and Environmental Impact Assessment
- A brief overview of ruling powers and laws of Taiwan.
- Environmental Impact Assessment Act 《環境影響評估法》
- Spatial Planning Act《國土計劃法》

Topic 4 – Overview of Energy Structure and Climate Responses
- Overview of energy production and consumption in Taiwan
- Climate Change Response Act《氣候變遷因應法》

Topic 5 – Air Pollution
- Air Pollution Control Act《空氣污染防制法》
- Formosa Sixth Naphtha Complex

Topic 6 – Soil Pollution
- Soil and Groundwater Pollution Remediation Act 《土壤及地下水污染整治法》
- The RCA case

Topic 7 – Water Pollution
- Water Pollution Control Act 《水污染防治法》
- The ASE water pollution case

Topic 8 – Animal Protection, Leopard Cats, and Land Trust
- Act on Wildlife Conservation《野生動物保護法》
- Land trust efforts and Trust Law《信託法》and Agricultural Development Act
- Agricultural Development Act《農業發展條例》

Topic 9 – Oceanic Pollution and the Third Nuclear Power Plant
- Marine Pollution Control Act《海洋污染防治法》
- Marine Industry Development Act《海洋產業發展條例》
- Marine Conservation Act 《海洋保育法》

Topic 10 – International and Regional Frameworks
- Protocols and frameworks under the UN system (e.g., Montreal, Kyoto)
- Management regimes on multinational enterprises.
- Multilateral cooperation within regions. (e.g., Europe, Caribbean)
- The Formosa Ha Tinh Steel case

Field study and experiential learning components may include:

- Visit to Ministry of Environment
- Visit to local environmental NGO (Trust in Nature Foundation)

Syllabus of Record is subject to minor changes in Term-specific Syllabus at faculty's discretion.