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Environmental Law in 2049: A Look Back

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cultural, forestry, and fishing practices. Already, 75 percent of global fishing stocks are fully or over-exploited. Rapid action can reverse such declines, but even the wealthiest countries have failed to suitably act, often allowing or subsidizing unsustainable practices in the face of contrary legal obligations. Unsustainable practices also produce unpredictable transboundary impacts; witness Somalia, where some pirates claim their international piracy is due to illegal foreign fishing vessels that destroyed their livelihood.

Providentially, the resources exist to address these challenges. Indeed, studies show we can limit temperature increases to 2 degrees Celsius for an annual global commitment, through 2030, of $250 billion to $1.2 trillion. Globally, nations are only spending a fraction of what is necessary, unfortunately. By comparison, annual military expenditures exceed $1 trillion. Thus, the World Development Report 2010 on "Development and Climate Change" notes, "The greatest challenge lies with changing behaviors and institutions, particularly in high income countries."

Still, new endeavors offer hope. The acclaimed Desertec project could provide $2.5 trillion worth of clean energy by 2050 by placing 6,500 square miles of solar panels in barren northern Africa deserts. It aims to provide Africa with clean power, desalinated seawater, and sustained revenue, while meeting 15 percent of mainland Europe's total energy needs.

Will negotiations at Copenhagen lead to a new environmental ethic enabling such progressive developments? If not, we may remind ourselves of Cassius's words to Brutus, "The fault, lies not in the stars, but in ourselves."

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BY MICHAEL B. GERRARD

I never expected to see my 98th birthday. However, thanks to the brilliant invention of the Methuselah pill by Dr. Malia Obama in 2024, the year after her graduation from Harvard Medical School, last August I celebrated with my family and looked back on my 70 years in environmental law.

As I told the kids, the '10s, '20s, and '30s were dominated by the great energy transition. A whole generation of environmental lawyers handled the litigation, the rulemakings, the construction contracts, and the international trade hearings (many of them conducted in Mandarin) that ultimately led to today's solar/wind/fusion economy. The younger lawyers got their training defending or prosecuting the tickets issued by the efficiency police (such as misdemeanor possession of a plasma TV), while novice accountants labored over cap-and-trade forms.

But it wasn't soon enough. The initial legislation was so watered down that U.S. emissions continued to rise through the '30s. Carbon dioxide levels passed 600 parts per million in 2040, the same year the last polar bear died in the balmy Anchorage Zoo.

Today, of course, environmental law is dominated by the constant movement of water. Closed landfills and capped brownfields flood from both the top and the bottom. Mapped wetlands disappear or grow; deserts mostly grow. The no-development zones next to coastal waters keep expanding. The hearings on the proposed $1 trillion aqueduct from western Canada to California's Central Valley just entered their 20th year. The property, business interruption, and title insurance markets remain in chaos.

Meanwhile, lawyers keep busy with the fallout from the energy transition — leaking carbon sequestration reservoirs, the closure of the last fission reactors and the transport of their spent fuel to the repository under Wasilla, Alaska, the dismantling of first-generation wind and solar farms. And military tensions are rising over geoengineering, especially since the Russians launched space mirrors — one tilted and started illuminating Seoul at night, and the Koreans shot it down.

Now my nonagenarian colleagues and I laugh at the days when we worried about parts per billion and about one-in-a-million cancer probabilities. The drowning of Bangladesh in 2045 gave us new perspectives on what risks are worth worrying about.

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The End of the Environmental Profession

PAUL E. HAGEN

In 2049, the practice of environmental law will be on the wane. The nation's most pressing environmental challenges will have taken a dramatic turn for the better following bold actions in Congress, corporate board rooms, and communities across the country.

Many credited the passage of the Public Health and Recreation Act of 2012 for kick starting the gains by making our communities greener and healthier. With a vision rarely seen in the U.S. Congress, legislators determined to control rising health care costs joined with those dedicated to conservation to fully fund the Land and Water Conservation Fund. With a new, sustained commitment, the nation saw a dramatic expansion of urban green space, wildlife refuges, and