



Exploring the Interplay of Legal Precedents and Higher Education: A Case Study Analysis of 'Held v. Montana' and Its Implications for Environmental Education and Sustainability Practices in Academic Settings

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ABSTRACT

This paper delves into the complicated intersection of climate change, environmental rights, and legal frameworks, analyzing the recent landmark case *Held v. Montana*. Acknowledging the escalating challenges posed by climate change and its profound impact on human health and the environment, the study critically examines the role of existing laws and judicial decisions in addressing these intricate issues. Key insights from legal rulings and policy recommendations are synthesized, offering a roadmap for legal reforms at both federal and state levels. The implications of recent legal developments, particularly in the context of international commitments, highlight the pressing need for proactive measures to protect environmental rights and effectively combat climate change.

Keywords: Abandoned spaces; Destructive creation; Erased space; Management

INTRODUCTION

The pervasive impact of climate change necessitates international efforts, exemplified by the Paris Agreement. Recognizing it as a transboundary challenge, policymakers emphasize its intricate interplay in responding to environmental and human health issues.

Concerns persist over the inclusivity of human rights, notably in Article 2, facing opposition from nations such as the United States, Norway, and Saudi Arabia.

Operating within the UNFCCC framework, the Paris Agreement provides a legal foundation guiding climate actions globally. Despite its normative nature, there are concerns about its adequacy in addressing human

environmental rights in the face of climate change. Challenges include withdrawal issues by the subsequent Trump administration and questions regarding its enforceability.

Positive responses demonstrate an implicit recognition of human rights within the Paris Agreement. Internal actions by states aligning with the agreement reflect a commitment to human rights principles. The preamble's references to human rights, while not legally binding, inform the agreement's interpretation, following the International Court of Justice's precedent.

The legal and environmental discourse grapples with the consequences of climate change. Despite international efforts, effectiveness in protecting environmental rights faces scrutiny. Recent cases, like *Held v. Montana*, highlight

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complexities, emphasizing the need to address gaps within legal paradigms.

In response to these challenges, this policy recommends the following:

- **Amendment of U.S. and U.S. states constitution:** Explicitly include the right to a clean and healthy environment for citizens.
- **Federal grants/Funding to higher education:** Promote awareness of citizens' right to a healthy environment and integrate environmental rights into the curriculum.

LITERATURE REVIEW

Background

The increasing consequences of climate change on both the human environment and individuals are incontrovertibly attributable to human-induced factors. The potential consequence, if unabated, is the transformation of Earth into an inhospitable and unsafe habitat. Effectively addressing these challenges necessitates a concerted and strategically planned effort. However, relying solely on judicial decisions presents potential challenges, as disparate interpretations of laws by different courts may undermine cohesive endeavors aimed at combating climate change. To heighten effectiveness in the face of mounting climate issues, it is imperative to amend existing laws. These amendments should be meticulously crafted to instigate positive changes in environmental protection. It is crucial that these amendments are clear and explicit, aligning with legislative intent to provide guidance for courts in their decision-making processes.

Moreover, higher education institutions play a pivotal role in shaping a sustainable future through environmental education initiatives. Such initiatives are instrumental in fostering awareness and understanding of environmental issues among individuals, thereby contributing to the broader goal of mitigating the impact of climate change.

US Context

In the aftermath of the Trump administration's withdrawal from the Paris Agreement, the Biden administration has unequivocally recommitted itself to the accord and is actively engaged in initiatives aimed at combating climate change ("Biden administration pushes for multilateral cooperation and domestic action to combat climate change,"; "The United States officially rejoins the Paris Agreement,". Despite the Administration's efforts to align with the overarching goals of the Paris Agreement, there exists a discernible absence of acknowledgment regarding the implicit safeguarding of environmental human rights within the framework of the agreement [1].

The primary regulatory authority tasked with advancing, executing, and safeguarding human health and the environment within the United States is the US Environmental Protection Agency (EPA). Empowered by legislation such as

the clean air act and the clean water act, the EPA is entrusted with the oversight of greenhouse gas emissions and other environmental considerations. It is contended that a substantial enhancement of the EPA's operational capacity is imperative to effectively contend with contemporary environmental challenges and to adequately safeguard the well-being of US citizens. Rather than solely permitting and penalizing environmental harm, the EPA is urged to adopt a preventative approach that fosters holistic well-being. This necessitates not only the modification of extant laws but also the introduction of new legislative measures.

These recommendations carry weight in light of the imperative to fulfill the obligations outlined in the Paris Agreement and to ensure the effective implementation of its provisions within the United States. The introduction of new legislation or the amendment of existing laws is deemed indispensable at this juncture. Congressional intervention assumes significance due to the constraints imposed by the judiciary in the interpretation and application of environmental laws. The judicial system has rendered divergent verdicts, swinging between favoring and opposing the protection of a pure environment and environmental human rights [2]. This judicial variability has engendered uncertainty and has curtailed the EPA's authority to promulgate regulations and enforce laws deemed essential for environmental preservation. For instance, In *Massachusetts v. EPA*, states challenged the EPA's authority to regulate greenhouse gases. The court addressed standing and EPA's power under the Clean Air Act. Massachusetts demonstrated standing by linking EPA inaction to potential harm from global warming. The court rejected EPA's argument against regulating new-car emissions. The case focuses on whether Congress granted EPA authority to regulate greenhouse gases with limited consideration for environmental human rights. The dissenting opinion raised concerns about the EPA's execution of the law (*Massachusetts v. EPA*, n.d.). In another case, *West Virginia v. EPA*, the court ruled that the clean power plan exceeded EPA authority, emphasizing the major-questions doctrine and constraints within Congress's grants [3]. The decision clarifies it's a legal matter, not driven by environmental or human rights concerns. The court underscores the need for legislative responses to complex environmental issues. In *Juliana* [4].

United States, the central question was whether individuals have a constitutional right to a climate system sustaining human life. The plaintiffs argued that the government's failure to curb fossil fuel reliance violated constitutional rights. The court dismissed the case on "standing" grounds, prompting discussions on whether the U.S. Constitution inherently protects citizens' right to a clean environment. Dissenting opinions acknowledge the government's responsibility to create an action plan. It is also claimed that even without a constitutional amendment, the Fourth Amendment may protect citizens' right to a clean environment.

A subsequent issue that has emerged revolves around determining which court possesses the authority to adjudicate environmental concerns impacting citizens. In the

case of *City and County of Honolulu v. Sunoco LP*, the court dealt with establishing the remedy for concealing the harm caused by energy exploration and extraction from the public. The court concluded that, for such cases to fall under federal jurisdiction, the parties must establish federal enclave jurisdiction. This decision underscores that both federal and state courts wield the jurisdictional power to address issues germane to the protection of citizens' environmental rights.

U.S. States Approach

Numerous states in the United States have integrated provisions pertaining to environmental rights into their respective constitutions. However, these legal enactments are encumbered by certain limitations that curtail their ability to comprehensively ensure the protection of these rights. Notably, these statutes may either not be self-executing or subject to constraints imposed by state legislatures or administrative agencies, thereby impinging on their efficacy. Consequently, the existence of these limitations has led to a surge in environmental rights litigation brought before the judiciary. A case illustrative of these challenges is observed in the State of Pennsylvania, where the extant legal framework posed impediments to the robust safeguarding of environmental rights until the Pennsylvania Supreme Court revisited its stance in the landmark decision of *Robinson Township Commonwealth*. Conversely, the adjudication in the case of *Held v. Montana* marks a commendable stride forward despite being an outcome of a state court proceeding. This particular judicial decision not only addressed the intricate legal issue of standing but also set forth a precedent that fortifies the protection of environmental rights for the citizens of Montana [5]. In this case, young individuals challenged the Montana Environmental Policy Act (MEPA) Limitation, barring consideration of greenhouse gas emissions in assessments. The court declared it unconstitutional, affirming citizens' right to a clean environment, including the climate. The ruling sets a precedent for climate considerations in environmental assessments, emphasizing states' proactive roles. *Held v. Montana* marks a significant victory, highlighting citizen-led initiatives and advancing efforts against climate change.

Sustainable Future: Us Higher Education

Higher education institutions play a pivotal role in societal transformation toward sustainability, extending beyond their conventional function as knowledge hubs. highlights their distinctive capacity to actively shape communities by influencing values, attitudes, and behaviors, particularly through environmental education. Beyond disseminating academic knowledge, these institutions have a unique opportunity to actively shape the values, attitudes, and behaviors of individuals within their communities.

Environmental education within higher education institutions becomes a linchpin for raising awareness about complex interconnections between the economy, politics, and the environment. Providing students with a comprehensive understanding of these interconnections instills a sense of responsibility and solidarity vital for addressing environmental

challenges locally and globally. Student empowerment emerges as a crucial element in this transformative process, involving tangible initiatives such as capacity-building and professional development training programs. This equips students with proactive mindsets and essential skills, aligning with the broader educational goals articulated by, advocating for a strategic reordering of educational priorities toward holistic development.

Moreover, recognizing environmental human rights is an integral component of sustainability and environmental education. Ensuring individuals have the right to a clean and healthy environment becomes fundamental in addressing environmental challenges, underscoring the interconnectedness of environmental issues with human well-being and rights. Higher education institutions play a crucial role in promoting and protecting these rights [6,7].

Held v. Montana assumes a critical role in the landscape of higher education, echoing particularly within the intersections of environmental issues, legal frameworks, and the imperative for educational institutions to contribute to sustainable practices and civic engagement. As a legal triumph for environmental advocates and climate activists, the case prompts reflection on the role of higher education in cultivating environmentally conscious individuals and instilling a sense of responsibility towards pressing environmental challenges.

The case highlights the imperative of integrating climate change considerations into environmental assessments, a theme that aligns seamlessly with the educational objectives of higher institutions. By doing so, it underscores the importance of equipping students with a comprehensive understanding of the complexities surrounding environmental issues, including the far-reaching impact of climate change.

Moreover, *held v. Montana* draws attention to the proactive role that states should adopt in safeguarding the environment and preserving citizens' rights to a clean and healthy environment. This legal dimension holds implications for higher education institutions, highlighting the need to prepare students to engage with environmental governance, policies, and the legal intricacies of sustainability. The case's educational implications are notable, challenging higher education institutions to incorporate legal precedents such as *Held v. Montana* into their curricula. This may involve the development of courses that delve into environmental law, climate policy, and the intersections between legal frameworks and environmental challenges, ensuring students are well-versed in the legal dimensions of sustainability. Beyond the courtroom, the case underscores the significance of citizen-led initiatives in holding governments accountable for their environmental policies and actions. This aspect emphasizes the role of higher education institutions as catalysts for civic engagement and activism, encouraging students to actively participate in environmental advocacy and apply their knowledge and skills acquired through education. In a broader context, the *Held v. Montana* decision contributes to the overarching goal of shaping environmentally responsible citizens. Higher education

institutions are tasked with instilling a sense of environmental stewardship, fostering a commitment to sustainable practices, and inspiring students to become advocates for positive environmental change.

However, the practical implementation of these transformative educational ideals faces challenges, particularly in the form of insufficient funding for higher education. Adequate funding is indispensable for creating comprehensive environmental education programs within higher education institutions. The lack of funding may constrain institutions, resulting in a limited scope of environmental education offerings. Additionally, financial resources are crucial for staff recruitment, ensuring the hiring of qualified educators specializing in environmental studies. The shortage of funding may hinder institutions from attracting and retaining talented faculty members, compromising the expertise available to students. Teaching infrastructure and materials, are essential for effective environmental education. The lack of funding may hinder institutions from providing these resources, limiting hands-on learning experiences and the practical application of knowledge for students.

The historical lack of funding from governments poses a significant challenge to the long-term viability of environmental education initiatives within higher education institutions. Without a reliable funding source, institutions may struggle to sustain and expand their environmental education programs, hindering the comprehensive development and execution of these initiatives.

The successful implementation of high-quality environmental education courses and programs requires a significant dedication of financial resources. The lack of funding from governments poses a major obstacle to the comprehensive development and execution of these initiatives within higher education institutions. Without adequate funding, institutions are unable to create programs, recruit qualified staff, and provide the necessary teaching infrastructure and materials. This financial constraint hinders the ability of higher education institutions to prepare professionals who can contribute to sustainable development and address environmental challenges.

DISCUSSION

Recommendation One

In the realm of environmental policy recommendations, the Biden administration, operating at the federal level, has executed executive orders aimed at fulfilling its obligations under the Paris Agreement. Despite these initiatives, ongoing deliberations persist concerning the sufficiency of the Paris Agreement in safeguarding environmental rights.

Concurrently, concerns regarding the inadequacy of current U.S. legal frameworks to protect such rights underscore the necessity for substantive reform. A proposed strategy involves the incorporation of environmental rights within the constitution, thereby elevating them to the status of

fundamental rights. This incorporation renders these rights subject to strict scrutiny text in the event of legal adjudication (*Held v. Montana*, n.d.). To address climate change-induced challenges to environmental rights, a proactive congressional endeavor should entail the explicit inclusion of provisions within the constitution, thereby eliminating ambiguity and preempting potential constraints from other federal entities.

Conversely, the legal precedent set by the Montana court provides valuable insights into potential state-level legal reform. States endowed with constitutional provisions safeguarding environmental rights, akin to Montana, are encouraged to contemplate constitutional amendments in alignment with court decisions. Such amendments would ensure clarity and preclude assumptions of self-execution or undue restrictions (*Green Amendments*, n.d.). In contrast, states lacking such provisions are urged to actively pursue the incorporation of environmental rights into their respective constitutions.

Implementation: This can be achieved by crafting constitutional provisions recognizing the environmental rights of citizens and ensuring their enforceability through legal proceedings, as articulated in the proposed formulation:

"Each person has a right to a healthy environment, clean air, pure water, and to the preservation of the natural, scenic, historic, and esthetic values of the environment. The state's public natural resources are the common property of all the people, including generations yet to come. As trustees of these resources, the State shall conserve and maintain them for the benefit of all the people, and each person may enforce this right against any party, governmental or private, through appropriate legal proceedings subject to reasonable limitations and regulation as may be provided by law."

Alternative Policy

An alternative policy perspective emerges from the *Sunoco* case, highlighting the intricacies of jurisdictional issues in environmental protection cases. It suggests that provisions safeguarding environmental rights should be enshrined in both federal and state laws, thereby establishing a dual protection framework. This ensures consistent safeguarding of citizens' rights and the environment, irrespective of jurisdiction. A comprehensive and collaborative approach involving both legislative and judicial actions is deemed essential to effectively address the complex challenges posed to environmental rights by climate change [8]. In this light, Congress and the General Assembly of the U.S. States should contemplate amendments to key acts such as the Clean Water Act and Clean Air Act and such states' equivalent laws. Such amendments would empower the Environmental Protection Agency (EPA) and states' agencies to consider citizens' rights to a clean environment in decision-making processes related to emission reduction. The *Held* case serves as a guiding precedent for effective legal reform, illustrating the imperative for contemporaneous legal adjustments in response to the evolving challenges presented by climate change.

Recommendation Two

The U.S. Department of Education should take proactive steps in leading the provision of funding and grants to public institutions of higher education. It is imperative for the U.S. Department of Education to prioritize funding directed toward the integration of environmental rights in teaching and research at public institutions. This approach aims to create awareness among citizens about their right to a clean environment, ultimately preparing students for a sustainable future and equipping them to make informed decisions for environmental well-being.

Moreover, this strategic financial support from the U.S. Ministry of Education has the potential to serve as a catalyst, encouraging states to align their funding priorities with higher education objectives focused on environmental rights and sustainable development. In the long run, this support will contribute to the training and development of students capable of taking on leadership roles, promoting sustainable development, and championing citizens' rights to a healthy environment. Such an approach will foster a society that prioritizes environmental consciousness and responsibility.

Implementation: The implementation strategy for this initiative involves a twofold focus. Firstly, the U.S. Department of Education should allocate dedicated funding streams for public higher education institutions, earmarked explicitly for initiatives related to the integration of environmental rights.

This financial support should be contingent upon institutions developing and implementing curricular and research programs that actively incorporate environmental rights considerations.

Secondly, a collaborative framework may be established between the U.S. Department of Education and state educational authorities. This collaboration seeks to encourage states to align their funding priorities with higher education objectives that emphasize environmental rights and sustainable development. The U.S. Department of Education can incentivize states by providing additional grants or recognition to those that actively support and invest in programs fostering environmental consciousness within higher education.

In the long term, this strategic financial support from the U.S. Department of Education has the potential to act as a catalyst for broader systemic change. As states align their funding priorities with higher education objectives focused on environmental rights, the collective impact will extend beyond individual institutions. Graduates will emerge with a heightened understanding of environmental issues, poised to assume leadership roles in promoting sustainable development and advocating for citizens' rights to a healthy environment [9]. This approach, grounded in education and financial incentives, aims to foster a societal shift towards prioritizing environmental consciousness and responsibility.

CONCLUSION

In conclusion, the proposed policy recommendations advocate a comprehensive framework for integrating environmental rights within education. The U.S. Department of Education plays a pivotal role by allocating dedicated funding to higher education institutions and fostering collaboration with state authorities. These financial incentives, tied to active participation in environmental integration, act as catalysts for systemic change and position graduates to champion citizens' rights to a healthy environment.

A crucial dimension involves amending state and federal constitutions to expressly recognize and protect environmental rights. Such amendments elevate these rights to a fundamental level, providing a robust legal foundation for protection against environmental injustices.

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