



Briefing 2019-2020

The UCL Centre for Law and the Environment provides a focal point for UCL's outstanding expertise and academic strength in the field of law and the environment. The academic members of the Centre pursue a broad range of interests.

Dr Danae Azaria is a public international lawyer with a particular interest in international law on energy and natural resources, as well as the law of treaties, State responsibility, and international dispute settlement. She is a qualified attorney and collaborates as an academic advisor with numerous government departments (in the UK and abroad), international organisations (including the United Nations, and as a member of the Legal Advisory Task Force of the Energy Charter Secretariat), law firms and corporations.



Lord Carnwath was appointed to the Faculty and the Centre in 2020 as an Honorary Professor and Distinguished Judicial Visitor. Lord Carnwath recently retired from the Supreme Court. He is widely admired for his expertise and engagement in planning and environmental law, and will be pursuing his interest in climate change and law from his position in the Centre.

Professor Jane Holder's research focuses on regulatory mechanisms for environmental protection, particularly environmental assessment and its use as a means to assess whether the negative environmental impacts of policies are borne disproportionately by certain sectors of the population.

Professor Maria Lee is co-director of the Centre, and her research interests are in the ways in which law shapes environmental decision-making in the EU and the UK. She also has a long-standing interest in the ways in which tort interacts with environmental governance.

Professor Richard Macrory QC (Hon) is former and founding director of the Centre, and emeritus professor. His research interests include carbon capture and storage, and the enforcement of environmental law.

Dr Gracia Marín-Durán is an international economic lawyer, with a particular interest in the interface between international trade law and international environmental law, as well as in the EU's actions to shape the trade-environment nexus at various levels of governance.

Mr Killian O'Brien joined the Faculty of Laws as DAAD Lecturer (Fachlektor) in Law in September 2020. His main research interest is the international law of the sea. In particular, he is interested in the interface between law of the sea and both international environmental law and asylum and migration issues at sea.



Professor Eloise Scotford researches in the areas of comparative environmental law, climate change law and governance, air quality control, waste regulation, and the intersection between environmental problems and broader legal frameworks. She has a particular research interest in environmental legislation and environmental principles.

Professor Philippe Sands QC has a long-standing interest in public international law, the settlement of international disputes (including arbitration), and environmental and natural resources law.



Professor Joanne Scott's main areas of expertise are European Union Law and WTO Law. She has published extensively on law and new modes of governance, environmental law and policy and on the intersections between different sub-national, national and international legal orders. Joanne is a Professor of European Law at the European University Institute in Florence, and has taken special leave from UCL for a period to pursue that role. She remains closely connected with the Centre.

Professor Lisa Vanhala is a political scientist with expertise in global environmental politics and socio-legal studies. Her current research focuses on the politics and governance of climate change-related loss and damage at the international and national level; the role of human rights principles in climate change governance; and the phenomenon of climate change litigation.

Professor Steven Vaughan is co-director of the Centre. His research spans various fields: environmental law, lawyers' ethics and regulation, legal education, diversity, and corporate governance. In each area, he is interested in regulatory complexity and the frequent mismatch between 'law in books' and 'law in action'.

The Centre for Law and the Environment's **visiting and honorary members** bring a wealth of expertise and experience to the Centre. **Tom Burke** is co-founder and Chair of the environmental think tank E3G, chair of the China Dialogue Trust and Patron of UKELA. He was the Executive Director of Friends of the Earth in the seventies, ran the Green Alliance in the eighties, was a Special Advisor to three Secretaries of State for the Environment in the nineties, and worked for Rio Tinto and BP over the turn of the century. He is currently focused on the relationship between environmental protection and the rule of law. Climate policy failure will undermine the rule of law everywhere but climate policy success cannot be achieved without a firm commitment to the rule of law. This has led Tom to conclude there needs to be a more articulated conversation between the legal and environmental professions.



Dr Ludwig Krämer was head of the Legal Unit of DG Environment, European Commission between 1987 and 1994, and then moved to head the Waste Management Unit. In 2001, Ludwig became head of the unit on Environmental Governance, retiring from the Commission in 2004. He is currently a Senior Counsel to ClientEarth and a board member of the Advisory Board of Justice and Environment. **Professor Catherine Redgwell** is Chichele Professor of Public International Law at the University of Oxford, having been professor of public international law at UCL until 2014, and co-director of an interdisciplinary project on sustainable oceans governance funded by the Oxford Martin School.



Ned Westaway is a barrister at Francis Taylor Building, where he specialises in environmental, planning and highways law. He frequently appears in public inquiries and examination proceedings, as well as before the senior courts. Cases of note in 2020 include litigation in the High Court over proposals to install combined cycle gas turbines at the Drax power station (raising issues of climate change and energy policy) ([2020] EWHC 1303 (Admin)) and over the deregistration of common land in Hampshire ([2020]

EWHC 959 (Admin)) and cases in the Court of Appeal concerning the protection of open space and heritage in Liverpool ([2020] EWCA Civ 861) and green belt protection in Surrey Heath ([2020] EWCA Civ 486).

News from the Centre

The Centre hosted three wonderful events before the coronavirus prevented us getting together physically. For our fifth **Annual Lecture** in October 2019, Professor Chris Hilson spoke on 'The Role of Narrative in Environmental Law: Tales of Nature and the Nature of Tales'. Professor Joanne Scott will give the **2020 Annual Lecture** on 24 November, 'Zoonotic Disease Emergence and the EU's Global Environmental/Land Use Footprint: Limits and Possibilities'. This lecture will examine Europe's role in global deforestation and legal/illegal trade in wildlife, analysing the EU's current efforts to mitigate complicity in activities that lead to deforestation and land use changes that can increase the risk of the emergence of zoonotic diseases, and suggesting ways in which these could be strengthened.

Eloise gave her inaugural professorial lecture in November 2019 on '[Legislation and the Stress of Environmental Problems](#)', with an article version of the lecture forthcoming in *Current Legal Problems* in 2021. The lecture reflected on the complexity of crafting legislative responses to environmental problems, and the role for legal scholars in evaluating the resulting legislative landscape. **Sonam Gordhan**, one of the Centre's PhD students, co-organised and hosted the 5th UCL-KCL Environmental Law PhD Symposium. Early career researchers from across the UK, Europe, India and China came together to discuss their research interests in environmental law. More details can be found [here](#).



From March, we turned online. In May and June 2020, **Maria and Steven** organised two **work in progress** online events, one with environmental law colleagues across the country, and one for UCL students and staff. Various colleagues (Robert, Jane, Maria, Richard, Eloise, and Steven) sharing insights into their current environmental law and policy projects.



Following recent developments within the European Parliament aimed at stricter regulation of the environmental impacts of maritime shipping, **Killian** organised a virtual seminar attended by over 150 participants. Speakers included the rapporteur from the European Parliament environment committee, leading industry representatives and law of the sea experts. The full recording of the event can be found [here](#). And we have a number of online events planned for the rest of 2020 and into 2021, starting with the Annual Lecture in November.

Our students and teaching are at the heart of the Centre. Our LLM in environmental law and policy attracted committed and talented students from all over the world in 2019-20. Information on our specialism can be found [here](#). We also have a thriving undergraduate environmental law module, and new LLB students follow a climate change case study as their induction to the Faculty. At University level, **Jane** has worked with UCL's Sustainability Literacy group to develop principles and a programme of work to align UCL's teaching and research with SDGs. And in July 2020, **Steven** took part in the Faculty's [Summer School](#) (which offers state school students a taste of studying a degree programme and of university life) using a climate change hypothetical to show the 'super wicked' nature of the problem we face. Our research student **Chiara Armeni** successfully completed her PhD, *Public Participation in Decision-Making on Wind Energy Infrastructure*, in early 2020.



Our teaching made a rapid move online in March 2020. Our students are extraordinary. They continue to be as engaged, collaborative and creative as they always are. We are excited about working with our new LLM and LLB students this year and hope to be meeting them in person before too long.



After long and contentious debate, the UK **left the European Union** at the beginning of 2020, although uncertainty around the details of **Brexit** remain. Centre members continue to be involved in advising government, parliamentarians and NGOs. Centre members, along with other environmental law academics and practitioners across the UK, signed [a joint letter](#) published in The Telegraph expressing concern over claims that the Environment Bill 2020 maintains current environmental protections and enshrines the highest standards in law. **Richard** and **Eloise** have been members of the UKELA Brexit Working Party, now renamed with an expanded remit the Governance and Devolution Group. **Maria** has been a member of Greener UK's Brexit Scenarios Group and is an associate of the [Brexit and Environment](#) network. She also participated in a Green Alliance [podcast](#) on extending the transition period. **Gracia** advised the Zero Carbon Commission on how carbon pricing may be implemented in the UK post-Brexit with a view to achieving the 'net zero' target by 2050 as well as on the WTO-legality of border carbon adjustments. **Eloise** participated in a high profile UCL panel event on 'Brexit: What's Next?' in January 2020, exploring the legal and political issues arising from the next stages of Brexit. This was hosted by the Faculty of Laws and co-organised by the European Institute. A video of the event is available [here](#).

The long-awaited Environment Bill was introduced to Parliament in October 2019, albeit briefly given the calling of a General Election. It returned in January 2020, but has yet to come back to Parliament after its Covid-pause. Many members of the Centre have been working hard on issues related to the Bill. **Eloise** has provided evidence to three parliamentary committees on

this Bill and related devolved legislation. In 2019 **Richard** was appointed by Government to establish a new independent body, the Interim Environmental Governance Secretariat. The Secretariat would have become operational had there been a no-deal Brexit during 2019, to fill the gap before the establishment of the Office for Environmental Protection.



Beyond Brexit, **Eloise** engaged with various policymaking and NGO audiences in relation to her research into air quality governance in England and was appointed lead consultant for UNEP's Project on Global Air Quality Legislation. **Steven** gave a talk at the Annual Away Day of the Environment Agency's in-house lawyers team, drawing on the findings from his book *In-House Lawyers' Ethics*, published by Hart in 2018 (and written with Richard Moorhead and Cristina Godinho). **Maria** hosted a plenary

panel at the Society of Legal Scholars [2020 Annual Conference](#) on *The Law School and the Climate Emergency*. For all that we have learned about remote working over recent months, we have a long way to go if our educational and knowledge models are to be carbon neutral. **Philippe** has been invited to chair a working group to elaborate a definition of the crime of 'ecocide', for possible inclusion in the Statute of the International Criminal Court at some future date.

Some selected **highlights from our publications**. **Sonam** published a [timely analysis](#) of the Court of Appeal's decision on Heathrow expansion in the *Journal of Environmental Law*. An executive summary of **Maria's** book (co-authored with Dr Carolyn Abbot) *Environmental Groups and Legal Expertise: Shaping the Brexit Process* (forthcoming with UCL Press) is available [here](#). **Richard's** book *Irresolute Clay - Shaping Modern Environment Law* was published by Hart in April 2020. A formal launch of this very personal account of Richard's experiences over the years in environmental law was postponed due the virus, but we look forward to gathering in due course. **Gracia** published 'Trade and Sustainable Development Chapters in EU Free Trade Agreements: Emerging Compliance Issues' in the *Common Market Law Review*. **Linda Siegele** (one of the Centre's research students) has co-edited a book on [Negotiating Climate Change Adaptation](#). **Lisa** published 'Coproducting the Endangered Polar Bear: Science, Climate Change, and Legal Mobilization' in *Law & Policy*.

In addition to, and as part of, our teaching and writing, members of the Centre have a number of **different projects, appointments and speaking engagements**.

Danae has received a prestigious European Research Council award for her project on *The Silence of States in International Law*, which seeks to understand the legal significance and effects of the silence of States in international law. The project will be a comprehensive study that confronts the current uncertainty about the legal significance of State silence, and reveals its role in international law as a legal system. More information can be found [here](#).



Steven, Eloise, Richard, and Maria are members of the editorial committee of the *Journal of Environmental Law*. **Robert** gave the keynote lecture at the annual UKELA conference, with some personal reflections on climate change and law. **Maria** gave the keynote lecture 'Participation in a time of Crisis' for the annual *Public Interest Environmental Law* conference. The PIEL team developed this into a podcast, which can be found [here](#). **Gracia** spoke at the Energy Transitions 2020 Conference about the promotion of renewable energy in free trade agreements.