



Briefing: 2017-18

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, the law of international responsibility, and the settlement of international disputes. She is a qualified attorney and collaborates as an academic advisor with numerous governmental departments (in the UK and abroad), international organisations (including as a member of the Legal Advisory Task Force of the Energy Charter Secretariat), law firms and corporations.

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 environmental decision making in the EU and the UK, currently focusing on the construction of evidence in decision making on nationally significant wind farm projects. She also works on the way that 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.



Dr Ben Milligan's research focuses on law and sustainable development, governance of natural assets and governance of oceans and coasts.



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 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. Throughout 2018, she has been conducting empirical research relating to the governance of air quality by interviewing local authorities across England. They are at the coalface of air quality regulation, bearing much responsibility with limited resources.



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.



Dr Steven Vaughan is co-director of the Centre, and works on legal practice (including sustainability considerations in the engagement of law firms), law and new modes of governance, contaminated land, and chemicals.

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 and is chair of the China Dialogue Trust. He was the Executive Director of Friends of the Earth in the seventies, ran the Green Alliance in the eighties, was a Special Advisor three Secretaries of State for the Environment in the nineties, and worked for Rio Tinto and BP over the turn of the century. **Martin Hession** is policy lead on international carbon markets and carbon accounting at the European Commission in the Climate Directorate, and is former Chair of the Executive Board of the Clean Development Mechanisms. He took a major role in negotiating what became Article 6 of the Paris Agreement in December 2015, and is now beginning to negotiate its implementation. He is also dealing with a range of initiatives supporting use of carbon pricing internationally, most recently a high-level seminar for senior administrators of emissions trading systems in California, China, Canada and New Zealand at the European University Institute in Florence. **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.

Ray Purdy worked in the Centre as a Senior Research Fellow until 2014. He is a part time Senior Research Fellow at the University of Oxford, and also co-founder of Air and Space Evidence, an SME which have been developing award winning satellite based detection models to identify environmental crime.

They are currently focusing on detecting waste crime at both unknown and licensed sites.

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.

Justine Thornton QC is a practicing barrister at 39 Essex Chambers, and a Deputy High Court Judge. A particular feature of her practice is group actions. Over the past few years she has appeared in the longest environmental trial to date in the UK, arising from environmental damage in South America, and the biggest environmental settlement to date (£55 million), arising from an oil spill in Nigeria.



Sharon Turner was the Executive Director of Governance and Law at the European Climate Foundation (ECF), the largest re-granting foundation on climate change in Europe. She led the strategy setting process for the Foundation, in so far as it relates to legal and litigation interventions, in collaboration with colleagues across the organisation and key external partners. Later this year she will move to Friends of the Earth UK to take up the role of Director of People. She will lead a step change in organisational performance and impact.

Ned Westaway is a barrister at Francis Taylor Building, where he specialises in planning and environmental law. He frequently appears in public inquiries and examination proceedings, as well as before the senior courts, including recently in CPRE Kent's successful challenge to major residential development in an Area of Outstanding Natural Beauty outside Dover recently upheld in the Supreme Court.

News from the centre

Our third **Annual Lecture** in October 2017 was a great success – Professor Andrew Stirling spoke on 'Precaution in the Governance of Technology' to a great audience of students, alumni, academics and practitioners. In 2018, Dr Lisa Vanhala will be asking the question 'Is Legal Mobilization for the Birds? How and Why Environmental Nongovernmental Organizations Use (and Don't Use) the Law in the



United Kingdom, France, Finland, and Italy', 6-7pm, 30 October 2018.
(<https://www.ucl.ac.uk/laws/events/2018/oct/2018-centre-law-environment-annual-lecture>)

At our **Emerging Ideas Forum** in December 2017, Maria, Steven and, Richard, along with a number of invited colleagues from other institutions had informal and fruitful discussions about early ideas for future work.



Amongst many other things, Centre members have been working on climate-related themes, on governance and regulatory issues. Richard continues his work on regulatory sanctions, including giving evidence to the Environmental Audit Committee in December 2017, and talking to government at EU, UK and Scottish level. We also continue to work on Brexit. This year, Maria has given evidence to the Environmental Audit Committee (listen to the Chair's podcast at <https://player.fm/series/2371822>) and the National Assembly for Wales' Climate Change, Environment & Rural Affairs Committee. She continues as a member of Greener UK's Brexit Scenarios Group. Richard has stepped down as co-chair of the UKELA Brexit Taskforce, but Eloise and Richard remain members, including acting on its sub-group for drafting a response to the Government's Environmental Principles and Governance consultation 2018. She highlighted the challenges of Brexit for UK climate law in the *New Scientist* in the 100 days until the planned date of UK departure from the EU: 'One Year Until Brexit: 7 Big Issues that Must be Solved' (*New Scientist*, 27 March 2018). Eloise and Maria have both blogged on the Brexit and Environment website:

<https://www.brexitenvironment.co.uk/>

Our students and teaching are at the heart of the Centre. We have a thriving undergraduate environmental law module. Steven has been working with the LLB Environmental Law students inside and outside of class to co-research and co-write a paper on where and how environmental law is taught in the UK. This is a wonderful project to engage students in research, as well as to contribute to our understanding of environmental law pedagogy.



Our LLM in environmental law and policy attracted committed and talented students from all over the world in 2017-18. We have a new specialism webpage with a lovely video of our students and former students on <https://www.ucl.ac.uk/laws/llm-environmental-law-and-policy>. Steven and Maria held an environmental Law Book Club and Film Club with our LLB and LLM students in 2017-18, reading *The Secret Life of Trees* and watching Steven's favourite film, *Erin Brockovich*, with hot dogs and popcorn.

In February 2018, we held a **Policy and Practice Away Day** for our students, generously hosted by Justine Thornton QC at 39 Essex Chambers.

We have been granted 'Back to Bentham' funding from the Faculty of Laws to celebrate the Faculty's return to our beautifully refurbished traditional home, Bentham House. We shall use these funds for a **UCL environmental lawyers** event on 15 February 2019. This is designed for alumni, current students, members and friends of UCL Centre for Law and the Environment. Former students and current members of the Centre shall talk about their work, in practice, in academia and in public policy.



Some selected **highlights from our publications**. Danae Azaria published a chapter on 'Community Interest Obligations in International Energy Law' in E. Benvenisti and G. Nolte (eds), *Community Obligations in Contemporary International Law* (Oxford University Press, 2018). With Emanuela Orlando, Ludwig Kraemer edited *Principles of Environmental Law* (Edward Elgar, 2018), with 49 contributors. Richard Macrory (with Ian Havercroft) has published the second edition of *Carbon Capture and Storage – Emerging Legal and Regulatory Issues* (Hart Publishing, 2018).

Maria Lee was lead author on 'Techniques of knowing in administration: Co-production, models and planning law' (2018) 45 *Journal of Law and Society* 427-56. Gracia Marín Durán published 'Renewable Energy Subsidies and WTO Law: Time to Rethink the Case for Reform Beyond Canada – Renewable Energy/Fit Program' (2018) 21 *Journal of International Economic Law*. Ben Milligan is contributing author on UK Government Office for Science, *Foresight Future of the Sea: A Report from the Government Chief Scientific Adviser*, www.gov.uk/government/publications/future-of-the-sea--2.

Phillipe Sands published a fourth edition of *Principles of International Environmental Law*, with Cambridge University Press. Eloise Scotford (with Stephen Minas and Andrew Macintosh) published 'Climate Change and National Laws across Commonwealth Countries' (2017) 43 *Commonwealth Law Bulletin* 318. Steven Vaughan blogged on the socio-legal in environmental law (<https://blog.oup.com/2017/09/socio-legal-in-environmental-law/>) and then Chaired a session on the same at the 2017 *Journal of Environmental Law Workshop* in Cardiff. In addition to, and as part of, our teaching and writing, members of the Centre have a number of **different projects and appointments**.



In October/November 2017, Danae was an expert of the UK delegation (in New York) at the Sixth Committee (Legal Committee) of the United Nations General Assembly, concerning the work of the International Law Commission. She was also one of two speakers from the Western and Other European Group (i.e. Western Europe and USA, Canada, Australia et al) at the United Nations official commemoration event for the 70 Years

Anniversary of the International Law Commission in July 2018, where she spoke on the Commission's working methods. Maria was Specialist Advisor to the House of Lords Select Committee on the *Natural Environment and Rural Communities Act 2006*. Her ESRC funded

project, *Evidence, Publics and Decision-making for Major Wind Infrastructure* (with UCL colleagues in the Bartlett School of Planning, and in Science and Technology Studies <http://www.ucl.ac.uk/nsips>) came to an end, with an *Academic Exchange* event between planning and legal scholars in December 2018. In October 2017, Gracia taught on the UN Environment Programme 14th Course on 'Multilateral Environmental Agreements: Trade and Environment'.

Ben has been appointed Co-ordinating Lead Author on both UN Ocean Accounts Partnership *Technical Guidance on Ocean Accounting for Sustainable Development*, and on the Report commissioned by the Global Legislators Organisation and UN Environment, providing guidance to national legislators on environmental lawmaking to deliver the Sustainable Development Goals. Eloise and Richard presented at the annual *Avosetta Meeting* in May 2018, in Vienna, on



deregulation trends and derogation practice in EU member states. The Centre for Law and the Environment is hosting the *Avosetta* meeting in May 2019, where the topic for discussion will be air pollution. Both Maria and Joanne gave keynote lectures at the 16th Annual Colloquium of the IUCN Academy of Environmental Law in July. Maria spoke on *Scale, participation and renewable energy infrastructure*, and Joanne on *The Global Reach of EU Environmental Law*. Steven gave the inaugural Annual Weeramantry Environmental Law and Justice Lecture at the University of Lincoln in March, entitled *The Ethics of Environmental Lawyers*.

Eloise has continued to advise the Commonwealth Secretariat, UNFCCC and UNE joint initiative in creating a toolkit for capacity building in relation to national climate legislation that pursues the goals of the Paris Agreement, unveiled at COP23 (<http://thecommonwealth.org/media/press-release/new-law-and-climate-change-toolkit-unveiled-cop23>).

<http://blogs.ucl.ac.uk/law-environment/>
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