



# **UCL Centre for Law and Environment Briefing 2022-2023**

**UCL Centre for Law and Environment**



## Introduction

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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 rich variety of interests in this field.

## Our members

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**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), law firms and corporations.



**Tom Burke** is an Honorary Professor of Practice at the UCL Faculty of Laws and the Centre. He is co-founder and chair of the environmental think tank E3G, as well as 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.



**Lord Robert Carnwath** is an Honorary Professor and Distinguished Judicial Visitor at UCL Faculty of Laws and the Centre. Lord Carnwath retired from the UK Supreme Court in 2020. He is widely admired for his expertise and engagement in planning and environmental law, and pursues his interest in climate change and law from his position in the Centre.



**Ruth Chambers** is an Honorary Professor of Practice at the UCL Faculty of Laws and the Centre. She has been working as a Senior Fellow at Green Alliance since 2017, an environmental think tank. She has been a crucial part of Greener UK, a coalition of major environmental groups (hosted by Green Alliance), which was at the heart of the environmental community's response to Brexit. Greener UK continues to play a key role in the community's work on the implementation of the Environment Act 2021. Ruth was awarded an OBE in 2022 for her services to the environment.



**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.



**Peter Kellett** (BSc, solicitor non-practising, MA Environmental Law) is an Honorary Professor of Practice at UCL Laws and the Centre. He led the Environment Agency for England's legal team for a decade through devolution, major flooding, Brexit and Covid until he retired in October 2022. He is a former chair of UKELA and is a member of the Law Society's Climate Change Working Party. His interests are in the design and implementation, including enforcement, of environmental law.



**Professor Maria Lee** was formerly co-director of the Centre. She has a long-standing interest in the ways in which law shapes environmental decision-making in the EU and the UK, and has published widely on decision-making in areas from GMOs, to chemicals, to wind farms, to housing. Her current research focuses on two areas: the ways in which environmental NGOs understand and use law and legal expertise; and the law's institutionalisation of participation, by NGOs and broader publics, in environmental decision-making.



**Dr Feja Lesniewska** was a Research Fellow (until May 2023) on circular economy law, policy, regulation and standards, with a focus on mineral-based construction materials such as cement and concrete within the UK. This three-year project is part of a UKRI Institute for Circular Economy Research (NICER) programme. Feja's research publications reflect her interdisciplinary approach to law and the environment, having collaborated with not only lawyers but also engineers, computer scientists, political ecologists and international relations scholars.



**Dr Allison Lindner** is an interdisciplinary legal scholar who uses economics, sociology and law to investigate questions related to environmental law. She is particularly interested in sustainable development, waste law and the informal economy. She convenes the [Waste Law Reading Group](#). She is a Member of the Early Career Research Network of the UCL Collaborative Social Science Domain, and of the UCL Education for Sustainable Development Working Group.



**Professor Richard Macrory QC (Hon)** is former and founding director of the Centre, and Emeritus Professor at the UCL Faculty of Laws. His research focuses on the enforcement of environmental law, including the development of appropriate sanctions. He is a non-executive Board member of the Office for Environmental Protection.



**Professor Gracia Marín Durán** became co-director of the Centre in February 2022. She is an international economic lawyer, with a particular interest in the interface between international trade and environmental regimes, as well as in the EU's actions to shape the trade-environment nexus at various levels of global governance.



**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** became co-director of the Centre in November 2022. She researches in the areas of comparative environmental law, air quality control, climate change law and governance, 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 Joanne Scott's** main areas of expertise are EU 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 Head of Department and Professor of European Law at the European University Institute in Florence. 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 European Research Council-funded research focuses on the politics and governance of climate change-related loss and damage at the international and national level. She also studies the role of human rights principles in climate change governance and the phenomenon of climate change litigation.



**Professor Steven Vaughan** was formerly co-director of the Centre. His work spans various fields: environmental law, corporate governance/corporate social responsibility, and lawyers' ethics and regulation. In each area, he is interested in regulatory complexity and the frequent mismatch between 'law in books' and 'law in action'. Steven's environmental work covers climate change, chemicals regulation, contaminated land, nuisance, legal education, and the use of soft law as a means of governance.



**Ned Westaway** is an Honorary Associate Professor at UCL Faculty of Law and the Centre. He is a barrister at Francis Taylor Building in London, where he specialises in environmental planning and highways law. Ned was Chair of the United Kingdom Environmental Law Association (UKELA) from 2021-2023 and remains actively involved in its work on environmental governance. Ned is on the Attorney General's A Panel of London counsel. His recent work includes judicial reviews on climate change, storm overflows and waste planning. He is also acting *pro bono* for the Open Spaces Society in its intervention in the Dartmoor camping appeal (*Dartmoor NPA v Darwall*).

## News from the Centre

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In 2022, **Gracia Marín Durán** and **Eloise Scotford** took over as co-directors of the Centre for Law and the Environment from Maria Lee and Steven Vaughan, who have provided excellent leadership and thoughtful stewardship of the Centre for many years. Eloise was also appointed Dean of the UCL Faculty of Laws in November 2022, succeeding Professor Piet Eeckhout after five years in the role.

We were delighted to appoint **Peter Kellett** as Honorary Professor of Practice at UCL Faculty of Laws and the Centre in May 2023. Peter led the Environment Agency for England's legal team for a decade through devolution, major flooding, Brexit and Covid until he retired in October 2022. He is a former chair of UKELA and is a member of the Law Society's Climate Change Working Party. His interests are in the design and implementation, including enforcement, of environmental law. Peter led on the design of the Environmental Permitting Framework for England and Wales and on the implementation of civil and criminally-based sanction regimes. His deep expertise and wide-ranging experience of environmental law in practice will be invaluable for our research and our students.

We also welcomed **Justice Nicola Pain** as a Visiting Academic in autumn 2022. Nicola has been a judge of the Land and Environment Court of New South Wales (NSW) since 2002. Earlier in her career, she was director of the Environmental Defenders Office, a public interest community legal centre based in NSW, which specialises in using law to protect the



environment. Nicola has also worked in environmental law and policy in senior positions in Australian and NSW government departments. She is an adjunct professor at the University of Sydney Law School and has taught in the Masters of Environmental Law programme for several years. She has presented and published numerous papers for a wide range of audiences in Australia and overseas on environmental law and related topics.

In May 2023, **Feja Lesniewska** took up a Senior Lecturer position in Sustainable Transitions and Environmental Law at the School of Law of the University of Surrey. She will continue an association with UCL as Honorary Associate Professor at the Department for Civil, Environmental & Geomatic Engineering, as well as being an active member of Allison's Waste Law Reading Group. We wish her all the very best in this new post.

In July 2023, **Philippe Sands** was elected Fellow of the British Academy, which is the UK's national academy for the humanities and social sciences. We warmly congratulate him on this prestigious appointment!

## Student Activities

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Our students and teaching are at the heart of the Centre. Our specialist [LLM in Environmental Law and Policy](#) attracted committed and talented students from all over the world in 2022-23. We also have a thriving final-year undergraduate environmental law module. During the past academic year, **Jane Holder**, **Allison Lindner** and **Eloise Scotford** developed a unique outdoor education element to the LLB Environmental Law and the LLM Land Use, Sustainability and Environmental Justice modules at Camley Street Natural Park, St Pancras. Jane led this initiative, building a valuable partnership between London Wildlife Trust and UCL, and leading to a public exhibition on animal justice and PGR development seminars held at Camley. The key aim is to ascertain the impact of this nature-based experience on learning about environmental law, as the subject of ongoing research.

As part of our commitment to clinical legal education, the Centre generously funded a [paid internship at the Southwark Law Centre](#) during the summer of 2023. Our warmest congratulations to our LLM student, **Gabhan O' Tighearnaigh**, who was successfully selected for this position through a highly competitive process!

In June 2023, we held a **careers event** in which **Ruth Chambers**, **Peter Kellett**, **Richard Macrory** and **Ned Westaway** wonderfully spoke about their professional experiences and insights on various job opportunities in the environment sector to our Laws students.

We are very proud of our vibrant and dedicated community of PhD students working in the environmental field. The Centre supported the Sixth **UCL-KCL Postgraduate Environmental Law Symposium**, which was organised by PhD candidates **Kenta Tsuda** (UCL) and **Mara Wendebourg** (King's College London (KCL)) and held at KCL Dickson Poon Law School in May 2023. It included presentations on environmental law and policy topics by early career researchers from UCL and KCL, as well as from other universities in the UK, Europe, the United States, China, Singapore, and Australia. Centre members **Danae Azaria**,

**Sonam Gordhan, Maria Lee, Eloise Scotford** and **Steven Vaughan** provided feedback as panel chairs.

**Jane Holder**, as Chair of the [UCL Steering Group on Education for Sustainable Development](#), has done an impressive work in developing this educational agenda, including the practical implementation of UCL's 2024 commitment that all students will have the opportunity to study and be involved in sustainability. The Steering Group has devised a programme of work and a ('Four Corners of ESD') framework for embedding sustainability education throughout the university, working closely with colleagues in both the SDGs Initiative and Sustainability UCL to develop this agenda, as well as coordinating 5 working groups. The Group has further provided expert academic guidance and input on consultations, an induction course, awards, policy, and implementation plans, including the development and launch of an ESD network at UCL and a toolbox for academics.

## Centre Events

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We hosted a wide range of wonderful events last academic year at the Centre, in-person and via live-stream. For our eighth **Annual Lecture** in November 2022, **Dr Nadine El-Enany**, from the Birkbeck School of Law, spoke powerfully on [Race, Law and the Air We Breathe](#). Nadine examined the racialised effects of air pollution and argued that the State's failure to limit the harmful, often fatal, consequences of air pollution amount to racial State violence. Drawing on the literature on racialised custodial deaths and families' struggles for justice for



their loved ones, Nadine questioned whether the law can be relied on to account for racialised deaths caused by air pollution. Nadine further reflected on whether it is possible to locate justice for victims of racial State violence and their families beyond the legal system. A recording of the annual lecture is available [here](#).

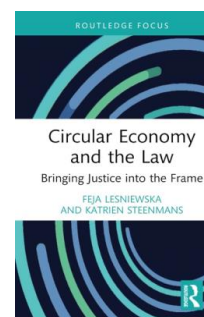


In January 2023, we hosted a major event, jointly convened with Greener UK and UKELA, on the [Retained EU Law \(Revocation and Reform\) Bill](#), at the same time as the Bill was being debated in the House of Commons. Two panels of experts, including **Ruth Chambers, Maria Lee, Eloise Scotford** and **Ned Westaway** from the Centre, discussed the Bill's potential implications for the environmental sector. They addressed significant issues such as fundamental constitutional concerns, the absence of established democratic process and the risks the Bill poses for key environmental legislation. A recording of this widely attended event is available [here](#).



In addition, the Centre held a number of special events led by individual members. In November 2022, **Jane Holder** organised a joint event with the Environmental Law Foundation (ELF) on [Standing up for Nature: Harnessing the Power of Local Communities](#), with Chris Packham and Mya-Rose Craig speaking about their experiences of legal environmental activism and chaired by Carol Day. In March 2023, **Allison Lindner** organised [Spotlight on Waste: Film Screening and Policy Brief Launch](#), which comprised the (hybrid) screening of her beautifully-produced documentary film, 'Reclaiming Now', on waste pickers in South Africa and their struggle to enjoy the social and economic dimensions of sustainable development.

In March 2023, **Feja Lesniewska** successfully launched her book (co-authored with Dr Katrien Steenmans) on [Circular Economy and the Law: Bringing Justice into the Frame](#) (Taylor & Francis, 2023). And in May 2023,



**Maria Lee** organised a workshop to celebrate the publication of her edited collection (with Professor Carolyn Abbot), [Taking English Planning Law Scholarship Seriously](#) (UCL Press, 2023), in which some of the authors and other planning law scholars discussed their work in the area.

## Publication Highlights

**Danae Azaria** published 'The Use of "Other" Rules of International Law by the Law of the Sea Convention Tribunals' in *Peaceful Management of Maritime Disputes* (2023), edited by James Kraska and Heecheol Yang, and wrote an expert opinion commissioned by the UN Commission on International Trade Law (UNCITRAL) on the law of treaties questions regarding a 'Multilateral Instrument on ISDS Reform – Comments on A/CN.9/WG.III/WP.194', available [here](#).

**Maria Lee**, with Professor Carolyn Abbot from the University of Manchester and a team of brilliant authors (including **Steven Vaughan**), published an edited collection of essays, *Taking English Planning Law Scholarship Seriously* (2022). This book is available to [download free](#) with UCL Press. Maria also wrote the chapters on 'English Planning Law: An Outline' and 'Slippery Scales in Planning for Housing'. She was interviewed about the book for The Bartlett Planning Podcast, [here](#). In addition, Maria published an article in the *Modern Law Review* (2023), 'The Aarhus Convention and the Environment Act 2021: Eroding Public Participation', available [here](#). She also published forthcoming work on 'Environmental Democracy and Law on Public Participation' in the Faculty's free to access [Research Paper Series](#).



**Feja Lesniewska**, with Dr Katrien Steenmanns from the University of Copenhagen, published a book on *Circular Economy and the Law: Bringing Justice into the Frame* (2023), which invites a critical approach to developing laws for a circular economy to avoid perpetuating existing injustices in the linear economy. She further published (with Katrien Steenmanns) 'Limitations of the Circular Economy Concept in Law and Policy' in *Frontiers in Sustainability* (2023), available [here](#), and (with Angeliki Kourmouli) 'Losing Ground: Targeting Agricultural Land Take by Enabling a Circular Economy in Construction' in *Circular Economy and Sustainability* (2023), available [here](#).

**Richard Macrory** has published several pieces on the UK's Office for Environmental Protection, of which he is a non-executive Board member, including in the *Journal of Environmental Law* (2023), 'Breaking the Mould – Britain's New Office for Environmental Protection', available [here](#). He also published a chapter on 'Challenges in the Enforcement of Environmental Law' in *Festschrift til Peter Pagh* (2023), edited by Mads Brydie Anderson et al.

**Gracia Marín Durán** published a timely assessment of the EU's carbon border adjustment mechanism with the multilateral climate and trade regimes in the *International and Comparative Law Quarterly* (2023). The article is available open access [here](#). She also published forthcoming work on 'The EU's Evolving Approach to Environmental Sustainability in Free Trade Agreements' in the Faculty's free to access [Research Paper Series](#).

**Eloise Scotford** published a chapter on 'The Status of Environmental Principles in Environmental law' in the *Research Handbook on Fundamental Concepts of Environmental Law* (2022), edited by Douglas Fisher. She was also the primary author of the UN Environment Programme (UNEP)'s [Guide on Ambient Air Quality Legislation](#) (2023) – a major capacity-building guide for national lawmakers developing or revising air quality legislation globally.

**Lisa Vanhala** has continued to publish work based on her research on climate change loss and damage, including 'Putting the Constructive Ambiguity of Climate Change Loss and Damage into Practice: The Early Work of the UNFCCC WIM ExCom' in the *Review of European, Comparative & International Environmental Law* (2023), available [here](#); and 'Evaluating Progress on Loss and Damage: an Assessment of the Executive Committee of the Warsaw International Mechanism under the UNFCCC' (with Angelica Johansson et al) in *Climate Policy* (2022), available [here](#). She also published an article on 'Environmental Legal Mobilization' in the *Annual Review of Law and Social Science* (2022), available [here](#).

**Steven Vaughan** published his sell-out inaugural lecture as a [free-to-read paper](#) in *Current Legal Problems* under the title 'Existential Ethics' in June 2023. This work is part of an ongoing, multi-year project in which Steven is exploring the extent to which lawyers are, or can be held, responsible for the environmental harms of their clients. Steven's research on lawyers and environmental harms has been widely reported this year: as the foundation for and central message of a 5-page article in ENDS Report in March 2023; in the Law Society

Gazette in September 2022; and in *Legal Futures* in September 2022, November 2022, and June 2023.

## Impact and Engagement

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Members of the Centre have engaged in a number of highly impactful research projects and outreach activities.

**Danae Azaria**, as part of her European Research Council-funded [State Silence project](#), has been a Visiting Scholar at Harvard Law School in 2023. She has been conducting research on the inference of a dispute from silence, on the basis of State practice before, and decisions of, the International Court of Justice (ICJ), the International Tribunal on the Law of the Sea (ITLOS), Annex VI arbitrations under the Law of the Sea Convention, and inter-State investment arbitrations.

**Jane Holder** has helped to re-establish and develop a partnership with the Environmental Law Foundation, so that the Faculty of Laws is now a part of the ELF-University clinic network (see [here](#)). This partnership provides a legal practice expertise and focal point for policy research on, *inter alia*, the Aarhus Convention, creating opportunities for students and colleagues. The first clinical project was a review and update, using Freedom of Information requests, of the high-profile report by RSPB and Friends of the Earth, *A Pillar of Justice* (2019), on the rate and success of environmental judicial review cases. The revised report, *A Pillar of Justice II* (2023), based on research by UCL LLM student **Hannah Von Minden**, was launched in June 2023 at a joint CLE-ELF event (*The Changing Landscape of Access to Environmental Justice*) chaired by Jane. A recording of this event is available [here](#).

**Peter Kellett** worked with the Law Society during 2022-23 to help develop and publish its recent world-first detailed guidance for solicitors on climate change practice, which now underpins its ground-breaking Climate Change Resolution.

**Maria Lee** spoke this year at the House of Lords launch of the Environmental Rights Bill, on procedural environmental law since Brexit at the House of Commons EU Literacy Series and on shaping environmental decisions through law since Brexit in the Ministry of Justice Lunch and Learn series.

**Allison Lindner** organised a workshop on [Preventing the 'Wasting' of Waste](#), held in July 2023 at the Faculty of Laws, and funded by the VDI Leadership Fund. The workshop was attended by early to mid-career waste law scholars, who discussed papers that will form part of a journal special issue on waste law.

**Richard Macrory** spoke to the Northern Ireland Legal Services on 'Civil Sanctions and Environmental Law Enforcement'.

**Gracia Marín Durán** has continued her advisory work for the UK Government as a member of the Trade and Agriculture Commission. She has contributed to the drafting of advisory



reports on the [UK-Australia](#) and [UK-New Zealand](#) free trade agreements, and is presently engaged in the scrutiny process of the UK's accession to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership and its implications for UK environmental and animal welfare legislation.

Among his many engagements, **Philippe Sands** has continued to provide advice and assistance on ecocide in relation to developments in national and EU law, as well as a potentially future amendment to the Statute of International Criminal Court. He has also acted as a counsel to Mauritius in the climate-related advisory opinions before [ITLOS](#) and the [ICJ](#).

**Eloise Scotford** presented the new UNEP [Guide on Ambient Air Quality Legislation](#) (above) on UNEP's Clean Air Day for Blue Skies, with launch events in Bangkok (8 September 2023) and Panama (25 September 2023). She was also appointed to the Office for Environmental Protection's Advisory Group on England's Environmental Principles Policy Statement.

## Members' Talks

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Members of the Centre have had multiple speaking engagements in 2022-23, and we very much enjoyed the inaugural lectures of **Steven Vaughan**, '[The Unethical Environmental Lawyer](#)' in October 2022, and of **Lisa Vanhala**, '[Governing the End: The Making of Climate Change Loss and Damage](#)' in June 2023.

**Danae Azaria** gave the keynote speech at the 5<sup>th</sup> Annual Cushing International Law Conference on 'The Nord-Stream Sabotage: Self-Defence, Countermeasures and Domestic Criminal Jurisdiction' in May 2023.

**Robert Carnwarth** spoke on climate change and the law at the International Union for the Conservation of Nature Conference in Oslo in October 2022 and at the Commonwealth Law Association Conference in Goa in March 2023.

**Maria Lee** gave the inaugural Jean Monnet Lecture on 'Environmental Justice and Public Participation: Law Matters' at the Université Libre de Bruxelles, available [here](#). She also gave a keynote lecture for UK in a Changing Europe at the British Academy, on the 'Regulation of the Environment after Brexit', available [here](#), and spoke at the University of Amsterdam workshop (*The Place of Expertise in EU Policymaking*) on 'Mistrust in Procedural Obligations'.

**Allison Lindner** delivered a lecture on 'Sustainable Development and Waste Tyre Policymaking in South Africa' to the SOAS Law, Environment and Development Centre seminar series in November 2022. She also presented a paper on 'Waste Pickers and Sustainable Development (in)Action at a Buy-Back Centre in Johannesburg' at the Society of Legal Scholars Conference, held at Oxford Brookes University in June 2023.

**Richard Macrory** spoke on 'The Role of the Office for Environmental Protection' at an UK Environmental Law Seminar on Water Quality in September 2022 and at the Landmark

Chambers Environmental Law Conference in March 2023. He also presented on ‘The Human Right to a Healthy Environment’ at an International Webinar on Environmental Policy and Law in September 2022. Richard chaired the UKELA Seminar on Waste Law in March 2023 and was the UK representative at the Avosetta Annual Meeting in Bern in May 2023.

**Gracia Marín Durán** spoke on ‘Enforcing Environmental Obligations through Trade Treaties’ at a University of Maastricht symposium (*The Rule of Law and International Economic Law*) in January 2023 and on ‘The EU’s Carbon Border Adjustment Mechanism and WTO Law’ at a University of Nice workshop (*Le Mécanisme Européen D’Ajustement Carbone aux Frontières*). She also delivered lectures on ‘WTO Law and the Climate Crisis’ at the World Trade Institute in Bern in April 2023 and on ‘The EU and International Climate Law: A Multi-Layered Regulatory Actor’ at the EUI Academy of European Law in Florence in June 2023. Gracia chaired the High-Level Roundtable Discussion on ‘Addressing the Climate Crisis in a Context of Geo-Political Conflict’ at the Global Conference of the Society of International Economic Law in Bogota in July 2023.

**Eloise Scotford** spoke on ‘Environmental Principles and the Construction of a New Body of Legal Reasoning’ at the New South Wales Land and Environment Court 40<sup>th</sup> Anniversary Conference in Sydney in August 2022, launching the edited book in which this paper was published as a chapter. She also gave a talk on ‘Climate Change Law and Policy: Lessons from the EU and UK’ at the Paro Forum in Bhutan in February 2023 and for UCL alumni in Hong Kong in May 2023. Eloise delivered presentations on ‘Robust Legislation and Governance for Ambient Air Quality’ at the University Saint-Louis conference (*EU Legislation for Clean Air at a Crossroads*) in Brussels in March 2023; and on ‘Air Quality Legislation and Governance’ at the Fourth Asia Pacific Clean Air Partnership in Seoul in September 2022 (delivered online).

**Steven Vaughan’s** inaugural lecture at UCL Faculty of Laws has led to a number of speaking invitations this academic year: in Amsterdam, he gave the inaugural seminar of the Amsterdam Centre on the Legal Professions and Access to Justice’s new legal ethics series in March 2023; in Toronto, he presented on a panel at the Legal Ethics Symposium of the Federation of Law Societies of Canada and the Canadian Bar Association in March 2023; in London, he delivered the closing keynote of the LawCare Annual Conference in September 2022; and in Reading, he spoke at the UK Environmental Law Association in June 2023. In addition, Steven spoke about empirical methodologies in environmental law scholarship at the annual workshop of the *Journal of Environmental Law* in April 2023.

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#### Image credits

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Lord Carnwath, Supreme Court of United Kingdom, OGL 3 <<http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3>>, via Wikimedia Commons

Still from Reclaiming Now documentary