

UCL Centre for Law and the Environment

Briefing, 2016-17

UCL's Centre for Law and Environment was established to provide a focal point for the Faculty's outstanding expertise and academic strength in the field of the environment and the law. The main goals of the Centre are to advance research and teaching and explore the role of law in meeting contemporary environmental and energy challenges.

The academic members of the Centre pursue a broad range of interests. **Dr Danae Azaria** is a general 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. His research interests include carbon capture and storage, and the enforcement of environmental law. **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 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.



We are thrilled to have appointed three new members of the Centre in 2017. **Dr Gracia Marin-Duran** has joined UCL from the University of Edinburgh. Her teaching and research profile lies in the areas of EU external relations law and WTO law, and she has published extensively on the promotion of environmental protection standards in the EU's external economic policies, as well as on the balance between trade liberalisation and environmental

protection objectives under WTO law. She has extensive experience in providing legal consultancy and *pro bono* advice on trade and trade-related matters to international organisations, governmental institutions and non-governmental organisations. **Professor Eloise Scotford** has joined UCL from King's College London. She actively researches in the areas of comparative environmental law, climate change law and governance, waste regulation, air quality control, and the intersection between environmental problems and broader legal frameworks. **Dr Steven Vaughan** has joined UCL from the University of Birmingham. He is now 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** is co-founder of Air and Space Evidence, and worked in the Centre as a Senior Research Fellow until 2014. He has recently been examining issues including regional and local climate adaptation in the EU, transposition of the Energy Efficiency

Directive, and environmental governance structures in Northern Ireland, for a number of government, EU and civil society organisations.



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. We are delighted that Justine was appointed Deputy High Court Judge in 2017. A particular feature of her practice is group

actions. Over the last couple of 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** is Executive Director of Governance and Law at the European Climate Foundation (ECF), the largest re-granting foundation on climate change in Europe. Sharon leads the strategy setting process for the Foundation, in collaboration with colleagues across the organisation and key external partners, in so far as it relates to legal and litigation interventions. Recently she has been working on the ECF's post Paris strategy to ensure credible implementation of the Paris Agreement in Europe through strengthened EU governance and strategic litigation to remove barriers and blockers. **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 appeal before the Court of Appeal against a large residential development in an Area of Outstanding Natural Beauty outside Dover.

News from the centre

Our second Annual Lecture in October 2016 was a great success – *Professor Yvonne Rydin spoke on Local Publics and Offshore Wind Farms: Constructing Evidence in Nationally Significant Infrastructure Planning*. In 2017, Professor Andrew Stirling will speak on 'Precaution in the Governance of Technology' (Tuesday 31 October, 18:00 - 19:00, <http://www.laws.ucl.ac.uk/event/precaution-in-the-governance-of-technology/>).





Amongst many other things, Centre members have been working on climate-related themes, on governance and regulatory issues – and we have been busy, of course, on Brexit. A number of us have been working ad hoc with different environmental groups in their work on Brexit, and have also given evidence to Parliamentary Committees (eg Maria and Richard both gave evidence to the House of Lords European Union Committee,

<https://publications.parliament.uk/pa/ld201617/ldselect/ldeucom/109/10902.htm>). Joanne Scott convened a Brexit event at the British Academy in January 2017, to which Maria Lee also contributed; Maria published an opinion piece on Brexit in the *Environmental Law Review*.

Richard Macrory was appointed co-chair of the UK Environmental Law Association Brexit Taskforce, of which Eloise Scottford is also a member. In this role, Richard has been meeting with senior government lawyers, Commission officials, and Parliamentarians, as well as overseeing the production of reports covering areas such as enforcement, and international environmental law – see further <https://www.ukela.org/blog/Brexit-Task-Force>. Richard and Justine Thornton have published an article in the 2017 volume of the *Journal of Planning and Environment Law* on the role of environmental principles post-Brexit.



Our students and teaching are at the heart of the Centre. We have a thriving undergraduate environmental law course. Our LLM in environmental law and policy attracted committed and talented students from all over the world in 2016-17. In 2017-18, we are running the following courses: Environmental Governance and Regulation; Trade Linkages in the Law of the World Trade Organisation; International Environmental Law; Law and

Policy of Climate Change; Corporations, Global Business and Environmental Protection; Regulation and Tort; International Energy Law; and EU Energy Law. Our LLM students also write an ‘independent research essay’ on a topic of their choice, which is submitted in September.

In February 2017, we held a *Policy and Practice Away Day* for our students, generously hosted by Ned Westaway at Francis Taylor Building, with fascinating presentations from many of the visiting and honorary members of the Centre. We shall hold another away day in February 2018, this time hosted by Justine Thornton QC at 39 Essex Chambers.



Dr Larissa Boratti successfully completed her PhD in November 2016, on the role of environmental assessment in large scale (football and sporting) infrastructure projects in Brazil. **Dr Olivia Hamlyn** successfully completed her PhD in September 2017, on the failure of regulators to incorporate the values, commitments and concerns underpinning both risk assessment and societal attitudes

to risk in the regulation of risky technologies. She takes pesticides and synthetic biology as case studies.

Some selected highlights from our publications. Dr Azaria was awarded the [Paul Guggenheim Prize in Public International Law \(2016\)](#) for her monograph, [Treaties on Transit of Energy via Pipelines and Countermeasures \(OUP, Oxford Monographs in International Law, 2015\)](#), which also inspired [a panel discussion](#) in the 2016 Annual Meeting of the American Society of International Law. Jane Holder published a chapter on 'Bringing Environmental Justice to the Centre of Environmental Law Research: Developing Collective Case Study Methodology' in A. Philippopoulos-Mihalopoulos and V. Brooks (eds) *Research Methods in Environmental Law: A Handbook* (Edward Elgar). Maria Lee published 'Landscape and knowledge in nationally significant wind energy projects', which also won the SLS conference best paper prize 2016, in the 2017 volume of *Legal Studies*. Richard and Maria each contributed chapters (on carbon capture and storage and public participation respectively) to the *Oxford Handbook of Law, Regulation and Technology*, co-edited by our new colleague, Eloise Scotford.

Ben Milligan co-authored 'A global snapshot of marine biodiversity offsetting policy' for *Marine Policy* 2017. Eloise Scotford published her book *Environmental Principles and the Evolution of Environmental Law* with Hart Publishing in 2017. Joanne Scott was lead author for a paper in the *Journal of Environmental Law*, 'The Promise and Limits



of Private Standards in Reducing Greenhouse Gas Emissions from Shipping'. Steven Vaughan published 'Gorilla Exceptions and the Ethically Apathetic Corporate Lawyer' (with Emma Oakley) in the 2016 volume of *Legal Ethics*.

In addition to, and as part of, our teaching and writing, members of the Centre are working on a number of different projects and appointments. Amongst other things.



With Voluntary Action Camden and the Environmental Law Foundation, Jane Holder is holding three events in Somers Town and Euston aimed at collecting **community evidence on the health effects of development** in the area, funded by the UCL Justice and Equity Grand Challenge in October 2017. Maria Lee is **Specialist Advisor** to the **House of Lords Select Committee on**

the Natural Environment and Rural Communities Act 2006. Gracia Marin-Duran and Joanne Scott have written a **Legal Expert Opinion** for Environmental Justice Foundation/Oceana/WWF on 'WTO compatibility of an IMO number requirement (as a means to combatting IUU fishing) for non-EU vessels supplying fisheries products into the EU market'. Ben Milligan has been appointed to the **UN Environment International Resource Panel Working Group** on governance of extractive industries. Joanne and Ben are part of an inter-disciplinary EPSRC-funded team investigating the climate change dimensions of shipping. Eloise Scotford continues to advise the Commonwealth Secretariat on a joint UNFCCC/UN Environment/Commonwealth Secretariat initiative to develop a **Climate Change Toolkit** for sharing knowledge about climate change legislation between countries, particularly to assist with legal capacity-building in developing countries.

And finally, Maria and Joanne both gave UCL Lunchtime lectures in 2017, on 'Exploring landscape in the context of wind energy' and 'The Global Reach of EU law' respectively, available at <https://www.youtube.com/watch?v=9j5HZ5nQaC0> and <https://www.youtube.com/watch?v=-KGmktZT3Yo>.

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