



e-law

UKELA Making the law work for a better environment

A First Word

Message from UKELA's new Chair – Peter Kellett



I am delighted and honoured to have become UKELA's first public sector Chair. Like so many of you, I was refreshed and enlivened by the wonderful annual conference in Canterbury. I am very grateful to the conference team for their hard work in making it a balanced, high-quality and environmentally friendly conference. Those who saw the gorillas 'in human care' at Howletts will long recall how fragile their very survival has become.

I want to give my personal thanks, and to repeat that of Council, to Daniel Lawrence our retiring Chairman for his active support to UKELA over many years and also to Freshfields for its generous support. Daniel, and his predecessors, have done much to modernise and transform UKELA into the organisation it now is with balanced books and clear priorities.

Substantial challenges lie ahead. Rapid changes in environmental law and policy look set to continue. My priorities are to:

- seek to raise UKELA's game in influencing so it makes objective arguments at the right time;
- support a fundraising appeal to deliver UKELA's E-library project and further organisational development;
- deliver a challenging but achievable new corporate plan; and
- deliver the right range of events for the broad church of UKELA's membership, maintaining good corporate governance.

I am lucky to have the support of a very strong volunteer team on Council and of our hard working contractors Vicki Elcoate, Executive Director, and Alison Boyd, Membership Support Officer without whom UKELA would struggle to deliver.

I want to flag a couple of dates for your diaries – Richard Hawkins one of UKELA's founding fathers and a memorable public speaker will give this year's Garner Memorial Lecture at Freshfields on **16th November 2008** (bookings open shortly) and planning for next year's conference in **Durham on 3-5th July 2009** has already begun. Please let us have your ideas for Durham so we can build them into the conference plan.

Mark Brumwell, UKELA's new Vice-Chair, and I hope to meet many of you during our term in office and to keep UKELA on track 'making the law work for a better environment'.

Peter Kellett
Chair
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Diary dates:
Garner Lecture - 16th November 2008
UKELA conference - 3-5th July 2009

UKELA COUNCIL ELECTION RESULTS 2008

Alison Boyd

Member Support Officer

UKELA members were invited to vote for candidates to fill 3 Trustee vacancies that had arisen on UKELA's Council of Management. The vote took place during the period 2-16 June and was for the first time conducted electronically by the independent company Electoral Reform Services on behalf of UKELA. Those without access to email were able to vote by post. 5 candidates put themselves forward for election to Council and 3 were successful:



James Maurici of Landmark Chambers, Mark Brumwell of Dundas & Wilson, Andrew Wiseman of Blake Laphorn Tarlo Lyons

They are elected for an initial period of 4 years with an option to stand again for re-election for a further 4 years. All 3 new Trustees are congratulated on their successful election and Council looks forward to working with them.

At the first meeting of the new Council on 9 July 2008 Peter Kellett was co-opted onto Council and elected Chair of the Association, Mark Brumwell was elected Vice Chair and Jim Drysdale was elected Treasurer.

Peter Kellett, Mark Brumwell, Jim Drysdale, Catherine Davey, Stephen Sykes, Colleen Theron, Tim Clare, Andrew Wiseman and Elizabeth Hattan comprise the Executive Committee responsible for day to day management of the Association. More information about Council members can be found at

<http://www.ukela.org/rte.asp?id=6>

NEW WEB SERVICE FOR ACADEMIC MEMBERS

A meeting of academic members was held at the Annual Conference in July to consider how the Association could improve the opportunity for academic members to participate in its activities. Those ideas have been taken up by Council, and its membership development working group, and detailed proposals are now being prepared. The results of that work will be announced in due course.

In the meantime, we propose to act on one of those suggestions immediately. We want to use dedicated space on the Association's website to improve networking opportunities for academic members, to raise awareness in the wider Association of academic expertise and current areas of interest, and to facilitate improved links between those members and (in particular) our regional groups and working parties.

Members who'd like to participate in this new initiative – including, of course, postgraduate research students – are therefore warmly invited to send contributions for the new web pages, of no more than 200 words, to Alison Boyd alisonboyd.ukela@ntlbusiness.com. These should include the member's name, institution and contact details, a brief summary of current areas of interest and current work, and perhaps key recent and forthcoming publications or papers. (For reasons largely of space, we must reserve the right to edit contributions).

We will not include electronic copies of articles or other publications, but (within reason) are happy to include links to home institutions and research centres.

We're keen to make this a genuinely helpful facility, so if you have suggestions for improvements, or variations, do please also let us know. Subject to interest, we intend to launch the new pages for the beginning of the next academic year, and will review their use in the spring. Contributions can be sent at any time.

Tim Jewell - Web Editor

Young UKELA Group

UKELA's Council has given its blessing to a proposal to set up a group for younger members of UKELA. The idea has emerged following the UKELA conference from Ruth Coffey, a barrister, and Gabrielle Tipple of DLA Piper.

Ruth writes: "We spoke with a number of the young ones there who are mainly not doing much environmental law and want to do more, and some of us found it rather difficult meeting people at such a big event. Gabrielle and I would like therefore to set up a Young Environmental Lawyers' Group or Association, as part of UKELA, in order to give the younger people wanting to get into the field more chance to meet, learn and network. The idea would be similar to the Young Fraud Lawyers' Association, with perhaps 3 or 4 talks a year (which we could get CPD accredited) and then perhaps an annual dinner. We would envisage it being for perhaps 7 years post qualification and under, but with senior people invited to speak, and to meet if they would like to". There is more work to do developing the idea and a launch event is to be planned for the autumn. If any "younger" members would like to be kept informed please tell Alison Boyd alisonboyd.ukela@ntlbusiness.com who will forward your details to the two organisers. More information in the next edition of e-law and on the website in due course.

CONTAMINATED LAND - ONLINE SURVEY

Steven Vaughan

Solicitor, Doctoral Researcher

I am a doctoral researcher at Cardiff University under the supervision of Professor Robert Lee.

This summer, I am undertaking research in relation to the contaminated land regime in England and Wales contained within Part IIA of the Environmental Protection Act 1990. The research is entitled "Policy, Practice and Procedure: A Study of Contaminated Land Remediation" and aims to look at two areas: (a) the opinions of those who know the area as to whether the regime is effective or not; and (b) how lawyers advise clients in relation to Part IIA risk allocation and mitigation.

I have produced an online survey as part of this research project. It is very simple to use, takes no more than 10 minutes to complete and can be found using the following web-link: <https://www.surveys.cardiff.ac.uk/contaminatedland/>

I should be very grateful if you could take the time to complete the survey. Sections 1 and 2 can be completed by any UKELA member (lawyer, consultant, academic, student, NGO officer, governmental official etc), whereas Section 3 is aimed solely at solicitors advising clients in relation to Part IIA risks.

While the survey is open, I am also conducting a series of face-to-face interviews with nationally recognised solicitors who advise in this field. Those who participate in the survey and/or interview process are very welcome to a copy of the research findings, which should be finalised by mid September this year.

Conference 2009

The dates for the 2009 UKELA conference have been settled: July 3rd to 5th at Durham University. Although some of you might think this is a little late in the year because of school holidays, as we are dependent on university accommodation it proves challenging to find a venue with good quality facilities which is free when UKELA needs it. Hopefully this will suit most people, particularly as you have early notice of the dates. Durham University has excellent facilities and is in a beautiful city with good public transport links, particularly by train, which will help minimise the event's carbon impact. If you have any thoughts or suggestions for the 2009 conference planning team please email Vicki.elcoate@ntlworld.com.

Kent Conference 2008

Nearly 250 delegates attended the UKELA Annual Conference 2008 held at the University of Kent over the weekend 20-22 June, to discuss the shifting responsibilities in environmental regulation. Feedback was very positive:

"The Conference was excellent and all involved should be congratulated"

"Very enjoyable. Good opportunity to meet many different people. Very good talks. Very good field visit and most enjoyable gala dinner"

"I liked the strong intent to minimise carbon footprint"

"The conference raised my awareness of new and important issues in environmental law"

"Origin Events have done really well – seems very smooth and slick. Well done them! Good to see their friendly faces again."

Of the Gala Dinner at the cathedral: "delicious dinner in a great venue"; "Chapel Down pinot noir a revelation"

100% of delegates either strongly agreed or agreed that the Conference lived up to their expectations and gave them very good value for their money and time. 100% of delegates said that they would recommend the Conference to others and would definitely attend again. We hope to see you next year!

Thank you again to all the sponsors of UKELA Kent 2008. The main sponsors were WSP and 39 Essex Street.



BONFIRES

Alec Samuels

A “bonfire” can be a genuine cause of complaint. The smoke smells unpleasant, looks unpleasant, deposits particles, injures health, drives people from their gardens, and obliges them to close their windows. Waste should be recycled wherever possible, or disposed of through the local authority.

A statutory nuisance is constituted where any premises are in such a state as to be prejudiced to health or a nuisance Environmental Protection Act 1990 s79(1)(a), and includes smoke (e); fumes or gases (c); dust, steam, smells or others effluvia arising on industrial, trade or business premises (d); and any accumulation or deposit which is prejudiced to health or a nuisance. Smoke from a domestic chimney is excluded s79(3)(i).

The essence of injury to health is disease or illness R v Bristol City Council (1999) 1 WLR 1170, (1999) 2 All ER 193, CA.

Smell from sewage works is covered Hounslow LBC v Thames Water (2003) EWHC 1197, (2004) QB 212. Dust, fumes and gas are defined, and also “prejudicial to health” which means injurious, or likely to cause injury, to health s79(7). In practical terms it may not be easy to find a convincing expert, medical or other, to say positively that getting a bit of smoke in your lungs will or might cause injury, especially when it is readily avoidable by moving away. The local authority is under a statutory duty to cause its area to be inspected from time to time to detect any statutory nuisances which ought to be dealt with and where a complaint of a statutory nuisance is made to take such steps as are reasonably practical to investigate the complaint. Where the local authority is satisfied that a statutory nuisance exists, or is likely to occur or recur, the local authority shall serve an abatement notice requiring abatement and any necessary steps s80(1). Failure to comply without reasonable excuse is an offence s80(4).

In parallel a smoke control area made under the Clean Air Act 1993 imposes controls over domestic inside fires emitting smoke, grit, dust and fumes, and the type of fuel that may be burned in them and authorises the declaration of a smoke control area part III ss18-29. Dark smoke from industrial or trade premises and smoke, grit, dust and fumes from furnaces constitutes an offence Clean Air Act 1993 parts I and II ss1-16.

“Garden grabbing”, Alec Samuels

“GARDEN GRABBING”

Alec Samuels

So-called garden grabbing has become a matter of some controversy. A garden is included as a “brownfield” site and therefore at considerable “risk” of gaining planning permission for housing, either from the local planning authority or, more probably, the planning inspector.

Most people recognise the need for new housing. The population is growing, by reason of EU freedom of movement and non-EU immigration; the number of households is growing, partly due to lifestyle and family dysfunction; land for building is a finite commodity and in short supply; density in some areas is not that high, compared with some cities in Europe and the United States; the existing housing stock is ageing and decaying, especially the not so well built 1950s and 1960s stock; the number of dwellings being built is not meeting the need and the demand and the targets; relatively minor development in gardens can often utilise the existing services; most of us live in houses built on what were once gardens; NIMBYism is socially unattractive; the owner of the garden can realise some useful capital.

Government policy is to be found in Planning Policy Statement 3 PPS 3, Housing, 29 November 2006, DCLG. 60% of new housing should be built on brownfield land. Gardens are brownfield, although the local planning authority may set different targets for different kinds of brownfield. The housing needs of children include gardens, play areas and open spaces. PPS3 is supplemented by the National brownfield strategy and the publication *Brownfield guide: A practitioner’s guide to land re-use in England*.

Where a garden is of special historic interest it should appear in the English Heritage Register of Parks and Gardens (see Historic Buildings and Monuments Act 1953 s 8C, inserted by National Heritage Act 1983 s 33 schedule 4 para 10, a form of listing. However, this is necessarily a very limited category.

Adverse effects

Opponents of garden grabbing are most concerned about the adverse effects. The development is usually high density, flats not family housing. Affordable housing is often not promoted, because the number of units is often below the threshold (15 units set by the Secretary of State, sometimes lower by the local planning authority), and developers are naturally anxious to avoid the situation in which the unsubsidised affordable element. The many benefits of a garden are lost: Amenity, privacy and safety for the family, especially the children, healthy living. The growing of fruit and vegetables; and composting botanical waste. Trees. Biodiversity in the natural habitat and wildlife. The reduced carbon emission benefits (see Delivering sustainable development PPS1). Rainwater leeching into the soil instead of running off a hard surface, being lost, causing flooding (see Development and flood risk PPS 25). A garden cannot be compared to a disused industrial site. A garden is bizarrely described as previously developed land. It would be a thousand pities if only green belt and commons and town and village greens and perhaps agricultural land and woodland were to be considered as the only open spaces worthy of protection against housing development .

“It is not known how many gardens are lost annually... but in a number of areas the proportion is as much as 50%, in some even 70%”

Developers search the leafy suburbs, by way of aerial and satellite inspection, and the ordnance survey maps, and use local intelligence. They offer substantial and enticing sums of money to owners of large gardens. If development takes place in one garden in the road the pressure soon mounts on the remaining owners, the value of their properties may fall, they are driven out, the domino effect, and the character of the whole road is irrevocably changed and lost. The local planning authority is reluctant to refuse the planning application, and reluctant to have to spend resources on unsuccessfully resisting the appeal of the applicant developer to the inspector.

It is not known how many gardens are lost annually, or what overall proportion of new developments involve gardens; obviously the situation differs from local authority to local authority, but in a number of areas the proportion is as much as 50%, in some even 70%.

Parliamentary efforts

A number of MPs have been trying to rectify the situation by legislation, Caroline Spelman, Greg Clark, Chris Mullin, Frank Field, and a substantial number of MPs from all political parties. The Private Members Bill Land Use (Garden Protection) Bill 2007 failed (see Hansard House of Commons 2 February 2007). The Protection of Private Gardens Bill 2008 is similarly doomed (see Hansard, House of Commons, 18 March 2008, cols 752-756). Government insists that the need for new housing must be paramount.



NO RIGHT OF NAVIGATION IN NON-TIDAL RIVERS

Alec Samuels



There is no general public right of navigation in a non-tidal river, or at least that seems to be the law, subject to statute or to any future decision in the House of Lords. Such authority as exists seems fairly clear, albeit that it may be based on a misunderstanding of the alleged common law and on a false premiss. For a robust assertion of the alleged common law, see *The Right of Navigation on Non-Tidal Rivers and the Common Law*, Douglas Caffyn, 225 Kings Drive, Eastbourne, E. Sussex, BN21 2UR. In earlier times the rivers were used by barges for commercial purposes, such as coal and aggregate, and for agricultural purposes, such as timber and agricultural produce. Local circumstances differed widely and most rivers were governed by their own charter or patent or local statute. Today the commercial and agricultural barges have largely gone, and the demand is for recreational and leisure use, e.g. canoes and small sailing craft and rafts. A public right of way usually arises by long user and prescription. The House of Lords held that the Rights of Way Act 1932 does not apply to rivers *Attorney-General (Yorkshire Derwent Trust) v Brotherton* (1992) 1 AC 425. Lord Oliver did say in passing 438H: "...there has to be borne in mind the position at common law both of the rights of the public and private landowners. The rights of the public (including of course, public rights of navigation) could be established either from express dedication or from dedication presumed from a long-continued user." Given that the claimant navigator canoeists have no statute to assist them, they are unlikely to have been navigating or trying to navigate for a long-continued time, and are likely to have been prevented or opposed or challenged, the establishment of a common law right in any particular non-tidal river or stretch of it is inherently exceedingly difficult. For a critical note see *The whittling away of way*, P. Kohler (1992) 56 Conveyancer 354-361. The other sparse authorities similarly do not directly establish a right of navigation: *Simpson v Attorney-General* (1904) AC 476, Lord Macnaghter 477-496 – history of the river Ouse, and statement that pleasure boats used the river as an indulgence not a right, 492-493. *Rawson v Peters* (1972) Times 2 November, (1972) 225 EG 89, (1972) 116 SJ 884, CA – interference with right of fishing by canoeists on River Wharfe is actionable.

One can readily see the difficulties. It is said that navigating craft interfere or can interfere with fishermen and fishing, tangling with the lines, and by disturbing the fish and the spawning grounds, although there seems to be little evidence of this. Exactly where could the craft go? How big a craft and how many? Could a craft "drop anchor"? Presumably persons in the craft could not land on private property, that would be trespass. Who would be responsible for maintaining the banks and locks, dredging, and generally looking after the river?

The right to roam in England, Countryside and Rights of Way Act 2000, applies only to land, i.e. mountain, moor, heath or down. In Scotland, Land Reform Act Scotland 2003, the right to roam does appear to cover rivers, waterways, as land seems to include land covered by water and there is reference to vessels (which must however be non-motorised).

The British Canoe Union has been campaigning for a public right of navigation, the River Access campaign. There are inevitably conflicts of interest and circumstances can differ so much from one river to another and from one section of a river to another. Government policy does not favour statutory rights but access agreements with landowners. (Hansard, House of Commons, 6 February 2008). But and only about 2 per cent of the *“access agreements have made little progress, and only about 2 per cent of the 66,000 kilometres of rivers have been negotiated”* such access agreements have made little progress, 66,000 kilometres of rivers have been negotiated. The Devizes to Westminster Bridge canoe race held annually since 1948 at Easter is almost unique, some 125 miles long. The Environment, Food and Rural Affairs Committee of the House of Commons is currently enquiring into British Waterways. One might have hoped that Government, DEFRA, England, English Heritage and Sport could together produce an acceptable scheme, protecting the fish and the fishermen, promoting canoeing (and swimming), and promoting outdoor recreation and fitness. Why not by statute empower the Environment Agency or the British Waterways Board on request to consult all interested parties and then, at discretion, to grant a licence to navigate, subject to terms, e.g. an identified stretch of the river, the nature and numbers of the permitted craft, any seasonal and time limits, and any such conditions as may be thought to be appropriate; with a right of appeal to an independent tribunal for any dissatisfied party having a legitimate interest. That way clarity and certainty and fairness could surely be achieved, and disputes resolved.

WHEN, IF EVER, DOES STUFF BECOME WASTE AND WHEN, IF EVER, DOES WASTE CEASE TO BE WASTE?

Alec Samuels

When, if ever, does stuff become waste and when, if ever, does waste cease to be waste? The question may be asked, what does it matter? Is it just a semantic matter? Is it of any significance? Is it of any interest or concern to industry and business and indeed the law? The answer is yes, the whole matter of what is and what is not waste is of fundamental importance.

Society is increasingly aware of the need to protect the environment and the quality of life. We are all “green” these days. The minimisation of waste creation and the recycling of waste are extremely important political, economic and social policies. Public health and public safety must be protected from polluting processes and materials. Managing waste may carry a considerable cost. Unnecessary waste is uneconomic. Waste has considerable potential for sensible re-use or conversion into energy. Government and the departments, such as Department for Environment, Food and Rural Affairs DEFRA, Department for Business, Enterprise and Regulatory Reform BERR, Department of Health DoH, Department of Transport DoT, and Department for Communities and Local Government DCLG are all interested and exercise a degree of control, as are the Environment Agency EA, and local planning authorities. Control involves law and regulation and licences and costs. Naturally the EU has made Directives on the matter, Waste Framework Directive 2006/12, and there are a number of ECJ decisions, principally the ARCO case (2000) ECR I-4475, (2001) Env LR D6. Unfortunately the ECJ law is vague and inconsistent and unclear and has created difficulties for the UK judges. Therefore it is particularly welcome to have a really fine indeed exemplary judgement by Carnwath LJ, clear analysis, compelling logic, clear exposition, robust approach, practical and sensible, a guideline of immense assistance, R (OSS Group Limited) v Environment Agency (2007) EWCA Civ 611, (2007) 3 CMLR 30. Also reported under the name OSS Group Ltd v Environment Agency.



There are many examples of how the situation does or may arise. Industry is still at work in the UK, and the “waste” industry is a huge industry, and industry is increasingly technically sophisticated.

- Oil after use in garages and cooking.
- Offcuts in furniture factories.
- Quarry stone bits left over after cutting and dressing stone for sale.
- Scrap metal collected by the trade.
- Ash taken out of incinerators.
- The farmer harvests his cauliflower crop, cuts off the leaves, sells the cauliflowers to the supermarket, and feeds the leaves to his pigs.
- Sewage sludge taken out of the water treatment process.
- Coal is used to produce gas, leaving coke.
- Water mixed with oil is pumped up from the oil well, the water is drawn off and pumped back into the geological strata.

What is going to happen to all this “stuff”? Is it going to be disposed of in landfill? Or incinerated, a process which may or may not create energy to be used by the company originally creating the waste, i.e. absorbing its own, or sold to the incinerator company which in turn sells to the national grid? Or decontaminated and re-used or resold as oil equivalent to the original? Or ash used as aggregate for new roads or filling holes or preparing building sites? Or sewage sludge converted into pellets and sold to farmers?

What are the principles to be applied to the issue of whether the stuff has become waste or ceased to be waste? The approach of Carnwath LJ was that it depends upon the purpose or intention of the company, that purpose or intention to be derived from the relevant factors or circumstances, applying the Directive and ECJ principles, so far as they are ascertainable.

The stuff may or may not be described as “waste” in the trade, the people who work in the industry or business.

In the past the word “discard” has frequently been used, that is to say if it is discarded then it must be waste. But this can be misleading, because the stuff may be discarded in the sense that it is no longer needed or involved in the original or primary process, but it may nonetheless have a perfectly useful and intended secondary purpose, exploited as such, e.g. the oil is to be decontaminated and reused or sold, the wood offcuts are going to be burned in the company incinerator for energy generation, the left-over stone is going to be sold as garden chippings, the scrap metal is going to be melted down to produce new metal, the ash is going to a road building company, the sewage sludge is going to be sold in pellets to farmers. Is the stuff seen as waste or as a secondary product? Is it being used in a responsible and sensible manner? Of course it may not in the event be possible to reuse or sell the secondary product, in which case it may have to be pulped or discarded or taken to landfill or incineration as waste.

It has to be said that the robust approach of Carnwath LJ may not survive if challenged in due course in the ECJ (although no reference to the ECJ was made in the OSS case). The EU is understandably, and not unreasonably, very concerned about waste. Having regard to the European precautionary principle the ECJ is likely to see most of the stuff left over from the immediate primary purpose and use to be waste, even if the stuff is to be put and indeed is to put a useful purpose. The ECJ will probably attempt to avoid the classification or not view favourably what they may see as an the control exercised over waste. But at least the judgement of Carnwath LJ represents a most useful stand and precedent for logic and common sense in this whole matter. Industry and business would do well to take legal advice, carefully review their processes, and so far as possible so order their processes so as to eliminate or reduce the scope of the possibility of the dreaded word waste. A planned continuous process, encompassing everything, is the approach to go for, so far as possible leaving nothing over, nothing to be “thrown away”. Was it not the Icelandic peoples or Eskimos who used each and every part of the caught whale?

As Carnwath LJ so eloquently said (para 68), DEFRA and EA should get together in order to produce a better defined and more user-friendly legal regime, and hopefully in full consultation with industry and business and all other genuinely interested parties, giving the clarity and certainty which the law should have.

For a review of the ECJ and national cases see Waste, Alec Samuels (2004) JPL 1465-1471 – not claiming to show the sharp insight of Carnwath LJ.

Julie Robinson – Chief Legal Advisor at NFU

I started out what now seems an eternity ago in the steel industry, selling the holes that are punched into steel sheets. Switched to law mid-career and will always be grateful to the National Farmers' Union for taking a punt on a 'mature' rookie.

What is your current role?

Chief Legal Adviser at the National Farmers' Union.

How did you get into environmental law?

It's not really a case of getting into it, it gets into you. As an agricultural lawyer, you simply can't avoid environmental issues - whether it's about soft fruit growers putting up polytunnels, livestock producers ploughing up long-standing grassland or poultry businesses needing to cut emissions under the environmental permitting regime. Not to mention the impact of SSSIs, SpAs, SACs, the Protection of Badgers Act...

What are the main challenges in your work?

Explaining to my client that just because our members don't like a new policy it doesn't mean it's unlawful!

What environmental issue keeps you awake at night?

The all too often polarised nature of the debate, with NGOs on one side and business operators on the other. From what I heard at conference, some UKELA members might argue it's the government on the other.

What's the biggest single thing that would make a difference to environmental protection and well-being?

Getting buy-in from those who can make that difference. It's down to education in the end. Hectoring and spin are simply not going to do that.

What's your UKELA working party of choice and why?

I'm not currently part of a working party I'm ashamed to say. It's my post-conference resolution.

What's the biggest benefit to you of UKELA membership?

Hearing what's going on and being reported on in the wider world. It's all too easy to get trapped in an agriculture bubble if you're not careful.

William Robert Groves - The Lawyer Who Invented the Fuel Cell

John Wilson, William Wilson - Burges Salmon, James M. Wilson - Source 2

This delightful book is well worth seeking out. It is the biography of William Robert Grove who is still remembered as the inventor of the fuel cell but unlike Faraday or Darwin, his is not a household name. Grove's scientific achievements as an inventor, researcher, lecturer and writer about science were matched by a legal career in which he rose to become Queen's Counsel, a leading patent lawyer and a High Court Judge.

This remarkable man who invented the nitric acid Grove battery and later the fuel cell and wrote the Correlation of Physical Forces also played an important part in the defence of the notorious William Palmer, the "Rougley Poisoner", which became one of the most celebrated criminal cases of the 19th century.

Born in Swansea, Wales, Grove was an only child. He was educated by private tutors before he attended Brasenose College, Oxford to study classics. He graduated in 1832 and was called to the bar by Lincoln's Inn in 1835. In the same year, Grove joined the Royal Institution and was a founder of the Swansea Literary and Philosophical Society, an organisation with which he maintained close links.

Grove developed a novel form of electric cell, the Grove cell, which used zinc and platinum electrodes exposed to two acids and separated by a porous ceramic pot. Grove announced the latter development to the Académie des Sciences in Paris in 1839.[3] Later that year, he gave another account of his development at the British Association for the Advancement of Science meeting in Birmingham where it aroused the interest of Michael Faraday. On Faraday's initiation, Grove presented his discoveries at the prestigious Royal Institution Friday Discourse on 13 March 1840.

Grove's presentation made his reputation and he became a Fellow of the Royal Society. Grove became the first professor of experimental philosophy at the London Institution in 1841. Grove's inaugural lecture in 1842 was the first announcement of what Grove called the correlation of physical forces, in modern terms, the conservation of energy.

In 1842, Grove developed the first fuel cell (which he called the gas voltaic battery), which produced electrical energy by combining hydrogen and oxygen, and described it using his correlation theory. In developing the cell and showing that steam could be disassociated into oxygen and hydrogen, and the process reversed, he was the first person to demonstrate the thermal dissociation of molecules into their constituent atoms. His work also led him to early insights into the nature of ionisation

Grove was also involved in the growing science of photography and observed that

It would be vain to attempt specifically to predict what may be the effect of Photography on future generations. A Process by which the most transient actions are rendered permanent, by which facts write their own annals in a language that can never be obsolete, forming documents which prove themselves — must interweave itself not only with science but with history and legislature.

He became a High Court Judge in reportedly courageous and not afraid to assert an independent judicial opinion. However, he was fallible in patent cases where he was prone to become over interested in the technology in question and to be distracted by questioning the litigants as to potential improvements in their devices, even suggesting his own innovations! He retired from the bench in 188 and died in 1896 after a long illness.

This charming biography gives an interesting insight into the life of Grove himself and his work as one of the leading scientists of his day as well as one of its leading lawyers.

A Manual of Nature Conservation Law - Second Edition

Edited by Michael Fry with input from The Browne Jacobson Environmental Law Team and from Baker Shepherd Gillespie, Ecological Consultants

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851pp

Wildlife and Nature Conservation legislation is diverse and complex. In recent years there have been increasingly frequent iterations to existing law as well as the introduction of new statutes. The Manual includes relevant international, European and domestic law; primary legislation, statutory instruments and policy guidance. The Manual will be an indispensable resource for anyone involved in wildlife legislation including lawyers, ecologists, planners, architects, landscape architects and wildlife volunteers. It does

Tom Huggon, Chair of UKELA's Nature Conservation Working Group, introduces the second edition of the Manual, and points out it was time for a new edition of this well-regarded and well-used work. The law on nature conservation has evolved over the past decade; substantive law has been strengthened; there are new institutions with Natural England and the Countryside Council for Wales, and there has been a growing realisation of the subtleties, complexities and demands of European Community legislation on natural habitats. This new edition has been supported by the environmental law team at Browne Jacobson solicitors, who are recognised as having particular expertise and practical experience in the area and by Baker Shepherd Gillespie, Ecological Consultants.

The introduction to the Manual points out, "The impact of the European Union on our wildlife law cannot be overstated" (page 6) and Part 1 deals at length with International and European law, containing the text of the UN Framework Convention on Biological Diversity, the Habitats and Wild Birds Directives and – importantly for the future – Directive 2004/35/CE on environmental liability. Part 2 deals with primary legislation, in particular the now extensively amended Wildlife and Countryside Act 1981, it provides extracts of the provisions of other legislation which impose duties and related provisions with regard to conservation. Part 1 concludes with the latest legislation, the Natural Environment and Rural Communities Act 2006. The other central piece of legislation is the Conservation (Natural Habitats & c.) Regulations 1994, printed in Part 3 together with the Offshore Marine (Natural Habitats & c.) Regulations 2007. The Manual is conveniently rounded off by reproducing Planning Policy Statement 9: Biodiversity and Geological Conservation (August 2005) and the List of Priority Habitats and Species, approved by all four national administrations and published on 28 August 2007. The joy of the List - ask any 10 year old - lies in the bizarre names of amongst others the Bog paw-wort, the Bird's Eye Primrose Smut, the Carrotty False Truffle, the Minutest Diving Beetle, the Poplar Leaf-Rolling Weevil and the English Assassin Fly to name but a few.

The Manual provides a short introduction to the subject. It takes in landmarks such as the Dibden Bay Terminal proposal, the 1999 Greenpeace case in relation to oil exploration on the Atlantic frontier, and the current controversy over housing development in the Thames Basin Heaths. Footnotes are provided to the key legislative provisions such as section 28 of the Wildlife and Countryside Act on SSSIs, providing citations and a short synopsis of the leading cases.

If other readers are like me I am sure they will find this a very useful addition to their library. I am sure my copy is going to become as dog-eared as the last one and I hope we won't have to wait too long for the second edition to be updated to keep pace with what seems to be an ever changing and evolving area of law. Congratulations to Mr Fry and his collaborators for a job well done.

Contaminated Land - Second Edition

Stephen Tromans, Robert Turrall-Clarke

ISBN: 9780421966208

Publisher: Sweet & Maxwell

Publication Date: 13/12/2007

This long awaited book brings together two main texts: “Contaminated Land” (published in 1994) and “Contaminated Land: The New Regime” (published in 2000). The authors have achieved a reasonable balance between the statutory regime dealing specifically with contaminated land, Part IIA of the Environmental Protection Act 1990 and other relevant areas of law. In the preface the authors acknowledge that the effect of Part IIA in dealing with contaminated land have tended to be indirect rather than direct.

The work is clear, comprehensive and should be by the side of every lawyer who has to deal with contaminated land- my copies of the earlier books are very well thumbed!

The editors were assisted by a formidable team of contributors.

The book provides a complete analysis of the complex law relating to contaminated land in one well-organised source. It deals in depth with liability for contamination and also systematically covers issues such as the assessment of contamination, redevelopment and clean-up, and the impact of contaminated land on property and corporate transactions.

It covers both the regime set up under the EPA 1990, Part IIA, and other liability regimes such as water pollution, waste, radioactivity, PPPC, common law, and the EC Liability Directive. It also puts the subject into an international context, looking at EU initiatives, contaminated land in other jurisdictions and multi-national transactions.

It offers very practical advice on development and clean-up, including site investigation, planning and building control, waste disposal, contracts and funding.

The book also considers the commercial implications, including due diligence, information sources, appointment of consultants, property and corporate transactions, funding, insolvency and insurance in considerable detail. It also offers expert guidance on the increasingly complex technical issues, such as standards and guidelines, risk, investigation and assessment, remediation and monitoring.

I like the fact that it includes illustrative and reference material in clear tabular format; including really helpful procedural flowcharts. It also reproduces the text of various key legislative materials.

Last but not least it includes a selection of precedents to assist with drafting the necessary documents.



Environmental Regulatory Consultant

Are you passionate about environmental law? Do you want to assist leading multinational companies to ensure compliance with current, pending and future regulatory requirements? Do you want to join a team of 30 environmental regulatory experts from more than 25 different countries?

Enhesa SA is looking for environmental, health and safety regulatory experts who are able to advise companies on how to comply with environmental, health and safety (EHS) regulations and how to develop their corporate environmental, health and safety strategies.

Typical activities will involve research of EHS laws and regulations, contact and liaison with regulatory officials, preparation of reports to industrial companies on regulatory compliance, and EHS audits.

Your Profile

- Academic qualification, preferably a Law Degree.
- Fluency in written and spoken English
- Excellent analytical skills
- Environmental law experience or training
- Professional experience in EHS issues - Project management capabilities - Extended computer literacy - knowledge of other languages - ... will be an asset.

About Enhesa

Enhesa SA is a global environmental, health and safety consultancy, providing EHS regulatory compliance assurance support to industry worldwide.

For the past 15 years Enhesa SA has been helping business and industry ensure ongoing compliance for years, and we have developed a range of products and services tailor-made to the needs of our clients.

Wherever their business is located, Enhesa's team of highly trained and experienced, multilingual consultants is in a unique position to keep them ahead of the latest regulatory and policy issues as they unfold.

Our offering has put us in a unique position which is recognized by many Global 1000 companies. For the past 5 years Enhesa has been growing at more than 20% per year, which has been recognized by the Environmental Business Awards 2008 in the USA, and the Trends Gazellen 2008 in Belgium.

Position

Location: Brussels

Full-time contract, not limited in time.

More information

www.enhesa.com

Candidates are invited to submit an application letter and CV in English, with as reference UKELA_2008-06 by email to recruitment@enhesa.com

Internships - Gaia Foundation

The Gaia Foundation has two intern opportunities to help develop an online Resource Centre that will make publicly accessible materials, including legal precedents, that advocate and embed Earth Jurisprudence at community, law and policy levels.

The Foundation is looking for two research assistants - a publications research assistant and a legal research assistant to help research and catalogue EJ materials and legal precedents respectively, for 3 days/week from 4th- 29th August 2008 with potential to extend. Deadline for applications is next Monday 28th July 5pm with interviews on Wednesday 30th and Thursday 31st July. The terms of reference for both roles can be found below (at pages 20 and 21).

WILD LAW WEEKEND WORKSHOP

LEA GREEN, DERBYSHIRE

SEPTEMBER 26TH – 28TH

The concept of Wild Law proposes a rethink of our legal and political systems to stop environmental destruction, but can we translate it into practical action? This event launches the first phase of international research by the UK Environmental Law Association and the Gaia Foundation to see if we can identify Wild Law in practice. The aim is to provide a Wild Law toolkit for decision makers and practitioners.

Why should you join in the workshop?

- To find out whether Wild Law is more than just an idea
- To debate whether Wild Law can be treated as a coherent body of law and practice
- To learn about practical examples of Wild Law in action
- To join a movement for change which would see Wild Law in use as a more effective means of protecting the environment at a time when human health and well-being depends on it

Workshop leaders:

- Mellese Damtie**, Ethiopian lawyer and biologist, Dean of Legal Department at Ethiopia's Civil Service College, where he supervises students to study the customary laws that traditional people use to govern their relationship with nature
- Andrew Kimbrell**, public interest attorney, activist and author, executive director of The Centre for Food Safety in USA and founder of the International Centre for Technology Assessment
- Professor Lynda Warren**, emeritus professor at Aberystwyth University, environmental consultant and the research supervisor

Also participating:

Begonia Filgueira, of Gaia Law Ltd and ERIC Ltd, and Ian Mason, barrister, research paper co-ordinators – both lawyer members of UKELA's Council

Cormac Cullinan, an environmental lawyer based in Cape Town, South Africa, author of Wild Law: A Manifesto for Earth Justice, a director of the leading South African environmental law firm, Winstanley & Cullinan Inc, and CEO of EnAct International, an environmental governance consultancy

N'ganga Thiong'o, legal and policy adviser for Kenyan community NGO and formerly to Green Belt Movement and Nobel prize winner, Wangari Maathai

Visit <http://www.ukela.org/rte.asp?id=12> for the booking form. There are some discounted places left, but no student places.

This event follows the Schumacher College, more in depth course, below. We are also fortunate that Andrew Kimbrell has agreed to stay over until Monday 29th September to participate in the London meeting below.

UKELA's Wild Law work is kindly supported by Matrix Chambers, the Network for Social Change and Argyll Environmental.



UKELA LONDON MEETING RESPONSES TO CLIMATE CHANGE

Monday 29th September 2008 at 6pm

At Herbert Smith Exchange House Primrose Street Exchange Square London EC2A 2HS

UKELA members are cordially invited to this early evening session where the subject will be alternative responses to climate change.

The speakers will look at the unique global challenges presented by climate change and the strategies that can be employed to counter carbon emissions.

The speakers include:

- Andy Kimbrell

See Wild Law workshop

- Michael Mainelli

Michael is a founding director of Z/Yen, and has worked on many finance, technology and voluntary sector projects. He is a Professor of Commerce at Gresham College and Chairman of City Axis, a business environment solutions company.

The Meeting will be chaired by Tom Bainbridge **Co-convenor of UKELA Climate Change Working Party.**

The Meeting will last for approximately 90 minutes after which refreshments will be provided to enable those attending to discuss the issues informally.

Registration is 5.30 pm with seminar due to start at 6 pm.

1.5 CPD points will be available for all attending.

There will be a small contribution to cover costs at £10 for Members and £20 for Non-members. Students and Unwaged members are free. Your booking is not confirmed until a cheque has been received.

If you wish to accept please contact by e-mail Angela Pallett at Herbert Smith: angela.pallett@herbertsmith.com

All cheques should be made payable to UKELA and sent to:

UKELA
c/o Angela Pallett
Exchange House
Primrose Street
London EC2A 2HS
(DX 28 London)

UKELA/ENDS SEMINAR ON WASTE IN SCOTLAND

Following the successful seminar with ENDS on waste in Manchester earlier in the year, UKELA is pleased to be planning a further event in Scotland. This will be at the end of October or beginning of November. Keep an eye on the website for further details coming soon.

PLANNING REFORM BILL WORKSHOP

September 17th 2008, 6pm, will be held in London, venue TBC

The planning and sustainable development working party, in association with the Planning and Environmental Bar Association, the Law Society's Planning and Environment Committee and RICS's Planning and Environment Panel, is holding an early evening workshop to discuss the Planning Reform Bill, chaired by Lord Justice Carnwath, UKELA's President.

Following on from the debate on the planning reforms at the UKELA conference it is clear there is widespread concern amongst lawyers working in the planning field over both the lawfulness and the practical effect of some of the proposed planning reforms. This is an important time to discuss the key issue of Major Infrastructure Projects in the Bill, which is being debated by the House of Lords in Committee stage on October 6th 2008.

Speakers include David Elvin QC, others to be confirmed. Expressions of interest to Alison Boyd at alisonboyd.ukela@ntlbusiness.com

More information will follow as soon as it is available.

GARNER LECTURE 2008

'What do you tell your Client about Global Warming?'

Can there ever be common ground between the views of Climate Contrarians, Deniers & Sceptics, and Warmists, Alarmists & Catastrophists?

SPEAKER RICHARD HAWKINS

This annual lecture will take place on 18 November 2008 at Freshfields, chaired by the UKELA President, Lord Justice Carnwath. Put it in your diaries.

Bookings will open as soon as possible, but here is a preview of the flyer which will be circulated shortly.

The flyer is a vertical rectangular document with a blue background. At the top left is the UKELA logo, which consists of a green stylized leaf or wave shape next to the letters 'UKELA'. Below the logo, the text 'GARNER LECTURE 2008' is written in a large, white, serif font. Underneath this, the title of the lecture is presented in a smaller white font: 'What do you tell your Client about Global Warming?' followed by the subtitle 'Can there ever be common ground between the views of Climate Contrarians, Deniers & Sceptics, and Warmists, Alarmists & Catastrophists?'. The speaker's name, 'RICHARD HAWKINS', is listed in white, along with his credentials: 'Founder member of UKELA, Barrister (non-practising) FCIWM, FRGS, FRSA, International Environmental Writer and Lecturer'. A small, square photograph of Richard Hawkins, a man in a suit, is placed below the text. The date and time of the event, '18th November 2008, 5:30pm', and the location, 'Freshfields Bruckhaus Deringer', are provided. The chairperson is identified as 'Chaired by Lord Justice Carnwath, President of UKELA'. Ticket information states 'UKELA members £20, non-members £30, students free, all places must be booked'. At the bottom, there is fine print including the UK Environmental Law Association's name, its mission 'Making the law work for a better environment', its registration details, and its website 'www.ukela.org'. The flyer is decorated with small, square images of nature: purple flowers on the left, a landscape with a river and trees on the right, and a close-up of a tree trunk at the bottom right.

Other organisations

The Gaia Foundation, in association with Schumacher College and the United Kingdom Environmental Law Foundation (UKELA), warmly invite you to participate in a special residential course on:

Earth Jurisprudence: Making the Law work for Nature, 22-26 September 2008, Schumacher College, Devon, UK.

As cultural historian, Thomas Berry points out, the dominant western industrial legal system is founded on promoting or protecting human interests through creating laws to access or use the environment. Gaia has been working with a network of people, especially in the Amazon, Africa, and India, to promote indigenous peoples' understanding that the Earth is the primary giver of law, from which we humans need to derive our governance system. This is what Thomas Berry calls Earth Jurisprudence - the philosophy underpinning law and governance which challenges us to shift our thinking from a 'humans-only' to an 'Earth-centred' approach. Earth Jurisprudence calls us to see ourselves as an inextricable part of the Earth's living systems with reciprocal obligations to maintain harmonious relations with all members of the wider Earth Community.

Climate instabilities indicate the degree to which we have destabilised the planet's self regulating capacity. As climate change literally hits home, so the interest in Earth Jurisprudence has grown. It is increasingly clear that we need to develop a legal or governance system that constrains human behaviour if it undermines our life support system, the Earth.

Gaia is happy to be co-hosting this course with Schumacher College and the UK Environmental Law Association (UKELA). It is a unique opportunity to learn in-depth about the philosophy and practice of Earth Jurisprudence. Leaders in the field, from the UK and Africa, will share their experience and thoughts on this radical and innovative approach to law, business enterprise, community governance and more.

This five-day course is open to anyone interested in how we learn to live within the parameters of the laws of nature. Participants will go away with working examples of Earth Jurisprudence in practice and be inspired to influence new policies, legal practice and strategy, business enterprise and community initiatives. You can be one of them!

Workshop leaders include:

[Cormac Cullinan](#) is an environmental lawyer based in Cape Town and author of *Wild Law: A Manifesto for Earth Justice*.

[Mellese Damtie](#) is pioneering the research and implementation of Earth Jurisprudence as Dean of the Ethiopian Civil Service College's Department of Law.

[Ng'ang'a Thiong'o](#) is a legal advisor to indigenous communities in central Kenya. He has worked alongside Nobel Peace Prize Winner Professor Wangari Maathai for many years.

[Ian Mason](#) is a practising barrister, Director of the Earth Jurisprudence Resource Centre, and is also Head of Law and Economics at the School of Economic Science in London.

Elizabeth Rivers (course facilitator) is a former commercial lawyer, now a facilitator and coach who works to enhance creativity in the service of sustainable change.

For more information about the course and bookings please visit:

<http://www.schumachercollege.org.uk/courses/Earth-Jurisprudence>

Or contact Schumacher College direct on +44 (0)1803 865 934.

CLT CONFERENCE – ENVIRONMENTAL LAW AND PRACTICE

22 September 2008, Edinburgh

Chaired by Kenneth Ross of Brodies and Convenor of the Scottish Regional group, this CLT seminar held in association with UKELA and the University of Strathclyde, looks at Environmental Law in Practice and will give property lawyers and other professionals detailed consideration of environmental regulation and legislation. For further details including how to book please see the UKELA website www.ukela.org and CLT's website www.clt-scotland.co.uk. UKELA members can book at a discounted rate.

BROWNFIELD BRIEFING CONFERENCE

16 and 17 September 2008, Hotel Russell, London

18% Special offer for UKELA Members

Brownfield Briefing Conference on Contaminated Land and Brownfield Remediation

Drawing on case studies from both UK and international projects, this highly-popular annual conference looks at new technological innovations and some of the best remediation strategies and solutions being carried out in the industry today such as strategy and policy, technology update and measuring suitability.

This event will run alongside our Brownfield Briefing Remediation Innovation Awards.

£375 + VAT (£440.63) for UKELA members

www.brownfieldbriefing.com Email: conference@newzeye.com Tel: 020 8969 1008 Fax: 020 8969 1334

Code to secure booking discount: [UKELA-CLBB-REMD](#)

ENVIRONMENTAL LAW REVIEW – VATHEK PUBLISHING

Free Online Access until 30th September 2008

Environmental Law Review is the premier journal in Vathek Publishing's eclectic stable of journals. We are proud to be able to say that from its niche journal collection **over 50 articles** are going forward to the RAE panel. Vathek Publishing is particularly pleased since Environmental Law Review publishes opinions, legislation, case notes, an Update and book reviews – none of which are RAE eligible.



To celebrate this achievement we are offering **FREE ONLINE ACCESS** to all environmental law articles going back to 2003. Simply register today at www.vathek.com/free and celebrate with us!

As free online access is only available until the end of September – why not sign up to Vathek Publishing's Table of Contents Alerting service or RSS feed? You will then be informed of what is in forthcoming issues of this key journal. To sign up – simply click <http://www.vathek.com/freereg1207.php> and select either 'Add to my alerts' or 'RSS'.

The 2009 Winston Churchill Travelling Fellowships

Each year the Winston Churchill Memorial Trust offers opportunities for British Citizens to travel overseas to undertake study projects related to their trade, profession or particular interest. Thus, they widen their experience, make contacts abroad and bring back knowledge to this country to the benefit of their work, their community and the UK as a whole. For 2009, applications are invited across a range of categories including Environment, Food & Rural Affairs; Science & Technology including alternative energy and Young People. Those interested can seek further information from the website www.wcmt.org.uk. The closing date for applications is 14 October 2008.

Cardiff Colloquium 18 and 19 September 2008

The Franco-British Lawyers Society, with Cardiff University and BRASS (The Centre for Business Relationships, Accountability, Sustainability and Society) is staging a colloquium in Cardiff on 18 and 19 September 2008, on the legal challenge posed by Climate Change.

There will be a special focus on planning law, sustainability and the built environment and the issues facing the water, waste, energy and transport industries as well as the innovative responses they are developing.

Speakers are drawn from government and business as well as judges, academics, scientists, construction professionals and legal practitioners, as well as other policy formers.

To find out more and book your place, please go to www.franco-british-law.org

RESOURCE CENTRE INTERNSHIP POSITION

Position: Publications Research Assistant for Earth Jurisprudence Resource Centre

Hours: 3 days/week from 4th – 29th August 2008 with potential to extend.

Location: Based at the office of Gaia Foundation, Hampstead, London with possibility for freelancing

The Gaia Foundation, a UK registered charity supporting sustainable livelihoods and ecologically based community governance, seeks a resourceful and enthusiastic Publications Research Assistant to join us in developing an innovative online Earth Jurisprudence Resource Centre (EJRC).

Ideally, interested applicants will have a degree in environmental law and/or policy as well as proficiency in IT and internet research. Knowledge and experience of and interest in Community Ecological Governance (CEG)¹ and Earth Jurisprudence (EJ)² would be beneficial. This internship will be a part-time post for 3 days/week from 4th– 29th August 2008 with potential to extend.

The online EJ Resource Centre aims to nurture and grow the network of actors involved in identifying, evolving and opening up spaces for EJ at the community, law and policy levels. Housing an interdisciplinary range of EJ related materials (publications, legal precedents and living case studies), the online EJRC will provide and promote a range of learning and training opportunities in EJ principles and practice, and also provide advice and advocacy support to the EJ network. As a result communities, such as those accompanied by Gaia in Colombia, Africa, India and Europe, will have the enhanced capacity to revive biological and cultural diversity and recuperate their traditional ecological governance systems. Resilience of communities and ecosystems to the multiple ecological and cultural crises such as climate change will also be strengthened.

To help realise this unique and exciting project, the Research Assistant will be responsible for the following activities:

- Cataloguing listed EJ publications onto an Excel document and onto an online database;
- Uploading, and where necessary finding, an electronic format of the EJ publication to the online database;
- Researching/formulating an abstract for each of the EJ publications;
- Allocating appropriate EJ keywords to describe the relevance of the publication to EJ/CEG;
- Expanding the research and cataloguing of other EJ/CEG related publications.

Work will be supported, overseen and guided by the Gaia Foundation (Gaia).

The main objective is to catalogue and further research EJ/CEG publications that will raise awareness, catalyse action and open up spaces in law and policy for EJ and CEG globally.

In return for their time and commitment to this project, the intern will enjoy a number of benefits, including:

- participation in a unique and important project to develop an online Earth Jurisprudence Resource Centre;
- wider knowledge and deeper understanding of the principles and practice of EJ and CEG, through research of key literature in these fields;
- working space, training and supervision in the well resourced and dynamic Gaia Foundation's office;
- basic food and travel expenses;
- invitation to EJ/CEG related events with a possibility for a discounted place on the UK Environmental Law Association's EJ weekend workshop 26th -28th September 2008.

If you are interested in this position, please send your CV and covering letter to: Carine Nadal, The Gaia Foundation, 6 Heathgate Place, Agincourt Road, London NW3 2NU. Email: carine@gaianet.org

The deadline for applications is 5pm, Monday 28th July 2008. Interviews will be held on 30th and 31st July.

1 Community Ecological Governance (CEG) uses a holistic approach centred on community elders to revive and strengthen indigenous knowledge systems and carry them through to the next generation.

2 Earth Jurisprudence refers to the development a coherent system of values and principles, for the development of more appropriate laws and governance practices to regulate human behaviour, based on lessons from traditional and indigenous cultures and from nature itself, to prevent the excessive levels of ecological and social degradation and injustice, and evoke a more creative use of human potential. See http://en.wikipedia.org/wiki/Earth_jurisprudence

RESOURCE CENTRE INTERNSHIP POSITION

Position: Legal Research Assistant for Earth Jurisprudence Resource Centre

Hours: 3 days/week from 4th– 29th August 2008 with potential to extend.

Location: Based at the office of Gaia Foundation, Hampstead, London with possibility for freelancing

The Gaia Foundation, a UK registered charity supporting sustainable livelihoods and ecologically based community governance, seeks a resourceful and enthusiastic Legal Research Assistant to join us in developing an innovative online Earth Jurisprudence Resource Centre (EJRC).

Ideally, interested applicants will have a degree in environmental law and/or policy as well as proficiency in IT and internet research. Knowledge and experience of and interest in Community Ecological Governance (CEG)¹ and Earth Jurisprudence (EJ)² would be highly beneficial. This internship will be a part-time post for 3 days/week from 4th– 29th August 2008 with potential to extend.

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To help realise this unique and exciting project, the Legal Research Assistant will be responsible for the following activities:

- Cataloguing legal precedents (e.g. Multilateral environmental agreements, Constitutions, case law) that address key EJ/CEG issues onto an Excel document and onto an online database;
- Formulating an abstract for each legal precedent, highlighting its relevance to EJ;
- Allocating appropriate EJ keywords to describe the relevance of the publication to EJ/CEG;
- Uploading, and where necessary finding, an electronic format of the EJ legal precedent to the online database;
- Expanding the research and cataloguing of other EJ/CEG related precedents.

Work will be supported, overseen and guided by the Gaia Foundation (Gaia).

The main objective is to catalogue and further research EJ/CEG legal precedents that will raise awareness, catalyse action and open up spaces in law and policy for EJ and CEG globally.

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UK ENVIRONMENTAL LAW ASSOCIATION

Registered Charity number: 299498 (Registered in England and Wales), Company limited by guarantee: 2133283 (Registered in England and Wales)

E - LAW

The editorial team wants articles, news and views from you for the next edition due to go out in September 2008.

All contributions should be dispatched to the e-law editor Catherine Davey as soon as possible by email at:

catherine.davey@stevens-bolton.co.uk by 5th September 2008

Letters to the editor will be published, space permitting

Please send as Word document.

E-law assistant editors: Richard Kimblin and James Maurici

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