



# e-law

*UKELA Making the law work for a better environment*

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## Editorial



**By Catherine Davey, editor of e-law**

Developments in the international arena are key to the future direction of environmental law. As such, we intend to publish every quarter in e-law an update on recent developments in international environmental law, and to highlight important forthcoming meetings. This edition includes the first such update which we hope you find of interest. If you have any comments on it, please contact Elizabeth Hattan, Defra, or Steve McNab, Travers Smith, both of whom are UKELA Council Members.

For the future I would encourage you all to submit case studies and articles for inclusion in e-law. If you have been involved with any interesting matters or have an idea for an article that you think may be of interest do please contact me with a short outline. My contact details are as usual on the back page.

A final plea - please try to ensure that you submit by the deadlines specified - 14 November 2008 for the final edition of this year. Please use Arial font 11pt in single space ensuring headings are centred and in bold capitals. Thank you.

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## DEVELOPMENTS IN INTERNATIONAL ENVIRONMENTAL LAW

### Carla Pike, Defra lawyer and member of GLS Environment Group

It has been a busy year in the world of international environmental law. Many readers will be aware of the current climate change negotiations, as world Governments try to form agreement on future international action on climate change, including a post-2012 commitment regime under the United Nations Framework Convention on Climate Change and the Kyoto Protocol. In addition to this, work has also progressed in relation to international conservation and access to environment information.

This update is split into two parts. The first looks at some recent developments in international environmental law, whilst the second looks forward to future meetings and expected outcomes.

#### A look back over the last 6 months...

### Climate Change

#### **Bonn Climate Change Talks 2008**

The Bonn Climate Change Talks, which took place from 2nd to 13th June 2008, was the second major session this year discussing a strengthened and effective international agreement on climate change. The agreement is hoped to be finalised in December 2009 in Copenhagen.

The Bonn Talks took forward the negotiation process agreed in Bali last December and concentrated on adaptation, mitigation, technology, finance and a shared vision for long-term cooperative action.

Of particular interest are developments on future commitments for the parties to the Kyoto Protocol. The objective of these negotiations was to try to identify ways in which industrialised countries could reach their emission reduction targets beyond the first Protocol phase in 2012. One issue under consideration, for example, was the inclusion of other greenhouse gases, such as fluorinated ethers, into reduction targets. Methodologies for estimating emissions and the warming potential of greenhouse gases were also considered.

Ongoing work under the UNFCCC and the Kyoto Protocol was also taken forward. For example, parties agreed on increasing practical technology transfer efforts, including collaborative research and development of technologies and technology needs assessments. They also agreed to implement the second phase of the Nairobi work programme on impacts, vulnerability and adaptation to climate change and streamline funding for adaptation projects.

### Conservation

#### **Convention on Biological Diversity**

The 9th Meeting of the Conferences of the Parties to the Convention on Biological Diversity (CBD) was held in May 2008 in Bonn, Germany.

The COP adopted 36 decisions on over 25 issues that included establishing a process to review the 2010 biodiversity target and use the findings to develop a new target, or series of targets, beyond 2010 for consideration by COP10.

The outcome on Access and Benefit Sharing (ABS) represented a major success for COP9 - a roadmap, the 'Bonn Mandate' was adopted for the negotiation of an international ABS regime, ensuring that three ABS Working Groups and three expert group meetings will take place before the 2010 deadline for completion of negotiations.

The adoption of scientific criteria and guidance for marine areas in need of protection beyond national jurisdiction (ABNJ) was another conference success. This is an important result for marine conservation, which will be taken forward in the context of the

UNGA process.

Other key outcomes included decisions on:

- **Biodiversity and Climate Change**, securing a process for the CBD to contribute biodiversity expertise to the UN Framework Convention on Climate Change and the Bali Action Plan, including Reduced Emissions from Deforestation and forest Degradation (REDD) in the form of a meeting of technical experts that Defra will part fund.
- an effective moratorium on **Ocean Fertilisation** activities which attempt to manipulate marine ecosystems to increase the removal of carbon dioxide from the atmosphere, with an exception for controlled research studies.
- strengthening activities in the implementation of the **Forestry** Programme of Work, including strengthening forest law enforcement and governance, increasing the links between forests and climate change mitigation, and adopting a precautionary approach to the release of GM trees; the UK also signed a commitment to ending all illegal deforestation by 2020.
- **Protected Areas**, which provided for the enhanced management of existing protected areas and the establishment of additional ones.
- **resource mobilisation**, which adopted a strategy that aims to substantially enhance funding for international and domestic biodiversity actions.

### **Cartagena Protocol on Biosafety**

After four years of intensive negotiation, agreement was reached at the Fourth Meeting of the Parties to the Cartagena Protocol on Biosafety to work towards legally binding rules and procedures for liability and redress for potential damage caused from the transboundary movements of living modified organisms, commonly referred to as GMOs. A timetable and a framework for the negotiation of these rules and procedures were also agreed. The legally binding instrument for liability and redress will be discussed at the next meeting of the Parties in Nagoya, Japan, in October 2010. To this end, the Parties agreed to convene up to two meetings to negotiate the details of the instrument. Malaysia and Mexico offered to host these meetings.

The meeting also brought about agreement on a number of other issues which will complete the framework for future implementation of the Protocol. A compromise was reached on ways to develop further guidance on risk assessment and risk management. Other decisions taken included: guidance to the compliance committee, funding of capacity-building initiatives, the Biosafety Clearing-House, socio-economic considerations and subsidiary bodies under the Protocol.

### **Access to Environmental Information, Justice and Public Participation.**

#### **Aarhus Convention**

The tenth meeting of the Working Group of the Parties to the Aarhus Convention, followed by the third Meeting of the Parties, took place in Riga from 8th – 13th June 2008. At MOP3, the Long Term Strategic Plan, outlining the objectives for implementation, expansion and development of the Convention was adopted, along with key decisions on compliance, financial mechanisms and the interpretation of Article 14 on the coming into force of amendments. In relation to the latter agenda item, it was agreed that the “fixed time” approach would apply. The UK has begun its ratification procedures for the GMO amendment which was adopted at MOP2 in 2005. The amendment enhances the obligations placed on parties with regard to public participation in decision making relating to GMOs. Such obligations are already given effect to in Community GMO legislation. It is hoped that the amendment will come into force during 2009.

At MOP3, an expert group was also set up to begin looking into the terms of reference for a Task Force on Public Participation, which will be established at a future MOP. Given the establishment of a Task Force was only agreed late on in the MOP, it was not possible to give effect to this by way of a MOP3 decision. It was not clear at that stage what its terms of reference would be, and given the Rules of Procedure stipulate that these can only be decided by the MOP, a stepwise approach, beginning with the expert group, was therefore adopted. The next MOP, MOP4, will take place in Moldova in 2011. During the intercessional period, the Working Group of the Parties to the Convention will meet to oversee the implementation of the work programme and prepare for the next Meeting of the Parties.

### Looking Forward..

**Accra Climate Change Talks**, August 2008 – the third round of talks on a strengthened and effective international climate change deal under the UN Framework Convention on Climate Change, as well as work on emission reduction rules and tools under the Kyoto Protocol. Over a thousand participants are expected to attend. We will provide an update on this in our next review.

**4th Meeting of the Parties to the African-Eurasian Waterbirds Agreement**, September 2008 – resolutions proposed on a range of issues, including the phase out of lead shot for hunting in wetlands; and measures to deal with avian flu.

**10th Conference of the Parties to the Ramsar Convention on Wetlands**, October 2008 - key issues for discussion include wetlands and biofuels; wetlands and poverty reduction; and measures for detecting, reporting and responding to change in wetland ecological character.

**4th Conference of the Parties to the Rotterdam Convention on the Prior Informed Consent Procedure**, October 2008 - main items of interest on the agenda is a decision on a compliance mechanism and a decision on synergies. A Legal Expert Group will meet in advance of the Conference in order to begin work on compliance.

**30th Meeting of the Parties to the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 3rd Meeting of the Parties to the Protocol to the Convention**, October 2008 – key issues for discussion include on ocean fertilisation, CO2 sequestration and compliance issues.

**58th Session of the Marine Environment Protection Committee**, October 2008 – main item of interest is the proposed International Convention for the Safe and Environmental Sound Recycling of ships. We hope to get agreement on a final text of this Convention so that it can be adopted at the IMO Diplomatic Conference in Hong Kong next May.

**United Nations Climate Change Conference**, December 2008 - the fourth Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP 4) will be held in conjunction with the fourteenth session of the Conference of the Parties to the Climate Change Convention (COP 14), in Poznań, Poland, from 1st to 12th December 2008.

**9th Conference of the Parties to the Convention on Migratory Species**, December 2008 – key issues for discussion include climate change and migratory species; avian flu; migratory marine species; flyways and migratory terrestrial species.

**26th Session of the Executive Body to the Convention on Long Range Transboundary Air Pollution**, December 2008 – hope to reach agreement on the listing of seven additional substances in the Protocol on Persistent Organic Pollutants (POPs). Once the amendment to the Protocol has been ratified by a sufficient number of Parties to secure entry into force, it will lead to the phase out of production and use of these pollutants.

## Help needed

### CALLING ALL BARRISTERS

### CONFERENCE 2009 NEEDS YOU

Volunteers are sought to provide the end of year review of the hottest environmental cases in 2008/9 at next year's UKELA Conference which will be held in Durham 3-5 July 2009. Three papers of approximately 25 minutes duration will be required on Sunday 5 July (between 11.30 and 13.00).

Over the past few years David Hart, Justine Thornton and Stephen Tromans have kindly filled this slot with wit and erudition, but this year we are looking for other speakers.

## Help needed

Contact Catherine Davey at [catherine.davey@stevens-bolton.co.uk](mailto:catherine.davey@stevens-bolton.co.uk) (01483 734234) if you are interested in participating next year.

She is waiting for your emails and calls!!

## PHOTOS WANTED

UKELA's new public information website, "Law and Your Environment", launches early in 2009. We urgently need photos of environmental images to add to the site. If you are a keen amateur photographer please consider donating any suitable images to UKELA (you will need to give UKELA the copyright or license use of the photos to UKELA). Everyone will be credited on the new website (on a special page). All images need to be high quality, electronic and suitable for web use.

In particular we need illustrations of:

- People affected by environmental problems
- Air pollution
- Cleaner communities (litter, graffiti, fly tipping, fly posting, dog fouling, noise)
- Flooding
- Planning issues
- Building works
- Waste (disposal, collection, recycling, processing)
- Water pollution
- British wildlife

If you are also happy for any images to be used on the UKELA website or in other UKELA publications (including fundraising literature for Law and Your Environment) please could you indicate.

Law and Your Environment aims to help ordinary people access information on their rights and responsibilities. UKELA is building the resource with the help of Cardiff University and has received no external funding so far. We're dependent on members to help UKELA deliver this charitable initiative.

We'll shortly be launching a fund which will ensure the website is maintained in years to come. All members will be able to help with this and we'll be in touch about that in the new year.

Please send your photos (if only one or two) to [Vicki.elcoate@ntlworld.com](mailto:Vicki.elcoate@ntlworld.com).

If you have several, or the files are very big, please could you burn them onto a disc and mail them to UKELA, PO Box 487, Dorking RH4 9BH. Please remember to include any instructions as to copyright or what we can use them for. Thank you!

## STUDENT WANTED

UKELA's Council would like to hear the views of students – how UKELA can attract more students to join; student events; student competitions; the new bursary scheme (see below); fees and event pricing. If you feel you could provide advice to Council on the views of students you are invited to submit an application to act as UKELA's student adviser for 2009. You would be required to attend up to 4 Council meetings in the year – all in London, although you would not be a Council member. You may also be asked to attend a meeting of the Membership Development Working Group. Reasonable travel expenses would be reimbursed. The role may involve canvassing the views of other student members. UKELA will be able to help with the administration of this.

If you are interested in applying for this role, please mail your name and CV to the Executive Director, [Vicki.elcoate@ntlworld.com](mailto:Vicki.elcoate@ntlworld.com).

## UKELA VOCATIONAL BURSARY FUND

### Donald McGillivray of Kent Law School

UKELA is launching a pilot Vocational Bursary Fund in 2009 which is intended to enable students to undertake a period of vocational placement (such as an internship or externship) in the field of environmental law. Placements may be with a public body (e.g. a government department, local authority, regulatory agency), with a non-for-profit organisation such as a non-governmental organisation, with a university department, in private practice (legal or otherwise), or any other vocational placement which would further the charitable objects of UKELA (see note at the end).

The maximum available for 2009 is £5,000.

#### Criteria

1. Awards may be made to any postgraduate student, or any undergraduate student who has completed at least one year of study. Preference will be given to students in their final year of study. The Fund is open to non-UK nationals.
2. Placements may be undertaken in the UK by any student, or anywhere by students from a UK institution of higher education, so long as the placement contributes to UKELA's objects.
3. Applicants are required to carry out a specific programme of work, agreed in advance with the placement organisation. The Fund does not support mini-pupillages or vacation placements with solicitors' firms.
4. The placement should normally engage the student full-time.
5. It is a condition of the award that successful applicants will make a short report to UKELA when the work has been completed.
6. Applicants from any relevant academic discipline are eligible.
7. The Fund is intended to support students who would otherwise have difficulty supporting themselves financially and is not intended to compete with industrial or labour employment.

#### Awards

Awards will be made on the basis of a maximum six-week placement. Shorter periods will also be considered.

The support given is not 'pay' and will be given at the following maximum rates:

Living at home:	£90 per week
Living away from home:	£120 per week
Living abroad:	£155 per week

Awards are at the discretion of UKELA, which will in particular take into account UKELA's charitable objectives, the quality of the proposal and the anticipated output from the placement period, the benefit to the student, to the placement organization and to the wider community, and the desirability of maximising the number of awards that can be made in any year.

A decision by UKELA on an application is final.

#### To apply

Application forms can be found on our website [www.ukela.org](http://www.ukela.org) under the student section.

Along with the completed application form you must submit:

- Your Internship proposal

This must not exceed 1000 words and must include

- o Brief information about the placement organisation.
- o The amount of financial support you are seeking.
- o A short personal statement addressing:
  - a) What you will be doing and/or what project(s) will you be working on during your internship?

## New scheme for students

- b) Why you want to work in this particular area and/or with this particular organisation?
- c) How your academic studies, work, and personal experiences have prepared you for this placement? And
- d) How you expect the placement to relate to your academic, extracurricular, and/or career path?

- A short letter of commitment from the placement organisation (this can be sent by letter or by e-mail to the address given above). (Note: You may submit an application without having received a letter of commitment, but you will not receive funding until you submit one.)

- A CV (max 2 sides A4), including details of university results to date

Completed forms should be submitted to UKELA at [alisonboyd.ukela@ntlbusiness.com](mailto:alisonboyd.ukela@ntlbusiness.com) to be received no later than 20 February 2009. Decisions will be announced by 20 March 2009.

In any year normally only one award per placement organisation will be made.

For 2008/09 this is a pilot scheme.

### Note:

The UKELA relevant charitable object is

“To promote for the benefit of the public generally the enhancement and conservation of the environment in the United Kingdom and in particular to advance the education of the public in all matters relating to the development, teaching, application and practice of law relating to the environment.”

### Diary Date

A joint symposium organised by UKELA and the Society for Legal Scholars is scheduled for Friday April 24th. More details will be posted on the website [www.ukela.org](http://www.ukela.org) as soon as they are ready.

## Wild Law

### Wild Law weekend workshop 26-28 September 2008 and interim research launch

Wild Law is about shifting legal thinking to a more earth-centred approach with the aim of making the law work better to protect the environment.

Fifty people with an interest in Wild Law met in Derbyshire, UK, for a weekend workshop with the aims to:

- launch a research paper – examples of Wild Law in practice from around the world (the draft research paper can be found at [www.ukela.org](http://www.ukela.org)). It proved impossible to complete the research paper before the workshop and this will now be launched by Christmas and some of the Matrix funding is being saved to help with the production and publication costs of the paper
- engage with the natural world in order to deepen understanding and integration of Wild Law principles
- inform about opportunities to get involved and generate commitment to action
- build a network of people interested in Wild Law ideas

The workshop, organised by UKELA and the Gaia Foundation, particularly examined the limitations of common law in the USA for delivering better environmental protection; the role of community groups in promoting more earth centred jurisprudence (with a focus on Ethiopia); how UK nature conservation law relates to Wild Law principles; what actions need to follow to move towards Wild Law.

The feedback forms from the event indicate that the objectives were achieved.

Some comments:

*“Very inspiring”*

*“I am not alone – absolutely inspirational”*

*“Great opportunity for exchange of ideas – not enough of this”*

*“Thank you very much to all who made it such a well run, fun and interesting event”*

*“The friendliness and open attitude of the people really exceeded my expectations”*



Research paper launched by (left to right): Begonia Filgueira, Ian Mason, Prof Lynda Warren



Cormac Cullinan (author of “Wild Law, a Manifesto for Earth Jurisprudence”) leading outdoor group discussion on Wild Law principles

## Expectations

These are some of the things people expected to receive from the workshop:

- Meet other like-minded people
- Find specific channels to focus on
- Intellectual challenges to establish robustness
- Identify strategies for rolling this out
- Learn more
- Connect and learn from nature
- Establish a cohesive group for going forward
- Find out how Wild Law overlaps with UK nature conservation law
- How Wild law can be implemented to affect UK policy
- Improving environmental laws
- Have fun
- Understanding societal aspects of law
- To be creative with the ideas
- Get clarity

## Benefits

These are some of the comments on the benefits received from the workshop after it had finished:

*“renewed conviction that I can make a difference”*

*“will work to change things however I can”*

*“spreading Wild Law – as an individual to my friends and contacts; to my university and other organisations I’ve involved in”*

*“continue connections made into law studies and see how to introduce Wild Law ideas to student lawyers”*

*“it offers an organising principle/idea for work I and friends do on justice/environment issues”*

*“The information will inform all my work – ideas and threads to follow”*

*“Wild Law ideas will be infused into academic thinking”*

*“the vigour of the people here, the inspiration and the energy”*

*“can assess our approach to environmental campaigning/advocacy against Wild Law ideas”*

*“Our business goals will be aligned with Wild Law principles (we work with many community and voluntary groups)”*

*“Continued build up of essential knowledge”*

*“I am motivated further to clarify my thinking, read more, and focus my attentions on working in this area”*



## Main speakers:

Joe Guth (Science and Environmental Health Network US); Prof Lynda Warren (Aberystwyth University); Melesse Damtie (Dean of the Ethiopian Civil Service College's Department of Law, Addis Ababa)

## Who attended?

About half had previously attended a Wild Law event and half were newcomers.

Countries represented: UK, USA, Ethiopia, Ireland, Spain, New Zealand, Belgium, Australia, Kenya, South Africa

Ages ranged from 20-retirement age with an equal spread between 20 and 55. There were 20 men and 30 women. Just over a fifth were from non-legal backgrounds.

Backgrounds included: students; academics; solicitors in private practice; barristers; regulators; government lawyers; environmental consultants/managers. Nine national NGOs and 1 local NGO were represented. One person, who aims to live sustainably and in harmony with nature had walked to the event from Eastbourne (taking over 2 weeks). Others arrived by car, the vast majority by train, six by plane (including one who works with Aboriginal communities on land rights issues in Australia and another with community groups in Kenya). The audience was as diverse as possible!



## Action Plan

The workshop aimed to secure organisational and personal commitment to action on four fronts:

1. Developing Wild Law ideas further (philosophy/spirituality/jurisprudence)
2. Finalising the research paper
3. Education
4. Advocacy

Simon Boyle reports below on how this work will be taken forward.

The Wild Law work in 2008 is kindly funded by Matrix Chambers, the Network for Social Change and Argyll Environmental.

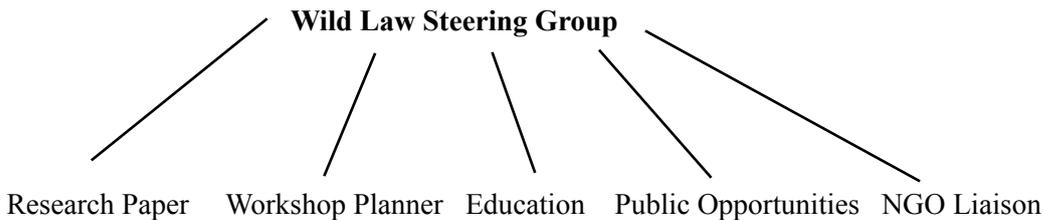
## UKELA Wild Law Group

### Simon Boyle of UKELA's Council and Coordinator of the Wild Law Special Interest Group.



During the weekend workshop in Derbyshire (see above) it was agreed that we would set up a UKELA Wild Law Group. This has now been done and we are actively seeking volunteers to help.

The Wild Law Group will sit as a Special Interest Group in UKELA (alongside Young UKELA.) The Group is coordinated by a Steering Group under which there are a number of sub-groups as shown below:



We will also support any local Wild Law Groups that are started.

Ever since we started planning for the first Wild Law Conference in 2005 we have worked closely with two other charities, the Gaia Foundation and the Environmental Law Foundation. At least one representative from each of these organisations will be on the Wild Law steering group.

We are conscious that many UKELA members are not familiar with the ideas of Wild Law and so the Group is putting in a lot of its effort into making the numerous publications easily available.

There is a Wild Law page on the UKELA website. From this there will shortly be a link to the Gaia Foundation's Earth Jurisprudence Centre which holds a comprehensive library of Wild Law materials.

In addition the journal Environmental Law Management publishes all the papers from the Wild Law conferences/workshop.

The sub-groups are in the process of being formed and so if you are interested in joining one or more of these, now would be an excellent time to do so.

#### **Research – Sub group coordinator Begonia Filgueira**

At the Weekend Workshop Prof Lynda Warren presented a draft of the paper Wild Law : Ideas Into Action Where Can We Find Examples of Earth Jurisprudence in Practice. This Research paper is a major step forward in looking at the practical application of Wild Law. The paper will be completed by the end of this year and published. The paper will then act as the foundation for further research as Wild Law ideas gather momentum across the globe. There will also be many other research opportunities going forward.

#### **Workshop planner- Sub group coordinators Vicki Elcoate, Simon Boyle**

We need to think through the various options for next year. For the last two years we have held the weekend workshop at Lea Green in Derbyshire which has been superb. However we are limited to a maximum number of 50 people and we are likely to need somewhere that can hold a substantially larger number. In addition to the main weekend event we may also hold a day conference in London.

#### **Education-Sub group coordinator Liz Rivers**

A number of Universities have already started to include Wild Law in their syllabus and the aim of this sub-group will be to disseminate the ideas across many more Universities as well as the College of Law. Once we have achieved this we aim to start the dialogue with higher educational establishments and schools. One of the attractions of Wild Law is the breadth of its appeal-

and so at the Universities we shall not just be working with law faculties but for example earth science and philosophy faculties.

### **Public Opportunities- Sub group coordinator Niall Watson**

This group will be raising the profile of Wild Law partly through liaising with the press. Last year we had an article published in The Guardian as well as a BBC World Service interview with Cormac Cullinan. The group may also spearhead campaigns for example relating to the legal rights of endangered species.

### **NGO Liaison- Sub group coordinator- volunteer required**

There are many other charities that will have very similar aims to that of the Wild Law Group- -principally to stop the current mass extinction of the planet's species. Similar organisations as well as the Gaia Foundation and ELF would be the World Wildlife Foundation and the Royal Society for the Protection of Birds. It is important that we link up with these organisations so that we are all working effectively together.

The list of sub groups is not intended to be exhaustive and we would expect new ones to form as time progresses. Our success will depend entirely upon volunteers stepping forward to give their time. If you are interested in helping please let me know:

[simon.boyle@argyllenviro.com](mailto:simon.boyle@argyllenviro.com)

## Group Updates

### **Environmental Litigation Working Party – update**

The working party is active in three areas at present:

*Regulatory reform* – particularly the implementation of RESA 2008. A workshop on civil penalties is in the offing and there will be further details available November.

*Access to Justice* – the UKELA Moots are on the topic of Protective Costs Orders. The law in this area continues to develop quite quickly and an update will be provided (seminar style) prior to the Moots in early 2009.

*Improving the machinery of environmental litigation.* The Group keeps a wish list of changes which it would like to see made, when legislative opportunities arise. One example is the ability for specialist judges to sit in the Magistrates Court in cases which would benefit from environmental expertise, such as complex statutory nuisance or waste cases.

Richard Kimblin

[rk@no5.com](mailto:rk@no5.com)

## **YOUNG UKELA**

The first meeting of Young UKELA on the theme of 'New Challenges and Practical Responses' will take place on Monday 10th November at 5:30pm for 6pm at the offices of DLA Piper UK LLP at 3 Noble Street, London, EC2V 7EE.

Speakers are:

**Stephen Hockman QC**, Head of Chambers at 6 Pump Court

**Andy Fisher**, Head of the Wildlife Crime Unit, Metropolitan Police

**Ingrid Holmes**, Climate Change Capital

Environmental law is a rapidly evolving area of law and the talks will focus on upcoming areas in environmental law that may be of significance to junior lawyers as they develop their practices, with an emphasis on the interaction between domestic and international concerns and legal responses. A drinks reception with an excellent opportunity for networking will be held after the talks.

The Young UKELA Group is aimed in particular at practitioners up to 7 years post-qualification, but all are welcome. £10 for UKELA members, £20 for non-members. All the free student places have been taken.

1.5 CPD hours (to be confirmed). For booking details visit [www.ukela.org](http://www.ukela.org) and go to the events diary.

**Cain Ormondroyd** is a barrister specialising in planning and environmental law. He is fortunate enough to live with his partner in central London.



### The e-law 60 second interview

The questions:

*What is your current role?*

I am a junior barrister at Francis Taylor Building, having recently finished my training there.

*How did you get into environmental law?*

Whilst I was a student there was an application to register a small but valuable piece of land in Oxford (the Trap Grounds) as a town or village green, preserving it for the use of local people. It was a precedent setting case and the campaigners needed a barrister to appear in court for them. I thought that was something worthwhile I could do in the future. Interestingly enough, the case went all the way to the House of Lords. I talked about it at interview at some length – to good result. So village greens got me into environmental law in more senses than one!

*What are the main challenges in your work?*

The main challenge for me is trying to bring the detail and technicalities of the law to bear on the broad issues which are really of concern to clients. Strangely enough, I actually enjoy legal analysis – but you have to remember it is always a means to an end.

*What environmental issue keeps you awake at night?*

Answering your question legalistically, I would say ‘mice’, which are a significant environmental issue in my flat. Looking at what you really mean, the answer has to be climate change.

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

A change in our moral and spiritual values. Take the example of consumerism (which would once have been called ‘greed’ and deemed ‘immoral’). It is unsustainable and has to stop. Of course, it’s easy to say ‘stop buying so much’, but what will we do instead? Shopping helps lots of us feel better about ourselves. I think it should be replaced by a life filled with “love, joy, peace, patience, kindness, goodness, faithfulness, gentleness and self-control” (or as many as we can manage!) – what St Paul called “the fruit of the Spirit”. If people like us were to lead the way by living that sort of life, governments and companies would soon find the political and economic will to act.

*What’s your UKELA working party of choice and why?*

Again, it has to be climate change. I was very impressed to hear that their recent summary of climate change law had been incorporated into a textbook.

*What’s the biggest benefit to you of UKELA membership?*

The chance to meet so many fantastic people!

## UKELA Annual Competitions

by Richard Kimblin of UKELA's Council and No 5 Chambers

### The Andrew Lees Prize

UKELA is pleased to announce its annual article competition - "the Andrew Lees Prize". This competition is open to any student (of any discipline – not only law students), trainee solicitor, pupil or solicitor / barrister with not more than 2 years' post qualification experience.

Andrew Lees was the Campaigns Director for Friends of the Earth and a leading environmental campaigner on a range of issues from water pollution to illegal waste dumping. He died suddenly in 1994 while on a working holiday in Madagascar campaigning against a large opencast mine.

There will be two prizes – a winner and a runner up. Each will receive a free place (including travel expenses) to the 2009 UKELA conference. The winner of the first prize will have their article published in UKELA's journal e-law.

The title of the article is:

*"The law is useless as a tool to deal with climate change."*

Discuss

The judges have been appointed by UKELA Council and their decision on all matters relating to the competition is final.

All articles should be typed in 12pt script and 1.5 line spacing. Your name should appear on the top right hand corner of each page and the number of words should appear at the end of the article along with your contact details. The word count should relate only to the text of the article and does not include your name, the title, nor your contact details. However, if the article text exceeds 1000 words your entry will be disqualified.

**Your article should be sent by email to Richard Kimblin at No5 Chambers ([rk@no5.com](mailto:rk@no5.com)) by 4pm on 25<sup>th</sup> January 2009.**

### UKELA's Moots

UKELA is pleased to announce the opening of entries for the 2009 Mooting Competitions. This year's moot problem can be found at [www.ukela.org](http://www.ukela.org), under the pages for students.

There are two mooting competitions:

*a. The Lord Slynn of Hadley Mooting Trophy Competition* (the senior competition) is open to all those who as of 31st October 2008 are in pupillage, a trainee solicitor, on the bar vocational course or legal practice course, or who are on taking the CPE. In essence this competition is for those on vocational courses

*b. The UKELA Student Prize Moot* (the junior competition) is open to those who as of 31st October 2008 do not qualify for the Lord Slynn Trophy Competition but who are studying for a degree (including graduate degrees, e.g. LLM's or non law degrees). In essence this competition is for those who are students not yet on vocational courses.

Teams consist of two members. An institution may enter more than one team. Teams may comprise of competitors from different institutions.

Each team should submit two skeleton arguments, one on behalf of the Appellant and one on behalf of the Respondent. No more than two authorities may be cited in each skeleton in addition to those referred to in the Moot problem. Each skeleton argument should be no more than six pages of A4 paper. The font should be Times New Roman, size 12, with 1.5 line spacing. Paragraphs and pages should be numbered. The skeleton arguments should include a contact name, address and day and evening telephone number. A copy of the skeleton argument should be forwarded electronically, by email to [rk@no5.com](mailto:rk@no5.com) **no later than 4pm on Monday 26<sup>th</sup> January 2009**.



Richard Kimblin (on the left) with past moot winners and Lord Slynn (on the right)

## Competitions

The finalists will be selected on the basis of the skeleton arguments. All competitors will be notified of the outcome. The finals will be held at a venue and at a date to be announced during March 2009.

The Master of the Moot (Richard Kimblin) reserves the right to change the rules of the competition without notice as he thinks fit and his decision is final.

The winners of both competitions will receive a cash prize from No5 Chambers. The winners of the Senior competition will receive the Lord Slynn of Hadley Mooting Trophy and the Junior competition winners will receive the Junior Trophy.

UKELA is grateful to the sponsors of the moot, No 5 chambers.

### Climate Change Competition for Lawyers

Advocates for International Development (A4ID) are promoting an international competition along with the Climate Justice Programme and Oxfam for lawyers, academics and law students to come up with the most innovative legal case for a developing country to take legal action on injuries suffered from climate change. The competition supports Oxfam's new report 'Climate Wrongs and Human Rights'.

The 3500-word complaints will be judged by a panel of eminent lawyers, including A4ID Advisory Council Member Stephen Hockman QC, and the winners will be announced in March 2009 to coincide with the release of the report from the UN OHCHR. The winning submissions will be published on Oxfam's website and the winners will receive a £100 voucher for books or eco-goods from the Centre for Alternative Technology.

Further information on this competition can be found at <http://www.oxfam.org/files/make-the-case-climate-law-competition-9Sept08.pdf>.

Entries should be sent by email to [climatechangecompetition@a4id.org](mailto:climatechangecompetition@a4id.org) by 31 December 2008.

Nick Flynn

Weil, Gotshal & Manger

[nick.flynn@weil.com](mailto:nick.flynn@weil.com)

## UKELA events

### Annual Garner Lecture 2008

UKELA's annual Garner Lecture takes place this year on **Tuesday 18 November 2008** at Freshfields Bruckhaus Deringer in London. The speaker is barrister (non-practising), international environmental writer/lecturer and founder member of UKELA, Richard Hawkins. His talk is called "What to tell your Client about Global Warming."

To book your place, go to [www.ukela.org](http://www.ukela.org) and follow the links on the home page. Thank you to all those who have already booked. Please remember to send payment as soon as possible please to Alison Boyd, PO Box 487, Dorking RH4 9BH.

### West Midlands Regional Group Seminar on Environmental Liability Directive

UKELA's West Midlands Regional Group is holding an early evening seminar in Birmingham to discuss the implementation of the Environmental Liability Directive.

Date: Monday 1 December 2008

Time: 4-30pm - 8pm (speakers at 5pm)

Venue: Pinsent Masons, 3 Colmore circus, Birmingham, B4 6BH

Speakers: Caroline Connell, Head of Environmental Liability Branch, Defra

Alexander Pohl, Senior Project Manager - Environmental Risks, HSBC Insurance Brokers Ltd

## UKELA events

The talks will be followed by debate, chaired by Paul Collins, Environment Solicitor, Pinsent Masons

Further details, including how to book, will be posted on the website and circulated soon.

### **Student Careers Advice and Social**

The annual student get together with professionals will be held on Tuesday December 9<sup>th</sup> at Landmark Chambers, 180 Fleet Street London, EC4A 2HG from 6 – 8.30pm. This is an informal evening where students can sit and chat to professionals (barrister, solicitor, NGO, government lawyer, environmental consultant, regulator) about jobs in environmental law. It's also a chance to meet other students with a similar interest and we have had very positive feedback from those taking part in previous events

Refreshments provided and places are free, but must be booked.

If you want to book please contact Alison Boyd, [alisonboyd.ukela@ntlbusiness.com](mailto:alisonboyd.ukela@ntlbusiness.com) with your name, place of study, what you are studying and what year you are in, phone number/s.

### **The Way We Live Now – an energy, planning and waste conference for the 21st Century**

This event is taking place in York on **Tuesday 20 January 2009** at the National Science & Learning Centre at York University. It is a collaborative event organised by UKELA, IEMA and Dension Till. It provides an opportunity for businesses, public sector professionals, legal, planning, environmental and energy advisors to:

- Understand how the sometimes disparate fields of environment, energy, planning and waste are increasingly coming together when infrastructure and development projects are under consideration; and
- Find out what nationally recognised speakers have to say about the latest developments in environmental, planning and energy law and policy and the practical issues this gives rise to.

Further details can be found on the UKELA website including booking details coming soon.

**SCOTLAND** – meetings are currently being finalised and details will be published shortly on the website.

## Other organisations

### **ENVIRONMENTAL LAW OF THE UK**

3-7 November 08

We will shortly be closing bookings for our masters' level course on Environmental Law of the UK.

The course, taught by Professor Richard Macrory and Professor Maria Lee, is organised by the Centre for Law and Environment at UCL. It is self-contained and examines key substantive areas of UK environmental law, as well as core structures of environmental governance, and approaches to enforcement and implementation. The course is focused on the law in England and Wales and aims of the course are to equip participants with an appreciation of key areas of contemporary UK environmental law, and to develop critical facilities in the evaluation of substantive rules and different regulatory approaches.

Information about the course is available on our course booking website at:

<http://uk-environment.eventbrite.com>

This course will count towards 12 of the 16 CPD hours required by the Law Society.

## **New Guidance and Emerging topics in Land Contamination**

12 November 2008

London

How will the outcome of “The Way Forward” affect the way you do your job? How will the new position affect planning and Part IIA in the future? What are the implications for Local Authorities and the positive outcomes?

This new event, created by *Brownfield Briefing* to explain the implications and positive outcomes of the guidance, will shed light on the dark corners.

Review the key changes of the revised CLR 9 and CLR 10 guidance. Get a demonstration of the new CLEA software. Explore implications of the legal definition of Part IIA.

For more information or to book, please contact us on [conference@newzeve.com](mailto:conference@newzeve.com), or call 020 8969 1008. We are offering UKELA members discounted delegates' places - £375 + VAT (£440.63) for UKELA members.

Don't miss this chance to ask questions, debate the implications, and get answers.

## **VOCs and Ground Gases: Sampling, Risk Assessment & Remediation**

13 November 2008

London

With 60% of all new homes being built on Brownfield sites, more and more uncertainty is arising around investigation and remediation of Ground Gases and VOCs. This Conference aims to highlight the current best practices in laboratory sampling, safety, risk assessment, remediation and how to avoid the pitfalls of Part IIA Risk Assessment.

Topics include:

- Difficulties and practical solutions for assessing VOCs on contaminated land
- New developments in site specific risk assessment
- How to better use conceptual models
- Post-development issues for landowners: health and safety, maintenance and mitigation
- Quality assurance for verifying membrane integrity
- Planning and Part IIA

For more information or to book, please contact us on [conference@newzeve.com](mailto:conference@newzeve.com), or call 020 8969 1008. We are offering UKELA members discounted delegates' places - £375 + VAT (£440.63) for UKELA members

## **Environmental Industries Commission conference: Latest Developments in UK and EU Environmental Policy - Business Risks and Opportunities**

2 December 2008

Central London

Special offer for UKELA members: 10% discount if you quote UKELA10

To book your place visit <http://www.eic-uk.co.uk/national2008.cfm>

Speakers include:

- Rt Hon John Hutton MP, Secretary of State for Business
- Chris Smith, Chair of the Environment Agency
- Timo Makela, Director of Sustainable Development, European Commission

EIC has brought together a unique line up of the top policy makers, regulators and business leaders to analyse the environmental policy framework and its implications for business.

This is an essential event for those who need to understand how businesses can gain competitive advantage in a slowing economy from the shift to a low carbon and resource efficient future.

*The event is kindly sponsored by Enviros and Faber Maunsell*

There is a range of opportunities for companies wishing to be associated with this high profile event. For details please contact Jason Dante on 0207 486 6344; [Jason.dante@eic-uk.co.uk](mailto:Jason.dante@eic-uk.co.uk)

## Environmental Law Review



*Environmental Law Review* provides a forum for the critical discussion of current and developing ideas, policies, and practice in the environmental field. The approach of *ELR* is intended to make it a primary source of analysis for both academics and practitioners. Environmental law is interpreted in its widest sense and *ELR* explores some of the boundaries of the subject. It contains Opinions by leading authorities, Legislation Discussion, Case Notes, an Update and Book Reviews. It is available in print, online or both.

Peruse the journal at [www.vathek.com/elr](http://www.vathek.com/elr) where you can purchase a single article that you may be interested in, or look at the Ahead of Print articles.

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## **E - LAW**

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

All contributions should be dispatched to Catherine Davey as soon as possible by email at:  
[catherine.davey@stevens-bolton.co.uk](mailto:catherine.davey@stevens-bolton.co.uk) by 14 November 2008

**Please use Arial font 11pt. Single space. Ensure headings are in bold capitals.**

Letters to the editor will be published, space permitting

## **UK ENVIRONMENTAL LAW ASSOCIATION**

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

For information about working parties and events, including copies of all recent submissions contact:

UKELA, PO Box 487, Dorking, Surrey RH4 9BH

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