



EELF
European Environmental
Law Forum



8th EELF Annual (online) Conference 2021

Social and Scientific Uncertainties in Environmental Law

8th-10th September 2021

Hosted by Bournemouth University
Department of Life and Environmental Sciences
Environment & Threats Strategic Research Group

– Call for Abstracts –

Environmental law aims to provide regulatory mechanisms to protect the environment, and this requires sufficient knowledge of the environmental effects of human activities, the functioning, services and carrying capacities of ecosystems, and the technical and societal options available to mitigate adverse effects and develop energy, food, urban and mobility systems towards environmental sustainability. However, major environmental threats of the 21 century, such as climate change, biodiversity loss, and emerging pollutants, exceed scientific knowledge of their complex causes, consequences, and solutions. As clearly shown in the European Green Deal strategies, these environmental threats can only be averted by transformative policies that embrace the complexity in environmental and social terms and determine long-termed transition pathways. Never before were the makers and subjects of regulation so eminently dependent on scientific expertise and confronted with uncertainties. The uptake of scientific knowledge and the management of uncertainties are thus among the current key challenges in the making, design and implementation of sustainable environmental laws.

This conference explores how environmental law is prepared or could be better equipped to deploy the best available knowledge and expertise and deal with knowledge gaps and uncertainties in the legislative, administrative, and judicial branches. This includes procedural instruments like, most notably, environmental impact assessments (EIA) and participation schemes; specialized institutions like scientific councils and advisory panels, environmental courts, private normalization and accredited experts; and substantial aspects as to how environmental laws refer to technical terms and standards, relies on expert judgement and allocates the burden of proof. The conference aims to assess all prominent fields of environmental regulation and to involve practitioners and researchers from other relevant disciplines in order to facilitate interdisciplinary debate.

We invite research papers especially under the following subthemes.

1. Protection of Air, Land and Water (Freshwater and Marine)

The cumulative effects of human activity are threatening the integrity of the fragile biosphere in which all living creatures coexist by causing degradation of air, land and water. This threatens Earth's ability to sustain other species, ultimately jeopardising the conditions required for future generations to thrive.

These threats have encouraged the development of solution-orientated approaches which tend to emphasise the 'all-inclusivity' of legal and political frameworks. However, the nature of environmental risks can be deeply deceptive and, therefore, requires different disciplines to grasp

the complexity of the problems to find practical solutions. In general, the law attempts to regulate these harms by applying justice-based notions operating through recognised rights and obligations frameworks. From here, it may seem that environmental law is the centre of social activities, the prime 'risk carrier' of modern society. But this perspective is somewhat limited, as environmental law needs to go beyond and embrace the different criteria of success and relevance which science, economics, politics, sociology and so forth, may prioritise to protect our planet Earth. The breadth of disciplinary discourses and the way these intermesh with each other in so many different ways, adds to the uncertainty of how best to mitigate and reduce our impact on the environment. More than ever before, it is necessary to promote a collaborative, multidisciplinary approach in order to deliver effective legal solutions.

This theme encourages contributions to explore the substantive environmental provisions regarding air, land and water, from the legal perspective as well as from other disciplines. Papers under this category may include: how planning controls assist in environmental protection; the effectiveness of environmental impact assessments; management of waste; strategies to manage land and protect the natural environment, including the protection of plants, animals and natural habitats; application of international, EU and domestic law for the regulation of water quality (freshwater and marine); regulation of marine pollution; effectiveness of legal controls over atmospheric emissions and air quality, etc. Other topics which fit this theme are also welcomed.

2. Climate Change and Biodiversity Loss

As the two 'core' planetary boundaries most associated with triggering tipping points in the global Earth system, climate and biodiversity boundaries have both been heavily exceeded since the planetary boundary concept was introduced over ten years ago. Contributions may explore appropriate successes and failures of regulation mechanisms (legal, economic, voluntary, etc.) in the prevention of greenhouse gas emissions or biodiversity loss, alternative approaches to regulations (e.g. prohibited activities vs. species conservation vs protected areas) and the complexities and uncertainties of regulating a system which could be on the verge of a rapid, non-linear transition. Other topics which fit this theme are also welcomed.

3. Green Criminology/ Wildlife Crimes/ Regulatory Enforcement Sanctions

In general, green criminology focuses on perpetrators and the harm their behaviours may cause, the reactions they evoke from both public and private institutions, the level of victimisation and society's perceptions to environmental issues. Within the 'perpetrator' perspective, we welcome contributions which explore modus operandi, the modern relevance of arguably dated criminological theory (particularly in the application of theory to environmental issues), the replacement of a 'crime-orientated' focus to one of 'harm-orientation', and the potential disguising of economic crime as environmental crime. More specifically, topics may include wildlife crime, trading in endangered species and environmental forensics. Within the 'reactions to environmental crime' perspective, contributions may wish to explore concepts of environmental policing, the role of technology in harm prevention and attitudes towards harm prevention, the combination or exchangeability between criminal and civil law, (e.g. the Regulatory Enforcement and Sanctions Act 2008) and the roles and responsibilities of actors in the Criminal Justice System, such as prevention/enforcement agencies, sentencing, and justice. Within the 'victims' perspective, contributions may wish to explore issues pertaining to causation and/or the complexities of identifying the victims of environmental crime and the damage it may cause to the social fabric. Within the 'society' perspective, contributions are sort that looks at environmental harms as addressed by the media, the level of participation of ethnic populations, the differing level of citizen's participation in environmental issues and public initiatives such as Extinction Rebellion. Also, contributions may wish to explore the role of NGO's, social license, and the efficacy of 'blame and shame' in the punishment of environmental harm recidivism. Other topics which fit the above themes are also welcomed.

4. The Role of the General Public in Life Science Governance/Environmental Decision Processes

Recently the public has been asked to contribute to issues regarding environmental policy. Precisely defining the roles ascribed to the general public is notoriously difficult as different modes of consultation construct these roles differently. In some instances, the general public has been mobilised; in others, it has mobilised itself. The knowledge and competence of the general public are lauded in some circumstances, but condemned in others (e.g. the public's scientific understanding). Arranged forms of consultancy such as surveys are at risk of framing issues for the public, compared with explorative approaches such as qualitative enquiry or deliberative procedures where participants have the freedom to express or develop their own framings.

Contributions may explore the political-philosophical discussion pertaining to public consultations, the deontological or consequentialist perspectives, public participation in Environmental Impact Assessment, the protection of democratic rights and public trust, and the criticism of public consultation systems that are seen to not result in policy changes. Other topics which fit this theme are also welcomed.

5. Green Energy, Economics, and Sustainable Business

'Net Zero' carbon emission targets have been set by governments worldwide. Many governments have declared a 'Climate Emergency' and are taking action on businesses that damage the environment. Integral in reducing carbon emissions and restoring biodiversity and natural resources are energy policy and technologies; economic models, business models and practices such as the 'Circular Economy', and policy and regulatory frameworks relevant to these areas of human activity.

Contributions under this theme are welcome that, for example, explore lessons that can be learnt from successes and failures in projects addressing or related to green energy and sustainable business. In addition, contributors may wish to explore ideas and new concepts for the re-thinking of legal policies and frameworks. Contributions will be welcomed on how regulation, or lack of regulation, can help or hinder progress in the broadest perspective. Other topics which fit this theme are also welcomed.

6. Addressing Environmental Breakdown

The environmental breakdown is a collective term for the combined and synergistic effects of planetary environmental issues such as climate change, biodiversity loss, pollution, and land-use change. Multiple academic studies and reports (notably the 2018 IPCC report) have called for large scale changes to political and economic systems to address these concerns. This theme welcomes submissions with a focus on one or a combination of the following topics: scientific studies with clear legal or policy-focused recommendations (i.e. percentage of land needing rewilding); technological solutions that require a legal framework in which to operate; social science approaches to implementation of solutions and the necessary changes to legal and policy frameworks; national or international law solutions; and/or gaps, strengths and weaknesses of (inter) national laws and policy frameworks.

7. Application of Technology in Environmental Law

Recent technological developments (clean energy, etc.) have been utilised to help address environmental issues through addressing and exploring scientific uncertainties, or by integration into law and policy in the enhancement of environmental protection. Policymakers should aim to encourage the application of new technologies in environmental law, notably BAT and BATNEEC; eco-evaluation of technologies; and/or front runner approaches and integration of thresholds as key instruments of environmental protection, but which kinds, how developed, derived, implemented, tested, and revised against new knowledge?

Contributions may also explore how scientific uncertainties can be minimised by employing new technologies, whether law fosters and promotes innovative technologies, legal implications of

applying these developments in environmental protection, how successful the current regulations are in accommodating these new technologies, and/or how law should tackle legal challenges emerging through the use of modern technologies. Other topics which fit this theme are also welcomed.

8. Scope of Judicial review in various jurisdictions.

Judicial protection plays an increasingly important role in assuring environmentally sound development and guaranteeing environmental rights of the public. The key issues for effective justice are standing and the scope of judicial review. Both are heavily constrained by the general frameworks of judicial protection which have not been designed to address environmental disputes in which scientific issues are of utmost importance for protecting common interests. While the issue of standing has recently gained recognition, the existing standards regarding scope of judicial review in environmental matters in different jurisdictions has not been yet sufficiently examined.

Contributions under this theme may address various approaches to defining scope of judicial review in various jurisdictions and their advantages and disadvantages, obstacles encountered when challenging procedural legality or substantive legality of acts or omissions, possibilities to address uncertainties, and institutional solutions to assure access to scientific expertise in judicial proceedings, as well as any other issues having an impact on the effectiveness of judicial protection.

Submission of abstracts

Abstracts may relate to more than one sub-theme or highlight dependencies between the subthemes. The abstracts should be written in English, not exceed 500 words. It should indicate the precise topic of the proposed paper and the related subtheme(s) and consist of a short description of the content of the contribution and its relationship to the topic and themes of the conference. The abstract and a brief biography of max. 150 words should be sent to the following e-mail address: EELF2020@bournemouth.ac.uk by **May 31**, 2021. Please state the subtheme the work falls into the subject field of the e-mail. Abstracts will be reviewed on a rolling basis, as received, with a final decision to be provided by **June 30**, 2021, at the latest.

Speakers whose abstracts are accepted will then be asked to send in a **15-minute recorded presentation**.

Registration and further information

Registration will reopen in **March 2021**. The EELF website (eelf.info) will provide further information and links to the conference website, and registration.

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