



Utrecht Centre for Water,
Oceans and Sustainability Law



Utrecht University

7th EELF Annual Conference 2019

Environmental Law for Transitions to Sustainability

Circular economy, climate change, water resource management and
sustainable biodiversity

28-30 August 2019

Utrecht Centre for Water, Oceans and Sustainability Law (UCWOSL), Utrecht
University, The Netherlands

Call for abstracts

Introduction

In 2015, the EEA concluded that Europe faces major environmental challenges if it is to achieve its 2050 vision of 'living well, within the limits of our planet', as defined in the EU's 7th Environment Action Programme. These challenges are not about single issues such as reducing air pollution or better nature protection. Instead, Europe's persistent environmental challenges are systemic, in the sense that they are tied in complex ways to prevailing economic, technological and social systems. These interlinkages often make it hard to effect rapid reductions in environmental pressures.

Over the last decades, environmental law has significantly contributed to limiting pollution and decoupling economic growth and negative environmental effects. However, for advanced economies in Europe and elsewhere, reconciling high levels of human development (living well) with environmental sustainability (living within environmental limits) is expected to require five-fold ('factor 5') or even ten-fold ('factor 10') improvements in environmental performance (EC, 2011a; UNEP, 2011a). Moreover, in some areas, like biodiversity loss, we already went beyond the capacity of our world. Current challenges might best be tackled by a problem or goal oriented approach, which enables thinking about out of the box solutions, integrated approaches and cross border sets of instruments.

Therefore, the EU (and the international community) must find new ways to achieve fundamental transitions to sustainability in core systems, entailing 'profound changes in dominant institutions, practices, technologies, policies, lifestyles and thinking' (EEA, 2015). The central question which we want to approach in this forum is, what law has to offer to support these transformation processes

and how it can provide guidance on the pathways to sustainability. Which kind of law do we need to encourage innovations for more sustainable solutions? How can innovation be ensured, without endangering public health and safety and environmental quality? Besides discussing the role and appearance of environmental law encouraging sustainability in general, we will concentrate on four substantive areas in which a transition process to sustainability is urgently needed: the transition from a linear to a circular economy, the transition to a low carbon economy in order to comply with the Paris Agreement, the transition to a holistic management of water resources to achieve water security in urban, rural and coastal areas and transitions needed to halt biodiversity loss. As law will always only be one instrument within an interdisciplinary and multidimensional approach for systemic changes, we strongly encourage interdisciplinary contributions.

Themes

Sustainability Law

For a long time, the first and foremost aim of environmental law has been to reduce pollution caused by human activities, especially emissions to air and water and other forms of pollution. This seems to be insufficient to achieve a sustainable economy. Systemic changes of our way of producing, consuming and living are required. Law has to encourage disruptive or breakthrough innovations for more sustainable technologies and processes. What kind of law will optimally serve this aim? Does existing law hamper or at least discourage sustainable innovations and solutions? Do we have to strengthen collaborative governance structures, greater use of “reflexive law” (such as information reporting), and should we emphasize the use of economic incentives? Who will be the driver of innovative sustainable solutions: local communities or private actors, business, national governments or perhaps cities, which seem to face the consequences of our unsustainable way of living most intensively? What consequences does this have for the development of sustainability law? Do we need to develop and implement laws and legal institutions that do not now exist, or can existing instruments be improved and adapted?

Transitions to a Circular Economy

The transition to a circular economy is a systemic change. We have to rethink our ways of producing and consuming. For this transition we will need new technologies, processes, services and business models. To foster a circular economy, all steps of the product lifecycle have to be addressed: the design, production, use and reuse. The legal questions of this systemic change are numerous. Which kind of law encourages new technologies and more circular services? Do we have to rethink the basic principles and goals of competition law, as circular processes urge for an intensive collaboration in the whole product-chain? Do we need waste law any longer or should we replace it with product and materials law? Should the legal rules for accession be changed to promote service contracts? Do we need a review of the minimum warranty period for certain products?

Transitions in order to Comply with the Paris Agreement

Legal approaches to enforce reduction of greenhouse gas emissions are diverse. Market based instruments like emission trading schemes compete with taxing or more traditional command and control approaches. What can we learn from the successes and disappointments of these instruments in the last decades? Which legal instruments foster innovative technologies to decarbonize? How can law contribute to make aviation, which is excluded from the Paris agreement, sustainable? Fighting climate change will require negative emissions technology, probably including Carbon Capture and Storage (CCS). What legal challenges does this bring about?

Transitions to a sustainable Management of Water Resources in order to Achieve Water Security

Almost two decades ago, the EU Water Framework Directive (WFD) entered into force. It proposed a holistic approach to water management as it imposed ecological objectives and reinforced river basin management through iterative plans and programmes. It ought to have stimulated resilience to climate change, increased biodiversity in aquatic (and other) ecosystems and reduced nutrient overload. It was introduced as a new regulatory concept and was said to function as a potential template for future EU environmental regulation. Has the WFD fulfilled the high expectations and has it substantially contributed to achieve a sustainable good status for all EU waters? If not, can the directive or its implementation be improved or do we need completely different instruments? Could the WFD serve as a worldwide role-model or are other legal regimes aiming at ensuring water security in urban, rural and coastal areas more promising?

Can Law Halt Biodiversity Loss?

Worldwide, biodiversity still is declining rapidly. In the EU, most of the strictly protected species (more than 60%) and also most of the protected habitat-types are in an unfavorable conservation status. The policy aim of the EU to stop biodiversity loss by 2020 is not within reach. Has law failed? Does the EU law address the main drivers of biodiversity loss, and does it do so effectively? Or would fundamentally different legal regimes be needed to stop biodiversity loss and to work towards an effective protection of nature as the basis for our future living?

Submission of abstracts

Abstracts may relate to more than one sub-theme or highlight dependencies between the sub-themes. Abstracts shall be written in English, not exceed 500 words, 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 relation to the topic and themes of the conference. Abstracts, together with a short biography of max. 150 words should be sent to the following email address:

Rechten.SBRSecretariaat@uu.nl by 31st March 2019. Abstracts will be reviewed on a rolling basis, as received, with a final decision to be provided by 30th April 2019 at the latest.

Registration and further information

Registration will open in January 2019. The website will also provide further information on accommodation, travel, draft programme, etc. Please be aware that accommodation should be booked/reserved well ahead of the event. A list of recommended hotels will be available on the website.

Organizing Committee

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