



**EELF**

European Environmental  
Law Forum

## **Third EELF Conference**

# **The Effectiveness of Environmental Law**

2-4 September 2015

Aix-en-Provence  
France

**CALL FOR PRESENTATIONS**

After the Universities of Groningen and Brussels (HUBrussel and Hasselt), the CERIC (Faculty of Law and Political Sciences, Aix-Marseille University) will host the third conference of the European Environmental Law Forum in Aix-en-Provence, France.

The theme of the third EELF Conference is “**The Effectiveness of Environmental Law.**”

According to the last UNEP’s GEO report, “[T]he currently observed changes to the Earth System are unprecedented in human history. Efforts to slow the rate or extent of change –including enhanced resource efficiency and mitigation measures– have resulted in moderate successes but have not succeeded in reversing adverse environmental changes. Neither the scope of these nor their speed has abated in the past five years” (UNEP, 2012). Environmental public policies have been developed for more than 40 years with limited success. As stated by UNEP, “[m]any sub-national, national and international instruments now in place are contributing to environmental improvements. There is evidence, however, of continuing deterioration in many places and for most of the global environmental issues reported on in GEO-5. For such issues as exposure pathways and effects of chemicals, and the trends in land degradation a better understanding would support better responses. For others, such as reducing particulate matter (PM) concentrations in the atmosphere, more consistent implementation of existing instruments is needed.” (ibid.)

Indeed, the implementation of environmental law suffers from longstanding difficulties, at the domestic, European or international level. After two decades of abundant law-making, scholars and practitioners are still searching for ways and means to improve the effectiveness of environmental law.

The lack of implementation comes from various factors, including scientific uncertainties, the cost of required measures, conflicts with other interests that are better protected, the inadequacy of institutions and governance, or even the specificities of environmental harm.

The improvement of the effectiveness of environmental law ought to be considered a high priority –if not the highest– by both practitioners and academics, who should in this respect work closely together. Moreover, lawyers need to cooperate with other disciplines in order to better design and implement environmental law.

Based on this wide and federative topic, the 3<sup>rd</sup> EELF Conference will be organized around two plenary sessions with keynote speakers, complemented with several rounds of parallel sessions where younger colleagues will also be given the opportunity to present their work. All in all, more than 60 contributions will be presented.

The conference will consist in two days of presentations and discussions, and a third day dedicated to an excursion.

Within the framework of the overarching topic presented above, proposals may address the following issues (we sometimes propose sub-topics that can be considered as included in these issues):

**1. Definition, reasons and assessment of the (in)effectiveness of environmental law**

- Definition of the concept of effectiveness
- Limits to the effectiveness, causes of ineffectiveness (legal or not)
- Assessment of effectiveness, indicators, qualitative and/or quantitative measurement
- Legitimacy and effectiveness

## **2. Designing effective norms**

- What combination of public and private norms for an effective policy mix? (Corporate social responsibility, Global Compact, codes of conducts, eco-labelling, contracts, good practices...)
- Market-based and/or command-and-control instruments
- Evolutive, adaptive norms
- Flexible norms, role of standards and principles
- Expertise
- Participatory approaches

## **3. Human rights to improve the protection of the environment**

- State responsibility and obligations, responsibility to protect, due diligence obligations, positive obligations
- Limits to the human-rights based approach
- Participatory approaches

## **4. Monitoring the implementation of environmental law**

- Role of administrative/public authorities (national, European, international)
- Role of non State actors
- Non-compliance mechanisms
- Judicial review (access to justice, standing of NGOs, Aarhus Convention, specialized environmental courts or chambers...)
- Non-judicial and non-adversarial mechanisms (alternative dispute resolution)
- Inspections
- Transparency and accountability of non-State actors

## **5. Incentives**

- Public subsidies
- Taxation
- Official development assistance: bilateral, multilateral (development banks, Global Environmental Facility, Green Climate Fund...)

## **6. Sanctions**

- Role of the judge at domestic, European, international levels
- Judges and expertise
- Responsibility and liability, accountability
- Civil, administrative and criminal sanctions
- Evolutions of criminal law at domestic, European, international levels

Against this backdrop, the need for academics and practitioners to share their different national, regional, international approaches and experience is obvious. Presentations from environmental lawyers, environmental scientists and scholars with a background in law, political sciences and economics are welcome. The goal of the conference is also to bring together academics, members of the EU and national/regional/international institutions, judges, lawyers, enterprises and environmental associations together and to share views and debates on this critical issue of the effectiveness of environmental law.

## **We hereby welcome abstracts of paper proposals**

**We invite all scholars to submit proposals for papers to be presented at the Conference. Abstracts** shall not exceed 600 words, indicate the related subtheme(s), and consist in (a) a short description of the content of the contribution and (b) up to three questions or thesis to be discussed with your international audience.

Please send your abstract and a short biography of max. 150 words to [maljean.dubois@gmail.com](mailto:maljean.dubois@gmail.com) by **1st of April 2015**.

More information on the conference (e.g. hotel accommodation, registration form, conference dinner...) will be soon available on the EELF website ([www.eelf.info](http://www.eelf.info)) and the 2015 Conference webpage of Aix-Marseille University.

Any question concerning the conference can be addressed to Sandrine Maljean-Dubois ([maljean.dubois@gmail.com](mailto:maljean.dubois@gmail.com)).

## **The organising committee**

Charles Hubert Born (University of Louvain); Mathilde Boutonnet (Aix-Marseille University); Julien Dellaux (Aix-Marseille University); Thomas Deleuil (Aix-Marseille University, French Foreign Affairs Ministry); Donia Landoulsi (Aix-Marseille University); Sandrine Maljean-Dubois (CNRS-Aix-Marseille University); Martine Perron (CNRS); Nicolas Pradel (Aix-Marseille University); Moritz Reese (Helmholtz-Centre for Environmental Research); Vanessa Richard (CNRS-Aix-Marseille University); Nathalie Rubio (Aix-Marseille University); H el ene Tigroudja (Aix-Marseille University); Eve Truilh e-Marengo (CNRS-Aix-Marseille University); Bernard Vanheusden (University of Hasselt); Matthieu Wemaere (Lawyer, Bruxelles)

## **EELF**

The European Environmental Law Forum is a non-profit initiative of environmental law scholars and practitioners from across Europe aiming to support intellectual exchange on the development and implementation of international, European and national environmental law in Europe. EELF is serving as an organizational platform to facilitate the following activities:

- Annual European Environmental Law conference
- Open network and common web-site for professionals, scholars and students of European environmental law
- Environmental law pinboard providing an opportunity for all members to inform about current events, project, vacancies, research interests etc.
- Personal profile pages where you can inform about your expertise, interests, projects and publications

Everyone working, researching or studying in the field of environmental law is welcome to join EELF.