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# elni

## REVIEW

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Exploring CETA's Relation to Environment Law

*Delphine Misonne*

Belgium Requests an Opinion on Investment Court System  
in CETA

*Laurens Ankersmit*

Sustainability and Precautionary Aspects of CETA Dissected

*Wybe Th. Douma*

The Volkswagen Scandal - Air Pollution and Administrative Inertia

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## Editorial

The current issue of elni Review is inter alia dedicated to a subject that has been on the Top Agenda in 2016: The Comprehensive Free Trade Agreement between the EU and Canada.

On 8 September 2016 an ELNI Forum on CETA took place at the St. Louis Faculty of Law in Brussels. A small group of environmental lawyers debated intensively different aspects of this far-reaching agreement and its impact on environmental law in Europe in particular. Delphine Misonne gives an introduction on the potential impact of CETA on environmental law, Laurens Ankersmit and Wybe Th. Douma analyse the dispute settlement schemes under CETA and shortcomings of the agreement concerning sustainability and precautionary aspects. Nicolas de Sadeleer then explains the sophisticated ratification process for CETA and the legal uncertainty surrounding it. Details of these analyses can be found in the articles of *Delphine Misonne*, *Laurens Ankersmit* and *Wybe Th. Douma*.

Besides a number of legal details, the interesting general aspect of *who should negotiate* such types of agreements arose during the discussion in the Forum. Given that CETA claims to be a progressive environmental agreement (which it is obviously not), it must be criticised that it has been negotiated only by trade experts and not by environmental experts. Whatever the outcome of this dossier is in the end, it has to be noted that public pressure and the scientific debate improved the Agreement considerably, even though it is still not sufficient from an environmental point of view.

Another persistent environmental issue in 2016 – and foreseeably also well beyond – is the so-called ‘Volkswagen Scandal’; a symbol for a confidence crisis caused by and affecting not only the VW AG but also other major car manufacturers. A contribution by *Ludwig Krämer*, ‘The Volkswagen Scandal – Air Pollution and Administrative Inertia’ deals with the manipulation of NO<sub>x</sub> emissions from Volkswagen diesel cars on the one hand, and the manipulation of CO<sub>2</sub> emissions from its diesel and petrol cars on the other. Not all details of the manipulations have been made public until now. A number of conclusions may nevertheless already be drawn.

In this context, the editors would also like to draw the readers’ attention to the related analysis by *Défense Terre* (‘Strengthening the regulation of defeat devices in the European Union’, Legal Note, June 2016) as well as to the expert opinion by *Martin Führ* for the German Bundestag’s Committee of Inquiry with respect to the car emissions affair.

A further article addresses the Aarhus Regulation which provides an opportunity for environmental non-governmental organisations (ENGOS) to request an internal review of an EU institution or body that has adopted an administrative act under environmental law, or should have done so in the case of an alleged administrative omission. *Thirza Moolenaar* and *Sandra Nóbrega* investigate whether the criteria that have to be met for an ENGO to be entitled to make such a motion are sufficiently clear, and whether they contribute to the objective of providing wide access for ENGOS to the internal review procedure.

This elni Review’s *Recent Developments* section starts off with a report of C-673/13 *Commission v. Greenpeace and PAN Europe* by *Bondine Kloostra*, the representative of the two NGOs involved. In its Judgment of 23 November 2016 the CJEU rules that the concept of ‘emissions into the environment’ is not limited to emissions from industrial installations. Rather it includes the release into the environment of substances such as pesticides and biocides. This landmark decision will most likely influence future access to information practice – not limited to the context of pesticides. Lastly, *Elhoucine Chougrani* examines the opportunities and the challenges in applying environmental law and enforcing the sustainable development goals in Morocco and *Lynn Gummow* reports on the 5th Lucerne Law and Economics Conference.

The editors welcome submissions of contributions to the next elni Review until 1 April 2017. Please refer to [www.elni.org](http://www.elni.org) for further detail on the call and for the author guidelines.

*Gerhard Roller/ Julian Schenten*  
December 2016

## Environmental Law in Morocco: Opportunities and Challenges

*Elhoucine Chougrani*

### 1 Introduction

Environmental law is an age-old subject of debate in Morocco. So the Moroccan doctrine and NGO's have advised developing effective environmental law in the country.

Morocco is now defined as a 'water-stressed' country, with a strong energy dependency, limited economic growth and social development policies, weakness to create job opportunities and reduce social and spatial disparities between regions and generations. However, Morocco can build capacities to adapt to vulnerability due to climate change.

In attempting to solve some difficulties and problems, this paper will examine the opportunities and the challenges in applying environmental law and enforce sustainable development goals.

In brief, this study contains three chapters. Chapter I focuses on the legal framework to protect the environment. Chapter II describes how to integrate environmental dimensions in public policy. And the last chapter looks into the opportunities and specific challenges for environmental protection.

### 2 The legal framework to protect the environment

The Moroccan Constitution serves as a significant potential source of laws and procedures that can guarantee environmental protection<sup>1</sup>. Furthermore, The National Charter for Environment and Sustainable Development (NCESD) can support the Moroccan effort to protect the environment.

#### 2.1 The 2011 Moroccan Constitution

Environmental protection and sustainable development, as rights of every citizen, occupy a large space in the 'new' Moroccan Constitution. Some of the constitution principles are:

- Access to public service: Article 31 describes the framework for access to water, a healthy environment, and sustainable development.
- Rights to Future Generations (Art. 35): The State guarantees the freedom to contract and free competition. It aims at boosting a sustainable human development, permitting the consolidation of social justice, preserving the national natural resources and the rights of the future generations.

- Enlargement of the Parliament attributions (Art. 71): The New Moroccan Constitution has also enlarged the parliament to legislate in the domain of urbanism and land management, the management of the environment, the protection of natural resources, sustainable development, the regime of waters, forests and fishing.
- The contents of the government programme (Art. 88): In Morocco, the governmental programme includes the directive lines of action that the government proposes to lead in the various sectors of national activity and notably; economic, social, environmental, cultural and foreign policy fields.
- The creation of the Economic, Social and Environmental Council (ESEC): Art 152 admits the re-establishment of a 'New' institution in order to relate environmental, social and economic norms (the three dimensions of sustainable development). The ESEC has received a number of functions and missions. For example, it may be consulted either by the government, by the Chamber of Representatives or by the Chamber of Councilors on all economic, social and environmental aspects. Also the ESCE can give its opinion about the general orientations of the national economy and of sustainable development.

#### 2.2 The National Charter for Environment and Sustainable Development (NCESD)

The NCESD was created by the Dahir N:1-14-10 on March 6, 2014. This charter constitutes a framework to enhance many sectorial strategies.

##### 2.2.1 Objectives

The NCESD aims to:

- recognize environmental rights that should be protected and respected. The charter focuses on the duties of the State, local authorities, public institutions and companies concerning sustainable development;
- strengthen the legal protection of resources and ecosystems by listing the types of actions or steps that the State proposes to take in order to fight against all forms of pollution;
- establish sustainable development as a core value shared by all segments of society and as a process followed by the public policy development;
- create a coherent and efficient system to implement the contemplated measures, and;

<sup>1</sup> For more information see: Tim Hayward. "Greening the Constitutional State: Environmental Rights in the European Union", In: John Barry and Robyn Eckersley (eds.): *The State and the Global Ecological Crisis* (Massachusetts Institute of Technology: 2005), pp. 75-95.

- establish an environmental policy that ensures respect for these rules.

The main goal is to establish an integrated Sustainable Management of the Environment (SME), a real running and management tool willing to implement the principles and values of the CNEDD, as part of a gradual strategic planning phase which consists of:

- conduction an environmental upgrading;
- building the National Strategy for the Environment (NSE);
- building the National Strategy for Sustainable Development (NSSD).

### 2.2.2 Reaffirming the principles of environmental law

The NCESD reaffirms the following principles: The principle of integration<sup>2</sup>, the principle of territoriality, the principle of solidarity, the principle of precaution, the principle of prevention, the principle of common responsibility, the principle of participation. Nowadays, we can say that the current debate in Morocco is over the implementation of environmental legal framework and how to create green jobs.

## 3 Advancing integrated environmental aspects in public policy

The NCESD tried to show the importance of the environmental education, the international and regional engagement, the South-South cooperation and the global ambition to face the effects of climate change.

### 3.1 Environmental education

Environmental education includes:

- environmental awareness: According to the measures of the NCESD, education must provide awareness programmes, suitable academic background, and training regarding environmental and sustainable development.
- access to environmental information: any person can have access to environmental information and must be respected to ensure the achievement of the objectives of this Charter.
- engaging all the stakeholders: Firstly, the Moroccan Constitution recognizes the central role of civil society, including non-governmental organizations (NGOs). So NGO's are called upon to help support social sustainability and the preservation of the environment. In addition, the constitution identifies the individual and collective responsibilities in order to protect spatial and natural resources.

<sup>2</sup> See Marie Claire Cordonier Segger and Ashfaq Khalfan. Sustainable development law. Principles, practices and prospects (Oxford University Press, 2004), p. 102.

### 3.2 International and regional engagement

In order to enhance international and regional engagement, Morocco:

- is fully committed and must actively contribute to the efforts of environmental and sustainable development displayed by the international community, the implementation of the Rio Declaration (1992), and to the aims of the Millennium Development Goals (MDG) (UN: September 2000) defined by the United Nations Organization<sup>3</sup>.
- should enhance cooperation in the field of environmental protection and the development of the water sector, capacity building of regulatory bodies and better financial assistance from the EU<sup>4</sup>, without forgetting the US-Moroccan (2014-2017) Plan of Action for Environmental Cooperation that establishes specific priority areas and objectives for cooperation that reflects national priorities for each government.<sup>5</sup>

### 3.3 South-South Cooperation

Morocco has subscribed to several international conventions, including those on biodiversity,<sup>6</sup> desertification,<sup>7</sup> and contributed to improving international environmental governance. Thus the South-South Cooperation has become a necessity. For instance, between 2009 and 2012 the Moroccan government took part in the Adaptation to Climate Change in Morocco for Resilient Oasis (PACC/Oasis)<sup>8</sup> Project. The PACC/Oasis, part of the 'Programme on Climate Change Adaptation and Mitigation', includes twenty different African Countries.

### 3.4 Global ambition to face the effects of climate change

Morocco is directly exposed to natural vulnerabilities that require an urgent, sensible management of natural resources and space. It must thus develop a methodology to minimize the risks and environmental impacts in the near future. In order to fight the climate change, Morocco's commitment aims at reducing its greenhouse gas emissions (GGE) by 32% by 2030<sup>9</sup> on the condition that Morocco will have a new source of finance beside the transfer of technology (TOT). Nev-

<sup>3</sup> Transforming our world: the 2030 Agenda for Sustainable Development, UN G.A RES 70/1 on September 25, 2015.

<sup>4</sup> Boutaina Ismaili Idrissi. "Analysis of Morocco European Union partnership within the framework of the Advanced Status. Main features and challenges", [http://www.europautredningen.no/wp-content/uploads/2011/04/Rap21\\_Marokko.pdf](http://www.europautredningen.no/wp-content/uploads/2011/04/Rap21_Marokko.pdf), accessed February 4, 2016.

<sup>5</sup> See <http://www.state.gov/e/oes/eqt/trade/morocco/239560.htm>, accessed February 28, 2016.

<sup>6</sup> The United Nations Convention on Biological Diversity (CBD), 5 June 1992.

<sup>7</sup> United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, 17 June 1994.

<sup>8</sup> Projet d'Adaptation au Changement Climatique au Maroc (PACC): vers des Oasis résilientes.

<sup>9</sup> Morocco intended Nationality determined contribution (INDC) under the UNFCCC: COP21, France November- December 2015.

ertheless, it is suggested that more precise mechanisms for reducing the GGE without waiting for the international support are necessary. “*The technologies of industrial countries are not always suited or easily adaptable to the socio-economic and environmental conditions of developing countries*”.<sup>10</sup>

## 4 Opportunities and challenges

This chapter contains two sections. The first considers the opportunities of a green economy and operational projects benefits, and the second approaches the challenges of implementing national green projects.

### 4.1 Opportunities

Morocco can exploit the opportunities provided by a green economy and the economic energy. For example, it can increase operational projects for these ‘new’ fields of sustainable development.

#### 4.1.1 Green Economy

In order to seize green economic opportunities, Morocco can focus on a global approach. For instance, the ESEC<sup>11</sup> estimates that the investments projected in four key sectors of the green economy: renewable energy,<sup>12</sup> energy efficiency,<sup>13</sup> solid waste management and sewerage, amounting to €20 billion, should be expected to create over 90,000 new jobs by 2020.

The green economy can promote social, ecological and economic interactions. Also, it encourages decision makers to invest in technical innovation. In order to update our legislation in this regard, major reforms have been carried out in recent years in institutional, regulatory and strategic terms, for example: The National Water Policy (NWP, 2009-2015), The National Action Plan Against Global Warming (NAPAGW, 2009), The Green Morocco Plan for Agriculture (GMPA, 2008), and The Halieutis Strategy for Fisheries (HSF, 2009).

The Moroccan Agency for Development of Renewable Energy and Energy Efficiency (ADEREE<sup>14</sup>), The Moroccan Agency for Solar Energy (MASEN)<sup>15</sup>, and The National Agency for the Development of Aquaculture (IRESEN) have also been created. In addition, an eco tax on plastic products has been introduced, but its implementation has been very difficult to speed up.

An environmental police force has also been established. However the question that may be asked is: how should they implement the rules and regulations

without having the means and operational instruments?

### 4.1.2 Operational Projects

In recent years, operational projects have become a reality in Morocco. The country is supporting a green growth strategy through policies such as The Green Morocco Plan (GMP), The National Irrigation Water Saving Programme (NIWSP), The Moroccan Project of Solar Energy, and The National Liquid Sanitation and Waste Treatment Programme (NSP).

#### 1. The Green Morocco Plan (GMP) from April 2008

The aim of this plan is restructuring the agricultural sector, a key economic sector: 15% GDP; employs 46% of the total and 80% of the rural workforce. 23% of total exports; 1/3 of the production is processed grain, grain production dominates (75% of UAA) and covers 60% of needs (average year); 97 million quintals of grain (2012-2013). Environmental constraints include: uses 80% of water resources for irrigation with more than 50% of network losses; 18.7% of total energy consumption (2010), soil degradation and water pollution (fertilizers, solid waste and pesticides), 31% of global GHG emissions (2004 data), high vulnerability to climate change (mainly rain-fed agriculture)

#### 2. The National Irrigation Water Saving Programme (NIWSP)<sup>16</sup>

The ‘Vision 2030’ is to

- save up to 2 billion m<sup>3</sup>/year, of which 1.4 billion m<sup>3</sup>/year at farm level;
- Reconversion into drip irrigation of 550,000 ha (2020);
- 330,000 ha equipped with modern water saving systems (2013) nearly 24% of the total area against 11% in 2007

#### 3. The Moroccan Project of Solar Energy

The ‘Solar Plan’ includes (Vision 2020):<sup>17</sup>

- Five plants (total output 2,000 MW) or 14% of national electricity needs<sup>18</sup>;
- Total cost estimated at 70 billion Dirhams;
- Annual saving: 1 million Tpe;
- Avoided emissions: 3.7 million tons of CO<sub>2</sub>/year;
- Commissioning of the first plant: 2015.

10 WCED. Our common future (Oxford: Oxford University Press, 1987), p. 60.

11 Conseil Economique et social. Economie verte. Opportunités de création des richesses et d’emploi (Rabat: CESE, 2012).

12 Law 13-09 on renewable energy, regulated by Decree 2-10-578.

13 Law N: 47-09 on Energy Efficiency (2011).

14 Law N: 16-09, creating the Moroccan Agency for Development of Renewable Energy and Energy Efficiency (ADEREE).

15 Law 57-09, creating the Moroccan Agency for Solar Energy (MASEN) (2010).

16 United Nations Economic Commission for Africa. Office for North Africa. The Green economy in Morocco: A strategic goal involving partnership dynamics and intensified coordination of policies and initiatives (UNECA, 2014), p.4.

17 United Nations Economic Commission for Africa. Office for North Africa. The Green economy in Morocco: A strategic goal involving partnership dynamics and intensified coordination of policies and initiatives (UNECA, 2014), p. 8.

18 USA. Department of State: Investment Climate Statement 2015, p. 7.

For example, the Ouarzazate power plant will be the largest in the world using “concentrated solar power technology”,<sup>19</sup> but “the biggest challenge we faced was being able to finish the project on time with the performance [level] we needed to achieve”.

Morocco has set out to reduce its dependence on imported energy [extreme energy dependence: 97%]<sup>20</sup> and on imported fossil fuels. So an ambitious target of 42 percent of installed renewable energy capacity by 2020 has been established, coupled with the goal of a 15 percent reduction in projected energy demand through the implementation of energy efficiency measures.<sup>21</sup>

#### 4. The National Liquid Sanitation and Wastewater Treatment Programme (NSP)<sup>22</sup>

- Reach an overall urban sewage connection rate of 75% by 2016, 80% by 2020 and 100% by 2030;
- reach to 50% volume of treated waste water by 2016, 60% by 2020 and 100% by 2030;
- expand waste water management to services and re-use 50% of waste water by 2020.

#### 4.2 A global Challenge

Morocco is facing the challenge of implementing its national green projects concerning the green economy. First of all, how to develop a sustainability strategy over the long term<sup>23</sup>, for example by encouraging a rational use of energy in transport and promoting partnerships and collaboration with civil society organizations (CSO). A second challenge is how to include the institutionalization of climate finance in the state budget<sup>24</sup>. A final challenge lies in the integration of the costs of environmental degradation into the GDP<sup>25</sup>.

In order to face the environmental challenges as cited previously, Morocco needs to consider the following recommendations:

- Ensuring a better coordination between international donors to optimize their support for Morocco, so it can reduce GGE in the near future;
- Designing innovative tools in the areas of environmental and climate policy;
- Setting up an environmental monitoring system (EMS) and elaborating on a previous cost–benefit analyses;
- It would be fairer to focus our strategies to benefit of the future generations;
- Strengthening the national response for bilateral, regional and international cooperation on climate change;<sup>26</sup>
- It has been suggested, that ‘greenhouse’ policy should be guided by a calculus of the economic costs of climate change, including an estimate of the economic value of human lives to be lost in the country;<sup>27</sup>
- Developing interventions based on models of future impacts, as well as modelling future benefits and harms of public health interventions under different environmental and socioeconomic scenarios.<sup>28</sup>

## 5 Conclusion

It is not easy to draw general observations, however the main idea is that we must change our habits and our behaviours in order to build a green state for present and future generations in Morocco. The ambitious work begins with the enforcement of environmental law, and the finding of a combined instrument i.e. interaction between law and economy. In addition, we should take into account the pre-conditions for building a green state, for example on the one side cooperation between agencies and institutions, and on the other side identifying a new social contract in order to change the paradigm<sup>29</sup> from ‘Inflation des Lois’ to ‘Efficacité des Lois’.

19 Arthur Neslen. Morocco poised to become a solar superpower with launch of desert mega-project, In: The Guardian, <http://www.theguardian.com/environment/2015/oct/26/morocco-poised-to-become-a-solar-superpower-with-launch-of-desert-mega-project>, accessed February 4, 2016.

20 United Nations Economic Commission for Africa. Office for North Africa. The Green economy in Morocco: A strategic goal involving partnership dynamics and intensified coordination of policies and initiatives (UNECA, 2014), p. 6.

21 WB. Morocco Takes the Long View on Green Growth, <http://www.worldbank.org/en/news/feature/2014/01/24/morocco-takes-the-long-view-on-green-growth>, accessed February 4, 2016.

22 Morocco Intended National Determined Contribution (INDP) under the UNFCCC (Paris, December 2015), <http://www4.unfccc.int/submissions/INDC/Published%20Documents/Morocco/1/Morocco%20INDC%20submitted%20to%20UNFCCC%20-%205%20June%202015.pdf>, accessed February 6, 2016.

23 Brown Weiss: Climate Change, Intergenerational Equity, and International Law, p. 618.

24 Nicholas Stern Review (2007): The Economics of Climate change, p. 147, 437, 477, [http://mudancasclimaticas.cptec.inpe.br/~rmclima/pdfs/destaques/sternreview\\_report\\_complete.pdf](http://mudancasclimaticas.cptec.inpe.br/~rmclima/pdfs/destaques/sternreview_report_complete.pdf), accessed November 22, 2016.

25 Joseph E. Stiglitz, Amartya Sen and Jean-Paul Fitoussi. Report by the Commission on the Measurement of Economic Performance and Social Progress (2009).p 64, 66, 111, 120, 134 and 193, [http://library.bsl.org.au/jspui/bitstream/1/1267/1/Measurement\\_of\\_economic\\_performance\\_and\\_social\\_progress.pdf](http://library.bsl.org.au/jspui/bitstream/1/1267/1/Measurement_of_economic_performance_and_social_progress.pdf), accessed November 22, 2016.

26 World Bank. Kingdom of Morocco Climate Change Strategy Notes, Report No: ACS7031 (WB: December 28, 2013), p. 7.

27 Joan Martínez-Alier. The Environmentalism of the Poor. A Study of Ecological Conflicts and Valuation (UK: Edward Elgar Publishing Limited, 2002), p 22.

28 James D. Ford, Lea Berrang-Ford Editors. Climate Change Adaptation in Developed Nations. From Theory to Practice, op, cit, p. 125.

29 For more information about the concept of paradigm see Thomas S. Kuhn. The Structure of Scientific revolutions. With an introductory essay by Ian Hacking (Chicago: The University of Chicago Press, 2012).

## Imprint

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*The views expressed in the articles are those of the authors and do not necessarily reflect those of elni*

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The institute's mission is to analyse and evaluate current and future environmental problems, to point out risks, and to develop and implement problem-solving strategies and measures. In doing so, the Öko-Institut follows the guiding principle of sustainable development.

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The University of Applied Sciences in Bingen was founded in 1897. It is a practiceorientated academic institution and runs courses in electrical engineering, computer science for engineering, mechanical engineering, business management for engineering, process engineering, biotechnology, agriculture, international agricultural trade and in environmental engineering.

The *Institute for Environmental Studies and Applied Research* (I.E.S.A.R.) was founded in 2003 as an integrated institution of the University of Applied Sciences of Bingen. I.E.S.A.R. carries out applied research projects and advisory services mainly in the areas of environmental law and economy, environmental management and international cooperation for development at the University of Applied Sciences and presents itself as an interdisciplinary institution.

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- **Companies and environment**
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  - Risk management

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The Society for Institutional Analysis was established in 1998. It is located at the University of Applied Sciences in Darmstadt and the University of Göttingen, both Germany.

The sofia research group aims to support regulatory choice at every level of public legislative bodies (EC, national or regional). It also analyses and improves the strategy of public and private organizations.

The sofia team is multidisciplinary: Lawyers and economists are collaborating with engineers as well as social and natural scientists. The theoretical basis is the interdisciplinary behaviour model of homo oeconomicus institutionalis, considering the formal (e.g. laws and contracts) and informal (e.g. rules of fairness) institutional context of individual behaviour.

The areas of research cover

- Product policy/REACH
- Land use strategies
- Role of standardization bodies
- Biodiversity and nature conservation
- Water and energy management
- Electronic public participation
- Economic opportunities deriving from environmental legislation
- Self responsibility

sofia is working on behalf of the

- VolkswagenStiftung
- German Federal Ministry of Education and Research
- Hessian Ministry of Economics
- German Institute for Standardization (DIN)
- German Federal Environmental Agency (UBA)
- German Federal Agency for Nature Conservation (BfN)
- Federal Ministry of Consumer Protection, Food and Agriculture

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## elni

*In many countries lawyers are working on aspects of environmental law, often as part of environmental initiatives and organisations or as legislators. However, they generally have limited contact with other lawyers abroad, in spite of the fact that such contact and communication is vital for the successful and effective implementation of environmental law.*

*Therefore, a group of lawyers from various countries decided to initiate the Environmental Law Network International (elni) in 1990 to promote international communication and cooperation worldwide. elni is a registered non-profit association under German Law.*

*elni coordinates a number of different activities in order to facilitate the communication and connections of those interested in environmental law around the world.*

### Coordinating Bureau

Three organisations currently share the organisational work of the network: Öko-Institut, IESAR at the University of Applied Sciences in Bingen and sofia, the Society for Institutional Analysis, located at the University of Darmstadt. The person of contact is Prof. Dr. Roller at IESAR, Bingen.

### elni Review

The elni Review is a bi-annual, English language law review. It publishes articles on environmental law, focusing on European and international environmental law as well as recent developments in the EU Member States. elni encourages its members to submit articles to the elni Review in order to support and further the exchange and sharing of experiences with other members.

The first issue of the elni Review was published in 2001. It replaced the elni Newsletter, which was released in 1995 for the first time.

The elni Review is published by Öko-Institut (the Institute for Applied Ecology), IESAR (the Institute for Environmental Studies and Applied Research, hosted by the University of Applied Sciences in Bingen) and sofia (the Society for Institutional Analysis, located at the University of Darmstadt).

### elni Conferences and Fora

elni conferences and fora are a core element of the network. They provide scientific input and the possibility for discussion on a relevant subject of environmental law and policy for international experts. The aim is to gather together scientists, policy makers and young researchers, providing them with the opportunity to exchange views and information as well as to develop new perspectives.

The aim of the elni fora initiative is to bring together, on a convivial basis and in a seminar-sized group, environmental lawyers living or working in the Brussels area, who are interested in sharing and discussing views on specific topics related to environmental law and policies.

### Publications series

elni publishes a series of books entitled "Publications of the Environmental Law Network International". Each volume contains papers by various authors on a particular theme in environmental law and in some cases is based on the proceedings of the annual conference.

### elni Website: elni.org

The elni website [www.elni.org](http://www.elni.org) contains news about the network. The members have the opportunity to submit information on interesting events and recent studies on environmental law issues. An index of articles provides an overview of the elni Review publications. Past issues are downloadable online free of charge.

### elni Board of Directors

- Martin Führ - Society for Institutional Analysis (sofia), Darmstadt, Germany;
- Jerzy Jendroska - Centrum Prawa Ekologicznego (CPE), Wrocław, Poland;
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- Marga Robesin - Stichting Natuur en Milieu, Utrecht, The Netherlands;
- Gerhard Roller - Institute for Environmental Studies and Applied Research (I.E.S.A.R.), Bingen, Germany.

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