

Editorial

Winds of Change

This is the fourth issue of Volume 20, and the first under my general editorship. It is a great pleasure to take on this role. My association with the journal began over a decade ago when I wrote a piece on international liability as regards hazardous waste. Since then, I have occasionally published in the journal and for a number of years I took on the post of book reviews editor.

First, can I put on record my thanks to Professor Brian Jones for his sterling work with the journal over many years. Under his editorship, the journal spanned a significant period of development in environmental law and policy at all levels: national (of various jurisdictions), European and international. Although few of us would want to predict with any certainty where environmental law and policy will be in 10, 15 or even 20 years' time, it must invariably be the case that the last 20 years will remain foundational in the formulation of the general principles, overarching structure and broad policy considerations that underpin the discipline.

Thus, to that extent, the journal's mission – to be international in outlook, reflecting the transnational impact of environmental issues, focusing on developments which are of significance for lawyers be they academic, in-house and practising, policy-makers and administrators, developers, industry and business looking specifically at civil liabilities, criminal responsibilities and liability to pay preventive or clean up costs – remains as pertinent now as it did then.

Nevertheless, it is both inevitable and healthy that any journal reviews its purpose, scope and structure once in a while. Having done that, with the assistance of Rachel Caldin as Publishing Editor and Dr Ole Pedersen, Senior Lecturer at the University of Newcastle, as the new Assistant Editor, we have concluded that the journal continues to have many strengths and that any change should be incremental and evolutionary. In particular, whilst we recognise that the scope of the journal has often included pieces that range beyond liability *stricto sensu*, this will continue to be at the heart of the journal's focus. Moreover, the reports from country correspondents will remain fundamental to the distinctiveness of the journal, as well as providing invaluable insight to our wide readership.

However, liability can rarely be understood in the abstract; it often forms an element of, and supplements, broader questions of regulation, enforcement and governance. Moreover, environmental issues no longer – if they ever truly did – exist in a conceptual and policy silo; thus the principle and imperative of integration should inform all that we think

and write about environmental issues. This is particularly true when one recognises the increasing connections between environmental matters and other more constituent areas of law such as constitutional, human rights and administrative law.

In light of the interconnection both between liability and environmental regulation and between environmental issues and broader policy considerations, the name of the journal has been subtly amended to reflect these dual agendas, namely *Environmental Liability: Law, Policy and Practice*. We hope this addition will better reflect our aims for the journal, as well as encouraging a broader range of submissions, both in terms of subject-matter and jurisdiction. As ever, please send submissions to rachel_caldin@lawtext.com.

The articles selected for this fourth issue also highlight the global scope of the journal; with pieces examining practice in the United States, New Zealand and France, the journal reflects the transnational nature of environmental regulation and liability and how jurisdictions can continue to learn from one another. The articles also remind us of the continuous need for environmental lawyers to engage with contemporary policy and economic considerations. Smith's article, in particular, on the US Dodd-Frank Act on Wall Street reform and consumer protection may seem removed from the immediate concerns of environmental law and liability but, in fact, what it highlights is that environmental matters are increasingly integrated with – some more critically might say subsumed within – key global debates. Although it is, of course, trite to say that environmental matters are economic matters, such symmetry should not be taken for granted. Indeed, as the outcome document, *The Future We Want*, of the Rio+20 Conference in 2012 showed, environmental issues may be economic, but that does not guarantee that they are taken seriously. Much work continues to be done.

It is beyond the scope of this editorial to make suggestions as to what would make 'good' topics for articles and, indeed, who knows what environmental issues are likely to arise just around the corner. Nevertheless, with the potential opening up of Alaskan offshore oil mining, the increasing use of shale gas extraction through fracking, the greater use of carbon capture and storage, and even the eventual occurrence of deep seabed mining, environmental law and liability will remain centre-stage. And *Environmental Liability: Law, Policy and Practice* will be there to document, report and critically analyse them.

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