

Preface

Environmental changes have generated some of the most pressing and difficult challenges of the 21st century. There has been a growing appreciation of their scale and interconnectedness and the ways in which they are the result of human activities. Environmental law used to represent one of the most important regulatory regimes in modern societies, but there are now questions about its ability to manage transnational risks and about the compatibility of law with major strategies for managing the environment. In this collection we focus on two important approaches: one which considers environmental challenges in terms of risks and another which has arisen as we have become increasingly aware of the levels of uncertainty involved in environmental management, namely resilience.

The relationship between resilience and inequality is central to this collection. Resilience approaches to environmental challenges appear to be more democratic and egalitarian than risk approaches, and this forms part of their attraction for some authors and policy-makers. The collection will subject these claims to some scrutiny. Resilience strategies may offer solutions to inequality but they are not without their difficulties, for example they too have uneven social effects. Moreover, there may be tensions between the law and its expectations of certainty, and resilience with its emphasis upon flexible responses to environmental risks and uncertainties.

This collection will address the role of law within this changing landscape and from a socio-legal perspective. The social, economic and political environments we live in are beset with uncertainties. We have witnessed the Brexit vote in the UK and Donald Trump becoming President of the United States, both of which generate uncertainties of all kinds including environmental uncertainties. The environmental effects of the UK leaving the European Union are unclear but a reduction in regulation was one platform of those leading the campaign to leave, and there are concerns that this and the economic consequences of the decision to leave Europe will have damaging implications for environmental protection. Cutting back environmental regulations was also part of the Trump election campaign including threats to withdraw the USA from the Paris Climate Agreement, an Agreement that many commentators already regard as dangerously inadequate and a weakening of transnational commitments

to tackle climate change. This context raises fears about environmental risks and also exacerbates the uncertainties around the role of law in the effort to manage the environment.

The collection includes chapters by established authors and also by upcoming scholars who are undertaking innovative research and pushing the discussion on resilience forward. It includes contributions from different disciplines and parts of the world. The collection considers some of the experiments in governance being tried in different parts of the world to accommodate differences and give voice to more diverse groups. It also considers how scientific developments to understand better the mechanisms and practices responsible for climate change offer possibilities for improving legal and insurance tools to manage environmental risks. The endeavour is to stimulate further debate, research and learning, and to hope that we can enhance well-being.

As always I am indebted to those who have supported me in putting together this edited collection. I am enormously grateful to each of the contributors: their chapters are fascinating and I appreciate the time and effort they gave to the collection. Pauline Khng very patiently and thoroughly copy-edited the manuscript, she was a joy to work with. Paz Concha provided invaluable research assistance at all stages of this project, helping with bibliographic searches and also with preparing the manuscript. She was meticulous and efficient and a great assistant throughout.

Clive Briault and Rebecca Elliot were generous with their time and read through the chapters I drafted and offered valuable comments when they had plenty else to do of their own. Finally the team at Edward Elgar should be thanked. Laura Mann initiated the original thinking when we discussed the possibility of a Handbook on risk and resilience in environmental law. But we quickly agreed to try something more experimental which would bring more social science thinking about inequality into the equation. Ben Booth and Iram Satti picked this up and have been very supportive in seeing the project through to publication.

This book is dedicated to my family, especially those in the next generation who are so dependent on the decisions we make today about the environment.

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