

Transnational Environmental Law

Transnational Environmental Law (TEL) is a peer-reviewed journal for the study of environmental law and governance beyond the state. It approaches legal and regulatory developments with an interest in the contribution of non-state actors and an awareness of the multi-level governance context in which contemporary environmental law unfolds.

TEL offers a forum for rigorous analysis and discussion of the impacts of globalization on complex environmental risks and norms. It welcomes scholarship that enriches our understanding of contemporary environmental law through comparative and cutting-edge interdisciplinary analysis. *TEL*'s scope is broadly conceived in terms of disciplinary focus: its pages are open to scholarly contributions covering a wide range of environmental issues, including climate change, biodiversity, emerging technologies, industrial pollution and waste management. *TEL* also promotes the exploration of the evolving dynamics between environmental law and other legal disciplines (including but not limited to trade and competition law, financial law, and human rights).

TEL aims to support and contribute to a new generation of environmental scholarship that will bridge geographical boundaries, scholarly styles and generations. It warmly encourages participation by young and emerging talents from across the globe. *TEL* seeks to foster innovative synergies between different scholarly styles and traditions, and strives for the development of a new generation of environmental scholarship that will bridge existing divides, including notably the divide between North American and European approaches to environmental law scholarship. In the same spirit, *TEL* encourages the integration of theoretical and practical legal perspectives on current environmental issues, and aims to deliver scholarship of high salience to academics and practitioners alike.

Editorial Contacts

Submissions of contributions to *TEL* should be made online at *TEL*'s ScholarOne platform: http://mc.manuscriptcentral.com/tel_submissions. The paragraphs below provide further instructions.

All other inquiries and correspondence related to *TEL* should be addressed to TEL@cambridge.org or to one or both of the *TEL* Editors-in-Chief:

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Submissions and Peer Review

All submissions must be made online via the *TEL* online ScholarOne platform:
http://mc.manuscriptcentral.com/TEL_submissions

The Editors of *TEL* warmly invite the submission of manuscripts from scholars, lawyers and professionals active in fields related to environmental law and governance. Prior to electronic submission, prospective authors may also contact the Editors via email with proposals for planned submissions.

Before submitting their work online, authors are strongly urged to refer to the instructions for manuscript preparation (including house style, referencing format, and additional guidance).

Authors, particularly those whose first language is not English, may wish to have their English-language manuscripts checked by a native speaker before submission. This is optional, but may help to ensure that the academic content of the paper is fully understood by the editor and any reviewers. We list a number of third-party services specialising in language editing and/or translation, and suggest that authors contact as appropriate: www.cambridge.org/academic/author-services

Please note that the use of any of these services is voluntary, and at the author's own expense. Use of these services does not guarantee that the manuscript will be accepted for publication, nor does it restrict the author to submitting to a Cambridge published journal.

All contributions in the journal are peer-reviewed (double-blind), and will be evaluated on their originality, analytical thoroughness, affinity with the mission and scope of the journal, and conformity with the highest standard of scholarly presentation. *TEL* strives to respect an expedient turn-around time of 6-8 weeks between receipt of the manuscript and first notification of acceptance, rejection or need for revision.

Consideration will be given only to original works that have not been previously published and that are not under simultaneous consideration for publication elsewhere. The Editors will also consider revised versions of previously released working papers, provided that such publication is clearly acknowledged upon submission of the paper for consideration to *TEL*. Authors wanting to submit a mostly identical version of publicly available working papers for review are required to indicate this clearly in the cover letter space provided in the online submission forms. They are moreover advised to contact the Editors via email prior to submission.

No preference shall be given to submissions in respect of the professional rank or affiliation of the author. Submissions from younger scholars and authors in developing and newly developed countries are warmly encouraged.

All accepted works will be scheduled for publication both in print and online. To reduce time between acceptance and publication articles will appear online as FirstView publications in advance of their scheduled publication in print. As a rule, contributions will be published chronologically in accordance with the date of their original submission, although exceptions may be made to foster thematic cohesion or balanced coverage within individual issues, at the discretion of the Editors.

Instructions for Manuscript Preparation and Submission

1. All submissions must be made online via the *TEL* online ScholarOne platform: http://mc.manuscriptcentral.com/TEL_submissions.

In case of any difficulties experienced during the submission process, please use the online 'Get Help Now' link. In case of persistent problems, please contact the Editors by email at the addresses supplied above.

2. All manuscripts must entail original, previously unpublished work, and should not be under consideration for publication elsewhere. The Editors will also consider revised versions of previously released working papers, provided that such publication is clearly acknowledged upon submission of the paper for consideration to *TEL*. Authors wanting to submit a mostly identical version of publicly available working papers for review are required to indicate this clearly in the cover letter space provided in the online submission forms. They are moreover advised to contact the Editors via email prior to submission.

3. The length of manuscripts should normally range between 8,000 and 11,000 words (including footnotes) for full-length articles; 3,000–6,000 words for commentaries and case notes; and 800–1,500 words for book reviews. Exceptionally, shorter or longer works may be considered at the Editors' discretion.
4. Manuscripts should be written in English (using 'Oxford spelling', i.e. using the American “-ize” instead of the British “-ise”, but “neighbour” instead of “neighbor”), using footnotes and not endnotes or in-text citations referring to a list of bibliographic references at the end of the article. Manuscripts must include page numbers, be set in Times New Roman, font size 12, with double spacing.
5. In order to guarantee full anonymity in the double-blind peer review process, submissions should not include the authors' name, affiliation (without titles, capacity or rank) or any other information to identify the author(s), including recognizable self-citations.

For a complete online submission, authors will need to submit the following:

- an **anonymized** version of the full manuscript, including **title**, an **abstract** of 100–150 words; and 3-6 **keywords/phrases** for major themes/topics addressed in the article.
- a separate cover page including the author(s) names, affiliation (without titles, capacity or rank), email contact, competing interests declaration, and any acknowledgements.
- Competing interests declaration: This declaration will be subject to editorial review and may be published in the article. Competing interests are situations that could be perceived to exert an undue influence on the content or publication of an author's work. They may include, but are not limited to, financial, professional, contractual or personal relationships or situations. If the manuscript has multiple authors, the author submitting must include competing interest declarations relevant to all contributing authors. Example wording for a declaration is as follows: "Competing interests: Author A is employed at company B. Author C owns shares in company D, is on the Board of company E and is a member of organisation F. Author G has received grants from company H." If no competing interests exist, the declaration should state "Competing interests: The author(s) declare none".

6. Tables and/or figures should have short, descriptive titles, provide legends, be numbered consecutively, and should be cited in the text. They must be placed at the end of the manuscript, with a clear indication for their placement in the text. On acceptance of your manuscript, all images should be sent as separate files, in our preferred file formats. Full information on how to prepare and supply your figures can be found at the following address: <http://www.journals.cambridge.org/artworkguide>.
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conflict of copyrights for previously published works on which submissions are based must be clearly notified to the Editors via email at the time of submission or as soon as possible thereafter.

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Books for review

Books for review and proposals for reviews should be sent to Book Review Editor **Melissa Powers** at Lewis & Clark Law School, 10015 SW Terwilliger Blvd, Portland, OR 97219, USA (Email: powers@lclark.edu).

Instructions on Citation & Style

All referencing must be given in footnotes (i.e., not endnotes or in-text citations). Contributors are strongly urged to follow as much as possible the basic stylistic rules and bibliographic referencing guidelines set out below. For references to domestic or regional legislation, case law and other sources that cannot accurately be expressed in the *TEL* house style, authors should use the common citation style of the relevant domestic or regional system. In such instances, the authors are kindly requested to bear in mind the international readership of *TEL*, and where appropriate give a brief explanation of the context of national or regional laws and policies in footnotes. For the same reason, authors are asked to clarify abbreviations, acronyms, symbols, and phrases with which readers from other jurisdictions may be unfamiliar, including abbreviated journal titles or source names, acronyms or abbreviations for domestic courts, regulatory agencies, and/or legislative acts.

Above all, please respect internal style consistency throughout the article.

In case of any questions or uncertainties about referencing styles, authors are encouraged to consult *TEL*'s Editors-in-chief, at the contacts listed above. The Publisher reserves the right to determine the final stylistic form in which manuscripts will be published.

1) Heading levels and styles:

- 1st heading-level: Numbered (1.), Bold, CAPITALS, Ranged left (e.g. **1. INTRODUCTION**)
- 2nd heading-level: Numbered (1.1.), Bold, Title Case, Ranged left (e.g. **1.1. Legislative Context**)
- 3rd heading-level: Non-Numbered, Italic, Sentence case, Ranged left (e.g. *Climate adaptation strategies*)

NB: Authors are encouraged to avoid third heading level divisions where possible.

2) General stylistic rules:

- Contributors are encouraged to avoid excessive text in footnotes and consider keeping longer clarification, etc. in the main body text.
- Cross-referencing: where possible, use cross-references in footnotes to avoid providing identical references more than once. Format as “author, n. x above/below” (i.e., avoid ‘supra/infra’ or ‘op. cit.’, and avoid reciting full titles), while using ‘ibid.’ for references to immediately preceding note.
- Quotations: Single quotation (') marks should be used, reserving double (") for quotes within quotes. Longer quotations (from approx. 50 words) must be set as separate 'block', in smaller type-size, with indented margins, and without quotation marks. Always maintain original spelling, punctuation, etc., in quotes, even in case of conflict with *TEL*'s style guidelines. Quoted errors or omissions may be followed by [sic].
- Footnote markers should be preceded by punctuation marks (e.g. “end.²²”, instead of “end²².”)
- Symbols should be used where possible, if commonly used (e.g., %, €, \$, £)
- All abbreviations or acronyms should be spelled out in full on first mention, followed by the abbreviation or acronym in parentheses; using only the abbreviation or acronym throughout the remainder of the text only thereafter (e.g., United States (US), Intergovernmental Panel on Climate Change (IPCC), etc.)
- In footnotes, use abbreviations where possible (e.g.: ibid., pp., n., para., e.g., i.e., Aug., Dec., etc.).
- Abbreviations and contractions: Art. /Arts | Vol. / Vols | ed. / eds | **BUT** n. / nn. | p. / pp.| s./ ss.
- Web sources or URLs should be introduced by the phrase ‘available at:’ (e.g. “available at: <http://www.somewhere.com>”)
- Always use the smallest possible number of figures in ranges of number, in particular if referring to page numbers (i.e. 190-2 instead of 190-192 or 190-92).
- Date format: Day-Month-Year (e.g.: 1 January 2011 in main body text; 1 Jan. 2011 in footnote).
- Numbers above 10 should be given as figures (e.g. the first provision of the 21st amendment), unless at the start of a sentence.

- Non-English words and phrases must be set in *italics* (where appropriate, at first instance only, followed by the English-language translation in parentheses).
- Where the official source of, e.g., legislation is in a foreign language, a link to an official English translation should be provided, if available. If there is only an ‘unofficial’ English translation available, this should be added with a note specifying that it is not an official version.

3) **Bibliographical citations should be formatted along the following general guidelines:**

a. **General**

- Full page span should be included for journal articles and chapters in edited volumes, before giving a page pinpoint (if applicable).
- Use Title Case for Article and Book Titles
- Use ‘&’ instead of ‘and’ where there are multiple authors, and use ‘<first author>, et al.’ for sources with more than three authors/editors.
- For online sources, page/para pinpoints should be placed *before* the URL where provided.
- Citing non-English journal article titles: Where the source stems from a non-English journal, uses the Western alphabet, and is printed only in the local language (as in the case of many European sources), give the title of the article in the local language, without an English translation. Where the source is from a journal that prints in both the local language and English, using the local alphabet and the Western alphabet respectively, just provide the English title.

b. **Books and Reports**

Format: Initials+Name (ed(s).), *Title: Subtitle* (Publisher, year), pp. <relevant page numbers>.

Examples:

- G. Shaffer & M. Pollack, *When Cooperation Fails: The International Law and Politics of Genetically Modified Foods* (Oxford University Press, 2009), p. 179.
- N.J. Vig & M.G. Faure (eds), *Green Giants: Environmental Policies of the United States and the European Union* (The MIT Press, 2004), pp. 124-6.

Wherever possible, references should be page-specific. If a reference appropriately relates to the manuscript as a whole, the page numbers can be omitted

Example:

- S. Gigli & S. Agrawal, *Stocktaking of Progress on Integrating Adaptation to Climate Change into Development Co-operation Activities* (Organisation for Economic Co-operation and Development, 2007).

c. **Journal Articles**

Format: Initials+Name, ‘Title: Subtitle’ (year) volume(issue) *Full Journal Title*, pp. < full page span article: first+last page numbers>, at <specific page numbers for citation>. Please provide issue numbers where available, and spell out journal titles in full.

Examples:

- M. Lee & C. Abbott, ‘The Usual Suspects: Public Participation under the Aarhus Convention’ (2003) 66(1) *The Modern Law Review*, pp. 80-108, at 85-6.
- D. Esty, ‘Good Governance at the Supranational Scale: Globalizing Administrative Law’ (2006) 115 *Yale Law Journal*, pp. 1490-562, at 1503.

Wherever possible, references should be page-specific. If a reference appropriately relates to the article as a whole, the first and last page numbers suffice.

Example:

- E. Scotford, ‘Mapping the Article 174(2) EC Case Law: A First Step to Analysing Community Environmental Law Principles’ (2008) 8 *Yearbook of European Environmental Law*, pp. 1-47.

d. Chapters in Edited Book Volumes

Format: Initials+Name, 'Title: Subtitle', in Initials+Name (ed./eds), *Title: Subtitle* (Publisher, year), pp. <full page span chapter: first+last page numbers>, at <specific page pinpoint for citation>.

Examples:

- H. Sjöberg, 'The Global Environment Facility', in J. Werksman (ed.), *Greening International Institutions* (Earthscan, 1996), pp. 148-62, at 152.

Wherever possible, references should be page-specific. If a reference appropriately relates to the chapter as a whole, the first and last page numbers suffice.

Example:

- D. Freestone & S.M.A. Salman, 'Ocean and Freshwater Resources', in D. Bodansky, J. Brunnée & E. Hey (eds), *The Oxford Handbook of International Environmental Law* (Oxford University Press, 2007), pp. 337-61.

e. Unpublished Theses and Conference Presentations:

Format: Initials+Name, 'Title: Subtitle', (Thesis description, place, Month+year), available at: <webaddress URL <http://www....>>, p. <relevant page number(s)>.

Examples:

- K.S. Tienhaara, 'The Expropriation of Environmental Governance: Protecting Foreign Investors at the Expense of Public Policy' (Ph.D. thesis, VU University Amsterdam, Sept. 2008), p. 93.

Wherever possible, references should be page-specific. If a reference appropriately relates to the manuscript as a whole, the page numbers can be omitted

Example:

- D. Shelton, 'Making Law Out of Principles of Environmental Justice'. Conference paper presented at the IUCN Academy of Environmental Law 6th Annual Colloquium, 'Poverty Alleviation and Environmental Law', Mexico City, 10-15 Nov. 2008. Available at: http://www.iucnael.org/en/component/docman/doc_download/192--dinah-shelton-making-law-out- of-principles-of-environmental-justice-.html.

f. International Treaties/Conventions/Protocols:

Format: Main body text: full name at first mention followed by acronym/abbreviation in parentheses, to be used henceforth (e.g., United Nations Framework Convention on Climate Change (UNFCCC), followed by footnote marker.

Footnote: Full name, date, place and country of signing, date of entry into force, available at: <web source or URL, ideally not UNTS, ILM, etc.>.

NB: Full name of treaty can be omitted from footnote if already listed in the main body text for this footnote marker.

When more than one treaty (or other enactment) is referred to in the same sentence, each should be given its own footnote reference.

Examples:

- Kyoto Protocol to the United Nations Framework Convention on Climate Change, Kyoto (Japan), 10 Dec. 1997, in force 16 Feb. 2005. Available at: http://unfccc.int/kyoto_protocol/items/2830.php.
- Paris Agreement, Paris (France), 12 Dec. 2015, in force 4 Nov. 2016, available at: http://unfccc.int/paris_agreement/items/9485.php

g. United Nations (COP) Decisions/Documents:

Examples:

- Decision 1/CMP.1, Consideration of Commitments for Subsequent Periods for Parties included in Annex I to the Convention under Article 3, Paragraph 9, of the Kyoto Protocol, UN Doc. FCCC/KP/CMP/2005/8/Add.1, 30 Mar. 2006.
- UN GA Resolution A/RES/56/212, of 21 Dec. 2001, on Global Code of Ethics for Tourism. Available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N01/493/64/PDF/N0149364.pdf>.
- UNGA Resolution 66/288, 'The Future We Want', UN Doc. A/RES/66/288 (2012), available at: http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/66/288&Lang=E.
- Rio Declaration on Environment and Development (Rio Declaration), adopted by the UN Conference on Environment and Development, Rio de Janeiro (Brazil), 3–14 June 1992, UN Doc. A/CONF.151/26/Rev.1 (Vol. I), 14 June 1992, available at: <http://www.un.org/documents/ga/conf151/aconf15126-1annex1.htm>.

h. European Union secondary legislation:

Examples:

- Directive 2008/101/EC Amending Directive 2003/87/EC so as to Include Aviation Activities in the Scheme for Greenhouse Gas Emission Allowance Trading Within the Community [2009] OJ L8/3.
- Regulation (EC) No. 1907/2006 on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and Establishing a European Chemicals Agency [2007] OJ L136/3 (REACH Regulation).

i. Case Law

Format: Required information includes: full party names (*italicized*), and publication sources with bibliographic information. Where appropriate or necessary, (familiar) shortened case names should be provided in parentheses, set in italics. Cross-references shall refer to the shortened case name only.

Examples:

- *Gabčíkovo-Nagymaros Project* (*Hungary v. Slovakia*), Judgment, 25 Sept. 1997, *ICJ Reports* (1997), p. 75.
- *United States – Import Prohibition of Certain Shrimp and Shrimp Products*, Appellate Body Report, WTO Doc. WT/DS58/AB/R, 6 November 1998, p. 153.
- Joined Cases C-6/90 and 9/90, *Andrea Francovich and Danila Bonifaci and others v. Italy* ECLI:EU:C:1991:428 (*Francovich*).
- ECtHR, 9 Dec. 1994, *López Ostra v. Spain*, appl. no. 16798/90, [1994] Series A, No. 303-C.

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