



ENVIRONMENTAL
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ELI Vision 2021

www.eli.org/strategic-vision

Making Law Work for People, Places, and the Planet

Executive Summary

The Environmental Law Institute (ELI) envisions a future—both domestically and abroad—in which we build upon our constructive platform for bridging differences across economic interest and policy divides and finding meaningful solutions that allow environmental law to evolve and be leveraged. Fundamental to our success is a rock-solid commitment to the highest standards of fiscal stewardship and membership service. ELI Vision 2021, described in full at www.eli.org/strategic-vision, refreshes:

Our Goal – A healthy environment, prosperous economies, and vibrant communities founded on rule of law.

Our Niche – ELI is a non-partisan think-and-do tank, effecting change through its work as a premier environmental law educator, convener, publisher, and research engine.

Our Priorities

- Build skills and capacity of the leaders and institutions of today and tomorrow;
- Research and analyze complex and pressing environmental challenges;
- Disseminate best thinking through print and electronic media; and
- Convene people with diverse perspectives to build understanding through robust debate.
- Our Focus – Position ELI for the issues of tomorrow.

ELI of Today: A Unique Enterprise

Combining the strengths of a membership organization with the mission of a philanthropy, ELI enjoys the stability and practical insights of the former and the passion and cooperative relationships of the latter. And these roles are synergistic: bringing to the membership cutting-edge information on domestic legal issues positions ELI to enhance its peer-to-peer assistance across the globe; and this philanthropic outreach in turn enriches ELI's thought leadership for its members.

ELI is a one-of-a kind environmental law think-and-do tank. ELI offers a non-partisan, objective forum; convening capacity and in-house technical strength; and first-rate research, educational programs and publications. ELI's recent assumption of the role of Secretariat of the International Network for Environmental Compliance and Enforcement, together with ELI's long-standing and groundbreaking work with all elements of the governance chain, (from communities, to implementing agencies, to prosecutors and judges), cements ELI's reputation as the world's premier institute for building effective environmental governance and rule of law.

ELI of Tomorrow: A Key Contributor

We face a future that is full of both challenges and opportunities. We see a world contending with new challenges on a grand scale, while much of the implementation work of the past remains unfinished; a world linked by common needs but often sorely divided in the response to those needs. Strengthening the effectiveness of law and law-based systems will be key to conquering the world's environmental problems, and this has been ELI's core area of strength and contribution for nearly 50 years. The imperative for this work will be even stronger in the years ahead. We need to focus our work for maximum effect, join with others in partnership to extend our reach, and modernize our programs and products for maximum uptake.

ELI Vision 2021 outlines the following four thematic areas of focus:

- ➔ Building Effective Environmental Protection Systems: From Law Development to Implementation
- ➔ Protecting the Global Commons and Global Resources: Climate, Oceans, and Other Shared Resources
- ➔ Leading and Facilitating Sustainability as a Foundation for a Healthy Environment, Prosperous Economies, and Vibrant Communities
- ➔ Preventing Pollution of Air, Water, and Land Resources

Under these areas of focus, a number of **key priorities** emerge:

- **Governance and Rule of Law** – An intensified commitment to supporting development and improvement of effective governance and rule of law globally as key to meeting all environmental challenges;
- **Climate** – An invigorated emphasis on the governance dimensions of climate change, with particular focus on the environmental/energy law interface; the integration of climate adaptation, resilience, and water resource sensitivity considerations into environmental decisionmaking; law development and enforcement in emerging economies; and climate literacy training throughout the governance chain;
- **Oceans** – An enlarged emphasis on oceans and on building effective, transferable ocean protection laws and governance approaches, addressing such areas as marine resource planning, management of ocean fisheries, permitting and regulation of energy development, and marine natural resource damages;
- **Technology** – A new emphasis on technology as an enabler and driver of environmental compliance and performance;
- **Private Environmental Governance and Regulatory Certainty** – An increased emphasis on private-sector partnership, focusing on facilitating effective private environmental governance practices and on a shared long-term interest in building rule of law in foreign settings; and
- **Sustainability** – An increased emphasis on law and governance as a means of advancing sustainability objectives and addressing natural resource conflict.

Join With Us

Never has the world been more in need of the promise of environmental law and effective governance. Working with you, whether as a member, partner, supporter, or collaborator, we look forward to being part of delivering that promise.





ELI Vision 2021

ELI has, in conjunction with its wide network of partners, supporters, donors, and members, been making law work for people, places, and the planet for nearly 50 years. Founded in 1969, ELI's vision is a healthy environment, prosperous economies, and vibrant communities founded on the rule of law. ELI builds the skills and capacity of tomorrow's leaders and institutions; researches and analyzes complex and pressing environmental challenges; promotes and disseminates the best thinking through print and electronic media; and convenes people with diverse perspectives to build understanding through robust debate. ELI Vision 2021 sets forth a roadmap to ensure that in the years ahead ELI will continue to make the world a better place by fostering innovative, just, and practical law and policy solutions that enable leaders across borders and sectors to make environmental, economic, and social progress.

Our History

ELI's beginnings coincided with the early years of environmental law, with ELI actively participating in and growing alongside that formation. With its headquarters in Washington, D.C., ELI quickly became the central platform for information and thought leadership on environmental law, initially through its flagship publication: the *Environmental Law Reporter*. By the late 1970s, ELI had a core team of top-notch legal and policy experts, with a research department that grew from a small staff focused primarily on U.S. federal law and policy to one that has broad reach, including both at the international and local levels. In the 1980s, ELI provided the original home for the environmental law bar in the United States through its Associates program. That program now includes a diverse membership base of institutions, firms, businesses, and environmental leaders. And ELI's role as educator has expanded significantly, with our education programs having touched over 100,000 environmental professionals, attorneys, judges, and program administrators here and around the world. Today, ELI provides thought leadership on a myriad of environmental issues, from air, land use, hazardous waste, and water, to groundbreaking international work in such areas as judicial capacity-building, environmental peacebuilding, and biodiversity.

ELI today is a unique composite: a non-partisan, law-oriented think-and-do-tank, effecting change through its work as a premier educator, convener, publisher, and research engine. True to its roots, ELI continues to provide a valued and constructive platform for transcending political barriers, bridging differences across economic interests and policy divides, and finding meaningful solutions that enable environmental law to evolve and make an impact, both domestically and abroad.

Our Approach

Given our vision and mission, ELI's work often begins with informing the shape of law itself. But law ultimately depends on effective implementation through good governance, without which the actions and behaviors of government and the regulated community can be unpredictable, uneven, and inconsistent with environmental imperatives. With good governance, the rule of law can emerge, building a culture of compliance and enabling environmental improvement through the actions of citizens and through private-sector measures that condition access to markets and capital on environmental attributes or performance. Elements of good governance include sound laws, systems, and mechanisms that:

- Protect and reflect the fundamental values of the affected community;
- Provide open access to environmental information;
- Educate, inform, and engage the affected community to engender understanding, ownership, and accountability;
- Engage stakeholders to enrich environmental decisionmaking;
- Improve predictability and reduce uncertainty for the regulated community and the public at large;
- Provide an organized and accessible channel for expressing disagreement or grievances; and
- Resolve disputes effectively, fairly, and in a timely manner.

Through its research, education, outreach, and publications, ELI touches upon each of these elements at all levels of government and community through:

- ✓ Thought Leadership: Researching and analyzing cutting-edge legal issues and implementation challenges, including their scientific, economic, and policy dimensions;
- ✓ Law Development: Developing draft and model legal and implementation instruments;
- ✓ Change-Oriented Education: Enabling decisionmakers, communities, implementers, practitioners, judges, and thought leaders to better understand environmental phenomena, how to address environmental problems, and their roles in this regard;
- ✓ Convening Stakeholders: Providing a non-partisan, objective forum for key players in the environmental law and policy community to engage in dialogue and transcend political impasse;
- ✓ Building Consensus: Acting as an "honest broker" to facilitate constructive solutions through research, analysis, and informed dialogue; and
- ✓ Showcasing Solutions: Sharing successful laws, policies, and governance solutions to promote best practices and upward harmonization across political borders.

ELI provides a unique, non-partisan, open-door place for environmental professionals from all sectors and walks of life to come together and be enlivened and enriched through an exchange of ideas and perspectives. ELI's key audience includes environmental law attorneys, law and policy decisionmakers, judges, community members, nongovernmental organizations (NGOs), businesses and others involved in "making law work," whether through the creation, implementation, or reform of law, or through collateral measures that drive compliance and environmental performance.

The Future of Environmental Law

ELI's work in the coming years will be shaped by both broad socioeconomic trends and the changing nature of the legal enterprise itself. Some key trends that will influence law in the coming years include:

- Climate change-anticipated impacts, and mitigation and adaptation challenges;
- Dramatic shifts in energy technology, development, production, distribution, and access;
- Water scarcity, quality, allocation, availability, and use;
- The need for, and trend toward, more sustainable practices;
- Ineffective environmental governance, non-transparency, noncompliance, and rule of law failure in many places;
- Technology as both an environmental stressor and provider of solutions, with information and communication technology in particular bringing enormous opportunities for understanding, engagement, and collaboration, as well as challenges in terms of data quality and overload;
- Population growth and the global shift to urban human settlement;
- Increased understanding of the human health implications of environmental degradation;
- Uneven distribution of environmental benefits and burdens, and the convergence of environmental protection and human rights;
- Increased tension between food production and environmental imperatives in a world in which food is both needed and wasted; and
- Economic globalization, trade liberalization, and the growing value of upward harmonization of environmental requirements.

As these trends unfold, we are witnessing:

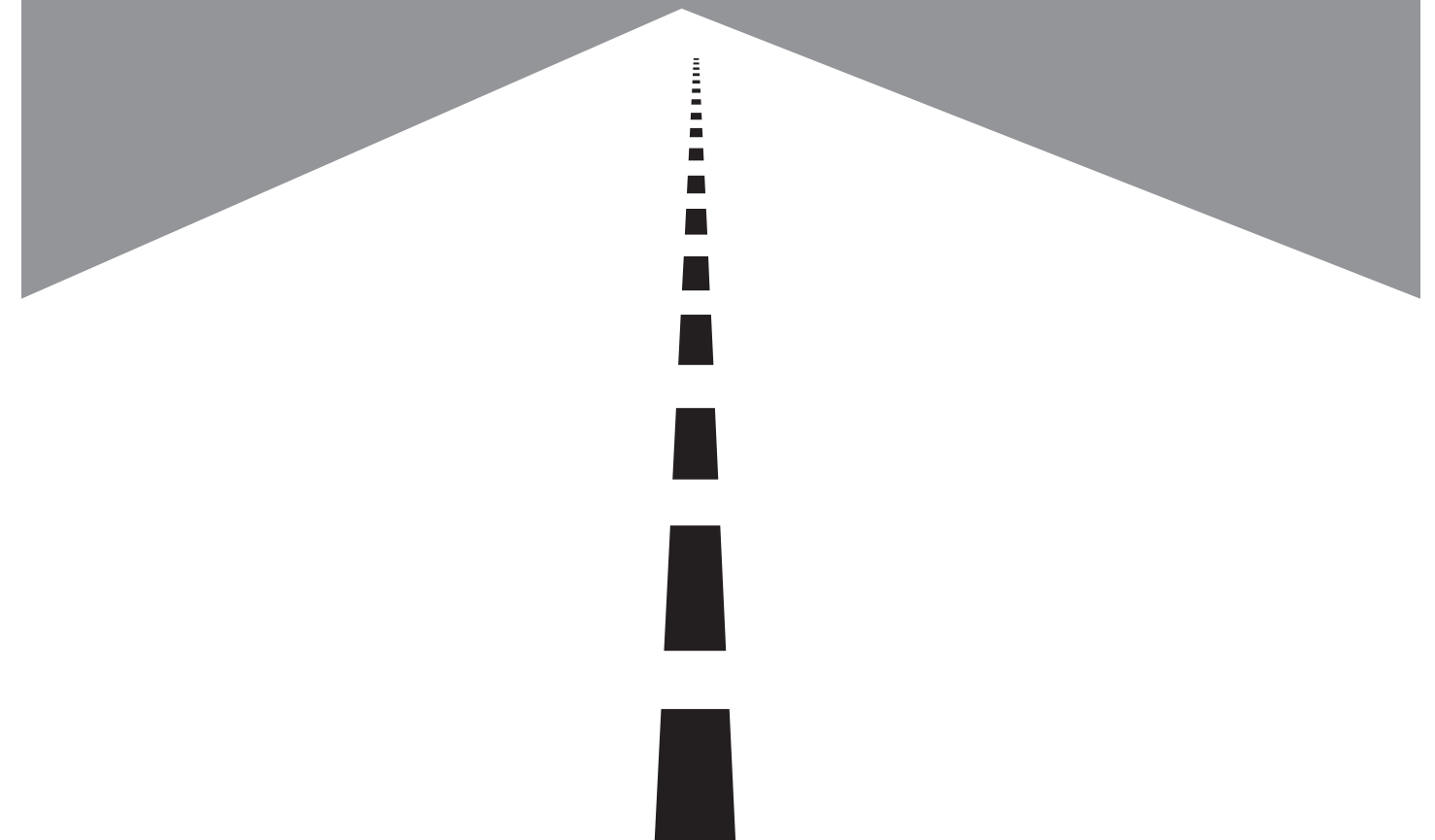
A Move Beyond Traditional Legal Structures: Transparency-based accountability is emerging as a supplement or alternative to conventional legal approaches to environmental protection; regulatory focus is moving up the production chain, shifting from the end-of-the-pipe toward product design and composition, and generating greater awareness of and accountability for environmental performance throughout global supply chains.

The Rise of Subnational Government and Communities: Subnational governments are emerging as leaders in environmental governance innovation. Simultaneously, community-level accountability mechanisms, fueled by environmental big data, citizen monitoring, and social media platforms, are likewise growing in importance.

A Dynamic International Setting: While most nations have some environmental laws in place, there is wide variation in the robustness of laws, implementing mechanisms, and enforcement systems. *There is a tremendous need for law reform, regulatory and policy development, effective implementation mechanisms, and supportive capacity-building.* Climate change brings new law making and governance challenges, while natural resource distribution increasingly plays a role in fueling conflict and instability.

Changing Governance Systems: Governance mechanisms are shifting and expanding worldwide.

- "Bottom-up" international agreements like the Paris Climate Agreement signal that top-down treaties are unlikely to play as central a role in global governance as they did in the 20th century.
- Increased emphasis on measuring progress toward environmental results and on public-private partnerships of various forms is leading to greater recognition of the role of non-state actors and subnational actions, and the importance of effective environmental governance at all levels.
- Transnational business activity is continuing to proliferate, and environmental risk management strategies, with their power to influence environmental behaviors by conditioning access to markets and capital, will increase in importance in the retail, investment, lending, insurance, and institutional procurement sectors. This dimension gives the regulated community a platform from which to lead rather than follow.
- Advances in technology are ushering in an era of collaborative engagement, as well as greater citizen involvement in detection and reporting, bringing the potential for important new, transparency-based governance and coordination mechanisms, as well as data integrity and governance integration challenges.



Visioning ELI's Future

Taking into account new and existing opportunities for partnerships and impact, and mindful of geography and scale of intervention, ELI will target its growth in the various areas and forms highlighted below:

Building Effective Environmental Protection Systems: From Law Development to Implementation

ELI will bring an integrated approach to environmental protection, helping build public governance systems that are effective, efficient, technologically attuned, and accountable, while troubleshooting existing weaknesses with an eye toward reforms that improve environmental results. With respect to private-sector governance mechanisms, ELI will illuminate effective strategies and best practices in private environmental governance, including effective stakeholder processes, transparency mechanisms, reporting initiatives, and standard-setting processes; and facilitate integration of multisector private mechanisms for optimal effect, relying on ELI's special positioning to bridge the public and private sectors for maximum effectiveness. And given emerging informal governance mechanisms that sit at the intersection of citizen pollution detection and social media communication, and are serving to further democratize environmental monitoring and communication, ELI can help engage stakeholders to ensure that these new governance constructs reflect sound governance approaches and disciplines.

ELI's points of focus will include:

- ★ **Convening thought leaders on the condition of the environmental regulatory and disclosure apparatus**, to reexamine the national/state/community relationship, analyze governance breakdowns, harness technological breakthroughs, and identify opportunities for reform;
- ★ With relevant stakeholders, **working on the governance build-out of new and reformed laws** to address key environmental and social problems;
- ★ **Expanding its private environmental governance program** to provide a cross-sectoral platform for businesses, communities, and governments to share effective strategies and integrate approaches;
- ★ **Creating a law and technology program** focusing on enhanced compliance assessment techniques; community-level detection technologies; citizen monitoring; and emerging web-based communication systems, dispute resolution platforms, and data integrity issues;
- ★ **Helping shape effective environmental protection systems** in key countries and regions; and
- ★ **Examining the intersection of environmental law and social policy**, and in addressing the environmental drivers and impacts of human displacement and resettlement.

Protecting the Global Commons and Global Resources: Climate Change, Oceans, and Other Shared Resources

Resources shared by all but governed exclusively by no single entity present unique governance challenges, important questions of corporate and individual responsibility, and special needs in terms of promoting innovation, expanding analytics, and developing incentives. Three critical areas in which ELI can make significant contributions are: Climate Change, Oceans and Ocean Resources, and other Shared Resources.

The 2015 Paris Climate Agreement will drive a foundational focus for climate change in the years ahead. Implementable carbon mitigation mechanisms and effective adaptation measures pose difficult challenges for climate change law, policy, and governance, yet offer fertile ground for innovation. National-level law making and effective governance is essential for the successful delivery of the world's carbon mitigation objectives, while climate adaptation and resilience requires new approaches at all levels of government.

Oceans and ocean resources will continue to be a major environmental challenge this century as population increases and uses intensify, and as climate change affects sea levels and the biological, physical, and chemical characteristics of our ocean environments. Depleted fishing stocks, aquaculture, ocean energy, and the transnational regulation of waste, ballast water, nuclear material, plastics, and the physical and utilitarian changes in the Arctic all present special law and governance challenges with worldwide consequences.

And other shared resource challenges include growing recognition of transnational ecoregions, ubiquitous pollutants, and new stresses to lands and waters traditionally used by indigenous peoples.

ELI is committed to supporting the development of successful laws and governance systems in these areas by:

- **Facilitating subnational and private-sector climate mitigation implementation strategies** in the United States;
- **Identifying adaptive and resilience measures** to deal with impacts of climate change, drawing on ELI's unique strengths in green infrastructure, wetlands and coastal zone management, restoration measures, environmental impact assessment, and land use planning;
- **Contributing to the international effort to assess country-level progress toward the climate targets** in the Paris Climate Agreement, with particular focus on mobilization of law, institutional arrangements, transparency, and reporting integrity;
- **Building capacity to help countries meet their climate goals and address interconnected resource challenges**, such as deforestation through compliance assurance and other implementation mechanisms;
- **Providing climate literacy education** to key elements of the governance chain in key countries, including the judiciary;
- Researching legal strategies that **support rapid and innovative transition to a renewable and low-emitting energy economy** in the United States through researching legal strategies;

- **Convening businesses, governments, and NGOs to identify promising, implementable strategies for climate mitigation, adaptation, and energy production** within the United States;
- **Collecting information and developing governance tools to respond to ocean threats** such as overfishing in the marine environment, address expanding off-shore energy development, enhance marine resource planning, and catalyze natural resource damage assessment, both domestically and in key countries;
- **Responding to the challenges of ocean governance by identifying and analyzing effective programs and building model programs and approaches** that can be transferred to other countries and ocean settings; and
- **Responding to the unique, unfolding environmental governance challenges in the Arctic** associated with the loss of Arctic ice, sea-level rise, increased shipping, and fossil fuel extraction.

Leading and Facilitating Sustainability as a Foundation for a Healthy Environment, Prosperous Economies, and Vibrant Communities

The 2015 Sustainable Development Goals – particularly those promoting clean water and sanitation; sustainable energy; sustainable economic growth; action to combat climate change and its impacts; healthy lives (including air quality); conservation and sustainable use of oceans; sustainable use of terrestrial ecosystems; and access to justice and effective, accountable, and inclusive institutions – solidify the progression toward a more sustainable future, and provide key reference points for ELI’s work. And the trend toward mainstreaming sustainability is occurring across all sectors, from governments working to reconcile their laws and systems with the sustainability ideal, to businesses increasingly integrating sustainability into their business models, to NGOs promoting sustainable communities. As domestic, international, and corporate actors progressively adapt law and governance systems toward sustainability, ELI is uniquely positioned to:

- ✓ Convene the government, private, and NGO sectors to **provide a forum on means for achieving sustainability**;
- ✓ Examine and **highlight the legal dimensions of the sustainability objective**, including features of existing law that either inhibit or could be used to enable more sustainable practices;
- ✓ **Enable the minimization of waste** and the re-harvesting of materials already entrained in commerce through governance mechanisms;
- ✓ Publish and provide outreach on **innovative approaches that promote sustainability**;
- ✓ Continue its highly respected **environmental peacebuilding efforts**, bringing focus to the linkage between natural resource integrity and regional and international security; and
- ✓ Intensify judicial engagement through **ELI’s highly regarded judicial education programs**.

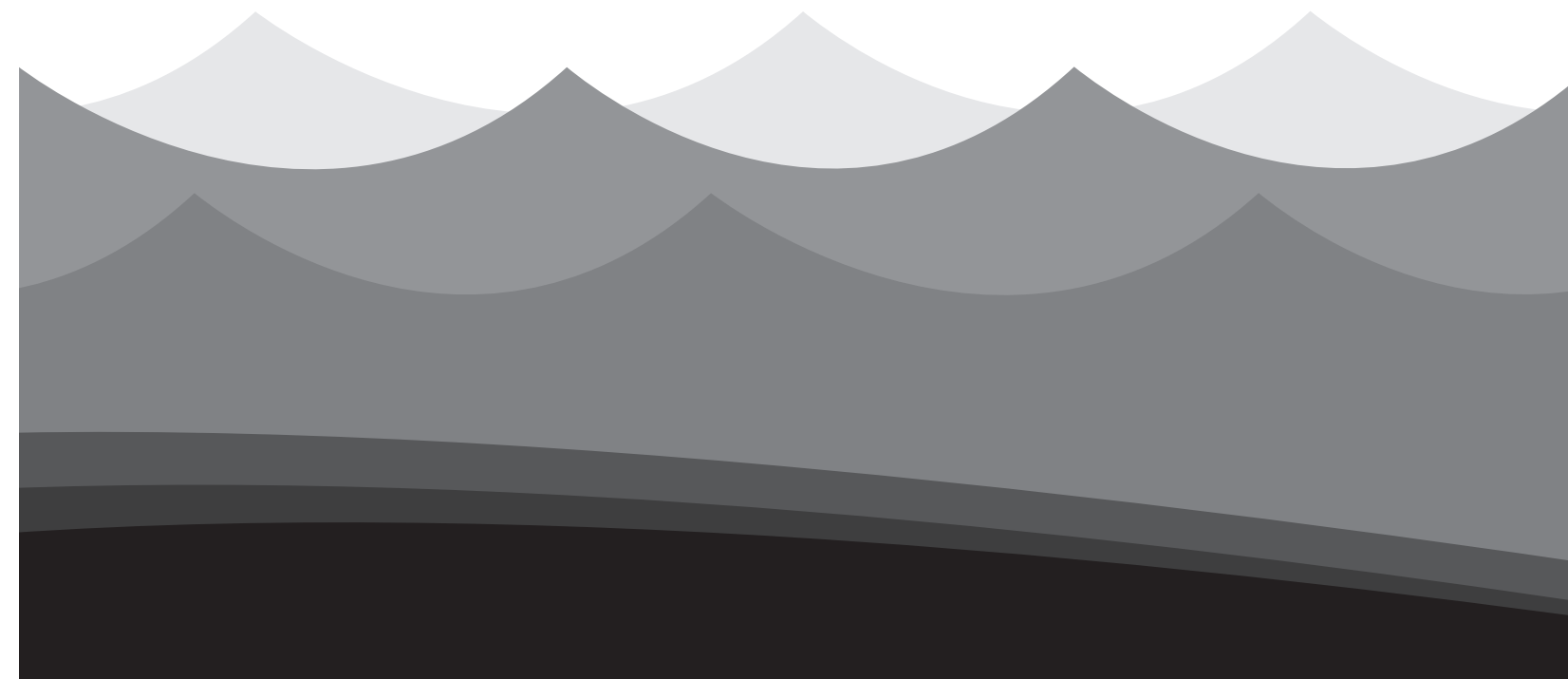
Preventing Pollution of Air, Water, and Land Resources

The United States has for some decades been a world leader in advancing air, water, and land quality through the development and implementation of strong environmental laws, and ELI has been intimately involved in that success. However, environmental calamities and governance failures serve as a reminder of the ever-present potential for compliance and systemic breakdowns, with serious public health and environmental consequences, even in sophisticated environmental governance systems.

Internationally, there is an enormous need in much of the world for foundational, law-based environmental protection strategies and implementation mechanisms.

Additionally, the emergence of a global economic system and marketplace, fueled by liberalized trade and investment, can be expected to increase the need to normalize and improve laws and governance mechanisms in the years to come.

Meanwhile, technological change tends to move faster than changes to laws, creating challenges for governments, the private sector, and civil society in responding to new sources of pollution or environmental risk.



ELI will apply itself to these challenges by:

- Convening government leaders and other top thinkers to **identify best practices, gaps in authority, and opportunities for pollution prevention reform**; assess distribution of roles and responsibilities in the modern age and opportunities to improve coordination across agencies and levels of government; and catalyze the resolution of pressing policy and practice challenges;
- **Strengthening law making, environmental enforcement, and implementation capacity** among nations with emerging economies through training, research, assessment of law and policy gaps, and transfer of best practices;
- Aligning with other countries' efforts to make environmental progress by **building the capacity of judges to effectuate environmental laws** in a principled fashion, and by providing training and policy support for enforcement and inspection personnel, as well as for officials involved in the implementation and oversight of preparation of permitting and environmental impact assessment systems. *China is a compelling example of needs and opportunities in this area;*
- Tapping into ELI's strong ties with multinational businesses doing business abroad to help **leverage the power of forward-thinking companies to advance technologies and policies that protect air, water, and land**, including through public-private partnerships;
- **Bringing leadership to the strategies to address environmental justice** and the distributional dimensions of pollution and public engagement; and
- Addressing impacts and potential risks associated with new and emerging technologies, working with experts in all sectors to **identify best practices, develop consensus, and provide practical governance approaches** using existing laws; and highlighting new management practices and legal tools where gaps exist.

Aligning and Modernizing for Impact

ELI has a tradition of excellence and strong brand recognition both in the United States and internationally. To ensure that this legacy continues, we at ELI must align and modernize our programs, products, and undertakings to have maximum impact.

Partnerships: ELI's reach is enhanced by the mutually supportive relationships that it has with other partners. ELI's vision for the future provides numerous opportunities to continue to partner with other organizations that have complementary interests, capacities, and resources. ELI will actively seek out new partners and expand relationships with existing partners as a means of leveraging resources for optimal impact.

Programming: Given our non-partisan, non-advocacy, environmental law-oriented mission, ELI is uniquely positioned to bring divergent interests together to enhance understanding and search for consensus at the cutting edge of environmental law. Over the next several years, ELI will convene solutions-oriented stakeholder discussions and educational programs on a myriad of topics, including:

- Chemical and product regulation
- Green economy and barriers to sustainable practices
- Green infrastructure
- Technology's role in compliance assurance
- Renewable and low-emitting energy sources
- Environmental justice
- Alternative dispute resolution in the environmental setting
- Emerging questions of administrative law
- Data quality in the era of big environmental data
- Dealing with scientific uncertainty
- Mechanisms for achieving regulatory coherence across levels of government

ELI will look to increase the geographic reach of these programs by increasing remote and virtual participation opportunities, including through such tools as massive open online courses and interactive video platforms to engage practitioners and citizens around complex environmental protection system challenges (for example, fisheries, urban sustainability, and climate resilience).



Publications: The transition to digital media is having as big an impact on communications as the Gutenberg press did in its time. As demands for digital media grow – via tablets, smartphones, and social media – ELI must increase and improve its online presence and provide greater digital access to our books, journals, and publications, ever mindful of the increasing financial pressures on traditional print publications. ELI will modernize and target its publications to meet the needs of cross-generational membership and subscriber communities, making our publications “a must-have” for environmental lawyers, decisionmakers, and academia.

- Through ELI’s flagship publication, the *Environmental Law Reporter*, ELI will provide further focus on forward-leaning elements of ELI Vision 2021, respond to shifts in the legal landscape (e.g., tracking the increasing use of executive authority in the face of legislative stalemate), and create new products consistent with our vision for the future;
- ELI’s policy journal for the environmental profession, *The Environmental Forum*, will continue to advance environmental protection through analysis, opinion, and debate and seek new ways to digitize its content and increase readership;
- ELI Press will publish physical as well as digital books where there is a need and an audience, as exemplified by its line of Deskbooks that meet the practical needs of environmental professionals; and
- ELI will publish research reports where funding support can be found and will make these freely available to support sustainability, community development, and environmental knowledge goals.

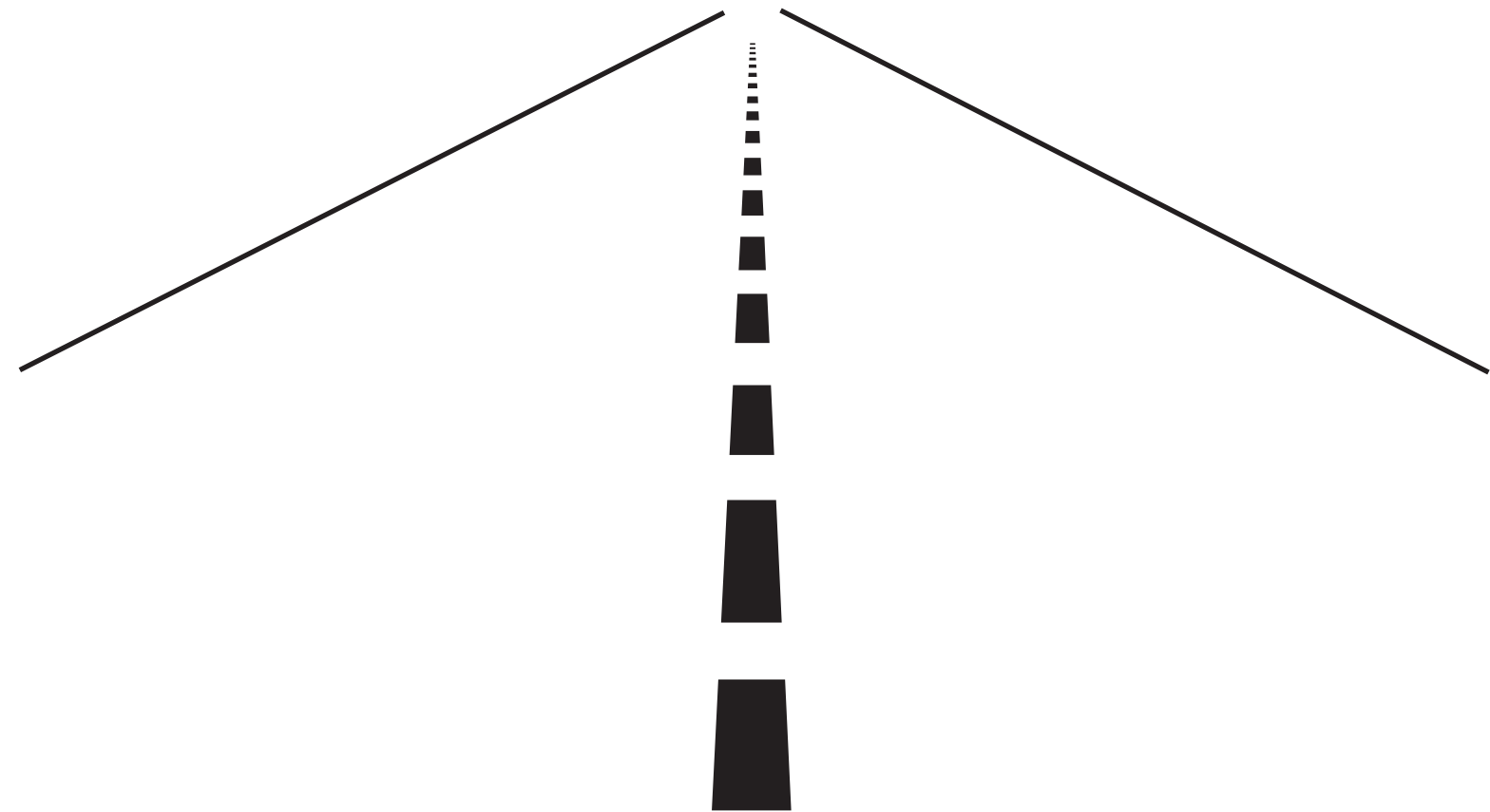
Communications: ELI will modernize its approach to communications to ensure that ELI’s programs, products, and thought-leadership are projected outward for maximum impact. In particular, ELI will enlarge the audience for the findings and conclusions of ELI’s cutting-edge research reports; the results of its convening and educational activities; and the arguments and conclusions of its publication authors, so that all ELI activities are leveraged beyond their original purpose. Increased marketing efforts will be undertaken to increase circulation of ELI’s subscription-based publications and research reports, thereby generating revenue to support ELI’s broader program of work and multiplying its impact. Through targeted use of marketing, social media, and outreach, ELI will develop communications tools that are nimble, attractive to cross-generational audiences, capable of tailoring communications for key target audiences, and have resonance with members, external stakeholders, and journalists.

Membership: By virtue of its non-partisan, non-advocacy mission, ELI enjoys a diverse membership base. ELI sees opportunity to strengthen membership within a number of affinity communities, including multinational companies committed to the ideal of rule of law in the environmental sphere, small and medium sized businesses in need of environmental law synthesis assistance, environmental professionals trained in disciplines other than the law, environmental professionals from countries outside the United States, and practitioners from the western and south central United States. ELI will target its membership efforts accordingly.

Fiscal Stewardship and Growth: Ultimately, the scale and impact of ELI’s work is dependent on the financial support of the broader community of members, donors, partners, and funders that constitute the broader ELI network. ELI is committed to running a lean, efficient, and effective organization based on sound fiscal management and diversity in funding, reflecting the highest standards of stewardship and integrity so that resources entrusted to our care are assured of being put to their highest and best use.

Conclusion

ELI was born at the beginning of the modern environmental movement and has been centrally involved ever since – in building law, governance, and rule of law for a healthy environment, prosperous economies, and vibrant communities. ELI is gratified to have been part of the major strides that have been made. **The imperative for functional, law-based environmental protection systems is more important now than ever** as the world races toward both economic expansion and integration, bringing both enormous challenges and opportunities. Environmental law and effective governance can offer an important response to both, and ELI looks forward to being part of that response.





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