Institut de l'Ouest
Droit et Europe
UMR CNRS 6262

UNIVERSITÉ DE RENNES 1

CALL FOR PAPERS

INGILAW SYMPOSIUM

GEOENGINEERING: NEW ENVIRONMENTAL PARADIGM, NEW LEGAL PARADIGM?

Rennes, France 11–12 October 2018

Western Institute of Law and Europe (IODE) CNRS – Rennes University

Correcting ocean acidification, removing CO_2 from the atmosphere, managing solar radiation, restoring wetlands or developing agricultural production methods that use the functions of the ecosystem to correct the anthropogenic impact on the environment; all of these projects can be brought together under the umbrella term of "geoengineering". Also known as environmental engineering, it deals with intentional modifications of the environment by techniques and/or practices, implemented or planned, to rectify the impact on the environment caused by human activities. It is effectively a matter of "manipulating" the environment to counter the impact on nature of human interference. The two main target areas are the climate and ecosystems.

This new and very controversial approach is a vehicle for a number of issues concerning values and representations. Does engineering allow us to forget our environmental protection efforts? In addition to the scientific controversy on this point, geoengineering raises some major societal issues, questioning the human/nature relationship and providing a long-term structure for society's approach to the risk. The economic issues of geoengineering at stake also merits consideration. At the crossroads of the sciences, technology, and ethics, the role of the law in regard to these matters needs to be considered. There is an abundance of legal doctrine on similar and corollary objects and concepts, such as the prevention, adaptation, rehabilitation, repair of and compensation for the harmful impact on the climate and the environment. Nevertheless, the legal rules only indirectly cover this new phenomenon, which is characterised by a corrective rather

than preventive (upstream) or adaptive (downstream) approach to threats to the environment.

What legal foundations currently allow, prohibit, organise or supervise the development of these techniques, mostly little more than ideas or technological innovations so far? Some legal provisions in national and international instruments are paving the way for this new paradigm, such as the concept of "carbon neutrality" or "the capture and storage of CO_2 emissions", or the growing number of "wetlands restoration" practices. The Environmental Modification Convention, formally the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (ENMOD convention)[1] is likely to cover geoengineering for such purposes. In 2008, the members of the Internal Maritime Organisation voted for a ban on ocean fertilisation in international waters, except for the purpose of "legitimate and small-scale scientific research". The Convention on Biological Diversity, adopted in 1992, was supplemented in 2010 by an instrument prohibiting the use of climate engineering techniques, although it is not binding. More recently, the Paris Agreement on climate change adopted in 2015[2] and the 2016 French Law on the protection of biodiversity tacitly attest to the development of this geoengineering logic in politics and stakeholder interactions at different levels.

As well as positive law, the aim of the symposium is to explore the new challenges and directions of environmental law facing with geoengineering, enhanced by an interdisciplinary approach centred around the human and social sciences. At the time of a new environmental shift, the Anthropocene[3], the growing interest in environmental engineering encourages us to consider the purpose of environmental law. Is the law focusing on the planet, humanity or both, and how are they combined? What are the preferred approaches, and what are their objectives? This raises questions on the function of geoengineering and how it relates to the objective of conservation and the objective of quality environmental law. Is the legal discipline still essentially preventive? Does it encourage a rationale of sanctuary at the interface of artificialisation and the management of environmental resources? Will there be a place for the current rationale favouring the sequence: prevent, reduce, compensate? In regard to geoengineering, is the law's role to define limits to these practices and/or to monitor and support the development of these techniques? What are the frameworks within which the rules are or can be adopted? What accountability mechanisms can be deployed at different levels? What planning will be necessary?

The concept of environmental justice is certainly key, bound to the present and to future generations. Thinking about geoengineering also leads one to consider the legal consequences of this new relationship with the environment in the choice of suitable tools, and more generally in the quest for a coherent and consistent response, e.g. in regard to the principles of sustainable development and environmental integration. In some areas, it could take the form of a return to nature (agriculture), while in others it manifests itself as a planetary issue (climate change), or even as a local response to be adapted to current needs (wetlands restoration).

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[1] Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, signed on 18 May 1977 and entered into force on 5 October 1978.

[2] Art. 4 of the Agreement provides for "a global peaking of emissions as soon as possible", implicitly opening the way to geoengineering.

[3] Geological chronology term suggested to characterise that period of the Earth's history which began when human activity had a significant global impact on the Earth's ecosystem.

The time-related foundations of the law are also questioned: a law of early intervention or a law of recovery, a law capable of adapting while offering an element of legal predictability? In regard to the principle of legal certainty, how can the law be conceived and constructed so that it can evolve in support of these technological developments? The spatial foundations appear to be characterised by the potential globalisation of the impact of damage to the environment and of corrective measures. How can this combination of local and global levels shape the governance options for ecological and climate engineering? And how can the techniques and knowledge concerning tools be combined? In view of these manipulations of nature, how can we combine our professional and scientific knowledge with indigenous, local and empirical knowledge? How can geoengineering be reconciled with the environmental ethics of the indigenous people and local communities? Locally and globally, how are these cultures, especially legal cultures, affecting how these technological "innovations" are received?

The papers can explore the lines of thinking referred to above or address new questions.

This call is open to academics from various disciplines and backgrounds (French law, comparative law, European law, international law, private and public law), as well as to other social and human sciences, and to the practitioners (company lawyers, research bodies and NGOs in particular).

Response procedures

Proposed contributions (1 page maximum), accompanied by a short CV, must be in electronic format (Word or PDF) in French or English.

They should be sent, **no later than 30 May 2018**, to the following address:

ingilaw2018@gmail.com

The proposals will then be sent to the scientific committee for a two-fold evaluation. The results will be communicated on **30 June 2018**.

Participation

The symposium will be held in French and English, without simultaneous translation.

Travel and accommodation costs are payable by the contributors to the symposium.

Authors should send their written contributions for publication of the acts no later than **1 February 2019.**

Dates and place

11–12 October 2018

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