



Earth  
System  
Governance

**TASK FORCE ON EARTH SYSTEM LAW**

**Earth System Law Task Force Virtual Event  
18 September 2020 14.00-17.00 (CEST)**

**As part of the 2020 Virtual Forum on Earth System Governance**



**REPORT OF THE EARTH SYSTEM  
LAW TASK FORCE VIRTUAL  
EVENT**

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The notes contained in this report have been compiled by Catherine Blanchard, and revised by Louis Kotzé, Rakhyun Kim and Peter Lawrence.

Apologies for any erroneous reporting of participants’ views.

## 1. INTRODUCTION TO THE EVENT

The Taskforce on Earth System Law held its fourth annual meeting, virtually, as part of the 2020 Virtual Forum on Earth System Governance. Building on the previous meetings in Lund, Utrecht, and Oaxaca, we reflected on ongoing activities and how to build on these to expand the impact of the Taskforce beyond 2020. This included strategic discussions around (1) existing research projects for a journal special issue, an edited volume, and a legal policy brief series; (2) funding opportunities for, and planning of, an international workshop to further facilitate the special issue project (and others); and (3) potential research outputs or projects for the medium to long term. The Taskforce currently consists of an interdisciplinary group of over 45 scholars from various backgrounds including law, philosophy, and political science, and it welcomes other perspectives, and continues to welcome new members to contribute to its collective work.

## 2. PROGRAMME

### 14.00-14.15 **Opening statements**

Introduction – Catherine Blanchard

Overview of the Task Force activities over the past year – Louis Kotzé and Rak Kim

### 14.15-15.30 **Discussion/Round Table on current ESL-related research**

Facilitator: Louis Kotzé

See details of presentations below

*Offer members an opportunity to briefly share with everyone information/highlights in their current ESL-related research. People have about 5 minutes each to speak. It could, for example, be on a research project, community outreach activities, and/or a book or journal article you have done or are working on.*

### 15.30-15.40 **Short break**

### 15.40-16.15 **Innovative approaches and ideas in the COVID-19 context**

Facilitator: Catherine Blanchard

*Session dedicated to sharing innovative approaches and ideas to work more effectively under the prevailing restrictive Covid 19 conditions, including on how to respond to the multiple transformations currently underway in society and in science.*

### 16.15-16.45: **Future of the ESL Task Force**

Facilitator: Rak Kim

*The third part of the meeting will look to the future and we will discuss our future work as a Task Force, including the Bratislava conference in 2021*

### 16.45-17.00 **Closing**

### 3. PARTICIPANTS

Harro van Asselt	University of Eastern Finland/Stockholm Environment Institute
Louis Kotzé	University of Lincoln/North-West University
Rosalind Warner	Okanagan College
Hanna Ahlström	Royal Swedish Academy of Science
Edgar Fernandez Fernandez	Institut de l'Ouest : Droit et Europe (IODE), Université de Rennes 1
Rakhyun E. Kim	Utrecht University
Catherine Blanchard	Utrecht University
Mike Angstadt	Colorado State University
Jeremy Bendik-Keymer	Case Western Reserve University, USA, OLOMN
Brita Bohman	Stockholm University
Stefan Aykut	University of Hamburg
Frank Biermann	Utrecht University
Michelle Maloney	Australian Earth Laws Alliance (AELA); Law Futures Centre, Griffith University; New Economy Network Australia (NENA) and Future Dreaming Australia
Laura Mai	King's College London
Yulia Yamineva	University of Eastern Finland
Namera Nous	Utrecht University
Genevieve Quirk	ANCORS, Wollongong University
Shahana Bilalova	Caspian Center for Energy and Environment
Masatochi Yokota	Tokyo University of Science
Ashok Vardhan Adipudi	Indian Institute of Technology, Kharagpur
Ilona Rac	University of Ljubljana
Mujiburrahman	Charles Darwin University
Piero Morsoletto	Vrij Universiteit Amsterdam
Aron Westholm	University of Gothenburg
Emille Boulot	McGill University
Gabriel Lopez	University of Lincoln
Michelle Scobie	University of the West Indies - Trinidad and Tobago
Chris Höhne	Freie Universität Berlin
Nishant Beniwal	The Open University
Nafiseh Jafarzadeh	National Council for Science and the Environment (Washington DC)

N.B. Since the meeting took place on the platform Zoom, some participants might have come in and out the meeting, and/or their participation might not have been reflected properly.

## 4. DISCUSSIONS

### 4.1 OPENING STATEMENTS

Introduction by Catherine Blanchard and overview of today's meeting.

Louis Kotzé gives an overview of the activities of the Task Force over the past year. An ongoing activity is the book project. He invites interested people to contact Margot Hurlbert for further information on the book project.

Rak Kim then gives a summary of the ESG Conference in Oaxaca, Mexico in October 2019. The ESL Task Force held an event there. It was suggested that policy briefs on ESL related topics could be developed, to disseminate findings with broader audience. He invites people with questions on that matter to contact Peter Lawrence.

→ In the chat, Frank Bierman mentions that the taskforce on ESG and Democracy is also planning a policy brief series. Both taskforces could explore opportunities for co-learning in this respect and even to share their experience with other taskforces.

Rak also mentions that the Task Force has for a while been exploring the possibility of having a special issue in a journal. This will be discussed further below.

Rak then gives the floor to Frank Biermann, who gives information about the ESG Journal. Frank invites everyone to submit their research and to contact him or Louis as assistant editor for law if they have specific questions.

Louis also gives the floor to Harro van Asselt, who presents the Review of European, Comparative and International Environmental Law (RECIEL). Harro invites people to publish their research in RECIEL, which has significantly grown in standing and impact over the past years. Harro also mentions that the University of Eastern Finland will be organizing the IUCN Academy in 2023. People can contact him for further information.

### 4.2 DISCUSSION ON ESL RELATED RESEARCH

Various speakers presented their current research. A summary of their presentation can be found below.

#### 4.2.1 Laura Mai & Emille Boulot, "Harnessing the Transformative Potential of Earth System Law: From Theory to Practice"

*Laura Mai*

PhD Candidate, Climate Law & Governance Centre, King's College London

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*Emille Boulot*

PhD Candidate, Natural Resource Sciences, McGill University

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Environmental law is failing to provide an adequate legal paradigm for responding to critical changes affecting global socio-technical-ecological systems. In light of the inadequacies of environmental law, Earth System Law (ESL) has been proposed as an alternative legal conceptual framework which has the potential to animate and support more adequate responses to planetary change. To date, the emerging ESL literature has sketched key characteristics of the new legal paradigm and reflected on implications for the legal scholarly community. However, less attention has been paid to the challenges of harnessing the transformative potential of ESL, that is, its promise to evolve from a theoretically and conceptually innovative perspective to facilitating positive, on-the-ground change. In this paper, we therefore ask: Which issues and questions will the ESL research community have to engage with to ensure that ESL is able to actually initiate and drive the processes of transformative change which it purports to support? And, which starting points can we identify for productively engaging with these issues?

Drawing on a review of relevant literatures, we identify structural, normative, epistemological, ontological, conceptual, and methodological challenges for translating ESL's transformative potential into practice. We posit that if ESL is to live up to its promise, the ESL research community will have to confront these challenges head-on. We thus articulate a theory-to-practice agenda which suggests some practical options for building a constructive, yet critical, conversation about how ESL scholarship can ensure that conceptual and theoretical advances find resonance in practice and result in on-the-ground change. We believe that it is at this early stage in the development of the new legal paradigm that initiating a conversation about available options and required strategies is timely and productive. The agenda we propose is not intended as an exhaustive to-do-list; rather, it suggests starting points and invites further engagement from across the ESL community.

They offer a transformative perspective of ESL, and alternative to IEL, but from a practical aspect, to transform research to practice

4.2.2. Jeremy Bendik-Keymer, "Facing Mass Extinction, It Is Prudent to Decolonise Lands & Laws"

The drivers of mass extinction today are social processes inherited from European imperialism and embedded in the international state system. Their path dependencies

demand that we engage in decolonial work. This work centrally involves countering land abstraction – the rendering instrumental of lands, waters, and skies for the sake of national territory, capitalist profit, or industrial resource use. Much indigenous law is centered on moral relations with lands, internalizing “ecological reflexivity” within indigenous society in highly articulated ways not present in the social memory of nation states. Prudential reasons thus support decolonising indigenous lands, making room for the sovereignty and jurisdiction of indigenous law. Such reasons are not exclusive but rather add to already evident reasons of justice in support of indigenous decolonisation which have for some time been urgent calls for concern. This paper provides new reasoning for decolonisation concerning the practical relations between the disestablishment of our inherited colonial order and the curtailment of now alarming rates of extinction threatening the current order of life on this Earth

→ In the chat, Ilona Rac asked: I wonder if you've also looked into property-right systems and private property in particular. Sorry if this is perhaps an inane question and you've talked about it already, this is my first time attending this taskforce.

#### 4.2.3 Michelle Maloney, “Redefining governance and our legal relationship with the living world: the Greenprints approach”

A critical challenge for Earth System Law is to bridge the gap between theoretical discussions and developments, and practical, multi-scalar action. In this paper I provide an overview of an initiative that aims – among other objectives – to build a movement of people working to understand, co-create and implement Earth centred law and governance. The program is an Australian civil society initiative called ‘Greenprints.’ The name ‘Greenprints’ came from the observation that although we have ‘blueprints’ to guide careful construction of engineering and building projects, we don’t yet have ‘greenprints’ that help guide industrialized societies to build regenerative economies and communities, within healthy ecological limits. The Greenprints program addresses this gap by providing a practical methodology – literally a step by step process – to help communities understand their ecological limits and Planetary Boundaries; downscale Earth System science and Earth System law concepts for local relevance; understand the unique ecology and healthy limits of their local bioregion, catchment and ecosystems; analyse past, present and possible future human economic activity within their bioregion (including land use, consumption, production, carbon and other emissions etc); and develop bioregion-specific strategies for transitioning to new, regenerative economic systems, that are supported by ecological law and ecological governance. Greenprints is being piloted in two communities in Australia and is proving to offer a cohesive, forward thinking and practical approach to locating and supporting action at various scales.



→ In the chat, Rosalind Warner asked whether the mapping tool is ready.  
The answer is: not yet, hopefully next year

4.2.4 Edgar Fernandez Fernandez, “The Earth as an integrated system: Exploring ways to substantively link the international legal regimes of climate and biodiversity”

*Edgar Fernández Fernández*

Associate Researcher, Institut de l’Ouest : Droit et Europe (IODE), Université de Rennes 1, France

This research aims to dig deeper into an issue whose main ideas I have already developed in previous works (ex. Chapter of the ESL book). It explores possible avenues to substantively link the international legal regimes of climate and biodiversity.

Point of departure: Insights coming from Earth System Science (ESS) about how the Earth System (ES) functions. ESS emphasizes that the Earth is a single complex, integrated system. It stresses the existence of interdependencies and nonlinear cross-scale interactions and feedbacks among the key biophysical processes for the functioning of the ES.

If we take ESS as a point of departure, one would expect from international environmental law (IEL) to address, in an integrated manner, issues related to biophysical processes that are key for the stability and resilience of the ES. Introducing such an integrative perspective would contribute to avoid and reduce what Rakyum Kim and Klaus Bosselmann have called “environmental problem shifting”; e.g. when tropical forests are replaced by monoculture tree plantations or by biofuel plantations.

However, IEL is instead characterized by “a lack of coherence and synergy among a large body of sectoral regulatory frameworks” (2018 UN-SG Gaps Report).

Notwithstanding the foregoing, some recent developments that have occurred in the climate change and biodiversity regimes seem to go in the direction of a better integration of both regimes. An example of this is para 15 of Dec. 1/CP.25: “Underlines the essential contribution of nature to addressing climate change and its impacts and the need to address biodiversity loss and climate change in an integrated manner”.

Is this a first step towards a more substantive linkage between the international legal regimes of climate and biodiversity? Is there something going on that would lead to more than the simple collaboration between secretariats of both Conventions that already exists? These are some questions that my current research seeks to answer.

#### 4.2.5 Stefan Aykut, “Politics by other means? The judicialization of global climate conflicts and its effects”

Over the past two decades, a growing number of lawsuits has targeted national governments and energy firms, to enforce more stringent climate action or hold polluters accountable for climate change impacts. In the process, climate litigation has become a key element of the ‘contentious repertoire’ of the transnational climate justice movement. The presentation retraces the evolution of climate litigation and examines the social dynamics that underpin it. These include the formation of transnational litigation networks, the creative work of legal practitioners and the global circulation of (legal) norms, as well as distinct ‘normative opportunity structures’ in national jurisdictions. Taken together, these factors shaped a highly differentiated global climate litigation landscape. On this basis, the paper challenges the commonly held view that judicialization indistinctly ‘depoliticizes’ conflictual issues. It advocates instead for a differentiated perspective on the ways in which legal and political forms of action are combined and articulated in contentious practices. This, it is argued, helps to better understand the dynamic relationship between transnational activism, climate litigation and global climate governance.

#### 4.2.6 Mike Angstadt, “Pursuing Interdisciplinarity in Earth System Law”

The Task Force in Earth System Law (ESL) enables scholars and practitioners to reimagine how law can, and should, engage with environmental issues across scales. It also provides a forum for integrating interdisciplinary insights in support of more effective legal-environmental governance. In this presentation, I will briefly share my research motivations and forthcoming efforts to promote interdisciplinarity in ESL, and I will emphasize three key themes that orient my current work:

- 1) Norm diffusion actors and agency: Norms, or shared values and expectations, spread globally through the concerted promotional efforts of actors and institutions. In recent research,<sup>1</sup> I have examined the mechanisms governing environmental legal norms’ spread by examining the global diffusion of specialized environmental courts and tribunals.
- 2) Environmental norm implementation: International environmental law norms gain meaning as they are incorporated into governance structures and applied to discrete environmental disputes. My recent research<sup>2</sup> examines how structural attributes of domestic environmental courts can advance or impede domestic implementation of IEL.

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<sup>1</sup> Angstadt, JM. Environmental Norm Diffusion and Legal Innovation: The case of specialized environmental courts and tribunals. For submission to Global Environmental Politics.

<sup>2</sup> Angstadt, JM. Many Shades of Green: A Typological Approach to Characterize Environmental Court Diversity and Governance Capacity. For submission to Transnational Environmental Law.

- 3) Interdisciplinary theory: Global environmental politics and IEL both inform core foci of ESL, yet exchanges among the two disciplines' theories have historically remained limited. I am currently examining opportunities to integrate the two disciplines' foci, particularly in the context of ESL, in the context of broad theory-building<sup>3</sup> and rights of nature discourse<sup>4</sup>.

Collectively, I urge that ESL will be best-positioned to meaningfully reshape the law's role in earth system governance if its development makes use of the relevant contributions and insights of existing disciplines, particularly those in GEP and IEL.

4.2.7 Rak Kim, "Problem-Shifting between International Environmental Treaty Regimes: Causes, Consequences, and Solutions" (project summary)

*Rakhyun E. Kim*

Assistant Professor of Global Environmental Governance

Copernicus Institute of Sustainable Development, Utrecht University

International environmental treaties (e.g., Paris Agreement) are designed to solve specific environmental problems. Yet their potentially negative impact on environmental issues other than their own is rarely studied. Until now global governance theories have assumed that environmental treaties are inherently 'green', and hence, any adverse consequences are conveniently set aside as unintended or inevitable. But is that true? In my ERC-funded five-year project, I question, do environmental treaties ever pursue their objectives by merely shifting problems to others? If so, when and why? Does such buck-passing create any systemic risk beyond those directly affected? And what might be appropriate responses to ensure our efforts add up to a net positive impact? Environmental problem-shifting, or protecting one part of the environment by damaging another, is a major dilemma arising in global governance. Yet the issue remains under-investigated, requiring an urgent scientific inquiry. The project will thus examine the causes and consequences of, and provide solutions to, environmental problem-shifting between international environmental treaty regimes. By drawing on my interdisciplinary and multi-method expertise in 'earth system' law and governance, I will (1) identify and explain conditions under which problem-shifting occurs; (2) assess and predict systemic effects of problem-shifting; and (3) offer solutions for optimizing the currently fragmented governance system. The project aims to advance the theoretical debate on the architecture of global governance and its overall effectiveness. The scientific breakthrough will be enabled through methodologically innovative combinations of qualitative and

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<sup>3</sup> Angstadt, JM. "International Relations and the Analytical Foundations of Earth System Law." Chapter under revision in forthcoming ESL edited volume: Earth System Law: Standing on the Precipice of the Anthropocene.

<sup>4</sup> Angstadt, JM, and M Hourdequin. "Reviewing the Rights of Nature." Chapter under revision in Daniel Corrigan and Markku Oksanen, eds.

quantitative methods, including process tracing, comparative case studies, network analysis, system dynamics modelling, and multi-stakeholder workshops. Building on the theoretical and empirical foundations, I will offer unique insights and valuable advice to markedly improve global governance decisions.

→ In the chat, Michelle Scobie says: Congratulations Rak! I have to go as well. I am excited about the concept. I see the shifting also in terms of the treaties silencing or shifting of the opportunity to protect environmental rights.....

#### 4.2.8 Cameron Holley, different projects

##### **Integrated systems governance and the law: the energy-water-food-climate nexus**

As ecologist Garrett Hardin articulated: “W[e] can never do merely one thing”. Every policy choice involving natural resources necessarily includes trade-offs that inevitably precludes doing merely one thing, or even merely good things. In many instances, these inevitable trade-offs and multiple effects result because of the interrelated nature of earth systems. Various ideals of holistic, integrated, joined-up, cross-sectoral, ecosystem-based and polycentric approaches have been explored in legal and governance literatures, and the concept of the energy-water-food nexus arguably represents the most recent wave in this “line of flight”. At international, regional, national and local levels, governments, corporations and non-government organisations are increasingly participating in processes that can be thought of as exemplifying “governance laboratories” that represent lived and real time experiments in what works and what does not in responding to these nexus issues. It is from these experiments that a series of workshops facilitated by the [PLuS Alliance](#) are seeking to learn and bring to light law and governance insights from practitioners and scholars.

##### Select outputs

- [American Bar Association Science & Technology Law Special Issue : Introduction](#)
- [Australia’s Environmental and Planning Law Journal Special Issue : Introduction](#)
- Upcoming UK workshop - Nexus Governance in the Context of Climate Change: Non-State Actors

##### **Unpicking lock-ins to a sustainable planetary transition**

As Stigler recognized long ago, “The state – the machinery and power of the state – is a potential resource or threat to every industry in the society”. This idea challenges the widespread idealistic view of regulation as standing above partisan politics to protect an untarnished public interest that, in Stigler’s words, is “deeply embedded in professional economic thought”, and, I would add, in the thought of regulatory scholars more generally. In the 21<sup>st</sup> century, this challenge is increasingly acute where public agencies are asked to respond to problems involving significant complexity and radical uncertainty. Within democratic political systems, regulatory arrangements are, by

definition, sites of contestation both at the political level and at the level of the civil servants. This project explores the risks of regulatory capture and possibilities for maintaining an environmentally sound regulatory agenda for protecting crucial ecological boundaries, as well as other interlinked social concerns. A core focus is considering possible regulatory means for releveling the regulatory playing field, including, nature rights, the public trust doctrine, private regulation and a participatory polyarchy.

Select Outputs:

- [Criminology & Climate: Insurance, Finance and Regulating harmscapes](#)
- [Security and the Anthropocene](#)
- Bleby A; Holley C; Milligan B, 2020, 'Exploring the Planetary Boundaries and Environmental Law: Historical Development, Interactions and Synergies', in Kotzé L; French D (ed.), *Research Handbook on Law, Governance and Planetary Boundaries* (Edward Elgar, forthcoming)

### **Intelligent regulation: facilitating adaptiveness and legitimacy through technology**

All regulators (state and non-state) must confront the question of how best to achieve compliance and enforcement of laws within their resource constraints. This ongoing project is exploring the development of cutting-edge agent-based models that provide a “safe environment” and structured approach to testing environmental regulation tools and interventions in a low cost, but purposeful way. This entails leveraging computational social science and participatory agent-based simulation of compliance and enforcement, with the potential for connectivity with existing climate, water and other planetary model data. It aims to enable regulators to simulate regulated actors, tools and enforcement decisions and behaviours in a controllable and scientific manner, while capturing the evolution of social interactions as they simultaneously impact, and respond to regulatory interventions, environmental changes and other relevant social factors. It uses a structured approach to testing regulation interventions against many possible futures, relying on formal robust decision-making analysis and deliberation across 4 stages: (1) participatory scoping, (2) case generation, (3) vulnerability analysis, and (4) trade-off analysis

Select outputs

- [Sustainable groundwater management: How long and what will it take?](#)
- [Social tipping points](#)

Holley C; Sinclair D, *Intelligent Regulation* (Routledge, forthcoming)

4.2.9 Peter Lawrence, different projects

*Peter Lawrence*

Senior Lecturer, University of Tasmania Law School

## **Giving Future Generations a Voice: Normative Frameworks, Institutions and Practice**

*Book manuscript to be submitted to Edward Elgar over the next month comprising a collection co-edited by Jan Linehan and me.*

With few exceptions, institutions at all levels remain strongly biased in favour of short-term interests. One approach to this problem has been to develop institutions for future generations (IFGs) understood broadly as spanning both institutions with a specific mandate such as commissioners for future generations, through to rules which involve future generations, such as the UN Sustainable Development Goals. This book brings together contributions of philosophers, lawyers, political scientists and practitioners seeking to address:

- i) the *normative basis* for such institutions, including eg the capability approach and sustainable development;
- ii) what *operational principles* should guide their operations, eg human rights, sustainable development and administrative law principles; and
- iii) what types of institutions work best in *practice*, eg Wales Future Generations Commissioner, parliaments and assemblies.

Finally, reform proposals are canvassed, including new institutions and deliberative fora such as citizens assemblies.

### **Book Project: Representation of future generations in the global legal order**

I'm about to start this book project involving a two-year Australia-Germany DAAD funded research project jointly with philosophers Michael Reder and Simon Faets at Munich School of philosophy and my PhD student Nick van Dijk. The main focus of the book is representation of future generations, but it will also include analysis of representation of ecosystems, with a normative framework exploring the concept of proxy representation and case studies, including climate litigation in South American human rights system.

The book is intended for inclusion in the ESG/CUP series and we have already had good discussions with Frank Bierman and CUP to this end.

4.2.10 Rak Kim & Louis Kotzé, "Planetary Boundaries at the Intersection of Earth System Law, Science, and Governance"

*Rakhyun E. Kim*

Assistant Professor of Global Environmental Governance

Copernicus Institute of Sustainable Development, Utrecht University

*Louis J. Kotzé*

Research Professor of Law  
Faculty of Law, North-West University  
Senior Professorial Fellow in Earth System Law, University of Lincoln

First developed in Earth system science, the idea of planetary boundaries has gradually spilled over into social science research in the past decade. An interdisciplinary body of literature has emerged as a result at the intersection of Earth system science, law, and governance. In this paper we provide a bird's eye view of the state of the art, and explore how social scientists frame the planetary boundaries framework and what they identify as key regulatory challenges and implications. To that end, we conducted a systematic review of 80 peer-reviewed articles identified through keyword search. Our survey finds that social scientists have approached the planetary boundaries framework using four key problem framings, which revolve around the notion of planetary boundaries as embodying a set of interdependent and politically constructed environmental limits that are global in scale. We also find four key clusters of governance solutions offered in the literature, which broadly relate to the ideas of institutionalizing, coordinating, downscaling, and democratizing planetary boundaries. Applying the foregoing insights specifically to the legal domain, we conclude by highlighting how the recently proposed notion of Earth system law could contribute to these responses.

#### 4.3 COVID RELATED EXPERIENCES

This session is dedicated to sharing experiences and concerns about the impact of the COVID-19 pandemic on teaching and research.

Mike Angstadt shares his experience with online teaching and how his institution tries to promote as much as possible the participation of students, who are located in various time zones, by e.g. asking them to participate through pre-recorded videos.

Rosalind Warner asks about whether COVID is re-shaping the time understanding of law, reactive vs proactive/adaptive.

She also raises the question of disaster risk reduction: how law can address risks and the future.

Challenges that are non-linear, we need to prepare our regulatory instruments to better anticipate change and complexity.

→ In the chat, Louis Kotzé says: Check out Benjamin Richardson's work on the temporality of environmental law. Amazing stuff. <https://www.cambridge.org/core/books/time-and-environmental-law/22E8D8DA139A29DEA1E55555AEE2D3DB>

Rosalind adds that an interesting avenue would be to think about scenarios, not only for 2030 but also 2050, and how can specific bodies can react to that.



→ In the chat, Michelle Mahoney says: I agree - within the Greenprints approach we develop bioregion-specific future scenarios, including different legal structures.

Harro van Asselt talks about a project that he is working on about the law being reactive, also touching upon the concept of resilience, how the law is adaptive and could facilitate participatory governance.

Rak Kim mentions that he is also fascinated by the question of the timeline of law and planetary boundaries and tipping points. He questioned the purpose of environmental law if it is only reactive.

→ In the chat, Ilona Rac says: I have had existential moments, arguing with myself what a motivation for working in this field may be. Sure, we can say it's truly ecocentric - but given the fact that there have been 5 mass extinctions thus far (plants coming up with photosynthesis killed off 90% of the then extant life forms), it seems a little conceited or shortsighted to view ourselves as guardians of life or something equally grandiose, even if this may be a subjective motivation. So what is left is, if we're honest with ourselves - preserving a planet on which we can live. i.e., humans :)

Edgar Fernandez mentions that many people have not realized that the changes are irreversible. Another obstacle is that we are not speaking the same language between disciplines. An example from UNFCCC: the most important provisions are not legally binding. This is why transformative climate litigation is necessary, we need to make things change/transform.

Louis Kotzé adds that we need to be more radical, upset the status quo, it is not sufficient anymore to keep talking about sustainable development; we need to challenge people, be more ambitious also in the concepts we create and the norms we develop. COVID shows we can make radical changes and be able to live with it.

Hanna Ahlström asks how we could bring other fields of law into ESL, because we tend to focus on IEL, but there are other fields.

→ In the chat, Harro says: Echoing Hanna's call about the importance of thinking about ESL in bodies other than environmental law. I'd be interested in exploring this for int'l economic law.

Mujiburrahman introduces his research on volcano activities, which has been stopped because of COVID. He also mentions the importance of law at the local level, e.g. national governments are more accountable. E.g., in Indonesia only 4 local governments have early warnings systems, so we need to develop systems not only at the international level, but also at the local level.

→ In the chat, Rosalind Warner says: thank you for your thoughts, early warning, Anthropocene, and effects of time dimension. I appreciate the chance to share.



## 4.4 FUTURE OF THE ESL TASK FORCE RESEARCH AGENDA

### 4.4.1 Introduction of new members

Gabriel Lopez: Research fellow on Earth System Law at the University of Lincoln (UK)

Genevieve Quirk: PhD Researcher at Australian National Centre for Ocean Resources and Security (University of Wollongong).

Iлона Rac: Researcher at the Biotechnical Faculty of the University of Ljubljana

Brita Bohman: Senior lecturer at Stockholm University. Part of her work focuses on law and resilience.

Piero Morsetto: PhD Researcher at Vrij Universiteit Amsterdam, focusing on environmental targets in environmental governance

Aron Westholm (on the chat): PhD Researcher at the University of Gothenburg. The the topic of his thesis could be described as natural resource management concerning marine and freshwater resources.

He also produces a podcast called “ocean governance podcast” that might be of interest for some people here.

Nafiseh Jafarzadeh (on the chat): Interdisciplinary environmental specialist based in Washington, DC, working at the National Council for Science and the Environment on the linkages of science-policy-society interface issues. She holds a PhD in international environmental law from Australia. Her research interest is on improving environmental assessments, performance reporting and monitoring mechanisms among MEAs with a focus on the principles of global environmental governance as well as the Anthropocene.

### 4.4.2 Future projects

Jeremy Bendik-Keymer (on the chat) suggests: Maybe we could have a semesterly e-news letter from our group so people can share 250 words each on their current work? Genevieve Quirk supports this idea, making a newsletter could be a good platform for people to exchange.

Peter Lawrence (not attending, but sent this idea prior to the event):

I like the idea of a special issue around the theme of legal aspects related to planetary boundaries and would be happy to help co-edit a special issue in this area.

I support developing in lead up to Bratislava TF Legal Policy brief template and happy to coordinate work on this with others interested. (This was discussed at Oaxaca and since then Margot Hurlbert circulated valuable material on this)

Rak Kim suggests a potential involvement with the IUCN Academy in 2023

Hanna Ahlström asks what will happen with the abstracts that were sent for the ESG conference in Bratislava and asks whether they will be used for a special issue.

Rak Kim mentions that it was indeed the plan for Bratislava, but now that it has been postponed, these abstracts could indeed be used for a special issue. He however understands that authors might want to use their papers in other settings.

Harro support the idea of a special issue, saying it is a good idea to rally the troops.

Rosalind asks what the goal of this special issue would be, e.g. would there be a common theme that all papers could address, or just raise different angles in ESL.

Rak suggests that there would be a new call for abstract for the special issue. He mentions that he will put a call for abstracts, also how to go about the people who had submitted abstracts for Bratislava.

Stefan Aykut (on the chat) supports the idea of circulating a call for papers.

Mujiburrahman raises the importance to hear from traditional knowledge, indigenous people, from Asian, Africa, etc.

Rak Kim supports this idea and underlines that the challenge is to make ourselves know better.

Rak Kim asks if there are ideas on how to organize the ESL TF in the future, asking if people feel the TF is there for them, that they can make use of it in your career/research

Hanna Ahlström suggests that we could have another meeting during the year, separately from the ESG conference, to keep the momentum. She also offers to take the lead on that.