WORKSHOP ANNOUNCEMENT AND CALL FOR PAPERS

How Can International Environmental Law Reduce Disaster Risks?
Stanford Law School, May 21-22, 2015

Background

Disaster risk reduction – and the building of community resilience – are emerging as key priorities of governments, business and the international community. With growing populations and increasing urbanization in many countries, disasters tend to take a higher toll, both in human and financial terms. The frequency and intensity of weather-related disasters – such as storms, hurricanes, fires, floods and drought – is also forecast to increase as a result of climate change. While much of the public attention goes to extreme events like Superstorm Sandy, many disasters will unfold more slowly, for example, desertification and crop failures, or loss of marine ecosystems and fisheries with climate change. These “small” disasters do not feature in international headlines but are collectively wreaking much greater impacts on growth, development, lives and livelihoods.

Although the economic, social and policy toolkit for reducing disaster risks has grown enormously in recent years, thinking and scholarship about the best use of legal tools is still in its infancy. At the international level, most of the writing and practice deals with the response to, and recovery from, disasters and these areas are also the predominant focus of most existing disaster-specific treaties. This is consistent with the traditional view of natural disasters as inevitable events for which societies must simply prepare, as best they can, in order to be ready when the time comes. In the last few decades, however, the consensus among disaster management experts has radically shifted. It is now widely accepted that natural hazards do not create disasters without human risk and exposure. In other words, humans and human institutions can contribute greatly to their own risks (or safety) from “natural” disasters.

Over approximately the last forty years, the field of international environmental law has grown from similarly soft beginnings to a field featuring hundreds of treaties, the generator of key international principles and an important focus of scholarship. For the most part, international environmental law is focused on mitigating the risks that human behavior poses to nature – reducing “man-made disasters,” such as toxic contamination and pollution, degradation of air and water, and destruction of species and habitats. With the dawning recognition that “man-made” and “natural” disasters are categories that should not be so strictly separated, the question arises whether international environmental law instruments, tools, and approaches might also be employed in reducing risks and mitigating the impact of disasters.
This event, to be held at the Stanford Law School, California, on Thursday and Friday, May 21-22, 2015, will be the first of its kind to explore how existing international environmental law instruments can be employed for the purpose of reducing disaster risks. The workshop is being organized by the Stanford Environmental and Natural Resources Law and Policy Program, together with the International Environmental Law and Disaster Law Interest Groups of the American Society of International Law. It is co-sponsored by the Stanford Journal of International Law, the International Federation of Red Cross and Red Crescent Societies, and the United Nations Environment Programme.

The workshop will bring together leading academic thinkers together with government officials, policymakers, representatives of international organizations, and non-governmental and philanthropic groups to consider questions at the cutting edge of law, policy and practice in both the environmental and disaster fields. The papers presented and discussions held at the workshop will advance our understanding of the opportunities to use existing international environmental law frameworks and principles to reduce disaster risks and build more resilient communities.

Call for papers

In addition to several invited speakers for each panel at the workshop, the organizers are issuing an open call for papers on other themes to be addressed at the workshop, including:

- What principles and tools does environmental law offer for disaster risk reduction?
- How can existing international environmental treaties be better implemented or elaborated to reduce disaster risk?
- How can coordination be better fostered between institutions, funding mechanisms and treaty bodies in the environmental and disaster law fields?
- What tools does international environmental law offer to deal with the aftermath of disaster events, including liability and compensation mechanisms?
- What links do or should exist between climate change law and disaster prevention?
- Is the distinction between man-made and natural disasters still a useful one for international law?

An annotated draft agenda for the workshop follows. Abstracts for all panels will be considered but we are particularly interested in proposals relevant to the topics raised by panels 1, 3, 5 and 6.

Interested persons should submit abstracts of no more than 500 words for papers addressing one of panel themes, along with a CV. The organizers are particularly interested in well-developed proposals that could be refined following the workshop into papers for publication. The Stanford Journal of International Law has agreed to publish a selection of papers from the workshop in a special symposium issue.

Abstracts should be submitted to j.peel@stanford.edu no later than January 23, 2015 to be guaranteed consideration. Speakers selected from the open call will be kindly expected to submit a draft of their paper no later than April 21, 2015 to allow circulation to other workshop participants.
Draft Agenda

DAY 1 – MAY 21, 2015

8:30-9:00 Breakfast

9:00-9:30 Welcome and Introductions

- Meg Caldwell, Director, Environmental and Natural Resources Law and Policy Program, Stanford Law School
- Jacqueline Peel, Visiting Scholar, Stanford Woods Institute for the Environment; ASIL International Environmental Law Interest Group co-chair
- David Fisher, Coordinator, Disaster Law Programme, International Federation of Red Cross and Red Crescent Societies; ASIL Disaster Law Interest Group co-chair

9:30-10:50 Panel 1: Environmental law tools for disaster risk reduction

This panel will address what principles and tools environmental law offers for disaster risk reduction. Can key approaches from domestic and international environmental law, such as environmental impact assessment, community resource management, information and participation requirements, and liability tools, be applied to the reduction of natural disasters, either directly or by analogy? To what extent are environmental law mechanisms and practices already addressing natural disaster risks?

10:50-11:10 Break

11:10-12:30 Panel 2: Retasking environmental treaties to reduce disaster risk

This panel will consider how existing international environmental laws could be better implemented or elaborated to reduce disaster risk. Examples covered by speakers could include protected area designations under the Biodiversity and Wetlands Conventions, coastal zone protections under the UNEP Regional Seas program and anti-drought provisions of the UN Convention on Combating Desertification. The panel will also consider the converse issue: how ‘environmental disasters’ could be integrated into disaster law instruments.

12:30-1:30 Lunch

1:30-2:50 Panel 3: Institutional coordination in managing disaster risk

This panel will examine how synergies among institutions and treaty bodies charged with fostering preparedness to deal with environmental harms could be better coordinated and aligned with the responsibilities of bodies charged with disaster risk reduction. How do their approaches, funding priorities and interests differ? What benefits and pitfalls might there be to closer alignment?
Panel 4: Dealing with the aftermath of disasters

This panel will consider what tools international environmental law offers to deal with the aftermath of disaster events. Where property or infrastructure damage from natural hazards leads to pollution (e.g. Fukushima, oil spill) what liability or compensation mechanisms are available? Are there tools to allow knowledge and experience from present disasters to feed into planning for future disasters?

Wrap-up and overview of day

- David Fisher, IFRC, Disaster Law Program Coordinator; ASIL Disaster Law Interest Group co-chair.

Workshop dinner

DAY 2 – MAY 22, 2015

Panel 5: Natural disasters and climate change

This panel will consider what links do or should exist between climate change law and disaster prevention. Where does disaster risk reduction sit within the international climate change regime (is it aligned with climate change adaptation)? The panel will also explore the linkages between international law, climate change-exacerbated disasters and food security.

Panel 6: “Man-made” versus “natural” disasters – a distinction without a difference?

This concluding panel will examine whether the distinction between man-made and natural disasters is still a useful one for international law. To what extent do the different languages of environmental and disaster law inhibit communication about risks? What opportunities and drawbacks could arise from promoting greater synergies between environmental and disaster law?
12:20-1:00  **Synthesis and discussion of workshop outcomes**
*This session will seek to consolidate concrete suggestions for next steps that governments, international institutions, civil society and academia might take to act on the findings and conclusions of the papers.*

1:00  **Lunch**

*Close of workshop*