



## Griffith Law Review

Law Theory Society

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### Call For Papers – (2017) 26(2)

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*A Review Dedicated to the  
Socio-Legal, Inter-disciplinary, Critical and Theoretical Study of Law*

**Editor-in-Chief – Professor William MacNeil**  
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The *Griffith Law Review: Law Theory Society* has a proud history of publishing innovative and engaging socio-legal, inter-disciplinary and critical legal research. Our focus is international and we engage with worldwide issues and agendas. In recognition of the Review's standing as a leading journal, it was ranked A\* by the Australian Research Council for the 2010 Excellence in Research for Australia Initiative.

The Review is pleased to announce the following publishing opportunity for 2017.

#### ***(2017) 26(2) Special Issue***

#### ***Ecological Restoration and the Law: Recovering Nature's Past for the Future***

*Special Issue Editors:*

- ***Professor Benjamin J. Richardson, Faculty of Law, Institute for Marine & Antarctic Studies, University of Tasmania; and***
- ***Associate Professor Afshin Akhtar-Khavari, Griffith Law School***

*Abstracts due: 1 July 2016*

*Deadline for manuscripts: 30 November 2016*

This special issue provides a timely opportunity to critically investigate one of the gravest temporal, philosophical and methodological deficiencies inherent in how environmental law develops – namely its neglect or structural deficiencies in actively engaging with the recovery of ecosystems. Under the aegis of the philosophy of sustainable development, which provides environmental law's main temporal and ideological ballast, our environmental regulations and policies have become obsessed with the future and emotionally and ideologically disconnect people from actively engaging with the recovery of ecosystems. The legal priority is commonly to avert, mitigate or adapt to new ecological impacts rather than to restore past damage. While further environmental upheaval must be avoided, sustaining what remains may be illusory if prevailing conditions are too degraded. A focus on sustainability emotionally and mentally

disconnects us from actively restoring nature by presuming that nature has the capacity to passively restore itself. To the extent that legal systems recognise the imperative to actively restore nature, they tend to focus narrowly on *environmental* restoration rather than *ecological* restoration (ie, the difference between rehabilitation of small, discrete sites, such as a former mine, and ambitious restoration of entire ecosystems and landscapes).

The special issue of the GLR thus serves to critically evaluate the nature and impact of current laws and other governance mechanisms that address ecological restoration, to advance theoretical understandings for a new generation of governance reforms for eco-restoration, and more broadly to generate critical and interdisciplinary insights into environmental law generally. Ecophilosophy and philosophy more generally, through strands such as the 'new materialists' have helped us to think differently about the idea of nature and ask ontologically informed questions about human beings in a world of matter. Environmental history, geography, ecopsychology, anthropology and other disciplinary approaches to the human relationship to nature have supported discussions and research that question our understanding of how we come to view and interpret our relationship to the natural world and its significance for us. Environmental law however has not kept pace with the widening of our increasingly more interdisciplinary and critical approaches to how we understand the human and nature relationship.

In this respect, the special issue considers how law and its relationship to themes like recovery, emotions, time, geography, vitalism, vulnerability, justice, and history can provoke how we think more deeply about restoration. Some of the interrelated themes include:

1. ***The temporalities of environmental governance:*** in regard to restoration, how does and should environmental law deal with 'time', such as aligning human decision-making with nature's time scales. What theoretical and doctrinal issues arise in shifting environmental law from its traditional prospective orientation to a retrospective outlook in order to address past ecological damage? What broader theoretical insights may this context reveal about how legal systems approach time as a medium to govern society and the natural environment?
2. ***The science of eco-restoration:*** how has scientific knowledge been incorporated into eco-restoration law, and how should science inform legal standards and procedures in this area? For example, restoring an ecosystem to past conditions may be difficult for lack of knowledge of prior ecological conditions as well as disagreement about which historic environmental baseline to return to. What do such issues reveal about the challenges for applying interdisciplinary methods in the practice of environmental law?
3. ***Restoration and its alternatives:*** ecological restoration is one way of capturing the idea that recovery of ecosystems is a different way that protection of connecting with the natural environment. Ideas like novel ecosystems, rewilding, natural and artificial geo-engineering are also new and innovative ways of thinking about the recovery of ecosystems as a whole. Would it be useful or necessary for legal systems to ideologically intervene in debates about how to deal with the active recovery of ecosystems?

4. ***Adapting to changing ecological conditions:*** eco-restoration must not only look to the past but also take into account uncertain future threats from climate change, invasive species, and more generally the impacts of potential breaches of planetary boundaries. Because ecosystems are ever changing, there is often no definable, fixed end-point for restoration and planned restorations may unravel because of new ecological shifts. How has and how should the law accommodate such future changes when restoring past damage?
5. ***Law, emotions and the natural world:*** ecological restoration is not just a technical and scientific approach targeted at the recovery of ecosystems. It is also a mindset of individuals and society that regulates behaviour or emotionally connects people to elements in the natural world or ecosystems as a whole. Can environmental law be used to shift our mindset or emotional connections away from protecting or sustainably using nature to actively assisting with its recovery? Alternatively, can thinking about the role of emotions help us think ontologically about the relationship that human beings have to the world of matter?
6. ***Social and ecological acceptability and justice:*** restoring ecosystems may engender significant opposition from host communities, especially where residents may have to co-exist with reintroduced species such as dangerous carnivores, or where their property rights are altered, such as through imposition of environmental stewardship obligations. In some cases, restoration work may even deprive people of their economic livelihoods. On the other hand, local communities can be a significant resource for eco-restoration, especially with Indigenous peoples with long traditional ties to the land and water. How does and how should the law accommodate community interests, justice issues and ensure social support for restoration? Does community involvement satisfactorily articulate the emotional side of restoration governance?
7. ***Governing beyond the state:*** many eco-restoration projects to date have been initiated or led by local communities, nongovernmental organisations and other non-state actors with minimal government support. What governance methods and strategies have been used in these contexts, and how can they be made more effective? What is the scope for public – private sector partnerships in eco-restoration? And what insights does restoration governance offer the broader field of scholarship on governance trends and challenge?

In exploring these themes, the special issue will be informed by a diversity of theoretical perspectives in fields including restoration ecology, environmental history, emotions and the law, governance theory, law and geography, and the philosophies of time. Through these interdisciplinary enquiries and theoretical framings, the special issue will help fill a gap in legal scholarship on the role of legal governance in advancing ecological restoration and reforming environmental law.

Abstracts for proposed papers should be sent to the Special Issue Editors for consideration:

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Submissions of manuscripts to the journal can be made at the following web address:

<http://www.editorialmanager.com/rlaw>

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