

Subject: [gbird] FW: law article on gene drives
From: Royden Saah <royden.saah@islandconservation.org>
Date: 9/28/2017 11:02 AM
To: "gbird@lists.ncsu.edu" <gbird@lists.ncsu.edu>
CC: Elizabeth Heitman <Elizabeth.Heitman@UTSouthwestern.edu>

Hi All,

From our New Zealand colleagues. Of interest as we assemble the External Ethics Advisory Board.

Warm Regards
rs

From: James Russell [mailto:j.russell@auckland.ac.nz]
Sent: Thursday, September 28, 2017 5:39 AM
To: Neil Gemmell <neil.gemmell@otago.ac.nz>; Daniel Tompkins <TompkinsD@landcareresearch.co.nz>; Biological Heritage Director <director@biologicalheritage.nz>; devon@janszoon.org; Royden Saah <royden.saah@islandconservation.org>
Subject: FW: law article on gene drives

[FYI from one of our bioethics panel members](#)

From: Catherine Iorns Magallanes [<mailto:Catherine.iorns@vuw.ac.nz>]
Sent: Tuesday, 19 September 2017 6:46 PM
To: James Russell <j.russell@auckland.ac.nz>; Emily Parke <e.parke@auckland.ac.nz>
Subject: law article on gene drives

[law article on gene drives below, fyi](#)

From: Melissa K. Scanlan [<mailto:LSN@publish.ssrn.com>]
Sent: Tuesday, 19 September 2017 6:37 PM
To: Catherine Iorns Magallanes <Catherine.iorns@vuw.ac.nz>
Subject: LSN Natural Resources Law & Policy eJournal, Vol. 9 No. 42, 09/19/2017

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NATURAL RESOURCES LAW & POLICY eJOURNAL
Sponsored by the Environmental Law Center at Vermont Law School

Vol. 9, No. 42: Sep 19, 2017

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Table of Contents

[Gene Drives, Nature, Governance: An Ethnographic Perspective](#)

[Irus Braverman](#), University at Buffalo Law School

[Polar Opposites: Assessing the State of Environmental Law in the World's Polar Regions](#)

[Mark Nevitt](#), University of Pennsylvania Law School, Government of the United States of America - U.S. Navy Judge Advocate General's Corps, Georgetown University - Center on National Security and the Law

[Robert V. Percival](#), University of Maryland - Francis King Carey School of Law

[Sex, Sea Turtles, and Missed Opportunities: Biodiversity-Related Provisions in the Paris Agreement](#)

[Ed Couzens](#), The University of Sydney Law School

[Protecting Offshore Areas from Oil and Gas Leasing: Presidential Authority Under the Outer Continental Shelf Lands Act and the Antiquities Act](#)

[Robert T. Anderson](#), University of Washington School of Law

[^top](#)

NATURAL RESOURCES LAW & POLICY eJOURNAL

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["Gene Drives, Nature, Governance: An Ethnographic Perspective"](#)

Gene Editing, Law, and the Environment: Life Beyond the Human, Irus Braverman, ed. (Routledge, July 2017).
[University at Buffalo School of Law Legal Studies Research Paper No. 2017-006](#)

IRUS BRAVERMAN, University at Buffalo Law School

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Synthetic gene drives raise ethical, ecological, and legal questions that are sometimes difficult to grasp. What is clear, however, is that the power to directly alter not just a singular form of life but the genetics of entire populations and species are currently both under-regulated and under-theorized. In place of state regulations, what seems to be emerging is a form of self-regulation by the gene drive scientists themselves. My chapter draws on in-depth interviews with several prominent gene drive scientists to explore their approach toward nature, animals, and the environment. My assumption has been that their approach impacts and regulates the way they work, and this assumption has been confirmed through the more personal stories that each of these scientists has generously shared with me. Although they have not contemplated these issues to the same degree, a few common assumptions about the role of nature and about animal-human relations did emerge from the interviews, most prominently the notion that killing insect populations, modifying their genes, and impacting the planet's ecological systems are justified in order to reduce human suffering and produce novel ecosystems.

["Polar Opposites: Assessing the State of Environmental Law in the World's Polar Regions"](#)

[Boston College Law Review](#), Forthcoming

[U of Penn Law School](#), *Public Law Research Paper No. 17-35*

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Climate change is fundamentally transforming both the Arctic and Antarctic polar regions. Yet they differ dramatically in their governing legal regimes. For the past sixty years the Antarctic Treaty System (ATS), a traditional "hard law" international law treaty system, effectively de-militarized the Antarctic region and halted competing sovereignty claims. In contrast, the Arctic region lacks a unifying Arctic treaty and is governed by the newer "soft law" global environmental law model

embodied in the Arctic Council's collaborative work. Now climate change is challenging this model. It is transforming the geography of both polar regions, breaking away massive ice sheets in Antarctica, melting polar ice caps in the Arctic, opening maritime trade routes and renewing the possibility for natural resource extraction. Will the Arctic experience a peaceful future similar to its sister polar region, or will it emerge as a polar "wild west" with increasing geopolitical tension between the Arctic states? Will a new polar Cold War emerge between Russia and the other four NATO Arctic coastal nations?

This article addresses these questions—and others—while making three new contributions to legal scholarship. First, we closely examine the different legal models in both the Arctic and Antarctica, discerning what lessons the Antarctic Treaty System—one of the most successful international agreements in history—can be applied to the Arctic. Second, we analyze the unique significance played by global environmental law in the context of the polar regions, best embodied by the collaborative work of the Arctic Council. Third, in light of the uncertainty posed by climate change and the potential for rising geopolitical tensions, we provide a new framework to analyze the future Arctic governance to include the five key factors that will determine the Arctic's future.

["Sex, Sea Turtles, and Missed Opportunities: Biodiversity-Related Provisions in the Paris Agreement"](#) 

INTERNATIONAL ENVIRONMENTAL LAW-MAKING AND DIPLOMACY REVIEW 2015, E. Couzens, T. Honkonen, M. Lewis, eds, University of Eastern Finland, Finland, 2017

[Sydney Law School Research Paper No. 17/76](#)

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Would the loss of a species due to climate change qualify as a 'climate change-related disaster'? This paper considers the statuses of the seven species of sea turtle and the numerous and inter-related threats that they face from climate change. In particular, warming temperatures threaten to have a disrupting effect on the ratios of male to female turtles, given that turtles have temperature-dependent sex determination. The paper considers the climate change-related threats to sea turtle reproduction as an intense example of the sorts of disruption that climate change may have on biodiversity generally. It is argued that this is the level of informed understanding with which negotiators should approach drafting and adopting international environmental instruments. The paper then considers the extent to which biodiversity-related considerations are reflected in the Paris Agreement of 2015, concluding that far more could and should have been done to include these.

["Protecting Offshore Areas from Oil and Gas Leasing: Presidential Authority Under the Outer Continental Shelf Lands Act and the Antiquities Act"](#) 

Ecology Law Quarterly, Forthcoming

[University of Washington School of Law Research Paper No. 2017-20](#)

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For over one hundred years, Presidents of both parties have used executive power to protect America's lands and waters. Until the second half of the twentieth century, however, little attention was given to protecting the marine ecosystem. Federal authority reaches out to two hundred miles or more in the oceans off the United States, covering an area known as the Outer Continental Shelf. Federal interest in the area historically focused on developing oil and gas reserves and ensuring that the area was open to trade and commerce. The area is also very important for indigenous subsistence uses and commercial and sport fisheries. Yet it has received scant attention from Congress in terms of environmental protection. Climate change and ocean acidification have increased recognition of the marine ecosystem's importance to the overall health of the planet. This Article reviews President Obama's recent withdrawal of swaths of the outer continental shelf from oil and gas leasing under the Outer Continental Shelf Lands Act. It argues that while Congress has paramount authority over the outer continental shelf and retains the authority to undo conservation actions, it has delegated limited conservation authority to the President under section 12(a) of the act. Thus, President Obama's recent protective measures taken under the act may only be altered by Congress — not by a subsequent President. This article compares the President's withdrawal authority under the Outer Continental Shelf Lands Act to the President's authority to establish national monuments under the Antiquities Act. It argues that Congress did not delegate power to revoke national monument designations under the Antiquities Act, nor permanent withdrawals under Outer Continental Shelf Lands Act, § 12(a).

[^top](#)

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ENVIRONMENTAL & NATURAL RESOURCES LAW EJOURNALS

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