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Prof. Holly Doremus | 25 August 2021, 12pm (AEST/Sydney time)

Session Chair : Paul Govind

Conservation policy, from designation of preserved lands to regulation of fish and wildlife harvest, has been a frequent source of intense and sustained controversy over the last several decades. Much of the scholarly and policy discussion has focused on the application of supposedly objective scientific tools to determine acceptable thresholds of impact -- how much land can be developed, water can be diverted from streams, fish can be harvested, etc. -- consistent with the long-term health of the resources of interest. Such questions are undeniably important, and often technically difficult. They are undoubtedly worth discussing. But they are not sufficient. Questions of allocation, and particularly of the ethics of allocation, are at least as important, and far less explored. Allocation, in this context, means who gets to share in limited benefits, including those of access to protected resources and those of permitted development or extraction. Examples of these questions include: Whose land should be available for development and whose should be restricted? How should the limited amount of water that can be diverted from a stream be shared among competing users? If drought makes temporary restrictions necessary, who should be required to cut back? Who should have access to a limited harvest of fish or wildlife? If entry to a protected area is rationed, who should get access and who should not? In practice, there is nearly always considerable discretion over how the costs of conservation, or to view it from the other side, the benefits of allowable harm, will be allocated. These decisions are rarely based on careful and transparent exploration of principles of fairness or equity. Allocation may be left to the market, privileging efficiency over fairness or assuming the two are equivalent. It may perpetuate the status quo, privilege those who get in line first, or favour those with the greatest political power. A more coherent and principled consideration of conservation equity is overdue, both because justice demands it and because its absence undermines the legitimacy of conservation measures.

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Prof. Holly Doremus

Holly Doremus is the James H. House and Hiram H. Hurd Professor of Environmental Regulation at the University of California, Berkeley, Co-Director of the Law of the Sea Institute, and Co-Faculty Director of the UC Berkeley Institute for Parks, People, and Biodiversity.

Before joining the Berkeley Law faculty in 2008, she taught for 13 years at the University of California, Davis, School of Law.

Professor Doremus is an elected Fellow of the American Association for the Advancement of Science and has been elected to the American Law Institute. She has served on three National Academy of Sciences expert review committees, as well as a number of other advisory committees and boards.

She holds a B.S. in biology from Trinity College (Hartford, CT), Ph.D. in plant physiology from Cornell University, and J.D. from UC Berkeley. Her scholarship focuses on biodiversity protection, the intersection between property rights and environmental regulation, and the interrelationship of environmental law and science.

