

Immersion Lecture: Law and Social-Ecological Systems: Barriers and Bridges to Change

Time of Event:

Wednesday, April 13, 2016 - 15:00 to 15:45

Video:

In this lecture on the role of law in managing social-ecological systems, Dr. Barbara Cosens first presents a summary of the role that law has played in social change throughout the history of the United States. She notes that law is often seen as an unchangeable institution that can help or hinder change, and links this observation to historical cases where law was used to support and enforce social changes. In this sense, law is adaptive and flexible, and she highlights the role that environmental law can play in building resilience in social-ecological systems because of this flexibility. She notes that adaptive governance and the laws that support it must support institutional decision-making at scales that are appropriate to the system being managed, and much also link across scales with other relevant governance systems. She draws on the example of water law in the Columbia River basin, and the role that law has played in ongoing watershed management and development in the basin. The Native American tribes that live in the basin have drawn on existing law to exercise their rights to water and fisheries, and the tribes and many other stakeholders in the basin have worked together to generate new legal propositions for dam control and flood management. She concludes by highlighting a framework for understanding law in socio-ecological systems, which includes understanding the structures, capacities and participation in adaptive governance systems.

Reading list

Sax, Joseph. 1970. The Public Trust Doctrine in Natural Resource Law: Effective Judicial Intervention. *Michigan Law Review* 68: 471.

Cosens, B., R.K. Craig, S. Hirsch, C. A. Arnold, M. H. Benson, D. DeCaro, A. S. Garmestani, H. Gosnell, J. B. Ruhl, E. Schlager. 2016. The Role of Law in Adaptive Governance (in review). Special Issue of *Ecology and Society on Practical Panarchy: Assessing Legal Flexibility, Ecological Resilience and Adaptive Governance in Regional Water Systems Experiencing Climate Change*. Cosens, B., Gunderson, L., and Chaffin, B. editors.

Presentation slides

[Click here to download the presentation slides](#) [1].



[Barbara Cosens](#) [2] is a Professor with the University of Idaho College of Law and the Waters of the West Graduate Program which includes options for concurrent J.D./M.S. and J.D./Ph.D. degrees. She coordinates the Natural Resources and Environmental Law Program at UI and teaches in the area of water law. Barbara is a member of the Universities Consortium on Columbia River Governance and has worked with Nigel Banks, University of Calgary Faculty of Law, on two projects funded by the Program on Water Issues at the Munk School of Global Affairs: one on mechanisms for flexibility and adaptability in international water agreements; and the other on U.S. and Canada domestic law in international law. She is co-chair of a project made possible through support from the NSF funded National Socio-Environmental Synthesis Center, SESYNC: Adaptive Governance in Regional Water Systems to Manage Resilience in an era of Changing Climate.

Event type:

Immersion Speaker

Event Attendance:

Private Working Group

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[2] <http://www.uidaho.edu/law/people/faculty/bcosens>