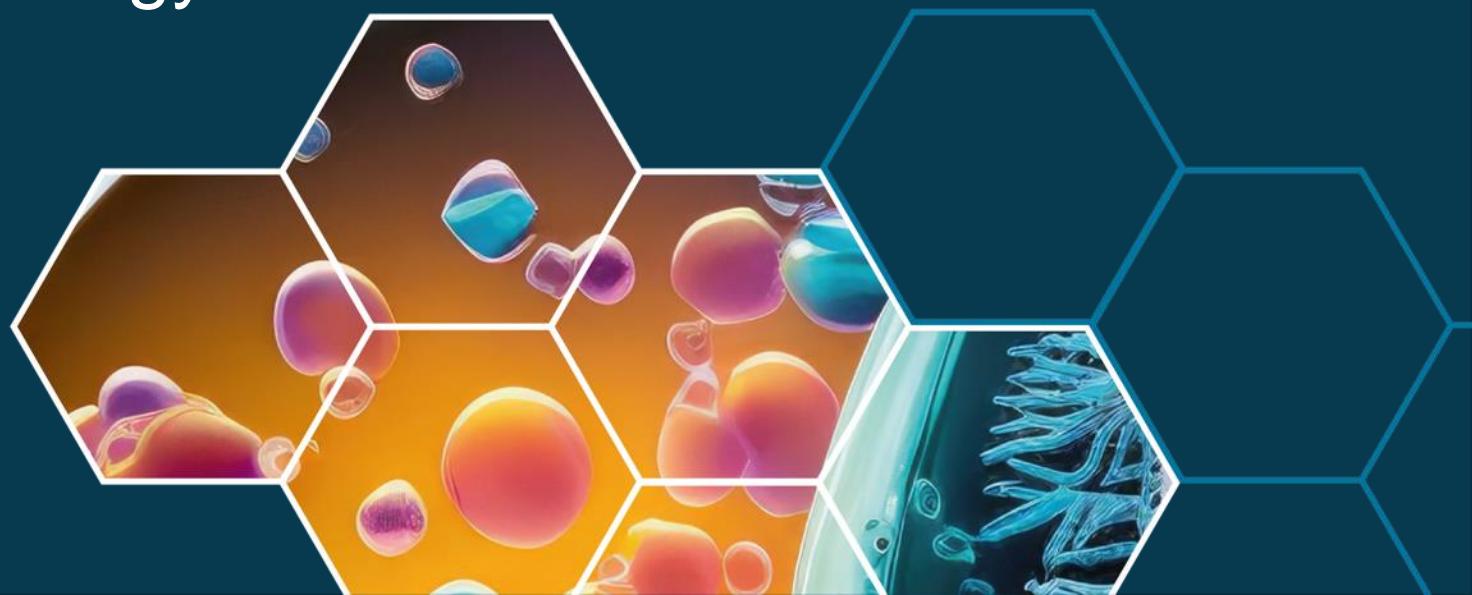




Governing SRM deployment

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Prohibition versus restriction

- **Assessment of governance options via analogies from other high-risk technologies / ultra-hazardous activities**
- **Controlled use consistent with precautionary principle is implausible**
- **But: some debate on meanings of precaution and “risk-risk assessment”**
- **Prohibition can draw on experiences with a wide range of international regimes**



Legal nature

- **Soft law: easy to negotiate and may have broad political uptake (see CBD X/33)**
- **Binding treaty law: high negotiation costs and participation-limiting effect; but stronger institutionalization and normative force**
- **Considerable precedent for “hard law” solutions for ultra-hazardous activities and high-risk technologies (e.g. large-scale industrial accidents, nuclear safety, WMDs, GMOs, damage from space-launched objects)**



Membership

- Failure to resolve risk of unilateral use is a frequent criticism of a potential prohibition regime with incomplete membership
- Analogies from other areas (e.g. the WMD regime) suggest this problem may be overrated
- Strong international norms can have effects beyond immediate institutional membership



Periodic review

- Uncertainty may imply a need for periodic review
- Need to clarify how such a review would feed into political decision-making on potential adjustments / amendments
- Links back to legal nature – a hard law regime will have greater “stickiness”



Existing governance arrangements for high-risk technologies and ultra-hazardous activities suggest room for a legally robust prohibition regime

