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**“The EU, multi-level governance:
a reflection on restoration activities”**

***Abstract***

Ecological recovery has never been so important and yet so overlooked in environmental law and policy-makers agenda. Effectively, much attention seems to be devoted to avoiding pollution, mitigating and adapting to new ecological scenarios in the Anthropocene. However, it has been debated (Akhtar-Khavari and Richardson, 2019) that such an approach often risks disguising a crucial temporal bias: being too concentrated in addressing nature’s heritage, the true interrelated dimension of the socio-ecological systems connected to the present is overlooked. The restoration activity, on the contrary, is that “process of halting and reversing degradation, resulting in improved ecosystem services and recovered biodiversity” (Society of Ecological Restoration, 2016) which takes on the past, acts in the present so as to see results in the future.

The current paper aims to discuss the most relevant Law and Economics dimensions of restoration activities, in particular: *(i)* to address its opportunities and limits, *(ii)* to reconstruct the supranational and national legal framework of restoration law, *(iii)* to critically discuss the governance framework that could best fit the restoration of large-scale environments such as rivers, *(iv)* to suggest a reflection on justice, where present generations are called to restore ecosystems not due to an existing link between injury and restitution, but as an act of intergenerational equity.

Extensive efforts have been made to understand the intertwining of socio-ecological systems, moved by the awareness that management approaches have often proven failing (Ostrom 2008, 2009; Folke et al. 2016; Poteete 2012). Scholars agree on the fact that effective governance arrangements require a more comprehensive account of scale and time dynamics, as well as a closer analysis of how different actors interact: supranational and national institutions, private and civil society as well as local communities.

Due to the particular relevance of resilient ecosystems in facing the current biodiversity loss and climate crises, growing attention is being given to a peculiar type of human-nature relation: restoration. It can be described as the “intentional activity that initiates or accelerates the recovery of an ecosystem with respect to its health, integrity and sustainability”, and can take different forms, depending on the rationale, site-specific features, the scale as well as the values embedded.

Although such activities have seen an increased relevance internationally as statements of intention (especially after the Rio Declaration in 1992), it is in the European Union that restoration law and practices have been better structured and implemented, to the point that the European Commission is about to discuss the introduction of binding restoration targets applied to all Member States. This can be explained both because in European States environmental conservation and protection policies are highly influenced by EU law, and because of historical reasons: its densely-populated and highly-polluted territory is (and, most likely, will be) increasingly demanding for a change in the management and exploitation of natural resources.

Starting from European case-studies and also exploring the latest restoration projects advanced by States in their Recovery and Resilience Plans, the current paper aims at discussing and investigating the most evident restoration governance problems, which appear to be different from the typical solutions offered by the “commons” literature. Moreover, the proposed paper will investigate the ethical dimension of implementing and imposing a “duty to restore” to a given set of actors who are not directly responsible for environmental damage but are nonetheless called to action.

The literature taken into consideration will make account of national and international scientific publications, as well as reports, governmental and agencies documents and decisions.

***References***

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