

Rennes 2 Welcomes Owen McIntyre, Specialist of International Water Law and Environmental Law (<https://nouvelles.univ-rennes2.fr/article/rennes-2-welcomes-owen-mcintyre-specialist-international-water-law-and-environmental-law>)



From left to right: Catherine Malecki, Owen McIntyre and Anne-Laure Le Nadant on the Rennes 2 campus

Director of the LL.M. Environmental & Natural Resources Law (<https://www.ucc.ie/en/ck148/>) and Co-Director of the Centre for Law and the Environment (<https://www.ucc.ie/en/lawenvironment/>), Professor Owen McIntyre spent 3 days on our Villejean campus ahead of a seminar "Les parties prenantes - Enjeux & perspectives Towards a Blue Corporate Governance ?" (<https://sites-recherche.univ-rennes2.fr/liris/evenement/les-parties-prenantes-enjeux-perspectives-towards-a-blue-corporate-governance/>). While here, he worked closely with Rennes 2 colleagues Catherine Malecki, Professor of Private Law and senior member of the Institut Universitaire de France (IUF), and Anne-Laure Le Nadant, Professor of Management Sciences and co-lead of Axis 2 of LIRIS research center. During the seminar held on Thursday, 26 September, they delved into key issues concerning the role of corporate stakeholders in environmental law. We had the opportunity to speak with Professor McIntyre in the run-up to the conference.

Could you tell me how your collaboration with Catherine Malecki began and provide us with some insight into the focus of this conference?

Owen McIntyre: Catherine and I first crossed paths several years ago through my involvement in organizing the annual UCC Law and the Environment Conference in Ireland, which has been running for over two decades. One of the recurring themes in the conference is corporate regulation and the role of corporate actors, a subject that aligns with Catherine's expertise. Her work on sustainable finance, corporate social responsibility, and climate change legislation has made her a valued contributor to the event. She has spoken on several occasions, particularly on the evolving landscape of

corporate reporting under EU law, and has also contributed to special issues of a journal I'm involved with, a contribution I hold in high regard.

As for this seminar at Rennes 2, we are exploring emerging models of corporate governance, with a particular focus on the oceanic realm. My research delves into new governance frameworks, specifically transnational governance, which is predominantly led by corporate actors from the private sector. My presentation will center on these developments in transnational regulation, especially in relation to marine environmental protection.

Catherine Malecki: I'm quite happy to have met Owen because he is very much a leading expert in this field. He's widely published in his specialist areas, serves on the editorial boards of a number of important international journals. For example, he is the General Editor of the Journal of Water Law - Lawtext Publishing, amongst other publications. He has also served as an expert member on numerous international panels: the IUCN World Commission on Environmental Law's Specialist Group on Water and Wetlands, the Scientific Committee of the European Environment Agency and the European Bank for Reconstruction and Development (EBRD) Project Complaints Mechanism.

Collaborating with someone of such renown is quite motivating for me. These topics are integral to Axis 2 of our research center, LiRIS, and I hope we can continue to seize similar opportunities for collaboration. We are also exploring the possibility of jointly working with students focused on sustainable finance issues, a rapidly growing area, especially in light of the EU Directive on Corporate Sustainability Reporting that came into effect in January 2024.

Could you broadly discuss some of the recent developments in international water law and their significance?

Owen McIntyre: The field of international water law has been expanding rapidly, and our understanding of and approach to dealing with water has shifted significantly in recent years due to a number of factors, like environmental pressures and political dynamics. Before, there was a tendency to focus on how to mitigate the potential for conflict between states of shared waterways, but that focus is changing as there are more procedural rules which facilitate interstate communication over shared water resources. When one state of a basin is overusing or over extracting water, there are a number of ways that other states can communicate about any perceived threat to water security. And recent legal frameworks oblige states to provide prior notification and consultation with their riparian neighbors. There have been numerous declarations made by international bodies that support this idea.

Also, previously, water was mostly perceived as an economic commodity, but it's now increasingly recognized as an integral component of ecosystem services. This perspective promotes a more holistic strategy that intertwines environmental, social, and economic considerations for the sustainable management of shared water resources. It acknowledges that water systems—such as rivers, lakes, groundwater, and wetlands—are essential elements of broader ecosystems that support biodiversity, human livelihoods, and natural processes. This approach transcends mere allocation among riparian states and emphasizes the importance of maintaining the health and resilience of the entire ecosystem.

Climate change too plays a crucial role in shaping the evolution of this field. As climate change tends to intensify water scarcity in many parts of the world, countries sharing transboundary water resources are facing greater pressure to manage these resources equitably, which means incorporating principles from a human rights perspective which revolve around reducing water scarcity.

Can you tell me about the role that corporations play in international water law ?

Owen McIntyre: The issue has always been significant, but in the last 20 years, the challenges have intensified in a globalized economy. As we import goods from all over the world, it's become difficult for any single state to regulate the environmental impacts of these products. Take, for example, this mobile phone on the table: the rare earth minerals likely come from Central Africa, the electronics from Taiwan, assembly in China, and then it's sold in France. Neither France nor the EU can effectively regulate every stage of this complex supply chain.

As a result, we're seeing a shift toward transnational standards, often driven by consumer demand. Consumers now expect that the fish they buy is sustainably caught, or that the products they use are responsibly manufactured with sustainably sourced materials. Mechanisms like certification and labeling schemes, regulated by external coalitions or consortia, have emerged to ensure these claims are credible—outside of the control of individual states.

This shift is a key development and one I plan to discuss in tomorrow's seminar. Corporations are playing a crucial role in this move toward sustainability, beyond traditional state-driven laws and regulations. For instance, EU law now requires corporations to report on non-financial aspects such as environmental performance, energy use, and adherence to sustainability standards. In many ways, corporate actors are leading the effort to transition to sustainable practices. And Catherine's research is at the cutting edge of this topic. She explores how these new regulatory frameworks and regimes work, how they can be enforced, and how they can be improved for better effectiveness.