**CB synthèse Anglais 1/2/20**

**1. CCP 3hrs**

- Rédiger en anglais et en 400 mots une synthèse des documents proposés, qui devra obligatoirement comporter un titre.

- Indiquer avec précision, à la fin du travail, le nombre de mots utilisés (titre inclus), un écart de 10% en plus ou en moins sera accepté.

- Vous aurez soin d'en faciliter la vérification, soit en précisant le nombre de mots par ligne, soit en mettant un trait vertical tous les vingt mots.

- Veillez à bien indiquer, en introduction, la source et la date de chaque document. Vous pourrez ensuite, dans le corps de la synthèse, faire référence à ces documents par "document 1", "document 2", etc

- Ce sujet comporte les 4 documents suivants :

document 1 - un article publié par Reuters, de septembre 2019, de Matthew Green document 2 - un article paru sur le site www.vox.com en août 2019, de Samuel Sigal

document 3 - un essai d’Anna Grear, de mars 2019

document 4 - un poster du site *we the people vs we are one*, publié en 2017

- Les documents ont une égale importance.

**2. Centrale 4hrs**

*Rédiger en anglais et en 500 mots une synthèse des documents proposés, qui devra obligatoirement comporter un titre. Indiquer avec précision, à la fin du travail,*

*le nombre de mots utilisés (titre inclus), un écart de 10% en plus ou en moins sera accepté.*

Ce sujet propose les 5 documents suivants :

document 1 - un article publié par Reuters, de septembre 2019, de Matthew Green document 2 - un article paru sur le site www.vox.com en août 2019, de Samuel Sigal

document 3 - un essai d’Anna Grear, de mars 2019

document 4 - un poster du site, *we the people vs we are one*, publié en 2017

document 5 - un extrait de la *King James Bible,*  (1611)

*L’ordre dans lequel se présentent les documents est aléatoire.*

**3. Polytechnique /ENS 4hrs**

**PREMIERE PARTIE (A)**

**SYNTHESE DE DOCUMENTS**

*Contenu du dossier : trois articles et un document iconographique, qui sont numérotés 1, 2, 3 et 4.*

*Sans paraphraser les documents proposés dans le dossier, le candidat réalisera une synthèse de celui-ci, en mettant lairement en valeur ses principaux enseignements et enjeux dans le contexte de l'aire géographique de la langue choisie, et en prenant soin de n'ajouter aucun commentaire personnel à sa composition.*

*La synthèse proposée devra comprendre entre 600 et 675 mots et sera rédigée intégralement dans la langue choisie. Elle sera en outre obligatoirement précédée d'un titre proposé par le candidat.*

**SECONDE PARTIE (B)**

**TEXTE D'OPINION**

*En réagissant aux arguments exprimés dans cet éditorial (document numéroté 6), le candidat rédigera lui-même dans la langue choisie un texte d'opinion d'une longueur de 500 à 600 mots.*

**Document 1**

**Mother Earth's MeToo moment: English town joins campaign for 'nature's rights'**

Matthew Green – *Reuters*, September 10, 2019

Frome, a market town in the county of Somerset, is petitioning the British government to grant the River Frome “legal personhood” – in effect, giving it human rights.

In throwing down this gauntlet, the town has joined a global “rights of nature” movement linking river basins in New Zealand to rainforests in South America and towns in the U.S. Midwest. In each case, communities are reimagining ways to harness the law to defend the Earth’s living tissues, and the places they call home. Some have dubbed it Mother Earth’s MeToo moment.

In practical terms, supporters hope that granting the Frome rights will give lawyers a new avenue to seek redress whenever its waters are sullied by runoff from pig and dairy farms or overflowing sewers. Last month, one of the River Frome’s tributaries turned an unnatural shade of neon blue – highlighting wider concerns over water quality in British rivers.

But Peter Macfadyen, an undertaker who redrew Frome’s political map by leading a band of independent candidates to take over the town council, wants to do more than protect one river. In an era of accelerating climate change, Macfadyen and his allies see their quest as part of a struggle to reset the balance between nature and the modern world. [...]

Supporters of the nature’s rights movement see Frome as the first test case for the concept in Europe. Nevertheless, the town has been waiting for months for the government to respond. And just as critics have questioned the effectiveness of campaigns in other countries, some in Frome have their doubts.

Neil Howlett, a lawyer who lives by the river in Frome, says he backs many of the community-building steps taken by Macfadyen and other independent local politicians. But he sees the council’s vision for a “river’s rights” bylaw as a distraction.

“Having a law which is completely outside the cultural basis of the society in which you pass the law doesn’t make for law that works,” Howlett said. “It’s lovely as an idea. But it’s only lovely as an idea.”

Although indigenous peoples have long shared the intuition that rivers, mountains and lakes are in some sense living, sentient beings, American legal scholar Christopher Stone framed the idea in contemporary legal terms.

In his 1972 book, “Should Trees Have Standing?”, Stone argued that voiceless natural features would be best protected by granting them the kinds of legal protections and access to courts usually reserved for two-legged plaintiffs.

The argument was a novel twist on the long-established principle in the United States that companies can enjoy “legal personality” to distinguish their legal obligations from those of their directors and shareholders.

The idea is starting to spread. Campaigners won what is hailed as the first “rights of nature” courtroom victory in Ecuador in 2011 when judges stopped a road-widening project from dumping gravel in the Vilcabamba River. Around the same time, Bolivia enshrined a far-reaching vision of nature’s rights in a statute known as “The Law of the Rights of Mother Earth.”

In 2017, New Zealand’s parliament became the first legislature to acknowledge a river’s legal personhood when it passed a bill recognising the rights of the Whanganui River as an “indivisible and living whole.”

That same year, a high court in India declared the Ganga and Yamuna rivers legal entities – along with two Himalayan glaciers and their meadows, waterfalls and forests. Colombia’s constitutional court made a similar move for the Atrato River basin, where riparian communities face illegal gold mining and paramilitary violence. This summer, Bangladesh recognised the rights of all its rivers.

Although legal systems in many developing countries were implanted during colonial times, nature’s rights campaigns in Europe and North America represent a role reversal in which “eco-cratic” indigenous worldviews are enjoying a revival.

Advocates see this new “Earth jurisprudence” as a skeleton key to unlock a shift away from the endless pursuit of economic growth, regardless of the ecological consequences. [...]

Although the rights of nature movement is growing fast, turning its aspirations into effective restraints on commercial interests remains a challenge.

In the United States, the city of Toledo, Ohio, voted in February to amend its charter to state that the giant Lake Erie, plagued by toxic algae blooms, had a right to “exist, flourish, and naturally evolve.” This summer, state lawmakers quashed the move, saying nature did not have appropriate standing.

In the case of Frome, legal practitioners would be astonished if the government approves the town’s draft bylaw, partly because there are already laws protecting the river.

For example, in 2017, a court in the nearby city of Bath fined a Somerset farmer £22,000 for allowing slurry to spill into the water. The contamination had turned the River Frome brown and foul-smelling and killed at least 1,700 fish. [...]

With the world’s water bodies facing growing pressure from the extremes of heat, drought and rainfall driven by climate change, Macfadyen argues that any initiative that helps people to look at nature with fresh eyes is worthwhile. “We’re in the situation we’re in because we’ve misunderstood our position in the ecosystem,” Macfadyen said. “And unfortunately, we were wrong. We can’t do what we like. If we pour poison over everything, it comes back to bite us.”

**Document 2**

**This country gave all its rivers their own legal rights**

**It’s part of a nascent “rights of nature” movement that’s inspiring many — but encountering problems when it comes to enforcement.**

by Sigal Samuel, *www.vox.com*, August 18, 2019

Bangladesh is sometimes known as the “land of the rivers.” It’s got hundreds of them — and over the years, they’ve been getting more and more polluted. But as of early July, every single one of them has a remarkable new level of protection: The Bangladeshi Supreme Court has given all rivers in the country legal rights.

Now, people who damage a river can get taken to court by the government-appointed National River Conservation Commission. They’ll be tried as if they’d harmed a living entity, because each river now has the right to life. That means the river’s government-designated human representatives can sue on its behalf when it’s being endangered. [...]

[The ruling is] music to the ears of environmentalists, but others argue that granting rights to rivers does come with real costs, and that they’re too high. With more communities getting interested in enshrining the rights of nature in law — Price said that activists in Europe, Asia, and Australia have reached out [...] for help — now is a good time to explore the difficulties that are likely to arise as this movement spreads.

Even as the rights of nature movement has inspired new legislation around the world, it’s also made clear how ill- equipped governments are to enforce it.

For one thing, once a river gets rights, what happens to all the people who live off it? In Bangladesh, millions — fishers, farmers, and their families — live in informal settlements or slums alongside the rivers and depend on the waters for their livelihoods. Now some are being evicted. [...]

It’s also important to note that in some countries where these laws have been enacted, including Bangladesh, nature may now enjoy more rights than some humans in those societies do.

Bangladesh is currently hosting hundreds of thousands of refugees who have been driven out of neighboring Myanmar; these refugees, many of them women and children, lack legal status in Bangladesh and are restricted from attending Bangladeshi schools or working. The Bangladeshi government is also trying to find ways to get rid of the refugee population [...]. Local officials have sought to justify this by saying the refugees are destroying the local environment.

A second problem is jurisdictional. Rivers don’t obey borders — they often traverse more than one country. If a certain country has granted rights to a river but a neighboring country hasn’t, that makes it difficult to legally protect the waterway from environmental harm. Bangladeshi environmental activists are already talking about how they won’t be able to compel India to comply with the new law on rivers. [...]

A third, related problem is that rights of nature laws tend to get tied up in court — and not everybody has the kind of money required to file a lawsuit. The risk, then, is that whoever has the funding may get to impose their will. [...]

**Document 3**

**It’s wrongheaded to protect nature with human-style rights**

Anna Grear - March 2019

How can the law account for the value of complex, nonhuman entities such as rivers, lakes, forests and ecosystems? At a time of runaway climate change, when the Earth’s biosphere is on the brink of collapse and species extinctions are accelerating, this has become a vital question.

Some theorists argue that there’s a clear historical precedent for what we should do, arising from the struggle for universal human rights. The law and discourse of human rights, commonly traced back to the Enlightenment, has held sway over the sections of the Western public for decades, if not centuries. Perhaps we should take the idea of ‘the human’ as a rights-bearer and extend it to the complex, nonhuman systems that we wish to protect, that we know are deserving of care and concern.

Tempting as it is, this move must be resisted. For one thing, human rights have proven to be exclusionary – even within our own species. Its emergence as a set of legal and moral norms betrays the fact that the white, European, male property-owner is the paradigm case of ‘the human’: others, historically, have had to fight even to be seen as fully capable of bearing rights. [...] In theory, human rights are for all humans, but it turns out that some people are more human than others. [...]

Certain dangers lurk in using human rights to capture the interests of the nonhuman. First, its language and conceptual framing risk blunting attention to the distinctiveness and particularities of such dynamic beings. We risk only having respect for things insofar as they resemble human experience and characteristics.

Secondly, and just as important, is the related danger of diminishing our awareness of the human itself as a variegated mode of being in the world. This danger is already starkly present in the advent of corporate human rights, a development that has distorted the entire international human rights paradigm. At the heart of these developments is a legal conflation of the ‘human’ and the ‘person’ – a merger by which global capital can claim the mantle of humanity in ways that risk harming real, living people. The human right to health, for example, can be cast as a byproduct of big pharma protecting intellectual property monopolies; or the human right to food can be deployed as a justification for agribusiness companies to dominate global food supplies.

So, if we resist the idea of ‘human rights’ for nonhumans, and we carefully distinguish between ‘humanity’ and legal personhood, what is left standing?

There are already ways of thinking about rights that are sensitive to various beings and systems. In a seminal paper from 1972, the legal scholar Christopher Stone asked if trees should have ‘standing’ – that is, if they could claim the necessary status to mount claims at law. His response was to wonder if the law might award ‘river rights’ to rivers, tree rights to trees, or ecosystem rights to ecosystems.

Yet I think it’s important to move beyond Stone’s suggestion, and inch closer to acknowledging the complexity and liveliness of the nonhuman by admitting the porousness of our own boundaries. Perhaps we should not extend outwards from ourselves, so much as question humanity’s entitlement to act as a model. After all, it is a hubristic belief in our own singularity and exceptionalism that’s partly responsible for destroying the planet. One thing seems certain: if the law is to respond to the multiple crises afflicting the Earth, and if rights are to be deployed, we need to get rid of the notion of a rights-bearer who is an active, wilful human subject, set against a passive, acted-upon, nonhuman object. The law, in short, needs to develop a new framework in which the human is entangled and thrown in the midst of a lively materiality – rather than assumed to be the masterful, knowing centre, or the pivot around which everything else turns.

What might this kind of shift in understanding mean for the law and legal practice? It would certainly require courts to be open to a wider field of meaning-making. It would mean ‘hearing’ from multiple communities (human and nonhuman) by relying on the best new science. It would also demand situated, careful enquiry that examines the nuanced interactions making up the dynamics and relationships among the entities in question. Although the law is on the move, embracing the idea of nonhuman legal persons (such as rivers) and showing signs of a more materially sensitive, contextualised awareness, there are, as yet, no clear examples of cases and approaches as radical as is required. [...]

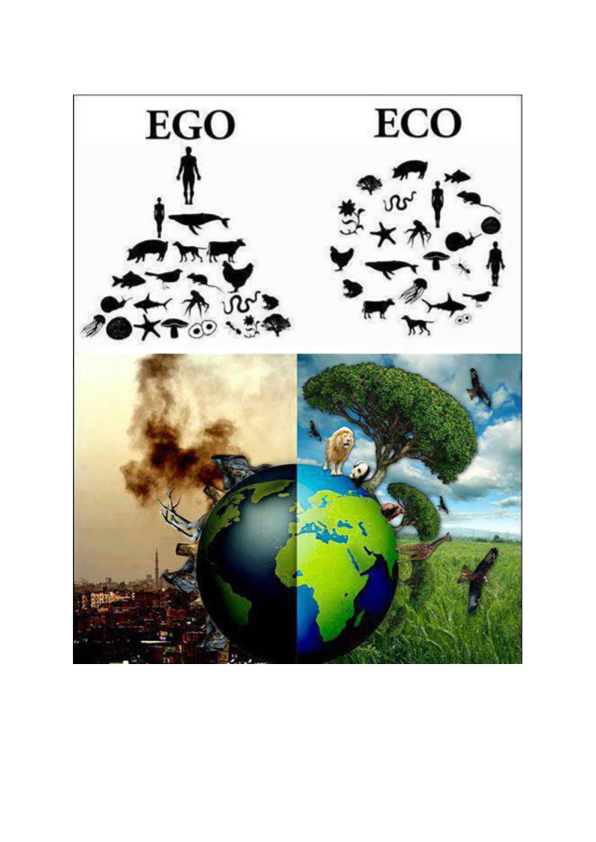
Some might object that such a decentred approach is likely to be more complex and challenging than relying on existing assumptions about the centrality of ‘the human’. That’s certainly true. But such engagement is preferable – more empirically faithful to what’s there – than continuing to elevate the human as the ethical apex of the legal system. The ‘human’ cannot continue to be the sole benchmark against which other beings must be measured in order to count.

In the predatory global order of the 21st century, it seems better not to deploy human rights as a blanket of protection for nonhuman animals and other beings and systems [...]. Thinking in these terms not only does justice to the nonhuman, but could help us reimagine our own state of being in a richer and more open way. Given all that is at stake, nothing less than a radical restorying will do; and laws and rights – for too long tools of human privilege and exceptionalism – need to be re- imagined if they are to play a full role in human-nonhuman struggles for a future worth living.

*Anna Grear is professor of law at Cardiff University, and the founder and editor in chief of the Journal of Human Rights and the Environment. She is the author of Redirecting Human Rights: Facing the Challenge of Corporate Legal Humanity (2010).*

**Document 4**

website, *we the people vs we are one*, 2017



**Document 5**

And God said, Let us make man in our image, after our likeness: and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth.

*King James Bible*, Genesis, 1:26, 1611

**Document 6**

**Climate of Investment Fear**

**Wall Street Journal, The Editorial Board, Jan 6 2020**

Climate crusaders are failing to persuade voters to limit fossil fuels, but they’re turning to coercion by other means. They’re having some success with U.S. banks and insurers that are caving to pressure to divest from carbon energy.

The Hartford insurance group last month announced it will no longer insure or invest in companies that generate more than 25% of their revenues from coal mining or more than 25% of their energy from coal. It will also black-list companies that generate more than a quarter of their revenues from drilling in Canada’s Alberta oil sands.

“As an insurer and asset manager we recognize the growing cost of this [climate] crisis, and we’re determined to use our resources and influence to address the challenge,” CEO Christopher Swift said. Hartford is the fourth U.S. insurer to restrict investment in fossil fuels in the last six months, and its announcement follows a coal divestment pledge by Liberty Mutual earlier in December.

Goldman Sachs also recently declared that it will no longer finance new coal mines, coal power plants or oil exploration in the Arctic. “Now other major U.S. banks, especially JPMorgan Chase —the world’s worst banker of fossil fuels by a wide margin—must improve on what Goldman has done,” the Rainforest Action Network (RAN) declared.

Property and casualty insurers like Hartford and Liberty Mutual should account for weather and climate risks such as California wildfires when underwriting policies. Banks also have an obligation to generate profits for their shareholders and customers. But financial institutions appear to be acting mainly to appease anti-carbon pressure groups.

Liberty Mutual announced its coal divestment pledge the same day it was lambasted by green potentate Bill McKibben in a Boston Globe op-ed. Progressive groups have especially targeted the Tar Sands and Arctic because of their rich oil reserves. But token fossil fuel sacrifices by financial institutions won’t satisfy absolutists like Mr. McKibben who want total divestment and all fossil fuels to stay in the ground.

“Hartford’s commitments [to divest from the Tar Sands] highlight the gaps in Liberty Mutual’s policy,” RAN declared, adding that its policy still “contains some critical loopholes.” Goldman “still lags behind its leading global competitors” and “remains far from alignment with what is needed to limit climate change to 1.5 degrees Celsius,” the group added. So much for the wages of climate appeasement.

After Goldman’s announcement, RAN warned the bank’s competitors: “A commitment from what is considered by its peers as the most prestigious investment bank on Wall Street to exit financing for thermal coal mining companies will accelerate coal becoming completely unbankable.”

Remember when progressives claimed that fossil fuels would be “stranded” investments as the world generates more energy from renewables? Why pressure financial institutions to divest from fossil fuels if they’ll soon become uneconomic? Apparently progressives want to make their false prophesy a fait accompli.

Not that the Chinese and Russians will abandon fossil fuels. Between 2016 and 2018, Chinese banks invested $82.8 billion—four times as much as U.S. banks—in coal mining and power. Russia’s Rosneft is developing a $160 billion oil project in the Arctic.

U.S. financial institutions won’t affect climate change by divesting from fossil fuels. They will help foreign competitors while hurting the U.S. economy and potentially undermining returns for shareholders.