Sustainability and Law in the Anthropocene
Welcome to the Anthropocene lecture, 23 March 2021

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Overview of my presentation

• Sustainability: a research-based concept
• The significance of law
• Law’s failure
• Law’s possibilities
• Law for sustainability
Credit: J. Lokrantz/Azote based on Steffen et al. 2015.
Sustainable Development Index

Source: https://www.sustainabledevelopmentindex.org/
The significance of law

• Amongst society’s most powerful tools
  – Defining society’s objectives
  – Setting out rights and duties
  – Distributing wealth
  – Enforcing rights, repairing wrongs

• The constitutive role of law
• The conceptualising role of law
• The norm-changing effect of law
Law’s failure

- A mechanistic and siloed approach
- Property and power – rather than commons and community
- Rigid, backward-looking
- Path-dependent perpetuation of inequality
- Inverted relationship between competence of law and need for regulation
We are all equal in dignity and rights

Source: standup4humanrights.org/en/index.html

Source: Lawrence & Schäfer, 2019, science.sciencemag.org/content/364/6443/829
Sources: shiftproject.org/resources/ungps101/; oecd.org/investment/mne/roundtable-40-years-of-the-guidelines.htm; UN.org (About the Sustainable Development Agenda)
Sustainability in EU law

• Sustainability an overarching Treaty objective for the European Union internally in Europe and as a global actor:
  – [The EU] shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter (Article 3(5) of the Treaty of the European Union)

• Horizontal integration rules in the EU Treaties:
  – Environmental protection requirements must be integrated into the definition and implementation of the Union policies and activities, in particular with a view to promoting sustainable development (Article 11 of the Treaty of the Functioning of the European Union)
Sustainability on the EU agenda

A European Green Deal
Striving to be the first climate-neutral continent

Buying green!
A handbook on green public procurement
3rd Edition

Circular Economy Action Plan
For a cleaner and more competitive Europe
SMART: Supporting the Transition to Sustainability

SMART DELIVERABLE 2.7
Supporting the Transition to Sustainability
SMART Reform Proposals

We study the barriers and drivers for market-driven contribution to the UN Sustainable Development Goals within planetary boundaries, with the aim of achieving value coherence for development.

Project coordinator
University of Oslo

Project leader
Professor Kaste Sjølyst

All SMART reform proposals are available at:
smart.uio.no/reform_proposals
Sustainability in Norwegian law: a missed opportunity

Law for sustainability

• Strong – or rather: real – sustainability
  – An objective-oriented approach

• Sustainable circularity within planetary boundaries
  – From efficiency to sufficiency
  – A strengthened precautionary principle

• Social justice for current and future generations
  – Intra- and intergenerational justice
  – Inclusion and participation

• Policy coherence for sustainability
  – Environmental and social integration
  – Embracing complexity and uncertainty

• Evidence-based law in context
Possible further reading

- B. Sjåfjell, T. Häyhä, & S. Cornell, *A Research-Based Approach to the UN Sustainable Development Goals. A Prerequisite to Sustainable Business*, 2020/2021
- J. Mähönen, *Comprehensive Approach to Relevant and Reliable Reporting in Europe: A Dream Impossible?*, 2020
- E. Maitre-Ekern, *Re-thinking producer responsibility for a sustainable circular economy from extended producer responsibility to pre-market producer responsibility*, 2021
Sustainability is possible if we work together!

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