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UNEP's Compendium of Innovative Laws

promoting Green Economy & Sustainable Development

UNEP's Compendium of Innovative Laws: promoting Green Economy & Sustainable Development

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Foreword

In this critical era of a development oriented world, holistic development, which caters for the social, economic and environmental aspects of our society, is the most desirable for our times. Green economy introduces a notion of global prosperity that looks beyond the traditional confines of economic growth, to the social and environmental tenets, seeking to enhance sustainable development, poverty eradication and predicating the implementation of Agenda 21 and subsequent commitments, including the Rio+20 *The Future We Want Declaration*.

The transition to green economy will, without a doubt, be accelerated or deterred by the existing and future body of laws and regulations, the strength of enforcement, as well as the capacity and flexibility of implementing institutions.

Laws, regulations and institutions are pertinent in determining the success of green economy in achieving a holistic and integrated development. Laws and institutions provide the requisite basis for enabling action, granting authority, defining relations and triggering change. These laws and regulations must be used to mobilize all the tenets of green economy to their full potential in order to protect the natural resources for the current and future generations.

UNEP's Compendium of Innovative Laws Promoting Green Economy for Sustainable Development and Poverty Eradication demonstrates that many countries in the world have indeed embedded and continue to embed the concept of green economy into their legal systems. It shows, with imperative evidence that it is possible to ingrain green economy tools in the law, and further that the legal approach is necessary to provide the normative and organizational underpinnings of green economy transition. This further demonstrates that for green economy to succeed, revamping our various national and regional laws and regulations is inevitable.

The Compendium presents a compilation of laws and regulations from around the world, that have been found innovative and creatively promoting green economy. It highlights the innovative provisions which promote resource efficiency and sustainable consumption and production towards a transition to green economy, in order to demonstrate to governments and policy makers how legislative instruments can be used to enhance social equity, economic development and reduce environmental risks and ecological scarcities.

The Compendium contains a compilation of laws that significantly deviates from a business as usual scenario to demonstrate that law-makers can truly innovate, driving development agenda forward with new policy approaches, regulatory methods, and legislative provisions, which will, if properly implemented promote green economy.

As outlined in "The Future We Want" the implementation of green economy should contribute to poverty eradication, sustainable economic growth, enhanced social inclusion, improved human welfare, and create opportunities for employment and decent work for all, while maintaining the healthy functioning of the Earth's ecosystems. The Compendium therefore evaluates constitutions, framework laws and sectoral laws in 10 major sectors of the economy to illustrate how laws and regulations can as much as possible be used to reach the above goals, and further evoke discussions and scholarly studies on the legal approach to green economy with the eventual goal of seeing a surge of laws, regulations and institutions towards a green economy.

Executive Summary

The world economic development agenda is here to stay. This development will continue to bank on the same depletable natural resources and to count on the same human resources to improve or sustain the living conditions of humankind. It is this cognizance that is the backdrop and momentum of the green economy transition: the recognition that we have to change how we approach development, to make it more sustainable, socially inclusive and one that conserves rather than diminishes our natural resources.

This ongoing revolution should be viewed, not as a replacement of the 1992 Rio outcomes and particularly Agenda 21 call to sustainable development, but rather as reinforcement, albeit on a larger scale, to the ongoing implementation of sustainable development and poverty eradication.

The primary proof of this is the affirmation by the UNEP member states in the 2012 Rio + 20 outcome document *'The Future We Want'*, that there are “*different approaches, visions, models and tools available to each country, in accordance with its national circumstances and priorities, to achieve sustainable development in its three dimensions which is our overarching goal. In this regard, we consider green economy in the context of sustainable development and poverty eradication as one of the important tools available for achieving sustainable development and that it could provide options for policymaking but should not be a rigid set of rules.*” The member states further affirmed that green economy should be guided by and in accordance with all the Rio Principles, Agenda 21 and the Johannesburg Plan of Implementation and contribute towards achieving relevant internationally agreed development goals, including the Millennium Development Goals, thus making green economy an important tool of achieving sustainable development.

The Rio+20 outcome document proceeds to give guidelines on green economy policies: recognizing the need for consistency with international laws; respect for national sovereignty; participation of all relevant stakeholders; empowerment for all and respect of all human rights; recognition and enhancement of the role of indigenous peoples and their communities; improvement of livelihoods and empowerment of the poor and vulnerable groups; promotion of productive activities, social inclusion, and sustainable consumption and production patterns; and continued efforts to strive for inclusive, equitable development, among others.

The Future We Want also acknowledges that the rule of law, governance and institutions, at the national and international levels, as well as an enabling environment, are essential for sustainable development, including sustained and inclusive economic growth, social development, environmental protection and the eradication of poverty.

The place of laws, regulations, policies and institutions in promoting the transition to a green economy, being so effectively underscored by these groundbreaking statements, therefore needs to be evaluated, researched on, and highlighted in order to promote more innovative legal measures that support green economy.

This compendium focuses on important national and sub-national laws and regulatory instruments from around the world, documenting and highlighting innovative provisions which promote resource efficiency and sustainable consumption and production towards a transition to green economy on the pathway to sustainable development and poverty eradication. The aim is to demonstrate how legislation and regulatory instruments is working to enhance the sustainable management of natural resources, lowering negative environmental impacts, increasing resource efficiency and reducing waste. This compilation will then support legal drafters and policy-

makers in the development and use of laws and other regulatory approaches to advance the sustainable development agenda.

The Compendium reviews the findings of five regional surveys generated by UNEP to uncover the key trends and innovative provisions on green economy in the context of poverty eradication and sustainable development. As such, the report reviews North America (Canada and the United States), Europe (including both members and non-members of the European Union), Latin America and the Caribbean, the Asia-Pacific region and Africa. The surveys are comprehensive in their scope, addressing both general constitutional and framework laws, and also industry sector specific laws and rules. The surveys were generated by UNEP legal consultants and their teams

The scope of legal instruments evaluated includes national constitutions and framework laws and sectoral laws that contain innovative provisions towards a green economy for sustainable development and poverty eradication. Apart from Part I which is introductory, this Compendium has five further parts. In Part II, the report examines trends in the key constitutional provisions, framework laws and regulatory tools found in the regional surveys. In Part III, the findings of the surveys are reviewed, featuring green economy provisions in designated key sectors throughout the regions. These sectors include: agriculture, forestry, biodiversity, fisheries and marine/coastal areas, sustainable tourism, energy and climate change, sustainable transportation, green buildings and eco-manufacturing, mining and minerals, waste management/waste-minimizing design, and manufacturing. Part IV analyses regional trends and Part V sets out the global trends found throughout the research conducted for the report as well as the emerging principles regarding the green economy that can be seen throughout the terms of the report and the surveys. Finally, Part VI contains the regional surveys and scorecards.

In this Compendium, the rules of the European Union legal regime are discussed under the rubric of regional trends, in the full recognition that EU law is not a trend, but rather a mandatory requirement upon European Union member states, which implement the European Directives into their national legal order, and noting that in terms of green economy and environmental protection, close to 90% of all member state legislation is influenced by EU law. While examples of EU rules should thus also be discussed as national law, UNEP prefers to categorize them as regional trends, in order to prevent confusion by users of the Compendium.

This Compendium comes at a critical time in the international development agenda: in the wake of renewed political will on green economy in the Rio+ 20 conference, at a time when more countries are embracing the green economy transition and legislating on the same. As UNEP's first step in spearheading the world in using the law to promote green economy, it is anticipated that this Compendium will have far reaching impact in the global, regional and national legislative processes to enhance sustainable development and poverty eradication

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