

INTERNATIONAL LEGAL RESEARCH GROUP ON LAW AND SUSTAINABILITY

ACADEMIC FRAMEWORK



Academic Framework

Title: Law and Sustainability in Europe

Thesis: An Overview of Regulatory Frameworks across Europe to Support the Sustainable Transition

Structure:

Introduction/Executive Summary

Analysis

Chapter 1: Purpose of the study

- Overview of legal instruments to support sustainable transitions in Europe
- Comparison and summary of techniques across Europe

Chapter 2: Defining sustainability

- General notions and approaches
- Topical issues:
 - Human Rights and Sustainability
 - Corporate Social Responsibility
 - Environmental and climate protection and sustainability
 - Sustainable Energy Systems
 - Economy and sustainability
 - Circular Economy
 - Responsible Production and Consumption

Research questions:

- What is the current international state of debate around the term “sustainability”?
- Which concepts of sustainability – or relevant alternatives – have emerged in recent years?
- Which concept of sustainability is currently supported the most?
- What is the so-called “three-pillar-approach”?
- What is the connection between Human Rights and Sustainability?
- What is the connection between Ecological Protection and Sustainability?
- Where do Economy and Sustainability collide?
- What role does “Climate Justice” play in the discussions around sustainability?

Chapter 3: What is sustainability law?

- Role of law in sustainability
- Transformative law

Research questions:

- What might the general interplay between legal frameworks and sustainability be?
- Can Law serve the transition towards sustainability?
- What is “Transformative Law”?
- What is the potential of climate (or sustainability) litigation?
- What is the interplay between Human Rights Law, International Environmental Law and International Trade Law?

Chapter 4: Sustainability law across Europe

- Supranational and international organisations
 - European Union: Green New Deal
 - Council of Europe
 - European Convention on Human Rights
 - European Court of Human Rights
- Countries in Europe

Research questions:

Sub-Chapter: Foundations

- What is the current legal scientific debate on Law and Sustainability in the country/institution under study?
- In how far does your country/institution include the notion of sustainability in its constitution/founding documents? Which effects have these inclusions had in the past?
- Which regional or international treaties promoting sustainability did your country/institution accede/ratify until the time of the assessment?

Sub-chapter: Status Quo

- Which major recent legal developments (newly introduced laws, court decisions, soft law etc.) in the last five years can you identify that specifically aimed at implementing sustainability?
- In how far does the branch of public law of your country/institution provide for the implementation of sustainability?
- In how far does the branch of penal law of your country/institution provide for the implementation of sustainability?
- In how far does the branch of civil law of your country/institution provide for the implementation of sustainability?
- What does your country/institution say about corporate responsibility in the area of sustainability?
- What other relevant pieces of hard law and soft law does your country/institution already have in place in order to support sustainability?

Sub-chapter: Recent developments

- What legal or political instruments are currently under development?

Sub-chapter: The role of courts

- Does your country/institution provide for specific procedural mechanisms to support legal action in the field of sustainability?

- Are there pending legal cases on climate litigation or sustainability litigation across your country/institution?

Sub-chapter: Final assessments

- Which aspects of sustainability are deficient in the legal system under study at the time of the assessment?
- Is it possible to identify categories of instruments your country/institution makes use of in order to achieve the goal to foster a sustainable transition?

Chapter 5: Flaws and inefficiencies

Research questions:

- Given the national legislative frameworks mentioned in Chapter 4, what are overall flaws and gaps?
- Are social, ecological and economic aspects provided for in the legal frameworks assessed?
- What could be done in order to fill the existing gaps?

- What are the most important findings of the research conducted?

Summary