



Legal Consistency for Ecological Sustainability

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Structure of the Presentation

- What is the problem ?
- Why are ecosystem being degraded?
- How does law affect this?
- Example



The Problem

Degradation and unsustainable use of ecosystem services

‘Over the past 50 years, human have changed ecosystems more rapidly and extensively than in any comparable period of time in human history, largely to meet rapidly growing demands for food, fresh water, timber, fiber, and fuel. This has resulted in a substantial and largely irreversible loss in the diversity of life on Earth’

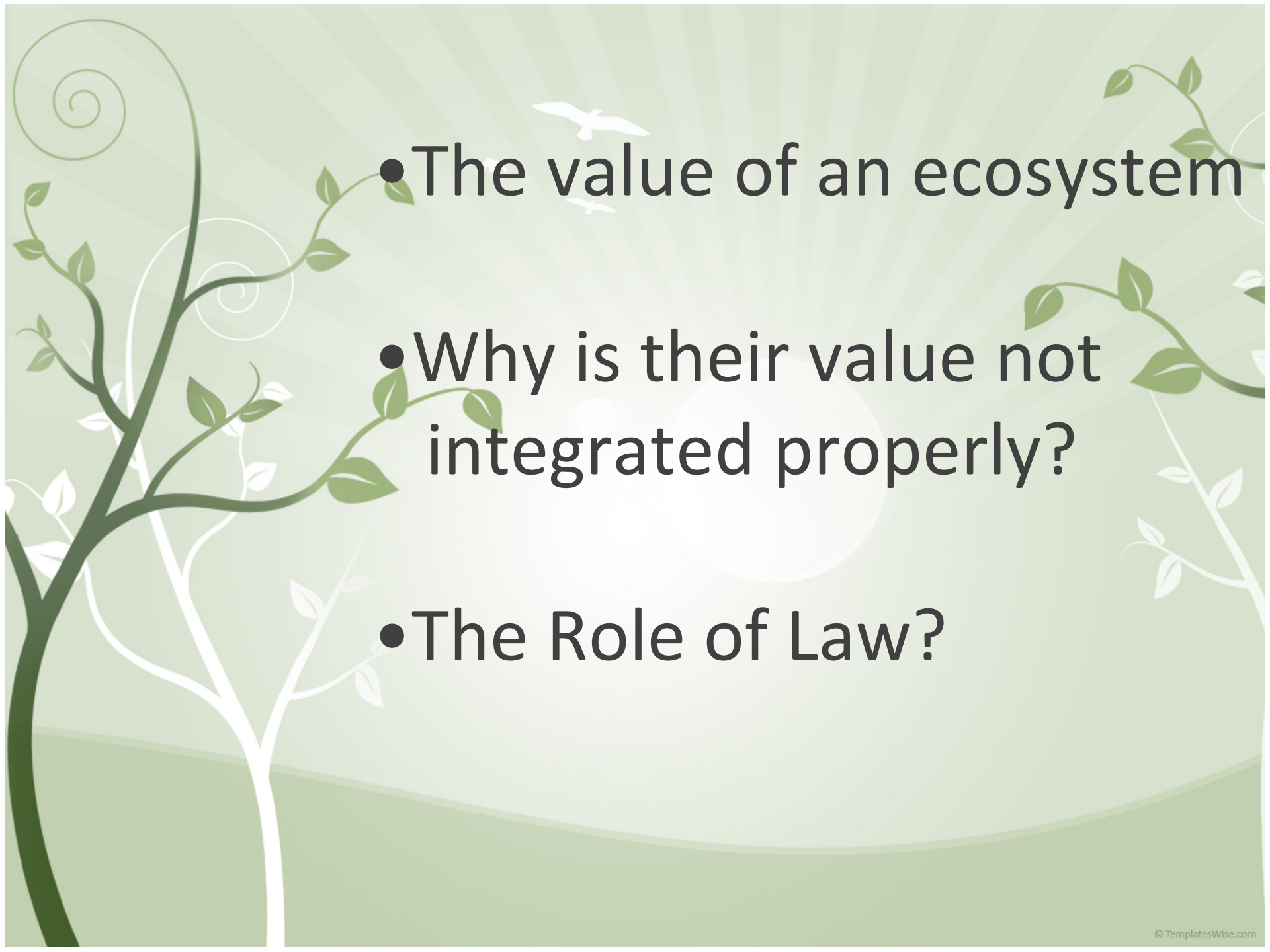
MEA 2005



Reasons for degradation

- Most ecosystem services are used freely as public goods.
- Valuation is difficult and controversial
- Degradation has long term and ‘hidden’ effects
- Limitations of current knowledge
 - The ‘known-unknown’ and the ‘unknown-unknown’

source: TEEB 2010

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- The value of an ecosystem
 - Why is their value not integrated properly?
 - The Role of Law?

Ecological systems vs. Legal systems

Eco-system

- Holism
- Stability
- Long-term
- *Sustainability?*



Legal system

- Fragmentation
- Discretion
- Principles
- *Consistency?*

Legal consistency

- Consistency: an absence of contradictions

Requirements of: 'coordination', 'cooperation', 'taking into account', 'ensure compatibility'

- Types of consistency (source: stavang 2009)

- Rule consistency
- Substantive consistency
- Dynamic consistency

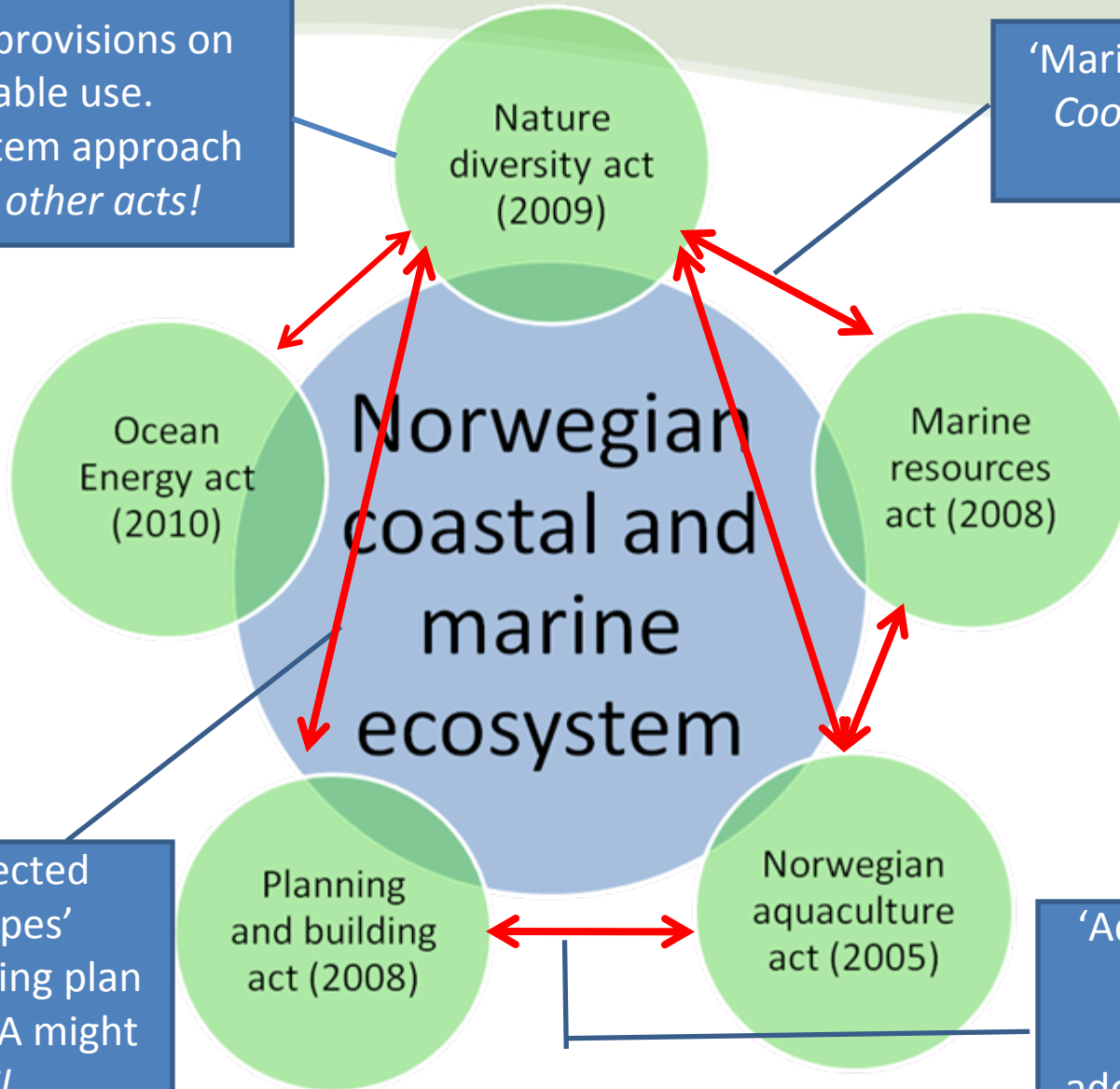
- Consistency objective in the project

The applicable legal acts approach and value the ecosystem similarly so that the ecosystem's value is integrated likewise across the implementation of the various acts.

Ecological systems vs. Legal systems II

Ch.2 'Gen. provisions on sustainable use.
Incl. Ecosystem approach
Applies to other acts!

'Marine protected areas'
Coordination required
(sec.33)



Sc. 53 'Selected habitat types'
A legally binding plan under the PBA might *prevail*

'Aquaculture licenses'
Not granted in contravention of adopted land use plans



Thank you!

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