



Net gain and law for Sustainability: Challenges and Perspectives

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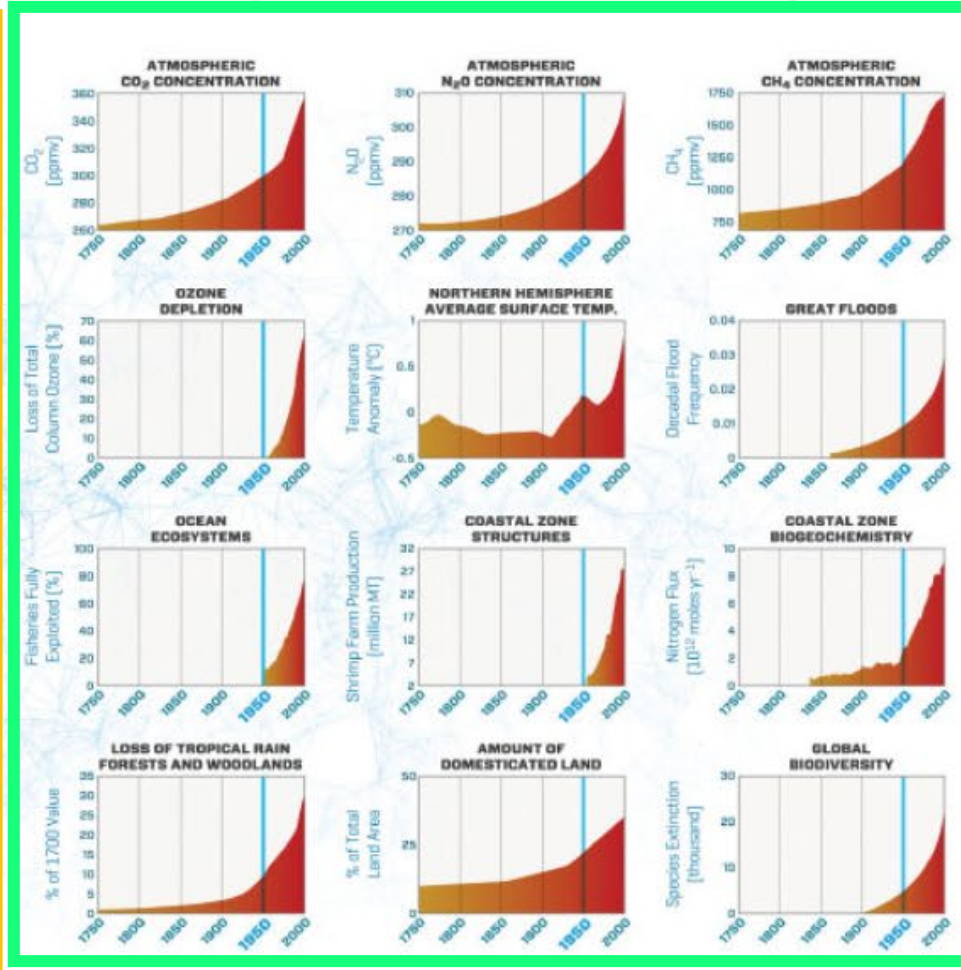
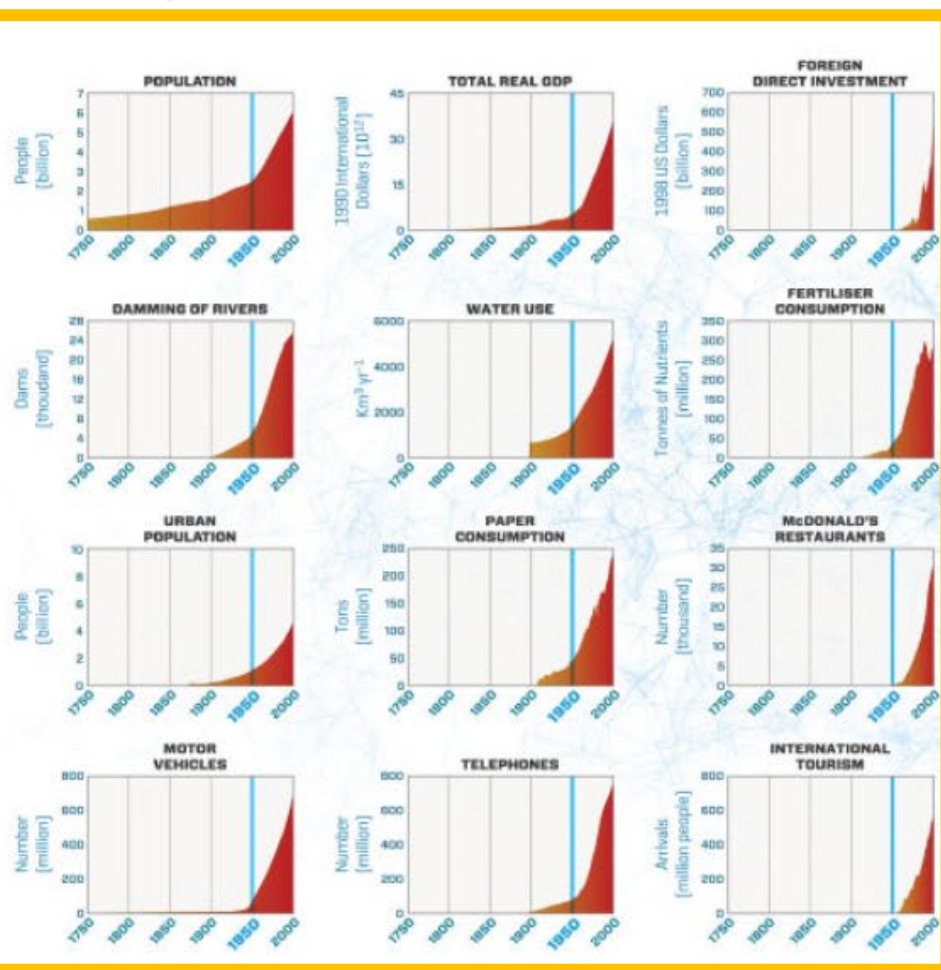
Outline



1. Anthropocene & Challenges of Net Gain Law
2. Global Net Gain Governance & Law
3. What does Net Gain mean for Governance & Law?
4. Further examples
5. Summary
6. Hint

1. The Great Acceleration

(from the website of “The Anthropocene Journal”)



Socio-economic drivers & pressures

Environmental status & impacts

and the Earth System (IGBP Synthesis) Steffen et al.

<https://anthropocenejournal.wordpress.com/2011/12/22/the-great-acceleration/> (12.1.2019)

Ecological Footprint Per Person and HDI of Nations with SDGI Ranking

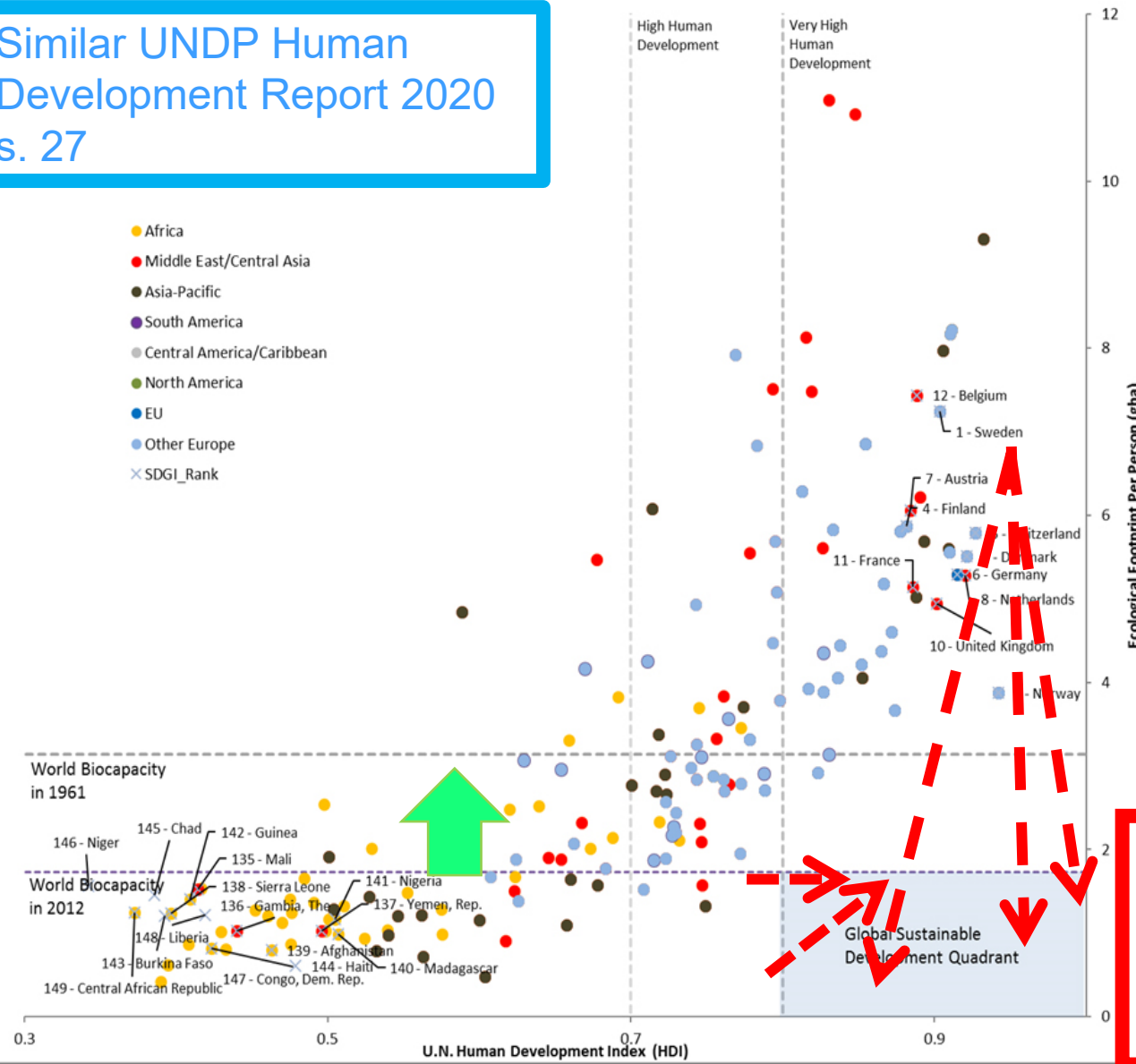


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World-Biocapacity & Human Development Index (EF: global hectar per Person)

“Inter & intra-nationales finetuning” necessary (Mauerhofer 2021)

Similar UNDP Human Development Report 2020 s. 27



http://www.footprintnetwork.org/pt/index.php/GFN/blog/gcat/our_partners_work/ (02.09.2016)

2. Global Net Gain Governance & Law (Environmentally)



Based on Green New Deal of the EU:

- Von der Leyen (16.9.2020): minus 55 % Emissions by 2030
- New EU (2020a) Biodiversity strategy
commit to the net-gain principle to give nature a net gain that it takes.”
- New EU (2020b) Circular Economy Action Plan
regenerative growth model that gives back more than it takes”

Similar First Draft Post 2020 Global Biodiversity Framework (2021 p. 3, para. 5): “*net improvements by 2030 in line with the Convention’s vision of “living in harmony with nature”*”

Global “Net Gain Principle”:

1. A new principle in Environmental Law?
2. Relation to other principles (e.g. non-regression principle)?
3. What does it mean for the SDG’s?
4. What does it mean for the Global North already till 2030 legally?

Global Net Gain Governance & Law (Socially)

- What is the inter- and intra-national finetuning (Mauerhofer 2020) needed in social terms & what is the role of Law therein?

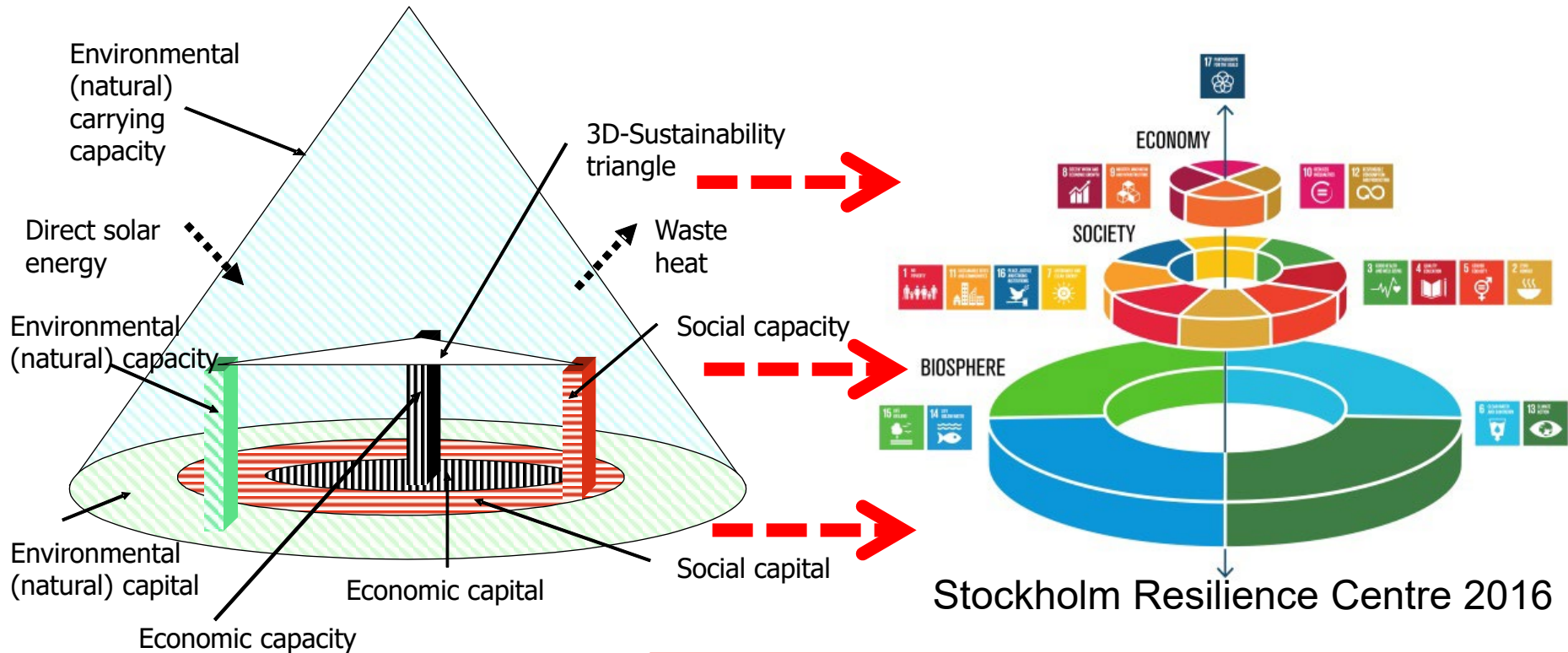
Net Gain Law & SDG's I



SUSTAINABLE DEVELOPMENT GOALS



Net Gain Law & SDG's II



Mauerhofer 2008a, 2016, 2019

Inherent questions e.g.: what is not at all/ not adequately addressed by SDGs (apart of a flexible priority setting among the SDGs)?



3. What does Net Gain mean for Governance & Law....I

at supranational, national, subnational level related to

- Planning law (how much space to restore/compensate for new planned special developments...?)
- Impact Assessment law (EIA e.g. currently minimizing approaches mainly, but cumulative negative effects prevail....)?
- Bankruptcy law (in case of bankruptcy, how can we ensure prevalence for “claims from nature”....?)
- Restrictions for tools with electric Stand-By-functions?
- (for details e.g. Mauerhofer, 2021)

3. What does Net Gain mean for Governance & Law....II

Two overall governance agendas

1) **increasing the world's biocapacity**, both on the resource and assimilative side, including biodiversity capacity e.g.

- “over-restoring” deteriorated ecosystems,
- strategic perennialization in intensive agriculture, or
- crop-based production systems (combining energy and food) based on a higher diversity of macro- and microphytes
- Establishing and maintaining new green infrastructure
- preventing non-effective measures and removing harmful subsidies

2) **reducing production & consumption impacts** within planetary boundaries e.g.

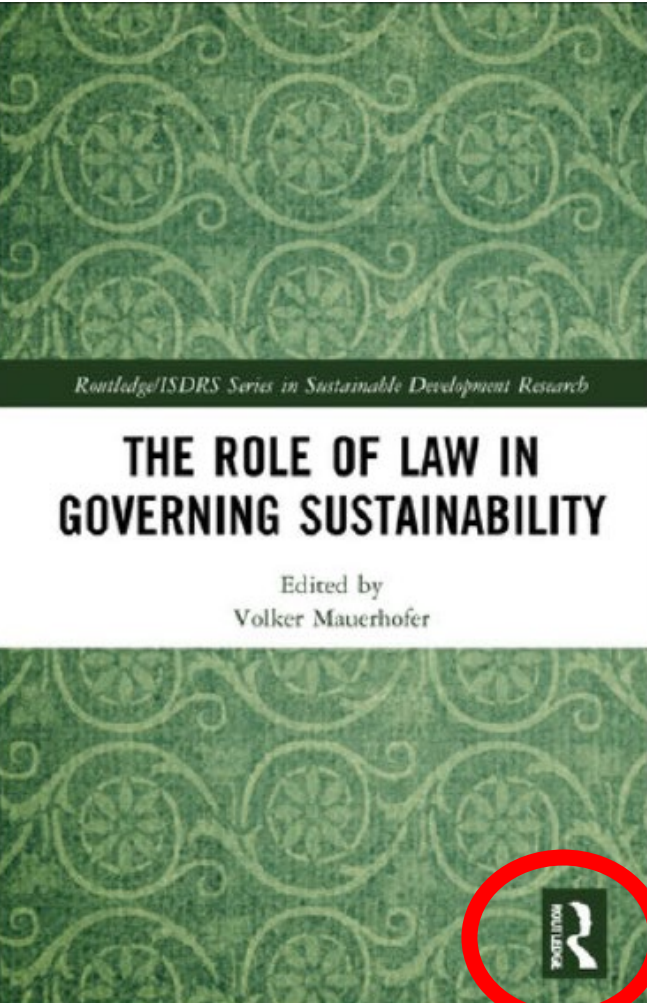
- “refuse” actions towards a sustainable Circular Economy
- by removing harmful subsidies or tax privileges

(for details e.g. Mauerhofer, Englund, Grönlund, Haller, Jonsson, Van den Brink 2021)

Publications available from authors (bookchapter + new journal publication)



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Outline
Abstract
Declaration of competing interest
References

Journal of Cleaner Production
Available online 2 September 2021, 128884
In Press, Journal Pre-proof

ELSEVIER

Environmental net-gain governance: Global implementation challenges

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Abstract

This Letter outlines the EU's & UN's latest environmental principle towards Net-Gains. It defines this principles' progress compared to recent "No-Net-Loss"/"Reduce-the-Rate-Of-Loss" approaches. Furthermore it introduces

4. Restoration towards Net Gains → liability for Fiberbanks?



- ❖ Henrik Haller: “who is liable for restoration?”
- ❖ Common project to assess
 - Impacts on Water, air, soil, biodiversity
 - Causality of Fiberbanks for those impacts
 - Liability based on EU Environmental Liability Directive and EU Fauna-Flora-Habitats Directive
- ❖ Possible funding scheme?


4. Preventing underuse of Swedish hay meadows to foster environmental net gains



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FORMAS 

- Application (30 Nov submitted)  biodiversa
- Comparative assessment AT/GER/SWE/ARM
- Best Practices to maintain favorable conservation status of EU-protected habitat type and the role of (not only subsidy) law?

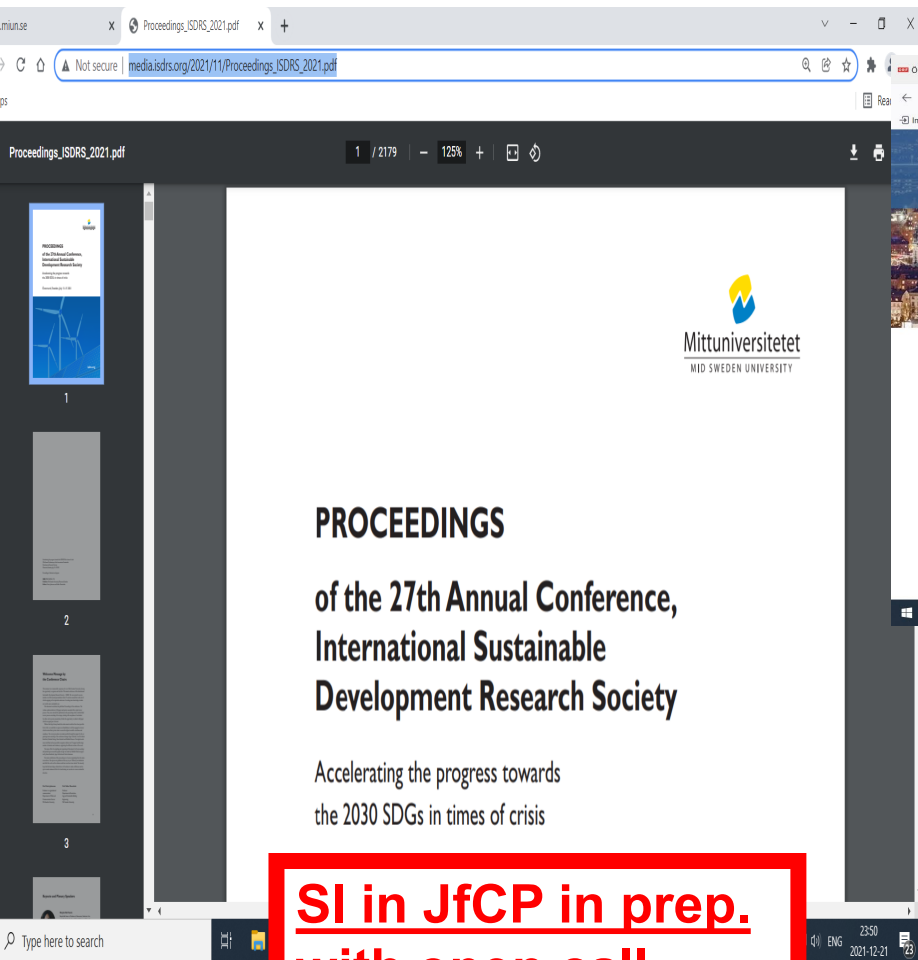
5. To sum up regarding net gains....

Net Gain Governance and Law is needed that

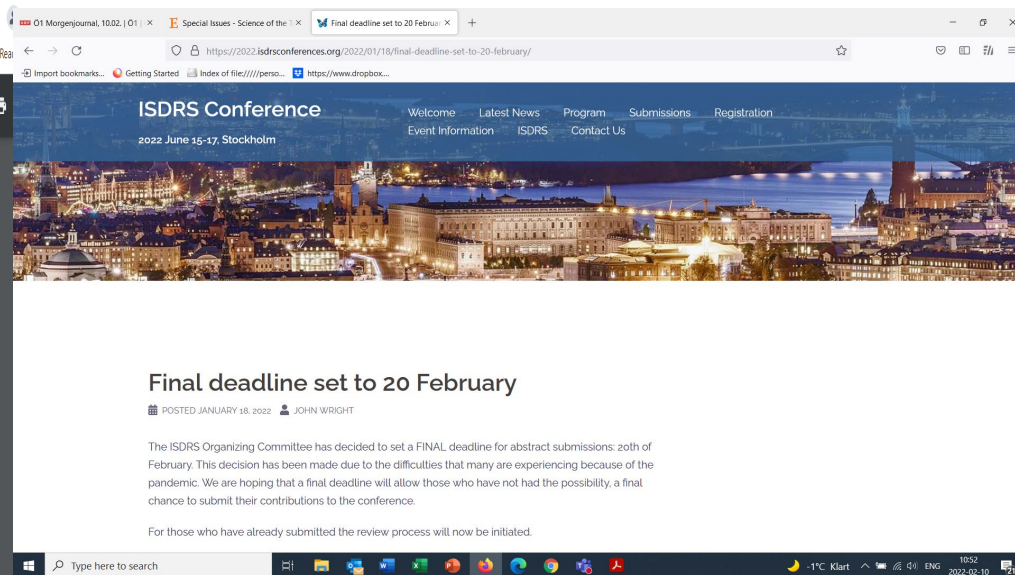
1. in absolute terms increases the environmental capacity (restoration, net-compensation etc.)
2. in absolute terms reduces the through-put of energy and resources through the socio-economic system
3. in absolute terms reduce social inequality
4. is based on interdisciplinary cooperation in a multilevel & multifaceted manner

Potential for a real “game changer”/”systemic change”

Hint Results of ISDRS2021 & Call out for ISDRS 2022/SW



**SI in JfCP in prep.
with open call**



<https://2022.isdrsconferences.org/2022/01/18/final-deadline-set-to-20-february/>

http://media.isdrs.org/2021/11/Proceedings_ISDRS_2021.pdf

Thank you for your attention!



**Any
questions?**

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