

# § 1 Introduction

## I. Why studying economic law on natural resources and the environment with a comparative approach?

- for a *better understanding* of the own law, its particularities, strong and weak points, possible alternatives and possible perspectives of its development
- as a *source of inspiration*: many countries share similar problems of a sustainable, ecofriendly use of the natural resources, and legal solutions developed in one country may be useful in others too (→ you do not need to re-invent the wheel...)
- economic law, natural resources law and environmental law have a long history of *legal reception*: countries have often profited from adopting innovative legal concepts, instruments and institutions from other legal systems
  - however, a simple "copy & paste" would fail: before a possible transfer, any *foreign concepts must first be adapted* to the particularities and systematic of the own national legal order
  - for the economic law on natural resources, which is influenced by natural, civilisational, social and historical factors, this applies even more than for other areas of law
- *not only the success stories* but also the failures and fake solutions in the foreign law are interesting (→ you must not repeat the mistakes and stupid shows of others...)
  - example: solutions for a sustainable, ecofriendly use of natural resources that rely on voluntary self-restraint instead of legally binding standards and government control have failed in most countries

## II. The heterogeneity of the economic law on natural resources and the environment in the various legal systems

- depending on the legal tradition and the prevailing legal policy orientation, legal systems follow
  - either a rather economic-liberal (market- and competition-orientated) approach
  - or a rather regulatory (intervention-orientated) approach
- in some countries (esp. common law and developing countries) the relevant law forms an integrated and discrete field of "natural resources law", while in others it is spread across various fields of law with different traditions, basic concepts and primary objectives

## III. International, European and national economic law on natural resources and the environment

- a complex and dynamic *multi-level system of law* that combines
  - global international law
  - European Union law
  - national law
  - and in the Federal Republic of Germany even sub-national law (Land law)
- a system shaped by *two common commitments*:
  - *to globalisation and international economic cooperation* (→ WTO law, intern. investment law etc.)
  - *to fight climate change* by reducing greenhouse gas emissions (→ UNFCCC, Paris Agreement)
- in the multi-level system, often the law at the higher geographical level sets *objectives and targets* that the law at the lower geographical level must achieve
- however, in 2025, the second withdrawal of the USA from the Paris Agreement and other U.S. policies raise the question if the common commitment is reliable and stable