

# Are we prepared for a substantial change of the energy system?

**A sustainable energy and climate policy needs technical advances, but these are not sufficient. The policy needs a legal system clearly supporting the implementation. This situation does not exist in our countries today.**

## Social sciences play a crucial role

The energy and climate policy in the EU and in many other states is to phase out the use of fossil fuels. The long term objective is instead energy efficiency, including increased use of renewable energy resources. This policy cannot be obtained without technical advances, but these are not sufficient. Several opposite interests occur, not least impacts on the local environment, and these interests are often supported by legal restrictions. Costs are crucial for successful implementation. And not least important, the policy should be legitimate: Will people accept thousands of new wind mills on and outside our shores? How would you like to see open fields in the European landscape being converted into “green walls” of energy forests?

Policy implementation is a matter for research in social sciences, inter alia economics, political science and – which is the topic in this newsletter – law. Law has basically two functions; to solve conflicts between individuals and, which is most important here, to direct human behaviour so that politically important objectives are obtained. The law plays therefore a crucial role when designing and utilizing pathways to a sustainable energy system.

## Why research in environmental and natural resources law?

An important role for research in environmental and natural resources law is to analyse the legal preconditions for activities related to a new energy policy, such as installations for extraction of energy from renewable natural resources, installations for energy efficient transports and for deposits of CO<sub>2</sub>-gases. To what extent are these promoted by the law? But also, where are the legal obstacles and uncertainties? And what legislation is needed in the future to implement the policy? These questions are often complicated as the environmental legal system is huge and partly unsystematic. The legal system includes international conventions, EU law, acts adopted by the Member State parliament and regulations instituted by the government, state institutions or municipal parliaments. The rules are often vague and sometimes contradictory.

**The overall objective of the Pathways legal project is to study legal preconditions for implementation of an energy policy based upon energy efficiency and sustainability**

The legal project in Pathways includes several topics:

- Law and other social sciences play a crucial role in connection with implementation of an energy policy
- Energy efficiency vs landscape and biodiversity – different environmental objectives in conflict
- The planning and licensing process can discourage important investments in wind power and other activities essential for the energy policy
- While the policy is new and the law changes to promote the implementation, traditional understandings among private persons and decision makers influence more or less how the law is applied in practice. Such “path dependency” is an important task for future legal research
- Renewable Energy Development and the Function of Law – dissertation December 2009 in Luleå University of Technology
- Intensive cultivation of different kinds of forests is a future scenario. What are the legal constraints?
- New nuclear reactors in Sweden is again a political option. How does the law respond to that?



**Prof. Gabriel Michanek,  
Uppsala University and  
Dr. Maria Pettersson  
Luleå university of  
Technology**