

Legal and Institutional Framework Criterion

The purpose of the Legal and Institutional criterion is to describe the overall policy framework within which energy and mineral/material activities take place.

The legal, institutional and economic frameworks of the United States are complex.

- Federal, state and local governments pass laws that can enhance or inhibit sustainable practices for energy and mineral material systems.
- Federal and state judiciaries review and interpret the laws, and through ruling create case law.
- International agreements also have legally binding provisions.

- Public institutions have the responsibility for implementing implement policies and enforcing laws.
- Private institutions also implement policies and programs, some of which can enhance or inhibit sustainable practices with respect to energy and mineral/materials.
- The economic framework can constrain what is economically feasible.

The Legal and Institutional Framework has 5 Sub-Criteria

- Legal Framework**
- Institutional Framework**
- Economic Framework**
- Capacity to Measure and Monitor**
- Conduct and Apply Research**

Fourteen indicators were selected from an initial set of 20 potential indicators and organized under the sub-criteria.

Eight of these indicators were placed on the prioritized list.

Each sub-criterion will be
considered in turn.

Legal Framework

Extent to which the legal framework enhances or inhibits sustainable practices for energy and mineral materials systems over the life cycle, including the extent to which it provides for:

Priority Indicators – Legal Framework:

- **Clear Property Rights**
- **Periodic Resource: assessment, planning, and policy review, including public participation**
- **Compliance and Enforcement Framework**
- **Reuse, Recycling and Remanufacture**

Institutional Framework

Extent to which the institutional framework enhances or inhibits sustainable practices for energy and mineral materials systems over the life cycle, including the extent to which it provides for:

Priority Indicators – Institutional Framework:

- Public Involvement Activities**
- Skilled Workforce**

Economic Framework

Extent to which the economic framework enhances or inhibits sustainable practices for energy and mineral materials systems over the life cycle, including the extent to which it provides for:

Priority Indicators – Economic Framework:

- Investment and Taxation Policies**
- Identification and Reporting of External Costs.**

Capacity to Measure and Monitor

Capacity to measure and monitor the parameters associated with the sustainability indicators developed for energy and mineral/materials systems, including the extent to which it provides for:

Conduct and Apply Research

Authority and ability to conduct and apply research
and development, including:

Example Indicator:
Clear Property Rights

Clear Property Rights: Questions

1. Issue: Land access, rights to develop and sell energy and mineral resources, rights to trade properties and resources, rights of indigenous peoples, and dispute resolution.
2. What it Measures: Climate of property rights, stability and consistency of property rights regime, presence of delineated property rights by property type, areas of settled and unsettled law. At national scale, statutes, case law and regulations affecting property rights are relevant. At the state and local level, legal requirements are relevant.

Questions - Continued

3. Data Available/Data Required: Report on property rights created for the Forest Criterion⁷, Indicator 48. Tabulation of energy and mineral relevant laws, court holdings, zoning decisions, Westlaw, Lexis, statutes, regulations, and ordinances. Federal and state case law is beyond the scope of this effort.
4. Scale: National, State and Local.
5. Relevance to Sustainability: Stable property rights, and assurance that rights will be protected, or disputed through due process, are essential to sustainable resource management.

Discussion this afternoon on the list of legal and institutional framework indicators, priority indicators, and the example indicator (Clear Property Rights).