Special Article

Economic, Social, Cultural, and Environmental Rights as a Legal Framework for the Transition to Circular Production Systems in Emerging Countries: Foundations of Circular Economic Law



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KEYWORDS:

Environment; human rights; economic regulation; sustainable production.

ABSTRACT:

This paper examines the role of Economic, Social, Cultural and Environmental Rights (ESCER) as a legal foundation for the transition toward circular production systems in emerging countries. It argues that the circular economy should not be understood merely as a technological or environmental transformation, but as an economic, social and legal restructuring guided by sustainability, distributive justice and human rights protection. From this perspective, the paper proposes the concept of Circular Economic Law as an emerging legal category aimed at articulating environmental law, international economic law and the right to sustainable development. The study identifies structural obstacles faced by developing countries, including poverty, labor informality, extractivism, inequality and technological gaps. It also examines the relationship between circularity and decent work, the right to a healthy environment, cultural rights, social equity and corporate responsibility. Finally, it proposes institutionalizing Circular Economic Law through constitutional and legislative reforms, economic incentives, education, multilevel governance and international cooperation.

PALABRAS CLAVES:

Medio ambiente; derechos humanos; regulación económica; producción sustentable

RESUMEN:

El artículo analiza el papel de los Derechos Económicos, Sociales, Culturales y Ambientales como fundamento jurídico de la transición hacia sistemas productivos circulares en los países emergentes. Sostiene que la economía circular no constituye únicamente una transformación tecnológica o ambiental, sino una reconfiguración económica, social y jurídica orientada por la sostenibilidad, la justicia distributiva y la protección de los derechos humanos. Desde esta perspectiva, propone el concepto de Derecho Económico Circular, entendido como una categoría emergente destinada a articular el derecho ambiental, el derecho económico internacional y el derecho al desarrollo sostenible. El estudio identifica obstáculos estructurales en los países en desarrollo, entre ellos la pobreza, la informalidad laboral, el extractivismo, la desigualdad y las brechas tecnológicas. Asimismo, examina la relación entre circularidad y trabajo digno, medio ambiente sano, derechos culturales, equidad y responsabilidad empresarial. Finalmente, propone institucionalizar el Derecho Económico Circular mediante reformas constitucionales y legislativas, incentivos económicos, educación, gobernanza multinivel y cooperación internacional.

MOTS CLES :

Environnement ; droits humains ; réglementation économique ; production durable.

RESUME :

Cet article examine le rôle des droits économiques, sociaux, culturels et environnementaux comme fondement juridique de la transition vers des systèmes de production circulaires dans les pays émergents. Il soutient que l'économie circulaire ne doit pas être comprise uniquement comme une transformation technologique ou environnementale, mais comme une restructuration économique, sociale et juridique guidée par la durabilité, la justice distributive et la protection des droits humains. Dans cette perspective, l'article propose le concept de droit économique circulaire comme catégorie juridique émergente destinée à articuler le droit de l'environnement, le droit économique international et le droit au développement durable. L'étude identifie les obstacles structurels auxquels les pays en développement sont confrontés, notamment la pauvreté, l'emploi informel, l'extractivisme, les inégalités et les écarts technologiques. Elle examine également les liens entre circularité et travail décent, droit à un environnement sain, droits culturels, équité sociale et responsabilité des entreprises. Enfin, elle propose d'institutionnaliser le droit économique circulaire par des réformes constitutionnelles et législatives, des incitations économiques, l'éducation, une gouvernance multiniveau et la coopération internationale.

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1 INTRODUCTION

The contemporary global development model faces an unprecedented sustainability crisis. The consequences of climate change, biodiversity loss, widespread pollution, and economic inequality create a scenario that challenges the viability of the linear production and consumption paradigm. In this context, Economic, Social, Cultural, and Environmental Rights (hereinafter ESCER) emerge as an indispensable ethical and legal framework to guide the transition toward development models that simultaneously ensure human well-being, social justice, and ecological balance (Andres-Aucejo, E., 2023a,2023b, 2023c, 2024a,2024b, 2024c, 2025a, 2025b, Owens, J. et alter 2021; 2023a, 2023b, 2024).

The circular economy, conceived as a system that seeks to decouple economic growth from the consumption of finite resources, entails a profound transformation of the productive sector. Its goal is to retain the value of materials and products within the economic cycle for as long as possible, thereby reducing waste generation and promoting ecosystem regeneration. However, its practical implementation in developing countries faces structural challenges that go beyond technical issues: social inequality, labor informality, dependence on extractive sectors, and limited institutional capacity to implement sustainable policies.

Against this backdrop, this paper posits that economic, social, cultural, and environmental rights (ESCER) constitute not merely a set of enforceable rights, but a genuine legal framework underpinning the transformation of the economic system toward circular models.

Adopting an interdisciplinary perspective, the text seeks to demonstrate that the effective fulfillment of ESCER—particularly those related to decent work, culture, education, and a healthy environment—can serve as the driving force behind the circular transition in Global South countries.

Furthermore, the concept of Circular Economic Law is introduced—understood as an emerging category within contemporary economic law—aimed at articulating the principles of sustainability, distributive justice, and shared environmental responsibility. This notion integrates developments from international environmental law, the right to development, and international economic law, projecting a holistic vision of the economy grounded in human rights. It is a perspective similar to, though not identical with, other current approaches (Backes, 2017; Lesniewska & Steenmans, 2023).

This paper is structured into four main sections. First, it reviews the theoretical and legal framework regarding ESCER and circular economic law. Second, it analyzes the structural challenges developing countries face in adopting circular production systems. Subsequently, it explores the direct link between ESCER and economic circularity, identifying points of intersection regarding labor, inclusive culture, the environment, and social equity. Finally, it presents a conceptual proposal for the institutionalization of Circular Economic Law as a framework integrating human rights, development, and sustainability.

2 ECONOMIC, SOCIAL, CULTURAL, AND ENVIRONMENTAL RIGHTS IN THE INTERNATIONAL HUMAN RIGHTS SYSTEM

The legal recognition of Economic, Social, Cultural, and Environmental Rights (ESCER) has been a gradual yet decisive process in the evolution of international human rights law. These rights—enshrined primarily in the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966) and in various regional instruments such as the Protocol of San Salvador (1988)—establish positive obligations for States aimed at guaranteeing the material and environmental conditions necessary for a dignified life.

Unlike civil and political rights—traditionally considered "first-generation" rights—ESCR require proactive State actions: public policies, economic regulations, and institutional structures that ensure access to education, health, employment, and a healthy environment. Their fulfillment is therefore closely linked to the State's economic organization and its capacity to steer development toward socially just and environmentally sustainable goals (Sepúlveda, 2014).

From this perspective, ESCER possess a structural economic dimension that directly links them to the way societies produce, distribute, and consume goods. In developing countries, their effective realization faces the limitations of linear economic models based on intensive resource extraction, unchecked consumption growth, and massive waste generation. Consequently, the transition to a circular model entails not merely a technical shift but a reconfiguration of the normative foundations of development—one in which ESCER serve as an indispensable starting point.

2.1 THE RIGHT TO SUSTAINABLE DEVELOPMENT AND ENVIRONMENTAL JUSTICE

The concept of sustainable development, articulated in the Brundtland Report (1987) and reaffirmed in the United Nations' 2030 Agenda, integrates three inseparable dimensions: the economic, the social, and the environmental. From a legal perspective, this integration has led to a normative evolution that incorporates sustainability as a cross-cutting principle of international law. The right to development—recognized by the UN General Assembly in 1986—and the right to a healthy environment—now considered an autonomous human

right by the Human Rights Council (2021)—converge in a vision of global environmental justice (Masbernat & Ramos-Fuentes, 2021).

This environmental justice implies that the ecological and social costs of economic growth cannot be externalized onto the most vulnerable populations or future generations. In developing countries, where inequality and poverty shape access to natural resources, environmental justice takes on a redistributive and transformative character. Thus, upholding environmental, economic, social, and cultural rights not only protects individual rights but also reshapes economic and productive structures toward equitable and sustainable models.

2.2 EMERGENCE OF CIRCULAR ECONOMIC LAW

Circular Economic Law can be understood as an evolutionary extension of classical economic law, aimed at regulating the transition toward regenerative production models. It arises from the need to articulate the principles of the circular economy—such as efficient resource use, waste prevention, and ecosystem regeneration—with the fundamental legal values of human rights and sustainable development.

This new legal field rests on the pillars of environmental law, international economic law, and the right to development, yet it introduces a distinct logic: circularity as a binding legal principle. The circular economy should not be viewed solely as an environmental policy, but rather as an economic policy with legal implications that redefines the incentives, responsibilities, and rights of economic actors.

Incorporating the principle of circularity into economic law entails recognizing that growth and competitiveness must be subordinated to the preservation of natural capital and respect for human rights. In developing countries, where economies depend on primary sectors, Circular Economic Law offers a normative framework for promoting productive diversification, technological innovation, and social inclusion without reproducing logics of dependency or inequality.

2.3 PROGRESSIVITY AND SHARED RESPONSIBILITY BETWEEN THE STATE AND THE PRIVATE SECTOR

One of the guiding principles of economic, social, cultural, and environmental rights (ESCER) is that of progressivity, which establishes that their full realization must be achieved gradually—depending on available resources—but without unjustified retrogression. This principle, enshrined in Article 2 of the International Covenant on Economic, Social and Cultural Rights, entails an obligation to continuously improve the guarantee of social and environmental rights. In the context of the circular economy, progressivity translates into the need for sustainable transitions that gradually transform production and consumption structures while ensuring the participation of all social sectors.

On the other hand, corporate shared responsibility plays a central role. Companies—especially transnational ones—are decisive actors in the circular transition and the protection of economic, social, cultural, and environmental rights (ESCER). Instruments such as the UN Guiding Principles on Business and Human Rights (2011) establish that corporations have a responsibility to respect human rights and avoid negative impacts on communities and the environment. Within the framework of Circular Economic Law, this shared responsibility extends to environmental due diligence, material traceability, and the remediation of ecological damage, becoming a normative pillar of the new economic model.

3 THE CIRCULAR ECONOMY IN THE CONTEXT OF EMERGING ECONOMIES

In emerging economies, the circular economy presents itself as a strategic alternative to overcome linear production models that have historically deepened inequality, environmental degradation, and dependence on extractive sectors. Its implementation, however, cannot be understood solely as a technological or productive transition, but rather as a legal and social process shaped by Economic, Social, Cultural, and Environmental Rights.

In these regions, circularity finds unique opportunities: extensive informal economy sectors with spontaneously circular practices, communities possessing traditional knowledge geared toward sustainable resource use, and a growing demand for public policies that integrate environmental justice and economic development.

3.1 STRUCTURAL CHARACTERISTICS AND ASYMMETRIES OF THE PRODUCTION SYSTEM

Developing countries face a structural dilemma: they must drive economic growth to reduce poverty yet do so within the planet's ecological limits. This challenge is compounded by a series of historical and structural asymmetries that constrain their prospects for transitioning to sustainable production models. Key among these is a reliance on extractive economies, low levels of industrialization, labor market informality, and insufficient investment in technological innovation (Circularity Gap Report, 2022; UNEP, 2022).

The circular economy—as a paradigm that seeks to keep resources in use for as long as possible—requires integrated industrial systems, advanced logistics infrastructure, and stable regulatory frameworks. However, in much of the Global South, value chains are fragmented, secondary materials markets underdeveloped, and institutional capacities limited. This creates a vicious cycle in which poverty prevents investment in clean technologies, and the lack of these technologies perpetuates environmental degradation.

Despite this, developing countries possess significant comparative advantages: a popular and solidarity economy with great adaptability, local knowledge and traditional expertise in resource management, and growing environmental awareness among younger urban generations. These conditions make it possible to design contextualized circular economy models based on social inclusion and the utilization of existing human capital (García & Pérez, 2021).

Therefore, the transition towards circularity cannot replicate the European industrial model; instead, it must emerge from a local interpretation of sustainable development, in which Economic, Social, Cultural, and Environmental Rights (ESCER) serve as both a guide and a normative limit.

3.2 CHALLENGES FOR IMPLEMENTING CIRCULAR MODELS: POVERTY, INFORMALITY, EXTRACTIVISM, AND LACK OF TECHNOLOGY

The adoption of circular production systems in developing countries is profoundly shaped by structural factors of exclusion.

The first is multidimensional poverty, which limits the capacity of consumers and small businesses to adopt sustainable practices.

The second is labor informality, which hinders the traceability and formalization of material flows, especially since sectors such as recycling rely heavily on informal workers or grassroots cooperatives.

A third obstacle is extractivism. Latin American, African, and Asian economies rely heavily on the export of raw materials and natural resources, a practice that perpetuates a linear

logic of extraction, consumption, and disposal. In contrast, the circular model demands the internalization of environmental costs and the promotion of local value-added production, requiring coherent fiscal, trade, and technology policies.

Finally, the technological gap limits the potential to implement circular innovations—such as remanufacturing, eco-design, or industrial symbiosis. Without access to clean technology and green financing, countries in the Global South risk being left behind in the global transition toward sustainability, thereby perpetuating inequality between the North and the South (Pardo & Vanegas, 2020).

These challenges demonstrate that the circular economy, in the context of development, is not a purely technical matter but one that is deeply political and legal. Its implementation requires restructuring economic incentives, ensuring distributive justice, and strengthening State capacities to regulate, oversee, and promote innovation with equity.

3.3 PUBLIC POLICIES AND RECENT REGULATORY FRAMEWORKS

In recent years, various developing countries have begun incorporating the circular economy into their national agendas. Although approaches vary, there is a regional trend toward integrating circularity into sustainable development strategies, driven by both international commitments and domestic needs for productive modernization.

Mexico, for example, adopted the National Circular Economy Strategy (ENEC) in 2021, coordinated by the Secretariat of Environment and Natural Resources (SEMARNAT). This document establishes guiding principles such as responsible consumption, resource efficiency, technological innovation, and social inclusion. However, its implementation faces challenges stemming from institutional fragmentation and a lack of specific fiscal instruments for circularity (Semarnat, 2021).

A regional pioneer, Colombia launched the National Circular Economy Policy in 2020, promoting a multisectoral approach based on integrated waste management, clean production, and environmental education. This model is notable for incorporating the participation of recycler cooperatives and small-scale producers, directly linking circularity with labor and social rights (Ministerio de Ambiente y Desarrollo Sostenible, 2020).

Chile has advanced its Roadmap for a Circular Republic of Chile by 2040, which sets concrete goals such as reducing waste generation by 25% and tripling the industrial recycling rate. The country also reformed its Extended Producer Responsibility Law (Ley No. 20,920, 2016, REP), turning it into a key instrument for shared corporate responsibility.

In India, circularity has been linked to policies for sustainable rural and urban development. Initiatives such as the Swachh Bharat Mission and the National Resource Efficiency Policy (2019) aim to reduce waste, reuse materials, and foster local innovation in resource management. Although still in their early stages, these strategies demonstrate the growing relevance of the circular economy as a State policy in countries of the Global South.

3.4 CASE STUDIES AND NOTABLE EXPERIENCES

Among the most representative regional examples are the inclusive recycling models found in Latin America. In countries such as Brazil, Colombia, and Mexico, thousands of families rely on informal recycling for their livelihoods. The circular economy offers an opportunity to formalize and dignify this work by integrating recyclers into sustainable value chains and guaranteeing labor and social rights.

In Colombia, the Bogotá Recyclers Program became a benchmark for rights-based public policy. Following a series of constitutional legal challenges (constitutional lawsuits), the Constitutional Court recognized recyclers as economic actors and holders of the right to

decent work (Constitutional Court of Colombia, Judgment T-291/09). This precedent illustrates how Economic, Social, Cultural, and Environmental Rights can serve as judicial tools for building a circular economy from the grassroots level.

Another notable case is that of Chile, where local women's cooperatives in the Biobío region transform industrial textile waste into reusable products. These initiatives combine the right to work, gender equality, and cultural rights by reviving traditional garment-making skills, demonstrating the connection between circularity and ESCER (Vega & Muñoz, 2022).

4 INTERRELATIONSHIP BETWEEN ECONOMIC, SOCIAL, CULTURAL, AND ENVIRONMENTAL RIGHTS AND CIRCULAR PRODUCTION SYSTEMS

The relationship between ESCER and circular production systems forms the legal and conceptual core that allows circularity to be understood as a human rights-driven process of structural transformation.

Furthermore, circular production systems benefit directly from the normative framework of ESCER, as these rights serve as guiding criteria for the design of public policies, regulatory frameworks, and corporate social responsibility strategies. Consequently, circularity takes on a redistributive character by promoting equitable access to resources, social participation in decision-making, and the reduction of socio-environmental inequalities. The interplay between ESCER and the circular economy reveals that the ecological transition can only be legitimate and effective if it aligns with the full exercise of human rights, thereby becoming a production model that integrates sustainability, justice, and collective well-being.

4.1 THE RIGHT TO DECENT WORK AND GREEN EMPLOYMENT

The right to decent work plays a central role in the relationship between economic, social, and cultural rights (ESCR) and the circular economy. The transition to a sustainable production model should not entail job losses, but rather a transformation into green, fair, and safe jobs. According to the International Labour Organization (OIT, 2019), the circular economy could generate millions of net jobs in sectors such as recycling, repair, renewable energy, and waste management, provided that appropriate training and labor protection policies are in place.

This approach is of particular importance in developing countries: formalizing informal work linked to recycling or local manufacturing offers a direct pathway to realizing the rights to work, social security, and non-discrimination. In this way, the circular economy can serve as an instrument for social and economic justice, in line with the objectives of the International Covenant on Economic, Social and Cultural Rights.

4.2 THE RIGHT TO A HEALTHY ENVIRONMENT AS A STRUCTURAL FOUNDATION

The human right to a healthy environment, formally recognized by the UN in 2021, constitutes the environmental pillar of economic, social, cultural, and environmental rights (ESCER). The circular economy—by reducing the use of natural resources, emissions, and waste—serves as an operational means for the realization of this right. Its effectiveness, however, depends on the State's capacity to regulate industrial processes, establish environmental standards, and guarantee access to environmental justice.

From a legal perspective, the circular economy transforms the classical notion of "environmental protection"—which is reactive and corrective—into structural prevention. The circular model seeks to eliminate environmental harm at the design stage by integrating principles such as eco-design, reuse, and extended producer responsibility. Thus, upholding

the right to a healthy environment becomes a cross-cutting obligation for the production system (Boyle & Anderson, 2020).

4.3 CULTURAL RIGHTS AND THE REVALUATION OF TRADITIONAL KNOWLEDGE

Cultural rights—often overlooked in development policies—play a pivotal role in the circular economy. In rural and indigenous communities across Latin America, Africa, and Asia, traditional practices involving the circular use of resources—such as repair, barter, composting, and the comprehensive utilization of raw materials—persist. These practices embody ancestral knowledge regarding sustainability, and their preservation contributes to both cultural diversity and environmental resilience.

As a global paradigm, the circular economy must avoid replicating a technocratic and monocultural vision of development. Incorporating cultural rights enables the design of production models that acknowledge the identity, creativity, and autonomy of local communities. In this regard, economic, social, and cultural rights serve as a bridge between technological modernity and ecological tradition, lending social legitimacy to circularity (Leff, 2018).

4.4 SOCIAL EQUITY AND COMMUNITY PARTICIPATION

In the context of ESCER (Economic, Social, Cultural, and Environmental Rights), the principle of social equity translates into a State obligation to distribute the benefits and burdens of development fairly. In a circular economy, this means ensuring that the benefits of innovation and efficiency are not concentrated among economic elites but instead strengthen local, grassroots, and cooperative economies.

Furthermore, community participation is essential for sustainability. Circularity requires inclusive governance processes in which citizens, communities, and social organizations participate in the planning and monitoring of environmental policies. The right to public participation, enshrined in the Escazú Agreement (Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, 2018), reinforces this principle by establishing transparency and access to environmental information as legal obligations.

4.5 CORPORATE RESPONSIBILITY, SUSTAINABLE CONSUMPTION, AND THE DUE DILIGENCE

Ultimately, the circular transition depends on the commitment of the private sector. The UN Guiding Principles on Business and Human Rights (2011) and the Sustainable Development Goals (SDGs) promote corporate responsibility regarding social and environmental issues. Within the framework of Circular Economic Law, this responsibility extends to environmental due diligence, material footprint, and full reparation for damages (Saldívar Campos, 2018).

Companies must ensure that their supply chains are traceable, sustainable, and respectful of labor and environmental rights. Sustainable consumption, for its part, entails a civic duty to exercise economic freedom responsibly by choosing goods that minimize ecological and social impacts. In this way, the principle of shared responsibility becomes a normative pillar of the new social contract among the State, the market, and the citizenry.

5 REGULATORY CHALLENGES

5.1 CIRCULAR ECONOMIC LAW AS A NORMATIVE FRAMEWORK

Circular Economic Law emerges as an integrative legal framework that articulates the principles of sustainability, equity, and efficiency around the transformation of production

systems toward circular models. Its primary function is to provide regulatory coherence among economic, environmental, and social policies, overcoming the traditional fragmentation of sectoral law.

In this process, ESCER (Economic, Social, Cultural, and Environmental Rights) become the axiological core of Circular Economic Law, as they provide the standards of social justice, citizen participation, environmental protection, and respect for cultural diversity that guide the circular transition in developing countries. By incorporating the principles of progressive realization, shared responsibility, and intergenerational justice, Circular Economic Law establishes concrete obligations for States and duties of due diligence for private actors, ensuring that circularity does not perpetuate inequalities or environmental externalities.

Furthermore, Circular Economic Law acts as a link between the circular economy and other regulatory frameworks, such as environmental law, international economic law, and the right to sustainable development. This interconnection enables the integration of circularity into industrial, fiscal, labor, and innovation policies, shaping a regulatory ecosystem that drives productive transformation. Thus, Circular Economic Law not only regulates material flows and production processes but also safeguards the full exercise of Economic, Social, Cultural, and Environmental Rights, ensuring that the ecological transition aligns with human dignity, social inclusion, and ecosystem protection.

5.2 CONCEPT AND PRINCIPLES OF CIRCULAR ECONOMIC LAW

Circular Economic Law emerges as a new category within contemporary economic law, designed to regulate the transition toward a sustainable and equitable production system. Its conceptual foundation lies in the convergence of three dimensions:

1. The economic dimension, focused on efficiency, innovation, and productivity.

2. The social dimension, linked to respect for and the guarantee of economic, social, cultural, and environmental rights (ESCER).

3. The environmental dimension, committed to the preservation of natural capital and ecological regeneration.

Circular Economic Law is founded on a set of structural legal principles:

Circularity: every economic process must be designed to keep materials and resources in use, avoiding waste.

Precautionary and preventive approach: regulation must anticipate environmental impacts before they occur.

Extended producer responsibility: the entity that manufactures or markets a good assumes the obligation to manage its entire lifecycle.

Social and corporate shared responsibility: the State, businesses, and citizens all share duties regarding sustainability.

Progressiveness and intergenerational justice: the transition to circularity must safeguard present rights without compromising those of future generations.

These principles constitute the legal framework that enables the materialization of ESCER within the economic structure. Circular Economic Law, therefore, is not limited to environmental or innovation policy; rather, it transforms the very notion of economic legality, positioning sustainability as the central axis of development.

5.3 Relationship with Environmental Law, International Economic Law, and Economic, Social, Cultural, and Environmental Rights

Circular Economic Law lies at the intersection of three major branches: environmental law, international economic law, and human rights law.

It adopts the principles of prevention, precaution, participation, and remediation from environmental law but applies them to the sphere of production. Thus, the obligation to prevent environmental damage becomes a mandate for responsible economic design, governing everything from the extraction of raw materials to waste management.

Circular Economic Law inherits the tools of trade, investment, and cooperation from international economic law, but applies a new logic: economic flows must be governed by sustainability and equity, rather than solely by efficiency or profitability. This entails revisiting free trade agreements, investment treaties, and international fiscal policies to incorporate criteria regarding circularity and human rights (Fernández Pons, 2022).

Finally, its link to ESCER is constitutive. Circular Economic Law cannot be understood without the right to decent work, health, culture, and a healthy environment. ESCER become benchmarks of substantive validity for any economic policy. An economic measure that degrades ecosystems, increases poverty, or violates labor rights cannot be considered legitimate within the framework of Circular Economic Law, regardless of whether it generates macroeconomic growth.

In this regard, Circular Economic Law acts as a normative bridge between economic justice and environmental justice, ensuring that sustainability is not merely a rhetorical goal but a structural legal obligation.

5.4 Proposals for institutionalization in emerging economies

The consolidation of Circular Economic Law in developing countries requires institutional and regulatory reforms that translate its principles into concrete instruments. Among the most relevant proposals are:

Constitutional recognition of the principle of circularity. Just as various Latin American constitutions recognize the right to a healthy environment, a State obligation to promote circular and sustainable production models could be incorporated. This would consolidate circularity as a guiding principle of national economic policy.

Legislative harmonization and the creation of circular economy framework laws. Regulations concerning waste, clean energy, innovation, labor, and education must be integrated into a unified vision. In Mexico, for instance, the General Law on the Circular Economy (2026) represents a step forward toward this systemic codification.

Green fiscal and financial incentives. The circular transition requires economic instruments: subsidies for clean innovation, environmental taxes, sustainable public procurement mechanisms, and green credit lines for small businesses. Without these incentives, circularity will remain marginal.

Education and legal culture regarding circularity. Regulatory changes must be accompanied by educational processes, involving both the business sector and the general public. The right to environmental education—recognized by the Protocol of San Salvador—is key to transforming patterns of consumption and production.

International cooperation and technology transfer. Developing countries cannot transition to circularity on their own. They require multilateral partnerships that facilitate access to clean technologies, technical expertise, and climate finance. Circular economic law must promote

an international regime based on solidarity that addresses historical inequalities between the Global North and the Global South.

5.5 GOVERNANCE MECHANISMS AND INTERNATIONAL COOPERATION

Circular economy governance cannot be limited to the national level. Material, energy, and waste flows are global, and their regulation requires cross-border cooperation. Circular Economic Law proposes the creation of multilevel governance mechanisms that integrate three dimensions:

Global: strengthening the international framework by incorporating the principle of circularity into multilateral climate, trade, and financial agreements.

Regional: fostering Latin American, African, or Asian cooperation platforms on circularity, involving the exchange of technology, regulations, and best practices.

Local: developing municipal and community policies that promote local production and consumption loops, thereby strengthening the social and solidarity economy.

International cooperation must be grounded in the principles of solidarity, equity, and shared responsibility, recognizing the differentiated capacities of States. Only in this way can a just circular transition be achieved—one where developing countries are not passive recipients of imposed policies, but rather key players in the global economic redesign.

6 CONCLUSIONS

The analysis demonstrates that Economic, Social, Cultural, and Environmental Rights (ESCER) constitute the essential legal and axiological framework for guiding the transformation of production systems toward circular models in emerging countries. Far from being merely a set of programmatic rights, ESCER offer a criterion of substantive justice that redefines State and corporate obligations in the face of the ecological challenges of the 21st century.

Circular Economic Law emerges in response to the need to reconfigure the rules of the economic game based on the principles of sustainability, equity, and shared responsibility. Its objective is not to restrict economic activity, but to ensure that it takes place within the planet's ecological limits and in alignment with human rights.

The paper shows that, despite regulatory advances and public policies in Latin America, India, and other regions, the circular transition faces structural obstacles: reliance on extractive industries, inequality, informality, and technological gaps. However, these very conditions reveal the transformative potential of circularity as a strategy for inclusive development—one capable of generating green jobs, strengthening the social economy, and reviving sustainable cultural knowledge.

From a legal perspective, the future of circularity will depend on three essential factors:

1. The consolidation of a comprehensive legal framework that recognizes the principle of circularity as a constitutional mandate.

2. The institutionalization of shared responsibility, wherein the State, businesses, and citizens share ecological and social duties.

3. The establishment of an international governance system based on solidarity, enabling emerging countries to access the technical and financial resources needed to transition toward a low-carbon, regenerative economy.

In short, Economic, Social, Cultural, and Environmental Rights and Circular Economic Law represent two sides of the same process: the humanization of development. Both seek to

ensure that economic progress is measured not merely by Gross Domestic Product growth, but by the capacity to guarantee dignified lives, healthy ecosystems, and sustainable cultures. From a legal perspective, circularity is not a technical option but an ethical and legal obligation toward global ecological justice.

Thus, Circular Economic Law finds strategic conceptual foundations in ESCER for its legitimacy and development within the realm of contemporary legal sciences.

In summary, the analysis demonstrates that the circular economy, ESCER, and the emerging field of Circular Economic Law constitute a conceptual and normative framework that redefines how developing countries can envision their productive, environmental, and social futures. Circularity represents not merely a technical model focused on material efficiency, but a civilizational project that demands a transformation of the very foundations of development, production, and resource distribution. In this process, ESCER takes on crucial importance: it serves as a benchmark for democratic and ethical legitimacy and a legal safeguard against unjust extractive practices, while simultaneously acting as an enabling platform for public policies that promote green jobs, environmental protection, and social cohesion.

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