



## **Final Programme of CONNOR 2030 Workshop – Constitutionalism in the Nordics:**

### **Climate Change and Constitutional Law**

#### **Joint workshop series by the Universities of Copenhagen, Helsinki, and Lund**

Nordic constitutions generally do not entrench justiciable environmental rights for individuals or rights of the environment. Traditionally, the judiciary has been cautious not to engage in political matters, and instead has left the balancing of societal interests to democratically legitimated politicians. The courts of Denmark, Finland, and Sweden have been hesitant to conduct constitutional review, and none of the countries features a constitutional court. Owing to the impact of EU law and the ECHR since the 1990s, the Nordic courts have become more open to assessing the constitutionality of legislation. This raises questions on the contemporary relation between constitutional law and measures to counter climate change and climate emergencies.

In Swedish law, the 1974 Instrument of Government (the central fundamental law) states that '[t]he public institutions shall promote sustainable development leading to a good environment for present and future generations'. This provision is phrased as a societal goal, which primarily is directed towards the legislator and the Government, and not as an individual right that can be enforced in courts. Since 2017, the Climate Act, an ordinary Act of Law, lays down the framework for the Government's climate policy work. The 1999 Finnish Constitution also treats environmental protection as more of an aspiration, rather than a justiciable right. The Finnish Constitution provides that everyone, not just the authorities, is responsible for the protection of nature, and its biodiversity. It also emphasises the right of the public to participate in decisions that concern the living environment of the people. But again, there are no further constraints or rules, other than that the government should 'endeavour' to guarantee a right to a healthy environment to everyone. Similar to Swedish law, an Act on Climate Change (2015) provides binding rules on how to fight climate change. In Denmark, finally, the 1953 Constitution, owing to its old age, does not even touch the subject of environmental protection. As in Sweden and Finland, a Climate Act (2020) establishes principles aiming at reducing emissions.

Courts in all three countries have had to consider arguments relating to the mentioned constitutional and legislative provisions, although there have not yet been any major cases such as the Dutch Supreme Court 'Urgenda judgement' of 2019 or the Norwegian Supreme Court 'Climate judgement' of 2020. This workshop focuses on the constitutional tools and interpretive principles that courts employ to resolve novel legal issues presented by climate litigation, given the different constitutional settings and traditions of Denmark, Finland, and Sweden as compared to other jurisdictions. The workshop will try to disentangle the nuances of constitutional adjudication about climate change, environmental protection, and climate emergencies in the Nordic setting. Since the protection of the environment and climate change

are inherently international topics, perspectives from public international law, EU law, and comparative legal studies will also be represented. The participants will also be offered an opportunity to publish their papers in the [Nordic Journal of European Law](#).

### **Members of the CONNOR 2030 Workshop Organizing Committee in Lund**

Xavier Groussot, Lund University

Henrik Wenander, Lund University

Anna Zemskova, Lund University

### **Programme**

**Thursday, 1<sup>st</sup> September 2022**

**Lecture Room Telaris, I floor, Juridicum**

**Lilla Gråbrödersgatan 4, 222 22, Lund**

12:30 – 13:00 Registration

13:00 – 13:20 *Opening Speech*

**Xavier Groussot, Lund University**

**Henrik Wenander, Lund University**

13:20 – 13:50 *Keynote Speech*

**Sanja Bogojevic, Lady Margaret Hall, Oxford/Lund University**

*Polycentric Conflicts of Climate Action*

13:50 – 15:20 *Panel I “Protection of Nature and Biodiversity in the Context of Climate Change”*

*Chair Johannes Somsen, Lund University*

**Veera Koponen, University of Helsinki**

*Non-human Animals, Biodiversity and European Constitutions*

**Johan Hermansson, Lund University**

*Constitutional Rights of Nature in Practice – Court Decisions regarding the Rights of Nature in the Ecuadorian Constitution of 2008*

**Iris Pitkänen, University of Helsinki**

*Rights of Nature in Environmental Protection: Critical Reflections*

**Aysegül Sirakaya, Lund University**

*Benefit-sharing Post-2020: What does the Global Biodiversity Framework Promise regarding Reciprocity for Biodiversity Conservation and Actors of Conservation?*

15:20 – 15:50 Coffee Break

15:50 – 17:20 *Panel II “The Interplay between Legislation, Implementation and Adjudication”*

*Chair Christina Olsen Lundh, University of Gothenburg, and District Court of Vänersborg, the Land and Environment Court*

**Snjólaug Árnadóttir, Reykjavik University**

*The Need for an Environmental Provision in the Icelandic Constitution?*

**Sune Klinge, University of Copenhagen**

*The Danish Courts as Protectors of the Environment and Climate – a Call for a Constitutional Reform*

**Britta Sjöstedt and Daria Davitti, Lund University**

*Implementing the European Green Deal through the EU Taxonomy Regulation*

**Tuomas Ojanen, University of Helsinki**

*Section 20 of the Finnish Constitution on Responsibility for the Environment: from a Declaration of Policy to Enforceable Rights and Obligations*

18:00 – 21:00 Dinner<sup>1</sup> at Gamla Biskopshuset, Biskopsgatan 1, 223 62, Lund

**Friday, 2<sup>nd</sup> September 2022**

**Gamla Biskopshuset**

**Biskopsgatan 1, 223 62, Lund**

9:00 – 10:30 *Panel III “Human Rights and Climate Change”*  
*Chair Matthew Scott, Raoul Wallenberg Institute*

**Milka Sormunen, University of Helsinki**

*Climate Crisis and the Need to Redefine Vulnerability and Effective Remedies*

**Eveliina Ignatius, University of Helsinki**

*The Rights of People with Disabilities in Relation to Climate Change, Considering in Particular the State’s Duties to Guarantee the Right to a Healthy Environment and, for Example, Access to Information Regarding Climate Change as a Part of the Possibility to Influence the Decision Making*

**Joanna Cornelius, Lund University**

*Public Participation in International Environmental Negotiations and Governance: Procedures, Mechanisms and Cross-Pollination illustrated through the examples of the Aarhus Convention and the Escazú Agreement*

**Linnéa Nordlander, University of Copenhagen**

*Determining Emissions Reduction Pathways: Making States’ Climate Change Mitigation Obligations under Human Rights Law Concrete*

10:30 – 11:00 Coffee Break

11:00 – 12:30 *Panel IV “Current and Future Challenges of Climate Change”*

*Chair Helle Krunke, University of Copenhagen*

**Konrad Lachmayer, Sigmund Freud University**

*Social Contract Theory in Times of Climate Change*

**Ester Herlin Karnell, University of Gothenburg**

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<sup>1</sup> Please note that this is an event for the speakers and organizers of the workshop.

*On Climate Ethics and Sustainability: Some Constitutional Reflections on the Importance Judicial Review*

**Miriam Cullen, University of Copenhagen**

*Evolving Constitutional Relationships in the Self-Governing Territories of States: Denmark, Greenland and Future Climate-Related Legal Challenges*

**Christina D. Tvarnø, Copenhagen Business School**

*The Development of the EU Climate Law - in an UN and Danish Perspective*

12:30 – 12:50 *Keynote Speech*

**Joelle Grogan, King's College London**

*Climate Crisis and Environmental Emergencies: How can Legal and Constitutional Design Support Effective Action?*

12:50 – 13:00 *Closing Remarks*