



III Interdisciplinary Seminar on Climate, Energy and Sustainability

Friday, 12th February 2021 09:30 – 13:00

PROGRAMME

Time	Programme
From 09:20	Zoom room opens
09:30 – 09:45	<p><u>Welcome and Introduction to the III Interdisciplinary Seminar on Climate, Energy and Sustainability</u></p> <p><i>Associate Prof. Beatriz Martinez Romera</i>, Centre for International Law, Conflict and Governance (CILG), Faculty of Law, University of Copenhagen (UCPH)</p>
09:45 – 10:45	<p><u>Session 1</u></p> <p><u>Chair: PhD. Alessandro Monti</u>, Visiting PhD Researcher, UCPH, Faculty of Law, Vice President, Energy Crossroads Denmark</p> <p>1. <i>Stella Ebbesmeyer</i>, Faculty of Law, UCPH <i>Protecting the Environment through International Criminal Law: A Legal Analysis of Available Options</i></p> <p>2. <i>Lukas Schiele</i>, UCPH, M.Sc. Climate Change <i>The recent expansion of renewable energy and its efficiency in displacing fossil energy sources: A comparative analysis between Danish and Austrian displacement factors.</i></p> <p>3. <i>Gry Lykke Schmidt</i>, Faculty of Law, UCPH <i>Application of the Paris Agreement in Domestic Climate Change Litigation</i></p>
10:45 – 11:00	<i>Coffee Break</i>

Time	Programme
11:00 – 12:00	<p data-bbox="475 237 603 271"><u>Session 2</u></p> <p data-bbox="475 309 1433 342"><u>Chair:</u> <i>PhD. Linnéa Norlander</i>, PhD Researcher, UCPH, Faculty of Law</p> <ol style="list-style-type: none"> <li data-bbox="475 383 1281 461">1. <i>PhD. Annemette Fallentin Nyborg</i>, Faculty of Law, UCPH <i>The Danish Green Constitution</i> <li data-bbox="475 506 1254 584">2. <i>Gaia Hasse</i>, Faculty of Law, UCPH <i>Institutionalizing Biopiracy: The Brazilian Biodiversity Law</i> <li data-bbox="475 618 1394 696">3. <i>Ricardo Bowen and Ellie Taylor</i>, Political Science, UCPH <i>Perceived Consumer Effectiveness and Willingness to Pay for Clothing</i>
12:00 – 12:15	<p data-bbox="475 763 770 797"><u>Concluding Remarks</u></p> <p data-bbox="475 835 1334 947"><i>Associate Prof. Emmanuel Raju</i>, Copenhagen Center for Disaster Research (COPE), Department of Public Health, University of Copenhagen</p> <p data-bbox="475 981 1414 1093"><i>Associate Prof. Beatriz Martinez Romera</i>, Centre for International Law, Conflict and Governance (CILG), Faculty of Law, University of Copenhagen</p>
12:15 – 12:45	<p data-bbox="475 1133 823 1167"><i>Virtual Networking led by:</i></p> <p data-bbox="475 1205 1378 1272"><i>PhD. Alessandro Monti</i>, Visiting PhD Researcher, UCPH, Faculty of Law, Vice President, Energy Crossroads Denmark</p> <p data-bbox="475 1312 1023 1346"><i>Anna Beatriz Kruse</i>, Casus Clima, UCPH</p>

ABSTRACTS:

Stella Ebbersmeyer, Faculty of Law, UCPH

Protecting the Environment through International Criminal Law: A Legal Analysis of Available Options

This thesis provides a comprehensive and systematic account of the different ways in which International Criminal Law (ICL) can protect the environment. To do so, the existing legal framework is examined, resulting in the finding that the current legal framework is not sufficient enough to protect the environment. The thesis has sorted the different possibilities of protecting the environment through ICL into an ‘anthropocentric’ (human focused) and ‘ecocentric’ (environment focused) approach. It finds that the anthropocentric approach, on the one hand, namely protecting the environment under the already existing provisions of the Rome Statute does not offer sufficient environmental protection. The ecocentric approach, on the other hand, stands better chances in this regard, especially in the context of a possible crime of ecocide and its inclusion into the Rome Statute. This thesis delves into the potential of the crime of ecocide and explores two case studies. These two cases, namely that of Brazil and the destruction of the Amazon rain forest and that of Argentina and the destruction of the wetlands (*humedales*), are analyzed in order to illustrate how a crime of ecocide would work in practice.

Lukas Schiele, M.Sc., UCPH, Climate Change

The recent expansion of renewable energy and its efficiency in displacing fossil energy sources: A comparative analysis between Danish and Austrian displacement factors.

In the light of a changing climate which is expected to have detrimental consequences on humans and other living creatures, efforts have been undertaken in many countries to curtail the emission of greenhouse gases (GHG) through the increased usage of renewable energy sources. However, several literature sources have shown that focussing solely on the expansion of the renewable energy usage does often not yield the desired results, namely a decrease in the consumption of fossil fuels and ultimately a decrease in GHGs. The share of the increased production of a renewable source, which displaces other sources (or only fossil fuels) is referred to as displacement efficiency and it was the aim of this study to shed light on the nature of this factor in the electricity, district heating and overall heating system of Denmark and Austria between 1998 and 2018. This decision was made, because the data on renewable energy penetration in the two countries suggests that the displacement efficiency is way higher in Denmark and Austria than the average of York’s (2012) global study. The displacement factors for several different renewable energy sources in the 3 systems and the 2 countries were calculated first and after that a literature research was conducted in order to explain the nature of the results. The results differ between countries, systems and energy sources but are in general quite high and are far above the results of the global study by York (2012). The literature research has shown that these results are a consequence of the broad approach that the two countries have followed. Both countries have to varying degrees supported the production of renewably produced energy, impeded the fossil fuel production and aimed for an integration of fluctuating renewable sources.

Gry Lykke Schmidt, Faculty of Law, UCPH
Application of the Paris Agreement in Domestic Climate Change Litigation

The thesis examines how the Paris Agreement can be applied in domestic climate change litigation by studying three domestic cases: The *Vienna Airport Expansion (2017)* case, the *Heathrow Airport Expansion (2020)* case and *Gloucester Resources Ltd. v. Minister for Planning (2019)* (Australian coal mine case). The cases constitute judgments from three different domestic legal systems (Austria, UK and Australia) on industrial projects with adverse climate change impacts where the Paris Agreement was somehow invoked as a legal instrument. The thesis explores the relationship between international law and domestic law and the content and binding nature of the Paris Agreement before analysing how the Paris Agreement was applied in the three cases. The case studies show that the Paris Agreement can be applied indirectly in domestic climate change litigation through an interpretation of domestic law. However, the possibility of this application is dependent on 1) the domestic law being interpreted, 2) the domestic approach to international law and 3) the amount of political support of the Paris Agreement amongst the legislators in the domestic system. The Paris Agreement is more likely to be applicable as a guideline for interpretation in cases where the domestic law addresses climate change issues and the domestic legislators show political support of the agreement.

Annemette Fallentin Nyborg, Faculty of Law, UCPH
The Danish Green Constitution

149 of the 193 UN member states have green rights written into their constitutions, making it a mainstream part of modern constitutional law. The Danish Constitution is not among these “green constitutions” despite Denmark’s position as a frontrunner on climate, sustainability, and energy. This is a legal shortage in the eyes of some politicians, activists and NGO’s. The project “The Green Constitution” is first and foremost a citizen’s movement with organizations and individuals advocating for a constitutional amendment, adding a “green right” to the Danish Constitution. As a part of this endeavour a handful of researchers from the Faculty of Law at the University of Copenhagen were asked to bring forward a draft amendment. Annemette took on this task together with three colleagues. They considered this task to be a meaningful and interesting opportunity to reflect on the role of the constitution and constitutional rights in Denmark and abroad, as well as to do legal research more proactively. While the project is a work in progress Annemette will stocktake and address the legal grounds for why and how we should work towards a green constitutional right in Denmark – in light of the recent legal development at the Norwegian Supreme Court in the case *Greenpeace Nordic and Young Friends of the Earth v. Ministry of Petroleum and Energy*.

Gaia Hasse, Faculty of Law, UCPH
Institutionalizing Biopiracy: The Brazilian Biodiversity Law

The debates on sustainable development have raised in the past decades one of the key points of sustainability: the substantial value of traditional knowledge in developing a mutually enhancing human-Earth relationship. Nevertheless, although this encompasses a global discussion aiming at establishing rules and boundaries to the access and exploitation of natural resources, traditional knowledge is not easily defined nor protected by the current international legal frameworks. This complexity creates a normative gap regarding the protection of cultural expressions and knowledge of indigenous and traditional peoples. In Brazil, the most megabiodiverse country in the world, law 13123/2015 set the current legal framework related to the matter, assorting about genetic resources, the protection and access of traditional knowledge and benefit sharing for the conservation and sustainable use of biodiversity, thus regulating the Convention on Biological Diversity and the Nagoya Protocol. However, its dispositions are contradictory and there is a lack of protection of Brazilian sociobiodiversity. From the analysis of the benefit-sharing rules in the Brazilian Biodiversity law, this research project identifies that the legal system allows the appropriation of Traditional Knowledge without fair and equitable sharing of the benefits derived from its exploitation with the Traditional Communities, violating various international norms. This research work aspires to explain the formulation of the current legal framework, disputing the role that the dominant epistemology plays in the determination of legal concepts and, accordingly, in the creation of norms.

Ricardo Bowen and Ellie Taylor, Political Science, UCPH
Perceived Consumer Effectiveness and Willingness to Pay for Clothing

Despite the hugely damaging environmental impact of the textile industry, it represents a major gap in the literature on sustainable consumer decisions, often overlooked in favour of such industries as food or transport (Alberini et al, 2017). This paper will examine the factors that influence consumer's pro-environmental purchasing decisions when it comes to clothing, with particular focus on the role played by perceived consumer effectiveness (PCE) – the degree to which consumers feel they as individuals can impact the environment. We explore the potential of utilising this variable to encourage pro-environmental consumer behaviours, testing the relationship between PCE and pro-environmental behaviours in a study of social sciences students at København Universitet. Our findings indicate that students who believe their environmental impact is minimal are less willing to pay to offset the carbon costs of clothing consumption.