

# ENVIRONMENTAL NGOS' CLIMATE COURT CASES AND HUMAN RIGHTS IN NORTHERN COUNTRIES

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A satellite view of Earth from space, showing a large, swirling cyclone over the Pacific Ocean. The Americas are visible in the center, with the United States and Mexico in shades of green and brown. The ocean is a deep blue, and the atmosphere is a lighter blue. The text "THEORETICAL QUESTIONS OF CLIMATE CASE LAW" is overlaid in white, bold, sans-serif font in the lower-middle part of the image.

**THEORETICAL QUESTIONS OF  
CLIMATE CASE LAW**



# Theoretical questions

- In 2023, it was written that there had been already 2180 cases of climate litigation in 65 different national and international courts.
- From these cases, many theoretical questions are arising:
  - Antroposentric approach of climate litigation
  - Separation of powers: it has been discussed in Northern countries that climate litigation is a problem for democracy



# CLIMATE OBJECTIVES IN NORTHERN COUNTRIES





# Climate goals

- Denmark: 70% less greenhouse gases when compared to 1990. (*Bekendtgørelse af lov om klima*)
- Finland: 60% less greenhouse gases until 2030 and 80% less until 2040. (*Ilmastolaki*)
- Norway: 40% less greenhouse gases until 2030. Norway intends to become free of coal until 2050. (*Lov om klimamål*)
- Sweden: 45% less greenhouse gases and free of net emissions until 2045 (national climate policy) and goal of being free of emissions (legislation).
- Iceland: 40% less greenhouse gases until 2030 and free of goal until 2040. (national climate plan)



**NORTHERN  
CLIMATE  
ACTIVISTS AND  
CASE LAW**

# Human rights questions

- In literature, it is said that human rights questions are discussed more in Global South. Despite that, there are still human rights issues in Northern countries' climate case law.
  - Rights of children and future generations: KHO 2023:62, Aurora and Magnolia, Norway's oil and gas drilling cases
    - Can adolescents take care of children's rights?
  - Right to environment
    - In Northern case law, it is shown that this is an important human right and the attitudes have been fine, except in Norway (the question of exporting oil)
  - Rights of indigenous peoples
    - Environmental NGOs have not started a case related to exactly the rights of indigenous peoples, but in a Swedish case of *Sáminuorra* environmental NGO assisted the Swedish group of young Sami people.

# Corporate responsibility

- Human rights questions cannot be taken into consideration so much in cases where climate litigation is taken against corporations.
  - Marketing: Vestre Landsret decided against Danish Crown A/S in a case (2024) where the company had described its pork as "environmentally friendly".
  - Private actors' climate obligations: In Finland, the Climate Act does not obligate companies into climate work. This caused problems in a case KHO 2024:16, which was about wood as a raw material and its climate impacts.



# Northern questions

- The most important issue in Norwegian climate court cases is oil.
  - In January of 2024, environmental NGOs won in the local court of Oslo, which decided that the Ministry of Oil and Energy of Norway had acted illegally while allowing drilling of oil and gas in Barents sea so that fossil fuels can be sold also after the year of 2035.
  - Currently, there is one Norwegian case about oil drilling in ECHR. It is estimated that this case *Greenpeace Nordic et al. v. Norway* will become an effective prejudicate.
- There are also some themes in Northern countries' climate court cases that are related to indigenous peoples' rights, but there has not been a case yet that would have been started by an environmental NGO and would have related to precisely this theme.

# Practical questions

- Debate
  - Climate litigation has caused debate in Northern countries. (Finland and Swedish Aurora case)
- Payment
  - Iceland creates an exception in Northern context: there has been no climate court cases started by an environmental NGO in Iceland.
  - Reason can be found in court fees: in 2018, the Supreme Court of Iceland named *Landsréttur* made an environmental NGO pay public officials' court fees. This has made monetary problems for Icelandic environmental NGOs. Iceland became a member of Aarhus Convention in 2011. It needs to make better access to court for Icelandic environmental NGOs.
  - Environmental NGOs can make the question of payment less hard: in many of the Nordic cases, there have been two or more NGOs cooperating.



# CONCLUSIONS

A glowing lightbulb with a black cord, symbolizing an idea or conclusion. The lightbulb is positioned on the right side of the slide, and its glow illuminates the surrounding area. The cord extends from the bottom of the lightbulb towards the bottom right corner of the slide.

- Climate litigation has become a strong part of Northern countries' environmental NGOs' work.
- With climate litigation, environmental NGOs are able to work for human rights, environment and questions that are either global or local.
- All these aspects can be seen from Northern case law related to climate litigation.