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Bern, May 2022

## Call for Contributions / Expression of Interest

SVIR-SSDI / ILA - Swiss Branch

Workshop & Foundation of the Expert Group "Law & Sustainable Development

23 September 2022, 9:15-12:15; followed by standing lunch

Venue: Centre for Development and Environment CDE, University of Bern, 220

### ***Sustainable Development in law***

The sustainability debate has triggered a social learning process that directs the attention of politics and law to the future viability of society and the economy. The concept of sustainability was used early on in forestry to ensure the long-term preservation of forest resources. Inspired by this and the Brundtland Report, the concept of sustainable development has become established at the international level, linking the safeguarding of human needs and the need to respect environmental limits ("concept of needs & idea of limitations"). Since the 1990s, the concept of sustainable development has been further developed at various United Nations conferences. Finally, the sustainability debate gained momentum with the adoption of the Sustainable Development Goals (SDGs) by the UN General Assembly in 2015.

The legal contours of sustainable development have become increasingly visible over the years. Central documents are the Rio Declaration of 1992, which assigns 27 legal principles to sustainable development, and the New Delhi Declaration of the International Law Association of 2002, which identifies seven legal principles central to sustainable development (whereby the 'principle of integrating different dimensions' is of particular importance). The terms "sustainable development" and "sustainability" have also found their way into numerous international treaties, such as the Paris Climate Agreement of 2015, the WTO Agreement of 1995 or the UN Convention to Combat

Desertification of 1994. International case law also refers to sustainable development in the interpretation of open legal provisions.

Parallel to this, the concept has also found its way into national legal systems. At the Swiss level, for example, the concept of sustainability is anchored in several places in the Federal Constitution of 18 April 1999. The preamble speaks of "responsibility towards creation" and "responsibility towards future generations". According to the purpose article (Art. 2 BV), "sustainable development" (para. 2) is to be promoted and the "lasting preservation of the natural foundations of life" (para. 4) is to be striven for. The term "sustainability" is explicitly mentioned in the heading of Art. 73 of the Federal Constitution, which introduces the section "Environment and Spatial Planning". Whereas in Art. 2 para. 2 BV the development aspect is brought to the fore, Art. 73 BV focuses on the ecological aspect. In this context, the relationship with the precautionary principle in the subsequent Article 74 para. 2 of the Federal Constitution, which mandates the Confederation to protect human beings and the environment from harmful or troublesome effects, becomes clear. The concept of sustainability can also be seen in the demand for a balanced national budget (Art. 126 BV).

Legal doctrine has not yet dealt with the concept of sustainable development in great depth. For some, it is a relatively undefined (legal) concept, which contributes to the fact that despite international debate and a clear constitutional mandate, sustainable development is hardly or not at all taken into account in many areas of law and there is also (almost) no specific sustainability legislation. Others understand sustainable development as a legal principle with concrete contours - or even a multidimensional methodological norm - anchored in international and constitutional law that aims to make law-making procedures coherent and oriented towards sustainability goals. Here, the focus is on procedural instruments such as sustainability impact assessments of policies, evidence-based decision-making or the representation of future generations in law making.

The aim of the workshop is to initiate an exchange between legal scholars based in Switzerland and other interested parties on the concept and legal principle of sustainable development. How is it dealt with in teaching and research, where is there a need for legal action and which levels of governance are addressed? The consistent implementation of the idea of sustainability requires international cooperation, while international standards in turn limit the national scope for regulation. This gives rise to a multitude of questions.

Possible topics for workshop contributions include the legal definition of sustainable development; its legal anchoring in law, especially the aspect of intergenerational justice; coherent decision-making procedures with regard to sustainability goals; the analysis of sustainability chapters in trade and investment protection agreements; the role of democratic participation in promoting sustainability, also with regard to populist developments; the tension between market, capital and sustainability; or the importance of inter- and transdisciplinary research for the further development of law, among others.

The contributions consist of a short written text and a presentation at the workshop. Interested parties who only want to actively participate in the discussion can also register. Depending on the participants, the workshop will be held in German, French and English, or in English only.

### **Timetable & Programme**

2 September 2022	Submitting the contributions to the discussion
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23. September 2022	<b>Workshop "Sustainable Development in Law?"</b>
09:15-11:30	Thematic discussion "Sustainable development in law" (with coffee break)
11:30-12:15	Establishment of the SVIR-SSDI / ILA - Swiss Branch Group "Law & Sustainable Development" and discussion as well as decision on further steps; organisation of the first meeting of the SVIR-SSDI / ILA - Swiss Branch Group "Law & Sustainable Development"
12:15-13:00	Standing lunch

### **Submission of contribution proposals**

Scholars from the legal sciences and related sciences are invited to submit contributions to the discussion in German, French or English. Proposals for contributions in the form of a short description of the topic (max. 1 page) can be submitted to Dr. Elisabeth Bürgi Bonanomi ([elisabeth.buergi@unibe.ch](mailto:elisabeth.buergi@unibe.ch)) and Dr. Charlotte Sieber-Gasser ([charlotte.sieber-gasser@graduateinstitute.ch](mailto:charlotte.sieber-gasser@graduateinstitute.ch)) until 2 September 2022.

### **Registration & Participation**

Applications can be submitted to Maha Meier ([maha.meier@unil.ch](mailto:maha.meier@unil.ch)) until 2 September 2022.

All legal scholars and experts from related sciences, doctoral candidates and students who are interested in the role of law in sustainable development and in participating in the future SVIR-SSDI / ILA - Swiss Branch Group "Law & Sustainable Development" are expressly invited to apply.