

Ius Commune Conference 2024

Workshop: Climate Change Litigation: International Legal Perspectives

Friday, 29 November (14.00 – 18.00)

Room

Participants



Climate change litigation is a growing phenomenon, leveraging judicial power to compel action to mitigate climate change or address its impacts. It is rapidly gaining in importance as a legal tool to induce action against the causes and effects of climate change. Climate change lawsuits can be filed against governments, corporations or other entities to enforce environmental legislation, hold polluters accountable or protect the human rights of those affected by climate change. Climate change litigation is unfolding nationally and internationally, and includes both contentious cases and advisory opinions. Well known examples, such as *Urgenda Foundation v. State of the Netherlands*, *Mileudefensie v. Royal Dutch Shell*, *VZW Klimaatzaak v. Kingdom of Belgium & Others* and most recently *KlimaSeniorinnen Schweiz v. Switzerland* and the *ITLOS Advisory Opinion on Climate Change*, show that these cases not only seek to enforce existing climate laws and policies but also drive the development of new legal principles to address the global climate crisis.

As climate impacts become more pronounced and public and private action continues to lag behind, climate change litigation is likely to increase, and become a key instrument to spur further action to address this "existential threat" (ITLOS Advisory Opinion on Climate Change). This workshop seeks to explore this emerging area of legal action from the perspective of international law. It first looks at the complex interaction between different legal regimes in climate change litigation. It then turns to examine procedural issues that arise in climate change litigation.

The workshop is offered by the Ius Commune research programme [Constitutional Processes in the Global Legal Order](#), organized by Denise Prévost (Maastricht University), Machiko Kanetake (Utrecht University), and Jan Wouters (KU Leuven).

14.00 – 14.10 **Prof. Jan Wouters** (KU Leuven)
Introductory remarks

14.10 – 15.10 **Panel I: Regime interaction in climate change litigation**

Chair: Dr. Iveta Alexovicová (Maastricht University)

Lan Ngoc Nguyen (Utrecht University)

The ITLOS advisory opinion on climate change: the first piece of the puzzle

Liam Siry (Maastricht University)

The Climate in Strasbourg: the ECtHR judgments and their impact on global climate law

Beichen Ding (World Trade Institute, University of Bern)

Extraterritorial climate change obligations and their implications for unilateral climate-related trade measures

Dan Ziebarth (Wageningen University)

Climate-induced migration, the environmental migrant, and the concept of parallel challenges

15.10 – 15.40 **Discussion**

15.40 – 16.10 **Coffee break**

16.10 – 17.25 **Panel II: Procedural challenges in climate change litigation**

Chair: Dr. Julie Fraser (Utrecht University)

Lianne Baars (Leiden University)

Rethinking the procedural phase of rights-based climate change litigation

Prof. Elisa Fornalé (World Trade Institute, University of Bern) and **Dr. Federica**

Cristani (Centre for International Law, Institute of International Relations, Prague)

Climate litigation on the rise: (Re)building a (new) role for actors? A first reflection from the civil society engagement exercise

Kaia Turowski (Grantham Research Institute, London School of Economics) and

Dr. Clemens Kaupa (Free University Amsterdam)

Integrating Scope 3 Emissions into climate litigation: Evolution, challenges, and judicial responses

Dr. María Carlota Ucín (Erasmus University Rotterdam)

The winner takes it all? Public interest, participation and indigenous rights in environmental conflicts

Anna Lumerding (University of Vienna)

Unlawful legislative inaction in climate litigation

17.25 – 17.55 **Discussion**

17.55 – 18.00 **Dr. Machiko Kanetake** (Utrecht University)

Concluding remarks