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## INTERNATIONAL CLIMATE CHANGE LITIGATION UNDER HUMAN RIGHTS OBLIGATIONS

DIMMC Project

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### Introduction

Considering that global warming generates the radicalization of climate events, increases the sea's level rise, and causes ecosystem changes, many expressly listed Human Rights find themselves threatened by the consequences of the climate crisis. Through judicialization, claimants protest Human Rights violations related to the climate crisis against States or corporations that do not fulfill their climate commitments. This scientific contribution seeks to answer the following question: At the international level, in what ways does climate change litigation provide the means to remedy possible human rights violations arising from climate change?

### Objective

The main objective is to understand the relationship between International Climate Change Litigation and international Human Rights obligations, while the specific goals comprise: a) Analyze and collect data about Climate Change Litigation cases, comparing its emergence and nowadays; and b) Outline the leading cases on International Climate Change Litigation, in what bases they were reasoned, and the decisions made by the International Courts on it.

### Methodology

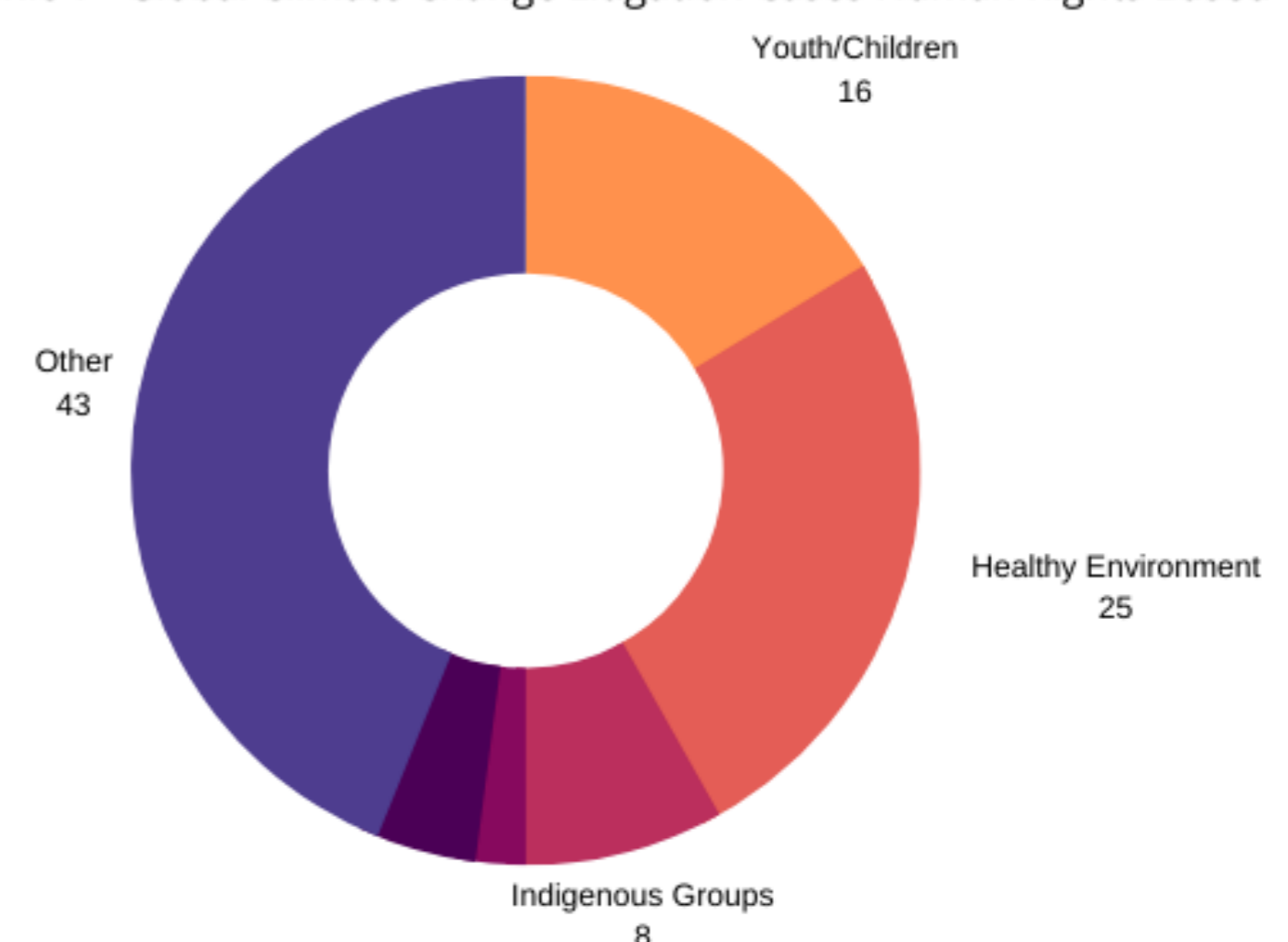
On methodology issues, the hypothetical-deductive method was the study's choice. To respond to the research's problem, two hypotheses have been raised: (I) Climate change litigation at the international level provides means to remedy the possible violations of Human Rights arising from climate change in an insignificant or non-existent way because: a) the recent emergence of such demands; and b) the difficulty in linking state human rights obligations to international climate commitments; or (II) Climate change litigation at the international level provides the means to remedy possible international human rights violations resulting from climate change in a progressive way, despite the recent emergence of demands, given the claim of state obligations in human rights to support the necessary compliance with climate commitments, as well as the consolidation of the recognition of the link between them by the International Courts and Tribunals. The research's technique was exploratory and bibliographic, emphasizing international documents, specialized books, and data collection in national and international organizations' databases.

### Results

The study is divided into two phases of analysis. The first one is responsible for researching and selecting climate litigation cases on Human Rights issues focused on a quantitative perspective of the general to a specific scenario. At a second moment, with the delimitation of the research's object, the exceptional cases are analyzed from a qualitative perspective to fulfill the study's objectives.

As a source for this study was utilized a repository of climate change litigation, curated by the Sabin Centre for Climate Change Law at Columbia Law School. This database divides the climate change litigation cases between "U.S Climate Change Litigation" and "Global Climate Litigation." Considering the arrangement of information on the platform, the study only works with the second classification at the first moment. Therefore, in the Global Climate Litigation (except in the U.S.), 597 cases are claimed against state actors and 121 against non-state actors. Of the claims against state actors, 105 are based on Human Rights. There is no specification about these, which are claimed against non-state actors, requiring a qualitative data analysis of each case. It is relevant to clarify that Human rights classification only expressively appears on the platform for Global Climate Litigation against state actors, and it covers legal claims even finished. Among the 105 cases based on Human Rights, 16 address the rights of youth/children, 25 the right to a healthy environment, two rights of women, eight rights of indigenous groups, four about migration resulting from climate change, and 43 for "other".

Graphic 1 - Global Climate Change Litigation Cases Human Rights Based\*



\*Except cases from U.S.

Source: elaborated by the author from the data on Climate Change Litigation Databases curated by Sabin Centre for Climate Change Law.

### Conclusion

Concerning the results, although the recent emergence of climate change cases based on Human Rights obligations, it is possible that, although the first decade could confirm the first hypothesis, the Climate Change Litigation scenario tends to confirm the second one.

### References

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