

# Climate Change Litigation – a global snapshot



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CCBC - Auckland  
10 October 2017



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# An introduction to ClientEarth

- ClientEarth is a non-profit environmental law organisation
- We use law, science and policy to tackle key environmental challenges
- We work on climate change, energy, environmental justice, biodiversity, forests and health and environment

# Law as a tool for positive social change

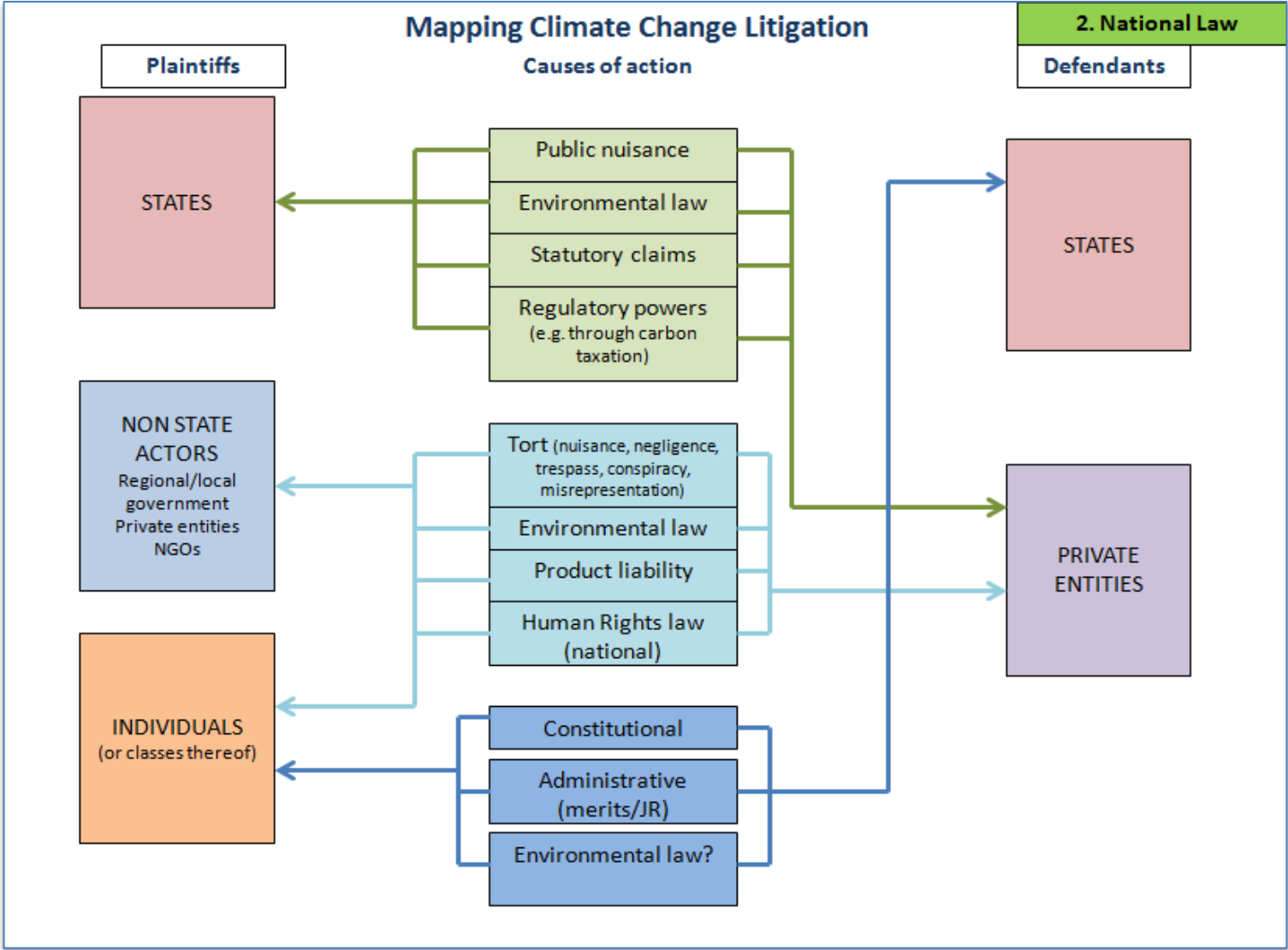
- We work on laws from conception to implementation and enforce them when governments fail to do so
- We help create the legal frameworks needed to make people and natural systems more resilient
- Our interdisciplinary teams include lawyers, scientists and research and policy experts

# Climate change as a legal problem

- cumulative emissions since the industrial revolution
- multiple emitters
- scientific uncertainty
- trans-boundary and diffuse impacts
- impacts are deferred and their onset slow
- future adverse impacts projected to be significant
- economic impact of burning less fossil fuels and
- social-political factors

# What is climate litigation?

Investors Regulators  
'Carbon **Laws** Property owners  
majors' Pension members Companies  
Company law Land law Environmental law  
Competition law **Defendants**  
States Shareholders  
**Claimants** Citizens  
contract Municipalities Nuisance  
Insurers Professional etc...  
Negligence



# What is climate litigation ?

What do you want it to mean?

ClientEarth Strategic Litigation projects:

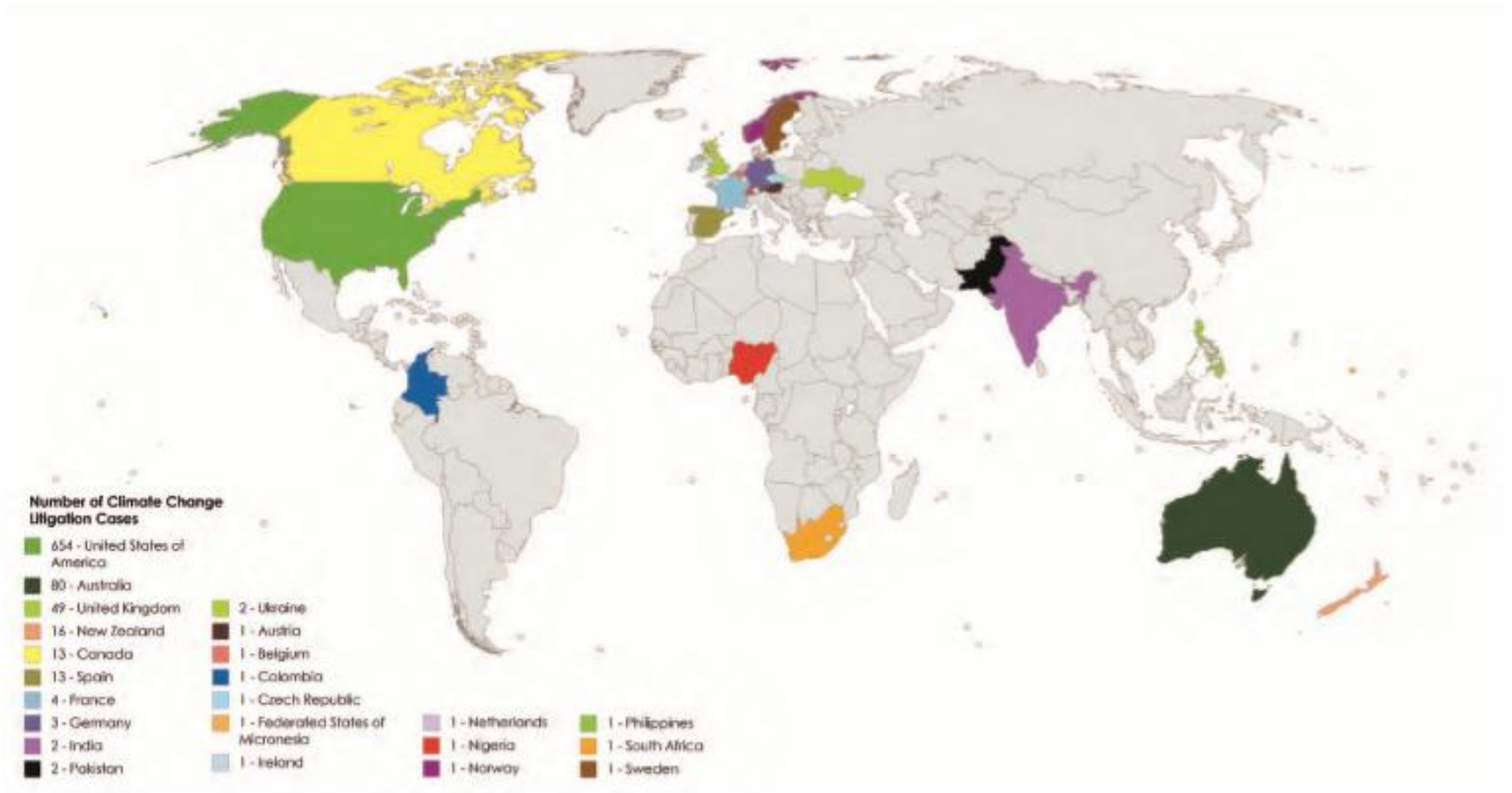
- Clean Air
- EU Energy & Coal
- Company & Financial
- Climate Accountability



# 2015 - a watershed year for climate change

Some key developments:

- *Urgenda Foundation v the State of the Netherlands* (June 2015)
- Bank of England PRA report on the impact of climate change on the insurance sector (September 2015)
- Paris Agreement (December 2015)
- Improvements in climate attribution science



# Urgenda – findings of the District Court in the Hague

*“Due to the severity of the consequences of climate change and the great risk of hazardous climate change occurring – without mitigating measures – the court concludes that the State has a duty of care to take mitigation measures. The circumstances that the Dutch contribution to the present global greenhouse gas emissions is currently small does not affect this”: at [4.83].*

# Urgenda – Order of the court

- The Dutch state must limit the State's annual greenhouse gas emissions to 25% below 1990 levels by 2020.
- The Government has lodged an appeal that is still to be heard.

# Climate Litigation – a global snapshot

## *Claims against governments*

- Urgenda Foundation v the State of the Netherlands
- Asghar Leghari v the Federation of Pakistan
- Greenpeace Nordic v the Government of Norway
- Other jurisdictions– Switzerland, South Africa (Earthlife), New Zealand, US (Our Children’s Trust), Belgium, Pakistan

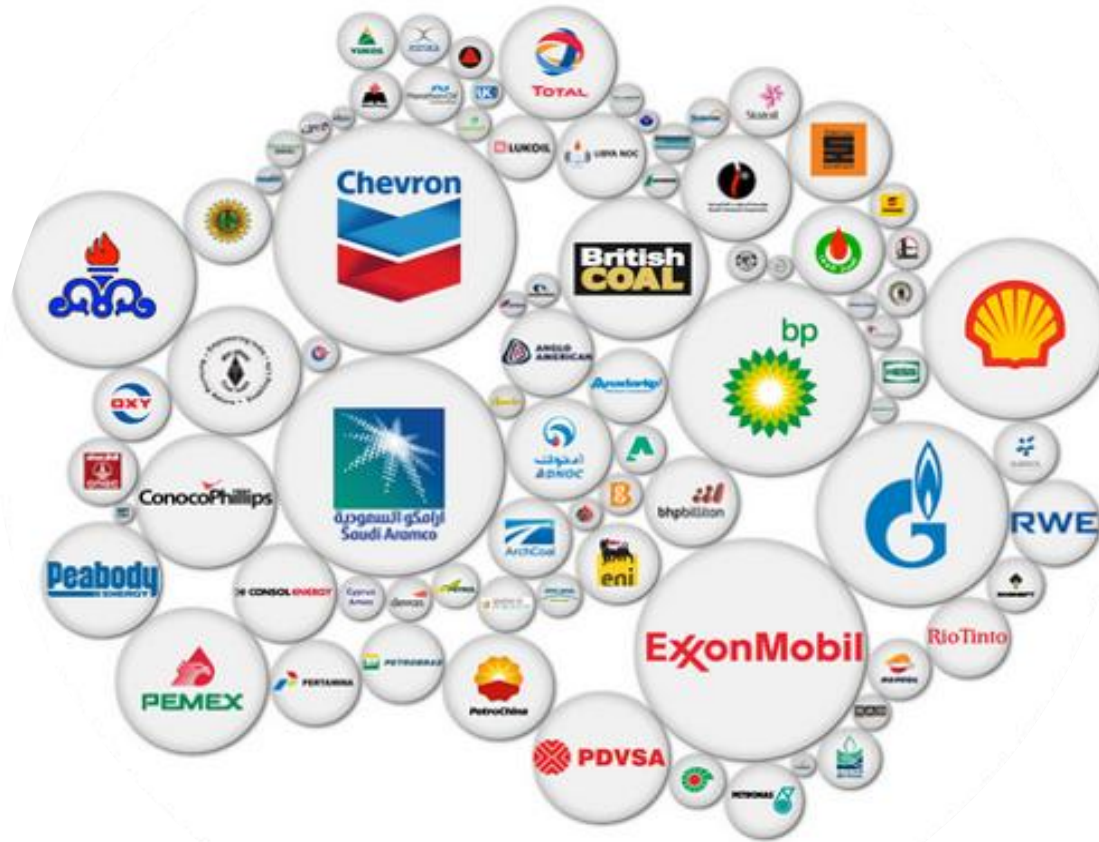
# Leghari – actions of the Lahore High Court, Green Bench

The court declared in its order of 4 September 2015:

*“Climate Change is a defining challenge of our time and has led to dramatic alterations in our planet’s climate system. For Pakistan, these climatic variations have primarily resulted in heavy floods and droughts, raising serious concerns regarding water and food security. On a legal and constitutional plane this is [a] clarion call for the protection of fundamental rights of the citizens of Pakistan, in particular, the vulnerable and weak segments of the society who are unable to approach this Court.” : at [6]*

# Climate Litigation – a global snapshot

*Claims against private actors*



# Climate Litigation – a global snapshot

## *Claims against private entities*

- Lliuya v. RWE AG (Germany)
- Conservation Law Foundation v. ExxonMobil (US)
- San Francisco and Oakland complaints against 5 carbon majors (US)
- Abrahams v Commonwealth Bank of Australia
- Greenpeace petition to the Philippines Commission on Human Rights inquiry – not litigation



The future?



# Thank-you

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