

Evolution of climate litigation in European context, abstract

This diploma thesis deals with the evolution of climate litigation in the European context. The aim of this paper is to describe and map the institute of climate litigation as a whole, to describe its types based on different standpoints and aspects and to describe the historical development of climate litigation in the world and in Europe. This paper further describes five leading cases of European climate litigation in detail. The cases of Urgenda Foundation v. The Netherlands, Neubauer v. Germany, Notre Affaire à Tous v. France, VZZ Klimaatzaak v. the Kingdom of Belgium, and the case of Milieudefensie v. Royal Dutch Shell PLC were thoughtfully chosen based on their connection and the impact they had on climate action in their respective countries. To finish, this thesis aims to find answers to several legal questions concerning climate litigation by comparing those described climate cases.

The main methods used in this diploma thesis were the research of legal literature, case law of foreign courts and legal regulations. The conclusions of this paper were gained by analysis of information and subsequent use of different methods of interpretation.

This diploma thesis is divided into an introduction and a conclusion and three main chapters, some of which are further divided into subchapters and individual points. The first chapter focuses with the origin and development of climate litigation. The second chapter analyses key climate cases of European climate litigation. The chapter presents individual lawsuits within their political and social background, describes all the legal proceedings, and analyses individual court findings and their impact. The third chapter is concerned with three legal issues of climate litigation. First, the chapter deals with the principle of separation of powers and takes a look at the approach of European courts. Next it focuses on the human rights-based climate litigation. Lastly, the issue of active legal standing is discussed within the European climate litigation.

Conclusion can be made, that faced with the effects of climate change, climate litigation is more significant than ever. It presents an effective way to strengthen other adaptation and mitigation efforts. However, the impact of climate litigation is highly dependent on particular jurisdiction, international obligations, the political will and societal pressure on other institutions.

Key words: Climate litigation, Climate change, Climate lawsuit