

# **Climate Litigation**

## **ABSTRACT**

The topic of this thesis is climate litigation, as an increasingly more popular tool used in attempts to hinder climate change. Climate litigation consists of a truly diverse group of cases submitted to a wide range of adjudicatory bodies. The objective of this thesis is to provide a definition and basic typology of climate cases, to analyse the requirements for their success and their impact on climate change policy. The thesis analyses climate cases from all over the world, as well as from the Czech republic.

The thesis is divided into six chapters. The first chapter offers a brief information on the consensus regarding the urgency of climate change and an overview of the most significant instruments of climate protection in international law. The second chapter attempts to introduce a definition and a fundamental typology of climate litigation. The chapter further identifies the concepts of success and positive impact of climate litigation on climate change regulation. The focus is also on strategic litigation, which is becoming one of the most successful types of climate litigation.

The third and fourth chapter analyse in detail the characteristics of international and national climate litigation. The author primarily observes the similarities and differences in the categories of claimants and defendants, the issues raised, and the competent bodies. The final two chapters focus on examples of significant climate cases, namely *Urgenda*, *Milieudefensie v. Shell*, *Neubauer*, *Juliana v. USA* and the Czech climate litigation). Emphasis is on the circumstances of the case, the legal assessment and real-life impacts, as well as factors that led to their success or lack thereof.

The states' failure to act in the face of the alarming rate of climate change gives way to proliferating climate litigation. However, the nature of climate change as a problem on the global scale that cannot be solved by individual states or corporations, brings a number of problematic aspects, which can result in the case being unsuccessful. The thesis identifies the most common problems of climate litigation and provides arguments used by successful claimants to answer those problems, as well as future solutions.