



YOUNG PEOPLE AND CLIMATE LITIGATION:

SITUATION MAPPING AND RECOMMENDATIONS FOR THE YOUTH SECTOR



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EXECUTIVE SUMMARY

As climate litigation emerges as a powerful strategy in the climate action toolkit, young people are increasingly turning to courts to hold governments and corporations to account for their role in the climate crisis. This paper maps youth-led climate litigation cases, outlining their significance, key trends and the potential ways in which they may continue to develop in the future. It also explores the ways in which youth-led climate litigation could help advance climate justice and systems change.

To present a detailed picture of youth-led climate litigation cases, the paper uses the categorisation developed under the United Nations Environment Programme's (UNEP) framework. By showcasing a range of examples – from Europe and across the world – the study highlights the various climate litigation strategies used by young people and adults across the following categories.



CLIMATE RIGHTS:

Cases advancing the arguments that inadequate climate action by governments violates the fundamental rights of people (such as the right to life, health and a safe environment).



ENFORCEMENT OF INTERNATIONAL CLIMATE CHANGE COMMITMENTS:

Lawsuits that hold governments accountable for implementing their commitments made through international agreements and national legislation.



KEEPING FOSSIL FUELS AND CARBON SINKS IN THE GROUND:

Cases challenging resource-extraction projects, focusing on the impact (on water, land, air and biodiversity in general) of fossil fuel activities at local or international levels.



CORPORATE LIABILITY:

Holding companies responsible for climate harm (this may include establishing direct corporate responsibility or demonstrating corporate negligence towards potential environmental risks).



CLIMATE DISCLOSURES AND GREENWASHING:

Accusations of providing misleading climate-related information to the public or potentially concealing human rights abuses.



FAILURE TO ADAPT AND IMPACTS OF ADAPTATION:

Cases seeking compensation for harm caused by inadequate preparation for climate change impacts or seeking injunctions against parties that fail to prepare for known climate risks.

Furthermore, the paper examines the intersection of climate litigation, climate justice and democracy. It highlights young people's demands for enhanced democratic participation, safe public spaces to protest, equitable economic governance and, importantly, for recognition of the disproportionate impacts of climate change on marginalised communities.

Although the paper highlights the value of a rights-based approach, it also acknowledges the limitations of human-rights-based arguments, particularly their grounding in Western principles (which often prioritise human needs above those of the entire ecosystem). Last, the study also highlights cases developed by the growing "rights of nature" movement, which has been led by indigenous communities and successfully challenged the anthropocentric framing of climate action.

Overall, the study is meant to serve as a resource for young people, researchers, practitioners and policy makers. By emphasising the value of continued interdisciplinary research on youth-led climate litigation and the importance of the youth sector's support for youth climate activists, it seeks to highlight different strategies for creating enabling environments for advancing climate action.

TABLE OF CONTENTS

Executive summary	4
Introduction	7
What is climate litigation?	7
Why is climate litigation important?	8
What cases have been considered for this paper?	8
Climate rights	9
Enforcement of international climate change commitments	9
Section 1: Climate litigation by category	9
Keeping fossil fuels and carbon sinks in the ground	10
Corporate liability	11
Climate disclosures and greenwashing	11
Failure to adapt and impacts of adaptation	12
Section 2: Consideration for climate justice and democracy	14
Climate litigation, democracy and the human rights perspective	14
Climate justice	16
Litigating the rights of nature	16
Section 3: Implications for the youth sector	18
Implications for practice	18
Implications for research	19
Implications for environmental and youth policy making	19
References	21
Annex	26

INTRODUCTION

Youth-led movements are increasingly challenging the current approach to climate change. They are shifting the focus towards a more holistic understanding of the climate crisis and ways to address it. This shift builds on the idea of climate justice and promotes a redefinition of humanity's relationship with the environment. The new approach calls on us to move away from predominantly exploitative practices to a relationship of mutual coexistence, where the well-being of humans is interlinked with the well-being of nature.

Consequently, there is also a growing call for systemic change¹ in how our societies work. This includes demands for increased democratic participation, transformed economic governance that prioritises sustainability and equity, the advancement of social justice and the protection of safe civic spaces for expressing political positions. Young people have also been particularly vocal in emphasising that this systemic shift must address the disproportionate impacts of climate change on marginalised groups in Europe, as well as on communities in the Global South.

This paper maps youth-related climate litigation (court cases led by young people in the area of climate change). The introduction provides basic information on what climate litigation is, its importance and the current state of affairs. The following sections provide detailed examples of climate litigation cases, analyses of key trends and implications for climate justice, and reflections on potential future developments.

WHAT IS CLIMATE LITIGATION?

Climate litigation or climate (change) lawsuits refer to any court cases that address climate change, environmental degradation or its effects. Usually, such court cases aim to improve the climate, force the taking of appropriate climate change action or implement measures that mitigate climate change impacts. Nevertheless, there are also cases in which the opposite is the case (court cases against environmental organisations or court cases in which environmental measures are disputed, for example) (Yale University 2023). In this paper, climate litigation is defined as lawsuits that address climate change in full or partially, as well as any of its effects, and that aim to improve climate and environmental conditions.

“Climate attribution” and “source attribution” are key terms for understanding the climate litigation cases, because they outline the backbone of any climate-

related court cases. First, climate attribution describes the extent to which human-caused emissions are impacting the climate of the earth. In other words, it engenders the primary argument used in court cases: how much human behaviour is responsible for climate change. Second, source attribution deals with the question of linking a specific entity (a state, a company, an organisation, etc.) to climate change. In this line of reasoning, court cases deal with the extent to which specific states or organisations are responsible for climate change (Yale University 2023).

Two key directions can be seen in climate litigation cases: those that aim to improve the future (the mitigation of the climate emergency and its impacts) and those that aim to claim compensation for damage already suffered in the past as a result of climate change (for instance, the emissions that have already been produced and that have contributed to global warming and hence caused tangible damage (Stefer 2023)). Climate litigation that seeks compensation for damage caused by climate change can potentially bridge the gap between those who have significantly contributed to climate change in the past (often countries in the Global North) and those who are currently dealing with the consequences of climate change (often countries in the Global South). The bridging of this gap can be illustrated by the following climate litigation case spanning South America to Europe in which a local Peruvian farmer, a Mr Lliuya, sues the German energy company RWE in order to balance the influence of past actions on the current living conditions (Stefer 2023):

DUE TO THE EFFECTS OF CLIMATE CHANGE, THE GLACIER UNDER WHICH THE PLAINTIFF LIVES IS SLOWLY BUT STEADILY MELTING. SINCE RWE'S PAST CO2 EMISSIONS HAVE SIGNIFICANTLY CONTRIBUTED TO WORLDWIDE GLOBAL WARMING, MR LLIUYA ARGUES THAT THE GERMAN COMPANY IS PARTIALLY RESPONSIBLE FOR THE THREAT THAT THE GLACIAL RUNOFF POSES TO HIS HOME. IN ORDER TO PROTECT HIS HOUSE FROM FLOODING, HE SEEKS PAYMENT IN THE AMOUNT OF €17 000 FROM RWE, A SUM HE SAYS IS EQUIVALENT TO RWE'S OVERALL CONTRIBUTION TO GLOBAL CLIMATE CHANGE OF 0.47%.

(Stefer 2023)

Furthermore, there are certain laws and regulations specifically related to climate change which may be used in climate litigation cases (Grantham Research Institute and Sabin Center for Climate Change Law 2024) alongside other regulations and human rights principles. The public trust doctrine principle is also used in these cases – it states that some resources should be available to public use regardless of who owns them and that they are maintained by public authorities (Cornell Law School 2024). As an example,

¹ Morrison et al. (2022) note that transformative and systemic change comes from interventions that address the root causes: asymmetrical power relations, exploitative systems and the neoliberal economic frameworks that support them.

a nature reserve is to be accessible to all people, and such access needs to be facilitated even though a nature reserve can contain private property such as a house.

While every court case involves a plaintiff and a defendant, climate litigation has an especially wide range of parties involved. Plaintiffs can range from individuals (young people, their parents or legal guardians, groups of people of all ages, etc.) to organisations (non-governmental organisations with an environmental focus), and can even include governments seeking to protect their citizens. On the other hand, defendants can be governments or private organisations (Sabin Center for Climate Change Law 2024a) as well as financial institutions accused of enabling environmentally damaging practices (for example through investments in fossil fuels (Setzer et al. 2021)).

WHY IS CLIMATE LITIGATION IMPORTANT?

Climate litigation has become a recognised strategy for strengthening climate-related measures (UNEP 2023a, 2023b; Cho 2023). Successful climate litigation cases may cause policy changes at country level² (Wong 2024, IPCC 2023) and may negatively influence the stock market value of private companies and prevent the use of “greenwashing” and “climate washing”³ by those companies (Wong 2024; Sato et al. 2023; Echeverri, Higham and Setzer 2024). Furthermore, climate litigation cases have been found to contribute positively to the recognition of climate science and of the recognition of the fact that human actions have been causing climate change (Yale University 2023). In addition, bridging the gap between major polluters and those who suffer from the negative impacts of climate change can also be identified as a positive result of climate litigation cases (Stefer 2023). Last, in some cases important guidelines are linked to climate litigation efforts, such as the Oslo Principles on Global Climate Obligations (Expert Group on Global Climate Obligations 2015) or the request by the United Nations General Assembly for an advisory opinion of the International Court of Justice on obligations of states in respect of climate change⁴ (ICJ 2023, 2024).

The number of climate litigation cases has doubled in

² For example, in the case of the Netherlands and Germany, both countries adjusted their climate-related policies because of court decisions in climate litigation cases (Wong 2024).

³ Climate-washing occurs when “an entity misrepresents its progress towards climate goals” (Echeverri, Higham and Setzer 2024). As an example, KLM Airlines were issued with a court decision in early 2024 that rendered their “use of carbon offsets and biofuels to be inaccurate and therefore illegal” (Ibid.).

⁴ Selected relevant documents received from the Secretariat of the United Nations by the International Court of Justice concerning the advisory opinions on the obligations of states in respect of climate change are listed in the annex to this paper to provide for further reading on relevant policy and legal frameworks connected to climate litigation.

recent years (UNEP 2023a, 2023b), with most cases being initiated in the United States of America (Setzer and Higham 2023). Notably, Europe has been the most active region for human rights-based climate litigation (Rodríguez-Garavito 2022), while countries in the Global South have led with the number of cases specifically related to rights of nature (Rodríguez-Garavito 2022).

Figure 1. Climate litigation cases around the world (Setzer and Higham 2023)



Note: Cumulative figures to 31 May 2023. This figure only includes cases filed before national courts or quasi-judicial bodies specific to a given country. The 118 cases filed before international or regional bodies, including the courts of the European Union, are not included.

Analysing the climate litigation cases, the influence of specific population groups has been explored. “Children and youth, women’s groups, local communities and Indigenous Peoples, among others, are also taking a more prominent role in bringing these cases and driving climate change governance reform in more and more countries around the world”, states the United Nations Environment Programme’s Global Climate Litigation Report 2023 (UNEP 2023a). Therefore, it is crucial to understand how young people engage in climate litigation, what trends can be seen in climate litigation in general and what recommendations can be based on these observations.

WHAT CASES HAVE BEEN CONSIDERED FOR THIS PAPER?

Court cases were identified through a regularly updated open-source library of climate litigation cases (Sabin Center for Climate Change Law 2024a). This paper maps youth-led climate litigation, that is, court cases initiated by young people themselves (or their legal guardians in cases involving children). Where this was not possible, cases that explicitly refer to young people are presented instead.

This paper adopts the climate litigation categorisation framework developed by the United Nations Environment Programme (UNEP 2023a) to structure its first section, highlighting cases built on several legal rationales. A common thread uniting the presented cases is the prominent role of young people, either as initiators or as a specifically recognised interest group. The analysis prioritises youth-led climate litigation originating or currently active in Europe. In instances where European or youth-led cases were unavailable, other relevant examples are listed.

SECTION 1: CLIMATE LITIGATION BY CATEGORY

This section explores youth climate litigation by presenting several court cases for each of the UNEP categories.

CLIMATE RIGHTS

UNEP (2023a: 26) describes cases clustered within the climate rights category as follows:

One of the most visible categories of climate cases includes actions asserting that insufficient climate mitigation or adaptation violates plaintiffs' rights, including the rights to life, health, food, water, liberty, family life, a healthy environment, a safe climate and more. Here, this category is referred to as "climate rights". Climate rights encompass the ways in which national constitution, human rights law and other laws in general imbue individuals and communities with rights to climate mitigation and adaptation action.

Climate litigation based on this category also links specifically to young people, the generation who will endure the impacts of climate change for the longest, potentially facing even more severe consequences in the future (UNEP 2023a). This claim is reinforced by the United Nations Committee on the Rights of the Child (ibid.) via General Comment No. 26 (2023) on children's rights and the environment with a special focus on climate change (UNCRC 2023). Intergenerational equity emerges as a key principle in these cases, emphasising the "rights of each generation to use and enjoy the natural resources of the planet, and the corresponding duty to conserve these resources for the future" (International Union for Conservation of Nature 2023).

Soubeste and Others v. Austria and 11 Other States is a climate litigation case arguing that climate change violates the following human rights: right to life, right to be free of inhuman or degrading treatment, right to respect for their private and family life, and right not to be subjected to discrimination (Sabin Center for Climate Change Law 2024c). Specifically, the 1994 Energy Charter Treaty is called into question, with the plaintiffs arguing that it limits

potential measures to tackle climate change. The case was pending as of June 2024 and is to be decided on by the European Court of Human Rights.

A similar case, although a less focused one, was **Duarte Agostinho and Others v. Portugal and 32 other States** in which six Portuguese young people lodged a complaint with the European Court of Human Rights (the "Court"), seeking more ambitious climate change action from 33 European countries (Sabin Center for Climate Change Law 2024d). The Court declared the application inadmissible in April 2024 (CRRP 2024a). Aoife Nolan, a professor of human rights law at the University of Nottingham, noted that the unsuccessful claim has still made an impact: "The litigation and the advocacy surrounding it have fundamentally changed European climate justice discourse and the landscape of climate justice efforts" (Castro 2024).

Held v. State is an example of a youth-led climate litigation case based on climate rights rationale (Sabin Center for Climate Change Law 2024b). Led by a 22-year-old environmental science student Rikki Held, a group of 16 young people from Montana, USA, argued that "the state of Montana was violating their constitutional rights by permitting fossil fuel development without considering its effect on the climate, harming them both mentally and physically" (OHCHR 2023), with the judge ruling in favour of this motion, stating that "the state was violating their right to [a] 'clean and healthful environment'" (ibid.).

ENFORCEMENT OF INTERNATIONAL CLIMATE CHANGE COMMITMENTS

UNEP (2023a: 42) describes enforcement of the international climate change commitments category as follows:

National and subnational governments commit to addressing climate change through varied international agreements and related national legislation or policy statements. These commitments may be subject to litigation challenging their scope, mode of implementation or non-execution.

In principle, this rationale for climate litigation centres on strengthening climate change measures and ensuring that they are implemented in line with international agreements.

Neubauer, et al. v. Germany was a case in which a group of young German people argued that the goals to reduce greenhouse gas emissions were too low to achieve the overall objective of the Paris Agreement (Sabin Center for Climate Change Law 2024e). As a result, the German Federal Constitutional Court stated that “one generation must not be allowed to consume large portions of the CO2 budget while bearing a relatively minor share of the reduction effort, if this would involve leaving subsequent generations with a drastic reduction burden and expose their lives to serious losses of freedom” (ibid.) and ordered changes in state-set climate change goals. The court decision was implemented and stricter goals were approved by German law-makers in 2021 (ibid.; Open Global Rights 2021; Natural Justice 2021).

In the climate litigation case **Otis Hoffman et al. v. State of Mecklenburg-Vorpommern**, three young people and two children argued that the German State of Mecklenburg-Vorpommern did not adopt proper legislation to reduce greenhouse gas emissions (CRRP 2022; Sabin Center for Climate Change Law 2024f). The case was dismissed in 2022, with the judges arguing that the responsibility for CO2 budgeting lies with the German Federal government, not the federal states themselves (Sabin Center for Climate Change Law 2024f).

The **Plan B Earth and Others v. Prime Minister** climate litigation case was initiated by an environmental charity together with one adult and three young Britons, who argued that “the UK government violated human rights by failing to uphold Paris Agreement commitments” (Sabin Center for Climate Change Law 2024g). The plaintiffs sought a concrete and coherent strategy to implement changes in line with the Paris Agreement, while adjusting standing policies towards this goal (such as contemporary fossil fuel policies). The European Convention on Human Rights was used as a cornerstone for the right violations argumentation. The case was refused by the UK High Court in 2021, stating that policies were in place and on track (ibid.).

KEEPING FOSSIL FUELS AND CARBON SINKS IN THE GROUND

UNEP (2023a: 44) describes the category for cases that argue for keeping fossil fuels and carbon sinks in the ground as follows:

Cases that challenge specific resource-extraction and resource-dependent projects (as well as environmental permitting and review processes to ensure adequate assessment of the projects’ climate change implications) represent another highly visible category of climate cases. These cases relate to the long-term, global effect of projects extracting or processing fossil fuels as well as to the local impacts of mining and drilling activities on water, land use, air quality and biodiversity. These cases are increasingly alleging that proper consideration of a project’s impacts should include the extent to which the project facilitates fossil fuel consumption elsewhere in the world and for an extended period into the future.

The **Henry v. EPA** climate litigation case was filed by three students at the University of Guyana in 2022. The plaintiffs argued that “the Guyanese Environmental Protection Agency’s decision to grant a modified environmental permit to Esso violated Guyanese environmental laws, where the modified permit allows Esso/ExxonMobil to flare gas in exchange for paying a fee” (Sabin Center for Climate Change Law 2024h). The court case was pending as of June 2024.

Martinez v. Colorado Oil & Gas Conservation Commission is a case presented by a group of young activists in 2014 (Justia 2024) in which “petition and subsequent litigation seeking to require Colorado Oil & Gas Conservation Commission to deny drilling permits unless they would not adversely impact human health and the environment or contribute to climate change” (Sabin Center for Climate Change Law 2024i). The petition was dismissed in 2019, with the court arguing that mitigation measures were already in place or being prepared (Gutwein 2019).

Herrera Carrion et al. v. Ministry of the Environment et al. was initiated in 2020 by nine young women against the Ecuadorian government, alleging that the practice of gas flaring was in violation of their rights to water, health, food and a healthy environment. The court decided in favour of the plaintiffs, stating

that “the Ecuadorian State failed to uphold the girls’ rights to reside in a healthy environment”, and that a plan to eliminate gas flaring is to be prepared (CRRP 2024b).

CORPORATE LIABILITY

The corporate liability category, as defined by UNEP (2023a: 50), encompasses cases where private entities are defendants. These cases utilise diverse legal strategies, such as asserting direct corporate responsibility for climate harm or alleging that companies disregard the environmental and climate risks associated with their actions. While no youth-led cases within this category were identified, several examples involving individual plaintiffs are listed to showcase the potential for future youth-led action.

BLOOM and Others v. Total Energies is a case brought to court in Paris (France) in 2024 by several NGOs and eight individuals, referred to as “climate change victims” (BLOOM France 2024). In this court case, the board of directors and main shareholders of the TotalEnergies company are accused of being criminally liable for decisions that have worsened climate change, despite knowing about the negative consequences for the planet (Sabin Center for Climate Change Law 2024j). Besides seeking criminal liability for personnel, the case also aims at stopping “the expansion of fossil fuel extraction, which is leading to an unprecedented situation: a ‘globocide’ (1), i.e. the irreversible disruption of the Earth System and the biosphere as a whole” (BLOOM France 2024). The case was pending as of June 2024.

Hugues Falys, FIAN, Greenpeace, Ligue des droits humains v. Total Energies was launched in 2024 by a Belgian farmer, supported by several NGOs (Sabin Center for Climate Change Law 2024k), arguing that the farmer “is bearing the full brunt of the effects of climate change” (Farmer case 2024), quoting extreme weather events leading to “major losses, extra workload, constant stress and immense worry for the years to come” (Farmer case 2024). The aims of the lawsuit are: (a) compensation for damage caused for the farmer; (b) the halting of new fossil fuel investments and a reduction in emissions by the fossil fuel chains; and (c) establishing the responsibility of multinational companies for their actions related to climate change (ibid.). The case was pending as of June 2024.

Milieudefensie et al. v. Royal Dutch Shell PLC was filed in 2019 by several NGOs and over 17 000 citizens, who claimed that the Royal Dutch Shell company contributes to climate change and hence violates human rights (Sabin Center for Climate Change Law 2024i; Knottnerus 2021). The court ruled in favour of the plaintiffs, holding that “Shell was obliged to reduce its CO2 emissions by net 45% at end 2030, relative to 2019. This reduction obligation relates to Shell’s entire energy portfolio and all of its aggregate emissions” (CRRP 2021). Shell’s appeal against the court decision was pending as of June 2024.

CLIMATE DISCLOSURES AND GREENWASHING

UNEP (2023a: 55) describes the category of climate disclosures and greenwashing as accusations of providing misleading information related to climate change. Such practices “not only mislead the public about companies’ environmental practices, but can also conceal grave human rights abuses” (Echeverri, Higham and Setzer 2024). This particular area of climate litigation is growing substantially, as evidenced by the increasing frequency and success of climate-washing litigation between 2016 and 2023, signifying a “growing judicial and societal intolerance towards misleading communications around climate credentials, and the viability of legal avenues for challenging them” (Echeverri, Higham and Setzer 2024). Further underscoring this development is the emergence of systematic monitoring initiatives, such as the DeSmog Advertising and Public Relations Database, which lists companies engaged in greenwashing efforts (DeSmog 2024). In this category, no youth-led cases were identified, and hence several cases are listed to showcase the potential for youth-led actions in the future.

Vegetarian Society et al. of Denmark v. Danish Crown, filed in 2021, is a climate litigation lawsuit initiated by three Danish NGOs against the largest pork producer in the EU for using slogans such as “climate controlled pork production” or “pork is more climate friendly than you think” (Sabin Center for Climate Change Law 2024n). In 2024, the court ruled in favour of the plaintiffs, confirming that the advertising campaign misled consumers and used greenwashing practices (Vegetarisk Forening 2024).

Comissão Pastoral da Terra and Notre Affaire à Tous v. BNP Paribas is a court case filed by two NGOs at the Judicial Court of Paris (France), in 2023. The plaintiffs claim that BNP Paribas violated French law, which provides that certain companies “must establish a plan to prevent the violation of human rights and environmental damage that may occur in the course of their business” (Sabin Center for Climate Change Law 2024o). In particular, the violations are alleged to have occurred in relation to the BNP Paribas provision of financial services to Marfrig, a beef producer accused of malpractice such as the “severe deforestation of the Amazon, land-grabbing of protected indigenous territories, and forced labor in cattle farms” (ibid.). The case was pending as of June 2024.

Australian Parents for Climate Action v. Energy Australia is a climate litigation case questioning claims of “neutral electricity” and “neutral gas” made by the EnergyAustralia company as being misleading or deceptive. Australian Parents for Climate Action (AP4CA) is “a climate advocacy organization that works for parents, carers, and families who want to create a safer future for their children” (Sabin Center for Climate Change Law 2024m). The plaintiffs argue that despite the advertising slogans, the products ultimately do contribute to an increase in emissions in the atmosphere, and thus to the worsening of climate change and its impacts. The case was filed in 2023 and was pending as of June 2024.

In this category, no youth-led cases were identified, and hence several cases involving adult plaintiffs are listed to showcase the potential for youth-led actions in the future.

Friends of the Earth Ltd, Mr Kevin Jordan and Mr Doug Paulley v. Secretary of State for Environment, Food & Rural Affairs (challenge to the Third National Adaptation Programme) is a lawsuit filed in 2023 by a disability activist and a care home resident, and supported by an NGO, arguing that the UK’s “National Adaptation Programme 3” fails to prevent risks to their human rights: right to life, home, possessions and non-discrimination (Sabin Center for Climate Change Law 2024p). The case was pending as of June 2024.

Burgess v. Ontario Minister of Natural Resources and Forestry was a climate litigation case brought in 2016 by a group of homeowners around several Ontario lakes who argued that the government bodies in charge of lake management failed “to adapt to changed climatic circumstances and thereby avert flood damage” (Sabin Center for Climate Change Law 2024q). While the area around the lakes historically was not a flood area, several major floods had occurred since 2010, damaging the properties of homeowners in the area. The claimants alleged that the government bodies managing the lakes knew about the flood risks and did not take appropriate measures to prevent the subsequent floods. The case was discontinued by the lead plaintiff.

FAILURE TO ADAPT AND IMPACTS OF ADAPTATION

UNEP (2023a: 60) describes the category of cases clustered as failure to adapt and impacts of adaptation as follows:

Although some governments and private parties are undertaking a variety of measures to adapt to the increasingly severe effects of climate change, others are aware of those changes and the foreseeable extreme weather events that climate change will bring but have not taken steps to prepare. Courts are seeing both cases seeking compensation for adaptation efforts that have caused harm or damaged property and seeking injunctive relief for failing to adapt in the face of known climate risks. However, despite the importance of adaptation efforts, there are still a limited number of cases focused on adaptation.

Tsama William and Others v. Uganda’s Attorney General and Others is a court case in which victims of landslides in Uganda alleged that the government “failed to put in place an effective machinery against landslides in the Bududa district, and that the respondents’ acts and/or omissions have led to the violation of applicants’ fundamental rights” (Sabin Center for Climate Change Law 2024r). As with the case listed immediately above, the plaintiffs alleged that the government knew about the climate change-related landslide risks and yet did not take appropriate action to protect the fundamental rights of the local residents, resulting in “displacing the applicants from their homes, killing 20 of the applicants’ relatives, and destroying property and the environment” (ibid.). The case was pending as of June 2024.

Decision T-218/17 of 19 April 2017 is a result of a complaint by inhabitants of San Anterito (Colombia) alleging that their human rights were violated by “lack of access to drinking water as a result of a decrease in natural water reservoirs due to climate change” (Sabin Center for Climate Change Law 2024s). The drying out of natural water reservoirs due to climate change in combination with inaction by the government of Colombia were the grounds for the climate litigation case. The court decided in favour of the plaintiffs and “ordered the Colombian government to ensure adequate enjoyment of the rights to water, life, dignity, and human and environmental health for San Anterito’s inhabitants” (ibid.).



SECTION 2: CONSIDERATION FOR CLIMATE JUSTICE AND DEMOCRACY

Climate litigation has become a truly global phenomenon. As showed in the section above, cases to protect planetary health have spanned the world, from France to Ecuador. Although multiple verdicts on related cases are still pending, the litigation process itself has made an impact in numerous ways. It has helped raise awareness about the climate crisis, put pressure on governments and corporations and set legal precedents.

Of course, climate litigation is a complicated process that can be especially challenging for young people to access. In addition, litigation by itself will not be enough to fix all the flaws in our laws and policies. We will therefore highlight several nuances associated with climate litigation. This will be done from multiple perspectives: democracy, rights-based approaches, justice and systems change.

CLIMATE LITIGATION, DEMOCRACY AND THE HUMAN RIGHTS PERSPECTIVE

Since the first Intergovernmental Panel on Climate Change (IPCC) report, which was published in 1990, scientists have expressed concern over the global challenge of changing climate. Yet this has often failed to solicit an adequate response from politicians and policy makers and subsequently impacted the levels of trust among young people in the capacity of their governments to address complex issues. For many young people, the government is seen as:

constantly lacking concrete plans to reduce the national carbon footprint or altogether take sufficient action regarding the climate crisis. The feeling that the young did what they could, and it seems to be not enough, added to the sense of powerlessness and enhanced feelings of anxiety and of eco-social disappointment. (Piispa and Kiilakoski 2021)

While democratic processes exist, young people are often not meaningfully included in policy and decision-making processes (Gorman 2021; Schlosberg 2019). Due to the lack of adequate youth representation in certain areas, young people may be misinterpreted as

apolitical or disinterested (a phenomenon described as the “paradox of youth participation” (Crowley and Moxon 2017: 16)). However, to see the big picture we must take into account that a substantial number of young people choose alternative modes of participation over traditional ones. For example, they may opt to participate through activism, advocacy and movements rather than traditional channels like voting.

For young people who have wanted to advance the climate action agenda and engage in a more alternative way, climate litigation has proven to be a powerful tool.

Youth-led cases in the European context have been distinct in their choice of framing the arguments around human rights. One such example is the highly publicised case Duarte Agostinho and Others v. Portugal and 32 other States, led by six young Portuguese people.

The case, submitted to the European Court of Human Rights, argued that European governments violated young peoples’ human rights through their lack of action to address climate change. Although their application was ruled inadmissible in 2024, the case itself highlights a growing trend of framing climate change as a human rights issue. Similarly, in Neubauer, et al. v. Germany, young people and children raised the argument that Germany’s domestic climate goals were insufficient. The breakthrough case received a positive ruling and the government was obliged to develop more ambitious targets.

Although climate litigation cases have been met with different outcomes, what is evident is that they have gone beyond being an avenue for seeking legal solutions – they have also helped raise awareness and shape the public discourse. This leads us to the question: will climate litigation become an even more prominent go-to tool for young people to advance climate action at both national and international levels?



▷ SHRINKING CIVIL SPACE

The troubling trend of diminishing civic spaces particularly impacts young people (Deželan and Yurttagüler 2020) because young activists face “age-based discrimination intersecting with other forms of oppression” (Amnesty International 2017: 37). There have been numerous cases where climate activists

have been targeted by authorities, including, but not limited to, through surveillance or ill-treatment in Europe and around the world, which has led to further discrediting and silencing (Deželan and Yurttagüler 2020).

Therefore, it is essential to address the links between climate litigation and action, and freedom of expression and political communication. Although this tension is not new, the need to balance competing laws and values, such as the right to a safe environment and the authority of states to maintain public order, is as strong as ever. This has been especially evident in the context of protests against coal mines (Preston and Silbert 2021) and of multiple other civil disobedience actions in Europe and worldwide.

The crackdown on climate activists (for example when individuals or groups face prosecution for their involvement in disruptive protests) exemplifies this need. For instance, in 2023, members of the activist group “Last Generation” were targeted in a series of raids by the German authorities. The reason for this was the fact that they had engaged in various acts of civil disobedience, from gluing themselves to roads and throwing mashed potatoes at famous paintings (Al Jazeera 2023). Another striking example is the mass arrest of over 1 500 activists at an Extinction Rebellion protest in The Hague. Forty of them were at risk of prosecution on charges including vandalism and obstruction, because they blocked a section of a motorway while protesting against fossil fuel subsidies (Krever, Kennedy and Tanno 2023).

These cases raise important questions about how to strike a balance in the complex interplay between climate action, democracy and the right to protest. While states have a mandate to uphold public safety, it is also crucial to ensure that the measures they choose to take are not at the expense of the other duties of a democratic government, including to ensure the rights to freedom of expression, assembly and peaceful protest. The cases highlighted above also underscore the need for protective measures for young people engaged in climate action.



▷ HUMAN RIGHTS IN CLIMATE LITIGATION

Over the past decade, there has been a significant increase in climate litigation that incorporates human rights arguments, either entirely or partially (Preston

and Silbert 2021). Europe has emerged as the leading force in the rights-based climate litigation movement (Rodríguez-Garavito 2022). This trend, often termed the “rights turn” in climate litigation, reflects a growing tendency for petitioners to frame climate change lawsuits within a human rights framework and a corresponding openness from courts (Peel and Osofsky 2018).

While the United Nations’ Paris Agreement (2015) requires parties only to consider rather than fulfil human rights obligations, it represents a breakthrough in explicitly linking human rights and climate change (Boyd 2019). This is exemplified by the fact that the majority of cases using human rights argumentation were initiated after 2015 (Rodríguez-Garavito 2021).

The human rights law itself is continuously evolving. The Maastricht Principles on the Human Rights of Future Generations, adopted in 2023, affirm that human rights (including the right to a clean, healthy and sustainable environment) are not bound by time and do apply to future generations. This is one of the examples of how the evolving legal landscape empowers youth advocates to leverage a wider array of rights-based arguments.

Another argument in favour of a human rights-based approach to climate action is the scientific evidence highlighting the valuable knowledge and experiences of indigenous and local communities for climate adaptation (IPCC 2023). For example, the preamble to the Paris Agreement (2015) acknowledges that:

climate change is a common concern of humankind. Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity.

This could transform climate litigation into a potent instrument for those disproportionately affected, enabling them to demand and achieve climate justice (Peel 2023). The United Nations’ Special Rapporteur on the human right to a clean, healthy and sustainable environment notes that the right to a healthy environment is now legally recognised by the majority of the UN’s member states and has been adopted in 161 out of 193 states through constitutions, legislation and regional treaties (Boyd 2024).

However, the human rights-based approach alone is not enough to ensure planetary health. Although this line of argumentation can enhance access to environmental justice, it is limited in scope (Preston

and Silbert 2021). One major limitation is its frequent conflict with political and economic policies focused on “extractivism”⁵ (Auz 2022), which are currently mainstream.

CLIMATE JUSTICE

DECOLONIZE MINDS SO YOUNG PEOPLE CAN ACTUALLY BECOME GOOD ALLIES, AND WE TAKE ON DISMANTLING OF THE COLONIAL REALITIES TOGETHER. THESE TEACHINGS ARE LARGELY IN THE HANDS OF MATURE INDIGENOUS CULTURES, AND WE WILL SHARE WHAT WE ARE WITH ANYONE WHO IS WILLING TO CO-EXIST TOGETHER ... AVOID THE ANTHROPOCENE BY UNDERSTANDING THAT WE HAVE PREVAILED IN TIME TO KEEP THE WISDOM OF OUR SPECIES ALIVE AND FEEL EMPOWERED TO CREATE A NEW SOCIAL ORDER. OUR YOUNG, IF WELL MENTORED AND GUIDED, NEED TO BE GOOD ANCESTORS.
(Saavedra-Vargas 2023: 40)

This powerful call for decolonisation highlights the unique role that indigenous knowledge can play in transforming the systems and models of thinking that have led to the climate crisis. Such perspective also resonates with the broader goals of the climate justice movement (which highlights the intersection of climate change and social inequalities) (Porter et al. 2020).

Youth movements have been particularly active in advocating transformative change – one that addresses both the climate crisis and systemic injustices. The emphasis on climate justice aims to acknowledge that the adverse impacts of climate change disproportionately affect people experiencing poverty, vulnerability and marginalisation.

Although some youth-led climate litigation efforts still follow the mainstream “green growth” approach (which focuses on reforming the system from within), the climate justice approach is also prevalent. Many young people have been particularly active in advocating transformative change – one that addresses the climate crisis and systemic injustices together. Overall, it views the climate crisis as a structural problem of global capitalism and seeks to address it along with other injustices, such as poverty and colonialism, while also highlighting that the adverse impacts of climate change disproportionately affect people experiencing poverty, vulnerability and marginalisation (Piispa and Kiilakoski 2021).

5 Initially used to describe the exploitative economic practices in the management of natural resources in Latin America, the concept of “extractivism” primarily refers to the methods of exploiting nature that developed in colonial empires (Daheur n.d.). This relationship with nature continues to this day under the neoliberal economy.

Highlighting that climate action is not synonymous with social justice, the UN reports that there have been numerous reported cases when climate action initiatives infringed upon the rights of indigenous peoples. The UN Special Rapporteur, Victoria Tauli-Corpuz (2017: 5), has drawn attention to:

an increasing number of allegations concerning situations where climate change mitigation projects have negatively affected the rights of indigenous peoples, notably renewable energy projects such as biofuel production and the construction of hydroelectric dams.

There has been growing acknowledgement of the need to address these challenges while calling for climate action. This includes recognising the validity and value of indigenous knowledge and to challenge what is often regarded as “universal knowledge” and “best practices” – which tends to be predominantly white/Western in nature (Kjorholt and Penn 2019).

Although a human rights approach can be powerful in certain contexts and achieve relatively fast results based on existing legal and policy frameworks, it still has its limitations. Primarily, this approach prioritises human needs above the needs of the entire ecosystem. Such a predominant focus on human rights may be contrary to many indigenous traditions and knowledge systems, which favour a more holistic understanding of living on the planet (all entities are conceived of as relational and ecosystemic, intimately connected to and responsible for one another) (Robinson 2020). Therefore, in order to achieve systemic transformation, it is important to go beyond human rights framework.

LITIGATING THE RIGHTS OF NATURE

Sometimes considered an alternative to the human rights approach, the rights of nature movement signifies a profound shift from human-centric laws to those that equally value the natural world. In this understanding, rivers, plants and animals are seen as more than merely human possessions (Bull 2023).

Latin American countries, such as Ecuador and Bolivia, have been pioneers in the recognition of the rights of “Pachamama” (Mother Earth), and started constitutional and legal amendments more than a decade ago and “presented as alternatives to global capitalism related to the indigenous worldviews known as ‘buen vivir’ or ‘vivir bien’” (Berros 2021). In 2008, Ecuador ratified a new constitution. Article 71 states:

NATURE, OR PACHA MAMA, WHERE LIFE IS REPRODUCED AND OCCURS, HAS THE RIGHT TO INTEGRAL RESPECT FOR ITS EXISTENCE AND FOR THE MAINTENANCE AND REGENERATION OF ITS LIFE CYCLES, STRUCTURE, FUNCTIONS AND EVOLUTIONARY PROCESSES ... ALL PERSONS, COMMUNITIES, PEOPLES AND NATIONS CAN CALL UPON PUBLIC AUTHORITIES TO ENFORCE THE RIGHTS OF NATURE.

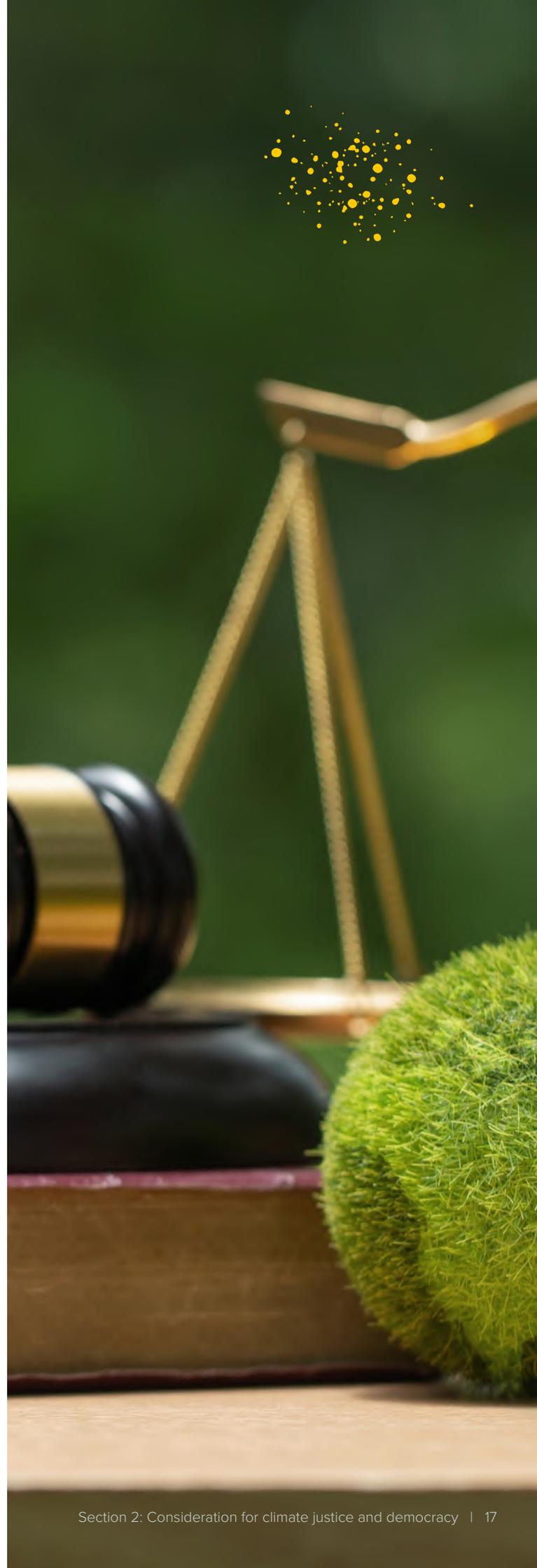
(Center for Environmental Rights CDER)

Meanwhile in Oceania, the indigenous Māori people of New Zealand spearheaded a landmark case to protect the Whanganui River. Their pursuit was successful: the court's ruling recognised the river's status as a living ancestor and granted the river legal personhood in 2017. In addition, a co-governance model for its protection was also created to ensure lasting protection (Kramm 2020).

Similarly, Europe has also seen several developments in terms of recognising the rights of nature. In 2021, France's University of Toulon, in co-operation with the UN Harmony with Nature Programme, launched the "Charter on the Law of the Living". The charter aimed to foster a legal reform and argued that "all non-anthropocentric advances must be taken into account by the law of the living to promote proper legal dynamics and to preserve the future of Mother Earth and those who are embraced by her" (University of Toulon 2021). Building on this momentum, an Italian NGO, Nature's Rights, partnered with the municipality of Civita Castellana, which became the first town in Europe to declare itself a "Nature's Rights Zone". This means that the town is set to incorporate Nature's Rights principles into local policies and decision-making processes (United Nations 2019).

The continuously evolving rights of nature movement has significant potential for youth-led climate litigation. As young people are increasingly recognising that their future is linked to the health of the planet, they are turning to innovative legal strategies to protect it. There are various strategies to aid this goal in addition to litigation. This may include co-operation with indigenous communities or simply advocating the development of rights of nature legislation.

Finally, the rights of nature may contribute to systemic change as well. As Morrison et al. (2022) have argued, transformative and lasting change comes from interventions that address root causes (these include asymmetrical power relations, exploitative systems and the neoliberal economic frameworks that support them). Therefore, comprehensive nature protection and restoration laws, embedded in the ethos of the rights of nature, could not only make climate litigation more effective in preventing environmental harm but also provide a powerful framework to advance systemic change.



SECTION 3: IMPLICATIONS FOR THE YOUTH SECTOR

Climate litigation has established itself as an effective tool for furthering climate action. The engagement of young people in climate litigation cases has grown together with the overall amount of climate litigation cases worldwide. Given the particulars of the court cases, it is not at this point possible to determine whether the increase is only due to the overall growth in the number of climate litigation cases worldwide (whether the ratio of involvement of young people in the cases stayed the same) or whether young people have become more active in this practice (whether the ratio of the involvement of young people increased).

The general hurdles in terms of filing and leading a climate litigation court case are substantial. As summarised by Friends of the Earth Netherlands (Knottnerus 2021), the following areas need to be covered: preparing for the court case by doing research, obtaining legal counsel, securing finances, deciding on confidentiality, dealing with publicity, organising support, investing in communication and media strategies, engaging the press, ensuring visibility and many other aspects. As illustrated by the various court cases presented in this paper, the joint efforts of several individuals or even several organisations are needed to prepare and proceed with a climate litigation court case. These hurdles are likely to be much more burdensome for young people.

What is clear is that young people are not equally engaged in all areas of climate litigation. No youth-led cases were identified in the categories of “corporate liability”, “climate disclosures and greenwashing” or “failure to adapt and impacts of adaptation”. This suggests that apart from the general hurdles involved in filing and leading a court case, these categories may be additionally challenging for young people to lead, something that should be researched further.

Overall, is it not possible to determine to what extent the youth field has played a role in these developments. It can be argued that youth work as a practice that supports the domain of youth participation in public affairs, among other areas, can and should play a positive role in empowering youth to fight for climate justice. To that end, youth research should include detailed information on the topic and communicate it widely and in an understandable

fashion. Environmental and youth policy should then see the climate litigation domain as one of the communication channels between youth and policy. The results of research and the results of the climate litigation cases should be used to update, refine and improve public policies.

IMPLICATIONS FOR PRACTICE

The youth sector should find ways to best support youth and social movements active in the climate emergency domain. Such youth and social movements are crucial in developing alternative social approaches and practices (Brulle and Norgaard 2019) as well as in holding to account various parties when it comes to mitigating climate change and its impacts. Several recommendations are listed below for the role the youth sector can play in supporting young people.

- Solidarity, critical thinking and environmental awareness should be promoted among young people. The youth sector has been leading efforts to advocate a human rights-based approach and to integrate human rights principles into climate policies and actions. These principles include “participation, equality and non-discrimination, accountability and transparency”, which are fundamental to youth work practice (Gasparri et al. 2021). Overall, advancing this understanding would contribute to increased awareness of the challenges posed by climate change and the concern for planetary health and also inspire new initiatives and advocacy actions.
- Young people should be provided with support to continue developing their understanding of sustainability, climate change and climate justice. This should be done in a holistic manner and include enhancing their capacity to analyse complex environmental challenges. One of the benefits of this is that being able to understand the legal arguments behind successful climate litigation cases can empower them to demand stronger action at a local or national level. Ideally, societies would reach a stage where legal frameworks are sufficiently developed to protect the environment without the onslaught of new cases. This objective could be advanced by both the human rights-based approach and the nature rights framework.
- With the growing availability of ways to support planetary health – such as direct action, litigation, advocacy and political education – youth organisations and practitioners will face an increasing need to prioritise which actions will bring them closest to achieving intended results and systemic change.

- Climate litigation is a powerful tool for young people, and with the right support from others in the youth sector, it can become more widely accessible. This could include providing information and practical assistance (where possible) or facilitating networking and connections with environmental NGOs experienced in climate litigation.
- Youth workers may also facilitate access to relevant conferences and other events for young people who are interested in climate litigation processes. The potential for peer-to-peer learning should also be explored, as young people involved in climate litigation cases might be invited for study visits or job shadowing with organisations involved in climate litigation cases.

IMPLICATIONS FOR RESEARCH

This paper also shows that youth-led climate litigation is a difficult area to study: it is often under-documented (apart from well-publicised cases), very technical (what type of complaint has been filed to what court, not to mention the wide legal differences across countries) and unrecognised (plaintiffs are not always identified in terms of age and therefore in some court cases it is impossible to identify any engagement of young people). Several recommendations are mentioned below to improve future research in this area.

- Climate litigation is a relatively well-mapped domain in general, but a youth-specific angle is often missing in mapping and in analyses. This gap should be closed, ideally in co-operation with leading entities in the field like the Sabin Center for Climate Change Law, suggesting simple but powerful update opportunities, such as creating a tag for youth-led climate litigation cases or widening the descriptions of the court cases to also include the background of plaintiffs in all cases, stressing whether they were young people or not. Alternatively, co-operation between youth-focused publications and such entities might be beneficial to progress the development of knowledge in the field.
- There is potential to treat climate litigation cases as case studies, thereby deepening the understanding of youth-led cases in terms of the motivation of young people, the hurdles they have to overcome and the impacts such endeavours have on their lives.
- To keep up with the complex nature of climate litigation, research should further develop its capacity to be interdisciplinary and global in nature. Co-operation with researchers and experts in the legal domain could be one

example of such progress; bringing together teams from different legal and judicial realities might be another beneficial strategy.

- Given that the issues related to the climate crisis (“extractivism”, lack of democratic spaces, greenwashing and others) are multifaceted and interlinked, researchers should also develop ways to communicate complex knowledge in understandable terms to support young people in developing their own understanding and to provide data that contribute to their advocacy efforts.
- In the context of the rights of nature, researchers should push the boundaries of established “ways of knowing” to incorporate indigenous knowledge and perspectives on climate action and environmental protection. This could involve exploring how legal frameworks could adopt best practices to advance the development of environmental law (for example where lakes and forests are granted their own rights or when rivers are protected due to their significant cultural value to local communities) and, subsequently, empower nature rights movements.

IMPLICATIONS FOR ENVIRONMENTAL AND YOUTH POLICY MAKING

While climate litigation can be a powerful tool, as demonstrated by the court cases discussed in this paper, it is a complex and resource-intensive process. Therefore, it should not be seen as the most readily available tool to achieve positive developments in the climate emergency domain. Responsive policy making and functional political participation mechanisms are crucial first steps for developing measures to tackle the climate emergency. Several recommendations can therefore also be made for policy makers. Although in this section we prioritise and highlight considerations for environmental and youth policy areas, similar considerations could be applied across all policy fields, including transport, technology, foreign affairs and beyond.

- The more environmentally friendly the policy is, and the better it is implemented, the fewer climate litigation cases there are. Given various international and national agreements, policies and even laws, policy makers should pay attention to their proper implementation and evaluation.
- The more young people are listened to and included in deliberations and decision-making structures, the less need there is for climate litigation. Inclusive democracy at local, regional, national and international levels should be

fostered by promoting youth agency and participation in policy and decision making. This approach would have a dual benefit: it would make young people feel included and also contribute to stronger environmental laws.

- Policy makers should use climate litigation cases as indications of what young people perceive as crucial areas in climate emergency policy and be proactive in addressing these areas to mend policy gaps and adjust plans and strategies already in place, as well as prepare new ones. This is true globally, and inspiration from the climate litigation cases can be drawn from various national and international court cases.
- In some cases young people opt for direct action and civil disobedience. These uncomfortable situations are, nevertheless, also an opportunity to avoid climate litigation and to align policy making with the needs of young people.



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ANNEX

Selected relevant documents received from the Secretariat of the United Nations by the International Court of Justice concerning advisory opinions on the obligations of states in respect of climate change

■ Human rights and climate change

- www.icj-cij.org/sites/default/files/case-related/187/187-20230630-req-10-01-en.pdf

■ Human Rights Council resolutions

- www.icj-cij.org/sites/default/files/case-related/187/187-20230630-req-10-02-en.pdf

■ Reports submitted to the Human Rights Council

- www.icj-cij.org/sites/default/files/case-related/187/187-20230630-req-10-03-en.pdf

■ Recommendations and statements by United Nations human rights treaty bodies

- www.icj-cij.org/sites/default/files/case-related/187/187-20230630-req-10-04-en.pdf

■ Reports and statements by the special procedures mechanisms of the Human Rights Council

- www.icj-cij.org/sites/default/files/case-related/187/187-20230630-req-10-05-en.pdf

■ General Assembly resolutions on protection of global climate for present and future

- www.icj-cij.org/sites/default/files/case-related/187/187-20230630-req-07-01-en.pdf

■ The Rio Conventions

- www.icj-cij.org/sites/default/files/case-related/187/187-20230630-req-07-02-en.pdf

■ Responsibility of states for internationally wrongful acts

- www.icj-cij.org/sites/default/files/case-related/187/187-20230630-req-06-01-en.pdf

■ Protection of the atmosphere

- www.icj-cij.org/sites/default/files/case-related/187/187-20230630-req-06-02-en.pdf

■ Protection of persons in the event of disasters

- www.icj-cij.org/sites/default/files/case-related/187/187-20230630-req-06-03-en.pdf

■ Protection of the environment in relation to armed conflict

- www.icj-cij.org/sites/default/files/case-related/187/187-20230630-req-06-04-en.pdf

■ Transboundary harm from hazardous activities

- www.icj-cij.org/sites/default/files/case-related/187/187-20230630-req-06-05-en.pdf

■ Sea-level rise in relation to international law

- www.icj-cij.org/sites/default/files/case-related/187/187-20230630-req-06-06-en.pdf

■ Multilateral treaties – Climate change

- www.icj-cij.org/sites/default/files/case-related/187/187-20230630-req-04-01-en.pdf

■ Multilateral treaties – Desertification

- www.icj-cij.org/sites/default/files/case-related/187/187-20230630-req-04-02-en.pdf

■ Multilateral treaties – Biological diversity

- www.icj-cij.org/sites/default/files/case-related/187/187-20230630-req-04-03-en.pdf

■ Multilateral treaties – Protection of the ozone layer

- www.icj-cij.org/sites/default/files/case-related/187/187-20230630-req-04-04-en.pdf

■ Multilateral treaties – Law of the sea

- www.icj-cij.org/sites/default/files/case-related/187/187-20230630-req-04-05-en.pdf

■ Multilateral treaties – Human rights

- www.icj-cij.org/sites/default/files/case-related/187/187-20230630-req-04-06-en.pdf

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