



Climate Law & Governance Day 2022: Implementing Climate Commitments through Policy, Law & Practice Experts Panel: Advancing Climate Litigation Worldwide

On 11 November 2022, APCEL co-hosted the *Experts Panel on Advancing Climate Litigation Worldwide* with the University of Melbourne's Melbourne Climate Futures. This Panel was part of the *Climate Law & Governance Day 2022: Implementing Climate Commitments through Policy, Law & Practice* global symposium. This panel was chaired by Professor Jacqueline Peel (Professor, University of Melbourne) and Dr Jolene Lin (Director, APCEL) was a panellist.

Following Professor Peel's opening address, Dr Joana Setzer (Assistant Professorial Research Fellow, Grantham Research Institute on Climate Change and the Environment) shared the findings of her recent study regarding the proportion of cases brought against particular sectors and industries, and the different types of cases brought against the government. Broadly, she categorises them into ambition cases (i.e., trying to improve climate governance plans, legislation, and policies) or implementation cases (i.e., trying to get governments to meet existing plans).

David Barnden (Principal Lawyer, Equity Generation Lawyers) then spoke about the climate litigation cases that he has been involved in, sharing his insights about the motivations that claimants have in such cases. In particular, he highlighted how climate litigation enables climate experts to share their technical concerns on a public, legal platform and this has proven to be an important avenue to convince the public about the urgency of climate change.

After that, Dr Lin shared about her and Professor Peel's climate litigation research project on climate litigation trends and developments in the Global South. She shared about common characteristics she observed in Global South countries, including a preference for enforcing existing laws and policies rather than pushing for new environmental laws. She emphasises that climate litigation has an important role in pushing for accountability in Global South nations.

Finally, Professor Louis Kotzé (Professor, North-West University) explained about the role of courts in upholding climate justice and protecting environmental interests. Courts become an arena for different actors to come together and interact, discussing and shaping how climate change should be governed. Courts play a significant role in five domains, especially accountability and highlighting the importance of basing climate governance on earth systems science. It is an appealing idea that courts are exerting themselves as influential actors in global climate governance, but there are limitations to this, and more studies can be done about the contours of courts' involvement.

After their individual presentations, the panellists engaged in a Q&A segment on matters such as what gaps are present in existing literature on climate litigation and how may these gaps be plugged; what the limits of climate change litigation are; the role of women in climate change litigation strategy and enhancing climate justice; and what opportunities lie ahead.