



The ECHR Climate Change Rulings and their Global Significance

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A satellite view of the Earth, showing the Arctic region and surrounding continents. The image is centered on the North Pole, with the Arctic Ocean and surrounding landmasses visible. The colors are predominantly blue for the oceans and white for the ice and clouds. The text is overlaid on a white rectangular box on the left side of the image.

What is the global
significance of the
ECHR climate rulings?

Revisiting 'A Rights Turn'

- In 2017, we identified 'a trend towards petitioners increasingly employing rights claims in climate change lawsuits, and a growing receptivity of courts to this framing'
- Are the ECHR rulings indicative of this 'turn'?
- J. Peel & H. Osofsky, 'A Rights Turn in Climate Change Litigation?' (2018) 7(1) *Transnational Environmental Law* 37-67



Climate
litigation –
global trends
(Setzer &
Higham, LSE,
2023 global
snapshot)



Cases continue to grow but rate slowing



Climate litigation extending to new jurisdictions



2024 could be significant for international CCL



Strategic cases continue to rise with an increasing proportion against companies



Government 'framework' cases continue to grow in number with 70% taking a rights-based approach

What's the relevance of the ECHR rulings beyond Europe?

- ECHR ruling in 'Swiss grandmothers' of greatest impact for government of Switzerland and 46 member states of the Council of Europe
- ECHR ruling finds violations as a result of inaction on climate change on the basis of a 'garden variety' human right protected under international law and in many domestic laws/constitutions
- ECHR ruling applies to a state, but the reasoning is readily applicable to the situation of (large) corporate emitters
- Court recognized climate change as creating compelling, present-day conditions, confirmed by scientific evidence, that could not be ignored



What might be the global significance of the ECHR rulings?

- 1st 'international' climate ruling
- Establishes climate-rights linkage as an issue of global significance
- Likely to encourage/inspire more rights-based climate litigation
- Illustrates that this is not a straightforward avenue for climate litigation; like other avenues it faces limitations and challenges

