



PROS AND CONS OF DOMESTIC REMEDIES: PROSPECTS FOR EUROPEAN SYNERGY IN COLLECTIVE CLIMATE LITIGATION

Human rights-based national climate litigation is a growing phenomenon. In Europe, this type of litigation is essentially based on the case law of the European Court of Human Rights, whose human rights obligations are used as a means of interpreting climate obligations of States towards their citizens.

The analysis of domestic jurisprudence produces a complex picture. On the one hand, we find elements facilitating access to environmental justice, such as more flexible eligibility criteria and the issuing of immediately enforceable judgments. On the other hand, this comes up against obstacles arising from the risk of the lack of impact that a single decision may have.

A possible solution to these obstacles is that of the “collective claim”, which also allows to raise the issues related to “intergenerational responsibility”, enunciated by Principle 1 of the Stockholm Declaration but still neglected.

The aim of this contribution is to draw a picture of the most relevant elements of this recent jurisprudential trend, evaluating its limits in order to outline the possibility of overcoming them, with a view to seeking a European synergy in this field.