



PROBLEMATIC ASPECTS OF CLIMATE JUSTICE

We are currently witnessing a growing number of climate litigation cases, with which some environmental associations or groups of citizens (generally young people or populations particularly affected by adverse climatic events) are turning to the courts to demand a change of pace in climate protection and in the prevention of global warming.

In this respect, there is some consensus on the status of existing international and EU sources. Normally, in fact, these claims are supported by a combination of norms from the United Nations Framework Convention on Climate Change, the Paris Agreement and, finally, the international sources for the protection of human rights. And, at least in cases brought before national courts in the EU Member States, these actions are also supported by clear references to the rules of reception of the Paris Agreement within that order.

Great uncertainty reigns, on the other hand, over the structure of domestic legal systems. In fact, the aspects concerning active legitimation, the substantive rules that can be invoked, the proof of the causal link and the subject-matter of the claim are not clear, since these depend both on the peculiarities of each individual legal system and on the type of action brought.

The purpose of this collection of papers is to carry out a survey of the problems, with the aim of identifying the most effective solutions to protect the climate and to urge States to concretely put in place the instruments necessary to realise the objectives of the international instruments.