

Just Published: Kahl/Weller, Climate Change Litigation - A Handbook



From the publisher' site:

About Climate Change Litigation

This book investigates and discusses the respective issues arising in the current discourse on climate protection from different legal perspectives (including international law, European law and national public and civil law). In particular, it addresses the issue of “climate protection by courts”.

It gives an overview of important jurisdictions in the field of climate change litigation, including the US, Canada, Australia, the UK, France, the Netherlands, Italy, Brazil and Germany.

The handbook provides answers and ideas both to scholars and practitioners in the field. Furthermore, it is guaranteed to provide an overview of the latest news in cases and progress in the field of climate change litigation.

Table Of Contents

Summary of Contents

INTRODUCTION

CLIMATE CHANGE AS A CHALLENGE FOR GLOBAL GOVERNANCE, COURTS AND HUMAN RIGHTS (Voigt)

PART 1

FUNDAMENTAL QUESTIONS

A. Liability for climate damages, sustainability and environmental justice (Kloepfer/Neugärtner)

B. Climate damages and the ‘Polluter Pays’ Principle (Rehbinder)

C. The role of courts in climate protection and the separation of powers (Payandeh)

D. Climate change and duties to protect with regard to fundamental rights (Gross)

PART 2

PROCEDURAL ISSUES AND CONFLICT OF LAWS

E. Arbitration proceedings (Lennarz)

F. Conflicts of jurisdiction and the applicable law in domestic courts' proceedings (Kieninger)

PART 3

STATE LIABILITY UNDER INTERNATIONAL AND EUROPEAN LAW

G. Environmental liability in international law (Wolfrum)

H. The international law and policy implications of climate change litigation: sustainable developments in international investment law and policy related to renewable energy, climate change mitigation and adaptation (Cordonier Segger/Arvan/Byron/Srinivas)

I. The Paris Climate Agreement and liability issues (Franzius/Kling)

J. Liability of EU Member States under EU law (Purnhagen/Saurer)

PART 4

CLIMATE CHANGE LITIGATION - NATIONAL REPORTS

K. Climate change litigation in the United States (Farber)

L. Climate change litigation in Canada (Jodoin/McGinn)

M. Climate change litigation in Brazil (Wedy)

N. Climate change litigation in Australia (Bell-James)

O. Climate change litigation in the United Kingdom (Ohdedar/McNab)

P. Climate change litigation in Italy (Butti)

Q. Climate change litigation in France (Epstein/Deckert)

R. Climate change litigation in the Netherlands - the Urgenda case and beyond (Van der Veen/De Graaf)

S. Climate change litigation in Germany (Weller/Nasse/Nasse)

PART 5

LIABILITY FOR CLIMATE DAMAGES - GERMANY AS AN INTERNATIONAL PIONEER?

T. Liability for climate damages under the German law of torts (Wagner/Arntz)

U. Liability for climate change damages under the German Environmental Liability Act (Nitsch)

- V. Climate protection and compliance in German corporate law (Habersack/Ehrl)
- W. Investor-led action for climate and business sustainability (Duve/Hamama)
- X. Liability for climate damages under the Environmental Damage Act (Kahl/Stürmlinger)
- Y. The role of non-governmental organizations for climate change litigation (Verheyen/Pabsch)

PART 6

CONCLUSIONS

LIABILITY FOR CLIMATE DAMAGES -

SYNTHESIS AND FUTURE PROSPECTS (Kahl/Weller)