

EXPERT WORKSHOP & PHD COLLOQUIUM

Climate change cases before regional human rights courts and United Nations human rights treaty bodies

Scientific Organisers:

- EUI Law Department and Human and Fundamental Rights Working Group
- PluriCourts Centre of Excellence, University of Oslo
- IUCN World Commission on Environmental Law

Date: Expert Workshop, Friday 14 April 2023, and PhD Colloquium on human rights and climate change, Saturday 15 April 2023

Place: Villa Salviati, Sala del Consiglio European University Institute, Florence, Italy

ABSTRACT

Climate change is one of the main challenges facing humanity today. Without rapid and decisive action, it will be *the* main challenge, an existential threat to people and other living organisms. There are many approaches to combating climate change, including intergovernmental negotiations and action through international organizations, social mobilization and protest, efforts to engage corporations and the business community to cut greenhouse gas emissions, and searching through the repository of law for tools that could be used to compel the unwilling. This one-day expert workshop followed by a PhD colloquium will focus on legal tools in the field of human rights and the prospects of human rights litigation for turning the tide of climate change. While taking into account developments in domestic law, general international law and international environmental law, the event will in particular explore developments in and prospects of human rights litigation before regional human rights courts and international human rights treaty bodies in trying to address climate change and its adverse effects as they constitute or cause human rights violations.

The expert workshop of Friday 14 April will run in the format of plenary sessions from 9.00 to 18.30 and include a lunch break and two coffee breaks. The PhD colloquium of 15 April will be from 9.00 until 12.30, based on papers and presentations by PhD researchers.

Friday, 14 April 2023

Expert Workshop on Climate change cases before regional human rights courts and United Nations human rights treaty bodies

Time: 9.00-18.30 CEST

9.00 Welcome and introductions: Professor **Christina Voigt**, University of Oslo

Session I: Climate change related cases before human rights courts and treaty bodies – what are the transferable lessons so far? **(9.15.-11.15)**

Taking stock of *Daniel Billy et al. (Torres Strait Islanders) v. Australia* and other decided cases by UN human rights treaty bodies: Where has human rights litigation failed, and what have been the successes and promising prospects?

Professor **Martin Scheinin**, British Academy Global Professor, University of Oxford

Commentator: Professor **Gentian Zyberi**, University of Oslo

Pending Climate Cases before the Grand Chamber of the European Court of Human Rights (*Duarte Agostinho and Others v. Portugal and 32 other states*; *Carême v. France*, *Verein KlimaSeniorinnen Schweiz* and *Others v. Switzerland*)

Professor **Helen Keller**, University of Zürich

Commentator: PhD researcher **Katie Pentney**, University of Oxford

Coffee break (11.15-11.30)

Session II: Procedural and substantive challenges in climate change related human rights litigation **(11.30-15.15**, with intervening lunch break)

Procedural challenges (including jurisdiction, extraterritoriality, victim requirement, exhaustion of domestic remedies etc).

Professor **Marko Milanovic**, University of Reading

Commentator: **Sophie Marjanac**, ClientEarth

Lunch break (12.45-14.00)

Substantive challenges in demonstrating how climate change results in human rights violation: Which rights? Violations by whom? Through which arguments?

Professor **John Knox**, Wake Forest University

Commentator: **Gerry Liston**, Global Legal Action Network

Coffee break (15.15-15.30)

Session III: Cross-cutting challenges between human rights law, general international law (e.g., law of state responsibility, law of treaties) and international environmental law (e.g., climate change law, compliance control) **(15.30-16.45)**

Professor **Margaretha Wewerinke-Singh**, Amsterdam Law School

Commentator: Professor **Erik Voeten**, Georgetown University

Session IV: In search of a synthesis – and a Roundtable (16.45-18.30)

The dilemma: Are human rights instruments and procedures a useful toolbox in addressing climate change, or merely a device for redistributing the harms? If the litigation is strategic, are we speaking of a human rights strategy or of a climate change strategy?

The prospect of systemic integration: How can international human rights law, international environmental law and public international law be integrated at and by human rights courts and treaty bodies?

Professor **César Rodríguez-Garavito**, New York University

Professor **Christina Voigt**, University of Oslo

Tour-de-table involving all participating experts

Saturday, 15 April 2023

PhD Colloquium on Human Rights and Climate Change

Time: 9:00 – 12:30 CEST

Abstract deadline: Friday 10 March, 12:00 CEST

The format

The EUI Human and Fundamental Rights Working Group will host this half-day PhD colloquium on human rights and climate change. The aim of the colloquium is to give researchers at any stage of their research the opportunity to reflect and receive feedback on their work. The participants are encouraged to participate also in the expert workshop of the preceding day. That said, the PhD colloquium will take place in hybrid format, allowing also for remote participation.

Call for abstracts

We welcome submissions on different perspectives of human rights and climate change. The colloquium aims at creating a space for fruitful discussions on the topic from as diversified perspectives and angles of analysis as possible.

Application procedure

If you would like to present your work at this colloquium, please submit a title and abstract of around 300 words to fundamentalrights@eui.eu, by 10 March 2023. The confirmation to participate, together with the final programme, will be circulated shortly thereafter. Accepted applicants will by the end of March be expected to submit short papers (of 3000-4000 words) or an extended outline to facilitate the discussions.

Remote participation by accepted presenters and anyone interested.