

CALL FOR PAPERS

International Human Rights Courts and Bodies at the Edge of the Climate Tipping Point

9-10 June 2021, Centre for Fundamental Rights at the Hertie School

As a reaction to scientists' ominous message that humanity is running out of time to avert a climate collapse, individuals and groups around the world are increasingly turning to judicial and quasi-judicial bodies to seek remedies for climate protection. This recent surge of climate crisis litigation has not only taken place before domestic courts in both the Global South and the Global North but also before international human rights courts and bodies, both at the regional and at the United Nations level. In 2019, a group of children, including Greta Thunberg, filed a petition with the United Nations Committee on the Rights of the Child against Germany, France, Turkey, Brazil and Argentina. In January 2020, in the decision *Teitiota v. New Zealand*, the United Nations Human Rights Committee found that the climate crisis might engage non-refoulement obligations under the International Covenant on Civil and Political Rights. Later in the same year, six children from Portugal brought a case against 33 Council of Europe member States before the European Court of Human Rights.

Against this background, the aim of this workshop is to appraise the potentials and limits of bringing climate crisis cases before international human rights courts and bodies. How far can international human rights bodies go in interpreting human rights law to prevent and remedy climate-related harm? To what extent does the architecture of international human rights law limit the adjudicators' capacity to protect substantive and procedural rights from climate-related risks? Why do individuals and groups mobilise to take the climate crisis before international human rights courts and bodies? What are the risks of reaching out to international courts and bodies before exhausting domestic routes? What role does a diversity of voices, identities, and narratives play in shaping the strategies to bring climate cases before international human rights bodies? Can international human rights bodies act as catalysts for change at the domestic level and in international climate negotiations? Are international human rights bodies capable of designing remedies that address the climate crisis in a relevant and impactful manner? How do distinctive issues pertaining to the interaction between states and international human rights bodies – such as the compliance of orders, resistance and backlash to legitimacy, the margin of appreciation, and the balance of rights – unfold in the context of climate litigation? What scientific and global equity standards should international bodies apply in assessing different states' human rights duties concerning climate mitigation and adaptation?

Guided by these research questions, the Centre for Fundamental Rights at the Hertie School, the Grantham Research Institute on Climate Change and the Environment at the LSE, the University of Stirling and the Center for Human Rights and Global Justice at NYU invite abstract submissions that address the potentials and limits of international human rights courts and quasi-judicial bodies from legal, critical, normative and socio-legal perspectives. The workshop welcomes papers to examine the following non-exhaustive list of topics:

- The distinction between present harm and risk of harm.
- Climate litigation and the greening of human rights.

- Non-justiciable rights in climate litigation.
- Rights of non-humans and future generations in climate litigation.
- Climate litigation in the context of vulnerable segments of the population.
- The problems pertaining to transboundary climate harm, jurisdiction, causation, attribution and remedies in human rights law
- The convergence and divergence between climate justice concerns and human rights-based climate litigation.
- Aspects of decolonization and TWAIL in climate litigation.
- The legitimacy of international courts and bodies in addressing the climate crisis.
- Methods of legal interpretation in international human rights-based climate litigation.
- Dynamics of legal mobilization in climate litigation.
- Reactive human rights-based climate litigation – i.e. human rights complaints concerning wind farms and climate policies.

Submissions

The workshop is open to both established and early-career scholars and practitioners, including advanced PhD students. It welcomes submissions from researchers of human rights law and fundamental rights as well as from those working at the crossroads of law and other disciplines, including political philosophy, political science, sociology and anthropology. Single case and comparative case studies are both welcome.

Interested participants should provide an abstract in Word format of no more than 500 words. Together with their abstracts, applicants should provide the following information: first name/surname, affiliation, the title of the proposed paper and an email address. To submit an abstract please write to fundamentalrights@hertie-school.org by **10 January 2021** with the heading '**Submission Climate Crisis Workshop**'.

The criteria for selection are originality and fit. Work already published is not eligible for submission. Speakers will be informed of the acceptance of their proposals by **8 February 2021** and be required to submit a full paper by **24 May 2021**. Papers should be between 8,000 and 10,000 words, including references.

Workshop Format

The organizers will hold an online workshop via video conference over 2 days. Each paper will receive comments and feedback from senior academics as well as other workshop participants, who are expected to have read each other's papers.