

IASS-Blogpost

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[Dachzeile]

Climate litigation and planetary justice – the kick-off of the lecture series "Justice and Sustainability"

The April 2021 decision of the German Federal Constitutional Court in the case **Neubauer et al. vs Germany** has drawn a lot of attention worldwide. **Louis Kotzé**, Research Professor of Law at the Faculty of Law, North-West University, South Africa and currently Klaus Töpfer Sustainability Fellow at the IASS, and **Jannis Krüßmann**, a young climate activist, spoke on the ruling and its wider consequences for climate litigation on **January 27, 2022** as part of the **focal topic "Justice and Sustainability"**. During the event, we were interested in how the ruling affects different dimensions of justice. To what extent are global justice issues in the North-South relationship affected? And do the aspects of intertemporal and intergenerational justice mentioned in the judgment open up new ways of understanding the climate crisis and its consequences?

In his presentation, Professor Louis Kotzé explored the extent to which the Federal Constitutional Court put forth a holistic planetary view of the impacts of climate change, and how that is linked to issues of planetary justice, Earth system vulnerability, and global climate law in the context of a human-dominated geological epoch, the Anthropocene. In his presentation, Kotzé concluded that courts could increasingly adopt a planetary perspective in assessing climate change, grounded in the context of the Anthropocene. Indeed, the Constitutional Court has embraced a perspective to address the climate issues of the Anthropocene, as opposed to a purely traditional and localized domestic one. As such, the Court's decision represents a first and important step towards a new paradigm, which he calls "Planetary Climate Litigation".

After Kotzé's lecture, Jannis Krüßmann reported on the climate lawsuit he led against the state of North Rhine-Westphalia before the Federal Constitutional Court. Krüßmann clearly explained why the state has not been fulfilling its responsibility in climate policy for years and has even taken significant steps backwards. At the end of his presentation, Krüßmann came to the sobering conclusion that, for him, only a judicial ruling can force policymakers to act on the climate crisis. In the concluding discussion, the participants controversially discussed the extent to which court rulings can replace government action in the climate crisis and whether the argument of intergenerational justice mentioned in the reasons for the ruling can also be applied to fields such as health, pensions or national debt.

! Zum Aktualisieren der Textelemente, Zitation markieren und dann F9 drücken !

Zitation: Dr. Knappe, Henrike; Scheffer, Niklas (2022): **Fehler! Verweisquelle konnte nicht gefunden werden.** – IASS-Blogpost, 18.02.2022.

URL: <https://www.iass-potsdam.de/en/blog/2022/02/climate-litigation-and-planetary-justice>

