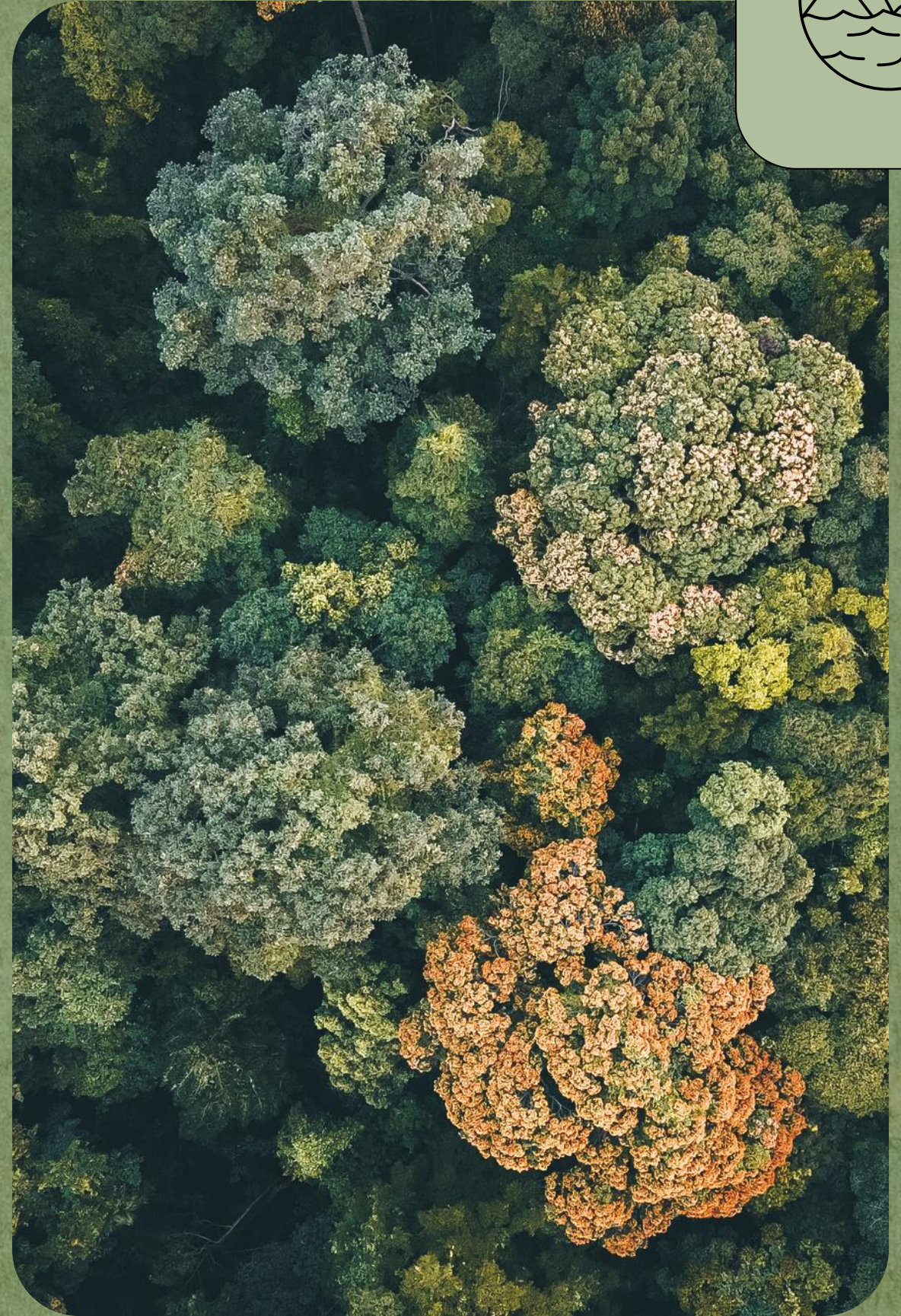
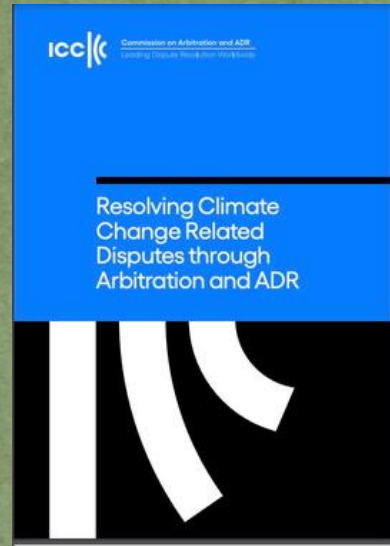


What are climate change related disputes?

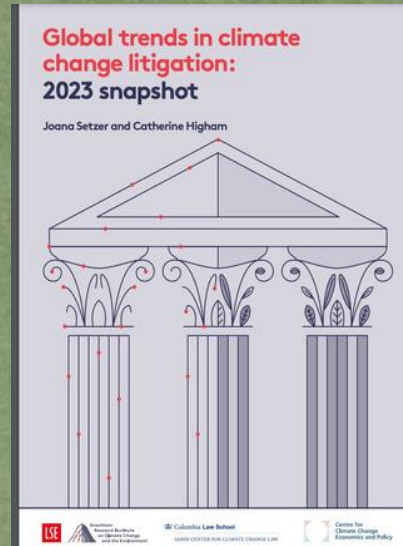
TOMOKO ISHIKAWA, NAGOYA UNIVERSITY, JAPAN



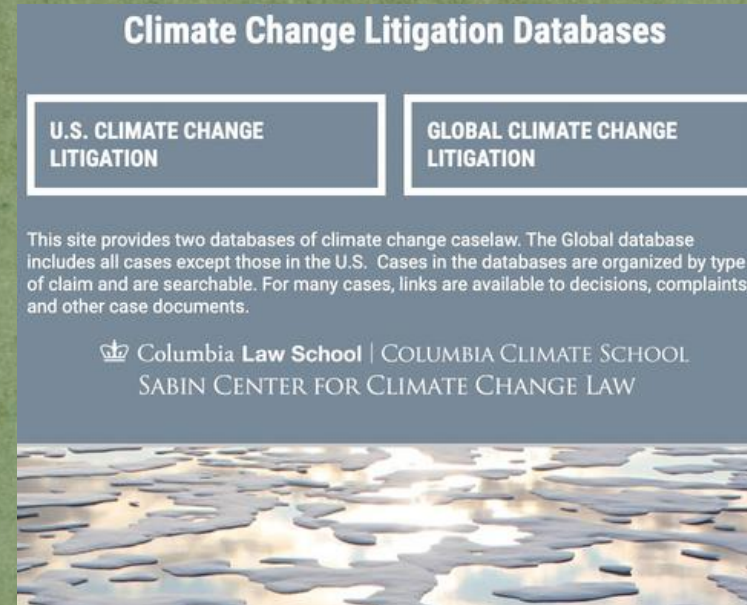
Definitions



<https://icwbo.org/wp-content/uploads/sites/3/2019/11/icc-arbitration-adr-commission-report-on-resolving-climate-change-related-disputes-english-version.pdf>



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<https://climatecasechart.com/>

Climate change related disputes:

'any dispute arising out of or in relation to the effect of climate change and climate change policy, the United Nations Framework Convention on Climate Change ('UNFCCC') and the Paris Agreement'

Climate change litigation:

'consisting of cases brought before judicial and quasi-judicial bodies that involve material issues of climate change science, policy or law'



<https://icwbo.org/wp-content/uploads/sites/3/2019/11/icc-arbitration-adr-commission-report-on-resolving-climate-change-related-disputes-english-version.pdf>



Categories

- Contractual disputes
- Climate rights disputes
- Domestic enforcement of international climate change commitments
- Corporate liability and responsibility
- Climate disclosure and greenwashing/‘Transition risk’ cases
- Investor-state disputes concerning energy transition



‘Just energy transition’ cases

“Nearly 50 of the more than 230 cases filed in 2023 are not aligned with climate goals”

“[S]ome cases challenge how climate action is designed, rather than opposing the need for such action”

Setzer and Higham, Global trends in climate change litigation: 2024 snapshot

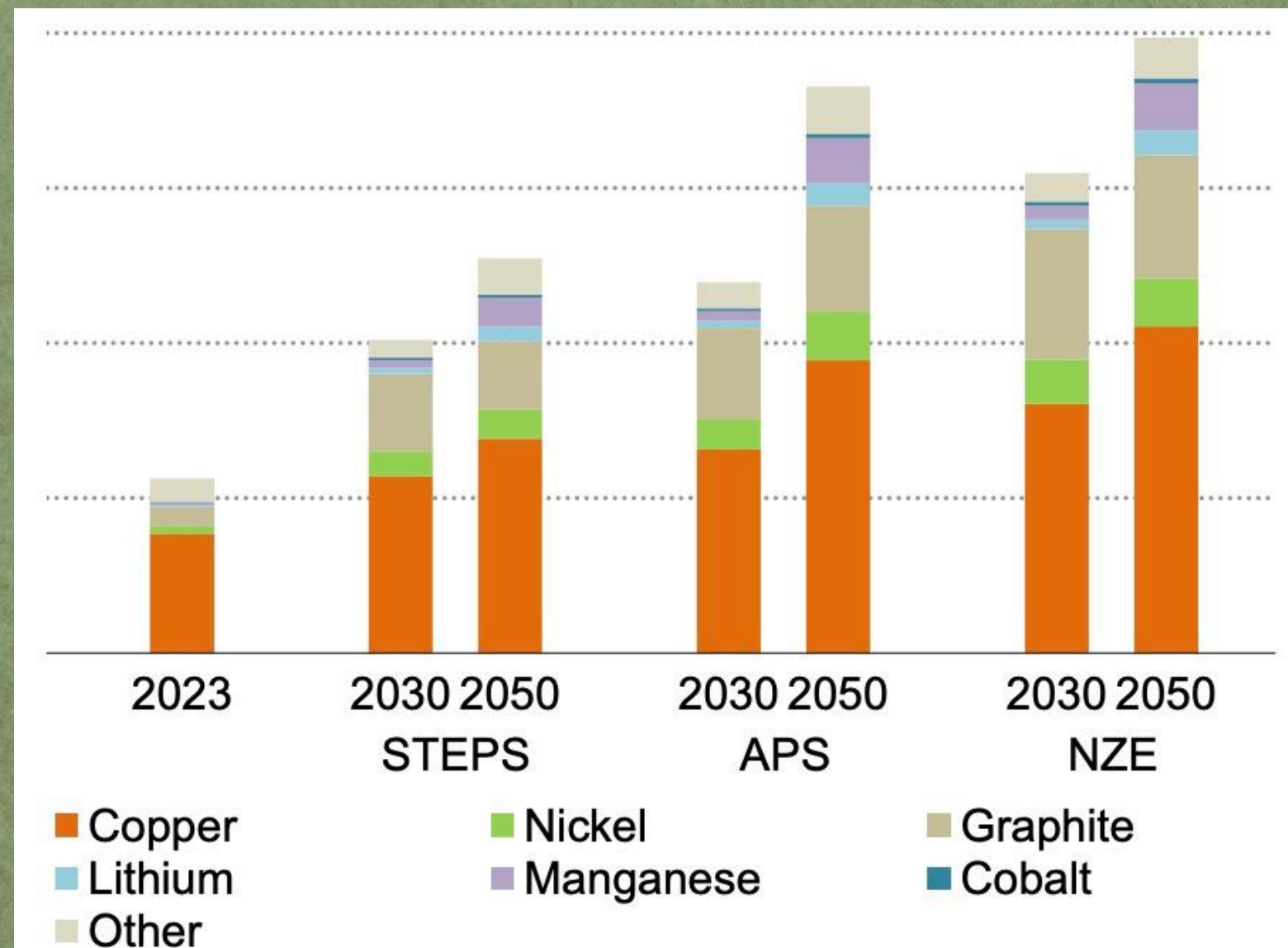


E.g.

- Disputes over onshore wind farm projects
- Social impact of the closure of fossil fuel

'Just energy transition' cases

- Increase of mineral demand for clean energy technologies



“[T]he search for mineral deposits is spreading further and further into the developing world. This means, for example, that mining companies more often encounter indigenous populations that question the sovereign authority of the nation state from which the company received its mining permit. The arrival of the mining company in itself creates instability because it resurrects issues of indigenous autonomy in the face of national claims to territorial sovereignty”
Robert Boutilier, Leeora D. Black and Ian Thomson, From metaphor to management tool: How the social license to operate can stabilise the socio-political environment for business (2012)