

Global Law of Climate Change Dissemination Output



The concept:

My dissemination output consists of protest banners carrying key climate change law concepts or quotes from judgments from various jurisdictions that illustrate how courts around the world have addressed climate change. The aim is that these banners will make legal concepts or key words accessible to non-lawyers participating in the protest.

I have chosen the format of 2 large banners carrying the words “Courts around the world have spoken” and “Are you listening”. This way the banners are addressed at the general public and each of us at the protest to reflect on our awareness of key climate change jurisprudence and messages. A third banner can be added according to who is addressed at the protest and where it is taking place. For example: “Courts around the world have spoken”, “Are you listening” “UK Govt?/Shell?/German Constitutional Court?/Turkey?/Macron?”

Around those large banners, smaller placards can be added by each participant, containing their favourite climate change judgment and the key message from it, distilled into layperson and protest-friendly language. Again, according to the aim and topic of the protest, judgments reflecting that message can be chosen. For instance, at a protest against

government subsidies for fossil fuels, the dissenting judgment by Mrs Justice Thornton in a split Divisional Court in *Friends of the Earth v. UK Export Finance*¹ could be paraphrased: “Using up the global Carbon budget? Consider the Paris Agreement! Inform the public!”

For starters I have chosen the following quotes:

1. **Heathrow** : “**Climate Change = exceptional public interest**“ *Friends of the Earth and Others v Secretary of Transport, Court of Appeal of England and Wales*, 21.12.2021, [277]
2. **Urgenda**: “**Every state must do its part!**“ *Supreme Court of the Netherlands*, 13.01.2020, [5.7.5]
3. **Leghari**: “**Climate Justice= equitable stewardship of world’s resources**“ *Leghari v. Federation of Pakistan, Lahore High Court*, 04.04.2015, [21]
4. **Massachusetts**: “**Scientific uncertainty not a reason not to act!**“ *Massachusetts et al v. EPA et al.*, US Supreme Court, 02.04.2017, p. 31

Two more ideas are:

1. **Colombia**: “**A Global Ecological Public Order has emerged**“ *Future Generations v Ministry for the Environment, Supreme Court of Colombia*, 04.05.2018, [6]
2. **Millieudefensie**: “**Companies, reduce emissions, link up with Paris Agreement!**“, *Milieudefensie et al. v. Royal Dutch Shell plc.*, *The Hague District Court*, 26.05.2021, [4.4.26]

These can be expanded upon by anyone wanting to join the protest.

In practice:

I tested the large banners at an Extinction Rebellion protest in Hyde Park on April 9th, accompanied by my classmates Isabela Keuschnigg and Flora Hausamann who had also painted banners of their own². I was asked about my sign which read “I am here for our common heritage” and got into a conversation with fellow protesters about the legal concept of common heritage of mankind (as referred to in UNCLOS³ article 136) and the idea of protecting the atmosphere as a global common⁴. I realized that it is rewarding and relevant to engage in discussions about legal concepts beyond the classroom to explain them in an accessible way and to receive new input for legal discourse about them.

¹ *Friends of the Earth v. UK Export Finance*, High Court (England and Wales), Dissenting Judgment of Mrs Justice Thornton, 15.03.2022

² Students Joshua Weiss and Cakil Güldal joined us the night before to paint their own banners.

³ UN General Assembly, Convention on the Law of the Sea, 10 December 1982, available at: <https://www.refworld.org/docid/3dd8fd1b4.html> [accessed 18 April 2022]

⁴ For example: Christine Bakker, ‘Protecting the Atmosphere as a “Global Common Good”: Challenges and Constraints in Contemporary International Law’ in Christine Bakker, *The Protection of General Interests in Contemporary International Law* (Oxford University Press 2021) <<https://oxford.universitypressscholarship.com/view/10.1093/oso/9780192846501.001.0001/oso-9780192846501-chapter-8>> accessed 18 April 2022.

Lucas Bernard and others, ‘The Atmosphere as a Global Commons’ in Lucas Bernard and Willi Semmler (eds), *The Oxford Handbook of the Macroeconomics of Global Warming* (Oxford University Press 2015) <<http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199856978.001.0001/oxfordhb-9780199856978-e-012>> accessed 18 April 2022.

I am confident that the banners and placards with the judgments will generate similar discourse and start a relevant and valuable conversation on the role of courts, strategic litigation and transnational climate law concepts. In the best-case scenario, the use of legal messages at protests can contribute to legal climate consciousness of the wider public and to the judicial climate consciousness observed in my essay. (The dream scenario being the use of the banners and relevant judgments in front of the Royal Courts of Justice while a strategic climate case is being litigated). I aim to connect the work done for my essay to real life by communicating that we, the public and legal scholars are aware that we must work together to address this crisis, just like judges are aware of each other's strategies and tools of addressing it in the courtroom.

I hope to be able to join such a protest with my fellow classmates from the Global Law of Climate Change class this summer.

Pictures:



Preparations

At the Protest, 09.04.22



Adding the Judgments:



Friends Daniela and Lukas holding up their favourite judgments (placards created by me)



Every voice matters⁵:



⁵ Correction: Date of Judgment is 2020 (placard is corrected but picture could not be repeated due to lack of access to the canine model).