

Editorial

As we find ourselves in the throes of the escalating and undeniable consequences of climate change, the importance and urgency of advancing research into climate law and litigation comes to the forefront. This is far beyond merely understanding the science of climate change. It has evolved into an issue of existential significance that intertwines with the fabric of our legal systems, impacting our societies and the planet we inhabit.

The urgency of climate action is compelling us, more than ever, to rethink and reshape our legal frameworks. We must consider the role of law in not just acknowledging but actively ensuring carbon neutrality. We must address the complexities of climate attribution, dissecting our responsibilities and obligations towards our planet and future generations. We must strive to deliver climate justice, a concept that binds environmental sustainability with the principles of social and economic justice.

Pushing the boundaries of research in this field is not a choice but a necessity. We are not only contributing to the body of knowledge but also shaping the discourse around climate action. We are paving the way for robust, informed, and effective climate policies and actions. The tools we develop, the insights we gain, and the solutions we propose in our research could be the turning point in our collective response to climate change.

And so, we present to you the special issue of the Carbon and Climate Law Review Special Issue: Climate Law and Litigation - Considerations of Carbon Neutrality, Attribution, and Justice. This special issue is presented under the banner of the Research Center for Climate Law (ClimLaw: Graz) Annual PhD Workshop on Climate Law and Litigation and contains submissions from the esteemed presenters and attendees of the 2023 workshop.

ClimLaw: Graz is a climate law research center at the University of Graz, Austria. It's part of the interdisciplinary Field of Excellence "Climate Change Graz". It critically examines developments in climate protection law, conducting research projects with national and international partners. The center's expertise lies in climate-relevant national, comparative, and public international law. Topics include climate negotiations, lawsuits, liability, conflicts, migration, and more. ClimLaw: Graz offers courses on environmental and climate law, and seminars on specific topics. The center is well connected, organising conferences and workshops with various partners both in the global north and the global south.

In 2022 ClimLaw: Graz hosted the first Annual PhD Workshop on Climate Law and Litigation. With that ClimLaw: Graz aims to foster climate law and litigation research worldwide. The annual ClimLaw: Graz PhD Workshop is organised in association with the United Nations Environment Programme (UNEP), the German Umweltbundesamt (UBA), the Association of Environmental Law Lecturers from African Universities (ASELLAU), and the Development and Rule of Law Programme (DROP), University of Stellenbosch, South Africa. This event serves as a platform for scholars to present research, share ideas, and engage in academic discussions. Unlike other environmental law workshops, our workshop

focuses specifically on climate law, filling a gap in this field. The workshop, part of a new seminar at the University of Graz, covers diverse elements of climate law and addresses developments in climate litigation. It welcomes international participation without regional or topical limits.

This special issue brings together a collection of articles, from topics discussed in our 2023 ClimLaw: Graz annual workshop, to provide background and oversight on key issues related to the special issue theme. The authors delve into the complex and interwoven aspects of climate law and litigation, seeking to illuminate the dense fog of regulatory, legal, and ethical considerations that surround this pivotal area of global concern.

We begin with an exploration of the role of climate litigation in holding nations accountable for their commitments under international climate agreements. Thus, setting the stage by contextualizing the importance and potential impact of legal mechanisms in the fight against climate change. The special issue also seeks to offer an in-depth examination of the intersection of climate change and human rights law, comparing the legal obligations of states across different jurisdictions. This comparative analysis serves as an important reminder of the global nature of climate change and the need for international cooperation in addressing its impacts. Additionally, insights on some specific jurisdictions dissects the different constitutional mechanisms that can be leveraged in climate litigation, providing valuable insights into the legal strategies that could be employed to combat climate change. Overall, the special issue develops these themes, offering in-depth analyses and thought-provoking discussions on different aspects of climate litigation and policy.

This special issue serves as a platform for the exchange of ideas, a space for critical dialogue, and a tool for mutual learning. It invites readers to engage with the multifaceted challenges and opportunities that climate law and litigation present. It is our hope that these articles stimulate further discussion and inspire action towards a more sustainable and just future. This journey of discovery and innovation in climate law and litigation is an invitation to all of us to partake in the creation of a more sustainable and equitable world. It is a call to action that resonates with the urgency of our times, urging us to turn the tide before it's too late.

Larissa Jane H. Houston
Research Center for Climate Law (ClimLaw: Graz), University of Graz, Austria



*We work for
tomorrow*

ClimLaw: Graz
Research Center for Climate Law