

## **23/11/2023 - Melanie Murcott & Matteo Fermeglia**

### **Title: Transformative litigation amidst the climate crisis**

#### **Abstract**

It is now well-known that the causes and impacts of climate change are not only devastating for the environment, but also heightening intersecting experiences of marginalization, poverty, and inequality, particularly for people in the Global South. This phenomenon has been described as 'climate apartheid'. Consequently, local communities, non-governmental organizations, and others around the world are increasingly pursuing litigation as a means to tackle the ensuing crisis and its justice implications. Such litigation aligns with efforts to advance several interrelated Sustainable Development Goals (SDGs), particularly SDG1 (no poverty), SDG3 (good health and well-being), and SDG13 (climate action). Within this context, the lecture will explore some of the ways in which courts and litigants can and are adopting transformative approaches, such as human rights-based and justice-oriented strategies, to hold state and non-state actors accountable for the causes and impacts of climate change. We will engage with emerging scholarly concepts, such as transformative environmental constitutionalism and Earth systems governance, that seek to shape essential shifts in legal reasoning and adjudication. Drawing on case law from Germany and South Africa we will illustrate the significance of transformative litigation amidst the climate crisis. The goals of the lecture are to introduce students to the linkages among justice and the climate crisis, and expose students to transformative approaches in litigation in South Africa and Germany that align with relevant SDGs.