

The significance of climate litigation for the political debate on Loss & Damage

Arpitha Kodiveri, Noah Walker-Crawford, Christoph Bals and Hafijul Khan



Brief Summary

The policy brief addresses two important questions. Firstly, the role of climate litigation this far in addressing legal claims for loss and damage. Secondly, the potential that climate litigation holds in redressing the claims of losses and damages. The brief provides an analysis of how the two arenas of legal action – negotiations and litigation – interact and how they can work together to provide a more robust legal basis for supporting issues of loss and damage.

This policy brief owes its framing and insights to the thought leadership of Cesar Rodruguez Garavito, Professor of Clinical Law at NYU Law and Dr. Saleemul Huq, Director of the International Center for Climate Change and Development who have been instrumental in shaping the field of climate litigation and negotiations on loss and damage respectively.

Imprint

Authors:

Arpitha Kodiveri
Noah Walker-Crawford
Christoph Bals
Hafijul Khan

Layout:

Lukas Kiefer

Germanwatch e.V.

Kaiserstr. 201
D-53113 Bonn
Phone +49 (0)228 / 60 492-0

Internet: www.germanwatch.org
E-mail: info@climatecase.org

Climate Litigation Accelerator

40 Washington Square South
New York, NY 10012

Internet: www.clxtoolkit.com
E-mail: ClimateLitigationAccelerator@gmail.com

November/2022

Content

| | | |
|----------|---|-----------|
| 1 | Legal avenues for Loss & Damage support – Claiming polluters’ responsibility..... | 4 |
| 2 | Typology of Cases and Associated Legal Strategies, Evidence Submitted and Challenges Faced | 6 |
| 2.1 | Vulnerable State V Large Emitting State | 7 |
| 2.2 | Sub-national unit V Fossil Fuel Major | 8 |
| 2.3 | Citizen or civil society V State..... | 8 |
| 2.4 | Vulnerable State V Fossil Fuel Major | 9 |
| 2.5 | Victim in vulnerable state V Fossil Fuel Major | 9 |
| 3 | Interaction between Litigation and Negotiations on Loss and Damage..... | 10 |
| 4 | Literature..... | 11 |

1 Legal avenues for Loss & Damage support – Claiming polluters’ responsibility

When international climate diplomacy fails to advance, affected people may take legal avenues to address the problem of L&D. Going to court, they can claim that large emitters should take responsibility in terms of liability for L&D. Based on COP decision 1/CP.21, the Paris Agreement and its article 8 on loss and damage do not “involve or provide a basis for any liability or compensation” (§51).¹ However, the COP decision “cannot exclude the application of the general rules on liability and compensation between states”² – hence, the formulation does not limit the application of other international duties, international law and national legal systems.

Recent years have seen an increase in climate-related litigation claims around the world by states, municipalities, public interest organizations and property owners.³ As of 2022, over 2000 cases have been filed in 44 countries and 15 international or regional courts and tribunals. The number of cases is increasing rapidly with around a quarter of them filed since 2020. Most cases were filed in the Global North with over 1400 in the US alone. A growing number of lawsuits are emerging in the Global South with 88 filed as of May 2022.⁴ Recent court filings show five trends regarding the purposes of climate change litigation (UNEP 2020):

- using human rights to compel climate action;
- holding governments to their legislative and policy commitments;
- keeping fossil fuels in the ground;
- Claiming corporate liability and responsibility for climate harms;
- establishing liability for failures to adapt to climate change;
- advocating for greater climate disclosures and an end to greenwashing.

In this paper, we will focus on the fourth approach: establishing that particular emissions contributed to adverse climate change impacts, seeking that emitters stop disruptive action or take compensatory and protective action.

One of these cases was brought to court by the Peruvian farmer Saúl Luciano Lliuya. In 2014, he filed a claim against the German energy company RWE. Luciano Lliuya’s house lies below a dangerous glacial lake. He claims that CO₂ emissions from the defendant contributed in a relevant way to global warming and thereby to accelerated glacial melting and an increase in the lake’s volume.⁵ An avalanche could trigger an outburst flood from the lake, causing damage to his house and hometown

¹ This article is a negotiation compromise for including loss and damage in the Paris Agreement. It mainly reflects concerns by some developed country Parties, that a loss and damage article is seen as an admission of liability for climate loss and damage, potentially resulting in claims for compensation (Sharma et al. 2016).

² Sharma et al. 2016. For an in depth analysis of COP decision 1/CP.21 Art. 8 see Lees 2016.

³ Seley/Dudley 2016.

⁴ Setzer/Higham (2022). See also Climate Law and Litigation Database by Grantham Research Institute (LSE) for worldwide data without US, available at: www.lse.ac.uk/GranthamInstitute/climate-change-laws-of-the-world/. And Climate Change Litigation Database by Columbia Law School for US data, available at: <http://wordpress2.ei.columbia.edu/climate-change-litigation/us-climate-change-litigation/>.

⁵ Frank 2017.

of Huaraz.⁶ To prevent the danger, authorities plan to build a new dam and drainage system at the lake. The claim seeks that RWE contribute to these protective measures.⁷ RWE is the largest CO₂ emitter in Europe. As the company has contributed around 0.5%⁸ of historic industrial emissions, the plaintiff demands that it covers 0.5% of the costs for protective measures, or around US\$ 20,000.

Luciano Lliuya's case is part of a worldwide trend. In 2018, *New York City* filed a federal lawsuit against the five largest investor-owned fossil fuel producers. It seeks to recover costs for protecting residents from the impacts of climate change (BP, Exxon Mobil, Chevron, ConocoPhillips und Shell).⁹ Over two dozen US cities and states have filed similar cases, all of them still pending, against major polluters over their contribution to climate change impacts and companies' efforts to mislead the public.¹⁰ In July 2022, Indonesian islanders sued the Swiss cement producer Holcim seeking compensation for climate damages and demanding that the company cut its future emissions.¹¹ In the Philippines, a *human rights commission* found in 2022 that the collective contribution to global warming by 47 global coal, cement, oil and gas companies has violated Filipinos' basic rights to life, water, food, sanitation, adequate housing and self-determination – in particular through the L&D caused by superstorm Haiyan in 2013. This may provide the basis for future liability claims. The companies include some of the world's biggest fossil fuel producers, such as ExxonMobil, Chevron, Shell, Rio Tinto and Total.

The prospects for success vary. The cases are often compared to litigation against the tobacco industry where companies also knew for a long time about the harmful effects of their products.¹² The companies tried to disguise their knowledge until the 1990s, when some lawsuits were successful and so many others were pending in the U.S. that the companies agreed to a settlement costing them at least \$206 billion¹³.

Saúl Luciano Lliuya achieved a preliminary success in November 2017. After the Essen District Court dismissed the claim on legal grounds, Luciano Lliuya appealed the judgement. He argued that there is a scientifically proven causal link between CO₂ emissions from RWE power plants and the danger he faces and that there is no legal reason why a large emitter such as RWE should be exempted from its climate-related legal responsibility regarding the threat to his property. In a November 2017 hearing, the Higher Regional Court Hamm rejected the lower court's judgement and followed Lliuya's legal reasoning on all points. It rejected RWE's claim that the law does not cover climate change since it is too "complex" and everyone emits greenhouse gases. The court not only accepted to hear the case but also recognised that in principle, it was possible to establish legal causality for RWE's contribution to climate risk in Peru. This already set a partial precedent: according to the judges' interpretation of the law, major emitters can be held liable for their contribution to climate change

⁶ Frank/Bals/Grimm 2017.

⁷ Germanwatch 2017.

⁸ RWE AG is the largest CO₂ emitter in Europe which is responsible for 0,47% of global CO₂ emissions based on the so-called Carbon Major's report (Heede 2014).

⁹ See New York Times 10 January 2018: <https://www.nytimes.com/2018/01/10/nyregion/new-york-city-fossil-fuel-divestment.html>.

¹⁰ See The Guardian 30 June 2021: <https://www.theguardian.com/environment/ng-interactive/2021/jun/30/climate-crimes-fossil-fuels-cities-states-interactive>

¹¹ See The Guardian 20 July 2022: <https://www.theguardian.com/world/2022/jul/20/indonesian-islanders-sue-cement-holcim-climate-damages>

¹² Olszynski et al. 2017; Leonard et al 2016.

¹³ Called the Tobacco Master Settlement Agreement 1998. After this agreement, there were still claims filed – most recently successfully in the case of US vs. Philip Morris in 2009. See: <http://www.publichealthlawcenter.org/topics/tobacco-control/tobacco-control-litigation/united-states-v-philip-morris-doj-lawsuit>.

impacts. In the ongoing evidentiary phase, Luciano Lliuya now has to show that in this specific case sufficient scientific evidence exists to prove this causality. In May 2022, the court visited the plaintiff's hometown and the growing glacier lake in the Peruvian Andes to examine the risk of flooding and glacial retreat.

Climate change lawsuits raise the issue of polluters' responsibility for climate change in terms of liability for L&D. Future claims will likely be shaped by the availability of scientific evidence. Attribution science made huge progress over the last decade. In addition, Luciano Lliuya's case draws on attribution science linking glacial retreat in the Andes to anthropogenic climate change.¹⁴ The court has also generally accepted that climate models can be used as evidence in court.

Recent academic work discusses how extreme weather event attribution could be used in climate litigation¹⁵ and others have examined the contribution of individual countries to temperature rises.¹⁶ A team of researchers also quantified the contribution of individual emitters to global warming and rising sea levels. 90 major industrial carbon producers contributed up to 50 % to the rise in global mean surface temperature and up to 32 % of global sea level rise.¹⁷ Attribution studies like this lay the groundwork for tracing emissions sourced from industrial carbon producers to specific climate impacts, especially to slow onset impacts like desertification, sea level rise or glacier melting. Moreover, more and more reports are disclosing that carbon majors had early knowledge of climate change risks, failing on opportunities to act on those risks and often even actively undermining an adequate public debate.¹⁸ In its latest Assessment Report, the IPCC found that the proliferation of climate litigation against major carbon polluters relies on recent advances in climate change attribution science.¹⁹

2 Typology of Cases and Associated Legal Strategies, Evidence Submitted and Challenges Faced

Based on the state of play of climate litigation on loss and damage described above a typology of cases can be derived. The typology is based on the nature of the plaintiff and defendant against whom the claim of compensation is being made. The typology is as follows:

- a) Vulnerable State V Large Emitting State: Here a vulnerable state, mostly Small Island Developing States, are intending to approach the International Court of Justice and the International Tribunal for the Law of the Seas to hold large emitting states accountable for liability and compensation on loss and damage.
- b) Sub-national unit V Fossil Fuel Major: These types of cases are largely seen in the United States where the sub-national unit like the state of New York pursues legal action against fossil fuel majors for compensation on loss and damage.
- c) Citizen or civil society V State: In these instances, citizens who are victims of floods have approached the unit of the government responsible for flood prevention accountable for

¹⁴ IPCC 2014, Stuart-Smith et al 2021.

¹⁵ Marjanac & Patton 2018.

¹⁶ Beusch et al 2022.

¹⁷ Eckwurz et al. 2017.

¹⁸ E.g. evidence for the oil industry in CIEL 2017.

¹⁹ IPCC 2022.

the payment of damages. In a one-off case, a non-profit organisation in France is approaching the courts to hold France accountable for its lack of climate action and ambition. In Germany, the Constitutional Court found in 2021 that the government's climate policy was insufficient and forced it to speed up the implementation of emissions reduction goals.

- d) Vulnerable State V Fossil Fuel Major: The Philippines carbon majors case is an example of a vulnerable state holding corporations accountable for loss and damage as well as violation of human rights.
- e) Affected Person in vulnerable state V Fossil Fuel Major: The RWE case is an example where a victim in a vulnerable state like Peru was able to hold an energy company accountable for its emissions and impact on glacial melting.

This typology is not all-encompassing; however, it categorizes the nature of important cases filed this far and offers a blueprint for possible approaches for future cases relevant for loss and damage.

2.1 Vulnerable State V Large Emitting State

| | |
|-------------------------|---|
| Legal Strategies | The primary legal strategy in the case by Antigua, Tuvalu, and Barbados is the application of the polluter pays principle and the do-no-harm principle to get large emitting countries to pay for loss and damage. |
| Evidence | It will require evidence to prove the historical responsibility of the large emitting nations. |
| Venue | The International Court of Justice or the Tribunal for the Law of the Seas. |
| Remedy | The contribution of climate finance to support claims of loss and damage. |
| Challenges | The enforceability of the decisions made in these fora; establishing that these countries have done all they can to adapt and use adaptation finance efficiently. |

2.2 Sub-national unit V Fossil Fuel Major

| | |
|-------------------------|--|
| Legal Strategies | In these cases, the legal strategy used has been tort law claims of nuisance and the consumer protection law to address greenwashing by fossil fuel majors. |
| Evidence | They have effectively used attribution science to attribute the degree of emissions by fossil fuel majors and the associated impact in these regions. The use of advertisements and internal documents of the fossil fuel majors to establish that they knew the risk of promoting fossil fuels despite it causing climate change. |
| Venue | The district courts and avoiding the Supreme Court where such claims are dismissed because the regulatory Clean Air Act displaces claims of nuisance. |
| Remedy | Compensation for damages. |
| Challenges | The courts dismissed such cases on the grounds of the political question doctrine and issues of causality as well as displacement of the claim of nuisance. |

2.3 Citizen or civil society V State

| | |
|-------------------------|--|
| Legal Strategies | The dominant legal strategy being used is a combination of the duty of care of the relevant Ministry e.g. in preventing floods and negligence in protecting the citizens against such extreme weather events. These cases also argue the state failed to comply with its climate targets. |
| Evidence | The IPCC report has been submitted in making these claims and the administrative documents like the flood mitigation plan are used to highlight non-compliance. |
| Venue | The domestic courts. |

| | |
|-------------------|--|
| Remedy | Compensation for damages experienced. |
| Challenges | These cases have not been dismissed by the courts and have resulted in insurance companies stepping in to pay the damages. |

2.4 Vulnerable State V Fossil Fuel Major

| | |
|-------------------------|---|
| Legal Strategies | The carbon majors case used human rights arguments to hold carbon majors accountable. |
| Evidence | The use of Rick Heede's study on carbon majors as well as expert testimony from him. |
| Venue | The human rights commission. |
| Remedy | Compensation for damages experienced and cost for the restoration as well. |
| Challenges | Enforceability of the decision; jurisdictional challenges in both enforcement and hearing of such a case. |

2.5 Victim in vulnerable state V Fossil Fuel Major

| | |
|-------------------------|--|
| Legal Strategies | The RWE case uses the legal strategy of the impairment of property for which damages can be claimed. |
| Evidence | They have submitted a calculation of the emissions attributable to RWE and related that to the glacial melting in the Andes. |
| Venue | The court in Germany (NRW) where RWE is headquartered. |
| Remedy | Compensation for the loss of land. |

| | |
|-------------------|---|
| Challenges | The case was initially dismissed for causality which has now in the second instance been established. |
|-------------------|---|

3 Interaction between Litigation and Negotiations on Loss and Damage

As the glacial pace of negotiations prevents swift remedy for loss and damage propelling affected people and climate vulnerable countries to adopt litigation. It becomes salient to examine what the interaction between the two arenas of law setting and law implementing action will mean. A working theory of interaction is one where litigation becomes a gap filler for legal remedies that are not yet accessible within negotiations and operates as an additional lever that can shape progressive decision-making within the realm of negotiations. Two concrete ways of describing this interaction are:

- a) **Addressing the Corporate Accountability Gap:** Negotiations as an arena of legal action have not yet proven to be effective in holding large emitting states accountable for loss and damage. And it has not the legitimacy as a forum to hold fossil fuel majors accountable. Litigation then steps in as a filler of this accountability gap. Cases like the one against RWE and Holcim are examples where climate litigation can be an effective mechanism to hold corporations accountable for loss and damage and their contributions to climate change while the political process to address loss and damage has been stuck. People affected by the climate crisis can be active in both of these legal arenas and hope solutions for addressing the loss and damage they are experiencing.
- b) **Nudging:** Litigation provides a nudge factor in two ways, firstly it acts as an additional lever that vulnerable countries and communities can use to push negotiations in more progressive directions like the potential formation of a loss and damage facility. The second way in which litigation offers a nudge to negotiations is by providing an alternate forum where legal claims of compensation and liability can form part of the toolkit to address loss and damage. As the Paris Agreement in addressing loss and damage speaks to financing these claims without using the terms of compensation and liability, litigation can offer a pathway for these legal claims to be realized and nudge future negotiations on loss and damage to include legal remedies of compensation. As litigation in the area of loss and damage is still growing examples of such legal claims of compensation are the recently filed case against Holcim where compensation for climate damages is part of the remedies being sought.

As litigating claims on loss and damage starts to pick up steam and threatening as it were a dam burst of individual lawsuits for compensation it may cause a shift within the realm of negotiations with large emitters wanting to settle these claims of liability as opposed to continuing to block negotiations on the issue.

In conclusion, as climate vulnerable countries and communities strive to access financial means to cope with the ongoing losses and damages both litigation and negotiation will be critical arenas for legal action and justice in mutually beneficial way to address climate harms.

4 Literature

- Beusch L, Nauels A, Gudmundsson L, et al. (2022) Responsibility of major emitters for country-level warming and extreme hot years. *Communications Earth & Environment* 3(1): 7.
- Burger, M. / Grundlach, J. (2017): The Status of Climate Change Litigation. Available at: <http://columbiaclimatelaw.com/files/2017/05/Burger-Gundlach-2017-05-UN-Envt-CC-Litigation.pdf> [31.01.2018].
- Burton, S. (2013): Risky Business: The Threat of Climate Litigation to the Fossil Fuel Industry. Available at: <http://m.greenpeace.org/international/Global/international/briefings/climate/2013/CLR-18March2013-final.pdf> [21.02.2018].
- Carney, M. (2015): Breaking the Tragedy of the Horizon – Climate Change And Financial Stability. Speech at Lloyd's of London on 29 September 2015. Available at: <http://www.fsb.org/wp-content/uploads/Breaking-the-Tragedy-of-the-Horizon-%E2%80%93-climate-change-and-financial-stability.pdf> [29.01.2018].
- Center for International Environmental Law [CIEL] (2017): Smoke And Fumes The Legal And Evidentiary Basis For Holding Big Oil Accountable For The Climate Crisis. Available at: <http://www.ciel.org/reports/smoke-and-fumes/> [21.02.2018].
- Cuff, M./ Murray, J. (2017): Oil Giants Are Waking Up To Carbon Bubble Risks. Available at: <https://www.greenbiz.com/article/oil-giants-are-waking-carbon-bubble-risks> [21.02.2018].
- Ekwurzel, B./Boneham, J./ Dalton, M.W./Heede, R./ Mera, R.J./Allen, M.R./Frumhoff, P.C. 2017: The Rise In Global Atmospheric CO₂, Surface Temperature, And Sea Level From Emissions Traced To Major Carbon Producers. In: *Climate Change* 144 (4), 579-590.
- Elliott, L. (2006): Winds of climate change are about to make their impact felt in many a boardroom. Article in "The Guardian" on 6 February 2006. Available at: <https://www.theguardian.com/business/2006/feb/06/environment.climatechange> [22.01.2018].
- Frank, W./ Bals, C./ Grimm, J. (2017): First Climate Lawsuit Against Energy Company Before German Courts. Germanwatch. Available at: <https://germanwatch.org/en/download/19180.pdf> [29.01.2018].
- IPCC (2014): Summary For Policymakers. In: *Climate Change 2014: Impacts, Adaptation, and Vulnerability. Part A: Global and Sectoral Aspects. Contribution of Working Group II to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change.*
- IPCC (2022): *Climate Change 2022: Mitigation of Climate Change. Contribution of Working Group III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change.*
- Germanwatch 2017: General Ruling Of The Civil High Court In Hamm: Corporate Responsibility For Climate Change Impacts Exists In German Law – Depending On Evidence In Any Specific Case To Show Responsibility. Available at: <https://germanwatch.org/en/download/20810.pdf> [21.02.2018].
- Haustein, K., Otto, F., Uhe, P., Allen, M., and Cullen, H. (2016): Fast-Track Extreme Event Attribution: How Fast Can We Disentangle Thermodynamic (Forced) And Dynamic (Internal) Contributions? *Geophysical Research Abstracts*. Vol. 18, EG U2016-14875, 2016. EGU General Assembly 2016.

- Heede, R. (2014): Tracing Anthropogenic Carbon Dioxide And Methane Emissions To Fossil Fuel And Cement Producers, 1854–2010. In: *Climatic change* 122 (1-2), 229 – 241.
- Lees, E. (2016): Responsibility and liability for climate loss and damage after Paris. In: *Climate policy* 17 (1), 59-70.
- Leonard et al (2016): Climate Justice: International Momentum towards Climate Litigation, pp. 44-48, available at: <https://www.boell.de/sites/default/files/report-climate-justice-2016.pdf> [21.02.2018].
- Malloy, J. S./ Sylvester, J.M. (2010): Insurance Coverage For Global Warming Liability Claims. *Tort Trial & Insurance Practice Law Journal* 45 (3/4), 811-838.
- Marjanac S and Patton L (2018) Extreme weather event attribution science and climate change litigation: an essential step in the causal chain? *Journal of Energy & Natural Resources Law* 36(3): 265-298.
- Munich Climate Insurance Initiative [MCII] (2008): Insurance Instruments for Adapting to Climate Risks. Available at: http://www.climate-insurance.org/fileadmin/mcii/documents/MCII_submission_2008_Insurance_Instruments_for_Adapting_to_Climate_Risks_COP14_Poznan_.pdf [21.02.2018].
- Munich Climate Insurance Initiative [MCII] (2016): Making Climate Risk Insurance Work for the Most Vulnerable. Seven Guiding Principles. Bonn: Munich Climate Insurance Initiative.
- Munich Climate Insurance Initiative [MCII] (2018): Submission on the type and nature of actions to address loss and damage for which finance may be required. Available at: http://unfccc.int/files/adaptation/workstreams/loss_and_damage/application/pdf/mcii_submission_to_the_excom_feb2018.pdf [03.03.2018].
- Olszynski, M./ Mascher, S./ Doelle, M. 2017: From Smoke to Smokestacks. Lessons learned from Tobacco Litigation for the future of Climate Liability, available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2957921 [21.02.2018].
- Richards, J.A./ Schalatek, L. (2017): Financing Loss and Damage: A Look at Governance and Implementation Options https://www.boell.de/sites/default/files/loss_and_damage_finance_paper_update_16_may_2017.pdf [21.02.2017].
- Schaefer, L./ Warner, K./ Kreft, S. (2018). Exploring And Managing Adaptation Frontiers With Climate Risk Insurance. In: Mechler R, Bouwer L, Linnerooth-Bayer J et al. (eds) (2018) *Loss and Damage from Climate Change. Concepts, Principles and Policy Options*, Springer, forthcoming.
- Seley, P./ Dudley, R. (2016): Emerging Trends In Climate Change Litigation. Available at: <https://www.gibsondunn.com/wp-content/uploads/documents/publications/Seley-Dudley-Emerging-Trends-In-Climate-Change-Litigation-Law360-3-7-16.pdf> [21.02.2018].
- Setzer J. and Higham C. (2022): *Global Trends in Climate Change Litigation: 2022 Snapshot*. London: Grantham Research Institute on Climate Change and the Environment and Centre for Climate Change Economics and Policy, London School of Economics and Political Science. Available at: <https://www.lse.ac.uk/granthaminstitute/wp-content/uploads/2022/08/Global-trends-in-climate-change-litigation-2022-snapshot.pdf> [25.10.2022].
- Sharma, A./ Schwarte, C./ Müller, B./ Abeyasinghe, A./ Barakat, S. (2016): *Pocket Guide to the Paris Agreement*. Available at: <http://legalresponseinitiative.org/wp-content/uploads/2016/04/PocketGuide-Digital.pdf> [21.02.2018].

S&P Global (2017): How Environmental And Climate Risks And Opportunities Factor Into Global Corporate Ratings - An update. Available at: <https://www.spratings.com/documents/20184/1634005/How+Environmental+And+Climate+Risks+And+Opportunities+Factor+Into+Global+Corporate+Ratings+-+An+Update/5119c3fa-7901-4da2-bc90-9ad6e1836801> [21.02.2018].

Solvency II DIRECTIVE 2009/138/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II). Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32009L0138&from=DE> [30.01.2018].

Stuart-Smith RF, Roe GH, Li S, et al. (2021) Increased outburst flood hazard from Lake Palcacocha due to human-induced glacier retreat. *Nature Geoscience* 14(2): 85-90.

Task force on climate-related financial disclosure [TCFC] (2017): Recommendations Of The Task Force On Climate-Related Financial Disclosures. Available at: <https://www.fsb-tcfd.org/wp-content/uploads/2017/06/FINAL-TCFD-Report-062817.pdf> [21.02.2018].

United Framework Convention on Climate Change [UNFCCC] FCCC/INFORMAL/84. 1992. Available at: <https://unfccc.int/resource/docs/convkp/conveng.pdf> [21.02.2018].

United Nations Environment Programme [UNEP] (2020): Global Climate Litigation Report: 2020 Status Review. Nairobi: United Nations Environment Programme. Available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/34818/GCLR.pdf?sequence=1&isAllowed=y> [28.10.2022].

Webster, A.J./ Clarke, R.H. (2017): An Insurance-Led Response to Climate Change. Available at: <https://arxiv.org/abs/1509.01157> [21.02.2018].

Germanwatch

Following the motto of *Observing. Analysing. Acting.* Germanwatch has been actively promoting global equity and livelihood preservation since 1991. We focus on the politics and economics of the Global North and their worldwide consequences. The situation of marginalised people in the Global South is the starting point for our work. Together with our members and supporters, and with other actors in civil society, we strive to serve as a strong lobbying force for sustainable development. We aim at our goals by advocating for prevention of dangerous climate change and its negative impacts, for guaranteeing food security, and for corporate compliance with human rights standards.

Germanwatch – Bonn Office

Kaiserstr. 201

D-53113 Bonn, Germany

Phone: +49 (0)228 / 60492-0

Fax: +49 (0)228 / 60492-19

Internet: www.germanwatch.org

E-mail: info@germanwatch.org

Climate Litigation Accelerator

The Climate Litigation Accelerator (CLX) – based at the Center for Human Rights and Global Justice (CHRGJ) at NYU Law – is a global collaborative hub for research, advocacy, and strategic litigation on the climate emergency.

Working with scholars, activists, and litigants from around the world, CLX initiates and supports efforts that build the speed and scale necessary to spur action on the climate emergency within the limited timeframe left to avoid triggering extreme scenarios of global warming. CLX helps fill gaps in existing practice, connects litigants and experts in different fields (from climate science to strategic communications to ecology to climate economics), and spearheads and supports climate lawsuits and other forms of advocacy.

Climate Litigation Accelerator

40 Washington Square South

New York, NY 10012

Internet: www.clxtoolkit.com

E-mail: ClimateLitigationAccelerator@gmail.com