



Navigating the Legal Landscape: The Role of Courts in Shaping Climate Adaptation through Development Permit Litigation

Elif Naz Němec

nemec@iir.cz

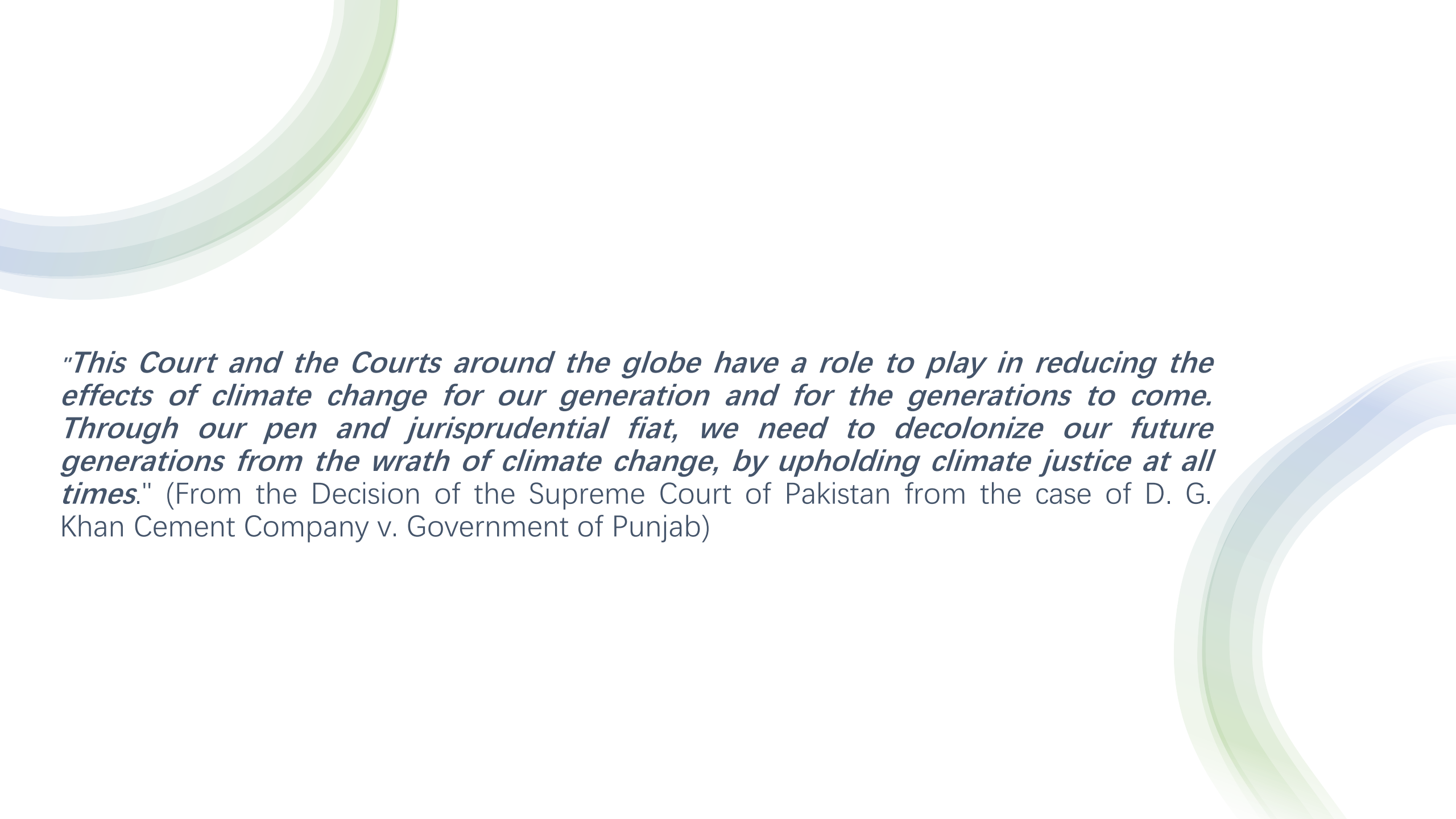


Content

The Importance of Climate Adaptation

The Judiciary's Role in Climate Adaptation

Reflections on the Future of Climate Adaptation Litigation

The image features decorative curved lines in shades of green and blue, positioned in the top-left and bottom-right corners. The text is centered in the middle of the page.

"This Court and the Courts around the globe have a role to play in reducing the effects of climate change for our generation and for the generations to come. Through our pen and jurisprudential fiat, we need to decolonize our future generations from the wrath of climate change, by upholding climate justice at all times." (From the Decision of the Supreme Court of Pakistan from the case of D. G. Khan Cement Company v. Government of Punjab)

Section 1

The Importance of Climate Adaptation

The Urgency of Focusing on Adaptation

01

Global Expansion of
Climate Litigation

02

Defining Climate
Adaptation

- adjustments in response to actual or expected climate impacts.
- bushfires, floods, and sea level rise, erosion, devaluation

03

Underdeveloped
Adaptation Obligations

- Adaptation as a secondary strategy
- Complexity
- UNFCCC – Paris Agreement



Legal Frameworks for Climate Adaptation

Environmental and Planning Law

Example: Australia's EPBC Act

Environment Protection and Biodiversity Conservation
Act 1999 (Cth) (EPBC Act)

Climate Change Adaptation Frameworks

Section 2

The Judiciary's Role in Climate Adaptation

Courts & Adaptation Governance

- Review of government actions or in actions.
- Interpretation of environmental principles, such as the precautionary principle and ecologically sustainable development (ESD)
- Specialized environmental courts



CLIMATE IMPACTS BEFORE COURTS

- Over 50 cases
- Biodiversity degradation,
- Water security, food security, energy security,
- Sea level rise, coastal hazards, floods,
- Wildfires, and property valuation



EVALUATION IN THE CONTEXT OF ADAPTATION



- Procedural claims : Have the adaptation / climate impacts been adequately addressed?
- *Northcape Properties v. District Council of Yorke Peninsula*
- Sustainable Development Principle
- *Walker v. Minister for Planning* : ESD as an implied mandatory consideration for decision making O
- Precautionary Principle
- *Gippsland Coastal Board v. South Gippsland Shire Council*

Some notes on recent cases

- **Päraküla selts MTÜ vs. Environmental Board**
- **D. G. Khan Cement Company v. Government of Punjab**
- Feeding human rights argumentation
- Rights to life, sustainability, and dignity of communities
- Consideration on rights of nature
- Intergenerational Justice



Section 3: Reflections on Climate Adaptation Litigation

01

A temporal reflection?

02

Court decisions shaping adaptation planning and response - The example of Austria

03

Leghari v. Federation of Pakistan

04

Broad interpretation of existing legal frameworks

Conclusion

Courts are key actors in climate adaptation governance.

Judiciaries review government adaptation actions.

Courts use environmental laws to mandate climate considerations in development.

Judicial application of environmental principles integrates climate risks into legal frameworks.

Potential role of courts to ensure adaptation measures in legal and policy frameworks as climate impacts worsen

But challenges: diversity of impacts – scientific uncertainty



Thank you very
much for your
attention!

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