

Focal Topic „Justice in Sustainability“

Climate litigation and planetary justice – the kick-off of the lecture series „Justice and Sustainability“

The April 2021 decision of the German Federal Constitutional Court in the case Neubauer et al. vs. Germany has generated a lot of attention worldwide. Prof. Louis Kotzé from North-West University, South Africa and Jannis Krüßmann a young climate change plaintiff spoke on the ruling and its wider consequences for climate litigation on January 27, 2022 as part of the focal topic "Justice and Sustainability". In this context, we were interested in the extent to which the ruling of the Federal Constitutional Court affects different dimensions of justice. To what extent are global justice issues in the North-South relationship affected? And do the aspects of intertemporal and intergenerational justice mentioned in the judgment open up new ways of understanding the climate crisis and its consequences?

In his presentation, Professor Louis Kotzé explored the extent to which the Karlsruhe court set out a holistic planetary view of the impacts of climate change, and how that is linked to issues of planetary justice, Earth system vulnerability, and global climate law in the context of a human-dominated geological epoch. In his presentation, Kotzé concluded that courts could increasingly adopt a planetary perspective in assessing climate change, grounded in the context of the Anthropocene. Along this path, the decision of the Federal Constitutional Court forms a first and important step towards a new paradigm, which he calls "Planetary Climate Litigation."

Next, young climate activist Jannis Krüßmann reported on the climate lawsuit he led against the state of North Rhine-Westphalia before the Federal Constitutional Court. Krüßmann clearly explained why the federal state has not been fulfilling its responsibility in climate policy for years and has even taken significant steps backwards. At the end of his presentation, Krüßmann came to the sobering conclusion that for him personally, only a judicial ruling can force politics to act in the climate crisis.

In the concluding discussion, the many participants controversially discussed the extent to which court rulings can replace government action in the climate crisis and whether the argument of intergenerational justice mentioned in the reasons for the ruling can also be applied in other fields such as health, pensions oder national debt.