Editorial Note

Despite the lack of a robust obligation to mitigate and reduce greenhouse gas emissions under Article 4 of the 2015 Paris Agreement, and the difficulties in resorting to dispute resolution mechanisms under Article 24 of this latter treaty, climate litigation has grown exponentially in recent years.

The means employed in the said litigation are highly heterogenous, ranging from judicial and quasi-judicial proceedings against States and other entities holding regulatory powers, to proceedings against non-State actors (such as corporations whose activity is linked to the generation of higher greenhouse gas emissions). Yet, such litigation proceedings have at least one thing in common: they search for solutions outside (although in complement to) the Paris Agreement, be it at the level of international law, European Union Law, or domestic legal systems. Climate litigation is particularly noteworthy in a context in which the legal debate about civil disobedience as a way of fighting the environmental crisis has come to the fore.

Thus, at the end of 2022, the International Tribunal for the Law of the Sea has been asked to render an advisory opinion on the State Parties' obligations to mitigate and adapt to climate change under the United Nations Convention on the Law of the Sea. The link between the marine environment and climate change has been studied for a long time, but the request for an advisory opinion raises questions regarding the Tribunal's jurisdiction and the Convention's substantive scope of application. Both questions are analysed by Julia Weston (*The International Tribunal for the Law of the Sea and the Request for an Advisory Opinion on Climate Change and its Effects: Potential Challenges and Opportunities*).

Besides, climate change may result in the loss of territory and natural resources by States and other entities such as indigenous communities. In this setting, international law offers legal tools that might be helpful while addressing this problem and protecting vulnerable communities. To be more precise, if the peoples' right to self-determination is associated with a given territory, with its own resources, such right can also be invoked in relation to the climate crisis,

and obligations *vis-a-vis* climate change and climate mitigation should be derived thereof. This question is analysed by Dave-Inder Comar (*Protecting the Territorial and Resource Dimension of Self-Determination of Peoples from Climate Change Impacts*).

"Vulnerability" is, in fact, the best word to describe and understand the legal question underneath climate change. Therefore, it is not surprising that climate issues have also been brought before human rights bodies. Indeed, in the sense that younger and future generations are (and will be) arguably the most affected by climate change, the Committee on the Rights of the Child has inquired into the obligations of States to address environmental harm and climate change under the United Nations Convention on the Rights of the Child, particularly in General Comment no. 26. Enikő Krajnyák's article (*The Development of the UN CRC's Approach to Children and Climate Change: Any Impact on the Future of Youth-led Climate Litigation?*) examines General Comment no. 26 and seeks to understand the ways in which the latter could shape the future of climate litigation as to the rights of children and future generations.

Also in the sphere of human rights, higher levels of political and cultural integration explain why the most meaningful contributions to the development of climate change obligations have come from regional courts and tribunals. In the inter-American system, the Inter-American Court of Human Rights' contribution is addressed by Ignacio Vásquez Torreblanca (*The Environmental Rule of Law, Intergenerational Equity and Climate Litigation in Latin America*), who develops the theory of "environmental rule of law," that specially targets the rights of future generations. As to the European system, Mohamed Elagouz, Michiel Heldeweg and Claudio Matera (*Suing States for their Responsibility for Climate Change-Related Damage Caused by Non-State Actors in the European Context*) explore how the European Court on Human Rights has advanced the doctrine of States' positive obligations to adopt a regulatory framework capable of dealing with the environmental question, even if the interference is attributable to non-State actors.

Moreover, it is well-settled that other public bodies exert regulatory powers over environmental issues — at times, exclusively and independently from the State's government. It is the case, for instance, of the central banks, whose monetary and fiscal policies might influence downstream the success or the failure of climate change mitigation strategies. Martina Menegat's article (*The Uncharted Territory of the Bank of England's Human Rights Obligations — Unlocking Climate Litigation via Human Rights Considerations in Setting Capital Requirements*) aims at finding and developing the Bank of England's obligations in relation to human rights and climate change.

Finally, Judith Spiegel (*Forum Shopping in the EU — A Useful Strategy in Corporate Climate Change Litigation?*) approaches one of the most complex

questions in climate litigation against corporations: to the extent that a domestic legal order can be more sophisticated regarding the legal mechanisms it makes available to the civil society, some authors have suggested that plaintiffs could establish points of contact with the said forum in order to bring proceedings before its courts. More specifically, Judith Spiegel explores the resort to domestic courts within the European Union.

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