

The New Era of Climate Advocacy

Climate Change Litigation

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Abstract

This paper aims to explain the new forms and varieties of advocacy in the context of climate change and international climate commitments. Global and local climate activists have developed their advocacy strategies over the years, but these efforts resulted in the absence of any national obligations, even morally, and non-binding effects. As for now, the activists changed their advocacy strategies to litigation against the government.

Those new forms of climate advocacy create different ways of political pressure on governmental actors. Because the activist's used climate agreements and treaties ratified by governments, it is almost impossible for the official actors to ignore this kind of action unlike protests or other forms of advocacy. This paper is navigating climate litigation as an advocacy mechanism in different contexts to better understand the effectiveness of this instrument in the national climate advocacy.

Keywords: Climate change; advocacy; NDCs; legal; law; litigation

1. Introduction

After the United Nations Conference on the Human Environment was held in Stockholm, Sweden(1972), Several United Nations institutions and bodies working in the field of the environment and climate change were established, such as the United Nations Environment Program, the Commission on Sustainable Development (CSD), The Intergovernmental Panel on Climate Change (IPCC), the United Nations Framework Convention on Climate Change (UNFCCC, 1992), the High-Level Political Forum on Sustainable Development and others. These environmental agencies resulted in creating legal instruments such as the Kyoto Protocol to the UNFCCC¹ and the Paris Climate Agreement on climate change (2015)² which are the most important legal frameworks related to climate change.

1.1. Methodology

This paper will center on how the global community is demanding that governments enhance their measures against climate change. We will analyze the strength of their demands and present various cases where activists used litigation to pressure governments.

1.2. Problematic

This paper focuses on climate change as a global issue and the limited action taken by states in their limited jurisdictions. It is a contending position and level scale about a shared responsibility between all governments or focusing only on national actions.

2. The Kyoto Protocol and the United Nations Framework Convention on Climate Change: A Foundational Stage

The Kyoto Protocol (1997) operationalizes the United Nations Framework Convention on Climate Change by requiring industrialized countries and economies in transition to reduce greenhouse gas emissions (GHG) according to individualized mutually agreed targets; which requires those countries to adopt mitigating policies and measures and give periodic reports³.

The main Kyoto mechanisms are The Clean Development Mechanism (CDM)⁴, Joint Implementation (JI), and Emissions Trading (ET). According to Article 12 of the Kyoto Protocol, the CDM allows the country committed to reducing emissions to implement a project for the same purpose in developing countries. Such projects can earn salable Certified Emission Reductions (CER) credits. This mechanism is a standard tool for emissions compensation. This mechanism stimulated sustainable development and reduce emissions while giving industrialized countries more comfort in how they meet the desired goals⁵. In addition, the "Joint Implementation" mechanism (that is in Article 6 of the Kyoto Protocol) provides parties with a flexible and cost-effective means of fulfilling part of their Kyoto Protocol obligations, while the host Party benefits from technology transfer and foreign investment⁶. Thirdly, the emissions trading mechanism, specified in Article 17 of the Kyoto Protocol, allows countries with an unused emission allowance to sell this excess capacity to countries that have exceeded their targets⁷.

These mechanisms show that the drafters of the Kyoto Protocol used market logic (in the language of the invisible hand) where supply and demand prevail. Some industrialized countries have fulfilled their obligations, though they have engaged in the trick of transferring factories to the global south countries. In effect, the

planet has become divided into two halves, one polluted and the other pure, and a balance is created between them through buying and selling, ignoring that industrial and non-industrial countries live in a common future⁸.

Until this point, the advocacy forms are campaigns, protests⁹, and political participation such as Germany's 90/Greens Alliance political party, in addition to press and academic writings critiquing capitalist climate policies. The Intergovernmental Panel on Climate Change (IPCC) Reports¹⁰ showed the danger of pollution and global warming.

The approaching end of the second commitment period of the Kyoto Protocol, demonstrated the need for another more serious agreement, especially with the rise of some southern countries such as China and India. These shortcomings led to the Paris Agreement on Climate Change.

3. Paris Agreement on Climate Change: The Turning Point

The Paris Agreement on Climate Change as a legally binding international treaty is seeking to limit global warming to less than 2 degrees Celsius, compared to pre-industrial levels¹¹. As authors such as Robert Falkner highlight, the logic of the Paris Agreement is one of “domestically driven climate action,” recognizing and formalizing the existing trend of multilevel governance in this field¹².

To achieve this, an economic and social transformation must be carried out based on the best available science. All countries involved in the Paris Agreement, including developing countries, are required to commit to mitigation efforts¹³.

Article 12 of the same international treaty emphasizes public awareness, public participation, and access to information¹⁴. With these changes, states no longer have room for flexibility, as was the case with the Kyoto Protocol, but through the right to information and clarity of NDCs every five years, countries can be held

accountable for breaching their obligations. The question here is who is holding them accountable and how?

The NDC reflects its highest possible ambition (Article 4 (3)). The Paris agreement can improve climate change security, but the constraint is that this agreement is characterized by these binding elements. Therefore, it is difficult to apply the collective obligation and thus relate to protecting human rights.

4. Global North: Transnational Climate Litigation

4.1. The U.S. Litigation in *Juliana v. the United States*

In the United States of America, twenty-one young citizens, an environmental organization, and a “Representative of Future Generations” filed a complaint against the United States of America, its president, and federal agencies, for “allowing, authorizing, and supporting” the use of fossil fuels despite knowing the dangers associated with it¹⁵. Many plaintiffs sustained damages caused by climate change, including psychological damage, destruction of recreational interests, and property damage. The plaintiffs sought declaratory relief and an injunction ordering the government to implement a plan to phase out fossil fuel emissions and reduce carbon dioxide in the atmosphere. Although the government filed a motion for refusal, the district court did not accept it because, in its view, the plaintiffs had the right to sue and presented sufficient litigable evidence¹⁶.

The case was mainly directed toward how competent plaintiffs would sue the federal government for alleged climate-change-related injuries that resulted from the federal government's continued "permit, authorize, and subsidize" of fossil fuels.

The court noted that the plaintiffs must prove that the relief they sought was most likely to compensate for their injuries, which they failed to prove. According to the

court, this was outside of its power as an Article III court because it could not order, design, supervise or carry out the plan of treatment requested by the plaintiffs, as an effective plan would require a set of complex policy decisions that are entrusted to the executive and legislative branches. Consequently, the court concluded that the plaintiffs' case should be taken to the political branches or the electorate¹⁷.

Regardless of the details of the case, we can consider it a victory for the environmental community and a turning point in environmental advocacy in the United States of America.

4.2. Massachusetts v. EPA, 549 U.S. 497 (2007) in the United States

In 2006, twelve states as well as various cities and organizations sought to require the Environmental Protection Agency (EPA) to regulate greenhouse gases such as carbon dioxide under its authority to regulate pollutants. The lawsuit presented in front of the Supreme Court of the United States was based on Section 202(a) (1) of the Clean Air Act, a provision that requires an EPA official to set standards for the emission of air pollutants from automobiles with significant polluting potential. These emissions are expected to jeopardize public health and well-being.

In response, the EPA determined that it lacked the authority to regulate greenhouse gases such as carbon dioxide for climate change¹⁸.

This case addresses two issues: first, whether the agency made a correct decision on these issues, and second, the procedural question of whether states, cities, and organizations have the right to make such a claim. Especially since their main argument was the loss of the coast due to rising sea levels caused by global warming. The argument of the EPA was considered insufficient by the court, and therefore the case was returned to the agency to reconsider its decision. This

prompted the EPA to change its decision, concluding that regulating greenhouse gases had a reasonable relevance to protecting public health and welfare¹⁹.

The fact that global warming and climate change are global does not mean that individual or national/ local institutions do not have any responsibility for this. Rather, everyone has a role to play within the scope of their competencies. Opening court cases about the matter from time to time would prompt officials to do more in the fight against climate change.

4.3. Thomson v. Minister for Climate Change Issues

In 2015, a law student in New Zealand filed a Statement of Claim against the Minister of Climate Change issues, which has failed in several respects to set the greenhouse gas emissions reduction targets required by the New Zealand Climate Change Response Act 2002²⁰.

The plaintiff requested an order for the Minister for Climate Change Issues to review New Zealand's 2050 Greenhouse Gas (GHG) reduction target based on Section 225 of the Climate Change Response Act. The court ruled that this was unnecessary since the new government had announced that it would set a new target for 2050²¹.

The plaintiff also requested an order declaring the Minister's Nationally Determined Contribution (NDC) decision unlawful because he had not considered the cost of dealing with the negative impacts of climate change in a "business as usual" situation and the negative effects on citizens living in high-risk areas. The scientific consensus was that the NDCs of the Paris Agreement parties fall short of preventing a dangerous climate system. In addition, the NDC decision lacks a reasonable basis for believing that the NDC will enhance the global climate response and avoid a dangerous climate system, according to the plaintiff. The

court found that the government followed the international framework, and the errors did not require judicial intervention. The request for judicial review was thus rejected²².

The efforts of this New Zealand student embarrassed the previous Minister, and although each government has its agenda, this case serves as a foundation for judicial advocacy in the environment by New Zealand civil society, paving the way for similar issues that represent a new kind of pressure on decision-makers in various positions.

4.4. The Urgenda appeal in the Netherlands: Hague Court of Appeal's decision in Urgenda v. Netherlands

A lawsuit heard by the Supreme Court of the Netherlands in 2019 related to the government's efforts to reduce carbon dioxide emissions²³. The case was brought against the Dutch government in 2013 by a Dutch environmental group, the Urgenda Foundation, along with 900 Dutch citizens arguing that the government failed to achieve a minimum CO₂ emissions reduction target set by scientists to avoid harmful climate change, which threatened the human rights of Dutch citizens as provided by National Union and European laws²⁴.

The Supreme Court upheld the initial 2015 ruling, requiring the government to meet the target of cutting emissions by 25% from 1990 levels by 2020, in appeals, asserting that emissions cuts were necessary for the Dutch government to protect human rights. This case is considered a precedent in the field of climate litigation based on human rights²⁵.

In Urgenda, the Supreme Court of the Netherlands has upheld that the State's obligation to protect the right to life and the right to private and family life under the European Convention on Human Rights (ECHR) implied an obligation to

reduce its GHG emissions by at least 25 percent by the end of 2020 compared with 1990 levels²⁶.

There are many aspects to environmental litigation, and this case is an example of the plaintiff using human rights in building a case against the Dutch government. The lessons that the environmentalist community can learn from this case is that starting from the agreements ratified by the government greatly guarantees the success of the case. Success is not necessarily winning the case, but getting the public's attention, which is the primary purpose of advocacy. The details of each agreement provide a starting point for environmental and climate litigation.

4.5. L’Affaire du siècle²⁷: From Negotiation to the Court

In late 2018, four organizations²⁸ sent a 41-page letter to ministers in the French government, titled “Demande indemnitaire préalable²⁹”, as a mandatory step before any judicial proceedings. This letter shows the country's decades of inaction in the face of climate change and calls for compensation for the damage caused by this inaction. Then the state had two months to respond, or not to respond. On February 15, 2019, the government rejected this request in a 10-page memo³⁰ that includes the efforts of the French government to combat climate change.

After this refusal, on March 14, 2019³¹, they filed a brief petition in front of the Paris Administrative Court against the state's climate inaction. On May 20, 2019, they enriched their application by filing an additional memorandum before this same court³².

The court ordered the French state to pay a symbolic sum of one euro as compensation for the moral damage suffered by the complainants; and, to convict the state of paying a symbolic 1 euro for environmental damage³³.

Paris appears as a city of contradictions; on the one hand, it hosted COP21 which resulted in the most important agreement in the history of climate negotiations, the Paris Agreement on Climate Change, and on the other hand in Paris' court the French state was found guilty of its non-compliance with the Nationally Determined Contributions.

Despite the media name given to the experiment, the “case of the century” as it is foundational in France, is not the first in the world, as we explained in the previous cases.

5. Global South: Transnational Climate Litigation

Many courts in the Global South are taking bold steps to compel action on climate change.

Moreover, the cases from Asia, Africa, and Latin America have characteristics that distinguish them from climate cases in the Global North and suggest new dimensions to explore in our understanding of transnational climate litigation and its contribution to global climate governance. These characteristics include climate change issues often at the periphery of cases rather than at their center, a stronger trend of employing constitutional and human rights arguments than we have seen to date in the Global North climate cases³⁴.

In addition to a preference for implementation and enforcement of existing policies and laws rather than using litigation as a tool to force regulatory change, and strategic choices made by petitioners in many cases to pursue a more indirect or “stealthy” route in litigation that puts the focus on less politically charged or more

policy salient issues rather than on climate change per se to advance environmental goals that also benefit climate change mitigation³⁵.

A Pakistani farmer, Mr. Ashgar Leghari, filed a petition with the Lahore High Court claiming that the government of Pakistan was violating his fundamental constitutional rights by failing to address the challenges and to meet the vulnerabilities associated with Climate Change³⁶.

Due to multiple stresses, Africa is one of the continent's most vulnerable to climate change and climate variability. Climate change and climate variability not only have the potential to impose additional pressures on human security and overwhelm the adaptive capacities of societies, climate change is also deemed to influence a diverse array of conflicts³⁷. In addition, the global South had serious constraints with climate change resilience.

Africa has the highest number of “core” climate change cases in the Global South docket. Three of the five African cases are from South Africa, and the most recent one is from Kenya. The central argument in the South African cases was that the environmental impact assessment for the project in question was flawed because of the failure to take climate change impacts and greenhouse gas emissions into account (whereas the Kenyan case raised climate change as one of several grounds of invalidity)³⁸.

Nigerian environmental activists initiated a civil lawsuit against Royal Dutch Shell and its Nigerian subsidiary Shell Petroleum Development Company of Nigeria LTD*:

The plaintiffs (four Nigerian farmers) filed suit in 2008 against Shell in The Netherlands, where Royal Dutch Shell (the parent company*) is headquartered. The plaintiffs filed three separate lawsuits, each one addressing the impact of oil

spillages in the three villages – Oruma, Goi, and Ikot Ada Udo. In January 2021, the Dutch Court of Appeal held Shell Nigeria liable for damage caused by the oil spills. Royal Dutch Shell was held to owe a duty of care to affected villagers and liable for a failure to prevent future oil spills³⁹.

Multinational corporations behave differently from one country to another depending on the context, power, and space they have. Therefore, it is a smart move by the African complainants to file the case in the company's home country, but this does not mean that in the future African courts will not be resorted to climate cases, but rather it is a snowball that is growing continuously.

6. Conclusion

In this type of issue, we aim to embarrass governments and expose their failure to fulfill the commitments they made in combating climate change. This phenomenon continues to grow as a new form of climate advocacy and litigation against government actions. It relates to the vision of sustaining society and the obligation of the maker's decision to take into account the needs of future generations.

Generally, states are not capable to achieve their climate responsibility. So, the movements impose a variety of instruments including the process of climate change mitigation from local to national and global levels and advocacy of an alternative way to address the climate problem.

Advocacy is one primordial element to improving our consciousness of climate risk society. Civil society can progress through climate litigation. It is an engagement to mitigate climate change. However, it is a collective action to influence the decisions of the government.

Climate litigation is a prospect for political society to take a package of measures and actions to the climate change mitigation/attenuation. In the same way, it is an

opportunity to measure the equilibrium between civil-society and political society. It is also an opening policy for new climate mitigation reforms.

Endnotes

[1] The Kyoto Protocol was adopted on December 11, 1997, entered into force on 16 February 2005. Followed by The Doha, Qatar Amendment, which was approved on December 8, 2012, for a second commitment period from 2013 to 2020. See What is the Kyoto Protocol?, UNFCCC, https://unfccc.int/kyoto_protocol accessed December 17, 2021.

[2] The Paris Agreement on Climate Change is an international treaty on climate change, adopted in 2015. The agreement was negotiated by 196 parties during the conference of parties 21 in Paris, France entered into force on 4 November 2016, The Paris Agreement, UNFCCC, <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement> accessed December 17, 2021.

[3] UNFCCC, What is the Kyoto Protocol? https://unfccc.int/kyoto_protocol accessed December 17, 2022

[4] The Clean Development Mechanism, UNFCCC <https://unfccc.int/process-and-meetings/the-kyoto-protocol/mechanisms-under-the-kyoto-protocol/the-clean-development-mechanism> accessed December 17, 2021

[5] Idem

[6] Joint implementation, UNFCCC, <https://unfccc.int/process/the-kyoto-protocol/mechanisms/joint-implementation> accessed December 17, 2021.

[7] Emissions Trading, UNFCCC, <https://unfccc.int/process/the-kyoto-protocol/mechanisms/emissions-trading> accessed December 17, 2021.

[8] How cap and trade works , <https://www.edf.org/climate/how-cap-and-trade-works> accessed on April 12, 2022

[9] For example: Earth Day, which is continuing since 1970, Campaign against Climate Change, Climate Rush, Earth First! Earth life Africa, Gezi Park protests, Global Climate March, Global Day of Action etc.

[10] One of the powerful reports published by IPCC and still used by activists, academics, negotiators and policy makers is the Global warning of 1.5 C IPCC, 2018: *Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty* [Masson-Delmotte, V., P. Zhai, H.-O. Pörtner, D. Roberts, J. Skea, P.R. Shukla, A. Pirani, W. Moufouma-Okia, C. Péan, R. Pidcock, S. Connors, J.B.R. Matthews, Y. Chen, X. Zhou, M.I. Gomis, E. Lonnoy, T. Maycock, M. Tignor, and T. Waterfield (eds.)]. In Press.

[11] The Paris Agreement on Climate Change (2015).

[12] Jacqueline Peel and Jolene Lin. *Transnational Climate Litigation: The Contribution of The Global South*, The American Society of International Law, 2019, P.699.

[13] As mentioned in Article 4 of The Paris Agreement on Climate Change, countries should submit every five years their Nationally Determined Contributions (NDCs) which should be provided with clarity and transparency.

[14] Idem.

[15] Lexis Nexis, *Juliana v. United States* - 947 F.3d 1159 (9th Cir. 2020), <https://www.lexisnexis.com/community/casebrief/p/casebrief-juliana-v-united-states> access February 1, 2022

[16] Lexis Nexis.

[17] Idem

[18] *Massachusetts v. EPA*, 549 U.S. 497 (2007), <https://supreme.justia.com/cases/federal/us/549/497/> accessed February 1, 2022

[19] *Massachusetts v. EPA*, 549 U.S. 497 (2007) Idem

[20] Climate case chart, Thomson v. Minister for Climate Change Issues <http://climatecasechart.com/climate-change-litigation/non-us-case/thomson-v-minister-for-climate-change-issues/> accessed February 1, 2022

[21] Idem.

[22] Idem

[23] Urgenda Foundation v. State of the Netherlands <http://climatecasechart.com/climate-change-litigation/non-us-case/urgenda-foundation-v-kingdom-of-the-netherlands/> access February 1, 2022

[24] Idem

[25] Idem

[26] Benoit Mayer. Climate Change Mitigation As An Obligation Under Human Rights Treaties,?, American Journal Of International Law, Volume 115; Issue 3 (July 2021), P.411.

[27] It is a French initiative, in English could be translated as “The case of the century”.

[28] Notre Affaire à Tous, Fondation pour la Nature et l'Homme (FNH), Greenpeace France and Oxfam France

[29] Greenpeace France, Demande Prealable Indemnitaire [French] (in English " PRIOR REQUEST FOR INDEMNITY) "<https://cdn.greenpeace.fr/site/uploads/2018/12/2018-12-17-Demande-préalable.pdf> accessed December 19, 2021.

[30] L'action en faveur du climat de l'État français, <https://laffairedusiecle.net/gouvernement-verdit-bilan-climat/> accessed December 21, 2021

[31] Argumentaire du Mémoire complémentaire, L'affaire du siècle, <https://laffairedusiecle.net/wp-content/uploads/2019/05/Argumentaire-du-Mémoire-complémentaire.pdf> accessed December 21, 2021

[32] Idem

[33] TA Paris, 1ere ch., Audience du 14 janvier 2021 Lecture du 3 février 2021, N°s 1904967-1904968-1904972-1904976 <https://laffairedusiecle.net/wp-content/uploads/2021/02/20210203-Jugement-Affaire-du-Siècle.pdf> accessed December 22, 2021.

[34] Jacqueline Peel and Jolene Lin. Transnational Climate Litigation: The Contribution of The Global South, op, cit, p.625.

[35] Idem.

[36] Jacqueline Peel and Jolene Lin. Transnational Climate Litigation: The Contribution of The Global South, op, cit, p. 679.

[37] Oliver C. Ruppel & Sanita van Wyk. Climate-change-induced Movement of Persons in Africa: Human Rights Responses to Aspects of Human Security, In *Climate Change: International Law and Global Governance*, p.799.

[38] Jacqueline Peel and Jolene Lin. *Transnational Climate Litigation: The Contribution of The Global South*, op, cit, p.704.

Shell Petroleum Development Company of Nigeria LTD has registered office in Port Harcourt, Rivers State, Nigeria,

ROYAL DUTCH SHELL PLC, has its registered office in London, United Kingdom, but its principal place of business in The Hague, Netherlands. District Court of The Hague, Judgment dated 30 January 2013. (<https://www.elaw.org/system/files/final-judgment-shell-oil-spill-ikot-ada-udo.pdf>), accessed February 10, 2022.

[39] (<https://www.business-humanrights.org/en/latest-news/shell-lawsuit-re-oil-pollution-in-nigeria/>), accessed February 11, 2022.

District Court of The Hague, Judgment dated 30 January 2013. (<https://www.elaw.org/system/files/final-judgment-shell-oil-spill-ikot-ada-udo.pdf>), accessed February 10, 2022.

References

Argumentaire du mémoire complémentaire, L'affaire du siècle, <https://laffairedusiecle.net/wp-content/uploads/2019/05/Argumentaire-du-Mémoire-complémentaire.pdf> accessed, December 21, 2021

Benoit Mayer. Climate Change Mitigation As An Obligation Under Human Rights Treaties,?, *American Journal Of International Law*, Volume 115; Issue 3 (July 2021), P.411.

Climate case chart, Thomson v. Minister for Climate Change Issues <http://climatecasechart.com/climate-change-litigation/non-us-case/thomson-v-minister-for-climate-change-issues/> accessed February 1, 2022

District Court of The Hague, Judgment dated 30 January 2013. (<https://www.elaw.org/system/files/final-judgment-shell-oil-spill-ikot-ada-udo.pdf>), accessed February 10, 2022.

Emissions Trading, UNFCCC, <https://unfccc.int/process/the-kyoto-protocol/mechanisms/emissions-trading> accessed December 17, 2021.

Greenpeace France, Demande Prealable Indemnitaire [French] (in English " PRIOR REQUEST FOR INDEMNITY)

"<https://cdn.greenpeace.fr/site/uploads/2018/12/2018-12-17-Demande-préalable.pdf> accessed December 19, 2021.

How cap and trade works , <https://www.edf.org/climate/how-cap-and-trade-works> accessed on April 12, 2022

Jacqueline Peel and Jolene Lin. Transnational Climate Litigation: The Contribution of The Global South, The American Society of International Law, 2019, P.699.

Jacqueline Peel and Jolene Lin. Transnational Climate Litigation: The Contribution of The Global South, op, cit, p.679.

Joint implementation, UNFCCC,

<https://unfccc.int/process/the-kyoto-protocol/mechanisms/joint-implementation> accessed December 17, 2021.

L'action en faveur du climat de l'État français, <https://laffairedusiecle.net/gouvernement-verdit-bilan-climat/> accessed December 21, 2021

Lexis Nexis, Juliana v. United States - 947 F.3d 1159 (9th Cir. 2020), <https://www.lexisnexis.com/community/casebrief/p/casebrief-juliana-v-united-states> access February 1, 2022

Massachusetts v. EPA, 549 U.S. 497 (2007) Idem

Massachusetts v. EPA, 549 U.S. 497 (2007),

<https://supreme.justia.com/cases/federal/us/549/497/> accessed February 1, 2022

Notre Affaire à Tous, Fondation pour la Nature et l'Homme (FNH), Greenpeace France and Oxfam France

Oliver C. Ruppel & Sanita van Wyk. Climate-change-induced Movement of Persons in Africa: Human Rights Responses to Aspects of Human Security, In Climate Change: International Law and Global Governance.

ROYAL DUTCH SHELL PLC has its registered office in London, United Kingdom, but its principal place of business in The Hague, Netherlands. District Court of The Hague, Judgment dated 30 January 2013.

(<https://www.elaw.org/system/files/final-judgment-shell-oil-spill-ikot-ada-udo.pdf>), accessed February 10, 2022.

Shell Petroleum Development Company of Nigeria LTD has registered office in Port Harcourt, Rivers State, Nigeria.

TA Paris, 1^{ère} ch., Audience du 14 janvier 2021 Lecture du 3 février 2021, N°s 1904967-1904968-1904972-1904976 <https://laffaireduSiecle.net/wp-content/uploads/2021/02/20210203-Jugement-Affaire-du-Siècle.pdf> accessed December 22, 2021.

The Clean Development Mechanism, UNFCCC <https://unfccc.int/process-and-meetings/the-kyoto-protocol/mechanisms-under-the-kyoto-protocol/the-clean-development-mechanism> accessed December 17, 2021

The Paris Agreement on Climate Change (2015).

UNFCCC, what is the Kyoto Protocol? https://unfccc.int/kyoto_protocol accessed December 17, 2022

Urgenda Foundation v. State of the Netherlands <http://climatecasechart.com/climate-change-litigation/non-us-case/urgenda-foundation-v-kingdom-of-the-netherlands/> access February 1, 2022