

Non-State Actors and Climate Litigation: How Climate Change Debate is Shifting from a Political to a Legal Debate

Aubin Nzaou-Kongo

University of Houston Law Center, Houston, USA

Abstract

Problem Statement: Climate litigation has become the means of action used by non-state actors (NSAs) to transform what, outside the courtroom, is a political debate, into a legal debate before judges. This situation is interesting because it allows us to see that the initial means of action of NSAs are not supplanted by climate litigation, but that it creates a form of complementarity between the two forms of action. Researchers now report that climate litigation is proving effective. Indeed, if NSAs' actions outside of the courtroom help raise awareness of the climate emergency and of the need for solid action to be taken now, in the courtroom, NSAs' actions make it possible to give a binding character to climate regulations and laws, but also to ensure that the international commitments of state actors regarding climate change are respected. The objective of this presentation is to describe the effort of NSAs to give concrete meaning to climate action through

binding obligations against the state and other actors. **Methodology and theoretical orientation:** a qualitative study using written materials, particularly climate court decisions, which allows for interpretation of the role played by NSAs. Climate case law allows us to collect the necessary information derived from the case studies, which we analyze and interpret using legal interpretation methods. **Findings:** The NSAs studied have been successful in building coalitions with local governments and individuals to broaden the reach of their efforts and push for rulings establishing that the state is bound by its climate change laws and regulations. **Conclusion and Significance:** NSAs have recently been able to change the trajectory of state action on climate change through climate litigation, describing the limits of that action and pushing judges to hold the state to its own international commitments, but also to its laws and regulations.

This work is partly presented at [World congress on Climate change and Ecosystem](#)

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