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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*

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.

Biography

Aubin Nzaou-Kongo is a Marie Skłodowska-Curie Fellow in Law and Energy Policy. In 2019, he joined the Environment, Energy, and Natural Resources (EENR) Center, and at the Center of U.S. and Mexican Law at the University of Houston Law Center (U.S.), where he conducts research on energy transition law and climate policy. He is also an Assistant Professor of Law at the School of Law at the University of Lyon 3 (Lyon, France), where he is a researcher at the Centre for European Studies (CEE), and a member of the Research Group on Comparative, European and International Law (EDIEC). He received his Ph.D. in international law from the University of Jean Moulin Lyon 3 (France).

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